

Application Reference Number:		2026/0649	
Application Type:		Lawful Development Certificate – Proposed.	
Proposal Description:		Erection of a detached outbuilding (Lawful Development Certificate for Proposed Development).	
Location:		30A Fearn House Crescent, Hoyland, Barnsley, S74 0BA	
Applicant:		Mr N Whitlam	
Third-party representations:	None.	Parish:	None
		Ward:	Rockingham Ward

Site Description

The property comprises a substantial detached brick-built dwelling located on Fearn House Crescent, Hoyland. The dwelling occupies a generous residential curtilage and is set well back from the highway, being accessed via a long private driveway. A parking area is located to the western side of the dwelling.

The site also benefits from an existing two-storey triple garage located to the north-east of the dwelling, which was approved as part of the original planning permission for the property under reference 00/1341/HN.

The surrounding area is predominantly residential in character, comprising dwellings of varying designs, scales and external finishes.

Planning History

B/00867/HN	Erection of detached split-level dwelling with double integral garage and detached double garage.	Historic
B/00/1341/HN	Erection of detached house and detached triple-bay garage/store building (revised siting)	Historic
2023/0906	Erection of detached treble garage outbuilding with first floor home office room above and 3no dormer windows set within the roof plane on the front elevation	Refused.
2026/0107	Erection of detached double garage	Refused

Proposed Development

This application is for a lawful development certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the erection of a detached outbuilding would comply with the requirements of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) and therefore, does not require planning permission.

The proposed detached outbuilding would have a trapezoidal footprint, measuring 10.8m in width along the front elevation and tapering to 8m in width along the rear elevation. The structure would have a depth of 11m and an overall height of 2.5m.

The outbuilding would be used as a domestic garage ancillary to the enjoyment of the host dwellinghouse.

Relevant Policies

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

No special restrictions or designations affecting the proposal are considered to apply to the development site, such as permitted development rights having been removed, or listed status etc.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) permits buildings etc incidental to the enjoyment of a dwellinghouse.

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

- a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or*
- b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

Development not permitted

E.1 Development is not permitted by Class E if—

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);*
- b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
- c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

- d) *the building would have more than a single storey;*
- e) *the height of the building, enclosure or container would exceed—*
 - i. *4 metres in the case of a building with a dual-pitched roof,*
 - ii. *2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or*
 - iii. *3 metres in any other case;*
- f) *the height of the eaves of the building would exceed 2.5 metres;*
- g) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*
- h) *it would include the construction or provision of a verandah, balcony or raised platform;*
- i) *it relates to a dwelling or a microwave antenna;*
- j) *the capacity of the container would exceed 3,500 litres; or*
- k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- a) *an area of outstanding natural beauty;*
- b) *the Broads;*
- c) *a National Park; or*
- d) *a World Heritage Site,*

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Representations

There is no statutory requirement for LPAs to consult third parties, including neighbouring residents or parish councils on a lawful development certificate application as such applications are a matter of fact and law and are not determined on their planning merits or judged against national or local planning policies or guidance.

This application was advertised on the Council website; and no representations have been received.

Planning Assessment

This application is for a lawful development certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 which seeks confirmation that the erection of a detached outbuilding would comply with the requirements of Class E, Part 1 of Schedule 2 of the GPDO (as amended) and therefore, does not require planning permission.

The proposed detached outbuilding would have a trapezoidal footprint, measuring 10.8m in width along the front elevation and tapering to 8m in width along the rear elevation. The structure would have a depth of 11m and an overall height of 2.5m.

The outbuilding would be used as a domestic garage ancillary to the enjoyment of the host dwellinghouse.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) permits buildings etc incidental to the enjoyment of a dwellinghouse where all relevant criteria and conditions would be complied with.

Having checked the specifications under Class E, Part 1 of Schedule 2 of the GPDO (as amended) alongside the Permitted development rights for householders: technical guidance; this proposal would comply with all criteria established by paragraphs E.1(a – k).

The dwelling is set at a higher level than the private drive. The south-eastern and north-western boundaries are enclosed by a brick wall with timber infill panels. In this instance, the principal elevation is the north-eastern elevation, as it contains the main entrance and provides the primary access to the dwelling.

Having checked the specifications under Class E, Part 1 of Schedule 2 of the GPDO (as amended) alongside the Permitted development rights for householders: technical guidance; the criteria established by paragraphs E.2(a – d) and E.3 is not relevant in this instance.

The LPA therefore accepts that this proposal would comply with the technical requirements of Class E, Part 1 of Schedule 2 of the GPDO (as amended).

However, an assessment also needs to be made as to whether this proposal is required for a purpose incidental to the enjoyment of the host dwellinghouse.

There is no statutory definition of “incidental” within the GPDO or supporting technical guidance.

Class E, Part 1 of Schedule 2 of the GPDO (as amended) under paragraph E.4 establishes that for the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The Permitted development rights for householders: technical guidance establishes that the rules also allow, subject to the conditions and limitations, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking if they can properly be described as having a purpose incidental to the enjoyment of the house. 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.

The LPA therefore accepts that this proposal, which would comprise a domestic garage, is capable of being considered incidental.

As such, it is considered that this proposal would comply with the legislation and requirements for permitted development under Class E, Part 1 of Schedule 2 of the GPDO (as amended), and therefore, this Certificate of Lawful Development should be granted.

RECOMMENDATION: Lawful development certificate – Grant.

Conditions

1. The development hereby approved shall be carried out strictly in accordance with the approved plans and specifications as approved unless required by any other conditions in this permission.

Plan Reference

Proposed Plans 2025.00440.00 PD001

Reason: In the interests of the visual amenities of the locality and in order to comply with the provisions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).