



High Peak Borough Council
working for our community

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Application no: HPK/2023/0424

Determined on: 28/11/2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

Land west of Broadhey Barn, Diglee Road, Furness Vale, Derbyshire

Description of Development:

Erection of agricultural building containing equipment store, workshop, fruit store, and washroom, and the installation of solar panels on the roof

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: Location Plan; 02 Plot Assembly Rev D; and, 03 Shed Floor Plans Rev C for the reason(s) specified below:-

1. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate that the development meets any of the exceptions for appropriate development within the Green Belt. Therefore, the proposed development would result in inappropriate development within the Green Belt. By reason of its site and scale the proposals would fail to preserve the openness of the Green Belt and would conflict with the purposes of including the land in the Green Belt through encroachment into the countryside. The harm to the Green Belt attracts substantial weight against the proposals. Additional harm would arise as set out in reasons for refusal 2 and 3 which also weigh against the development. Any other considerations which weigh in favour of the development would not amount to very special circumstances which clearly outweigh the harm identified. The development proposals would therefore be contrary to Policies S1, S6, and EQ4 of the High Peak Local Plan 2016, and relevant paragraphs under Chapter 13 of the NPPF.
2. The proposed development, by reason of its siting, design and appearance, would result in a form of development which would appear incongruous in its landscape setting and would fail to respect the character and appearance of the countryside.





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The development proposals would therefore be contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the High Peak Local Plan 2016, and guidance contained within the NPPF.

3. The application site lies adjacent to natural features, including ponds, trees and a watercourse, which have the potential offer suitable habitat for protected species. Insufficient information has been provided to demonstrate the presence of protected habitats and species which may be affected by the proposed development, or the effect of the development on such habitats and/or protected species, and any mitigation that may be required. In the absence of such information, the Local Planning Authority cannot be satisfied that the development would conserve biodiversity interests. The development would therefore be contrary to Policies S1 and EQ5 of the High Peak Local Plan 2016 and guidance contained within 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 concerns relating to the scheme are numerous, as such amendments to the scheme have not been suggested.

X *B.S. Haywood*

Signed by: Ben Haywood

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.



