

Delegated Decision Report

Application No:	25/0149	Statutory Period Expires:	24th April 2025
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Site:	51 Cardiff Road Newport NP20 2EN		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR A DENTAL LABORATORY, 2NO. FLATS AND 1NO. 2 BED HMO		
Applicant:	S J Reynolds		
Type:	Lawful Development Existing	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The application is a resubmission of a previously refused application, reference 24/0934, which sought to confirm the existing lawful use of the above address as a dental laboratory with 2no. flats and a two bed House of Multiple Occupancy.
- 1.2 The previous application was refused for the following reason:
Insufficient information has been provided to establish on the balance of probabilities that the accommodation arrangement as submitted has been used continuously as such for the last 10 years.

2. SITE LOCATION AND CONTEXT

- 2.1 The site located adjacent the strategic route of Cardiff Road forming part of a run of terraced properties.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks confirmation of the lawful use of the building for a dental laboratory to the ground floor and 2no. one bed flats and 1no. two bed HMO. The residential accommodation is located at the basement, first floor and loft.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0934	LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR A DENTAL LABORATORY, 2NO. FLATS AND 1NO. 2 BED HMO	Refused	09.01.2025

5. PLANNING POLICY

- 5.1 The Town and Country Planning Act 1990, Section 191 Certificate of lawfulness of existing use or development.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

The application was not advertised.

8. ASSESSMENT

8.1 Evidence Submitted

- 8.1.1 The application has been submitted with floor plans, elevation and section drawings showing the arrangement of development over all floors of the building. The arrangement is as follows:

Basement: Bedroom and bathroom (residential)

Ground Floor: Kitchen for basement flat, and dental laboratory

First Floor: two bed HMO and kitchen for attic flat.

Attic: Loft flat.

8.1.2 The application form states that the dental laboratory already benefits from a previous planning consent and that the residential element has been used as such for a period in excess of 10 years. The evidence provided includes:

- Utility bills from previous tenants
- Signed statements from previous tenants and contractor
- Statutory declaration
- Cover letter
- Side Elevation (Drawing ref: 24-128/P/07)
- Section A-A (Drawing ref: 24-128/P/05)
- Schedule of Accommodation (Drawing ref: 24-128/P/09)
- Rear Elevation (Drawing ref: 24-128/P/08)
- Site Location Plan (Drawing ref: 24-128/P/01)
- Front Elevation (Drawing ref: 24-128/P/06)
- Floor Plans 2 of 2 (Drawing ref: 24-128/P/04)
- Floor Plans 1 of 2 (Drawing ref: 24-128/P/03)
- Block Plan as Existing (Drawing ref: 24-128/P/02)

8.2 **Assessment of the Evidence**

8.2.1 The planning history shows that the previous consent allowed for the use of the ground floor as a dental laboratory for the manufacture of dentures only, and part dwelling. It is noted that a Condition 01 of 11/1266 set out that the use of the property is only permitted insofar as it accords with the approved document 'Supporting Information (and attached block plan) received 7th March 2012 and no other use. However, the description of development does include reference to a dwelling; therefore, the condition and description of development appear to be contradictory. It is considered that the dental lab benefits from the previous consent 11/1266 and is lawful.

8.2.2 Assessment of the Council Tax records show that there is one assessment for flat over 51 Cardiff Road and is noted as a HMO on Council Tax records. The domestic assessment has been on record since at least 01/04/1997.

8.2.3 Since the 01/04/1997, assessment of the current drawings show that a subdivision of the residential element at first floor has occurred to provide the HMO and one bed flat at first and attic floors.

8.2.4 The application includes a number of statements from previous tenants, the contractor who undertook the conversion of the building to form the flats and HMO along with several utility bills spanning a period of more than 10 years prior to the submission of the current application. The only evidence the Council have contrary to these records is the Council Tax record which records only one assessment for the flat over 51 Cardiff Road as a HMO. Therefore, the attic flat does not have its own Council Tax record. However, the submitted information confirms that the current tenant has resided in the attic flat since 1999.

8.3 *Assessment of Statutory Declaration*

8.3.1 A Statutory Declaration has been provided by the owner of the application site; this confirms that the applicant has owned the property for over 30 years and was purchased as a single semi-detached dwelling in 1993.

8.3.2 The declaration also sets out that the two previous consents 96/0149 and 11/1266 were implemented.

8.3.3 The declaration also confirms the statements provided by Mr Banwell (a building contractor) that the building conversion works were undertaken in 1998 to subdivide the building into 2 flats and 1no. two bedroom HMO. While the statutory declaration is not directly from Mr Banwell himself, the fact that the applicant affirms those statements within their own statutory declaration carries *limited* weight. The plans referenced within the statutory declaration confirm that the plans submitted with the current application represent the works as carried out and completed in 1998.

- 8.3.4 At paragraph 7 of the statutory declaration the applicant confirms to have reviewed the statements from past and present tenants and affirms their comments regarding the previous uses as a dental laboratory with 2no. flats and 1no. two bedroom HMO for a period in excess of 10 years from the date of the application. Again, as the statements from past and present tenants are not in the form of a statutory statement, but are confirmed to be true in the applicants statutory declaration, limited weight is given to those comments.
- 8.3.5 Further detailed assessment of the information submitted confirms that no information has been provided regarding the occupation of the basement flat between 2016 and the present day. Also, no information has been provided regarding the occupation of one of the bedsits between 1998 and 2019. The consequence of this missing occupancy information, and lack of relevant utility bills, tenancy agreements and the limited weight given the submission of emails, leads to the conclusion that the evidence submitted is lacking in its completeness to confirm that the uses have commenced as described for a period of 10 years prior to the submission of the application. Therefore, the application is refused as it is not supported by sufficient information.
- 8.3.6 Below is a breakdown of the content of the Statutory Declaration by the applicant, and the emails received from other interested parties.

Date	Source	Event	Officer comments
1993	Statutory Declaration (dated 26/02/2025)	SR takes ownership as single semi-detached dwelling	
1996	Statutory Declaration (dated 26/02/2025)	NCC gave planning permission for USE OF ROOM AS A DENTAL LABORATORY	
1998	Statutory Declaration (dated 26/02/2025)	Conversion works undertaken to subdivide building into 2no. flats and 1no. two bed HMO.	
1998	Email from ATB (dated 24/02/2025)	Contractor confirms they carried out conversion to 2no. flats and 2no. bedsits.	Building Contractor comments.
1998	Email from KR (dated 25/02/2025)	Confirms the submitted drawings reflect the work undertaken by building contractor to form 2no. flats and 2no bedsits.	Same surname as applicant.
1999	Email from RG (dated 25/02/2025)	Confirms they have been a permanent tenant in the attic flat since 1999 to present day. Additional utility bills, P60 and insurance letters dated 2023, 2008, 2012 and 2022 submitted with address on of 51	

		Cardiff Road.	
1999	Email from RY (dated 25/02/2025)	Confirms they have been an employee at the address and that the 2no. bedsit and 2no. flats have been in existence since 1999.	
2002	Email from RP (dated 25/02/2025)	Confirms they have been a tenant of a bedsit since 2002 to present day.	
2005 – 2012	Email from PM (dated 25/02/2025)	Confirms they lived in the basement flat from 2005 – 2012.	
2012 – 2015	Letter from CP (received by agent 26/02/2025)	Confirms they lived in basement flat during 2012 – 2015.	
2012	Statutory Declaration (dated 26/02/2025)	NCC gave permission for RETENTION OF CHANGE OF USE OF GROUND FLOOR FROM A DENTAL LAB AND DWELLING TO DENTAL LAB / CLINIC FOR DENTAL ASSOCIATED WORK AND DWELLING AND THE EXTENSION OF A WORKSHOP TO THE REAR	
2020	Email from Sean Kiely (dated 25/02/2025)	Confirms they have been a tenant in a bedsit since 2020 to present day.	

8.3.7 To aid in the interpretation of the information submitted above, the occupation of the residential units is presented in the table below (highlighted green):

	Basement Flat	Bedsit 1	Bedsit 2	Attic Flat
1999				
2000				
2001				
2002				
2003				
2004				
2005				
2006				
2007				
2008				
2009				
2010				
2011				
2012				
2013				
2014				
2015				
2016				
2017				
2018				
2019				
2020				
2021				
2022				
2023				
2024				
2025				

8.3.8 The above occupancy schedule sets out that there have been gaps in the occupation of the basement flat and bedsit 2 for a number of years across the last 10-year period. There is reference in the description of the application to a House in Multiple Occupation whereas information submitted refers to bedsits, so there is some confusion with the application. Therefore, it has not been satisfactorily demonstrated that the residential units of accommodation have been continuously occupied for a period of 10 years prior to the submission of the application.

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 evidence presented does not confirm that on the balance of probabilities that the uses as stated have been continuous for a period in excess of 10 years prior to the submission of this application; therefore, the application is refused.

11. **DECISION**

REFUSED

01 Insufficient and inconsistent information has been submitted which means that on the balance of probabilities, it has not been proven that the property has been used as a dental laboratory, 2no. flats and 1no. 2 bed HMO for a continuous period in excess of 10 years.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Utility bills from previous tenants
- Signed statements from previous tenants and contractor
- Statutory declaration
- Cover letter
- Side Elevation (Drawing ref: 24-128/P/07)
- Section A-A (Drawing ref: 24-128/P/05)
- Schedule of Accommodation (Drawing ref: 24-128/P/09)
- Rear Elevation (Drawing ref: 24-128/P/08)
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- Block Plan as Existing (Drawing ref: 24-128/P/02)

02 The Town and Country Planning Act 1990 Section 191. Certificate of lawfulness of existing use or development was 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.