



CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

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

APPLICATION NO. 2021/0560

To Foot Forward Properties Ltd
The Long Barn
Wakefield Road
Hampole
Doncaster
DN6 7EU

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, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons:

- In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, Schedule 2, Part 3, Class L it is considered that, at the date that this decision notice was issued, the proposal represents development consisting of a change of use of a building (b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that schedule. In addition, in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, the development falls within Class A (enlargement, improvement or other alteration of a dwellinghouse) of (PART 1 - Development within the curtilage of a dwellinghouse).

First Schedule:

Lawful Development Certificate for proposed change of use from C3 (dwellinghouse) to C4 (HMO - 5 bed) including rear extension

Second Schedule:

41 Rotherham Road, Great Houghton, Barnsley, S72 0DG

The approval is subject on compliance with the following condition:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans Existing and Proposed Elevations FF-162-3 and Proposed Plans FF-162-2 and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 10 June 2021

Notes:

1. This certificate is issued solely for the purpose of section [191] [192] of the Town and Country Planning Act 1990 (as amended)
2. Please note that a Lawful Development Certificate is a legal document stating the lawfulness of proposed development at this present time. It is a snapshot in time and the developer is advised that the regulations with regards to HMOs are likely to change in the near future. After this time, Permitted Development Rights to change a dwelling (C3) into an HMO (C4) will be revoked and planning permission would be required for this development. The change under this Lawful Development Certificate will therefore need to be completed and implemented by before those regulations take effect otherwise planning permission is required and the developer will risk enforcement action being taken
3. This certificate certifies that the [use] [operations] [matter] specified in the First Schedule taking place on the land described in the Second Schedule [was] [would have been] lawful on the specified date and thus, [was not] [would not have been] liable to enforcement action under section 172 of the 1990 Act on that date.
4. This certificate applies only to the extent of the [use] [operations] [matter] described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any [use] [operations] [matter] which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
5. 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.