

Application Reference Number:	2026/0711
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Application Type:	Lawful Development Certificate – Existing Development
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Proposal Description:	Lawful Development Certificate for partial rebuilding of the fire-damaged property (existing development)
Location:	56 Sheffield Road, Barnsley, S70 1HS

Applicant:	Mrs G Handyside
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Third-party representations:	None	Parish:	None
		Ward:	Central Ward

Summary: This lawful development certificate application seeks confirmation that the installation of a replacement roof is lawful and does not require planning permission. Based on the information submitted by the applicant, the LPA determines that the installation of the replacement roof is lawful, and therefore, this lawful development certificate should be granted. Recommendation: GRANT.

Site Description

The application relates to a two storey [three storey at the rear], stone and brick built building which accommodates a vacant gymnasium over all floors. It is located on a terraced plot fronting Sheffield Road (A61) with Doncaster Road providing access to the rear. The property is located on the outskirts of Barnsley town centre within a Shopping and Commercial area. At the rear of the property is a small yard area with shared vehicular access off Doncaster Road.

Planning History

B/82/0649/BA	Change of use from shop to gymnasium and extension to same	Historic
B/82/1461/BA	Extension to gymnasium building	Historic
B/85/1137/BA	Extension to gymnasium	Historic
B/92/0131/BA	Change of use from gymnasium to takeaway/restaurant	Historic
B/92/0507/BA	Change of use from shop to hot food takeaway	Historic
B/93/0958/BA	Change of use of shop to locker room for existing health studio	Historic

2009/0577	Erection of a first storey rear extension to leisure club.	Refused
2016/1354	Change of use from gymnasium [D2] to take-away [A5] with 1 bedroom flat [C3] above.	Approved

Proposed Development

This application is for a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 and seeks confirmation that the installation of a replacement roof is lawful and does not require planning permission. A certificate under this section can be sought if any person wishes to ascertain whether –

- a) any existing use of buildings or other land is lawful;
- b) any operations which have been carried out in, on, over or under land are lawful; or
- c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

Section 191(4) of the Town and Country Planning Act 1990 states that if, on an application under this section, the Local Planning Authority (LPA) are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the LPA or a description substituted by them, the LPA shall issue a certificate to that effect; and in any other case shall refuse the application.

Guidance states that if an LPA has no evidence of its own, or 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 is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability". This reflects ministerial advice that was formerly printed in Annex 8 to Circular 10/97, at paragraph 8.15. 'Evidence' from neighbours, or others objecting to the application, consisting of no more than doubt, disbelief or scepticism regarding the evidence adduced by the applicant does not amount to evidence contradicting or otherwise making the applicant's evidence less than probable.

A full award of costs is liable to be made on appeal under Section 195 of the Town and Country Planning Act 1990 against an LPA which refuses a certificate of lawfulness in ignorance or defiance of the rule in *Gabbitts*.

Consultations

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

Assessment

The applicant has submitted evidence to demonstrate that the partial rebuilding of the fire-damaged property took place prior to July 2022. This evidence includes Google Street View imagery dated September 2020 and May 2023, which shows the property following the fire and after completion of the works, together with an invoice dated July 2022 for the installation of 18mm T&G OSB3 boarding to the flat roof and the installation of an EPDM rubber roof covering, including trims and flashing.

Having regard to the evidence submitted, the Local Planning Authority (LPA) is satisfied that it demonstrates, on the balance of probability, that the replacement roof constitutes lawful existing

development. Furthermore, the LPA has no evidence of its own, nor has any been provided by third parties, which would contradict the applicant's account or render it less probable. Consequently, there is no reasonable basis on which to refuse the certificate.

In conclusion, the LPA have been provided with sufficient evidence to satisfy it that the operations described in the application are lawful. Accordingly, on the balance of probability, a Lawful Development Certificate should be granted.

RECOMMENDATION: Grant.

Informative(s):

1. This application for a certificate of lawfulness for an existing use only relates to a Class C4 (houses in multiple occupation) use which is a small, shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. If more than six unrelated individuals reside in the property at any point, then a change of use application from Class C4 (houses in multiple occupation) to Sui Generis would be required.