

Savills  
Wytham Court  
11 West Way  
Oxford  
OX2 0QL

Eich cyf . Your ref:  
Ein cyf . Our ref: A-PP 115-98-005

29 March 2006

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990: S78  
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: S20  
APPEALS BY T MOBILE (UK) LTD - LAND AT ST THOMAS'S CHURCH, BATH STREET, RHYL**

1. Consideration has been given to the report of the Inspector, Mr A D Poulter BArch, RIBA, who reported on the appeals by T Mobile (UK) Ltd, against the decision of the Denbighshire County Council to refuse planning permission and listed building consent on:

- i. an application for planning permission for the replacement of existing louvres with GRP louvres to facilitate the internal installation of a mobile phone base station. (Appeal A); and
- ii. an application for listed building consent for the installation of a mobile phone base station and replacement of existing louvres with GRP to match in colour, form and texture (Appeal B)

at St Thomas's Church, Bath Street, Rhyl.

2. By letters dated 16<sup>th</sup> December 2005, the Planning Inspectorate directed that the Section 78 appeal should be determined by the National Assembly instead of by an appointed Inspector. On 28 March 2006, the Assembly resolved that a committee, to be known as Planning Decision Committee (2)2006/3 be established in accordance with Standing Order 17 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 and Section 22 of the Planning (Listed Buildings and

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## DRAFT

Conservation Areas) Act 1990 in respect of the two appeals described above. Accordingly, the Committee has considered the appeals and has resolved, under Standing Order 17.16, to adopt this letter.

3. The written representations submitted in support of the appeals together with those of Cadw and the Denbighshire County Council have been considered by the Inspector. The Inspector has visited the appeals site and furnished a description of it. His appraisal is set out in paragraphs 18 to 26 of his report, a copy of which is enclosed. The Inspector has recommended that both appeals be dismissed.

### SUMMARY OF DECISION

4. For the reasons given below, the Planning Decision Committee accepts the recommendation that the appeals be dismissed.

### REASONS FOR THE DECISION

5. The Planning Decision Committee note that the Inspector has recorded, at paragraph 2 of his report, your doubt as to whether planning permission is required for the proposed development. It is not considered appropriate, in the context of the Section 78 appeal, to make a determination on that. The Town and Country Planning Act 1990 provides a mechanism for formally determining that issue. In the event you have submitted an application for planning permission and pursued an appeal against its refusal.

6. On the merits of the proposals, the Planning Decision Committee agrees with the Inspector that the substitution of wooden louvres with GRP replacements will have a harmful effect on the character and appearance of the listed building and that of the Conservation area within which it is located. In relation to the appeal against the refusal of planning permission no reasons have been advanced to outweigh the statutory requirements and planning policy. In relation to the appeal against the refusal of listed building consent, no reasons have been advanced to outweigh the statutory requirements and the policy presumption against the works. Accordingly they have resolved to dismiss the appeals.

### FORMAL DECISION

7. For the reasons given above, the Planning Decision Committee hereby dismisses your clients' appeals under Section 78 of the Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. A copy of this letter has been sent to the Head of Planning and Protection Services, Denbighshire County Council.

Yours faithfully

Carwyn Jones AM  
Chair, Planning Decision Committee (2)2006/3

Encl: Leaflet HC (LBCA)  
Leaflet HC