



High Peak Borough Council

working for our community

Mr Simon Coley
Simon Coley Architects
2 Waters Edge Lane
Chapel-en-le-Frith
High Peak
SK23 0LP

Mr & Mrs O'Malley
Croft Barn Eccles Road
Chapel-en-le-Frith

Application no: HPK/2023/0470

Determined on: 20th February 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 03/11/2023; the 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 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. Based on the facts of the case and the specific characteristics of the site, it is concluded that the use of the site as described on the First Schedule does not amount to "development" having regard to Section 55 of the Town and Country Planning Act 1990, does not require planning permission and is therefore lawful.

FIRST SCHEDULE

Existing use for the purposes of horticulture and domestic uses 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 of access and enter the land ('Enjoyment' in these respects includes sitting, walking, roaming, running and play that does not involve the use of installed or fixed apparatus or equipment).

SECOND SCHEDULE

Croft Barn Eccles Road Chapel-En-Le-Frith Derbyshire SK23 9RS





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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>

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

