

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)  
ACT 1990  
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

**COPIES OF APPENDIX AVAILABLE FROM HEAD OF PLANNING  
AND PUBLIC PROTECTION**

**PLANNING COMMITTEE  
MEETING: 24 March 2004  
Agenda Item: 3**

**ENFORCEMENT MATTERS**

**ENF/2003/02**

**ENF/2003/42**

**COPIES OF APPENDICES AVAILABLE FROM HEAD OF PLANNING  
AND PUBLIC PROTECTION**

**ENFORCEMENT COMMITTEE AUTHORISATIONS**  
**CASE REVIEW REPORT**  
**March 2004**

These cases have previously been reported to Committee, but remain unresolved. The purpose of the Report is to provide a brief quarterly update for Members. Any issues of detail are best raised with Officers before or after Committee.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/292/97/S P7/521	(Voel) (Las,) (Eryrys)	26/11/97	Unauthorised alteration to levels of land	Notice served, no appeal submitted. Compliance date: 09/04/99. Most works required by notice completed. Still building works being carried out to the approved dwelling therefore development not completed.	Planning Contravention Notice (PCN) served on the 9 February 2004 relating to requirement to complete works specified in Notice as well as other breaches of planning control on this site.
ENF/037/95/N P13/11	(Rhydorddwy) (Goch,) (Dyserth) (Road,) (Rhyl)	28/10/98	31 unauthorised windows in listed building.	Notice served, appeal dismissed. Compliance date: 19/10/00, therefore now in breach. 4 windows replaced & considered acceptable. 27 windows retained but now painted white. Still in breach of the notice. Application submitted to retain the windows as painted.	Application for listed building consent to retain windows as painted to be reported to Planning Committee 24 March 2004.  If approved, then the requirements of the Notice will have been superseded (provided CADW also approve). If refused, further action will be needed to ensure replacement of the windows.
ENF/006/97/S P13/8	(Lleweni) (Coach) (House) (& (Stables,) (Lleweni) (Park,) (Denbigh)	27/10/99	Neglect of listed building	No unauthorised development simply a case of neglect of this Grade II* listed building. Owner has died. Site is being sold with completion of sale estimated as April 2004.	Wait for advice from Conservation Officers regarding what action is most appropriate to take and whether planning enforcement can assist in bringing the matter to a resolution. Situation may resolve itself following the sale. Situation to be monitored.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/001/96/N P13/6	(The Barn, Esgobty Farm, Upper Denbigh Road, St. Asaph)	27/10/99	Neglect of listed building	<p>Barn collapsed while new owner carrying out minor repairs required by Building Control to make structure safe. Cadw advised.</p> <p>Application for LBC to demolish building submitted to regularise matters in attempt to get building de-listed. No formal response from Cadw.</p> <p>Planning application received to erect new building for 2 residential units only recently validated.</p>	<p>PPPS to process applications dependent on response from Cadw.</p> <p>No planning enforcement implications if relevant consents granted.</p>
ENF/001/99/N P13/5	(Elwy Bank, High Street, St. Asaph)	09/05/00	Neglect of listed building	<p>No unauthorised development simply a case of neglect of a listed building. Owner carrying out interim works to improve the stability of the structure, in discussions with BC. He is hopeful that scaffolding will come down by late Spring. Recent meeting between Officers, Local Ward Member and representatives of Town Council to agree a strategy regarding the building &amp; the murals.</p>	<p>Letter sent to owner ( and copied to all interested parties) requesting the submission of details of an agreed time table for various work, to improve external appearance and internal structural work.</p> <p>Officers to also have murals surveyed to establish their condition and costs for their removal/renovation, but this may need to be undertaken following further discussions with the owner who wishes to retain the murals.</p>

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/127/00/S P13/13	(7) (Railway) (Terrace, Ruthin)	28/06/00	uPVC windows and door in a Listed Building.	Notice served, no appeal submitted. Compliance date: 27/04/02, therefore now in breach. New owner agreed to submit application for alternative windows. No application submitted.	Section 330 Notices issued again to ensure details of person(s) or parties with an interest in the property.  PPPS will then instruct LS to prosecute owner regarding failure to comply with the Notice.
ENF/434/99/N LB1 – P7/552 LB2 – P7/553 LB3 – P7/555 LB4 – P7/554	(4) (No.) (Lay) (bys) (on) (A55) (at) (Rhuallt)	28/03/01	Stationing and trading of mobile catering units on Crown Land	4 Notices served, appeals dismissed. Compliance date: 02/05/03 WAG have erected signs in each of the 4 lay bys advising "no trading" fences also erected in 2 of the lay bys. All permanent units now removed. 1 lay-by still being regularly used during the day by drive on/drive off mobile unit. This lay-by has a permanent portaloo and when in operation flags on display.	Reported to Members at Pl. Committee in December 2003 as an NFA case.  Local Member concerned about trading continuing and the portaloo & flags.  Site inspected and operator advised of breach and possible enforcement implications.  Site to be monitored.
ENF/133/00/S P7/560	(Llyn) (Cyfynwy), (Lake) (Hill) (Farm), (Llandegla)	25/07/01	Residential twin unit caravan	Notice served, no appeal submitted. Compliance date: 31/10/02, therefore now in breach Appellant had moved into a Council house.  Caravan not removed as required by the Enf notice and there are allegations that owner has returned to reside in the caravan.	PCN served on owner to establish if the caravan is again being used for residential purposes.  PPPS to monitor site regarding use of caravan & ensure the caravan is either removed or regularised through the submission of a retrospective application for its retention as an office/store in association with the authorised fishery use.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2001/004 P7/564	(208)High Street, (Prestatyn)	25/07/01	Installation of roller shutters in Conservation Area	Notice served, appeal deemed invalid. Compliance date: 21/02/02 Now in breach of Notice. Has been to Court. Not guilty plea entered, quoting Human Rights. Trial held on 13/02/04. Defendant found not guilty on the basis of a technicality relating to the serving of the notice.	LS to be instructed to re-serve Enforcement Notice on all persons with an interest in the property.  Planning to ensure that there is proof of service of the notice.
ENF/2003/0016 P7/601		23/04/03			
ENF/2003/0015 P2/43		23/04/03	Unauthorised stall riser to shop front in Conservation Area  Illuminated fascia sign in Conservation Area	Notice served. No appeal submitted, now in breach.  Authorisation granted to prosecute regarding unauthorised sign. Sign still in situ. Trial held on 13/02/04 along with roller shutters.  Defendant found guilty and fined £500 and £300 costs.	
ENF/2001/005 P7/565	(Patina), (204) (High) Street, (Prestatyn)	25/07/01	Installation of roller shutter in Conservation Area	Trial held on 13/02/04 and defendant found not guilty on basis of technicality relating to serving of notice.	As above.
ENF/2002/007 P7/568	(Ty) (Isae), (Maes) (Maelor), (Llandegla)	30/01/02	Storage of vehicles and residential use	Notice served, appeal dismissed. Compliance date: 01/04/04	PPPS monitor compliance date and liaise with EA who are also taking action.
ENF/2002/005 P7/573	(Bryn) (Eglur), (Llanrhaeadr)	27/02/02	Extension to dwelling	Notice served, appeal withdrawn. Compliance date: 02/12/03 Subsequent planning permission granted representing compromise solution.	PPPS monitoring development & compliance and the owner has been formally advised of all outstanding issues.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2002/025 P7/580	(115)Coast (Road)(Rhyl)	26/06/02	Mixed use, residential & car sales	Retro. application refused and notice served. Subsequent appeal dismissed. Compliance date extended until 29/12/03.  Owner is in breach of the notice requirements.	Owner has been formally advised of the implications of breach requirements of Notice.  Site will continue to be monitored.
ENF/2002/021 P7/351	(Cornel)Bach.) (Lower)Denbigh (Road)(St.)Asaph)	04/09/02	Siting of mobile home and creation of curtilage	Retro application refused and notice served. Subsequent appeal allowed for temporary period while occupied by sick parents. Also a requirement for additional planting to help screen the caravan.	PPPS to monitor and ensure planting implemented and removal of caravan once vacated by sick parents.
ENF/2002/033 P7/588	(Chester)House.) (32)Sussex (Street)(Rhyl) (Chaplins)	04/09/02	Installation of fascia sign in Conservation Area	Sign in Conservation Area displayed with deemed consent but considered unacceptable, not least as it has enclosed highway furniture. THI Project Officer and Planning Officers in discussion with owners to encourage improvements to sign and property.	Negotiations continue and Compliance Officer (THI –Rhyl) now in post to coordinate any action. Matter currently held in abeyance.
ENF/2002/017 P24/194	(153)High)Street, (Prestatyn)	04/09/02	uPVC shop front in Conservation area	Notice served. Compliance date: 21/01/04.	Negotiations underway with owner regarding detailing of design and finish of replacement shop front for the submission of a planning application. Any further action therefore held in abeyance.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
15/877/98/MA P47/3	(Maesly) (Droell) (Quarry) (Graianrhyd)	30/10/02	Undetermined ROMP application – extraction continuing	PS have written to the quarry owners legal representative on basis of advice received from Counsel & Committee resolution.	Awaiting formal response on behalf of quarry owner and formal reminder to be sent.
ENF/2002/043 P7/592	(Former) (Railway) (Land, Ty) (Draw, (Bodfari)	18/12/02	Storage of railway carriages and associated paraphernalia	Notice served and appeal heard by way of Public Inquiry. Appeal dismissed. Storage use to cease and all items removed by compliance date: 03/04/04.	To be monitored having regard to compliance date.
ENF/2003/031 P7/592		23/07/03	Boundary fence & gates over 2m high	Notice served requiring removal of fence in 3 months. Compliance date : 26/03/04. Time to appeal has lapsed.	To be monitored having regard to compliance date.
ENF/2003/003 P2/42	(34) (Queen) (Street, (Rhyl) (Dragon) (Boat)	26/02/03	Unauthorised internally illuminated neon sign in Conservation Area	Authorisation to prosecute Sign in Conservation Area. Illuminated fascia sign removed and replaced by non illuminated board. Illuminated projecting box sign remains. Owner in discussion regarding replacing with acceptable signs	PPPS to liaise with owner regarding suitable replacement signs.
ENF/2003/009	(Casgan) (Fishery, (Llandegla)	23/07/03	Residential use of caravan and stationing of vehicles	Enf action authorised to secure cessation of use & removal of vehicles. Draft Notice with PS	Draft Notice forwarded to LS and to be served March 2004.



REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/028	(Land adjacent to Unit 10, HTM Business Park, Abergele Road, Rhuddlan)	03/09/03	Siting of Static Caravan for Residential Purposes	Enf. action authorised to secure cessation of residential use & removal of caravan. Notice served, 18 months for compliance given. Appeal lodged by way of written reps.	Awaiting decision from Planning Inspectorate.
ENF/2003/023	(1) Berwyn Street, Llangollen	01/10/03	Installation of uPVC windows in premises in a Conservation Area	Enf. action authorised to secure removal of 2 uPVC windows & their replacement with traditional timber sliding sash windows. Notice served, 12 months for compliance given. Appeal lapsed.	Retrospective application submitted.  To be monitored having regard to compliance date (subject to decision on planning application).
ENF/2003/038	(60) Gronant Road, Prestatyn	01/10/03	Dev. not in accordance with that granted under pp Code No. 43/2001/1194/PF	Enf. action authorised to secure alterations to dormer to match approved plans. Notice served 6 months for compliance date : 22/06/04. Time to appeal has lapsed.	To be monitored having regard to compliance date.  Development Control in negotiations with Agent regarding submission of amended scheme,
ENF/2003/047	(80) Marsh Road, Rhyll	29/10/03	Erection of fence in excess of 1 metre adjacent to highway	Enf. Action authorised to secure removal of fence (or reduce height to 1m). Notice served by hand on the 2 March 2003. Compliance 5/07/04. Still within time to appeal.	To be monitored having regard to compliance date.
ENF/2003/029	(27) Glasfryn, Henllan	26/11/03	Storage of cars/untidy land	Enf. Action authorised to have vehicles removed.	No need for serving of notice as owner has taken steps to remedy.  Situation is being monitored.
ENF/2003/039	(Tan) y Graig, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted.	PPPS to instruct LS to draft Notice following clarification regarding the ownership of the land.
ENF/2003/040	(Penrhydgoch, Nantglyn)	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted.	PPPS to instruct LS to draft Notice following clarification regarding the ownership of the land.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/041	(Coral Spring, Ruthin Road, Llandegla)	26/11/03	Use of land to site caravan & storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted.	PPPS to instruct LS to draft Notice.
ENF/2004/0007	(Gon Rite, Bachymbyd, Llanrhaeadr Y.C.)	25/02/04	Residential Use of Portable Pre-fab Unit & Use of Land in the Countryside for Residential Purposes	Enf. Action authorised to cease residential use and to remove portable pre-fab building.	Action held in abeyance as the portable pre-fab building has been removed but site to be monitored.

PPPS – Planning and Public Protection Services

LS – Legal Services

DS – Development Services

SV – Site Visit

NFA – No Further Action

## A REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

### DATE OF SITE VISITS

#### 1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

#### 2. DATE OF THE SITE VISITS

- 2.1 In consultation with County Clerk's Department, it has been decided that the **Monday 29th March 2004** (in the morning) is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore, that any site visits arranged today will take place on **Monday 29th March 2004**

#### 3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance (3 Independent Group representatives including the Chair and Vice Chair of the Committee, 2 Labour, 2 Plaid Cymru and 1 Democratic Alliance of Wales) together with the relevant Local Member(s)

#### 4. RECOMMENDATION

- 4.1 **That Members agree to the Site Visits being held on Monday 29th March 2004 (in the morning)**

**Decisions Made by the Head of Planning  
and Public Protection under  
Delegated Powers  
1st - 29th February 2004**

**Item For Information**

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

**DECISION TYPES**

<b>GRANT</b>	- grant planning permission
<b>REFUSE</b>	- refuse all types of application
<b>APPROVE</b>	- approve reserved matters or condition
<b>CONSENT</b>	- grant listed building, conservation area, or advert consent
<b>DEEMED</b>	- does not require advert consent
<b>NO OBJ</b>	- no objection to works to tree(s) in conservation area
<b>NOT REQ</b>	- proposal does not require permission/consent
<b>DETERMIN</b>	- determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works)
<b>P DEV</b>	- proposal found to be permitted development after receipt
<b>WDN</b>	- application withdrawn by applicant
<b>INVALID</b>	- application found to be invalid
<b>CERTIFY</b>	- Certificate of lawful use issued
<b>RCERTIFY</b>	- refuse to issue certificate of lawful use

**COPIES OF APPENDICES AVAILABLE FROM HEAD OF PLANNING  
AND PUBLIC PROTECTION**