



Appeal Decision

Site visit made on 22 April 2026

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/M9496/W/25/3367299

Site of the Marquis of Granby, Hathersage Road, Bamford, Derbyshire S33 0EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Marquis of Granby (Peak Park) Limited against the decision of Peak District National Park Authority.
 - The application Ref NP/DIS/1224/1399 sought approval of details pursuant to condition No 4 of a planning permission granted on 26 September 2017.
 - The application was refused by notice dated 7 May 2025.
 - The development proposed is: *"Redevelopment of the Marquis of Granby to 35 x 2-bed apartments, 9 x 1-bed apartments, 3 x single rooms, with restaurant, bar, meeting room, leisure and service functions within a hotel; creation of new vehicular and pedestrian access"*.
 - The details for which approval is sought are: details of the internal layout.
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Decision

1. The appeal is dismissed.

Planning background

2. Planning permission for the development described above was granted on 3 January 2007, under reference NP/HPK/0506/0454. Condition 4 of that permission listed the approved plans, and required the development to be carried out in accordance with those. The development as shown on those plans was evidently intended as an 'apart-hotel', with most of the accommodation being in the form of suites and connecting rooms, for families or larger groups. The restaurant, bar, and banqueting room were to be on the ground floor, with function rooms in the basement, and health club facilities comprising a gym, pool, and treatment rooms split between both of these floors. Condition 2 restricted the use to holidaymakers and travelling guests.
3. On 1 July 2009, a second planning permission was granted, under reference NP/HPK/0506/0454, in which the proposal was described as: *"Variations of conditions 2 and 4 to allow variation to letting room layout and revision of plan numbers"*. In Condition 4 a new set of plans was specified, in which all of the hotel accommodation was now to be in the form of 126 conventional hotel bedrooms, rather than as apartments or suites. In addition, the proposed health club facilities were relocated to be all at basement level. The restaurant and bar remained on the ground floor, together with a relocated function room suite.
4. At some time after this, the development was commenced, by the carrying out of the demolition of the original building, and by undertaking excavations and access alterations, and by laying sewerage pipes, and other works. The necessary

conditions had by this time been discharged¹. The national Park Authority has agreed that these works constituted a lawful start on the 2009 permission.

5. On 26 September 2017, a non-material amendment to the 2009 permission was approved². The Authority's approval notice states that the amendment was a reversion of the type of accommodation, from individual letting rooms, back to apartments as previously approved in 2007. This change was given effect by means of a variation to Conditions 2 and 4³. The new Condition 2 continued to restrict the use to bona-fide hotel guests, but allowed the accommodation to be used as either apartments or single rooms:

"Condition 2

The use of the development hereby approved (whether used as apartments or single rooms) shall be restricted to holidaymakers and travelling guests only with no permanent residential use whatsoever of these apartments and rooms."

6. The new Condition 4 states:

"Condition 4

The development hereby permitted shall not be carried out otherwise than in complete accordance with the original submitted plan no's 07118/100 Rev D, 101 Rev D, 102 Rev D, 103 Rev D, 104 Rev D, 105 Rev D (except for north-west vehicular entrance onto Hathersage Road), No 200 Rev D, 201 Rev D, 202 Rev D, Amended Plan no's A10558 D 0103 Rev P2 & A10558 D 0200 Rev P2, the accompanying Hathersage Road Façade Design proposals report received at the Authority's offices on 8 September 2006 and plan no. 1/P.8706 received at the Authority's offices on 25 January 2013, subject to the 126 letting rooms with en-suite bathrooms being replaced with 35 x 2 bed apartments, 9 x 1 bed apartments and 3 single rooms to an internal plan layout which prior to the first occupation of the development shall be submitted to and approved in writing by the National Park Authority and subject to the following conditions or modifications."

7. The plans specified in this 2017 version of Condition 4 (and referred to within it as 'the original submitted plans') comprise those that were approved as part of the 2009 permission, plus three others that had since been approved as non-material amendments⁴.
8. The present application seeks approval of the details reserved by Condition 4 of the 2017 amendment, in so far as that condition requires the submission and approval of an 'internal plan layout' to replace the 126 single letting rooms with mainly apartment accommodation. The details for which the application seeks approval are contained within plans numbered 07118 - 100 Rev E, 101 Rev F, 102 Rev F, 103 Rev F, 104 Rev G, 105 Rev E, and 202 Rev F. These plans show revised arrangements for the guest accommodation on the ground, first and second floors, which are similar to those in the 2007 permission; together with a further reconfiguration of the catering and leisure facilities, which are now proposed to be reduced in size, and all on the ground floor.

¹ The relevant conditions of the 2009 permission were discharged on 9 October 2009, under reference NP/DIS/09090831.

² The permission granted on 26 September 2017 is referred to by both parties as No NP/NMA/0917/0949. This reference is missing from the decision notice itself, apparently in error, but the facts relating to the permission are not in dispute.

³ In the same 2017 decision, a variation was also made to Condition 6, but that change is not directly relevant to the present appeal.

⁴ The plan referred to as "Plan no. 1/P.8706" appears to relate to access details approved under NP/NMA/0113/0078; "Amended Plan no's A10558 D 0103 Rev P2 and A10558 D 0200 Rev P2" relate to roof alterations under NP/NMA/0513/0341.

Main issues

9. In so far as the submitted plans relate to the change from conventional hotel rooms back to apartment-style accommodation, the details shown are not objected to by the Authority, and as far as I am aware, they are not contentious in any way. The disagreement between the parties therefore relates to those parts of the submitted plans that incorporate changes to other elements of the proposed development. These include changes to the layout of the remainder of the ground floor, including changes to the size and nature of the proposed leisure and other communal facilities, and to the reception area, administration offices, and kitchens, and also the deletion of most of the basement area.
10. In the light of the above, it seems to me that the main issues in the appeal are:
 - whether the submitted details fall within the scope of Condition 4;
 - and whether the proposed changes would be acceptable in planning terms.

Reasons for decision

Whether the submitted details fall within the scope of Condition 4

11. In considering this first issue, I have given careful consideration to the legal opinions submitted on behalf of both the Authority and the appellant. In particular I note the summary presented by King's Counsel for the appellant, of some of the key principles relevant to the interpretation of planning conditions⁵. These include that conditions should not be construed excessively strictly or narrowly, but should be read objectively, in a common sense way, and in the context of the planning permission as a whole. These principles are not disputed, and I have no hesitation in adopting them as the basis for my decision on this appeal.
12. On a plain reading, it seems to me that what Condition 4 requires, first and foremost, is that the development should adhere to a set of approved plans. In this regard, the starting point is to be the plans that are already approved, which are set out in full in the condition itself. Then, in addition, the condition allows for those existing plans to be supplemented or replaced in part, by a new 'internal plan layout', relating to the change from individual hotel rooms to apartments. However, there is nothing in the condition that permits the approved plans to be overridden in any other way, or for any other purpose. Indeed, having regard to Condition 4 as a whole, it seems to me that, on the face of it, the introduction of new or alternative plans, for purposes other than that expressly provided for within the condition itself, would in many cases be likely to conflict with the condition's main purpose of securing broad accordance with the plans already approved.
13. It therefore follows, in my view, that the scope that Condition 4 provides for the submission of any new plans, pursuant to that condition, is limited to such plans as may be reasonably necessary to deal with the permitted change in the type of bedrooms. In the event that this change also gives rise directly to a need for consequential minor amendments to other elements of the building's layout, it would then clearly make sense for those additional changes to be treated as potentially permissible too. But, for the same reasons as already stated, having regard for Condition 4 as a whole and its role within the permission, it does not

⁵ Based on the judgement in *Trump International Golf Club Ltd v SM* [2016]1 WLR 85

seem to me that the same latitude can reasonably be considered to extend to changes of a non-consequential nature, unrelated to the condition's purpose.

14. In the present case, the Authority does not dispute that the change to apartment-style hotel rooms would necessitate some consequential changes to other areas, including the location of the lifts and main staircase. I see no reason to disagree on those matters. However, the plans now proposed would involve far more significant changes to the location and layout of all of the hotel's main facilities. The gym, health spa and treatment rooms would move from the basement to the ground floor, and the pool would be omitted. The restaurant, bar, lounge and kitchens would be reconfigured to accommodate these, and the separate suite of function and meeting rooms would be deleted. The plant room, storage, service areas and staff rooms would all be relocated and resized. It has not been explained how a re-planning on this scale could have been dictated by the changes to the type of bedrooms, or by the need to move the lifts and stairwell; and to my mind, any such suggestion lacks credibility. Whatever the reasons for these multiple changes, they seem to me to have no apparent basis in relation to the limited purpose for which such changes may be made under Condition 4.
15. I accept that Condition 4 contains no specific preclusion against the inclusion of amendments relating to matters other than the bedrooms. But conditions requiring or permitting the submission of further details are commonplace, and it is not normally considered necessary for such conditions to contain any explicit limitation of that kind. In this case it seems to me that the meaning and purpose of Condition 4 are quite clear, as set out above. For the reasons already stated, I find that the amended details contained within the plans now submitted include matters that go far beyond the scope of the condition in question.
16. I appreciate that the appeal proposal would have little or no effect on the development's external appearance. To this extent, the approval of the present amended plans would not conflict with the stated reason for Condition 4, which in part is to ensure that the design is satisfactory and in character with its context within the National Park. But this does not change my view as to the meaning of the condition itself, or its proper application.
17. For these reasons, I conclude that the details for which approval is sought in the present appeal fall outside the terms of Condition 4. It follows that in my view the submitted plans cannot lawfully be approved under that condition.

Whether the proposed changes would be acceptable in planning terms

18. I note the Authority's contention that the proposed changes would be unacceptable because of the reduction in the proposed leisure facilities. However, the basis for that argument is far from clear. With the passage of time, it is unsurprising that market trends and customer requirements may change, and that elements of the approved scheme may need to be updated in response. In this case, the appeal proposals still include a health spa, with gym, sauna and treatment rooms. No planning policies have been identified which require the provision of these or any other particular facilities.
19. It is said that the availability of a pool and other facilities was seen as a benefit of the scheme, which helped to tip the balance in favour of granting the original planning permission. But I can see nothing to support that argument in the officers' reports from that time. In any event, in the absence of any relevant

conditions or obligations, there is no legal requirement for any of the facilities shown in the previously approved plans to be retained, or to be made available to the public.

20. On the evidence before me therefore, there appears to be no strong reason why the submitted plans should not be acceptable in general planning terms. However, this does not overcome my finding with regard to the applicability of Condition 4 as a route to approval in this case. Because of this, the decision in the present appeal turns on the procedural issues relating to Condition 4, rather than the planning merits.

Other matters

21. I appreciate the appellant's frustration with the delays that have prevented progress on the development over such a long period. But as far as I can tell, on this occasion the planning system does not appear to have been a major cause of this. I also note that an application for a non-material amendment, based on the same plans as the present appeal, was refused in May 2024 (Ref. NP/NMA/0424/0439). From the appellant's point of view, it is perhaps unfortunate that there is no procedure available for an appeal against that decision. And of course it is true that, had the development already been completed in accordance with the approved plans, there would have been nothing to prevent it from being altered internally without the need for a further planning permission.
22. In the light of all these considerations, I can well understand the view that a pragmatic approach would be justified. I have taken these matters into account. But nevertheless, the present appeal must be determined within the constraints of the existing permission.

Conclusion

23. For the reasons set out above, I conclude that the submitted details fall outside the terms of Condition 4 of the 2009 planning permission, and as such, cannot be approved.
24. The appeal must therefore be dismissed.

J Felgate

INSPECTOR