

Public Document Pack



**North East
Derbyshire**
District Council

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Date: Monday, 16 June 2025

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 24 June 2025**, at **2.00pm** in The District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

The meeting will be live streamed from [The Council's YouTube Channel](#).

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of The Committee

Councillor L Hartshorne (Chair)
Councillor D Cheetham
Councillor P Elliott
Councillor C Gare
Councillor H Liggett
Councillor K Rouse

Councillor T Lacey (Vice-Chair)
Councillor A Cooper
Councillor M Foster
Councillor W Jones
Councillor F Petersen

Any substitutions must be notified to the [Governance Manager](#) in advance by 4pm on Friday 20 June.

Notice of Meeting to be held in Private

It is intended that part of this meeting will be held in private under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The matters to be considered in private are listed under the heading Private Session. The categories of exempt information that are likely to be disclosed during the discussion of these items, as defined in Part 1 of Schedule 12A to the Local Government Act 1972, are listed below each item.

A G E N D A

Public Session

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 Declaration of Predetermination

Any Member who cannot determine an application solely on the information presented to Committee at the meeting today is asked declare that they are 'Predetermined' on that item on the agenda and to withdraw from the meeting at the appropriate time.

4 Minutes of Last Meeting (Pages 5 - 8)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 20 May 2025.

5 NED/24/00847/FL - Pilsley and Morton (Pages 9 - 23)

Application for change of use with no external alterations from Public House to mixed use Public House and Convenience Store (Amended Plans) (Amended Title) at The Corner Pin, Station Road, Morton.

(Planning Manager – Development Management)

6 NED/25/00223/FLH - Unstone (Pages 24 - 36)

Proposed 2 storey front extension (with potential [future] PD Right A, B, C, D and E removed), Rosings, Hundall, Apperknowle, Dronfield.

(Planning Manager – Development Management)

7 Late Representations - Summary Update Report (To Follow)

(Planning Manager – Development Management)

8 Planning Appeals - Lodged and Determined (Pages 37 - 41)

(Planning Manager – Development Management)

9 Matters of Urgency

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

10 Exclusion of Public

The Chair to Move:

“That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 3 and 5, Part 1 of Schedule 12A to the Local Government Act 1972”. (As amended by the Local Government (Access to Information) (Variation) Order 2008).

11 Section 106 (Legal) Agreements Update (Pages 42 - 55)

Planning Manager (Development Manager)

[Paragraphs 3 and 5]

12 Matters of Urgency

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

Access for All statement

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 20 MAY 2025

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)
Councillor Tony Lacey (Vice-Chair)

Councillor David Cheetham
Councillor Christine Gare
Councillor Heather Liggett
Councillor Kathy Rouse

Councillor Andrew Cooper
Councillor William Jones
Councillor Fran Petersen

Also Present:

D Thompson	Assistant Director of Planning
A Kirkham	Planning Manager - Development Management
G Cooper	Principal Planning Officer
A Smith	Legal Services Manager and Deputy Monitoring Officer
A Bryan	Governance Manager
T Fuller	Governance Officer

PLA/ Apologies for Absence and Substitutions

**1/25-
26**

Apologies for absence were received from Councillors M Foster and P Elliott.

Councillor P Jones attended as a substitute for Councillor M Foster. Councillor S Clough attended as a substitute for P Elliott. Councillor H Wetherall attended as a substitute for Councillor A Cooper for items PLA/1/25-26 to PLA-5/25-26.

PLA/ Declarations of Interest

**2/25-
26**

Regarding item **NED/23/01089/FL - Morton**, as the application was within Pilsley and Morton Ward, which Councillor A Cooper represented, Councillor Cooper would speak as Ward Councillor then leave the room and would not participate in the Committee's consideration or determination of the application.

Regarding item **NED/24/00781/FL - Ashover**, as the application was within Ashover Ward, which Councillor H Wetherall represented, Councillor Wetherall would speak as Ward Councillor then leave the room and would not participate in the Committee's consideration or determination of the application.

PLA/ Declaration of Predetermination

**3/25-
26**

There were no declarations of predetermination made.

PLA/ Minutes of Last Meeting

**4/25-
26**

RESOLVED – That the Minutes of the meeting held on 15 April 2025 were approved as a true record.

The Committee considered an application that had been submitted for the installation and operation of a renewable energy generating station comprising of ground-mounted photovoltaic solar arrays together with inverter/transformer units, BESS units, control house, substation, onsite grid connection equipment, storage containers, site access, access gates, internal access tracks, security measures, other ancillary infrastructure, and landscaping and biodiversity enhancements (Major Development/Affecting Public Right of Way) (Amended Plans) at land to the North of Stretton Road, Morton. The application had been referred to Committee by Councillors K Gillott and A Cooper, who raised some concerns about the impact on the landscape character, cumulative impact of this and other solar developments, proximity to residential properties, loss of agricultural land and its potential impact on highway safety. An update report had been circulated which set out late representations regarding the application.

The recommendation by officers was to conditionally approve the application, with a legal agreement to mitigate Skylark nesting. The report to Committee explained the reasons for this.

The report accepted that the proposal would cause harm to the character, quality, distinctiveness and tranquillity of the immediate landscape setting. However, the potential harm would be outweighed by the environmental, biodiversity and socio-economic benefits of the scheme. Further to this, the report highlighted that the proposed development could be made acceptable in many respects by the imposition of planning conditions and legal agreement.

Officers concluded that the proposal was in accordance with the overall aims of National Planning Policy Framework and Local Plan to achieve sustainable development. They recommended, therefore, that the application be approved, subject to conditions and legal agreement.

Before the Committee considered the application it heard from Local Ward Members, Councillors K Gillott and A Cooper, and a representative from Morton Parish Council, Neil Radford. Committee also heard from objectors, Sarah Barraclough, Rebekah Spackman and Eddie White, as well as the Applicant, Ben Kwok, and the Agent, Kenny Dhillon.

Committee considered the application. It took into account the relevant Local and National Planning Policies. These included Local Plan Policy SS9, concerning development in the countryside, Local Plan Policy SDC3, concerning landscape character, and Local Plan Policy SDC10, concerning renewable and low carbon energy generation.

Committee discussed the application. Members accepted the benefits of solar farms in terms of the push towards renewable energy generation. However, it was suggested that this did not mean all applications for solar farms should be passed. In this context, some Members highlighted the adverse impact that this scheme had on biodiversity in the area, on the footpaths that crossed and overlooked the site, and the amenity of local residents. Some Members suggested that the value of the land should be determined by the amenity it provides to the local community. In this context, it was suggested that the

proposal represented significant harm to the amenity of the area and to Morton residents. It was concluded that the benefits of the proposal did not outweigh the harm caused and it was, therefore, not in accordance with policies in the Local Plan.

At the conclusion of the discussion Councillor H Liggett and Councillor W Jones moved and seconded a Motion to refuse the application, contrary to officer recommendations. The Motion was put to a vote and approved.

RESOLVED –

That planning permission be refused, with the final wording of the reasons for refusal delegated to the Planning Manager (Development Management).

Councillor H Wetherall left the meeting, and Councillor A Cooper joined the meeting.

PLA/ NED/24/00781/FL - Ashover

**6/25-
26**

The Committee considered an application that had been submitted for comprehensive redevelopment of the site including retention of the existing 14 days motocross, barn conversion for a manager's dwelling, reinstatement of "Where the Rainbow Ends" Cafe for use as a reception, heritage and information centre (with occasional kiosk/cafe), and erection of three holiday lodges with associated parking and turning and private drainage plant, at Butts Quarry, Butts Road, Ashover. The application had been referred to Committee by Councillor H Wetherall, who supported it. An update report had been circulated which set out late representations regarding the application.

The recommendation by officers was to refuse the application. The report to Committee explained the reasons for this.

The report contended that the proposed development would be contrary to the spatial strategy of the Council and the character of the area. Officers accepted that the proposal offered some tourism benefits, however they were considered to be limited and carried little weight. The report contended that the design of the proposal would be harmful to the character of the area and lead to increased light pollution to this sensitive landscape character. Additionally, officers attributed further weight against the development in terms of the adverse impact on Public Rights of Way and the urbanising impact of the formalised parking and turning areas.

Officers concluded that the proposal did not conform to the provisions of the Development Plan when read as a whole and there were no other material planning matters that supported it. They recommended, therefore, that the application be refused.

Before the Committee considered the application it heard from Local Ward Member, Councillor H Wetherall, and Chair of Ashover Parish Council, Ed Willmot. Committee also heard from a supporter, Michael Lawton, as well as the Applicant, Barry Dring, and the Agent, Charlotte Stainton.

Committee considered the application. It took into account the relevant Local and National Planning Policies. These included Local Plan Policy SS9, concerning development in the countryside, Local Plan Policy, concerning visitor and tourism development, and Local Plan Policy SDC1, concerning the re-use of buildings in the countryside. Committee also considered Ashover Neighbourhood Plan Policy AP19, concerning dark skies.

Committee discussed the application. Some Members expressed concern over the design of the hardstanding and holiday lodges included in the proposal. In this context, Committee discussed the light pollution that would result from the design of the holiday lodges. It was suggested that both issues could be suitably addressed via condition. Some Members expressed support for the application in terms of its benefits to tourism, return of a building of local heritage value and the limited number of objections from Ashover residents.

At the conclusion of the discussion Councillor H Liggett and Councillor S Clough moved and seconded a Motion to approve the application, contrary to officer recommendation, with appropriate conditions including redesign of the frontage. The Motion was put to a vote and approved.

RESOLVED –

That planning permission be **conditionally approved**, with the final wording of the conditions and legal agreement delegated to the Planning Manager (Development Management).

PLA/ Planning Appeals - Lodged and Determined

**7/25-
26**

The Committee considered a report which set out planning appeals that had been lodged and determined. The report set out that two appeals had been lodged, no appeals had been allowed, three appeals had been dismissed, and no appeals had been withdrawn. The relevant applications the appeals were in respect of was set out in the report.

PLA/ Matters of Urgency

**8/25-
26**

None.

PLANNING COMMITTEE – 24th June 2025

Reference Number: 24/00847/FL

Application expiry: 30/06/2025

Application Type: FULL

Proposal Description: Application for change of use with no external alterations from Public House to mixed use Public House and Convenience Store (Amended Plans) (Amended Title)

At: The Corner Pin, Station Road, Morton.

For: Mr S Dhaliwal

Third Party Reps: 16 Objections

Parish: Morton

Ward: Pilsley and Morton

Report Author: Alice Lockett

Date of Report: 9 June 2025

MAIN RECOMMENDATION: Grant permission, subject to conditions



Figure 1: Location plan, with site edged in red

1.0 Reason for Report

- 1.1 Cllr Cooper requested that the application be considered at Planning Committee for the following reasons:
- The loss of social infrastructure
 - Public concern about the loss of this vital part of the community

2.0 Proposal and Background

Site Description

- 2.1 The application site is a two storey public house which currently houses 3 lounge bars on the ground floor and a residential flat above.
- 2.2 The site also has planning permission for a hot food takeaway to operate from a building to the north of the car park (NED/22/00982/FL refers).
- 2.3 The public house is located to the north of Station Road on the corner with Pilsley Road. The carpark to the rear of the building is accessed from Pilsley Road.
- 2.4 A public house is shown located on this site on the 1876-1880 OS map and the footprint shown on the 1898-1900 OS map matches that of the existing building. It is therefore considered that the pub is late 19th century.

Proposal

- 2.5 This application seeks permission to convert two thirds of the public house into a convenience store. The remaining third would remain as a bar/public house.
- 2.6 A stand alone application to regularise the placing of a parcel storage locker in the car park has now been submitted. This will be determined on its merits in due course.

Amendments

- 2.12 The applicant originally applied to convert the whole pub to a convenience store. However, following discussions with the Planning Officer this was amended to create a mixed use on the ground floor as now proposed comprising part shop and part bar.

3.0 Relevant Planning History (not the full site history)

- 3.1 22/00982/FL Conversion of outbuilding into a fast-food take-away (Amended Plans) Conditionally Approved.

4.0 Consultation Responses

- 4.1 Parish Council – the Parish Council prefer to keep the Corner Pin as a Public House
- 4.2 Environmental Health Officer - no objection subject to conditions
- 4.3 Highways - No objection subject to conditions and traffic regulation order.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notices. A site notice which expired on 21/11/2024 was placed adjacent to the application site on a lamppost.
- 5.2 The council have received 23 objection comments from 14 local residents. A petition was also submitted with 199 signatures (this is treated as 1 objection here). Objection comments are summarised below:
- The Corner Pin should remain as a public house.
 - The Corner Pin is not abandoned and boarded up, it is an integral community asset.
 - There are no pubs in Stonebroom and only one other pub in Morton.
 - The Corner Pin is a great place to meet
 - The pub is very busy at weekend and during the week.
 - Closing the pub will cause even more traffic on the junction
 - The pub is part of the town's history
 - Pubs are an integral part of village life.
 - 20 public houses within a 2mile radius of The Corner pin have closed since 2000
 - The corner pin is regularly used, venue for teams in local community leagues, charity events, base to host/run trips, live music.
 - The pub is a place to meet especially for older people who can't travel far.
 - The drop in numbers is not a large as the applicant suggests
 - I do not recognize the low user numbers the applicant states
 - The pub serves a wider area than the immediate surroundings including parts of Stonebrook which has no pubs.
 - The pub has been run down and the owners have not carried out upgrades
 - A nomination to register the Corner Pin as an Asset of Community Value is currently being made.
 - There are things that could be done to make the pub more profitable.
 - Morton is expanding and therefore there will be more customers
 - Allowing a mixed use will ultimately lead to the demise of the pub
 - The pub area will not be big enough and would result in a fall in numbers of customers to the pub.
 - The proposed pub area will be impractical as a functioning pub.- it would be set up to fail.
 - There would be only 1 toilet
 - A shop would not benefit the community
 - There are at least 10 shops within a 2mile radius
 - A convenience store would cause problems with parking
 - No parking proposals are included (*Officer comment: this was dealt with in revised drawings*)
 - The store will not have disabled access
 - The community facility report is inaccurate and misleading

- Existing floor plans are inaccurate (*Officer comment- the applicant's agent has confirmed that the floor plans are correct although amended drawings showing windows on the eastern elevation have been submitted*).
- The proposal will increase traffic congestion and parking at the already busy junction.
- People already park dangerously the proposal will make it worse (*Officer comment, illegal parking should be dealt with by the police and is not a material planning consideration, notwithstanding this the Highway authority have requested a TRO around the junction*).
- The public should be able to see emails referred to by the Highway's Officer (*Officer comment: the email of 2nd May was uploaded on 11th June*)
- Does the parking survey include the storage box and is it located on the parking spaces included in the Take away permission? (*Officer comment: the storage locker is not subject to this application but will be dealt with under NED/25/00440/FL, notwithstanding this it is not located on parking spaces as shown on the site plan for the hot food takeaway NED/22/00982/FL and in any case if this shop application is permitted the parking layout shown in drawing 101 REV G will be conditioned*)
- Parking on the front of the existing public house would result in people reversing onto the highway. (*Officer comment, illegal parking and manoeuvring should be dealt with by the police and is not a material planning consideration, Notwithstanding this, the site plan does not show parking spaces off the road to the front of the pub*).

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

6.1 The following policies of the LP are material to the determination of this application:

SS1 Sustainable Development
 SS2 Spatial Strategy and the Distribution of Development
 SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits
 WC4 Retail Hierarchy and Town Centre Uses
 SDC12 High Quality Design and Place Making
 SDC13 Environmental Quality
 ID5 Loss of existing Social Infrastructure

National Planning Policy Framework (NPPF)

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

7.0 Planning Issues

Principal Of Development

- 7.1 The application site is located within the settlement development limits for Morton where Local Plan policy SS7 supports development provided that it is appropriate in scale, design and location to the character and function of the settlement, does not result in the loss of a valued facility or service, is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies of the Plan.



Figure 2 The Corner Pin as viewed from Pilsley Road

- 7.2 Policy SS7 also requires that the property is not subject of a community right to bid. The Council has no evidence that such a right has been invoked and so The Corner Pin has not been put forward as an Asset of Community Value (this is addressed further at paragraph 7.23 below).
- 7.3 The supporting text to policies Local Plan policies ID4 and ID5 (para 9.58) lists both public houses and local shops under the definition of “social infrastructure”. Policy ID5 does not permit the loss of social infrastructure unless it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking and cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.

- 7.4 The Corner Pin serves the community of this part of Morton and is also the closest pub to eastern Stonebroom. The other pub in Morton is the Sitwell Arms which is a 10-15 minute walk away from the application site. Although the applicant has stated that the Corner Pin is not profitable, no evidence in the form of formal financial records has been submitted to support this.
- 7.5 The Corner Pin is therefore considered to be social infrastructure and its loss as a public house would not be supported by the policy. However, the policy is worded clearly that it is the loss of the facility which is not supported. In this case part of the pub will remain, albeit reduced in size, and, in addition, the remainder of the public house will be replaced by another form of social infrastructure in the form of a shop (See Figure 3 below). As a consequence, Officers are of the view that the proposals will not result in a loss of social Infrastructure and therefore the proposal meets the requirements of policy ID5.

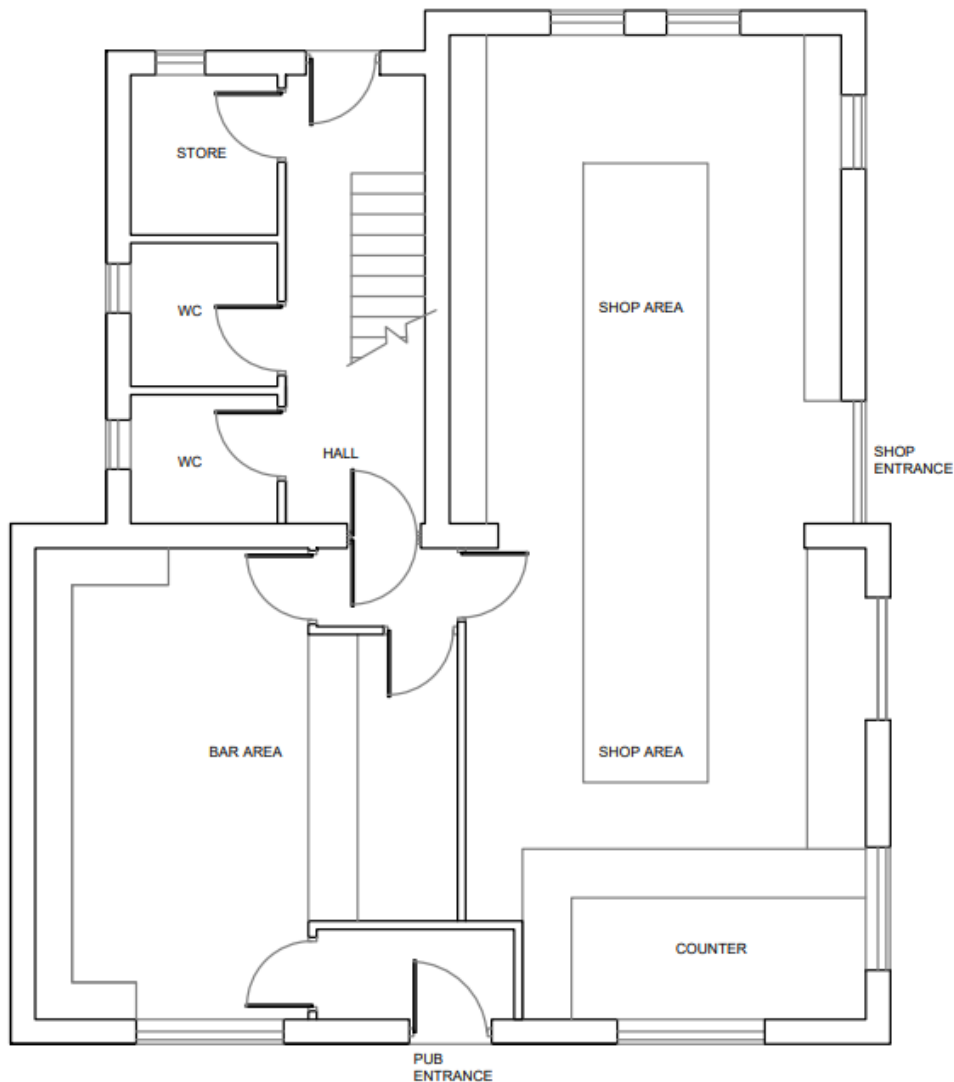


Figure 3 Ground Floor as proposed

- 7.6 However, in view of this, if permission is granted, Officers consider that it is appropriate to condition the layout proposed, which includes the area remaining in use as a pub, is implemented as proposed and then retained. This would mean the Council retains control over the use of the building and the applicant would have to apply for planning permission to use the ground floor of the building in any other way than conditioned.

Highways

- 7.7 The existing public house (which has a flat above it) is currently served by a car parking area (unlaid out) to its rear. There is currently no control over how this area is used.

- 7.8 Planning consent NED/22/00982/FL granted approval for a hot food take away unit located within the car park as shown below in Figure 4. This shows a residual 7 spaces for the use of all activities on the site as of 2022 (including any staff) and compares to the plan now submitted showing 8 spaces within the site (Figure 1). There is however no planning condition that currently requires this layout to be delivered and/or retained

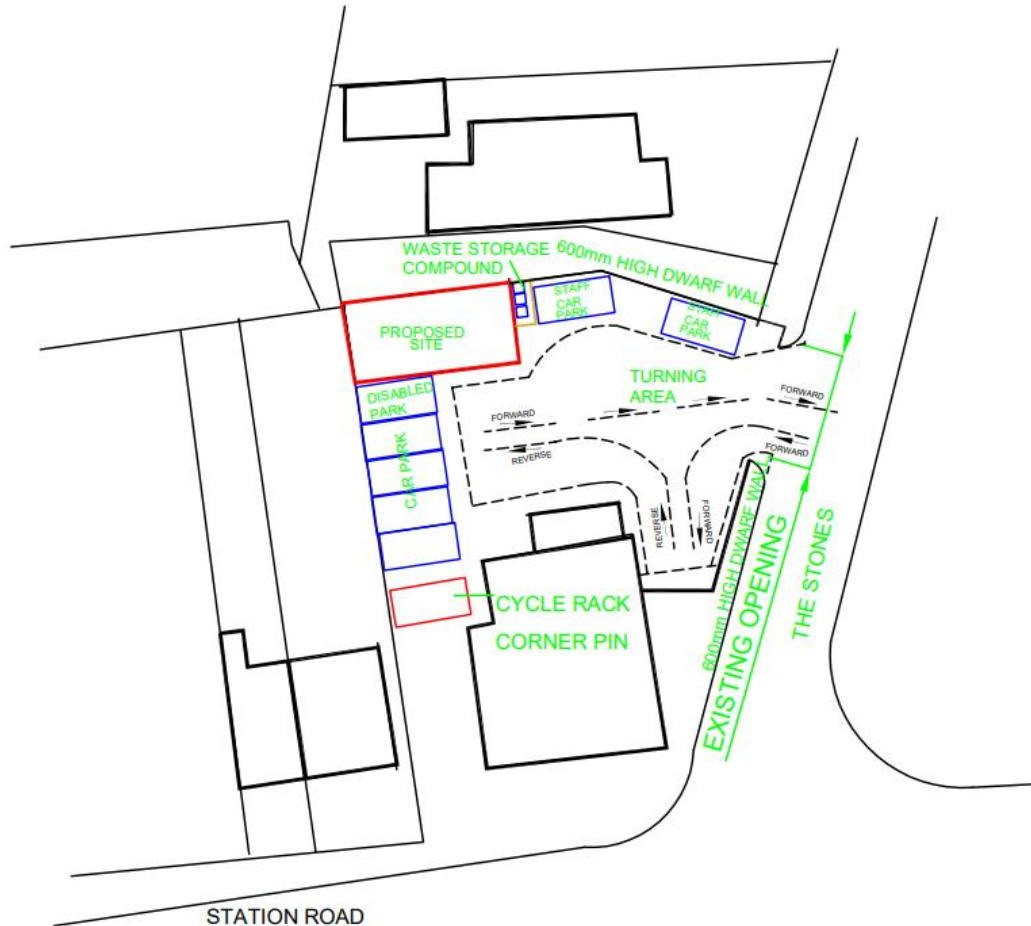


Figure 4 Site plan showing approved hot food take away unit.

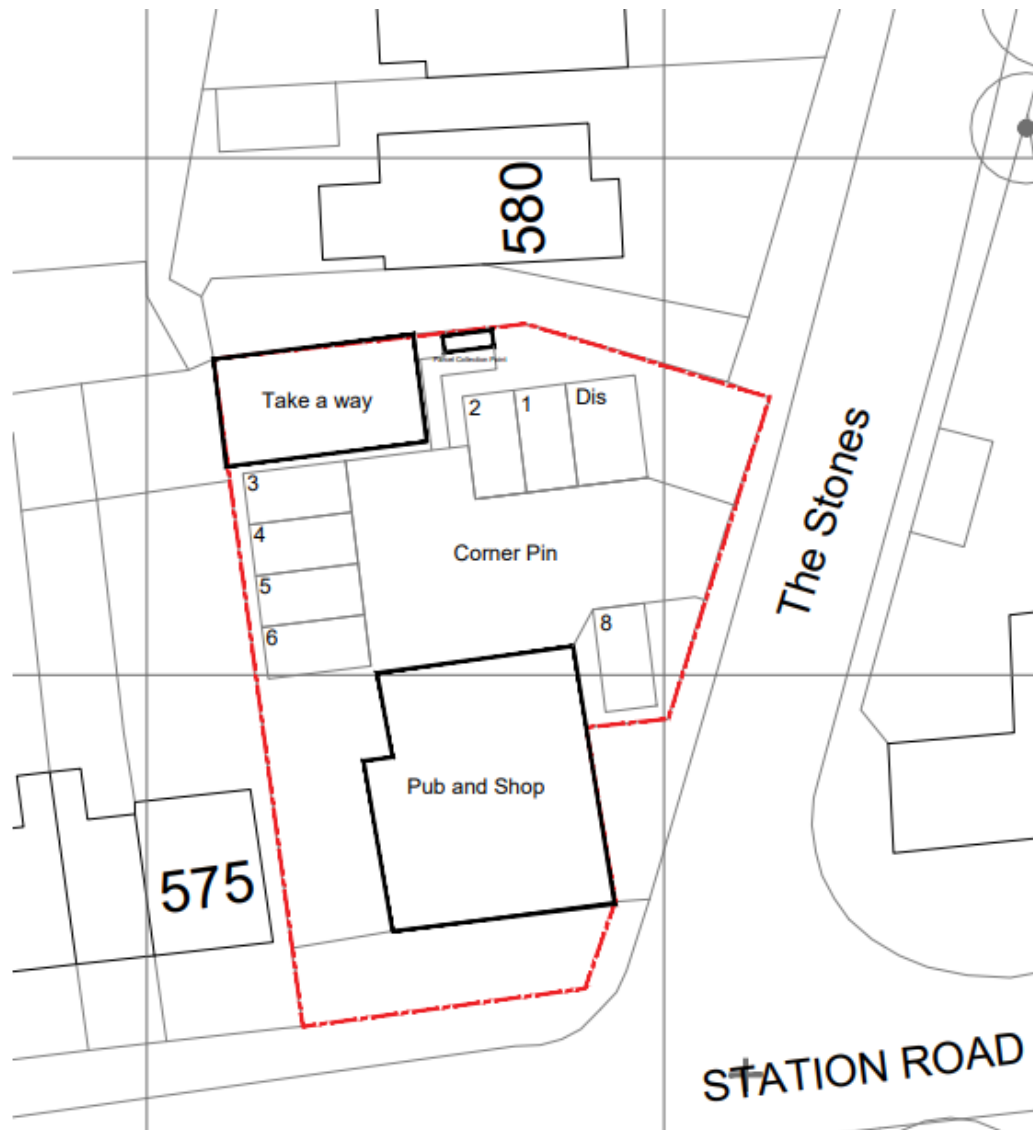
- 7.9 The current, as yet, undetermined application for a parcel storage facility (NED/25/00440/FL refers) is also a relevant and material matter. The layout of that application is given for information below in Figure 5. This application will be judged on its merits in due course but the locker does not intrude onto any parking space in respect of the current application.



Figure 5 Site of parcel storage locker (shown in green)

- 7.11 Drawings in respect of this, current, application are given below in Figure 6 showing the proposed parking for the site identifying the 8 spaces now proposed and referred to above.
- 7.12 Whilst a parking assessment has been requested and advises that a total of 8 spaces is required (as shown on the submitted plans although it is not inclusive of the residential use or locker storage facility and is based on the shop closing at 18:30pm), the advice received from the Highway Authority (HA) is that, based on its calculations, the site as a whole (pub/shop use, take away and parcel storage facility) requires a total (on a worst case scenario) of between 8 and 17 parking spaces.
- 7.13 Therefore, there is likely to be an overspill of parked cars onto the surrounding road network. However, as advised by the HA this is likely to occur presently from the existing permitted uses and on this basis the HA do not advise that the new use would be unacceptable when set against the test given in the NPPF.
- 7.14 Added to this, the HA also note that both Main Road and Pilsley Road have no parking restrictions. Observations show that although parking to the west of the site along Main Road is generally used by residential properties, there are spaces available throughout the day. There is also space directly to the front of the Corner Pin for the parking of 2/3 vehicles and additional space on Pilsley Road. The main concern would arise from potentially inconsiderate parking of vehicles close to the Main

Road/Pilsley Road junction, which could introduce the potential for collisions at this location and block the visibility of turning vehicles.



- 7.15 Therefore, and in concluding this issue, the HA offers no objection to the proposals subject to a Traffic Regulation Order (TRO) being implemented adjacent to the Main Road/Pilsley Road junction (on both sides) to prohibit parking at this location. This would be a separate process and require the completion of a section 106 agreement for the TRO funding to be paid for by the applicant.
- 7.16 Officers agree with this conclusion and it is considered that the proposal will not have in unacceptable impact on highway safety and will therefore be in accordance with Local Plan Policy ID3 and the NPPF subject to the TRO issue being delivered as set out above and a condition limiting the opening hours of the shop.

Impact on the amenity of neighbours

- 7.17 As no new buildings or overlooking windows are proposed, it is considered that the proposal will not have a detrimental impact on the privacy of neighbours or on light to windows.
- 7.18 The Council's Environmental Health Officer has requested conditions controlling the timings of deliveries to the shop and the installation of external plant such as flues or air conditioning units.
- 7.19 It is therefore concluded that subject to the requested conditions and given the established pub use and approved takeaway, the proposal will not result in additional harm or impact on the amenity of the adjacent residential properties.

Concerns about the validity of information submitted

- 7.20 Objectors are concerned about the loss of the public house and there has been some question about the validity of the evidence put forward. Local people suggest that the pub is busier than has been suggested. Officers have asked for supporting evidence where it has been referenced in the agent's case documents.
- 7.21 Officers can only assess what information has been submitted. Notwithstanding this, Officers have concluded that the proposals would not result in the loss of existing social infrastructure because part of the pub is being retained and the convenience store itself is also classed as social infrastructure. When considering the scheme in the round, it is considered that the proposal meets the requirements of policy ID5 and so it is not necessary to assess the financial records of the business.
- 7.22 Objectors have suggested that the existing ground floor drawings are inaccurate. Officers have sought clarification from the agent who has confirmed that they are correct. Officers have been unable to gain access to the inside of the building but there is no evidence to suggest that there is insufficient space for the proposed mix of uses to operate.
- 7.23 One objector has mentioned that the Corner Pin is now subject to an Asset of Community Value application. At the time of writing this report the Council was not, in fact, in receipt of such an application. If one comes subsequently, Officers will update Members accordingly.
- 7.24 One objector has asked whether the parcel locker which has been placed on the car park has been included in the assessment for parking requirement. The parcel locker does not take up any of the spaces allocated for parking or turning in the submitted plans. The parcel locker requires planning permission and is the subject of a separate live planning application (ref. NED/25/00440/FL) This will be dealt with in the context of this decision.

Drainage Considerations

- 7.25 The site falls in Flood Zone 1 and is not considered to be at risk from any other sources of flooding. Notwithstanding that, As a change of use of an existing building the application does not fall within one which requires the Sequential Test for flooding.

Land Contamination/Land Stability Considerations

- 7.26 The site is not located in an area which is considered at high risk from coal mining legacy and anyway is not proposing any new buildings. The council's environmental health officer has no objections. As such it is considered that there are no technical reasons why the application should not be approved.

Ecological Considerations

- 7.27 The application is for the change of use of an existing building and is therefore considered de minimis with regard to the mandatory Biodiversity Net Gain condition.

8.0 Summary and Conclusion

- 8.1 Local and National planning policy aims to support development within settlements where it does not result in the loss of social infrastructure and meets with other requirements of the plan.
- 8.2 In this case it is proposed to change the use of The Corner Pin from a public house to a mixed-use pub and shop which will run alongside the existing residential use and approved hot foot takeaway. Both uses are considered forms of social infrastructure. As a pub will be retained, this will not result in the loss of a piece of social infrastructure and as such officers are of the view that the application will meet the requirements of policy SS7 and ID5 of the North East Derbyshire Local Plan.
- 8.3 As a consequence it is considered that the resulting mixed use of the site as a pub/shop and take away and as described is acceptable. The parcel storage facility application will be judged on its own merits but is not considered prejudicial to the determination of this application.
- 8.4 The Highway Officer has confirmed that, subject to a Traffic Regulation Order and the conditioning of shop opening hours, the proposal will not have a harmful impact on highway safety.
- 8.5 As no building is proposed there will be no impact on light to windows and it is concluded that the impacts of movement such as deliveries and vehicular comings and goings can be mitigated by means of condition
- 8.6 Officers are also of the view that there are no other technical reasons to refuse the application
- 8.7 Overall, Officers consider the proposal accords with the Development Plan and there are no material matters that outweigh that conclusion. Accordingly, it is recommended that permission is granted.

9.0 Recommendation

- 9.1 As a consequence of the above officer recommended that planning permission is **CONDITIONALLY APPROVED subject to the following conditions, and legal agreement to secure funding for the TRO** with the final wording delegated to the Planning Manager (Development Management):-

Conditions

No	Condition	Reason	Pre-commencement agreement
1.	The development hereby permitted shall be started within three 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.	N/A
2.	The development hereby approved shall be carried out in accordance with the details shown on drawing 2024-01188 101 REV G received 10/3/2025; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures	For Clarity and avoidance of doubt	N/A
3.	The shop hereby approved and shown on drawing 101 REV G shall remain in a class E(a) use for the sale of convenience goods only.	To ensure that the shop remains as social infrastructure in accordance with policy ID5 of the North East Derbyshire Local Plan.	N/A
4.	The convenience store shall only be open between the hours of 07:30 and 18.30. The public house shall not be open before 18:30 and the hot food takeaway shall not be open before 18:00	These are the opening times assessed in the parking assessment and on which the 8 parking spaces are based. It is considered appropriate to condition these to ensure that sufficient off site parking is maintained. In accordance with policy ID3 of the North East Derbyshire Local plan.	N?A
5.	Deliveries to the convenience	In the interest of the amenity of	N/A

	store shall be between 7am and 9pm only Monday to Saturday, and 9am – 5pm Sunday.	neighbours and in accordance with policy SDC13 of the North East Derbyshire Local Plan	
6.	No external fixed plant should be installed without the prior written consent of the local planning authority.	In the interest of the amenity of neighbours and in accordance with policy SDC13 of the North East Derbyshire Local Plan	N/A
7.	The development hereby approved shall not brought into use until the access, parking and turning facilities have been provided as shown on Drawing 101-G.	To ensure conformity with submitted details.	N/A
8.	The Development hereby approved shall not be brought into use until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.	To promote sustainable travel and healthy communities.	N/A
9.	The division of uses that form the development hereby approved (i.e public house (use class Sui Generis) and convenience store (use class E(a)) shall be retained as shown on approved plan ref. 2024-01188 101 REV G received 10/03/2025.	For certainty, and to ensure the continued use of that part of the building as a public house, in accordance with policies SS7 and ID5 of the North East Derbyshire Local Plan.	N/A
	*Pre-commencement		

Informatives:

1. DISCON
2. NMA
3. HIGHWAYS: You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the

statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk.

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

4. If this permission or the hot food takeaway permission is enacted, the site will be considered to be in a mixed use and will not enjoy permitted development rights. The applicant should therefore note that should retention or replacement of the parcel storage lockers be required planning permission should be applied for and the relevant parking assessment will need to be submitted.
5. BNG2

PLANNING COMMITTEE – 24th June 2025

Reference Number: 25/00223/FLH

Application expiry: 30.05.2025

Application Type: FULL

Proposal Description: Proposed 2 storey front extension (with potential [future] PD Right A, B, C, D and E removed).

At: Rosings, Hundall, Apperknowle, Dronfield, S18 4BS

For: Mr. and Mrs. Johnson

Third Party Reps: 2 Support comments, 1 Neutral

Parish: Unstone

Ward: Unstone

Report Author: Kenneth Huckle

Date of Report: 09.06.2025

MAIN RECOMMENDATION: Refuse

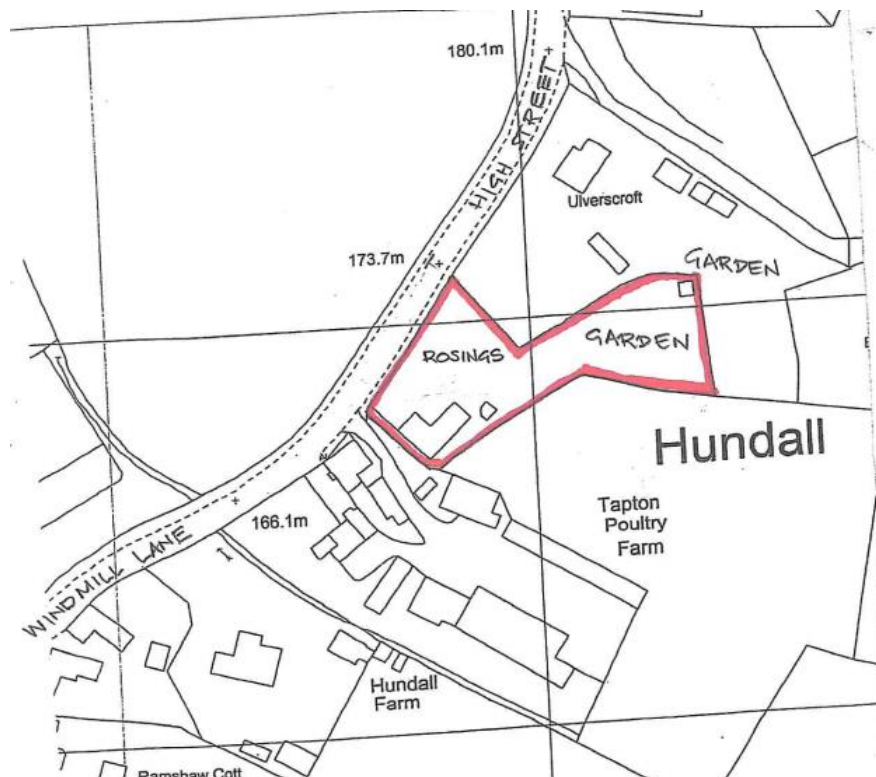


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Dale requested that the application be considered by Planning Committee for the following reasons:

- Testing the council and national policy around percentage increases in volume in Green Belt Locations.

2.0 Proposal and Background

Site Description

2.1 The application site is a two-storey dwelling located in Hundall as shown in figure 2 below. Hundall has a rural feel comprising scatted farmsteads and dwellings. It lies outside of any defined settlement development limit and within the Green Belt.



Figure 2: The application Site.

2.2 The original dwelling was built pre 1948 but was substantially extended in 1985 representing a 70% increase in size compared to the original building. The 1985

extension (light outline) is compared to the original building (dark outline) (see Figure 3 below).



Figure 3: The 1985 extension

Proposal

- 2.3 The application proposal (see Figure 4 below) seeks consent for a further two storey extension to the front of the property. It is the suggestion of the applicant made in the application details (and reflected in the application title) that, if the application is permitted, householder permitted development (PD) rights for classes A (extensions), B, C (alterations/extensions to the roof), D (porches) and E (outbuildings) could be removed.



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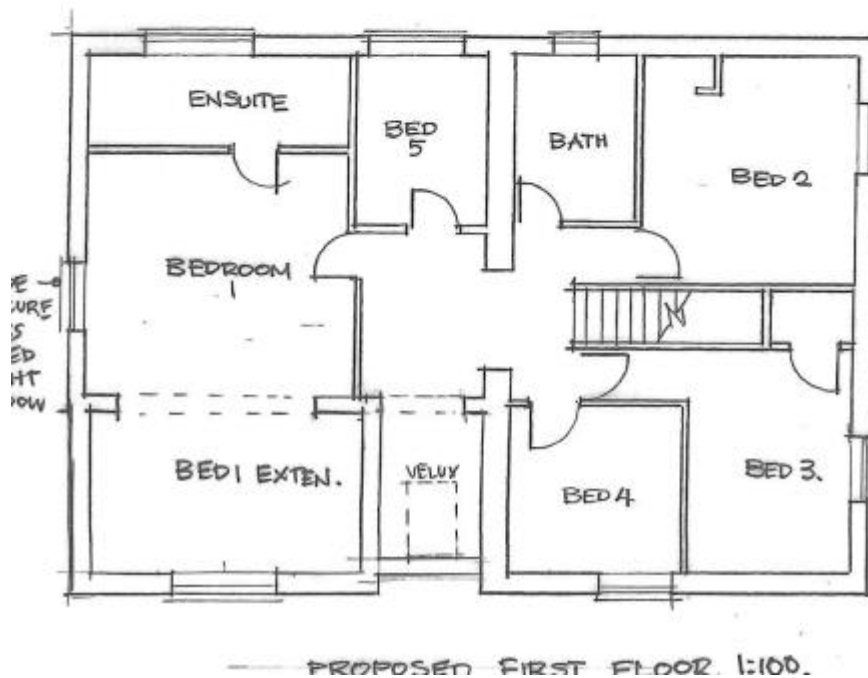
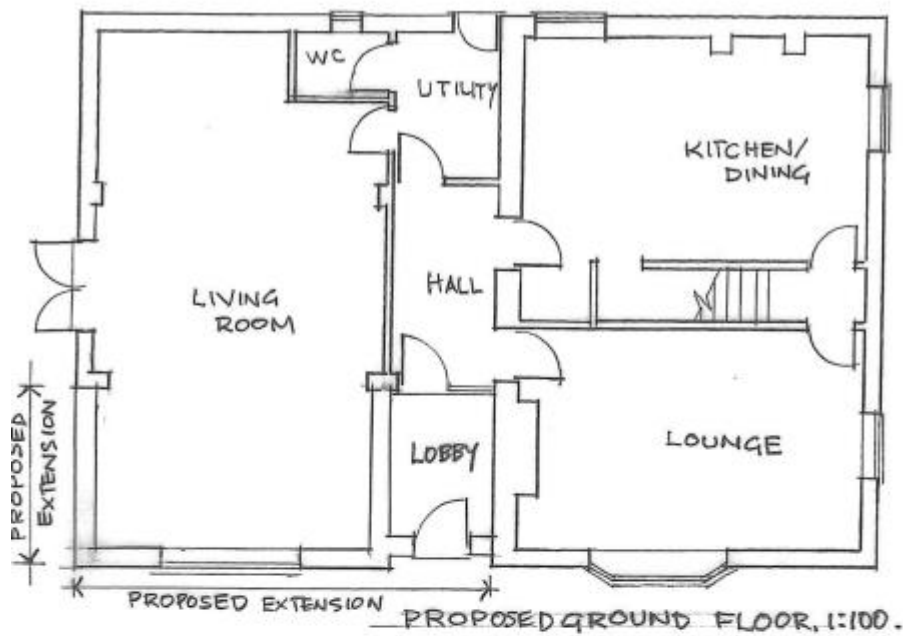


Figure 4: Proposed Extension.

Amendments

- 2.4 There have been no amendments to the proposal.

3.0 Relevant Planning History

Reference	Decision	Decision Date	Description
24/00028/REF	DISMIS	28.11.2024	Proposed two storey front extension including new basement area with alterations to fenestration
80/00888/OL	R	25.12.1998	Adjacent to Red House 1 No. dwelling (outline).
85/00633/FL	CP	25.12.1998	Extension to form double garage, utility and hall with bedroom and bathroom over.
24/00403/FLH	R	08.08.2024	Proposed two storey front extension including new basement area with alterations to fenestration

4.0 Consultation Responses

4.1 Ward Member – Call-In request made (see above)

4.2 Parish Council – No comments made.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice.

5.2 3 local residents have made representations (2 in support and 1 neutral) raising the following comments:

- The design of the two-storey extension is entirely in keeping with the existing properties and integrates seamlessly into the surrounding landscape.
- It does not encroach into the Green Belt and is within the boundaries of the applicant's property and the wider hamlet of Hundall and respects the environmental significance of the location
- The proposal is modest in scale, and tastefully designed

The neutral comment raises no objection to the proposed extension, however, does raise concerns regarding a recently installed side facing window in the north east

gable end, and point to the removal of the garage space, and the potential for nuisance parking as a result of the proposal.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan 2014-2034 (LP)

- 6.1 The following policies of the LP are material to the determination of this application:

SS10 North East Derbyshire Green Belt
LC5 Residential Extensions
SDC12 High Quality Design and Place Making

National Planning Policy Framework (NPPF)

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

Other Material Planning Considerations

- 6.3 Successful Places Planning Guidance.

7.0 Planning Issues

Principle of Development

- 7.1 Both local and national planning policies attach great importance to the Green Belt with the NPPF stating that substantial weight should be given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy SS10 of the LP is entirely consistent with this approach and as such has full weight in the determination of this application.
- 7.2 Regarding extensions to buildings, to not represent inappropriate development, they should not result in a disproportionate addition over and above the size of the original building.
- 7.3 Policy SDC12 states that all new development should be of high-quality design and make a positive contribution to the quality of the local environment. Proposals for development will only be permitted provided that they: Respond positively to local character and context to preserve and, where possible, enhance the quality and local identity of existing communities and their surroundings; Protect the amenity of existing occupiers and create a good quality of amenity for future occupants of land or buildings including in relation to privacy, overlooking, overshadowing and/or any overbearing impacts; Make provision for private amenity space, storage and recycling facilities, and vehicle and cycle parking.

- 7.4 Policy LC5: allows for the extension or alteration of dwellings provided that the proposal respect the scale, proportions, materials and overall design and character of the existing property; and do not harm the streetscene or local area.

Green Belt Considerations

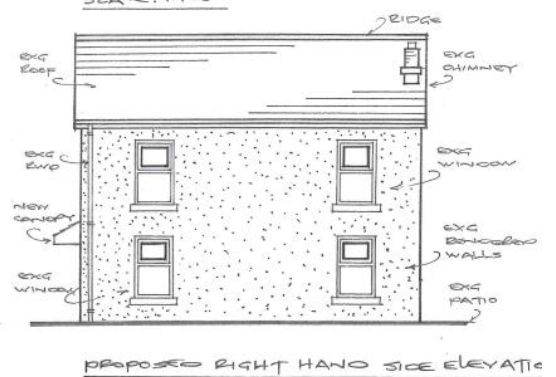
- 7.5 In this case the applicant seeks to extend the existing building further to the extension approved in 1985. The volumetric proportions over and above the “original building” (as at 1947) are set out in the table below

	Volume (m³)	Percentage increase over original (%)
Original building	408	
Current building (original plus 1985 extension)	694	70
Proposed building	799	95

- 7.6 The proposal therefore would represent a 95% increase in volume over and above the size of the original dwelling. This, added to the overall bulk and massing of the extension(s) is considered disproportionate and so the resultant extension is considered to be inappropriate development.

Spatial and visual assessment

- 7.7 Spatially, the proposal is to the front of the building, forward of the previous extension. There would be development where there is currently none and so spatially there would be an adverse impact on the openness of the Green Belt.
- 7.8 The previous extension has significantly altered the original dwelling. The current proposal would further diminish the character of the original dwelling and be visually more imposing extending the dwelling towards the road. The impact on the public realm would, therefore, also impact adversely on the visual openness of the Green Belt.
- 7.9 The spatial and visual impacts of the proposal are therefore considered significant and largely unaltered from that the subject of the previously refused scheme (24/00403/FLH) which was also dismissed on appeal, as shown below (figure 5).
- 7.10 The primary difference between this application and that previously refused is that a previously proposed study would be replaced by an enlarged landing space, with a velux roof light to it resulting from the flat roof proposed being changed to a front pitch. A basement was also proposed previously. Very little has therefore altered from the previous scheme and so in this respect the Inspector’s conclusion “that the scheme would amount to inappropriate development in the Green Belt, and the



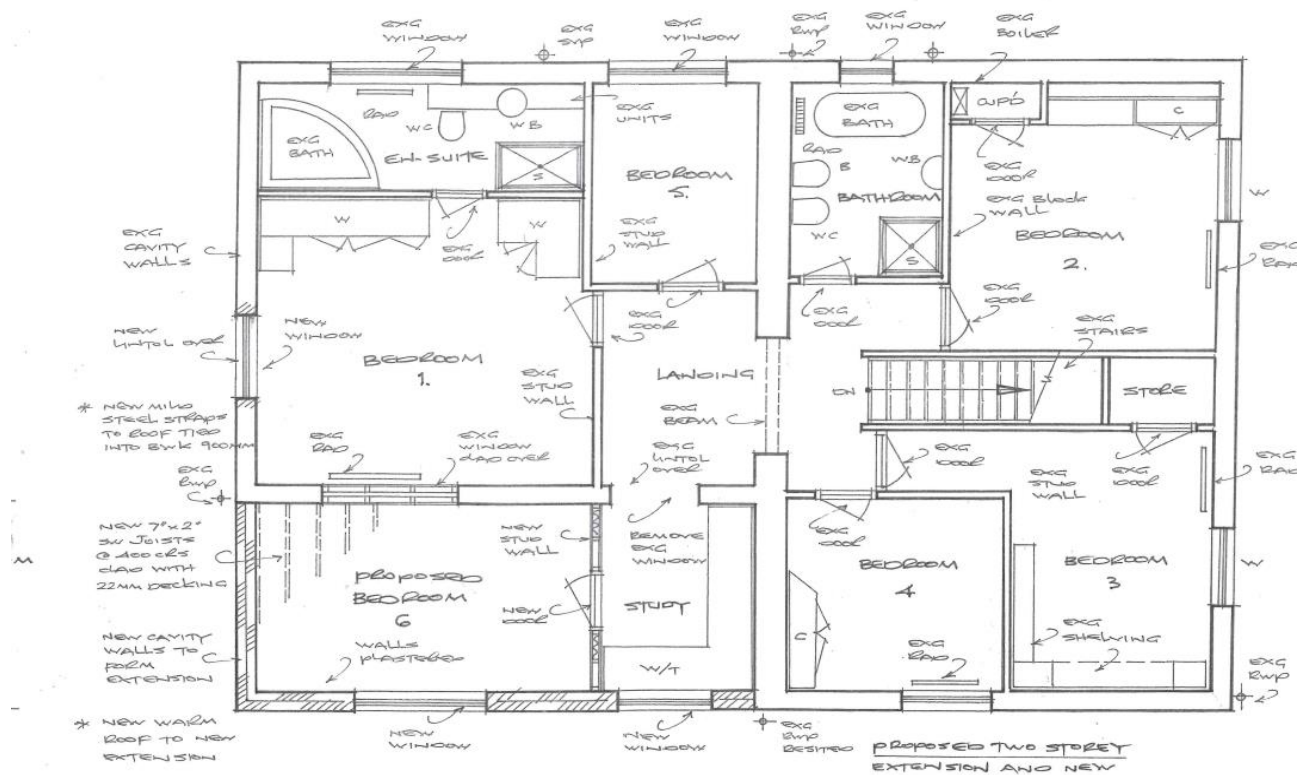
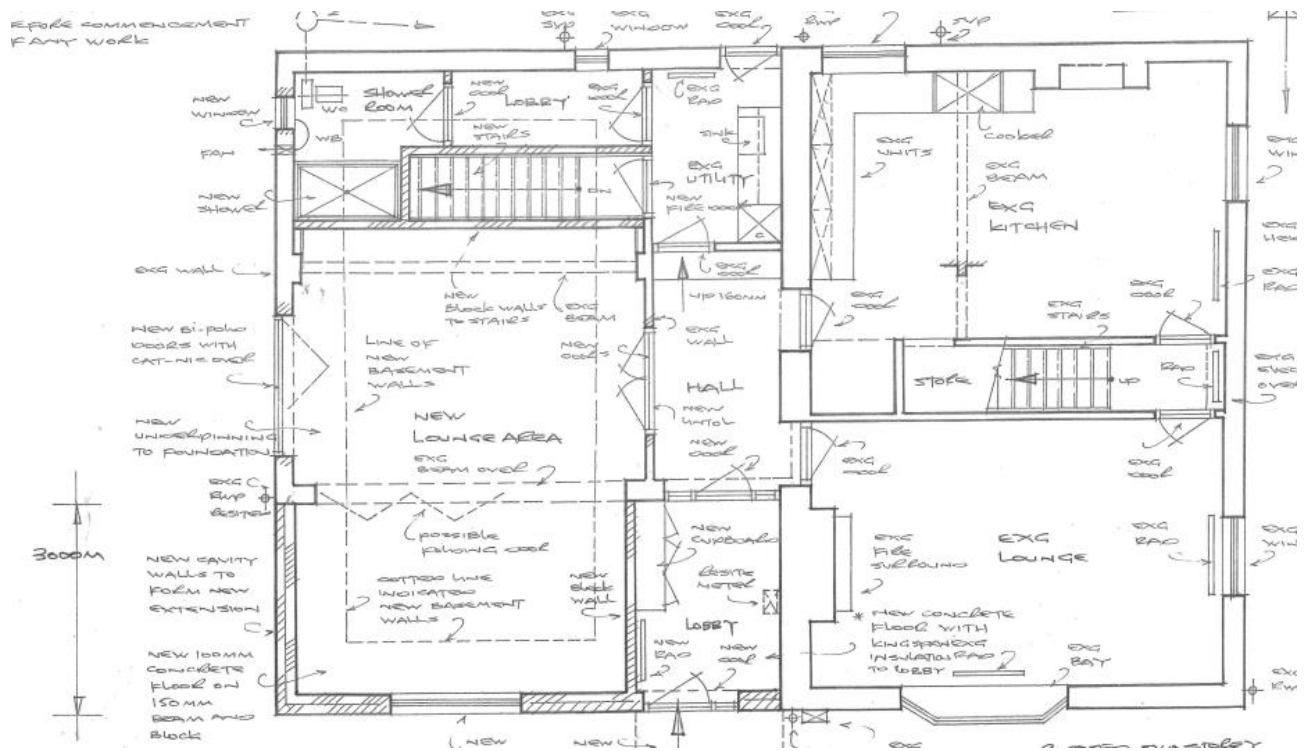


Figure 5: Previously refused scheme (NED/24/00403)

Very Special circumstances

- 7.11 The applicant proposes that, in approving the application scheme, the householder permitted development rights as set out above could be removed. An illustration of the potential development on site that could be undertaken using permitted development rights is given. However, these are a largely theoretical possibility rather than being worked up and/or the subject of any formal scheme. In addition, they relate to a rear extension and dormer along with a large outbuilding and no quantitative or qualitative assessment has been undertaken of them. Therefore, Officers attribute this potential fall-back little weight and consider that any PD removal would not outweigh the harm that would be caused by the extension proposed. Overall, this proposal, as set out by the applicant, is not considered to represent the very special circumstances necessary to clearly outweigh the harm caused to the Green Belt and there is no other evidence submitted to demonstrate such circumstances exist.

Design and impact on the streetscene

- 7.12 Local Plan policy SDC3 states that 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.
- 7.13 In a countryside location where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful siting, scale, design and use of materials.
- 7.14 The local area character type is within the 'Wooded Hills and Valleys' character type of the 'S Yorkshire, Notts & Derbyshire Coalfield' area. The application site is set on the edge of Hundall, a small hamlet to the south east of Apperknowle. It is surrounded by residential development to the south and north east, with open fields to the east and west, but the site has a rural character and for the purposes of planning it is located in a countryside location.
- 7.15 The existing dwelling is set into a sloping application site, with the proposed extension being to the front of the existing dwelling. the proposal would use materials to match the extended host dwelling and now include a pitched roof. No changes are proposed to the driveway or boundary treatments on site.
- 7.16 The proposal would not impact the tranquillity of the area and would not impact important features or views and with this in mind, Officers conclude the proposal would have an acceptable impact on the character and appearance of the surrounding landscape.

- 7.17 The street scene includes other properties with a mix of styles and designs. Officers conclude that, on balance, the proposal would respect the scale, proportions and overall design of the dwelling and not harm the surrounding street scene or area in terms of its design.

Privacy and Amenity Considerations

- 7.18 The properties most affected by the proposal are Ulverscroft and Tapton Poultry Farm.
- 7.19 The existing dwelling is between the proposed extension and Tapton Poultry Farm and as a result there is no potential for overlooking or overshadowing impacts on this property.
- 7.20 Ulverscroft is 58m from the proposed extension and uphill and will not result in overshadowing as a result. The proposed window in the gable end facing this dwelling is obscured by a large hedge and the window is 22m from the boundary of the curtilage of the proposal site. Therefore, it is not considered to have a detrimental impact.

Highway Safety Considerations

- 7.21 The proposal results in the removal of the garage, however it does not result in any additional bedrooms within the dwelling and despite the removal of the garage there is adequate off-street parking for 4 vehicles on the driveway and associated hardstanding
- 7.22 Therefore, the proposed development would not lead to an unacceptable impact on highway safety and the residual cumulative impact on the wider road network would not be severe.

8.0 Summary and Conclusion

- 8.1 In light of the above considerations, it is concluded that the proposal is considered to be inappropriate development in the Green Belt and there are no very special circumstances to clearly outweigh this harm. The proposal is therefore contrary to policy SS10 of the Local Plan and the policies of the NPPF

9.0 Recommendation

- 9.1 That planning permission is **REFUSED** for the following reasons.

Reasons for refusal

No	
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1.	<p>Local Plan Policy SS10 states that new buildings within the Green Belt will not be granted planning permission; one exception being for extensions to existing dwellings providing it does not result in disproportionate additions over and above the size of the original dwelling.</p> <p>The National Planning Policy Framework also identifies that the construction of new buildings in the Green Belt as inappropriate development, exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.</p> <p>Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p>The proposed development, when taken cumulatively with previous extensions to the property, would represent in a disproportionate addition to the original dwelling and be inappropriate development by definition and therefore harmful to the North East Derbyshire Green Belt.</p> <p>No very special circumstances exist to justify the proposal and clearly outweigh the harm caused. The development is therefore contrary to the requirements of Policy SS10 of the North East Derbyshire Local Plan and the aims and policies of the National Planning Policy Framework.</p>
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North East Derbyshire District Council

Planning Committee

24 June 2025

Planning Appeals – Lodged and Determined

Report of the Planning Manager – Development Management

Classification: This report is public

Report By: Joanne Edwards

Contact Officer: Joanne Edwards 01246 217163

PURPOSE / SUMMARY

To inform the Committee of the appeals lodged and determined.

RECOMMENDATIONS

None.

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not required as the report is for information only.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.
A place to live that people value. A place where people enjoy spending time. Continually improve Council services to deliver excellence and value for money.

REPORT DETAILS

1 Background

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

2. Details of Proposal or Information

2.1 Appeals Lodged

The following appeals have been lodged: -

W Redmile & Sons Ltd - Planning application for residential development of 132 dwellings (Use Class C3), with highways, landscaping and associated works (Major Development)(Affecting public footpath) (Additional plans/information)(Further/Revised Additional plans/information) at Land North Of Burns Drive And East Of Southfield Drive On The South Side Of Chesterfield Road, Dronfield (23/00932/FL)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

Mr Nick Horsley - Retention of an agricultural building (affecting a Public Right of Way) at Springwood Farm, Cowley Lane, Holmesfield (25/00111/FL)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

Mr Mark Pickard - Prior approval application for the change of use of the existing agricultural building to provide two dwellings (Affecting a Public Footpath) at Barns And Land On The South West End Of Gill Lane, Grassmoor (24/00692/CUPDMB)

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

Mr Mark Pickard - Prior approval application for the change of use of the existing agricultural building to provide one dwelling (Affecting a Public Right of Way) at Barns And Land On The South West End Of Gill Lane, Grassmoor (24/00694/CUPDMB)

Planning Officer – Alice Lockett alice.lockett@ne-derbyshire.gov.uk

Mr William Rodgers - Application for prior notification for Proposed barn for agricultural storage of materials, crops and machinery at Land South Of Ockley Farm, Dyche Lane, Coal Aston (25/00207/AGD)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

2.2 Enforcement Appeal Lodged

Mr Nick Horsley – Enforcement Notice appeal against creation of a hardstanding and new building at Springwood Farm, Cowley Lane, Holmesfield (24/00226/OD)

Planning Enforcement Officer – Julian Hawley julian.hawley@ne-derbyshire.gov.uk

2.3 **Appeals Allowed**

No appeals have been allowed.

2.4 **Appeals Dismissed**

The following appeals have been dismissed: -

Mr. Robert Sharpe - Erection of barn (Package Treatment Plant) at Site Of Former Hay Lane Cottage, Hay Lane, Milltown, Ashover (24/00800/FL)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

Ms C Meehan - Demolition of an existing equestrian building and the construction of a self-build and custom build single storey dwelling (Conservation Area) (Private Drainage System)(Additional information) at Snowdon Farm Riding School, Snowdon Lane, Troway (24/00540/FL)

Planning Officer – Kerry Hallam kerry.hallam@ne-derbyshire.gov.uk

Mr William Calvert - The proposal is for a single storey garage building to provide secure vehicle and ancillary storage for the main residential dwelling, and additionally a basement storage garage to provide secure accommodation for ancillary agricultural equipment required for the maintenance of the wider site area at Brookfields Farm, Main Road, Holmesfield (21/01310/FLH)

Costs have been awarded to the appellant

Planning Officer – (AP) Ken Huckle kenneth.huckle@ne-derbyshire.gov.uk

2.5 **Enforcement Appeal Dismissed**

Mr Easthope – The erection of a building incorporating ground floor TV room, domestic store, bar area, and the provision of a platform and balustrade and engineering operations carried out to facilitate the construction of the building, and to facilitate the laying of a patio at Summerley Cottage, Summerley Road, Summerley, Apperknowle (22/00339/OD)

Planning Enforcement Officer – Julian Hawley julian.hawley@ne-derbyshire.gov.uk

2.6 **Appeals Withdrawn**

No appeals have been withdrawn.

3 **Reasons for Recommendation**

3.1 The report is to inform the Planning Committee of appeals lodged and determined.

4 **Alternative Options and Reasons for Rejection**

4.1 There are no alternative options as this report is for information only.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (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)	

Agenda Item 11

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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