



High Peak Borough Council

working for our community

Ref: HPE/2019/00014

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR
PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act, 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: High Peak Borough Council (the Council).

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.
2. **THE LAND TO WHICH THIS NOTICE RELATES:**

Land at 184 Taxal Edge, Macclesfield Road, Whaley Bridge, Derbyshire, SK23 7DR shown edged red on the attached plan numbered EN01 (the land).
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission, the alteration of a building ("the classroom block") comprising the raising of the roof and steepness of the pitch of the roof, the insertion of three dormer windows on the eastern roof slope and changes to fenestration on the eastern elevation. For the avoidance of doubt the classroom block is in the position on the attached plan marked EN01 with an X and shown in photographs EN02 and EN03.
4. **REASONS FOR ISSUING THIS NOTICE:**
 - 4.1 The alterations to the classroom block have involved an increase in the height of the roof, an increase in the pitch of the roof slope to the ridge, with dormer windows inserted into the east facing roof slope and revisions to the fenestration that comprise a building operation for the





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purposes of section 55 (1A) of the Town and Country Planning Act and have materially affected the external appearance of the building.

- 4.2 The alterations to the building are not considered acceptable due to the adverse impact on the landscape and poor design. The raising of the roof height, pitch of the roof and inclusion of dormer windows results in a dominant form of development which adversely harms the landscape setting of the site and wider area. Moreover, the alterations to the fenestration on the eastern elevation, comprising large window openings with full height windows of varying sizes fails to respond to, and reflect the character of surrounding development, to the detriment of visual appearance of the building in the landscape.
- 4.4 The development has occurred within the last 4 years and as such it is not immune from enforcement action.
- 4.5 For the reasons outlined above the development is considered to contravene policies in the High Peak Local Plan 2016, relevant Supplementary Planning Documents and the National Planning Policy Framework listed below:

High Peak Local Plan - Adopted 2016:

Policy EQ2 – Landscape Character
Policy EQ3 – Rural Development
Policy EQ6 - Design and Place Making

High Peak Design Guide 2018
Residential Design Guide Supplementary Planning Document 2005
Landscape Character Assessment Supplementary Planning Document 2006

National Planning Policy Framework:

Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

- 4.6 The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development. The notice specifies the steps which the authority requires to be taken in order to achieve the purposes of remedying the breach.

5. WHAT YOU ARE REQUIRED TO DO:

Restore the land to its condition before the breach took place by:





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- 5.1 Lowering the overall height and pitch of roof to the classroom block to that shown on EN04 and EN05.
- 5.2 Remove three dormer windows on the eastern roof slope and replace with roof tiles to match the existing roof.
- 5.3 Remove the east facing ground and first floor windows and replace with windows of the size, height and position as shown in EN05.

6. **THE TIME FOR COMPLIANCE:**

Compliance is required by:

- 6.1 In respect of paragraphs 5.1, 5.2 and 5.3 within 6 months.

7. **WHEN THIS NOTICE TAKES EFFECT:**

This Notice takes effect on 29th April 2022 unless an appeal is made against it beforehand.

(Signed):  Date of Issue: 31.3.2022

Council Solicitor
(The Council's Authorised Officer)



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ANNEX

Address to which all communications should be sent:

Jane Colley
Principal Planning Officer
High Peak Borough Council
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL
Jane.colley@highpeak.gov.uk

Reference: HPE/2019/00014

YOUR RIGHT OF APPEAL

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that it will normally be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 7 of this Notice. The enclosed information sheet tells you how to make your appeal.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

WHAT HAPPENS IF YOU DO APPEAL

You must follow the advice and guidance contained on the enclosed information sheet from the Planning Inspectorate.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;





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- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which maybe constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£468**. You should pay the fee to High Peak Borough Council (cheques to be made payable to High Peak Borough Council). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Article 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 reduces the time limit for making a planning appeal where the appeal relates to the same or substantially the same land and development as an Enforcement Notice. The amended time limit is either 28 days from the decision of the planning application or the expiry of the period giving rise to the appeal or 28 days from the service of the Enforcement Notice, but no longer than the standard time limit.





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PARTIES ON WHOM THIS NOTICE HAS BEEN SERVED:

Gary Stephen Cullen Elmwood House Church Lane New Mills High Peak SK22 4NP	Gayle Cullen Elmwood House Church Lane New Mills High Peak SK22 4NP
Gary Stephen Cullen The Old Classroom Land at 184 Taxal Edge Macclesfield Road Whaley Bridge Derbyshire SK23 7DR	Gayle Cullen The Old Classroom Land at 184 Taxal Edge Macclesfield Road Whaley Bridge Derbyshire SK23 7DR
Alan Mark Seddon 7 Pelton Fold Farm Bury Road Turton Bolton BL7 0BS	Linda Seddon 7 Pelton Fold Farm Bury Road Turton Bolton BL7 0BS





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The Planning Inspectorate

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and





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- the effective date of the enforcement notice.

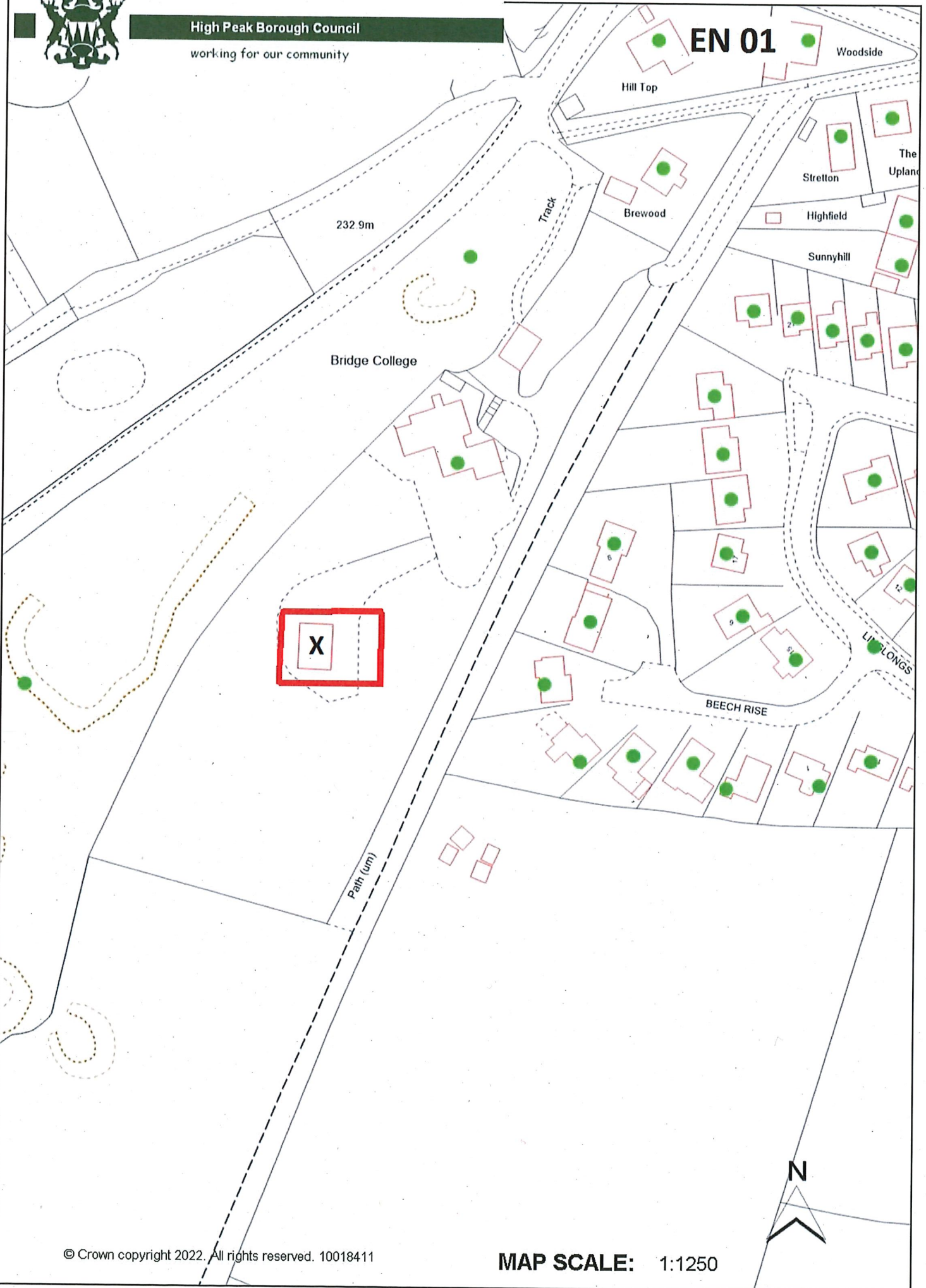
We **MUST** receive this **BEFORE** the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.



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EN 01



EN02



EN03



EN04



NORTH ELEVATION

EN05



EAST ELEVATION