

Date: 15th August 2025

Our Ref: 25.227

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Neath Port Talbot County Borough Council,
Development Control Section,
The Quays, Brunel Way,
Neath,
SA11 2HZ

Dear Sir / Madam,

Town and County Planning Act 1990 (As Amended)

Lawful Development Certificate

Lawful Development Certificate for proposed conversion of an existing 7 bedroom terraced house (C3 use class) into a 5 bedroom care accommodation (C3b use class).

7 Cimla Road, Neath SA11 3PR

Planning Portal Reference: PP-14257941

Asbri Planning is appointed as planning agent to Linc Cymru Housing Association to submit a lawful development certificate to Neath Port Talbot Council in relation for the proposed conversion of an existing 7 bedroom property (C3a Use Class) to be converted to a 5 bedroom care accommodation (C3b use class).

The applicant, Linc Cymru Housing Association, provides exceptional residential care for older people with learning and support requirements. They provide tailored support to each and every individual depending on their needs.

Submission

In line with the Council's application procedures, the following information is enclosed alongside this letter:

The following drawings are submitted, prepared by Pentan Architects:

Drawing name	Drawing reference
4179-PEN-ZZ-ZZ-DR-A-1001-S1-P1	Site Location Plan
4179-PEN-ZZ-ZZ-DR-A-1002-S1-P1	Existing Site Plan
4179-PEN-ZZ-ZZ-DR-A-1004-S1-P1	Proposed Site Plan
4179-PEN-ZZ-ZZ-DR-A-2000-S1-P1	Existing Floor Plans
4179-PEN-ZZ-ZZ-DR-A-2050-S1-P1	Demolition Plans
4179-PEN-ZZ-ZZ-DR-A-2200-S1-P1	Proposed Plans
4179-PEN-ZZ-ZZ-DR-A-3000-S1-P1	Existing Elevations
4179-PEN-ZZ-ZZ-DR-A-3100-S1-P2	Proposed Elevations
4179-PEN-ZZ-ZZ-DR-A-1001-S1-P1	Existing Elevations

In addition, the following documents are submitted:

Document/drawing	Prepared by
Application Form	Asbri Planning
Appendices	Asbri Planning

SAP Analysis	-
Outline Construction Specification	Pentan Architects

Site Description & Background

The proposal refers to the residential property of 7 Cimla Road, Neath. The application site is a terraced 7no. bedroom residential dwelling located within a residential area, with a private enclosed rear garden and a front garden/driveway. The site is centred on the following grid coordinates: 51°39'33.1"N 3°48'02.4"W.

The proposed site is suitable as, due to the needs of the residents, the premises must be in close proximity to healthcare facilities, such as The Well Pharmacy, which is approximately a 4 minute walk away. The site is also situated in a sustainable location with easy access to bus services. There are 2 bus stops less than a minute's walk away from site which provide transport to Neath's town centre, Cimla and Pontrhydyfen. The site further benefits from nearby local amenities, such as the Neath Little Theatre, Victoria Gardens and Celtic Lodge.

Proposals

Principle of Development

The existing lawful use of the application property is a dwelling C3(a) use class. This Lawful Development Certificate application relates to the proposed conversion of a 7 bedroom residential property to be converted to a 5 bedroom (C3b use) care accommodation.

The Neath Port Talbot Local Development Plan (LDP) does not set out a specific policy in terms of care homes. However, the LDP mentions Neath Port Talbot's Single Integrated Plan (SIP) which has five main outcomes, outcome 1 being related to: *'Healthier': Children and young people in Neath Port Talbot are physically and emotionally healthy; adults of working age in Neath Port Talbot are physically and emotionally healthy; and older people are independent and enjoy a good quality of life.*

Nevertheless, in terms of national good practice it is evident that Care Homes should be situated in existing settlement boundaries, within existing residential communities and in close proximity to healthcare facilities, as is the case of the current proposal. It should be noted also how a similar application was issued certificate (ref: P2024/0265) relating to a Lawful Development Certificate for proposed use of property as a residential care home for 4 no. children (C3 use class) at 40 Lletty Dafydd Clyne, Neath Neath Port Talbot. Therefore, it should be noted that the conversion should be supported.

Material Change of Use

As mentioned, the existing lawful use of the property is a C3(a) use class. The proposed use is to fall within a C3(b) use class (i.e., up to six people living together as a single household and receiving care). In fact, the proposed development's residents would not exceed six in total and both carers and the cared-for would be living as a single household, since:

- The property would still function as a dwelling with a reasonable number of occupants that would normally be associated with a property of this size;
- Would not alter or intensify the residential use of the property or cause detrimental impacts on nearby neighbouring residents, in terms of significant effect on vehicular movements or parking demand;

- The resident cared-for persons would be in need of a permanent, stable and supportive living environment typical of a traditional household;
- The property would be used for Supported Living and would not involve medical / convalescent care or any element of care; and
- The residents would be a long-term settled group and as such there would be no regular change in residents.

Also, as indicated in the Saer Coed appeal (Appendix 1), *"the presence of carers does not affect the definition of use class as it would not change the number of residents living on the premises"*. It is therefore, considered clear that this proposal relates to the operational development of the property as a small care home under a C3(b) use class and would not require a change of use of the property to a C2 use class (Residential Institution). It should also be noted, as stated again in the Saer Coed appeal (Appendix 1), that there is an absence of forthcoming Welsh legislative guidance with regard to clarification of differentiation of C2 and C3 change uses for local authorities.

Nevertheless, case Law (North Devon District Council and the First Secretary of State (Queens Bench Division, 30th January 2003) - [2003] J.P.L. 1191) provides that if the residents could not function as a household without carers who do not reside at the property, then the use would fall into C2. However, the outcome at North Devon is that despite there being change of use between Class C3 and C2; that change was not material and planning permission was therefore not required. Mr Justice Collins made it clear that his judgment was based on the individual facts of the case and that whether or not a change is material is a matter of fact and degree.

Therefore, in respect of this application, it must be determined whether the change of use from a single dwelling to the small care home proposed would be a material change, based on the facts of the specific case. It is considered that due to the small scale of the care facility and having regard to the North Devon case (see Appendix 3), the manner of the use of the dwelling would not be materially different in planning terms to its use by a single household and therefore no material change of use would occur. It is therefore concluded that the proposal would not materially change the use (Class C3) of the land and buildings and, therefore, does not constitute development as defined by Section 55(1) of The Town & Country Planning Act 1990.

Residential Amenity

The intents and purposes of the property would remain typical of a residential dwelling. In fact, each resident and staff member would have their own en-suite bedroom and have shared access to communal living amenities typical of a traditional household, such as a living room, dining room, kitchen and private outdoor space. As such, the property would retain its character as a normal household with shared day-to-day living facilities.

In terms of previous precedents, the lawful use of an existing C3 dwelling house as a small residential care home under a C3 use class has been established in the instance of the *"lawful development certificate for a proposed residential care home for 4no. children"* at Ty Groeso, Old Langstone Court Road, Newport (see Appendix 2). Similarly to our current proposed development, the Ty Groeso lawful use application, granted on 13th January 2022, shares the following circumstances:

- Proposed lawful use application for a total of 6no. residents (4no. resident children cared by 2no. staff 24/7);
- Application site is a detached dwelling located within a residential area; and
- Comprises sufficient living space (i.e., bedrooms) and communal facilities and amenity space.

As such, the similar particular circumstances of both cases indicate that a proposed lawful use of 7 Cimla Rd as a 5 bedroom care accommodation within a C3(b) use class is not unprecedented and does not give rise to unacceptable planning considerations.

Highway Safety

Pedestrian / vehicular access is made off the existing highway and private driveway to the property. Again, akin to family dwellings, during the day the cared-for residents would leave and return to the property on a daily basis, with the majority being unaccompanied. It is important to note that there will not be instances where residents will be picked up by minibuses or similar. Daytime visits from family members are anticipated, as well as a monthly visit by a chiropodist (no visits are planned by nurses or medical staff). As a result, the use of the property as a small residential care home would involve a regular pattern of vehicular movements.

However, it should be acknowledged that any residential property can expect regular vehicular movements from non-residents (friends, family, carers, professionals), and can generate a wide range of traffic movements numbers and patterns. Therefore, the proposed development should not cause a materially greater detrimental impact in terms of car comings-and-goings and parking demand than what would be reasonably expected to be generated by an ordinary household within the same use class.

Also, as stated by the Planning Inspector for the Saer Coed appeal (Appendix 2), the proposed use of a dwelling as a small care home *"would not have any detrimental impact on the safe, effective and efficient use of the transportation network"*. Furthermore, if an increase of traffic generated by the proposal may result in a concern, substantive evidence should be brought forward to support that the development would lead to an unacceptable increase in traffic.

Nevertheless, both residents and staff are envisaged to be able to travel to and from the property by non-car transport modes; since the application site is easily accessible by public transport (Cedar Road and Gnoll Primary School bus stops within a 50 metre radius) and within a 5-minute walk from local amenities, such as public open space, supermarket, pharmacy and restaurants, which should reduce reliance on the car for travel and promote sustainable living.

Other considerations

The proposed residential care home is to be registered and regulated by the Care and Social Services Inspectorate for Wales (CSSIW). Also, the applicant, Linc Cymru Housing Association, are a fully registered service provider with Care Inspectorate Wales (CIW).

Please note, regardless of whether they require planning permission or not, no external physical alterations to the property are sought. Therefore, visual impact is not a consideration in this case.

Conclusion

This Lawful Development Certificate for a proposed C3(b) use for a 5 bedroom care accommodation is sought on the basis of recent similar local planning applications and appeals, as well as taking into account the local context and specific details of the proposal. Overall, it is considered that the evidence and information submitted for the proposed lawful use would not result in a significant material change in the character of the property or a material detrimental effect on the amenity of surrounding properties or on local highway safety. Therefore, the proposal is deemed acceptable in planning terms.

I trust that the submitted documents allow the application to be validated and look forward to receiving details of the name of the case officer, application reference number and target determination date. I look forward to hearing from you, if you have any queries, please do not hesitate to contact me.

Yours sincerely,

Sion Mainwaring

A handwritten signature in black ink, appearing to be 'Sion Mainwaring', written in a cursive style.

Graduate Planner