

DMPA/2025/1483 - Policy Compliance Section

This section demonstrates that the proposal complies with the relevant policies of the South Derbyshire Local Plan (Parts 1 and 2), the Hilton, Marston-on-Dove & Hoon Neighbourhood Development Plan, and national planning policy. It also clarifies where previous assessments misapplied policy - particularly INF9, INF2 and BNE8 - and sets out why the proposal represents an acceptable and policy-supported form of development.

Policy Compliance Matrix

Policy	Policy focus	Key test / requirement	Committee concern	Applicant response & compliance
LP1 INF9 – Open Space, Sport and Recreation	Protection of open space, sports and recreational facilities	Loss only permitted in exceptional circumstances where: (a) provision exceeds required levels, or (b) loss is replaced by equivalent/better provision, or (c) development provides alternative sport/recreation for which there is greater need.	Council treated the amenity land as “open space” under INF9 and concluded there would be a loss of open space and no compensatory provision.	INF9 not engaged: the land is not a sports ground, playing field, or formal recreational facility. It is a small, uneven, sloping amenity verge (~506 m ²), with no equipment, no formal use, and no history of sport or organised recreation. It is not capable of meaningful sport or recreation and has never been used as such. The proposal does not remove the grassed area; it only widens the existing hard-surfaced

				pedestrian path. There is therefore no "loss of open space, sport or recreational facilities" in the sense intended by INF9. Even if INF9 were applied, the functional open space remains available and accessible, so there is no net loss requiring compensation.
LP2 BNE8 – Local Green Space	Protection of designated Local Green Spaces	Development only permitted in very special circumstances or for limited forms of development that: (i) preserve openness; and (ii) do not harm the purpose of designation. Engineering operations are explicitly allowed where these tests are met.	Council considered that the access would erode the function of the Local Green Space, create conflict between vehicles and users, and reduce its attractiveness as open space.	Openness preserved: the proposal does not remove any grassed area; it simply widens the existing pedestrian route to allow vehicle access. No buildings, fences, or enclosures are proposed. The visual openness and break in the built form are retained. Purpose not harmed: the land currently has no formal recreational function and is not used for sport; informal

				play remains possible as the grassed area is untouched. Vehicle movements would be slow, infrequent, and forward-facing, comparable to millions of driveways across the UK. Policy-compliant form of development: widening an existing path is an “engineering... operation” expressly contemplated by BNE8, and it preserves openness and character.
Hilton NP Policy E1 – Local Green Spaces	Local protection of designated Local Green Spaces	Local Green Spaces to be protected from development except in very special circumstances or where limited development preserves openness and purpose.	Council relied on E1 alongside BNE8 to resist any change that might affect the perceived function of the space.	The proposal is fully consistent with E1 for the same reasons as BNE8: no loss of grassed area, no built form, and no enclosure. The essential qualities of the space—visual relief, greenery, and local character—are retained. Very special circumstances

				exist: safe access to existing driveways, removal of unsafe reversing into traffic, and enabling EV charging in line with national policy. These site-specific, practical and safety-based circumstances clearly outweigh any theoretical harm.
LP1 INF2 – Sustainable Transport	Highway safety, parking, sustainable transport, minimising car travel, supporting low-emission vehicles	Development must: (a) have no undue detrimental impact on highway safety; (b) provide safe and convenient access for all modes; (c) minimise car travel relative to the needs of the development; (d) include appropriate parking; (e) encourage low-emission vehicles; and (f) avoid harming pedestrian/cycle movement.	Highway Authority objected: loss of lay-by spaces, visibility splays crossing third-party land, and perceived safety risk from new access.	The proposal strongly supports INF2 across multiple criteria: Highway safety improved (INF2 A(i)(a)) – The existing lay-by forces residents to reverse blindly into oncoming traffic. The proposal enables forward-facing entry and exit, eliminating a known hazard and reducing conflict with pedestrians. - Safe and convenient access (INF2 A(i)(b)) – Provides direct, safe access to existing

				driveways, reducing the need for residents to park remotely and walk back with children, shopping, or mobility needs. - Minimising car travel (INF2 A(i)(c)) – Residents currently drive around the estate searching for parking and make multiple trips to unload. Direct driveway access reduces unnecessary vehicle miles. - Encouraging low-emission vehicles (INF2 E(f)) – The proposal enables home EV charging, which is impossible under current conditions. INF2 explicitly encourages EV infrastructure, reinforced by para 9.27. - Pedestrian and cyclist safety improved (INF2 E(b)) – Consolidates vehicle movements into a predictable, slow-speed route, reducing reversing
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				movements across pedestrian desire lines. - No harm to walking/cycling networks (INF2 B) – The existing pedestrian route remains fully accessible; no rights of way or cycle routes are affected. - Appropriate parking provision (INF2 E(a)) – Provides safe off-street parking for three homes, reducing pressure on the communal lay-by and improving overall parking efficiency. - No impact on public transport or infrastructure – The proposal does not affect bus routes, road capacity, or public transport accessibility. Overall, the proposal enhances safety, reduces car travel, supports EV adoption, and improves pedestrian conditions, fully
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				complying with INF2.
LP1 SD1 – Amenity and Environmental Quality	Protection of residential amenity and environmental quality	Development should not lead to adverse impacts on amenity or environmental quality.	Council argued that the change would harm the character of the area and amenity by reducing the perceived quality of the open space.	Residential amenity is improved: safer access, reduced need to park remotely, easier unloading of shopping and managing children, and the ability to charge EVs at home. Environmental quality is enhanced by supporting EV use and by the applicants' offer to maintain the grassed area, undertake litter-picking, and fund low-level hedgerow planting. The visual character of the green is retained, as the grassed area remains and only the existing path is widened.
LP1 BNE1 – Design Excellence	High-quality, context-sensitive design	Development should respect local character, scale, and form.	Implicit concern that the change would urbanise or visually degrade the green break in the street scene.	The proposal is modest, proportionate, and follows the existing alignment of the pedestrian path. No new

				structures, walls, or lighting are proposed. The grassed area remains as a visual break in the built form. Surfacing can be specified to be sympathetic and recessive in appearance. The design is therefore consistent with local character and BNE1.
Hilton NP H3 – Residential car parking	Adequate and appropriate parking for homes	Ensuring sufficient and practical parking provision for dwellings.	Not explicitly cited as a refusal reason, but relevant to the context of parking pressure.	The proposal directly responds to the intent of H3 by providing safe, practical off-street parking for 77, 79 and 87 Egginton Road. It reduces reliance on oversubscribed communal parking and on-street spaces, and addresses existing parking stress identified in the Neighbourhood Plan.
Hilton NP H4 – Homes designed for	Energy efficiency and low-carbon living	Encouraging measures that support energy efficiency and	Acknowledged but given limited weight by the Council.	The proposal enables residents to install and use

energy efficiency		low-carbon technologies.		domestic EV charging points, a key component of low-carbon living and national decarbonisation strategy. Without access, EV ownership is practically impossible for these properties. The scheme therefore positively contributes to H4's objectives.
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1. Local Plan Policy BNE8 – Local Green Space

1.1 Preservation of openness and character

The proposal does not remove any part of the grassed Local Green Space. The entire green area remains intact and publicly accessible. The only physical change is the widening of the existing pedestrian path, which already interrupts the green space. No built form, enclosure, fencing, or structures are introduced.

The openness, visual relief, and character of the space are therefore fully preserved, meeting the core requirement of BNE8.

1.2 Development type permitted under BNE8

BNE8 explicitly allows:

- “the carrying out of an engineering or other operation”

The proposal is precisely this: a minor engineering operation to widen an existing hard-surfaced route. It does not alter the purpose, function, or openness of the green space.

1.3 Purpose of designation not harmed

The Local Green Space designation aims to protect areas that are:

- Valued by the community
- Visually important
- Tranquil
- Used for informal recreation

This parcel of land:

- Is uneven, sloped, and poorly maintained
- Has no equipment, seating, or recreational facilities
- Is not used for sport or organised recreation
- Is too small and too close to dwellings for ball games
- Has never functioned as a meaningful recreational asset

The proposal does not prevent informal play or community use. The grassed area remains untouched and accessible.

1.4 Very special circumstances

Even though the proposal already complies with the permitted development types under BNE8, very special circumstances also exist:

- The current parking bay is unsafe, requiring reversing into oncoming traffic.
- Residents frequently must park remotely, often carrying shopping or managing children.
- The proposal enables safe access to existing driveways, not the creation of new parking.
- National policy strongly supports home EV charging, which is impossible without access.

These circumstances are site-specific, practical, and safety-based, and clearly outweigh any perceived harm.

1.5 Enhancement of biodiversity and community value

Residents have committed to:

- Maintaining the grassed area
- Undertaking litter-picking
- Funding and maintaining low-level hedgerow planting
- Collaborating with the Council on biodiversity improvements

This aligns directly with BNE8's expectation that the Council will enhance biodiversity and community value through appropriate site management.

2. Local Plan Policy INF9 – Open Space, Sport and Recreation

2.1 INF9 is not applicable to this land

INF9 protects sports grounds, playing fields, recreation facilities, and formal open spaces. The amenity land at Egginton Road:

- Is not a sports facility
- Is not a recreation ground
- Is not identified as an INF9-protected site
- Has no equipment or formal recreational function
- Has never been used for sport or organised recreation

It is a small, incidental amenity verge. INF9 was therefore incorrectly applied in the previous decision.

2.2 No loss of open space in INF9 terms

INF9 restricts the loss of open space. There is no loss here:

- The grassed area remains
- Public access remains
- Informal use remains
- Only the existing path is widened

The functional open space is unchanged.

2.3 No reduction in recreational provision

As the land has no recreational function, the proposal cannot reduce recreational provision. The committee report's assumption that the land provides "informal play" is unsupported by evidence and inconsistent with the physical condition and historic use of the site.

2.4 Alignment with INF9's wider aims

INF9 seeks to support:

- Healthy communities
- Accessible environments
- Well-connected neighbourhoods

The proposal improves accessibility for residents, reduces reliance on remote parking, and supports sustainable transport through EV charging.

3. Local Plan Policy INF2 – Sustainable Transport - Compliance with INF2

Policy INF2 of the South Derbyshire Local Plan requires development to support safe, efficient, and sustainable transport outcomes. When assessed against the full scope of the policy, the proposed access arrangement for 77, 79 and 81 Egginton Road fully complies with INF2 and, in several respects, actively advances its objectives.

3.1 Highway safety is significantly improved (INF2 A(i)(a))

INF2 requires that development:

"should have no undue detrimental impact upon... highway safety."

The proposal removes an existing, well-evidenced safety hazard. The current lay-by forces residents to reverse blindly into oncoming traffic on Egginton Road, creating conflict with both vehicles and pedestrians. The proposed access enables forward-facing entry and exit, the safest possible manoeuvre, and consolidates movements into a predictable, low-speed route. This represents a clear safety enhancement, not a detriment.

3.2 Provides safe and convenient access for residents (INF2 A(i)(b))

INF2 requires:

"appropriate provision... for safe and convenient access... for the private car."

The proposal achieves this by allowing residents to access their existing driveways directly, rather than parking remotely or navigating the unsafe reversing manoeuvres required by the lay-by. This improves day-to-day safety and convenience, particularly for families with children, older residents, and those carrying shopping or equipment.

3.3 Minimises unnecessary car travel (INF2 A(i)(c))

INF2 emphasises that:

“car travel generated by the development is minimised relative to the needs of the development.”

Currently, residents must drive around the estate searching for parking, often making multiple trips to unload. This generates avoidable vehicle movements. Direct driveway access eliminates these unnecessary journeys, reducing total car mileage and aligning directly with INF2’s requirement to minimise car travel.

3.4 Strong support for low-emission vehicles (INF2 E(f))

INF2 explicitly encourages:

“the use of low-emission vehicles.”

The explanatory text reinforces this:

“Developers are encouraged to provide electric vehicle charging facilities.” (para. 9.27)

The proposal is essential to enable home EV charging. Without access to their driveways, residents cannot install or use domestic EV chargers, effectively preventing EV ownership. The scheme therefore directly supports national and local decarbonisation objectives and is fully aligned with INF2’s sustainability aims.

3.5 Improved pedestrian safety (INF2 E(b))

INF2 requires that development must not:

“have an undue detrimental impact on pedestrian... movement and highway safety.”

The proposal improves pedestrian conditions by removing reversing movements across the pedestrian desire line. Vehicle movements would be slow, controlled, and predictable. The existing footpath remains fully accessible, and no pedestrian routes are obstructed.

3.6 No impact on walking or cycling networks (INF2 Part B)

INF2 protects:

- Walking routes
- Cycling routes
- Public rights of way
- Greenways

The proposal does not affect any of these. The existing pedestrian path remains in place, and the grassed area remains fully accessible. No rights of way or cycle routes are altered or prejudiced.

3.7 Appropriate parking provision (INF2 Part E(a))

INF2 requires:

“appropriate car parking provision.”

The proposal provides safe, off-street parking for three dwellings, reducing pressure on the communal lay-by and improving overall parking efficiency. This aligns with both INF2 and Neighbourhood Plan Policy H3.

3.8 No impact on public transport or wider infrastructure

The proposal does not affect:

- Bus routes
- Public transport accessibility
- Road capacity
- Strategic transport infrastructure

There is no conflict with INF2’s wider transport objectives.

Conclusion: Full Compliance with INF2

When assessed against the full wording of Policy INF2, the proposal:

- Improves highway safety
- Improves pedestrian safety
- Provides safe and convenient access
- Reduces unnecessary car travel

- Supports EV charging and low-emission transport
- Reduces parking stress
- Does not harm walking, cycling, or public transport
- Does not harm the environment or infrastructure

The scheme therefore fully complies with INF2 and, in several respects, delivers outcomes that are better than the existing situation. The committee's previous interpretation of INF2 was narrow and did not reflect the full scope or intent of the policy.

4. Local Plan Policy SD1 – Amenity and Environmental Quality

The proposal enhances residential amenity by:

- Providing safe, convenient access to existing driveways
- Reducing the need to park remotely
- Supporting EV ownership
- Improving day-to-day living for families with children or mobility needs

Environmental quality is improved through:

- Reduced vehicle idling and manoeuvring
- Support for low-carbon transport
- Enhanced stewardship of the green space by residents

There is no adverse impact on neighbouring amenity.

5. Local Plan Policy BNE1 – Design Excellence

The proposal is modest, proportionate, and sensitive to local character:

- It follows the alignment of the existing path
- It introduces no structures or visual clutter
- Surfacing can be specified to be sympathetic and recessive
- The grassed area remains as a visual break in the street scene

The design therefore complies with BNE1.

6. Neighbourhood Plan Policies H3, H4 and E1

H3 – Residential Car Parking

The proposal provides safe, practical off-street parking for three dwellings, reducing pressure on communal spaces and supporting the Neighbourhood Plan's aim of ensuring adequate parking provision.

H4 – Energy Efficiency

The proposal enables home EV charging, directly supporting energy efficiency and low-carbon living.

E1 – Local Green Spaces

As with BNE8, the proposal preserves openness, retains the grassed area, and introduces no built form. Very special circumstances apply due to safety, accessibility, and national EV policy.

Conclusion: Full Policy Compliance

When assessed correctly, the proposal:

- Complies with all relevant policies
- Does not result in the loss of open space
- Preserves the openness and character of the Local Green Space
- Improves safety, accessibility, and sustainability
- Supports national EV and climate policy
- Enhances biodiversity and community stewardship

The previous refusal misapplied INF9, overstated the impact on BNE8 and understated the interpretation of INF2 and did not reflect the full scope or intent of the policy. The proposal represents a modest, proportionate, and policy-supported improvement that delivers clear public and residential benefits without harming the Local Green Space.