STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Ethan Glover
Fisher German
The Estates Office
Norman Court
Ashby-de-la-Zouch
LE65 2UZ

Mr & Mrs Rice
Harewood Park Farm
Leek Road
Cheadle
Staffordshire
ST10 2EF

Application no: SMD/2023/0163

Determined on: 25/05/2023

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 03/04/2023; 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(s):

The submitted evidence demonstrates that on the balance of probabilities the applicants, who were the occupants on the date of the application, had already occupied "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 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. and Mrs. Rice have had full time employment in their motoring buisness. 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.

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FIRST SCHEDULE

Condition no. 3 of planning permission SM.1201-88, granted for a dwelling on the 17th April 1989, which reads as follows:

"The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, within 10 miles of the site in agriculture as defined in section locally in agriculture as defined in s.290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person".

SECOND SCHEDULE

The dwellinghouse known as Harewood Park Farm, Leek Road, Cheadle, Staffordshire, ST10 2EF that is shown edged red on the attached location plan.

X

Signed by: Jane Colley Signature

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.

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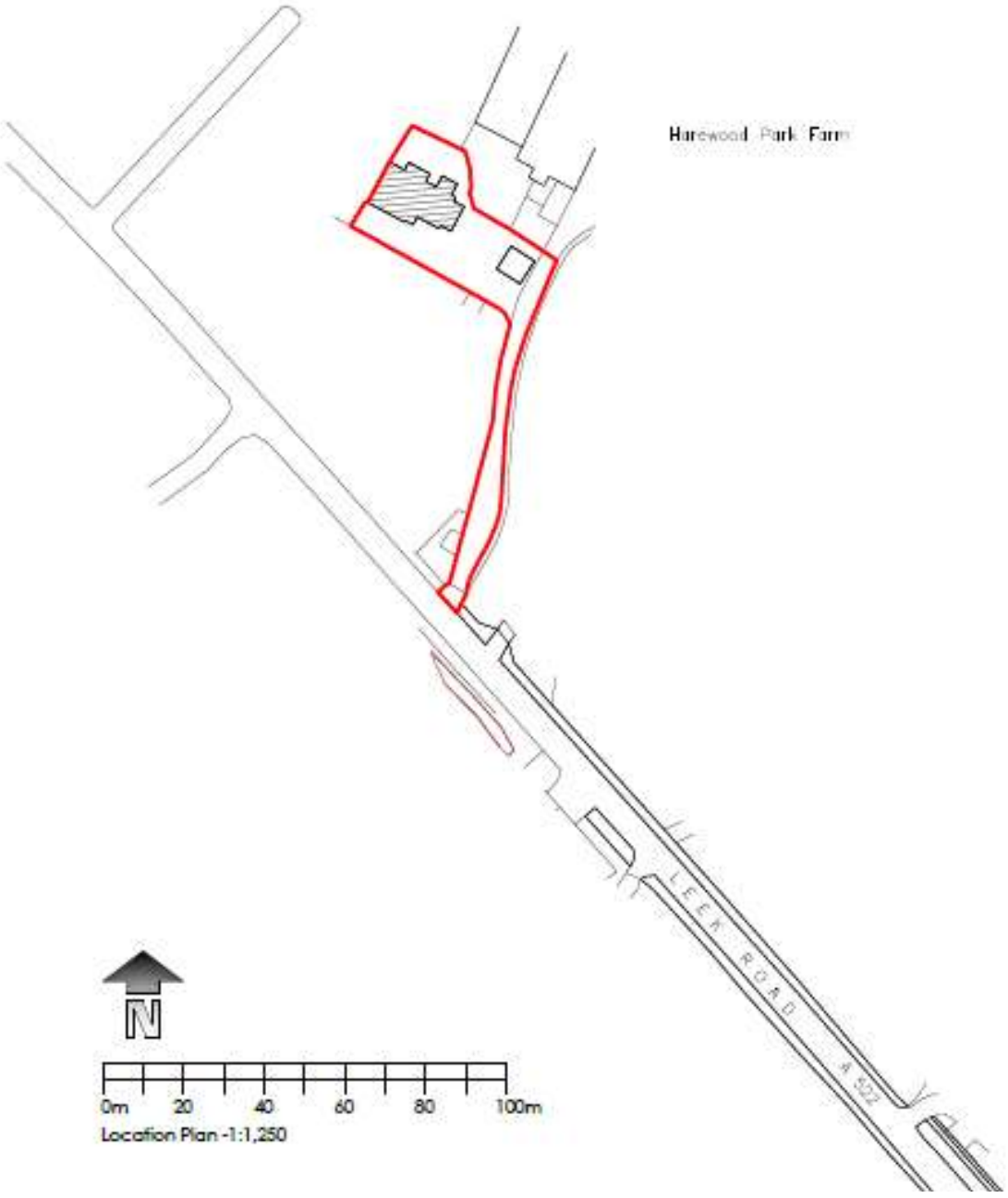

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NOTES

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

2. Domestic sprinklers Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building.
   The chance of an accidental discharge is 16,000,000:1
   If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

3. Working smoke alarms correctly positioned in your home can save your life.
   The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.