

Delegated Decision Report

Application No:	25/1036	Statutory Period Expires:	23rd January 2026
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Site:	25 Ruperra Street Newport NP20 2AZ		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR EXISTING USE OF PROPERTY AS THREE SELF-CONTAINED RESIDENTIAL UNITS (C3 USE)		
Applicant:	L Salazar		
Type:	Lawful Development Existing	Ward:	Pillgwenlly
Decision:	ISSUED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated on a residential street within the defined settlement boundary. The site is a two-storey terraced property from Ruperra street and a three storey from the rear. The site is also defined with the Lower Dock Street Conservation Area and an Article 4 direction is in place. The Flood Map for Planning confirms the site is within Flood Zone 3.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks a Lawful Development Certificate to prove that 25 Ruperra Street has been used as three self-contained flats (C3) for a period of over 4 years to be immune from enforcement action.

3.2 The site is split into three flats. The access to flats 2 and 3 is off Ruperra Street. Flat 3 is on the first floor, and flat 2 is over the ground floor. Flat 1 is accessed from the rear of Ruperra Lane and is situated across the lower ground floor.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
92/0029	CHANGE OF USE TO TWO FLATS AND THREE STOREY EXTENSION	GC	12/02/1992

5. PLANNING POLICY

5.1 The Town and Country Planning Act 1990, Section 191 Certificate of lawfulness of existing use or development.

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1.1 This is an application under Section 191 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness to formally establish that 25 Ruperra Street has operated as 3no. self contained flats for more than 4 years, and thus would be immune from any enforcement action. Under section 171b (3) of the 1990 Town and Country Planning Act, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach of planning control. In this case, the breach consists in the unauthorised change of use of the property.
- 8.1.2 As this is an application for a Certificate of Lawfulness, the planning merits of the development is not in question. The consideration of the application is based on the evidence submitted to prove the claim for lawfulness, and, as such, there are no planning policies of relevance. Notwithstanding this, the application has been considered with regard to Welsh Office Circular 24/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements', in particular Annex 8 on Lawfulness and the Lawful Development Certificate (LDC).
- 8.1.3 In view of the basis on which the certificate of lawfulness is sought (4 years continuous use), the principal issue to consider in this certificate of lawfulness application is whether the evidence submitted with the application is sufficient to demonstrate that the building has been continuously occupied as 3no. self contained flats for a period in excess of four years without deviation or a break in use prior to the submission of the application.
- 8.1.4 Paragraph 8.12 of Circular 24/97 notes that the onus of proof in a LDC application is with the applicant. It also notes that the LPA should always co-operate with an applicant seeking information they may hold. The relevant test of matters relating to applications for a Certificate of Lawful Use as detailed within the 1990 Act, is the 'balance of probability'. Local Planning Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate.

8.2 Evidence submitted by applicant

8.2.1 Drawings

The application has been submitted with floor plans showing the arrangement of development over all floors of the building. The arrangement is as follows:

Lower ground floor: Flat 1- 2no. bedroom, 1no. living area, 1no. hall, 1no. dining area, 1no.kitchen, 1no.bathroom.

Ground Floor: Flat 2- 2no. bedroom, 1no.kitchen/living, 1no.bathroom

First Floor: Flat 3- 3no. bedroom, 1no. kitchen, 1no.living area, 1no. bathroom.

8.2.2 Application form

The application form states that the property has been used as three self-contained flats from 02/07/2018.

8.2.3 Statutory Declarations

- Statutory declaration from Lorena Salazar- owner since 2021 and arranged as 3no.self-contained flats.
- Statutory declaration from Kevin Dorrington- property manager from July 2018- March 2021 and utilised as 3no. self contained flats.
Included old tenancy agreements from 2012, 2016, 2017, 2018, 2019, 2021.

8.2.4 Proof of title

8.2.5 Tenancy agreements

Flat 1- 11/08/2023-10/08/2024 (Planning statement states until current date)

Flat 2- 26/01/2023- 25/01/2024 and 26/01/2024- 25/01/2025 (Planning statement states until current date)

Flat 3- 26/01/2023- 25/01/2024 (Planning statement states until current date)

8.2.6 Letting managers statements and landlord payment records. Payment records are submitted from all three flats in 2021. The last payment in 2021 was made from Flat 3 to cover 01/10/2021- 31/10/2021. The property was renovated in 2022 and no payments were made. Payments were then made again from January 2023-2025 with 3no.flat addresses on payment records.

8.2.7 Council tax records and council tax confirming 3no. flats have been set up separately for council tax since 1997.

8.2.8 Energy performance certificates for each flat- 11/01/2023

8.2.9 Landlord insurance- 2022-2025

8.2.10 Gas and electric certificates.

8.2.11 Old planning decision notice 92/0029.

8.3 **Evidence from the Council**

A site visit was undertaken to the property on 15/01/2026 where all 3no. flats were viewed and were being used as 3no. self contained flats.

8.4 **Assessment of Evidence**

8.4.1 The Planning history shows that the previous consent 92/0029 allowed for the use of the property to be used as 2no. flats and a three-storey rear extension. Therefore, it can be considered that the unit has a lawful use to be used as 2no. self-contained flats.

8.4.2 The application includes several tenancy agreements and records of rent payments to the landlord. The agreements indicate some occupation of the unit between 2023 and 2024, with one agreement covering 2024–2025. However, this does not demonstrate continuous

use of all three flats in isolation over a four-year period. Rent payment records have also been submitted. Payments from all three flats are recorded in 2021, with the last payment that year made by Flat 3 for the period 01/10/2021–31/10/2021. The property underwent renovation in 2022, during which no payments were made. Payments resumed from January 2023 through 2025, with records showing all three flat addresses. This evidence confirms that the three flats have been in use, although it does not show uninterrupted occupation since 2021. It is not unusual for rental flats to be vacant for certain months. Furthermore, despite the lack of tenants during the 2022 renovation, council tax records show that 25 Ruperra Street has been assessed and paid as three individual flats since 01/04/1997. On balance, the evidence supports the use of the property as three self-contained flats since 2021, with council tax records confirming separate payments dating back to 1997.

- 8.4.3 Statutory declarations have also been submitted as part of the application from the current freehold owner and previous property manager. The current freehold owner states she came into ownership in March 2021, where the property was being used as 3no. self contained flats. The freehold owner states that the tenants left the property over the course of 2021, and the property was refurbished with the first set of tenants moving in in January 2023. The current owner states that the property has been used as 3no. self-contained flats for at least 4 years. Moreover, the property manager, Kevin Dorrington, who managed the property between July 2018 to March 2021 also submitted a statutory declaration to state that the property was utilised as 3no. self-contained flats during this period. Old tenancy agreements were also attached to this declaration from 2012, 2016, 2017, 2018, 2019, 2021 showing the address split into 3no. self-contained flats.
- 8.4.4 When the Planning Officer undertook a site visit to the property on 14th January 2026, the officer went into all three flats. There were currently in use and self-contained. There were three mailboxes by the front door and three doorbells. The visit confirmed the use.
- 8.4.5 Moreover, the council's senior solicitor was consulted on the application and suggests that on the basis of the statement, statutory declarations and evidence provided it seems that the applicants have sufficiently proven the change of use to 3 flats. The intervening period between the owners for repair and maintenance is not sufficient to signify an abandonment of the use and the statutory declarations show tenanted occupation of the flats.
- 8.4.6 Therefore, on the balance of probability, the evidence submitted is considered to show the use as 3no. self contained flats for more than 4 years is satisfied. The use is lawful and a Certificate of Lawfulness under section 191 of The Town and Country Planning Act 1990 (as amended) is thereby issued.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 In conclusion, it is considered that on the balance of probabilities, the applicant has provided sufficient information to demonstrate that the property has been used as a 3no self-contained flats for a period of more than 4 years and therefore, the LDCE is issued.

11. DECISION

ISSUED

Sufficient information has been provided to establish on the balance of probabilities that the accommodation arrangement as submitted for three self-contained flats (C3) at 25 Ruperra Street has been used for a period of more than four years. The use is lawful

and a Certificate of Lawfulness under section 191 of The Town and Country Planning Act 1990 (as amended) is thereby issued.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- EXHIBIT 1 - Site Location Plan and Floor Plans.
- EXHIBIT 2 - Land Registry.
- EXHIBIT 3 - Flat 1 Tenancy Agreement
- EXHIBIT 4 - Flat 2 Tenancy Agreements.
- EXHIBIT 5 - Flat 3 Tenancy Agreements.
- EXHIBIT 6 - Payments 2021 to 2022
- EXHIBIT 7 - Payments 2023.
- EXHIBIT 8 - Payments 2024.
- EXHIBIT 9- Payments 2025
- EXHIBIT 10 - Council Tax Liability.
- EXHIBIT 11 – EPC
- EXHIBIT 12 – Insurance
- EXHIBIT 13 - Electric Certificates Compressed for Portal
- EXHIBIT 14 - Gas Certificates
- EXHIBIT 15 - Planning Decision 1992.
- EXHIBIT 16 - Council Tax Confirmation
- Statutory Declaration Kevin Dorrington and Exhibits 1 to 3 Compressed for Portal.
- Statutory Declaration Lorena Salazar
- Planning Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.