

**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 Desmond Bevan
Unit D
North Bank Road
Port Talbot
SA13 1RE

Name and address of the agent

Mr Geraint John
Geraint John Planning Ltd
Office 16 (House 1, 2nd Floor)
The Maltings
East Tyndall Street
Cardiff
CF24 5EA

DATE REGISTERED: 3 April 2024

APPLICATION NO: P2024/0212

LOCATION: Unit D ,North Bank Road, Port Talbot, SA13 1RE

PROPOSAL: Proposed construction of industrial unit comprising self-contained units, with unit 1-2 operating as a class 7 MOT centre for vans and cars and units 3, 4 and 5 for a B2 or B8 use class.

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:

Proposed Block Plan, Drawing No. 03 Rev C, as received on 01/04/2025;
General Arrangement of Proposed Access, Drawing No. C24120-ATP-DR-TP-001 as received on 01/04/2025;
Swept Path Analysis of 10m HGV, Drawing No. C24120-ATP-DR-TP-003, as received on 01/04/2025;
Swept Path Analysis of Proposed Parking Bays, Drawing No. C24120-ATP-DR-TP-004, as received on 01/04/2025;
Swept Path Analysis of LGV Accessing/Egressing Units 3 to 5, Drawing No. C24120-ATP-DR-TP-005, as received on 01/04/2025;
Swept Path Analysis of LGV Accessing/Egressing Units 1 and 5, Drawing No. C24120-ATP-DR-TP-002, as received on 01/04/2025;
Traffic Management Plan, Drawing No. 06 Rev D, as received on 01/04/2025;
Flood Consequences Assessment, Ref: 17592-FCA-R05 (January 2025), as received on 28/01/2025;
Preliminary Ecological Appraisal (PEA), Wildwood Ecology, ref: WWE24175-PEA (23/09/2024) as received on 18/10/2024;
Transport Note, Apex Transport Planning, ref: C24120/TN01 (July 2024), as received on 18/10/2024;
Proposed Plan & Elevations, Drawing No. 04, as received on 03/06/2024;
Phase 1 Desk Study Report, Terra Firma ref: 18045 (October 2023) as received on 03/04/2024;
Site Location Plan, Drawing No. 01, as received on 03/04/2024;
Proposed Site Sections, Drawing No. 05, as received on 03/04/2024; and
Green Infrastructure Statement, Geraint John Planning (March 2024) as received on 03/04/2024.

Reason: In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall commence, including any works of demolition, until a Construction Method Statement 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:
- a) the parking of vehicles of site operatives and visitors.
 - b) loading and unloading of plant and materials.
 - c) storage of plant and materials used in constructing the development.
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - e) wheel washing facilities.
 - f) measures to control the emission of dust and dirt during demolition and construction; and
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 4 No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - Code of practice for noise and vibration control on construction and open sites. The CEMP should include the following information:

- * 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
- * General Site Management: details of the construction programme including timetable; details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- * Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- * CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- * Soil Management: testing of any imported or exported soils and materials, details of any topsoil strip, storage and amelioration for re-use.
- * 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 and the conservation of dark skies.
- * Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- * Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- * 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;
- * Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- * Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason: In the interest of highway and pedestrian safety, the environment, and the amenity of neighbouring occupants, and to ensure accordance with Policies BE1, EN8 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 5 Prior to the commencement of works on site, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and controlled in accordance with the Environment Agency Knotweed Code of Practice.

Reason:

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 6 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages.

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study.

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 7 If identified as being necessary by the findings of Condition 06, and prior to the start of any development commencing on site, a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 8 Following the eradication of Japanese knotweed on site and prior to any development works commencing on site as hereby permitted, a scheme of landscaping, which shall include details of both hard and soft landscape works (to include native shrub and tree planting), earthworks and a scheme for the planting of native floral species along the banks of the dock feeder bund, shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary, continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To create a more diverse habitat onsite and improve the Net Biodiversity Benefits in accordance with Policy 9 of Future Wales: The National Plan 2040, Chapter 6 of Planning Policy Wales 12 (February 2024) and to accord with Policy SP15 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

Action Conditions

- 9 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 07 (Remediation Strategy) shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 11 The development shall not be brought into beneficial occupation until facilities for the secure parking and storage of cycles have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking spaces shall be retained and maintained as agreed and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles in accordance with Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016 and Supplementary Planning Guidance: Parking Standards (October 2016).

- 12 Prior to the first beneficial occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of Electric Vehicle (EV) Charging Points to serve the development. The scheme shall include a minimum of 10% of the overall spaces and shall also include details of how future electric charging points can be delivered. The scheme shall be fully implemented prior to occupation of the units in accordance with the agreed details and thereafter, EV charging facilities shall be retained and maintained for the beneficial use by occupants of the premises and their visitors and for no other purpose.

Reason: In the interests of meeting Welsh Governments Electric Vehicle charging strategy and action plan (2021), the objectives of Future Wales: The National Plan 2040, Planning Policy Wales 12 (February 2024), and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

- 13 Prior to first beneficial use of the development, a scheme detailing a refuse and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority, including full details of bin storage provisions (inc. siting, design, and finishes), recycling point locations and collection details. The scheme, as approved, shall be implemented prior to occupation of the approved industrial units in accordance with the agreed details and retained as such thereafter.

Reason: In the interest of safeguarding visual amenity, and to ensure adequate bin storage is provided for future residents to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026), adopted January 2016.

- 14 Prior to any site clearance or development commencing on-site, an ecological walkover survey should be undertaken by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) to ensure there are no otters resting in the area. The findings of this survey shall be finalised and submitted to the Councils Senior Countryside and Wildlife Officer.

Reason: To ensure that ecological surveys to investigate for the presence of otters is overseen by an appropriately competent ecologist to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 15 The car parking spaces, to include those provided for domestic vehicle parking, LGV parking and HGV parking as shown on Drawing No. 03, Rev C 'Proposed Block Plan', dated 25/04/2025, shall be provided prior to the first beneficial occupation of the development hereby permitted and shall thereafter be used solely for the benefit of the occupants of the industrial units of which it forms part and their visitors and for no other purpose and permanently retained as such.

Reason: In the interest of highway safety and to ensure the development complies with Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016 and Supplementary Planning Guidance: Parking Standards (October 2016).

- 16 Prior to first beneficial occupation of the development hereby permitted, parking spaces shall be clearly marked out in thermoplastic paint and set out in accordance with Drawing No. C24120-ATP-DR-TP-001 'General Arrangement of Proposed Site Access' as received on 01/04/2025 and retained and maintained as such in perpetuity.

Reason: In the interest of highway safety, securing adequate space for vehicles to manoeuvre within the sites forecourt, park on-site without obstruction to the loading bays of units and other vehicles and egress safely onto North Bank Road to comply with Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 17 The forecourt and yard area as detailed on Drawing No. 03 Rev C 'Proposed Block Plan' shall only be used for incidental purposes in association with the B-Class business uses hereby permitted and for no other purpose and shall not be rented or leased out separately.

Reason: To enable effective control over alternative changes of use to ensure they can be assessed against the strategic objectives of Policy SRA1 and to safeguard existing employment uses in accordance with Policies SP11, EC1 and EC3 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016 and Supplementary Planning Guidance: Port Talbot Harbourside & Town Centre Development Framework (2019).

- 18 The units hereby approved shall be used only for purposes within Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the strategic objectives of Policy SRA1 can be met, whilst safeguarding existing employment uses in accordance with Policies SP11, EC1 and EC3 of the Neath Port Talbot County

Borough Council Local Development Plan (2011-2026) Adopted January 2016 and Supplementary Planning Guidance: Port Talbot Harbourside & Town Centre Development Framework (2019).

- 19 Prior to the first beneficial occupation of the industrial unit hereby permitted, artificial nesting site for birds as outlined within the 'Green Infrastructure Statement' prepared by Geraint John Planning (March 2024) as received on 03/04/2024 and as detailed on Drawing No. 04 'Proposed Plan & Elevations' as received on 03/06/2024 and retained as such thereafter.

Reason: In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012), in accordance with Policy 9 of Future Wales: The National Plan 2040, Chapter 6 of Planning Policy Wales 12 (February 2024) and to accord with Policy SP15 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

Informatives:

1 Please find attached comments from South Wales Police - Designing out Crime Officer. Further detailed information can be found on the Secured by Design website at www.securedbydesign.com.

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

3 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>

4 Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present. The Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016. It is therefore essential that the above recommendations for the conservation of biodiversity be followed to ensure that the Planning Authority complies with this statutory requirement along with the adopted guidance in the Biodiversity supplementary planning guidance and TAN 5 (2009).

5 NOTE TO APPLICANT: Japanese knotweed and Himalayan balsam were identified onsite, both are invasive species listed in Schedule 9 of the Wildlife and Countryside Act (1981). It is therefore an offence to cause this species to grow or spread in the wild. Any

development onsite without the eradication of invasive species has the potential for spreading the species to adjacent habitats. knotweed plant material is a 'controlled waste' under the Environmental Protection Act 1990 which means it can only be transported by a registered waste carrier to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years. Further information can be found on the Council's website: Japanese Knotweed - Neath Port Talbot Council. At no point should the site be cleared of vegetation i.e., by strimming, brush cutting etc as this has the potential to illegally spread the onsite invasive species. Likewise, no groundbreaking should be undertaken within seven metres of the closest Japanese knotweed plant as there is the potential for roots of the invasive species being present under the surface and groundbreaking has the potential to illegally spread the roots of the invasive species. The invasive species removal must be carried out by a specialist who also has experience of undertaking works at sites with ecology constraints and following advice from ecologist in order to avoid impacts on protected species during vegetation removal.

The decision to recommend planning permission has been taken in accordance with Section 38 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 visual or residential amenities, highway safety, biodiversity or local flood risk. Therefore, It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies SP3, SC1, SRA2, EC1, EC3, SP15, EN8, SP20, TR2, BE1 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 May 2025

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.

(7) Please be informed that your application may require approval from the SuDS Approving Body (SAB). The SAB consent may be necessary to ensure that your development proposals complies with the statutory requirements, relevant regulations, and standards under schedule 3 of the Flood and Water Management Act 2010. Please contact our Website: www.npt.gov.uk/SAB, Email: SAB-HDC@npt.gov.uk or Tel: 01639 686850

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.