



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)
Town and Country Planning (Development Management Procedure) (England) Order 2015:
article 39

APPLICATION NO. 2022/0646

To White Agus Partnership
Office One
34 Victoria Road
Barnsley
S70 2BU

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 (as amended), the proposed erection of a detached garage/workshop/store, as detailed in drawings 22-053-01-B 'Plans and Elevations' falls within Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of (PART 1 - Development within the curtilage of a dwellinghouse).

First Schedule:

Erection of detached outbuilding to rear of dwelling containing garage, workshop and store (Lawful development certificate for a proposed form of development)

Second Schedule:

2 Cavendish Road, Barnsley, S75 1BB

Notes

1. 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/830643/190910_Tech_Guide_for_publishing.pdf

2. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operations, matter 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.
5. 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.

Signed 
Joe Jenkinson
Head of Planning, Policy and Building Control

Dated 04 August 2022