

Delegated Decision Report

Application No:	26/0280	Statutory Expires:	Period	8th June 2026
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Site:	<i>Church Hall Wern Terrace Rogerstone Newport South Wales</i>			
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED CHANGE OF USE FROM CHURCH HALL TO CHILDREN'S DAY NURSERY			
Applicant:	<i>K Podmore</i>			
Type:	Lawful Proposed	Development	Ward:	Rogerstone West
Decision:	GRANTED			

1. BACKGROUND

2.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site consists of a Church Hall associated with St Johns Church, located within the defined urban boundary in the Rogerstone West ward of Newport. The building is traditional in appearance and of stone construction under a slate roof. The site is not subject to any Proposals on the Newport Local Development Plan 2011 – 2026 (Adopted January 2025) Proposals Map, nor any Constraints on the Constraints Map.

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 from a Church Hall (Use Class D1) to a Children's Day Nursery (Use Class D1) is lawful and does not require planning permission.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY/LEGISLATION

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

5.2 The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 3.

5.3 The Town and Country Planning (Use Classes) Order 1987 (As amended).

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 There is no planning history available for the application site, neither is there any evidence available to suggest that a change of use to the Church Hall has previously taken place. A search of Council Tax records indicates that the building has never been used as a domestic property. With regard to business rates, there is an assessment for a Scout Hall but this use is located in Lowery Hall, which is situated to the immediate south east of the application site. It is therefore considered that the lawful use of the property is as a Church Hall, which falls within Use Class D1.

8.2 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. Use classes are defined by The Town and Country Planning (Use Classes) Order 1987 (as amended). The existing use of the building as a Church Hall would fall within Use Class D1. The proposed use as a Children's Day Nursery also falls within Use Class D1. As both the existing and proposed uses fall under the same use class, the change of use is permitted.

8.4 Based on the above, it is recommended that the Lawful Development Certificate be 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 The change of use from a Church Hall to a Children's Day Nursery would remain within use Class D1, and therefore the change is lawful.

11. DECISION

GRANTED

01 The change of use from a Church Hall to a Children's Day Nursery would remain within Use Class D1, and therefore, the change is lawful and 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 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.

02 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.