

PLANNING STATEMENT

CERTIFICATE OF LAWFULNESS FOR EXISTING USE

Property: 162 Caerleon Road, Newport

Local Planning Authority: Newport City Council

Proposal: Certificate of Lawfulness for the proposed use of the property as supported living accommodation falling within Use Class C3(b)

1. Introduction

This Planning Statement has been prepared in support of an application to Newport City Council for a Certificate of Lawfulness for the proposed use of the property at 162 Caerleon Road, Newport.

The application seeks confirmation that the proposed use of the property as supported living accommodation for vulnerable adults is lawful and falls within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application is concerned solely with the lawfulness of the proposed use and does not propose any physical alterations to the property.

2. Existing Use

The property at 162 Caerleon Road is currently used as residential accommodation, Use Class C3

The use is residential in character. The property functions as a normal dwelling house, with residents living together within the accommodation and making use of the usual domestic facilities associated with a dwelling.

3. Use Class C3(b)

The Welsh Government's guidance on Use Classes confirms that Class C3 relates to dwelling houses used as sole or main residences and is divided into three categories.

C3(b) covers:

up to six people living together as a single household and receiving care, including supported housing schemes such as those for people with learning disabilities or mental health problems.

The property will be occupied as a home by residents who live together within the dwelling and receive support and care. The accommodation is therefore considered to fall within Use Class C3(b).

Welsh Government guidance also confirms that planning permission is generally not required where an existing and proposed use fall within the same Use Class.

4. Nature of the Supported Living Arrangement

The use of the property is distinct from a residential institution or care home.

The residents live in the property as their home rather than as temporary occupants of an institution. The accommodation provides a domestic living environment, with residents having access to their own living arrangements and the shared facilities of the dwelling.

Support is provided to residents to assist them with their day-to-day needs. The provision of support and care is an integral part of the supported living arrangement but does not, in itself, result in the property becoming a C2 residential institution.

The essential characteristics of the use are therefore those of a dwellinghouse occupied as a sole or main residence, with care provided to the residents, which is expressly contemplated within C3(b).

5. Certificate of Lawfulness

Newport City Council confirms that a Lawful Development Certificate provides a legally binding determination as to whether an existing development is lawful and can provide evidence of lawfulness for future purposes.

The purpose of this application is therefore to obtain formal confirmation from the Local Planning Authority that the use of 162 Caerleon Road as supported living accommodation constitutes a lawful use within Use Class C3(b).

The application is not seeking planning permission for a material change of use. Instead, it seeks confirmation of the planning status of the existing use.

6. Planning Policy Considerations

As this is an application for a Certificate of Lawfulness, the determination should be based principally upon the facts of the existing use and the relevant provisions of planning legislation and the Use Classes Order.

The application does not seek approval for a new development, nor does it propose any external or internal building works.

Accordingly, matters such as the principle of residential development, design, visual impact, highway considerations, residential amenity and other planning merits are not matters upon which the lawfulness of the existing use should be assessed.

The relevant consideration is whether the existing use falls within the identified Use Class and whether the use is lawful in planning terms.

7. Conclusion

The residents will occupy the property as their sole or main residence and live together within the dwelling while receiving care and support.

The characteristics of the proposed use correspond with the definition of Use Class C3(b), which expressly includes supported housing schemes where up to six people live together as a single household and receive care.

On this basis, it is considered that the proposed use of the property falls within Use Class C3(b) and that a Certificate of Lawfulness should therefore be issued confirming the lawfulness of the existing use.

The application is accordingly respectfully submitted to Newport City Council for determination.