



**PLANNING AND COMPENSATION ACT 1991**

**APPLICATION NO. 2019/1335**

JRB Designs Ltd  
1 Saville Street  
Cudworth  
Barnsley  
S72 8LT


**Description:** Use of land and buildings for storage and repair of commercial vehicles and plant, including HGV vehicles (Lawful Development Certificate for Existing Use)

**Land at:** Land to the rear of Railway Club, Midland Road, Royston, Barnsley, S71 4AZ

Barnsley Metropolitan Borough Council certify that the development/use of the above land **Use of land and buildings for storage and repair of commercial vehicles and plant, including HGV vehicles (Lawful Development Certificate for Existing Use)** was not lawful within the meaning of Section 10 of the Planning and Compensation Act 1991.

- 1 In the opinion of the Local Planning Authority the applicant has failed to provide sufficient evidence to show that the land in question has been used continuously for the described use for a period of 10 years. As such a Lawful Development Certificate cannot be granted.
- 2 In the opinion of the Local Planning Authority the planning permission granted under application reference 86/0119 is not extant as the details of condition 3 were not submitted to the Local Planning Authority by the developer and approved in writing thereafter as was required to lawfully implement the planning permission. The subsequent enforcement notices active on the land since 16th Decemberr 2015 and 4th October 2019 further substantiate this contention while also evidencing that material changes of use have occurred since the 86/0119 permission was granted. The use outlined for which a certificate is sought conflicts with the enforcement notices therefore a certificate cannot be granted on this basis.

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

Signed   
Joe Jenkinson  
Head of Planning and Building Control

Dated 19 December 2019



*Note: This certificate is issued for the purposes of Section 10 of the Planning and Compensation Act 1991.*

*Please be aware that the Council monitors construction sites and open land within the vicinity 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*