

DELEGATED DECISION REPORT

HPK/2025/0385
Valid 02/10/2025

PETROL FILLING STATION
BAKEWELL ROAD
BUXTON

APPLICATION FOR A
CERTIFICATE OF
LAWFULNESS FOR
PROPOSED 24 HOUR
OPENING OF MORRISONS
BUXTON SERVICE STATION

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Weather the proposed operation hours of the Bakewell Road, Morrisons petrol station are lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

DESCRIPTION OF SITE

The application site relates to the Petrol station at the Morrisons supermarket on Bakewell Road, Buxton.

PROPOSAL

The application seeks a Certificate of Lawful Development for a Proposed Use that confirms that the existing Petrol Filling Station associated with the Morrisons Supermarket, Bakewell Road, Buxton can lawfully operate for a continuous 24hr period.

It is noted that there has been a neighbouring objection has been received relating to noise from a tannoy system. However in most cases neighbour objections to a Proposed Certificate of Lawfulness cannot be considered, as this is an application seeking to establish whether the proposed operational times of the petrol station can be lawfully implemented or not.

Matters such as noise do not hold any weight in the decision to grant or not to grant the certificate. The decision is based solely on whether the development is lawful under planning legislation. If noise is a problem there are other regimes e.g. statutory nuisance which can address such matters.

OFFICER COMMENTS

Section 192 of the Town and Country Planning Act 1990 (as amended) states

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

Planning records confirm that the petrol filling station was granted planning permission in 1993 under reference HPK/0003/0926. Importantly, the original consent did not impose any conditions restricting hours of operation. In the absence of such conditions, the use of the facility on a 24-hour basis would not constitute a breach of a planning condition and therefore there are no controls over the operating times of the petrol station. The proposal is therefore lawful. The applicant has successfully provided information confirming that there would be no material changes and the operations described in the application are considered lawful.

CONCLUSION / PLANNING BALANCE

To conclude, as the original permission contains no operational hour restrictions, and the proposed 24-hour opening does not alter the established Sui Generis use of the site, the proposal meets the criteria for lawfulness under the above legislation.

OFFICER RECOMMENDATION : GRANT CERTIFICATE

Case Officer: Agatha Dutton

Recommendation Date: 10/12/2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council