

Delegated Report

Planning Reference	25/00206/OUT	 Hinckley & Bosworth Borough Council
Applicant(s)	Mr and Mrs R Walker	
Ward	Newbold Verdon with Desford & Peckleton	
Application Site	Land adjacent to Welton Lodge, Hunts Lane, Desford	
Proposal	Outline planning permission for a single self-build dwelling (All matters reserved except access)	
Case Officer	Sullevan Archer (Senior Planning Officer)	

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- A Unilateral Undertaking securing that the dwelling is built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of a single self-build dwelling at the Land adjacent to Welton Lodge, Hunts Lane, Desford. Only access is sought for approval within this outline application and all other matters are reserved.
- 2.2. The precise appearance of the scheme is reserved for later approval. Therefore, the extent of the application is described and assessed via the indicative scales and appearance detailed within the Proposed Block & Location Plan, and Illustrative Elevation (25 4514 01) and the Proposed Site and Roof Plan (25 4514 02).
- 2.3. Indicatively, the proposal is two-storey in massing and has a kinked-design in the centre of the property. The proposed vehicular access is to the north and rear of the site via a private track from Hunts Lane.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,000sqm application site is a rectangular grassland field that is located 700m to the east of Newbold Verdon and 1.3km to the west of Desford beyond any identified settlement boundaries in the designated open countryside. The site is bounded by open countryside to the north, and Public Footpath R90 runs east to west to the north of the site. To the east of the site is a private track that is accessed via Hunts Lane. The private track serves two other dwellings and features Public Bridleway R74 runs along the private track.

3.2. Hunts Lane bounds the south of the site, which is an adopted and classified 'B' road ('B582') that is subject to a 40mph speed limit in the vicinity of the site. Immediately to the south of the site is Hunts Lane's confluence with Kirkby Lane, which heads in a southerly direction from the application site. There is a bus stop on either side of Hunts Lane to the southwest of the site.

3.3. The northern side of Hunts Lane in this location features a small run of ribbon development comprising large, detached dwellings, which extends 124m to the west and 338m to the east of the site. Beyond this development is open countryside in both directions. There is also a long ribbon of residential development to the south of Hunts Lane and to the west of Kirkby Lane, which runs into Newbold Verdon. Due to the variety of styles and designs of properties, there is no discernible unique character to the area.

4. Relevant Planning History

4.1 20/01044/FUL

- Erection of custom build Eco house
- Permitted
- 13.07.2021

4.2 Three planning applications (89/00314/4, 94/00157/OUT, and 01/00386/OUT) were previously refused for the provision of one dwelling within the site.

5. Publicity

5.1 The application has been publicised by sending out letters to local residents, and a site notice was also posted within the vicinity of the site.

5.2 One member of the public objected to the development due to highway safety concerns, and noise and disturbance to neighbouring residential amenity.

6. Consultation

6.1 There have no objections to the application from the Council's Drainage or Pollution Departments, nor Leicestershire County Council's Ecology or Minerals and Waste Departments. The Ecology Department requested three planning conditions. Newbold Parish Council did not comment on the planning application and Leicestershire County Council as the Local Highway Authority (LHA) referred to standing advice.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Custom and self-build development
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, should be read as a whole.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.4 The current Development Plan consists of the adopted Core Strategy, and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The application site is also adjacent to, but outside of, the designated area within the Desford Neighbourhood Plan.

8.5 In accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.6 Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

8.7 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.8 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.

8.9 For example, the application site benefitted from a planning permission for the approval of a single dwelling within the site via planning application 20/01044/FUL. Whilst it is appreciated that this planning permission is a material consideration within the determination of this current application, the 2020 planning permission did not commence on site and the permission has since expired. This was confirmed at Paragraph 2.7 of the submitted Planning Statement. Therefore, this planning permission attracts limited weight in the planning balance of the determination of this proposal.

8.10 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

8.11 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

8.12 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.

8.13 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.

8.14 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

8.15 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published once the

monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

8.16 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

8.17 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.

8.18 The development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.

8.19 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Custom and Self-Build Housing (CSB)

8.20 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include, but are not limited to, people wishing to commission or build their own homes.

8.21 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.

8.22 The Applicants state that the proposed development is classified as a 'self-build and custom house-build' (CSB) scheme within the definition provided within the Self-Build and Custom Housebuilding Act 2015 and have submitted a Unilateral Undertaking to secure development towards the Council's supply of self-build and custom house-builds. This is a material consideration within this planning application.

8.23 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.

8.24 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.

8.25 Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 9, which results in a modest shortfall of five self-build and custom house-build dwellings.

8.26 If secured by a UU, this development as a self-build and custom house-build would contribute to the current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2024 to 30 October 2025).

8.27 Whilst the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the limited current shortfall in the Council's provision self-build and custom housebuilding developments is considered to attract moderate weight in the planning balance.

Design and Impact upon the Character of the Area

8.28 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.29 Policy DM4(i) and (iii) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and it does not create or exacerbate ribbon development respectively.

8.30 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.31 As confirmed at Paragraph 8.11 of this Report, the application does not accord with the Development Plan and is unacceptable in principle, subject to the assessment of all other material considerations. In light of this, a new residential dwelling in this location in the designated open countryside is considered to result in harm to the harm to the character of the surrounding area in principle. The extent of this harm is considered to be heightened due to the visual prominence of a development in this location from Hunts Lane, and Public Rights of Way R90 and R74.

8.32 However, the site is experienced in the context of an area that is characterised by ribbon development on both sides of Hunts Lane. There are residential properties immediately to the east and west of the site on this side of Hunts Lane, and the site is bounded by the private track to the east. Therefore, the proposal is not considered to encroach further into the countryside than existing dwellings, nor exacerbate ribbon development in these site-specific circumstances. The adjacent dwellings are also sited in large plots like the application site, and therefore the provision of dwelling within this site would not result in significant harm to the character of the area.

8.33 Given the above, this is an outline application with all matters reserved except for access, and therefore, the detailed layout and appearance considerations are not being assessed at this stage. Although the development of a residential property in the designated open countryside is likely to cause harm to the character of the area in principle, the proposal is experienced in the context of other residential dwellings, that are immediately adjacent to the application site. Therefore, residential development is not an incongruous feature to the character of the area in these site-specific circumstances, and this is supported by the fact that the scheme does not encroach any further into the designated countryside than the existing ribbon development in the surrounding area. In light of this, it is considered that the scheme can be brought forward in a way that does not result in significant harm to the character of the surrounding area.

8.34 By virtue of these factors, the principle of the provision of a dwelling in this site-specific location is not considered to result in any significant adverse impacts to the character of the surrounding area, nor the intrinsic value, beauty, open character, and landscape character of the countryside. It is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure the scheme can be brought forward in a way that does not result in significant harm to the character of the surrounding area. As a result, the proposal

is compliant with Policies DM4 and DM10 of the SADMP, subject to the detailed design of the development.

Design and Layout

8.35 Paragraph 131 of the NPPF confirms that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

8.36 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.

8.37 This is an outline application with all matters reserved except for access. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage.

8.38 Notwithstanding this, the indicative plans illustrate that the development will consist of a two-storey detached dwelling. The indicative Roof Plan also includes a garage, but this does not form part of the description of the planning application and is therefore not being considered at this time.

8.39 It is noted that the indicative scheme does not appropriately reflect the existing line along this side of Hunts Lane. The Applicants have also not demonstrated that the proposal shall be well designed to protect or enhance the character of the street scene.

8.40 Nevertheless, Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy. As approval for the means of access is the only matter for which approval is sought at this time all other matters will be appropriately considered at reserved matters stage.

8.41 Given the above, it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure the scheme can be brought forward in a way that does not result in significant harm to the character of the surrounding area. As a result, the proposal is compliant with Policies DM4 and DM10 of the SADMP, subject to the detailed design of the development.

Impact upon Residential Amenity

8.42 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.43 There are no properties to the north of the site, and the development is separated from adjacent properties to the east and south by roads. The proposal is indicatively 12.8m to the east of the adjacent property, The Elms. Given the size of the site, and the proposed scale of development, it is considered that the scheme, subject to the detailed matters to come forward at reserved matters stage, could be designed such to have a suitable relationship with the nearby residential units in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

8.44 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.

8.45 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

8.46 The proposal is accessed via an amended existing field access via a private drive from Hunts Lane. No amendments are proposed to the existing access onto Hunts Lane. There is sufficient room within the site to enable a design to include turning facilities that ensure cars can access and egress the site in a forward gear. The provision of one dwelling within this site is not considered to significantly intensify the use of the private track, the associated Public Right of Way, or the associated access onto Hunts Lane. Notably, the Local Highway Authority have not sought to object to the development.

8.47 Given the above, it is not considered that proposal creates an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policy DM17 of the SADMP.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- A Unilateral Undertaking securing that the dwelling is built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

11.2 Conditions and Reasons

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence until details of the layout, scale, appearance and landscaping, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the indicative details on the submitted plans, the development hereby permitted shall not be carried outside of the designated red line boundary that is detailed within Location Plan of the Proposed Block & Location Plan, and Illustrative Elevation (25 4514 01) (submitted: 05.03.2025).

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development hereby permitted shall take place until a Precautionary Working Method Statement (PWMS) for badgers, Great Crested Newts, hedgehogs, and reptiles has been submitted to, and approved in writing by, the Local Planning Authority. The PWMS should details that include, but are not limited to, a staged approach for vegetation clearance, and a watching brief for reptiles and amphibians. All works are to proceed strictly in accordance with the approved details.

Reason: In accordance with the recommendations within the Preliminary Ecological Appraisal v2 (submitted: 04.04.2025) in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development hereby permitted shall take place until a Biodiversity Enhancement Plan has been submitted to, and approved in writing by, the Local Planning Authority. Enhancements shall include (but is not limited to) at least one bat box, bird boxes, and bee bricks with the makes/models and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: In accordance with the recommendations within the Preliminary Ecological Appraisal v2 (submitted: 04.04.2025) in order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Visibility Splays (25 4514 02) (submitted: 05.03.2025) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of

general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

8. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

a. **Notes to Applicants**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicants must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.

4. The Public Right(s) of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
6. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
8. No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal.
9. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
10. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
11. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).