

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

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. This case and the retrospective planning application were then reported back to the Planning Committee of the 24 November 2004, where Members deferred consideration of both reports for a site visit to consider the impact of the building, its use as a dwelling for a temporary period and employment elements of the scheme. Details of the site visit by Members have been included in the corresponding planning application report on this Agenda. This 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.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
December 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 and other unauthorised works.	Notice served, no appeal submitted. Compliance date: 09/04/99. Notice complied with. Hard and soft landscaping works in progress in connection with application ref: 15/76/99PF. Retrospective planning application 15/2004/345/PF granted.	Monitor landscaping and compliance with landscaping conditions.
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	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 (44/2003/1101/LB) refused according to recommendation.	Planning & Public Protection Services (PPPS) have written to owner and schedule of works for compliance with the Notice has been agreed. PPPS written reminder to owner in October 2004 and Owner confirmed (verbally) that he is on course for compliance with the schedule.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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.	Liaising with Conservation Officers regarding what action is most appropriate to take and whether planning enforcement can assist in bringing the matter to a resolution. Awaiting confirmation that site has been sold. Situation to be monitored.
ENF/001/99/N P13/5	Elwy Bank, High Street, St. Asaph	09/05/00	Neglect of listed building	No unauthorised development simply a case of neglect of a listed building. Owner has completed interim works to improve the stability of the structure in accordance with Building Regulations. Scaffolding now removed. Owner wants to retain the murals. Site meeting with owner in November 2004 to discuss further short term improvements to appearance of building. These have now been undertaken through boarding up all remaining existing openings and painting black new and existing boarding.	PPPS discussing proposals with the owner for the conversion/development of the site. Planning application and application for listed building consent awaited.
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,. Owner in breach of Notice. Applications for Listed Building Consent to retain uPVC door and windows refused June 2004. Owner can appeal.	Listed Building Enforcement Notice complied with. NFA

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				Notice re-served on the 6/08/04 . Windows have been replaced and Notice partly complied with. Compliance date for replacement of door 6/12/04.	
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 and area of grass adjacent to lay-by used for siting tables and chairs in connection with this use. Fencing not fixed by Highways to prevent use of grassed area. Portaloo removed on 11 July 2004.	Reported to Members at Pl. Committee in December 2003 as an NFA case. PPPS will continue to monitor.
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. Caravan not removed as required by the Enf notice and there are allegations that owner has returned to reside in the caravan. Therefore in breach of Notice. Planning permission granted for retention of caravan for office use for period of 18 months. Planning permission granted also for permanent office building.	Prosecution for breach of Notice held in abeyance having regard to recent planning permissions. PPPS to monitor site.

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	<p>Notice served, appeal deemed invalid. Compliance date: 21/02/02.</p> <p>Now in breach of Notice. Has been to Court. Not guilty plea entered, quoting Human Rights. Trial held on 13/02/04.</p> <p>Defendant found not guilty on the basis of a technicality relating to the serving of the notice.</p>	Enforcement Notice to be re-served end of November 2004.
ENF/2003/0016 P7/601		23/04/03	Unauthorised stall riser to shop front in Conservation Area	<p>Notice served. No appeal submitted, now in breach.</p>	Enforcement Notice to be re-served end of November 2004.
ENF/2003/0015 P2/43		23/04/03	Illuminated fascia sign in Conservation Area	<p>Sign still in situ. Trial held on 13/02/04 along with roller shutters.</p> <p>Defendant found guilty and fined £500 and £300 costs.</p>	PPPS to liaise with LS about further action.
ENF/2001/005 P7/565	'Patina', 204 High Street, Prestatyn	25/07/01	Installation of roller shutter in Conservation Area	<p>Trial held on 13/02/04 and defendant found not guilty on basis of technicality relating to serving of notice.</p>	Enforcement Notice to be re-served end of November 2004.
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02	Storage of vehicles and residential use	<p>Notice served, appeal dismissed. Compliance date: 01/04/04</p> <p>Owner is in breach of Notice.</p> <p>PPPS and LS have had various meetings with Environment Agency and joint action has been agreed in principle.</p>	Awaiting details/report from EA of full site audit. Continued liaison regarding joint action.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				12 October 2004 site inspection undertaken by PPS and Environment Agency Officers. Breach is the same and within area of Notice.	
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.
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	Details now submitted and agreed in respect of conditions relating to external finishes. Retro. application refused and notice served. Subsequent appeal dismissed. Compliance date extended until 29/12/03. Owner is in breach of the notice. 2 Court appearances adjourned. Trial now arranged for 22 February 2004. Defendant pleading not guilty. Property now on the market. (Sold)	PPPS pursuing prosecution.
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. Condition requiring planting to help screen the caravan.	PPPS to monitor and ensure removal of caravan once vacated by sick parents. Planting scheme now implemented.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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. Owner in breach of Notice. Planning application (43/2004/972/PF0 submitted for replacement shop front.	Await submission of additional details for determination of planning application.
15/877/98/MA P47/3	Maes y 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.	Welsh Assembly Government will be writing to operators of all quarries where there are undetermined review applications awaiting submission of environmental impact assessment details. Further information from Welsh Assembly Government awaited.
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.	PPPS monitoring situation. Prosecution held in abeyance as the owner is in process of clearing site and complying with the requirements of the Notice.
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. Owner in breach of both Notices and advised of possible prosecution. Clearance of site is now in progress and owner is providing regular updates.	Prosecution held in abeyance. (see above)

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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. Notice served 30 June 2004 and has taken effect. No appeal submitted. Compliance date 19/02/05.	PPPS to monitor compliance date.
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. Appeal dismissed June 2004 and Notice upheld. Compliance date 3 December 2005.	PPPS monitoring date for compliance.
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. Owner in breach of Notice. Planning application granted by June 2004 Planning Committee for an alternative scheme following pre-application discussions with Officers.	PPPS to monitor the implementation of the alternative scheme. Prosecution held in abeyance.
ENF/2003/039	Tan y Graig, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted. S330 Notice hand delivered 5 April 2004 to clarify details of ownership.	Situation has improved by the clearance of vehicles. PPPS to continue to monitor.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2003/040	Penrhydgoch, Nantglyn	26/11/03	Storage of cars	Enf. Action authorised to have vehicles removed. Notice to be drafted. S330 Notice hand delivered 5 April 2004 to clarify details of ownership. Recent site inspection has revealed that the breach is being addressed.	PPPS to monitor to consider need for serving Enforcement Notice.
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. LS instructed to draft Notice.	Enforcement Notice to be served before end of December 2004.
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Enf Action authorised for serving Repairs Notice. Repairs Notice served on owner 30 June 2004. No specific response or action from owner to address requirements of Notice.	PPPS to continue to liaise with LS and Project Manager (THI).
ENF/2003/00042	Parc Bach Derwen, Corwen	24/03/04	Conversion of agricultural buildings to residential use.	Enf Action authorised to cease residential use and fro demolition works. Notice served on the 6 August 2004. Appeal lodged. Written Reps.	PPPS to draft statement of case.
ENF/2004/00033	5 Ochr y Foel, Eryrys	21/04/04	Erection of fence	Retrospective application 15/2004/166/PF refused and enforcement action authorised for removal of fence/lowering to 1 metre. Serving of Notice held back at request of Members to negotiate solution. Site meeting with owner who advised that he	PPPS to monitor compliance date of Notice.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				would appeal against refusal. No appeal lodged. Another retrospective planning application. Enforcement Notice served 16 November 2004. Still within appeal time.	
ENF/2004/00034	2 Tan y Maes, Meliden, Prestatyn	21/04/04	Erection of fence over 1 metre in height adjacent to road	Enforcement action authorised from removal of fence/lower fence to 1 metre. Serving of Notice held back at request of Members to negotiate solution. Site meeting with owner who has agreed to lower fence. Most of fence lowered and side fence to be lowered further.	Fence to front removed and fence to side lowered. NFA
ENF/2004/00035	Well Street Clinic, Ruthin	21/04/04	Display of externally illuminated advert sign	Retrospective application 02/2004/0086/AD refused and prosecution authorised for removal of means of illumination. Owner is to submit another application and PPS (October 2004) have given formal advice on suitable method of illumination.	Prosecution to be held in abeyance. Awaiting further application.
ENF/2004/00058	4 Aspen Walk, Rhyl	21/04/04	Installation of 2 satellite dishes, one of which is 1m in diameter, to front of a dwelling	Enforcement action authorised for removal of larger dish.	PPPS have instructed LS to draft Notice and Notice to be served December 2004.
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Authorisation to serve Repairs Notice. Property marketed and sold in July 2004 to property developer. Awaiting submission of planning application and application for listed building consent.	PPPS to monitor situation. Awaiting submission of planning application and listed building consent. Hold in abeyance any action.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
ENF/2004/00039	Pen Y Mynydd Bach, Rhualt	19/05/04	Erection of grain silo.	Retrospective planning application refused and authorisation given to take enforcement action for removal of the grain silo. No appeal lodged against planning refusal.	PPPS instructed LS to Draft Notice and Notice to be served November 2004.
ENF/2004/00048	Workshop rear of 3 Gamlin Street, Rhyl.	01/09/04	Change of use from workshop to single dwelling and associated works.	Authorisation granted to serve Enforcement Notice to cease works, cease residential use and undertake any works required to cease the use.	PPPS to instruct LS to draft Enforcement Notice. Site meeting held for internal inspection of building and PPPS awaiting further information from owner.
ENF/2004/00052	The Best, 16 High Street, Prestatyn	27/10/04	Internally illuminated sign.	Authorisation given to prosecute but to hold in abeyance for 2 months to allow negotiation with applicant.	PPPS have written to applicant. Prosecution held in abeyance.
ENF/2004/00053	Ruthin Kebab and Burger House, 54 Well Street, Ruthin	27/10/04	Introduction of ceramic tile cladding to shop front.	Authorisation to serve enforcement notice.	PPPS have instructed LS to draft Notice.

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 morning of Tuesday, **22nd December 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 **Tuesday, 22nd December 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 Tuesday 22nd December 2004.**

**Decisions Made by the Head of Planning and Public Protection
under
Delegated Powers
1st November 2004 - 20th November 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