

Mr D Phillips
Heartsease
Laneside Road
New Mills
Derbyshire
SK22 4LU



High Peak Borough Council

working for our community

Mr Niall Phillips
Agent

Mr Phillips
Heartsease
Laneside Road
New Mills
Derbyshire
SK22 4LU

Application no: HPK/2024/0083

Determined on: 14th May 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 06/03/2024; the *[MATTER]* 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):

- The modifications to the frontage stone boundary wall of the adjacent field to allow for the 2.4m x 43m visibility splay and separation of Heartsease from the consented site (HPK/2011/0313 and HPK/2011/0665) would not amount to a material start regarding the above consents in relation to the Town and Country Planning Act 1990, Part III, 'Meaning of development', Section 56.
- The red edge location plan submitted for the certificate includes land outside of the red edge location plans relating to consents refs. HPK/2011/0313 and HPK/2011/0665.
- The photographic evidence does not demonstrate that the works were carried out between the relevant time period.

FIRST SCHEDULE

Application for proposed lawful development certificate in relation to conditions 1 and 5 relating to the approved application HPK/2011/0313 for a proposed new dwelling to confirm that planning permission is valid

SECOND SCHEDULE

HEARTSEASE Laneside Road New Mills Derbyshire SK22 4LU





High Peak Borough Council

working for our community

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





High Peak Borough Council

working for our community

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>

1. 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