BARNSLEY
Metropolitan Borough Council

Growth and Sustainability
Regeneration and Culture
Planning, Policy and Building Control

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 192 (as amended)
Town and Country Planning General Permitted Development Order 2015 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015: article 39

APPLICATION NO. 2023/0619

To M Mambo
43 Verdi Close
Brighton Hill
Basingstoke
RG22 4JE

DESCRIPTION Change of use from a C3a dwellinghouse to C3b Children's Care Home (Lawful development certificate for a proposed use)
LOCATION 27 Primrose Way, Hoyland, Barnsley, S74 0HN

Barnsley Metropolitan Borough Council certifies that the proposed use/development of the above land for the Change of use from a C3a dwellinghouse to C3b Children's Care Home (Lawful development certificate for a proposed use) is **not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:**

1 In the opinion of the Local Planning Authority, insufficient evidence has been submitted by the applicant that the proposed use would fall under Use Class C3b (Dwellinghouse), with the information submitted indicating that several key elements of the proposed use/development would in fact fall into use Class C2 (Residential Institution). Additionally, the level of care required, the likelihood of significant increase in vehicular movements and staff change overs would very likely represent a material change of use and character of the property to Use Class C2. A change of use from C3(a) to C2 is not permitted development and therefore a Lawful Development Certificate in this instance cannot be granted.

Development Management
For and on behalf of Group Leaders,
Andrew Burton and Matthew Smith

Dated: 29 August 2023

CUSTOMER SERVICE EXCELLENCE CSE LABC

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse the lawful development certificate application then you can appeal to the Secretary of State under section 195 of the Town and Country Planning Act 1990.
For appeals under section 195 of the Town and Country Planning Act 1990 the applicant cannot submit an appeal before the following time-limits:

- If the appeal is against the LPA's decision, 28 days from the date on the decision notice;

- If the appeal is against the LPA's failure to determine the application, 28 days from the date by which the LPA should've made their decision

Once these time limits have passed, there is no time limit within which an appeal must be made. However, the Planning Inspectorate would expect to receive an appeal within 6 months (para 2.4.2 of the Certificate of lawful use or development appeals: procedural guide updated 26/07/2023).

Appeals can be made online at: https://acp.planninginspectorate.gov.uk/

If you are unable to access the online appeal form ask the Planning Inspectorate for an appeal form to appeal by post or email. The form will tell you where to send the completed form and required documents to:-

The Planning Inspectorate
Room 3 O/P
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Planning Inspectorate customer support team
enquiries@planninginspectorate.gov.uk
Telephone: 0303 444 5000

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.