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 B Langton
67 Main Street
Horsley Woodhouse
Ilkeston
DE7 6AW

Ruth Woodcock
Neil J Bland Ltd
Suite 4 Penistone 1
Regent Court
St Marys Street
Penistone
S36 6DT

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/2022/1003**) which was valid on the 17 November 2022 for permission for **Change of use of agricultural field to field for dog exercising with associated timber shelter and erection of fencing at Meadow Farm Main Street Horsley Woodhouse**

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 is valid for a limited period only, expiring on 31.12.2024. On or before that date the use hereby approved shall cease and the site be reinstated to its existing use 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.

Date : 29 June 2023

Signed

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2. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the following drawings:-
-Timber shelter elevations received 6 June 2023
-Amended site plan received 6 June 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.

3. Notwithstanding the approved timber shelter elevations drawing, the roof of the shelter shall be finished with felt and elevations shall have a dark stained finish.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

4. The timber post and deer fencing shall be fully in accordance with the details submitted in the agent's email dated 31 May 2023. The fencing shall be erected in accordance with the agreed details prior to the commencement of the dog exercising use.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

5. The two off-street car parking spaces shown by amended site plan dated 6 June 2023, shall be finished in dark scalpings and shall be available prior to the hereby approved use commencing.

Reason: To ensure the satisfactory appearance of the completed development in accordance with policy LS3 of the Adopted Amber Valley Borough Local Plan 2006.

6. The use hereby permitted shall only be open for customers between the following hours:
08:00 to 19:00hrs on Mondays to Fridays; and
08:30 to 19:00hrs on Saturdays, Sundays and bank or public holidays.

Reason: In the interests of residential amenity, in accordance with EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. There shall be more than 2 customers and 4 dogs shall be on the land at any time.

Reason: In the interests of residential amenity, in accordance with EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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8. The site shall be used for the walking/exercise of dogs on/off lead. No structures, other than those described in the application, shall be provided and the site shall not be used for formal training, agility, competition or similar activities.

   Reason: In the interests of residential amenity, in accordance with EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. No permanent external lighting shall be installed unless full details of its design, location, illuminance levels, orientation and operating times have first been agreed with the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before use commences.

   Reason: In the interests of residential amenity, in accordance with EN16 of the Adopted Amber Valley Borough Local Plan 2006.

10. The facilities to be provided for the proper reception, storage and disposal of all waste materials, to minimise nuisance odour and vermin, shall be implemented and maintained in accordance with the details submitted by e-mail on 31.05.2023.

    Reason: In the interests of residential amenity, in accordance with EN16 of the Adopted Amber Valley Borough Local Plan 2006

11. All trees and hedgerows shall be retained.

    Reason: To ensure that existing landscape features are retained in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

12. Existing trees on the site shall be protected in accordance with the submitted Tree Protection Method Statement received 06/06/23.

    Reason: To safeguard landscape features within the site in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

2 A temporary permission is considered to be appropriate in this instance to allow sufficient time for any impacts to be assessed before a full permission is considered. At renewal stage, the applicant must be able to demonstrate that the permitted activity has taken place for a significant consecutive period during the 12 months prior to the application.

3 The applicant is reminded that the gates to the proposed access should remain open at all times during the hours of operation of the facility.

4 The applicant is reminded in accordance with the method statement, that work to the protected trees requires prior authorisation or confirmation of exempt works from Derbyshire County Council. No work to the trees is permitted without this authorisation/exemption.

5 The application site is affected by a Public Right of Way (Footpaths 9 & 10 Horsley Woodhouse on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

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6 The applicant is advised that Horsley Woodhouse public Footpath No. 9 runs along the access to the proposed site and Horsley Woodhouse public Footpath No.10 runs adjacent to the site.

The Rights of Way Section advises the applicant as follows:

The footpath must remain open, unobstructed and on its legal alignment.
There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section.
Consideration should be given to the safety of members of the public using the path during and after the works. Private rights must not derogate the public's right to use the footpath.
There should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section.
Any fence installations must be a minimum of 1 metre from the definitive legal line of the path, to allow a minimum of 2 metres for the path width.

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:

LS1 - Sustainability criteria
LS3 - Design
EN2 - Green Belt
EN8 - Landscape Features
ER11 - Quality and design of development
TP1 - Impact on the Transport Network
TP6 - Parking
EN16 - Pollution

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.**