



High Peak Borough Council
working for our community

Mr Andrew Flanagan
Aracus Ltd
22 Hardwick Street
Buxton
SK17 6DH

Mr Mike Finch
11 Broad Walk
Buxton
Derbyshire
SK17 6JR

Application no: HPK/2023/0093

Determined on: 24/07/2023

**PLANNING (LISTED BUILDING AND CONSERVATION AREAS ACT 1990)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

REFUSAL OF LISTED BUILDING CONSENT

Location of Development:

11, Broad Walk, Buxton, Derbyshire, SK17 6JR

Description of Development:

Removal of internal cross wall c/w fireplaces. Retention of existing stack. Modification of
1No. window opening to side elevation

High Peak Borough Council in pursuance of their power under the above mentioned Acts
HEREBY REFUSE LISTED BUILDING CONSENT for the works described above in
accordance with plans ref: DY326531, 02001 P01, 03001 P01, 03002 P02, 31001 P02, 41001
P02, 41002 P01, 41003 P01, 75001 P02, for the reasons specified below:

1. The proposed internal and external works would result in the unacceptable loss of historic fabric and architectural features that the building possesses, including internal walls, fireplaces, and the legibility of internal plan form. Furthermore, the proposed window alteration would imbalance the architectural uniformity of the side elevation. The proposal fails to preserve the Listed Building, and would result in less than substantial harm to the significance of that heritage asset. It is not considered that public benefits would arise which would outweigh the harm identified. The proposals would be contrary to Policies S1, S7, EQ6, and EQ7 of the High Peak Local Plan 2016, and the guidance contained within the National Planning Policy Framework.





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Informative

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. 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. The applicant was given the opportunity to respond to the concerns of the Council, however the additional information was not sufficient to overcome the concerns raised.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





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.
2. 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. 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.
3. 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.