

Supporting Statement
Application for a Certificate of Lawful Development
(LDC)

The New Lodge Hotel
82 Alltwen Hill,
Alltwen
Pontardawe
SA8 3BP

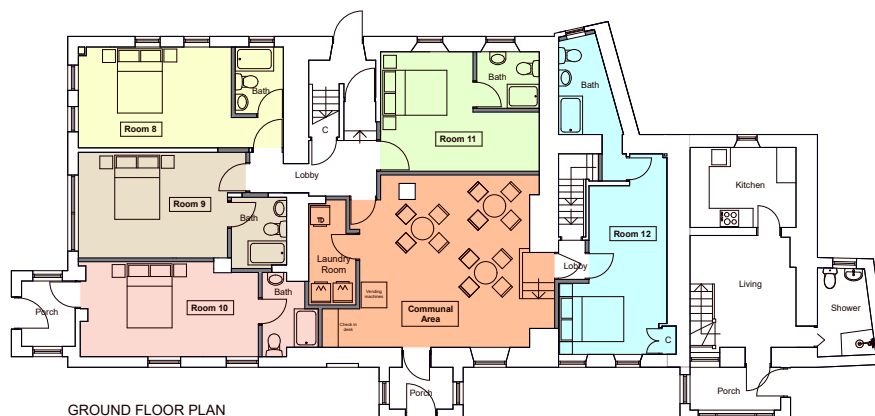
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1.0 Introduction

- 1.1 This document has been prepared in support of an application for a lawful development certificate (LDC).
- 1.2 The LDC seeks to establish if the proposed development is lawful.
- 1.3 The development consists of the adaptation of the existing ground floor which provides toilets, kitchen, a bar and two seating areas, over 5 rooms into five bedrooms, laundry room and a communal seating/check-in area. **Figure 1**

Figure 1



Scale 1 / 100 @ A3
0 1 2 3 4 5

80-82 PEN-YR-ALLT HOTEL ALLTWEN HILL, ALLTWEN, PONTARDAWE Sakg Short Stay Ltd Scheme Design: Proposed Ground Floor Plan Date: February 2024 Scale: 1:100 @ A3 Drawing Number: 2341-04B	ATRIUM ARCHITECTURE
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2.0 Planning History

2.1 Planning History

Reference	Description	Decision	Dated
P2007/1354	New cellar cooler installation to rear elevation	Approved	19/11/2007
L1996/7047	Conservatory	Approved	23/02/1996
L1993/0222	Proposed extension	Refused	02/12/1993
L1988/0555	Change of use of ground floor 78 and 80 Alltwen Hill to accommodate extension house to public and extension to provide improved toilet storage function facilities at ground floor and letting of bedroom above	Approved	05/01/1989
L1987/0158	Proposed additional bedroom	Approved	27/04/1987
L1978/0038	Extension	Approved	14/08/1978
Q2023/0217	Alteration to ground floor layout of hotel to provide additional bedrooms	PP required	12/12/2023

- 2.2 In October 2023 a pre application enquiry was submitted for alterations to the ground floor layout of hotel to provide additional bedrooms.
- 2.3 The Council confirmed that the lawful use of the building was as a Hotel (Class C1) and that planning permission would be required for the proposed works as the loss of communal facilities and self-contained sub-division resulted in a material change of use.

“it appears that it is intended for the entire property to be subdivided and used for short-term lettings – less than 28 days in duration – which would be more akin to Use Class C6 (which is a form of ‘residential use’) that is materially different to the lawful use of the property as a hotel/guesthouse (Use Class C1). You also confirmed that the proprietors/owners are not resident on site and that the communal bar, restaurant and toilet facilities are to be removed and catering facilities will be provided in each room. I am of the opinion that this constitutes a material change of use of the property that requires express planning permission through application to the Council.”

3.0 Application site

- 3.1 The application site is located north of Swansea in the settlement of Alltwen.
- 3.2 The application site is a large detached building which has been used as a hotel for over 30 years. The Planning unit comprises of Number 80 and 82 Alltwen Hill. Number 82 provides live in accommodation for a Manager/Caretaker for the premises.

4.0 Appraisal

4.1 The matter for consideration is whether the proposed works constitute development, as defined by Section 55 of the Town and Country Planning Act 1990 (The Act) and if the works constitute development, whether those works are permitted by virtue of the Town and Country Planning (General Permitted Development) Order 1995

4.2 Section 55 of The Town and Country Planning Act 1990 defines development as

55 Meaning of “development” and “new development”.

*(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “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.***

4.3 Section 55 (1A) further defines building works

(1A) For the purposes of this Act “building operations” includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.

4.4 As indicated previously the works consist of the adaptation of the existing ground floor which provides toilets, kitchen, a bar and two seating areas over 5 rooms into five bedrooms, laundry room and a communal seating/check-in area.

- 4.5 In relation to the proposal whilst the premises does not required live in staff (Facility is available for Hotelier/caretaker), rooms will not be self-contained and shares facilities on the ground floor will consist of a check in area, laundry room, vending facilities and a communal seating/eating area. The premises will have the appearance and operate like a Holiday Inn Express, Travel Lodge and other such hotels
- 4.6 Day to day operational arrangements will be as follow
- **Check-in:** Guests are provided with a code to access their room.
 - **Check out:** Guests leave ensuring the room is locked and left tidy.
 - **Catering options:** As indicated vending machines are provided; Kettle and Coffee machine are available in the room plus an arrangement with Butchers Arms Pub (Next door).
 - **Staffing arrangements:** Physical staff are on site between 10 am and 4 pm most days. Staff are available easily over the phone and via WhatsApp 24/7. Will attend within the hour if needed. The building is monitored via CCTV and sound detection.
- 4.6 The proposed works do not consist of the demolition of a building, rebuilding, additions to the building or external structure alterations. As such it is considered that the proposed works do not constitute building operations as defined by section 55(1A).
- 4.7 The matter also for consolidation is whether the works constitute a material change of use as defined by section 55 of the Act.

4.8 The current lawful use of the site is a Hotel (Class C1) of The Town and Country Planning (Use Classes) Order 1987. The proposal has rooms which will not provide self-contained facilities and the day to day living facilities associated with a dwelling or flat as set out in *Gravesham v SSE & O'Brien [1982] 47 P&CR 142*. Moreover, shared facilities, typically associated with a hotel, will be available on the ground floor. As such the following completion of the works the use of the premises will remain within Class C1.

4.9 Case law also indicated that a material change of can arise for the intensification of a development.

4.10 Having regard the principles set down in the following cases

- *Childs v First Secretary of State and Test Valley Borough Council [2005]*
- *R (Lyons) v Secretary of State for Communities and Local Government [2010]*
- *Cotswold Grange v v Secretary of State for Communities and Local Government Tewkesbury Borough Council [2014] EWHC 1138*

it is submitted that the development does not result a material change of use arising from an intensification of use.

4.11 As such the proposed works do not result in a material change of use as defined by section 55.

4.12 Given that the works do not constitute development, no assessment of the development against the provisions of Town and Country Planning (General Permitted Development) Order 1995 is required

5.0 **Conclusion**

- 5.1 The proposed works do not constitute building operations as defined by section 55(1A) of the Act.
- 5.2 The proposed works do not result in a material change of use as defined by section 55 of the Act.
- 5.3 You are therefore respectfully requested to issue a lawful development certificate confirming that the works do not constitute development.