



CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 192 (as amended)
Town and Country Planning General Permitted Development Order 2015 (as amended)

APPLICATION NO. 2022/1107

To Peacock + Smith
Central House
47 St Pauls Street
Leeds
LS1 2TE

Barnsley Metropolitan Borough Council hereby certify that the development described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted as part of this application, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons;

The Local Planning Authority is satisfied that demolition took place on 02/09/22 and 03/09/22. Under Section 56 (4)AA of the Act (as amended), demolition is a material operation, which constitutes commencement of development and it is confirmed that lawful implementation has therefore taken place prior to the date of expiry and planning permission 2019/0286 is extant. The issue of a certificate under S192 is therefore justified.

First Schedule:

Application for a lawful development certificate for the demolition and clearance works of the bungalow, outbuildings, and surroundings relating to application 2019/0286 - 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 (Amended Plans)

Second Schedule:

Higham Lane, Dodworth, Barnsley, S75 3UB

Signed 
Joe Jenkinson
Head of Planning, Policy and Building Control

Dated: 16 May 2023

Notes:

1. This certificate is issued solely for the purpose of section [192] of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the [operations] specified in the First Schedule taking place on the land described in the Second Schedule [would have been lawful on the specified date and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan.] matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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.