



South Staffordshire Council

**WRITTEN STATEMENT
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

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1. INTRODUCTION

This statement is 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. SECTION 174 APPEAL AGAINST ENFORCEMENT NOTICE

The alleged breaches of planning control are:

Without planning permission, the material change of use of the Land for the permanent stationing of a caravan on the area coloured blue on Appendix 1 (included within Enforcement Notice) and associated domestic use of the Land, including the erection of a fire pit, surrounding pallet benches, timber posts and artificial grass located on the land coloured orange on Appendix 1, such use not being incidental or ancillary to the use of the land as an allotment development permitted by Appeal Decision APP/C3430/W/15/3006045.

3. SITE DESCRIPTION AND REASONS FOR ISSUING THE NOTICE

3.1 The appeal site comprises a narrow strip of land at Little Heath, which is a small hamlet of dwellings in the rural area of South Staffordshire, to the west of Dunston. The site is located on the southern side of a single track, extending to the west from Levedale Road. To the southeast of the site is the dwelling Almara, with Toft Cottage located to the north of the site. There is a mature hedge along the northern property boundary, which largely screens the site from the single track. There is also a mature field hedge along the southwest boundary of the site and a small copse of trees at the northwest end of the site. To the south of the site are open agricultural fields.

3.2 The reasons for issuing the Notice were:

(i) It appears to the Council that the breach of planning control on the Land has occurred within the last ten years, and therefore is not immune from enforcement action.

(ii) The stationing of the Caravan causes unacceptable harm to the character and appearance of the surrounding countryside. Policy OC1 of the South Staffordshire Core Strategy adopted in December 2012 notes that development within the Open Countryside will normally be permitted where the development preserves the appearance and character of the Open Countryside beyond the Green Belt. Policy EQ4 of the Core Strategy notes that the intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. The unauthorised change of use for the permanent stationing of a residential caravan and associated domestic use of the Land is considered to have a detrimental impact on the appearance and character of the Open Countryside, diminishing the intrinsic rural character of the surrounding paddocks and fields, contrary to policies OC1 and EQ4 of the South Staffordshire Core Strategy.

(iii) The landowner who has confirmed that the Caravan is used for occasional residential use disagrees with the Council's stance that the stationing of the caravan requires planning permission. The landowner was provided with the opportunity to remove the caravan from the Land but has not done so. The landowner has also interpreted Appeal Decision APP/C3430/W/15/3006045 to indicate there is no defined use of the land (i.e. they believe they can utilise the land in manners outside of the permitted allotment use). 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.

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

4. RELEVANT PLANNING POLICY

4.1 Adopted Core Strategy 2012

Development Policies:

OC1 – Development in the Open Countryside Beyond the West Midlands Green Belt

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

4.2 Other Relevant Policy, Guidance & Evidence Based Considerations

National Planning Policy Framework

5. PLANNING HISTORY

2014 – Planning Enforcement case opened regarding Land being utilised as recreational land. Planning application 14/00709/FUL subsequently submitted for “Retention of allotment development including timber sheds, timber walkways and extension to existing hard standing”. Application was refused by LA, allowed by PINS on appeal reference APP/C3430/W/15/3006045 (provided as **Appendix 2**).

2015 – Preapplication submitted by current appellant for new three bedroom underground dwelling. LA responded to preapplication noting it was inappropriate development within the Open Countryside.

2017 – Planning Enforcement case opened regarding the Land being utilised as a domestic garden. Case closed in 2018 as Land was confirmed by the LA as being in use as an allotment.

6. SUMMARY OF EVENTS

- 6.1 On 16 June 2021, the Council received a complaint alleging an unauthorised change of use of the Land from allotment to residential use. A Council Officer requested additional details on the use of the Land and associated photographs.
- 6.2 On 14 July 2021, the complainant notified the Council that a caravan had been stationed on the land for one week.
- 6.3 On 1 October 2021, a Council Officer completed a site visit, taking photographs of a caravan, sheds and other items present on the land (provided within Appendix 5). A calling card was left

at the property asking for the owner to contact Planning Enforcement. The property owner's contact details were not known at that time.

- 6.4 Due to changes in the case officer the case was not addressed again until 8 October 2023, when a Council Officer attempted a site visit, but could not access the Land subject of the complaint.
- 6.5 On 23 October 2023, the property owner/appellant's contact information was submitted to the Council in the form of a complaint regarding a nearby property.
- 6.6 On 2 November 2023, a Council Officer contacted the complainant that initially submitted the complaint in June 2021 to confirm if they still wished to pursue the complaint.
- 6.7 On 3 November 2023, the complainant responded via email to state that "on occasion the land is used for camping with either a caravan, RV or both, present on site." Please note that this is a direct quote from the complainant, but it is the LA's interpretation that "RV" is an abbreviation for Recreational Vehicle.
- 6.8 On 4 December 2023, a Council Officer emailed the appellant to establish correspondence. No response was received.
- 6.9 On 7 March 2024, the case was allocated to another Case Officer for investigation after the complainant sought an update.
- 6.10 On 8 March 2024, the Case Officer emailed the appellant to establish correspondence. The same day, the appellant responded stating that they were unaware of any planning enforcement case. They stated that previous emails were likely lost whilst they were on holiday and experienced an email outage.
- 6.11 Between 8 March and 10 April 2024, the appellant emailed the Council approximately ten times indicating why they believe that the appeal decision APP/C3430/W/15/3006045 does not restrict the use of the property to allotments and why the caravan is permitted to be stored on the property.
- 6.12 On 10 April 2024, the Case Officer met with the appellant at the Land, site visit photos are provided within Appendix 6. The sheds, decking and hardstanding authorised within appeal decision APP/C3430/W/15/3006045 remain on the property, but the owners confirmed the allotment elements identified within the approved site plan were removed several years ago (site plan is provided as Appendix 3). There is one touring caravan permanently stored on the Land. The appellants stated they live elsewhere, part of the year in Tenerife, but visit the Land occasionally to tidy it up and will stay in the caravan overnight. The property owner continued to dispute on site that the appeal decision does not restrict the use of the property and believes that since the approved site plan shows a vehicle on the hard standing, that grants consent for permanent storage of a caravan on the Land.
- 6.13 Whilst the three sheds, walkways and crushed stone hardstanding authorised within Appeal Decision APP/C3430/W/15/3006045 remain, there is also an outdoor fire pit permanently constructed upon a brick paver base, two pallet benches with timber posts to support outdoor string lighting and artificial grass on the property. This area of the property was indicated as a tomato growing area within Appeal Decision APP/C3430/W/15/3006045; their current appearance as an outdoor seating area contribute to the domestic appearance of the land.
- 6.14 On 12 April 2024, the Case Officer emailed the appellant to inform them they could either remove the caravan from the property within 28 days, or the Council would serve an Enforcement Notice.
- 6.15 On 18 April 2024, the appellant responded via email, again emphasizing that they believe that permanent storage of the caravan on the Land does not require permission. The property owner suggested that the Council email the Planning Inspectorate to ask for a formal interpretation of

Appeal Decision APP/C3430/W/15/3006045. The Case Officer responded to said email the same day informing the property owner that PINS does not accept informal email queries.

- 6.16 On 22 April 2024, the appellant responded that the Council should proceed with issuing an Enforcement Notice for the permanent storage of a caravan on the Land.
- 6.17 On 30 July 2024, the LA emailed the appellant to notify him that the Council was prepared to serve the Enforcement Notice. The LA confirmed which address was appropriate to post the Notice to.
- 6.18 On 30 July 2024, the appellant informed the LA that he was in Tenerife through 11 September 2024 and requested that the Enforcement Notice not be served until he returned to the United Kingdom.
- 6.19 On 5 August 2024, after considering the appellant's request, the LA informed the appellant that service of the Enforcement Notice would not be delayed until his return to the UK in September. This decision was made after considering that the appellant clearly had internet access whilst in Tenerife, given his multiple emails issued to the LA. The LA also provided the appellant with information regarding public libraries and internet cafes in Tenerife where he could possibly utilise technology to submit an appeal.
- 6.20 On 6 August 2024, the Enforcement Notice was served. A digital copy was emailed to the appellant the same day.
- 6.21 The appellant has stated several times that they believe the 2015 appeal decision allows the permanent storage of a caravan on the Land and does not require permission. They also contend that the appeal decision does not restrict the use of the land to allotments. They have not offered to remove the caravan from the property. As the caravan has been on the property since 2021, and according to the appellant allotment use has ceased within the past few years, a material change of use of the land is not time immune from enforcement action.

7. GROUNDS OF APPEAL

- i. **Ground (b)** That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- ii. **Ground (c)** That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

8. LA RESPONSE TO GROUNDS OF APPEAL UNDER GROUND B

- 8.1 The appellant has appealed under ground (b), noting within Section E of the appeal form that *"There has not been any change off this area since we received the appeal notice in 2015. The plan remains extant to that submitted in 2015. The only issue that the council are pursuing is the temporary storage of my caravan on the hardstanding that i have planning approval for, the issue is the council and my interpretation of the appeal notice and if did or did not allow for temp storage of a caravan. I assumed it did the council assumed it doesn't. The other element the council have mentioned of seating and AstroTurf where there in 2015 and on the approved plan and fire pit is a wire basket that will be removed and put in the shed..."*
The remainder of the appellant's statement is not included here as it is not relevant to Ground (b) of an appeal.

- 8.2 A Ground (b) appeal is made on the basis that the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Section 6 above details the summary of events leading to the service of the Notice on 6 August 2024. The LA would respectfully draw the Inspector's attention to paragraphs 6.11, where it references formal communication from the appellant, provided within Appendices 7 and 8, explaining how the Land has not been utilised as an allotment in several years. The communication also details that the caravan is permanently stationed on the Land and used for occasional residential use; it is not a temporary storage use as noted by the appellant within the appeal form.
- 8.3 Regarding the fire pit, pallet benches, timber posts and artificial grass – as evidenced within the 2014 photos provided as Appendix 3, the pallet benches, one vertical timber post and one small triangular piece of artificial grass were in place when appeal decision APP/C3430/W/15/3006045 was made. However, within the approved site plan for said appeal decision (Appendix 3), the current pallet bench area was noted as "Area to be used for growing tomatoes" with the current fire pit area indicated on the approved site plan as a "1.8m-diameter tub." Whilst those tomato elements may not have been in place when the Inspector did their site visit associated with appeal APP/C3430/W/15/3006045, they were considering a Section 78 appeal of a refusal of a proposed planning application. Within the appeal decision, Condition 1) noted that "The development hereby permitted shall accord with the Site Layout Plan (dated 30 January 2015)." As such, the Inspector was authorising an area to be utilised for growing tomatoes; the current use of the area as seating around a fire pit contributes to the domestic appearance of the Land.
- 8.4 The appellant has stated that the hardstanding authorised within appeal decision APP/C3430/W/15/3006045 implies consent for temporary storage of a caravan. The LA will address this in two points – firstly that the caravan is not being stored temporarily. Without evidence to the contrary, the caravan has remained on the property since it was first reported in July 2021. This is evidenced in the site visit photos provided within Appendices 5 and 6.
- 8.5 Secondly, the appellant contends that as a vehicle is shown on the approved site plan within appeal decision APP/C3430/W/15/3006045, that grants permission to temporarily/permanently store a caravan on site. As the appeal decision granted consent for the use of the property as an allotment (not as a residential property), there is no granted residential curtilage which would imply permission for storage of a caravan. The LA considers that use of a property as an allotment typically requires a vehicle to reach the property, which is subsequently utilised when departing at the end of the day. The use of a property as an allotment does not imply overnight accommodation, which is why the LA reasons that a vehicle would depart the property at the end of the day. The LA does not consider that the visual image of a vehicle on the hardstanding area within the approved site plan of appeal decision APP/C3430/W/15/3006045 grants or implies consent for the permanent storage of a caravan on the Land. A proper interpretation of the planning permission has to consider what the planning permission was for; it was certainly not for a caravan to be sited for residential purposes, and neither is the caravan deemed to be ancillary to the development granted permission under the appeal decision.
- 8.6 Appeal decision APP/C3430/W/15/3006045 granted permission for allotment development, with the approved site plan indicating three allotments as follows:
- Allotment one for growing runner beans, peas, carrots, rhubarb, etc.;
 - An area to be used for growing tomatoes;
 - Allotment two for growing potatoes and cabbage; and
 - Allotment three with two bee hives and a bee hive fly zone.

None of the allotments noted above have been in place on the Land for several years. It remains the LA's position that appeal decision APP/C3430/W/15/3006045 did not grant or imply consent for the permanent storage of a caravan. As the Land is also not utilised for allotments, the LA respectfully contends that the breach of control noted within the Enforcement Notice has occurred and the Ground (b) appeal should fail.

9. LA RESPONSE TO GROUNDS OF APPEAL UNDER GROUND C

- 9.1 The appellant has addressed ground (c) within their appeal form noting the following:
"There has not been any change off this area since we received the appeal notice in 2015. The plan remains extant to that submitted in 2015. The only issue that the council are pursuing is the temporary storage of my caravan on the hardstanding that i have planning approval for, the issue is the council and my interpretation of the appeal notice and if did or did not allow for temp storage of a caravan. I assumed it did the council assumed it doesn't. The other element the council have mentioned of seating and AstroTurf where there in 2015 and on the approved plan and fire pit is a wire basket that will be removed and put in the shed."
- 9.2 A ground (c) appeal is based on permission either having been granted or the development being considered permitted development.
- 9.3 As noted within paragraph 8.3 above, appeal decision APP/C3430/W/15/3006045 authorised "allotment development including timber sheds, timber walkways and extension to existing hard standing, subject to the approved site layout plan." It remains the LA's view that the current use of the property, for outdoor recreation and the permanent storage of a caravan, is not in accordance with appeal decision APP/C3430/W/15/3006045.
- 9.4 Regarding permitted development, the Land is not large enough to have agricultural permitted development rights and appeal decision APP/C3430/W/15/3006045 did not authorise use of the property in a residential manner so there is no residential curtilage associated with the Land. As such, it is the LA's contention that there are no permitted development rights associated with the current use of the Land that would allow permanent storage of a caravan on site.

10. CONCLUSIONS

- 10.1 It remains the Council's 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. Whilst the appellant has stated that the allotments were in place for several years after the 2015 decision, the property has not been utilised for allotments in recent years.
- 10.2 Instead, a caravan has been permanently stationed on the Land since 2021 which is used for residential purposes. It remains the Council's position that the hardstanding authorised within appeal decision APP/C3430/W/15/3006045 indicated parking of a vehicle to support the maintenance of the allotments. The appeal decision did not grant or imply permission for the permanent storage of a caravan on the hardstanding.
- 10.3 The ceasing of the use of the property as allotments, paired with the remaining external seating area surrounding a fire pit, indicates a more domesticated use of the property which is not in accordance with appeal decision APP/C3430/W/15/3006045.

10.4 Given the lack of permission for the current use of the property, the Council respectfully requests that the appeal of the Enforcement Notice fail on grounds (b) and (c) as from the aforesaid it is clear that the appellant's appeal is entirely without merit and based on a complete misinterpretation of appeal decision APP/C3430/W/15/3006045.

APPENDIX 1

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 22 APR 2024 AT 12:01:07. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, BIRKENHEAD OFFICE.

TITLE NUMBER: SF592494

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

STAFFORDSHIRE : SOUTH STAFFORDSHIRE

- 1 (29.10.2013) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land lying to the south-east of Toft Cottage, Little Heath, Dunston, Stafford (ST18 9AJ).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (29.10.2013) PROPRIETOR: MARK ALAN GRIPTON and KELSEY JAYNE GRIPTON of 22 Border Way, Stafford ST17 9LW.
- 2 (29.10.2013) The price stated to have been paid on 1 October 2013 was £500.00.

End of register

APPENDIX 2

Appeal Decision

Site visit made on 18 August 2015

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2015

Appeal Ref: APP/C3430/W/15/3006045

Land at Little Heath, Dunston, South Staffordshire ST18 9AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Gripton against the decision of South Staffordshire Council.
 - The application Ref 14/00709/FUL, dated 1 September 2014, was refused by notice dated 6 February 2015.
 - The development comprises allotment development including timber sheds, timber walkways and extension to existing hard standing.
-

Decision

1. The appeal is allowed and planning permission is granted for allotment development including timber sheds, timber walkways and extension to existing hard standing at land at Little Heath, Dunston, South Staffordshire ST18 9AJ in accordance with the terms of the application, Ref 14/00709/FUL, dated 1 September 2014, subject to the following conditions:
 - 1) The development hereby permitted shall accord with the following approved plans: Ordnance Survey location plan (unnumbered, Scale 1:1250), Site Layout Plan (dated 30 January 2015, Scale 1:200), Elevations of sheds showing colour to be left as a natural wood or painted green or brown to fit in with the landscape (unnumbered).
 - 2) Within 12 months of the date of this permission the facing materials for Shed Three shall be permanently modified to accord with the details and colours shown on the approved plans.

Procedural Matter

2. The allotment development, including the timber sheds and walkways and the extension to the hard standing, has already been carried out, and the application was **made retrospectively**. However, 'retention' as referred to in the decision notice and on the application form does not constitute an act of development. Accordingly I have dealt with the appeal on the basis that planning permission is being sought for the sheds, walkways and extension to the hardstanding, which is reflected in my description of the development.

Main Issues

3. The main issues in this case are:
 - The effect of the allotment development on the character and appearance of the surrounding countryside; and

- Whether the allotment development is acceptable within the designated Open Countryside, having regard to the policies of the development plan.

Reasons

Character and appearance

4. The appeal site comprises a narrow strip of land at Little Heath, which is a small hamlet of dwellings in the rural area of South Staffordshire, to the west of Dunston. The site is located along a bridleway, to the north west of the dwelling at Almara and opposite Toft Cottage. There is a mature hedge along its north-eastern boundary which largely screens the site from the bridleway. To its south-west there is a large field of polytunnels, which forms part of a fruit growing business in the surrounding area.
5. Whilst I agree with the Council that the site is in a strongly rural area, I found the quality of the landscape surrounding the appeal site to be quite mixed. Although there is a pleasantly open landscape of arable fields to the north and east of the site, the most prominent feature in the landscape in the immediate vicinity of the appeal site is the adjoining field of polytunnels, which detracts significantly from the character and appearance of the area.
6. Policy EQ4 of the South Staffordshire Local Plan Core Strategy (2012) (the Core Strategy) seeks to maintain the rural character of the South Staffordshire landscape. As such it expects that 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 or any important medium or long distance views.
7. The appeal site is well screened from surrounding views. As well as the hedge along the bridleway, there is also a mature field hedge along the south-west boundary of the site and a small copse of trees at the north-west end of the site. As a result it is difficult to see into the site from the bridleway and surrounding vantage points and the sheds, fencing, decking and hard standing are largely unseen.
8. All three of the sheds and the fencing are finished in dark green or brown painted timber and therefore blend in with and respect their surroundings. I noted on the site visit that Shed three, which was previously painted blue and white, had been temporarily faced in dark green stained timber. This finish could be secured on a permanent basis by the use of a suitably worded condition.
9. I acknowledge that the entry gates detract somewhat from the rural character of the bridleway. However, the gates are not part of the application which is the subject of this appeal and therefore are not before me for consideration.
10. Accordingly, I conclude that the allotment development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside. Consequently, it accords with Policy EQ4 of the Core Strategy. Although not referred to by the Council, I also find that it does not conflict with any part of the National Planning Policy Framework.

Acceptable development in the Open Countryside

11. Policy OC1 of the Core Strategy states that new building will normally be permitted within the designated Open Countryside where it is for, amongst other things, purposes directly related to agriculture, or appropriate small-scale facilities for outdoor sport and recreation and other uses of land which preserve the appearance or character of the Open Countryside.
12. I note that it is disputed whether allotments fall within the definitions of agricultural or outdoor recreational uses. However, even if I were to conclude that allotments are not agriculture or outdoor recreation, Policy OC1 permits development for other uses of land which preserve the appearance or character of the Open Countryside. Allotments are not excluded from the definition of **'other uses of land'** and I have already concluded that the development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside.
13. Therefore, I conclude that the allotment development on the appeal site is acceptable within the designated Open Countryside and that it accords with Policy OC1 of the Core Strategy.

Conditions

14. Given that the development has already been carried out and the sheds and other structures are in place, there is no need for a condition to limit the life of the permission. The Council suggested a number of other conditions on a without prejudice basis. I consider the condition limiting the use of the land to agriculture is unreasonable, given that the application was not for the use of the land but for the allotment buildings and structures and that the allotment development is an acceptable use of land within the Open Countryside. A condition requiring a landscaping scheme is unnecessary as the site is already well screened and landscaped and does not require further mitigation. However, in the interests of proper planning I have included a condition tying the permission to the submitted plans, so there is no doubt about what has been approved. I have also included a condition regarding the external materials for Shed three, which is the only one of the three sheds not already permanently finished in dark green or brown painted timber.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

INSPECTOR

APPENDIX 3

14/00709

South Staffordshire District Council
REFUSED
 This is the plan referred to in
 Planning Refusal
 No.14/709/FUL Date 6th Feb 2015

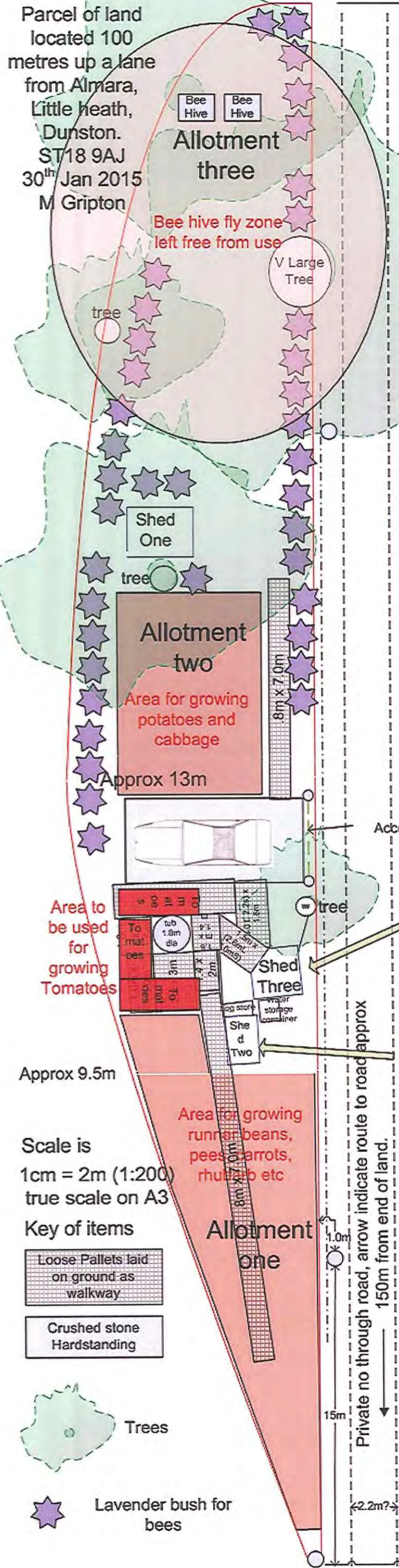
SOUTH STAFFORDSHIRE
 DISTRICT COUNCIL
 DEVELOPMENT CONTROL
 30 JAN 2014
 PASSED TO: ACTION:
 A R NR

AMENDED

NOTE:

The paddock has been left unused for over 10 years with the 2 sheds on the site needing significant repair. We purchased the land and want to use this for agricultural purposes only by growing our own vegetables and teaching our grand children how to grow vegetables as well as possibly keeping bees, something my Grandson is very keen on trying. As this is an isolated and self contained paddock there is a significant amount of work required to get the paddock in to a state that we are able to work on the paddock in a self sufficient and safe way. As there is no electric or water and the site is open to the elements with no adjacent facilities we need to not only store all of the equipment required to grown the vegetables we also need the equipment to maintain the paddock. We also require somewhere to get out of the rain and cold whilst working on or visiting the site.

In 1977 it was used as a paddock for our pony and adjacent to the gate was a stable of some 3m by 4mtrs and 2.4m high. This was mounted on a hardcore base rather than concrete floor. The hard-core remained in place when the stable was replaced with a 10ft by 8ft shed and 6ft by 8ft shed on the hard standing. This hard standing extended from the gate to 3-4mtrs into the paddock to allow vehicle access and formed the stable entrance and floor. This hardcore I have moved to extend along further into the paddock and also increased the depth to level the hardcore as it was previously sloping. Two of the sheds remain and these are on site currently to be used for storing agricultural equipment, the other shed I have placed on the original site of the 10ft by 8ft shed as this is now placed at the end of the paddock. The new shed is to be used as a potting shed and shelter whilst we are working the land and is essential to provide a warm clean area to eat and shelter from the elements. There is no sanitary facilities on site nor electric. We are more than happy for this approval to be on a temporary basis whilst the paddock is used as an allotment, with the paddock reinstated once the allotment is no longer used. This permission would allow us to use an otherwise useless piece of land for growing our own vegetables and possibly keeping bees. As can be seen the vast majority of the site is to be used for the growing of vegetables or keeping of bees, only the centre small portion Circa 10% of the site is to be laid with paths for safety and bedding platforms for the vegetables and feel that this is not excessive. The panels on the gate are to provide security and make the site more discreet from nosey passers by, although the number of people going past the site is minimal possibly 3 a day max and these are locals that stop for a chat when we are there and all have positive views on are working the site.



Access gate to paddock, wooden panels painted green.

Shed to be used for welfare and as a potting shed is of solid wooden construction with no windows brown or green colour. Also can be used as a clean dry space for eating and refreshment breaks where a clean, light, dirt free environment is required. Also allows us to get warm during winter as log burner is included. This is to support the continued agricultural working of the vegetable growing and paddock maintenance and needs to be clean and dry. This will also allow us to bring the grand children to the site for potting and growing plants for both fun and education and allow us to keep them safe and warm during the winter.

Shed to be used to house garden tools, forks, spades and pots for vegetable patch. Other tools such as general hand tools. Also used to store potatoes and other seedlings

Private no through road, arrow indicate route to road approx 150m from end of land.

APPENDIX 4

















APPENDIX 5













APPENDIX 6

Following photos are taken at the southeastern end of the property, facing northwest.







10 April 2024 11:21



Following photo is taken standing at the northwestern corner of the property, facing southeast.



APPENDIX 7

Emma Posillico

From: marks email <mark.gripton@ntlworld.com>
Sent: 08 March 2024 17:55
To: Emma Posillico
Subject: Re: 21/00125/UNCOU - Alleged unauthorised change of use of land from allotment to residential use - Levedale Road, Levedale.

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from mark.gripton@ntlworld.com. [Learn why this is important](#)

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,

Further to my previous email, and to clarify that the appeal we gained approval and permission for was not just to use the land as an allotment. We gained permission to retain the hardstanding, sheds, decking and walkways and as you can read in the appeal notice it was not associated to use with allotments but also other small recreation facilities.

The approval was not exclusive too or a conditional on use as an allotment and therefore so long as we have not made structural additions to the site and we stay within the approved plans the use of the land is academic.

Could you please clarify that this is the correct legal basis and therefore there cannot be a change of use from allotment to anything?

It is the plans for the retention of the Sheds, decking, hardstanding and walkways that we received permission for and are not conditional on any use?

Am still happy to show you the site and there has been no structural additions to the plans approved.

I consider this harassment to be nothing more than wasting your and my time and feel Mr Sutton should be told this, so he doesn't continue harassing us every year or so.

Kind Regards

Mark Gripton
07985919388

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

APPENDIX 8

Emma Posillico

From: GRIPTON MARK <mark.gripton@ntlworld.com>
Sent: 10 April 2024 16:34
To: Emma Posillico
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 that, we obviously have a different interpretation of the approval as it was never approved as either an allotment or recreational facility, it was defined as **other use of land** and therefore I do not believe ties it to any activity or duration. Please read the appeal decision again, I have read it numerous times now and still feel that the inspector was quite clear that his decision was not based on use as Allotment or Recreational facility. I have copied below the relevant paragraph that states this: **Policy OC1 permits development for other uses of land which preserve the appearance or character of the Open Countryside**. His reference to the Allotment development was simply quoting the title of the planning application and not stating it was for use as an allotment, he later confirmed this by stating that tying the application to agriculture was unreasonable and not acceptable. He states that the **development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside**. He states Development not allotment.

*Inspectors para. I note that it is disputed whether allotments fall within the definitions of agricultural or outdoor recreational uses . However, even if I were to conclude that allotments are not agriculture or outdoor recreation, Policy OC1 permits development for other uses of land which preserve the appearance or character of the Open Countryside . Allotments are not excluded from the definition of 'other uses of land' and I have already concluded that the **development on the appeal site does not cause unacceptable harm to the character and appearance of the surrounding countryside**.*

13. Therefore, I conclude that the allotment development on the appeal site is acceptable within the designated Open Countryside and that it accords with Policy OC1 of the Core Strategy.

Planning permission was approved for a hardstanding, and by definition is for "parking of vehicles including Aircraft and or the storage of materials" according to the national building federation. We do not intend to park an aircraft on the site or store materials but as there is no specified use of the site for Allotment or recreational facility as per the inspectors decision, the hardstanding can be used for parking any vehicle and is not time limited.

Happy to listen to the legal advice but more than happy to challenge this as I do not believe there is any requirement for any additional planning permission. Happy to speak again next week after you had legal advice.

Kind Regards

Mark Gripton

On 10/04/2024 15:43 BST Emma Posillico <e.posillico@sstaffs.gov.uk> wrote:

Mr Gripton,

Yes, thank you for meeting on the property this morning. My manager is a bit busy this week but I will speak to her about your query if showing a vehicle on an approved plan implies consent for the permanent storage of a tow-behind caravan. I would anticipate that it does not; the Inspector's appeal decision was based upon the intended use of the property as an allotment and for outdoor recreation with sheds, walkways and hardstanding. Given that the property is not resided on, there really would be no reason for a vehicle (specifically a car as shown on the approved plan) to be stored at the property at all times. Typically, when someone utilises an allotment or outdoor recreation area, they use a vehicle to reach the area and then to leave the area at the end of the day when they are finished. If they camp at the property, it would be subject to the 28-night rule we discussed. However, I am happy to discuss things further with my manager and our legal team and get back to you next week. We are in a funny space of trying to interpret the Inspector's decision from 2015 with the current arrangement on site.

In the event that you do need to seek planning permission to permanently store the caravan on the property, you would submit a full application for a change of use to include outdoor storage. This would be similar to the application you submitted in 2014 with a location plan and a site plan showing all of the structures (including the caravan) on the property.

Kind regards,

Emma Posillico

Senior Planning Enforcement Officer
Planning Enforcement
South Staffordshire Council

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