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My Ref: JC/LB/H110B
Your Ref: NP/DDD/0613/0546
Date: 4 October 2013

Mr J Lomas
Director of Land Use Policy
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

Dear Mr Lomas

Bleaklow Industries Ltd – Backdale, Hassop Avenue, Hassop

I refer to the withdrawal of the application for a Certificate of Lawful Existing Use and Development under the above code number. I am now instructed by Bleaklow Industries Limited to reapply for a Certificate under the provisions of Section 191 of the Town & Country Planning Act 1990. As previously, the application for this Local Development Certificate relates to the use of an existing plant and associated land and operational buildings by Bleaklow Industries Limited at Backdale Quarry, Hassop, for the purposes of manufacturing matured slaked lime putty and pre-mixed mortars.

In reapplying, a slightly modified application area has been proposed for the reasons set out below. This Planning Statement also responds to the request for additional information received from Mr Reg Cooper, the Authority's Assistant Solicitor on 7 August 2013.

The plant has, for over 25 years, been engaged in the processing of lime products for applications in industry, construction, agriculture and conservation.

Circular 10/97 at Annex 8, paragraph 8.14 makes it clear that Sub Section (4) of Section 191 of the above Act provides that if, on an application under the 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... they shall issue a Certificate to that effect.

Paragraph 8.15 emphasises that the relevant test of the evidence in support of an application for a Certificate is "the balance of probability". A Local Planning Authority should not refuse a Certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted.



In this case, I attach two Statutory Declarations, completed, respectively, by Mr Robin Harpley, the previous owner of Bleaklow Industries Limited and by Mr Mauro d'Oliviera, the Company's current General Manager.

The Statutory Declaration of Mr Harpley is specific as to the use of the plant at Backdale Quarry for a period as long back as 1981. He confirms that Bleaklow Industries Limited has manufactured slaked lime products comprising, principally, matured slaked lime putty and pre-mixed mortars from at least 1986. The raw material for the process has, throughout, been imported, rather than being extracted at Backdale Quarry. The Statutory Declaration also sets out brief details of the processing of other imported minerals and their market.

Mr d'Oliviera has testified that, throughout his involvement with the Company since 1999, the raw material has always been imported and he sets out details of its source and manner of transportation. His Statutory Declaration is accompanied by an aerial photograph, taken prior to 1999, showing the plant, much as it exists today, although outside storage areas are slightly differently laid out and the trees have grown to the north-west of the office structures that can be seen to the north-east of the car park servicing the plant.

The aerial photograph accompanying the Statutory Declaration of Mr d'Oliviera, shows the layout of the buildings and their immediate surroundings. The development comprises a range of industrial buildings constructed at disparate levels but served from a single point of access to Hassop Avenue. Imported raw materials are delivered, primarily by powder tanker, to an upper level where there is a series of loading hoppers and material storage bays. The main production building is at a lower level and is serviced, as can be seen from the annotated photographs, numbered 1-5, attached to this Planning Statement, by a number of storage silos. There are various outside storage areas at upper and lower levels in the surroundings to the building as shown on the area edged red on the attached Block Plan (JC/H110B/CLEUD/BP).

The slightly amended site boundary arises from the use of an adjacent area of the Quarry Floor for road haulage vehicle parking that is not, it was established after submission of the previous application connected with the operation of the plant and buildings to which this application relates. On a "without prejudice" basis, that separate use of land may become the subject of an application in its own right in the near future.

Insofar as the previous request for additional information is concerned, I now set out these details below:

1. Normal hours of operation are between 8am and 6pm on Mondays to Fridays and 8am to 1pm on Saturdays. These hours, and any additional working, vary according to the size of the order book.

2. Vehicle movements in and out also vary. Apart from daily staff movements, the regular additional trips are generated by the usual deliveries of raw materials and associated matters and by despatch arrangements. These vary and it is difficult to be precise because much depends, as in the case of any industry, on the size of the order book and, hence, the need for both the supply of raw materials and deliveries. The Company does not have its own transport fleet so that additional callers are received on a casual basis to order and collect small items of product whilst larger loads are despatched by carrier.
3. Outside storage of raw materials is contained in materials storage bunkers, the side view of which can be seen to the right hand of photograph 4 and within the various silos and materials hoppers that can be seen also within photographs 1 – 4. The bunkers are low level whilst, as will be appreciated from the photographs, and from a site inspection, the silos are a considerable height and mass.
4. Parking areas are to the front of the building within the area seen on photograph 1, to the rear, as shown on photograph 4 and adjacent to the Company offices shown on photograph 5. Because, as indicated above, Bleaklow Industries Limited has no dedicated transport fleet there is no regular area set aside for fleet purposes. All staff car parking takes place adjacent to the portacabin and on-site mechanical equipment is stored internally within the main building when not in use around the plant. This will, again, be self-evident from any site visit.

I am not aware of any permissions or licenses issued by other Authorities.

The National Park Authority is, to a considerable degree, familiar with the use of the plant and buildings to which this application relates. If, therefore, it has no evidence of its own, which seems unlikely, or from others to contradict or otherwise make the applicant's version of events set out in this application, less than probable there is, as also indicated in paragraph 8.15 of Annex 8 to Circular 10/97, "no good reason to refuse the application" provided the evidence set out in this application is sufficiently precise and ambiguous. I hope that this will prove to be the case but should you feel that any additional detail is required, I shall be grateful if you will let me know as soon as possible. In the meantime, this application is being resubmitted through the Planning Portal.

I am pleased to re-confirm that for the purposes of your consideration of this application the following documents accompany this Statement and the application form:

1. Site Location Plan – JC/H110B/CLEUD/SLP/2
2. Block Plan – JC/H110B/CLEUD/BP/2
3. Statutory Declaration of Mr Robin Harpley
4. Statutory Declaration of Mr Mauro d'Oliviera, accompanied by the aerial photograph to which reference is made above



I now look forward to your validation and registration of this application and to an indication as soon as possible thereafterwards if any additional information is required in order to secure the grant of a Certificate of Lawfulness on the basis requested. Because this is a resubmitted application for a very similar site to that previously proposed, I am assuming that the Authority will not require the submission of a fresh planning application fee. I shall, however, be grateful if you will confirm your agreement, or otherwise, as soon as possible. Your assistance in this respect will be appreciated.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Church', written in a cursive style.

John Church
Enc

NATIONAL PARK AUTHORITY

Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title: First name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Fax number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Email address:

Are you an agent acting on behalf of the applicant? Yes No

2. Agent Name, Address and Contact Details

Title: First Name: Surname:

Company name:

Street address:

Town/City:

County:

Country:

Postcode:

Telephone number:

Country Code	National Number	Extension Number
<input type="text" value="0044"/>	<input type="text" value="01246861174"/>	<input type="text"/>

Mobile number:

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Fax number:

<input type="text" value="0044"/>	<input type="text" value="01246861097"/>	<input type="text"/>
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Email address:

3. Site Address Details

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Full postal address of the site (including full postcode where available)

Description:

House:	<input type="text"/>	Suffix:	<input type="text"/>
House name:	Bleaklow Industries Ltd		
Street address:	Hassop Road		
	Hassop		
Town/City:	Bakewell		
County:	<input type="text"/>		
Postcode:	DE45 1NS		
Description of location or a grid reference (must be completed if postcode is not known):			
Easting:	423334		
Northing:	373454		

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:

a) Owner b) Lessee c) Occupier d) Other

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

Use Classes: Other:

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

Manufacture of matured slaked lime putty and pre-mixed mortars from imported raw materials and use of land for ancillary offices.

9. Grounds For Application For A Lawful Development Certificate

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Under what grounds is the certificate being sought:

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number: Condition number: Date:

Please state why a Lawful Development Certificate should be granted:

Please see attached Planning Statement and enclosures (JC/LB/H110B)

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

Yes No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes No

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

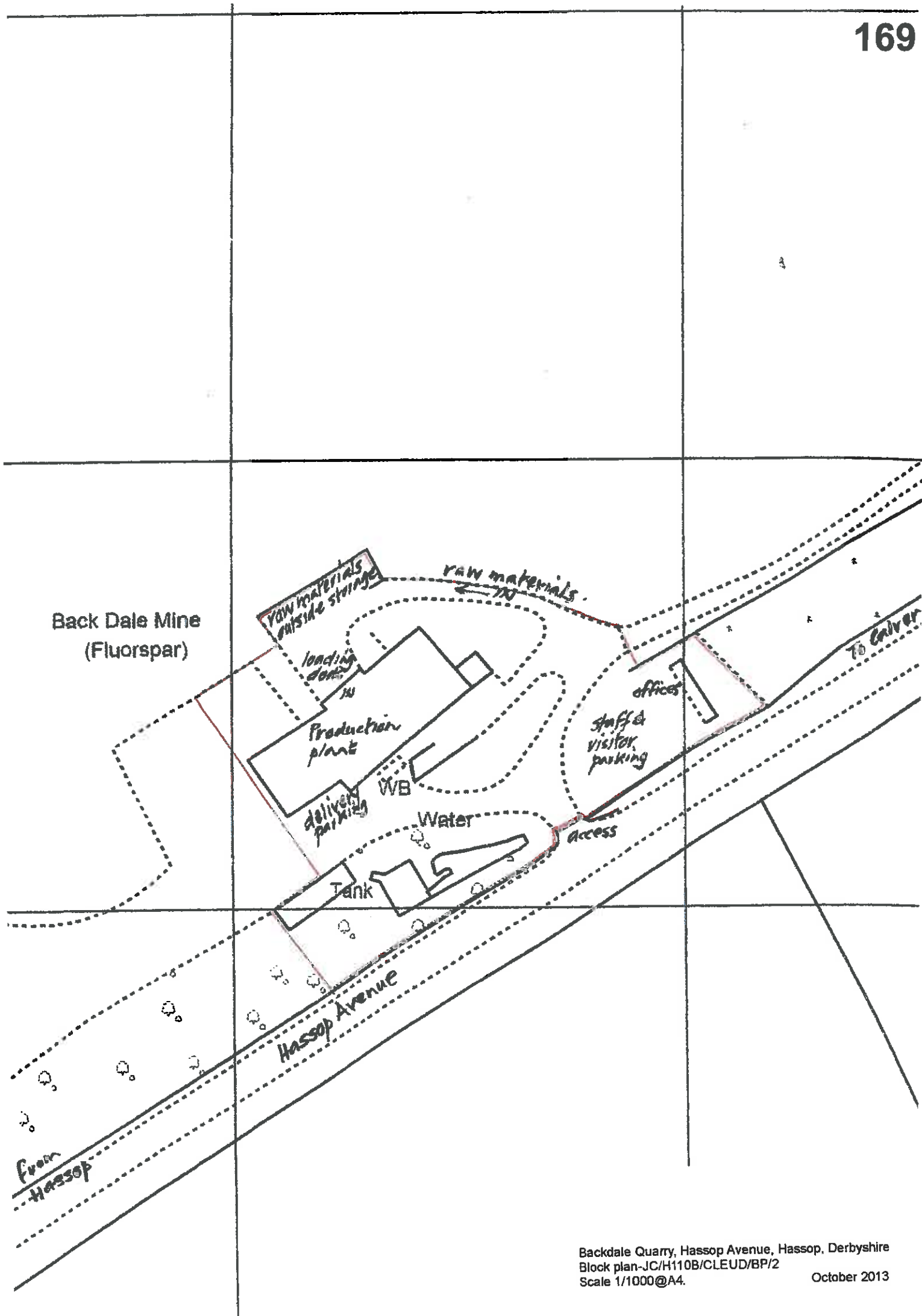
12. Declaration

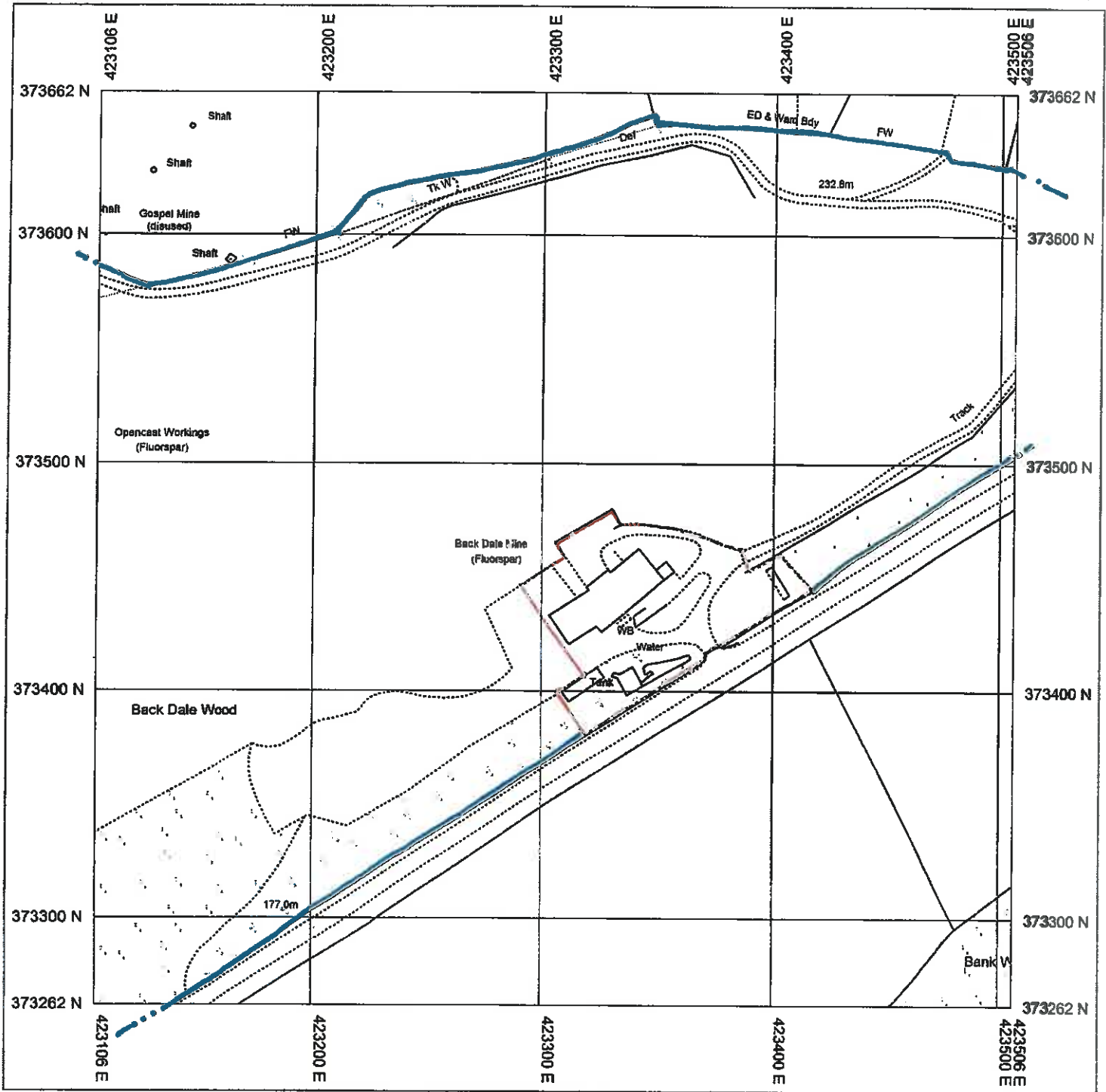
I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

Warning:
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.





Produced 24/06/2013 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2013

Backdale Quarry, Hassop Avenue, Hassop, Derbyshire
 Site location plan-JC/H110B/CLEUD/SLP/2
 Scale 1/2500@A4. October 2013

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Scale 1:2500

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The representation of a road, track or path is no evidence of a right of way.

Supplied By: **John E Wright**

Serial number: 001107712

The representation of features as lines is no evidence of a property boundary.

Plot Centre Coordinates: 423306, 373462

