

Planning Statement – 3 Farrar Street, Barnsley, S70 6BS

Application for Lawful Development Certificate for an Existing Use

1. Introduction and Purpose of Application

On 14 May 2020, Barnsley Metropolitan Borough Council (BMBC) introduced an Article 4 Direction pursuant to Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Direction came into effect on 24 June 2021.

The purpose of this application is to establish the lawful status of the property's existing and historic HMO use and to confirm the lawfulness of an established use which pre-dates the removal of these permitted development rights.

In considering an application of this nature, the relevant planning history and all available evidence relating to the property's historic use should be considered.

2. Article 4 Direction

The effect of the Article 4 Direction was to remove permitted development rights for the change of use of a dwellinghouse falling within Use Class C3 to a House in Multiple Occupation (HMO) falling within Use Class C4.

Such a change of use is therefore no longer permitted development under Class L(b), Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, where the Article 4 Direction applies.

The Article 4 Direction came into effect on 24 June 2021. It is therefore important to establish the property's use prior to that date.

3. Historic HMO Use

Based on the information available, the property has operated as an HMO (Use Class C4) since at least 2015. The evidence submitted with this application supports that conclusion. Various items of correspondence between BMBC and previous owners of the property clearly demonstrate that the property was operating as an HMO from 6 November 2015 at the very latest, with the available information indicating that the HMO use likely commenced earlier than this date. This evidence is particularly significant because it places the established HMO use well before the Article 4 Direction came into effect on 24 June 2021.

4. Evidence of Historic Use

The historic correspondence between BMBC and the previous owners provides contemporaneous evidence of the property's use as an HMO. The correspondence is considered particularly compelling because it consists of communications involving the Council itself and previous owners of the property. It therefore provides a clear and consistent record relating to the property's historic HMO use. Taken together, the available correspondence

demonstrates that the HMO use was in existence from 6 November 2015 at the very latest, well before the Article 4 Direction took effect.

5. Assured Shorthold Tenancy Agreements

Assured Shorthold Tenancy Agreements have also been provided in support of the application. These provide additional evidence of the property's occupation and use as an HMO. Whilst only one of the tenancy agreements provided predates 24 June 2021, the agreements are submitted alongside the historic BMBC correspondence and other available evidence provided. The tenancy agreements therefore form part of the wider body of evidence demonstrating the property's established HMO use.

6. Council-Held Evidence

The relevant case officer, Stacey Fieldsend of the Safer Communities Team at BMBC, is willing to provide information which can further evidence and corroborate the historic use of the property as an HMO during the period of ownership by myself, and the previous owners. This represents an additional source of Council-held evidence which can assist in establishing the property's historic use.

Furthermore, I have spoken with Alice within BMBC's Council Tax, Billing and Recoveries Team, who has confirmed that Council Tax records contain information relating to the property's previous use as an HMO. Due to data protection and GDPR restrictions, this information cannot be provided directly to me as the applicant. However, it is understood that the relevant evidence has been provided directly to Bradley Sargeson, Planning Officer at BMBC, for consideration as part of this application.

I therefore respectfully request that the Council considers these internal records, together with the other evidence submitted, when reviewing the application.

7. Recent Ownership and Renovation

It is also important to clarify the property's more recent circumstances. I personally acquired the property in August 2023. Since acquisition, the property has remained entirely vacant and unoccupied while it has undergone a major scheme of renovation and refurbishment. There has been no intention to abandon the established C4 use. A new HMO licence has just been granted by the Council.

The period of vacancy since acquisition should therefore be considered in the context of the substantial renovation and refurbishment works being undertaken, rather than as evidence that the property's historic HMO use did not exist.

8. Cumulative Weight of the Evidence

The historic correspondence between BMBC and previous owners, the Assured Shorthold Tenancy Agreements, and the additional Council-held information provide a consistent body of evidence demonstrating the property's historic use as an HMO prior to the Article 4 Direction.

In particular, the correspondence between BMBC and the previous owners is considered compelling evidence. It provides contemporaneous evidence from the Council itself relating to the property's historic HMO use and demonstrates that the use was in existence from 6 November 2015 at the very latest, well before the Article 4 Direction took effect.

9. Conclusion

The evidence submitted with this application, considered both individually and cumulatively, supports the conclusion that the property has been used as an HMO since at least 6 November 2015, and potentially earlier. The established HMO use therefore pre-dates the Article 4 Direction which came into effect on 24 June 2021.

I trust this is suitable evidence to support the application.