Planning Department
Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3BT

Matthew Evans
Clerk & Responsible Financial Officer
Idridgehay & Alton and Ashleyhay PC
C/O 287 Portland Road
Nether Langwith
Mansfield
NG20 9EZ

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Planning Comment: AVA/2025/0873

FAO Amber Valley Borough Council [AVBC] Planning Department

I'm writing to you on behalf of Idridgehay & Alton and Ashleyhay Parish Council (the Parish Council); following the Council's last meeting, it was agreed to contact AVBC to comment against the approval of the following planning matter: AVA/2025/0873.

The Parish Council has considered the submitted application documentation, the relevant development plan policies, and the adopted Idridgehay, Alton and Ashleyhay Neighbourhood Plan ("the VIA Neighbourhood Plan"). Following careful review, the Parish Council concludes that the proposal represents a clear and material conflict with:

- The adopted Amber Valley Borough Local Plan;
- The adopted VIA Neighbourhood Plan;
- The statutory duty relating to Conservation Areas; and
- The overarching requirement to protect the character and quality of the countryside and Special Landscape Areas.

For the reasons set out in detail below, the Parish Council respectfully requests that AVBC refuse this application.

POLICY ER11: In considering proposals for business and industrial development, the Borough Council will require that the proposals:-

a) are compatible with their surroundings
b) have regard to distinctive landscape features and nature conservation interests
c) provide supplementary landscaping, particularly where the development is visually prominent or situated on the established urban fringe
d) provide satisfactory vehicular access to the road network
e) provide utility infrastructure as appropriate
f) provide parking and servicing to the appropriate standards
g) provide necessary improvements to the road network to accommodate traffic generated by the development
h) promote access to the rail network where practicable

The application site lies outside defined village settlement boundaries, within open countryside, within a Special Landscape Area, and adjacent to two Conservation Areas.

The Parish Council considers that the scale, form and operational nature of the proposal is not compatible with its rural and historically sensitive surroundings. The proposal introduces urbanising characteristics into a location defined by agricultural land, dispersed rural dwellings and heritage assets.

The proposal therefore fails criterion (a).

The site's inclusion within a Special Landscape Area establishes that it possesses distinctive landscape character requiring protection.

The Parish Council considers that the proposal does not sufficiently safeguard landscape quality or scenic value and risks incremental erosion of rural character.

Criterion (b) is therefore not satisfied.

POLICY ER12: Planning permission will be granted for tourism development, including the expansion of existing facilities on to immediately adjacent land, providing that:-

a) there is no significant impact on the character of the surrounding environment, the existing road network and the residential amenity of nearby properties
b) where the proposals involve the conversion of existing buildings, the building or group of buildings is of permanent and substantial construction, is of a form, bulk and general design in keeping with its surroundings and can be converted without extensive alteration, rebuilding or extension.

Should the proposal be advanced as tourism-related development, Policy ER12 applies. The Parish Council considers that the proposal would adversely impact rural character, place additional pressure on the road network, and introduce intensified activity affecting nearby residential amenity.

Criterion (a) is therefore not satisfied.

POLICY EN1: In the countryside, outside the built framework of settlements, new development will only be permitted where it:

a) is essential in conjunction with the requirements of agriculture or forestry,
b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or

c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages

The site lies outside defined settlement boundaries and is therefore located within the countryside for planning purposes. Policy EN1 establishes a restrictive approach to development in such locations and permits new development only where it is essential for agriculture or forestry, is necessary within the countryside and cannot reasonably be located within an existing settlement, or will improve the viability or accessibility of services in settlements remote from service centres.

The Parish Council considers that the proposal does not satisfy any of these criteria. The development is not essential to agriculture or forestry. It has not been demonstrated that the proposal must be located in the open countryside or that alternative sites within defined settlement boundaries are unavailable or unsuitable. Nor has it been demonstrated that the development would directly improve the viability or accessibility of existing services within a remote settlement in a manner envisaged by the policy.

The proposal therefore conflicts with Policy EN1 and undermines the spatial strategy that directs development toward sustainable and defined settlement locations.

POLICY EN6: Planning permission for new development, including conversions of and extensions to existing buildings, will only be permitted in Special Landscape Areas, if it does not have an adverse effect on the landscape quality or character

The application site lies within a designated Special Landscape Area. Policy EN6 states that planning permission for new development will only be granted if it does not have an adverse effect on landscape quality or character.

The Parish Council considers that the introduction of development of the nature proposed would adversely affect the landscape character of the area. The Special Landscape Area designation exists to protect distinctive scenic qualities, openness, and rural character. The proposal would introduce built form and activity that would erode those characteristics and contribute to gradual urbanisation of a sensitive rural landscape.

The Parish Council does not consider that the absence of overwhelming harm is sufficient to satisfy the policy test. The requirement is that there must be no adverse effect. In this case, adverse effect has not been convincingly ruled out.

POLICY EN27: Planning permission will only be granted for development proposals within and adjacent to Conservation Areas, as shown on the Proposals

Map, if they would contribute to the preservation or enhancement of the Conservation Area. Special consideration will also be given to proposals for development adjacent to and affecting the setting of a Conservation Area.

Proposals involving the change of use, alteration or conversion of existing buildings must respect the character and design of the existing building and, in the case of extensions, be clearly subordinate to the original building.

The application site is located adjacent to two designated Conservation Areas. Policy EN27 requires that proposals within and adjacent to Conservation Areas must contribute to the preservation or enhancement of their character and appearance. Furthermore, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority is under a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The setting of a Conservation Area is not limited to its boundary but includes the surrounding landscape which contributes to its significance. The Parish Council considers that development immediately adjacent to two Conservation Areas materially increases the sensitivity of the site. The rural landscape contributes to the historic character and context of both Conservation Areas, and the introduction of intensified development risks undermining that setting.

The Parish Council does not consider that the proposal demonstrably preserves or enhances the character or appearance of either Conservation Area. In the absence of clear preservation or enhancement, the statutory test is not satisfied.

VIA Landscape Policy: L1 In order to protect and conserve the countryside and Special landscape Area status applications for any development should reflect and enhance the distinctive landscape characteristics and settlement pattern of the Neighbourhood Area. Any proposal for development will therefore be required to:

a) be located within or adjacent to the enclosed areas immediately surrounding traditional farmsteads and house sites if at all possible;
b) reflect the distinctive character of the landscape and its scenic beauty;
c) respect the setting of any group of houses or single farmstead;
d) re of a size and scale that is proportionate to surrounding buildings;
e) respect the character of surrounding buildings;
f) be not unduly prominent in the landscape;
g) occupy a footprint no larger than the original, if the application is for the replacement of an existing building; and
h) meet the above requirements without contributing to a cumulative effect that has adverse impact on the visual amenity of the area.

Policy L1 of the adopted VIA Neighbourhood Plan requires that development must reflect and enhance the distinctive landscape characteristics and settlement pattern of the Neighbourhood Area. It requires that development respect the setting of farmsteads and groups of houses, be proportionate in scale, avoid undue prominence, and prevent cumulative adverse visual impact.

The Parish Council considers that the proposal fails to reflect the distinctive character and scenic beauty of the area. Its scale and presence within the landscape would not be proportionate to surrounding development and would risk visual prominence within a sensitive countryside location. In addition, the Parish Council considers that approval of this proposal would contribute to cumulative landscape harm and undermine the locally endorsed objectives of the Neighbourhood Plan.

VIA Business Policy B1: Business development, whether new or expanding, will be considered favourably provided that it:

a) re-uses redundant or existing buildings as far as is reasonably practicable;
b) is located within or adjacent to existing buildings if at all possible;
c) is appropriate in scale to the Neighbourhood Area;
d) is of a quality of design and materials appropriate to the location;
e) protects residential amenity;
f) demonstrates benefit to the local community in terms of jobs or services;
g) will not significantly adversely affect the visual amenity or character of the area;
h) will not have unacceptable environmental impact in terms of traffic generated, light and noise, pollution and loss of natural green space; and
i) aims to achieve the highest possible standard of energy efficiency.

Policy B1 supports business development where it is appropriate in scale, located within or adjacent to existing buildings where possible, protects residential amenity, avoids significant adverse visual or environmental impact, and demonstrates benefit to the local community.

The Parish Council considers that the proposal's location outside settlement boundaries, within a Special Landscape Area, and adjacent to two Conservation Areas renders it inappropriate in principle.

The proposal therefore conflicts with Policy B1.

In addition to the policy conflicts set out above, the Parish Council is concerned about cumulative impact. The site's location outside settlement limits, within a Special Landscape Area, and adjacent to two Conservation Areas creates a layered sensitivity. Approval of development in such a location risks establishing a precedent for further incremental encroachment into protected countryside.

We would politely remind the AVBC that the National Planning Policy Framework (NPPF) has now been updated by the Government and includes greater weight for the consideration of adopted Neighbourhood Plans in planning decision which conflict with stated policy.

The Council hopes that you will agree with our assessment of the application, and reject the application accordingly. The Council would appreciate it if the Planning Department could inform us of the outcome in regard to this planning application.

Yours Sincerely,

Matthew Evans
Clerk & Responsible Financial Officer
Idridgehay & Alton and Ashleyhay Parish Council