

South Staffordshire Council

**FINAL COMMENTS
OF
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

INSPECTORATE REFERENCE:

APP/C3430/C/24/3350953

SECTION 174 TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY:

Mr. Mark Gripton

SITE AT:

Land at Levedale Road

Levedale

Staffordshire

ST18 9AJ

Local Authority Reference 21/00125/UNCOU

APPENDICES

SECTIONS

1. Emails Between Appellant and Council – April through 5 August 2024
2. Emails Between Appellant and Council –5 August through 8 August 2024
3. Emails Between Appellant and Council – 9 August 2024
4. Appellant’s Planning Statement – Application 14/00709/FUL
5. Appellant’s Final Statement – Appeal APP/C3430/W/15/3006045

1. INTRODUCTION

These final comments are prepared in respect of an appeal brought against the decision by South Staffordshire District Council in the following matters:

Section 174 Town and Country Planning Act 1990 in the service an Enforcement Notice in respect of Land at Levedale Road, Levedale, Staffordshire, ST8 9AJ.

Appeal Reference: C3430/C/24/3350953

2. FINAL COMMENTS

- 2.1 The Council's Final Comments are issued in response to the Appellant's Final Statement dated 17/1/2025.
- 2.2 The Council would like to note for the Inspectorate, we fully respect that the Inspectorate will not accept new evidence within a response to Final Comments. However, the appellant did not submit a Statement of Case and has submitted a lengthy Final Statement which introduces new arguments. Specifically, the appellant has removed the caravan from the Land and appears to be arguing that the Land has been used for outdoor recreation/overnight stays for 15+ years. Points 2.3 and 2.4 below outline why the Council has included Appendices within these Final Comments.
- 2.3 The appellant notes several times throughout their Final Statement that "the Council were aware prior to issuing the Enforcement Notice that it (the caravan) would be removed by the end of October." The appellant notes at the bottom of page three (3), in response to an excerpt from the Enforcement Notice, that "This is a deliberate lie, I informed the Council that the caravan was to be removed by the end of October and if the Council could wait it would be put the caravan up for sale on my return from Tenerife in mid-September..."

There were several communications with the appellant, before and after the issuance of the Enforcement Notice, where the Council advised the appellant not to remove the caravan if they were seeking an opinion from the Inspectorate as to its appropriateness on the Land. The Council would refer the Inspectorate to the attached Final Comments Appendix 1. At the bottom of the email chain is an email from the appellant dated 23 April 2024, where they state "we might sell the caravan this summer as I mentioned so it might be gone by July/August anyway? But I suppose we will have to go through the motions anyway just in case we don't sell it/remove it." The Senior Enforcement Officer replied on 23 April 2024, advising the appellant not to remove the caravan from the Land, noting that the presence of the caravan on the Land is necessary for the Inspector to consider. Also within Final Comments Appendix 1 is an email from the appellant dated 5 August 2024, where it is noted that "Just for information we will be applying for a static caravan to be placed on the paddock as a small scale recreational facility that

we intend to rent out during the summer months and will be raising the appeal based on the paddock being a small scale recreational facility as mentioned in the original appeal. Might as well go for everything we want as we are being forced down this route by the council. And getting the appeal decision for leaving our caravan parked on the hardstanding based on the paddock use as a small scale recreational facility would be a good start for that.”

The Council is noting that we were not aware that the appellant had removed the caravan from the Land until reading their Final Statement dated 17/1/2025. The Council’s aforementioned emails with the appellant were not included as appendices within the Council’s Statement of Case as it was the Council’s understanding that the appellant was leaving the caravan on the Land during the determination of the appeal. The Council did not find the communications to be relevant at the time of preparing our Statement of Case, as we believed the caravan remained on the Land. Whilst the Council respects the Inspector’s right to return new evidence, we have respectfully submitted email communication (Appendices 1-3) to demonstrate information that the appellant has previously communicated to the Council.

2.4 The appellant notes throughout their Final Statement that the Land has been used for outdoor recreation and overnight stays for 15+ years. Whilst the appellant has not directly stated that they believe the current use of the Land is time-immune from enforcement action, it is necessary for the Council to address these claims made by the appellant. Again, the Council respects the Inspector’s ability to refuse to accept new evidence. However, the appellant has not previously claimed to the Council or within their appeal form that they have been using the Land recreationally/for camping for 15+ years, so the Council has not previously needed to address this contention. Should the Inspector wish to consider this, the Council would respectfully draw the Inspector’s attention to attached Appendix 4, which is the appellant’s Planning Statement submitted with application 14/00709/FUL, which was refused by the Council and upheld within appeal decision APP/C3430/W/15/3006045. Also included is Appendix 5, which is the appellant’s Final Statement submitted to PINS during the consideration of appeal APP/C3430/W/15/3006045. The Council contends that these documents make no claim of using the Land solely for outdoor recreation and overnight stays; instead, the documents only emphasize the intended use of the Land for allotments. Whilst the Planning Statement submitted with application 14/00709/FUL was not previously provided to the Inspectorate within appeal APP/C3430/W/15/3006045, of course the Final Statement of the appellant was provided to the Inspectorate in 2015.

2.5 The appellant notes within point 1a of their Final Statement that the Council has agreed that the appellant is able to stay at the paddock under the “28 day rule.” That Council does not dispute that it was communicated to the appellant that it would be feasible to stay at the property overnight in the caravan up to 28 days per year. However, the differentiating factor is that the caravan was permanently stored at the Land in the interim. This is referenced within Appendix 8 of the

Council's Statement of Case, where the Council clarifies in an email to the appellant dated 10 April 2024 that permanent storage of the caravan on the Land would require planning permission.

- 2.6 The appellant also states within point 2a of their Final Statement that "the only elements that has had any modifications are the pallet toppers laid on the ground that had become dangerous for the grandchildren and anyone else walking on them so we covered these with artificial grass to provide a safe walking environment for visitors during the 28 night rule and during periods of maintenance for us on the site under our duty of care."

The appellant utilises the same argument regarding the temporary fire pit being used during the overnight stays. The appellant states under point 3a that "The paddock is not designated as an allotment and has in fact for an even longer period been used as a small recreational facility/temporary campsite under the 28 night rule...As these aspects are nothing to do with the appeal notice of 2015 as they are covered by the 28 night rule, they have no bearing on the Enforcement Notice."

The Council's response to these statements is that the pallets and artificial grass were not removed in between overnight stays at the property. Until reading the appellant's Final Statement, the fire pit was not removed between overnight stays. It is the permanence of these elements that indicate a more domesticated use of the property which is not in accordance with appeal decision APP/C3430/W/15/3006045. As noted within paragraph 2.4, both the appellant's Planning Statement for application 14/00709/FUL and their Final Statement for appeal APP/C3430/W/15/3006045 indicate the use of the Land as allotments.

- 2.7 The appellant remains committed to the concept that appeal decision APP/C3430/W/15/3006045 was "not specified or tied to any specific use." The Council would respectfully draw the Inspector's attention to the Council's Statement of Case, where it is noted that it remains our position that the Land was authorised within appeal decision APP/C3430/W/15/3006045 to be utilised for three allotments with various sheds/walkways/hardstanding to support the allotment use.

APPENDIX 1

Emma Posillico

From: marks email <[REDACTED]>
Sent: 05 August 2024 10:57
To: Emma Posillico
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

CAUTION-THIS EMAIL WAS SENT FROM OUTSIDE THE COUNCIL. DONT OPEN LINKS OR ATTACHMENTS UNLESS YOU'RE SURE YOU CAN TRUST THIS SENDER!

Emma,

Just to clarify, you have acted reasonably, to date, so I was not suggesting you have acted unreasonably.

Over the years I have had little reasonable behaviour from SSC enforcement regarding any issues raised by Mr Sutton against the paddock.

Yet he seems to be able to build and rent out a house in his grounds that the council say is ok as it is a cinema? A cinema with a bedroom, kitchen, bathroom and living room with log burner and central heating, but apparently its a cinema 😊. Makes me wonder if he has friends in the council 😬

I just read your title as enforcement officer so wanted to clarify.

Regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: marks email <[REDACTED]>
Sent: Monday, August 5, 2024 10:42:27 am
To: Emma Posillico <[REDACTED]>
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Hi Emma,

Thanks for the reply and hope you are well?

It's a pity the council after 3 years of dealing with this issue cannot hold off for another 1 or 2 weeks, but that's life. The only reason I wanted to wait is I will have to do the appeal online on my phone as I have no other way to get online.

But not to worry, I will make it clear to the Planning Inspectorate that I was forced to make the appeal on my phone from abroad due to the council only being able to delay the enforcement notice if it was to suit the council, as this notice should have been issued in May. Hopefully then the Inspectorate

can look at the appeal and any mistakes made by me with a little more sympathy. I thank you for asking anyway.

If you could send me whatever links I need to raise the appeal that would be extremely useful, thank you.

I do think that the Enforcement team are being extremely unreasonable in not waiting 1 or 2 weeks to issue the notice knowing that I am not even in the UK, but I have never had any reasonable behaviour from SSC enforcement so I don't know why I should expect it know.

Just for information we will be applying for a static caravan to be placed on the paddock as a small scale recreational facility that we intend to rent out during the summer months and will be raising the appeal based on the paddock being a small scale recreational facility as mentioned in the original appeal.

Might as well go for everything we want as we are being forced down this route by the council. And getting the appeal decision for leaving our caravan parked on the hardstanding based on the paddock use as a small scale recreational facility would be a good start for that.

Kind Regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: Emma Posillico [REDACTED]
Sent: Monday, August 5, 2024 9:58:51 am
To: marks email [REDACTED]
Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Apologies for the delay in responding. I have spoken with the Enforcement Team Manager, and unfortunately no, we cannot hold off on serving the Enforcement Notice until you return in September. We anticipate serving the Notice tomorrow; as soon as the Notice is served, I will email you the digital file which includes information on making an appeal. You can make an appeal of the Notice entirely online, so there is no requirement to physically be in the UK to make the appeal. We are required to provide 28 days' time to allow you to lodge an appeal, but in this instance we will extend that through 9 September 2024 to submit an online appeal.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000
www.sstaffs.gov.uk



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From: Emma Posillico

Sent: Wednesday, July 31, 2024 9:55 AM

To: marks email [REDACTED]

Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Yes, I received your email from last evening around 9:20PM. I have yet to speak to my manager if we can delay service of the Enforcement Notice. I will hopefully be able to speak to them today and then return back to you.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000
www.sstaffs.gov.uk



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From: marks email [REDACTED]
Sent: Wednesday, July 31, 2024 9:48 AM
To: Emma Posillico [REDACTED]
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Hi Emma,

Yes we are fine thanks you, hope you are well? Could you please confirm you get my emails as am on remote WiFi so not sure all emails go.

Regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: marks email [REDACTED]
Sent: Tuesday, July 30, 2024 9:22:28 pm
To: Emma Posillico [REDACTED]
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Hi Emma,

I was wondering if anything was happening or if the council had reconsidered the issue, but obviously not No worries I will deal with it when i return from Tenerife.

Yes that is the correct address, if you could send it to the address at 22 border way please, we are away in Tenerife until the 11th September so will not have an opportunity to deal with anything until we return on the 11th? Would it be possible to send the enforcement on or around the beginning of September so it will be there upon our return please?

If not I will be in a difficult position of not being able to see the notice until after the date for appeal has passed. Your assistance would be greatly appreciated as I was expecting the notice to arrive before we came away, allowing me time to lodge the appeal before heading off to Tenerife, but I know things don't always turn out that way.

Kind regards

Mark

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: Emma Posillico [REDACTED]
Sent: Tuesday, July 30, 2024 10:41:36 am

To: marks email [REDACTED] >

Subject:

RE:

use - Levedale Road, Levedale.

Dear Mr Gripton,

Hopefully you have been well. Apologies that this process has taken several months, but the Council has now prepared an Enforcement Notice regarding the use of the land at Levedale Road, ST18 9AJ. Could you please confirm which address the Notice should be posted to? Land Registry lists the address of the owners as Border Way, Stafford.

Please note that the Enforcement Notice will contain details about how to lodge an appeal with the Planning Inspectorate, which would need to be lodged within one month of service of the Notice.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000
www.sstaffs.gov.uk



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From: Emma Posillico
Sent: Tuesday, April 23, 2024 4:30 PM

To: marks email [REDACTED] >

Subject:

residential
use -
Levedale
Road,
Levedale.

Mr Gripton,

I will not serve the notice until you return from Tenerife so that you have the full 28 days for the appeal.

I do want to make sure we are fully transparent here – appeals are quite lengthy processes. If you submit the appeal in late May/early June and then remove the caravan from the property in July/August, the Planning Inspectorate will not determine your appeal. They will essentially say, 'the caravan is removed, enforcement issue dealt with, no need for us to respond to the appeal.' They will not respond with a formal consideration if the caravan is lawful on the property unless it is still there when they do their site visit.

Here is a link to the current average timescale for the Planning Inspectorate determining Enforcement appeals: [Appeals: how long they take - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appeals-how-long-they-take)

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
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From: marks email [REDACTED]
Sent: Tuesday, April 23, 2024 2:04 PM
To: Emma Posillico [REDACTED]
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Hi Emma,

Thanks for the informative email, its odd but we might selling the caravan this summer as i mentioned so it might be gone by July/august anyway? But i suppose we will have to go through the motions anyway just incase we dont sell it/remove it.

Hopwfully the enforcement arrives after we get back from Tenerife so i have time to submit the appeal.

Kind Regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

APPENDIX 2

Emma Posillico

From: Emma Posillico
Sent: 08 August 2024 08:32
To: marks email
Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Thank you for confirming receipt of the enforcement notice.

You may, of course, submit whatever supporting documentation you choose with your appeal of the enforcement notice. I would refer to your email below though, dated 5 August 2024 where you stated "Just for information we will be applying for a static caravan to be placed on the paddock as a small scale recreational facility that we intend to rent out during the summer months and will be raising the appeal based on the paddock being a small scale recreational facility as mentioned in the original appeal." Those recreational elements (outdoor fire pit, pallet benches, timber posts and artificial grass) are the only items within the enforcement notice beyond the caravan storage.

What was discussed on site was that the original complaint was that the Paddock was being used in a residential manner. I confirmed that I agreed you were not occupying the property in a residential manner. When I showed photos of the property to my manager, they found that as the manner the property is currently being used is different from that authorised within the 2014 appeal decision, those differences (caravan and recreational use) needed to be pursued. As aforementioned, you are welcome to supply documents of your choosing with the appeal.

Kind regards

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

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From: marks email [REDACTED] >

Sent: Wednesday, August 7, 2024 9:47 PM

To: Emma Posillico <[REDACTED]>

Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Hi Emma,

Thanks for the notice, and it arrived as expected.

Although I am surprised that the notice has included elements that I believed we addressed during the visit and it was only the caravan parked at the site that was subject to enforcement, yet you have now included elements that you agreed during the visit had not breached the original appeal notice. But obviously Mr Sutton has more influence than you are able to stop.

Don't worry, it will be dealt with appropriately during the appeal.

ALL of our communications, will be submitted to the Inspectorate, including a statement and emails stating that if the caravan was removed that there would be no enforcement as no other breach occurred.

I find it odd that the council have now decided to backtrack and include things that had already been settled. I find that places the council in a dishonest position and will make sure the Inspectorate is aware of this.

Kind Regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: Emma Posillico [REDACTED]

Sent: Tuesday, August 6, 2024 1:12:55 pm

To: marks email [REDACTED]

Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

As today is the official date of service of the Enforcement Notice, I attach the Enforcement Notice, covering letter and Appendix 1, served this morning on the Land Levedale Road, ST18 9AJ. As previously discussed, you are able to submit an appeal through 9 September 2024.

Whilst I am happy to assist with any procedural queries, if there is something within the Notice that you wish to contest I would request that is included within your appeal to the Inspectorate.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000
www.sstaffs.gov.uk



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From: marks email [REDACTED]
Sent: Monday, August 5, 2024 7:07 PM
To: Emma Posillico [REDACTED] >
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Emma,

Thank you that and the links that is very useful and thanks for your help. I have spoken to a friend here to see if I can use their pc.

But obviously I will need the notice info to make the appeal like the enforcement number to make the appeal.

Would it be possible to email a copy of the notice to me please so I can read it in order to provide a response to the appeal Inspectorate?

I won't bother raising a complaint against the council as from experience its a bit like urinating into the wind, you just end up frustrated 😞 and achieve nothing.

Kind Regards and thanks

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel
Sent from [Outlook for Android](#)

From: Emma Posillico [REDACTED] >
Sent: Monday, August 5, 2024 12:12:06 pm
To: marks email [REDACTED] >
Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Regarding links to how to submit an appeal, this information is included within the Enforcement Notice. However, following are links to the Planning Inspectorate to explain the process:

[Procedural Guide: Enforcement notice appeals - England - GOV.UK \(www.gov.uk\)](#)

[Making your appeal: How to complete your enforcement notice appeal form - GOV.UK \(www.gov.uk\)](#)

[Appealing to the Planning Inspectorate: communicating electronically with us - GOV.UK \(www.gov.uk\)](#)

If you are looking for alternative technology to submit an appeal, rather than your mobile phone, I have done a quick search for public computers and/or libraries on Tenerife and have found the following links for your use: [Computer Club – The English Library, Tenerife \(englishlibrarytenerife.org\)](#) This link in particular is for a facility called “The English Library” where they have a computer club weekly. If they do not have public computers at this facility, you may be able to speak with someone at The Computer Club regarding finding a public computer.

[Bibliotecas Públicas \(tenerife.es\)](#) This link is a list of public libraries within Tenerife, searchable by municipality so you can find something close to your location.

Lastly, you could also search for an internet café with computers, if submitting an appeal on your phone is challenging.

Your comments regarding the behaviour of the Council are noted. You are welcome to submit those to the Inspectorate within your appeal. You may also submit a formal complaint to the Council itself by emailing planningservicesfeedback@sstaffs.gov.uk.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000

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From: marks email [REDACTED]

Sent: Monday, August 5, 2024 10:57 AM

To: Emma Posillico [REDACTED]

Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Emma,

Just to clarify, you have acted reasonably, to date, so I was not suggesting you have acted unreasonably.

Over the years I have had little reasonable behaviour from SSC enforcement regarding any issues raised by Mr Sutton against the paddock.

Yet he seems to be able to build and rent out a house in his grounds that the council say is ok as it is a cinema? A cinema with a bedroom, kitchen, bathroom and living room with log burner and central heating, but apparently its a cinema 😏. Makes me wonder if he has friends in the council 🤔

I Just read your title as enforcement officer so wanted to clarify.

APPENDIX 3

Emma Posillico

From: Emma Posillico
Sent: 09 August 2024 11:36
To: 'marks email'
Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Hopefully you are well. Regarding the Notice being taped to the gate to the property – attaching a copy to the Land is standard protocol when we issue Enforcement Notices. Many appellants will claim that they have not received the Notice, so using a “belt and braces” approach with attaching a notice to the Land, posting the documents to the home address and emailing them to you, is the protocol we follow for all Notices. I am not implying that you will appeal under the grounds that you have not received the Notice, simply explaining that it is standard protocol.

If I could have posted the Notice somewhere inside of the property so your neighbours would not see it, I would have, but I did not want to climb through the hedges to gain access. Whilst tape has proven to not be the most effective method of attachment, I also did not want to use nails or heavy-duty staples which may have damaged your gate.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000
www.sstaffs.gov.uk



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From: marks email <[REDACTED]>

Sent: Friday, August 9, 2024 10:14 AM

To: Emma Posillico <[REDACTED]>

Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

CAUTION-THIS EMAIL WAS SENT FROM OUTSIDE THE COUNCIL. DONT OPEN LINKS OR ATTACHMENTS UNLESS YOU'RE SURE YOU CAN TRUST THIS SENDER!

Hi Emma,

I am not sure that me letting you know that in the future we will be applying for planning permission for a static caravan on the site has any bearing on the notice issued. As the planned static is in the future and would be subject to a planning application anyway and if you remember we discussed possibly applying for a static caravan in the future on the day of the inspection. So it was nothing new, but I still don't see why the outdoor fire pit, pallet benches, timber posts and artificial grass needed to be included as all of these were on the approved plan, with the exception of the fire basket which is a removable basket and will be removed anyway. The rest were there during the first inspection and are on the plans?

It just seemed odd to add items already covered.

My neighbour has called to say that they have the enforcement notice that was attached to the paddock gate. It fell off and was on the floor getting wet. I also found that a strange thing to do in attaching an enforcement notice to a gate with no obvious people or residents on the site and especially as you know we are in Tenerife until the 11th September.

Kind regards

Mark Gripton

Enviado desde mi Samsung Mobile de Telcel

Sent from [Outlook for Android](#)

From: Emma Posillico <[REDACTED]>

Sent: Thursday, August 8, 2024 8:32:12 am

To: marks email <[REDACTED]>

Subject: RE: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Mr Gripton,

Thank you for confirming receipt of the enforcement notice.

You may, of course, submit whatever supporting documentation you choose with your appeal of the enforcement notice. I would refer to your email below though, dated 5 August 2024 where you stated "Just for information we will be applying for a static caravan to be placed on the paddock as a small scale recreational facility that we intend to rent out during the summer months and will be raising the appeal based on the paddock being a small scale recreational facility as mentioned in the original appeal." Those recreational

elements (outdoor fire pit, pallet benches, timber posts and artificial grass) are the only items within the enforcement notice beyond the caravan storage.

What was discussed on site was that the original complaint was that the Paddock was being used in a residential manner. I confirmed that I agreed you were not occupying the property in a residential manner. When I showed photos of the property to my manager, they found that as the manner the property is currently being used is different from that authorised within the 2014 appeal decision, those differences (caravan and recreational use) needed to be pursued. As aforementioned, you are welcome to supply documents of your choosing with the appeal.

Kind regards

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

Tel: (01902) 696000

www.sstaffs.gov.uk



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From: marks email [REDACTED]
Sent: Wednesday, August 7, 2024 9:47 PM
To: Emma Posillico [REDACTED] >
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

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Hi Emma,

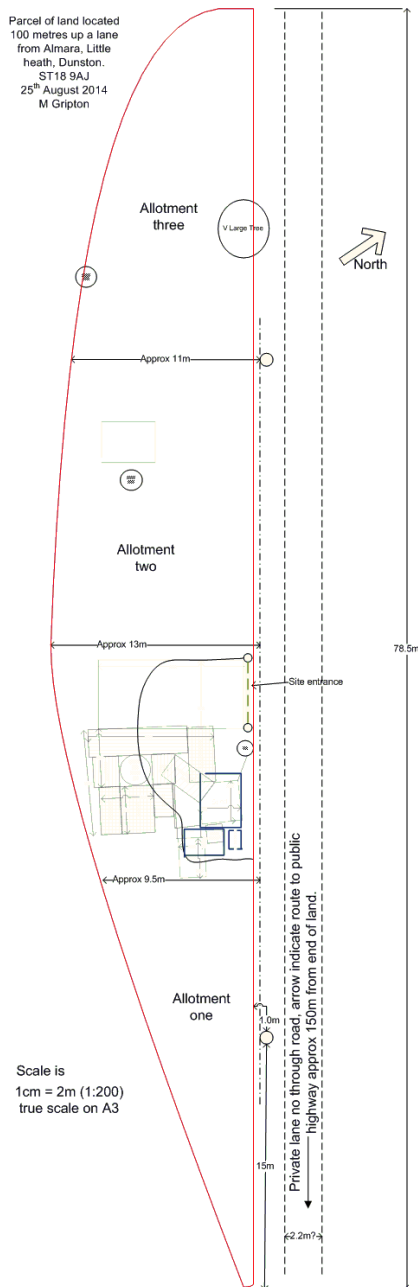
APPENDIX 4

PLANNING STATEMENT

Proposed retention of sheds, walkways and extension to existing hard standing in association with three allotments on land at Little Heath, Dunston, South Staffordshire ST18 9AJ

INTRODUCTION

This retrospective application arises from the recent development of an agricultural paddock for allotment/horticultural purposes, which has also involved the installation of sheds, walkways between the allotments and a hard standing at the access into the site. On site accommodation is required because the site is isolated and in winter suffers from exposure to extreme wind and rainfall. There is also a need for the secure storage of equipment and for potting up etc. The site has long been in use for agricultural/equestrian purposes with sheds previously located upon it for an extensive period of time. The layout of the site prior to the recent development is shown below with the previous buildings transposed over the existing layout.



In 1977 the site was used as a paddock for the family pony and adjacent to the gate was a stable measuring 3m x 4m and 2.4m high. This was mounted on a hardcore base which remained in place when the stable was replaced with a 2.5m by 2.4m shed and 2m by 2.4m shed on the hard standing. This hard standing extended from the gate to 3-4m into the paddock to allow vehicle access and formed the stable entrance and floor. This hardcore has been moved to extend it further into the paddock to level the hardcore as it was previously sloping. Two of the sheds remain and these are to be used for storing agricultural equipment. The other shed has been placed on the original site of the larger of the two sheds as this is now placed at the end of the paddock. The new shed is to be used as a shelter whilst the family is working the land. A warm clean area to eat and shelter from the elements is not unreasonable. There are no sanitary facilities on site nor electric so these facilities are in the family's motor home in which they travel to the site.

In the drawing the site entrance is clearly shown more than half way down the site frontage. The previous hard standing extended to the curved, solid, black line. The stone hardstanding, which is edged with railway sleepers, extends this older area by approximately a third. Its dimensions allow a vehicle and small trailer to be brought in to the site for maintenance purposes. The new hardstanding

has also been leveled and drains properly.

Timber walkways (made out of decking materials) have been developed within the site to allow the users to move freely and to carry equipment between the allotments without tripping or getting muddy in times of bad weather, as shown below.



Planning permission is not required to use land for the growing of produce, whether for the grower's own use or for sale as the established use is essentially as an allotment, and not domestic. For this reason, the elements of this proposal that require planning permission under Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 are the subject of this application.

The work was undertaken innocently as the owners thought that such minor operations, which are entirely intended to aid the use of the land for allotment purposes, would be allowed as this form of development is commonly permitted on other allotment sites. It was not understood that such development required planning permission.

The site falls within open countryside but is close to a small group of residential properties at Little Heath, Dunston. As can be seen from the aerial photo below the green arrow shows the location of the site with the red 'A' showing the position of the private lane off which the site is located.

The site is well screened from public view and the adjacent field by mature native hedging beyond which is a dwelling at 'Toft Cottage'. The south eastern tip of the paddock is separated from the former family house at Almara by a field access. Almara forms a corner plot where Levedale Road crosses the private lane.



The aims of this development are to:

- Make efficient use of this under developed land for the growing of vegetables;
- Retain and manage natural features including the boundary trees and hedgerows to improve biodiversity;
- Provide an opportunity for the young family members to learn how to grow vegetables;
- Provide a positive form of development which will have limited adverse impact upon the character and environment of the locality and which will contribute towards the retention and maintenance of the countryside;
- Create a safe highway access.

The Council's own 'Allotment Strategy' (August 2011) has informed the basis upon which the site has been developed.

THE MAIN ISSUES

It is considered that the following issues are the main matters for consideration at the outline stage:

- Principle of development
- Design, scale and character
- Impact on neighbours/residential amenity

PRINCIPLE OF DEVELOPMENT

New development in the countryside is strictly controlled in order to protect it. Acceptable development will be on appropriate sites that maintain and enhance countryside vitality and improve the sustainability of rural communities by bringing local economic and community benefits particularly where they relate to agricultural or horticultural related development. Whilst planning permission is not required for the use of the land for the growing of produce, the timber buildings, walkways and extended hard standing do require permission. All of these features have been developed on the site in support of the permitted horticultural activity and therefore the principle of this development should be considered acceptable, as it is small scale and will not have a significant environmental impact. Attributes such as countryside openness and visual amenities will not be prejudiced by the minor

additions due to the limited sizes of the timber sheds and the location of the site within mature boundary hedgerows.

Development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. The proposed development is not considered to have an adverse impact on the character or context of the area as the structures are of a similar scale and materials to others within the surrounding environment, such as stables, field shelters and surface finishes in the form of decking and compressed stone/gravel driveways.

DESIGN SCALE AND CHARACTER

The scale of the sheds is of an appropriate size to support the plot, which is not domestic garden land. Whilst the largest of the sheds is currently painted in bright and distinctive colours this can be changed to more muted colours to ensure that the visual impact of the shed is minimised. Likewise the white painted fencing panels can be repainted in typical brown or green. These timber structures do not typically have an extended lifespan so it is considered reasonable to allow them to remain. They are no more harmful than the former stables/sheds, which have been on the site since 1977.

IMPACT ON NEIGHBOURS/RESIDENTIAL AMENITY

During the course of the application, the use of the site for horticultural purposes has been clarified and the applicant has been made aware that any domestic use of the site would not be permitted development and it would be unlikely that planning permission would be granted for a domestic/residential use. Additionally, that own consumption of any produce grown on the land does not automatically make it domestic.

It is not felt that there will be any greater impact on any neighbouring dwellings from the current development/use and the associated structures, than there would have been if the former equestrian activities on the site had been kept up. Planning conditions can be used to bring the development into line with countryside policy requiring the sheds and fence panels to be painted in brown/green finishes; restricting the use of the site to horticulture/agriculture uses only and to prevent any living accommodation being developed.

Christine Williams BSc (Hons) MRTPI

For Christal Planning Services Ltd

Date: 31st August 2014

APPENDIX 5

INTRODUCTION

1. This appeal is in response to a refusal of a retrospective planning application that arose from the recent small development of an agricultural paddock for allotment/horticultural purposes, which has also involved the installation of one new shed alongside the two old sheds, walkways between the allotments, a wooden standing area adjacent to the sheds, log store and a hard standing at the access into the site for parking of a vehicle.
2. The refusal document from South Staffs council (SS) is nonspecific quoting EQ4 and OC1 with no detail of what part of the planning application breached what aspect of the policy.
3. I find this extremely frustrating as it does not allow me to focus on the element of the application the council would require me to change in order to gain approval and seems to be a blanket refusal, this we find extremely unhelpful. It is akin to suggesting that I could receive three points on my driving licence for breaching the highway code and road traffic act, without specifying when, how or what specific regulation I have breached. If the police tried to impose this in court they I suspect they would have their application thrown out for failing to notify the individual of what regulation they had breached and providing evidence of the breach.
4. I would like to have known exactly what element of my application failed to comply with what part of EQ4 and OC1, was it the sheds, walkways, standing area, hard standing or **ALL** of it? I don't think the council can just state all of it as a reasonable refusal, but as it stands they have not even said all of it. As I have only a few days to appeal I am having to put together this application to cover all of the possibilities for EQ4 and OC1, I feel that as a result of this I should be able to introduce additional information during the appeal process to answer whatever new information might be raised by the council in response to this appeal?

Our Site Requirement.

5. SHEDS.

On site storage is required because the site is very isolated and in winter suffers from exposure to extreme wind and rainfall requiring tools and equipment to be locked in a protective facility (shed). There is a need for the secure storage for site maintenance equipment, movers, rotavators, sythes and various other large items that are not able to be transported in a car. A potting shed is required to allow potting of plants away from the exposed area and allow seedlings to germinate under some protection. We also need somewhere for the potting equipment's, compost, folks, spades, bulbs, seeds etc as well having somewhere to provide shelter from rain and get warm.

6. PATHS

The walkways are to prevent accidents and injury to adults and children walking along on grass and mud through the allotments carrying maintenance and dangerous horticultural equipment or other items such as vegetables.

7. STANDING AREA

The standing area adjacent to the shed is for the growing of tomatoes and other bagged vegetables and is slightly raised for ease of working and reduce the possibility of damage to crops by snails and the like. This will also be used as the pricking out area for the new seedlings after germination into larger seed boxes and is really something that would normally be done at a large table, but we don't want or need a table. This area is not large and again is painted brown in keeping with the rural look of the paddock. It is a standing area to avoid people having to kneel or stand for long periods on mud and avoid slipping on the ground whilst carrying out the work of seeding or for carrying equipment.

8. HARDSTANDING

The hard standing is only large enough for one vehicle and is to allow parking off the lane in order not to block the lane that is frequently used by large tractors and double decker buses for the fruit pickers from the caravan village along the hale road.

9. FENCE PANELS

The fence panels offer some privacy and screen the sheds from onlookers as these sheds contain equipment that might be of interest to thieves and fly tippers. Although it's main function is to act as a deterrent for fly tippers that have used this paddock as a dumping ground for all sorts of rubbish over past few years since my father passed away and no longer maintained the site. Interestingly we did not apply for fence panels on the application as these we were told by the council did not need PP.

10. We believe that this site does not breach EQ4*. By enhancing the previously derelict site strewn with old wardrobes, carpets and scrap furniture and hedges that had nearly destroyed themselves in to a beautiful area of land with meadow grass covering the majority, that will be used by the whole family for recreation, education and general enjoyment of the outdoors whilst grown vegetables and keeping bees. We are definitely protecting and enhancing the character and appearance of the paddock, with the previous open character of the paddock being re-established through the removal of non-indigenous invasive vegetation so that native species can recover. As a result of this action the wildlife is now thriving, the hedges will be repaired and re-laid to allow wildlife to nest (birds, voles and field mice) in the thicker foliage, all of these are commensurate with the EQ and OC1 policy.

11. We believe we have demonstrated to the council and within this document that OC1 is covered in numerous ways and by the fact that this development provides *appropriate small-scale facilities (IAW OC1)* using natural materials such as wood (sheds) and wood (walkways) that can easily be removed when the allotments are no longer in use, also that the wooden fences introduced offer protection and security from the illegal fly tipping that created an eyesore in the countryside that is no longer an issue.

12. We have tried to enhance the EQ policy and the SS councils own allotment strategy (Aug 2011) through the introduction of log stacks, bird boxes, bird baths and bird feeders to encourage wildlife in to the area. The cops at the end of the paddock has been retained and enhanced and the introduction of Bees with lavender and honeysuckle bushes will further enhance this small area of land. We have already encouraged dozens of wild birds to feed in to the paddock and now have wild pheasant in to the cops that wander freely around this relatively peaceful and protected area where we provide seed and water. This meets the requirements of Policy EQ1: Protecting, Enhancing and Expanding Natural Assets is also covered by our actions.

13. We offered the council the option to make this application subject to a temporary order so long as the allotments were in use and once the allotments were not in use the site should be restored to its original state. This again the council did not comment on or consider this compromise?

Background

14. The site has long been in use for agricultural/equestrian purposes with sheds previously located upon it for an extensive period of time, since the early 1970's. The layout of the site prior to the recent development is shown on the following page below with the previous buildings transposed over the existing layout. All three sheds account for less than 5% of the area of the site and are painted in keeping with the foliage. Adjacent to the lane and within a few metres of the paddock are three houses that are painted brilliant white with white outhouses and sheds and dozens of fence panels painted brown with concrete post and gravel boards. Butting on to the paddock hedge are 12 feet high polythene tunnels covering hundreds of acres of land, and all of the ancillary equipment associated with strawberry growing, toilets etc, all of the tunnels etc have received planning approval through SS council.

15. The paddock has not been maintain for the past 15 years following the death of my father and as such was in a very poor state or repair when we took it over in October 2013. This paddock is along a private lane screened from the road and as such has suffered at the hands of fly tippers over the past few years. When we started work on the site we had old chairs, furniture, beds, carpets and various other household items thrown over the 5 bar gate in to the paddock, as the 5 bar gate offered no site protection also at the far end of the site the fence had been damaged by fly tippers throwing two large arm chairs in to the paddock, this fence has now been restored. Non-indigenous Invasive vegetation (Wild ferns and bushes) had overgrown and destroyed what area was available for native species. These invasive plants thrived amongst the rubbish and left the paddock looking an eye sore for locals and dangerous for anyone entering the site and a few local people that walk their dogs along the lane past the paddock commented and said they were pleased that the rubbish was being removed and the paddock brought to an

*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

attractive state in keeping with the area, nobody that passed by had any negative comments about the work we were carrying out.

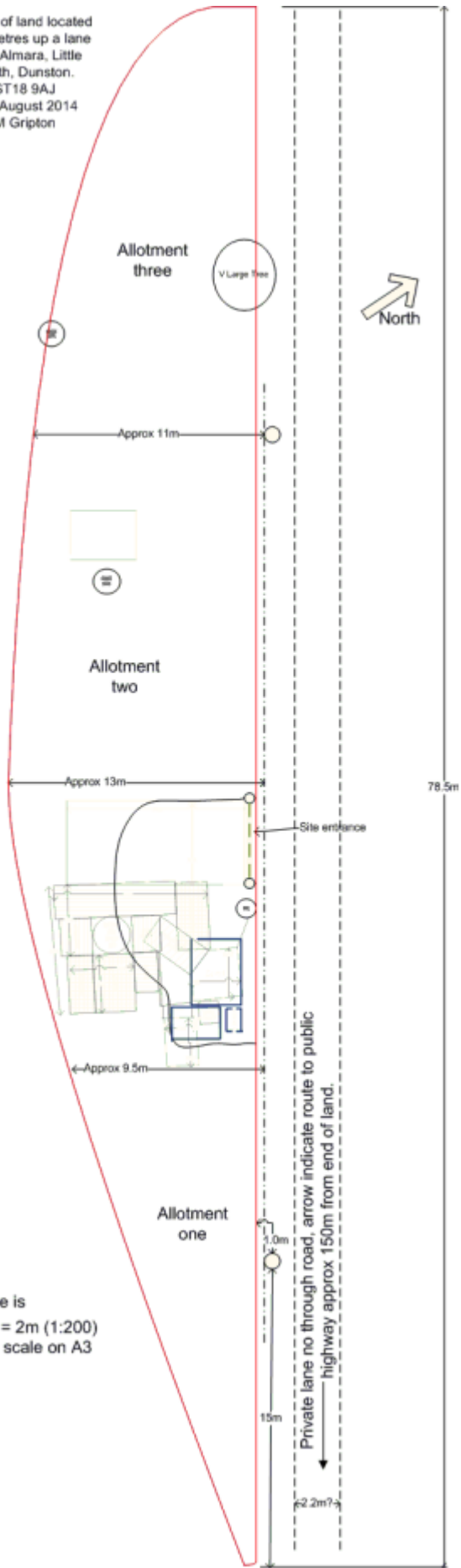
16. Also the hedge is long overdue for repair and needs laying properly to stop it from destroying itself, it is already growing out of control and large gaps are appearing in the hedgerow, wildlife in the form of field mice, voles butterflies and birds etc need a tight dense low level hedge to give the protection from predators, by laying the hedge this would produce a tight low level hedge that will develop in to a thick hedgerow in a year or so. This we intended to carry this out this winter but have postponed this awaiting the outcome of the planning application. If we cannot maintain sheds for equipment storage and walkways for safety reasons we will have to abandon the site and therefore will no longer need to maintain the site, so do not want to incur unnecessary costs.

17. Below is a picture of the second fire we had to destroy the stuff left by fly-tippers, since installing fence panels on to the gate (Second photo) and repairing the damaged fence we have not suffered any further fly tipping incidents and access to the site is now restricted from the lane.



*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

Parcel of land located
 100 metres up a lane
 from Almara, Little
 heath, Dunston.
 ST18 9AJ
 25th August 2014
 M Gripton



*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

History and our justification that this application should be approved.

18. We applied for planning permission to retain three sheds, walkways, standing area and hard standing as detailed in the planning application form. The applications was refused on 6th February for failure to comply with EQ4 and OC1. This was despite repeated efforts by ourselves to reach a compromise with the council that meant everyone was happy and the application could be accepted.

19. From discussions it seems the main issue of contention seemed to be the timber walkways and standing area that the council landscape office took exception to. Unfortunately we failed to get any advice from the council on an alternative to the wooden walkways other than to dig out and use gravel, this we suggested was more intrusive and less in keeping with the countryside than the timber walkways. These walkways are for health and safety reasons and we do not consider them to be excessive, the council suggested that wooden walkways are not natural within the open countryside? This is obviously incorrect and below is an example of wooden deck ways within Cannock chase, this is within south staffs area and has its own SS EQ2 element of the SS EQ policy. Therefore we do not feel or see how this could possibly breach the EQ4 element of the policy.

20. Interestingly Cannock chase is an area of outstanding natural beauty AONB, yet has significant areas of wooden cycle and walkways, a very large children wooden play area and various wooden structures spread throughout the chase. This we discussed with the council and asked why our small walkways were unsuitable for use in the open countryside and EQ4 when Cannock chase as an AONB has many walkways of the same characteristics and material. Those shown below are even raised off the ground and used for cycling and certainly are not laid on the ground as with ours at the paddock. The council said that it was different and could not comment, there was no compromise on this by the council and therefore we had to resubmit our revised plans to the council leaving the timber area extant.

21. Below are pictures of a couple of cycle ways on Cannock chase that we consider are far more intrusive and alien than walkways laid flat on the ground. The final picture below is a stone base hard standing for nothing more than sitting admiring the views and is significant in its size, far larger than the small hard standing we have used for parking a vehicle up on so as not to block the lane?



*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

Council decision note

22. As can be seen from the decision note there is nothing specific that the council had mentioned that was a reason for the refusal other than two generic statements:

The proposed development represents alien and obtrusive features (what specifically) in the landscape and would therefore be prejudicial to the character of the rural area (local area is industrialised fruit farming hundreds of acres of polythene tunnels at 4m high, and houses painted brilliant white with white sheds/outhouses and brown wooden fence panels), contrary to policy EQ4* of the adopted Core Strategy. See comments below *

The proposed development is contrary to the policies for the control of development in the Open Countryside within the adopted Core Strategy, contrary to policy OC1 of the adopted Core Strategy. (We do not consider that this development is contrary to OC1, as OC1 states the policy in favour of development for various reasons listed a-d at the end of this document.

23. We believe that this development is covered in part if not all by A.b below.

As these are wooden sheds of limited life we feel the council have been draconian in their consideration of this application by refusing to consider the significant benefits and enhancements of what has been done at the site.

A, A new or extended building, provided it is for:

b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or are acceptable

How we meet or exceed the SS EQ4 and OC1 policy.

24. Within this policy statement EQ is EQ2 referring to Cannock Chase as an AONB and the importance of maintaining this area. I agree whole heartedly with this statement. As mentioned above Cannock Chase has had significant walkways, play areas, fences and structures built within the area to maintain safety of those enjoying the area and one area we enjoy visiting is the NEW children's play area as seen below with my grandson enjoying the Alien and Obtrusive feature stuck right in the centre of this AONB. Yet this apparently complies with south staffs EQ policy.

25. The EQ policy is in line with what we have done at the paddock with walkways to protect those working and visiting the site and working on the allotments and enjoying the open countryside. We have also installed ground drainage as this paddock suffers with excessive water and becomes extremely muddy in the winter. The drainage is helping and this winter the ground is much less water logged.



26. The character of the rural area at little heath is now heavily industrialised with commercial fruit farming at that has changed the character and appearance of this area of Staffordshire forever. The local farmers (Busby's) have built three huge water reservoirs with large pumping station that run all day during the summer pumping out diesel fumes and making a real noise from the diesel engines, these pumping stations pump water down the miles of 100mm dia plastic/rubber piping laid across the field to a plethora of white 1,000 ltr water containers placed by the poly tunnels, these are in the next field to the paddock.

*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape



27. They have built over a mile of hale roads across the fields (using crushed concrete as a base) adjacent to the paddock to transport 200 fruit pickers using two double decker buses from their static caravan village (picture below) is a new hale road across what was a field. This new road connects both strawberry tunnel fields with the caravan village. As can be seen from the aerial photo below the caravan village (built in a field) is significantly large with circa 60 static caravan and only a field or so away from the paddock and is right in the heart of open countryside.





28. I do not understand how small wooden sheds painted in keeping with the local foliage are considered an alien and intrusive feature compared to 60 large ugly static caravans only a field away. Also only 5 metres away we have 4m high polythene tunnels that cover 40 acres of land (pictured below is the view from our paddock), these tunnels cover hundreds of square metres of black plastic that is laid to the ground. There is also numerous portable toilet blocks adjacent to the site, water containers, ISO containers used to protect the pickers from the elements and lots of other items of equipment.



*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

29. What we have done is bring a piece of derelict land that was used for fly tipping and overgrown with non-indigenous invasive and destructive vegetation back to useful piece of land that is a pleasant and a peaceful area to view and enjoy and we believe is exactly what EQ4 was supposed to provide for. The work we have done has enhanced the character and appearance of the area and stands out as a lovely maintained piece of land among the heavily industrialised and commercial fruit farming community and we believe meets the council policy EQ1: Protecting, Enhancing and Expanding Natural Assets

30. We have no objections to the fruit farmers and what they are doing as we recognise the countryside has to earn a living or it will die, we are merely stating that the council seem to be suggesting that this area is all laid grass fields with cows and horses roaming free. Maybe 30 years ago but today the landscape is very different and what we have done has enhanced the area and in no way detracted from the character or appearance of the area, this we feel exceeds the EQ policy statement.

31. Telegraph poles and power lines are an alien and obtrusive feature, yet the council seem to accept these no matter how ugly, these must breach both OC1 and EQ policy if our paddock is non-compliant?.

32. The OC1 policy specifically relates to development in the open country side and seems to relate more to new buildings "A" below (permanent structures) sheds are non-permanent structures? By their very nature they are temporary as they could be moved by dismantling or lifting with a folk lift truck. This development if within a curtilage of a garden would apparently not require any planning application as it is deemed acceptable development. I do have some sympathy with the council because they did say that sheds by their nature are non-permanent structures and therefore putting a shed in to a paddock does not seem to be specifically covered. So they could only suggest that generally it is development by the nature as it is something we have introduced. When I pointed out that this was for agricultural purposes for allotments and for growing of vegetables they didn't seem to have any real answers as to what policy covered this. I also mentioned the SS allotment strategy and how we meet many of the proposed guidance within that document.

33. I am struggling to follow the council's logic that this application in fact does breach any specific OC1 policy as there is no specific mention of sheds, walkways or hard standings within OC1 yet paragraph A, b) below, states that **appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the appearance or character of the Open Countryside beyond the Green Belt; or are acceptable.** This alone covers the small scale development at the paddock as working the allotment and working out in the open countryside is by its very nature sport or recreation, nature conservation and using the land for other uses that preserve the appearance and character of the open country side? And therefore specifically permitted under OC1.

34. In addition there are lots of paragraphs within the core strategy, allotment strategy supporting education of people children, the use of open spaces for recreation, allowing free access to the countryside, developing the open countryside for health and wellbeing, maintaining the open countryside for all to enjoy and benefit from, maintaining the open countryside for the benefit of wildlife and this is exactly what we have done and are aiming to do, so feel that we meet lots of elements of the Core Strategy Policy, allotment strategy and OC1.

35. The paragraphs below restate what we proposed and stated in our application:-

The aims of this development are to:

Make efficient use of this under developed land for the growing of vegetables;

Retain and manage natural features including the boundary trees and hedgerows to improve biodiversity;

Provide an opportunity for the young family members to learn how to grow vegetables;

Provide a positive form of development which will have limited adverse impact upon the character and environment of the locality and which will contribute towards the retention and maintenance of the countryside;

Create a safe highway access.

36. The Council's own 'Allotment Strategy' (August 2011) has informed the basis upon which the site has been developed.

THE MAIN ISSUES

37. It is considered that the following issues are the main matters for consideration at the outline stage:

*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

Principle of development
Design, scale and character
Impact on neighbours/residential amenity

DESIGN SCALE AND CHARACTER

38. The scale of the sheds is of an appropriate size to support the plot, which is not domestic garden land.. These timber structures do not typically have an extended lifespan so it is considered reasonable to allow them to remain. They are no more harmful than the former stables/sheds, which have been on the site since 1977.

IMPACT ON NEIGHBOURS/RESIDENTIAL AMENITY

39. During the course of the application, the use of the site for horticultural purposes has been clarified and the applicant has been made aware that any domestic use of the site would not be permitted development and it would be unlikely that planning permission would be granted for a domestic/residential use. Additionally, that own consumption of any produce grown on the land does not automatically make it domestic.

It is not felt that there will be any greater impact on any neighbouring dwellings from the current development/use and the associated structures, than there would have been if the former equestrian activities on the site had been kept up. Planning conditions can be used to bring the development into line with countryside policy requiring the sheds and fence panels to be painted in brown/green finishes Protecting and Enhancing the Character and Appearance of the Landscape

Conclusion.

40. We feel that this application should be granted on the basis that:-

- a. Planning permission for significant development has been granted very recently in the very area that we are applying for permission. This has included three large reservoirs, Hundreds of acres of polythene tunnels, portable toilets, 60 static caravans on a field, over 1 mile of new hale roads across fields, many hundreds of metres of plastic/rubber water piping and many water containers strewn across open fields. Planning permission was granted for all of these developments and has effectively changes the rural character and landscape forever of this specific area to industrial commercial fruit farming rather than the normal dairy or crop growing agriculture of other rural communities. Making our task of protecting and enhancing the character and appearance of the landscape relatively easy, due to the recent industrialisation of the landscape.
- b. The council have failed to demonstrate what element of Policy EQ4 we have breached. Clearly EQ4 is about protecting and enhancing the character and appearance of the landscape and this is completely in line with the development carried out on the paddock, yet the elements included in para a. change the character of the landscape significantly, meaning that the essence of the landscape is now industrialised fruit farming not green and open countryside.

We feel that the limited development we have carried out has protected and enhanced the appearance and character of the paddock and local wildlife are benefiting significantly from the removal of the fly tipping rubbish and non-indigenous invasive vegetation with the majority circa 90% of the site being returned to meadow grass. With the re-laying of the hedge row and various other wildlife habitats being created this not only meets EQ4 it meets many other policies such as EQ1 and others. The sheds are of appropriate material in line with the local rural area and are painted to match the rural environment.

- c. The sheds, walkways, standing and hard standing plus fence panels should be permitted as *appropriate small-scale facilities*. OC1 states that Development within the Open Countryside will normally be permitted where the proposed development is for either:
 - A. new or extended building, provided it is for:
 - b) Appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land (growing vegetables?) which preserve the appearance or character of the Open Countryside beyond the Green Belt;

*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

This application will not only meet this requirement of OC1 para A. b) as *small scale facilities*. But we are aiming to go beyond this by adopting other south staffs policies such as EQ1 and the South Staffs allotment strategy 2011.

Also OC1 policy has allowed the fruit farming community to create a development thousands of times larger than anything we would be carrying out at the paddock. The sheds are *small scale facilities* to be used for agricultural purposes by housing equipment used in the pursuance of growing vegetables and bee keeping and as such are permitted. This is no different although on a smaller scale to the poly tunnels and other ancillary equipment that has received planning permission approval adjacent to the paddock. We are not considering placing large ugly static caravans on the paddock and yet 60 caravans have also received approval by south staffs council within a few hundred metres of the paddock. This *small scale development* is nothing more than a couple of garden sheds with wooden walkways on an otherwise worthless piece of land.

- d. I also applied the south staffs policy of Allotment strategy August 2011 and we have followed this to come to the point we are at today and feel that this document is also extremely favourable in supporting the small development we have undertaken on the paddock. We wish this to be considered as additional evidence of our commitment to enhance the rural community and maintain many of the policies described within this strategy.

Extract of Core Strategy OC1

OC1 1.14 It is important to note that National Policy 1: The Presumption in Favour of Sustainable Development of the Core Strategy applies to the Open Countryside, namely that the 'presumption in favour of sustainable development' is applicable. However, the Open Countryside of South Staffordshire has a traditional agricultural landscape, with this being the main land use. Due to the important character of this landscape, the Council will retain this character by ensuring that development remains sympathetic to its setting and therefore development is restricted. This is reflected in policy OC1 of the adopted Core Strategy.

Core Strategy Policy OC1 – Development in the Open Countryside beyond the West Midlands Green Belt

The Open Countryside beyond the South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map will be protected for its own sake, particularly for its landscapes, areas of ecological, historic, archaeological, agricultural and recreational value.

Development within the Open Countryside 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 appearance or character of the Open Countryside beyond the Green Belt; 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 extensions(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 appearance or character and local distinctiveness of the Open Countryside beyond the Green Belt.

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 appearance and character of the Open Countryside beyond the Green Belt.

D. Development brought forward under a Community Right to Build Order.

Development proposals should be consistent with other local planning policies.

*EQ4 is Protecting and Enhancing the Character and Appearance of the Landscape

**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, and not lead to a major increase in the developed proportion of the site.*