STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Ellis
A.E. Planning Consultants
57 Bollington Road
Macclesfield
Cheshire
SK10 5EJ

Mr R and Mrs E M Brown
The Orchards
Overton Road
Biddulph
Stoke-on-Trent
Staffordshire Moorlands
ST8 7ST

Application no: SMD/2018/0465

Determined on: 24th October 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 19/07/2018 the occupancy conditions specified in the First Schedule ("the Conditions") were being breached at the dwellinghouse on the land specified in the Second Schedule ("the land") and that the breach had become lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

> The submitted evidence demonstrates that on the balance of probabilities the dwelling on the land has been occupied for at least 10 years prior to the date of the application by a person (or persons) who were not solely or mainly employed nor last employed locally in agriculture or in forestry nor were they a dependant of such a person residing there. Specifically the submitted evidence demonstrates that on the balance of probabilities the applicants, Mr Ralph Brown and Mrs Eileen M Brown who were the occupants on the date of the application, had already occupied "the Dwelling" for at least 10 years without complying with "the Condition". The evidence shows that the applicants are persons who have at no time been employed or last employed locally in agriculture or forestry and that at no time during their occupancy had they been a dependent of or resided with such a person. Specifically, the evidence explains that Mr. Brown had employment as a driving instructor and Mrs. Brown had employment as a paintress with a Congleton firm. The applicants' occupation of the Dwelling had not complied with "the Condition" for at least 10 years and it was therefore, on the date of the application, a breach that was immune from enforcement action.

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FIRST SCHEDULE

Condition 2 of planning permission SM.1910 (1975) that: "The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed locally in agriculture as defined in s. 290(i) of the TCPA (1971)"

and condition 1 of SM.3460 (1977) that: "The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed locally in agriculture as defined in s.290(i) of the TCPA (1971) or in forestry or a dependent of such a person residing with him (but including a widow of such a person.)

SECOND SCHEDULE

The dwelling known as The Orchards, Overton Road, Biddulph Common, Biddulph, Staffordshire Moorlands ST8 7ST on the land shown edged bold red on the plan attached to this certificate.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

INFORMATIVE

While this certificate confirms that on the date of the application the breach of "the Conditions" was lawful, it does not have the effect of removing those conditions from the planning permissions. This means that should that breach come to an end and a different occupier subsequently does not comply with "the Conditions", a new breach that is not immune from enforcement action could still occur.

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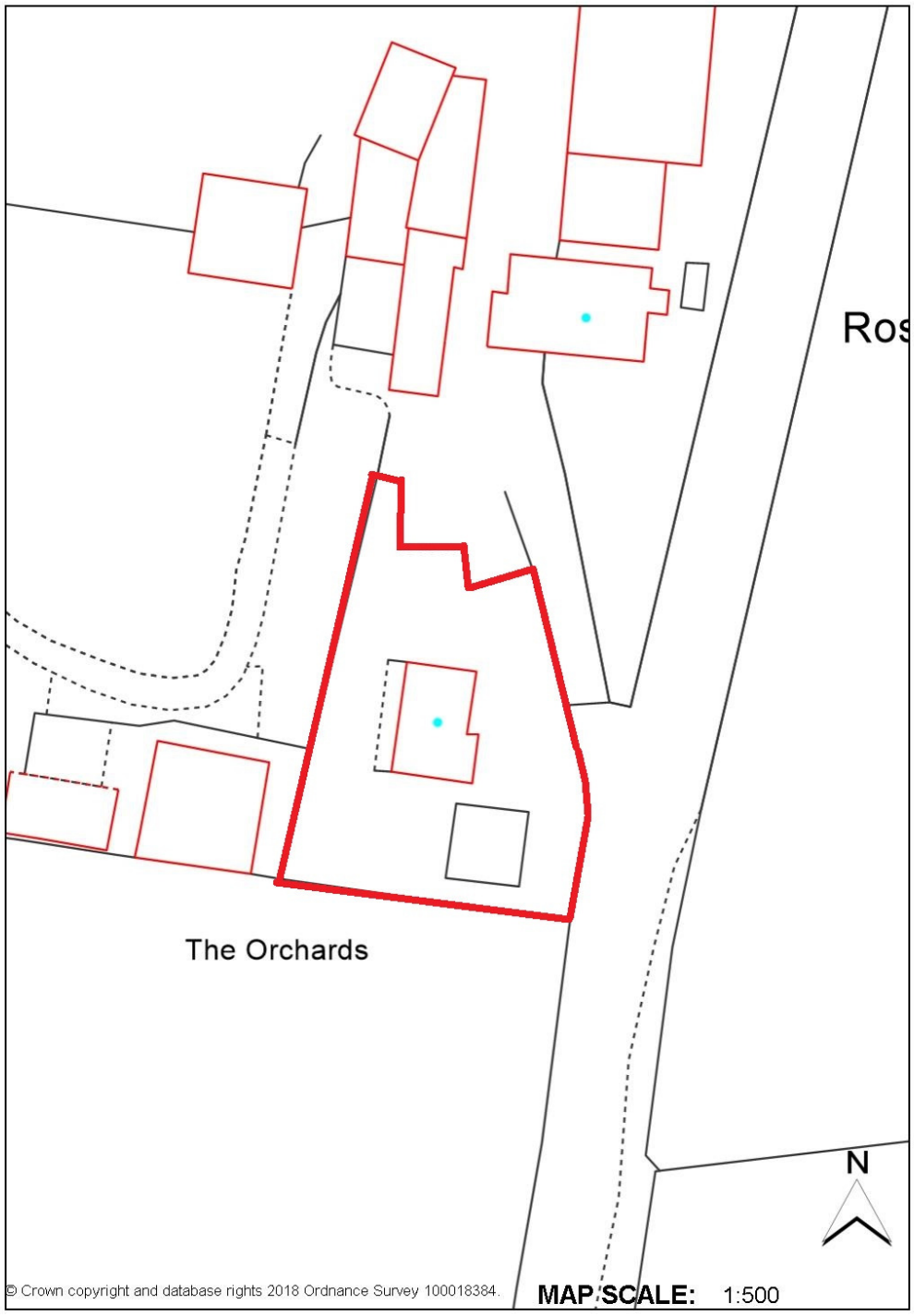
1:500 OS



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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