54 Cherry Tree Avenue
Belper
Derbyshire
DE56 1FR

Rebecca Godson
Amber Valley Borough Council
PO Box 18
Town Hall
Ripley, Derbyshire
DE5 3SZ

11 September 2026

Dear Rebecca,

Re: Application AVA/2026/0261 — Land to Rear of 54 Cherry Tree Avenue, Belper — Further Representations on Very Special Circumstances

I am writing further to your indication that the application is minded to refuse as inappropriate development in the Green Belt, and to your invitation to demonstrate that Very Special Circumstances (VSC) exist to justify approval. I set out below the factors I consider, both individually and cumulatively, to amount to VSC sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other identified harm.

1. Very limited scale and no built form

The proposal involves no built form whatsoever. The change of use extends approximately 19 metres into the Green Belt, enclosed only by a 1.25m high post and rail fence — a boundary treatment that falls squarely within permitted development limits and is of a type and scale entirely consistent with the rural, agricultural character of the wider area. There is no building, structure, hardstanding, or other physical development proposed. The absence of built form significantly limits any impact on the openness of the Green Belt, which is the essential characteristic that Green Belt policy seeks to protect.

2. Topographic and visual containment

The site falls away from nearby public footpaths and other public vantage points, such that the change of use would not be visually prominent and would have negligible impact on perceived openness when viewed from publicly accessible locations. Supporting photographs have previously been provided to illustrate this containment and remain available should further evidence be helpful.

3. Character and context — rounding off an established pattern of garden extensions

The application site is directly adjacent to a row of existing residential properties, several of which already benefit from longer rear gardens extending toward the same field boundary. The proposal would, in effect, round off this established pattern of domestic curtilage up to a clear and permanent boundary feature — an existing drystone wall to the east. In this context, the proposed extension of residential garden land would not appear incongruous or set an unwelcome precedent for further encroachment beyond this point, since the drystone wall provides a durable, defensible boundary to the Green Belt at this location.

4. Historical context of the site boundary

A 1991 Land Registry title plan evidences the irregular historical shape of the site boundary, indicating that the parcel has long been treated as functionally distinct from the wider agricultural field of which it forms a part. This historical context supports the view that formalising the boundary through the proposed change of use would not represent a materially new or arbitrary incursion into the Green Belt.

5. Offer of a planning condition removing Permitted Development rights

To provide certainty that the openness of the Green Belt would be permanently safeguarded and that no further built development could occur without the Council's express consent, I am willing to accept a planning condition removing all Permitted Development rights under Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) from the application site. This would guarantee that the land remains free of outbuildings, structures or other domestic paraphernalia in perpetuity, addressing the primary concern that a change of use might otherwise lead to incremental further development.

Biodiversity Net Gain

I note the response from Derbyshire Wildlife Trust dated 3 September 2026, which confirms no records of protected species or notable habitats on or adjacent to the site, and that the site carries no statutory or non-statutory nature conservation designation. The Trust considers the development would have no significant adverse effect on biodiversity. I am actively progressing arrangements to secure the required offsite Biodiversity Net Gain units to satisfy the 10% statutory requirement, and can provide confirmation of this in due course should it assist determination.

Conclusion

I respectfully submit that the factors set out above — individually unusual and, taken together, amounting to a genuinely exceptional combination of circumstances specific to this site — clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm identified. I would welcome the opportunity to discuss this further before a decision is issued, and I am happy to provide any additional evidence the Council considers necessary.

Yours sincerely,

Gary Chilinski