DERBYSHIRE County Council

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

Planning Manager
Amber Valley Borough Council
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RIPLEY
Derbyshire
DE5 3XE

Highway Officer: Gemma Statham
Our ref: AVBC/2026/016778
Your ref: AVA/2026/0159
Date: 10 July 2026

Dear Laura Anthony,

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

**PROPOSAL: Proposed development of 1no. dwellinghouse**

**LOCATION: Land at End of Poyser Lane Poyser Lane Kirk Langley Ashbourne Derbyshire**

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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 planning application seeks permission for a single dwelling, with 5 bedrooms and a potential for 2 additional bedrooms in the study and gym, to be served from the eastern end of Poyser Lane, an unadopted road which carries the route of a public footpath. Poyser Lane currently serves 18 dwellings and agricultural land.

Poyser Lane is of varying widths with no footways, street lighting, or turning head.

## Planning History

Planning application AVA/2021/0809 proposed 12 dwellings at the eastern end of Poyser Lane. Refusal of planning permission was recommended by the highway authority and the application was withdrawn.

The highway authority objected to 3 dwellings proposed under planning application AVA/2022/0688 on the grounds of intensification of Poyser Lane and its junction with the classified B5020 Moor Lane and on grounds of sustainability. Planning permission was refused by the Local Planning Authority (LPA). The applicant appealed the LPA decision. Appeal reference APP/M1005/W/24/3356974 was dismissed, including for highway safety reasons.

The Inspector considered that Moor Lane, subject to a 40mph speed limit, was not a low speed or lightly trafficked road and visibility splays of 2.4m x 103m were therefore required along Moor Lane on both sides of Poyser Lane. The Inspector acknowledged that the levels of visibility achievable along Moor Lane from the Poyser Lane junction were significantly below the requirement.

The Inspector also stated that “due to the narrowness of the junction and Poyser Lane itself, I have concerns that should vehicles meet at this point, vehicles may either have to wait on the main road, or vehicles would be forced to reverse back up Poyser Lane. This conflict with vehicles could cause significant highway safety issues particularly for other vehicles or pedestrians, as there is no pavement along Poyser Lane and it is a public right of way.”

**Traffic Impact**

The current planning application proposes a single dwelling, which will result in an increase in traffic flows along Poyser Lane and at its junction with Moor Lane.

Conditions along Poyser Lane and at its junction with Moor Lane remain the same as those considered by the appeal Inspector.

**Site Access**

The planning application site is located at the eastern end of Poyser Lane, which has a typical carriageway width of circa 5.5m. However, vehicles parked on the Lane reduce its width to allow only single vehicles to pass.

Poyser Lane has no footways and carries the route of public footpath no.3. This means that vehicles and pedestrians share the same, limited carriageway width along Poyser Lane.

Poyser Lane has no street lighting and there are no road markings at its junction with Moor Lane.

Visibility from Poyser Lane onto the B5020 Moor Lane is severely restricted in both directions. The major road visibility splay distances which are available along Moor Lane, measured from a 2.4m minor road visibility setback distance, are 8m to the south and 15m to the north. The achievable visibility at the junction of Poyser Lane and Moor Lane is clearly significantly below that required based on the 40mph speed limit.

For higher category, classified roads within a 40mph speed limit and where 85$^{th}$ percentile traffic speeds exceed 37mph, such as the B5020 Moor Lane, the major road visibility splay requirement should be determined using the methodology in the

Design Manual for Roads and Bridges (DMRB). That would ordinarily give a requirement for a major road visibility splay distance of 120m.

The highway authority notes that the appeal Inspector accepted a major road visibility splay requirement of 103m, which was calculated using the methodology set out in Manual for Streets, assuming a 40mph 85$^{th}$ percentile traffic speed. Without traffic speed survey data, it is not possible to determine whether such an assumption is appropriate.

Irrespective of whether the DMRB or MfS methodology is used, the Poyser Lane approach onto Moor Lane has severely substandard emerging visibility splays.

The highway authority therefore considers that the proposed development will result in the intensification of use of an existing substandard access which would be detrimental to highway safety.

**Observations on Planning Statement (PS)**

Paragraph 5.4 of the applicant's Planning Statement (PS) states that the Moor Lane/Poyser Lane junction is outside the application site and should not be considered. However, given that this junction provides the only route for access to the site, conditions and traffic impacts at that junction must be reviewed.

PS paragraph 5.9 states that, given that there are no recorded accidents according to Crashmap data over the past two decades that the junction is safe. However, the Inspector stated that "Crashmap data that covers over 20 years has been submitted as part of the appellant's evidence, which demonstrates that no reported accidents have occurred at this junction. However, given my concerns set out above, I find that the access arrangements together with the increased comings and goings to and from the site would harm highway safety as it would, in my view, unacceptably increase the risk of accidents." Having considered the accident data, the Inspector remained of the opinion that the increase in use of the junction would cause harm to highway safety.

PS paragraph 5.11 states that Poyser Lane has a natural traffic calming effect on the speeds on Moor Lane. However, no traffic speed data has been submitted, and such an assertion is not accepted.

PS paragraphs 5.13 to 5.18 suggest that the proposed refuse vehicle turning head will be of benefit and outweigh the additional vehicle movements associated with the proposed dwelling. However: 1. Given that Poyser Lane is a private road, and the turning head would remain private, it is not possible to ensure that the proposed turning head could be kept clear of parked vehicles as there would be no scope to introduce enforcement measures to prevent parking from causing obstruction; 2. The gate to the site is close to the turning head, such that vehicles waiting to enter the site would obstruct the turning head; 3. Access to the other fields in the vicinity of the site, via the turning head, could create similar problems; 4. No evidence has been submitted to demonstrate that the turning head and Poyser Lane can satisfactorily accommodate refuse vehicles. The current scheme therefore does nothing to alter the Inspector's finding in relation to the turning head, and the claimed benefits of the proposed turning head are not substantiated.

**Public Right of Way (PRoW)**

Poyser Lane carries public footpath 3, which also runs along the side of the application site.

The path on the proposals appears to divert in eastwards, alongside the drive. Providing the line of the footpath remains open and available, this is legally acceptable although the applicant should be aware that the site may be subject to both a legal line as well as a walked line which, in time, may acquire legal rights.

The applicant may therefore wish to consider applying for a footpath diversion order under Section 257 of the Town and Country Planning Act 1990.

**Sustainable Travel**

The table below sets out threshold walking distances to key destinations (Source: Chartered Institution of Highways and Transportation):

| Walking Distance | Town Centres | Commuting/School/ Sightseeing | Elsewhere |
|---|---|---|---|
| **Desirable** | 200 m | 500 m | 400 m |
| **Acceptable** | 400 m | 1,000 m | 800 m |
| **Preferred Maximum** | 800 m | 2,000 m | 1,200 m |

Along Moor Lane, from its junction with Poyser Lane, there are continuous footways to the Kirk Langley primary school. The school is approximately 850m from the site, which is within the preferred maximum walk distance.

Save for the Blue Bell Inn, there are no shops, health services, secondary education, significant employment, or leisure facilities within the relevant walking distance thresholds set out in the above table.

Cycling would be possible on the local road network for competent and confident cyclists. However, distances between the site and key facilities exceed the normal threshold cycling distance (5km). For example, the nearest doctors' surgery is in Brailsford, 5.6km away. There are no significant employment or sports facilities, other than in Ashbourne, 14km away, or Derby, 8.04km away.

The bus stop on Moor Lane to the north of the site is circa 800m from the site. That walk distance is well beyond the normal maximum requirement in urban areas (400m) and is at the extreme of what is acceptable in rural areas (800m). Residents are unlikely to walk to that stop.

The nearest bus stop is a walk distance of circa 305m to the south of the site via the footpath. However, footpaths do not generally provide a reliable means of pedestrian access, particularly during darkness hours or inclement weather, particularly if the surface is poor. The route to the bus stops to the south of the site via Poyser Lane and Moor Road, lacks a continuous footway and increased vehicular and pedestrian use of Poyser Lane would put residents and footpath users at risk.

The bus stops to the south of the site have limited facilities and only carry an hourly service throughout the day but no evening service. The Blue Bell Inn bus stop, to the south of the site, has poor visibility for people waiting at the stop towards oncoming buses on the B5020.

The bus service at the Blue Bell Inn stops runs hourly Monday to Saturday from 9.30am until 6.30pm. There are no evening or Sunday services. It is not considered that such services will provide a reasonable alternative to using the car.

Having regard to the above, walking, cycling, and public transport are therefore unlikely to provide a realistic choice of mode for most trips associated with the proposed development. As such, future residents are likely to be almost entirely reliant on the private car for everyday travel needs i.e. for travel in connection with health, retail, social, leisure, educational, and employment requirements.

Having regard to the above, the site is located with limited accessibility to services, facilities, and public transport, and offers restricted opportunities to access day-to-day needs by walking, cycling, or public transport. As a result, future occupants would be likely to rely heavily on private car travel. The proposal therefore fails to maximise opportunities for sustainable transport modes and does not represent a suitably accessible location in transport terms, contrary to the objectives of the National Planning Policy Framework (paragraphs 115 and 117).

**Conclusion**

Having regard to the above, the highway authority recommends that planning permission should be refused on the following grounds:

1. The proposed development would intensify the use of an existing substandard access from Poyser Lane onto the classified B5020 Moor Lane, where visibility splays fall significantly below required standards. The proposed development would have an adverse impact on pedestrian safety along Poyser Lane. The proposed development therefore fails to provide a safe and suitable access for all users, contrary to National Planning Policy Framework paragraph 115 b). The proposed development would therefore give rise to an unacceptable impact on highway safety, causing danger and inconvenience to other road users and adversely affecting the safe and efficient operation of the classified road, which requires planning permission to be refused in accordance with National Planning Policy Framework paragraph 116.

2. The site is located with limited accessibility to services, facilities, and public transport, and offers restricted opportunities to access day-to-day needs by walking, cycling, or public transport. Future occupants would be likely to rely heavily on private car travel. The proposal therefore fails to maximise opportunities for sustainable transport modes and does not represent a suitably accessible location in transport terms, contrary to the objectives of the National Planning Policy Framework paragraphs 115 a) and 117 a).

Notwithstanding the above, the LHA recognises that the final decision on the acceptability of the development rests with the Local Planning Authority (LPA), which must undertake the overall planning balance having regard to all relevant material

considerations when determining the planning application. Should the LPA be minded to grant planning permission, the LHA requests that it should be afforded the opportunity to recommend appropriate planning conditions and informatives.

Yours sincerely,

Gemma Statham
Transport Development Management

| Date Received | Case Officer | Reviewer | Date Issued |
|---|---|---|---|
| **30 March 2026** | **Gemma Statham** | **SD/AN** | **10 July 2026** |