



PLANNING AND COMPENSATION ACT 1991

APPLICATION NO. 2019/1003

Mr Michael Clynch
14 Huddersfield Road
Ingbirchworth
Sheffield
S36 7GF

Description: Lawful Development Certificate for existing use of land as domestic garden curtilage for more than 10 years

Land at: 3 Tolson Court, Huddersfield Road, Penistone, Sheffield, S36 7BU

Barnsley Metropolitan Borough Council certify that the development/use of the above land **Lawful Development Certificate for existing use of land as domestic garden curtilage for more than 10 years** was not lawful within the meaning of Section 10 of the Planning and Compensation Act 1991.

- 1 In the opinion of the Local Planning Authority the applicant has failed to provide sufficient evidence to show that the land in question has been used continuously as domestic garden for 10 years. As such a Lawful Development Certificate cannot be granted.
- 2 The use of the land for curtilage is not permitted by this application. Whilst it is possible to establish through a long continuous use that land has acquired the status of garden, Case Law confirms that it is not possible to gain an extension of curtilage through a Lawful Development Certificate.

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Signed
Joe Jenkinson
Head of Planning and Building Control

Dated 04 October 2019

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

Please be aware that the Council monitors construction sites and open land within the vicinity 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