

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990: Section 192, as amended by Section 10 of the Planning and Compensation Act 1991; Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

7

Suffix

Property Name

Address Line 1

Graig Road

Address Line 2

Trebanos

Town/city

Pontardawe

Postcode

SA8 4BA

Description of site location (must be completed if postcode is not known)

Easting (x)

271360

Northing (y)

203099

Description

Applicant Details

Applicant Details

Name/Company

Title

First name

Alexander

Surname

Clancy

Company Name

Address

Address line 1

7 Graig Road

Address line 2

Trebanos

Address line 3

Pontardawe

Town/City

Swansea

Country

United Kingdom

Postcode

SA84BA

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes
- ☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
- ☒ No

Has the proposal been started?

- ☒ Yes
- ☐ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The land contains a long-established access track leading from Swansea Road to the graveyard associated with the former Tabernacle Chapel. The track has existed physically for many decades and has continuously served as access to the graveyard for maintenance, burials, and associated activities. Its historic and lawful use has always been that of an access route. No other planning unit or use has ever operated on the track.

The proposed use is to utilise this existing access to serve 7 Graig Road for residential vehicular access and parking, with no engineering works, alterations, surfacing, or operational development. The land will remain in access use, and its character, appearance, and planning function will not change.

Under section 55 of the Town and Country Planning Act 1990, development requires either operational development or a material change in the use of land. As no physical works are proposed, the first limb does not apply. The second limb does not apply because using an existing access for the same broad purpose does not amount to a material change of use. The functional use of the land remains an access route.

Case law establishes that increased frequency or a change in the identity of the user does not of itself constitute a material change where the land's planning function remains unchanged. The proposed use does not introduce a new use class or new activity; it simply continues the land's established access role.

Photographic evidence and long-term correspondence from the Council, local residents, schools, and contractors confirm that the track has been used for vehicles historically to reach the graveyard and that access only ceased when the Council placed stones across the entrance in 2019. The intervention did not alter the lawful status of the land; it merely prevented the continuation of a longstanding use.

The applicant owns and maintains the graveyard and is required to access it for upkeep, which further confirms the historic access role of the track. No part of the proposal would alter the land's appearance, function, or planning unit. The land has never been used as open amenity land, nor has it formed part of any other use.

For these reasons, the proposed use does not constitute development and would therefore be lawful if begun on the date of the certificate.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

The following documents accompany this application:

Title & Ownership Evidence

- Title Plan CYM352206
- Title Plan CYM338191 (including updated edition)
- Title Plan WA90476

Photographic Evidence

- Full photographic record of existing access track
- Photographs showing block stones placed by the Council (2019)
- Photographs showing overgrowth and lack of maintenance
- Photographs of track surface, boundaries and pillars
- Historical photographs of access and deliveries
- Google Maps location screenshots (contextual evidence)

School & Community Letters (Public Safety & Access Issues)

- Trebanos Primary School Headteacher letter (2014)
- Headteacher letter (2017)
- Headteacher letter (2023)
- Headteacher letter (2024)
- Caretaker letter (2017)
- Resident support letters (Nos. 2, 3 and 9 Graig Road)

Council & Official Correspondence

- NPT Council Legal Services letters (2019 – 2 pages)
- NPT Council correspondence regarding block stones
- 2024 informal consultation pack for proposed parking restrictions

Operational & Practical Evidence

- Lliw Building Supplies delivery letter (2019)
- Photographs confirming inability to maintain graveyard due to obstruction

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

Other

Other (please specify)

No Use Class – the land is sui generis access land historically serving the chapel graveyard.

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Other

Other (please specify)

No Use Class – the land is sui generis access land historically serving the chapel graveyard.

Is the proposed operation or use

- ☒ Permanent
- ☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The proposal is lawful because it does not constitute “development” under Section 55 of the Town and Country Planning Act 1990. The use involves no engineering works, no construction, and no material change of use. The access track is already physically present and has historically and lawfully functioned as access to the graveyard land.

The proposed vehicular access and parking for 7 Graig Road reactivates an existing lawful access route without altering its character or planning unit. Council correspondence confirms the route existed and was used prior to the placement of block stones in 2019. Using an existing access for residential purposes does not constitute development and requires no planning permission.

Case law confirms that using existing land for access, where the physical means already exist, is not development and therefore is lawful. The proposal simply continues the long-established access function of the land.

Accordingly, under s.191/s.192, the proposed use would be lawful if begun today, and a Lawful Development Certificate should therefore be issued.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
☐ Lessee
☐ Occupier
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

***** REDACTED *****

Have they been informed of the application?

☒ Yes

☐ No

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Alexander Clancy

Date

20/11/2025