

## DELEGATED DECISION REPORT

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HPK/2026/0022  
Valid 19/01/2026

RHODESWOOD 12 PLATT  
STREET  
PADFIELD  
GLOSSOP

CERTIFICATE OF  
LAWFULNESS FOR AN  
EXISTING USE - CHANGE OF  
USE OF FIRST FLOOR OF CAR  
VALETING BUSINESS TO  
RESIDENTIAL

(CERTIFICATE OF  
LAWFULNESS - EXISTING)

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### MAIN ISSUES

- Whether the use of the first floor of the site as a residential dwellinghouse (C3) is Lawful.

### DESCRIPTION OF SITE

The application site refers to a large, detached building located off Platt Street within the defined settlement boundary of Glossop. The building is sited within a large triangular shaped plot of hardstanding and is located at a notably lower level than that of Platt Street to the north. The site comprises a now defunct commercial car valeting business to the ground floor and an apartment to the first floor.

The surrounding area comprises a mix of commercial and light industrial uses to the south west and east with residential dwellings located to the south and north / northeast.

### PROPOSAL

The application in this instance seeks to confirm whether the existing use of the first floor of the site as a C3 dwellinghouse in residential use is lawful via a Section 191 Lawful Development Certificate.

### SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/6917: Erection of storage building and office with flat above (Approved)

HPK/0003/5205: Change of use to depot and maintenance of vehicles (Approved 07/08/1997)

HPK/0003/7208: Change of use of bus company depot to car sales (Approved 03/07/1998)

HPK/2025/0422: Retrospective application for the change of use of first floor of car valeting business to residential (Withdrawn)

## **CONSULTATIONS – N/A**

## **OFFICER COMMENTS**

### **Assessment**

Section 191(2) of the Town and Country Planning Act 1990 says that the use will be lawful if no enforcement action can be taken against it, and provided it does not contravene the requirements of any enforcement notice that is in force. Where an LDC is sought, the burden of proving relevant facts rests with the applicant.

Section 191(4) of the Act indicates that if, on an application under that section, the local planning authority are provided with information satisfying them that the use or operations described in the application was lawful at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Planning Practice Guidance (PPG) provides that “The applicant is responsible for providing sufficient information to support an application”. PPG also provides that “In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.”

The application in this instance seeks to confirm via this lawful development certificate application that the first floor of this building is in residential C3 dwellinghouse use.

This application is supported by a Council Tax record, energy bill dated 3/7/2015 and a signed affidavit from the owner of the property. Following a request for more information in the absence of Council Tax records available to the Local Authority, additional information has been provided including further council tax documentation and historic plans that show the first floor residential element as part of the approved planning consent to erect the building in 1988.

As above, the PPG and NPPF provides that the burden of proof for Lawful Development Certificates lies firmly with the applicant with the onus being on the applicant themselves to evidence that on the balance of probability that the use of the site is lawful.

The council tax record states that the site is a mixed-use property and has been in this use since 22<sup>nd</sup> September 1998 which is also confirmed in the formal declaration affidavit submitted by the applicant. There does appear to be conflicting information regarding Council Tax with some evidence stating that Council Tax bands have been deleted. Nonetheless following additional documentation there is clear evidence that following the construction of the site Council Tax was paid from 1988 until at least 1996.

The applicant has submitted historical plans and a historic planning consent which shows the building as it was initially designed and constructed with a first floor residential use.

The historic plans show that planning permission for the initial construction of the building was granted consent on the 19/08/1988 for the erection of a storage building and an office with a first floor flat above. No planning conditions were imposed linking the first floor use of the building as a flat with the ground floor commercial use. As such it is judged that the first floor of the property has been in residential use since the property was built.

The supporting information also includes a domestic energy bill dated from 3<sup>rd</sup> July 2015, titled "Flat above, 12 Platt Street" as well as a number of photos showing the first floor of the site in a residential use. The applicant has also put forward comments from members of the public who have commented on the historic residential use of the site. Therefore with regard to the submitted supporting information it is judged that in the absence of information available to the council to the contrary, on the balance of probability, the extant use of the first floor of the building is a C3 residential use.

## **CONCLUSION**

It is therefore considered that on the balance of probability and in the absence of any evidence party to the Council to the contrary, that the extant use of the first floor of the building is in a C3 Residential use. The Certificate of Lawfulness for an existing use is therefore approved.

**OFFICER RECOMMENDATION :     Approve**

**Case Officer: Stuart Talbot**

**Recommendation Date: 26/03/2026**

X *J Colley*

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**