

Lauren Fongauffier
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref: APP/H1033/W/23/3334831

Our Ref: 1056/PG

28 March 2024

Dear Lauren,

92 HIGH STREET, NEW MILLS, DERBYSHIRE, SK22 4BR

Introduction

I write on behalf of my client, Mr James Rimmer, further to your letter dated 28 March 2024 regarding the above, to which was attached the statement of the Council. This letter sets out the comments of the appellant on the Council's case, and it is noted that there have not been any representations submitted by third parties in response to the appeal publicity.

The Statement of the Council

For ease of reference, the comments of the appellant on the paragraphs of the Council's statement are set out in the following table, where a response is considered necessary:

Paragraphs	Subject	Comments
1.6	Residential Design Guide	The Council seek to introduce their Supplementary Planning Document, which was adopted in 2005, despite this not being utilised as a policy basis for the imposition of condition 5 which is the subject of the appeal. This is unreasonable and unsubstantiated.
1.9	Approved Plan	The appellant only omitted the hot tub which was annotated on the submitted plans on the basis that this was considered necessary at the last minute by the Council to approve the scheme. Given that the application had been lodged on 9 June 2023 and was only finally due to be granted five months later in early November 2023, the appellant understandably took the decision to omit the hot tub to allow the renovation works to be progressed.
1.11 to 1.14	Visibility	The Council's suggestion that as the hot tub may be partially visible at certain times of the year from distances of around 50 metres this in some way justifies their imposition of condition 5 is wholly without foundation, and is unreasonable as no harm will result from glimpses of such a common feature.

1.15 to 1.16	Use of the Hot Tub	The Council's inference that a hot tub may be used more frequently at a holiday accommodation property rather than at a comparably sized standard residential property is purely anecdotal and, once again, does not justify their use of a planning condition to preclude such a feature.
1.17	Overlooking and Privacy	As will be observed by the Inspector at the time of their site visit, the siting of a hot tub at the property will not give rise to any overlooking or loss of privacy to any nearby occupiers.
1.18 to 1.19	Conclusion	As demonstrated in the evidence contained within the statement of the appellant, the Council's inclusion of condition 5 is unreasonable and unnecessary, and without foundation in the quoted policies and guidance in the reason for its imposition. The use of such a condition fails four of the six key tests set out in the NPPF.

Comments Submitted by Third Parties

It is of significance to note that no adverse representations have been submitted by third parties regarding this appeal. It is very clear that local residents do not perceive that the appeal proposal will cause any harm, as suggested by the Council.

Closing Remarks

It is trusted that the appointed Inspector will take the contents of this letter into account, and your confirmation of the date on which the Inspector will make the site visit is awaited.

Yours sincerely,

Philip Garner
DipPS MSc MRTPI
Director