

Delegated Report

Planning Reference 25/00913/FUL
Applicants Mr and Mrs Marlow
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site Upper Pullins Farm, Stoke Lane,
Higham on the Hill

Proposal Demolition of existing building and erection of a single C3
self-build dwelling

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1 **Grant planning permission** subject to planning conditions detailed at the end of this Report and the provision of 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 full planning permission for the provision of a detached, two-storey, four-bedroom, self-build and custom house-build dwellinghouse at Upper Pullins Farm, Stoke Lane, Higham on the Hill. Following discussions with the Case Officer, the application is now proposed to be identical in size and scale to the previously permitted scheme under application 24/00087/FUL, except the existing building would now be demolished as part of the proposed works.
- 2.2. For clarity, the 180.6sqm development would externally measure 7.7m in width by 23.7m in depth. The scheme would have a 6.5m high dual pitched roof with a 5.1m eaves height, which would be constructed with insulated profiled roofing sheet. The property would be constructed in reclaimed facing bricks and with a partial timber cladded finish on its first floor.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the northeast of Higham on the Hill on the eastern side of Stoke Lane in the Higham on the Hill Landscape Sensitivity Area and the Stoke Golding Rolling Farmland Character Area within the wider designated open countryside. Stoke Lane is an adopted and classified 'C' road that is subject to the National Speed Limit. The application site features an existing barn, which has planning permission for its conversion into a dwelling via 24/00087/FUL, and a temporary static dwelling, which is being occupied whilst the barn is being converted into a dwelling. The agricultural fields to the east of the site appear to have been heavily degraded without planning permission.

- 3.2. To the north of the application site is the Vale Farm then the Elm Barn agricultural complexes, which include a B&B and a commercial metalwork company. Beyond Public Footpath T46 runs from the west through the access of the site between the application site and Vale Farm, and heads to then to the northeast. To the northwest of the site is Pinehollow Barn, which is an established gypsy and traveller site. Beyond these features is open countryside in all directions. The application site is separated from the wider built form of Higham on the Hill to the south and southwest by further open countryside.

4. Relevant Planning History

- 4.1 **25/00639/AGDO** Prior Approval Refused (determined: 03.10.2025)
Notification to determine if Prior Approval is required for the rection of a steel framed agricultural building
- 4.2 **24/00087/FUL** Permitted (determined: 26.04.2024)
Change of use of existing barn to C3 dwelling with associated private amenity space and parking (Resubmission 23/00705/FUL)
- 4.3 **23/00705/FUL** Refused (determined: 28.09.2023)
Change of use of existing barn to C3 dwelling with associated private amenity space and parking
- 4.4 **13/00690/FUL** Permitted (determined: 02.12.2013)
Change of use from agricultural land to equestrian use with the formation of horse exercise area with associated car parking (retrospective)
- 4.5 **10/00758/COU** Permitted (determined: 22.12.2010)
Part retrospective change of use from agricultural building to stables and land for associated parking
- 4.6 **06/00637/FUL** Refused (determined: 01.08.2006)
Erection of agricultural building
- 4.7 **04/00508/GDO** Permitted (determined: 17.05.2004)
Portal frame and fodder store

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 There have been no objections from the Council's Drainage Department, nor Leicestershire County Council as the Minerals and Waste Planning Authority.

6.2 The Council's Environmental Health and Waste Management Departments, the County Council's Ecology Department, nor Leicestershire County Council as the Local Highway Authority had no objections to the development subject to planning conditions.

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Leicestershire Minerals and Waste Local Plan ('LMWLP') (2019):

- Policy M11: Safeguarding of Mineral Resources

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework ('NPPF') (2024)
- National Design Guide ('NDG') (2019)
- Planning Practice Guidance ('PPG')
- Levelling-Up and Regeneration Act ('LURA') (2023)
- Self-Build and Custom Housebuilding Act (2015)
- Nationally Described Space Standards ('NDSS') (2015)

7.5 Other Relevant Local Authority Guidance:

- The Council's Good Design Guide (2020)
- The Council's Landscape Character Assessment ('LCA') (2017)
- The Council's Landscape Sensitivity Assessment ('LSA') (2017)
- Leicestershire Highway Design Guide ('LHDG') (2024)

8. Appraisal

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

- Principle of development
- Housing land supply
- Self-build and custom housebuilding supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 National Planning Policy Framework ('NPPF') is a material planning consideration in planning decisions, and, in accordance with Paragraph 3 of the NPPF, it should be read as a whole. Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are defined at Paragraph 8 of the NPPF. 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, the adopted Site Allocations and Development Management Policies Development Plan Document ('SADMP'), and the Leicestershire Minerals and Waste Local Plan ('LMWLP'). 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.

8.5 The proposal would be for a new residential property in the designated open countryside. Outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development, and the provision of dwellings in such locations is not identified by Policy DM4(a) to (e) of the SADMP as a form of development that would be sustainable in principle. However, this does not mean that the development is not sustainable.

8.6 For example, the application site benefits from an extant planning permission for the conversion of the existing barn into a residential use via 24/00087/FUL. This would be considered to represent a significant material consideration within the determination of this current application.

- 8.7 Notwithstanding this, Policy DM4 of the SADMP requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the Report.
- 8.8 Given the above, whilst the proposal would not be considered to be offered any support by the Development Plan in principle, the application site benefits from extant planning permission for the provision of a residential use via the conversion of the existing barn. As such, the acceptability of the development in principle would be subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Housing Land Supply

- 8.9 Where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, the 'tilted' balance of Paragraph 11(d) of the NPPF would be triggered within the determination of an application. 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.
- 8.10 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.11 Given the above, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered within the determination of this application. 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.
- 8.12 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 would be applicable to the determination of the current development proposal in these site-specific circumstances.

- 8.13 As the Council is unable to deliver a five-year supply of land for housing, in accordance with the requirements of Chapter 5 of the NPPF to deliver a sufficient supply of homes, the provision of one additional dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance in these site-specific circumstances.

Self-Build and Custom Housebuilding

- 8.14 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.
- 8.15 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.
- 8.16 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 10, which results in a shortfall of 17 self-build and custom-house build dwellings.
- 8.17 The Applicants are on the Council's Self-Build and Custom Housebuilding Register and the application is supported by a Unilateral Undertaking which would provide a legal mechanism to secure the development as a self-build and custom housebuilding property to the Council's supply. Given the above, the proposal would contribute to the Council's current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2025 to 30 October 2026), which would attract positive weight in the planning balance.
- 8.18 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 current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.19 Policy DM4(i) 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.

- 8.20 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.
- 8.21 The principle of a residential use within this site through the conversion of the existing barn has been established via extant planning permission 24/00087/FUL. Although the proposal would demolish the existing barn and construct a new residential property, the development would be identical in size and scale to this previously approved scheme. In light of this, it is not considered that the proposed size, scale, height of the development, and the proposed residential use of the site would result in any materially different or any further detrimental impacts upon the character of the surrounding area in comparison to the previously approved and extant scheme within the site.
- 8.22 Whilst a landscaping scheme has not been submitted to demonstrate how the development would assimilate into the surrounding area, this could be secured via planning condition. In addition, the exact materials utilised within the construction of the property could be secured via planning condition to ensure that the scheme would have a satisfactory external appearance. Permitted Development Rights could also be removed from the application site via planning condition to ensure that the appearance of the building would respect the agricultural character and form of the existing barn and the rural character of the wider area in accordance with the Council's Good Design Guide.
- 8.23 By virtue of these factors, although the proposal would not be considered to be offered any support by the Development Plan in principle, by virtue of the extant planning permission 24/00087/FUL, the size, scale, height, and design of the scheme, and subject to planning conditions, the development would be considered to comply with Policies DM4 and DM10 of the SADMP in these site-specific circumstances.

Impact upon Residential Amenity

- 8.24 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.
- 8.25 The separation distances between the proposal and neighbouring residential properties in the surrounding area would exceed the minimum distances within the Council's Good Design Guide that protect residential amenity. The size, design and layout of the property and its four bedrooms would be considered to comply with the minimum requirements of the Nationally Described Space Standards, and the scheme would be provided with an area of private outdoor amenity that would exceed the Good Design Guide's minimum standards. Although the scheme would be adjacent to an existing commercial agricultural business at Vale Farm, it is noted that the Council's Environmental Health Department raised no objections to the current scheme, subject to conditions, and the principle of a residential property in this location has already been approved via 24/00087/FUL.

- 8.26 By virtue of these, the proposal would not be considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme in accordance with Policy DM10 of the SADMP, Key Policy Paragraph 135(f) of the NPPF, and the Council's Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.27 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.
- 8.28 The development would utilise an existing and unamended vehicle access onto Stoke Lane. The Local Highway Authority ('LHA') have confirmed that the existing access would be suitable to serve the proposed development and the provision of one dwelling in this location would be likely to have a minimal impact upon the existing highway network.
- 8.29 The proposed entrance to the application site would be shared with Vale Farm and Public Footpath T46. A landscaping planning condition could be utilised to confirm the boundary of the treatment of the site in the interests of protecting and enhancing the Public Right of Way and its associated access. On this basis, the LHA would be satisfied that the continued use and enjoyment of Public Footpath T46 could be achieved.
- 8.30 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.31 The LHA were satisfied that there would be adequate space within the site to accommodate three or more off-street vehicle parking spaces for the development, which would accord with the minimum quantum and dimension requirements of Table 27 and Figure 44 of the Leicestershire Highway Design Guide.
- 8.32 In summary, it is considered that the proposal would not create an unacceptable impact on highway safety or the road network in these site-specific circumstances in accordance with Policies DM17 and DM18 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 and the provision of 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Block Plan (submitted: 30.09.2025)
- Proposed Elevations (7A) (submitted: 19.01.2026)
- Proposed Floor Plans (06) (submitted: 2.01.2026)

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).

3. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Upon completion of the approved remediation works, a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the commencement of development, a Biodiversity Enhancement Scheme shall be submitted, and approved in writing by, the Local Planning Authority. The Biodiversity Enhancement Scheme shall include, but shall not be limited to, a scheme of planting of hedgerows and trees, at least one

integrated bat box and one integrated bird box (including details of their makes/models and locations), and a timetable for their implementation. Hedgerows and trees shall be of native species of local provenance and species to attract pollinating insects as identified in the RHS' 'Plants for Pollinators' database. Hedgerow mixes should include: 80% hawthorn (*Crataegus monogyna*), plus any one or more of the following: field maple (*Acer campestre*), dogwood (*Cornus sanguinea*), dog rose (*Rosa canina*) and holly (*Ilex aquifolium*). Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme and associated timetable.

Reason: In order to protect and enhance protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the commencement of any works above foundation level, representative sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the first occupation of the development hereby permitted, details of the parking and turning facilities for the scheme shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the onsite parking (and turning) provision shall be implemented in accordance with the approved plans prior to the first occupation of the development and kept available for such uses 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 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

9. Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. The soft landscaping

scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the first occupation of the development hereby permitted, a scheme for the provision of waste and recycling storage and collection areas across the site shall be submitted to and be approved in writing by, the Local Planning Authority. The scheme shall address accessibility to storage facilities and confirm adequate space is provided at the highway boundary to store and service wheeled containers. The development shall be implemented in accordance with the approved scheme prior to first occupation.

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.

11. Notwithstanding the provisions of Classes A, AA, B, D, E, and G of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the designated open countryside in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the details secured by Condition 9, prior to installation, the details of any further boundary treatment to be provided along the northern site boundary in association with the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall then be installed and maintained in accordance with the approved details.

Reason: To protect and enhance Public Rights of Way in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Paragraph 105 of the National Planning Policy Framework (2024).

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. In relation to Conditions 03, 04 and 05, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. 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 Applicant 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.
4. 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
5. 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.
6. 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.
7. 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.
8. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
9. 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.

10. 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.
11. 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.
12. 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).
13. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
14. 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).