

From: planningcomments@highpeak.gov.uk
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Application Reference No. : HPK/2026/0095 Site Address: 5 & 7 Riverside Thornsett Birch Vale Derbyshire SK22 1AZ
High Peak Comments by: Bethany Lee

From:

32
Thornsett
Birch Vale
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Phone:

Email:

Submission: Objection

Comments: Dear James,

I am writing in relation to the current public consultation for application HPK/2026/0095. This application 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 and 38a Thornsett as three separate residential units. This representation is intended to assist High Peak Borough Council, in its role as Local Planning Authority (LPA), in reaching a decision.

Publicly available records indicate that 5 and 7 Riverside is presently registered as a single dwelling, known as 38a Thornsett, Birch Vale, High Peak, SK22 1AZ. When considered alongside 36 and 38 Thornsett, it is understood that the wider building comprises three units in total.

The application includes two Statements of Truth submitted by the current owners. These statements suggest that, at the time of purchase in 1956, the building consisted of four separate units (36 and 38 Thornsett, and 5 and 7 Riverside).

However, under Part 4 of Section 191 of the Act, a certificate should only be granted where the LPA is satisfied that the use is lawful at the time of the application. Where this cannot be demonstrated, the application should be refused.

In this instance, the information provided relates to a historical arrangement dating back some 60 years. This is not considered material to the determination of the application. The relevant test is the lawful use of the property in its current form - specifically, whether the use has been continuous over the past ten years without enforcement action. As noted above, available records suggest 5 and 7 Riverside and 38a Thornsett are currently one unit known as 38a Thornsett, Birch Vale, High Peak, SK22 1AZ.

There are also notable inconsistencies between the floorplan appended to the Statements of Truth and the plans submitted with the application 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 appended plan shows a layout comprising only one bathroom and a single staircase, with multiple internal corridors and doorways, which differs significantly from the submitted drawings.

It appears likely that this plan has been taken from the Rightmove listing (https://www.rightmove.co.uk/properties/163929308#/?channel=RES_BUY) for the building. That listing indicates

that the building (36, 38 and 38a Thornsett) is currently arranged as two dwellings, with three kitchens and three bathrooms. This raises clear doubts as to how the property could function as five self-contained units, or how such a configuration could have existed continuously over the last ten years.

Additionally, the application is not supported by documentary evidence such as Council Tax records to substantiate the existence of four separate units.

Taking all of the above into account, it is not considered that sufficient evidence has been provided to satisfy the LPA that the property is lawfully in use as multiple separate units. On this basis, the application should be refused in accordance with Part 4 of Section 191 of the Act.

Furthermore, it is considered that any proposal to intensify the residential use of the property should be subject to a full planning application. By way of context, 38a Thornsett is situated within the lower basement and is accessed via a private estate road to the south, which serves Thornsett Industrial Estate. The existing arrangement includes a limited number of informal parking spaces accessed from this road. It is not considered that this level of provision would be adequate to support the additional units proposed. A full planning application, supported by appropriate evidence, would therefore be necessary to properly assess these impacts.

Kind regards,

Bethany Lee

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