

The Planning Inspectorate

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT APPEAL FORM (Online Version)

Appeal Reference: APP/B3438/X/17/3173423

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Ms Louise Ellerington

Address Fernbank, Reacliffe Road
Rudyard
LEEK
ST13 8RS

Email mcghie.rob@gmail.com

Preferred contact method Email ☒ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes ☒ No ☐

Name Mr Robert McGhie

Address Fernbank, Reacliffe Road
Rudyard
LEEK
ST13 8RS

Phone number 07802380184

Email mcghie.rob@gmail.com

Preferred contact method Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority Staffordshire Moorlands District Council

LPA reference number (if applicable) SMD/2017/0082

Date of the application 14/02/2017

Did the LPA issue a decision? Yes ☒ No ☐

Date of LPA's decision

06/04/2017

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☒ No

☐

Address

Fernbank, Reacliffe Road
Rudyard
LEEK
ST13 8RS

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

☒ No

☐

Please describe the health and safety issues

Some groundwork and woodland clearance being undertaken.

E. DETAILS OF THE APPEAL

Please give a precise description of the proposed or existing use, operation or activity as outlined in the application in respect of which a certificate is sought.

This is a sloping parcel of land to the east of the property used as a walk through to the rear paddock and previously used as part of the garden.

Select the section under which the application was made:

Section 191

☐

Section 192

☒

Section 26H

☐

In the case of a proposal, had it been started before the application to the LPA was made?

Yes

☐ No

☒

Please state the actual use of the site at the time of application to the LPA. (if not in use, write "nil" and state last known use).

Used as a walk through area from the front to rear of the property and as an entry point to the rear paddock.

Is there an effective enforcement notice on the site?

Yes

☐ No

☒

F. REASON FOR THE APPEAL

1. Refused/refused in part to grant a certificate of lawful use or development.

☒

2. Failed to give notice of their decision within the appropriate period on an application for a certificate of lawful use or development.

☐

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to

Yes

☐ No

☒

judge the proposal from public land?

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

Please explain.

This is a rural property being accessible from a private driveway only. To confirm the site conditions, slope, measurements etc then access to the property would be required by the Inspector.

2. Hearing ☐

3. Inquiry ☐

H. APPEAL STATEMENT

The statement is set out in

☒ see 'Appeal Documents' section

I. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☒

J. SUPPORTING DOCUMENTS

01. The application made to the LPA. ☒

02. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. Please number them clearly and list the numbers here or on a separate sheet. ☒

02. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒

03. The LPA's decision (if any). ☒

04. All other relevant correspondence with the LPA. ☒

05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☐

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

K. CHECK SIGN AND DATE

(All supporting documents must be received by us within the 8 week time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature	Mr Robert McGhie
Date	09/04/2017 18:19:10
Name	Mr Robert McGhie
On behalf of	Ms Louise Ellerington

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

L. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) not previously sent as part of the application to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

M. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	APPEAL STATEMENT
Document Description:	The Appeal statement.
File name:	Appeal statement.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. The application made to the LPA.
File name:	Lawful Development Certificate application 14-2-2017.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	Front elevation.jpg
File name:	East elevation.jpg
File name:	West elevation.jpg
File name:	Rear elevation.jpg
File name:	Proposed site plan 1.jpg
File name:	Proposed site plan 2.jpg
File name:	Proposed site plan 3.jpg
File name:	Block plan.pdf
File name:	P1010001.JPG
File name:	P1010002.JPG
File name:	P1010004.JPG
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	02.b. Copies of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	Document reference list for Appeal Inspector April 2017.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. The LPA's decision
File name:	LDC refusal certificate 6 April 2017.pdf
File name:	LDC refusal report 6 April 2017.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. All other relevant correspondence with the LPA.
File name:	Email communication regarding LDC Fernbank March 2017.docx
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the

File name:	appellant (if any) edged or shaded blue. Existing Site Plan.pdf
PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US	
Completed by	MR ROBERT MCGHIE
Date	09/04/2017 18:19:10