

DELEGATED REPORT

Application No:	P/25/0186
Site Address:	19-20 Church Street Merthyr Tydfil CF47 0AY
Development:	Use of ground floor of both properties for use class A1 retailing
Case Officer:	Gareth Davies
Site Visit:	9th July 2025
Application Expiry Date:	25th 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 192 of the Town & Country Planning Act (CLOPUD) which seeks to establish that the proposed use of the ground floor of no's 19 & 20 Church Street Merthyr Tydfil as a Use Class A1 retail outlet would be lawful for planning purposes

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 8.26 states that if the Local Planning Authority are supplied with information satisfying them that the use or operation described in the application would be lawful, they shall issue a certificate to that effect and, in any other case, they shall refuse the application. The burden of proof is firmly on the applicant.

Paragraph 8.28 advises that a Lawful Development Certificate under Section 192 shall specify the land to which it relates, describe the use or operations in question (identifying the relevant "use class" where appropriate), and give the reason the proposal would be lawful.

PLANNING CONSIDERATIONS

The determination of the current application rests on the weight of evidence and balance of probability supporting the use of the ground for A1 retail usage. To that end the planning history of the property and current approved uses are the first step to consider. It can be noted that planning permission for the ground floor of no.20 to be used as a letting agency within use class A2 was granted in 2008. In 2017 a certificate of lawfulness for proposed use was within use class A2 for the ground floor of 19 Church Street was granted. This clearly establishes that use class A2 financial and professional services at 19 & 20 Church Street is the authorised use for planning purposes.

The Town & Country Planning (Use Classes) Order 1987 (as amended) permits the change of use from use class A2 to use class A1 where a shop has a display window at ground floor level. In this instance there are two three display window two either side of the door of no. 20 and a third on the uphill side of no.19. the applicants are not proposing any alterations to help facilitate the change of use to the external appearance of the shop and

the change can therefore be considered permitted development that does not require the benefit of planning permission, and a lawful development certificate can be issued.

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

1. On the balance of probability, it has been sufficiently demonstrated given the previous use, that the ground floor of the building can be used for retail purposes within Use Class A1 without restriction. Therefore, the proposal does not constitute development that requires planning permission.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 13.08.2025