

PARISH Old Bolsover Parish

APPLICATION Traveller site with 3 pitches

LOCATION The Stables Featherbed Lane Bolsover Chesterfield

APPLICANT Mr D McAlister The Stables Featherbed Lane Bolsover S44 6JY

APPLICATION NO. 22/00425/FUL **FILE NO.** PP-11490955

CASE OFFICER Mrs Karen Wake (Mon-Thur)

DATE RECEIVED 20th August 2022

SUMMARY

This application has been referred to the Planning Committee by Cllr Donna Hales given the concerns of local residents about the impact of the development.

In summary, the application is recommended for approval. The application is for the change of use of land to a traveller site.

The proposal is outside the development envelope within an area of open countryside. The proposed use is not compliant with Policy SS9 (Development in the Countryside) but meets an identified need for traveller sites within the district in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People.)

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 22/00425/FUL

SITE & SURROUNDINGS

The site is a small area of land (0.15 ha) which forms part of a larger grassed field. The site has been partially hard surfaced and the construction of a stable building has commenced on site. On the southeast boundary of the site is a hedge approximately 3m high with an access gate and planters at the site entrance. Beyond that hedge is the access lane with fields beyond that. On the southwest boundary there is a hedge approximately 2m in height and mature trees with a bungalow and garden beyond. The remainder of the field, of which the site forms part, has mature hedges and trees around the boundaries with fields beyond.

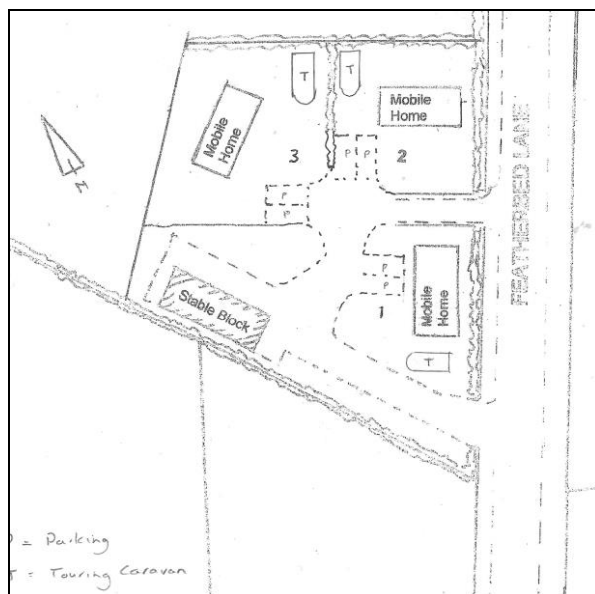
BACKGROUND

The stable block which is currently being constructed has previously been granted planning permission. An extension to the stable block was previously refused by the council in 2016 but an appeal against that decision was allowed and the Planning Inspectorate granted planning permission for the extension to the stable block. That permission hasn't been implemented and the time for its implementation has expired. A subsequent application for an extension to the stable block is currently being considered.

The applicant has moved a mobile home onto the site and is currently living there without planning permission. A large part of the site has already been hard surfaced, the access to the site has been re-surfaced and utilities installed along the access lane.

PROPOSAL

The application is for the change of use of land to a traveller site. The proposal is for three pitches, each of which may contain a mobile home, one touring caravan and two parking spaces to facilitate the occupant's travelling lifestyle. The proposal includes the hard surfacing of the site to facilitate year round access.



AMENDMENTS

An amended block plan has been submitted and a biodiversity net gain assessment submitted during the consideration of the application.

The design and access statement submitted with the application referred to up to two touring caravans being sited on each pitch but the agent confirmed that most of the time there would only be one tourer. An amended block plan showing one mobile home and one tourer on each pitch has been submitted and following discussions with the agent it was agreed that a condition restricting each pitch to contain one mobile home and one tourer would be acceptable.

HISTORY

13/00276/FUL	Granted Conditionally	Erection of stables and hard standing
15/00052/FUL	Granted Conditionally	Erection of stable and tack room building including site entrance details, fence details, parking and turning area details, removal of hardcore and change of use to keeping of horses (application site area as clarified in e-mail dated 27th January 2015)
16/00472/FUL	Refused, allowed on appeal	Extension to stable building to provide ancillary facilities
22/00389/FUL	Pending consideration	Extension to Stable Building to Provide Ancillary Facilities

CONSULTATIONS

Coal Authority

10/02/2023 - No objections. Advise an informative note be added to any planning permission to advise the applicant that the site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development it should be reported immediately to the Coal Authority.

Derbyshire County Council Highways

09/01/2023, 22/09/2022 and 01/09/2022 - No objections. A site visit showed that the access to Shuttlewood Road has acceptable emerging visibility in either direction, whilst there is a slight crest when emerging and turning left oncoming vehicles could be clearly seen without obstruction. It was also apparent that the access is wide enough for the first 5 metres from the carriageway edge so that two vehicles can pass. Request conditions that the site is not taken into use/occupied until space has been provided on site in accordance with the revised application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained and details of arrangements for storage of bins and collection of waste have been submitted and approved.

Derbyshire County Council Rights of Way

02/09/2022 - Bolsover Public Footpath No. 44 runs adjacent to the proposed development site, along Featherbed Lane. The Rights of Way Section has no objection to the proposals as it appears that the route will be ultimately unaffected by the proposal. The applicant should be advised 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 and there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way Section. It has been confirmed that these comments are based on the amended plans.

Derbyshire Gypsy Liaison Group

No comments received.

Derbyshire Wildlife Trust

01/02/2023 and 31/10/2022 - Advise condition requiring submission of a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) to be submitted to provide specifications for habitat creation in line with the proposals reflected in the submitted Biodiversity Net Gain report.

Environmental Health Officer

08/09/2022 - The site although small in nature should be constructed in accordance with the current government guidance which covers the specifications for the density and spacing of caravans and pitches as well as for water supply/drainage. Some sites may also require licensing via their local authority. Recommend a condition that from the first use of the development, there shall be no work or associated activities including deliveries/collections, loading/unloading/filling of bulk tanks or silos/servicing/parking or manoeuvring of vehicles by staff and visitors carried out on the premises subject to this permission on any Sunday or Bank Holiday nor before 0800hrs or after 1800hrs on Monday – Friday nor before 0800hrs or after 1300hrs on Saturday. Detailed assessments should be completed to minimise dust, noise and traffic movement/s upon local residents to mitigate the risk of statutory nuisance.

Parish Council

No comments received.

Planning Policy

14/09/2022 - Consider that the development would be contrary to policy SS9: Development in the Countryside. However, in view of the existing need for additional residential pitches it is considered that policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople provides justification for looking at a countryside location, provided that the other more site specific or local amenity considerations are met.

PUBLICITY

Site notice posted and 13 neighbours notified. Objections received from 19 residents which raise the following issues:

1. This is leading to the future development for residential use as a bungalow in addition to the pitches.
2. The proposal could result in 30/40 people living there which is unacceptable.

3. Is there going to be any stipulation that there can only be three pitches occupied at the same time whether these are caravans or mobile homes. At the moment the planning application is still so vague that there could be three mobile homes and 6 caravans on site at any one time. The traveller site in Duckmanton has so many more stipulations and is much more precise on what is and what isn't acceptable than the current proposal.
4. The other planning application for the site to develop the stable block is already not keeping to plan, will this application for the traveller site be the same and be developed more than the plan, the site has already had 100s of tons of gravel delivered and multiple caravans have set up on the site even before planning has been granted.
5. This would be the third site within 2 miles and would be 'overloading' the local area.
6. There has not been a public consultation regarding the change of use of the site which should have been undertaken by the council.
7. The works being undertaken bear no relation to the plans and suggest a much bigger plan is envisaged.
8. The proposal has led to a significant increase in noise from the site as a result of use of machinery and tractors and loud music. The noise will disturb animals kept near the site and local residents.
9. The proposal will increase traffic on Featherbed Lane which is single width and unsuitable. The proposal is harmful to other lane users including pedestrians and horse riders. The speed at which traffic travels is dangerous. Traffic often queues on Shuttlewood Lane, waiting to turn into the lane as it is single width. Visibility from the lane onto Shuttlewood Road is inadequate, there is insufficient room for vehicles to pass.
10. Additional traffic will make the footpath unsafe and will result in an accident.
11. The volume of traffic is eroding the lane and is now only usable by 4 x 4's. This particularly affects the bungalow on the lane who could not receive visitors in a normal car.
12. Water run-off and pollution is a concern. There is a watercourse towards the bottom of the hill. Water runs-off from Shuttlewood Road through this area to the water course. If the run-off is blocked it may cause fields to waterlog. There is also potential impacts on the watercourse as a result of increasing the quantity of sewage.
13. This is a Greenfield site in the countryside and if the development is allowed a valuable asset for nature will be lost, reducing the biodiversity of the region and increasing demands on already stretched local resources.
14. The site owner is living on site in a caravan and operating business vehicles and machinery from the site.
15. Up to four caravans are parked at various times contrary to previous permissions granted under Policy SS9.
16. No proper waste facilities have been installed or provision made for disposal of animal waste.
17. The lane has been dug up to get utilities to the site illegally.
18. Planning permission was refused in 2019 for a dwelling accessed off the Lane. The reasons for refusal included highways issues and the fact it was unnecessary development in the countryside and not essential for agriculture. The same applies to this application and the council should be consistent in their decision making.
19. The lane is used by many walkers and people have spoken about being intimidated whilst using the lane and have witnessed people defecating and disposing of waste in neighbouring fields.

20. The proposal is damaging to the countryside and the wildlife within it.
21. The applicants have no control over Featherbed Lane.
22. The site should be used for the keeping of horses and no trade or business carried out but the site is being used for a logging and landscaping business.
23. The proposal is contrary to Local Plan policies in particular SS9.
24. Trees forming part of the boundary hedge have already been cut down on the site without permission of the owner of the adjacent property.
25. The red line site boundary should include access to the main road.
26. Policy LC5 is quoted as a possible reason for allowing the camp however the rule of one kilometre to amenities and schools has been wrongly quoted, from the travellers site to the school it's 1.35 kilometres away as measured on google earth, it's .49 kilometres from the site to the bus stop so the school is not within 1 kilometre the site. The school is only a junior school so older children will have to travel several miles to senior school. Other amenities such as doctors and dentist are also several miles away.
27. The application form states waste from the facilities will go to existing septic tank. There should not be a septic tank fitted as no application has been submitted to install one. Three septic tanks have been delivered to site but only one is visible now, a treatment plant will have to be installed as per environmental guidelines, but no application has been submitted. The site could hold potentially 30 to 40 people where is all the waste from the static caravans and the touring vans going to go? As well as all the waste from possibly 4 horses.
28. There are no passing places on the lane so anyone on horseback has a real problem because vehicles will not slow down or wait. Access drives at the top of the lane are being eroded away at a significant rate since the increase in traffic and business use has started and vehicles parked at the top of the lane are being sprayed with gravel from speeding vehicles causing damage to paintwork and windscreens.
29. The council's response to the planning infringements taking place is disappointing. No action has been taken to stop the applicant living there illegally, running a business without permission, and damaging the lane. The council have the powers to stop all development but have sat back and let the works proceed even though government guidelines urge all councils to act swiftly.
30. Several other families are watching this application closely as they own land adjoining Featherbed Lane, they are semi living and running business down Featherbed Lane. This has been reported but no action has been taken. If this application is successful, further applications to build dwellings will follow and the council would be hard pressed to refuse as it would look like discrimination against non-travelling people.
31. Electricity and water is being run the full length of Featherbed Lane in preparation for the extra buildings which equates to urban sprawl.
32. The additional traffic and works related to the site are resulting in clouds of dust.
33. The surface of the footpath is being damaged and will result in it being unusable for walkers.
34. Numerous development have already taken place without planning permission and at considerable expense. The applicant must have been reassured, presumably at the initial advisory stage, that the application would be approved even before it was submitted. A senior member of the planning department stated that this is "an application that I would have to say, under oath, has a good chance of an approval" This statement was made at the same time that the application was made public ie. before any public objections were raised. This suggests that the planning department had already reached a favourable conclusion to the application. Is this a case of pre-

determination? That statement goes on to say " you're right to say the applicant should have waited for a decision on their application and in particular, waited for planning permission to be granted before work started on the site" and " It is our understanding that no further development will take place on site until a decision is made on the application following further dialogue with the developer " However work has continued on site with only one site visit from the planning department.

The planning procedures followed by Bolsover District Council appear to be a much weaker format than those followed by North East Derbyshire District Council which basically states that no spade should be put in the ground until planning permission is granted – a much more defined stance than that of BDC and far more acceptable to the public.

The statement further states "I completely agree with you that the way this development has been carried out so far is not the right way to do things." The statements of the planning department are incompatible with its actions. This planning application and its handling by the planning department is so flawed that any further progress should be halted immediately and the application rejected.

35. The site is adjacent to ancient woodland, with dwindling wildlife such as bats, badgers and deer. Such development will reduce their habitat.

POLICY

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS9 Development in the Countryside
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC14 Contaminated and Unstable Land
- SC11 Environmental Quality (Amenity)

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 61-62: Delivering a Sufficient Supply of Homes
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Chapter 2: Achieving sustainable development

Other

Planning Policy for Traveller Sites 2015

Gypsy and Traveller Accommodation Assessment 2015

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- The principle of the development
- The impact on the character of the countryside and the local area
- The impact on residential amenity
- Whether the development would be provided with a safe and suitable access
- Biodiversity

These issues are addressed in turn in the following sections of this report.

The principle of the development

The site is outside the development envelope in an area allocated as open countryside in the Local Plan for Bolsover District.

Policy SS9: Development in the Countryside is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

Policy SS9 states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories, such as the re-use of previously developed land or the re-use of redundant buildings that make a positive contribution to the local area.

The stated categories do not include the creation of new sites or pitches for Gypsies, Travellers and Travelling Showpeople and so the proposal is considered to be contrary to the requirements of Policy SS9 of the Local Plan, unless other policies provide grounds for approval.

Policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople advises that planning permission for new sites will be granted planning permission if the proposed development meets a number of site based criteria, the majority of which relate to site specific or local amenity considerations. However, criteria a) c) and h) relate more to the general location of new development and advise as follows:

- a) proposals should be within development envelopes or on other suitable development land as provided for within the Plan unless they can be shown to meet a need identified in an independent assessment.
- c) is located within one kilometre of a convenience food store, a primary school, and a doctor's surgery, or of access to public transport.
- h) is not within Green Belt or in areas at high risk of flooding.

In relation to criterion a), the site is not within a development envelope and is not considered to be on other suitable development land (the issue of need is discussed below).

In relation to criterion c), the site is not within the specified distances of a convenience food store, a primary school or a doctor's surgery. However, as shown on the map below, the site is within 1 km of access of public transport by virtue of the bus stops used by the 53 and 81 services along Shuttlewood Road and therefore criterion c) is met.



In relation to criterion h) the site is not within the Green Belt and is not located in an area at high risk of flooding such that criterion h) is met.

Paragraphs 61 and 62 of the Framework state that “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). “

The Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015). The identified need for Bolsover District during the period 2014 -2034 as set out in the GTAA is 17 pitches. The Local Plan seeks to make

provision to meet this need through site allocations. However, the Local Plan also advises that the Council was unable to meet its identified need through allocated sites and as a result it will rely on the criteria based policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople to meet the need where it might arise.

Out of the identified need for 17 residential pitches for gypsies and travellers, 7 pitches were provided for through site allocations within the Local Plan, leaving a further 10 pitches still to be found through planning applications.

A further 6 pitches have been granted planning permission (details below):-

- 1 additional pitch has been granted planning permission at the allocated site at 255A Shuttlewood Road over and above those pitches allocated in the Local Plan for Bolsover District (application ref. 20/00221/FUL)
- 1 additional pitch has been granted planning permission at The Pines Caravan Site, Hilcote Lane, Hilcote (application ref. 21/00455/FUL)
- 4 additional pitches have been granted planning permission at Land to Northwest of 3A Brookhill Lane Pinxton (application ref. 21/00678/FUL)

This leaves an identified need of 4 pitches and so the 3 pitches proposed in this planning application would therefore help to meet that identified need.

The Council is also party to a Derbyshire-wide commission to prepare a new independent GTAA to cover the period 2020 to 2040 and so update the Council's evidence in this policy area. Whilst this new independent assessment is yet to be finalised and signed off by the Council, based on the work to date it is considered likely that the new GTAA will identify an additional need for yet further pitches in Bolsover District rather than a reduction in the number of pitches needed.

On this basis it is considered that the development would be contrary to policy SS9 of the Local Plan, However, in view of the existing need for additional residential pitches it is considered that policy LC5 provides justification for looking at this countryside location and the proposal is considered to be acceptable in principle, provided that the other more site specific and local amenity considerations are met.

It is however considered necessary to restrict the occupation of the site to three pitches and restrict the number of units to be permanently occupied to one mobile home per pitch with the touring caravan only being used for touring not living in on site. This is to prevent additional permanent occupation of the site which does not meet an identified need and as such does not justify the rural location for the additional residences.

The impact on the character of the countryside and the local area

The site is within an area of open countryside but is adjacent to residential development and existing equestrian developments in the form of stables and barns along Featherbed Lane. The proposal is for three pitches which will each contain a mobile home, a touring caravan and two parking spaces. The modest scale of the proposal is considered to be appropriate for this open countryside/edge of settlement site and is not considered to harm the services and infrastructure provided by the adjacent settlement in accordance with part f) of Policy LC5.

The proposal includes a new access on to Featherbed Lane which involves the removal of a section of hedgerow. There is also an existing access to the stable building being constructed on site. The site is otherwise partially screened from general views by the hedgerow to the site frontage and around the wider field within which the site sits. It is also proposed to enhance the hedgerows around the site with additional planting and this can be required by condition. The proposal is therefore not considered to significantly detract from the character of the area and can be sufficiently enclosed by appropriate boundary treatment to prevent encroachment into adjoining land and this can be required by condition.

There are no permanent buildings proposed as part of this application and if subsequent permanent structures are proposed at a later date they will need to be considered by further planning applications which would be considered on their individual merits. It is however considered necessary to restrict the number of mobile homes and caravans on the site to minimise the impact on the rural character of the area.

It is also considered necessary to require some form of boundary treatment to be provided to prevent the proposed use spreading into the wider field and to restrict future boundary treatments, external lighting and buildings or structures which may be required by the caravan licence for the site which may also harm the rural character of the area in the future. Subject to such conditions, the proposal is considered to meet the requirements of part e) of Policy LC5 of the Local Plan for Bolsover District and is not considered that there will be undue harm to the rural character of the area.

Residential Amenity

The site is set away from adjacent dwellings with partial screening from the hedgerows around the site. The site is considered capable of providing an adequate standard of amenity for future occupiers without causing harm to the privacy and amenity of adjacent residents. The proposal is likely to result in some increase in noise and disturbance for residents of adjacent dwellings during the construction phase of the development when hard surfacing and amenities etc. are being installed but once this is completed the proposal is considered to be a use which is compatible with the existing residential uses adjacent to the site. It is however considered necessary to restrict the occupation of the site to three pitches and restrict the number of mobile homes and caravans to be permanently occupied to one mobile home per pitch with the touring caravan only being used for touring. This is to prevent additional permanent occupation of the site which would potentially result in additional noise and disturbance for residents of adjacent dwellings, the impact of which would not have been considered as part of this application.

The Environmental Health Officer has asked for a condition requiring the hours of operation from the site for deliveries, visitors etc. to protect the amenity of adjacent residents. However, once the use is established, the use will be a residential use and such restrictions on residential development is considered unreasonable. It is however considered reasonable to restrict the use of the site to prevent any trade or business being carried out from the site as this may result in noise and disturbance for residents of adjacent dwellings over and above what would be reasonable expected adjacent to a residential area. On this basis is considered to meet the requirements of criteria b) and g) of Policy LC5 as well as Policies SC3 and SC11 in terms of its impact on the amenity of existing and future occupiers

Access/Highways

The site utilises an existing access to the field which is served off Featherbed Lane. Featherbed Lane which is an un-adopted road/track which also makes up part of a public right of way (Footpath 44 Bolsover). Featherbed Lane is served by an existing vehicular access off Shuttlewood Road. Whilst the proposal will increase vehicle movements associated with the access, emerging visibility is acceptable in either direction and it is unlikely that the proposal would result in any safety issues associated with the access.

The internal layout proposed for the site has been amended on the advice of the Highway Authority and there is now adequate room for the parking and turning of vehicles on site in association with proposed use of the site. The site can be required by condition to be laid out in accordance with the approved plans and maintained as such thereafter.

The Highway Authority have visited the site and confirmed that, subject to the above condition and a condition relating to submission of details for the storage and collection of bins, they have no objections to the proposal and on this basis the proposal is not considered to be detrimental to highway safety in accordance with Policy SC3 of the Local Plan for Bolsover District.

A public footpath runs along Featherbed Lane (Bolsover Footpath No. 44). The DCC Right of Way Officer has confirmed no objections to the proposal as ultimately the route of the footpath will be unaffected by the proposal and only notes advising the applicant of their responsibilities in relation to the right of way were requested.

Concerns have been raised by residents that the Rights of Way Officer made comment on the proposal before the submission of the amended plan and has therefore not appreciated that the proposal was for three static caravans plus tourers and parking and as such the intensification of the use had not been clear. The Rights of Way Officer has confirmed that they have seen the amended plan and the clarification of the use provided by the agent for the application and have confirmed their understanding of the use proposed and the fact that this does not change their advice.

The restriction of the use of the site to prevent trade or business use of the site is also considered appropriate to ensure that vehicular movements to and from the site are ancillary to the residential use of the site which is what has been considered as part of this application as a trade or business operating from the site may be detrimental to highway safety.

It is also considered necessary to restrict the occupation of the site to three pitches and restrict the number of mobile homes and caravans to be permanently occupied to one mobile home per pitch with the touring caravan only being used for touring. This is to prevent additional vehicular movements to and from the site should the site be more intensively occupied which would potentially result in highway and pedestrian safety concerns, the impact of which would not have been considered as part of this application.

Biodiversity

The proposal will result in a fairly large area of hardstanding formed which has previously

been part of a grass field. The proposal will therefore impact on habitats and biodiversity.

Local Plan Policy SC9 requires developments to result in no net loss for biodiversity. A biodiversity net gain assessment has therefore been requested and provided as part of the application process.

The report assesses the onsite grassland to be 'modified' grassland and not of any significant botanical interest. The metric calculation predicts a small net gain of 0.01 habitat unit (4.33%) and 0.12 hedgerow units (18.81%), which will be delivered through sowing a flower-rich seed mix in the adjacent field to create 'other neutral grassland' and a species-rich native hedge along the northern boundary of the application area. This habitat creation can be secured by condition and, subject to such a condition, the proposal provides a net gain for biodiversity and complies with the requirements of Policy SC9 of the Local Plan for Bolsover District.

Land Stability

Part of the site falls within the defined Development High Risk Area. The Coal Authority records indicate that within that part of the application site and surrounding area there are coal mining features and hazards, which should be considered as part of development proposals. The Coal Authority's general approach where development is proposed within the Development High Risk Area is to require the submission of a Coal Mining Risk Assessment to support the planning application.

However, in this case, the specific parts of the site where the pitches are proposed actually falls outside the defined Development High Risk Area. Therefore the Coal Authority did not consider that a Coal Mining Risk Assessment was necessary for this proposal and did not object to the application subject to an advisory note advising the applicant that the site lies within a coal mining area which may contain unrecorded coal mining related hazards and if any coal mining feature is encountered during development it should be reported immediately to the Coal Authority.

Subject to such a note the proposal is not considered to result in issues for stability on or adjacent to the site and is considered to meet the requirements of Policy SC14 of the Local Plan for Bolsover District.

Drainage

The site is within Flood Zone 1, which has a low probability of flooding. The application forms states that the surface water would be disposed of via a soakaway and foul via a septic tank. No other details have been provided and it is therefore considered necessary to require further details of the proposed drainage by condition.

Issues raised by Local Residents

Most of the issues raised by local residents are covered in the above assessment.

The issue of the site being developed in the future for a bungalow has not been considered as this does not form part of the current application and would require separate planning permission.

The issue of setting precedent for future development has not been considered as any planning application has to be considered on its individual merits.

The issue of public consultation has not been considered as the application has been subject to consultation in the form of a site notice and neighbour letters in accordance with the council's policy and the wider provisions of the General Development Management Procedure Order.

The issue of the red line including Featherbed Lane has not been considered as the Highway Authority have confirmed that Featherbed Lane is an unadopted highway and as such the red line does go to the highway.

The issue of the development being unauthorised has not been considered because there is scope within the planning legislation for an applicant to apply retrospectively for any works carried out and the applicant has been advised that any unauthorised works carried out are done so at his own risk.

CONCLUSION / PLANNING BALANCE

The development is contrary to Policy SS9 of the Local Plan, however, in view of the existing need for additional residential pitches it is considered that Paragraph 62 of the Framework and Policy LC5 of the Local Plan provides justification for looking at this countryside location and the proposal is considered to be acceptable in principle, provided that the other more site specific and local amenity considerations are met.

The proposal meets the criteria set out in Policy LC5 and is considered to be a suitable site for the use applied for and is not considered harmful to the rural character of the area or to residential amenity or highway safety, subject to the conditions suggested in the above assessment.

RECOMMENDATION

The current application be APPROVED subject the following conditions:

1. Within 56 days of the date of this permission, the parking and turning area must be provided on site in accordance with the amended block plan submitted via email to the Local Planning Authority on 03/11/2022 and must be maintained available for parking and turning thereafter.
2. The development hereby approved is for three mobile home pitches only, laid out in accordance with the amended site plan submitted via email to the Local Planning Authority on 03/01/2022. Each pitch must only be used for the residential use of one mobile home, located as shown on the approved plan, and for the storage of one touring caravan. No residential occupation of any touring caravan is permitted within the site at any time.
3. The mobile homes on site must be single storey only

4. The development hereby approved is for three pitches which must solely be occupied by travellers as defined as defined in “Planning Policy for Traveller Sites (2015)”.
5. The development hereby approved is for residential occupation only and no trade or business must be carried out from the site.
6. Within 56 days of the date of this permission, full details of the septic tank and soakaway, together with the results of percolation tests which substantiate the soakaway design, must be submitted to the Local Planning Authority and approved in writing. The septic tank and soakaway must be installed as approved and must be maintained in accordance with the approved details. Final effluent from the septic tank must not connect directly to any watercourse or land drainage system and no part of the soakaway shall be sited within 10m of any ditch or watercourse.
7. Within 56 days of the date of this permission, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority. The LBEMP will provide specifications for habitat creation in line with the proposals reflected in the submitted Biodiversity Net Gain report (JM Ecology, December 2022) and to achieve a gain of no less than +0.01 habitat units (4.33%) and +0.12 hedgerow units (18.81%). The LBEMP should combine both the ecology and landscape disciplines and must be suitable to provide to the management body responsible for the site. It must include the following:-
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Requirement for a statement of compliance upon completion of planting and enhancement works.The LBEMP must also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.
8. Within 56 days of the date of this permission, details of the boundary treatment to be provided around the edge of the site hereby approved for three pitches, together with any boundary treatment details required to divide the pitches must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments must be provided on site in accordance with approved details within 28 days of their approval and must be maintained as such thereafter.

9. Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new accesses or boundary treatments must be installed on site unless authorised by an express grant of planning permission.
10. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order must be erected/constructed/undertaken without first obtaining planning permission.
11. Within 56 days of the date of this permission, details of arrangements for storage of bins and collection of waste must be submitted to and approved by the Local Planning Authority. The approved details must be implemented within 28 days of their approval and must be maintained as such thereafter.
12. There must be no external lighting installed on the site without the prior submission of a detailed lighting strategy for the site having been first submitted to and approved in writing by the Local Planning Authority.

Advisory notes

1. In legislation 'mobile home' and 'caravan' are synonymous and defined as 'any structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed, or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted'.
The definition excludes railway stock on rails forming part of the railway system, and tents.
The definition includes:
 - conventional caravans and mobile homes
 - dormobiles
 - touring caravanettes
 - adapted railway carriages
2. A large, twin-unit caravan may come within the definition if it is:
 - composed of not more than two separately made sections
 - physically capable of being transported by road when assembled (even if it cannot lawfully be transported)
 - does not exceed 65.616 feet (20 metres) in length, 22.309 feet (6.8 metres) in width, and 10.006 feet (3.05 metres) from the floor to the ceiling internally
3. Public Right of Way, Bolsover Footpath No.44, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If

a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

4. A caravan licence will need to be obtained from Bolsover District Council.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.