



LRJ PLANNING

Planning, Design and Development

PLANNING STATEMENT

SCHEME: CERTIFICATE OF LAWFULNESS (EXISTING USE)

SITE: 25 RUPERRA STREET, NEWPORT, GWENT, NP20 2AZ

APPLICANT: LORENA SALAZAR - MUNAY PROPERTIES LTD

PREPARED BY: LRJ PLANNING LTD

DATE: NOVEMBER 2025



1 INTRODUCTION AND BACKGROUND

Introduction

- 1.1 This Planning Statement has been prepared by LRJ Planning Ltd to support an application for a Certificate of Lawfulness (Existing Use).
- 1.2 In terms of the legal scope of the application, the application is made in respect of Section 191(2) of the Town and Country Planning Act 1990. Whilst there is no compulsion to apply for an LDC where a use is lawful, the applicant would like to formally establish with the local planning authority that the use of the property known as 25 Ruperra Street, Newport, Gwent, NP20 2AZ as 3 independent flats.
- 1.3 In order to obtain a certificate of lawfulness it is necessary to comply with the time limits under the Planning and Compensation Act 1991. This introduced rolling time limits within which local planning authorities can take planning enforcement action against breaches of planning control. The time limits are:
 - a) four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed.
 - b) four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken.
 - c) 10 years for all other development (most commonly unauthorised material change of use or breach of condition).



- 1.4 The Courts have held that any application of this nature requires the applicant to show “on the balance of probability” the use is a lawful one and that the test in criminal law of “beyond reasonable doubt” must not be applied. Furthermore, the Courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence to be accepted. (FW Gabbittas Vs SSE and Newham LBD [1985] JPL630).

2. SITE DESCRIPTION AND PROPOSAL

Site Description

- 2.1 The site comprises a three-storey property (two-storey facing Ruperra Street) that is positioned on the northern side of Ruperra Street. The proposal relates to the use of the lower ground floor, ground floor and first floor. The location plan below illustrates the location of the site.

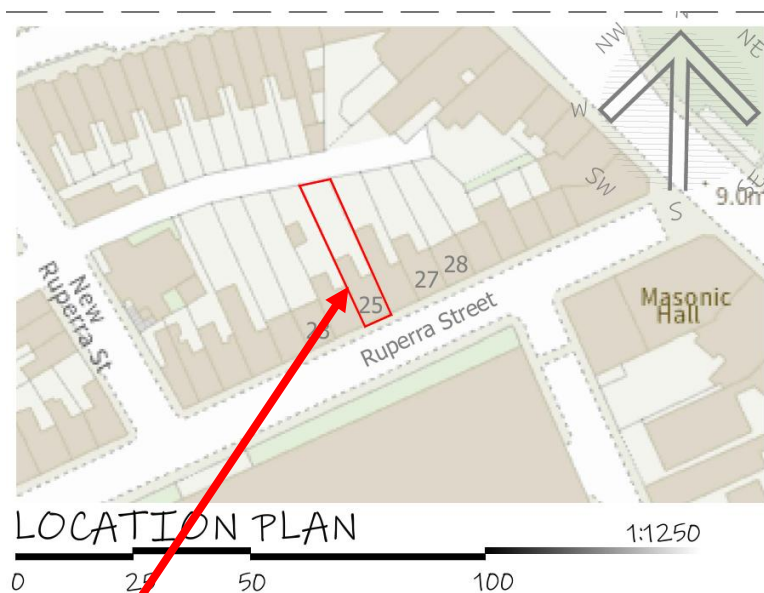


Figure 1 – Site location



Proposal

- 2.2 The proposal relates to the continued use of the ground floor, first floor and second floor of the property as three self-contained flats.
- 2.3 The property comprises three separate self-contained flats. There is one flat on the lower ground floor, one flat on the ground floor and one flat on the first floor. Each unit has its own lockable front door and are arranged as follows:
- Lower ground floor flat – Two bedrooms, lounge, dining room, kitchen and bathroom.
 - Ground floor flat - Two bedrooms, lounge, dining room, kitchen and bathroom.
 - First floor flat – Three bedrooms, lounge, dining room, kitchen and bathroom.

3. MAIN PLANNING CONSIDERATIONS

- 3.1 The Courts have held that any application of this nature requires the applicant to show “on the balance of probability” the use is a lawful one and that the test in criminal law of “beyond reasonable doubt” must not be applied. Furthermore, the Courts have held that the applicant’s own evidence does not need to be corroborated by “independent” evidence to be accepted. (FW Gabbittas Vs SSE and Newham LBD [1985] JPL630).
- 3.2 In this particular case, there is evidence from a number of different independent sources to demonstrate that the property has been subdivided and continuously used as three self-contained flats for at least four years before the date of the application.
- 3.3 Section 4 of this statement will address the above consideration and set out the applicant’s case.



4. PLANNING ANALYSIS

- 4.1 The proposal relates to the continued existing use of the property as three self-contained flats. An internal inspection illustrates that each unit has its own lockable front door and has a living room, dining room, bedrooms, bathrooms and kitchen that is required and necessary for independent residential use.
- 4.2 The information provided sought to provide a full and clear chronology of the use of the property.
- 4.3 In this particular case, there is evidence from a number of different independent sources to demonstrate that the application site has been continuously used as three self-contained flats for a continuous period of four years at the time of the application.
- 4.4 The following evidence provided with this application comprises the following:

Statutory Declarations

- Statutory declaration from Lorena Salazar
- Statutory declaration from Kevin Dorrington (Exhibits 1 to 3)

Covering Information - EXHIBIT 1

- OS Map and floor plans

Proof of title from Land Registry – EXHIBIT 2

- HM Land Registry Title Number WA160251



Tenancy Agreements Flat 1 – EXHIBIT 3

- Mr Marek Sieczko – 11th August 2023 to current date

Tenancy Agreements Flat 2 – EXHIBIT 4

- Alvin Okafor – 26 January 2023 to present date

Tenancy Agreements Flat 3 – EXHIBIT 5

- Mr Adedamola Ayangbesan and Miss Damilola Yetunde Abass – 26 January 2023 to present date

Statements from letting manager covering period 2021 to 2022– EXHIBIT 6

- Landlord payment information covering years 2021 to 2022.

Statements from letting manager covering period 2023 – EXHIBIT 7

- Landlord payments for period 2023

Statements from letting manager covering period 2024 – EXHIBIT 8

- Landlord payments for period 2024

Statements from letting manager covering period 2025 – EXHIBIT 9

- Landlord payments for period 2025

Council Tax Liability - EXHIBIT 10

- Confirmation of council tax liability as three flats

Energy Performance Certificates – EXHIBIT 11

- Energy performance certificates for each of the flats



Insurance – EXHIBIT 12

- Details of insurance for property

Electric Certificates – EXHIBIT 13

- Details of electric certificates for three flats

Gas Certificate– EXHIBIT 14

- Details of gas certificates for three flats

- 4.5 The above referenced statutory declarations are sworn evidence that was undertaken in front of a Solicitor and provides compelling evidence.
- 4.6 In addition, the above evidence is supported by tenancy agreements along with payments to the managing agent, that is considered to be reliable and in their own right they provide an accurate account of the continuous occupation of the property as three independent units of residential accommodation.
- 4.7 Further documentary evidence has been provided in the form of Council Tax, Energy Performance Certificates, electric certificates, gas certificates, and landlord insurance provide a full picture and time record of the situation for at least the last four years. It is therefore clear that the three flats have been continuously occupied for at least four years at the time of the application.
- 4.8 Overall, the evidence that has been produced is robust and compelling. There is therefore no reason for the Council to withhold a Certificate of Lawfulness in this instance as on the balance of all probabilities the application property has been continuously used as three self-contained flats for a period in excess of four years at the time of the application. Great weight should be given to the statutory declarations provided. The development is therefore deemed to be lawful.



5. CONCLUSION

- 5.1 As outlined above, the relevant test of the evidence submitted in respect of a Certificate of Lawfulness is whether on the balance of probability, the use or development is a lawful one.
- 5.2 A comprehensive package of evidence including statutory declarations was provided in support of the application to provide a full picture/record of the situation since the three self-contained flats were first occupied. The property has been continuously occupied as three self contained flats.
- 5.3 Overall, the evidence submitted with this application demonstrates that the property has been used as three self-contained flats for a continuous period of four years up and until the date of the application. There is no sound reason for the Local Planning Authority to withhold a Certificate of Lawfulness in this instance.