

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: 25/01217/ROW

Highway Reference Number: 2025/1217/04/H

Application Address: The Hollow Barn Bagworth Lane Coalville Leicestershire LE67 1GT

Application Type: Other

Description of Application: Divert a public right of way - for the diversion of footpath R81

GENERAL DETAILS

Planning Case Officer: Joseph Fleetwood HBBC

Applicant: Mr M Akiens And Ms L Gunn

County Councillor: Markfield, Desford & Thornton ED - Charles Whitford CC

Parish: Bagworth & Thornton

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).

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) is in receipt of an application for a Permanent Public Right of Way Diversion of Public Footpath R81.

The LHA acknowledges the relevant planning history at the site which is noted below:

21/01023/FUL - Construction of menage, stables, and storage barn and diversion of public footpath (R81) (part-retrospective)

Public Right of Way

This application is for the rights of way changes arising from planning permission granted on 5 November 2025 application number 21/01023/FUL where Condition 6 states:

'The construction of the manege shall not be begun until such time as the Applicant has secured the necessary permission to divert the public footpath R81 under the Town & Country Planning Act 1990 which crosses the site. Such diverted route shall be clearly signed in accordance with the specification SD/FP/6 for marker posts as set out in the Leicestershire Highway Design Guide.'

Reason: To ensure that the impact of development on ecology and biodiversity accords with Policies DM6 & DM7 of the Site Allocations and Development Management Policies Development Plan Document.'

As noted in the LHAs observations provided to the Local Planning Authority (LPA) as part of 21/01023/FUL states that:

'Public footpath R81 runs across the site of the proposed manege from its northwest corner to its southeast corner. The proposed diversion takes the footpath from its northwestern point around the perimeter of the site running east and down the eastern side of the manege to rejoin the line at the southeastern corner.'

The application was delayed by extended discussions about using an adjoining access track for a footpath diversion. That land is unregistered though with a presumed owner who was seeking a separate Public Right of Way (PRoW) diversion also using the access track. However, the uncertain ownership meant the proposals were shelved and this option pursued for this location.

The LHAs observations relating to 21/01023/FUL provided on the 3 December 2024 supported this option and outlined various practical matters that needed to be clarified. To reflect the Town and Country Planning Act 1990, Section 257 the LHA advises that the LPA's legal order should contain the following sections:

3. The diversion of the footpath shall have effect on the date on which, on behalf of Hinckley & Bosworth Borough Council, the Leicestershire County Council certifies that the terms of Article 2 above have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule namely:
 - a) The alternative Footpath R81 shall have a minimum clear width of 3.0 metres.
 - b) The ground surface between points 'B', '1' and '2' on plan no. 21.3987.06 to be raised, and/or levelled, and include crushed stone as appropriate to ensure a surface safely walkable for pedestrians.
 - c) Signposts to Leicestershire County Council standard design SD/FP/6 to be installed at points 'B' and '2' on plan no. 21.3987.06.

The background to items 4 (a) and (c) is as follows:

The national consensus is that a diverted public footpath should have a clear width for public use of at least 2.0 metres. However extra width is needed so the public can avoid live electric fences which are understood to be intended for the boundary of the manege.

The LHA specification for full-height waymark posts is included on drawing SD/FP/6 now incorporated within the Leicestershire Highway Design Guide at:

<https://www.leicestershirehighwaydesignguide.uk/sites/lcchighwaydesign/files/2025-01/sd-fp-6-waymark-post.pdf>

For further information it should be noted that the LHA has confirmed to the Applicant that they may install pedestrian gates in the boundary of the manège, where it crosses the existing legally-defined route of the public footpath, as a temporary measure until the legal diversion has completed all its stages (including a site inspection by the LHA of the new diversion route). These pedestrian gates should always remain unlocked and available for use by the public until the diversion is certified as completed.

Informatives

The following notes should be drawn to the applicant's attention:

- Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- 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.
- The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- 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.
- 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.

Date Received
20 January 2026

Case Officer
Neal Chantrill

Reviewer
GG

Date issued
10 February 2026