S Gladwin
Chief Executive
Development Management

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Mr Stevie Greaves
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LE12 8ED

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/2025/0558**) which was valid on the 26 August 2025 for permission for **Removal of existing residential cabin and caravans, and replacement with self-build residential cabin. Creation of a vehicular access at The Croft Wirksworth Road Whatstandwell**

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 Ground Floor, First Floor, Façade 1-7, Façade E-A, Façade 7-1, Façade A-E, Section A-A, Foundation Plan, Rafter Plan and Stairs drawings received on 26.08.2025, amended drawing RHC-25-235-01 Rev A received on 27.01.2026 and drawing RHC-25-235-02 received on 09.12.2025.

Date : 27 February 2026

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Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies LS3, H12, EN6, EN29, TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details and/or samples of the materials and finishes to be used for the external elevations and roof of the proposal, and the development shall be carried out with those materials.

   Reason: To ensure the satisfactory appearance of the completed development in accordance with policies LS3 and H12 of the Adopted Amber Valley Borough Local Plan 2006.

4. The development hereby permitted shall not be occupied until the access layout, parking, and turning facilities have been provided as shown on drawing numbers RHC-25-235-01 Rev A received on 27.01.2026 and RHC-25-235-02 received on 09.12.2025.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

5. The development hereby permitted shall not be occupied until visibility splays are provided at the site access in accordance with the following requirements:

   i) A minor road visibility setback distance of 2.4m shall be measured along the centreline of the site access from the northern carriageway edge on Wirksworth Road.

   ii) Major road visibility splay distances of 58m and 44m in length shall be measured along the northern carriageway edge along Wirksworth Road to the east and west of the site access centreline, respectively.

   iii) The major road visibility splays shall be projected between the point defined by the 2.4m minor road setback distance and points at the eastern and western extents of the major road splay distances which are located within the carriageway on Wirksworth Road but no more than 0.25m from its northern edge.

   iv) The visibility splay envelopes shall be permanently maintained clear of obstruction above 0.6m in height above adjacent carriageway level.

Date : 27 February 2026

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Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

6. No part of the development hereby permitted shall be occupied until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum length of 5m within the site measured from the highway boundary, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This area of driveway shall be maintained in the bound material for the life of the development.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

7. No part of the development hereby permitted shall be occupied until a hard surfaced verge crossing to serve the driveway from public highway is available for use and has been constructed in accordance with the highway authority's specification to the satisfaction of the Local Planning Authority.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

8. The gradient of the driveway to Wirksworth Road shall not exceed 1:10.

   Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

9. There shall be no gates or other barriers located across the driveway.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policies TP1 and TP6 of the Adopted Amber Valley Borough Local Plan 2006.

10. No part of the development hereby permitted shall be occupied until provision has been made within the application site for secure, covered cycle parking, secure cycle equipment storage, and electric vehicle charging facilities in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Date : 27 February 2026

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Reason: In the interest of highway safety and furthering travel by sustainable modes.

11. The development hereby permitted shall not commence until a scheme showing details of a paved bin collection point has been submitted and approved in writing by the Local Planning Authority. The collection point shall be located adjacent to and clear of the public highway, being located clear of access, parking and turning provision and retained thereafter free from impediment to its designated use.

    Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

12. The development hereby permitted shall be carried out only in accordance with the details and specifications set out in the Arboricultural Impact Assessment (produced by O'Connor Arboricultural Consultancy, 10.10.2025) received on 09.12.2025.

    Reason: To ensure that the trees on the site are satisfactorily protected during the period when construction works take place on the site in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2006.

13. The hereby approved dwelling permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the 2015 Act:

    i) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the unit for at least 3 years.
    ii) The Council shall be notified of the persons who intend to take up first occupation of the dwelling hereby permitted at least 2 months prior to first occupation.

    Reason: To ensure the development complies with the self-build and custom house build definition in accordance with National Policy

14. (a) No development (other than demolition & ground-working) shall commence until:

    i. The approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the "Assessment") has been carried out.
    ii. A report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority.
    iii. A Remediation Method Statement (the "RMS") to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

Date : 27 February 2026

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(b) The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

(c) If during development works, any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

(d) If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

(e) No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

(f) All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

Reason: The undertaking of a site investigation prior to the commencement of development is necessary to ensure that adequate information pertaining to risks arising from land contamination is available to inform an assessment that the site is either suitable for its proposed use or appropriate remedial measures could make the site suitable for its proposed use. In order to ensure the safety of the development, in accordance with Policy EN18 of the Amber Valley local Plan 2006 and paragraphs 196 and 197 of the National Planning Policy Framework.

Notes
Attention is drawn to the attached notes:

1 Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation

Date : 27 February 2026 Signed

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Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

2 An application site within a defined coal mining risk area is at risk from hazards associated with coal and coal mining. Wherever coal resources and/or coal mine features are present, particularly at shallow depth, there is potential for mine gas exposure. The risk of exposure to mine gas is greater where there is evidence of shafts, adits, voids, fractures, fissure, faults or otherwise unconsolidated ground. Should an application site in a risk area overlay identified, shallow mine workings (<30m bgl) or deeper workings in association with shifts/adits or discontinuous geology, the applicant is advised to seek further technical advice and to consider whether the risks posed by mine gas should be re/evaluated.

3 Planning permission does not convey consent to work on or adjacent to the public highway.
Prior to any works commencing on site, including demolition works, the developer must obtain the highway authority's consent.
The developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.
Details are available at: www.derbyshire.gov.uk/transport-roads/roadstraffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-anddropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

4 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

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:

Date : 27 February 2026 Signed S Gladwin

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Chief Executive

H4 - Housing development within settlements
H12 - Design and amenity considerations
LS3 - Design
TP1 - Impact on the Transport Network
TP6 - Parking
EN6 - Special Landscape Area
EN7 - Landscape Character Areas
EN18 - Derelict, Unstable and Contaminated Land
EN29 - Derwent Valley Mills World Heritage Site
EN31 - Archaelogical Interest

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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, sunlight/daylight, character and design, landscape or heritage features and highway safety.

Date : 27 February 2026

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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.