
Appeal Decision

Site visit made on 8 September 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/H1033/W/20/3253761

7 Pennine Road, Simmondley, Glossop SK13 6NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Danny Baker (Bakers Construction Services Ltd) against the decision of High Peak Borough Council.
 - The application Ref DET/2020/0001, dated 19 February 2020, was refused by notice dated 15 April 2020.
 - The development proposed is reducing the area of the barbers and incorporating a new café / coffee shop (Café).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Cb) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for reducing the area of the barbers and incorporating a new café / coffee shop (Café) at 7 Pennine Road, Simmondley, Glossop SK13 6NN in accordance with the application DET/2020/0001 made on 19 February 2020, and the details submitted with it, including the location plan, block plan, proposed layout plan and proposed layout ventilation plan, pursuant to Article 3(1) and Schedule 2, Part 3, Class C, paragraph C.2(1).

Procedural Matter

2. The appellant's description of the development given on the application form is lengthy and therefore in the banner header above I have included only the information which is necessary to describe the development.

Main Issue

3. The main issue relates to the noise and odour impact of the proposed use, with particular reference to the means of extraction and ventilation.

Reasons

4. The Planning Practice Guidance states at Paragraph: 028 Reference ID: 13-028-20140306 that 'prior approval is a light-touch process which applies where the principle of the development has already been established' and that 'it is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.'

5. The information provided on the application form and the proposed layout ventilation plan submitted demonstrates how the proposal would be ventilated for the intended use as a café. The Council's Environmental Health Officer considers that the proposed ventilation system would be adequate for the intended use and that the proposal would not cause harm from noise and odour. There is no evidence before me to suggest that I should take a different view. Furthermore, I find no reason to withhold prior approval on the basis that the premises could be operated as a restaurant, which itself falls within the same use class as the proposed café use, in particular as there is no substantive evidence to suggest that such a use would cause harm from noise and odour in the surroundings in which it is located.

Other Matters

6. There is a large car parking area to the rear of the appeal site and the proposal does not create any new floor space. It is also located within an established residential area and within walking distance to existing dwellings. There is no objection from the Highway Authority to the proposal. Based upon these factors and my own observations, I conclude that the proposal would not cause harm to highway safety.

Conditions

7. Development under Schedule 2, Part 3, Class C is permitted subject to the condition that development must begin within a period of 3 years starting with the prior approval date.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Graham Wraight

INSPECTOR