

**PARISH**Ault Hucknall Parish

---

**APPLICATION**

Incorporation of land into garden, the erection of an outbuilding for domestic storage, retention of pergola and gates, removal of sheds and green house and installation of boundary fence

**LOCATION**

The Old Dairy Batley Lane Pleasley Mansfield

**APPLICANT**

Andrew Clarke The Old Dairy Batley Lane Pleasley Mansfield NG19 7QL

**APPLICATION NO.** 25/00084/FUL

**FILE NO.** PP-13789059

**CASE OFFICER** Jack Clayton

**DATE RECEIVED** 18th February 2025

---

**SUMMARY**

This application follows the refusal of application code ref. 24/00183/FUL at planning committee on the 4<sup>th</sup> of September 2024, for the following reasons:

- 1. The application represents the change of use of previously undeveloped land to residential garden and development outside of the dwelling's defined garden curtilage contrary to Policy SS9 of the Adopted 2020 Local Plan for Bolsover District, which sets out a number of criteria where development within the countryside, outside of the defined development envelopes within the district, will be supported in principle.*
- 2. The proposals, by virtue of representing a significant intrusion of residential garden of a scale and footprint which is excessive and disproportionate to that required for the dwelling; a proposed double garage of a domestic form and appearance wholly out of scale and character with The Old Dairy; together with associated outbuildings extending into the countryside, outside of the defined garden curtilage of the barn conversion, are considered to harm the form, character and appearance of the rural landscape setting to the dwelling and the countryside, contrary to Policy SS9 of the Adopted 2020 Local Plan for Bolsover District. The change of use would cause an inherent residential character and loss of agricultural setting, which is an important component of this historic farmstead, failing to enhance the rural character of the building and landscape character generally; contrary to Policy SC5 (a) and (b) of the Adopted Local Plan; and contrary to Policy SC8 of the Adopted Local Plan by causing significant harm to the character, quality and distinctiveness of the landscape. The proposal is considered contrary Policy SS1 (i) of the Adopted Local Plan by failing to protect the character and quality of the landscape and the wider countryside; and to Policy SC3 (j) of the Adopted Local Plan which requires development proposals to accord with and respond to the established character and local distinctiveness of the surrounding landscape. The proposal is contrary to Paragraphs 180 (a) and (b) of the National Planning Policy Framework by failing to protect a valued landscape in the context of the setting of a non-designated heritage asset; and by failing to recognise the intrinsic character and beauty of the countryside. The development represents an environmentally unsustainable form of development contrary to Paragraph 8 of the National Planning Policy Framework.*

Despite resolving that the application be refused, members requested that officers worked with the applicant to overcome the above concerns. The applicant has positively engaged with the Local Planning Authority and has reduced the amount of land to be included as garden and changed the size, design and style of the outbuilding.



*Front elevation of The Old Dairy*



*Rear elevation of The Old Dairy*

In its revised form, the development is considered to respect the character of the countryside and the setting of the adjacent buildings which are non-designated local heritage assets. The development would satisfy the relevant policies of the development plan and national planning policy in this respect. The development would not result in unacceptable residential amenity effects or be unacceptable in biodiversity or below ground archaeology terms. A recommendation of approval is put forward on this basis.

### **Site Location Plan**



*The red outline shows the extent of land to be included as garden and the blue line the extent of land owned / controlled by the applicant.*

## SITE & SURROUNDINGS

The Old Dairy is a stone barn residential conversion. The barn conversion is located within an open relatively isolated rural landscape within designated countryside. In addition to The Old Dairy is a separate two storey barn conversion and the original farmhouse to the south. The vehicular access is via Batley Lane, which is a single width lane bordered by hedgerows. The barn conversion is set back from the highway with a driveway which leads around the property frontage to the rear of the building via its side gable. The dwelling also benefits from a soft landscaped garden area forward of the principal elevation. To the rear of the site is the approved garden curtilage and a paddock. To the rear are two historic areas which once accommodated agricultural buildings. These areas are now being used by the applicant for outdoor seating and includes a garden pergola, seating, and planting areas. The paddock is proposed to be used as garden curtilage. Post and rail fencing has been erected to the perimeter of the paddock.



*The paddock and area of hard surfacing upon which a pergola has been erected to the north of the site.*

## BACKGROUND

Planning Permission was granted to convert the former barn under application code ref. 13/00310/FUL on 16/09/2013. This included the conversion of two barns to form two separate dwellinghouses. These were the conversion of the 'L' shaped mainly stone range of barns to one four-bed dwelling, and the conversion of the brick cart shed to a two-bed dwelling without the need for any extensions or major reconstruction work.

The case officer's report explains that the barns subject to the application were the barns/outbuildings to Batley Farmhouse, in a situation of open countryside between Pleasley and Rowthorne. The layout submitted with the application clearly showed the garden and parking for the dwelling, deliberately excluding a paddock area to the rear from the garden curtilages. This was in the interests of preserving the heritage interests of the site and countryside character.



***The approved site layout drawing no 011 Rev C defining the approved garden curtilages of each dwelling in light green and excluding the paddock and farm buildings from garden in dark green to the north-east.***

Planning Permission was refused to extend the garden of the property under planning application code ref. 24/00183/FUL. The site area subject to the change of use was 1375 square metres. The application looked to regularise areas of planting, boundary fencing, gates, and a pergola structure. A double garage was also proposed to the rear of the barn conversion, forward of the outdoor seating area and pergola and was the only element of the



application that did not seek retrospective permission at that time. The application was refused on the basis that it did not comply with any of the criteria set out in policy SS9 of the Local Plan for Bolsover District and that it represented a significant intrusion of residential garden of a scale and footprint which was excessive and disproportionate to that required for the dwelling. It was also considered that the proposed double garage was wholly out of scale and character with The Old Dairy; this paired with the associated outbuildings extending into the countryside were considered to harm the form, character and appearance of the rural landscape setting to the dwelling and the countryside, contrary to policies, SS9, SC5, SC8, SC1, SC3 of the Local Plan for Bolsover District.

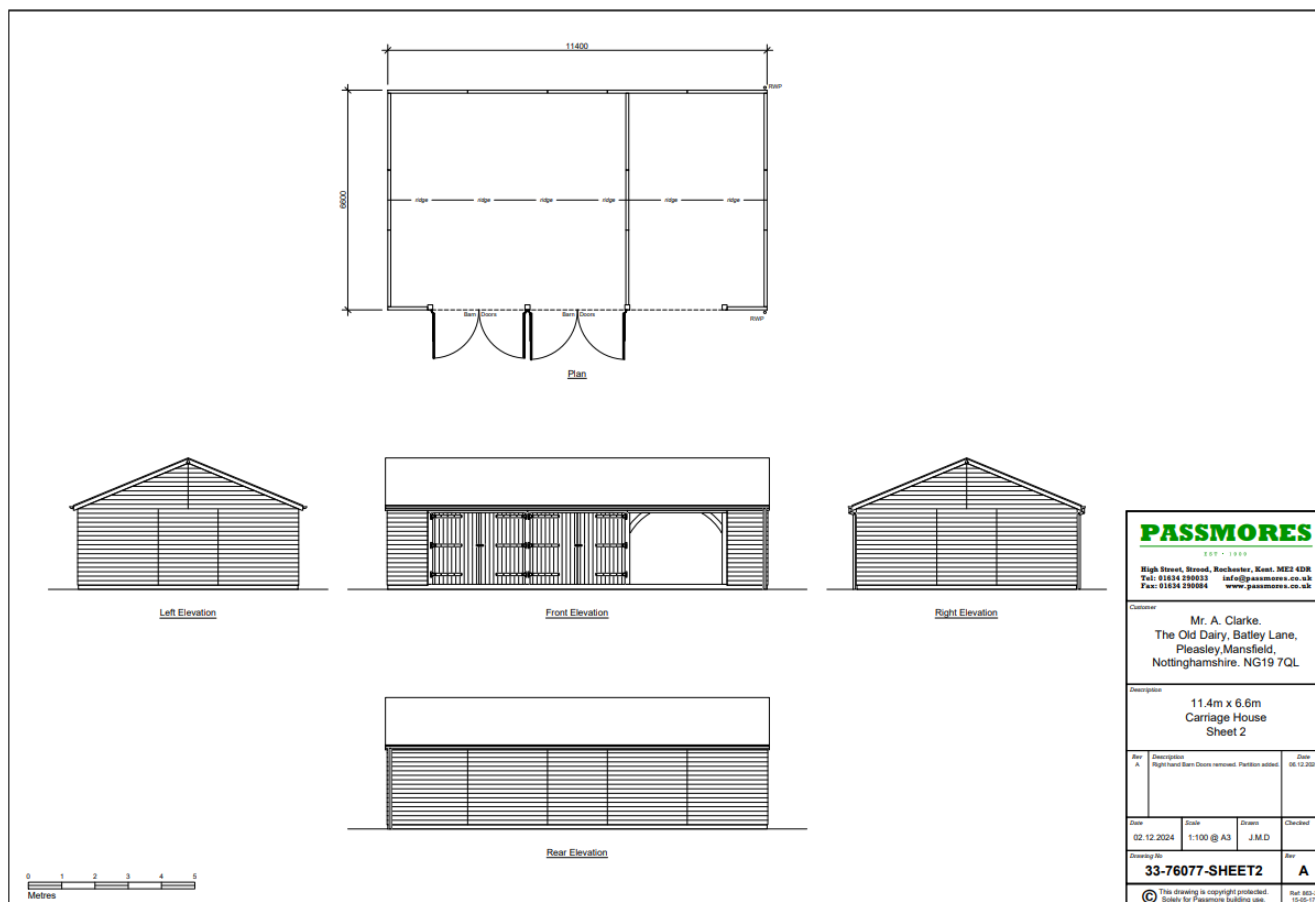


***The proposed site layout identifying the two seating areas which once accommodated agricultural buildings and the paddock in between them.***

## PROPOSAL

This revised application seeks a change of use of part of the paddock area to the east of The Old Dairy to a garden. The area of land to be included as garden extends to approximately 508 square metres. The applicant states that the site has been used as a private garden for several years and they seek to formalise this use through a retrospective planning application.

The application also seeks to regularise the erection of boundary fencing and gates to the south and a pergola structure to the north. A three-bay outbuilding for use as a garage and store is proposed to the rear of the property on an existing concrete apron and immediately to the west of the pergola structure. A new boundary is proposed to the east of enlarged garden area to separate it from the applicant's wider land holding.



*The proposed double garage (not constructed), situated outside the approved garden curtilage to the rear of The Old Dairy.*

**AMENDMENTS** - None

## HISTORY

13/00310/FUL	Granted Conditionally	Conversion of existing agricultural buildings to form two new dwellings (as amended by the revised layout plan 011 Rev C showing the derelict dutch barn demolished, the revised repairs schedul00310/fe and drawing 015 Rev A showing extent of rebuilding of the stonework, and Drawing 012 Rev C showing the proposed roof lights located on the rear east elevation of the barn roof)
14/00552/DISCON	Discharge of Conditions	Discharge of conditions 2 and 3 (recommendations set out in ecology report) 4 (contamination), 5 (safety and stability scheme), 7 (materials), 8 (sample of pointing), 10 (Structural and construction details), 11 (window detail) and 12 (rooflights) of application 13/00310/FUL

24/00183/FUL	Refused	Change of use from paddock to garden area (inclusive of boundary gate, outbuildings & planting) & erection of double garage
--------------	---------	---

## **CONSULTATIONS**

Ault Hucknall Parish Council – No response received.

Bolsover District Council – Heritage & Conservation Manager –

When considering the original application the barns were regarded as non-designated heritage assets. On balance, the simplified design of the garage and positioning on the site of a former agricultural outbuilding, together with re-instatement of large part of the orchard and removal of a number of domestic structures will reduce the impact and harm caused to the wider setting of the former barn (non-designated heritage asset). Overall, there is not considered to be any significant harm or loss and the significance of the heritage asset.

Derbyshire County Council – Archaeologist –

The proposal will have no substantive below ground impact and therefore there is no objection.

Derbyshire County Council – Highway Authority –

It is considered that the application will have no detrimental highway impact and on that basis there are no highway authority objections to the application.

Severn Trent Water Ltd – No response Received.

The National Trust – No response Received.

*All consultation responses are available to view in full on the Council's website.*

## **PUBLICITY**

The application has been publicised by way of a site notice and letters sent to two adjacent residential properties – one representation has been received, objecting to the application for the following reasons:

*The outbuilding that is proposed is larger in order of magnitude compared with the garage that was previously proposed by the applicant on application (24/00183/FUL) with the objector claiming the new design is larger than the average bungalow based off internet research and has a larger footprint than Batley House. The garage does not address any of the reasons of previous refusal aside from changing the material from stone to wood.*

*In original plans for the property 13/00310/FUL there was detailed hardstanding for vehicular parking, located within the designated garden areas. If granting permission for a garage it undermines the overarching aim of protecting the countryside. The proposed development does not aim to achieve the goal of protecting the countryside.*

*The objector can find no evidence that a building was ever situated on the 'concrete slab' and*

*claims that it is a 'new concrete slab'. The objector also claims it is unclear if the Biodiversity Net Gain Requirement is applicable for this application and states that a section 106 agreement may even be required for the application.*

*The objector claims that various changes have been made since the applicant acquired the property in 2017.*

*The objector has questioned the planning process in which the 24/00183/FUL application went to a committee and is unhappy that two members of the planning team, one of which being the planning manager undertook a site visit to see if a resolution could be found and therefore requests that the application goes to a committee instead of a delegated decision.*

*The objector states the definition of a 'carriage house' combines a garage with a living space, and are built with plumbing, cooling and heating systems. The objector also questions why the 'special foundations' are required for the garage.*

*The objector's understanding is that it is not permissible to have any building on a paddock unless it is for agricultural purposes.*

*The objector claims that the laurel hedge is to be removed.*

## **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:

- Policy SS1 – Sustainable Development
- Policy SS3 – Spatial Strategy and Distribution of Development
- Policy SS9 – Development within the Countryside
- Policy SC2 – Sustainable Design and Construction
- Policy SC3 – High Quality Development
- Policy SC5 – Changes of Use and Conversions in the Countryside
- Policy SC8 – Landscape Character
- Policy SC9 – Biodiversity and Geodiversity
- Policy SC10 – Trees, Woodland and Hedgerows
- Policy SC11 – Environmental Quality
- Policy SC18 – Archaeology
- Policy SC21 – Non-Designated Heritage Assets.
- ITCR11 – Parking Provision

### 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 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the district by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

Historic Environment:

The Historic Environment Supplementary Planning Document was adopted in March 2006 to provide further clarity and interpretation for policies in the Bolsover District Local Plan (of the time) in relation to listed buildings, conservation areas, conversion of historic agricultural buildings and archaeology.

## **ASSESSMENT**

### ***Key issues***

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

- The Principle of the Development
- Impacts on the Openness of the Countryside
- Heritage Impacts
- Residential Amenity
- Archaeology
- Biodiversity
- Highway Safety

- Sustainable Considerations

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

### **Principle**

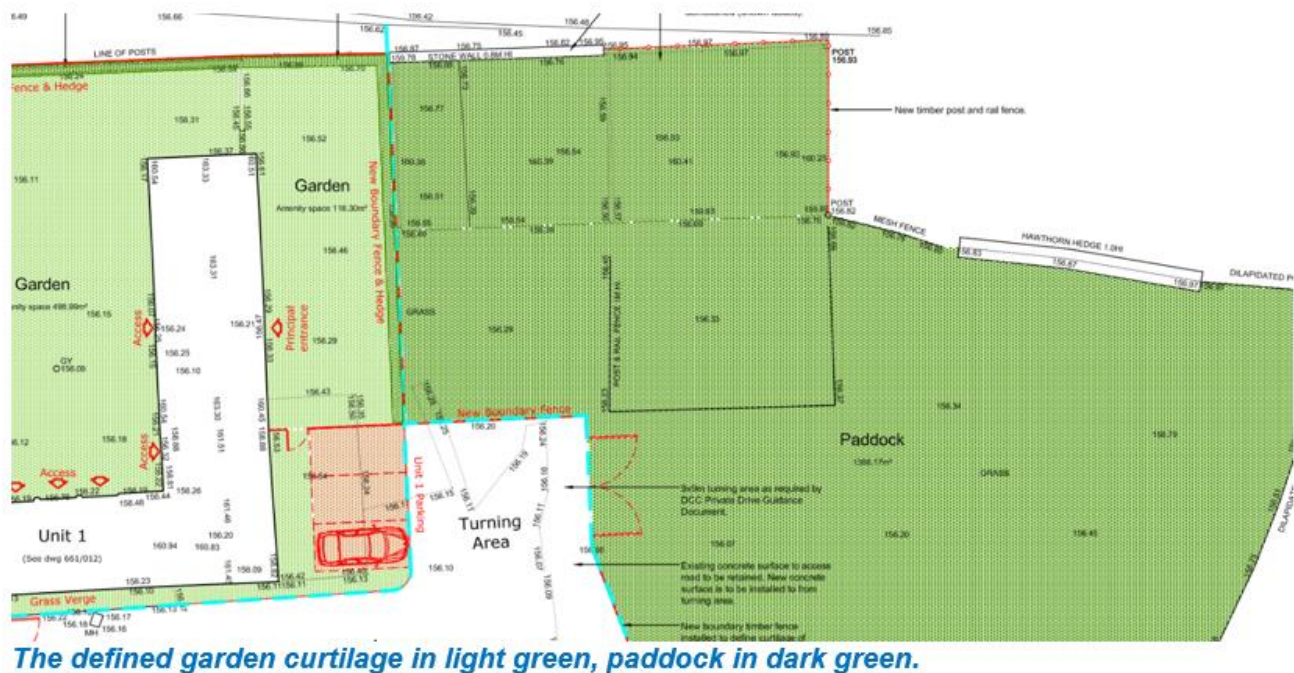
The application site is located outside of the defined development envelopes of the towns and villages within the district and is therefore within the countryside. Within the countryside, the Local Plan sets out that urban forms of development would not be appropriate or sustainable and not in accordance with the Spatial Strategy. The restraint on the amount of land removed from the countryside from development also contributes to the delivery of the Local Plan's vision and objectives regarding conserving and enhancing the quality and character of the countryside. Objective C of the Local Plan sets out an intention to conserve and enhance the quality and character of the countryside, its landscapes and wildlife.

For the principle of development to be acceptable, the proposal must fall within one or more of the categories of development set out under Policy SS9 of the Adopted Local Plan. This policy 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 one or more of the following categories:

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location*
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit*
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism*
- d) Secure the retention and / or enhancement of a community facility*
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction*
- f) Are in accordance with a made Neighbourhood Development Plan*
- g) The building is of exceptional quality or innovative design*

Notwithstanding any possible compliance with one of the above categories of appropriate development within the countryside, in all cases, where development is considered acceptable in principle, it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

When planning permission was granted the application clearly defined the garden curtilage of the barn subject to this application and that of the neighbouring two storey barn conversion to the south. Drawing number 011 Rev C excluded land within the site as a paddock together with the two areas of the site which formerly accommodated agricultural buildings from the defined garden curtilages. The site plan shows that a boundary fence and hedge was required to be provided at the end of the garden curtilage, to define the curtilage and amenity space for plot 1.



The development does not meet criteria (b to (g) of Policy SS9. In relation to criteria (a), for the principle of development to be acceptable, the development would need to demonstrate that the change of use was sustainable and appropriate to its location. Policy SC5 allows for the change of use of land in the countryside where it is in keeping with the original character of the land and enhances the fabric and character of any adjacent buildings or the landscape character type generally and the overarching requirement of Policy SS9 is that development respects the form, scale and character of the landscape, through careful location, design and use of materials. Subject to compliance with these requirements, the development could be deemed to be acceptable in principle.

### Impacts on the Openness of the Countryside

Policy SS1 (i) states that, in order to achieve sustainable development, development proposals should seek to protect, create and/or enhance the character, quality and diversity of the district's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets amongst other considerations.

Policy SS9 requires all developments within the countryside to respect the form, scale and character of the landscape, through careful location, design and use of materials.

Policy SC3 (j) requires development proposals to accord with and respond to the established character and local distinctiveness of the surrounding landscape.

Policy SC5 of the Adopted Local Plan states where planning permission is required, proposals for the conversion of an existing building or structure, or the change of use of land, to a new use, will be permitted provided the conversion or change of use, is in keeping with the original character of the building or land and enhances the fabric and character of any adjacent buildings, or the landscape character type generally.



The proposed outbuilding is a lightweight timber structure with a plain tile roof. It is of a similar form and appearance to the storage building that once stood on the land. The design and materials of construction of the building are considered to reflect the rural setting and there is a precedent for this type of structure in countryside settings. The pergola, although domestic in character, is a lightweight structure which is partially screened by the existing hedge and, will be viewed against the backdrop of the proposed outbuilding, such that its impact on the character and appearance of the countryside is considered to be minimal.

The proposed garden extension is currently well-maintained grassland with post and rail fencing on its border with the countryside. The proposal will introduce a hedgerow along the southern boundary to contain the proposed curtilage extension. Hedgerows are considered typical of a countryside landscape, and therefore will contribute to the overall setting of the adjacent areas. Furthermore, the proposal will re-instate a large part of the paddock, returning it to a more open and natural landscape setting.

The extent of enlarged garden would terminate, where the current hardstanding ends to the north of the site and existing hard surfacing serving an adjacent dwelling to the south. The development would not constitute an incursion into the countryside in this respect and the erection of an outbuilding, which reflects the form and scale of an agricultural building that once stood on the site would preserve the fabric and character of the former farm grouping and its wider landscaped setting. It is considered that the development would, on balance, comply with the requirements of the aforementioned development plan policies in this respect.

Permitted development rights can be removed regarding the erection of any additional incidental/ancillary buildings within the proposed garden curtilage to ensure control remains over the character and appearance of the open countryside. It is considered that the erection of an appropriate physical / planted barrier (which would need to be controlled by condition) would sufficiently mitigate against any harm caused by the use of the wider site as garden, and the accompanying residential activities which come with that. The outbuilding would also accommodate the storage met by existing unauthorised sheds and greenhouses on the eastern most area of existing hardstanding. A condition can be imposed to secure the removal of these structures to preserve the character and appearance of the countryside and the wider landscape.

The remaining size of the paddock is of sufficient size to allow a small group of animals to graze, which would help retain the agricultural setting and character of the former agricultural building successfully. Alternatively, the site could be maintained as a paddock or orchard.

Overall, it is considered that the proposal satisfies policies SS9, SC1, SC3, SC5, and SC8 of the adopted Local Plan for Bolsover District and Paragraph 180 of the NPPF as the change of use and erection of the timber garage is in keeping with the with the original agricultural character of the land.

### Heritage Impacts

Given the nature of this application the District Council's Heritage & Conservation Manager (H&CM) has been consulted on this application. The H&CM was involved with the original planning permission for the conversion of the barns to residential (ref: 13/00310/FUL) where it



was considered that there was sufficient evidence to support the view that the former agricultural buildings on site met the definition of a non-designated heritage asset of architectural and historic significance as set out in the NPPF and as such this should be taken into consideration when determining this application. As a result, this application should be judged against the requirements set out in Policy SC21 and para 216 of the NPPF.

Policy SC21 of the Adopted Local Plan states development proposals which positively sustain or enhance the significance of any local heritage asset, and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal. Proposals involving full or partial demolition of a local heritage asset will be resisted unless sufficient justification is provided on the proposed scheme and its public benefits to outweigh the harm caused by the loss of the asset.

Paragraph 216 of the framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss caused and the significance of the heritage asset.

The original planning application (13/00310/FUL) was submitted with a Heritage Impact Assessment which identified the following:

*“The NPPF defines the setting of a heritage asset as ‘the surroundings in which (it) is experienced’ and the English Heritage guidance considers traditional farm buildings to be an essential contributor to local character and distinctiveness in the countryside.”*

The District Council’s Historic Environment SPD was adopted in March 2006. Paragraph 3.19 recognises the importance of the setting of farm groups in the landscape stating that the setting of farm groups is important. The formation of new curtilages to create gardens will require careful consideration. The SPD also recognises that whilst enclosed spaces within farm complexes are often hard landscaping, the land surrounding farm groups is invariably open fields.

In order to protect the setting of farm groups in the landscape, the SPD advises the District Council will normally remove Permitted Development Rights. Page 26 of the SPD recommends that private amenity space for domestic outdoor equipment should be marked on proposal plans and located away from principal elevations.

The proposed outbuilding is a functional structure with a plain tile roof, constructed on an existing hard surface which originally hosted a building of similar form and appearance. It is considered that the design and materials of construction of the building are in keeping with the rural setting and there is precedent for this type of structure in the countryside. In the past Bolsover District Council has permitted similar buildings/ open cart sheds located in countryside settings adjacent to barn conversions, albeit some of the previous schemes have been contained within defined domestic curtilages. As set out above, the pergola is a lightweight structure which is partially screened by the existing hedge and will be viewed against the backdrop of the proposed outbuilding. In its location and immediate context, it is not considered to harm the setting of the adjacent non-designated heritage assets.

The extension of the private garden area into the paddock is not considered to constitute harmful encroachment into the countryside provided permitted development rights are removed to ensure that the character of the site is preserved.

On balance, the simplified design of the outbuilding and its positioning on the site of a former agricultural outbuilding and pergola, together with the reduction in the extent of land to be included as garden will not result in harm to the setting of the former barn (non-designated heritage asset). The pergola will result in very minor harm to the setting of the former farm grouping. The use of

As a result, the proposal is considered to meet the requirements set out in Policy SC21 and NPPF para 216 which requires a balanced judgement to be taken having regard to the scale of any harm or loss and the significance of the heritage asset.

### Residential Amenity

Policy SC3 (n) of the Adopted Local Plan of the Adopted Local Plan requires a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space. Paragraph 135 (f) of the framework states planning decisions should provide a high standard of amenity for existing and future users of land and buildings.

The proposed curtilage extension covers an area of 530 square metres. Whilst it is accepted that there is some intrusion into the countryside it is considered a logical garden curtilage which does not protrude any more east than the garden of the adjacent property to the south. The proposed change of use is not considered harmful to the privacy or amenity of residents of adjacent dwellings and the objection received does not raise objections on amenity grounds. The proposal is therefore considered in accordance with Policy SC3 (n) of the Local Plan and Paragraph 135 (f) of the framework.

### Archaeology

Policy SC18 of the Adopted Local Plan states that proposals will be supported where the significance of scheduled monuments or archaeological sites, including their setting, is sustained and enhanced. Any development that adversely impacts a scheduled monument, physically and/or in terms of setting, will not be permitted except where the harm is demonstrably outweighed by public benefits.

The County Council's Archaeologist does not raise any objection to the application, as it is not considered that the proposed change of use and construction of a building on an existing hard surface would have any meaningful archaeological impact. The development therefore meets the requirements of Policy SC18 of the Local Plan.

### Highway Safety

The Highway Authority has confirmed no objections to the development confirming that the application will have no detrimental impact on the highway network. The Old Dairy was approved with four bedrooms and three parking spaces to the rear, in accordance with the Council's adopted minimum parking standards set out under Appendix 8.2 of Policy ITCR11.

There is also capacity to park vehicles within the front garden curtilage of the dwelling. The development does not result in the loss of any existing parking and is considered in accordance Policy ITCR11 of the Adopted Local Plan and Paragraph 115 of the framework, as the development would not have an unacceptable impact on highway safety.

### Ecology and Biodiversity Considerations

Policy SC9 of the Adopted Local Plan states that development proposals should seek to conserve and enhance the biodiversity and geodiversity of the district and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity.

Paragraph 180 (d) of the framework states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Since 2nd April 2024 it has become mandatory for small sites to provide a 10% net-gain for biodiversity. This is to ensure developments result in more or better-quality natural habitat compared to what was there before the development.

The Government has set out exemptions where 10% biodiversity net gain is not required. These include development impacts a priority habitat less than 25sqm. In addition, applications for retrospective consent are also exempt under Section 73a of The Town and Country Planning Act.

This application meets the exemption because it is mostly retrospective in nature and the proposed outbuilding would be on an existing hard surfacing and therefore does not impact on any habitat.

### **CONCLUSION**

In its revised form, the development is considered to respect the character of the countryside and the setting of the adjacent buildings which are non-designated local heritage assets. The development would satisfy the relevant policies of the development plan and national planning policy in this respect. There are no technical reasons to refuse planning permission, and a recommendation of approval is put forward on this basis.

### **RECOMMENDATION**

The application be APPROVED subject to the following conditions:

- (1) The construction of the outbuilding hereby approved must be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates, namely:

- Drawing numbered: 33-76077-SHEET2 Rev A received by the Council on the 17th of March 2025
  - Block Plan received by the Council on the 7th of April 2025 showing the extent of land to be included as garden.
- (3) Before the construction of the outbuilding hereby approved commences on site, details of the external wall and roof materials, including the finish of the wall cladding, must be submitted to and approved in writing by the Local Planning Authority. The outbuilding must be constructed in the approved materials with the approved finish to the cladding and must be maintained as such thereafter.
  - (4) 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 buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the extended garden area hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.
  - (5) Within 90 days of the date of this permission the existing greenhouse and shed structures on the land within the blue line on the approved block plan must be permanently removed from the site and the use of the land within the blue line on the approved block plan as garden must cease.
  - (6) Notwithstanding the submitted details, within the first planting and seeding season following the date of this permission a physical/planted barrier must be formed along the boundary between the land within the red and blue lines on the approved block plan, details of which must have first received written approval from the local planning authority beforehand. The approved barrier must be retained on site thereafter.

Reasons:

- (1) To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) To define the terms of this permission and for the avoidance of doubt, and to ensure a satisfactory standard of external appearance in compliance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
- (3) To ensure a satisfactory external appearance to comply with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
- (4) To enable the Local Planning Authority to retain control over future development in accordance with policy SC8 of the Local Plan for Bolsover District.
- (5) To retain a satisfactory standard of landscaping to comply with policy SC8 of the Local Plan for Bolsover District.
- (6) To ensure a satisfactory external appearance to comply with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.

### **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.