S Gladwin
Chief Executive
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Sean McAndrew
C/O Agent
Derby
DE1 1UL
United Kingdom

Mr Richard Pigott
Planning And Design Practice Ltd
3 Woburn House
Vernon Gate
Derby
DE1 1UL
United Kingdom

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/2026/0216**) which was valid on the 7 April 2026 for permission for **Demolition of existing agricultural buildings and erection of new dwelling at Yew Tree Farm Gunhills 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 2515.003, 2515.005, 2515.009, 2515.007, 2515.011, 2515.015 and 2515.017 received on 22.05.2026

   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.

Date: 17 August 2026

Signed S Gladwin

Simon Gladwin
Chief Executive

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development relating to Class A, B, C, D, E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.

   Reason: To protect the character and visual amenities of the locality in accordance with policy EN15 of the Amber Valley Borough Local Plan 2026.

4. 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 interest of highway safety.

5. No part of the development hereby permitted shall be occupied until the access driveway is constructed with provision to prevent the unregulated discharge of surface water to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such provision shall be maintained for the life of the development.

   Reason: To ensure that surface water from the site is not deposited on the public highway causing danger to road users.

6. The development hereby permitted shall not be occupied until a hard surfaced verge crossing to serve the driveway from Gunhills Lane has been constructed in accordance with the highway authority's specification to the satisfaction of the Local Planning Authority and is available for use.

   Reason: In the interest of highway safety.

7. The development hereby permitted shall not be occupied until sheltered, secure, and accessible bicycle parking and electric vehicle charging facilities have been provided in the form illustrated on drawing 2515.005 Rev E. Such facilities shall be maintained for their intended purposes for the life of the development.

   Reason: To promote travel by sustainable modes.

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

Date: 17 August 2026 Signed S Gladwin

Simon Gladwin
Chief Executive

The content of the Biodiversity Net Gain report shall include the following:

-Baseline data collection and assessment of current conditions on site.
-A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity.
-Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
-Details of the implementation measures and management of proposals.
-Details of off-site provision to be secured by a planning obligation.
-Details of the monitoring and auditing measures.

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).

9. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping including 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 ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings in accordance with policy EN15 and EN8 of the Adopted Amber Valley Borough Local Plan 2026.

10. Prior to building works commencing above foundation level, 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 Adopted Amber Valley Borough Local Plan 2026.

Date: 17 August 2026

Signed S Gladwin

Simon Gladwin
Chief Executive

11. The development hereby permitted shall not be occupied until the site access and driveway/parking/turning areas are provided in accordance with the scheme shown on drawing number 2515.005 Rev E. The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall remain free of obstruction for the life of the development.

    Reason: To ensure conformity with submitted details and in the interest of highway safety.

12. No work shall commence on the site until such time as a scheme for protecting the existing trees to remain on the site during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. Such protection as is agreed shall be maintained during the course of development.

    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 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

Date: 17 August 2026 Signed S Gladwin

Simon Gladwin
Chief Executive

practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

3 All works should be undertaken in a manner by which to safeguard bats, 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.

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.

Demolition works should proceed with caution and vigilance for unexpected bat presence. If bats are subsequently discovered, work should cease, and further advice be sought from a suitably qualified ecologist or organisation without delay.

4 In regard to condition 10 The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
o 1 x universal integrated nest brick / swift brick in new dwelling erected at least 5m from ground level, avoiding southern elevations.
o 1 x integral bat box in new dwelling, erected at eaves level, favouring southern elevations.
o 1 x bee brick in new dwelling
o fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

5 Due to the nature of farm uses, it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

Date: 17 August 2026 Signed S Gladwin

Simon Gladwin
Chief Executive

NPPF s.197: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6 In regard to condition 9 the landscaping scheme should show the position and specification (size and species) for all new planting. This should include details of ground preparation where necessary to ensure appropriate soil volume availability, and measures to prevent damage to hard surfaces (e.g. root protection/root barriers) if there is likely to be conflict between new planting and hard landscaping.

7 In regard to condition 12 the tree protection plan should be accurately plotted on a drawing and appropriate tree protection measures provided to the requirements of BS5837:2012

8 In regard to condition 8 the content of the Biodiversity Net Gain report shall include the following:
-Baseline data collection and assessment of current conditions on site.
-A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain (BNG) Principles have been applied to maximise benefits to biodiversity.
-Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality.
-Details of the implementation measures and management of proposals.
-Details of off-site provision to be secured by a planning obligation.
-Details of the monitoring and auditing measures.

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:

SS3 - Settlement Hierarchy
SS9 - Countryside

Date: 17 August 2026 Signed

Simon Gladwin
Chief Executive

H3 - Housing development in countryside
EN1 - Climate Change
EN15 - Quality and Design of Development
EN7 - Landscape Character & Features
SS1 - Presumption in favour of Sustainable
EN8 - Biodiversity
EN9 - Biodiversity Gains
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, sunlight/daylight, 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.

Date: 17 August 2026

Signed

S Gladwin

Simon Gladwin
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 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.