

# Newport City Council

Newport City Council  
Regeneration Investment & Housing  
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Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,  
including those in breach of a planning condition

Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and  
Compensation Act 1991; Town and Country Planning (Development Management Procedure)  
(Wales) Order 2012

## Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Details

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number  Suffix

Property Name

Little Hunters Lodge

Address Line 1

Chepstow Road

Address Line 2

Town/city

Newport

Postcode

NP26 3AD

Description of site location (must be completed if postcode is not known)

Easting (x)

340423

Northing (y)

191073

Description

# Applicant Details

## Name/Company

Title

Miss

First name

M

Surname

Gallagher

Company Name

## Address

Address line 1

C/O Agents

Address line 2

.

Address line 3

.

Town/City

.

Country

.

Postcode

Are you an agent acting on behalf of the applicant?

- ☒ Yes
- ☐ No

## Applicant Contact Details

Primary number

Secondary number

Email address

Agent Details

Name/Company

Title

Mr

First name

Ben

Surname

Herrington

Company Name

C2J Architects & Town Planners

Address

Address line 1

UNIT 1A COMPASS BUSINESS PARK

Address line 2

PACIFIC ROAD

Address line 3

OCEAN PARK

Town/City

CARDIFF

Country

United Kingdom

Postcode

CF24 5HL

Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

# Reason for Lawful Development Certificate

Which category describes the existing use or operation or development for which the certificate is sought

- ☒ An existing use
- ☐ An existing operation
- ☐ An existing use, operation or activity in breach of a condition

## Being a use, operation or activity in effect on the date of this application

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to

Other

Other (please specify)

Residential Curtilage

# Description of Existing Use, Operation or Activity

Please describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates

A Lawful Development Certificate made under Section 191 of the Town and Country Planning Act 1990 (as amended), to establish the lawfulness of the residential curtilage at Little Hunters Lodge, Penhow.

# Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

## CASE FOR THE APPLICANT

5.7 It is considered that the use of the land as residential curtilage is lawful in accord with Section 191 (1) (a) of the Town and Country Planning Act 1990 and also Section 171B (3) of the Planning and Compensation Act 1991.

5.8 The sworn statements and historic aerial photographs (Annex A) provided in support of this application confirm unequivocally that the use of the land forming this application at Little Hunters Lodge has been in continuous non-agricultural, residential curtilage use associated with the dwelling for in excess of 10 years, in accord with Section 171B (3) of the Planning and Compensation Act 1991.

5.9 Given the historical red line boundary identified in previous applications, specifically the Location Plan from application 12/0664 (Appendix B), and supported by the Council's own observations in the Pre-Application Advice Response (Appendix C), it is demonstrated that the land functioned cohesively as part of the residential enclosure of the main site at the time of that application.

5.10 Furthermore, following the successful removal of the restrictive occupancy condition which previously associated Little Hunters Lodge as an annexe of Hunters Lodge (LPA Ref 24/0651), the application of the three Burford factors confirms that the limits of the residential curtilage now lawfully encompass Little Hunters Lodge as an independent planning unit in its own right.

5.11 It is the Applicant's view, along with the supporting evidence, that the use of the land as residential curtilage is immune from any enforcement action, given that it has been in use for a continuous period in excess of 10 years in accordance with Section 171B (3) of the Planning and Compensation Act 1991.

5.12 Accordingly, this Certificate of Lawful Use or Development (CLEUD) and the supporting information has been submitted to deem that the use of the land as residential curtilage is immune from enforcement action by virtue of the passage of time and is the lawful existing use of the site in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended) and Section 171B (3) of the Planning and

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01/01/2000

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes  
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes  
☒ No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes  
☒ No

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes  
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

- ☒ The agent  
☐ The applicant  
☐ Other person

## Pre-application Advice

Has pre-application advice been sought from the local planning authority about this application?

- ☒ Yes  
☐ No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

PREACK/P/25/0111

Date (must be pre-application submission)

14/11/2025

Details of the pre-application advice received

...

## Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner  
☐ Lessee  
☐ Occupier  
☐ Other

## Authority Employee/Member

**With respect to the Authority, is the applicant or agent one of the following:**

- (a) a member of staff**  
**(b) an elected member**  
**(c) related to a member of staff**  
**(d) related to an elected member**

Do any of these statements apply to you?

- ☐ Yes  
☒ No

# Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Arran Dallimore

Date

21/08/2026

Amendments Summary

Change to form requested by LPA