

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012 (as amended)

REFUSAL OF PERMISSION

To: JJDeserts c/o Mr W. Scorey 1 Glanynys Cottages Cwmbach Road Aberdare CF44 0NN

WHEREAS you submitted an application on the 13th day of November 2019 to develop: Units 10 And 11 Harlan Business Park Goat Mill Road Dowlais Merthyr Tydfil CF48 3TE short particulars of the application being as follows:-

Name of the Applicant

JJDeserts
F.a.o. Mr J Blake And Mr J Wheatcroft
10 & 11 Harlan Business Park
Goat Mill Road
Dowlais

Description of Proposed Development

Retrospective change of use from "B" use class to an ice cream parlour "A3" use class (Full)

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL as the Local Planning Authority hereby **REFUSE TO PERMIT** the proposed development for the following reasons, namely:

- 1 The ice cream parlour does not constitute an acceptable ancillary facility or service to the primary employment use present at Goatmill Road. As such, the development would result in the unacceptable loss of a business and employment land/premises contrary to Policy AS24 of the Merthyr Local Development Plan.
- 2 The proposal, by virtue of its out of town centre location, would undermine and cause unacceptable harm to the viability and vitality of the town centre, contrary to Policy AS18 of the Merthyr Tydfil Local Development Plan.

Date: 17th December 2019

Signed:.....
(Head of Town Planning)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission subject to conditions, he/she may appeal to The National Assembly for Wales in accordance with Section 78(i) of the Town and Country Planning Act 1990, within SIX MONTHS of the receipt of this Notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ). The National Assembly for Wales has the power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The National Assembly for Wales is not required to entertain an appeal if it appears to it that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by The National Assembly for Wales, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council in which the land is situated, a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by The National Assembly for Wales on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.