

DELEGATED DECISION REPORT

DET/2024/0032 Valid 16/09/2024	NUNSFIELD FARM UNNAMED ROAD SECTION OF A6 FROM BUXTON ROAD DOVE HOLES TO FAIRFIELD ROAD FAIRFIELD BUXTON	APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED FOR A PROPOSED: DEMOLITION OF ALL BUILDINGS CONTAINED WITHIN THE RED LINE BOUNDARY - FORMER FARMHOUSE (DEMOLITION DETERMINATION)
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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 buildings contained within a cluster of buildings and hard standing that make up the Nunsfield Farm complex, which is home to G&R Leigh, an Agricultural Services and Supplies retail outlet, accessed via a private single track road that extends westwards from the A6, across part of Buxton and High Peak Golf Club, in the Fairfield area of Buxton.

The buildings in question are shown at Appendix A of the supporting Cover Letter and amounts to a single storey building with breeze block walls and hipped tiled roof, and two storey building finished in render. Both building are shown to be vacant and boarded up.

PROPOSAL

This Prior Notification application seeks to demolish both buildings pursuant to Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The supporting letter notes the following with regards to the justification for the demolition:

“The need to demolish the building arises from its vacant, poor condition and unprepossessing appearance, and a series of what we have been advised are ongoing and longstanding incidents of anti-social behaviour (including drug related activities) occurring in the building that we understand the Council has knowledge of. Our client (as landowner) has described this as:

“For the last few months we have been fighting a running battle with a local drug user to keep the building secure.”

The intentions is to demolish / clear all buildings / structures within the red line boundary above and temporarily make good the site (i.e. spread /use crushed materials to create a temporary flat, safe site and fill any ‘holes’ within the site surface, thereby creating a clear, safe development site that is likely to be the subject of a housing related planning application later in 2024.

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

None

Environmental Health

It's not a high risk demolition, so if demolition works of this type fall under PD then its probably not reasonable to ask for Prior Approval in this case.

Conditions recommended relating to the following:

- Dust
- Waste Disposal
- Best Practical Means
- Piling
- Construction and Demolition – Time of Operations
- On Site Radio

Informative relating to Asbestos

Derbyshire County Council Highways

The site is located some distance from the public highway (the A6) with sufficient space to store equipment and materials to be removed from the site all located away from the highway boundary. Accepting that no information is provided, it is considered that the current site access is capable of accommodating the expected type and size of demolition equipment needed to undertake the work – it does not

seem likely that particularly large vehicles would be required due to the scale of the works - and the expected number of such vehicles associated with the works— again, due to the scale of the works it would be expected that a relatively low number of vehicle movements would be required to undertake the demolition - all without having an unacceptable impact on highway safety on the adjoining public highway.

A requirement for the applicant to provide a method statement would likely confirm the aforementioned comments so I would not expect further information to be provided.

There are no highway authority objections to the application.

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**

The buildings in question are understood to be in a state of disrepair, but are not rendered to be unsafe or otherwise inhabitable as a consequence of actions or inaction from the landowner. 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 buildings that are scheduled for demolition are standard buildings that based on their visual appearance, appear to have been historically used as residential premises, 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**

The demolition is not considered to be urgently necessary in the interest of safety and health, and a detailed justification has been give as to why the buildings are required to be demolished. The application is thus considered to be compliant with Paragraph B.2(a).

- (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 on the Application Form as follows:

- Demolition of all structures and removal of slabs and footings.
- Crush all hard materials on the site to 6F2 spec and grade the site and leave level surface
- No spoil or rubble will be disposed of. It will be crushed and used to fill any holes and level the site

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 thus not required with regards to the method of demolition.

OFFICER RECOMMENDATION : Prior Approval Not Required

Case Officer: James Stannard

Recommendation Date: 9th October 2024

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council