

CITY AND COUNTY OF SWANSEA

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012:

ARTICLE 28

GRANT OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TO:

Mr Leo Bailey
C2J Architects & Town Planners
Unit 1A Compass Business Park
Pacific Road
OCEAN PARK
CARDIFF
CF24 5HL

APPLICATION NO: 2021/1080/PLD

APPLICANT: Andy Brown

The **City & County of Swansea** hereby certify that on **21.04.2021**, the use/operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged **red** on the plan attached to this certificate, **Is Lawful** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The change of use of the land from a family dwelling (within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended) to a care home for up to 2 children with 2 support staff operating on a 12 hour shift pattern would not constitute a material change of use and would not, therefore, require planning permission

Signed:

P J J Holmes

PHIL HOLMES
HEAD OF PLANNING & CITY REGENERATION

On behalf of **City & County of Swansea**

DATED: 16th June 2021

Informatives:

Please view plans on City & County of Swansea website <http://property.swansea.gov.uk>

- 1 First Schedule
Use of property to care for up to 2 children with 2 support staff operating on a 12 hour shift pattern as described on Plan Nos: - 2021/1080/PLD O S PLAN LPA1
- 2 Second Schedule
Indicated on 2021/1080/PLD O S PLAN LPA1 attached to the Certificate
156 Westcross Lane, West Cross, Swansea, SA3 5NG which is shown edged red on the plan.

Notes

- 1 This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
- 2 It certifies that the proposed use/operations specified in the First Schedule taking place on the land described in the Second Schedule is lawful, on the specified date and, thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extents of the proposed use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any proposed use/operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- 4 The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

THE APPLICANT'S ATTENTION IS DRAWN TO THE NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to refuse to grant a Certificate of Lawful Use or Lawful Proposed Use, or to grant permission or approval subject to conditions, he may appeal to the Welsh Ministers in accordance with Sections 78(1) and Section 195/196 of the Town and Country Planning Act 1990, as amended.

Appeals must be made within a prescribed time period. For 'Householder Appeals' and 'Minor Commercial Appeals' validated from 22nd June 2015 onwards, the prescribed period is 12 weeks from the date of this notice. Details on what constitutes a 'Householder' and 'Minor Commercial' appeals are available to view at the following website:

<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/?lang=en>

For all other planning appeals, the prescribed period is 6 months from the date of this notice.

An appeal cannot be made if an enforcement notice has been served involving the same development as this refusal and planning permission was not granted under the enforcement appeal. This restriction also applies in respect of an enforcement notice served in respect of a condition that ought to be discharged and is not discharged under an enforcement appeal.

Appeals can be made via the portal using the following link:

<https://www.gov.uk/government/organisations/planning-inspectorate>

Or, on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, email wales@planninginspectorate.gov.uk

Further information on the appeals process is also available on the website:

<https://gov.wales/planning-appeals>

The Welsh Ministers can allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Welsh Ministers are not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. The Welsh Ministers do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.

2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Ministers, and the owner of the land claims that the land has become incapable or reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve a purchase notice on the local planning authority in whose area the land is situated. This notice will require the local planning authority to purchase the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990. (The local planning authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Ministers.)
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Welsh Ministers on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are out in Section 114 of the Town and Country Planning Act 1990.