

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: 25/00913/FUL

Highway Reference Number: 2025/0913/04/H

Application Address: Upper Pullins Farm Stoke Lane Higham On The Hill Nuneaton Leicestershire CV13 6FG

Application Type: Full

Description of Application: Demolition of existing building and erection of a single C3 self-build dwelling

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr And Mrs Marlow

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Higham on the Hill

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) is in receipt of an application for the demolition of existing building and erection of a single C3 self-build dwelling at Upper Pullins Farm Stoke Lane Higham On The Hill Nuneaton Leicestershire CV13 6FG.

The following relevant planning history has been reviewed in line with this application:

- 23/00705/FUL – Change of use of existing barn to C3 dwelling with associated private amenity space and parking

- 24/00087/FUL– Change of use of existing barn to C3 dwelling with associated private amenity space and parking (resubmission of 23/00705/FUL)
- 25/00639/AGDO - Notification to determine if Prior Approval is required for the erection of a steel framed agricultural building

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

- Application form;
- Site location plan, dated 25th September 2025
- Block plan, dated 30th September 2025

Site Access

No amendments are proposed to the existing access onto Stoke Lane, Higham which is an adopted, 'C' classified road subject to a 60 mph speed limit.

The LHA is satisfied that the existing access is suitable to serve the proposed development and that the proposals will have a minimal impact on the existing highway network.

Highway Safety

There has been no recorded Personal Injury Collisions within 500 metres in all directions of the site access in the previous five years.

The LHA is satisfied that the existing access is suitable to serve the proposed development and that the proposals will have a minimal impact on the existing highway network.

Therefore, the LHA has no pre-existing highway safety concerns at this location.

Internal Layout

The LHA acknowledge that the Applicant proposes the erection of 4- bedroom dwelling.

Parking provision should be provided as three parking spaces for a dwelling with four or more bedrooms with spaces measuring measure a minimum of 2.4 x 5.5m with an additional 0.5 metre strip where bound by a wall/hedge/fence or other similar obstruction. Garage dimensions should also be in accordance with the LHDG. <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/parking-and-making-provision-service-vehicles/street-residential-car>

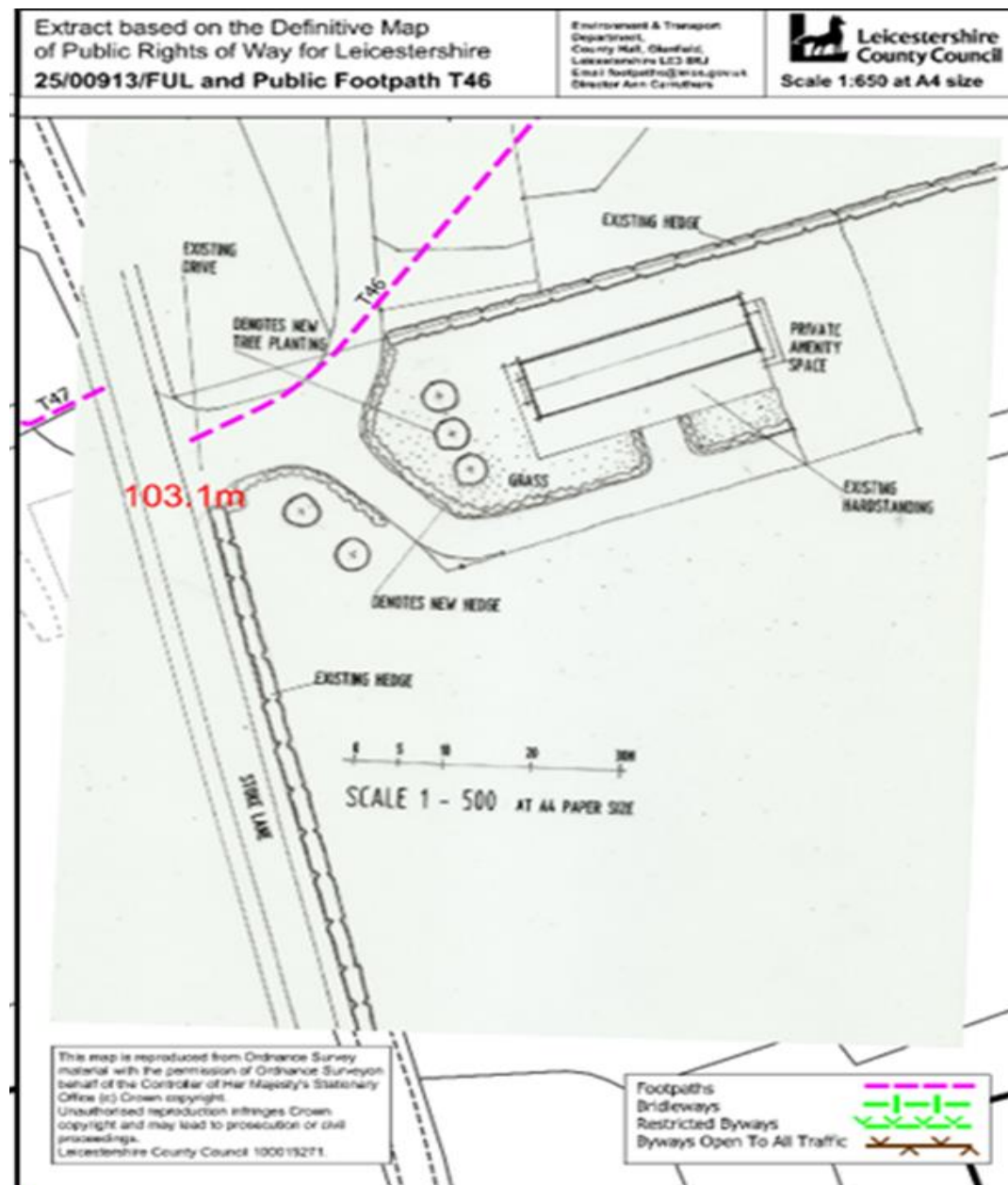
The LHA notes that although the Applicant has not demonstrated parking provision within the development and that this has not been demonstrated on the Block Plan, the LHA are satisfied that there is adequate space at the site for three or more vehicles and that the details of parking provision can be conditioned. Should the Applicant submit a revised drawing detailing the available parking and turning space, the condition could be amended to condition the parking shown on the revised drawing.

For the reasons set out above, the LHA would not seek to resist the proposals subject to the following conditions.

Public Right of Way

The entrance to the application site is shared with Vale Farm and also public right of way Footpath T46.

Included here is the submitted Block Plan overlaid with pink dashes showing the legally-recorded alignment of the public right of way (PRoW).



The routes of public footpaths, bridleways etc. are legally 'fixed' by the Definitive Map of public rights of way, the official record. For historical reasons, physical routes on the ground may vary. In this case from the entrance to the Vale Farm site, the footpath route runs along the outside of the northern application site boundary not as shown on the map here.

Within the shared entrance legally-recorded footpath alignment is on the north side. However, the common law 'hedge to hedge' presumption, means public pedestrian rights extend to the whole width of the shared entrance drive, part of which is included within the red line application site boundary.

The LHA is satisfied that the continued use and enjoyment of Public Footpath T46 can be achieved and secured via imposing a condition on the decision notice, should the LPA be minded to grant approval of the planning application.

Conditions

1. Prior to first use of the development hereby permitted, details of parking and turning facilities shall: a) be submitted to and agreed in writing by the Local Planning Authority and b) have been implemented in accordance with the approved plans.

Thereafter, the onsite parking provision shall be so maintained 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 the National Planning Policy Framework (2024)

2. As the pedestrian public right of way shares the access drive with Vale Farm and the barn application site, and as the route-in use of the public footpath beyond that runs next to the outside end of the northern site boundary, any fencing sub-dividing the current shared wide access and/or changes to the northern site boundary, either of which might affect the public footpath, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire Highway Design Guide annex on Development and Public Rights of Way at: <https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way>

REASON: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework 2024.

Informative

- a) 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.
- b) Public Rights 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.
- c) 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.

- d) 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.
- e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- f) 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.
- g) 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
3 October 2025

Case Officer
Emma Lennon

Reviewer
BD

Date issued
8 October 2025