Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Ms Anna Maxwell
23 Firfield Avenue
Ashleyhay
Breaston
DE72 3EG

Mr Roger Cockle
23 Firfield Avenue
Breaston
DE72 3EG

TOWN AND COUNTRY PLANNING ACT 1990

(PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990)

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government policy and guidance and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/0625**) which was valid on the 16 July 2020 for permission for **Repair and replacement of existing window frames and doors and erection of external staircase at Storer Farm Barnsley Lane Ashleyhay**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

1. The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.

   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

   - Site Location Plan;

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- Barn end elevation with staircase;
- Proposed layout plans with staircase; and,
- Proposed staircase elevations and layout.

Reason: In order to define the permission.

3. Notwithstanding the hereby approved plans, full details of the proposed external staircase to the east elevation, including materials and balustrading, shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the hereby approved plans, precise details of all new windows and frames to be installed, including sections, recess depths and finish, shall be agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

5. Notwithstanding the hereby approved plans, precise details of all new doors and frames to be installed, including sections, recess depths and finish, shall be agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The Conservation Officer has made the following comments/guidance relating to each opening:

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Proposed: Elevation (South)

Opening S1 - This opening has very old metal window frame with glass louvres which are in bad condition and need to be replaced. Many of the louvres are damaged.
- Although unusual, this window has more of an agricultural character than some of the farms within the barn and uses slender wooden (not metal) lamb's tongue glazing bars, used horizontally to divide the vertical opening into six horizontally-oriented panes. Following the principal of 'conserving as found', there is no good reason not to replace these on a 'like-for-like basis', with single glazing. The related opening to this stone mullioned window could also receive the same treatment in a new matching frame, or replicate the existing single pane opening, as desired.

Opening S2, S3, S4, S5, S6, S7
- S2: Vertically boarded door of authentic detail, with robust pegged frame, so possessing significance; should be replaced on a strictly like-for-like basis with boards running full length from top to bottom edges (unlike the replacement door to the large opening on this elevation);
- S3 and S4: 2No 'inserted' openings, reducing the character of the barn as a structure with few openings. Timber frame doesn't hold the glass which is in a modern aluminium frame behind. The 2-light windows have a timber frame with its central mullion at 45-degrees, echoing medieval timber frame windows, where the mullion would have been more closely-centred (see attached). While a like-for-like replacement would be acceptable, enhancement options would be available, with the glass being held in the frame and more recessed than the current flush arrangement.
- S5: Probably the most authentic existing frame, the 3-over-3 hopper should be replaced on a faithfully like-for-like-basis.
- S6: Vertically boarded, ledged stable door, of relatively authentic detail (door and frame), of unequal size, so possessing significance; should be replaced on a like-for-like basis (boards are narrower than the historic precedent, so any reduction in the number of boards would be beneficial to its appearance.
- S7: recessed, part-glazed panelled door; relatively modern with narrow boards to lower panel. Fully recessed behind the full wall thickness; Low significance, so a like-for like replacement would be acceptable, as would other options, in principle.

Proposed: Elevation (North) - to be read in conjunction North Key Elevation

- N1 and N2 - existing opening with narrow metal frame examine and make good.
- N3 - existing opening with narrow timber frame? Examine and make good.
- N4 - existing opening with narrow timber frame? Examine and make good.
- N5 - existing opening with narrow timber frame? Examine and make good.

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- N6 - make good and redecorate.
N1-N6 examine and make good is acceptable.

Elevation (West) - single opening to be made good - is acceptable.

The openings above (N2-N6 and opening in west elevation, above) are modern, minimal frames and are to be retained and made good, which does not require LB consent.

Proposed: Elevation (East) - to be read in conjunction East Key Elevation

Opening E1 - This existing opening and doorway to be reinstated with new door to reflect original pattern:
- The drawing shows a timber boarded door which is acceptable, in principle, subject to detail.
- A timber or metal stair would be a more honest intervention that would not confuse the historic record of the building.

Reasons for Granting Permission

In granting permission for this development the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

EN24 - Listed Buildings

In detail:

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**
2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively you can register on www.beforeyoudig.nationalgrid.com**
3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**
4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**
5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**
6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000)
   www.planning-inspectorate.gov.uk

7. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**
8. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**
9. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**
10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**
11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**