

From: planningcomments@highpeak.gov.uk
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To: Planning Comments (HPBC)
Subject: Comment Received from Public Access

Categories:

Application Reference No. : HPK/2026/0095 Site Address: 5 & 7 Riverside Thornsett Birch Vale Derbyshire SK22 1AZ
High Peak Comments by: John Joddrell

From:
Riverside Cottage
Thornsett
Birch Vale
High Peak
Derbyshire
SK22 1AZ

Phone: [REDACTED]

Email: [REDACTED]

Submission: Objection

Comments: Neighbour objection to application HPK/2026/0095 | Certificate of lawfulness for the existing use of 5 and 7 Riverside as residential units

Dear James

This letter has been prepared in response to the current public consultation relating to application HPK/2026/0095 which seeks a certificate of lawfulness under Section 191 of the Town and Country Planning Act 1990 (as amended) [the Act] for the use of 5 and 7 Riverside as two separate units. The purpose of this response is to assist High Peak Borough Council as Local Planning Authority [LPA] in the determination of the application.

From a quick review of public records, we understand that 5 and 7 Riverside, along with 38a Thornsett [the property] is currently registered as one unit (38a Thornsett, Birch Vale, High Peak, SK22 1AZ). Together with 36 and 38 Thornsett, we consider the building forms three separate units [the building].

As part of the application, the applicant provides two Statement of Truths from the current owners of the building. These both refer to four separate units (36 and 38 Thornsett and 5 and 7 Riverside) at the time of its purchase in 1956.

Part 4 of Section 191 of the Act states that if the LPA are provided with information satisfying them of the lawfulness at the time of the application of the use, they shall issue a certificate to that effect. In any other case they shall refuse the application.

In this context, it is noted that the statements relate to a point in time 60 years ago. This is considered to be entirely immaterial to the determination of this application. Consideration should, instead, be given to its current lawful use i.e. that to which has been its continuous use for preceding ten years without any enforcement action being taken. As set out above, public records suggest 5 and 7 Riverside, and 38a Thornsett is currently one unit known as 38a Thornsett, Birch Vale, High Peak, SK22 1AZ.

It is noted that the layouts detailed on the floorplan appended to these statements is largely inconsistent to the layout detailed on the submitted floor plans prepared by RWA Architects (refs. Existing Level -1 Floor Plan 2539 /G/003 Rev B and Existing Level -2 Floor Plan 2539 /G/002 Rev B). The floorplan appended to the statements show only one bathroom and two staircases in the property with various internal doorways and corridors throughout.

From a quick sense check, the appended floorplan was likely copied from the Rightmove listing (https://www.rightmove.co.uk/properties/163929308#/?channel=RES_BUY) of the building.

Upon further examination of the listing, this states that the building (i.e. 36, 38 and 38a Thornsett) is currently arranged as only two separate dwellings and has three bathrooms and three kitchens. It is therefore very unclear as to how these currently function as four or five self-contained units (and have done for the preceding 10 years).

In addition, no evidence has been provided by the in the form of utility or Council tax bills to prove the use of four separate units, nor any evidence of separate tenancy / occupation.

For the reasons set out above, we do not consider that the LPA could possibly be satisfied with the current lawful use of the property as two separate units. We therefore consider the application should be refused in accordance with Part 4 of Section 191 of the Act.

We consider that a full planning application for the change of use of the property should be required. This will allow for appropriate consideration to be given to technical matters such as car parking in consultation with the Local Highways Authority. For context, 38a Thornsett is in the lower basement of the building and can be accessed from the private estate road to the south serving Thornsett Industrial Estate. There are currently some informal parking spaces accessed from this private estate road serving existing properties. We do not consider this would be appropriate for any intensification of residential use associated with two additional units proposed at 38a Thornsett. As such, a full planning application should be submitted with further information to appropriately address this issue.

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