Simon Gladwin
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Development Management

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15 Chatsworth Avenue
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Matlock
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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 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/2023/0223**) which was valid on the 22 March 2023 for permission for **Outline application for a proposed shepherd's hut for holiday accommodation and vehicle hardstanding at Land Of Topp Hagg Lane Top Hagg Lane Fritchley**

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 to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

   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.

2. The use hereby permitted shall be carried on only by Mr E Brierton.

   Reason: To enable the Local Planning Authority to assess the impact of the proposed development in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

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3. The approval of the Borough Council shall be obtained prior to the commencement of any development in respect of the access to, appearance, landscaping, layout and scale of the buildings.

   Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out only in accordance with the details and specifications shown on the amended drawing showing the revised location received on 23.05.2023.

   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.

5. No building operations shall commence until details of the disposal of surface water and foul sewage serving the site have been submitted to and approved in writing by the Local Planning Authority. Any agreed scheme shall be implemented in full prior to the development being brought into use.

   Reason: To ensure that there are adequate facilities for the disposal of foul and surface water for mitigation measures of the SSSI site in accordance with policy EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006.

6. The existing hedgerows on the site will be retained.

   Reason: The hedgerows in question are considered to be features of significance in terms of landscaping. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

7. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

   Reason: To ensure that the development does not appear as an unduly prominent feature in the area, in the interests of amenity and to protect the wildlife in and around

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the site in accordance with policies LS3, EN13 and EN14 of the Adopted Amber Valley Borough Local Plan 2006.

8. No more than 2 adults are permitted and there shall be no children or dogs at any time occupying the shepherd's hut

Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

Notes

Attention is drawn to the attached notes:

1 The applicant is advised of the following Crich Restricted Byway 70 runs through the application site along the access road, Topp Hagg Lane. Therefore, walkers, horse riders, pedal cyclists and drivers of vehicles which are not mechanically propelled will each have a right of way along that route. It is an offence to drive a mechanically propelled vehicle on a restricted byway without lawful authority. As this route will provide access to the holiday accommodation, it is essential that the applicant and all that drive a mechanically propelled vehicle, such as a car, down the restricted byway have the lawful authority to do so.

- The restricted byway must remain open, unobstructed and on its legal alignment.
- There should be no disturbance to the surface of the restricted byway without prior authorisation from the Rights of Way Section.
- Consideration should be given to the safety of members of the public using the restricted byway during the works. A temporary closure will be permitted on application to DCC where the route remains unaffected on completion of the development.
- There should be no encroachment of the restricted byway, and no fencing should be installed without consulting the Rights of Way Section.

2 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals.

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Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

3 The applicant is advised that on the submission of the reserved matters application the parking for the holiday let should be retained within the domestic curtilage of No 17 Top Hagg Lane.

4 The applicant is advised that should a reserved matters application be submitted the time frame of permission for the structure (shepherds hut) is likely to be permitted temporary for a 10 year period only due to the nature of the structure.

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
TP1 - Impact on the Transport Network
TP6 - Parking
ER12 - Tourism
EN1 - Countryside
EN7 - Landscape Character Areas
EN8 - Landscape Features
EN13 - Nature Conservation
EN18 - Derelict, Unstable And Contaminated Land
NP2 - Design principles for development
NP3 - Housing mix for new development
NP4 - The conversion of redundant farm building
NP1 - Support appropriate new build homes

In detail:

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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.

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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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.