

Supporting Statement

April 2026

151 Marple Road, Chisworth, High Peak SK13 5DL

- **Applicant**
Wendy Bird
- **Planning Authority**
High Peak Borough Council
- **Proposal**
Certificate of Lawful Existing Use or Development to establish that the lawful use of the converted barn and conservatory is an Annexe (Use Class C3) to 151 Marple Road, Chisworth, High Peak SK13 5DL.
- **Location**
151 Marple Road, Chisworth, High Peak SK13 5DL
- **Agent**
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1.00 Introduction

This application seeks approval for a Certificate of Lawful Existing Use or Development (CLEUD) to establish that the lawful use of 'the Annexe and conservatory' outlined in red on the submitted location plan drawing number '100 - Location Plan' is an Annexe (Use Class C3) to 151 Marple Road, Chisworth, High Peak SK13 5DL and that the use is lawful under the 10 year immunity rule.

'The Annexe', which is subject of this application, is 151 Marple Road, Chisworth, High Peak SK13 5DL.

This supporting statement is provided in support of the application and sets out the full grounds under which the CLEUD is made.

This supporting Statement describes and considers the submitted evidence, which shows that the case is proven 'on the balance of probability', and that a CLEUD should be granted.

In addition to this Statement the application documents include:

- The completed application form including confirmation of the applicant's interest in the land
- Applicant Declaration (Appendix 1)
- Location Plan (1:1250 scale) (Appendix 2)
- HM Land Registry Plan and title deeds (Appendix 3)
- Sattelite/Google Earth Images (Appendix 4)
- Construction Work Photographs 1998 (Appendix 5)
- Extrenal Photographs 2026 (Appendix 6)
- Internal Photographs 2011 and 2026 (Appendix 7)
- Contruction Drawings (Appendix 8)

The above submitted information complies with the validation requirements for a CLEUD application as set out in Article 39 of the Town and Country Planning (General Management Procedure) (Order) 2015.

The site is not Crown Land and a single use is applied for in terms of the application site outlined in red on the submitted drawing 100 - Location Plan.

Section 191(1) of the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any existing use or operations which have been carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 191(4) of the Town and Country Planning Act 1990 states that if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case shall refuse the application.

Guidance states that if a local planning authority has no evidence of its own, or 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 is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'.

This reflects the ministerial advice that was formerly printed in Annex 8 to Circular 10/97, at paragraph 8.15. 'Evidence' from neighbours, or others objecting to the application, consisting of no more than doubt, disbelief or scepticism regarding the evidence adduced by the applicant does not amount to evidence contradicting or otherwise making the applicant's evidence less than probable.

2.00 Leglasiative Context

Section 191 of the Town and Country Planning Act 1990

Section 191 of the Town and Country Planning Act 1990 (as amended) states:

- (1) If any person wishes to ascertain whether—*
- (a) any existing use of buildings or other land is lawful;*
 - (b) any operations which have been carried out in, on, over or under land are lawful; or*
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

- (2) For the purposes of this Act uses and operations are lawful at any time if—*
- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

Therefore, it is on this basis of the legislation set out in 191 (1) (a and b) and 191(2) (a) of the Town and Country Planning Act 1990 (as amended) that this application is made and that the use undertaken to date is either not development at all and/or is lawful because the 10-year time limit for enforcement action against a use has been exceeded.

Grounds for Obtaining the CLEUD - 10-year Continuous Use (Land Use and Building)

The 10-year rule needs to be applied to the converted barn and conservatory which forms an 'Annexe' (Use Class C3) to 151 Marple Road, Chisworth, High Peak SK13 5DL .

It is hereby contended that the C3 use of the Annexe is lawful and has been in continual use for the last 10 years.

Under Section 191 the 'relevant period' for the assessment of the continuous use is ten years prior to the CLEUD application being made.

The use of the Annexe and how this use has been continuous during the relevant 10-year period is evidenced as part of the application below.

For clarity, where a continuous 10-year use is claimed, case law and appeal decisions have established that ‘continuous’ does not require the ‘land’ to be used every day. The use only needs to be generally ongoing over the period.

Decisions have found that even sporadic recreational activity (such as for residential amenity/curtilage) can establish a material change of use, provided the overall character of the use over the 10 years is residential, as seen in *O’Flynn v SSCLG & Warwick DC* [2016].

3.00 The Site, Context and Relevant History

The dwelling house is located on Marple Road in Chisworth, High Peak. The property has rear and front gardens.

The applicant purchased the property in 1974

The barn conversion work started in 1991 and was completed around 1998/1999. The Annexe (converted barn) is attached to the south side of the property and has a single storey conservatory extension.

The Annexe has no separate utility connections and all utility supplies come directly from #151.

The applicant is in the process of selling #151 and the purchaser's solicitors have requested proof that the barn conversion and conservatory are legal in planning terms.

4.00 Evidence

Applicant Declaration (Appendix 1)

The application includes a Declaration made by the applicant and owner.

The Declaration confirms that 'The Annexe and Conservatory' outlined in red on the Location Plan has been owned by the applicant since 1974 and has been in continuous use as an Annexe to 151 Marple Road Chisworth for at least the last 10 years prior to this application. This demonstrates the use has been carried out continuously over the last 10 years.

Satellite Images (Appendix 4)

Satellite images from 2005, 2009 and 2020 are submitted with this application. They clearly show the 'conservatory extension' glazed roof attached to the south of the Annexe which is still in place to date.

Site Photographs During Construction (Appendix 5)

The submitted 'Appendix 5a - Construction Work Photographs 1998' and 'Appendix 5b - Construction Work Photographs 1998' show internal and external photographs taken by the applicant during the conversion works carried out during 1998.

External Photographs (Appendix 6)

The submitted 'Appendix 6 - External Photographs 08.04.2026' show external photographs taken on 08th April 2026.

What is clear by comparing these the photographs to those taken during construction in 1998 is that the conversion works are complete.

Internal Photographs (Appendix 7)

The submitted 'Appendix 7a - Internal Photographs 09.04.2011' show internal photographs taken on 09th April 2011 by the applicant following completion of the conversion works.

The submitted 'Appendix 7b - Internal Photographs 08.04.2026' show internal photographs taken on 08th April 2026'.

What is clear by comparing these 2 sets of photographs is that they were taken in the same locations: the 2026 photographs show many of the ornaments and fixtures of the 2011 photographs. These photographs confirm that the conversion works were complete by April 2011 and the Annexe was lived in.

Building Regulations Construction Drawings (Appendix 8)

The submitted 'Appendix 8a and 8b - Construction Drawings' show photographs of a stamped 'Approved' Building Regulations drawing. The title of this drawing is 'Proposed Conversion of Existing Barn and Potting Shed to Form Extension to 151 Marple Road Chisworth'. The date of this 'blue print' is unknown.

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5.00 Conclusions

The evidence submitted with this application should allow the LPA to conclude that, on the balance of probability, the Annexe and Conservatory shown on the red edge land have been in continuous use for a period of at least 10 years from submission of this application.

We therefore respectfully request the Local Authority to approve and issue a Lawful Development Certificate of Existing Use and Development.