STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Stephen Bennett
Apex Building Consultancy Limited
34 Farneworth Road
Mickleover
Derby
DE3 0ER

Mr Shepherd
42 Station Street
Leek
Staffordshire
ST13 8BP

Application no: SMD/2017/0688

Determined on: 12/12/2017

**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**

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

Staffordshire Moorlands District Council hereby approves to certify that on 13/10/2017; the proposed operation specified in the First Schedule ('the Development') that would be carried out at the dwellinghouse specified in the Second Schedule ('the Dwellinghouse'), would be lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. 'The Dwellinghouse' was built prior to the first planning Act of 1947. It was not granted a planning permission that was subject to a condition prohibiting any development that would normally be permitted by the terms of the General Permitted Development Order and its use as a dwellinghouse was not granted only by virtue of the Classes M, N, P or Q of Part 3, Schedule 2 of the General Permitted Development Order 2015 (changes of use). As such the full provisions of Part 1 at Schedule 2 of the General Permitted Development Order 2015 are available and unaffected for the purposes of carrying out 'the Development'.

2. 'The Dwellinghouse' is not in a Conservation Area. As a result of 'the Development', 'the Dwellinghouse' would be enlarged with an addition and alteration to its roof that would not: exceed the height of the highest part of the existing roof; extend beyond the plane of the existing roof slope which forms the principal elevation of 'the Dwellinghouse' and fronts a highway; exceed the cubic content of the original roof space by more than 40 cubic metres; include the construction or provision of a verandah, balcony or raised platform; or the installation, alteration or replacement of a chimney, flue or soil and vent pipe. As such 'the Development' would be permitted by Class B, Part 1, Schedule 2 of the General Permitted Development Order 2015.

3. In carrying out 'the Development' only materials of a similar appearance to those used in the construction of the exterior of 'the Dwellinghouse' would be used in the exterior work; the eaves of the original roof would be maintained or reinstated; the edge of the enlargement closest to the eaves of the original roof would be, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; no part of 'the

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Development' would extend beyond the outside face of any external wall of 'the Dwellinghouse'; and there would be no windows inserted on a wall or roof slope forming a side elevation of 'the Dwellinghouse'. As such 'the Development' would be carried out in compliance with the conditions at B.2 of it being permitted by Class B, Part 1, Schedule 2 of the General Permitted Development Order 2015.

**FIRST SCHEDULE**

The enlargement of 'the Dwellinghouse' consisting of an addition and alteration to its roof that would be carried out in accordance with the submitted plan numbered 20a0617/2/3'A', a copy of which is attached to this decision.

**SECOND SCHEDULE**

The end of terrace dwellinghouse, shown edged red on the attached plan numbered SS1, at 42 Station Street, Leek, Staffordshire ST13 8BP that has remained unaltered and without enlargement from when it was originally built.

X

Signed by: Jane Colley

**On behalf of Staffordshire Moorlands District Council**

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**SS 1**



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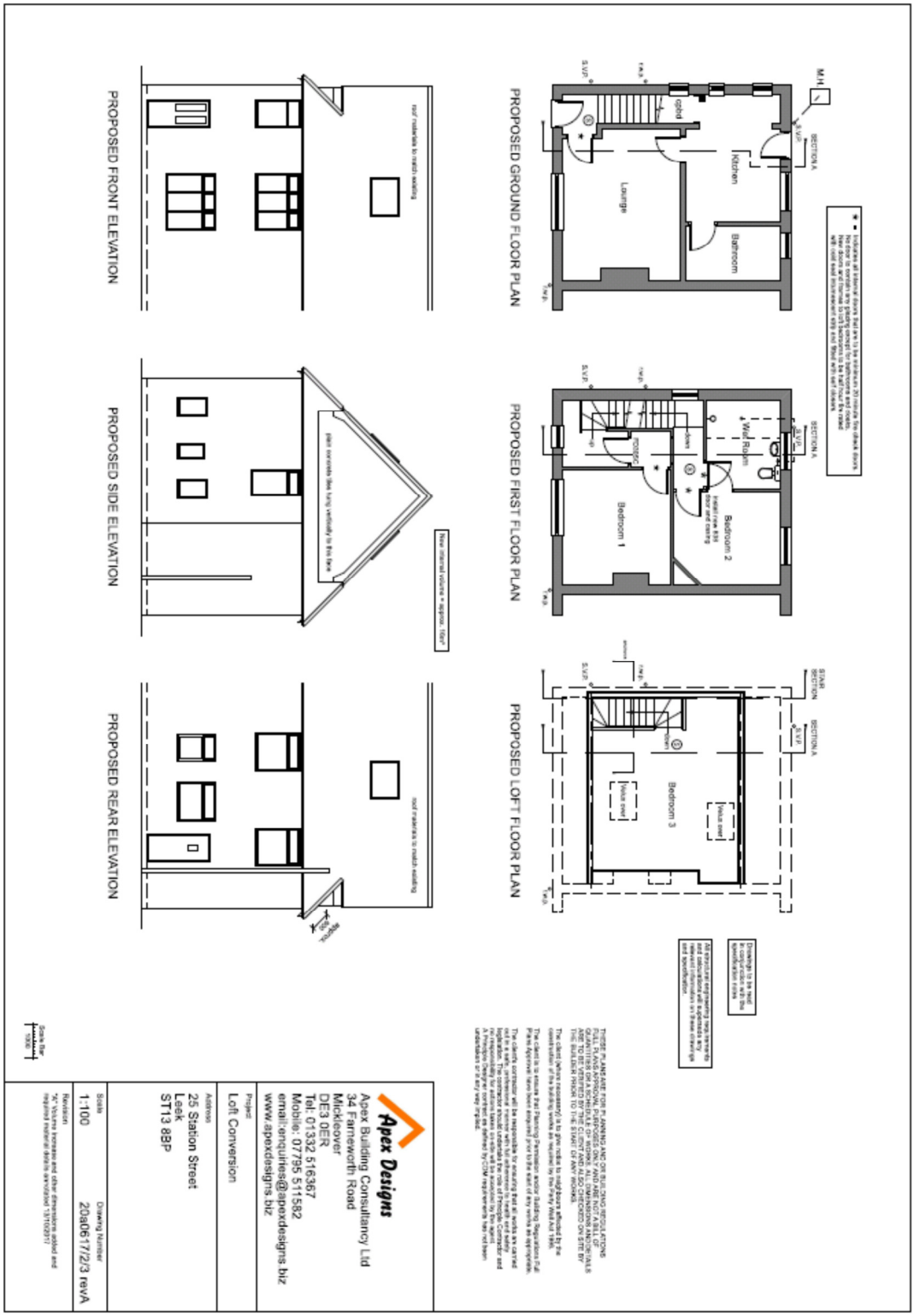

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# NOTES

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