



High Peak Borough Council
working for our community

Mr Keith Ryder
27 Hardwick Square South
Buxton
SK17 6QA

Application no: HPK/2023/0159

Determined on: 18/07/2023

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

Branksome Cottage, Gadley Lane, Buxton, Derbyshire, SK17 6UY

Description of Development:

Proposed new roof, replacement decking, replace rear window with french door and replace existing pointing with lime mortar

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with plans refs: TQRQM23122115141561 – Location Plan; TQRQM23122133023586 – Existing Site Plan; and TQRQM23122120839536 – Proposed Site Plan, Proposed rear elevation (east), Proposed Plan, Proposed side elevations (north),

for the reason(s) specified below:-

1. The site is located within the Buxton Conservation Area, which is a designated heritage asset. Insufficient information has been provided, by way of scaled plans and elevations, and a sufficiently robust Heritage Statement, to enable the Local Planning Authority to determine full extent of the proposals and the effects that the development would have on the Buxton Conservation Area. In the absence of such information, the development proposals are contrary to Policies S1, EQ6 and EQ7 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 12 and 16 of the NPPF.
2. By reason of the nature of the development, and its proximity to a watercourse and woodland, the development has the potential to impact upon protected species





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and/or their habitats. Insufficient information has been provided for the Local Planning Authority to determine whether the development would have an adverse effect on protected species and their habitats and the extent of any mitigation that may be required. In the absence of such information, the development proposals are contrary to Policies S1, EQ5 and EQ8 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 15 of the NPPF.

3. A woodland, which is covered by a Tree Preservation Order, lies within and adjacent to the application site. Furthermore, the site lies within a Conservation Area and the trees are visually important, and contribute towards the significance of that asset. Insufficient information has been provided for the Local Planning Authority to determine whether the development would have an adverse effect on protected trees or the extent of any measures that may be required during construction. In the absence of such information, the development proposals are contrary to Policies S1, EQ7, EQ8 and EQ9 of the High Peak Local Plan 2016, the High Peak Residential Design SPD (2005), and relevant paragraphs under Chapter 15 and 16 of the NPPF.

Informatives

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. In this instance, there are significant shortcomings in the level of detail submitted with the application to enable a proper and full assessment to be carried out. A significant amount of additional supporting information is necessary and therefore no amendments have been suggested.

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.

