



High Peak Borough Council

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Mrs Clare Gascoigne
Emery Planning
Hobson Street
Macclesfield
Cheshire
SK11 8BS

Mr Bennett Longman
c/o Emery Planning

Application no: HPK/2023/0286

Determined on: 13th November 2023

Town and Country Planning Act 1990
Planning and Compensation Act 1991
Town and Country Planning (Development Management Procedure) (England) Order 2015
The Town and Country Planning (Permission in Principle) (Amendment) Order 2017

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

Location of Development:

Land at Forge Road Chinley Derbyshire

Description of Development:

Permission in principle for residential development (for between 2 and 9 dwellings)

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 ref: 234_150 rev 0; 234_151 rev 0; 234_152 rev 0 and Location Plan 1.0 for the reason(s) specified below:-

1. The application site is subject to an extant planning permission for a live / work unit providing for approximately 204.0sqm of commercial floor space and is an employment commitment for the purposes of the Adopted Local Plan. The applicant has failed to demonstrate that the application site in either its approved use or another business / commercial use would be constrained to the extent that it would no longer be suitable or commercially viable for employment generating uses as demonstrated by marketing evidence commensurate with the size and scale of the approved development or would be incompatible with neighbouring uses. Accordingly, the scheme would be contrary to Policies SS1, S6, E1 and E4 of the Adopted High Peak Local Plan 2016, the Chapel-en-le-Frith Neighbourhood Plan 2015 and the National Planning Policy Framework (NPPF).





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2. The proposal for a maximum of 9 dwellings upon the application site would result in a high density and intrusive form of development and in particular fails to provide a high quality form of development, which would contribute positively to the area's character. Accordingly, the scheme would be contrary to Policies SS1, S6 and EQ6 of the Adopted High Peak Local Plan 2016, the Chapel-en-le-Frith Neighbourhood Plan 2015, the Residential Design Guide (Supplementary Planning Document) SPD 2005, the High Peak Design Guide SPD 2018 and the National Planning Policy Framework (NPPF).

Informative(s)

1. The proposed land use for residential development is not considered to be acceptable in principle. The proposal would therefore conflict with the development plan as a whole, and there are no other considerations worthy of sufficient weight, including the provisions of the National Planning Policy Framework (NPPF), which would outweigh this finding. It is therefore considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application have been requested.

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.
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



High Peak Borough Council

working for our community

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.

