

Brecon Beacons National Park Authority



Town and Country Planning Act 1990 Town and Country Planning (General Development Procedure) Order 1995

REFUSAL OF PERMISSION FOR DEVELOPMENT

Applicant/Agent:

Roger Field
FTAA LTD
Studio 9
Torfaen Business Centre
Gilchrist Thomas Industrial Estate
Blaenavon
Torfaen
NP4 9RL

Application Reference:

11/06869/REM

REFUSE

In pursuance of its powers under the above mentioned Act, the Brecon Beacons National Park Authority (hereinafter called 'the Local Planning Authority') hereby **REFUSES** to grant consent for the following development:

"Details relating to access, appearance, landscaping, layout and scale for one dwelling" (Approval of Reserved Matters) at Penybryn, Waenllapria, Llanelly Hill, Abergavenny NP7 0PW

for the following reason(s):

- 1 The proposed dwelling by reason of its scale, form and design results in a prominent building discordant with adjacent dwellings failing to maintain or enhance the quality and character of the National Park's built environment in this location. The proposal is therefore determined as contrary to criteria iii) of policy G3 and criteria ii) of policy G6 of the Brecon Beacons National Park Authority Approved Unitary Development Plan (March 2007) and criteria i) of policies G3 and G7 of the Adopted Brecon Beacons National Park Local Plan (1999).
- 2 The proposed dwelling by reason of its scale, form and design would generate an unacceptable level of overlooking of the private residential amenity space of Ash Tree to the west and would also generate an unacceptable level of overshadowing and loss of light to Penybryn to the north contrary to the requirements of criteria v) of policy G3 of the Brecon Beacons National Park Authority Approved Unitary Development Plan (March 2007) and criteria viii) of policy G3 of the Adopted Brecon Beacons National Park Local Plan (1999).
- 3 The position of the access as shown on the proposed site layout plan is contrary to the requirements of condition 5 of outline planning permission 08/01975/OUT. The development is therefore considered detrimental to the highway safety and free flow of traffic in the area, contrary to criteria ix) of policy G3 of the Brecon Beacons National Park Authority Approved Unitary Development Plan (March 2007) and criteria v) of policy G3 of the Adopted Brecon Beacons National Park Local Plan (1999).

Policies considered relevant to this decision:

G3: "Development in the National Park" (Unitary Development Plan 2007)

G6: "Design" (Unitary Development Plan 2007)

ES29: "Enabling Affordable Housing" (Unitary Development Plan 2007)

ES39: "Boundary Features" (Unitary Development Plan 2007)

SS3: "Housing Land Third Tier Settlements" (Unitary Development Plan 2007)

LPG3: "Development in the National Park." (Local Plan 1999)

LPG7: "Design and energy conservation." (Local Plan 1999)

LPH3: "New housing in larger settlements." (Local Plan 1999)

Signed:



National Park Authorised Officer

Date: *22nd September 2011*

Brecon Beacons National Park Authority

NOTES TO APPLICANT

Appeals to the National Assembly for Wales

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the National Assembly for Wales under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ.

The National Assembly for Wales can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The National Assembly for Wales need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the National Assembly for Wales does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

If either the local planning authority or the National Assembly for Wales refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the National Assembly for Wales on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990 (as amended).