STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Philip Andrew Taylor
P A Taylor Plans
The Sand Quarry Hougher Wall Road
Stoke On Trent
ST7 8JA

Mr Beaumont
Clelow Bank House Hill Top
ST6 8TY

Application no: SMD/2018/0625

Determined on: 31st December 2018

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

REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Staffordshire Moorlands District Council hereby REFUSES to certify that on 01/10/2018; the operation specified in the First Schedule ("the Development") could have been lawfully carried out on the land specified in the Second Schedule ("the Land"). For the avoidance of doubt, "the Development" would not have been immune from enforcement action and 'lawful' within the meaning of Section 192 of the Town and Country Planning Act 1990 ("The Act") for the following reason(s):

1. "The Development" would involve engineering works to lower the ground level to meet the road and then the construction of a permanent building of significant size that would be afixed to the ground. Planning permission is required to carry out "the Development" because it is not permitted by any Part of Schedule 2 of the General Permitted Development Order 2015.

2. Specifically, "the Development" is not permitted by Class E, Part 1 of Schedule 2 of the General Permitted Development Order 2015 because:

i. it would be carried out on land that is not within the curtilage of a dwellinghouse;
ii. it is for the purposes of providing normal residential uses and primary living accommodation such as a cinema/living room, bathroom and kitchen, these are not purposes that are either 'reasonably required' or incidental to the enjoyment of a dwellinghouse; and
iii. it would be within 2metres of the land boundary and exceed 2.5metres in height.

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FIRST SCHEDULE

The excavation and reduction of land levels and the construction of a building for the purposes of providing a cinema room, office, gym, bathroom and kitchen as shown and detailed in the drawing numbered 6699.09 'Rev C' submitted with the application.

SECOND SCHEDULE

Land adjacent to Clewlow Bank House, Hill Top, Brown Edge, Staffordshire ST6 8TY that is shown on the site location plan that appears on the drawing numbered 6699.09 'Rev C' that was submitted with the application.

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 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