



High Peak Borough Council
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Mr P Garner
Garner Town Planning Ltd
24A Market Street
Disley
Cheshire
SK12 2AA

Mr D Coward
2 Old Turns Cottage
Bings Road
Whaley Bridge
Derbyshire
SK23 7ND

Application no: HPK/2022/0437

Determined on: 16/03/2023

**Planning (Listed Buildings and Conservation Areas) Act 1990
Town and Country Planning (Development Management Procedure) England)
Order 2015**

GRANT OF LISTED BUILDING CONSENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation other than Section 8 of the Planning (Listed Building and Conservation Areas) Act 1990.

Location of Development:

2 Old Turns Cottage, Bings Road, Whaley Bridge, Derbyshire, SK23 7ND

Description of Development:

Listed Building Consent for single storey side extension and relocation of retaining wall further away from the house at the rear side

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS LISTED BUILDING CONSENT** for the works described above subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004 and Section 18 of the Listed Buildings Act.

2. Unless required by any other conditions, the works hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-

Location Plan
Block Plan
2089/1/A – Existing
2089/2/C - Proposed

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Reason:- To ensure that the works are carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Notwithstanding the details shown on the approved plans and prior to the commencement of the works hereby approved the following shall be submitted to the Local Planning Authority for written approval:

Samples of the proposed roof and wall materials;
Details of the proposed mortar;
Details of the proposed join/means of attachment between extension and existing building;
Details of the proposed design, materials, position in the opening and fabrication of the proposed window and roof light (detail shall include detailed scaled drawings and sections);
Details of the design, materials and colour of any rainwater goods and soil vent pipes;
Details of all hardsurfacing materials; and,
Details of the facing materials of the retaining wall, this shall include the reuse of existing materials.

The works shall be carried out in strict accordance with the approved details.

Reason:- To ensure that the works harmonise with the existing building in the interest of heritage assets.

4. Prior to the commencement of the works hereby approved, full details of the proposed drainage for the hardstanding area shall be submitted to the Local Planning Authority for written approval. Details shall also include the method of join between the hardstanding and the existing dwelling/proposed extension to show how damp/moisture ingress will be prevented. The works shall be carried out in strict accordance with the approved details.

Reason:- To ensure that the works protect the existing development in the interest of heritage assets.

5. Prior to the commencement of the works hereby approved, a detailed scheme for Demolition and Construction of the retaining wall shall be submitted to the Local Planning Authority for approval. The scheme shall demonstrate how the existing wall will be removed, and new wall constructed, and measure to demonstrate how the Listed Building would be protected during the works. The works shall be carried out in strict accordance with the approved scheme.

Reason: To ensure that the integrity of the Listed Building is protected during construction.

Informative





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1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive way by taking a proactive approach to development proposals. In this instance the application proposals were acceptable without amendment and the scheme has been approved without delay.
2. In respect of condition 3, the use of concrete roof tiles is considered to be wholly inappropriate for a Listed Building. Therefore, alternative materials should be considered.

X 

Signed by: Jane Colley Signature

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 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.

