

DELEGATED DECISION REPORT

HPK/2026/0115
Valid 11/03/2026

LAND OFF LEEK ROAD
BUXTON

**PERMISSION IN PRINCIPLE
FOR A RESIDENTIAL
DEVELOPMENT FOR UP TO 9
DWELLINGS**

(PERMISSION IN PRINCIPLE)

MAIN ISSUES

- Location
- Land Use
- Amount of Development

DESCRIPTION OF SITE

The site subject of this enquiry comprises a rectangular parcel of agricultural land that extends northwards beyond No.54 Leek Road up to the boundary with No.34 Leek Road, immediately adjacent to the public highway, the classified A53, which runs parallel with its eastern boundary, which is characterized by a low dry stone wall. The site also extends west and beyond the rear of No.34. The western boundary roughly follows the western bank of the River Wye with rear gardens of properties on Annecroft Road beyond.

The site slopes sharply and steeply away from the highway boundary to the River Wye, bounded on both sides by a linear row of trees and natural vegetation. Whilst no section or topographic drawings accompany this application, it is understood that the change in levels from east to west is approximately 20m.

The northern area of the site contains a Grade II Listed Building in the form of a Limehouse, with potential within the wider site as a whole for remains of other historic buildings associated with this historic industry including Limekilns and a former quarry.

The site lies within the built-up area boundary of Buxton.

PROPOSAL

The application as described seeks Permission in Principle for up to 9 dwellings on the site. Whilst legislation and guidance is clear in relation to an applicant expressing the number of units as a range, it is understood that the proposals relates to up to 9 dwellings.

The application is supported by a Location Plan and a Planning Statement.

The supporting Statement asserts that having regard to the limited scope of considerations that the authority are able to consider under this procedural process

(Permission in Principle), and when taking account of the fact that the site lies within the built-up area boundary of Buxton and that the authority cannot demonstrate a 5 year supply of deliverable housing land, the application should be granted, with the Technical Details Consent (Stage 2) application dealing with all other matters.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S7 Buxton Sub-area Strategy
- H1 Location of Housing Development
- EQ7 Built and Historic Environment

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 9th April 2026
Neighbour consultation period ends: 8th April 2026
Press Advert: N/A

Public Comments

3no neutral comments have been received in connection with this application which seeks to raise the following issues:

- Provisions must be made to prevent pollution to River Wye

- Concerns with regards to building works and land slippage (instability)
- Queries the comments made by the Highways Authority and obvious and inevitable impact on highway safety onto Leek Road

19no objections have been received in connection with this application. The grounds for objection are summarised as follows:

- Overdevelopment of the site with regards density
- Impact on amenity of neighbouring properties (Sunlight, Noise, Privacy)
- Concerns relating to construction phase and disruption
- Impact on traffic congestion
- Highway safety concerns – fail to demonstrate safe and suitable access
- Impacts on Wildlife
- Harm to the landscape character of the site and wider area
- Concerns regarding land instability – ground works will be extensive
- Potential land contamination from previous lime tipping
- Harm to historic old lime pits which have heritage value
- Previous Appeal Decision material consideration
- Lack of consultation
- Building to neighbouring plot caused public footpath to close
- Drainage and Flooding issues

Cllr Chris Payne

Objection

Application for Outline planning permission appears to lack some key information. Points of objection as follows:

1. Impact on the Grade 2 listed lime kiln
2. Location of potential mine shaft entry
3. Archaeological assets

There are some other considerations that may be more pertinent to a formal design application but should have some bearing on the outline permission

1. Land stability where there is evidence on the site of land slippage - current public footpath on the site closed due to slippage
2. Limestone extraction waste on the site which will cause further land level changes which could potential impact the local adjacent properties
3. Impact on surrounding buildings and banking reinforcement
4. Site access where the potential entry sites are limited from a busy main road into Buxton. Land elevation changes makes site access difficult.

Town / Parish Comments

N/A

Historic England

No comments to make

HPBC Conservation Officer

Summary of Significance

The application site consists of a moderately sized green field, which slopes steeply down from Leek Road to Macclesfield Old Road. Towards the lower (northern) end of the field is a grade II Listed Limehouse. The official list entry states:

Limehouse. Late C18. Quarried lime refuse and remnants of stone walling. Simple rectangle, open to front and partially open to right-hand, with overhanging roof. There are traces of stone walling to front right-hand. Unique survival of the noted limehouses recorded in contemporary literature from 1780s onwards. A description of 1797 records them as often having 3 or 4 rooms and being built next to the limekiln. An example is illustrated in A Jewitt's "History of Buxton" 1811. Other descriptions were given by the geologist Faujas St Fond and Murrays Handbook 1874. This example is reputed to have been occupied at the time of the 1841 census. (Murrays Handbook for Travellers in Derbys.: 1874-; Jewitt A: History of Buxton: 1811-).

A search of the National List demonstrates that the Grade II Listed Limehouse is the only example of its kind listed within England. A Limehouse should not be confused with a limekiln, the former functioned to store quarried lime, and was typically located within proximity to the later which burned the lime to produce unslaked lime (otherwise known as quicklime). The entirety of the application site would have served as a 18th Century industrial site in association with the surviving Limehouse.

The grade II Listed Limehouse is partially buried by the overgrown vegetation within the landscape. There is also evidence within the application site of 2 further Limehouses, now partially collapsed within the application site. Any historically associated structures on site may be considered within the historic curtilage of the Listed Building. Any structures or earthworks not located within the historic curtilage would be considered non designated heritage assets (NDHA) within the setting of the Listed Building.

Any such structures on site would hold considerable group value with the Listed Building.

Assessment and Impact

The application seeks permission in principle for up to 9 residential dwellings on the application site. The details which accompany the submission are limited and include no assessment of heritage impact. The scope of a permission in principle application is limited to location, land use and the amount of development.

Heritage impact must be taken into account within the assessment of appropriate land use. A grade II Listed Building, its setting and associated archaeological NDHA form the majority, if not the entirety of the application site. A permission in principle

application does not override the provisions as outlined by the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as The Act). Section 66 of The Act requires consideration of the impact upon a listed building and its setting to be considered within the consideration of whether to grant planning permission. Therefore, any harm to the Listed Building and its setting must be assessed accordingly.

The residential development of the application site would result in a degree of harm to the setting of the listing building through the development and loss of its setting and historic curtilage. Residential development within this site would also result in the loss of associated earthworks of archaeological interest (NDHA) which occupy a vast majority of the application site. On this basis it is considered that the inescapable harm to the setting of a designated heritage asset, and the at least partial loss of a NDHA (archaeological) renders the application site incompatible with a residential land use.

Conclusions and Recommendations

In summary, the application site contains a unique Grade II Listed Building, in addition to associated earthworks which are of archaeological interest due to their relation to the former 18th century industrial use of the site. The proposed development of the site for up to 9 residential dwellings therefore causes inescapable harm to the setting of the Listed Building (NPPF para 215) and the loss of archaeological evidence (NDHA) (NPPF para 216).

This degree of harm to heritage assets within the application site renders residential development to be an inappropriate and incompatible land use. In order to preserve the heritage assets on site it is therefore recommended that the application be refused.

Derbyshire County Council Archaeology

There is a Grade II Listed limehouse within the site at SK 0415 7262, likely to be 18th century in date and noted in the listing description as a 'unique survival'. As follows:

"BUXTON

*SK07SW MACCLESFIELD OLD ROAD, Burbage 616-1/1/90 (South side (off))
Limehouse at NGR SK 0415 7262*

II

Limehouse. Late C18. Quarried lime refuse and remnants of stone walling. Simple rectangle, open to front and partially open to right-hand, with overhanging roof. There are traces of stone walling to front right-hand. Unique survival of the noted limehouses recorded in contemporary literature from 1780s onwards. A description of 1797 records them as often having 3 or 4 rooms and being built next to the limekiln. An example is illustrated in A Jewitt's "History of Buxton" 1811. Other descriptions were given by the geologist Faujas St Fond and Murrays Handbook 1874. This example is reputed to have been occupied at the time of the 1841 census. (Murrays Handbook for Travellers in Derbys.: 1874-; Jewitt A: History of Buxton: 1811-).

Listing NGR: SK0415072620"

Although the listed structure occupies only a small part of the site it appears to sit within a landscape associated with lime burning, with extensive further earthworks visible on LiDAR and air photos for the site. These setting elements would be considered to contribute towards the significance of the listed structure, because they attest to the contemporary industrial landscape of the limehouse itself.

While it may prove possible to accommodate some housing development within the site with appropriate provision for the listed structure and its setting, this would be a matter of determining a planning balance between benefits and harms, and to do this it would be necessary to view proposals in the round with the appropriate specialist heritage studies to understand the significance of the site in terms of listed structure and its setting (NPPF para 207).

An application for permission in principle is not therefore an appropriate vehicle for a site of this type with a designated heritage asset and extensive associated setting, as we do not have the necessary information to permit planning balance to be judged. I therefore recommend that this application be refused.

Should the applicant wish to pursue development of the site, then in the first instance a heritage survey should be carried out including archaeological desk-based assessment with earthwork survey, plotting and interpretation, to establish the layout, extent and significance of the archaeological resource within the site. In the light of this the applicant might then be advised to take pre-application from the local planning authority (Conservation Officer and archaeological advisor) to establish whether and where there might be potential to accommodate development while conserving the listed structure and its setting.

Environmental Health

No objections subject to conditions

Peak and Northern Footpath Society

We note that the applicant recognises the existence of Buxton Footpath 40 and states the this will be dealt with later. This footpath is currently subject to a temporary closure order because of the danger of land slippage into the river. We would expect that any permission granted would include a condition that the footpath must be stabilised (for the long term) and reopened as part of the development.

DCC Highways Authority

It is noted that the application is seeking 'permission in principle' for which only location, land use and the amount of development are considered. It is considered that access to the application site can be achieved to serve the nine dwellings being proposed.

The application site is within recommended walking distances of bus stops and to local schools.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

OFFICER COMMENTS

Permission in Principle Procedure

The Government's Planning Practice Guidance (PPG) sets out the following matters of relevance in relation to applications for Permission in Principle:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

The site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.

Site allocations in existing local or neighborhood plans do not have a grant of permission in principle; however, planning applications should be decided in accordance with those site allocations unless material considerations indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Where permission in principle is granted by application, the default duration of that permission is 3 years.

An application for technical details consent must be decided in accordance with the terms of the permission in principle granted for the site. The requirements that apply to decisions on other types of application for planning permission also apply, including that the decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in

the National Planning Policy Framework and national guidance, which indicate otherwise.

Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking in to account any existing dwellings on the site) which are, in principle, permitted.

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage.

It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Local planning authorities must also consult anybody that they would have been required to consult in relation to an application for planning permission, for example under relevant consultation or safeguarding directions. Where consultation is required, the local planning authority should provide the statutory body with any relevant information it holds about the site.

Consequently, the scope of permission in principle (PIP) applications is limited to:

- Location
- Land Use
- Amount of Development

Only issues relevant to these 'in principle' matters should be considered at the PIP stage. Where PIP is granted by application, the default duration of the relevant permission would be 3 years. Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for.

The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e. taking into account any existing dwellings on the site) which are, in principle, permitted.

It is not possible for planning conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

Legislative & Policy Context

Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Plan (LP) Policy S1 expects that all new development makes a positive contribution towards the sustainability communities by (amongst other things) meeting most development needs within or adjacent to existing communities and providing for a mix of types and tenures of homes to meet the needs and aspirations of existing and future residents in sustainable locations.

LP Policy S2 states that development will be directed towards the most sustainable locations having regard to the settlement hierarchy, whereby the focus of housing and economic growth will be towards Market Towns such as Glossop which contain the largest amount of everyday services, facilities and employment opportunities.

LP Policy S3 sets out the strategic distribution of housing throughout the Borough over the plan period and states that the majority (35-43%) of the overall total will be directed to the Buxton sub-area.

LP Policy S7 sets out the strategy for the Buxton Sub-area which seeks to establish Buxton as England's leading spa town. The policy requires all development proposals within the Buxton sub-area to protect and enhance the historic environment.

LP Policy H1 refers specifically to the location of new housing development and confirms that support will be given to supporting housing development on unallocated sites within defined built-up area boundaries of the towns and larger villages.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

Paragraph 73 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and that to promote the development of a good mix of sites local planning authorities should (amongst other things) support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 78 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

Chapter 16 of the NPPF contains the national planning policies aimed at conserving and enhancing the historic environment. Paragraph 207 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 212-221 sets out how a local planning authority should assess the significance of a heritage asset and the potential impact of a development proposal upon that asset.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Planning Assessment

Location

The Location Plan that accompanies the application shows the site to encompass the area of land that runs from No.54 Leek Road, parallel to the public highway on its eastern side and the River Wye on its western side, and borders the rear gardens of Nos. 33, 35, 37 and 39 Macclesfield Old Road to the north.

With regards to the Council's strategic housing policies, the site lies within the built-up area boundary of Buxton, one of the larger Market Towns that contains the majority of services, facilities and public transport links within the Borough.

LP Policies S1, S2, S3 and H1 when taken together aim to direct housing and economic growth towards these Market Towns, with the majority of new housing aimed to be delivered within the Buxton Sub-area. As such, the general principle of housing development on this site is acceptable with regards to its strategic location, having regard to the Local Development Plan and relevant paragraphs contained under Chapter 5 of the NPPF.

However, for the reasons set out below, the Council are unable to positively determine that the maximum number of 9 dwellings can be accommodated on a site that forms part of the setting of the Grade II Listed Building (that lies within the site boundary) and is known to have archaeological significance. As such, the site location is not acceptable, having regard to relevant Local Development Plan policies and relevant

NPPF paragraphs relating to heritage conservation, underpinned by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Land Use

The application site comprises an area of grassland that is not currently in any active land use.

Crucially, the application site, defined by the red edge on the Location Plan, contains a Grade II Listed building (limehouse) which further to comments received from the Council's Conservation Officer and the County Archaeologist, is considered to have a setting which covers a much wider area within the site, beyond the small footprint of the building itself.

Moreover, the County Archaeologist notes that an initial review of the site reveals evidence of extensive earthworks and therefore the site when taken as a whole has the potential to reveal archaeological remains relating to the lime kiln and nearby former quarry.

Given the legal responsibilities for local planning authorities as set out within Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, together with restrictive policies relating to heritage conservation contained under Chapter 16 of the NPPF, the potential impact on the historic significance of the Listed Building, which includes its wider setting, is fundamental to the principle of development on this site.

During the application process, the applicant's agent has made the Council aware of 3no Appeal Decisions, whereby Permission in Principle was allowed, and where heritage was considered. These are discussed as follows:

Appeal 1 – Land at (OS9196 4360), Croome Road, Beford, Defford, WR8 9BG

- *PiP for up to 9 dwellings lodged on grounds of Non-Determination*
- *Consideration given to whether the proposal would preserve the setting of the Grade II Listed Laburnum Cottage*
- *Significance in part relates to historic and architectural interest*
- *Setting considered to contribute little to the significance of the property, owing to existing properties being located between the Listed Building and the Appeal Site*
- *Development would be seen in context of existing residential form and setting of Grade II Listed Building would be preserved.*
- *No conflict with Local Plan or Chapter 16 of the NPPF.*

The written commentary provided by the agent to this Appeal Decision asserts that the LPA Delegated Officer Report that relates to this application stated that consideration should be given to the setting of the Listed Building during the Technical Details Consent stage, which follows the granting of Permission in Principle.

Whilst this is true, the analysis provided by the Inspector makes clear that owing to the fact that the heritage asset lies outside the appeal site, with intermittent residential

development standing between the appeal site and the heritage asset, it was possible to make a clear judgement that the setting of the Listed Building would not be adversely affected.

In this case, the Listed Building is situated within the site boundary (red edge), and its setting is anticipated to extend to wider areas of open grassland within the site, which in turn is likely to carry significance with regards to archaeological assets.

In the absence of any indicative layout informed by a detailed assessment of historic significance, it is not possible to positively conclude that up to 9 dwellings would not adversely affect the setting of heritage assets on this site.

As such, this appeal offers little in the way of similarities with this application and therefore no weight can be attached to it in the overall planning balance.

Appeal 2 – Tack Farm, Broadwas, Worcester, WR6 5NE

- *PiP for 5 dwellings (3 self build)*
- *Number of Listed Buildings within the vicinity of the site, located either side of the shared access*
- *Special interest and significance largely linked to their historic, architectural and archaeological interest, as examples of vernacular farming architecture*
- *Group value owing to proximity to each other and reading as part of a former farmstead*
- *Appeal site and stable buildings are set some distance away, separated behind solid gates*
- *Site may once have formed part of the fields associated with former farmhouse and barns, the site has lost its association and hence has a neutral impact on the setting of the nearby Listed Buildings and their significance*
- *New housing would have some effect on the setting of the Listed Buildings being more visible than stables*
- *However, sympathetic design could be achieved at Technical Details Consent stage to reflect the character and appearance of the area, as well as the association with the nearby Listed Buildings and adjacent fields*
- *Satisfied that setting or significance would not be harmed*

The written commentary presented by the agent in relation to this second Appeal simply reiterates what the Inspector states with regards to the potential impact on the setting of the nearby Listed Buildings.

Crucially however, the Listed Buildings that are relevant to this appeal decision do not lie within the application site, being located some distance away, separate from intermittent physical boundary treatment in the form of solid gates. The relationship between the Listed Buildings and the appeal site is said to have been diluted in light of the association between the two being lost, resulting in a neutral impact.

In this case, the site contains a Grade II Listed Building, whereby its setting is likely to be judged to expand a considerable distance beyond its immediate footprint into the wider site that lies within the red edge boundary. In addition, the site is considered to

have significant potential to accommodate archaeological remains which have historic significance.

As such, this appeal offers little in the way of similarities with this application and therefore no weight can be attached to it in the overall planning balance.

Appeal 3 – Land adjacent to 1 Coldharbour Farm Cottages, Lower Dicker, BN27 3PU

- *PiP for minimum of 3 and maximum of 4 dwellings*
- *Council did not allege that there would be any harm in principle to the setting of the Listed Hatches Farmhouse*
- *Considered that any specific heritage considerations can be considered further through an application for Technical Details Consent*
- *Inspector concurs that proposed location, land use and amount of development would in principle preserve the setting of the Listed Building and its significance*

The written commentary presented by the agent in relation to this third Appeal simply reiterates what the Inspector states with regards to the potential impact on the setting of the nearby Listed Building.

The specific characteristics of this appeal site are such that the Listed farmhouse is located some 100m south east of its eastern boundary, and behind a cluster of mature trees and other natural vegetation. When coupled with the fact that the site is bordered on its northern and southern sides by existing development, it is clear to see how both the LPA and Planning Inspectorate were able to reach a clear judgement in so far as the site could be developed at this scale (3 or 4 dwellings) without adversely harming the significance of this Listed Building or its setting.

Unlike this appeal, the Listed Building is contained within red edge, with no intervening natural or man made structures that separates the heritage asset from the rest of the land within the site. Indeed, much of the site is likely to be located within its setting and also have archaeological significance.

As such, this appeal offers little in the way of similarities with this application and therefore no weight can be attached to it in the overall planning balance.

In making reference to these appeal decisions, the applicant's agent asserts that these appeal decisions lead to the following conclusions:

- Heritage issues can be assessed in detail at the Technical Details Consent stage
- It is possible to judge the impact on the setting of a heritage asset without the benefit of a heritage assessment
- It is possible to form an "in principle" view on the impact of a proposal on the setting of a heritage asset based on the size of the site and number of dwellings proposed, as detailed within the application

Whilst it is certainly the case that potential impacts on heritage assets do not necessarily prejudice the granting of Permission in Principle, it is clear that this will depend on the specific context and merits of each individual application site and description of development.

In this case, the description of development makes clear that between 1 and 9 dwellings will be accommodated on site, and therefore the Council must consider the potential impact upon heritage assets based on the maximum number of dwellings being delivered.

The site contains a Grade II Listed Building, which is understood to have a setting that extends considerably beyond its footprint into the wider grassland within the site. The site is also understood to possess potentially high historic significance in the form of archaeological remains linked to the lime kiln and quarrying activities in the area.

The 3no appeals referred to by the applicant's agent whereby heritage assets were considered by the Planning Inspector in allowing Permission in Principle share similarities where (unlike this application) they are located outside of the application site boundary (red edge) where, in most cases, their associated setting was limited or constrained to its immediate locality, and/or had intervening development or landscape features that contained any potential impacts.

Given that in this case, the Listed Building and its setting are located within the red edge, in addition to the majority of the site having significant potential for archaeological remains, in the absence of a comprehensive assessment or an indicative site plan, it is not possible to positively conclude that the introduction of up to 9no dwellings on this site would not result in adverse harm to heritage assets – which includes the Grade II Listed limehouse and its setting.

It therefore follows that the application conflicts with LP Policy EQ7, any relevant restrictive paragraphs relating to heritage conservation set out under Chapter 16 of the NPPF, underpinned by Section 66(1) of the Act 1990.

Owing to the fact that the Council are unable to demonstrate a deliverable 5 year housing land supply, the presumption in favour of sustainable development (the 'titled balance') set out under Paragraph 11 of the NPPF will be engaged, whereby permission is granted, **unless the application of policies in the NPPF that protect areas or assets of particular importance (as set out at footnote 7), provides a strong reason for refusing the development proposed.**

(My Emphasis).

In light of the strong objections from the Council's Conservation Officer and the County Archaeologist, and the detailed analysis set out above, Officers judge that in this case, the harm to heritage assets that would occur as a result of up to a maximum of 9 dwellings (in the absence of a range being given in the description of development) being introduced to the site does amount to a strong reason for refusing development, and as a consequence, the presumption in favour of sustainable development is not on this occasion engaged, irrespective of the 5 year housing land supply position.

Amount of Development

As referenced within an amended Application Form (that sought to correct a typo relating to the area of the site) the site has an approximate area of 0.9ha.

However, further to the above analysis in relation to Land Use, it is clear that following a detailed and comprehensive analysis of heritage impacts, which considers the setting of the Listed Building as well as archaeological significance, the site is not able to accommodate as many as 9 dwellings.

It may be the case that specifically with regards to the amount to the amount of development, a lesser number of residential units is acceptable with regards the principle of development. However, in the absence of a range being specified in the description of development, Officers must have regard to the maximum number of dwellings (i.e. 9 dwellings).

Therefore, for the reasons set out above, the Council are unable to positively determine that the maximum number of 9 dwellings can be accommodated on a site that forms part of the setting of the Grade II Listed Building (that lies within the site boundary) and is known to have archaeological significance would not harm the heritage assets. As such, the site location, land use and amount of development is not acceptable, having regard to relevant Local Development Plan policies and relevant NPPF paragraphs relating to heritage conservation, underpinned by Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

3no neutral comments and 19no objections have been received in relation to this application. The vast majority of issues raised are technical matters (e.g. highway safety, ecology, drainage, land instability) and cannot be assessed at this stage of the application process and would be addressed at the Technical Details stage. It may be that some of these matters pose significant constraints with regards to any technical details application.

A comment has been received with regards the lack of consultation. The Council have fulfilled and gone beyond its legal duties by notifying neighbouring residents that border the site and erecting a public site notice.

The decision issued by the Planning Inspector dismissing an appeal for 2no dwellings on this site would be material in so far as landscape and visual impacts, but this is a matter which would be considered at the second stage of this process.

Officers note consultation comments received from the Highways Authority, Environmental Health and the Peak and Northern Footpaths Society. However, given the nature of the application (Permission in Principle) these comments and associated issues are not material to the assessment and determination of the application.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

This application seeks Permission in Principle for up to 9 dwellings on a site that comprises an undeveloped area of grassland totalling 0.9ha that is situated within the built-up area boundary of Buxton.

As set out in detail by the Council's Conservation Officer and the County Archaeologist, the site contains a Grade II Listed Building, located in the most northerly part of the site, but whose setting is considered to expand far beyond its immediate footprint into the wider site. Moreover, the site is expected to have historic significance with regards archaeological remains, connected to the Listed Building and its associated historic activities.

For the reasons outlined within this report, the Council take the view that because the site contains the Listed Building (as opposed to referenced appeal decisions where the heritage assets were located outside of the site boundary), and in the absence of any comprehensive heritage assessment, the introduction of 9 dwellings will result in adverse harm to the historic significance of the Listed Building, its setting, and associated archaeological assets.

It is not possible to assess the degree of harm (i.e. substantial or less than substantial) for the purposes of the NPPF, owing to the absence of detail. Moreover, given that the number of dwellings to be delivered could vary (up to 9 dwellings) it is not possible to balance any public benefits against this harm.

What is clear however is that adverse harm in relation to heritage assets on this site arises by virtue of the proposed development. In the Council's view, this harm

constitutes a strong reason for refusing planning permission, and as a consequence, the presumption in favour of sustainable development is not engaged.

For the reasons set out within this report, it is therefore recommended that permission be refused for Permission in Principle for up to 9 dwellings.

OFFICER RECOMMENDATION: Refuse

Case Officer: James Stannard

Recommendation Date: 9th April 2026

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council