

Mr McCay  
122 Buxton Old Road  
Disley  
Stockport  
Cheshire  
SK12 2AY





**High Peak Borough Council**

*working for our community*

NBDA Architects  
Mr Adrian McCay  
The Old Church  
Palmerston Street  
Bollington  
SK10 5PW

Mr McCay  
122 Buxton Old Road  
Disley  
Stockport  
Cheshire  
SK12 2AY

Application no: HPK/2017/0515

Determined on: 12/03/2018

**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:**

Reddish Barns Reddish Lane Whaley Bridge Derbyshire SK23 7FY

### **Description of Development:**

Construction of private dwelling house

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: RB-001A, RB-009A, RB-100B, RB-101B, RB-102B, RB-103B, RB-104B, RB-106A, RB-109B, RB-110B, RB-111A, RB-113 for the reason(s) specified below:-

1. The applicant has failed to demonstrate that future occupiers of the proposed dwelling would not be exposed to an unacceptable level of light pollution from the adjacent sports pitch / Multi Use Games Area. The proposal would be likely to give rise to an adverse residential living environment to the detriment of the future occupiers, which in turn could result in future complaints from residents and act as a constraint on the future operation of the sports pitch / Multi Use Games Area. The proposed development is thereby contrary to

P O Box 136 Buxton SK17 1AQ  
Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76  
E-mail [customer-services@highpeak.gov.uk](mailto:customer-services@highpeak.gov.uk) Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)  
Mobile Text No. 078 0000 2262





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Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the NPPF.

2. The proposed siting of the dwelling and its associated garden in relation to the early mature trees on adjacent land will result in a property which will suffer from undue shading which will be detrimental to the amenities of the future occupiers of the property. The development is thus contrary to Policy EQ6 of the High Peak Local Plan 2016.

3. The proposed dwelling, by reason of its scale, form and design, would be harmful to the visual amenities of the area, and does not reflect the character of the adjacent Reddish Farm and Barns. Furthermore the proposed acoustic barrier would not be in-keeping with the surrounding area. The environmental harm is considered to outweigh any economic and social benefits arising from the development and therefore is not considered to constitute sustainable development, contrary to policies S1, S1a, EQ6 and EQ7 of the High Peak Local Plan 2016 or sections 7 and 12 of the NPPF.

### **Informatives**

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Despite advice it has not been possible to identify a solution which overcomes the social and environmental harm referred to above.

X *J Colley*

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**





## 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.