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Planning Development Management
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12 December 2025

To whom it may concern

93 Barnsley Road, Goldthorpe, Rotherham S63 9AA

Certificate of Lawful Proposed Development for Change of Use from Use Class C3 to Use Class C3b

On behalf of JMS Property Group Limited, we are pleased to submit a lawful development certificate for the proposed change of use from use class C3(a) to use class C3(b) at the above address. The description of the proposed development is:

“Proposed change of use of residential dwelling (use class C3(a)) to a use class C3 (b)”

The lawful development certificate is supported with the following documentation and plans:

- Lawful Development Certificate Form
- This covering letter
- Site Location Plan



Introduction

This application is submitted under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991). This section states that if any person wishes to ascertain whether (a) any proposed use of buildings or other land, or (b) 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 Planning Authority specifying the land and describing the use or operations in question.

If, on an application under this section, the 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 should issue a Lawful Development Certificate to that effect.

As the determination of such applications must be based strictly on matters of fact and law is to be determined having regard solely to matters of evidential fact and law, with the onus of proof on the applicant, there is no requirement for it to be publicised under the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Similarly, as the policies of the Development Plan (or the National Planning Policy Framework) are not relevant to the determination of an application submitted under the provisions of Section 192, any concerns regarding potential impact on the character or appearance of the area, residential amenity, highway safety, ecology etc are not matters that the Council can attach any weight to.

Planning history

2025/0637 - Lawful development certificate for existing use as a 6-bedroom HMO – Refused

2024/0971 - Certificate of lawfulness for existing use as HMO – Withdrawn

B/74/0355/DE - Alteration and conversion of doctor's surgery and dwelling to form single dwelling – Permitted

Existing use

Previous attempts to secure lawful status for a 6-bedroom HMO have been unsuccessful. The most recent confirmed planning history, B/74/0355/DE, indicates that the premises were converted into a single dwelling over 50 years ago, and there is no evidence of a subsequent lawful change of use.

Available information including records on the Council's online portal, historic mapping, and inspection of the building's internal layout supports the conclusion that the property has functioned as a single residential dwelling (Use Class C3) for several decades. Although originally likely to have comprised two dwellings (Nos. 93–95 Barnsley Road), all physical and documentary evidence points to long-standing occupation as a single planning unit.

While the property appears to have been used as an HMO from the mid-2010s, the Council has determined that 10 years of continuous, uninterrupted HMO use has not

been demonstrated. As such, no lawful HMO use has been established under Section 191.

Therefore, the lawful fallback position remains unequivocally Use Class C3 (dwellinghouse).

Proposed use

The proposal involves occupation of the property by up to six young persons living together as a single household, supported by professional care staff who will be present on-site while on duty. Care workers will not reside at the property as their principal home; their role will be to provide necessary care and support to the residents as required.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Use Class C3(b) as:

“Use by not more than six residents living together as a single household where care is provided for residents.”

The proposed model of occupation falls precisely within this definition. The activity remains within the wider C3 use class and does not introduce any new planning unit or materially different land use.

The attached letter from the care operator confirms the above details and shows that the proposed use would fall within the C3 (b) use class.

Evidence

The available evidence relates to the known planning history, the current state of the property and the letter from the care provider.

The PPG states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

Although the evidence is limited, it all points to the building being used as a single dwelling since the mid-1970s at least, until its use as a HMO from the mid-2010s. However, as determined in the 20205 application, this use as a HMO was not demonstrated to be lawful on the balance of probability, and this would not have extinguished previous lawful use rights as a dwelling. In absence of anything taking place to extinguish the lawful use rights, the property defaults to a C3 use.

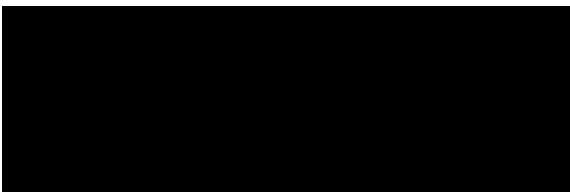
Conclusion

The Town and Country Planning (Use Classes) Order 1987 (as amended) categorises different types of property and land into classes. Change between uses within the same class does not constitute development and therefore does not require planning permission.

This model of occupation would fall precisely within the C3 (b) use class. That being the case, and the current lawful use being C3, the proposal would not constitute development and would not require planning permission. In our view, this use could commence immediately, and planning permission is not required.

We trust that the documents and information presented as part of this lawful development certificate will suffice approval, should additional information or clarification be required please do not hesitate to contact us on the details shown below.

Yours sincerely,



Rhian Chitty
Senior Planner

