

PARISH Pleasley Parish

APPLICATION Change of use of land to enable the stationing of 7 caravans for residential occupation with associated gardens, vehicular access and parking
LOCATION Station Yard Chesterfield Road Pleasley Mansfield
APPLICANT Messrs Marshall & Allen c/o Brimble Lea Unit 3 Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB
APPLICATION NO. 25/00509/FUL **FILE NO.** PP-14557944
CASE OFFICER Mr Mark Penford
DATE RECEIVED 15th December 2025

SUMMARY

This is a full planning application for the material change of use of land known as Station Yard, Pleasley (formerly Pleasley West Railway Station) to accommodate 7 residential static caravans as permanent homes including parking, turning and amenity areas within the site.

Planning consent was previously granted on 9th July 2025 (25/00162/FUL) for a change of use of the land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping, subject to conditions. However, the applicant has advised the District Council that the local community has not reacted positively to travelling showpeople occupying the approved development. This application is submitted for permanent residential accommodation by any persons because, notwithstanding the identified unmet need for travelling showpeople's accommodation in the district, the applicant's state that they do not want to provide accommodation for travelling showpeople in this environment.

The application has been referred to the Planning Committee for determination following a call-in request from Cllr Tom Kirkham on the following grounds:

- The planning application has a number of issues. The primary one is that it stated that the application is no longer for travelling showpeople and it is increasing the number of plots and vehicle standing areas.
- Vehicle access to the site was an issue with the original plan and this new one will put too much strain on the area.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and stability, highway safety, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

Site Location Plan



SITE & SURROUNDINGS

The site is an established travelling showpeople's yard, which is currently vacant and surrounded by trees and vegetation. The site is accessed by an unadopted driveway in private ownership that serves nine dwellings off Chesterfield Road known as 'Midland Cottages'. The site is designated as countryside within the adopted Local Plan, just outside the development envelope of Pleasley Village. The private drive slopes uphill from Chesterfield Road. Within the development area the land levels are relatively flat. The site area measures 0.42 hectares. There are residential dwellings to the south-east. The Pleasley Pit Country Park and Nature Reserve is to the north-west. Chesterfield Road and additional residential dwellings are to the north-east.



The site in April 2025



The site in January 2026

BACKGROUND

BOL/1988/0192

Planning Permission was granted in 1988 for the use of the site for storage, maintenance and repair of showman's plant and equipment together with winter living quarters to comprise 1 showman's caravan under office code BOL/1988/0192. The development was implemented and has established the site's use for travelling showpeople's accommodation for one winter caravan and equipment as acceptable in principle. As such, a mobile home could be stationed on the site for occupation by travelling showpeople in accordance with the 1988

consent at any time.



1988 planning consent area

22/00137/FUL

A full planning application for 13 proposed dwellings on the site was registered under office code 22/00137/FUL. The case officer was of the view that the residential development was acceptable in principle subject to all material planning considerations because the site comprised previously developed land. However, there was outstanding information relating to impacts on protected species and clarification was required on rights of access. This led to the applicant withdrawing the application in September 2022.

23/00460/VAR

An application under Section 73 of the Town and Country Planning Act registered under office code 23/00460/VAR to remove the personal occupancy condition of the 1988 consent was approved on 31st October 2023. The case officer's report considered whether the condition was necessary, explaining that planning permission should run with the land, not the person, and so Government advice to local planning authorities is that it is rarely appropriate to use personal consent conditions. Personal permissions should only be used in exceptional circumstances such as conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need. Regarding the particular class of people (as referred to in the NPPG) the title of the planning permission made it clear that the 1988 permission is for the storage of showman's equipment and a showman's caravan and so a condition to the effect of a personal permission was not necessary.

23/00583/OUT

An outline planning application for the use of the land to station 2 no residential homes for travelling showpeople, construction of an access road, plot bases and drainage was then registered under office code 23/00583/OUT. Similar to the 2022 application the case officer considered the principle of development to be acceptable as re-use of previously developed land although further information was required in relation to the site layout and access. The applicant decided to withdraw the application in June 2024.

24/00277/LAWEX

An application for a Certificate of Lawfulness for the existing use of the site for the stationing of 2 mobile homes for permanent use by travelling showpeople was registered under office code 24/00277/LAWEX and withdrawn in October 2024. Council Officers were concerned that insufficient evidence had been submitted to confirm that the site had been used on a permanent all year-round basis for the stationing of two mobile homes for an uninterrupted

period of at least ten years. The planning merits of the proposal and the development plan policies were not engaged. The purpose was to establish if the proposed use of land for stationing two caravans was lawful in planning terms by virtue of being in continuous use/occupation for 10 years.

25/00162/FUL

An application for the material change of use of the site to station four caravans for travelling showpeople, with the same application site area as currently being considered, was conditionally approved by the Planning Committee in July 2025. A planning condition was attached to ensure occupancy would only be by travelling showpeople to cater for a demonstrated unmet need within the district for such accommodation.

PROPOSAL

This is a full application for the material change of use of the site to site a total of seven caravans. Each caravan would benefit from two car parking spaces and a defined garden curtilage. The vehicular access to the site is proposed from the established existing access at the end of the private access road that serves Midland Cottages. Within the site a turning area is provided so that occupants can enter and exit in a forward gear.

Consistent with application 25/00162/FUL, there is no known operational development associated with the caravans. As such it is the change of use of the land to residential which requires planning permission and the individual design of the mobile homes cannot be considered. In this situation elevations and floor plans of the mobile homes are not required.

The private road between Chesterfield Road and the development site proposed to accommodate the seven caravans is owned between various residents in the area and individual occupiers have access rights over each part of the private road owned by individual residents. As planning practice guidance advises planning application sites should provide access to a public road, the application site red line reaches the adopted highway of Chesterfield Road. The applicant has completed Certificate B and served notice on the individual landowners of the private access road. Procedurally in terms of land ownership the application is correct.

The applicants have an unfettered legal right over the privately owned access road serving Midland Cottages. Any dispute which may arise between local resident owners of the unadopted road and the applicant's site access rights, or any works that may or may not become necessary to the private road to facilitate the development, are a private legal matter and not within the remit of planning.



Proposed Site Layout

Supporting documents

- Badger Survey prepared by Oak Ecology dated September 2025
- Covering Letter from Brimble Lea dated 12th December 2025
- Phase 1 Desk Study including Land Slope Stability Assessment by Solmek Ltd
- Phase 2 Site Investigation by Solmek Ltd
- Planning Statement prepared by Brimble Lea dated 12th December 2025
- Preliminary Ecological Appraisal and BNG Feasibility Report V3 by Oak Ecology dated 27/02/2025.
- Statutory Biodiversity Metric by Oak Ecology dated September 2025

AMENDMENTS

None received.

PLANNING HISTORY

BOL/1988/0192	Granted	For use of land for storage maintenance and repair of showmen's plant and equipment, together with winter living quarters (1 showman's caravan) (BOL 488/192)
22/00137/FUL	Withdrawn	Erection of 13 dwellings
23/00460/VAR	Granted	Removal of Condition 3 of planning permission BOL.488/192 To remove the named personal consent restriction
23/00583/OUT	Withdrawn	Use of land for the stationing of 2no residential mobile homes and construction of access road, plot bases and drainage.
24/00277/LAWEX	Withdrawn	Lawful Development Certificate for the existing use of the site for the stationing of 2no mobile homes for permanent use by Travelling Showmen

25/00162/FUL

Granted

Change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping

CONSULTATIONS

Bolsover District Council – Planning Policy

26/01/2026

The proposal is located adjacent to the development envelope of Pleasley. Consequently, it is located in the countryside and strategic Policy SS9 will apply which identifies that the proposal should meet one or more of the categories identified in the Policy. The Policy is reflective of the intrinsic character and beauty of the countryside set out in the NPPF paragraph 187 b. It is not considered that the application meets any of the provisions of SS9 categories b) to g) inclusive. The site may fall within the category SS9 a), the change of use of previously developed land.

It is considered relevant that planning permission was granted on 9th July 2025 for a change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople(25/00162/FUL). It was concluded in 25/00162/FUL that the site was previously developed land, and that it was identified as a sustainable location. The application differs in relation to the number of proposed caravans, and this aspect needs to be considered in relation to impact on the form, scale and character of the landscape. The impact on the character and appearance of the area and living conditions is also an importance aspect.

Bolsover District Council – Principal Environmental Health Officer

05/01/2026

Following consideration of the submitted Phase 1 Contamination Desk Study by Solmek Ltd and Phase 2 Contamination Site Investigation by Solmek Ltd raises no objection to the application on the grounds of land contamination. A land remediation strategy is required by planning condition to ensure the site is developed free from unacceptable levels of land contamination based on the recommendations of the Phase 2 report. A further condition will require implementation of the remediation scheme prior to occupation of any dwelling and submission of a validation report to ensure the scheme is provided in full.

Bolsover District Council – Senior Engineer

Response not received.

Comments provided on application 25/00162/FUL remain relevant as follows:

No objection raised. Confirms the sewer records do not show any public sewers within the curtilage of the site, however the applicant should be aware of unmapped sewers, the need to comply with Part H of the Building Regulations, the need to agree proposals for disposal of foul and surface water, to give consideration to SUDS and their future maintenance; and to ensure any work does not detrimentally alter the structure or surface of the ground and increase or alter water flow to cause flooding.

Bolsover District Council – Waste and Recycling Manager

26/01/2026

Confirms no objection to the collection of waste from the site provided waste is collected from that same place as agreed for application 25/00162/FUL at the end of Midland Cottages.

Derbyshire County Council – Countryside Services and Land Reclamation

As per the previous comments, Countryside Services recommended that a slope stability assessment should be undertaken prior to the application being determined by planning condition to consider reliability or otherwise both generally and from the point of view of avoiding any risks for the County Council as landowner [of the banks and slopes that surround the site].

It is recognised that the slope stability has been assessed in the Phase 1 Desk Study under section “6.5 Preliminary Slope Stability Assessment”, the contents of this should be considered, particularly the notes in 6.5.4 General Comments and Recommendations, where there is mention of the trees indicating recent and historic movement of the slopes and in 6.5.6 Summary of Results and Recommendations where it states “the slope has the potential to fail”.

It is not for the Council to determine that the development can or cannot be built without risk from any impact from slope instability, but it is possible to confirm that in respect of our previous comments, the phase 1 and phase 2 reports do not offer a reliable conclusion to the stability of the slope above the development area. The County Council reverts to original comments emailed 16/05/25 for application 25/00162/FUL. The Phase 1 and 2 reports are a good starting point, but more work is needed to establish if the slopes are stable. It is expected to see ground investigations on the slopes themselves. It is difficult to tell if this has been done due to there being no topographical survey in either report making the locations of the GI difficult to relate to relative to the slopes.

Derbyshire County Council – Planning Policy and Monitoring

Response not received.

Derbyshire County Council – Local Highway Authority

20/01/2026

Confirms no objection to the application. Chesterfield Road is a cul de sac which is relatively wide and vehicle speeds are low. The junction of the private access road and Chesterfield Road has suitable emerging visibility in both directions. The private access road varies in width but is generally between 5 and 5.5m wide which allows two vehicles to pass. Parking vehicles are acknowledge but these do not restrict access to the application site at the end of the road. To consider a worst-case scenario, the development has been considered as seven caravans as permanent dwellings. Predicted trips generated by residential dwellings will increase movements across the access road however the increase is not considered to have an unacceptable impact on usability of the road or the adjacent highway network. The internal road, turning facility and two off-road parking spaces are acceptable. Refuse collection is carried out for the existing dwellings and it is presumed that this will continue.

The site is within recommended walking distances of bus stops, a school and some amenities in Pleasley and New Houghton. There are no justifiable grounds on which an objection could be maintained. Planning conditions are recommended to secure parking and turning and to agree the bin collection point.

28/01/2026

Manual for Streets covers a large number of highway and transport related topics but, in general terms, Manual for Streets is a guidance document which is used as the starting point for LHA officers and highway consultants etc. when assessing highway related aspects of developments.

NPPF paragraph 111 refers to the 2021 NPPF. The 2021 version has been superseded by the 2024 version. Paragraph 111 of the 2021 version reads as "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. ". The 2024 version includes a similarly worded paragraph (116) which reads "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." The LHA response to this application has clearly commented that the application is not considered to meet the conditions specified in paragraphs 111 or 116 of either version of NPPF to warrant a refusal of the application.

Where development proposals include private access roads, there is an aim for those roads to be laid out and constructed to adoptable standards; however, because they are to remain private, the LHA cannot always insist on such. The adoption of new roads is an agreement by two parties i.e. the LHA and the applicant/developer and neither party can make the other adopt a road. There are other legal mechanisms for roads to be adopted as publicly maintainable highway; however, it is assumed that providing specific details on those mechanisms is not appropriate at this time. The access road within the application site meets the guidance to allow the users to access individual properties within the application site as well as maintaining access for existing properties on Midland Cottages. There is no proposal to carry out any works to the existing access road i.e. Midland Cottages.

The junction of Midland Cottages and Chesterfield Road is the boundary between the publicly maintainable highway, that is Chesterfield Road, and the privately owned and maintained Midland Cottages. An assessment of the width of Midland Cottages has been undertaken to establish if vehicle movements generated by the development can use Midland Cottages to access the development site. At a width between 5m and 5.5m, Midland Cottages meets the guidance on appropriate access/road widths to allow road users to pass either parked vehicles or, if, and when meeting vehicles travelling in the opposing direction.

29/01/2026

As Midland Cottages is private DCC would not look to adopt the new development site as it does not have a direct link to the public highway. For DCC to consider the adoption of the new site, Midland Cottages would need to be upgraded to adoptable standards and be offered for adoption, with all costs incurred by the owners of the access road i.e. Midland Cottages.

04/02/2026

Midland Cottages is a private road with a variable width, and an alignment which is constrained and when combined with on-street parking, can make two-way vehicle movements difficult in places. In practice, the road already operates as a constrained, low speed environment where vehicles regularly need to yield to one another and driver interaction is part of how the road functions.

The proposal has been considered on a worst-case basis equivalent to up to seven residential dwellings. This would increase vehicle movements along Midland Cottages, but overall traffic levels would remain low, and whilst this will increase the likelihood of vehicles meeting and needing to give way, this in itself does not indicate that highway safety would be materially affected. In terms of pedestrian considerations, it is acknowledged that there is no dedicated footway and that pedestrians, including children and elderly residents, share the carriageway. However, this reflects the existing character of Midland Cottages rather than a change introduced by the development. Vehicle speeds are naturally low due to the constrained geometry, alignment and parking, which limits the severity of potential vehicle/pedestrian conflicts. On balance, whilst increased activity may lead to greater interaction, this is not considered to result in unacceptable highway safety risk.

The proposals are likely to increase the potential for waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However, Chesterfield Road functions as a lightly trafficked residential cul-de-sac, with no through traffic, and junction visibility is considered to be adequate. In this context, while occasional waiting or reversing are likely to increase, the likelihood and consequence of conflict on the public highway would remain low. In principle, an alternative access may be possible further along Chesterfield Road, closer to the turning head, and would be preferred. However, this would be subject to matters such as land ownership and engineering works given the challenging local topography. Concerns raised by residents are recognised and it is accepted that the proposal will intensify use of an already constrained private road, and an increase in waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However as often the case in these situations, in terms of the local Highway Authority's professional judgment it is not considered that refusal on highway safety grounds would be justified.

Derbyshire Wildlife Trust

21/01/2026

Following consideration of the submitting Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment, Statutory Biodiversity Metric and Badger Report confirms no objection to the application. Impacts on protected species are likely to be low however precautionary methods of working to protect species will need to be agreed as part of the construction process under a Construction Environmental Management Plan (CEMP) condition. Impacts on badger are unlikely but precautionary mitigation will be necessary as part of the CEMP condition.

The biodiversity metric identifies two habitats and anticipates there will be no loss of woodland or trees as a result of development. The land is categorised as 'artificial unvegetated': unsealed surface, which does not have a value in the metric and therefore there will be no net loss of biodiversity. The creation of 0.1484ha of vegetated garden is sufficient to provide 10% biodiversity net gain and the trading rules of the submitted metric are satisfied. Planning conditions are recommended to secure the statutory biodiversity net gain plan, a species enhancement plan and a lighting scheme.

Derbyshire County Council – Archaeologist

27/01/2026

Is satisfied that the proposed works do not threaten any known or suspected archaeological interest. On this basis there is no archaeological requirement for the application.

Pleasley Parish Council

10/01/2026

Confirms an objection on the basis of no sewage/sanitation services to the site and further issues with access on the road.

Severn Trent Water Ltd

27/01/2026

No objection raised in relation to the disposal of surface water and foul sewage for the development. A pre-commencement planning condition is recommended to agree drainage plans for the disposal of surface water and foul sewage. Advisory notes recommended regarding any potential Severn Trent assets in the vicinity of the works.

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

PUBLICITY

Press notice posted and site notice published.

Individual residents notified.

Publicity expired 21/01/2026

REPRESENTATIONS

Eight resident representations have been received objecting to the development. Comments are summarised by topic area as follows:

Impacts on local character

- The development does not fit the characteristics of its immediate surroundings.
- No need for a further caravan site and its impacts on Pleasley.

Impacts on trees and landscape features

- We don't need any more trees being cut down.

Highway safety and parking

- The development will bring additional traffic to an unadopted single track road.
- The track is not suitable for two-way traffic, there is no footpath and additional traffic will increase the risk of health and safety to residents.
- Photographs of parked vehicles show at full capacity it will not facilitate two-way traffic.
- Some residents have two cars and have to park on Chesterfield Road.
- There is a lack of pavement and footway for the children.
- The road is not wide enough and would make the development dangerous.
- Seven residential caravans represents a major intensification of traffic, incompatible with the existing roads physical characteristics.
- Pedestrian safety including for children and old age pensioner's, vehicle interactions, and emergency/service access cannot be demonstrable as acceptable.
- The applicant's highway evidence ignores the sole access route and focuses only on the junction with Chesterfield Road and on-site layout.
- Based on the manual for streets 2007, the NPPF para 111, LHA residential access guidance and previous highway assessment by Bolsover District Council and absence of assessment of Midland Cottages.
- Midland Cottages is unsuitable to serve the development.

- Failure to comply with highways policy.
- The severe impacts on Midland Cottages have been completely disregarded in the Council's assessment.
- The applicants' highways assessment ignores the sole access route.
- Concerns regarding the Highway Authority's assessment of the application, lack of footpaths, impacts on children, oap's and lighting and traffic flow.
- Application BLA 372 26 for 2 bungalows was refused (1972) as the site access is well below the standards of the Highway Authority's street schedule width lacking footways, and substandard junction with the principal road and restricted visibility. The private drive already serves seven dwellings, and further development would create a precedent for further development. The refusal also referenced impact on the amenity space of Leyfield House.
- From 1972 to 2026 the private drive has significantly deteriorated, vehicles have gotten bigger and there are more residents on Midland Cottages.
- The Council is refusing to acknowledge the absence of footways as was done in 1972, and current Highways have failed to do so which is a significant health and safety risk.
- Absence of lighting.

Residential Amenity

- The amenities of residents of Midland Cottages residents were protected in the first planning permission BOL/1988/0192 given at Station Yard but then completely disregarded by Bolsover District Council for application 25/00162/FUL.
- Bolsover DC gave permission for 25/00162/FUL for four mobile homes without paying any attention to adverse impacts on amenities of the owners of Midland Cottages due to substantial intensification of use. Now the Council is doing the same for 25/00509/FUL.
- Why is Bolsover Council failing to acknowledge the negative impact this development is in its entirety from 1 winter showmen's caravan to substantial intensification and its impacts on the amenity, health and safety of residents.
- If the Council wants any development beyond 1 winter showmen's caravan it is advised the developer looks at an alternative access at the end of Chesterfield Road.

Drainage

- There are no sewers historically or current and connections would be impractical.
- The applicant's sewer would be running uphill away from Severn Trent sewers which is also impractical.
- Severn Trent have been cleaning drains at the end of Midland Cottages for months now because the systems cannot cope and smells are disgusting.
- The same manhole had to be dug up and replaced due to being broken due to its position close to the road.
- This is not the first time the same drain has broke, it keeps happening with the amount of traffic over it.
- It is reasonable to conclude an increase in traffic will cause more damage to drains, putting residents at an unjust disadvantage.

Other Matters

- Residents of Midland Cottages are responsible for maintenance.
- There are six cottages on the unadopted land which we all own a part of.

- Any commencement of development beyond 1998 consent for 1 winter showman caravan will set in motion a court injunction to stop all other development.
- HM Land Registry Document DY51867 shows only £30,000 was paid for the land. Adverts on the Dragon Driving site shows asking price of £670,000 with misrepresentations about amenities on the land and a presumption statement regarding the Council. A substantial profit, reasons for development and subjecting Midland Cottages to safety issues and unlawful infringements.
- The Council should look at using its own land for any development at Station Yard instead of attempting to impede on the property rights owned by residents of Midland Cottages.
- Bolsover District Council should ensure the developer knows local resident rights.
- Planning Permission does not override private rights owned by Midland Cottages residents and the District Council has a duty to make this fact clear when giving planning permission.
- There is already a caravan site less than a mile away.

All representations are available to view on the Council's website.

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 Housing
- SS9: Development in the Countryside.
- SC2: Sustainable Design and Construction.
- SC3 High Quality Development.
- SC5: Changes of Use and Conversions in the Countryside
- SC7: Flood Risk
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodlands and Hedgerows
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and Unstable Land.
- ITCR11: Parking Provision (Appendix 8.2)

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 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

The NPPF at paragraph 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

A draft NPPF (December 2025) is currently being consulted on. (National Planning Policy Framework: proposed reforms and other changes to the planning system). It does not constitute Government policy or guidance and, as a consultation document, it may also be subject to change. Consequently, it is considered it has little weight at this time.

Supplementary Planning Documents

Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design:
To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

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.

ASSESSMENT

Key issues

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

- Principle of Development
- Impacts on the Countryside and Landscape Features
- Design and Character

- Residential Amenity
- Highway Safety
- Biodiversity
- Contamination and Land Stability
- Flooding and Drainage
- Sustainability Considerations
- Other Matters

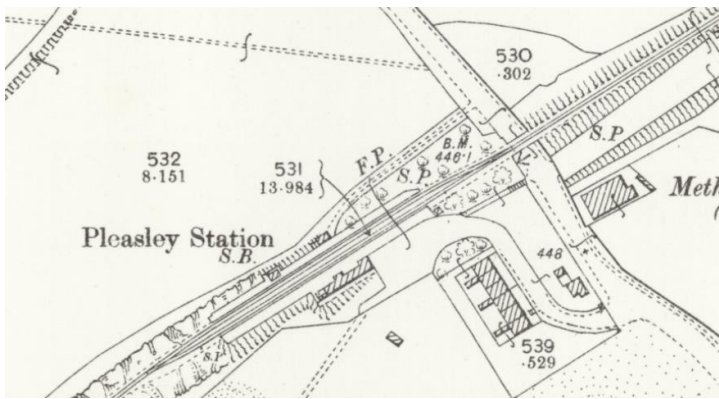
These issues are addressed in turn in the following sections of the report:

Principle of Development

In order to achieve sustainable development policy SS3 of the Adopted Local Plan sets out a spatial strategy based on a settlement hierarchy where development is firstly distributed to the districts small towns; the emerging towns followed by the defined larger villages as defined on the policies map. The spatial strategy directs development in accordance with this hierarchy with more development being directed to the most sustainable towns and villages. The site is on the edge of the development envelope of Pleasley defined under Policy SC1 of the Adopted Local Plan and is within the countryside.

Policy SS9: 'Development in the Countryside' seeks to limit 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 one or more of seven categories set out in the Policy. The criteria 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



The site from historic OS maps 1892-1914 showing the station, demonstrating previously developed land.

The framework's updated definition of previously developed land excludes land *"that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape"*. As set out for application 25/00162/FUL, the site has been cleared of all structures and debris and is partially greened over, but remnants of hard surfacing may still be seen. As of 2023 the site was in a derelict and untidy condition with a static caravan and a tourer caravan on site together with numerous derelict vehicles and built-up waste. It is not considered that in this time, consistent with the previous planning application, that the site could be reasonably viewed as having fully blended into the landscape and to have reverted to a greenfield site.

In relation to criteria (a) the implementation of the 1988 planning permission for a single caravan for winters accommodation and storage of showpeople's equipment and the historic uses of the site is that the site is established as previously developed land in planning terms. Plots 1 and 2 of the current proposal extend out of 1988 application site area. However historic maps demonstrate this land was also previously developed in association with the former train station with the two plots being positioned over the former railway line and its embankments. The application site red line remains the same as planning application 25/00162/FUL and this is a significant material planning consideration in that the site may still be developed as four permanent homes for travelling showpeople. The historic use of the site as a train station and previous planning permission has established the site as previously developed.

There are no policy implications for the loss of the existing travelling showpeople' site of one caravan as Policy LC6 of the Adopted Local Plan only safeguards the travelling showpeople's sites defined under this policy, which are three sites in Pinxton. The site is appropriate for new housing development in principle in accordance with policy SS9 (a) subject to all material planning considerations.

Impacts on the Countryside and Landscape Features

In all cases Policy SS9 requires development to be considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

The site borders greenspace (Pleasley Pit Country Park) protected by Policy ITCR6 of the Adopted Local Plan. However, the application site does not encroach onto the greenspace,

there is no conflict with Policy ITCR6 and the development would not cause harm to the greenspace.

Policy SC5 of the Adopted Local Plan supports the change of use of land in countryside locations provided they comply with all the following criteria, where relevant:

- a) The building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction
- b) 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
- c) The number of units and/or density of development is appropriate to the building's location
- d) The building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure
- e) Utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area
- f) The development proposed does not add to flood risk concerns.

Policy SC8 of the Adopted Local Plan states proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.

Policy SC10 of the Adopted Local Plan states trees, woodlands and hedgerows are important visual and ecological assets. In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

The framework seeks to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside (paragraph 187).



The site in 2023



The site in 2022

The application site is visually contained by trees and vegetation that surround it, which are proposed for retention. As such the development would be screened by the vegetation and not cause any harm to the rural character of the environment as a result. Although details of the precise mobile homes are unknown and cannot be secured, they will be low lying within the landscape, ensuring the development is not prominent.

Four caravans could be sited in accordance with the 2025 consent and a travelling showpeople's yard could be established in accordance with the 1988 consent that could include storage of travelling showpeople's equipment alongside one caravan. Although seven caravans are now sought for consent, increasing the amount of development, the site's character as a caravan site is established as acceptable in principle in a large part by the 1988 and 2025 permissions. Large areas of the site will remain soft landscaped and absent of development, demonstrating the site is capable of accommodating seven mobile homes without resulting in a cramped and contrived form of development.

It should be noted some trees are within the control of the County Council outside the site area which affords additional protection to enclosure of the site from wider landscape views. The County Council has previously advised that it would not give consent to remove trees surrounding the site outside of the applicant's control. An advisory note is recommended as per the previous planning approval to make the applicant/future occupants aware. The application raises no issues in respect of its countryside or landscape impacts and is considered in accordance with the above policies that protect the rural environment.

Design and Character

Policy SC3 of the Adopted Local Plan requires development to create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and to respond positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials.

The framework requires development to function well, add to the overall quality of areas, be sympathetic to local character and be visually attractive as a result of good architecture (paragraph 135).

The proposed site plan shows the layout of the development. The site would have a private access road leading to a turning head towards the southwest. As set out for the previous

application, a mobile home site would be of a different character to the existing residential area, which consists of residential dwellings of different house types and from varying construction periods. However, the development would still be of a residential character and not of a significant scale to dominate the existing neighbourhood. As stated above the tree and vegetation screening will also enclose the site and not cause any change in character to the existing residential area of Pleasley.

In the interests of securing a high-quality development planning conditions are recommended to agree a hard and soft landscaping scheme for the site and a form of boundary treatment. The development is considered in accordance with Policy SC3 of the Adopted Local Plan and Paragraph 135 of the framework.

Residential Amenity

Policy SC3 (n) of the Adopted Local Plan requires development to ensure 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.

Policy SC11 of the Adopted Local Plan states development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.

Paragraph 135 (f) of the framework requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed siting of the mobile homes, the single storey nature of development and existing trees/vegetation would prevent loss of privacy, overshadowing or massing impacts to existing residents. Each dwelling is provided with garden areas with the smallest being approximately 103sqm. These sizes in excess of the 70sqm required by the adopted SPD 'Successful Healthy Places' for two to three bed dwellings and therefore demonstrate that there would not be overdevelopment of the site, particularly when demonstrating that adequate car parking is provided that meets the Local Plan's minimum parking standards. Future occupants would be provided with a good level of outlook and natural light from each mobile home and a good standard of residential amenity consistent with the layout of many caravan sites across the UK.

It is appreciated that there would be an intensification in use of the site from four no. approved caravans to seven in total. Based on an average of two cars per caravan the number of vehicles could increase from eight to fourteen. This in turn will increase comings and goings of vehicles along the private access drive of Midland Cottages. However, the intensification in use of the drive and comings and goings is not considered significant in terms of noise increase and disturbance to justify a recommendation of refusal. The District Council's Principal Environmental Health Officer has been consulted and raises no noise concerns.

This revised application is no longer providing accommodation for travelling showpeople and

in this situation the condition attached to 25/00162/FUL which restricted occupancy to such persons is no longer necessary. Although the planning agent has offered to agree to a planning condition which prevents occupancy of the site by such persons, a condition of this nature would not be reasonable and would fail to meet the six tests of planning conditions. The condition would be discriminatory by excluding travelling showpeople from occupying the site. The planning system does not discriminate against a person's background, characteristics nor can any weight be given as to how individuals might behave as a result of their characteristics or background. In planning terms this is residential accommodation for any persons and no weight may be given to who the individual occupiers are. The application is for residential accommodation in a residential area and of an appropriate scale such that it is considered appropriate to the character and function of the area and is compatible with it, in accordance with Policy SC1 (a) and (c) of the Adopted Local Plan.

It should be noted that the site layout does not provide for traditional travelling showpeople's yards necessary to store travelling showpeople's equipment and is not reflective a travelling showpeople's site.

The use of the caravans for holiday let purposes cumulatively is recognised to potentially having a greater impact on the residential amenities of the existing residents. This would be from a potential increase in comings and goings of various family groups, shorter stays and potentially from larger family numbers/group stays occupying multiple caravans that would not be consistent with permanent occupancy of residential dwellings. A planning condition is considered necessary to ensure the caravans are occupied as permanent homes and not as holiday-let accommodation in the interests of protecting residential amenity from adverse noise and disturbance.

The application raises no amenity concerns in accordance with policy SC3 (n) and SC11 of the Adopted Local Plan.

Highway Safety and Refuse Collection

Policy SC3 (e) of the Adopted Local Plan requires development proposals to provide well-designed streets and spaces which are safe in highways terms. Paragraph 115 of the framework states developments should ensure safe and suitable access to sites can be achieved for all users. Paragraph 116 of the framework states that development should only be refused on highways grounds if there would be unacceptable impacts on highway safety, or where residual cumulative impacts on the road network, following mitigation, would be severe.

The proposed vehicular access to the site is via the unadopted vehicular access serving Midland Cottages over which the applicant has access rights. The site layout includes a turning head to enable vehicles to enter and exit the site in a forward gear.

The Adopted Local Plan's minimum parking standards advise that 2 car parking spaces are provided for 2-3 bed dwellings and 3 car parking spaces provided for 4 and above bed dwellings. As the application cannot secure the types of caravans, the precise number of bedrooms per caravan are unknown. Static caravans or lodges (which meet the definition of a caravan) typically have between two and three bedrooms. The application is proposing two

car park spaces per mobile home on hard surfacing exceeding 5m x 2.6m for each vehicle. This is fully in accordance with off-road parking provision required for two-three bed dwellings by Appendix 8.2 to Policy ITCR11 of the Adopted Local Plan.

Local residents have raised a number of highway safety concerns including intensification in use of the site, lack of public footpaths and risk of accidents as summarised in this report. Residents consider the local Highway Authority and the District Council has not appropriately considered the application, taken on board their concerns and all matters relating to vehicular and pedestrian safety. The Development Management and Land Charges Manager has met with local residents to listen to the community.

In response to resident objection Officers have contacted the local Highway Authority on several occasions, raising local concern with the Highway Authority to ensure a robust highway safety assessment of the application. To demonstrate this, the County Council's Senior Transport Planner Engineer and the Highways Planning Liaison Manager have both considered the application in their professional view and a number of consultation responses have been secured.

Although there would be intensification in use of the site, consistent with the previous approval, the local Highway Authority has maintained no objection to the use of the unadopted road to serve the seven dwellings without the need to bring the road up to adoptable standards. The Highway Authority considers the width of the private road is suitable for the amount of development proposed.

It is appreciated that there would be additional vehicular usage of the private road that could result in additional wear and tear. In turn, those responsible for maintenance of the private road would remain unchanged. Whilst there is some sympathy for this situation, there are no planning grounds on which to prevent the development from coming forward due to the nature of the existing unmade access road being retained in its current condition. The local Highway Authority has confirmed that the County Council would not adopt the new development site, as it does not have a direct link to the public highway. For the County Council to consider the adoption of the new site, Midland Cottages would need to be upgraded to adoptable standards and be offered for adoption. All costs associated with upgrading the unadopted road would need to be met by the existing owners.



The vehicular access 2025



The vehicular access January 2026



The extent of the public highway

The future occupiers would be able to utilise their access rights over Midland Cottages but would not have consent to carry out other works, such as upgrading the road. Only the individual owners could approve these works and seek adoption by the County Council.

The development area provides a turning space allowing all vehicles to enter and exit the site in a forward gear in the best interests of highway safety. The site's extant permission for four caravans is a material consideration, and it is not considered that an additional three dwellings would create such significant additional trip generation as to cause a highway safety issue along the private road.

The Local Highway Authority has considered the application on the "worst case scenario" of seven dwellings. The increase in traffic levels are considered to remain low. Although vehicles may meet and need to give way, this is confirmed by the Local Highway Authority to not result in a highway safety issue.

The absence of a footway is also recognised by the Local Highway Authority and that pedestrians including children and the elderly share the road with vehicles. However, the local Highway Authority confirms this is already the character of the road and, as vehicle speeds would be low due to the geometry of the road, this limits the severity of conflict. An increased interaction between pedestrians and vehicles is confirmed to not result in a highway safety concern.

Residents have stated that an alternative vehicular access should be provided from Chesterfield Road to the site closer to the turning head, preventing the usage of Midland Cottages. However, this would require significant engineering works due to the elevated levels of the site above the public highway and challenging topography. Furthermore, it would result in the loss of trees presently to be retained, which are required to secure acceptable impacts on the character of the area and biodiversity.

The Local Highway Authority also confirms that there would be the potential for waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However,

Chesterfield Road functions as a lightly trafficked residential cul-de-sac, with no through traffic, and junction visibility is adequate with a safe and suitable access provided in accordance with paragraph 115 (b) of the NPPF. Whilst waiting/manoeuvring may increase at the junction with Chesterfield Road, this is also confirmed to not raise a highway safety issue.

Residents have referenced a 1972 planning application refusal for 2 dwellings adjacent Leyland House on grounds that the access to this site was below the standard local highways authority's street schedule, lacking footways, with a substandard junction with the principal road with restricted visibility. This is a historic planning application, guidance changes over time and the current application is required to be considered on its own merits.

In terms of refuse collection, as with application 25/00162/FUL, the District Council's Waste and Recycling Manager has confirmed that the District Council's refuse vehicles could access the private road for bin collection purposes. Future occupants would present their bins towards outside the entrance of the site to the north of 6 Midland Cottages. The application has demonstrated the site is serviceable and internal swept path analysis of the site for refuse vehicles has not been necessary. The precise bin presentation/collection scheme is recommended to be defined on a plan and agreed by planning condition in consultation with the District Council's Waste and Recycling Manager and the Local Highway Authority.



The junction of Midland Cottages with Chesterfield Road – January 2026

The key test of paragraph 116 of the NPPF is that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

As stated above the application has been considered on the worst case scenario of seven dwellings by the Local Highway Authority and consideration has been given to the cumulative impacts of the existing and proposed dwellings. No severe impacts have been identified to justify refusal of the application on highways grounds. The application is as such considered in accordance with Policy SC3 (e) of the Adopted Local Plan by providing a safe form of development in highways terms and with Paragraphs 115 and 116 of the framework by not having unacceptable impacts on highway safety.

Biodiversity

Policy SC9 of the Adopted Local Plan states 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 187 (d) of the framework states planning decisions should minimise impacts on and provide net gains for biodiversity.

Protected Species

To consider impacts on protected species the application is submitted with a Preliminary Ecological Survey (PEA) and Badger Survey both of which have been considered by Derbyshire Wildlife Trust. The PEA identifies the site comprises two habitat types of open woodland and artificial unvegetated unsealed surface. The Wildlife Trust agree with the PEA in that the habitat does not meet the definition of open mosaics habitat. Given the scale and type of development, the Wildlife Trust considers the impacts on protected species to be low. Impacts on Badger are also confirmed to be unlikely. In order to prevent harm to protected species during construction, a pre-commencement of development condition is necessary to agree a Construction Environmental Manager Plan (CEMP) and to agree any external lighting prior to installation.

Biodiversity Net Gain

It is now mandatory for planning applications to secure a 10% net-gain for biodiversity, unless falling within one of the exemptions approved by the Government. The application is submitted with an updated Biodiversity Net Gain Feasibility Report prepared by Oak Ecology dated February 2025 (Version 3) and a revised Biodiversity Metric dated 3rd October 2025.

The submitted biodiversity metric has identified the two habitats set out above and anticipates no loss of trees and vegetation to facilitate the development. The land category as artificial unsealed is of negligible biodiversity value having been used for the storage of vehicles and machinery. Although a small part of the site is within a local wildlife site, the Wildlife Trust considers that the area within it that is to be developed does not make any significant contribution to the local wildlife site and does not support and ecological features found within it. Protective measures are required by the Wildlife Trust to ensure the trees are protected during construction to deliver the 10% net gain. This may be secured through the CEMP condition.

The site has baseline habitat units of 0.59, post development 0.88 habitat units would be created, resulting in a 48.15% net change to deliver the necessary onsite Biodiversity Net Gain. The assessment was based on the retention of woodland and the land surrounding the four mobile homes to be changed into vegetated gardens with typical amenity species associated with residential gardens.

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
	0.59	0	0
	Total % change	Total % change	Total % change
	48.15%	0%	0%

The application has demonstrated acceptable impacts on protected species and other wildlife and will deliver the mandatory 10% biodiversity net gain in accordance with Policy SC9 of the Adopted Local Plan and paragraph 187 (d) of the framework.

Contamination and Land Stability

Policy SC14 of the Adopted Local Plan states development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and does not result in unacceptable risks which would adversely impact upon human health and the built and natural environment.

Contamination

For the previous application the District Council's Principal Environmental Health Officer (PEHO) required pre-commencement planning conditions to secure a Phase I Contaminated Land Assessment (desk study) and Phase II Site Investigation. The contaminated land assessment would include a desk study which details the history of the site and the likely presence of potentially hazardous materials and substances on the site including an assessment of the risks to human health. Should it be necessary, a scheme of remediation would be required in order to ensure that any risks to human health would be avoided.

This application has been submitted with the Phase I and Phase II reports, which have been considered by the PEHO. The PEHO has confirmed that a contamination land remediation strategy is required based on the recommendations of the Phase II site investigations report. The necessary remediation strategy, which will ensure the site is developed free from unacceptable levels of contamination, will be required by condition before development commences. A further condition will require the approved remediation scheme to be provided in full prior to occupation of the dwellings and a scheme of validation submitted to the District Council to ensure the remediation is provided in accordance with that approved.

Land Stability

The County Council's presently owns, and its Countryside Services team is responsible for the management of the Pleasley Pit Country Park. The Countryside Services team commented on planning applications 22/00137/FUL, 23/00583/FUL and 25/00162/FUL concerning the application site. In all of its comments the County Council identified the need to further examine the disused colliery waste tips and embankments that abut the site to the south-east or south-west side.

The Country Park was created in the late 1990s by a project to reclaim the derelict former

Pleasley Colliery Site and the nearby railway land. The Countryside Service Managers have identified the necessity for further examination of the disused colliery waste tips and the railway embankments that abut the site. To the north-west are the remains of a disused colliery waste tip, which was inspected by the County Council between 1986 and 1998. Much of this tip was reprofiled during the reclamation works and is now a gently sloping area dominated by open limestone grassland bordered by deciduous tree belts. The slope which borders the site to its south-east appears to have been originally formed sometime between 1900 and 1920. This is the highest elevated slope and the earliest to be developed. The slope which borders the site to its south-west site appears to have been formed at a later date following the closure and decommissioning of the railway.

The County Council undertook a visual appraisal of the slopes on 7th April 2022. Although there were limitations in the extent of the available area to inspect (due to access constraints and vegetation cover), a general appraisal was able to be carried out. No appreciable tell-tale signs were observed to suggest that a significant risk of instability was apparent. However, that slope appears to be stable is no guarantee that it will remain this way. The County Council is therefore concerned that certain influences may be operating, or developed to do so, which may have a destabilising effect. These may be concealed from view, may occur intermittently or be of a size or rate of development that they are largely imperceptible.

To appropriately consider the land stability of the site planning condition 18 was attached to application 25/00162/FUL to secure a Land Slope Stability Assessment before development commences, and to provide remediation (if necessary) prior to first occupation of the site. The applicant has decided to submit a preliminary assessment, which is set out in section 6.5 of the submitted Phase I Report.

DCC Countryside Services has considered the submitted report and, whilst considering it to be a good starting point, more work is needed to establish if the slopes are stable and whether mitigation is required to make the development stable. The County Council would expect to see ground investigations on the slopes themselves, and it is unknown whether this has been done in the absence of a topographical survey.

This matter has been raised with the applicant's planning agent, who has confirmed that, notwithstanding the submitted information, a revised Land Slope Stability Assessment will be submitted before development commences. As such, the additional information required by the County Council may still be secured by planning condition, as was the case for application 25/00162/FUL and is not necessary before determination of the application. This is fully in accordance with the Adopted Local Plan's land stability policy SC14, which states "*Where necessary, the developer will be required to carry out further investigations and undertake any necessary remedial measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development*".

The County Council has been made aware of Officer's recommendations for a condition which requires this land stability report to be submitted prior to commencement of development and no objection has been received to the approach, that is fully consistent with application 25/00162/FUL.

With the conditions attached to this recommended there are no concerns in relation to land contamination and land stability in accordance with Policy SC14 of the Adopted Local Plan

and land stability considerations.

Flooding and Drainage

Policy SC7 of the Adopted Local Plan states all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development.

Paragraph 181 of the framework states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

This is a minor planning application with a site area less than 1ha. Therefore, in accordance with the framework a site-specific flood risk assessment is not necessary. The Lead Local Flood Authority at the County Council is not a statutory consultee.

The site is within flood zone 1, which is an area defined by the Environment Agency as being as lowest risk of flooding. The site is not identified as being at risk of flooding from surface water. As the site is not susceptible to flooding there are no concerns in relation to impacts of flooding/surface water on any future occupants. In relation to the impacts on the surrounding residents, the condition required by Severn Trent Water Ltd will consider surface water disposal for the site.

This should demonstrate how the site can be appropriately drained during periods of heavy rainfall and provide sufficient permeability within the site to prevent large areas of hard surfacing that might increase water run-off elsewhere. Soft landscaping will allow natural soakaway of surface water. The District Council's Senior Engineer previously raised no objections to the development of four caravans in terms of surface water disposal. Although residents previously had concerns regarding large volumes of water run-off, as the site is within flood zone 1 without any known critical drainage problems, there are no planning grounds on which to recommend refusal of the application due to any impact on surface water flooding within the area.

In relation to the disposal of foul waste local residents are concerned the existing system on Midland Cottages is at full capacity and unsuitable for further development. Any connection to the foul system requires separate consent from Severn Trent Water Ltd under Sections 106 to 109 of the Water Industry Act 1991.

Therefore, this is a separate regime to planning within the full control of Severn Trent Water Ltd. If Severn Trent Water will not give consent to connect to the foul drainage system (whether that be because of capacity issues or another technicality) the applicant may propose an alternative disposal method.

Severn Trent Water Ltd has been consulted on this planning application and raises no objection subject to a pre-commencement of development condition to secure a surface water and foul sewage disposal scheme. The individual owners of the private road serving Midland Cottages have a foul connection on the private road. It is understood the existing residents have control over this. As the manhole is in private ownership it is unlikely occupants, who object to the application, would give consent to the applicants to connect to the manhole, although this is a private matter.

For the avoidance of doubt the applicants land bounds the public highway of Chesterfield Road without requiring third party land to connect to the foul system at manhole 1500. Furthermore, the applicants have also identified that there is a sewer connection within the development site, the reason why a trench has been dug through the site to identify this.

The applicants' consultant is undertaking a full track-and-trace of this connection and will then liaise with Severn Trent Water Ltd in terms of using this connection for the development, with remedial work if necessary. The detail will follow as part of the pre-commencement condition recommended by Severn Trent Water, consistent with condition 6 of planning permission 25/00162/FUL. The application is considered in accordance with Policy SC7 of the Adopted Local Plan.

Sustainability Considerations

Policy SS1 of the development plan aligns with paragraph 11 of the framework which states that planning decisions should apply a presumption in favour of sustainable development. However, the titled balance as set out at paragraph 11 d of the framework, which requires developments to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, is not engaged. The policies of the Adopted Local Plan carry full weight because at the time of this recommendation the District Council can demonstrate a five-year housing land supply.

Notwithstanding the above, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the framework states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives, and how this development complies with those objectives, is set out as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

Purchasing the mobile homes and layout of the necessary access road and soft landscape provision will benefit the local economy/construction companies. Future occupants would spend in the local economy, benefitting local shops and other amenities/services in the area. The economic objective is met.

- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

The development will provide seven new permanent homes in a sustainable location.

The site has good access to local amenities and services including walking distance to convenience stores (Lucy's), primary school (Antony Bek) and a doctor's surgery (Pleasley Surgery). The site is also within walking distance to public houses such as The White Swan and Nags Head within Pleasley village and New Houghton Social Club. St Michael's Church in Pleasley is accessible by foot, as are other recreational amenities at Pleasley Pit Country Park and Pleasley Vale.

Very close bus services would take future occupants into larger towns such as Chesterfield, Bolsover town or Mansfield, which combined have an excellent supply of amenities and services to meet day to day needs without the need to rely on a private motor vehicle. The scale of development would not dominate the community or adversely impact their health, social or cultural well-being. The social objective is met.

- c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*

The site is within an area of countryside; however, the site is well enclosed by trees and vegetation which is to remain and the site adjoins the development envelope of Pleasley. As such no harm is identified to the countryside and rural character of the area. The site makes the effective use of a brownfield site by utilising previously developed land. The development has secured 10% biodiversity net gain, has demonstrated how the site is serviceable for waste and recycling collection, and the District Council's Principal Environmental Health Officer raises no concerns regarding pollution/land contamination or noise. There are no policies in the adopted Local Plan which makes the applicants make a contribution towards a low carbon economy through renewable energies. The environmental objective is met.

Other Matters

Any contravention of the access rights of the private road or whether the nature of the access exceeds those rights as permitted within title deeds is a private legal matter between the local residents and the applicants. If any infringement of access rights was to occur, the owners of Station Yard could seek legal advice, outside of the planning system as could the existing residents. Any additional wear and tear caused to the private access road and implications on cost of maintenance would similarly be a private matter to be resolved between the local residents and the applicants.

Conclusion/Planning Balance

The application has demonstrated compliance with all criteria, which releases the countryside site for housing as the application re-uses a previously developed site in a demonstrated sustainable location. A significant material planning consideration is that the same site area has planning permission for four caravans as permanent homes for travelling showpeople with the same application site area, which has established in principle the character of the site.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and

stability, highway safety, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

RECOMMENDATION

The current application be APPROVED subject to the following planning conditions:

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. There shall be no more than seven caravans stationed on the site at any one time. The caravans shall meet the legal definition of a caravan under Section 29(1) of the Caravan Sites and Control of Development Act 1960 as amended in 1968 and 2006 (or of any Act revoking and re-enacting or amending that Act with or without modification).
3. That seven caravans hereby approved shall be occupied as a person's sole, or main place of residence and shall not be occupied for holiday let purposes.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:

Site Location Plan - drawing number 25019-2 Rev A dated 25/03/2025

Proposed Site Layout Plan - drawing number 25019-1 Rev C dated 18/02/2025

5. Prior to the commencement of the development hereby permitted, a scheme of foul drainage and surface water disposal must be submitted and approved by the local planning authority. Prior to the occupation of the development the approved drainage schemes must be implemented fully in accordance with the agreed scheme and be maintained thereafter.
6. Prior to the installation of any lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This must provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Once agreed the lighting scheme must be implemented fully in accordance with the agreed details and be maintained thereafter.
7. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

8. No dwelling must be occupied until full details of both hard and soft landscape works with an associated implementation plan, management schedule and monitoring, has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details must include the proposed hard surfaced materials. The soft landscape works must include a planting plan; schedules of any plants and trees, noting species, plant/tree sizes and proposed numbers/densities to demonstrate how the 10% biodiversity net gain will be provided in accordance with the submitted metric. All planting must be implemented in accordance with the approved details in the first available planting season. The created and/or enhanced habitat specified must be managed and maintained fully in accordance with the agreed landscaping plan.

9. Prior to first occupation of the hereby approved development:

a) A Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- external bird boxes x 3
- external bat box x 1
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.
- details of wildlife friendly landscaping to include a list of the plants to be used to benefit pollinating insects.

Once agreed the approved measures shall be implemented fully in accordance with the agreed details and be maintained thereafter.

b) A statement of good practice including photographs must be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed fully in accordance with the approved Plan.

10. The hereby approved seven no. static caravans shall not be occupied until the off-road parking for each mobile unit is provided in full. Once provided the parking shall be maintained free from obstruction thereafter.

11. Prior to first occupation precise details of a bin presentation and collection point must be defined on a plan and submitted to and approved in writing by the Local Planning Authority. Once approved the bin collection point shall be implemented and maintained thereafter.

12. Before the commencement of the development hereby approved a Remediation Strategy, based upon the recommendations of the Phase 2 Site Investigation Report reference M25-086, shall be submitted to and approved in writing by the local planning authority. The remediation works shall ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

13. No dwelling hereby approved shall be occupied until:

a) The approved remediation works required by 12 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

14. Prior to the first occupation of the site, a detailed scheme of boundary treatment for the site must be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

15. Notwithstanding the submitted Phase 1 Desk Study - Section "6.5 Preliminary Slope Stability Assessment", prior to the commencement of development a geotechnical professional must carry out and submit a revised slope stability assessment report to the Local Planning Authority for approval in writing of the slopes which surround the application site. The report must demonstrate that the site is safe and stable for the development proposed and provide remediation, if necessary. The assessment must give consideration to the following:

a) Avoiding disturbance to the slopes that might impact stability, including to the toe of the slope, which may have been removed in certain places on the site.

b) Any proposed excavations made in the ground in front of the toe of the slopes to incorporate appropriate temporary/permanent works and/or control measures to minimise the risks of them becoming unstable.

c) Consider the impacts of the construction phase including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

Once approved the development must proceed fully in accordance with the agreed slope stability assessment and any approved remediation must be implemented prior to the first occupation of the site.

Reasons for Conditions

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 as proposed, and to prevent environmental harm and adverse impacts and on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
3. In the interests of protecting residential amenity in accordance with Policy SC3 and SC11 of the Adopted Local Plan for Bolsover District.
4. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
5. This is a pre-commencement of development condition which is necessary in the interests of preventing unsatisfactory surface water run-off and enabling an adequate means of foul disposal in accordance with Policy SC7 and SC11 of the Adopted Local Plan for Bolsover District.
6. In the interests of safeguarding bats and other protected species from harmful light glare in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
7. This is a pre-commencement of development condition necessary to prevent harm to protected species during the construction phase in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
8. In the interests of securing 10% biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
9. In the interests of securing sufficient biodiversity enhancement on site in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
10. In the interests of securing sufficient off-road parking in the best interests of highway safety in accordance with Policy ITCR11 of the Adopted Local Plan for Bolsover District.
11. In the interests of defining an acceptable bin collection point in the best interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
12. This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

13. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

14. In the interests of protecting the rural character of the area and the privacy of existing and future occupants in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

15. This is a pre-commencement of development condition necessary to ensure the site is made safe and stable for future occupants in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

Statement of Decision Process

1. Officers have worked positively and pro-actively with the applicant 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.

The decision contains pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe, or
- address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

The planning agent has agreed in writing to the conditions attached to this consent.

Notes

1. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity Gain Plan Advice Note provided below.

2. Bolsover District Council's Senior Engineer advises as follows:

a) The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

b) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood

Authority.

c) The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SUDS, which should be employed whenever possible.

d) Where SuDS features are incorporated into the drainage design it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.

e) It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

3. In relation to Condition 5 Severn Trent Water Ltd refers to Planning Practice Guidance and Section H of the Building Regulations 2010 -detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing Severn Trent records at www.digdat.co.uk

Severn Trent Water advise that if its statutory records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently the applicant/developer must contact Severn Trent to discuss the proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

4. In relation to Condition 6, Derbyshire Wildlife Trust advises dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

5. In relation to the surface water disposal scheme to be agreed under condition 5, The Local Highway Authority advises that drainage arrangements should be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development should be

allowed to discharge into any highway drain or over any part of the public highway.

6. The applicants/developer are made aware that the County Council does not wish for any structural assets such as retaining walls or similar to be built upon County Council land as the County Council would not assume any maintenance responsibilities or liabilities associated with their function. The development site is surrounded on three sides by the Country Park. The Country Park is at a higher level to the development and the existing tree cover may prompt future requests by potential occupants to remove tree and vegetation growth. Occupants should be aware that the tree cover surrounding the properties cannot be removed at any point in the future regardless of claims to any impact on the house structure and/or the residential use of that dwelling, other than for health and safety reasons.

7. The applicant is encouraged to erect lockable gates at the site entrance and to display contact details of a person(s) whom to contact in the event of an incident when the plots are not occupied.

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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- *it would have been otherwise necessary to refuse the whole permission; or*
- *are necessary to address issues that require information to show that the development will or can be made safe, or*
- *address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.*

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.