

SUPPORTING STATEMENT

Gellinudd, Lon Catwg, SA8 3DX

January 2024

1.0 INTRODUCTION

- 1.1 This Certificate of Lawfulness Application is prepared on behalf of SWP Limited and seeks confirmation that the proposed use and internal works at the former Ysbyty Gellinudd, Lon Catwg, SA8 3DX do not constitute a development and, therefore, permission is not required.
- 1.2 This document will describe the proposed works and evidence why the proposals are lawful.
- 1.3 The plans which are submitted to support this Certificate application include the external alterations and new fencing and gates for completeness. A full planning application will be submitted in parallel to this Certificate application which seeks planning consent for the external alterations and fencing and gates. It is requested that this Certificate application is determined following the determination of the planning application and, providing that application is supported, the external works can be considered lawful, alongside the internal works, since they will have planning consent.
- 1.4 The application is accompanied by the following information:
- Application Forms;
 - Site Location Plan;
 - Existing Floor Plans; and
 - Proposed Floor Plans.

2.0 SITE CONTEXT

- 2.1 The Site is located in the settlement of Gellinudd in the administrative authority of Neath Port Talbot Council (hereafter referred to as NPTC). Gellinudd is village to the approximately 1 mile east of Pontardawe and 9 miles to the north of Swansea city centre. The site is located to the north of Gellinudd which a small predominantly residential settlement.
- 2.2 More specifically, the Site is an irregular shaped parcel of land measuring approximately 0.5ha. The Site appears to be predominantly flat with a similar ground level to the access road at Lon Catwg. It currently comprises of a 16bed mental health recovery centre (C2 use) and associated car parking. The site accommodates two existing buildings; the main build which was historically used as a hospital and more recently the recovery centre and a smaller building which provides ancillary facilities to the main building. The main building is a series of four rectangular single storey buildings connected by narrow links and accommodates the 16 bedroom, offices and communal areas including a large dining room. The building is simple in form and finished in red brick, brown roof and white UPVC windows and doors. The smaller building is also single storey finished in stone and grey roof tiles. And accommodates the services for the building including gas, electric and water, a waste store and generator. It also provides gym and kitchen area. The two buildings are set in a large plot with a car park area in the north eastern corner and a grassed area to the front of the site.
- 2.3 The Site is bounded to the north, west and north east by woodland area. To the east and south are residential properties.
- 2.4 Access to the Site is gained via Lon Catwg which in turn is accessed from Ashwood Drive and Cwm Nant-Llwyd Road via Graig Road.

3.0 PROPOSED WORKS

- 3.1 This Certificate seeks confirmation that the proposed internal alterations to the existing buildings to provide an up-to-date, fit for purpose care setting do not require planning consent.
- 3.2 The use of the building will continue in a C2 use as a care home which is within the same use class at its current Mental Health Recovery Unit use.
- 3.3 External alterations and new fencing and gates are also proposed but these elements of the proposals require planning permission which it being sought in parallel to this Certificate application.

4.0 **EVIDENCE TO SUPPORT THE CERTIFICATE**

4.1 The definition of development in planning terms is set out in Section 55 of the Town and Country Planning Act 1990 (TCPA), which states that “development,” means 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. Section 55 explicitly states that the following do not involve development for the purposes of the TCPA and are relevant to this appraisal:

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - affect only the interior of the building, or
 - do not materially affect the external appearance of the building.....
- (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

4.3 Section 55 (2) (a) of the TCPA confirms that alterations of a building which only affect the interior of the building and/or do not materially affect the external appearance of the building shall not be taken to involve development for the purposes of the TCPA. The proposed works at the Site which relate to internal changes only are not, therefore, classed as development in planning terms so do not require planning permission.

4.4 The external alterations including minor alterations to windows and new fencing and gates as shown on the plans are classed as “development” and are subject to a planning application which has been submitted in parallel to this Certificate application. Providing the planning application is approved prior to the determination of this Certificate application, it is considered the external alterations and extensions can be considered lawful alongside the lawful internal works.

- 4.5 The proposed care home is within the same use class at the property's current use (a C2 use). Section 55 (2) (f) of the TCPA confirms the use of a building for any purpose within the same use class does not constitute development.
- 4.5 Based on the definition of development contained in the TCPA the proposed use and internal works do not require planning consent and are lawful and the proposed external alteration, following planning consent, will also be lawful. It is on this basis a Certificate is sought.

5.0 CONCLUSION

- 5.1 This Certificate of Lawfulness application is prepared on behalf of SWP Limited and seeks confirmation that the proposed use and internal works at the former Ysbyty Gellinudd, Lon Catwg, SA8 3DX does not constitute a development and, therefore, permission is not required.
- 5.2 It has been evidenced throughout this statement that the proposed use and the internal works are classed as not development as defined in the TCPA and do not require planning permission and, therefore, are lawful.
- 5.3 The external alterations and new fencing and gates shown on the supporting plans do require planning permission, which is currently being sought. Once the planning application is determined positively, the external alterations and extensions can be considered lawful alongside the lawful proposed use and internal works.
- 5.4 It is respectfully requested the Certificate of Lawfulness for the proposed use is granted.