

**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

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AGENDA ITEM 3

**A REPORT BY THE HEAD OF PLANNING AND PUBLIC
PROTECTION SERVICES**

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
DENBIGHSHIRE COUNTY COUNCIL
LAND AT GLEBE FIELD,
LLANFAIR D.C., Nr RUTHIN**

TREE PRESERVATION ORDER NO. 3/2004

1. PURPOSE OF THE REPORT

- 1.1 To report on the serving of the Tree Preservation Order and to determine whether it should be confirmed without modification.

2. BACKGROUND

- 2.1 The Glebe Field contains a number of trees which are of local amenity value. An Emergency Tree Preservation Order was served following a letter from ISP Architects proposing the felling of 5 trees as part of development proposal.
- 2.2 The justification for making the Order is that the trees are of amenity value and considered vulnerable now that development of the site is being considered.

3. OBJECTIONS

- 3.1 There has been a letter of objection from D. Oswyn Roberts and E. Roberts of 20 Parc y Llan, Llanfair D.C. and in particular to T1 and T2 as branches of these trees have fallen on their property.

4. CONCLUSION

- 4.1 The Tree Preservation Order is required to protect the trees for their amenity value within Llanfair D.C. If branches are considered unsafe an application to the Council for consent to carry out necessary tree works can be made by the owner, the Representative Body of the Church in Wales.

5. RECOMMENDATION

- 5.1 The Tree Preservation Order No. 3/2004 on land at Glebe Field, Llanfair D.C. should be confirmed without modification.

ENFORCEMENT MATTERS

- (i) **ENF/2005/00026 -**
22 Trem y Coed Clawddnewydd.
Change of use of agricultural land for domestic use
- (ii) **ENF/2005/00027 -**
26 Trem y Coed Clawddnewydd.
Change of use of agricultural land for domestic use
- (iii) **ENF/2005/00028 -**
24 Trem y Coed Clawddnewydd.
Change of use of agricultural land for domestic use
- (iv) **ENF/2005/00029 -**
9, Castle Street Rhuddlan
Fence over 1m high adjacent to highway in Conservation Area

PLANNING ENFORCEMENT REPORT

- REFERENCE:** ENF/2005/00026
- LOCATION:** 22 Trem Y Coed, Clawddnewydd, Ruthin
- INFRINGEMENT:** Change of use of agricultural land for domestic use
- CONSTRAINTS:** Development in Open Countryside beyond Development Boundary

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy HSG 16 – Extensions to Domestic Gardens
Policy GEN 6 – Development Control Requirements
Policy ENV 1 – Protection of the Natural Environment
Policy GEN 3 – Development Outside Development Boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
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 enforcement action and other related matters. The rights of the contravenor in this instance do not outweigh the adverse impact that domestic use of the land in question would have on the character and appearance of the countryside.

1. BACKGROUND INFORMATION

- 1.1 No. 22 Trem y Coed is a detached dwelling situated in a row of 14 other similar properties. The rear northerly curtilage boundaries of these dwellings also form part of the development boundary of Clawddnewydd. The authorised use of the land adjoining the rear curtilages of these dwellings is agriculture and this land is outside the development boundary of the village of Clawddnewydd.
- 1.2 On the 17 June 2003 a planning application was submitted to the Council under Code No. 12/2003/0741/PF seeking the change of use of approximately 90 square metres of agricultural land to residential use associated with the property. The application was refused on the 18 September 2003. The reasons were as follows:

"It is the view of the Local Planning Authority that the change of use of agricultural land to residential land would have an unacceptable impact on the character and appearance of the open countryside and would lead to the potential for further unacceptable development outside of the development boundary, appearing as incongruous features extending the built up settlement into the countryside making similar proposals difficult to resist, conflicting with Policy HSG 16, GEN 6 and ENV 1 and Governmental Guidance contained in Planning Policy Wales, March 2002"

- 1.3 A site visit on the 21 January 2005 revealed that an area of agricultural land adjoining but outside the approved curtilage of the dwelling had been fenced off and had on it child's play equipment. This includes the land which was subject to the application which was refused planning permission
- 1.4 A letter was sent to the occupiers of the property drawing attention to the breach of planning control. Officers were advised that the agricultural land had been purchased in order to extend the residential curtilage to provide a child's play area. The occupiers are reticent to cease the use.
- 1.5 Members will note that the occupiers of No. 24 and 26 Trem y Coed have carried out similar unauthorised development. You are asked to consider all these matters.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The development has occurred within the past 10 years.
- 2.2 The use of the land is contrary to the relevant planning policies as specified in the reasons given for refusing the planning application as outlined in paragraph 1.2.
- 2.3 The imposition of conditions as part of any planning permission would not overcome the unacceptable impact on the character and appearance of the open countryside.
- 2.4 The cessation of the use of the land for residential purposes will not be voluntarily given up and it is necessary to serve an Enforcement Notice on the occupiers of the land to remedy the breach.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
 - (i) Serve an Enforcement Notice on all parties having an interest in the land, to ensure the cessation of the use of land for residential purposes and its return to agricultural use.

- (ii) Prosecute any person or persons who have been served with a Planning Enforcement Notice if there is substantial proof that the requirements of the Notice has not been fully complied with.

PLANNING ENFORCEMENT REPORT

- REFERENCE:** ENF/2005/00027
- LOCATION:** Land at rear of 26 Trem Y Coed, Clawddnewydd, Ruthin
- INFRINGEMENT:** Change of use of agricultural land for domestic use
- CONSTRAINTS:** Development in Open Countryside beyond Development Boundary

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy HSG 16 – Extensions to Domestic Gardens

Policy GEN 6 – Development Control Requirements

Policy ENV 1 – Protection of the Natural Environment

Policy GEN 3 – Development Outside Development Boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002

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 enforcement action and other related matters. The rights of the contravenor in this instance do not outweigh the adverse impact that domestic use of the land in question would have on the character and appearance of the countryside.

1. BACKGROUND INFORMATION

- 1.1 No. 26 Trem y Coed is a detached dwelling situated in a row of 14 other similar properties. The rear northerly curtilage boundaries of these dwellings also form part of the development boundary of Clawddnewydd. The authorised use of the land adjoining the rear curtilages of these dwellings is agriculture and this land is outside the development boundary of the village of Clawddnewydd.
- 1.2 On the 7 October 2004 a planning application was submitted to the Council under Code No. 12/2004/1360/PF seeking the change of use of approximately 100 square metres of agricultural land to residential use associated with the property. The application was refused on the 11 January 2005. The reasons were as follows:

"The change of use of agricultural land to create an extension to a residential curtilage would have an unacceptable impact on the character and appearance of the open countryside setting an undesirable precedent for the further erosion of the open countryside character outside defined settlement limits contrary to Policies HSG 16, GEN 6 and ENV 1 of the Denbighshire Unitary Development Plan and Government Guidance contained in Planning Policy Wales, March 2002"

- 1.3 A site visit on the 21 January 2005 revealed that an area of agricultural land adjoining but outside the approved curtilage of the dwelling had been fenced off and had on it a large shed and other domestic items. This includes the land which was subject to the application which was recently refused planning permission.
- 1.4 A letter was sent to the occupiers of the property drawing attention to the breach of planning control. Officers were advised that the agricultural land had been purchased in order to extend the residential curtilage to house a garden shed. The occupiers are keen to retain the use of the land for residential purposes.
- 1.5 Members will note that the occupiers of No. 22 and 24 Trem y Coed have carried out similar unauthorised development. You are asked to consider all these matters.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The development has occurred within the past 10 years.
- 2.2 The use of the land is contrary to the relevant planning policies as specified in the reasons given for refusing the planning application as outlined in paragraph 1.2.
- 2.3 The imposition of conditions as part of any planning permission would not overcome the unacceptable impact on the character and appearance of the open countryside.
- 2.4 The cessation of the use of the land for residential purposes will not be voluntarily given up and it is therefore necessary to serve an Enforcement Notice on the occupiers of the land to remedy the breach.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following:
 - (i) Serve an Enforcement Notice on all parties having an interest in the land, to ensure the cessation of the use of land for

residential purposes and its return to agricultural use.

- (ii) Prosecute any person or persons who has been served with a Planning Enforcement Notice if there is substantial proof that the requirements of the Notice has not been fully complied with.

PLANNING ENFORCEMENT REPORT

- REFERENCE:** ENF/2005/00028
- LOCATION:** 24 Trem Y Coed Clawddnewydd Ruthin
- INFRINGEMENT:** Change of use of agricultural land for domestic use
- CONSTRAINTS:** Development in Open Countryside beyond Development Boundary

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy HSG 16 – Extensions to Domestic Gardens
Policy GEN 6 – Development Control Requirements
Policy ENV 1 – Protection of the Natural Environment
Policy GEN 3 – Development Outside Development Boundaries

GOVERNMENT GUIDANCE

Planning Policy Wales March 2002
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 enforcement action and other related matters. The rights of the contravenor in this instance do not outweigh the adverse impact that domestic use of the land in question would have on the character and appearance of the countryside.

1. BACKGROUND INFORMATION

- 1.1 No. 24 Trem y Coed is a detached dwelling situated in a row of 14 other similar properties. The rear northerly curtilage boundaries of these dwellings also form part of the development boundary of Clawddnewydd. The authorised use of the land adjoining the rear curtilages of these dwellings is agriculture and this land is outside the development boundary of the village of Clawddnewydd.
- 1.2 A site visit on the 21 January 2005 revealed that an area of approximately 110 square metres of agricultural land adjoining but outside the approved curtilage of the dwelling, had been fenced off and had on it items indicating residential use.

- 1.6 A letter was sent to the occupiers of the property drawing attention to the breach of planning control. Officers were advised that the agricultural land had been purchased for residential use, on which a decking area had been provided at considerable expense. The occupier does not wish to cease the use of the land for residential purposes
- 1.7 Members will note that the occupiers of No. 22 and 26 Trem y Coed have carried out similar unauthorised development. You are asked to consider all these matters.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.5 The development has occurred within the past 10 years.
- 2.6 The domestic use of this agricultural land would have an unacceptable impact on the character and appearance of the open countryside and would lead to the potential for further unacceptable development outside the development boundary which may be difficult to resist, which would be contrary to Policies HSG 16, GEN 6 and ENV1 of the Denbighshire UDP and the guidance contained in Planning Policy Wales, March 2002.
- 2.7 The imposition of conditions as part of any planning permission would not overcome the unacceptable impact on the character and appearance of the open countryside.
- 2.8 The cessation of the use of the land for residential purposes will not be voluntarily given up and it is necessary to serve an Enforcement Notice on the occupiers of the land to remedy the breach.

3. RECOMMENDATION

- 3.2 That authorisation be granted for the following:
- (i) Serve an Enforcement Notice on all parties having an interest in the land, to ensure the cessation of the use of land for residential purposes and its return to agricultural use.
 - (ii) Prosecute any person or persons who has been served with a Planning Enforcement Notice if there is substantial proof that the requirements of the Notice has not been fully complied with.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2005/00029

LOCATION: 9 Castle Street, Rhuddlan

INFRINGEMENT: Fence over 1m high adjacent to highway in Conservation Area

CONSTRAINTS: Conservation Area

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 6 – General Development Control Requirements
Policy CON 5 – Development in Conservation Area

SUPPLEMENTARY PLANNING GUIDANCE
Note 13 – Conservation Areas

GOVERNMENT GUIDANCE
Planning Policy Guidance Wales March 2002
Technical Advice Note (Wales) 9 – Enforcement of Planning Control
Welsh Office Circular 61/96 and 1/98 – Planning and the Historic Environment

HUMAN RIGHTS CONSIDERATIONS

Consideration is given to the Human Rights Act 1998 when considering taking enforcement action. It is considered that the contravenor's rights to erect a fence of over 1 metre in height do not outweigh the relevant planning policies which seek to ensure that development preserves or enhances the character of the Conservation Area.

No Human Rights issues have been raised by the owner, or any other interested party in this matter.

1. BACKGROUND INFORMATION

1.1 This breach of planning control is at a premises which is a corner, terraced, two storey dwelling in a residential area within the Conservation Area to the South-West of Rhuddlan Castle, which is a Scheduled Ancient Monument. This property occupies a prominent

location in the Conservation Area and is adjacent to the junction of Castle Street with Cross Street.

- 1.2 In September 2004, Officers noted that a perimeter fence had been erected, which was approximately 2m in height and constructed of treated wood panels fixed into concrete posts and a dwarf concrete wall.
- 1.8 The erection of the new fence requires planning permission and is therefore unauthorised.
- 1.9 The boundaries in this part of the Conservation Area are characterised predominantly by traditional stone walls and the unauthorised fence is therefore not considered acceptable, having regard to the relevant planning policies and guidance.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The development has taken place within the last four years.
- 2.2 High wooden panel fencing of this type, due to material, design and size, adjacent to the highway, has a harsh visual impact and does not reflect the type of boundaries generally found in a Conservation area. It is considered that such fencing detracts from the character of the area and neither preserves nor enhances it. It is of particular concern that permitting such development in this location may set a precedent for other properties in the Conservation Area, potentially leading to a significant degradation of the character of the Conservation Area.
- 2.3 It is considered that the development is contrary to Policies GEN 6 and CON 5 of the adopted Unitary Development Plan, Supplementary Planning Guidance Note 13 – Conservation Areas and the guidance contained in Welsh Office Circular 61/96 and 1/98 – Planning and the Historic Environment and Planning Policy Wales, March 2002.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the following action:
 - (i) Serve an Enforcement Notice requiring the removal of the fence or a reduction in its height to 1m or less.
 - (ii) Instigate prosecution proceedings, or other appropriate action, against any person(s) upon whom an Enforcement Notice has been served should he/she/they fail to comply with the Requirements of the Notice.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
March 2005

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.	Awaiting response to recent correspondence regarding compliance with remaining 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	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
				(44/2003/1101/LB) refused according to recommendation.	
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.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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>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. Notice re-served 16 December 2004. The roller shutter has now been removed and the Notice complied with.</p>	NFA
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. Notice re-served 16 December 2004.</p>	PPPS to monitor compliance. Meeting with Mr S Aslam to be arranged.
ENF/2003/0015 P2/43		23/04/03	Illuminated fascia sign in Conservation Area	<p>Trial held on 13/02/04 along with roller shutters. (see above)</p> <p>Defendant found guilty and fined £500 and £300 costs.</p> <p>Sign now removed.</p>	NFA

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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. Notice re-served 16 December 2004. Appeal lodged – written representations.	PPPS to draft statement of case.
ENF/2002/007 P7/568	Ty Isoe, Maes Maelor, Llandegla	30/01/02	Storage of vehicles and residential use	Notice served, appeal dismissed. Compliance date: 01/04/04 Owner is in breach of Notice. PPPS and LS have had various meetings with Environment Agency and joint action has been agreed in principle. 12 October 2004 site inspection undertaken by PPPS and Environment Agency Officers. Breach is the same and within area of Notice. EA prosecuting owner in crown court April 2005.	Awaiting details/report from EA of full site audit outcome of crown court prosecution. Continued liaison regarding joint action. PPS monitoring site
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	PPPS to inspect site March 2005 to confirm compliance with all outstanding matters.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				<p>representing compromise solution.</p> <p>Details now submitted and agreed in respect of conditions relating to external finishes.</p>	
ENF/2002/025 P7/580	115 Coast Road, Rhyl	26/06/02	Mixed use, residential & car sales	<p>Retro. application refused and notice served. Subsequent appeal dismissed. Compliance date extended until 29/12/03.</p> <p>Owner considered to be in breach of the notice.</p> <p>2 Court appearances adjourned and trial finally held on 22 February 2005. Defendant pleaded not guilty.</p> <p>Despite evidence showing 20 different vehicles stored/displayed on forecourt over 9 month period, the Court found the defendant not guilty on the basis that there was "insufficient evidence to prove car sales".</p>	PPPS to monitor.
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	PPPS to monitor and ensure removal of caravan once vacated by sick parents.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				caravan. Planting scheme now implemented.	
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. Owner has stated that he will now appoint architect to submit amended plans.	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.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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)
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. Owner in breach of Notice	PPPS to consider prosecution or direct 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. 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.	PPPS to monitor the implementation of the alternative scheme. Prosecution held in abeyance.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				Planning application granted by June 2004 Planning Committee for an alternative scheme following pre-application discussions with Officers.	
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. PPS to continue to monitor.
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.	PPS 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 and associated items removed. Notice served on 8 February 2005 and takes effect on the 17 March 2005. 6 months for compliance. Still in time to appeal.	PPS to monitor compliance date.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
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/2003/0004 2	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 and allowed with Notice quashed on basis of insufficient evidence of residential use. This is despite works undertaken to make building habitable including new chimney stack as well as photos showing TV aerial on building and various white goods. However the action has had the desired effect of control over the use which will prevent any future claim of lawful use.	PPPS to monitor site.
ENF/2004/0003 3	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	PPPS to monitor planning application progress.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
				Members to negotiate solution. Site meeting with owner who advised that he would appeal against refusal. Retrospective application 15/2004/1167/PF refused Enforcement Notice served 16 November 2004. Appeal lodged – written reps. Another retrospective application submitted ref. 15/2005/0116/PC which is undetermined. Appeal held in abeyance for 3 months.	
ENF/2004/0003 5	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/2004/0005 8	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. Notice served 8 February 2005 with 3 months for compliance. Notice takes effect 17 March 2005. Still in time to appeal.	PPPS have instructed LS to draft Notice and Notice to be served February 2005.
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.	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
				Awaiting submission of planning application and application for listed building consent.	
ENF/2004/0003 9	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. Enforcement Notice served 16 December 2004. Compliance date 24 July 2005.	PPPS to monitor compliance date.
ENF/2004/0004 8	Workshop rear of 3 Gamlin Street, Rhyl.	01/09/04	Change of use form 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/2004/0005 2	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/2004/0005 3	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. Owner is negotiating scheme for removal of tiles and alternative finish with Officers.
ENF/2004/0001 2	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y	15/12/04	Erection of timber building for use as dwelling.	Retrospective application refused and authorisation to serve Enforcement Notice but allow 2 years for compliance.	PPPS instructed LS to draft notice to be served March 2005.

REF. NO.	ADDRESS	COM'TTE	BREACH	NOTES	ACTION
	Bryn Road, Glascoed Road,. St Asaph				
ENF/2005/0000 3	Tan yr Allt Cottage, Ffordd Tanrallt, Meliden	26/01/05	Erection of timber sun house.	Ownership details clarified and LS now instructed to draft Enforcement Notice.	PPPS to serve Notice March 2005.

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 Friday 1st April 2005 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 **Friday 1st April 2005**

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 **Friday 1st April 2005**

**Decisions Made by the Head of Planning and Public Protection
under
Delegated Powers
1st - 28th February 2005
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