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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/2025/0835**) which was valid on the 28 January 2026 for permission for **Replacement of wooden windows and doors with Accoya timber at 74 Hopping Hill Milford Belper**

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 for the following reasons:**

Reasons:

1. The loss of authentic period windows will cause harm to the character and appearance of the Belper and Milford Conservation Area and will harm the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. A number of the existing windows at 74 Hopping Mill are authentic period sash windows. They are part of a building which was at one time owned by the Strutt Estate. It is likely that these authentic windows were installed by the Strutt estate. The replacement with double-glazed windows using glazing beads, which do not replicate the glazing of the authentic period windows would harm the Outstanding Universal Value of the World Heritage Site; in particular it affects the Authenticity of the WHS. The Authenticity of the WHS is one of the essential criteria which is part of its inscription. Mill workers houses are part of the factory community and are elements of a specific attribute of Outstanding Universal Value - the creation and development of a new way of life resulting from the need for people to congregate together (in factories) producing goods of superior quality at an unprecedented rate, sometimes in formerly rural (non-urban) locations. The managing bodies who are party to the World Heritage Site Management Plan (2020-2025) have historically grant-aided and preserved the authentic details in the listed buildings at Hopping Hill, grant-aiding the restoration of putty-glazed sash windows. In this context, the replacement of authentic sash windows with replacements which do not reflect the appearance of the original windows causes unacceptable harm.

Date: 22 September 2026

Signed

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Chief Executive

In accordance with Policy HE6 of the National Planning Policy Framework, substantial weight is afforded to the conservation of designated heritage assets, and any harm is a matter of considerable importance and weight. Whilst the proposal would deliver energy-efficiency benefits and these benefits attract significant weight under Policy CC2 and are recognised as an important public benefit under Policy HE6.4, it has not been demonstrated that similar environmental benefits could not be achieved through less harmful and more heritage-sensitive alternatives. Consequently, the public benefits arising from the proposal are not sufficient to outweigh the identified heritage harm.

The proposal is considered contrary to Local Plan policies EN4, EN5 and EN15, policy NPP11 of the Belper Neighbourhood Plan and the SPD for Listed Buildings and Buildings in Conservation Areas. The replacement of authentic windows that make a positive contribution to the setting of heritage assets such as the Belper and Milford Conservation Area, a number of Strutt Listed Buildings and the Derwent Valley Mills World Heritage Site.

The proposal is therefore contrary to Policies EN4, EN5 and EN15 of the Amber Valley Borough Local Plan 2022-2040, Policy NPP11 of the Belper Neighbourhood Plan, Policies HE4, HE6, HE8 and HE9 of the National Planning Policy Framework 2026, the Council's SPD for Listed Buildings and Buildings in Conservation Areas, and the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Notes
Attention is drawn to the attached notes:

In detail:
The processing of this planning application has been undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF). Dialogue between the applicant and Local Planning Authority has been undertaken to try and address the issues associated with the proposal, however, the issues have failed to be resolved.

Date: 22 September 2026

Signed

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 twelve weeks 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. **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.**
3. **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.**
4. **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.**
5. **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

6. **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.**
7. **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.**
8. **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".**
9. **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.**
10. **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.**