



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

12

Suffix

Property Name

Exeter House

Address Line 1

Terrace Road

Address Line 2

Address Line 3

Derbyshire

Town/city

Buxton

Postcode

SK17 6DU

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

Easting (x)

405935

Northing (y)

373391

Description

Applicant Details

Name/Company

Title

Mr

First name

David

Surname

Busby

Company Name

Address

Address line 1

12 Exeter House Terrace Road

Address line 2

Address line 3

Town/City

Buxton

County

Derbyshire

Country

Postcode

SK17 6DU

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

Contact Details

Primary number

***** REDACTED *****

Secondary number

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.

C3 - Dwellinghouses

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

This application seeks to gain a certificate of lawfulness for 3 x existing dwellings at Exter House, 12 Terrace Road, Buxton SK17 6DU.

12 Terrace Road was originally constructed as a single semi detached dwelling house towards the end of the 19th Century, at some point in the 20th Century the property was converted to 3 x flats and continues to operate as such to this day-see evidence submitted to support this application.

We require certificate of lawfulness for each of the following:

Flat 1 Exeter House 12 Terrace Road Buxton-residential dwelling

Flat 2 Exeter House 12 Terrace Road Buxton-residential dwelling

Flat 3 Exeter House 12 Terrace Road Buxton-residential dwelling

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

12 Terrace Road was originally constructed as a single semi detached dwelling house towards the end of the 19th Century. When the current owner and applicant, Mr Busby, purchased the property in 2020 it was operating as 3 x apartments. Based on various forms of evidence (listed below and submitted) the property has been operating continuously as 3 individual residential units for well in excess of 20 years and we therefore request a Certificate of Lawfulness formally acknowledging this fact.

Evidence Enclosed

1. Statement of truth from Mrs Thomas-who owned the property between 2002 and 2020 stating that the property was 3 dwellings for the duration of her ownership.
2. Statement of Truth from David Busby-has owned the property since 2020 stating that the property was 3 dwellings when he purchased it in 2020.
3. Purchaser enquiry form dated 21.10.1981
 - Section 10(a)(i) of a purchaser enquiry form relating to this property dated 1981 states that the property was 'divided in to flats about 20 years ago' -i.e. around 1961
 - Section 12 (a)(i) references rateable values for 3 dwellings referred to as 'ground floor', 'first floor' and 'second floor'
4. Property Information Form and Fittings and Contents Form dated 02.11.2020
 - Clause 4.1a - This document confirms that the previous owners (Mr and Mrs Thomas) did not completed any material changes during their ownership
 - Clause 4.4 - confirms the previous owners (Mr and Mrs Thoams) were not aware of any planning breaches
 - Clause 13 "Location of Stopcock" refers to the three flats.
 - Fittings and Contents Form dated 02.11.2020
 - Clause 7 "Other Rooms" refers to Flat 2 and 3.
5. Screen shot of the existing council tax ratings showing 3 x separate ratings associated with the building

Flat 1 "Ground Floor Flat"

The ground floor flat was owner occupied -i.e. no tenancy agreement available

Please find enclosed:

1. Council tax bill dated 10.08.2002
- The property is still listed on the VOA website and council tax continues to be paid for this property (Flat 1 (Ground Floor) dating back to 1993)

2. EPC dated 2020

Flat 2 "Middle Flat" "1st Floor Flat"

Please find enclosed:

1. Tenancy agreement dated 24.02.2005
 2. Council tax bill dated 26.07.2002
- The property is still listed on the VOA website and council tax continues to be paid for this property
3. Gas safety dated 12.06.2020
 4. EPC dated 2020

Flat 3 "Top Flat" "2nd Floor"

Flat 3 was occupied under a protected tenancy agreement when Mrs Thomas purchased the property in 2002 -the protected tenant passed away in 2016 and the property was re-let under an Assured Shorthold Tenancy.

Please find enclosed:

1. Assured Shorthold Tenancy agreement dated 15.12.2016
2. Electrical Installation Condition Report dated 07.12.2016
3. Assured Shorthold Tenancy Agreement dated 30.10.2023
4. Assured Shorthold Tenancy Agreement dated 25.10.2023
5. EPC dated 2016
6. The property is listed on the VOA website and council tax continues to be paid for this property

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)?

01-01-1960

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

- ☐ Yes
☒ No

☐ Yes

☒ No

☒ Yes

☐ No

- ☒ Market Housing
- ☐ Social, Affordable or Intermediate Rent
- ☐ Affordable Home Ownership
- ☐ Starter Homes
- ☐ Self-build and Custom Build

Housing Type: Flats / Maisonettes
1 Bedroom: 0
2 Bedroom: 0
3 Bedroom: 3
4+ Bedroom: 0
Unknown Bedroom: 0
Total: 3

3

- ☒ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each existing type of housing and number of units on the site

Housing Type:	
Houses	
1 Bedroom:	
0	
2 Bedroom:	
0	
3 Bedroom:	
0	
4+ Bedroom:	
0	
Unknown Bedroom:	
1	
Total:	
1	

Existing Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	0	0	0	0	1	1

Totals

Total proposed residential units	3
Total existing residential units	1
Total net gain or loss of residential units	2

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

Pre-application Advice

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

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

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 the questions answered, details provided, and the 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 opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published 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

Nicola Pearce

Date

08/11/2024