

## DELEGATED DECISION REPORT

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**HPK/2022/0402**  
**Valid 27/09/2022**

**PRIMROSE HOUSE,  
PRIMROSE LANE,  
SIMMONDLEY, GLOSSOP,  
DERBYSHIRE, SK13 8EG**

**RETROSPECTIVE  
APPLICATION FOR CHANGE  
OF USE FROM WASTELAND  
ADJACENT TO PUBLIC  
FOOTPATH WITHIN  
OWNERSHIP OF THE  
APPLICANT TO GARDEN  
(FULL - MINOR)**

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### MAIN ISSUES

- **Principle of Development**
- **Design Considerations**
- **Impact upon Residential Amenity**
- **Highway Safety/Impact on PROW**

### DESCRIPTION OF SITE

The application site lies within the settlement boundary for Glossop as defined by the Local Plan policies map. The application site relates to a small parcel of land which is located adjacent to curtilage of Primrose House and Sunlaws Street which is a public right of way (Ref: HP12/47/1). The surrounding area is predominantly residential with Sunlaws Street sloping down from north to south. Sunlaws Street links Pike's Lane and Primrose Lane.

### PROPOSAL

This is a retrospective planning application for the change of use of land to a residential garden use. The lawful use of the land is unclear and is identified as being scrubland/wasteland within the application. It is likely that the land had as nil use. The land is proposed to be incorporated into the garden of Primrose House.

Operational development relating to the wall, pergola and hardstanding are considered under separate application.

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### **High Peak Local Plan (Adopted 2016)**

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S5 Glossopdale Sub-area Strategy
- CF4 Open Space, Sports and Recreational Facilities
- CF6 Accessibility and Transport

EQ6 Design and Place Making  
EQ9 Trees, Woodlands and Hedgerows

### **Supplementary Planning Guidance/Documents**

Residential Design (2005)  
High Peak Design Guide (2018)

### **National Planning Policy Framework**

Section 12: Achieving Well-designed Places

### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2022/0438 - Proposed relocation of boundary wall, proposed hardstanding and wooden pergola to front garden – Undetermined

### **CONSULTATIONS**

#### **Publicity**

Site Notice expiry date: 28/10/22  
Neighbour consultation period ends: 03/11/22  
Press Advert: N/A

#### **Public Comments**

One letter of representation received from a neighbouring property raising the following concerns:

Drawings do not show change in land levels  
Land becomes a platform to view property  
Overbearing and loss of privacy  
Not against change of use but land levels need to be as they were

#### **Town / Parish Comments**

None received

#### **Peak and Northern Footpath Society**

We note that there are no proposed changes to the existing footpath. We would therefore simply ask for a condition to be attached to any grant of permission that the footpath remains open throughout and after the works and that it is safe to use at all times

### **OFFICER COMMENTS**

#### **Principle of Development**

The application proposes householder development to a property which is located within the settlement of Glossop as defined by the Local Plan Policies Map which is located within the Glossopdale sub-area. Policy S5 seeks to promote sustainable growth within Glossopdale through promoting and maintaining the identity of its settlements. Policy S1, which relates to delivering sustainable development, seeks to promote the effective use of land.

Policy CF4 relates to existing areas of open space which seeks to protect, maintain and where possible enhance existing areas of open space in the context of their continued contribution to continued health and wellbeing.

The application site is not protected by means of any designation within the Local Plan as any protected green space or recreational land. It is noted that the land is within the ownership of the applicants, and is likely to be an incidental parcel of land which is not lawfully in residential use due to the position of the boundary wall. In the absence of any specific designation of the land, and no particular recreational function, there is no policy which would prohibit the change of use of land to residential, and any proposal therefore ought to be considered on its merits.

Therefore, the main considerations in this instance whether the design is appropriate, whether an amenity issues would arise, and whether there would be an impact upon highway safety or adjacent public right of way.

### **Design Considerations**

Policy EQ 6 requires that all development should be well designed and be of high quality which responds positively to its environment while contributing to local distinctiveness and sense of place.

The application relates to a change of use of a parcel of land to form residential garden. It is proposed that the land be incorporated into the curtilage of Primrose House to be used as an area of extended garden land. The land in question relates to a small triangular plot of land measuring 10sqm. The land is located immediately adjacent to Sunlaws Street which is a designated public right of way. The PROW is flanked by residential properties and their boundaries, which includes stone walls. The proposed change of use would not cause any adverse harm to the character and appearance of the area.

It is noted that the applicant owns the parcel of land and therefore could enclose the land under permitted development rights (albeit not use the land for residential purposes without the necessary COU).

The unauthorised operational development, including wall, pergola, hardstanding and level changes is considered under a separate planning application.

The proposed change of use of land to residential use is acceptable and would not cause harm to the character and appearance of the area.

### **Amenity**

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

The application site is located close to the rear elevation of 91 Primrose Lane which has first floor openings which would face directly over the proposed land. Overlooking on the application site is therefore likely. However the degree of overlooking is unlikely to be significantly greater than the existing relationship. The amenity of future occupants is therefore unlikely to be adversely affected.

Concern has been raised by a neighbour with regard to the raising of land levels and the impact that the pergola and use of that pergola platform would have on amenity. The operational development is to be considered under a separate planning application.

### **Highway Safety/Impact on PROW**

The proposal would result in an increased demand for off street parking, while the proposals would not result in the loss of an off street parking space.

Immediately adjacent to the site is a Public Right of Way (HP12/47/1) which links Primrose Lane and Pike's Lane. The works are retrospective and at an advanced stage. The extent of change of use is wholly clear from the public highway and does not encroach or impede the route. It would be necessary to include an informative on any permission to ensure that the developer is aware that the PROW remains unobstructed through development.

### **CONCLUSION / PLANNING BALANCE**

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

**OFFICER RECOMMENDATION :    APPROVE**

**Case Officer: Declan Cleary**

**Recommendation Date: 10/11/2022**

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**

