STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr David Morrey
Hulme Upright
31A Ironmarket
Newcastle Under Lyme
Staffordshire
ST5 1RP

Ms Helen Johnson
44 Clough Lane
Werrington
Staffordshire
ST9 0DD

Application no: SMD/2018/0307

Determined on: 06/07/2018

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 14/05/2018; the use specified in the First Schedule ("the Use") taking place on the land specified in the Second Schedule ("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 evidence demonstrates that on the balance of probabilities all of "the Land" has been owned and occupied as one planning unit, where the primary use of that planning unit is as a single dwellinghouse, for at least 10 years prior to the date of the application. In particular, during that requisite time period, the land to the south of the culvert, which does not obviously appear to be part of the curtilage of the dwellinghouse, has been occupied by and provided a garage outbuilding, driveway parking and other hardstanding that has been used for purposes that are ancillary to and functionally linked to the adjacent landowners dwellinghouse. As such, there has been no physical or functional separation between the two parts of "the Land".

FIRST SCHEDULE

Use as a Single Dwellinghouse by persons living together as a family (Class C3(a) of the Use Classes Order 1987) including the use of all of "the Land" for 'residential' purposes that are ancillary and functionally linked to that primary use.

SECOND SCHEDULE

Land at 44 Clough Lane, Werrington, Staffordshire, ST9 0DD that is shown edged red on the attached plan numbered CL 1.

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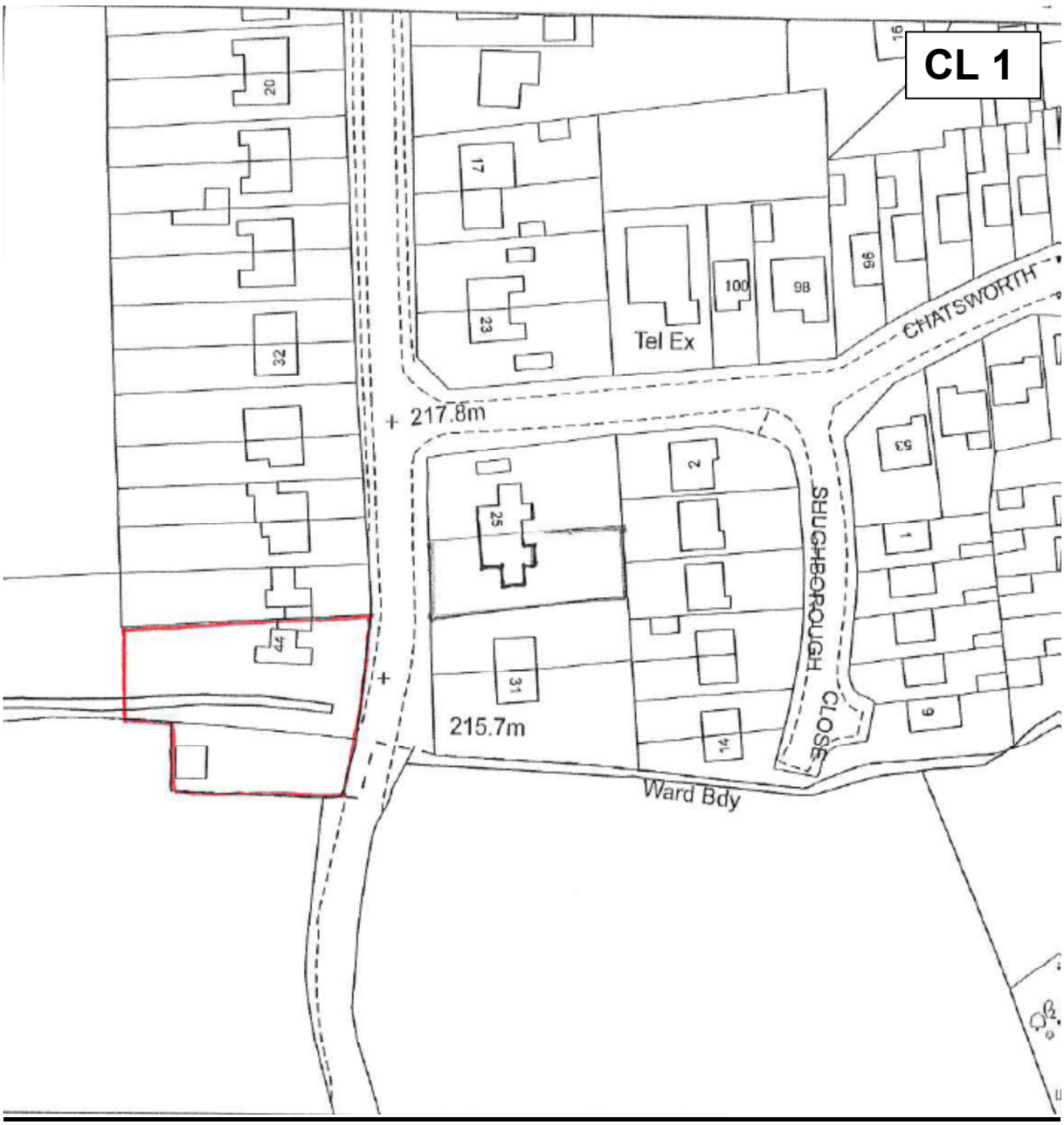
X B.J. Haywood

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