

DELEGATED DECISION REPORT

DET/2026/0002
Valid 03/02/2026

49 MARKET STREET
NEW MILLS

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR CONVERSION
OF THE EXISTING SHOP AND
OFFICE (USE CLASS E) TO A
1NR 3 BEDROOM DWELLING
AND 1NR 2 BEDROOM
DWELLING

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the development complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

DESCRIPTION OF SITE

The application relates to a three storey property located on Market Street, New Mills.

The property is currently in use as a travel agents at ground floor, and appears to have been in use as such since at least May 2009 (based on historic Google street view imagery) with offices at first and second floor.

The site falls within the New Mills Conservation Area, and is within the designated town centre boundary.

PROPOSAL

This application seeks to convert a commercial/business premises into a residential property under the Prior Approval Notification process under Schedule 2, Part 3, Class MA of the General Permitted Development Order (GPDO).

It is proposed to convert part of the lower ground floor, part of the ground floor, and the first and second floors of the building to residential use (1x 2-bed, and 1x 3-bed self-contained properties) and retain the existing shop at ground and lower ground floor levels.

No external works are proposed as part of this application.

An extension of time has been agreed with the agent on this application.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/6972 - Installation Of New Shop Front - Approved 05/10/1988.

HPK/0002/7179 - Fascia Sign - 15/12/1988.

HPK/2001/0406 - Externally Illuminated Projecting Sign - 11/12/2001.

HPK/2002/0793 - Change Of Use Of Vacant Storeroom/staff Room/former Living Accommodation To Two Bedroomed Cottage - Approved 18/12/2002.

CONSULTATIONS

Publicity

Site Notice expiry date: 03/03/2026.

Neighbour consultation period ends: 25/02/2026.

Press Advert: N/A.

No written representations have been received as part of the consultation process.

OFFICER COMMENTS

Provisions of Class MA:

The Council first needs to establish whether the proposed development complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Class MA permits "Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order."

A 'building' is defined in Article 2 of the Town and Country Planning (General Permitted Development) (England) Order, and includes any structure or erection and, except in Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16, Class T of Part 19 and Class ZA of Part 20, of Schedule 2, including any part of a building.

COMPLIES – The site is in an existing commercial use and seeks to convert part of the building into a residential Class C3 use.

Development Not Permitted:

Section MA.1. of Class MA goes on to identify that development is not permitted by Class MA:

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

COMPLIES – The site has been in use as a offices and a storage area in connection with the travel agents since at least May 2009.

(d)if land covered by, or within the curtilage of, the building—

(i)is or forms part of a site of special scientific interest;

(ii)is or forms part of a listed building or land within its curtilage;

(iii)is or forms part of a scheduled monument or land within its curtilage;

(iv)is or forms part of a safety hazard area; or

(v)is or forms part of a military explosives storage area;

COMPLIES – None of criterion (d) are applicable to the application.

(e)if the building is within—

(i)an area of outstanding natural beauty;

(ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii)the Broads;

(iv)a National Park; or

(v)a World Heritage Site;

COMPLIES – None of criterion (e) are applicable to the application.

(f)if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

COMPLIES – None of criterion (f) are applicable to the application.

(g)before 1 August 2022, if—

(i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of

this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

COMPLIES – None of criterion (g) are applicable to the application.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

COMPLIES – The site has been in use as a travel agents since at least May 2009, as set out in sub-paragraph (1)(b).

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

COMPLIES – The site has been in use as a travel agents since at least May 2009, as set out in sub-paragraph (1)(b).

Conditions

Section MA.2.—(1) of Class MA identifies that Development under Class MA is permitted subject to the following conditions:

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

COMPLIES – The existing site is located within the defined town centre of New Mills, in an area considered to be a sustainable location by virtue of access to facilities,

services, and transport modes. The existing site does not have any access to designated off street parking provision. Therefore the conversion of part of the building into a residential use is considered not to result in any material increase in vehicle traffic.

(b) contamination risks in relation to the building;

COMPLIES – As the building has been in use as a travel agents/office, it is not anticipated that there will be any contamination risks and/or concerns in relation to the building and wider site.

(c) flooding risks in relation to the building;

COMPLIES – The site is located within Flood Zone 1, and accordingly it is considered that the proposal would not give rise to any concerns in relation to flood risk.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

COMPLIES – The site is located within an established town centre location, and residential accommodation within town centres is common place. Existing Class E uses exist in adjacent premises along the high street. Although a portion of the building at ground floor level is proposed to be retained as the travel agents (within a Class E use), it is not envisaged that this (either in isolation or in conjunction with adjacent Class E uses) would result in noise levels which would negatively impact the amenity of future occupiers of the development.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

COMPLIES – The site is located within the 'New Mills' Conservation Area. The development involves the change of use of the rear portion of the ground floor, and therefore the existing travel agents will remain at ground floor level fronting on to Market Street. No external alterations are proposed to the property, and the existing shop front will be retained. The proposal is therefore considered not to impact the character or sustainability of the Conservation Area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

COMPLIES – The building comprises a number of windows in the front, rear and side elevations to serve the various areas of living space/habitable rooms, and as such it is considered that an adequate level of natural light will be provided for the future occupiers of the development.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

COMPLIES – The site is not location within an area used for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

COMPLIES – None of criterion (h) are applicable to the application.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Section MA.3. of Class MA ('Interpretation') identifies that development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

COMPLIES – None of criterion (i) are applicable to the application. Although the building will contain two dwellinghouses, Paragraph 3 of Article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 relates to a building which is 18 metres or more in height or contains 7 or more storeys. Paragraph 7 provides clarity on measuring the height of the building and determining the number of storeys.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

COMPLIES – The application was submitted on 03rd February 2026.

(4) The provisions of paragraph W (prior approval) of this Part.

- These points have been assessed above

(5) Development must be completed within a period of 3 years starting with the prior approval date.

FOR COMPLIANCE.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

FOR COMPLIANCE.

CONCLUSION / PLANNING BALANCE

This application for Prior Approval complies with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal would not result in any adverse impacts on transport & access, the character or sustainability of the Conservation Area, or upon the amenity of future occupiers by virtue of noise. Adequate natural light is provided to habitable rooms, and there are no anticipated contamination and flood risks issues. Consequently Prior Approval is required and granted.

OFFICER RECOMMENDATION : **Prior Approval is required and granted.**

Case Officer: Alex Bonser

Recommendation Date: 08/04/2026

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council