DELEGATED DECISION REPORT

SMD/2019/0279 **Valid 01/05/2019**	**LAND ADJACENT TO CHARLIE BASSETTS NEW ROAD DILHORNE**	**PROPOSED USE OF LAND FOR EVENTS ASSOCIATED WITH THE OPERATIONS OF THE NEARBY PUBLIC HOUSE FOR MAXIMUM OF 28 DAYS PER CALENDAR YEAR. MOVEABLE MARQUEE TO BE ERECTED ON THE SITE FOR THE PURPOSES OF THOSE EVENTS FOR MAXIMUM OF 28 DAYS PER CALENDAR YEAR (INCLUSIVE OF ERECTION / DISMANTLING)** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES
Is the proposed temporary use permitted by the General Permitted Development Order 2015.

DESCRIPTION OF SITE
The grazing field or paddock adjacent and belonging to a large detached village pub. The pub has an existing carpark, defined beer garden and play area.

PROPOSAL
The applicant wants to use a part of the adjacent grazing land to erect a 'marquee' and use it, on a temporary basis, for no more than 28days per calendar year for the purposes of holding events, entertainment or consuming food and drink. The use would be associated with and carried out by the management of the public house.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
ENF Notice Issued March 1987 in respect of use of land as beer garden and play area.

OFFICER COMMENTS
At Part 4 'Temporary buildings and uses' of the General Permitted Development Order 2015, Class B permits the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of holding a market or motor racing, and the provision of any moveable structure in association with such a use. Development is not permitted by Class B if the land in question is a building or is within the curtilage of a building; the

use of the land is for a caravan site; the use of the land is for the display of an advertisement; or a number of other uses that would be relevant only were the land to be a site of special scientific interest.

The proposed use would be to erect and use a marquee temporarily, no more than 28 days in a calendar year, for the purposes of events and entertainment connected to the pub. The use would not therefore relate to the holding of a market or motor racing and therefore the 14 day limitation would not apply to the use proposed. The applicant wants to use part of the land that would be considered to be the periphery or edge of the adjacent grazing land but outside of the curtilage of the public house; the use of the land would not be for a caravan site or the display of an advert; and the land is not a site of special scientific interest.

It is apparent therefore that the proposed temporary use would be permitted by the General Permitted Development Order 2015 and that it would not require an express grant of planning permission and, therefore, the council could not take action against the use. The provision on the land of any moveable structure, such as the 'marquee', for the purposes of the temporary use is also permitted by Part 4.

There is an extant enforcement notice on the land that was not appealed and took effect without challenge. The notice required the use of the land as a children's play area and beer garden to cease. A recurrence of that activity would be a breach of the notice and therefore not immune from action. However, the applicant does not with his 'marquee' and 'events' proposal, intend to use the land for those 'notice purposes'.

CONCLUSION / PLANNING BALANCE
The proposed temporary use would be permitted by the GPDO 2015.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 26/06/2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council