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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/2023/0172**) which was valid on the 13 March 2023 for permission for **Addition of a new garage structure at Blackbrook Farm 15 Ashbourne Road Blackbrook**

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 proposal would have an adverse impact on the character and appearance of the rural setting of the Derwent Valley Mills World Heritage Site Buffer Zone, and the impact on the character on the historic barn conversion. The proposal is therefore contrary to policies LS3, H12 and EN29 of the Adopted Amber Valley Local Plan 2006, SPD for Residential Development and Part 12 of the NPPF which seeks to secure high quality development sympathetic to local character and history which will add to the overall quality of the area and part 16 of the NPPF as it does not sustain or enhance the significance of the World Heritage Site

   The development would result in harm, albeit less than substantial, to the significance of the rural relic landscape as defined by its Outstanding Universal Value, without clear and convincing justification. The proposal is therefore contrary to paragraph 194 of the National Planning Policy Framework (NPPF), which requires any harm or loss of the significance of a designated heritage asset to be justified, and policy EN29 of the Adopted Amber Valley Borough Local Plan 2006, which requires all development proposals in the Derwent Valley Mills World Heritage Site Buffer Zone to preserve or

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enhance the setting of the World Heritage Site. The harm identified would not be outweighed by public benefit, as required by paragraph 196 of the NPPF.

The proposal does not constitute sustainable development for the purposes of paragraph 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, provides a clear reason for refusing the development proposed. by virtue of the harm that would arise to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

2. It is not considered that the land on which the building is proposed to be sited is not located within the domestic curtilage of the application dwelling. This application has been applied for under a householder application and therefore without evidence of the land being located within the domestic curtilage a full planning application is required.

3. The site is located in land designated as a Special Landscape Area. The proposal will result in a visually harmful and incongruous intrusion into this valued landscape which harms the landscape quality of the area. The proposal is therefore contrary to Policy EN6 of the Adopted Amber Valley Borough Local Plan, as the proposal has an adverse effect on the landscape quality and character of the area, and harms the natural landscape features of the Special Landscape Area. Policy EN6 of the Amber Valley Borough Local Plan 2006 and Hazelwood Neighbourhood Plan Policy NP6 are consistent with the National Planning Policy Framework which states that proposal should protect or enhance a valued landscape or recognise the character and intrinsic beauty of the countryside.

4. Insufficient information has been provided in the application to demonstrate how the proposal would not harm or protect the existing trees within the site. As such the proposal would be contrary to Saved Policy EN8 the adopted Local Plan which states that planning permission will not be granted for development that would cause damage or destroy significant trees woodlands, hedgerows, drystone wall or other features, unless exceptional circumstances can be demonstrated to justify the proposals.

   Paragraph 180 of the NPPF also states that where it states that when determining planning applications, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

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**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 request for amended plans/additional information, 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 twelve weeks 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.**