
Site Address:	61 Hollow Lane, Hayling Island, PO11 9EY		
Proposal:	Change of use of public amenity land (former footpath) to private amenity land (within curtilage of dwelling).		
Application No:	APP/14/01094	Expiry Date:	20/01/2015
Applicant:	Mrs J McNally	Team:	Team 2
Agent:		Case Officer:	Daphney Haywood
Ward:	Hayling West		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site relates to land situated between 59 and 61 Hollow Lane, which lie within an established residential area in south Hayling. Whilst Hollow Lane is adopted, Elm Close Estate which lies to the north is not. The land has previously provided part of a pedestrian link between Hollow Way and the Elm Close Estate but the path is not adopted nor a public right of way. The path which has now been closed off with fencing and in part incorporated into the garden of 61 Hollow Lane is overgrown with vegetation and appears not to have been used for some time.

2 Planning History

None relevant

3 Proposal

This is a retrospective application to incorporate the path/amenity area into the plot of 61 Hollow Lane

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
DM11	(Planning for More Sustainable Travel)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Development Engineer - Highways

The Highway Authority has no adverse comment to this application as it is neither adopted highway or a definitive public right of way

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 21

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 9

Summary:

- The footpaths were regularly used and an extremely useful, safe walkway through from Elm Close to Hollow Lane when access was possible therefore I see no reason in law why they cannot be reinstated for the use of all Islanders. I understand this is within the Rights of Way Act as it stands, part of amenities for the estate
- I disagree with the proposed planning application to acquire a public amenity asset. I would far rather the owners of land that have shrubs and other vegetation that encroach on public land be requested to cut back and remove the overgrown vegetation to allow the free passage of walkers down such paths.
- Public right of Way sign removed.
- previously maintained by No59
- main services under
- should be along the whole length

Comment:

The path is not a public right of way and is not adopted. The grant of planning permission would not override other legislation, prevent any existing rights of access for services nor convey any ownership rights, which would need to be dealt with separately.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the streetscene
- (iii) Impact upon residential amenity

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Impact upon the streetscene

The enclosure of the land within the boundary of No 61 Hollow Lane is visually consistent with the treatment of nearby property frontages and not considered to result in visual detriment.

(iii) Impact upon residential amenity

The enclosure of amenity land and associated closure of this path has reduced the links between nearby roads and as a result those on foot must travel further, and hence an associated loss of amenity. However, the path is very overgrown and appears to have been impassable for many years as can be evidenced by the extent of vegetation and that it is already partly stopped up, so it does not provide a continuous path between the two streets. It is noted that a number of residents including the Residents Association have raised objection to the loss of this path but given the condition as has not been used for many years this can only carry limited weight. Whilst the provision and maintenance of facilities which encourage walking and connectivity between streets is generally supported, in this particular case the lack of use means that there is very little prospect that refusal of the application could be defended in the event of an appeal. Some weight can be attached to the removal of nuisance from litter previously experienced by the adjacent properties.

The planning application only covers that part of the path adjacent to 61 Hollow Lane, and hence part of the path would remain - albeit blocked off.

8 Conclusion

The application is considered acceptable and approval is recommended. As the land has been enclosed within the curtilage of no. 61, no planning conditions (e.g time to implement or reference to proposed plans) are needed.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/01094.