

DELEGATED DECISION REPORT

HPK/2024/0202
Valid 10/05/2024

MECHANICS INSTITUTE
MARKET STREET
WHALEY BRIDGE

LAWFUL DEVELOPMENT
CERTIFICATE FOR A
PROPOSED CREATION OF
NEW ACCESSIBLE
ENTRANCE TO THE
BUILDING.

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development constitutes development having regard to the definition under Section 55 of the Town and Country Planning Act 1990, and if so whether the development requires planning permission

DESCRIPTION OF SITE

The application relates to the Mechanics Institute, Market Street, Whaley Bridge, situated within a central area of the town. The principal façade has a striking attractive appearance that fronts the public highway.

In addition to the main entrance up a small flight of steps, a secondary entrance exists via a small covered passageway between buildings that meets a small shared courtyard area, with the entrance situated on the northern elevation (see photos below)



The building is not Listed but lies within the Whaley Bridge Conservation Area. The door shown in the photograph above on the northern elevation does not benefit from any views from a public vantage point or highway.

OFFICER COMMENTS

The application seeks a Certificate of Lawful Development for changes to the appearance of the northern entrance whilst not altering the structural surrounds and size of the door.

Section 55(1) of the Town and Country Planning Act 1990 contains the meaning of 'development', defined as:

“the carrying out of building, engineering, mining or other operations in, or, over or under land, or the making of any material change in the use of any buildings or other land.”

Section 55(2) goes on to set out the operations and uses of land that shall not be taken for the purposes of the Act to involve development, which includes the following:

- (a) the carrying out for the maintenance, improvement or other alteration of any building works which –
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

Section 192 of the Act refers specifically to applications for a Certificate of Lawful Development and states that:

- (1) If any person wishes to ascertain whether—
 - (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land,would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

The “materiality” of a change in appearance is a matter of planning judgement, often referred to as fact and degree, based on the specifics of any case.

The existing door as shown is finished in timber. The proposed change would see the timber door replaced by a painted timber glazed screen which would be set back in the opening to match the location of the existing door frame.

A small section of timber boarding is shown to be positioned in the upper part of the door immediately below the stone archway, below which shows an entrance door that can facilitate disabled access, adjacent to two other glazed panels.

Whilst the Act does not specify whether a change is 'material' dependent on whether or not it can be viewed from a public highway, the sensitivity and threshold for what constitutes a material change in appearance is nevertheless influenced by its prominence.

Given its secluded location, and that the structural aspects (stone surrounds) of the existing opening would be retained, it is judged that as a matter of fact and degree, the replacement of the existing timber door and introduction of glazing does (in this specific instance) does not materially affect the external appearance of the building, and thus does not constitute development having regard to Section 55 of the Town and Country Planning Act 1990.

It is therefore considered that having regard to the specific facts of the case, the proposed development does not require planning permission and is therefore lawful.

OFFICER RECOMMENDATION : Grant Certificate

Case Officer: James Stannard

Recommendation Date: 23rd July 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council