



Appeal Decision

Site visit made on 22 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2024

Appeal Ref: APP/H1033/W/24/3343660

Land at Forge Road, Chinley SK23 6ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Bennet Longman against the decision of High Peak Borough Council.
 - The application Ref is HPK/2023/0286.
 - The development proposed is permission in principle for residential development (for between 2 and 9 dwellings).
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Decision

1. The appeal is allowed and permission in principle is granted for residential development (for between 2 and 9 dwellings) at Land at Forge Road, Chinley, SK23 6ER in accordance with the terms of the application, Ref HPK/2023/0286 dated 11 July 2023.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have formulated the main issue on this basis, having regard to the evidence before me and determined the appeal accordingly.

Main Issue

4. The main issue in this case is whether the site is suitable for residential development having regard to its land use and the amount of development.

Reasons

5. The appeal site formed part of a larger site that has been developed mainly for residential dwellings. It is an irregular shaped site located off Forge Road

¹ PG Paragraph: 012 Reference ID: 58-012-20180615

which has obtained planning permission² for the construction of a new building with a B1 office/workshop on the ground floor and a flat above.

6. Policy E 1 of the High Peak Local Plan Adopted April 2016 (Local Plan) seeks to protect employment allocations, Primary Employment Zones and non-designated employment premises to ensure that development would not result in the loss of employment land or buildings, unless the proposal accords with Local Plan Policy E 4. This latter policy sets out a criteria-based approach for proposals that involve the redevelopment or change of use of existing business or industrial land or premises for non-employment uses.
7. The appeal site is not an employment allocation nor is it in a Primary Employment Zone. Following the granting of planning permission for a development that included a B1 office/workshop, and the subsequent Certificate of Lawfulness³ that confirmed that a material start had been made, the Council consider that it should be counted as an employment commitment and tested against the relevant Local Plan policies.
8. This permission is not however solely limited to a Class B1 use, with condition 9 referencing the use being for either Class B1 (Light Industrial/Office) or Class D1 (Non-Residential Institutions). Furthermore, following the changes to the Use Class Order which include Class B1 now falling within a flexible Class E, the existing permission could allow the ground floor of the consented building to be put to a range of uses.
9. I do not doubt the demand that exists for an employment generating use or that an employment use compatible with the existing surrounding residential and community development could not be supported. I also accept that an appellant's change of circumstances should not automatically lead to policy protections falling away. However, in this instance, the lawful use of the site is not only limited to Class B1, B2 or B8 employment uses.
10. As such, given the lawful use of the appeal site not being restricted only to business or industrial land or premises, and that it can already be put to alternative uses, I do not consider that the proposal would be contrary to the referenced employment policies of the Local Plan.
11. The proposal would provide for between two and nine dwellings with the Council concerned that this would only likely be achieved as a high-density development. The density of development and details relating to the type, layout and actual number of units would be addressed at technical details consent stage. The submitted details on this appeal, such as the three-storey block of flats are indicative and a detailed scheme at the second stage would be required to achieve a satisfactory scale of development that avoids harm to the character and appearance of the area or to the living conditions of neighbouring occupiers. There can be no guarantee that just because the permission in principle has been granted, that approval for the technical details consent will follow as it is the approval of both stages for a planning permission to be secured.
12. For the above reasons, the land use and the amount of development would, in principle, be acceptable. As such, there would be no conflict with Local Plan Policies S 1, S 6, E 1, E 4 or EQ 6 or the Chapel-en-le-Frith Neighbourhood

² LPA Reference: HPK/2019/0417

³ LPA Reference: HPK/2022/0520

Development Plan 2013-2028 in relation to employment land, local character or amenity. The proposed development would also not be contrary to the Residential Design Supplementary Planning Document 2005, the High Peak Design Guide Supplementary Planning Document 2018 or the National Planning Policy Framework.

Other Matters

13. Concerns have been raised by third parties relating to flooding, drainage infrastructure and local services and facilities as well as various effects on neighbouring properties. However, there is no compelling evidence before me to indicate that these matters would make the principle of development unacceptable based on the location, land use and the amount of development. These and other matters relating to the suitability of the access, parking and other highway matters are for consideration in the later technical details consent stage.
14. The appeal development is different from the original proposal for the site, but I am required to determine the appeal before me on its own merits.

Conclusion

15. Although a consultee has suggested conditions, the PPG⁴ makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.
16. For the reasons set out above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

⁴ Paragraph: 020 Reference ID: 58-020-20180615