

PWYLLGOR CYNLLUNIO
CYFARFOD: 13eg Mai 2009
Eitem Agenda: 4

PLANNING COMMITTEE
MEETING - 13th May 2009
Agenda Item: 4

DEDDF CYNLLUNIO TREF A GWLAD 1990
CYNLLUNIO TREF A GWLAD (DATBLYGIAD CYFFREDINOL)
GORCHYMYN 1995 - HYD HEDDIW
DEDDF CYNLLUNIO A IAWNDAL 1991
RHEOLIAD HYSBYSEBU CYNLLUNIO TREF A GWLAD 1994
DEDDF CYNLLUNIO (ADEILADAU RHESTREDIG A CHADWRAETH)
1990
CEISIADAU AM GANIATAD DATBLYGU

Adroddiadau ac argymhellion gan Swyddogion i'w hystyried a'u datrys gan Awdurdod Cynllunio'r Sir.

Bydd pob cais am y cynigion a nodir yn yr adroddiad hwn ar gael i'w archwilio gan Aelodau o'r Pwyllgor cyn ac yn ystod y cyfarfod lle ystyrir y ceisiadau.

Gellir gweld y Papurau Cefndir i bob cais, gan gynnwys ffurflenni, cynlluniau, gohebiaeth, Cynllun Datblygiad a dogfennau arweiniad yn ystod yr oriau swyddfa arferol.

Nid yw'r atodiad y cyfeiriwyd ato yn yr adroddiad ar gael yn Gymraeg ac mae hynny yn unol â Chynllun Iaith Gymraeg y Cyngor

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

**DENBIGHSHIRE COUNTY COUNCIL
PLANNING COMMITTEE
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ITEM NO: 1

WARD NO: St Asaph East

APPLICATION NO: 46/2009/0087/ PS

PROPOSAL: Variation of Condition No. 6 of planning permission Code No. 46/2007/0024/PF to allow use of the lounge bar by residents, guests, staff and artistes

LOCATION: Spring Gardens Holiday Park The Roe St. Asaph

APPLICANT: Spring Gardens Holiday Park Ltd.

CONSTRAINTS: C2 Flood Zone
C1 Flood Zone
PROW

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL

"Object on the grounds of unacceptable intrusion into adjoining environment (over intensification of usage)".

DENBIGHSHIRE HEAD OF TRANSPORT AND INFRASTRUTURE
No objection.

DENBIGHSHIRE PUBLIC PROTECTION
No response received.

DENBIGHSHIRE COMMUNITY SAFETY OFFICER
No response received.

RESPONSE TO PUBLICITY:

Letters in objection:

Mr R. Owen The Owner/Occupier, 23 Roe Parc, St Asaph

Mrs Anne Hughes, 24 Roe Parc, St Asaph

G.M. Rose, 30 Roe Parc, St. Asaph

Mr. C. Marriott 32 Roe Parc, St. Asaph

Ms. C. Marriott 32 Roe Parc, St. Asaph

Mr. D. Hughes, 43, Roe Parc, St. Asaph

Summary of planning based objections:

- (i) Principle
- (ii) Impact on residential amenity
- (iii) Noise and disturbance

EXPIRY DATE OF APPLICATION: 05/05/2009

REASONS FOR DELAY IN DECISION:

- timing of receipt of representations

PLANNING ASSESSMENT:

THE PROPOSAL:

1. The application relates to the use of a lounge bar at the holiday park, granted permission in May 2007. It proposes a variation of condition No. 6 of the planning permission, Code No. 46/2007/24/PF to allow for the use of the lounge bar by residents, guests, staff and artistes. Planning condition No. 6 stated that the lounge bar hereby permitted shall be used as ancillary to the use of the static caravan site by those persons staying in the caravans only'. The reason for the condition was 'In order to retain control over the use of the site and facilities in the interests of amenity'.
2. Spring Gardens Caravan Park is located on the northern side of St. Asaph outside the town's development boundary. It is accessed off the eastern carriageway of the A525 by a private road, which crosses the river Elwy. The site has the benefit of planning permission for use as a 72 pitch static caravan site with an associated lounge bar/ club house.
3. In support of the application, the agent has advised that the original condition is considered 'onerous' as it prevents visitors to persons residing on the caravan park, members of staff and artistes performing/ providing regulated entertainment 'to avail themselves of the facilities in the bar'. The application proposes to amend the planning permission to read in a similar manner as the Premises License granted 21st August 2009.

RELEVANT PLANNING HISTORY:

4. 46/2001/1080/PF
Change of use of land to form touring caravan site for 10 touring caravans and storage of 16 caravans and alterations to existing vehicular access (partly in retrospect) – GRANTED – 27th March 2002.

46/2002/0758/PF
Change of use of land to touring caravan site and alterations to vehicular access (limited to 72 Touring Caravans) – GRANTED 28th November 2002.

46/2007/0024/ PF
Erection of new lounge bar – GRANTED – 16th May 2007.

PLANNING POLICIES AND GUIDANCE:

5. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy TSM9 – Static Caravan and Chalet Development
Policy TSM 10 – Extensions of/ Improvements to Existing Static Caravan & Chalet Sites
Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE
Planning Policy Wales – March 2002
TAN 13 Tourism

MAIN PLANNING CONSIDERATIONS:

6. The main issues are considered to be:
 - i) Principle
 - ii) Residential Amenity

7. In relation to the main considerations:

i) Principle

The principle of the lounge bar extension has been established in the original planning permission in May 2007. This application seeks simply to vary a condition attached to the consent. The reason for the condition was to retain control over the use of the site and in the interest of amenity. In this respect, it is noted that the use of the lounge bar would not change but may be intensified if the variation of condition to allow for the use by residents, guests, staff and artistes is permitted. Policy TSM 10 and Policy GEN 6 would be relevant to the application. Both policies refer to a broad range of criteria, of most relevance to this application are criteria relating to residential amenity, which is discussed below.

ii) Residential Amenity

The main issue is considered to be whether the variation of condition would unacceptably impact on the residential amenity of occupiers of surrounding dwellings. The lounge bar is located on the south western side of the static caravan site and the closest residential dwellings to Spring Gardens are those on the Roe Parc Estate, some 50m to the south west of the site, on the opposite side of the river Elwy.

The original planning permission granted in 2002 restricts the number of static caravans on the site and there are no conditions precluding any particular group of visitors to the site including artistes/entertainers. The variation proposed would not permit the general public to visit the site in the same manner as other bars in the town centre.

The use of the lounge bar could potentially be intensified by the proposal, but it is considered that the use of the static caravan site itself is unlikely to be any more intensive if the variation is permitted. Therefore it is not considered that the proposal would result in an unacceptable impact on residential amenity.

8. Other Matters

The Premises Licence is referred to in the supporting documents of the planning application and this is also mentioned in a number of the representations received. The applicants' objective is to mirror the terms of the Premises Licence in the planning permission. Members may appreciate that the Licensing Committee remit is slightly different to the planning system and involves different considerations, but it is understood residents' opinions are taken into consideration. Reference in correspondence to a potential breach of the Premises Licence has been referred to the Officers responsible for enforcing that legislation.

SUMMARY AND CONCLUSIONS:

9. The proposed variation of condition is considered acceptable and within the terms of GEN 6 and TSM 10, therefore the application is recommended for grant.

RECOMMENDATION: - GRANT – Condition 6 shall be worded as follows:

1. The lounge bar shall be used as ancillary to the use of the static caravan site by residents, guests, staff and artistes only, unless otherwise agreed in writing by the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. In order to retain control over the use of the site and facilities in the interests of amenity.

NOTES TO APPLICANT:

None

ITEM NO: 2

WARD NO: Tremeirchion

APPLICATION NO: 47/2009/0198/ PF

PROPOSAL: Erection of 2 no. stables and feed shed

LOCATION: The Croft Caerwys Road Rhualt St. Asaph

APPLICANT: Mr G Thomas

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

CONSULTATION RESPONSES:

TREMEIRCHION, CWM & WAEN COMMUNITY COUNCIL

“Objection:

- a) the application constitutes over development of the site. Councillors feel that this application has gone beyond its private status;
- b) 3 Horse boxes have been observed on site; the question arises has this site become a business use site?”

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 30/04/2009

REASONS FOR DELAY IN DECISION:

- additional information required from applicant

PLANNING ASSESSMENT:

THE PROPOSAL:

1. Permission is sought for the erection of 2 stables with an integral feed store. The building would be constructed of timber, stained dark green, with a black corrugated fibre sheet roof. Its dimensions would be approximately 3.6 metres deep, 10.8 metres wide and 3.4 metres to the ridge line. The stables would be next to an existing shed used in connection with existing equestrian uses at the property.
2. The site is located in Cwm, immediately south of Penisa'r Mynydd Caravan Park and adjacent to the structure known as 'The Croft'. Access is gained from the adjacent C class road (Caerwys Road) via an existing entrance to 'The Croft' site. Within the site is an area of hard standing for parking and turning, a large shed of utilitarian appearance, and an area marked out for exercising horses.
3. Permission was granted in 2007 for the use of the existing building on the site to be used for stabling. This was followed by permission for a ménage in the adjoining

paddock. It should be noted that previous applications at the site for horse related development have been issued only on the basis that the use is personal to the applicant and does not allow for any commercial usage.

4. The applicant has confirmed that the proposed stabling is required to house foaling mares during the breeding season, and will be used as ancillary to the existing stables. It is stated that the proposed stables do not represent an increase in the intensity of the use of the site, but offer additional space for the existing horses when in foal. It is also confirmed that the use of the site is purely domestic and not in use as a commercial venture.

RELEVANT PLANNING HISTORY:

5. 47/2007/0927/PF – Continuation of use of building for stabling, retention of portakabin for associated use and retention of hard-standing area for parking and turning. GRANTED 14/9/07

47/2007/1482/PF – Change of use of land to ménage for private use. GRANTED 29/1/08

PLANNING POLICIES AND GUIDANCE:

6. DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)
Policy GEN 3 Development outside Development Boundaries
Policy GEN 6 Development Control Requirements
Policy REC 5 Recreation Facilities Outside Development Boundaries
7. GOVERNMENT GUIDANCE
Planning Policy Wales March 2002

MAIN PLANNING CONSIDERATIONS:

8. i) Principle
ii) Impact upon visual amenity
9. In relation to the main considerations:

i) Principle:

The proposal is for additional facilities to serve an existing non-commercial equestrian operation. The intention is to use the additional stables to provide shelter for mares when they are in foal. A supporting statement has been provided which indicates the activity on site is small scale and domestic in nature and that the proposed stables would be ancillary to this, and would not be a commercial enterprise. Some sales of colt foals may occur, but this is not considered to be at a level which would constitute a commercial activity.

It is noted that previous applications at the site for horse related development have been issued only on the basis that the use is personal to the applicant and does not allow for any commercial usage. Therefore, it is considered prudent to attach similar conditions to the consent for the ménage. With such conditions, the principle of development would be considered acceptable subject to tests relating to the appearance of the building.

ii) Impact upon visual amenity:

The visual appearance of the stable would be screened to a large extent by the adjacent hedgerow. The larger existing building would act as a backdrop to the proposed stable, which helps to minimise the proposals impact upon the appearance of the area. As such, the appearance of the stable is considered acceptable.

SUMMARY AND CONCLUSIONS:

10. The proposal is acceptable subject to suitable controls and is recommended to be granted.

RECOMMENDATION: GRANT - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission inures for the benefit of the applicant only
3. The use of the stables hereby approved shall be for the personal use of the applicant only and not for the keeping or breeding of horses for commercial or business use.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of amenity and highway safety by ensuring that adequate on-site parking and turning space is available.
3. To enable the Local Planning Authority to monitor the impact of the use.

NOTES TO APPLICANT:

Please note the planning conditions attached to this permission. You are advised that the Local Planning Authority will monitor this site proactively to ensure compliance with these conditions.

ENFORCEMENT MATTERS

- (i) **ENF/2009/21**
21 Brynhedydd Road, Rhyl
Infringements:
 - A) erection of a breeze block shed in the rear garden
 - B) erection of a detached garage
 - C) unauthorised storage of building material and equipment

- (ii) **ENF/2009/28**
15 Cilgwyn Rhewl Ruthin
Unauthorised fence

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00021
LOCATION: 21 Brynhedydd Road Rhyl
INFRINGEMENT: Infringement 1) erection of a breeze block shed in the rear garden
Infringement 2) erection of detached garage
Infringement 3) unauthorised storage of building materials and equipment

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
Policy GEN 1 Development within development boundaries
Policy GEN 6 Development control requirements
Policy HSG 12 Extensions to dwellings

GOVERNMENT GUIDANCE
Planning Policy Wales – March 2002

HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act 1998 is taken into account when considering taking enforcement action in relation to unauthorised development. In this case the matter under consideration relates to the rights of the land owner to erect and alter outbuildings without the requisite authority to do so. These rights are outweighed by the general public interest and the need to exercise general development control. No claim has been made in respect of Human Rights.

1. BACKGROUND INFORMATION

- 1.1 The property is a semi detached house located within a residential area of East Rhyl, off the coast road. The residential area is characterised by two storey semi detached properties with driveways, and front and rear gardens. The property has neighbours to the rear and sides, and to the front is the open area of Brynhedydd Close. The site is within the GEN1 development boundary of Rhyl.
- 1.2 The owner of the property has lived at the house for approximately 20 years and he has undertaken a number of building projects at the location. These have included the erecting and altering of a number of outbuildings and extensions, these are marked out on the attached map. The details of these are listed below.

Development over which the Local Planning Authority has no control

- 1.3 The developments listed in this section were built with planning permissions courtesy of the General Permitted Development Order. The erection of subsequent extensions (see the section below) has led to these properties being unauthorised, as they no longer comply with the conditions of the General Permitted Development Order. However the developments in this section were erected over four years ago and they are now unenforceable against.
- 1.3 A detached garage (marked on the attached map GARAGE) with a flat roof was built to the rear of the back garden approximately twenty years ago. It had a cubic volume of 81.9m³. This was built under permitted development class E.
- 1.4 In addition a detached greenhouse (marked on the attached map GREENHOUSE) was also erected in the back garden approximately twenty years ago. It has a cubic volume of 11.88m³. This was built under permitted development class E.
- 1.5 In 1996 the owner built a kitchen extension (marked on the attached map KITCHEN) to the rear of the property. It has a cubic volume of 33.00m³. This was built under permitted development class A.
- 1.6 In 2003 the owner built decking (marked on the attached map DECKING) to the rear of the property with a cubic volume of 4.07m³. This was built under permitted development class A.

Development over which the Local Planning Authority has control which is acceptable

- 1.7 In 2007 the owner of the property built a conservatory (marked on the attached map CONSERVATORY), attached to the existing kitchen extension to the rear of the house. The cubic volume of the conservatory is 15.95m³. The conservatory is unauthorised as it does not comply with the requirements of the General Permitted Development Order.
- 1.8 However the conservatory is acceptable because it is compliant with criteria i) GEN 6 Development Control Requirements and HSG 12 Extensions to Dwellings of the UDP, by reason of the size, scale, materials, visual impact and the impact on the residential amenity of neighbours of the development.

Development over which the Local Planning Authority has control which is unacceptable

Below are listed Structures which have been erected within the last four years and which are deemed unacceptable:

1.9 Infringement 1

- 1.10 In 2007 the owner started to build a store (marked on the attached map STORE) on the Western boundary of the back garden. The building has a cubic volume of 5.40m³. The building is unfinished and it is being made with breeze blocks and UPVC window frames. The building is still without a roof.
- 1.11 The store is unacceptable because it does not comply with criteria i) GEN 6 Development Control Requirements and HSG 12 Extensions to Dwellings of the UDP, by reason of the materials used, and the over development of the site.
- 1.12 It is considered that the only course of action that can be taken is to serve an Enforcement Notice to secure the removal of the store.

2. Reasons for issuing an Enforcement Notice

- 2.1 The unauthorised development has occurred within the last four years.
- 2.2 The site is located within a residential area and the erection of the store is detrimental to residential amenity of the area due to the unsightly materials used and the over development of the plot.
- 2.3 The unauthorised use is therefore contrary to the provisions of Policies GEN 6 (i) and (v), and HSG 12 of the adopted unitary development plan.
- 2.4 The use of conditions as part of any grant of planning permission for retention of the unauthorised development could not overcome these objections.

1.13 Infringement 2

- 1.14 In 2008 the owner replaced the flat roof of the large detached garage at the bottom of the rear garden with a pitched roof. The flat roof has been raised from 2.5m high to the new maximum pitched roof height of 3.8m high. This increased the volume of the garage from 77.78m³ to 99.07m³ (an increase in volume of 21.29 m³).
- 1.15 The garage is unacceptable because it does not comply with criteria i) GEN 6 Development Control Requirements and HSG 12 Extensions to Dwellings of the UDP, by reason of the size, scale, visual impact and the negative impact on the residential amenity of neighbours of the development.
- 1.16 It is considered that the only course of action that can be taken is to serve an Enforcement Notice to secure the removal of the unauthorised garage.

2. Reasons for issuing an Enforcement Notice

- 2.5 The unauthorised development has occurred within the last four years.
- 2.6 The site is located within a residential area and the erection of the pitched roof is detrimental to residential amenity of the area due to the negative visual impact on neighbours and the over development of the plot.
- 2.7 The unauthorised use is therefore contrary to the provisions of Policies GEN 6 (i) and (v) of the adopted unitary development plan, and HSG 12.

- 2.8 The use of conditions as part of any grant of planning permission for retention of the unauthorised development could not overcome these objections.

This action is based on the fact that Officers consider that unauthorised buildings and alterations have been erected and that these buildings have had a significant detrimental impact on the residential amenity of the area and local residents by means of over development of the site.

1.17 Infringement 3

- 1.18 Whilst these alterations have been on going, the owner of the property has been storing building materials and equipment in the front and rear garden. This has included a cement mixer, doors, window frames, piping, roof slates and wooden planks.
- 1.19 This storage of building materials and equipment does not comply with criteria i) GEN 6 Development Control Requirements, by reason of the visual impact and the negative impact on the residential amenity of neighbours of the development.
- 1.20 It is considered that the only course of action that can be taken is to serve an Enforcement Notice to secure the removal of the unauthorised pitched roof.

2. Reasons for issuing an Enforcement Notice

- 2.9 The unauthorised development has occurred within the last four years.
- 2.10 The site is located within a residential area and the storage of building materials and equipment is detrimental to the residential amenity of the area due to the negative visual impact on neighbours.
- 2.11 The unauthorised use is therefore contrary to the provisions of Policies GEN 6 (i) and (v) of the adopted unitary development plan.
- 2.12 The use of conditions as part of any grant of planning permission for retention of the unauthorised development could not overcome these objections.

This action is based on the fact that Officers consider that the unauthorised storage of building materials and equipment have had a significant detrimental impact on the visual and residential amenity of the area and local residents.

3. RECOMMENDATION

- 3.1 That authorisation is granted for the following:

(i) Serve an Enforcement Notice to secure the removal of the unauthorised breeze block shed, the replacement of the pitched roof with a flat roof, and the removal of building materials and equipment from the front and rear gardens.

(ii) Instigate proceedings, or any other appropriate action under the Planning Acts against the person, or persons, upon whom any Enforcement Notice, or other such Notice is served, should they fail to comply with the requirements thereof.

PLANNING ENFORCEMENT REPORT

REFERENCE: ENF/2009/00028
LOCATION: 15 Cilgwyn, Rhewl, Ruthin
INFRINGEMENT: Without planning permission the Erection of a fence and gates in excess of 1m in height adjacent to the highway

RELEVANT PLANNING POLICIES AND GUIDANCE

DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy GEN 6 – Development Control Requirements

GOVERNMENT GUIDANCE

Planning Policy Wales 2002

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

HUMAN RIGHTS CONSIDERATIONS

The provisions of the Human Rights Act 1998 are taken into account when considering taking enforcement action against unauthorised development, unauthorised use and other related matters.

In this particular case, the rights of a person(s) to erect a fence and gates over 1m in height adjacent to a highway, does not outweigh the rights of the Local Planning Authority, to take action when unauthorised development takes place.

1. BACKGROUND INFORMATION

- 1.1 15 Cilgwyn is located in a prominent location on the main A525 road between Denbigh and Ruthin, in the village of Rhewl.
- 1.2 On 23 September 2008, a report was made to an Enforcement Officer of the erection of fence and gates over 1m high, adjacent to the highway in Rhewl. A site visit was made and the breach of planning control was confirmed.
- 1.3 On 3 November 2008 a Land Registry search was made in order to ascertain details of ownership of the property. A letter was sent to the owner that same day to advise them why the fence and gates constituted a breach of planning control; their being adjacent to the highway and being over 1m in height. The owner was advised that there would be no breach if she reduced the height to 1m along the length of the gates and fence adjacent to the highway and one fence panel back on the side of the property facing Cilgwyn.

- 1.4 The owner refused to reduce the height as requested and was therefore advised that she had the option to submit a retrospective planning application to determine whether the over-height fence and gates could be retained.
- 1.5 No application was subsequently submitted and the fence and gates were not reduced in height. The owner was contacted again on 11 December 2008 requesting either a retrospective application or a reduction in the height of the fence and gates.
- 1.6 On 15 December the owner said she would submit a retrospective application and was given a deadline of the end of January 2009.

2. REASONS FOR ISSUING AN ENFORCEMENT NOTICE

- 2.1 The fencing and gates by reason of their height and materials form a prominent feature in the street scene. Criterion (i) of Policy GEN 6 seeks to control development which does not respect the site and surroundings in terms of siting, form and materials. It is considered that the height of this untreated fencing/gates in such a prominent location fails to comply with this policy criteria.
- 2.2 The Town and Country Planning (General Permitted Development) Order 1995 Part 2 Class A applies inter alia to the erection of gates and fences. Development is not permitted by Class A if the height when erected adjacent to a highway exceeds one metre above ground level. It is considered that, in this instance, given the orientation of the property and the location of the highway, all of the new fencing sited to the front/side of the dwelling requires planning permission. Consequently, in this particular case the fence and gates must either be reduced to a height of 1m or removed.
- 2.3 The owner was advised of the breach of planning control on 3 November 2008 and was provided with 2 options; to reduce their height or to submit a retrospective planning application to determine the matter. The owner has ignored the deadline of the end of January 2009, having failed to comply with either option and therefore remains in breach of planning control.

3. RECOMMENDATION

- 3.1 That authorisation be granted for the serving of an Enforcement Notice with a 2 month compliance period, ordering a reduction in the height of the fence and gates to 1m along the full length adjacent to the highway and one fence panel back on the side of the property facing Cilgwyn.
- 3.2 To instigate prosecution proceedings where any person on whom a Notice has been served, fails or refuses to comply with the requirements of the Notice.

ENFORCEMENT COMMITTEE AUTHORISATIONS
CASE REVIEW REPORT
WORKING REPORT: 27 APRIL 2009

These are cases which have previously been reported to Committee, but remain unresolved, or cases where Notices under S.215 have been served. 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	P/CMTE	BREACH	ACTION	NOTES
ENF/037/95/N P13/11	Rhydorddwy Goch, Dyserth Road, Rhyl	28/10/98 24/03/04	31 unauthorised windows in listed building.	Monitoring site – works progressing	PS undertaken site visit owner confirms nearly completed replacing the windows on the eastern elevation of the property lack of funds hampering completion of remaining windows. Owner has made application to 'de-list' building
ENF/2001/00007	Ty Isoe, Maes Maelor, Llandegla	30/01/02 25/05/05	Storage of vehicles and residential use	Monitoring site. Legal options being investigated.	PS undertook site visits – 27/11/07, 21/5/08, 23/10/08, 15/1/09 – no deterioration – some vehicles and 2 caravans near entrance removed. Two touring caravans near rear access – occupied by 'seasonal workers' according to site owner Mr Low. PS undertook further S/V 20/3/09 – one caravan remains at rear access. Further SV to be undertaken with Environment Agency week commencing 11/5/09
ENF/2002/021 P7/351	Cornel Bach, Lower Denbigh Road, St. Asaph	04/09/02	Siting of mobile home and creation of curtilage	PS to monitor and ensure removal of caravan once vacated by sick parents.	Caravan remains and still occupied by elderly parents. Monitoring visit each

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
				Parent remains in residence.	November – next 2009 Owner submitted new app for pp for use of static caravan as holiday accommodation or granny annex (46/2008/0683) – refused – owner to Appeal.
15/877/98/MA P47/3	Maes y Droell Quarry, Graianrhyd	30/10/02	Undetermined ROMP application – extraction continuing	Application submitted. Legal options being investigated.	On-going negotiations
ENF/2002/00043 P7/592 ENF/2003/031 P7/592	Former Railway Land, Ty Draw, Bodfari	18/12/02 23/07/03	Storage of railway carriages and associated paraphernalia Boundary fence & gates over 2m high	Monitoring – seeking to facilitate the removal of railway carriage	HMRC investigation - owner sentenced to 30 mths imp now released. Railway Society remain keen to secure suitable site for rolling stock. HMRC confirm they are not seeking to claim rolling stock as owner's assets, but have an interest in the land under Proceeds of Crime –PS to discuss further legal action with LS on 13/5/09.
ENF/2003/009	Casgan Fishery, Llandegla	23/07/03	Residential use of caravan and stationing of vehicles		Land remains unregistered, but 'caution' registered. PS negotiating with occupiers
ENF/2003/041	Coral Spring, Ruthin Road, Llandegla	26/11/03 21/02/07	(1) Unauthorised use of land to site static caravan for residential use; (2) Storage of various items on the land; (3) Untidy land;	Proceedings under consideration	Trial at Mold C/Court adjourned on 28/4/09 to date to be fixed
ENF/2003/0002	Gwasg Gee, 12 -18 Chapel Street, Denbigh	24/03/04	Neglect of listed building.	Discussions ongoing with Planning/Conservation Officers	Application received – refused 27/2/08 – further app anticipated – urgent works carried out. Property

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
					protected
ENF/302/00/N	37 – 39 Pendyffryn Road, Rhyl	21/04/04	Neglect of a listed building	Applications received for redevelopment / renovation.	Mtg held 4/11/08 with developer following consideration of Urgent Repairs Notice. Developer keen to comply and work with DCC to progress project to refurbish Listed Building and erect two residential units within curtilage – surveys being undertaken and on-going negotiation with planners. Property now protected.
ENF/2004/00012	Oak Frame Company, Part OS Field Nos. 5000 and 6300, Pen y Bryn Road, Glascoed Road, St Asaph	15/12/04	Erection of timber building for use as dwelling.	E Notice for removal of 'dwelling' by 20 June 2007	App submitted 1/2/08 which incorporated demolition of timber building – withdrawn & to be re-submitted (46/2008/0126). Following Letter Before Action sent to Mr S Bellfield by LS – further app submitted 4/12/08 to address breach (46/2008/1297) – refused 29/1/09. Prosecution to be discussed with LS 13/5/09
ENF/2005/00050	Rhoslydan, Bryneglwys, Corwen	25/05/05	Change of use of agricultural land for storage of containers to be used in connection with road surfacing activity.	Monitoring permission – 10/2005/0678/PC	Temp. planning permission in place.
ENF/2004/00066	The Grapevine, 87 High Street, Prestatyn	31/08/05	Installation of roller shutters and associated metal box and plastic canopy	E Notices served.	E Notices re-served 18/6/08 – compliance date 25/10/08. S/V 10/11/08 confirms r/shutters remain in place. LS sent Letter Before Action – owner has engaged agent to

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
					submit app for planning permission for new roller shutters (43/2008/1325) – sub'd 16/12/08. App made to <i>retain existing shutters</i> ; refused to determine due to E Notice. Further app sub'd 21/4/09 for new 'open' style shutters.
ENF/2005/00059	Plot 1 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		Concern that current occupancy breaches conditions – full residential use of holiday cottages – imposed at Appeal 1996 – notices served for updated ownership/occupancy.
ENF/2005/00060	Plot 3 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		As above
ENF/2005/00061	Plot 4 Holiday Chalet Site, Llantysilio, Llangollen	26/10/05	Holiday let cabin used as sole residential accommodation		As above
ENF/2006/00076	20 – 22 Chapel Street, Denbigh	04/10/06	Unauthorised UPVC windows / doors	E Notices served.	ENs served 20/9/07. Appeal dismissed 12/3/08. On-going negotiation with owner resulted in windows replaced by S/V 11/3/09. One door replaced; second door to be replaced week commencing 27/4/09
ENF/2005/00116	1 Artillery Row, Bodelwyddan	08/11/06	Sub-division of residential curtilage to create 2 No. residential units.	E Notices served.	Proceedings now withdrawn as sufficient work undertaken To be removed from list.

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
ENF/2005/00084	Henllan Garden Centre, Church Street, Henllan	20/06/07	Unauthorised change of use; Boundary fence over 2 metres high; Untidy Land	E Notices served.	E Notices served 20/9/07. for untidy land and unauthorised use. App sub'd (28/2008/0578) for residential use – 15 units – granted by P/Comm 21/1/09. S.106 to be resolved. Site being monitored.
ENF/2007/00039	Lake Hill Fishery & Farm, Llandegla, Wrexham	20/06/07	Erection of unauthorised building	Prepare instructions for JK	Site meeting undertaken 25/3/09 LS met with owners and agent & CCW. On-going negotiation with planners on which buildings if any can be retained. Response still awaited from Land Reg on boundary issues.
ENF/2007/00040	Lake Hill Fishery & Farm, Llandegla, Wrexham	20/06/07	(1) Erection of Conservatory; (2) Erection of Decking; (3) Erection of Cellar Area for use as Manager's Accommodation;		As above
ENF/2007/00041	Lake Hill Fishery & Farm, Llandegla, Wrexham	20/06/07	Unauthorised siting and use of mobile unit		As above
ENF/2007/00058	Star Inn, 73 Ffordd Talargoch, Prestatyn	01/08/07	Erection of unauthorised front extension	EN served	App for structure (new design) at front (43/2009/0086) – granted. To be removed from list.
ENF/2008/00023	School House, Prion	19/3/08	Unauthorised engineering operation/excavation of material	E Notice served	E Notice served 16/6/08 – compliance date 25/11/08. S/V 8/1/09 – contractor has infilled with clay & will complete with top soil and grass seed April 09. Site to be monitored.

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
ENF/2005/00108	Eirianfa, Berwyn Rd, Llangollen	05/09/07	Residential use of mobile home	Authorisation given for EN to cease use & remove mobile home and attached conservatory	EN served – compliance Nov 09
ENF/2005/00087	1 & 1b Prior St, Ruthin		Unauthorised works in Listed Building		Part works undertaken towards compliance – rendering still needs to be completed. Further time allowed for compliance.
ENF/2007/00068	Bull Hotel, Castle St, Llangollen		Unauthorised works to Listed Building	Internal doors to be removed	Negotiation on-going – Conservation Section preparing drawings to assist owner
C10/2007/0256	New Inn, Bryneglwys		Untidy land (Building and car park)	S.215 Notice served	Compliance date 8/9/08 – work has commenced with some render removed & car park now satisfactory – further work required. PS have requested that render be painted Spring 2009. To be monitored
ENF/2008/00032	115 Coast Rd, Rhyl		Unauthorised adverts	File to JK	LS have instructions
ENF/2008/00036	Ashmount, Ffordd Bryniau, Meliden	23/4/08	Unauthorised development – walls and level changes	E Notice served	PP refused – E Notice served 11/7/08 – compliance date 15/2/09 – Appeal lodged – Appeal dismissed. PS in communication with owner outlining need for compliance.
ENF/2008/00037	Clwyd Gate Restaurant, Llanbedr, Ruthin	23/4/08	Material change of use of restaurant car park for siting and storage of: Canal narrow boat and Touring Caravan	Under investigation	E Notice served for removal of narrow boat and caravan – compliance date 25/10/08 – as no compliance LS to prosecute – trial date adjourned to 18/5/09 at Denbigh MC
ENF/2005/00046	Swn y Dail, Bodelwyddan		Failure to comply with condition attached to planning permission	Breach of Condition Notice served	Required work not fully undertaken. Highways seeking to adopt road & maintenance issue may be

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
					resolved.
ENF/2008/00064	69 Grosvenor Rd, Rhyl		Untidy Land	Notice served	Matter referred to Empty Homes Officer. PS awaiting update from EHO.
ENF/2008/00062	61 Marian Rd, Prestatyn		Untidy Land	Notice served	Required works undertaken To be removed from list.
ENF/2007/00100	The Retreat, Mount Rd, St Asaph	3/9/08	Unauthorised use – storage of caravans	Under investigation	Inst to LS 10/9/08 for preparation of E Notice. S/V 16/3/09 only one caravan remains (Owner sentenced to 6yrs imp on 11/3/09 for unrelated matter). Agent attempting to remove remaining caravan.
ENF/2008/00091	6 Mairwen, Cefnmeiriadog	1/10/08	Unauthorised development – rear balcony	Enforcement action authorised	E Notice drafted – Appeal lodged 31/3/09 against refusal to grant pp – E Notice stayed pending Appeal process.
ENF/2008/00093	18 Blaen y Coed, Denbigh		Untidy land	Notice served	S 215 Notice served – compliance date 10/12/08 – S/V 26/1/09 required work not undertaken, but car removed. LS sent Letter Before Action 5/3/09. S/V 24/4/09 – no change. Prosecution/Direct action to be considered with LS 13/5/09
ENF/2008/00085	16 Eastville Ave, Rhyl		Untidy land	E Notice served	E Notice served 26/11/09 – compliance achieved. To be removed from
ENF/2008/00088	2 Cefndy Rd, Rhyl		Untidy land	E Notice served	E Notice served 26/11/09 – compliance achieved. To be removed from
ENF/2008/00126	Cerrigllwydion Arms, Llanynys		Untidy land	E Notice served	E Notice served 23/1/09 – compliance 27/5/09 – Appeal submitted.
ENF/2008/00097	25 Victoria Rd, Rhyl		Untidy land	E Notice served	E Notice served 18/12/08 – compliance 19/2/09 – LS

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
					considering prosecution/direct action
ENF/2008/00118	The Local, 56 High St, Denbigh	17/12/08	Unauthorised shop fascia	Under investigation	Negotiation achieved amended fascia design which is acceptable. Revised app now granted. Fascia sign changed – NFA. To be removed from list.
ENF/2008/00114	38 Abbey St, Rhyl		Untidy land	Under investigation	LS preparing Notice
ENF/2008/00079	Land adj Gors Wen, Llanynys	3/9/08	Unauthorised change of use Unauthorised development	Under investigation	LS preparing Notice.
ENF/2008/00030	33 Alexandra Dv, Prestatyn	19/3/08	Unauthorised development - balcony	Under investigation	LS preparing Notice
	35 Water St, Rhyl (Turkish Delight)		Unauthorised development - window	Under investigation	LS preparing Notice
ENF/2008/00026	40 Bath St, Rhyl		Unauthorised development – Listed Building	Under investigation	
ENF/2008/00108	5 Ernest St, Rhyl		Untidy Land	Under investigation	LS preparing Notice
ENF/2009/00013	Bryn Hyfryd, Pwllglas, Ruthin	18/2/09	Unauthorised development – residential use of log effect unit	Enforcement action authorised	Notice of Appeal given 22/4/09 – LS advised to pend preparation of Notice
ENF/2009/00014	Storage Unit 1, Former Riverside Camp, Marsh Rd, Rhuddlan	18/2/09	Unauthorised change of use - storage container used for business use	Enforcement action authorised	Instructions with LS to prepare Notices for service
ENF/2009/00015	Storage Unit 5, Former Riverside Camp, Marsh Rd, Rhuddlan	18/2/09	Unauthorised change of use - storage container used for business use	Enforcement action authorised	Instructions with LS to prepare Notices for service
ENF/2008/00127	Land adj to St Saerens, Llanynys	18/2/09	Unauthorised change of use from agricultural field to mixed use of storage of building materials and equipment, timber processing, siting of storage containers and residential curtilage with ancillary hard-standing	Enforcement action authorised	Instructions forwarded to LS to prepare Notices for service

REF. NO.	ADDRESS	P/CMTE	BREACH	ACTION	NOTES
ENF/2007/00052	68 Ashley Court, St Asaph	21/1/09	Unauthorised storage of cars on residential property	E Notice served 10/3/09	Compliance by 14/8/09 – no Appeal lodged

PS – Planning Services
LS – Legal Services

SV – Site Visit
NFA – No Further Action

Should Members require further information on any of the above cases, please contact Paul Mead on 01824 706705 or paul.mead@denbighshire.gov.uk or one of the following Planning & Compliance Officers:

**Michael Hughes on 01824 706731 or mg.hughes@denbighshire.gov.uk for Rhyl and Prestatyn areas
Wayne Williams on 01824 706806 or wayne.williams@denbighshire.gov.uk for Denbigh and North Area excluding Rhyl & Prestatyn
Jill Emerson on 01824 706743 or jill.emerson@denbighshire.gov.uk for Ruthin, Llangollen Corwen areas**

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

APPEAL DECISION UPDATE

1. PURPOSE OF REPORT.

- 1.1 To advise members of recent appeal decisions.

2. BACKGROUND

- 2.1 Outstanding appeals and appeal decisions received between 1st January 2009 and 31st March 2009 are set out in the attached appendix.
- 2.2 As requested by Members we have included a column indicating the original decision level (Committee or Delegated) and the officer recommendation.
- 2.3 Whilst we are happy to answer questions on the appeal decisions at the Planning Committee, if you have any matters of detail that you would like to discuss please contact the Case Officer prior to the meeting.

This report is for Members' information.

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Demolition of existing lean-to and erection of single storey extension to rear (partly retrospective)**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	EOC	Delegated	5, Manod Road, Prestatyn, , LL198PH,	Informal	05/02/2009	Pending		0.00
				06/05/2009 0				

Key Issue = Impact on visual amenity

Proposal - **Installation of foul and surface water drainage plant**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	SWJ	Committee	Bryn Derwen, Abbey Road, Llangollen, , LL208EF,	Informal	29/01/2009	Pending		0.00
				02/06/2009 0				

Key Issue = Drainage issues

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Erection of detached equipment store**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	PDG	Delegated	Bryntirion Farm, , St. Asaph, Rhualt, LL170TG,	Informal	05/03/2009	Pending		0.00
				07/07/2009 0				

Key Issue = Sporadic development impact on AONB

Proposal - **Application for Certificate of Lawful Use of building as a residential dwelling**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	PJM	Committee	Camp Alyn, Tafarn-Y-Gelyn, Mold, Llanferres,	Informal	11/02/2009	Pending		0.00
				08/09/2009 0				

Key Issue = Certificate of lawfulness for residential use of holiday chalet

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Erection of 8 no dwellings and construction of new vehicular and pedestrian access (site area 0.66 ha)**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending		Committee	Land Adjacent To, Bryn Derw, , Ruthin, Llanbedr Dyffryn Clwyd, LL151TB,	Informal	20/02/2009	Pending		0.00

Key Issue = Impact on highway safety

Proposal - **Retention of existing balcony at rear of dwelling (Retrospective application)**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	SES	Delegated	6 Mairwen, , St. Asaph, Cefn, LL170HB,	Written	24/03/2009	Pending		0.00

Key Issue = Impact of extension on residential amenity

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Erection of a convenience store**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	SES	Committee	Former, Esplanade Service Station, Rhyl Coast Road, Rhyl, , LL183PP,	Written	09/02/2009	Pending		0.00

Key Issue = Impact on highway safety.

Proposal - **Continuation of use of land for siting of static caravan to be used as a granny annexe ancillary to the dwelling at Cornel Bach**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	EOC	Delegated	Land At Cornel Bach, Lower Denbigh Road, St. Asaph, , LL170EL,	Written	30/01/2009	Pending		0.00

Key Issue = Principle of full time residential occupataion of residential caravan

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Erection of dwelling, construction of new vehicular access and installation of private treatment plant on 0.15 hectares of land**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	PDG	Delegated	Land near, Dee Bank, Penybryn, Corwen, , ,	Written	26/03/2009	Pending		0.00

Key Issue = Outside development boundary

Proposal - **Installation of 15m high wind turbine**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Pending	EOC	Delegated	Plas Yn Ial, , Wrexham, Llandegla, LL113BD,	Written	12/01/2009	Pending		0.00

Key Issue = Visual amenity views into / out of AONB

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Change of use from Class B8 store and internal alterations to form Class A3 food and wine bar**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Decision	PDG	Committee	Church Institute, Lenten Pool, Denbigh, , LL163LG,	Written	02/09/2008	27/01/2009 01	APPEAL-AL	0.00

Key Issue = Impact upon highway.
Inspector concluded no harm to amenity, or highway safety of A3 use.

Proposal - **Conversion of former farm building to dwelling, installation of new septic tank and alterations to existing vehicular access**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Decision	EOC	Delegated	Barn- Ysgubor Ucha at, Glascoed, Ruthin, Pentre Celyn, ,	Written	11/11/2008	02/03/2009 01	APPEAL-DIS	0.00

Key Issue = Structural condition / extent of reconstruction visual amenity

Denbighshire Planning Appeals
List of Outstanding Appeals and Appeal Decisions from 1st January
2009 to 31st March 2009



Proposal - **Erection of first floor balcony and entrance canopy to front of dwelling**

	Officer	Decision level	Location	Type	Rec Date	Date of decision	Decision	Costs
Decision	PDG	Delegated	6, Fron Castell, Llangollen, Fron Bache, LL207BX,	Written	05/01/2009	22/04/2009 01	APPEAL-DIS	0.00

Key Issue = Impact of extension on dwelling
