

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: 25/01230/OUT

Highway Reference Number: 2025/1230/04/H

Application Address: Land South Of Main Street Carlton Nuneaton Leicestershire

Application Type: Outline (with access)

Description of Application: Outline planning permission for the erection of a single self-build dwelling (All matters reserved except access)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr S Harding

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Carlton

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 advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), on an Outline (with access) application for the Outline Planning Permission for the erection of a single self-build dwelling (All matters reserved except access). The proposals are located at Land South Of Main Street Carlton Nuneaton Leicestershire.

The LHA have reviewed the following documents that have been submitted by the Applicant in support of the proposals:

- Proposed site plan (Drg No. 1350.SM.25.004 Rev B)
- Proposed floor plans (Drg No. 1350.SM.25.003 Rev A)
- Design and access statement (Prepared by Mair Land & Planning Consultants Ltd dated December 2025)
- Site location plan (Drg No. 1350.SM.25.001 Rev A)
- Existing site plan (Drg No. 1350.SM.25.002 Rev A)

- Application form (dated 15/12/2025)

The LHA notes no recent, relevant planning history at the site.

Site Access

Access to the site is from Main Street, a classified C road subject to a 30mph speed limit. The Application Form (dated 15/12/2025) indicates that no alterations are proposed to the existing access arrangements which appears to be an existing field access.

Notwithstanding this, the LHA is satisfied that the access as demonstrated on Drg No. 1350.SM.25.004 Rev B, is in general accordance with [Table 13](#) of the Leicestershire Highway Design Guide (LHDG) (<https://www.leicestershirehighwaydesignguide.uk/>) for use by a single dwelling.

Highway Safety

The LHA has checked its Personal Injury Collision (PIC) database and there have been no recorded PICs within 500m in either direction of the proposed site access within the most recent five years period.

The LHA has considered the circumstances of the above PICs and is satisfied that the development proposal would not exacerbate the likelihood of further such incidents occurring.

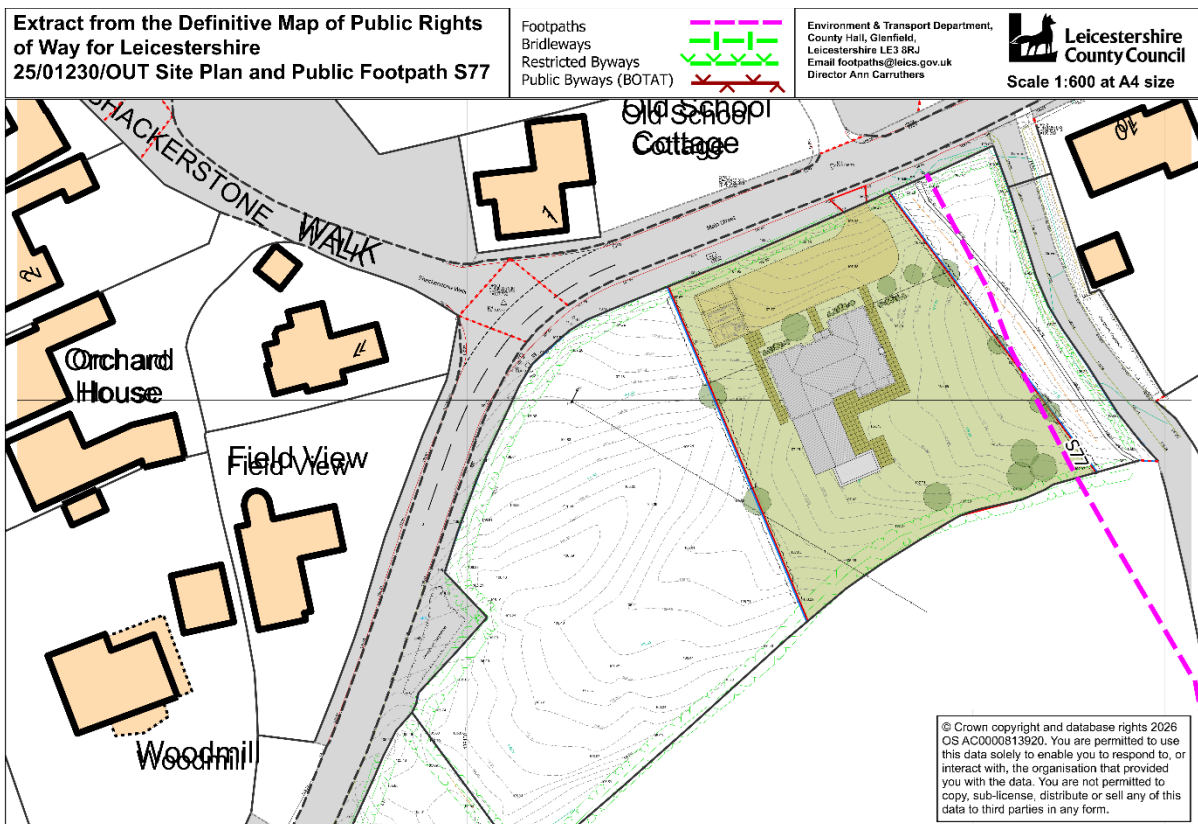
Internal Layout

The LHA understands that the internal layout of the site is not to be considered under this outline planning application and as such the LHA has not considered the indicative layouts as shown on the Proposed Site Plan (Drg No. 1350.SM.25.004 Rev B).

Parking provision should be in accordance with Table 28 of the LHDG, that being two spaces for dwellings with up to three bedrooms and three spaces for dwellings with 4 or more bedrooms.

Public Right of Way (PRoW)

As noted above, whilst a reserved matter, the LHA raise concerns regarding the presence of Public Right of Way Footpath S77 and development site boundary for consideration by the Applicant. The proposed location forms part of a larger field that contains Public Right of Way Footpath S77, shown below by the Proposed Site Plan overlaid with the Definitive Map of public rights of way which legally 'fixes' the status and exact alignment of every public right of way (PRoW).



(Not to scale)

If, as shown above, the physical route is different from the Definitive Map, the legally recorded alignment is conclusive and takes precedence. The Definitive Map reflects a survey by the parish council in 1951. Since the survey, the point at which the footpath crosses the southern field boundary has been shifted approximately 9 metres eastwards. However, there is no record of a legal diversion of the footpath. The installation and maintenance of stiles and gates are, in law, the responsibility of the landowner.

Therefore, the site boundary as currently proposed would be an unlawful obstruction of the footpath legal alignment. Either the southeastern corner of the planned site boundary needs to be moved westwards by at least 4 metres, or the route of the footpath needs to be legally diverted. That requires a separate legal order made by the Local Planning Authority, a separate application for which needs to be submitted. The legal order must be confirmed before the development is substantially complete.

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, PPG 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>

The submitted Planning & Design Statement in paragraph 2.8. notes “There is an existing public right of way (S77/1) to the east of the application site (within the land outlined blue), which runs

south of the village from Main Street and connects to S68/4. The development will not impact upon the route of the public right of way."

Due to the reasons outlined above, the LHA is therefore not satisfied that the development will not impact upon the route of the public right of way, as such this should be rectified by the Applicant when appropriate. The Applicant can further contact footpaths@leics.gov.uk for further information.

Notwithstanding the above, as previously noted, given this application in an Outline (with access) application, the LHA consider the matters pertaining to the PROW in this instance, to be a reserved matter that can be addressed until such time as the internal layout of the development is for determination.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 'Proposed site plan (Drg No. 1350.SM.25.004 Rev B)' have been implemented in full.

REASON: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

2. 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 the National Planning Policy Framework (2024).

3. 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).

Informatives

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.

Date Received
12 February 2026

Case Officer
Ania Mokrani

Reviewer
GG

Date issued
05 March 2026