



LPA Reference No: 2019/00871/OUT

Appeal Method: To be confirmed by Planning and Environment Decisions Wales (PEDW)

Appellant: Legal & General (Strategic Land) Ltd

Location: Land at Model Farm, Port Road, Rhoose

Proposal: Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.

Start Date: Awaiting confirmation from PEDW

SUMMARY

The above mentioned planning application was presented before members at Planning Committee meeting on the 1st March 2023. The details and background to the matter were extensively set out in the Officer's Report which was presented at that meeting, a copy of which can be [accessed here](#).

A vote took place in respect of a motion in support of Officer recommendations to approve the application which was defeated. It was subsequently agreed by the Committee that the application would be deferred, to allow further consideration of the reasons for refusal of the application.

In the interim period, the Applicants submitted an appeal to Planning and Environment Decisions Wales (PEDW), citing the reason for the Appeal (Under section F of the Appeal forms) as: *'Failure of the LPA to give its decision within the appropriate period (Usually 8 weeks) on an application for planning permission'*.

The submission of the Appeal against non-determination means that any formal decision on the application has now been taken out of the Members' control, and is now within the jurisdiction of PEDW.

Notwithstanding the above, Members must now determine (vote) whether they wish to defend the Authority's position at Appeal and, if so, on what basis. If a Motion is passed to defend the Appeal, Members need to table the specific reasons for refusal they would have provided had they had the opportunity to determine the application.

Alternatively, Members may decide that they do not wish to defend the appeal which means that the decision will be taken by PEDW on the merits having regard to any other objections from interested parties but without involvement by the LPA.

Actions

1. Members individually vote on whether they wish to defend the Authority's position at Appeal,



2. If a Motion is passed to defend said Appeal, Members need to table the specific reasons for refusal they would have provided had they had the opportunity to determine the application.

3. Members individually vote on which specific reasons for refusal the Authority will pursue in the defence of the Authority's position at Appeal.

Following the vote, it is advised that the Authority's Legal Department seek to appoint Counsel and Town Planning Consultants to provide expert advice on the precise wording of the reasons for refusal, and to support Members in defending the Authority's position at Appeal.