

**Application for a Lawful Development Certificate
for a Proposed use or development.
Town and Country Planning Act 1990: Section 192,
as amended by section 10 of the Planning and Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2010**

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	Martin	Surname:	Steers		
Company name							
Street address:	6 Brettas Park			Country Code	National Number	Extension Number	
				Telephone number:			
				Mobile number:			
Town/City	Barnsley			Fax number:			
County:	South Yorkshire			Email address:			
Country:							
Postcode:	S71 1XW						
Are you an agent acting on behalf of the applicant?				☒ Yes	☐ No		

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Philip	Surname:	Errington		
Company name:	sole practitioner						
Street address:	21 Staincross Common			Country Code	National Number	Extension Number	
	Staincross			Telephone number:			
				Mobile number:			
Town/City	Barnsley			Fax number:			
County:				Email address:			
Country:							
Postcode:	S75 6JD			gperrington@blueyonder.co.uk			

3. Site Address Details

Full postal address of the site (including full postcode where available)

House:	6	Suffix:	
House name:			
Street address:	Brettas Park		
Town/City:	Barnsley		
County:	South Yorkshire		
Postcode:	S71 1XW		

Description of location or a grid reference
(must be completed if postcode is not known):

Easting:	435381
Northing:	408081

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:

☒ a) Owner ☐ b) Lessee ☐ c) Occupier ☐ d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

☐ Yes ☒ No

7. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful:

The enlargement of the dwellinghouse as proposed constitutes permitted development under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

Drawings of proposed extension

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one: Other D3

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one: Other D3

Is the proposed operation or use: Permanent Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The enlargement of the dwellinghouse as proposed constitutes permitted development under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Development within the curtilage of a dwellinghouse, Class A. Development is not permitted by Class A if it contravenes any of the requirements set out in a to i in the schedule. However,

a) the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage

(b) the height of the part of the dwellinghouse enlarged would not exceed the height of the highest part of the roof of the existing dwellinghouse;

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse;

(d) the enlarged part of the dwelling house would not extend beyond a wall which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwelling house;

Correspondence with the Council shows that they consider the proposal fails on this count. It is accepted that the extension projects beyond the principle elevation. However, while it projects beyond the principle elevation of the house, exclusion (d) only applies if the wall both fronts a highway and is the principle elevation. It is not whether the extension itself faces a highway, but whether the wall beyond which the extension projects faces a highway. Clearly it does not as the wall of the principle elevation is at right angles to the highway and faces the rear garden of 8 Brettas Park. The extension also projects in front of the side wall facing the rear boundaries of 55 and 57, Newhill Road.

The view that the proposed extension meets the requirements of d) is supported by advice in “Changes To Householder Permitted Development, - Informal Views From Communities And Local Government”, issued on 1st October 2008. It includes the following question and answer:

Q Some houses (e.g. on backland plots, on farms or in barn conversions) do not front any highway

A There could be a principal elevation that does not front a highway, but the question is largely academic given that the restrictions are in terms of a principal elevation that also fronts a highway.

Further advice is included in “Permitted development for householders, Technical guidance” issued in August 2010 by the Department for Communities and Local Government. It states:

“This restriction means that any development that is in front of a principal or side wall that fronts a highway will require an application for planning permission. In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.”

To continue with the restrictions:

e) the enlarged part of the dwellinghouse would be single storey and would not

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 Metres, or

(ii) exceed 4 metres in height (it would be 3.9m to the ridge)

(f) the enlarged part of the dwellinghouse would not be more than one storey

(g) while the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part would not exceed 3 metres (proposed eaves height 2.7m)

(h) while the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, it would—

(i) not exceed 4 metres in height,

(ii) not have more than one storey, and

(ii) not have a width greater than half the width of the original dwellinghouse (dwellinghouse 10.8m wide, extension 4.2m).

(i) it would not consist of or include any of the developments listed here.

Thus for the reasons set out above the proposed extension shown on the attached drawings is considered to be permitted development in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

8. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations? Yes No

If Yes, please give detailed descriptions of all such operation and indicate on your plans (includes describing any proposal to alter or create a new access, layout or any new street; construct any associated hardstandings; means of enclosure; or draining the land/building)

Erection of single storey extension

Does the proposal consist of, or include, a change of use of the land or building(s)? Yes No

Has the proposal been started? Yes No

9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☐ The agent ☒ The applicant ☐ Other person

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/ drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

11/11/2013

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.