



Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	<input type="text" value="20"/>
Suffix	<input type="text"/>
Property name	<input type="text"/>
Address line 1	<input type="text" value="Midland Road"/>
Address line 2	<input type="text" value="Royston"/>
Address line 3	<input type="text"/>
Town/city	<input type="text" value="Barnsley"/>
Postcode	<input type="text" value="S71 4QP"/>

Description of site location must be completed if postcode is not known:

Easting (x)	<input type="text" value="436256"/>
Northing (y)	<input type="text" value="411486"/>

Description

2. Applicant Details

Title	<input type="text" value="Mr"/>
First name	<input type="text" value="JOHN"/>
Surname	<input type="text" value="HINE"/>
Company name	<input type="text"/>
Address line 1	<input type="text" value="20 MIDLAND ROAD"/>
Address line 2	<input type="text" value="ROYSTON"/>
Address line 3	<input type="text"/>

2. Applicant Details

Town/city	BARNSELEY
Country	
Postcode	S71 4QP

Are you an agent acting on behalf of the applicant? Yes No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

No Agent details were submitted for this application

4. Description of Use, Building Works or Activity

Please indicate why you are applying for a lawful development certificate

- An existing use
 Existing building works
 An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application

5. Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

20 Midland Road is a 3-story-semidetached house built circa 1910. The ground floor is basement kitchen, the rear door to the property opens into the basement kitchen area. First floor level is utilised as living space and second floor provides bedrooms and bathroom. A timber constructed balcony with timber balustrade and supported on timber posts has been built over the rear entrance door and is accessed via PVCu French windows from living space on the 1st floor. It is understood from recent discussions with the previous property owner that the balcony was erected approximately 18 years ago to provide outdoor amenity in the absence of garden space and that planning approval was not sought from BMBC prior to construction. The property has been rented out by the previous owner to a number of tenants up to the sale of the property and it is understood that the balcony was used by tenants for its intended purpose. I purchased the property in December 2019 and the balcony is still in its original form and in use by me.

6. Grounds for application of a Lawful Development Certificate

Under what grounds is the certificate being sought

- The use began more than 10 years before the date of this application
 The use, building works or activity in breach of condition began more than 10 years before the date of this application
 The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
 The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
 The use as a single dwelling house began more than four years before the date of this application
 Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation? Yes No

Please state why a Lawful Development Certificate should be granted

20 Midland road has a rear yard and parking area but does not have garden space. For approximately 18 years the balcony has provided the only outdoor amenity area available to the property. The balcony has been in continued use as an outdoor seating area since its construction and is still in use for its original intended purpose. The balcony is located at the rear of the property and cannot be fully viewed from Midland Road. I purchased the property in December 2019. It is understood that planning permission for the balcony was never sought by the previous owner prior to construction or sale of the property. Although quality satellite imagery of the property is not available prior to 2009, satellite imagery available post June 2009 clearly shows the balcony to have been present in its current form for almost 12-years. To the best of my understanding, no official complaints or objections have been raised by local residents or by Barnsley Council since substantial completion of construction works over 12- years prior to this application being made. In light of the continued and longterm use of the balcony and the length of time since substantial completion, it is requested that BMBC apply the 4-year planning rule and consider the construction lawful and that a Certificate of Lawfulness is issued for the balcony as described under Section 171B and Section 191 of the Town and Country Planning Act 1990.

6. Grounds for application of a Lawful Development Certificate

7. Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

In the case of an existing use or activity in breach of conditions has there been any interruption? Yes No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? Yes No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed? Yes No

8. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

9. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? Yes No

10. Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

11. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. Yes No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)