



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2026

Appeal Ref: APP/P1045/C/25/3373290

The Cottage, Alfreton Road, The Cliff, Matlock, Derbyshire DE4 5EZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Stephen Bees against an enforcement notice ("EN") issued by Derbyshire Dales District Council.
 - The EN was issued on 10 September 2025.
 - The breach of planning control as alleged in the EN is: Without planning permission, the formation of an access onto a classified road (A615).
 - The requirements of the EN are to: Permanently close off the access and re-instate the boundary wall to match exactly its previous appearance prior to its partial removal including its height and length between points A and B as shown on the attached plan, leaving a single pedestrian access not exceeding 1.20 metres positioned and shown by blue block on attached plan.
 - The period for compliance with the requirements is: 60 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the 1990 Act.
-

Decision

1. The appeal is dismissed and the EN is upheld.

Preliminary Matters

2. The appellant originally appealed under grounds (c) and (f). However, information submitted to support the appellant's grounds related to ground (g). Therefore, at the appeal validation stage, the appellant advised that they wished to add ground (g) to their appeal. I have therefore determined the appeal on this basis.
3. The EN has been appealed under grounds (c), (f) and (g) therefore, the planning merits of the development are not relevant to this appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.
4. I acknowledge the comments of the Parish Council. However, the matters raised concern the planning merits of the development which I am unable to consider in an appeal under grounds (c), (f) and (g).

Appeal on Ground (c)

5. An appeal under ground (c) is that the matters alleged in the EN do not constitute a breach of planning control. The onus of proof is on the appellant to show there has been no breach of planning control. The relevant test is the balance of probability.
6. The appellant asserts that he is undertaking works to the dwelling. Therefore, he demolished part of the boundary wall adjacent to the road to safely unload and store materials away from the roadside while the works are taking place. The

appellant has not stated why the development does not constitute a breach of planning control.

7. Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 concerns *“the means of access to a highway”*. It states that development is permitted for *“the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)”*.
8. Alfreton Road is a classified road (the A615). Consequently, planning permission is required to create an access onto this road. I have not been directed to any planning permission relating to the creation of a vehicular access at the land.
9. Taking the above into consideration, on the balance of probability, the appellant has not shown that the access does not constitute a breach of planning control and therefore, the ground (c) appeal fails.

Appeal on Ground (f)

10. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
11. The requirements state that the access must be permanently closed and the section of demolished stone boundary wall reinstated, except for a pedestrian access measuring no more than 1.2m. The purpose of the EN is therefore to remedy the breach of planning control.
12. The appellant's case under ground (f) is that the timeframe to undertake the requirements is unreasonable. This is a matter that would fall to be determined under ground (g), which I will consider below. Accordingly, the appellant does not raise concern with the EN's requirements.
13. Part of an existing stone boundary wall was demolished to form the unauthorised access. Therefore, I am satisfied that the requirements to permanently close the access with the reinstatement of the stone wall to the same height and appearance as prior to the formation of the access, apart from a pedestrian access, does not exceed what is necessary to remedy the breach of planning control.
14. For these reasons, the appeal on ground (f) fails.

Appeal on Ground (g)

15. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
16. The period for compliance is 60 days. The appellant requests a period of 12 months. As previously stated, the appellant asserts that the access is required to safely unload and store materials while works to the dwelling are being undertaken. The appellant asserts that 12 months is a more reasonable timeframe as it would allow sufficient time to complete the works to the dwelling and then rebuild the wall across the access.

17. It is necessary for me to consider the time that has elapsed when deciding whether the period of compliance is reasonable. Since submitting their appeal, the appellant has benefitted from over 10 months with the unauthorised access in place.
18. To afford the appellant a further 12 months from the determination of this appeal would be akin to granting temporary planning permission, which would be a considerable time for the harm to road users' safety and the character and appearance of the surrounding area to persist. Furthermore, the 60 day compliance period afforded by the EN, when combined with the time that has elapsed, would result in the total period exceeding the 12 months sought by the appellant.
19. Accordingly, I find that the 60 days afforded by the EN does not fall short of what is reasonable. The appeal under ground (g) therefore fails.

Conclusion

20. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN.

A Berry

INSPECTOR