



SUPPORTING STATEMENT

**Application for a Certificate of Lawfulness for the Proposed Use
of a Dwelling House for the Care & Supervision of a Maximum
of Three Young People with Specific Needs, Supported by a
Rotating Team of up to Three Qualified and Experienced
Staff Members
at 132 Margam Road, Port Talbot, SA13 2BW**

**On behalf of
Mr. D. Phillips**

Our Ref: 1292.c
Date: January 2026
Prepared by: Shannon Stone

Approved by: Richard Banks

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1.0 INTRODUCTION

- 1.1 Evans Banks Planning has been instructed by Mr Phillips (the Applicant) to prepare and apply for a Certificate of Lawfulness for a Proposed Use / Development (CLOPUD) for the use of a dwellinghouse for the care & supervision for up to three young people aged 5-16 with specific needs, supported by three qualified and experienced staff members, at 132 Margam Road, Port Talbot, SA13 2BW.
- 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, referring where necessary to the accompanying submitted items of evidence:
- A description of the site and surrounding area
 - A description of the proposed development
 - Consideration of the proposed use in light of a recent planning application and appeal decisions.
- 1.4 This application for a CLOPUD is made to establish that planning permission is not required to use an existing two-storey dwellinghouse into a Residential Care facility to accommodate three children, each aged between 11-18 years of age, and who will be afforded 24 hours / 7 days a week supervised care, under a formal licence issue by the Care Inspectorate for Wales (CIW).
- 1.5 The Social Care Act (Wales) 2016 requires Applicants to register with the Care Inspectorate Wales (CIW) prior to providing a care service. The CIW require Applicants to have first sought planning permission for the intended use, if indeed planning permission is required for such a proposed use. In the case of the existing property, it is a detached dwellinghouse and thus falls under Use Class C3, as defined with the Town & Country Planning (Use Classes Order) 1987.

- 1.6 The Applicant intends to place three youngsters at the property, where they receive one-to-one care, with up to three professionally qualified and trained members of staff, present on site throughout the day, and one member of staff permanently at the property during the evening and throughout the night. The management of the property will be regulated by CIW who may visit upon residents and staff as part of a regular, yet rigorous inspection regime.
- 1.7 The proposed use is designed to provide a safe, nurturing, and family-style environment to help the young residents develop essential life skills and prepare for independent living. The residing youngsters will attend local schools or colleges and participate in community life, in the same manner as any young person living in a traditional family home.
- 1.8 The attention of the Applicants has been brought to an identical proposal for the use of a dwellinghouse at Croeshowell Cottage, Croeshowell Lane, Burton, LL12 0LB. In that case, the Care Provider also intended residing youngsters in a dwellinghouse, **under the supervision and care of a 1:1 ratio of staff**. The Care Provider in that instance applied under Section 192(1)(a) of the Town & Country Planning Act 1990 (as amended) for a Lawful Development Certificate for that Proposed Use.
- 1.9 Wrexham County Borough Council refused that application on the grounds that they considered that a material change of use would take place. They considered that the proposed use would fall under Use Class C2.
- 1.10 The Care Provider in that case lodged an Appeal against the decision, and the appointed Planning Inspector issued his decision on 21st August 2020, under Appeal Reference **APP/H6955/X/20/3247381**. The Appeal was upheld, and a **Lawful Development Certificate was issued**, based on the Inspector's findings that a **material change of use was not proposed**. In reaching his conclusion, the Inspector made the following key observation:

"The adults would cook, clean, ferry the children about, care for them and largely carry out the same duties as a parent. I do not consider the difference would be

sufficiently noticeable or material in a planning use sense to constitute a change of use.”

- 1.11 In addition, we have researched the planning application records of Neath Port Talbot Council and Swansea Council where similar establishments have been founded. It is noted that the Councils received CLOPUD submissions at the following properties, and in all cases agreed that a material change of use was not proposed, and it was in order for those Care Providers to proceed with the intended use without the need for planning permission.

Neath Port Talbot –

- *P2025/0746 – The Copper House, Heol Crwys, Neath Port Talbot, SA12 9NT*
- *P2025/0356 – 2 Carlyle Street, Briton Ferry, Neath Port Talbot, SA11 2LB*
- *P2024/0265 – 40 Lletty Dafydd, Clyne, Neath, Neath Port Talbot, SA11 4BG*
- *P2023/0731 – 16 Gron Road, Gwaun Cae Gurwen, Ammanford, Neath Port Talbot, SA18 1HD*
- *P2023/0323 – 103 Main Road, Dyffryn Cellwen, Neath Port Talbot, SA10 9LG*
- *P2022/0819 – 25 Auburn Avenue, Sandfields, Neath Port Talbot, SA12 7RD*
- *P2021/0817 – Graig Madoc, Pyle, Bridgend, Neath Port Talbot, CF33 6RL*

Swansea –

- *2020/1531/PLD - 120 Salem Road, Plasmarl, Swansea, SA6 8NN*
- *2021/1080/PLD - 156 West Cross Lane, West Cross, Swansea, SA3 5NG*
- *2021/2397/PLD – Ty Newydd, Garnswllt Road, Pontardulais, SA4 8QG*
- *2024/1456/PLD – 21 Pentrepoeth Road, Morriston, SA6 6AA*
- *2025/1215/PLD – Gower House, Burry View, Penclawdd, SA4 3XS*
- *2025/1441/PLD – Cwrt Bach, Weig Lane, Gendros, Swansea, SA5 8JS*

- 1.12 Therefore, based upon these decisions by Neath Port Talbot Council and Swansea Council, as well as the Wrexham appeal decision, the Applicant is seeking a Lawful Development Certificate for the Proposed Use at 132 Margam Road, Port Talbot.

2.0 SITE AND SURROUNDING AREA

- 2.1 Figure 1 below displays the location plan of 132 Margam Road, set off the western flank of the A48 at Taibach.

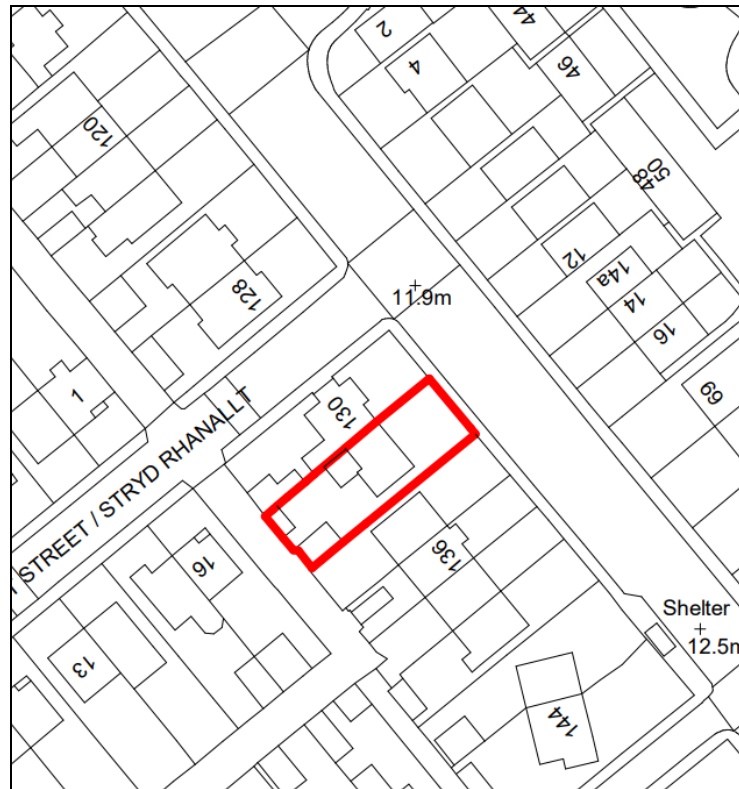


Figure 1 – Site Location Plan

- 2.2 Photographs 1 and 2 below displays the front elevation of the property.



Photograph 1



Photograph 2

- 2.3 As illustrated in the photographs above, the property has a concrete rendered dash exterior finish with white uPVC windows and a black front door. A modest front garden is situated to the front, featuring a central footpath and grassed areas on either side. The frontage is clearly defined by a stone boundary wall, wooden fence and vegetation, which together provide effective screening of the dwelling from the public highway, as shown in Photograph 3 below.



Photograph 3

- 2.4 The rear elevation of the dwelling also features a concrete rendered dash exterior finish, complemented by white uPVC windows and a matching back door, as shown in Photograph 4 below.



Photograph 4

- 2.5 The rear garden is of a reasonable size, featuring grassed areas, a footpath, and a patio, as shown in Photographs 5 and 6 below.



Photograph 5



Photograph 6

- 2.6 Figure 2 below displays a Google Earth aerial image of the application site captured in September 2022. As can be seen, the property is located on the set off the western flank of the A48, surrounded by other residential development.



Figure 2

- 2.7 In the wider sense, the site is located within close proximity to a range of community facilities and local services offered in the town of Port Talbot and the suburb of Margam. This includes a community centre, doctors' surgery, supermarket, church, primary school, secondary school, college, amongst others.
- 2.8 In addition, the property is only **45 metres distance from the nearest bus stop**, which is regularly attended by several bus services, including the 7, 82, 87, 901 and X1 services which offer connections to Port Talbot, Neath, Swansea and Bridgend.

3.0 THE PROPOSED USE

3.1 This application for a CLOPUD is made to establish that planning permission is not required to use an existing two-storey, semi-detached dwelling as a residential care facility to accommodate 3 children aged 11-18 years old, who will be afforded 24 hour, 7 days a week supervised care by a team of staff, under a formal licence issued by the Care Inspectorate for Wales (CIW). The care will be provided by up to **3 members of staff**.

3.2 Figure 3 below shows the block plan for the site.



Figure 3 – Block Plan

3.3 Figures 3 and 4 below display the existing and proposed floor plans, respectively.

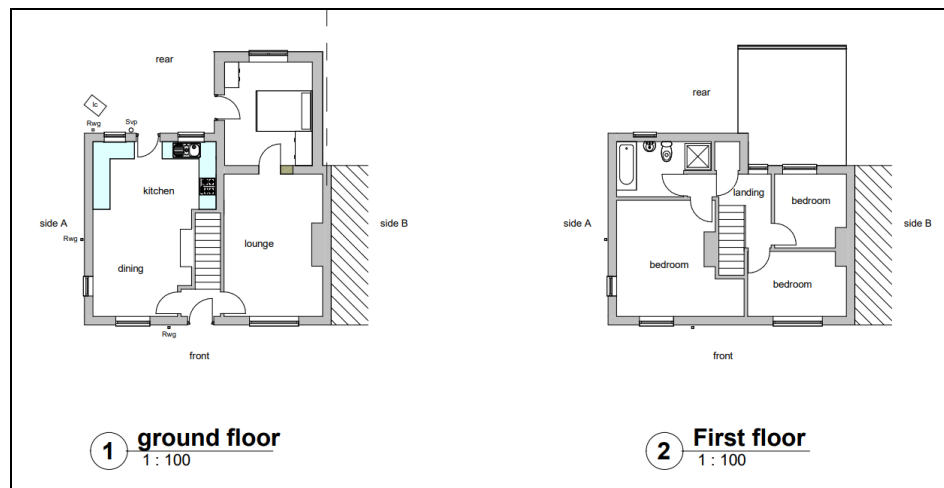


Figure 3 – Existing Floor Plan

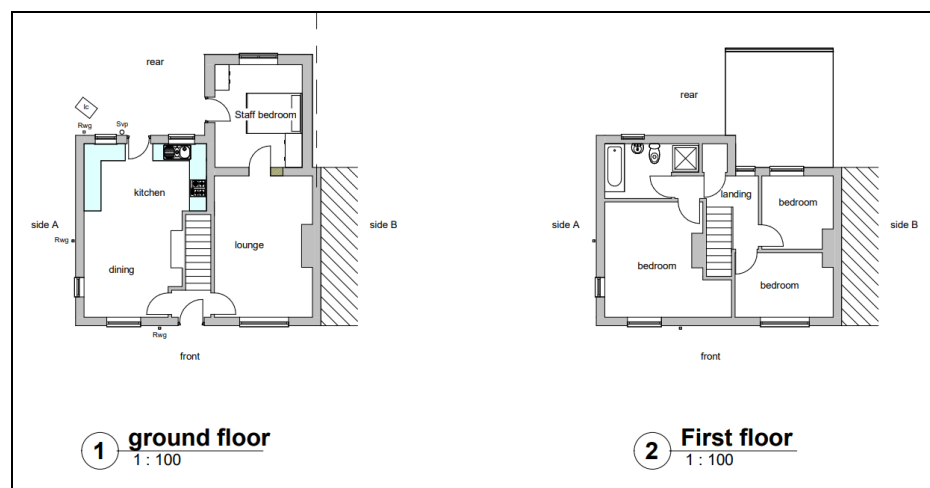


Figure 4 – Proposed Floor Plan

- 3.4 The Council will be aware that they recently granted a Lawful Certificate for the Proposed Development of a single-storey rear extension at the property. Application P2025/0809 refers. As can be seen by the plans above, the only proposed change to the floor plans is the use of the ground floor bedroom within the new extension to be a designated staff bedroom. The ground floor layout comprises a lounge, bedroom and an open plan kitchen and dining room. The first floor features three bedrooms, a bathroom and a small storage space. As highlighted by Figure 4, staff will share the ground floor bedroom (since only one member of staff will be sleeping at the property

at one time), while the remaining three first floor bedrooms will be allocated to the children.

- 3.5 The proposed use will see no physical change to the application building or its associated adjoining areas. As a result, no additional floor space is proposed beyond that currently present on the application site. In addition, the site will continue to be accessed as it is at present, with parking arrangements also remaining unchanged.
- 3.6 Similarly, children and staff will make use of the property's garden area for outdoor amenity and undertake leisure trips away from the locality in the same manner as a conventional family would undertake daily leisure/recreational trips. At any given time, **up to three members of staff will provide care and supervision to the three children.** Whilst those staff are employees of the company that will be responsible for the management of the application building, they will nevertheless carry out duties which are not materially different to those performed by a parent living at the property.
- 3.7 In short, the comings and goings of the children and their dedicated carers would be no different to the mechanics and movements of a typical family residing in the home, and accordingly, any neighbour or passer-by would not be able to distinguish that the residential property was being put to any distinguishable use other than a dwellinghouse.

4.0 CONSIDERATION AND CONCLUSION

- 4.1 The Social Care Act (Wales) 2016 requires Applicants to register with the Care Inspectorate Wales (CIW) prior to providing a care service. The CIW require Applicants to have first sought planning permission for the intended use, if indeed planning permission is required for such a proposed use. In the case of the existing property, it is a detached dwellinghouse and thus falls under Use Class C3, as defined with the Town & Country Planning (Use Classes Order) 1987.
- 4.2 It is the intention to place three young people at the property, where they will receive care from up to three professionally qualified and trained members of staff. The management of the property will be regulated by CIW who may visit upon residents and staff as part of a regular, yet rigorous inspection regime.
- 4.3 The qualified and experienced staff will prepare those children for their re-introduction back into a life without supervised care. The residing youngsters would attend the local school or further education college, as would any youngster under 18 living in a family home.
- 4.4 Given that the pattern of use of the application site – both existing and proposed – will remain unchanged, it is evident that no material change of use will occur. Therefore, the proposed use of the site is both permitted and lawful. This position is supported by the decisions of Neath Port Talbot Council and Swansea Council, which granted CLOPUDs in similar cases (as discussed in Section 1.0), as well as the Wrexham appeal referenced earlier (**Planning Inspectorate Ref. No. APP/H6955/X/20/3247381**).
- 4.5 In summary and conclusion therefore, we respectfully request that in view of the above and previously made decisions by the LPA, a Lawful Development Certificate for the proposal in question should now be issued.