

Application Reference: FPL/2021/198

Applicant: Mr Alun Lewis

Description: Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at

Site Address: Bryn Gollen Newydd, Llanerchymedd



Report of Head of Regulation and Economic Development Service (Colette Redfern)

Recommendation: Declined to Determine

Reason for Reporting to Committee

At the request of the Local Member.

Proposal and Site

The application is a repeat application of the one refused by the Committee at its meeting on 7 July this year (application FPL/2021/71 at item 7.2 of that Agenda) and for the retention of the existing structure that has been built without planning permission and the continuation of the works for the erection of a new holiday unit together with associated works.

The application site is located in the open countryside to the West of the settlement of Llanerchymedd. The application site lies approximately 0.64 km (as the crow flies) away from the settlement boundary of the village as defined under Policy TAI 3 of the Anglesey and Gwynedd Joint Local Development Plan.

Relevant Planning History

25C259 - Full application for conversion of outbuilding into a dwelling, erection of a private garage together with the installation of a package treatment plant on land opposite to Bryn Gollen Newydd, Llanerchymedd – Approved 17/08/2016

25C259A/MIN - Minor amendments to scheme previously approved under planning permission 25C259 so as to amend height of wall and additional windows at Bryn Gollen Newydd, Llanerchymedd – Refused 15/06/2017

25C259B/VAR - Application under Section 73 for the variation of condition (11) of planning permission reference 25C259 (conversion of outbuilding into a dwelling) so as to amend the design of the dwelling on land opposite Bryn Gollen Newydd, Llanerchymedd – Approved 10/01/2018

FPL/2020/189 - Full application for the retention of the existing structure and continuation of works for the erection of a new dwelling together with the installation of a new private treatment plant and associated works on land opposite - Bryn Gollen Newydd, Llanerchymedd – Refused 23/12/2020

ENF/2019/53 – Without planning permission, operational development consisting of the part erection of a building intended for use as a dwelling on the land at Bryn Gollen Newydd, Llanerchymedd – Enforcement Notice issued 29/01/2020 – Appeal allowed under ground (g). Enforcement Notice varied by substituting '6 calendar months' for '9 calendar months' as the time for compliance set out in section 6 of the Enforcement Notice. Subject to this variation, the appeal dismissed and the Enforcement Notice upheld.

FPL/2021/71 - Cais llawn ar gyfer cadw y strwythur presennol a pharhau a'r gwaith o godi uned gwyliau ynghyd a gwaith cysylltiedig ar dir yn / Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at Bryn Gollen Newydd, Llanerchymedd - Refused 09/07/2021

Main Planning Considerations

Background – The full background may be found in the report at item 7.2 of the Committee's agenda for the 7 July meeting. In summary:

- Planning permission reference 25C259B/VAR was granted for conversion of a building into a dwelling on the site;
- Following a complaint and investigation, a planning enforcement notice was issued in January 2020 alleging that the building to be converted had been demolished and that a new building was being erected;
- The enforcement notice was appealed and, save for extending the compliance period, the appeal was dismissed by the Planning Inspector. The Inspector concluded that the permission was for a conversion with minimal new-build, but that the structure on site was a completely new-build which had not been given permission;

Members will recall that planning application reference FPL/2021/71 (Full application for the retention of the existing structure and continuation of works for the erection of a new holiday unit together with associated works on land at Bryn Gollen Newydd, Llanerchymedd) was refused at the Planning and Orders Committee that was held on the 7th July, 2021. This application is a repeat application to the one refused by the Committee on 7 July. No new material planning considerations arise from those dealt with in the refused application.

Section 70B(4)(b) of the Town and Country Planning Act 1990 gives local planning authorities the right to decline to determine planning applications that have been refused by them and the time within which an appeal in respect of a similar application can be made to the Welsh ministers under section 78 has not expired.

The current application is a repeat/duplicate application to planning application reference FPL/2021/71. The current application proposes no amendments to the previously refused scheme. It should also be noted that there have been no material changes in either local or national planning policies since the refusal of the application by the Planning and Orders Committee on the 7th July, 2021.

Following the refusal of planning application reference FPL/2021/71 the applicant has the right to appeal until 8th January, 2022.

Had the case officer not been on leave when this application was received and processed, then officers would have exercised the right to decline to determine this application in accordance with the recommendation. However, and unfortunately, as the application was unwittingly processed and publicised and called-in by a local member, the officers lost their right to refuse to determine the application.

Conclusion

The period available for the applicant to appeal the refusal of planning application reference FPL/2021/71 as not expired and the applicant therefore has the opportunity to appeal to the Planning Inspectorate under section 78.

I therefore recommend that the local planning authority decline to determine the application under Section 70B(4)(b) of the Town and Country Planning Act.

Recommendation

The local planning authority decline to determine the application under Section 70B(4)(b) of the Town and Country Planning Act.