

Substantive response of the Local Highway Authority to a planning consultation received under The Development Management Order.

Response provided under the delegated authority of the Director of Growth, Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 25/00983/NMA

Highway Reference Number: 2025/0983/04/H/R4

Application Address: Land South Of Sketchley Grange Hotel Sketchley Lane Burbage Leicestershire

Application Type: Non-material amendment

Description of Application: Re-consultation. Non material amendment to planning permission 23/01204/REM. Amendment to widen the public right of way, create a new footpath and relocate the play area and subsequent amendments to condition 5 and 7

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Ms Esther Wiles

County Councillor: Burbage ED - Cllr Barry Walker

Parish: Burbage

Road Classification: Adopted Unclassified

Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

No objection

No objection to the non material amendment of Conditions 5 and 7.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been re-consulted by the Local Planning Authority (LPA) on a non-material amendment to planning permission 23/01204/REM. The Applicant is applying for the amendment to widen the Public Right of Way (PRoW), create a new footpath and relocate the play area and subsequent amendments to conditions 5 and 7. The site is located at Land South of Sketchley Grange Hotel, Sketchley Lane, Burbage. The LHA objected to the non material amendment of both conditions on 3rd June 2026.

The Applicant has subsequently been liaising with the LHA and LPA with regards to the proposals.

Conditions 5 and 7

For the avoidance of doubt, Conditions 5 and 7 are provided below:

No development above floor plate level shall take place until a scheme for the treatment of the Public Rights of Way (Footpath U64 and Bridleway U67) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of, but not limited to, the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

Reason: In the interests of protecting and enhancing Public Rights of Way and their access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 to link in to the existing hard-surfaced link to Troon Way shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to, the link's surfacing, depth, width, landscaping, and timetable for implementation. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

The Applicant wishes to change the wording of Conditions 5 and 7 as follows:

Condition 5 – Treatment of the Public Right of Way

No development above floor plate level shall take place until the treatment of the Public Rights of Way has been carried out in accordance with the agreed POS & Existing Footpaths Surface Scheme - Rev D which shows the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements.

Condition 7 – Link to Troon Way

Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 shall be delivered in accordance with POS & Existing Footpaths Surface Scheme - Rev D. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Highways Comments:

The application site (originally 23/01204/REM) includes public rights of way Footpath U64 through the northwest corner and the two branches of Bridleway U67 through the eastern part of the site. The previous 03/06/2026 LHA Response to application 25/00983/NMA contained detailed questions about the treatment of these two public rights of way and of the new pedestrian link from Public Right of Way Bridleway U67 to Troon Way to be constructed in response to 23/01204/REM Condition 7.

Over this current application, there has been an on-going dialogue between the Applicant, the LPA and the LHA. As a result, the Applicant on 10 June 2026 supplied an emailed reply direct to the LPA and LHA. The emailed response, and subsequently submitted drawings, satisfactorily address all the issues raised in the response dated 3 June 2026.

The LHA do however wish to highlight the Applicant has stated within their e-mail with regards to the new Link between Bridleway U67 and Troon Way:

As shown on the attached, the section between U67 and to our boundary will be 3m tarmac path built to LCC adoptable standards. We will not be doing work on land outside our ownership boundary.

Completing a link all the way up to a pre-existing surface would normally be best practice in any sort of highway connection whether covered by a section 278 agreement or not. This is particularly so in this case where the neighbouring landowner installed a link for this very purpose. However, if the construction is to be only up to the ownership boundary, then the Applicant should ensure construction does extend all the way to the boundary and not cease some distance before it. Documents available from the Land Registry suggest that in this case the limit of legal ownership is the centreline of the hedge which is a long-standing boundary feature shown on the 1838 Burbage Tithe Map and subsequent maps.

Informative

A Public Right 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.

Date Received
23 June 2026

Case Officer
Ben Dutton

Reviewer
DH

Date issued
7 July 2026