



SUPPORTING STATEMENT
APPLICATION FOR A CERTIFICATE OF LAWFULNESS
RELATING TO THE USE OF PROPERTY AS A PRIVATE MEMBERS
CLUB AT 129 HEOL CAE GURWEN, GWAUN CAE GURWEN, NEATH
PORT TALBOT

On behalf of
Mr John Hughes and Mr Andrew Thomas

Our Ref: 1670.a
Date: May 2024
Prepared by: JDE

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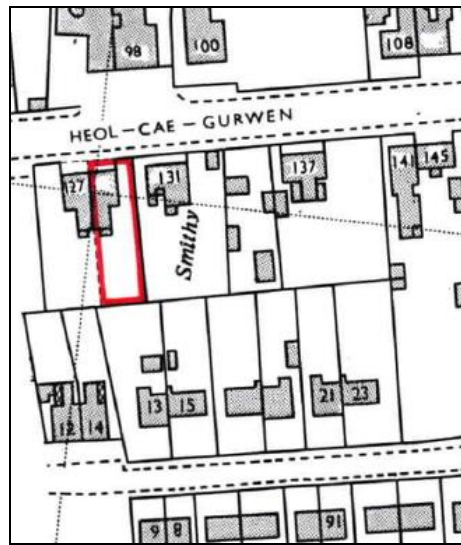
1.0 INTRODUCTION

- 1.1 Evans Banks Planning has been instructed by Mr J Hughes and Mr A Thomas (the Applicants) to prepare and submit an application for a Certificate of Lawfulness for the use of a property for the purposes of a private members club at 129 Heol Gurwen, Gwaun Cae Gurwen.
- 1.2 This application is made under the provisions of the Town and Country Planning Act 1990 (as amended) and relates to the area edged red on the accompanying plan.
- 1.3 This Statement is therefore submitted in support of the application in question, through providing the following information, making reference where necessary to the accompanying submitted items of evidence:
- A brief description of the site and surrounding area
 - Legal Context for Consideration of Case
 - Evidence of Development

2.0 SITE DESCRIPTION

2.1 THE SITE AND SURROUNDING AREA

- 2.1.1 The application relates to a semi-detached two storey property (edged red on Plan A and Photograph 1) with a rear enclosed amenity area.



Plan A



Photograph 1

- 2.1.2 From the public highway (to its east), the building is entered through a single pedestrian door, pictured in Photograph 2 below.



Photograph 2

- 2.1.3 On both the ground and first floor then are a range of rooms (including Members Bar), utilised as a Private Members Club by the Hells Angels Motorcycle Club South West.
- 2.1.4 As can be seen in Photograph 2, at the side of the main building leading to the rear garden is a partly enclosed space (pictured below).

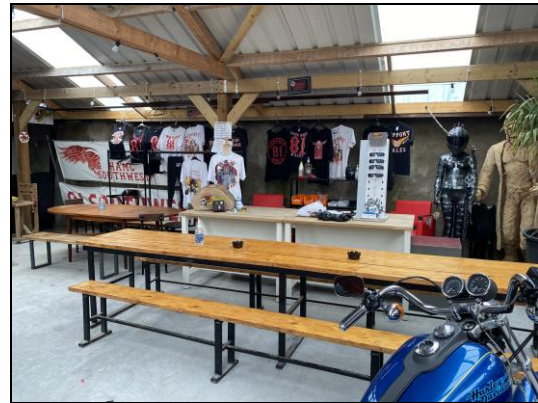


Photograph 3

- 2.1.5 The rear amenity area has been largely enclosed for many years, with pictures of its current form illustrated below.



Photograph 3



Photograph 4

- 2.1.6 The property was first purchased by the Applicants in 1995, when it was then used as a private dwellinghouse. However, upon purchasing it, the Applicants then used it as a private members club for their motorcycle club. The property then became the chapter house for the Hells Angels Motorcycle Club (South Wales) on 9th October 1999.
- 2.1.7 Members will call at the property daily throughout the week on an ad-hoc basis to use its facilities. However, the Club also holds weekly Members only meetings, as well as a regular social event held every Friday evening for Members and their invited guests. The property is also used by Members for family events, including wakes and weddings. The Club also holds between 4-5 events each year to raise money for local charities.

3.0 LEGAL CONTEXT

- 3.1 From discussions with the Applicants and Members of the Club, it is clear that the property subject of this application has been used for the purposes of a private members club for some time. Through this application therefore, the Applicants wish to regularise the situation.
- 3.2 Under the provisions of the Town and Country Planning Act 1990, Section 171B sets out a series of time limits where should certain changes of use or forms of development take place for a set period of time, no enforcement action may be taken.
- 3.3 In the case of the change of use of land or buildings, section 171B (3) outlines that evidence must be provided to demonstrate that the change of use has taken place for a period of at least 10 years. In the case of the application proposal, the property has clearly been used for the purposes of a private members club for in excess of 10 years.
- 3.4 It is therefore on the basis of the above that evidence has been obtained and is now presented in support of this application.

4.0 EVIDENCE OF USE AND DEVELOPMENT

4.1.1 Through discussions with the Applicants and Club Members, it has been established that the property in question has been present in its current position and form for in excess of 10 years. Furthermore, it is clear that for far in excess of this period, the property in question has been used for, and solely as, a private members club.

4.1.2 The above has been confirmed through a mix of written and visual evidence, which is now set out below.

Written Evidence

4.1.3 This application is accompanied by three forms of written evidence – Sworn Statements, newspaper article from the Evening Post and a copy of a Freedom of Information Act request submitted to Neath Port Talbot County Council in April 2018. The two Sworn Statements are as follows:

- Sworn Statement of Mr John Hughes (Applicant and Property Owner)
- Sworn Statement of Mr Andrew Messer (Club Secretary)

4.1.4 As can be seen from the accompanying Statements, the building has been in the ownership of the Applicant since 1995. Since that time, it was used as part of a motorcycle clubhouse (private members club) and then became the clubhouse (private members club) of the Hells Angels Motorcycle Club South West from 9th October 1999 until the present day.

4.1.5 The accompanying Statements also highlight that the property has been regularly used for over 20 years for weekly meetings by its Members, as well as regular social and charity fund raising events organised and attended by them. The property has

therefore been used for no other purpose for at least the last 10 years than as a private members club.

- 4.1.6 The above accompanying evidence is further qualified by an article in the Evening Post dated 18th April 2001 and a Freedom of Information Act (FOIA) request made by a Sarah Rapley on 5th April 2018, copies of which accompany this submission.
- 4.1.7 As can be seen from the aforementioned newspaper article, the property was clearly being used in 2001 for the purposes of a private members club by the Hells Angels Motorcycle Club. The article confirmed that the property was being used “... *for meetings every Tuesday night, ...*” and had a “... *striped marquee permanently erected in the cramped back garden*” used in association with the Club House and events held there.
- 4.1.8 In terms of the FOIA, as can be seen by the accompanying copy, the nature of the enquiry related to the Council’s approach to the use of the property, with the core question beginning with “*Why has the Hells Angles Motorcycle Club (Chapter South West Wales) been able to run without any Local Authority Regulations since 9th October 1999 ...*”.
- 4.1.9 The official response to the above request was provided by Steve Ball, Development Manager of the Council’s planning department (see accompanying copy). As can be seen, within the response, Mr Ball confirmed that “... *in respect of the use of the property, I am able to advise that all of the evidence (including your own emails/statements) support the conclusion that the property has been continuously used as a Private Members Club (with some associated/ancillary residential accommodation) for in excess of the last ten years* ...”. In summary, based on evidence held by itself, the LPA are satisfied that the property has been used for over 10 years for the purposes of a Private Members Club, particularly with the property being rated in Council Tax terms for this purpose since the date of the FOIA request.

4.1.10 On the basis of the above written evidence therefore, it is therefore clear that dwelling has been used as a private members club for in excess of 10 years.

Visual Evidence

4.2.1 In addition to the photographs in Section 2 of this Statement, the following provides further evidence to support the case that the property has been used for the purposes of a Private Members Club by the Hells Angels Motorcycle Club for in excess of the last 10 years. This can firstly be seen by examining 'StreetView' images taken from Google Maps, a selection of which are shown below.



**Photograph 5
(October 2008)**



**Photograph 6
(October 2009)**



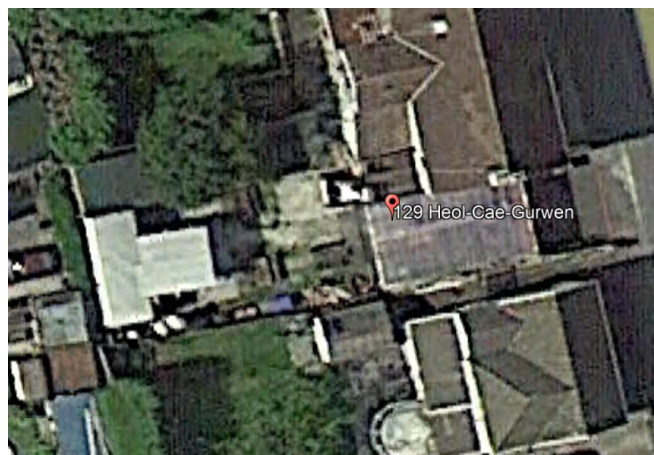
**Photograph 7
(August 2021)**

4.1.11 As can be seen, the external appearance of the property has been clearly associated with its use as a private members club by the Hells Angels Motorcycle Club (South West) for in excess of the last 10 years.

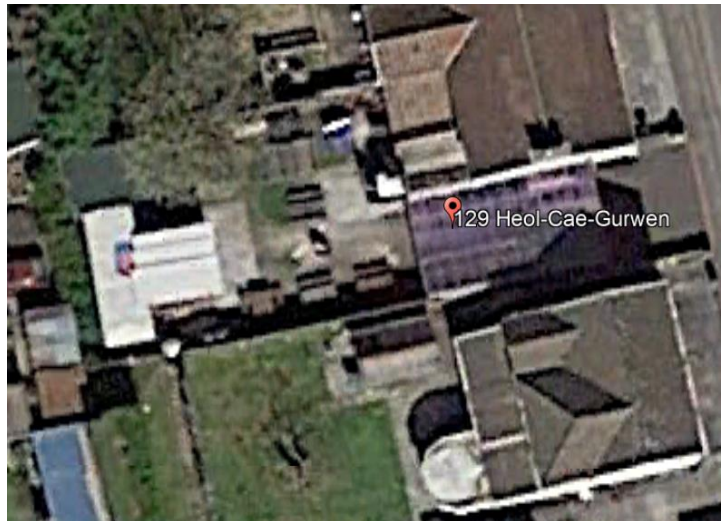
4.1.12 The above is supported further, when historic aerial photographs taken from *Google Earth* are examined, some of which are shown below.



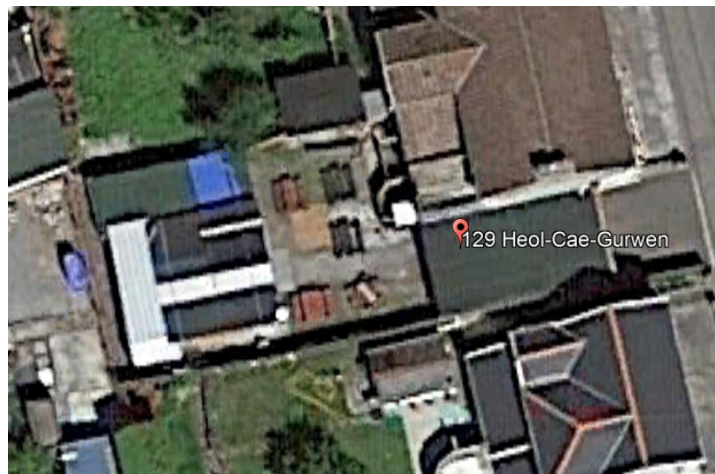
**Photograph 8
(2009)**



**Photograph 9
(2013)**



**Photograph 10
(2015)**



**Photograph 11
(2018)**

4.1.13 As can be seen, there is clear evidence of the ‘striped marquee’ referred to in the aforementioned newspaper article, other shelter-like structures and wooden picnic benches, supporting the case that all areas of the property have been used in association with its use as a Private Members Club for over 10 years.

4.1.14 On the basis of the above visual evidence therefore, it is therefore clear that dwelling has been used as a residential unit for in excess of 10 years.

5.0 SUMMARY AND CONCLUSION

- 5.1 This application is for a Certificate of Lawfulness for the use of the application property as a private members club at 129 Heol Ce Gurwen, Gwaun Cae Gurwen.
- 5.2 This Statement is supported by written and visual evidence that clearly demonstrates that the application property has been used for purposes of a private members club kennels for at least the last 10 years.
- 5.3 In view of the above and the accompanying evidence, it is therefore clear that the application meets the requirements of all relevant sections of the relevant Act and that a Certificate of Lawfulness be issued in relation to the use in question.