



Appeal Decision

Site visit made on 11 December 2025

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/H1033/X/24/3352898

Quarry Bank, Lanehead Road, Taxal, Derbyshire SK23 7DZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Philip Speakman against the decision of High Peak Borough Council.
 - The application ref HPK/2023/0512, dated 22 November 2023, was refused by notice dated 26 June 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which an LDC is sought is construction of single storey orangery, utility/boot room and store and single storey outbuilding to house home office and gym.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed operation which is found to be lawful.

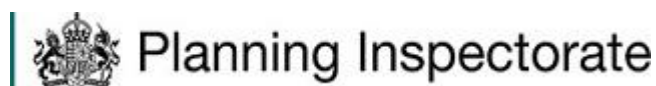
Reasons

2. Under Class E of Part 1 of Schedule 2 of the GPDO the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse is permitted development, subject to limitations set out in paragraph E.1. The Council does not dispute that the proposed outbuildings would be in the curtilage of Quarry Bank and that they would comply with the limitations of paragraph E.1. They claim, however, that significant works of excavation would be required before the outbuildings could be constructed, that these engineering works are not permitted development, and that, therefore, the outbuildings would not be development permitted under Class E of Part 1 of Schedule 2 of the GPDO.
3. The outbuilding to house home office and gym would be built on virtually flat ground and would require no works of excavation. The other outbuilding would be built, as observed at the site visit, where there is a pathway and a raised planting bed that has dry stone retaining walls. The dry stone walls would, probably, be taken down by hand and the stone stored for future use elsewhere. The raised bed is between about 0.4 and 0.6 metres high and the area to be removed would be about 2.5 x 5 metres. The quantity of soil to be removed would be about 6.25 cubic metres.
4. The removal of such a limited quantity of soil could be achieved by using manpower and without using mechanical equipment. Consequently, the works of excavation would not be, as a matter of planning judgement, engineering works that would require the grant of planning permission. Neither outbuilding would require significant works of excavation. The proposed outbuildings are therefore developments permitted under Class E of Part 1 of Schedule 2 of the GPDO.

5. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for construction of single storey orangery, utility/boot room and store and single storey outbuilding to house home office and gym at Quarry Bank, Lanehead Road, Taxal, Derbyshire was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 22 November 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are development permitted under Class E of Part 1 of Schedule 2 of the GPDO.

Signed

John Braithwaite

Inspector

Date: 12 December 2025

Reference: APP/H1033/X/24/3352898

First Schedule

Construction of single storey orangery, utility/boot room and store and single storey outbuilding to house home office and gym

Second Schedule

Land at Quarry Bank, Lanehead Road, Taxal, Derbyshire SK23 7DZ

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority..

Plan

This is the plan referred to in the Lawful Development Certificate dated: 12 December 2025

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Land at: Quarry Bank, Lanehead Road, Taxal, Derbyshire SK23 7DZ

Reference: APP/H1033/X/24/3352898

Scale: Not to Scale

