

**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: Ms Rhoswen Marshallsea c/o Mr Brian Griffin Brian Griffin P & C C Limited The Cottage, Green  
Bottom Littledean Littledean

**WHEREAS** you submitted an application on the 1st day of August 2022 to develop: Pencoedcae Farm Cwmbblacs  
Merthyr Tydfil CF48 4AJ short particulars of the application being as follows:-

**Name of the Applicant**

Ms Rhoswen Marshallsea  
110 Heol Gerrig  
Merthy Tydfil  
CF481TD

**Description of Proposed Development**

Siting of a rural enterprise dwelling (3 years) with dependent  
relative's annex and the erection of a general purpose livestock  
building and associated works (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 proposed development fails to justify the need for a temporary rural enterprise dwelling and agricultural building on the site, in that it does not adequately demonstrate a functional need or the viability of the business. As such, the development is contrary to policy SW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 and it fails to meet the tests set out in Section 4.7.1 of Technical Advice Note 6: Planning for Sustainable Rural Communities.
- 2 The proposed development, by virtue of its unwarranted intrusion in the open countryside, would have an adverse impact on the character and appearance of the surrounding landscape. As such, the proposal is contrary to policies SW11 and EnW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031.

**Date:** 19th April 2023

**Signed:**



**(Director of Neighbourhood Services)**

**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 Planning & Environment Decisions 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 Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ). Alternatively you can use the Planning & Environment Decisions Wales website ([www.gov.wales/planningappeal](http://www.gov.wales/planningappeal)) to complete your appeal. Planning & Environment Decisions 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. Planning & Environment Decisions 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 Planning & Environment Decisions 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 Planning & Environment Decisions 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.