

Our ref: 26.066 MTCBC 16-06-26

16th June 2026

by email only

Merthyr Tydfil County Borough Council
Town Planning Division
Merthyr Tydfil County Borough Council
Unit 5
Pentrebach
CF48 4TQ

Dear Sir/Madam,

**BRYNSEION BUILDINGS, FOUNDRY PLACE, TWYNYRODYN ROAD, TWYNYRODYN,
MERTHYR TYDFIL, CF47 0RY – CERTIFICATE OF LAWFULNESS OF EXISTING USE –
PLANNING PORTAL REF. PP-14994326**

On behalf of our client, Caer Properties Limited, a Certificate of Lawfulness of Existing Use or Development ('CLEUD') under Section 191 of the Town and Country Planning Act 1990 (as amended) is sought in respect of the above property. The application seeks to establish the lawful use of Brynseion Buildings as four self-contained residential apartments, namely Flats 1B, 2, 2A and 2B.

The application has been prepared and submitted in accordance with the requirements of Article 28 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

This application proceeds on the basis that the use of Brynseion Buildings as four independent apartments has existing continuously for a period exceeding four years. Consequently, the applicant respectfully requests that Merthyr Tydfil County Borough Council ('the Council') issue a Certificate confirming the same as, on the balance of probability, and accordingly, the use is immune from enforcement action pursuant to Section 171B of the Town and Country Planning Act 1990 (as amended), as the relevant period for taking enforcement action in respect of the breach of planning control has expired.

In addition to the submitted Site Location and Block Plans and associated floorplans, the evidence presented of this longstanding use comprises the following:

Planning and Design Group

Midlands Office: Pure Offices Lake View Drive Sherwood Park Nottingham NG15 0DT tel 01623 726256

London Office: 5 St John's Lane London EC1M 4BH tel 020 7549 2858

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Planning and Design Group is the trading name of Planning and Design Group (UK) Limited, Unit 1, Poplars Court, Nottingham, England, NG7 2RR
Registered in England No 8329904 VAT No 155486191

- Appendix A - Tenancy Agreements
- Appendix B - Utility Bills
- Appendix C - Repair Bills
- Appendix D - Bank Statements
- Appendix E - Building Control Forms
- Appendix F - Council Tax Payments
- Appendix G - Photographs
- Appendix H - Inspection Records
- Appendix I - Insurance Record

Further information on the evidence base is provided below in Table 1.

For clarity, each 'X' denotes a separate item of evidence, while the green shading indicates the period of time to which the corresponding document relates. The red line marks the start date of the point at which the four-year enforcement period, pursuant to Section 171B of the Town and Country Planning Act 1990 (as amended), began, based upon the date of submission of the application.

Table 1 – Summary of Evidence

Evidence Type	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
Tenancy Agreements	xxx	x		x		xxxxxxxx			xx	
Utility Bills									x	
Council Tax Payments										
Bank Statements										
Photographs					x	x			x	
Inspection Records						xx	x		xx	xxxx
Repair Bills					xxxxxx	xxxxxxx	xxxxx	xxxxx	xxxxxxxxxxxxxxxxxxxx	x
Building Control Forms										xx
Insurance Record					x					

The evidence provided, as summarised in Table 1, where each 'X' demonstrates a piece of evidence and any green coloured block indicating a time period covered by a piece of evidence, clearly demonstrates the use of Brynseion Buildings as four independent apartments for a continuous period in excess of four years.

Appendix A - Tenancy Agreements

A summary of the continuity of tenancies can be seen as following:

Table 2 – Tenancy Agreements

Evidence	Date	Commentary
Assured Shorthold Tenancy Agreement (AST) for 2 nd Floor Flat, Flat 1B	06/03/2017	AST signed by both agent and tenant on 06/03/2017. Tenancy Commencement date: 05/03/2017.
Model written statement of a periodic standard occupation contract for Flat 1B	01/11/2025	Signed by agent and tenant on 01/11/2025. Rent agreed to be paid on the 1 st of each month from 01/11/2025 and then in advance of each 1 st of each month from 01/02/2026.
Periodic Standard Occupation Contract for Flat 2	20/07/2023	Signed by agent and tenant on 20/07/2023. Details that the occupation began on 01/06/2022.
AST for Flat 2A	01/04/2018	Signed by agent and tenant on 01/04/2018. Commencement on tenancy 01/04/2018.
AST for Flat 2A	01/04/2020	Signed by agent and tenant electronically on 01/04/2020. Commencement of tenancy 01/04/2020.

Model written statement of a periodic standard occupation contract for Flat 1B	01/11/2025	Signed by agent and tenant on 01/11/2025. Commencement of tenancy on 01/11/2025.
Converted periodic standard occupation contract for Flat 2A	22/05/2023	Signed by agent and tenant on 22/05/2023
Notice of variation of rent for Flat 2A	31/05/2023	Signed by landlord.
Periodic Standard Occupation Contract for Flat 2A	01/11/2023	Signed by tenant on 01/11/2023 and by agent on 07/04/2024.
Model written statement of a periodic standard occupation contract for Flat 2A	01/11/2023	Signed by tenant on 01/11/2023 and by agent on 07/04/2024.
AST for Flat 2B	04/03/2017	Fixed term of 6 months running from 02/03/2017 – 01/09/2017. Signed by both agent and tenant on 04/03/2017.
Periodic Standard Occupation Contract for Flat 2B	20/07/2023	Signed by both agent and tenant on 20/07/2023. Commencement of tenancy on 01/06/2022
Model written statement of a periodic standard occupation contract for Flat 2B	20/07/2023	Signed by both agent and tenant on 20/07/2023. Commencement of tenancy on 01/06/2022.

The Assured Shorthold Tenancies (ASTs), Periodic Standard Occupation Contracts and Notice of Variation of Rent submitted in support of this application, and summarised above, provide compelling evidence of the continued residential occupation of the units within Brynseion Buildings, identified as Flats 1B, 2, 2A and 2B, since 2017. Whilst there are limited gaps in the tenancy documentation itself, the evidence demonstrates an established and ongoing pattern of occupation and use since approximately 2017.

When considered alongside the additional evidence contained within Appendices B–I, there is clear and consistent evidence that Brynseion Buildings has been occupied and operated as four independent apartments from at least 1st June 2022 to the present day. Furthermore, substantial documentary evidence demonstrates occupation during 2017, 2018, 2020 and 2021, reinforcing the longstanding nature of the use.

Although no tenancy documentation has been provided for 2019, there is no evidence to suggest that the occupation or use of the apartments ceased during that period. In any event, this does not undermine the application, given that the relevant four-year period for enforcement action under Section 171B of the Town and Country Planning Act 1990 (as amended) commenced in June 2022.

The evidence submitted therefore demonstrates, on the balance of probability, that the use of Brynseion Buildings as four independent apartments has continued throughout the relevant immunity period, for a period of at least 4 years and is consequently lawful development.

Appendix B – Utility Bills

A summary of the submitted utility bills can be seen below in Table 2:

Table 2 – Utility Bills

Evidence	Date	Commentary
Energy Bill for Flat 2a	14/01/2025	OVO Energy charges for 26th Nov 2024- 25th Dec 2024
Electricity Bill for Flat 1b	16/06/2025	EDF Energy electricity bill for 15 May 2025 - 14 June 2025
Electricity Bill for Flat 1b	25/06/2025	EDF Energy electricity bill for 23 June 2025 - 23 June 2025.
National Grid Electricity Distribution	24/04/2026	Alteration to domestic supply.
Electricity Bill for Flat1b	16/04/2025	EDF Energy electricity bill for 7 April 2025 - 14 April 2025

The energy bills submitted in support of this application provide further corroborative evidence that Brynseion Buildings has been occupied and operated as four independent apartments since at least 2017 and, therefore, for a period substantially exceeding four years. In particular, the bills demonstrate the separate occupation and use of the individual apartments during the period 2024–2025.

When considered alongside the other documentary evidence submitted with this application, the energy bills provide additional confirmation of the continued occupation of the apartments throughout the relevant four-year immunity period, from June 2022 until present. Taken as a whole, the evidence presents a clear and compelling picture that, on the balance of probability, Brynseion Buildings has been in continuous use as four independent apartments for a period exceeding four years and is therefore immune from enforcement action.

Appendix C – Repair Bills

A summary of the submitted repair bills can be found below in Table 3:

Table 3 – Repair Bills

Evidence	Date	Commentary
Flat 2 Repair Bill	30/12/2021	Wales & West Utilities Bill
Flat 2 Repair Bill	04/04/2021	CAS Maintenance Limited Invoice
Flat 2B Repair Bill	12/01/2021	CAS Maintenance Limited Invoice
Flat 2B Blinds Bill	15/01/2021	Blinds Bill
Flat 2B Carpet Bill	14/01/2021	Carpet Bill
Flat 2B Replacement flooring invoice	04/10/2021	Just Carpets UK invoice
Flat 1B, 2 & 2A Brynseion Buildings Gas works bill	25/02/2022	Wales & West Gas bill covering all flats
Flat 2B furniture order and payment confirmation	08/05/2022	Kitchen Tradepoint payment confirmation for furniture for Flat 2B.
Flat 2 Redecoration invoice	28/05/2022	Invoice for the complete redecoration of 2 Brynseion building, Foundry Place, Twynyrodyn.
Flat 2b invoice to Supply and fit a new Main combi boiler	28/05/2022	Sk Heating And Plumbing Invoice

Removing old boiler and connecting to new gas supply.		
Flat 2b invoice to Supply and fit new soil pipe and connectors to damaged areas of existing soil stack	28/05/2022	Sk Heating And Plumbing invoice
Flat 2 invoice to Supply and fit new main combi boiler. Supply and fit 4 central heating radiators. Fit customers supplied bathroom suite. Connect customers supplied kitchen sink. Tile shower area and kitchen worktop splash back.	28/05/2022	Sk Heating And Plumbing invoice
Flat 1b and Flat 2 invoice for Carpentry works	30/05/2022	Wood Wise Carpentry Invoice
All Flats window cleaning bill	03/11/2023	Cleartech Cleaning Services bill
All Flats window cleaning bill	08/12/2023	Cleartech Cleaning Services bill
Flat 2 landlord safety inspection	05/06/2023	Sk Heating And Plumbing invoice
Flat 2 Energy Performance Certificate	14/06/2023	Tyrone Goodland (Domestic Energy Assessor) invoice
All Flats window cleaning bill	20/07/2023	Cleartech Cleaning Services bill
All Flats window cleaning bill	05/02/2024	Cleartech Cleaning Services bill
All Flat painting and decorating bill	23/08/2024	Hughes painting and decorating bill
Flat 1b Plastering and tiling bill	20/01/2025	DB Plastering & Tiling
All Flats replacement side door latch bill	25/06/2024	Open Doors Locksmith and Carpentry Services
Flat 2 Landlord check and safety certificate bill	08/10/2024	Sk Heating And Plumbing bill
Flat 2b Landlord check and safety certificate bill	08/10/2024	Sk Heating And Plumbing bill
Flat 2 Skip payment	09/01/2025	New Tredegar Skips invoice and payment

Flat 1B Jewson invoice	26/02/2025	Jewson invoice
Flat 1B B&Q Receipt	09/03/2025	B&Q Receipt
Flat 1B uPVC Casement Window invoice	13/03/2025	OK Upvc Products invoice
Flat 1b and Flat 2 Paint invoice	13/03/2025	PPG Architectural Coatings invoice
Flat 1b Plaster boarding invoice	14/03/2025	DB Plastering & Tiling invoice
Flat 1b 'labour at flats' invoice	14/03/2025	Joseph Smith invoice
Flat 1b labour and primer undercoat and fillers invoice	03/10/2025	Joseph Smith invoice
Flat 1b decorating invoice	11/11/2025	Magnet invoice
Flat 1b EPC invoice	06/11/2025	Email from Tyrone Goodland to landlord with EPC attached providing payment details for works
Flat 1B Electrical work invoice	03/11/2025	Wayne Keepin Electrical Limited invoice
Flat 1B Invoice for: First fix and second fix full central heating system, bathroom and kitchen sink; and Extra works: supplying bath and accessories, additional labour, and additional materials	02/11/2025	Sk Heating And Plumbing invoice
Flat 1B Plaster board invoice	05/11/2025	Magnet invoice
Flat 1B Plaster board invoice	10/11/2025	Magnet invoice
Flat 1B Plaster board invoice	13/11/2025	Magnet invoice
Flat 1B Contractors PVA, Thin Coat Angle Bead, Stop Bead and Multi Finish invoice	19/11/2025	Magnet invoice
Flat 1B BG thistle multi finish	28/11/2025	Magnet invoice
Flat 1B Howdens invoice	10/11/2025	Howdens invoice
'Hallway Flats' Howdens invoice	09/04/2026	Howdens invoice

Flat 2 Alterations and renovation work invoice	28/05/2026	Andrew Isitt Construction invoice
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Table 3 provides a continuation of repair bills and evidence of continued maintenance since January 2021, providing further compelling evidence of the continued occupation and operation of Brynseion Buildings as four independent apartments for a minimum of four years.

The documentation relates to repairs and maintenance undertaken within all apartments and establishes a consistent evidential record spanning from January 2021 through to the most recent record of 28th May 2026. The frequency, nature and distribution of these works across the individual apartments are indicative of actively occupied residential units requiring ongoing management and maintenance for comfortable habitation of occupants.

When considered alongside the tenancy agreements, utility bills and other supporting documentation submitted as part of this application, the repair records form a continuous and unbroken chain of evidence demonstrating the use of Brynseion Buildings as four self-contained apartments for a period exceeding five years. Taken as a whole, the evidence provides clear and compelling confirmation that, on the balance of probability, the property has been occupied and operated as four independent residential apartments continuously for a period well in excess of the four-years.

Appendix D – Bank Statements

A summary of the Landlord's Bank Statements can be seen in Table 4 below:

Table 4 – Bank Statements

Flat 1B	Flat 2	Flat 2A	Flat 2B
September 2021	July 2020	June 2020	August 2020
October 2021	August 2020	July 2020	September 2020
November 2021	September 2020	August 2020	October 2020
December 2021	October 2020	September 2020	March 2021
January 2022	November 2020	October 2020	April 2021
February 2022	December 2020	November 2020	May 2021
March 2022	January 2021	December 2020	June 2021
April 2022	February 2021	January 2021	July 2021
May 2022	March 2021	February 2021	August 2021
June 2022	April 2021	March 2021	
July 2022	May 2021	April 2021	
August 2022	June 2021	May 2021	
September 2022	July 2021	June 2021	
October 2022	August 2021	July 2021	
November 2022	September 2021	August 2021	

December 2022	October 2021	September 2021	
January 2023		October 2021	
February 2023		November 2021	
March 2023		December 2021	
		January 2022	
		February 2022	
		March 2022	
		April 2022	
		May 2022	
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		February 2023	
		March 2023	
		April 2023	
		May 2023	
		June 2023	
		July 2023	
		August 2023	
		September 2023	

The bank statements submitted in support of this application provide further documentary evidence of the continued occupation and operation of Brynseion Buildings as four independent residential apartments. The statements record regular rental income associated with each of the individual units, namely Flat 1B (September 2021 to March 2023), Flat 2 (July 2020 to October 2021), Flat 2A (June 2020 to September 2023), and Flat 2B (August 2020 to August 2021). The records demonstrate that each apartment was separately let and generating rental income over sustained periods, consistent with their occupation as independent residential units.

When viewed collectively, the bank statements establish a substantial evidential record spanning from June 2020 through to September 2023. This evidence corroborates the tenancy agreements, utility bills, repair records and other supporting documentation submitted with this application, demonstrating the ongoing management and occupation of the four apartments. Taken together, the evidence provides a clear and consistent picture that, on the balance of probability, Brynseion Buildings has been in continuous use as four self-contained residential apartments for a period well in excess of four years and is therefore immune from enforcement action.

Appendix E – Building Control Decision Notices

The table below identifies two Building Control decision notices, references BR/25/0109 and BR/22/0084, relating to Flats 1B and 2 respectively. Both applications were submitted to, assessed by, and approved by Merthyr Tydfil County Borough Council in its capacity as the Building Control Authority, with completion certificates both issued on 23rd April 2026 following confirmation that the works complied with the relevant Building Regulations requirements (see summary in Table 5 below).

Table 5 – Building Control Decision Notices

Evidence	Date	Commentary
Decision BR/25/0109 - Merthyr Tydfil County Borough Council Building Control Completion Certificate for Flat 1B	27/04/2026	Completion date: 23/04/2026
Decision BR/22/0084 - Merthyr Tydfil County Borough Council Building Control Completion Certificate for Flat 2	27/04/2026	Completion date: 23/04/2026

These records are significant as they provide independent documentary evidence that Flats 1B and 2 exist as separate residential units and were recognised as such for the purposes of Building Control. The Council's consideration and approval of applications relating specifically to these apartments demonstrates that works were undertaken, inspected and certified within distinct residential units. Whilst Building Regulations approval does not determine the planning status of a development, the decisions provide further evidence of the existence, occupation and operation of the building as individual apartments.

When considered alongside the tenancy agreements, bank statements, utility bills, repair invoices and other supporting documentation submitted with this application, Building Control references BR/25/0109 and BR/22/0084 contribute to a clear and consistent evidential record demonstrating the continued use of Brynseion Buildings as four independent residential apartments. Taken as a whole, the evidence demonstrates, on the balance of probability, that the property has been occupied and operated as four self-contained apartments for a period substantially exceeding four years.

Appendix F – Council Tax Payments

The table below identifies Council Tax records relating to Flat 1B, including a Council Tax exemption confirmation issued by Merthyr Tydfil County Borough Council on 24th November 2020 and payment confirmations dated 16th July 2025 and 16th September 2025. These

records provide independent evidence that Flat 1B was recognised and administered as a separate residential unit by the Council.

Table 6 – Council Tax Payments

Evidence	Date
Flat 1B Council Tax exception confirmation from Merthyr Tydfil County Borough	24/11/2020
Council tax payment confirmation to Merthyr Tydfil County Borough for Flat 1B	16/07/2025
Council tax payment confirmation to Merthyr Tydfil County Borough for Flat 1B	16/09/2025

When viewed alongside the other evidence submitted, the Council Tax records further support the conclusion that Brynseion Buildings has been occupied and operated as independent apartments for a period well in excess of four years, on the balance of probability, and that this was therefore lawful and immune from any enforcement action.

Appendix G –Photographs

Table 7 below identifies a series of photographs relating to Flats 1B, 2 and 2B, taken in 2021 and 2025.

Table 7 –Photographs

Evidence	Date
Flat 1B Assorted photographs	2021
Flat 2 Assorted photographs	2022
Flat 2B Assorted photographs	2025

The dates of the photographs are embedded within digital file names. Copies of digital files can be provided upon request.

The photographs provide visual evidence of the internal condition and layout of the apartments at different points in time, each following a period of refurbishment. They show the presence of habitable rooms, including living, sleeping, cooking and bathroom facilities, consistent with the use of the units as self-contained residential apartments.

The photographic evidence provides valuable corroborative evidence when considered alongside the tenancy records, bank statements, utility bills, repair invoices, Council Tax records and Building Control documentation submitted in support of this application. Collectively, the photographs reinforce the clear and consistent evidential picture that Brynseion Buildings has been occupied and operated as independent residential apartments for a period well in excess of four years.

Appendix H – Inspection Records

Table 8 – Inspection Records

Evidence	Date	Commentary
Flat 1B Inventory Report	03/11/2025	BLA Inventory Checklist. Describes and provides photographic evidence of each room, the contents of the apartment and details of utilities. Shows clear signs of habitation.
Flat 1B Invoice for: 'Alter gas pipework from gas meter to boiler; Cap off and remove hallway radiator; Total completed works, including materials'	20/12/2025	Invoice from SK heating and plumbing
Flat 2B Gas Safety Record	03/06/2022	Gas Safety Record carried out by SK heating and plumbing.
Flat 2B Gas Safety Record	05/06/2022	Gas Safety Record carried out by SK heating and plumbing.
Flat 2 Gas Safety Record	04/06/2023	Gas Safety Record carried out by SK heating and plumbing.
Flat 1B Mid Tenancy Inspection Form	April 2026	
Flat 2 Mid Tenancy Inspection Form	April 2026	
Flat 2A Mid Tenancy Inspection Form	April 2026	
Flat 2B Mid Tenancy Inspection Form	April 2026	

Table 8 identifies a range of inspection, safety and maintenance records relating to Flats 1B, 2, 2A and 2B between June 2022 and April 2026. These include Gas Safety Records, mid-tenancy inspection forms, an inventory report and maintenance invoices. Together, the documents provide substantial evidence of the ongoing occupation, management and maintenance of the apartments as separate residential units.

Of particular note, the inventory report for Flat 1B dated 3rd November 2025 provides a detailed description and photographic record of the apartment, including its rooms, fixtures, furnishings and utility services. The report demonstrates that the unit was fully equipped and suitable for residential occupation, with clear signs of habitation throughout. Similarly, the mid-tenancy inspection forms for all four apartments, undertaken in April 2026, evidence active tenancy management and confirm the continued occupation of the units. The Gas Safety Records for Flats 2 and 2B, together with the plumbing and heating invoice relating to Flat 1B, further demonstrate the routine inspection, maintenance and upkeep expected of occupied residential accommodation.

When considered alongside the other evidence submitted in support of this application, these records provide further corroboration that Brynseion Buildings has been continuously occupied, managed and maintained as four independent residential apartments. Taken as a whole, the evidence demonstrates, on the balance of probability, that the use has existed for a period well in excess of four years.

Appendix I – Insurance Record

Table 9 – Insurance Record

Evidence	Date	Commentary
All flats insurance record	28/05/2021	Insurance record covering all flats. Insurance cover period: 29/05/2021 – 28/05/2022

An insurance policy record, dated 28th May 2021, is submitted in support of this application, covering Flats 1B, 2, 2A and 2B for the period 29th May 2021 to 28th May 2022. The policy provides further independent evidence that the property was being managed and insured as four separate residential apartments at that time.

Whilst limited in scope, the insurance record corroborates the wider body of evidence submitted in support of this application and further supports the conclusion that Brynseion Buildings was in use and operation as four independent residential apartments from at least 2021 onwards.

Summary

The evidence submitted in support of this application demonstrates that Brynseion Buildings has been in continuous use as four independent residential apartments, namely Flats 1B, 2, 2A and 2B, for a period substantially exceeding four years.

The documentary evidence includes tenancy agreements, occupation contracts, bank statements, utility bills, repair and maintenance records, Building Control decisions, Council Tax records, inspection reports, insurance documentation and dated photographs. Taken together, this evidence establishes a clear and consistent pattern of occupation, management and operation of the property as four separate residential units from 2017.

Whilst there may be occasional gaps in individual categories of evidence, these are readily explained by the availability of records and do not indicate any cessation or discontinuity in the use of the apartments. Indeed, the evidence provides a continuous and compelling record of residential occupation and management extending from at least 2020 to the present day, with further evidence demonstrating occupation and use dating back to 2017. On the balance of probability, the use of Brynseion Buildings as four independent apartments has therefore existing continuously for an excess of four years.

Accordingly, it is respectfully requested that the use of Brynseion Buildings as four independent self-contained residential apartments is confirmed lawful and immune from enforcement action and a Certificate of Lawfulness of Existing Use or Development pursuant to Section 191 of the Town and Country Planning Act 1990 (as amended) is therefore requested.

Should the Council require any further information or clarification in support of this application, please do not hesitate to contact the undersigned.

Yours faithfully,

Haydn Lee

Haydn Lee MPlan(Hons) MRTPI
Planner

Enc. Application Form
 Location Plan & Block Plan Ref. P/001
 Ground Floor Plan Ref. P/002
 First and Second Floor Plans Ref. P/003
 Appendices A, B, C, D, E, F, G, H & I