



SUPPORTING STATEMENT
APPLICATION FOR A CERTIFICATE OF LAWFULNESS
RELATING TO THE USE OF LAND AS PART OF A DOMESTIC
GARDEN AT 1B BROOMHILL, PORT TALBOT, SA13 2US

On behalf of
Mr R Herbert

Our Ref: 1687.c
Date: May 2026
Prepared by: JDE

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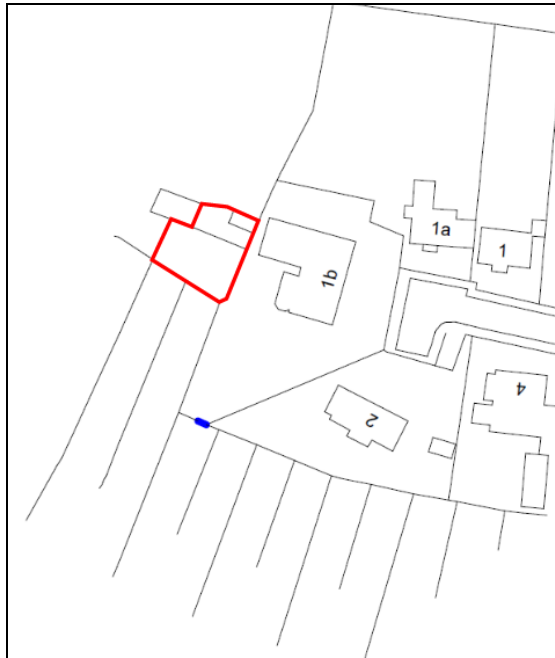
1.0 INTRODUCTION

- 1.1 Evans Banks Planning has been instructed by Mr R Herbert (the Applicant) to prepare and submit an application for a Certificate of Lawfulness for the use of land as part of the domestic garden of 1B Broomhill, Port Talbot, SA13 2US.
- 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, making reference where necessary to the accompanying submitted items of evidence:
- A brief description of the site and surrounding area
 - Legal Context for Consideration of Case
 - Evidence of Use

2.0 SITE DESCRIPTION

2.1 THE SITE AND SURROUNDING AREA

- 2.1.1 The application relates to an area of land directly to the rear (west) of the Applicant's dwelling, edged and circled red below.



Plan A



Photograph 1

- 2.1.2 The area in question is arranged over two levels, with a set of steps connecting the two, as illustrated in the photographs below.



Photograph 2



Photograph 3

- 2.1.3 The area contains a mix of hard and soft landscaping, as well three outbuildings in the form of two garden storage sheds and a greenhouse. The boundaries of the extended garden area are then defined by a mix of wooden fencing, domestic in appearance and style.
- 2.1.4 The area in question is accessed directly from the adjoining existing amenity space serving the Applicant's dwelling, at two levels, as illustrated below.



Photograph 4

2.1.5 We understand from various sources of evidence that the land edged red on Plan A has been used as part of the domestic garden area of 1B Broomhill since at least 1991 and continues to be used for such purposes.

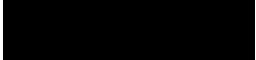
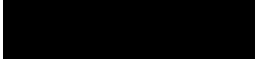
3.0 LEGAL CONTEXT

- 3.1 From discussions with the Applicant and others, it is clear that the land subject of this application has been used for the purposes of a domestic garden for some time. Through this application therefore, the Applicant wishes to regularise the situation.
- 3.2 Under the provisions of the Town and Country Planning Act 1990, Section 171B sets out a series of time limits where should certain changes of use or forms of development take place for a set period of time, no enforcement action may be taken.
- 3.3 In the case of the change of use of land or buildings, section 171B (3) outlines that evidence must be provided to demonstrate that the change of use has taken place for a period of at least 10 years. In the case of the application proposal, the property has clearly been used for the purposes of a domestic garden for in excess of 10 years.
- 3.4 It is therefore on the basis of the above that evidence has been obtained and is now presented in support of this application.

4.0 EVIDENCE OF USE AND DEVELOPMENT

4.1.1 Through discussions with the Applicant and others, it has been established that the land in question has been used in its current form for in excess of 10 years.

4.1.2 The above has been confirmed through a number of items of written evidence, which are as follows:

- Extracts of historic Sales Particulars from Zoopla
- Statement of Truth by 
- Statement of Truth by 
- Statement of Truth by 
- Statement of Truth by 
- Statement of Truth by Mr Rohan Herbert

4.1.3 As can be seen from the extracts of historic sales particulars from the online marketing website Zoopla, the application property has been on the market twice in the last 11 years – in 2015 (when it failed to sell) and in 2018.

4.1.4 In the 2015 extract, the 'Outside' area was described as follows:

“Tiered enclosed garden to the rear with mature planting, trees and shrubs. Balcony area giving elevated views over Swansea Bay. Pond, Storage sheds, Greenhouse, Steps leading to decked area. “

4.1.5 The sales particulars also include a photograph taken from within the area edged red on Plan A of this Statement, looking back towards the balcony on the southern elevation of the dwelling, reproduced below.



Photograph 5

- 4.1.6 Ornamental fencing and an archway can be seen leading into the area edged red on Plan A, as well as the well-trodden path between the two areas, clearly indicating regular usage of the application site area by occupants of the dwelling at that time.
- 4.1.7 The second extract of the historic sales particulars relates to when the property was purchased by the Applicant and again provides a description of the 'Rear Garden', which was as follows:
- “Side and rear garden approximately one third of an acre of well maintained gardens set out in three tiers, briefly comprising of a variety of flowers/shrubs and a decked patio area.”*
- 4.1.8 The description reinforces that provided in the 2015 particulars, as well as providing a figure for the overall area occupied by the dwelling and its garden spaces, which remains the same to this day (i.e. circa a third of an acre).
- 4.1.9 The historic sales particulars therefore provide a clear indication that from at least 2015 the area of land edged red on Plan A of this Statement was clearly in use as a domestic garden, forming part of the residential property known as 1B Broomhill, Port Talbot.

4.1.10 In support of the above, this application submission is supported by 5 Statements of Truth. 3 of these are from those who lived or are living at the property, with 2 further ones being from neighbours in close proximity of the application property.

4.1.11 In terms of the occupants of 1B Broomhill ([REDACTED] Mr R Herbet), in combination, they provide a clear picture that the area edged red on Plan A of this Statement has been used as a domestic garden in conjunction with the adjoining dwelling since 1991. The details provided by the three Statements are consistent in the picture they present, as well as supporting the evidence provided by the aforementioned historic sales particulars.

4.1.12 The above is further supported by the Statements provided by [REDACTED] [REDACTED] who again present evidence that the land in question has been used as a garden area since 2004 and 2018 respectively.

4.1.13 In summary, the evidence presented clearly illustrates that the application site has therefore been used for no other purpose for at least the last 10 years than as a domestic garden associated with the dwelling known as 1B Broomhill, Port Talbot.

5.0 SUMMARY AND CONCLUSION

- 5.1 This application is for a Certificate of Lawfulness for the use of land as part of the domestic garden of 1B Broomhill, Port Talbot, SA13 2US.
- 5.2 This Statement is supported by a range of written visual evidence that clearly demonstrates that the application property has been used for purposes of a domestic garden for at least the last 10 years.
- 5.3 In view of the above and the accompanying evidence, it is therefore clear that the application meets the requirements of all relevant sections of the relevant Act and that a Certificate of Lawfulness be issued in relation to the use in question.