



Appeal Decision

Site visit made on 23 June 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/R1038/W/25/3361406

8 Shireoaks Road, Dronfield, South Yorkshire, S18 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Amanda Coddington against the decision of North East Derbyshire District Council.
 - The application Ref 24/00302/FLH was approved on 2 September 2024 and planning permission was granted subject to conditions.
 - The development permitted is construct 5no centre kerbs and 2no taper kerbs to allow vehicle access to driveway.
 - The condition in dispute is No 5 which states that: *"The access, hereby approved, shall not be used until the access driveway has been surfaced with tarmacadam, or a similar hard bound material (not loose aggregate), for a distance of at least 5 metres behind the highway boundary. Once provided, the driveway shall be so maintained in perpetuity"*.
 - The reason given for the condition is: *"To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) and in the interests of highway safety"*.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether condition 5 is reasonable and necessary in the interests of highway safety.

Reasons

3. The development has been implemented. The driveway currently has a block pave edging, and a Type 3 open core graded aggregate surface. In addition, a channel drain runs along the highway boundary which drains into a soakaway. There is approximately 40cm between the loose aggregate and the highway boundary.
4. With all loose aggregates there is a possibility of the material spreading to the highway with the movement of pedestrians and vehicles over the surface. This is more likely on sloping surfaces, such as the appeal site. The introduction of such deleterious material has the potential to cause highway safety issues for all users of the highway, by potentially causing a loss of traction or by the material being spun off, leading to accidents.
5. Whilst the appellant states that loose material has not escaped onto the highway since the installation of the current arrangement four years ago, if condition 5 were to be omitted there would be no future controls as to the driveway surfacing material. As such, I cannot be certain that a loose material with a higher likelihood of spilling onto the highway would not be installed.

6. The appellant contends that the prescribed distance of 5m behind the highway boundary is arbitrary and lacks credibility. However, this distance is the approximate length of a car and as such provides a sufficient buffer to limit the loss and spread of loose material from the driveway which a lesser distance would not be as effective at doing.
7. Consequently, I find that condition 5 is reasonable and necessary in the interests of highway safety. As such, the condition passes the six tests set out in paragraph 57, and is in accordance with paragraph 116 of the National Planning Policy Framework (Framework) insofar as it seeks to ensure highway safety

Other Matters

8. The appellant references Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Government Guidance on the permeable surfacing of front gardens. Nevertheless, the appeal relates to an application for full planning permission and must be assessed as such.
9. It is asserted that Tarmacadam or a similar hard bound material would contradict the above permitted development rights and guidance as well as increase the risk of flooding. However, there are a number of hard bound surfacing options available which would maintain the permeability of the driveway. Further, a channel drain and soakaway are installed which would deal with any surface run-off from an impermeable surface. Both of these options would meet the referenced guidance.

Conclusion

10. For the reasons outlined above, the development without the condition in place would conflict with the development plan as a whole and therefore, I conclude that the appeal should be dismissed.

K Allen

INSPECTOR