



High Peak Borough Council
working for our community

Mrs Claire Wilde
SlaterWilde Ltd
Tall Trees
8 Crossings Road
Chapel-en-le-Frith
SK23 9RZ

Ms M Crowther
36A Chapel Road
Whaley Bridge
Derbyshire
SK23 7JZ

Application no: HPK/2022/0374

Determined on: 06/10/2022

**Town and Country Planning Act 1990 Section 192 (As amended by Section 10
of Planning and Compensation Act 1991) Town and Country Planning
(Development Management Procedure) (England) Order 2015**

**REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF
PROPOSED USE OR DEVELOPMENT**

High Peak Borough Council hereby refuses to certify that on 11/08/2022; the development specified in the First Schedule taking place on the land specified in the Second Schedule and edged red on the plan attached to this certificate, is lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. There is insufficient evidence for the LPA to be certain that the existing dwelling, in the configuration and layout presented in the application, is lawful and also that the extent of the original dwelling cannot be ascertained. Where a use is found to be unlawful then development permitted by the GPDO do not exist as confirmed by Article 3(5) of the GPDO.
2. Notwithstanding Reason for Refusal 1, had the LPA found the dwelling detailed in the application to be lawful, it could not be established whether the proposed porch would be lawful. Due to lack of elevations, there is insufficient information to determine whether the development complies with all criteria of Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. As such it cannot be demonstrated that the proposed porch is lawful.
3. Notwithstanding Reason for Refusal 1, had the LPA been found the dwelling detailed in the application to be lawful, it could not be established whether the proposed development including boundary treatment would be lawful. The existing wall appears to exceed 2m in height and any new wall of a "height to match existing", as detailed in the application, would exceed the limitations of Part 2 Class A.1(a) and (b). Insufficient information has been provided to demonstrate that the proposed wall detailed within the application would comply with Schedule 2, Part 2, Class A of the





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Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. As such it cannot be demonstrated that the proposed boundary treatment is lawful.

4. Notwithstanding Reason for Refusal 1, had the LPA been found the dwelling detailed in the application to be lawful, it is considered that the proposed access would not be lawful. The proposed access from Rock Bank, includes works to the existing, and formation of new, boundary wall as part of the proposed development. Permitted Development under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended does not exist where they are required in connection with Development Permitted under Class A of that Part. As such the access from Rock Bank would not be lawful.
5. Notwithstanding Reason for Refusal 1 and 4, had the LPA been found the dwelling detailed in the application to be lawful, it is considered that the proposed development detailed in the application would not be lawful. The proposed development by reason of its configuration and proximity to existing high structures, on the boundary with the highway, would result in an obstruction to users of the highway, including future users at the site. As confirmed by Article 3(6) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, Schedule 2 does not authorise development which results in the obstruction to the view of persons using the highway, so as to likely cause danger to such persons.

FIRST SCHEDULE

Proposed removal of an area of the existing boundary wall to create a vehicle access with associated relay of hardstanding together with new wall, and a lean to open porch to the southern elevation

SECOND SCHEDULE

36A Chapel Road, Whaley Bridge, Derbyshire, SK23 7JZ

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council





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NOTES

1. An applicant may appeal against by giving notice to the Secretary of State:-

(a) the refusal to issue a certificate under Section 192 of the Act; or

(b) the failure to give notice of the Council's decision within 8 weeks of the registration of the application, or any other period agreed with the Local Planning Authority;

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

2. As part of the appeal process the Applicant must submit to the Planning Inspectorate a copy of the following documents:

- a copy of your original application
- a copy of the local planning authority's decision notice - if they didn't make a decision, send a copy of the letter acknowledging your application
- a map of the site
- copies of all plans, drawings and documents you sent to the local planning authority
- copies of any letters or emails from the local planning authority
- any other documents that directly support your appeal

If you think your land or building is now lawful because the time limit for enforcement has passed, you also need to submit evidence like:

- dated photographs of the site
- letters from neighbours
- receipts or invoices for work
- plans and drawings