

# RHYBUDD O GYFARFOD



*Awdurdod Parc Cenedlaethol Eryri*

*Emyr Williams*

*Prif Weithredwr*

*Awdurdod Parc Cenedlaethol Eryri*

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**Cyfarfod:** Pwyllgor Cynllunio a Mynediad

**Dyddiad:** Dydd Mercher 7 Rhagfyr 2022

**Amser:** 10.00 y.b.

**Man Cyfarfod:** Y Llyfrgell, Plas Tan y Bwlch,  
Maentwrog a thrwy Zoom

***Gofynnir i'r Aelodau ymuno â'r cyfarfod 15 munud cyn yr amser  
cychwyn dynodedig***

***Aelodau wedi'u penodi gan Gyngor Gwynedd***

*Y Cynghorydd: Elwyn Edwards, Annwen Hughes, Louise Hughes,  
June Jones, Kim Jones, Edgar Wyn Owen, Elfed Powell Roberts,  
John Pughe Roberts, Meryl Roberts;*

***Aelodau wedi'u penodi gan Gyngor Bwrdeistref Sirol Conwy***

*Y Cynghorydd: Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;*

***Aelodau wedi'u penodi gan Llywodraeth Cymru***

*Mr. Brian Angell, Ms. Tracey Evans, Mrs. Sarah Hattle, Mr. Tim Jones,  
Ms. Naomi Luhde-Thompson, Ms. Delyth Lloyd.*

# R H A G L E N

## Rhifau Tudalen

1. **Ymddiheuriadau am absenoldeb a Datganiadau'r Cadeirydd**  
Derbyn unrhyw ymddiheuriadau am absenoldeb a datganiadau'r Cadeirydd.
2. **Datgan Diddordeb**  
Derbyn unrhyw ddatganiadau o ddiddordeb gan aelodau neu swyddogion mewn perthynas ag unrhyw eitem fusnes. **3 - 6**
3. **Cofnodion**  
Bydd y Cadeirydd yn cynnig bod cofnodion cyfarfod y Pwyllgor hwn a gynhaliwyd ar 19 o Hydref 2022 yn cael eu harwyddo fel cofnod cywir (copi yma) a derbyn y materion sy'n codi, er gwybodaeth. **7 - 13**
4. **Adroddiadau gan y Cyfarwyddwr Cynllunio a Rheolaeth Tir**  
Cyflwyno adroddiadau gan y Cyfarwyddwr Cynllunio a Rheolaeth Tir am y ceisiadau a ddaeth i law. (Copïau yma)
5. **Adroddiadau Diweddarau**  
Cyflwyno adroddiadau diweddarau, er gwybodaeth. (Copïau yma) **14 - 40**
6. **Penderfyniadau a Ddirprwywyd**  
Cyflwyno rhestr o geisiadau sydd wedi cael eu penderfynu yn unol ag awdurdod a ddirprwywyd, er gwybodaeth. (Copi yma) **41 - 51**
7. **Adroddiad ar Ddatblygiad Hillside Aberdyfi**  
Cyflwyno adroddiad gan y Cyfarwyddwr Cynllunio a Rheolaeth Tir ar benderfyniad diweddar yr Goruchaf Lys (Copi yma) **52 - 93**

**PWYLLGOR CYNLLUNIO A MYNEDIAD PARC CENEDLAETHOL ERYRI  
DYDD MERCHER 19 HYDREF 2022**

Cynghorydd Elwyn Edwards (Gwynedd) (Cadeirydd)

**PRESENNOL:**

**Aelodau wedi eu penodi gan Gyngor Gwynedd**

Cynghorwyr Annwen Hughes, Louise Hughes, June Jones, Edgar Wyn Owen, Elfed Powell Roberts, John Pughe Roberts, Meryl Roberts;

**Aelodau wedi eu penodi gan Gyngor Bwrdeistref Sirol Conwy**

Cynghorwyr Ifor Glyn Lloyd, Jo Nuttall, Dilwyn Owain Roberts;

**Aelodau a benodwyd gan Lywodraeth Cymru**

Brian Angell, Ms. Tracey Evans, Ms. Sarah Hattle, Mr. Tim Jones, Ms. Naomi Luhde-Thompson.

**Swyddogion**

Mr G. Iwan Jones, Mr. Jonathan Cawley, Ms Jane Jones, Mr. Dafydd Thomas, Ms. Eiliw Owen, Mr. Geraint Evans, Ms. Anwen Gaffey.

Gan fod y cyfarfod yn cael ei gynnal o bell, dywedodd y Cyfarwyddwr Gwasanaethau Corfforaethol:-

- o nad oedd y cyfarfod yn agored i'r cyhoedd.
- o roedd y cyfarfod yn cael ei gofnodi i gynorthwyo i wirio'r cofnodion a bydd ar gael ar wefan yr Awdurdod yn ddiweddarach.

1. **Ymddiheuriadau**  
Y Cynghorydd Kim Jones; Ms. Delyth Lloyd.
2. **Datganiad Buddiant**  
Ni ddatganwyd unrhyw Ddiddordeb Personol mewn perthynas ag unrhyw eitem.
3. **Cofnodion**  
Derbyniwyd cofnodion cyfarfod y Pwyllgor Cynllunio a Mynediad a gynhaliwyd ar 7 Medi 2022 ac arwyddodd y Cadeirydd hwy fel rhai cywir.
4. **Cynllun Datblygu Lleol Eryri – Adroddiad Monitro Blynyddol ar gyfer 2021-2022**  
**Cyflwynwyd** – Adroddiad gan yr Uwch Swyddog Polisi Cynllunio i drafod a chymeradwyo cynnwys yr Adroddiad Monitro Blynyddol ar gyfer 2021-2022.

**Adroddwyd** - cyflwynodd yr Uwch Swyddog Polisi Cynllunio'r Adroddiad Monitro a rhoi rhagor o fanylion i'r Aelodau am y prif ganfyddiadau.

Rhoddodd yr Aelodau ystyriaeth i'r adroddiad Monitro a thrafodwyd y canlynol:-

- yr angen i gael cydbwysedd rhwng gwarchod yr amgylchedd a lles economaidd cymunedau o fewn y Parc Cenedlaethol.
- 'Cymru'r Dyfodol: Cynllun Cenedlaethol 2040' a'i bwysigrwydd ar gyfer adolygiad o Gynllun Datblygu Lleol Eryri yn y dyfodol.
- byddai datblygiad y Cynllun Ffermio Cynaliadwy newydd , ac er nad yw'n fater uniongyrchol i'r Cynllun Datblygu Lleol, bydd yn cael ei ystyried fel rhan o'r adolygiad.
- o dan yr adran o dan y pennawd "Ymchwil ac ystyriaethau pellach ..." gofynnodd Aelod i swyddogion gryfhau ac adlewyrchu strategaethau'r Awdurdod ar Dwristiaeth

Gynaliadwy, Rheoli Trafnidiaeth a mynd i'r afael â newid hinsawdd a'r argyfwng bioamrywiaeth sydd angen ei integreiddio yn y CDLI. Gallai adroddiadau Aquaterra a Small World Consulting ddarparu data defnyddiol i adeiladu arno a dylid datblygu'r strategaethau bioamrywiaeth a hinsawdd ochr yn ochr â'r adolygiad o'r Cynllun Datblygu Lleol. Dywedodd y Cyfarwyddwr Cynllunio a Rheoli Tir fod Strategaeth Rheoli Ymwelwyr yr Awdurdod, y Strategaeth Trafnidiaeth a Pharcio, y Strategaeth Garbon a pholisïau Llywodraeth Cymru ar Adfer Natur ac ati, i gyd ar gamau paratoadol amrywiol, ac y byddant yn cael eu hystyried fel rhan o'r Adolygiad o'r Cynllun Datblygu Lleol.

- Gofynnwyd i swyddogion a oedd cyfleoedd yn y CDLI i wella safonau adeiladu mewn perthynas â materion hinsawdd, gyda'r Parc Cenedlaethol yn dod yn esiampl yn y maes hwn heb o reidrwydd effeithio ar gostau?
- teimlai aelod nad oedd y cysylltiad rhwng gwarchod a gwella rheolaeth yr amgylchedd naturiol a rôl amaethyddiaeth yn ddigon clir yn y ddogfen.
- yng ngoleuni sylwadau blaenorol am warchod yr amgylchedd, dywedodd Aelod fod y bobl sy'n byw ac yn gweithio yn y Parc Cenedlaethol yr un mor bwysig.
- Trafododd yr Aelodau'r cynnydd arfaethedig o 10% mewn plannu coed mewn ymgais i gyrraedd y targed carbon net sero ac effeithiau posibl hyn ar y dirwedd.
- mewn ymateb i gwestiwn, cadarnhaodd swyddogion fod y Gofrestr Adeiladau Traddodiadol, y cyfeiriwyd ati ym mhara. 4.7, a'r meini prawf ar gyfer cael eu cynnwys ar y gofrestr, yn cael eu harchwilio ymhellach a bod Llywodraeth Cymru ar hyn o bryd yn ffurfioli'r broses ar gyfer adeiladau traddodiadol.
- Trafododd yr Aelodau ymhellach para. 5.21 a'r berthynas rhwng incwm a phrisiau tai ac effaith hyn ar fforddiadwyedd tai yn y Parc Cenedlaethol. Yn codi wedi hynny, bu'r Aelodau hefyd yn trafod tai a arweinir gan y gymuned, a'r cydweithio parhaus â chymdeithasau tai ac awdurdodau tai lleol fel y cyfeirir ato ym mharagraffau. 5.58 a 5.59. Nododd yr Aelodau hefyd fod yr Awdurdod yn gweithio gyda phartneriaid i greu ac ariannu swyddog i helpu i arwain datblygiadau yn y gymuned.
- Trafododd yr Aelodau'r defnydd o ddeunyddiau amgen, megis pren, i ddarparu tai fforddiadwy ar gyfer y dyfodol. Byddai swyddogion yn cefnogi mentrau priodol pe bai ceisiadau'n cael eu cyflwyno.
- Nododd yr aelodau y byddai adroddiad ar y newidiadau diweddar i ddeddfwriaeth a pholisi cynllunio ar gyfer ail gartrefi, gosodiadau tymor byr a'r defnydd posibl o Gyfarwyddyd Erthygl 4 yn cael ei gyflwyno i gyfarfod nesaf o'r Gweithgor Aelodau ym mis Rhagfyr.
- teimlai Aelod y dylai'r CDLI, yn y dyfodol, ganiatáu'r un cyfleoedd datblygu i drigolion sy'n byw o fewn y Parc Cenedlaethol ag sydd ar gael i bobl sy'n byw y tu allan i'r ffin.
- Cefnogodd yr aelodau gyfleoedd i gefnogi economi wledig gynaliadwy trwy gryfhau cynhyrchiant bwyd / cadwyn fwyd leol.
- i gywiro gwall teipograffyddol ym mhara. 6.25 i ddarllen 'yn ystod misoedd haf 2022'.
- cytunodd swyddogion i ystyried ymhellach bolisïau ar fynediad i safleoedd anghysbell a'r goblygiadau tirwedd o ganlyniad.
- cytunodd y Cyfarwyddwr Cynllunio a Rheoli Tir i drafod pryderon yr Aelodau gyda'r Pennaeth Cadwraeth, Coetiroedd ac Amaethyddiaeth, mewn perthynas â chwmnïau sy'n prynu ffermydd ledled Cymru i blannu coed er mwyn gwrthbwysu eu hól troed carbon. Nododd yr Aelodau fod Llywodraeth Cymru yn ymwybodol o'r broblem.
- Diolchodd yr aelodau i'r swyddogion am yr adroddiad a oedd wedi'i ysgrifennu'n dda ac yn hawdd ei ddeall.

## **PENDERFYNWYD**

- 1. nodi a chymeradwyo Adroddiad Monitro Blynyddol 2021-22.**
- 2. cytuno i gynnal adolygiad o Gynllun Datblygu Lleol Eryri 2016-2031 mabwysiedig o ganlyniad i dystiolaeth yr Adroddiad Monitro Blynyddol, newidiadau cyd-destunol cenedlaethol a lleol sylweddol, cyhoeddi Cymru'r Dyfodol: Cynllun Cenedlaethol 2040 (y Fframwaith Datblygu Cenedlaethol) ynghyd â newidiadau eraill mewn polisi cenedlaethol.**
- 3. cytuno ar y camau nesaf ar gyfer cynnal adolygiad o Gynllun Datblygu Lleol Eryri 2016-2031 mabwysiedig, trwy baratoi Adroddiad Adolygu ac adrodd ar y canfyddiadau i Lywodraeth Cymru.**

### **5. Adroddiadau Diweddarau**

**Cyflwynwyd** – Adroddiadau diweddarau gan y Cyfarwyddwr Cynllunio a Rheoli Tir ar geisiadau cynllunio a materion cydymffurfiaeth.

Gweler yr Atodlen o Benderfyniadau Cynllunio sydd isod.

### **6. Penderfyniadau Dirprwyedig**

**Cyflwynwyd a Derbyniwyd** – Rhestr o geisiadau y penderfynwyd arnynt yn unol ag awdurdod a ddirprwywyd.

**PENDERFYNWYD nodi'r adroddiad.**

**Daeth y cyfarfod i ben am 11.30**

## ATODLEN O BENDERFYNIADAU CYNLLUNIO – 19 Hydref 2022

### Rhif yr Eitem.

#### 5. Adroddiadau Diweddarau

- (1) Hysbysiadau Gorfodi, Hysbysiadau Gorfodi Adeiladau Rhestredig a gyflwynwyd o dan bwerau dirprwyedig a Rhestr o Achosion Cydymffurfiaeth – **Er Gwybodaeth**

Mewn ymateb i bryderon a godwyd gan Aelod ynghylch yr amser y mae'r Awdurdod yn ei gymryd i fynd i'r afael ag achosion o dorri rheolau cynllunio, dywedodd y Cyfarwyddwr Cynllunio a Rheoli Tir, er bod y broses orfodi ei hun yn gymhleth, roedd problemau recriwtio staff nid yn unig gan yr Awdurdod, ond hefyd ar draws Cymru gyfan. Sicrhaodd y Cyfarwyddwr Cynllunio a Rheoli Tir yr Aelodau unwaith y bydd ailstrwythuro'r Gwasanaeth Cynllunio wedi'i gwblhau a'i staffio'n llawn, bydd perfformiad yn gwella.

#### NP5/54/ENFLB33M – Neuadd Nannau, Llanfachreth

Darparodd y Rheolwr Cynllunio Dros Dro ddiweddariad llafar i'r Aelodau ac adroddiad pellach bydd diweddariad yn cael ei ddarparu yng nghyfarfod nesaf y Pwyllgor Cynllunio a Mynediad. Nododd yr aelodau fod Swyddog Amgylchedd Hanesyddol newydd wedi'i benodi'n ddiweddar.

#### **PENDERFYNWYD nodi'r adroddiad.**

- (2) Cytundebau Adran 106 – **Er Gwybodaeth**

Gofynnodd Aelod i'r Cyfarwyddwr Cynllunio a Rheoli Tir roi diweddariad i'r Aelodau newydd ar y polisi Symiau Gohiriedig. Yn codi wedi hynny, gofynnodd Aelod gan yr Awdurdod bolisi sy'n cefnogi trosti capeli/eglwysi segur fewn cymunedau i mewn i fflatiau? Cynghorodd y Cyfarwyddwr Cynllunio a Rheoli Tir y byddai'n cael ei ystyried fel rhan o'r adolygiad o'r Cynllun Datblygu Lleol.

#### **PENDERFYNWYD nodi'r adroddiad.**

- (3) Ceisiadau heb eu penderfynu lle mae mwy na 13 wythnos wedi mynd heibio – **Er Gwybodaeth**

#### **PENDERFYNWYD nodi'r adroddiad.**

<b><u>Rhif Eitem / Item No.</u></b>	<b><u>Cyfeirnod / Reference No.</u></b>	<b><u>Disgrifiad / Description.</u></b>	<b><u>Swyddog Achos / Case Officer</u></b>
1	NP5/73/LBAD425 C	Caniatâd Hysysbeeb i arddangos panel dehongli yn y maes parcio, Plas Tan-y-Bwlch, Maentwrog. / Advertisement Consent to display interpretation panel in car park, Plas Tan-y-Bwlch, Maentwrog.	Aled Lloyd

**Awdurdod Parc Cenedlaethol Eryri      Dyddiad: 07-Rhag-2022**  
**– Pwyllgor Cynllunio a Mynediad.**

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**Cais Rhif:** NP5/73/LBAD425C

**Dyddiad Cofrestru:** 12/09/22

**Cymuned:** Maentwrog

**Cyfeirnod Grid:** 265371 340437

**Swyddog Achos:** Mr Aled Lloyd

**Lleoliad:**

Plas Tan-y-Bwlch, Maentwrog. LL41 3YU

**Ymgeisydd:**

Mr. Stuart Jones,  
 Headland Design  
 65 High Street  
 Farndon  
 Chester  
 CH3 6PT

**Disgrifiad:**

Caniatâd Hysysbeb i arddangos panel dehongli yn y maes parcio

**Crynodeb o'r Argymhelliad:**

**I roi caniatâd hysbysebu yn ddarostyngedig i'r amodau safonol a gynhwysir yn Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 (fel y'u diwygiwyd) ac amodau ychwanegol yn ymwneud â:**

- Cyfyngiad pum mlynedd ar gyfer arddangos yr hysbyseb; a
- Hysbyseb i'w arddangos yn unol â'r cynlluniau a gymeradwywyd.

**Rheswm(au) Dros Adrodd am y Cais i'r Pwyllgor Cynllun Dirprwyo**

Cais ar dir sy'n eiddo i Awdurdod Parc Cenedlaethol Eryri.

**Dynodiadau Tir:**

Cefn gwlad agored  
 Safle Treftadaeth y Byd  
 Parciau a Gerddi Hanesyddol  
 Gardd Gegin Hanesyddol

**Disgrifiad o'r Safle**

Awdurdod Parc Cenedlaethol Eryri sydd berchen ar y tir, ac mae'n ffurfio maes parcio gorlif i Blas Tan y Bwlch. Mae llwybrau troed yn arwain o'r maes parcio i'r Plas.

Bydd y Panel yn cael ei leoli ar ochr llwybr troed presennol ac yn disodli 3 panel gwybodaeth presennol.



Bydd y panel dehongli yn rhan o brosiect ehangach i osod dehongliad treftadaeth ar draws Tirwedd Llechi Safle Treftadaeth y Byd.

**Datblygiad Arfaethedig:**

Mae'r cynnig yn ceisio caniatâd hysbysebu ar gyfer gosod un panel dehongli treftadaeth ar arddull darllenfa 1m x 0.4m.

**Polisiâu Cynllunio Perthnasol – Cynllun Datblygu Lleol Eryri (2016-2031)**

<i>Polisi Rhif.</i>	<i>Polisi</i>
PS A	Pwrpasau'r Parc Cenedlaethol a Dylunio Cynaliadwy
PD 1	Egwyddorion Datblygu Cyffredinol
PD 10	Hysbyseb ac arwyddion
PS D	Amgylchedd Naturiol

**Ymgynghoriadau:**

Cyngor Cymuned Maentwrog	Dim ymateb
Cadw	Dim gwrthwynebiad
Ecoleg	Dim pryderon ecolegol.

**Ymatebion o ganlyniad i hysbysiad safle ac ymgynghoriad â chymdognion:**

d/b

**1. Asesiad**

*Egwyddor Datblygu*

- 1.1 Mae Nodyn Cyngor Technegol (NCT) 7 Llywodraeth Cymru yn datgan: 'Mae'r dull cyffredinol o ymdrin â cheisiadau hysbysebu yn debyg i'r broses o ymdrin â cheisiadau cynllunio ond gyda dau wahaniaeth pwysig. Yn gyntaf, dim ond er budd amwynder a diogelwch y cyhoedd y gellir rheoli arddangos hysbysebion awyr agored. Yn ail, derbynnir (gydag un eithriad bach mewn Ardaloedd o Reolaeth Arbennig, lle mae angen i ymgeisydd ddangos gofyniad rhesymol am hysbyseb) bod unrhyw un sy'n bwriadu arddangos hysbyseb angen yr hysbyseb hwnnw yn y lleoliad penodol hwnnw, boed hynny am resymau masnachol neu resymau eraill.'
- 1.2 Bydd Polisi Datblygu 10 yn caniatáu hysbysebion neu arwyddion preifat ar eiddo lle bodlonir yr holl feini prawf canlynol:
  - i. Nid yw'r arwydd yn niweidio cymeriad adeilad neu olygfa amlwg.
  - ii. Nid yw'r arwydd wedi'i oleuo'n fewnol.
  - iii. Nid yw maint a graddfa'r arwydd yn amharu ar gymeriad, edrychiad na gosodiad yr adeilad sy'n ei gynnal, na'r dirwedd o'i amgylch ac nid yw'n ymdebygu i arwydd priffordd.

1.3 Ar sail y cyd-destun polisi a amlinellwyd uchod ystyrir bod egwyddor y datblygiad yn dderbyniol.

## **2.0 Asesiad Cynllunio.**

- 2.1 Bydd gosodiad y panel yn cael ei leoli ar lwybr presennol; bydd yn cynnwys ychydig iawn o waith daear ac ni fydd yn cael ei oleuo. Nid oes unrhyw lwybrau i effeithio ar nodweddion y safle gwarchoddedig.
- 2.2 Derbynnir bod angen i'r panel gwybodaeth ddarparu gwybodaeth ar y dynodiad diweddar fel rhan o Safle Treftadaeth y Byd sy'n cynnwys Plas Tan y Bwlch a'r tiroedd. Mae'n briodol felly asesu'r cynnig er budd mwynderau a diogelwch y cyhoedd.
- 2.3 Oherwydd natur y panel gwybodaeth ni ystyrir ei fod yn cael effaith ar gymeriad na gosodiad yr ardal. Oherwydd y raddfa gymharol fach, ni fyddai'r panel yn amharu ar y dirwedd ehangach o'i amgylch. Ni chynigir unrhyw oleuadau felly ni fydd y panel yn rhy amlwg yn y dirwedd.
- 2.4 Ni fyddai'r bwriad yn achosi unrhyw bryder i ddiogelwch y cyhoedd.

## **3 Casgliad**

- 3.1 Byddai'r cynnig yn cydymffurfio â gofynion Polisi Datblygu 1 a 10 lle na fyddai'n amharu ar gymeriad, edrychiad na gosodiad y dirwedd o amgylch.
- 3.2 Byddai'r bwriad hefyd yn cydymffurfio â Pholisi Strategol A drwy hyrwyddo cyfleoedd i'r cyhoedd ddeall a mwynhau 'Rhinweddau Arbennig' yr ardal.
- 3.3 Argymhellir felly y dylid rhoi caniatâd.

### **Papurau Cefndirol ym Mhentwr Dogfennau Rhif 1: Na**

#### **ARGYMHELLIAD: RHOI caniatâd yn ddarostyngedig i'r 5 amod safonol a gynhwysir yn Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 (fel y'i diwygiwyd) a'r amodau a ganlyn:**

- 1 Rhoddir y caniatâd hysbysebu am bum mlynedd o ddyddiad y penderfyniad hwn.
- 2 Rhaid arddangos yr hysbyseb a ganiateir drwy hyn yn unol â chynllun y safle a maint y panel a'r manylion a ddilyswyd gan yr Awdurdod ar 12/09/22.

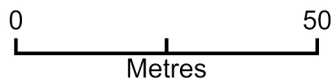
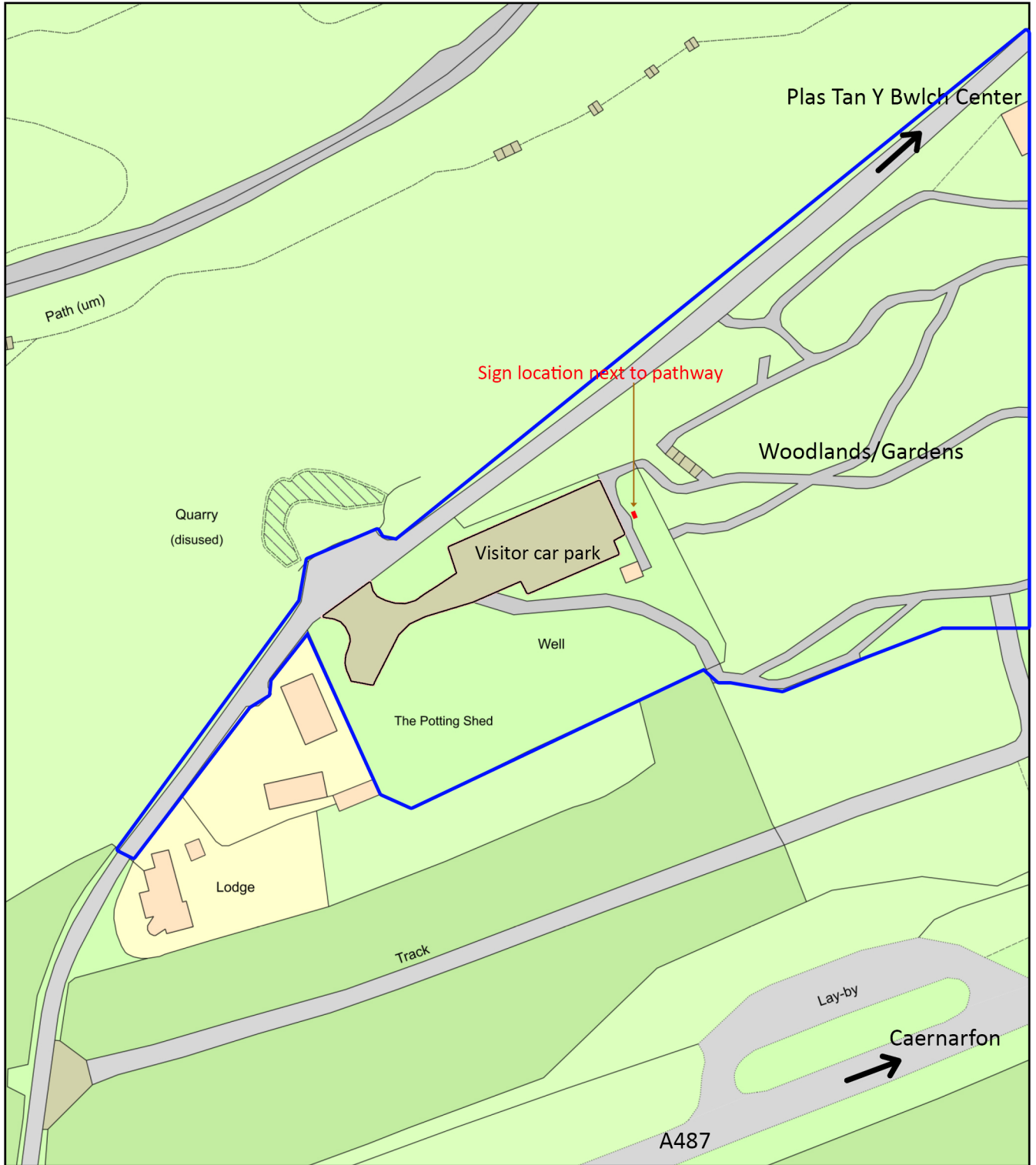
## Rhesymau dros osod yr Amodau:

- 1 Er mwyn cydymffurfio â Rheoliadau Cynllunio Gwlad a Thref (Rheoli Hysbysebion) 1992 (fel y'i diwygiwyd).
- 2 Diffinio'r caniatâd ac er mwyn osgoi unrhyw amheuaeth.

Y pum amod safonol sydd wedi'u cynnwys yn y Rheoliadau:

- 1 Ni chaniateir arddangos hysbyseb heb ganiatâd perchennog y safle neu unrhyw berson arall sydd â buddiant yn y safle sydd â hawl i roi caniatâd.
- 2 Ni chaniateir gosod nac arddangos unrhyw hysbyseb er mwyn :
  - (a) peryglu pobl sy'n defnyddio unrhyw briffordd, rheilffordd, dyfrffordd, doc, harbwr neu faes awyr (sifil neu filwrol);
  - (b) cuddio, neu rwystro dehongliad parod o, unrhyw arwydd traffig, signal rheilffordd neu gymorth mordwyo trwy gyfrwng dŵr neu awyr; na
  - (c) llesteirio gweithrediad unrhyw ddyfais a ddefnyddir at ddibenion diogelwch neu wylidwriaeth neu i fesur cyflymder unrhyw gerbyd.
- 3 Rhaid i unrhyw hysbyseb a arddangosir, ac unrhyw safle a ddefnyddir ar gyfer arddangos hysbysebion, gael eu cynnal mewn cyflwr nad yw'n amharu ar fwynderau gweledol y safle.
- 4 Rhaid i unrhyw strwythur neu hysbysfwrdd a godir neu a ddefnyddir yn bennaf at ddiben arddangos hysbysebion gael ei gynnal mewn cyflwr nad yw'n peryglu'r cyhoedd.
- 5 Pan fo hysbyseb yn ofynnol o dan y Rheoliadau hyn i gael ei symud, rhaid gadael y safle mewn cyflwr nad yw'n peryglu'r cyhoedd nac yn amharu ar amwynder gweledol.

# Plas Tan Y Bwlch

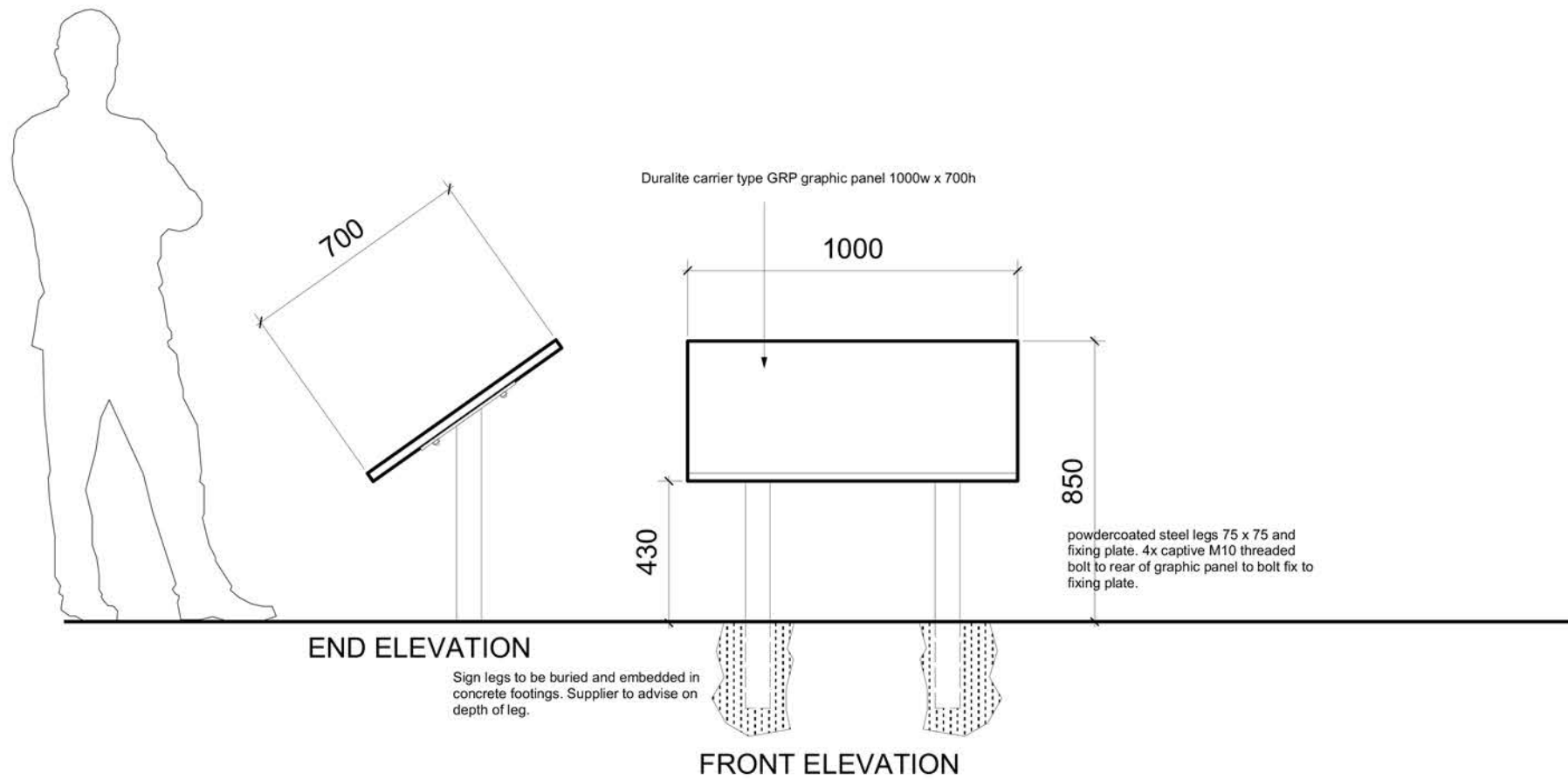


Plan Produced for: Snowdonia National Park

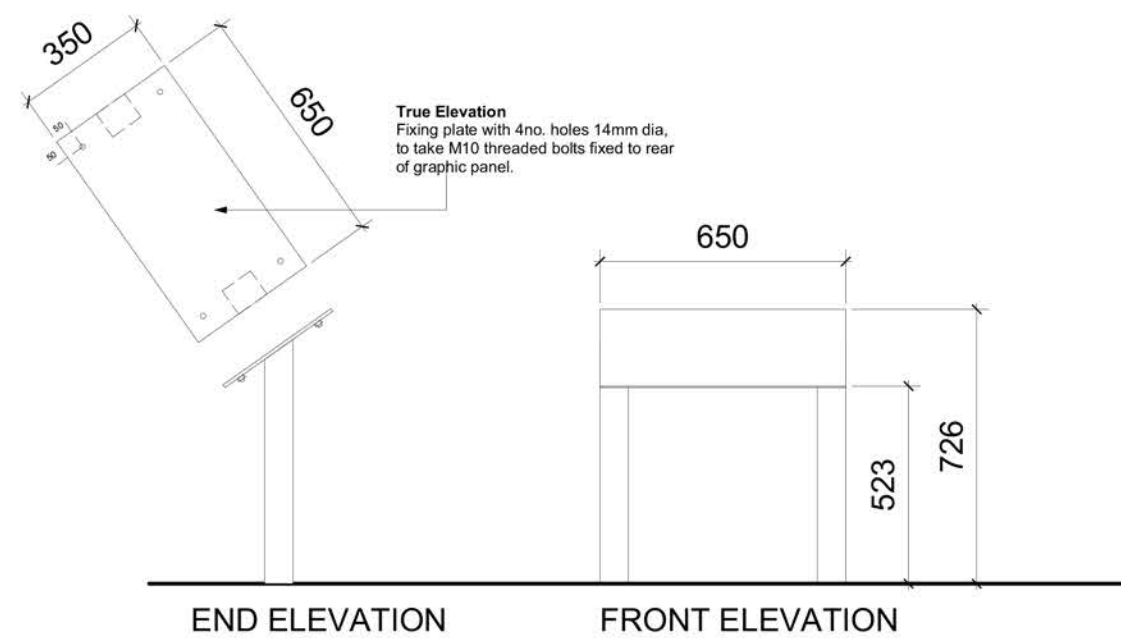
Date Produced: 03 Aug 2022

Plan Reference Number: TQRQM22215114011875

Scale: 1:1250 @ A4



New panel location



Existing old panels removed

**Llechi Cymru Wales Slate**

The story of Wales Slate is epic and everlasting. It has left its mark on this awe-inspiring landscape, culture, communities and the world. This special corner of Wales has been recognised as a World Heritage Site.

**Dinorwig Quarry Hospital**

The hospital was built by the owners of Dinorwig Quarry. It was a busy place. Quarrying was dangerous work, men were often injured or killed. The hospital was built to care for the injured and the sick. It was a place of hope and healing.

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Client: SNP	
Job: Plas Tan y Bwlch	
Drawing: Interpretive sign details -	
Drawn By: SJL	Date: 25 July 2022
Scale: 1:20	Drawing No.: 1 of 1





**PWYLLGOR CYNLLUNIO A MYNEDIAD  
07 RHAGFYR 2022**

**RHYBUDDION GORFODAETH,  
RHYBUDDION GORFODAETH  
ADEILAD RHESTREDIG A  
GYFLWYNWYD O DAN BWERAU  
DIRPRWYEDIG A RHESTR O  
ACHOSION CYDYMFFURFIAETH**

**AWDURDOD PARC CENEDLAETHOL ERYRI**

**PWYLLGOR CYNLLUNIO A MYNEDIAD, 7fed O Rhagfyr**

**2022**

**RHESTR O ACHOSION CYDYMFFURFIAETH**

**Achosion newydd**

	<b>Cyfeirnod</b>	<b>Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth</b>	<b>Lleoliad y Safle</b>	<b>Manylion Tor-rheolaeth Cynllunio Honedig</b>	<b>Y Sefyllfa Gyfredol</b>
1	NP4/26/ENF343A	Hydref 2022	Hafodty Gwyn, Pentrefoelas, Betws y Coed	Defnyddio Carafan Statig ar y Safle	Llythyr wedi'i anfon at y perchennog/deiliad. Dim ymateb wedi ei dderbyn hyd yn hyn.
2	NP5/50/ENFL443C	Hydref 2022	Balkan Hill House, Aberdyfi	Adeiladu pwll nofio	Ebost wedi'i anfon at y berchnogion.
3	NP5/63/ENF281	Hydref 2022	Gorseddau, Cwmtirmynach, Y Bala	Gwnaed Gwaith Adeiladu a Pheirianyddu	Llythyr wedi'i anfon at y perchennog/deiliad. Dim ymateb wedi ei dderbyn hyd yn hyn.

4	NP5/77/ENFLB60H	Hydref 2022	Gwesty Maes y Neuadd, Talsarnau	Gwaith yn cael ei gyflawni	Cynhaliwyd ymweliad safle a chafwyd trafodaethau gyda'r perchennog.
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**Yn disgwyl Cais Ôl-weithredol / Cais am Ganiatâd Adeilad Rhestredig / Cais Tystysgrif Cyfreithlondeb Defnydd /7Ddatblygiad sy'n Bodoli**

	<b>Cyfeirnod</b>	<b>Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth</b>	<b>Lleoliad y Safle</b>	<b>Manylion Tor-rheolaeth Cynllunio Honedig</b>	<b>Y Sefyllfa ar Adeg y Cyfarfod Pwyllgor Diwethaf</b>	<b>Diweddariadau ers y Cyfarfod Pwyllgor Diwethaf</b>
5	NP3/15/ENFT202B	14- Medi -2022	Blaen-y-Nant, Nant Peris. LL55 4UL	Datblygiad anawdurdodedig o adeilad allanol gerllaw eiddo presennol	Cynhaliwyd ymweliad safle. Anfonwyd gohebiaeth a chynelir deialog gyda'r perchennog.	Cais wedi'i gyflwyno. Wrthi'n cael ei ddilysu..
6	NP5/50/ENFLB59B	20- Ion -2022	14 Glandyfi Terrace, Aberdyfi. LL35 0EB.	Ffenestri newydd ar y dormer blaen	Cysylltwyd â'r perchennog ac ar hyn o bryd rhoddir gwybod iddynt am eu hopsiynau i ddatrys y mater hwn.	Dim diweddariad pellach i'w adrodd i'r pwyllgor hwn.
7	NP5/67/ENF335	Medi 2020	Tarren Y Gesail, Pantperthog	Trac beic mynydd newydd	Pecyn cais cynllunio drafft wedi ei dderbyn. Cynhelir deialog gyda'r perchennog / asiant.	Cais wedi'i gyflwyno. Wrthi'n cael ei ddilysu..



**Wedi derbyn Cais Ôl-weithredol**

	<b>Cyfeirnod</b>	<b>Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth</b>	<b>Lleoliad y Safle</b>	<b>Manylion Tor-rheolaeth Cynllunio Honedig</b>	<b>Y Sefyllfa ar Adeg y Cyfarfod Pwyllgor Diwethaf</b>	<b>Diweddariadau ers y Cyfarfod Pwyllgor Diwethaf</b>
8	NP2/16/ENF2E	14-Ion-2022	Bryn Awelon, Garndolbenmaen, LL51 9UJ.	Gwaith peirianyddol di-awdurdod gan gynnwys trac/ffordd fynediad newydd. Natur flêr y tir/gwaith	Cynhaliwyd cyfarfod safle gyda'r perchennog i drafod anghysondebau gyda'r cais. Swyddog achos perthnasol y cais cynllunio gwreiddiol yn cynnal deialog gyda'r ymgeisydd.	Dim diweddariad pellach ar gyfer y pwyllgor hwn.
9	NP4/11/ENF100F	Mawrth 2021	Tan y Bryn, Pentre Felin, Betws y Coed	Datblygiad heb ei adeiladu yn unol â chynlluniau cymeradwy (NP4/11/100F)	Gwrthodwyd y cais. Anfonwyd gohebiaeth at y perchennog ym mis Mai 2022 i fynd i'r afael â materion sy'n weddill. Aros am ymateb.	Gwaith adfer yn cael ei wneud ar hyn o bryd i gyd-fynd â'r cynlluniau cymeradwy gwreiddiol. Angen
10	NP4/16/ENF227C	Gorffennaf 2020	Gwalia Stores, Dolwyddelan	Newid defnydd o fanwerthu i breswyl	Derbyniwyd y cais ac mae'n annilys ar hyn o bryd. Disgwyl gwybodaeth bellach gan yr ymgeisydd.	Cais wrthi'n cael ei ystyried.
11	NP4/26/ENF195C	Ebrill 2021	Llwynau, Capel Garmon	Pod	Cynhelir deialog gyda'r ymgeisydd. Disgwyl gwybodaeth ychwanegol (Cynllun Busnes Fferm) er mwyn dilysu'r cais.	Derbyniwyd gwybodaeth bellach. Cais yn cael ei ddilysu ar hyn o bryd.
12	NP4/26/ENF266W	Ionawr 2020	Zip World Fforest, Betws y Coed	Codi adeilad a chreu llwybrau troed	Cynhaliwyd cyfarfod safle rhwng Zip World, Asiant Cynllunio ac PCE ym mis Mawrth 2022. Aros am gyflwyno cais yn dilyn trafodaethau.	Cais yn cael ei ystyried ar hyn o bryd.

13	NP5/53/ENFLB75Q	10-Maw-2022	Banc Barclays, 68- 70 Stryd Fawr, Y Bala. LL23 7AD	Gwaith adnewyddu i greu gofod swyddfa ar y llawr gwaelod a fflatiau i fyny'r grisiau.	Ymwelwyd â'r safle ac ni nodwyd unrhyw dor- rheolaeth cynllunio. Cais Adeilad Rhestredig a chais cynllunio wedi'i gyflwyno ar gyfer newid defnydd yr eiddo.	Cais yn cael ei ystyried ar hyn o bryd.
14	NP5/61/ENF329B	10- Ion - 2022	Hafod Wen, Harlech. LL46 2RA.	Gwaith peirianyddol heb awdurdod	Cais wedi ei dderbyn ac yn cael ei ddilysu ar hyn o bryd.	Cais yn cael ei ystyried ar hyn o bryd.
15	NP5/62/ENF422	Mehffin 2021	Ty'r Graig, Llanbedr	Ffenestr dormer newydd a chodi adeilad allanol.	Gwrthodwyd y cais. Cynhelir deialog gyda'r perchennog i gael gwared ar / adleoli adeilad allanol.	Trafodaethau ar y gweill gyda'r perchennog ynglŷn ag adleoli adeilad allanol

**Yn disgwyl gwybodaeth bellach neu ymatebion i Rybudd Tor-rheolaeth Cynllunio neu Rybudd Adran 330**

	<b>Cyfeirnod</b>	<b>Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth</b>	<b>Lleoliad y Safle</b>	<b>Manylion Tor-rheolaeth Cynllunio Honedig</b>	<b>Y Sefyllfa ar Adeg y Cyfarfod Pwyllgor Diwethaf</b>	<b>Diweddariadau ers y Cyfarfod Pwyllgor Diwethaf</b>
16	NP3/12/ENF191	Mehefin 2021	Castell Cidwm, Betws Garmon	Cyflwr blêr y tir.	Mewn deialog gyda'r perchennog / asiant. Aros am gyflwyniad a manylion pellach.	Dim diweddariad pellach i'r pwyllgor hwn.
17	NP3/21/ENF46D	Ionawr 2020	2 Tai'r Cae, Carneddi, Bethesda	Dympio Silt a Phridd	Ystyrir pa mor fuddiol yw dilyn hynt y tor-rheolaeth.	Ddim yn fanteisiol i gymryd camau pellach – achos wedi ei gau.
18	NP4/11/ENF397	Ebrill 2021	Tir i'r gorllewin o'r A470(T) junction gyda A5 ger Waterloo Cottage, Betws y Coed	Defnyddio tir ar gyfer gweryslla gyda strwythurau cysylltiedig	Mae perchennog y tir wedi dweud bod y strwythurau i'w symud o'r safle. Angen ymweliad safle a gohebiaeth bellach i'r perchennog yn dilyn ymweliad.	Ymweliad safle pellach. Anfonwyd gohebiaeth bellach at y perchennog yn dilyn ymweliad safle. Aros am ymateb. Dim diweddariad pellach ar gyfer y pwyllgor
19	NP4/11/ENF401	26-Mai-2022	Tir yn Ffordd Craigan , Betws y Coed. LL24 0SH	Codi cyfleusterau toiled/cawod/golchi a gwaith daear cysylltiedig i gysylltu gwasanaethau.	Mae'r toiledau/cawod/cyfleusterau golchi, ynghyd ag un o'r ardaloedd llawr caled wedi cael eu symud oddi ar y tir. Yn cysylltu â'r datblygwr i drafod dileu/adfer y gwaith sylfaen a chysylltiadau gwasanaeth.	Cynhaliwyd ymweliad safle lle nodwyd bod y cysylltiadau gwasanaeth yn parhau i fod yn y ddaear. Ystyried pa mor fuddiol yw cychwyn gweithredu ffurfiol.
20	NP4/12/ENF26H	24-Aws-2022	Fferm Cae Fadog, Rowen, LL32 8YP	Gwaith di-awdurdod	Cynhaliwyd ymweliad safle.	Anfonwyd gohebiaeth at y perchennog. Aros am ymateb.

21	NP4/12/ENF231A	15-Medi-2022	Cae Tacnal, Llanbedr y Cennin, Conwy, LL32 8UR	Estyniad a newid defnydd posibl	Ymweliad safle l'w gynnal.	Cynhaliwyd cyfarfod safle ar 24/11 gyda'r perchennog i drafod achosion honedig o dorri rheolau cynllunio. Trafodaethau ar y gweill.
22	NP4/13/ENF247	Chwefror 2020	Tir Ger Deunant, Capel Curig	Gwaith Peirianeg, Waliau Cynnal ac Ymwersylla Posibl	Anfonwyd gohebiaeth bellach at y perchennog ddechrau mis Hydref. Aros am ymateb.	Trafodaethau ar y gweill gyda'r perchennog. Hysbyswyd y perchennog o'r bwriad i gyflwyno cais ôl- weithredol
23	NP4/16/ENF405	Mawrth 2018	Tir gyferbyn â Than y Castell, Dolwyddelan	Dympio Deunyddiau Adeiladu a Gwastraff	Achos yn cael ei gyfeirio at gyfreithiwr yr Awdurdod.	Dim diweddariad pellach i'r pwyllgor hwn.
24	NP4/26/ENF97J	Rhagfyr 2020	Maes Madog, Capel Garmon	Adeiliadu strwythru dros twb poeth, adeilad allanol, a newidiadau i'r mynediad.	Cynhelir deialog gyda'r perchennog. Trafodaethau ar y gweill.	Dim diweddariad pellach ar hyn o bryd
25	NP4/29/ENF10G	07- Ion -2022	The Machno Inn, Penmachno. LL24 0UU	Natur flêr y tir a datblygiad adeiladau allanol heb ganiatâd	Cyfarfod safle wedi'i drefnu gyda'r perchennog i drafod materion parhaus. Trafodaethau ar y gweill.	Mae Hysbysiad Adran 215, ynghylch tir sy'n effeithio'n andwyol ar amwynder yr ardal, yn cael ei ddrafftio ar hyn o bryd.
26	NP4/29/ENF191A	09-Mai-2022	Swch, Cwm Penmachno. LL24 0RS	Lleoli carafán yng nghefn yr eiddo	Anfonwyd gohebiaeth a chynhelir deialog gyda'r perchennog. Trafodaethau ar y gweill.	Dim diweddariad pellach ar hyn o bryd

27	NP4/29/ENF514	Hydref 2021	Llys Meddyg, Penmachno	Creu Mynedfa Newydd	Cyfarfod safle wedi'i drefnu gyda'r perchennog i drafod materion parhaus. Trafodaethau ar y gweill.	Gohebiaeth wedi'i anfon at y perchennog yn amlinellu opsiynau i unioni problemau. Ymateb wedi ei dderbyn a thrafodaethau yn parhau.
28	NP4/32/ENF97B	22-Maw-2022	Tir yn ffinio â Dyffryn, Ffordd Crafnant, Trefriw. LL27 0JY	Defnyddio tir fel maes gwerysilla	Mae'n amlwg fod gwaith peiranyddol wedi ei wneud i ledu mynediad i'r tir ac i greu trac mynediad i'r cae. Mae ymweliad pellach wedi'i drefnu i gael ei gynnal i ganfod maint y gwaith sy'n cael ei wneud ar hyn o bryd.	Cais am Wybodaeth o dan Adran 330 wedi'i gyflwyno ym mis Gorffennaf 2022. Ymateb wedi dod i law ac yn cael ei ystyried. Trafodaethau ar y gweill.
29	NP5/50/ENF144C	09-Rhag-2021	Crychnant, Aberdyfi, LL35 0SG.	Gwaith ddim yn unol â chynlluniau cymeradwy NP5/50/144C	Ymweliad safle wedi'i gynnal ac yn aros am ymateb gan y perchennog.	Anfonwyd gohebiaeth bellach at y perchennog. Aros am ymateb.
30	NP5/50/ENF152A	Awst 2021	Bryn Awelon, Aberdyfi	Dwy Sied yn cael eu defnyddio fel Llety Gwyliau	Cysylltwyd ymhellach â'r perchennog mewn perthynas â chyflwyno cais ym mis Chwefror 2022. Yn aros am ymateb.	Dim diweddariad pellach i'w adrodd i'r phyllo hwn.
31	NP5/50/ENFL262C	20-Gorff-2022	8 Sea View Terrace, Aberdyfi, LL35 0EF	Adeilad wedi'i baentio mewn lliw gwahanol	Ymchwiliad yn mynd rhagddo a hanes cynllunio yn cael ei wirio.	Dim tor-rheolaeth wedi'i ganfod – achos wedi'i gau.

32	NP5/54/ENFL246	06-Ebr-2022	Capel Siloh, Bryn Coed Ifor, Rhydymain. LL40 2AN	Torri Amod 5 ynghlwm i Ganiatâd Cynllunio NP5/54/L246.	Ymweliad safle. Anfonwyd gohebiaeth at y perchennog. Dim ymateb hyd yma.	Anfonwyd gohebiaeth at y perchennog ddechrau mis Hydref 2022.
33	NP5/56/ENF165	Hydref 2020	Tir ir gorllewin o A487, Pantperthog, SY20 9AT	Gwaith peirianeg	Nid oes unrhyw gyswilt pellach wedi'i wneud gyda'r perchennog ac mae ymholiadau pellach yn parhau. Mae'r safle'n cael ei fonitro ac nid oes unrhyw waith pellach wedi'i wneud.	Dim diweddariad pellach i'r pwyllgor hwn. Mae'r safle'n parhau i gael ei fonitro.
34	NP5/57/ENF1071 E	Mawrth 2021	Bryn y Gwin Farm, Dolgellau	Gwaith peirianeg	Cysylltwyd ymhellach â'r perchennog ym mis Ionawr 2022.	Dim diweddariad pellach i'w adrodd i'r pwyllgor hwn.
35	NP5/57/ENFLB158D	09-May-2022	Stag Inn, Bridge Street, Dolgellau. LL40 1AU	Ffliw allanol	Ymweliad safle wedi ei gynnal. Anfonwyd gohebiaeth at y perchennog mewn perthynas â thynnu'r ffliw allanol. Aros am ymateb.	Anfonwyd gohebiaeth bellach at y perchennog. Aros am ymateb.
36	NP5/58/ENF19L	Ebrill 2021	Maes Carafannau Sarnfaen Farm, Talybont	Pods wedi'u leoli heb ganiatad.	Derbyniwyd ymateb i ohebiaeth. Cnghorwyd y perchennog ar y bwriad i gydweithredu a symud y podiau oddi ar y safle. Safle i'w fonitro.	Dim diweddariad pellach, safle i'w fonitro.
37	NP5/58/ENF58G	Tachwedd 2019	Bryn y Bwyd, Talybont	Gwaith Peirianyddol a Carafán/Siale wedi'i lleoli yma o bosib	Response received from owners and discussions are ongoing	Dim diweddariad pellach i'r pwyllgor hwn

38	NP5/58/ENF434D	Chwefror 2021	Ty'n y Pant, Dyffryn Ardudwy	Lleoli carafanau teithiol a chyflwr blêr y tir	Hysbysiad Tramgwydd Cynllunio wedi'i gyflwyno Mawrth 2022. Mae asiant wedi'i benodi a disgwylir ymateb i'r Hysbysiad erbyn 9 Mai 2022.	Mae ymatebion i'r Hysbysiad Tramgwyddo Cynllunio wedi'u derbyn a'u hadolygu. Mae gohebiaeth yn parhau gyda'r perchennog. Cynhaliwyd ymweliad safle pellach ar ddechrau mis Tachwedd i asesu'r sefyllfa bresennol ar y tir ac mae trafodaethau pellach i'w cynnal gyda Chyfreithiwr yr Awdurdod.
39	NP5/58/ENF616	Rhagfyr 2018	Tir gerllaw Coed y Bachau, Dyffryn Ardudwy	Lleoli Carafanau Statig a ddefnyddir ar gyfer Dibenion Preswyl	Cyflwynwyd Cais am Wybodaeth o dan Adran 330 ym mis Mai 2022. Yn aros am atebion.	Mae gohebiaeth wedi dod i law ac yn cael ei hasesu ar hyn o bryd.
40	NP5/62/ENF426	Ebrill 2021	Tir ger Plas Gwynfryn, Llanbedr	Leoli carafan static	Apêl yn cael ei dilysu gan PEDW – yn aros am ragor o wybodaeth.	Dim diweddariad pellach ar gyfer y pwyllgor hwn.

41	NP5/65/ENF115A	Hydref 2019	Tir yn Hengwrt, Llanelltyd	Dympio / Storio Matresi a Charpedi	Mae Hysbysiad Tramgwydd Cynllunio wedi'i gyflwyno. Ymatebion wedi eu derbyn ac yn cael eu hystyried ar hyn o bryd.  Mae CNC wedi cychwyn achos erlyn ac roedd treial i fod i gael ei gynnal yng Nghaerdydd ar 6 Mehefin 2022.	Trafod atebion i'r Rhybudd Talu Cosb gyda'r adran gyfreithiol.  Mae achos erlyn CNC wedi'u gohirio ymhellach, a disgwylir i'r achos gael ei glywed ym mis Chwefror 2023.
42	NP5/70/ENF15N	11-Maw-2022	Maes Gwersylla Pant yr Onnen, Llangywer, Bala, LL237BT	Gosod cwt bugail a defnyddio adeilad clwb catamaran fel llety gwyliau	Cynhelir deialog gyda'r asiant / perchennog ar symud y Cwt Bugeiliaid o'r safle.	Cadarnhaodd y perchennog y bydd y Cwt yn cael ei symud o'r safle. Ymweliad safle i'w gynnal.
43	NP5/70/ENF81H	19-Ebr-2022	Cefn-y-Meirch, Rhosygwaliau. LL23 7EY	Sied amaethyddol yn cael ei thrawsnewid yn llety cyfanheddol a charafan sefydlog yn cael ei defnyddio fel llety preswyl.	Anfonwyd gohebiaeth bellach at y perchennog. Aros am ymateb.	Dim diweddariad pellach ar gyfer y pwyllgor hwn.



Achosion lle mae camau ffurfiol yn cael eu hystyried / wedi'u cymryd.

	Cyfeirnod	Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth	Lleoliad y Safle	Manylion Tor-rheolaeth Cynllunio Honedig	Y Sefyllfa ar Adeg y Cyfarfod Pwyllgor Diwethaf	Diweddariadau ers y Cyfarfod Pwyllgor Diwethaf
44	NP2/16/ENF448	Mai 2017	Chwarel Hendre Ddu, Cwm Pennant	Chwarela Diawdurdod a Chreu Trac	<p>Cynhaliwyd ymweliad safle ar y 12fed o Ebrill. Gwnaed gwaith di-awdurdod, dechreuwyd camau gorfodi a chyflwynwyd Rhybudd Atal Dros Dro mewn perthynas ag echdynnu gwastraff mwynau o domenni llechi ac adeiladu traciau newydd.</p> <p>Mae'r Hysbysiad yn dod i ben ar 3 Gorffennaf 2019. Mae Rhybudd Gorfodaeth yn cael ei ddrafftio ar hyn o bryd.</p> <p>Nid oes unrhyw waith pellach wedi'i wneud. Ymgymerir ag adroddiad doethineb o ran cymryd camau pellach mewn perthynas â'r gwaith a wnaed.</p>	Dim diweddariad pellach i'w adrodd i'r pwyllgor hwn.

45	NP4/11/ENF337	Mai 2020	Hendre Rhys Gethin, Pentre Du, Betws y Coed	Defnydd Preswyl - Carafán Deithiol	<p>Mae Rhybudd Gorfodi dilys ar gyfer y tor Rheolaeth honedig hwn, lle mae'n ei gwneud yn ofynnol iddynt roi'r gorau i wneud defnydd preswyl o'r garafán ac i'r garafán gael ei symud. Mae'n ymddangos nad yw'r tirlfeddiannwr wedi cydymffurfio â gofynion y Rhybudd Gorfodaeth. Dechrau ar gamau cyfreithiol. Gohebiaeth bellach wedi bod hefo'r perchennog. Dim ymateb gan y tirlfeddiannwr, mater wedi'i gyfeirio at yr adran gyfreithiol. Cyfarwyddiadau wedi'u hanfon at yr adran gyfreithiol i ddechrau achos Erlyniad.</p>	<p>Yn dilyn trafodaeth gadarnhaol gyda'r perchennog, mae'r achos wedi'i ohirio tan fis Chwefror 2022 i geisio datrys y mater yn gadarnhaol. Mae'r gohiriad hwn wedi'i ymestyn hyd at ddiwedd mis Ebrill 2022 a bellach mae'r achos wedi'i atal tra bod y broses ceisiadau Cynllunio wedi dod i ben.</p> <p>Cyflwynwyd cais Cynllunio ar gyfer Anedd Menter Wledig ym mis Chwefror 2022. Fodd bynnag, yn dilyn pryderon nad oedd yr ymgeisydd wedi bodloni'n llawn y profion a ragnodwyd o dan Nodyn Cyngor Technegol 6, mae'r ymgeisydd wedi tynnu'r cais yn ôl.</p> <p>Yn dilyn hynny ar ddiwedd Gorffennaf 2022 mae cais pellach wedi ei gyflwyno am dŷ fforddiadwy ac mae hwn bellach dan ystyriaeth.</p>
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46	NP5/50/ENF562P	Gorffennaf 2020	62 Plas Panteidal, Aberdyfi	Estyniad i'r ardal decio	Derbyniwyd cais cynllunio ôl-weithredol ar 30 Mehefin 2021 ac yn cael ei ystyried ar hyn o bryd.	Gwrthodwyd y cais. Ymweliad safle i'w gynnal i benderfynu a yw'r decin di-awdurdod wedi'i symud ymaith. Y camau nesaf i'w trafod yn dilyn yr ymweliad.
47	NP5/55/ENFL142A	Mehefin 2017	3 Glandŵr, Brynchrug	Cyflwr blêr yr eiddo	<p>Rhybudd Adran 215 wedi'i gyflwyno ar 18 Chwefror 2019. Ni chafwyd unrhyw apêl, felly mae'r Hysbysiad wedi dod i rym. Rhaid cydymffurfio â'r Hysbysiad yn llawn erbyn 22 Ionawr 2020.</p> <p>Mae ymweliad safle diweddar wedi digwydd lle nodwyd na chydymffurfiwyd â'r Rhybudd / Hysbysiad. Ysgrifennwyd llythyr at y perchennog yn cynghori bod yn rhaid iddynt gydymffurfio â gofynion y Rhybudd / Hysbysiad ar unwaith er mwyn osgoi camau pellach.</p> <p>Nid oes unrhyw waith adfer wedi digwydd ac mae achos erlyn yn cael ei ystyried yn awr.</p> <p>Mae ymweliad safle pellach wedi digwydd lle nodwyd na chydymffurfiwyd</p>	<p>Yn dilyn ymchwiliadau pellach, darganfuwyd cyfeiriad cyswllt posibl.</p> <p>Mae llythyr wedi'i ddsbarthu â llaw i'r cyfeiriad hwn ac er nad oedd neb yn bresennol adeg y danfoniad, cadarnhawyd bod perchennog 3 Glandwr yn byw yn y cyfeiriad a ddarparwyd.</p> <p>Dim ymateb wedi dod i law. Felly mae llythyr pellach wedi'i ddsbarthu â llaw i'r cyfeiriad dan sylw, ac mae angen ymateb o fewn 21 diwrnod.</p>

					<p>â gofynion yr Hysbysiad Adran 215.</p> <p>Dechrau achos erlyn ac anfon cyfarwyddiadau at Gyfreithiwr yr Awdurdod.</p>	<p>3 Glandwr wedi ei osod ar Rhestr flaenoriaeth grŵp Rheoli Eiddo Gwag Cyngor Gwynedd.</p>
48	NP5/57/ENF205K	Mai 2021	Gwesty Fronolau, Dolgellau	<p>Newidiadau Allanol a Chreu Chwe Uned Breswyl Hunangynhwysol</p>	<p>Cais cynllunio ôl-weithredol wedi ei gyflwyno ar gyfer newidiadau allanol i'r gwesty sydd wedi eu gwrthod.</p> <p>Mae wedi dod i'r amlwg bod adeilad y gwesty wedi'i rannu'n 6 uned ar wahân.</p> <p>Cysylltwyd â'r perchennog a'i asiant a chyflwynwyd Hysbysiad Tramgwydd Cynllunio a derbyniwyd ymatebion. Cyflwynwyd Rhybudd Gorfodaeth ar 26 Ionawr 2022 ar gyfer y newid sylweddol yn nefnydd y tir o ddefnydd C1 fel gwesty i ddefnydd C3, a datblygiad gweithredol yn cynnwys newidiadau allanol i greu chwe uned breswyl hunangynhaliol unigol yn cynnwys dau o fythynnod 3 llofft a phedwar fflat 3 llofft. Mae'r gofynion i</p>	<p>Mae Apêl Hysbysiad Gorfodi wedi'i chyflwyno ac mae'r broses wedi dechrau gyda PEDW (Penderfyniadau Cynllunio a'r Amgylchedd Cymru). Mae datganiad achos yr Awdurdod wedi'i gyflwyno a sylwadau terfynol wedi'u derbyn.</p> <p>Aros am benderfyniad ffurfiol gan PEDW.</p>

					gydymffurfio a'r Rhybudd yn nodi y dylid dychwelyd defnydd y Tir i C1 – defnydd gwesty.	
49	NP5/58/ENF144K	Rhagfyr 2018	Tir yn Tan y Coed, Talybont	Lleoli Carafanau Statig a ddefnyddir ar gyfer Dibenion Preswyl	Cysylltwyd â pherchennog y tir. Cynhaliwyd cyfarfod safle ac fe drafodwyd lleoliad a defnydd y garafán. Mae'r perchennog yn ystyried ei opsiynau ar hyn o bryd i reoleiddio'r sefyllfa. A Cyflwynwyd Rhybudd Atal Cynllunio i ddarganfod mwy o fanylion am ddefnyddio'r garafán. Derbyniwyd ymatebion ac mae'r rhain yn cael eu hasesu ar hyn o bryd.	Mae'r perchennog wedi hysbysu bod cais Tystysgrif Defnydd Cyfreithlon yn cael ei pharatoi ar hyn o bryd. Dros y 12 mis diwethaf nid oes unrhyw gais wedi ei dderbyn – i ystyried pa mor fuddiol fyddai dechrau ar gamau gweithredu ffurfiol. Mae'r perchennog wedi cadarnhau y bydd cais CLEUD yn cael ei gyflwyno erbyn 15 Rhagfyr 2022.

## Achosion Adeiladau Rhestredig

	Cyfeirnod	Dyddiad y gŵyn gyntaf neu'r Dyddiad y'i gwelwyd gan Swyddogion Cydymffurfiaeth	Lleoliad y Safle	Manylion Tor-rheolaeth Cynllunio Honedig	Y Sefyllfa ar Adeg y Cyfarfod Pwyllgor Diwethaf	Diweddariadau ers y Cyfarfod Pwyllgor Diwethaf
50	NP5/54/ENFLB33M	Ionawr 2020	Neuadd Nannau, Llanfachreth	Cyflwr Gwael Adeilad	<p>Tynnwyd sylw'r Awdurdod bod y plwm o do'r adeilad wedi'i dynnu a bod cyflwr cyffredinol yr adeilad yn dirywio'n gyflym.</p> <p>Mae ymweliad safle wedi cadarnhau hyn.</p> <p>Cysylltwyd â'r perchennog sy'n ymwybodol o gyflwr yr adeilad. Maent yn cynnig gwneud atgyweiriad dros dro i'r to nes y gallant ymweld â'r eiddo ar yr adeg honno a chanfod y difrod iddynt eu hunain.</p> <p>Hyd yma ni wnaed unrhyw atgyweiriadau dros dro. Cysylltwyd â'r perchennog eto i bwysleisio brys y sefyllfa. Maent yn cynnig gwneud gwaith atgyweirio dros dro nes eu bod yn gallu ymweld ac asesu maint y gwaith sy'n ofynnol i'r adeilad. Trefnwyd cyfarfod gyda CADW i drafod opsiynau posibl i ddiogelu Neuadd Nannau.</p>	<p>Fel yr adroddwyd ym mhwyllgor Hydref 2021, y camau nesaf i symud ymlaen hefo Nannau yw:</p> <p>Cynnal Arolwg Cyflwr llawn i gynnwys y tu mewn.</p> <p>Ymgynghori ag arbenigwr toi.</p> <p>Ystyried symud y Rhybudd Gwaith Brys a chytuno ar yr hyn sydd angen ei gynnwys yn hyn.</p> <p>Parhau i gyfathrebu â'r perchennog a rhoi gwybod am fwriadau'r Awdurdod.</p> <p>Sefydlu grŵp llywio i gael y cyngor cadwraeth / treftadaeth angenrheidiol a chynnal momentwm.</p>

				<p>Mae cyfarfod wedi'i gynnal gyda CADW ac mae trefniadau'n cael eu gwneud i gynnal arolwg cyflwr o'r adeilad. Rhagwelwyd y byddai'r arolwg hwn yn cael ei gynnal ddechrau mis Chwefror ond mae hyn wedi'i ohirio.</p> <p>Mae arolwg cyflwr allanol wedi'i drefnu ar gyfer yr wythnos sy'n dechrau ar 5 Ebrill 2021.</p> <p>Ar hyn o bryd mewn trafodaeth gyda'r perchennog mewn perthynas ag cynnal arolygiad</p> <p>Bydd methu â chytuno i'r Awdurdod gynnal archwiliad mewnol, yn arwain at gais i'r llysoedd am warant i gael mynediad.</p>	<p>Trafodaethau cychwynnol gydag Ecoleg mewn perthynas â phresenoldeb posib ystlumod.</p> <p>Yn dilyn ymyrraeth gan y gwasanaeth cyfreithiol mewn perthynas â cheisio gwarant a chysylltu â'r perchennog, maent wedi cytuno y gall yr Awdurdod gynnal archwiliad mewnol a rhagwelir y bydd hyn yn digwydd yn ystod yr wythnos yn dechrau 21 Chwefror 2022.</p> <p>Mae arolygiadau allanol a mewnol bellach wedi'u cynnal. Mewn trafodaeth ar hyn o bryd ag ymgynghorwyr cadwraeth/arbenigwyr toi mewn perthynas â'r math o waith sydd ei angen a fydd yn diogelu cyfanrwydd yr adeilad.</p> <p>Mae Plas Nannau wedi ei osod ar Restr flaenoriaeth grŵp Rheoli Eiddo Gwag Cyngor Gwynedd. Yn dilyn penodi ein Swyddog Cynllunio</p>
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51	NP5/66/ENFLB32D	Tachwedd 2020	Ty Mawr, Llanfair	Gwaith mewnol yn cael ei wneud	Llythyr wedi ei anfon i'r eiddo. Ymateb wedi ei dderbyn a trafodwyd y gwaith gyda'r perchennog. Ymweliad safle i'w gynnal. Ymweliad safle wedi ei gynnal. Cais wedi ei gyflwyno ond yn annilys.	Cynhelir deialog gyda'r asiant/ymgeisydd mewn perthynas a'r cais annilys a gyflwynwyd.
52	NP5/69/ENFLB326A	Medi 2018	Tŷ Gwyn, Llwyngwrlil	Newidiadau allanol a mewnol i adeilad rhestredig.	Cysylltir a'r asiant i weld a fydd cais am ganiatâd adeilad rhestredig yn cael ei gyflwyno.	Dim diweddariad pellach i'r pwyllgor hwn.





**PWYLLGOR CYNLLUNIO A MYNEDIAD  
07 RHAGFYR 2022**

**CYTUNDEBAU ADRAN 106**

**AWDURDOD PARC CENEDLAETHOL ERYRI  
PWYLLGOR CYNLLUNIO A MYNEDIAD, 07 RHAGFYR 2022**

**CYTUNDEBAU ADRAN 106**

<b>Rhif</b>	<b>Rhif y cais</b>	<b>Dyddiad y daeth y cais i law</b>	<b>Lleoliad</b>	<b>Datblygiad</b>	<b>Y Sefyllfa Ddiweddaraf</b>
1.	NP4/11/398	07/07/2021	Tir ger y Feddygfa, Betws-y-Coed.	Codi 5 tŷ deulawr fforddiadwy gyda thirlunio cysylltiol, mynedfa a llefydd parcio	Gyda cyfreithiwr i'w arwyddo
2.	NP5/55/L140E	03/06/2021	Capel Bethlehem, Brynchrug. LL36 9PW	Newid defnydd capel i ffurfio un annedd 1 lloft ac un annedd 6 lloft	Drafft wedi ei yrru i'r ymgeisydd
3.	NP5/61/632	12/03/2021	Merthyr Isaf, Hwylfa'r Nant, Harlech. LL46 2UE	Datblygiad preswyl saith uned 3 fforddiadwy a 4 marchnad agored yn cynnwys tri phar o dai un talcen ac un ty ar wahan, creu mynedfa cerbydau newydd a thirlunio cysylltiol	Drafft wedi ei yrru i'r ymgeisydd
4.	NP5/65/2B	04/03/2021	Beudy Uchaf Hirgwm, Maes y Clawdd, Bontddu. LL40 2UR	Trosi ysgubor yn annedd a gwaith cysylltiol gan gynnwys gosod tanc septig a arallgyfeirio llwybr cyhoeddus	Manylion wedi ei yrru i'r cyfreithiwr i ddrafftio cytundeb.
5.	NP5/65/L302D	25.08.2020	Wern y Pistyll, Bontddu	Trosi ysgubor a'i ymestun yn annedd gan gynnwys gosod tanc septig, caniatad ol-weithredol ar fyfer trac mynediad a gwaith peirianyddol i greu llain caled/ man parcio o gwmpas yr adeilad, gosod carafan statig dros dro a adeiladu clwydfan ystlumod.	Disgwyl manylion cyfreithiwr gan yr ymgeiswyr
6.	NP5/70/146A	18/08/2022	Moel-y-Ddinas, Rhosygwaliau.	Trosi ac ail adeiladu tŷ blaenorol yn dŷ fforddaidwy angnehion lleol ynghyd a ffurfioli'r fynedfa gerbyd	Disgwyl manylion gan yr ymgeisydd.
7.	NP5/72/25H	25/02/2022	Gwern-y-Genau, Arenig, Bala.	Trosi canolfan gweithgareddau awyr agored i dŷ	Disgwyl manylion y Gofrestra Tir gan yr ymgeisydd

Nifer o geisiadau ar restr Pwyllgor 19 Hydref 2022 = 7

**CEISIADAU SY’N DESTUN CYTUNDEB ADRAN 106 A SYDD WEDI EU CWBLHAU ERS  
PWYLLGOR CYNLLUNIO & MYNEDIAD  
19 HYDREF 2022**

<b>Rhif y cais</b>	<b>Lleoliad</b>	<b>Datblygiad</b>

**CEISIADAU SY’N DESTUN CYTUNDEB ADRAN 106 SYDD WEDI EU GWRTHOD, TYNNU’N ÔL, NEU WEDI EU  
GWAREDU, NEU LLE NAD OES ANGEN CYTUNDEB PELLACH ERS PWYLLGOR CYNLLUNIO & MYNEDIAD  
19 HYDREF 2022**

<b>Rhif y cais</b>	<b>Lleoliad</b>	<b>Datblygiad</b>
NP5/74/482A	Tir ger y Fynwent, Dinas Mawddwy	Adeiladu tŷ fforddiadwy (Ail-gais)



**PWYLLGOR CYNLLUNIO A MYNEDIAD  
07 RHAGFYR 2022**

**CEISIADAU NA PHENDERFYNWYD  
ARNYNT ERS 13 WYTHNOS A MWY**

## AWDURDOD PARC CENEDLAETHOL ERYRI

### PWYLLGOR CYNLLUNIO A MYNEDIAD 07 RHAGFYR 2022 CEISIADAU NA PHENDERFYNWYD ARNYNT ERS 13 WYTHNOS A MWY

#### Mewn Trafodaeth Gyda'r Asiant / Ymgeisydd

NP5/61/T558D	19/04/21	Cyn Gapel Tabernacl, Stryd Fawr, Harlech. LL46 2YB	Trosi'r hen arddangosle ceir a'r siop partiau ceir ar y llawr isaf yn siop gyfleus ar y lloriau daear ac isaf, creu 2 fflat ar y llawr cyntaf (Marchnad agored) ynghyd ac amnewid y ffenestri UPVC diawdurdod gyda rhai gwydr dwbl efo ffrâm bren fain
NP5/65/L302D	04/03/22	Wern y Pistyll, Bontddu. LL40 2UP	Trosi ysgubor a'i ymestun yn annedd gan gynnwys gosod tanc septig, caniatad ol-weithredol ar fyfer trac mynediad a gwaith peirianyddol i greu llain caled/ man parcio o gwmpas yr adeilad, gosod carafan statig dros dro a adeiladu clwydfan ystlumod.
NP5/78/91B	04/01/22	Wern Gron, Trawsfynydd. LL41 4UN	Trosi a newid defnydd beudy yn annedd fforddiadwy a uned llety gwyliau tymor byr ynghyd gosod tanc septig a gwaith cysylltiol

#### Disgwyl Cynlluniau Diwygiedig

NP5/58/637	18/10/21	Modurdai, tir ger yr A496, Dyffryn Ardudwy. LL44 2ET	Dymchwel y modurdai presennol ac adeiladu tŷ deulawr gyda pharcio cysylltiol a thirlunio
NP5/65/83A	10/08/22	Pandy Bach, Llanelltyd. LL40 2EY	Gosod 14 panel arae haul ar y ddaear o fewn cwrttil yr eiddo
NP5/73/424A	28/09/20	Cilderi, Tan y Bwlch. Maentwrog. LL41 3YU	Codi garej dwbl, caniatâd ôl-weithredol am estynad i'r cwrttil, cadw'r terasiad cerrig a gwaith peirianeg.
NP5/75/68B	15/09/21	Tir ger Maesteg, Pennal. SY20 9DL	Codi pum annedd fforddiadwy ynghyd â mynediad, parcio a thirlunio cysylltiedig.
NP5/78/540D	27/07/22	Coed y Rhygen, Trawsfynydd. LL41 4TS	Dymchwel y sied bresennol a codi adeilad amaethyddol newydd.

#### Disgwyl Arolwg Ystlumod (neu ac Coed)

NP5/58/363H	04/10/21	Nant Eos, Dyffryn Ardudwy. LL44 2HX	Trosi i dy marchnad agored a gosod gwaith trîn carthion (Ail-gais)
NP5/66/156B	28/02/22	Hafod, Llandanwg. LL46 2SD	Dymchwel byngalo a garej presennol ac adeiladu byngalo dormer deulawr newydd a garej ar wahân

#### Disgwyl Adroddiad Ecolegol Diwygiedig

NP5/65/367A	22/03/22	Dolfawr, Llanelltyd. LL40 2HD	Codi adeilad unllawr i'w ddefnyddio fel llety cathod masnachol
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NP5/73/PIAW197M	08/12/21	Bryn Arms, Gellilydan. LL41 4EN	Cais am gymeradwyaeth materion a gadwyd yn ôl i godi adeilad ar wahan deulawr i ddarparu 15 ystafell gwesteion fel llety gwyliau gwasanaeth mewn perthynas a Bryn Arms
NP5/77/31J	04/07/22	Caerffynnon Hall, Talsarnau. LL47 6TA	Ffurio ffordd fynediad newydd

### Disgwyl Manylion gan yr Asiant / Ymgeisydd

NP4/26/266Y	12/07/22	Zip World Fforest, Ffordd Llanrwst, Betws y Coed. LL24 0HX.	Creu llawr caled ar gyfer lleoli cynwysyddion tymhorol, lleoli tipî ar gyfer gweithgareddau grŵp, a chais ôl-weithredol i gadw llwybr a phont car sglefrio'r goedwig, cysgodfan hopranau coed, ciosg camera, ciosg archebu, cwt byrbrydau, storfa cit y saffari coed a lloches, tai coed gyda rhwydi, sied tanc dŵr, lloches staff, liithren goedwig, adeiladau cit i ddefnyddio'r rhwydi coedwig a'r plymio.
NP5/52/29B	28/02/22	Ty Nant, Islaw'r Dref, Dolgellau. LL40 1TL	Lleoli 2 gwt bugail ar gyfer defnydd llety gwyliau
NP5/53/576	29/11/21	Tir yn Y Bala.	Estyniad arfaethedig i reilffordd trac cul Llyn Tegid i gynnwys 1200m o drac reilffordd, croesfan reilffordd, codi gorsaf reilffordd newydd, adeiladau ategol ar gyfer injan dren a cherbydau, blwch signal ynghyd a datblygiad cysylltiol
NP5/54/456A	07/06/21	Penarddwnion Fach, Pen y Main, Dolgellau. LL40 2DH	Codi caban i'w ddefnyddio fel annedd menter wledig ynghyd a decin, parcio, trac a tanc septig cysylltiedig
NP5/58/629	29/01/20	Tir rhwng Plas Meini & Swyn y Mor, Dyffryn Ardudwy. LL42 2BH	Cais amlinell i godi pedwar ty deulawr ar wahân (2 marchnad agored a 2 ffoddiadwy) gyda garejis mewnol a chreu mynedfa gerbydau i'r A496
NP5/61/329B	29/06/22	Hafod Wen, Harlech. LL46 2RA	Codi ystafell ardd unllawr newydd ar slab concrit presennol a gwaith tirwedd gysylltiedig
NP5/65/246B	04/07/22	Pen y Dalar, Llanelltyd. LL40 2HB	Newid defnydd tir i ymestyn cwrtil domestig ac adeiladu garej a creu mynedfa newydd i gerbydau (Ail gyflwyniad)
NP5/65/367A	22/03/22	Dolfawr, Llanelltyd. LL40 2HD	Codi adeilad unllawr i'w ddefnyddio fel llety cathod masnachol.
NP5/66/281A	17/05/22	Pen y Garth Isaf, Llanbedr. LL45 2HT	Adeiladu storfa ysgubor newydd
NP5/70/83D	15/04/22	Ffynnon Gower, Llangower. LL23 7DA	Adeiladu caban ffram pren i'w ddefnyddio fel llety gwyliau i berson anabl
NP5/70/83E	03/05/22	Ffynnon Gower, Llangower. LL23 7DA	Adeiladu sied amaethyddol
NP5/71/269L	22/06/22	Bwch yn Uchaf, Llanuwchllyn. LL23 7DD	Ail-strwythuro ac uwchraddio 15 o leiniau unedau teithiol presennol i gynllun tirlunio dwysedd is.
NP5/72/65H	01/07/22	Maes Carafanau Plas Moel y Garnedd, Llanycil. LL23 7YG.	Newid defnydd glaswelltir wedi'i wella ac adeiladau diangen er mwyn ymestyn maes carafanau presennol, ail-leoli naw maes gan gynnwys heolydd, llwybrau a thirlunio cysylltiol.
NP5/73/423B	29/04/22	Y Felin Lfio, Tan y Bwlch, Maentwrog. LL41 3YU	Trosi ty allan i lety anecs.
NP5/74/499	06/07/22	Tir ym Mhlanhigfa Mynogau, Dinas Mawddwy. SY20 9LX	Gosod tŵr dellt 25m sy'n cynnal 6 antenau, 6 dysglau trawsyrru, 5 o gypyrddau offer, 1 cabinet metr, lleoli generadur a thanc tanwydd, ffurfio ardal llawr caled, ffurfio compownd wedi'i ffensio 2.4m, adeiladu wal caergawell, a modiwl GPS.

NP5/78/572	06/07/22	Tir yn Mynydd Bach, Trawsfynydd. LL41 4T	Gosod tŵr dellt 30m o uchder sy'n cynnal 9 antenau, 6 dysglau trawsyrru, 6 cypyrddau offer, 1 cabinet medr, ynghyd â lleoli generadur a thanc tanwydd cysylltiedig, ffurfio ardal llawr caled, adeiladu wal caergawell, a ffurfio cyfansawdd wedi'i ffensio.
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### Ail-Ymgynghori

NP5/52/258B	26/05/22	Maes Parcio ger Llyn Gregennan, Arthog	Gosod peiriant talu ac arddangos.
NP5/70/166	25/02/22	Ysgubor Esgeiriau, Rhosygwaliau. LL23 7ET	Trosi a newid defnydd adeilad amaethyddol segur, gosod trac mynediad a gwaith trin carthion iw ddefnyddio a fel llety gwyliau tymor byr fel rhan o priosecht arallgyfeirio fferm

### Yn aros am Ddatganiad Perygl Llifogydd

NP5/57/1083A	29/06/22	Hen Glinig, Fron Serth, Dolgellau. LL40 1PL	Newid defnydd yr hen adran Peledr-X' i orsaf ambiwlans gan gynnwys estyniadau a newidiadau allanol.
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### Manylion pellach gan yr ymgeisydd dan ystyriaeth

NP4/11/337D	29/07/22	Hendre Farm, Betws y Coed, LL24 0BN	Adeiladu tŷ fforddiadwy newydd a gosod gwarediad dŵr budr cysylltiedig.
NP5/57/1174	27/10/21	Tir ger Penmaen Ucha, Penmaenpool. LL40 1YD	Adeiladu annedd menter wledig, garej, mynedfa a thramwy newydd
NP5/75/73D	21/10/19	Ynys, Cwrt, Pennal. SY20 9LD	Trosi ac addasu'r 'BCF Hut' presennol i greu llety gwyliau a gosod tanc septig (Ail-gyflwyniad)

### Disgwyl Aseiad Priodol ARHC

NP3/12/12G	04/04/22	Plas-y-Nant, Betws Garmon. LL54 7YR	Newid defnydd o westy (Dosbarth Defnydd C1) i breswyl (Dosbarth Defnydd C3) a codi estyniad deulawr
NP4/11/58H	05/07/22	Royal Oak Farmhouse, Betws-y-Coed. LL24 0AH	Newid defnydd o adeiladau allanol domestig i gaffi (Dosbarth defnydd A3) a man chwarae meddal cysylltiedig i blant.
NP5/57/558D	07/07/22	Frongoch Old Power House, Plas y Brithdir, Dolgellau. LL40 2PW	Addasiadau i'r to gan gynnwys cynnydd bach mewn uchder a gosod 4 ffenestr to.
NP5/57/1167A	08/03/22	Ty'n-y-Bryn, Dolgellau. LL40 1TD	Adeiladu estyniad deulawr, cadw newidiadau i'r fynedfa bresennol, a cadw allandy
NP5/58/18Z	09/05/22	Barmouth Bay Holiday Park, Ffordd Glan-Môr, Talybont. LL43 2BJ	Erection of a flood defence wall to a height of 1.1 metres extending along the North/North-Eastern boundary of Barmouth Bay Holiday Park adjacent to the River Ysgethin.
NP5/62/423	13/07/22	Coed Hafod y Bryn, Llanbedr.	Newidiadau i'r fynedfa bresennol i Coed Hafod y Bryn i gynnwys lledu'r fynedfa o 3.3m i 4.2m.

NP5/65/274H	24/03/22	Maes Hyfryd, Llanelltyd. LL40 2HF	Codi adeillad ffram dur ar llawr caled presennol i ddibenion cadw offer amaethyddol, bwyd anifeiliaid a gwrtaith.
NP5/65/330C	24/06/22	Hafod Fach, Llanelltyd. LL40 2HB	Dymchwel y tŷ presennol ac adeiladu tŷ newydd, ac amnewid y tanc septic presennol gyda uned trîn carthion newydd.
NP5/72/248	05/04/22	Tir ger Boch y Rhaidr, Arenig, Bala. LL23 7PB	Dau uned gwyliau a gosod uned trin carthion

### Disgwyl Ymateb gan Priffyrdd Llywodraeth Cymru

NP4/11/AD116K	27/04/22	Pont y Pair Hotel, Betws y Coed. LL24 0BN	Caniatâd Hysbysebion ar gyfer cyfnewid amryw o arwyddion i'r edrychiad ffrynt
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### Disgwyl Priffyrdd

NP5/50/743	06/04/22	Braich Gwyn, Aberdyfi. LL35 0RD	Trosi sgubor i dŷ yn cynnwys codi estyniad, a gosod uned trin carthion
NP5/68/100F	08/08/22	Creua, Llanfrothen. LL48 6SH	Adeiladu estyniad unllawr i ysgubor, gosod 2 ffenestr to ar do'r ysgubor bresennol, adeiladu 4 caban cysgu a ffurfio llwybrau mynediad, a gosod offer uned trin carthion tanddaearol.

Nifer o geisiadau ar y rhestr = 47

Nifer o geisiadau ar y rhestr Pwyllgor 19 Hydref = 45





**PWYLLGOR CYNLLUNIO A MYNEDIAD  
07 RHAGFYR 2022**

**PENDERFYNIADAU DIRPRWYEDIG**



**PWYLLGOR CYNLLUNIO A MYNEDIAD  
07 RHAGFYR 2022**

**PENDERFYNIADAU DIRPRWYEDIG**

**AWDURDOD PARC CENEDLAETHOL ERYRI**

**PWYLLGOR CYNLLUNIO A MYNEDIAD 07 RHAGFYR 2022**

**PENDERFYNIADAU DIRPRWYEDIG**

**Ceisiadau wedi ei caniatáu**

	<b>Rhif y Cais</b>	<b>Bwriad</b>	<b>Lleoliad</b>	<b>Dyddiad Penderfyniad</b>	<b>Swyddog Achos</b>
1.	NP2/11/108C	Gosod caban arlywo am gyfnod dros dro (tan 31ain Rhagfyr 2023)	Caffi Colwyn, 1 Stryd yr Eglwys, Beddgelert. LL55 4YA	10/10/22	Mr Richard Thomas
2.	NP2/11/710A	Estyniad arfaethedig i sied amaethyddol a codi sied amaethyddol newydd	Wernlas Deg, Beddgelert. LL55 4UU	11/10/22	Mr Richard Thomas
3.	NP2/11/733	Gosod generadur newydd wedi'i osod ar blatfform uwch ynghyd ag adeiladu ffensys diogelwch	Pump House, Stryd yr Eglwys, Beddgelert	11/10/22	Mr Richard Thomas
4.	NP2/16/LUT318	Tystysgrif Defnydd Cyfreithlondeb (Defnydd Arfaethedig) ar gyfer newidiadau mewnol i ystafell storio a offer presennol.	Cwrt Isaf, Cwm Pennant, Garndolbenmaen. LL51 9AX	12/10/22	Mr Richard Thomas
5.	NP3/10/LB33J	Caniatad Adeilad Rhestredig (wedi ddiwygio) i newid rhan y stabal unllawr ar beudy i dy un ystafell wely, newid ffenestr talcen y drychiad De, ffliw'r llosgwr boncyffion drwy'r to yr ochr Dwyreiniol, gwaith draenio carthffosiaeth. Creu agoriad drws yn y wal sydd yn rhannu'r stabal ar beudy, llawr newydd wedi ei insiwleiddio a system gwres dan llawr, gosod pared rhwng ystafell ymolchi a ystafell wely, insiwleiddio'r to a'i gorchuddio gyda pastarfyrddiau	Fferm Pen y Bryn, Abergwyngregyn. LL33 0LA	27/09/22	Mr Richard Thomas
6.	NP3/10/LB33K	Newid defnydd a throsi rhan o ysgybor, stabal a beudy yn dy un llofft ar holl waith perthnasol	Fferm Pen y Bryn, Abergwyngregyn. LL33 0LA	27/09/22	Mr Richard Thomas
7.	NP4/11/403	Newid defnydd encilfa bws i le eistedd arlwyfaeth gyda canopi gwyrdr	Gorsaf Rheilffordd, Betws y Coed. LL24 0AE	19/10/22	Mr Richard Thomas

8.	NP4/12/99G	Diwygiad ansylweddol i Ganiatad Cynllunio NP4/12/99F dyddiedig 19/10/2021 trwy leihau maint yr estyniad drwy ddileu elfen llawr cyntaf y cynllun a ganiatawyd a ffurfio estyniad unllawr	Pen Lan, Rowen. LL32 8YU	12/10/22	Mr Richard Thomas
9.	NP4/26/266X	Newid defnydd tir i osod 6 uned gwyliau hunain arlwyo tymor byr, creu llwybrau ynghyd a gwaith cysylltiol	Zip World Fforest, Ffordd Llanrwst, Betws y Coed. LL24 0HX	28/09/22	Mr Richard Thomas
10.	NP4/26/342	Gosod insiwleiddio allanol ar y drychiadau blaen, cefn ac ochr	Annedd Wen, 2 Trem Y Wyddfa, Nebo. LL26 0SY	01/11/22	Mr Richard Thomas
11.	NP4/29/492A	Gosod lifft plattform bob gallu, mynediad i lwybr cyfagos a gwaith cysylltiedig yn yr ardd flaen	2 Maes Y Waen, Penmachno. LL24 0AZ	11/11/22	Mr Richard Thomas
12.	NP4/32/130B	Dymchwel y ty presennol a'r stabl/adeilad allanol cysylltiol presennol ynghyd a chodi ty newydd, trosi adeilad allanol presennol i ddarparu anecs, adeiladu ty stlumod, ynghyd a gwaith cysylltiedig	The Stables, Pen Yr Allt, Llanrhychwyn. LL27 0YX	01/11/22	Mr Richard Thomas
13.	NP4/32/374	Gosod insiwleiddio allanol ar y drychiadau blaen, cefn ac ochr	6 Bro Crafnant, Trefriw, LL27 0TJ	01/11/22	Mr Richard Thomas
14.	NP4/32/78C	Ramp mynedfa dwr ac isadeiledd cysylltiedig	Llyn Geirionnydd, Llanrhychwyn. LL27 0YX	11/11/22	Mr Richard Thomas
15.	NP5/50/140D	Adeiladu pergola i ochr y ty	Llwyn, Aberdyfi. LL35 0HR	05/10/22	Ms. Sophie Berry
16.	NP5/50/705A	Adeiladu decin yn yr ardd gefn	35 Terrace Road, Aberdyfi, LL35 0LU	05/10/22	Ms. Sophie Berry
17.	NP5/50/T452C	Amnewid yr estyniad cefn unllawr presennol a garej cyfochrog gyda garej deulawr a lle gwaith ar y llawr cyntaf uwchben a newidiadau i strwythur y to	Haulfryn, Hopeland Road, Aberdyfi, LL35 0NH	05/10/22	Ms. Sophie Berry
18.	NP5/53/LB301L	Adeiladu estyniad cefn unllawr	Plas yn Dre, Stryd Fawr, Y Bala. LL23 7LU	19/10/22	Miss Elen Hughes
19.	NP5/53/LB301M	Caniatad Adeilad Rhestredig am newidiadau mewnol ac allanol	Plas yn Dre, Stryd Fawr, Y Bala. LL23 7LU	19/10/22	Miss Elen Hughes

20.	NP5/54/210E	Cais ôl-weithredol i gadw dau system gwresogi ffynhonell ddaearol o fewn cwrtil Adeilad Rhestredig Gradd II.	Caerynwch, Brithdir. LL40 2RF	16/11/22	Mr. Dafydd Thomas
21.	NP5/54/LB210F	Caniatad Adeilad Rhestredig i gadw dau system gwresogi ffynhonell ddaear o o fewn cwrtil Adeilad Rhestredig Gradd II	Caerynwch, Brithdir. LL40 2RF	16/11/22	Mr. Dafydd Thomas
22.	NP5/56/128B	Amnewid gorsaf fesur	Gorsaf Fesur, tir ger Afon Dyfi, Pont ar Ddyfi, Machynlleth. SY20 9QY	21/10/22	Ms. Emma Watkins
23.	NP5/57/60L	Cael gwared ar yr arwyddion unigol allanol presennol, tynnu'r blwch llythyrau gyda'r agorfa bresennol i'w fewnlenwi â gwaith carreg i gyd-fynd â'r presennol, tynnu 1 golau 'ATM' presennol, tynnu'r blwch larwm ADT presennol, tynnu 1 camera TCC presennol, tynnu platiau enw cangen dwy iaith, tynnu'r faner bresennol, tynnu 1 peiriant 'ATM' presennol gyda'r agorfa bresennol i'w lenwi â gwaith carreg i gyd-fynd â'r un presennol, a chael gwared ar 1 sêff nos bresennol gyda'r agorfa bresennol i'w llenwi â gwaith carreg i gyd-fynd â'r presennol	Banc Barclays, Llys Owain, Dolgellau. LL40 1AP	13/10/22	Mrs. Alys Tatum
24.	NP5/57/LB110J	Newid defnydd y llawr gwaelod o hen stiwdio tatwio i ddarparu llety ychwanegol i'r annedd ar y loriau uwch	Siop Y Bont, Heol y Bont, Dolgellau, LL40 1DF	01/11/22	Ms. Sophie Berry
25.	NP5/57/LB81H	Rhyddhau Amod Rhif 3 (Cynllun gwelliannau bioamrywiaeth) ynghlwm i Ganiatad Cynllunio NP5/57/LB81E dyddiedig 07/01/2022	Cartref Preswyl Llwyn, Ffordd Y Bala, Dolgellau, LL40 2YF	05/10/22	Ms. Sophie Berry
26.	NP5/58/170B	Cais ol-weithredol i gadw estyniad ochr	Ty Gwyn, Dyffryn Ardudwy. LL44 2BY	03/11/22	Mr Aled Lloyd

27.	NP5/59/522F	Gosod area paneli haul 5kw (16 panel) a area paneli haul 1.9kw (6 panel) ar y ddaear.	Plas Blaenddol, Llan Ffestiniog. LL41 4PH	26/10/22	Mr Aled Lloyd
28.	NP5/61/559B	Adeiladu estyniad cefn unllawr	9 Pant yr Eithin, Harlech. LL46 2AA	09/11/22	Mr Aled Lloyd
29.	NP5/61/637A	Diwygiad ansylweddol i Ganiatad Cynllunio NP5/61/637 dyddiedig 07/10/2020 i dynnu ffenestr ochr.	Beaumont, Old Llanfair Road, Harlech. LL46 2SS	26/09/22	Mr Aled Lloyd
30.	NP5/61/L80H	Cais ôl-weithredol i gadwi'r teras wedi ei godi sydd o flaen y brif fynedfa	Lion Hotel, Harlech. LL46 2SG	24/10/22	Mr Aled Lloyd
31.	NP5/64/LB67C	Adeiladu estyniad newydd a ports cysylltiol	Bryn Tudur, Llanegryn. LL36 9UA	03/10/22	Mrs Jane Jones
32.	NP5/64/LB67D	Caniatad Adeilad Rhestredig i adeiladu estyniad newydd a ports cysylltiedig	Bryn Tudur, Llanegryn. LL36 9UA	03/10/22	Mrs Jane Jones
33.	NP5/66/8H	Dymchwel y storfa caiac, siediau storfa ac ystafelloedd newid presennol, ailwampio'r safle a chodi adeilad gweithgareddau awyr agored. Trosi'r swyddfeydd presennol yn storfa caiac ac offer.	Cei Pensarn, Llanbedr. LL45 2HP	27/10/22	Mr Aled Lloyd
34.	NP5/67/280C	Adeiladu garej ar wahân a creu mynediad newydd i gerbydau/cerddwyr.	Dol-Ffanog Fach, Talyllyn. LL36 9AJ	21/10/22	Ms. Emma Watkins
35.	NP5/67/47L	Trosi anecs presennol i un bwthyn gwyliau i'w osod.	Gwesty Pen y Bont, Tal y Llyn, Tywyn. LL36 9AJ	10/11/22	Ms. Emma Watkins
36.	NP5/67/AD95C	Caniatad Hysysbeb i arddangos panel dehongli ar edrychiad ffrynt y neuadd bentref	Neuadd Bentref, Abergynolwyn, LL36 9YA	10/10/22	Mrs. Alys Tatum
37.	NP5/69/348C	Diwygio Amod 2 o gais NP5/69/348A (Codi ty) i gyfnewid lluniadau ar gyfer dyluniad diwygiedig	Tir ger Machlud Haul, Llwyngwrl, LL37 2JQ	10/11/22	Ms. Sophie Berry
38.	NP5/69/411	Ms. Emma Watkins	Tir ger The Nook, Llwyngwrl. LL37 2JQ	15/11/22	Ms. Emma Watkins
39.	NP5/70/163A	Rhyddhau Amod Rhif 3 (Cynllun Rheoli Ecolegol Adeiladu) ynghlwm i Rybudd Ganiatad Cynllunio NP5/70/163 dyddiedig 21/06/2022.	Craig yr Allt Ddu, Cwm Hirnant, Rhosygwaliau.	27/10/22	Mrs Jane Jones

40.	NP5/71/488	Adeiladu bont dros rhyd ar yr Afon Dyfrdwy	Coedwig Penaran, Llanuwchllyn. LL23 7UL	27/09/22	Ms. Sophie Berry
41.	NP5/73/4N	Dymchwel bloc cyfleusterau safle a chodi adeilad cyfleusterau safle newydd, adleoli ac amnewid y compownd nwy calor gyda gosod tanciau newydd, 4No. pwyntiau gwasanaeth newydd, gosod pwynt gwastraff fan modur newydd a man golchi cŵn a beiciau newydd a Cilfan gwefru cerbydau trydan.	Caravan Club Site, Coed y Llwyn, Gellilydan. LL41 4EN	28/09/22	Mr Aled Lloyd
42.	NP5/73/99E	Adeiladu estyniad i'r prif annedd, a dymchwel adeilad amaethyddol/storfa/modurdy presennol a codi adeilad amaethyddo/storfa/modurdy newydd	Cynfal Bach, Cwm Cynfal, Blaenau Ffestiniog. LL41 4RA	26/09/22	Mr Aled Lloyd
43.	NP5/73/LU287K	Tystysgrif Cyfreithlondeb (Defnydd Arfaethedig) i ostwng uchder dau adeilad adweithyddion	Safle Dadgomisiynu, Trawsfynydd. LL41 4DT	26/09/22	Mr Robin Williams
44.	NP5/74/28A	Trosi beudy yn llety gwyliau	Pant, Llanymawddwy. SY20 9AJ	10/11/22	Ms. Emma Watkins
45.	NP5/77/336F	Rhyddhau rhan o Amod Rhif 5 (Cynllun Rheoli Gwastraff Safle, Datganiad Dull Bioddiogelwch, Aseiad Risg Llŵch a Methodoleg Monitro Adeiladu, a Chynllun Rheoli Digwyddiad Llygredd) ynghlwm i Ganiatad Cynllunio NP5/77/336B dyddiedig 24/09/2021	Tir yn Cilfor, Llandecwyn.	28/09/22	Mr Aled Lloyd
46.	NP5/77/345	Cais ôl-weithredol ar gyfer tynnu simdde	Bryn Mair, 21 Stryd Fawr, Talsarnau. LL47 6TY	21/10/22	Mr. Dafydd Thomas
47.	NP5/77/354	Cynyddu uchder y penty presennol, a tynnu'r simdde	9 Bryn Street, Talsarnau. LL47 6UD	26/10/22	Mr Aled Lloyd

### Ceisiadau wedi ei gwrthod

	<b>Rhif y Cais</b>	<b>Bwriad</b>	<b>Lleoliad</b>	<b>Rheswm Gwrthod</b>	<b>Swyddog Achos</b>
1.	NP2/16/T413G	Diwygiad ansylweddol i Ganiatad Cynllunio NP2/16/T314E dyddiedig 08/12/2021 i gynnwys balwstrad gwydr ar ben wal teras	Beudy Mawr, Erw Suran, Cwm Ystradllyn, Garndolbenmaen, LL51 9BQ	11/11/22  Ym marn Awdurdod Parc Cenedlaethol Eryri mae'r diwygiadau yn cael eu hystyried yn newidiadau 'sylweddol' o ran eu natur gan y byddant yn arwain at newid sylweddol gweledol i nodweddion y caniatâd cynllunio gwreiddiol a bydd angen caniatâd cynllunio newydd arnynt.	Mr Richard Thomas
2.	NP5/50/153B	Newidiadau i ardal patio blaen gan gynnwys gosod drysau dyblyg, ac adeiladu balconiau newydd a gosod drysau deublyg ar y lloriau 1af ac 2il ar y drychiad blaen	The Exchange, 4 Terrace Road, Aberdyfi. LL35 0LP	04/10/22  Byddai'r balconi llawr cyntaf a gynigir a'r newidiadau i ffenestri'r eiddo yn amharu ar gymesuredd yr adeilad a byddai'r balconi yn ymddangos fel nodwedd anghydweddol i'w ffasâd a byddai'n niweidiol i gymeriad ac edrychiad y strydlyn a'r Ardal Gadwraeth. Mae'r cynnig felly'n gwrthdaro â Pholisi Strategol Ff a Pholisiâu Datblygu 1 a 15 o Gynllun Datblygu Lleol Eryri.  Nid oes unrhyw welliant bioamrywiaeth wedi eigynnig fel rhan o'r cais ac felly mae'n gwrthdaro â Pholisi Strategol D a'r rhwymedigaeth i ymgorffori gwella bioamrywiaeth fel sy'n ofynnol ym mharagraff 6.4.5 Polisi Cynllunio Cymru (Argraffiad 11, Chwefror 2021).	Ms. Sophie Berry



3.	NP5/53/598B	Cais amlinellol i adeiladu un ty	Tir ger Ffynnon Beuno, Bala. LL23 7YY	<p>28/10/22</p> <p>Oherwydd cyfrannau'r safle a'r paramedrau graddfa a nodir, byddai datblygiad preswyl y safle hwn yn y modd a gynigir yn arwain at annedd a fyddai'n ymddangos fel nodwedd anghydweddol o fewn y strydlun ac ni fyddai'n nodweddiadol o'r raddfa, patrwm na ffurf datblygiad presennol. Byddai'n amharu ar gymeriad, edrychiad a gosodiad y tai presennol a'r ardal gyfagos ac yn cael effaith andwyol ar fwynderau preswyl rhif. 15 Mawnog Fach yn groes i Bolisi Datblygu 1 Cynllun Datblygu Lleol Eryri mabwysiedig.</p> <p>Nid oes digon o wybodaeth wedi'i chyflwyno i adnabod a mynd i'r afael â'r holl faterion ecolegol posibl o fewn y safle datblygu arfaethedig ac effaith y datblygiad ar nodweddion cyfagos o bwysigrwydd ecolegol cydnabyddedig, sef yr Afon Dyfrdwy ac Ardal Gadwraeth Arbennig Y Bala ac felly nid yw'n bodloni Polisi Strategol. D Amgylchedd Naturiol o Gynllun Datblygu Lleol Eryri.</p>	Ms. Sophie Berry
4.	NP5/58/636A	Codi ty (Angen lleol fforddiadwy)	Cae Wat (tir ger Swn-y-Mor), Ffordd Glan Mor, Talybont. LL43 2AR	<p>28/09/22</p> <p>Oherwydd fod y cais hwn yn cynnig tŷ newydd ar safle sydd y tu allan i unrhyw ffin datblygu tai fel y'i diffinnir yng Nghynllun Datblygu Lleol Eryri (2016 - 2031),</p>	Mr Aled Lloyd

				<p>mae'r cais hwn i'w ystyried fel datblygiad heb gyfiawnhad mewn cefn gwlad agored ac felly yn gwrthdaro â pholisiau Cynllun Datblygu Lleol Eryri A, C, 2, G, 11, 30 a Pholisi Cynllunio Cymru, Argraffiad 11, Chwefror 2021.</p>	
5.	NP5/65/125D	Trosi ac addasu beudy yn llety gwyliau	Beudy Gelli-Rhydd, Bontddu. LL40 2UA	<p>03/11/22</p> <p>Nid yw'r bwriad i drosi'r ysgubor yn uned gosod gwyliau wedi ei ddangos yn ddigonol i fod yn rhan o gynllun menter wledig ac felly mae'n groes i Bolisi Datblygu 9 'Trosi a newid defnydd adeiladau gwledig' o Gynllun Datblygu Lleol Mabwysiedig Eryri (Chwefror 2019) a Chanllawiau Cynllunio Atodol Mabwysiedig 8 'Llety Ymwelwyr' (Ionawr 2020)</p> <p>Mae safle'r cais yn rhannol o fewn Parth C2 y Map Cyngor Datblygu (MCD) sydd wedi'i gynnwys yn TAN 15 lle na ddylid caniatáu datblygiad hynod agored i niwed. Mae'r bwriad felly yn groes i Nodyn Cyngor Technegol 15 'Datblygu a Pherygl o Lifogydd' paragraff 6.2 (Gorffennaf 2004) a Pholisi Strategol A ' Dibenion y Parc Cenedlaethol a Datblygu Cynaliadwy (maen prawf xiv) a Pholisi Datblygu 1 'Egwyddorion Datblygu Cyffredinol (maen prawf xvi) o Gynllun Datblygu Lleol Eryri Mabwysiedig (Chwefror 2019)</p>	

				<p>Nid oes digon o wybodaeth wedi'i chyflwyno i asesu effeithiau posibl ar ystlumod a lle bydd unrhyw effaith yn cael ei hosgoi neu ei lliniaru'n ddigonol. Mae'r cynnig felly yn groes i Bolisi Datblygu 1 'Egwyddorion Datblygu Cyffredinol' (maen prawf v) Cynllun Datblygu Lleol Mabwysiedig Eryri (Chwefror 2019)</p> <p>Nid oes digon o wybodaeth wedi ei gyflwyno i roi sail ddigonol i asesiad gael ei wneud o'r risgiau o lygredd i'r amgylchedd dŵr yn deillio o'r datblygiad. Mae'r cynnig felly yn groes i Bolisi Datblygu 1 'Egwyddorion Datblygu Cyffredinol' (maen prawf xi) Cynllun Datblygu Lleol Mabwysiedig Eryri (Chwefror 2019)</p> <p>Nid oes digon o wybodaeth wedi'i chyflwyno i ddangos sut y bydd unrhyw effeithiau ar Ardal Cadwraeth Arbennig (ACA) Pen Llyn a'r Sarnau gerllaw yn cael eu rheoli. Nid oes digon o wybodaeth ynglŷn â sut y bydd trefniadau draenio budr ar gyfer y gosodiad gwyliau arfaethedig yn effeithio ar yr ACA fel sy'n ofynnol o dan Reoliad 63 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2017. Mae'r bwriad felly yn groes i Bolisi Strategol D 'Amgylchedd Naturiol' o'r Cynllun. Cynllun Datblygu Lleol Eryri Mabwysiedig (Chwefror 2019)</p>	
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<b>CYFARFOD</b>	Pwyllgor Cynllunio a Mynediad
<b>DYDDIAD</b>	7 Rhagfyr 2022
<b>TEITL</b>	<b>Penderfyniad y Goruchaf Lys: <i>Hillside Parks Ltd v Awdurdod Parc Cenedlaethol Eryri</i></b>
<b>ADRODDIAD GAN</b>	Cyfarwyddwr Cynllunio a Rheoli Tir
<b>PWRPAS</b>	Crynodeb o benderfyniad diweddar gan y Goruchaf Lys yn Hillside, Aberdyfi, ynghyd ag unrhyw oblygiadau i Eryri

### 1. Cefndir

- Bydd rhai Aelodau'n ymwybodol o achos llys y mae Awdurdod y Parc Cenedlaethol wedi bod yn ymwneud ag ef ers blynnyddoedd lawer mewn perthynas â chaniatâd cynllunio hanesyddol ar gyfer 401 o dai yn Aberdyfi ar safle o'r enw Hillside. Mae hyn bellach wedi dod i'w gasgliad o'r diwedd yn dilyn dyfarniad gan y Goruchaf Lys ar 2 Tachwedd – ac mae hwn wedi'i Atodi fel Atodiad 1.
- Mae'r datblygiad y mae'r penderfyniad hwn yn ymwneud ag ef yn ganiatâd cynllunio a roddwyd gan Gyngor Sir Meirion ar y pryd ym 1967 ar gyfer 401 o dai. Mae'r safle wedi datblygu'n achlysurol ac yn araf iawn dros sawl degawd, a bellach mae 41 o dai wedi'u cwblhau trwy wahanol ganiatadau dilynol ar y safle, yr un diweddaraf a ganiatawyd yn 2011. Nid oedd yr un o'r 41 o dai yn unol â'r prif gynllun gwreiddiol a ganiatawyd yn 1967, a chafodd bob un ohonynt ganiatâd cynllunio ar wahân yn eu rhinwedd eu hunain. Y cwestiwn cyfreithiol sylfaenol oedd wrth wraidd yr achos hwn oedd a oedd gan y datblygwr hawl i wneud gwaith datblygu pellach yn Hillside yn unol â chaniatâd 1967 - neu, fel yr oedd yr Awdurdod yn credu, bod datblygiad a wnaed yn unol â chaniatâd arall wedi cael yr effaith, fel na ellir dibynnu mwyach ar ganiatâd 1967.
- Mae Cynllun o'r safle a ddefnyddiwyd ym mhrawf tystiolaeth yr Awdurdod i'w gael yn Atodiad 2, sy'n rhoi trosolwg o hanes cynllunio'r safle - ac mae hwn wedi'i or-osod â chaniatâd 1967. Fel y gwelwch, roedd y datblygwr wedi cymryd agwedd dameidiog tuag at ddatblygu'r safle dros gyfnod o flynyddoedd lawer.

5. Fe wnaed y materion sydd a wnelo'r safle hwn ymhellach yn fwy cymhleth gan achos uchel lys yn 1987 a ddaeth i'r casgliad y gallai caniatâd 1967 gael ei gwblhau'n gyfreithlon unrhyw bryd yn y dyfodol.

#### **6. Y Materion a oedd yn Arwain at yr Achos Llys yn 2019**

7. Cysylltodd y datblygwr â'r Awdurdod yn 2016 ynghylch cynlluniau i ddatblygu'r safle. Bu gohebiaeth rhwng swyddogion cydymffurfio a'r datblygwr yn 2017 pan sylwyd bod gwaith peirianyddol yn digwydd ar y safle, a oedd i'w weld yn ymwneud ag ymgymryd â datblygiad pellach ar y safle. Roedd yna hefyd ohebiaeth yn ymwneud â'r safle yng nghyd-destun yr adolygiad o'r CDLI a oedd hefyd yn digwydd ar y pryd. Mynegodd swyddogion bryderon ynghylch dilysrwydd y caniatâd gwreiddiol gyda'r datblygwr ar yr adeg hon – ac fel y nodwyd ym mharagraff 3 uchod, roeddent o'r farn na allai'r datblygwr ddibynnu ar ganiatâd gwreiddiol 1967 oherwydd graddfa'r gwahaniaeth oddi hynny dros y blynyddoedd.

8. Aeth y datblygwr â'r mater i'r Uchel Lys yn 2019.

#### **9. Dyfarniad Yr Uchel Lys**

10. Cynhaliwyd y treial yn yr Uchel Lys ar 4 Medi 2019 gerbron HHJ Keyser QC. Gwrthododd honiad y datblygwr. Ymdriniodd y barnwr â'r materion trwy ystyried yn gyntaf a oedd dyfarniad cynharach gan yr Uchel Lys ar y safle ym 1987 yn anghywir yn gyfreithiol i fynd ati i benderfynu y gallai gweddill y datblygiad a ganiatawyd gan ganiatâd 1967 gael ei gwblhau'n gyfreithlon ar unrhyw adeg yn y dyfodol. Daeth i'r casgliad nad oedd dyfarniad 1987 wedi bod yn anghywir yn gyfreithiol i ddod i'r casgliad hwnnw ar y sail bod y caniatâd cynllunio ychwanegol a roddwyd cyn 1987 i gyd yn amrywiadau o ganiatâd 1967. Roedd y barnwr o'r farn o dan yr amgylchiadau hyn nad oedd angen iddo benderfynu a yw'r Awdurdod wedi'i rwymo gan ddyfarniad 1987 fel mater o res judicata. Mae Res judicata yn atal parti rhag ail-gyfreitha unrhyw hawliad neu amddiffyniad (neu fater) sydd eisoes yn destun ymgyfreitha.

11. Yn holl bwysig, fodd bynnag, aeth ymlaen i gynnal, o ganlyniad i'r newidiadau ffisegol i'r tir sydd wedi digwydd ers 1987, ei bod bellach yn ffisegol amhosibl cwblhau'r datblygiad yn unol â chaniatâd 1967, a chanlyniad hyn oedd y byddai datblygiad pellach o dan y caniatâd hwnnw yn anghyfreithlon.

#### **12. Y Llys Apêl**

13. Apeliodd y datblygwr y penderfyniad hwn a gwrandawyd ar y mater yn y Llys Apêl ym mis Hydref 2020, a gwrthododd y Llys Apêl yr apêl hon fel yr adroddwyd i'r Pwyllgor Cynllunio ym mis Tachwedd 2020.

#### 14. Y Goruchaf Lys

15. Pan adroddwyd penderfyniad y Llys Apêl i'r Pwyllgor Cynllunio, y gobaith oedd mai hyn fyddai diwedd yr achos. Fodd bynnag, aeth y datblygwr â'r mater ymhellach drwy fynd ag ef i'r Goruchaf Lys, a glywyd ar 4 Gorffennaf 2022, gyda'r dyfarniad yn cael ei gyflwyno ym mis Hydref 2022.
16. Daeth y Goruchaf Lys i'r casgliad bod yr Uchel Lys a'r Llys Apêl yn iawn i honni bod caniatâd 1967 yn ganiatâd i gyflawni un cynllun datblygu ar safle Hillside ac na ellir ei ddehongli fel un sy'n caniatáu adeiladu rhannau penodol o'r cynllun ar wahân ochr yn ochr â datblygiad ar y safle a awdurdodwyd gan ganiatadau annibynnol. Mae'r datblygiad hwnnw felly yn anghyson â chaniatâd 1967 ac wedi cael yr effaith ei bod yn ffisegol amhosibl datblygu'r safle yn unol â'r Prif Gynllun a gymeradwywyd gan ganiatâd 1967 (fel y'i diwygiwyd wedyn i lawr i 1987). Ymhellach, mae datblygiad arall wedi'i wneud lle mae'r datblygwr wedi methu â dangos y cafwyd unrhyw ganiatâd cynllunio ar ei gyfer. Mae'r datblygiad hwn hefyd yn ei gwneud yn ffisegol amhosibl datblygu'r safle yn unol â'r Prif Gynllun a gymeradwywyd gan ganiatâd 1967. Ar y sail hon gwrthododd y Goruchaf Lys yr apêl hon hefyd.
17. Nawr bod yr achos hwn wedi'i glywed yn y llys apêl terfynol, gallaf ddod i'r casgliad yn ddiogel y tro hwn mai dyma'r casgliad terfynol ar gyfer y datblygiad hanesyddol hwn.

#### 18. Goblygiadau penderfyniad y Goruchaf Lys ar safle Hillside, Aberdyfi

19. Y canlyniad sylfaenol yw nad yw caniatâd cynllunio 1967 ar gyfer 401 o anheddau ar safle Hillside yn bodoli mwyach – ac i bob pwrpas nid oes caniatâd cynllunio preswyl ar y safle.
20. O ran goblygiadau gorfodi ar y safle, mae'n debyg ei bod yn werth nodi 3 mater:
- Nid yw'n ymddangos bod unrhyw faterion gorfodaeth ar y caniatâd cynllunio amrywiol sydd wedi ei ddatblygu dros y blynyddoedd ar y safle;
  - Ymddengys bod nifer fach o eiddo wedi'u datblygu heb ganiatâd cynllunio ar wahân, ond hefyd heb gydymffurfio â chaniatâd 1967. Bydd yr eiddo hyn, oherwydd yr amser y maent wedi bod yno, yn rhydd rhag unrhyw gamau gorfodi.
  - Yn olaf, mae gweithgarwch peirianyddol wedi digwydd dros y blynyddoedd diwethaf ar rannau o safle Hillside sydd heb gael caniatâd cynllunio ar wahân eto. Bydd swyddogion nawr yn ymweld â'r safle ac yn canfod a fyddai'n fuddiol cymryd unrhyw gamau gorfodi ar weithrediadau peirianyddol o'r fath.
21. Ymgynghorwyd ar ffin ddatblygu Aberdyfi yn ystod yr adolygiad ffurf fer o'r CDLI a fabwysiadwyd yn y pen draw ym mis Chwefror 2019. Lluniwyd y ffin ddatblygu hon yn

dynn ar hyd ochr ddwyreiniol Aberdyfi, ac mae'r rhan fwyaf o safle Hillside y tu allan i hyn. Felly, nid oes unrhyw gefnogaeth mewn egwyddor i ddatblygiad pellach ar y tir sydd y tu allan i'r ffin ddatblygu hon. Ychydig iawn o botensial datblygu sydd o fewn y ffin ddatblygu yn y rhan hon o'r dref. Wrth gwrs, rhaid i unrhyw ddatblygiad posibl fynd rhagddo yn unol â pholisïau presennol y CDLI sy'n cynnwys 33% o dai lleol fforddiadwy ar safleoedd o 3 annedd neu fwy.

22. Bydd yr Aelodau'n ymwybodol y bydd yr adolygiad o'r CDLI yn dechrau'r flwyddyn nesaf, a bod yr holl ffiniau datblygu yn destun diwygiadau. Bydd Aberdyfi yn cael ei asesu fel y bydd holl aneddiadau Eryri yn yr achos hwn.

### **23. Goblygiadau'r Goruchaf Lys ar y diwydiant datblygu ehangach**

24. Mae diddordeb eang wedi bod gan gynllunwyr, cyfreithwyr cynllunio a'r diwydiant adeiladu tai yn gyffredinol ledled y DU ar oblygiadau dyfarniad y Goruchaf Lys ar Aberdyfi. Yn hanesyddol, nid yw system gynllunio'r DU wedi cael ffordd glir ac amlwg o ddiwygio caniatâd cynllunio presennol (a allai fod yn rhan o'r rheswm y daeth yr achos hwn i'r Goruchaf Lys). Yn hanesyddol, mae datblygwyr wedi diwygio caniatâd tai mwy trwy ddefnyddio caniatâd cynllunio 'a gyflwynwyd ar y pryd'. Mae hyn yn y bôn yn golygu cyflwyno cais llai o fewn caniatâd mwy i ddiwygio ychydig ar y gosodiad, y math o dŷ, ffordd y stad ac ati. Roedd ofnau ymhlith y diwydiant datblygu na fyddai ceisiadau 'a gyflwynwyd ar y pryd' o'r fath yn bosibl mwyach yn dilyn y penderfyniad hwn. Fodd bynnag, nid yw hyn yn wir - ac mae'r dyfarniad yn glir iawn ar hyn. Mae paragraff 74 o'r dyfarniad yn esbonio hyn:

*"...But although this feature of the planning legislation means that developers may face practical hurdles, the problems should not be exaggerated. Despite the limited power to amend an existing planning permission, there is no reason why an approved development scheme cannot be modified by an appropriately framed additional planning permission which covers the whole site and includes the necessary modifications. The position then would be that the developer has two permissions in relation to the whole site, with different terms, and is entitled to proceed under the second....(para 74, Hillside Parks Ltd v Snowdonia National Park Authority)*

25. At ddibenion yr adroddiad hwn, nid oes angen imi ymhelaethu ar yr uchod ymhellach, heblaw dweud ei bod yn wir yn bosibl amrywio'r datblygiadau presennol, er yn ddiamau mae angen mwy o ofal nag a fu yn y gorffennol wrth fynd ar drywydd newidiadau o'r fath. Mae yna gyfoeth o erthyglau wedi'u hysgrifennu ar hyn yn y wasg broffesiynol, pe bai'r Aelodau'n dymuno rhagor o fanylion amdanynt!

### **26. Goblygiadau Adnoddau'r Broses**

27. Bob tro yr aethpwyd ag achos Hillside ymhellach i fyny system y Llys, cynyddodd ein costau cyfreithiol – gan gynnwys y potensial o dalu costau ar ran yr hawliwr. Bydd yr Awdurdod yn cael ei ryddhau o beidio â gorfod talu costau o'r fath, ac mae ein Cyfreithiwr bellach yn mynd ar ôl y costau gan yr hawlydd. Ni chyfeirïaf at unrhyw ffigurau penodol yn yr adroddiad hwn gan fod proses weithredol yn mynd rhagddi nad wyf am ei rhagfarnu.

## **28. Casgliad**

29. Mae'r adroddiad hwn yn crynhoi'r broses hir a ddaeth i ben gyda chasgliad y Goruchaf Lys na ellir bellach gwblhau caniatâd cynllunio 1967 ar gyfer 401 o dai yn Hillside, Aberdyfi. Yr unig gamau sydd i'w cymryd ar unwaith i'r Awdurdod fydd mynd ar ôl unrhyw gostau a achoswyd gan yr Awdurdod, yn ogystal ag asesu a yw'n fuddiol cymryd unrhyw gamau gorfodi ar y rhan fach o'r safle lle y mae gweithrediadau peirianyddol hefyd wedi digwydd tua 2016.

30. Dylwn achub ar y cyfle hwn i ddiolch i Gwion Lewis, KC o Siambrau'r Brenin a gynrychiolodd yr Awdurdod ym mhob un o'r 3 cham o'r broses farnwrol, yn ogystal â Charles Felgate o Geldards a oedd yn gyfreithwyr cyfarwyddo. Chwaraeodd staff yr Awdurdod rôl allweddol yn y broses hon hefyd, gan gynnwys Iwan Jones, Cyfarwyddwr Gwasanaethau Corfforaethol; Siwan Lyall, Cyfreithiwr; Jane Jones, Rheolwr Cynllunio; Rebeca Jones, Rheolwr Polisi Cynllunio (sydd bellach wedi gadael yr Awdurdod); a Liz Jenkins, Rheolwr GIS.

### **Argymhelliad:**

I'r Aelodau nodi cynnwys yr adroddiad a'r penderfyniad atodedig.



## Atodiad 1: Dyfarniad y Goruchaf Lys

## Atodiad 2 – Cynllun y Safle



**Michaelmas Term**

**[2022] UKSC 30**

*On appeal from: [2020] EWCA Civ 1440*

## **JUDGMENT**

### **Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent)**

before

**Lord Reed, President**

**Lord Briggs**

**Lord Sales**

**Lord Leggatt**

**Lady Rose**

**JUDGMENT GIVEN ON  
2 November 2022**

**Heard on 4 July 2022**

*Appellant*

Charles Banner KC

Robin Green

Matthew Finn

(Instructed by Aaron & Partners LLP (Chester))

*Respondent*

Gwion Lewis KC

(Instructed by Geldards LLP (Cardiff))

**LORD SALES AND LORD LEGGATT (with whom Lord Reed, Lord Briggs, and Lady Rose agree):**

1. This appeal raises issues of importance in planning law about the relationship between successive grants of planning permission for development on the same land and, in particular, about the effect of implementing one planning permission on another planning permission relating to the same site.

**The factual background**

2. The site to which the appeal relates is known as “Balkan Hill” and comprises around 29 acres of land near Aberdyfi in the Snowdonia National Park. In January 1967 the local planning authority granted full planning permission for the development of 401 dwellings on the Balkan Hill site in accordance with a detailed plan referred to as the “Master Plan”. The Master Plan showed the proposed location of each house and the layout of a road system for the estate. It is the current status of this planning permission (“the 1967 permission”) which is in dispute in this case.

3. The ownership of the Balkan Hill site has changed twice since the 1967 permission was granted. The current owner is the appellant, Hillside Parks Limited, which acquired the site in 1988. The identity of the local planning authority has also changed over the years. It is now Snowdonia National Park Authority, the respondent to this appeal. Nothing turns on these changes and we will refer without distinction to the appellant or whoever owned the site at any given time as “the Developer” and to the respondent or whichever body was the local planning authority at any given time as “the Authority”.

4. The progress of development at the Balkan Hill site can best be described as glacial. In the period of more than half a century since the 1967 permission was granted, only 41 houses have been built. None of these houses has been built in accordance with the Master Plan. The Developer has applied for and been granted a series of additional planning permissions permitting development which has taken place on parts of the site. The question which now arises is whether the Developer is entitled to carry out further development at the Balkan Hill site pursuant to the 1967 permission; or whether, as the Authority contends, development carried out in accordance with other permissions has had the effect that the Developer cannot now rely on the 1967 permission.

5. The validity of the 1967 permission was previously the subject of litigation which was decided in favour of the Developer in 1987. The present proceedings are largely concerned with events since then, but it is necessary to say something by way of background about earlier events.

### **Development between 1967 and 1987**

6. From the outset, the Developer ran into difficulties. Work was carried out to construct short sections of road to give access to the south of the site in accordance with the Master Plan. However, excavation to lay the foundations for the first two houses to be built revealed that they were sited on an old quarry which caused a problem with the ground level. Accordingly, the Developer applied for planning permission to build the houses in a slightly different position from that shown on the Master Plan and to alter their design in some respects. This permission was granted in April 1967.

7. Thereafter development proceeded very slowly indeed. By 1985 only 19 dwellings had been built, all on the very southernmost part of the site. None of these dwellings was built in accordance with the Master Plan and in some cases the departure from it was substantial. All the dwellings constructed were the subject of specific planning permissions granted by the Authority, of which there are said to have been eight in total.

### **Drake J's judgment**

8. In 1985 a dispute arose about whether the 1967 permission remained valid. The permission had been granted subject to just one specified condition, namely, "agreement being reached on water supply before any work is carried out". The Authority contended that this condition had never been fulfilled, with the result that such development as was carried out was unlawful; and that, as no lawful development was begun within the statutory time limit, the 1967 permission had lapsed so that no development could now lawfully take place under it. The Developer disputed this and brought proceedings in the High Court to establish that the development permitted by the 1967 permission had been lawfully begun within the time limit and could lawfully be continued.

9. The action came to trial before Drake J. In his (unreported) judgment given on 9 July 1987, the judge found that the condition requiring agreement on the water supply had been fulfilled for such development as had already taken place on the

Balkan Hill site and was capable of being satisfied in relation to further development so long as the prior agreement of the responsible water supply authority was obtained. The judge also found that the development permitted by the 1967 permission had been begun by what he found to be the relevant deadline of 1 April 1974, since long before that date the Developer had constructed sections of road and a number of buildings. The judge considered that, although these buildings had been the subject of individual grants of planning permission, each such permission was “merely a variation” of the 1967 permission. He also expressed the view that “the Master Plan remains in force, and if the development is allowed to progress further it can be completed substantially in accordance with the Master Plan”. The judge’s decision was embodied in declarations, which included a declaration that the development permitted by the 1967 permission had been begun and “may lawfully be completed at any time in the future”.

10. At the trial before Drake J, the Authority did not make any argument such as it makes in these proceedings that the 1967 permission had become incapable of implementation as a result of departures from the Master Plan. Nor does any consideration appear to have been given to how as a matter of legal analysis the variations of the 1967 permission had been achieved given that the planning legislation did not at that time give the local planning authority power to make any change to a planning permission previously granted. (Even now, as we discuss below, the power to amend a planning permission is very limited.)

### **Development after 1987**

11. Since Drake J’s judgment was given, the further development which has taken place on the Balkan Hill site has, as before, departed from the Master Plan. This further development has all been in the north-west part of the site. Not only do the positions, configurations and sizes of the houses built differ significantly from the Master Plan, but an estate road has been constructed which runs over land on which several houses are sited in the Master Plan; in addition, houses and some garages have been built on land across which one of the main internal estate roads shown in the Master Plan was to run. As previously, the Developer applied for a series of specific planning permissions for development which departed from the Master Plan. Some of the permissions granted describe the permission as a “variation” of the 1967 permission but some do not use that or any similar term. In total, eight such permissions have been granted by the Authority since 1987. It will be necessary to return to some of them in greater detail later in this judgment, but in summary (listed in the order in which the applications were made) they are as follows:

- (i) Permission granted on 27 June 1996 for the erection of one dwellinghouse as a “variation” to the 1967 permission (“permission A”).
- (ii) Permission granted on 20 June 1997 for the erection of two terraces forming one attached dwelling, six apartment units and 8 garages with apartments over, as a “variation” to the 1967 permission (“permission B”).
- (iii) Permission granted on 18 September 2000 for the erection of a two storey detached dwellinghouse and garage on “Plot 5” of the site (“permission C”). This permission has not been implemented.
- (iv) Permission granted on 4 March 2005 for the erection of a two storey dwelling and detached garage on “Plot 17” of the site (“permission D”).
- (v) Permission granted on 24 August 2004 for the erection of five detached houses and five garages as a “variation” to the 1967 permission (“permission E”).
- (vi) Permission granted on 25 August 2005 for the erection of a detached dwelling on “Plot 3 of Phase 1” of the site (“permission F”). This permission was not implemented and was superseded by permission H below.
- (vii) Permission granted on 20 May 2009 for the construction of three pairs of dwellings (“permission G”). Although not apparent on the face of the permission, the proposed location of these dwellings was on part of the land which was the subject of permission E.
- (viii) Permission granted on 5 January 2011 for the erection of one dwelling on “Plot 3” of the site (“permission H”). This permission superseded permission F.

12. With the exception of permissions C and F, we understand that all these planning permissions have been implemented.



## The present proceedings

13. In May 2017 the Authority wrote to the Developer asserting that it was now impossible to implement the 1967 permission further and requiring the Developer immediately to stop all works at the Balkan Hill site until the planning situation had been regularised.

14. After correspondence including an exchange of counsel's opinions had failed to resolve the issue, the Developer brought these proceedings seeking declarations that the Authority was bound by Drake J's judgment to treat the 1967 permission as valid as a matter of *res judicata*; and that in any event the 1967 permission remains valid and may be carried on to completion.

15. The trial took place before HHJ Keyser QC sitting as a judge of the High Court. He refused to grant the declarations sought and dismissed the Developer's claim: see [2019] EWHC 2587 (QB). The judge approached the issues by first considering whether Drake J was wrong in law to decide that the remainder of the development permitted by the 1967 permission could lawfully be completed at any time in the future. He concluded that Drake J had not been wrong in law to reach that conclusion on the basis that the additional planning permissions granted before 1987 were all variations of the 1967 permission. The judge considered that in these circumstances he did not need to decide whether the Authority is bound by Drake J's declarations as a matter of *res judicata*. He went on, however, to hold that, as a result of the physical alterations to the land which have taken place since 1987, it is now physically impossible to complete the development fully in accordance with the 1967 permission, and that this has the consequence that further development under that permission would be unlawful.

16. The Developer appealed. For reasons given by Singh LJ with whom David Richards and Nicola Davies LJJ agreed, the Court of Appeal dismissed the appeal: [2020] EWCA Civ 1440. In essence they did so on the basis that the judge was entitled to conclude that, in the light of factual developments since the judgment of Drake J in 1987, it is no longer possible to implement the 1967 permission. In those circumstances the *res judicata* issue did not arise.

## This appeal

17. This court granted the Developer permission to appeal on the issue of whether any further development may lawfully be carried out under the 1967

permission, but not on the res judicata issue. The Authority does not now seek to argue that the 1967 permission became incapable of implementation as a result of anything that happened before Drake J's judgment in 1987. Nor does it seek to impeach anything that Drake J decided. We therefore proceed on the footing that the individual permissions granted before 1987 operated as what were, in their effect, variations of the 1967 permission, as Drake J held. On this appeal it is not necessary or relevant to consider whether Drake J's view of the effect of those permissions was correct. We are concerned only with the effect of the additional permissions granted after Drake J's judgment was given in 1987 and the further development which has taken place since then.

18. Judge Keyser accepted (at para 62 of his judgment) that much of the Balkan Hill site is unaffected by this further development, in the sense that it would still be physically possible to build houses and roads on much of the site which conform to the Master Plan. The Developer contends that, on a correct legal analysis, further development on these vacant parts of the site may still lawfully be carried out pursuant to the 1967 permission and that the courts below were wrong to hold otherwise. Before considering the Developer's arguments for this contention, we draw attention to some central features of the legal framework.

### **The planning legislation**

19. Planning control is a creature of legislation. The main elements of the statutory scheme remain the same as they were when first introduced across England and Wales by the Town and Country Planning Act 1947. The principal Act is now the Town and Country Planning Act 1990 (the "1990 Act"). By section 57 of the 1990 Act, planning permission is required for the carrying out of any development of land. The term "development" is defined in section 55(1) to mean "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". In this case we are concerned with the former type of development (operational development) and not with change in use.

20. A planning permission is simply a permission to develop land and does not itself impose any obligation to carry out development for which permission is given. Under section 70(1) of the 1990 Act a local planning authority may, however, grant planning permission subject to such conditions as they think fit (which may include entry into planning obligations enforceable under section 106 of the 1990 Act). There is a statutory condition that the development to which the permission relates must be begun within a specified period. Provided, however, that the development is

begun within this period, there is no time limit for completing it, unless a completion notice is served under section 94 of the 1990 Act.

21. A fundamental feature of planning permission is that it runs with the land. Section 75(1) of the 1990 Act states that “any grant of planning permission ... to develop land shall (except in so far as the permission otherwise provides) enure for the benefit of the land and of all persons for the time being interested in it.”

### **Powers to vary a planning permission**

22. We have mentioned that under the planning legislation a local planning authority has only limited powers to vary a planning permission after it has been granted. The relevant statutory powers are as follows.

23. Section 73 of the 1990 Act gives the local planning authority a power to dispense with or vary conditions subject to which a planning permission was granted. However, this power cannot be used to change the description of the development: *Finney v Welsh Ministers* [2019] EWCA Civ 1868; [2020] PT&R 455.

24. Section 96A of the 1990 Act, added in 2009, provides that:

“(1) A local planning authority may make a change to any planning permission ... relating to land in their area if they are satisfied that the change is not material.”

What qualifies as a non-material change is not defined but is left to the judgment of the local planning authority, subject only to a requirement in subsection (2) to “have regard to the effect of the change, together with any previous changes made under this section, on the planning permission ... as originally granted.” (We mention in passing that the Developer does not rely on section 96A or suggest that permission H - the only planning permission relating to the Balkan Hill site granted after section 96A came into force - was an exercise of this power.)

25. In addition, clause 98 of the Levelling-Up and Regeneration Bill currently before Parliament will, if enacted, insert a new section 73B into the 1990 Act giving the local planning authority power to grant a planning permission that varies an existing permission but only if the local planning authority is satisfied that “its effect will not be substantially different from that of the existing permission”.

## Interpreting a planning permission

26. The scope of a planning permission depends on the terms of the document recording the grant. As with any legal document, its interpretation is a matter of law for the court. Recent decisions of this court have made it clear that planning permissions are to be interpreted according to the same general principles that apply in English law to the interpretation of any other document that has legal effect. The exercise is an objective one, concerned not with what the maker of the document subjectively intended or wanted to convey but with what a reasonable reader would understand the words used, considered in their particular context, to mean: see *Trump International Golf Club Scotland Ltd v Scottish Ministers* [2016] 1 WLR 85, paras 33-34 (Lord Hodge) and para 53 (Lord Carnwath); *Lambeth London Borough Council v Secretary of State for Housing, Communities and Local Government* [2019] 1 WLR 4317, paras 15-19.

27. Differences in the nature of legal documents do, however, affect the scope of the contextual material to which regard may be had in interpreting the text. Because a planning permission is not personal to the applicant and enures for the benefit of the land, it cannot be assumed that the holder of the permission will be aware of all the background facts known to the person who applied for it. Furthermore, a planning permission is a public document on which third parties are entitled to rely. These characteristics dictate that the meaning of the document should be ascertainable from the document itself, other public documents to which it refers such as the planning application and plans and drawings submitted with the application, and physical inspection of the land to which it relates. The reasonable reader of the permission cannot be expected to have regard to other material such as correspondence passing between the parties. See eg *Slough Estates v Slough Borough Council (No 2)* [1971] AC 959, 962 (Lord Reid); *Trump International Golf Club*, para 33 (Lord Hodge). In this case, we are concerned with grants of full planning permission, in relation to which it is to be expected that a reasonable reader would understand that the detailed plans submitted with the application have particular significance: *Barnett v Secretary of State for Communities and Local Government* [2008] EWHC 1601 (Admin), [2009] JPL 243, para 24 (Sullivan J); affirmed [2009] EWCA Civ 476, [2009] JPL 1597, paras 17-22 (Keene LJ); R Harwood, *Planning Permission* (2016), para 28.9.

## Inconsistent planning permissions

28. As counsel for the Developer have emphasised in their submissions, the planning legislation is intended to operate as a comprehensive code. There is, however, no provision of the legislation which regulates the situation where two or

more planning permissions granted for development on the same site are, or are claimed to be, mutually inconsistent. The courts have therefore had to work out the principles to be applied.

### **The *Pilkington* case**

29. The leading case is the decision of a three judge Divisional Court in *Pilkington v Secretary of State for the Environment* [1973] 1 WLR 1527. The facts were that the owner of a plot of land was granted planning permission to build a bungalow on the plot. After the bungalow was built, he discovered an earlier planning permission granted to the previous owner to build a bungalow on a different part of the same plot of land. The description of the development in the earlier permission and the relevant plan showed that it was contemplated that the rest of the plot would be used as a smallholding. The question was whether the landowner could lawfully build another bungalow in the location specified in the earlier permission. The Divisional Court held that he could not.

30. Lord Widgery CJ (with whose judgment Bridge and May JJ agreed) pointed out that a landowner “is entitled to make any number of applications for planning permission which his fancy dictates,” even though they may be mutually inconsistent with one another. The landowner may wish, for example, to “test the market” by putting in applications for alternative schemes before deciding which one to implement. In general, it is the duty of the local planning authority to regard each application as a proposal for a separate and independent development and to consider the application on its own merits. In saying this, Lord Widgery expressly set to one side cases “where one application deliberately and expressly refers to or incorporates another” (p 1531).

31. Where two separate applications are granted in respect of the same site, one of them is then implemented, and the question then arises - as it did in the *Pilkington* case - whether it is lawful to carry out the development contemplated by the other permission, Lord Widgery stated the test as being “whether it is possible to carry out the development proposed in that second permission, having regard to that which was done or authorised to be done under the permission which has been implemented” (p 1532B). Applying this test, the Divisional Court held that, having regard to what had been built pursuant to the later permission, the development contemplated by the earlier planning permission could not be carried out. This was because the development contemplated by that permission was not simply the building of a bungalow, but “the building of a bungalow in a particular site as ancillary to the smallholding which was to occupy the rest of the site” (p 1532D).

32. The *Pilkington* case has been approved and followed on numerous occasions, including in several decisions of the Court of Appeal: see eg *Hoveringham Gravels Ltd v Chiltern District Council* (1977) 35 P & CR 295; *Durham County Council v Secretary of State for the Environment* (1989) 60 P & CR 507; and *Staffordshire County Council v NGR Land Developments Ltd* [2002] EWCA Civ 856; [2003] JPL 56. The Authority contends, and the courts below held, that the present case is one where, on a straightforward application of the *Pilkington* test, development carried out under later permissions granted after 1987 has rendered the 1967 permission incapable of further implementation.

### **The Developer's case**

33. On this appeal counsel for the Developer seek to distinguish the *Pilkington* case in three (alternative) ways. First, they submit that the principle for which the case is authority is, or is analogous to, a principle of abandonment whereby the right to develop land in accordance with a planning permission will be lost if a landowner acts in a way which would lead a reasonable person to conclude that the right has been abandoned. That test, they say, is not satisfied in the present case. Second, they submit that (unless it expressly says otherwise) a planning permission, such as the 1967 permission, for the construction of multiple buildings is properly interpreted as permitting the construction of any sub-set of these buildings, and there is no reason why the landowner cannot combine such development on parts of the site with development on other parts of the site authorised by other planning permissions. The third argument advanced is that, even if the 1967 permission is not severable in this way, each of the additional permissions implemented since 1987 is to be construed as, in substance, a variation of the 1967 permission, in the same way as Drake J found was the effect of the individual permissions granted before 1987. Hence the 1967 permission, as varied, remains valid and capable of further implementation.

### **No principle of abandonment**

34. We consider first the Developer's argument that the decision in the *Pilkington* case should be analysed as resting on a principle of abandonment. Counsel for the Developer submit that the two planning permissions at issue in the *Pilkington* case were plainly irreconcilable so that Mr Pilkington had a choice between implementing one or the other. His conduct in building the first bungalow on the site would have led a reasonable person to assume that he had abandoned the right to implement the other planning permission. They submit that this analysis in terms of abandonment has the merit of keeping judicial gloss on the legislative code to a minimum. The second step in the argument is to contend that in this case the

conduct of the Developer in carrying out building operations authorised by the additional permissions granted after 1987 would not have led a reasonable person to conclude that the Developer had abandoned the 1967 permission.

35. We do not accept that the decision in the *Pilkington* case can be explained on the basis of a principle of abandonment, nor indeed that there is any principle in planning law whereby a planning permission can be abandoned.

36. In the first place, this explanation is directly contrary to the court's reasoning in the *Pilkington* case. Lord Widgery said in terms, at p 1532H:

“My views on this matter are not based on any election on the part of Mr Pilkington; they are not based on any abandonment of an earlier permission ... I base my decision on the physical impossibility of carrying out that which was authorised in [the earlier planning permission].”

37. More fundamentally, the suggested explanation is also inconsistent with the decision of the House of Lords in *Pioneer Aggregates (UK) Ltd v Secretary of State for the Environment* [1985] AC 132. In that case the House of Lords unanimously held that there is no principle, and no room for any principle, in planning law whereby a planning permission may be extinguished by abandonment. Lord Scarman, with whom the other members of the appellate committee agreed, gave two main reasons for this conclusion. The primary reason was that Parliament has provided a comprehensive code of planning control and the courts should not introduce into planning law principles or rules derived from private law unless expressly authorised by Parliament or necessary to give effect to the purpose of the legislation (pp 140H-141C). From what is now section 75(1) of the 1990 Act (quoted at para 21 above) Lord Scarman derived the “clear implication” that “only the statute or the terms of the planning permission itself can stop the permission enuring for the benefit of the land and of all persons for the time being interested therein” (p 141G-H). Introducing a doctrine of abandonment into planning law would be inconsistent with this, as it would allow the land to lose the benefit of a planning permission by a means not provided for either by the legislation or by the terms of the planning permission itself. It can therefore be seen that the Developer's assertion that recognising a principle of abandonment would avoid an impermissible judicial gloss on the legislative code is misplaced. It was precisely because it would involve such an impermissible gloss that the House of Lords decided that no such principle may properly be imported into planning law.

38. Secondly, Lord Scarman emphasised that the existence or otherwise of a valid planning permission should be capable of ascertainment by inspection of the planning register and of the land in question. That follows from the nature of planning permission as running with the land and as affecting third parties. Introducing a doctrine of abandonment, not provided for in the planning legislation, would be inconsistent with this requirement of public accessibility. As Lord Scarman observed, at p 139E, if such a doctrine were recognised:

“The planning permission would be entered in a public register; but not so its abandonment. Nor would it be possible by inspection of the land to discover whether the permission had been abandoned, for the absence of implementation of a planning permission is no evidence that a valid permission does not exist.”

39. Lord Scarman discussed the *Pilkington* case as one of a number of judicial decisions which, “upon first sight and before analysis, might seem to suggest that there is room in the planning law for a principle, or an exception, allowing the extinguishment of a planning permission by abandonment” (p 143A-B). Counsel for the Developers have sought to rely on this discussion as indicating that the *Pilkington* case may be regarded as establishing an exception to the general rule that a planning permission cannot be extinguished by abandonment. Lord Scarman went on, however, to explain why, on analysis, the *Pilkington* decision - which he described as “certainly a common sense decision, and, in my judgment, correct in law” - was not based on a concept of abandonment (see pp 144G-145C). Rather, its rationale was that the building of the first bungalow had “destroyed” the smallholding and made the development authorised by the earlier planning permission incapable of implementation. Lord Scarman was satisfied that there was, or need be, no uncertainty arising from the application of this principle:

“Both planning permissions will be on a public register: examination of their terms combined with an inspection of the land will suffice to reveal whether development has been carried out which renders one or other of the planning permissions incapable of implementation.”

40. Counsel for the Developer have not argued that this court should depart from the decision of the House of Lords in *Pioneer Aggregates* nor made any criticism of Lord Scarman’s reasoning. We would endorse that reasoning, which also confirms that the correct explanation of the *Pilkington* case is, just as Lord Widgery stated,



that the development carried out in building a bungalow under the later permission had rendered the earlier planning permission incapable of implementation.

### **The *Pilkington* principle**

41. The principle underlying the *Pilkington* case can be analysed further. In the passage of his judgment quoted at para 36 above Lord Widgery said that his decision was based on the “physical impossibility” of carrying out what was authorised by the unimplemented planning permission; and elsewhere in his judgment he used the phrase “practical possibility” (see p 1532C). Two points arise from this. First, it is important to recognise that the test of physical impossibility applies to the whole site covered by the unimplemented planning permission, and not just the part of the site on which the landowner now wishes to build. Thus, in the *Pilkington* case, as pointed out in later cases, it remained perfectly possible to build a bungalow in the position authorised by the earlier, unimplemented planning permission, as that part of the site remained vacant. The reason why it was not physically possible to carry out the development authorised by the earlier permission was that the proposal for which permission was granted involved using the rest of the land as a smallholding and this could not be achieved when part of that land was occupied by the first bungalow: see *R v Arfon Borough Council C Ex p Walton Commercial Group Ltd* [1997] JPL 237; *Staffordshire County Council v NGR Land Developments Ltd* [2002] EWCA Civ 856; [2003] JPL 56, para 56; and *R (on the application of Robert Hitchins Ltd) v Worcestershire County Council* [2015] EWCA Civ 1060; [2016] JPL 373, para 42.

42. A second point to note concerns Lord Widgery’s formulation of the relevant test (in the passage quoted at para 31 above) as “whether it is possible to carry out the development proposed in that second permission, having regard to that which was done *or authorised to be done* under the permission which has been implemented” (emphasis added). The words “or authorised to be done” ought, we think, to have been omitted as they are not consistent with the ratio of the decision.

43. On the facts of the *Pilkington* case the planning permission which had already been implemented included a condition that the bungalow built in accordance with that permission should be “the only dwelling to be erected” on the plot. Lord Widgery, however, specifically stated that his decision did not in any way depend on the fact that building the second bungalow would be a breach of this condition (see p 1532H). What mattered, as he made clear, was whether it was physically possible to carry out the development authorised by the terms of the unimplemented permission. That depends upon (a) the terms of the unimplemented permission and (b) what works have actually been done. It would not make sense to have regard to the terms of the permission under which development has already taken place, as a

central theme of the judgment is that mere inconsistency between the two permissions does not prevent the second permission from being implemented. What must be shown is that development in fact carried out makes it impossible to implement the second permission in accordance with its terms.

44. This point is illustrated by *Prestige Homes (Southern) Ltd v Secretary of State for the Environment and Shepway DC* (1992) 64 PCR 502, where a house had been built pursuant to a planning permission which was subject to a condition that the existing trees on the site should be retained. The question then arose whether a separate planning permission to build a house on part of the site (which did not include the land on which a house had already been built but did include some of the trees) was capable of being implemented. The local planning authority argued that it could not be implemented because the house contemplated by the second permission could not be built without felling some of the trees on the site, which would be contrary to the terms of the first permission. Mr Malcolm Spence QC, sitting as a Deputy Judge, held that this objection was misplaced. Applying the reasoning in the *Pilkington* case, all that mattered was that there was no physical impossibility in carrying out the development authorised by the second permission, which there was not. The *Pilkington* case did not decide that mere incompatibility with the terms of another permission already implemented has the consequence that a permission which is capable of being implemented is of no effect. This decision was approved and similar reasoning applied by the Court of Appeal in *Staffordshire County Council v NGR Land Developments Ltd* [2002] EWCA Civ 856; [2003] JPL 56.

45. In essence, the principle illustrated by the *Pilkington* case is that a planning permission does not authorise development if and when, as a result of physical alteration of the land to which the permission relates, it becomes physically impossible to carry out the development for which the permission was granted (without a further grant of planning permission). Unlike a doctrine of abandonment, this principle is consistent with the legislative code. Indeed, as Lord Scarman observed in *Pioneer Aggregates* at p 145C, it serves to “strengthen and support the planning control imposed by the legislation”. Where the test of physical impossibility is met, the reason why further development carried out in reliance on the permission is unlawful is simply that the development is not authorised by the terms of the permission, with the result that it does not comply with section 57(1).

### **Multi-unit developments**

46. In the *Pilkington* case the planning permission which Mr Pilkington wanted to implement was for the construction of only a single dwelling. By contrast, in the present case the 1967 permission authorised the construction of 401 dwellings along

with an internal road network on a large site covering some 29 acres of land. Where a planning permission is granted for the development of a site, such as a housing estate, comprising multiple units, it is a question of interpretation whether the permission authorises a number of independent acts of development, each of which is separately permitted by it, or whether it is to be construed as a permission for a single scheme which cannot be disaggregated in this way. Counsel for the Developer submit that (in the absence of some clear contrary indication) the former interpretation is to be preferred, as it gives developers a necessary degree of flexibility about which parts of the approved scheme they build and when. They contend that the 1967 permission ought to be interpreted in this way as giving a freestanding permission to construct each element of the Master Plan. If this interpretation is correct, the ability to carry out any particular element of the Master Plan does not depend on whether it is still physically possible to develop other parts of the site in the manner authorised by the 1967 permission. The development that has taken place since 1987 would therefore not preclude further reliance on the 1967 permission in relation to parts of the Balkan Hill site which have not yet been developed.

### **The *Lucas* case**

47. In support of their contention that a planning permission for a multi-unit development is properly interpreted as severable into a set of discrete permissions to construct each individual element of the scheme (however exactly these elements are individuated), counsel for the Developer rely on the decision and reasoning of Winn J in *F Lucas & Sons Ltd v Dorking and Horley Rural District Council* (1964) 17 P & CR 116. The facts of that case were that a developer was granted planning permission in 1952 to develop a plot of land by building a cul-de-sac off a lane, with seven pairs of semi-detached houses on each side of the cul-de-sac. No construction work was at that stage carried out. In 1957 the developer was granted planning permission to develop the same plot by building six detached houses facing the lane with long, narrow curtilages at their backs. Two of these detached houses were built, making it physically impossible to build one of the two rows of houses contemplated by the 1952 planning permission. The developer nevertheless decided to build the cul-de-sac and the 14 houses on the other side of it, relying on that permission. Winn J granted a declaration that this development was lawful.

48. In his judgment Winn J recognised that the local planning authority, in granting the 1952 planning permission, may have wanted to achieve “a well-laid-out, symmetrical, balanced housing estate” (p 116). However, he treated this as a matter of motivation only, and not as affecting the correct interpretation of the permission. He accepted the developer’s argument that the 1952 permission was properly to be

regarded as comprising separate permissions to erect each of the houses shown on a plan which had accompanied the application. That meant that it authorised the developer to build the 14 houses that it wished to build even though it was now physically impossible to achieve the overall layout contemplated by the 1952 permission.

49. That was on its face an improbable meaning to give to the 1952 planning permission. Winn J did not refer to any term of that permission which required it to be interpreted in such a way. In the absence of such a term, we cannot see how the planning authority, by granting the 1952 planning permission, could reasonably be taken to have authorised the developer to mix and match building whichever of the 28 houses it chose with other buildings constructed on the site as part of an entirely different and inconsistent scheme of development. Yet this was treated as being the effect of the 1952 planning permission. Nothing mentioned in the judgment justifies such a conclusion and we think it clear that the case was wrongly decided.

50. The aspect of the case which Winn J left out of account in his analysis is that planning permission for a multi-unit development is applied for and is granted for that development as an integrated whole. In deciding whether to grant the permission, the local planning authority will generally have had to consider, and may be taken to have considered, a range of factors relevant to the proposed development taken as a whole, including matters such as the total number of buildings proposed to be constructed, the overall layout and physical appearance of the proposed development, the infrastructure required, its sustainability in planning terms and whether the public benefits of the proposed development as a whole outweigh any planning objections. In granting permission for such a scheme, the planning authority cannot be taken (absent some clear contrary indication) to have authorised the developer to combine building only part of the proposed development with building something different from and inconsistent with the approved scheme on another part of the site. Therefore, it is not correct to interpret such a planning permission as severable, as Winn J did.

51. It appears that Winn J was led to a wrong conclusion from the way the case was argued. The alternative interpretation to the one he accepted was presented as being that the 1952 planning permission was conditional upon completion of the whole scheme of development covered by the permission. Winn J understandably rejected that suggestion, observing (at p 117) that:

“[it] cannot have [been] intended to leave individual owners of separate plots comprised in the contemplated total housing scheme dependent upon completion of the

whole of the scheme by the original developer, or by some purchaser from him, so that they would be vulnerable, were the whole scheme not completed, separately to enforcement procedure which might deprive them of their houses and of the money which they would have invested in those houses ...”

Later in his judgment (at pp 117-118) the judge further emphasised the practical difficulties that would arise if the validity of the planning permission depended “as a condition precedent or subsequent on the completion of the whole project in contemplation of which the permission was granted”.

52. The reasons for rejecting such an interpretation are compelling. Section 57(1) requires that planning permission is required for the carrying out of any development of land, so a grant of planning permission has to be effective from the time when the development commences. When permission is granted for a multi-unit development, the permission authorises each stage of that development for so long as it remains practically feasible for the whole development to be implemented. The statute itself imposes no condition precedent or subsequent that the authorisation granted be implemented in full. Where the earlier stages of the development are carried out in accordance with the planning permission which has been granted, the development so carried out complies with the requirement in section 57(1) and hence is lawful. In the context of this statutory regime, it would make no sense to grant planning permission for the construction of a multi-unit development conditional upon completion of the whole scheme, whether as a condition precedent or subsequent.

53. If completion of the whole scheme was a condition precedent to the permission, it would never be permissible to begin development. Treating completion of the whole as a condition subsequent, such that failure to complete the whole scheme would retrospectively remove permission for what had been built, would be almost equally unworkable. It would create intolerable uncertainty and potential unfairness, not least for parties who purchased completed units. Unless the condition subsequent was precisely defined, it would also be unclear when or whether it would apply in a situation where, for example, the developer ran out of money or simply decided to stop construction work but it remained physically possible to complete the development. Parliament cannot have intended accrued property rights to be made vulnerable to enforcement action taken under the Planning Acts in such circumstances, and the terms in which section 57(1) is cast do not lend any support to such an interpretation.

54. The reasons given by Winn J were good reasons to conclude that, if the developer had constructed the cul-de-sac and the 14 houses on one side of it while the rest of the site remained vacant, such development would have been permitted by the 1952 planning permission whether or not the other 14 houses were subsequently built. It did not follow, however, that the local planning authority had authorised the developer to construct the cul-de-sac and the 14 houses in a situation where two detached houses had already been built on part of the site in accordance with a mutually inconsistent scheme.

55. The analytical error made in the *Lucas* case was to fail to distinguish between two significantly different propositions. The first is that, from a spatial point of view, a planning permission to develop a plot of land is not severable into separate permissions applicable to discrete parts of the site. The second is that, from a temporal point of view, development authorised by a planning permission is only authorised if the whole of the development is carried out. The rejection of the second proposition does not undermine the first.

### **The *Sage* case**

56. An argument made on behalf of the Authority in the courts below involved a similar error to that made in the *Lucas* case, albeit that the Authority sought to draw the opposite conclusion from that drawn by Winn J. The Authority argued that if a proposed development is not or cannot be completed fully in accordance with any planning permission under which it is carried out, the whole development will be unlawful. This is a version of the condition subsequent analysis which Winn J rightly rejected.

57. In support of this argument, counsel for the Authority relied on *Sage v Secretary of State for the Environment, Transport and the Regions* [2003] UKHL 22; [2003] 1 WLR 983, a decision of the House of Lords, and the reference made to that case in *Singh v Secretary of State for Communities & Local Government* [2010] EWHC 1621 (Admin).

58. Section 171B(1) of the 1990 Act imposes a time limit of four years for taking enforcement action where building operations have been carried out without planning permission. Time runs from the date when “the operations were substantially completed”. In *Sage* an enforcement notice was served in relation to a building which had been partly constructed and for which no planning permission had been granted. No building work had been carried out during the previous four years. The developer argued that the relevant question was when those operations

which amounted to a breach of planning control had been “substantially completed” and that, as the building operations that remained to be done were not operations which, by themselves, required planning permission, they should be left out of account. It followed that all the relevant operations had been completed more than four years previously so that the planning authority was out of time in serving the enforcement notice.

59. The House of Lords rejected this argument. They held that, in applying section 171B(1), regard should be had to the totality of the operations which the developer originally contemplated and intended to carry out: the relevant question was whether these had been substantially completed. Viewed in this way, on the findings made by the planning inspector in that case, the operations had not been substantially completed and the time limit for taking enforcement action had therefore not expired.

60. In the course of his speech (with which the other law lords agreed) Lord Hobhouse referred to what he called the “holistic approach” of planning law and said, at para 23:

“As counsel for Mr Sage accepted, if a building operation is not carried out ... fully in accordance with the permission, the *whole* operation is unlawful. She contrasted that with a case where the building has been completed but is then altered or improved ...” (emphasis in original)

In *Singh*, para 20, Hickinbottom J took this to mean that:

“reflecting the holistic structure of the planning regime, for a development to be lawful it must be carried out fully in accordance with any *final* permission under which it is done, failing which the whole development is unlawful ...” (emphasis in original)

It followed, he thought, that where some parts of a development are physically incapable of being implemented, or completed, then the whole development becomes unlawful (para 25).

61. Counsel for the Authority submitted to the Court of Appeal that this “holistic approach” entails that if development for which planning permission has been

granted cannot be completed because of the impact of operations carried out under another permission, then it is not only subsequent development but all development carried out in reliance on the original permission that is unlawful, including any such development that has already taken place. The Court of Appeal noted, at para 68, that, if correct, this “would have the consequence that there could be enforcement action, and potentially criminal liability, in relation to the development that has already taken place, even though it was at the time apparently in accordance with a valid planning permission.” That would indeed be a most unreasonable result, but the Court of Appeal preferred to express no view on whether the analysis is correct, saying that the question did not need to be decided.

62. It is important to recognise that in the *Sage* case no planning permission had been granted for any of the building operations carried out. The remarks of Lord Hobhouse about carrying out an operation fully in accordance with a planning permission were therefore obiter. The ratio of the decision is that, for the purpose of section 171B(1) of the 1990 Act, building operations carried out without planning permission are not substantially completed until construction of the whole building contemplated by the landowner is substantially completed. It was the requirement to have regard for this purpose to the whole of the development contemplated by the landowner which was characterised as a “holistic approach”.

63. It is unclear exactly what counsel for Mr Sage accepted, as recorded by Lord Hobhouse in the passage quoted at para 60 above. If the concession was that, in carrying out a building operation, any deviation from the planning permission automatically renders everything built unlawful, we doubt that this can be correct, even in relation to a single building. A case comment in the *Journal of Planning Law* on the later case of *R (on the application of Robert Hitchins Ltd) v Worcestershire County Council* [2016] JPL 373, 387, refers to authorities where failure to conform exactly to a planning permission has been held not to prevent some development having taken place under the permission. If, alternatively, the concession was that failure to complete a building operation for which planning permission has been granted renders the whole operation including any development carried out unlawful, then this certainly cannot be supported. Even in relation to a single building, if construction stops when the building has been only partly built, the remedy of the local planning authority, as mentioned earlier, is to serve a completion notice under section 94 of the 1990 Act. Moreover, even when such a notice is served, failure to complete the development within the required period only invalidates the planning permission going forward: see *Cardiff City Council v National Assembly for Wales and Malik* [2006] EWHC 1412 (Admin); [2007] 1 P & CR 9. Section 95(5) specifically provides that, although the planning permission becomes invalid at the expiration of the period specified in the notice, this “shall not affect any permission so far as development carried out under it before the end of [that period]



is concerned.” This provision presupposes that the planning permission authorises each step of development taken in the course of its implementation.

64. The reference made in *Singh* to the remarks of Lord Hobhouse was, in our view, misplaced but was also unnecessary and irrelevant to the result. *Singh* involved a straightforward application of the *Pilkington* principle. Construction of an extension at the back of the claimant’s house for which planning permission had been granted had been commenced within the statutory time limit. But a planning inspector found that it had since become physically impossible to complete the development in accordance with the permission because of the impact of work done under another permission to construct a new house alongside the existing house. Seeking to complete the development relying on the earlier permission would therefore be unlawful. Hickinbottom J refused an application to quash the inspector’s decision, holding that the inspector had correctly interpreted and applied the law on “impossibility”. Although the judge referred in the passages mentioned at para 60 above to the “whole development” becoming unlawful, it seems clear from paras 19 and 20 of his judgment that he had in mind only “subsequent development” and was not intending to suggest that the development initially carried out under the permission had been rendered retrospectively unlawful. He would have been wrong to do so.

65. In any event, neither of these cases was concerned with a multi-unit development. An attempt to read across the remarks of Lord Hobhouse to such a context was made in the *Robert Hitchins* case, where two successive planning permissions had been granted in almost identical terms to develop a site with up to 200 dwellings. The only difference was that the first permission was subject to a planning obligation to make a financial contribution towards transport services whereas the second permission, granted at a later date, was not. The developer had begun the development under the first permission and had paid the first instalment of the transport contribution which had fallen due before the second permission was granted. The developer then claimed to have switched horses and completed the development under the second permission. The judge found that the developer was entitled to act and had acted in this way, with the result that no further instalments of the transport contribution were payable. An appeal against that decision was dismissed.

66. One of the grounds of appeal was that the judge ought to have concluded, applying what Lord Hobhouse said in *Sage*, that because the building operations had been partly carried out under the first permission, they could not be carried out fully in accordance with the second permission, with the consequence that any operations carried out under that permission were unlawful. The Court of Appeal rejected that

argument. Amongst other reasons for doing so, Richards LJ pointed out, at para 49, that, if the argument were correct:

“it would mean ... that if planning permission was granted for 200 houses of which 150 were progressively built out in accordance with the plans and were occupied, all the dwellings so built and occupied would be unlawful unless and until the remaining 50 dwellings were built, even if the 150 were all individually in accordance with the plans and there was no breach of any condition of the permission. That proposition is unsupported by authority and cannot in my view be right.”

We agree.

67. On proper analysis, the developer was able to proceed to implement the second permission, since the partial development carried out pursuant to the first permission was compatible with doing so. No difficulty arose from the *Pilkington* principle. The decision and analysis in the *Robert Hitchins* case reflect the established position that any number of planning permissions can be granted in respect of the same land and a developer is free to choose which one it implements, so long as it can do so and does so in accordance with its terms.

68. In summary, failure or inability to complete a project for which planning permission has been granted does not make development carried out pursuant to the permission unlawful. But (in the absence of clear express provision making it severable) a planning permission is not to be construed as authorising further development if at any stage compliance with the permission becomes physically impossible.

### **Departures must be material**

69. The *Pilkington* principle should not be pressed too far. Rightly in our view, the Authority has not argued on this appeal that the continuing authority of a planning permission is dependent on exact compliance with the permission such that any departure from the permitted scheme, however minor, has the result that no further development is authorised unless and until exact compliance is achieved or the permission is varied. That would be an unduly rigid and unrealistic approach to adopt and, for that reason, would generally be an unreasonable construction to put on the

document recording the grant of planning permission – all the more so where the permission is for a large multi-unit development. The ordinary presumption must be that a departure will have this effect only if it is material in the context of the scheme as a whole: see *Lever Finance Ltd v Westminster (City) London Borough Council* [1971] 1 QB 222, 230. What is or is not material is plainly a matter of fact and degree.

70. There is no inconsistency here with section 96A of the 1990 Act (referred to at para 24 above). If the planning authority makes a change to a planning permission under section 96A because satisfied that the change is not material, this will have the benefit for the landowner that it can be certain that the altered pattern of development is indeed within the scope of the permission. It could not afterwards be said that there has been any departure at all from the scheme for which permission has been granted. If, on the other hand, the landowner alters the pattern of development in an immaterial way without first obtaining a variation under section 96A, it does not follow that the development must be treated as unauthorised by the original, unvaried permission. In such a case the landowner will simply be more exposed to possible arguments in later enforcement proceedings that the change was in fact material, which would then have to be decided by a planning inspector or a court. That has always been the position under the planning legislation, including before section 96A was added to give the facility to amend a permission.

### **Conclusion on multi-unit developments**

71. We agree with the view expressed by the Court of Appeal in this case that where, as here, a planning permission is granted for the development of a site, such as a housing estate, comprising multiple units, it is unlikely to be the correct interpretation of the permission that it is severable: see [2020] EWCA Civ 1440, para 90. That is for the reasons given in para 50 above.

72. The scheme for development of the Balkan Hill site on the Master Plan which was the subject of the 1967 permission seems to us to be a paradigm instance of such an integrated scheme which cannot be severed into component parts. It follows that carrying out under an independent planning permission on any part of the Balkan Hill site development which departed in a material way from that scheme would make it physically impossible and hence unlawful to carry out any further development under the 1967 permission.

## The “variation” argument

73. The Developer’s third argument, on which the appellant’s leading counsel, Charles Banner KC, put most emphasis in his oral submissions, seeks to avoid this conclusion by asserting that the development on the Balkan Hill site since 1987 has been carried out under planning permissions which were not independent of the 1967 permission. Rather, he submitted, these permissions were intended to operate along with the 1967 permission by authorising what were, in effect, local variations of the original development scheme on particular parts of the site while leaving the 1967 permission otherwise unaffected. Mr Banner pointed out that in the *Pilkington* case Lord Widgery excluded from the scope of the court’s decision cases where one planning application expressly refers to or incorporates another (see para 30 above). He submitted that the post-1987 permissions are all of this kind as they refer either specifically or by clear implication to the 1967 permission and must therefore be read with it. Mr Banner also submitted that it would cause serious practical inconvenience if a developer who, when carrying out a large development, encounters a local difficulty or wishes for other reasons to depart from the approved scheme in one particular area of the site cannot obtain permission to do so without losing the benefit of the original permission and having to apply for a fresh planning permission for the remaining development on other parts of the site.

74. In our view, that is indeed the legal position where, as here, a developer has been granted a full planning permission for one entire scheme and wishes to depart from it in a material way. It is a consequence of the very limited powers that a local planning authority currently has to make changes to an existing planning permission. But although this feature of the planning legislation means that developers may face practical hurdles, the problems should not be exaggerated. Despite the limited power to amend an existing planning permission, there is no reason why an approved development scheme cannot be modified by an appropriately framed additional planning permission which covers the whole site and includes the necessary modifications. The position then would be that the developer has two permissions in relation to the whole site, with different terms, and is entitled to proceed under the second.

75. The Authority has argued that, because the planning legislation does not confer any power on a local planning authority to make a material change to an existing planning permission, a later planning permission cannot have the effect of modifying in any material way the development scheme authorised by an earlier permission.

76. The trial judge, HHJ Keyser QC, did not find this argument persuasive and nor do we. We agree with him that, although there cannot strictly be a variation of a planning permission (save as mentioned in paras 24 above), there is “no reason why a grant of permission might not, on its true construction, authorise development in accordance with an earlier permission (eg the Master Plan) but with specified modifications”: para 48. That seems to us to be how, at least prima facie, a planning permission described as a “variation” of an earlier planning permission would reasonably be understood. The legal analysis which best gives effect to the expressed intention is to construe the permission described as a “variation” as a permission to carry out the development described in the original permission as modified to accommodate the development specifically authorised by the new permission (and as modified by any previous such “variations”). However, if an application for a permission described as a “variation” is properly to be analysed in this way, ordinarily it would have to be accompanied by a plan which showed how the proposed new permission incorporated the changes indicated into a coherent design for the whole site. Mere use of the “variation” label by itself is not sufficient to show how the new permission ought properly to be interpreted, when read as a whole and having regard to the relevant context.

77. Where an application for a variation of a previous permission is properly to be regarded as an application for a fresh permission for the whole site, this may of course mean that the application is required to be accompanied by certain documentation relevant to the whole site, such as an environmental impact assessment. Where the variation is comparatively minor and circumstances have not changed, it may be possible to re-use or update such documentation submitted in support of the application for the previous permission. Whether this is possible or not will depend upon the particular circumstances.

### **The effect of the post-1987 permissions**

78. Each of the additional planning permissions granted after 1987 (listed at para 11 above) states that the Authority hereby permits the development briefly described in the permission notice “in accordance with the plans and application submitted to the Authority”. To ascertain the effect and precise scope of the permission, it would therefore be relevant to examine the plans and application submitted to the Authority by the Developer. However, the Developer did not put in evidence in these proceedings any of the relevant plans and applications. The court was provided only with the permission notices themselves, the Master Plan, plans showing the development built on the Balkan Hill site as at July 1987 and when these proceedings were begun in 2019, and selected correspondence between the parties.

79. The absence of the planning applications and accompanying plans is explained by the fact that in the courts below the Developer's case was presented at a high level of generality. The Developer argued that there were no material differences between the pre-1987 additional permissions (some of which were expressed to be "variations" of the 1967 permission and some of which were not) and the post-1987 additional permissions; and that, as Drake J decided that the pre-1987 additional permissions were variations of the 1967 permission, the same must be true of the later permissions. So far as appears from the skeleton arguments and judgments in the courts below, no attempt was made to examine and construe the post-1987 permissions individually.

80. The attempt to extrapolate from Drake J's acceptance that the pre-1987 additional permissions were in some way lawful variations the conclusion that the post-1987 additional permissions must be regarded as variations (in the sense of new permissions granted for development of the whole site with relevant changes) is, however, untenable. The fact that Drake J's judgment is to be taken as conclusive in relation to matters as they stood in 1987 cannot prevent the Authority from disputing, as it does, the meaning and effect of permissions which did not yet exist when that judgment was given. It is for the Developer to make good the contention that the additional planning permissions granted after 1987 are properly to be construed as modifying the original development scheme rather than as independent permissions. In his oral argument in this court Mr Banner KC sought to do this by addressing each of the individual post-1987 permissions.

### **The permissions described as "variations"**

81. Of the six post-1987 planning permissions listed at para 11 above which have been implemented, three (permissions A, B and E) are expressed on their face to be "variations" of the original 1967 permission. However, the development which took place under each of them is substantially at variance from what was shown in the Master Plan. Without sight of the applications or evidence that they were accompanied by plans of the kind referred to in para 76 above, it cannot be said that these permissions authorised a new development scheme for the whole site. A reasonable reader would have understood them to relate only to specific sites within the Balkan Hill area.

82. The position is clearer still in relation to the other three permissions (D, G and H) since they were not stated to be "variations" of the 1967 permission.

## The permissions referring to plot numbers

83. In each of permissions D and H the brief description of the development in the permission notice referred to a specified plot number in “Hillside Park”. It is an agreed fact that these references were to plot numbers used in the original Master Plan to which the 1967 permission related. The Developer contends that this would convey to the reasonable reader that the permission was intended to authorise a localised modification of the Master Plan so as to permit the development described in the permission on the particular plot referred to while leaving the 1967 permission otherwise intact.

84. We cannot accept this submission. Although the copies of the original Master Plan provided to the court do not contain plot numbers, we accept based on the parties’ agreement that the locations of the plots of land to which permissions D and H relate were identified by reference to the original Master Plan. That only shows, however, that the Master Plan was used for the purpose of geographical reference: in effect as a map. It does not mean that either of permissions D or H was intended to modify the scheme shown in the Master Plan rather than to permit a discrete development on the specified part of the site. That might have been a proper inference to draw if the application had been accompanied by a plan, which the Authority approved, showing how the proposed development on the plot concerned would fit with the scheme shown on the Master Plan, as a coherent integrated whole. However, the Developer has not put in evidence any such plan nor suggested that any such plan exists. All the indications are that the plans submitted when applying for permissions D, G and H showed only the proposed development on the land in question and did not attempt to integrate the proposed development with the development shown in the Master Plan. So, for example, no attempt appears to have been made to indicate how the roads shown on the plans for these additional permissions would be linked to the road network shown on the Master Plan.

85. Mr Banner KC submitted that a reasonable reader, aware of the planning history of the Balkan Hill site, would not understand permissions D and H to build a few houses on particular plots to be intended to operate at the expense of the original permission granted for a major scheme to construct 401 dwellings which was being rolled out across the Balkan Hill site. He suggested that to interpret permissions D and H as having that effect would be unreal.

86. We are not persuaded by this submission for two reasons. First, it is wrong to assume that the previous planning history of the site is relevant to the interpretation of these permissions. As explained in the *Pilkington* case (see para 30 above), it is the duty of the local planning authority to regard every application for planning

permission, unless it refers to an earlier permission, as a proposal for a separate and independent development and to consider the application on its own merits. The reader of a planning permission should accordingly assume that the application has been dealt with in this way. Hence a planning permission should be regarded as a self-contained permission for an independent development unless it says otherwise.

87. Second, even if regard is had to the previous planning history of the Balkan Hill site, it does not support the suggestion that the Developer was rolling out across the site the scheme for a development of 401 dwellings authorised by the 1967 permission. As noted at the beginning of this judgment, none of the houses built on the site has been built in accordance with the Master Plan and some of the departures from it have been substantial. An objective observer who looked at the planning history in 2005 when permission D was granted, or in 2011 when permission H was granted, would therefore see a pattern of development significantly different from that authorised by the 1967 permission and would see that every house built in the 40 years since it was granted had been built in accordance with a subsequent specific planning permission. There was nothing in this history which showed that the Developer still intended to carry out any development in accordance with the 1967 permission. Moreover, it would have been clear that the development carried out pursuant to the additional permissions granted since 1987 meant that the Master Plan for the 1967 permission could not be implemented according to its terms and no alternative updated version of it had been filed in support of the applications for those permissions. Nor was there any evidence that any of the additional documents to be expected in relation to a fresh application for permission for a development of the whole site (see para 77 above) had been filed.

88. On the material available we are therefore unable to construe permissions D and H as modifying the development scheme authorised by the 1967 permission. A reasonable reader of those permissions would understand that they related solely to the specific limited areas of land to which they applied. It follows that the development carried out under these permissions, by departing in material ways from the Master Plan, made it impossible for the Developer thereafter to carry out development in accordance with the 1967 permission.

### **Permission G**

89. The last of the additional permissions granted after 1987 which has been implemented is permission G. This was not expressed to be a variation of the 1967 permission nor did the permission notice even refer to a plot number on the Master Plan. The development for which the permission was granted is described in the



permission notice as: “Full application for construction of 3 pairs of dwellings, Land at Hillside Park, Aberdyfi.” Again, there is no evidence that the application for this permission was accompanied by a revised version of the Master Plan showing how the development would form part of an integrated development of the whole site.

90. No reasonable person would, in our view, interpret this permission as intended to authorise a local variation of the scheme authorised by the 1967 permission on the basis set out above rather than as an independent permission applicable only to the specific site to which it relates. The proposed development is mutually inconsistent with the 1967 scheme. The easternmost pair of dwellings constructed pursuant to permission G is sited across an estate road which in the Master Plan served as an access route to the entire northern part of the site. Instead of that access road, a road has been built which is designed to serve only as a communal private road giving access to the eight dwellings authorised by permissions E and G. For good measure, this local road cuts across the site of a building shown on the Master Plan.

91. Again, we have not seen the plans and application submitted to the Authority but there is no evidence that any plan was submitted which sought to integrate the proposed development with the development shown on the Master Plan. Nor is there any evidence that the application was accompanied by the additional documents to be expected if it had been intended to be for a fresh permission relating to the whole site. It follows that carrying out the development authorised by permission G has made it physically impossible to carry out the development authorised by the 1967 permission.

92. The Developer sought to avoid this conclusion by relying on a letter from the Authority to the Developer dated 10 October 2008. The first paragraph of this letter indicates that it was written in response to a request for the Authority to approve a plan to construct two pairs of attached houses on part of the site covered by permission E as “minor amendments” to the 1967 permission. The letter then states:

“The situation is that [permission E] for 5 detached dwellings and 5 garages supersedes the 1967 permission. As [permission E] has been commenced, that is not the extant permission on this part of Hillside Park. Therefore, I cannot treat the submission for the two pairs of attached houses as an amendment to the 1967 permission.

For your information, I agree with you that the 1967 permission has been proven to be 'A full permission which could be implemented in its entirety without the need to obtain any further planning permission or planning approval of details'. This means that it is only that exact permission as approved that can be implemented without the submission of further applications. ... For the avoidance of doubt, once a variation to the 1967 permission is approved and commenced, then the 1967 permission on that part of the site ceases to be valid."

93. Permission G does not refer to this letter. Indeed, the letter - which was written several months before the application was submitted on 7 April 2009 - appears to relate to an earlier proposal for development which was not the proposal for which permission was ultimately sought and granted. Thus, the letter refers to "two pairs of attached houses" rather than the "construction of 3 pairs of dwellings" described in permission G. For the reasons given in para 27 above, we see no justification for treating this letter as part of the context to which a reasonable reader would have regard in interpreting permission G.

94. For good measure we would add that, even if regard is had to the letter, it does not assist the Developer. It specifically rejects a request to treat the proposed development as an amendment to the 1967 permission and expresses the view that permission E had superseded the 1967 permission and was the extant permission on that part of the Balkan Hill site. The letter gave no assurance that carrying out the proposed development would be compatible with further implementation of the 1967 permission on other parts of the site. Even if such an opinion had been expressed by the Authority, we do not see how it could as a matter of law affect the correct interpretation of permission G - all the more so in view of the fact that the location of the easternmost pair of houses built under permission G (which may not even have been one of the two pairs of houses referred to in the letter) directly conflicts with Master Plan.

95. The difficulties for the Developer's case do not end there. The plan produced by the Authority for the purpose of these proceedings showing the buildings constructed on the Balkan Hill site as at 2019 depicts, immediately to the east of the houses authorised by permission B, a terrace of six houses and a block of garages built on land not covered by any of the additional permissions. These buildings do not accord with the Master Plan. The houses encroach on the site of one the main estate roads shown on the Master Plan and the garages have been built directly across the site of that road. There is no suggestion on the plan that this development

was authorised by any additional permission, let alone one that could be said to operate as a “variation” of the 1967 permission. At the end of the hearing we accordingly asked the parties to provide clarification of the status of these buildings.

96. Documents subsequently provided to the court include a drawing number 97/3/A1/1 dated February 1997 (the “1997 drawing”), submitted with the planning application for permission B. This shows the two terraces of houses which were the subject of permission B but not the further terrace of six houses and garages which have been built on land to the east of that plot. The first reference in the documents provided to us to those further buildings is in a letter from the Developer’s architect to a development control officer at the Authority dated 23 May 2004, some seven years later. This letter states that the “approved Phase 1 lay out, as you know, provides for six attached houses linked together. Units 18 to 23.” The “approved Phase 1” layout referred to in this letter, which now includes the six attached houses numbered 18 to 23, is shown in an amended version of the 1997 drawing which indicates that it was “Amended Jan 2000”.

97. The letter dated 23 May 2004 went on to say that, in order to improve this lay-out, it had been revised to provide for three separate pairs of attached houses providing landscaped spaces between each pair of houses instead of six attached houses, and also to make provision for garages. It appears from some further correspondence that the proposed revised layout was not approved by the development officer. The Developer then went ahead and built a terrace of six attached houses (“units 18-23”) as shown on the 1997 drawing as amended in January 2000.

98. The Developer submits that it is to be inferred from this correspondence that the Authority had approved the construction of the terrace of six houses labelled units 18-23 in accordance with the amended drawing, presumably in January 2006. No evidence has been provided, however, that planning permission was ever granted for this development, let alone for the block of garages which have also been constructed on this part of the site. The most that the references to the “approved” layout can be taken to signify is that the development control officer had indicated that he was content with the proposed layout. But that did not dispense with the requirement to obtain a grant of planning permission. A fortiori there is no evidence to suggest that permission was given to treat the development as a variation of the Master Plan.

99. As the Authority accepts, because this further development was completed more than four years ago, it is now immune from planning control in accordance

with section 171B of the 1990 Act. But its effect is, again, to make it physically impossible to carry out the development authorised by the 1967 permission.

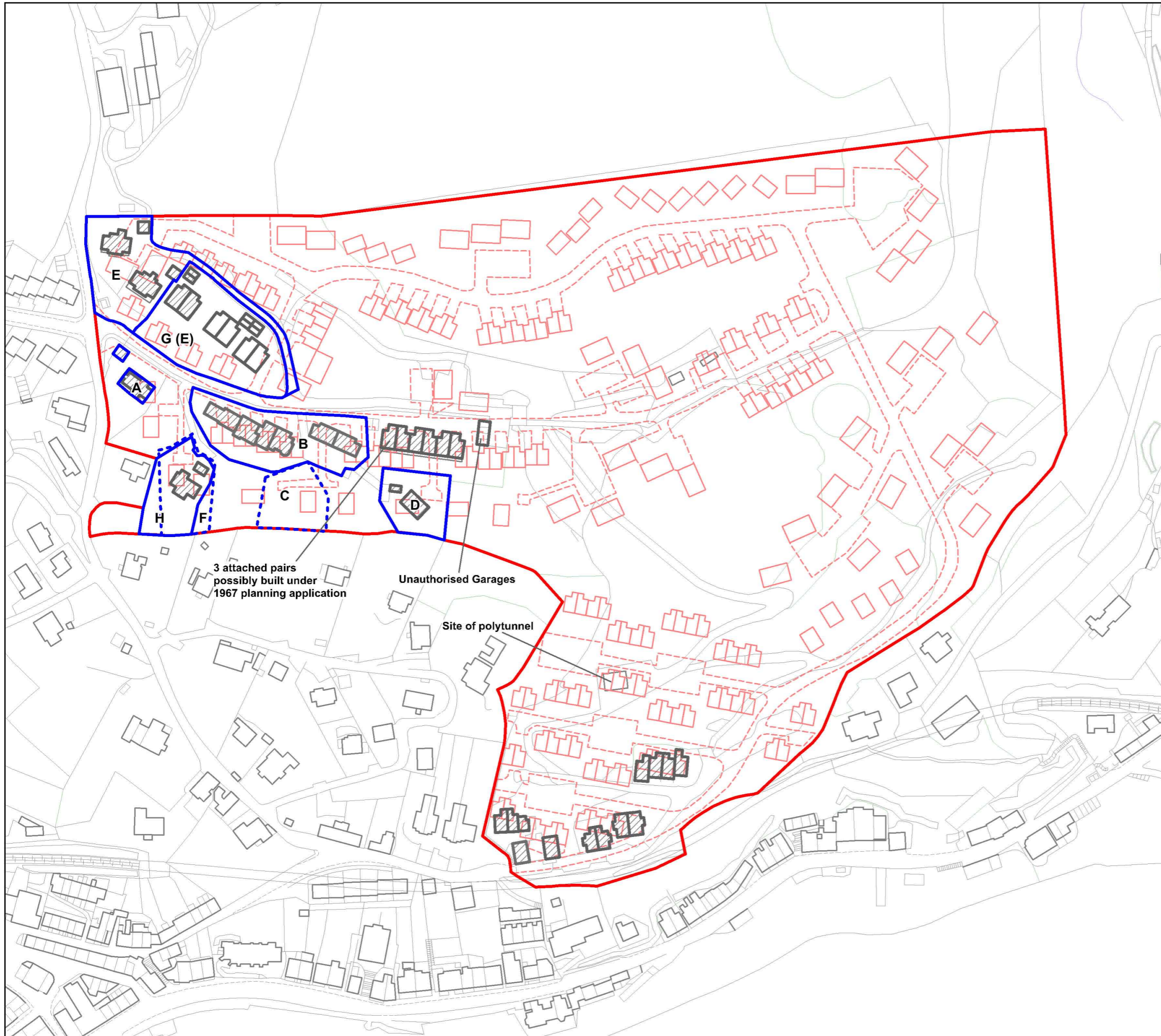
## **Conclusion**

100. The courts below were right to hold that the 1967 permission was a permission to carry out a single scheme of development on the Balkan Hill site and cannot be construed as separately permitting particular parts of the scheme to be built alongside development on the site authorised by independent permissions. It is possible in principle for a local planning authority to grant a planning permission which approves a modification of such an entire scheme rather than constituting a separate permission referable just to part of the scheme. The Developer has failed to show, however, that the additional planning permissions under which development has been carried out on the Balkan Hill site since 1987 should be construed in this way. Therefore, that development is inconsistent with the 1967 permission and has had the effect that it is physically impossible to develop the Balkan Hill site in accordance with the Master Plan approved by the 1967 permission (as subsequently modified down to 1987). Furthermore, other development has been carried out for which the Developer has failed to show that any planning permission was obtained. This development also makes it physically impossible to develop the site in accordance with the Master Plan approved by the 1967 permission (as subsequently modified). The courts below were therefore right to dismiss the Developer's claim and this appeal must also be dismissed.



### Aberdyfi Hillside

- TOW.U/1115/P - 10/01/1967
- A NP5/50/300A - 08/05/1996  
Plot 1, Phase 1 - 1 dwelling
- B NP5/50/300B - 15/04/1997  
Plots 6-15, Phase 1 - 2 terraces
- C NP5/50/300C - 31/07/2000  
Plot 5, Phase 1 - 1 dwelling (Expired?)
- D NP5/50/300D - 24/11/2004  
Plot 17, Phase 1, 1 dwelling
- E NP5/50/300E - 28/06/2004  
Plot 1-5, Phase 2, 5 dwellings
- F NP5/50/300F - 14/03/2005  
Plot 3, Phase 1, 1 dwelling (Superseded)
- G NP5/50/300G - 07/04/2009  
Plot 1-3, Phase 2, 3 pairs of dwellings
- H NP5/50/300H - 15/06/2010  
Plot 3, Phase 1, 1 dwelling
- Built
- Under Construction
- Masterplan - TOW.U/1115/P



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