

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: 26/00239/HOU

Highway Reference Number: 2026/0239/04/H/FSA

Application Address: 39 Main Street Carlton Nuneaton Leicestershire CV13 0BZ

Description of Application: Two storey rear extension and temporary permission for a static caravan during the works

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

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 (LHA) refers the Local Planning Authority (LPA) to current standing advice provided by the Local Highway Authority dated September 2011.

Public Right of Way (PRoW)

It is noted that the application site adjoins public right of way Footpath S69, which from Main Street northwards is in a corridor for 30 metres beside the southeastern site boundary. The submitted Block Plan shows demolition of existing outbuildings the eastern wall of which forms the western boundary of the right of way for 10 metres. Along that section the right of way corridor is little more than 1 metre wide. As such, should the LPA be minded to grant the proposals the LHA requests the following condition and informatives are added.

1. No work shall take place until a scheme for the treatment of the Public Right(s) of Way during the demolition has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during demolition and construction (including proposed temporary route(s)); and the specification for the future timber boundary fencing, in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way.
<https://www.leicestershirehighwaydesignguide.uk/highway-layouts-and-design/public-rights-way> Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework Dec 2024.

Informatives

Where work is on or near public rights of way, the applicant needs to aware that:

- a) 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.
- b) 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.
- 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) The Public Right(s) 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
25 March 2026

Case Officer
Emma Lennon

Reviewer
BD

Date Issued
2 April 2026