



**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. 2025/0568**

To Mr Gordon Hutchinson  
N/A

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 **not be lawful** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons;

- The applicant has provided no evidence of why planning permission is not required for the change of use from storeroom/garage. The creation of a new self-contained dwelling within the curtilage of another dwelling would require planning permission. The conversion would not fall under permitted development rights and thus the conversion to a self-contained flat would require full planning permission.
- The proposal would result in the creation of a new independent C3 dwelling, which is development requiring planning permission and is not permitted by the GPDO. Therefore, it would not be lawful if instituted at the date of the application without planning permission having been gained for it. In addition the application fails to provide adequate information to demonstrate lawfulness on the balance of probabilities for the purposes of s192(2) of the Town and Country Planning Act 1990

**First Schedule:** Lawful development certificate for proposed change of use from garage/storeroom to residential flat

**Second Schedule:** 166 Barnsley Road, Darfield, Barnsley, S73  
9DQ

**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 have been lawful on the specified date and thus, would not have been 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. 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.



Dated: 03 February 2026

**Garry Hildersley**

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