

**Application Reference:** 2026/0335

**Site Address:** 79 Barnsley Road, Dodworth, Barnsley, S75 3JS

**Description:** Erection of detached garage (Lawful Development Certificate – Proposed Development)

### Relevant Site Characteristics

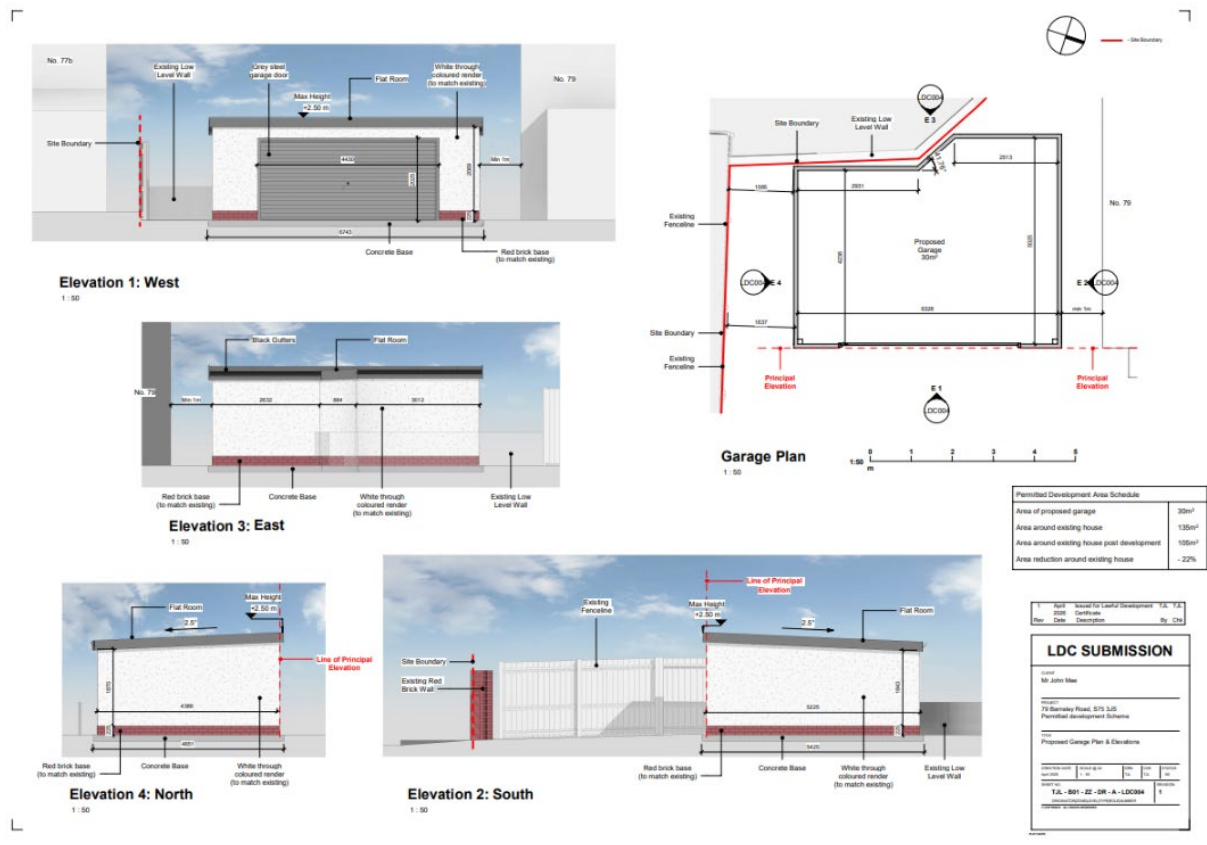
The surrounding area is characterised by semi-detached and terraced properties constructed from a mixture of red brickwork and render. Directly opposite the site is Dodworth St John the Baptist Primary Academy. The site is located on Barnsley Road, a classified road, within the Dodworth area. The site provides a substantial boundary wall with cladding panel inserts to the front of the site. This wall was approved partly retrospectively. The site provides a substantial driveway to the side of the dwelling. A small residential amenity area is located to the rear of the dwelling. The dwelling is constructed from red brickwork and features a pitched roof form.

### Relevant Site History

Reference	Description	Decision
2023/0266	Erection of detached double garage to side/front of dwelling	Refuse
2024/0645	Erection of detached garage and 1.7-metre-high boundary wall (Amended Plans and Description).	Approve with Conditions
2025/0337	Retention of sliding metal gates in the gap of the front of boundary wall approved under application 2024/0645	Refuse

### Detailed description of Proposed Works

The proposal seeks the granting of a proposed - certificate of lawfulness for the erection of a detached garage. The garage would have an approximate width of 6.7 metres. An approximate length of 5.4 metres is proposed to the north facing elevation and approximately 4.6 metres to the south facing elevation. A flat roof is proposed with a slight pitch falling to the rear. An approximate roof height of 3.5 metres is proposed. The outbuilding would provide an approximate floorspace of 30 square metres. The garage is proposed in close proximity to the rear boundary. The garage is proposed to be constructed from white render.



## Relevant Legislation

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides 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.

For a lawful development certificate to be issued for the erection of buildings etc incidental to the enjoyment of a dwellinghouse, it must meet the criteria set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class E, as detailed below.

## The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class E

### Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

## **Development not permitted**

### **E.1** Development is not permitted by Class E if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
  - (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
  - (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
  - (d) the building would have more than a single storey;
  - (e) the height of the building, enclosure or container would exceed—
    - (i) 4 metres in the case of a building with a dual-pitched roof,
    - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
    - (iii) 3 metres in any other case;
  - (f) the height of the eaves of the building would exceed 2.5 metres;
  - (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
  - (h) it would include the construction or provision of a verandah, balcony or raised platform;
  - (i) it relates to a dwelling or a microwave antenna; [F4...](#)
  - (j) the capacity of the container would exceed 3,500 litres
- [F6(k)**the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

### **E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### **Interpretation of Class E**

**E.4.** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

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### **Consultations**

Consultations were not required for this application.

### **Supporting Information**

In addition to the application form, the following plans were submitted in support of this application: Location Plan TJJ-B01-ZZ-DR-A-LDC001 Rev 1; Block Plan TJJ-B01-ZZ-DR-A-LDC002 Rev 1; Proposed Site Plan TJJ - B01 - ZZ - DR - A - LDC003 Rev 1; Proposed Garage Plan & Elevations TJJ - B01 - ZZ - DR - A - LDC004 Rev 1; Proposed 3D Views TJJ - B01 - ZZ - DR - A - LDC005 Rev 1. A planning statement was also provided.

### **Principle**

The site falls within Urban Fabric. General Permitted Development Rights have been removed from the site under the approval for previous planning application 2024/0645 which is considered to have been implemented through the completion of the boundary wall as part of the development description.

### **Assessment**

The site has previously been subject to three separate planning applications. The second of which was 2024/0645 which provided planning approval for the ‘Erection of detached garage and 1.7-metre-high boundary wall (Amended Plans and Description)’. This approval was subject to 6 conditions.

Condition 6 of the Approval with Conditions for 2024/0645 outlines the following:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority, and no garages or other outbuildings shall be erected.

Reason: In the interests of the visual amenities of the dwelling and the local area in accordance with Local Plan Policy D1 High Quality Design and Place Making, and to

safeguard the available amenity space of the application property in accordance with Local Plan Policy GD1 General Development.

It is acknowledged the proposal also included the erection of a detached garage which was not implemented. Despite this, given the proposal also included the erection of a '1.7 metre high boundary wall' which was already partly erected, the completion of this wall is sufficient to consider works to have started and condition 6 of the previous approval to have been triggered. Photographs taken during the site visit for the previous application show the wall to be incomplete, without the infill panels installed. The installation of the infill panels is therefore sufficient development to consider the wall to have been completed and works to have started resulting in the 6<sup>th</sup> condition of the previous application to have been triggered.

The site therefore no longer benefits from Permitted Development rights. The proposed garage cannot therefore be erected under permitted development, and the submitted Proposed Certificate of Lawfulness would not be a lawful development under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E and is therefore recommended for refusal.

### **Conclusion**

Given the site is considered to no longer hold permitted development rights due to the commencement of works approved under 2026/0645 which were subject to the sites' permitted development rights being removed through condition 6 of the approval, the proposal cannot be considered to be lawful and the proposed lawful development certificate cannot be granted under The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E and is therefore recommended to be refused.

### **RECOMMENDATION: Refuse**

#### **Justification**

It has not been necessary to request amendments during the application process

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**