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 A Rawson
Pingle Cottage
Brickyard Lane
Kilburn
Derby
DE56 0LL

Mr John Church
John Church Planning Consultancy
Rose Lea
Church Lane
Rowsley
Matlock
DE4 2EA

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/2022/0634**) which was valid on the 21 July 2022 for permission for **Construction of equestrian menage and erection of general-purpose agricultural building at Land East Of 41 Rawson Green Rawson Green Kilburn**

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 begun before the expiration of three years from the date of this permission.

   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 development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

   Site Location Plan JC/R143/21, Block Plan 2 JC/R143/22A, 023 08 16 Block Plan 20C with proposed levels, Detailed Plan and Elevations JC/R143/23 and menage fence detail plan July 2022 and JC/R143/22E Tree Planting.

   Reason: In order to define the permission.

Date : 31 August 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

3. The concrete blockwork to the general-purpose building shall be painted and maintained to BS4800: 2011, 00A05 (goose grey), the sheeting, roof and rainwater goods shall be coloured BS4800: 2011, 00A13 (storm grey) and the surface of the menage shall be finished with equi-sand or fibre sand colour brown/grey.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with Policies LS3 and EN2 of the Adopted Amber Valley Borough Local Plan 2006.

4. The finished floor level of the general-purpose building shall be 72.0m AOD.

   Reason: To protect the building from the risk of flooding in accordance with Policy EN15 of the Adopted Amber Valley Borough Local Plan 2006.

5. There shall be no external illumination of the hereby approved development.

   Reason: In the interest of amenity in accordance with saved Policy LS3 of the Amber Valley Borough Local Plan 2006.

6. The general-purpose building hereby permitted shall be used for private/domestic purposes only, and no trade or business shall be carried out therefrom.

   Reason: To define the terms of this permission

7. No storage of goods, materials, plant, machinery or equipment shall take place other than within the general-purpose building on the site.

   Reason: In the interest of amenity in accordance with saved Policy LS3 of the Amber Valley Borough Local Plan 2006.

8. Any trees or plants identified in drwg no. JC/R143/22E shall be planted the first planting season following the completion of the building in accordance with British Standard BS8545: 2014 (Trees from nursery to independence in the landscape) and any trees/plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policies EN1 and EN8 of the Adopted Amber Valley Borough Local Plan 2006.

Date : 31 August 2023

Signed S Gladwin

Simon Gladwin
Executive Director (Operations)

Notes

Attention is drawn to the attached notes:

1 The applicant is advised to follow the guidance and advice from www.gov.uk/guidance/Flood-Risk-Assessment-Standing-Advice and CIRIA Property Flood Resilience Code of Practice or Guidance in BRE Digest 532 Parts 1 and 2 and BRE Good Building Guide 84 in order to mitigate any flood risk to the development.

2 The Borough Council should be notified if any trees adjoining the site which are subject to a Tree Preservation Order require pruning as a result of any of the proposed development.

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
EN11 - Agricultural development
EN15 - Development and Flood Risk
TP1 - Impact on the Transport Network
TP6 - Parking
LC14 - Horse Riding Facilities

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.

Date : 31 August 2023

Signed

S Gladwin

Simon Gladwin
Executive Director (Operations)

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.

Date : 31 August 2023

Signed

Simon Gladwin
Executive Director (Operations)

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.