

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to the appellant/agent. Any documents which you have indicated as 'To follow' should also be sent to the case officer by the date given in the start letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

Appeal Reference

APP/C3430/C/24/3351497

Appeal By

MR BILLY JOE LEE

Site Address

Land at Whiston
Penkridge
Staffordshire
ST19 5QH
Grid Ref Easting: 389986
Grid Ref Northing: 314234

PART 1

1.a. Do you agree to the written representation procedure? Yes No

*Note: If the written procedure is agreed, the Inspector will visit the site **unaccompanied** by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.*

1.b. Do you wish to be heard by an Inspector at; Inquiry Hearing

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? Yes No

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes No

To fully assess the appeal site

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection? Yes No

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself? Yes No

Please state where:

The Inspector would need to go on to the neighbouring property Whiston Mill Whiston Road Whiston STAFFORD ST19 5QQ as it is Grade II listed to assess the impact on the listed building

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of Yes No

the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s)

- 4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes No
- 5.a. Is the appeal site within a conservation area? Yes No
- 5.b. Is the appeal site adjacent to a conservation area? Yes No

PART 3

- 6.a. Does the notice relate to building, engineering, mining or other operations? Yes No
If YES, please state the area of the site shown in the notice plan, in hectares.
- 6.b. Is the area of the alleged breach different from the above? Yes No
- 6.c. Does the alleged breach create any floor space? Yes No

Does the enforcement notice relate to a change of use of land to use for:

- 7.a. the disposal of refuse or waste materials? Yes No
- 7.b. the deposit of materials remaining after mineral extraction? Yes No
- 7.c. the storage of minerals in the open? Yes No
8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes No
9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes No

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes No
11. Has any planning permission been granted previously in respect of the development? Yes No
If YES, please send a copy of the permission and all relevant documents e.g. the plans accompanying the application, or any other relevant correspondence about the application
A copy of the permission and any documents necessary for its interpretation:
 see '[Questionnaire Documents](#)' section
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No
If YES, please provide
12.a. the date of the relevant application

12.c. a copy of the decision (if any)

see 'Questionnaire Documents' section

12.d. the reference number

24/00320/FUL

13. Has a planning contravention notice been served? Yes No

14.a. the appeal site is within 67 METRES OF A TRUNK ROAD? Yes No

14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)? Yes No

14.c. a STOP NOTICE has been served in addition to the enforcement notice? Yes No

14.d. the appeal site is in or adjacent to or likely to affect a SSSI? Yes No

14.e. any protected species are likely to be affected by the alleged development? Yes No

If YES, please send the comments of Natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.

see 'Questionnaire Documents' section

14.f. the appeal site is in a Green Belt or AONB? Yes No

If YES, please state which one (name).

West Midlands Green Belt

14.g. any part of the site is subject to a Tree Preservation Order? Yes No

14.h. the appeal site is within 400m of an area of underground or surface mineral interest? Yes No

14.i. the appeal site is within 250m of a waste landfill site? Yes No

14.j. does the development affect the setting of a listed building or ancient monument? Yes No

Please attach a copy of the listing.

see 'Questionnaire Documents' section

14.k. has importation of waste materials been involved in the development? Yes No

14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? Yes No

PART 5

16.a. Is the appeal site subject to an ARTICLE 4 Direction? Yes No

17. Have any development rights been restricted by means of a planning condition? Yes No

18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? Yes No

19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? Yes No

Environmental Impact Assessment - Schedule 1

20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Schedule 2

20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? Yes No

Environmental Impact Assessment - Environmental Statement (ES)

20.e. Has the appellant supplied an environmental statement? Yes No

PART 6

21.a. a copy of the letter with which you notified people about the appeal.

see 'Questionnaire Documents' section

21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us.

see 'Questionnaire Documents' section

the deadline you gave for their comments to be sent to us.

28/10/2024

21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

see 'Questionnaire Documents' section

21.d. where ground (a) (s174) has been pleaded and any fee required has been paid, a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this now, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement.

Policies/Planning Guidance

22.a. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan). You must include the front page, the title and date of approval/adoption, and the status of the plan. Copies of the policies should include the relevant supporting text.

List of policies

GB1, EQ 3,4,11,12 and H6

see 'Questionnaire Documents' section

22.b. extracts of any relevant policies which have been 'saved' by way of a Direction.

22.c. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted, and if so when.

22.d. extracts from any supplementary planning document that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached.

22.e. if any Development Plan Document (DPD) or Neighbourhood Plan relevant to this appeal has been examined and found sound/met the basic conditions and passed a referendum, the date the DPD or Neighbourhood Plan is likely to be adopted and, if you consider this date will be before the Inspector's decision on this appeal is issued, an explanation of the Council's policy position in respect of this appeal upon its adoption. You should also include an explanation of the status of existing policies and plans, as they relate to this appeal, upon adoption and which (if any) will be superseded;

- 22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;
- 22.g. your Authority's CIL charging schedule is being/has been examined;
- 22.h. your Authority's CIL charging schedule has been/is likely to be adopted.
- 22.i. any other relevant information or correspondence you consider we should know about.

PART 7

- 23. A true copy of the Enforcement Notice
 see 'Questionnaire Documents' section
- 24. The Enforcement Notice Plan (if applicable)
 see 'Questionnaire Documents' section
- 25. A list of those served with the Notice
 see 'Questionnaire Documents' section
- 26. Do you wish to attach your statement of case? Yes No

LPA Details

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

LPA's reference

Completed by

On behalf of

Please provide the details of the officer we can contact for this appeal, if different from the Planning Inspectorate's usual contact for this type of appeal.

Name

Phone no (including dialling code)

Email

Please advise the case officer of any changes in circumstances occurring after the return of the questionnaire.

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/C3430/C/24/3351497

Appeal By MR BILLY JOE LEE

Site Address
Land at Whiston
Penkridge
Staffordshire
ST19 5QH
Grid Ref Easting: 389986
Grid Ref Northing: 314234

The documents listed below were uploaded with this form:

Relates to Section: PART 4

Document Description: 11. A copy of the permission and any documents necessary for its interpretation.

File name: 14 Letter-21-00235-AMEND.pdf

File name: 13 Decision Notice-21-00235-FUL.pdf

Relates to Section: PART 4

Document Description: 12. A copy of the decision.

File name: 11 Email return application.pdf

Relates to Section: PART 4

Document Description: 14.e. Comments of natural England or attach details, including relevant extracts of any protected species standing advice that has been considered.

File name: 12 Standing Advice for GCN.pdf

Relates to Section: PART 4

Document Description: 14.j. A copy of the listing.

File name: 10 Whiston Mill Listing.pdf

Relates to Section: PART 6

Document Description: 21.a. A copy of the letter with which you notified people about the appeal.

File name: 9 Appeal notice.pdf

Relates to Section: PART 6

Document Description: 21.b. A list of the people you notified and the deadline you gave for their comments to be sent to us.

File name: 8 LOIP - Penkridge.pdf

Relates to Section: PART 6

Document Description: 21.c. the planning officer's report to committee or delegated report and any other relevant document/minutes.

File name: 2 Officer Report.pdf

Relates to Section: PART 6

Document Description: 22.a. Extracts from any statutory development plan policy including the front page, title and date of approval/adoption and status.

File name: 6 Core strategy front page.pdf

File name: 7 Policies.pdf

Relates to Section: PART 7

Document Description: 23. A true copy of the Enforcement Notice.

File name: 3 Enforcement Notice.pdf

Relates to Section: PART 7

Document Description: 24. The Enforcement Notice Plan.

File name: 4 Enforcement Notice plan.pdf

Relates to Section: PART 7

Document Description: 25. A list of those served with the Notice.

File name: 5 List those served notice.pdf

Completed by

Not Set

Date

18/09/2024 12:17:43

LPA

South Staffordshire District Council



Authorisation for Enforcement Action

THE AUTHORITY TO AUTHORISE THE ACTIONS PROPOSED IS DELEGATED TO THE CORPORATE DIRECTOR OF PLACE AND COMMUNITIES, BY VIRTUE OF PART 3 OF THE CONSTITUTION.

ENFORCEMENT REFERENCE: 24/00116/TRAV

ADDRESS: Land at Whiston, Penkridge, Stafford ("the Land") outlined in red on the plan attached to the Notice ("the Plan")

BREACH OF PLANNING CONTROL:

- (i) The unauthorised material change of use of the Land to a mixed use for agriculture and a residential Gypsy Traveller caravan site.
- (ii) Unauthorised operational development to facilitate the unauthorised use comprising of:
 - (a) A wooden shed in the approximate position marked in pink on the Plan;
 - (b) Laying of hardstanding shaded in purple on the Plan; and
 - (c) Construction of closed board entrance gates which exceed 2 metres in height from ground level.

SITE DESCRIPTION:

The Land extends to approximately 0.8 acres and is located in the Green Belt on the northern side of Whiston Road, roughly 1.3 miles west of Penkridge Village. Adjacent to the Land to the east is Whiston Mill, a Grade II Listed Building, and the remaining surrounding area is characterised by open fields in agricultural use. There is an existing vehicular access into the Land off Whiston Road and there are hedgerow/trees bounding the majority of the Land.

RELEVANT PLANNING HISTORY:

2021

Planning application 21/00235/FUL approved subject to conditions for "Change of use of land to use for the keeping of horses including erection of stables and haybarn, laying of hardstanding, construction of mencege and improvement of access."

2022

Planning application 21/00235/AMEND approved for “Movement of the stables and hay barn 2m (6.56ft) to the north.”

Planning application 22/00031/OHL approved for “Convert the existing line coloured red from single service to multi service and to install a short length of overhead line to provide a single connection.”

2024

Planning application 24/00320/FUL submitted for “Change of use of land to use as a residential caravan site providing 4 No. Gypsy/Traveller pitches, including the laying of additional hard-standing.”

Application invalidated by Planning Officer on 9/4/24, agent notified via letter. Planning Officer issued invalid reminder letter to planning agent on 23/4/24.

Planning agent has not responded to invalid letters, application remains invalid.

CASE SUMMARY:

On 8 April 2024, the Council received several complaints that 7-8 caravans were parked on the Land, having arrived 7 April 2024. The complaint noted that the occupants of the caravan had started to fence around the property.

On 8 April 2024, the Council reviewed the planning application inbox for applications submitted over the previous weekend (6-7 April 2024) and found one application submitted by Philip Brown Associated Limited for the Land (application referenced above as 24/00320/FUL). Said application was submitted on Sunday, 7 April 2024 where it was noted as being part-retrospective with the works having commenced on 7 April 2024.

On 8 April 2024, the Planning Enforcement Team Manager visited the Land and observed five caravans moved onto the Land being lived in. There was a wooden shed erected and a toilet plumbed into a septic tank. Mr Billy Lee spoke with the Council Officer on site and identified approximately ten occupants of the caravans. Photos were taken and are saved to file.

On 9 April 2024, a Planning Officer invalidated application 24/00320/FUL due to several missing required elements. A letter was issued to the planning agent with a deadline of 23 April 2024 to respond with the items required to validate the planning application.

On 23 April 2024, the Planning Officer issued a second notification to the planning agent that no additional information had been received with respect to application 24/00320/FUL. A deadline of 7 May 2024 was provided for a response, or the application would be returned to the agent and the fee refunded.

As of 10 May 2024, planning application 24/00320/FUL remains invalid with no further correspondence from the agent.

On 31 May 2024, an Enforcement Notice was served on the Land. Upon submission of the appeal, it became apparent that the map attached to the original Notice was inaccurate. After discussions with Legal, it was recommended that the original Notice be withdrawn and a new Notice served with an accurate map.

POLICY CONSIDERATIONS:

Within the Green Belt

Adopted Core Strategy Policy

GB1: Development in the Green Belt Policy

EQ3: Conservation, Preservation and Protection of Heritage Assets

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

EQ11: Wider Design Considerations Policy

EQ12: Landscaping Policy

H6: Gypsies, Travellers and Travelling Showpeople

NPPF

Chapter 13: Protecting Green Belt Land

Chapter 15: Conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

REASONS FOR ISSUING THE NOTICE:

- (i) It appears to the Council that the matters which constitute the breach of planning control have occurred within the last ten years and are not time immune from enforcement action.
- (ii) The unauthorised material change of use of the Land is inappropriate development in the Green Belt contrary to Strategic Objectives 1 and 2 and Policies GB1 and H6 of the South Staffordshire Council Core Strategy adopted December 2012.
- (iii) The unauthorised development on the Land is inappropriate development in the Green Belt contrary to paragraphs 152, 153 and 154 of the NPPF and has a detrimental impact on the openness of the Green Belt and no special circumstances have been put forward to justify a departure from Green Belt policy.
- (iv) Chapter 16 of the NPPF and Policy EQ3 of the Core Strategy require that the significance of Heritage Assets and any impact on that significance is assessed as part of all development proposals. Adjacent to the Land to the east is Whiston Mill, a Grade II Listed building. It is considered that the development is detrimental to the setting of the listed mill and is contrary to Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy.
- (v) The unauthorised development has an adverse effect on the character, appearance

and amenity of the surrounding rural area, contrary to Policies EQ4, EQ11 and EQ12 of the adopted Core Strategy.

- (vi) The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

STEPS TO BE TAKEN:

- (i) Permanently cease the unauthorised use of the Land as a residential Gypsy Traveller caravan site and remove all caravans from the Land;
- (ii) Permanently remove from the Land the wooden shed and the area of hardstanding located in the position coloured purple on the attached plan;
- (iii) Either remove from the Land the entrance gates or reduce the height of the entrance gates to height no greater than 2 metres from ground level;
- (iv) Remove from the Land all materials arising from compliance with 5(ii) and 5(iii) above.

PERIOD FOR COMPLIANCE:

12 months from the date this notice takes effect.

EXPEDIENCY OF ENFORCEMENT ACTION:

Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest.

A breach in planning control has taken place involving the material change of use of land for stationing of caravans for residential purposes. A retrospective planning application has been submitted but despite the Council issuing two invalid notification letters, the applicant has not submitted the information required to validate the application by 31 May 2024.

The occupants of the land have clearly stated that they wish to live on the land and will not cease the residential use of the land unless formal enforcement action is taken. This leaves the Council with little alternative but to take enforcement action to protect and restore the Green Belt. As such it is now considered both expedient and within the public interest to proceed with formal enforcement action to remedy the harm caused by this development.

CASE OFFICER DECLARATION:

I hereby declare that I have adhered to the Council's Planning Enforcement Policy & Procedures, and that based on the evidence gathered during my investigation I recommend the service of the notice attached to this form, including, where relevant, the amendments made by the named Officers below.

I have given consideration to South Staffordshire Council's Planning Policies, the National Planning Policy Framework, and to the Government's Enforcement and post-permission matters guidance during the course of my investigation and in the construction of the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

CASE OFFICER: Emma Posillico

POSITION: Senior Planning Enforcement Officer

DATE: 12 August 2024

Signed:



DEVELOPMENT MANAGEMENT COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Helen Benbow

POSITION: Development Management Team Manager

DATE: 24 May 2024

Signed:



LEGAL SERVICES COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed in e mail exchanges, and those made by the other named Officers.



South Staffordshire Council

Planning Enforcement

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

NAME: Pardip Sharma

POSITION: Solicitor

DATE: 13 08 2024

Signed: Pardip Sharma

AUTHORISING OFFICER COMMENTS, INSERTIONS OR REVISIONS:

DECLARATION:

I hereby declare that I have reviewed the case and support the Officer declarations above.

Based on my review of the evidence gathered during the investigation, it is both expedient and in the public interest to serve the notice attached to this form, including, where relevant, my amendments detailed above, and those made by the other named Officers.

I have given consideration to [South Staffordshire Council's Planning Policies](#), the [National Planning Policy Framework](#), and to the Government's [Enforcement and post-permission matters](#) guidance during my review of the investigation and my amendments to the attached notice, ensuring that it is a proportionate and reasonable response to the breach of planning control.

Annette Roberts

Corporate Director of Place and Communities

DATE: 16.08.24

Signed:

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: South Staffordshire District Council

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the Land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THIS NOTICE RELATES

Land at Whiston, Penkridge, Stafford (“the Land”) outlined in red on the attached plan (“the Plan”)

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

- (i) The unauthorised material change of use of the Land to a mixed use for agriculture and a residential Gypsy Traveller caravan site.
- (ii) Unauthorised operational development to facilitate the unauthorised use comprising of:
 - (a) A wooden shed in the approximate position marked in pink on the Plan;
 - (b) Laying of hardstanding shaded in purple on the Plan; and
 - (c) Construction of closed board entrance gates which exceed 2 metres in height from ground level.

4. REASONS FOR ISSUING THIS NOTICE

- (i) It appears to the Council that the matters which constitute the breach of planning control have occurred within the last ten years and are not time immune from enforcement action.
- (ii) The unauthorised material change of use of the Land is inappropriate development in the Green Belt contrary to Strategic Objectives 1 and 2 and Policies GB1 and H6 of the South Staffordshire Council Core Strategy adopted December 2012.
- (iii) The unauthorised development on the Land is inappropriate development in the Green Belt contrary to paragraphs 152, 153 and 154 of the NPPF and has a detrimental impact on the openness of the Green Belt and no special circumstances have been put forward to justify a departure from Green Belt policy.
- (iv) Chapter 16 of the NPPF and Policy EQ3 of the Core Strategy require that the significance of Heritage Assets and any impact on that significance is assessed as part of all development proposals. Adjacent to the Land to the east is Whiston Mill, a Grade II Listed building. It is considered that the development is detrimental to the setting of the listed mill and is contrary to Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy.

- (v) The unauthorised development has an adverse effect on the character, appearance and amenity of the surrounding rural area, contrary to Policies EQ4, EQ11 and EQ12 of the adopted Core Strategy.
- (vi) The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Permanently cease the unauthorised use of the Land as a residential Gypsy Traveller caravan site and remove all caravans from the Land;
- (ii) Permanently remove from the Land the wooden shed and the area of hardstanding located in the position coloured purple on the attached plan;
- (iii) Either remove from the Land the entrance gates or reduce the height of the entrance gates to height no greater than 2 metres from ground level;
- (iv) Remove from the Land all materials arising from compliance with 5(ii) and 5(iii) above.

6. TIME FOR COMPLIANCE

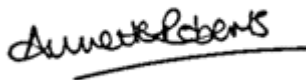
12 months from the date this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20 September 2024, unless an appeal is made against it beforehand.

Dated: 21 August 2024

Signed:



Annette Roberts

Corporate Director of Place and Communities, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Nominated Officer:

Catherine Gutteridge, Planning Enforcement Team Manager, South Staffordshire District Council, Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

Land at Whiston, Penkridge, Stafford



PLANNING ENFORCEMENT REFERENCE: 24/00116/TRAV



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South Staffordshire Council License LA 100019681

SCALE 1:1500

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises Land at Whiston, Penkridge, Stafford outlined in red on the plan attached to the notice (referred to as “the Land”)

This local planning authority, South Staffordshire Council, has issued an enforcement notice relating to the above land and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice are also being served on the parties listed on the Notice who, it is understood, also have an interest in the Land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **20 September 2024** and you must ensure that the required steps, are taken within the period(s) specified in the notice.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **20 September 2024**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds: -

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by Section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£1,156**. This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

If you decide to appeal, when you submit your appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Payment of **£1,156.00** should be made to South Staffordshire Council via <https://www.sstaffs.gov.uk/pay-it-1> click planning payments then select 'planning enforcement appeal'. Once your appeal has been lodged with the Planning Inspectorate, the Council requires a digital copy of all appeal documents to be sent to appeals@sstaffs.gov.uk.

If you do not appeal against this enforcement notice, it will take effect on the **20 September 2024** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

Catherine Gutteridge
Planning Enforcement Team Manager

South Staffordshire District Council
Planning Department
Council Offices
Wolverhampton Road
Codsall,
South Staffordshire,
WV8 1PX
Tel: 01902 696900

E-mail: c.gutteridge@sstaffs.gov.uk

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1) Owner/Occupier(s), Land at Whiston, Whiston Road, Penkridge, Stafford, ST19 5QQ

And

2) Jolene Smith, 

Annex

THE RIGHT OF APPEAL

There is a right of appeal for anyone who has an interest in the land to which the enforcement notice relates, or who is a relevant occupier, whether or not they have been served with a copy of the notice. Anyone occupying the land by virtue of a licence is a relevant occupier.

Any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice. -

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal [link to <http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Relevant Extracts from the Town & Country Planning Act 1990

[171A. — Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
 - (a) Carrying out development without the required planning permission;
 - or,
 - (b) Failing to comply with any condition or limitation subject to which planning permission has been granted, constitutes a breach of planning control.
- (2) For the purposes of this Act—
 - (a) The issue of an enforcement notice (defined in section 172); or
 - (b) The service of a breach of condition notice (defined in section 187A), constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.]¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I s.4(1) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)

Extent

Pt VII s. 171A(1)-(3): England, Wales

[171B. — Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of ten years beginning with the date on which the operations were substantially completed.²
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.³

- (2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of [section 196D](#)).⁴
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- (4) The preceding subsections do not prevent—
- (a) The service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - (b) Taking further enforcement action in respect of any breach of planning control, if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”]¹

Notes

1. Added by Planning and Compensation Act 1991 c. 34 [Pt 1 s.4\(1\)](#) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)
2. S.171B(1)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(1\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
3. S.171B(2)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(2\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
4. Added by Enterprise and Regulatory Reform Act 2013 c. 24 [Sch.17 para.4](#) (October 1, 2013: insertion has effect as SI 2013/2227 subject to savings and transitional provisions specified in SI 2013/2148 art.5(4)(b) and SI 2013/2146 art.4(2))

[172. — Issue of enforcement notice.

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
- (a) That there has been a breach of planning control; and
 - (b) That it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—

Town and Country Planning Act 1990 Page 213

- (a) On the owner and on the occupier of the land to which it relates; and
 - (b) On any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
- (a) Not more than twenty-eight days after its date of issue; and
 - (b) Not less than twenty-eight days before the date specified in it as the date on which it is to take effect.]¹

Notes

Commencement

Pt VII s. 172: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 172(1)-(8): England, Wales

[172A Assurance as regards prosecution for person served with notice

- (1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—
 - (a) Explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,
 - (b) Giving the person one of the following assurances—
 - i. That, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or
 - ii. That, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,
 - (c) Explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and
 - (d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

Town and Country Planning Act 1990 Page 214

- (3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.
- (4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.
- (5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.]¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 6 c.5 s.125 (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

[173. — Contents and effect of notice.

- (1) An enforcement notice shall state—
 - (a) The matters which appear to the local planning authority to constitute the breach of planning control; and
 - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
 - (2) A notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
 - (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
 - (4) Those purposes are—
 - (a) Remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) Remedying any injury to amenity which has been caused by the breach.
 - (5) An enforcement notice may, for example, require—
 - (a) The alteration or removal of any buildings or works;
 - (b) The carrying out of any building or other operations;
 - (c) Any activity on the land not to be carried on except to the extent specified in the notice;Or
 - (d) The contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- Town and Country Planning Act 1990 Page 215*
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
 - (7) A replacement building—
 - (a) Must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - (b) May differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - (c) Must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).

- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
- (11) Where—
- (a) An enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
 - (b) All the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (12) Where—
- (a) An enforcement notice requires the construction of a replacement building; and
 - (b) All the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.]¹

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 part.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 173: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Town and Country Planning Act 1990 Page 216

Extent

Pt VII s. 173(1)-(12)(b): England, Wales

[173A. — Variation and withdrawal of enforcement notices.

- (1) The local planning authority may—
- (a) Withdraw an enforcement notice issued by them; or
 - (b) Waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.]¹

Notes

¹ Added by Planning and Compensation Act 1991 c. 34 Pt I s.5(1) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; January 2, 1992 otherwise subject to transitional provisions specified in SI 1991/2905)

Extent

Pt VII s. 173A(2)-(4): England, Wales

174. — Appeal against enforcement notice.

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.
- (2) [An appeal may be brought on any of the following grounds—
 - (a) That, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
 - (b) That those matters have not occurred;
 - (c) That those matters (if they occurred) do not constitute a breach of planning control;
 - (d) That, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 - (e) That copies of the enforcement notice were not served as required by section 172;

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- (f) That the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 - (g) That any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.
- (2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—
- (a) The land to which the enforcement notice relates is in England, and
 - (b) the enforcement notice was issued at a time—
 - i. After the making of a related application for planning permission, but
 - ii. Before the end of the period applicable under section 78(2) in the case of that application.
- (2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve

granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.]²

- (3) An appeal under this section shall be made [...] ³ —
- (a) By giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
 - (b) By sending such notice to him in a property addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [; or]³
 - (c) [By sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.]³¹
- (4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—
- (a) Specifying the grounds on which he is appealing against the enforcement notice; and
 - (b) Giving such further information as may be prescribed.
- (5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.
- (6) In this section “relevant occupier” means a person who—
- (a) On the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence [...] ⁴; and
 - (b) Continues so to occupy the land when the appeal is brought.

Notes

¹ Substituted by Planning and Compensation Act 1991 c. 34 Pt I s.6(1) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

² Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(4) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Town and Country Planning Act 1990 Page 218

³ S.174(3)(c) inserted in relation to Wales by Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004/3156 art.3 (January 1, 2005)

⁴ Words omitted by Planning and Compensation Act 1991 c. 34 Sch.7 para.22 (January 2, 1992)

Commencement

Pt VII s. 174: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 174(1)-(6)(b): England, Wales

P Partially In Force

175. — Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
- (a) Require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

- (b) Specify the matters to be included in such a statement;
- (c) Require the authority or the appellant to give such notice of such an appeal as may be prescribed;
- (d) Require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

(2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.

(3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

[(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.]¹

(4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]² be of no effect pending the final determination or the withdrawal of the appeal.

(5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.

(6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

Town and Country Planning Act 1990 Page 219

(7) [...] ³

Notes

1 Added by Planning Act 2008 c. 29 Sch.10 para.5 (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j); not yet in force otherwise)

2 Words added by Planning and Compensation Act 1991 c. 34 Pt I s.6(2) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

3 Repealed by Planning (Consequential Provisions) Act 1990 c. 11 Sch.4 para.3 (January 2, 1992: repeal has effect on January 2, 1992 for purposes specified in SI 1991/2698 art.3 subject to transitional provisions specified in SI 1991/2698 art.4 and on April 6, 2009 in relation to England only, for purposes specified in SI 2009/849 art.2(2)-(3) subject to transitional provisions specified in SI 2009/849 art.3; not yet in force otherwise)

Commencement

Pt VII s. 175: August 24, 1990 except for the provision specified in 1990 c.11 Sch.4 para.7; January 2, 1992 for purposes specified in SI 1991/2698 art 3; not yet in force otherwise (1990 c. 8 Pt XV s. 337(2); 1990 c. 11 Sch. 4 para. 7; SI 1991/2698 art. 3)

Extent

Pt VII s. 175(1)-(7): England, Wales

P Partially In Force

176. — General provisions relating to determination of appeals.

(1) [On an appeal under section 174 the Secretary of State may—

- (a) Correct any defect, error or misdescription in the enforcement notice; or

(b) Vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

(2) Where the Secretary of State determines to allow the appeal, he may quash the notice.

(2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]¹

(3) The Secretary of State—

(a) May dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and

(b) May allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or

(c) Of section 175(1) within the prescribed period.

(4) If [section 175(3) would otherwise apply and] **2** the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [of this section] **3** or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).

(5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

Town and Country Planning Act 1990 Page 220

Notes

1 S.176(1)-(2A) substituted for s.176(1)-(2) by Planning and Compensation Act 1991 c. 34 Sch.7 para.23 (January 2, 1992)

2 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(a) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j)); not yet in force otherwise)

3 Words inserted by Planning Act 2008 c. 29 Sch.10 para.6(b) (April 6, 2009 in relation to England and Wales for purposes specified in SI 2009/400 art.3(j)); not yet in force otherwise)

Commencement

Pt VII s. 176: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 176(1)-(5): England, Wales

177. — Grant or modification of planning permission on appeals against enforcement notices.

(1) On the determination of an appeal under section 174, the Secretary of State may—

(a) [Grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;]¹

(b) Discharge any condition or limitation subject to which planning permission was granted;

(c) [Determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 19.]²

[(1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—

(a) Any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and

(b) References to the local planning authority were references to the Secretary of State.

(1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194.]²

[(1C) If the land to which the enforcement notice relates is in England, subsection (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).]³

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

(3) [The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.]⁴

Town and Country Planning Act 1990 Page 221

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(5) [Where an appeal against an enforcement notice is brought under section 174 and—

(a) The land to which the enforcement notice relates is in Wales, or

(b) That land is in England and the statement under section 174(4) specifies the ground mentioned in section 174(2)(a), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.]⁵

[(5A) Where—

(a) The statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;

(b) Any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and

(c) The Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.]⁶

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Notes

- 1 Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(a) (January 2, 1992)
- 2 S.77(1)(c), (1A) and (1B) substituted for s.77(1)(c) by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(b) (July 27, 1992 subject to transitional provisions specified in SI 1992/1630 art.3)
- 3 Added by Localism Act 2011 c. 20 Pt 6 c.5 s.123(5) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- 4 Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(2) (January 2, 1992)
- 5 Words and s.177(5)(a)-(b) substituted for words by Localism Act 2011 c. 20 Pt 6 c.5 s.123(6) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- 6 Added by Planning and Compensation Act 1991 c. 34 Pt I s.6(3) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

Commencement

Pt VII s. 177: August 24, 1990 (1990 c. 8 Pt XV s. 337(2))

Extent

Pt VII s. 177(1)-(8): England, Wales

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal \(https://acp.planninginspectorate.gov.uk/\)](https://acp.planninginspectorate.gov.uk/); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal> (<https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>).

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.



South Staffordshire Council

Core Strategy

December 2012



Further information can be found at
www.sstaffs.gov.uk



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

The conservation and enhancement of South Staffordshire's historic environment will be achieved by a number of means:

a) The Council will establish, review and maintain records of known heritage assets including:

- Listed buildings
- Scheduled Ancient Monuments
- Conservation Areas
- Registered Parks and Gardens
- Buildings of Special Local Interest (a 'local list')
- Undesignated heritage assets
- Other historic landscapes

and will support and encourage ever greater appreciation, knowledge and enjoyment of the District's historic environment and heritage assets through:

- joint working with local communities and interest groups such as civic and historical societies;
- the continual development and refinement of the Local List; and
- interaction with the County Council's Historic Environment Record (HER).

b) The Council will support and encourage measures which secure the improved maintenance, management and sustainable reuse of heritage assets, particularly those which are identified nationally or locally as being at risk. Where necessary an assessment will be made of whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

c) The Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

d) In the case of development in a conservation area proposals will be considered against any management plan and appraisal adopted for that area.

e) The Council will consider the significance and setting of all proposed works to heritage assets, informed by relevant guidance that is supported by English Heritage. In addition the following principles will be adhered to:

- minimising the loss and disturbance of historic materials
- using appropriate materials, and
- ensuring alterations are reversible

f) The Council will require all works proposed to heritage assets, or sites with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

Heritage assets including Listed Buildings (and those on a local list) Registered Parks and Gardens (and other historic landscapes) Conservation Areas and Scheduled Ancient Monuments are identified on the Policies Map and Inset Plans.

Development proposals should be consistent with the NPPF, the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and other local planning policies.

Explanation

- 7.15 South Staffordshire's historic environment is a rich and varied, finite and vulnerable resource which results from the District's evolution over thousands of years. It includes natural and man-made landscapes as well as the historic built environment. The inevitable and continuous processes of change and development create pressures on this resource and policies are needed to ensure its continued conservation.
- 7.16 Recent changes in national policy have introduced two terms to encompass this very broad spectrum. "Designated heritage assets" include Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas; whilst "Heritage assets" are essentially those identified by the Council in its decision making processes and include local listings.
- 7.17 In order to ensure that the historic environment has a sustainable future it is essential that decisions are informed by a sound evidence base. This is wide ranging and includes Staffordshire County Council's Historic Environment Records, Historic Characterisation and Landscape Characterisation mapping, Extensive Urban Surveys (for towns and villages with a market charter) and, in conjunction with English Heritage, the West Midlands Farmsteads and Landscapes Project Survey.
- 7.18 The Council commissioned appraisals of its 11 village conservation areas. These informed the production of Management Plans for each area, which will be reviewed and updated every 5 years. This will ensure an up-to-date basis for planning decisions in these conservation areas. In addition the County Council has completed a series of Historic Environment Character Assessments for 14 of the District's villages. This, together with the Council's

own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

Key Evidence

Sustainable Community Strategy 2008 - 2020
Conservation Area Appraisals and Management Plans 2010
Village Design Guide SPD 2009
Buildings of Special Local Interest (on going)
Historic Environment Character Assessment 2011
Assessment of Physical and Environmental Constraints 2009
West Midlands Farmsteads and Landscapes Project 2010

Delivery and Monitoring

Through the Development Management process in consultation with English Heritage, the County Council and other partners
Conservation and Design advice
Conservation Area Management Plans
Village Design Guide SPD(or subsequent revisions)
Historic Environment SPD
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. For visual and ecological reasons, new and replacement planting should be of locally native species.

The Council will encourage and support the creation of new woodlands



own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

- 7.19 This comprehensive evidence base will emerge as a Supplementary Planning Document which encompasses the Historic Environment, identifying the main issues, and will also be used to inform and refresh the Village Design Guide.
- 7.20 In order to ensure that buildings at risk are saved or not degraded further, sometimes 'enabling development' is the only viable option. In this case paragraph (b) of this policy will be used in conjunction with guidance 'Enabling Development and the Conservation of Significant Places' issued by English Heritage in 2008 or subsequent guidance for enabling development.

Key Evidence

Sustainable Community Strategy 2008 - 2020
Conservation Area Appraisals and Management Plans 2010
Village Design Guide SPD 2009
Buildings of Special Local Interest (on going)
Historic Environment Character Assessment 2011
Assessment of Physical and Environmental Constraints 2009
West Midlands Farmsteads and Landscapes Project 2010

Delivery and Monitoring

Through the Development Management process in consultation with English Heritage, the County Council and other partners
Conservation and Design advice
Conservation Area Management Plans
Village Design Guide SPD (or subsequent revisions)
Historic Environment SPD
LSP Environmental Quality Delivery Plan

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The Council will encourage and support the creation of new woodlands

and the management of existing woodlands particularly where they contribute to community forestry. Reference should be made to the Council's Tree and Woodland Strategy.

Throughout the District, the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views.

The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.

Proposals should retain and strengthen the components of landscape character and local distinctiveness, with particular attention to the detailing of any proposal and its relationship with existing buildings, features and vegetation. Proposals within the Historic Landscape Areas (HLA) defined on the Policies Map should have special regard to the desirability of conserving and enhancing the historic landscape character, important landscape features and the setting of the HLA. The County Council's Landscape Character Assessment and Historic Landscape Characterisation will provide an informed framework for the decision making process.

Where possible, opportunities should be taken to add character and distinctiveness through the contribution of new landscape features, particularly to landscapes which have been degraded.

Development within the Cannock Chase Area of Outstanding Natural Beauty (AONB) and its setting as shown on the Policies Map will be subject to special scrutiny, in accordance with national policy and any additional guidance, in order to conserve and enhance the landscape, nature conservation and recreation interests of the area.

Proposals that contribute to the objectives of the Cannock Chase AONB Management Plan, the Forest of Mercia and other local initiatives that will contribute to enhancing landscape character will be supported.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

Explanation

- 7.21 The landscape of South Staffordshire is rich and varied and includes part of the Cannock Chase Area of Outstanding Natural Beauty (AONB). It is an important objective of the Core Strategy to protect the character and appearance of the landscape and conserve this heritage for the future. The

NPPF states that the highest status of protection in relation to landscape and scenic beauty should be given to AONBs, and the extent of the Cannock Chase AONB, to which the national policy applies, is shown on the Policies Map.

- 7.22 There are 13 historic parklands and gardens in South Staffordshire, at Chillington, Enville, Four Ashes, Hatherton, Hilton, Himley/Wodehouse, Somerford, Stretton, Teddesley, Patshull, Prestwood, Wergs and Weston. The parklands at Chillington Hall, Enville, and Weston Park are of particularly high quality and have been identified as Grade ii* in the National Register of Historic Parks and Gardens by English Heritage. Patshull Hall and Himley Hall have been identified as Grade ii.
- 7.23 Historic parklands are valuable heritage assets and important to the distinctive rural character of South Staffordshire. They may contain avenues of trees, woodlands, individual veteran trees, areas of wood pasture, lakes and other water features, historic earthworks, moats, hedges, banks and green lanes which are all valuable habitats for wildlife. They also have potential for environmental education and tourism, as well as contributing to the attractiveness of the landscape.
- 7.24 The historic parklands and gardens in South Staffordshire, including those designated as Registered Parks and Gardens have been designated as 'Historic Landscape Areas' (HLAs) to protect them from inappropriate development and management. The principle of the HLAs was first established in the 1996 Local Plan and has been carried forward into the new local planning strategy to ensure that these areas are retained for the future.
- 7.25 The Council will encourage and support the conservation, enhancement and sustainable management of these heritage assets through the preparation of conservation management plans. The Council will work with landowners, English Heritage, the Staffordshire Gardens and Parks Trust, the Garden History Society, Natural England, Staffordshire Wildlife Trust and Staffordshire County Council on matters relating to historic parklands and gardens.
- 7.26 The Policy is consistent with the NPPF. Any development which will have an impact on the landscape should address the intrinsic character of its surroundings, and seek where possible to retain and strengthen the intrinsic character of areas. Landscape character analysis will be an important technique in many circumstances, utilising detailed work already undertaken by Staffordshire County Council in the Supplementary Planning Document 'Planning for Landscape Change' and work on historic landscape characterisation. More detailed guidance on landscape character will be included in a Supplementary Planning Document.

Key Evidence

Sustainable Community Strategy 2008 - 2020
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011

2011
South Staffordshire Landscape Assessment 2003
Historic Environment Character Assessment 2011
Village Design Guide SPD 2009
Conservation Area Appraisals and Management Plans 2010
Open Space Strategy 2009

Delivery and Monitoring

Through the Development Management process
LSP Environmental Quality Delivery Plan
Village Design Guide SPD (or subsequent revisions)
Conservation Area Management Plans
Open Space Strategy Action Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy EQ12: Landscaping

Landscaping of new development must be an integral part of the overall design, which complements and enhances the development and the wider area, and:

- a) creates a visually pleasant, sustainable and biodiversity rich environment;
- b) provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change;
- c) protects and enhances key landscape features;
- d) creates new features and areas of open space that reflect local landscape character;
- e) contributes to character, appearance and sense of place;
- f) promotes a public realm which is attractive and safe.

Development proposals should be consistent with the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions), the Supplementary Planning Documents on Landscape Character and Biodiversity and other local planning policies.

Explanation

- 7.61 The NPPF stresses the importance of giving due consideration to landscaping issues. The above Policy provides specific guidance on landscaping and stresses the need to ensure appropriate landscaping for all developments. It is important to achieve landscaping which protects and enhances key landscape features, and can take advantage of them, and that creates natural and sustainable features which contribute to biodiversity, and in terms of public realm are rich in identity, and are attractive and safe.
- 7.62 Sustainability considerations are also key elements of the policy including the use of Sustainable Drainage Systems (SUDS) and sustainable construction methods. Landscape designs should take into account the implications of climate change through species selection and by planting that provides for additional shade or winter solar gain. Further guidance on detailed landscaping and sustainability issues will be given in a Supplementary Planning Document on Landscape Character.

Key Evidence

Sustainable Community Strategy 2008 – 2020
South Staffordshire Climate Change Strategy and Action Plan 2009
Southern Staffordshire Surface Water Management Plan Phase 1 2010
Planning for Landscape Change – Staffordshire County Council SPG 1996-2011
South Staffordshire Landscape Assessment 2003
Open Space Strategy 2009

Delivery and Monitoring

Through the Development Management process
Landscape Character SPD
Open Space Strategy Action Plan
LSP Environmental Quality Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Infrastructure Delivery

Introduction

- 7.63 The term infrastructure is broadly used to define all of the requirements that are needed to make places function efficiently and effectively and in a way that creates sustainable communities. Infrastructure is commonly split into three main categories, defined as:

- **Physical Infrastructure:** the broad collection of systems and facilities that house and transport people and goods, and provide services e.g. transportation networks, housing, energy supplies, water,

Development Policies

7.68 The following Development Policy supports Core Policy 5.

Policy EQ13: Development Contributions

Contributions will be sought from developers where necessary to ensure the achievement of sustainable development including the provision of additional infrastructure and community facilities and the improvement and enhancement of existing facilities, whenever there is a need generated by the new development, i.e. where there is an existing or potential identified need that would be exacerbated by further development. These include where appropriate:

- a) the provision of affordable housing;
- b) the provision and improvement of community facilities such as community centres, libraries and health facilities;
- c) extension and improvement of educational facilities or the construction of new schools to meet demand generated by children in new development;
- d) the provision of employment training schemes which develop the skills of the local workforce;
- e) schemes designed to maximise the employment of local people in new development;
- f) children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are inappropriately placed to serve a development, having regard to the need to minimise travel;
- g) new facilities and/or enhancement of existing facilities for the elderly, young people and disabled people;
- h) landscaping of the setting of development on or off site;
- i) the provision of new accessible public open space, play facilities and spaces and sport and recreation facilities to serve new residents or the enhancement of the quality and accessibility existing public open space, and sport and recreation facilities;
- j) the management of existing sites designated for their nature conservation value including Motte Meadows SAC, Cannock Chase SAC, and the Cannock Extension Canal SAC (and the effects of recreation upon them) and the creation and expansion of new habitats

contributing to priorities in the UK Biodiversity Action Plan and/or new nature conservation sites and habitats such as ponds, wetlands, native woodland or wildlife corridors;

- k) the provision of green infrastructure;
- l) conservation and enhancement of heritage assets particularly those identified as being at risk;
- m) highway and infrastructure improvements;
- n) car parking provision including improvements to public car parks;
- o) extension and improvement of the public transport system including the provision of community bus services and supporting infrastructure, such as new shelters;
- p) improvements to the existing and proposed footpath and cycle route network and links to or the creation of new public rights of way and links to green infrastructure;
- q) the preparation, implementation and monitoring of Travel Plans;
- r) water supply, and surface and foul water disposal infrastructure improvements;
- s) flood protection measures and sustainable drainage systems and the long term maintenance of these features;
- t) environmental improvements including street furniture, street trees and public art;
- u) the provision of waste recycling facilities;
- v) the provision of policing infrastructure and services and measures to reduce crime such as closed circuit television (CCTV);
- w) the provision of other facilities which are important locally.

Contributions through full provision, land or commuted payments will be secured through planning obligations or conditions. A reduced level of contributions will only be considered where it is demonstrated that full provision would make the proposed development unviable.

Detailed guidance setting out how this Policy will operate will be contained in the Supplementary Planning Document on Development Contributions.

Development proposals should be consistent with other local planning policies.

Explanation

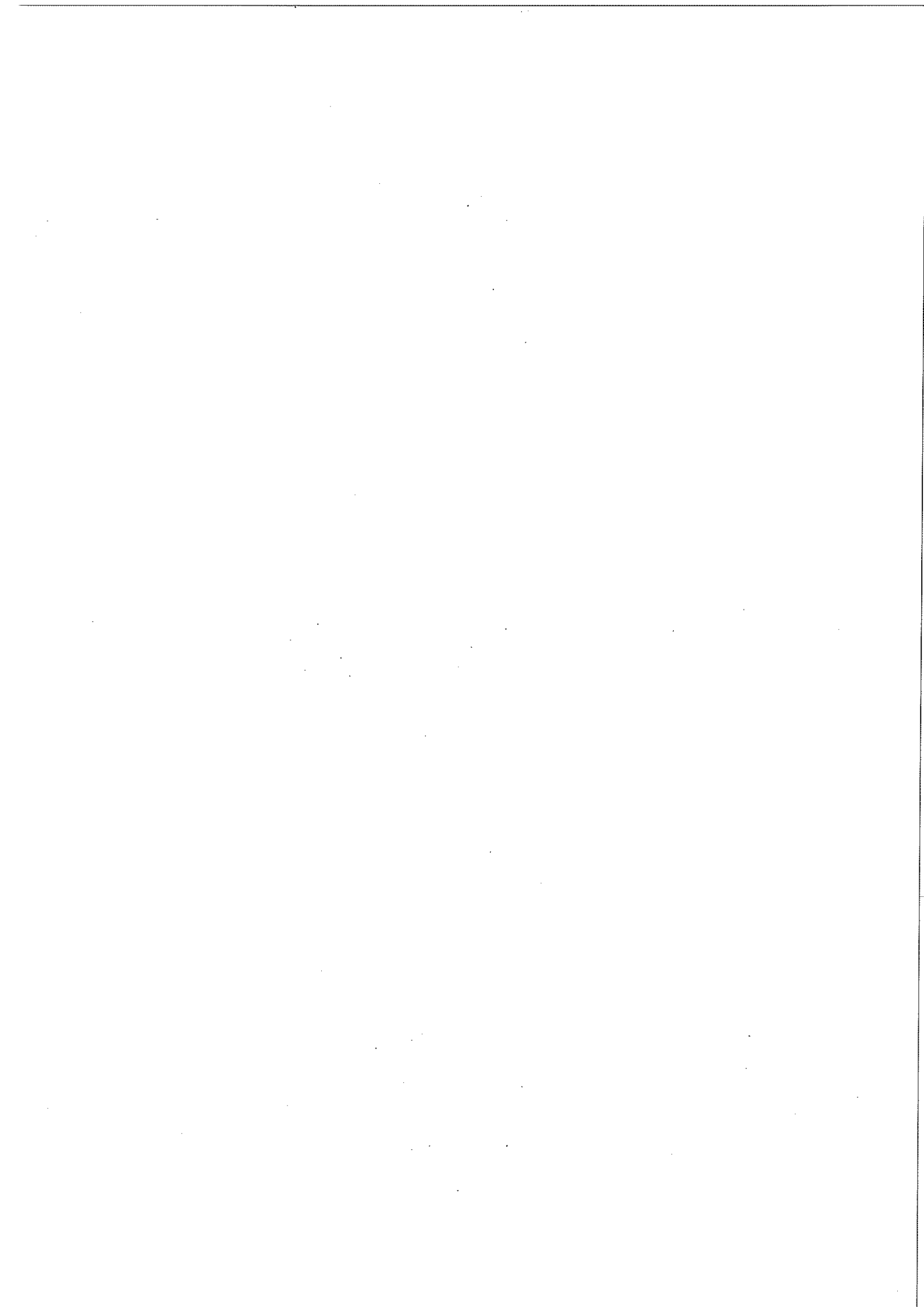
- 7.69 Developer contributions are expected to play a significant role in infrastructure delivery, such as related highway and sustainable transport improvements, the provision of green spaces, community facilities, schools and health centres. It is recognised, however, that other mechanisms may be required to help deliver infrastructure.
- 7.70 Infrastructure requirements may need to be reviewed to deal with changing circumstances that arise through the plan period, or that need to be refined to take account of site specific requirements identified later in the plan making process. It is recognised that delivery agencies may have to review their management and investment plans and priorities over time.
- 7.71 The above Policy sets out the general principles concerning the use of planning obligations for the delivery of infrastructure, and identifies the main local priorities. The list is purely indicative of the possible range of matters for which obligations could be sought and is not in any priority order. As a general principle, obligations will be sought to meet a specific identified need and this need will be considered on a case by case basis. As a consequence, direct provision of the facility required will be a clear preference to the provision of payments in the form of commuted sums. In some cases the payment of commuted sums will be appropriate for the adoption and on going maintenance of open space areas.
- 7.72 Further detailed guidance on planning obligations will be set out in a Supplementary Planning Document (SPD). The Government is currently undertaking reviewing the way in which developer contributions are collected and the Council will need to consider the appropriateness of introducing a Community Infrastructure Levy (CIL) for South Staffordshire District to meet future infrastructure needs. Consideration may be given to the delivery of infrastructure on a locality basis. Much of the information set out in the IDP would inform CIL calculations and if developer contributions are sought through this method, then the appropriate methodology would be set out in the proposed SPD.

Key Evidence

Infrastructure Delivery Plan (IDP) 2010
Business/Investment Plans of infrastructure providers
Sport England Sports Facilities Statement 2011'
Playing Pitch Strategy 2007

Delivery and Monitoring

Through the Development Management process
Infrastructure Delivery Plan
Infrastructure providers
LSP Delivery Plans
Development Contributions SPD



Policy GB1: Development in the Green Belt

Within the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, development acceptable within the terms of national planning policy set out in the NPPF will normally be permitted where the proposed development is for either:

- A.** A new or extended building, provided it is for:
- a) purposes directly related to agriculture or forestry; or
 - b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
 - c) affordable housing where there is a proven local need in accordance with Policy H2; or
 - d) limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).
- B.** The re-use of a building provided that:
- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.
- C.** Changes of Use of Land:
- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.
- D.** Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

**Footnote: Limited infilling is defined as the filling of small gaps (1 or 2 buildings) within a built up frontage of development which would not exceed the height of the existing buildings, not lead to a major increase in the developed proportion of the site, or have a greater impact on the openness of the Green Belt and the purpose of including land within it.*

Extra Care bed spaces. The Council will continue to work closely with the County Council for the provision of Extra Care facilities in the District to ensure that we are directing our efforts and resources to where they are most needed. Deficits in provision will be identified in the Infrastructure Delivery Plan (IDP).

- 8.31 In the Site Allocations DPD each site will have an individual development brief to identify the housing mix required, which will be informed by viability assessments to ensure that the requirements are achievable. This will be evidenced through the completion of a refreshed Housing Market Assessment. Local housing market studies will also underpin the consideration of housing mix on planning applications through the Development Management process.

Key Evidence

Sustainable Community Strategy 2008 - 2020
 LSP Housing Strategy 2009 - 2012
 Older Persons Strategy 2007
 Staffordshire Flexi Care Strategy 2010 - 2015

Delivery and Monitoring

Through the Development Management process
 LSP Housing Strategy Delivery Plan
 Working with the County Council and other partners
 Infrastructure Delivery Plan

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

Policy H6: Gypsies, Travellers and Travelling Showpeople

The Council will meet the accommodation needs of Gypsies, Travellers & Travelling Showpeople as set out in the Gypsy and Traveller Accommodation Assessment 2008 GTAA and seek to maintain a 5 year supply of specific deliverable sites identified on an annual basis: -

Accommodation	2007-2012	2012-2016	2016-2021	2021-2026	2026-2028
Residential Pitches	32	15	17	15	6
Transit Pitches	5	NA	NA	NA	NA
Travelling Showpeople plots	13	1	2	2	1
Total	50	16	19	17	7

The Council will grant planning permission in suitable locations for additional pitches and allocate suitable sites in the Site Allocations DPD in accordance with the National Planning Policy for Traveller Sites, the NPPF and the following criteria:

1. The intended occupants must meet the definition of Gypsies & Travellers or Travelling Showpeople as set out in Annex 1 of National Planning Policy for Traveller Sites; and
2. Essential services such as power, water sewerage, drainage and waste disposal are either available or can be provided to service the site; and
3. The site will be well designed and landscaped to give privacy between pitches; for the occupiers of the site and between the site and adjacent users to protect the amenities of the occupiers of the site and the amenities of neighbouring residential properties, including 'boaters'; and
4. Transit sites should have good access to the strategic highway network; and
5. Sites for Travelling Showpeople will be large enough to accommodate ancillary yards for business uses and be located in areas where there is no unacceptable impact on neighbouring residential properties, including 'boaters', by reason of air pollution, noise or risk to the health and safety of local residents arising from the storage of large items of mobile equipment; and
6. The site can adequately and safely be accessed by vehicles towing caravans, is well related to the established local highway network and adequate space within the site to accommodate vehicle parking, turning space and to accommodate the occupants of the site having regard to the provision of adequate amenity space and play space for children; and
7. The proposal, either in itself or cumulatively having regard to existing neighbouring sites, must be of an appropriate size so as to not put unacceptable strain on infrastructure or dominate the nearest settled communities to avoid problems of community safety arising from poor social cohesion with existing families; and
8. Proposals shall be sited and landscaped to ensure that any impact on the character and landscape of the locality is minimised, including impacts on biodiversity and nature conservation. In areas of nationally, sub-nationally or locally recognised designations planning permission will only be granted where the objectives of designation would not be compromised by the development – examples will include:
 - a) The Green Belt - where demonstrably harmful impact on the 'openness' of the Green Belt will be resisted;
 - b) Cannock Chase Area of Outstanding Natural Beauty (AONB) – where proposals that will harm the setting, function and integrity of

Cannock Chase will be resisted;

- c) Sites of Special Scientific Interest (SSSI), including Kinver Edge, Conservation Areas, Special Areas of Conservation (SAC), including Motte Meadows near Wheaton Aston, Local Nature Reserves (LNR), including Shoal Hill Common, or any other protected sites - where proposals that will harm the setting, function and integrity of these areas will be resisted;
- d) Recognised tourism and heritage assets of South Staffordshire, including historic parks and gardens and the environs of the canal network within the District - where proposals that could undermine the economic vibrancy of South Staffordshire, by harming the aims, objectives and planned actions within the Council's Tourism Strategy, will be resisted; and

9. Proposals must not be located in areas at high risk of flooding including functional floodplains (flood zones 3a and 3b).

The Council will monitor and manage the provision of additional pitches within South Staffordshire against the phased provision set out above. Where there is no shortfall against the phased provision within each phased time-frame, in determining planning applications for additional pitches the Council will firmly resist any proposals within the Green Belt or the open countryside within South Staffordshire or proposals in locations that could introduce problems of social cohesion with the settled community or with the occupants of authorised sites for Gypsies, Travellers and Travelling Showpeople.

The Council will not tolerate the occupation by Gypsies and Travellers of unlawful sites and will seek the assistance of the Courts to remove them from such sites and recover the costs of such removal and the cost of restoring the site to its original state.

The Council anticipates that the requirements to meet the needs of Gypsies, Travellers & Travelling Showpeople in South Staffordshire will be met through the provision of private sites. However, the Council will monitor the situation locally and liaise with the local Gypsy & Traveller Communities (including Travelling Showpeople), and seek to secure the provision of a suitably located public site(s) if there is a proven need for such provision having regard to the health, welfare and educational needs of the local travelling communities.

The Council will engage with the occupiers and owners of existing Gypsy & Traveller sites and sites of Travelling Showpeople in order to consider the capacity within existing sites and, where justified and subject to the criteria set out above, will consider the appropriate extension of existing sites.

Explanation

- 8.32 The housing needs of Gypsy and Traveller communities, including Travelling Showpeople is an important issue to be addressed. South Staffordshire Council, in partnership with Cannock Chase District Council, Lichfield District Council, Tamworth Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council and North Warwickshire Borough Council commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) in 2007 and which was completed in February 2008.
- 8.33 The GTAA identified a need for additional permanent residential pitches for Gypsies and Travellers and plots for Travelling Showpeople within the District to 2026. In order to meet the requirements of NPPF, the GTAA pitch requirements have been increased by a further two years' supply to ensure that there will be a continuous delivery of pitches for at least 15 years from the date of the adoption of the Core Strategy DPD.
- 8.34 The Policy sets out the criteria for the delivery of additional residential pitches and transit pitches for Gypsies and Travellers and plots for Travelling Showpeople based on the evidence in the GTAA. It is intended that sites will be identified through the Site Allocations DPD.
- 8.35 Applications for new sites and the refurbishment of existing sites will normally be expected to meet the design guidelines detailed in National Guidance (Designing Gypsy and Traveller Sites, Good Practice Guide).

Key Evidence

LSP Housing Strategy 2009 - 2012
Gypsy and Traveller Accommodation Assessment 2008
Gypsy and Traveller Site Data
WMRSS Evidence Base
WMRSS Interim Policy Statement 2010

Delivery and Monitoring

Through the Development Management process
Working with Gypsy and Traveller communities
Site Allocations DPD

The monitoring arrangements are set out in the Monitoring Framework in Appendix 1.

List of Persons and Interested Parties

Appeal Ref: APP/C3430/C/24/3351497

Enforcement Ref: 24/00116/TRAV

Appeal by: Mr Billy Joe Lee

Site at: Land at Whiston, Penkridge, Staffordshire

1 copy to the Occupier(s)

Whiston Mill Whiston Road Whiston Stafford ST19 5QQ

1 copy to the Clerk to Penkridge Parish Council

Lesley Hough, Haling Dene Centre, Cannock Road, Penkridge, Stafford, ST19 5DT

Email: clerk@penkridgeparishcouncil.gov.uk

1 copy to the Chairman/Vice-Chairman of the Council

Councillor, Dan Kinsey

Email: d.kinsey@sstaffs.gov.uk

Councillor Philip Davis

Email: p.davis@sstaffs.gov.uk

1 copy to the Chairman/Vice-Chairman of the Planning Committee

Councillor Mark Evans

Email: m.evans@sstaffs.gov.uk

Councillor Bob Cope

Email: r.cope@sstaffs.gov.uk

1 copy to the following local member(s)

Councillor Andrew J Adams

Email: a.adams@sstaffs.gov.uk

Councillor Samuel G Harper-Wallis

Email: s.harper-wallis@sstaffs.gov.uk



The Occupier/Others

Phone: (01902) 696274

Email: appeals@sstaffs.gov.uk

Date: 17 September 2024

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mr Billy Joe Lee
Site Address:	Land at Whiston, Penkridge, Staffordshire
Alleged breach:	(i) The unauthorised material change of use of the Land to a mixed use for agriculture and a residential Gypsy Traveller caravan site. (ii) Unauthorised operational development to facilitate the unauthorised use comprising of: (a) A wooden shed in the approximate position marked in pink on the Plan; (b) Laying of hardstanding shaded in purple on the Plan; and (c) Construction of closed board entrance gates which exceed 2 metres in height from ground level.
Enforcement reference:	24/00116/TRAV
Appeal reference:	APP/C3430/C/24/3351497
Appeal start date:	16 September 2024

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 21 August 2024.

The enforcement notice was issued for the following reasons:

- (i) It appears to the Council that the matters which constitute the breach of planning control have occurred within the last ten years and are not time immune from enforcement action.
- (ii) The unauthorised material change of use of the Land is inappropriate development in the Green Belt contrary to Strategic Objectives 1 and 2 and Policies GB1 and H6 of the South Staffordshire Council Core Strategy adopted December 2012.
- (iii) The unauthorised development on the Land is inappropriate development in the Green Belt contrary to paragraphs 152, 153 and 154 of the NPPF and has a detrimental impact on the openness of the Green Belt and no special circumstances have been put forward to justify a departure from Green Belt policy.

(iv) Chapter 16 of the NPPF and Policy EQ3 of the Core Strategy require that the significance of Heritage Assets and any impact on that significance is assessed as part of all development proposals. Adjacent to the Land to the east is Whiston Mill, a Grade II Listed building. It is considered that the development is detrimental to the setting of the listed mill and is contrary to Chapter 16 of the NPPF and Policy EQ3 of the adopted Core Strategy. Page 2 of 17

(v) The unauthorised development has an adverse effect on the character, appearance and amenity of the surrounding rural area, contrary to Policies EQ4, EQ11 and EQ12 of the adopted Core Strategy.

(vi) The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken:

- (i) Permanently cease the unauthorised use of the Land as a residential Gypsy Traveller caravan site and remove all caravans from the Land;
- (ii) Permanently remove from the Land the wooden shed and the area of hardstanding located in the position coloured purple on the attached plan;
- (iii) Either remove from the Land the entrance gates or reduce the height of the entrance gates to height no greater than 2 metres from ground level;
- (iv) Remove from the Land all materials arising from compliance with 5(ii) and 5(iii) above.

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (c) – that there has not been a breach of planning control.

The appeal will be determined on the basis of a **hearing**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at [Planning Inspectorate - GOV.UK \(www.gov.uk\)](https://www.gov.uk/planning-appeals) **(Please note that the Planning Inspectorate will not be accepting emailed comments.)** If you do not have access to the internet, you can send your comments to:

Cat Rosie
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 28 October 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents (including the decision when made) can be viewed online at [Enforcement Appeal Cases \(sstaffs.gov.uk\)](https://sstaffs.gov.uk) by clicking on the relevant Enforcement appeal case.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: [Taking part in a planning, listed building or enforcement appeal - GOV.UK \(www.gov.uk\)](https://www.gov.uk) or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk> and the Council website. Paper copies of the appeal decision can be obtained from the Council. Please be aware that there may be a copying fee.

Helen Benbow
Development Management Manager
Council Offices
Codsall
Wolverhampton
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Shakespeare)

WHISTON MILL

Official list entry

Heritage Category: **Listed Building**

Grade: **II**

List Entry Number: **1390986**

Date first listed: **18-Jun-2004**

List Entry Name: **WHISTON MILL**

Statutory Address 1: **WHISTON MILL**

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

[Understanding list entries](https://historicengland.org.uk/listing/the-list/understanding-list-entries/) (<https://historicengland.org.uk/listing/the-list/understanding-list-entries/>)

[Corrections and minor amendments](https://historicengland.org.uk/listing/the-list/minor-amendments/) (<https://historicengland.org.uk/listing/the-list/minor-amendments/>)

Location

Statutory Address: **WHISTON MILL**

The building or site itself may lie within the boundary of more than one authority.

County: **Staffordshire**

District: **South Staffordshire (District Authority)**

Parish: **Penkridge**

National Grid Reference: **SJ 90086 14240**

Details

538/0/10014 18-JUN-04

PENKRIDGE Whiston Mill

II

Mill and millhouse. Random bond red brick with a plain tiled roof. Three storeys. There is a covered wheelhouse with 2 channels which has a separate, lower roof, to the north of the building. The wheel has now gone but the axle survives and this and the form of the wheelpit suggest that it was of the breast shot type. EXTERIOR: The west front has a stable door at right of the ground floor and to the first floor are a hoist door at right and a 2-light casement to the left. The North gable end has a cambered headed door which gives access to the wheelhouse. The east front has a 2-light casement at ground floor and first floor levels and the two wheelhouse arched openings have stone dressings. Attached to the south and flush with the mill building is the mill house which has been extended to the south and east and considerably altered during the C20 with a large plate glass picture window to the ground floor east. INTERIOR: The ground [meal] floor, houses the mill gear, a pit wheel of cast iron with 160 teeth meshing with a 64 toothed wallower. This, in turn, connects to a spur wheel with applewood teeth which connects to the stone nuts. The first floor has the 3 sets of mill wheels, all bearing the name of Kay & Hilton as well as a sack hoist and trap doors. The second floor has the bases for grain bins.

Legacy

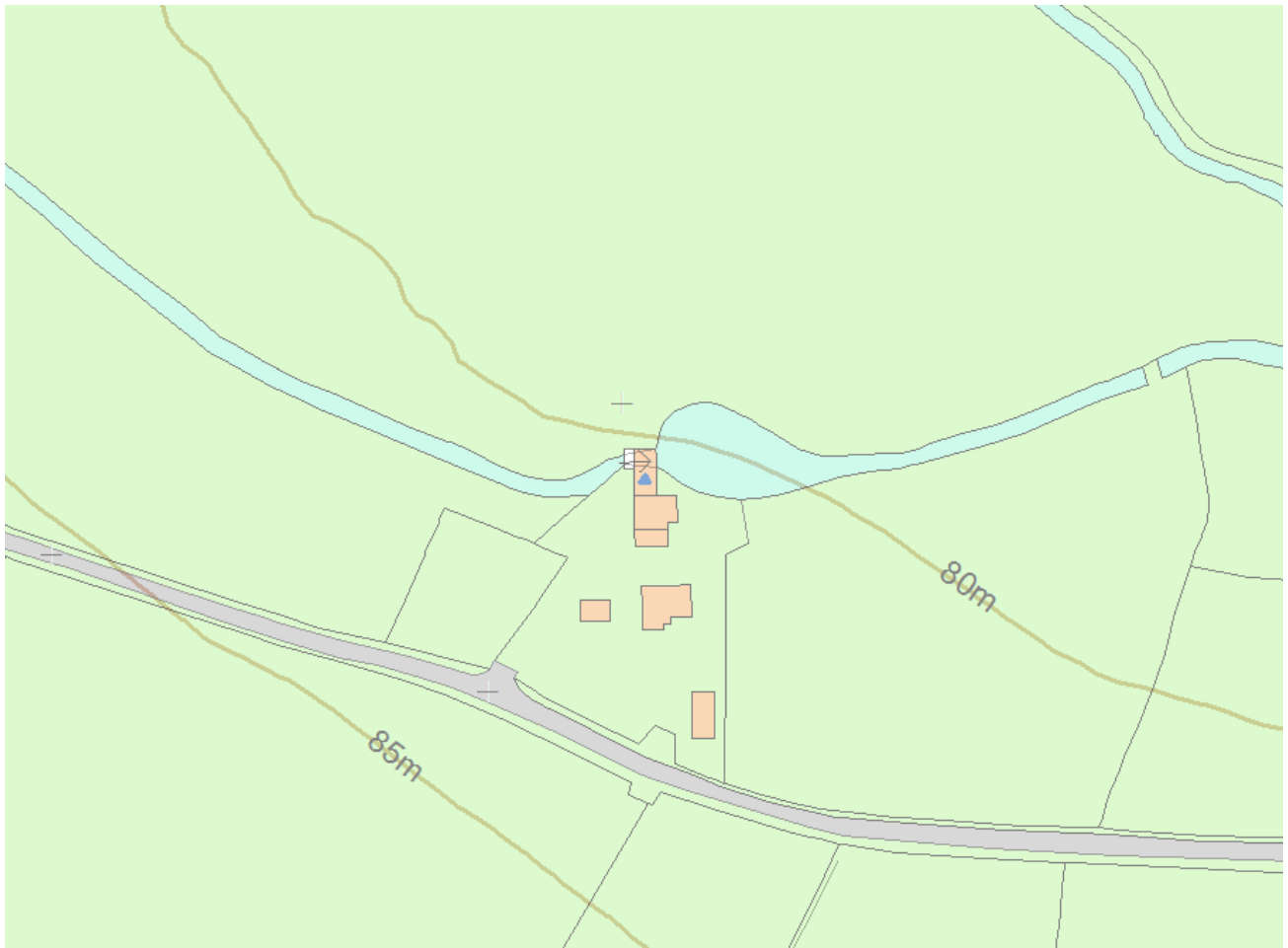
The contents of this record have been generated from a legacy data system.

Legacy System number: **491526**

Legacy System: **LBS**

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.



Map

This map is for quick reference purposes only and may not be to scale.
This copy shows the entry on 17-Sep-2024 at 10:40:51.

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(<https://historicengland.org.uk/terms/website-terms-conditions/>).

End of official list entry



[Back to top](#)

From: [External Email for Development Management](#)
To: [Philip Brown](#)
Subject: RE: Invalid Planning Application: 24/00320/FUL - Land West Of Whiston Mill Whiston Road Whiston Penkridge ST19 5QQ
Date: 31 May 2024 14:59:00
Attachments: [24-00320-FUL - Invalid letter 09.04.2024.pdf](#)

Mr Brown,

Thank you for your email. Unfortunately, no, the Council does not agree to allow another three weeks of time for application 24/00320/FUL to remain invalid. You were first notified on 9 April 2024 that application 24/00320/FUL was invalid. This was followed up with a reminder letter on 23 April 2024. Your initial request to extend the time period to supply the additional documents was granted by the Council, when we granted an extension through 30 May 2024. However, we only received a response at midday on 30 May 2024 with a further request for additional time to supply a Preliminary Ecological Appraisal and Biodiversity Metric. The additional items from the invalid letter remain outstanding: 1, 2, 3, 4 and 5. As none of the requirements for validation have been addressed, we have returned the application and are refunding the fee.

Please note that our Enforcement Team have also served an Enforcement Notice on the property this afternoon.

Kind regards,

Development Management
South Staffordshire Council

Tel: 01902 696000
www.sstaffs.gov.uk



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South Staffordshire Council

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

GRANT OF PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Application Number: 21/00235/FUL
Proposed: Change of use of land to use for the keeping of horses including erection of stables and haybarn, laying of hardstanding, construction of manege and improvement of access.
At: Land West Of Whiston Mill Whiston Road Whiston STAFFORD ST19 5QQ

In pursuance of their power under the above mentioned Act, South Staffordshire Council hereby **GRANT** planning permission for the development described above in accordance with the details given in the application numbered above,

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings:
Location Plan (1:1250)
Site Layout Plan (1:500)
Hay Barn - Elevations (1:50)
Hay Barn - Floor Plan (1:50)
Stable Building - Floor Plan & Elevations (1:100)
Fencing and cross section of manege (1:20)
Received 15/03/21
3. No existing trees, shrubs or hedges on the site or its boundaries shall be cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years

respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.

4. The landscape scheme shown on the approved plan(s) shall be implemented concurrently with the development and completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the scheme has been completed. The planting, hard landscaping (and any other introduced features shown on the approved plan(s) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
5. The materials for the development shall be carried out in accordance with the information on the approved plans and the application form. Unless otherwise agreed in writing by the Local Planning Authority, the hay barn shall be finished in a dark green colour.
6. The stables hereby approved shall be for personal use only and shall at no time be used for commercial purposes.
7. The development hereby permitted shall not be brought into use until the existing access to the site within the limits of the public highway has been reconstructed and completed.
8. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
9. Any gates shall be located a minimum of 6.0m rear of the carriageway boundary and shall open away from the highway.

The reasons for the Council's decision to grant permission for development subject to compliance with the conditions hereinbefore specified are:-

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
5. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

6. In the interest of highway safety and residential amenity.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.

The existing access to the site shall be reconstructed in accordance with the submitted layout plan. Please note that prior to the access being reconstructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application Form for a dropped crossing. Please complete and send to the address indicated on the application Form which is Staffordshire County Council, Network Management Unit, Staffordshire Place 1, Tipping Street, Stafford. ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

The application documents don't recognise the existence of Public BOAT (Byway Open to All Traffic) No 0.1044 Penkridge Parish which runs within the proposed development site. It runs just within/adjacent to the areas marked '6.0m corner radii' and over and across the Mill Stream. The BOAT does initially appear to be obstructed by hedging at it's southern end

The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the

proposed development. We would ask that trees or hedges are not planted alongside the footpath unless the developer and any subsequent landowners are informed that the maintenance of the trees/hedges is their responsibility.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Signed

Dated: 19 July 2021

A handwritten signature in black ink, appearing to read 'S. Smith', with a small flourish at the end.

Development Management Team Manager

Ms Joleen Smith
C/O Mr Philip Brown
74 Park Road
Rugby
Warwickshire
CV21 2QX

NOTES

APPEALS

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if you are not sure which of these time limits applies to your decision please contact the Planning Inspectorate

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, she/he may serve on the Borough Council or District Council or County Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

COMPLIANCE WITH CONDITIONS

In accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2008, there is now a fee payable for the request for written confirmation of compliance with a condition or conditions attached to the grant of planning permission:

£34 for each request that relates to a permission for householder development.

£116 for all other requests relating to a permission for development



31 January 2022

Our Ref: 21/00235/AMEND

Jolene Smith

C/O Mrs Lindsey Sproulle

Berrys

Beech House

Anchorage Avenue

Shrewsbury Business Park

Shrewsbury

SY2 6FG

Sent via email - lindsey.sproulle@berrys.uk.com

Please ask for: Jennifer Mincher

Dial: 01902 696000

Email: J.Mincher@sstaffs.gov.uk

Dear Lindsey,

Non-material amendment to planning permission 21/00235/FUL – Land West of Whiston Mill, Whiston Road, Whiston, Stafford, ST19 5QQ

I refer to your request for the following:

- Amendment to re-position the approved buildings approximately 2m north of the approved position.

As shown on the submitted plans; SA43149 BRY-ST-PL-A-01_ that differs from the details shown and approved under planning permission 21/00235/FUL to be treated as a non-material amendment.

As discussed, the Shire Group of Internal Drainage Boards have commented on the application, however the proposal would not lead to any obstructions within 9m of the watercourse.

I have viewed the plans submitted and conclude that the proposal does constitute a non-material amendment. It is therefore acceptable. I confirm these changes are acceptable as a non-material amendment to the planning permission 21/00235/FUL. The file will be updated accordingly. Please note, however, the following informative which should be drawn to the applicant's attention:

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

For further guidance, pre-application advice & consent form visit:

www.shiregroup-idbs.gov.uk, and select 'Sow & Penk IDB'

For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk

Should you require any further information please do not hesitate to contact me.

Yours sincerely

Jennifer Mincher

Senior Planning Officer [Localities 1 to 3] Development Management

Appeal Ref: APP/C3430/C/24/3351497

Enforcement Ref: 24/00116/TRAV

Appeal by: Mr Billy Joe Lee

Site at: Land at Whiston, Penkridge, Staffordshire, ST19 5QH

The planning application was returned therefore a formal consultation to Natural England was not made.

The national guidance for Great Crested Newts has been attached below.

Guidance

Great crested newts: advice for making planning decisions

How to assess a planning application when there are great crested newts on or near a proposed development site.

From: **Natural England**
([/government/organisations/natural-england](https://www.gov.uk/government/organisations/natural-england))

Published 14 January 2022

Last updated 26 July 2022 —

Applies to England

Contents

- How GCN are protected
- District level licensing schemes for GCN
- When to ask for a survey
- Assess the effect of development on GCN
- Site management and monitoring

This is Natural England's 'standing advice' for great crested newts (GCN). It is a material planning consideration for local planning authorities (LPAs). You should take this advice into account when making planning decisions. It forms part of a [collection of standing advice for protected species](https://www.gov.uk/guidance/protected-species-how-to-) (<https://www.gov.uk/guidance/protected-species-how-to->

[review-planning-applications#standing-advice-for-protected-species](#)).

Following this advice:

- avoids the need for you to consult on the negative effects of planning applications on GCN in most cases
- helps you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence.

You can find one using either the:

- [Chartered Institute of Ecology and Environment Management \(CIEEM\) directory](https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx) (<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>)
- [Environmental Data Services directory](https://www.endsdirectory.com/) (<https://www.endsdirectory.com/>)

How GCN are protected

GCN are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017. It is an offence to:

- deliberately kill, injure, disturb or capture them
- deliberately take or destroy their eggs
- damage or destroy their breeding sites and resting places - even if GCN are not present
- possess, control or transport them (alive or dead)

It is also an offence under the Wildlife and Countryside Act 1981 to intentionally or recklessly:

- disturb GCN while they occupy a structure or place used for shelter or protection
- obstruct access to a place of shelter or protection

GCN are [listed as rare and most threatened species](https://jncc.gov.uk/our-work/uk-bap-priority-species/#uk-bap-priority-species-list) (<https://jncc.gov.uk/our-work/uk-bap-priority-species/#uk-bap-priority-species-list>) under Section 41 of the Natural Environment and Rural Communities Act (2006). You need to take account of the

conservation of Section 41 species as part of your planning decision. Find out more about your [biodiversity duty](#).

The developer must comply with the legal protection of GCN.

You should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on GCN.

The developer may need a [wildlife licence](#) to carry out their proposal.

You can find further guidance on survey, mitigation, management and monitoring for GCN in the:

- [Great Crested Newt Conservation Handbook](https://www.froglife.org/info-advice/our-publications/great-crested-newt-conservation-handbook/) (<https://www.froglife.org/info-advice/our-publications/great-crested-newt-conservation-handbook/>) published on the Froglife website
- [Great crested newt mitigation guidelines](https://webarchive.nationalarchives.gov.uk/ukgwa/20140605121141/http://publications.naturalengland.org.uk/publication/810429?category=30014) (<https://webarchive.nationalarchives.gov.uk/ukgwa/20140605121141/http://publications.naturalengland.org.uk/publication/810429?category=30014>) published on the Natural England evidence catalogue

These documents may not be accessible to assistive technology.

District level licensing schemes for GCN

District level licensing (DLL) is an alternative approach to traditional [mitigation licences](https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence) (<https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>) to develop sites which could affect great crested newts.

It aims to increase numbers of great crested newts by providing new or better habitats in targeted areas to benefit their wider population.

DLL is a simpler, quicker process for developers than applying for a mitigation licence. If there is a district level licensing scheme in the area,

developers can simply apply for a DLL licence and pay for compensation ponds.

Read [Great crested newts: district level licensing schemes for local planning authorities](https://www.gov.uk/guidance/great-crested-newts-district-level-licensing-schemes-for-local-planning-authorities) (<https://www.gov.uk/guidance/great-crested-newts-district-level-licensing-for-local-planning-authorities>) for guidance on how to make planning decisions for proposals using district level licensing.

If a district level licensing scheme is not available or the developer chooses not to use it, you should follow the guidance in this standing advice when assessing planning applications.

When to ask for a survey

If the developer has chosen not to use a DLL where one exists, you should ask them for a survey if any of the following criteria apply:

- distribution and historical records suggest GCN may be present
- there's a suitable water body such as a pond or ditch up to 500 metres of the development, even if it only holds water for some of the year
- the development site includes refuges, such as log piles, rubble, grassland, scrub, woodland or hedgerows up to 500 metres of suitable aquatic habitats (static or slow moving water body)

Surveys up to 250 metres are usually sufficient, but developers may need to increase this to 500 metres if there are no obvious barriers to newts dispersing into the wider environment.

Absence of a record does not mean there are no GCN. It could mean there is no survey data available for that location.

Survey work can include:

- presence or absence surveys, which can include eDNA sampling
- population size surveys of water bodies
- terrestrial and aquatic habitat surveys

Survey data provided by the developer should be no older than 4 survey seasons. The data must reflect the status of the site. If the development is predicted to have a negative effect on GCN, it's important to ask for recent data to make sure it's accurate.

Surveys should also meet industry standards, unless you have sufficient information to assess the application without this data, in line with [licensing policy 4 \(https://www.gov.uk/guidance/european-protected-species-policies-for-mitigation-licences#policy-4-alternative-sources-of-evidence-to-reduce-standard-survey-requirements\)](https://www.gov.uk/guidance/european-protected-species-policies-for-mitigation-licences#policy-4-alternative-sources-of-evidence-to-reduce-standard-survey-requirements). This allows for developers to propose worst-case scenario compensation in certain circumstances.

You must check if the ecologist holds the appropriate and up-to-date survey licence to carry out surveys for GCN. CIEEM publishes:

- [competencies required for species surveys \(https://cieem.net/resource/competencies-for-species-survey-css/\)](https://cieem.net/resource/competencies-for-species-survey-css/)
- advice on the [valid age of data \(https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf\)](https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf)

The ecologist should also follow the Biodiversity code of practice for planning and development (BS 42020:2013) available on the [British Standards Institute \(https://www.bsigroup.com/en-gb/standards/\)](https://www.bsigroup.com/en-gb/standards/) website. These documents may not be accessible to assistive technology.

Assess the effect of development on GCN

If a site is not in a DLL scheme, developers should submit qualitative and quantitative information with their planning application on how their development avoids or mitigates harm to GCN.

If there's likely to be a negative effect on GCN, you should consider these factors to assess the site's importance:

- the number of GCN populations and their size

- the nature of the population - for example, if the site includes a breeding water body or is connected to other important populations
- how important the site is to the local and national GCN population, for example how near it is to a [site of special scientific interest \(SSSI\)](https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities) (<https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities>) where GCN is a listed species

Use the table to see what impact development would have on GCN and their habitat.

Level of impact	GCN habitat affected by development
Normally high impact	breeding ponds terrestrial habitat within 50m of ponds isolation caused by fragmentation of the habitat
Normally high to medium impact	non-breeding ponds occupied by GCN terrestrial habitat 50m to 250m from ponds
Normally medium impact	partial or temporary destruction or change to the habitat post-development interference, such as pollution or the introduction of fish
Normally low impact	temporary disturbance terrestrial habitat further than 250m from ponds

When you assess the planning application, you must look at other GCN habitats within 500m because GCN move and are unlikely to stay in one place.

The location of ponds for GCN is important because GCN ponds can be lost or their value greatly reduced by:

- public access to the pond
- introduction of fish or non-native plants to the pond
- pollution
- lack of access for maintenance and management
- fragmentation and lack of connectivity with suitable habitat nearby

If the developer cannot avoid destroying a GCN breeding pond, they should compensate for this and:

- replace the lost pond with at least 2 new high quality ponds, of the same area or more, on the development site
- make sure the new ponds are ready for GCN before the old pond is destroyed - this is likely to take at least one full growing season
- safeguard or replace other ponds which may be used by GCN within 500m - the developer will need an [EPS mitigation licence](#) to do this

For more information on mitigation plans and compensation measures, read the [planners guide for protected species and development](#) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#agree-avoidance-mitigation-or-compensation-measures>).

Planning and licence conditions

If the developer has chosen not to use a DLL where one exists and the proposal is likely to affect GCN, the developer must apply for a [GCN mitigation licence](#) (<https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>).

Before you can grant planning permission, you must:

- make sure any mitigation or compensation conditions you impose do not conflict with the

requirements of a GCN mitigation licence

- be confident that Natural England will issue a licence

You do not need to consult Natural England on the wording or discharge of any conditions you impose on a planning proposal. Natural England is unable to provide advice on this.

Enhance biodiversity

To meet your [biodiversity duty](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity) (<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve a [net gain in biodiversity](https://www.gov.uk/guidance/natural-environment#biodiversity) (<https://www.gov.uk/guidance/natural-environment#biodiversity>) through good design, such as green roofs, street trees or sustainable drainage

Site management and monitoring

For sites not in a DLL scheme, you should consider the need for site monitoring and management. These measures are likely to be needed by protected species licences.

A site management plan could include:

- aquatic vegetation management in ponds
- clearance of shading tree or scrub cover around pond margins
- desilting and clearance of leaf-fall
- mowing, cutting or grazing of grassland
- woodland and scrub management

A maintenance plan should deal with:

- the effects of introducing fish to the pond
- pond leakage
- dumping of rubbish

- fires or other damage
- damage to fences
- tunnel silting or blockage
- damage to interpretation boards

The plan should monitor newts and their habitats, including ponds, after development. It should include carrying out management works to habitats and additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

See the [GCN mitigation guidelines](https://wearchive.nationalarchives.gov.uk/20140605121141/http://publications.naturalengland.org.uk/publication/810429?category=30014) (<https://wearchive.nationalarchives.gov.uk/20140605121141/http://publications.naturalengland.org.uk/publication/810429?category=30014>) for more information.

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