

Planning Committee 20 July 2021
Report of the Planning Manager

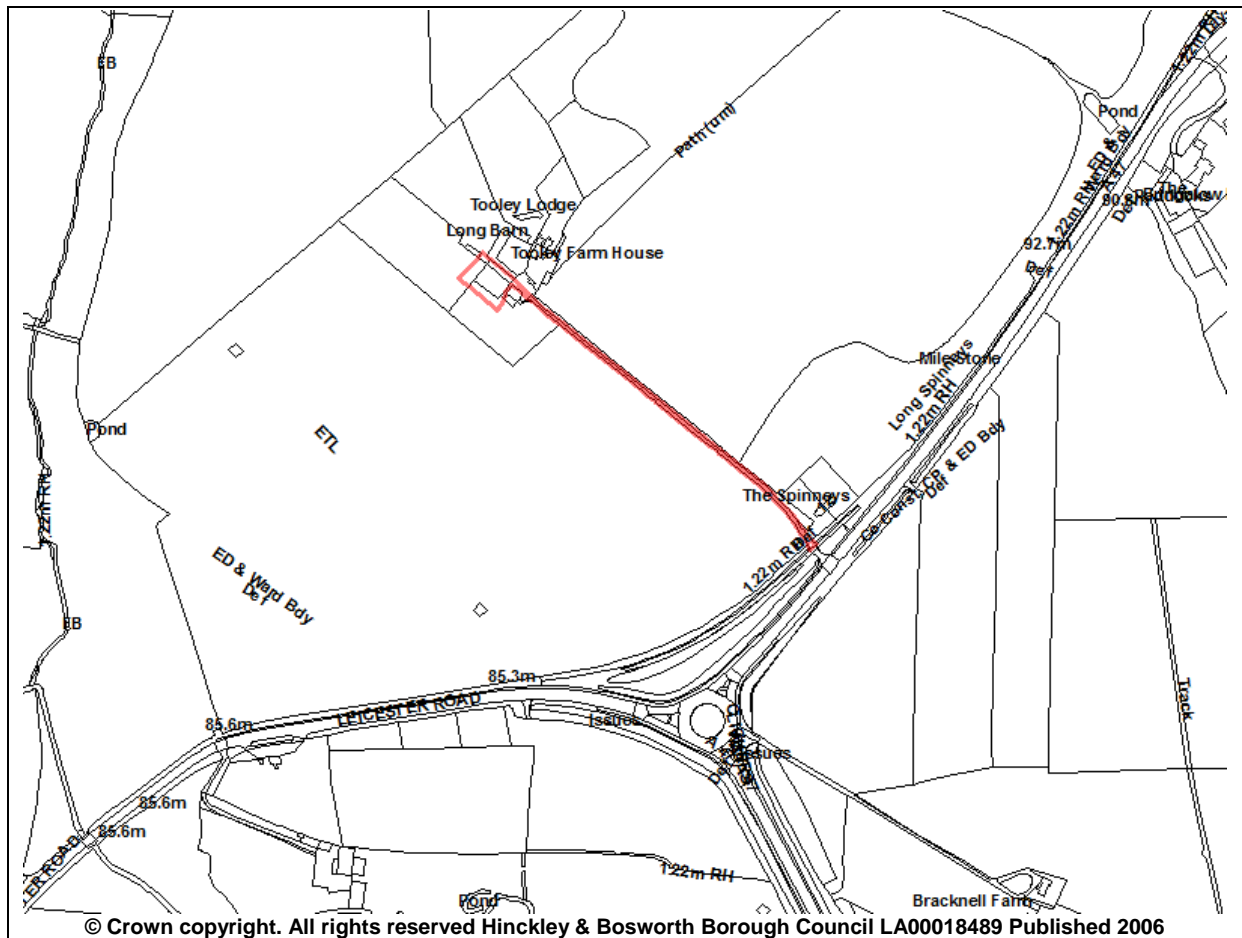
Planning Ref: 20/01293/FUL
Applicant: Mr Rishi Dhir
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Long Barn Tooley Farm Leicester Road Earl Shilton

Proposal: Conversion of barn into two dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This application seeks planning permission for the conversion of one barn into two dwellings.

2.2. Planning permission has been granted in 2020 for the re-cladding of the building through application number 20/00028/FUL. This granted permission to re-clad the storage building to the farm in vertical timbers and dark metal roof.

3. Description of the site and surrounding area

- 3.1. The application site relates to a former agricultural building with two pitched roofs, comprising a steel frame, blockwork and corrugated sheeting. The barn is currently in use for residential purposes, including domestic recreation and storage.
- 3.2. The application site is located in the open countryside to the north of Earl Shilton. The village of Peckleton is located approximately 1.5km to the north. The site is accessed off a long private track located off the A47 Leicester Road.
- 3.3. The site forms part of a larger complex of former farmhouse and residential brick buildings known as Tooley Farm. The building sits behind a brick built building formerly used as a dairy now converted to a residential annexe. To the side is a larger brick built building in use as residential and known as Long Barn. There are two other dwellings (Tooley Farm House and The Lodge) within the wider former farm complex.

4. Relevant planning history

18/00144/FUL

- Conversion of barns and dairy to three dwellings including associated external works
Refused
18.04.2018

18/01273/FUL

- Conversion of existing Dairy to dwelling
Permission
13.03.2019

19/01155/DISCON

- Application to discharge condition 3 (roof material) attached to planning permission 18/01273/FUL
Discharged
05.11.2019

19/01222/HOU

- Two storey rear extension to Long Barn
Refused
09.01.2020

19/01249/CONDIT

- Variation of condition 2 of planning permission 18/01273/FUL to allow the facing walls to be clad in timber
Refused
09.01.2020

19/01422/DISCON

- Application to discharge condition 6 (land contamination) attached to planning permission 18/01273/FUL
Partial Discharge of Conditions
18.02.2020

20/00028/FUL

- Recladding of storage building to farm
Permission
05.03.2020

86/00966/4

- CONVERSION OF BARNES TO DWELLINGS
Permission
30.06.1987

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. No representations were received from the public.

6. Consultation

- 6.1. Peckleton Parish Council was consulted and no response was received.
 - LCC Highways was consulted
 - HBBC Drainage provided a note to applicant
 - HBBC Pollution provided conditions.
 - HBBC Waste requested a planning condition.
 - Severn Trent Water was consulted and no response was received.
- 6.2. Councillor Roberts has requested that the application be reported to Committee due to the proposed scheme being unsustainable development within the countryside.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Assessment against strategic planning policies
- 8.2. This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the

intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development.

8.3. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can
- b) be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- c) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- d) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- e) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- f) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and:

- i) It does not have a significant adverse effect on the intrinsic value, beauty open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development.

8.4. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where.

- a) The applicant demonstrates the building is no longer viable in its current use; and
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.

8.5. On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply

8.6. Notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure, is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

- 8.7. A planning application (18/00144/FUL) was refused in 2018 for the conversion of the barn and one other building into three dwellings and included associated external works. The reason for refusal is as follows: *'The applicant has failed to demonstrate that the buildings are capable of conversion to residential use without significant rebuilding and alterations and the proposal would therefore result in unjustified new residential development in the countryside. In addition, by virtue of the layout and design, the proposal would be detrimental to the rural setting and fail to complement the agricultural character and appearance of the application site and surrounding landscape. The proposed scheme would therefore be in conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012).'*
- 8.8. In the intervening time period, a planning application 20/00208/FUL was approved for the installation of cladding on this barn. Although this has not yet been carried out, this forms a material planning consideration and must be given substantial weight in determining this planning application. This application is supported by a method statement and structural survey. The structural survey concludes that the roof trusses and portal frames are sufficient for the calculated loads, and that there is adequate roof bracing in the trussed span. The columns and purlins are in adequate condition, and the columns only have moderate surface corrosion. The foundations have not been exposed, but there is no reason to suspect that they would not be sufficient. The roof cladding and sidewall cladding is broken in many places, however this would be replaced through the planning permission to re-clad the building (20/00208/FUL).
- 8.9. Therefore, following the approved recladding of the barn the roof and walls will be water tight. The existing frame and cladding will form the structural shell of the conversion, and the applicant has demonstrated that the building is capable of conversion to residential use. The proposed layout has been amended from the refused scheme to ensure adequate parking and minimal encroachment into the countryside that would enhance the agricultural character and appearance of the site and surrounding landscape. The proposed scheme would therefore no longer conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the overarching principles of the National Planning Policy Framework (2019).
- 8.10. Therefore, subject to design consideration and there being no significant adverse effects on the open character or appearance of the surrounding countryside, the

proposal would be in accordance with Policies DM1, DM4 and DM15 of the SADMP in that the principle of development is considered as sustainable subject to the assessment of all other material considerations.

Design and impact upon the character of the area

- 8.11. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13. The main issue for consideration is the design and the visual impact on the building and the wider area. The building is currently in a superficially poor condition but it reflects its former agricultural use. It is currently used predominantly for storage. Sections of the building are in need of superficial repairs. The use of timber cladding would improve the appearance of the building whilst retaining the agricultural feel to the building and the site and the surrounding open countryside. The site is set significantly back from the nearest public vantage point on Leicester Road, over 330m away, so will have a minimal impact on the wider area.
- 8.14. The proposed design is considered to be designed with decorative restraint, and avoiding complex elevations. This is considered to retain the agricultural appearance and character of the building, and site as a whole. The louvres covering the windows help to minimise any sense of domestic use of the building. The windows have been positioned asymmetrically in relation to the internal configuration, which helps to retain the uncluttered and functional appearance to the outward facing facades. The boundary treatments can be controlled through a planning condition to avoid the garden areas appearing overly domestic within the wider site.
- 8.15. The proposed chimney flues would appear discrete in size and siting, situated away from the principal elevation. The colour and appearance can be conditioned to be metal and matte in finish to ensure a functional appearance.
- 8.16. The main character of the frontal aperture into the barn from the east, off the main farmyard, is considered to be retained through the step back in this elevation from the original front wall. This results in a shadowed canopy area that would appear darker, and help the new front elevation appear coherent with the original appearance of the barn.
- 8.17. The simple plan form of the barn can be controlled through planning condition to remove permitted development rights in order to retain the traditional layout of the barn itself and the wider site, retaining the barn's functional rural appearance.
- 8.18. The proposal would have a minimal visual impact on the building and the wider area and is therefore in compliance with policies DM4 and DM10. By virtue of the layout, scale, design and proposed external materials the proposal would complement the industrial character of the area and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon the neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring buildings.

- 8.20. To the south east of the application site is the annexe of Tooley Barn, named The Dairy. This is a single storey detached building that has recently been completed. The side elevation of the proposed barn conversion would include four new windows at ground floor level. As there are no windows within the side elevation of The Dairy, there is not considered to be any significant overlooking despite the slightly higher ground level.
- 8.21. To the east of the application site is Tooley Barn, which consists of two converted brick barns originally part of the main farmhouse. The rear elevation of the log barn is fully brick, and this barn serves predominantly as storage for the Long Barn dwelling. The proposed dwellings would not look directly towards the private amenity space to the North West of the Long Barn, and the two sites are separated by a post and rail fence that is engulfed in native hedgerow of roughly 2.5m in height. Consequently it is not considered that the proposed use of the barn as two dwellings would have any significant adverse impacts to the amenity of the occupants of the Long Barn.
- 8.22. The original Tooley Farm House lies some 30m to the east across the central former farmyard. This dwelling is separated from the application site by a large brick built barn, resulting in no intervisibility between the two neighbouring sites. There would be a negligible increase in the overall size of the building due to the proposed cladding, as such there is not considered to be any overbearing or overshadowing impacts.
- 8.23. The amenity space of the site has been subdivided to ensure that there would not be any direct overlooking into the neighbouring plot from inside the proposed dwellings. Therefore it is considered that the amenity of any future occupants would be preserved.
- 8.24. Consequently it is considered that the proposed development would be in accordance with Policy DM10 in regard to impact upon neighbouring amenity. This is by virtue of the appropriate scale and appearance, the proposal would not result in any significant adverse impacts on the residential amenity of the occupiers of any neighbouring properties.
- Impact upon highway safety
- 8.25. Policy DM17 of the SADMP seeks to ensure that development will not cause a severe impact upon the existing highway network, and that proposals are in accordance with the most up to date highways guidance.
- 8.26. Policy DM18 of the SADMP seeks to ensure that proposals for new development provide an appropriate level of parking.
- 8.27. The proposed site layout shows a total of six parking spaces for the proposed two 4 bed dwellings which complies with the LHDG. Furthermore, the site is approximately 350 metres from the highway and it is considered the proposals are therefore unlikely to generate inappropriate parking on the A47.
- 8.28. Adequate turning provision has been detailed within the overall site, the parking area requires residents to parallel park within a relatively narrow area which does not allow for easy turning manoeuvres. This could result in occupiers of Plot 2 in particular needing to reverse out of the parking spaces for some distance within the site in order to turn. Nevertheless, the LHA is satisfied vehicles could turn within the site in order to exit on to the public highway in a forward gear.
- 8.29. As a result of the adequate access, and parking provision, this application is considered to be in accordance with Policy DM17 and DM18 of the SADMP in regard to impact on highway safety.

Other matters

- 8.30. HBBC Waste Services have requested a condition that would require the scheme to demonstrate the provision of waste and recycling containers and collection across the site. They have also requested that the wheeled waste containers can be stored and serviced at the adopted highway. The agent has confirmed that the Borough Council's refuse collection vehicle already comes up the drive to Tooley Farm and collects the wheeled waste containers. Therefore it is not considered necessary to request that the additional waste containers are wheeled to the adopted highway boundary.

Planning balance

- 8.31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.32. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11d of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal would use traditional materials, retaining the original form of the barn, and improve the visual appearance of the building. The proposal would therefore have a minimal visual impact on the character of the building, the site and the

surrounding open countryside. The proposal would therefore be in compliance with policies DM4 and DM10 of the SADMP.

- 10.2. The application has been supported with a method statement that outlines that the proposed scheme would be achieved without significant alteration alongside the extant permission for the external cladding. The scheme is therefore in accordance with Policy DM15 and DM1 of the SADMP

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg. No. 01 Rev. F - received on 18.01.2021

Site Plan – Drg. No. 10 Rev. F received 24.06.2021

Proposed Elevations & Floorplans - Drg. No. 11 Rev. C - received on 01.12.2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H, and Article 3, Schedule 2 Part 2 Class A; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Thinking Buildings drawing number 10 Rev F. Thereafter the onsite parking provision shall be so maintained 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 (2019).

9. Prior to first occupation of the hereby approved dwellings a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed in full accordance with the approved details prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the occupation of the hereby approved dwellings plans and elevations of bin storage structures shall be submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The curtilage of the dwellings hereby permitted shall be defined by the Amenity Areas as shown on the approved Site Plan - Drawing No. 10. Rev. F - received on 24/06/2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Old outbuildings and barns are a common roosting site for barn owls and bats. Both of these species are protected by the Wildlife and Countryside Act 1981 under which any deliberate action resulting in the disturbance or destruction of their place of shelter is illegal. If any of these species are found in the building you shall contact Natural England immediately: Telephone 01476 584800.
3. The onus is upon the owner and/or developer of the building to ensure that the scheme proposed is practicable and that adequate safeguards are taken before and during building works to provide adequate protection to the existing building. If a building the subject of a scheme for its conversion collapses, whatever the cause or in whatever circumstances, after planning permission has been granted for its conversion to an alternative use, the Local Planning Authority will regard the planning permission granted as not capable of being implemented and consequently null and void.
4. Advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
6. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
7. 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.