



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 (Aged 16-18) with Specific Needs, with
Support Provided by a Single Staff Member,
at 38 Pen-y-Dre, Neath, SA11 3HD**

**On behalf of
Fair Ways Community Benefit Society**

Our Ref: 1969.a

Date: February 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 Fair Ways Community Benefit Society (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 16-18 with specific needs, with support provided by one experienced staff member at 38 Pen-y-Dre, Neath, SA10 6TH.
- 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 four-storey dwellinghouse into a Residential Care facility to accommodate three children, each aged between 16-18 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 semi-detached dwellinghouse and thus falls under Use Class C3, as defined with the Town & Country Planning (Use Classes Order) 1987.

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- 1.6 Fair Ways intends to place up to three young people (aged 16-18) at the property, where they will be supported within a **single-staffed provision**. All residents will be children in care or care leavers, assessed as ready to live semi-independently. The maximum length of stay is up to two years, although placements are more likely to last between six and twelve months.
- 1.7 A single, professionally qualified and trained staff member will be present at the property at any one time on a rotating shift basis, providing support for the majority of the day and undertaking a sleep-in arrangement overnight. There will be a short period between 9:00am and 12:00pm during office hours when the property may be unstaffed, timed to coincide with the young people being at school, college, or work. Young people who are not in education, employment, or training will have access to Fair Ways outdoor activity centre in Resolven. The staff member will support residents in developing independent living skills and ensure that the home operates safely and harmoniously, without impacting the wider community. 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.
- 1.8 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 young people will attend local schools, colleges, or work and participate in community life, in the same manner as any young person living in a traditional family home.
- 1.9 The attention of Fair Ways 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.
- 1.10 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.
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- 1.11 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."

- 1.12 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 –

- P2026/0019 – 130A Dynevor Road, Skewen, Neath Port Talbot, SA10 6TH
- 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

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- *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*

1.13 Therefore, based upon these decisions by Neath Port Talbot Council and Swansea Council, as well as the Wrexham appeal decision, Fair Ways is seeking a Lawful Development Certificate for the Proposed Use at 38 Pen-y-Dre, Neath.

2.0 SITE AND SURROUNDING AREA

2.1 Figure 1 below displays the location plan of 38 Pen-y-Dre, Neath.

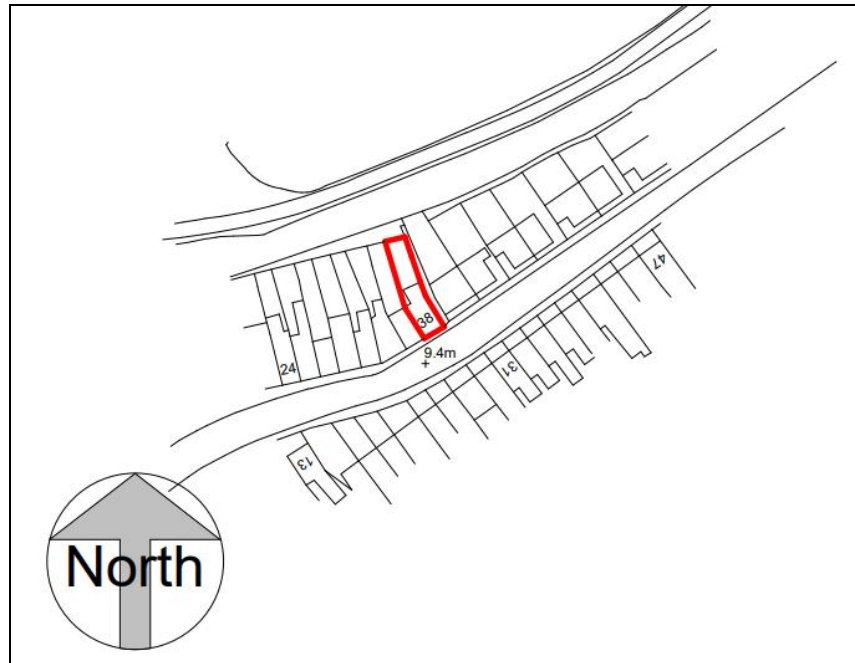


Figure 1

2.2 Photographs 1 and 2 below displays the front and rear elevations of the property, respectively.



Photograph 1



Photograph 2

- 2.3 As shown in the photographs above, the application site comprises a four-storey, end-of-terrace dwelling, which appears as two storeys from the front. The property features a pebble-dash exterior with white uPVC doors and windows and includes a two-storey extension at the rear.
- 2.4 Parking is available along one side of the street along Pen-y-Dre for permit holders only, as depicted in Photographs 3 and 4 below.



Photograph 3



Photograph 4

- 2.5 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 northern flank of Pen-y-Dre surrounded by other residential development, with the River Neath located immediately north of the site.



Figure 2

- 2.6 As illustrated in Figure 2 above, the rear garden to the dwelling is of a reasonable size, providing sufficient outdoor amenity space to the property. This is further illustrated by Photograph 5 below.



Photograph 5

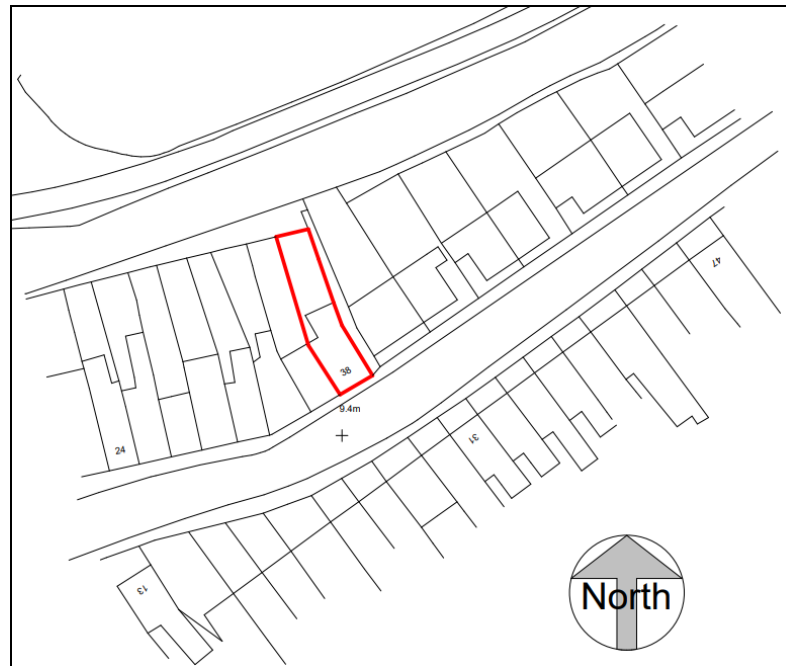
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- 2.7 In the wider sense, the site is located within Neath, a town which offers a diverse range of community facilities and local services. This includes primary schools, comprehensive schools, a dentist, doctors surgery, pharmacy, football club, cricket club, leisure centre, amongst others.
- 2.8 The application site is also well served by public transport, with the application site being **only 650 metres from Neath Railway Station**, which offers a range of frequent services to Cardiff Central, Swansea, Carmarthen, Milford Haven, London Paddington and Manchester Piccadilly. In addition, the application site is only **350 metres from the nearest bus stop**, which offers frequent services to Min-yr-Awel, Swansea, Pontwalby and Resolven.

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 four-storey, end-of-terrace dwelling as a residential care facility to accommodate up to **three children aged 16-18 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).
- 3.2 Care will be provided by a maximum of **one member of staff at a time**. Further operational details are set out below:
- A maximum of three young people, aged 16–18, will reside at the property. All residents will be children in care or care leavers, assessed as ready to live semi-independently.
 - The maximum length of stay will be up to two years, though placements are more likely to last between six and twelve months.
 - A single staff member will be present at the property at any one time on a rotating shift basis, providing support for the majority of the day and undertaking a sleep-in arrangement overnight.
 - There will be a short period between 9:00 am and 12:00 pm during office hours when the property may be unstaffed, timed to coincide with the majority of young people being in school, college, or work.
 - Young people not in education, employment, or training will have access to Fair Ways outdoor activity centre in Resolven.
 - Staff will be present in the home to support young people in developing independent living skills and to ensure that there are no issues affecting residents or the wider community.
 - A registered manager will not be present at the property at any time.
 - Social workers may occasionally visit the young people in accordance with current care standards, comparable to arrangements in foster care or other domestic settings.
 - The property will be used solely for residential purposes.

- Standard domestic locks will be installed to external doors, as would be expected in any family home; however, the property will not operate as a secure unit.
- No alterations are proposed to the external scale, layout, or appearance of the dwellinghouse, which comprises four storeys but appears as two storeys from the front.

3.3 Figure 3 below displays the block plan.



3.4 Figures 4 and 5 below display the existing and proposed floor plans, respectively.

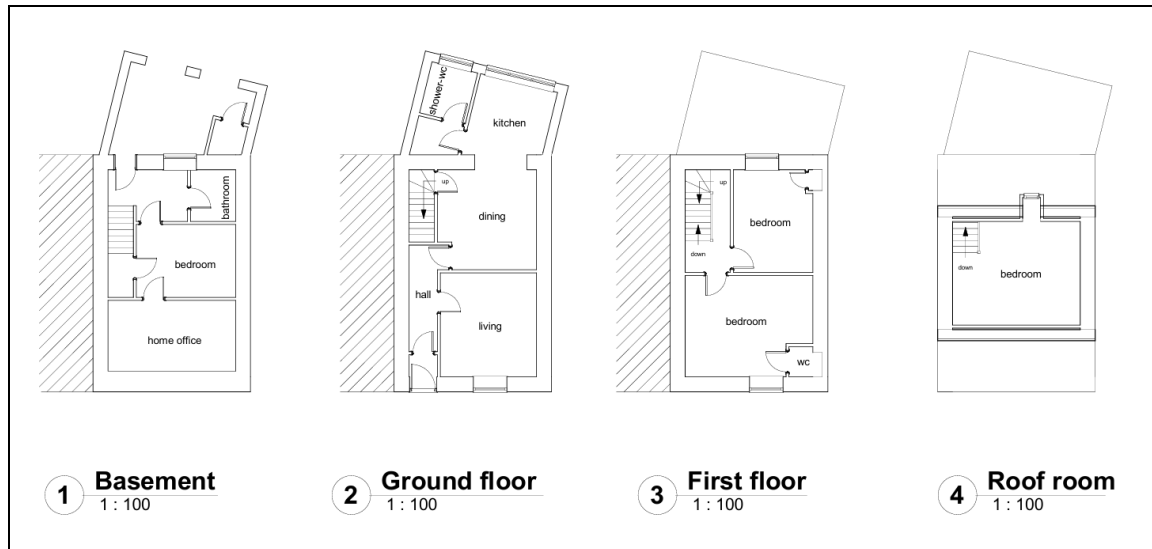


Figure 4 – Existing Floor Plans

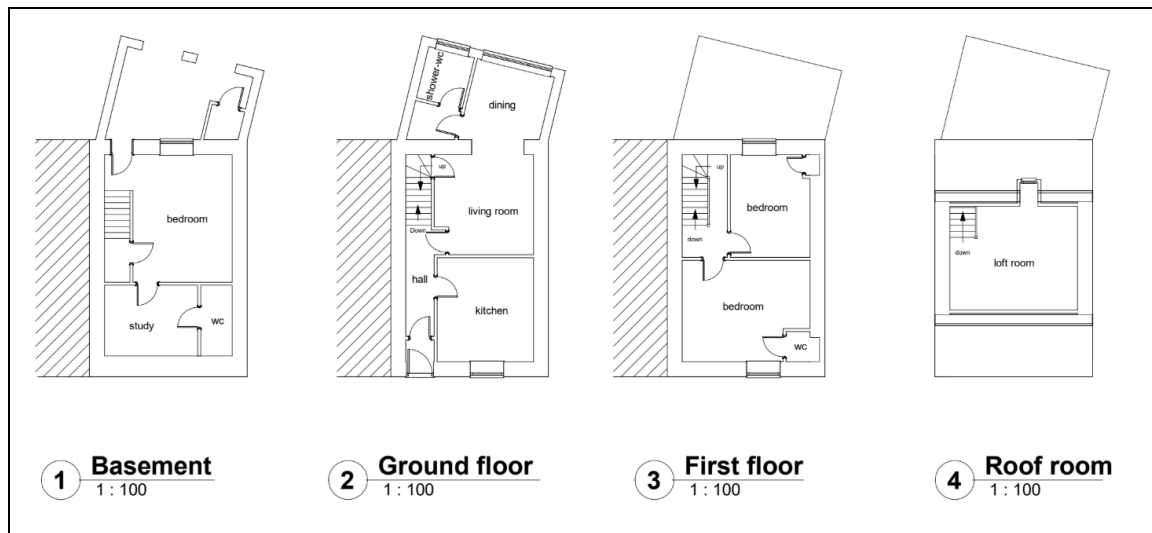


Figure 5 – Proposed Floor Plans

- 3.5 As shown in the plans above, minor amendments are proposed internally to the basement layout. The existing partition walls between the hallway, bedroom, and bathroom will be removed to create a larger, more functional basement bedroom with improved natural light, which is currently limited due to the absence of windows. The existing home office will continue to be used as a study room, and a new partition

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- wall will be installed to form a small WC accessed from the study, enhancing convenience and usability.
- 3.6 The layout of the ground floor rooms will be slightly adjusted so that the kitchen and living room occupy the largest spaces, optimising functionality and comfort for residents.
- 3.7 The staff member's bedroom will be located on the top floor, providing a private and functional space for rest while remaining readily accessible to the rest of the property.
- 3.8 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**.
- 3.9 Similarly, the young people and the single staff member will make use of the property's garden for outdoor amenity and undertake leisure trips outside the locality in the same manner as a conventional family would for daily recreational activities. At any given time, **one staff member will provide care and supervision to the three young people**. Whilst the staff member 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.
- 3.10 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 an end-of-terrace 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 up to three young people at the property, where they will receive care from a professionally qualified and trained member 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 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.