



High Peak Borough Council

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Mr P Garner
Garner Town Planning Ltd
24A Market Street
Disley
SK12 2AA

L And G Williams
High Ash House Sandy Lane
Chisworth
SK13 5RZ

Application no: HPK/2023/0418

Determined on: 9th February 2024

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 Marple Road Chisworth Derbyshire

Description of Development:

Retention of Access and Track

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, 2177-1 Traffic Access Plan, 2177-2 Access Plan for the reason(s) specified below:-

1. The development amounts to inappropriate development within the green belt, which by definition is harmful. The development reduces the openness of the Green Belt and conflicts with one of the purposes of including land within the green belt, namely that it fails to safeguard the countryside from encroachment. In the absence of any very special circumstances, the development fails to comply with Policy EQ4 of the High Peak Local Plan 2016 and Section 13 of the National Planning Policy Framework 2021.
2. By virtue of its location, scale, design and materials, the access and refuge area, both its current form and as proposed, would have a significantly harmful, visual impact on the rural character of the area and is considered not to be sympathetic to the distinctive landscape character area. The creation of a refuge area and the cutting back 160m of the existing frontage to create visibility splays, would create an incongruous feature in a prominent location on Glossop Road. The development is therefore considered to be in conflict with Policies S1, EQ2, EQ3 and EQ6 of the High Peak Local Plan, the adopted Landscape Character Assessment Supplementary Planning Document 2006 and Sections 12 and 15 of the National Planning Policy Framework.





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3. By virtue of its location and the inability to provide adequate visibility splays, the vehicular access to Glossop Road (A626), would introduce traffic movements to and from the public highway at a point where visibility is severely restricted due to the available frontage to the public highway and lack of / narrow highway margin, thereby leading to danger and inconvenience to other highway users. The provision of a vehicular access with adequate visibility splays to the Highway Authority's minimum standards would involve the use of land, which as far as can be ascertained from the application drawings, lies outside the applicant's control and no evidence has been supplied to demonstrate that it can be delivered. In this case therefore, the proposal is considered to conflict with Policies S1, EQ6 and CF6 of the High Peak Local Plan and Section 9 of the National Planning Policy Framework.

Informatives

In dealing with the application the planning authority have worked with the applicant in a positive and proactive manner and have implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in accordance with paragraph 38 of the National Planning Policy Framework.

The proposed development as submitted is unacceptable in principle, and in this case due to the nature of the proposal, the officer was unable to suggest alterations to overcome the impacts. The application was therefore refused.

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.
2. 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.
3. 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.
4. 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.
5. 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>
6. 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.
7. 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



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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.

