

SUPPORTING STATEMENT – APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE

Applicant: Alexander James Clancy

Site: 7 Graig Road, Trebanos, Pontardawe, Swansea SA8 4BA

Proposal: Proposed use of existing access track for residential vehicular access and parking associated with 7 Graig Road.

1. Introduction

This statement supports an application for a Certificate of Lawfulness for the proposed use of the existing access track adjoining 7 Graig Road. No physical alterations, engineering operations or new development are proposed.

2. The Existing Access Track

The access track is long-established and historically served the Tabernacle Chapel graveyard. It is physically defined by the gate pillars on Swansea Road and the boundary wall leading to the graveyard. The track remains visible and self-evidently an access route.

3. Legal Basis

Under s.55 of the Town and Country Planning Act 1990, development includes operational development or material change of use. The proposal involves neither. Using an existing access for vehicular access is not development where no physical works occur. Case law confirms that intensification of an existing use is not a material change of use.

The land's established purpose is access. The proposal simply reinstates this use.

4. Historic Use

The access was regularly used for graveyard maintenance, deliveries, Council access, and visitor access until the Council placed block stones in 2019. This action prevented use but does not affect the lawfulness of the underlying use. Numerous letters from residents, the primary school, contractors and others confirm the long-standing practical use of this access.

5. Need and Reasonableness

The applicant owns the graveyard and is responsible for its maintenance. Without access, this obligation cannot be met. The proposed use restores historic access and avoids highway obstruction caused by parking on Graig Road.

6. Conclusion

The use of the existing access track for vehicular access does not constitute development and would be lawful if begun today. A Certificate of Lawfulness should therefore be issued.