STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Ms Ellerington
Fernbank Reacliffe Road
Rudyard
Staffordshire
ST13 8RS

Application no: SMD/2017/0082

Determined on: 06/04/2017

**Town and Country Planning Act 1990 Section 192**
**(As amended by Section10 of Planning and Compensation Act 1991)**
**Town and Country Planning (Development Management Procedure) (England) Order 2015**

# REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Staffordshire Moorlands District Council hereby refuses to certify that on 14/02/2017; the proposed operation specified in the First Schedule ('the Proposed Development') that would take place on the land specified in the Second Schedule ('the Land') is not permitted and would be unlawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

'The Proposed Development' would not be permitted on 'the Land' by the provisions at Part 1, Schedule 2 of the General Permitted Development Order 2015 ('the Order') because:

1. It would involve engineering works to excavate and alter land levels within the curtilage of a dwellinghouse which is not development that is permitted by any Class at Part 1 of the Order;

2. It is not required for purposes that are incidental to the enjoyment of a dwellinghouse; and

3. It would invlove the construction of a building, the largest part of which would not fall within the dimensional limits set out at Class E, Part 1 of the General Permitted Development Order because it would have more than a single storey, a total height that exceeds 4 metres, and an eaves height that exceeds 2.5 metres.

**FIRST SCHEDULE**

The excavation and alteration of land levels and the construction of a building shown in the attached drawings labelled 'Front Elevation', 'Rear Elevation', 'Floor Plan' and 'East Elevation'.

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**SECOND SCHEDULE**

Land at Fernbank, Reacliffe Road, Rudyard, Staffordshire, ST13 8RS that is edged red on the attached plan labelled 'Location Plan'.

X B.J. Haywood

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**

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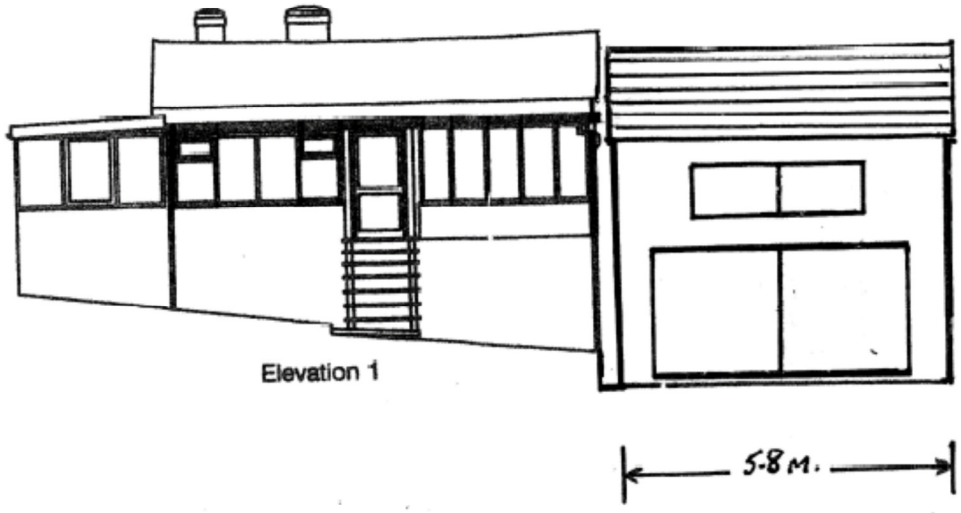
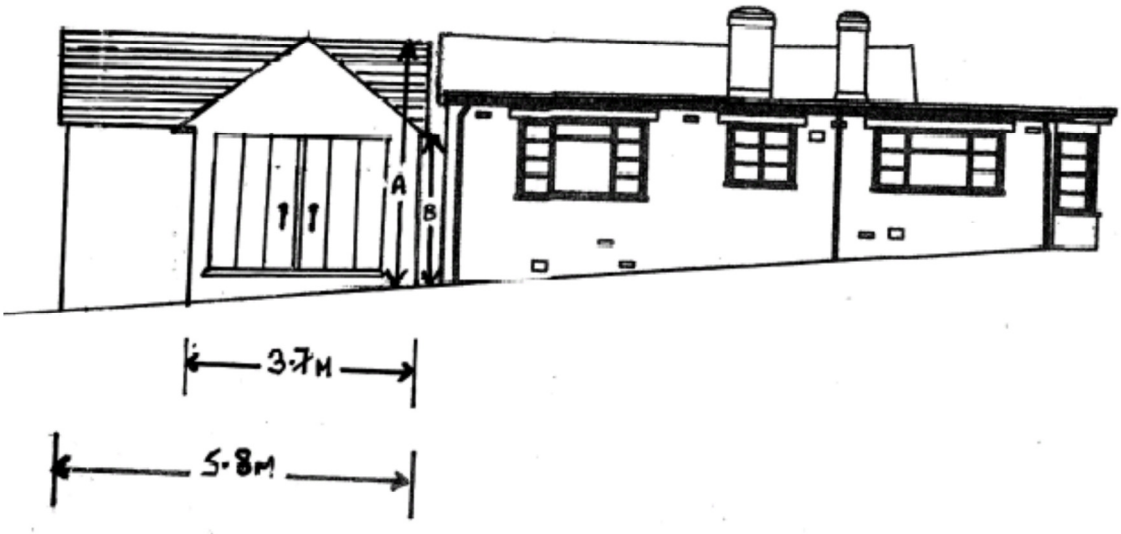
**Front Elevation**




**Rear Elevation**




HEIGHT 'A' 3·95 M.
HEIGHT 'B' 2·45 M.

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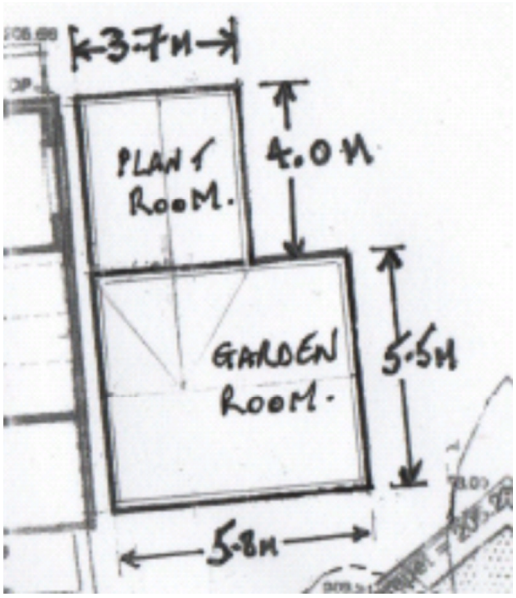
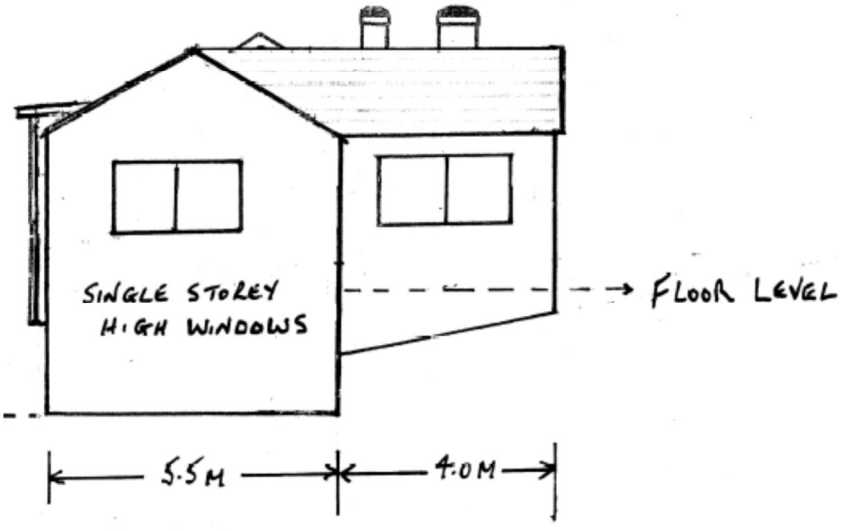
## Floor Plan




## East Elevation



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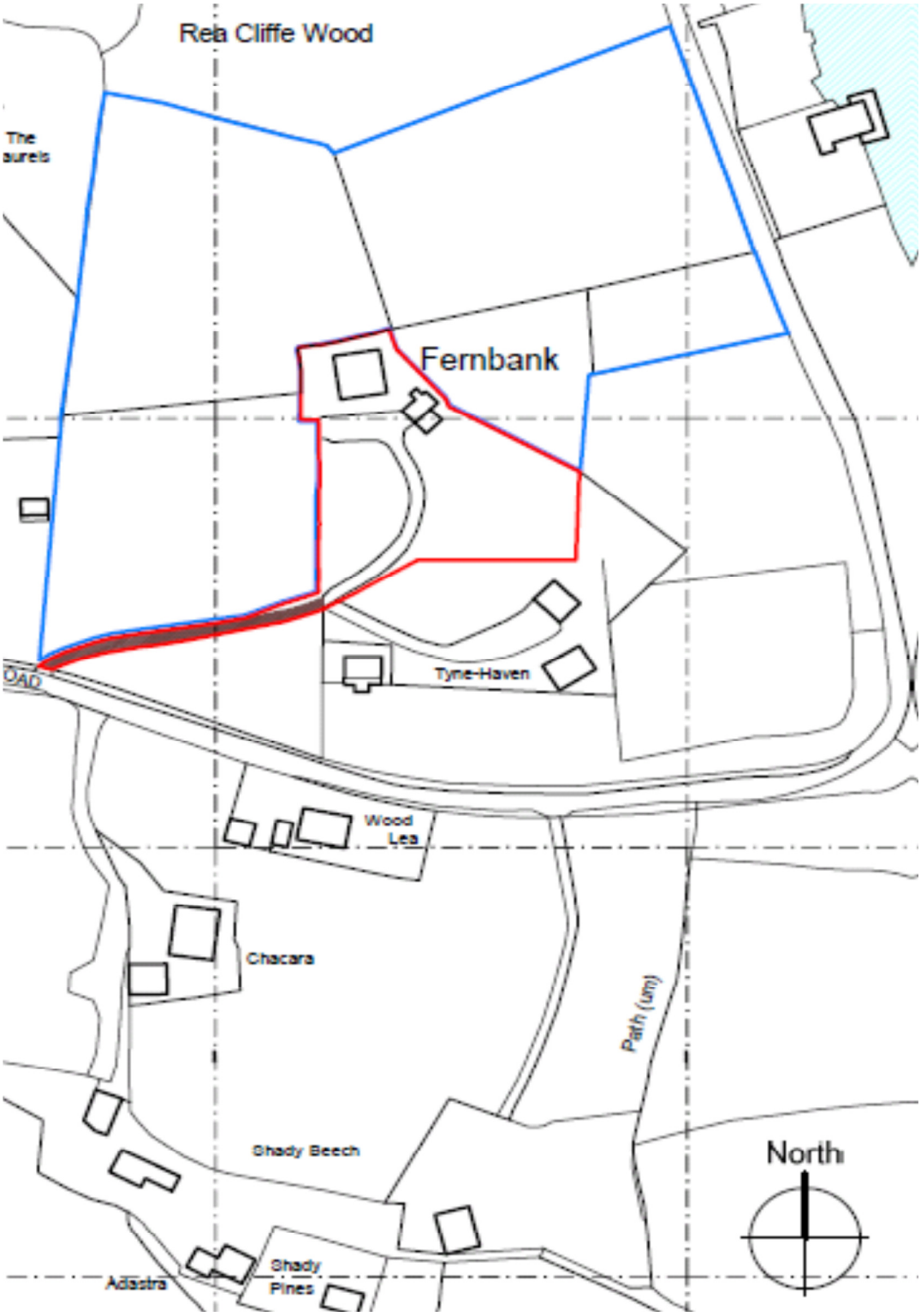
## Location Plan



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# NOTES

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

   (a) the refusal to issue a certificate under Section 192 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