

Delegated Decision Report

Application No:	25/1096	Statutory Period Expires:	16th February 2026
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Site:	<i>Duffryn Shopping Centre, Unit 6 Tredegar House Drive Newport NP10 8TE</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED CHANGE OF USE FROM USE CLASS A1 TO USE CLASS D1 ALONG WITH ASSOCIATED INTERNAL ALTERATIONS</i>		
Applicant:	<i>S Butl</i>		
Type:	Lawful Development Proposed	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is situated within a terraced unit within Duffryn Shopping Centre. The application site is within the Tredegar Park Conservation Area, situated to the South East of Tredegar Park estate. Residential properties are situated to the North East of the host site.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is submitted under Section 192 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness to confirm that the change of use of Unit 6, Duffryn Shopping Centre, from Use Class A1 to Use Class D1 is lawful and does not require planning permission.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
<u>03/1279</u>	CHANGE OF USE OF RETAIL UNITS (CLASS A1) TO EXTENSION TO POLICE STATION TOGETHER WITH ALTERATIONS TO SHOP FRONTS	GC	31/10/2003

5. PLANNING POLICY

5.1 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 This application is submitted under Section 192 of the Town and Country Planning Act 1990 (as amended) for a Certificate of Lawfulness to confirm that the change of use of Unit 6, Duffryn Shopping Centre, from Use Class A1 to Use Class D1 is lawful and does not require planning permission. The applicant has stated that the last known use was an office for Duffryn Community Link.
- 8.2 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, discusses permitted change of use between use classes. There is no permitted change between use Class A1 to use Class D1. Therefore, a proposed change of use under The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3 is not lawful.
- 8.3 Moreover, when assessing the submission, it is noted that the application form is not stating to prove that the use of the unit has been used as a D1 unit for over 10 years, and no information has been provided by the applicant to prove that the lawful use of the unit is D1 immune from enforcement action. The last known planning history on the unit was in 2003 for a change of use of retail units (Class A1) to extension to the police station together with alterations to the shop fronts. It is unknown if this had been implemented and no supporting evidence has been provided.
- 8.4 Therefore, the change of use between use classes would not be lawful and planning permission is required.

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 proposed change of use from Use Class A1 to Use Class D1 does not benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995. Additionally, no information has been provided to show that the unit has operated as a Class D1 use for a continuous period of 10 years, and thus, immune from enforcement action. The change of use is not considered lawful. Planning permission is therefore required.

11. **DECISION**

REFUSED

01 The proposed change of use from Use Class A1 to Use Class D1 is not lawful. This change of use does not benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, schedule 2, Part 3. Therefore, The Certificate of Lawfulness under section 192 of The Town and Country Planning Act 1990 (as amended) is not issued and planning permission is required.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing/Proposed Floor Plans /Specifications; Site Location Plan; Planning Justification.

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.