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/2022/0489**) which was valid on the 9 June 2022 for permission for **Demolition of existing barn and construction of a single dwelling with means of access and conversion of existing outbuilding to domestic garaging (The development is a departure from the Adopted Local Plan) at Agricultural Barn At Land Off Moorwood Moor Lane Moorwood Moor**

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 fails to be environmentally sustainable by virtue of the harm caused to the prevailing character and appearance of the area and wider landscape and countryside. The new development would not be sympathetic to local character, including surrounding environment and landscape setting. The proposed new dwelling would represent a marked contrast to the existing agricultural barn and the applicant's permitted development rights to convert the existing agricultural building. As such, it is not considered that the proposal would represent high quality design that would integrate effectively with its rural surrounding. It therefore fails to accord with saved policies LS3, H12 and EN7 of the Adopted Amber Valley Local Plan, policies NPP1, NPP3 and NPP6 of the South Wingfield Parish Neighbourhood Plan and para 134 of the NPPF.

Date : 22 December 2023

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2. The proposed layout which includes the use of the access track over such a substantial length (260m), for domestic purposes, represents the change of use of land that would be harmful to character of the countryside that does not respect the existing pattern of development. The proposed domestic arrangement with the wheelie bins, access, track and materials used in construction of this, together with domestic cars accessing/exiting the track would appear at odds when viewed towards the site from Inns Lane, given that the immediate setting of this section of the site is open countryside/agricultural fields. As such, the proposal would not be in accordance with saved policies EN7, LS3 and H12 of the Adopted Amber Valley Local Plan, policies NPP1, NPP3 and NPP6 of the South Wingfield Parish Neighbourhood Plan and para. 134 of the NPPF.

3. The proposal fails to provide adequate living conditions for the future residents of the dwelling. All three bedrooms in the basement would be lit by small windows which would not allow sufficient access of natural light, ventilation, or outlook. Additionally, given that these would be habitable rooms, it is anticipated, that the future occupiers of the dwelling would largely rely on the artificial lighting throughout mornings, days and evenings. Therefore, the dwelling would not be energy efficient or sustainable development in comparison with the approved scheme. This is also contrary to para. 5.7 of the Residential Development Supplementary Planning Document which requires that new homes should be designed to optimise natural light and heat and para 135 of the National Planning Policy Framework which requires all development promote health and well-being, with a high standard of amenity for future users.

4. The proposal fails to be environmentally sustainable by virtue of the harm caused to the prevailing character and appearance of the area and wider landscape, and settlement pattern. This is contrary to Paragraph 8 of the NPPF, which states that there are three objectives to sustainable development: economic, social and environmental, which are independent and need to be pursued in mutually supportive ways. The proposal is also contrary to Policy NPP1 of the South Wingfield Parish Neighbourhood Plan which states, amongst other, that development should be in a scale, density, layout and design that is compatible with the character, appearance and amenity of the area in which it is located.

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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 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.**