



CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990 SECTIONS 191 (as amended)
Town and Country Planning General Permitted Development Order 2015 (as amended)

APPLICATION NO. 2022/0670

Mr Adrian Brown
142 Station Road
Leigh-on-Sea
SS9 3BW

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 attached to this certificate, would be lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reasons;

- On the balance of probabilities, the change of use from use class C3 (dwellinghouses) to C4 (Small HMOs) occurred before the borough wide Article 4 Direction came into force on 24th June 2021 removing that specific national permitted development right. The proposal was therefore a form of permitted development having regard to the powers laid out in Class L (small HMO's to dwellinghouses and vice versa) of PART 3 – Changes of Use of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) on the dates when the change of use occurred and thus, the proposal would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

First Schedule:

Use of dwelling for use class C4 purposes (small houses of multiple occupation) - Application for a Lawful Development Certificate for an existing use

Second Schedule:

236 Doncaster Road, Barnsley, S70 1UQ, ,

Informative:

This application for a Lawful Development Certificate for an existing use only relates to a C4 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 6 unrelated individuals reside in the property at any point, then a change of use application from C4 to Sui Generis would be required.

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.

Signed

Dated 11/08/2022

A handwritten signature in dark ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control

Notes:

1. This certificate is issued solely for the purpose of section [191] [192] of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the [use] [operations] [matter] specified in the First Schedule taking place on the land described in the Second Schedule [was] [would have been] lawful on the specified date and thus, [was not] [would not have been] liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the [use] [operations] [matter] described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any [use] [operations] [matter] which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. 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.