

# architectural vision

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## Planning Statement

Change of use application from C3 dwellinghouse to C2  
Residential Institution and Regularisation of Outbuilding 2

### Mistyfield House

134 Church Hill, Royston

Rev – P01



## Planning Statement

Mistyfield House, 134 Church Hill, Royston, S71 4AQ

- **Applicant:** Jaiswal Property Developments Ltd
- **Agent:** Architectural Vision Ltd
- **Date:** June 26<sup>th</sup> 2026
- **Project Description:** Change of use from Use Class C3 (Dwellinghouse) to Use Class C2 (Residential Institutions) to operate as a residential care home for adults and young adults with autism and learning disabilities, together with extensions, alterations and conversion of outbuildings, including retrospective permission for Outbuilding 2.

### 1.0 Introduction

This Planning Statement has been prepared by Architectural Vision Ltd on behalf of Jaiswal Property Developments Ltd in support of the request to regularise the existing **Outbuilding 2** (identified below) at Mistyfield House, 134 Church Hill, Royston, Barnsley S71 4AQ as part of planning application 2026/0491.



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The wider application seeks planning permission for the change of use of Mistyfield House from Use Class C3 (Dwellinghouse) to Use Class C2 (Residential Institutions) to provide much-needed specialist residential care accommodation for adults and young adults with autism and learning disabilities. Barnsley Metropolitan Borough Council has identified a clear local need for this type of accommodation, with a significant number of adults currently placed in residential services outside the borough. The proposed development will help to address this identified need by delivering high-quality, modern accommodation within a domestic-scale setting.

The scheme has been carefully designed to provide a range of accommodation types to meet varying levels of support needs. **Outbuilding 2** (pictured below) plays a critical role in this model. It is proposed to be converted and extended to provide additional M4(3) wheelchair accessible accommodation, for which there is a recognised shortage within the borough. The financial viability of the overall project rests upon the ability to convert and extend Outbuilding 2.



Following receipt of the Council's letter dated 25th June 2026, the applicant has carefully considered the Council's position regarding Outbuilding 2. The applicant wishes to regularise the position of Outbuilding 2 as part of the current planning application for the change of use of the site, rather than through a separate Certificate of Existing Lawful Use application. This approach allows the Council to consider the regularisation of Outbuilding 2 in the context of a wider, positive development proposal that will deliver significant social and community benefits. Outbuilding 2 was constructed by the current owners in 2020/2021. While the building was designed in the spirit of permitted development rights

under Class E, it does not fully comply with the height criteria due to its dual pitch roof and proximity to the northern boundaries. The building has now been in situ for over four years with no complaints from neighbouring residents. Furthermore, it is flanked on all three boundaries (as seen below) by existing buildings of similar or greater scale, resulting in a limited and acceptable impact on neighbouring amenity.



This statement sets out the planning and legal justification for regularising Outbuilding 2 (shown above) as lawful development by virtue of the passage of time, having regard to the relevant legislation, the specific circumstances of the site, and the wider benefits of the proposed development.

## 2.0 Site and Building Description

Outbuilding 2 (shown below) is a single-storey detached building located to the north of the main dwellinghouse. It currently comprises a social/bar area with an external hot tub area located under the existing roof. The building has a dual pitch roof finished in grey composite roof tiles and dark weatherboard external cladding.



The building was constructed with careful regard to its relationship with neighbouring properties. It has a deliberately low eaves height of less than 2.5m along the northern boundaries.

The building has been used solely for purposes incidental to the enjoyment of the main dwellinghouse and has not been used for any commercial or public purpose.

### 3.0 Planning History and Background

Outbuilding 2 (shown below) was constructed by the current owners of the property in approximately 2020/2021. It does not benefit from express planning permission.

The building was designed and constructed in accordance with the general parameters of permitted development rights under Class E, including floor area, separation from the main dwelling, and a low eaves height along the boundary. However, due to the dual pitch roof form and its proximity to the northern boundary, the overall ridge height exceeds the 2.5m limit that applies to buildings within 2m of a boundary under Class E.

Since its completion, no complaints have been received from neighbouring residents regarding the building.



## 4.0 Permitted Development Assessment

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the erection of buildings incidental to the enjoyment of a dwellinghouse, subject to certain limitations.

Outbuilding 2 was constructed with the following characteristics:

- The building is used for purposes incidental to the enjoyment of the main dwellinghouse.
- It has an eaves height of less than 2.5m along the northern boundaries.
- It is positioned more than 2m from the main dwellinghouse.

On this basis, Outbuilding 2 was constructed in accordance with the general parameters and intent of permitted development rights under Class E.

The only element of non-compliance with Class E is the overall height of the dual pitch roof. As the building is located within 2m of the northern boundary, the ridge height exceeds the 2.5m maximum permitted under Class E.

Notwithstanding this technical non-compliance with the height limitation, Outbuilding 2 has now become lawful by virtue of the passage of time, as set out in Section 5.0 below.

## 5.0 Lawful Development by Passage of Time

Under Section 191 of the Town and Country Planning Act 1990, development becomes lawful if no enforcement action has been, or can be, taken against it.

While Section 115 of the Levelling-up and Regeneration Act 2023 extended the enforcement period for operational development from four years to ten years with effect from 25 April 2024, transitional provisions apply. Regulation 5 of the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 provides that where operational development was substantially completed before 25 April 2024, the former four-year limitation period continues to apply.

Outbuilding 2 was substantially completed in 2020/2021, which predates the legislative change. More than four years have now elapsed since its substantial completion without any enforcement notice being issued by the Local Planning Authority.

On this basis, Outbuilding 2 has become immune from enforcement action and is therefore lawful by virtue of the passage of time under the applicable transitional four-year rule.

## 6.0 Amenity Considerations

Outbuilding 2 is flanked on all three boundaries by existing buildings of similar or greater scale. In particular, the existing garage outbuilding to the rear of 136 Church Hill (immediately to the east) is both significantly higher and deeper than Outbuilding 2.



Given the presence of these larger neighbouring structures, the retention of Outbuilding 2 does not result in any material loss of amenity to neighbouring garden spaces or properties.

The building was constructed with a deliberately low eaves height along the northern boundary in order to minimise any potential impact on neighbouring amenity.

## **7.0 Conclusion**

Outbuilding 2 was constructed in approximately 2020/2021 in the spirit of permitted development rights. While it does not fully comply with the height criteria under Class E, it has now become lawful development by virtue of the passage of time.

The building benefits from the transitional provisions under the Levelling-up and Regeneration Act 2023, as it was substantially completed prior to 25 April 2024. No enforcement action has been taken against the building, and no complaints have been received from neighbouring residents during the period it has been in situ. The presence of larger existing outbuildings on adjacent sites means that Outbuilding 2 does not result in any material loss of amenity to neighbouring properties.

The conversion and extension of Outbuilding 2 is essential to the delivery of the wider scheme, which will provide much-needed specialist residential care accommodation for adults and young adults with autism and learning disabilities in Barnsley. The financial viability of the project rests upon this element of the proposals.

On this basis, it is respectfully requested that the Local Planning Authority regularises Outbuilding 2 as lawful development as part of the current planning application (2026/0491).