BARNSLEY
Metropolitan Borough Council

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

PLANNING AND COMPENSATION ACT 1991

APPLICATION NO. 2023/0122

Thomas Duggan
6 Sandywell Drive
Downhead Park
Milton Keynes
MK15 9AJ

Description: Use of property for 4 no self contained flats (Lawful development certificate for an existing use)

Land at: Flat 1 and Flat 2, 35 Carlton Road, Smithies, Barnsley, S71 1UF

Barnsley Metropolitan Borough Council certify that the development/use of the above land **Use of property for 4no self-contained flats (Lawful development certificate for an existing use)** was not lawful within the meaning of Section 10 of the Planning and Compensation Act 1991.

The reason(s) for the Council's decision to refuse is/are:

1 In the opinion of the Local Planning Authority, insufficient evidence has been provided to demonstrate that the use being carried out at the application property has been for a continuous period of 10 or more years. Furthermore, the site visit (20th March 2023) showed that the internal layout has recently been altered with flat 1 being removed and replaced by a kitchen/living room which can be freely accessed by any of the residents within the property. Additionally, flat 2 (ground floor) does not meet all of the criteria of being self-contained as it does not contain any washing/toilet facilities and residents are required to pass through the common area to reach the ground floor WC.

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.

Signed Dated 03/04/2023



Joe Jenkinson
Head of Planning, Policy and Building Control

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