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TOWN AND COUNTRY PLANNING 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/2020/0615**) which was valid on the 13 July 2020 for permission for **Siting of two glamping tents for tourism use (The proposal may affect the setting of a Listed Building) at Lea Hurst Leashaw Holloway**

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 **REFUSED for the following reasons:**

Conditions/Reasons

1. The development causes 'less than substantial' harm to the setting of the Grade II Listed Lea Hurst and Coach House by virtue of being harmful incongruous features which would significantly alter the character of the walled garden, which comprises a special feature which adds to the site's historic interest, and by virtue of being out of scale and character from the character of the Listed Buildings and an alien intrusion.

   The development is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special regard must be had to the desirability of preserving the Listed Buildings and their setting; contrary to Policy EN24 (c) of the Adopted Amber Valley Borough Local Plan 2006, as the proposal fails to contribute to the preservation of the Listed Buildings' setting; contrary

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to Policy NPP6 (2,b) of the Dethick, Lea and Holloway Neighbourhood Plan, which requires developments to preserve the setting of heritage assets.

The proposal is contrary to Paragraph 192 (a) of the National Planning Policy Framework as the development fails to sustain and enhance the significance of the heritage asset; contrary to Paragraph 194 of the National Planning Policy Framework as the application fails to demonstrate any clear or convincing justification for the harm caused. The public benefits, required to be considered in the planning balance through Paragraph 196 of the National Planning Policy Framework are recognised, but do not outweigh the 'less than substantial' harm caused to the national significance of the Listed Buildings of such high heritage value.

2. The development causes 'less than substantial' harm to the Character and Appearance of the Dethick, Lea and Holloway Conservation Area by virtue of being incongruous and alien features proposed on the historic parkland to the Listed Building that makes a significant positive contribution to the rural character of the Conservation Area.

   The development is therefore contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as the development fails to preserve or enhance or enhance the character or appearance of the Conservation Area; contrary to Policy EN27 of the Adopted Amber Valley Borough Local Plan 2006, as the proposals fails to contribute to the preservation or enhancement of the Conservation Area; contrary to Policy NPP6 (3) of the Dethick, Lea and Holloway Neighbourhood Plan, as the development harms a garden and open space that forms part of the special interest of the Conservation Area.

   The proposal is contrary to Paragraph 192 (a) of the National Planning Policy Framework as the development fails to sustain and enhance the significance of the heritage asset; contrary to Paragraph 194 of the National Planning Policy Framework as the application fails to demonstrate any clear or convincing justification for the harm caused. The public benefits, required to be considered in the planning balance through Paragraph 196 of the National Planning Policy Framework are recognised, but do not outweigh the 'less than substantial' harm caused to the Conservation Area.

3. By virtue of being intrusive and incongruous features, the development causes 'less than substantial' harm to the rural setting, and therefore to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site's outstanding landscape which possesses essential connections with the early industrial activity of the Arkwright and Nightingale families in the valley and to a site which possesses special importance to

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the significance of the World Heritage Site as a result of its historical connections forming an integral part of its textile manufacturing narrative.

The development is therefore contrary to Policy EN29 of the Adopted Amber Valley Borough Local Plan 2006, as the development fails to preserve or enhance the setting of the World Heritage Site, including views into and out of the site; contrary to Paragraph 192 (a) of the National Planning Policy Framework as the development fails to sustain and enhance the significance of the heritage asset; contrary to Paragraph 194 of the National Planning Policy Framework as the application fails to demonstrate any clear or convincing justification for the harm caused. The public benefits, required to be considered in the planning balance through Paragraph 196 of the National Planning Policy Framework are recognised, but do not outweigh the 'less than substantial' harm caused to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

4. The proposal represents a harmful visual intrusion into the countryside, adversely impacting on identified key views across two identified local green spaces in the Dethick, Lea and Holloway Neighbourhood Plan and on a landscape of high sensitivity. This is harmful to a valued heritage landscape, contrary to Policy EN7 of the Adopted Amber Valley Borough Local Plan 2006 as the development would harm the existing landform and the intact pattern of the historic landscape; contrary to Policy NPP2 (2) of the Dethick, Lea and Holloway Neighbourhood Plan, as the proposal represents a harmful visual intrusion into the landscape setting experienced from the identified significant views, harms the setting of the built environment of Lea Hurst and its setting with the surrounding natural environment. The development is contrary to Paragraph 170 (a) and (b) of the National Planning Policy Framework as the development fails to protect and enhance the recognised valued landscape and harms the character and beauty of the countryside.

5. The development consisting of a safari tent design are alien to the character of the area, not in keeping with the traditional design character of the built environment at Lea Hurst and settlement. This is contrary to Policy LS3 of the Adopted Amber Valley Borough Local Plan 2006, as the development does not conserve or enhance the quality, and in particular the local distinctiveness of the locality; contrary to Policy NPP4 of the Dethick, Lea and Holloway Neighbourhood Plan as the proposal is not sympathetic to local character, not reflecting the use of local materials; and contrary to Paragraph 127 (c) of the National Planning Police Framework, as the proposed design is not sympathetic to the site's local character and history.

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6. The proposal does not constitute sustainable development for the purposes of paragraphs 8 and 11 d) i) of the National Planning Policy Framework, since the application of policies in the Framework that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed by virtue of the environmental harm that would arise to the setting of the Grade II Listed Lea Hurst and Coach House, to the Character and Appearance of Dethick, Lea and Holloway Conservation Area and to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Notes

Attention is drawn to the attached notes:

In detail:

The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal. This includes the processing of amended plans/additional information and allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, however, the issues have failed to be resolved.

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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. **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.**
3. **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.**
4. **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.**
5. **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

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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.**