

Horwich Bank Cottage
36a Chapel Road
Whaley Bridge
SK23 7JZ

SW356A-ST01 Lawful development certificate –
Existing Use of Horwich Bank Cottage, 36a Chapel
Road as a single residential dwelling. Evidence to
verify Statement

For Ms M Crowther

By: SlaterWilde Ltd

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SW356A- ST01

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This supporting statement has been produced to accompany a Lawful development application which seeks to gain certification of the existing dwelling known as Horwich Bank Cottage, 36a Chapel Road, Whaley Bridge. This statement sets out the details of the existing use and provides evidence to explain on what grounds a certificate is sought. This statement should also be read in conjunction with the submitted dwg. SW356A-LD001

REASON FOR APPLICATION

The existing dwelling is a part two storey and part single storey property. The two storey element is located to the rear (Northeast) and side (East) of No.36 Chapel Road, while the single storey element projects forward and to the side of this. There is an adjacent attached garage, accessed off Rock Bank, which falls outside of the planning unit and is outside the ownership of the applicant.

An application for a lawful development certificate was submitted to High Peak Planning Authority in Aug 22. It was noted by the planning officer as part of the consultation for this application by the planning officer, Declan Cleary that there was no previous planning history for the site and that the site / property did not align with the Local Authority's mapping system. It showed a different site configuration compared to the planning unit indicated on the submitted plans as detailed below. The officer highlighted that due to this the applicants dwelling may not be lawful, hence the requirement to submit this application to enable regularisation of the development.



Fig.1 Image from LPA showing mapping system of the site and the registered outline overlay indicating the discrepancy.



Fig.2 Image of No. 36 accessed from Chapel Road and 36a accessed from Rock Bank. Image taken from sales particulars of the most recent sale of 36 Chapel Road in 2007.

SW356A-ST01 Lawful development certificate – Existing Use of Horwich Bank Cottage, 36a Chapel Road as a single residential dwelling. Evidence to verify Statement

RELEVANT PLANNING HISTORY

None relevant.

EXISTING USE/ HISTORICAL USE OF HORWICH BANK COTTAGE

The property Horwich bank cottage, 36a Chapel Road has been in the applicant's ownership through inheritance since 2007. She has occupied / lived in the property as her main dwelling since this time. Prior to this the applicant's grandmother occupied the property as her main dwelling for over 20 years and prior to that her Great aunt. All using the site and dwelling as their main residence and as a separate dwelling from that of 36 Chapel Road.

EVIDENCE IN SUPPORT OF APPLICATION

Fig. 3 & Fig.4 show the latest Land registry details / entry of the property and the noted ownership entered in 2006. The land registry title plan indicates the site as a dwelling and associated domestic garden. The adjacent property no. 36 Chapel road and the adjacent garage to the North East of Horwich Bank, 36A is under different ownership and has further title deeds of their own, number 36 having been last sold in 2007.

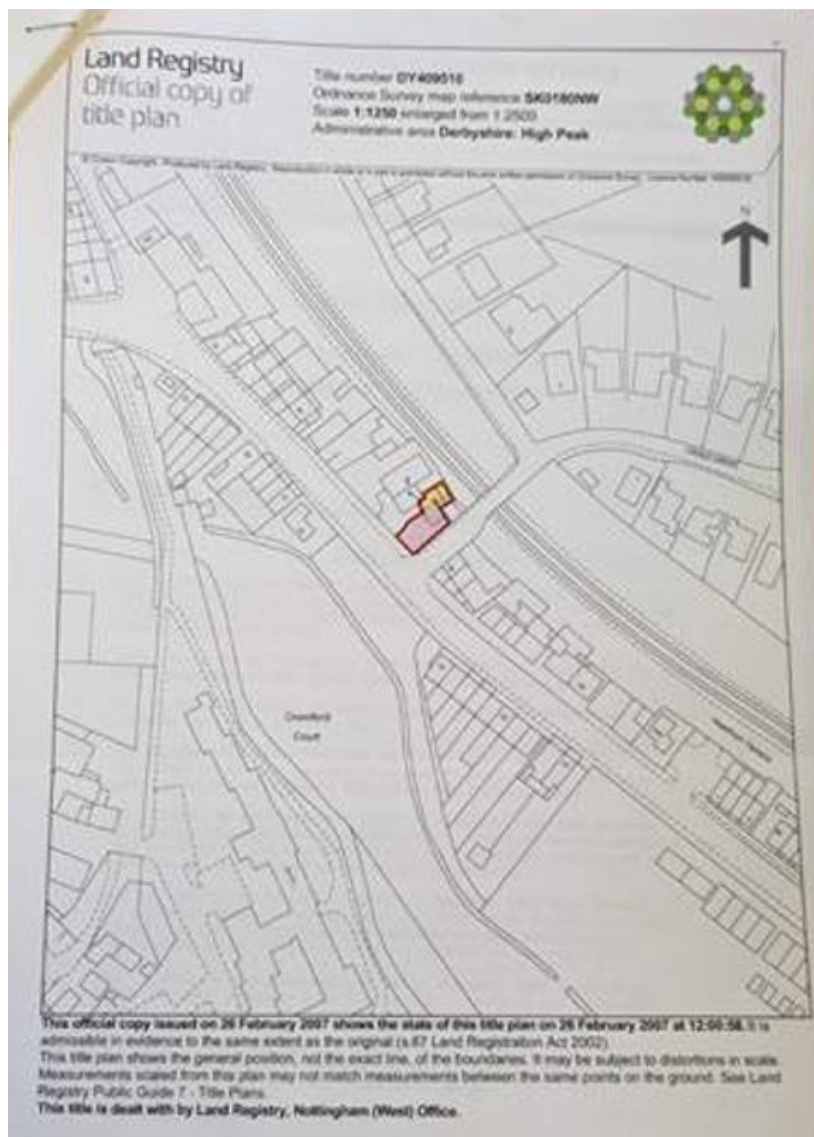


Fig.3 Land registry title plan 36a. DY409510

SW356A-ST01 Lawful development certificate – Existing Use of Horwich Bank Cottage, 36a Chapel Road as a single plan residential dwelling. Evidence to verify Statement

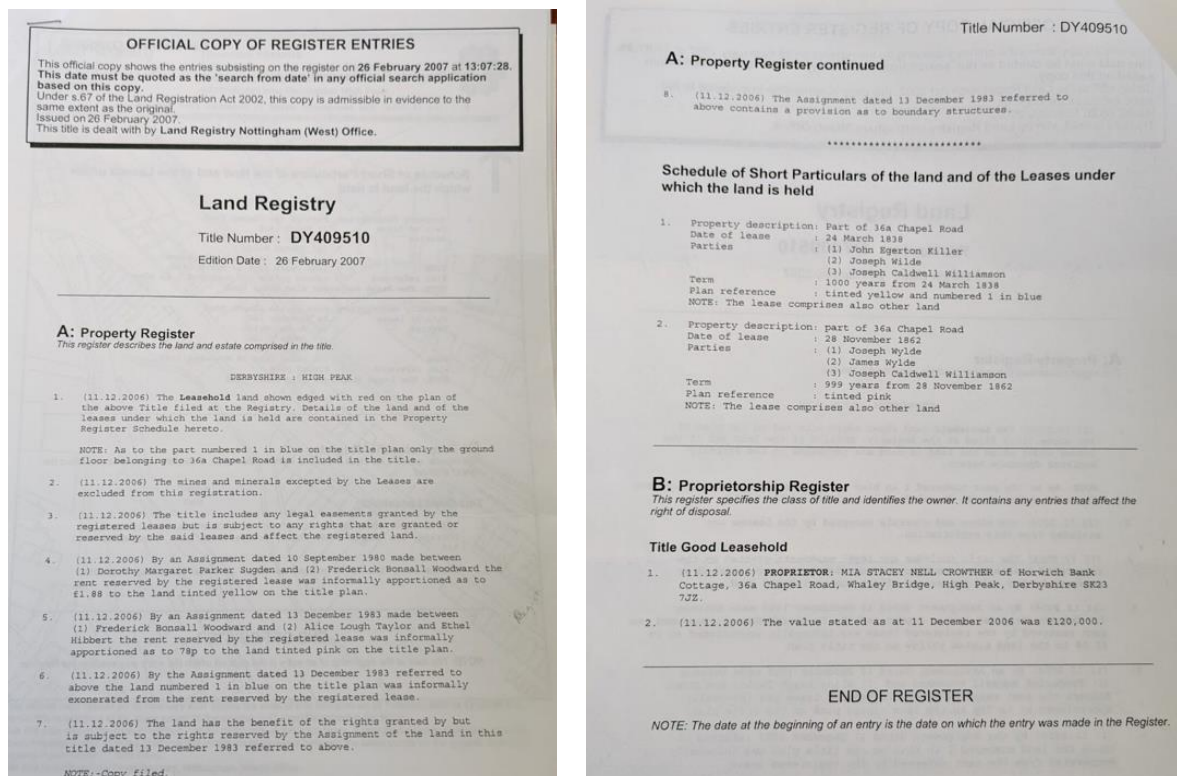


Fig.4 Land registry title for 36A – registered in 2006 by the current owner and applicant of this application.



Fig.5 Ariel photo of site showing Horwich bank cottage, 36A relationship with Rock bank, the adjacent neighbours at 36 and the adjacent garage. This ariel photo shows the incorrect relationship of the houses footprint with that of the LPA mapping system.

SW356A-ST01 Lawful development certificate – Existing Use of Horwich Bank Cottage, 36a Chapel Road as a single residential dwelling. Evidence to verify Statement

Furthermore we have procured signed affidavits from the adjacent neighbours at no. 36 (fig. 6) and no.38 (fig.7) setting out their recollection and time frames of the use of 36A Horwich bank cottage.

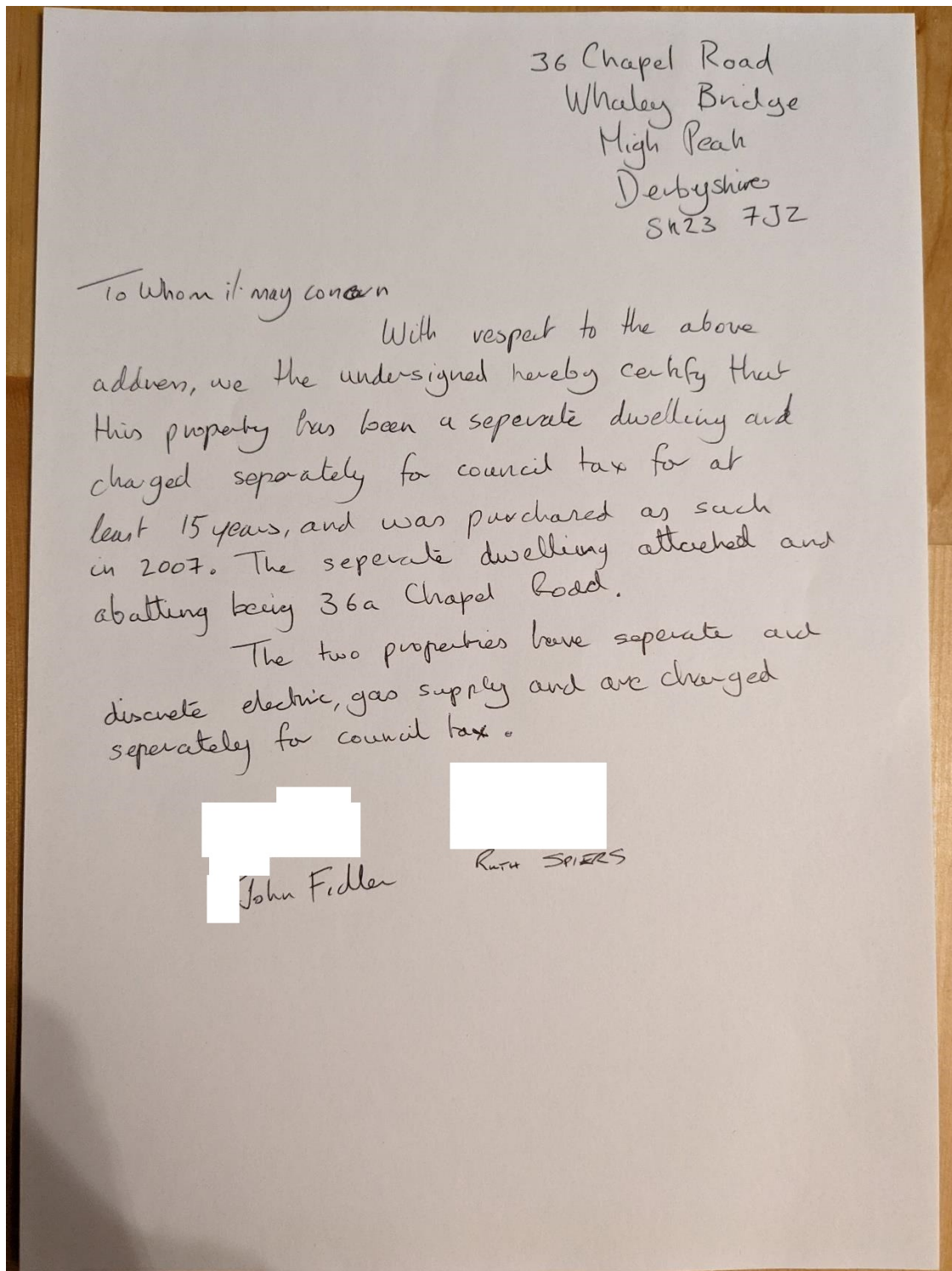


Fig.6 Letter provided by the residents of No.36 certifying that 36 and no.36a are separate dwellings and they purchased their property on that basis in 2007.

SW356A-ST01 Lawful development certificate – Existing Use of Horwich Bank Cottage, 36a Chapel Road as a single residential dwelling. Evidence to verify Statement

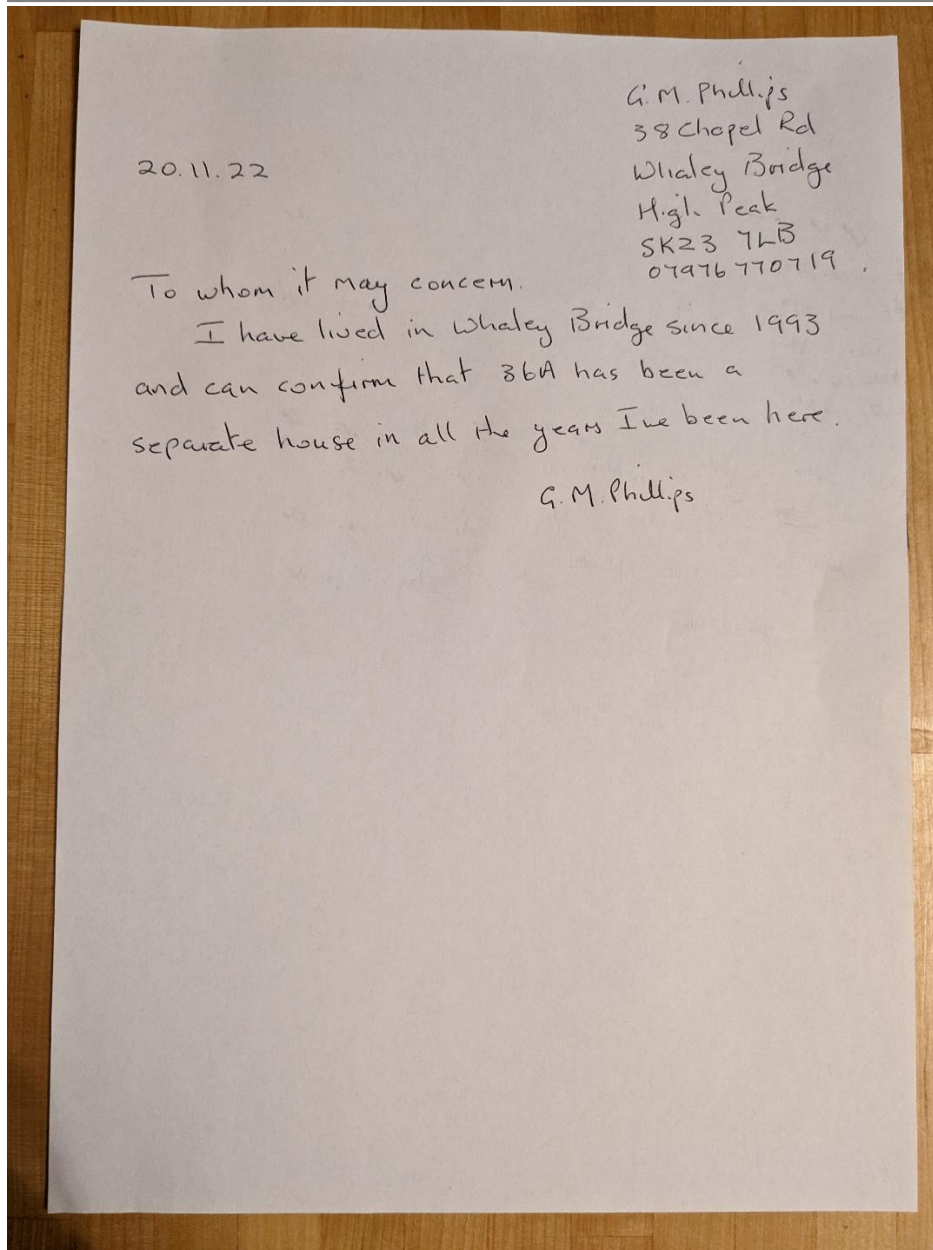


Fig.7 Letter provided by the residents of No.38 certifying that since their time in Whaley Bridge 36a has been utilised as a separate dwelling.

CONCLUSION

Based on the evidence provided and submitted by the applicant it is demonstrated that the balance of probabilities threshold is clearly passed and that the existing use is lawful as has been utilised as a dwelling in continuous occupation for over 16 years in its current ownership and prior to that before 1984. As the use is out of the time limits for enforcement therefore the property becomes lawful for planning purposes.

Therefore, it is requested that under the terms of the Town and Country Planning Act 1990, Section 191 (1) and (2) that a positive certificate of lawfulness in respect of the use and operational development for the dwelling be issued in respect of the dwelling at Horwich Bank cottage, 36A Chapel Road as it has been in continuous use as self-contained residential accommodation for a period well in excess of 4 years.