STAFFORDSHIRE moorlands DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Staffordshire Moorlands District Council
Moorlands House, Stockwell Street, Leek
Staffordshire Moorlands, ST13 6HQ
Telephone: 0845 605 3013
www.staffsmoorlands.gov.uk

Application for a Lawful Development Certificate for a Proposed use or development.
Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	Ringe Hay Farm
Address line 1	Basford Green Road
Address line 2	Basford
Address line 3	
Town/city	Leek
Postcode	ST13 7ET

Description of site location must be completed if postcode is not known:

Easting (x)	399458
Northing (y)	352828

Description

2. Applicant Details

Title	Mr
First name	D.
Surname	Pearson
Company name	
Address line 1	Ringe Hay Farm,
Address line 2	Basford
Address line 3	
Town/city	Leek

2. Applicant Details

Country	
Postcode	ST13 7ET
Primary number	
Secondary number	
Fax number	
Email address	

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

3. Agent Details

Title	
First name	Ken
Surname	Wainman
Company name	KEN WAINMAN ASSOCIATES Ltd
Address line 1	31A
Address line 2	St. Edward Street
Address line 3	
Town/city	Leek
Country	England
Postcode	ST13 5DN
Primary number	01538386808
Secondary number	
Fax number	
Email	ken@sgaplanners.co.uk

4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations? ( ) Yes (•) No

Does the proposal consist of, or include, a change of use of the land or building(s)? (•) Yes ( ) No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Certificate Lawfulness application for the future use as:
A)Permanent private dwelling houses (Use Class C3) of three Buildings (The Barn, The Dairy and Granary Cottage) which have had holiday occupancy conditions removed.
B)Domestic curtilage of the associated gardens and parking which were granted permission in 2018.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

Holiday cottages. Use ceased on 6th January 2019. Currently vacant.

Has the proposal been started? ( ) Yes (•) No

5. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Please see the submitted Certificate of Lawfulness application Statement.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Planning approval notices: -
* SMD/2018/0374 - "Removal of conditions 8 & 9 relating to SMD/2005/0864". Approved – 28 September 2018.
* SMD/2018/0403 - "Removal of condition 5 of planning permission". SMD/2011/0391". Approved - 05/10/2018. T
* SMD/2018/0375. "The retention of the garden serving two holiday cottages (the Barn and the Dairy) and the sub-division of the land to form two gardens to serve the two cottages". Approved - 28/09/2018.
* SMD/2018/0404. "The retention of the garden serving Granary Cottage". Approved - 05/10/2018.

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

C3 - Dwellinghouses

Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

C3 - Dwellinghouses

Is the proposed operation or use

○ Permanent ○ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Although approval has been granted for the removal of the holiday occupancy conditions the descriptions on the original approvals (05/00439/FUL and 11/00330/FUL) mentioned either conversion to "holiday cottages" or "holiday accommodation". The description on the original planning permissions is not classed as a condition but as a limitation on the face of the permission. A breach of a limitation, unlike breach of an express condition restricting use, is not in itself a breach of planning control. Wilson v West Sussex County Council 1963 2 QB 764. A breach of planning control would only occur if a material use occurred and for the reasons set out in the submitted Statement it is contended that the proposed uses do not involve a material change of use.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

○ Yes ◉ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

◉ The agent
○ The applicant
○ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

○ Yes ◉ No

8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

○ Yes ◉ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

9. Interest in the Land

Please state the applicant's interest in the land

9. Interest in the Land

- (•) a) Owner
- ( ) b) Lessee
- ( ) c) Occupier
- ( ) d) Other

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☑

Date (cannot be pre-application)	22/01/2019