
Application number: 2024/0669

Description: Lawful development certificate for existing rear conservatory on dwelling

Location: 20 Springvale Grove, Penistone, Sheffield, S36 6DF

Site Location & Description

The application site is located within Springvale in Penistone and is situated on the Green Acres residential estate. The surrounding area is predominantly residential in character with dwellings consisting of detached, semi-detached and terraced style properties. There are a small number of commercial properties also situated nearby located off of Sheffield Road and Green Road. The site is also in close proximity to Springvale School.

Proposed Development

The applicant has submitted a Lawful development certificate for a rear conservatory attached to the existing dwelling. To support the claim that the development has been erected for 4 years or more the applicant has submitted supporting information/evidence in the form of:

- Site photos
- Location, block plans
- Planning statement
- Declarations
- Receipts and specifications
- Plans from the time of erection

Consultation

Legal Services – No comment received.

Policy

Section 191(4) sets out the test to be applied when considering an application for a certificate of lawfulness. This section states that if the Local Planning Authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Section 191(1) sets out the following:

“191(1) If any person who wishes to ascertain whether –

(a) Any existing use of buildings or other land is lawful;

(b) lawful; or

(c) Any operations which have been carried out in, on, over or under land are Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose of the local planning authority specifying the land and describing the use, operations or other matter”.

Section 171B (3) sets out that in the case of breach of planning control in terms of a use of property or land (other than change of use to a single dwelling which is 4 years), no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach. S54(1) of the TCPA provides that “development” means “the ... making of any material change in the use of any buildings or other land”. S57 of the TCPA sets out that planning permission is required for development.

Assessment

The test for granting the Certificate of Lawful Use is whether, on the balance of probabilities, the applicant has provided sufficient accurate and unambiguous information to support their claim. As set out above, the guidance provides that if the local authority has no evidence itself or from others to contradict or otherwise make the applicant’s version of events less than probable there is no good reason to refuse the application, provided that the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The applicant has provided a degree of information to support their case, and it is also noted that the Council’s GIS and record systems also show that there has been a conservatory at the site for over 10 years.

I therefore consider that the applicant has provided sufficient evidence that on the balance of probabilities the conservatory has been erected for over 4 years and as such, I consider that the Certificate can be issued.

Recommendation

Certificate granted subject to conditions