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**From:**  
**Sent:** 29 November 2023 20:30  
**To:** Planning Comments (HPBC)  
**Subject:** Comment Received from Public Access

**Categories:**

Application Reference No. : HPK/2023/0455 Site Address: Land at Dollywood Close Brierley Park Buxworth Derbyshire SK23 7NL Comments by: N.A. Parsons

From:  
Moorgate Cottage  
New Road  
Buxworth  
High Peak  
Derbyshire  
SK23 7NH

Phone:

Email:

Submission: Objection

Comments: Planning permission for this development would appear to have expired on 31 July 2023.

The applicant has provided a site inspection report dated 10 July 2023 on the excavation of foundations on site. While these works are arguably sufficient to constitute commencement of development, any works done must reflect what was actually permitted by the planning permission, and in particular, any pre-commencement planning conditions must have been complied with before works commenced on site.

Condition 4 of reserved matters application HPK/2021/0044 states:

‘The hereby approved development shall not commence until a drainage scheme for the site, showing how foul water, surface water and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. This shall include full details of the proposed rainwater retention system. No part of the development shall be brought into use until the approved drainage systems have been constructed and completed in accordance with the approved plans.’

This condition was not discharged until 24 October 2023.

Condition 4 would appear to be a condition that ‘goes to the heart’ of the permission (R (Hart Aggregates Ltd) v Hartlepool Borough Council [2005] EWHC 840 (Admin)) which would render implementation of that permission in early July 2023 unlawful.

Further, I note the content of the objection of Mr Kent of Brierley Green House, 41 Brierley Green, Buxworth, High Peak, SK23 7NL which implies that the site excavations have since been filled in, and the land restored.

In short, the applicant would seem to be asking the Council to provide a lawful development certificate for development which was unlawful and has since been undone.

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