

Certificate of Lawfulness Application

24 Corporation Road

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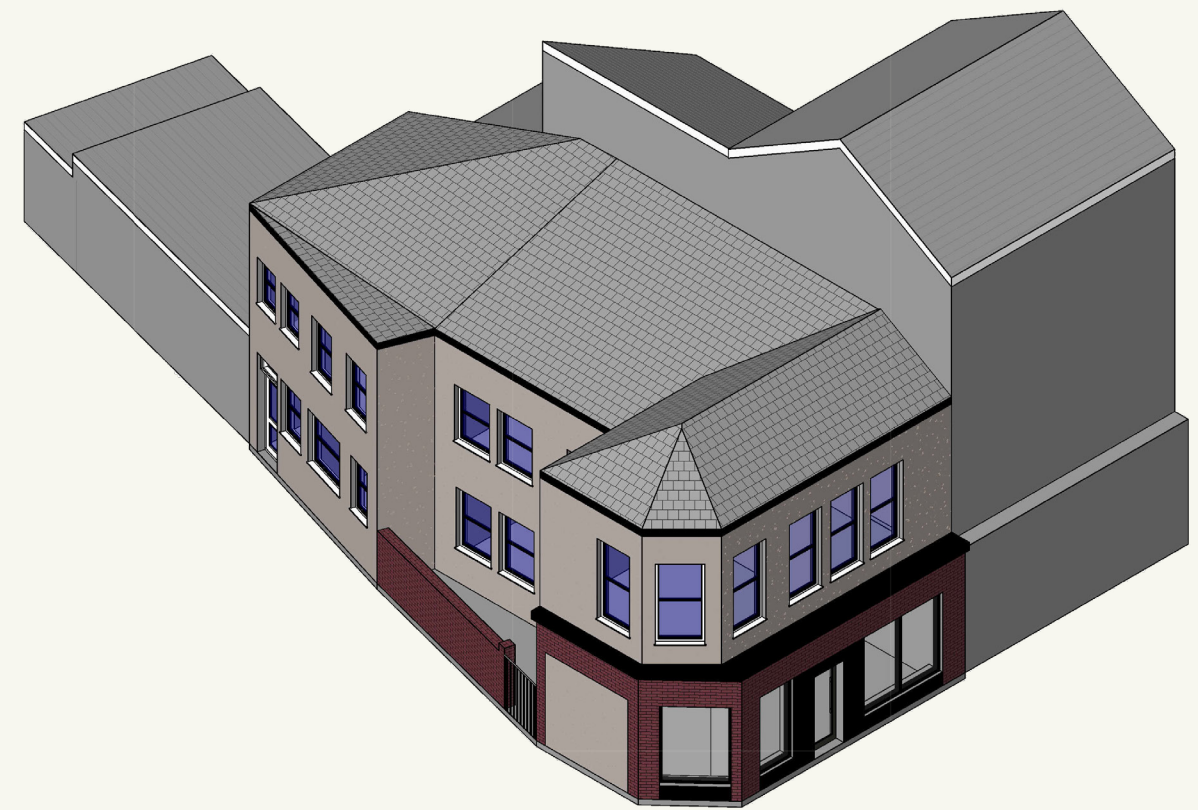
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Mr S Nasser

24 Corporation
Road



01 Introduction

Introduction

Certificate of Lawfulness Application

This statement has been prepared in support of an application for a Certificate of Lawfulness relating to the proposed change of use at 24 Corporation Road. The intention is to establish that the transition from the building's previously recognised A3 takeaway use to an A1 retail use, together with the creation of a self-contained flat above, falls within what is permitted for the site. The following sections outline the planning history, the lawful basis for the proposed use, and the reasons why the development qualifies for a Certificate of Lawfulness.



02 Existing Site



SSA

Existing Site

Existing Site & Surroundings

2.1 The Existing Site

24 Corporation Road comprises a two-storey property on the corner of Corporation Road and Grafton Road, within Newport, currently operating for commercial purposes, whilst the first floor unit remains vacant. The surrounding area is mainly residential, located opposite Rodney Parade stadium.

2.2 The Existing Building

24 Corporation Road benefits from three distinct entrances. The first serves the existing commercial premises, the second leads to the first floor through a dedicated lobby and staircase, and the third is located at the rear of the ground floor, though it is not currently in use.

The rear ground floor and first floor are already serviced by existing plumbing, and the first floor shows clear evidence of having been used as residential accommodation in the past.

Site Plan



Photo From Corporation Road

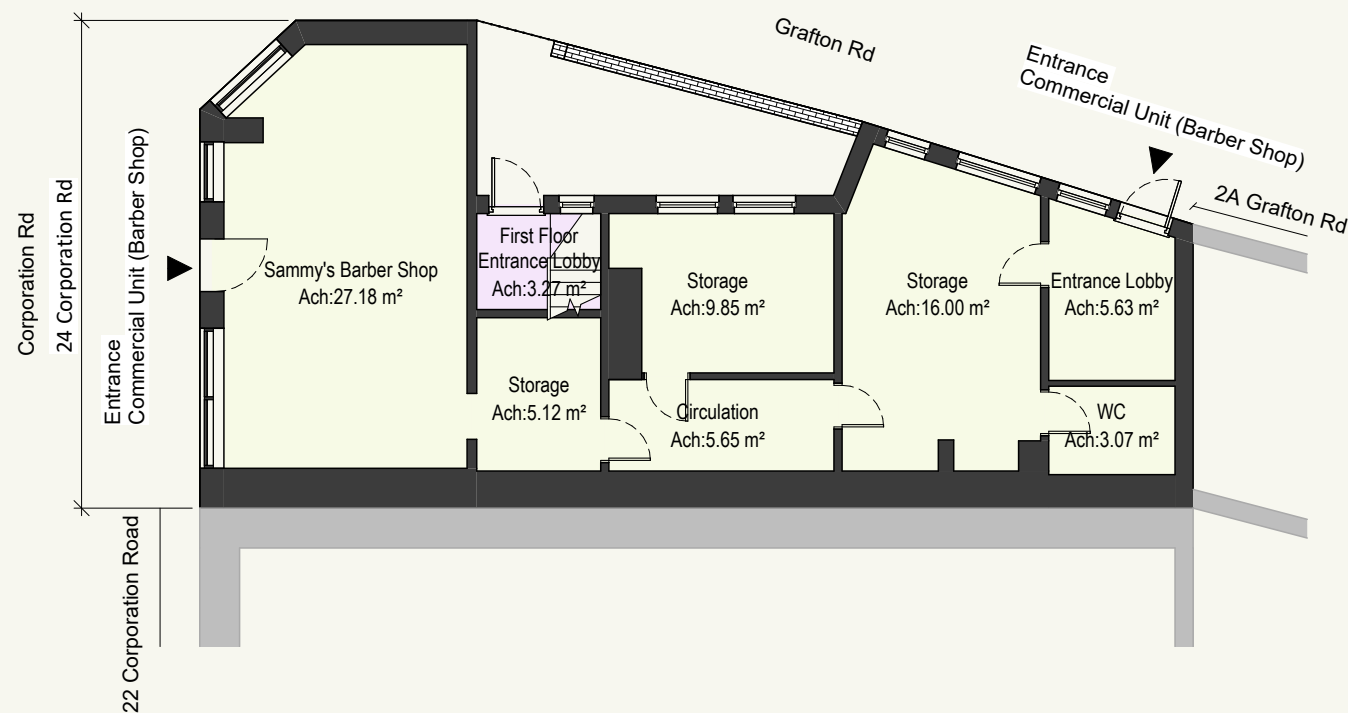


Photo From Grafton Road

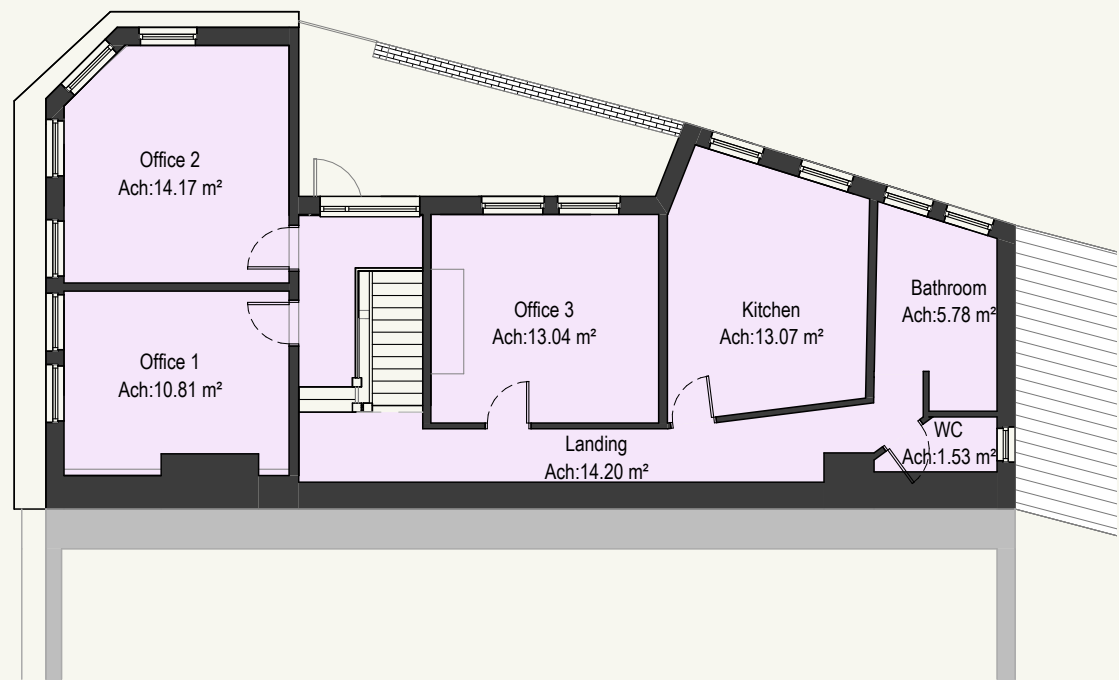


Existing Site

Existing Plans



Existing Ground Floor Plan
1 : 100



Existing First Floor Plan
1 : 100

- Commercial Unit (Barber Shop)
- Commercial Unit 2 (Formerly an Office - Currently Vaccant)

Existing Site

Existing Use

2.4 Existing Use:

To assist in clarifying official and long term established use, enquires have been made with street name and numbering, as well as business rates, at Newport Council.

Street Name & Numbering

(1) Street Name & Numbering recognises the ground floor and first floor as 24 Corporation Road.

NDR (Business Rates) Newport City Council

(1) NDR recognises the ground floor of 24 Corporation Road ground floor as commercial, 'currently used as a barber shop since 2017, and appears to have been used as a shop prior to that'.

(2) NDR recognises 24 Corporation Road first floor as office space, 'property description is 'offices and premises', however unoccupied since 2020'.



03

Planning History

National & Local Policy

Previous Planning Applications

Application	Proposal	Applicant	Decision	Decision Date
91/1032	Installation of new shop front and external staircase	Drawline	Granted	24.01.1992
98/0653	Change of use from retail - Class A1 to takeaway - Class A3	Gwent Design Services	Refused	10.08.1998
08/0241	Proposed change of use of A1 retail premises to A3 cafe	Norman Howell	Refused	22.05.2008
08/1330	Proposed change of use of A1 retail premises to A3 cafe (resubmission following refusal of planning permission 08/0241)	Norman Howell	Granted	10.12.2008
10/0368	Certificate of lawful development for proposed use of first floor office for car hire office	Mohammad Asghar	Granted	29.04.2010
15/1263	Change of use to takeaway (Class C3)	Andrew Mann	Granted	15.01.2016

04 National & Local Policy

National & Local Policy

Town and Country Planning Act 1990

4.1 Section 192 States:

Certificate of lawfulness of proposed use or development.

(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.

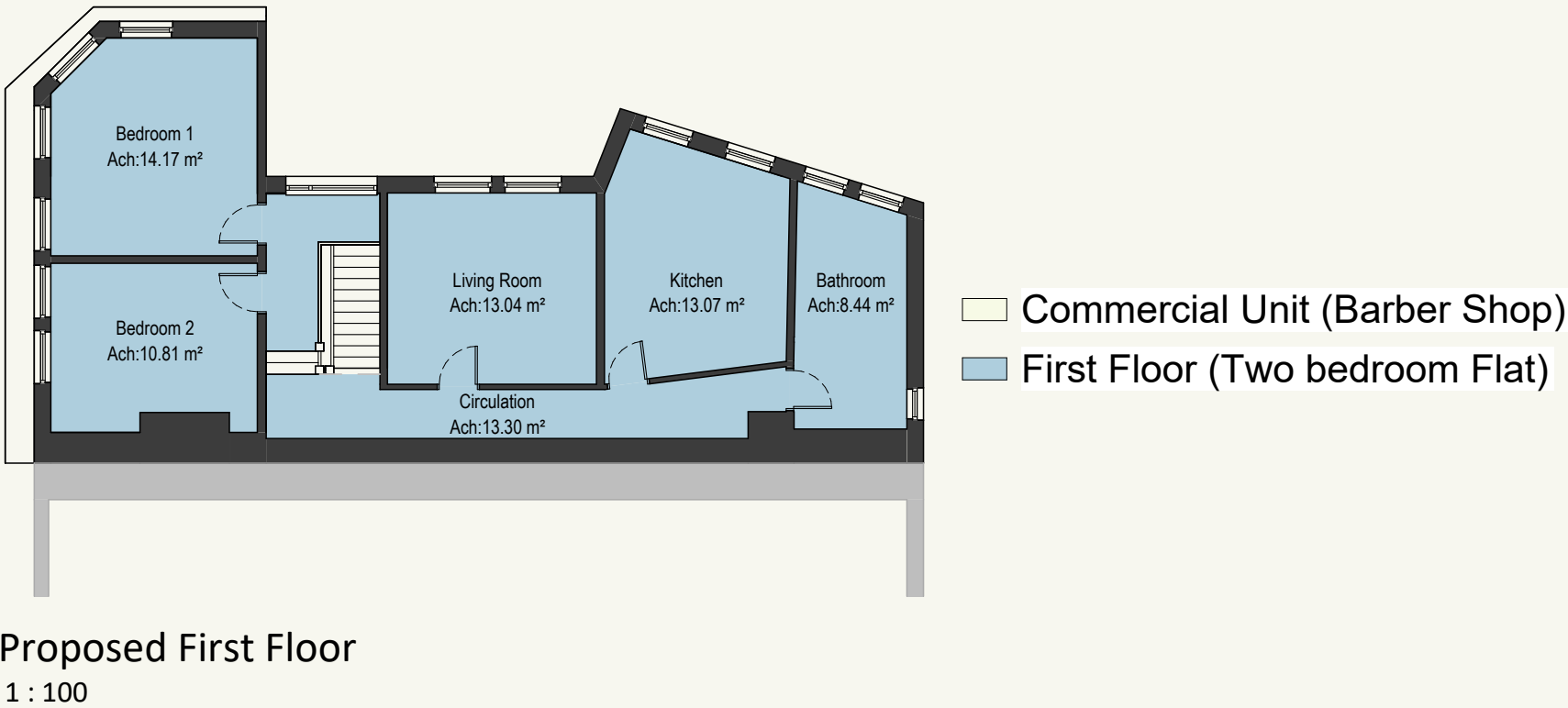
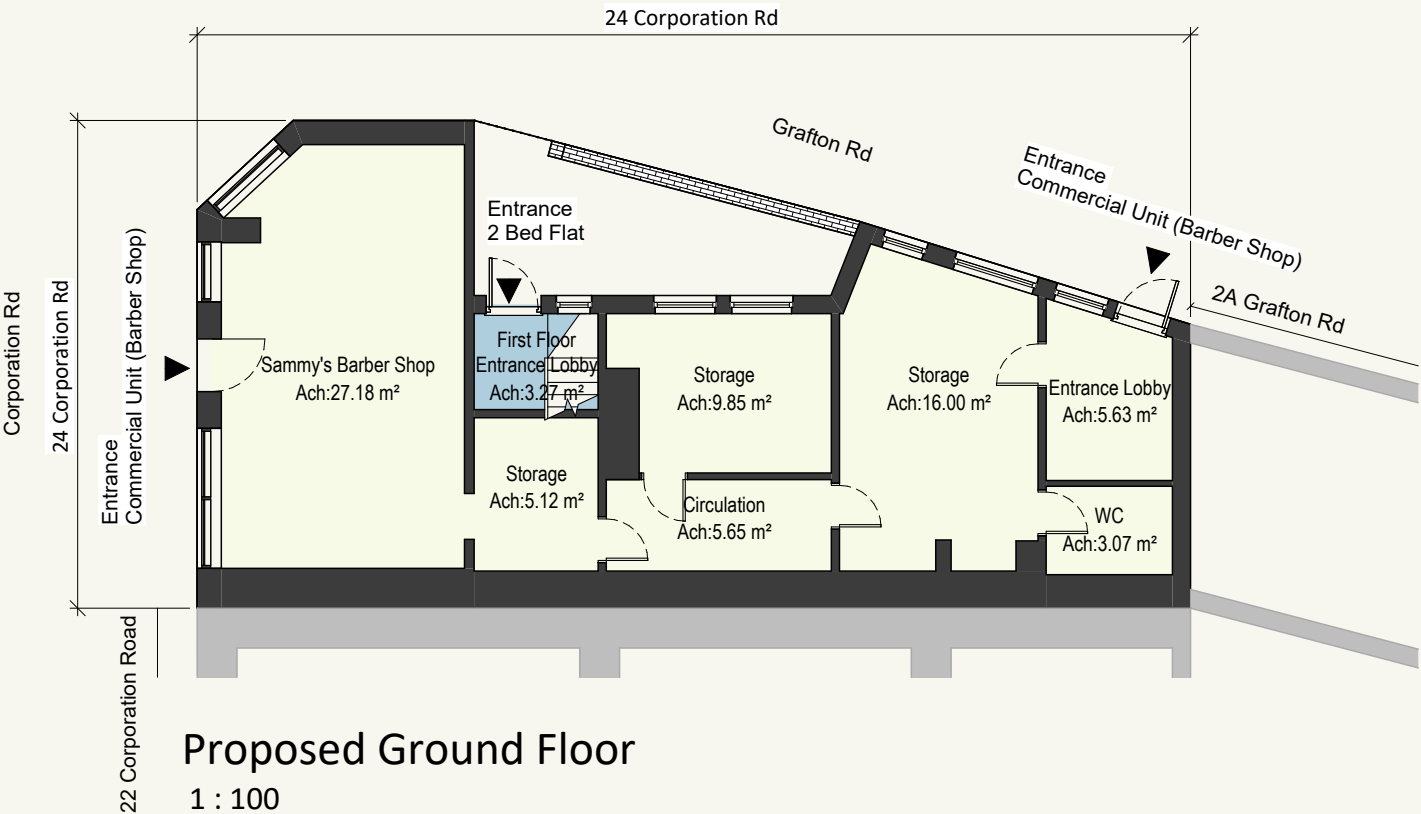
05 Application Proposal

Application Proposal

Proposed Plans

5.1 Proposed Plans

As the building is currently in commercial use at ground-floor and first-floor level, the intention is to bring the first floor back into residential use. This aligns with the existing layout and previous residential function of the upper floor, while retaining commercial activity at street level.



Application Proposal

Proposed Plans

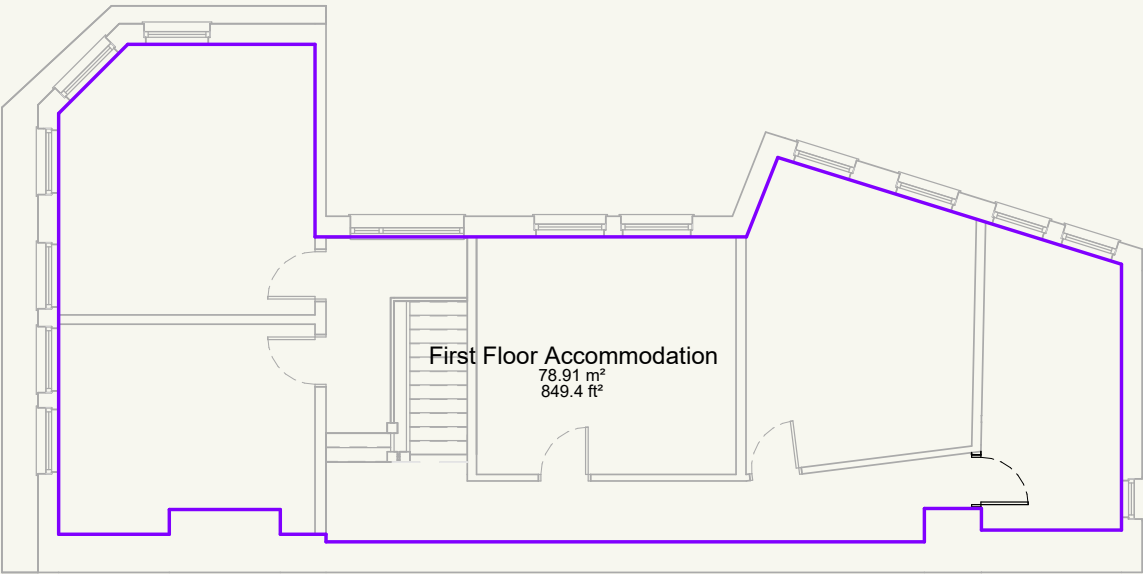
5.2 Proposed Accommodation

A two-bedroom flat is considered appropriate because the proposed Gross Internal Area of 78.91 m² significantly exceeds the minimum 58 m² requirement for a two-bedroom converted unit in Newport. This demonstrates that the first-floor space is capable of accommodating a high-quality residential layout that meets recognised space standards. The generous floor area supports the creation of a well-proportioned two-bed dwelling with suitable living and circulation, reinforcing the suitability of introducing residential use at this level while maintaining commercial activity on the ground floor.

Beds/bedrooms	Flat type			
	Studio	Converted	New	
			Common Access ²	Walk Up ³
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

Figure 1: Desired standards for gross internal floor space (square metres)

Desired Standards for GIA (Square metre) - Newport City Council Supplementary Planning Guidance Flat Conversions



Proposed GIA Plan

Application Proposal

Policy & The Applicants Case

5.3 Proposed Upper-Floor Conversion to Single Flat

This submission requests a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended).

The purpose is to confirm that converting the accommodation above the existing A1 retail premises at 24 Corporation Road into a single residential flat would be lawful.

Mr S Nasser is the sole owner of the whole one-storey building.

5.4 Welsh Government Guidance

<https://www.gov.wales/planning-permission-flats-and-maisonettes/convert-space-above-shop-flat>

“You may be able to convert space over a shop (and certain space over premises with a display window), or over a ground floor office, into a single flat without putting in a planning application if you can answer yes to the following requirements:

- 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 is not in a separate planning unit from the existing use
- you will not change the outside appearance of the

building

- if there is a display window at ground floor level, you will not incorporate any of the ground floor into the flat.”

5.5 Test for Requirement of Planning Permission

In accordance with The Town and Country Planning (Use Classes) Order 1987 (as amended), planning permission is not required for converting the upper floor of a shop into a single dwelling where the following criteria are satisfied:

The ground floor falls under Use Class A1 and is currently occupied as a barbershop. Planning records show that permission was granted in 2008 for a change of use from A1 to A3, with a further approval for A3 use in 2015. It is understood that reverting from A3 back to A1 use is permitted.

The first floor is presently classified as office space but has remained vacant due to a lack of demand. We propose converting this floor into a single residential flat, positioned above the existing barbershop, with it’s own seperate entrance.

The area proposed for conversion currently forms part of the existing A2 use class unit, above an existing A1 use class unit..

“The space is not in a separate planning unit from the existing use.”

The upper floor remains within the same planning unit as the shop below.

“You will not change the outside appearance of the building.”

No alterations to the external fabric or appearance of the property are included in the proposal.

“If there is a display window at ground floor level, you will not incorporate any of the ground floor into the flat.”

The conversion relates solely to the upper floor; no part of the ground floor is to be included.

As a result of the above points It is considered the submitted proposal does not require Planning Permission.

5.6 Test for a Certificate of Lawful Use

The applicant must present the proposal with enough clarity and detail for the local planning authority to fully understand what is being applied for. It is therefore the applicant’s responsibility to demonstrate that converting the floor above the shop at 24 Corporation Road into a single residential flat would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.

If the local authority has no contrary evidence, and nothing that makes the applicant’s account unlikely, then there is no basis on which to refuse

the application.

5.7 Applicants Case

It is considered that the proposed change of use, from an A3 retail unit to an A1 retail unit with a self-contained flat above, meets the requirements for being deemed lawful under Section 192 of the Town and Country Planning Act 1990 (as amended) and the relevant provisions of the Use Classes Order.

Previous planning records for the site show that the Local Authority had previously identified the premises as operating within the A3 takeaway use class. As the change from A3 to A1 is permitted under the relevant Use Class provisions, the shift to an A1 retail use, currently servicing as a Barber Shop, with the associated proposal for a flat above, is consistent with what is allowed for the property.

This application has been submitted to confirm that the proposed change, from an A3 retail unit to an A1 retail unit with a single flat above, is a lawful form of development for the site. The accompanying information demonstrates that the proposal falls within what is permitted for the property and can therefore be recognised as a lawful use.

06 Single Planning Unit

Single Planning Unit

Policy & The Applicants Case

6.0 Planning Unit Assessment

This section responds directly to Newport City Council’s query regarding whether 24 Corporation Road comprises one or two planning units. Following further investigation into the building’s history, servicing, occupation, and physical configuration, the applicant maintains that the property has always operated as a single planning unit.

6.1 Planning Unit Definition (Burdle Principles)

The leading authority on planning units is *Burdle v Secretary of State for the Environment* (1972), which establishes that the planning unit is determined by occupation, functional relationship, and servicing, not simply by physical subdivision or differing uses.

Under *Burdle*, a single planning unit exists where:

- (1) There is a single main purpose, with other uses being incidental or ancillary; or
- (2) There are multiple uses, but they occur within the same unit of occupation;
- (3) Only where parts of a building are physically separate, functionally independent, separately serviced, and separately occupied does a distinct planning unit arise.

The evidence at 24 Corporation Road does not meet

the criteria for a separate planning unit.

6.2 Utilities and Servicing

The building is served by:

- One gas meter
- One water supply
- One electric meter
- One combi boiler providing heating and hot water to both floors

First-floor electrics powered informally from the ground floor via an extension lead

All installations are significantly aged, indicating long-term shared servicing.

There is no evidence of independent utility provision, sub-metering, or historic separation.

This strongly supports the conclusion that the first floor has never operated independently.

6.3 Street Naming and Numbering

Newport City Council’s Street Naming & Numbering team confirmed:

- (1) The building has always been recognised as a single address
- (2) No historic subdivision or renumbering has ever occurred

This is a key indicator of a single planning unit, as separate units are normally assigned separate postal identities.

6.4 Occupation and Historic Use

The first floor was historically used as office space by the same owner, not let to a separate tenant, and not separately rated.

- No separate occupation
- No separate business rates
- No separate billing
- No separate tenancy agreements
- No evidence of independent commercial operation
- This demonstrates ancillary use, not a distinct planning unit.
- Historic LDC Context (2010)

The previous owner, Mohammed Asghar MS, applied for an LDC in 2010 for A2 use of the first floor (App 10/0368).

This use was limited to the owner and was never independently occupied.

Mr Asghar passed away on 16 June 2020. NDR records confirm the first floor has been unoccupied since 2020, linking its use solely to the previous owner and reinforcing the absence of separate occupation.

6.5 Physical Arrangement and Historic Integration

Although the building has three entrances, this is typical of mixed-use corner buildings and does not, in itself, create separate planning units.

Internally:

Two historic internal door openings previously linked the ground and first floors

These openings remain visible and were only temporarily boarded, not structurally removed

No Building Control records exist for subdivision works

No fire-rated compartmentation exists between floors

No independent escape routes or protected lobbies exist

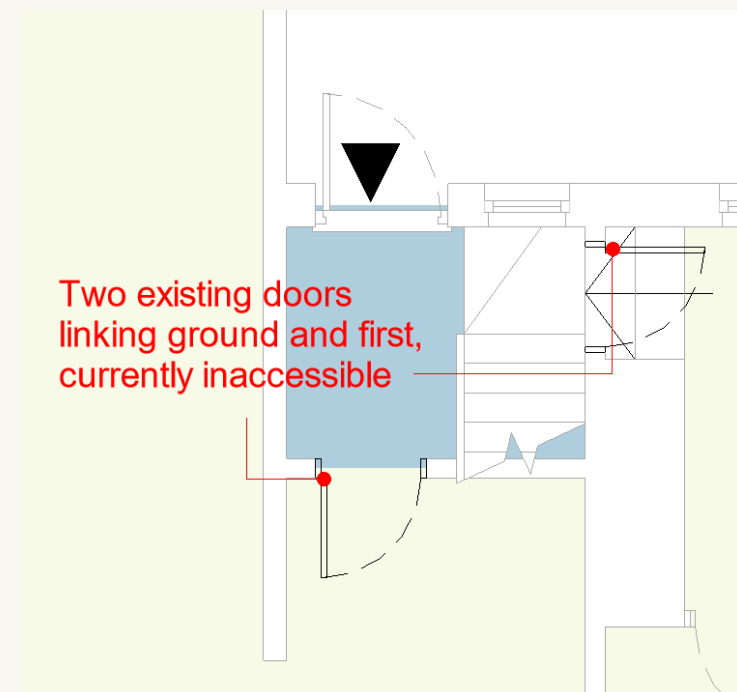
This demonstrates that the building was constructed and historically operated as one integrated premises.

Historic Internal Door Locations

Single Planning Unit

Policy & The Applicants Case

This diagrams show the original internal circulation between floors, supporting the conclusion that any separation was superficial and reversible.



6.6 Building Control Evidence

Building Control records show only:

External staircase and internal alteration works and drainage (Sept 1991)

Extension to enclose staircase (Nov 1991)

There are no records of subdivision, compartmentation, or works to create a separate unit.

Sustainable
Studio Architects

6.7 Building Regulations Context (If the Flat Were Separate)

If the first floor were genuinely a separate unit, the building would require:

- 60-minute fire separation between units
- FD60 fire doors or fully blocked openings
- Independent gas, water, and electric supplies
- Part E acoustic separation
- Independent escape routes
- Independent heating and hot water systems

None of these exist.

The building cannot operate independently in its current form, reinforcing that it has never been a separate planning unit.

6.8 Case Law Support

The case *Hertfordshire CC v SSCLG* (2012) confirms that planning units are defined by:

- Occupation
- Servicing
- Functional reality

- not by physical subdivision alone.

This aligns directly with the circumstances at 24 Corporation Road.

6.9 Summary

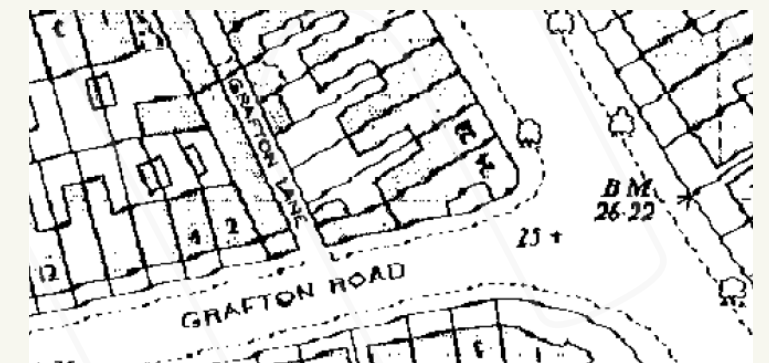
- Based on:
- Single ownership
- Single servicing
- Single occupation
- Shared utilities
- Shared historic circulation
- Lack of subdivision works
- Lack of separate rating
- Lack of separate postal identity
- Ancillary historic use
- Case law principles

...the building at 24 Corporation Road has always operated as a single planning unit.

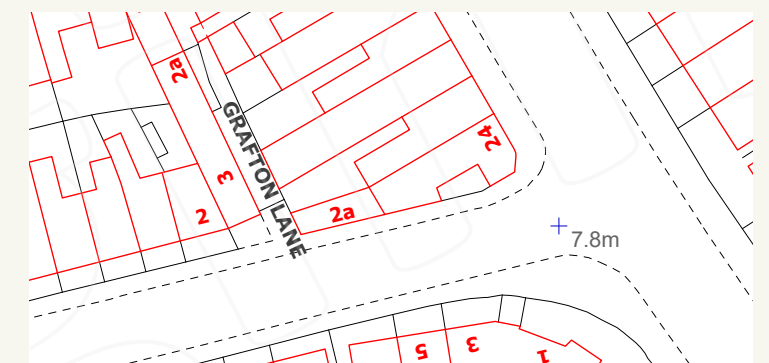
The first floor has never been capable of functioning independently and has always been ancillary to the ground-floor commercial use.



1950



1970



Current



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