STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING • EXCELLENCE

Mr Bill Parry
Hinson Parry & Co
5 King Street
Newcastle under Lyme
ST5 1EN

Mr Peter Heath
New Close Fields
Adderley
Cheadle
ST10 2NJ

Application no: SMD/2020/0350

Determined on: 30th October 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

The Staffordshire Moorlands District Council hereby approves to certify that on 01/07/2020; the occupancy condition specified in the First Schedule ("the Condition") was being breached at the dwellinghouse specified in the Second Schedule ("the Dwelling") 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:

1. The submitted evidence demonstrates that on the balance of probabilities the applicant, who was the occupant on the date of the application, had already occupied "the Dwelling" since March 2007 for at least 10 years without complying with "the Condition". The evidence clarifies that the applicant is a person who has 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.Heath (the current occupier) has had full time employment as a plumbing and heating engineer. The applicant's 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.

FIRST SCHEDULE

Condition no. 2 of planning permission 8830, granted for a dwelling on the 7th June 1973, which reads as follows:

"The occupation of the dwelling hereby permitted shall be limited to a person employed or last employed locally in agriculture as defined by s.290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or a widower of such a person)".

SECOND SCHEDULE

The dwellinghouse known as New Close Fields, Adderley, Cheadle, Staffordshire ST10 2NJ that is shown edged red on the attached location plan.

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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 Condition" was lawful, it does not have the effect of removing that condition from the planning permission. This means that should that breach come to an end and a different occupier subsequently does not comply with "the Condition", a new breach that is not immune from enforcement action could still occur.



Location Plan

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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

1. 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