

## 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/22/3303424

Appeal By

MR BILLY ROGERS

Site Address

Land Lying to The southwest of Saredon Road  
Hospital Lane  
Cheslyn Hay  
Staffordshire  
Grid Ref Easting: 396750  
Grid Ref Northing: 307087

#### PART 1

1.a. Do you agree to the written representation procedure?

Yes ☐ No ☒

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

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

Inquiry ☐ Hearing ☒

2.a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

Yes ☐ No ☒

2.b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

Yes ☒ No ☐

To fully assess the enforcement appeal site

2.c. Are there any known health and safety issues that would affect the conduct of the site inspection?

Yes ☐ No ☒

Please describe:

2.d. Would the Inspector have to go onto any privately owned adjoining land as well as the appeal site itself?

Yes ☐ No ☒

#### 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

Yes ☒ No ☐

deemed planning application/ground (a) to be considered?

5.a. Is the appeal site within a conservation area? Yes ☐ No ☒

5.b. Is the appeal site adjacent to a conservation area? Yes ☐ No ☒

### PART 3

6.a. Does the notice relate to building, engineering, mining or other operations? Yes ☒ No ☐

If YES, please state the area of the site shown in the notice plan, in hectares.

1.3 hectare(s)

6.b. Is the area of the alleged breach different from the above? Yes ☐ No ☒

6.c. Does the alleged breach create any floor space? Yes ☐ No ☒

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

7.a. the disposal of refuse or waste materials? Yes ☐ No ☒

7.b. the deposit of materials remaining after mineral extraction? Yes ☐ No ☒

7.c. the storage of minerals in the open? Yes ☐ No ☒

8. If the enforcement notice relates to the erection of a building or buildings, is it accepted that their use is for purposes of agriculture on land used for agricultural purposes (not necessarily an agricultural unit as defined in the Agriculture Act (1947))? Yes ☐ No ☒

9. Does the enforcement notice relate to the erection/change of use of a building which is a single private dwellinghouse, as defined in Regulation 2(1) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012? Yes ☐ No ☒

### PART 4

10. Has the local planning authority made a Local Development Order under sections 61A to 61C of the Town and Country Planning Act 1990 (as inserted by section 40 of the Planning and Compulsory Purchase Act 2004) in relation to the application site? Yes ☐ No ☒

11. Has any planning permission been granted previously in respect of the development? Yes ☐ No ☒

12. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒

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

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

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

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

If YES, please provide a copy of the stop notice.

☒ see 'Questionnaire Documents' section

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

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

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 type="checkbox"/>	No	<input checked="" type="checkbox"/>
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 checked="" type="checkbox"/>	No	<input type="checkbox"/>

<b>PART 5</b>				
15. Please provide a plan of any public rights of way affected by the site. <input checked="" type="checkbox"/> see 'Questionnaire Documents' section				
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"/>
<b>Environmental Impact Assessment - Schedule 1</b>				
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"/>
<b>Environmental Impact Assessment - Schedule 2</b>				
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"/>
<b>Environmental Impact Assessment - Environmental Statement (ES)</b>				
20.e. Has the appellant supplied an environmental statement?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

<b>PART 6</b>				
21.a. a copy of the letter with which you notified people about the appeal. <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"/>				

☒ see 'Questionnaire Documents' section

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

27/09/2022

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 policy 2, EQ4,7,8,9,11,12, EV11,12, GB1, H6 and Strategic Objectives 1-16

☒ 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

22/00222/TRAVH

Completed by

Catherine Gutteridge

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 Shakespeare

Phone no (including dialling code)

01902 696274

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/22/3303424

Appeal By MR BILLY ROGERS

Site Address  
Land Lying to The southwest of Saredon Road  
Hospital Lane  
Cheslyn Hay  
Staffordshire  
Grid Ref Easting: 396750  
Grid Ref Northing: 307087

### The documents listed below were uploaded with this form:

**Relates to Section:** PART 4  
**Document Description:** 14.c. A copy of the stop notice.  
**File name:** 5 Stop Notice as served.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:** 10 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:** 9 LOIP - Cheslyn Hay.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:** 6 Enforcement 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:** 7 Core strategy front page.pdf  
**File name:** 8 Policies.pdf

**Relates to Section:** PART 7  
**Document Description:** 23. A true copy of the Enforcement Notice.  
**File name:** 2 Enforcement Notice.pdf

**Relates to Section:** PART 7  
**Document Description:** 24. The Enforcement Notice Plan.  
**File name:** 3 Enforcement Notice plan.pdf

**Relates to Section:** PART 7  
**Document Description:** 25. A list of those served with the Notice.  
**File name:** 4 List of those served with Enf notice.pdf

### The documents listed below are to follow by post:

**Relates to Section:** PART 5

**Document Description:** 15. A plan of any public rights of way affected by the site.

**Completed by**

Not Set

**Date**

24/08/2022 15:42:41

**LPA**

South Staffordshire District Council

# **IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **TOWN AND COUNTRY PLANNING ACT 1990**

(As amended by the Planning and Compensation Act 1991)

### **ENFORCEMENT NOTICE**

#### **Material Change of Use**

**ISSUED BY:** South Staffordshire District Council

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

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land known as 'Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire', (Land Registry Title number SF261287) ("the Land"), shown edged with a red line 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 material change of use of the Land to a Sui Generis residential Gypsy and traveller site; the stationing of caravans and parking of associated vehicles on the Land; and unauthorised operational development, comprising of the laying of hardcore and erection of a close-boarded fence with concrete posts and gravel boards, which facilitate the change of use ("the Development").

4. **REASONS FOR ISSUING THIS NOTICE**

1. It appears to the Council that the above breach of planning control has occurred within the last ten years.
2. The Development is inappropriate in the Green Belt, having a detrimental impact on the amenity and openness of the area, and is contrary to policies GB1, EQ4, EQ7, EQ8, EQ9, EQ11, EQ12, H6, EV11 and EV12 of the Core Strategy.
3. The Development is contrary to Core Policy 2 of the adopted Core Strategy: Protecting and Enhancing the Natural and Historic Environment.
4. The Development has an adverse effect on the character, appearance and amenity of the rural area, contrary to Policies EQ4 and EQ11 of the Adopted Core Strategy.
5. The council does not consider that very special circumstances have been put forward to justify a departure from the normal policy of restricting development in this Green Belt



Area, contrary to National Planning Policy Framework, Strategic Objectives 1 & 2 and Policy GB1 (Green Belt) of the adopted Core Strategy.

6. The Council does not consider that planning permission should be given for the Development because planning conditions could not overcome the objections to it.

## 5. **WHAT YOU ARE REQUIRED TO DO**

1. Cease the unauthorised residential use of the Land as a gypsy and traveller caravan site.
2. Remove any and all caravans from the Land, whether residential or otherwise, to include any and all accessories and items associated with them.
3. Remove any and all vehicles associated with the unauthorised material change of use of the Land.
4. Remove any and all unauthorised hard surfacing from the Land that has been laid out to facilitate the unauthorised use.
5. Remove any and all close-boarded fencing and concrete fence posts from the Land, constructed to facilitate the unauthorised use.
6. Remove any and all refuse and waste materials, to include any generated by compliance with steps 2-5 above, from the Land and dispose of at a licensed waste transfer site.
7. Reinstate the Land to agricultural land by reseeding or returfing the land where the unauthorised hardstanding is located with a mixture of wild-flower mix or a 60% to 40% ratio mix of wild-flower and grass seed.

## 6. **TIME FOR COMPLIANCE**

Steps 1 – 3: 1 (one) month from the date on which this Notice takes effect.

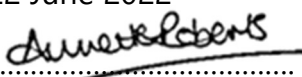
Steps 4 – 6: 3 (three) months from the date on which this Notice takes effect.

Step 7: On the first available planting season.

## 7. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect 20 July 2022 unless an appeal is made against it beforehand.

Dated: 22 June 2022

Signed 

Annette Roberts

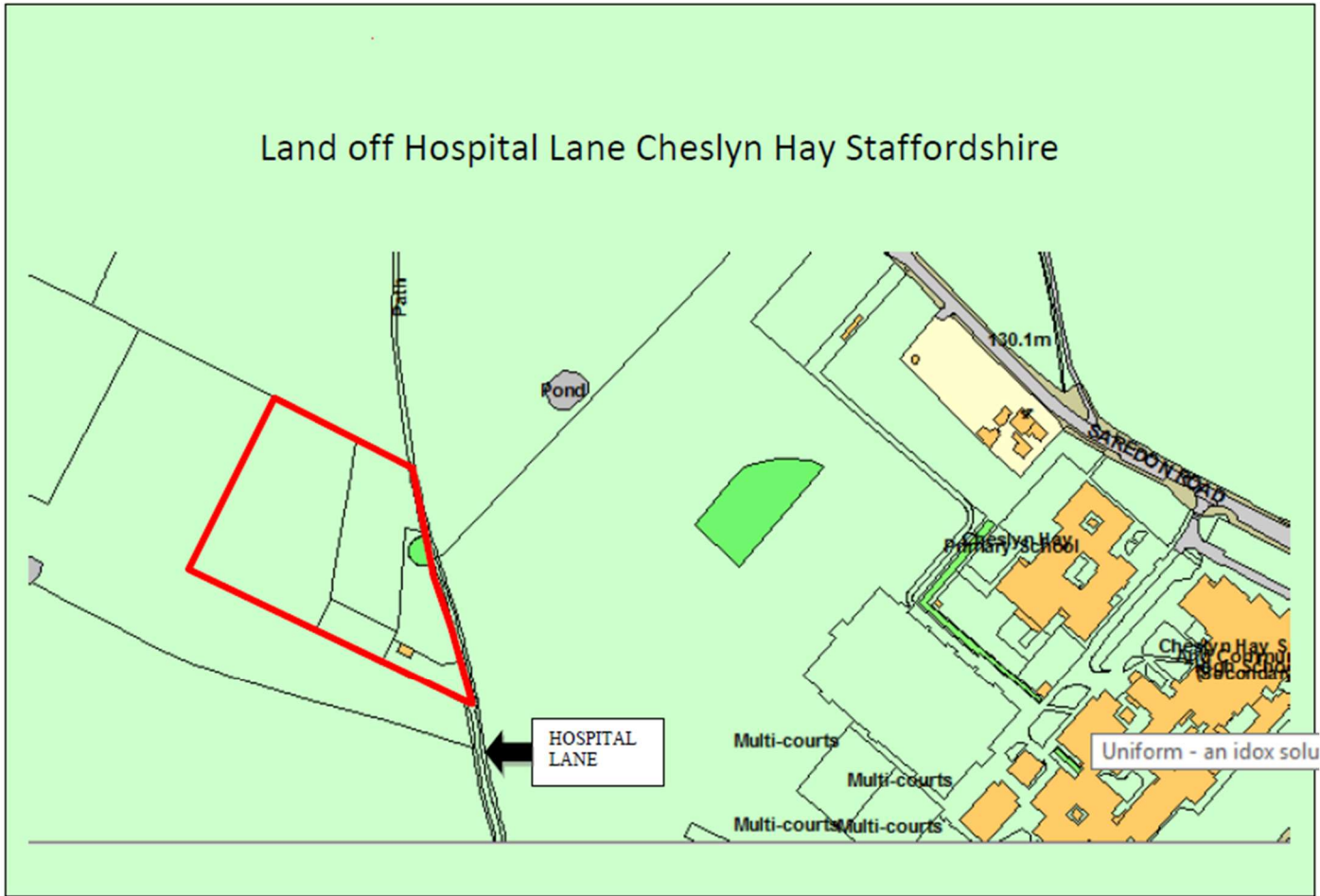
Corporate Director Planning and Business Growth, South Staffordshire District Council, Council Offices,  
Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Nominated Officer:

Lee Marbury

Enforcement Officer, Planning Enforcement Team, South Staffordshire District Council, Council Offices,  
Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire



# **ANNEX**

## **YOUR RIGHT OF APPEAL.**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice. The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

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

## **Relevant Extracts from the Town & Country Planning Act 1990**

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

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

#### **Notes**

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

#### **Extent**

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

### **[171B. — Time limits.**

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 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 dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (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.”] <sup>1</sup>

Notes

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

Extent

Pt VII s. 171B: England, Wales

**[171BA Time limits in cases involving concealment**

- (1) Where it appears to the local planning authority that there may have been a breach of planning control in respect of any land in England, the authority may apply to a magistrates' court for an order under this subsection (a “planning enforcement order”) in relation to that apparent breach of planning control.
- (2) If a magistrates' court makes a planning enforcement order in relation to an apparent breach of planning control, the local planning authority may take enforcement action in respect of—
  - (a) The apparent breach, or
  - (b) Any of the matters constituting the apparent breach, at any time in the enforcement year.
- (3) “The enforcement year” for a planning enforcement order is the year that begins at the end of 22 days beginning with the day on which the court's decision to make the order is given, but this is subject to subsection (4).
- (4) If an application under section 111(1) of the Magistrates' Courts Act 1980 (statement of case for opinion of High Court) is made in respect of a planning enforcement order, the enforcement year for the order is the year beginning with the day on which the proceedings arising from that application are finally determined or withdrawn.
- (5) Subsection (2)—
  - (a) Applies whether or not the time limits under section 171B have expired, and
  - (b) Does not prevent the taking of enforcement action after the end of the enforcement year but within those time limits.] <sup>1</sup>

Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

Extent

Pt VII s. 171BA(1)-(5)(b): England, Wales

**[171BB Planning enforcement orders: procedure**

- (1) An application for a planning enforcement order in relation to an apparent breach of planning control may be made within the 6 months beginning with the date on which evidence of the apparent breach of planning control sufficient in the opinion of the local planning authority to justify the application came to the authority's knowledge.
- (2) For the purposes of subsection (1), a certificate—
  - (a) Signed on behalf of the local planning authority, and

- (b) Stating the date on which evidence, sufficient in the authority's opinion to justify the application came to the authority's knowledge, is conclusive evidence of that fact.
- (3) A certificate stating that matter and purporting to be so signed is to be deemed to be so signed unless the contrary is proved.
- (4) Where the local planning authority apply to a magistrates' court for a planning enforcement order in relation to an apparent breach of planning control in respect of any land, the authority must serve a copy of the application—
  - (a) On the owner and on the occupier of the land, and
  - (b) On any other person having an interest in the land that is an interest which, in the opinion of the authority, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (5) The persons entitled to appear before, and be heard by, the court hearing an application for a planning enforcement order in relation to an apparent breach of planning control in respect of any land include—
  - (a) The applicant,
  - (b) Any person on whom a copy of the application was served under subsection (4), and
  - (c) Any other person having an interest in the land that is an interest which, in the opinion of the court, would be materially affected by the taking of enforcement action in respect of the apparent breach.
- (6) In this section “planning enforcement order” means an order under section 171BA(1).<sup>1</sup>

#### Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

#### Extent

Pt VII s. 171BB(1)-(6): England, Wales

### [171BC Making a planning enforcement order

- (1) A magistrates' court may make a planning enforcement order in relation to an apparent breach of planning control only if—

*Town and Country Planning Act 1990 Page 207*

- (a) The court is satisfied, on the balance of probabilities, that the apparent breach, or any of the matters constituting the apparent breach, has (to any extent) been deliberately concealed by any person or persons, and
- (b) The court considers it just to make the order having regard to all the circumstances.
- (2) A planning enforcement order must—
  - (a) Identify the apparent breach of planning control to which it relates, and
  - (b) State the date on which the court's decision to make the order was given.
- (3) In this section “planning enforcement order” means an order under section 171BA(1).<sup>1</sup>

#### Notes

<sup>1</sup> Added by Localism Act 2011 c. 20 Pt 6 c.5 s.124(1) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

#### Extent

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

[Planning contravention notices] <sup>1</sup>

**[172. — Issue of enforcement notice.**

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

*Town and Country Planning Act 1990 Page 213*

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

**Notes**

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

**Commencement**

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

**Extent**

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

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

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

the person a reasonable opportunity to take any steps necessary to avoid any risk of prosecution that is to cease to be covered by the assurance.

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

*Town and Country Planning Act 1990 Page 214*

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

#### Notes

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

#### Extent

Pt VII s. 172A(1)-(5): England, Wales

### [173. — Contents and effect of notice.

- (1) An enforcement notice shall state—
- (a) The matters which appear to the local planning authority to constitute the breach of planning control; and
  - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
- (a) Remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
  - (b) Remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
- (a) The alteration or removal of any buildings or works;
  - (b) The carrying out of any building or other operations;
  - (c) Any activity on the land not to be carried on except to the extent specified in the notice;

Or

- (d) The contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.

*Town and Country Planning Act 1990 Page 215*

- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a "replacement building") which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
  - (a) Must comply with any requirement imposed by any enactment applicable to the construction of buildings;
  - (b) May differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
  - (c) Must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
- (11) Where—
  - (a) An enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
  - (b) All the requirements of the notice have been complied with, then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (12) Where—
  - (a) An enforcement notice requires the construction of a replacement building; and
  - (b) All the requirements of the notice with respect to that construction have been complied with, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.]<sup>1</sup>

#### Notes

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



## Commencement

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

*Town and Country Planning Act 1990 Page 216*

## Extent

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

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

- (1) The local planning authority may—
  - (a) Withdraw an enforcement notice issued by them; or
  - (b) Waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.]<sup>1</sup>

## Notes

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

## Extent

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

### 174. — Appeal against enforcement notice.

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

*Town and Country Planning Act 1990 Page 217*

- (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.]<sup>2</sup>

(3) An appeal under this section shall be made [...] <sup>3</sup> —

- (a) By giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
- (b) By sending such notice to him in a property addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [ ; or ]<sup>3</sup>
- (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.]<sup>3</sup><sup>1</sup>

(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 [...] <sup>4</sup> ; and
- (b) Continues so to occupy the land when the appeal is brought.

#### Notes

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

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

*Town and Country Planning Act 1990 Page 218*

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

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

## Commencement

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

## Extent

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

**P** Partially In Force

### 175. — Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
  - (a) Require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
  - (b) Specify the matters to be included in such a statement;
  - (c) Require the authority or the appellant to give such notice of such an appeal as may be prescribed;
  - (d) Require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
- (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

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

- (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]<sup>2</sup> be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.

*Town and Country Planning Act 1990 Page 219*

(7) [...] <sup>3</sup>

## Notes

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

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

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

## Commencement

#### Extent

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

P Partially In Force

### 176. — General provisions relating to determination of appeals.

- (1) [On an appeal under section 174 the Secretary of State may—
  - (a) Correct any defect, error or misdescription in the enforcement notice; or
  - (b) Vary the terms of the enforcement notice, if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]<sup>1</sup>
- (3) The Secretary of State—
  - (a) May dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
  - (b) May allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or
  - (c) Of section 175(1) within the prescribed period.
- (4) If [section 175(3) would otherwise apply and ] **2** the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [ of this section ] **3** or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

*Town and Country Planning Act 1990 Page 220*

#### Notes

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

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

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

#### Commencement

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

#### Extent

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

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

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

- (a) [Grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;]<sup>1</sup>
- (b) Discharge any condition or limitation subject to which planning permission was granted;
- (c) [Determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 19.]<sup>2</sup>

[(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.]<sup>2</sup>

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

- (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.]<sup>4</sup>

*Town and Country Planning Act 1990 Page 221*

- (4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.
- (5) [Where an appeal against an enforcement notice is brought under section 174 and—
  - (a) The land to which the enforcement notice relates is in Wales, or
  - (b) That land is in England and the statement under section 174(4) specifies the ground mentioned in section 174(2)(a), the appellant shall be deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control.]<sup>5</sup>

[(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.]<sup>6</sup>

- (6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.
- (7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.
- (8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

#### **Notes**

**1** Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(a) (January 2, 1992)

**2** S.77(1)(c), (1A) and (1B) substituted for s.77(1)(c) by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(1)(b) (July 27, 1992 subject to transitional provisions specified in SI 1992/1630 art.3)

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

**4** Substituted by Planning and Compensation Act 1991 c. 34 Sch.7 para.24(2) (January 2, 1992)

**5** Words and s.177(5)(a)-(b) substituted for words by Localism Act 2011 c. 20 Pt 6 c.5 s.123(6) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

**6** Added by Planning and Compensation Act 1991 c. 34 Pt I s.6(3) (January 2, 1992 subject to transitional provisions specified in SI 1991/2905)

#### **Commencement**

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

#### **Extent**

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



## 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](http://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](mailto: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.

**List of those serve with notice**

The Occupier of Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

Billy Peter Rogers of 132 Hill Street, Essington, Wolverhampton WV11 2BS and Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

Julie Rafferty of 132 Hill Street, Essington, Wolverhampton WV11 2BS and Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.



# **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

## **TOWN AND COUNTRY PLANNING ACT 1990**

(As amended by the Planning and Compensation Act 1991)

### **STOP NOTICE**

**SERVED BY:** South Staffordshire District Council

**To:**

**The Occupier** of Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

**Billy Peter Rogers** of 132 Hill Street, Essington, Wolverhampton WV11 2BS and Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

**Julie Rafferty** of 132 Hill Street, Essington, Wolverhampton WV11 2BS and Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

1. **ON** 22 June 2022, the Council issued an enforcement notice (of which a copy is attached to this notice) alleging that there has been a breach of planning control on the Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire ("the Land").
2. **THIS NOTICE** is issued by the Council, in exercise of their power in section 183 of the 1990 Act, because they consider that it is expedient that the activity specified in this notice should cease before the expiry of the period allowed for compliance with the requirements of the enforcement notice on the Land described in paragraph 3 below. The Council now prohibit the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. **THE LAND TO WHICH THIS NOTICE RELATES:**

Land known as 'Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire', (Land Registry Title number SF261287) ("the Land"), shown edged with a red line on the attached plan.

4. **ACTIVITY TO WHICH THIS NOTICE RELATES:**

- a) Without planning permission, the material change of use of the Land to a Sui Generis residential Gypsy and traveller site.
- b) The stationing of caravans and parking of associated vehicles on the Land.
- c) The unauthorised operational development, comprising of the laying of hardcore and erection of a close-boarded fence with concrete posts and gravel boards, which facilitate the change of use.

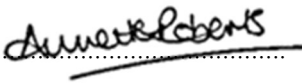
## **5. WHAT YOU ARE REQUIRED TO DO:**

- a) Not to allow any further unauthorised development or activities to take place on the Land, including but not limited to the laying of hardstanding, erection of close-boarded fencing and any other associated development or activities which facilitate, and are incidental or ancillary to, the unauthorised use.
- b) Not to cause, allow or permit any static caravans to be sited on the Land.

## **6. WHEN THIS NOTICE TAKES EFFECT:**

This notice takes effect on 24 June 2022, when all the activity specified in this notice shall cease.

**Dated:** 22 June 2022

**Signed:** 

Annette Roberts

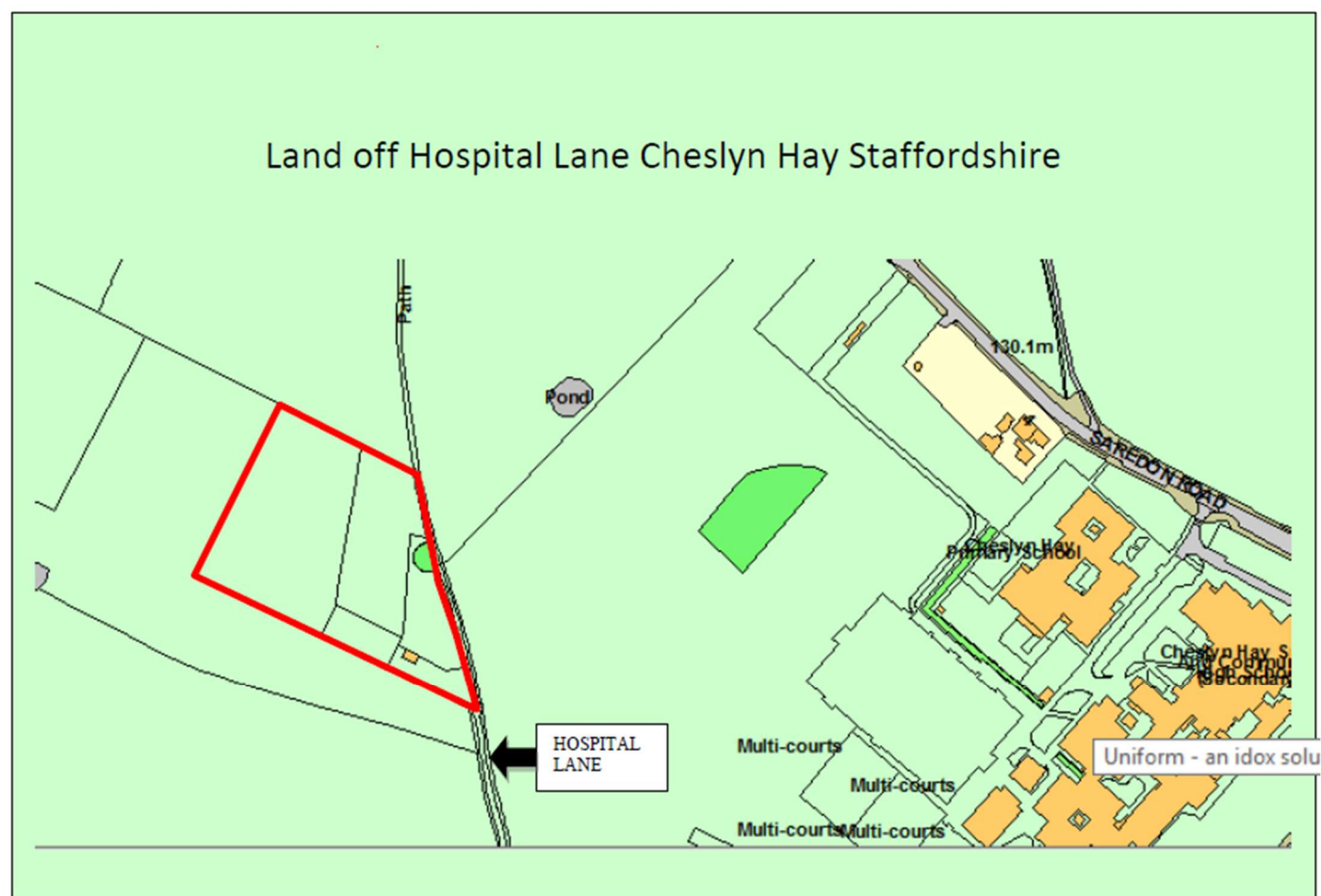
Corporate Director Planning and Business Growth, South Staffordshire District Council,  
Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Nominated Officer:

Lee Marbury

Enforcement Officer, Planning Enforcement Team, South Staffordshire District Council,  
Council Offices, Wolverhampton Road, Codsall, South Staffordshire WV8 1PX

Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.



# Annex

## Warning

**This Notice Takes Effect on The Date Specified in Paragraph 6.**

**There Is No Right of Appeal to The Secretary of State against This Notice.**

It is an offence to contravene a stop notice after a site notice has been displayed or the stop notice has been served on you (Section 187(1) of the 1990 Act). If you then fail to comply with the stop notice you will be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with [Council's nominated officer to deal with enquiries, address and telephone number]. If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

# **ENFORCEMENT REPORT**

## **Enforcement Reference:**

22/00222/TRAVH

## **Address**

Land Lying To The Southwest Of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.

## **Purpose of the Report**

To determine whether Enforcement Action is necessary and expedient in relation to:

The material change of use of the land to a Sui Generis residential Gypsy site, and the associated unauthorised operational development which facilitates that use.

## **References**

South Staffordshire Council Adopted Core Strategy

## **Recommendation**

The Chief Planning Officer be authorised to issue an Enforcement Notice under section 171A(a) of the Town and Country Planning Act 1990 in respect of the following breach:

Without planning permission, the material change of use of the land to a Sui Generis residential Gypsy site, and the associated unauthorised operational development which facilitates that use.

## **Steps to be taken**

1. Cease the unauthorised residential use of the Land.
2. Remove any and all caravans from the Land, whether residential or otherwise, to include any and all accessories and items associated with them.
3. Remove any and all vehicles associated with the unauthorised material change of use of the land.
4. Remove any and all unauthorised hard surfacing from the Land.
5. Remove any and all close-boarded fencing and concrete fence posts from the land.
6. Remove any and all waste or refuse from the land and dispose of at a licensed waste transfer site.

7. Reinstate the Land to agricultural land by reseeding or returfing the land where the unauthorised hardstanding is located with a mixture of wild-flower mix or a 60% to 40% ratio mix of wild-flower and grass seed.
8. Remove all waste materials arising from compliance with (ii) – (vi) above from the Land and dispose of at a licensed waste transfer site.

### **Period for Compliance**

Items 1 – 3: 1 (one) month from the date on which this Notice takes effect.

Items 4 – 8: 3 (three) months from the date on which this Notice takes effect.

### **Planning Policy Considerations**

1. The Development is inappropriate in the Green Belt, having a detrimental impact on the amenity and openness of the area, and is contrary to policies GB1, EQ4, EQ7, EQ8, EQ9, EQ11, EQ12, H6, EV11 and EV12 of the Core Strategy.
2. The Development is contrary to Core Policy 2 of the adopted Core Strategy: Protecting and Enhancing the Natural and Historic Environment.
3. The Development has an adverse effect on the character, appearance and amenity of the rural area, contrary to Policies EQ4 and EQ11 of the Adopted Core Strategy.
4. The council does not consider that very special circumstances have been put forward to justify a departure from the normal policy of restricting development in this Green Belt Area, contrary to National Planning Policy Framework, Strategic Objectives 1 & 2 and Policy GB1 (Green Belt) of the adopted Core Strategy.

### **Background Information**

The site has been owned by Billy Peter Rogers and Julie Rafferty since 2013. Julie Rafferty is believed to be residing on the site now.

### **Planning History**

None.

### **Planning Enforcement History**

Temporary Stop Notice issued 27/05/2022.

### **Reasons for Decision**

1. It appears to the Council that the above breach of planning control has occurred within the last ten years.

2. The Development is inappropriate in the Green Belt, having a detrimental impact on the amenity and openness of the area, and is contrary to policies GB1, EQ4, EQ7, EQ8, EQ9, EQ11, EQ12, H6, EV11 and EV12 of the Core Strategy.
3. The Development is contrary to Core Policy 2 of the adopted Core Strategy: Protecting and Enhancing the Natural and Historic Environment.
4. The Development has an adverse effect on the character, appearance and amenity of the rural area, contrary to Policies EQ4 and EQ11 of the Adopted Core Strategy.
5. The council does not consider that very special circumstances have been put forward to justify a departure from the normal policy of restricting development in this Green Belt Area, contrary to National Planning Policy Framework, Strategic Objectives 1 & 2 and Policy GB1 (Green Belt) of the adopted Core Strategy.
6. The Council does not consider that planning permission should be given for the Development because planning conditions could not overcome the objections to it.

**Is it expedient to take action?**

Yes, for the reasons given in the reasons for decision.

**Time Limit**

Items 1 – 3: 1 (one) month from the date on which this Notice takes effect.

Items 4 – 8: 3 (three) months from the date on which this Notice takes effect.

**Are the steps to comply with the notice reasonable?**

All decisions are made in line with the Wednesbury Principle, as defined in Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223.

**Is the compliance period reasonable?**

Yes.

**Consultations**

All District Council Members have been given an opportunity to comment on the proposed action. No objections were received.

Lee Marbury  
Planning Enforcement Officer  
South Staffordshire Council



**South Staffordshire Council**

# **Core Strategy**

December 2012



Further information can be found at  
**[www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)**





- 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.

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



### **Key Evidence**

Staffordshire County-wide Renewable / Low Carbon Energy Study 2010  
Southern Staffordshire Outline Water Cycle Study 2010  
Southern Staffordshire Surface Water Management Plan Phase 1 2010  
South Staffordshire Strategic Flood Risk Assessment Level 1 2008  
South Staffordshire Climate Change Strategy and Action Plan 2008

### **Delivery and Monitoring**

Through the Development Management process in consultation with  
Environment Agency and other partners  
South Staffordshire Climate Change Strategy Action Plan  
LSP Environmental Quality Delivery Plan  
Sustainable Development SPD

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

### **Policy EQ7: Water Quality**

Development will be permitted where proposals do not have a negative impact on water quality, either directly through pollution of surface or groundwater or indirectly through overloading of Wastewater Treatment Works. Consultation must be held with Severn Trent Water ahead of the progression of any potential development to ensure appropriate wastewater infrastructure is in place in sufficient time, particularly where potential development will depend on Codsall, Penkridge and Wombourne Wastewater Treatment Works where there is a known capacity restriction.

Further site specific analysis of any development proposals located in proximity or upstream of environmentally significant sites, including Sites of Special Scientific Interest (SSSIs), and European Sites including Motte Meadows Special Area of Conservation (SAC) will be required in order to validate any relevant planning application to demonstrate that the development will have no adverse effect on environmentally significant sites. Non mains drainage will not be permitted where it is likely to cause adverse effects at sensitive ecological sites. In line with objectives of the Water Framework Directive (WFD), development proposals must not adversely affect the water quality of waterbodies in the District and wherever possible take measures to improve it.

All planning applications must include a suitable Sustainable Drainage (SUDs) scheme, and greater detail will be considered in a Sustainable Development Supplementary Planning Document. Developers are advised to refer to the guidance on SUDs contained in section 4.3 of the Southern

**Staffordshire Outline Water Cycle Study.**

Development proposals should be consistent with other local planning policies.

**Explanation**

- 7.46 Evidence from the Water Cycle Study and Surface Water Management Plan has indicated that the implementation of key water management techniques will be necessary to ensure that current resources are not stretched and that the water environment is not negatively impacted by development. The recommendations for this policy are taken from the evidence base as reported in the Water Cycle Study and through discussions with the Environment Agency and Natural England. The above policy is written to ensure that development causes no negative impact upon the waterbodies in the District in line with the requirements of the EU Water Framework Directive. The Water Cycle Study identifies the Back Brook and Wom Brook as currently having low water quality. The River Sow, River Stour, River Worfe and Wom Brook have been identified as having 'poor' ecological status in the River Basin Management Plan, and the Back Brook, Church Eaton Brook, River Penk, River Tame, Saredon Brook and Smestow Brook as having 'moderate' ecological status. Potential developments within the catchments of these watercourses may be impacted by abstraction and wastewater treatment limitations and should be discussed with Severn Trent Water Limited and the Environment Agency at the earliest opportunity. The WFD sets a target of achieving at least 'good status' or 'good potential' in all waterbodies by 2015. Severn Trent Water is a regulated business with statutory responsibilities for the provision of water and waste water treatment services in much of South Staffordshire. South Staffordshire Water is also responsible for public water supply in parts of the District.

**Key Evidence**

Southern Staffordshire Outline Water Cycle Study 2010  
Southern Staffordshire Surface Water Management Plan Phase 1 2010  
South Staffordshire Strategic Flood Risk Assessment Level 1 2008  
South Staffordshire Climate Change Strategy and Action Plan 2008  
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010  
Hatherton Canal Restoration Feasibility Report 2006  
Hatherton Canal Restoration Supplementary Feasibility Report 2009  
Planning for Landscape Change, Staffordshire County Council SPG 1996 - 2011  
Habitats Regulation Assessment Review of the Core Strategy  
Humber River Basin Management Plan 2009  
Severn River Basin Management Plan 2009  
Draft Phase 2 Surface Water Management Plan for Penkridge Village 2011



### **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 EQ8: Waste**

Development and activities must support the minimisation of waste together with the efficient use of materials, and in particular assist in the delivery of the priorities of the waste hierarchy – which seeks first to promote the reduction of waste, followed by its re-use, then recycling and composting, followed by energy recovery, before finally accepting its disposal as a last resort.

Support will be given for the provision of well designed recycling facilities and recycling collection points, in locations accessible to all members of the communities that are served.

Development must make appropriate provision for recycling facilities and the storage and collection of waste. Development should provide for on-site recycling, and seek to re-use building construction and demolition waste.

Proposals for waste facilities should be in accordance with the policies in the Staffordshire Waste Local Plan and the replacement Staffordshire and Stoke-on-Trent Joint Waste Core Strategy.

Development proposals should be consistent with other local planning policies.

### **Explanation**

- 7.47 The County Council is preparing a Waste Core Strategy which will set out the vision, objectives and Spatial Strategy for future waste related development within Staffordshire for the next 15 years. This strategy will form part of the Development Plan for the District.
- 7.48 The Policy sets out the principles of waste management to support the County Council's Waste Core Strategy and to express the national approach to waste issues set out in Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management'. The Policy supports minimisation of waste

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

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 CABI 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-

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

### **Delivery and Monitoring**

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

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

### **Policy EQ12: Landscaping**

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

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

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

### **Explanation**



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

### **Key Evidence**

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

### **Delivery and Monitoring**

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

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

## **Infrastructure Delivery**

### **Introduction**

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

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

promoting walking and cycling as part of its healthy lifestyle and leisure programmes and these modes of travel should be encouraged as an alternative to the private car, particularly for shorter journeys.

- 9.57 Future transport needs are likely to mean taking a partnership approach to public transport and highway improvements between operators, developers and public sector agencies. The Council has prepared an Infrastructure Delivery Plan (IDP) and the necessary transport improvements required to deliver the strategy are identified within it.

#### **Key Evidence**

Sustainable Community Strategy 2008 – 2020  
South Staffordshire Council Plan 2012 – 2016  
Staffordshire Local Transport Plan 2006 – 2011  
Rural Transport Review 2008  
Accessibility Report 2009  
Infrastructure Delivery Plan (IDP) 2010

#### **Delivery and Monitoring**

Through the Development Management process  
Working with transport operators and other partners  
Local investment through Rural Transport Partnership  
Transport Assessments and Travel Plans  
Infrastructure Delivery Plan

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

#### **Development Policies**

- 9.58 The following Development Policies support Core Policy 11.

#### **Policy EV11: Sustainable Travel**

All proposals for development must include provision for sustainable forms of transport to access the site, and within the development.

Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:

- a) footpaths, cycleways, safe and secure cycle parking, shelters, changing facilities and storage lockers;

- b) bus stops/shelters and transport information;
- c) support for sustainable forms of transport (e.g. community transport schemes, workforce buses, and share-a-lift schemes);
- d) development, adoption, monitoring and promotion of Travel Plans;
- e) levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport; and
- f) facilities for charging plug-in and other low emission vehicles.

Development proposals should be consistent with other local planning policies.

### **Explanation**

- 9.59 The provision of sustainable transport presents particular challenges in South Staffordshire given the predominately rural nature of the District with dispersed settlements and high car ownership. The strategy seeks to reflect these characteristics and adopt a balanced approach which acknowledges both the high level of car ownership (and the importance of car usage to local communities) whilst also seeking more sustainable patterns of development and more sustainable forms of transport. There is also the need to respond to the needs of people without access to a car particularly young and elderly people.
- 9.60 The Policy sets out specific requirements for accessibility at a site level to deliver the transport objectives in Core Policy 11. The intention to seek appropriate levels of car parking is designed to encourage movements by non-car modes, and is consistent with national planning policy on transport. Policy EV12 below covers the requirements relating to parking provision.

### **Key Evidence**

Staffordshire Local Transport Plan 2006 - 2011  
Rural Transport Review 2009

### **Delivery and Monitoring**

Through the Development Management process  
Transport Assessments and Travel Plans  
Working with transport operators and private sector partners  
Infrastructure Delivery Plan

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

#### **Policy EV12: Parking Provision**

The Council will require appropriate provision to be made for off street parking in development proposals in accordance with adopted parking standards. In considering the level of provision the Council will have regard to:

- a) the anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission;
- b) the scope for encouraging alternative means of travel to the development that would reduce the need for on-site parking. This will be particularly relevant in areas well-served by public transport;
- c) the impact on highway safety from potential on-street parking and the scope for measures to overcome any problems; and
- d) the need to make adequate and convenient parking provision for disabled people.

The Council will require the provision of sufficient, safe, weatherproof, convenient and secure cycle parking within developments to assist in promoting cycle use.

The Council's parking standards are set out in Appendix 5.

#### **Explanation**

- 9.61 It is important that all forms of development provide an appropriate level of off street parking provision including provision for disabled people. Taking into account the Council's transport objectives, particularly encouraging alternative means of transport, provision will also need to be made for cycle parking within developments. The Policy sets out the specific requirements and the Council's parking standards are set out in detail in Appendix 5 and these are consistent with national policy.

#### **Key Evidence**

Staffordshire Local Transport Plan 2006 – 2011

#### **Delivery and Monitoring**

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.*

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

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

### **Key Evidence**

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

### **Delivery and Monitoring**

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

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

### **Policy H6: Gypsies, Travellers and Travelling Showpeople**

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

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



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

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

Cannock Chase will be resisted;

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

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

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

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

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

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

## **Explanation**



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

#### **Key Evidence**

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

#### **Delivery and Monitoring**

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

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

## 5. Strategic Objectives

- 5.1 The following Core Strategy objectives outline what will need to be achieved to deliver the Vision and address the key issues and challenges that have been identified in the District. The Strategic Objectives give direction to the Spatial Strategy which follows.
- 5.2 The Strategic Objectives to achieve the long-term vision, manage change and deliver policies to shape a sustainable future for South Staffordshire are set out below under the Sustainable Community Strategy themes.

### **The Spatial Strategy**

#### **Strategic Objective 1**

To protect and maintain the Green Belt and Open Countryside in order to sustain the distinctive character of South Staffordshire.

#### **Strategic Objective 2**

To retain and reinforce the current pattern of villages across South Staffordshire, and in particular protect and retain the important strategic gaps between existing settlements in order to prevent the coalescence of settlements.

### **Environmental Quality**

#### **Strategic Objective 3**

To protect and improve South Staffordshire's environmental assets.

#### **Strategic Objective 4**

To protect, conserve and enhance the countryside, character and quality of the landscape and the diversity of wildlife and habitats.

#### **Strategic Objective 5**

To protect, conserve and enhance the historic environment and heritage assets and ensure that the character and appearance of the District's Conservation Areas is sustained and enhanced through management plans and high quality design.

#### **Strategic Objective 6**

To ensure that all new development is sustainable, enabling people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

### **Strategic Objective 7**

To reduce the effect of society on the environment, and adapt to the impacts of climate change.

### **Housing**

### **Strategic Objective 8**

To ensure the delivery of a minimum of 644 decent homes for members of the community including the provision of affordable homes which matches in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population.

### **Economic Vibrancy**

### **Strategic Objective 9**

To meet local housing and employment needs, having regard to the Spatial Strategy for South Staffordshire, in a way that enables the existing villages within South Staffordshire to develop in a sustainable way that secures their future viability and prosperity, and supports the regeneration of rural communities and communities in neighbouring urban areas.

### **Strategic Objective 10**

To support the urban regeneration of the Black Country Major Urban Area by distributing new housing and employment growth within South Staffordshire in a way that supports existing local communities and in particular discourages out-migration from the Black Country Major Urban Area.

### **Strategic Objective 11**

To support the growth of a vibrant, prosperous and sustainable local economy; sustain, improve and enhance the vitality and viability of village centres and promote South Staffordshire as a tourist destination.

### **Strategic Objective 12**

To support thriving and sustainable communities by ensuring that local people enjoy access to jobs and key services such as social, health care, education, open space and recreation, cultural and other facilities.

### **Strategic Objective 13**

To reduce the need to travel, to secure improvements to public transport infrastructure and services and make it safer and easier for the community to

travel to jobs and key services by sustainable forms of transport, such as public transport, walking and cycling.

### **Community Safety**

#### **Strategic Objective 14**

To adopt a design-led approach to all new development to ensure that the distinctive character of the villages of South Staffordshire is maintained and enhanced and that attractive, well designed and safe places are created.

### **Health and Wellbeing**

#### **Strategic Objective 15**

To improve the quality of outdoor and indoor leisure, sport and recreation facilities in South Staffordshire and ensure that each community has access to sufficient areas of green space and built facilities.

### **Children and Young People**

#### **Strategic Objective 16**

To support the needs of children and young people in South Staffordshire, ensure that provision is made for children's play and that teenagers have access to leisure, sport and recreation and learning opportunities.

### **The Local Planning Strategy**

- 5.3 The local planning strategy is expressed through a number of Core Policies and supporting Development Policies and these are set out in individual chapters. The Spatial Strategy, National Policy 1, Core Policy 1 and Development Policies GB1, GB2 and OC1 are the principal focus for the strategy.
- 5.4 The following chapters are all structured in the same way and commence by setting out the 'Strategic Objectives' and then identify a series of 'Core Policies'. These are the higher level or 'strategic' policies to guide the growth and development of the District and they are then followed and supported by more detailed 'Development Policies' which are intended to manage the types of land uses and development that will take place in South Staffordshire over the lifetime of the plan. The following diagram shows how it all links together.



## **List of Persons and Interested Parties**

**Appeal Ref: APP/C3430/C/22/3303424**

**Enforcement Ref: 22/00222/TRAVH**

**Appeal by: Billy Rogers**

**Site at: Land Lying To The Southwest Of Saredon Road, Hospital Lane, Cheslyn Hay  
Staffordshire**

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### **1 copy to the occupier**

**The Bungalow Wolverhampton Road Laney Green Staffordshire WV10 7LU**

**4 Ivy House Farm Wolverhampton Road Cheslyn Hay Staffordshire WS6 7HX**

**The Stables Hospital Lane Cheslyn Hay Staffordshire WS6 7HZ**

**Caravan The Stables Hospital Lane Cheslyn Hay Staffordshire WS6 7HZ**

**Elwell Nurseries Wolverhampton Road Cheslyn Hay Staffordshire WS6 7HX**

**The Bungalow Elwell Nurseries Wolverhampton Road Cheslyn Hay Staffordshire WS6 7HX**

**Chase View Farm Wolverhampton Road Cheslyn Hay Staffordshire WS6 7HX**

**Cheslyn Hay Sport And Community High School Saredon Road Cheslyn Hay Staffordshire  
WS6 7JQ**

**Cheslyn Hay County Primary School Saredon Road Cheslyn Hay Staffordshire WS6 7JQ**

**Saredon Farm House Saredon Road Cheslyn Hay Staffordshire WS6 7JD**

**Long Acres Wolverhampton Road Laney Green Staffordshire WV10 7LT**

### **1 copy to the Clerk to Cheslyn Hay Parish Council**

Mrs Melanie Brown, Cheslyn Hay Village Hall, Pinfold Lane, Cheslyn Hay, South  
Staffordshire, WS6 7HP

Email [cheslynhaypc@tiscali.co.uk](mailto:cheslynhaypc@tiscali.co.uk)

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

Councillor Matt Ewart, Damson Rest, Church Lane, Codsall, Wolverhampton, WV8 1EF

Email: [m.ewart@sstaffs.gov.uk](mailto:m.ewart@sstaffs.gov.uk)

Councillor Meg Barrow, Ivy Cottage, Strawmoor Lane, Oaken, Codsall, WV8 2HY

Email: [m.barrow@sstaffs.gov.uk](mailto:m.barrow@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](mailto:m.lawrence@sstaffs.gov.uk)

Councillor Bob Cope, 1 Spires Croft, Shareshill, Wolverhampton, WV10 7JH

Email: [r.cope@sstaffs.gov.uk](mailto:r.cope@sstaffs.gov.uk)

**1 copy to the following local member(s)**

Councillor Mike Boyle, 21 Coppice Close, Cheslyn Hay, Walsall, WS6 7EZ  
Email: [m.boyle@sstaffs.gov.uk](mailto:m.boyle@sstaffs.gov.uk)

Councillor Steve Hollis, 11A Coppice Lane, Cheslyn Hay, Walsall, WS6 7HA  
Email: [s.hollis@sstaffs.gov.uk](mailto:s.hollis@sstaffs.gov.uk)

**1 copy to those served with notice**

Julie Rafferty of 132 Hill Street, Essington, Wolverhampton WV11 2BS and Land Lying to The Southwest of Saredon Road, Hospital Lane, Cheslyn Hay, Staffordshire.



The Occupier/Others

Phone: (01902) 696274

Email: [appeals@sstaffs.gov.uk](mailto:appeals@sstaffs.gov.uk)

Date: 24 August 2022

## **TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174**

<b>Appellant's name:</b>	<b>Billy Rogers</b>
<b>Site Address:</b>	<b>Land Lying To The Southwest Of Saredon Road, Hospital Lane, Cheslyn Hay Staffordshire</b>
<b>Description of development:</b>	<b>Without planning permission, the material change of use of the Land to a Sui Generis residential Gypsy and traveller site; the stationing of caravans and parking of associated vehicles on the Land; and unauthorised operational development, comprising of the laying of hardcore and erection of a close-boarded fence with concrete posts and gravel boards, which facilitate the change of use (the Development)</b>
<b>Enforcement reference:</b>	<b>22/00222/TRAVH</b>
<b>Appeal reference:</b>	<b>APP/C3430/C/22/3303424</b>
<b>Appeal start date:</b>	<b>16.08.2022</b>

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 June 2022.

### **The enforcement notice was issued for the following reasons:**

1. It appears to the Council that the above breach of planning control has occurred within the last ten years.
2. The Development is inappropriate in the Green Belt, having a detrimental impact on the amenity and openness of the area, and is contrary to policies GB1, EQ4, EQ7, EQ8, EQ9, EQ11, EQ12, H6, EV11 and EV12 of the Core Strategy.



3. The Development is contrary to Core Policy 2 of the adopted Core Strategy: Protecting and Enhancing the Natural and Historic Environment.

4. The Development has an adverse effect on the character, appearance and amenity of the rural area, contrary to Policies EQ4 and EQ11 of the Adopted Core Strategy.

5. The council does not consider that very special circumstances have been put forward to justify a departure from the normal policy of restricting development in this Green Belt  
Page 2 of 17

Area, contrary to National Planning Policy Framework, Strategic Objectives 1 & 2 and Policy GB1 (Green Belt) of the adopted Core Strategy.

6. The Council does not consider that planning permission should be given for the Development because planning conditions could not overcome the objections to it.

**The enforcement notice requires the following steps to be taken:**

1. Cease the unauthorised residential use of the Land as a gypsy and traveller caravan site.
2. Remove any and all caravans from the Land, whether residential or otherwise, to include any and all accessories and items associated with them.
3. Remove any and all vehicles associated with the unauthorised material change of use of the Land.
4. Remove any and all unauthorised hard surfacing from the Land that has been laid out to facilitate the unauthorised use.
5. Remove any and all close-boarded fencing and concrete fence posts from the Land, constructed to facilitate the unauthorised use.
6. Remove any and all refuse and waste materials, to include any generated by compliance with steps 2-5 above, from the Land and dispose of at a licensed waste transfer site.
7. Reinstate the Land to agricultural land by reseeding or returfing the land where the unauthorised hardstanding is located with a mixture of wild-flower mix or a 60% to 40% ratio mix of wild-flower and grass seed.

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

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

**Ground (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 a **hearing**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Hearings Procedure) (England) Rules 2002.

If you wish to make comments, you can do so at <https://www.gov.uk/government/organisations/planning-inspectorate> or by emailing [teame1@planninginspectorate.gov.uk](mailto:teame1@planninginspectorate.gov.uk) If you do not have access to the internet, you can send **three** copies to:

Alice Maurice  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**All representations must be received by 27 September 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) are available for inspection at [Enforcement Appeal Cases South Staffordshire Council \(sstaffs.gov.uk\)](https://www.sstaffs.gov.uk/enforcement-appeal-cases) by searching under the Enforcement reference number.

You can get a copy of one of the Planning Inspectorate's (Guide to taking part in enforcement appeal) booklets free of charge from the Planning Portal at: [www.planningportal.gov.uk/pes](https://www.planningportal.gov.uk/pes) or from us.

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

Helen Benbow  
Development Management Manager  
South Staffordshire Council  
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Wolverhampton  
WV8 1PX

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