

Our ref:RD/HCS/24_384

18th July 2024

Mr. B. Haywood
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Dear Ben

FORMATION OF VEHICULAR ACCESS – TOLLGATE COTTAGE, TEAN ROAD, CHEADLE, ST10 1TZ

I write to you on behalf of our clients Mr. & Mrs. Rawlings who have instructed us to prepare a written statement to accompany a lawful development certificate application relating to the formation of a new vehicular access at the above site.

The application is submitted pursuant to s191 of the Town and Country Planning Act 1990 (As Amended). Section 191(1) of the Act confirms that if a person wishes to ascertain whether any operations which have been carried out on land are lawful, they may make an application to the Local Planning Authority specifying the land and describing the operations (known as a Lawful Development Certificate).

Section 191(2) goes on to confirm that operations are lawful if no enforcement action may then be taken in respect of them, whether because they did not involve development or require planning permission, or because the time for enforcement action has expired or for any other reason. Section 191(4) adds that if the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the operations described in the application they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The Planning Practice Guidance confirms that an applicant is responsible for providing sufficient information to support an application for a lawful development certificate. It goes on to state that if a local planning authority has no evidence itself, or from others, to contradict or otherwise make the applicant's version of events less than probable, then there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

The applicant's case for the lawful development certificate to be granted is set out below.

Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended) makes provision for the formation of a means of access to a highway, where that highway is not a trunk road or a classified road, and where the access is required in connection with development permitted by any Class in this Schedule (other than Class of Part 2).

The vehicular access in this case has been formed off Huntley Lane towards the southwest corner of the site. A review of Staffordshire County Council's Land Charges Map serves to confirm that Huntley Lane is neither a trunk road, nor it is a classified road. An extract of their website is enclosed as Appendix A confirming this.

The formation of the vehicular access is required to serve a detached double garage which the applicant intends to erect at the western end of the site, pursuant to the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). A concurrent lawful development certificate application has been submitted in respect of that development.

The associated provision of hardstanding within the site furthermore amounts to permitted development pursuant to Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). The surfacing will either be surfaced in permeable materials or provision will be made to direct run off water to a permeable / porous area within the site curtilage.

We consequently submit that the formation of the vehicular access would not have required planning permission from the Local Authority as it amounts to permitted development pursuant to Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 1995 (As Amended), and that the associated hardstanding will likewise amount to permitted development pursuant to Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

The Local Authority is respectfully requested to grant a lawful development certificate to this effect.

Should you have any queries or concerns in respect of this matter then please do not hesitate to contact me.

Yours Sincerely
Hewitt&CarrServices

ROB DUNCAN BSc(Hons) MA MRTPI
Planning Consultant