

DELEGATED DECISION REPORT

DET/2026/0004
Valid 13/03/2026

5 POST OFFICE GREEN
LANE
CHINLEY

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE OF THE
GROUND FLOOR FROM
CLASS E (COMMERCIAL,
BUSINESS AND SERVICE) TO
CLASS C3 (DWELLINGHOUSE)

(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 Green Lane, Chinley.

The property was formerly used as a post office, although it is understood that the post office is no longer trading and the premises closed circa 5-months ago. The post office occupied the site since at least July 2009 (based on historic Google street view imagery).

The site is located within the Chinley Conservation Area, and within the built-up area 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).

The existing property currently has a sitting room, bedroom, bathroom, and 'box room' at first floor level, with two further bedrooms and storage area on the second floor.

The existing ground floor currently consists of a retail area, and office/storage area to the front of the premises, and a kitchen-diner and morning room to the rear.

It is proposed to convert the retail and office/storage areas of the ground floor to a study/work from home office, and a storage/utility room.

No external works are proposed as part of this application.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No applications of relevance.

CONSULTATIONS

Publicity

Site Notice expiry date: 23/04/2026.

Neighbour consultation period ends: 06/04/2026.

Public Comments:

38 written representations have been received from residents, 1 neither objecting nor supporting the proposal, and 37 objecting to it. A summary of the points raised in the submitted comments is as follows:

Neither object nor support:

- Turning this property entirely into additional living space rather than preserving its potential for future commercial use, risks undermining the vitality of the local community particularly in a small village where such opportunities are limited.
- Given that there is already sufficient living space to the rear and above, further extension appears unnecessary and unjustified.

Object:

- Premises was a vital post office and village store.
- The previous tenant for the Post Office could not make the venture financially work, there has been no attempt from the property owner to rent this space out to potential other businesses or interested parties.
- This set of 4 adjacent properties represent one of the village's heritage assets.
- Shutting this down is damaging the character of the village, and the Conservation Area.
- There are few commercial properties available in the High Peak to rent.
- There is plenty of domestic accommodation available to buy in the area.
- Not replacing the post office with another business would have a detrimental effect on other businesses & the local community as a whole.
- This area of businesses is the heart of the village.
- At the moment Chinley attracts not only local residents, but walkers, cyclists, holidaymakers, & others from the local area, start to dismantle the structure & this will make Chinley yet another village ruined.
- Without shops Chinley will become a "commuter village" where nobody actually interacts.

- Fewer local jobs and forces everyone to drive elsewhere for basic needs.
- Need shops to keep the community thriving and self-sufficient.
- Due to the design and westerly outlook of the shop frontage natural lighting for all habitable rooms might well be inadequate.
- The proposed change of use introduces a noise sensitive residential use into a location which is subject to significant noise, disturbance and operational impacts arising from surrounding commercial premises.
- The proposal conflicts with the objectives of the High Peak Local Plan (2016), particularly Policies S1, EQ6, EQ7, EQ10, CF1, CF3, CF5, E1.
- The Post Office has only been closed for 5 months which is insufficient time to prove that it is an unviable business; there is no evidence it was properly marketed as a shop/post office.
- It seems reasonable to assume an increase in parking demand by the new residents.
- There has not been a planning notice displayed to inform the public of the intended planning application.
- There has been no attempt to sell the property as a commercial/ business use property.
- Prefer not to travel due to current fuel crisis.
- While the applicant suggests that adequate natural light would be maintained, blinds would be installed over the large front window to ensure privacy. This would likely reduce the amount of daylight entering the room. Blinds in the window will also harm the character of the Conservation Area as it will remove an active shopfront.
- Introducing a dwelling in this location is inherently inappropriate and likely to result in noise and disturbance from neighbouring shops, conflict arising from deliveries and trading hours, and future complaints that could place pressure on established businesses to restrict their operations.
- Would set a precedent for other commercial premises to change into residential.
- No demonstrable public benefits have been offered that would outweigh the harms.
- The Permitted Development Rights to change the use can only be rejected on narrow grounds.
- Retaining the shop window will not retain the character of the area as the building will not be in retail or commercial use.
- No Heritage Assessment or Noise Assessment has been submitted.
- The planning notice that was on the nearby lamppost was removed.
- The loss of this space will undermine the viability of the Conservation Area and the village centre.
- Change of use will reduce footfall in the area.

Other:

Chinley Buxworth & Brownside Parish Council:

- Object.
- Would prefer to see a commercial use retained.
- The proposed change of use would create a potentially 'dead' frontage in a key parade of commercial premises to the detriment of the character and sustainability of the conservation area.
- There is also a risk of potential noise and disturbance from the adjacent bar/restaurant on the residential amenity of any future occupiers.

No other written representations 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 has been in a commercial use until its recent closure, 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 used as a post office since at least July 2009, until its recent closure.

(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 used as a post office since at least July 2009, until its recent closure, 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 used as a post office since at least July 2009, until its recent closure, 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 building is located within the centre of the village in an area where other commercial and residential properties exist. The proposal does not seek to create a new separate independent residential unit, but instead amalgamate the two rooms into the established residential unit at the site.

Time restricted parking bay(s) are demarcated to the front of the premises and elsewhere within the vicinity of the application site. Other unrestricted on-street

parking is available within the vicinity of the site. No off-street parking is available to the premises. Bus stops are located a short distance to the north-west and south-west of the application site.

The nature and extent of vehicle trips and parking relative to commercial and residential premises are different in character. A commercial retail premises typically has a greater level of vehicle movements associated with it on an ad-hoc basis, from customers and delivery vehicles, which seek opportune parking arrangements. In contrast, a residential property typically has fewer movements associated with travel to/from work, in addition to any leisure activities etc. As a result, the conversion of the rooms in to the established residential unit is considered not to result in any material increase in vehicle traffic. As a result, it is considered that the scheme will not result in any transport impacts, and safe site access could be achieved.

(b) contamination risks in relation to the building;

COMPLIES – As the building has been in use as a post office/shop, 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 application site is located within an existing row of commercial properties on the east side of Green Lane, within the centre of the village. Residential accommodation in such locations is common place, with existing dwellings being located within the immediate vicinity. This parade of shops consists of a café immediately adjoining the application site to the north, a pharmacy immediately adjoining the application site to the south, and a delicatessen next to the pharmacy.

The café to the north of the site gained planning permission for such use under application HPK/2014/0381, and a condition was imposed restricting the opening hours of the premises. The opening hours of the café premises were varied and extended under application HPK/2024/0280, which granted the following opening hours:

- 09.00 to 23.00 Monday- Thursday,

- 09.00 to 23.30 on Fridays and Saturdays and
- 10.00 to 23.00 on Sundays.

An application (under reference HPK/2024/0493) to extend the opening hours further until 1am was refused planning permission on 16/03/2026 due to the intensification of use being incompatible with the predominantly residential character of the surrounding area and the village centre, with the rise of noise, disturbance, odours and anti-social behaviour impacting upon residential amenity which could not be adequately mitigated through planning conditions.

On the west side of Green Lane, opposite the application site, is a further café which has outdoor seating. Planning permission was granted under application HPK/2019/0373 for the ground floor of the premises to be changed from a shop to a mixed use café/bar. A condition was imposed restricting the opening hours of the premises to 09.00 to 21.00 hours Monday to Saturday, and 09.00 to 16.00 on Sundays or Public Holidays. Additional conditions also restrict the use of sound-amplifying equipment, loudspeaker, public address system, or music.

Given the permitted use of nearby premises and the extent of the permitted opening hours, in conjunction with other conditions controlling amplified sound etc, it is considered that the commercial premises in the vicinity of the application site would not result in noise levels which would negatively impact the amenity of future occupiers of the development site.

Any change of nearby premises to a bar/drinking establishment would likely require planning permission for a change of use, and any variation of approved opening hours would also require planning permission.

(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;

DOES NOT COMPLY - The site is located within the Chinley Conservation Area, which was designated in 1990. As such the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposal involves the change of use of the front portion of the ground floor, which fronts on to Green Lane. No external alterations are proposed to the property.

The existing shop sits within an established row of properties with commercial uses at ground floor level. Opposite the application site, and a short distance to the south,

are further commercial units. These units sit within the centre of Chinley Village and add vibrancy to the immediate area, and are considered to form a core part of the Conservation Area. The remaining area consists of residential properties.

The parent building is of red brick construction and forms a continuous row of 4 commercial properties. Red brick construction is not typical of the High Peak vernacular, and so were likely constructed for the bespoke use as a collective group of commercial units. This is reflected in the design and appearance of this parade of shops, which displays a continuous building frontage of traditional shop fronts incorporating large shop windows which present active frontages to the street. The collective value in their design and appearance is considered to enhance their contribution towards the character and sustainability of the Conservation Area.

The large shop front window, active frontage, and recessed doorway presents a strong commercial presence to the street. The proposed change of use, irrespective of there being no external alterations proposed, would impact how the property is perceived in the street scene and thus harm the contribution the building makes to the character and appearance of the Conservation Area. It is noted that the adjoining commercial units also have traditional shops front and present an active frontage, which would be eroded if the application became a residential unit.

Although a small number of commercial units would remain available within the immediate area, the loss of the commercial premises and conversion to a residential unit is considered to erode the viability and vitality of the commercial heart of the village, in turn detrimentally impacting upon the character and sustainability of the Conservation Area.

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

COMPLIES – The application submission details that the two room subject to this application will both utilise existing window openings to provide natural light to the habitable rooms.

Therefore 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.

(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 13th March 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.

Other Matters:

Response to Consultation Comments:

Multiple written representations have been received in relation to this application. The Council has reviewed and considered all representations received as part of the consultation process ahead of reaching its decision.

The application has been submitted under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. Under Class MA, the Council can only assess the proposal in relation to certain matters, which include transport impacts, contamination and flood risk, noise impacts from nearby premises, the impact the change of use may have on the character or sustainability of the conservation area, and whether adequate natural light is achievable to all habitable rooms. Therefore several of the points raised do not form material planning considerations.

Therefore whilst some of the points raised in public comments have been addressed in the above commentary, the following is intended to address those points which remain outstanding.

1. There is no requirement within Class MA for the property owner(s) to advertise the premises for alternate commercial uses/occupiers prior to the submission/determination of the Class MA application, irrespective of whether there are available alternative commercial premises elsewhere or not. In addition there is also no requirement under Class MA for any viability assessment to be submitted, or the viability of the business, to be reviewed or assessed.
2. The provisions of the High Peak Borough Council Local Plan (2016) are not material planning considerations within the Class MA process.
3. The Council displayed a notice at the site on 02/04/2026. The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that where a site notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days has elapsed, the authority is to be treated as having complied with the publicity requirements if they have taken reasonable steps for protection of the notice and, if need be, its replacement. Given the time constraints imposed by the Class MA procedure, by the time the Council was duly notified that the notice may have been removed it did not have an opportunity to display a replacement notice and/or restart the 21-day consultation period. Although the site notice may have been removed, this did not alter the duration of the consultation period granted by the notice, which ran until 23/04/2026.

4. Should any complaints be received by the Council in relation to future noise issues, these would need to be reported via the appropriate channel, such as via the Council's Environmental Health Team, so they can be investigated accordingly.
5. Each application is assessed on its own merits and/or against the relevant Prior Approval criterion.
6. There is no requirement within Class MA for any public benefits of a scheme to be submitted.
7. When a Class MA Prior Approval application is first received, there is no requirement for this to be supported by heritage or noise assessments.
8. The Council must determine the application before it on its merits. An application cannot be granted/refused simply due to whether a commercial or residential use would be preferable in the relevant location. However as noted above it is necessary to consider the impact of the change of use on the character and sustainability of the conservation area, as a matter of prior approval, which the Council have considered.

CONCLUSION / PLANNING BALANCE

This application for Prior Approval does not comply with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst the proposal would not result in any adverse impacts on transport & access, the amenity of future occupiers by virtue of noise, would provide adequate natural light to habitable rooms, and there being no anticipated contamination and flood risks issues, the proposal is considered to negatively impact the character and sustainability of the Conservation Area. Consequently **Prior Approval is required and refused.**

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

Case Officer: Alex Bonser

Recommendation Date: 07/05/2026

X *J Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council