

DELEGATED REPORT

Application No:	P/25/0102
Site Address:	34 Heol S O Davies Georgetown Merthyr Tydfil CF48 1DR
Development:	Proposed use as a bakery shop would fall under the existing use class of the premises (Use Class A1)
Case Officer:	Kate Glover
Site Visit:	8th May 2025
Application Expiry Date:	4th June 2025

APPLICATION SITE

The application relates to a 2 storey semi-detached property located adjacent a small group of retail units in the settlement boundary. The property comprises of a bicycle shop at ground floor level. Around the group of retail units is residential properties.

DESCRIPTION

A Certificate of Lawful Development is sought to ascertain whether the proposed change of use of the ground floor of the building from a bicycle shop to a bakery would require planning permission. No external or internal changes are proposed.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

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 bakery 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 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 ground floor of the premises as bicycle shop would fall within the A1 Use Class which refers to shops and a bakery which sells cold food for consumption off premises and sandwich bars would also fall within the A1 Use Class. The activities involved in the sale of bicycles and sale of food from a bakery would not result in a material change in activities. Should the cooking/baking of goods take place on the site, the Environmental Health Division of the Council would be responsible for any extraction which might be required. The proposed floor plans do not indicate that there would be any tables or chairs for customers which may result in the premises being used as a café or restaurant which would fall under a A3 Use Class. Based on the information submitted it would appear that there would be no material change in the use or its classification within A1.

Accordingly, the proposed change of use to a bakery would constitute permitted development and the following recommendation is made:

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

1. The proposed use of the ground floor as a bakery (A1 Use Class), under Section 55(1) of the Town & Country Planning Act 1990, would not result in a material change in the current use of the ground floor of the building as a bicycle shop (A1 Use Class). Therefore, the proposal does not constitute development that requires planning permission.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 23.05.2025