



Appeal Decision

Site visit made on 22 January 2026

by Rachel Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Appeal Ref: 6001354

Land east of Linglongs Road, Whaley Bridge SK23 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Brooks against the decision of High Peak Borough Council.
 - The application Ref is HPK/2024/0501.
 - The application sought planning permission for removal of two unauthorised greenhouses and erection of a greenhouse and timber storage shed without complying with a condition attached to planning permission Ref HPK/2017/0160, dated 26 July 2017.
 - The condition in dispute is No 5 which states that: There shall be no retail sales to the public from the site unless otherwise agreed in writing by the Local Planning Authority.
 - The reason given for the condition is: In the interest of highway safety and in order to protect the amenities of the area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework was published for consultation during the course of this appeal. Having regard to its content and the nature of the disputed matters, I am satisfied that no prejudice would arise to either party by proceeding to issue this decision without seeking comments.

Background and Main Issues

3. The Council granted planning permission in July 2017¹ for the erection of a greenhouse and timber storage shed on the appeal site ('the original permission'). Condition 5 of the original permission precluded retail sales to the public from the site. Condition 6 precluded the greenhouse and storage shed being used other than in connection with the tree growing business.
4. The application which is the subject of this appeal sought to amend condition 5 to: "Retail sales to the public from the site shall only be undertaken via prior appointment, unless otherwise agreed in writing by the Local Planning Authority." I have assessed the appeal on this basis.
5. The main issues are:
 - whether condition 5 is necessary and reasonable, having regards to the location of the site and the development strategy for the area; and

¹ LPA Ref. HPK/2017/0160

- the effect that varying condition 5 would have on vehicle movements, parking and consequently local amenity.

Reasons

Location

6. The appeal site lies to the east of Linglongs Road outside the settlement boundary of Whaley Bridge, as defined on the Policies Map of the High Peak Local Plan (2016) (LP). In such locations, LP Policy EQ3 seeks to ensure that new development is strictly controlled to protect the landscape's intrinsic character and distinctiveness, whilst also facilitating sustainable rural community needs, tourism and economic development. LP Policy EQ3 sets out that this will be achieved in several ways, which includes supporting proposals for agriculture and related development which help sustain existing agricultural enterprises, and supporting rural employment in the form of commercial enterprises where a rural location can be justified.
7. The appeal site comprises a parcel of land, a greenhouse and storage shed which are being used for the growing of bonsai trees, a horticultural use which falls within the Town and Country Planning Act 1990 (as amended) definition of 'agriculture.'
8. The existing enterprise is described by the appellants as 'low-key,' but I have very little evidence before me to demonstrate how it currently operates, the number and type of trees grown on site, or the number of trees and other products sold. Accordingly, it is unclear whether the 'occasional' sales from the site anticipated by the appellants (around one sale per week) would in fact be reasonable or realistic, or whether they are needed to help sustain the existing agricultural enterprise. Moreover, I am not persuaded that the potential damage caused by posting products to customers is sufficient justification for retail sales in a rural location.
9. The requirement that retail sales would be undertaken by 'prior appointment,' or on a 'collection only' basis would not limit the number or nature of retail sales made from the site. Condition 6 of the original permission does not restrict the use of the existing buildings for the growing of bonsai trees. Mindful of this, if the enterprise were to grow or diversify, then the number of retail sales could be much higher than asserted by the appellants, with multiple appointments per day. This would substantively change the nature of the site, to the detriment of the intrinsic character and distinctiveness of the surrounding predominantly rural area.
10. The products (trees) which would be sold are not often found in shops in town or local centres and accordingly, the proposal would not conflict with LP Policy CF1 which seeks to maintain and enhance the vitality and viability of defined centres in accordance with their function and scale.
11. However, I have insufficient evidence before me to demonstrate that the commercial enterprise is necessary or justified in this location. Moreover, it has not been demonstrated that retail sales to the public from the site would constitute a related development which would help sustain an existing agricultural enterprise or enable sustainable growth of the business.
12. Therefore, I conclude that condition 5 which precludes retail sales to the public is necessary and reasonable, having regard to the location of the site and the development strategy for the area. The development would otherwise conflict with

LP Policy EQ3 insofar as it strictly controls new development outside of settlement boundaries.

Vehicle movements, parking and local amenity

13. The existing access to the appeal site is from Linglongs Road with the field gate sufficiently set back to enable two cars to park off the carriageway. Subject to this arrangement and acceptable visibility splays being achieved, the County Highway Officer did not object to the proposal. However, this was based on an analysis of the information submitted with the application. For the reasons I have given above, I have insufficient information before me to be satisfied that the retail sales anticipated by the appellants, and therein very low number of vehicle movements per week, is reasonable or realistic. I also have little evidence in respect of existing vehicle movements associated with the horticultural use, including where staff park and deliveries are made.
14. Should retail sales to the public result in a greater number of movements than anticipated, there is a risk that vehicles would park along Linglongs Road close to the site. Linglongs Road is a rural, unclassified lane which only has a single carriageway and few passing places. On-street parking in this location, even for a short period of time, would cause an obstruction or disrupt the free flow of traffic which would be to the detriment of the amenity of residents along Linglongs Road and Lanehead Road.
15. Therefore, varying condition 5 in the manner proposed would conflict with LP Policy EQ5 which requires all development to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects on local amenity.

Other Matters

16. The Planning Practice Guidance advises² that, since planning permission runs with the land, it is rarely appropriate to provide otherwise but sometimes development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. Although the appellants have said they would be content for the condition to be varied so as to be personal to them, I have insufficient justification that granting permission rests on their personal circumstances.
17. Finally, I acknowledge that the appellants have invested time and energy into the site and understand the concerns raised regarding the way the Council dealt with the planning application. However, these are matters which fall outside the scope of this appeal, which I have considered solely on its planning merits.

Conclusion

18. For the reasons given above, the appeal proposal would conflict with the development plan and material considerations do not indicate that a decision should be taken other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Rachel Gravett

INSPECTOR

² PPG paragraph 21a-015-20140306