

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 Environment & Transport.

APPLICATION DETAILS

Planning Application Number: 25/01037/FUL

Highway Reference Number: 2025/1037/04/H

Application Address: 39 Main Road Ratcliffe Culey Atherstone Leicestershire CV9 3NY

Application Type: Full

Description of Application: Demolition of 3 agricultural barns, erection of 3 new residential dwellings and change of use 2 agricultural barns to residential dwellings

GENERAL DETAILS

Planning Case Officer: Faizal Jasat

Applicant: Mr Daniel Kitchin

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Witherley

Road Classification: Class C

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

The Local Highway Authority does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Demolition of three agricultural barns, erection of three new residential dwellings and change of use of two agricultural barns to residential dwellings.'

The proposals are at 39 Main Road, Ratcliffe Culey, Atherstone, Leicestershire, CV9 3NY.

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide ([LHDG](#)) within this report. These are identified in bold, underlined and in blue text.

There have been numerous applications at the site over a number of years, details of the most recent applications are detailed below:

24/00887/P3CQ - Notification to determine if Prior Approval is required for the change of use and conversion of four agricultural buildings to form six dwellinghouses (Class C3). The LHA advised approval on 11 November 2024 on highway matters. However, the LPA refused the proposals on 15 November 2024 on non-highway matters.

25/00198/P3CQ - Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to three dwellinghouses (Class C3). The LHA advised approval 28 March 2025 on highway matters. The LPA approved the proposals on 25 April 2025.

The LHA have reviewed the following documents as part of these observations:

- Application Form;
- Site Location Plan;
- Design and Access Statement dated 15 October 2025;
- Planning Statement dated October 2025;
- Proposed Site Plan, drawing number 240-302 Rev C; and
- Existing Site Plan, drawing number 240-301 Rev A;

Site Access

The Applicant intends to utilise the existing access on the northern extent of Main Road; the site access sits across the road from Ormes Lane. Main Road at the location of the site access is an adopted classified C road, subject to a 30mph speed limit.

The Applicant has demonstrated on the drawing titled 'Proposed Site Plan', drawing number 240-302 Rev C an effective access width of 4.8m which runs through the site, the LHA are satisfied this accords with [Table 13](#) of the LHDG.

The Applicant has not provided a detailed, scaled visibility splay drawing. Whilst the LHA notes the Applicant intends to set the wall to the west of the existing site access back within the site, the Applicant should provide a detailed, scaled visibility splay drawing in accordance with [Table 6](#) of the LHDG for the 85th percentile speed of the road.

Highway Safety

There have been no Personal Injury Collisions (PICs) recorded within 500m of either side of the access within the last five-year period along Main Road.

However, the acceptability of the proposals would be contingent on the delivery of a safe and suitable access as required by the National Planning Policy Framework (2024) to ensure that new highway safety issues would not be introduced to the vicinity.

Off-Site Implications

The drawing titled 'Proposed Site Plan', drawing number 240-302 Rev C demonstrates a footway on the western extent of the site access linking the site to the existing highway infrastructure along Main Road. Whilst the proposed footway may not accord with the LHDG in terms of width, it would tie in with the existing highways infrastructure within the vicinity of the site. As such, the LHA finds this acceptable in these site-specific circumstances.

Internal Layout / Public Right of Way (PRoW) T12

Having reviewed the drawing titled 'Proposed Site Plan', drawing number 240-302 Rev C, the LHA notes that the Applicant has provided the quantum of off-street parking in accordance with [Table 28](#) of the LHDG for all plots.

Whilst the off-street parking dimensions are not demonstrated on the drawing titled 'Proposed Site Plan', drawing number 240-302 Rev C, the LHA are satisfied that there is adequate space within the plots C, D and E to accord with [Figure 44](#) of the LHDG.

The LHA notes that the off-street parking area to the front of plot B does not accord with Figure 44 of the LHDG in terms of length, scaling at 5.2m in length, which may lead to overhanging. However, given that the site is to remain private, the LHA would not seek any amendments in these site-specific circumstances.

Whilst plot A in terms of quantum of off-street parking and off-street parking space dimensions accord with the LHDG, there are issues that have been identified in terms of its proximity to the PRoW T12 that runs along the western boundary of the site. This is demonstrated below using the 'Proposed Site Plan', drawing number 240-302 Rev C, overlaid with the 'Definitive Map' of public rights of way, the official record which legally 'fixes' the status and exact alignment of every PRoW.



The Design and Access Statement (DAS) paragraph 5.6 states the PRoW will "be sensitively enclosed and protected by a 1.8m high close-boarded timber fence forming the side boundary to House A". This is contrary to paragraphs 7 and 8 of the document titled '[Development and Public Rights of Way](#)'.

It is also noted that contrary to the DAS paragraph 5.6, on the plan the PRoW is shown moved westwards by up to 10 metres. This would need a legal diversion of the PRoW. That requires a separate legal order made by the LPA (not the LHA), a separate application for which needs to be submitted. The legal order must be confirmed before the development is substantially complete, otherwise the legal powers will lapse.

The National Planning Policy Framework (NPPF) 2024 paragraph 105 requires:

'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.'

Also Planning Policy Guidance (PPG) in Circular 1/09 establishes that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission.

The NPPF, Planning Policy Guidance and Circular 1/09 are applied locally by the LHDG, annex on Development and public rights of way at:

<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

As such, some site layout amendments may be required to plot A to account for this. For further information, the Applicant should contact footpaths@leics.gov.uk.

Date Received
3 November 2025

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
21 November 2025