

**Cyngor Bwrdeistref Sirol Merthyr Tudful**

Cynllunio Trefol (Rheoli Datblygu)

Uned 5

Parc Busnes Triongi

Pentrebach

Merthyr Tudful

CF48 4TQ

Rhif Ffon: 01685 726213

www.merthyr.gov.uk

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and
Compensation Act 1991; Town and Country Planning (Development Management Procedure)
(Wales) Order 2012

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Easting (x)

Northing (y)

Description

Please refer to the Planning Statement and Justification Report

The application site relates to an area of land situated on the southern side of the EFI Industrial Estate, which is located some 1.5 kms to the north of the centre of Merthyr Tydfil. It is a long-established industrial estate near Cyfarthfa Castle and Park.

Applicant Details

Name/Company

Title

Mr

First name

Chris

Surname

Marshall

Company Name

Address

Address line 1

Caravan

Address line 2

Land Northwest of Aartal Bungalow

Address line 3

Off Brecon Road

Town/City

Merthyr Tydfil

Country

Postcode

CF47 8RB

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Contact Details

Primary number

Secondary number

Email address

***** REDACTED *****

Reason for Lawful Development Certificate

Which category describes the existing use or operation or development for which the certificate is sought

- ☒ An existing use
- ☐ An existing operation
- ☐ An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to

B8 - Storage or distribution

Description of Existing Use, Operation or Activity

Please describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates

CERTIFICATE OF LAWFUL DEVELOPMENT (EXISTING USE) FOR STORAGE (B8), PARKING OF VEHICLES AND HARD SURFACED AREAS (STARTING IN 1990'S AND OPERATING TODAY – OVER HE REQUIRED 10 YEARS)

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☒ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

Please refer the Planning Statement and Justification Report and associated drawings and appendices (evidence). Section 4 of the report concludes the following:

4.1 By virtue of S 191 (1) the material change of use for the siting of the use of the land for the storage and parking of vehicles and containers first took place prior to 1999 and has appeared to continue to as such every year since for a period in excess of ten years prior to the date of this submission. The above evidence together with aerial photos (Appendix C) and the witness statement and letters in Appendix A and B prove, on the balance of probability, that all the development referred to took place in excess of ten years before the date of the submission of this application: Furthermore the operational development to surface the site with a mixture of hard substances took place in excess of 4 years ago and is similar immune from enforcement action by virtue of Sec. 171 B (2) of the Act.

4.2 The evidence contained in this application is sufficiently precise and unambiguous and therefore satisfies the test that the development referred to has taken place for a period in excess of 10 years and 4 years respectively before the date of the submission of this application. The use has not been abandoned and continues to date, the planning unit has not significantly changed and no other uses have been introduced during the relevant ten year period. The LPA has to accept the use and issue the Certificate as it sees fit.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

07/01/1990

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (a) a member of staff**
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

Do any of these statements apply to you?

- ☐ Yes
☒ No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Andrew Vaughan-Harries

Date

09/03/2022