



**Thomas Deery BA (Hons), MSc
Head of Regeneration and Development**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTIONs 191 & 192
(AS AMENDED BY SECTION 10 OF THE PLANNING & COMPENSATION ACT 1991)
REFUSAL OF CERTIFICATE OF LAWFULNESS FOR EXISTING USE OR DEVELOPMENT**

Date valid application received:
23/08/2023

Application No: P/2023/00961

Name and address of Agent
JMI Planning
62 Carter Street
Uttoxeter
Staffordshire
ST14 8EU

Name and address of Applicant
Mr Jonathan Prutton
Croxden Abbey
Croxden
Uttoxeter
Staffordshire
ST14 5JG

DECISION NOTICE

THE APPLICATION

The application is for a Certificate of Lawfulness for the continued use of former agricultural land as domestic garden on land at Croxden Abbey, Croxden, Uttoxeter, Staffordshire, ST14 5JG as shown on the plan attached to the application.

THE DECISION

East Staffordshire Borough Council hereby refuses the application for the following reason:

Overall, on the balance of probabilities, combining the evidence provided by the applicant, the aerial photography held by the Local Planning Authority, the previous planning history of the site and contradictory evidence provided by representations, it is considered that insufficient evidence has been provided to demonstrate that the application site has been used as residential garden for a continuous period in excess of 10 years.

INFORMATIVES

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.

Signed Naomi Perry (Council's Authorised Officer)

On behalf of East Staffordshire Borough Council

Dated 04/03/2024

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- In the case where we refuse planning permission or grant it subject to conditions decision if you want to appeal then you must do so within 6 months of the date of this notice (unless the application is for a minor commercial proposal). In the case where we refuse planning permission or grant it subject to conditions for a minor commercial application, if you want to appeal against your decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.