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Mr Paul Gaughan

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/2021/0769**) which was valid on the 1 July 2021 for permission for **Renovation and extension of existing pig-sty building to form holiday accommodation, and associated landscaping works at Holt Cottage Holt Lane Lea**

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 hereby permitted shall be carried out only in accordance with the details and specifications shown on the drawing:
   Existing and Proposed Layouts, Elevations and Site Block Plan, Drg no: ;GD-AW-2022-054-01 REV B received on 12th October 2023.

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

Date : 30 January 2024

Signed S Gladwin

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3. Prior to the commencement of construction/ repair details of the external walling and roofing materials for the proposed works shall be approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials. Samples shall be provided on site for approval, as required, by the Local Planning Authority. A sample panel of the mortar pointing to be used shall also be carried out on site and shall illustrate the colour, texture, finish, mortar specification to be used and shall be approved in writing by the Local Planning Authority prior to the commencement of construction.

   Reason: To protect the special character and architectural interest and integrity of the existing building and the character and appearance of the Conservation Area. in accordance with Policies EN27 and EN29 of the Adopted Amber Valley Local plan 2006, Policy NPP6 of the Dethick, Lea and Holloway Neighbourhood Plan (2021) and Paragraph 212 of the NPPF (2023)

4. Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority in accordance with a programme of submission and works to be agreed in writing by the Local planning Authority prior to commencement of the development. The works shall be carried out in accordance with the approved details. Large scale details to be at 1:50. 1:20 or 1:5 as appropriate and supplemented with manufacturer's literature where appropriate.

   -Any external lighting;
   -Rainwater goods;
   -Rooflights;
   -Timber cladding construction, jointing and finish;
   -Timber frame construction and jointing;
   -New external windows and doors (including glazed link); and,
   -1:20 sections through the external walls at window positions showing the relationship between the wall/window openings and verge/ eaves details.

   Reason: To protect the special character and architectural interest and integrity of the existing building and the character and appearance of the Conservation Area. in accordance with Policies EN27 and EN29 of the Adopted Amber Valley Local plan 2006, Policy NPP6 of the Dethick, Lea and Holloway Neighbourhood Plan (2021) and Paragraph 212 of the NPPF (2023)

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5. Prior to the development hereby permitted being first brought into occupation, up to 2 parking spaces measuring 5.5m x 2.5m shall be provided and maintained throughout the life of the development

   Reason: To ensure the provision of adequate servicing facilities in accordance with Policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006 and Paragraph 114(b) of the NPPF (2023).

6. Tree protection measures should be installed as shown on drawing GD/AW/2022/054/01 Rev B, which should be read in conjunction with the hereby approved Tree Survey and Arboricultural Impact Assessment (MacTree Services -20th May 2021).

   Reason: To ensure adequate protection measures are in place whilst construction works are carried out in accordance with Policy EN7 of the Adopted Amber Valley Local Plan 2006 and paragraph 131 of the NPPF (2023).

7. The accommodation hereby approved shall be used as holiday accommodation only, and shall not be occupied as permanent residential accommodation independent of the tourism industry. The unit shall not be occupied continuously by any person for a period exceeding 21 days in any calendar year.

   Reason: This accommodation is only acceptable having regard to the Local Planning Authority's policies for tourism and the protection of the countryside. By its location, design and level of amenity provision it would not normally be acceptable for permanent residential use in accordance with policy ER12 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 The application site is affected by a Public Right of Way (Footpath 20 Lea 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. Further advice can be obtained by calling 01629 533190.

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:

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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.**