

Countryside Planning and Development Control
Hampshire Countryside Service
Hampshire County Council
Three Minsters House
Winchester
Hampshire
SO23 8UL
www.hants.gov.uk/countryside

For the attention of: Julie Terzoudis

Planning reference: APP/21/00654

Site location: 8 Mengham Avenue, Hayling Island, PO11 9JB

Proposal: Conversion of existing semi-detached dwelling into two separate flats (2 No. two bed) incorporating loft conversion and two storey rear extension to rear, first floor extension to rear and single storey rear extension, and car parking accessed off Webb Lane.

Date: 11.08.22

Consultation response:

Hampshire Countryside Service [HCS] as Highway Authority in respect of Public Rights of Way [PROW] and Commons Registration Authority is responding to the above planning application currently being determined by Havant Borough Council Planning 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 Country Parks and Countryside Sites.

The Hampshire County Council Definitive Map Review team has alerted us to the presence of a Definitive Map Modification Order [DMMO] application (our reference 991) for a proposed public right of way across the site. This route runs through the site and directly conflicts with the proposed development being considered by application APP/21/00654.

Further information for the DMMO application can be found at:

[Add footpath from Mengham Avenue to Webb Lane | Hampshire County Council \(hants.gov.uk\)](#)

Two location plans of the DMMO claim is attached to this letter.

Further information on DMMO policy can be found here:

[DMMOPolicyGuidelines2019.pdf \(hants.gov.uk\)](#)

The HCC DMMO policy guidance document sets out the capability for the authority to consider a claim out of turn under circumstances where it can be demonstrated that the route is at risk of being physically lost.

The Wildlife and Countryside Act 1981 states that:

'A route is unlikely to be considered to be in danger of being lost to development unless planning permission for the relevant development has been granted and officers are satisfied that there is a genuine intention to implement the development immediately.'

In this case, this claim is currently being processed and considered by Bev Harding-Rennie, HCC Map Review Officer. Therefore, its determination is being carried out in a positive, timely manner.

At this time, the DMMO claim and potential of a public right of way to exist on the site should be considered a material consideration for the planning application. Should planning permission be granted, then we please request that we are notified via email address countryside@hants.gov.uk as soon as possible. Hampshire County Council will then consider if the route is in danger of being lost by development and determine what action is required to ensure the route is protected until the DMMO claim has been determined. Should the claim for a public right of way be upheld, then the proposed development, as currently presented in the application documents, will not be able to proceed as it would be constructed on part of the public highway.

Please note that being granted planning permission does not allow the landowner or developer to carry out works on, over, or to, the PROW network. Separate from the planning permission, further permission is required to be granted by the Highways Authority (or the Local Planning Authority) to works that seek to, in any way, affect the permanent and constant public access right along all open PROWs.

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>

Regards,

Philip Millard MRTPI AIPROW BEng (Wales) MSc (UWE, Sal)
Countryside Planning and Development Control Manager
Hampshire Countryside Service

cc. Bev Harding-Rennie, HCC Map Review Officer, case officer for DMMO claim 991