



# High Peak Borough Council

*working for our community*

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity,  
including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

## Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

## Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Land to rear and side of 1 New Cottages, Grinlow Road, Ladmanlow, Buxton, Derbyshire. SK17 6UJ including Garage and associated buildings.

## Applicant Details

### Name/Company

Title

Mrs

First name

Alison

Surname

Heathcote

Company Name

### Address

Address line 1

Padwick Farm,

Address line 2

Lowe Hill

Address line 3

Town/City

Leek

County

Staffordshire

Country

England

Postcode

ST13 7LY

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

## Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
- ☐ Existing building works
- ☐ An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application.**

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

B8 - Storage or distribution

**Please note that following changes to Use Classes on 1 September 2020:** The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. [View more details on Use Classes](#).

## Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

One of the uses at the current time is by David Hobson. David's business 'Firefly Chimney Services' is not registered at this site and is not the business address. He services customers chimney's, flues and fireplaces, so works in and on customers' homes. David has used the site since 2009 when he started his business and uses the garage and land to store equipment and items required for his business (i.e. chimney linings, stoves etc) and for personal use. Deliveries are usually to the customers home but sometimes to this address if they are larger than two chimney liners in preparation for the job. On average any delivery happens approximately once a week, in office hours and between Monday to Friday, no weekends (see delivery/invoices). Building materials are usually delivered once every two months. Customers do not come to this address. David has to have various sizes of ladders, scaffolding, hoists, wheel barrows and other items of equipment to enable him to do all aspects of his work that are too valuable to leave outside and need space, these are stored in the garage. He has several trailers to use depending on the job and accessibility that are parked on the land. Any waste from jobs is left with the customer and not stored on the premises. Wooden pallets are taken for personal use as kindling and firewood. David has acquired the land (5th Dec 2022) to the side of the garage that was owned by Philip Heathcote who is a builder. This land has a large amount of hard standing from a long time ago when it was railway sidings. The only area used is a strip about 15 meters wide. The rest is rough overgrown ground. Phillip has let David use this land too since starting his business. Phillip was regularly coming and going from this site for decades either picking up or dropping off supplies and waste from jobs. There was some accumulation of Phillips waste from his building work which was sometimes added to with numerous fly tipping on this site and this was burned. Since David took sole possession of the land all fly tipped waste and overrun materials have been cleared at great expense to David, he has shown great willingness to keep the site clear and tidy. David intends to install lockable gates to stop access to and prevent anyone from tipping rubbish there and no more bonfires. Since starting the business David has steadily built up his equipment and stores and needs the inside and outside space for storage. He has no inclination and is not physically able to expand his business anymore. I (Alison Heathcote) continue to store items there i.e. logs, bricks, stone etc on the land and have some items in the garage i.e. metal table, vice etc.

The garage (52.5 sq m) is being used for secure storage of equipment and business items and also some personal items - ladders, scaffolding, barrows, flue piping, stoves, cement etc. The drive and a 15-meter-wide area from the side of the garage on the land is used for parking of trailers and vehicles.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☒ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

The LDC should be granted. David Hobson is doing normal activities and usage doing minimal disruption/disturbance to earn a living and pay taxes. He works hard to support his family and his work is away from this site. This site is required as it enables him to have secure access to a ready supply of equipment (ladders, scaffolding etc) and stock (mainly large bulky items like flue pipe) required to run his business in a timely way and to store items he wants to keep that he can't store anywhere else.

This site and others at New Cottages have been continually used for independent businesses for residents and none residents. There have been three owner operators of HGV vehicles at three separate addresses at the rear of New Cottages, currently a tool business, a tree cutting business, a farmer, and in the recent past there has been a garage door company, plumber, mechanics doing job. There are ongoing deliveries associated with businesses/jobs that other occupiers have at New Cottages. With homeworking and the explosion of internet sales there are deliveries of all kinds all the time.

There has been a haulage business from the 1970's and an Operators licence that ran to 2007 at 1 New Cottages, using the garage and land for parking, repairs and storage of equipment. The garage was used by Mr D Stone (Groundwork Contractor) along with the land in 1996 for several years for his personal and business storage i.e. building material, equipment etc, the same usage as David is doing now. During my husband's illness I ran a Bed & Breakfast at 1 New Cottages for a few years. David is not a high earner but it is essential for his business to have use of this garage and land so he can continue to support himself and his family. Now David has brought the land he has a vested interest in looking after it. David is unable to be any busier than he has been and he does not intend to expand further so activity will not increase any more than it has been. In fact he will be able to have fewer deliveries as he will be able to order and store larger quantities. This complaint has come in since it became known that David had brought the land adjacent to the garage. David just wanted secure ownership and certainty of a place for his equipment and items. The land now owned by David but not used for his business is to be left as is. It was railway sidings and has for decades been left to nature and wildlife and David is to keep it like that.

There has been continual usage of this land and garage for decades by the owners and friends who have used it for various activities and storage of a variety of items both inside and outside that have assisted them either personally or business wise. This is not unprecedented at any of the properties at New Cottages.

I hope the LDC will be granted to ensure the continued usefulness of the area, that has been continually used for decades and provides much needed space and support in these difficult times.

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-01-1976

In the case of an existing use or activity in breach of conditions has there been any interruption?

☐ Yes

☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

☐ Yes

☒ No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes

☒ No

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent  
☐ The applicant  
☒ Other person

If Other has been selected, please provide contact details:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Phone Number

\*\*\*\*\* REDACTED \*\*\*\*\*

Email

\*\*\*\*\* REDACTED \*\*\*\*\*

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes  
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

\*\*\*\*\* REDACTED \*\*\*\*\*

First Name

\*\*\*\*\* REDACTED \*\*\*\*\*

Surname

\*\*\*\*\* REDACTED \*\*\*\*\*

Reference

HPC/2022/0161

Date (must be pre-application submission)

08/12/2022

Details of the pre-application advice received

Telephone call giving details of requirements and advice on what to do.  
David Hobson had telephone call appointment on Wednesday 11/01/23 at 3pm with planning consultant from HPBC.

## Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner  
☐ Lessee  
☐ Occupier  
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

\*\*\*\*\* REDACTED \*\*\*\*\*

Have they been informed of the application?

- ☒ Yes  
☐ No

## Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff  
(b) an elected member  
(c) related to a member of staff  
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes  
☒ No

## Declaration

I / We hereby apply for Lawful development: Existing use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Alison Heathcote

Date

03/02/2023