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Enquiries To Ken Dudley

Direct Line

Date 30 November 2022

My reference 048055

Your reference APP/22/00851

Email havantdc@hants.gov.uk

Dear Ms Donophy,

56 Elizabeth Road, Waterloooville, PO7 7DN
Change of use of land to form part of domestic curtilage serving 56 Elizabeth Road with proposed resurfacing and boundary fencing

I refer to the consultation on the above planning application and would make the following comments.

The land proposed to be enclosed within the garden of the property is within the extent of public highway and has been maintained by the Highway Authority.

In addition, the land proposed to be taken into private ownership contains public utilities including a storm water sewer to which access may be required at any time.

Should the Planning Authority be minded to grant Planning Permission the applicant would also need to apply for the public highway rights to be removed through a Stopping Up Order. Details of this process can be found here:

[Extinguishment \(Removal\) of Highway Rights | Hampshire County Council \(hants.gov.uk\)](#)

It should be noted that if this were to be progressed there would be requirements for legal easement to secure access and maintain utilities at any time. It should be noted also that the introduction of a 6 feet high boundary fence would potentially restrict adequate access for maintenance purposes.

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI

For the reasons highlighted above and in addition in view of the County Councils policy of achieving net zero carbon emissions by 2030 the Highway Authority would not be minded to process or support an application for the extinguishment of highway rights over areas of publicly maintainable highway which may otherwise contribute to climate mitigation and clearly have a functional benefit to highway users.

Whilst under the NPPF criteria we are unable to object on highway grounds, there is a clear amenity loss as a result of the proposal and therefore the Highway Authority recommend the Planning Authority to refuse the application as a result of loss of amenity. Notwithstanding the decision of the Planning Authority as set out above the Highway Authority would object to the removal of highway rights from the application land through the Stopping Up Process.

Yours sincerely,

Ken Dudley
Consultant Transport Planner

Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI