

## DELEGATED DECISION REPORT

---

HPK/2026/0121  
Valid 24/03/2026

WOODCOCK VIEW CHAPEL  
BROW  
CHARLESWORTH

CERTIFICATE OF  
LAWFULNESS FOR A  
PROPOSED TEMPORARY  
CONSTRUCTION COMPOUND

(CERTIFICATE OF  
LAWFULNESS - PROPOSED)

---

### MAIN ISSUES

- Whether the proposed construction compound complies with Schedule 2, Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

### DESCRIPTION OF SITE

The application site refers to a two storey detached property and its curtilage located on Chapel Brow within the established settlement boundary of Charlesworth.

The surrounding area comprises predominantly two storey detached dwellings. The surrounding properties do not respect a uniform building line and are positioned with a variety of orientations. The application site is directly adjacent to the Charlesworth Conservation Area and the Green Belt.

### PROPOSAL

The application seeks a section 192 Certificate of Lawfulness to determine whether the temporary construction compound comprises permitted development under Class A, Part 4 of Schedule 2 of the General Permitted Development Order.

### SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2025/0104: Extension and remodelling of the existing dwelling (Refused 20/06/2025 and Allowed at Appeal 06/11/2025)

HNT/2025/0010: Prior Approval application for single storey rear extension (Approved 29/09/2025)

HPK/2025/0313: Certificate of Lawfulness Application for proposed –

• Two Storey Rear Extension • Single Storey Side Extension • Single Storey Rear Extension • Erection of Rear facing Dormer Window • Erection of a single storey

garden room • Erection of two porches • Erection of velux style rooflights (Pending Determination)

HPK/2026/0130: Certificate of Lawfulness application for the proposed use of the siting of a caravan for purposes ancillary to Woodcock View (Pending Determination)

HPK/2026/0131: Erection of a replacement dwelling (Pending Determination)

## **CONSULTATIONS**

### **Public Comments**

No public comments received.

### **Charlesworth Parish Comments**

The Parish Council resolved to object to this application on these grounds:

1. The Parish Council noted with disappointment that this application is not subject to public consultation, despite the wide public interest in previous applications on this site.

2. This application for a Lawful Development Certificate is in conjunction with plans approved on appeal (HPK/2025/0104). The applicants, by submitting a fresh application for a replacement building, have confirmed that the development approved on appeal will not be built. This application should therefore be a full planning application, with all necessary consultations.

3. The site area of the proposal (400m<sup>2</sup>) inordinately large for a modest development project.

4. The proposal will have a significant visual impact on the entry into Charlesworth, on its Conservation Area and on the Green Belt (which it lies within). These matters are not considered in the application.

5. The site is immediately adjacent to Chapel Brow. There is no indication as to how it is to be accessed; if a new, albeit temporary, access direct onto Chapel Brow is required, that should be shown on the application and the views of the Highways Authority sought site.

6. The southern tip of the site is about 8 metres or so from its north western tip. Presumably the site will be subject to cut and fill. There is no indication on the application of the finished ground level, or what is to be done with the Overburden

7. The proposal shows the surface area to be covered with MOT. There is no mention of land drainage

8. The stone wall on the south and west is historic and will be vulnerable to this development. The application needs to show how the wall is to be safeguarded and reinstated or replaced in due course.

## **OFFICER COMMENTS**

- 1. Whether the proposed garden room structure complies with Schedule 2, Part 4 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

### **Permitted Development**

- A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.**

**Complies** – The proposals relate to a temporary construction compound ancillary to Woodcock View, Charlesworth following two extant consents HPK/2025/0104 (extensions and remodelling of the existing dwelling) and HNT/2025/0010 (Single storey rear extension). The application states that the temporary compound is required to facilitate the construction works.

An objection has been received from Chapel-en-le-Frith Parish Council which states that “The applicants, by submitting a fresh application for a replacement building, have confirmed that the development approved on appeal will not be built.”

Nonetheless, the extant permission allowed at appeal still stands and subject to any following permissions the applicants would have the option as to which permission to engage and construct. Therefore, it is not judged, given the extant permissions that the proposed construction compound is required temporarily in connection with operations to be carried out on the land.

It has also been noted that Chapel-en-le-Frith Parish Council have objected on grounds of scale, access, lack of information, drainage and impact upon the stone wall to the south. These matters are judged to be planning material considerations which are not pursuant to the determination of a S192 Certificate of Lawfulness application.

### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the operations referred to are mining operations, **(N/A)** or
- (b) planning permission is required for those operations but is not granted or deemed to be granted. (**Complies** - The submission of the S192 Certificate follows two extant permissions (ref. HPK/2026/0131 & HNT/2025/0010))

### **Conditions**

**A.2** Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

(a) any building, structure, works, plant or machinery permitted by Class A is removed, and **(The works will need to comply with this condition)**

(b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.

**(The works will need to comply with this condition)**

## **CONCLUSION**

As above the proposals have demonstrated that the development is in accordance with the parameters set out under Part 4, Class A of Schedule 2 of the General Permitted Development Order subject to the land being reinstated to its condition before that development was carried out and any building, structure works, plant or machinery being removed.

Therefore, it is recommended that the S192 Certificate of Lawfulness (Proposed) be Granted.

**OFFICER RECOMMENDATION :     Approve**

**Case Officer: Stuart Talbot**

**Recommendation Date: 19/05/2026**

X *B.J. Haywood*

---

Signed by: Ben Haywood

**On behalf of High Peak Borough Council**