STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Gez Willard
WW Planning
Paradise Farm
Hollington
ST10 4HX

Mr Whitfield
Clay Lake Farm
Breech Road
Brown Edge
ST6 8TR

Application no: SMD/2020/0370

Determined on: 1st December 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

REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT

Staffordshire Moorlands District Council hereby REFUSES to certify that on 10/07/2020; the existing breach of the occupation condition, specified in the First Schedule ("the Condition"), that was taking place at the dwellinghouse, specified in the Second Schedule ("the Dwelling"), was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 ("the Act"). The breach is NOT LAWFUL for the following reason(s):

1. The submitted evidence does not demonstrate that on the balance of probabilities the applicants, who were the occupants on the date of the application, had lived at "the Dwelling" for at least 10 years without complying with "the Condition". The evidence clarifies that the applicants are persons who have 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 . However, it is clear that their occupancy and breach of the condition only began in 2015 after a period when "the Dwelling" had been unoccupied and there had been no breach to be complained of. The applicant's breach, therefore, on the date of the application was not immune from enforcement action.

FIRST SCHEDULE

Condition no. 2 of planning permission 3563/68.T, granted for a dwelling on the 18th December 1968, which reads as follows:
"The occupants of the house shall be limited to persons employed or last employed locally in agriculture as defined in s.221(1) of the Town and Country Planning Act 1962, or in forestry, and the dependants of such persons.

SECOND SCHEDULE

The dwellinghouse known as Clay Lake Farm, Breach Road, Brown Edge, Staffordshire, ST6 8TR that is shown edged red on the attached Location Plan.

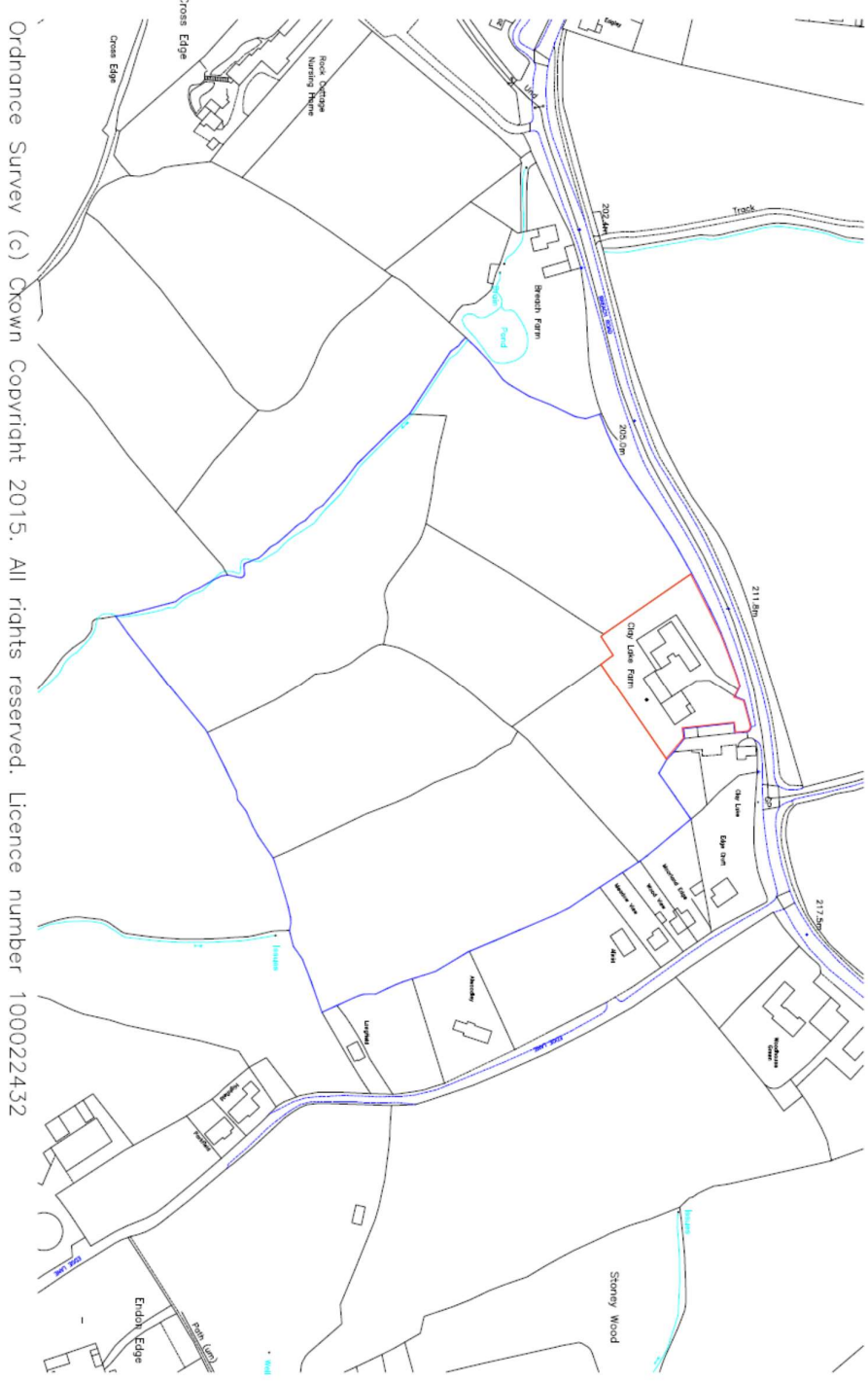
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X B.J. Haywood

Signed by: Ben Haywood
On behalf of Staffordshire Moorlands District Council

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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