STAFFORDSHIRE
moorlands
DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Michael Askew
Knights PLC
The Brampton
Newcastle Under Lyme
Staffordshire
ST5 0QW

Mrs Durber
Barnfields
Willfield Lane
Brown Edge
Staffordshire
ST6 8SN

Application no: SMD/2019/0761

Determined on: 12th February 2020

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

Staffordshire Moorlands District Council hereby approves to certify that on the 16/12/2019; the physical works ("the Works") carried out; and the use taking place ("the Use"), both specified in the First Schedule at i. and ii. respectively, at the building specified in the Second Schedule ("the Building"), were lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 ("the Act"), for the following reason(s):

Evidence demonstrates that "the Works" were carried out and complete for more than four years prior to the date of the application and therefore by virtue of s.171B of "the Act" the Local Planning Authority were out of time to take enforcement action against "the Works". Works that have affected only the interior of "the Building" shall not be taken for the purposes of "the Act" to involve development of the land (s.55 (2)(a)(i) of "the Act").

"The Building" is within the same planning unit as the dwellinghouse at "the Property" and the sole and primary use of the planning unit as a whole has remained that of a single dwellinghouse used and ocupied by members of the one household living together as a family. 'The Use' would not result in a material change of use requiring planning permission because it would be ancillary to the primary use and/or be provided for by the scope of Class C3(a) of the Use Classes Order 1987. "The Use" not resulted in a physically and functionally separate use or area of land and as such there has not been a material change of use.

FIRST SCHEDULE

i. The enlargement and alterations of "the Building" and, within it, the provision of living facility and accommodation that are all shown and detailed on the drawings numbered 6318 (P) REV D 001 and 6318 (P) REV B 002 that were submitted with the application.

ii. Use as residential living accommodation by a member, or members, of the existing household that live together as a family at the property specified in the Second

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Schedule at ii. ("the Property") where the sole and primary use of "the Property" is within Class C3(a) of the Use Classes Order 1987.

SECOND SCHEDULE

i. The building shown and identified in blue on the attached plan numbered BF 1 that is provided at "the Property".

ii. The property shown and identified edged red on the attached plan numbered BF 1 and addressed as Barnfields, Willfield Lane, Brown Edge, Staffordshire ST6 8SN

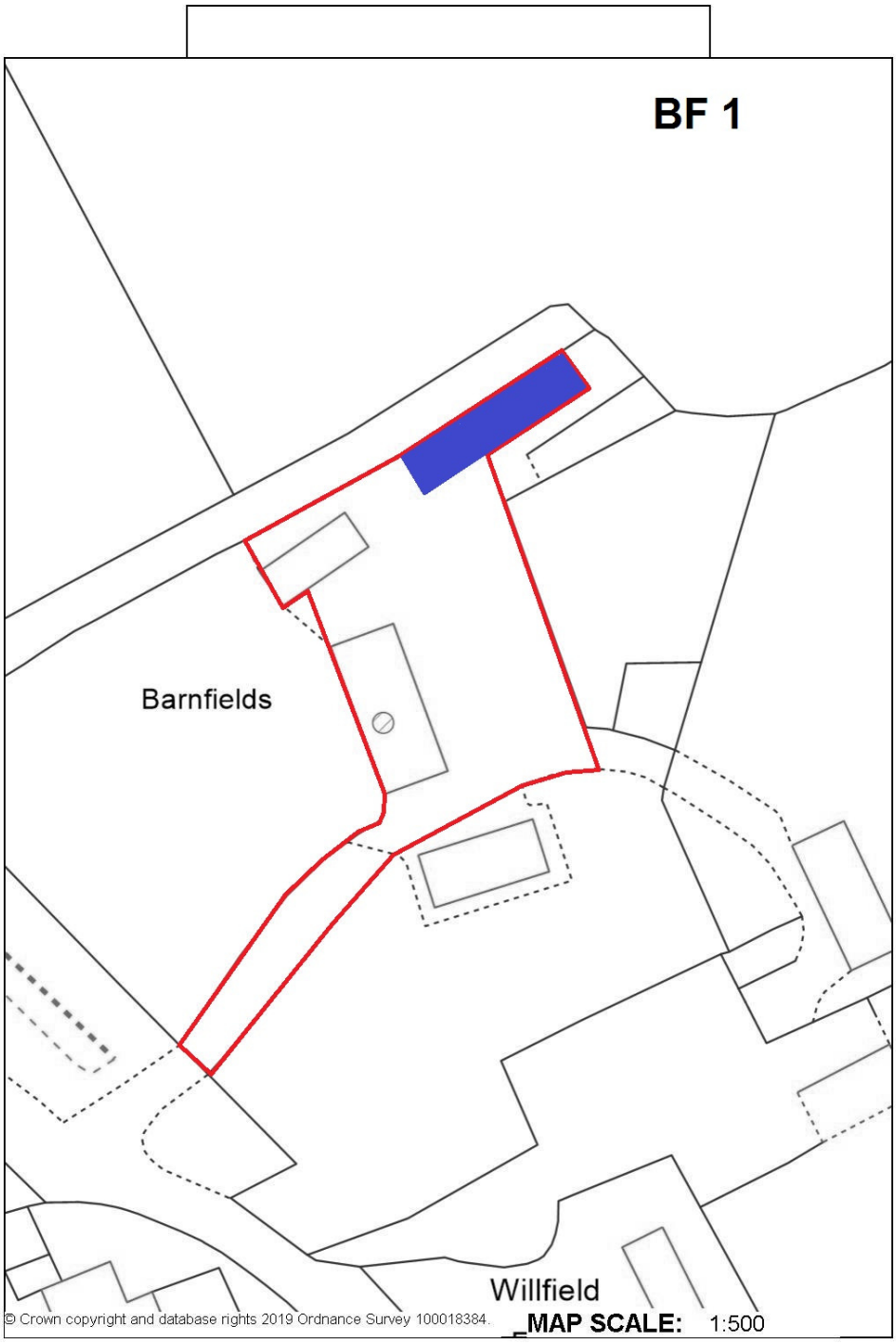
N.B For the avoidance of doubt, this certificate relates only to "the Use" that is specified above, the proposition that "the Building" has become a single independent dwellinghouse has been rejected on the facts of the case.

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