

Newport City Council

Newport City Council
Regeneration Investment & Housing
Civic Centre
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990: Section 192, as amended by Section 10 of the Planning and Compensation Act 1991; Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

John

Surname

Davies

Company Name

Address

Address line 1

2 Tyn Y Brwyn Farm

Address line 2

Address line 3

Coedkernew

Town/City

Newport

Country

United Kingdom

Postcode

NP10 8UD

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

☒ Yes

☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

This proposal seeks to provide a modest, temporary / liftable annex to allow my elderly parents to live in safety and dignity, supported by their son and carer (the applicant). The lodge will be used solely as ancillary accommodation, relying on the main house for cooking, support with medication, and overnight care. It represents a passionate and practical solution to a clear family care need while respecting the planning framework and the rural character of the property.

The proposal is to site a single-unit mobile lodge, compliant with the Caravan Sites Act 1968, adjacent to the main house. The structure is intended solely as a granny annex for my elderly parents.

The lodge unit will:

- Remain strictly ancillary to the main dwelling (Use Class C3);
- Be sited on existing domestic land established longer than 10 years;
- Be a mobile structure that is fully capable of being lifted and moved;
- Measure no more than 20M (l) x 6.8M (m) x 3.05M (h/internal), with a total floor area of around 80m², or less;
- Have a height within limits consistent with planning or caravan regulations;
- Contain two bedrooms, a living area, bathroom with walk-in shower, a separate WC, a utility room for storage, and a kitchenette;
- Be fully wheelchair accessible throughout;
- Be externally finished in a way that is sympathetic to its rural surroundings, with design guidance welcomed from the Council;
- Be connected to mains water and electricity, with an external gas tank for heating and a stand alone septic tank for waste
- Will not be fixed to the ground permanently (i.e., no permanent foundations)

The lodge is designed purely for incidental residential use, with all core living functions supported by the main house.

Importantly, all food and meals will be prepared in the main house. The lodge's kitchenette is intended only for light use (e.g., hot drinks), not for full cooking. This ensures the lodge is not self-contained and is functionally dependent on the main residence—reinforcing its role as an annex and not a standalone dwelling.

The existing property is not suitable due to its multi-level design, narrow corridors, and lack of accessibility. The proposed single-storey lodge will offer a safe, manageable, and low-maintenance living space appropriate to their needs.

The annex will be neither self-contained nor in separate occupation. It will form part of the same planning unit and rely on the main dwelling for essential facilities and care. These facts support the position that the lodge:

- Does not involve a material change of use;
- Remains within the lawful domestic curtilage;
- Is incidental to the enjoyment of the main dwellinghouse.
- The proposed lodge would be positioned on land that is already established and used as domestic garden

Lawful Implication: The structure fits the definition of a caravan and will used ancillary to the main dwelling, it is not considered operational development and therefore should not require planning permission.

Does the proposal consist of, or include, a change of use of the land or building(s)?

☐ Yes

☒ No

Has the proposal been started?

☐ Yes

☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

1. Background and Site History

The land subject to this application was historically agricultural in nature but has been continuously used as a domestic garden associated with the adjacent dwelling at 2 Tyn Y Brwyn Farm for a period exceeding 10 years.

Since its integration with the main residential curtilage, the land has been maintained and used for typical domestic purposes. These include garden cultivation, lawn maintenance, and general amenity use by the occupants of the dwelling. The change of use occurred more than 10 years ago and has remained consistent and uninterrupted.

2. Existing Structures on the Land

There are currently two sheds and one greenhouse located on the land. These were installed by the previous owner over 10 years ago, and have been used continuously for purposes ancillary to the enjoyment of the dwelling. Specifically, they are used for storage of domestic gardening tools and equipment, and for cultivation of plants.

To my understanding, these structures were erected without the benefit of planning permission but have existed for a period that exceeds the 4-year and 10-year rules respectively for operational development and change of use, as set out in the planning legislation.

3. Lawfulness of the Use and Development

In accordance with Section 191 of the Town and Country Planning Act 1990, the applicant seeks to establish that:

The use of the land as part of a domestic garden is now lawful, having occurred continuously and without material interruption for a period exceeding 10 years prior to the date of this application.

The existing outbuildings (greenhouse and sheds) have been in place for a period exceeding 4 years, used solely in association with the residential use of the land, and are therefore lawful.

There have been no enforcement notices issued in respect of the land or the structures, and the Local Planning Authority has not otherwise contested or taken any action in relation to the use or development.

4. Evidence Submitted

To support this application, the following evidence is submitted:

A site location plan and boundary plan showing the extent of the land

Photographic evidence of the land and structures

5. Conclusion

In view of the above, it is respectfully submitted that a Certificate of Lawfulness should be granted to confirm that:

The land has been used as a domestic garden for a continuous period of over 10 years; and

The greenhouse and sheds are lawful due to having been in place and in use for a continuous period exceeding 4 years.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

A site location plan and boundary plan showing the extent of the land in question

Photographic evidence of the land and structures

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

C3 - Dwellinghouses (main residences)

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

C3 - Dwellinghouses (main residences)

Is the proposed operation or use

☐ Permanent

☒ Temporary

If Temporary please give details

A static caravan (or mobile lodge) is generally considered a temporary operation under planning law if:

It meets the legal definition of a "caravan" under the Caravan Sites Act 1968 — i.e. it is:

Capable of being transported (even if assembled in sections),

Not fixed to permanent foundations,

Sited with limited ground disturbance (e.g. rests on blocks or skids),

Not intended to be permanent in design or intent.

Its use is ancillary or incidental to the main dwelling:

E.g. used as a granny annex, home office, gym, etc., not as a self-contained separate dwelling.

It can be removed without substantial demolition or permanent damage to the land.

In such cases, the operation is often not considered development, or it may be permitted development under Section 55(2) of the Town and Country Planning Act 1990.

Temporary lodge / mobile structure accommodation, capable of being lifted and removed, to provide end of life accommodation for my parents.

The lodge is designed purely for incidental residential use, with all core living functions supported by the main house. Due to my parents' diminishing physical and cognitive abilities, they require daily support with medication, food preparation, and personal care—services currently provided by a care agency in Barry. On relocation, I will take on this full-time caring role supplemented by professional carers.

Importantly, all food and meals will be prepared in the main house, where I reside. The lodge's kitchenette is intended only for light use (e.g., hot drinks, basic reheating), not for full cooking. This ensures the lodge is not self-contained and is functionally dependent on the main residence—reinforcing its role as an annex and not a standalone dwelling.

Their current wish is to live closer to me at this stage in life. However, my existing property is not suitable due to its multi-level design, narrow corridors, and lack of accessibility. The proposed single-storey temporary and liftable lodge will offer a safe, manageable, and low-maintenance living space appropriate to their needs.

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Newport City Council - Allison Vaux - Deployment Services Technical Support Officer (email of May 6th 2025) advises that no NCC no longer do domestic PD enquiries and that I will need to submit a Certificate of Lawfulness instead.

Definition Under the Caravan Sites Act 1968

A "caravan" includes mobile homes, static caravans, and lodges, provided they meet specific criteria:

Size limits (single unit):

Maximum length: 20 metres (65.6 ft)

Maximum width: 6.8 metres (22.3 ft)

Maximum internal height: 3.05 metres (10 ft)

Mobility: Must be capable of being moved (assembled off-site and transported in one or two sections)

Use: Must not be fixed to the ground permanently (i.e., no permanent foundations)

Under national policy and established case law, a mobile structure used for incidental residential purposes within the curtilage of a dwellinghouse may fall outside the scope of development requiring planning permission. Relevant precedents include:

- Gravesham Borough Council v Secretary of State (1984) – distinguishing between use and operational development; Held that the mere siting of a caravan or mobile home does not in itself constitute a material change of use, provided it is used for purposes incidental to the main dwelling.
- Byrne v Secretary of State (1997) – clarifying that a mobile structure used as a family annex may not constitute a material change of use. A static caravan used as an annex by a family member, not self-contained, and reliant on the main house, was held to be ancillary and lawful without needing planning permission.

Permitted Development Rights (PD Rights) – Incidental Use

Under Section 55(2)(d) of the Town and Country Planning Act 1990, the use of land within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse does not constitute development.

If a mobile structure is used for incidental purposes (e.g., as a granny annex dependent on the main dwelling for food/care), it may not require planning permission — as long as:

- It is not a self-contained dwelling (no full kitchen and independent facilities),
- It is not used as a separate residence or let out, and
- It remains functionally and physically linked to the main home.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
- ☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- ☐ The agent
- ☒ The applicant
- ☐ Other person

Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- ☒ Yes
- ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

2 Tyn Y Brwyn - Proposed Lodge

Date (must be pre-application submission)

02/05/2025

Details of the pre-application advice received

Had a face to face meeting with Joshua Dargavel at Newport Library on 28.4.2025. He recommended that I submit a pre-application with a fee of £25.00.

Pre-Application was sent to Newport City Council Planning on 2.5.25 and fee paid. On May 6 I received an email from Allison Vaux (NCC Development Services Technical Support) stating that NCC no longer do domestic PD enquiries, and advised that I should follow the Certificate of Lawfulness pathway instead, which is this application.

Authority Employee/Member

With respect to the Authority, is the applicant or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

John Davies

Date

03/06/2025