

DELEGATED DECISION REPORT

SMD/2026/0076
Valid 20/04/2026

ADASTRA REACLIFFE
ROAD
RUDYARD

**CERTIFICATE OF
LAWFULNESS FOR AN
EXISTING SINGLE
DWELLINGHOUSE AND
ASSOCIATED ANCILLARY
DOMESTIC OUTBUILDINGS**

**(CERTIFICATE OF
LAWFULNESS - EXISTING)**

MAIN ISSUES

The current and longstanding occupant and owner of Adastra wishes to establish confirmation by way of legal determination that the existing and lawful use of the building, outbuildings and its surrounding curtilage is that of a dwellinghouse (Class C3 of the Use Classes Order). The following evidence is available:

- In the applicant's supporting statement, it was noted at the time the applicants/ owners purchased the land, there were 2 timber bungalows in 1981 however was later demolished and replaced with a garage and wood shed. Furthermore, photographs (taken from the owners' family album) shows construction works in the 1990s apparently built for the purpose of being used as a dwellinghouse.
- Screenshot showing Council Tax being paid since 1 April 1993.
- Statutory declaration from both owners- James Martin Firkins and Christine Firkins explains they had purchased the property in July 1981 and have since resided at the site. The Council in 1982 declared the building unfit and listed a number of works to rectify the situation following which were undertaken and made liveable. They have lived at Adastra, using the property as there sole and main residence.

KEY LEGISLATION

For the purposes of the Act uses and operations are lawful at any time 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); and they do not constitute a

contravention of any of the requirements of any enforcement notice then in force (s.191(2)(a)&(b)).

The time for enforcement action expires in respect of a breach consisting of the use of a building as dwellinghouse after a period of 4 years; and the use of land after a period of 10 years (s.171B (2)&(3))

DESCRIPTION OF SITE

Adastra is a timber chalet dwellinghouse erected in the early 1990s, built as a family home of the current occupiers. The site also comprises of a **detached garage, wood sheds and annex. It is located** south of Reacliffe Road accessible via a small track that slopes up towards high ground towards an opening in the woods; the small track serves the applicant's site and a neighbouring property known as Chacara.

SITE HISTORY

SMD/1982/0550 Construction of replacement dwelling Refused

PUBLICITY

The nearest neighbours were notified in writing. No comments have been received.

Town / Parish Comments

No comments received

OFFICER COMMENTS

According to the earliest aerial photographs- dated 1999, it shows a number of buildings on the site that matches the current the siting and scale of the dwelling and outbuildings; the woodshed and boiler shed are not visible but likely screened by the vegetation coverage at the time it was taken. Nevertheless, upon visit, it was clear from the age of the structures, including the woodsheds and boiler shed, that they have been erected for an extensive period of time by the material being weathered and partly eroded. The applicant's statement has also provided photos of the dwelling and annex loosely dated 1993 via post-it notes that coincide with what was seen on site; although they are not time stamped, I am minded to support the evidence provided. Therefore, on the balance of probability there has been an established building unit of an excess of 10 years.

Referring to the land use, the dwellinghouse appeared, upon visit, to be domestic in nature for the purpose of being lived in. The garage and annex also appeared used for incidental to the enjoyment of the dwelling. This coincides with our Council tax records which confirmed in its entirety, the site has been liable as residential since at least 1/04/2005. Amongst visually seeing the site and tax records, the statement of declaration of both occupiers stating they had occupied the site since its purchase in 1981 provides robust evidence to consider on the balance of probability, the site has been used under C3 class use for an excess of 10 years.

I have checked the Council's records and cannot find that there are any enforcement notices in force. The applicant's use of the property would not constitute the contravention of any requirement of a notice.

CONCLUSION / PLANNING BALANCE

For the purposes of the Act therefore, section 191(2)(a)&(b) makes it clear that in these circumstances the use of the property should be considered lawful and a certificate can be granted.

OFFICER RECOMMENDATION : Lawful development

Case Officer: Lisa O'Brien

Recommendation Date: 9/08/26

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council