

Planning and Development Services
Municipal Buildings
Glossop
Derbyshire
SK13 8AF

HPK/2008 / 0014

9th November 2007

123 Leek Road
Buxton
Derbyshire
SK17 6UQ

HIGH PEAK BOROUGH COUNCIL GLOSSOP SITE RECEIVED 21 FEB 2008 FILE REF: REPLY REQUIRED:
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RE: TOWN AND COUNTRY PLANNING ACT – RETENTION OF GARAGE / STORAGE BUILDING – LAND TO REAR – 123 LEEK ROAD, BUXTON.

To Whom It May Concern:

Please find enclosed my application to retain the my garage/storage unit at the rear of my property 123 Leek Road Buxton Derbyshire SK17 6UQ. I have completed all of the paperwork that you requested (four copies as stated) I have also completed some additional information, which I hope will support my application. The details of which are explained below:

I have spoken to my neighbour at 121 Leek Road Buxton Derbyshire. Mr Kieran Talbot. He has no problems with the garage and has signed a letter to that effect. He has also stated that he has no issues regarding being contacted independently of my application regarding this matter. I have also spoken to Mr Robert T Garlick of Hill Farm, Wormhill, Buxton Derbyshire SK17 8SL. He has also stated that he does not have a problem with the garage. Mr Garlick inherited 125 Leek Road Buxton earlier this year after his uncle sadly passed away. Mr Garlick has stated that he is more than happy to be contacted regarding this matter to confirm his acceptance.

I started work on this building eight years ago when I first moved into the property with Mr Talbot's help from 121 Leek Road. I removed an existing shed that was rotten and had collapsed. The approximate size of this shed was 14 x 8 ft. At that time I asked Mr Burt Garlick (deceased) of 125 Leek Road if he had any objections regarding the rebuilding of the shed and he had none. The new building is built on the existing railway sleepers that were there. The reason why it was not completed eight years ago was due to a divorce and not knowing if I would be keeping or having to sell the property. Once my divorce was finalised and my financial future secured I then began work again on the building in January 2007. I asked Mr Talbot and Mr Garlick, once again, if they had any objections and they both stated they were fine with the building to go ahead.

I have enclosed pictures of the garage along with surrounding land and views from various aspects around the property including from the bottom of the right of way and also neighbours gardens. It is quiet clear that the view is not hampered in anyway and the building cannot be seen from the front of the property at all as it is sheltered.

I have carried out investigation with both Land Registry and also Derbyshire County Council regarding the ownership of the right of way. From all records there is no specific owner. According to the deeds of my property of which I have included a copy, the land at the rear of each property belongs to that property. The right of way stops at my property. There is no right of way past my property.

Further research has shown that Derbyshire County Council formally owned the open land beyond the right of way before it was sold privately. When the council was maintaining the land and new fencing put in, the boundary was extended past the right of way to the rear of each property. This was contended by all of the residents and the boundary was reinstated to its former position so that the right of way was once again there. This was done due to the resident's deeds stating that this land is for each individual property. As records show, it was put in place for the delivery of coal and the collection of sewage before a proper sewer main was installed. Now that this has been completed the use of the land is now defunct. It is therefore simply a piece of land at the rear of each property. As far as I can determine from talking to the County Council at Matlock, the reason the fence line goes past my property was to fence round a straining wire to the telegraph pole. I have spoken to Ian Jones who is the Head of Telegraph Pole Maintenance (North West) for United Utilities. He has also inspected the building and the access available to the telegraph pole. He has stated that there are no problems and that the shed causes no obstructions or indeed hindrances to any maintenance or servicing work that needs to be undertaken from time to time. He has stated that he is happy to be contacted by you through United Utilities to confirm the above.

I have also sought legal advice from my solicitor over this matter. From reviewing my deeds and the building itself, they have stated that there should be no problems and the only thing that could cause a potential problem is of someone feels they have more ownership over the land than all the other residents. As explained above this can not be the case, however, I have taken the precaution of putting an advert in the Buxton Advertiser, (Taken from words you

121 Leek Road
Buxton
Derbyshire
SK17 6UQ

HPK/ 2008 / 0014

26th October 2007

RE: Building At The Rear Of 123 Leek Road, Buxton, Derbyshire. SK17 6UQ

To Whom It May Concern:

I am writing in relation to the wooden garage that has been built at the rear of 123 Leek Road Buxton Derbyshire by Mr Tim Smith.

I would just like to make my feelings clear in relation to the location and the building itself. I have absolutely no objection to this building in any way shape or form. Mr Smith has consulted with me both during the build and after to confirm my approval and on both occasions I had no objections. This started when he moved into the property some years ago. I helped Mr Smith remove the existing rotten collapsed wooden shed that was previously there.

It is my belief that Mr Smith is only enhancing the right of way at the rear of our properties by building this garage. I am aware that Mr Smith has taken considerable effort to ensure that the building is both visually acceptable and well maintained.

Mr Smith has outlined to me the use of this building. It will be used to store a vintage vehicle along with various gardening tools. I believe this to be an excellent use of available resources.

If you would like to contact me direct please write to me at the above address and I will happily reiterate the above.

Yours sincerely

Kieran Talbot

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Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

Certificate D(a)

I certify that:

- I/The applicant/~~The appellant~~* cannot issue a Certificate A in respect of the accompanying application/~~appeal~~*.
- I/The applicant/~~The appellant~~* have/has* taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, on the day 21 days before the date of the application/~~appeal~~*, was the owner(b) of any part of the land to which the application/~~appeal~~* relates, but have/has* been unable to do so. These steps were as follows:

(c) advertisement in Buxton Advertiser to request people to register objection

- Notice of the application/~~appeal~~*, as attached to this certificate, has been published in the

(d) Buxton Advertiser

on (e) 29/11/07

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*On behalf of _____

Date 26-11-07

*delete where inappropriate

- (a) This Certificate is for use with applications and appeals for planning permission (articles 7 and 9(1) of the Order). One of Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
- (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

Insert:

- (c) description of steps taken
- (d) name of newspaper circulating in the area where the land is situated
- (e) date of publication (which must be not earlier than the day 21 days before the date of the application or appeal)

This Indenture

made the *Eighteenth* day of August.
One thousand nine hundred and twenty four

BETWEEN THE MOST NOBLE VICTOR CHRISTIAN WILLIAM DUKE OF DEVONSHIRE K.G. (hereinafter and in the Schedules hereto called "the Vendor") of the one part and CLIFFORD FINLOW of No. 24 Lime Terrace Ladmanlow Hartington in the County of Derby Mechanical Engineer (hereinafter and in the Schedules hereto called "the Purchaser") of the other part WHEREAS the Vendor has agreed with the Purchaser for the sale to him of the hereditaments hereinafter described and expressed to be hereby conveyed and the fee simple thereof in possession free from incumbrances except as hereinafter mentioned in consideration of the payment to the Vendor of Two hundred pounds and the covenants by the Purchaser hereinafter contained and it was part of the said Agreement that the said Sale should be made subject to the exceptions reservations conditions covenants and provisions hereinafter expressed

NOW THIS INDENTURE WITNESSETH AND IT IS HEREBY AGREED and DECLARED as follows :-

1. THIS Indenture is made in pursuance of the said Agreement and in consideration of the sum of TWO HUNDRED POUNDS paid by the Purchaser to the Vendor the receipt whereof the Vendor hereby acknowledges.
2. THE Vendor as Beneficial Owner DOth hereby convey unto the Purchaser A L L THAT piece of land (hereinafter and in the Schedules hereto referred to as "the said land") situate in Lime Terrace Ladmanlow in the Parish of Hartington Upper Quarter in the County of Derby TOGETHER with the messuage or cottage and buildings erected thereon known as No. 24 Lime Terrace aforesaid which with the abutments and boundaries thereof is delineated and more particularly described in the plan drawn on these presents and thereon coloured Light Pink and Dark Pink TOGETHER ALSO with full right and liberty for the Purchaser his heirs and assigns owners for the time being of the land coloured light and dark pink on the said plan and all other persons authorised by him or them from time to time and at all times hereafter and for all purposes to pass and repass with or without horses and vehicles over and along the road coloured brown and marked Right of Way on the said plan between the points marked A and B thereon for the purposes only of carting coal and the disposal of night soil to and from the premises hereby conveyed TOGETHER ALSO with full right and liberty for the Purchaser his heirs and assigns owners as aforesaid until a main sewer shall have been constructed in or under the public highway in which the said premises are situate to drain the cottages and buildings hereby assured into a cesspool situate on land now belonging to the Vendor as hitherto EXCEPT AND RESERVED unto the Vendor his heirs and assigns all rights matters and things mentioned in the First Schedule hereto TO HOLD the same UNTO and TO THE USE of the Purchaser his heirs and assigns in fee simple Subject to all rights of way drainage sewerage and running of water or soil and other easements (if any) affecting the said land and subject to the proviso and declaration contained in Clause 3 hereof.
3. PROVIDED ALWAYS that nothing in these presents contained shall by implication or otherwise pass to or confer on the Purchaser his heirs or

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