



Appeal Decision

Site visit made on 1 July 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal Ref: APP/P1045/W/25/3364495

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr G Lowe against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00529/DCOND/1 sought approval of details pursuant to condition No 3 of a planning permission Ref 22/0529/FUL, granted on 25 January 2023.
 - The application was refused by notice dated 17 April 2025.
 - The development proposed is the erection of 1no. dwellinghouse.
 - The details for which approval is sought are: *Condition 3: Before any other operations are commenced (excluding condition 4), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
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Decision

1. The appeal is allowed and the details submitted pursuant to condition No 3 attached to planning permission Ref 22/0529/FUL granted on 25 January 2023, in accordance with the application dated 31 January 2025 and drawing H.25.11 submitted with it, are approved.

Applications for costs

2. An application for costs was made by Mr G Lowe against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. An appeal under Section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) should be determined with regard only to whether the condition should be discharged based upon its merits. Any matters of lawfulness relating to the commencement of development and to condition precedent are reserved for consideration under Sections 191 and 192 of the Act. I have therefore confined my consideration to the merits of the details that have been provided.

Main Issue

4. The main issue is whether the proposed details are acceptable in highway safety terms.

Reasons

5. I am satisfied that space shown on drawing H.25.11 for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employee and visitor vehicles would be proportionate to the notable constraints that the site presents in achieving this. It would allow for materials and equipment to be brought onto the site and to be stored on it, and for contractor's vehicles to be parked upon it.
6. This would achieve the aim of the condition, which is stated on the decision notice as being imposed in the interests of highway safety. It would also ensure that the proposed development would accord with Policy HC19 of the Derbyshire Dales Local Plan 2017, where it seeks to ensure that development can be safely accessed.

Other Matters

7. In their submissions, the Council refer to condition 4 and to its relationship to condition 3. However, condition 4 relates to visibility splays and its trigger for implementation is prior to occupation or use of the approved dwelling. It does not therefore have any implication in terms of whether condition 3 can be discharged at this point.
8. Matters relating to whether there has been a breach of planning control at the site are not relevant to my consideration of this appeal. The wording of condition 3 does not expressly require that details of ground levels be provided and no levels of the storage and manoeuvring areas are shown on the plan. My approval of this condition does not therefore grant approval of any ground levels. However, the current ground levels on the site allow for a level access from Whitworth Road and a relatively level plateau for access, storage and parking.
9. In conjunction with the plan submitted for the condition discharge, this adequately demonstrates that the aims of condition 3 would be met during construction. The appellant confirms in their submissions that once the dwelling is constructed, they will ensure that the finished site levels accord with the approved drawings.

Conclusion

10. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR