



## South Derbyshire District Council

### Standing Advice Note 1 – Creating or altering a vehicular access

Commonly referred to as seeking permission for a 'dropped kerb', this Note sets out when you will or will not require planning permission or related consent(s) for such works. Where permission is required, further guidance is given below.

**PLEASE NOTE:** in all cases separate consent from the Highway Authority will be required. You should contact Derbyshire County Council Development Control (Highways) Network Management on 01629 533190 or email

#### 1 Is the proposed/altered access onto a classified road?

N → Go to question 2

Y → Go to the end of this Note

**Unsure?** Check [www.derbyshire.gov.uk/environment/land\\_premises/list\\_of\\_streets/](http://www.derbyshire.gov.uk/environment/land_premises/list_of_streets/)

#### 2 Is the proposed/altered access required in connection with 'permitted development' (e.g. provision of a driveway for homeowners, or an agricultural track for farmers)?

Y → Go to question 3

N → Go to the end of this Note

**Unsure?** An access cannot be created under permitted development rights in isolation. For instance the removal/re-siting of a fence to create an access would not comprise permitted development, whereas the creation of a driveway (in permeable materials or draining to a permeable area within the property if over 5m<sup>2</sup>) in conjunction with creation of an access could be permitted development. Furthermore a previous planning permission relating to the property may have withdrawn permitted development rights for creating an access. Please check the planning history for the property at [www.planning.south-derbys.gov.uk](http://www.planning.south-derbys.gov.uk).

#### 3 Would the proposed/altered access involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building?

N → Go to question 4

Y → Go to the end of this Note

**Unsure?** Check online at: <http://list.historicengland.org.uk/mapsearch.aspx>

#### 4 Would the proposed/altered access lead to the removal of a wall 1m or more in height within a conservation area?

N → Go to question 5

Y → Go to the end of this Note

**Unsure?** Check online at: [www.south-derbys.gov.uk/planning\\_and\\_building\\_control/conservation\\_and\\_heritage/conservation\\_areas/](http://www.south-derbys.gov.uk/planning_and_building_control/conservation_and_heritage/conservation_areas/)

**5 Would the proposed/altered access lead to the removal of or works to a tree(s) within a conservation area or protected by way of a Tree Preservation Order?**

Y → Go to the end of this Note

N → You do not require planning permission or any related planning consent(s)

**Unsure?** Check online at: [www.south-derbys.gov.uk/planning\\_and\\_building\\_control/planning\\_permission/trees\\_and\\_hedgerows/](http://www.south-derbys.gov.uk/planning_and_building_control/planning_permission/trees_and_hedgerows/)

**Outcomes and next steps:**

- ❖ **If you answered yes to Question 1 or no to Question 2:** you will need to make a planning application. You may also require listed building consent (see question 3), relevant demolition consent (see question 4) or consent for works to trees (see question 5).
- ❖ **If you answered yes to Question 3:** you will not need to make a planning application but you will require listed building consent. You may also require relevant demolition consent (see question 4) or consent for works to trees (see question 5).
- ❖ **If you answered yes to Question 4:** you will not need to make a planning application but you will require relevant demolition consent. You may also require consent for works to trees (see question 5).
- ❖ **If you answered yes to Question 4:** you will not need to make a planning application but you will require consent for works to trees.

If you are still unable to provide an answer to Question 2 and/or require a check of planning records prior to 1999, then please complete the relevant "Do I Need Planning Permission?" enquiry form, providing a completed copy of this Note with it. **Proposed access enquiries will only be processed where this Note accompanies the relevant enquiry form, and where questions 1, 3, 4 and 5 have been completed.**

**Making an application:**

If you need to make an application for planning permission, listed building consent, relevant demolition consent and/or consent for works to trees; the relevant form(s) and guidance can be obtained at [www.south-derbys.gov.uk/planning\\_and\\_building\\_control/planning\\_permission/application\\_forms/](http://www.south-derbys.gov.uk/planning_and_building_control/planning_permission/application_forms/)

You will need to accompany your application with a site location plan, to 1:1250 scale, outlining the position of the proposed access in red and all other land in your control outlined in blue. A more detailed layout plan to 1:500 scale should also be supplied to indicate the dimensions of the access and proposed surfacing, alignment and height of boundary treatments, etc.

The application fee for such proposals (as of 1 July 2015) is £172 for access proposals relating to a dwellinghouse and £195 for all other properties.

**DISCLAIMER:** The above advice is based on the answered you give and constitutes informal advice only. The advice should not be relied upon as a Certificate of Lawful Development, nor as legal advice. The advice given does not prejudice any formal action the Council may take in the future.