

DELEGATED REPORT

Application No:	P/25/0185
Site Address:	20 Church Street Merthyr Tydfil CF47 0AY
Development:	Certificate of lawful development for an existing second floor flat
Case Officer:	Gareth Davies
Site Visit:	9th July 2025
Application Expiry Date:	22nd August 2025
Consultation reply date expired:	23rd July 2025

APPLICATION SITE

The application site in this instance is a corner property located on the southern side of the junction of Church Street and Tramroad Side North. The property is a double fronted corner plot of conventional construction with painted render finish to the walls and a grey tiled roof with solar panels on the south facing slope. The last use of the building appears to have been as a letting agency. The property is located within the boundaries of the town centre conservation area.

PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for an existing use under Section 191 of the Town & Country Planning Act (CLEUD) which seeks to establish that the second floor flat at the premises is lawful in planning terms due to the length of time that it has functioned as a flat.

In support of the application the applicant has provided the following information: -

- A Statutory Declaration from the current occupant of the flat to the effect that the individual first occupied the premises in 2011 and has lived there continuously ever since.
- A second Statutory Declaration from the same occupant confirming that the layout of the flat as described in the declaration is a true and accurate representation of the layout of the flat since first occupation in 2011.

PLANNING HISTORY

P/08/0258 – signage – approved 15th August 2008

P/08/0307 – Change of use to letting agency (A2) on ground floor and private tutoring (D1) at first floor – Approved 14th August 2008.

P/17/0145 – Certificate of Lawfulness for a proposed A2 use on the ground floor – approved 3rd July 2017.

Related application at 19 Church Street

P/17/0234 – Change of use of 1st and 2nd floor from residential use to two studio flats – approved - 22nd September 2017

CONSULTATION

None required or undertaken.

PUBLICITY

The application seeks a determination on whether the use of a caravan for residential purposes is lawful in planning terms and no consultation with the public is therefore required.

POLICY CONTEXT

The determination of this application does not concern itself with the planning merits of the case consequently there are no local development plan policies that need to be taken into consideration.

National Guidance

The Development Management Manual provides guidance on the procedural aspects of the development management system.

Welsh Office Circular 24/97 Enforcing Planning Control Annex 8 deals with “Lawfulness and Certificates of Lawfulness”.

Paragraph 8.14 states that if the Local Planning Authority are supplied with information satisfying them of the lawfulness, at the time of the application, of the use operations or other matter described in the application... they shall issue a certificate to that effect.

PLANNING CONSIDERATIONS

The determination of the current application rests on the balance of probability supporting the use of the second floor of the premises as a self-contained 1-bedroom flat. To that end the applicants have provided two statutory declarations from the occupant one claiming continuous occupancy since 2011 and the other confirming continuity in the layout of the flat in totality. There are no discernible gaps or breaks in terms of both occupancy and use and there is no evidence to contradict the claims made by the applicant in this instance.

Given the evidence provided by the applicant for planning purposes the use of this part of the building is now lawful for planning purposes and immune from enforcement action on the part of the Local Planning Authority.

As such, on the balance of probability, a Certificate of Lawfulness for Existing Use or Development is supported.

The duty to improve the economic, social, environmental, and cultural wellbeing of Wales, in accordance with the sustainable development principle, under Section 3 of the Wellbeing of Future Generation (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out in Section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by Section 8 of the WBFG Act.

RECOMMENDATION: BE APPROVED

On the balance of probability, it has been sufficiently demonstrated that the building has been used for residential purposes within Use Class C3 without restriction for a continuous period of at least 10 years. Therefore, the proposal does not constitute development that requires planning permission.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 13.08.2025