

Brecon Beacons National Park Authority



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

NOTICE OF DECISION

Applicant/Agent:

Ms Karen Downhill
Karen Downhill Architect And Designer
Talherian
Common Road
Gilwern
Abergavenny
NP7 0DS

Application Reference:

12/08242/FUL

**This permission does NOT
include approval under
Building Regulations**

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

"Erection of detached garage with ancillary accommodation, demolition of existing garage (retrospective) and creation of swimming pool." (Full Application) at Vine Tree Cottage, Common Road, Gilwern, Monmouthshire NP7 0DS

subject to the following condition(s):

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the above Act, shall have been deemed to have been implemented on 18th July 2012 .
- 2 The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. NP1v1, NP2v1, NP4v1, NP9v1 NP10v1 and NP11v1) except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to the first beneficial use of the swimming pool, details of the siting and sound proofing measures for pumping or filtering equipment required for the pool and hours of operation of any proposed equipment shall be submitted to and approved in writing by the Local Planning Authority.
- 4 The garage building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Vine Tree Cottage.
- 5 Notwithstanding the details of the approved plans, provision shall be made within the curtilage of the dwelling for the parking of at least 3 vehicles. The spaces shall be retained unobstructed for such purpose in perpetuity. The area shall not thereafter be used for any other purposes other than the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

- 1 To comply with Section 73A of the above Act.
- 2 To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3 In the interests of the residential amenity of those living closest to the site.
- 4 It would be contrary to the policy of the Local Planning Authority to grant planning permission for a separate dwelling in this location.
- 5 To ensure sufficient parking is provided in the parking of the site, in the interests of highway safety.

Policies considered relevant to this decision:

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

G6: "Design" (Unitary Development Plan 2007)

ES27: "House Extensions and Ancillary Buildings" (Unitary Development Plan 2007)

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

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

LPH14: "House extensions and ancillary buildings" (Local Plan 1999)

Signed: 

National Park Authorised Officer

Date: 12th September 2012

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).

Notes

Failure to adhere to the details of the approved proposals for development contained in this application, or to comply with any conditions or limitations subject to which this permission was granted, will constitute a breach of planning control. This may result in the local planning authority serving an enforcement notice requiring the breach to be remedied under Section 172 of the Town and Country Planning Act 1990 (as amended).