



High Peak Borough Council

working for our community

Mr Thompson
Fern Farm Fern Road
Buxton
Derbyshire
SK17 9NP
Application no: HPK/2023/0528
Determined on: 10/10/2024

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

REFUSAL OF PLANNING PERMISSION

Location of Development:

The Old Stables 1 Fern Road Buxton Derbyshire SK17 9NP

Description of Development:

Removal of condition 6 of planning permission HPK/2002/0972

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 01, Location Plan 02, Location 03, Site Plan, Site plan 01, Site Plan 02, Site Plan 04, 1:50 floor plan, 1:50 elevations and gable elevations for the reason(s) specified below:-

1. The application site is located outside of the defined settlement boundary of Buxton and therefore it is considered a countryside location where policy EQ3 applies which strictly controls development in rural locations to protect the landscape's intrinsic character and distinctiveness. The proposal, in principle, would introduce a new residential dwelling in a countryside location which does not meet any of the exceptional circumstances outlined in Policy EQ3 and does not comply with Policy H1 of the High Peak Local Plan 2016. Moreover, the proposal would result in the loss of tourism accommodation which is contrary to High Peak Local Plan 2016 policies EQ3, E6 and S7 and paragraph 84 of the National Planning Policy Framework.
2. Policy H3 requires all new residential dwellings to meet Nationally Described Space Standards. The proposed dwelling does not meet Nationally Described Space standards for a two bedroom property. The proposal also provides very limited external amenity space, which would be detrimental to residential amenity and wellbeing of future occupiers. The proposal is therefore contrary to High Peak Local Plan 2016 policies H3 and EQ6, the adopted Residential Design Guide SPD and paragraph 135





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of the National Planning Policy Framework.

Informatives

The local planning authority considers that the proposed development is unacceptable in principle at this location. It has therefore not been possible to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social, and environmental conditions of the area in line with the NPPF.

X *J Colley*

Signed by: Jane Colley Signature

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.

