

DELEGATED DECISION REPORT

HPK/2024/0379
Valid 25/09/2024

BUXTON CEMETERY
ASHBOURNE ROAD
BUXTON

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR CONSTRUCTION OF
FOOTPATHS AND
ADDITIONAL BURIAL STONES

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

DESCRIPTION OF SITE

The application relates to a parcel of land contained within the wider planning unit of Buxton Cemetery, which sits adjacent to the A515 Ashbourne Lane, and is owned and managed by High Peak Borough Council.

PROPOSAL

The application seeks a Certificate of Lawful Development for proposed development which consists of the construction of series of footpath that crosses the cemetery in a grid formation, which would serve an additional 1043 burial plots, set out in a similar grid formation.

In the interests of completeness and accuracy, the description of development has been amended to reflect the fact that additional burial stones are also proposed within the site boundary.

OFFICER COMMENTS

Whether the proposed development complies with Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO)

Part 12 of the GPDO relates to development being carried out by Local Authorities.

Class A permits “the erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority or an urban development corporation of—

- (a) *any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;*
- (b) *lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.*

With regards to the above, the proposed works would be carried out by a local authority on land owned by the same local authority.

The introduction and creation of footpaths falls within the definition of (any) "works" and as such this aspect of development is permitted and does not require planning permission.

Further, the provision of 1043 new burial stones are ancillary to the planning unit (the cemetery) and are shown on the proposed plans as not exceeding 4m in height. As such, this aspect of development is also permitted and does not require planning permission.

Schedule 2, Part 12, Class A does not contain any provisions or criteria whereby development permitted under Paragraph A is not otherwise permitted. As such, it is concluded that the proposed introduction of footpaths and additional burial stones to facilitate an existing Cemetery owned and operated by High Peak Borough Council is permitted by virtue of this part of the GPDO and as such does not require planning permission.

It is therefore recommended that a Certificate be granted.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 18th November 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council