

Application Reference Number:		2026/0446	
Application Type:		Lawful Development Certificate – Proposed.	
Proposal Description:		Certificate of lawfulness for a proposed change of use from C3a (dwellinghouse) to C3b (single household receiving care) for three adults (Amended Description).	
Location:		329 Midland Road, Royston, Barnsley, S71 4AZ.	
Applicant:		Blueprint Housing & Investment Ltd.	
Third-party representations:	None.	Parish:	
		Ward:	Royston.

Summary:	
This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that a proposed change of use from C3(a) to C3(b) for three adults receiving care is lawful and does not require planning permission. No external or internal structural alterations are proposed. Based on the information submitted by the applicant, the local planning authority determines that the proposed development and associated activity would not constitute a material change of use of the land or the application property. Therefore, this lawful development certificate for a proposed C3(b) use should be granted. Recommendation: GRANT.	

Site Description

This application relates to a modest-sized plot located on the north side of Midland Road and located within an area that is a mix of residential and commercial uses that comprises two-storey detached, semi-detached and terraced dwellinghouses, a block of several apartments in a former public house, semi-detached bungalows, Royston Railway Sports Club and metal products storage business. The development site is located approximately 460 metres to the east of the Royston District Centre and is served by regular eastbound and westbound public transport links with bus stops nearby. Barnsley Canal is located to the west, Monkton Playing Field to the southeast, and Rabbit Ings Country Park to the east. The section of Midland Road fronting the development site is not subject to any on-street parking restrictions. Consequently, there is the occurrence of some on-street parking particularly on the eastbound side of the road.

This application relates to a two-storey mid-terraced dwellinghouse constructed of red brickwork with a concrete pantile pitched roof. The dwellinghouse features an element of under-build and basement level. The dwellinghouse is fronted by a public footpath and a modest-sized garden is located to the rear. The development site does not benefit from off-street parking provision.



Planning History

B/91/1395/RO	Erection of private double garage and erection of first floor extension.	<i>Approved.</i>
2007/0048	Erection of brick and railing and stone and railing front boundary walls.	<i>Approved.</i>
2025/1077	Change of use from dwellinghouse (Class C3) to 4-bed 4-person HMO (Class C4) (Amended Description).	<i>Refused.</i>

Proposed Development

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that the proposed change of use from C3(a) to C3(b) for three adults receiving care is lawful and does not require planning permission. No external or internal structural alterations are proposed.

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority (LPA) describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

The proposed C3(b) use would cater for three adults receiving care. The submitted statements state that potential client groups could include (but not limited to) individuals with learning disabilities, who are homeless or at risk of homelessness, or fleeing domestic violence. Careful consideration would be given to the composition of the household to ensure that residents are appropriately matched. All prospective residents would be 18 years old or over and capable of living independently with limited need for intermediate care and support. It is anticipated that the maximum number of staff available at the property at any given time and for the whole operation more generally would not exceed two. There would be no set shift patterns for staff members as site visits would be bespoke to individual residents' needs. No staff members would reside at the property overnight or on a permanent basis.

Representations

There is no statutory requirement for a Local Planning Authority (LPA) to consult third parties on a lawful development certificate application, including neighbouring residents or parish councils since such applications are a matter of fact and law and are not determined on planning merits or judged against national and local planning policies and guidance. Nevertheless, this application was made available online. No representations were received.

Consultations

No statutory or non-statutory consultees were consulted on this application.

Assessment

The decision on a lawful development certificate application is based upon the facts of the case and any relevant judicial authority. This means that any planning merits are not material nor relevant to the application. The burden of proof is on the applicant to evidence that, on the balance of probability, the proposed use would be lawful.

A material change of use is not defined in statute and as such, is a question of fact and degree to the circumstances of an individual case. In judging whether there would be a material change of use in any given case, there must be a significant difference in character of any activity from what took place previously, that is from the use of the property as a dwellinghouse. Any off-site impacts of any new activity could also be relevant to the considerations in making such a judgement, including the impact on residential amenity and highway safety, including parking. These are not determinative in themselves and should not be considered in isolation but should instead be considered as part of the determination as to whether the increase in scale of the use has reached the point where it would give rise to materially different planning circumstances.

The proposed C3(b) use would cater for three adults receiving care. The submitted statements state that potential client groups could include (but not limited to) individuals with learning disabilities, who are homeless or at risk of homelessness, or fleeing domestic violence. Careful consideration would be given to the composition of the household to ensure that residents are appropriately matched. All prospective residents would be 18 years old or over and capable of living independently with limited need for intermediate care and support. It is anticipated that the maximum number of staff available at the property at any given time and for the whole operation more generally would not exceed two. There would be no set shift patterns for staff members as site visits would be bespoke to individual residents' needs. No staff members would preside at the property overnight or on a permanent basis. Residents would not have access to their own vehicles and while staff could have access to personal vehicles, it is anticipated staff would be sourced locally and could be encouraged to use alternative modes of transport such as walking, cycling or public transport.

Considering the above, the proposed C3(b) use would entail a limited amount of care provision with proposed maximum occupancy levels and anticipated movements being commensurate to the lawful C3(a) use which exists. It is therefore concluded that potential residents would form a single household where care is provided for residents. The proposed use would therefore fall under Class C3(b) which permits the use of a dwellinghouse (as a sole or main residence (or not)) by not more than six residents living together as a single household where care is provided for residents and is permitted development.

Accordingly, it is concluded that the applicant has demonstrated, on the balance of probabilities, that the proposed use of the application property (329 Midland Road) would fall under Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed change of use is permitted development with the existing and proposed uses falling within the same use class, and as such, a lawful development certificate should be granted.

RECOMMENDATION: Grant.