



PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

**Certificate of Lawfulness Application for
Existing Use: 20 Springvale Grove, Penistone,
S36 6DF**

Planning Statement

**Written and prepared by Planning by Design
on Behalf of Sharron Rowles**

Application

Planning By Design (**The agent**) has been instructed to act on behalf of Sharron Rowles (**the applicant**) to submit an application to Barnsley Metropolitan Borough Council (**the Planning Authority**) for a Certificate of Lawfulness (Existing Use) under Sections 191A and B of the Town and Country Planning Act 1990, as well as Levelling Up and Regeneration Act 2023 to ascertain that an existing use of buildings and that operations (the conservatory) which have been carried out in, on, over or under land are lawful. The applicant wishes regularise permission on her property for the pending house sale.

The application concerns a development in situ and its use as a conservatory (to the rear dwelling) for a period exceeding 10 years at: 20 Springvale Grove, Penistone, S36 6DF (**the site**). This statement comprises a summary of the relevant planning history and conditions and our planning analysis and evidence base for the certificate of lawful development under Section 171B of the Planning and Compensation Act 1991 and Levelling Up and Regeneration Act 2023 (LURA) where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, and no enforcement action may be taken after the end of the period of 10 years beginning with the date on which the operations were substantially completed.

Alongside this application is evidence dating back for construction of the conservatory space, ensuring it satisfies the requirements of both aforementioned pieces of legislation.

Site characteristics

The property is a semi-detached house, located in a residential area. The site benefits from a reasonably large curtilage, which spans the front, side and rear of the dwelling. It is understood that the rear conservatory has been in situ since 2006 and was installed shortly after the applicant moved into the property. The size of the conservatory is 3.6metres (depth) x 3.3metres (width) and is 2269mm at the roof eaves. It is constructed of insulated cavity block/brickwork and upvc frame structure, c/w 25mm thick translucent polycarbonate roofing panels. Further information about the specifics of the development can be found within the accompanying planning drawings.

It is not fully understood whether the extension has planning permission or building regs, this application wishes to regularize this.

Planning History

A review of the council's planning database found no relevant planning history associated with the conservatory installation at the site.

Assessment

The applicant has supplied multiple documents (see separate supporting information) indicating the structure has been in place for upwards of 10 years and has been in use as a conservatory for more than 10 years by the occupant (since 2006.)

There has also been no logged enforcement case at this property in this time. The relevant documentation submitted by the application is as follows:

- Declaration from Tracey Wilson—received 17/07/2024
- Declaration from Elizabeth M. Jacques Moseley – received 17/07/2024
- Declaration from Alison Hill – received 18/07/2024
- Declaration from Sharron Rowle - received 20/07/2024
- MS WINDOWS AND CONSERVATORIES -Order confirmation receipt and specifications for the conservatory – dated 05/08/2006
- MS WINDOWS AND CONSERVATORIES technical information's from 2006
- MS WINDOWS AND CONSERVATORIES plans from 05/08/2006
- MS WINDOWS AND CONSERVATORIES plans from 2006

All the above statutory declarations and documents re-affirm that the space has been in situ since 2006 and in continuous use as a conservatory since this time.

Therefore, the 10-year rule should apply, and the applicants should be issued the lawful development certificate.

Conclusion

As you will see from the above assessment of evidence, a detailed schedule of information has been submitted demonstrating the conservatory was constructed in 2006 and has been in active use by the occupant of the dwelling since this time. The evidence submitted is commensurate to the proposal.

The applicant and we agents, acting on their behalf, request that this certificate be approved, in accordance with the requisite legislation outlined above to ensure the works undertaken are legalised and are considered lawful in accordance with the respective sections from the Levelling Up and Regeneration Act 2023, Town and Country Planning Act 1990 and the Planning and Compensation Act 1991.

The development is considered as a sustainable development in accordance with the National Planning Policy Framework and should be considered as acceptable in principle following submission by the Local Planning Authority. The development promotes social benefits for the existing and future occupiers, and benefited the local economy at the time of construction as local fitters were used for the installation of the conservatory. Moreover, the lawful development certificate will allow the applicant and buyer to move forward with the sale/purchase of the property, thereby befitting the local property market. Environmentally, the conservatory has been used as a furnished room since 2006 and has not had a negative impact on the surrounding development. The site location is not associated with any known planning constraints or particularly sensitive landscape designations which may otherwise be adversely impacted by such a proposal. In accordance with the Town and Country Planning Act 1990, and Levelling Up and Regeneration Act 2023, the development has been in situ without enforcement action for upwards of 10 years.

Since its construction, the proposal has also had no negative affects upon the amenity of neighbouring occupiers. The proposal is of a good design, and due to its location at the rear of the site does not impact the streetscape; and the materials used for the design match those of the existing dwelling. Moreover, the proposal is subservient to the main dwelling and of an appropriate siting, massing, and scale. Overlooking or overbearing are not a concern for this development. It is also compliant with the Local Development Plan, Supplementary Guidance and the NPPF.

Therefore, we see no reason for the Council to withhold our request for a lawful development certificate and kindly request that a reasonable decision is made in line with the developmental objectives of the National Planning Policy Framework. Should the Planning Authority have any further questions in relation to this proposal or feel that certain conditions would be necessary to accommodate a grant in permission for this proposal, Planning By Design would welcome the opportunity to communicate with the allocated Case Officer.