S Gladwin
Chief Executive
Development Management

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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 policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2025/0679**) which was valid on the 30 September 2025 for permission for **Conversion of the existing agricultural barns to provide holiday accommodation under use class C1 with ancillary training facility, demolition of Dutch barn and creating of associated parking at Chapel Farm Windley Lane Windley.**

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 amended drawings 2551/203, 2551/204, 2551/201, 2551/202, 2551/207, 2551/208, 2551/205 and 551/206 received on 18.12.2025 and detailed drawing 1265EN3 with roof light details and updated D and A Statement received 05.03.2026.

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Signed S Gladwin

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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 policy EN15 of the Adopted Amber Valley Borough Local Plan 2026.

3. Precise details of all new windows/doors to be installed shall be 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 non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

4. Notwithstanding the submitted drawings, precise details of the glazing to cart bays, including sections showing relationship to existing brick piers and wallplate all shall be 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 non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

5. Notwithstanding the submitted details, the proposed rainwater pipe shall be cast iron finished in black mounted on rise and fall brackets.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

6. Any re-roofing will re-use the existing slate to all roofs, unless otherwise agreed in writing with Local Planning Authority.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

7. Notwithstanding the approved drawings, all existing shutters shall be repaired or replaced with matching ledged and braced construction and fixed in an open position to match the historic arrangement.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

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8. Full details of services including mechanical ventilation / extraction, all drainage and plumbing, including soil pipes and shall be submitted and agreed in writing prior to installation. The approved details shall be implemented in full.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

9. None of the existing paving and hardstanding shall be removed until a full landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include the retention of all historic paving, the specification for new paving and new permeable surfacing to car parking areas and driveway; the approved landscaping scheme shall be implemented prior to the first occupation of the buildings.

   Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset and to improved biodiversity in accordance with policies EN15, EN8 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

10. No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
    - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
    - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

    Reason: To ensure that any features of archaeological/historic interest are protected and recorded in accordance with policy EN6of the Adopted Amber Valley Borough Local Plan 2026.

11. Notwithstanding the hereby approved plans and prior to commencement, full details of the new brick retaining wall adjoining the west elevation of the cart bays, including its relationship to the cart bays, specification, bond, and samples of bricks, copings, and method of repair to the existing brick wall, shall be submitted to and approved in writing by the Local planning Authority.

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Reason: To ensure the works are carried out in a way which respects the special appearance and character of the non-designated heritage asset in accordance with policies EN15 and H4 of the Adopted Amber Valley Borough Local Plan 2026.

12. The development hereby permitted shall not be brought into use until the access, parking turning facilities, cycle storage and bin collection/store point have been provided as shown on drawing numbers 2551/203 and 2551/208.

    Reason: In the interest of highway safety in accordance with saved policy IN1 of the Adopted Local Plan 2026 and part 9 of the NPPF.

13. No part of the development hereby permitted shall be brought into use until a modified hard surfaced verge and drainage ditch 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 interest of highway safety in accordance with saved policy IN1 of the Adopted Local Plan 2026 and part 9 of the NPPF.

14. The submitted Arboricultural report by ARR Innovators dated February 2026 shall be implemented in full throughout the development unless otherwise agreed in writing with the Local Planning Authority.

    Reason: The tree(s) in question are considered to be features of significance. This condition is imposed to ensure that they are satisfactorily protected during the period when construction works take place on the site in accordance with policy EN7 of the Adopted Amber Valley Borough Local Plan 2026.

15. The conversion of the barn shall not take place until an appropriate bat licence has been obtained. Confirmation of that a licence has been granted shall be submitted to the Local Planning Authority.

    Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Bat Survey Report produced by Betts Ecology (March 2026) and amended as necessary based on any correspondence with Natural England or update surveys. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and maintained thereafter.

    Reason: To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in

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accordance with policy EN8 and to improve the biodiversity of the local area in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2026.

16. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning authority to safeguard bats and other nocturnal wildlife. Such approved measures will be implemented in full.

    Reason : To ensure the development does not have an adverse impact upon species specifically protected under the schedules of the Wildlife and Countryside Act 1981 in accordance with policy EN8 and to improve the biodiversity of the local area in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2026.

17. Prior to building works commencing, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter.

    Reason: To improve the biodiversity of the local area in accordance with saved policy EN8 of the Amber Valley Borough Local Plan 2026.

18. No development shall take place until a Biodiversity Gain Plan has been submitted to and agreed in writing by the Local Planning Authority.

    The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

    Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and a management plan. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

    Reason: To improve the biodiversity of the local area in accordance with saved policy EN8 of the Amber Valley Borough Local Plan 2026.

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20. The living unit(s) hereby approved shall be used as holiday accommodation only and shall not be occupied as permanent residential accommodation independent of the tourism industry. No unit(s) shall be occupied continuously by any person for a period exceeding 21 days in any calendar year. The units will not be sold off separately.

    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 EN15 of the Adopted Amber Valley Borough Local Plan 2026.

Notes

Attention is drawn to the attached notes:

1 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/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

2 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.

3 In regard to condition 3 full details should include sections of joinery at full-size or no less than 1:5, through masonry, and details of painted finish

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4 Regarding condition 11 the WSI shall be undertaken to a Level 3 standard (Historic England 2016 guidelines - Understanding Historic Buildings: A Guide to Good Recording Practice and Drawing for Understanding).

5 In regard to condition 16 the scheme should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document.

6 All works should be undertaken in a manner by which to safeguard common reptiles, amphibians and nesting birds. Immediately prior to commencement, the footprint of works should be checked for any wildlife. If any active bird nest is discovered, works must be delayed until chicks have fledged. Active nests are protected by law.

All excavations shall be covered overnight or else have an escape ramp installed to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

Any scrub or shrubs requiring removal should be cut by hand to ground level and removed from the footprint of works so as not to create habitat piles. If common amphibians or reptiles are discovered, they should be allowed to move away freely or can be carefully collected with gloved hand and clean container and moved to an area of safety.

7 In regard to condition 17 The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- universal nest boxes / swift boxes erected on the building at eaves level, avoiding southern elevations.
- integrated or externally mounted bat boxes erected on the building at eaves level, favouring southern elevations.
- insect towers / bug hotels
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

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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 policies of the Amber Valley Borough Local Plan 2022-2040:

SS1 - Presumption in favour of Sustainable
SS3 - Settlement Hierarchy
SS9 - Countryside
EN15 - Quality and Design of Development
EN7 - Landscape Character & Features
EN8 - Biodiversity
ED8 - Tourism
IN1 - Transport

In detail:

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.

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.

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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.