

Simon W. Baker B.Ed MBA MIMSPA  
Chief Executive

Richard Boother  
RPS Group plc  
20 Western Avenue  
Abingdon  
OX14 4SH

Mr Kirilov  
C/O Agent

Application no: SMD/2017/0396

Determined on: 12/10/2017

**Town and Country Planning Act 1990 Section 191**  
**(As amended by Section 10 of Planning and Compensation Act 1991)**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**

**REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF  
EXISTING USE OR DEVELOPMENT**

The Staffordshire Moorlands District Council hereby refuses to certify that on 09/06/2017 the use specified in the First Schedule taking place on the land specified in the Second Schedule and edged red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

Although there have been two storage containers present on a specific part of the site for ten years, but all the evidence including Mr Swinnerton's sworn statement points to these having been brought to the site to serve as incidental storage in support of an equestrian use. As un-affixed moveable items simply placed on the land these do not amount to development. Their presence does not amount to a change of use of the land to a container storage use. The land use at the location of the containers has clearly been equestrian at least up to the change in ownership in 2016 and the then removal of the stables. It is not clear that this equestrian use has continued to the relevant date of this application in June 2017.

**FIRST SCHEDULE**

Use of land to the west of Akesmore Lane, Biddulph, for the storage of shipping containers.

**SECOND SCHEDULE**

Land West Of AKESMORE LANE BIDDULPH STAFFORDSHIRE

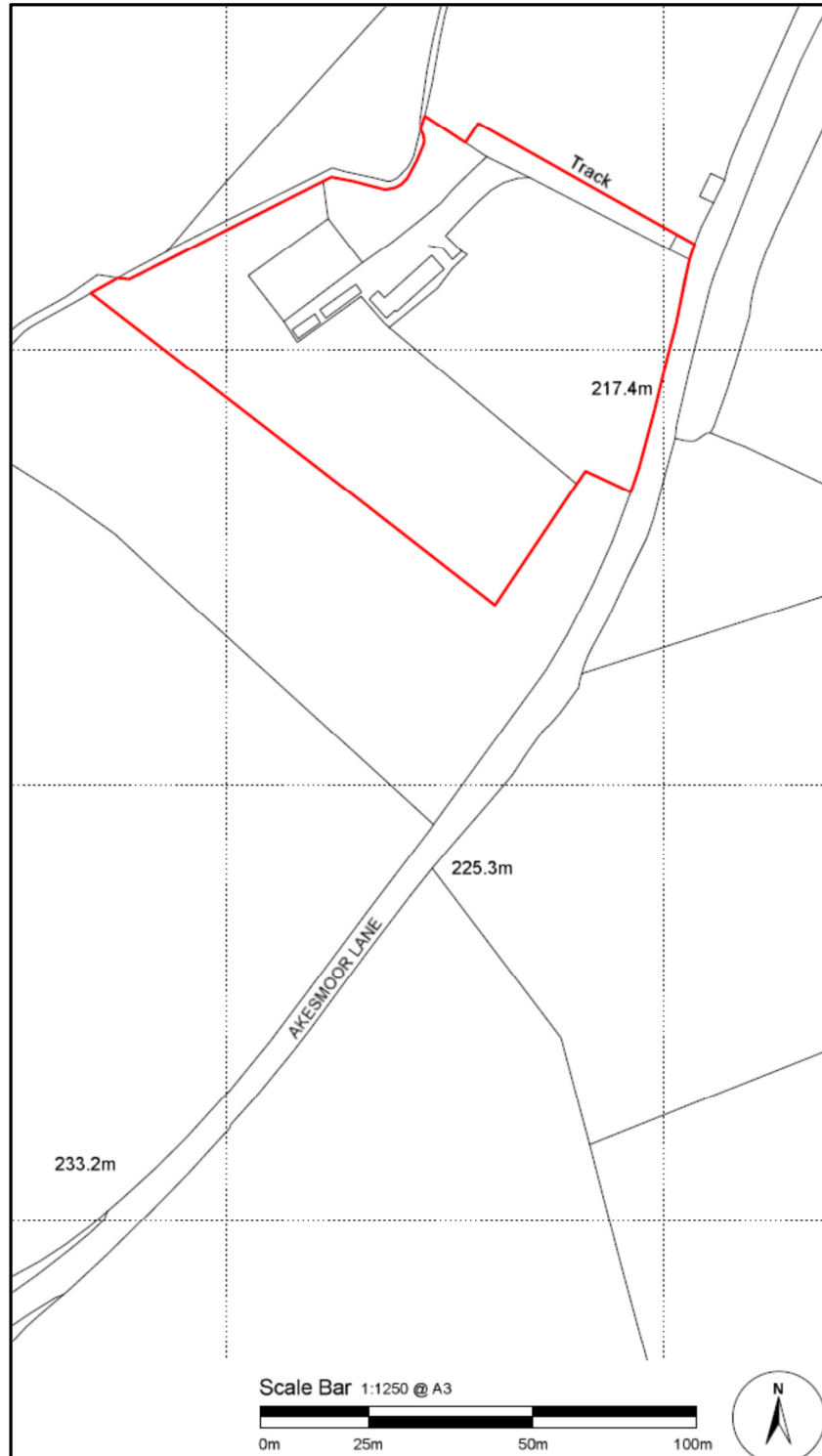
X *B.J. Haywood*

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**



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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 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