



High Peak Borough Council

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Andrew Ellis
A.E. PLANNING CONSULTANTS
57 Bollington Road
Macclesfield
SK10 5EJ

Mr & Mrs Wood
Hurstfield House Hague Bar
New Mills
Derbyshire
SK22 3AT

Application no: HPK/2024/0067

Determined on: 11th June 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**

**APPROVAL TO ISSUE CERTIFICATE OF LAWFULNESS OF
EXISTING USE OR DEVELOPMENT**

High Peak Borough Council hereby approves to certify that on 11/06/2024; the existing use 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 description of the existing use as set out in the first schedule, is lawful because it amounts to no more than the land being used and enjoyed for the purposes of horticulture. At s.336 it is made clear that in "the Act" the term agriculture includes horticulture and s.55 (2)(e) of "the Act" clarifies that the use of any land for the purposes of agriculture shall not be taken for the purposes of "the Act" to involve development of the land. A person's enjoyment of the land is simply ancillary to or part of that horticultural use of land.
2. The Council is unable to certify that any other use of the Land edged red that the applicant might have referred to, other than those described in Schedule 1 on this certificate, is lawful because: there is not a dwellinghouse on the land or the land is not within the curtilage or planning unit of a dwellinghouse; and the presented evidence does not demonstrate that any other use resulted in development and was continuous and uninterrupted for the requisite 10 year period before the date of the application.

FIRST SCHEDULE

Existing use for the purposes of horticulture or as a 'residential garden' to the extent that is limited to the cultivation, planting or growing of grass, trees, seeds, vegetables, fruit, plants, shrubs, bushes or flowers; and the tending to and enjoyment of such land by persons who have a private right to access and enter the land ('enjoyment' in these respects includes





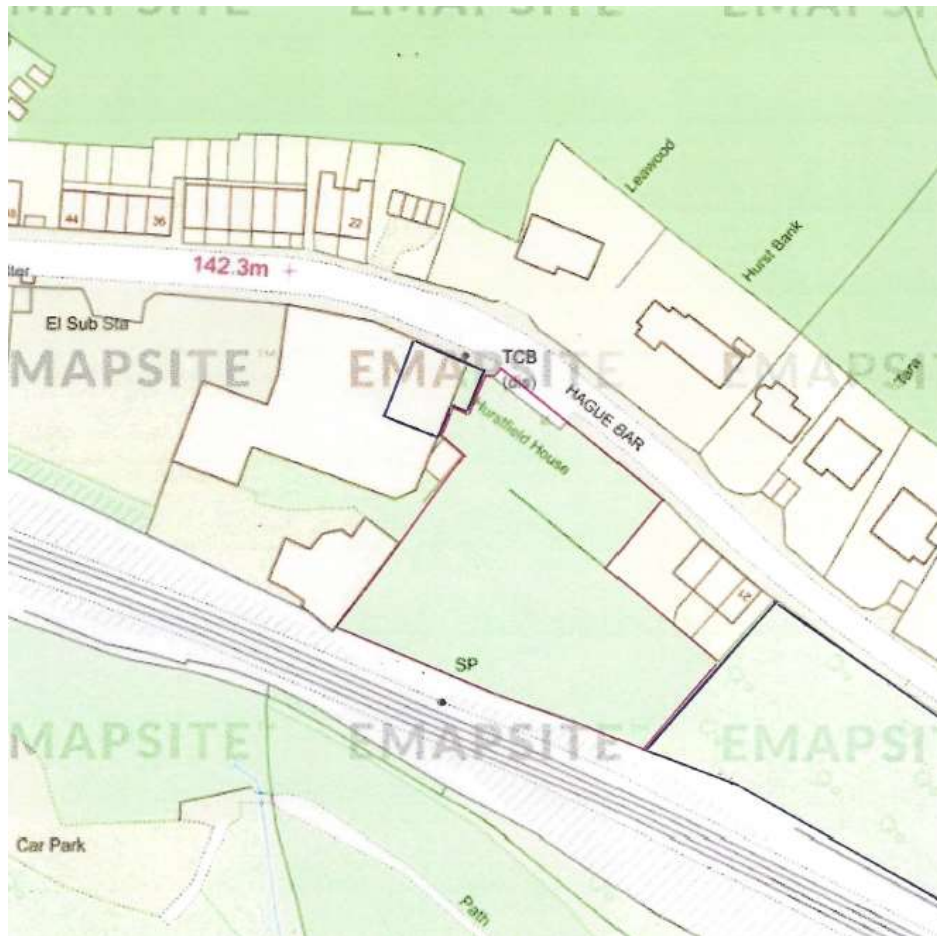
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sitting, walking, roaming, running and play that does not involve the use of installed or fixed apparatus or equipment).

SECOND SCHEDULE

Hurstfield House Hague Bar New Mills Derbyshire SK22 3AT



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 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