

Planning Committee 21st April 2026

SUMMARY OF LATE COMMENTS/REPORT UPDATE

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

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

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

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

PARISH: Shirland and Higham Parish

APPLICATION: 25/00885/FL

CASE OFFICER: Steven Wigglesworth

1. SOURCE OF COMMENTS: Michael Trayler (Planning agent)

DATE RECEIVED: 01 04 2026

SUMMARY:

Revised BNG small sites metric received to take into account the loss of a small area of hedgerow at the gateway into the field and a plan provided to show the BNG features can be provided on site comprising the 2 trees and the hedgerow.

The agent advised that - Scott Latham (applicant's ecologist) has updated the BNG Metric to demonstrate a 10% increase in biodiversity for native hedgerow at the site. This measure is due to loss of native hedgerow, where it is planned to extend an

existing 1.8 metre wide entrance gate to the paddocks area, to 2.5 metre in width, including fence posts, to facilitate construction works, should the application be approved.

The Metric Section 6. "Hedges and Lines of Trees" indicates that an additional 3 metres of native hedge will now be required and can be positioned within the agricultural plot, as shown on Plan reference SPL DD 08.

The 2 number native species trees also referred to in 5. "Area Habitats", will be sited in the south east corner of the central paddock, shown on the above plan.

OFFICER COMMENTS: We note the revised BNG small sites metric and that the BNG post development features comprising 2 trees and hedgerow can be provided on the site. We reconsulted Derbyshire Wildlife Trust with these details and received the response as set out in the representation below.

2. SOURCE OF COMMENTS: Derbyshire Wildlife Trust

DATE RECEIVED: 14 04 2026

SUMMARY:

With reference to the above application, I am responding as the Biodiversity Planning Officer responsible for work relating to the Service Level Agreement, which the North East Derbyshire District Council and the Trust have signed. The following comments are aimed at providing accurate and up to date information on nature conservation issues associated with the proposed development.

Further to my response dated 8th April 2026 – DWTNED1629) I have now reviewed revised documents as follows:

- Small Sites Metric Revision A (December 2025)
- Proposed agricultural building on land at rear of 9 Birkinstyle Lane, Shirland, Alfreton 1:250 Scale Access Plan

In our previous letter we highlighted several issues with the information provided. The revised metric now addresses one of these issues regarding a 10% net gain for hedgerows.

The two other issues raised remain to be resolved as follows:

- The area of land assessed for the Small Sites Metric (and the PEA assessment) is different to the red line boundary of the development. The Government website states, "*Unless exempt, developers in England are required to provide 10% BNG on all habitats within the redline boundary of their development, whether or not they are impacted*". All habitats that are within the red line boundary of the planning application site must be recorded that are either within or on the boundary of the site. In addition, you must record any habitat that is being retained. For clarity, and in accordance with .GOV guidance, the red line boundary should include all land necessary for the development, including access to the highway and any visibility splay(s). All land within the red line boundary is considered as on-site habitat for BNG in accordance with the BNG user guide and must be recorded. This is a statutory requirement and detailed within the BNG Planning Practice Guidance.

- The area of modified grassland to be enhanced from poor to moderate condition has not been clearly identified on the post development plan. Enhancement relates to 26m² of grassland only and this area should be highlighted on the plan.

OFFICER COMMENTS:

The agent has been provided a copy of these comments to address. We have asked them to update the post development plan to show the area of modified grassland. They are seeking confirmation from their own ecologist that this is what was intended and for clarity on the site area.

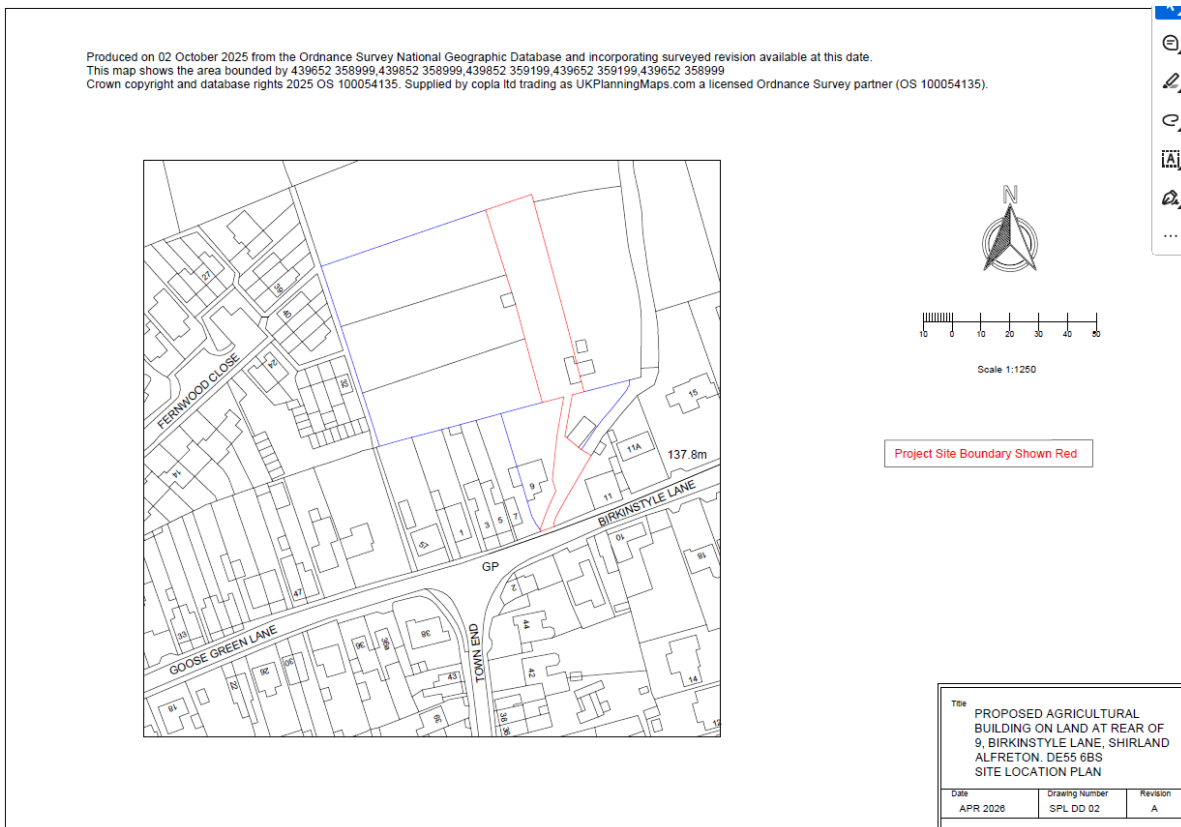
Ultimately officers are satisfied that the BNG area that has been assessed covers all of the land truly affected by the development, and also that the BNG enhancements can be provided on-site. Therefore the combination of the landscaping condition we have already suggested and the national BNG condition, that BNG can be achieved on this site to meet the national requirements. These matters do not go to the acceptability of the development in principle.

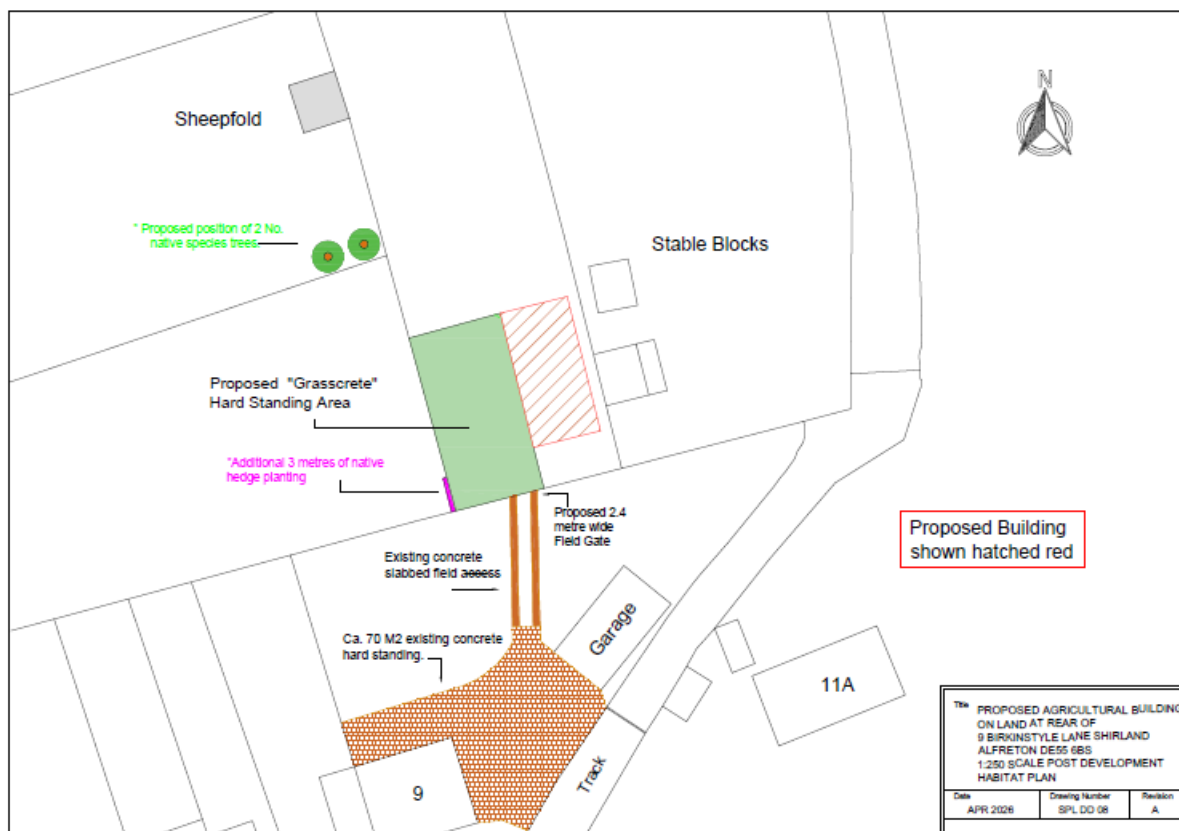
3. SOURCE OF COMMENTS: Mike Trayler (Planning agent)

DATE RECEIVED: 17 April 2026

SUMMARY:

Email received with two plans a replacement Site Location Plan ‘SPL DD 02 A’ this is so it tallies with the BNG site plan and a plan titled ‘Post development habitat plan’.





OFFICER COMMENTS:

The amended red edged site area is a BNG technical correction so that the site area tallies with the BNG site plan. As there is no development proposed in the area omitted and the site area is reduced but includes only land that was already part of the original site area it does not raise any planning implication or implications which relate the certificates of ownership. The plan ‘Post Development Habitat Plan’ is a renamed version of a plan we already had on file.

4. SOURCE OF COMMENTS: Catherine Harris

DATE RECEIVED: 20.04.2026

SUMMARY:

Dear Cllr Liggett,

I have been advised on the following and I would like clarity that these points will be addressed.

- 1) The gable end of my existing stable will be replaced with 4 x 2 treated timber, to match my current color specification with C 24 studs and a breathable membrane behind 22mm timber cladding. My stable has larger cladding than in the proposal.
- 2) There will be at least a 50mm overhang to the roof.
- 3) Drainage - I need to understand, after the advice I have received, that the drainage plans show where the water will run off both the barn and hardstanding

area and how all the water will be dealt with, as it can't just be left to run onto the grass, it needs to discharge into a drain and be taken away correctly.

In the soak away construction details does it state that they are using soak away cages and geo textile, not just a hole filled with rubble?

Also what is the drainage contingency plan? I understand if it is clay ground it will omit soak away efficiency, therefore if it is clay a soak away isn't suitable.

We need to make sure the hard standing area has a drainage plan too and it is not just running off the hard standing into the field. If it is to be permeable then the specification of the buildup is to be provided for review.

We also need to understand the ground conditions to find out if there permeable grasscrete (if it is permeable) is infiltration or attenuation.

If it is infiltration then there will be quite a lot of excavation required and make-up for Mr Dyson to do to get it fully permeable. If it is attenuation then there needs to be land drains put in that will need to feed into his soak away.

Finally, As you know my biggest concern is the partition wall and damage this could do to my perfectly useable building. I appreciate Steven Wigglesworth advised this was a civil matter but I wonder if there is a stipulation that can be put into passing the proposal that states Mr Dyson must engage with my solicitor (at a cost to Mr Dyson) to draw up an agreement (where both parties agree to the conditions) of securing and maintaining the remaining stable and Mrs Harris having access on his property to maintain the building

OFFICER COMMENTS:

Whilst we have details of how the building will be made good on the submitted plans we also have a planning condition (Pre commencement condition 12) suggested that goes further requiring agreement with the council on most of the matters that the applicant is concerned about with regard to making good and the partial demolition. We can't use planning conditions to agree matters with the concerned parties solicitor as they have requested or consult them on a discharge of conditions application to give them the level of involvement that they are seeking.

That level of involvement for the concerned party is considered to be a civil matter between those two parties and they would need to look to the Party Wall etc. Act 1996 to ascertain whether they can have the level of involvement they seek. The concerned party has already been advised of this by officers. It should be noted that as set out in the government's guidance on the Party Wall Act '...reaching agreement with the Adjoining Owner or owners under the Act does not remove the possible need to apply for planning permission and/or to comply with building regulations procedures. Conversely, gaining planning permission or complying with the building regulations does not remove the need to comply with the Act where it is applicable.'

Our suggested planning condition is in the interests of protecting the amenity of the area, ensuring safe and controlled demolition works and to minimise environmental impacts during demolition. It is however not intended to allow the concerned party to get involved with agreeing those details that are submitted to discharge the condition, that is a civil matter, potentially governed by the Party Wall Act.

On the matters of drainage, the applicant has shown the building to drain to a soakaway at least 15m from the buildings and within their own land. We shouldn't get involved in the detailed specification of the soakaway. Similarly the grasscrete is a permeable product, that is enough detail for the needs of the planning application, we shouldn't seek to get involved in the specific details of how it will drain, but I am aware from the agent that the grasscrete will be laid onto limestone, then the holes in the grasscrete will be filled with topsoil to allow it to be seeded to grass. That will essentially drain naturally via the surfacing's permeability. We should not get involved further on the matter whether the surface water could essentially waterlog the neighbours property as for planning purposes it has been considered and designed out. If it is not implemented effectively then that is another civil matter between the two landowners and would not be reasonable or necessary, for planning purposes, to require detailed construction specifications of the soakaway.

Whilst the adjoining landowner's concerns need to be noted they do not change officers recommendation as set out in the report to Planning Committee.

5. SOURCE OF COMMENTS: Cllr Liggett

DATE RECEIVED: 20 04 2026

SUMMARY:

This was included in Cllr Liggett's email of 20 04 2026, so it is included in this late representations document for completeness.



Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision

(There may exist further material planning considerations not included here)

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- **Overlooking and loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

Planning Aid England provides free, confidential and independent planning advice.
Call: 0330 123 9244 or Email: advice@planningaid.rtpi.org.uk



OFFICER COMMENTS:

This is a useful list and explanation of material planning consideration produced by Planning Aid and DCLG. Officers provided this to the concerned neighbour because it explained that matters controlled by other legislation and private issues between neighbours are not normally material planning considerations (and gives examples of such), this is the relevant extract –

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- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.