

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: 23/00799/FUL

Highway Reference Number: 2023/0799/04/H

Application Address: 1 Boston Sidings Bull In The Oak Cadeby Nuneaton Leicestershire CV13
0FD

Application Type: Full

Description of Application:

Retrospective application for change of use of agriculture field to equestrian (sui generis) for private use, with the retention of a stable block and horse exercising area

GENERAL DETAILS

Planning Case Officer: Sullivan Archer

Applicant: Mr & Mrs Pearson

County Councillor: Bertie Harrison-Rushton

Parish: Osbaston

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 does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required as set out in this response. Without this information the Local Highway Authority is unable to provide final highway advice on this application.

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) are in receipt of a full, retrospective application for the change of use of an agricultural field to equestrian (sui generis) for private use, with the retention of a stable block and horse exercising area. Based on the submitted application form, the change of use was completed on 12 May 2023.

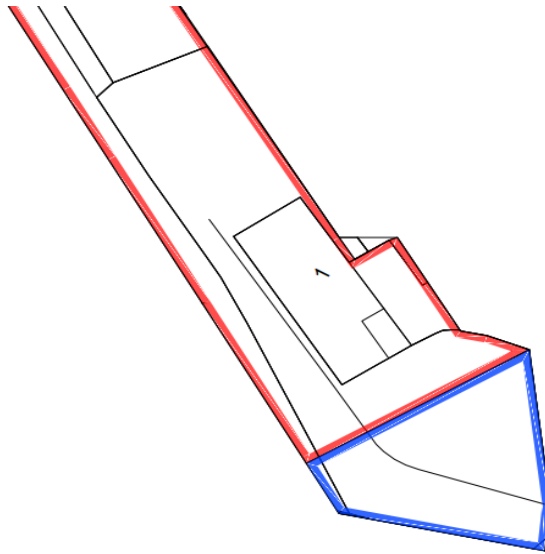
The LHA has reviewed the following documents:

- Planning Statement and Design Access Statement Rev A dated September 5, 2023
- Block Plan Rev A 'Proposed exercise area and new stables' dated August 2023

These documents were submitted by the Applicant following a request by the Local Planning Authority for further information regarding the access arrangements in light of application reference 22/01177/FUL, which is discussed in more detail below.

Site Access

Based on the submitted information, the Applicant proposes to access the proposed development via Boston Sidings, which is a private, unadopted road connecting to Bosworth Road. The red line boundary is shown in Figure 1 below:



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Figure 1: Applicant's red/ blue line boundary.

The LHA is aware of application reference 22/01177/FUL for the '*Proposed relocation of an existing field access and dropped kerb*' at the same address. That application falls within the blue line boundary of the Applicants site, which is also shown within Figure 1. While the LHA advised no objection to that application, the application was withdrawn by the Applicant. Nevertheless, the LHA wish to highlight the observations which it submitted as part of that application, dated 6 February 2023, notably the following paragraphs:

'It is understood that as part of application 17/00149/FUL, the approved arrangement for the farm access required agricultural vehicles to enter the shared private access road then turn at right angles immediately behind the proposed entrance gates. The Applicant has stated that during construction it became apparent the location of the proposed field access track would not work and that farm vehicles would not be able to negotiate the access, particularly as the approved gate would block the track. In order to make sure that the route could be used by farm traffic, the track was constructed on the highway side of the gates.'

It is also stated that the alignment of the current access track does require vehicles to enter and leave to the east, and that the Applicant considers it has operated well in its built form. The Applicant has acknowledged that the access in its current location is clearly not in accordance with the approved plans and as a consequence, the Section 184 Agreement that was entered into with Leicestershire County Council for the construction of the access has not been signed off.'

The LHA then advised within the 'Site Access' section of its report:

'The LHA considers the field access as built could be unsafe given its unusual alignment with the highway. It would be difficult for farm vehicles to turn left in to or right out of the access, especially when towing trailers etc, given the access road runs parallel to Bosworth Road and the farm access is approximately 45 degrees to the highway'.

In principle, the LHA accepts the proposals to access the retrospective development via the front garden of the property and Boston Sidings. However, the submitted drawings do not appear to show a detailed access route past the front of the property and within the red line boundary, only via the existing, unauthorised use.

In addition, swept path analysis has not been provided of the largest anticipated vehicle likely to use the access (for example a vehicle towing a horse box or a tractor and trailer) driving through the site from Bosworth Road, Boston Sidings, past the property and turning on to the existing farm track. In the absence of a detailed drawing of the access route and swept path analysis, the LHA is concerned that the Applicant could continue to use the existing unauthorised access on to Bosworth Road and it would also not be possible to secure implementation of the proposed route by means of a condition, within a reasonable timescale.

The LHA also consider that in the event vehicles access the site via a suitable route through the front garden of the property and Boston Sidings that the existing, unauthorised access would become redundant as a result of the proposals. The LHA therefore request that the Applicant provides details as to how the existing, unauthorised access would be permanently closed.

Highway Safety

Based on available records to the LHA, there has been one Personal Injury Collision (PIC) recorded on Bosworth Road, which occurred approximately 500m west of the proposed access. This occurred in July 2022 and was a loss of control type PIC involving two vehicles. The LHA therefore consider the proposals are unlikely to exacerbate any existing highway safety concern.

The acceptability of the proposals would, however, be contingent on the delivery of a safe and suitable access as required by the National Planning Policy Framework (2023).

Trip Generation

The LHA consider that the change of use, particularly as it is for private use, is unlikely to generate a material change in the level of traffic travelling to or from the site in comparison to agricultural use. However, it is likely that vehicles towing horse boxes for example are likely to require access to the site and as advised above, further information is required in respect of the site access.

Internal Layout

The LHA consider that there is sufficient parking and turning space within the site and that the change of use is unlikely to result in vehicles parking on or reversing into the highway.

Closing

While the LHA accepts the principle of accessing the site via the front garden of the property and Boston Sidings, it has concerns that a safe and suitable access route has not been adequately demonstrated and that an unauthorised access to the site via Bosworth Road could continue to be used.

Should details of an appropriate access route and vehicle tracking be provided, along with details of the closure of the unauthorised access, the LHA may be able to issue its final response.

Date Received
22 August 2023

Case Officer
Ben Dutton

Reviewer
DH

Date issued
11 September 2023