S Gladwin
Chief Executive
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 Grant Lowe
7 Newton Close
Belper
Derbyshire
DE56 1TH
UK

Mr Martin Hodge
C6 Surveyors Ltd
Vernon Lane Farm
Robridding Road
Ashover
Chesterfield
Derbyshire
S45 0JA

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/2023/0564**) which was valid on the 26 July 2023 for permission for **Change of use of existing storage unit to single dwelling including alterations to elevations at Land To East Of Park Lane Park Lane South Wingfield**

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. Approval of the proposal would result in a detrimental impact to the setting of the ruinous remains of the Grade I Listed/Scheduled Wingfield Manor, which survives in a rural setting remarkably intact through the aesthetic value of an historic dominant structure in a rural and open landscape. The harm is caused by an unjustified intervention within the historic rural landscape, with an adverse impact on the prevailing character by changing from a loosely-related agricultural use to a domestic use, incongruous within the distinctly open rural context of the locality. The proposal is contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires a statutory presumption to refuse an application which fails to protect the special historic interest of Wingfield Manor, a Grade I Listed Building of national importance, and results in 'less than substantial' harm to the designated heritage asset having regard to Paragraph 208 of the National Planning Policy Framework, with the public benefits arising from the development not outweighing the harm caused. The proposal is also contrary to policy EN24 of the Amber Valley

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Borough Local Plan 2006, which states that the Borough Council will require development proposals to contribute to the preservation of Listed Buildings and their setting.

2. Approval of the proposal would result in a detrimental impact to the setting of South Wingfield Conservation Area, of which part of its significance derives from its intrinsic links with Wingfield Manor and its remarkably intact rural setting in the absence of built development, with the application site forming part of an historic route through the southern parkland which stretches out beyond South Wingfield into the undulating rural landscape. The proposal would therefore be contrary to Policy EN27 of the Amber Valley Borough Local Plan, which states that planning permission will only be granted for development proposals adjacent to Conservation Areas if they contribute to the preservation or enhancement of the Conservation Area, including any development affecting its setting. The proposal results in 'less than substantial' harm to the designated heritage asset having regard to Paragraph 208 of the National Planning Policy Framework, with the public benefits arising from the development not outweighing the harm caused.

3. The proposal would be harmful to landscape character by virtue of the loss of a building appropriately designed for the purposes of agriculture, appropriate in its rural context, through its change of use, conversion and external alteration to form a residential dwelling, without justification that it is necessary for such a location. It would be harmful to the agricultural character of the countryside and to a valued landscape of recognised cultural heritage through its association with historic parkland to the Wingfield Manor, and on a site which makes a positive contribution to landscape character in the Borough. The proposal would therefore be contrary to saved policies LS3 which requires development to conserve or enhance the quality and local distinctiveness of the natural and built environment and saved policy H12(a) and (b) which requires housing development to be in scale and character with its surroundings, having regard to distinctive landscape features. It would also be contrary to Paragraph 180 of the National Planning Policy Framework, which states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.

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4. The proposal fails to be environmentally sustainable by virtue of the harm caused to the landscape character of the area. This is contrary to Paragraph 8 of the National Planning Policy Framework, which states that there are three dimensions to sustainable development: economic, social and environmental, which must be read together as they are mutually dependent in the interests of ensuring a sustainable form of development including to protect and enhance the natural, built and historic environment; and contrary to Saved policy LS1 of the Adopted Amber Valley Borough Local Plan 2006, which states, amongst others, that development should be located taking account of specific sustainability criteria, including amongst others, being well-related to existing patterns of development, protecting and enhancing the quality of the built and natural environment, minimising the need to travel between home, work and other activities and providing opportunities for journeys other than by car.

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 reference to the recent planning history on the site and the impact of the proposal on designated heritage assets. 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 6 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.**