



CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 192 (as amended)
Town and Country Planning General Permitted Development Order 2015 (as amended)

APPLICATION NO. 2022/0561

To Colin Smith
Down Ampney
Well Hill
Yaxham
Dereham
NR19 1RX

Barnsley Metropolitan Borough Council hereby certify that the development described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted as part of this application, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons;

- The LPA's decision on this proposal not constituting a material change of use is based on the fact there are no internal or external alterations proposed to accommodate the additional 2 residents. In addition, the existing shared facilities would be retained and the existing bedrooms would not need to be subdivided. The additional 2no. residents would simply be accommodated by 2no. rooms becoming doubly occupancy rather than single. Furthermore, the double occupancy rooms exceed the 12m2 requirement set out in the South Yorkshire Residential Design Guide for a double room.

First Schedule:

Change of use from small house in multiple occupation (HIMO - Use Class C4) to large HIMO (sui generis use) limited to 8 residents - Lawful development certificate for a proposed use

Second Schedule:

221 Sheffield Road, Barnsley, S70 4DE

Signed 
Joe Jenkinson
Head of Planning, Policy and Building Control

Dated 22 July 2022

Notes:

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would be lawful if instituted or begun at the time of the application and thus, would not be liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. If more than 8 individuals reside in the property at any point, or amendments are required to the internal layout of the building, then a further application will be required to fully assess whether there would be a material change in the use of the property. That is a fact and degree assessment based upon whether there would be a change in the character of the use of the land. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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.