



PLANNING STATEMENT

SCHEME: CERTIFICATE OF LAWFULNESS (EXISTING USE)

**SITE: 2A, 2B and 2C NEW STREET, ABERAVON, PORT
TALBOT, SA12 6HG**

APPLICANT: KHALID GRAY - KJAG PROPERTIES LIMITED

PREPARED BY: LRJ PLANNING LTD

DATE: FEBRUARY 2026



1 INTRODUCTION AND BACKGROUND

Introduction

- 1.1 This Planning Statement has been prepared by LRJ Planning Ltd to support an application for a Certificate of Lawfulness (Existing Use).
- 1.2 In terms of the legal scope of the application, the application is made in respect of Section 191(2) of the Town and Country Planning Act 1990. Whilst there is no compulsion to apply for an LDC where a use is lawful, the applicant would like to formally establish with the local planning authority that the use of the property known as 2a, 2b and 2c New Street, Aberavon, SA12 6HG as 3 independent flats.
- 1.3 In order to obtain a certificate of lawfulness it is necessary to comply with the time limits under the Planning and Compensation Act 1991. This introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limits are:
 - a) four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed.
 - b) four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken.
 - c) 10 years for all other development (most commonly unauthorised material change of use or breach of condition).



- 1.4 The Courts have held that any application of this nature requires the applicant to show “on the balance of probability” the use is a lawful one and that the test in criminal law of “beyond reasonable doubt” must not be applied. Furthermore, the Courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence to be accepted. (FW Gabbittas Vs SSE and Newham LBD [1985] JPL630).

2. SITE DESCRIPTION AND PROPOSAL

Site Description

- 2.1 The site comprises a two-storey property positioned on the northern side of New Street, at the junction with Knight Street. The proposal relates to the lawful use of the property as three flats. The location plan below illustrates the location of the site.



Figure 1 – Site location



Proposal

- 2.2 The proposal relates to the lawful use of the property as three self-contained flats.
- 2.3 The property comprises three separate self-contained flats. There are two flats on the lower ground floor and one flat on the first floor. Each unit has its own lockable front door and are arranged as follows:
- Flat 2A – First floor flat accessed with separate entrance off New Street, comprising two bedroom, lounge, kitchen and bathroom.
 - Flat 2B - Ground floor flat with separate entrance accessed at junction of New Street/Knight Street – One bedroom, lounge, kitchen and bathroom.
 - Flat 2C – Ground floor flat with separate entrance accessed off Knight Street- One bedroom, lounge/kitchen and bathroom.

3. MAIN PLANNING CONSIDERATIONS

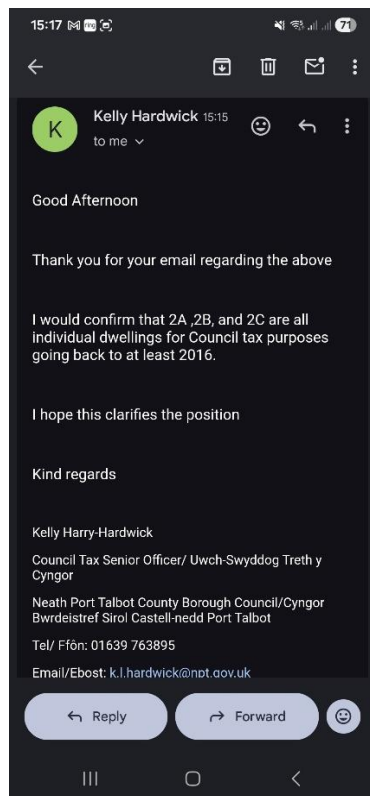
- 3.1 The Courts have held that any application of this nature requires the applicant to show “on the balance of probability” the use is a lawful one and that the test in criminal law of “beyond reasonable doubt” must not be applied. Furthermore, the Courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence to be accepted. (FW Gabbitas Vs SSE and Newham LBD [1985] JPL630).
- 3.2 In this particular case, there is evidence from a number of different independent sources to demonstrate that the lawful use of the property is as three self-contained flats for at least four years before the date of the application.
- 3.3 Section 4 of this statement will address the above consideration and set out the applicant’s case.



4. PLANNING ANALYSIS

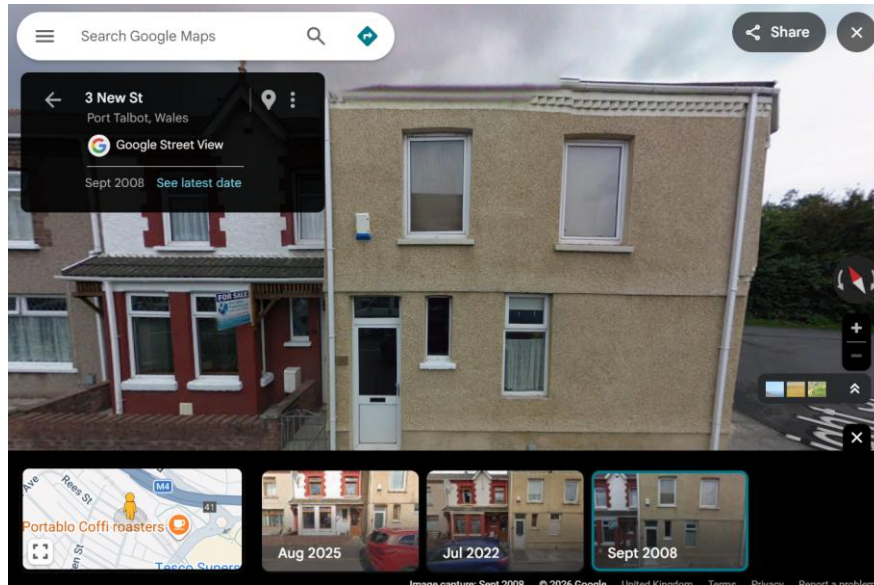
- 4.1 The proposal relates to the lawful use of the property as three self-contained flats. An internal inspection illustrates that each unit has its own lockable front door and has a living room , bedrooms, bathrooms and kitchen that is required and necessary for independent residential use.
- 4.2 The information provided sought to provide a full and clear chronology of the property as three independent flats.
- 4.3 The following evidence provided with this application comprises the following:

Council Tax Liability - Confirmation of council tax liability as three flats

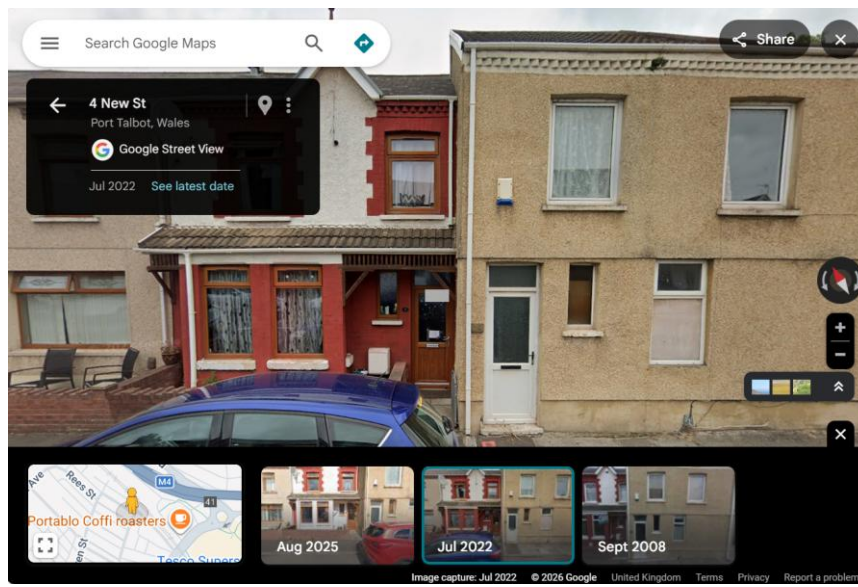




Google Street Scene – Flat 2A September 2008

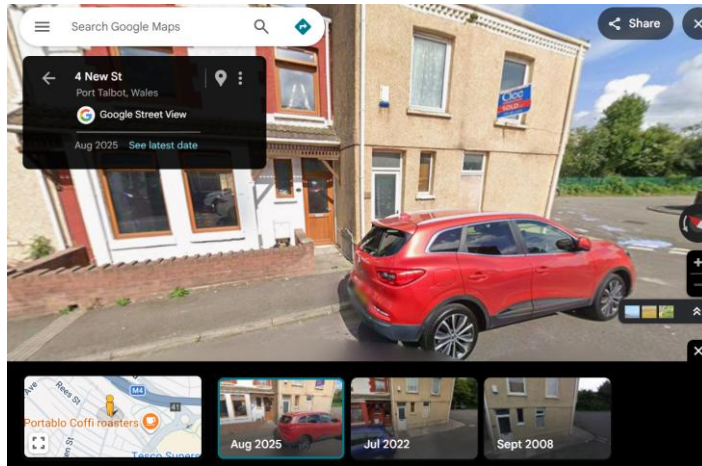


Google Street Scene – Flat 2A July 2022

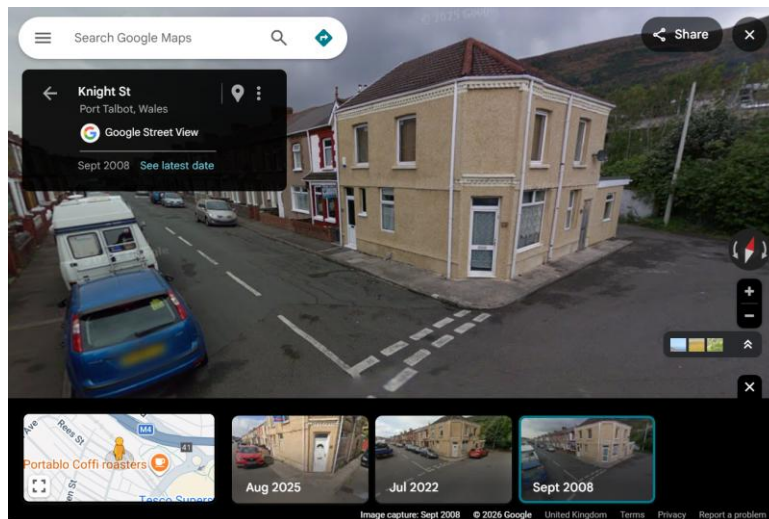




Google Street Scene – Flat 2A August 2025

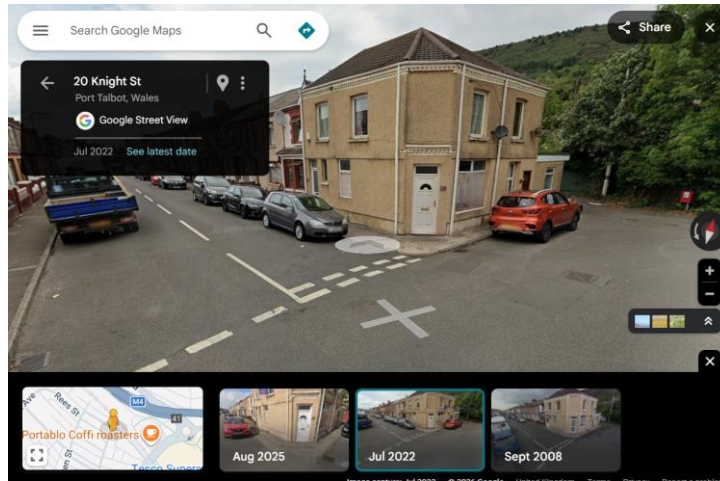


Google Street Scene – Flat 2B September 2008

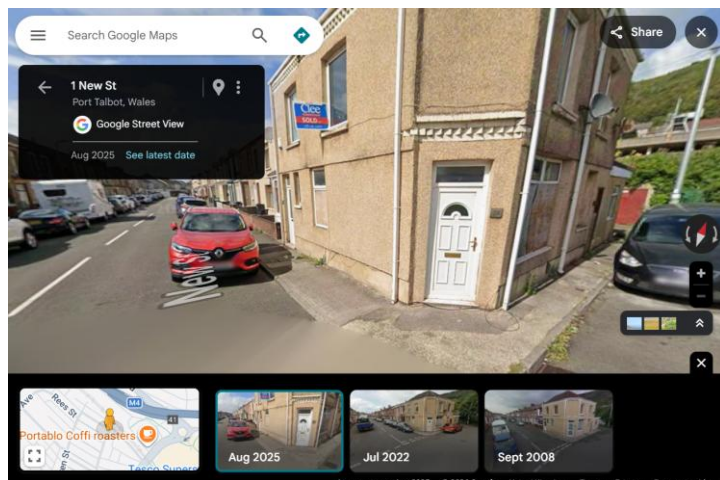




Google Street Scene – Flat 2B July 2022

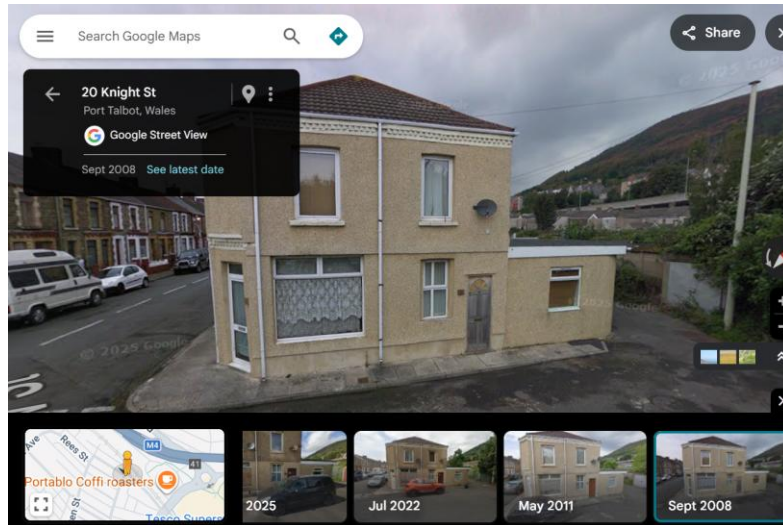


Google Street Scene – Flat 2B August 2025

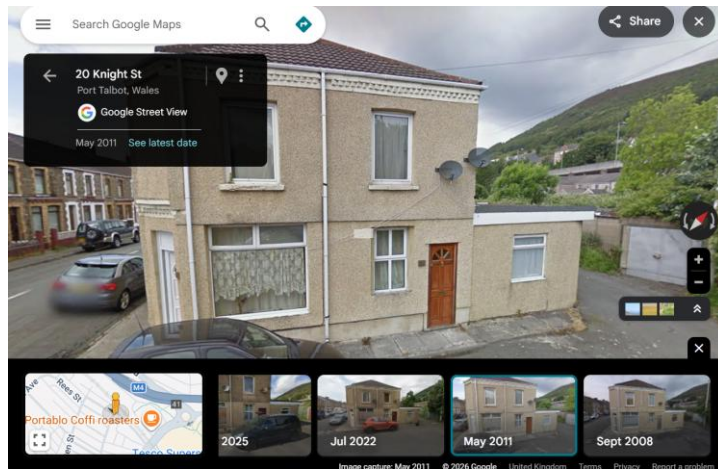




Google Street Scene – Flat 2C September 2008

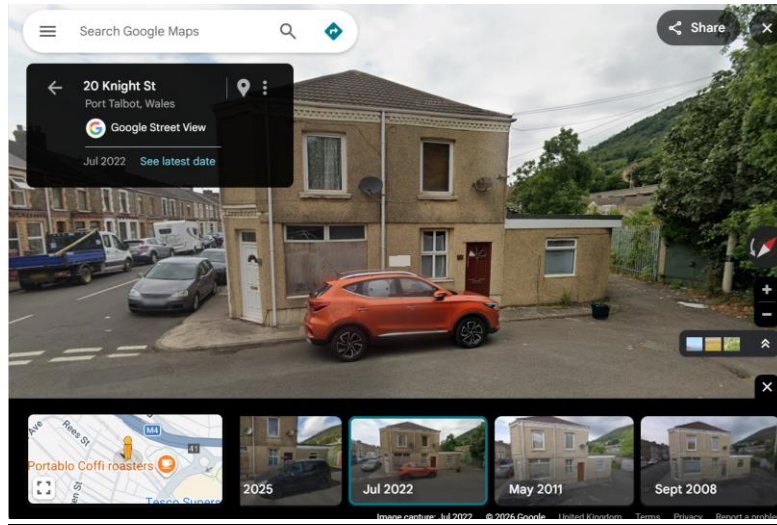


Google Street Scene – Flat 2C May 2011

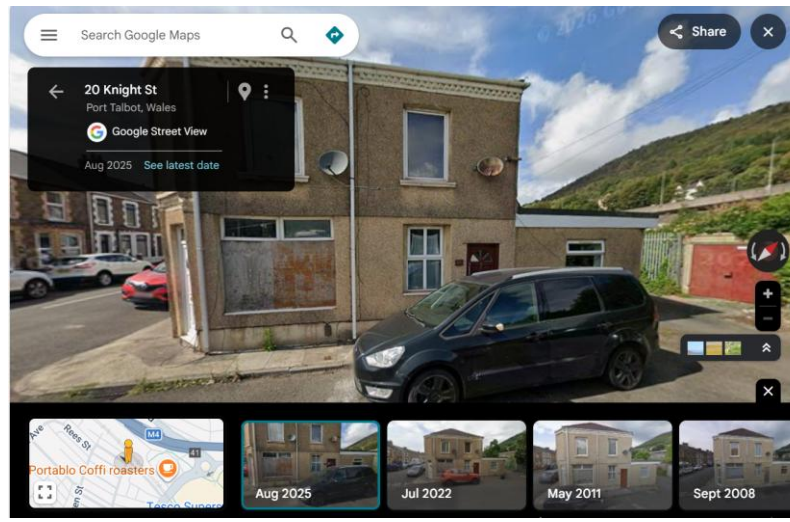




Google Street Scene – Flat 2C July 2022



Google Street Scene – Flat 2C August 2025





EPC Certificates for Each Flat

Energy performance certificate (EPC)

Certificate contents

- Rules on letting this property
- Energy rating and score
- Breakdown of property's energy performance
- How this affects your energy bills
- Impact on the environment
- Steps you could take to save energy
- Who to contact about this certificate
- Other certificates for this property

Share this certificate

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2a New Street
Aberavon
PORT TALBOT
SA12 6HG

Energy rating

F

Valid until

17 February 2035

Certificate number

3635-6822-2400-0873-6296

Property type

Top-floor flat

Total floor area

57 square metres

Certificate contents

- Rules on letting this property
- Energy rating and score
- Breakdown of property's energy performance
- How this affects your energy bills
- Impact on the environment
- Steps you could take to save energy
- Who to contact about this certificate
- Other certificates for this property

Share this certificate

✉ Email

📄 Copy link to clipboard

2b New Street
Aberavon
PORT TALBOT
SA12 6HG

Energy rating

E

Valid until

17 February 2035

Certificate number

0310-2583-4420-2895-4651

Property type

Ground-floor flat

Total floor area

31 square metres

Rules on letting this property



Energy performance certificate (EPC)

Certificate contents

- Rules on letting this property
- Energy rating and score
- Breakdown of property's energy performance
- How this affects your energy bills
- Impact on the environment
- Steps you could take to save energy
- Who to contact about this certificate
- Other certificates for this property

Share this certificate

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Flat 2C
2 New Street
Port Talbot
SA12 6HG

Energy rating

G

Valid until
17 February 2035

Certificate number
9431-3009-9202-6065-2200

Property type Ground-floor flat

Total floor area 39 square metres

Property Valuation for Each Flat

Property information for
2A, NEW STREET, PORT TALBOT, SA12 6HG

Local Authority	Neath Port Talbot
Local authority reference number	361210000270000221
Council Tax band	A
Improvement indicator	No
With effect from	1 April 2005
Mixed-use property	No
Court code	None



Property information for
2B, NEW STREET, PORT TALBOT, SA12 6HG

Local Authority	Neath Port Talbot
Local authority reference number	361210000270000212
Council Tax band	A
Improvement indicator	No
With effect from	1 April 2005
Mixed-use property	No
Court code	None

▶ [What does my property information mean?](#)

Property information for
2C, NEW STREET, PORT TALBOT, SA12 6HG

Local Authority	Neath Port Talbot
Local authority reference number	361210002700002300
Council Tax band	A
Improvement indicator	No
With effect from	7 June 2005
Mixed-use property	No
Court code	None

▶ [What does my property information mean?](#)

- 4.4 These units have principal residential characteristics suited to independent occupation, including separate access arrangements, internal facilities, and postal addresses.
- 4.5 A review of the Local Planning Authority's records reveals:
- No records of enforcement action being taken with respect to the residential use of the three flats.



4.6 The google street scene images demonstrate that the property was converted into three flats prior to 2008.

4.7 The following evidence is submitted in support of the application to demonstrate the lawful use of three three flats as separate residential dwellings:

a) Council Tax Records, Valuations and EPC

4.8 The flats have been assessed and separately banded for Council Tax purposes by the relevant Local Authority since 2016, under individual designations of 2a, 2b and 2c. This evidences their recognition as three self-contained dwellings for a period exceeding four years. The data held by the valuation agency also confirm the presence of 3 flats since 2005. Moreover, each flat benefits from an EPC.

4.9 Council tax records are a material consideration in a Section 191 application, demonstrating distinct occupancy potential and separate use. The fact that each unit has been individually rated supports the assertion that the property is not a single residential dwelling but, rather, three independent dwellings.

b) Historical Visual Evidence

4.10 Supplementary evidence comprises historical imagery from Google Street View showing the property signposted as 2a, 2b, and 2c since at least 2008. The continuity of these identifiers over multiple image capture dates corroborates long-standing recognition of the separate flat units.

4.11 The presence of unit-specific signage across multiple years demonstrates external acknowledgement of three separate dwellings, consistent with their Council Tax classification.



- 4.12 The burden of proof for a CLEUD application is to demonstrate on the balance of probabilities that the use is lawful. The combined body of documentary and visual evidence satisfies this requirement.

5. CONCLUSION

- 5.1 As outlined above, the relevant test of the evidence submitted in respect of a Certificate of Lawfulness is whether on the balance of probability, the use or development is a lawful one.
- 5.2 On the balance of probabilities, the submitted evidence establishes that the lawful use of the property as three individual residential flats (Use Class C3) has existed continuously for a period exceeding four years prior to the date of this application.