

Statement relating to The Planning Inspectorate planning appeal Ref CAS03411K7V3V9 - Conwy Ref 0-51268. Oak House, Groes Lwyd, Abergele, LL22 7SU

The planning permission was rejected on two counts:

1 By virtue of its layout, massing and appearance (façade and fenestration), the proposed extension forms an unsympathetic addition that detracts from the historic character and appearance of the outbuilding and Conservation Area, and adversely affects the visual amenity of the locality. The proposal fails to comply with policies DP/3, DP/4 and DP/6 of the Conwy Local Development Plan 2013, and guidance set out within SPG LDP1-Design guide for householders and LDP9 - Design, and Planning Policy Wales (12th Edition).

2 Planning Policy Wales (12th Edition) requires a green infrastructure statement to be submitted with all planning applications to describe how green infrastructure has been incorporated into the proposal. The proposal is not supported by a green infrastructure statement and therefore fails to meet the requirements of Planning Policy Wales (12th Edition) and is contrary to Policies DP/6 and NTE/3 of the Conwy Local Development Plan 2013.

In both issues, reference is given to Planning Policy Wales (12th Edition). As the case in question was registered on the 28 November 2023, and should have been determined by 23rd January 2024, and the Planning Policy Wales (12th Edition) was not published until February 2024, the 11th Edition surely applies to this case.

Throughout the planning process our agent had constantly asked the planning officer, Ian Gibbons, if there was anything that needed addressing that would cause a rejection. The planning office continuously failed to respond to their requests.

This is our second planning application regarding this property, the first being refused. We experienced the same problems with lack of communication by the same planning officer, Ian Gibbons, on our original application, because of this, we requested a different planning officer for this case. This was refused.

On 28th March I personally complained to the head of planning, Paula Jones, "Our agent has asked Ian to confirm if he requires any further information prior to decision. This he has not answered.". I received the response "I have looked at the other consultations but I can't see any significant issues. I have asked Ian for his opinion".

19 days later I followed this up with "Our agent has asked Ian to confirm if he requires any further information prior to decision. This he has not answered. You said you would ask Ian and gave the impression you would let me know. In my original email to you I complained that a problem with our original plans was not brought to our attention until the application was rejected. I wish to avoid this, or other avoidable problems being part of a rejection."

The head of planning failed to respond further regarding this issue. I could only assume from this that on 16th April 2024 there were no issues that needed addressing.

Regarding 1 above:

I note an email from the conservation officer, Gareth Roberts, was lodged on the portal on 18th April 2024, 16 weeks after the consultation period had ended. This document would appear to be the reason for this part of the rejection.

This email states “I do have some concerns regarding the outbuilding extensions. I have no objections to its proposed reuse, however the design needs attention. The layout has been designed to adapt what is there, including the various accretions on the building. The proposed elevations look disjointed, with the flat roofed sections and the pitched roof sections in conflict.”

This email directly contradicts the conservation officer’s previous email 11th December 2023, presented within the consultation period, where he commented “The design of the outbuilding has been altered, I have no objections to its design”.

As the new objection from the conservation officer came so late in the day, we would not have been able to address his concerns as we had already insisted on determination.

It seems very strange that this new conservation report was issued a day after I had written to Paula Jones, head planning officer, insisting on a quick positive determination.

The reasons I had felt it necessary to write this email were:

- It had come to my attention that despite Paula Jones writing to me on 28th March 2024 saying they were still waiting for the planning policy report, it was in fact in the planning officer’s possession on 26th March 2024 (2 days before her email). The planning officer failed to upload the policy report to the planning portal, apparently concealing its existence from us, for a period of 21 days.
- I had been advised that apart from the planning policy report there appeared to be no other outstanding issues.
- The planning application was nearly five months old, the time extension agreed was over a month out of date, and the long-awaited policy report had been in the planning officer’s possession for 3 weeks, giving plenty of time to issue determination.

Regarding 2 above:

The requirement for a “Green Infrastructure Statement” was introduced in October 2023, this was a few weeks prior to our application. This requirement was not common knowledge at the time of our application.

Having randomly checked other planning applications handled by Conwy Council I can find no applications made before February 2024 that had a Green Infrastructure Statement. Many applications made in February have a Green Infrastructure Statement added later in the application process, presumably after the planning officer requested it.

If the planning officer had requested a “Green infrastructure statement” our agent would have been happy to provide the said document. The planning officer never asked for this and failed to respond to multiple requests regarding what other information he required.

For clarity, a “green infrastructure statement” is provided with this statement.

Conclusion

This project, if it gets planning permission, will provide four houses, that we are told are needed in the area, it will bring historic buildings back into use and improve this part of Abergele. The project has support from the town council and local residents.

The site is currently attracting fly tipping, arson attacks and vandalism. As time goes by this project is becoming less and less financially viable.

We fail to understand why the planning department and conservation officer will not work with us to make this vision a reality. We have shown our willingness to work with them, we have, as an example, at the request of the conservation officer, altered the windows from high quality flush UPVC to Aluminium within the outbuildings. Instead of working with us, the planning officer and conservation officer seem to be working against us.

These three questions need answering:

Why did the planning officer not simply ask for a "Green infrastructure statement" rather than using it as an excuse to reject the application?

Why did the planning officer not publish on the planning portal the planning Policy Report when he received it? Particularly as this was supposedly the only document holding up determination.

Why, at the last minute, did the conservation officer choose to review this application, which, under normal conditions, should have been determined months before, and suddenly decide that his previous decision was wrong? Even stranger that this would happen at a point where the planning department was running out of reasons to reject the application.