Simon Gladwin
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

Mr Christopher Tebb
24 West End
Wirksworth
DE4 4EG

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/2022/0061**) which was valid on the 1 March 2022 for permission for **The siting of a converted truck for use as a workers dwelling for a temporary period of 3 years, the subdivision of existing barn to create a commercial kitchen, siting of caravan to be used as a workers day room, lean-to extension to front and rear of barn, the construction of a polytunnel, 3 greenhouses, covered area, timber store, outdoor kitchen area, storage units, garden shed, compost toilet and shower block and car parking all in association of agricultural enterprise at Land Off Taylors 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. This permission for the residential use of the converted truck is valid for a limited period only, expiring on 30th June 2026. On or before that date the residential use of the converted truck hereby approved shall cease and be removed from the site unless a further planning application has been submitted to and approved by the Local Planning Authority.

   Reason: The residential use of the converted truck is not considered suitable for permanent residential use in accordance with policy H12 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 29 March 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

2. The following development hereby permitted includes the following structures:
Polytunnel no3
Storage Shed no 2
Covered area in front of barn (existing)
Extension to the east and west side of barn
Hard Standing area
Greenhouse 1 (existing)
Greenhouse 2 (existing)
Greenhouse 3(existing)
Welfare caravan (existing)

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. This permission for the following existing structures

Storage shed 1
Storage shed 3
Compost loo/shower shed
Converted truck

is valid for a limited period only, expiring on 30th June 2026. On or before that date the building(s) or structure(s) hereby approved shall be removed from the site and the land restored to its former condition, unless a further planning application has been submitted to and approved by the Local Planning Authority.

Reason: The development is of a type not considered suitable for permanent retention in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

4. The occupation of the converted truck shall be limited to Richard and Augusta Ashley (the applicants) who are solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, or a dependant of a person residing with him or her, or a widow or widower of such a person.

Reason: The application site is located in an area where new dwellings are not normally permitted. This permission has been given solely to meet a special agricultural need in accordance with policy H5 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 29 March 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

5. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:

   Site/block plan , Drg no 02b dated 05.12.2022
   Received by the Council on 27th March 2023

   Elevations and Floor Plan -Polytunnel 3
   Elevations and Floor Plan - Greenhouse 1
   Elevations and Floor Plan - Greenhouse 2
   Elevations and Floor Plan - Greenhouse 3
   Elevations of Barn Lean to
   Proposed Floor plans of barn
   Elevations and Floor plan of Storage 2
   Elevations and Floor Plans of Compost Loo and Shower
   Elevations and Plan View of Covered Area

   All un-numbered but received by the Council on 1st March 2022

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

6. The workers caravan shall only be used as welfare area for workers and shall not be used as either temporary or permanent residential occupation.

   Reason: For the avoidance of doubt.

Notes

Attention is drawn to the attached notes:

1 The applicant is advised to investigate the disposal of all surface water from the development to either an appropriate system of soakaways or separate surface water drainage, and not to discharge into the foul sewerage system without the prior approval of Severn Trent Water Ltd.

Date : 29 March 2023

Signed

Simon Gladwin
Executive Director (Operations)

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:

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

Date : 29 March 2023

Signed

Simon Gladwin
Executive Director (Operations)

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.**