

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Amber Valley Borough Council

1. **THIS NOTICE** is served by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Haytop Country Park, Alderwasley Park, Whatstandwell, DE4 5HP as shown edged red on the attached plan (the "Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission;

- (i) Engineering operations and other operations to re-contour the Land, creating a series of terraced platforms.
- (ii) The construction of concrete bases, hardstandings, gabion retaining walls, lighting columns and service connections on the Land.
- (iii) The construction of a new roadway (approximate location identified by a hatched area on the attached plan) on the Land.
- (iv) The construction on the Land of raised wooden decking structures and brick skirting around the caravans.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the breaches of planning control detailed in paragraph 3 above have occurred within the last four years.

The unauthorised development of Haytop Country Park has included the substantial engineering and reprofiling of the land and the construction of concrete bases with gabion retaining structures to enable the stationing of static caravans on the site. The new roadway and infrastructure have then been constructed to facilitate the occupation of the residential units.

The caravan park is located adjacent an ancient woodland where trees protected by a Tree Preservation Order were illegally removed on the Land. The trees were removed to facilitate the unauthorised development and particularly the site preparation works.

Haytop Country Park lies within the Derwent Valley Mills World Heritage Site Buffer Zone and abuts the River Derwent. The Derwent Valley Mills were inscribed on the world heritage list by UNESCO in 2001. The site forms part of the wider woodland backdrop along the River Derwent, which is an important feature of the Buffer Zone.

In addition to its buffer zone status, Haytop Country Park is a countryside location that lies within the Alderwasley Conservation Area on land that is further designated a Special Landscape Area, where saved policies EN1, EN6, EN27 and EN29 of the Amber Valley Adopted Local Plan 2006 are applicable.

Haytop Country Park is located within part of the Alderwasley Conservation Area and the Derwent Valley Mills World Heritage Buffer Zone which is characterised by its wooded valley slopes. The operational development in association with the loss of mature protected trees has resulted in an enlarged and prominent gap in the natural woodland which has introduced extended views of the developed caravan park.

The unauthorised development is therefore harmful to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site due to the loss of the rural landscape setting. This represents harm to the significance of the designated heritage asset of the highest world value, both directly, as an attribute of the World Heritage Site, and to its setting as defined by its protective buffer zone. The development therefore fails to preserve or enhance the setting of the World Heritage Site, including views into and out of the site, contrary to the provisions of saved local plan policy EN29.

Furthermore, paragraph 193 of the National Planning Policy Framework 2019 (NPPF) identifies that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 identifies that any harm to the significance of a designated heritage asset should require clear and convincing justification.

The increase in visual urban development is detrimental to the appearance and character of the Conservation Area and harmful to its setting. The development has a negative effect on the heritage assets and convincing justification has not been substantiated.

There is a statutory requirement under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of Conservation Areas. Having regard to the Act it is considered that the public benefits and material planning considerations do not justify the unauthorised development as it does not outweigh the less than substantial harm resulting from the development as required by paragraphs 193, 194 & 196 of the NPPF. The development is therefore contrary to saved local plan policy EN27 which requires development to contribute to the preservation or enhancement of the Conservation Area and the requirements of national policy.

The urbanising impact of the unauthorised caravans, roadways, hardstandings and raised wooden decking's are considered to affect the openness of the countryside location to the detriment of the visual appearance and character of the area. The development is detrimental to the visual amenity, landscape quality and character of the Special Landscape Area. Paragraph 170 of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic beauty of countryside. The development is therefore contrary to saved local plan policies EN1 and EN6 of the adopted local plan and the provisions of national policy.

Saved local plan policy EN8 details that permission will not be granted for development that would damage or destroy significant trees, woodlands or other landscape features. Furthermore, Paragraph 175c of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.

The engineering works to reprofile the land and construct the new roadway, concrete bases and gabion basket structures has significantly altered the soil profile of the area and detrimentally impacted the buffer zone to the ancient woodland. No exceptional circumstances have been demonstrated to justify the loss of the trees and the subsequent impact on the buffer zone to the ancient woodland. The development is therefore contrary to saved local plan policy EN8 and the provisions of national policy.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Reprofile the Land to restore it to its previous level and condition.
- (ii) Remove all concrete bases, hardstandings, gabion retaining walls, service connections and lighting columns from the Land.
- (iii) Remove the roadway (identified by a hatched area on the attached plan) from the Land.
- (iv) Remove all raised wooden decking structures and brick skirtings from the Land.

6. TIME FOR COMPLIANCE

6 months after this notice takes effect (18 October 2019)

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 18 April 2019 unless an appeal against it is made beforehand.

Dated: 15 March 2019

Signed:



Designation

Executive Director (Operations)
The Council's Authorised Officer

On behalf of: Amber Valley Borough Council
Town Hall
Ripley
Derbyshire
DE5 3BT

Planning Reference: E/2019/0002

Annex

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice. Please note that a separate appeal form must be completed for each individual person or organisation.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal at www.planningportal.gov.uk/pcs.
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by emailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address .
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
CST Room 3/05
Temple Quay House
2 The Square
Bristol
BS1 6PN
Direct Line: 0117 3726372
Fax Number: 0117 372 8782

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and /or remedial action by the Council.