

## Delegated Report

**Planning Ref:** 25/00543/REM  
**Applicant:** Bloor Homes East Midlands  
**Ward:** Hinckley Clarendon



Hinckley & Bosworth  
Borough Council

**Site:** Land North East Of Triumph Motorcycles Ltd,  
Normandy Way, Hinckley

**Proposal:** Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 2 of outline planning permission 15/00188/OUT for the residential development of 126 dwellings (Phase 7)

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### 1. Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

### 2. Planning Application Description

2.1. This is a reserved matters application for the residential development of 126 dwellings including open space areas. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 15/00188/OUT for the erection of up to 850 dwellings, 500m<sup>2</sup> of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only). The outline application (15/00188/OUT) was supported by a development framework plan and a design and access statement which conditions 3, 4 and 5 of the outline permission require any reserved matter to follow the principles set in these documents.

2.2. This proposal represents phase 7 of the development. A reserved matters approval for phase 7 has already been granted for a scheme of 140 dwellings in September 2022 (21/01262/REM) but this was not commenced. The Applicant states that they now intend to utilise a new housetype collection in this phase of development which officer architectural inspiration from both the Georgian and Victorian periods.

2.3. There are 17 different house types proposed for the site with a range of designs and materials, including brick and render. All dwellings would be two storey in height with a mix of detached, semi-detached and one row of terraced properties. Of these 126 dwellings 9 are affordable with two being provided for social rent and 7 for shared ownership.

2.4. The layout is similar to the previously approved scheme. There is a SuDS feature in the centre of the eastern boundary with open space beyond it. One main spine road enters the site from Phase 2 running east to west adjoining the second main spine road which runs broadly north to south. The road layout has already been approved. Several secondary and private roads then protrude off the spine road.

2.5. Three green corridors are proposed within the phase linking to existing green infrastructure. The first is proposed in the southern part of the Phase providing a natural and semi-natural green corridor, with associated pedestrian links. A LEAP is also provided within this southern area. The second is provided along the western, countryside edge which includes the retained PRoW U6. And finally adjacent to the

SUDS basin is the north-south green corridor which links to the approved Central Park.

- 2.6. The application has been accompanied by an updated development brief to demonstrate compliance with the approved Design and Access Statement for the outline planning permission in accordance with Condition 5 of the outline permission.
- 2.7. Amended plans have been received throughout the course of the application responding to comments from both officers and consultees.

### **3. Description of the Site and Surrounding Area**

- 3.1. The site is located to the west of Hinckley, approximately 2km from the town centre. The outline application site is 15.21 hectares (ha) of agricultural land. The application site comprises phase 7 of the development and relates to a parcel in the centre of the western edge of the wider outline site. The site adjoins the wider residential development to all direction except the west which is open countryside. Hedgerow lies along this western boundary segregating the site from the open countryside beyond.

### **4. Relevant Planning History**

#### **15/00188/OUT**

- Erection of up to 850 dwellings, 500m<sup>2</sup> of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- Outline approval
- 03.05.2018
- 26.08.2020

Various REMs, NMAs, DISCONs and CONDIT applications have been submitted since the outline approval.

### **5. Publicity**

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

- No comments were received

### **6. Consultation**

- 6.1. No objections, some subject to conditions have been received from:

- National Highways (No conditions)
- Nuneaton & Bedworth Borough Council (No conditions)

- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Highways) (Subject to conditions)
- Leicestershire County Council (LLFA) (No conditions)
- Leicestershire County Council (Ecology) (No conditions)
- Leicestershire Police (No conditions)
- HBBC (Environmental Health) (No conditions)
- HBBC (Affordable Housing) (No conditions)
- NHS (No conditions)

## 7. Policy

### 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

### 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy SA2: Land West of Hinckley, Normandy Way, Hinckley
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Affordable Housing SPD
- Good Design Guide (2020)
- National Design Guide (2019)

## 8. Appraisal

### 8.1. The principle of development has been established by the outlined permission. Therefore the key issues are:

- Housing mix
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology

Assessment against strategic planning policies

8.2. Section 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. The overall aim is to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

8.3. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare for developments within, or adjoining, Hinckley, Burbage, Barwell, and Earl Shilton. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.

8.4. The Hinckley and Bosworth Borough Council Housing Needs Study 2024 sets out the recommended housing mix. The below table provides a comparison of the HNA mix and that proposed on site.

Number of bedrooms	HNA suggested housing mix	Proposed mix for this application
1	5%	0%
2	35%	5%
3	40%	40%
4	20%	55%

8.5. It is clear from the table above that the development provides significantly fewer 2 bedroom properties than the suggested mix in the HNA and significantly more 4 bedroomed properties than the suggested mix in the HNA. In isolation this mix would not be acceptable, however, the outline application is for 850 dwellings and will be built out over an approximate 10 year period. The need for housing type and mix may vary over time and therefore the total mix and provision of the whole outline site may differ to the phases for consideration in this application. This phase is the countryside edge whereby from a design perspective larger detached dwellings are appropriate. That being said the Applicant will be expected to make up for the shortfall in smaller units elsewhere on the development and an informative note is recommended to that effect.

8.6. The proposed affordable housing scheme has been reviewed by the HBBC Affordable Housing officer. Policy as set out in the Core Strategy requires 20% affordable housing delivery on sites of 15 dwellings or more, or 0.5 hectares or more in the urban area. This site is being developed over a number of phases, each of which requires delivery of on-site affordable housing. The mix of dwelling types is set out in the section 106 agreement for the whole development. As this development is being delivered over a number of phases, the mix varies slightly on any given phase, but the delivery at the completion of the entire development will meet 20% affordable housing overall and provide the agreed number of property types.

8.7. To date, across all phases including this application (phase 7), phases 1,2,3 and 4 and 7 have delivered 47 properties for rent and 47 properties for shared ownership / shared equity. The property types broadly represent the agreed types in the section 106 agreement (with a slight oversupply of 1 bedroom properties for rent in phases 1 and 2).

8.8. Assuming the under provision of affordable housing on this phase is accepted, this leaves 31 affordable rent properties and 29 shared ownership properties to be delivered across the remaining phases 5 and 6. The applicant proposes to deliver 12 properties for rent and 15 shared ownership properties on phase 5 and the remaining 17 properties for rent and 14 properties for shared ownership on phase 6. Both phases will deliver 114 homes in total, so phase 5 will deliver 24% affordable housing and phase 6 will give 27% affordable housing on site.

8.9. Whilst this is over delivery of affordable housing on the last 2 phases of the site, the numbers would not overwhelm the market housing and is less than affordable housing provision on rural sites (40%). Furthermore, it is acknowledged that there are significant challenges with attracting Registered Provider interest for section 106 schemes under the current Affordable Homes Programme period, which has meant the local authority has purchased the rented properties on phases 3 and 4. Depending on the time frames for the last phases coming forward, it may assist with the capacity of RPs to acquire the units.

8.10. The affordable housing on this phase is not spread throughout the development but is provided on one cluster. As the majority of the affordable housing on this phase is for affordable home ownership, to make up the shortfall on previous phases, the location of the housing on one area is acceptable.

8.11. The delivery of affordable housing overall on this development is therefore consistent with the requirements set out in the section 106 agreement and the mix and tenure of the proposed dwellings is therefore in accordance with Policy 15 and Policy 16 of the Core Strategy and Policy SA2 of the Site Allocations and Development Management Policy DPD (SADMP). A note to applicant is recommended reminding the Applicant that they will need to address the shortfall in affordable homes on the latter phases.

Design and impact upon the character of the area

8.12. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the recently adopted HBBC The Good Design Guide 2020.

8.13. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites positioning upon the urban fringe of Hinckley. The principles of the design and layout of the scheme are outlined within the approved Design and Access Statement. The Design and Access statement and the Development Framework Plan highlights that the design of the scheme is landscape

led and it should be ensured that existing key landscape features are retained and improved.

- 8.14. The Applicant has responded positively to officer requests for amendments through the application. This has included reorientation of plots surrounding the SUDS basin, amendments to boundary treatments to ensure brick walls in visible areas alongside additional soft planting. The reduction in long lengths of on-street parking or its softening with landscaping and some alterations to housetypes around node/focal points.
- 8.15. The proposed site layout for Phase 7 illustrates general compliance with the layout principles set out within the outline approval. It would create a series of perimeter blocks, with dwellings positioned and orientated to facilitate private gardens located within the centre of the blocks. Front boundaries would broadly reflect the proposed street hierarchy with formal hedges and street trees along the primary street boundaries and informal hedges and street trees to break up street parking on side streets and Green edges.
- 8.16. Dwelling heights are all 2 storey. The house types do depart from those on existing phases of development, but they complement those already provided and offer a good level of architectural detailing and quality. They are also visually appropriate for the edge of development phase. The predominant material types of red brick, with some render, and architectural features such as the bay windows with the overall proportions of the dwellings will provide sufficient cohesion.
- 8.17. The character areas and differences between them are subtle but sufficient to aid in place making and legibility across the site. The Parkland and Green Corridor areas are particularly strong through the use of soft landscaping and estate style fencing. The amendments made to the layout of housing surrounding the SUDS basin is also effective.
- 8.18. The proposed materials are acceptable and include four brick types which complement each other. Some focal plots will be partially rendered in chalk coloured roughcast render. Two roof tiles are proposed in slate grey or peat brown and three different front door styles are proposed. Most of the windows are proposed to have white frames with the exception of the windows along the primary roads which would have grey window frames- this is acceptable for placemaking purposes.
- 8.19. Non-visible means of enclosures to gardens are a mix of 1.8m high close board fencing or panel fencing. Where garden boundaries are visible, they are enclosed by brick screen walls. Areas of open space are segregated from private drives by 1.2m high black estate railings to the north which is appropriate for the parkland character type.
- 8.20. Soft landscaping plans have been submitted showing a good degree of tree planting along the key roads and within the front gardens of dwellings on the periphery of the Phase. Harsher boundary treatments would be softened through shrub planting which is also present in the front gardens of the plots. The green corridors would be enhanced by additional tree, shrub and hedge planting. There are some weaker areas including long lengths of frontage parking which are not softened to a good degree, however, this is judged acceptable considering the design of the wider Phase.
- 8.21. Overall, the design of the development is judged to reflect the previously agreed principles and is considered to comply with policy DM10 and the Good Design Guide.

#### Impact upon residential amenity

- 8.22. Policy DM10 requires development to not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. This is also supported through the recently adopted HBBC The Good Design Guide (GDG) 2020.
- 8.23. The proposed dwellings are considered to have appropriate separation distances. On the whole the private rear amenity spaces accord with the GDG, a limited number of plots are substandard however not by a significant area to cause harm to future occupiers. The outline permission includes conditions to protect the amenity of future residents including no burning of materials (condition 27), air quality assessment for each phase (condition 32), noise impact assessment and mitigation measures for each phase (condition 33). The proposal would therefore provide acceptable residential amenity provisions for future residents on the scheme.
- 8.24. The development is therefore considered to be in accordance with Policy DM10 of the SADMP and The Good Design Guide SPD 2020.

#### Impact upon highway safety

- 8.25. Policy DM17 requires, where appropriate, that improvements are undertaken to the highways and transportation network to limit any significant impacts arising from the development and all new developments should reflect the highway design standards (The 6 C's Design Guide). Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision.
- 8.26. Leicestershire County Council (Highways) reviewed the application and have no objections, subject to conditions. Some small issues have been raised with regards to the internal layout, however these are only small alterations that are needed and can be dealt with under Highways Legislation under Section 38 applications directly to LCC Highways. An outstanding point regarding forward visibility has been agreed since the submission of LCC's formal comments. Any further alterations are not likely to alter the layout to impact the developer developing in accordance with the plans and it is therefore considered the amendments are not needed prior to the determination of this application.
- 8.27. A number of conditions relating to parking/turning, surfacing, drainage and PRoW treatment are requested by Leicestershire County Council Highways which are included below.
- 8.28. The layout and general parking provision within the site is in accordance with the Leicestershire Highways Design Guide and would not be detrimental to highway safety and is in accordance with Policy DM17 and DM18 of the SADMP.

#### Ecology

- 8.29. Policy DM6 states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.30. There are no objections from Leicestershire County Council (Ecology) and it is noted that there is a requirement within the outline planning permission for the submission of a Water Vole Mitigation Strategy prior to commencement (Condition 14), a re-survey of ecological plans (condition 19 and 20) and other ecology conditions which

ensure protection (conditions 15-18) these have all now been discharged under 19/00870/DISCON and 20/00691/DISCON.

8.31. The proposal is therefore considered to protect and enhance the ecology and biodiversity of the site and is in accordance with Policy DM6 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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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. The principle of development has been established through the granting of the outline planning permission 15/00188/OUT.

10.2. The appearance, landscaping, scale and layout is considered acceptable and in accordance with the design principles outlined within the approved DAS. The range and mix of house types, tenures and designs are appropriate and provide a sustainable development in accordance with Policy 15 and 16 of the Core Strategy and Policy DM10 of the SADMP.

10.3. The access into the site was approved through the outline planning permission. The internal layout and parking provision is in accordance with the Leicestershire Highways Design Guidance and is therefore acceptable and in accordance with Policy DM17 and DM18 of the SADMP.

10.4. The landscaping provisions and biodiversity improvements alongside the drainage SUDs areas in accordance with Policy DM6 of the SADMP.

## **11. Recommendation**

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons / Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as detail on the submitted Schedule of Application Documents Ref: DE\_155\_P7 RM SoAD\_2025 11 06\_SP as received by the Local Planning Authority on 6/11/2025, with the exception of the Site Landscaping which shall be carried out in accordance with

Site Landscaping EM100-LS-025h, EM100-LS-026h, EM100-LS-027h, EM100-LS-028h and EM100-LS-029h

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

2. No dwelling hereby permitted shall be occupied until such time as the parking and turning facilities have been implemented for that dwelling in accordance with Bloor Homes drawing number EM136-PD-053E. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be 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 Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

4. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

5. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local

Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

7. Notwithstanding the submitted plans, no development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRoW alignments, or any legal processes to ensure they do so in future; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signage, land barriers and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire Highway Design Guide on Development and Public Rights of Way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

**Reason:** To protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (December 2024).

### Notes to Applicant

- You are reminded to ensure that the housing and affordable mix for later stages of the development better complies with the HBBC Housing Needs Study (2024) and affordable housing requirements of the legal agreement.
- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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.
  - The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway

Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001)
- All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>.
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- Public Rights 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.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- 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](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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.