

Mr Andrew Muir
Harmers
Town Planning and Development
Consultants
39 Lambourne Crescent
Cardiff Business Park
Llanishen
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Eich cyf . Your ref: 4617/ARM/caj
Ein cyf . Our ref: A-PP 153-98-001

Dyddiad . Date: 13 October 2005

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED):
SECTION 78 APPEAL BY THE WELSH DEVELOPMENT AGENCY
PROPOSED RESIDENTIAL DEVELOPMENT (APPROXIMATELY 150 HOUSES)
ON LAND AT Tŷ DRAW FARM, PYLE**

1. Consideration has been given to the report of the Inspector, Emyr Jones BSc (Hons) Ceng MICE MCMI, who held a public local inquiry into the appeal under Section 78 of the Town and Country Planning Act 1990 (the 1990 Act) made by your clients against the failure of the Bridgend County Borough Council to determine within the prescribed period an outline application for residential development (approximately 150 houses) on land at Tŷ Draw Farm, Pyle.

2. On 21 March 2005 a direction was issued by the Planning Inspectorate, under powers delegated by the National Assembly for Wales, that the appeal should be determined by the National Assembly rather than by a planning inspector. On 4 October 2005 the National Assembly resolved that a committee to be known as Planning Decision Committee (2)2005/4 be established in accordance with Assembly

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Standing Order 17 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 in respect of the above appeals. Accordingly, the Planning Decision Committee has considered the appeals and has resolved under Standing Order 17.16 to adopt this letter.

3. The Inspector's conclusions are set out in paragraphs 70 to 89 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeals be dismissed. The Planning Decision Committee agree with his conclusions and accept his recommendations.

4. The legal issues raised at the inquiry, concerning whether the words material considerations in Section 54A can include matters identically raised before the adoption of the Unitary Development Plan (UDP), without there being a subsequent change in circumstances, are ultimately matters for the Courts. However, the Planning Decision Committee, for the reasons given by the Inspector at paragraphs 71 and 72 of his report, accept his conclusions regarding the materiality of the UDP Inspector's recommendations.

5. The Planning Decision Committee agree with the Inspector that the arguments in support of the use of the appeal site for housing are insufficient to outweigh the site's allocation for special employment uses and the conflict with the recently adopted UDP.

FORMAL DECISION

6. For the reasons given by the Inspector the Planning Decision Committee dismiss your client's appeal under Section 78 of the Town and Country Planning Act 1990.

7. A separate letter will be sent to you in connection with the application made by Bridgend County Borough Council for an award of costs against your clients.

8. A copy of this letter has been sent to the Head of Legal Services, Bridgend County Borough Council and to those persons who appeared at the inquiry.

Yours faithfully

Chair, Planning Decision Committee (2)2005/4

Enc; Leaflets "H" and "HC"