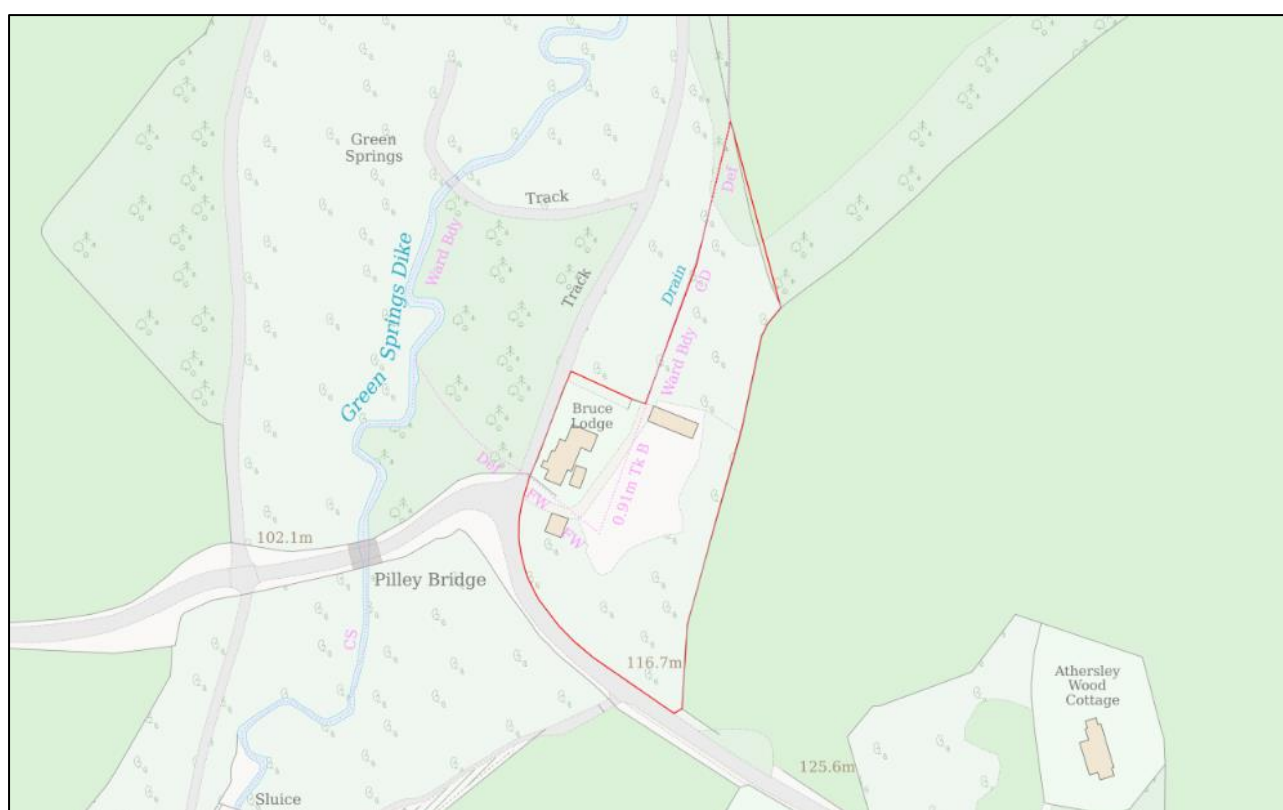


Application Reference Number:		2026/0288	
Application Type:		Lawful Development Certificate – Proposed.	
Proposal Description:		Erection of a detached outbuilding (Lawful development certificate for proposed development).	
Location:		Bruce Lodge, Pilley Hills, Pilley, Barnsley, S75 3AU.	
Applicant:		Mrs Carey Sizer-Coy.	
Third-party representations:	None.	Parish:	
		Ward:	Dodworth, Stainborough and Tankersley.

Site Description

This application relates to a substantial residential plot located in the Green Belt on the north side of Pilley Hills to the south-east of Rockley Woods and Green Spring Woods and in the rural settlement of Pilley. The surrounding area is predominantly woodland and agricultural land with interspersed residential plots.

The development site is accessed from Pilley Hills to the south-west. There are several existing buildings within the development site, including to the north-east, south-east, and south. The host dwellinghouse has been extended (2012/1016). The development site previously consisted of substantial tree cover but had been largely cleared previously. The development site experiences considerable topography differences with land falling south-east to north-west and east-to-west.



Planning History

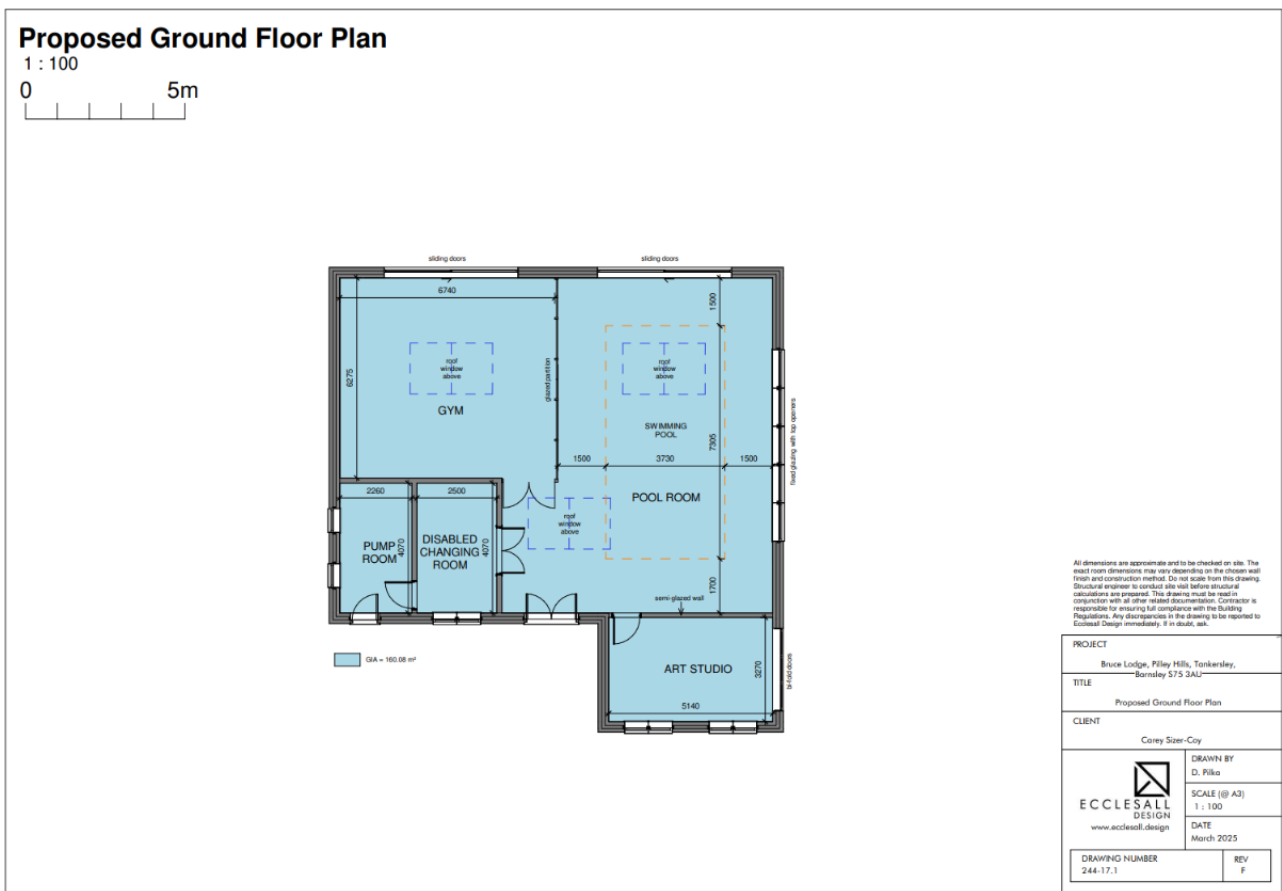
2012/1016	Erection of side and rear two storey extension to dwelling.	Approved.
2023/0387	Erection of detached outbuilding (Application for a Lawful Development Certificate for a Proposed Development).	Lawful Development Certificate – Refused.
2023/0445	Erection of an open fronted steel frame, steel clad single storey shed (Application to determine if prior approval is required for a proposed: Erection, Extension or Alteration of a Building for Forestry use).	Prior Approval Required – Refused.

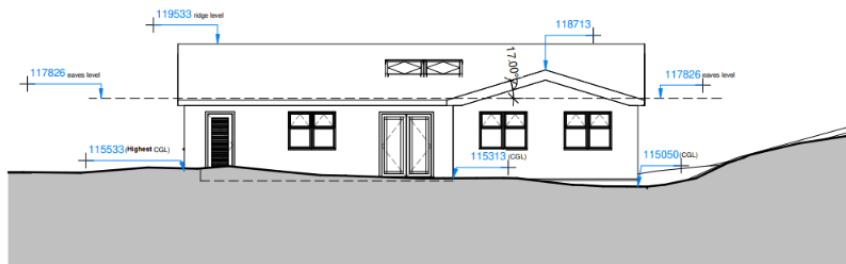
Proposed Development

This application is for a lawful development certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the erection of a detached outbuilding would comply with the requirements of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) and therefore, does not require planning permission.

The proposed detached outbuilding would measure approximately 14.2 metres (W) x 14.6 metres (L) x 4.0 metres (H) with an approximate eaves' height of 2.5 metres.

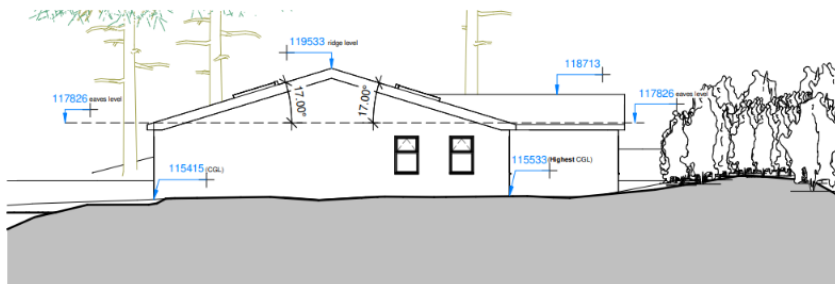
The proposed detached outbuilding would comprise a gym, swimming pool with associated pump room and disabled changing room, and art studio.





Proposed Front Elevation
1 : 100

Spot levels shows height above sea level in millimeters
(CGL) - ground level at the corner of the building



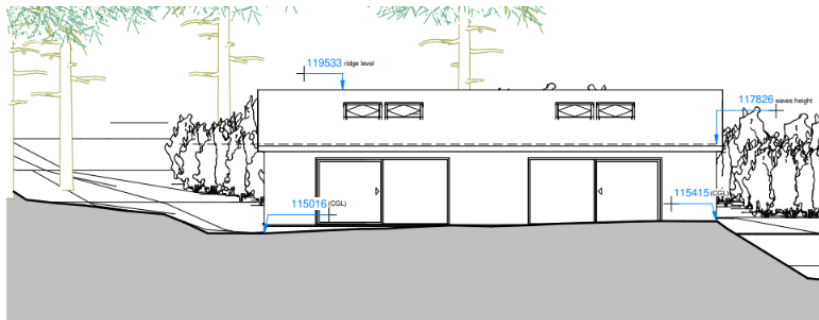
Proposed LH Elevation
1 : 100

Spot levels shows height above sea level in millimeters
(CGL) - ground level at the corner of the building



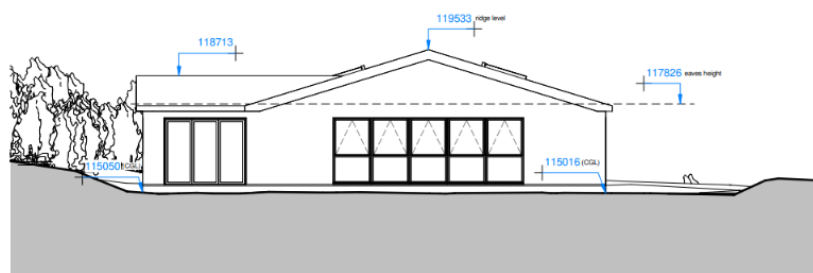
All dimensions are approximate and to be checked on site. The exact room dimensions may vary depending on the chosen wall finish and construction method. Do not scale from this drawing. Structural engineer to conduct site visit before structural calculations are prepared. This drawing must be read in conjunction with all other related documentation. Contractor is responsible for ensuring full compliance with the Building Regulations. Any discrepancies in the drawing to be reported to Ecclesall Design immediately. If in doubt, ask.

PROJECT Bruce Lodge, Pilley Hills, Tonkensley, Barnsley S75 3AU	
TITLE Proposed Elevations 1	
CLIENT Corey Sizer-Coy	
 www.ecclesall.design	DRAWN BY D. Pilka
	SCALE (@ A3) 1 : 100
DRAWING NUMBER 244-17.3	DATE March 2025
	REV F



Proposed Rear Elevation
1 : 100

Spot levels shows height above sea level in millimeters
(CGL) - ground level at the corner of the building



Proposed RH Elevation
1 : 100

Spot levels shows height above sea level in millimeters
(CGL) - ground level at the corner of the building



All dimensions are approximate and to be checked on site. The exact room dimensions may vary depending on the chosen wall finish and construction method. Do not scale from this drawing. Structural engineer to conduct site visit before structural calculations are prepared. This drawing must be read in conjunction with all other related documentation. Contractor is responsible for ensuring full compliance with the Building Regulations. Any discrepancies in the drawing to be reported to Ecclesall Design immediately. If in doubt, ask.

PROJECT Bruce Lodge, Pilley Hills, Tonkensley, Barnsley S75 3AU	
TITLE Proposed Elevations 2	
CLIENT Corey Sizer-Coy	
 www.ecclesall.design	DRAWN BY D. Pilka
	SCALE (@ A3) 1 : 100
DRAWING NUMBER 244-17.4	DATE March 2025
	REV F

Relevant Policies

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 the development site, such as permitted development rights having been removed, or listed status etc.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) permits buildings etc incidental to the enjoyment of a dwellinghouse.

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 G, M, MA, N, P, PA 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;*
- j) *the capacity of the container would exceed 3,500 litres; or*
- 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.

Consultations

Tankersley Parish Council	<i>No comment(s) received.</i>
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Representations

There is no statutory requirement for LPAs to consult third parties, including neighbouring residents or parish councils on a lawful development certificate application as such applications are a matter of fact and law and are not determined on their planning merits or judged against national or local planning policies or guidance.

This application was advertised on the Council website; and no representations have been received.

Planning Assessment

This application is for a lawful development certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the erection of a detached outbuilding would comply with the requirements of Class E, Part 1 of Schedule 2 of the GPDO (as amended) and therefore, does not require planning permission.

The proposed detached outbuilding would measure approximately 14.2 metres (W) x 14.6 metres (L) x 4.0 metres (H) with an approximate eaves' height of 2.5 metres.

The proposed detached outbuilding would comprise a gym, swimming pool with associated pump room and disabled changing room, and art studio.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) permits buildings etc incidental to the enjoyment of a dwellinghouse where all relevant criteria and conditions would be complied with.

Having checked the specifications under Class E, Part 1 of Schedule 2 of the GPDO (as amended) alongside the Permitted development rights for householders: technical guidance; this proposal would comply with all criteria established by paragraphs E.1(a – k).

Having checked the specifications under Class E, Part 1 of Schedule 2 of the GPDO (as amended) alongside the Permitted development rights for householders: technical guidance; the criteria established by paragraphs E.2(a – d) and E.3 is not relevant in this instance.

The LPA therefore accepts that this proposal would comply with the technical requirements of Class E, Part 1 of Schedule 2 of the GPDO (as amended).

However, an assessment also needs to be made as to whether this proposal is required for a purpose incidental to the enjoyment of the host dwellinghouse.

There is no statutory definition of “incidental” within the GPDO or supporting technical guidance.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) under paragraph E.4 establishes that 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.

The Permitted development rights for householders: technical guidance establishes that the rules also allow, subject to the conditions and limitations, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking if they can properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

The LPA therefore accepts that this proposal, which would comprise uses for a gym, a swimming pool with an associated pump room and a disabled changing room, and an art studio, is capable of being considered incidental, in principle.

In assessing whether this proposal is required for a purpose incidental to the enjoyment of the host dwellinghouse, the LPA has taken into account the previous reason(s) for refusal under application 2023/0387, the details contained within the submitted Planning Statement, and the email response dated 02nd June 2026, following a request from the LPA for additional information. The LPA has also researched and considered several appeal decisions made by the Planning Inspectorate for similar schemes within the last 12-months.

The previous reason(s) for refusal under application 2023/0387 included:

- 1. In the opinion of the Local Planning Authority the proposed outbuilding, as a whole, is excessive in size and scale, and would be used for a purpose which would not be reasonably incidental to the main dwellinghouse to which it relates, featuring a detachment from the host dwelling and several rooms. The proposal is therefore considered to be of such a scale in comparison to the existing dwellinghouse that it would therefore not fall within the parameters of Class E of Part 1 of Schedule 2 to the General Permitted Development Order (GPDO) 2015 (as amended) and a Lawful Development Certificate cannot be issued by consequence.*
- 2. The Local Planning Authority determine that insufficient evidence was submitted to justify the size and use of the proposed building in line with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Sch. 2 Part 1 Class E with the onus resting upon the applicant to provide sufficient evidence and information to substantiate lawful development, as stipulated by the Planning Practice Guidance.*

Regarding these reasons for refusal, the case of *Emin v SSE and Mid Sussex District Council* [1989] 58 P & CR 416 established that while the size of the building may be an important consideration when determining if a building is to be used incidental to the enjoyment of the dwellinghouse, it is not by itself conclusive.

None of the limitations or conditions established under Class E, Part 1 of Schedule 2 of the GPDO (as amended) state that the footprint of a building cannot be similar to, or greater than, that of the host dwellinghouse, nor do they specify that the proposed building should be of any particular siting in respect of the host dwellinghouse.

It must also be established that the building is genuinely and reasonably required, and in *Wallington v Secretary of State for Wales* [1991] 1 PLR 87 it was established that a purpose incidental to a dwellinghouse should not rest on the whim of the person who dwells there. Equally, reasonable aspirations should not be frustrated where the proposed use is sensibly related to the enjoyment of the host dwellinghouse.

The onus is placed firmly on the applicant(s) to demonstrate that the proposed building and the spaces contained within are reasonably required by the occupant(s) with respect to the enjoyment of the host dwellinghouse. It is a matter primarily of an occupier of a dwellinghouse to determine what incidental activities they wish to carry out within a building, albeit an objective test of reasonableness should be applied having regard to the particular circumstances of the case and it should not be based solely on the unrestrained whim of the occupant(s). The term “incidental” therefore connotes an element of subordination in land use terms in relation to the enjoyment of a dwellinghouse itself. There is a need to consider whether, in the context of the host dwellinghouse, the use of the proposed building is intended and would remain ancillary or subordinate.

This application is supported by a Planning Statement which states that the proposed building has been designed to provide essential facilities for the applicant's daughter, who experiences severe physical and learning difficulties, including reduced mobility, due to a unique medical condition. In addition, the proposed building would provide benefit to the applicant(s) in respect of their health and well-being; as owing to their daughter's diagnosis and subsequent care needs, they cannot engage in recreational activities, whether as a family unit, or individually.

It is understood that the applicant's daughter is supported by immediate and extended family members and a team of specialist carers who would provide support to use the facilities within the proposed building. It is stated that it is vital that the applicant's daughter has access to physical and mental stimulation to ensure that they can lead a rewarding life, which is supported by statements from relevant professionals with knowledge of their circumstances and needs. It is

argued that access to such stimulation is even more vital within the context of existing and previous off-site facilities no longer being adequate or available due to closure.

The submitted Planning Statement states that the host dwellinghouse (Bruce Lodge) was purchased in 2012 by the applicant and their family who immediately undertook a full renovation, including the implementation of an extension (2012/1016) to bring the property up to a standard that their daughter could safely live in. The renovation has ensured that the ground floor is fully open plan without doors or radiators (safety hazards) and includes a purposely designed suite of rooms at first floor level, that allow the applicant and their daughter to have adjoining bedrooms in case of an emergency. The garden courtyard to the rear (east) of the host dwellinghouse has also been re-landscaped to provide a flat lawn and patio area, alongside a gentle slope that allows for safe access to adjacent woodland.

The submitted Planning Statement establishes that none of the individual spaces are intended to be used as primary habitable living space, nor for commercial purposes, and are intended to be used by the applicant(s) and their daughter.

A site visit was undertaken by the Case Officer on 12th June 2026 alongside the applicant.

The location of the proposed building alongside other considered potential locations and their constraints were observed. The internal layout of the host dwellinghouse was also observed.

Based upon the observations made during the site visit, the LPA is satisfied that none of the facilities within the proposed building could be reasonably accommodated within the existing extended host dwellinghouse.

While the LPA raised questions in respect of the orientation, and separation from the host dwellinghouse, of the proposed building, it is accepted that these are not determining factors in this instance in respect of this application for a lawful development certificate.

Despite the footprint of the proposed building having been reduced from the scheme that was refused under application 2023/0387, the proposed building would still adopt a significant footprint. However, the proposed building would occupy a relatively small part of the substantial plot that is the development site and would be comparable in footprint to the existing extended dwellinghouse and associated detached buildings and structures.

It is also acknowledged that the scale and design of the proposed building consider the mobility needs of the applicant's daughter and the need to provide adequate circulation space for access, maintenance and safety purposes. Although the circulation space provided within the internal spaces of the proposed building would be generously sized, some rooms would contain doorway openings into these facilities, and additional space would also be required to allow use of specialist equipment to aid mobility such as a walker or wheelchair. As such, it is considered that the proposed building and the spaces within would be reasonable in size to accommodate such items without being excessively spacious.

It is also not considered that it is unreasonable or excessive for the proposed building to accommodate a range of activities or that the proposed building in this case would be cumulatively excessive.

Considering the above and based on the particular circumstances of this individual case, it is considered that the applicant(s) have sufficiently demonstrated that the proposed building and the facilities contained within are genuinely and reasonably required with respect to the enjoyment of the host dwellinghouse. The LPA has no reason(s) to doubt that the proposed building and the facilities contained within would remain ancillary and subordinate to the host dwellinghouse in land use terms. The aspirations of the applicant(s) should not be frustrated in this instance given that the proposed uses would be sensibly related to the enjoyment of the host dwellinghouse.

This proposal is considered to adequately address the previous reasons for refusal, being materially different to the refused scheme, and while the LPA has reservations in respect of the scale of the proposed building, any attempt to refuse this application on the size of the proposed building alone would likely result in any potential appeal being allowed by the Planning Inspectorate in light of existing case law and appeal outcomes for similar development.

As such, it is considered that this proposal would comply with the legislation and requirements for permitted development under Class E, Part 1 of Schedule 2 of the GPDO (as amended), and therefore, this Certificate of Lawful Development should be granted.

RECOMMENDATION: Lawful development certificate – Grant.

Conditions

1. The development hereby approved shall be carried out strictly in accordance with the approved plans:

244-17.1-F Proposed Ground Floor Plan.
244-17.2-F Proposed Roof Plan.
244-17.3-F Proposed Elevations 1.
244-17.4-F Proposed Elevations 2.
244-17-F Proposed Ground Floor Level Plan.
244-18-F Proposed Roof Level Plan.
244-19-F Proposed Cross Section A-A.
244-20-F Proposed Cross Section B-B.
244-21-F Proposed Cross Section C-C.
244-22-F Proposed Cross Section D-D.
244-23-F Proposed Cross Section E-E.
244-24-F Proposed Cross Section F-F.
244-25-F Proposed Cross Section G-G.
244-PSP.TS-F Proposed Site Plan with Topographical Survey.
244-PSP-F Proposed Site Plan.

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in order to comply with the provisions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).