

Mr G & Overton  
3 Elm House  
Buxton  
SK17 7EB





**High Peak Borough Council**

*working for our community*

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Mr G & Overton  
3 Elm House  
Buxton  
SK17 7EB

Application no: HPK/2017/0103

Determined on: 28/04/2017

**Town and Country Planning Act 1990**

**Planning and Compensation Act 1991**

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

## **REFUSAL OF PLANNING PERMISSION**

### **Location of Development:**

3 Elm House St Peters Road Buxton Derbyshire SK17 7EB

### **Description of Development:**

Change of use of existing domestic storage building to dwelling, including structural remedial work and improvements to building (resubmission of HPK/2016/0068)

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans ref: 15.11.1, 15.11.2A, 15.11.3A for the reason(s) specified below:-

1. The proposed development would not provide a sufficient level of amenity for the future occupants of the dwelling and therefore the proposal does not comply with Local Plan policies S1 and EQ6, adopted Residential Design Guide SPD 2005 and bullet point 4 of para. 17 of the NPPF. The development is deemed to be an unsustainable form of development.

### **Informatives**

1. NPPF

Paras 186 & 187 have been adhered to.

2. Policies/guidance/material considerations

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High Peak Local Plan Adopted April 2016

S1 - Sustainable development principles  
S1a - Presumption in favour of sustainable development  
S2 - Settlement hierarchy  
S3 - Strategic housing development  
S7 - Buxton sub-area strategy  
EQ1 - Climate change  
EQ6 - Design and place making  
EQ7 - Built and historic environment  
H1 - Location of housing development  
H2 - Housing allocations  
H3 - New housing development  
H4 - Affordable housing  
CF6 - Accessibility by public transport  
Appendix 1 - Parking standards

SPD - Buxton Design and place making strategy  
SPD - Residential design guide

Buxton Conservation Area Character Appraisal

National Planning Policy Framework

- \* Ministerial foreword
- \* Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- \* 4 Promoting sustainable transport
- \* 6 Delivering a wide choice of high quality homes
- \* 7 Requiring good design
- \* 10 Meeting the challenge of climate change, flooding and coastal change
- \* 12 Conserving and enhancing the historic environment

National Planning Practice Guidance

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**

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### NOTES

1. 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.
2. 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 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 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.
3. 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.

