

CERTIFICATE OF DECISION

**TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012**

In pursuance of their powers under the above Act and Order, the County Council as Local Planning Authority hereby

REFUSE TO GRANT PLANNING PERMISSION FOR:

PROPOSAL: Change of use of land and ancillary buildings to form residential Traveller site for 6 caravans, with the existing dwelling Kynsal House retained for owners / managers accommodation; including formation of internal pathways and parking, landscaping and associated works

LOCATION : Kynsal House Vale Road Rhyl

PLANS AND DOCUMENTS SUBJECT TO THE DECISION:-

- (i) Location Plan - Received 29 October 2021
- (ii) Existing Site Plan (Drawing No. DG1) - Received 10 December 2021
- (iii) Proposed Site Plan (Drawing No. DG2 Rev B) - Received 9 February 2022
- (iv) Existing and Proposed Outbuilding Floor Plan (Drawing No. DG3) - Received 29 October 2021
- (v) Justification Statement - Received 10 December 2021
- (vi) Limited Flood Consequences Assessment - Received 10 December 2021
- (vii) Landscaping Schedule - Received 17 May 2021
- (viii) Lighting Bollard Specification - Received 17 May 2021
- (ix) Waterco Flood Consequences Assessment (Dated 26/10/21) - Received 27 October 2021
- (x) Statement in Response to Consultation Responses - Received 9 February 2022

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Head of Planning, Public Protection and
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THE REASONS for the Council's decision to refuse permission are:-

1. It is the opinion of the Local Planning Authority that the change of use of land site would result in an over-intensification of the use of the site. The cumulative impact of the creation of a 6 pitch site residential Traveller site alongside the dwelling on the 0.2 ha site would represent an overintense form of development in close proximity to residential properties on Knowsley Avenue which would give rise to the potential for increased disturbance and activity in the area and resulting in a detrimental impact on the health and well being of residents. As such the proposal is considered to be in conflict with criterion vi) of policy RD 1 and criterion iv) of Policy BSC10 of the Local Development Plan Policy BSC10, which require proposals not to be detrimental to the amenity of the occupiers of adjacent properties.
2. It is the opinion of the Local Planning Authority that the proposal would formalise the increased use of an access onto Vale Road which is considered substandard. The use of the access for the scale and nature of the development proposed would result in a danger to pedestrians and road users on Vale Road contrary to criteria vii) and viii) of policy RD 1 of the Local Development Plan.

PLANNING POLICIES RELEVANT TO THE DECISION

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy RD1 – Sustainable development and good standard design

Policy RD5 – The Welsh language and the social and cultural fabric of communities

Policy BSC1 – Growth Strategy for Denbighshire

Policy BSC3 – Securing infrastructure contributions from Development

Policy BSC10 – Gypsy and traveller sites

Policy BSC11 – Recreation and open space

Policy VOE5 – Conservation of natural resources

Policy VOE6 – Water management

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Access For All

Supplementary Planning Guidance Note: Planning Obligations

Supplementary Planning Guidance Note: Residential Development

Supplementary Planning Guidance Note: Residential Development Design Guide

Supplementary Planning Guidance Note: Residential Space Standards

Supplementary Planning Guidance Note: Trees & Landscaping

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Government Policy / Guidance

Planning Policy Wales (Edition 11) February 2021
Development Control Manual November 2016
Future Wales – The National Plan 2040

Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites

Technical Advice Notes
TAN 15 Development and Flood Risk (2004)

Other
The Housing (Wales) Act 2014

SPECIAL NOTES TO APPLICANT

None

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NOTES TO APPLICANT

1. APPEALS AGAINST REFUSAL OF PLANNING PERMISSION, OR IMPOSED CONDITIONS

- 1.1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to grant permission or approval subject to conditions he/she may by notice served, appeal to PEDW in accordance with Section 78 of the Town and Country Planning Act 1990. In the case of a householder appeal or a minor commercial appeal, the notice must be served within twelve weeks from the date of the notice of the decision or determination giving rise to the appeal; in the case of any other appeal under section 78(1), six months from the date of the notice of the decision or determination giving rise to the appeal; or in a case in which the local planning authority have served a notice on the applicant in accordance with article 3(2) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2015 that they require further information and the applicant has not provided the information, the date of service of that notice.
- 1.2 If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by PEDW, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the County in which the land is situated, as the case may be, a Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 1.3 In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by PEDW on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Part V of the Town and Country Planning Act 1990.

2. THE CHOICE OF APPEAL PROCEDURES

- 2.1 There is a choice of three appeal procedures and PEDW will co-operate with you, or your agent, in enabling your appeal to be processed in the way you would prefer. But there may be a few occasions when PEDW has to use a procedure which is not your own preference, in order to ensure that all aspects of the appeal are thoroughly and fairly considered. When this happens, PEDW will explain why.
- 2.2 The available appeal procedures are:
- i. by written representations which you and the Local Planning Authority make, followed by an accompanied or unaccompanied inspection of the appeal site by the appointed Inspector.
 - ii. by written representations which you and the Local Planning Authority make, followed by an Informal Hearing conducted by the appointed Inspector who hears oral representations from interested parties which may continue on an accompanied inspection of the appeal site.

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- iii. by a formal Local Inquiry conducted by the appointed Inspector following submission of proofs of evidence/statements of case. The Inspector hears representations from interested parties, allowing cross-examination of witnesses, and undertakes an accompanied inspection of the appeal site.

The procedures described in i. and ii. are likely to enable you to receive the quickest possible decision on your appeal, as the procedures for exchanging written representations are tightly timetabled. Written representations or Hearings are not suitable for cases which have generated substantial third party representations, or which involve cases where it is desirable to cross-examine evidence.

The procedure described in iii. is usually the slowest and most expensive method of appealing and you should only opt for this procedure if you have good reason to ask for a local hearing of your appeal. Normally, local inquiries are confined to those cases that require advocacy.

- 2.3 Should the appellant wish PEDW to appoint a Welsh speaking Inspector to hear any appeal against the Local Planning Authority's decision, the request should be made to PEDW when notice of the appeal is forwarded.

THE ADDRESS FOR APPEALS AND APPEAL FORMS

- 2.4 All appeals have to be submitted to PEDW within the relevant period of the date of the Local Planning Authority's decision against which you are appealing. The best way to appeal is to complete PEDW's official appeal form which may be obtained from:

PLANNING & ENVIRONMENT DECISIONS WALES, CROWN BUILDINGS, CATHAYS PARK, CARDIFF, CF10 3NQ.

- 2.5 The telephone number is 0300 060 4400, if you need more information or advice from PEDW.

3. COMPLIANCE WITH APPROVED PLANS AND CONDITIONS

- 3.1 You are reminded that any permission or consent must be carried out strictly in accordance with the approved plans, and any conditions attached to the certificate of decision. If any amendments are proposed to the plans, you should not proceed without obtaining the written approval of the Local Planning Authority. Any proposed amendments must be notified to the Head of Planning Services in writing with detailed plans suitably revised to illustrate the changes proposed. The Head of Planning Services will advise in writing whether the amendments can be accepted within the terms of the permission granted, or whether a fresh application is required. You are reminded in accordance with other Notices that it will also be necessary for you to ensure that amendments are acceptable to the other County Council Departments and statutory bodies where separate legislation applies.
- 3.2 Responsibility for the accuracy of the detailed plans and drawings forming part of the submission rests with the applicant, agent or developer.

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- 3.3 Applications for compliance with conditions - If this Decision Certificate includes conditions requiring the further consent, agreement, or approval of the planning authority, you should submit the information required for consideration by way of a letter stating the reference number of the permission and the condition in question, and with a suitable description of the proposed details, and plans or drawings to a recognised metric scale. No fee is required in connection with this type of application. The planning authority has eight weeks to determine such an application.
- 3.4 Proceeding without permission - Any development carried out prior to the grant of the relevant permission/consent, without compliance with the plans and particulars forming part of this permission, or without compliance with the conditions of this permission, is entirely at the owner/developer's own risk, and may oblige the planning authority to take formal Enforcement Action.
- 4. REQUIREMENT FOR SEPARATE CONSENTS**
- 4.1 It is important to appreciate that this decision certificate relates solely to an application submitted in accordance with the Acts/Regulations specified on the first sheet of this document. The Certificate does not convey any approval which may be required under separate legislation or from other statutory bodies, and does not override any private legal restrictions which may prevent the implementation of the proposal. (e.g. development on land in third party ownership).
- 4.2 Your particular attention is drawn to the possibility that the proposal MAY require Building Regulations Consent or oblige compliance with regulations under the control of the Council's Public Protection Officer. The onus rests on the applicant, agent or developer to ensure all relevant consents are obtained BEFORE the commencement of any development.
- 4.3 The erection of building extensions or other property alterations may give rise to important issues affecting the provision of gas, electricity, water and/or telephone services for an occupier and his/her neighbours. In certain circumstances interference may contravene legislation and you are advised that if it is possible that the provision of any service to the premises is within the area of a proposed extension or alteration you should notify the appropriate authority prior to commencing the works.
- 4.4 Where development involves works on or close to a boundary, including on shared internal walls, compliance may be necessary with the requirements of the Party Walls etc.. Act 1996, and you should obtain separate legal advice on this matter. The Local Planning Authority is not responsible for the enforcement of The Party Walls etc.. Act, or for resolving private legal disputes arising therefrom.

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