

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: Merthyr Tydfil Car Auction Ltd c/o Herbert R Thomas Ltd F.a.o Mrs Anna Cheyney 11 - 12 Jellicoe Court Atlantic Wharf Cardiff

WHEREAS you submitted an application on the 2nd day of May 2023 to develop: Merthyr Motor Auctions Red Barrel House Pant Road Dowlais Merthyr Tydfil short particulars of the application being as follows:-

Name of the Applicant

Merthyr Tydfil Car Auction Ltd
F.a.o. Mrs Weaver
Red Barrel House, Pant Road
Dowlais
Merthyr Tydfil

Description of Proposed Development

Vary condition E of appeal decisions APP6410/C/95/508749 and APP6410/C/95/508750 to allow access to the lower yard after 18:30 hrs for circa 30 vehicles on 2 evenings per week (Mondays and Thursdays) (Removal/Variation of Condition)

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 use of the lower yard for the manoeuvring and parking of vehicles, by virtue of its siting near residential properties and late operating times in the evening and night, would result in unacceptable ad-hoc noise and disturbance, to the detriment of the residential amenities of nearby occupiers. As such, the proposal would be contrary to Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

Date: 24th October 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) 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.

