Simon Gladwin
Executive Director (Operations)
Development Management

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

Mr Oulton
Coneygrave Farm
Peat Lane
Spout
Belper
Derbyshire
DE56 2DQ

Mr Andrew Stock
Stock Planning Ltd
Cromford Creative
Cromford Mills
Mill Lane, Cromford
Matlock
DE4 3RQ

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED

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 Adopted Amber Valley Borough Local Plan 2022 - 2040, and with reference to your application (**Office Code: PDR/2026/0021**) which was valid on the 15 June 2026 for permission for **Application to determine if prior approval is required for the formation of an access track to be used in association with the applicants farming enterprise at Coneygrave Farm Peat Lane Spout.**

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 **REFUSED:**

Reason:
In assessing whether the proposed development is "reasonably necessary for the purposes of agriculture" under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, significant weight should be given to the fact that a suitable existing access is already available. While the submitted Prior notification suggests that the new track would reduce journey distances by approximately 0.5 miles, the entrance to the existing access is located less than 800 metres from the proposed access point on Palerow Lane. As the proposed track itself is approximately 395 metres in length, the overall reduction in travel distance is limited.

The alignment of the proposed track raises questions regarding its agricultural necessity. Rather than following a field boundary, the route runs centrally through the field and passes immediately adjacent to the farmhouse within the site, and a recently converted dwelling (Application Reference AVA/2017/0741) outside of the applicant’s ownership. The track then turns at approximately 90 degrees before continuing to the farmyard. If the principal

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Signed S Gladwin

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purpose were to provide agricultural access to the farmyard, a route along the eastern field boundary could potentially achieve the same objective while resulting in a shorter access track and causing less intrusion into the agricultural field and disturbance to residential dwellings not associated with the farm.

Revised plans and additional information have been taken into consideration in assessing the proposal. However, whilst these constraints may provide an explanation for the chosen alignment, they do not satisfactorily address the fundamental question of whether an additional access from Palerow Lane is reasonably necessary for the purposes of agriculture. The burden rests with the applicant to demonstrate that the proposed track is reasonably necessary for the purposes of agriculture within the unit. Whilst it is acknowledged that the proposed access may provide a more convenient route for certain journeys and may result in some operational efficiency, convenience alone does not equate to necessity. The agricultural holding has operated effectively for a considerable period using the existing access from Peat Lane and no substantive evidence has been provided to demonstrate that the existing access is inadequate, unsafe, incapable of accommodating agricultural traffic, or otherwise prejudicial to the continued operation of the farm.

The proximity of the proposed route to the farmhouse, the existing residential driveway and the recently converted dwelling also suggests that the track would provide a significant benefit to these residential properties. Whilst agricultural vehicles may also make use of the route, this does not, in itself, demonstrate that the track is reasonably necessary for the purposes of agriculture within the holding.

On the basis of the information submitted, including the revised plans and the additional context provided by the Agent, it has not been satisfactorily demonstrated that the proposed access track is reasonably necessary for the purposes of agriculture. No evidence has been submitted to demonstrate that the proposed access is required to serve a specific agricultural need that cannot reasonably be met through the existing access arrangements. The limited reduction in travel distance, when considered against the scale of the holding and the proximity of the two access points, is not sufficient to justify the creation of an additional access track as being reasonably necessary for agricultural purposes.

The proposed route would provide direct and convenient access to the farmhouse and nearby residential property. Whilst this does not preclude the route from serving an agricultural function, it reinforces concerns that the proposal would deliver notable residential benefits and that the agricultural justification advanced has not been adequately substantiated. In the absence of compelling evidence demonstrating a genuine operational requirement, the Local Planning Authority is not satisfied that the proposal meets the statutory test of being reasonably necessary for the purposes of agriculture.

Accordingly, having regard to the revised plans and additional information submitted, the outcome of the assessment remains unchanged. The proposed access track is not

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considered to be reasonably necessary for the purposes of agriculture and therefore does not satisfy the relevant requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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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.**

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