



# High Peak Borough Council

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Mr P Garner  
Garner Town Planning Ltd  
24A Market Sreet  
Disley  
Cheshire  
SK12 2AA

Mr Redfern  
Higher Courses  
Eccles Road  
Chapel-en-le-Frith  
SK23 9RP

Application no: DET/2023/0010

Determined on: 20/06/2023

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

**PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED  
REFUSED**

High Peak Borough Council hereby **REFUSE** approval for

**Change of Use of Agricultural Buildings to one Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion at Birch House Spinnerbottom Birch Vale**

in accordance with the submitted application, details and accompanying plans: 01; 02; 03A; 04A; 05; 05A; 06; for the following reasons:-

1. Whilst the Local Planning Authority accepts that the building has previously been in agricultural use, the applicant has failed to provide satisfactory evidence to demonstrate that the accepted agricultural use was part of an "established agricultural unit" having regard to the specific definition under Paragraph X, thus failing to comply with Schedule 2, Part 3, Class Q, Paragraph Q.1(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, resulting in development which is not permitted and requires planning permission
2. Notwithstanding the fact that the proposal does not comply with Part 3, Class Q, Paragraph Q.1 of the GPDO, the proposed change of use would result in a poor and unacceptable form of design, by virtue of the use of materials, odd and contrived openings, and overall visual appearance, that would diminish and have a negative impact upon the rural character and appearance of the area, contrary to Local Plan Policies S1, EQ2, EQ3 and EQ6, the High Peak Landscape Character Assessment SPD, High Peak Design Guide SPD, and contrary to relevant paragraphs under Chapter 12 of the NPPF.





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3. Notwithstanding the fact that the proposal does not comply with Part 3, Class Q, Paragraph Q.1 of the GPDO, the proposed use of the building as a residential dwelling has been found to result in potentially significant adverse harm to the future occupiers of the property with regards to noise, given the fact that the currently vacant abattoir and knackers yard within close proximity could commence at any given time without planning permission given its existing lawful use, contrary to Local Plan Policy EQ10, and relevant paragraphs contained under Chapter 15 of the NPPF.
4. Notwithstanding the fact that the proposal does not comply with Part 3, Class Q, Paragraph Q.1 of the GPDO, the proposed use of the building as a residential dwelling has been found to result in potentially significant adverse harm to the future occupiers of the property with regards to Land Contamination, given the close proximity of the nearby abattoir and knackers yard. In the absence of any Phase I Land Contamination Report, the development could significant harm to the amenity of future occupiers contrary to Local Plan Policy EQ10 and relevant paragraphs under Chapter 15 of the NPF.
5. Notwithstanding the fact that the proposal does not comply with Part 3, Class Q, Paragraph Q.1 of the GPDO, the application has not been accompanied by any Preliminary Bat Roost Assessment, which can satisfactorily demonstrate that the proposed conversion would not result in any adverse harm to protected species and provide mitigation where appropriate. In the absence of such an assessment, the Council are not able to conclude with any certainty that any risks to ecological assets have been satisfactorily addressed, and as such the application is contrary to Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

X 

Signed by: Jane Colley Signature

**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.
1. 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.
2. If this is a decision to refuse planning permission for a minor commercial 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.
3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
5. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.
6. 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.