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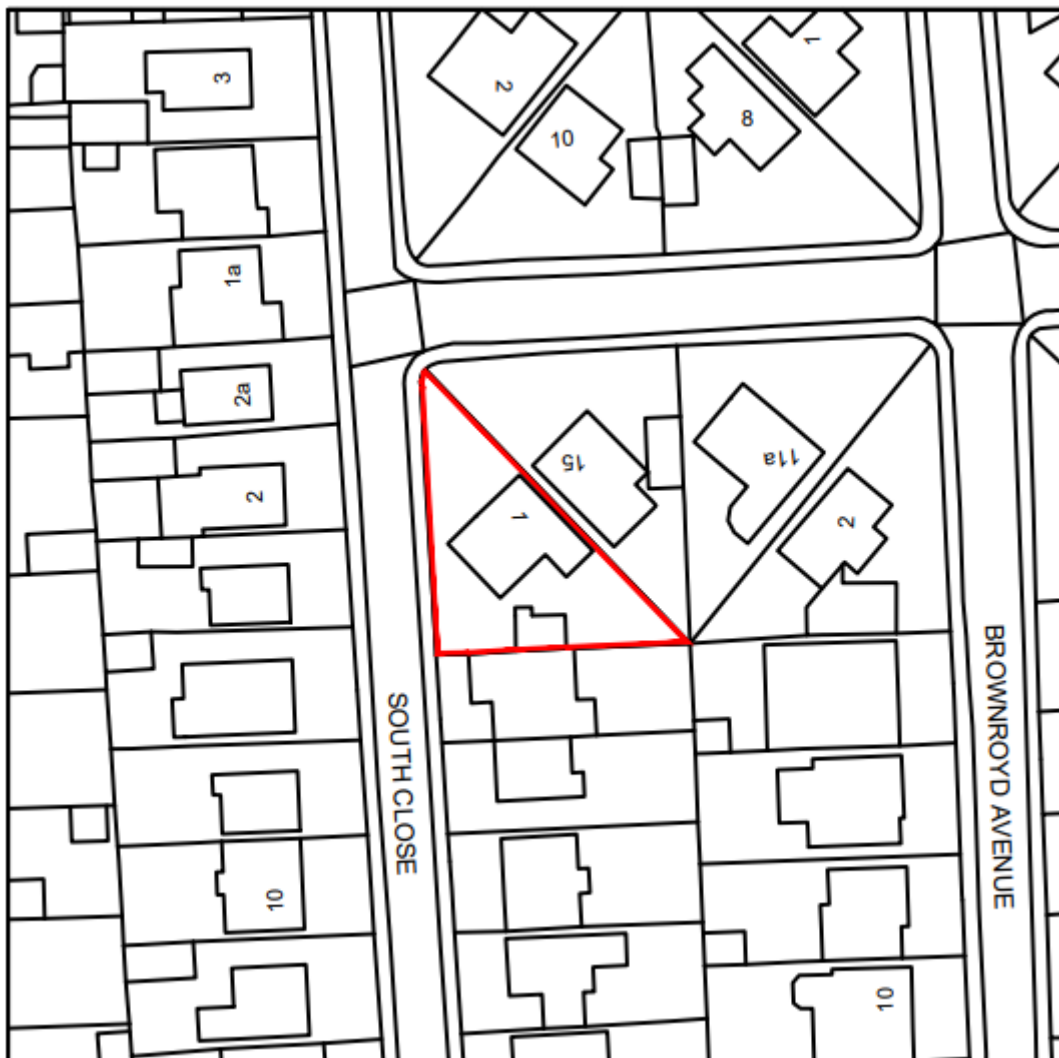
1 South Close, Royston, Barnsley, S71 4NT

Certificate of Lawful Development for proposed detached garden room and garage

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### Site Description

The application relates to a detached dwelling within the Royston area. The surrounding area is characterised by detached and semi-detached properties constructed from similar materials to the site. The property is constructed from red brickwork and features a hipped roof form. A two-storey side extension is located to the southwest of the dwelling. A detached flat roofed garage is located to the south of the dwelling and is constructed from red brickwork. A driveway is located to the front of the garage. A modest garden is located to the front and rear of the dwelling.



## Proposed Development

The applicant has submitted an application for a Lawful Development Certificate for the removal of the existing detached garage and the erection of a detached outbuilding consisting of a garden room and store. The garden room would provide a north facing bifold door. The store would provide a garage door to the front elevation. The building would be constructed from matching brickwork.

The applicant has submitted the following plans in support of the application:

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## Policy Context

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.

The erection of a building incidental to the enjoyment of a dwellinghouse is allowed without obtaining planning consent provided that it meets the criteria set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Purely internal alterations are lawful pursuant to section 55(2)(a) of the Town and Country Planning Act 1990.

## **Principle of development**

### **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 M, N, P 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; F4...

(j) the capacity of the container would exceed 3,500 litres [F5; or]

### **Consultations**

No consultation

### **Representations**

No neighbours were consulted for this application.

## **Assessment**

The removal of a garage and the erection of a detached outbuilding consisting of a garden room and a store is allowed without obtaining planning consent provided that it meets the criteria set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Purely internal alterations are lawful pursuant to section 55(2)(a) of the Town and Country Planning Act 1990.

Having checked these specifications along with other supplementary specifications, the proposals would comply with this legislation and requirements for permitted development. Therefore, the Certificate of Lawful Development should be granted.

## **RECOMMENDATION: Approve subject to conditions**

## **Justification**

### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

It has not been necessary to make contact with the applicant to request amendments.

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**

- 1) The development hereby approved shall be carried out strictly in accordance with the plans

20260249 Plans and Elevations

and specifications as approved unless required by any other conditions in this permission.  
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.