



High Peak Borough Council
working for our community

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Manchester Road
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Derbyshire
SK23 9UH

Application no: HPK/2024/0047

Determined on: 02/05/2024

**Town and Country Planning Act 1990 Section 191 (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 EXISTING USE OR DEVELOPMENT

High Peak Borough Council hereby refuses to certify that on 05/04/2024; the failure to comply with the conditions as 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, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. The Local Planning Authority considers that the evidence presented is not sufficiently precise or unambiguous to demonstrate a failure to comply with the restrictive occupancy conditions attached to the dwelling. Therefore, on the balance of probabilities, the Local Planning Authority cannot justify the grant of a certificate of lawfulness.

FIRST SCHEDULE

Occupation of dwelling without compliance with Condition 6 of Outline Decision Notice 028638 and Condition 5 of Reserved Matters Decision Notice 029053

SECOND SCHEDULE

Combs View, Manchester Road, Chapel-En-Le-Frith, Derbyshire, SK23 9UH





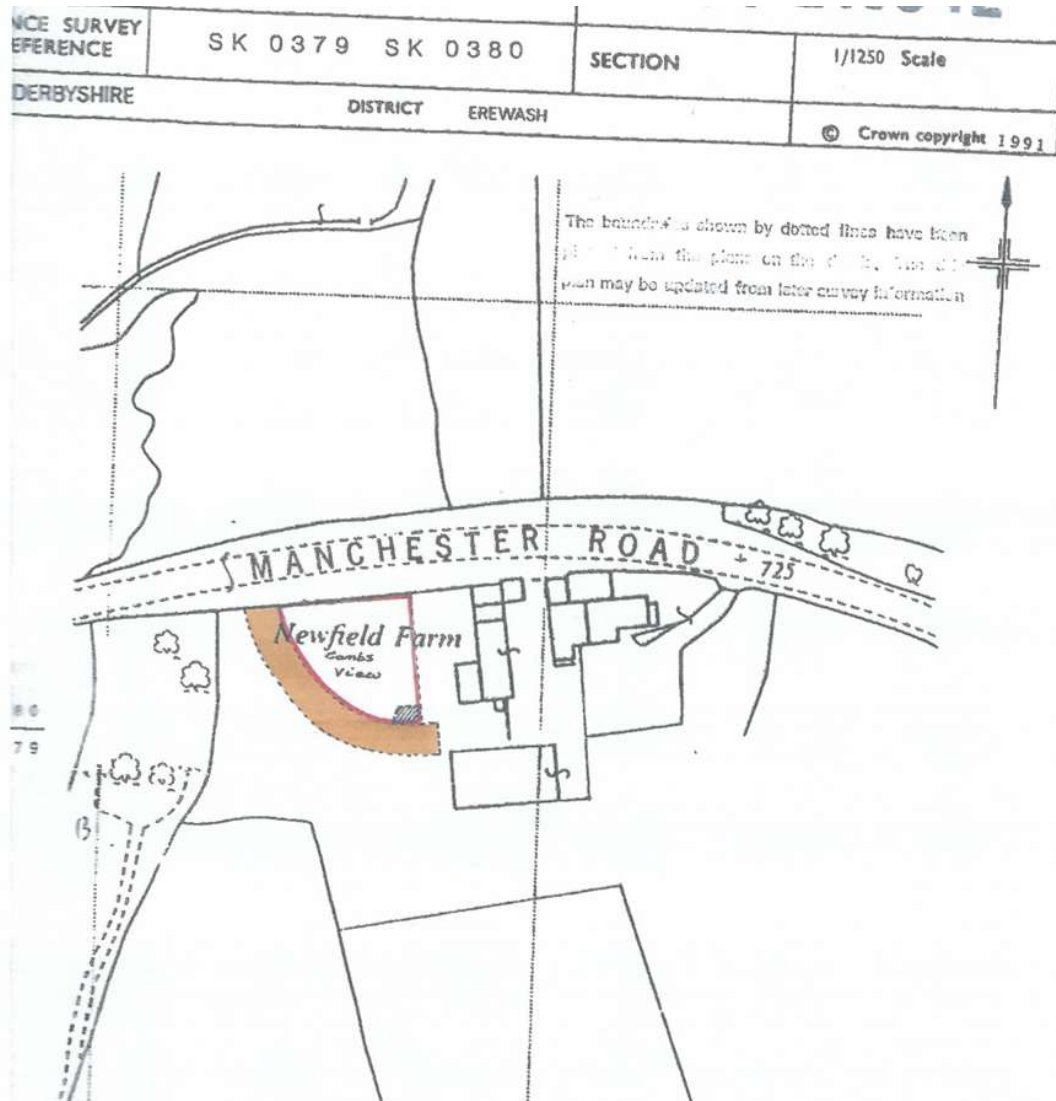
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X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





NOTES

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

(a) the refusal to issue a certificate under Section 191 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