

Kate Walker
Hewitt & Carr Architects
17-19 Leek Road
Cheadle
Staffordshire
ST10 1JE

Mr & Mrs Clarke
Ellastone House
Winkhill
Staffordshire
ST13 7QY

Application no: SMD/2021/0848

Determined on: 1st November 2022

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 22/12/2021; the [USE] specified in the First Schedule taking place on the land specified in the Second Schedule and edged red on the plan attached to this certificate, was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

The Local Planning Authority considers that the evidence presented is not sufficiently precise or unambiguous to demonstrate a lawful use for domestic purposes. The Local Planning Authority therefore cannot justify the grant of a certificate of lawfulness on the balance of probability.

FIRST SCHEDULE

Certificate of lawfulness for an existing use: The outbuildings to Ellastone House are currently being used as a domestic garage and workshop, ancillary to the main house.

SECOND SCHEDULE

Ellastone House Ellastone Road Winkhill Staffordshire ST13 7QY

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



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www.staffs Moorlands.gov.uk

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ. Tel: 0345 605 3010.
All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.

