

DELEGATED DECISION REPORT

SMD/2025/0328
Valid 08/07/2025

BLYTHE HOUSE FARM
RIVERSIDE ROAD
UPPER TEAN

**CERTIFICATE OF
LAWFULNESS FOR EXISTING
STORAGE OF
AGRICULTURAL
PARAPHERNALIA, DOMESTIC
STORAGE AND BIOMASS
ENERGY BOILER USED IN
ASSOCIATION WITH THE
MAIN HOUSE.**

**(CERTIFICATE OF
LAWFULNESS - EXISTING)**

MAIN ISSUES

Would the LPA have been out of time to take enforcement action against the use of the building on the date of the application?

DESCRIPTION OF SITE

Blythe House Farm is a very remote and isolated listed building arranged within a 17th century historic farmstead. The property is in open countryside, 2km south of Upper Tean, accessed via a narrow lane and unmade track that coincides with public footpath Checkley No 5.

On the site a portal frame shed has been built approximately 25m to the northwest of the listed building. The shed is constructed on a brick dwarf base and has box profile sheet cladding. The shed has its own enclosure and yard with hedgerow and fencing giving some separation from the adjacent listed building and its garden. The shed occupies a location on the site where the applicant had applied in 2004 (04/01365/FUL) to build a garage, that application was withdrawn before determination.

THE APPLICATION

The application seeks confirmation that the mixed use of the shed for agricultural storage and for purposes ancillary to or associated with the house (domestic storage and the housing of the biomass boiler) is lawful and can not be subject to planning enforcement action.

A copy of an invoice has been submitted relating to the delivery and construction of the shed – completed October 2012.

A Google Earth Aerial photograph shows the shed on site complete with the installation of solar panels.

It is said in the submitted statement that the building was erected for the storage of implements associated with the farming activities on the holding and for the housing of the biomass boiler.

A copy of an invoice has been submitted relating to the delivery and installation of a Hargassner 60kW Biomass Boiler System that was installed in the summer of 2014. The applicant's agent confirms that the system heats the house and the annexe.

The premise of the claim is that the shed has been in place and used for the mixed use as described for a period exceeding 10 years prior to the date of the application and that the LPA would be out of time to take enforcement action.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

04/01365/FUL Erection of Garage. WITHDRAWN.

CONSULTATIONS

Publicity

Site Notice expiry date: 15th Aug 2025

Neighbour consultation period ends: 15th Aug 2025

Press Advert: N/A

Public Comments

None

OFFICER COMMENTS

The time limits for a planning authority to take enforcement action against a breach of planning control are set out at s.171B of the Town and Country Planning Act 1990 (as amended). Where there has been a breach of planning control consisting of the carrying out of building operations or a material change of use no enforcement action may be taken against the breach after a period of 10 years. If enforcement action cannot be taken against the breach/development, then it should be considered lawful for the purposes of the Act and a certificate of lawfulness that confirms the position should be granted on application.

It is clear from the evidence that the shed has been substantially complete for a period of well over 10 years before the date of the application. It is also clear that the building has been used to house the biomass boiler that heats the house and property for more than 10 years – invoice provided relative to installation, and the flue can be seen on aerial photographs.

It is said in the submitted statement that the building was erected for the storage of implements associated with the farming activities on the holding. The statement is not expanded upon, but it is accompanied by aerial photographs which show that before the erection of the shed, the land and preexisting hard surface was used for implement storage – the inference being that once the shed was built that storage was moved inside. This element of the use is not controversial (particularly as the use of land for agriculture does not require planning permission by virtue of s.55 of the Act) and, on

balance, it is accepted as probable that for 10 years prior to the application the shed has been used to store agricultural implements associated with farming on the holding.

It is said in the submitted statement that the building is, and has been used for, domestic storage (assumed to mean storage associated with the house). The statement is not expanded upon. However, given the sheds proximity to the house, its use over 10 years to house the properties heating system, and the current use and storage that could be seen through the sheds window at the time of the officer's visit – it is accepted as probable that the shed has been used for domestic storage associated with the house over the requisite 10 year period.

CONCLUSION / PLANNING BALANCE

On balance of probabilities, it is accepted that the mixed use as described is lawful for the purposes of the Act.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 19th September 2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council