



Geraint John Planning

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25th April 2023

Neath Port Talbot Planning Division
Brunel Way,
Briton Ferry,
Neath,
SA11 2GG

Dear Sir / Madam,

103 Main Road, Dyffryn Cellwen, Neath, SA10 9LG

An Application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the use of the existing dwelling (use class C3) as a small children's home for the care of 2 children under use class C3.

Introduction

On behalf of the Applicant, Mr Byng, this cover letter has been prepared and submitted in support of an application for a Certificate of Proposed Use or Development for the proposed use of the residential dwelling at 103 Main Road for care purposes under use class C3.

The application seeks to obtain a lawful development certificate, under Section 192 of the Town and Country Planning Act 1990 (as amended), to confirm the lawful use of the dwelling at Main Road for care purposes.

This letter provides an overview of the site context and sets out why the proposal should be considered acceptable, and therefore a lawful proposed development. The letter is structured as follows:

1. The Site
 2. Development Proposals
 3. The Principle of Development
 4. Summary and Conclusions
- Appendix A – Sales Brochure for 103 Main Road

The following documents have been submitted in support of this application:

- Application Forms;
- Cover Letter (prepared by GJP); and
- Site Location Plan.

1. The Site

The site is located on Main Road, Dyffryn Cellwen, within the authority of Neath Port Talbot (NPT). It measures at circa 0.1 ha and comprises a 3-bedroom detached bungalow of which affronts the access road, and an ancillary detached annex situated to the rear of the site. The site sits within a pocket of residential dwellings that adjoin Main Road to the west and overlook Banwen RFC to the east. As per the Town and Country Planning Use Classes Order 1987, the site comprises a C3 use in the form of a dwellinghouse.

The site location plan, and an aerial view of the site, is extracted and shown below for reference:



Site Location Plan (site in red)



Aerial View of the site (site in red)

The village of Dyffryn Cellwen is situated in the Upper Dulais Valley, and has easy access to the nearby Brecon Beacons, as well as the towns of Neath and Ystradgynlais, which offer a wide range of daily and social amenities. The village itself has some amenities provision, such as a convenience store, pharmacy, post office and primary school.

Access to the site is achieved off Main Road, as evidenced by the below extracts:



Street View of Proposed Access Point



Planning History

An online planning history search has been undertaken of the site using Neath Port Talbot's planning register. The search found that the site is not subject to any previous planning history, however, there have been several applications across NPT that relate to the proposal. These are listed in the table below:

Surrounding Planning History

Application Ref.	Location	Proposal	Decision	Date of Decision
P2022/0819	25 AUBURN AVENUE SANDFIELDS PORT TALBOT NEATH PORT TALBOT SA12 7RD	Certificate of lawful development (proposed) for the use of the existing dwelling (use class C3) as a small children's home for the care of 2 children under use class C3	Approved	06/01/2023
P2021/0817	GRAIG MADOC LANE FROM MARLAS ROAD TO LLANMIHANGEL FARM PYLE BRIDGEND NEATH PORT TALBOT CF33 6RL	Certificate of lawful development (proposed) for the use of the existing dwelling (use class C3) as a small children's home for the care of 3 children under use class C3	Approved	08/10/2021
P2013/0166	STATION HOUSE CRAIG Y FAN TERRACE CYMMER PORT TALBOT SA13 3LN	Use of residential dwelling for the care of up to three children and associated carers living together as a single household (Application for a Certificate of Proposed Lawful Use)	Approved	21/03/2013
P2013/0054	TY GROESWEN LANE FROM GLAN YR AFON ROAD TO BRYNDU HOUSE FARM BRYNDU PYLE BRIDGEND CF33 6RA	Use of residential dwelling for the care of up to three children and associated carers living together as a single household (Application for a Certificate of Proposed Lawful Use)	Approved	12/03/2013

Planning History Table

The two applications of principal relevance to the proposed CLOPUD site at Main Road are the following, given the specific characteristics, and recent nature of approval.

P2022/0819

Application ref. P2022/0819 was approved in January 2023. The decision notice is extracted below for reference:

'The application contains sufficient evidence to demonstrate that the existing property known as 25 Auburn Avenue has a lawful use as a residential dwelling (Use Class C3). Furthermore, whilst the proposed use would normally fall within Use Class C2, based upon the specific nature of use proposed in the application for no more than two resident children and two live-in carers and a manager, and with no material changes to the external appearance of the property, it is nevertheless concluded, on balance of probabilities, that the proposed use would not amount to a 'material' change of use of the property, and accordingly would not amount to 'development' as defined by section 55 of the Planning Act 1990 (as amended). Accordingly, the proposed use would be lawful and does not require planning permission'.

P2021/0817

Application Ref. P2021/0817 was approved in October 2021, with the decision notice stating as follows:

'The application contains sufficient evidence to demonstrate that the existing property known as Graig Madoc has a lawful use as a residential dwelling (Use Class C3). Furthermore, whilst the proposed use would normally fall within Use Class C2, based upon the specific nature of use proposed in the application for up to three resident children and two live-in carers (on 48 hour shift patterns) with no on-site education (the property would not be registered as an Independent School), and with no material changes to the external appearance of the property, it is nevertheless concluded, on balance of probabilities, that the proposed use would not amount to a 'material' change of use of the property, and accordingly would not amount to 'development' as defined by section 55 of the Planning Act 1990 (as amended). Accordingly, the proposed use would be lawful and does not require planning permission'.

2. Development Proposals

The purpose of this proposal is to gain lawful consent to operate the dwellinghouse at 103 Main Road as a small-scale care home for young children. Specifically, the applicant is proposing to:

- House a maximum of 2 children at the site at all times;
- Have 2 Staff / carers / managers 'live-in' and operate a 48-hour shift rota arrangement;
- The property will be used for residential uses only (i.e., no educational / leisure facilities etc);
- Provide no material changes to the external appearance of the property; and
- Utilise the property as a place of residency only.

As per the above, this application is submitted under Section 192 of the Town and Country Planning Act 1990, for a Certificate of Lawful Proposed Use, to demonstrate that the use of 103 Main Road for a small-scale care facility under use Class Order C3 is acceptable.

3. Principle of Development

As per the Sales Particular (**Appendix A**), the site currently falls within Use Class Order C3, of which under The Town and Country Planning (Use Classes) Order 1987, is defined as '*Dwellinghouses used as a sole or main residence and occupied for more than 183 days in a calendar year*'. Therefore, it is considered that there is sufficient existing evidence to demonstrate the property's lawful use as a residential dwelling.

The use of a care facility would in most circumstances fall within Use Class Order C2, of which under The Town and Country Planning (Use Classes) Order 1987, is defined as '*Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres*'.

It is considered that the use of the residential property for care purposes will not constitute a material change of use of the dwelling, for the following reasons:

- A maximum of 2 children will reside at the property at all times;
- A maximum of 2 live-in carers will reside at the property at all times, operating a 48-hour shift rota arrangement;
- The property will be used for residential uses only (i.e., no educational / leisure facilities etc); and
- The proposal will not alter the existing external scale or appearance of the established dwellinghouse.

As per the above, it is considered that the proposed operation and use of the care home is not materially different to how the current dwelling is used / operated (as a C3 dwelling), and thus no material change of use of the property will transpire.

In light of the proposal and detail regarding its operation, the principle of the proposed development is considered acceptable as it can be evidenced that there is no material change of use of the dwelling. The proposal is therefore supported by case law (for example P2021/0817 and P2022/0819), and the requirement for planning permission is not considered necessary.

4. Summary and Conclusions

The proposed development seeks approval for a Certificate of Lawfulness of Proposed Use and Development, for the use of the dwellinghouse at 103 Main Road for a small-scale care home.

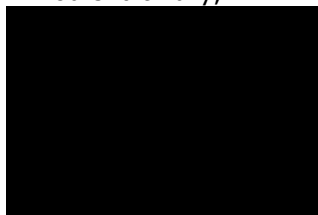
The proposed use of the dwelling will not bring about any material change of use of the land / dwelling for the following reasons:

- A maximum of 2 children will reside at the property at all times;
- A maximum of 2 live-in carers will reside at the property at all times, operating a 48-hour shift rota arrangement;
- The property will be used for residential uses only (i.e., no educational / leisure facilities etc); and
- The proposal will not alter the existing external scale or appearance of the established dwellinghouse.

For these reasons, it is considered that on the balance of probabilities, the proposed use would not amount to a 'material' change of use of the property, and accordingly would not amount to 'development' as defined by section 55 of the Planning Act 1990 (as amended). Accordingly, the proposed use would be lawful and does not require planning permission.

As such, a Certificate of Lawfulness should be issued, in that the proposed use would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended).

Yours faithfully,



Geraint John
Director
Geraint John Planning Ltd.

APPENDIX A – SALES BROCHURE FOR 103 MAIN ROAD





 PHOTOS  MAPS  FLOORPLANS  3D TOUR

About this property

Was £260,000 Reduced to £250,000

Situated in the popular and semi-rural village of Dyffryn Cellwen. The property occupies a larger than average plot with ample parking and second gated driveway for larger vehicles leading to the summer house, perfect for home working.

A spacious and versatile detached property which offers excellent accommodation for families.

The property benefits from a multi fuel fire in the living room, dining room, three bedrooms, bathroom and separate shower room, large lean to currently used as a hobby room.

[Back to results](#)

Main Road, Dyffryn Cellwen, Neath, SA10

3 bedroom detached bungalow for sale

Offers in the region of

£250,000

 3  2  2

01792 864900

[Arrange viewing](#)

Agent details



Karen Walters
Branch Manager



Craig Williams
Mortgage and Protection
Consultant



Rachel Hughes
Negotiator

Externally, there are great size garden offering a peaceful, enclosed decking area with a covered gazebo., great for entertaining.

The summer house would make a perfect work from home office or art studio.

The village of Dyffryn Cellwen is situated in the Upper Dulais Valley, and has easy access to the nearby Brecon Beacons, as well as the towns of Neath and Ystradgynlais, which offer a wide range of daily and social amenities. The village itself offers a few amenities, such as a convenience store, pharmacy, post office and primary school.

Show less ^

Room details

Entrance Hallway

Entrance to the side via double glazed door with side glazed panel, airing cupboard with shelving and single panel radiator, door leading into dining room. Access to attic via drop down ladder, electricity connected and part boarded.

Living Room

5.26m x 3.48m

Multi fuel fire on slate hearth with slate tile back, double glazed window to front, single panel radiator, coved ceiling.

Kitchen/Breakfast Room

3.96m x 3.18m

Fitted with a range of modern wall and base units, integrated dishwasher, stainless steel sink and drainer with tiled splashback, plumbing for washing machine, induction hob and extractor overhead, electric oven, space for fridge/freezer, laminate flooring, double glazed window to side, downlighters to ceiling, French doors leading to a small rear hallway with double

Pontardawe

9 High Street

Pontardawe

West Glamorgan

SA8 4HU

01792 864900

Extras

Save this property

Share

Stamp duty calculator

Where is the property?

England

Property value

£250,000

Additional options:

Additional property

Calculate

	glazed door to side, laminate flooring and double panelled radiator.
Dining Room <i>5.08m x 3.18m</i>	Double glazed window to side, single panel radiator, laminate flooring, double glazed door with side glazed panels into lean-to with double glazed window to rear, onto decking area and side, double glaze door to side, tongue and groove to ceiling. Please note this roof is polycarbonated which has been insulated.
Bedroom 1 <i>5.18m x 2.87m</i>	Double glazed window to front and side, single panel radiator, coved ceiling.
Bedroom 2 <i>3.15m x 3m</i>	Double glazed window to rear looking into the lean-to, single panel radiator, storage area with hanging space and shelving.
Bedroom 3 <i>2.34m x 2m</i>	Double glazed window to side, single panel radiator.
Shower Room <i>3.48m x 2.67m</i>	Three piece suite comprising low level WC, pedestal wash hand basin, walk-in shower wet area with mains shower overhead, tiled floor and walls, double glazed window to side, heated towel rail.
Bathroom	Low level WC, pedestal wash hand basin, panelled bath with shower mixer tap, waterproof panelling splashback, tiled floor.

Summer House 9.22m x 4.3m	Double glazed French doors to front and rear door, 2 double glazed windows to side, stainless steel sink and drainer. Bathroom which does need some finishing which does include a shower cubicle.
Externally	Side tarmacadam driveway providing ample parking with shingle to the front offering further parking. To the right hand side the property benefits from gated access leading to another driveay for larger vehciles. Gated access leads to the rear garden, paved patio area with log store and decking with covered gazebo area, large rear garden, the majority laid to lawn with greenhouse, variety of seating areas, far reaching views.
Services	Please note that we are advised that mains services are connected to the property. Gas fired central heating system. Council Tax Band: C.

Energy Performance Certificate