

Delegated Decision Report

Application No:	25/0498	Statutory Period Expires:	19th August 2025
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Site:	8 Waterloo Road Newport South Wales NP20 4FB		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR THE EXISTING USE OF THE PROPERTY AS A DWELLINGHOUSE (USE CLASS C3)		
Applicant:	K Shaw		
Type:	Lawful Development Existing	Ward:	Stow Hill
Decision:	ISSUED		

1. BACKGROUND

- 1.1 1/14196 refused an application at 8 Waterloo Road for the change of use of dwelling to guest house as per below.

IMPORTANT - This decision notice affects your property and should be placed with the Title Deeds of the property

APPLICATION No. 1/14196

BOROUGH OF NEWPORT
TOWN AND COUNTRY PLANNING ACT, 1971

NOTICE OF REFUSAL OF PLANNING PERMISSION

To: **K F Dwyer
16 Heyricks
Coed Eva
CHWYBRIAN
Gwent**

TAKE NOTICE that in pursuance of its powers under the above Acts, the Council of the Borough of Newport hereby REFUSE permission for the following development proposed in your application dated **21.11.85** and shown on the plan(s) accompanying such application:-

Change of use of dwelling to guest house at 8 Waterloo Road, Newport, Gwent

The reasons why permission is refused are as follows:-

1. The property falls within a residential street and is within a terrace of houses. The use is considered to have an adverse effect on the amenities of the adjoining houses by reason of the intensity of occupation and the level of activity likely to be generated.
2. In the absence of provision for car parking to cater for the use within the curtilage the proposal is likely to generate additional pressures for street parking close to the junctions of Waterloo Road with Gaer Street and Cardiff Road, to the detriment of road safety and amenity.

Your attention is particularly drawn to the Notes overleaf which set out the rights of applicants who are aggrieved by decisions of Planning Authorities.

Dated **22.1.86**

Chief Executive,
Civic Centre,
Newport,
Gwent, NP1 4UR.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is a predominantly residential street, that is characterized by two storey terraced houses. The property fronts onto Waterloo Road and Belle Vue Park is situated opposite.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 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 8 Waterloo Road has operated as a single dwellinghouse (C3) for more than 4 years, and thus would be immune from any enforcement action.

4. RELEVANT SITE HISTORY

As per section 1.

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

- 5.3 Circular 24/97: Enforcing planning control: Legislative Provisions and Procedural Requirements'.

- 5.4 Section 191 of the Town and Country Planning Act 1990 (as amended).

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 8 Waterloo Road has operated as a single dwellinghouse (C3) 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 a single dwellinghouse 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 with the application from the applicant**

8.2.1 Energy Bills

Energy bills have been provided from a period of 2022 up to 2025.

8.2.2 Statutory declaration

Both home owners have signed a declaration to state the property has been used as a dwelling since 24th May 2002.

8.2.3 Council tax bills

2014/2015
2015/2016
2017/2018
2019/2020
2023/2024
2025/2026

8.2.4 Bank statement- Mortgage

April 2024-April 2025

8.2.5 Statement of fees
July 2020

8.2.6 Water bill
2016-2017

8.2.7 Site location plan and floor plans

8.2.8 Deeds extract

Further evidencing the period of use and ownership as a family home. The registration was completed by Land Registry in August 2002.

8.3 Evidence found by the Council

8.3.1 Council Tax

8 Waterloo Road has existed as a single assessment in the Ctax Valuation List since at least 01.04.1997. No mention on our system that this was ever a guest house.

Also there has never been an assessment in the Business Rates Valuation list that would indicate part being used as a guest house.

8.3.2 Companies House

The address line, 8 Waterloo Road, Newport was searched on companies house and no guest house was linked to the address.

8.3.3 Site visit

A site visit was undertaken at the property on 5th August 2025. From the visit it appeared the house was being used as a single dwelling and featured family pictures on the walls, and had children's rooms etc.

8.4 Assessment of information

8.4.1 Local Planning Authorities are advised if there is not sufficient evidence which undermines the applicant's version of events or the evidence provided is insufficiently precise, there is no good reason to refuse the application.

8.4.2 In terms of the applicants evidence, the application form claims that the use of the unit was used as a single dwelling house (C3) from the period the current owners bought the house in 2002 until present day. The applicant has suggested that currently during the sale process of the house, 1/14196 application was flagged to suggest that the host site had been used as a guest house registered on 19/8/1986. 1/14196 refused to convert the dwelling into a guesthouse, however, an assessment is carried out below to determine that the use as a dwelling house (C3) is lawful.

- 8.4.3 The applicant has submitted supporting documentation, including bank statements, statutory declarations, utility bills, council tax records, and property deeds. While utility bills have been provided, they do not offer conclusive evidence of the property's use as a single dwellinghouse. Mortgage statements from 2024–2025 have also been submitted; however, these too do not definitively demonstrate continuous use as a single dwellinghouse for a period exceeding four years. Statutory declarations have been provided by both current owners, asserting that the property has been used as a single dwellinghouse since 24 May 2002. Statutory declarations carry significant evidential weight, as they are sworn before a solicitor. Council tax bills corresponding to the application have also been included. Further clarification has been obtained from the Council Tax department and is discussed in the section below.
- 8.4.4 Regarding the Council's evidence, the Council Tax department confirmed that 8 Waterloo Road has been listed as a single residential assessment in the Council Tax Valuation List since at least 1st April 1997, with no indication it was ever used as a guest house. Additionally, there has never been a Business Rates assessment associated with the property to suggest commercial use. A Companies House search found no registered businesses operating from this address. A site visit was also conducted by the case officer, during which the property was clearly observed to be in use as a single dwellinghouse, with typical domestic features such as family photographs, children's bedrooms, and the absence of internal door locks or numbering.
- 8.4.5 On the balance of probability, the evidence submitted is considered to show the use as a single dwelling for more than 4 years is satisfied. Statutory declarations are given significant weight within the process. Council Tax have not had the property registered within business rates, additionally there is no information to strongly suggest otherwise. The use is therefore 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 single dwellinghouse (C3) for a period of more than 4 years and therefore, the LDCE is issued.

11. DECISION

ISSUED

01Sufficient information has been provided to establish on the balance of probabilities the property has been used as a single dwellinghouse (C3) 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 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.

02 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.