BARNSLEY
Metropolitan Borough Council

Planning and Building Control
Economic Regeneration - Place Directorate
Barnsley Metropolitan Borough Council, PO Box 634, Barnsley, S70 9GG
DevelopmentManagement@barnsley.gov.uk
www.barnsley.gov.uk/services/planning-and-buildings

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 27

Suffix:

Property Name:

Address Line 1: Primrose Way

Address Line 2: Hoyland

Address Line 3: Barnsley

Town/city: Barnsley

Postcode: S74 0HN

Description of site location must be completed if postcode is not known:

Easting (x): 437230

Northing (y): 400067

Description:

Applicant Details

Name/Company

Title

First name

David

Surname

Chitombo

Company Name

Optimum Healthcare Ltd

Address

Address line 1

8 PRIOR CROFT

Address line 2

Bolton-upon-Dearne

Address line 3

Town/City

Rotherham

County

Country

UK

Postcode

S63-8BF

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Agent Details

Name/Company

Title

First name

M

Surname

Mambo

Company Name

Address

Address line 1

43 Verdi Close

Address line 2

Brighton Hill

Address line 3

Town/City

Basingstoke

County

Country

United Kingdom

Postcode

RG22 4JE

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

◯ Yes
⊘ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

⊘ Yes
◯ No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

The property is intended to be used as a children's care home C3b, providing care for two children/ young people between the ages of 10 and 18 with a live in matron as the primary care giver. The children who would be residing in the proposed premises need additional support to live within the community. The aim of the service is to ensure that they live as independent life as possible and move to more independent living facilities by providing them with an environment as close as possible to a traditional family home. The use of the property would fall within Class C3b. The live in matron would be staying on site and will be assisted by other care assistants/support staff who would not be permanently resident at that address. At the proposed residential children's home, day-to-day living facilities, including bathroom, kitchen, dining and sitting rooms would be shared. The children / young persons would have their own bedrooms. Bedrooms would be fitted with locks to meet legal requirements, including human rights legislation; however, the support staff would have a key to each room. The live in matron would provide 24 / 7 care, The support workers would alternate working between 8am - 8pm or 8pm - 8am (Sun to Sat). There is also a registered manager who would work 8am - 5pm (Mon to Friday). The home will have 7 full time staff to support the young persons living within the property. A typical day on site will involve having 3 - 4 members of staff. These would include the live in matron, 2 x support workers and the manager, as set out in the work rota. During the night the live in matron would be present plus an additional overnight support staff. In addition to support staff, there would be short and infrequent visits from social workers and other support professionals for assessment purposes on the young person. The site offers sufficient onsite parking, and we do not anticipate having family or visitors coming on site which helps in curbing traffic flow in and out of the property as well as mitigate potential parking problems within the residential area. There would likely be approximately 1-2 cars accessing the residential area parking spaces during the day and less overnight

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

The current property use class is C3a dwelling house and is currently unoccupied and going through a refurbishment. Optimum Healthcare Ltd have taken over full occupancy of the property with the view of getting certification to validate the proposed use as a children's care home (class C3b) through the outcome of this application process.

Has the proposal been started?

◯ Yes
⊘ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The last use is lawful as it falls within the C3a use class of a dwelling house. Planning control where unable to provide much information regarding this due to a lack of planning history relating to the aforementioned property . The existing property has the layout, facilities, services, and has the character of, a standard dwelling house. The proposed use would not change this, and the external appearance of the building would not be altered. According to The Town and Country Planning (Use Classes) Order 1987 (as amended), amendments were made in 2010 to the 1987 Order. The effect of these amendments was to amend Class C2A, introduce a new Class C4 and to further sub-divide Class C3. It is the subdivision of Class C3 that is of great relevance to this application. The amended Class C3 reads as follows:
"Class C3. Dwelling houses use as a dwelling house (whether or not as a sole residence) by.
(a) a single person or by people to be regarded as forming a single household.
(b) not more than six residents living together as a single household where care is provided for residents: or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4

The proposed change falls within the same C3 use class, as such should be considered as a permitted change without the need for planning permission. Current use is C3a, and the proposed use is C3b
For a more information, please read through the supporting statement Section 3 and beyond

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Location & Block Plan
Site Plan
Floor Plans
Elevations
Supporting Statement
Appendices

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Information about the proposed use(s)

Select the use class that relates to the proposed use.

Other

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Other (please specify)

C3b

Is the proposed operation or use

- ☑ Permanent
- ○ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The Town and Country Planning (Use Classes) Order 1987 (as amended) (hereafter referred to as the Use Classes Order) classifies land uses and identifies certain uses which do not fall within any of the specified classes. Amendments were made in 2010 to the 1987 Order. The effect of these amendments was to further sub-divide Class C3. It is the subdivision of Class C3 that is of great relevance to this application.
The property fall under C3 use as a dwelling house (whether or not as a sole residence) by.
(a) a single person or by people to be regarded as forming a single household.
(b) not more than six residents living together as a single household where care is provided for residents:
The change falls within the same use class as such should be classified as a permitted change from C3a to C3b
According to the case law: North Devon District Council and the First Secretary of State (Queen's Bench Division, 30th January 2003) [2003] JPL 1191 (EP3), This and similar other cases have led inspectors to identify factors that they consider when assessing whether a material change has occurred. The nature of the use, physical changes to the building, and vehicle trips to and from the site are the reasons identified to justify consideration for Lawful development as there is no material change regarding the site and property.
For a more information, please refer to the supporting statement Section 5.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- [ ] The agent
- [x] The applicant
- [ ] Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [ ] Yes
- [x] No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- [ ] Yes
- [x] No

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

- [x] I / We agree to the outlined declaration

Signed

Memory Mambo

Date

26/06/2023