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**North East
Derbyshire
District Council**

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Date: Monday, 13 April 2026

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on Tuesday, 21 April 2026, at 2.00 pm in Council Chamber at 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

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

Assistant Director of Governance and Monitoring Officer

Members of The Committee

Councillor L Hartshorne (Chair)
Councillor N Baker
Councillor A Cooper
Councillor C Gare
Councillor H Liggett
Councillor K Rouse

Councillor T Lacey (Vice-Chair)
Councillor D Cheetham
Councillor P Elliott
Councillor W Jones
Councillor F Petersen

Any substitutions must be notified to the [Governance Manager](#) in advance by midday the working day before the meeting.

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 4 - 8)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 17 March 2026.

5 NED/25/00885/FL - SHIRLAND (Pages 9 - 27)

Demolition of existing stable block and construction of agricultural building and external hardstanding to the rear (Amended Plans) (Amended Description) at 9 Birkinstyle Lane, Shirland.

(Planning Manager – Development Management)

6 Late Representations - Summary Update Report (To Follow)

(Planning Manager – Development Management)

7 Planning Appeals - Lodged and Determined (Pages 28 - 31)

(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.

9 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).

10 Section 106 (Legal) Agreements Update (Pages 32 - 45)

Planning Manager (Development Manager)

11 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, 17 MARCH 2026

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)

Councillor Tony Lacey (Vice-Chair)

Councillor Neil Baker

Councillor Andrew Cooper

Councillor Kevin Gillott

Councillor Heather Liggett

Councillor Richard Welton

Councillor David Cheetham

Councillor Christine Gare

Councillor William Jones

Councillor Kathy Rouse

Also Present:

A Kirkham

A Smith

A Lockett

P Slater

C Rouse

T Fuller

M E Derbyshire

Planning Manager - Development Management

Legal Services Manager and Deputy Monitoring Officer

Senior Planning Officer

Principal Planning Officer

Planning Officer

Senior Governance Officer

Members ICT & Training Officer

PLA/ Apologies for Absence and Substitutions

52/2

5-26

Apologies for absence had been received from Councillors F Petersen and P Elliott.

Councillor K Gillott attended as a substitute for Councillor F Petersen, and Councillor R Welton attended as a substitute for Councillor P Elliott

PLA/ Declarations of Interest

53/2

5-26

Regarding item **NED/25/00488/FL - KILLAMARSH EAST**, as the application was within Killamarsh East Ward, which Councillor T Lacey represented, Councillor Lacey would leave the room and would not participate in the Committee's consideration or determination of the application.

Regarding item **NED/25/01014/FL - GRASSMOOR**, as the application was within Grassmoor Ward, which Councillor L Hartshorne represented, Councillor Hartshorne 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/25/00866/FLH - PILSLEY & MORTON**, as the application was within Pilsley and Morton Ward, which Councillors A Cooper and K Gillott represented, Councillors Cooper and Gillott would leave the room and would not participate in the Committee's consideration or determination of the application.

PLA/ Declaration of Predetermination

54/2

5-26 There were no declarations of predetermination.

PLA/ Minutes of Last Meeting

55/2

5-26 **RESOLVED** – That the Minutes of the meeting held on 9 December 2025 were approved as a true record.

*Having declared an interest in the next item Councillor T Lacey left the meeting.
Councillor Lacey did not participate in the consideration or determination of the application.*

PLA/ NED/25/00488/FL - KILLAMARSH EAST

56/2

5-26

The Committee considered an application to Discharge a Planning Obligation under Section 106A of the Town and Country Planning Act, relating to the financial contributions towards affordable housing contributions, off-site public open space contributions, and off-site public open space maintenance contributions at S And A Parsons Building Contractors Ltd, Mansfield Road, Killamarsh S21 2BW. The application had been referred to Committee by Planning Committee Chair, Councillor L Hartshorne, due to the need to assess whether the revised contributions would mitigate the impact of the development.

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

The report highlighted that on balance, the evidence submitted, along with the independent validation provided, demonstrated that the construction costs presented were reasonable, consistently evidenced, and broadly reflective of the development as built. Although minor discrepancies had been identified, none materially undermined the overall cost position. The report also highlighted that verified cost evidence demonstrated that the scheme would operate at a loss even before any S106 contributions were applied, meaning the obligations would no longer serve a useful planning purpose.

Officers concluded that the scheme cannot viably support any S106 payments and that the submission's request should be allowed. They recommended, therefore, that the application be approved.

Before the Committee considered the application it heard from objectors, Mark Vivian and Maureen Sanderson, and the Agent, Nathan James Green.

Committee considered the application. It took into account the relevant Local and National Planning Policies. This included Local Plan Policy ID1, concerning infrastructure delivery and developer contributions.

Committee discussed the application. Some Members expressed concern that the Council would be walking away from a large amount of money should the application be approved. Some Members expressed concerns over the independence of the Applicant's viability assessment and therefore suggested that the figures being considered should not be wholly trusted.

Officers highlighted that if Councillors still had concerns over the numbers they

were being presented with, the next step would be to seek the advice of a forensic accountant, in which case a deferral would be needed. It was suggested that in order to make a properly informed decision, it would be sensible to defer the application for a forensic accountant to verify the numbers. It was also suggested that during the deferral, it should be explored as to whether the developer could commit to paying some, but not all of the Section 106 money.

At the conclusion of the discussion Councillor K Gillott and Councillor N Baker moved and seconded a Motion to defer the application, in order for a forensic accountant to investigate and to explore the possibility of some of the Section 106 money being paid. The Motion was put to a vote and approved.

RESOLVED – That the application be deferred in order for a forensic accountant to investigate and to explore the possibility of some of the Section 106 money being paid.

Councillor D Cheetham joined the meeting.

Councillor T Lacey returned to the meeting.

Having declared an interest in the next item, Councillors A Cooper and K Gillott left the meeting. They did not participate in the consideration or determination of the application.

PLA/ NED/25/01014/FL - GRASSMOOR

57/2

5-26

With the agreement of the Chair Item 7, NED/25/00866/FLH – PILSLEY & MORTON, was taken next.

The Committee considered an application that had been submitted for a two-storey side and single storey rear extension at 12 Bacchus Way, Morton, Alfreton, DE55 6HR. The application had been referred to Committee as the Applicant was the relative of Councillor Cupit, meaning under the Council's constitution, the application needed to be considered by Planning Committee.

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

The report highlighted that the design and appearance were appropriate and would not result in any harmful impact on the character or street scene. The proposal would also not give rise to any unacceptable effects on the privacy and amenity of neighbouring occupants.

Officers concluded that the development accorded with the relevant policies of the Development Plan. They recommended, therefore, that the application be approved subject to conditions.

Committee considered the application. It took into account the relevant Local and National Planning Policies.

Councillor T Lacey and Councillor L Hartshorne moved and seconded a Motion to approve the application, in line with officer recommendation, subject to conditions.

The Motion was put to a vote and approved.

RESOLVED – That planning permission be **conditionally approved** subject to the conditions and informatives set out in the report with the final wording of the conditions delegated to the Planning Manager (Development Manager).

Councillors A Cooper and K Gillott returned to the meeting.

Having declared an interest in the next item Councillor L Hartshorne stated that he would speak during the public participation section and would then leave the meeting and would not participate in the consideration or determination of the application.

Councillor T Lacey in the Chair.

PLA/ NED/25/00866/FLH - PILSLEY & MORTON

58/2

5-26

The Committee considered an application that had been submitted for the conversion of house (Use Class C3) into children's home (Use Class C2) at 2 Durham Avenue, Grassmoor, Chesterfield, S42 5DL. The application had been referred to Committee by Local Ward Member, Councillor M Durrant, who had raised some concerns. An update report had been circulated which set out late representations regarding the application.

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

The report highlighted that local and national planning policy aims to provide adequate specialist care homes for children and that the dwelling would be well suited to the use, due to its proximity to local services including parks, schools and medical services. The report also contended that the scheme included adequate parking and would not harm the character of the area or the amenity of adjoining residents.

Officers concluded that the proposal met the requirements of policies of the Development Plan. They recommended, therefore, that the application be approved subject to conditions.

Before the Committee considered the application it heard from local Ward Member, Councillor Lee Hartshorne, and objector, Rob Whitehead. Committee also heard from Gabriela Smith who spoke on behalf of the applicant.

Councillor L Hartshorne left the meeting.

Committee considered the application. It took into account the relevant Local and National Planning Policies. This included Local Plan Policy LC4, concerning type and mix of housing, and National Planning Policy Framework (NPPF) paragraph 63, concerning housing needed for different groups in the community.

Committee discussed the application. Some Members highlighted that, whilst there was potential for some disruption to the community to be caused, there was a need to meet the considerable demand for care homes for children. It was also

highlighted that there were few material considerations against the application and any disruption caused would be no greater than a young family or foster family moving into the house. It was suggested that further conditions should be added to secure the amenity of neighbouring properties, these included a condition that would ensure the property returned to Use Class C3 if it stopped being used as a care home for children, a condition that removed the Permitted Development rights for the property whilst it was in Use Class C2 and a condition that ensured construction work on any renovations to the property would only take place within certain hours. Committee agreed that the proposed conditions were sensible.

At the conclusion of the discussion Councillor K Gillott and Councillor A Cooper moved and seconded a Motion to approve the application, in line with officer recommendation, subject to conditions set out in the report, along with the additional conditions proposed by Planning Committee Members. The Motion was put to a vote and approved

RESOLVED – That planning permission be **conditionally approved** subject to the conditions and informatives set out in the report, along with additional conditions agreed by Planning Committee Members, with the final wording of the conditions delegated to the Planning Manager (Development Manager).

Councillor L Hartshorne returned to the meeting.

Councillor L Hartshorne in the Chair.

PLA/ Planning Appeals - Lodged and Determined

59/2

5-26

The Committee considered a report which set out planning appeals that had been lodged and determined. The report set out that five appeals had been lodged, three appeals had been allowed, one appeal had been part 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

60/2

5-26

None.

PLANNING COMMITTEE – 21 APRIL 2026

Reference Number: 25/00885/FL

Application expiry: 05/05/2026

Application Type: FULL

Proposal Description: Demolition of existing stable block and construction of agricultural building and external hardstanding to the rear (Amended Plans) (Amended Description)

At: 9 Birkinstyle Lane, Shirland, Alfreton, DE55 6BS

For: Mr Dennis Dyson

Third Party Reps: 2 objections

Parish: Shirland and Higham Parish

Ward: Shirland

Report Author: Steven Wigglesworth

Date of Report: 24 March 2026

MAIN RECOMMENDATION: Grant permission, subject to conditions

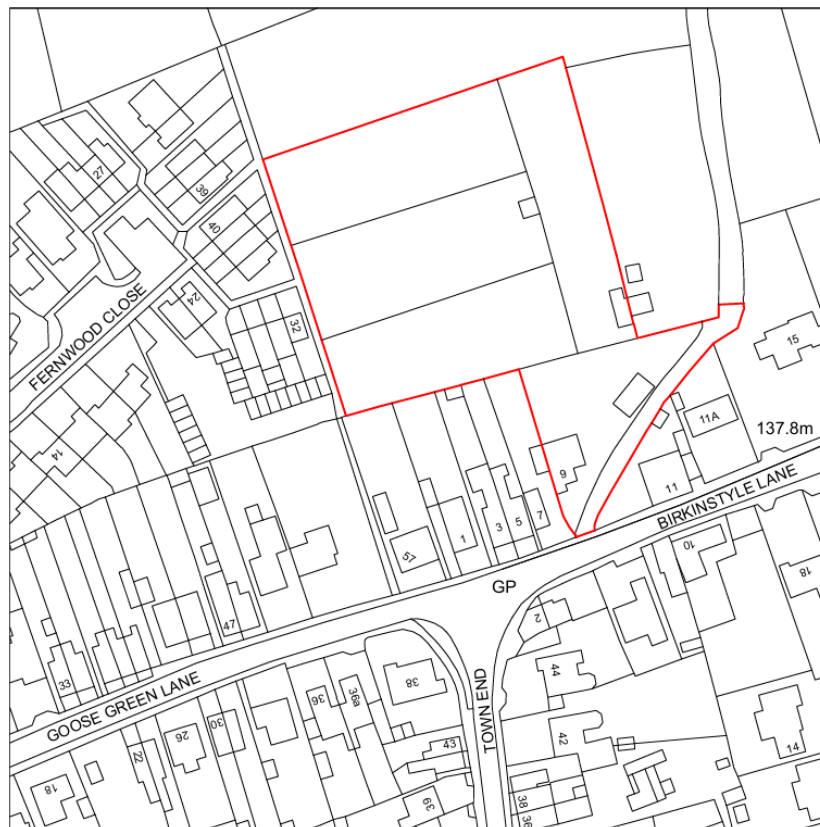


Figure 1: Location plan, with site edged in red

1.0 Reason for Report

1.1 Cllr Liggett requested that the application be considered at committee for the following reasons:

- There are concerns regarding height, overall size and the need as the use of the building for agricultural purposes is in question.

2.0 Proposal and Background

Site Description

2.1 The location for the proposed building is outside the settlement development limits (SDL) of Higham and Stonebroom and therefore classed as being in the countryside for the purposes of the Local Plan. And for the Neighbourhood Plan it is classed as Open Landscape. The SDL runs along the garden boundaries (northern) of the properties on Birkinstyle Lane.

2.2 The application site comprises 9 Birkinstyle Lane (a dwelling with detached garage, those parts are within the SDL) which is accessed off Birkinstyle Lane and more specifically the fields behind this property (those parts are outside the SDL).

2.3 Within the fields next to the boundary with the house there is an existing building of timber construction, which appears to be a former stable, and which is split in ownership between two landowners. This relationship can be seen in the photograph below.



2.4 This building (seen below) has a canopy to the front and rear, which appears to require repair and maintenance. The applicants in their application documents state the building does not meet the needs of the existing holding.



2.5 The proposal would remove half of the existing building, the half which is in the site area and in the applicant's ownership. The amended plans show that the remaining building would be made good.

2.6 The fields are in use for agriculture, specifically the keeping of rare breed sheep. When officers visited the application site there were 3 sheep on site (as seen below). There were also sheep in the adjoining field but those were not the applicants. The field(s) owned by the applicant is divided up into smaller units to allow the stock to be rotated within the fields and managed accordingly and there are sheep feeders and other agricultural artefacts on the land as well as another sheep shelter (also appears to be a former stable).



2.7 The field subject of this application is framed by mature hedgerows to the southern and western boundaries. There are dwellings adjoining both the southern and

western boundaries of the field. A footpath runs between the dwellings to the west and the field.

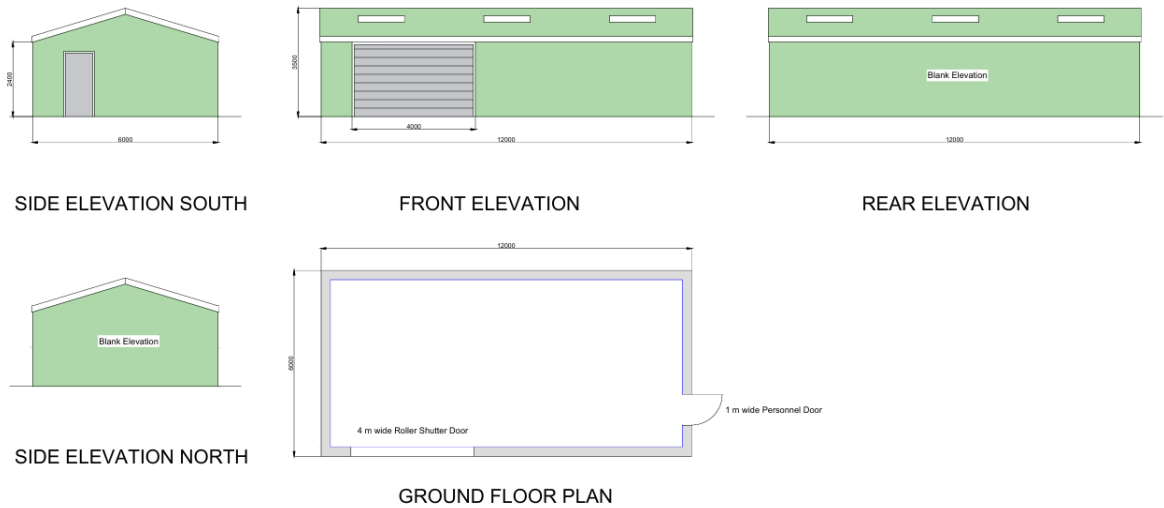
- 2.8 The site is within a development high risk area identified by the Coal Authority.
- 2.9 The landscape area is South Yorkshire, Nottinghamshire and Derbyshire Coalfields and the Landscape Character type is 'Coalfield Village Farmlands'.
- 2.10 The site is within flood zone 1 and does not show any known risk of flooding from surface water.
- 2.11 The historic landscape assessment identifies the site as part of a fossilized strip field system.

Proposal

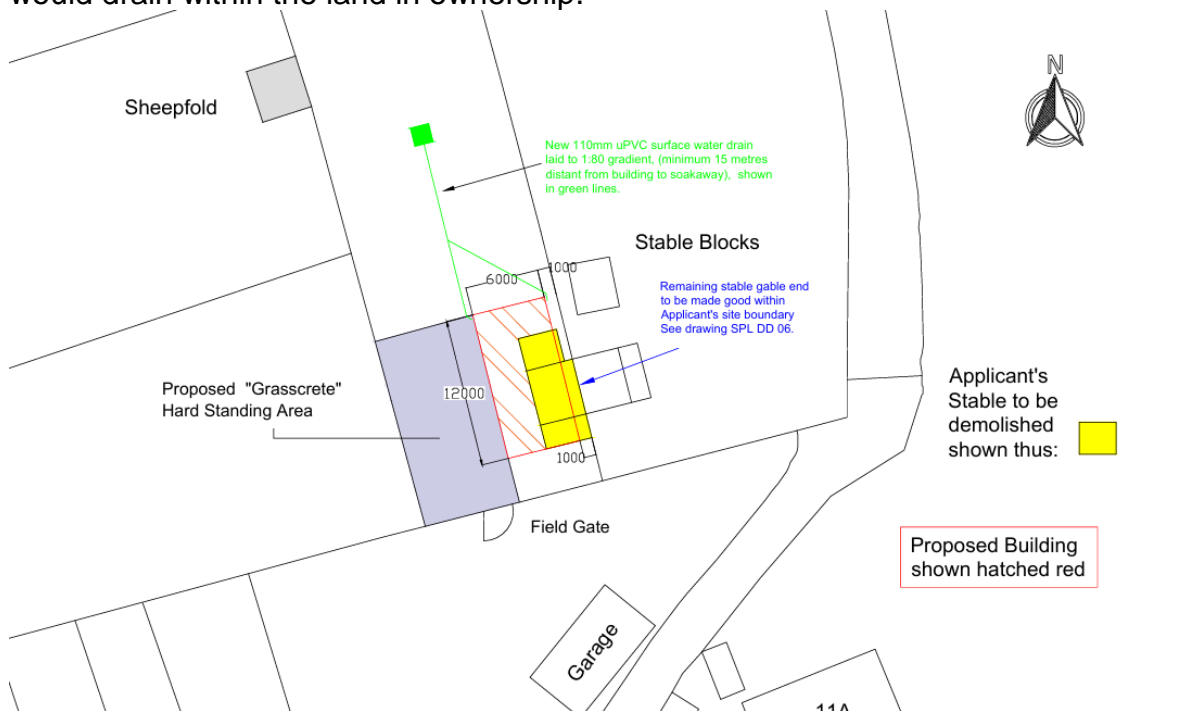
- 2.12 As submitted, the development description and plans showed a proposal for a two storey height agricultural building.
- 2.13 The proposal has been amended following officer concerns about there being no justification for the two storey height and it being unneighbourly by virtue of its height.

Amendments

- 2.14 An agricultural justification has been submitted to explain why the building is necessary for agriculture.
- 2.15 The application was also amended to a single storey building, the amended plans also show the hard standing required.
- 2.16 Amended plans also show details of drainage following concerns being raised by the neighbour and also details of how the existing building would be made good within the site area.
- 2.17 The amended plans comprise:-
 - 'Block Plan - SPL DD 03 Rev 2'
 - SPL DD 01 rev 01 (These show the elevations and floor plan)
 - Frame Detail to close Neighbour's stable gable end - SPL DD 06
- 2.18 These plans (illustrated below) show the building would be:-
 - 12m long x 6m wide, its eaves would be 2.4m tall, it would have a dual pitched roof to a ridge height of 3.5m.



- 2.19 Its external finish is for the walls green steel vertical cladding with plastic coating, for the roof green steel sheeting with translucent sections. The roller shutter door and pedestrian would be grey.
- 2.20 There is a pedestrian door in the south elevation and a 4m wide roller shutter door on the west facing/front elevation.
- 2.21 To the west of the building there is an area of grasscrete proposed to allow for a hardstanding with a character which is sensitive to its setting.
- 2.22 Block plan SPL DD 03 rev 2 (extract seen below) shows that the surface water would drain within the land in ownership.



3.0 Relevant Planning History (not the full site history)

75/00872/FL	CA	06.03.1975	Extensions to lounge and kitchen.
80/01251/FL	CA	25.12.1998	Field at rear - erection of 2 No. stables.
89/01129/OL	R	25.12.1998	Land adjacent 9 Birkinstyle Lane Shirland Outline application for one detached bungalow
90/00911/OL	R	25.12.1998	Detached bungalow adjacent
90/00912/OL	R	25.12.1998	Land adjacent 9 Birkinstyle Lane Shirland Detached bungalow (outline application)
91/00841/FL	CA	25.12.1998	First floor bedroom extension
05/01027/FL	CAPD	15.11.2005	Construction of a two storey rear extension (Amended title/amended plan)

4.0 Consultation Responses

- 4.1 Ward Member – Concerns regarding height, overall size and the need as agricultural building use is in question.
- 4.2 Parish Council - The Parish Council are concerned about the size and massing of the building.
- 4.3 Coal Authority – Material consideration - Withdraws its objection (2nd response dated 23rd February 2026) - The applicant previously submitted some coal mining information to accompany the planning application; however, the Coal Authority did not consider that it adequately addressed the impact of coal mining legacy on the proposed development. The Coal Authority therefore objected to the planning application and considered that the applicant needed to submit a Coal Mining Risk Assessment Report to the LPA. The Coal Authority is therefore now pleased to note the supporting Coal Mining Risk Assessment (dated February 2026) of which confirms that the recorded mine entry poses no undue risk to the development due to its location away from any built development. Based on a review of existing sources of geological and mining information, and with the report also confirming

that any shallow coal mine workings will have sufficient competent rock cover above them to afford ground stability, the Coal Authority withdraws its objection to this planning application.

- 4.4 Environmental Health Officer (EHO) – (16th February 2026) Following receipt of additional information submitted concerning ground gas risks the EHO has advised that - the lack of evidence of any local events in regards ground gas is insufficient to demonstrate that the proposed development will not be at risk from ground gas. A ground gas risk assessment should be submitted, or this could be required by condition if preferred. 3 x Conditions suggested by EHO in email of 24/03/2026.
- 4.5 DCC Highways Authority – No objection 24 03 2026 - Following the additional information submitted by the applicant below and our conversation yesterday the following is understood: –
- 4.6 The access to the proposed building will be undertaken via the access track from Birkinstyle Lane for a small stretch (approx. 25m) before turning left into the rear courtyard therefore negating the need to travel on land outside of the ownership of the applicant. The access serving the proposed building will be increased to 2.4m with sufficient turning area on the existing concrete hardstanding for vehicles to turn around and egress in forward gear. The applicant proposes the agricultural building to service the existing agricultural stock (5/6 sheep) with a minor increase to 9 ewes and 1 ram and, seasonally, circa 17 lambs. This represents a minor intensification which is considered acceptable from the site access. It is understood from the applicant that additional vehicles will be comprised of private car and trailer which is as current practice. With regard to the demolition and construction activity the access track from Birkinstyle Lane will be used however these will travel to the rear courtyard which has sufficient turning area on the existing concrete hardstanding for vehicles to turn around and egress in forward gear.
- 4.7 Therefore on this basis, it is considered that the development does not result in an unacceptable impact on highway safety, as such the Highways Authority raise **no objection**.
- 4.8 Derbyshire Wildlife Trust – No response to date. Any response will be reported to members prior to planning committee.

5.0 Representations

- 5.1 2 local residents have made representations raising the following comments to the proposed development, they raise the following points of objection and concern.
- It appears a big barn for so few sheep, the Apex of the building will be nearly 5.9metres high.
 - Sheep are able to winter out all year and don't require housing apart from lambing time to enable veterinary care when required.

- A lean-to on the hard standing would be more acceptable to store hay and straw for the winter period reducing the need for a 2nd storey on the barn.
- Neighbour is concerned how the proposed development would affect their building, with the comments 'made good' not being clear enough.
- Concerned about what materials will be used on the reduced building, to seal the building.
- Concern in relation to the proposed foundation of the building affecting the parts of the existing building that will remain.
- Concern that the neighbours property will still need unobstructed access whilst works are underway.
- Concern that the drainage from the roof of the proposed building should not simply drain to onto the neighbours land as it may result in it being waterlogged.
- Concerned to ensure that adequate guttering is in place to the south elevation to ensure no water ingress into my buildings as I am unsure what the plans are for drainage / soak away.

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
 SS9 Development in the Countryside
 SDC4 Biodiversity and Geodiversity
 SDC2 Trees, Woodlands and Hedgerows
 SDC3 Landscape Character
 SDC12 High Quality Design and Place Making
 SDC13 Environmental Quality
 SDC14 Land potentially affected by Contamination or Instability

Shirland and Higham Neighbourhood Plan (NP)

6.2 The following policies of the NP are material to the determination of this application:

Policy 1 Sustainable Development
 Policy 3 Protecting Landscape Character
 Policy 4 Protecting and Enhancing the Natural Environment
 Policy 7 Achieving High Quality Design
 Policy 11 Supporting the Local Economy

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.

Other Material Planning Considerations

6.4 Successful Places Interim Planning Guidance, adopted December 2013

7.0 Planning Issues

Principle of Development

- 7.1 Local Plan policy SS9 (Development in the countryside) is permissive of development that is necessary for the efficient or viable operation of agriculture. It is required to respect the form, scale and character of the landscape, through careful siting, scale and design and use of materials.
- 7.2 Local Plan Policy SDC12 requires a High Quality of design. The Shirland and Higham Neighbourhood Plan is similarly restrictive as set out in policies 3, 7 and 11.
- 7.3 The principle of development is therefore considered acceptable, subject to the necessary justification, design and amenity considerations which are covered below.

Justification and Impact on Countryside

- 7.4 The proposal, as amended, now illustrates a single storey building with grasscrete hardstanding adjacent and an agricultural justification statement has been provided.
- 7.5 The agricultural justification sets out the following: –
- 7.6 The area of agricultural land owned by the application is 0.513ha (1.27acres). The building will be used for livestock housing, lambing and general storage associated with the land holding, including machinery and animal fodder and hay and straw bedding. The agricultural business is based on breeding of rare breed sheep in small numbers. The field is managed as four independent paddocks, each with perimeter fencing, to prevent overgrazing and loss of yield. The applicant intends to increase the rare breed sheep business to stock approximately 9 ewes and 1 ram, achieving seasonally approx. 17 lambs. The justification explains why the existing building is not suitable and why the proposed one has been designed for the intended agricultural business. The agricultural justification is accepted because it establishes why the proposed building is necessary for the purposes of agriculture on this holding.
- 7.7 The design of the agricultural building is of standard agricultural appearance but of a size suited to the agricultural need. With the exception of the door(s), it is proposed in green which will help to reduce its impact on the landscape. The specific green colour is not disclosed but one of the standard finishes for agricultural building is juniper green 12B29, this is a dark green and can be secured by planning condition. The doors ought also to be in the same finish otherwise it would make it

appear more obtrusive than the recessive juniper green colour that we shall require on the rest of the building, for the doors to be finished in juniper green can also be secured by planning condition.

- 7.8 The siting of the building is close to the existing group of buildings and would not have an adverse impact on the landscape and there did not appear to be a more suitable site on the agricultural holding.
- 7.9 Local Plan Policy SS9 permits buildings of this use where they are necessary for the purposes of agriculture. Their impact on the landscape is therefore only acceptable where the impact is minimised in accordance with Local Plan Policies SDC12, SDC3 and Neighbourhood Plan Policies 3 and 7 and where the necessity of the building for these purposes outweighs the impact of the building on the character and appearance of the area.
- 7.10 Therefore, a planning condition is considered to be necessary to ensure that the buildings are only used for the purposes of agriculture, including removing permitted development rights which could otherwise allow change of use, and ensuring the buildings are removed when they are no longer required for the purposes of agriculture. This is in the interests of the character and appearance of the area including the landscape.
- 7.11 It is noted that some of the points of objection received including those in the representation, those of the parish council and of the ward member were in relation to the size of the building and the lack of an agricultural justification and it is considered that the reduced size of the building and the submitted agricultural justification would hopefully go some significant way to addressing those points of objection. Although it does need to be noted that we have not received any updates stating these objections have been withdrawn.

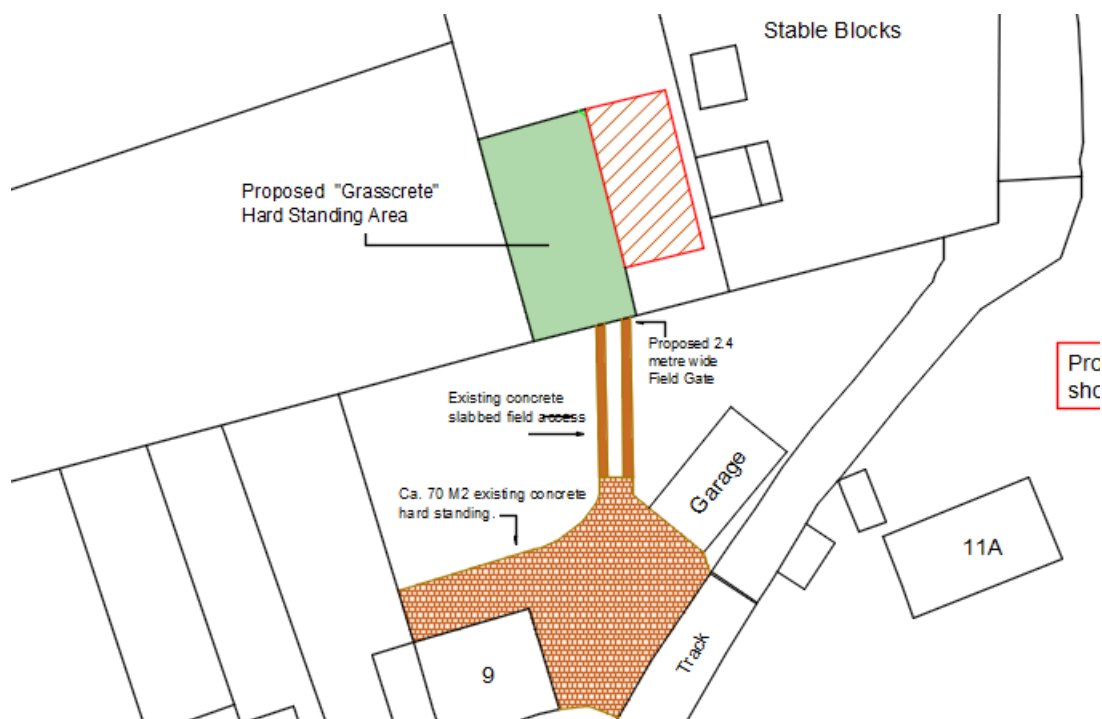
Amenity Considerations

- 7.12 Prior to the proposal being amended, officers were concerned that the two storey height of the previous building could represent harm to the outlook of neighbouring properties which otherwise benefit from a relatively open unobstructed outlook. The amended plan for a single storey building overcomes this issue.
- 7.13 The agricultural business already operates from the site and whilst it is intended to increase its stock, it is not considered to raise any significant amenity issues as the proposed building will serve that existing use. Storing fodder, implements, machinery and livestock for example when lambing.
- 7.14 Given the modest size of the building now proposed and the type of livestock kept on site this is not considered to cause potential amenity issues, for example by virtue of noise or odour.

- 7.15 However, given its proximity to dwellings it is considered that odour making livestock such as pigs and poultry ought to be excluded via planning condition in the interests of the amenity of the neighbouring dwellings.
- 7.16 Issues of residential amenity may arise during the removal of part of the original stable block, having regard to its proximity to the site boundary. In order to ensure that demolition is carried out in a controlled manner and to protect neighbouring amenity, officers recommend that a condition be imposed requiring the submission and approval of a Demolition Method Statement.
- 7.17 It should also be noted that the application has been updated to address the matters of concern raised by the neighbour including details of drainage showing the surface water from the building will drain within the land in the applicant's ownership and also details have been provided of how the existing building will be made good following demolition of the applicants half.

Highways Safety Considerations

- 7.18 The Highways Authority in their initial response raised some queries, which they wished the decision on the application to be deferred until they could consider a response to the matters they raised.
- 7.19 The applicant's agent provided a written response with a plan seen below; these are available to view on the planning file.



- 7.20 The response shows that the site will use the existing access and field accessed via the existing hardstanding and track, the field gateway will be enlarged slightly.
- 7.21 In response to the amended plans/details, the Highways Authority confirm that the existing agricultural use would not be intensified significantly. Therefore, there will be no significant increase in traffic using the existing access and the proposal does not pose an unacceptable impact on highways safety and will not have a severe impact on the road network. Accordingly, the proposal does not warrant refusal on highway safety grounds, having regard to paragraph 116 of the NPPF.

Coal Mining Risk

- 7.22 The site is within a development high risk area identified by the Coal Authority. As submitted the application was not supported with a coal mining risk assessment and therefore contrary to Local Plan Policy SDC14. The Coal Authority was consulted and objected to the application. Since that objection a Coal Mining Risk Assessment has been submitted, and this has been scrutinised by the Coal Authority, and they have withdrawn their objection.
- 7.23 The Environmental Health Officer was also reconsulted with the coal mining risk assessment, and they were not satisfied that it adequately deals with the matter of ground gasses and have suggested the risk assessment be updated to address these concerns or that ground gasses are dealt with via planning condition. the wording of these conditions have been agreed with the applicant.

Biodiversity Considerations

- 7.24 The application includes a Preliminary Ecological Appraisal (PEA), the statutory BNG Metric (small sites metric) and a BNG site plan.
- 7.25 Derbyshire Wildlife Trust (DWT) has been consulted but comments were not available at the time of drafting this report to members of planning committee, as such any comments provided will be reported by officers prior to the planning committee meeting.
- 7.26 In the absence of DWT consultation response, officers are still able to assess the biodiversity implications and adequately mitigate if necessary and provide for BNG because the submitted PEA and BNG submission have been prepared by suitably qualified ecological consultants.
- 7.27 The PEA concludes that the site has the following ecological qualities: –
- 7.28 *The site is of low ecological value. No protected species are expected to be impacted. Hedgerows offer general bird and small mammal habitat but will not be removed. No ecological constraints to demolition or construction. Existing building has low ecological value. Works will not impact bats, birds, or other protected fauna.*

No ecological reason prevents the proposed demolition and construction. No further protected species surveys are required.

- 7.29 The report does recommend that the precautions and enhancements recommended in the report ought to be secured by planning conditions.
- 7.30 For Biodiversity Net Gain (BNG) a small sites metric has been completed. The report suggests that BNG targets are not met by the proposal. It's not clear why as it suggests an 11% gain. It may be an error in the hedgerow calculations. That said, as the scheme has progressed it is now clear that a small length of native hedgerows will need to be removed to facilitate widening the gateway from the garden to the field.
- 7.31 Officers have alerted the agent that the metric is currently showing that BNG targets are not met and that the metric will need updating to account for loss of the hedgerow at the gateway which would be widened as a part of this proposed development. An updated BNG metric is expected to be received as well as a plan to show the location of the mitigation planting.
- 7.32 The applicant advised that there is adequate space on site to allow for the tree planting and officers also discussed that if hedgerow planting is needed in addition to the two trees, then this could potentially be achieved via planting a hedgerow on any of the paddock boundaries that are currently just formed with a fence.
- 7.33 In this case officers consider that the tree planting and potentially hedgerow planting that may be required to secure 10% net gain can be achieved on site and therefore a planning condition can be used to agree the tree and hedge planting and secure its implementation and the national pre commencement BNG condition for submission of a gain plan will also apply.

Drainage Considerations

- 7.34 The site falls in Flood Zone 1 with the lowest probability of flooding. And the site is not known to suffer from surface water flooding. Therefore, no flood risk assessment is required to support the application.
- 7.35 It is noted that the adjoining landowner has raised some issues around drainage, the amended plans that have been submitted show that the surface water from the buildings will drain with the land in ownership. This should address the concern raised by the neighbour as they were concerned that it should not drain onto their land.

8.0 Summary and Conclusion

- 8.1 Whilst the scheme submitted lacked an agricultural justification for a two storey building and the height of that building raised some concerns the proposal has been

amended to provide a single storey building and this is supported with an acceptable agricultural justification. The application also addresses concerns raised by neighbours, including details of how the reduced building will be made good and details of site drainage.

- 8.2 The proposal is considered to be necessary for the purposes of agriculture on the holding and subject to conditions will not have an adverse impact on the amenity of neighbouring properties or the character and appearance of the area including the landscape.
- 8.3 Subject to conditions the proposal as amended is considered in accordance with the policies of the development plan and there are no outstanding material considerations which suggest that a decision should be made other than in accordance with the development plan.

9.0 Recommendation

- 9.1 That planning permission is **CONDITIONALLY APPROVED subject to the following conditions**, with the final wording delegated to the Planning Manager (Development Management): -

Conditions

No	Condition	Reason
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.
2	The development hereby approved shall not be carried out other than in complete accordance with the amended plans 'Block Plan - SPL DD 03 Rev 2, SPL DD 01 rev 01, 'Frame detail to close neighbour's stable gable end - SPL DD 06 and specifications, subject to the following conditions or modifications.	For clarity and avoidance of doubt and to ensure the development will minimize the impact on the landscape and adjoining residential properties.
3	The sheeting for the roof and walls, and the doors of the agricultural building shall be finished in factory colour Juniper Green BS4800 12B29 and shall be permanently so maintained.	In the interests of the character and appearance of the development and to minimize its impact on the landscape.

4	<p>Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (England) 2015, (or any order revoking and re-enacting that order) the buildings hereby permitted shall not be used for any other purpose other than for the purposes related directly to agriculture as defined by s.336 of the Town and Country Planning Act 1990.</p>	<p>The Council wishes to retain control over the use of the building which is located in the countryside and has been granted exceptionally because of an agricultural need (in accordance with Local Plan Policy SS9. The use of the building for other purposes would be contrary to the Council's Spatial Strategy as set out in Local Plan Policy SS2 and would potentially be harmful to the character and appearance of the area and landscape.</p>
5	<p>When the building hereby permitted is no longer required for the purposes of agriculture it shall be dismantled, removed from the site and the site shall be restored to its original condition.</p>	<p>The building has been approved for agricultural use only; when that use ceases the removal of the building will allow the original character and appearance of the site to be restored.</p>
6	<p>No pigs or poultry shall be kept in the building throughout the lifetime of the development.</p>	<p>In accordance with Local Plan Policy SDC12 and Neighbourhood Plan Policy 11, in the interests of the amenity of neighbouring dwellings because the excluded types of livestock are known to generate odour issues when located in close proximity to dwellings.</p>
7	<p>*Before the commencement of the development hereby approved:</p> <p>a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.</p> <p>b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:</p> <ul style="list-style-type: none"> • the likely presence of potentially hazardous gas, • their likely nature, extent and scale, • whether or not they originated from the 	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC14 of the North East Derbyshire Local Plan.</p>

	<p>site,</p> <ul style="list-style-type: none"> • a conceptual model of pollutant-receptor linkages, • an assessment of the potential risks to human health, property (existing or proposed) including buildings, • details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant ground gas sampling/monitoring as identified by the desk-study strategy <p>The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.</p>	
8	<p>*Before the commencement of the development hereby approved:</p> <p>Where the site investigation identifies unacceptable levels of risk from ground gas, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to LCRM and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p>	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC14 of the North East Derbyshire Local Plan.</p>

	<p>The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.</p>	
<p>9</p>	<p>No buildings hereby approved shall be occupied until:</p> <p>a) The approved remediation works required by condition 8 above have been carried out in full in compliance with the approved methodology and best practice.</p> <p>b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 7b to 8 above and satisfy condition 9a above.</p> <p>c) Upon completion of the remediation works required by condition 8 and 9a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation</p>	<p>To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water in accordance with Policy SDC14 of the North East Derbyshire Local Plan.</p>

	standard, together with the necessary waste management documentation shall be included.	
10	The development shall not be carried out other than in complete accordance with the precautions, enhancements and recommendations set out in the submitted Preliminary Ecological Appraisal.	To ensure the measures recommended in the PEA are carried out. To ensure the development is in accordance with the policies of the development plan and the NPPF.
11	<p>*Before development starts, the following shall be submitted to and approved in writing by the Local Planning Authority:</p> <ol style="list-style-type: none"> 1. a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, 2. the details of any trees and hedgerows to be retained, together with measures for their protection during development, 3. a schedule of proposed plant/tree/hedgerow species, size and density and planting locations and 4. an implementation programme. <p>Once approved all planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p>	To achieve onsite BNG
12	Prior to the commencement of demolition works to the existing stable block building, highlighted yellow on drawing SPL DD 03 Rev 2, a Demolition Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS	In the interests of protecting the amenity of the area, ensuring safe and controlled demolition works, and to minimise environmental impacts during the demolition phase of the development, all in

	<p>shall include:</p> <ul style="list-style-type: none"> a. details of the sequence and timing of demolition works; b. details of plant, machinery and methods to be used; c. measures for the control of dust, noise and vibration; d. details of materials arising from demolition and their proposed reuse, recycling or disposal; e. measures to protect adjacent land, buildings and existing site features during demolition; and f. details of how the remaining stable gable end will be made good and safeguarded during demolition works. <p>The demolition of the existing stable block shall be carried out strictly in accordance with the approved Demolition Method Statement.</p>	<p>accordance with policy SDC13 of the North East Derbyshire Local Plan.</p>
	<p>*Pre-commencement</p>	

Informatives:

- a) BNG
- b) DISCON
- c) NMA

North East Derbyshire District Council

Planning Committee

21 April 2026

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	
<p>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:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <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.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
<p>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"/></p>	Yes Details:

Links to Council Plan priorities, including Climate Change, Economic and Health implications.

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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: -

Mr & Mrs Dillon - Application for detached dwelling house (Revised scheme of 25/00602/FL) at 34 Stubley Hollow, Dronfield (26/00019/FL)

Planning Officer – Kerry Wright kerry.wright@ne-derbyshire.gov.uk

Mrs K Lamb - Application for retrospective planning application for erection of domestic log store at 17 Acacia Drive, Lower Pilsley (25/00874/FLH)

Planning Officer – Curtis Rouse curtis.rouse@ne-derbyshire.gov.uk

Mr and Mrs Shayne and Katie Hodkin - Application for two storey rear glass and timber contemporary style extension with gallery mezzanine area (Conservation Area) at 35 Southgate, Eckington (25/01040/FLH)

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

2.2 Appeals Allowed

No appeals have been allowed.

2.3 Appeals Dismissed

The following appeal has been dismissed:-

Miss Katie Fellows – Proposed works to change the existing front garden into a driveway for two cars. This also includes a dropped kerb at the front of the property for access at 2 Hollins Cottages, Hollins, Old Brampton (25/00368/FLH)

Planning Officer – Curtis Rouse curtis.rouse@ne-derbyshire.gov.uk

2.4 Enforcement Appeals Dismissed

The following appeal has been dismissed:-

Mr Nick Horsley - Material change of use of the land to a mixed-use comprising vehicle storage authorised by planning permission 24/00283/FL, agriculture and the outside storage of motorhomes and caravans at Springwood Farm, Cowley Lane, Holmesfield (24/00226/OD)

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

2.5 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 10

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

Document is Restricted

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