

Ms Rachael Simpkin
High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

16th January 2025
EP ref: 24-213

Dear Ms Simpkin

Re: Planning portal reference: PP- PP-13697489

Non-material amendment to planning permission HPK/2016/0244 at Hillhead Quarry, Hillhead Lane, Harpur Hill, Buxton, Derbyshire, SK17 9PS

Please find enclosed an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to the above permission.

Background

Planning permission HPK/2011/0119 was approved on 27/05/2011 for "Change of use of part of quarry site for a range of storage uses, to include, HGV's and commercial vehicles, police impounded vehicles and stockpiling of minerals (mainly for winter road maintenance)."

The permission did not include a condition listing the approved drawings, but the following drawings were listed on the decision notice as a note to the applicant:

- Location Plan
- Site plan 1440-100-A

Following this, application ref. HPK/2016/0244 was submitted at the site to vary conditions 3 and 4 of application ref. HPK/2011/0119 in order to allow the site to not cease in its operation in 2016. The variation of the conditions extended the use to 31st May 2026. The same drawings as those submitted for the 2011 permission were submitted but again there was no condition listing the approved drawings.

The proposed non-material amendment

This application seeks a non-material amendment to planning permission HPK/2016/0244 to include a standard condition listing the approved drawings referenced above.

This change is requested for completeness only. There are no changes to the approved scheme proposed as part of this application.

Compliance with Section 96A

Section 96A of the Town and Country Planning Act 1990 allows a local authority to make a change to a planning permission relating to land in their area if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section. The Planning Portal provides examples of change which may be considered non-material:

- Minor changes to what was described in the planning permission.
- Changes which do not breach conditions of the planning permission.
- Changes which do not increase the height of the property.

The PPG states:

In respect of the specific change requested, Planning Practice Guidance states:

“Section 73 cannot be used if there is no relevant condition in the permission listing the originally approved plans.

It is possible to seek the addition of a condition listing plans using an application under [section 96A of the Town and Country Planning Act 1990](#). This would then enable the use of a section 73 application to make minor material amendments”.

In accordance with the above, the application complies with Section 96A of the Town and Country Planning Act 1990. We kindly request receipt and confirmation of validation. Should you have any queries, please do not hesitate to contact me on the enclosed details.

The application fee of £293.00 has been paid via the planning portal.

Yours sincerely
Emery Planning

Caroline Payne BA (Hons), DIP TP, MRTPI, PIEMA
Director