

Delegated Decision Report

Application No:	25/0651	Statutory Period Expires:	22nd October 2025
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Site:	<i>Pen Y Groes, Mobile Home Penylan Road Bassaleg Newport NP10 8RW</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR THE SITING OF BUILDING AND USE AS A SINGLE DWELLING (USE CLASS C3)</i>		
Applicant:	<i>C Walford</i>		
Type:	Lawful Development Existing	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 1/9100 was an application at the application site for the SITING OF MOBILE HOME FOR AN AGRICULTURAL WORKER and was granted with conditions on 20/06/1983.

subject to the following conditions:-

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.
2. The development shall be carried out in its entirety at one and the same time and fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied or amended by this permission and the conditions set out hereunder:-
3. The 'mobile home' shall be removed from the site on or before 31 May 1986, and the land reinstated to its former condition.
4. Additional screening is to be planted in accordance with plans to be first approved by the Local Planning Authority.
5. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town & Country Planning Act 1971 or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.

2. SITE LOCATION AND CONTEXT

- 2.1 The host site is a mobile home with a small lean-to extension fixed to the side. The mobile home is sited on grass and surrounded by trees/shrubs, and is surrounded by a track road. There is an agricultural barn to the Northeast of the application site. There is a farmhouse and Caravan site to the Southwest outside of the applicants ownership. The application site currently does not benefit from an access off Penylan Road. The site is designated within the open Countryside.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This is a Certificate of Lawfulness seeking to demonstrate on the balance of probabilities that the siting of a building and use as a single dwelling (C3) is lawful and does require planning permission.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
14/0172	PRIOR NOTIFICATION FOR AGRICULTURAL BARN FOR HAY AND MACHINERY STORAGE	NRAGR	20/03/2014
90/0360	ERECTION OF HAY/STRAW STORAGE BARN	PD	09/05/1190
1/9100	SITING OF MOBILE HOME FOR AN AGRICULTURAL WORKER- GRANTED WITH CONDITIONS	GC	20/06/1983
1/11726	ERECTION OF A DETACHED BUNGALOW FOR AN AGRICULTURAL WORKER	R	20/06/1983

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

7.1 1no neighbour was consulted.

5 Pen-Y-Lan Cottages

- Planning permission in 1981 for agricultural dwelling
- Mr and Mrs Walford married in 1981 and occupied the caravan.
- When the application for a bungalow was refused and appeal dismissed, the market garden was closed, and caravan was vacated.
- Caravan was then briefly occupied for two summers by a family member.
- The caravan remained unoccupied until Stephen Walford moved into it in approx. 1988, by which time planning permission had lapsed.
- Mrs Walford lived in the caravan in 1991.
- Resided in the caravan until 1992 when they moved to Court Farm
- Mr Walford used caravan as an office for a business occasionally staying at the caravan.
- Caravan currently in a very poor state of repair and not been lived in for 30 years and been uninhabitable for 15 years,
- No legal right to access the property.
- Concerns over land ownership up to Penylan Road and boundary errors.
- Caravan unoccupied since the death of Mr Walford in 2024.
- Court Farm was their main residence. Through agricultural subsidy payments.

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 Peny Y Groes Mobile Home, has been sited and operated as a C3 dwelling 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 The description states the 'lawful siting of a building', it should be clarified that a caravan is not a building. Section 29(1) of the Caravan Sites Act 1968 states a; "*caravan*" means *any structure designed or adapted for human habitation which is capable of being moved from one place to another*. The Council must consider the degree of permanence of the structure and physical attachment. In doing so factors such as whether it has wheels, how it is secured, whether it has plumbing and other services is of relevance. In this instance, this information has not been provided. However, on a site visit, it was clear there was a small side extension with breeze block foundations attached to the ground resulting in some form of permanence, and therefore, the description of development has not been challenged in this instance.
- 8.1.3 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).

- 8.1.4 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 mobile home has been continuously occupied C3 dwelling for a period in excess of four years without deviation or a break in use prior to the submission of the application.
- 8.1.5 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 from the applicant

- 8.2.1 Utility Bills- OVO Energy
03/04/2021-30/09/2021
13/12/2021-12/01/2025

- 8.2.2 Statutory Declaration
From Mrs C.A.Walford

1. I am the owner and long-term occupier of the property known as **Caravan, Pen-y-groes, Penylan, Bassaleg, NP10 8RW** ("the Property").
2. The Property has been **sited and used as a residential unit since planning permission was granted by Newport Council in 1981**, under application reference **1/9100**. Supporting evidence is attached to this declaration.
3. The Property was originally used as an **agricultural worker's dwelling** from 1981 until around **1985**, when my late husband, **Mr Stephen John Strangways Walford**, took up residence.
4. From **1985** until our marriage in **August 1991**, Mr Walford was the **sole occupant** of the Property. I then moved into the Property with him following our marriage, and it became our **primary residence** until **2003**, when we purchased **Court Farm, Marshfield**.
5. Following our move, the Property at Pen-y-groes **continued to be maintained as a residence**. My husband operated his **agricultural engineering business** from the adjacent building, and due to his working late hours and the need to tend to livestock on nearby land, **we regularly resided between both properties**.
6. The **continued residential use** of the Property is evidenced by **historical council tax payments made to Newport Council** since the mid-1980s. The Unique Property Reference Number (UPRN) for the Property is **010014126920**.

Photo of the unit in the 1980's.



8.2.3 Council Tax

The council tax has always been paid in Mr Stephen John Strangways Walford name up until his death on the 23rd October 2024. After this point a 6 month break was given and then resumed in Mrs Carol Anne Walford.

Letter includes address of The Caravan Penylan Nurseries
One Council Tax bill provided for 08/03/2021.

- Floor plans and block plans
- Valuation for the Land from Williams Associates 05/11/2024.

8.3 **Council Evidence**

8.3.1 Council Tax

Council Tax have confirmed that We have had a band A assessment here for the mobile home since at least 01.04.1997. It has been vacant since 23.10.24 when owner passed away. Council Tax is currently being paid again by the executors of the estate.

8.3.2 Previous Planning Applications

1/11726- ERECTION OF A DETACHED BUNGALOW FOR AN AGRICULTURAL WORKER- Refused- 03/02/1981

The reasons why permission is refused are as follows:-

The proposal is contrary to the policies contained in the Gwent Structure Plan in which there is a presumption against additional dwellings in the countryside unless particular justification can be established based on the needs of agriculture, forestry or horticulture.

At the present time the Local Planning Authority is not satisfied that such a justification exists.

8.3.3 1/9100- SITING OF MOBILE HOME FOR AN AGRICULTURAL WORKER- GRANTED WITH CONDITIONS- 20/06/1983

subject to the following conditions:-

1. The development must be begun not later than the expiration of five years beginning with the date of this permission.
2. The development shall be carried out in its entirety at one and the same time and fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied or amended by this permission and the conditions set out hereunder:-
3. The 'mobile home' shall be removed from the site on or before 31 May 1986, and the land reinstated to its former condition.
4. Additional screening is to be planted in accordance with plans to be first approved by the Local Planning Authority.
5. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290(1) of the Town & Country Planning Act 1971 or in forestry (including any dependants of such a person residing with him) or a widow or widower of such a person.

- Site visit photos 07/10/2025
- Google Earth Images

- Views of the Mobile home can be partially seen in 2001, 2004, 2006, 2009, 2013, 2020, 2021. There are a number of trees which full block views.

8.4 Assessment

- 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 When assessing the information submitted by the applicant to prove that the unit has been used as a C3 dwelling, the application form claims that the siting of the mobile home has been on the land for 40+ years and gives a date of the use from 01/01/1985. The statutory declaration from Mrs C Walford states that the mobile home has been sited there since planning permission in 1981. The photo submitted by the applicant with a letter dated 12/08/1983, demonstrates the siting of the mobile home. From Google Earth imaging, it can be reasonably assessed that the mobile home can be partially seen from 2001 up to 2021, and a site visit confirmed its location on 07/10/2025 with a small lean-to extension attached (currently in disrepair) and has been confirmed in the valuation letter dated 05/11/2024.
- 8.4.3 When assessing the evidence to support the use as a C3 dwelling, a number of documents have been submitted by the applicant. Firstly, when assessing the original consent of the mobile home it was considered that 1/9100 was granted with conditions for the SITING OF MOBILE HOME FOR AN AGRICULTURAL WORKER in 1983. Conditions included that the mobile home should be removed from the site on or before 1986, and the occupation shall be limited to a person employed for agriculture. It has been argued by the applicant that following the siting of the mobile home temporarily as a residence for agricultural work purposes (1981), there has been material change of use of the mobile home as a sole or main residence (C3 class use) from 1985 (when Mr Walford took up residence) to 2003 (when the couple purchased Court Farm and moved there). After this, the property was maintained as a residence with the couple regularly residing between both properties (mobile home and Court Farm), as Mr Walford was operating an agricultural engineering business from the adjacent building and was working late hours. It has been confirmed that the property has been vacant from 23.10.24 when Mr Walford passed away and remains vacant currently, as noted by the case officers site visit. Council Tax have confirmed that Council Tax has been paid at the property from 01.04.1997. It has been vacant since 23.10.24 when owner passed away. Council Tax is currently being paid again by the executors of the estate. Energy Bills have also been provided to demonstrate its use for a 4-year period between 2021-2025.
- 8.4.4 It has also been noted that the mobile home does not currently have a lawful access from Penylan Road which would raise concerns on how the mobile home would be accessed and used as a C3 use currently.
- 8.4.5 On assessment with the Councils Internal Solicitor, The case of Panton v Secretary of State for the Environment, Transport and Regions [1998] 12 WLUK 354 considered when an accrued planning use can be lost and stated this could take place in one of three ways by operation of law: (1) abandonment (2) formation of a new planning unit or (3) by way of a material change of use. From the information provided by the applicant, it would seem that from 2003 the use of the mobile home materially changed to a residence for housing of an agricultural worker, reverting back to the use as per the permission granted when

the mobile home was sited. This use differs from the use of the mobile home as a sole or main residence. This would be a break in the continued use of the mobile home as a C3 class use, restoring the use to a residence for an agricultural worker and restarting the enforcement period.

- 8.4.6 It is considered that a neighbouring property at 5 Pen-Y-Lan Cottages has provided information on the application. When assessing these comments, it is noted that comments relate to previous permissions which have been discussed above. It is stated that when the 1/11726 was refused and appeals dismissed in 1985, the neighbouring comment suggests that the caravan was vacated, and the caravan was briefly occupied for 2no. summers by a family member. Mr Walford then moved into the property in 1988 (when the permission had lapsed). The caravan was lived in until 1992 until Court Farm was occupied and the mobile home was used as a business office. The neighbouring property states that the caravan is currently in a very poor state of repair and has not been lived in for 30 years and not habitable for 15 years. It has also been noted that there is no legal right to access the property.
- 8.4.7 On assessment of these comments, it is considered that some of the timeline differs from the applicants submitted details, however, it is noted that the applicant has signed a statutory declaration with their submitted timeline, so significant weight is afforded to this. It has been discussed that Court Farm had been used as a main residence, but Mr Walford used the mobile home for the agricultural business. Therefore, it can be considered from the information provided that the unit no longer holds a C3 use and reverts back to the agricultural workers housing. The neighbouring property also suggests the caravan is in a state of disrepair and has not been occupied fully for 30 years. This differs from the statutory declaration submitted by the applicant, however, on a site visit conducted in October 2025, it was noted that the caravan was not currently being resided in and is in a poor state. The applicant states the intention is to restore it to a habitable condition in the near future (access depending). The mobile home could not currently be lived in in its current state until repair works have been undertaken. Therefore, this does not underpin its use as a C3 dwelling currently.
- 8.4.8 Moreover, it is considered that the neighbouring property states the mobile homes lack of access, this has been discussed within the report, however, it is also noted above that the intention of the applicant is to restore the mobile home, access dependent. The details of an access are uncertain, and as forementioned the mobile home cannot be lawfully accessed at this time of submission.
- 8.4.9 The neighbouring property also raised concerns over the land ownership included and boundary errors on the plans submitted. It is noted that the applicant has submitted these plans. Any dispute on land ownership is a separate matter to planning.
- 8.4.10 On the balance of probability, the evidence submitted does not adequately demonstrate the use of the mobile home is currently within a C3 use and has been for a period of 4 years up until the date of the application. From the information submitted it would seem that from 2003 the use of the mobile home materially changed to a residence for housing of an agricultural worker, reverting to the use as per the permission granted when the mobile home was sited. The use is not lawful and a Certificate of Lawfulness under section 191 of The Town and Country Planning Act 1990 (as amended) is thereby not 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 not provided sufficient information to demonstrate that the property has been used as a C3 dwelling for a period of more than 4 years up to the date of submission and therefore, the LDCE is not issued.

11. DECISION

REFUSED

01 The existing use of the mobile home does not fall within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Inadequate information has been provided to demonstrate this. Planning permission is required.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Revised Block Plan; Revised Floor Plans; Revised Site Location Plan; Supporting evidence- 1980's; Site Plan; Statutory Declaration; Energy bill; Email from Matthew Walford (son) 08/10/2025 stating council tax bill and information on current use; Octopus energy April 2025 - 8th July 2025; Octopus energy Dec. 2024 - 31st Jan. 2025; Council tax; Evidence - Council Tax Records; Valuation for The Land; Council Tax 2021; Site Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

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.