

# Public Document Pack



**North East  
Derbyshire**  
District Council

Contact: Alan Maher

Tel: 01246 217391

Email: [alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

Date: Monday, 15 August 2022

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 23 August 2022 at 2.00 pm in the Council Chamber**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield S42 6NG.

A recording of the meeting will be placed on the Council's You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Skeneberg".

Assistant Director of Governance and Monitoring Officer

## **Members of the Committee**

Councillor William Armitage  
Councillor Andrew Cooper  
Councillor Peter Elliott  
Councillor Mark Foster  
Councillor Roger Hall  
Councillor David Hancock  
Councillor Lee Hartshorne

Councillor Maggie Jones  
Councillor Heather Liggett  
Councillor Alan Powell  
Councillor Jacqueline Ridgway  
Councillor Kathy Rouse  
Councillor Diana Ruff - Chair

**Please notify the Interim Governance Manager, Alan Maher by 4.00 pm on Friday 19 August 2022 of any substitutions made for the meeting.**

**For further information about this meeting please contact: Alan Maher 01246 217391**

# **A G E N D A**

## **1 Apologies for Absence and Substitutions**

To receive any apologies for absence and notices of substitutions from Members.

## **2 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

## **3 Minutes of Last Meeting (Pages 4 - 8)**

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 26 July 2022.

## **4 NED/21/00214/FL - BARLOW (Pages 9 - 23)**

Application for retention of use of café for general café use and the retention of the existing café building as currently built at Lakeside Café, Fishing Ponds, Keepers Lane, Barlow. (Amended Plans / Amended Title)

(Planning Manager – Development Management)

## **5 NED/22/00618/FL - DRONFIELD (Pages 24 - 34)**

Retrospective permission for the erection of a new agricultural building for storage, on land opposite 5-44 Bowshaw, Dronfield

(Planning Manager – Development Management)

## **6 Late Representations: Summary Update Report - NOW PUBLISHED (Pages 35 - 46)**

(Planning Manager – Development Management)

## **7 Planning Appeals - Lodged and Determined (Pages 47 - 50)**

(Planning Manager – Development Management)

## **8 Matters of Urgency**

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

# We speak your language



North East  
Derbyshire  
District Council

Polish

*Mówimy Twoim językiem*

Urdu

ہم آپ کی زبان بولتے ہیں

Romanian

*Vorbim limba dumneavoastră*

Chinese

我们会说你的语言



If you require this agenda in **large print** or another format  
please call us on **01246 217753** Text No: 07800 00 24 25

If you require an adjustment to enable you to participate in or access the meeting  
please contact the Governance Team at least 72 hours before the meeting starts.

## **PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON TUESDAY, 26 JULY 2022**

#### **Present:**

Councillor Diana Ruff (Chair) (in the Chair)  
Councillor Alan Powell (Vice-Chair)

Councillor Pat Antcliff  
Councillor Peter Elliott  
Councillor Roger Hall  
Councillor Maggie Jones  
Councillor Kathy Rouse

Councillor Andrew Cooper  
Councillor Mark Foster  
Councillor David Hancock  
Councillor Heather Liggett

#### **Also Present:**

R Purcell	Assistant Director of Planning
E Cartwright	Senior Planning Officer
P Slater	Principal Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
L Ingram	Legal Team Manager - Contentious Team
M E Derbyshire	Members ICT & Training Officer
A Bond	Governance Officer
A Maher	Interim Governance Manager

#### **PLA/ Apologies for Absence and Substitutions** **20/2**

**2-23** Apologies for absence were received from Councillor W Armitage, who was substituted by Councillor P Antcliff. Apologies for absence were also received by Councillor L Hartshorne.

#### **PLA/ Declarations of Interest** **21/2**

**2-23** There were no Declarations of Interest.

#### **PLA/ Minutes of the Last Meeting** **22/2**

**2-23** The minutes of the meeting held on Tuesday 26 July 2022 were approved as a true record.

#### **PLA/ NED/22/00519/FL - CLAY CROSS** **23/2**

**2-23** The report to Committee explained that an Application had been submitted for the change of use of a commercial unit at the Church View Business Park, Clay Cross, into a pet crematorium (sui generis use). The Application also included an associated flue, warehousing and offices. This was a revised scheme of application 22/00195/FL, for which planning permission had not been granted. It had been referred to Committee by Councillor R Shipman, who had raised issues about it.

Planning Committee was recommended to refuse the Application. The report to

Committee explained the reasons for this.

Members were reminded that the site was located in the Church View Business Park, which formed part of the Coney Green 'Principal Employment Area'. These areas had been designated across the District for general industry, storage and distribution, light industrial and research and development purposes. Through the Local Plan, the Council sought to prevent them being used for other activities. These other activities, it was explained, should only be allowed if they were ancillary to the main use of the site and if they would not prejudice its future functioning or the viability of employment use on the site or nearby employment sites.

Officers had concluded that the proposed pet crematorium would not fall into one of these industrial categories or be an ancillary activity. Consequently, locating the facility on the site would be an inappropriate use. In particular, they were concerned about the impact which the facility would have on the rest of the Business Park and whether it might discourage other suitable industrial users from locating or remaining there.

Before the Committee discussed the Application those registered to speak were asked to address the Committee. R Slack, the Applicant and C Stainton, the Agent for the Application, spoke in support of it. No one had registered to speak against the Application.

Planning Committee considered the Application. It took into account the relevant Planning Issues, including the Principle of Development and the location of the site within the defined settlement limit for Clay Cross. Committee considered the status of the Church View Business Park as part of the Coney Green Principal Employment Area. It took into account Local Plan Policy WC2, which sets out the Council's approach to protecting Principal Employment Areas for use for 'Class B' development, such as general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E(g), only. It also considered Local Plan Policy WC3, which covers other commercial uses.

Members discussed the report. They heard about the scope of the business, the likely volume of cremations it would undertake and the processes involved, including the emissions of heat and other by-products. Members considered existing industrial uses within the business park and whether these fell into the categories covered by 'Class B'. They also discussed how they differed from uses on neighbouring, but separate, sites, which had not been designated as Principal Employment Areas.

Some Members queried whether in terms of the Council's planning policies the proposed crematorium could be classed as an appropriate development for the Church View Business Park site. They questioned whether it should be located on another site, designated for non-Class B industrial uses, as defined under Local Plan Policy WC3. Members also heard about the difficulties which the Applicants had experienced in identifying suitable alternative accommodation for their business. Committee reflected on whether this would be a sufficient reason not to comply with Local Plan Policy WC2 and what the implications of using a Principal Employment Areas for other commercial activities might be.

At the conclusion of the discussion, Councillor R Hall and Councillor D Ruff moved and seconded a motion to approve officer recommendations and to reject the Application.

The motion was put to the vote and was approved.

## RESOLVED

That the Application be refused, in line with officer recommendations.

## Reasons

The application site is situated within the Coney Green Principal Employment Area.

Local Plan Policy WC2 sets out the Council's approach to protecting the Principal Employment Areas within the District. The policy protects these areas for general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E (g)) only. Other employment generating uses will only be permitted in these Principal Employment Areas where they would both be ancillary to the main use on the application site and would not prejudice the future functioning or viability of employment use on the site or nearby employment sites.

The sites identified in policy WC2 are so noted due to the important contribution the sites make to the local and strategic portfolio of B Class employment and it seeks to retain them for this purpose rather than for other peripheral commercial uses not directly falling within the normal commercial and employment uses. Importantly it provides areas where such uses can operate without the risk of causing undue noise and disturbance to neighbouring uses.

The proposal seeks a change of use to a Pet Crematorium (Sui Generis use). The use of the site for this purpose would be directly contrary to the provisions of the Development Plan, prejudice the Council's ability to deliver commercial development on appropriate sites and reduce the Council's employment land through its use for other non-mainstreamed commercial uses.

There are no other material considerations to outweigh the harm caused to the development plan and so the application is unacceptable and contrary to policy WC2 of the North East Derbyshire Local Plan.

### **PLA/ NED/22/00508/FL - HIGHAM**

**24/2**

**2-23**

The report to Committee explained that an Application had been submitted to remove Condition 12 (Removal of Permitted Development), pursuant to 97/00521/FL at The Barn Corner Farm, Main Road, in Higham. The Application had been referred to Committee by Councillor R Shipman, who had raised concerns about it.

Planning Committee was recommended to refuse the Application. The report to Committee explained the reasons for this.

Members were informed that the property had been designated as a Heritage Asset. They were advised that the Condition had allowed the Council, as Local Planning Authority, to consider and if necessary prevent developments that would have an adverse impact on it. Officers felt that that this Condition protected the Heritage Asset, that it continued to be reasonable and that it should be retained. The report also pointed out that the Condition was in line with the National Planning Policy Framework (NPPF) and the relevant Local Plan Policies.

Before the Committee discussed the Application the Applicant, F Cropper, spoke in support of it. No one had registered to speak against the Application.

Committee considered the Application. It took into account the relevant Planning Issues. These included the Principle of Development, which had been accepted with the grant of planning permission under Planning Reference 97/00521/FL. Committee considered the location of the property within the Settlement Development Limits (SDL) for Higham. It took into account Local Plan Policies SS1 and SDC5, which seek to ensure that any proposals protect the character, quality and setting of towns and villages and heritage assets. Committee considered Local Plan Policies SS7 and SDC12, which seek to ensure that proposals are appropriate in scale, design and location and are in keeping with the surrounding area.

Members discussed the Application. They reflected on the location in a Conservation Area and on what impact inappropriate developments at the property might have. They noted that applications for planning permission to carry out specific developments would still be required, even if Condition 12, Removal of Permitted Development, was rescinded, so that inappropriate changes could be prevented.

At the conclusion of the discussion, Councillor D Ruff and Councillor A Powell moved and seconded a motion to approve officer recommendations and to reject the Application. The motion was put to the vote and was approved.

## RESOLVED

That the Application be refused, in line with officer recommendations.

## Reasons

The removal of the permitted development rights described under condition 12 of planning permission NED/97/00521/FL relates to a former barn and workshop which has been converted to a residential dwelling. The building lies within the Higham Conservation Area and is part of a former traditional farmstead, which forms part of the historic environment, and is considered to be of significance within the Higham Conservation Area.

The removal of the permitted development rights remain justified in order for the Local Planning Authority to retain control of any additions to the building ensuring

the continuing protection of the historic character of this former farm building and its setting within the Conservation Area. To grant permission for the removal of this condition would be contrary to policies LC5, SDC5 and SDC12 of the North East Derbyshire Local Plan.

**PLA/ Planning Appeals - Lodged and Determined**

**25/2**

**2-23**

Committee that two appeals had been lodged, one appeal had been allowed and one appeal had been refused. Members asked and received clarification on specific aspects of the appeals.

**PLA/ Matters of Urgency**

**26/2**

**2-23**

None



## PLANNING COMMITTEE – 23<sup>rd</sup> August 2022.

**REFERENCE NUMBER:** 21/00214/FL      Application Expiry Date: 26.08.2022

**Application Type:** Full Planning Permission

**Proposal Description:** Application for retention of use of café for general café use and the retention of the existing café building as currently built (Amended Plans / Amended Title)

**At:** Lakeside Café, Fishing Ponds, Keepers Lane, Barlow

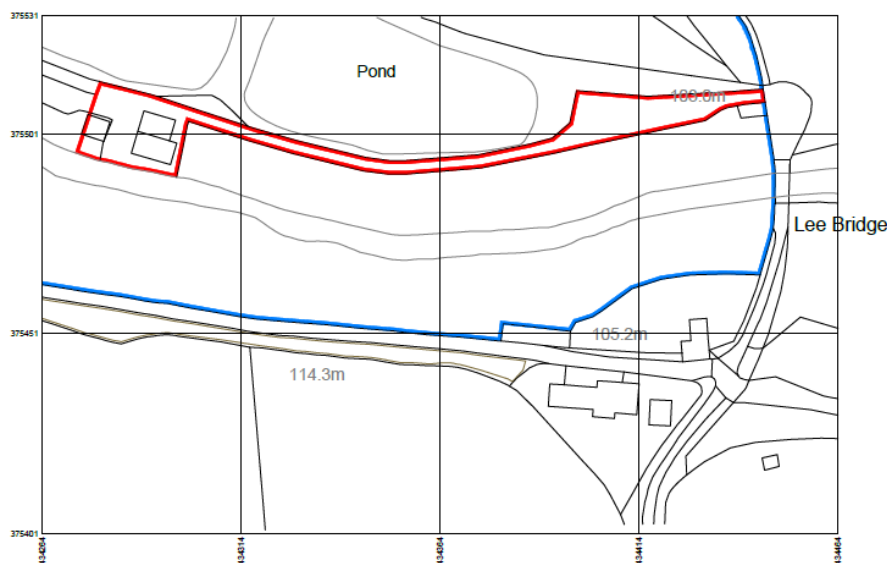
**For:** Lakeside Cafe C/o Agent

**Third Party**      74      **Parish:**      Barlow Parish

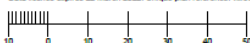
**Reps:**      **Ward Name:**      Barlow and Holmesfield Ward

**Author of**      Colin Wilson      **Date of**      11.08.2022  
**Report:**      **Report:**

**MAIN RECOMMENDATION:**      **Approve Planning Permission**



Produced on 22 March 2021 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.  
This map shows the area bounded by 434264 375401, 43466 375404, 43466 375531, 434264 375530, 434264 375459, 434264 375401  
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.  
Crown copyright 2021. Supplied by copita ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).  
Data licence expires 22 March 2022. Unique plan reference: vs/597873/811020



## **1.0 Reason for Report**

- 1.1 The application has been referred to Planning Committee by the Planning Manager in view of the complex planning issues raised by this application.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The site comprises of fishing lakes and associated land within countryside to the east of Barlow. The specific site of the application comprises a range of buildings on the southern banks of the fishing lakes. The buildings subject of this application comprise a café and attached tackle shop.
- 2.2 In terms of the site constraints, the site is situated within open countryside designated as North East Derbyshire Green Belt. The site is situated within a Designated Wildlife Site, identified as Commonsides Ponds. In addition, the site is located within a Development High Risk Area for coal mining legacy issues, and within Flood Zones 2 and 3.
- 2.3 The fishing lakes and application buildings are accessed via an existing vehicular access off the main highway network. The access is taken from a track which joins Keepers Lane and Smeltinghouse Lane. The track crosses Barlow Brook via a Grade II listed bridge known as Lee Bridge, and is a designated Public Right of Way (Barlow Bridleway 49). Keepers Lane and Smeltinghouse Lane also form Public Rights of Way (Barlow Bridleways 48 and 49 respectively).

### **Proposals**

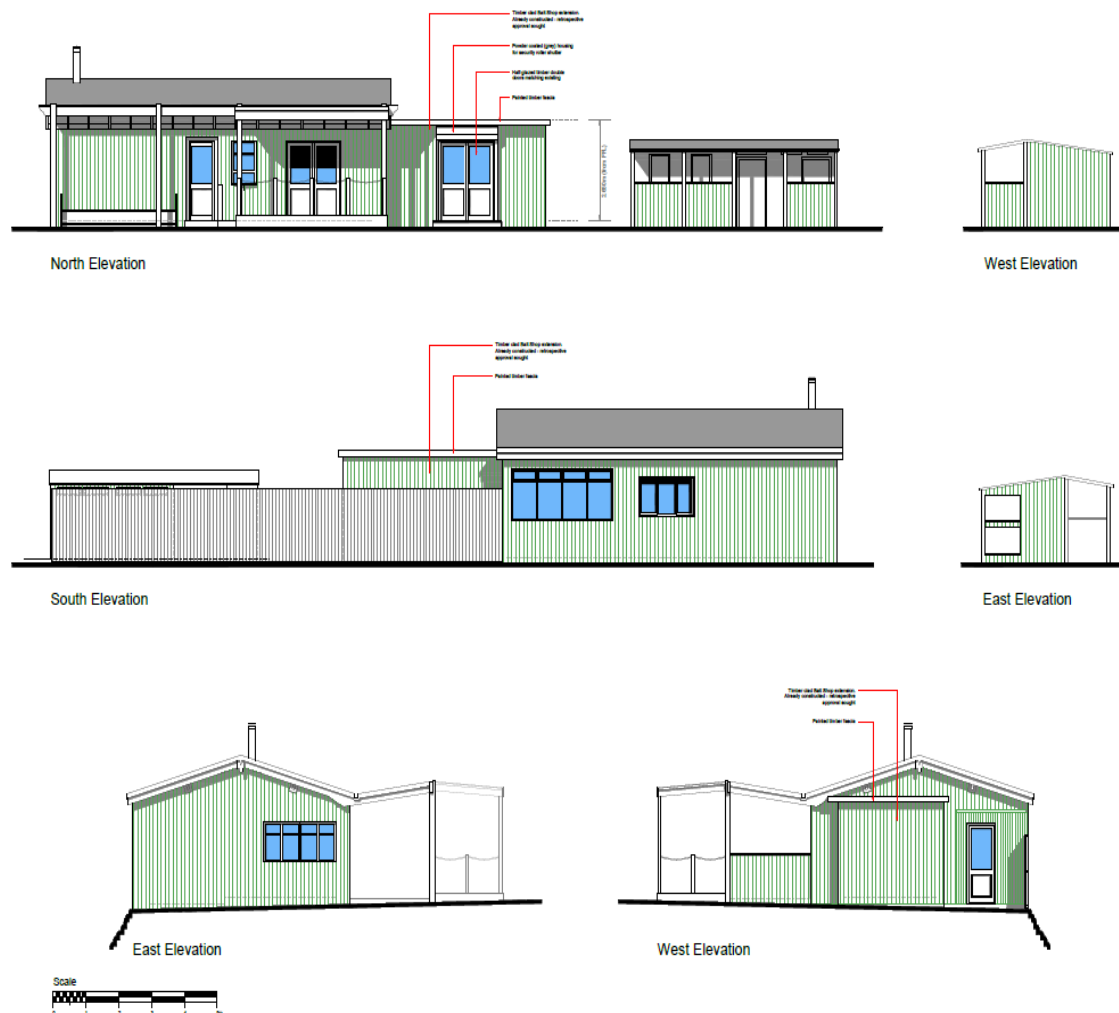
- 2.4 As amended, full planning permission is sought for the retention of the existing buildings, including a veranda, for the use as a general café to serve members of the public, and a tackle shop associated with the fishing lakes.
- 2.5 The proposals now seek to retain the building(s) as built. The application buildings have been subject to a planning enforcement enquiry and subsequently an application for a Lawful Development Certificate (LDC) has been submitted to the Council. The LDC application (reference 21/00944/LDC) was refused under delegated powers on 08.08.2022. A chronology of the development of the site and the findings of the LDC application are set out below in the main assessment (Section 7 of this report).
- 2.6 Full planning permission was initially sought for further extensions of the café building, in addition to what has already been constructed (Fig 1

below). Subsequently, the applicant has submitted amended plans, which omit the initially proposed extensions and, in effect, seek to retain the building as now built (see plans in Fig 2 below for details):

**Fig 1: Initially Proposed Elevational Drawings with Proposed Extensions to the Existing Building (not to scale).**



**Fig 2: Revised Elevational Drawings with the Additional Extensions Omitted (Not to scale).**



2.6 For clarity and the avoidance of doubt, the application is to be assessed on the basis of the amended plans listed below (which were uploaded to the Council's website on 04.08.2022):

- Existing and Proposed Floor Plans (P100 Rev 4)
- Proposed Elevations (P200 Rev 5)
- Location Plan (P400 Rev 3)
- Site Plan (P500 Rev 2)

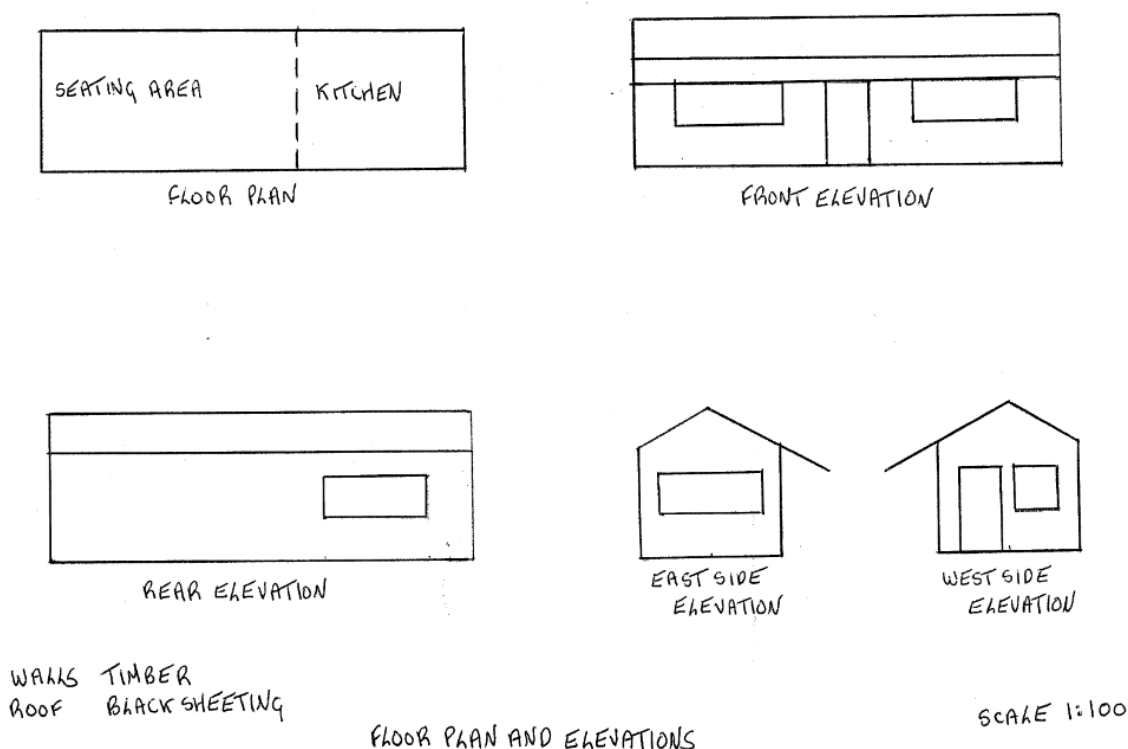
### 3.0 Relevant Planning History

3.1 There are two additional applications relating to the site that are of particular relevance in the assessment of this application:

3.2 Application reference number 12/00468/FL, for the construction of a replacement snack cabin in association with the existing fishing ponds

which was conditionally approved in 2012. One of the conditions of approval restricted the use of the snack cabin to members of the fishing lake only, setting out a requirement that the snack cabin shall not be used by members of the general public. The plans in Fig 3 below detail the structure approved under 12/00468/FL.

Fig 3: NED/12/00468/FL (not to scale)



- 3.3 In addition, an application for a Lawful Development Certificate has been submitted to the Council, making the case that the existing buildings and use are lawful (21/00944/LDC). This application was refused under delegated powers on 08.08.2022 and is referred to in more depth in the Assessment set out in Section 7 of this report.

#### 4.0 Consultation Responses

- 4.1 The **Ward Member** and **Parish Council** were consulted on the application:

The **Ward Member** raised no comments.

The **Parish Council** raised concerns that the application building has doubled in size in a Green Belt area and the proposals are retrospective, which should not be encouraged. The comments added that there will also be traffic issues, as the lane and bridge is narrow this already makes it

difficult for cars to pass when walkers, cyclists, horses etc are using the lane. The Parish Council advised that there will be a need for Highways Officers to consider passing points being established on the lane to improve road safety for everyone who uses it.

- 4.2 **Derbyshire County Council Highways Officers** were consulted on the application, raising comments. See Assessment below for details.
- 4.3 **The Coal Authority** were consulted on the application, raising no objections to the proposed development from a coal mining legacy issue on the basis that the proposals do not appear to require substantial foundations or earthworks.
- 4.4 **Derbyshire Wildlife Trust (DWT)** were consulted on the application and raised no objections to the proposed development from a biodiversity viewpoint. The DWT response sets out that the application is retrospective and largely covers alterations to the existing buildings that have already taken place, and consequently ecological survey work is not considered necessary. DWT do encourage all applications to include benefits to biodiversity and suggest that boxes for bats and birds could be installed on the buildings, if appropriate.
- 4.5 **Environment Agency:** No comments received to date.

## **5.0 Representations**

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice. 74 letters of representation were received – the comments raised can be summarised as follows:
  - The café is operating in breach of the previously approved snack cabin, in terms of its use and scale.
  - Environmental protection and residential amenity concerns arising from the café.
  - Highway safety concerns, given the single width nature of the access roads in the vicinity of the site and the increases in vehicular movements associated with the café.
  - Access should be taken from Overlees or Mill Farm to avoid increased vehicular trips along Keepers Lane.
  - Impact on the Grade II Listed bridge (Lee Bridge).
  - Support for the café as an asset to the locality and the wider improvements being made on the site.
  - The café would be a loss to the local community, if removed.

Officer Note: the representations received have been summarised for the purposes of this report and can be viewed in full via the Council's website.

- 5.2 Members should be aware that the recently received amended plans, for sake of completeness and transparency, have been advertised and comments requested accordingly. However, as the plans show a building of a reduced size from that previously applied for, the receipt and consideration of these amended plans at this stage in any case is not considered at all prejudicial to any interested party.

## **6.0 Relevant Policy and Strategic Context**

### North East Derbyshire District Local Plan

- 6.1 The North East Derbyshire Local Plan (2014 - 2034) forms the Development Plan for the area. The Local Plan policies most relevant to the proposals are set out below:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SS10 North East Derbyshire Green Belt
- SDC3 Landscape Character
- SDC6 Development Affecting Listed Buildings
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making
- SDC13 Environmental Quality
- ID3 Sustainable Travel
- ID4 New Social Infrastructure

### National Planning Policy Framework

- 6.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

## **7.0 Planning Issues**

### **Site History and Background to the Application**

- 7.1 Planning permission was granted in 1999 for a refreshments building on the site and in 2002 for an extension to it. Both permissions were subject to a planning condition that required the use of the facility to be only in connection with the fishing ponds and that the café should not be available for use by the general public.
- 7.2 The resulting building was completely destroyed by fire in 2012.
- 7.3 Planning permission was then granted (in 2012) for a replacement snack cabin subject to the limiting condition on use, as was imposed on the earlier permissions. However, the 2012 permission was not implemented. A different, larger building was constructed instead and substantially

completed by December 2012. The new building was, as such, unauthorised.

- 7.4 In 2020 complaints about an increase in traffic and activity associated with the café were made to the Council. A tackle shop and veranda extension had also been constructed. It also came to light then that the café building was larger than originally approved and, in any case, not that which had been granted permission in 2012.
- 7.5 The planning application, subject of this report, was submitted seeking to retain the use, the building and extensions, and to further extend the building. An LDC application for the café (as built in 2012) then followed and has subsequently been refused under officer delegated powers as set out above.

### **The Café Building**

- 7.6 The café building was built without planning permission and substantially completed in December 2012. S171B(1) of the Act<sup>1</sup> provides that where there has been a breach of planning control consisting in the carrying out of a building operation the time period for enforcement is four years which, in this case, would have been by December 2016.
- 7.7 Enforcement action against the café as a “building operation” would not now be possible as the four year period has long expired.

### **The Café Use**

- 7.8 As the café building was not substantially completed until December 2012, it therefore follows that the café “use”, which the building facilitates, could not have commenced until December 2012.
- 7.9 S171B(3) of the Act provides that where there has been a change of use of land the relevant time period for taking enforcement action is 10 years i.e. in this case until December 2022. Therefore enforcement action could still be taken in respect of the café use.
- 7.10 Some form of snack facility has operated [intermittently] on the land since 1999 and the Council has previously granted permission (limited by conditions) for such a use. The possibility of another permission for a limited café use cannot, therefore, be ruled out. However, if the unauthorised café is allowed to go unchallenged, use rights will accrue and the café could then operate in an unencumbered manner (i.e. without planning conditions).

---

<sup>1</sup> Town and Country Planning Act 1990 (as amended)



- 7.11 An enforcement notice against a “use” can also require the removal of the operational development that facilitates it, even if more than 4 years have passed<sup>2</sup> [the *Murfitt* principle].
- 7.12 The *Murfitt* principle was examined in some depth in the later *Welwyn*<sup>3</sup> case. In *Welwyn*, the judge expressed the opinion that when a local planning authority has allowed the four year period for enforcement against the building to pass, principles of fairness and good governance could, in appropriate circumstances, preclude it from subsequently taking enforcement action against it.
- 7.13 In this case, the possibility of planning permission being granted for an alternative more restricted use of the building cannot be ruled out. Consequently, it is considered that a requirement to remove the building would be a disproportionate response and contrary to the principles of fairness and good governance. Therefore, whilst the LDC application has been refused, as the building has not been in situ supporting the use for an unbroken period of 10 years, the requirement to seek the removal of the existing building is not considered expedient in the overall circumstances of this case as set out above.

### **Breach of Condition**

- 7.14 There is some evidence, over the period 1999-2012, of refreshments being served to the wider public in breach of the limiting condition. However, the possibility for enforcing that condition would have been lost at the time that the building was destroyed by fire in 2012.
- 7.15 The 2012 permission for a replacement café had a similar limiting condition but that condition could only have been enforced if the permission had been implemented. The permission was not implemented and is now time expired.
- 7.16 The café as now operates is open to the wider public but there are no conditions that attach to it because it was an unauthorised building and built without planning permission. In light of the above, a “breach of condition” enforcement notice is not considered an option in this case.

### **Covered Veranda**

- 7.17 A decked covered veranda area to the café was constructed in 2020 without planning permission. The structure is unauthorised and open to enforcement action.

---

<sup>2</sup> This is known as the “Murfitt” principle pursuant to the case of *Murfitt v SSE & East Cambridge DC* [1980].

<sup>3</sup> *Welwyn Hatfield BC v SSCLG & Beesley* [2011] UKSC 15.

- 7.18 If the main café building is allowed to stay, however, then the main café building would be regarded as the “original building” for Green Belt planning policy purposes. The veranda extension is not considered to be a disproportionate addition and, therefore, would not be inappropriate development in the Green Belt when considered against NPPF paragraph 149(c) and LP policy SS10.
- 7.19 Being constructed of dark stained timber matching the main building and positioned on an existing paved area where there is other outdoor seating the veranda is not considered visually out of keeping with the building or the area more generally.
- 7.20 It is therefore considered (when setting aside the matter of use) that the veranda as an extension to the building is acceptable on its planning merits and that it would not be expedient to enforce against it.

### **Tackle Shop/Office**

- 7.21 Another small extension, of similar construction, has been attached to the side of the café building. It is used as a booking office for the fishery and also for the sale of small items of tackle that may be needed by anglers using the fishery. Insofar as its use is concerned, at its present level, the tackle shop/office is in effect part of the fishery use. Neither is the building considered out of keeping with the fishery and the other buildings visually.
- 7.22 Green Belt policy (NPPF para 149b) and LP policy SS10 2b)) states that appropriate facilities for outdoor sport and recreation in the Green Belt are not inappropriate development in the Green Belt so long as openness is preserved and there is no conflict with Green Belt purpose.
- 7.23 The building is of small scale attaching to the café and positioned between the café and toilet block. It does not appear as an encroachment into the surrounding countryside and is considered therefore to preserve the visual aspect of Green Belt openness.
- 7.24 In its spatial aspect the building adds a little in volume. However, it is not considered as a disproportionate addition to the existing café building even when taken together with the veranda extension. It is therefore in these terms not inappropriate development in the Green Belt under NPPF para 149c) and SS10 2c).
- 7.25 In all these circumstances it is considered that the tackle shop/office building is acceptable on its planning merits and that it would not be expedient to enforce against it.

### **Principle of Development (Green Belt)**

- 7.26 The current application, as amended, seeks full planning permission for the retention of the existing buildings occupying the site, for a general café use (i.e. not restricted for the use of those using the fishing lakes only). As set out above, the application has been amended by the applicant and seeks no further material changes to the buildings already in situ on the site.
- 7.27 Based on the Council's conclusions on the LDC application and the planning merits of the matter (as set out above in Paragraphs 7.1 – 7.25 of this report), Officers consider that seeking to remove the building from the site would be a disproportionate course of action, contrary to the principles of fairness and good governance. Consequently, Officers are of the view that an application to regularise the existing building (and so allow its retention) and its use is acceptable in principle. Having reached the decision that removal of the building would not be warranted, Officers are satisfied that the application, which also seeks to retain the buildings in their current form, would not result in any further harm to the Green Belt by way of inappropriateness, or conflict with the fundamental reasons for including land in Green Belt.

### **Impacts of the Proposed Use of the Building as a general Café**

- 7.28 Officers are of the view that the use of the existing building as a café would not be inappropriate in Green Belt terms. The re-use of existing buildings is an identified exemption to inappropriate development. Therefore, Officers have no reason to conclude that a café use would conflict with applicable Local Plan and NPPF policies pertaining to development in the Green Belt.

### **Residential Amenity**

- 7.29 The building subject of this application is situated approximately 100m from the nearest neighbouring property. The intervening land between the site and properties in the locality comprises a band of dense woodland on the banks of Barlow Brook. Officers are of the view that the relationship between a café use and the nearby residential uses would not give rise to unacceptable harm in terms of noise, odours or nuisance, and is therefore considered acceptable. The applicant proposes café opening hours of 7am to 5pm (on any day). Officers consider that a condition of approval to control the opening hours of the café, to those applied for, would further mitigate any potential impacts on residential amenity levels in the vicinity of the site and restrict any evening opening.
- 7.30 Some concerns have been expressed by local residents regarding disamenity caused by increased vehicular movements associated with the café use. Officers acknowledge that it is likely that some increase in vehicular movements has/will arise as a consequence of the café being open to the general public. However, in the context of the existing traffic

generating use of the site (fishing lakes) and the modest scale of the café, both as originally approved and now, which this application seeks to retain, it is not considered that any significantly harmful amenity impacts would arise by way of increased vehicular movements in the locality.

- 7.31 Based on the above considerations, Officers have no reason to conclude that the proposed development would result in any unacceptable impacts on neighbouring/residential amenity in the locality.

### **Highway Safety**

- 7.32 Policy ID3 of the North East Derbyshire Local Plan and NPPF Paragraph 111 state 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 would be severe.
- 7.33 Derbyshire County Council (DCC) Highways Officers were consulted on the application.
- 7.34 In their initial consultation response, DCC Highways Officers set out that as a result of this proposal, the gross internal area of the building would be increased approximately from 55sqm to 91sqm. Officer Note: The amended scheme now seeks no further extension of the application buildings.
- 7.35 DCC advised that the proposed increase in the size of the existing café is not significant and does not appear to result in the intensification of the use of the access/highway. DCC went on to advise that the applicant, however, needs to confirm the existing and the proposed car parking spaces at the proposed site, and access to the site, should be shown on the revised plan.
- 7.36 Upon receipt of additional details submitted by the applicant, DCC Highways Officers provided additional comments advising that the access road [to the café] is single-width up to most of its length and 5.5m wide at the junction with Smeltinghouse Lane, without having passing places and does not appear suitable for the two-way traffic movements. DCC added that the track provides access to a number of sustainable transport users and parking to vehicles, and in this context, the PROW route must remain unobstructed at all the time in the interest of highway safety.
- 7.37 In light of the above, DCC Highways Officers set out recommendations for track widening and the introduction of passing places. It was also recommended that the first 10m of the private access road from Smeltinghouse Lane be widened to 5m to avoid vehicles waiting on the main road if another vehicle is using the track on the site.

- 7.38 In this instance, Officers are of the view that the café use comprises a capacity limited by its scale, and the site comprises an existing traffic generating use (the fishing lakes). In this case, Officers consider that a planning condition, in line with DCC recommendations, to require that the first 10m of the private access road from Smeltinghouse Lane be widened to 5m would be reasonable and necessary, in the interests of highway safety and avoid vehicles waiting on the main highway. Such a condition is considered by Officers to provide sufficient mitigation for any increases in vehicular visits to the site. However, the other requirements are not considered necessary in terms of highway safety and would merely assist in avoiding inconvenience within and on the site whilst impacting harmfully on the character of the site by introducing additional hard standing and surfacing within it.
- 7.39 In light of the above, Officers are of the view that the retention of the existing buildings, to be used as a café and tackle shop, would not result in any unacceptable highway safety harm within the vicinity of the site, subject to a condition requiring the track/access closest to the public highway to be widened. Therefore, in these terms, it is considered that the proposals accord with the relevant parts of Local Plan Policy ID3 and Paragraph 111 of the NPPF.

#### **Impacts of the Proposed Development on the Grade II Listed Lee Bridge**

- 7.40 Lee Bridge is situated approximately 150m to the east of the application buildings on the private access track serving the site. The Historic England Listing details identify an *“early C18 [bridge], with date stone to arch lining which apparently reads '1722' with C19 alterations. Rubble Coal Measures sandstone, with ashlar voussoirs and arch linings, and massive squared coping blocks. Single-arch bridge, with semi-circular arch, splayed abutments and crudely cantilevered parapet walls. A former packhorse bridge on the old route between the village of Barlow and the town of Dronfield, the bridge was widened in the C 19 to take wheeled traffic. A substantially complete example of rural bridge 'engineering', the design of which anticipates the form of the canal bridge of the late C18.”*
- 7.41 Policy SDC6 of the adopted North East Derbyshire Local Plan relates to development affecting Listed Buildings. The Policy states that proposals for alterations to or changes of use of a listed building will be supported where they preserve the significance of the heritage asset and its setting including impacts on the character, architectural merit or historic interest of the building. Proposals should use materials, layout, architectural features, scale and design that respond to and do not detract from the listed building.
- 7.42 Officers are of the view that the impact of the buildings which this application seeks to retain, on the setting of the Listed Building would be

negligible. Although the site is accessed via Lee Bridge, the application buildings are not seen in the context of the bridge and are not considered by Officers to detract from its significance as a heritage asset.

- 7.43 Officers have no evidence that the increased vehicular movements generated by the café would lead to harm to the significance of the heritage asset. Responsibility for the maintenance and upkeep of the bridge lies with the landowner.

### **Other Matters**

- 7.44 The comments of the Coal Authority and DWT are noted. These raise no additional issues.

### **Conclusion**

- 7.45 It is noted that the LDC application has been refused in respect of the café building. However, for the reasons set out above that matter stands alone and does not need to fetter the taking of enforcement action or the determination of this application.
- 7.46 The expediency of taking enforcement action against the existing building is discussed at paragraphs 7.12 and 7.13 and, for the reasons set out, Officers do not consider it expedient or appropriate to take action to secure the removal of the buildings in situ.
- 7.47 The application originally sought consent to not only retain the building as is, including the tackle shop and veranda but also to add further extensions. These further elements have now been removed from the application and Officers contend that the two extensions for which consent is now sought, the verandah and tackle shop, both represent not inappropriate development in this Green Belt location and, by reason of their scale and construction, acceptable development in the countryside. As such, it is concluded that enforcement action is not expedient or appropriate against them and that planning consent should also be granted for their retention.
- 7.48 There are not considered any technical reasons why planning consent should not be granted. Officers are of the view that, subject to conditions, there would be no harmful impacts caused to the highway network, and potentially only inconvenience off it. Consequently, further on site hard surfacing in the form of passing paces are deemed to be unnecessary and potentially harmful to the character of the area.
- 7.49 There is no proven harm caused to the heritage assets on the site.
- 7.50 Overall, and in closing. Officers conclude it is not expedient to seek the removal of the as built café building and following from that, the ongoing

use is acceptable as is the retention of the two additional structures, the verandah and tackle shop. Accordingly, it is recommended that permission is granted subject to conditions as explained in the report.

## **8.0 Recommendation**

### **8.1 GRANT Full Planning Permission subject to the following conditions with the final wording and content of the conditions delegated to the Planning Manager (Development Management):.**

1 The development hereby permitted shall be started within 3 years from the date of this permission.

(To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990)

2 The development hereby approved shall be carried out and retained in accordance with the amended plans listed below (which were uploaded to the Council's website on 04.08.2022), unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures and unless otherwise required by any condition contained in this decision notice:

- Existing and Proposed Floor Plans (P100 Rev 4)
- Proposed Elevations (P200 Rev 5)
- Location Plan (P400 Rev 3)
- Site Plan (P500 Rev 2)

(Reason: for clarity and the avoidance of doubt)

3) The café hereby approved shall only be open to public between the hours of 07:00 to 17:00 on any day.

(As applied for and in the interests of preserving the amenity levels currently enjoyed by the occupiers of nearby properties).

4) Within 84 days of the permission hereby granted, the first 10m of the private access road from Smeltinghouse Lane shall be widened to 5m. The widened track shall be retained as such thereafter.

(In the interest of highway safety)

## PLANNING COMMITTEE – 23 August 2022

**REFERENCE NUMBER:** 22/00618/FL      Application Expiry      8<sup>TH</sup> August  
Date:      2022

Application Type:      Full Planning Permission

Proposal      **Retrospective permission for the erection of a new**  
Description:      **agricultural building for storage.**

At:      **Land Opposite 5 To 44 Bowshaw Dronfield**

For:      **Mrs Jennifer Hine**

Third Party Reps: 0      Parish:      Dronfield Parish  
Ward Name:      Dronfield North Ward

Author of      Aspbury Planning      Date of      02/08/22  
Report:      Report:

### MAIN RECOMMENDATION: GRANT PERMISSION



Fig 1 : Site Location



## 1.0 Reason for Report

- 1.1 The application has been called in by Councillor Philip Wright, to assess the impact of the building on the character of the area.

## 2.0 Proposal and Background

- 2.1 The proposal has been submitted as a retrospective application seeking permission to retain an agricultural building for storage and animal shelter (Fig 2 below). The dimensions of the building are 12m x 6m (72m<sup>2</sup> floor area) and 3m height.

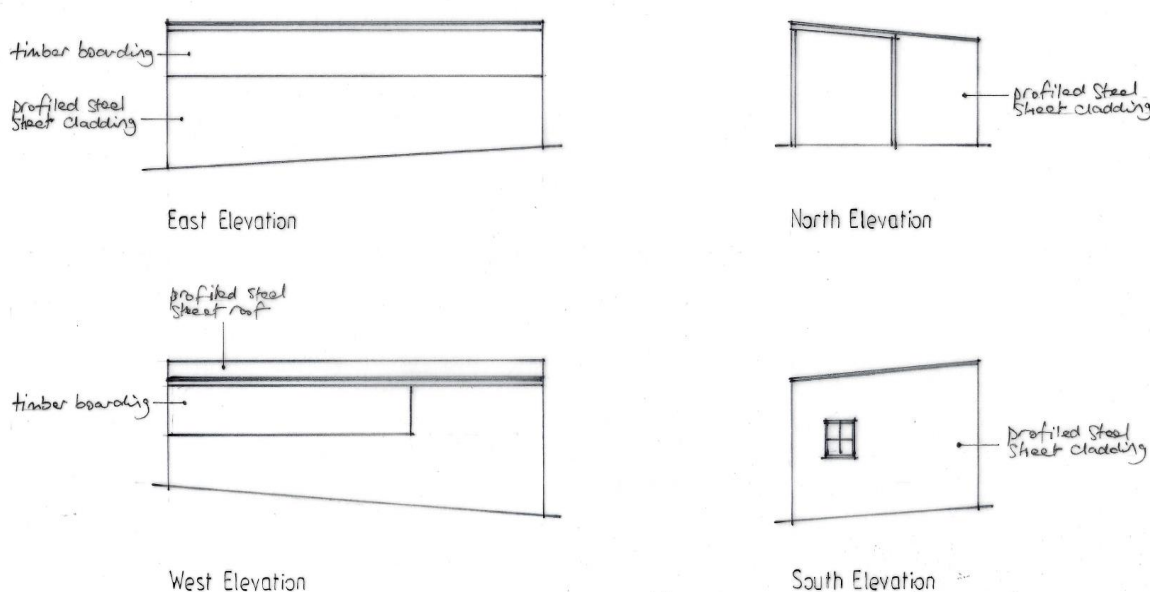


Fig 2: Building subject of the application (not to scale)

- 2.2 The site lies outside the Settlement Development Limits for Dronfield on land to the north of the settlement. The site lies on the eastern side of the B6057 Sheffield Road. On the west side of the road there is a linear stretch of properties known as Bowshaw (see Fig 3 below).
- 2.3 The site is located within the North East Derbyshire Green Belt, and an Area of Primary Environmental Sensitivity where the landscape type is Wooded Hills & Valleys.
- 2.4 The site comprises an agricultural field currently used for grazing sheep. The site is accessed via an existing gated agricultural access to the field (see Fig. 4 below).

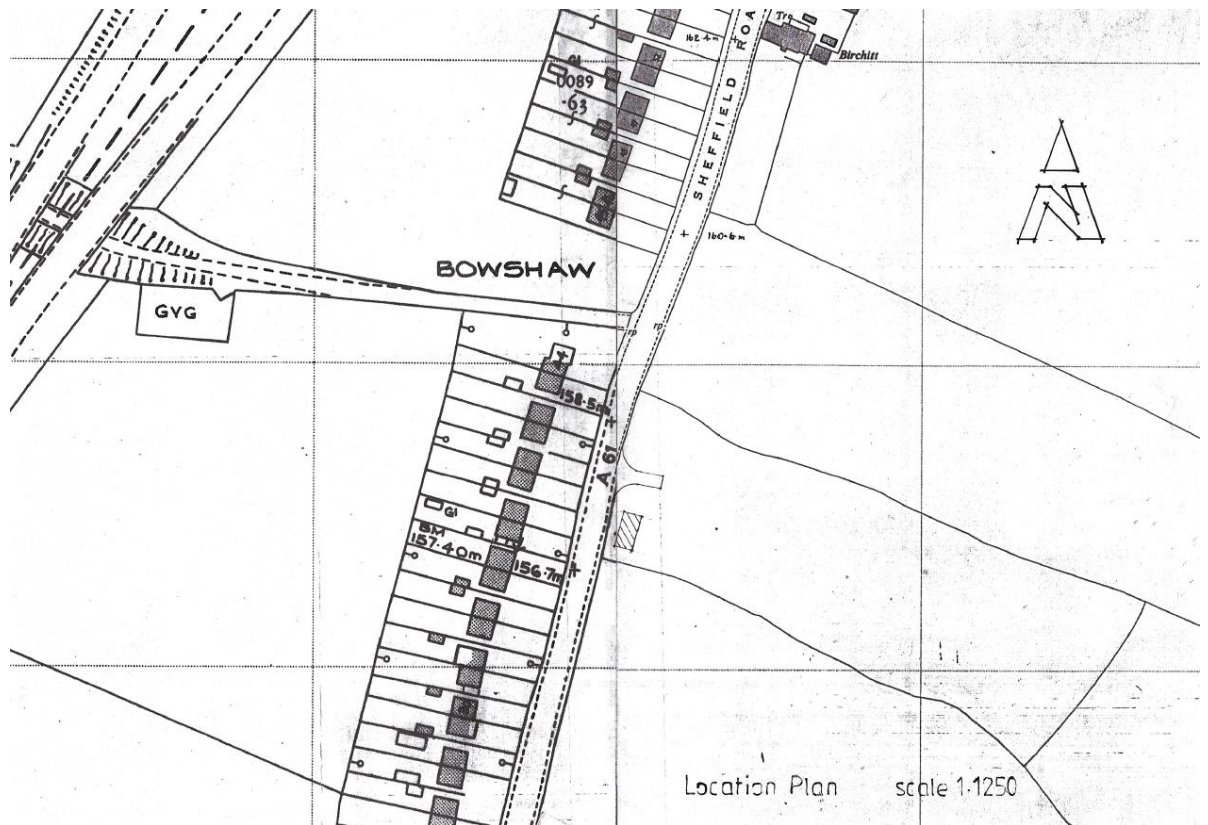


Fig 3; Location of building (not to scale)

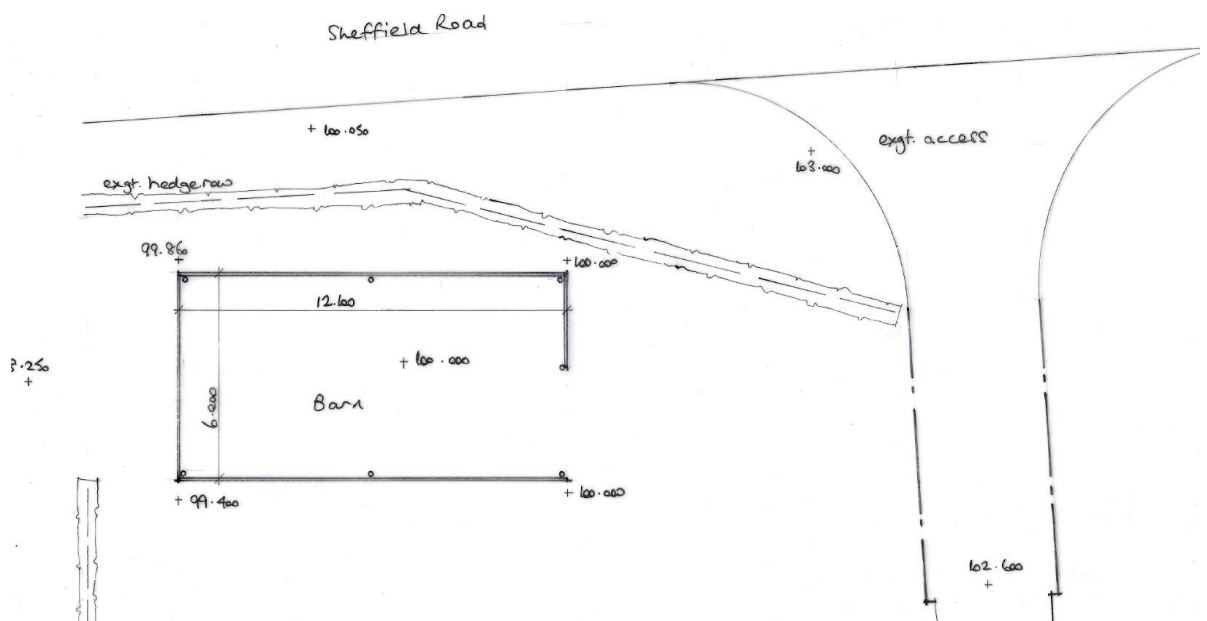


Fig 4: Building and access

- 2.5 Permission to retain the building is sought to support the ongoing agricultural use of the land holding. The building is needed especially during the lambing season for the welfare of animals to provide shelter.
- 2.6 The location of the building has been considered as the most appropriate

by the applicant due to the variation in site levels across the field and the location of the River Drone which runs across the southeast boundary of the site.

### **3.0 Relevant Planning History**

3.1 None relevant.

### **4.0 Consultation Responses**

4.1 Ward Councillor: Request for application to be heard by planning committee to assess the impact of the building on the character of the area.

4.2 Dronfield Parish Council – No comment

4.3 Environmental Health Officer – no objection.

4.4 Highways Authority - No highway objection on the basis the building is used for agricultural purposes only, in support of existing farming activities carried out on surrounding controlled farmland.

### **5.0 Representations**

5.1 No nearby neighbours have been individually consulted in accord with normal policies. A site notice was posted on the gate at the entrance to the site on the 1<sup>st</sup> July 2022. As a result, no representations have been received.

### **6.0 Relevant Policy and Strategic Context**

6.1 The Development Plan comprises the Local Plan and the Neighbourhood Plan. The most relevant policies are considered to be as follows:

#### **North East Derbyshire Local Plan**

SS1 -	Sustainable Development
SS2 -	Spatial Strategy and the Distribution of Development
SS9 -	Development in the Countryside
SS10 -	North East Derbyshire Green Belt
SDC3 -	Landscape Character
SDC12 -	High quality Design and Place-Making
ID3 -	Sustainable Travel

#### **Dronfield Neighbourhood Plan**

ENV1 -	Green Belt
NV2 -	Landscape character
D3 -	Good Design

## **National Planning Policy Framework**

The revised National Planning Policy Framework was published on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives:- economic, social and environmental. These objectives 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).

### **7.0 Planning Issues**

#### **Principle of development**

- 7.1** Planning consent is not required to use land for agricultural purposes. As such, the use of the land, as such, does not require permission.
- 7.2** Local Plan policy SS1 supports sustainable development which protects and enhances the character, quality, and diversity of the district's green infrastructure and local landscapes, and the wider countryside.
- 7.3** Local Plan policy SS9 seeks to ensure that developments in the countryside respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials and falling within certain categories. One of the categories which is acceptable is development which is necessary for the efficient or viable operation of agriculture, horticulture, forestry and other appropriate land-based businesses, including the diversification of activities on an existing farm unit.
- 7.4** Policy SS10 of the Local Plan allows for appropriate development within the Green Belt. Agricultural buildings are deemed appropriate development.
- 7.5** Policy SDC3 of the Local Plan is concerned with the protection of the character, quality, distinctiveness, or sensitivity of the landscape, and protection of important features, views, or other perceptual qualities such as tranquillity. The policy states that proposals should be informed by, and be sympathetic to, the distinctive landscape areas identified in the Derbyshire Landscape Character Assessment and the Areas of Multiple Environmental Sensitivity (AMES), and contribute, where appropriate, to the conservation and enhancement, or restoration and re-creation of the local landscape, taking into account its wider landscape character type.
- 7.6** Local Plan Policy SDC12 seeks to ensure that proposals are of a high quality design and make a positive contribution to the quality of the local environment.

- 7.7** Dronfield Neighbourhood Plan (NP) policy ENV1 has a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.
- 7.8** NP policy NV2 supports development which protects, maintains, and enhances the character of the local landscape.
- 7.9** NP policy D3 states that proposals on the edge of settlements should enhance the local landscape and respect important views into and out of the site.

#### Green Belt

- 7.10** The building is located within the Green Belt. Officers are satisfied that the building is properly used for agricultural purposes, as per the application details, and so the development is not inappropriate in the Green Belt and so its erection is in principle acceptance.

#### Design and Impact on Countryside Considerations

- 7.11** The building is already in situ (see Fig 5 below). It is of a lightweight construction and its materials, timber and profiled steel cladding are as per the photograph below. The roof is profiled steel sheet.



Figure 5 – north facing elevation of building

- 7.12** The building is largely screened from views into the site from the west by the roadside with only the top of the roof visible above it (see Fig 6 below).





Figure 6 – view towards site from northwest.

- 7.13** There are views towards the site from footpath no.31 to the north east (see Fig 7 below). These longer distance vistas are at approximately 250 metres at the closest point, from which the building would be viewed against the backdrop of the aforementioned hedge and the houses on Bowshaw behind it.
- 7.14** In view of this context it is considered that the development represents an acceptable structure in this landscape setting that reflects its use and the wider character and agricultural use of the area.





that which would/could take place on the land.

#### Highway Safety considerations

- 7.21** The development utilises an existing access point from the B6057 Road, and the application does not include any new road infrastructure or additional hard standing. Officers consider it unlikely that vehicular activity increases as a result of the building being located on the site as the field is used for the grazing of sheep and that, or another agricultural use, could take place on the site in any case.
- 7.22** The Highway Authority was consulted on the proposal, and raised no objections on the basis that the buildings would be used for agricultural purposes only.
- 7.23** Officers concur with this advice and it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

#### Land Contamination and Stability Considerations

- 7.24** The Environmental Health Officer was consulted on the application and has no objections to it. The building appears lightweight and would not have involved extensive excavations or groundwork. It is not therefore considered that there would be any disturbance of ground leading to a contamination risk. The intended use for the development is lower risk as it is not directly linked to direct habitation in the form of a dwelling.
- 7.25** In view of the above, it is considered that the proposed development would not lead to any land contamination or instability concerns.

#### Other considerations

- 7.26** The application site is located within Flood Zone 1, which has a low probability of flooding and surface water flooding. There is no non-porous hard surfacing proposed, therefore the natural soakaway to the ground is considered sufficient surface water drainage for the building.

### **8.0 Summary and Conclusion**

- 8.1** It is noted that the use of the building in association with agriculture is an acceptable land use in Green Belt and countryside areas.
- 8.2** In noting the use of the building, the scale, design and siting of the building is also considered to be in keeping with the character and appearance of the surrounding countryside.
- 8.3** Officers conclude that the building does not have an adverse impact on the amenity of nearby residents or neighbouring land uses or any adverse impact on highway safety.

**8.4** It is therefore considered that the proposal accords with the relevant policies of the Development Plan and there are no other factors to outweigh that conclusion.

**9.0 Recommendation**

**9.1** GRANT planning permission for the reasons above subject to the following condition:

**Condition**

1. No external lighting shall be installed on the building hereby approved and the building shall not in any way be artificially illuminated.

## **Planning Committee 23<sup>rd</sup> August 2022**

### **SUMMARY OF LATE COMMENTS/REPORT UPDATE**

The aim of this report is to seek to avoid the need for lengthy verbal updates that Planning Officers have sometimes needed to provide in the past at the Planning Committee. In consultation with the Chair, it has been decided that on the evening before committee a summary of all the late comments/representations received so far will be emailed to the Committee Members by the Governance Team.

It is possible that verbal updates will still be required at the meeting as sometimes comments are received at the last minute or Officers may wish to amend their recommendations: however Officers will seek to keep verbal updates to a minimum.

At the meeting Officers will only refer briefly to any key points of the case in the summary that has been emailed, as well as providing the usual verbal update for any additional last minute items.

If Members have any queries about the comments or the application itself please feel free to contact the relevant case officer given beneath the title of each summary below.

---

**PARISH: Barlow**

**APPLICATION: 21/00214/FL**

**CASE OFFICER: Colin Wilson**

**1. SOURCE OF COMMENTS:** Claire Williams

**DATE RECEIVED:** 10.08.2022

**SUMMARY:**

It is understood that this application is going to planning committee and I would like to highlight some areas which are already in contravention of the issues raised in the consultation response above.

1. "The Highway Authority has undertaken technical checks on the width of the track and note that the access road to the proposed site is of single-width up to most of its length and 5.5m wide at the junction with Smeltinghouse Lane without having passing places and does not appear suitable for the two-way traffic movements"

It is a regular occurrence to meet another car going the opposite direction on Smeltinghouse Lane. There are no passing points for the entirety of the lane. Therefore, in 90% of cases this results in having to reverse around a blind corner at the bottom where the road intersects with Keepers Lane. This is incredibly dangerous. There is no pavement so dog walkers, and ramblers are very vulnerable.

Additionally horse riders and cyclists are also at risk as the reversing car cannot see any road users or hazards around the corner whilst reversing.

2. "... the track provides access to the number of sustainable transport users and parking to vehicles, and in this context, the PROW route must remain unobstructed at all the time in the interest of highway safety."

There simply isn't enough room for all the vehicles on the single track road and PROW. The PROW includes the grade II listed Lea Bridge which is extremely narrow and can only have one vehicle using it at a time. Due to the amount of traffic for the unauthorised development, there is often a queue to go over the bridge/PROW. As can be seen, there is no safe access for any other road users.



3. "The route must remain unobstructed on its legal alignment at all times, and the safety of the public using it must not be prejudiced either during or after development works take place"

The below photograph highlights the contravention of this legal alignment. These cars are stationary awaiting access over the single track bridge to access Lakeside Cafe. This is the intersection between Smeltinghouse/Keepers Lane and the road is totally blocked.







There have been numerous incidents regarding cars, food delivery vans and trucks and other road users.

This is an extremely dangerous situation and the consultation recommendations must be resolved prior to any planning being granted. This is a health and safety issue for all road users and also puts NEDDC and Derbyshire CC Highways at risk if the planning is granted as grave concerns for the safety of the public have been raised.

**2. SOURCE OF COMMENTS:** Mike Murphy

**DATE RECEIVED:** 10.08.2022

**SUMMARY:**

Further to Clare Williams' email.

Having read Syed Akhter's letter to Head of Planning I asked myself why are these people discussing ways on how to retain access to fishing ponds and a cafe that incidentally does not have planning permission, using two single track lanes, a

bridleway and a listed packhorse bridge, when there is a nearby byway (Overlees) leading directly to the ponds and cafe? Why even consider spending taxpayers money on a road widening scheme when there is a ready made alternative?

Both lanes are narrow and twisted and yet traffic can legally travel down each at 60mph: add to that the increase in traffic because the cafe opens to the general public including Friday and Saturday evenings and you have a recipe for a fatality because these lanes are used daily by walkers, children, horse riders and cyclists.

What about the bridleway? it could not be clearer and yet you'll see the cafe flyer pointing the way down the bridleway and across the 18th century listed packhorse bridge, why?





And if that's not enough reason to stop this and insist that Overlees is used as the main access, what about this.







And food delivery trucks.

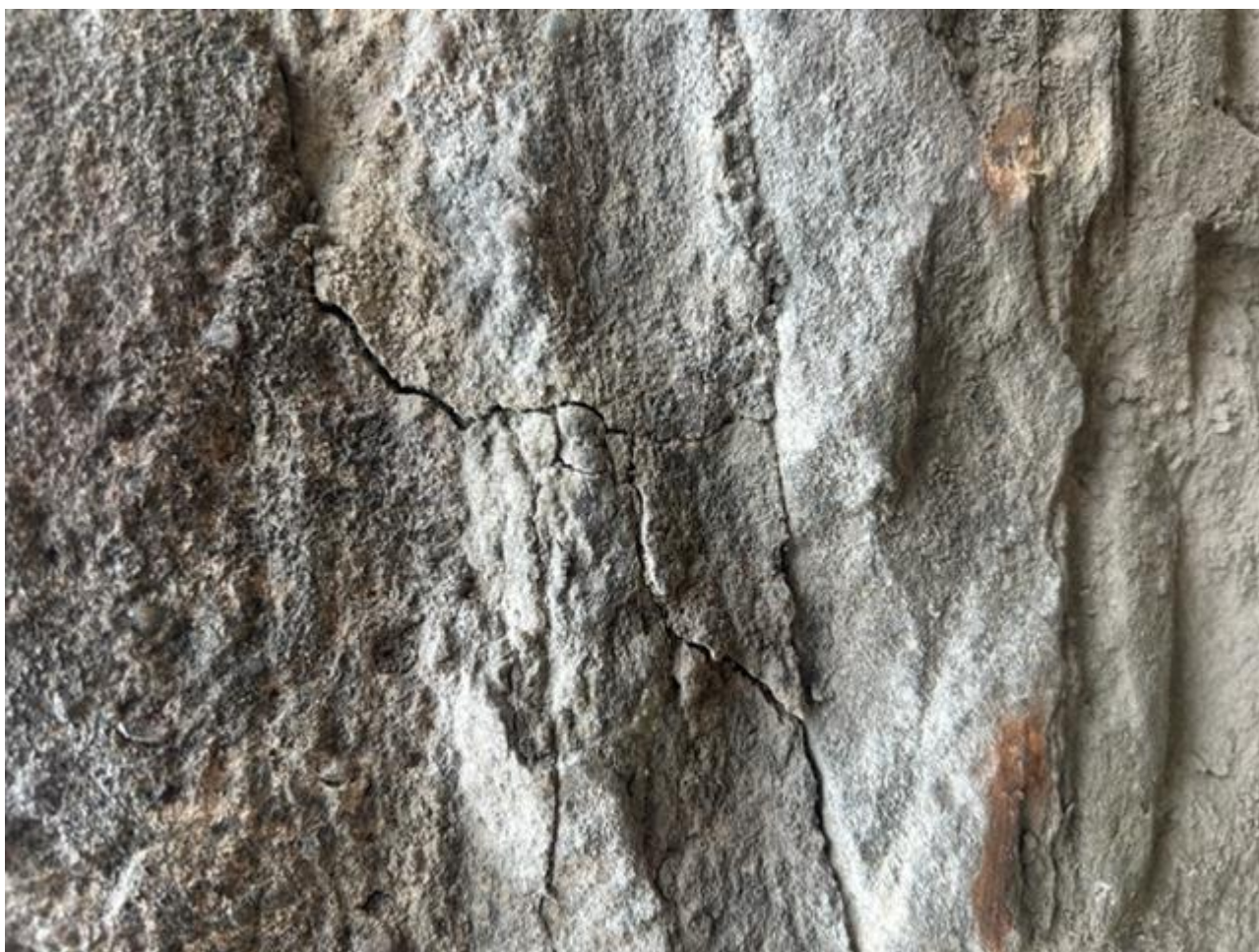




Why bother spending lots of money on restoring and repairing the bridge when this sort of damage happens?







Let's be clear no one wants to ruin the fishing pond businesses but by redirecting the traffic to Overlees the Barlow community can safely use the lanes again.

**3. SOURCE OF COMMENTS:** Mr George Davison, 1 Rutland Terrace, Barlow

**DATE RECEIVED:**

**SUMMARY:**

I have looked at the plans and can see there are 7 parking spaces shown. But as you enter the property there is another carpark on the left which holds many many more vehicles and is not shown on the plans?

**4. SOURCE OF COMMENTS:** Matteo Espinosa (Agent)

**DATE RECEIVED:**

**SUMMARY:**

Thank you for issuing the committee report on the above case.

**Opening hours**

The client has requested that the proposed hours of opening be amended so that they align with current openings in summer.

They respectfully request that these are please amended to the following:

- 07:00 to 18:00 Monday – Thursday and;
- 07:00 to 21:00 Friday – Sunday

**5. SOURCE OF COMMENTS:** Officer comment on the recommended conditions as set out in the Committee report:

**DATE RECEIVED: 15.08.2022**

**SUMMARY:**

Following a review of the recommended conditions Officers recommend the following revisions:

1. **Condition 1** is not necessary as the application is made to retain development already undertaken.
2. Hours of opening.

Officers note the request from the applicant to have hours of opening in excess of those originally requested. Officers are of the view that extending the opening hours to 18:00 on any day would have no greater material impact on the amenity of any nearby residents or the area than allowing the café to open until 17:00.

It is noted that on two days each week, Friday and Saturday, the applicant now requests the premises be permitted to stay open until 21:00.

Officers are unaware that there are complaints about the ongoing use taking place but recommend that the opening hours to 21:00 on Friday and Saturday are permitted for a temporary period of 2 years to allow a monitoring period to operate to ensure that the café can open to those later times without any undue impacts being felt. After that time the café would need to return to opening up to 18:00 on any day unless a further application was submitted to and approved by the Council. The condition would read as follows:

*For the period to 31<sup>st</sup> August 2024 the use hereby permitted shall only take place during the following times:*

*Sunday to Thursday between the hours of hours of 07:00 – 18:00 hours.*

*Friday and Saturday between the hours of 7:00 – 21:00.*

*From the 1<sup>st</sup> September 2024 the use hereby permitted shall only take place between the hours of 0700 – 1800 hours on any day.*

3. Regarding the road widening condition it is recommended the condition is amended as follows:

*The use hereby permitted shall cease unless, within 84 days of the date of this decision, the first 10m of the private access road from Smeltinghouse Lane shall be widened to 5m. The widened track shall be retained as such thereafter.*

4. An additional condition is also recommended as follows to prevent any changes of use that may have other or additional impacts not considered here whilst placing a limit on the floor space of the café and preventing it encroaching into the tackle shop floor space:

*Notwithstanding the provisions of Class E to Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that Order with or without modification, the building (except the part annotated as Bait Shop on drawing no. P100 R4) shall not be used for any purpose other than as a café. The part of the building annotated as Bait Shop shall only be used for purposes ancillary to the use of the land as a fishery.*

Condition 2 would remain unaltered.

**PARISH: Dronfield**

**APPLICATION: 22/00618/FL**

**CASE OFFICER: Adrian Kirkham**

**1. SOURCE OF COMMENTS: Sarah Hine (Applicant/Agent)**

**DATE RECEIVED: 22.08.2022**

**SUMMARY:**

Confirms the structure is for an agricultural use for the purpose of lambing as highlighted within the officers' report.

Also confirmation is given that due to circumstances beyond her control there will be no in person attendance at Committee and apologies are given

## North East Derbyshire District Council

### Planning Committee

23 August 2022

#### **Planning Appeals Lodged and Determined**

This report is public

#### **Purpose of the Report**

- To inform the Committee of the appeals lodged and determined.

#### **1 Report Details**

##### **1.1 Appeals Lodged**

The following appeals have been lodged:-

**Louis Gay - Application for proposed new dwelling at Hillcrest including formation of boundary between existing and proposed dwelling, improvements to existing site access and creation of new site access at Hillcrest Hockley Lane, Milltown, Ashover (21/00297/FL)**

Planning Officer – Emily Cartwright [emily.cartwright@ne-derbyshire.gov.uk](mailto:emily.cartwright@ne-derbyshire.gov.uk)

**Mr Peter Gregory - Construction of an agricultural building for storage of agricultural equipment, hay and sheep at lambing time at Cowley Hall Farm Cowley Lane, Holmesfield (22/00011/FL)**

Planning Officer – Colin Wilson [colin.wilson@ne-derbyshire.gov.uk](mailto:colin.wilson@ne-derbyshire.gov.uk)

**Mr S Jackson - Proposed residential development for 14 x 4 Bed dwellings with garaging (Major Development) at Land North West Of Mile Hill House, Mansfield Road Mile Hill, Hasland (21/00244/FL)**

Planning Officer – Graeme Cooper [graeme.cooper@ne-derbyshire.gov.uk](mailto:graeme.cooper@ne-derbyshire.gov.uk)

**Mr Adeal Ali - Change of Use from Office (Class E) to hot food takeaway (Sui Generis) with new extractor flue and associated alterations (Conservation Area/Affecting the setting of a Listed Building) (Amended Plans) at 1 Chesterfield Road, Dronfield (21/01443/FL)**

Planning Officer – Colin Wilson [colin.wilson@ne-derbyshire.gov.uk](mailto:colin.wilson@ne-derbyshire.gov.uk)

**Mr A Rowland - New site access to field and laying of access track with tarmac and road planings at Land North Of Main Road, Main Road, Troway (22/00003/FL)**

Planning Officer – Colin Wilson [colin.wilson@ne-derbyshire.gov.uk](mailto:colin.wilson@ne-derbyshire.gov.uk)

## **1.2 Enforcement Appeals Lodged**

**Mr J White – Breach of Planning Control for change of use of land for storage and hardstanding at Land North West Of 21 Mansfield Road, Killamarsh (16/00100\_COU)**

**Mr J White – Breach of Planning Control for change of use of land for stabling, keeping of horse, amenity and recreational fishing at Land North West Of 21 Mansfield Road, Killamarsh (16/00100\_OD)**

Planning Officer – Julian Hawley [julian.hawley@ne-derbyshire.gov.uk](mailto:julian.hawley@ne-derbyshire.gov.uk)

**Mr J White – Breach of Planning Control for change of use of land for stabling riding arena and horses at Land Approximately 200m To The North East Of Norwood Chase, Rotherham Road, Killamarsh (18/00102/OD)**

Planning Officer – Colin Wilson [colin.wilson@ne-derbyshire.gov.uk](mailto:colin.wilson@ne-derbyshire.gov.uk)

## **1.3 Appeals Allowed**

No appeals have been allowed.

## **1.4 Appeals Dismissed**

The following appeal has been dismissed:-

**Ben Lamb – Retrospective Application for the provision of three temporary pods located on an existing campsite field that has established access and parking for the purposes of tourist accommodation, (affecting a public right of way) at Campsite, Moorhay Farm, High Lane, Wigley (21/01088/FL)**

Means of Determination – Delegated

Planning Officer's Recommendation – Refused

Planning Officer – Colin Wilson [colin.wilson@ne-derbyshire.gov.uk](mailto:colin.wilson@ne-derbyshire.gov.uk)

## **1.5 Appeals Withdrawn**

No appeals have been withdrawn.



## **2 Conclusions and Reasons for Recommendation**

2.1 N/a.

## **3 Consultation and Equality Impact**

3.1 N/a.

## **4 Alternative Options and Reasons for Rejection**

4.1 N/a.

## **5 Implications**

### **5.1 Finance and Risk Implications**

N/a.

### **5.2 Legal Implications including Data Protection**

N/a.

### **5.3 Human Resources Implications**

N/a.

## **6 Recommendations**

6.1 N/a.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	All
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Report Author	Contact Number
Joanne Edwards	01246 217163