

DELEGATED REPORT

Application No: P/20/0160

Site Address: Nazareth
Yew Street
Troedyrhiw
Merthyr Tydfil
CF48 4DZ

Development: Use of Nazareth Chapel and adjoining garden
as a residential dwelling

Case Officer: David Cross

Application Expiry Date: 10th September 2020

APPLICATION SITE

This application relates to the former Nazareth Chapel, situated in a prominent corner location within the residential area of Troedyrhiw. The site is bound to the south by Poplar Street and to the east by Yew Street, with adjoining dwellings on all other sides.

PROPOSED DEVELOPMENT

This is an application for a Certificate of Lawfulness for an existing use, under Section 191 of the 1990 Town & Country Planning Act, to establish whether the existing residential use of the former chapel is lawful.

In support of the application, emails and a letter provided by the Council's Revenues department have been submitted, which indicate that the applicant has been paying their council tax at the property since the 21st March 2002 and continue to do so.

PLANNING HISTORY

P/00/0479 Change of use from chapel to residential use (including small craft workshop)

Full permission GRANTED on 06.02.2001

P/07/0328 Residential development (involving demolition of existing buildings)

Outline permission GRANTED on 27.09.2007

CONSULTATION

No consultation exercise undertaken.

PUBLICITY

No publicity exercise undertaken.

POLICY CONTEXT

The determination of this application does not include any consideration of the planning merits of the case. Therefore, the local development plan policies are not relevant to the considerations of this application.

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.

PLANNING CONSIDERATIONS

It is acknowledged that full planning permission (P/00/0479) was granted in 2001 for the use of the former chapel building, subject to conditions, which included details for the provision off-street parking, refuse enclosure and a landscaping scheme, to be agreed prior to the residential occupation of the building. There are no records provided to demonstrate that these conditions were properly discharged.

Notwithstanding this, it has been adequately demonstrated that the applicant has been residing at the property since March 2002, which has been confirmed by their council tax records. This reasonably illustrates that the property has been occupied for residential purposes for over 18 years. Irrespective of whether the planning permission P/00/0479 is deemed to have been implemented, sufficient evidence has been provided to prove that the former chapel has been occupied as a dwelling for a continuous period of at least 4 years. Therefore the residential use of the former chapel is deemed to be lawful and immune to any potential enforcement action.

CONCLUSIONS

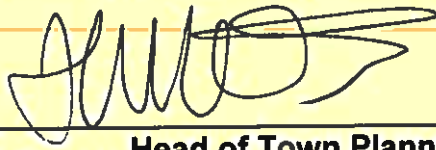
The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

On the balance of probability, sufficient evidence has been provided to prove that the former chapel has been occupied as a dwelling for a continuous period of at least 4 years. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED

1. On the balance of probability, sufficient evidence has been provided to prove that the former chapel has been occupied as a dwelling for a continuous period of at least 4 years.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'J. M. O.', written over a horizontal line.

Head of Town Planning

DATE:

27/7/20

the 1990s, the number of people in the world who are undernourished has increased from 600 million to 800 million (FAO 2001).

There are a number of reasons for this increase. First, the world population has increased from 5 billion in 1987 to 6 billion in 2000, and is projected to reach 9 billion by 2050 (FAO 2001). Second, the world population is ageing, and the proportion of the population aged 65 and over is increasing (FAO 2001).

Third, the world population is becoming more urban, and the proportion of the population living in urban areas is increasing (FAO 2001).

Fourth, the world population is becoming more mobile, and the proportion of the population living in mobile communities is increasing (FAO 2001).

Fifth, the world population is becoming more educated, and the proportion of the population with a primary school education is increasing (FAO 2001).

Sixth, the world population is becoming more affluent, and the proportion of the population living on less than \$2 a day is decreasing (FAO 2001).

Seventh, the world population is becoming more health conscious, and the proportion of the population who are overweight or obese is increasing (FAO 2001).

Eighth, the world population is becoming more environmentally conscious, and the proportion of the population who are concerned about the environment is increasing (FAO 2001).

Ninth, the world population is becoming more technologically conscious, and the proportion of the population who use the Internet is increasing (FAO 2001).

Tenth, the world population is becoming more socially conscious, and the proportion of the population who are concerned about social issues is increasing (FAO 2001).

Eleventh, the world population is becoming more politically conscious, and the proportion of the population who are concerned about political issues is increasing (FAO 2001).

Twelfth, the world population is becoming more economically conscious, and the proportion of the population who are concerned about economic issues is increasing (FAO 2001).

Thirteenth, the world population is becoming more culturally conscious, and the proportion of the population who are concerned about cultural issues is increasing (FAO 2001).

Fourteenth, the world population is becoming more religiously conscious, and the proportion of the population who are concerned about religious issues is increasing (FAO 2001).

Fifteenth, the world population is becoming more spiritually conscious, and the proportion of the population who are concerned about spiritual issues is increasing (FAO 2001).

Sixteenth, the world population is becoming more philosophically conscious, and the proportion of the population who are concerned about philosophical issues is increasing (FAO 2001).

Seventeenth, the world population is becoming more ethically conscious, and the proportion of the population who are concerned about ethical issues is increasing (FAO 2001).

Eighteenth, the world population is becoming more aesthetically conscious, and the proportion of the population who are concerned about aesthetic issues is increasing (FAO 2001).