

DELEGATED DECISION REPORT

DET/2024/0012
Valid 15/04/2024

DWELLING AT
MIDDLE FARM
HARDYBARN LANE
GREEN FAIRFIELD
BUXTON

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
DEMOLITION OF A DWELLING

(DEMOLITION
DETERMINATION)

MAIN ISSUES

- Whether the proposed development complies with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Whether Prior Approval is required with regards the method of demolition and the acceptability of such details and proposed restoration

DESCRIPTION OF SITE

The application relates to an existing vacant residential dwellinghouse that sits within a cluster of buildings that make up the agricultural unit of Middle Farm, which sits at the end of Hardybarn Lane, in the Fairfield area of Buxton.

The southern perimeter of the large Tunstead Quarry lies some 300m to the north of the site.

PROPOSAL

This Prior Notification application submitted under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (herein referred to as the GPDO) to demolish the existing dwellinghouse.

The application contends that the proposed demolition is compliant with the above legislation and is acceptable with regards to the proposed method of demolition.

CONSULTATIONS

Publicity

Site Notice expiry date: 6th May 2024
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None

Town / Parish Comments

N/A

Environmental Health

No comments to make

Derbyshire County Council Highways

Having viewed the submitted details it is considered that the demolition of the dwelling, to be carried out in accordance with the method outlined in the attached statement, will not have an unacceptable impact on the safety of users of the publicly maintainable highway in the vicinity of the site and as such there are no highway authority objections to the application.

If consent is granted, it is assumed that the method of demolition set out in the 'Supporting Statement' will be conditioned; however, if not, it is recommended that such a condition is included in any consent.

OFFICER COMMENTS

- 1. Whether the proposed development complies with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended**

Schedule 2, Part 11, Class B relates specifically to the demolition of buildings and permits "any building operation consisting of the demolition of a building", subject to compliance with all relevant parameters set out under Paragraph B.1 and conditions set out under B.2. An assessment against such criteria is undertaken below.

B.1 Development is not permitted by Class B if –

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works or repair or works for affording temporary support**

Whilst the property is currently vacant, the building has not been rendered unsafe or otherwise uninhabitable by the action or inaction of the applicant or any person having an interest in the land, and as such the application is compliant with Paragraph B.1(a).

- (b) the demolition is "relevant demolition" for the purposes of Section 196D of the Act (demolition of an unlisted building in a conservation area);**

The site is not located within a Conservation Area and as such Paragraph B.1(b) is not relevant to this application.

- (c) the building is used, or was last used, for a purpose falling within –**
 - (i) Article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or**
 - (ii) Article 3(6)(q) (drinking establishments with expanded food provision) of that Order**

The building that is scheduled for demolition is a dwellinghouse that sit within the Middle Farm complex and are not/have not been in use as a drinking establishment. As such, the application is compliant with Paragraph B.1(c).

- (d) the demolition relates to a statue, memorial or monument (a commemorative structure) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure –**
 - (i) that is a listed building**
 - (ii) that is a scheduled monument**
 - (iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;**
 - (iv) within the grounds of a museum or art gallery; or**
 - (v) within the curtilage of a dwellinghouse**

The proposed demolition does not relate to a statue and as such Paragraph B.1(d) is not relevant to this application.

2. Whether Prior Approval is required with regards the method of demolition and the acceptability of such details

Having established that the proposed demolition complies with Paragraph B.1 and thus constitutes permitted development, this is subject to compliance with all relevant conditions set out under Paragraph B.2. An assessment of the proposal against these relevant conditions are undertaken below:

- (a) where demolition is urgently necessary in the interest of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition**

Not applicable.

- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition –**
- (i) the developer must, before beginning development, apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site**

A method of demolition has been provided within the supporting Statement which is summarised as follows:

- Demolition undertaken by external contractor
- Carried out in two stages:
 - o Removal of external brickwork and timber structure
 - o Removal of substructure
- Equipment used will consist of a D-rig or similar machinery with breaker and buck attachments and dust suppression.
- Spoil/rubble will be segregated into material type with stone and concrete being either stockpiled for crushing or placed into suitable waste containers for removal from site to a licence water disposal facility
- All other waste shall be placed into suitable waste containers for removal from site to a licensed waste disposal facility
- Any asbestos would be identified prior to works taking place by a suitable contractor and disposed of in line with the usual requirements
- Prior to demolition, strengthening works to be carried out to the gable wall which ties the farmhouse to the adjacent barn.
- First floor of the barn will be strapped to the external wall to ensure that the gable wall is restrained at circa mid-height
- All floorboards would be screwed down to the joists.
- Any areas of local bulging/delamination will be rebuilt as needed.
- The two outer skins of the gable stone wall will be tied together in order to prevent further separation/delamination and also to restore the stability of the wall
- Any embedded timber elements will be retained and tied to the rest of the wall where possible.
- Wall will be repointed with compatible mortar.

The above has been reviewed by both the County Highways Authority and the Council's Environmental Health Officer, both of which have no objection to the proposed method of demolition.

The suggested (standard) conditions recommended by Environmental Health relate to matters that are covered by other environmental legislation outside of the planning system and are thus not considered to be necessary.

CONCLUSION / PLANNING BALANCE

The above assessment concluded that the proposed demolition complies with the relevant parameters under Schedule 2, Part 11 of the GPDO and that prior approval is required and granted subject to the imposition of a number of conditions.

OFFICER RECOMMENDATION : Prior Approval Required and Granted

Case Officer: James Stannard

Recommendation Date: 13th May 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council