

Delegated Decision Report

Application No:	25/1054	Statutory Period Expires:	4th March 2026
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Site:	<i>J Shine Food Machinery Ltd New Quay Road Felnex Industrial Estate Newport South Wales</i>		
Proposal:	<i>LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED CHANGE OF USE TO MOT TESTING STATION AND VEHICLE REPAIR/MAINTENANCE WORKSHOP</i>		
Applicant:	<i>T Abbas</i>		
Type:	Lawful Development Proposed	Ward:	Llanwern
Decision:	GRANTED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is within the existing Felnex industrial estate within Llanwern and is characterised by industrial buildings. The unit is within a developed coastal zone and is classified within Flood Zone 3 (Sea, undefended) of NRW's Flood Map for Planning adjacent to the River Usk. The area is also designated within The Levels Archaeological sensitive area.

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 proposed change of use of J Shine Food Machinery Ltd Factory and office to a MOT testing station and vehicle repair/maintenance workshop is lawful and does not require planning permission.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
03/1502	REMOVAL OF EXISTING TEMPORARY OUTBUILDING AND ERECTION OF EXTENSION AND ALTERATIONS TO VEHICULAR ACCESS	GC	19/12/2003
94/1055	PROPOSED FACTORY AND OFFICE EXTENSION	GC	03/02/1995

5. PLANNING POLICY

5.1 Section 192 of the Town and Country Planning Act 1990 (As amended).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 When reviewing the established use of the unit, records show that planning permission was granted under application 94/1055 for J Shine Food Machinery Ltd to operate a factory and office within the premises. Historical Google Street View imagery indicates that signage for Shine Machinery was displayed on the building continuously from May 2011 to April 2023. Checks with the Local Planning Authority's business rates team confirm that Shine Food Machinery Ltd were liable for business rates from 1 April 1994, and their name remains on the valuation list, despite the company vacating the premises in September 2024. Storcons Ltd have been liable since 1 October 2024, although business rates officers indicate that they may also have since vacated. Based on this information, it is evident that Shine Food Machinery occupied the unit for a substantial period, implemented the permitted use, and therefore established a lawful existing use of the premises
- 8.3 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3, sets out the provisions for permitted changes of use between different use classes. The existing use of the unit as a factory and office for a commercial kitchen manufacturer (J Shine Food Machinery Ltd.), as approved under application 94/1055, would fall within Use Class B2. The proposed use as an MOT testing station and vehicle repair and maintenance workshop also falls within Use Class B2. As both the existing and proposed uses fall under the same use class, the change of use is permitted.
- 8.4 Therefore, the change is permitted and the Lawful Development Certificate is granted.

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 Overall, the change from the commercial kitchen manufacturing factory to a MOT vehicle testing centre would remain within use Class B2, and therefore, the change is lawful.

11. **DECISION**

GRANTED

01 The change from the commercial kitchen manufacturing factory to a MOT vehicle testing centre would remain within use Class B2, and therefore, the change is lawful in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and the Town and Country Planning (Use Classes Order) 1987 (as amended).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Floor Layout; Floor plan and front elevation 1006(01)25; Site Location Plan

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.