STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Dominic Cooney
Ash Tree Planning
Leek
ST13 8QJ

Mr & Mrs Neilson
High Up Farm HIgh up Lane
Leek
Staffordshire
ST13 8SD

Application no: SMD/2016/0575

Determined on: 09/11/2016

Town and Country Planning Act 1990 Section 191
(As amended by Section10 of Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England) Order 2015

APPROVAL TO ISSUE CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Staffordshire Moorlands District Council hereby approves to certify that on 14/09/2016; the use specified in the First Schedule ("the Use") taking place on the land specified in the Second Schedule and edged red on the plan attached to this certificate and numbered HUF 1 ("the Land"), was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 ("the Act"), for the following reason(s):

The Land has been enclosed by a fence since 13th June 2006 and was laid with lawn turf on the 21st July 2006. The applicant's evidence is that the Land has been used as a 'garden' since that time, he provides no further detail or specifics beyond that. While the Land has been used in this way for 10 years prior to the application date, the dictionary definition of 'garden' includes "an area of land, usually planted with grass, trees and flowerbeds". Such a use could also be described as horticulture which falls within the definition of 'agriculture' at s.336 of the Act. Section 55 (2)(e) of the Act confirms that the use of land for agriculture shall not be taken for the purposes of the Act to inolve development and as such the Use did not require planning permission.

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

FIRST SCHEDULE

Use as a 'garden'

SECOND SCHEDULE

Land to the north of and adjoining the dwelling and its curtilage at High Up Farm, High Up Lane, Poolend, Leek, Staffordshire, ST13 8SD.

INFORMATIVE

This certificate in no way confirms that the Land forms part of the curtilage of the dwelling at High Up Farm. The term 'garden' specified in the First Schedule is limited to the following definition "an area of land used to plant or grow grass, trees, seeds, vegetables, fruit, plants or flowers".

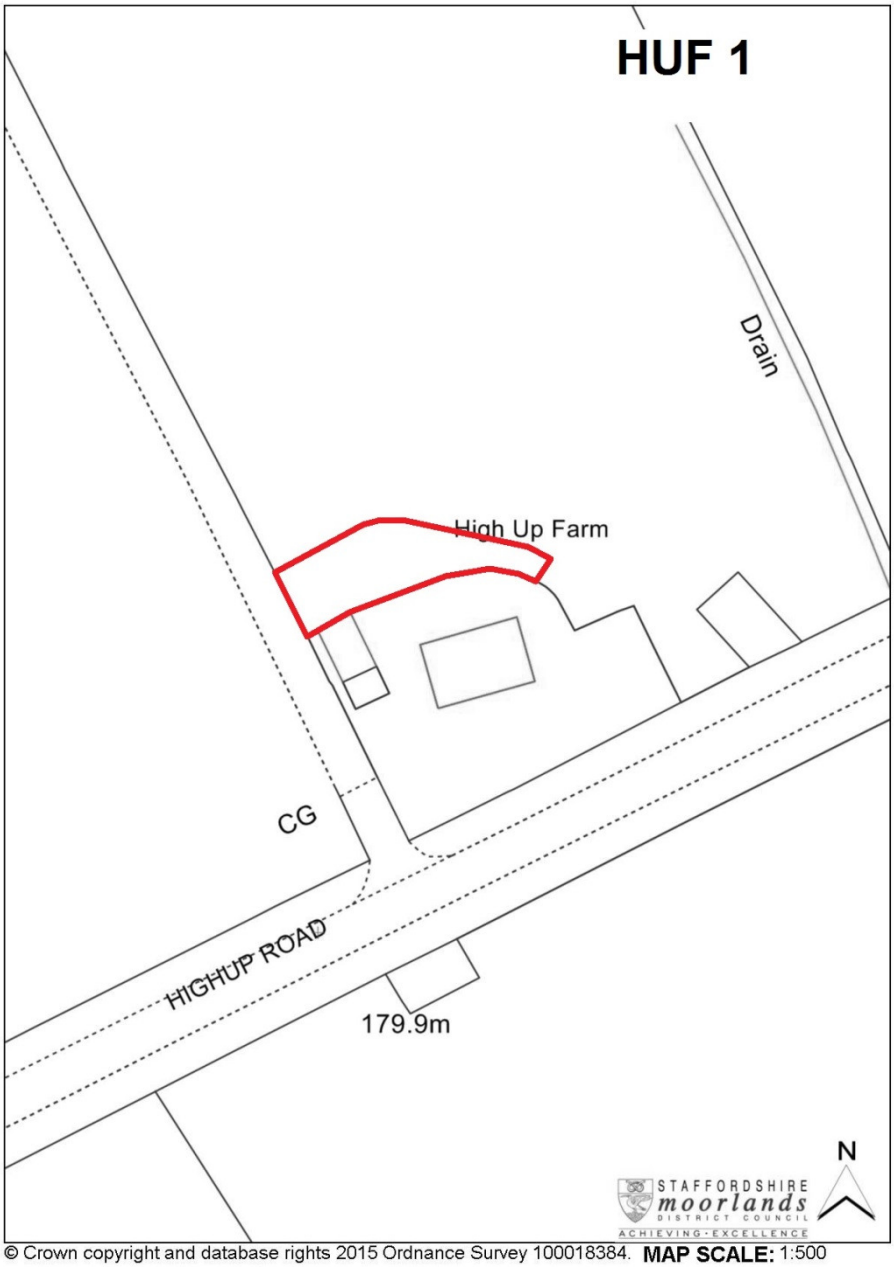
X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive



© Crown copyright and database rights 2015 Ordnance Survey 100018384. **MAP SCALE:** 1:500

STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE
Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

NOTES

1. An applicant may appeal against by giving notice to the Secretary of State:-

   (a) the refusal to issue a certificate under Section 191 of the Act; or

   (b) the failure to give notice of the Council's decision within 8 weeks of the registration of the application, or any other period agreed with the Local Planning Authority;

   Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

2. As part of the appeal process the Applicant must submit to the Planning Inspectorate a copy of the following documents:

   - a copy of your original application
   - a copy of the local planning authority's decision notice - if they didn't make a decision, send a copy of the letter acknowledging your application
   - a map of the site
   - copies of all plans, drawings and documents you sent to the local planning authority
   - copies of any letters or emails from the local planning authority
   - any other documents that directly support your appeal

   If you think your land or building is now lawful because the time limit for enforcement has passed, you also need to submit evidence like:

   - dated photographs of the site
   - letters from neighbours
   - receipts or invoices for work
   - plans and drawings