BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

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. 2024/0443

To JMI Planning
62 Carter Street
Uttoxeter
Staffordshire
ST14 8EU

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), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), for the following reason;

- Whilst the application proposes a change of use from C3(a) to C2 of the Town and Country Planning (Use Classes) Order 1987, planning permission is only required where the change amounts to a material change of use. In this case it has been demonstrated that the change from use class C3(a) to use class C2 having regard to its nature and extent as specified in the planning statement would not be a material change from the existing use to the proposed use.

First Schedule:
Change of use from a C3a Dwellinghouse to a C2 Children's Care Home (Lawful development certificate for a proposed use) as specified in the planning statement prepared by Rose Consulting Planning and Regeneration dated May 2024.

Second Schedule:
2 Wood Walk, Royston, Barnsley, S71 4FH

The approval is subject on compliance with the following:

Dated: 15 August 2024

Garry Hildersley
Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

Notes:

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended)

2. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

3. 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.