

APPLICATION NUMBER		24/00307/FUL	
SITE ADDRESS:		Land West Of Foxholes Lane Tansley Derbyshire	
DESCRIPTION OF DEVELOPMENT		Change of use of 1 no. field to equestrian and erection of stables, formation of agricultural track, erection of agricultural storage (part retrospective)	
CASE OFFICER	Myles Joyce	APPLICANT	Mr R. Cromer
PARISH/TOWN	Tansley	AGENT	Punchard Group Ltd
WARD MEMBER(S)	Cllr Linthwaite	DETERMINATION TARGET	19.11.24
REASON FOR DETERMINATION BY COMMITTEE	Major Planning Application-Site over 1 hectare	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES

- Policy Context
- Compatibility of the scheme with the aims of National Policy in relation to locational choices
- Impact on Landscape Character and Appearance
- Trees, Tree protection and planting
- Impact on Ecology
- Floor Risk and Drainage
- Highway Safety / Public Rights of Way

RECOMMENDATION

RECOMMENDATION: Members are recommended to APPROVE the application subject to conditions as set out below with delegated authority to the Director of Place and Economy to approve any amendments to those conditions as deemed necessary.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located off the western side of Foxholes Lane to the north of Tansley and east of Matlock. The site currently comprises 3 agricultural fields and has a stated area of 1.86 hectares. There is a single neighbouring dwelling to the south, the site is otherwise surrounded by open countryside with an area of woodland to the west as shown on the below aerial image. Matlock Public footpath 7 runs along the northern boundary of the site
- 1.2 The boundary screening is significant with mature vegetation and trees with a wall and natural screening on its southern boundary. The site lies within the development boundary of Darley Dale and does not have any other planning constraints, including not being in a Conservation Area nor a Listed Building.
- 1.3 The site is adjoined by the Lumsdale Conservation Area on its south-western boundary and a Local wildlife Site, Foxholes Moors part of the Derbyshire Peak Fringe and Lower Derwent Landscape is situated on the opposite side of the road. This is characterised by Lowlands meadows and acid grassland, rush pasture and upper heathland with inland rock and scree. The site is in the open countryside comfortably outside the development boundary of Tansley.
- 1.4 A new vehicular access onto Foxholes Lane has been implemented as well as the raised beds planted with trees and hedgerows. This application is therefore part retrospective.

Preliminary Matter

- 1.5 A mobile home has been erected during this planning application and along with all development on site is subject to an ongoing enforcement investigation. The mobile home along with any other development not included in this proposal would be separate to the appraisal of this planning application and therefore forms no part of this report its appraisal and subsequent recommendation.

2.0 DETAILS OF THE APPLICATION

- 2.1 It is proposed to change of use of part of the site (Field C) to equestrian use with the formation of a stable block for two horses c 7.5 metres by 3.8 metre and 2.5 metres high. The proposed access track would provide access to field A (through field B) and provide access to the proposed 12 metre by 9 metres by 3.4 metres high agricultural storage building which would be constructed using stonework to the lower walls with corrugated sheeting above. The access track would also provide access to the timber/corrugated metal chicken coop some 9 metres by 6 metres by 2.4 metre high and a 9 metre by 4.5 metre by 2.4 metre polytunnel. Raised beds would also be proposed to be formed.
- 2.2 The raised beds and vehicular access off Foxholes Lane are proposed to be retained.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S4: Development Within the Countryside

 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure

PD5: Landscape Character
 PD6: Trees, Hedgerows and Woodlands
 PD8: Flood Risk Management and Water Quality
 HC19: Accessibility and Transport

3.2 Landscape Character and Design SPD - Adoption September 2018. The Council will expect potential developers of any site benefiting from a special designation to demonstrate how they will avoid any adverse effects on designated or important features, minimise unavoidable effects to the designated areas, or their settings and compensate for unavoidable adverse effects

3.3 National Planning Policy Framework 2023 notably paragraphs 11 (presumption in favour of sustainable development, paragraph 47 (decision making) and paragraph 88 (b) supporting the rural economy and states that decisions should enable “*the development and diversification of agricultural and other land-based rural businesses*”

4.0 RELEVANT PLANNING HISTORY:

4.1 13/00804/AGR Agricultural Prior Notification - Erection of fodder and machinery store Granted 09/12/2013.

5.0 CONSULTATION RESPONSES

Consultee Name	Position	Date	Comments
Peak and Northern Footpaths Society	No objection	12.6.24	Refer to Ramblers and PROW comments
Derbyshire Dales Ramblers Association	No objection	12.6.24	No objection subject to the public footpath remaining unobstructed
DCC Footpaths.	No Objection	11.6.24	No objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works. Advise that the footpath must remain open, unobstructed and on its legal alignment. There should be no disturbance to the path surface without prior authorisation from the Rights of Way Section. Consideration should be given to the safety of members of the public using the path during the works. A temporary closure of paths will be permitted on application to DCC where the path(s) remain unaffected on completion of the development. There should be no encroachment of the path or path width. No installations such as fencing or hedging should be made without consulting the Rights of Way section.
Tansley Parish Council	Objection	21.6.24	Lack of information. A Tree Survey should be required at this particular site, as it is adjacent to

			woodland. Proximity of Local Wildlife Site which is over the narrow lane and adjacent to the site, additionally the site lies adjacent to the Lumsdale Conservation Area, it backs onto the Lumsdale Quarry which is a wildlife habitat. Work already commenced having done engineering work in two fields, planting a laurel hedge which is totally out of keeping with this area. Should not change of use to horticulture be applied for given proposed polytunnel. Outside settlement boundary for Tansley and is land of significant importance as it forms the setting for the Conservation Area
Consultee Name	Position	Date	Comments
Environment Agency	No objection	4.6.24	Flood Zone 1 so no flood risk concerns
Local Highway Authority (Derbyshire County Council)	No objection	9.7.24	Subject to the use for the stables and equestrian use remaining for the private personal use of the applicant only. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license
Derbyshire Wildlife Trust	No objection	27.6.24 18.9.24	No objection to the proposal following the receipt of further information as BNG component required PEA and BNG matrix submitted in September 2024. Notes that error in the habitat creation section as does not match the area to be lost. This should be rectified. Trees/hedgerow' on the raised beds have been planted. If hedgerow is to be planted, this should be reflected in the metric. It should also comprise native hedgerow species and not ornamental shrubs such as laurel, snowberry etc, which could spread into the wider landscape. New trees should comprise native and ecologically beneficial species. It is recommended that a suitable landscaping plan is secured by the LPA, in line with the metric and the details in the post-development Gain Plan. The site is anticipated to be in private

			ownership and therefore the feasibility of monitoring these is unclear. It may be proportionate to secure the gains through a detailed Landscape Plan and 30-year management schedule. The LPA could add a requirement to provide proof of implementation of the planting
DDDC Conservation Officer	No objection	2.7.24	No objection as the adjacent Lumsdale Conservation Area is not anticipated to be affected. Archaeologist comments are noted
County Archaeologist	No objection	4.6.24	The proposal area lies adjacent to the former Lumsdale Wood Limestone quarry which is recorded on the Derbyshire HER, as an earlier 19th century millstone working quarry, (MDR5515). These proposals however will have no archaeological impact and I have no objection.
County LLLFA	No comments	6.9.24	Based on the information provided, it is not clear as to how the site will discharge surface water; due to the nature of the proposals, the Lead Local Flood Authority have no comments to make.
Consultee Name	Position	Date	Comments
DDDC Tree and Landscape Officer	No objection	26.7.24	It is suggested that if development and development site activity can be avoided within 15m of the woodland then harm to the trees would be insignificant. If development is required closer to the trees than this then I recommend that the applicant should submit an Arboricultural Impact Assessment to indicate the root protection areas of the trees. Development should not occur in the root protection areas
DDDC Environmental Health Officer	No objection	5.6.24	No objections in principle, however, there may be an elevation of Lead (Pb) levels in the soil in this area of the district. To ensure if vegetables are planned to be grown, I would recommend a contaminated land assessment be submitted.

5.1 Officers consider that the above consultee responses have been taken into account sufficiently to appraise the proposed development and recommend suitably worded conditions to be attached.

6.0 REPRESENTATIONS RECEIVED

6.1 Cllr Hughes wished to call this application as it was partly retrospective and a number of concerns including highways and ecology arose.

6.2 One third party response was received noting that the land is green field and is outside the settlement boundary of Tansley and wondered whether enforcement action would occur as lack of it was encouraging the works to continue and that a large caravan has since appeared on the land. The lack of ecological information was also noted

6.3 Two representations have been received both from the applicant commenting that horticulture is not a change of use requiring planning permission, laurel hedges are in keeping with the area, sandy soil would preclude any run off and no trees on site apart from recent planting. The second representation argued that a S184 licence was not required.

6.4 Officers note the third party comments were received after the deadline for responses. Ecological information had since been submitted and enforcement concerns were separate to this appraisal of the proposed development, although an enforcement case is open and the site is being monitored. In addition, the S184 issue would be an informative rather than a requested condition from the County Highway Authority.

7.0 OFFICER APPRAISAL

7.1 The following material planning issues are relevant to this application:

Policy Context

- Principle of Development
- Design and Impact on Character and Appearance
- Impact on Residential Amenity and Living Standards of Future Occupiers
- Impact on Landscaping, Trees and Tree Planting
- Impact on Ecology
- Flood Risk and Drainage
- Highway Safety, Access and Car Parking
- Planning Balance and Conclusions

Principle of development

7.1 Turning to the Local Plan, Policy S1 require all developments to make a positive contribution towards the achievement of sustainable development. Policy S4 requires that new developments protect and where possible enhance the landscapes intrinsic value and distinctiveness including character, appearance whilst also facilitating sustainable rural community needs, tourism and economic development. Limb d) of Policy S4 provides that planning permission will be granted where it comprises equestrian development where it does not have an adverse impact on the character of the area. Limb f) of Policy supports proposals for agriculture and related development which helps to sustain the existing agricultural and other rural based activities (including new agricultural buildings).

7.2 That being said, limb q) requires that any significant loss of Best and Most Versatile agricultural Land is outweighed by the benefits of the development and the development cannot be sited on land of lesser agricultural value. Limb r) requires that the development

cannot have severely adverse impact on the transport network and will have safe access and limb s) requires that it does not undermine either individually or cumulatively the open development character between nearby settlements.

- 7.3 Officers would consider that the proposed agricultural diversification and equestrian use would be acceptable in principle under limbs d) and f). According to the 2018 Agricultural Land Classification Map, the land is borderline BMV 3 to 4 which is moderate to poor agricultural quality land and as such would not depart from limb q). The proposal retains the essential openness of the landscape and would be expected to generate fairly modest amounts of traffic and as such would not depart from limbs r) and s). Therefore, it is considered acceptable in principle subject to limb t) that it does not conflict with any other relevant policy in the Local Plan.

Layout and Impact on Character and Appearance of the Area and Landscape Character

- 7.4 The proposal for this I-shaped piece of land is for development in 3 sections a.b.c with field c to the north and north of the access track with stable block. Field b is open save for the access track and field a contains the rest of the proposed development; the existing raised beds, the chicken coop the polytunnel and the barn. Whilst the floor area of the new buildings is not significant in itself, the size of the site ensures that the openness of the land is retained.
- 7.5 The agricultural storage building would be constructed using stonework to the lower walls with corrugated sheeting above. The applicant argues that materials chosen for each of the buildings are common in agricultural and equestrian buildings within the area and would not appear out of character. It would be expected to find such buildings as part of a new agricultural small holding. Officers would not necessarily object to this but given the lack of detail would require a condition to be attached requiring details to be submitted for approval and implemented prior to use of the site and buildings. With this caveat officer would agree that the proposed buildings and associated works, both individually and cumulatively would not result in any harm to the character of the site or its wider countryside location and would be in accordance with Policy PD1 of the adopted Local Plan.
- 7.6 Policy PD5 seeks to protect and enhance the landscape character of the borough recognising its intrinsic beauty and its contribution to environmental and social well being. This requires development to have particular regard to maintaining both the aesthetic and biodiversity qualities of natural and man-made feature within the landscape, being sympathetic to the landscape and the development will only be permitted if the location materials and scale of the development sympathetic and complementary to the local character, that landscape features of value are retained and opportunities to enhance the landscape are strengthened
- 7.7 Officers consider that the proposal maintains the landscape character but the proposal current lack details as to how it may enhance the landscape. The site is between a conservation area and a Local Wildlife Site within a designated landscape and it will need to be demonstrated that the proposal can potentially enhance the landscape and its biodiversity through planting, species protection and other biodiversity net gain measures. Officers will look at these issues in more detail later in this report and if satisfied would argue that the proposal would be in accordance with Policy PD5 of the adopted Local Plan.

Impact on Residential Amenity

- 7.8 The site is situated a significant distance from the nearest dwellings within the open countryside and it is considered therefore that there will be no adverse impact on the residential amenity of the occupiers of these properties.

Impact on Public Rights of Way

- 7.7 The proposal is situated abutting part of a public footpath running westwards through the disused Lumsdale Quarry through to Chesterfield Road. The proposed development will not materially impact on this as the bulk of any development within the relatively large site is located towards the south-west of the site well away from the public footpaths. The County PROW officer does not object and as such standard informatives relating to encroachment onto the public footpath will be attached should members resolve to grant planning permission.

Landscaping Trees and Tree Planting

- 7.9 The sites is largely open although well screened from the western boundary by woodlands over the disused quarry. The applicant advises that only recent planting accounts for the natural screening on site and the DDDC Tree Officer suggests that if development and development site activity can be avoided within 15m of the woodland then harm to the trees would be insignificant. If development is required closer to the trees than this then I recommend that the applicant should submit an Arboricultural Impact Assessment to indicate the root protection areas of the trees and that development should not occur in the root protection areas. Aside from the raised beds, development proposed is not within 15 metres from the woodlands and as such this need not be conditioned.
- 7.10 However, with the priority of sensitive area such as the Lumsdale Conservation Area and The Foxholes closed moor a Local Wildlife Site, officers consider that a proposal for clarification of existing and proposed boundary treatments should be submitted to the Council for approval prior to the use of the site which coupled with the planting required for biodiversity net gain and ecological enhancement would overall accord with Policies PD5, PD6 and The DDDC Tree officer notes that there is no information provided and requires that an the AIAI provided and recommends a condition for development to be carried out in accordance with its recommendations. Officer consider that subject to the above requirements the proposal is in accordance with Policies PD3, PD5 and PD6 of the adopted Local Plan.

Impact on Ecology

- 7.11 The Derbyshire Wildlife Trust maintain a holding objection as the application as submitted is not accompanied by any ecological information and require prior to determination a Preliminary Ecological Appraisal including all necessary surveys is undertaken in order to establish the habitats that are present and to determine the presence or absence of protected species. The application will be clearing more than 25 square metres of habitat to facilitate the proposed development. The scheme is therefore subject to mandatory 10% net gain. As such a Biodiversity Net Gain Assessment is undertaken to fully assess any habitat loss/alteration
- 7.12 The DWT note that there are currently no nature conservation designations within or adjacent to the site. A woodland is present to the immediate north-west of the site and UK BAP Priority Habitats such as lowland heathland and deciduous woodland are present to the east of the site. However the low impact nature of the site would result in the loss of 670m² of modified grassland and retention of bracken and bramble scrub.
- 7.13 Protected species constraints are unlikely, although if proposals change to include impacts on existing bracken and bramble scrub, we advise that vegetation clearance is done outside of bird nesting season (31st March to 31st August inclusive) unless preceded by a breeding bird check 48 hours prior to the clearance.

7.14 The DWT has no objection subject to standard conditions with regard to Species Enhancement Plan and external lighting strategy should external lighting be considered.

Biodiversity Net Gain

7.15 The DWT note a net habitat gain of +0.39 units (13.28%) is proposed on site, attributed to the creation of 200 square metres of cropland in the form of raised beds and the addition of individual trees covering 2034.7square metres. The note an error in the habitat creation section, as the site area does not match the area to be lost. Whilst this should be rectified it is not fatal to the scheme as provided a BNG gain plan conditioned to be tied together with biodiversity enhancement, landscaping and species enhancement is attached then this would ensure that biodiversity neg gain cold be monitored and managed on site. Given the above officers are content that the proposed development would be in accordance with Policy PD3 of the adopted Local Plan.

Highway Safety / Public Rights of Way

7.16 The access has been widened and improved to facilitate vehicular access onto the proposed track. The County Highway Authority has no objections given the existing use of the land there are no highway objections to the proposal subject to the stables and equestrian use remaining for the private personal use of the applicant only. They advise that the applicant will need to apply to obtain a section 184 license. As this is a Highway not a planning matter this can only be attached as an informative.

7.17 With regard to the change of use and agricultural buildings, relatively little traffic is expected to be generated on what is a modest highway and as such officers are content that the proposed accords with Policy HC19 of the adopted Local Plan.

Flood Risk and Drainage Management

7.18 The site lies within Flood Risk Zone 1 and therefore is not situated within an area at risk of flooding. However as the site area is in excess of 1 hectare a Flood Risk Assessment it required. This was duly submitted.

7.19 The Environment Agency and the LLFA have no objections. The FRA notes the low flood risk but recommended that possible the Finished Floor Level of any new structures are designed in line with Building Regulations and are raised at least 150mm above the surrounding external ground levels, and at least 300mm above any design water levels in the post development surface water drainage system. This includes all pipework, manholes and above ground SuDS storage features.

7.20 It is also recommended that the floor of the new agricultural storage unit is made of either solid construction materials or the ground beneath the suspended floor is sealed. Further advice which would take the form of informatives relate to signing up to Met Officer Weather Warnings and it si recommended that the applicant incorporates Sustainable Drainage System (SuDS) techniques, such as rainwater harvesting or rain gardens, into the scheme to mitigate against increased flood risk to third party land and deterioration of the receiving water environment and construct new hardstanding area of permeable materials.

7.21 Accordingly, it is considered appropriate to attach a relevant conditions, requiring the submission of foul and surface water detail for approval to the LPA which shall be implemented in accordance with said approval. Subject to the above officers consider that the development is in accordance with Policy PD8 of the adopted Local Plan.

Other Matters

7.22 Whilst no details of hay and refuse storage and location are provided, officers consider that this can be conditioned as a pre-occupation condition. With regard to cycle storage such provision can be accommodated easily within the garages or dwellings proper.

The Planning Balance

7.23 The proposed development will provide a diversification to the existing agricultural use as well as a change of use of field C to equestrian use. The proposed associated buildings and development are relatively modest in scale in the context of the site and the wider landscape area and it is considered that the proposal is acceptable in principle. Officers recognise the landscape character of the area and the ecologically sensitive nature of the adjoining Foxholes Moor to the east and Lumsdale Conservation Area to the west. However subject to relevant conditions any potential harm can be mitigated and indeed the proposal in terms of planting and biodiversity gain and species protection enhances the site and immediate surrounding area. Accordingly, the proposal is considered to accord with Policies S1, S4, PD1, PD3, PD5, PD6 and is neutral with regard to Policies PD8 and HC19 of the adopted Local Plan.

7.24 Accordingly, officers consider that the net benefits will be slightly social and economic and more positively environmental and as such the proposal will demonstrate sustainable development of the site. Accordingly, on balance officers consider that the scheme will make a positive contribution to sustainable development and as such subject to conditions it is recommended planning permission be granted.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be retained if existing or if not carried out in accordance with the following plans and documents received on 5th April 2024:

- Elevation and Floor Plans
- Design and Access Statement
- Site Layout Plan

Received on 23rd April 2024

Planning application form

Received 8th May 2024

Block Plan

Received 4th September 2024

Flood Risk Assessment

Received 18th September 2024

Preliminary Ecological Appraisal
Small Sites BNG Matrix

Reason: For the avoidance of doubt.

3.No construction works shall be carried out except between the following times:

- Monday to Friday 0800-1800
- Saturday: 0900 to 1300

And not at all on Sundays, Bank Holidays or Public Holidays

Reason:

To preserve the amenities of the surrounding area in accordance with Adopted Derbyshire Dales Local Plan Policy PD1.

4. That within 1 month of the date of approval of this development, details of hard and soft landscaping including boundary treatments shall be submitted to the Local Planning Authority for approval. The approved details shall be retained thereafter. Should within five years of the date of the approval of these details any vegetation or trees die, they shall be replaced within a like for like replacement before the commencement of the next growing seasons

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan Policy PD5 and PD6

- 5.Within 1 month of the date of approval of this development 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. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- Swallow cups and bat boxes in / on new stables as recommended in the PEA Report (MLEcology. August 2024)
- Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provide resources for pollinators, birds and other wildlife (included in the Landscape Plan)
- A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

The enhancements should be implemented in accordance with the approved details within 3 months of the date of their approval and all features retained in that manner thereafter.

Reason:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features in accordance with Adopted Derbyshire Dales Local Plan Policy PD5 and PD6

6.No further building works shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To safeguard protected species.

7.Within 1 month of the date of the development hereby permitted a biodiversity gain plan in the form of a Habitat Management and Monitoring Plan has been submitted to the planning authority for approval. This shall include details of management and monitoring over a 30-year period, for all significant onsite gains and should be prepared in conjunction with Landscaping details, Species Enhancement Strategy and Biodiversity Enhancement Strategy to be submitted condition 4and 5 of this planning permission.

The development shall be carried out in accordance with the approved details.

Reason:

In the interest of promoting biodiversity net gain in accordance with the Environment Act 2021 and policy PS of the adopted Derbyshire Dales Local Plan 2017.

8.The Finished Floor Level of any new structures are raised at least 150mm above the surrounding external ground levels, and at least 300mm above any design water levels in the post development surface water drainage system. This includes all pipework, manholes and above ground SuDS storage features.

Reason:

To ensure flood protection in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan

9.The floor of the new agricultural storage unit shall made of either solid construction materials or the ground beneath the suspended floor is sealed.

Reason:

To ensure flood protection in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan

10.Derails of Sustainable Drainage System (SuDS) techniques, such as rainwater harvesting or rain gardens shall be submitted for approval by the Local Planning Authority prior to the implementation of any new hardstanding within the site. The approved details shall be implemented in accordance and retained thereafter.

Reason

To mitigate against increased flood risk to third party land and deterioration of the receiving water environment in accordance with Policy PD8 of Adopted Derbyshire Dales Local Plan

11.A scheme for foul water drainage which shall include a timetable for the completion of the works shall be submitted to and approved in writing by the Local Planning Authority before any further above ground works commence. The scheme shall thereafter be completed in accordance with the approved details.

Reason:

To ensure proper drainage of the site in accordance with Policy PD8 of the adopted Derbyshire Dales adopted Local Plan 2017

12. Within 1 month of the development hereby approved, a Phase 1 contaminated land assessment to consider likelihood of high lead (Pb) levels or other substances in the soil shall be submitted to and approved by the local planning authority. Any recommendations from approved assessment shall be implemented within 3 month of the date of their approval.

Reason:

To prevent pollution of the water environment in accordance with Policy PD9 of the adopted Derbyshire Dales adopted Local Plan 2017

13. Notwithstanding the provisions of the Town and country Planning (General Permitted Development) (England) Order 2015 or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no further plant or machinery shall be placed or erected on the site without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To maintain an acceptable degree of planning control and safeguard the amenity of occupiers of neighbouring properties in accordance with Policy PD1 of the adopted Derbyshire Dales adopted Local Plan 2017.

14. Within 1 month of the date of this planning permission details of the location and siting of refuse storage shall be submitted to and approved by the local planning authority. The approved details shall be implemented in accordance with the approved details within 3 months of the date of this approval..

Reason:

To safeguard the amenity of occupiers of neighbouring properties in accordance with Policy PD1 of the adopted Derbyshire Dales adopted Local Plan 2017.

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. Any works affecting bird nesting habitat, such as scrub, hedgerows or trees should be conducted outside the bird nesting season (1st March – 31st July). Under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. The work hereby approved does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species.
3. The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.
4. This decision notice relates to the following plans and documents:

- Proposed Site Layout
- Proposed Site Plan and Location Plan
- Plot 1 Proposed Plans
- Tree Survey Schedule
- Tree Survey and Protection Plan
- Arboricultural Impact Assessment (AIA)
- Preliminary Ecology Appraisal (PEA)
- Biodiversity Impact Assessment
- Planning Application Form

5. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.
6. The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 license. The construction of a new access will require the extension of verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at:
www.derbyshire.gov.uk/transport-roads/roads-traffic/licencesenforcements/vehicular-access/vehicle-accesses-crossovers-and-droppedkerbs.aspx
or email highways.hub@derbyshire.gov.uk
before commencing any works on the highway.
7. The applicant is advised to sign up to Met Officer Weather Warnings for future flood risk events
8. The mobile home on site is considered as a stand alone matter subject to an ongoing Planning Enforcement Investigation and as such has formed no part of this committee report its appraisal and recommendation. The applicant is strongly advised to liaise and co-operate with the Planning Enforcement Team with regard to this matter.
9. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Derbyshire Dales District Council.

10. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

11. Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

11.1. The application for planning permission was made before 12 February 2024.

11.2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

11.3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

11.4. The permission which has been granted is for development which is exempt being:

11.4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- the application for planning permission was made before 2 April 2024;
- planning permission is granted which has effect before 2 April 2024; or
- planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

11.4.2 Development below the de minimis threshold, meaning development which:

- does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- Self and Custom Build Development, meaning development which:
- consists of no more than 9 dwellings;
- is carried out on a site which has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

11.4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning

permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

- If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.
- The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.
- The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

- If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.
- Those circumstances are that the conditions subject to which the section 73 permission is granted:
- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.