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working for our community

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Mr & Mrs Broadhurst
Cote Bank Farm
Buxworth
High Peak
SK23 7NP

Application no: DET/2023/0007

Determined on: 23/05/2023

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015**

**PRIOR APPROVAL REQUIRED FOR CHANGE OF USE AND
GRANTED**

High Peak Borough Council hereby **APPROVE** this application for **DETERMINATION** for

**Change of Use of Agricultural Building to Dwelling at Stubbins Farm, Barn off
Stubbins Lane Chinley SK23 6ED**

in accordance with the submitted application, details and accompanying plans listed below for the following reasons: -

1. The development hereby permitted under Class Q (a) and Class Q (b) must be completed with a period of three years from the date of this decision.

Reason: - To comply with Q.2 (3) of the Town and Country Planning (General Permitted development) (England) Order 2015.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan Dwg No: 400
Existing Site Plan Dwg No: 403
Proposed Site Plan Dwg No: 404
Existing Elevations, Roof Plan and Floor Plans Dwg No: 400
Proposed Elevations, Roof Plan and Floor Plans Dwg No: 401

Reason: - For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved drawing No 401.





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Reason: - To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework

4. Prior to their installation, details of the windows and doors to be used in the external envelope of the building shall be submitted to and agreed in writing with the local planning authority. Thereafter, the development shall be completed in accordance with the approved details.

Reason: - To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework

5. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented in full prior to first use of the building as a dwellinghouse.

Reason: - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors - to comply with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. These areas shall be maintained for those purposes at all times thereafter.

Reason: - In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework

7. The development shall be carried out in strict accordance with the ecological report submitted with the application (prepared by May 2023):

- 1. Precautionary measures shall be implemented during conversion works. This would involve the careful removal of the fibre cement roof and the eastern concrete block gable wall should be subject to artificial illumination in advance of works commencing to deter bats from using crevices and prevent them being entombed. In the event of a bat being encountered, work should stop immediately, and a licensed bat ecologist contacted for advice.
- 2. Conversion works should take place between September and February inclusive to avoid the breeding bird season, this approach being recommended to avoid infringement of the Wildlife and Countryside Act 1981 which protects all wild birds and their nests. If this approach is not possible, pre works checks should be undertaken no more than 48 hours in advance. Should active nests be present, works within 5 m





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of the nests would need to be postponed until chicks fledge.

Reason: To safeguard wildlife in the interests of nature conservation.

Informative:

1. The application site is adjacent to a Public Right of Way (Footpath No16, Chinley/Buxworth/Brownside on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.
2. A patch of Japanese rose is located several metres to the east of the building, this species being listed on Schedule 9 of the Wildlife and Countryside Act 1981, which makes it an offence to cause such species to spread or grow in the wild.
3. New bat roosting and bird nesting features should be incorporated within the scheme design. This can be achieved by installing one integral bat unit and one integral bird (sparrow and swift) unit within each external elevation at a height of at least 3 m.
4. New lighting should be kept to an absolute minimum, particularly in the vicinity of artificial bat roosting features.
5. Gardens associated with the two dwellings should include native trees (e.g. rowan, silver birch, fruit trees) and native species hedges should be planted on boundaries as opposed to fences. If fencing is installed in combination with hedges, 130 x 130 mm gaps should be included at the base to allow hedgehogs to move freely through the site.

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000, as per your website..
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





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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 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.

