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: Steve Dudhill
Our ref: AVBC/2026/017349
Your ref: AVA/2026/0267
Date: 22 May 2026

Dear Mr Shaw,

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

PROPOSAL: Timber porch to entrance door of property

LOCATION: Mill House Park Lane South Wingfield Alfreton DE55 7LR

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, recommends that planning permission should be refused.

Background

This is a retrospective planning application for the erection of a timber porch at the existing Park Lane entrance door to Mill House, Park Lane, South Wingfield.

The porch is shown on the following Street View copy extract. It is flanked by new hedgerow planting.



Highway Boundary

The following copy extract from the highway authority's records confirms the extent of the public highway (shaded green) along Park Lane. The verge which fronts the dwelling is part of the highway.



Location and Block Plans

The location and block plans both enclose the highway within the planning application “red line” boundary, which is inappropriate and would require amendment.

Proposed Porch

The highway includes the verge along the site frontage, upon which the porch has been constructed and which the porch obstructs. The porch therefore constitutes an obstruction to the highway.

Section 137 of the Highways Act 1980 makes it a criminal offence to wilfully obstruct free passage along a highway without lawful authority or excuse. The porch is therefore objectionable as a matter of law.

The carriageway on Park Lane is circa 5m wide alongside the dwelling. The porch structure is located directly adjacent to the existing kerbs which form the south-western edge of the carriageway on Park Lane. There is minimal clearance between the porch and the carriageway edge.

There is therefore a risk that vehicles, particularly when passing in opposite directions along Park Lane at a location where the carriageway width permits such manoeuvres, could strike the structure. This risk could be exacerbated during darkness hours or in periods of inclement weather when the porch may not be visible or may, at best, be poorly visible.

The structure also contributes to obstruction of visibility from the existing driveway access to the property and accesses to other properties along this section of Park Lane.

It is notable that the applicant’s statement, submitted in support of this application, states that: “Outside our home is one of the widest sections of Park lane …” and “A speeding driver collided with our property last year, causing a tremendous amount of damage and what could have been serious or fatal injuries to myself or any family member if we were hit. The driver lost control coming down Park lane but having seen the erected porch he swerved to avoid this, causing him to contact our property further down. (this was given in the notes from the police statement and later heard in court)”.

The highway authority therefore considers that the porch gives rise to an unacceptable impact on highway safety, contrary to paragraph 116 of the National Planning Policy Framework.

Conclusion

Having regard to the above, the highway authority recommends that planning permission should be refused on the grounds that the porch constitutes an unlawful obstruction of the public highway, contrary to Section 137 of the Highways Act 1980, and could give rise to an unacceptable impact on highway safety, contrary to paragraph 116 of the National Planning Policy Framework.

The Local Planning Authority should note that the hedgerow planting is also objectionable for the same reasons and should be removed.

SD; DCC TDM; 22/5/26.