



**Planning and Building Control
Economic Regeneration - Place Directorate**
Barnsley Metropolitan Borough Council, PO Box 634, Barnsley, S70 9GG
DevelopmentManagement@barnsley.gov.uk
www.barnsley.gov.uk/services/planning-and-buildings

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 (as amended)

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 Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

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	<input type="text" value="33"/>
Suffix	<input type="text"/>
Property Name	<input type="text"/>
Address Line 1	<input type="text" value="Carlton Road"/>
Address Line 2	<input type="text" value="Smithies"/>
Address Line 3	<input type="text" value="Barnsley"/>
Town/city	<input type="text" value="Barnsley"/>
Postcode	<input type="text" value="S71 1UF"/>

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

Easting (x)	Northing (y)
<input type="text" value="435151"/>	<input type="text" value="408252"/>
Description	
<input type="text"/>	

Applicant Details

Name/Company

Title

First name

Thomas

Surname

Duggan

Company Name

Toha Property Ltd

Address

Address line 1

6 Sandywell Drive

Address line 2

Downhead Park

Address line 3

Town/City

MILTON KEYNES

County

Country

United Kingdom

Postcode

MK15 9AJ

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
- ☐ Existing building works
- ☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes.](#)

Description of Existing Use, Building Works or Activity

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

33 Carlton road's existing use is 4 self contained units as follows:

- 33 Carlton Road, S71 1UF (ground floor unit)
- Flat 3, 33 Carlton Road, S71 1UF (1st floor unit, 1 of 2)
- Flat 4, 33 Carlton Road, S71 1UF (1st floor unit, 2 of 2)
- Flat 5, 33 Carlton Road, S71 1UF (2nd floor unit)

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

33 Carlton Road has been used as 4 individual units for over 10 years

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)?

01-04-1997

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

Proposed

Please select the housing categories that are relevant to the proposed units (i.e. the change you are seeking certification for)

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each type of housing and number of units proposed

Housing Type: Flats / Maisonettes	
1 Bedroom: 4	
2 Bedroom: 0	
3 Bedroom: 0	
4+ Bedroom: 0	
Unknown Bedroom: 0	
Total: 4	

Proposed Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4 Bedroom Total	Unknown Bedroom Total	Bedroom Total
	4	0	0	0	0	4

Existing

Please select the housing categories for any existing units on the site (i.e. prior to the change you are seeking certification for)

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each existing type of housing and number of units on the site

Housing Type	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Unknown Bedroom	Total
Flats / Maisonettes	4	0	0	0	0	4

Existing Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4 Bedroom Total	Unknown Bedroom Total	Bedroom Total
	4	0	0	0	0	4

Totals

Total proposed residential units	4
Total existing residential units	4
Total net gain or loss of residential units	0

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?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local 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

First Name

Surname

Reference

Date (must be pre-application submission)

Details of the pre-application advice received

A call was made with Planning Duty Office, James Hyde, on 16/01/2023 whereby it was advised that records pre-1990's are sketchy and as the property has been used as independent units for over 10 years it was exempt from enforcement, but it was a good idea to get a certificate of lawful development for tidyness and so Barnsley Council can update their records.

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 and/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

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and 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 options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted 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

Thomas Duggan

Date

01/02/2023