

~~All new applications and amendments submitted between Monday 17th and Friday 21st February 2025 may incur a delay in being~~

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,
including those in breach of a planning condition

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

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

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

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Patryk

Surname

Stasiak

Company Name

MKDS Property

Address

Address line 1

Sheffield Business Centre

Address line 2

Europa Link

Address line 3

Town/City

Sheffield

County

Country

Postcode

S9 1XZ

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

**** REDACTED ****

Secondary number

Fax number

Email address

**** REDACTED ****

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- An existing use
 Existing building works
 An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C4 - Houses in multiple occupation

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The application seeks a Lawful Development Certificate for the existing use of the property as a small House in Multiple Occupation (HMO) within Use Class C4. The property is a two-storey mid-terraced dwelling with attic accommodation and a cellar storage. It has been in continuous use as an HMO providing accommodation for up to 4 unrelated occupants, each occupying their own bedroom with shared use of the kitchen/dining room, bathrooms, and communal spaces. Internal layout (per existing floor plan):

Ground Floor: Entrance hall, communal kitchen/dining room (21.20m²), bathroom (3.20m²), Bedroom 1 (10.32m²), Bedroom 2 (11.57m²), First Floor: Bedroom 3 (12.93m²), bathroom (5.19m²), Second Floor (attic): Bedroom 4 (13.23m²), Cellar: Ancillary storage space.

No external alterations or new extensions have been carried out. Recent works (fire doors, thumb turn locks, ventilation improvements, window restrictors, fire alarm servicing) are compliance and safety upgrades under the Housing Act 2004 and do not amount to development requiring planning permission.

This application, therefore, relates solely to the lawfulness of the existing use of the property as a C4 HMO on the above land and buildings.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

Where the use, building works or activity began before 25 April 2024

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The change of use to use as a single dwelling house began more than four years before the date of this application.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Where the use, building works or activity began on or after 25 April 2024

- The use, building works or activity began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes
- No

Please state why a Lawful Development Certificate should be granted

The property at 108 Hough Lane has been in continuous use as a small House in Multiple Occupation (Use Class C4) accommodating up to four unrelated individuals with shared kitchen, bathrooms, and communal facilities. The change of use from a C3 dwellinghouse to a C4 HMO would ordinarily constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015. However, an Article 4 Direction introduced in Barnsley in 2021 removed permitted development rights for such changes of use. This application, therefore, seeks to confirm the lawfulness of the existing HMO use. The property meets relevant space standards, provides appropriate shared amenities, and has been subject to ongoing compliance works to address fire safety, ventilation, and housing standards under the Housing Act 2004. On this basis, it is respectfully requested that a Lawful Development Certificate be issued confirming the lawful use of the property as a C4 HMO.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-06-2025

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes
- No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes
- No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes

No

Site Visit

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

Yes

No

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

The agent

The applicant

Other person

Pre-application Advice

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

Yes

No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

494997

Date (must be pre-application submission)

18/07/2025

Details of the pre-application advice received

On 10 July 2025, an initial visit to the above house in multiple occupation (HMO) was carried out in accordance with the provisions of the Housing Act 2004.

Interest in the Land

Please state the applicant's interest in the land

- Owner
 Lessee
 Occupier
 Other

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
 No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the 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 opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published 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.

I / We agree to the outlined declaration

Signed

Tomasz Zadrozny

Date

06/09/2025