

DELEGATED DECISION REPORT

SMD/2024/0576
Valid 10/02/2025

22-24 ASHLANDS GORSTY
HILL ROAD
UPPER TEAN

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED APPROVAL TO
COMBINE THE TWO SEMI'S
INTO ONE LARGER
DWELLING WITHOUT
ALTERATIONS.**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposal amounts to development as defined in The Town and Country Planning Act 1990.

DESCRIPTION OF SITE

The site consists of a pair of mid-20th Century two storey semi-detached dwellinghouses, which are finished in a brown pebbledash. At the ground floor of the properties is a wrap around single storey extension. The site is not listed, and is within the Upper Tean Development Boundary.

PROPOSAL

The proposal seeks a Certificate of Lawfulness to combine the two semi-detached dwellings into one dwellinghouse. No external works are proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning Act 1990

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- None relevant.

CONSULTATIONS

Publicity

N/A

Town / Parish Comments

CPC are concerned as to whether the Applicant has a genuine and legitimate reason for combining the two dwellings into one and would seek reassurance that there will be no future application for change of use from domestic accommodation.

CPC are therefore of the opinion that provided all the aforementioned matters are dealt with satisfactorily the proposal would appear to be sound provided it is in keeping with neighbouring property and there are no local objections and it conforms with planning policies as defined in the Checkley Parish Neighbourhood Development Plan and the Staffordshire Moorlands District Council Core Strategy and the National Planning Policy Framework.

OFFICER COMMENTS

The site is located within the Upper Tean Development Boundary, where development is acceptable in principle. There is no policy in the Local Plan which specifically resists the amalgamation of dwellings to a single dwelling house

Section 55 of The 1990 Act establishes that the making of a material change of use of a building represents development. Whilst the act specifically identifies that a change from one dwelling unit to two or more units constitutes a material change of use, it provides no similar guidance with regard to the change of use from two or more units to a lesser number of units. As a reduction in the number of units usually represents no material increase in activity or significant external changes, it was commonly accepted that this did not represent a material change of use. However as set out in DCP there are numerous cases, some of which pull in opposite directions but the essential test is, does the change of use amount to a 'material' change.

In this case there are to be no external alterations to the property. There would be no greater level of traffic movements or comings and goings to the property. The two existing 2 bed semis would be amalgamated to form one 4-bedroom house. Furthermore and as noted above there is no Local Plan policy in place to resist the loss of smaller dwellings.

It is for these reasons that the use of two semi-detached dwellings to a single dwelling would not trigger a material change of use and is therefore lawful.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Reuben Berriman

Recommendation Date: 22/04/2025

X *J Curley*

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council