

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: 24/01126/FUL

Highway Reference Number: 2024/1126/04/H/R1

Application Address: Land South Of Charnwood Acres Markfield Road Ratby Leicester
Leicestershire LE6 0LW

Application Type: Full

Description of Application: Re-consultation. Erection of 3 Shepherd huts

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr Ryan Pasch

County Councillor: Cllr Ozzy O'Shea

Parish: Ratby

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 on the above application seeking the 'erection of 3 shepherd huts,' on Land South of Charnwood Acres on Markfield Road near Ratby.

The following submitted documents have been considered in the formulation of these observations:

- Application Form
- 'Aerial View,' drawing number 240239-01-00 Revision A
- 'Location Plan,' drawing number 240239-01-01 Revision A
- 'Proposed Layout Plan,' drawing number 240239-01-02 Revision A
- 'Site Photos,' drawing number 240239-01-03 Revision A
- 'Road and Access Plan,' drawing number 240239-01-06 Revision A
- Design and Access Statement prepared by Glampitect

- Transport Note prepared by Roberts Highways Consultants document reference RHC-24-235-TN
- 'Access Resurfacing,' drawing number RHC-24-235-01 (Appendix B of Transport Note)
- 'Swept Path Analysis (Horsebox),' drawing number RHC-24-235-02 (Appendix C of Transport Note)
- 'Swept Path Analysis (Refuse),' drawing number RHC-24-235-03 (Appendix C of Transport Note)

Reference has been made to the [Leicestershire Highway Design Guide](#) (LHDG) throughout these observations.

Site History

The following relevant planning history has been considered in the formulation of these observations:

Application Reference 96/00125/FUL

This application sought the erection of an equipment barn. The application was refused by the LPA on 3 April 1996.

Application Reference 96/00473/FUL

This application sought the excavation of a conservation pond. The application was approved by the LPA on 10 September 1996.

Application Reference 11/00822/FUL

This application sought the change of use of land for keeping of horses, creation of manege and the retention of two stables. The application was approved by the LPA on 13 January 2012.

Site Access

The site access is onto the western extent of Markfield Road. At the point of the access, Markfield Road is subject to the national speed limit and is not subject to a weight restriction.

As part of its site visit carried out on 22 January 2025, the LHA assessed the existing access arrangements and found the initial width of the access to measure 5.1 metres at the carriageway edge narrowing to a width of 4.7 metres at a setback distance of 2.4 metres from the edge of the carriageway. The access narrows to a width of 3.1 metres before reaching the existing gated access before increasing slightly to 3.3 metres at the existing gateway. The existing gate was open when the site visit was carried out and did not appear to be in use.

The LHA found evidence that vehicles accessing the site have been overrunning the highway verge on both sides of the hard bound section of the access and took photographs which clearly demonstrate that this has taken place. In their Transport Note, the Applicant accepts that overrunning has taken place at the existing access and that according to mapping imagery, this has been evident for many years.

To facilitate this overrunning, an area of highway verge has been surfaced with gravel. The LHA previously advised the Applicant that this constituted an unlawful development within the highway boundary. The Applicant has subsequently demonstrated their intention to resurface the access on their submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, the LHA welcomes this and is satisfied that the proposed arrangements will prevent loose material being deposited within the public highway and that this can be secured via an appropriate planning condition.

During the site visit, the LHA found the achievable vehicular visibility splays to measure 2.4 metres by up to 215 metres, to the north east of the access and 2.4 metres by 63.5 metres to the south west of the access. The Applicant has accepted the LHA's findings regarding the achievable visibility splays in both directions from the site access. Furthermore, the Applicant's Transport Note states that the achievable vehicular visibility to the south west is below the visibility splay length of 215 metres suggested by the LHA for roads restricted to the national speed limit.

In accordance with [Table 6](#) of the LHDG, Applicants are required to demonstrate visibility splays in accordance with measured 85th percentile speeds and not the speed limit of the road at the point of the access. The Applicant's Transport Note states that the shortfall in visibility to the south west of the access is minor. However, the LHA advises that the demonstrated 63.5 metres of vehicular visibility to the south west of the access would only be in accordance with measured speeds of 31-35 mph according to [Table 6](#) of the LHDG. Furthermore, considering the speed limit and nature of Markfield Road, it is likely the demonstrated visibility splay of 63.5 metres is below the absolute and desirable minimum Sight Stopping Distance and therefore, would not usually be acceptable to the LHA.

The LHA advises the Applicant that the vehicular visibility available to the south west of the access is not in accordance with LHDG guidance laid out within [Table 6](#) for the likely speeds of Markfield Road. However, the LHA considers that the Applicant's proposals and the accompanying change of use may remove some agricultural movements from the access and therefore that the proposals may be acceptable to the LHA. If this were not the case, it is unlikely that the application could be supported by the LHA.

On the Applicant's submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, the Applicant has demonstrated the area to be surfaced with a hardbound material at the access, in addition to indicating 6 metre radii on both sides of the access. A further drawing, inset within the above drawing demonstrating surfacing arrangements and radii, demonstrates the ability of a car attempting to exit the site, to be located within the access, whilst a car and horsebox attempts to enter the site in an opposing direction.

In addition to the above drawing, the Applicant has submitted two swept path analysis drawings titled 'Swept Path Analysis (Horsebox),' drawing number RHC-24-235-02, and drawing titled 'Swept Path Analysis (Refuse),' drawing number RHC-24-235-03. The first of the two drawings demonstrates a car towing a horsebox entering and egressing from the site in both a north eastern and south western direction and the second demonstrates a refuse vehicle, entering the site from the south west and exiting the site to the north east. The dimensions and specification of both of the tracked vehicles have been demonstrated on the drawing and both drawings are to scale. The LHA is therefore satisfied that vehicles attempting to access the site will be able to do so whilst standing clear of the public highway and has no further comments to make regarding this issue.

Highway Safety

The LHA has checked its Personal Injury Collision (PIC) database and there have been two PICs within 500 metres of the site in the latest five-year period. One of these PICs was classified as serious, at a distance of around 180 metres from the proposed access. The other PIC was classified as slight, at a distance of 255 metres from the proposed access. Neither of these PICs occurred as a result of a turning movement within the existing access.

The Applicant has carried out their own review of collision data, stating that there has not been a collision at the existing access over the last 25 years. The LHA has no evidence that this is not the case, however, the LHA can only comment on its own PIC data covering the last 5 years. Notwithstanding the fact that there have not been any recorded PICs at the existing site access, the LHA must be satisfied that a safe and suitable access is provided in accordance with paragraph 115 and 116 of the National Planning Policy Framework (2024).

Internal Layout

The LHA has reviewed the submitted drawing titled 'Proposed Layout Plan,' drawing number 240239-01-02 Revision A, which shows parking spaces for three vehicles, with one marked as a parking space for electric vehicles, to serve the proposed development. The LHA is satisfied that a sufficient number of parking spaces will be provided as part of the proposed development. The distance of the proposed development from the highway means it is unlikely that the proposed development would lead to overspill parking taking place within the public highway.

The LHA previously noted that the Applicant's submitted drawing titled 'Road and Access Plan,' drawing number 240239-01-06 Revision A, appeared to demonstrate that, at several points, the drive width of the proposed development falls below the required width of 3.7 metres. The LHA previously advised that, as the proposed development is situated over 45 metres from the highway, the private drive should be constructed in accordance with the 'General layout of a private development,' section of the LHDG, which states that for drives over 45 metres from the highway, emergency vehicles must be catered for by constructing the drive and any turning areas so they can accommodate commercial or service vehicles.

However, as stated above, the Applicant has evidenced within their Transport Note and submitted drawings, that the waste authority has existing arrangements in place for refuse collection from the application site and other sites using the existing access. The Applicant states in their Transport Note that there is a turning head located along the existing access drive which enables refuse vehicles to exit the site in a forward direction. The LHA is satisfied therefore that refuse collection will be able to access the site.

The Applicant has submitted in their Transport Note that they intend to install domestic sprinkler systems in accordance with British Standard BS9251 for each of the three shepherd huts. Whilst this is welcomed, this is a matter for the LPA to consider and the shortfall in access width within the site for fire appliances would not constitute a highways reason for refusal of the planning application. The LHA, therefore, has no further comments to make on this issue.

Trip Generation

As part of the Applicant's Transport Note, predicted existing and previous trip generation information has been submitted, in addition TRICS trip rate data of the proposed development.

As part of their Transport Note, the Applicant has provided the following estimates of the current and previous trip generation of the existing access onto Markfield Road. The following list details trip generation from sites using the existing access:

- A previous family-owned landscaping business employing 14 staff, generated between 20 and 30 two-way vehicle movements per day.
- Four active stables and two separate paddocks, visited daily by the owners and their family members, generated six total two-way vehicle movements.
- A smallholding used for domestic storage by a local resident, with infrequent vehicle movements each week.
- The previous operation of Faulkners Nurseries is estimated to have generated an estimated 20 two-way vehicle movements per day.
- Two residential dwellings generated an estimated six to eight two-way vehicle movements per day.
- Various service vehicles with an average of four two-way movements per day.

The Applicant estimates that the previous total trip generation was up to 68 two-way vehicle movements per day across all users of the existing access. According to the Applicant's Transport Note, this has dropped significantly such that the Applicant predicts that the access currently caters for around 18 two-way movements per day. The LHA has no evidence to indicate that this is not the case, however, as the trip generation appears to be from sites with red line boundaries different from the red line boundary of this application, using the same access, the Applicant would not be able to rely on this to demonstrate deintensification of use of the access as part of their application. This is due to the fact that other sites within different red line boundaries may see an increase in trip generation in the future subject to further changes in business ownership or personal circumstances which are outside of the control of the Applicant, with specific reference to the commentary provided in the Transport Note regarding Faulkners Nursery.

The LHA has assessed the comparator sites that the Applicant has used to generate TRICS trip rates for the proposed development. Whilst the LHA would not ordinarily accept a small selection of only three sites for trip generation, the LHA acknowledges that given the proposed type of development, TRICS trip rate data is not readily available for sites of a similar scale and type, in similar locations to this application. Therefore, in these site-specific circumstances, the LHA accepts that the Applicant's TRICS trip rates are likely reflective of the relatively small number of trips that the proposed development would generate.

The TRICS generation was carried out utilising the land use classification 03 Residential, J – Holiday Accommodation for 'free standing,' sites, which the Applicant states 'is considered to reflect the proposed development and its location.' The LHA accepts that the sites selected as the basis for a TRICS trip generation analysis, whilst quite different in scale from the Applicant's proposed development, appear to be located in comparable rural locations and are therefore similar to the location and type of the development proposed as part of this application site.

The TRICS data submitted by the Applicant demonstrates that the proposed development will lead to a small intensification of the usage of the existing site access with a total of three two-way movements per day for the entire development with each shepherd hut contributing 1.027 two-way movements per day.

Considering that the previous planning history indicates that a manege and stables are located within the site's red line boundary and that the land use is described as agricultural, the LHA would expect that there would be a number of movements of larger, agricultural vehicles such as towed horseboxes taking place as part of the existing use of the site. Given that the proposals relate to shepherd huts for the purposes of overnight stays by paying guests, the LHA considers that the proposed development is likely to replace some or all movements of larger agricultural vehicles egressing and entering the existing site access on Markfield Road. Furthermore, compared to the overall permitted use of the existing site access, the proposed trip generation could fall within expected day to day fluctuations. Therefore, despite the significant shortfall in visibility available to the south west of the access, the LHA will not seek to resist the Applicant's proposals.

The LHA accepts that the proposed shepherd huts may lead to a small intensification of use of the existing access and that a relatively low number of trips will be associated with the proposed development. The trip generation information submitted by the Applicant as part of their Transport Note, shows that the existing access is subject to significant fluctuations in trips generated by the various users of the existing access onto Markfield Road. Therefore, the LHA considers that the proposed trip generation as part of the applicant's proposed development would not significantly increase the number of two-way movements taking place within the existing access and would not create a severe impact on highway safety.

Transport Sustainability

There are no bus stops within 800 metres of the access, which is over 1.6 kilometres from the nearest village, Ratby. There is no street lighting or footways on either side of the site access. However, the Applicant has demonstrated cycle storage provision and Electric Vehicle charging facilities within the proposed development. Notwithstanding the above, and given the location of the proposed development, the LHA considers that a majority of trips generated by the proposed development will be by car, owing to the rural location of the development. The LHA is satisfied for the LPA to consider transport sustainability as part of its wider considerations of the site.

Public Right of Way R27

As noted by the LHA during its previous consultations, Public Right of Way R27 runs across the existing access to the site. The LHA is satisfied that the public enjoyment of the public footpath is unlikely to be impacted by the proposed development and has no further comments to make on this issue.

Conditions

1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on submitted drawing titled 'Access Resurfacing,' drawing number RHC-24-235-01, 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and / or the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting those Orders), the development site shall not be used for any purpose other than that specified by the Design and Access Statement: To Support the Development of a Glamping Site prepared by Glampitect, published by the LPA 16 December 2024.

REASON: In the interests of general highways safety and in accordance with the National Planning Policy Framework (2024) as a more traffic-intensive development at this site would be inappropriate due to the limitations of the vehicular access and/or the local road network.

Informative

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 305 0001. 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.

Date Received
11 April 2025

Case Officer
Harry Smith

Reviewer
RD

Date issued
20 May 2025