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/2026/017460/R1
Your ref: AVA/2026/0323
Date: 24 June 2026

Dear Katja Graham,

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

PROPOSAL: Garage to rear garden with a new opening to an unadopted road at the rear of the property

LOCATION: The Gables Coronation Road Mapperley Ilkeston Derbyshire DE7 6BU

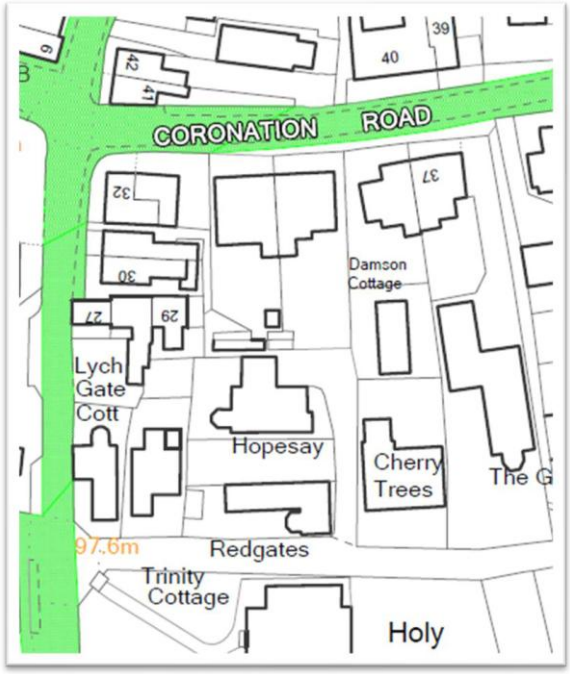
Derbyshire County Council, the Highway Authority acting in its role as Statutory Consultee, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18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

Background

The Local Highway Authority's (LHA's) initial observations on this planning application were issued on 2/6/26. Further information has been provided by the applicant, via email dated 8/6/26.

Land Ownership

The proposed garage includes access directly onto an unadopted track which runs in an east-west direction to the rear of the site, as shown on the following copy extract from the LHA's highway boundary record.



Highway Boundary shown in green

The applicant has not demonstrated control over the track between the site and the publicly maintainable highway, Mapperley Lane, located circa 70m to the west of the site. On this basis, it is not clear if the applicant has a private right of vehicular access via the unadopted track. The applicant must demonstrate a private right of vehicular access to the site over the track.

The “red line” boundary on the planning application site location plan should be amended accordingly.

Public Right of Way (PRoW)

Mapperley footpath no. 6 runs along the unadopted track. Consideration should be given to the safety of the public using the path and private rights must not derogate the rights of the public to use the path. Informatives are recommended in relation to the PRoW.

Assessment

The applicant has clarified that the proposed development is for the storage of two classic cars, with the existing main driveway access from Coronation Road remaining as the main vehicular access associated with the property. The applicant would therefore use the garage relatively infrequently. The proposed garage door will open vertically.

Whilst visibility is limited from the site, the line of the PRoW is along the centre line of the unadopted track, which is not publicly maintainable highway. This means that the LHA cannot issue a formal objection on highway and pedestrian safety grounds in relation to the proximity of the garage to the track.

The LHA is mindful that the proposal is unlikely, subject to the applicant’s proposed use in this instance, to lead to a material increase in traffic flows on the unadopted

track located at the rear of the property. On this basis, it is considered the LHA could not sustain an objection to this planning application but recommends planning conditions to restrict the proposed garage to the applicant's personal use.

When the LHA advises the Local Planning Authority (LPA) that there is no objection to the grant of planning permission this should not be construed or interpreted that the generated traffic resulting from a development is regarded as having no effect on the adjacent highway. The LPA must be mindful that, in the event of an appeal against a refusal of planning permission, refusal reasons must be defensible with, where necessary, the assistance of empirical data. In the highway context it must be demonstrable that the generated traffic will result in an unacceptable impact on highway safety and severe residual impacts on the road network. It would be inappropriate for the LHA, in its role as a statutory consultee in the planning process, to recommend that the LPA should refuse planning permission if it was not confident that sound, sustainable, and defensible reasons for refusal exist or if appropriate planning conditions can, as in this instance, be recommended.

Conclusion

Having regard to the above analyses, the highway authority 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.

Planning Conditions

The occupation of the development hereby permitted shall be carried on only by [*add name*] and their resident dependents.

Reason: To allow the Local Planning Authority to control the future use of the premises in the interest of highway safety.

When the land ceases to be occupied by those named in condition [*number*] above the use hereby permitted shall cease and the land shall be restored to its condition before the development took place.

Reason: To allow the Local Planning Authority to control the future use of the premises in the interest of highway safety.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage doors shall not open across or project over the adjacent track at any time.

Reason: To ensure safe and suitable access for all users.

Informatives

There is a public right of way (PRoW) running adjacent to the site. This permission does not authorise additional use by motor vehicles, or obstruction, or diversion of the PRoW. The applicant is advised to seek independent legal advice on the use of the PRoW for vehicular traffic.

The applicant will be required to contact the County Council's PRoW team to arrange for an official diversion of the PRoW, if the applicant cannot guarantee the safety of path users during the construction phase. If so, the applicant must apply to the County Council's PRoW team at www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/faqs/frequently-asked-questions-faqs.aspx to arrange a temporary closure of the PRoW for the duration of the works.

The following general guidance is also advised:

- The footpath must remain open, unobstructed and on its legal alignment.

- There should be no disturbance to the path surface without prior authorisation from the County Council's PRoW team.

- Consideration should be given to the safety of members of the public using the path during and after the works. A temporary closure of paths may be permitted on application to the County Council where the path remains unaffected on completion of the development.

- There should be no encroachment of the path, and no fencing should be installed without consulting the County Council's PRoW team.

Yours sincerely,

Robert Smith
Transport Development Management

Date Received	Case Officer	Reviewer	Date Issued
12 June 2026	**Robert Smith**	**SD**	**24 June 2026**