



High Peak Borough Council

working for our community

Mr Dean Smith
Top Notch Oak Ltd
North End House
Snetterton
NR16 2LD

Mr Mark Thornton
High View
Tom Lane
Chapel-En-Le-Frith
Derbyshire
SK23 9UN

Application no: HPK/2023/0131

Determined on: 31/07/2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

High View, Tom Lane, Chapel-En-Le-Frith, Derbyshire, SK23 9UN

Description of Development:

Oak framed cart lodge garage with gym/home office/storage above

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: 1:1250 Location Plan; 1:500 Site Plan; 1605 Rev A; Front Elevation; Left Hand Elevation; Rear Elevation; Right Hand Elevation; and, Ground Floor Plan, First Floor Plan, Roof Plan

for the reason(s) specified below:-

1. The proposed outbuilding would be site on land which lies outside of the settlement boundary for Tunstead Milton and, as such, would be sited within the open countryside. From the evidence available to the Local Planning Authority, the building is sited outside of the curtilage for the dwelling on land which is not in a lawful residential use. The proposal would therefore result in a material change of use of land and does not meet any of the exceptions for development in rural areas and is unacceptable as a matter of principle. The proposed development would lead to an unacceptable encroachment into the open countryside. The development proposals are contrary to Policies S1 and EQ3 of the High Peak Local Plan 2016.
2. The proposed outbuilding, by reason of its large scale, siting, design and use of





High Peak Borough Council

working for our community

inappropriate materials, would fail to be subservient to, or respect the character and appearance of the host dwelling and other buildings within the vicinity. The proposal would result in a prominent and incongruous form of development which would erode the rural landscape character, and setting of Tunstead Milton, and would cause unacceptable harm to the character and appearance of the area. The development proposals are contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the High Peak Local Plan 2016, Policy H3 of the Chapel-en-le-Frith Neighbourhood Plan, the High Peak Residential Design SPD (2005), the Design Guide SPD (2018), and relevant paragraphs of Chapters 12 and 15 of the NPPF.

Informative(s):

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 concerns with regard to the development, as a matter of principle, and the lawfulness of the use of land is a matter which requires resolving which is outside the scope of this application. There are also concerns regarding the scale and design of the development. Any amendments to the scheme would be significant and, as such, no amendments have been suggested.

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council





High Peak Borough Council

working for our community

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.

