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

Mrs Sarah Gregory
30 High Lane East
West Hallam
Ilkeston
DE7 6HW

Paul Gaughan
Paul Gaughan Building Consultants Limited
Unit E14
Langham Park Ind Est, Lows Lane
Stanton By Dale
Ilkeston
DE7 4RJ

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 guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2020/1237**) which was valid on the 5 January 2021 for permission for **Change of use of outbuilding (former pig sty) to a holiday home, including extension and alterations to the building (including the retention of work already completed) at Wildersley Farm Wildersley Road Belper**

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 development hereby permitted shall be carried out only in accordance with the details and specifications shown on drawings:-

   Site Location Plan (as validated 5 January 2021)

   Existing Topographical Survey GD/SG/20/44/01 dated October 2020

   Existing and Proposed Elevations GD/SG/20/44/07 received 16 March 2023

   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.

Date : 19 April 2023

Signed S Gladwin

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2. The living unit(s) hereby approved shall be used as holiday accommodation only and shall not be occupied as permanent residential accommodation independent of the tourism industry. No unit(s) shall be occupied continuously by any person for a period exceeding 21 days in any calendar year.

   Reason: This accommodation is only acceptable having regard to the Local Planning Authority's policies for tourism and the protection of the countryside. By its location, design and level of amenity provision it would not normally be acceptable for permanent residential use in accordance with policy ER12 of the Adopted Amber Valley Borough Local Plan 2006

3. The modifications to the building as per approved plan 'Existing and Proposed Elevations' GD/SG/20/44/07 received 16 March 2023 shall be completed in full within 6 months from the date of this permission, or prior to its use as a holiday let, whichever is sooner.

   Reason: To ensure the satisfactory appearance of the development and ensure the setting of the Wildersley Farmhouse is not harmed in accordance with policy EN24 of the Adopted Amber Valley Borough Local Plan and Part 16 of the National Planning Policy Framework.

4. The existing timber fence and brick archway and gate shall be removed within three months from the date of this permission.

   Reason: To ensure the satisfactory appearance of the development and ensure the setting of the Widersley Farmhouse is not harmed in accordance with policy EN24 of the Adopted Amber Valley Borough Local Plan and Part 16 of the National Planning Policy Framework.

5. Full details of any proposed treatment of the boundary(ies) of the site shall be submitted to and approved by the Local Planning Authority. Any agreed scheme shall be implemented in full in accordance with a phasing scheme.

   Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the holiday let in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan.

6. Prior to the occupation of the hereby approved holiday let, 2 no. bird boxes shall be sited within the application site and retained in perpetuity for the lifetime of the development.

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Reason: In the interests of the ecological value of the site in accordance with Policy EN13 of the Adopted Amber Valley Borough Local Plan and Part 15 of the National Planning Policy Framework.

Notes

Attention is drawn to the attached notes:

1 The full widths of all the public footpaths which cross or run near to the site (FPs 88, 105, 110, 113 & 116) must remain unobstructed at all times. The access drive to the site is Footpath 105, and it is essential that all vehicle drivers are aware of the possible presence of walkers and that they must drive safely at all times.

2 The applicant's attention is drawn to the advice of the Highway Authority that any future planning proposals may be considered an increase in use to the access and would be considered on their own merits at the time of submission.

3 The applicant's attention is drawn to the Countryside and Wildlife Act 1981, and it advised that Derbyshire Wildlife Trust is contacted should the applicant have any queries prior to the modifications to the building being implemented.

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.

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The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

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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.