



High Peak Borough Council

working for our community

Ms Sarah Foster
Panorama Planning Ltd
3/2 Lauderdale Street
Edinburgh
EH9 1DF

Mr Nadin
108 Green Lane
Buxton
SK17 9DQ

Application no: HPK/2024/0184

Determined on: 14th June 2024

Town and Country Planning Act 1990 Planning and Compensation Act 1991

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

Town and Country Planning (Permission in Principle) (Amendment) Order 2017

REFUSAL OF PERMISSION IN PRINCIPLE

Location of Development:

Land to the South of Macclesfield Main Road Ladmanlow Buxton Derbyshire SK17 6UH

Description of Development:

Permission in Principle in relation to - residential development of up to 3 units

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; for the reason(s) specified below:-

1. The proposed residential development would, by virtue of not being adjoined to the existing built-up area boundary and the inevitable encroachment into the open countryside, irrespective of detailed design, be in direct conflict with adopted High Peak Local Plan Policies S1, EQ3 and H1, all of which can be attributed full weight given that the Council can demonstrate a 5 year supply of deliverable housing land.
2. The site lies within the River Wye Catchment within the Peak District Dales Special Area of Conservation (SAC). The proposal development would increase the number of overnight stays, and increase surface water run off, as a result of the change in land use from agricultural land to residential development. In the absence of a Nutrient Budget calculation and any mitigation to achieve nutrient neutrality, the authority are not in a position to conclude that the proposals would not have a likely significant effect on the above European and Internationally protected sites, and thus the application in its current form is in conflict with Local Plan Policy EQ5, and relevant paragraphs under Chapter 15 of the NPPF.





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Informative

1. The proposed land use for residential development is not judged to be acceptable in principle for reason outlined above. There are thus no options for the Council to engage with the applicant to address or overcome this fundamental issue, and as such the application has been 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.
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.



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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.

