

**NOTIFICATION OF REFUSAL OF APPLICATION FOR A CERTIFICATE OF  
LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

**TOWN & COUNTRY PLANNING ACT 1990: SECTION 191**

**(AS AMENDED BY SECTION 10 OF THE PLANNING AND COMPENSATION ACT  
1991)**

**Town & Country Planning General Development  
Procedure Order 1995: Article 24**

The High Peak Borough Council hereby refuse an application made on 02/10/2009, planning reference HPK/2009/0577, by Mrs Alison Rundall of 34 Buxton Road, New Mills, Derbyshire, SK22 3JS for a Certificate of Lawfulness of Existing Use in respect of the land specified in the First Schedule and edged red on the plan attached hereto (the Land) relating to the use described in the Second Schedule.

Reasons for the decision:-

1. The evidence submitted by the applicant is unclear and incomplete concerning the use of the land over the requested 10 year period for the purposes of a domestic garden.
2. Information and dates submitted by neighbours, and information provided by the Local Authority provides contradictory evidence as to the length of time for which it is stated that the land identified in the Second Schedule has been used.
3. As such on the balance of probability, it is considered that insufficient evidence has been presented to conclusively determine that the land referred to has been used as a domestic garden.

Signed \_\_\_\_\_ Date: \_\_\_\_\_  
On behalf of Head of Legal and Democratic Services

High Peak Borough Council  
Council Offices  
Hayfield Road  
Chapel-en-le-Frith  
HIGH PEAK  
SK23 0QJ

## **FIRST SCHEDULE**

Land at 32 – 50 Buxton Road, New Mills, Derbyshire, SK22 3JS

## **SECOND SCHEDULE**

Use of area as a domestic garden.

## **NOTES**

**If you are aggrieved by the decision of the local planning authority to refuse this application:**

- **YOU HAVE A RIGHT OF APPEAL UNDER SECTION 195 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO THE SECRETARY OF STATE**
- **IF IT IS INTENDED TO GIVE NOTICE OF APPEAL THIS SHOULD BE DONE ON THE APPROPRIATE FORM OBTAINABLE FROM: The Secretary of State, Department of the Environment, Tolgate House, Bristol, BS2 9DJ**