



PLANNING AND COMPENSATION ACT 1991

APPLICATION NO. 2025/0288

White Agus Ltd
Office One
Drill Hall 11
Eastgate
Barnsley
S70 2EU

Description: Lawful Development Certificate for existing House of Multiple Occupation (Use Class C4).

Land at: 109 Dodworth Road, Barnsley, S70 6HL

Barnsley Metropolitan Borough Council certify that the development/use of the above land **for use as an existing House of Multiple Occupation (Use Class C4)** was not lawful within the meaning of Section 10 of the Planning and Compensation Act 1991

The reasons for the Council's decision to refuse are:

- 1 In the opinion of the local planning authority, the evidence submitted is not sufficiently precise and unambiguous and does not satisfy them that the existing use or operations described in the application are lawful. Moreover, as the use of the application property appears to have changed numerous times over the years, the LPA does not consider that a lawful development certificate can be granted for an existing small HMO (Class C4) use when the application property is no longer in use for such purposes and has likely not been for some time.
- 2 In the opinion of the local planning authority, the evidence submitted suggests the application property was used as an 8-bedroom large HMO (Sui Generis) and not a small HMO (Class C4), and because the application property has recently been reconfigured to provide six self-contained flats, it is considered that it is no longer possible for the applicant to demonstrate a continuous 10-year-use for a large HMO (Sui Generis) as required by paragraph 1(a) of Section 171B of the Town and Country Planning Act 1990 (as amended).

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed:

Dated: 26 June 2025

A handwritten signature in black ink, consisting of a circular scribble followed by a horizontal line extending to the right.

Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate

Note: This certificate is issued for the purposes of Section 10 of the Planning and Compensation Act 1991.