

Certificate of Lawfulness Application

414-416 Chepstow Road, Newport, NP19 8JH

Supporting Statement | November 2025



Architects and
Town Planners



RTPI
Chartered Town Planners



Architects
Registration
Board

1. Introduction

- 1.1 This statement has been prepared to support our Client's application, which seeks a Lawful Development Certificate made under Section 192 of the Town and Country Planning Act 1990 (as amended), to establish the lawfulness of the proposed conversion of space over an A1 shop into a single flat at 414-416 Chepstow Road, Newport, NP19 8JH
- 1.2 The application is supported by the following documents:
- Completed and signed Lawful Development Certificate for a Proposed Use or Operation Application Forms



2. Site & Surroundings

- 2.1 The application site is located in a suburban position within the Beechwood District Centre in the City of Newport. The site sits on the southern side of Chepstow Road on the junction with Warwick Road.
- 2.2 The site comprises 2 properties that have been amalgamated into 1 A1 unit.
- 2.3 The surrounding area is a mix of commercial and retail uses, with a range of shops, food outlets, guest houses, surgeries and established residential properties. Opposite the site is Beechwood Park.
- 2.4 The site is within close proximity of bus stops on Chepstow Road, linking to the city centre, train station and wider networks to Cardiff and beyond. Extensive facilities in Newport City Centre are accessible in under 10 minutes by bus.

3. Planning History

3.1 The application site has a varied planning history as referenced on the Local Authority's website.

<u>Application</u>	<u>Location and Proposal</u>	<u>Applicant</u>	<u>Decision</u>	<u>Decision Date</u>
19/0913	CHANGE OF USE OF FIRST FLOOR TO 2NO. BEDROOM FLAT AND ASSOCIATED EXTERNAL ALTERATIONS	Paul Gray	Approved	04/12/2020
20/0464	PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR RETAIL SHOP TO ONE BED FLAT (RESUBMISSION)	Paul Gray	Approved	04/12/2020
25/0974	S73 APPLICATION TO EXTEND THE TIME PERIOD FOR THE COMMENCEMENT OF DEVELOPMENT IN RELATION TO 20/0464 PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR RETAIL SHOP TO ONE BED FLAT (RESUBMISSION)	Paul Gray	Pending	N/A

4. National and Local Policy

4.1 Section 192 of the Town & Country Planning Act 1990 (as amended) states:

1) *If any person wishes to ascertain whether—*

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

2) *If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

3) *A certificate under this section shall*

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

4) *The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.*

5. Application proposal

- 5.1 This application seeks a Lawful Development Certificate made under Section 192 of the Town and Country Planning Act 1990 (as amended), to establish the lawfulness of the proposed conversion of space over an A1 shop into a single flat at 414-416 Chepstow Road, Newport, NP19 8JH

The relevant test for the requirement of Planning Permission

- 5.2 In line with The Town and Country Planning (Use Classes) Order 1987 (as amended), planning permission is not required for the change of use of a space above a shop to a single residential unit if:

- *The space is in the same class of use as the shop or office to start with (either Use Class A1 (shops) or A2 (financial and professional services))*
The space proposed for conversion is currently part of the A1 unit.
- *The space is not in a separate planning unit from the existing use*
The space that is proposed to be converted is currently part of the same unit.
- *You will not change the outside appearance of the building*
No change to the exterior of the building is proposed.
- *If there is a display window at ground floor level, you will not incorporate any of the ground floor into the flat.*
None of the ground floor is proposed to be incorporated into the conversion.

- 5.3 It is considered the submitted proposal satisfies the above tests, and as such, does not require Planning Permission.

The relevant test for a Certificate of Lawful Use

- 5.4 The applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. Accordingly, it is for the Applicant to show that the proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be

lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.

- 5.5 The Courts have further held that the Applicant's submitted evidence does not need to be corroborated by 'independent' evidence in order to be accepted. If the Local Authority has no evidence of its own to contradict or make the Applicant's evidence less than probable, there is no reason to refuse the application.

Case for the Applicant

- 5.6 It is considered that a proposed change from A1 to A1 with flat above is lawful in accord with Section 192 of the Town and Country Planning Act 1990 (as amended), Section 192 (1) (a) of the Town and Country Planning Act 1990 and The Town and Country Planning (Use Classes) Order 1987 (as amended).
- 5.7 Previous consents for the site provided by the Local Authority acknowledged that the permitted uses for the wider site are as a retail furniture store at ground floor (A1) with upstairs used as a display area and store.
- 5.8 Planning application 19/0913 for the change of use of the first floor to a 2-bedroom flat and associated external alterations was granted consent in December 2020. An application is currently being considered for the renewal of this previous permission.
- 5.9 Accordingly, this Certificate of Lawful Use or Development and the supporting information has been submitted to deem that the proposed change from A1 to A1 with a single flat above is a lawful proposed use of the site in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Use Classes) Order 1987 (as amended).



**Architects and
Town Planners**

Unit 1A, Compass Business Park,
Pacific Road, Cardiff CF24 5HL

19 Goodge Street,
London W1T 2PH

029 2045 2100
c2jarchitects.co.uk