

Mr Phillip Eyton-Jones
Chartered Architect and Town Planner
Mathrafai
Bodfari
Denbeigh
LL16 4BS

Cynulliad Cenedlaethol Cymru
National Assembly for Wales

Eich cyf . Your ref:
Ein cyf . Our ref: A-PP117-07-026
Dyddiad . Date: 13 October 2005

Dear Mr Eyton-Jones

**TOWN AND COUNTRY PLANNING ACT 1990(AS AMENDED) :SECTION 77
CALLED-IN APPLICATION BY HOLTS HOLDINGS LTD
RE-DEVELOPMENT OF BANK FARM, LOWER MOUNTAIN ROAD,
PENYFFORDD, FLINTSHIRE**

1. Consideration has been given to the report of the Inspector, Mr Clive I Cochrane DipArch RegArch MSc MRTPI, who reported on the outline application by your client for the demolition of existing buildings and erection of new dwellings at Bank Farm, Lower Mountain Road, Penyffordd, Flintshire. The application was dealt with by written representations.
2. On 23 December 2004 the National Assembly for Wales directed, under Section 77 of the Town and Country Planning Act 1990 (the 1990 Act), that the application be referred to it rather than being determined by the local planning authority. On 4 October 2005 the Assembly resolved that a committee, to be known as Planning Decision Committee (2)2005/4 be established, in accordance with Standing Order 17 to discharge the functions of the Assembly under Section 77 of 1990 Act in respect of the application by Holts Holdings Ltd as described above. Accordingly, the Planning Decision Committee has considered the application and has resolved under Standing Order 17.16 to adopt this letter.
3. The Inspector's appraisal and conclusions are set out in paragraphs 29-38 of his report, a copy of which is enclosed. The Inspector recommended that planning permission be refused and the Planning Decision Committee accept that recommendation.

Parc Cathays
Caerdydd
CF10 3NQ

Cathays Park
Cardiff
CF10 3NQ

4. The Planning Decision Committee note that while part of the site might have been used for farm sales in the past the Inspector's report records that there is no history of planning determinations relating to commercial activities taking place on the site. Nevertheless, the past use of the site has been raised as an issue in this case. While the Planning Decision Committee do not consider it within their remit, in considering an application called in under Section 77 of the 1990 Act, to reach or make a formal decision on the lawfulness or otherwise of any use or claimed use of land they have considered the evidence submitted regarding the past use of the site. Having had regard to that evidence they conclude that this is insufficient to lead them to the conclusion, even on the balance of probabilities, that the site has been lawfully used for any other purpose since it was last used for agricultural purposes.

5. The Planning Decision Committee consider that the definition of previously developed land in Figure 2.1 Planning Policy Wales (PPW) clearly covers redundant sites as it refers to land which is or was occupied by a permanent structure. In this case in the light of their conclusion that the land and buildings were last used for agricultural purposes the Committee consider that the site would be covered by the exception in the PPW definition of previously developed land which excludes agricultural buildings.

6. The Planning Decision Committee agree with the Inspector that there are no other special circumstances advanced in favour of the development which would outweigh the national and local policy objection to the proposal. They also agree with him that the proposal would have a detrimental impact on the landscape and be unsustainable in environmental terms.

FORMAL DECISION

7. Subject to the comment at paragraphs 4 and 5 above the Planning Decision Committee agree with the Inspector's appraisal and accept his recommendation that planning permission be refused. Accordingly, the Planning Decision Committee dismiss your client's application and hereby refuse to grant planning permission for the demolition of existing buildings and erection of new dwellings at Bank Farm, Lower Mountain Road, Penyffordd, Flintshire.

8. A copy of this letter has been sent to the Chief Planning Services Officer, Flintshire County Council.

Yours faithfully

Chair, Planning Decision Committee (2)2005/4

Enc: Leaflet "HC"

