

PLANNING STATEMENT

In support of an application for a Lawful Development Certificate for a Proposed Use or Development

Section 192 of the Town and Country Planning Act 1990 (as amended)

Site address	28 Inchburn Crescent, Penistone, Sheffield, S36 6FE
Applicant	Mr Iain Lloyd
Agent	White Agus Architectural Services, Office One, Drill Hall, 11 Eastgate, Barnsley, S70 2EU
Local planning authority	Barnsley Metropolitan Borough Council
Application type	Lawful Development Certificate (Proposed Use or Development) – Section 192, Town and Country Planning Act 1990
Proposal	Conversion of the integral garage to habitable accommodation, including replacement of the garage door with a window and matching brickwork infill, together with associated internal alterations
Supporting drawing	White Agus drawing ref. 26–045 / Dwg No. 01 Rev B (July 2026) – Plans and Elevations
Date of statement	July 2026

1.0 Introduction

- 1.1 This Planning Statement has been prepared by White Agus Architectural Services on behalf of the applicant, Mr Iain Lloyd, in support of an application to Barnsley Metropolitan Borough Council for a Lawful Development Certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 (as amended) ("the Act"). The application seeks formal confirmation that the proposed conversion of the integral garage at 28 Inchburn Crescent, Penistone, Sheffield, S36 6FE ("the Site") to habitable accommodation, together with the associated external and internal alterations, would be lawful for planning purposes.
- 1.2 The application is supported by drawing ref. 26–045, Dwg No. 01 Rev B (July 2026), which shows the existing and proposed front elevations, the existing and proposed ground floor plans, and location and block plans identifying the Site.
- 1.3 An application under Section 192 is determined solely on the legal question of whether the proposed works would be lawful – that is, whether they either do not constitute development at all, or constitute development for which planning permission is already granted by the General Permitted Development Order. The planning merits of the proposal are not relevant to the determination, and no assessment against the development plan or national planning policy is required or appropriate. The applicant is required to demonstrate the case on the balance of probability.

2.0 The Site

- 2.1 The Site comprises a detached two-storey dwellinghouse with an integral single garage, located on Inchburn Crescent within an established residential area of Penistone. The dwelling is of brick construction beneath a pitched tiled roof, with the garage occupying the ground floor to one side of the principal elevation, beneath first-floor accommodation, and served by an existing driveway to the front.
- 2.2 The lawful use of the Site is as a single private dwellinghouse falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The garage is used for purposes incidental to the enjoyment of the dwellinghouse.
- 2.3 The Site is not, so far as the applicant is aware, within a conservation area, a National Park, a National Landscape (Area of Outstanding Natural Beauty), the Broads or a World Heritage Site, and the dwelling is not a listed building. The Site is not therefore "article 2(3) land" for the purposes of the General Permitted Development Order.

3.0 The Proposed Development

- 3.1 The proposal comprises the conversion of the existing integral garage to habitable accommodation forming part of the dwellinghouse, providing a sitting room / additional living space and a shower room, as shown on the proposed ground floor plan. The associated works are as follows:
- 3.2 **External works.** The existing up-and-over garage door will be removed and the opening infilled with facing brickwork to match the existing dwelling, incorporating a new window to the front elevation designed to correspond with the style, proportions and detailing of the existing fenestration. No other external alterations are proposed. There is no extension to the footprint, volume or height of the dwellinghouse, and the roof is unaltered.
- 3.3 **Internal works.** Internal alterations comprise the removal of the existing fireplace, the replacement of an internal wall adjacent to the staircase with a balustrade, the formation of an open-plan dining kitchen, the formation of a new shower room, and associated openings and partitions, all as shown on the proposed ground floor plan.
- 3.4 The converted accommodation will be occupied as part of the single dwellinghouse and will remain in the same planning unit and the same C3 use. It will not be occupied, let or used as a separate unit of accommodation.

4.0 Legislative Framework

- 4.1 Section 192(1) of the Act provides that if any person wishes to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application to the local planning authority specifying the land and describing the use or operations in question.
- 4.2 Section 192(2) provides that if, on such an application, the local planning authority is provided with information satisfying it that the use or operations described in the application would be lawful if instituted or begun at the time of the application, it shall issue a certificate to that effect; and in any other case it shall refuse the application.

- 4.3 Section 55(1) of the Act defines "development" as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(2)(a) expressly provides that the carrying out of works for the maintenance, improvement or other alteration of any building which affect only the interior of the building, or which do not materially affect the external appearance of the building, does not constitute development.
- 4.4 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO") grants planning permission for the classes of development set out in Schedule 2. Class A of Part 1 of Schedule 2 grants permission for "the enlargement, improvement or other alteration of a dwellinghouse", subject to the limitations at paragraphs A.1 and A.2 and the conditions at paragraph A.3.

5.0 Assessment

The lawfulness of the proposal falls to be considered under three heads: the internal works; the use of the converted accommodation; and the external alterations.

Internal works

- 5.1 The internal alterations described at paragraph 3.3 affect only the interior of the building. By virtue of Section 55(2)(a) of the Act they do not constitute development, and no planning permission is required for them.

Use of the converted garage

- 5.2 The garage forms part of the dwellinghouse and its use is ancillary to the residential use of the planning unit. Bringing the garage into use as habitable living accommodation does not alter the use of the planning unit, which remains a single private dwellinghouse within Use Class C3. There is accordingly no material change of use, and this element of the proposal likewise does not constitute development requiring planning permission. It is well established in appeal decisions and authority that the conversion of an integral or attached garage to living accommodation within the same dwelling does not of itself amount to a material change of use.

External alterations

- 5.3 The replacement of the garage door with matching brickwork and a new window materially affects the external appearance of the building and therefore constitutes development. However, it is development of a kind expressly permitted by Class A of Part 1 of Schedule 2 to the GPDO, being an "improvement or other alteration of a dwellinghouse". The works involve no enlargement whatsoever: the building envelope, footprint, volume, height and roof form are all unchanged.
- 5.4 The proposal has been assessed against each of the limitations and conditions applying to Class A, as summarised in the table below.

Limitation / condition (Schedule 2, Part 1, Class A)	Assessment
A.1(a) – Permission granted only by virtue of Class A (or would exceed tolerances)	Not engaged. The works do not rely on any restricted tolerance; no enlargement is proposed.
A.1(b)/(c) – Total area of ground covered by buildings / enlargement exceeding limits	Not engaged. The proposal involves no enlargement of the dwellinghouse and no increase in footprint; all works are contained within the existing building envelope.
A.1(d) – Height of the dwellinghouse would be exceeded	Not engaged. The height, roof form and ridge line of the dwellinghouse are unaltered.
A.1(e)–(j) – Limitations relating to extensions (eaves height, proximity to boundaries, rear/side extensions, more than one storey, etc.)	Not engaged. No extension of any kind is proposed.
A.1(ja)/(k)/(l) – Verandas, balconies, raised platforms, chimneys, flues, alterations to the roof	Not engaged. None of these elements is proposed.
A.2 – Additional restrictions on article 2(3) land (conservation areas etc.)	Not applicable. The property does not lie within a conservation area, National Landscape, the Broads, a National Park or a World Heritage Site, and is not article 2(3) land.
A.3(a) – Materials used in any exterior work to be of a similar appearance to those of the exterior of the existing dwellinghouse	Complied with. The garage door opening will be infilled with facing brickwork to match the existing dwelling, incorporating a new window whose framing, proportions and detailing correspond with the existing fenestration of the front elevation, as shown on drawing 01 Rev B.
A.3(b)/(c) – Upper-floor side-facing windows; conditions applying to certain extensions	Not engaged. No upper-floor side-facing windows and no extension are proposed.

5.5 The permitted development rights conferred by the GPDO have not, so far as the applicant is aware, been removed or restricted in respect of the Site. No condition attached to any planning permission relating to the Site removes the rights granted by Part 1 of Schedule 2 to the GPDO or requires the garage to be retained for the parking of vehicles, and no direction under Article 4 of the GPDO applies to the Site.

5.6 Adequate off-street parking will remain available on the existing driveway to the front of the dwelling. For the avoidance of doubt, however, parking provision is a matter of planning merit and is not relevant to the determination of an application under Section 192.

6.0 Conclusion

6.1 The proposed conversion of the integral garage at 28 Inchburn Crescent, Penistone comprises: (i) internal works which do not constitute development by virtue of Section 55(2)(a) of the Act; (ii) continued use of the accommodation as part of the single

dwellinghouse, involving no material change of use; and (iii) external alterations which constitute permitted development under Class A of Part 1 of Schedule 2 to the GPDO, complying with all applicable limitations and conditions, including the requirement at condition A.3(a) for materials of similar appearance.

- 6.2 On the basis of the information set out in this Statement and the accompanying drawing, it is demonstrated on the balance of probability that the proposed works would be lawful if begun at the date of the application. In accordance with Section 192(2) of the Act, the Council is therefore respectfully requested to issue a Lawful Development Certificate confirming that the proposed development described in the application would be lawful.

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