

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: 25/00127/P3CQ

Highway Reference Number: 2025/0127/04/H

Application Address: Carlton House Farm Shackerstone Walk Carlton Nuneaton Leicestershire CV13 0BY

Application Type: Change of Use

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

GENERAL DETAILS

Planning Case Officer: Ashleigh Gade

Applicant: Dr Julia and Mr Stephen Pointon

County Councillor: Bertie Harrison-Rushton

Parish: Carlton

Road Classification: Class C

Substantive Response provided in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 3, Class Q:

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) has been consulted by the Local Planning Authority (LPA), Hinckley & Bosworth Borough Council (HBBC), on a planning application which seeks the:

'Notification to determine if Prior Approval is required for the change of use of three agricultural buildings to seven smaller dwellinghouses (Class C3).'

The proposals are at Carlton House Farm, Shackerstone Walk, Carlton, Nuneaton, Leicestershire, CV13 0BY.

The LHA have reviewed the following documents as part of this report:

- Application Form;
- Site Location Plan;
- Proposed Site Plan, drawing number 9138-03-01 Rev PL3; and

- Design and Access Statement, Rev B.

Note – The LHA have included hyperlinks to relevant sections of the Leicestershire Highway Design Guide (LHDG) within this report. These are identified in bold, underlined and in blue text.

Site Access/Trip Generation

The Applicant is proposing to utilise the existing farm access onto Congerstone Lane, Congerstone Lane is an adopted, classified C road subject to a 30mph speed limit.

The Applicant has not provided any detailed access drawings. The LHA have scaled from the 'Site Location Plan' and finds the access to be approximately 4.5m in width. It is unclear from the submitted information as to whether the site access will retain agricultural use and have shared access with the C3 usage which could lead to an intensification of use of the access. Whilst the LHA do not have any specific guidance for this type of access, the LHA would expect the access to comply with Figure 16 and Table 15 of the Leicestershire Highway Design Guide (LHDG) which can be found [here](#).

The visibility splays should accord with Table 6 of the LHDG which can be found [here](#). This states visibility splays should be 2.4m by 43m for the 85th percentile speed of the road. The LHA have undertaken an assessment and finds 2.4m by 43m to be totally achievable within the highway, as such, no further information is required in this respect.

If there is to be an intensification of use of the access, the Applicant should provide hard surfacing for the first 11m behind the public highway. This can be secured by condition.

As previously stated, the Applicant has not indicated whether the proposals are likely to lead to an intensification of use of the access. If the Applicant is able to demonstrate the proposals would not lead to an intensification of use of the access, given it would be an existing situation, it would be unreasonable for the LHA to request any access amendments. However, if this can not be demonstrated the Applicant should provide detailed, scaled access drawings in accordance with the above information.

Highway Safety

There have been no Personal Injury Collisions (PICs) recorded along the entire length of Congerstone Lane in the last 5 years.

However, the acceptability of the proposals would be contingent on the delivery of a safe and suitable access as required by the National Planning Policy Framework (2024) to ensure that new highway safety issues would not be introduced to the vicinity.

Internal Layout

The Applicant is proposing to convert three agricultural buildings into seven x two-bedroom dwellings. The LHA have reviewed 'Proposed Site Plan', drawing number 9138-03-01 Rev PL3 and finds the internal layout to accord with Figure 44 in terms of parking space dimensions and on-site turning, which can be found [here](#), and quantum of parking spaces which can be found [here](#).

Public Right of Way (PRoW) S75

The application site includes PRoW Footpath S75 which runs between the southern site boundary and the south side of the barns A & B, proposed Plots 03-07, as shown in Figure 5 of the Design & Access Statement (DAS). Footpath S75 here forms part of the 'Leicestershire Round' long-distance walking route, used by walking groups and for charity walks and runs, in addition to the usual uses of a rural footpath. The 'Round' also passes through the same owner's land parcels A and D shown in DAS Figure 3.

The National Planning Policy Framework (NPPF) Dec 2024 paragraph 105 requires that 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users ...'. The NPPF is underpinned by Planning Practice Guidance (PPG) including Rights of Way circular 1/09. The NPPF, PPG and Circular 1/09 are applied locally by the LHDG, annex on Development and public rights of way (PRoW) found [here](#).

Protect the PRoW.

The DAS notes the Footpath is to stay in its present location, and the existing barn structure and rear walls are reused, limiting any effect upon the Footpath. However, any work immediately on or beside the Footpath must have regard to Health and Safety legislation, and to the requirement for temporary closures or diversions. Also, the DAS Figure 4 labels a 'Gated access to site' next to the Footpath route, but details are needed on the exact form of that gates access to see how it may impact on the public right of way and its use.

Enhance the PRoW.

The NPPF para 105 means the Footpath should also be improved in some way (relative to the scale of the development as per NPPF para 58). This might involve improving the surface to limit weed growth; or removing an unnecessary stile or replacing it with a kissing gate (as desired by the government's 'least restrictive' option policy reflecting the Equality Act 2010).

Whilst the above is not a reason for refusal and could be dealt with via condition, the Applicant is advised to contact the PRoW teams via footpaths@leics.gov.uk in order to move this matter forward.

Other Considerations

No bin collection point has been shown on the submitted plans. Due consideration should be given to waste collection provision; refuse vehicles are unlikely to access the site given that it is located more than 25m from the highway boundary and via a private road. Any bin collection point should be within the site and not within the public highway, nor should it be located within visibility splays. However, this is not a material consideration for the LHA.

Date Received
18 February 2025

Case Officer
Neal Chantrill

Reviewer
BD

Date issued
10 March 2025