



High Peak Borough Council

working for our community

Mr Nascimento
41 Market Street
Buxton
Derbyshire
SK17 6LF

Application no: HPK/2023/0178

Determined on: 20th February 2025

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

REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

High Peak Borough Council hereby refuses to certify that on 03/05/2023; 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 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. *The evidence submitted to the Council does not prove on the balance of probability that at the time of the application 'the use' of the property has been continuous for 10 years or more.*

FIRST SCHEDULE

Existing Change of use from (Use Class C3) residential to (Use Class Sui Generis)

SECOND SCHEDULE

41 Market Street Buxton Derbyshire SK17 6LF

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

