

PARISHPleasley Parish

APPLICATION Outline application for the erection of 6 dwellings with access from Chesterfield Road, with all matters reserved apart from access.

LOCATION Land at Hill Top Farm Chesterfield Road New Houghton

APPLICANT Mr Stuart Hill Glapwell Nurseries, Glapwell Lane Glapwell Chesterfield S44 5PY

APPLICATION NO. 25/00454/OUT **FILE NO.** PP-14436450

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 30th October 2025

SUMMARY

The application has been referred to Planning Committee by Cllr Ritchie for the following reasons:

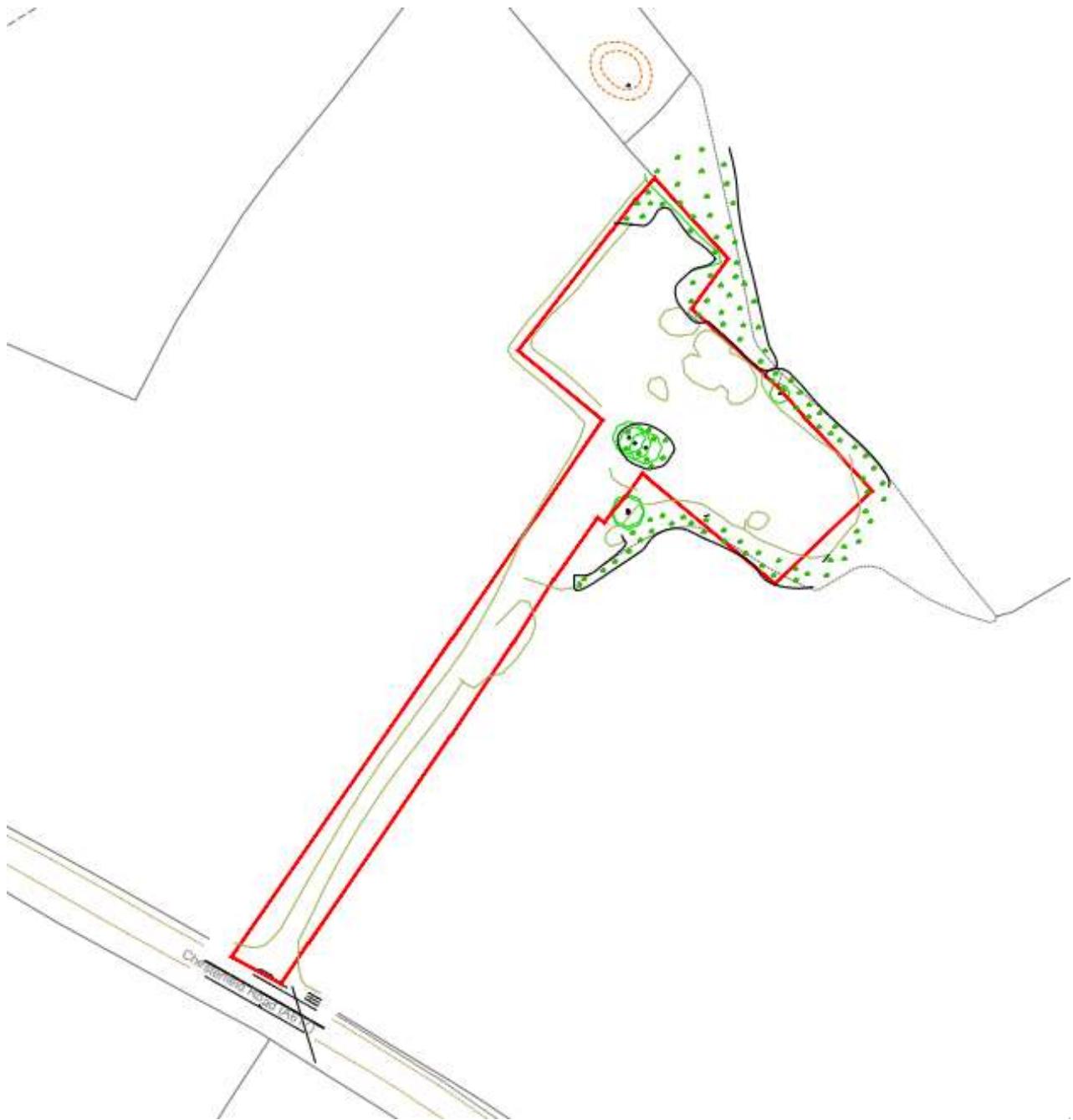
- The site has had a dwelling on it previously and there is evidence to see that on site, a tiled kitchen floor remains in situ, but the bungalow has been demolished. There was also a farm with brick and stone barns, not asbestos creations, so it wasn't an agricultural site between two villages.
- A previous application was made for a hotel on the site which was granted permission so I believe this application for a few properties stood back off the road looking similar to how the farm would have looked needs careful scrutiny.
- Lastly, is the fact that the same applicant has won appeals for the Nursery on Bolsover Road Glapwell and also for Budget Lane Scarcliffe, so we don't want to be looking at another lost appeal because of the costs involved to BDC.

The proposal is in outline with all matters reserved apart from access, for the erection of 6 dwellings with access from Chesterfield Road (A617). The site is outside the development envelope within an area of open countryside and an area allocated as an important open break in the local plan. The proposal is not on previously developed land as the previous use of the site was for agriculture.

The proposal is contrary to the requirements of policies SS1 (Sustainable Development) SS3 (Spatial Strategy and Distribution of Development) SS9 (Development in the Countryside) SS11 (Development in Important Open Breaks) SC2 (Sustainable Design and Construction) and SC5 (Changes of Use and Conversions in the Countryside.)

The application is recommended for refusal. If Members are minded to approve the application, the decision will be deferred to allow for a press notice to be issued. A press notice is a statutory requirement if the application is approved, by reason that the proposal for residential development within the countryside is contrary to the adopted Local Plan.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00454/OUT

SITE & SURROUNDINGS

The site is a former pig farm which contained a range of barns and a farmhouse (bungalow). The buildings were demolished many years ago, but the footprint of the buildings is visible on site. The site is in a slightly elevated position and is surrounded by fields. Access to the site is via a single width driveway from Chesterfield Road (A617.) There is currently some storage of materials on site, but this is unauthorised and is the subject of an ongoing enforcement

investigation.

BACKGROUND

The site previously contained a pig farm with farmhouse. The buildings on site were demolished between 2010 and 2013 and only the concrete bases of the buildings remain.

In 1992, an outline planning application for a golf academy with 9 hole golf course and a country club hotel was refused and the subsequent appeal dismissed. The reason for this was that it was considered to have harmful impact on the character of the open countryside and would reduce the effective gap between Glapwell and New Houghton which would be harmful to the relationship between settlements. It was also considered to result in a loss of High Quality (Grade 2) agricultural land.

In 1994, outline planning permission was granted for the erection of a hotel on the site. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would involve the removal of the derelict buildings which were on site at the time. The planning permission was granted subject to a S106 agreement requiring the hotel to be contained within the existing built footprint on the site and the surrounding land within the applicant's ownership to be restricted to agricultural or forestry use.

A reserved matters application for a 46 bed hotel was approved in 1999. The hotel was mainly single storey with a two storey element.

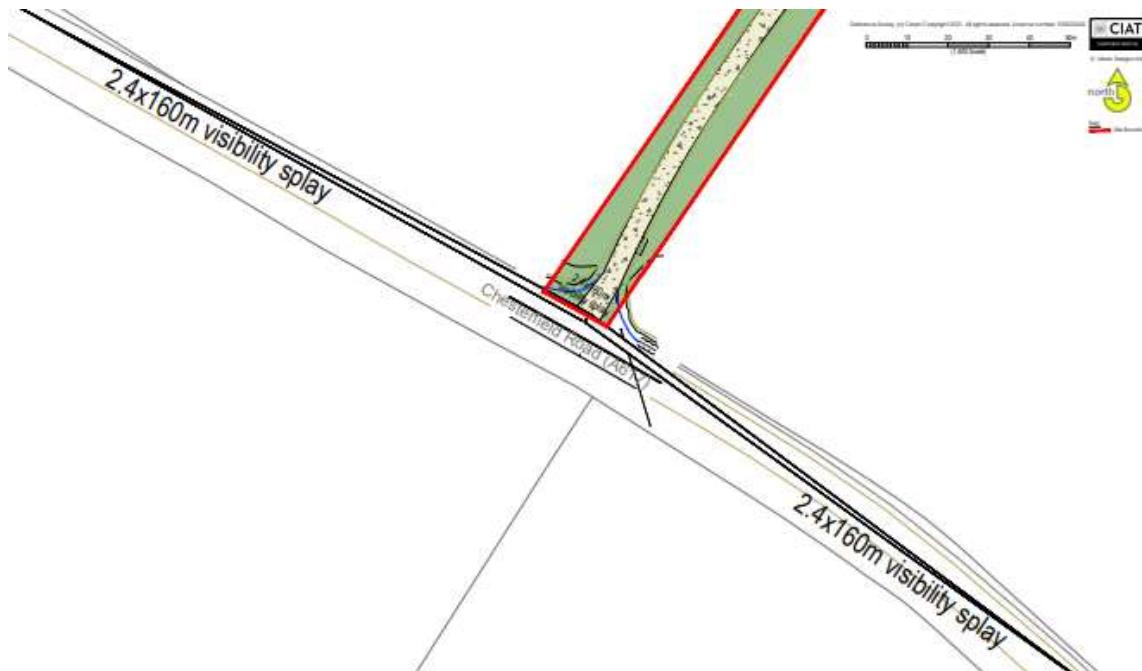
In 2015, planning permission was refused for residential development (180 dwellings) on the land to the southeast of the site. At the time the application was determined, the Local plan policies were considered "out of date" as the council did not have a five year housing land supply and as such the Framework has a presumption in favour of sustainable housing development. However, the development was considered to be in an unsustainable location, harmful to the character of the countryside and the important open break and resulted in a loss of quality agricultural land and this outweighed the benefit of the proposed housing.

The Inspector agreed and the appeal was dismissed despite the lack of a five year supply of housing.

PROPOSAL

The application is in outline with all matters reserved apart from access for the erection of 6 dwellings. The proposal utilises the existing access onto Chesterfield Road (A617.)

Access Plan



AMENDMENTS

None

EIA SCREENING OPINION

The proposals that are the subject of this application are not EIA development.

HISTORY

BOL/1992/0369	Granted Conditionally	Hotel at Hill Top Farm (BOL 992/369)
BOL/1991/0096	Refused	9 hole golf course, driving range, practice area and country club hotel (BOL 391/96)
97/00070/VAR	Permitted	Variation of Condition 1 of planning permission 992/369 (Erection of a hotel) to allow for a further year for the submission of Reserved Matters
98/00084/VAR	Permitted	Variation of Condition 1 and 2 of planning permission BOL992/369 (for the erection of an hotel) to allow a further year for the submission of reserved matters
99/00171/REM	Granted Conditionally	Erection of a hotel, car parking, associated landscaping & access improvements

HISTORY ON ADJACENT SITE

15/00124/OUT	Refused, dismissed on appeal	Residential development
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CONSULTATIONS

Parish Council:

- No comments received.

DCC Highways:

- No objections subject to a condition requiring the access to be provided on site in accordance with the submitted plans before dwellings are occupied.

DCC Archaeology:

- No comments received.

National Trust:

- No comments received.

Environmental Health Officer:

- No objections in principle. Advise a condition requiring submission of a phased contamination and remediation scheme where necessary and a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays.

Derbyshire Wildlife Trust:

- BNG metric appears to have been completed accurately, and a good level of detail is provided in the BNG Assessment report. However, why there will be a delay in starting habitat creation and enhancement is queried. A net loss of -0.26 habitat units (7.81%) is predicted, which are likely to be purchased from a Habitat Bank. Onsite gains have been maximised within the current layout, and they should be classed as significant and therefore require a Habitat Management and Monitoring Plan (HMMP). Significant onsite gains should be secured via legal agreement.

In addition to the statutory biodiversity gain condition, advise conditions requiring:

- No clearance in nesting season (1st March and 31st August inclusive) unless preceded by a nesting bird survey.
- As part of reserved matters application, update badger surveys are undertaken, and a Badger Mitigation Strategy then be submitted to the LPA for approval and then implemented.
- Site clearance shall be undertaken in a manner by which to safeguard common amphibians, reptiles and hedgehogs. And a short statement of compliance be submitted upon completion of clearance works to discharge this condition, including records of any wildlife encountered.
- Prior to the installation of lighting fixtures, a detailed lighting strategy be submitted for approval and implemented as approved
- Prior to building works commencing above foundation level, a Species Enhancement Plan be submitted for approval and implemented as approved and a statement of good practice submitted once installed.
- A Habitat Management and Monitoring Plan (HMMP) to be submitted approved and implemented prior to the commencement of the development.

Planning Policy:

- The site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside.
- It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.
- The site is excluded by both the Local Plan and the NPPF from being previously developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside.
- It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies relating to the character of the area as it will have a harmful impact on openness and the character and appearance of the area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

PUBLICITY

Site notice, no comments received.

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:

- SS1 - Sustainable Development
- SS3 - Spatial Strategy and Distribution of Development
- SS9 - Development within the Countryside
- SS11 - Important Open Break
- SC3 - High Quality Development
- SC5 - Changes of Use and Conversions in the Countryside
- SC8 - Landscape Character
- SC9 - Biodiversity and Geodiversity
- SC11 - Environmental Quality (Amenity)
- SC14 - Contaminated and Unstable Land
- ITCR 10- Supporting Sustainable Transport Patterns.
- 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 85 - 87: Building a strong, competitive economy.

- Paragraphs 109 - 118: Promoting sustainable transport.
- 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 Healthy Places: A Guide to Sustainable Housing Layout and Design, Adopted 2025:

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.

ASSESSMENT

Key issues

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

- the principle of the development in terms of sustainability, impact on the countryside and impact on the important open break
- the landscape and visual impact of the proposed development
- residential amenity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network
- Ecology and biodiversity

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

Principle

Sustainability of location

Policy SS3: Spatial Strategy and Distribution of Development sets out the spatial strategy and distribution of development in Bolsover District to meet the local housing need as set out in the Local Plan. It identifies a settlement hierarchy comprising small towns, emerging towns,

large villages and small villages which have development envelopes as defined on the policies map. It directs development in accordance with this hierarchy, with more development being directed to the most sustainable towns and villages.

This site is located in the countryside between two of the small villages of New Houghton and Glapwell, but closer to New Houghton. However, it is not located in close proximity to the development envelope or existing built-up area of New Houghton. Consequently, it is not considered to be a sustainable location in relation to the spatial strategy set out in Policy SS3.

Policy SS1 Sustainable Development requires development to be located in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport. Policy ITCR10: Supporting Sustainable Transport Patterns, supports new development where the provision of services are located to support sustainable transport patterns and the use of the district's sustainable transport modes. The image below shows the nearest bus stop to the site. The stop is approximately 640 metres away, on the other side of the road to the pavement of the A617, making it difficult for occupiers of the proposed houses to access public transport. The location is even further from the nearest convenience store and primary school in New Houghton village with part of the route being along the busy A617. Therefore, it is considered that housing in this location is unlikely to support sustainable transport patterns, as most journeys would be reliant on the private car.

Bus stops closest to the site



Development in the countryside

Development proposals in the countryside are considered against Local Plan Policy SS9: Development in the Countryside. For development to be acceptable it must fall within one or more of the categories set out in the Policy and it will be required to respect the form, scale

and character of the landscape, through careful location, design and use of materials. These categories are as follows:

- 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

Under category SS9 a) development may be acceptable if it “involves a change of use or the re-use of previous developed land, provided the proposed use is sustainable and appropriate to the location.” The site was previously used as a pig farm, but the farm buildings and farmhouse were demolished between 2010 and 2013. Only the surface infrastructure associated with the previous use remains on site. This cannot be regarded as previous developed land as both the Local Plan and NPPF 2024, Annex 2, specifically excludes: “*land that is or was last occupied by agricultural or forestry buildings.*” Therefore, the site does not meet Policy SS9 a). The proposal is not considered to be meet any of the other criteria of the Policy b) to g) and consequently the development proposal is contrary to Policy SS9 of the adopted local plan.

Policy SC5: Change of Use and Conversions in the Countryside allows for conversions of buildings and the change of use of land within the countryside provided they meet a number of criteria. Most of these criteria relate to the conversion of a building. The criteria relevant to the change of use of land are that utilities can be provided and there is access to a metalled road without road improvements incompatible with the character of the area and the proposal does not add to flood risk concerns. In this instance the development can be provided with a safe access and does not add to flood risk concerns. However, policy SC5 also requires changes of use of land to be in keeping with the original character of the building or land and enhance the fabric and character of any adjacent buildings, or the landscape type generally.

In this instance, a group of dwellings in a remote position, clearly separated from adjacent settlements is not considered to enhance the character of the landscape, contrary to the requirements of policy SC5 and this issue is considered later in the assessment.

Character and appearance of the area

The application site is currently open with the former buildings having been demolished and is surrounded by agricultural fields. It is also isolated from the nearest settlements as it is not physically on the edge of New Houghton. Together Policies SS1 i) SS9, SC2 h) SC3 j) SC5b) and SC8 of the Local Plan require that development protect, create, and/or enhance the local landscape and the wider countryside and responds to the established character and local distinctiveness of the surrounding landscape. Similarly, the NPPF (paragraph 187) recognises the intrinsic character and beauty of the countryside and seeks to ensure that developments

are sympathetic to local character. The site is located within an important open break under Policy SS11 of the adopted local plan. This policy places an emphasis on maintaining the open character which contributes to the separation of settlements and their individual identity and sense of place. The openness of the site is therefore an important consideration of the effect of the development on the character and appearance of the area. In this case the former farm buildings on the site have been demolished. Consequently, the proposed development would have a detrimental impact on maintaining the open character between Glapwell and New Houghton and would be contrary to Policy SS11.

The NPPF in paragraph 83 promotes sustainable development in rural areas providing housing is located where it will enhance or maintain the vitality of rural communities. However, the proposed development is not located on the edge of a settlement and if it is not a sustainable location it will not meet NPPF paragraph 84 which identifies that planning decisions should avoid development of isolated homes in the countryside.

The Written Ministerial Statement “Building the homes we need” 30th July 2024, set out a focus on facilitating housing delivery, particularly in areas which have the greatest need, with an emphasis on brownfield sites. It also highlighted changes to restore and raise housing targets. These changes were subsequently introduced through the NPPF, December 2024, and Planning Practice Guidance, in the revised standard method for determining local housing need and the reintroduction of at least a 5% buffer in the land supply.

Relevant to this is the Council’s Five-Year Housing Land Supply position. The Council published its annual position statement in July 2025, which responds to the Local Housing Need target based on the standard method in national planning guidance. Based on this assessment, the Council has 5.69 years supply of deliverable housing for the period 2025/26 to 2029/30. In this situation full weight should be given to the policies of the local plan and the Council remains in a position where housing development may be resisted within countryside locations. Whilst acknowledging the limited public benefit from the delivery of additional dwellings, this is not considered to outweigh the substantive policy conflicts that arise.

Conclusion on the principle of the development

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS3 and ITCR 10: Supporting Sustainable Transport Patterns.

The site is excluded by both the Local Plan and the NPPF from being previous developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies set out above relating to the character of the area, in particular policies SC2h, SC5 and SC8 as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

Landscape and visual impact of the proposed development

The site is remote from nearby settlements and is within an area of open countryside and an area allocated as an important open break. The site is in a prominent position on gently undulating land surrounded by fields. The site falls within the National Character Area

Southern Magnesian Limestone Character area and the Limestone Farmlands Landscape character type. The Southern Magnesian Limestone Character Area is characterized by discreet towns and villages set amidst arable fields. Although many of the settlements associated with former collieries have expanded in size, beyond development envelopes the landscape remains rural in character. When considering development proposals within the Limestone Farmlands Landscape Character type, it is considered important to maintain this visual relationship between settlement and countryside and protect the key characteristic of a nucleated settlement pattern.

In this instance, the former farm buildings were demolished a number of years ago and the bases of the buildings are not visible in the landscape. Any new dwellings on the site will be extremely prominent and incongruous, causing harm to the character and distinctiveness of the landscape, contrary to the requirements of policy SC8 of the adopted Local Plan.

The indicative plans submitted show a farmhouse and barns style arrangement, designed to look like converted rural buildings. However, only the access is a matter to be considered as part of this outline application. All other matters are reserved and cannot be considered as part of this application and as such the reserved matters application may include a materially different layout and design which could be much more domestic in character. Even if a reserved matters application came forward in a design similar to the indicative plans, given that the site has been vacant for a number of years, any buildings will still appear prominent and have a harmful urbanising impact on the landscape and detracting from the objective of maintaining an open character which contributes to the separation of settlements, contrary to the requirements of policies SS11 and SC8 of the adopted local plan.

Residential amenity

The appearance, layout and scale of the development are reserved matters. The development therefore cannot be assessed against the council's Successful Healthy Places Supplementary Planning Document to consider whether the development provides an adequate standard of amenity for future occupiers. However, the site would appear to be large enough to accommodate six dwellings which meet the requirements of this guidance in terms of distances between windows, distances between windows and private gardens and garden sizes etc.

The site is set well away from any existing dwellings and is not considered to result in any harm to the privacy or amenity of these dwellings.

The Environmental Health Officer has requested a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays. Given the distance of the development from existing dwellings, such a condition is considered unnecessary and unreasonable.

Access/Highways

Access is not a reserved matter and is to be considered as part of this application. The proposal utilises the existing access onto Chesterfield Road. It includes a bin store adjacent to the site entrance and provides 2.4m x 160m visibility splays.

The Highway Authority has confirmed that the existing access can achieve appropriate emerging visibility in both directions on to Chesterfield Road and the access is of an

appropriate width to accommodate two-way movements. The Highway Authority has no objections to the proposal subject to a condition requiring the provision of 2.4m x 160m visibility splays. The design and site layout is a reserved matter, but the site is considered large enough to be able to accommodate parking and turning areas for six dwellings. Subject to the condition suggested above, the proposal is not considered to be detrimental to highway safety in accordance with policy SC3 of the adopted local plan and paragraph 116 of the NPPF

Ecology and Biodiversity Considerations

A Preliminary Ecological Appraisal and a BNG Assessment have been submitted with the application.

The site comprises the location of former farm buildings, an area of scrub and an access track. Habitats are of relatively low ecological value.



Derbyshire Wildlife Trust has confirmed that the BNG metric appears to have been completed accurately, and a good level of details is provided. A net loss of -0.26 habitat units (7.81%) is predicted. These units are likely to be purchased from a Habitat Bank with some onsite gains which could be secured.

Conditions required by Derbyshire Wildlife Trust (set out above) could ensure the protection of species on site during and after construction and ensure there is no net loss of biodiversity in accordance with policy SC9 of the adopted local plan.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used	Statutory Biodiversity Metric		
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	-0.26	0.00	0.00
	Total % change	Total % change	Total % change
	-7.81%	0.00	0.00

Contamination

The site is on an area previously occupied by a working farm and contains areas of made ground. There is therefore potential for contamination, however, subject to a condition requiring submission of a phased contamination and remediation scheme, the site is

considered capable of accommodating dwellings and is considered to meet the requirements of policy SC14 of the adopted local plan.

CONCLUSION / PLANNING BALANCE

Whilst the site may be capable of accommodating six dwellings without causing harm to residential amenity, highway safety or biodiversity, the limited public benefit that would arise from this small number of additional dwellings is not considered sufficient to outweigh the visual harm caused to the character of the landscape and the openness of this Important Open Break, contrary to the requirements of policies SS11 and SC8 of the adopted local plan. The site is excluded by both the Local Plan and the NPPF from being previous developed land and does not meet any of the criteria in Policy SS9, nor does it meet the requirements of policy SC5, of the adopted local plan.

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.

On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole and is therefore recommended for refusal.

Comments on the reason for referral to planning committee

NPPF 2024, Annex 2, specifically excludes: "land that is or was last occupied by agricultural or forestry buildings" from being previously developed land. The site did have a dwelling on it many years ago, but this was a small single storey farmhouse associated with the overall agricultural use of the site. Case law would indicate that where a dwelling is used solely in association with the surrounding farm, it can be treated as previously part of the overall agricultural use of the site. Although the planning history is limited in respect of this site, an application submitted in 1991 indicates that all buildings onsite were part of a single pig farm that was vacated in 1989, resulting in the proposed demolition of all of the buildings including the dwelling, as part of the wider proposals contained in that application; the application form states the site was vacant at the time of the application. On this basis, no parts of this site are regarded as previous developed land and even if the former dwelling could be classed as previously developed land, this would only cover the dwelling and would not extend to the entirety of the application site in any event, and this does not alter the overall conclusions in the previous assessment in respect of the proposed housing development on it.

A previous application was approved for a hotel on the site, but this was approved in 1994 under an earlier adopted local plan. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would also involve the removal of the derelict buildings which were on site at the time.

The current proposal must be considered against the development plan which comprises policies in the current Local Plan and the National Planning Policy Framework. The current proposal doesn't create jobs or boost tourism and as such there are no public benefits which could be considered to outweigh the harm caused to the rural character of the area or the openness of this important open break or allow for residential development in an

unsustainable location. Where there are no material considerations to indicate otherwise, Section 54A of the Town and Country Planning Act requires determination in accordance with the development plan.

The fact that the same applicant previously won appeals for the Nursery on Bolsover Road Glapwell and on Budget Lane Scarcliffe, is not considered relevant to the current proposal. Each application must be determined on its individual merits and provided the council has determined the application in accordance with the development plan and has followed correct procedures during the processing of the application, even if an appeal is made and that appeal is allowed, the council will have acted reasonably and as such, there would be no reason for costs to be awarded against the council.

RECOMMENDATION - The current application be REFUSED for the following reasons:

1. The development is harmful to the character of the landscape and the openness of this designated Important Open Break between settlements. This harm is not considered to be outweighed by the limited public benefits that would arise from this small number of additional dwellings. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS1 and ITCR 10. The site is excluded by both the Local Plan and the NPPF from being previous developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks or other policies, including Policy SC5: Change of Use and Conversions in the Countryside SC8 (Landscape Character) and SC2 (Sustainable Design and Construction), relating to the character of the area as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

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.