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**High Peak Borough Council**

*working for our community*

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191**

**(AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT 1991)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010**

**Article 35**

# NOTIFICATION OF REFUSAL OF APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The High Peak Borough Council hereby refuse an application made on the 08/10/2012, planning reference HPK/2012/0540, by Mr Scott Richardson of Hillcrest, 127 Manchester Road, Chpel-en-le-Frith, SK23 9TN for a Certificate of Lawfulness of the existing use described in the First Schedule hereto in respect of the Property/Land specified in the Second Schedule.

**Reasons for the decision:-**

1. Evidence proving use of the building for domestic storage purposes over the last 10 years is weak and does not show a breach of planning control continuously for a period of 10 years from the date of the application for the following reasons:

- Evidence given by a previous owner of the site, Mr Bowler, is not given under oath and can be given little weight.
- No direct evidence of breach from Mr Keely the owner for 18 months between 2008 and 2009.
- No breach of planning control between 2009 and 2010.
- No evidence of current breach of planning control other than an unsubstantiated description of use accompanies the application.

2. In relation to the access, the application is insufficiently described to conclusively determine this part of the application. Accordingly this element of the application also fails

Signed_____

Planning Applications Manager, on behalf of
Head of Legal and Democratic Services
High Peak Borough Council
Town Hall
Market Place
Buxton
SK17 6EL
Date: 3rd December 20120

**FIRST SCHEDULE**

Use of the outbuilding for domestic storage purposes

**SECOND SCHEDULE**

Hillcrest, 127 Manchester Road, Chapel-en-le-Frith, SK23 9TN

**NOTES**

**If you are aggrieved by the decision of the Local Planning Authority to refuse this application:**

- **You have the right of appeal under Section 195 of the Town and Country Planning Act 1990 (As amended) to the Secretary of State.**

- **If it is intended to give notice of appeal this should be done on the appropriate form obtainable from: The Planning Inspectorate, Temple Quay House, 2 The Square , Temple Quay, Bristol BS1 6PN or enquiries@planning-inspectorate.gsi.gov.uk**