



High Peak Borough Council

working for our community

Caroline Payne
Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
SK11 8BS

JE Morten Limited
Newfield Garage
Manchester Road
Tunstead Milton
Whaley Bridge
High Peak
SK23 7ER

Application no: HPK/2022/0568

Determined on: 4th September 2026

Town and Country Planning Act 1990 Section 191
(As amended by Section 10 of Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL TO ISSUE CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

High Peak Borough Council hereby refuses to certify that on 22/12/2022; the use specified in the First Schedule taking place on the land specified in the Second Schedule and edged red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

The Council has not been provided with information satisfying them that, on the balance of probabilities, that the land in question has been used for purposes falling within Use Class B8 (Storage or Distribution) for a continuous 10 year period prior to the time of the application (22nd December 2022) and is therefore not deemed as lawful having regard to Section 191 of the Town and Country Planning Act, the Levelling Up and Regeneration Act (2023) and the Planning Practice Guidance (PPG).

FIRST SCHEDULE

Certificate of Lawfulness for ancillary existing use B8 - Storage or distribution

SECOND SCHEDULE

Newfield Garage Manchester Road Tunstead Milton Whaley Bridge Derbyshire SK23 7ER





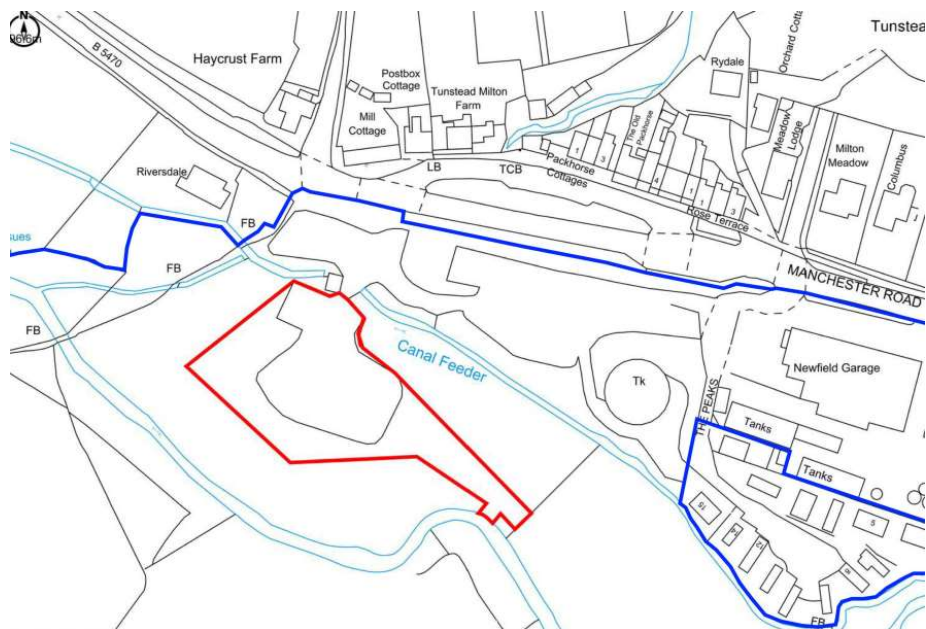
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X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council



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NOTES

1. An applicant may appeal against by giving notice to the Secretary of State:-

- (a) the refusal to issue a certificate under Section 191 of the Act; or
- (b) the failure to give notice of the Council's decision within 8 weeks of the registration of the application, or any other period agreed with the Local Planning Authority;

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

1. As part of the appeal process the Applicant must submit to the Planning Inspectorate a copy of the following documents:

- a copy of your original application
- a copy of the local planning authority's decision notice - if they didn't make a decision, send a copy of the letter acknowledging your application
- a map of the site
- copies of all plans, drawings and documents you sent to the local planning authority
- copies of any letters or emails from the local planning authority
- any other documents that directly support your appeal

If you think your land or building is now lawful because the time limit for enforcement has passed, you also need to submit evidence like:

- dated photographs of the site
- letters from neighbours
- receipts or invoices for work
- plans and drawings