STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Staffordshire Moorlands District Council
Moorlands House, Stockwell Street, Leek
Staffordshire Moorlands, ST13 6HQ
Telephone: 0845 605 3013
www.staffsmoorlands.gov.uk

Part 1

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (General Development Procedure) Order 1995

09/000034/ CLEUD 9 JAN 2009 - S M D

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MRS.	First name:	S. R. (SUSAN)		
Last name:	BENNETT				
Company (optional):					
Unit:	39	House number:	39	House suffix:	
House name:					
Address 1:	PRINCESS ROAD				
Address 2:	SHAW				
Address 3:					
Town:	OLDHAM				
County:					
Country:					
Postcode:	OL2 7AZ				

2. Agent Name and Address

Title:	MR	First name:	STEPHEN		
Last name:	LOCKE				
Company (optional):	BERRYS				
Unit:		House number:		House suffix:	
House name:	WILLOW HOUSE EAST				
Address 1:	SHREWSBURY BUSINESS PARK				
Address 2:					
Address 3:					
Town:	SHREWSBURY				
County:	SHROPSHIRE				
Country:					
Postcode:	SY2 6LG				

3. Site Address Details

Please provide the full postal address of the application site.

Unit: House number: House suffix:

House name: [illegible]

Address 1: [illegible]

Address 2: [illegible]

Address 3:

Town: [illegible]

County:

Postcode (optional): [illegible]

Description of location or a grid reference. (must be completed if postcode is not known):

Easting: [illegible] Northing: [illegible]

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible:

Officer name: [illegible]

Reference:

Date (DD/MM/YYYY): (must be pre-application submission) [illegible]

Details of pre application advice received?

[illegible]

5. Lawful Development Certificate - Interest In Land

Please state the applicant's interest in the land:

Owner: ☒ Yes ☐ No Lessee: ☐ Yes ☐ No Occupier: ☐ Yes ☐ No

If Yes to Lessee or Occupier please give details of the owner and state whether they have been informed in writing of this application:

Name	Address	Have they been informed in writing of the application: Yes	No
		☐	☐

if No to all the above, pleases give name and addresses of anyone you know who has an interest in the land:

Name	Address	State the nature of their interest (if known)	State whether they have been informed about this application: Yes	No	If No, please explain why not
			☐	☐	
			☐	☐	
			☐	☐	
			☐	☐	

6. Council Employee / Member

Is the applicant or agent related to any member of staff or elected member of the council? ☐ Yes ☒ No

If Yes, please provide details:

7. Description of Use, Building Works or Activity

Please state for which of these you need a lawful development certificate/building works (you must tick at least one option):

An existing use: [✓] Yes [ ] No

Existing building works: [✓] Yes [ ] No

An existing use, building work or activity in breach of a condition: [ ] Yes [ ] No

Being a use, building works or activity which is still going on at the date of this application

If Yes to either an existing use or an existing use in breach of a condition please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

8. Description of Existing Use, Building Works or Activity

What is the existing site use(s) for which the certificate of lawfulness is being sought? Please fully describe each use and state which part of the land the use relates to:

9. Grounds For Application For A Lawful Development Certificate

Please state under what grounds is the certificate sought (you must tick at least one box):

[✓] The use began more than 10 years before the date of this application.

[ ] The use, building works or activity in breach of condition began more than 10 years before the date of this application.

[ ] The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.

[✓] The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.

[ ] The use as a single dwelling house began more than four years before the date of this application.

[ ] Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order)

If the certificate is sought on 'Other' grounds please give details:

If applicable, please give the reference number of any existing planning permission, lawful development certificate or enforcement notice affecting the application site. Include its date and the number of any condition being breached:

Reference Number: | Condition Number: | Date (DD/MM/YYYY): (must be pre application submission)

Please state why a Lawful Development Certificate should be granted:

10. Information In Support Of A Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed: (date must be pre-application submission) (DD/MM/YYYY)

In the case of an existing use or activity in breach of conditions has there been any interruption? [ ] Yes [✓] No

If Yes, please provide details of the dates, duration and any discontinuance of the development which is the subject of this application. If your application is based on the claim that a use or activity has been ongoing for a period of years, please state exactly when any interruption occurred:

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought? [ ] Yes [✓] No

If Yes please provide details?

10. Information In Support Of A Lawful Development Certificate (Continued) - Residential Information

Does the application for a Certificate relate to a residential use where the number of residential units has changed? Yes ✓No
If Yes, please complete the following table:

Proposed Housing

	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Market Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Market Housing Total *(a + b + c + d + e + f + g) =*						
Social Rented Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Social Rented Housing Total *(a + b + c + d + e + f + g) =*						
Intermediate Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Intermediate Housing Total *(a + b + c + d + e + f + g) =*						
Key Worker Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Key Worker Housing Total *(a + b + c + d + e + f + g) =*						

Proposed Housing Grand Total *(A + B + C + D) =*

Existing Housing

	Number of Bedrooms					Total
	1	2	3	4+	Unknown	
Market Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Market Housing Total *(a + b + c + d + e + f + g) =*						
Social Rented Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Social Rented Housing Total *(a + b + c + d + e + f + g) =*						
Intermediate Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Intermediate Housing Total *(a + b + c + d + e + f + g) =*						
Key Worker Housing						
Houses						
Flats & Maisonettes						
Live-Work Units						
Cluster Flats						
Sheltered Housing						
Bedsit/Studios						
Unknown						
Key Worker Housing Total *(a + b + c + d + e + f + g) =*						

Existing Housing Grand Total *(E + F + G + H) =*

TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):

11. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The burden or proof in a Lawful Development Certificate is firmly with the applicant and therefore sufficient and precise information should be provided.

The original and 3 copies of a completed dated application form: ☑

The original and 3 copies of such evidence verifying the information included in the application as you can provide: ☑

The original and 3 copies of a plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North: ☑

The correct fee: ☑

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information.

Signed - Applicant

Or signed - Agent

Date (DD/MM/YYYY):

[illegible] (date cannot be pre-application submission)

WARNING:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the Council to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

13. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

14. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

15. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☐ Yes ☑ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? *(Please select only one)* ☑ Agent ☐ Applicant ☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide.

Contact name:

Telephone number:

Email address:

5 Oaks Cottage, Rushton Spencer



Enabled by Ordnance Survey © Crown Copyright 2009. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250

SA3595/Site Location

SUPPORTING INFORMATION

IN RELATION TO APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE

AT

5 OAKS COTTAGE
TUNSTALL ROAD
RUSHTON SPENCER
MACCLESFIELD
SK11 0PB

On behalf of

Mrs Susan Ruby BENNETT

-Prepared by-

Stephen J Locke, BSc(Hons), MRICS, FAAV
Amanda L Seedhouse, BSc(Hons), MRICS, FAAV

BERRYS
WILLOW HOUSE EAST
SHREWSBURY BUSINESS PARK
SHREWSBURY
SHROPSHIRE
SY2 6LG

TEL. 01743 271697

CONTENTS

PARA NO	DESCRIPTION	PAGE NO
1.0	Introduction	3
2.0	The Property	3
3.0	History of the Site	3
4.0	Summary	4
	Appendices	
	1: Site Plan	
	2: Title Register	
	3: Receipt of Purchase	
	4: Register Extract	
	5: Photographs	

1.0 INTRODUCTION

1.1 This document provides information regarding the background of the development for which a Lawful Development Certificate is sought. This document and the information provided in the appendices in addition to the sworn declaration submitted with the application sets out the reasons why the applicant believes a Lawful Development Certificate should be granted

1.2 The information contained in this document has been provided by the applicant Mrs S R Bennett and Mr K Bennett who are husband and wife. Berrys take no responsibility for the accuracy of the information provided. The application has been formulated for Mrs S R Bennett who is the freehold owner of the property known as 5 Oaks Cottage, Rushton Spencer.

2.0 THE PROPERTY

2.1 The site is accessed directly off Tunstall Road and consists of a wooden clad single storey property. There is a small amount of amenity land associated with the property. The NGR is SJ909647. A site plan can be seen at ***Appendix 1***

2.2 Five Oaks Cottage is located to the north-west of the village of Rushton Spencer. The area surrounding the property is predominantly rural in character. Congleton is approximately 4 miles to the south-west and Macclesfield approximately 7 miles to the north. The edge of the Peak District National Park is approximately 2½ to the east. The property is situated off Tunstall Road, a minor Council maintained road off the A523(T).

3.0 HISTORY OF THE SITE

3.1 The wooden 'chalet' type single storey structure now situated on the site and known as 5 Oaks Cottage, Rushton Spencer was purchased in 1988. The applicant Mrs Susan Ruby Bennett was then in a previous marriage and known as Mrs Susan Ruby Marsden and purchased the structure jointly with Mr Alan Marsden. The structure was erected on the site and on 6th October 1990 electricity was connected to the property.

3.2 On 9th September 1993 the purchase of the freehold property where the wooden clad structure is located was completed. The previous owner of the land was a Mr George Yardley Goodwin. The property was purchased by Mrs Susan Ruby Marsden and Alan Thomas Marsden. A copy of the Title Register Title Number SF329697 can be seen at ***Appendix 2***. The land was referred to as Land on the west side of Tunstall Road, Rushton Spencer.

3.3 Once the purchase of the freehold property was completed the structure and surrounding amenity land was utilised to provide holiday accommodation. Mrs Susan Ruby Bennett has provided a sworn declaration which states that she has been using the property to provide holiday accommodation since 9th September 1993.

3.4 Since the use of 5 Oaks Cottage to provide holiday accommodation began in 1993 Mrs Susan Ruby Marsden remarried Mr Keith Bennett and is now known as Susan Ruby Bennett. On 10th March 2007 Mr Keith Bennett purchased Mr Alan Marsden's share of the property known as 5 Oaks Cottage on behalf of Mrs Susan Ruby Bennett. Mrs Susan

Ruby Bennett is now the sole owner of the property. A receipt dated 10th March 2007 in relation to this transaction can be seen at ***Appendix 3***. A Register Extract from the Land Registry Title Number SF329697 shows Susan Ruby Bennett as the registered owner. This can be seen at ***Appendix 4***.

3.5 A copy of a photograph taken of children playing outside 5 Oaks Cottage can be seen at ***Appendix 5***. Although there is no date stamped on this photograph it is useful in establishing how long the structure has been in situ. The girl in the photograph is now 22 years old and the boy in the striped jumper is 21 years old. The children were approximately 6 years of age when the photograph was taken dating it to around 1993. There is also an aerial photograph at ***Appendix 5*** which shows the timber clad structure in situ on the site. This photograph was printed through Promap and provided by Getmapping as part of their Millenium Map product. The photograph was taken on 19th June 2000.

3.6 We have spoken to a neighbour who has confirmed that a holiday chalet has been situated on the site for over 10 years.

4.0 SUMMARY

4.1 Grounds for seeking a Lawful Development Certificate include when a use began more than 10 years before the date of the application and when building works were substantially completed more than four years before the date of the application. The timber clad structure has been in situ for well over 4 years and has been used to provide holiday accommodation for over 15 years.

4.2 Staffordshire Moorlands District Council are aware that the structure and the use exist on the site and have indicated that an application for a Lawful Development Certificate to regularise the use is appropriate in this case.

APPENDICES

09/00034/ CL/EIS 9 JAN 2009 - S M O

APPENDIX 1

SITE PLAN

5 Oaks Cottage - General Location Plan



Enabled by Ordnance Survey © Crown Copyright 2009. All rights reserved. Licence number 100020449. Plotted Scale - 1:35000

SA3595/ALS/General Location

BERRYS

Property and Business

5 Oaks Cottage, Rushton Spencer



Enabled by Ordnance Survey © Crown Copyright 2009. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250

SA3595/Site Location

APPENDIX 2

TITLE REGISTER

09/00034/ DWERS 9 JAN 2009

HM Land Registry

TITLE NUMBER : SF329697

Edition date : 14 October 1993

Entry No.	A. PROPERTY REGISTER containing the description of the registered land and the estate comprised in the Title
	COUNTY: STAFFORDSHIRE — DISTRICT: STAFFORDSHIRE MOORLANDS
1.	(14 October 1993) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land on the west side of Tunstall Road, Rushton Spencer.
2.	(14 October 1993) The Conveyance dated 9 September 1993 referred to in the Charges Register contains provisions as to light or air and other matters.

Entry No.	B. PROPRIETORSHIP REGISTER stating nature of the Title, name, address and description of the proprietor of the land and any entries affecting the right of disposing thereof
	TITLE ABSOLUTE
1.	(14 October 1993) Proprietor: ALAN THOMAS MARSDEN and SUSAN RUBY MARSDEN both of 32 Denbigh Drive, High Crompton, Shaw, Oldham, Greater Manchester.

Entry No.	C. CHARGES REGISTER containing charges, incumbrances etc., adversely affecting the land and registered dealings therewith
1.	(14 October 1993) A Conveyance of the land in this title dated 9 September 1993 made between (1) George Yardley Goodwin and (2) Alan Thomas Marsden and Susan Ruby Marsden contains restrictive covenants. *NOTE: Copy in Certificate*
2.	(14 October 1993) The Conveyance dated 9 September 1993 referred to above contains provisions relating to an option to purchase the release of the restrictive covenant contained in the said Conveyance, as therein mentioned.
3.	(14 October 1993) The land is subject to the rights reserved by the Conveyance dated 9 September 1993 referred to above

APPENDIX 3

RECEIPT OF PURCHASE

From: Mr A T Marsden
32, Denbigh Drive
Shaw Oldham
Lancs
OL2 7EQ
Tel 01706 847919

Date: 10th March 2007

Mr Keith Bennett
39, Princess Road
Shaw Oldham
Lancs
OL2 7AZ

Received the sum of £12,000 pounds for the property of,
5, Oaks Cottage
Tunstall Road
Rushton Spencer
Macclesfield
SK11 0RX

Thankyou.

Mr A T Marsden

APPENDIX 4

REGISTER EXTRACT

09/000034/ 9 JAN 2009

[illegible]

This title is dealt with by Land Registry, Birkenhead District Office

The following entries are made in accordance with Rule 136 of the Land Registration Rules 2003. A full copy of the register accompanies this document and you should read it in order to be sure that these brief details are complete.

Neither the deposit nor the issue of any official copy of the register gives any official protection to any boundary or to the exact extent of the rights comprised in any registered title. The exact extent of the rights comprised in any registered title can be determined only by reference to the terms of the deeds and other documents.

This official copy is issued on [illegible] and shows the state of this title on that date. It may be subject to matters arising after that time. Please see the Land Registry website for more information.

REGISTER EXTRACT

[illegible]	[illegible]
Address of property	Land on the west side of Dunstan Road, Bushton, Stevens
[illegible]	Not [illegible]
Registered owner(s)	STOCKTON [illegible] [illegible] [illegible]

Title number SF329697

This is a copy of the register of the title number set out immediately below showing the entries in the register on [illegible] 43.5[illegible]. This copy does not take account of any application made after that time even [illegible] pending in the Land Registry when this copy was issued.

This copy is not an official copy of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry website explains how to do this.

A. Property Register

This register describes the land and estate comprised in the title

STAFFORDSHIRE : STAFFORDSHIRE MORLANDS

1. [illegible] The Freehold land shown edged with [illegible] on the plan of the above Title filed at the Registry and being land on the west side of Tunstall Road, Rushton Spencer.

2. [illegible] The conveyance dated [illegible] September [illegible] referred to in the Charges Register contains provisions as to light or air and other matters.

3. [illegible] A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1. [illegible] PROPRIETOR: SUSAN RUBY FENNEY [illegible] Chay Oldham OL[illegible] 2A2

C: Charges Register

This register contains any charges and other matters that affect the land.

1. [illegible] A conveyance of the land in this title dated [illegible] September [illegible] made between [illegible] Yardley Goodwin and [illegible] Thomas Marsden and Susan Ruby Marsden contains restrictive covenants.

   NOTE: original filed.

2. [illegible] The conveyance dated [illegible] September [illegible] referred to above contains provisions relating to an option to purchase the release of the restrictive covenant contained in the said conveyance as therein mentioned.

3. [illegible] The land is subject to the rights reserved by the conveyance dated [illegible] September [illegible] referred to above.

End of register



H.M. LAND REGISTRY

This is a copy of the title plan on 17 DEC 2008 at 12:43:53. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.
The Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.
This title is dealt with by Land Registry, Birkenhead (Old Market) Office.
© Crown Copyright. Produced by Land Registry. Further reproduction in whole or in part is prohibited without the prior

APPENDIX 5

PHOTOGRAPHS



5 Oak Cottage - Aerial Photograph taken 19/06/2000



Copyright Getmapping (c) 2009. . Plotted Scale - 1:667

SA3595/Aerial

BERRYS

Property and Business