

Mr Richard Gee  
Roman Summer Associates Ltd  
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**High Peak Borough Council**  
*working for our community*

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Roman Summer Associates Ltd  
Lime Leach Studio 363 Rochdale Road  
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Stewart  
50 Prestwich Hills

Application no: HPK/2016/0588

Determined on: 16<sup>th</sup> October 2017

**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:**

149 Field entrance east of Long Lane Charlesworth Derbyshire SK13 5ES

**Description of Development:**

Application to vary condition 3 relating to HPK/2014/0329 Installing a dropped kerb in front of the existing Field Entrance to facilitate safe access to and from the field in accordance with Highways Agency recommendations for lorry access

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 access shall be retained in accordance with drawing No. SD/11/12 for the duration of the development approved under HPK/2013/0580 (replacement dwelling, garage and temp contractors compound). Within 6 weeks of the completion of the construction works of the approved replacement dwelling and garage (HPK/2013/0580) the access shall be amended and completed in accordance with the plans and details submitted with and approved under this application.

Reason:- (i) To ensure a suitable means of access in the interest of highway safety for the duration of the development approved under HPK/2013/0580; (ii) to ensure a suitable means of access in the interest of highway safety is retained following completion of approved application HPK/2013/0580; (iii) to protect the openness of the Green Belt, the purposes of including land within the Green Belt and the visual amenity of the countryside.

2. The plan of the access to be retained for the duration of the development of HPK/2013/0580 is SD/11/12. The plans and details of the access as it is to be amended





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within 6 weeks of completion of HPK/2013/0580 are as follows and labelled as such on the Council's website:

Location Plan

Plan 1 - Indicative

Plan 2 - Filed Entrance

Plan 3 - Gate, Fence and Wall details

Geo Grid examples 1 and 2

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

### **Informative**

1. The Officer has liaised with the applicant over a significant period to ensure the details of the access (dropped kerb, hard-standing area, geo-grid covered area, gates/posts and fencing etc.) are acceptable within the green belt location. A set of plans have been agreed securing a sustainable form of development. Paras 186 7 187 of the NPPF have been adhered to.

X *B.J. Haywood*

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Signed by: Ben Haywood

**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.