

PARISH Old Bolsover Parish

APPLICATION Extension to Traveller site to create 4 additional pitches and revision of layout to Plot 3 of previously approved planning application 22/00425/FUL

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

APPLICATION NO. 23/00609/FUL **FILE NO.** PP-12640987

CASE OFFICER Mrs Karen Wake (Mon-Thur)

DATE RECEIVED 29th November 2023

SUMMARY

This application has been referred to the Planning Committee by the Assistant Director of Planning as the original application for the traveller site was determined by Committee.

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



SITE & SURROUNDING

The site is a small area of land (0.3 ha) which forms part of a larger grassed field. The site has been partially hard surfaced and the level raised in parts to create a level surface. 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

A stable block has previously been granted planning permission, together with an extension to the stable block. The construction of the stable block was commenced but not completed. Instead, an amenity block was constructed without planning permission, and this is currently the subject of a separate planning application.

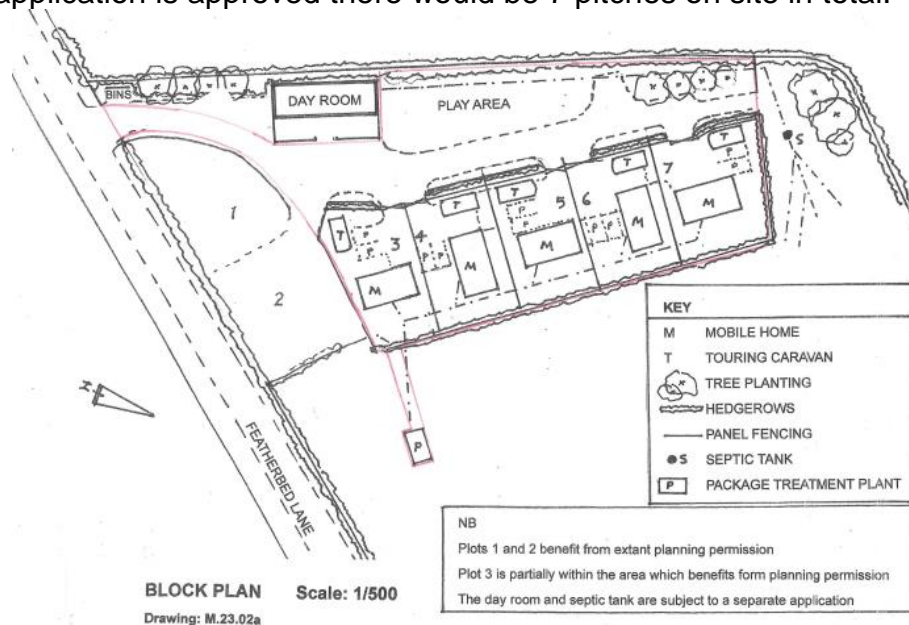
A traveller site for three pitches each of which may contain a mobile home, one touring caravan and two parking spaces has also been approved. Two of these pitches are immediately to the southeast of this site and one of those pitches is included in the current application as an amendment is sought to this third pitch.

The applicant has moved a mobile home and a touring caravan onto the site and is currently living there but the pitches have not yet been laid out in accordance with the approved plan. 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 four additional 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. The proposal also includes amendments to the layout of pitch three (already approved.)

If the current application is approved there would be 7 pitches on site in total.



AMENDMENT

None

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
22/00425/FUL	Granted Conditionally	Traveller site with 3 pitches
23/00357/DISCON	Partially discharged	Discharge of Condition 6 (Septic tank & soakaway), 7 (Landscape and Biodiversity Enhancement and Management Plan), 8 (Boundary Treatment), 11 (Bin storage) of Planning Permission 22/00425/FUL

CONSULTATIONS

Parish Council:

Object for the following reason: The proposal will increase traffic on a public right of way causing a safety issue for pedestrians and damaging the surface. There are potential drainage problems and the request for additional information made by the Environmental Health Officer is supported. The number of pitches exceeds the amount required by Policy LC5 of the Local Plan. The site is greenfield and the addition of further pitches will be contrary to Policy SS9 of the Local Plan.

Coal Authority:

No objections, the area where the development is falls outside the defined development high risk area.

Derbyshire Gypsy Liaison Group:

Supports the extension to the site and would like to make the council aware that the Gypsy and Traveller needs Assessment figures could be on the low side due to the changes to the definition of gypsies and travellers set out in the Governments Planning Policies for Traveller sites. This extension will assist in providing much needed pitches.

Environmental Health Officer:

No objections in principle. Advises further detail should be submitted in regards the drainage

provision. The proposal is for a Harlequin HydroClear HC50 packaged treatment plant to be fitted. Treatment plants often require a minimum flow rate through them to work effectively, and the capacity of this system seems somewhat at odds with the number of proposed occupants. The applicant should provide supporting information from the manufacturer to confirm that the system will operate effectively with regards to the typical numbers of occupants likely to be on site at any one time. Further detail is also required with regard to the design of the outfall for the treatment plant, specifically whether it is to ground via a soakaway or to a water course, with supporting detail in regards the suitability of the proposed discharge method.

Derbyshire County Council Right of Way:

Bolsover Public Footpath No. 44 runs adjacent to the development site, along Featherbed Lane, which is the access road to the site. Objections were not raised to the previous proposals, as the number of additional vehicle journeys along Featherbed Lane would not have a significant effect on path users' experience of the footpath. However, this proposal will be likely to more than double the number of additional vehicle journeys along the lane. This increase will be noticeable by path users, and their experience along the footpath may be negatively impacted by the proposals and pedestrians will need to stand to the side to allow vehicles to pass, which can become a problem with increased frequency. In addition, Featherbed Lane only has footpath status, and will therefore only be maintained by Derbyshire County Council to a level appropriate for a footpath. Any vehicle journeys along the lane will, over time, cause damage to the surface, and too many additional vehicle journeys will have this effect over a much shorter period. These concerns should be taken into consideration during the decision making process.

The applicant must 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.

Derbyshire County Council Highways:

Concerns raised about potential conflict between additional vehicle movements on the public footpath and the users of the path; however, this is not something which is considered sufficient to warrant an objection.

Planning Policy:

The development would be contrary to policy SS9 (Development in the Countryside.) However, in view of the remaining existing need for additional residential pitches and likely future need for further additional 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, such as providing an acceptable living environment and not causing unacceptable nuisance to existing neighbours, are met.

PUBLICITY

Site notice and 13 neighbours notified. Objections received from 2 residents which raise the following issues:

1. The lane is supposed to be a footpath but is clearly used as an access road to the site and beyond. The amount of traffic generated by this site already means walkers must step aside to allow passage of lorries/vans /cars at least once each direction. This is

- made difficult for a walker as there is no real spaces to step. Increasing the number of pitches will increase the amount of traffic using the lane and make this issue worse.
2. The surface of the lane has been improved by the applicant, but it is now rutted by the use of heavier vehicles which makes it more uneven for walking down.
 3. The noise impact must be considered with the vehicles using this lane especially when they are driven at speed and empty.
 4. This requirement for additional pitches should have been seen when the original application was submitted. The objectors foresaw it but were not listened to. It was naive to think that this was not pre-planned. The application will undoubtedly be approved because the first application was and objectors will be ignored again.
 5. The hedgerows are likely to be uprooted despite what it says in the application form.
 6. What was a lovely green valley is gradually being destroyed. Nature needs a home too.

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

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
- LC5 Applications for Gypsies, Travellers and Travelling Showpeople
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land

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:

- Chapter 2: Achieving sustainable development
- Paragraphs 7 - 10: Achieving sustainable development
- Paragraphs 47-50: Determining applications
- Paragraphs 55-56: Planning conditions
- Paragraphs 61-63: Delivering a Sufficient Supply of Homes
- Paragraphs 180, 186 and 188: Conserving and enhancing the natural environment.
- Paragraphs 189 - 194: Ground conditions and pollution.

Other

Planning Policy for Traveller Sites 2015

Gypsy and Traveller Accommodation Assessment 2015

Designing Gypsy and Traveller Sites Good Practice Guide

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
- Land stability
- Drainage
- Issues raised by residents.

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 63 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.

At the time of writing, a further 8 pitches have been granted planning permission (details below):-

- 1 additional pitch has been granted planning permission at The Pines Caravan Site, Hilcote Lane, Hilcote (application ref. 21/00455/FUL) – this site is yet to be delivered at March 2022.
- 4 additional pitches have been granted planning permission at Land to North-West Of 3A Brookhill Lane Pinxton (application ref. 21/00678/FUL) – this site is yet to be delivered at March 2022.
- 3 additional pitches have been granted planning permission at The Stables, Featherbed Lane, 22/00425/FUL (adjacent to this site)

(Please note that 1 additional pitch that had 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) has not been implemented and the permission has now lapsed, meaning this pitch can no longer be counted.)

This leaves an identified need of 2 pitches and so the 4 pitches proposed in this planning application would therefore help to meet that identified need and provide 2 pitches over and above that identified in the Local Plan.

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 and a number of other partner authorities, based on the work to date it is considered likely that the new GTAA will identify an additional need for further pitches in Bolsover District.

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 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 four additional pitches, as well as an amendment to one of the pitches previously approved. Each pitch will contain a mobile home, a touring caravan and two parking spaces. The additional pitches will extend the amount of built development on site,

but the overall development is of a scale which is not considered to materially harm the character of the area, given that this site is within the open countryside but is adjacent to the edge of the development envelope and forms a slight addition to the adjacent built form. In addition, the proposal is not considered to harm the services and infrastructure provided by the adjacent settlement in accordance with part f) of Policy LC5.

The proposal utilises the existing access. The gates and wall/gate posts at this access do not benefit from planning permission and do not form part of this planning application. However, the access itself has been in place for many years and serves as a field access. The application previously approved included an additional new access on to Featherbed Lane which involved the removal of a section of hedgerow. This access does not form part of the current application and is no longer required so in that respect the impact on the rural landscape is lessened. Other than at the point of access, the site is 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 includes a hedgerow on the boundary to the area proposed for the pitches 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 is an amenity block on site which has already been constructed but this is the subject of a separate planning application. 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 the number of pitches as proposed 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.

It is also 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. Subject to the suggested conditions the proposal 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 of the site provides 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 confirmed that, subject to the above condition they have no objections to the proposal in highway safety terms 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 (Highways) have concerns about conflict between vehicles and pedestrians using the lane but do not consider this to be sufficient to warrant an objection to the proposal.

The DCC Right of Way Officer has not objected to the proposal but has raised concern that this proposal will increase the number of vehicle journeys along the lane and this increase will be noticeable by path users and may negatively impact peoples experience of using the footpath because pedestrians will need to stand to the side to allow vehicles to pass, which can become a problem with increased frequency. In addition, Featherbed Lane only has footpath status, and they have expressed concern that it will only be maintained by Derbyshire County Council to a level appropriate for a footpath. Any vehicle journeys along the lane will, over time, cause damage to the surface, and too many additional vehicle journeys will have this effect over a much shorter period. The Rights of Way Officer has requested notes advising the applicant of their responsibilities in relation to the right of way.

Whilst the proposal more than doubles the number of pitches proposed, this is not considered to result in such an increase in vehicular movements on the lane as to justify the refusal of the proposal given that a refusal on this basis would not be supported by the Highway Authority.

The restriction of the use of the site to prevent trade or business use of the site is however 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/pedestrian safety.

It is also considered necessary to restrict the occupation of the site to the number of pitches proposed 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 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 was provided as part of the previous application on the site. An additional assessment hasn't been provided as part of this application and the current proposal includes additional hard surfacing of the field than was proposed in the original application. However, the report previously submitted assessed the onsite grassland to be 'modified' grassland and not of any significant botanical interest. In addition the original proposal included removal of a section of hedgerow which is not now proposed and the current proposal includes a hedge along the boundary to the extended site which can be required by condition. Subject to such a condition, the proposal is not considered to result in a net loss for biodiversity and complies with the requirements of Policy SC9 of the Local Plan for Bolsover District.

The small sites metric submitted with the original application predicted a small net gain of 0.01 habitat unit (4.33%) and 0.12 hedgerow units (18.81%), which was to 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. These biodiversity enhancements are unaffected by the current proposal and are secured by a condition on the original permission and do not need to be repeated on this application should the application be granted.

Land Stability (Mining Legacy)

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 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.

On this basis, 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 is considered sufficient. 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 package treatment plant. The type and size of package treatment has been provided but no other details. The Environmental Health Officer has requested further detail be submitted in regards the drainage provision. This is because treatment plants often require a minimum flow rate through them to work effectively, and the capacity of this system referred to in the documents submitted seems at odds with the number of proposed occupants. The Environmental Health Officer requested supporting information be provided from the manufacturer to confirm that the system will operate effectively with regards to the typical numbers of occupants likely to be on site at any one time. He also requested further detail be provided with regard to the design of the outfall for the treatment plant, specifically whether it is to ground via a soakaway or to a water course, as well as supporting detail in regards the suitability of the proposed discharge method.

This information has been requested but has not yet been provided. However, given there is no objection to the proposal in principle from the Environmental Health Officer, these details can be required by condition to ensure the system installed is suitable for the disposal of foul waste from the site. Subject to such a condition, the proposal is considered to meet the requirements of Policy SC13 of the Local Plan for Bolsover District.

Issues raised by Local Residents

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

The issue of the requirement for additional pitches being foreseen when the original application was submitted has not been considered because every application must be considered on its individual merits.

The issue of the hedgerows being uprooted has not been considered as no hedgerows are proposed to be uprooted, additional hedgerow planting is proposed.

CONCLUSION / PLANNING BALANCE

The development is contrary to Policy SS9 of the Local Plan, however, in view of the existing and future need for additional residential pitches it is considered that Paragraph 63 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 to be 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. Before the pitches hereby approved are first occupied, the parking and turning area must be provided on site in accordance with the block plan no M.23.02a submitted via email to the Local Planning Authority on 01/12/2023 and must be maintained available for parking and turning thereafter.
2. The development hereby approved is for 4 additional pitches and revision of layout to Plot 3 of previously approved planning application 22/00425/FUL. The pitches must be laid out in accordance with the block plan no M.23.02a submitted via email to the Local Planning Authority on 01/12/2023. 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 must solely be occupied by travellers as defined as defined in "Planning Policy for Traveller Sites (updated 19th December 2023)".
5. The development hereby approved is for residential occupation only and no trade or business must be carried out from the site.
6. Notwithstanding the submitted details, before the package treatment plant is installed on site and before the pitches hereby approved are first occupied, full details of the package treatment plant, including details of whether it is to ground via a soakaway or to a water course, with supporting detail in regard to the suitability of the proposed discharge method must be submitted to the Local Planning Authority and approved in writing. The package treatment plant must be installed as approved and must be maintained in accordance with the approved details thereafter.
7. Before the pitches hereby approved are first occupied full details of the hedge proposed to be planted around the edge of the site as shown on the approved plans, must be submitted to and approved in writing by the Local Planning Authority. The hedge must be planted in accordance with the approved details in the first available planting season after the details are approved and must be maintained as such thereafter.
8. Notwithstanding the submitted details, before the pitches hereby approved are first occupied, details of the 1.2m high fences proposed to divide the pitches hereby approved 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 before the pitches hereby approved are first occupied 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. 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.

However, if these protected characteristics were not taken into account and sufficient sites provided within the district to meet an identified need in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

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.