

Birchwood One Business Park
Dewhurst Road
Warrington
Cheshire
WA3 7GB



High Peak Borough Council

working for our community

Mr Mike O'Brien
Hourigan Connolly
7 Swan Square, 15 Swan Street
Manchester
M4 5JJ

Birchwood One Business Park Dewhurst
Road
Warrington
Cheshire
WA3 7GB

Application no: HPK/2018/0108

Determined on: 02/05/2018

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:

Land Off Southern End Long Lane Chapel-En-Le-Frith Derbyshire

Description of Development:

Erection of 3 dwellings.

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: for the reason(s) specified below:-

1. The proposed loss of the Oak tree, protected by a Tree Preservation Order would cause serious and significant harm to the visual amenity of the site and wider estate. The environmental harm arising from the development would outweigh any social or economic benefits and therefore the proposed development is considered not to be a sustainable form of development. Accordingly the development fails to comply with policies S1, S1a, EQ2 and EQ9 of the adopted High Peak Local Plan 2016, Policy H3 of the adopted Chapel-en-le-Frith Neighbourhood Plan 2013-2028 or the sustainability thread running through the NPPF.
2. In the absence of an ecological survey the applicant has failed to demonstrate that the loss of the oak tree, protected by a Tree Preservation Order would not cause harm to any protected species and thus the biodiversity interests of the site. The development therefore fails to comply with Policy EQ5 of the High Peak Local Plan 2016.





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Informatives

It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

X *B.J. Haywood*

Signed by: Ben Haywood

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.

