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Your reference **APP/24/00042**

Date

14 February 2024

E-mail countryside.planning@hants.gov.uk

For the attention of the Case Officer

Planning reference: APP/24/00042

Site location: Kanga Warren, Pycroft Close, Hayling Island, PO11 0RZ

Proposal: Single storey rear extension, loft conversion and addition of two dormers.

Consultation response: No objection subject to conditions.

Thank you for consulting Hampshire Countryside Service (HCS) as Highway Authority in respect of Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to Public Rights of Way, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

- Havant Footpath 116 (FP116) runs from along the proposed developments western boundary, in a north to southwest direction.
- It is noted that the site is not situated in a material proximity to any Hampshire County Council Countryside sites.

A copy of the Definitive Map of Rights of Way and Definitive Statement and Countryside Sites can be found at

<https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Commentary:

Regrettably the PROW are not shown on the plans that form part of this application. FP116 lies adjacent to the western boundary of the proposed development site. Where PROW are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government planning guidance (Validation of Planning Applications - Statutory national information requirements paragraph 48 d) requires that applications should not be validated unless such a plan has been submitted.

As presented in the Location and Block plan (Ref: P1050-A-PLN-100), HCS welcomes the presence of the developments Red-Line boundary, confirming the proposal will make changes within its exiting boundary. As such, it is assumed the development will not encroach onto the width of FP116; beyond the existing vegetation that separates FP116 from the proposed development. If this assumption is incorrect, then we trust a re-consultation will be forthcoming.

If the applicant intends to alter the surface or width of FP116 in any way, prior permission from HCS as the local highway authority is required. Specifications demonstrating the surface treatment, drainage management and any structures proposed to be installed on the PROW, together with visibility splays at junctions with all other accesses, must be submitted for the approval of HCS before the work begins. Were any works to be carried out to the surface of a PROW without the prior consent of the local highway authority, the applicant would be committing an offence under the Highways Act 1980 and may be required, at HCS' discretion, to repair the surface to its previous state.

No information is provided to detail how site access and construction traffic will be managed during construction, to ensure the public's safety along FP116, who have priority for convenient and safe access along the PROW network at all times. As such, it is therefore assumed that site access will be along 'Pycroft Close', with all construction works, materials and other related activities taking place within the proposals Red-Line boundary. A PROW, being part of the public highway, must not be obstructed or its users inconvenienced by the developer during any works or occupation, which would be offences under the Highways Act 1980.

The Service must take this opportunity to further notify the applicant that FP116 is to remain open and safely accessible at all times during construction and occupation of the development. If the applicant believes it is impractical to keep FP116 open during construction, prior to the Service approving any application for its temporary closure the applicant will need to demonstrate other possible mitigating measures. If a temporary closure is applied for, giving 8-weeks' notice to HCS, and subsequently approved, HCS would ordinarily expect an applicant to provide a local alternative route at its liability for the duration of a temporary closure. Further information on how to apply for a Temporary Closure Notice can be found here: [Apply for a temporary closure | Hampshire County Council \(hants.gov.uk\)](https://www.hants.gov.uk/apply-for-a-temporary-closure)

Conclusion:

Based on the information presented in this application, we raise no objection, subject to the below conditions to ensure the safety of the public and that their continuous, priority access to FP116 is maintained throughout construction. These would also ensure no obstruction to the footpath.

Conditions:

- No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to a Public Right of Way as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the public right of way at all times.

Reason: In the interests of highway safety and priority, so not to cause an offence under the Highways Act 1980.

We also attach below, general informatives for the applicant in regard to the PROW network. We request that these are added to any permission, should it be granted:

Informatives:

1. Where Public Rights of Way are close to application sites or are used for access to the development site, applications must show these Rights of Way on the submitted plans and detail how they will be accommodated within the proposals. Government guidance requires that applications should not be validated unless such a plan has been submitted.
2. Nothing connected with the development, or its future use, shall have an adverse effect on the Public Rights of Way, which must always remain available for safe public use at all times.
3. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

Yours sincerely,

Grant Mintram
Countryside Planning Officer

Hampshire Countryside Service