

Our Ref: IR/RB/S25.194

Date: 19th September 2025

Planning Department,
Neath Port Talbot,
Civic Centre,
Port Talbot,
SA13 1PJ

Suite D,
1st Floor,
220 High Street,
Swansea,
SA1 1NW.
Tel: 01792 480535
www.asbriplanning.co.uk

Dear Sir or Madam,

Town and Country Planning Act 1990

Certificate of Lawful Development Application (Existing Use) for use as a Class C3 dwellinghouse

Pond Cottage, Gnoll Estate Country Park, Fairyland, Neath, SA11 3BS

Planning Portal Reference: PP-14306220

Asbri Planning is appointed as planning agent to The Head of Property and Regeneration at Neath Port Talbot County Borough Council (NPTCBC) in respect of the above Certificate of Lawful Development application at Pond Cottage, Gnoll Estate Country Park, Fairyland, Neath, SA11 3BS.

The planning application has been submitted via Planning Portal and the submission documents are listed below.

The following drawings are submitted, prepared by Hiraeth Architecture:

Drawing name	Drawing reference
Site Location Plan	2080-03-HIR-A-DR-00001-S2-P1
Existing First Floor Plan	2080-03-HIR-A-DR-01031-S2-P3
Existing Second Floor Plan	2080-03-HIR-A-DR-01032-S2-P3

In addition, the supporting documents submitted comprise the following:

Document name (reference where appropriate)	Prepared by
Planning application forms (1APP)	Asbri Planning
Covering Letter	Asbri Planning
Council Tax Bill	NPTCBC
1988 Agreement	NPTCBC
2001 Agreement	NPTCBC
2018 Rent Letter	NPTCBC

Site Description

Pond Cottage is a two storey building to the south of the fish pond within the Grade II* Registered Historic Park and Garden, Gnoll Estate Country Park, that was previously used as a home for the park warden. However over the last couple of years since its occupation by the park warden, the cottage remain empty. The southern elevation overlooks a back garden that is sealed off from the rest of the park to allow an element of privacy at the southern and western ends of the property. The building contains a dining room, kitchen and living space on the ground floor, with three bedrooms and bathroom on the first floor.

Site History

A search has been undertaken in respect of the site's planning history using the Council's online planning explorer, which has revealed the following applications:

Planning Reference	Proposal	Decision
P2024/0405	Details to be agreed in association with condition 12 (cycle parking) of planning permission P2023/0676 dated 18.04.2024 (extension and change of use to tea room/cafe)	Approved 19 th August 2024
P2024/0309	Details to be agreed in association with condition 3 (CEMP) of planning permission P2023/0676 dated 18.04.2024 (extension and change of use to tea room/cafe)	Approved 19 th July 2024
P2023/0676	Proposed single storey rear extension and change of use of Pond Cottage to form a tea room/cafe (A3 use).	Approved 18 th April 2024
P1997/0491	Renovations and improvements to Pond Cottage	Permitted Development 13 th June 1997

As you will be aware, planning consent was obtained last year under local planning authority (LPA) reference P2023/0676 to extend Pond Cottage and turn into a tea room/café (A3 use). However, following a change in strategy by the client as part of the holistic development of the wider park, it has been decided that the proposed change of use will not be pursued and as such this planning permission has not been implemented.

The applicant is seeking to revert Pond Cottage to be used as a short-term holiday let (C6 use). In order to facilitate this use, works have occurred to the building which constitute general maintenance and improvements, in the form of replacement window, roof coverings, guttering, fascias and soffits. Furthermore, the external walls have been repointed to provide a stone finish, and the chimney has been restored and repointed and a flue installed to exhaust smoke from the log burner. The garden has been landscaped following drainage works and the existing concrete footpath has been removed and replaced with a porous bound gravel. The existing fencing has been replaced with a woven fence panel alternative.

Following discussions with the LPA and a review of the current planning history, the LPA were unable to not confirm Pond Cottage previous authorised use as a dwelling. As such, the LPA advised that a CLEUD was required to be submitted in order to confirm the C3 use of the property. This would then allow the C6 short term holiday let use to be implemented under permitted development rights.

Justification for Lawful Development

This application is supported by evidence provided by the client from their existing records which can be cross referenced by the LPA to ensure their validity.

The evidence submitted in the form of tenancy agreements and council tax information confirms in our view that the property has been used as a dwellinghouse since 1988, if not earlier. In addition, there has been no intervening use of the property since it was vacated to facilitate the intended development for the café and the property remains vacant since maintenance works have been completed.

Paragraph no. 2 of page 3 of the 1988 agreement states that a condition of employment for the park warden/senior ranger was for them to permanently reside at Pond Cottage in order to undertake their job. Moreover, paragraph 4.1 of the 2001 agreement states that *"The Employee shall not use the Accommodation for any purpose whatsoever save as residential Accommodation for himself and his family"*. The most recent pieces of evidence in the form of a 2018 rent letter and 2025/2026 also indicate that the property is still utilised as a C3 dwellinghouse.

Conclusion

This letter has been prepared on behalf of The Head of Property and Regeneration at Neath Port Talbot County Borough Council (NPTCBC) in respect of a Certificate of Lawfulness of Existing Development at Pond Cottage, Gnoll Estate Country Park, Fairyland, Neath, SA11 3BS.

It is accepted that the burden of proof in this matter lies with the applicant and the Courts have held that the relevant test of the evidence on such matters is "the balance of probability".

The evidence included in this submission, in our view confirms that the property known as Pond Cottage, has been since at least 1988 used as a single dwellinghouse (Class C3 use). If a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application.

Unless the LPA has evidence itself, to contradict or otherwise make the applicant's assertion of events less than probable, there is no good reason to refuse the application for the certificate. On the basis of the evidence provided, it is clear that Pond Cottage has been used as a dwellinghouse for over a decade and has been used as a single residential dwelling for a period in excess of 4 years (Use Class C3).

As such, the proposed change to use to Class C6 can proceed under permitted development rights and will not require a future planning application.

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. If you have any queries in the meantime, please do not hesitate to get in touch.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'I Rowlands', with a horizontal line underneath.

Iwan Rowlands
Planner
Asbri Planning Ltd