Applicant:
Matthew Pruce

Ref. No. DMPA/2025/0563
Made valid on: 25 July 2025

DECISION NOTICE

Description and location of proposal: Outline planning application, with all matters reserved (except for access into the site) for the erection of up to 75 dwellings including land for landscaping and new vehicular and pedestrian access from Mount Pleasant Road at Land at Sk3126 0342 Mount Pleasant Road, Repton, Derby, DE65 6GQ

Decision made: In exercise of its powers as the Local Planning Authority under the Town and Country Planning Act 1990 and related subordinate legislation, South Derbyshire District Council hereby gives notice that permission/consent for the proposal as described above is hereby **Refused for the following reason(s)**:

1. The application proposes the development of land known to be contaminated, despite the submission of information seeking to address matters in relation to contamination and prevent adverse impacts on the environment or public health it is considered that there is insufficient information to adequately demonstrate how the construction process would be safely managed to prevent the release of contaminated materials that would have potential to cause harm to the environment or public health into the air, ground or nearby watercourses. As such it is not considered that there is sufficient information to demonstrate the proposed development could be undertaken in accordance with the requirements of Policy SD4 of the South Derbyshire Local Plan or paragraph 196. a) or 196. c) of the National Planning Policy Framework and there are no material considerations that would justify taking a decision at variance to such.

You are advised of the following matters:

In dealing with the application, and further to pre-application advice where that has been given, the Local Planning Authority has positively sought to determine the application in a timely fashion and so promote the delivery of sustainable development in the District. Where practicable, feasible and necessary, and irrespective of the above decision, officers have made proactive attempts to find solutions to identified issues or to improve the quality of the development through negotiation with applicants and/or their nominated representatives, in order to foster the delivery of sustainable development and objectives of the Development Plan.

Right of appeal to the Secretary of State: if you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent for your proposal or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, subject to the following:

- if this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, any appeal must be made within 28 days of the date of this notice;

Steffan Saunders

Authorised Officer of the Council

Date: 8 July 2026

- if an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your planning application, any appeal must be made within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier;
- if this is a decision on an application for consent to cut down, top, lop, uproot or otherwise destroy a tree or trees protected by a tree preservation order, for a decision on a lawful development certificate for proposed works to a listed building or related to a non-material amendment application, any appeal must be made within 28 days of the date of this notice;
- if this is a decision on an application for advertisement consent, any appeal must be made within 8 weeks of the date of this notice;
- if this is a decision on an application for householder or minor commercial development (the latter as defined by Part 1 Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015), any appeal must be made within 12 weeks of the date of this notice;
- in all other cases, except for a decision on a lawful development certificate for an existing or proposed use or development, any appeal must be made within 6 months of the date of this notice.

  Appeals should be made online via Appeal a planning decision. If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.

  Before making an appeal, you may find it helpful to review guidance and watch a video explaining the appeals process at Make an appeal to the Planning Inspectorate and associated guidance.

  The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices: if permission is refused or granted subject to an unacceptable condition, and the owner of the property claims that the property has consequently become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development/work which has been or would be permitted, the owner may serve on the Council a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Enquiries: Any correspondence or enquiries concerning this decision should be sent to planning@southderbyshire.gov.uk quoting the above reference number.