



High Peak Borough Council

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Mr Bran Elwell
Brian Elwell and Co
9 The Grange
Bolton
BL7 9GF

Mr O'Hagan
Moorside Cottage Charles Lane
Old Glossop
Derbyshire
SK13 7SF

Application no: HPK/2023/0112

Determined on: 2nd November 2023

Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015 **REFUSAL OF PLANNING PERMISSION**

Location of Development:

Moorside Cottage access drive Charles Lane Glossop Derbyshire SK13 7SF

Description of Development:

Replacement of existing water supply pump housing unit with new building

High Peak Borough Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above in accordance with the following plans: Location Plan; Existing and Proposed Plans and Elevations (Ref: 1883-101B); Existing and Proposed Site Plan (Ref: 1883-102B); for the reason(s) specified below:-

1. The application proposes a new building in the Green Belt that does not meet any of the exceptions set out under Paragraph 149 of the NPPF and thus constitutes 'inappropriate development'. The 'Very Special Circumstances' submitted by the applicant fails to outweighs the identified harm to the Green Belt by virtue of being inappropriate and the further identified harm to the spatial and visual aspects of openness. As such, the application is in direct conflict with Local Plan Policy EQ4 and relevant restrictive paragraphs contained under Chapter 13 of the NPPF. The application thus constitutes an unsustainable form of development contrary to Local Plan Policy S1a and paragraph 11 of the NPPF.

Informative

1. The Local Planning Authority have at all times attempted to work with the applicant in a positive and proactive manner to secure further information and technical surveys prepared by suitably qualified professionals in an attempt to fully assess all potential solutions to overcoming the (accepted) issue regarding the private water supply. However, the applicant has declined to provide the level of additional information required by Officers, and as such, in the absence of this information, 'Very Special Circumstances' (which as shown in case law is a high bar) do not outweigh the





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identified harm. It should be made clear that if a detailed assessment/appraisal of all options prepared by a suitably qualified professional can be presented which shows that the proposal represents the only essential (and not simply a desirable) solution, then the Local Planning Authority are more likely to look favourably upon any resubmission.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council

NOTES

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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.

