



**STATEMENT OF CASE
OF
SOUTH STAFFORDSHIRE DISTRICT COUNCIL**

**S174 APPEAL
PLANNING INSPECTORATE REFERENCE
APP/C3430/C/23/3324336**

APPEAL BY: MR CLIVE EVANS

**APPEAL SITE: LEIGHTON VIEW COTTAGE CHILLINGTON LANE
CODSALL, WOLVERHAMPTON WV8 1QF**

LOCAL AUTHORITY REFERENCE: 22/00372/UNDEV

CONTENTS

SECTIONS

1.	Introduction	Page 3
2.	Site Description and Reasons for Issuing the Notice	Pages 3 - 4
2.	Policies	Page 5
3.	Planning History	Page 5
4.	Summary of Events	Pages 5 - 6
5.	Grounds of Appeal Ground	Page 6
6.	LPA Response to Grounds for Appeal Ground D	Pages 6 - 8
7.	Conclusion	Page 8 - 9

APPENDICES

Appendix 1	Enforcement Notice
Appendix 2	Land Registry Title Register and Title Plan Reference SF303056
Appendix 3	Site Visit Photographs x 10 Dated 9 th November 2022
Appendix 4	Site Visit Photographs x 10 Dated 20 th December 2022
Appendix 5	Aerial Image Dated April 2020
Appendix 6	Aerial Imagery December 2003 to April 2021
Appendix 7	Aerial Images Dated 14 th May 2019 & 21 st April 2020
Appendix 8	Policies

1. INTRODUCTION

- 1.1 This appeal is brought against the decision by South Staffordshire District Council to serve an Enforcement Notice, (“the Notice”) in respect of land, (“the Land”) at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF.
- 1.2 The alleged breach of planning control is:
1. *Without planning permission, the unauthorised material change of use of land to storage purposes in the approximate position shaded blue on the Plan and shown edged blue on the aerial image at Appendix 1.*
 2. *Without planning permission unauthorised development consisting of:*
 - a. *the erection of four storage buildings, in the approximate position shaded green on the Plan and identified as buildings 1 to 4 on the photographs at Appendix 2, and the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.*
 - b. *the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.*
- 1.3 A copy of the Notice has previously been sent to the Planning Inspectorate and is produced at Appendix 1.
- 1.4 Land Registry Title Register and Title Plan reference SF303056 showing the Appellants ownership of the Land is produced at Appendix 2.

2. SITE DESCRIPTION AND REASONS FOR ISSUING THE NOTICE

- 2.1 It appears to the Council that the material change of use has occurred within the last ten years and the unauthorised development has occurred within the last four years therefore, the unauthorised development subject of this notice is not immune from enforcement action.
- 2.2 The Land consists of large mixed-use site for a mixture of agricultural use, a number of sizeable fishing ponds in use as a pay to fish enterprise, a static caravan holiday park and residential use. Entry to the site is via Chillington Lane. As you enter the site there are a number of former agricultural buildings sited north of the entrance and these are surrounded by agricultural fields to the north and west. The Land is within the Green Belt and the fishing ponds are set within a biodiversity alert site.
- 2.3 The agricultural buildings are no longer within agricultural use having been occupied by a number of businesses over the last ten years with the area of hardstanding in front of them used for storage purposes. The unauthorised buildings shown 1 to 4 on Appendix 2 are set within the hard standing area, with building 2 sited on an extended area of land subject of the material change

of use. This extended piece of land extends into the field to the north and has been laid with hardstanding to join the existing hardstanding and used to store wood and pallets in connection with the owners business. An aerial image showing this extended piece of land is edged blue at Appendix 1.

- 2.4 Whilst the Council acknowledges that the existing area of hardstanding where buildings 1 to 4 are situated have been used without planning permission for storage purposes for a number of years, together with buildings and permanently sited container units, new buildings have appeared to join these existing buildings and sited containers, to which this notice relates. The site appears cramped and disorganised with building numbers 2, 3 and 4 having been put together with what appears to be spare pieces of wood and mismatched doors and have, overall, been finished to a very poor standard. The resultant appearance is that of a crudely constructed small-scale industrial site of very poor quality and wholly inappropriate.
- 2.5 The poor appearance of the site has been exacerbated by its extension into agricultural land to the north of the existing hardstanding where building number 2 is sited. The use of this extended piece of land for building number 2 and for the storage of wood and wooden pallets that are piled high affects the openness of the Green Belt and represents form of encroachment into the Green Belt. The height and scale of building number 1 similarly affects the openness of the Green Belt and results in development where previously there was none and is not sympathetic to its landscape setting.
- 2.6 As such the unauthorised material change of use of the Land and unauthorised buildings numbered 1 to 4 are contrary to paragraphs 130, 137, 138, 147, 148 and 150 of the NPPF and policies GB1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.
- 2.7 The holiday lodge shown in the position shaded pink on the Plan consists of what appears to be a number of single storey wooden modular buildings joined together, fenced off to form a garden area with hardstanding and paving slabs with a small wall and steps leading down to the entrance to the lodge and a small jetty leading out onto the pond which is set within a biodiversity alert area. The single storey wooden modular buildings and fenced off garden area cover a significant sized area of land at the western edge of the pond and now impedes access around the pond. Although only of a single storey it has a significant effect on the openness of the Green Belt, blocking the views of the landscape from all directions and is alien to the local character and distinctiveness of its setting. No consideration or assessment has been given to any effect that the erection of the holiday lodge has on the biodiversity of the adjacent pond and its presence neither contributes to nor enhances the local environment. As such the holiday lodge is contrary to paragraphs 130, 137, 138, 147, 148, 150, 174, 179 of the NPPF and policies GB1, EQ1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.
- 2.8 The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

2.19 National Planning Policy Framework

- 12. Achieving well designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

2.20 Adopted Core Strategy

Core Policy 1 – The Spatial Strategy for South Staffordshire
GB1 – Development in the Green Belt

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

EQ1 – Protecting, Enhancing and Expanding Natural Assets

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

Core Policy 4 – Promoting High Quality Design

EQ11 – Wider Design Considerations

3. **PLANNING HISTORY - EQUESTRIAN**

08/00232/COU – 2008 - Change use of site for five touring caravans to a site for five static caravans for leisure use. Appeal dismissed.

13/00230/COU – 2013 - Change of use from a 5 Touring Caravan Park to a 5 Static Caravan Holiday Park. Permission granted.

19/00607/FUL – 2019 - Conversion of redundant building to 1no. 2 bed bungalow, demolition of single storey rear extension, single storey front extension. Permission granted.

19/00607/AMEND – 2019 - Relocate and reduce the kitchen extension from the front to the side. Permission granted.

4. **SUMMARY OF EVENTS**

4.1 On 11th October 2022, the Council received a complaint regarding the unauthorised use of agricultural buildings on the Land.

4.2 On 9th November 2022 Council officers conducted a site visit and found adjacent to the agricultural buildings subject of the complaint a number of outbuildings that had been erected without planning permission. Site visit photographs are produced at Appendix 3.

4.3 Further enquires revealed that the agricultural buildings subject of the complaint had in fact been in non-agricultural use in excess of ten years, with an area of hardstanding to the north and west of them in use for storage purposes. Enquiries revealed that the hardstanding areas had been used for storage in excess of ten years with aerial imagery showing container units coming and going from the site at various points over the last ten years. A number of container units and an outbuilding have been sited on the land in excess of four years and are immune from enforcement action. However, a number of

buildings, (Buildings 1 to 4 at Appendix 2), had been erected within the last four years without planning permission.

- 4.4 Further examination of aerial imagery revealed a sizable building situated on the edge of the north west fishing pond which had been erected within the last four years and a small extension to the hardstanding area (where buildings 1 – 4 were situated), into the agricultural fields to the north of the Land.
- 4.5 On 20th December 2022, officers conducted a further site visit and noted the hard standing area where Buildings 1 to 4 were situated was being used for the storage of wood and materials. Building number 2 was also sited on the extended area of land.
- 4.6 The site owner was present and showed the officers to the building on the edge of the north west fishing pond which he stated was being used as a holiday lodge. The holiday lodge consists of what appears to be a number of single storey wooden modular buildings joined together, fenced off to form a garden area with hardstanding and paving slabs with a small wall and steps leading down to the entrance to the lodge and a small jetty leading out onto the pond.

Site visit photographs are produced at Appendix 4.

- 4.7 Communication with the owner was entered into however he refused to remove the unauthorised buildings claiming it was permitted development and the extended hardstanding area had always been hardstanding.
- 4.8 The unauthorised buildings numbered 1, 3 and 4 shown on Appendix 2 of the Notice are set within the hard standing area, with building 2 sited on an extended area of land subject of the material change of use. This extended piece of land extends into the field to the north and has been laid with hardstanding to join the existing hardstanding and used to store wood and pallets in connection with the owners business. An aerial image showing this extended piece of land edged blue is shown on Appendix 1 of the Notice.
- 4.9 Despite communications with the landowner to regularise the breach in planning control, a resolution could not be found and on 19th May 2023, the Council issue the Notice.

5. GROUNDS OF APPEAL

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

6. LPA RESPONSE TO GROUNDS FOR APPEAL – GROUND D

- 6.1 In its response to the Ground D appeal, the LPA will respond to the Appellants case in relation to Buildings 1 – 4 (breach 3.2a of the Notice), followed by the material change of use of the Land (breach 3.1 of the Notice).

- 6.2 The Appellants case under Ground D appears to be that Buildings 1, 3 and 4 shown on Appendix 2 of the Notice were former container units sited upon the Land.
- 6.3 In his statement titled '*Re-Enforcement Notice 2*', the Appellant states that containers were all sited at the side of the barn now converted to a bungalow. He produces photographs showing container units in situ (A1 to A4), showing what he says are the container units that now form part of Buildings 1, 3 and 4.
- 6.4 In the same statement, the Appellant states that Building 2 is a new building to replace a boathouse that had collapsed. He produces a photograph at A7 of that statement showing the former boathouse at the edge of one of the ponds.
- 6.5 What is clear from aerial imagery, is that neither the containers that form buildings 1, 2, 3 and 4 nor the buildings themselves were situated in the location where they have now been constructed in (the area subject of this appeal), as of April 2020. They have all been modified to suit the needs of the Appellant for storage purposes. Building 1 is now over twice the size of the container unit used in its construction. Buildings 2, 3 and 4 are all modified containers to represent outbuildings which are now permanent structures. Since the Notice was issued, they have been modified further to mitigate the harm to the Green Belt. This may have assisted a Ground A appeal, but this appeal is only concerned with Ground D. As such Buildings 1 – 4 constitute new buildings within the Green Belt that have been erected within the last four years without planning permission

An aerial image dated April 2020 is produced at Appendix 5.

- 6.5 In his written statement titled '*Re-Enforcement Notice*' the Appellant states:

'The containers had been kept under the barns and used for storage, and the barns were used by painters and decorators for storage purposes, the owner of the decorating company who used to live next door has sadly passed away.

But it was proven then to the council's satisfaction that it had been used since 1986 for storage and no further action was taken.

That means 30 years of commercial use and not the 10 years as Mr Bray suggests.'

- 6.6 The exact area which the Appellant is referring to above is unclear. However, the LPA accepts that the hardstanding and barns have been used for commercial purposes in excess of ten years and as such, this area of the site where buildings 1 to 4 are situated may be said to form a separate planning unit for a mixed use of commercial storage in respect of the hardstanding and a variety of commercial uses in respect of the barns.
- 6.7 The area of hardstanding has now been extending further into the adjoining agricultural land to the north which separates the commercial planning unit. The approximate area of the extension is outlined blue at Appendix 1 of the Notice.

The Appellant claims that this area of Land has historically been hardstanding. However aerial imagery from December 2003 shows that this has always been agricultural land with no evidence of hardstanding from that date.

- 6.8 Aerial imagery from December 2003 through to April 2021, shows how the planning unit was formed with the appearance of various structures from 2007, to the delineation from the agricultural land to the north with a fence from what can be seen to be April 2016, although likely as early as 2013 however the earlier images are not clear.

The images dated from December 2003 through to April 2021, (17 images in total), are produced at Appendix 6.

- 6.9 Evidence of the remaining fence that was erected to delineate the agricultural land can be seen in the photographs on page 1 of Appendix 3 and page 2 of Appendix 5, with the fence situated next to the north elevation Building 1. The hardstanding has been laid down is on the north side of the fence. The hardstanding then continues east down to Building 2 shown in the photographs on page 4 of Appendix 3 and page 5 of Appendix 5 with wood stored upon it and Building 2 erected upon it.

- 6.10 Although this area of encroachment into the agricultural land is only metres wide, it is sufficient to be used for storage and for the siting of Building 1. There is no evidence of any pre-existing hardstanding, and the photographs submitted by the Appellant to demonstrate that there was pre-existing hardstanding are ambiguous and lack clarity.

- 6.11 Moving on to breach 3.2b of the Notice, the Appellant states in his letter dated 28th March 2023 that this is a holiday lodge that he allows volunteers to use for all their hard work. In his statement titled '*Re-Enforcement 4*', he states that what he refers to as 'the lodge', sits on two fishing stages which he put together to make one. He does not say why the lodge is immune from enforcement action under Ground D and produces no evidence in support of this.

- 6.12 Looking at aerial imagery produced at Appendix 7, an aerial image dated 14th May 2019 shows the land clear, with no evidence of development where the 'the lodge' is located. However, in the next aerial image dated 21st April 2020 'the lodge' appears and is substantially completed.

- 6.13 The Notice was issued on 19th May 2023 and the LPA contends that it is more likely than not, given that there is no indication of the commencement of development as of 14th May 2019, that the building was substantially completed some time after 19th May 2019 and that LPA has issued the Notice within the period within which it has the ability to take enforcement action.

7. CONCLUSION

- 7.1 Quite simply, the Appellant has produced little by the way of evidence to support his case under Ground D for any of the breaches detailed at part 3 of the Notice. Any evidence that he has submitted lacks clarity and is ambiguous.

- 7.2 Buildings 1 – 4 are shown to be new buildings that were erected after April 2020.
- 7.2 The material change of use of land forming an extension to the commercial planning unit can be seen to take place beyond a fence that was erected some years earlier showing the extent of the commercial planning unit. New hardstanding has been laid upon the agricultural land beyond the fence and it has been shown to be in use for storage purposes and for the siting of Building 2.
- 7.3 The LPA has submitted evidence showing that ‘the lodge’ was constructed within the four years preceding the issuing of the Notice, with no evidence submitted by the Appellant to the contrary.
- 7.4 Given the evidence submitted by the LPA to counter that either the development is permitted development or is granted immunity, the Inspector is invited to dismiss the appeal under Ground D and uphold the Notice.

APPENDIX 1

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

Change of Use & Operational Development

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 at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF outlined in red on the plan ("the Plan") attached to this notice ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

1. Without planning permission, the unauthorised material change of use of land to storage purposes in the approximate position shaded blue on the Plan and shown edged blue on the aerial image at Appendix 1.
2. Without planning permission unauthorised development consisting of:
 - a. the erection of four storage buildings, in the approximate position shaded green on the Plan and identified as buildings 1 to 4 on the photographs at Appendix 2, and the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.
 - b. the erection of a wooden building and associated development including, but not exclusively, hardstanding, paving flags and walls, in the approximate position shaded pink on the Plan.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the material change of use has occurred within the last ten years and the unauthorised development has occurred within the last four years therefore, the unauthorised development subject of this notice is not immune from enforcement action.

The Land consists of large mixed-use site for a mixture of agricultural use, a number of sizeable fishing ponds in use as a pay to fish enterprise, a static caravan holiday park and residential use. Entry to the site is via Chillington Lane. As you enter the site there are a

number of former agricultural buildings sited north of the entrance and these are surrounded by agricultural fields to the north and west. The Land is within the Green Belt and the fishing ponds are set within a biodiversity alert site.

The agricultural buildings are no longer within agricultural use having been occupied by a number of businesses over the last ten years with the area of hardstanding in front of them used for storage purposes. The unauthorised buildings shown 1 to 4 on Appendix 2 are set within the hard standing area, with building 2 sited on an extended area of land subject of the material change of use. This extended piece of land extends into the field to the north and has been laid with hardstanding to join the existing hardstanding and used to store wood and pallets in connection with the owners business. An aerial image showing this extended piece of land is edged blue at Appendix 1.

Whilst the Council acknowledges that the existing area of hardstanding where buildings 1 to 4 are situated have been used without planning permission for storage purposes for a number of years, together with buildings and permanently sited container units, new buildings have appeared to join these existing buildings and sited containers, to which this notice relates. The site appears cramped and disorganised with building numbers 2, 3 and 4 having been put together with what appears to be spare pieces of wood and mismatched doors and have, overall, been finished to a very poor standard. The resultant appearance is that of a crudely constructed small scale industrial site of very poor quality and wholly inappropriate.

The poor appearance of the site has been exacerbated by its extension into agricultural land to the north of the existing hardstanding where building number 2 is sited. The use of this extended piece of land for building number 2 and for the storage of wood and wooden pallets that are piled high affects the openness of the Green Belt and represents form of encroachment into the Green Belt. The height and scale of building number 1 similarly affects the openness of the Green Belt and results in development where previously there was none and is not sympathetic to its landscape setting.

As such the unauthorised material change of use of the Land and unauthorised buildings numbered 1 to 4 are contrary to paragraphs 130, 137, 138, 147, 148 and 150 of the NPPF and policies GB1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.

The holiday lodge shown in the position shaded pink on the Plan consists of what appears to be a number of single storey wooden modular buildings joined together, fenced off to form a garden area with hardstanding and paving slabs with a small wall and steps leading down to the entrance to the lodge and a small jetty leading out onto the pond which is set within a biodiversity alert area. The single storey wooden modular buildings and fenced off garden area cover a significant sized area of land at the western edge of the pond and now impedes access around the pond. Although only of a single storey it has a significant effect on the openness of the Green Belt, blocking the views of the landscape from all directions and is alien to the local character and distinctiveness of its setting. No consideration or assessment has been given to any effect that the erection of the holiday lodge has on the biodiversity of the adjacent pond and its presence neither contributes to nor enhances the local environment. As such the holiday lodge is contrary to paragraphs 130, 137, 138, 147, 148,

150, 174, 179 of the NPPF and policies GB1, EQ1, EQ4, and EQ11 of the South Staffordshire Core Strategy Development Plan Adopted 2012.

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

5. WHAT YOU ARE REQUIRED TO DO

You Must

- i) Cease the use of the Land in the approximate position shaded blue on the Plan and outlined in blue on the image at Appendix 1 for storage purposes.
- ii) Remove all materials from the Land in the approximate position shaded blue on the Plan.
- iii) Remove the hardstanding located within the area shaded blue on the Plan from the Land.
- iv) Restore the land in the approximate position shaded blue on the Plan back to the condition it was in before the breach commenced.
- v) Demolish and remove the outbuildings located in the approximate position shaded green on the Plan and identified as buildings 1 to 4 at Appendix 2.
- vi) Remove all materials and debris resulting from compliance with v) above from the Land.
- vii) Demolish and remove the wooden building located in the approximate position shaded pink on the Plan and remove the surrounding hardstanding, paving flags and walls.
- viii) Remove all materials and debris resulting from compliance with vii) above from the Land.
- ix) Restore the Land in the approximate position shaded pink on the Plan back to the condition it was in before the development commenced.

6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 is within three months from the date the notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 20th June 2023 unless an appeal is made against it beforehand.

Dated: 19th May 2023

Annette Roberts

Signed:

Annette Roberts

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

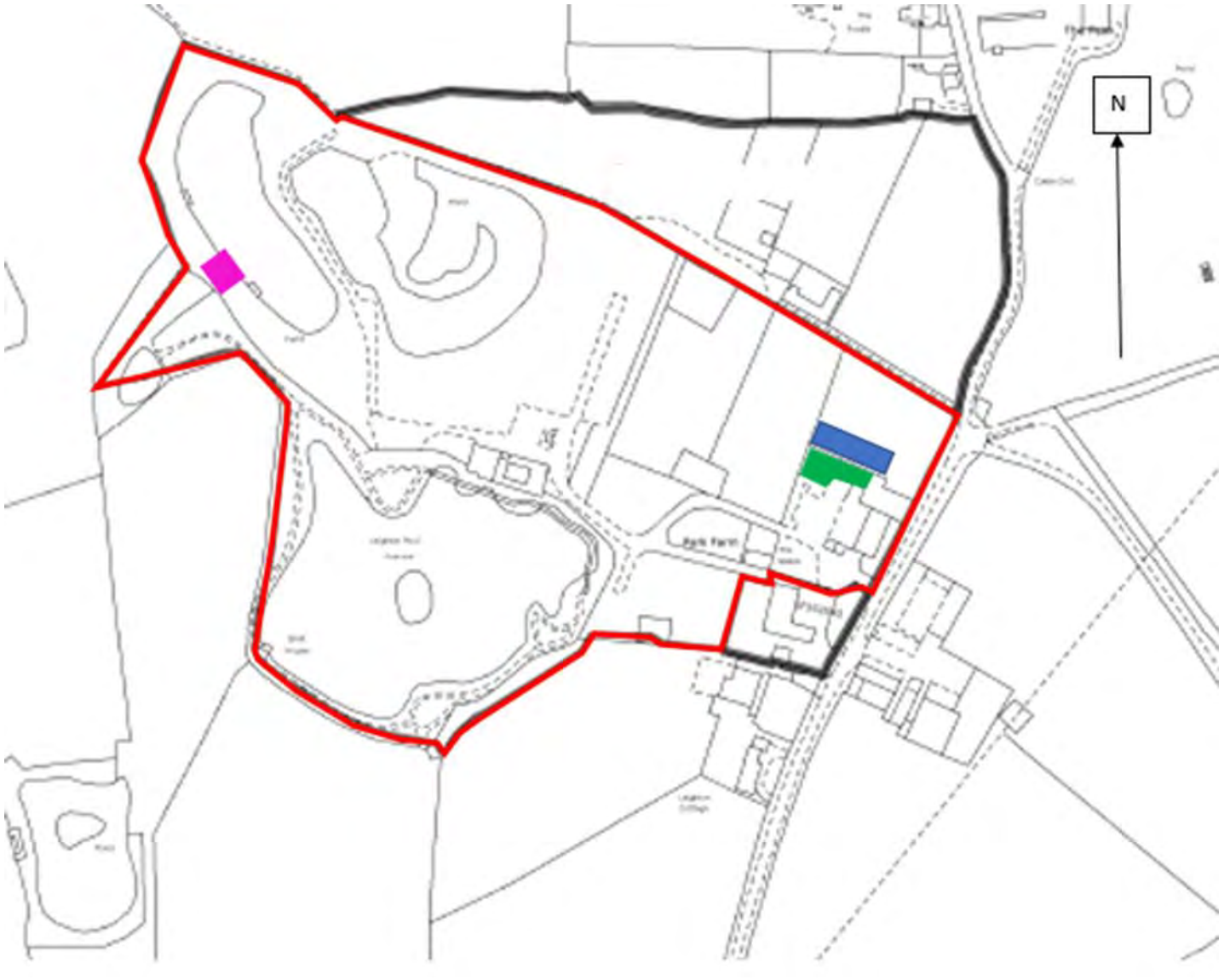
Nominated Officer:

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

RED LINE PLAN TO ACCOMPANY ENFORCEMENT NOTICE

Land at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF

Red Line Plan



APPENDIX 1



APPENDIX 2

Building 1



Building 2



Buildings 3 & 4



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended)

Enforcement Notice relating to land and premises Land at Leighton Pools, Chillington Lane, Codsall Wood, WV8 1QF.

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

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 20th June 2023 and you must ensure that the required steps, are taken within the period(s) specified in the notice.

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

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 20th June 2023.

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

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

Not all of these grounds may be relevant to you.

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

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

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

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

If you do not appeal against this enforcement notice, it will take effect on the 20th June 2023 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in paragraph 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.

Planning Enforcement Contact Officer:

Mark Bray
Planning Enforcement Consultant

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

Tel: 01902 696900

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

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE

1. CLIVE EVANS
Leighton View Cottage
Chillington Lane,
Codsall Wood,
South Staffordshire
WV8 1QF

2. SUSAN ELIZABETH EVANS
Park Farm,
Chillington Lane,
Codsall Wood,
South Staffordshire
WV8 1QF

3. LLOYDS BANK PLC
Pendeford Securities Centre,
Pendeford Business Park,
Wobaston Road,
Wolverhampton
WV9 5HZ.

4. THE COMPANY SECRETARY
B. D. C. ROOFING (EAST MIDLANDS) LTD
Unit 2 Leighton Pools
Chillington Lane,
Codsall,
Wolverhampton,
WV8 1QF

5. THE COMPANY SECRETARY
B. D. C. ROOFING (WEST MIDLANDS) LTD
Unit 2 Leighton Pools
Chillington Lane,
Codsall,
Wolverhampton,
WV8 1QF

6. THE OCCUPIER
Unit 1 Leighton Pools
Chillington Lane,
Codsall,
Wolverhampton,
WV8 1QF

7. THE OCCUPIER
Unit 3 Leighton Pools
Chillington Lane,
Codsall,
Wolverhampton,
WV8 1QF

8. THE OCCUPIER
Unit 4 Leighton Pools
Chillington Lane,
Codsall,
Wolverhampton,
WV8 1QF

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.]¹

Notes

¹ 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.”] ¹

Notes

¹ 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.] ¹

Notes

¹ 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).¹

Notes

¹ 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).¹

Notes

Extent

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

[Planning contravention notices] 1

[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.]¹

Notes

¹ 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 179.¹

Notes

¹ 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.]¹

Notes

¹ 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.]¹

Notes

¹ 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.]²

(3) An appeal under this section shall be made [...] ³ —

- (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]³
- (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.]³¹

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

Notes

¹ 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)

² 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

³ 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)

⁴ 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.]¹

- (4) Where an appeal is brought under section 174 the enforcement notice shall [subject to any order under section 289(4A)]² 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) [...]³

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

Pt VII s. 175: August 24, 1990 except for the provision specified in 1990 c.11 Sch.4 para.7; January 2, 1992 for purposes specified in SI 1991/2698 art 3; not yet in force otherwise (1990 c. 8 Pt XV s. 337(2); 1990 c. 11 Sch. 4 para. 7; SI 1991/2698 art. 3)

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.]¹

(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;]¹
- (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.]²

[(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.]²

[(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).]³

- (2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.
- (3) [The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.]⁴

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.]⁵

[(5A) Where—

- (a) The statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
- (b) Any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
- (c) The Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid, then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.]⁶

(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

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

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

- online at the [Appeals Casework Portal](https://acp.planninginspectorate.gov.uk/) (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal> (<https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>).

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site 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.

APPENDIX 2

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number SF303056

Edition date 12.12.2016

- This official copy shows the entries on the register of title on 16 DEC 2022 at 13:58:53.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 Dec 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Birkenhead Office.

A: Property Register

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

STAFFORDSHIRE : SOUTH STAFFORDSHIRE

- 1 (18.10.1991) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Park Farm, Chillington Lane, Codsall, Wolverhampton (WV8 1QF).
- 2 (18.10.1991) The land has the benefit of the rights granted by a Deed dated 31 July 1989 made between (1) Frances Margaret Williamson and (2) Offley David Groves.

NOTE: Original filed.

- 3 (18.10.1991) The land has the benefit of the rights granted by but is subject as mentioned in a Conveyance of the land in this title dated 6 February 1990 made between (1) Offley David Groves (Transferor) and (2) John Henry Spittle and Ann Spittle in the following terms:-

"Together with the benefit of the rights of way supply and drainage over the adjoining land formerly in the ownership of the Transferor but subject to the rights of the adjoining owners to use the water supply to the adjoining land and all rights of drainage enjoyed by the adjoining land through the property hereby transferred which would have been easements or quasi easements had the property transferred and the adjoining land nor previously been in common ownership"

- 4 (19.06.2003) The land has the benefit of but is subject to the following rights granted by the Transfer dated 12 June 2003 referred to in the Charges Register:-

"The Property is sold together with full right and liberty for the Transferees and their successors in title, the owners and occupiers for the time being of the Property and their servants and licensees in common with the Transferor and her successors in title and other persons having the like right to take and use water from the Transferor's adjoining land ("the Retained Land") and the right to the full and uninterrupted flow and passage at all times of water from the Retained Land to the Property subject to payment by the Transferees on demand to the Transferor all charges (including standing charges) that may in the future be levied by the appropriate water authority either on the Property or by reference to the volume of water supplied to the Property and the Transferees hereby covenant to keep the Transferor and

A: Property Register continued

her successors in title fully indemnified against any such charge or other payments."

- 5 (19.06.2003) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 6 (12.12.2016) A new title plan based on the latest revision of the Ordnance Survey Map and an amended extent has been prepared.

B: Proprietorship Register

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

Title absolute

- 1 (08.03.2001) PROPRIETOR: SUSAN ELIZABETH EVANS of Park Farm, Chillington Lane, Codsall Wood, Staffordshire WV8 1QF.
- 2 (08.03.2001) The price stated to have been paid on 2 February 2001 was £170,000.
- 3 (19.04.2011) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 1 April 2011 in favour of Lloyds Bank PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (19.06.2003) The land is subject to the following rights reserved by a Transfer of the land edged and numbered SF471760 in green on the filed plan dated 12 June 2003 made between (1) Susan Elizabeth Evans and (2) Kevin George Brown and Lynn Roulston:-
- "There is reserved to the owner or other occupier for the time being of Lot 2 and all persons authorised by him or them at all times to pass and repass on foot only to or from Lot 2 from or to the public highway known as Chillington Lane over and along the footpath between the points marked A and B on the plan annexed hereto for all purposes connected with the use and enjoyment of Lot 2 but not for any other purpose."
- NOTE: Copy plan filed under SF471760.*
- 2 (19.04.2011) REGISTERED CHARGE dated 1 April 2011.
- 3 (19.04.2011) Proprietor: LLOYDS BANK PLC (Co. Regn. No. 2065) of Pendeford Securities Centre, Pendeford Business Park, Wobaston Road, Wolverhampton WV9 5HZ.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 16 December 2022 shows the state of this title plan on 16 December 2022 at 13:58:53. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

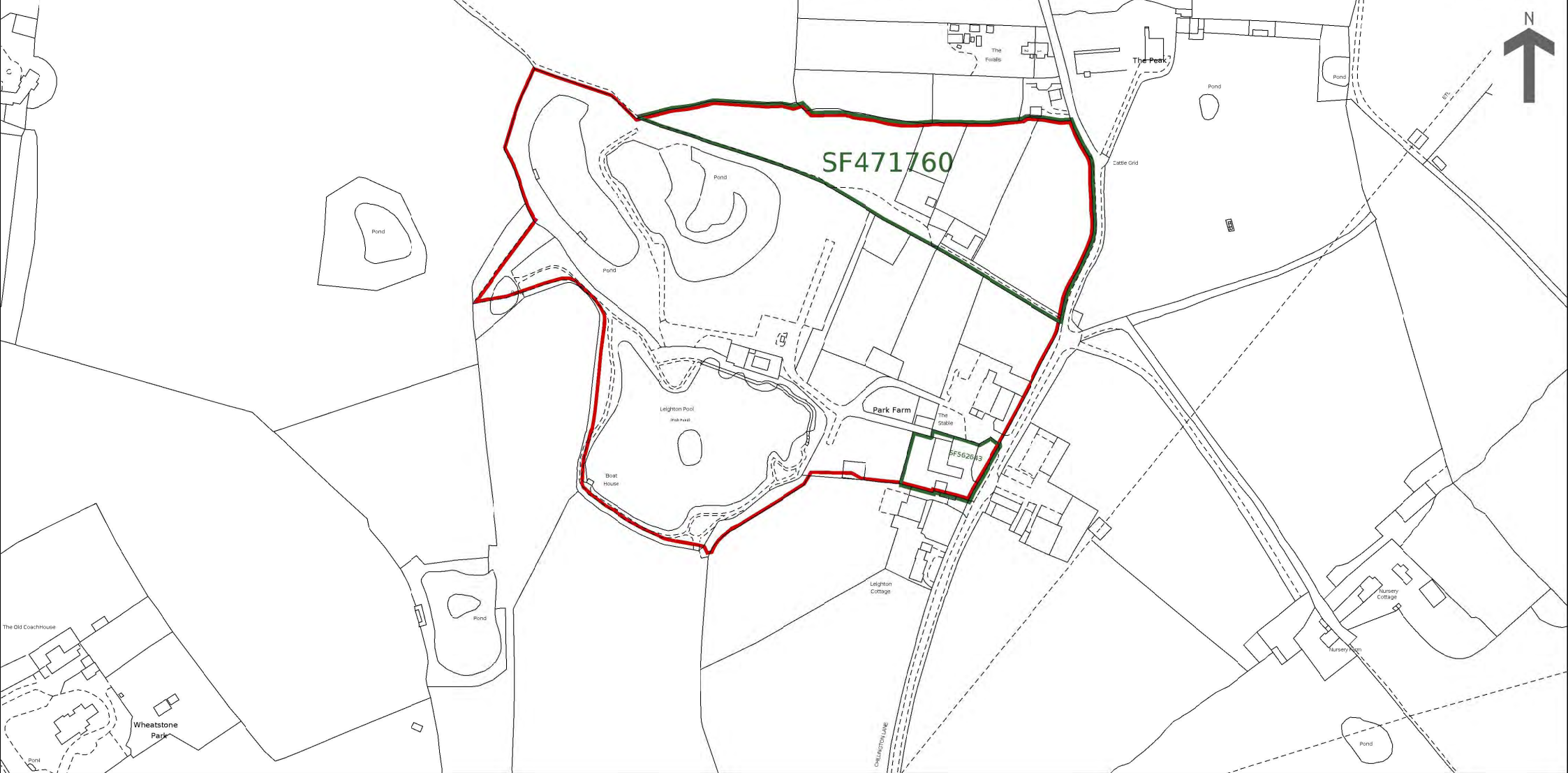
This title is dealt with by the HM Land Registry, Birkenhead Office .

HM Land Registry
Official copy of
title plan

Title number **SF303056**
Ordnance Survey map reference **SJ8504NE**
Scale **1:2500**
Administrative area **Staffordshire : South
Staffordshire**



© Crown copyright and database rights 2017 Ordnance Survey 100026316. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



APPENDIX 3





















APPENDIX 4





 South
Staffordshire
Council

20-Dec-2022 11:43

Mark Bray Planning Enforcement Consultant



 South
Staffordshire
Council

20-Dec-2022 11:43

Mark Bray Planning Enforcement Consultant









 South
Staffordshire
Council

20-Dec-2022 11:56

Mark Bray Planning Enforcement Consultant







APPENDIX 5



APPENDIX 6



































APPENDIX 7





APPENDIX 8



South Staffordshire Council

Core Strategy

December 2012



Further information can be found at
www.sstaffs.gov.uk



A Local Plan for
South Staffordshire

Core Strategy Development Plan Document

Adopted 11th December 2012

South Staffordshire Council

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.*

Delivery and Monitoring

Through Development Policies EQ1, EQ2 ,EQ3 and EQ4

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

Development Policies

7.9 The following Development Policies support Core Policy 2.

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Permission will be granted for development (alone or in combination) which would not cause significant harm to sites and/or habitats of nature conservation, geological or geomorphological value, including ancient woodlands and hedgerows, together with species that are protected or under threat. Support will be given to proposals which enhance and increase the number of sites and habitats of nature conservation value, and to meeting the objectives of the Staffordshire Biodiversity Action Plan (SBAP).

In line with the objectives of the Water Framework Directive (WFD), development proposals must not adversely affect the ecological status of a water body and wherever possible take measures to improve ecological value in order to help meet the required status.

International Sites

Any proposed development that could have an adverse affect on the integrity of an international wildlife, geodiversity or landscape site (e.g. Natura 2000 or Ramsar site, Special Area of Conservation) or on ground water flows to those sites, alone or in combination with other plans or projects, will not be permitted unless it can be demonstrated that the legislative provisions to protect such sites can be fully met.

National Sites

Protected wildlife, geodiversity and landscape sites designated under national legislation are shown on the Policies Map [e.g. Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs)] and will be protected under the terms of that legislation.

Local Sites

Locally important sites are also identified [e.g. Sites of Biological Importance (SBIs), Regionally Important Geological Sites (RIGs), Local Nature Reserves (LNRs)] and will be protected and enhanced. Outside the areas designated, the interests of nature

conservation must be taken into account in accordance with national guidance.

The restoration or creation of new habitats and the expansion of habitats in South Staffordshire will be supported where these contribute to priorities in the UK Biodiversity Action Plan and the Staffordshire Biodiversity Action Plan including priority habitats such as native woodland, hedgerows, and lowland heathland. Areas or sites for the restoration or creation of biodiversity priority habitats will be identified through Biodiversity Opportunity Mapping working in partnership with Natural England, Staffordshire Wildlife Trust and Staffordshire County Council.

Wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

Development proposals should be consistent with the Supplementary Planning Documents on Biodiversity and Landscape Character and other local planning policies.

Explanation

- 7.10 The Policy seeks to protect and enhance the natural environment including the protection of trees, woodlands and hedgerows and is consistent with the NPPF.
- 7.11 Development should be supported on sites where it can be demonstrated that satisfactory mitigation measures for species and habitats can be created. The natural environment such as trees should also be integrated into the built environment for health and wellbeing, amenity and biodiversity benefits and climate change mitigation.
- 7.12 The Policy covers all aspects of biological and geological interest and provides direct support for the Staffordshire Biodiversity Action Plan. Within South Staffordshire, areas of native woodland and lowland heathland and hedgerows are identified as priority habitats and the Council will work with its partners in the restoration and creation of these habitats.

Key Evidence

Sustainable Community Strategy 2008 - 2020
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
Cannock Chase AONB Management Plan 2009 - 2014
Evidence Base relating to Cannock Chase SAC and the Appropriate Assessment of Local Authority Core Strategies 2010

these conservation areas. In addition the County Council has completed a series of Historic Environment Character Assessments for 14 of the District's villages. This, together with the Council's own survey work, will help to explain how the historic built environment has evolved and to identify buildings for the local list.

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

Key Evidence

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

Delivery and Monitoring

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

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

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

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

planting should be of locally native species.

The Council will encourage and support the creation of new woodlands 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.

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