BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

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. 2021/1614

To Daniel Bull
70 71 Cornish Place
Cornish Street
Sheffield
S6 3AF

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:

- In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, the development as detailed in submitted plans (Drawing Nos. 3058 - 005 & 3058 - 006) falls within Class A (enlargement, improvement or other alteration to a dwellinghouse) of Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse of the GDPO.

- In accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, the development as detailed in submitted plans (Drawing Nos. 3058 - 005 & 3058 - 006) falls within Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse of the GDPO.

First Schedule:
Erection of single storey side extension to dwelling and detached outbuilding to rear to be used as games and garden rooms (Application for a lawful development certificate for a proposed form of development)

Second Schedule:
Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DA

Signed JM Jenkinson Dated 17 February 2022
Joe Jenkinson
Head of Planning and Building Control

Informatives:

1. The development must be carried out in accordance with the conditions set out in Paragraph A.3. (a) of Class A of Schedule 2, Part 1 of the GPDO.

2. Buildings under Class E should be built for purposes incidental to the enjoyment of the house. The GPDO technical guidance states that a use incidental to the enjoyment of the dwelling house includes keeping of pets and other animals for personal enjoyment or domestic need of the occupants of the dwelling, as well as outbuildings such as sheds, garages etc. that are for a purpose incidental to the enjoyment of the dwellinghouse.

   The GPDO technical guidance also states that "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."

   Further information about Buildings under Class E can be found in the 'Permitted development rights for householders - Technical Guidance' available at the link below: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/83 0643/190910_Tech_Guide_for_publishing.pdf

Notes:

1. This certificate is issued solely for the purpose of section [191] [192] of the Town and Country Planning Act 1990 (as amended)

2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.

3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations 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.