

<b>Application Reference Number:</b>	2026/0115
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<b>Application Type:</b>	<i>Lawful Development Certificate – Existing.</i>
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<b>Proposal Description:</b>	<i>Certificate of Lawful Use – Existing (breach of condition non-compliance with agricultural occupancy condition)</i>
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<b>Location:</b>	<i>Oakdale, Stainborough Lane, Hood Green, Barnsley, S75 3HA</i>
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<b>Applicant:</b>	<i>Mr Steven Jones</i>
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<b>Third-party representations:</b>	<i>None.</i>	<b>Parish:</b>	<i>Stainborough</i>
		<b>Ward:</b>	<i>Penistone East</i>

<b>Summary:</b>
<p>This lawful development certificate application seeks confirmation that the Oakdale, Stainborough Lane, Hood Green, Barnsley, S75 3HA has been in non-compliance with agricultural occupancy condition for over 10 years.</p> <p>Based on the information submitted by the applicant, the LPA determines that the dwelling has been in non-agricultural occupancy for over 10 years, and therefore, this lawful development certificate should be granted.</p> <p>Recommendation: <b>GRANT.</b></p>

## Site Description

This application relates to a bungalow within the Hood Green area. The site is located within the Green Belt. Agricultural fields are located to the north, east and south of the site. Manor Farm is located to the west of the site.



## Planning History

Application Reference	Description	Decision
B/76/1687/PR	Erection of a bungalow for agricultural worker	Permission Granted subject to Conditions
B/76/3115/PR	Erection of detached bungalow for an agricultural worker with integral garage	Historic

## Proposed Development

This application is for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 and seeks confirmation that a dwelling under occupancy by a non-agricultural worker is lawful and does not require planning permission. A certificate under this section can be sought if any person wishes to ascertain whether –

- a) any existing use of buildings or other land is lawful;
- b) any operations which have been carried out in, on, over or under land are lawful; or
- c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

Section 191(4) of the Town and Country Planning Act 1990 states that if, on an application under this section, the Local Planning Authority (LPA) are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the LPA or a description substituted by them, the LPA shall issue a certificate to that effect; and in any other case shall refuse the application.

Guidance states that if an LPA has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". This reflects ministerial advice that was formerly printed in Annex 8 to Circular 10/97, at paragraph 8.15. 'Evidence' from neighbours, or others objecting to the application, consisting of no more than doubt, disbelief or scepticism regarding the evidence adduced by the applicant does not amount to evidence contradicting or otherwise making the applicant's evidence less than probable.

## Consultations

There is no statutory requirement for a Local Planning Authority 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. Nonetheless, the application was made available online and no representations were received.

Legal	<i>No Consultation Provided</i>
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## Assessment

This application relates to a bungalow which has been approved for use as a dwelling under occupancy of an agricultural worker.

The applicant has submitted his application for lawful use of the relevant dwelling under Section 191 of the Town and Country Planning Act 1990. Section 191(1) provides that if any person wishes to ascertain whether any existing use of buildings or other land is lawful he may make an application

for that purpose to the local planning authority specifying the land and describing the use, operations or other matter. Section 191(4) further provides that if, on the basis of the information provided in the application, the Council is satisfied at the time of the application of the use, we are obliged to issue a certificate to the effect that the use is lawful.

Planning permission was granted under application B/76/1687/PR - Erection of a bungalow for agricultural worker – subject to conditions.

Condition 3 states:

*The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined by section 290 (1) of the Town and Country Planning Act, 1971, or in forestry (including any dependents of such person residing with him or a widower or widow of such a person).*

It should therefore be assessed whether the house has been occupied as a dwelling by a person whose main or sole occupation has not been in the agricultural or forestry industry and if so then it is lawful under the Town and Country Planning Act 1990 on the basis that the dwelling has been used for this purpose for at least the last ten years: from 2012 to date. If the dwelling has been used for 10 years by the occupier who has not been in compliance with condition 3, the Council would not be entitled to take enforcement action in respect of the breach and the present use would thus be lawful.

The applicant has applied for a certificate of lawfulness for use of the dwelling granted planning permission in 1976 as a private dwelling house. Planning permission was granted for the dwelling with a condition (condition 3) requiring agricultural occupancy, however, neither Mr nor Mrs Jones have been employed in agriculture.

The applicant has submitted evidence to demonstrate that the dwelling has been occupied by non-agricultural workers for a period exceeding 10 years. These documents include Statutory Declarations, Statements of Truth, Council Tax Bills dating back to 2012, Yorkshire Water Utility Bills dating back to 2012 and 2014 Electoral Registration Confirmation for the address in question.

The property has remained under occupation of non-agricultural workers for a period exceeding 10 years, since February 2012 to present time including the extended garden space.

Considering the above, the LPA is satisfied with the supporting information submitted by the applicant to demonstrate the dwelling has been occupied by a non-agricultural worker for a period greater than 10 years including the extended garden land. Moreover, the LPA has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, and therefore there is no good reason to refuse the grant of a certificate "on the balance of probability".

BMBC have no evidence which conflicts with the evidence submitted and as a result of the above the local planning authority are provided with information satisfying them that the use and operations described in the application are lawful and, as such, a certificate should be granted.

**RECOMMENDATION: Grant.**

#### **First Schedule**

Application for lawful development certificate for non-agricultural occupancy of dwelling and extended garden without compliance with condition 3 of planning permission reference B/76/1687/PR.

#### **Second Schedule**

Oakdale, Stainborough Lane, Hood Green, Barnsley, S75 3HA