

Mr Clephan
40 Hawthorn Drive
Glossop
Derbyshire
SK13 7EE



High Peak Borough Council

working for our community

Mr Mark Hobson
MRH Planning Services
The Old Post Room 34 Chew Valley Road
Greenfield
United Kingdom
OL3 7DA

Mr Clephan
40 Hawthorn Drive
Glossop
Derbyshire
SK13 7EE

Application no: HPK/2023/0559

Determined on: 14th February 2024

**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 20/12/2023; the proposed 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 unlawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The area of land (the site) that the proposed outbuilding is to be situated upon as defined by the green area on the plan attached to this certificate does not form part of the residential domestic curtilage associated with the dwellinghouse No.40 Hawthorn Drive, Glossop, having regard to the specific facts of the case and characteristics of the site, relevant planning case law, and as a matter of planning judgement. As such, the site does not benefit from any Permitted Development rights contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and therefore regardless of whether the proposed outbuilding in its own right complies with relevant criteria under Schedule 2, Part 1, Class E of the GPDO, the proposed outbuilding requires full planning permission, and thus a Certificate of Lawful Development cannot be granted.





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FIRST SCHEDULE

Application for a Lawful Development Certificate for -
Proposed erection of a detached outbuilding within the residential curtilage (side garden area) to be used for a purpose that is incidental to the enjoyment of the dwelling house (domestic storage).

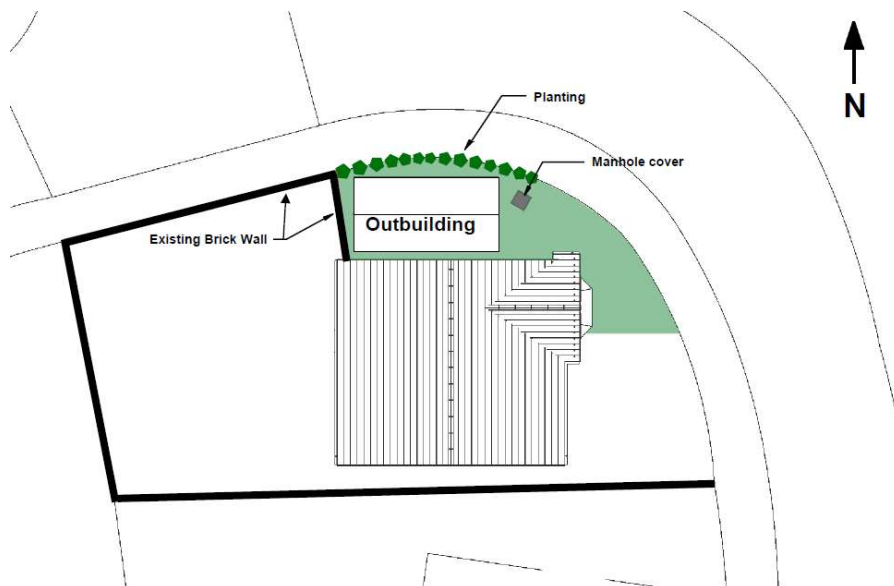
SECOND SCHEDULE

40 Hawthorn House Hawthorn Drive Glossop Derbyshire SK13 7EE

X *B.J. Haywood*

Signed by: Ben Haywood

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