DERBYSHIRE County Council

Response provided under the delegated authority of the Executive Director for Place

Planning Manager
Amber Valley Borough Council
PO Box 15, Town Hall, Market Place
RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Robert Smith
Our ref: AVBC/2025/015090/R1
Your ref: AVA/2025/0804
Date: 9 January 2026

Dear Laura Anthony,

TOWN AND COUNTRY PLANNING ACT 1990
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
ARTICLE 18 CONSULTATION WITH HIGHWAY AUTHORITY

PROPOSAL: Retention and extension of existing kennels, new isolation unit and storage building, and change of use to a dog care facility (may affect the setting of a listed building)

LOCATION: Reservoir Cottage Asher Lane Pentrich Ripley Derbyshire DE5 3RD

Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, has no objection subject to conditions being imposed should approval be granted.

Further to the Local Highway Authority's (LHA) initial comments regarding the above application dated the 18th of December 2025, please find additional comments following receipt of further information provided by the applicant, in the form of a "planning defence letter", together with photographs of the footpath adjacent to the site.

As noted previously, there is no highway objection to the proposed isolation unit, storage facility, and change of use of the adjoining fields, manege, and stables to enable dogs to exercise provided that these works are ancillary to the established

use on the site. The latter facilities should not be used as a dog exercise facility for people whose dogs are not resident at the kennels.

From the additional information submitted it is noted that there are 18 kennels on site, previously there were 12.

The applicant also confirms that additional on-site car parking has been provided to accommodate staff and visitors, along with the business operating a managed drop-off and collection system, together with an optional collection and drop-off service.

Whilst such additional parking spaces have not been demonstrated or quantified on a site plan, in view of the extant use and the relatively modest size of the development, it is considered that sufficient parking is available within the site.

The applicant has stated that it is willing to resurface and improve the existing highway crossing to mitigate the potential increase in vehicular movements associated with the site.

Whilst the applicant's comments and photographs are noted, the County Council's Public Rights of Way (PRoW) team confirm that the definitive line of Footpath 10 (FP10) is as shown on the attached plan. The legal line of the path runs to the north of the boundary wall, not to the south.

The planning defence letter refers to the walked footpath route showing on the ground, which is different from the legal line of FP10.

The highway authority's previous comments in relation to FP10 therefore stand. This situation must be rectified as the buildings (Blocks B and F) obstruct FP10 and a diversion order is required. If part of the planning process, an application can be made to the local planning authority under section 257 of the Town and Country Planning Act 1990.

Summary

Based on the analysis of the information submitted and a review of Local and National policy the LHA's advice is that the impact of the development on highway safety would not be unacceptable, and the impact on the road network would not be severe.

Having regard to the above, the LHA would have no objection to this planning application subject to the following recommended planning conditions and informatives being attached to the decision notice should planning permission be granted.

<u>Conditions</u>

Within 3 months following planning permission being granted, the hard surfaced footway crossing serving the driveway from public highway shall be resurfaced in accordance with the highway authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

Informatives

Planning permission does not convey consent to work on or adjacent to the public highway.

The proposed development requires improvement of a footway crossing for which the developer must obtain a license under Section 184 of the Highways Act 1980 before commencing any works on the highway.

Details are available at: www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk.

The grant of planning permission does not entitle the developer to obstruct any Public Right of Way (PRoW) affected by the proposal. Buildings (Blocks B and F) obstruct the definitive line of Footpath 10. The footpath must therefore be diverted by order under Section 257 of the Town and Country Planning Act 1990 for which an application must be made to the Local Planning Authority. It should not be assumed that the grant of planning permission will guarantee that an order will invariably be made or confirmed.

Yours sincerely,

Robert Smith
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
23 December 2025	**Robert Smith**	**SD**	**9 January 2026**