

DELEGATED REPORT

Application No:	P/26/0021
Site Address:	Coedcae Stores Dowlais Merthyr Tydfil CF48 3PU
Development:	Certificate of Lawfulness for a proposed use as a hairdressers (A1 Use Class) from Financial and professional services (A1 Use Class)
Case Officer:	Kate Glover
Site Visit:	17th February 2026
Application Expiry Date:	29th April 2026

APPLICATION SITE

The application relates to a single storey detached property located in a residential area in the settlement boundary. The property comprises of a flat roof building, which incorporates a large front/shop window and entrance.

DESCRIPTION

A Certificate of Lawful Development is sought to ascertain whether the proposed change of use of the building from an estate agents to a hairdressers would require planning permission. The proposed use would not necessitate any building or other operations.

PLANNING HISTORY

P/08/0225 Change of use of building to estate and letting agent (A2 use)
Approved: 04 Aug 2008

POLICY CONTEXT

The determination of this application does not require consideration of the planning merits of the proposed use. Therefore, the policies in the Merthyr Tydfil Replacement Local Development Plan (RLDP) 2016-2031 are not of direct relevance in so far as they go to the merits of the proposed use. However, in considering whether there would be a material change in the character of the use, the development plan is relevant in so far as it may indicate a particular planning consequence of the proposed use.

Welsh Office Circular 24/97: Enforcing Planning Control, Annex 8, deals with 'Lawfulness and the Lawful Development Certificate':

Paragraph 8.26 states that if the LPA are supplied with information satisfying them that the use or operations 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 LDC granted 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 why the proposal would be lawful.

CONSULTATION

No consultation exercise was considered necessary given this is an application for a lawful development certificate.

PUBLICITY

No publicity exercise was undertaken given the nature of the application.

PLANNING CONSIDERATION

In order to determine that the proposed use of the property as a hairdressers would be lawful and does not require planning permission, it would need to be demonstrated that:

- The proposal would fall within the same classification as the existing use as specified in the Use Classes Order 1987; or
- That there would be no 'material change' in the use and so does not constitute development that is subject to the controls of the planning system.

The Town and Country (Use Classes) Order 1987 (Order) groups and specifies different uses within broad categories of classification. Under Section 55(2)(f) of the Town and Country Planning Act 1990, where a use falls within a particular designated class, then no planning permission is required for any change which falls within the same class.

The current use of the premises as an estate agents would fall within the A2 Use Class which refers to Financial and professional services such as estate agents. The activities involved in the use of the premises as a Hairdressers would fall within the A1 Use Class. The Order permits changes between Use Classes and in relation to A1 to A2 uses the use is permitted subject to there being a display window at ground floor level.

Based on the information submitted it would appear, that a change of use of the premises from an estate agents (Use Class A2) to a hairdresser (Use Class A1) would constitute permitted development and the following recommendation is made:

RECOMMENDATION: BE APPROVED for the following **REASON:**

1. The proposed use of the premises from an estate agents (A2 Use Class) to a hairdressers (A1 Use Class), under Section 55(1) of the Town & Country Planning Act 1990, would be permitted by the Town and Country (Use Classes) Order 1987 (Order) (amended). Therefore, the proposal does not constitute development that requires planning permission.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 20.03.2026