



**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 192 (as amended)  
Town and Country Planning General Permitted Development Order 2015 (as amended)

**APPLICATION NO. 2024/0639**

**To** NYP Architectural Services Limited  
BBIC  
Innovation Way  
Barnsley  
S75 1JL

Barnsley Metropolitan Borough Council hereby certify that the development described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted as part of this application, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reasons.

- Whilst the application proposes a change of use from C3(a) to C2 of the Town and Country Planning (Use Classes) Order 1987, planning permission is only required where the change amounts to a material change of use. In this case it has been demonstrated that the change use class C3(a) to use class C2 having regard to its nature and extent as specified in the planning statement and supporting documentation would not be a material change from the existing use to the proposed use.

**First Schedule:**

Change of use from a C3a dwellinghouse to a C2 Children's Care Home for 2no children (Lawful development certificate for a proposed use)

**Second Schedule:**

29 Stainborough Road, Dodworth, Barnsley, S75 3NF

Dated: 24 September 2024

**Garry Hildersley**

Head of Planning, Policy & Building Control  
Growth & Sustainability Directorate

**Notes:**

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.