

**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 available from the Head of Planning and Public Protection

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

ENFORCEMENT MATTERS

- (i) **ENF/2004/00012 -
Part OS Field Nos. 5000 and 6300 (at Pen y Bryn,
(Glascoed Road), St. Asaph
Erection of dwellinghouse.**

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2004/00012

LOCATION: Part OS Field Nos. 5000 and 6300 at (Pen-Y-Bryn, Glascoed Road,
St. Asaph

INFRINGEMENT: Erection of dwellinghouse

CONSTRAINTS: None

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 - Development Control Requirements

Policy GEN 3 - Development Outside Development Boundaries

Policy GEN 4 - Scattered Development Outside Development Boundaries

Policy HSG 5 - Groups of Houses in the Open Countryside

Policy HSG 6 - New Dwellings in Open Countryside

SUPPLEMENTARY PLANNING GUIDANCE

Note 9 – Agricultural and Forestry Workers' Dwellings

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

Technical Advice Note (Wales) 6 – Agriculture & Rural Development.

Technical Advice Note (Wales) 9 – Enforcement of Planning Control

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking action against unauthorised development of land and other related matters. In this instance, the matters under consideration relate to the rights of an individual to erect a dwelling on land under his control. These rights need to be weighed against the relevant planning policies which seek to restrict housing development outside development boundaries unless the dwelling is essential in order to house an agricultural or forestry worker.

No specific human rights issues have been raised by the owner/occupier of the dwelling or by any other interested party in this matter.

1. BACKGROUND INFORMATION

- 1.1 This case was initially reported to the Planning Committee of the 27 October 2004 along with retrospective planning application ref: 46/2004/0678. Both matters were deferred to allow an opportunity to assess additional information submitted by the applicant's Agents. The additional information has now been assessed and the case is now reported back to the Planning Committee.

- 1.2 This site is located to the north side of Glascoed Road and is outside the defined settlement limits of St. Asaph. The site has planning permission as a sawmill/timber works since August 1998.
- 1.3 This infringement came to the attention of officers early in 2003 when it was noticed that a timber building was being erected to the front of the site facing Glascoed Road. A site inspection revealed that the timber building was a dwelling. A Planning Contravention Notice was served on the occupier of the dwelling who confirmed that he was living in the dwelling with his wife and children. The occupier of the dwelling also runs the sawmill/timber works at the site.
- 1.4 The occupier of the dwelling was formally advised that the dwelling required planning permission and as no planning permission had been granted, the dwelling was unauthorised. Furthermore, he was also advised that the unauthorised dwelling would not be likely to receive planning permission as it would be contrary to the relevant planning policies of the Denbighshire Unitary Development Plan.
- 1.5 A retrospective planning application (Ref: 46/2004/0678) has been submitted for the retention of the unauthorised dwelling for a temporary period of 5 years. This application is reported elsewhere on this Agenda and is recommended for refusal. Should Members agree with the Officer's recommendation to refuse planning permission, it is requested that authorisation be given to take the necessary enforcement action specified below.

2. REASONS FOR TAKING ENFORCEMENT ACTION

- 2.1 The unauthorised operational development has taken place within the last 4 years.
- 2.2 The unauthorised development has resulted in the erection of a dwelling in the open countryside. The dwelling has not been erected to house an agricultural or forestry worker and the dwelling is not infill development. There is no other special justification or essential functional need for the erection of this dwelling in this open countryside location. The development is therefore contrary to Policies GEN 3, HSG 5 and HSG 6 of the Denbighshire Unitary Development Plan, Supplementary Planning Guidance Note 9 – Agricultural and Forestry Workers' Dwellings, Planning Policy Wales (March 2002) and Technical Advice Note 6 – Agricultural and Rural Development.
- 2.3 The development is unacceptable in principle and the imposition of planning conditions as part of any planning permission for the unauthorised dwelling would not overcome this.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
 - (i) Serve an Enforcement Notice to secure demolition and removal of the unauthorised dwelling and any other works required to remedy the breach.
 - (ii) Instigate prosecution proceedings, or other appropriate action under the provisions of the Planning Acts, against any person, or persons, upon whom any Enforcement Notice, or other Notice is served, or against whom legal action is taken should they fail to comply with the requirements of the Enforcement Notice.

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 morning of Monday, **29th November 2004** 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 November 2004**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will be in accordance with Political Balance.
The membership of the Site Panel will be:
Three Independent Group representatives (including the Chair and Vice Chair) and one each from Labour, Conservative, Plaid Cymru, Democratic Alliance and Liberal Democrat Groups.
The Local Member(s) for each site will also be invited to attend.

4. RECOMMENDATION

- 4.1 That Members agree to the Site Visits being held on Monday, 29th November 2004(am)

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM:

**Welsh Assembly Government Consultation Draft:
Technical Advice Note (TAN) 8: Renewable Energy**

1. PURPOSE OF REPORT

- 1.1 To draw Members' attention to the Welsh Assembly Government's consultation draft of Technical Advice Note (TAN) 8: Renewable Energy, which Denbighshire County Council have recently responded to.

2. Technical Advice Note (TAN) 8: Renewable Energy

- 2.1 The Welsh Assembly Government published a consultation draft of Technical Advice Note (TAN) 8: Renewable Energy in July 2004 – the deadline for consultation responses was November 5th, 2004. The consultation draft TAN 8, which is proposed to replace the current adopted TAN 8 originally published in 1996, will have implications on planning decisions taken in Denbighshire – both through the preparation of the Local Development Plan and through its use as a material consideration in the determination of applications for planning permission. The implications on how planning decisions on wind farms will be particularly significant.
- 2.2 The consultation draft TAN is available to view on the Welsh Assembly Government (WAG) website. www.wales.gov.uk : A-Z – Planning – TAN.
- 2.3 Denbighshire County Council has responded to the Welsh Assembly Government on this draft – the response can be found under the **October 2004** Delegated Cabinet Decisions section of the Denbighshire County Council website: www.denbighshire.gov.uk : A-Z – Cabinet – Delegated Decision.
- 2.4 The draft TAN has immediate implications for planning as it can be considered a 'material planning consideration'. It therefore carries weight in making decisions on current planning applications or on development plan preparation.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEMS FOR PLANNING COMMITTEE

PLANNING FEES

1. PURPOSE OF REPORT

1.1 This comprises the standing agenda item at Planning Committee providing a reference point for Members for information on emerging policy, guidance and useful publications.

1.2 The information provided to Members is limited to a brief description of the relevant document and a reference to the source of such documentation (internet/intranet address). The report will also include a summary of any significant implications for Planning Committee decision making, where relevant.

2. INFORMATION ITEMS

Planning application fees increased by around 10% from 8 November 2004. Information about the new fees can be found at the following sources:

www.denbighshire.gov.uk - A-Z – Planning Application Forms

www.wales.gov.uk/subiplanning/recent additions - Town and Country (Fees for Applications) (Amendment) (Wales) Regulations 2004.

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

INFORMATION ITEM FOR PLANNING COMMITTEE

NEW RESIDENTIAL SCHEMES AND AFFORDABLE HOUSING

1. Purpose of the report

1.1 The purpose of this report is to provide a brief explanation of the Council's Interim Policy on Affordable Housing in new residential developments. This note should better inform the Members in their determination of planning applications.

1.1 As requested by Council in July 2005 a Draft Supplementary Guidance Note (SPG) is being prepared and will be issued very soon for public consultation. This will provide a more extensive policy and its justification.

2. Background

2.1 The demonstrable and unmet need for affordable housing is a material planning consideration as set out in national and local policy documents as follows:

- WAG Planning Policy Wales -2002
- WAG TAN 4 – Planning and Affordable Housing – 1997
- Denbighshire UDP July 2002 – Policies HSG 10 and 11.

2.2 The Denbighshire Local Housing Needs Assessment (the Fordham Report) established:

- a substantial unmet need for affordable housing across the county and in all the 18 sub-areas identified.
- this amounted to 625 dwellings per annum, over twice the annual county completion rates.
- based on this information, the Council has resolved that it would be reasonable for the Local Planning Authority to seek to negotiate up to 30% affordable housing in applications for new residential development.

3. Definition of Affordable Housing

3.1 Affordable housing is defined as housing of an adequate standard designed for those whose incomes generally deny them the opportunity to purchase suitable housing on the open market as a result of the relationship between income and

market price. Such housing encompasses both low cost market and subsidised housing, irrespective of tenure, ownership or financial arrangements. Thus it will be available to those households who cannot afford to purchase or rent adequate housing generally available on the open market. In one way or another some form of subsidy (public or private) is usually required to make the property affordable. Details of the main types of affordable housing are set out in the **appendix** to this report.

4 **This report is for Members information.**

APPENDIX

Types of Affordable Housing

Affordable housing can take a number of forms including housing for rent, low cost housing for private ownership, self-build or leasehold schemes, and may be delivered either directly through the Council or in partnership with a Registered Social Landlord (RSL) (formerly known as a local housing association) or developers directly, as determined by the Council. Normally, affordable housing will fall within the following general categories:

Low Cost Market Housing- home ownership

There are a range of ways of achieving low cost market housing that generally require a subsidy either through Social Housing Grant, directly from the developer or other subsidy mechanism. Low cost market housing schemes can include properties for sale at a suitably discounted price (to reflect local affordability) to nominees from the Council's housing register, shared ownership and other equity share schemes.

Affordable Rented

All those households that cannot afford to rent or purchase on the open market, and do not wish to or cannot pursue low-cost ownership, can be considered to be in need of some form of affordable rented property. This is property owned and managed by a RSL or the Council and is usually financed by the provision of a Social Housing Grant or other form of subsidy. Persons requiring social rented housing generally constitute those groups identified under s.167 (2) of the 1996 Housing Act, whom the Council is required to give reasonable preference in terms of prioritisation of allocations.

**Decisions Made by the Head of Planning and Public Protection
under
Delegated Powers
1st October 2004 - 31st October 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

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

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