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S34 6DT



**High Peak Borough Council**

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Miss Ruth Woodcock  
Meil J Bland Ltd  
Suite 4 Penistone 1 Regent Court  
Pennistone  
South Yorkshire (Met County)  
S34 6DT

Mr Caesar  
Windy Harbour Farm Hotel Woodhead  
Road  
Glossop  
Derbyshire  
SK13 7QE

Application no: HPK/2016/0105

Determined on: 08/08/2016

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**

**FULL PERMISSION FOR DEVELOPMENT**

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

**Location of Development:**

Land to the South of Windy Harbour Farm Woodhead Road Glossop Derbyshire SK13 7QE

**Description of Development:**

Proposed Change of Use of Informal Recreation Area to include Siting of Four Movable Shepherds Huts to be used as Visitor Accommodation

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan of Car Park, Site Plan, Shepherd Hut Photograph.  
  
Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.
3. The total number of shepherds huts sited within the red-edged application site shall not exceed four at any time during the lifetime of the development hereby permitted.





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Reason:- To define the permission and in order to protect the amenities of the area, in accordance with Policy EQ6 and EQ3 of the High Peak Local Plan Policies 2016.

4. No shepherd hut sited within the red-edged application site shall be occupied as a permanent residence at any time during the lifetime of the development hereby permitted.

Reason:- To define the permission and in order to protect the amenities of the area, in accordance with Policy EQ6 and EQ3 of the High Peak Local Plan Policies 2016.

5. Prior to any works or other operations commencing at the site detailed designs shall be submitted including the sizes and full specification for each of the Shepherd huts including details of all external finishes including colours the shall be submitted to and approved in writing.

Reason:- In order to protect the visual amenities of the area, in accordance with Policy EQ6 and EQ3 of the High Peak Local Plan Policies 2016.

6. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.

Reason:- In the interest of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2008 and the National Planning Policy Framework.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the Shepherd Hut(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

8. There shall be no parking of vehicles within the red line of the site hereby approved.



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All car parking for the Shepherd Huts shall be within the existing car parking area as shown on the Site Plan of Car Park. The car parking shall be made available free from any impediment to its designated use for the lifetime of the development.

Reason:- In the interests of highway safety and to ensure provision of parking and in the interests of visual amenity, in accordance with Policy CF6 and EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

9. Prior to commencement of the development hereby permitted, the exiting vehicular access shall be provided with exit visibility sightlines of 2.4m x 160m to the nearside carriageway channel in each direction, all areas in advance of the splays being maintained clear of any obstruction greater than 1.0m in height (600mm in the case of vegetation) relative to the same channel level for the life of the development.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

10. Any gate, bollard, chain or other means of obstruction across the approved access that will serve the approved development shall be positioned at least 10 metres from the back edge of the footway and shall be constructed to open into the site only.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

11. The development shall not be brought into use until a scheme to ensure that all traffic for the entire operation utilises the new access approved under HPK/2010/0261 has been submitted to and approved in writing by the Local Planning Authority. The Shepherd Huts hereby approved shall not be brought into use until the approved scheme has been implemented in full.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

12. Prior to the commencement of development details of the ground reinforcement system to be used in the construction of the driveway to serve the development shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved plans.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

13. No buildings, plant, machinery, structures, walls, fences, lighting, or other artefacts shall be erected within the site unless a further planning permission has first been granted on application to the Local Planning Authority.





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Reason:- In the interests of highway safety and visual amenity, in accordance with Policy CF6 and EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

14. No development shall commence until a written assessment of the adequacy of the existing private sewerage treatment system, in line with (and stating) recognized codes of practice and standards (e.g. The Building Regulations 2000, Drainage and Waste Disposal - Approved Document H, Environment Agency Pollution Prevention Guideline Document PPG4) has been submitted to and approved in writing by the Local Planning Authority. The report shall determine the maximum occupancy of the campsite/caravan site and the maximum occupancy determined in the agreed scheme shall thereafter not be exceeded.

Reason:- To prevent pollution of the water environment and in the interests of amenity to the area, in accordance with Policy EQ6 and EQ11 of the High Peak Local Plan Policies 2016.

15. No development shall commence until an appraisal to demonstrate that the water supply intended to serve the development is both suitable (wholesome) and sufficient, has been submitted to and approved in writing by, the Local Planning Authority. This appraisal shall be carried out by appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply or any proposed treatment, storage or infrastructure has been installed in accordance with the approved specification.

Reason:- To prevent pollution of the water environment and in the interests of amenity to the area, in accordance with Policy EQ6 and EQ11 of the High Peak Local Plan Policies 2016.

### **Informative**

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

1. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.
  - Any approved noise scheme and measurements should pay due regard to British





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Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.

- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (DEFRA 2005) available as a free download

<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils

<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

- High Peak Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is



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forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

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Signed by: Haywood, Ben

**On behalf of High Peak Borough Council**



## NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Derbyshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.highpeak.gov.uk](http://www.highpeak.gov.uk) for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
  - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
  - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
  - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must





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do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.