

**CARDIFF COUNCIL
CYNGOR CAERDYDD**



**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (GENERAL DEVELOPMENT ORDER) 1995
APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE**

**REFUSAL OF CERTIFICATE OF LAWFULNESS FOR A
PROPOSED USE OR DEVELOPMENT**

Name and address of the applicant

Mr Jeff Williams
62 Windsor Avenue
Radyr
Cardiff
CF15 8BY

Name and address of the agent

Mr Jonathan Brake
Jonathan Brake Design
47 Fairwater Grove East
Cardiff
CF52JS

DATE 22 September 2023

REGISTERED:

APPLICATION NO: 23/02183/CLD

LOCATION: 62 Windsor Avenue, Radyr, Cardiff, CF15
8BY

PROPOSAL: Single storey side extension and associated
works

CARDIFF COUNCIL as Local Planning Authority for County of Cardiff, in pursuance of its powers under the above mentioned Acts and Orders, hereby REFUSES TO CERTIFY that the proposed use of, or development on, the above land as specified would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 for the following reason:

1. The proposal as detailed in the submitted plans would NOT constitute development permitted by Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), as the proposed extension would extend beyond the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres contrary to paragraph A.1(i) of Class A.

Dated: 28th September 2023

Reference No: 23/02183/CLD

**Simon Gilbert
Head of Planning**

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

**PLANNING DECISION NOTICES: ADDITIONAL INFORMATION
APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS AND
CERTIFICATE OF LAWFUL USE**

(i) Appeals

An appeal can be made to the National Assembly for Wales against the City of Cardiff's refusal of planning permission for the proposal or to grant it subject to conditions (see Section 78 of the Town and Country Planning Act 1990). This must be made within 6 months for most applications, and 12 weeks for household applications and A1, A2 and A3 commercial applications.

The Secretary of State may not consider an appeal if it appears that the City could not have granted planning permission for the proposal, or could not have granted it without the conditions it imposed, having regard to the statutory requirements or to the provisions and directions of the development order.

(ii) Purchase Notices

The land or property owner may be able to serve a purchase notice on the City if it has refused permission to develop land or has granted it subject to conditions. In order to serve a purchase notice the owner must show that the land can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted. A purchase notice will require the City to buy the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if permission is refused, or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him (see Section 137 and related provisions of the Town and Country Planning Act 1990).

APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

(i) All advertisements (and any site used for the display of advertisements) granted consent must:

- (a) be maintained in a clean, tidy and safe condition;
- (b) not be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission; and
- (c) not be displayed or sited so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to make hazardous the use of any highway, railway, waterway or aerodrome.

Any existing advertisements which need to be removed shall be removed to the reasonable satisfaction of the City.

(ii) Appeals can be made to the Planning Inspectorate, if consent is refused by the City or is granted subject to conditions, or for less than 5 years. Appeals must be made within 8 weeks from the date of the decision. Appeals must include copies of the application with all relevant submitted plans, correspondence and the decision notice (see Town and Country Planning (Control of Advertisements) Regulations 1992).

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APPLICATIONS FOR LISTED BUILDING CONSENT OR CONSERVATION CONSENT

(i) **Appeals**

An appeal can be made to the Planning Inspectorate (normally within 6 months or 12 weeks for household applications and A1, A2 and A3 commercial applications) against the City's decision to refuse consent for the proposal or to grant consent subject to conditions (see regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990).

(ii) **Purchase Notice**

The property owner may be able to serve a purchase notice on the City if it has refused consent or granted it subject to conditions. In order to serve a purchase notice the owner must show that the property can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the property in accordance with Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(iii) **Compensation**

It may be possible to claim compensation from the City if consent is refused, or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him (see Section 27 of the Planning (Listed Building and Conservation Area) Act 1990).

ACCESS TO BUILDINGS FOR DISABLED PERSONS

Please consider adequate provision for access to buildings which disabled persons are likely to use such as shops, offices, factories, railway premises and educational establishments. (See Section 76 of the Town and Country Planning Act 1990). Please contact the BuildingControl Division, PT&E, County Hall, Atlantic Wharf, Cardiff, CF10 4UW for further advice.
(Phone :029 2233 0381/2/3).

**PLEASE CONTACT PLANNING AND ENVIRONMENT DECISIONS
WALES, CROWN BUILDING, CATHAYS PARK, CARDIFF, CF10 3NQ
FOR DETAILS OF APPEAL PROCEDURES AND FORMS:
TEL : 0300 0604400
Email: PEDW.Casework@gov.wales**

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