

Delegated Decision Report

Application No:	25/0214	Statutory Period Expires:	20th June 2025
Site:	9 Clyffard Crescent Newport South Wales NP20 4GE		
Proposal:	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF PROPERTY AS 1 BEDROOM FLAT AND 3 BEDROOM MAISONETTE		
Applicant:	E Randall		
Type:	Lawful Development Existing	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within an existing residential area formed of terraced properties. The planning history for neighbouring properties 8 and 10 Clyffard Crescent show these properties as being used as HMO properties.

3. DESCRIPTION OF DEVELOPMENT

3.1 Certificate of lawful existing use for 1no. bedroom flat and 3no. bedroom maisonette.

4. RELEVANT SITE HISTORY

None.

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

The application was not advertised.

8. ASSESSMENT

8.1 The proposal seeks confirmation of the existing lawful use of 9 Clyffard Crescent as a 1no. bedroom flat and 3no. bedroom maisonette. In line with Section 171B (3) of the Town and Country Planning Act 1990, the application is required to demonstrate the existing use for a period of 4 years preceding the submission of the application.

8.2 Evidence Submitted

8.2.1 The covering letter confirms that works were undertaken to form the two units in 2017. A further letter from the previous owners states that the house was divided to form a ground floor self-contained flat in 2007. A further document from Rent Smart Wales shows that the address was registered with them in 2016. An email from an Estate Agent confirms that the property was previously rented as a whole unit which included the self-contained flat, and not as two individual units.

8.2.2 It is noted that several surveys and certificates have also been submitted to support the application, however these documents only relate to the property for the last couple of years.

8.3 Assessment of Evidence

8.3.1 The submission does not include any statutory declarations from any previous tenants or owners; it is noted that comments from a previous owner have been submitted but these are given limited weight as they are not in the form of statutory declarations.

- 8.3.2 The evidence submitted does not clearly demonstrate that the works or occupation of two residential units has occurred on the site for a period of 4 years preceding the date of the submission.
- 8.3.3 The Fire Risk Assessment sets out that the site is currently used to house 16-18 years olds who may have a language barrier; this raises a query on what the actual use of the building should be considered as a C3 or C4 use. Furthermore, the supporting evidence sets out that the site is used as supported living for young persons – this may be considered a C3(b) use. The submitted information is therefore unclear in establishing exactly what the use of the building has been for the last 4 years.
- 8.3.4 A Council Tax check has been carried out on the address which shows one assessment on the property dating from 01.04.1997 for a single dwelling.
- 8.3.5 Therefore, it has not been satisfactorily demonstrated that the residential units of accommodation have been present and/or continuously occupied for a period of 4 years prior to the submission of the application.

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 The evidence presented does not confirm that on the balance of probabilities that the uses as stated have been continuous for a period more than 4 years prior to the submission of this application; therefore, the application is refused.

11. DECISION

REFUSED

01 The evidence presented does not prove on the balance of probabilities that the building has been used as a 1 bedroom flat and 3 bedroom maisonette continuously for a period of more than 4 years.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- WhatsApp messages (Received: 14.04.2025)
- Energy Performance Certificate (Received: 14.04.2025)
- Bluestone Estate Agents Email (Received: 14.04.2025)
- Archived Property Listing (Received: 14.04.2025)
- Landlord Gas Safety Certificate (Received: 14.04.2025)
- Landlord Gas Safety Certificate 2 (Received: 14.04.2025)
- Revised Site Plan (Received: 14.04.2025)
- Smart Rent Wales Registration (Received: 14.04.2025)
- Letter from Previous Owner (Received: 14.04.2025)
- Fire Risk Assessment (Received: 14.04.2025)
- Revised Basement Plan (Received: 14.04.2025)
- J050628 Asbestos Report (Received: 14.04.2025)
- Revised Floor Plan (Received: 14.04.2025)
- Revised Site Location Plan (Received: 14.04.2025)
- Domestic Electrical Installation Condition Reports (Received: 14.04.2025)
- Site Plan (Received: 14.04.2025)
- Site Location Plan (Received: 14.04.2025)

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