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Adran yr Amgylchedd, Cynllunio a Chefn Gwlad  
Department for Environment, Planning and Countryside

Eich cyf . Your ref: BS/JP/2003/10  
Ein cyf . Our ref: A-PP133-99-003, A-PP133-98-003

Dyddiad . Date: 19 January 2005

Dear Sir

**APPEAL A**  
**TOWN AND COUNTRY PLANNING ACT 1990 : SECTION 208**  
**APPEAL BY MR G D PHELPS AGAINST TREE REPLACEMENT NOTICE**  
**RELATING TO LAND AFFECTED BY AREA 3 OF TREE PRESERVATION AREA**  
**ORDER 102 OFF BULWARK ROAD, CHEPSTOW, MONMOUTHSHIRE**

**APPEAL B**  
**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78**  
**APPEAL BY MR J PHELPS FOR THE ERECTION OF A DETACHED DWELLING**  
**ON LAND OFF BULWARK ROAD, CHEPSTOW, MONMOUTHSHIRE**

1. Consideration has been given to the report of the Inspector, David Wilks BSc (Hons) DipEM MRTPI MCMi FRSA, who held a hearing into:-
  - an appeal under Section 208 of the Town and Country Planning Act 1990 against a Tree Replacement Notice dated 18 May 2004 issued by Monmouthshire County Council relating to land off Bulwark Road, Chepstow, Monmouthshire (Appeal A).
  - an appeal under Section 78 of the Town and Country Planning Act 1990 (the 1990 Act) made by your client against the refusal of the Monmouthshire County Council to refuse planning permission for the erection of a detached dwelling on land off Bulwark Road, Chepstow, Monmouthshire (Appeal B)

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2. On 24 September 2004 a direction was issued by the Planning Inspectorate, under powers delegated by the National Assembly for Wales, that the appeal B should be determined by the National Assembly rather than by a planning Inspector because it is linked to an appeal over which the Inspector has no jurisdiction. On 12 January 2005 the National Assembly resolved that a committee to be known as Planning Decision Committee (2) 2005/1 be established in accordance with Assembly Standing Order 17 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 and that the Planning Decision Committee should discharge the functions of the Assembly under Section 208 of the 1990. Accordingly, the Planning Decision Committee has considered the appeals and has resolved under Standing Order 17.16 to adopt this letter.

Appeal A (Ref: A-- PP133-99-003 formerly APP/E6840/T/04/514582)

3. The Inspector's conclusions are set out in paragraphs 13 to 21 of his report a copy of which is enclosed. The Inspector recommended that the appeal be allowed and the notice quashed. The Planning Decision Committee agree with his conclusions and accept his recommendation. While there is power to correct any informality, defect of error in the notice or to give directions varying its terms under Section 208 of the 1990 Act the Planning Decision Committee agree with the Inspector, for the reasons given by him, that the notice in this case is so fundamentally defective that this would not be possible and any attempt to do so would cause substantial prejudice to the appellant.

Appeal B (Ref: A- -PP133-98-003 formerly APP/E6840/A/04/1153792)

4. The Inspector's conclusions are set out in paragraphs 33 to 40 of his report. The Inspector recommended that the appeal be dismissed. The Planning Decision Committee agree with his conclusions and accept his recommendation. They agree with the Inspector for the reasons given by him that the proposal would not preserve or enhance the appearance of the Conservation Area.

#### FORMAL DECISIONS

5. The Planning Decision Committee accept the Inspector's conclusions for the reasons given by him and accept his recommendations. The Planning Decision Committee therefore hereby allow your client's appeal under Section 208 of the Town and Country Planning Act 1990 and quash the Tree Replacement Notice dated 18 May 2004 issued by Monmouthshire County Council, and refuse your client's appeal

under Section 78 of the Town and Country Planning Act 1990.

6. A copy of this letter has been sent to the Director of Planning and Economic Development, Monmouthshire Council.

Yours faithfully

**Carwyn Jones AM**

Chair, Planning Decision Committee (2)2005/1

Enc; Leaflets "H" and "HC"



