



READING
AGRICULTURAL
CONSULTANTS

Your Ref: 11/0883
Our Ref: 10654.NCC1

17th March 2025

Gate House
Beechwood Court
Long Toll
Woodcote
Reading RG8 0RR
Tel: 01491 684 233
rac@reading-ag.com
www.reading-ag.com

Newport City Council
Regeneration, Investment and Housing
Civic Centre
Newport
South Wales
NP20 4UR

Dear Sir/Madam

Planning Permission Reference: 11/0883

Proposal: Erection of Extensions to Agricultural Building – Certificate of Lawfulness

Location: New Dairy Farm, St Brides Wentlooge, Newport, NP10 8SF

Planning application 11/0883 for the erection of extensions to two agricultural buildings was approved by Newport City Council on 9th November 2011. The two buildings were in separate locations on the same farmyard complex at New Dairy Farm, St Brides Wentlooge and comprised a multi-purpose agricultural building used for housing cattle; and a roof cover for the feeding yard.

The first condition stated on the decision notice (provided in Appendix 1) was:

“The development must begin not later than the expiration of FIVE YEARS from the date of this permission.”

A material commencement to the construction has been enacted and the farm business, AR Edwards & Son, now wishes to secure a grant to complete the building. Part of the grant application procedure requires proof that there is a valid planning permission in place. This letter provides the evidence required for Newport City Council Planning to issue a Certificate of Lawfulness to present to Welsh Government as assurance that the planning permission is secure and still valid.

The statutory framework to Lawful Development Certificate applications is contained in S.191 of the *Town & Country Planning Act 1990* (as amended) (The Act) which provides so far as relevant:

“(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter....”

For a planning permission to be secured in perpetuity, the development has to be lawfully commenced within the time period set out in the standard planning condition – five years.



Reading Agricultural Consultants Ltd

Registered Office as above

Company No. 3282982

Registered in England



Evidence provided with this letter comes in the form of a Statutory Declaration from Richard Worman of Worman Construction Ltd. who states that they commenced works on the building extensions, as approved by 11/0883 in mid-October 2016. As the Declaration makes clear, AR Edwards & Son were conscious that the planning permission could lapse if no work was started before 9th November 2016.

In order to lawfully 'commence' development it is necessary to satisfy the legal requirements in Section 56(4) of The Act which states that "*development is taken to be begun on the earliest date on which a material operation is carried out.*" It goes on to say:

"material operation" means—

(a) any work of construction in the course of the erection of a building;

(aa) any work of demolition of a building;

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;..."

Part of the construction process for the erection of a steel framed building entails the excavation of post holes and the pouring of concrete into the holes in order to fix the upright steel legs (stanchions) in place.

This was duly undertaken for the building which was designed to cover an open cattle yard, with seven holes excavated and concrete poured to form 'pad' footings onto which the steel portal frame can be bolted. This part of the work was completed on 16th October 2016, after which the spoil in the surrounding area was levelled to enable farm work to continue in that area.

The Statutory Declaration is made under the provisions of the Statutory Declarations Act 1835 and is signed in the presence of a solicitor on 13th March 2025.

Also accompanying this letter in Appendix 2 is an aerial photograph of the site from Ordnance Survey. Whilst the photograph is dated 25th May 2017, six months after the planning deadline, the concreted post holes can clearly be seen alongside the feed fence.

Therefore, it is respectfully requested that the Certificate of Lawfulness should be granted in accordance with the Town & Country Planning Act 1990 Section 191.

In addition, since the application was approved on 9th November 2011, please could you confirm that there is no requirement to submit a SABS application as it was approved prior to the introduction of SABS on 7th January 2019?

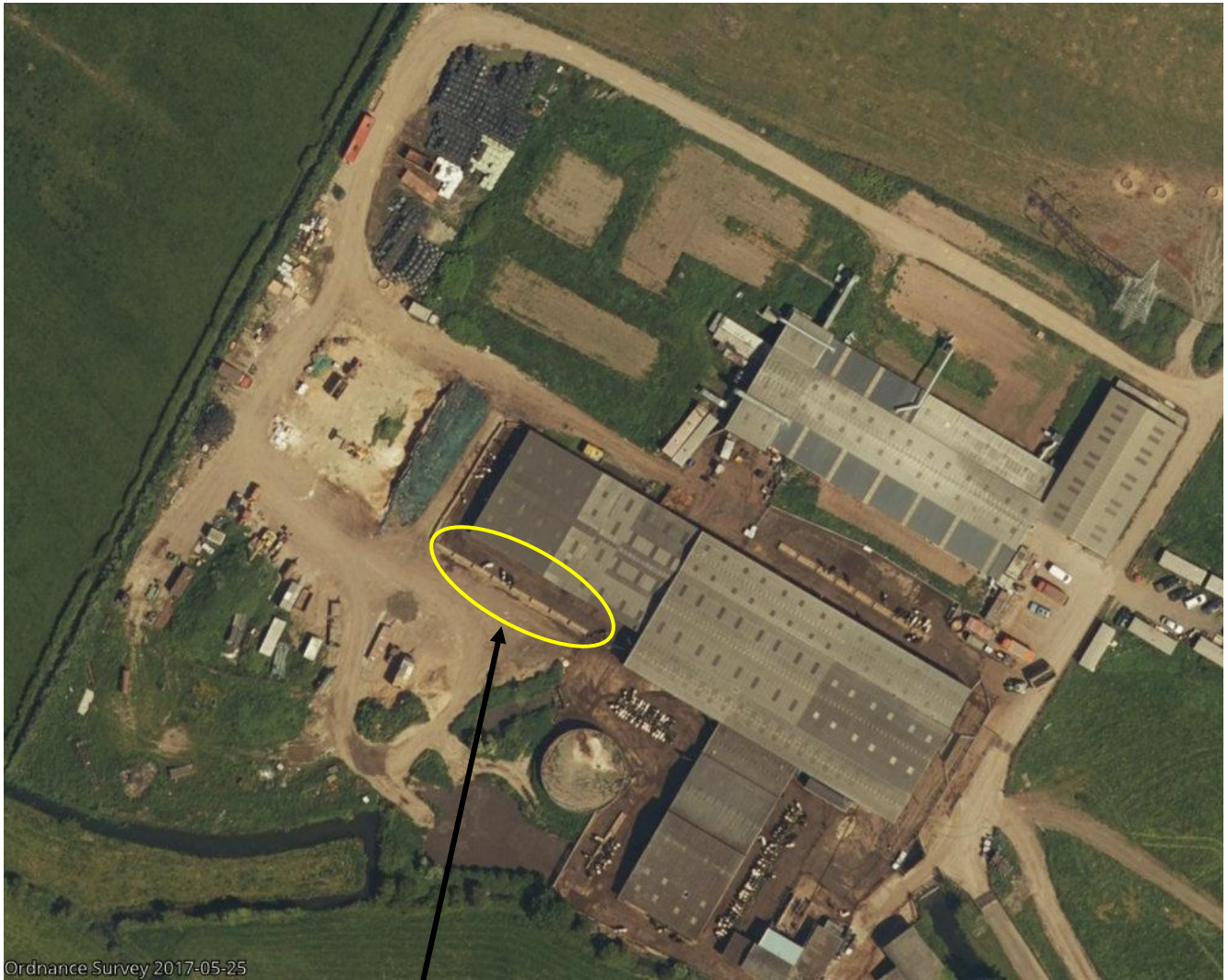
Yours sincerely



Ieuan Williams
Enc.

**Appendix 1: Decision Notice 11/0883 New Dairy Farm, St Brides Wentlooge,
Newport, NP10 8SF (9th November 2011)**

Appendix 2: Aerial Photograph New Dairy Farm (Ordnance Survey 25th May 2017)



Concrete post holes for stanchions identified