

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: 25/00506/P3CQ

Highway Reference Number: 2025/0506/04/H

Application Address: Frog Hall Farm Crow Lane Sheepy Magna Atherstone Leicestershire CV9 3QX

Application Type: Full

Description of Application: Notification to determine if Prior Approval is required for the change of use of one agricultural buildings to 3 dwellinghouses (Class C3)

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mrs Helen Fisher

County Councillor: Market Bosworth ED - Joshua Melen CC

Parish: Sheepy

Road Classification: Adopted Unclassified

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) are in receipt of an application from the Local Planning Authority to determine if Prior Approval is required for the change of use of one agricultural building to form 3 dwellinghouses (Class C3) at Frog Hall Farm, Crow Lane, Sheepy Magna, Atherstone, Leicestershire, CV9 3QX.

The proposal is to create two, two-bed dwellings and one five-bed dwelling.

The relevant site history is listed below:

- 22/00137/P3CQ - Change of use of two agricultural building to create five dwellinghouses along with proposed building operations - GDO Prior Approval Given

- 24/00518/FUL - Demolition of all existing farm buildings and farmhouse and the construction of a single new farmhouse – Refused on non-highway grounds.
- 24/01121/P3CQ - Notification to determine if Prior Approval is required for the change of use of two agricultural buildings to create five smaller dwellinghouses - GDO Prior Approval Refused on non-highway grounds.

The LHA have reviewed the following documentation:

- Application Form;
- Planning Statement, dated 19 May 2025;
- Site Location Plan, drawing no. 2568-1100 Rev C;
- Class Q consent - Site Plan, drawing no. 2568-1101 Rev C;
- Existing Site Plan, drawing no. 2568.0001 Rev A;
- Existing Agricultural Barn 01 Floor, Roof Plans, drawing no.2568-0012 Rev A;
- Existing Agricultural Barn 01 - Elevations, Section, drawing no. 2568-0013 Rev A;
- Proposed class Q consent - Agricultural Barn 01 Floor Plans, drawing no. 2568-1102 Rev B;
- Proposed class Q consent - Agricultural Barn 01 Roof Plan, drawing no. 2568-1103 Rev B; and
- Proposed class Q consent - Agricultural Barn 01 Elevations, drawing no. 2568-1104 Rev B.

Site Access

The Applicant proposes no changes to the existing access onto Crow Lane which is an adopted unclassified road subject to 50mph speed limit. Crow Lane is a single lane carriageway off of Sheepy Road that currently serves Frog Hall Farm, the adjacent bungalow and Benn Hills Farm after which Crow Lane becomes a track until it joins the public highway at Sheepy Lane.

The LHA observe that the access is approximately 18 metres wide at the point where it meets Crow Lane which then narrows to five metres in width with an inward opening gate located 30 metres from the public highway.

The LHA are satisfied that that the existing access arrangements are suitable for the proposed development and accords with [Table 13](#) of the Leicestershire Highways Design Guide (LHDG). The LHA are further satisfied that the proposed development does not represent a significant intensification of the existing access.

Highway Safety

There have been no recorded Personal Injury Collisions within 500m of the site within the previous five-year period. The LHA are satisfied that there are no patterns in the data which could be exacerbated by the proposals.

Internal Layout

The Applicant proposes three parking spaces for dwelling one (a five-bed dwelling) and one parking space for dwellings two and three respectively (two bed dwellings) as shown in the Class Q consent - Site Plan, drawing no. 2568-1101 Rev C drawing.

Parking provision should accord with [Table 28](#) of the LHDG, whereby two parking spaces for a dwelling with up to three bedrooms should be provided.

Although there is a shortfall of one parking space for dwellings two and three respectively, the LHA are satisfied that there is sufficient space within the red line boundary of the development to accommodate the shortfall in parking spaces.

[Figure 44](#) of the LHDG states a minimum parking space size of 2.4m x 5.5m, with 0.5m added if bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, and 1m added if bounded on both sides. However, the spaces shown on drawing Class Q consent - Site Plan, drawing no. 2568-1101 Rev C appear to show parking spaces that are substandard in size for dwellings one and two.

The LHA are satisfied that there is sufficient space within the development for the parking spaces to be amended as to accord with the above LHDG standards and furthermore acknowledge that the proposed development is on private land so this would be the responsibility of the Applicant to manage and therefore the LHA would not seek to resist the proposals.

Public Right(s) of Way (PRoW)

The application site is accessed by a 588-metre private drive from the public road off Crow Lane. However, approximately 105 metres of the drive also forms part of Public Footpath T19 which is a rural route between Orton on the Hill village and Pinwall.

The LHA is satisfied that the proposed, small-scale development would usually create only a limited increase in vehicle movements to / from site however this could involve a variety of trades people who may be unfamiliar with the location and not expecting any members of the public in the vicinity. In the interests of maintaining the safe and continued use of Public Footpath T19 the LHA advise the below condition.

Conditions

1. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing Class Q consent - Site Plan, drawing no. 2568-1101 Rev C. Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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. Prior to construction, measures should be taken to ensure that users of Public Footpath T19 are not exposed to any elements of danger associated with construction works.

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 Dec 2024.

Informatives

If Planning Permission is granted, the following notes should be drawn to the applicant's attention:

- a) Public Footpath T19 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.
- b) Public Footpath T19 must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- c) If the developer requires Public Footpath T19 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.
- d) Any damage caused to the surface of Public Footpath T19, 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.
- e) 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
29 May 2025

Case Officer
Emma Peacock

Reviewer
SH

Date issued
18 June 2025