

High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

16 March 2023
EP ref: 17-452

Dear Sir or Madam

Re: Planning Portal reference: PP-12010664
Application to vary conditions - Bankwood, Glossop, High Peak

Please find enclosed an application for a non-material amendment (NMA) to extant permission ref. HPK/2022/0504, granted 19th January 2023 for *Application to vary condition 2 attached to planning application ref. HPK/2021/0676*. The application is submitted on behalf of Loxley Homes.

Since the approval of application ref. HPK/2022/0504, the applicant has decided that it would be preferable to retain the existing stable building on site, with some minor refurbishment, rather than demolish it and construct a new building. The remainder of the development would stay as per the extant permission.

This application only seeks the retention of an existing building, and therefore this NMA does not propose any development in terms of the Act. Furthermore, planning permission HPK/2022/0504 does not include any condition requiring the stable's demolition, and therefore it is not necessary to amend or vary any such conditions through this application. Therefore, this application is submitted as an NMA.

This application proposes to replace the following plans:

- Stables and Menage Plans and Elevations (Ref: 01/002A 15 of 18)
- Proposed Site Plans (Ref: 01/100A Rev B 17 of 18)

With the following plans:

- Existing Stables (Ref: 02/23/20 15 of 18)
- Proposed Site Plan (Ref: 02/23/20 17 of 18)

Retention of the existing building

Both the Local Plan and the Framework provide support for the re-use of existing buildings in the countryside. Policy S1 of the Local Plan refers to minimising carbon or energy impacts associated with development. Paragraph 152 of the Framework which states that the planning system should encourage the reuse of existing resources, including the conversion of existing buildings.

The purpose of the application is to allow for the re-use of the existing stable building, rather than demolishing it and replacing it with a new stable building. The existing building is in need of relatively minor repairs but is otherwise perfectly capable of continuing to accommodate the proposed use. Therefore, if the stable use is to continue at Bankwood Mill, it seems illogical to construct a new building, both in terms of financial and sustainability implications. For example, re-using the building would have a far lesser carbon impact than constructing a new building.

Green Belt considerations

Policy EQ4 of the Local Plan states that within Green Belt locations “*planning permission will not be granted unless it is in accordance with national planning policy*”. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, a number of exceptions are provided, including:

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would
- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

In this case the test is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development (i.e., the existing commercial buildings, hardstanding and associated open storage).

A comparison between the existing development and the resultant proposed development (with the existing stables retained rather than redeveloped) is provided below. For ease of reference, we have also provided the figures from the extant approval. However, for the reasons discussed above the policy test is whether the proposed development would have a greater impact on the openness of the Green Belt than the existing development, and not the extant approval.

	Existing development	Redevelopment approved under HPK/2022/0504	Proposed NMA to HPK/2022/0504 to retain existing stables
Volume	7986 m3	6262 m3 (-21%)	7651 m ³ (-4%)
Floor area	2536 m2	1270 m2 (-50%)	1591 m2 (-37%)

Therefore, even if the existing stable building is retained, in spatial terms there would still be a reduction in volume and a significant reduction in floor area in comparison to the existing development. Furthermore, there is also a significant reduction in the developed area and amount of hard standing across the site. The committee report for the original approval on site (HPK/2018/0290) noted that there would be a 0.6 acres reduction in developed area. These reductions in hardstanding and developed area would remain unchanged between the extant scheme (HPK/2022/0504) and the proposed NMA.

In addition, openness has visual as well as spatial aspects, and this is relevant to this application. Paragraph 64-001 of The National Planning Practice Guidance states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of examples, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to;

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its irremediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation”.

In the Supreme Court Judgement *R (on the application of Samuel Smith Old Brewery (Tadcaster) & Ors) v North Yorkshire County Council* [2020], following on from the *Euro Garages Limited vs SoS for Communities and Local Government and Cheshire West and Cheshire Council* [2018], Lord Carnwath agreed with the conclusions in *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466; [2017] 2 P & CR 1 that the concept of openness of the Green Belt is not narrow limited to the volumetric approach and the matters relevant to openness in any particular case are a matter of planning judgement and not law.

In this case, notwithstanding the proposed development needs to be assessed as a whole, the proposed stable building comprises an enclosed courtyard arrangement. The external walls of the building cover a similar footprint to the external walls of the existing stable building. Therefore, visually there is little difference between the existing stable building and the proposed in terms of the visual impact on openness.

Furthermore, the retention of the existing stable building (with associated improvements) does not alter any of the following visual considerations which are relevant to openness:

- The proposed development, compared to the existing development, still results in a less developed, more open site.
- The siting and orientation of the proposed dwellings enhances the visual permeability of the site, from both the immediate vicinity, but most importantly from the longer range views to the north and west, across the River Etherow.
- The comprehensive landscape scheme proposed is a significant benefit of the proposed development compared to the existing site, which has very limited vegetation immediately around the buildings. This landscaping will screen and soften the proposed development.
- The proposed reduction in access roadways and hard standing associated with the will bring many positive environmental benefits through additional tree and shrub planting, the creation of ecological habitats whilst also providing a greener overall aesthetic to the proposed development.

- The proposed development will generally result in a much higher quality aesthetic to the built form. It will remove the existing areas of the site which have become an eyesore, notably where three of the chicken sheds have been previously removed and a series of storage containers and other material is stored.

Therefore, there would continue to be significant enhancements to the visual aspects of openness, which are additional to the spatial enhancements to openness outlined above (i.e, reductions in volume, floor area, hardstanding and developed area). It would remain the case that the proposal as a whole would not have a greater impact on the openness of the Green Belt than the existing development. As such, the proposed development complies with Policy EQ4 of the High Peak Local Plan and paragraph 149 of the Framework.

The proposed retention of the existing building therefore complies with the development plan, and the application should be approved without delay.

We kindly request confirmation of validation. Should you require any further information, please do not hesitate to contact us.

Yours sincerely
Emery Planning

John Coxon

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Director