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High Peak Borough Council

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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 30th of October 2013, planning reference HPK/2013/0611, by Mr Ian Watson of Buxton Raceway Ltd, Buxton Road, Whaley Bridge, Derbyshire, England, SK23 7JX 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. It has not been demonstrated to the reasonable satisfaction of the Local Planning Authority and on the balance of probability that the land in question has been used in breach of Condition 7 of planning permission 028002 for a continuous period of 10 years during the racing season (March to November) immediately prior to the date of the application. (Condition 7 limits motor sports to a maximum of 40 days per year.) The evidence in support is contradictory, conflicts with the information held by the Authority in relation to submitted planning applications which have sought to vary the condition in question and is contradicted by evidence submitted by local residents which indicates that an increase did occur in 2010 as a result of a new type of race meeting (Drifting) taking place. In particular it would appear that this new type of race meeting escalated in particular in 2012 and 2013 as borne out by the fixture lists submitted in support of the application. Further, no documentary evidence has been submitted in support of the application to support the actual number of days that the site has been used for motor sport days (both speedway and vehicle races) or the number of additional days used for the purposes of practice events or for vehicle testing.

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:

FIRST SCHEDULE

Application for a Certificate of lawful development on a breach of condition in relation to application HPK/0002/8002.

SECOND SCHEDULE

Buxton Raceway, off A53 Buxton to Leek Road, Buxton, Derbyshire, as shown edged red on the attached map reference HPK/2013/0611

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**