

Delegated Decision Report

Application No:	26/0580	Statutory Expires:	Period	21st September 2026
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Site:	38 Blewitt Street Newport South Wales NP20 4DA			
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) FOR CHANGE OF USE TO C3(B) AND REAR SINGLE STOREY EXTENSION			
Applicant:	A Olawale			
Type:	Lawful Proposed	Development	Ward:	Stow Hill
Decision:	GRANTED			

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site consists of a mid terraced property located within the Stow Hill ward of Newport. The Newport Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP) identifies the site as being located within the defined settlement boundary. The LDP Proposals Map shows that there are no Proposals affecting the site, whilst there are also no Constraints on the LDP Constraints Map which would impact the site.

2.2 The property itself is accessed directly off Blewitt Street and consists of a lounge and kitchen within the ground floor and two bedrooms and a bathroom at first floor level. The property also benefits from a small private amenity area to the rear.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application has been submitted to confirm, via a Lawful Development Certificate, that the proposed use of the property as supported accommodation for two adults with visiting carers would fall within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and that no material change of use would take place from the current C3 use.

3.2 In addition, the application also seeks to confirm, via a Lawful Development Certificate, that a proposed single storey rear extension would be permitted development and therefore would not require planning permission. The proposed extension would measure 1.92 metres in width, 2.6 metres in height to the highest part of the flat roof and 3.69 metres in depth. The extension would be of a finish to match the host property.

3.3 The plans also show some other minor alterations, including the replacement of the rear kitchen window, the creation of internal partitions and the creation of an en-suite bathroom associated with one of the bedrooms at first floor level.

4. RELEVANT SITE HISTORY

4.1 None.

5. PLANNING POLICY

5.1 This application is for a certificate of lawfulness for a proposed use and a proposed development and therefore falls to be determined in accordance with Section 192 of the Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (General Permitted Development) Order 1995 (Wales).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 The Proposed Use:

8.1.1 The key consideration as part of this Lawful Development Certificate is whether the use as described is lawful having regard to the C3 dwelling being used as a C3(b) dwelling providing supported housing for up to two residents.

8.1.2 In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), the C3 Use Class is formed by three parts, as follows:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b) up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for, e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger.

8.1.3 An appeal case concerning the occupation of a bungalow in Nottinghamshire by five adults with learning difficulties and mental health issues throws light on the distinction between C3 and C2 Use Classes (DCS Number [200-004-885](#)). The Council had served an enforcement notice alleging the unauthorised change of use of the property from a dwellinghouse (C3) to a residential care home (C2). Meanwhile, the appellant sought a certificate of lawfulness, claiming that the existing use was for five residents living together as a single household and receiving care as permitted by C3(b). The inspector found that the enforcement notice had been issued without the proper authority and therefore declared it a nullity. Turning to consideration of the LDC appeal, however, he recorded that Class C3(b) is defined as the use as a dwellinghouse by not more than six residents living together as a single household where care is provided for residents. He reasoned that the fundamental question was whether the residents of the property formed a single household.

The inspector referred to North Devon District Council v First Secretary of State (2003) in which it was held that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves. In the North Devon case the judge remarked that the same would apply to adults who suffer from mental or physical disability who need care in the community. However, that judgment was considered in detail in R (on the application of Crawley Borough Council) v FSS and Eve Helberg (Trading as the Evesleigh Group). In reaching his judgment on 'Eve Helberg' the judge remarked that he would be reluctant to read the comments of the judge in the North Devon case as laying down a principle that those who suffer from disability or are in need of care can never constitute a household. He concluded that the correct position is that a judgement needs to be made based upon the facts of each individual case having regard to the nature of the disability suffered and the degree of care required.

The inspector saw that the layout of the property was largely what one would expect of any family home, with a communal lounge, kitchen and garden area. Locks were provided on bedroom doors to provide privacy and security but he held that that, of itself, did not dictate that the residents did not form a single household, having regard to the prevailing sense of communal living. In proportion to the scale of the building as a whole he considered that the Manager's Office was small and not unexpected in a home where care was provided. There was nothing inherent within the layout of the property that would suggest that the use would fall outside Use Class C3(b), the inspector determined. In addition, he recorded that the residents had formed friendship bonds. The communal living arrangements and the way in which household tasks were undertaken indicated to him that they were living as a single household, and care was provided on a shift basis such that none of the care workers were resident at the property. He noted that there had been incidents of noise and antisocial

behaviour but reasoned that it is inherent within the terms of the Use Classes Order that those with mental disorders may fall within Class C3(b). Whilst acknowledging that the behaviour of residents might seem unusual or intimidating to neighbours, the incidents recorded by the police did not indicate that the residents were incapable of forming a household for the purposes of Class C3(b). A certificate of lawfulness was issued on the basis that the property was in use as a dwellinghouse as defined by Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no material change of use had taken place from the previous lawful use within Class C3(a) of that Order.

8.1.4 When considering whether the proposed use would fall within Use Class C3(b), the primary consideration is whether the occupants of the property would truly live together as a single household. This is a test of fact and degree and consideration is given to whether occupants would be undertaking activities together and forming relationships as you would expect of a genuine single household with care provided. In essence, would the property still look and 'feel' like a dwelling.

8.1.5 In this instance, the majority of the property (i.e. kitchen, living room, garden and bathroom) would be shared and the layout is what would be expected of a family home in this location. The Planning Statement indicates that the home would provide accommodation for two adults, who would share living, dining and domestic arrangements. Whilst care would be provided, Carers would not stay overnight and would visit the property from an external base. On balance, having had regard to the aforementioned decisions and the information submitted by the Applicant, it is considered that the use of the property for up to 2no. adults who live as a household and receive support has demonstrated the use is C3(b) and would be a lawful use of the property.

8.2 The Proposed Operations:

8.2.1 As a starting point, householder permitted development rights remain intact as the proposed lawful use of the property has been determined to be C3(b).

8.2.2 In order to be 'permitted development' the proposal would need to accord with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Order grants planning permission for alterations or enlargement of a domestic dwelling including rear extensions subject to:

- a) The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

Comment: The total area of the ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- b) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse;

Comment: The part of the dwellinghouse enlarged will not exceed the height of the highest part of the roof of the existing dwellinghouse.

- c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse;

Comment: The height of the eaves of the development enlarged will not exceed the height of the eaves of the existing dwellinghouse.

- d) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and—
 - i. the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would not exceed 3 metres; or
 - ii. the height of any part of the enlarged part which is within 2 metres of the boundary of the curtilage of the dwellinghouse would not exceed 4 metres;

Comment: The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the height of the eaves of any part of the enlarged part within 2 metres of the boundary would not exceed 3 metres.

NOTE: A.1 (e), (f), (g), (h) relate to front and side extensions only and so not applicable.

- i) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse, would have a single storey and would—
 - i. extend beyond the relevant part or, as the case may be, any of the relevant parts of the rear wall of the original dwellinghouse by more than 4 metres; or
 - ii. exceed 4 metres in height.

Comment: The enlarged part of the dwellinghouse would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres and would not exceed 4 metres in height.

NOTE: A.1 (j) relates to rear extensions containing more than one storey only and so not applicable.

- 8.2.3 The proposed extension development is lawful and in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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 use of the property as outlined within the application falls within the C3(b) Use Class and the single storey rear extension is considered permitted development. As such, the Certificate can be issued.

11. DECISION

GRANTED

- 01 The proposed use of the property as a supporting living home for up to 2no. adult residents falls within Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and is lawful.
- 02 The proposed operations accord with the criteria set out under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are permitted development.

NOTE TO APPLICANT

- 01 This decision relates to the following plans and documents: 26-083/P/01, 26-083/P/02, 26-083/P/03, 26-083/P/04, 26-083/P/05, 26-083/P/06, 26-083/P/07, Planning Statement.
- 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.