

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3430/C/24/3349508

DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

SENDER DETAILS

Name

Address

Company/Group/Organisation Name

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence

Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION

Document Description: Your comments on the appeal.

File name: HATHERTON REPRESENTATIONS RE SQUIRRELS REST APPEAL 2024..docx

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**REPRESENTATIONS OF HATHERTON PARISH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174**

**Enforcement reference: 20/00435/UNCOU
Appeal reference: APP/C3430/C/24/3349508**

Appellant: Mr. Luke Lee

Site Address: Squirrels Rest, Poplar Lane, Hatherton, Cannock, WS11 1RS

Alleged breach:

i) Without planning permission, unauthorised development consisting of the erection of a wooden chalet and associated patio area.

ii) Without planning permission, the material change of use of the Land, to a mixed use as agricultural and residential and for the following non-agricultural uses:

a) Use as a paddock for the keeping of ponies/horses on Field 1 outlined in blue on the Plan in connection with the domestic residential use of the adjacent dwelling,

b) Use as a sensory garden/playground on Field 2 outlined in blue on the Plan in connection with the domestic residential use of the adjacent dwelling,

c) Use as a paddock for the keeping of goats on Field 3 outlined in blue on the Plan in connection with the domestic residential use of the adjacent dwelling, including the erection of fencing outlined in pink to facilitate the material change of use of the Land.

Hatherton Parish Council fully supports the decision of South Staffordshire Council to serve an enforcement notice in this matter.

The appellant has appealed on the following grounds and for ease of reference the Parish Council's views on the selected grounds are commented upon beneath each heading.

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

Planning consent should not be granted in this instance as the wooden chalet is located along the western boundary of the site and set against a boundary hedge of trees. As such, its effect on the openness of the Green Belt is limited, however it results in development where previously there was none and represents a form of encroachment contrary to paragraphs 135, 142, 143 and 153 of the NPPF and policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Adopted 2012. In addition the site is within the setting of the Cannock Chase AONB/National Landscape Area and the unauthorised development demonstrates visual clutter which is both intrusive and detrimental to the landscape.

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

As a parcel of land which was formerly open fields has now been fenced off with all three fields being used in connection with the domestic residential use of the adjacent dwelling as described above it is clear that a breach of planning control has taken place.

Clearly, the use of three fields for the domestic recreational purposes in connection with the adjacent dwelling identified in the Notice represents a form of encroachment into the Green Belt and the addition of the large children's wooden climbing frame centred in the middle of Field 2 has a clear impact on the openness of the Green Belt which is contrary to paragraphs 135, 142, 143, 153 and 155 of the NPPF and policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Adopted 201

In the Parish Council's opinion all the issues highlighted above constitute a significant breach.

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

The Parish Council knows full well that the unauthorised development consisting of the erection of the wooden chalet and associated patio area took place less than four years ago and was not immune from enforcement action. The material change of use of the land to a mixed use as agricultural and residential and for the non-agricultural uses detailed at paragraph 3 above took place less than ten years ago and accordingly was not immune from enforcement action.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Bearing in mind the fact that no very special circumstances have ever been advanced to justify unauthorised development on this site, there is no doubt that its development is inappropriate within the Green Belt. On this basis the Parish Council is in full agreement with the District Council's assertion that conditions could not overcome the harm to the Green Belt caused by this breach in planning control and urge the Inspector to resist allowing this appeal.

Hatherton Parish Council has fought long and hard to protect the Green Belt in this area, and this site in particular. The site has an extensive history in terms of breach of planning control and to allow this appeal would fly in the face of all the policies being relied upon above to resist this unauthorised development. Such action could be perceived as showing complete disregard for the National Planning Policy Framework which would set a very unwelcome precedent for the future.

Hatherton Parish Council
24th October, 2024