

DELEGATED DECISION REPORT

DET/2024/0015
Valid 26/04/2024

23 CLIFTON HOUSE
FAUVEL ROAD
GLOSSOP

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
FROM COMMERCIAL,
BUSINESS AND SERVICE
(USE CLASS E) TO
DWELLINGHOUSE (USE
CLASS C3)

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the proposed development complies with the relevant parameters of Schedule 2, Part 3, Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended):

DESCRIPTION OF SITE

The application property is one of a pair of semi-detached properties known as 'Clifton Villas'. The properties are constructed of stone with a slate roof and distinctive and matching bay windows. There is a vehicular access to the side of the application site providing space for parking of about three vehicles.

The local area is a mixture of residential and contains a number of businesses. The property was originally residential and has been in commercial use for over 30 years. Its existing use consists of mixed use of an osteopath with additional complimentary therapies within three consulting rooms on the ground floor plus kitchen and WC and three office rooms and WC on the first floor. It has previously had planning permission granted for change of use from commercial to residential (see site history below).

PROPOSAL

The application is seeking residential use via the Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 process.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0438 – Change of use to Residential (C3a) – Approved 14.01.22

HPK/2015/0093 - Proposed Change of Use from Office to D1 Medical & Health Services (Ground Floor Only) - Approved 20.04.15

HPK/2006/0454 - Resubmission Of Application HPK/2006/0195 For Change Of Use From Office To Single Residential Unit - Approved 09.08.06

HPK/2006/0195 - Change Of Use From Office To Single Residential Unit - Refused 25.04.06

HPK/0002/7443 - Change Of Use From Two Flats To Professional Office Use - Approved – 22.02.1989

CONSULTATIONS

None received

OFFICER COMMENTS

This is an application for prior approval, change of use from commercial to residential, and should be assessed against Schedule 2, Part 3, Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouse) of Schedule 1 to that Order.

Paragraph W sets out procedures for all prior approval applications considered under Part 3 of the GPDO, which includes Class MA:

W.— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

(ba) in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this subparagraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of dwellinghouses proposed, and

(ii) whether previous development has taken place under Class Q within the

established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;
(bc) in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;
(c) the developer's contact address;
(d) the developer's email address if the developer is content to receive communications electronically; and
(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,

together with any fee required to be paid. *(emphasis added).*

Paragraph W also states that The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions limitations or restrictions specified in this Part as being applicable to the development in question. The application failed to be accompanied by the requisite fee and therefore does not comply with the conditions, limitations and restrictions of the GPDO

The applicant has not paid the requisite planning application fee for the application and therefore the local planning authority is obliged to refuse the application as it does not comply with the conditions, limitations and restrictions in Paragraph W

CONCLUSION / PLANNING BALANCE

As the applicant has not paid the requisite planning fee, it is not a valid prior approval application submission under Part 3 of the GPDO. The request for the local planning authority to determine whether prior approval is required is thereby refused.

OFFICER RECOMMENDATION : Prior Approval Refused

Case Officer: Rosie Dinnen

Recommendation Date: 19.06.24

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council