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TOWN AND COUNTRY PLANNING ACT 1990

(PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) 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/2021/1140**) which was valid on the 20 October 2021 for permission for **Listed building consent for conversion of curtilage listed barn to dwelling and single storey extension, alterations to stone wall for creation of a vehicular access and associated parking at Small Barn At Highfield Farm Browns Lane Holbrook.**

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 works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.

   Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

   Drawing 1660-101 Revision P2 - Site location plan (received 05/03/2024)

Date : 14 June 2024

Signed

Simon Gladwin
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Drawing 1660-103 Revision P3 - Proposed site plan (received 05/03/2024)

Drawing 1660-105 Revision P2 - Gate details (received 05/03/2024)

Drawing 1660-104 Revision P2 - Proposed plans and elevations (received 05/03/2024)

Structural Report prepared by Michael Evans & Associates, June 2017

Reason: In order to define the consent.

3. Notwithstanding the details shown on the approved plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details and samples of the following:

   external facing and roofing materials - including wall and roof cladding, stone
   new stone lintel

   The development shall then be completed and retained in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

4. Notwithstanding the hereby approved drawings, no development shall take place until full details of the proposed rooflight, including a section through the roof to show how the rooflight will sit flush to the roof tiles within the roof plane, how the rooflight will be fitted between the rafters, and the appropriate flashings, have been submitted to and approved in writing by the Local Planning Authority. The roof light shall subsequently be installed in accordance with the approved details.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

5. Prior to the commencement of development, and notwithstanding the details shown on the approved plans, drawings at a scale of no less than 1:5 to show:

   sections through the proposed windows and doors, including all joinery, casements and frames to windows and doors, the location of each window and door rebated both within the masonry openings and within the extension, and the finished colour,

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shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

6. Notwithstanding the details shown on the approved plans, prior to the commencement of development, full details of the works to repair the crack to the stonework on the west facing elevation of the building (as shown on drawing 1160-104 Rev P2), including any works to stabilise the building, shall be submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be implemented in accordance with the approved details.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

7. All rainwater goods shall be cast metal, unless otherwise agreed in writing with the Local Planning Authority.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the hereby approved drawings, all verges to the stone building shall be plain close verges, with tiles set within wet mortar (not dry verges).

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building in accordance with policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

9. Precise details of all new windows/doors to be installed shall be submitted to and agreed in writing with the Local Planning Authority before installation.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Listed Building/Conservation Area in accordance with saved policy EN24 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

Reasons for 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 relevant Neighbourhood Plans and saved policies of the Adopted Amber Valley Borough Local Plan 2006.

EN24 - Listed Buildings

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 protection and enhancement of features at the site of architectural and historic importance.

Date : 14 June 2024

Signed

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Chief Executive

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 twelve weeks 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.