

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: 25/00149/FUL

Highway Reference Number: 2025/0149/04/H

Application Address: Finneys Hill Heath Road Leicester Leicestershire LE67 1DG

Application Type: Full

Description of Application: Extension to Gypsy caravan site to accommodate two additional pitches

GENERAL DETAILS

Planning Case Officer: Emma Baumber

Applicant: Mr Leon McDonagh

County Councillor: Cllr Peter Bedford

Parish: Bagworth & Thornton

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 the residual cumulative impacts of the development are severe in accordance with the National Planning Policy Framework (2024) and the Local Planning Authority is advised to consider refusal on transport/highway grounds for the reasons outlined in this report.

The LHA advises the following reasons for refusal:

- 1. The Applicant has failed to demonstrate that a safe and suitable site access can be achieved for all highway users, contrary to paragraph 115 of the National Planning Policy Framework (2024) and should therefore be refused in accordance with paragraph 116.***
- 2. The proposal, if permitted, could lead to an increase in turning movements using an access onto an unrestricted (60mph) Class III (C5105) road where the horizontal alignment and the proximity of adjacent boundaries are such that the access lacks appropriate visibility for the speed of traffic on the main road and the turning manoeuvres could be an additional source of danger to road users. This is not in the interests of highway safety and contrary to paragraph 115 of the National Planning Policy Framework (2024) and should therefore be refused in accordance with paragraph 116.***

Advice to Local Planning Authority

Background

The Local Highway Authority (LHA) is in receipt of a consultation form Hinckley & Bosworth Borough Council as the Local Planning Authority (LPA) for a full application for an extension to a Gypsy caravan site to accommodate two additional pitches at Finneys Hill, Heath Road, Bagworth.

The LHA is aware of several planning applications at the site, the most recent being application reference 20/01350/FUL for the change of use of agricultural land/gypsy site to ten residential park homes. The LHA advised refusal of that application on the basis the Applicant had failed to demonstrate a safe and suitable access and on highway safety grounds on 20th April 2021. The application was subsequently withdrawn on 12th May 2021.

The LHA is also aware of application reference 09/00995/COU for the change of use of land to a private gypsy site for four caravans. The LHA advised refusal of that application on highway safety grounds and the LPA subsequently refused that application on 17 February 2010. The Applicant appealed the decision (reference APP/K2420/A/10/2124138), which the Inspector allowed in August 2010.

Following a site visit by the LHA on 2nd April 2025, the site appears to be vacant, with the existing vehicular access fenced off. The LHA's observations for application 20/01350/FUL also noted the site appeared to be vacant, with abandoned/ damaged static caravans and a considerable amount of fly-tipping.

Site Access

Access to the site is proposed off Heath Road, a C classified road subject to the national speed limit. Based on the submitted application form, no amendments are proposed to the existing access. As part of the 2020 application, the Applicant proposed widening to the access to give additional room to allow two vehicles to pass and improve access for vehicles entering the site from the south. Libre Solutions drawing number LS-0133-100 Rev. A, submitted as part of this current application, shows the access lacks any form of radii, making ingress and egress to the site more difficult.

Swept path analysis of the largest anticipated vehicle which would use the access, such as a refuse collection vehicle or a vehicle towing a touring caravan, has not been provided along with a Stage 1 Road Safety Audit (RSA), which would be required by the LHA if improvements were proposed to the access or if use of an existing access was intensified as set out within the [Leicestershire Highway Design Guide](#) (LHDG). Further guidance can be found in the [Road Safety Audit](#) section of the LHDG.

Visibility splays of 2.4 (X distance) x 120m (Y distance) have been shown to the north of the access and 2.4 x 123.5m to the southwest of the access. For a road subject to the national speed limit, the LHA would require visibility splays of 2.4 x 215m are provided in each direction at the access, as detailed within [Table 6](#) of the LHDG, unless demonstrated by means of a speed survey that measured 85th percentile vehicle speeds are lower.

The LHA advised as part of the 2020 application that it was aware of a hand radar survey which was undertaken on 13th July 2009 indicating northbound 85th percentile speeds of 48.4mph and mean speeds of 43.7mph and used as evidence at the appeal for application 09/00995/COU. Southbound speeds were not undertaken as part of that survey. This was undertaken at the bridge

to the south of the site access between 07:15 – 09:15 and observed 45 vehicles travelling northbound. The LHA advise this survey is now considered to be considerably out of date and potentially not representative of typical traffic speeds given the number of vehicles recorded and the duration of the survey. The LHA would expect the Applicant to undertake an automatic speed survey in the vicinity of the site access for a robust indication of traffic speeds in both directions. Notwithstanding the above, the LHA is aware of an automatic speed survey which was undertaken immediately north of the site access at the existing bend warning sign between 16th - 22nd May 2021, at a time Leicestershire County Council were permitting speed surveys during the Covid-19 pandemic. This indicated average 85th percentile speeds of 53.4mph northbound and 55.2mph southbound.

Whilst the survey is over three years old, based on the results and the Design Manual for Roads and Bridges desirable minimum stopping sight distances, a visibility splay of 2.4 x 166m would be required to the south of the access and 2.4 x 176m to the north, when accounting for the bonnet length of the vehicle. Whilst the LHA has not previously contested visibility to the north of the access and it is accepted a 2.4 x 176m visibility splay could be achieved to the north through the cutting back of vegetation, there is a 42.5m shortfall to the south.

The LHA has consistently resisted developments at the application site on the grounds of highway safety due to poor visibility, given the alignment of Heath Road with a bend to the south. While the LHA is mindful of the appeal decision for application reference 09/00995/COU, the proposals would result in an increase of an additional two pitches within the site.

Paragraphs 16 and 17 of the appeal decision (reference APP/K2420/A/10/2124138) refers to visibility splays at the site access. The LHA note that there is reference to visibility over third party land on the opposite side of Heath Lane and that without this the “Y” distance towards the bend would be little more than 93 metres. The Inspector continues that even with the reduced hedge height on the opposite side of the road (which had been lowered by the Appellant prior to the appeal) and particularly when taking the possibility of oncoming overtaking vehicles into account there remains a significant shortfall in forward inter-visibility when compared to national guidance and the Highway Requirements for Development document (now LHDG) on the design of major/minor road junctions, which were relied upon for the appeal.

It is noted that the Inspector stated in paragraph 21 that the Appellant had been at the site for seven years and that there had been no personal injury collisions resulting from the access and no reference was made to any “near misses” at the site. The Inspector continued that serious hazard to road safety had not arisen so far and that this was without the recent cutting back of the hedge on the opposite side of the road.

The Inspector also states in paragraph 28 in respect of the Appellant selling the land opposite that *“...retention of the land bearing the frontage hedge and a small depth of land behind it would enable the improved forward visibility towards and across the bend to be maintained. If that is done (and subject to other conditions), I conclude that the highway objection is not so significant as to warrant dismissal”*. Paragraph 34 states *“Reduction in the hedge opposite on a regular basis will be needed. A condition making permission dependent on the appellant retaining control over frontage land and maintaining the hedge is also necessary.”*. There is no evidence provided that the Applicant is able to provide the visibility splay over the land at the bend,

While the Inspector allowed the appeal, paragraph 35 of the Inspector’s decision states the conclusion of the main issue (limited forward visibility to the southeast) is dependent on the current intensity of use of the access *not increasing*. It is clearly stated that the site is a large one

and there is room for further caravans to be sited there. For this reason, the number of caravans permitted was restricted to four, the number applied for as part of that application. This was also stated in spite of Paragraph 34.

The LHA advise that it considers the visibility measurements stated in 2009 and referenced in paragraphs 16 and 17 of the Inspector's decision remain. The LHA cannot consider visibility splays over third party land opposite the site over which the Applicant has no control.

The LHA notes that all applications at the site since 2003 have generally been for three or four caravans, suggesting that the site has not been occupied more intensively than this. The Inspector makes it clear within the report that forward visibility is sub-standard and that a different view may be taken if the use of the site was to intensify.

Given the proposed development would result in an additional two pitches at the site, in the view of the LHA, the proposed development could result in an intensification in use of a sub-standard access with poor visibility, and the additional turning movements could be an additional source of danger to road users and not in the interests of highway safety. The Applicant has failed to demonstrate as part of this application that this long-standing concern by the LHA could be resolved.

Highway Safety

Based on available records to the LHA, two Personal Injury Collisions (PIC's) have occurred within 500m either side of the site access within the last five years. Both of the PIC's occurred to the southeast of the access. The first PIC occurred in August 2020 and involved a single vehicle at the sharp bend on Heath Road to the south of the junction to Desford Brickworks/ Bagworth Heath. This was recorded as slight in severity. The second PIC occurred in October 2020 approximately 240m to the southeast of the existing access. This was recorded as serious in severity, however no other details were provided by the police.

While there are no recorded PICs at the site access within the last five years, the site appears to have been unoccupied for some time.

Internal Layout

The LHA has studied Libre Solutions drawing number LS-0133-100 Rev. B and is satisfied that an appropriate level of car parking and turning is shown for each pitch. However, it is unclear how a larger vehicle or any vehicle undertaking deliveries or refuse collection for example would turn within the site as the turning head located at the end of the access road does not appear to be large enough. This could result in larger vehicles needing to reverse out of the site and into the highway, which would be of detriment to highway safety, particularly given the limited visibility to the south of the access.

Transport Sustainability

While there is a hardbound footway on the western side of Heath Road, between the site and the village of Bagworth to the north and Desford Brickworks to the south, the route is unlit, Bagworth is 1km away, where there are bus stops served by an hourly service between Leicester and Coalville.

Village amenities such as a convenience store, schools, public houses and places of worship are all located further away. The LHA are therefore of the view that occupiers of the pitches are likely to be heavily dependent on the private car and that the site is not sustainable in transport terms. Nevertheless, the LHA is happy for the LPA to consider transport sustainability alongside its other sustainability considerations for the site.

Date Received
25 February 2025

Case Officer
Ben Dutton

Reviewer
DH/RD

Date issued
2 May 2025