



Appeal Decision

Site visit made on 26 March 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 1st April 2026

Appeal Ref: APP/P1045/C/24/3340463

Land North of Park House Farm, Wyaston Road, Yeaveley, Derbyshire

- The appeal is made by Trouvere Herring under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/23/00124) issued by Derbyshire Dales District Council on 5 February 2024.
 - The breach of planning control alleged in the notice is "Engineering operations comprising the unauthorised extension of a roadway on land North of Park House Farm, Wyaston Road, Yeaveley, Ashbourne".
 - The requirements of the notice are "Permanently remove the unauthorised section of roadway (within the red area on the attached plan), in its entirety and reinstate the land back to grass."
 - The period for compliance with these requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a),(b),(c),(f) and (g).
 - An application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting the breach of planning control.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for engineering operations comprising the extension of a roadway on land North of Park House Farm, Wyaston Road, Yeaveley, Ashbourne.

Reasons for the decision

Ground (b)

2. The purpose of an appeal on ground (b) is to demonstrate that the matters alleged in the notice have not occurred as a matter of fact. It is not disputed that operations to extend the roadway have been carried out: it is clear from the images supplied by the appellant and is obvious on inspection of the site.
 3. I do not consider that the notice requires correction. It does not allege that the roadway extension covers the whole of "the red area on the attached plan" and the requirements of the notice correctly describe the roadway extension as being "within the red area".
 4. The appeal on ground (b) therefore fails.
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Ground (c)

5. The purpose of an appeal on ground (c) is to show that the matters alleged do not constitute a breach of planning control. Aside from the three lines of argument put forward by the appellant (none of which is well-founded), this ground of appeal must fail since the extension of the roadway is in breach of condition 2 of planning permission 22/00378/FUL, which requires the development to be carried out in accordance with the approved plans and these plans do not show a roadway beyond a short section at the site entrance.

Ground (a)

6. The decision whether or not to grant planning permission for the extension of the roadway calls for an assessment to be made of the operational need for the extension and consideration to be given to its impact on the character and appearance of its surroundings.
7. The arrangements for access and parking that were approved by planning permission 22/00378/FUL show only a small L-shaped area near the entrance from the road. This is wholly inadequate as a means of access to the approved stables and manège which will be across a field on rising ground a considerable distance from the road. The roadway extension provides the stables and the manège with the safe and convenient access they require for construction vehicles, for deliveries of equipment, for supplies of straw, hay and feed and for the movement of horse boxes and trailers, as well as providing a better means of access by vehicle for persons who are less able to walk.
8. Tracks of the kind enforced against, providing essential access to buildings, etc, are common features in the countryside and in this rural area. They are not usually seen as being harmful to the character and appearance of their surroundings. The likely outcome of the requirements of the notice to remove the roadway extension and reinstate the land back to grass will be unsightly and harmful damage to the field caused by the movement of vehicles and equipment between the road and the stables.
9. I have concluded that the ground (a) appeal should succeed. Planning permission should be granted for the roadway extension pursuant to Local Plan Policy S4, criterion d), since it is an essential part of an approved equestrian development and does not have an adverse impact upon the character of the area, nor is it contrary to the aims of Policies S1 and PD5. No further planning conditions are needed since landscaping is already being dealt with in accordance with the condition in planning permission 22/00378/FUL. I have considered the appellant's undertaking to relinquish the L-shaped area referred to above, but I do not consider that this is desirable, since this area will provide a useful parking and turning space near to the road.

Grounds (f) and (g)

10. As a result of the success of the appeal on ground (a), the notice has been quashed. Grounds (f) and (g) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR