

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

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

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr J James
Forest Lodge Lane Developements
Forest Lodge
Forest Lodge Lane
Cwmavon

Name and address of the agent

Mr Robert Bowen
Robert Bowen Planning & Development LTD
7 Llys Sant Teilo
Llangyfelach
Swansea
SA5 7HQ

DATE REGISTERED: 26 July 2022

APPLICATION NO: P2022/0543

LOCATION: Land At , Forest Lodge Lane, Cwmavon, SA13 2RX

PROPOSAL: Four detached dwellings, private drive, provision of pedestrian footway and associated works.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

P1 Site Location Plan

P2 Rev D Proposed Site Plan
 P3 Rev D Proposed Street Scene
 P4 Rev A Plot 1 Proposed Ground Floor and Basement
 P5 Rev A Plot 1 Proposed First Floor and Roof Plan
 P6 Rev A Plot 1 Proposed Front Elevation
 P7 Rev A Plot 1 Proposed Side Elevation
 P8 Rev A Plot 1 Proposed Side Elevation
 P9 Rev A Plot 1 Proposed Rear Elevation
 P10 Plot 3 and 4 Proposed Ground Floor and Basement
 P11 Plot 3 and 4 Proposed First Floor and Roof Plan
 P12 Plot 3 and 4 Proposed front elevation
 P13 Plot 3 Proposed side elevation
 P14 Plot 3 Proposed side elevation
 P15 Plot 3 and 4 Proposed rear elevation
 P17 Adoptable Pavement Detail
 P19 Footpath Link (with lighting)
 P20 Footpath Link (without lighting)
 P21 Plot 2 Proposed GF and Basement
 P22 Plot 2 Proposed FF and Roof Plan
 P23 Plot 2 Proposed front elevation
 P24 Plot 2 Proposed side elevation
 P25 Plot 2 Proposed side elevation
 P26 Plot 2 Proposed rear elevation
 P27 Rev B Plot 4 Proposed side elevation
 P28 Rev B Plot 4 Proposed side elevation

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 4 No development shall take place, until a Construction Method Statement / Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development.
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in the construction process

- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction
- viii. a scheme for recycling/disposing of waste resulting from the construction works.
- ix. Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
- x. Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policies EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 5 No development shall take place until details of both hard and soft landscape works (to include details of landscape implementation and maintenance) have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation program. The completed scheme shall thereafter be maintained in accordance with an approved scheme of maintenance.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 6 No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 7 No development shall commence until:
 - i. A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 8 No development shall take place until a preliminary mine gas risk assessment setting out recommendations has been submitted to and approved in writing by the Local Planning Authority. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management (LCRM; 2020)'. It shall document the findings of each step of the decision tree in Figure 13.1 of the Decision support tool for mine gas risk assessment on page 35 of CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Reason:

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 9 Prior to the commencement of development engineering details will need to be provided of the private drive, including details of its tie into the existing private road. A long section for the spine road and its tie into the shared drive must be submitted. The shared drive shall have a gradient not exceeding 1 in 9 and shall be a minimum of 4.5 metres wide and shall have vision splays onto the private spine road of 2.4 metres by 45 metres.

Reason:

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 10 The development hereby permitted shall be carried out in substantial accordance with the recommendations in Section 6 of the reports written by Koru Ecology: 'Reptile Survey Report' (dated 10/11/2020) & 'Reptile Receptor Site Survey and Mitigation Strategy' (dated 23/06/2023). Prior to the commencement of development the following shall be submitted to and approved in writing:
 - i. A detailed timeline of the work to be undertaken at the receptor site;
 - ii. Details of the bund structure, materials and pond layout/planting;The receptor site shall be provided in complete accordance with the agreed timeline and shall be managed in accordance with section 6.3 of the Reptile Receptor Site Survey and Mitigation Strategy in perpetuity.

Reason:

In the interest of biodiversity, to accord with Policy SP15 and EN7 of the adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 11 Prior to the first occupation of the development, or each plot or phase, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall

confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 12 Where the conclusions of the preliminary mine gas risk assessment required under condition number 8 identifies the need for a Detailed Mine Gas Risk Assessment, a report detailing the outcome of the suitable site investigation and lines of evidence risk assessment in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management LCRM; 2020 shall be submitted to and approved by the Local Planning Authority. If the Detailed Mine Gas Risk Assessment concludes remediation is required to mitigate the risk, the report shall also include a Remediation Scheme with full details of the design of gas protection measures and a Verification Plan as described in CIRIA C735 -'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases'. The development shall be constructed in strict accordance with the scheme as approved. (See Notes to developer)

Reason

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 13 Prior to occupation or first use of the development hereby approved a Verification Report demonstrating that the gas protection has been installed in accordance with the scheme as approved under condition number 12 and in accordance with CIRIA C735 -'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases', shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 14 The forecourt boundary shall be set back 2.0 metres from kerb-line for all 4 plots and the extra width shall be made up as footway construction to tie into the proposed footway provision along the main spine road, in accordance with a scheme (specification) which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme (specification) shall be fully completed prior to the occupation of any dwelling and retained open and free for public use thereafter.

Reason:

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 15 Prior to the occupation of any dwelling details of the proposed bollard lighting to the footway detailed on drawing P19 Footpath Link shall be submitted to and approved in writing by the Local Planning Authority. Bollards installed shall be in accordance with the approved details.

Reason:

In the in interest of sustainability to provide an effective link through the site into the wider foot path network in the interests of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 16 Prior to occupation of any dwelling a surfaced and lit footway as shown on drawing P19 Footpath Link (with lighting) / P20 Footpath Link (without lighting) shall be completed to provide a pedestrian link into Cwmafan. The footway shall be constructed as detailed on drawing P17 Adoptable Pavement Detail.

Reason:

In the in interest of sustainability to provide an effective link through the site into the wider foot path network in the interests of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 17 Prior to their use in the construction of the development hereby permitted, details and where requested samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 18 Prior to the first beneficial occupation of any dwelling hereby permitted, 2.4m x 45m visibility splays as shown in the details approved under condition 8 shall be provided in each direction from the centre of the access point, and retained as such thereafter. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking or re-enacting that order, no obstruction exceeding 900mm high shall be erected, placed or allowed to grow within the visibility splays for the lifetime of the development.

Reason:

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 19 Any gates provided across the shared drive at its access point with the main spine road, shall be set back 6 metres from the edge of the carriageway.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 20 Each dwelling shall be provided with one off-street parking space per bedroom up to a maximum of three. These spaces shall be retained for such use thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 21 Each drive shall be a minimum length of 6.0 metres from back of footway to front of garage structure, 3.6 metres minimum width and prior to first use of the dwelling shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the dwelling to a maximum gradient of 1 in 9, with no surface water allowed to flow out onto the public highway and permanently maintained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 22 Prior to first use of each drive (parking area) pedestrian vision splays measured at 2.4m by 2.4m behind back of footway are to be set out and retained thereafter so that nothing over 600mm in height above back of footway level is erected or allowed to grow within these areas.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 23 Any gates for individual plots shall be of a type which open inwards only, can be seen through and shall be maintained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 24 No surface water from within the curtilage of any dwelling shall be allowed to flow out onto the public highway or be connected into the highway drainage system.

Reason:

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 25 All the trees / hedges in existence and shown on the tree protection plan within the ARW Tree Survey dated 31 March 2020 (as shown on plan ARW1079.01 and P20 Rev D Proposed Site Plan) and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be as detailed in the tree survey. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority. Any pruning required shall be undertaken in accordance with BS3998.2010 Tree Work.

Reason:

To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 26 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of the first dwelling or commercial unit and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 27 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. In accordance with Policy

Informatives:

1 Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab.

2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public

sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The decision to recommend planning permission be issued has been taken in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the local environment. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP7, SP8, SP10, SP15, SP16, SP19, SP20, SP21, SC1, I1, H1, AH1, OS1, OS2, EN6, EN7, EN8, EN9, RE2, TR2, and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 1 March 2024

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.