

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: 25/01131/FUL

Highway Reference Number: 2025/1131/04/H/R1

Application Address: Land South Of Leicester Road Earl Shilton Leicestershire

Application Type: Full

Description of Application: Re-consultation. Change of use from agricultural use to an Outdoor Dog Park (Sui Generis use) (Retrospective) and erection of a proposed field shelter and 2m high fence

GENERAL DETAILS

Planning Case Officer: Alex Jelley

Applicant: Megan Spence

County Councillor: Martin England/ Kevin Crook/ Nick Chapman

Parish: Earl Shilton

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 re-consulted by the Local Planning Authority (LPA) on a planning application which seeks the change of use from agricultural use to an Outdoor Dog Park (Sui Generis use) (Retrospective) and erection of a proposed field shelter and 2m high fence. The site is located at land south of Leicester Road, Earl Shilton, Leicestershire.

The LHA responded on 14 January 2026 advising approval subject to conditions.

The Applicant has submitted the following revised documents:

- Location and Block Plans, drawing number AVD-LRE-PL01, Rev A; and
- Proposed Site Plan – Sheet 1, drawing number AVD-LRE-PL04, Rev C.

The Applicant has demonstrated on the Proposed Site Plan – Sheet 1, drawing number AVD-LRE-PL04, Rev C that the access drive and parking area will be surfaced with tarmacadam or similar hard bound material for a distance of at least 5 metres behind the highway boundary, which the LHA welcomes.

The Applicant has also demonstrated visibility splays of 2.4m by 160m to the west and 2.4m by 110m to the east on the Location and Block Plans, drawing number AVD-LRE-PL01, Rev A.

The LHA continue to advise approval subject to the conditions below.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan - Sheet 1, drawing number AVD-LRE-PL04, Rev C have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 vehicular visibility splays of 2.4m by 160m to the west and 2.4m by 110m to the east have been provided at the site access as shown on Location and Block Plans, drawing number AVD-LRE-PL01, Rev A. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan - Sheet 1, drawing number AVD-LRE-PL04, Rev C. Thereafter the onsite parking and turning provision shall be kept available for such uses 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).

4. 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 as shown on Proposed Site Plan - Sheet 1, drawing number AVD-LRE-PL04, Rev C. 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).

5. The site owners must ensure their boundary hedges are maintained and kept thoroughly cut back to ensure visibility around the Gate 1 vehicular entrance, and access and visibility at both the kissing gate and the stile where the public footpath enters and exits the site.

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.

Informatives

- a) 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 3050001. 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.
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- g) 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.
- h) 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
14 January 2026

Case Officer
Emma Peacock

Reviewer
BD

Date issued
22 January 2026