



**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 192 (as amended)
Town and Country Planning General Permitted Development Order 2015
(as amended)**

APPLICATION NO. 2021/0905

To Dr Farhia Sarwar
Maple Childrens Care Home
Fenay Court
Fenay Lane
Huddersfield
HD5 8UJ

DESCRIPTION Change of use from use a class C3(a) to C3(b) dwellinghouse
(Lawful development certificate for a proposed use)

LOCATION 2 Wood Walk, Royston, Barnsley, S71 4FH
(shown edged red on the attached plan)

Barnsley Metropolitan Borough Council certifies that the proposed use/development of the above land for the Change of use from use a class C3(a) to C3(b) dwellinghouse (Lawful development certificate for a proposed use) is **not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:**

- 1 It is unrealistic to expect children to look after themselves in a single household. Carers who provided 24-hour care but do not reside at the property and work in shift patterns cannot be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist, and children and carer must reside in the premises. In such circumstances, the use cannot therefore be considered to fall within Class C3 (b) 'Dwellinghouse' and would fall into use class C2 'Residential Institution'. Given a change of use from C3(a) to C2 is not permitted development, a Lawful development Certificate in this instance cannot be granted.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Joe Jenkinson

Head of Planning and Building Control

A handwritten signature in dark ink, appearing to read 'J M Jenkinson', written in a cursive style.

Dated 28 September 2021