

Application No: **20/02368/MNR**



GRANT OF CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

To:
Mr Bailey
C2J ARCHITECTS AND TOWN PLANNERS
Unit 1A
Compass Business Park
Pacific Road, OCEAN PARK, Cardiff
CF24 5HL

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country (General Development Order) 1995
Application for Lawful Development Certificate

WHEREAS you submitted an application for Certificate of Lawful Dev - proposed received on 13/11/2020 for: CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO RESIDENTIAL CARE HOME (CLASS C2) FOR UP TO 2 CHILDREN at TY FRY COTTAGE, 87 TY-FRY ROAD, RUMNEY, CARDIFF, CF3 3NS (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby CERTIFIES that the proposed use of, or development on, the above land as specified would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 for the following reason(s):

1. The proposal would not materially change the use (Class C3) of the land and buildings and, therefore, does not constitute development as defined by Sec 55(1) of The Town & Country Planning Act 1990.

Dated: 15/01/2021

James Clemence
HEAD OF PLANNING
County Hall, Cardiff, CF10 4UW

PLANNING DECISION NOTICES: ADDITIONAL INFORMATION

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APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS AND CERTIFICATE OF LAWFUL USE

(i) Appeals

An appeal can be made to the National Assembly for Wales against the City of Cardiff's refusal of planning permission for the proposal or to grant it subject to conditions (see Section 78 of the Town and Country Planning Act 1990). This must be made within 6 months for most applications, and 12 weeks for household applications and A1, A2 and A3 commercial applications.

The Secretary of State may not consider an appeal if it appears that the City could not have granted planning permission for the proposal, or could not have granted it without the conditions it imposed, having regard to the statutory requirements or to the provisions and directions of the development order.

(ii) Purchase Notices

The land or property owner may be able to serve a purchase notice on the City if it has refused permission to develop land or has granted it subject to conditions. In order to serve a purchase notice the owner must show that the land can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if permission is refused, or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him (see Section 137 and related provisions of the Town and Country Planning Act 1990).

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APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

(i) All advertisements (and any site used for the display of advertisements) granted consent must :

- (a) be maintained in a clean, tidy and safe condition;
- (b) not be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission; and
- (c) not be displayed or sited so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to make hazardous the use of any highway, railway, waterway or aerodrome.

Any existing advertisements which need to be removed shall be removed to the reasonable satisfaction of the City.

(ii) Appeals can be made to the Planning Inspectorate, if consent is refused by the City or is granted subject to conditions, or for less than 5 years. Appeals must be made within 8 weeks from the date of the decision. Appeals must include copies of the application with all relevant submitted plans, correspondence and the decision notice (see Town and Country Planning (Control of Advertisements) Regulations 1992).

APPLICATIONS FOR LISTED BUILDING CONSENT OR CONSERVATION CONSENT

(i) Appeals

An appeal can be made to the Planning Inspectorate (normally within 6 months or 12 weeks for household applications and A1, A2 and A3 commercial applications) against the City's decision to refuse consent for the proposal or to grant consent subject to conditions (see regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990).

(ii) Purchase Notice

The property owner may be able to serve a purchase notice on the City if it has refused consent or granted it subject to conditions. In order to serve a purchase notice the owner must show that the property can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the property in accordance with Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if consent is refused, or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him (see Section 27 of the Planning (Listed Building and Conservation Area) Act 1990).

ACCESS TO BUILDINGS FOR DISABLED PERSONS

Please consider adequate provision for access to buildings which disabled persons are likely to use such as shops, offices, factories, railway premises and educational establishments. (See Section 76 of the Town and Country Planning Act 1990). Please contact the Building Control Division, PT&E, County Hall, Atlantic Wharf, Cardiff, CF10 4UW for further advice. (Phone :029 2233 0381/2/3).

PLEASE CONTACT THE NATIONAL ASSEMBLY FOR WALES, PLANNING INSPECTORATE, CROWN BUILDING, CATHAYS PARK, CARDIFF, CF10 3NQ FOR DETAILS OF APPEAL PROCEDURES AND FORMS:

TEL : 0303 444 5940

Email: wales@pins.gsi.gov.uk