

DELEGATED DECISION REPORT

SMD/2024/0042
Valid 29/01/2024

7 OAKAMoor ROAD
CHEADLE

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR AN EXISTING SINGLE
STOREY REAR EXTENSION**

**(CERTIFICATE OF
LAWFULNESS - EXISTING)**

MAIN ISSUES

- Whether the development is lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (As Amended).

DESCRIPTION OF SITE

The site is a semi-detached two storey half-brick half-render house from the early 20th Century. The site is in a suburban setting within the Cheadle Development Boundary, it is not listed, nor within the conservation area. The permitted development rights for the property are intact.

PROPOSAL

This Lawful Development Certificate for Existing Development seeks confirmation that the existing single storey rear extension has been substantially completed for more than four years and is therefore now lawful and thus immune from enforcement action by the Local Authority.

The rear extension which projects 4.1m from the rear elevation of the existing dwelling and stands to a ridge height of 4.2 metres. It occupies a total footprint of 27.7 square metres and is constructed from facing brickwork and grey tiles to match the existing dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted 2020)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
DC1 Design Considerations
T1 Development and Sustainable Transport
SS7 Cheadle Area Strategy

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 131, 135.

Section(s) 4 – Decision making, 12 – Achieving well designed and beautiful places.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles for Development in the Staffordshire Moorlands
- Staffordshire Moorlands Design Guide SPD

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/2020/0577. DESCRIPTION: Retrospective application for garden summer house. DECISION: APPROVED

CONSULTATIONS

None required.

OFFICER COMMENTS

Principle of Development

The applicant has provided evidence that the conservatory has been in situ since 2016 in the form of dated photographs from the period of construction, meaning the proposal is 8 years old. Historic aerial photos show the conservatory was in situ in 2018. This makes the development exempt from Planning Enforcement action as the development has been there for over four years. The surpassing of the 4 year time limit has made the development lawful.

CONCLUSION / PLANNING BALANCE

Section 171B of the Town and Country Planning Act 1990 (As Amended) confirms that where there has been a breach of planning control consisting of the carrying out of building operations, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach. As more than four years have elapsed since the planning breach, the proposal is considered lawful.

OFFICER RECOMMENDATION : **Approve.**

Case Officer: Reuben Berriman

Recommendation Date: 25/03/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council