

The Planning Inspectorate

QUESTIONNAIRE (s174) ENFORCEMENT NOTICE (Online Version)

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

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

Appeal Reference

APP/C3430/C/22/3291561

Appeal By

MR TOM PARK

Site Address

Landywood Farm
Landywood Farm Lane
Cheslyn Hay
WS6 7AS

PART 1

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

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

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

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

To fully assess the appeal site

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

Please describe:

The site is a working storage yard with construction material and heavy plant equipment operating. Full PPE should be worn.

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

PART 2

3. Are there any related appeals currently before the Secretary of State, e.g. under s.78, 174 or 195 of the Town and Country Planning Act 1990, s20 or 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or orders under s102 of the Town and Country Planning Act 1990? If yes please provide reference number(s) Yes ☐ No ☒

4.a. Has the local planning authority received the correct fee payable for the deemed planning application/ground (a) to be considered? Yes ☐ No ☒

4.b.i. Is the appeal fee exempt?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.b.ii. Please state why the appeal is fee exempt?				
Appeal not on ground A				
5.a. Is the appeal site within a conservation area?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
5.b. Is the appeal site adjacent to a conservation area?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

PART 3

6.a. Does the notice relate to building, engineering, mining or other operations?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
6.b. Is the area of the alleged breach different from the above?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
6.c. Does the alleged breach create any floor space?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Does the enforcement notice relate to a change of use of land to use for:				
7.a. the disposal of refuse or waste materials?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
7.b. the deposit of materials remaining after mineral extraction?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
7.c. the storage of minerals in the open?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
11. Has any planning permission been granted previously in respect of the development?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
13. Has a planning contravention notice been served?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.a. the appeal site is within 67 METRES OF A TRUNK ROAD?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.b. the appeal site is CROWN LAND (as defined in s293 of the Act)?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.c. a STOP NOTICE has been served in addition to the enforcement notice?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.d. the appeal site is in or adjacent to or likely to affect a SSSI?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.e. any protected species are likely to be affected by the alleged development?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
14.f. the appeal site is in a Green Belt or AONB?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

If YES, please state which one (name).

West Midlands Green Belt

- | | | | |
|---|-----|--|-------------------------------------|
| 14.g. any part of the site is subject to a Tree Preservation Order? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.h. the appeal site is within 400m of an area of underground or surface mineral interest? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.i. the appeal site is within 250m of a waste landfill site? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.j. does the development affect the setting of a listed building or ancient monument? | Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> |
| Please attach a copy of the listing.
<input checked="" type="checkbox"/> see 'Questionnaire Documents' section | | | |
| 14.k. has importation of waste materials been involved in the development? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 14.l. does the appeal involve persons claiming gypsy/traveller status, whether or not this is accepted by the planning authority? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

PART 5

- | | | | |
|--|-----|-----------------------------|-------------------------------------|
| 16.a. Is the appeal site subject to an ARTICLE 4 Direction? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 17. Have any development rights been restricted by means of a planning condition? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 18. Does the development relate to operational development for a disabled person, as defined by s29 of the National Assistance Act 1948? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
| 19. Will any consultation be carried out on the possibility of planning permission being granted if the appeal is confirmed as valid? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |

Environmental Impact Assessment - Schedule 1

- | | | | |
|---|-----|-----------------------------|-------------------------------------|
| 20.a. Is the alleged development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

Environmental Impact Assessment - Schedule 2

- | | | | |
|---|-----|-----------------------------|-------------------------------------|
| 20.b.i. Is the development Schedule 2 development as described in Column 1, Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|---|-----|-----------------------------|-------------------------------------|

Environmental Impact Assessment - Environmental Statement (ES)

- | | | | |
|--|-----|-----------------------------|-------------------------------------|
| 20.e. Has the appellant supplied an environmental statement? | Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> |
|--|-----|-----------------------------|-------------------------------------|

PART 6

- | | |
|--|-------------------------------------|
| 21.a. a copy of the letter with which you notified people about the appeal. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section | |
| 21.b. a list of the people you notified and the deadline you gave for their comments to be sent to us. | <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> see 'Questionnaire Documents' section | |

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

23/03/2022

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



☒ see 'Questionnaire Documents' section

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



Policies/Planning Guidance

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



List of policies

Core policies 1,2 EQ3,4,9,11, and GB1

☒ see 'Questionnaire Documents' section

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



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



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



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



22.f. if any DPD or Neighbourhood Plan relevant to this appeal has been submitted for examination, or in the case of a Neighbourhood Plan has been examined and is awaiting a referendum, an explanation of any substantive changes in the progress of the emerging plan, and their relevance to this appeal if it is considered that the plan will not be adopted before the Inspector's decision on this appeal is issued;



22.g. your Authority's CIL charging schedule is being/has been examined;



22.h. your Authority's CIL charging schedule has been/is likely to be adopted.



22.i. any other relevant information or correspondence you consider we should know about.



PART 7

23. A true copy of the Enforcement Notice

☒ see 'Questionnaire Documents' section

24. The Enforcement Notice Plan (if applicable)

☒ see 'Questionnaire Documents' section

25. A list of those served with the Notice

☒ see 'Questionnaire Documents' section

26. Do you wish to attach your statement of case?

Yes

☐ No



LPA Details

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



LPA's reference

19/00624/UNCOU

Completed by

Mark Bray

On behalf of

South Staffordshire District Council

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

Name

Salindra Kumar

Phone no (including dialling code)

01902696274

Email

Appeals@sstaffs.gov.uk

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

QUESTIONNAIRE DOCUMENTS

Appeal Reference APP/C3430/C/22/3291561

Appeal By MR TOM PARK

Site Address
Landywood Farm
Landywood Farm Lane
Cheslyn Hay
WS6 7AS

The documents listed below were uploaded with this form:

Relates to Section: PART 4

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

File name: LANDYWOOD FARMHOUSE, Great Wyrley - 1039172 _ Historic England Listing.pdf

Relates to Section: PART 6

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

File name: 8 Appeal notice.pdf

Relates to Section: PART 6

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

File name: 7 LOIP - Great Wyrley.pdf

Relates to Section: PART 6

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

File name: 2 Officer report.pdf

Relates to Section: PART 6

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

File name: 5 Policies.pdf

File name: 5 Core strategy front page.pdf

Relates to Section: PART 7

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

File name: 3 Enforcement Notice.pdf

Relates to Section: PART 7

Document Description: 24. The Enforcement Notice Plan.

File name: 4 Enforcement Notice plan.pdf

Relates to Section: PART 7

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

File name: 6 List of persons served with notice.pdf

Completed by Not Set

Date 10/02/2022 14:51:26

LPA South Staffordshire District Council

AUTHORISATION FOR PLANNING ENFORCEMENT ACTION IN RESPECT OF LAND ADJACENT TO LANDYWOOD FARM HOUSE, LANDYWOOD FARM LANE, CHESLYN HAY, WALLSALL WS6 7AS

Enforcement Reference 19/00624/UNCOU

1. PURPOSE OF REPORT

To seek authorisation to take Enforcement Action in respect of an unauthorised change of use of Land on land adjacent to Landywood Farm House, ("the Land"), Landywood Farm Lane, Cheslyn Hay, Walsall WS6 7AS, on the Land outlined in red for identification purposes on the plan attached to this report.

2. BREACH OF PLANNING CONTROL

Without planning permission, the making of a material change of use of Land, to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business under Use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), on the Land outlined in red for identification purposes on the plan, ("the Plan") attached to this report.

3. RECOMMENDATION

That in respect of the breach of planning control described above, the Delegated Officer authorises the issue of an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended), requiring the steps to be taken within the specified time period and for the reasons which are set out below:

3.1 Steps to be Taken

- i) Permanently cease the use of the Land outlined in red as a storage facility.
- ii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all equipment, construction materials, plant equipment and materials used in association with the civil engineering business and all other materials and equipment currently stored on the Land.
- iii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all heavy plant equipment, whether free standing or fixed.

- iv) Dismantle and permanently remove from the Land, (indicated in the approximate area shaded green on the red line Plan), all precast concrete storage enclosures, stone block storage enclosures, concrete hardstanding, and boundary treatments including all metal palisade fencing to the east, south and western boundaries of the development including the metal palisade gates and brick pillars at the site entrance.
- v) Restore the Land, (indicated in the approximate area shaded green on the Plan), back to its original condition prior to the unauthorised development.

3.2 Time for Compliance in Respect of Steps i) and ii) at paragraph 3.1

Within 4 (four) months from the date the notice takes effect.

4. INFORMATION

4.1 Site Description and Reasons for Issuing this Notice

- 4.2 The Land is located off Landywood Farm Lane to the south-west of Landywood within the Parish of Great Wyrley. The site forms part of the land associated with 'Landywood Farm House', a Grade II Listed Building which was renovated and returned back to residential use following granting of planning permission and associated Listed Building consent in 2013.
- 4.3 The Land itself consists of a relatively flat parcel of land situated to the south-western corner of Landywood Farm House and extends to approximately 0.3ha. The storage facility consists of a hard surfaced commercial contractor's yard which includes vehicle parking and manoeuvring areas, temporary structures, a number of precast concrete storage enclosures measuring some 3m in height, stone block storage enclosures and a large freestanding industrial concrete mixing plant together with other plant equipment and materials used in association with a civil engineering business. The site is enclosed by metal palisade fencing with large metal palisade gates installed at the site entrance.
- 4.4 The Land is located within the West Midlands Green Belt.
- 4.5 The unauthorised material change of use of the Land to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business took place less than ten years ago and is not immune from enforcement action.
- 4.6 On 3rd March 2021, the Council refused a retrospective planning application, (reference 20/00288/COU), for the retention of storage facility and change of use to B8 on the Land as inappropriate development within the Green Belt.

- 4.7 Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 4.8 Paragraph 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.
- 4.9 Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
- 4.10 Paragraphs 147 and 148 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.11 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 4.12 Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.
- 4.13 Policy EQ4 states that the intrinsic rural landscape and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

- 4.14 Policy EQ11 states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out with regards to A) use, B) movement and C) form. Part C (e) states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects. The contractors yard is visible from a number of locations in the immediate area and represents an incursion of a commercial/industrial nature in an otherwise agricultural landscape.
- 4.15 Core Policy 1 of the Core Strategy states that growth throughout the District will be located within the most accessible and sustainable locations in line with the Settlement Hierarchy contained within the Policy. Although it is recognised that some land will be released in some locations this is confined to Main and Local Service villages and not the countryside.
- 4.16 The Land is visible from a number of locations in the immediate area and represents an incursion of a commercial/industrial use in an otherwise agricultural landscape.
- 4.17 While it is recognised that the change of use is predominantly for open storage, it is considered that the operational development of hard surfacing the yard and utilising it for commercial purposes has had a tangible, detrimental impact on the openness of the Green Belt.
- 4.18 Moreover, the storage enclosures, the commercial concrete mixer and various outside storage have a material impact on Green Belt openness. Core Policy 1 establishes that the Green Belt will be protected from inappropriate development and maintained for the duration of the Plan period. Spatial Strategy;
- 4.19 It is considered that the impact of the contractor's yard would fall outside the development boundary and would represent the encroachment of industrial and commercial uses outside the recognised Main Centres and Service Villages into the countryside to the detriment of the countryside itself.
- 4.20 In addition, the development is particularly noticeable from the Lane and from open countryside to the South. It is therefore considered that the impact of the change of use has had a seriously negative effect on the character and appearance of the countryside in this area and fails to respect and enhance the local character and distinctiveness of the South Staffordshire landscape that neither functions well or adds to the overall quality of the area.

- 4.21 There are no 'very special circumstances' for this development, the change of use is therefore contrary to paragraphs 130, 137, 138c, 147, 148 and 150 National Planning Policy Framework and Policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan.
- 4.22 Policy EQ3 of Core Policy 2 of the South Staffordshire Core Strategy Development Plan states that the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.
- 4.23 The listed building is readily apparent from the approach road, Landywood Lane with the storage facility readily apparent from the lane before entering the curtilage of the listed building. The development is incongruous within this setting and has a harmful impact on the character of the setting and therefore the significance of the listed building when viewed from the lane. The development is considered contrary to policy EQ3 of the South Staffordshire Core Strategy Development Plan.
- 4.24 Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development states that all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 4.25 The development is likely to generate harmful noise levels towards noise sensitive locations and noise sensitive habitats unless measures to suppress noise can be provided for the life of the development through appropriate noise mitigation measure. The Development is thus contrary to Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development.
- 4.26 Planning application reference 20/00288/COU), for the retention of the Land as a storage facility and change of use to B8 has already been refused by the Council as inappropriate development within the Green Belt and the Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.
- 4.27 **National Planning Policy Framework**
- 12 – Achieving Well Designed Places
- 13 – Protecting the Green Belt

4.28 **Adopted Core Strategy**

Core Policy 1 – The Spatial Strategy for South Staffordshire

GB1 – Development in the Green Belt

Core Policy 2 – Protecting and Enhancing the Natural and Historic Environment

EQ3 – Conservation, Preservation and Protection of Heritage Assets

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

EQ9 – Policy EQ9 Protecting Residential Amenity

EQ11 – Wider Design Considerations

5. RELEVANT PLANNING AND ENFORCEMENT HISTORY

91/00577 – Use of land for showman's permanent quarters.

Application refused February 1992

93/00103 – Showman's permanent quarters

Application refused March 1993

93/00023/LBC – Demolition of farm building.

Application refused October 1993

13/00570/FUL & 13/00571/LBC – Renovation and extension of farmhouse, change of use of redundant farm buildings to residential use

Application granted December 2013

20/00288/COU – Retention of storage facility and change of use to B8

Application refused 3rd March 2021

6. CASE SUMMARY

- 6.1 In November 2019, the Council received a number of complaints in relation to the commercial use of a small parcel of agricultural land situated in a field within the West Midlands Green Belt to the south-west of Landywood Farmhouse and Barn.
- 6.2 The complaint related to the commercial use of the land with the allegation that it had been turned into a builders yard with concrete dispensing machinery and use as a storage base for heavy plant machinery and lorries.
- 6.3 The noise emanating from the operation of the site and general disturbance caused by heavy goods vehicles coming and going down a small country lane affected a number of residents living nearby causing a degree of distress on them and the amenity of the area.
- 6.4 On 17th December 2019 a Council Officer visited the site and found that a former piece of agricultural land had undergone a material change of use to that of a busy commercial contractors yard as described at paragraph 4.3.

- 6.5 On 14th January 2020, a further site visit took place between the tenant of the Land and his planning agent where it was noted that the site continued to operate in the absence of planning permission within the Green Belt.
- 6.6 In April 2020 a retrospective planning application, (20/00288/COU), was received for the retention of the use of the Land as a storage facility and change of use to B8.
- 6.7 On 3rd March 2021, the Council refused the retrospective planning application as inappropriate development within the Green Belt for which no 'very special circumstances' had been advanced in support of the application to outweigh the harm caused by it to the Green Belt.
- 6.8 Between March and August 2021, numerous requests were made to the tenant of the Land to agree a time frame within which to cease the use and restore it back to its former condition however little response was received.
- 6.9 On 2nd September 2021, a further request for a timeline for the clearance of the site was requested with a response received advising that the business was looking at relocating but had not agreed or finalised any relocation plans.
- 6.10 On 14th September 2021, as no date could be given as to when the use of the site and restoration of the Land would take place, the Council advised that an Enforcement Notice would be issued with a suitable time frame for compliance.

7. CONCLUSION

- 7.1 A breach in planning control has taken place that has attracted a degree of public interest in the locality and a number of complaints have been received.
- 7.2 The development consisting of a material change of use for use of the Land to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business is considered harmful to the local amenity of the area. The type of activities being carried out on site are completely at odds to what would be expected for its location with a number of dwellings located close-by in an otherwise open countryside setting. The living conditions of occupants of nearby residential dwellings have been compromised to an unacceptable degree as a direct result of the development that has taken place which is contrary to Policies GB1, EQ3, EQ4, EQ9 and EQ11 of the South Staffordshire Core Strategy Development Plan and Parts 12 and 13 and 15 of the NPPF.
- 7.3 On 3rd March 2021, the Council refused a retrospective planning application, (reference 20/00288/COU), for the retention of storage facility and change of

use to B8 on the Land as inappropriate development within the Green Belt and the Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

9. EXPEDIENCY OF ENFORCEMENT ACTION

9.1 Planning Enforcement action is a discretionary power which may be exercised where there has been a breach of planning control which affects public amenity or otherwise affects land or buildings meriting protection in the public interest. In this case it is considered expedient to take enforcement action for the protection and restoration of the Land and future protection of nearby residents that will occupy the adjacent land.

9.2 The Council consider that planning permission should not be granted because planning conditions could not overcome the objections to the development detailed in this report. The owner has been given a period of six months within which to cease the use of the Land but has so far failed to do so leaving the Council with little alternative to proceed with formal enforcement action to remedy the harm caused it.

10. NOTICES TO BE SERVED UPON

- i) Tom Park
Landywood Farm House
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS
- ii) James George Chisholm Wallace
The Estate Office
Little Wyrley Hall
Pelsall
Walsall
WS3 5AG
- iii) Wallace Land Investment And Management Limited
2, Coates Crescent,
Edinburgh
EH3 7AL

- iv) The Company Secretary
Datom Civil Engineering Limited
Landywood Farm,
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS

- v) James Park
3a, Hatherton Road,
Cannock,
Staffordshire,
WS11 1HG

REPORTING OFFICER

Report prepared by:

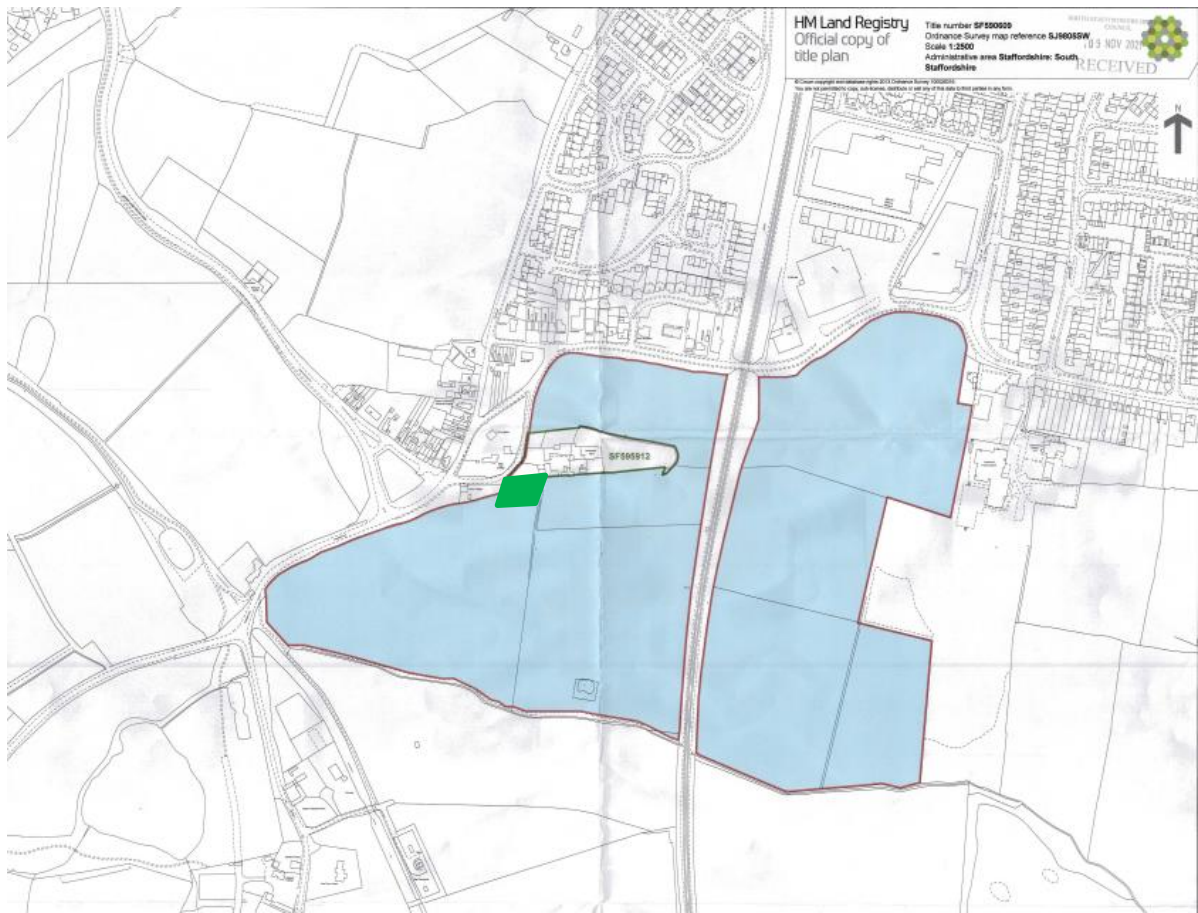


Mark Bray
Senior Planning Enforcement Officer

Date: 19/11/21

LAND ADJACENT TO LANDYWOOD FARM HOUSE, LANDYWOOD FARM LANE,
CHESLYN HAY, WALLSALL WS6 7AS

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED

BY THE PLANNING AND COMPENSATION ACT 1991)

ENFORCEMENT NOTICE

ISSUED BY: SOUTH STAFFORDSHIRE DISTRICT COUNCIL

- (1) **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. It considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important information.

(2) **THE LAND AFFECTED**

Land adjacent to Landywood Farm House, ("the Land"), Landywood Farm Lane, Cheslyn Hay, Walsall WS6 7AS outlined in red for identification purposes on the plan, ("the Plan") attached to this Notice.

(3) **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the making of a material change of use of Land, to land used as a storage facility including the storage of construction material, plant equipment and other materials and paraphernalia used in association with a civil engineering business under Use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

(4) **REASONS FOR ISSUING THIS NOTICE**

The Land is located off Landywood Farm Lane to the south-west of Landywood within the Parish of Great Wyrley. The site forms part of the land associated with 'Landywood Farm House', a Grade II Listed Building which was renovated and returned back to residential use following granting of planning permission and associated Listed Building consent in 2013.

The Land itself consists of a relatively flat parcel of land situated to the south-western corner of Landywood Farm House and extends to approximately 0.3ha. The storage facility consists of a hard surfaced commercial contractor's yard which includes vehicle parking and manoeuvring areas, temporary structures, a number of precast concrete storage enclosures measuring some 3m in height, stone block storage enclosures and a large freestanding industrial concrete mixing plant together with other plant equipment and materials used in association with a civil engineering business.

The site is enclosed by metal palisade fencing with large metal palisade gates installed at the site entrance.

The Land is located within the West Midlands Green Belt.

The unauthorised material change of use of the Land to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business took place less than ten years ago and is not immune from enforcement action.

On 3rd March 2021, the Council refused a retrospective planning application, (reference 20/00288/COU), for the retention of storage facility and change of use to B8 on the Land as inappropriate development within the Green Belt.

Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

Paragraphs 147 and 148 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed use

would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

Policy EQ4 states that the intrinsic rural landscape and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

Policy EQ11 states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out with regards to A) use, B) movement and C) form. Part C (e) states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects.

Core Policy 1 of the Core Strategy states that growth throughout the District will be located within the most accessible and sustainable locations in line with the Settlement Hierarchy contained within the Policy. Although it is recognised that some land will be released in some locations this is confined to Main and Local Service villages and not the countryside.

The Land is visible from a number of locations in the immediate area and represents an incursion of a commercial/industrial use in an otherwise agricultural landscape.

While it is recognised that the change of use is predominantly for open storage, it is considered that the operational development of hard surfacing the yard and utilising it for commercial purposes has had a tangible, detrimental impact on the openness of the Green Belt.

Moreover, the storage enclosures, the commercial concrete mixer and various outside storage have a material impact on Green Belt openness. Core Policy 1 establishes that the Green Belt will be protected from inappropriate development and maintained for the duration of the Plan period. Spatial Strategy;

It is considered that the impact of the contractor's yard would fall outside the development boundary and would represent the encroachment of industrial and commercial uses outside the recognised Main Centres and Service Villages into the countryside to the detriment of the countryside itself.

In addition, the development is particularly noticeable from the Lane and from open countryside to the South. It is therefore considered that the impact of the change of use has had a seriously negative effect on the character and appearance of the countryside in this area and fails to respect and enhance the local character and distinctiveness of the South Staffordshire landscape that neither functions well or adds to the overall quality of the area.

There are no 'very special circumstances' for this development, the change of use is therefore contrary to paragraphs 130, 137, 138c, 147, 148 and 150 National Planning

Policy Framework and Policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan.

Policy EQ3 of Core Policy 2 of the South Staffordshire Core Strategy Development Plan states that the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

The listed building is readily apparent from the approach road, Landywood Lane with the storage facility readily apparent from the lane before entering the curtilage of the listed building. The development is incongruous within this setting and has a harmful impact on the character of the setting and therefore the significance of the listed building when viewed from the lane. The development is considered contrary to policy EQ3 of the South Staffordshire Core Strategy Development Plan.

Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development states that all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

The development is likely to generate harmful noise levels towards noise sensitive locations and noise sensitive habitats unless measures to suppress noise can be provided for the life of the development through appropriate noise mitigation measure. The Development is thus contrary to Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development.

Planning application reference 20/00288/COU), for the retention of the Land as a storage facility and change of use to B8 has already been refused by the Council as inappropriate development within the Green Belt and the Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

(5) WHAT YOU ARE REQUIRED TO DO

- i) Permanently cease the use of the Land outlined in red as a storage facility under use class B8.
- ii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all equipment, construction materials, plant equipment and materials used in association with the civil engineering business and all other materials and equipment currently stored on the Land.
- iii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all heavy plant equipment, whether free standing or fixed.

- iv) Dismantle and permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all precast concrete storage enclosures, stone block storage enclosures, concrete hardstanding, and boundary treatments including all metal palisade fencing to the east, south and western boundaries of the development including the metal palisade gates and brick pillars at the site entrance.
- v) Restore the Land, (indicated in the approximate area shaded green on the Plan), back to its original condition prior to the unauthorised development.

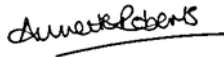
The periods for compliance

Within 4 (four) months from the date the notice takes effect.

(6) WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 28th January 2022 unless an appeal is made against it beforehand.

Dated 22nd December 2021



Signed :

On behalf of Corporate Director Planning & Infrastructure

On behalf of South Staffordshire District Council
Council Offices
Wolverhampton Road,
Codsall, Staffordshire
WV8 1PX

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises Land adjacent to Landywood Farm House, Landywood Farm Lane, Cheslyn Hay, Walsall WS6 7AS.

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

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 28th January 2022 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

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

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 28th January 2022.

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

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

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924.00. This amount is double the usual Planning Application fee. You should pay this fee to South Staffordshire Council (made payable to South Staffordshire Council). Joint appellants need only pay one set of fees. If you do not wish to proceed under Ground (a) then no fee is payable.

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

One appeal form and a copy of the Enforcement Notice together with a cheque for £924.00 made payable to South Staffordshire Council should be sent to the Council addressed to:-

Corporate Director Planning & Infrastructure
South Staffordshire District Council
Planning Department
Council Offices
Wolverhampton Road,
Codsall,
WV8 1PX

If you do not appeal against this enforcement notice, it will take effect on the 28th January 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 5 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Planning Enforcement Contact Officer:

Mark Bray
Senior Planning Enforcement Officer

South Staffordshire District Council
Planning Department
Council Offices
Wolverhampton Road
Codsall,
South Staffordshire,
WV8 1PX

Tel: 01902 696900

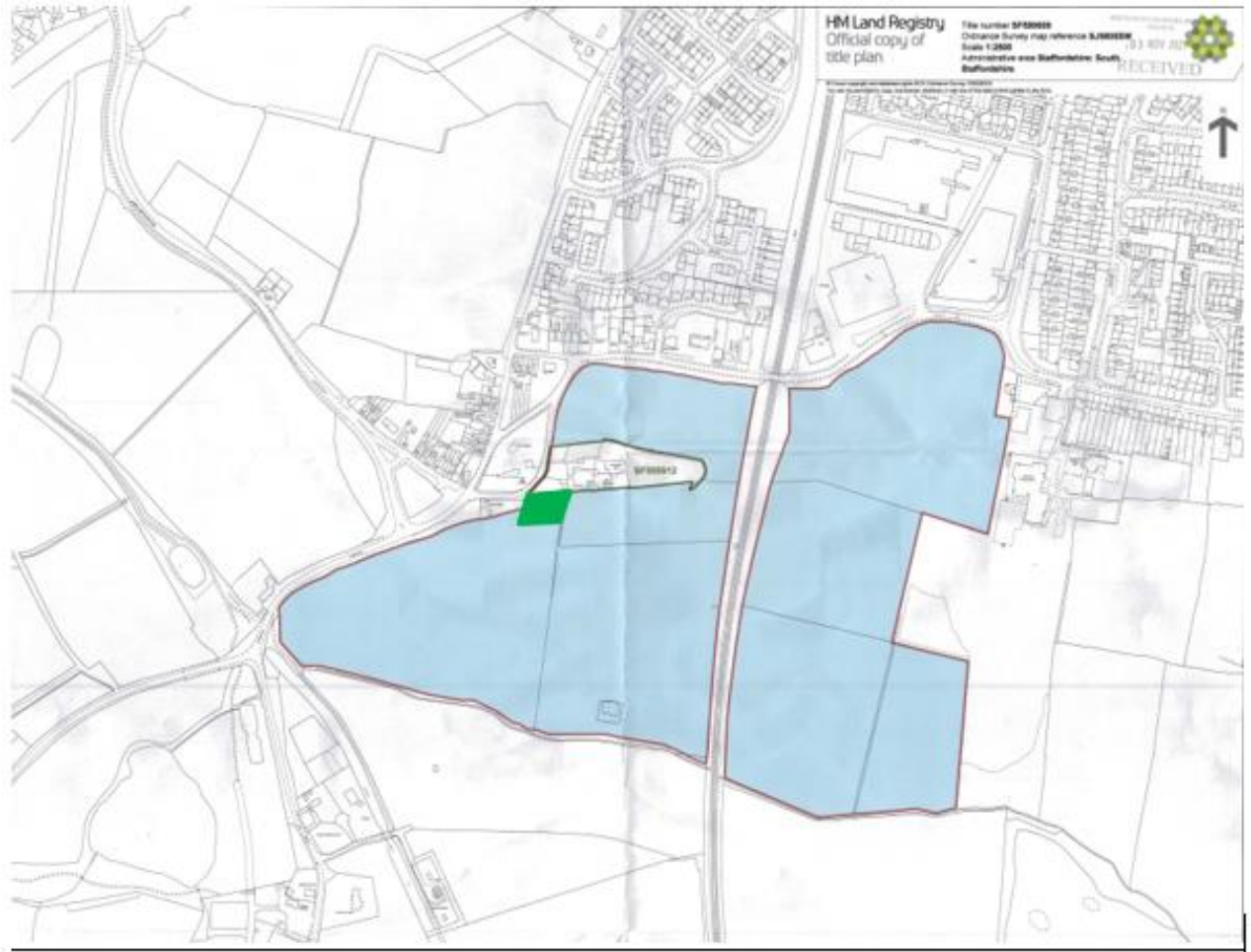
E-mail: m.bray@sstaffs.gov.uk

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Tom Park
Landywood Farm House
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS
2. James Wallace
The Estate Office
Little Wyrley Hall
Pelsall
Walsall
WS3 5AG
3. Wallace Land Investment And Management Limited
2, Coates Crescent,
Edinburgh
EH3 7AL
4. The Company Secretary
Datom Civil Engineering Limited
Landywood Farm,
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS
5. James Park
3a, Hatherton Road,
Cannock,
Staffordshire,
WS11 1HG

LAND ADJACENT TO LANDYWOOD FARM HOUSE, LANDYWOOD FARM LANE,
CHESLYN HAY, WALLSALL WS6 7AS

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE





The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

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

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

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

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

171A Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
 - (a) carrying out development without the required planning permission; or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,constitutes a breach of planning control.
- (2) For the purposes of this Act—
 - (a) the issue of an enforcement notice (defined in section 172);
 - (aa) the issue of an enforcement warning notice (defined in section 173ZA); or
 - (b) the service of a breach of condition notice (defined in section 187A),constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

171B Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- (4) The preceding subsections do not prevent—
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

172A Assurance as regards prosecution for person served with notice

(1) When, or at any time after, an enforcement notice is served on a person, the local planning authority may give the person a letter—

(a) explaining that, once the enforcement notice had been issued, the authority was required to serve the notice on the person,

(b) giving the person one of the following assurances—

(i) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the enforcement notice, or

(ii) that, in the circumstances as they appear to the authority, the person is not at risk of being prosecuted under section 179 in connection with the matters relating to the enforcement notice that are specified in the letter,

(c) explaining, where the person is given the assurance under paragraph (b)(ii), the respects in which the person is at risk of being prosecuted under section 179 in connection with the enforcement notice, and

(d) stating that, if the authority subsequently wishes to withdraw the assurance in full or part, the authority will first give the person a letter specifying a future time for the withdrawal that will allow the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(2) At any time after a person has under subsection (1) been given a letter containing an assurance, the local planning authority may give the person a letter withdrawing the assurance (so far as not previously withdrawn) in full or part from a time specified in the letter.

(3) The time specified in a letter given under subsection (2) to a person must be such as will give the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

(4) Withdrawal under subsection (2) of an assurance given under subsection (1) does not withdraw the assurance so far as relating to prosecution on account of there being a time before the withdrawal when steps had not been taken or an activity had not ceased.

(5) An assurance given under subsection (1) (so far as not withdrawn under subsection (2)) is binding on any person with power to prosecute an offence under section 179.】

173 Contents and effect of notice.

(1) An enforcement notice shall state—

(a) the matters which appear to the local planning authority to constitute the breach of planning control; and

(b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.

- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;
 - (c) any activity on the land not to be carried on except to the extent specified in the notice; or
 - (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
- (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step

or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.

(10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.

(11) Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.

(12) Where—

(a) an enforcement notice requires the construction of a replacement building; and

(b) all the requirements of the notice with respect to that construction have been complied with,

planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

173ZA Enforcement warning notice: Wales

(1) This section applies where it appears to the local planning authority that—

(a) there has been a breach of planning control in respect of any land in Wales, and

(b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.

(2) The authority may issue a notice under this section (an “enforcement warning notice”).

(3) A copy of an enforcement warning notice is to be served—

(a) on the owner and the occupier of the land to which the notice relates, and

(b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.

(4) The notice must—

(a) state the matters that appear to the authority to constitute the breach of planning control, and

(b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.

(5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.

173A Variation and withdrawal of enforcement notices.

(1) The local planning authority may—

(a) withdraw an enforcement notice issued by them; or

(b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).

(2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.

(3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.

(4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

174Appeal against enforcement notice.

(1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds—

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time—
 - (i) after the making of a related application for planning permission, but
 - (ii) before the end of the period applicable under section 78(2) in the case of that application.

(2B) An application for planning permission for the development of any land is, for the purposes of subsection (2A), related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.

(2C) Where any breach of planning control constituted by the matters stated in the notice relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- (a) the relevant demolition was urgently necessary in the interests of safety or health;
- (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- (c) the relevant demolition was the minimum measure necessary.

(2D) An appeal against an enforcement notice may not be brought on the ground that planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

- (a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
- (b) an appeal has been dismissed under section 79(6A).

(3) An appeal under this section shall be made

(a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or

(b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date; or

(c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

(a) specifying the grounds on which he is appealing against the enforcement notice; and

(b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

(a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence and

(b) continues so to occupy the land when the appeal is brought.

175 Appeals: supplementary provisions.

(1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—

(a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;

(b) specify the matters to be included in such a statement;

(c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;

(d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.

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

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

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

(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.

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

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

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

(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.

176 General provisions relating to determination of appeals.

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

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

(b) vary the terms of the enforcement notice,

if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.

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

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

(3) The Secretary of State—

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

(b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175

(1) within the prescribed period.

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

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

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

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

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

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

(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.

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

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

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

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

(1) (a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).

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

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

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

(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted

under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.

(5) Where—

(a) an appeal against an enforcement notice is brought under section 174, and

(b) the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission

(5A) Where—

(a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection

(2) (a) of that section;

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

(c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.

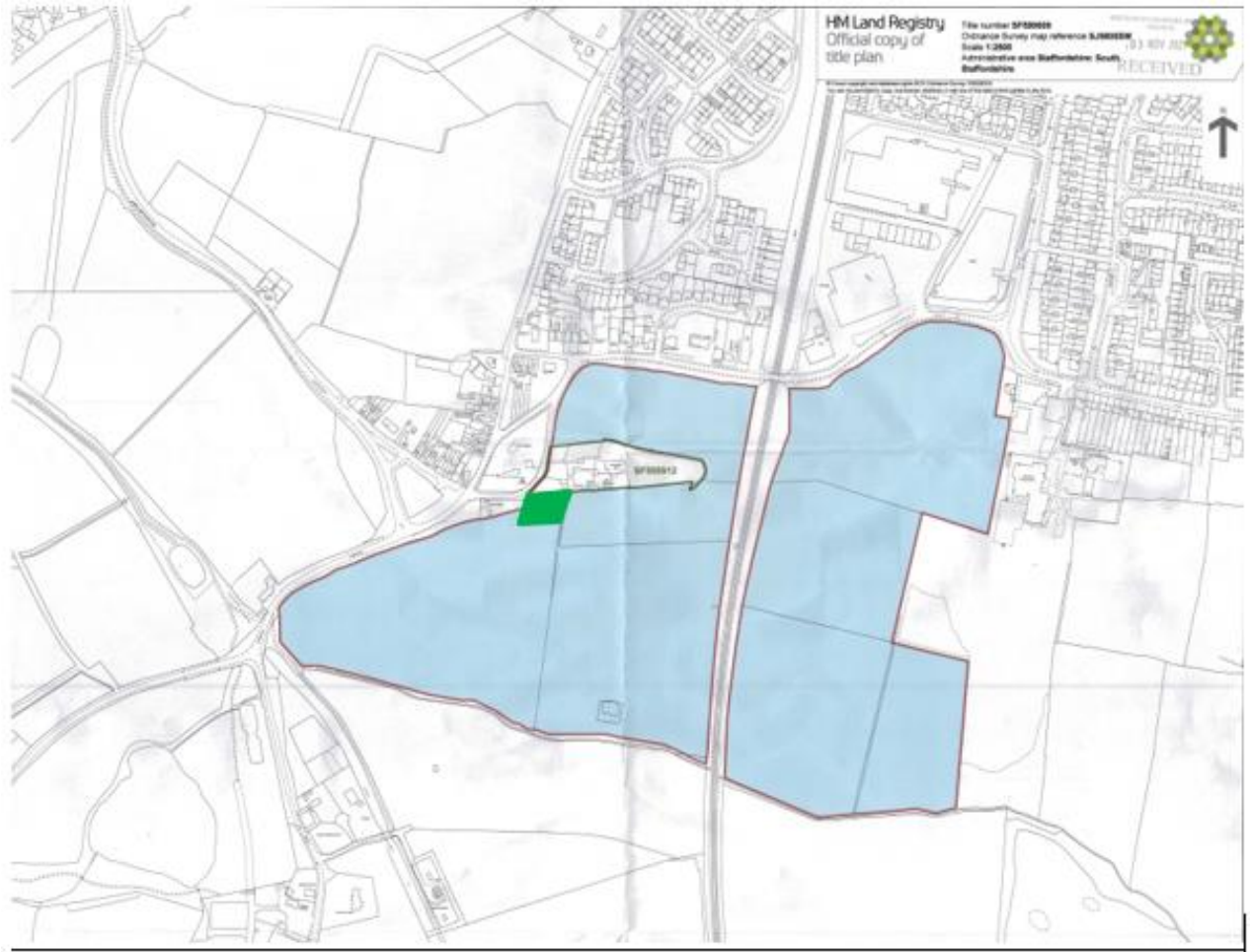
(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

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

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

LAND ADJACENT TO LANDYWOOD FARM HOUSE, LANDYWOOD FARM LANE,
CHESLYN HAY, WALLSALL WS6 7AS

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

Core Policy 1 – The Spatial Strategy for South Staffordshire

The rural regeneration of South Staffordshire will be delivered through the implementation of the following Spatial Strategy. The principal aim will be to meet local needs, whilst recognising the constraints that impact upon the District, and support and improve infrastructure and service delivery in the District.

Throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy set out below and the Council will work with partners to deliver the infrastructure, facilities and services required to support this growth. An integral part of the Strategy will be to protect, maintain and enhance the natural and historic environment and the local distinctiveness of the District and retain and reinforce the current settlement pattern.

In relation to the District's existing communities and settlements, appropriate proposals which contribute to their improved sustainability, cohesion and community wellbeing, will be supported.

Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas.

Main Service Villages

Bilbrook, Brewood, Cheslyn Hay, Codsall, Great Wyrley, Kinver, Penkridge, Perton and Wombourne are defined as **Main Service Villages** and will be the main focus for housing growth, employment development and service provision. Village centres will be the focus for new shopping and small scale office development to maintain their vitality and viability.

Local Service Villages

Coven, Essington, Featherstone, Huntington, Pattingham, Swindon and Wheaton Aston are defined as **Local Service Villages** where limited development will be supported where it meets local needs, whilst recognising the constraints that impact upon the District. Employment development will be limited to that which meets local business and community needs and maintains the vitality and viability of these communities. Shopping and office development will be located in the village centres.

Small Service Villages

Bednall, Bobbington, Bishops Wood, Dunston, Shareshill, and Trysull are defined as **Small Service Villages** where very limited development may be acceptable for the provision of rural affordable housing where it clearly supports a local need and contributes to the sustainability of those local communities. Employment development will be limited to rural employment and diversification which meets local business and community needs.

Other Villages and Hamlets

The villages defined as **Other Villages and Hamlets** are not identified for growth, and development will only be permitted in exceptional circumstances for the provision of rural affordable housing to meet identified local needs. New development in these locations will therefore be limited to rural affordable housing schemes provided through rural exception sites and the conversion and re-use of redundant rural buildings to appropriate uses.

Outside the Service Villages

Outside the service villages, the objective of the Spatial Strategy is to protect the attractive rural character of the countryside where new development will be restricted to particular types of development to meet affordable housing needs, support tourism, provide for sport and recreation and support the local rural economy and rural diversification.

As part of the strategy for employment and economic development, support will continue to be given to the four existing freestanding strategic employment sites (i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes).

The Green Belt and Open Countryside

The South Staffordshire portion of the West Midlands Green Belt as defined on the Policies Map, will be protected from inappropriate development and proposals will be considered in the light of other local planning policies and the policy restrictions relating to Green Belt in the NPPF, however the Council will consider favourably sustainable development which accords with this Spatial Strategy.

The general extent of the Green Belt and the area defined as Open Countryside will be protected and maintained for the Plan period but some land will need to be released from the Green Belt and Open Countryside in some locations at the Main and Local Service Villages to deliver the proposed development strategy and enable the sustainable growth of these villages. A partial review of Green Belt boundaries and a review of Major Developed Sites in the Green Belt will be carried out through the Site Allocations DPD.

Delivering the Strategy

The Spatial Strategy will be delivered through the Core Policies and Development Policies. In all cases development should not conflict with the local planning policies, particularly the environmental policies. Development should be designed to be sustainable, seek to enhance the environment, and should provide any necessary mitigating or compensatory measures to address harmful implications.

Explanation

- 6.4 South Staffordshire lies on the edge of the West Midlands Conurbation close to the Major Urban Areas of the Black Country and has its own distinctive character. A key aspect of South Staffordshire's local distinctiveness is based around its ethos and philosophy of being a 'community of communities'. The settlement pattern of South Staffordshire is that of a rural area with many villages of different sizes situated within 27 parishes. There is no single dominant settlement and many of our residents rely on the services provided within towns and cities outside the District to meet some of their 'higher order' needs including hospitals, certain types of retail needs, and certain types of leisure and employment opportunities. This is in part because they are not able to meet their needs locally. Similarly, many of the people who work in and use the facilities of the District, actually live outside it.
- 6.5 The Spatial Strategy for South Staffordshire is to spread development geographically around the District based on a Settlement Hierarchy. The principal aim of the Strategy is to meet local needs whilst recognising the constraints that impact upon the District, and support the retention of existing facilities and services in villages in a sustainable way and where possible improve them. The Settlement Hierarchy classifies villages as Main Service Villages, Local Service Villages and Small Service Villages and the very small villages in the District are classified as Other Villages and Hamlets. The Settlement Hierarchy is shown on the following map.

- 7.3 South Staffordshire is comprised of a variety of landscapes, with historic landscapes, extensive areas of forest, areas of heathland, commons, rivers and water courses. Some landscape character types have suffered losses or degradation, and the District's landscape is affected by change arising from development, mineral working and agriculture. There are a number of initiatives covering part of the District that aim to achieve enhancements to the existing landscape and create valuable new habitats that can play a part in increasing biodiversity value within the District and these include the Forest of Mercia.
- 7.4 There are currently 11 sites of Special Scientific Interest (SSSI) in the District including Motte Meadows, Kinver Edge and Highgate Common. Motte Meadows is also a National Nature Reserve and a Special Area of Conservation (SAC) designated under the Habitats Directive. There are also many other Sites of Biological Importance (SBI) across the District of various habitat types that require on-going protection and management including important areas of lowland heathland and ancient woodland. In addition, there are 5 Local Nature Reserves (LNR) in the District including Shoal Hill Common and Wom Brook Walk. The western edge of the Cannock Chase Area of Outstanding Natural Beauty (AONB) lies within the District.
- 7.5 South Staffordshire has a total of 19 conservation areas, most of them based upon historic village centres, which include canal conservation areas covering the Staffordshire and Worcestershire Canal, Shropshire Union Canal, and the Stourbridge Canal. There are over 850 listed buildings and structures in the District and a range of other buildings and structures of local importance. In addition, there are 23 Scheduled Ancient Monuments (SAMs).

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

The Council will support development or other initiatives where they protect, conserve and enhance the District's natural and heritage assets including ecological networks internationally, nationally and locally important designations. Particular support will be given to initiatives to improve the natural environment where it is poor and increase the overall biodiversity of the District including the development of green infrastructure links and to improve the historic environment where it is identified as at risk.

Development or initiatives will generally be supported which:

- a) will not have a detrimental impact upon the interests and significance of a natural or heritage asset;
- b) are not contrary to the control of development within internationally, nationally or locally designated areas including the Green Belt and Open Countryside, Cannock Chase Area of Outstanding Natural Beauty and Motte Meadows Special Area of Conservation, and contribute to the conservation and enhancement of the character of the landscape and local distinctiveness;

- c) are consistent with the sustainable management of the asset including the repair and reuse of historic buildings;
- d) protect and improve water and air quality;
- e) provide mitigation or compensatory measures to address any potential harmful implications and supporting enhancement measures.

Development proposals should be consistent with the NPPF, the Supplementary Planning Documents on the Historic Environment and Biodiversity and other local planning policies.

Development proposals should have regard to and support the actions and objectives of the Severn and Humber River Basin Management Plans (RBMPs) and also have regard to the River Severn and River Trent Catchment Flood Management Plans (CFMPs).

Explanation

- 7.6 The Policy should be regarded as a positive policy that will support the protection and enhancement of South Staffordshire's natural and historic environment and reflects the importance attached to the assets in Strategic Objectives 3, 4 and 5. The natural and heritage assets in South Staffordshire can be identified as follows:

- The South Staffordshire portion of the West Midlands Green Belt
- The Open Countryside – its landscape character and appearance;
- The best and most versatile agricultural land;
- The character and setting of villages;
- Cannock Chase Area of Outstanding Natural Beauty (AONB);
- The Forest of Mercia;
- Statutory and local areas of wildlife and biological importance, including a National Nature Reserve, Sites of Scientific Interest;
- Motte Meadows Special Areas of Conservation (SAC);
- Protected species and their habitats;
- Regionally Important Geological/Geomorphological Sites;
- Ancient and semi-natural woodlands and veteran trees;
- Trees, woodlands and hedgerows;
- Areas of lowland heath;
- Rivers, watercourses and their floodplains, canals and ponds;
- Buildings, structures and areas of townscape, historic and architectural value and their setting – listed buildings, conservation areas, buildings of special local interest;
- Registered parks and gardens of historic interest including historic landscape areas;
- Sites or structures of archaeological importance – Scheduled Ancient Monuments, sites shown on the Sites and Monuments Record (SMR);
- Land of open space, recreational and amenity value;
- The public rights of way network.

- 7.7 Supporting, enhancing and protecting these assets will require the maintenance of strong partnerships with key partners, such as English Heritage, Natural England and the Environment Agency. The policies in the Core Strategy will contribute to the protection and management of the Cannock Chase AONB and contribute towards the aims and objectives of the Forest of Mercia. The Core Strategy will also make a major contribution towards achieving the objectives of the Staffordshire Biodiversity Action Plan (SBAP).
- 7.8 The approach to the management and protection of the Cannock Chase AONB will be covered in a Supplementary Planning Document (SPD). Further Supplementary Planning Documents will be prepared in relation to biodiversity and landscape character and linked to the relevant Core Strategy policies.

Key Evidence

Sustainable Community Strategy 2008 – 2020
South Staffordshire Council Plan –2012 - 2016
Habitats Regulation Assessment Review of the Core Strategy 2010
Staffordshire Biodiversity Action Plan 2001
Staffordshire Geodiversity Action Plan 2004
Staffordshire Ecological Records
Tree and Woodland Strategy 2010
Open Space Strategy 2009
Conservation Area Appraisals and Management Plans 2010
Village Design Guide SPD 2009
Buildings of Special Local Interest
Historic Environment Assessment 2011
Cannock Chase AONB Management Plan 2009 - 2014
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010
Cannock Chase Visitor Impact Mitigation Strategy 2010
Assessment of Physical and Environmental Constraints 2009
Planning for Landscape Change – Staffordshire County Council SPD 1996-2011
Humber River Basin Management Plan 2009
Severn River Basin Management Plan 2009
River Severn Catchment Flood Management Plan 2009
River Trent Catchment Flood Management Plan 2010
Air Quality Updating and Screening Assessment 2009

Delivery and Monitoring

Through Development Policies EQ1, EQ2 ,EQ3 and EQ4

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

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

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

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

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

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

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

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

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

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

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

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

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

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

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

Explanation

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

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

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

Key Evidence

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

Delivery and Monitoring

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

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

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

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

The Council will encourage and support the creation of new woodlands

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

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

Key Evidence

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

Delivery and Monitoring

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

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

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

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

The Council will encourage and support the creation of new woodlands

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

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

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

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

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

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

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

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

Explanation

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

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

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

Key Evidence

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

and the provision of recycling facilities in new development. These need to be well-designed, in terms of efficiency and encouragement of use, and located in sustainable locations (particularly village centres, where use can be associated with the purpose of other trips). Reflecting other Local Plan policies, development proposals should minimise environmental and visual impact, and respect the interests of nature conservation and the historic environment.

Key Evidence

Sustainable Community Strategy 2008 - 2020
South Staffordshire Climate Change Strategy and Action Plan 2008
South Staffordshire Waste Strategy 2009
Staffordshire and Stoke-on-Trent Waste Core Strategy 2010 – 2026

Delivery and Monitoring

Through the Development Management process in consultation with
Environment Agency and other partners
LSP Environmental Quality Delivery Plan
Sustainable Development SPD

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

Policy EQ9: Protecting Residential Amenity

All development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

Noise sensitive developments such as housing development will not be permitted in the vicinity of established noise generating uses where potential for harmful noise levels is known to exist unless measures to suppress noise sources can be provided through condition or legal agreement.

Development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations and noise sensitive habitats unless measures to suppress noise can be provided for the life of the development through legal agreement.

Sensitive developments such as housing will not be permitted in the vicinity of established sources of pollution which may give rise to harm to the amenity of occupants. Proposals involving the reuse and conversion of redundant agricultural buildings to residential use should not take place where agricultural use involving the keeping of animals or associated

waste is to be retained in adjacent buildings.

Development likely to harm the amenity of neighbouring residents will be directed to appropriate locations away from known sensitive locations.

Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.49 The NPPF sets out the key role of the planning system to deliver sustainable development, including the role of planning in relation to the protection of amenity. The above Policy sets out the general principles relating to residential amenity particularly in respect of important issues such as privacy, noise and disturbance and pollution including the amenity of residents living adjacent to buildings in agricultural use. The policy also considers reasonable levels of private amenity space and seeks to safeguard the amenity of neighbours.

Key Evidence

South Staffordshire Contaminated Land Strategy 2001
Air Quality Updating and Screening Assessment 2009

Delivery and Monitoring

Through the Development Management process in consultation with
Environment Agency and other partners
Air Quality Management Areas
LSP Environmental Quality Delivery Plan
Village Design Guide SPD (or subsequent revisions)

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

Policy EQ10: Hazardous and Environmentally Sensitive Development

The public, land uses and the natural environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.

Village Design Guide SPD 2009
Conservation Area Appraisals and Management Plans 2010
Open Space Strategy 2009

Delivery and Monitoring

Through Development Policy EQ13
LSP Environmental Quality Delivery Plan
Conservation Area Management Plans
Village Design Guide SPD (or subsequent revisions)

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

Development Policies

7.58 The following Development Policies support Core Policy 4.

Policy EQ11: Wider Design Considerations

The design of all developments must be of the highest quality and the submission of design statements supporting and explaining the design components of proposals will be required. Proposals should be consistent with the design guidance set out in the adopted Village Design Guide Supplementary Planning Document (or subsequent revisions) and be informed by any other local design statements.

Development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out below. The Council will encourage innovative design solutions.

A. Use

- a) mixed use developments will be encouraged where the uses are compatible with and complementary to each other and to other uses in the existing community, and where the development will help support a range of services and public transport (existing or new);
- b) proposals should where possible promote a density and mix of uses which create vitality and interest where appropriate to their setting;

B. Movement

- c) opportunities should be taken to create and preserve layouts giving a choice of easy and alternative interconnecting routes, including access to facilities and public transport and offer a safe, attractive environment for all users;

- d) provision should be made, especially within the proximity of homes, for safe and attractive walking and cycling conditions, including the provision of footpath links, cycleways and cycle parking facilities, and links to green infrastructure in accordance with Policies EV11 and HWB2;

C. Form

- e) proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects;
- f) in terms of scale, volume, massing and materials, development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area;
- g) development should relate to and respect any historic context of the site, including plot patterns and street layout taking account of the guidance contained in Policy EQ3;
- h) development within or adjacent to a waterway corridor should take advantage of the waterside setting with an appropriate green corridor taking account of the aims and objectives of Policy HWB2;
- i) development should take every opportunity to create good design that respects and safeguards key views, visual amenity, roofscapes, landmarks, and focal points;
- j) development should take account of traditional design and forms of construction where appropriate, and avoid the use of inappropriate details;
- k) development should incorporate high quality building design and detailing, with particular attention given to appropriately designed elements;
- l) development must ensure a high standard of access for all and that safe and easy access is available to all potential users, regardless of ability, age or gender;
- m) sustainable forms of development should be designed, incorporating renewable energy use, minimising waste production and providing opportunities for recycling, and minimising pollution. Development should seek to minimise water use including the incorporation of water recycling and harvesting, and ensure the use of Sustainable Drainage Systems (SUDS). Use or re-use of sustainable materials will be encouraged. Orientation and layout of development should maximise the potential for passive solar heating, taking account of the implications of solar heat gain;

D. Space

- n) proposals should create pedestrian-friendly places that allow for necessary vehicular access;
- o) places should be safe and secure, with effective natural surveillance;
- p) well designed private and semi-private open space should be incorporated for all buildings, appropriate to the character of the area;
- q) opportunities should be taken to support the development of a varied network of attractive, and usable publicly accessible spaces;
- r) provision for parking should where possible be made in discreet but planned locations within the development;
- s) design should seek to retain existing important species and habitats and maximise opportunities for habitat enhancement, creation and management in accordance with Policy EQ1.

The Council's Space About Dwelling standards are set out in Appendix 6.

Development proposals should be consistent with other local planning policies.

Explanation

- 7.59 The Council attaches significant importance to securing a high level of design quality in the District and this is reflected in the adopted Village Design Guide SPD (or subsequent revisions). The NPPF also refers to the importance of achieving high quality and inclusive design and the CABE publication "Making Design Policy Work" highlights a number of important issues to take into account in developing a policy approach to design.
- 7.60 The design guidance set out in the above Policy identifies the importance of local character and distinctiveness, and gives guidance on achieving sustainable development, use, movement, form and space. Achieving safe designs will be important and issues relating to community safety are addressed in Core Policy 13 and Policy CS1.

Key Evidence

Sustainable Community Strategy 2008 – 2020
Southern Staffordshire Surface Water Management Plan Phase 1 2010
Planning for Landscape Change – Staffordshire County Council SPG 1996-

Core Strategy DPD
Adopted December 2012

Policy GB1: Development in the Green Belt

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

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

- a) purposes directly related to agriculture or forestry; or
- b) appropriate small-scale facilities for outdoor sport or recreation, nature conservation, cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with its purposes; or
- c) affordable housing where there is a proven local need in accordance with Policy H2; or
- d) limited infilling* and limited extension(s), alteration or replacement of an existing building where the extension(s) or alterations are not disproportionate to the size of the original building, and in the case of a replacement building the new building is not materially larger than the building it replaces. Guidance in these matters will be contained in the Green Belt and Open Countryside Supplementary Planning Document (SPD).

B. The re-use of a building provided that:

- e) the proposed use of any building (taking into account the size of any extensions, rebuilding or required alterations), would not harm the openness of the Green Belt or the fulfilment of its purposes.

C. Changes of Use of Land:

- f) the carrying out of engineering or other operations, or the making of a material change of use of land, where the works or use proposed would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

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

Development proposals should be consistent with other local planning policies.

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

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. Tom Park
Landywood Farm House
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS
2. James Wallace
The Estate Office
Little Wyrley Hall
Pelsall
Walsall
WS3 5AG
3. Wallace Land Investment And Management Limited
2, Coates Crescent,
Edinburgh
EH3 7AL
4. The Company Secretary
Datom Civil Engineering Limited
Landywood Farm,
Landywood Farm Lane,
Cheslyn Hay,
Walsall
WS6 7AS
5. James Park
3a, Hatherton Road,
Cannock,
Staffordshire,
WS11 1HG

List of Persons and Interested Parties

Appeal Ref: APP/C3430/C/22/3291561

Appeal by: Mr Tom Park

Enforcement Ref: 19/00624/UNCOU

Site at: Landywood Farm, Landywood Farm Lane Cheslyn Hay, WS6 7AS

1 copy to the Occupier(s)

Annexe Landywood Farm House Landywood Farm Lane Cheslyn Hay WS6 7AS

Farm Cottage Landywood Farm Lane Cheslyn Hay Staffordshire WS6 7AS

Annexe Pear Tree Cottage Landywood Farm Lane Cheslyn Hay Staffordshire WS6 7AS

Pear Tree Cottage Landywood Farm Lane Cheslyn Hay Staffordshire WS6 7AS

Rosedale Landywood Farm Lane Cheslyn Hay Staffordshire WS6 7AS

1 copy to the Clerk to Great Wyrley Parish Council

Sian Carpenter, Parish Council Offices, The Community Centre, Landywood Lane, Great Wyrley, Walsall, WS6 6JX Email - admin@greatwyrleypc.com

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

Councillor Lin Hingley, 3 Castle Gardens, Castle Street, Kinver, West Midlands, DY7 6EL
Email: L.Hingley@sstaffs.gov.uk

Councillor Matt Ewart, Damson Rest, Church Lane, Codsall, Wolverhampton, WV8 1EF
Email: M.Ewart@sstaffs.gov.uk

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

Councillor M Lawrence, 11 The Leas, Featherstone, South Staffordshire, WV10 7AJ
Email: M.Lawrence@sstaffs.gov.uk

Councillor Bob Cope, 1 Spires Croft, Shareshill, Wolverhampton, WV10 7JH
Email: R.Cope@sstaffs.gov.uk

1 copy to the following local member(s)

Councillor Ray J Perry, 8 Roman View, Churchbridge, Cannock, WS11 3YA
Email: R.Perry@sstaffs.gov.uk

Councillor Kath Williams, 5 Poplar Road, Great Wyrley, WS6 6EY
Email: K.Williams@sstaffs.gov.uk

1 copy to those served with Enforcement Notice other than Appellant

James Wallace, The Estate Office, Little Wyrley Hall, Pelsall, Walsall, WS3 5AG

Wallace Land Investment And Management Limited, 2 Coates Crescent, Edingburgh, EH3 7AL

The Company Secretary, Datom Civil Engineering Limited, Landywood Farm, Landywood Farm Lane, Cheslyn Hay, Walsall, WS6 7AS

James Park, 3a Hatherton Road, Cannock, Staffordshire, WS11 1HG



Interested Parties

Phone: (01902) 696274

Email: appeals@sstaffs.gov.uk

Date: 10 February 2022

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Appellant's name:	Mr Tom Park
Site Address:	Landywood Farm, Landywood Farm Lane Cheslyn Hay, WS6 7AS
Description of development:	Without planning permission, the making of a material change of use of Land, to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business under Use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), on the Land outlined in red for identification purposes on the plan, ("the Plan") attached to this report.
Enforcement reference:	19/00624/UNCOU
Appeal reference:	APP/C3430/C/22/3291561
Appeal start date:	9 February 2022

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issued by South Staffordshire District Council on 22 December 2021.

The enforcement notice was issued for the following reasons:

The Land is located off Landywood Farm Lane to the south-west of Landywood within the Parish of Great Wyrley. The site forms part of the land associated with 'Landywood Farm House', a Grade II Listed Building which was renovated and returned back to residential use following granting of planning permission and associated Listed Building consent in 2013.

The Land itself consists of a relatively flat parcel of land situated to the south-western corner of Landywood Farm House and extends to approximately 0.3ha. The storage facility consists of a hard surfaced commercial contractor's yard which includes vehicle parking and manoeuvring areas, temporary structures, a number of precast concrete storage enclosures measuring some 3m in height,

stone block storage enclosures and a large freestanding industrial concrete mixing plant together with other plant equipment and materials used in association with a civil engineering business. The site is enclosed by metal palisade fencing with large metal palisade gates installed at the site entrance.

The Land is located within the West Midlands Green Belt.

The unauthorised material change of use of the Land to land used as a storage facility including the storage of construction material, plant equipment and materials used in association with a civil engineering business took place less than ten years ago and is not immune from enforcement action.

On 3rd March 2021, the Council refused a retrospective planning application, (reference 20/00288/COU), for the retention of storage facility and change of use to B8 on the Land as inappropriate development within the Green Belt.

Paragraph 130 of the National Planning Performance Framework, (NPPF), states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Paragraph 137 of the NPPF states that the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 138 c) of the NPPF states that one of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

Paragraphs 147 and 148 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

Policy GB1 of the Core Strategy Development Plan states that the making of a material change of use of land will normally be permitted where the proposed

use would have no material effect on the openness of the Green Belt, or the fulfilment of its purposes.

Policy EQ4 states that the intrinsic rural landscape and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced and hedgerows should be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

Policy EQ11 states that development proposals must seek to achieve creative and sustainable designs that take into account local character and distinctiveness, and reflect the principles set out with regards to A) use, B) movement and C) form. Part C (e) states that proposals should respect local character and distinctiveness including that of the surrounding development and landscape, in accordance with Policy EQ4, by enhancing the positive attributes whilst mitigating the negative aspects.

Core Policy 1 of the Core Strategy states that growth throughout the District will be located within the most accessible and sustainable locations in line with the Settlement Hierarchy contained within the Policy. Although it is recognised that some land will be released in some locations this is confined to Main and Local Service villages and not the countryside.

The Land is visible from a number of locations in the immediate area and represents an incursion of a commercial/industrial use in an otherwise agricultural landscape.

While it is recognised that the change of use is predominantly for open storage, it is considered that the operational development of hard surfacing the yard and utilising it for commercial purposes has had a tangible, detrimental impact on the openness of the Green Belt.

Moreover, the storage enclosures, the commercial concrete mixer and various outside storage have a material impact on Green Belt openness. Core Policy 1 establishes that the Green Belt will be protected from inappropriate development and maintained for the duration of the Plan period. Spatial Strategy;

It is considered that the impact of the contractor's yard would fall outside the development boundary and would represent the encroachment of industrial and commercial uses outside the recognised Main Centres and Service Villages into the countryside to the detriment of the countryside itself.

In addition, the development is particularly noticeable from the Lane and from open countryside to the South. It is therefore considered that the impact of the change of use has had a seriously negative effect on the character and appearance of the countryside in this area and fails to respect and enhance the local character and distinctiveness of the South Staffordshire landscape that neither functions well or adds to the overall quality of the area.

There are no 'very special circumstances' for this development, the change of use is therefore contrary to paragraphs 130, 137, 138c, 147, 148 and 150 National Planning Policy Framework and Policies GB1, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan.

Policy EQ3 of Core Policy 2 of the South Staffordshire Core Strategy Development Plan states that the Council will ensure that development which affects a heritage asset or its setting will be informed by a proportionate assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals. These will be judged by considering the extent to which an asset's archaeological, architectural, historic or artistic interest will be harmed, including its conservation, in the interest of present and future generations.

The listed building is readily apparent from the approach road, Landywood Lane with the storage facility readily apparent from the lane before entering the curtilage of the listed building. The development is incongruous within this setting and has a harmful impact on the character of the setting and therefore the significance of the listed building when viewed from the lane. The development is considered contrary to policy EQ3 of the South Staffordshire Core Strategy Development Plan.

Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development states that all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

The development is likely to generate harmful noise levels towards noise sensitive locations and noise sensitive habitats unless measures to suppress noise can be provided for the life of the development through appropriate noise mitigation measure. The Development is thus contrary to Policy EQ9 of Core Policy 3 of the South Staffordshire Core Strategy Development.

Planning application reference 20/00288/COU), for the retention of the Land as a storage facility and change of use to B8 has already been refused by the Council as inappropriate development within the Green Belt and the Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken:

- i) Permanently cease the use of the Land outlined in red as a storage facility under use class B8.
- ii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all equipment, construction materials, plant equipment and materials used in association with the civil engineering business and all other materials and equipment currently stored on the Land.

iii) Permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all heavy plant equipment, whether free standing or fixed.

iv) Dismantle and permanently remove from the Land, (indicated in the approximate area shaded green on the Plan), all precast concrete storage enclosures, stone block storage enclosures, concrete hardstanding, and boundary treatments including all metal palisade fencing to the east, south and western boundaries of the development including the metal palisade gates and brick pillars at the site entrance.

v) Restore the Land, (indicated in the approximate area shaded green on the Plan), back to its original condition prior to the unauthorised development.

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

Ground (e) – the notice was not properly served on everyone with an interest in the land.

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

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002.

If you wish to make comments, you can do so at <https://www.gov.uk/government/organisations/planning-inspectorate> If you do not have access to the internet, you can send **three** copies to:

Corrina Clements
Room 3b
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by 23 March 2022. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

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

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

The appeal documents (including the decision when made) can be viewed on [Enforcement Appeal Cases South Staffordshire Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk/enforcement-appeals)

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from the Planning Portal at: www.planningportal.gov.uk/pcs or from us.

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

Sue Frith
Development Management Manager
Council Offices
Codsall
Wolverhampton
WV8 1PX

Telephone Enquiries: (01902) 696274 (Salindra Kumar)



LANDYWOOD FARMHOUSE

Listed on the National Heritage List for England.

[Search over 400,000 listed places](https://historicengland.org.uk/listing/the-list/) (<https://historicengland.org.uk/listing/the-list/>)

Official list entry

Heritage Category: **Listed Building**

Grade: **II**

List Entry Number: **1039172**

Date first listed: **28-May-1987**

Statutory Address 1: **LANDYWOOD FARMHOUSE, UPPER LANDYWOOD**

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

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

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

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

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

Location

Statutory Address: **LANDYWOOD FARMHOUSE, UPPER LANDYWOOD**

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

County: **Staffordshire**

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

Parish: **Great Wyrley**

National Grid Reference: **SJ 98393 05657**

Details

SJ 90 NE GREAT WYRLEY C.P. UPPER LANDYWOOD

4/8 Landywood Farmhouse -

- II

Farmhouse. Early C16 core with late C19 additions and alterations. Timber framed, much replaced and added to in red brick the whole roughcast; plain tile roof; massive brick external end stack on a sandstone plinth. 2 bays of a C16 house are aligned north-south with chimney stack to the south gable; C19 extensions were added to the north and west to form a T-shaped plan. South front. C19 wing to the left: 2 storeys and gable-lit attic; bay, casements with segmental heads. Projecting gable of C16 wing to the right with contemporary stack, the upper parts rebuilt, and partially exposed timber framing in the gable of closely spaced studs and straight braces, and bracketed tie beam. In the re-entrant angle between the 2 wings is a single storey lean-to with gabled porch at its south end. Interior. Remains of 2 timber framed cross-frames with curved braces exposed collar and tie beam roof truss with raking struts and ridge piece.

Listing NGR: SJ9839305657

Legacy

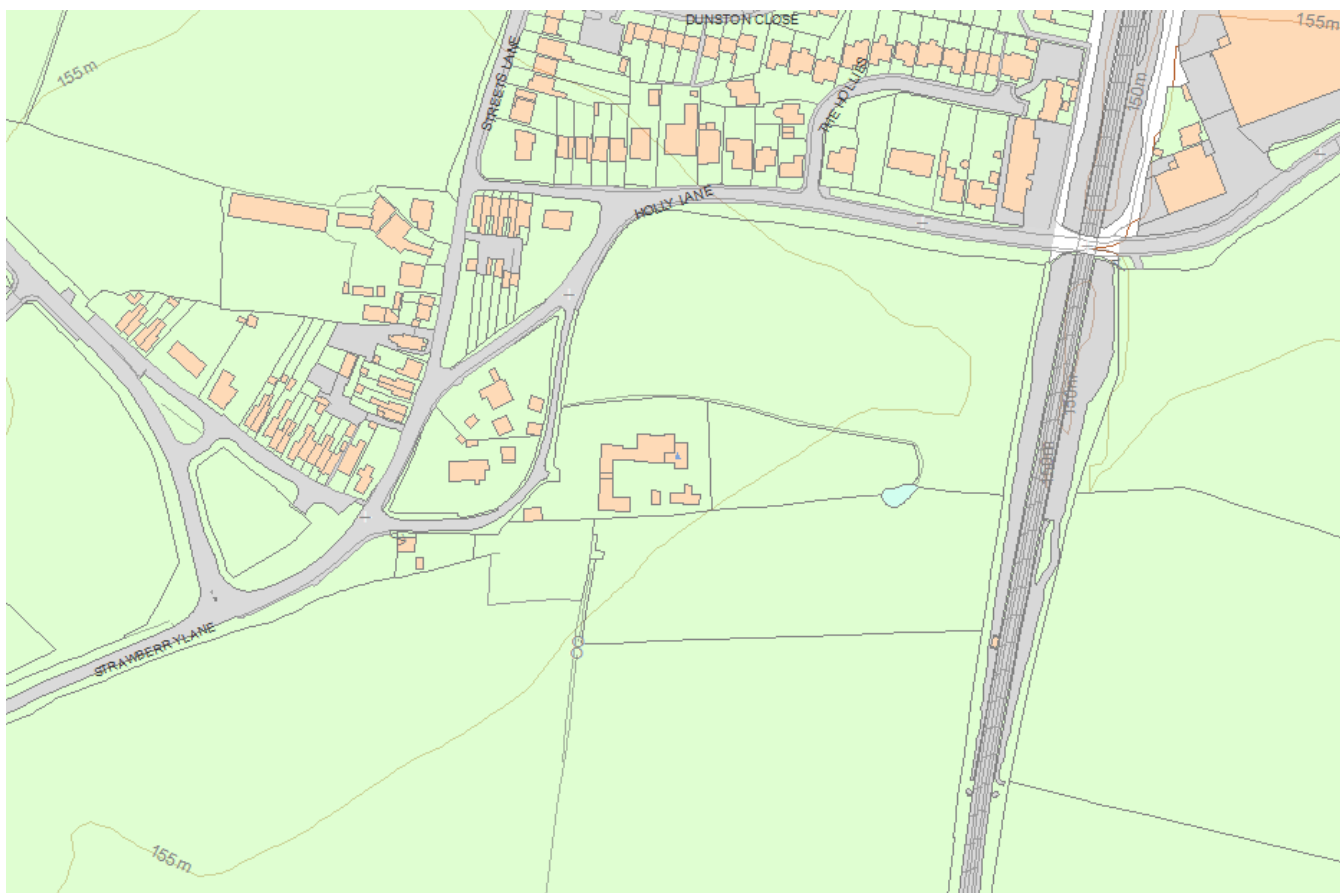
The contents of this record have been generated from a legacy data system.

Legacy System number: **271776**

Legacy System: **LBS**

Legal

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



Map

This map is for quick reference purposes only and may not be to scale. This copy shows the entry on 10-Feb-2022 at 14:41:45.

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

End of official list entry

→ [Next - Comments and Photos](#)
