Simon Gladwin
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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/2022/0829**) which was valid on the 16 November 2022 for permission for **Change of use of field to a dog walking/training and agility facility and a pony grazing field (retrospective) at Leashaw Farm Robin Hood Whatstandwell.**

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 carried out only in accordance with the details and specifications shown on the drawing:

   Site Layout , Drawing no 1852-002
   received on 8th November 2022

   Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3 and EN7; of the Adopted Amber Valley Borough Local Plan 2006.

2. The land shall be used for activities relating to a dog training/agility/exercise facility and pony grazing and for no other purpose

   Reason: For the avoidance of doubt

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3. The use hereby permitted shall be carried out within the application site only between the following times:

   Monday - Friday (inc) 12:00 -18:00
   Saturday: 09:00-18:00
   Sundays and Public Holidays 12:00-18:00

   Reason: In the interests of residential amenity and in accordance with Policy EN16 of the adopted Amber Valley Local Plan and Paragraph 130 (f) of the NPPF.

4. 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.

   Reason: In the interests of amenity and to comply with policy EN18 of the Amber Valley Local Plan and Paragraph 185 of the NPPF.

5. Parking shall be provided in accordance with that shown on the hereby approved site plan drawing no : 1852-002. The spaces shall be maintained throughout the life of the development free from any impediment to its designated use.

   Reason: In the interests of highway safety in accordance with Policy TP1 of the Amber Valley Local Plan 2006 and Paragraph110 (b) of the NPPF.

Notes

Attention is drawn to the attached notes:

1 The application site is affected by a Public Right of Way (Footpath 36 Crich 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.

The applicant is advised to erect signs close to the boundary to inform walkers using the Public Right of Way of the use of the field as a dog exercising area.

Further advice can be obtained by calling 01629 533190.

2 Should, in the future, any trees require any works or pruning then it is advised that the Borough Council are contacted prior to any works commencing.

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3 Should additional hedgerow planting be required, it is recommended that a mix of the following native species would be considered appropriate
Ilex aquifolium Holly
Corylus avellana Hazel
Acer campestre Field maple
Frangula alnus Alder buckthorn
Rosa canina Dog rose
Viburnum opulus Guelder rose

4 A baseline vegetation survey for Derbyshire Wildlife Records should be completed between May and July and a butterfly survey for dingy skipper and small heath should be undertaken in May/early June and if necessary late July/August. A set of fixed-point photographs of the field is recommended to help support the baseline assessment.

Subsequently the field should be re-assessed after 1, 2 and 3 years to see what effect if any the change of use is having on the grassland. As the site is a Local Wildlife Site Derbyshire Wildlife Trust would be able to advise and support the landowner to establish monitoring at the site.

The monitoring should adopt the recommended methodology:

- A baseline grassland vegetation survey of the field will be undertaken between May and July and consist of a structured walk across the whole field to identify and record higher plant species from at least 25 stops equally spaced along the walk. Notes for the whole field should be collected together with a full list of plant species and the extent of any poaching or trampling or signs of nutrient enrichment should be recorded and mapped.
- Monitoring of the grassland (using the same methodology and timing as above) for 3 years after the start of the development with annual report sent to DWT.
- A set of fixed-point photographs of the field to be repeated each year for five years and sent to DWT for review.

5 Appropriate facilities shall be provided for the proper reception, storage and disposal of all waste materials arising from the operation of the business to minimise nuisance odour and vermin. Any faecal waste shall be double bagged and stored in a sealed container.

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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:

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.

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.

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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.