



High Peak Borough Council

working for our community

Michael Bamford
Planning And Design Practice Ltd
The Workstation, 15 Paternoster Row
Sheffield
S1 2XB

Mr Broadhurst
Cote Bank Farm
Derbyshire
SK23 7NP

Application no: DET/2021/0020

Determined on: 11th February 2022

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015**

PRIOR APPROVAL REQUIRED AND DETAILS SUBMITTED

REFUSAL

High Peak Borough Council hereby **REFUSE** approval for

**Change of use of agricultural buildings to dwellinghouse(C3) at Stubbins Farm
Unnamed Road From Stubbins Lane To Tithe Barn Farm Chinley**

in accordance with the submitted application, details and accompanying plans: 200;
300; 302, for the following reasons:

1. The proposed change of use would, based on the submitted Structural Report dated 10th February 2022 which contains a schedule of demolition and construction works and proposed plans, amounts to a “re-build” as opposed to a “conversion” within the context of the ‘Hibbit’ High Court Judgement (2016) and as such does not form a permitted development under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended)
2. Notwithstanding the fact the proposal does not comply with Part 6, Class Q, Paragraph A.1 of the GPDO the proposed change of use would result in a poor and unacceptable form by design, by virtue of retaining the visual appearance of an agricultural building as domestic dwelling which would include concrete profile sheeting which is wholly inappropriate for its intended use. The introduction of domestic fenestration and glazing would result in an odd contrived contrast with the external materials resulting overall in a design and external appearance that would be harmful to the character of the rural landscape, contrary to Local Plan Policies S1, EQ2, EQ3 and EQ6, the ‘High Peak Landscape Character Assessment’ SPD (2006), High Peak ‘Residential





High Peak Borough Council

working for our community

Design Guide SPD' (2018) and relevant paragraphs under Chapter 12 of the NPPF; thus resulting in an unsustainable form of development, contrary to Local Plan Policy S1a and paragraph 11 of the NPPF.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council



High Peak Borough Council

working for our community

NOTES

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
1. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
2. If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
4. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
5. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town



and Country Planning Act 1990.