

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

9th September 2024

Dear Ben

FORMATION OF VEHICULAR ACCESS AND HARDSTANDING – MARSH GREEN ROAD, BIDDULPH

On behalf of my clients Mr. & Mrs. Brindley, I would be grateful if you would find enclosed a lawful development certificate for proposed development pertaining to the formation of a new vehicular access off Marsh Green Road, Biddulph, along with an associated area of hardstanding.

The application is submitted pursuant to s192 of the Town and Country Planning Act 1990 (As Amended). Section 192(1) of the Act confirms that if a person wishes to ascertain whether any proposed operations to be carried out on land would be 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 192(2) goes on to confirm that if the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted, or begun at the time of 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 overleaf.

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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 Schedule 2 (other than Class A of Part 2).

The vehicular access in this case is to be formed off Marsh Green Road towards the southwesternmost end of the applicant's field, set some 2.5m away from the adjacent field access on third party land. A review of Staffordshire County Council's Land Charges Map serves to confirm that Marsh Green Road is neither a trunk road, nor it is a classified road. It is unclassified. An extract of Staffordshire County Council's Land Charges Map is enclosed as Appendix A confirming this.

The new access is required in connection with development that is to be carried out pursuant to Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), which allows for the carrying out of various works on agricultural units of more than 0.4 hectares and less than 5 hectares as permitted development. The works permissible under Part 6, Class B include "the provision of a hard surface" (Class B(e) refers).

The access and hardstanding are reasonably necessary for the purposes of agriculture. The land is used to produce a hay crop associated with the applicant's parents farming partnership (Bostocks) and is typically cut twice a year. The applicants had previously benefitted from access to their field by way of an easement across the adjacent land to the south. However, it has since been determined by the Land Registry that the easement provided 19 years ago when the wider Marsh Green Farm site was split up, is invalid, and by resultant effect their field is now land locked with no means of vehicular access at all. We are able to provide evidence of the Land Registry's conclusions as a private and confidential document if you so require. The proposed access and associated hardstanding will provide a suitable means of vehicular access to that land off the public highway to facilitate the continued agricultural use of the field, and also ensure that the land is not churned up by agricultural vehicles as they access / egress the field.

The proposed hardstanding meets the provisions of Schedule 2, Part 6, Class B.1 of the Permitted Development Order in that:

- (a) The development will not be carried out on a parcel of land less than 0.4 hectares in area (0.9 hectares)
- (b) No premises will be altered by the proposal
- (c) No part of the development will be within 25m of a trunk road or classified road (see above)
- (d) The proposal does not involve works to a building or structure used for livestock or slurry
- (e) The proposal does not relate to fish farming

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- (f) The proposal does not relate to biomass or an anaerobic digestion system
- (g) The proposal does not involve an extension to a building within the curtilage of a scheduled monument.

The proposed hardstanding will furthermore not exceed 1000m² in area (criterion B.4 refers).

The prior approval of the Local Authority is not required before any such works may be carried out, and consequently the proposed hardstanding constitutes Permitted Development pursuant to Schedule 2, Part 6, Class B of the Town and Country Planning (General Permitted Development) (England Order 2015 (As Amended)).

By resultant effect, the proposed vehicular access onto Marsh Green Road is also permitted development, pursuant to the provisions of Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England Order 2015 (As Amended)). The Local Authority is therefore respectfully requested to grant a lawful development certificate to this effect.

Should you have any queries or concerns with the submission, please contact me to discuss.

Yours sincerely



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