

DELEGATED DECISION REPORT

NMA/2025/0004
Valid 20/01/2025

HILLHEAD QUARRY
HILLHEAD LANE
HARPUR HILL
BUXTON

NON MATERIAL AMENDMENT
IN RELATION TO
HPK/2016/0244

(NON MATERIAL
AMENDMENTS)

MAIN ISSUES

The main issue relates to whether the proposed amendments to the approved scheme are non-material.

DESCRIPTION OF SITE

The application site is a former limestone quarry located approximately 1.5km to the south east of Harpur Hill. Access to the site is gained via Hillhead Lane, some 700 m from the junction with Burlow Road.

The site abuts the quarry wall to the west which rises between 15-25m above the ground level. Within the site is a single storey building. The northern and eastern boundaries of the site are surrounded by 2m chain link fence.

PROPOSAL

This application seeks to include a standard condition listing plan refs Location Plan and Site plan 1440-100-A .

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0265 – Application for removal or variation of conditions 1,2,3 in relation to application HPK/2016/0244 – Pending

HPK/2016/0244 – Variation of conditions 3 and 4 (to continue permitted use for a further 10 years to 31 May 2026) on planning permission HPK/2011/0119 – Approved

HPK/2011/0119 – Change of use of part of quarry for a range of storages uses, to include HGV's and commercial vehicles, police impounded vehicles and stockpiling of mineral (mainly for winter maintenance) – Approved

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments
N/A

Town / Parish Comments
N/A

Environmental Health
N/A

Derbyshire County Council Highways
N/A

OFFICER COMMENTS

Introduction

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

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 Location Plan and Site plan 1440-100-A were listed on the decision notice.

Following this, application ref. HPK/2016/0244 was submitted to vary conditions 3 and 4 of application ref. HPK/2011/0119 to allow the site to remain operational until 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 2016 consent is now the subject of a further section 73 application (ref HPK/2024/0265 to vary conditions 1, 2 and 3.

Discussion

This application therefore seeks to include a standard condition listing the above approved plans.

In respect of the specific change requested, the Planning Practice Guidance states at paragraph 018 that: "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 this case, the insertion of a condition listing the relevant plans would ensure that the 2016 extant consent would be linked to the plans considered and found acceptable in 2011. The approval of this NMA application would be in the interests of proper planning and for completeness. The addition of the condition does not raise any material considerations, as any relevant matters were assessed and found acceptable by the granting of application HPK/2011/0119 and its subsequent variation in 2016, ref HPK/2026/0244. Accordingly, this application is regarded to be non-material.

CONCLUSION / PLANNING BALANCE

In conclusion, it is considered that within the context of the application, the proposed changes are non-material.

OFFICER RECOMMENDATION : APPROVAL

Case Officer: Jane Colley

Recommendation Date: 05/02/2025

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council