

**PARISH** Shirebrook Parish

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<b>APPLICATION</b>	Variation of Condition 1 of application 22/00333/FUL (to extend the temporary permission until 31st of December 2030)		
<b>LOCATION</b>	Willow Tree Family Farm Langwith Road Shirebrook Mansfield		
<b>APPLICANT</b>	Mr Adam Hind C/o Agent		
<b>APPLICATION NO.</b>	25/00491/VAR	<b>FILE NO.</b>	
<b>CASE OFFICER</b>	Mrs Karen Wake		
<b>DATE RECEIVED</b>	26th November 2025		

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## **SUMMARY**

The application has been referred to Planning Committee as it seeks variations to a development allowed at appeal, following a decision taken by Planning Committee and because the final decision is considered to be of strategic importance given the objection received from Sport England.

The application is to vary a condition on the original planning permission. The original application was recommended for approval for a temporary 2 year period because the proposal includes keeping of animals on protected playing pitches. The application was reported to planning committee and the officer recommendation was overturned and the application was refused. The applicant appealed the decision, the appeal was allowed and planning permission was granted for a two year temporary consent.

The two year period has now expired, and an application has been submitted to vary the condition requiring the use of the playing fields to cease after two years. The current application seeks to vary the condition to allow the use of the playing fields to continue for a further five years.

The application is being recommended for approval. It is considered that the proposal complies with policies SS9: Development in the Countryside, WC 10 Tourism and the Visitor Economy, ITCR 6 Green Space and ITCR7: Playing Pitches, provided that no permanent structures are erected on the protected playing pitch land.

Derbyshire County Council have renewed the applicant's lease for a further five years and the additional time period will allow the use to continue whilst the results of a Playing Pitch Assessment commissioned by the council are being produced. That assessment will provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites within the district. The results of this assessment will provide the evidence required about the need for this playing pitch in the future.

## **Site Location Plan**



## **OFFICER REPORT ON APPLICATION NO. 25/00491/VAR**

### **SITE & SURROUNDINGS**

Existing family farm which contains a number of single storey buildings and animal enclosures. The site sits behind the former education centre buildings which are listed buildings and access to the site is via a one way system through the education centre on to Langwith Road.

The site also contains two marquees which are joined together and are used in connection with the farm but are also used for shows, music events, weddings etc.

The southern part of the site is used for grazing some of the farms animals and are the former playing pitches owned by Derbyshire County Council.

To the north of the site is the football ground, sports pavilion and social club, to the west are dwellings, to the south are dwellings and an industrial estate and to the east is the railway line and embankment.

### **BACKGROUND**

The site was approved for use as a town farm in 2001 and various buildings in connection with the use of the site were approved in 2002.

More recently two marquees were erected on the site which have been used for various events. The keeping of animals has been extended onto the adjacent playing pitches which were outside the site approved for the original town farm. In 2022 a planning application was submitted for the retention of the marquees and the use of the former playing pitch for the keeping of animals (application 22/00333/FUL) The application was recommended for approval for a temporary 2 year period because the proposal included keeping of animals on

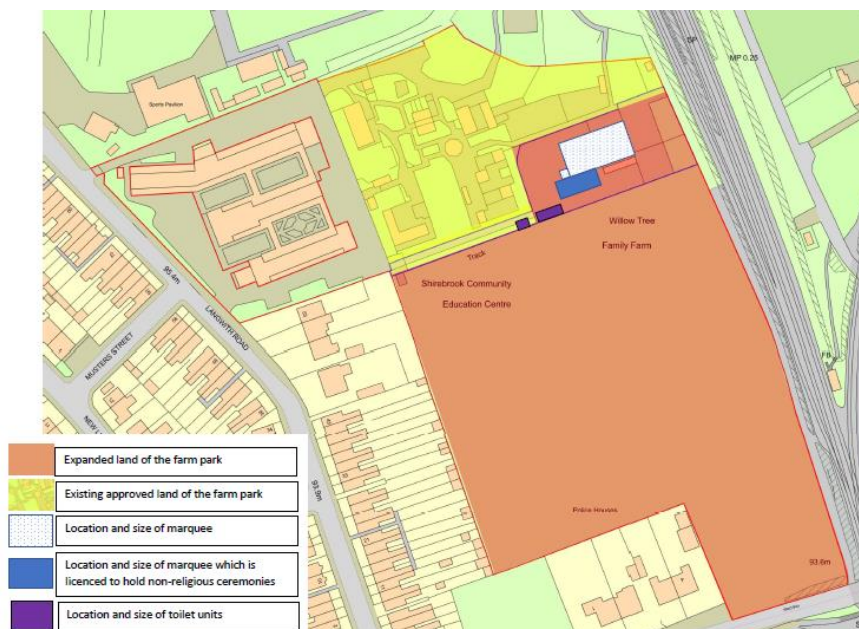
protected playing pitches and because the impact of the use of the marquees on the amenity of adjacent residents could then be monitored. The application was reported to planning committee and the officer recommendation was overturned and the application was refused. The applicant appealed the decision. The appeal was allowed and planning permission was granted for a two year temporary consent.

The two year period has now expired but Derbyshire County Council have renewed the applicant's lease for a further five years.

The council has commissioned a Playing Pitch Assessment to provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites the council has but the assessment is not yet completed and therefore the results are unknown. The results of this assessment are necessary to provide the evidence required about the need for this playing pitch in the future.

## PROPOSAL

The application is to vary Condition 1 of application 22/00333/FUL (to extend the temporary permission until 31st of December 2030.) Application 22/00333/FUL was for the erection of 2 marquees and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals.



## AMENDMENTS

None

## EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development, but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

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

## **HISTORY**

01/00310/FUL	Granted Conditionally	Use of part of site for town farm and engineering works, environmental and access improvements to rest of site
02/00327/FUL	Granted Conditionally	Erection of a reception block (incorporating shop, cafe, toilets), office, stables, pig sties, barn, aviaries, workshop and ancillary buildings, creation of pond, play area and display/exhibition area, to form a town farm (revised scheme)
03/00735/DCCCON	No objections raised.	Erection of security fencing 2.4m high to various boundary lines (CD5/1003/121)
99/00116/DCCCON	No objections raised.	Widening of vehicular access (CD5/299/135)
03/00847/FUL	Granted Conditionally	Erection of a timber playhouse building, extensions to existing buildings to provide classroom, aviary, store and animal sanctuary
05/00757/FUL	Granted Conditionally	Installation of wind turbine
22/00333/FUL	Refused, appeal allowed and planning permission granted for a two year temporary consent	Erection of 2 marquees and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals

## **CONSULTATIONS**

### Bolsover District Council Conservation Manager

No objections. Given the distance from the Listed Building and the intervening built development, the proposal is not considered to have an impact on the setting of the Listed Building.

### Bolsover District Council Environmental Health

No objections as there have been no complaints received during the operation of the previous temporary consent

### Bolsover District Council Head of Leisure

No comments received.

Bolsover District Council Planning Policy

The proposal complies with policies SS9: Development in the Countryside, WC 10 Tourism and the Visitor Economy, ITCR 6 Green Space and ITCR7: Playing Pitches, provided that no permanent structures are erected on the protected playing pitch land.

Derbyshire County Council Archaeology

No comments received.

Derbyshire County Council Highway Authority

No objection. It is noted that the original application was refused but was allowed at appeal. The Inspector did comment in their decision that the parking provision was considered suitable for the facilities proposed. The Highway Authority also did not object to the original application

Sport England

Issued statutory objection to the application. Considers the proposal would lead to the loss of playing field for a further five years in an area where there is a deficiency in the provision of playing fields. There is no evidence presented with the application to provide a clear rationale why a second temporary permission should be granted. The proposed loss would not accord with any of the exceptions in Sport England's Playing Fields Policy, in paragraph 104 of the NPPF or in Policy ITCR7 (Playing Pitches) in the Local Plan for Bolsover District (2020) which all seek to protect existing playing pitches or playing field land. In providing any further information referred to above. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit.

No comments received to the re-consultation following the submission of further evidence/planning statement provided by the applicant's agent.

Shirebrook Town Council

No comments received.

## **PUBLICITY**

Site notice, press notice and 53 neighbours notified. 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
- SS9 Development in the Countryside
- WC10: Tourism and the visitor economy
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC5 Change of Use and Conversions within the Countryside
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC17 Development affecting Listed Buildings and their Settings
- ITCR7 Playing Pitches
- 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 104-104: Promoting healthy and safe communities.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 207 - 221: Conserving and enhancing the historic environment.

### Supplementary Planning Documents

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.

#### 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.

#### The Historic Environment:

The Historic Environment Supplementary Planning Document (SPD) has been developed to provide guidance on the protection of the district's historic environment. The document defines how the best parts of the district's wider cultural heritage will be protected and conserved encompassing Conservation Areas, historic agricultural buildings, Listed Buildings and archaeology. On adoption the document will form part of the Bolsover District Local Development Framework and will support the Local Development Documents.

## **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 and appearance of the area and the setting of the Listed Buildings
- the impact on 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.
- Biodiversity

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

### Principle

The existing town farm has been operating on site for approx. 22 years. The marquees were erected during the coronavirus pandemic to allow for the facility to continue to operate during social distancing restrictions. The use of the marquees in connection with the town farm has then expanded into the provision of live music events, christenings, weddings etc and has been operating on this basis for approx. 4yrs. The marquees and their use for events was unauthorised for the first two years but has benefitted from a 2-year temporary planning consent for the last two years.

The original town farm and the marquees are within the settlement development envelope and the marquees are considered to be an extension of the existing business on site. The use is considered to support the local economy by providing employment opportunities suitable for local people in a sustainable location, close to the train station, bus stops and the town centre. On this basis this element of the proposal is considered to meet the requirements of policy SS1 of the Local Plan for Bolsover District.

The expansion of the town farm onto the former playing pitches owned by Derbyshire County Council is outside the development envelope in an area allocated as countryside on a protected playing pitch.

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.

As such, 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 include proposals that 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 (category b), or that are small scale employment uses related to local farming, forestry, recreation or tourism (category c).

On this basis the expansion of the town farm to keep animals and for occasional parking on the land in the countryside is considered to meet one or more of the categories listed in policy SS9.

Willow Tree Family Farm is also a tourist attraction and therefore Policy WC10: Tourism and the visitor economy also applies. The policy seeks to enhance existing tourist facilities, and whilst this is more of an extension to an existing facility its location within the town of Shirebrook, which is accessible by a choice of means of transport is considered to meet this policy. Policy ITCR7 (Playing Pitches) provides both protection for existing playing pitches from inappropriate development proposals and the policy framework to require new playing pitches and financial contributions for quality improvements to existing playing pitches from new developments.

In relation to Policy ITCR7 and its protection element, the supporting text outlines that the evidence base underpinning the operation of this policy, namely the Playing Pitch Strategy and Action Plan and the Playing Pitch Assessment (both August 2017), identifies that the Local Plan should protect all playing pitches and that disused pitches should be protected as a strategic reserve. As a result, the disused sports pitch at Station Road, which was disused in August 2017 and for a period prior to that and remained disused, until the family farm commenced use of the site was protected as one of these strategic reserve sites.

The Council has currently commissioned a Playing Pitch Assessment that will provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites but this assessment has not yet been completed and so the results are not yet known.

From discussions with the landowner about the prospect of bringing the disused sports pitch back into use, it is known that that they are not pursuing that and instead are seeking to find a more financially beneficial use for the site. The landowner has just renewed the lease for the site with the applicant, for a further period of five years.



The current proposal is to keep animals on the land under licence/lease from the landowner for a further five years. This is considered to be an acceptable temporary use that does not prejudice the former pitch coming back into use as a playing pitch in the future should it be found to be required/necessary to meet an identified need, provided that no permanent structures are erected on the protected playing pitch land.

A permanent planning permission for the proposed use would prevent the future control of the use of the site returning to a playing pitch which would, at this stage, be contrary to Policy ITCR7, however a 5 year temporary planning permission would allow for the allocation/protection of the pitch to be re-considered in the future when the need has been assessed/updated by the playing pitch assessment currently being carried out and as part of the ongoing review of such policies.

On this basis the proposal is considered to comply with the requirements of policies SS9: Development in the Countryside and ITCR7: Playing Pitches, provided that the permission is temporary and no permanent structures are erected on the protected playing pitch land and this can be controlled by condition. Subject to such conditions the proposal is considered to be acceptable in principle subject to compliance with other relevant local plan policies.

Issued statutory objection to the application. Considers the proposal would lead to the loss of playing field for a further five years in an area where there is a deficiency in the provision of playing fields. There is no evidence presented with the application to provide a clear rationale why a second temporary permission should be granted. The proposed loss would not accord with any of the exceptions in Sport England's Playing Fields Policy, in paragraph 104 of the NPPF or in Policy ITCR7 (Playing Pitches) in the Local Plan for Bolsover District (2020) which all seek to protect existing playing pitches or playing field land.

However, a renewal of the temporary consent for the use of the field for grazing and occasional parking for a further temporary period of 5 years with no permanent structures being erected on the site would provide a temporary use for the site (which prior to being used by the family farm was unused since before 2017) and would not prevent the use of the land returning to playing pitches at the end of five years, if the Playing Pitch Assessment commissioned by the council indicates that the site is required for a playing pitch in the future. On this basis, the proposal is not considered to result in the permanent loss of playing pitches. As such whilst not strictly in accordance with Sport England's playing field policy, paragraph 104 of the NPPF and policy ITCR7 of the adopted local plan in that it results in the loss of playing fields, the loss would be temporary and there has not been, and continues not to be at the present time, a known demand for the pitches to be brought back into use. As a consequence, the harm that would be caused to playing field provision if the application is approved is limited. This was the view taken by the Planning Inspector in the appeal decision which allowed the existing use for the last two years.

If the council are minded to approve the application contrary to the objection from Sport England, the council will not be able to determine the application themselves. Under The Town and Country Planning (Consultation) (England) Direction 2021 the Council will have to forward their recommendation to the Secretary of State via the National Planning Casework Unit, to allow them the opportunity to call in the application.

Sport England have also expressed concern about issuing a further temporary consent and consider that the requirements for issuing a further temporary consent have not been met. However, Section 72 of the Town and Country Planning Act 1990 states:

The local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

In this instance it is considered that the review of the need for the site as a playing pitch in the future as part of the playing pitches assessment commissioned by the council provides the changing circumstances which provide a clear rationale as to why a further temporary consent is justifiable.

#### The impact on the character and appearance of the area and the setting of the listed buildings

The marquees and toilet block are proposed within the development envelope and within the existing built form of the site. They are seen against the existing buildings on site and are screened from the adjacent listed buildings by the existing buildings.

The use of the playing pitch for the keeping of animals is an appropriate use of the field in visual terms and the use of the field for overspill parking is a temporary measure during busy events such that the impact on the character and appearance of the area is minimal at this edge of settlement site. On this basis the proposal is not considered to harm the setting of the adjacent listed buildings and is considered to meet the requirements of Policy SC16 of the Local Plan for Bolsover District.

#### Impact on residential amenity

The site is adjacent to a number of residential properties. The marquees and toilet block are set away from adjacent dwellings such they are not considered harmful to the daylight to or outlook from adjacent dwellings. The extension of the town farm onto the former playing pitch is immediately adjacent to dwellings but is not considered to be harmful to the outlook from adjacent dwellings.

The proposed use of the marquees for music events, weddings etc is considered to result in

additional noise over and above what would be expected from the town farm and that noise would occur late at night. In addition, a noise report has been submitted with the original application which confirmed the noise levels produced on site were capable of causing disturbance to adjacent dwellings and suggested mitigation measures which could be installed/implemented to reduce the impact on neighbouring properties.

One of these mitigation measures was to install an automatic sound limiting device and preventing DJ's and acts using their own equipment, ensuring the sound system installed on site is used. However, the noise report stated that the music levels which would need to be set to make such a measure effective would be mean that the music level would not be high enough to retain a feeling of loudness even with a distributed sound system and that live music would be unlikely to be possible.

The alternative mitigation would be upgrading the sound insulation in the marquee with a heavyweight acoustic lining and the installation of a zone array distributed sound system which would reduce the noise levels coming from the marquee but maintain the feeling of loudness within the marquee allowing for live music to take place. The report suggested that if these measures were installed the noise levels from the marquee measured at the nearest dwellings would not exceed existing background noise levels.

In addition to one of the measures set out above, the report also suggests a noise management plan for the site including the outside seating area with restricted hours and restrictions to the number of people using the outside area after certain hours.

The Environmental Health Officer reviewed the noise report and advised that the application be refused as the noise report does not offer sufficient comfort that, even if the mitigation measures are implemented, the proposal will not cause noise and disturbance for adjacent residents.

However, at that time the marquees had been operating without planning permission for 2 years and the Environmental Health Department had granted a licence for the use of the site for the sale of alcohol, performances of dance, films and plays, recorded music and live music, both indoors and outdoors. The hours of operation for the licence are 10am -11pm Monday –Sunday for performances and 10am -11.30pm for the sale of alcohol and 10am-midnight for the opening hours of the venue.

The applicant provided details of events held in the marquee during 2021 and 2022 and events had run on approx. 150 dates between August 2021 and the end of October 2022, approx. 50 of which had been held in an evening. During this time there had been only two noise complaints to the Environmental Health Department, both in November 2021.

The events are held as fund raising events to help the town farm which is a registered charity. The charity has potential improvements and ideas for development in the future and the marquees provide a funding source to enable the charities' development. Given that the site has been licenced by Environmental Health, the operation of the marquees had given rise to so few complaints, and the granting of planning permission would not exempt the use for Environmental Health legislation to prevent noise nuisance, it was considered reasonable to allow a two year temporary consent for the retention of the marquees and their use to allow the charity to continue raising money whilst allowing the council to monitor any complaints or

concerns raised by local residents should they occur in the future and would not prevent action under Environmental Health Legislation if the use of the site is causing nuisance. Furthermore, the temporary consent included the requirement for a noise management plan and opening hours restrictions in accordance with the advice set out in the noise assessment submitted during the course of the original application.

The proposed development has operated under that temporary consent for the last two years and the council has not received any noise or nuisance complaints about the development during that time. The variation of the condition on the temporary planning permission to allow the use to operate for a further five years is therefore not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policies SC2, SC3 and SC11 of the Local Plan for Bolsover District. It also will not exempt the use for Environmental Health legislation to prevent noise nuisance in the future should complaints be received in the future.

### Access / Highway issues

The proposal utilises the existing access on site where there is a one-way system through the former education centre to the west of the site. There is some parking available on site and some of the former education centre parking is utilised. The proposal also includes the provision of a driveway and parking area within the site to provide additional parking.

The details of the access through the former education centre was disputed by the site owner during the consideration of the original application. Deeds and lease arrangements were provided by the site owner and the applicant, and it appeared that there was some disparity between the two. However, this was considered to be a private matter between the parties concerned and the lease for the site clearly identified rights to use the one-way access system currently in place. These access and parking arrangements have been used since 2001 when the town farm was granted planning permission and do not appear to have resulted in highway safety issues relating to the use of the site. There have been no objections to the continued use of the access from the owner of the adjacent education centre.

The charity utilises part of the playing pitch they lease for temporary parking if required for larger events and has an arrangement with the adjacent sports social club to rent their parking if required. In addition, any events held in the marquee which are not directly linked to the town farm use do not commence until after 4pm when the farm closes to prevent visitor overlap. It was considered that these arrangements were temporary in nature and may not be considered reasonable or acceptable for the permanent use of the site without the provision of more substantive evidence. However, these arrangements were considered to be sufficient for a temporary period while a more permanent arrangement was secured. In addition, the site is within walking distance of numerous town centre car parks with bus stops and the train station adjacent to the site such that access arrangements by means of transport other than by the car are available. The Highway Authority had no objections to such an approach during the consideration of the original permission and has no objections to the variation of the condition for the use to operate for a further five years. The Planning Inspector also raised no objections to these arrangements when considering the planning appeal for the original proposal and there have been no complaints about traffic/parking problems as a result of the operation of the use for the last two years. On this basis the operation of the use for a further

five years is not considered to be detrimental to highway safety and is considered to meet the requirements of policy SC3 and ITCR11 and paragraph 116 of the NPPF in this respect.

#### Ecology and Biodiversity Considerations

The variation of the condition to allow the existing use of the site to operate for a further five years is not considered to result in any impact on biodiversity over and above the existing situation and on that basis the proposal is considered to meet the requirements of policy SC9 of the adopted local plan.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Variation to a condition on a planning application approved prior to the requirement for mandatory biodiversity net gain and retrospective application.

### **CONCLUSION / PLANNING BALANCE**

The proposal is acceptable in principle in the proposed location, but the issue raised relating to the potential need for the re-use of the playing pitches cannot be fully addressed at this time and would need to be reconsidered following the results of the Playing Pitch Assessment currently underway before any permanent use of the site could be considered.

The town farm has been operating for approx. 22 years and the marquees have been in use for the last 4 years with only two complaints to the council when the use originally commenced. There have been no complaints to the council since. There also does not appear to have been any complaints relating to parking issues on or around the site.

The development provides for fund raising events / activities to help the town farm, which is a registered charity. Given that the site has been licenced by Environmental Health, the operation of the marquees has given rise to so few complaints, and the granting of planning permission would not exempt the use from Environmental Health legislation to prevent noise nuisance, it is considered reasonable to allow a further five year temporary consent for the retention of the marquees and their use in association with the town farm to allow the charity to continue raising money, whilst proposals for a more permanent use of the site, when the outcome of the Playing Pitch assessment is known, are established.

### **RECOMMENDATION**

**That the current application be referred to the Secretary of State via the National Planning Casework Unit with a recommendation that the application be APPROVED subject to the following conditions:**

1. The use of the former playing pitch as an extension to the town farm and the use of the marquees for functions which do not directly form part of the use of the site as a town farm must be discontinued and the land restored to its former condition on or before 18<sup>th</sup> February 2031 in accordance with a scheme of work submitted at least two months before the expiry of the permission and approved in writing by the Local Planning Authority.

2. The use of the former playing pitch must be for the keeping of animals and occasional parking of vehicles in connection with the use of the site and there must be no permanent structures, buildings or fences erected on the site without the prior grant of planning permission.
3. Within 28 days of the date of this decision the noise management plan set out on page 19 of the Noise Impact Assessment (Nova Acoustics 20.10.2022) submitted to the Local Planning Authority on 20<sup>th</sup> October 2022 must be implemented on site in full and must remain in place for the length of this permission unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons**

1. To allow for a more permanent solution to be found and to prevent the permanent loss of a playing pitch in accordance with Policies ITCR7, SC3 and SC11 of the Local Plan for Bolsover District.
2. To protect the character and appearance of the countryside and to prevent the permanent loss of a playing pitch in accordance with Policies SS9 and ITCR7 of the Local Plan for Bolsover District.
3. In the interest of residential amenity in accordance with Policies SC3 and ITCR7 of the Local plan for Bolsover District

### **Note**

The applicant is advised that the granting of planning permission does not provide exemption from the requirements of The Environmental Protection Act in terms of nuisance and if complaints are received the council will be required to investigate.

### **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.

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