

Ref: SS/01/2372/Jun25/Barnsley

Development Management
PO Box 634
Barnsley
S70 9GG



25 June 2025

Dear Sir / Madam

**CERTIFICATE OF LAWFULNESS (EXISTING) SUPPORTING STATEMENT
LAND OFF HIGHAM LANE, DODWORTH, BARNSLEY, S75 3UB**

Peacock + Smith are instructed by Sterling Capitol to submit an application to obtain a Certificate Lawfulness (Existing) on land off Higham Lane, Dodworth, Barnsley, S75 3UB.

Clearance and implementation works have recently taken place at the site and this Certificate of Lawfulness application has been lodged to ensure there is a legal and documented record of this, in turn confirming that the related planning permission (LPA ref: 2022/0916) has been implemented and is therefore 'extant'.

Obtaining a Certificate will also assist the continued marketing of the site in demonstrating that the site is coming forward for development.

Background

Sterling Capitol submitted a hybrid application (LPA ref: 2019/0286) on 4 March 2019 for the following development:

Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks, demolition of existing bungalow and formation of access.

Permission was granted on 5 September 2019, subject to a number of conditions. An NMA to vary condition wording (LPA ref: 2022ENQ00323) and discharge of condition application (LPA ref: 2022/0897) followed. Works on site then took place ahead of the implementation deadline, comprising site clearance and demolition of the bungalow and outbuildings. A Certificate of Lawfulness was submitted on 25 October 2022 (LPA ref: 2022/1107) and issued on 16 May 2023 confirming that conditions had been discharged and works lawfully carried out to implement the permission.

A Reserved Matters application was submitted on 5 September 2022 pursuant to the 'outline' element of LPA ref: 2019/0286 with the following description of development:

Development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation

Permission was granted on 15 June 2023, subject to a number of conditions.

Implementation of next phase of works

Following Reserved Matters being granted, occupier demand across the sector slowed significantly. When combining this with the increased pressures of the funding market and the outward shift in investment yields, speculative development of the full scheme without any committed occupier became impossible to fund.

Sterling Capitol were keen to ensure that the permission did not lapse, and having suitably worded conditions which would allow Reserved Matters implementation was recognised as being a key route to safeguarding the consent.

Sterling Capitol approached Elaine Ward and Garry Hildersley via email on 19 June 2024 setting out conditions requiring discharge, amended wording considered necessary and an overview of intended works. Following dialogue over several months, a Section 73 application was submitted to vary the wording of Conditions 3 (motorway cutting), 10 (site investigation) and 22 (drainage) associated with application ref: 2019/0286. The revised wording effectively pushed the requirement for these elements later in the development process. Consent was granted on 30 January 2025 (LPA ref: 2024/0824).

Following further liaison with the Council in relation to discharging conditions and implementing the Reserved Matters permission, discussions which culminated in a Teams meeting with Elaine Ward and James Hyde on 13 February 2025, a number of discharge of condition applications were submitted and discharged in advance of the implementation deadline:

Associated with Section 73 Hybrid application ref: 2024/0824

- **2025/0145:** Condition 16 (Arboricultural Method Statement) – discharged 22/05/2025
- **2025/0184:** Conditions 13 (Construction Traffic), 14 (Noise Management Plan), 15 (Dust Management Plan) and 17 (Construction Method Statement) – discharged 11/06/2025
- **2025/0236:** Conditions 20 (Condition Survey) and 33 (Engineering, Drainage, Street Lighting) – discharged 05/06/2025

- **2025/0290:** Condition 8 (Written Scheme of Investigation) – discharged 05/06/2025

Associated with Reserved Matters consent ref: 2022/0916

- **2025/0255:** Condition 10 (measures to control parking) – discharged 23/05/2025

With conditions discharged, physical works could be undertaken ahead of the implementation deadline of 15th June 2025.

With all discharge of condition applications, an Implementation Plan was submitted showing the works proposed to take place (**Appendix 1**).

Works commenced on site on 12 June 2025, evidenced by a series of photographs taken by Sterling Capitol (**Appendix 2**) supported by that day's newspaper, clearly dated 12 June 2025. Works on this day comprised site clearance, initial earth movements and excavating to achieve the necessary levels, as shown in the photographs.

Commencement of works on 12 June 2025 is also evidenced by an invoice from the contractor to Sterling Capitol (**Appendix 3**) which confirms the start date of 12 June 2025. Delivery of hardcore to the site is also evidenced as taking place on the same date (**Appendix 4**).

Works continued over the following days. Photos taken by the principal contractor show site progress as at 13 June 2025 (**Appendix 5**), again supported by that day's newspaper, clearly dated 13 June 2025. The extent of works, and depth of excavations can be seen, with hardcore being laid to form the access road base.

Further photos were taken by the principal contractor to document progress on 14 June 2025 (**Appendix 6**), again supported by that day's newspaper, clearly dated 14 June 2025. The extent of works and depth of excavations can be seen in the photos, with security fencing erected for health and safety purposes.


By 18 June 2025, works were complete, as evidenced by a series of photographs taken by Sterling Capitol (**Appendix 7**).

Conclusion

In light of the above, we conclude that LPA ref: 2022/0916 has been implemented and is therefore an extant consent. All necessary conditions have been complied with, and work has been undertaken to ensure a 'material start' on site has been made.

We would be grateful if the above could be confirmed as soon as possible with the issuing of a Certificate of Lawfulness.

A previous Certificate of Lawfulness (LPA ref: 2022/1107) was issued on 16 May 2023 confirming that conditions had been discharged and works lawfully carried out to implement the Hybrid permission (LPA ref: 2019/0286).



Yours faithfully,

SARAH SMEDLEY

Appendix 1

DO NOT SCALE (A1)

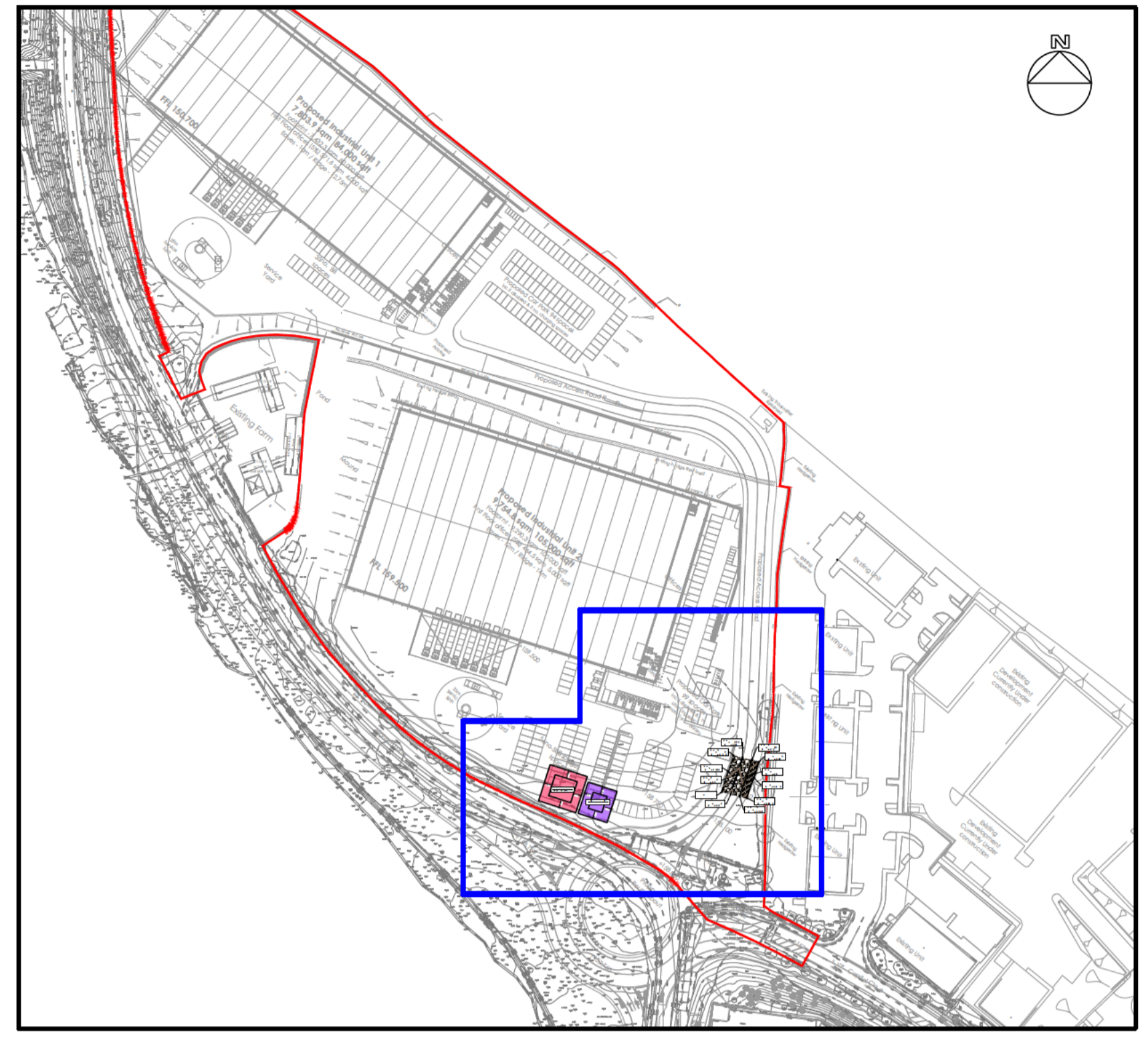
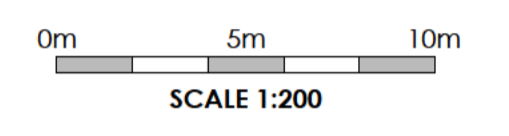
NOTES

GENERAL NOTES

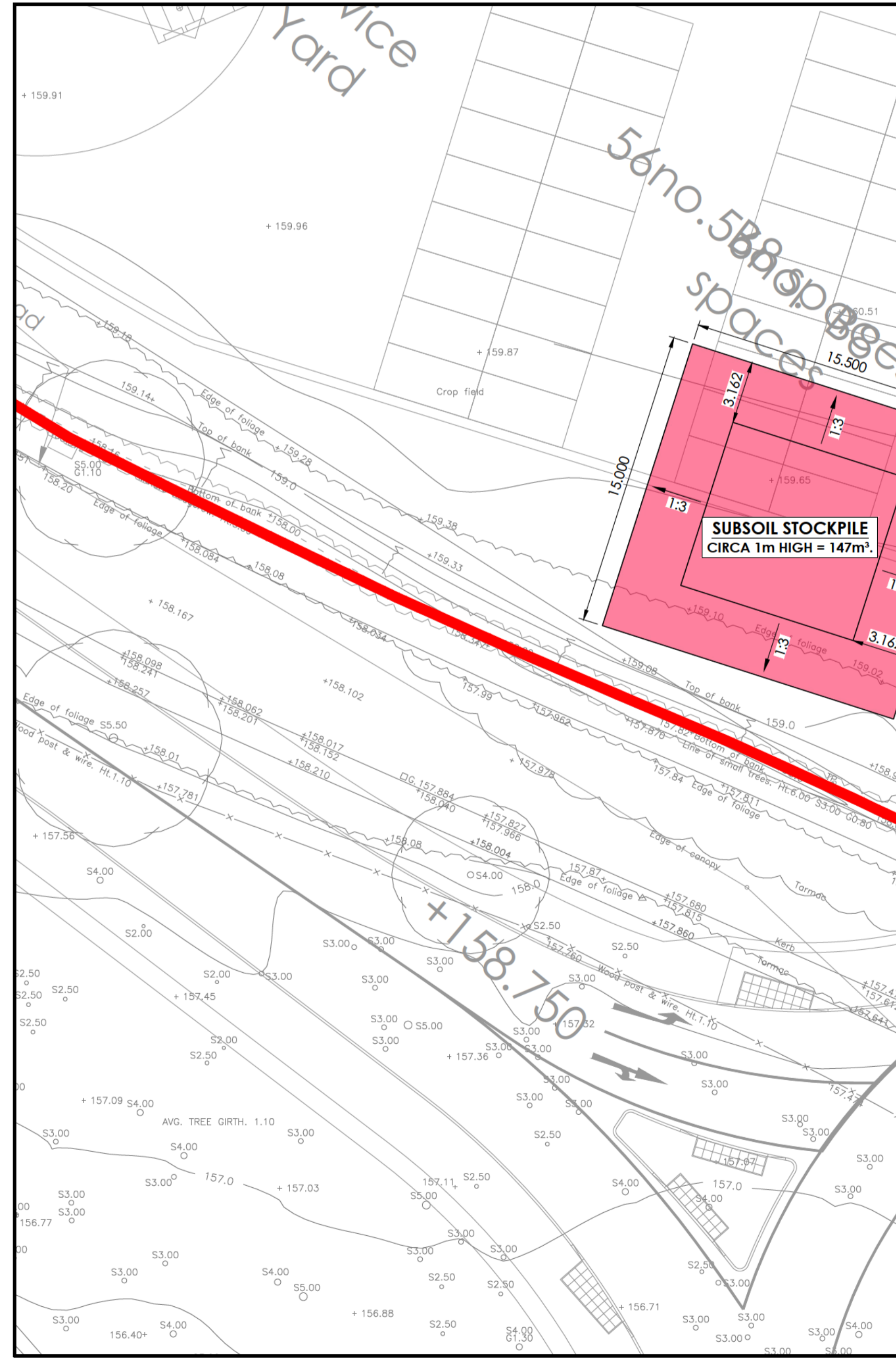
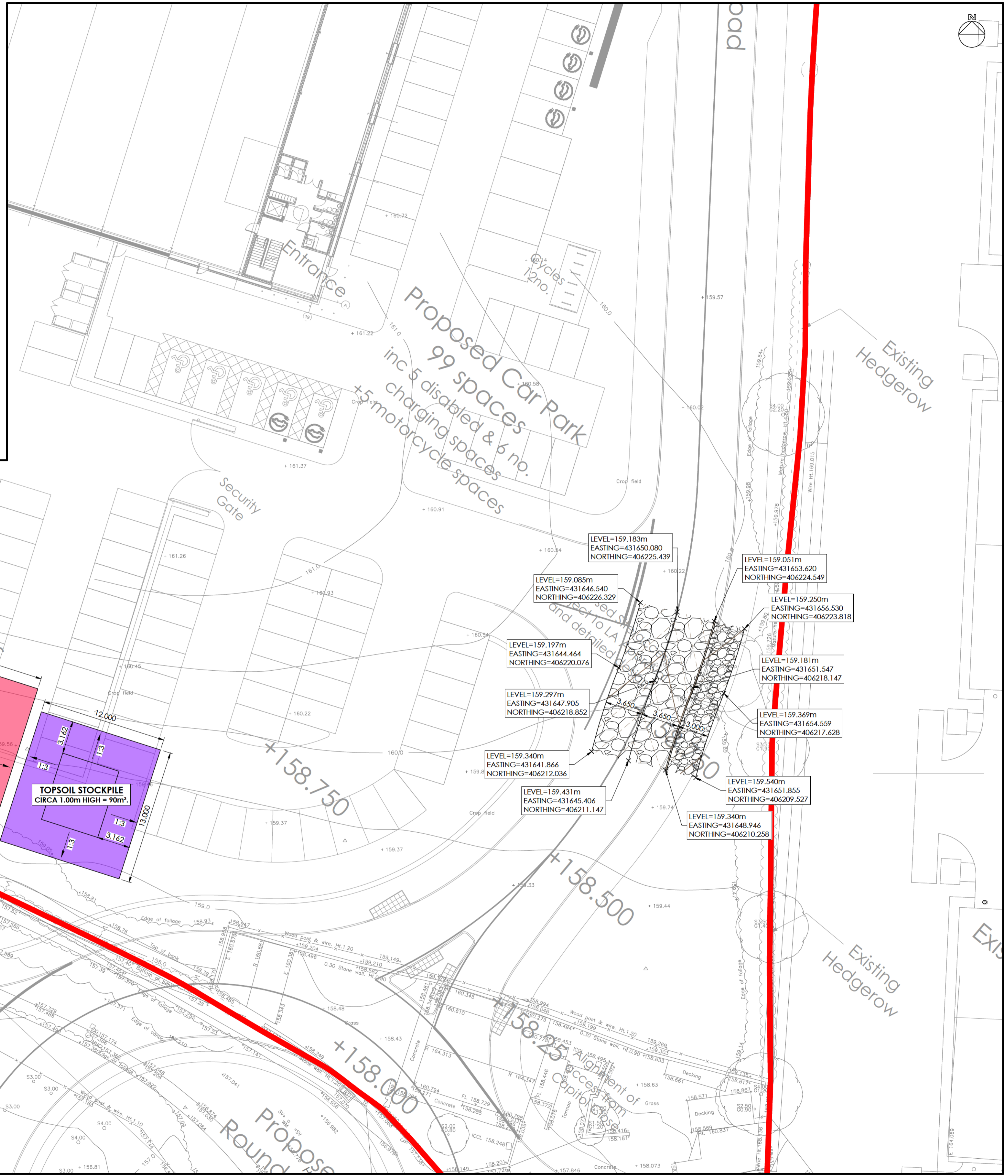
1. ALL MATERIALS AND WORKMANSHIP IS TO COMPLY WITH JPG CONSULTANTS STANDARD SPECIFICATION & ALL RELEVANT BRITISH & EUROPEAN STANDARDS.
2. TOPSOIL TO BE STRIPPED FROM EXTENTS OF ROAD CONSTRUCTION AND PROPOSED SUBSOIL STOCKPILE AREA PRIOR TO COMMENCEMENT OF EARTH MOVING WORKS.
3. EXTENT OF ROAD TO BE CUT TO FORMATION LEVEL AND SURPLUS SUBSOIL GENERATED IS TO BE PLACED WITHIN THE STOCKPILE EXTENTS SHOWN ON PLAN.
4. THE FORMATION LEVEL IS EQUAL TO 470mm BELOW FINISHED LEVELS SHOWN ON PLAN TO ACCOUNT FOR THE CONSTRUCTION BUILD UP OF 470mm TYPE 1 SUB-BASE TO COMPLY WITH CL. 803 (SHW).
5. ANY DISCREPANCIES SHOULD BE REPORTED TO THE ENGINEER IMMEDIATELY SO THAT CLARIFICATION CAN BE SOUGHT PRIOR TO COMMENCEMENT OF WORKS.

LEGEND

- DENOTES PROPOSED MAJOR CONTOURS
- - - DENOTES PROPOSED MINOR CONTOURS
- CARRIAGEWAY CONSTRUCTION**
SUB-BASE: 470mm OF TYPE 1 TO COMPLY WITH CL. 803 (SHW).
- FOOTWAY CONSTRUCTION**
SUB-BASE: 150mm MIN. OF TYPE 1 TO COMPLY WITH CL. 803 (SHW).



SITE WIDE LOCATION PLAN
SCALE 1:2000



REV	DESCRIPTION	DATE	CHK	BY
P01	FIRST ISSUE	12/02/25	LSG	AJB

Project
HIGHAM LANE NORTH
DODWORTH

Drawing Title
PLANNING IMPLEMENTATION WORKS

INFORMATION

Appendix 2

**CAPITOL PARK BARNSELY IMPLEMENTATION WORKS FOR
APPLICATION 22/0916**

Start on site 12th June 2025

Photos taken by Tom Brown MRICS 12th June 2025 at 3.45pm.



Photos taken 12th June 2025



Photos taken 12th June 2025



Photos taken 12th June 2025



Photos taken 12th June 2025

Appendix 5

**CAPITOL PARK BARNSELEY IMPLEMENTATION WORKS FOR
APPLICATION 22/0916**

Photos taken by principal contractor 13th June 2025

Progress photos 13th June 2025



Photos taken 13th June 2025



Photos taken 13th June 2025



Photos taken 13th June 2025

Appendix 6

**CAPITOL PARK BARNSELY IMPLEMENTATION WORKS FOR
APPLICATION 22/0916**

Photos taken by principal contractor 14th June 2025

Progress photos 14th June 2025





Photos taken 14th June 2025



Photos taken 14th June 2025



Photos taken 14th June 2025



Photos taken 14th June 2025

Appendix 7

CAPITOL PARK BARNSELEY IMPLEMENTATION WORKS FOR APPLICATION 22/0916

Photos taken by Paul Beckett 18th June 2025

Implementation works complete



Photos taken 18th June 2025



Photos taken 18th June 2025



Photos taken 18th June 2025