

Geoff Rouane
Chartered Building Surveyor
33 Glandore Road
ST3 5QW

Joy Briggs
1 Bank Top Cottage
Rakeway Road
Cheadle
ST10 1RA

Application no: SMD/2021/0520

Determined on: 8th October 2021

**Town and Country Planning Act 1990 Section 192
(As amended by Section 10 of Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England) Order 2015**

**REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF
PROPOSED USE OR DEVELOPMENT**

Staffordshire Moorlands District Council hereby REFUSES to certify that on 06/08/2021; the proposed operation specified in the First Schedule ("the Development") if it had taken place on the land specified in the Second Schedule ("the Land"), would have been unlawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended). "The Development" would be NOT LAWFUL for the following reason(s):

The proposed development would not be carried out within the curtilage of the dwellinghouse. It would also inevitably involve excavation and land levelling engineering works to provide vehicular access, that are not in any event permitted householder development. In any event, even if the land were part of the dwelling's curtilage the proposed garage would be within 2m of boundary and exceed 2.5 metres in height. The development would not therefore be permitted by Class E or F, Part 1, Schedule 2 of the General Permitted Development Order 2015.

FIRST SCHEDULE

Construction of a domestic vehicle garage and store with extended driveway

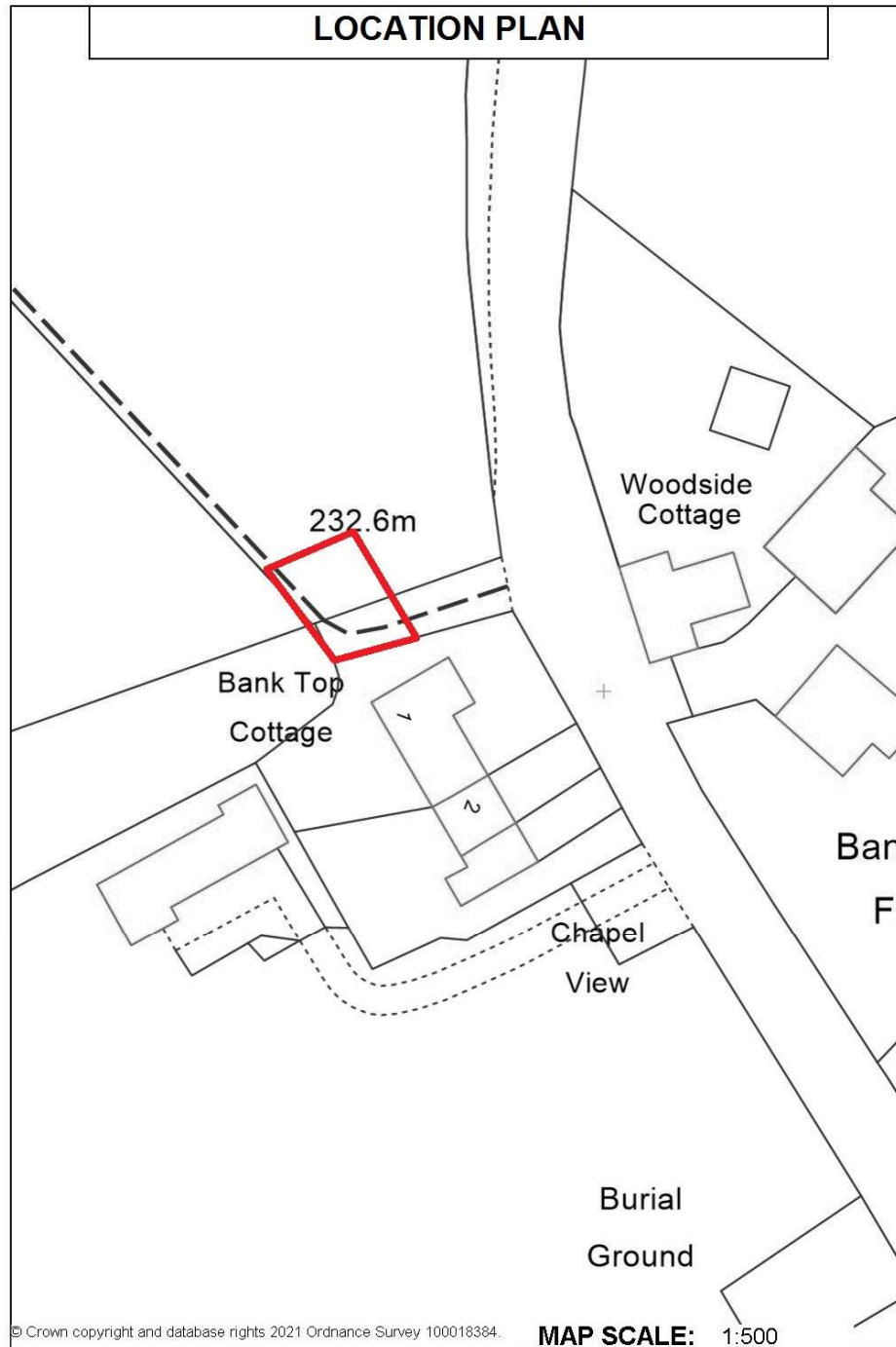
SECOND SCHEDULE

Land adjacent to 1 Bank Top Cottage, Rakeway Road, Cheadle, Staffordshire, ST10 1RA that is shown edged red on the attached location plan.

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council



NOTES

1. An applicant may appeal against by giving notice to the Secretary of State:-
 - (a) the refusal to issue a certificate under Section 192 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