



# BARNLSLEY

Metropolitan Borough Council

**BARNLSLEY METROPOLITAN BOROUGH COUNCIL  
PLANNING AND REGULATORY SERVICES  
PLANNING AND COMPENSATION ACT 1991**

**APPLICATION NO. 2011/1426**

**To:** Axis Architecture  
Talbot Chambers  
2 North Church Street  
Sheffield  
S1 2DH

**Description:** Certificate of Lawfulness for proposed operational development to cover proposed extensions to an existing dwellinghouse and the construction of proposed outbuildings within the curtilage of the dwellinghouse.

**Land at:** Guyder Bottom Farm, Cooper Lane, Hoylandswaine, Barnsley, S36 7JE

Barnsley Metropolitan Borough Council certify that the development/use of the above land **Certificate of Lawfulness for proposed operational development to cover proposed extensions to an existing dwellinghouse and the construction of proposed outbuildings within the curtilage of the dwellinghouse.** was not lawful within the meaning of Section 10 of the Planning and Compensation Act 1991.

The proposed developments referred to as extensions - A1 and A2, outbuildings referred to as B, C, D and E on the submitted plan ref 26275(00)02 do not constitute Permitted Development under Schedule 2, Part 1, Class A and Class E of the Town and Country Planning (General Permitted Development) Order 1995 (As amended by Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008).

For the following reasons:

1) The Local Planning Authority considers the principle elevation of the original dwelling from the evidence submitted and at their disposal to be that facing East. The 1931 ordinance survey map shows the access to the property leading to the Eastern elevation. and remnants of this are still shown on the 1960 ordinance survey map. In addition pictures submitted show farm building including a cow shed attached to the west elevation indicating this as a rear elevation. It is therefore the opinion of the Local Planning Authority that the original 'front' of the house and principle elevation is the Eastern elevation. Therefore outbuildings B, C, D and E are located forward of the principle elevation and as such are not permitted development.

2) The Local Planning Authority considers the original curtilage to be of far lesser

size than that claimed. The 1960 ordinance survey map shows a enclosed area to the east of the property, this along with photos from circa 1980 show this to be the curtilage relating to the dwelling. The siting of agricultural buildings to the west including an attached cow shed in one picture also demonstrate that no curtilage area is present beyond the western wall of the property. There is insufficient evidence to conclude that the curtilage extends to any greater extent than this area.

As such extensions A1 and A2 would be outside the domestic curtilage, as well as projecting more than 4 metres to the rear and as such are not considered permitted development.

Outbuildings B, C D and E are also outside the curtilage area as well as being forward of the principle elevation as stipulated in reason 1 above.

3) The Local Planning Authority considers the size of outbuildings B, C and E to be of a size whereby they would not be incidental to the dwelling particularly in regard to a 345 square metre entertainment pavilion (B) and a 468 square metre animal pavilion and store (E). No evidence has been provided to justify the size of these structures are required and their incidental relationship as such it is considered they would require Planning Permission under this criterion as well as those stated above.

4) The Local Planning Authority considers that building (D) as well as being forward of the principle elevation as stipulated above in 1) is a building housing a container and not just a container and as such does not adhere to Class E paragraph b, and as a consequence is not permitted development.



Date: 13 January 2012

**Assistant Director  
Planning and Regulatory Services**

*Note: This certificate is issued for the purposes of Section 10 of the Planning and Compensation Act 1991.*

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