

DELEGATED REPORT

Application No:	P/25/0273
Site Address:	Tawelwch Hill View Drive Bedlinog Treharris CF46 6TQ
Development:	Certificate of lawfulness to establish that planning permission P/07/0641 for two dwellings has been implemented and that the permission remains extant to construct the second dwelling which has not yet commenced.
Case Officer:	Kate Glover
Site Visit:	4th November 2025
Application Expiry Date:	15th December 2025

APPLICATION SITE

The application site relates to a parcel of land on which a two-story dwelling has the benefit of a driveway and parking area, and next to the southwest side of the dwelling is an area of amenity grass. The site is located within Bedlinog.

PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for a Proposed Development under Section 192 of the 1990 Act (CLOPUD) which seeks to confirm that development has commenced on the residential development application to erect 2 houses granted full planning permission under application P/07/0641 dated 20 November 2009.

Submitted in support of this application is a copy of an approved site plan, approved elevations plan, copy of a letter (dated 11 March 2010) relating to the discharge of conditions 1, 3, 5 and 7, a Building Control Completion Notice for Plot 1 (dated 29 May 2012), an invoice (dated 25 August 2010) from Western Power Distribution for connections in relation to Plot 2, and an invoice (dated 14 May 2007) from United Utilities for water and sewerage connections.

PLANNING HISTORY

The relevant planning history is summarised below:

P/04/0096	Residential development Outline approval: 09 Jul 2004
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P/06/0114 Erection of two detached dwellings
Full approval: 24 May 2006

CONSULTATIONS

None are applicable under certificate of lawfulness applications.

PUBLICITY

None are applicable under certificate of lawfulness applications.

POLICY CONTEXT

As a certificate of lawfulness is sought for the proposed extension, the planning merits of the proposal are not under consideration. The planning policies are therefore not relevant to the assessment of this application.

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 key issue in determining this Lawful Development Certificate (LDC) is whether, on the balance of probabilities, works to implement planning permission commenced prior to 19 November 2014, and whether the development has been carried out in accordance with the approved plans and conditions set out in permission P/07/0641.

Permission P/06/0114 was granted on 24 May 2006. As the development was not carried out in accordance with those approved plans, application P/07/0641 was submitted to regularise the works that had taken place on site. It is therefore considered that development commenced prior to 19 November 2014.

A site visit on 4 November 2025 confirmed that the dwelling (Plot 1), driveway, landscaping, boundary treatments, and access from the highway have been carried out in accordance with the approved plans and conditions imposed on P/07/0641.

Several conditions were imposed on P/07/0641, including:

- Conditions requiring details: Condition 1 (materials), Condition 3 (drainage details), Condition 5 (boundary enclosures), Condition 6 (finishes of retaining walls), and Condition 7 (landscaping).
- Statement conditions: Condition 2 (parking layout), Condition 4 (visibility splays), Condition 8 (landscaping following completion), and Condition 9 (timing of construction works).

The details required for conditions 1, 5, 6 and 7 have been fully discharged by the Planning Division. In relation to Condition 3 information was submitted and although the local planning authority was not satisfied with the details, the letter goes on to refer to acceptable details being submitted to the Council's building control section. It is also noted that a Building Control Completion Certificate for Plot 1 has been submitted. In terms of the ability for the development being completed in accordance with the conditions, it is noted that there are no restrictions or changes to the site which would prevent any of the conditions from being complied with.

The works undertaken on site are sufficient to satisfy the requirements for commencement under the Act. These works were carried out prior to the expiration of the planning consent, and all conditions imposed on P/07/0641 have been and can be complied with.

Under the Town and Country Planning Act, development commences when a "material operation" takes place. This includes works such as construction, demolition, digging foundations, laying out or constructing a road, or a material change in the use of land.

Considering the above, it is therefore concluded that planning permission P/07/0641 has been implemented and that the applicant has shown on the balance of probabilities that the development is therefore lawful and the permission remains extant.

RECOMMENDATION: BE APPROVED for the following REASON:

1. The applicant has shown on the balance of probability that a lawful start was made on the development, therefore the planning permission ref P/07/0273 remains extant and can be completed in accordance with the approved drawings.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 09.12.2025