

2025/1052

Mr Christopher Goundry

18 - 20 Church Street, Royston, Barnsley, S71 4QU

**Certificate of proposed lawful development for the change of use from dwellinghouse (Use Class C3) to be used as supported living for up to 4 young adults with non-resident carers (Use Class C3b).**

---

### Site Description

The application relates to a detached 2 storey four bedroom dwelling which was formerly a pair of semi-detached houses. The dwellings' address is Church Street (a classified road, B6132) from where it is accessed via a private road which also serves a terrace of three dwellings. The access is narrow and has limited visibility onto Church Street (which has double yellow line parking restrictions in the vicinity). The dwelling also has access off New Street, where there are predominantly terraced houses with no off street parking and one business property, a carpet shop. New Street also provides access to Royston Cemetery.

### Planning History

Application Reference	Application description	Status
2025/1036	Certificate of proposed lawful development for the change of use from dwellinghouse (Use Class C3) to be used as small children's home (maximum 3 children) with non-resident carers (Use Class C2).	Under consideration
2025/0820	Change of use from dwellinghouse (Class C3) to 4 Child Children's Home (Class C2)	Under consideration
2023/0028	Residential development of 2no. dwellings with primary access off New Street (Outline will all matters reserved apart from means of access)	Withdrawn
2017/1121	Residential development of 2no. dwellings with primary access off New Street (Outline will all matters reserved apart from means of access)	Granted
B/00/0535	Outline for residential development	Granted

### 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 a proposed change of use from C3 to C3b to be used as supported living for up to 4 young adults with non-resident carers is lawful and does not require planning permission. 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 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 application is supported by a planning statement, site plan and floor layout plans, a staff rota, several application and appeal decisions and supporting emails. Submitted floor plans indicate that there would be no alterations to the dwelling but there would be internal and external alterations to the outbuildings. A supporting email clarified that there will be 1-2 support staff during the day and one support staff overnight.

## **Consultations**

There is no statutory requirement for a Local Planning Authority to consult third parties on a lawful development certificate application, including neighbouring residents, 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. No comments were received.

Advice was sought from the following consultees:

Highways DC – No objection

Legal Services – Initial comments sought additional evidence

- Further comments advise that on the balance of probabilities the use would fall within Class C2.

Head of Children in Care Homes – object on the basis that there are already 146 supported accommodation places in Barnsley which are mostly taken by young people from other local authorities.

South Yorkshire Police – Recommend security conditions which must be met to ensure the safety of children and staff

Ward Councillors – no comments received

## **Assessment**

The decision on a lawful development certificate application is based on the facts of the case and any relevant judicial authority. This means that any planning merits are not relevant to the application. The burden of proof is on the applicant to show that, on the balance of probability, the proposed use would be lawful.

A material change of use is not defined in statute and 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 may also be relevant to the considerations in making such a judgement, including the impact on residential amenity, highway safety and 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 use has reached the point where it gives rise to materially different planning circumstances.

The submitted planning statement, as clarified by the applicant, indicates that the proposed use is for supported living accommodation with four young adults aged 18-21 years old who will be care leavers who have been in local authority care. The objective is to provide care leavers with a supportive environment with access to services and help to allow them to transition from the care system to living independently in the community. There will be a maximum of two non-resident carers present at any time. The carers would be present on site for 2 hours in the morning and 3 hours in the evening. Residents would be likely to be away from the property engaged in training, work or education during the day. Residents would live as a single household with external support from the carers. It is considered that the parking facilities available on site would be satisfactory, taking into account the commitment in the planning statement that residents would not be allowed to own cars.

Taking into account the limited amount of care to be provided it is concluded that the proposed residents would form a single household while receiving care, i.e. supported housing and as such the use would fall in Class C3b and would be permitted development.

Accordingly it is concluded that applicant has demonstrated on the balance of probabilities that the proposed use would fall within Class C3b of the use classes order. The change of use of the property from Class C3 to Class C3b is permitted development and therefore this lawful development certificate for a proposed C2 should be granted.

## **Recommendation**

### **Grant the Certificate for the following reasons**

In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, the proposed residents of 18-20 Church Street would be capable of forming a single household while receiving care i.e. supported housing, and as such the use would fall in use class C3b. The proposed change of use from C3a to C3b would be within the same use class and constitute permitted development. It is therefore concluded that the proposed change of use is lawful and this lawful development certificate is granted.