

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

Application Address: Land South Of Leicester Road Earl Shilton Leicestershire

Application Type: Full

Description of Application: 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 A

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 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 has reviewed the following documents as part of these observations:

- Application Form;
- Location and Block Plans, drawing number AVD-LRE-PL01;
- Existing Site Plan – Sheet 1, drawing number AVD-LRE-PL02;
- Existing Site Plan – Sheet 2, drawing number AVD-LRE-PL03;
- Proposed Site Plan - Sheet 1, drawing number AVD-LRE-PL04, Rev B;
- Proposed Site Plan & Field Shelter - Sheet 2, drawing number AVD-LRE-PL05;

- Supporting Planning Statement dated November 2025; and
- Dog Walking Field Management Plan.

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

The Applicant proposes to utilise the existing agricultural access on Leicester Road which is a classified C road subject to a 50mph speed limit. The access is situated approximately 130m west from the island junction that connects Leicester Road to the A47.

The LHA conducted a site visit on 18 December 2025 and measured the existing access point where it meets the highway boundary to be 3.65m wide.

The LHA has reviewed the submitted Proposed Site Plan - Sheet 1, drawing number AVD-LRE-PL04 Rev B and measure the point where the access meets the carriageway to be 9.8m, narrowing to 4m approximately 6m from the carriageway. The gate setback is 16m, with the proposed gated access measuring 3.85m wide.

Visibility splays would usually be in accordance with [Table 6](#) of the LHDG. While visibility splays have not been provided, the LHA are satisfied that splays of 2.4m by 160m westbound is achievable if a small amount of hedgerow were to be cutback (photo below).



Photo above of visibility to the west.

A visibility splays of 2.4m by 110m is achievable eastbound up to the island junction. While visibility splays would usually be required in accordance with [Table 6](#) of the LHDG, the LHA are satisfied

that the likely speeds would fall below the 50mph speed limit of the road due to the slower speeds of traffic entering and exiting the island junction.

The LHA will look to secure visibility splays by way of a planning condition below.

The LHA note on the Proposed Site Plan - Sheet 1 that the Applicant is proposing to install a sign at the access point which is within highway land and may also interfere with visibility splays. The Applicant should ensure that any signage is situated outside of highway land and does not interfere with visibility.

Highway Safety

The LHA has reviewed its Personal Injury Collision (PIC) data and there have been two recorded PICs within 500 metres in all directions of the site access in the previous five years. One was recorded as being 'serious' in severity whereby a motorcycle lost control and occurred on the island junction approximately 145m east of the proposed access. The other PIC was recorded as being 'slight' in severity.

While the PICs are regrettable, the LHA are satisfied that there are no patterns in the data which could be exacerbated by the proposed development.

Trip Generation

The Applicant has stated with the Supporting Planning Statement that the proposed opening times will be between 6am and 8pm in the Spring and Summer months and between 7.30am and 5pm during the Autumn and Winter months.

The Applicant has stated that booking will be made online and:

'The business seeks to offer private sessions and run back to back in 30 minutes and 1 hour sessions with a maximum of two cars at one time. This can be adjusted if needs be to omit crossover of users attending the Dog Park.'

This would result in four, two-way trips an hour. Given the trip rates to the site are considered to be low and the extant use would generate trips in its own right, the LHA consider this is acceptable in these site-specific circumstances.

Internal Layout

The Applicant has stated on the Supporting Planning Statement that a small area of hardstanding has already been laid. Upon the LHA's site visit on 18 December 2025, there didn't appear to be hardstanding (photo below).



Photo of site entrance.

The LHA require hardstanding for a distance of 5m behind the highway boundary which can be secured by way of condition below.

The Proposed Site Plan - Sheet 1 demonstrates that the Applicant is proposing three off-street parking spaces. Whilst the LHA do not have any specific guidance for this type of proposals, this is acceptable to the LHA in these site-specific circumstances.

Parking spaces should be in accordance with [Figure 44](#) of the LHDG in terms of parking space dimensions. However, the LHA considers there to be adequate space within the site for the parking of vehicles.

Public Rights of Way (PRoW)

The application site bisects public right of way Footpath T86 which briefly crosses the eastern end of the parking zone near Gate 2, the entrance to the secure field exercise area, as shown on the submitted site plans and on the fencing sheet. The submitted Management Plan includes the proviso that “Dogs must remain on lead outside the secure field area”. If observed by all site users, this should reduce adverse interactions between dogs and users of the public right of way. However, for public rights of way users crossing the site, ensuring visibility across the site before they enter will also help minimise conflicts.

For the reasons set out above, the LHA would not seek to resist the proposals subject to the following conditions.

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 B 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. 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 B. 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 and, 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
2 December 2025

Case Officer
Emma Peacock

Reviewer
BD

Date issued
14 January 2026