



High Peak Borough Council

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Mr Kieran Hibbs
Kieran Hibbs Architecture
27 Pioneer Road
Macclesfield
SK11 7ZB

Kelly Finn & Patricia Adshead
48 Cherry Tree Drive
Hazel Grove
SK7 6AR

Application no: HPK/2023/0353

Determined on: 13/12/2023

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

REFUSAL OF PLANNING PERMISSION

Location of Development:

LAND OFF, Combs Road, Chapel-En-Le-Frith, Derbyshire, SK23 9UW

Description of Development:

Retrospective planning for new access, including relocation of the hedgerow, new agricultural track access, 4no. containers and associated fencing and gates

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; KH816-001 Existing Site Plan and KH816-101 Rev B Proposed Site Plan for the reason(s) specified below:-

1. The site lies within the open countryside where there is strict control over new development. In the opinion of the Local Planning Authority, insufficient information has been provided to demonstrate the nature of the proposed use and the requirement for the development proposed. The LPA therefore cannot be satisfied that the proposals are an acceptable form of development within this rural location. The development proposals would therefore be contrary to Policies S1 and EQ3 of the High Peak Local Plan 2016, and the guidance contained within the NPPF.
2. The proposed development, by reason of its siting, design and appearance, results in a form of development which has an urbanising effect within a tranquil rural location. The proposals appear incongruous in its landscape setting and would fail to respect the character and appearance of the countryside. The development proposals are contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the High Peak Local Plan 2016, and guidance contained within the NPPF.
3. The proposed development lies immediately adjacent to residential properties within a rural location. The increase in activity arising from the use of the storage containers and hardstanding, in such close proximity to dwellings, has the potential





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to result in an unacceptable level of noise and disturbance to neighbours. The proposals therefore would have an unacceptable effect on the living conditions enjoyed by the occupants of neighbouring properties. The proposals are contrary to Policies S1 and EQ6 of the High Peak Local Plan 2016, and guidance contained within the NPPF.

4. The application site lies within the Impact Risk Zone of the Combs Reservoir Site of Special Scientific Interest. Insufficient information has been provided to demonstrate the effect that the development has had on the SSSI and any mitigation measures that may be necessary. The proposals are therefore contrary to the objective of conserving biodiversity resources. The development would therefore be contrary to Policies S1 and EQ5 of the High Peak Local Plan 2016, Policy C2 of the Chapel-en-le-Frith Neighbourhood Development Plan 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, and include concerns relating to the principle of development, as such amendments to the scheme have not been suggested.

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 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.

