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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/2021/0359**) which was valid on the 2 June 2021 for permission for **10 No holiday chalets and formation of new site entrance at Golden Valley Camping And Caravan Park Golden Valley Riddings**

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. By virtue of its quantum, scale and siting compared to that of the existing circumstances of the site, the development would lead to a material and harmful loss of openness to the Green Belt, which undermines one of the essential characteristics of the Green Belt as defined in paragraph 137 of the National Planning Policy Framework. Therefore the development does not constitute 'appropriate' development as set out in paragraph 149b of the National Planning Policy Framework. No Very Special Circumstances have been demonstrated to outweigh the harm that would arise from the proposal to the green belt by reason of inappropriateness. The proposal is therefore contrary to saved policy EN2 of the Adopted Amber Valley Borough Local Plan and Part 13 of the National Planning Policy Framework, which seeks to protect the openness and permanence of the green belt, and furthermore does not constitute a sustainable development form of development when considered against paragraph 11 d i, since the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

Date : 19 July 2023

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2. Due to its appearance, siting, layout and amount of the development, it would be harmful to the character and appearance of the area and wider landscape and would therefore be contrary to saved policies ER12 and EN7 of the Adopted Amber Valley Borough Local Plan and the relevant parts of the paragraph 130 (a), (b), (c) and (d) National Planning Policy Framework which seek to ensure that developments will add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate landscaping, and be sympathetic to local character and history. The benefit of the additional tourist use to local economy is not considered to be sufficient to outweigh the harm identified.

3. The overall proposal would result in the loss of open, tranquil rural space immediately adjacent to the core historic feature of the Golden Valley Conservation Area and would not preserve its special interest, changing its character and appearance in a harmful manner. Public benefits of the proposal do not outweigh this harm. As such the development in contrary to saved policy EN27 of the Adopted Amber Valley Borough Local Plan and paragraph 197 of the National Planning Policy Framework, which seeks to enhance the significant of heritage assets and make a positive contribution to local character and distinctiveness.

4. The applicant has removed a large section of TPO woodland trees and hedgerows which are important landscape and biodiversity features. The applicant has failed to demonstrate that the loss of the woodland has been fully compensated to ensure that a biodiversity net gain could be achieved. There is no scope within the site layout to mitigate or compensate for this loss of habitat. Therefore the development fails to meet the requirements of saved policies EN8 and EN9 of the Adopted Amber Valley Borough Local Plan and paragraph 174 (d) and 180 (a) of the NPPF, which seeks to minimise impacts on by providing net gains for biodiversity, adequately mitigate and compensate significant harm to biodiversity.

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 and allowing a delay in the determination of the application to give the applicant the opportunity to address the concerns, 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 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. **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.**