

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 13 June 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Dr Brian Mathew

Cllr Kelvin Nash

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

Substitutes:

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Sam Pearce-Kearney

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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Monkton Park, Chippenham

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 22*)

To approve the minutes of the previous meeting, held on 25 April 2024, as a true and correct record.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 6 June 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 10 June 2024 Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** *(Pages 23 - 24)*

To receive details of the completed and pending appeals, and any other updates as appropriate.

Planning Application

To consider and determine the following planning application.

7 **PL/2024/02018: 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ** *(Pages 25 - 42)*

Change of use of grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.

Rights of Way Item

To consider the following Rights of Way item.

Ramsbury Paths 5, 6 and 8C and Little Bedwyn Path 20 Diversion and Definitive Map Statement Modification Order 2024 *(Pages 43 - 82)*

To consider whether the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024 should be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

8 **Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

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Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 APRIL 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler, Cllr Dominic Muns (Substitute) and Cllr Sam Pearce-Kearney (Substitute)

Also Present:

Cllr Laura Mayes and Cllr Tamara Reay

34. **Apologies**

Apologies for absence were received from:

- Cllr Adrian Foster – substituted by Cllr Sam Pearce-Kearney
- Cllr Paul Oatway QPM – substituted by Cllr Dominic Muns
- Cllr Tony Pickernell

35. **Minutes of the Previous Meeting**

The Chairman, Cllr Philip Whitehead, reported that Democratic Services had been contacted by a Mr Hugh Tapper to raise concerns that the spirit of his comments, about PL/2023/03305, York Place, Marlborough, had not been captured in the draft minutes.

On the proposal of the Chairman, seconded by Cllr Dominic Muns, it was:

Resolved

To approve the minutes of the meeting held on 21 March 2024 as a true and correct record, subject to the following amendments to Item 31.

Updating the bullet point at the top to:

- ***Mr Hugh Tapper made a statement highlighting concerns he had about aspects of the application, including the party wall of the Grade II listed adjoining property.***

Adding the following paragraph to the body of the text:

Mr Hugh Tapper raised concerns about aspects of the application, including the scale of development, limited community space and

available parking. He welcomed some of the amendments to the scale of the original proposals and was encouraged that they would be more sympathetic than the 1970s development. However, he expressed surprise that approval of the scheme might precede the knowledge and understanding of the measures required to protect the adjoining Grade II listed property at 51 St Martins.

36. **Declarations of Interest**

There were no declarations of interest.

37. **Chairman's Announcements**

There were no announcements.

38. **Public Participation**

The Committee noted the rules on public participation.

39. **Planning Appeals and Updates**

On the proposal of the Chairman, seconded by Cllr Iain Wallis, it was:

Resolved

To note the appeals update for the period between 8 March and 12 April 2024.

40. **PL/2023/05410: Land at Roundway Farm, Folly Road, Roundway, Devizes, Wilts, SN10 2HZ**

Public Participation

- Mr Alan Cowley - spoke in objection to the application
- Mr James Beale - spoke in objection to the application
- Mr Jim Butler - spoke in support of the application
- Mr Mike Fowler - spoke in support of the application
- Cllr Chris Greenwood (Devizes Town Council) - spoke in support of the application

The Senior Planning Officer, Jonathan James, introduced a report which recommended that the application for the demolition of existing barns and the erection of three new dwellings, be refused. He noted that the application included associated parking, turning, landscaping, private amenity space and access. The application was a resubmission of PL/2022/06061. Key details were stated to include the principle of development, as well as the landscape, biodiversity and sustainable transport impacts.

It was highlighted that the site was located outside of the defined settlement boundary and adjoined the North Wessex Downs National Landscape. The

Senior Planning Officer explained that the proposed development would have an unacceptable urbanising effect on the countryside, so would be contrary to Core Policy 51 (Landscape) and Core Policy 57 (Ensuring High Quality Design and Place Shaping) of the Wiltshire Core Strategy. He also reported that electricity pylons passing the site were due to be buried in the ground, so the negative visual impact that they had on the landscape would be removed.

The Senior Planning Officer noted that the spatial vision of the Wiltshire Core Strategy did allow for development outside of the recognised limit of development in exceptional circumstances; however, the proposed development did not meet any of the exception criteria outlined in the Core Strategy. Furthermore, as Roundway was not recognised within the Wiltshire Core Strategy as a sustainable location for development, the proposed development would be contrary to Core Policy 60 (Sustainable Transport) and Core Policy 61 (Transport and New Development).

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer.

Clarity was sought about whether Wiltshire Council's Landscape Officer had been consulted about the application, as an objection from them was not listed in the report and the negative impact on landscape character was stated as a reason for refusal. In response, the Senior Planning Officer explained that he understood that the Landscape Officer would have been consulted but that they may not have provided comments. He also noted that the site itself was not in the North Wessex Downs National Landscape.

It was confirmed that a small existing barn close to the site would be retained and had been granted consent under a prior Notification for change of use to a dwelling.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Cllr Laura Mayes, then spoke in support of the application.

In response to the points raised by the public and the Unitary Division Member, the Senior Planning Officer highlighted that each application needed to be judged on its own merits. He also observed that Wiltshire Council had successfully defended appeals in respect of their decision to refuse planning permission for the conversion of the existing barns on the site.

So that the Committee had something to debate, the Chairman, seconded by Cllr Dr Brian Mathew, proposed that the application be refused in line with recommendation.

A debate followed where the viability of the existing barns for agricultural purposes, visual impact and sustainability of the proposed development were discussed. In response to points made about the impact of the proposed

development on the landscape the Development Management Team Leader highlighted that the Inspector, in judging an appeal relating to a previous application on the site, had concluded that the introduction of residential dwellings and associated domestic paraphernalia would not be in keeping with the character of the area and would therefore harm the setting of the National Landscape (then Area of Outstanding Natural Beauty).

Following a vote, the motion to refuse the application was lost. A motion to approve was then moved by Cllr Dominic Muns, which was seconded by Cllr Stuart Wheeler.

A number of possible conditions were discussed including those relating to the materials of the building, removal of permitted development rights, the property boundary, lighting, archaeology and drainage. It was agreed to delegate the final wording to the Senior Planning Officer and Development Management Team Leader. It was then:

Resolved

To APPROVE the application for the demolition of the existing barns and the construction of three dwellings with associated parking, turning, landscaping, private amenity space and access.

Reasons

It was not considered that it would be sustainable for the existing barns to be used for agricultural purposes. The proposed development, when approved with conditions, was seen to have a more positive visual impact than the existing barns in their present condition.

Conditions

- 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 provisions 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 be carried out in accordance with the following approved plans and documents:**

- Location Plan, Dwg No. 230128-01**
- Site Plan, Dwg. No. 230120-02 Rev B**
- Design Scheme Plot 1, Dwg No. 230128-03**
- Design Scheme Plot 2, Dwg No. 230128-04 Rev A**
- Design Scheme Plot 3, Dwg No. 230128-05 Rev A**

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The development will be carried out in strict accordance with the following documents:

- **Site plan. Drawing no: 230128-02 Rev B. Fowler Architecture & Planning.**
- **Great crested newt mitigation strategy and District Level Licence (DLL) application. ABR Ecology Ltd.**
- **Tree Survey and Tree Constraints Plan. Report ref: 23.1625 Rev B. November 2023. WHLandscape.**

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection e.g., exclusion fencing.**
- b) Working method statements for protected/priority species, such as nesting birds, reptiles and great crested newt.**
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- **location and current canopy spread of all existing trees and hedgerows on the land;**

- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- all hard and soft surfacing materials;
- Four tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. No development above slab level shall take place until details and/or samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

8. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to and approved in writing by the local planning authority. These details should be clearly shown on a site plan. The approved details shall be implemented before occupation of the final works.

REASON: To provide enhancement for biodiversity, in accordance with the requirements of Core Policies of the Development Plan and with the Framework.

9. No development shall commence within the area indicated by application PL/2023/05410 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.'

INFORMATIVE: The monitoring is to be carried out following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

10. No external lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority. Details of proposed lighting to be installed on-site shall include plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21). Details of proposed lighting to be installed shall have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

11. The proposed package treatment plant and drainage field shall be installed, maintained and operated in accordance with the submitted specification and details hereby approved. Any subsequent replacements shall have an equivalent or improved performance specification. The package treatment plant and drainage field shall be installed, connected and available for use before the development is occupied and they shall be maintained and operated thereafter for the lifetime of the development.

REASON: To provide ongoing and adequate nutrient mitigation for the nutrient neutrality water catchment for the life of the development and to ensure that any future PTP is of an equivalent or improved standard.

12. The overnight development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage) and a water efficiency assessment should be submitted. Before the development is brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

13. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel), it shall be made to actively drain away from the highway. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

14. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

15. No part of the development hereby permitted shall be first occupied until a turning area and parking spaces with at least one EV charging point per unit have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

16. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

No burning shall be undertaken on site at any time.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1 Classes A, AA, B, C, E, F and G; and Part 2 Class A, shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

18. INFORMATIVE - HIGHWAYS:

The application involves an extension to the existing vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent . Please contact the Drainage Team at Drainage@wiltshire.gov.uk

19. INFORMATIVES - ECOLOGY:

Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings and trees for roosting, with each having its own preferred type of roost. Bat roosts are protected all times by the Conservation of Habitats and Species 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

Protected Species General

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Non-Mains Drainage

A non-mains sewerage system is proposed. Primary responsibility for ensuring sewage systems for new developments are adequate lies with the Building Control Department. We would recommend you satisfy yourself that a non-mains sewerage system is appropriate and practicable in the circumstances taking into account ground water conditions throughout the year. For further guidance see the National Planning Practice Guidance "Water supply, wastewater and water quality". Any installation of a Package Treatment Plant needs to meet approval of Environment Agency's requirements under their permitting role.

20. INFORMATIVE: ARTIFICIAL LIGHTING

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat

populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-23 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

21. CIL INFORMATIVE

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

41. PL/2023/09946: Land to North East of Higher Green Farm, Poulshot Road, Poulshot, SN10 1RW

Public Participation

- Mr Richard Cosker – spoke in support of the application
- Mrs Eve Curnow – spoke in support of the application
- Ms Judy Edwards – had a statement read out in support of the application

The Senior Planning Officer Jonathan James introduced a report which recommended that the application for the erection of a single storey dwelling be refused for the reasons outlined in the report. Key details were stated to include the principle of development, ensuring the conservation of the historic environment and the visual impact on the surrounding area.

Attention was drawn to two late representations, one of which was a letter of support from a neighbour. The Senior Planning Officer reported that the Agent had also contacted him to confirm that the Applicant had not benefitted

financially from a nearby development of nine residential dwellings built on land previously owned by Higher Green Farm.

The Senior Planning Officer explained that the proposed development would result in harm to the character of the conservation area and the setting of the adjacent listed building. The proposed development would be at odds with the settlement pattern and historic built forms. Although he acknowledged that the proposed development would bring some benefits through the provision of a new dwelling, he considered that they would be outweighed by the harm to the listed building. The proposed development would be contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) and Core Policy 58 (Ensuring Conservation of the Historic Environment).

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer.

Members of the public then had the opportunity to present their views to the Committee as detailed above. It was noted that the proposed development had the support of the Parish Council. The Chairman read out a statement on behalf of Ms Judy Edwards as she was unable to attend.

The Unitary Division Member, Cllr Tamara Reay then spoke in support of the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, Cllr Dr Brian Mathew, seconded by Cllr Dominic Muns, proposed that the application be approved contrary to recommendation.

A debate followed where the impact on the Grade II listed property, level of local support and sustainable growth of the village were discussed.

The Committee discussed possible conditions that could be added to the application, such as restrictions to permitted development rights. The Committee agreed to delegate the final wording of the conditions to the Senior Planning Officer and Development Management Team Leader. It was:

Resolved

To APPROVE the application for a single storey dwelling.

Reasons

The Committee were satisfied that, due to its location and level of screening, the proposed development would not cause harm to the character of the conservation area or the setting of the adjacent listed building.

Conditions

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 provisions 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 be carried out in accordance with the following approved plans and documents:

- **Location Plan, Dwg No. L-000 Rev A**
- **Proposed Site Plan, Dwg No. PL-001 Rev E**
- **Proposed Ground Floor Plan, Dwg No. PL-101 Rev D**
- **Proposed Elevations – W and E, Dwg No. PL-201 Rev C**
- **Proposed Elevations – S and N, Dwg No. PL-202 Rev C**
- **Dailin Altherma 3 H HT Heat Pump**
- **Sandtoft in-roof solar panel brochure**

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development above slab level shall take place until details and/or samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- **location and current canopy spread of all existing trees and hedgerows on the land;**
- **full details of any to be retained, together with measures for their protection in the course of development;**
- **a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- **means of enclosure;**
- **all hard and soft surfacing materials.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1 Classes A, B, C, E, F and G; and Part 2 Class A, shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

Informatives: (2)

7. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

8. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability

Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

42. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.34 pm)

The Officer who has produced these minutes is Matt Hitch of Democratic Services, direct line 01225 718059, e-mail matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Eastern Area Planning Committee
13th June 2024**

Planning Appeals Received between 12/04/2024 and 31/05/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/09440	The Croft, Burr Lane, Shalbourne, Marlborough, SN8 3PT	Shalbourne	Two storey rear extension and associated internal alterations. New three bay garage with accommodation office/over.	DEL	Householder Appeal	Refuse	01/05/2024	No
PL/2023/05818	Boomerang Stables, Crooked Soley, Chilton Foliat, RG17 0TL	Chilton Foliat	Re-use of former equestrian barn to create two dwellings, driveways, landscaping and related infrastructure. Erect a stable block within one of the gardens comprising 10 stables, a tack room, store and hay room. Erect a barn and garage within the same curtilage. Erect a garage within the other curtilage (resubmission of PL/2022/08607)	EAPC	Written Representations	Approve with Conditions	08/05/2024	Yes

Planning Appeals Decided between 12/04/2024 and 31/05/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/09471	Land at High Town, Cross Lane, Marlborough, SN8 1JZ	Marlborough	Erection of a detached dwelling with access, car parking and associated works (resubmission of PL/2021/10968)	DEL	Written Reps	Refuse	Dismissed	19/04/2024	None
PL/2023/01105	Meadow Farm Transport Yard, Brook Street, Great Bedwyn, SN8 3NA	Great Bedwyn	The demolition of the existing commercial and agricultural buildings and replacement with new residential dwellings, together with parking, landscaping and any other associated infrastructure.	DEL	Written Reps	Refuse	Allowed with Conditions	12/04/2024	None
PL/2023/03421	Land at Easton Royal, Burbage Road, Pewsey, SN9 5LS	Easton	Erection of 3no. detached dwellings, car parking and associated works (Outline application relating to access)	DEL	Written Reps	Refuse	Dismissed	18/04/2024	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	13 June 2024
Application Number	PL/2024/02018
Site Address	13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ
Proposal	Change of use of grass verge to residential garden, erection of new boundary walls, and installation of new dropped kerb.
Applicant	Mr Mark Wilmot
Town/Parish Council	Ludgershall
Electoral Division	Ludgershall North & Rural ED – Cllr Christopher Williams
Grid Ref	53.67879, -5.772088
Type of application	Full Planning
Case Officer	Hayley Clark

Reason for the application being considered by Committee

This application is brought to committee at the request of the elected member Cllr Christopher Williams, due to the visual impact of the development and because the land has been purchased from Housing Association to extend the current garden of the property which requires a change of use of the land and the marking of the boundary by either a picket fence or brick wall.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations. Having weighed up the merits of the proposal, it is recommended that planning permission be **REFUSED**.

2. Report Summary

The main issues to consider are:

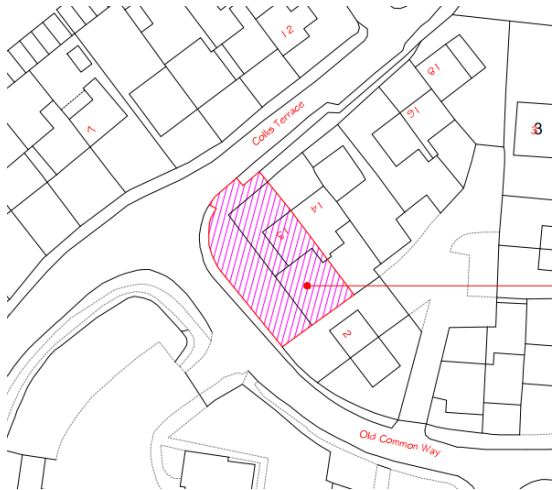
1. Background
2. Visual Impact
3. Residential amenity
4. Highway issues
5. Other considerations

3. Site Description

The application site is located on the south-east side of Collis Terrace within the settlement boundary of Ludgershall. Ludgershall is defined as a Market Town by Wiltshire Core Strategy (WCS) policies CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP26 (Tidworth Community Area).

The site is an end of terrace two storey brick-built dwelling located on a corner plot, with the front/principal elevation facing Collis Terrace and the side elevation parallel to Old Common Way.

Below is an extract from the submitted Location Plan:



The application site has an level enclosed rear garden; it is enclosed with a brick wall with a height of approx 1.80m. To the side and front, the property also benefits from amenity space, enclosed with a low wooden picket fence. Outside of the existing front and side boundaries, the property is bounded by grass verge and open space.

Site photos included below to show the application site and immediate locality.





4. Planning History

K/79/0575/DP Development of 21 houses and 19 bungalows. Approved.

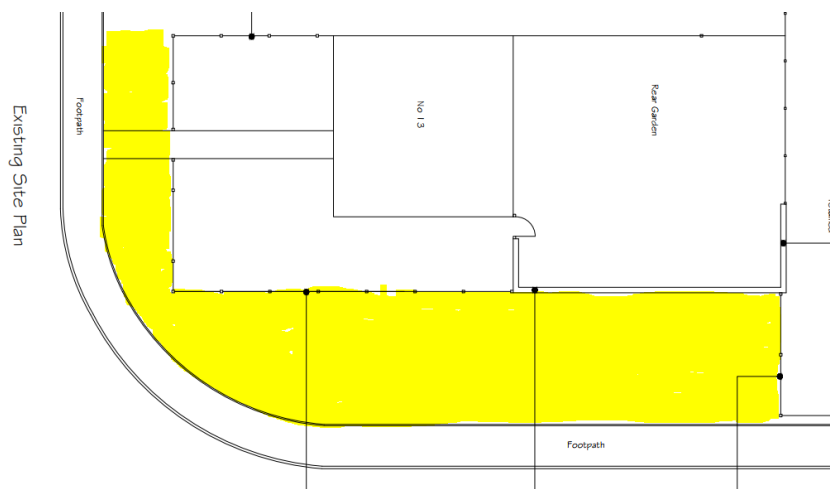
K/79/0070 Residential development. Approved.

K/77/0209/DP Residential development. Approved.

5. The Proposal

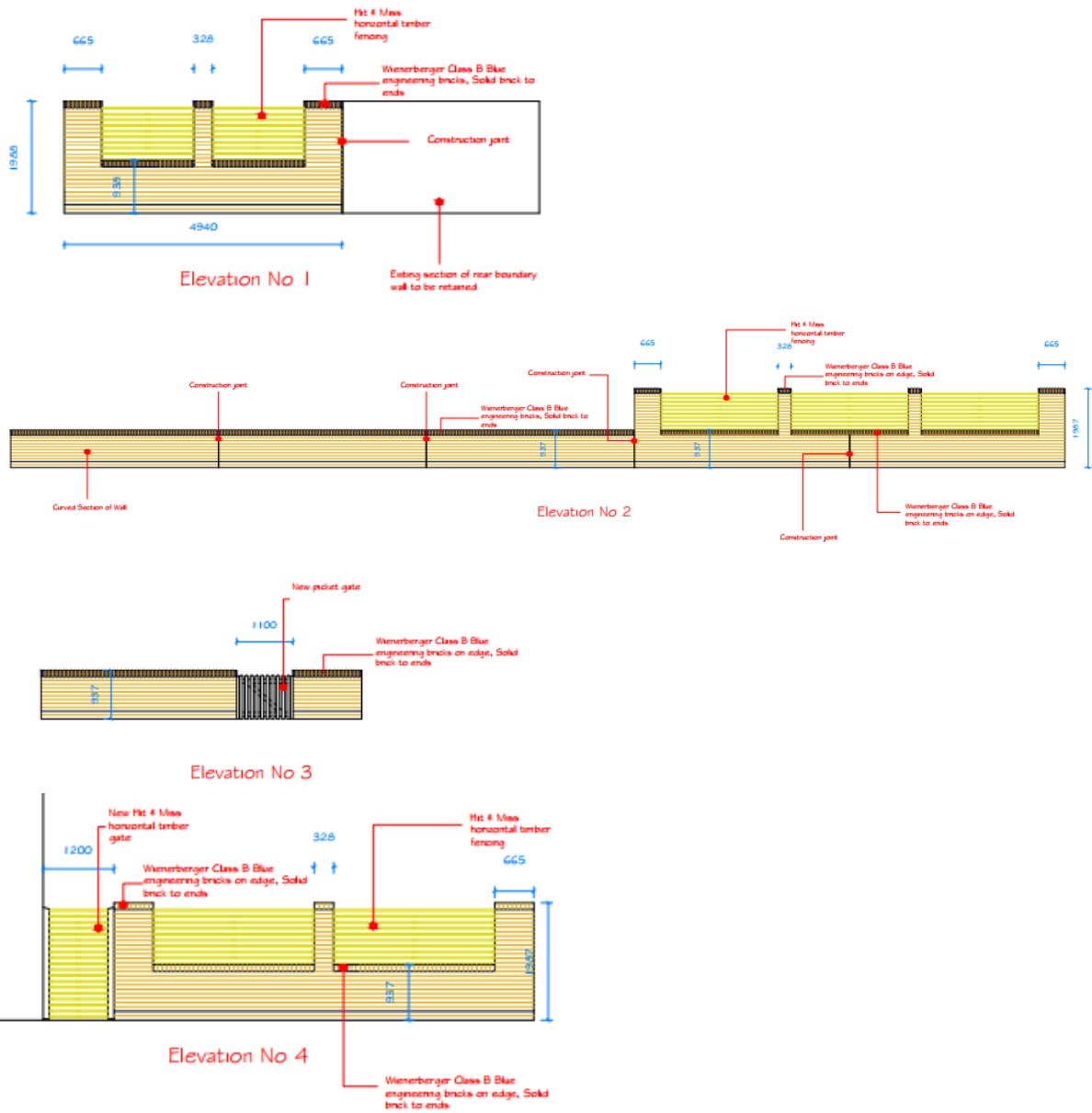
The proposal is a full application for the change of use of grass verge to residential garden, erection of new boundary walls, and the formation of a new dropped kerb.

The grass area proposed for change of use is shown on the annotated existing site plan below with the area shaded yellow (officer's annotation).

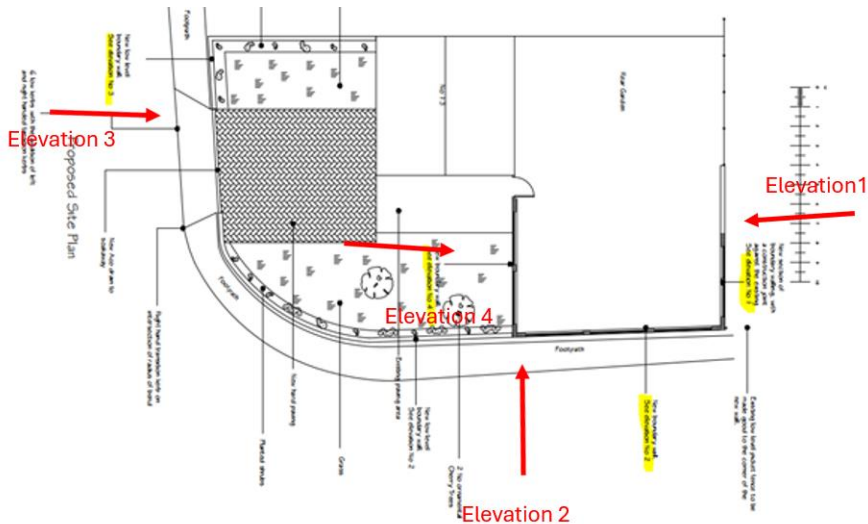


Proposed wall elevations are below - these vary between a low brick wall at a height of approx 1m and a high brick wall at a height of approx. 2m with hit-and-miss horizontal timber

between the brick piers . Location of elevations shown on an extract from the submitted proposed site plan are also included below.



Proposed site plan:



6. Planning Policy

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 National Design Guidance (Planning practice guidance for beautiful, enduring and successful places)

Wiltshire Core Strategy (2015)

Core Policy 1 – Settlement Strategy
 Core Policy 2 – Delivery Strategy
 Core Policy 3 – Infrastructure Requirements
 Core Policy 26 – Spatial Strategy for the Tidworth Community Area
 Core Policy 57 - Ensuring High Quality Design and Place Shaping

Supplementary Planning Documents:

Wiltshire Design Guide

7. Summary of consultation responses

Ludgershall Town Council – Objection

- Concerns over the utility box being on private land
- Concerns over the manhole cover being on private land
- Potential loss of amenity land

WC Highways – No objection

'I note that the proposed vehicle access has been moved further along the front of the site off the radii of the junction, this is now acceptable.

There is a street sign in the existing verge and a utility box at the back edge of the footway on the edge of the verge which need to be considered. The street sign will require moving and must be repositioned. The new location of this street sign must be agreed as part of the Vehicle Access application what is required for the vehicle crossover and details of how to apply for this is attached as an informative.

I recommend that the fence line is kept behind the utility box as I would expect the cost to move this box prohibitive.

I wish to raise no highway objection providing the following conditions are imposed:

The development hereby permitted shall not be first brought into use until splays have been provided on both its sides of the access to the rear of the existing footway based on coordinates of 2.4m x 2.4m. The splays shall always be kept free of obstruction above a height of 600mm.

REASON: In the interests of highway safety.

The development hereby permitted shall not be first brought into use until the first 2m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

Notwithstanding the submitted details, the proposed development shall not be first brought into use until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

The vehicle access and parking spaces shall remain ungated.

REASON: In the interests of highway safety.

Informatives

The application involves the creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

The applicant is advised that, if it is proposed to drain this development directly into the river or carry out any work within 8 metres of the watercourse then a Land Drainage Consent is required from the Environment Agency. For further information see www.environment-agency.gov.uk.

8. Publicity

The application was publicised by neighbour notification to properties immediately adjacent to the site and to the Town Council. No neighbour representations have been received at the time of writing this report but an objection has been received from the Town Council.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. This requirement is reiterated by the NPPF, which is a material consideration in the decision-making process.

9.1 Background

The application has arisen following the applicant's purchase of the area of grass verge outside of the existing residential curtilage to the side and front of the property. It is understood that Aster Group (Housing Association) formerly owed the grass verge associated with this planning application as well as other land in the vicinity but is selling off parts of the green space. When the applicant purchased the land, it is understood that the land was sold with a covenant which stated the land must be used as part of the residential curtilage. However, planning permission is required for the change of use to include the grass verge within the residential curtilage and also to erect the proposed boundary treatment.

Officers have advised that covenants are separate to planning permission and are not a material consideration in assessing planning applications.

9.2 Visual Impact/Impact on the character of the area

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The NPPF places emphasis on good design, and chapter 12 details achieving well designed places.

Para. 131 states that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 135 states that - Planning ... decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Para 139 states that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surrounding

National Design Guide

National Design Guide para 40 states that “Well-designed places are: based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively”

National Design Guide para 43 states that “Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including: the landscape character and how places or developments sit within the landscape, to influence the siting of new development...patterns of built form... the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development...”

Core Strategy

Core Policy 57 states that “a high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality”.

i. enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced;

ii. the retention and enhancement of existing important landscaping and natural features, (e.g. trees, hedges, banks and watercourses), in order to take opportunities to enhance biodiversity, create wildlife and recreational corridors, effectively integrate the development into its setting and to justify and mitigate against any losses that may occur through the development;

iii. responding positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting;

vi. making efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area;

vii. having regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter.)

Wiltshire Design Guide

Wiltshire Council has also recently adopted a Wiltshire Design Guide (25/03/2024). The Design Guide is structured around the '10 characteristics of 'Good design' as described in the National Design Guide, focusing on local priorities and qualities for Wiltshire. There are three 'golden thread's which underpin the Wiltshire design guidance and support the delivery of the Council's strategic aims ('Health, Wellbeing and Community'; 'Sustainability and Climate Resilience' and 'The right homes in the right places').

Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality and applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire. Development is expected to meet a number of related place shaping and design criteria in the policy and new development should enhance/bring a sense of character to the area as a whole.

Assessment

The application site is located within a housing estate in Ludgershall that was constructed in the late 1970's/early 1980's. As part of the design for the estate, areas of green verge or amenity land were included within the approved layout. These areas of grassed open space were excluded from the residential curtilages and contribute to the character of the area, giving relief from the built form.

The application site is located in a prominent position on the corner of two roads. The entrance to Old Common Way has an open feel with the grass verge adding to this openness. Throughout the immediate locality, there are a number of areas of open green space which have purposely not been incorporated into residential curtilages. Officers have concerns that to change this use to residential would erode the character of the estate with the inevitable fencing/walls closer to the road and associated domestic paraphernalia further impacting on the character of the area. It would also be difficult to resist other similar proposals. Officers do acknowledge that should change of use to residential curtilage be allowed then permitted development rights could be removed to prevent further erosion of the character and openness; this could include no hardstanding, outbuildings and fences/means of enclosure.

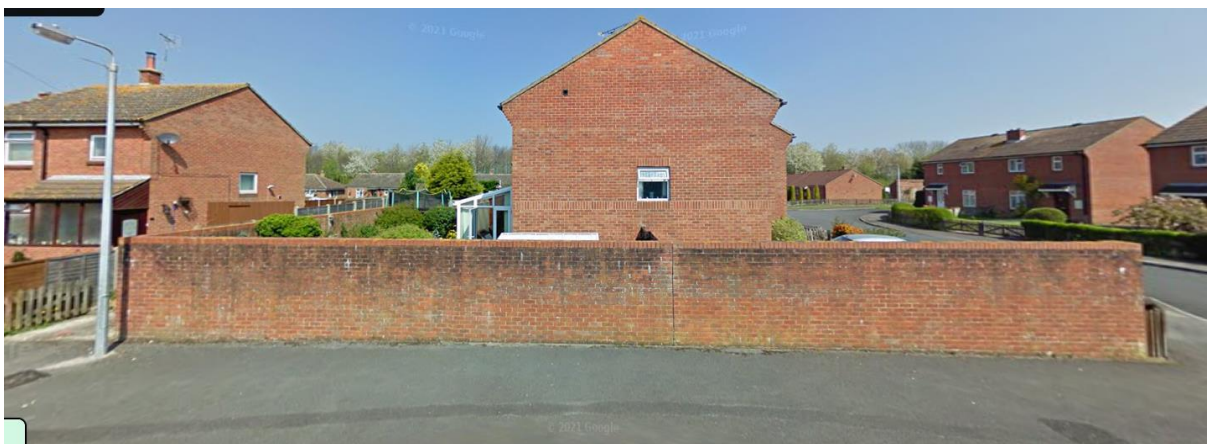
To the front of the property, it is also proposed to enclose the grass strip between the current boundary and pavement. The existing front boundary of the terrace of dwellings which includes 13 Collis Terrace have a similar character with the location of the front fence and grass strip separating the dwellings from the road. It is considered that the erection of a boundary closer to the road and to incorporate the grass strip as well as erecting a wall as per that proposed is at odds with the character of this part of the road and contrary to policy.



The predominant boundary treatment alongside the road or pavements comprises of low picket fences. Whilst there are brick walls of varying heights in the area, these are mainly set back from the road and are not overly prominent. The erection of a 2m high brick wall alongside the pavement edge close to the road would therefore have a visually harmful impact, compounded by the loss of the open green space. Officers are not aware of any other examples of brick with timber hit and miss style fencing in the immediate area; this adds another type of boundary treatment which is at odds with the existing character of the area. Furthermore, the bricks shown on the submitted plans appear to be quite yellowy in colour, again at odds with the more red/brown bricks in the area. That said should the application be approved, a condition can be included to require the brick details to be agreed prior to construction of the wall.

The applicant has cited other properties in the vicinity which they feel have undertaken the same sort of development either through grass verges being incorporated into residential garden or 2m high brick walls alongside the road. The applicant feels that the development proposed is not out of keeping with the local area.

One such example is 20 Old Common Way - see image below taken from Google Maps dated April 2009. Officers cannot find any record of when this wall was built, whether it was part of the original consent or has been added at a later date. It is also not known if any grass verge was incorporated and enclosed into the residential curtilage.



Whilst 20 Old Common Way does have a tall brick wall along side the back edge of the pavement, it is not considered that this is directly comparable to the application site due to its location and context.

The second cited example is 1 Flemming Close – see image below taken from Google maps dated April 2009 which shows a grassed area fenced in. Again, there is no planning history for this site relating to the fence, use of the land or other development.



Again, the above site put forward by the applicant as a reason to grant permission for the proposed development at 13 Collis Terrace is not considered comparable. As mentioned above, it is unknown when the fence was erected however, the design of fence still leaves an open feel to a degree and is very different to the boundary treatment proposed with the current application.

The third cited example is 1 Lady Diana Court. This property is on the opposite side of Old Common Way to the application site and was sold in 2022. Since that time, the grass verge has been incorporated into the residential garden and a picket fence erected. The first image below is taken from Google Maps 2009, which shows the grass verge outside of the then boundary of 1 Lady Diana Court. The second image is the case officer's photo showing the grass area now enclosed with a picket fence.





The works carried out at 1 Lady Diana Court do not have the benefit of planning permission and it is understood that this is now an enforcement matter.

The final example put forward by the applicant is the site on the opposite side of the entrance to Old Common Way. This site is the subject of a current live application (PL/2023/06881) and is yet to be determined. This application shows the retention of soft landscaping in the form of hedges, trees and green space alongside Old Common Way - an extract from the submitted soft landscaping plan is included below.



The above site is not considered to be comparable to the application site; it is a brownfield site which was formerly a residential care home, now demolished, with the above mentioned application for housing under consideration. The site has an existing hedge along its northern edge; this is established and to be retained as well as the trees along the western side of the site. Whilst this site is not technically “open”, it has green emphasis through the soft landscaping and includes a small area of public open space.

Overall, it is considered that the change of use of the open grass verge and incorporation into the residential curtilage, combined with the erection of the proposed boundary treatment is unacceptable for this location since it will create a visually harmful and incongruous addition to the locality which does not preserve or enhance the character of the area.

9.3 Residential Amenity

Criteria (vii) of Core Policy 57 (Ensuring high quality design and place shaping) states that new development shall have regard to “...the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy,

overshadowing; vibration; and pollution (such as light intrusion, noise, smoke, fumes, effluent, waste or litter)".

The application site is located within an established residential area and surrounded by other residential dwellings. The loss of grass verge is unfortunate but the incorporation of this into the residential curtilage is not considered to adversely affect neighbour amenity.

The erection of the boundary wall raises no particular concerns regarding neighbour amenity except for the section of 2m high wall along the rear boundary of the site adjacent to 2 Old Common Way. Currently 2 Old Common Way which fronts Old Common Way. 2 Old Common Way has a front garden laid to lawn with a low picket fence forming the boundary as shown below. The proposed development will see a 2m high wall forming the boundary with 2 Old Common Way to the front up to the road, essentially replacing the low picket fence. The 2m high wall alongside the boundary in this location is considered to be unneighbourly and will impact on the outlook from the front of this property. However, in this instance the impact on neighbour amenity is not considered to be significant enough to warrant a refusal on neighbour amenity grounds.



9.4 Highway issues

The application proposes the creation of a dropped kerb and off-road parking space within the front garden of the property. The Highway Authority has been consulted and has raised no objections on highway safety grounds subject to a number of conditions which should be added to any approval.

The Highway Authority has highlighted the requirement to address the relocation of existing signage which is currently located on the grass verge and has also advised that the wall should be located behind the grey utility box.

Had the application been recommended for approval, revised plans would have been sought to show the wall set back behind the utility box and also to include the ungated entrance with the height of the wall within the visibility splay reduced to 0.60m as advised.

In view of the Highway Authority raising no objection on highway safety grounds and the inclusion of an appropriate condition, officers conclude that a reason for refusal on highway grounds would not be sustainable.

9.5 Other consideration.

The area of grass verge proposed to be incorporated into residential garden currently supports a manhole, grey utility box and two separate road name signs. All of these elements bar the manhole will need to be moved. No details of how and when this will be done have been provided although officers note that this will be part of the vehicle access application. However, officers note that should any changes be required to the location of the boundary treatment as a result of these discussions, a revised application would be required.

The applicant has advised that as part of the covenant on the land, access must be maintained to the manhole in case maintenance or works are required.

Officers have been advised that the applicant is concerned that the area of grass is used by dog walkers and sometimes dog mess is left on the grass; this is unfortunate but is not a material planning consideration which can be taken into account when reaching a decision.

The applicant has also advised that if planning permission is not granted, the area of grass if will be left unkept and unmown. This is the applicant's choice and again is not a material planning consideration.

10. Conclusion (The Planning Balance)

The application site comprises an existing dwelling located within an established residential area. The proposal to incorporate an area of open green space within the residential curtilage is considered to have a negative impact on the character of the area through the loss of openness and green space to break up the built form. Whilst officers understand that the land was bought with the knowledge of the covenant which stated the land must be used as residential garden, this is not a material planning consideration but a civil matter between the applicant and former owner. There are genuine concerns that a precedent will be set by granting permission for this proposed development which will in return see the loss of further open green space on the estate to the detriment of the character of the area. Officers object to the design and scale of the proposed wall which is at odds with the prevailing character of the area where picket fence boundary treatments are the primary boundary treatment which have less visual impact. There are no overriding concerns regarding the creation of the dropped kerb and highway safety. There are also no significant concerns regarding neighbour amenity.

RECOMMENDATION

That planning permission be REFUSED for the following reason:

The proposed change of use of amenity land (grass verge) to residential garden and its associated enclosure with a tall out of keeping brick wall, would have a detrimental impact on the character and appearance of the area both through the loss of open green space and the incorporation of an incongruous boundary treatment. As such, the development is considered to be contrary to Core Policy 57 parts i, ii, iii, iv and vii of the Wiltshire Core Strategy, which requires development to "create a strong sense of place through drawing on

the local context and being complimentary to the locality". The development is also considered to be contrary to the good design aims of the NPPF (para 131 and para 135), National Design Guide (paras 40 and 43) and advice contained within the Council's Supplementary Planning Guidance (the Wiltshire Design Guide).

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WILTSHIRE COUNCIL

AGENDA ITEM NO.

EASTERN AREA PLANNING COMMITTEE

13 JUNE 2024

HIGHWAYS ACT 1980 SECTION 119
WILDLIFE AND COUNTRYSIDE ACT 1981 SECTION 53A

THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 and 8C AND PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2024

Purpose of Report

1. To:
 - (i) Consider the four objections to The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.
 - (ii) Recommend that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs (**SoSEFRA**) with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Relevance to the Council's Business Plan

2. Working with the local community to provide a rights of way network which is fit for purpose, making Wiltshire an even better place to live, work and visit.

Background

3. Wiltshire Council received an application to divert sections of bridleway Ramsbury 6 (RAMS6), footpaths Ramsbury 5 (RAMS5), Ramsbury 8C (RAMS8C) and Little Bedwyn 20 (LBED20) on 5 August 2022 from the landowner Ramsbury SARL, c/o Ramsbury Estate Ltd, Priory Farm, Axford, Marlborough, Wiltshire, SN8 2HA. The application was made under Section 119 of the Highways Act 1980.
4. The landowner has submitted the following statement in January 2023 to expand on the reasons for their application.
 - 1) *The farming of the land is changing from arable cultivations to parkland and with that the associated livestock grazing and movements. Managing land for livestock grazing requires the installation of new field boundaries and fencing to keep the animals safe and for the proper rotational grazing of the grass sward. Part of the reasons for the proposed diversions were to help reduce the potential conflict*

between grazing livestock (sheep and cattle) and users of the public rights of way. By diverting the paths as proposed it enables new fencing and gates to be installed on the parkland for the control and effective management of the grazing livestock. The proposed diverted public rights of way routes would then be unimpeded by these new boundary structures and the livestock would be kept separate from the public rights of way, reducing the risk of livestock escaping through gates being accidentally left open, and confrontation or injury between livestock and members of the public and their dogs.

- 2) *There is a new residential development at Park farm which will increase the volume of traffic using the driveway leading to Park Farm. The proposed diversions help to reduce conflict between the users of the bridleway and vehicle traffic accessing Park farm by providing an alternative route that will have far fewer vehicle movements along it.*
- 3) *The new residential development at Park farm also increases the need for improved security at the property. The provision of security gates on the driveway close to the development to prevent unauthorised vehicular access to the immediate surroundings and residential properties is important for the security of those properties. The current route of the bridleway makes this impractical. The proposed diversion resolves this issue.*
5. The site is subject to planning application PL/2022/07157 for the “*replacement of existing 2 no. dwellings by new house and gate lodge, together with access drive and associated landscape proposals including new pond (amended scheme to that of permission 14/05721/FUL)*”. This planning application was approved with conditions on 23/08/2023.
6. An initial public consultation exercise was conducted regarding the diversion proposals from 12 September 2022 with an initial closing date of 14 October 2022 which was extended, upon request of The Ramblers and latterly Ramsbury and Axford Parish Council, until 4 November 2022. The consultation included Ramsbury and Axford Parish Council, user groups, the Wiltshire Councillor for the area, statutory undertakers, the neighbouring landowner, and other interested parties. The consultation attracted 23 responses, including 16 objections from local residents in the Ramsbury area, an objection from The Ramblers to the diversion of RAMS6 and 8C but not LBED20/RAMS5 and an objection from the neighbouring landowner, Ramsbury Manor Foundation. The Parish Council did object to a section of the proposal, but that section has since been withdrawn and does not feature in the order made; as such, Ramsbury and Axford Parsh Council raised no objection to the contents of the subsequent order which is under consideration today. Wiltshire Bridleways Association stated they did not object and the British Horse Society made suggestions as to the width and surface of the diverted bridleway but raised no objection.
7. A 55 page decision report was written and can be seen in full at [P/2022/010 - Rights Of Way - Wiltshire Council](#). This can be accessed on the Wiltshire Council website within the rights of way page and the public path order register under application reference P/2022/010. This report sets out the background and considers the legal tests set out in Section 119 of the Highways Act 1980 in detail. It considered that in this case the legal

tests for the making of a diversion Order to divert parts of bridleway RAMS6, footpaths RAMS5, 8C and LBED 20 under Section 119 of the Highways Act 1980 were met. Officers consider the proposal is in the interests of the landowner and the alternative routes are not substantially less convenient to the public or impact negatively on public enjoyment of the paths.

8. The proposed diversion also meets other considerations which the Council must take into account such as the provisions of the Rights of Way Improvement Plan, the Equalities Act 2010, the needs of agriculture, forestry and biodiversity and the effect on land on or adjoining the rights of way. The report concluded that at the initial stage the legal tests for the confirmation of the Order appear to be met. However, the report recognised that this is subject to consideration of responses received to the statutory consultation to the legal order once made.
9. The Order was made on 10 January 2024 under Section 119 of the Highways Act 1980 to divert RAMS5,6,8C and LBED20 and Section 53A of the Wildlife and Countryside Act 1981, to amend the definitive map and statement of public rights. The order consultation ran from 16 January 2024 to 16 February 2024 and included the previous consultees and any respondents to that initial consultation. In addition, it was also advertised on site by notices and in the Wiltshire Gazette and Herald on 18 January 2024.
10. Four objections were received to the Order during the statutory consultation period. Those objections being from The Ramblers, Ramsbury Manor Foundation, Mr Steven Little and Mr and Mrs Sheppard. All responses to the made Order can be read in full in **Appendix 3**.
11. Due to the objections received, the Order now falls to be considered by the Eastern Area Planning Committee whose members should consider the legal tests for diversion against the objections received, to decide whether Wiltshire Council continues to support the making of the Order and its subsequent confirmation.
12. Where the Authority continues to support its original decision to make the Order and its confirmation, it should be forwarded to the SoSEFRA for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification, or with modification where appropriate.
13. Where the Authority no longer supports its original decision to make or confirm the Order, it may be withdrawn with reasons given as to why the legal tests for diversion are not met. The making of a public path diversion order is a discretionary duty for the Council, rather than a statutory duty; therefore, the Order may be withdrawn at any time prior to its submission for determination by the Planning Inspectorate on behalf of the SoSEFRA.

Main Considerations for the Council

14. The legal tests that must be applied by Wiltshire Council in considering whether an Order should be confirmed are contained within Section 119 (1) and (2) of the Highways Act 1980. The Council is entitled to further consider the tests for confirmation contained within Section 119(6) at this stage.
15. **Section 119(1)** of the Highways Act 1980 states that:

“Where it appears to a Council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the Council

may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order:

- (a) *create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion, and*
- (b) *extinguish, as from such date as may be [specified in the order or determined] in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the Council requisite as aforesaid.*

An order under this section is referred to in this Act as a ‘public path diversion order’.

16. **Section 119(2)** of the Highways Act 1980 states:

“A public path diversion order shall not alter a point of termination of the path or way:

- (a) if that point is not on a highway; or*
- (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public”.*

17. **Section 119(6)** of the Highways Act 1980 states:

“The Secretary of State shall not confirm a public path diversion order, and a Council shall not confirm such an Order as an unopposed Order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in Sub-section (1) above and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the Order having regard to the effect which:

- (a) the diversion would have on public enjoyment of the path or way as a whole.*
- (b) the coming into operation of the Order would have as respects other land served by the existing public right of way; and*
- (c) any new public right of way created by the Order would have as respects the land over which the right is so created, and any land held with it.*

18. The Council must also have regard to the Wiltshire Council Rights of Way Improvement Plan (ROWIP) - the current plan is entitled Wiltshire Countryside Access Improvement Plan 2015 – 2025 – Rights of Way Improvement Plan 2.

19. The Council must also have regard to the needs of agriculture, forestry, and the conservation of biodiversity.

20. The tests are considered in turn.

S.119(1) – The landowner’s interest

The application and order were made in the interests of the landowner. The current position of footpath RAMS8C and bridleway RAMS6 run near to the property and house which is under construction. As part of the development the land to the south of the property will be converted to parkland with grazing animals, including land over which the current route of RAMS6 runs. The diversion of RAMS6 will reduce any conflict between the public and grazing animals in the parkland and increase the privacy of the property where the bridleway leads up the current driveway to the property. The

diversion of the bridleway will also decrease vehicle interactions with users of the bridleway where it takes the public rights away from a section of the drive leading to the property. The diversion of footpath RAMS8C will be required if the bridleway is diverted to provide a connecting rights of way network. Its diversion will also increase the privacy of the property where its current route will be in close proximity to the garden and house. The diversion of footpath RAMS5/LBED20 will take the route from an overgrown route through woodland to the used constructed track, permitting the landowner to manage the woodland in a more efficient manner.

21. S.119(2) – Location and convenience of termination points

The diversion of the footpaths and bridleway must not alter the termination points of the paths where these are not on a highway and where they are on a highway they must not be altered, other than to another point on the same highway or a highway connected with it, and which is substantially as convenient to the public. The current and proposed starting points and termination points of the diverted paths remain on the same highways and are as substantially convenient to the public.

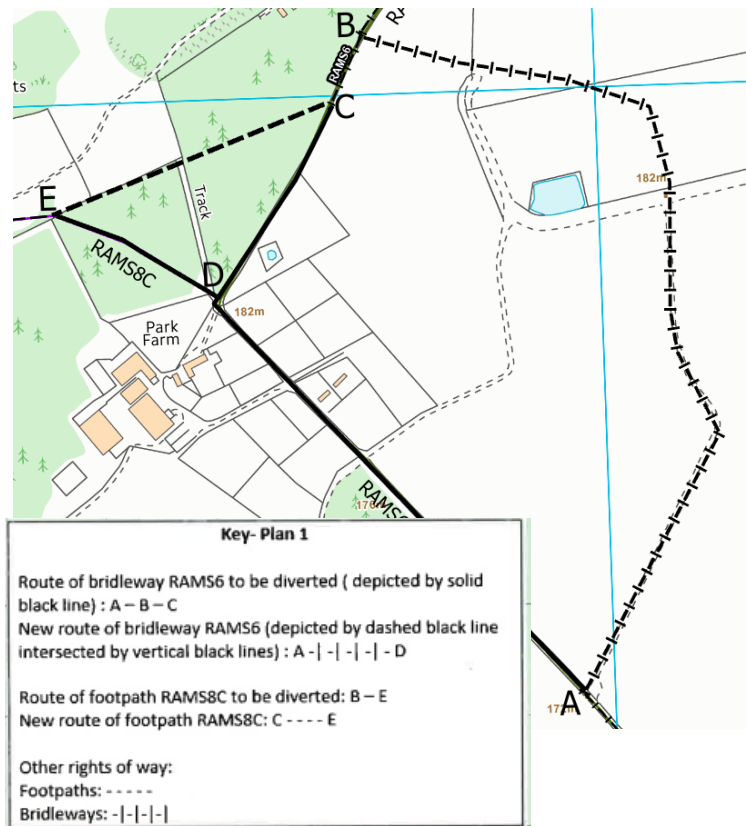
22. S.119(6) – Convenience of the new path

In assessing the relative convenience of the present and proposed routes, consideration has been given to various factors including length, width, surface, and gradient. Each path is taken in turn.

23. The proposed diversion of RAMS5/LBED20 at the southern end of Hens Wood extinguishes approximately 390 metres of footpath and creates approximately 250 metres of footpath. The proposed route is a more direct and natural continuation of the broadly north/ south route of the continuation of the path. The current route of LBED20 has no recorded width and RAMS5 has a recorded width of 1.8 metres, the diversion route will have a recorded width of two metres. The surface of the current route is through an overgrown section of woodland, no clear walked route is visible, the proposed route will have a hard track surface. A kissing gate is proposed on the route to accommodate access where the full width of the track will be obstructed by a field gate installed by the landowner for access management. The diversion of LBED20/RAMS5 is not substantially less convenient to the public. No specific points have been raised in objection to this section of the proposed diversions in relation to its convenience.

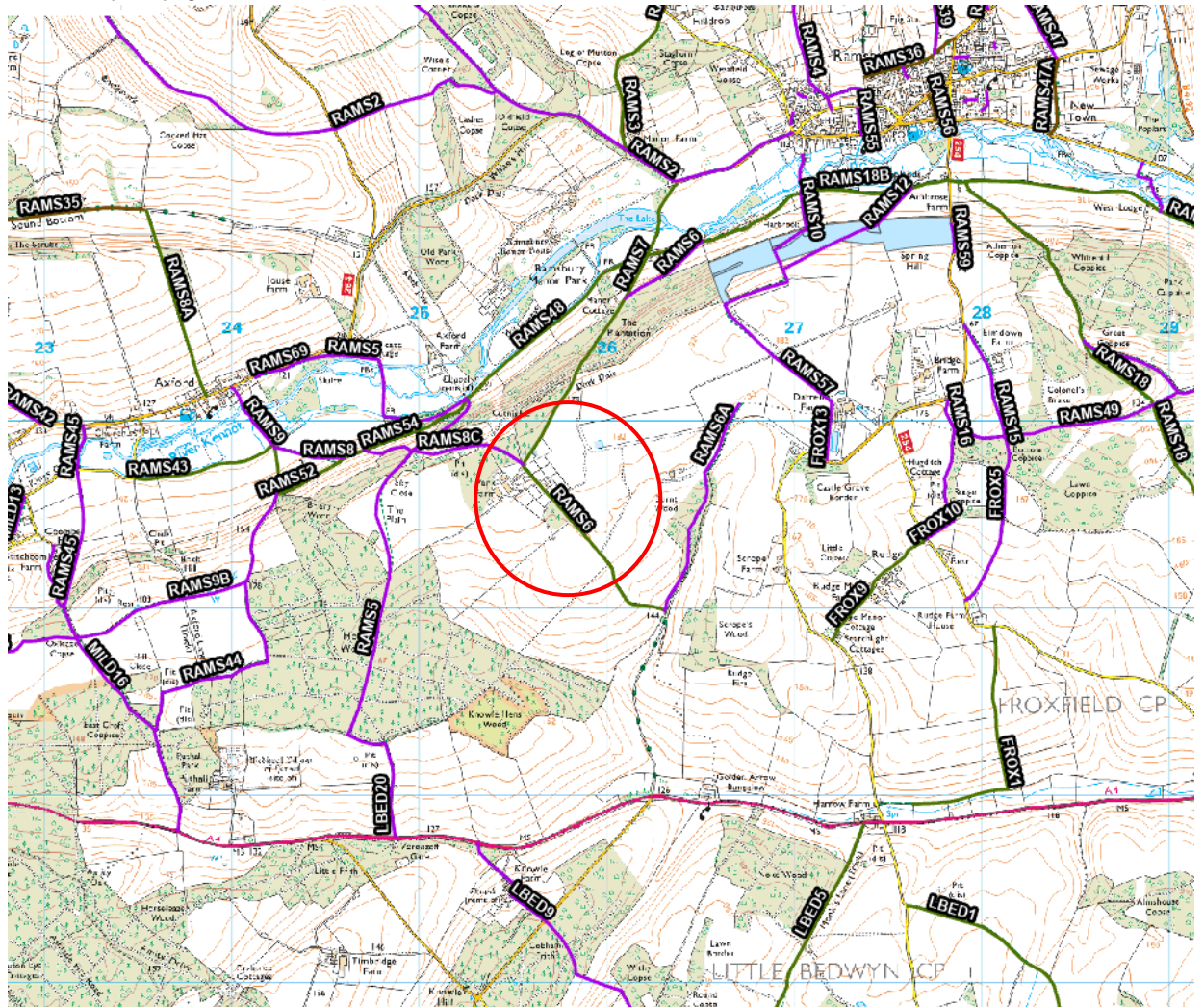
24. The proposed diversion of bridleway RAMS6 applies to extinguish approximately 960 metres of bridleway and create approximately 1,075 metres of bridleway. The diversion would increase the ride of any cyclist or horse rider by approximately 115 metres between point A and B. Due to the lack of any bridleways offering a circular route option any cyclist or horse rider is likely to be on a ride of at least a moderate distance of a number of kilometres to reach this point. An increase in 115 metres is not substantially less convenient and has not been raised as an objection point by any user group specific to bridleway use.

25. The convenience in terms of length of the proposed diversion of footpath RAMS8C and use on foot of bridleway RAMS6 has been raised in objection to the Order. The diversion of RAMS8C can only be considered in conjunction with RAMS6 as they impact upon each other as seen on the below plan and key.

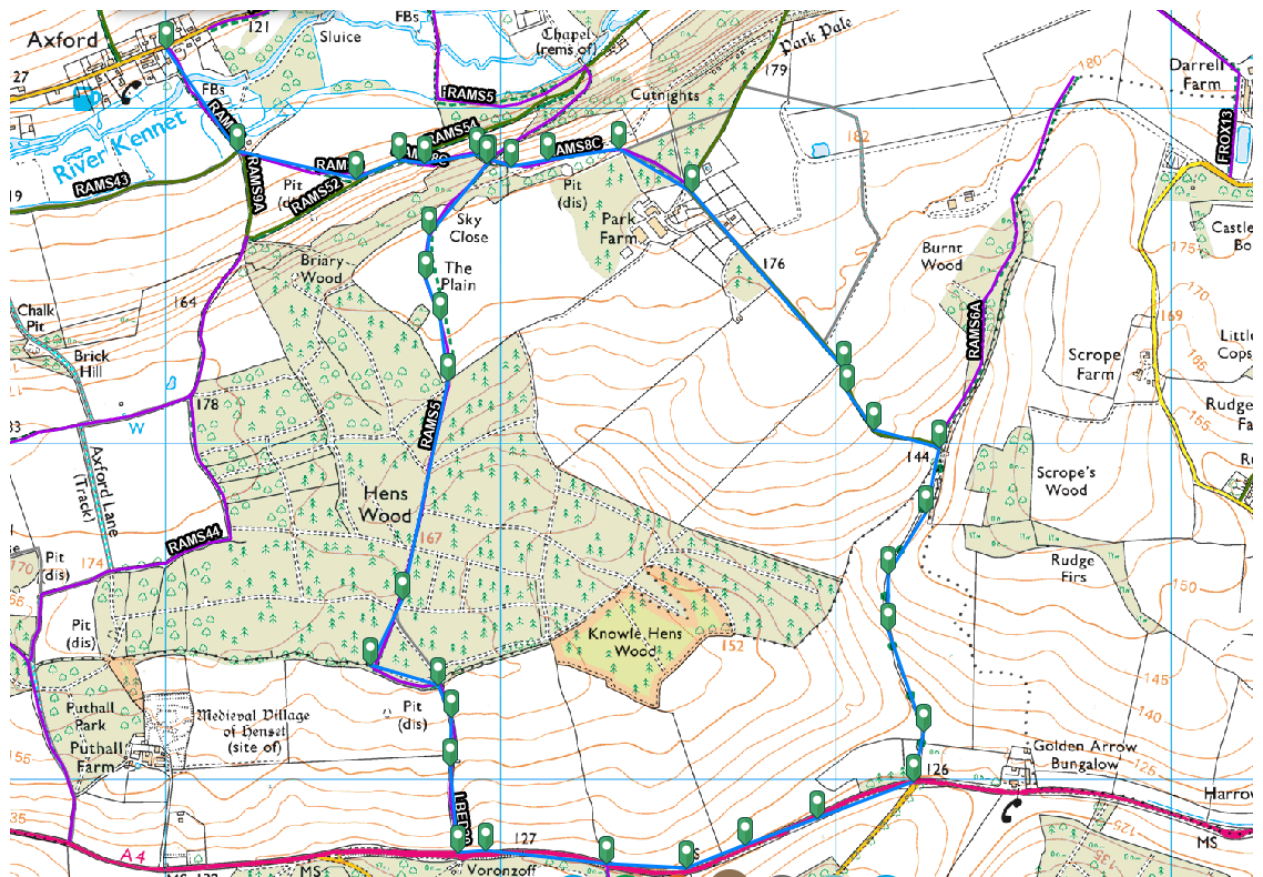


26. A walker arriving at point E, on path RAMS8C, walking south to D and onto point A, would post diversion, need to walk from point E-C-B-A. or in the opposite direction. The current distance between E-D-A is approximately 830 metres. The distance between E-C-B-A is approximately 1,485 metres. The increase in distance for a walker is approximately 655 metres pre and post diversion and has been raised in objection by The Ramblers and Ramsbury Manor. This increase in distance should be taken into consideration with the context of the whole path and surrounding network.

27. The below OS map extract depicts the wider area of the site and the area affected by the diversions of RAMS6 and 8C within the red circle. (footpaths marked by purple lines and bridleways by green lines).



28. To get to point E (on the map at 25 of this report) a walker approaching from the west is likely to have come from, at the closest, Axford, a small population centre to the west of Ramsbury. The most direct route from the village of Axford to point E is using footpaths RAMS9, 8, 8B and 8C, an approximate distance of 1565 metres, which includes a steep gradient. Once reaching point E the start of the diversion route, if the walker desired to continue south to point A, (the point and route raised in objection) currently that is another 830 metres, taking the walk up to that point approx. 2.4 kilometres. Once at point A, to form a circular walk back to Axford, there are no options other than to continue south to the A4 and then west along the verge of the A4 and return north along LBED20 / RAMS5 and back down into Axford. This route is not evidenced by any objector however it would be the shortest possible circular walk to and from Axford using points E and A, subject to the diversion. This circular walk adds another approximately 6.5 kilometres to the total distance walked. In total the shortest possible circular walk to and from Axford using the diversion route, including points A and E is approximately 8.9 kilometres. The diversion would add approximately 655 metres over a 9km walk which includes walking along the 60 mph A4 and a steep gradient. This may be shortened if a walker desired to turn around at point A and retraced their steps. The route described is shown below by green markers.



entrances to the new section of bridleway to stop unauthorised vehicular access on this route. These bollards will be at a minimum spacing of 1.5 metres and will be certified by the countryside access officer. It is noted that the British Horse Society and Wiltshire Bridleways Association have not objected to the Order. The gradient will not discernibly change. The surface and width of the proposed route in comparison to the existing recorded bridleway is not substantially less convenient and has been agreed by the Countryside Access Officer for the area.

33. **S.119(6) – Effect on public enjoyment of the path or way as a whole**

The evaluation of enjoyment is subjective and decision makers can be guided by users of the way in responses to the application and Order. The Order objections raise no specific comments on enjoyment of users when comparing the current route to the proposed routes other than point 4 in Ramsbury Manor Foundations objection. This point raises that the diversion of RAMS8C to its proposed new route will remove the ability of walkers to appreciate the view when approaching point C and the land and view to the north. The following photo show the view approaching point C on its current route looking north as described in the objection.



34. In officers' opinion the view described is restricted by the hedging and trees, not in leaf at the time of the photo in February 2024 (therefore will be restricted even further in warmer periods of the year). Walkers will still reach the stile at point C, post the diversion, and the view offered from the stile albeit approaching from a different direction. There is no clear reduction in enjoyment from a view perspective at this point of the diversion. Views will remain similar in nature from the other parts of the proposed diversions in comparison to the current routes, with views of woodland and countryside. There is no specific vista that will be removed from the public. The new house, gardens and parkland will have an impact on views from the public rights of way but is subject to approved planning permission. The diversion of the public rights of way will have no detrimental effect on views.
35. The Ramblers did raise at the initial consultation phase that *“passing through parkland with grazing animals is likely to be more enjoyable to the public than passing through agricultural land, but the proposed diversion will for the most part deny the public this experience because the planning applications show that views of the parkland will be screened from the diversion route.”* This is a point on which users may disagree upon.

Some users may prefer to walk through livestock to enjoy viewing the animals and some would prefer to avoid fields with livestock to avoid potential conflict, especially users with dogs. The landowners would certainly wish to remove the risk of users interacting with livestock. No other respondents raised specific points on enjoyment of the current routes in comparison to the proposed routes.

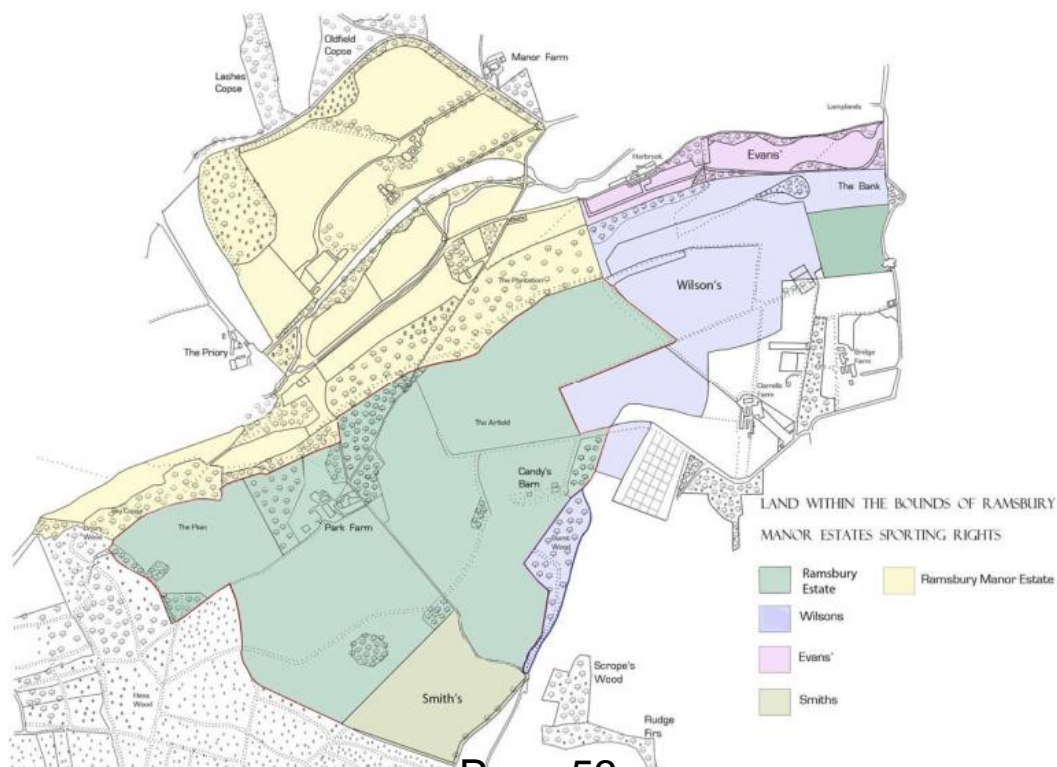
36. Safety and privacy can also be considered under public enjoyment, The safety of the route of RAMS6 for users will be slightly improved where the route would no longer run along the driveway to the property, reducing conflict with vehicles and the previous point of conflict with livestock. From a privacy perspective some users may prefer to be further away from a residential property whilst others may contend this is not an issue for them, no specific points from users have been submitted on this point. It is clear the landowner's privacy would be improved where the public rights would be moved further from the property and removed from the driveway to the house.

37. **S.119(6) (b) – Effect of the diversion on lands served by the existing right of way**

S.119(6) (c) – Effect of any new public right of way created by the Order with respect the land over which the right is so created, and any land held with it

The current and proposed routes of RAMS8C and RAMS6 are subject to sporting rights held by the neighbouring landowner and objector to the order, The Ramsbury Manor Foundation. Those rights are “*subject to the provisions of the Ground Game Act 1880 and the Ground Game (Amendment) Act 1906 of the exclusive right for him or them with his or their friends servants and others of shooting hunting coursing fowling and sporting over and taking all manner of game woodcocks snipe quails landrails hares rabbits and wild fowl and of trapping vermin upon the property hereby conveyed with power to enter thereon for the purposes aforesaid or for preserving or rearing the said game and wild fowl and to take and carry away for his or their own use the game and wild fowl and other animals of the kinds aforesaid there killed and taken.*”

The below map was provided by Mr Bill Hughes representing The Ramsbury Manor Foundation depicting the land subject to their sporting rights. The diversion of RAMS8C and 6 are over land which has sporting rights for Ramsbury Manor.



38. Section 28 and 121 (2) of the Highways Act 1980 set out that compensation may be claimed for loss caused by a public path order and in particular any sporting right that may be affected.

28 Compensation for loss caused by public path creation order

(1) Subject to the following provisions of this section, if, on a claim made in accordance with this section, it is shown that the value of an interest of a person in land is depreciated, or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the coming into operation of a public path creation order, the authority by whom the order was made shall pay to that person compensation equal to the amount of the depreciation or damage.

(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed by regulations made by the Secretary of State and shall be made to the authority by whom the order was made.

(3) For the purposes of the application of this section to an order made by the Secretary of State under section 26(2) above, references in this section to the authority by whom the order was made are to be construed as references to such one of the authorities referred to in that subsection as may be nominated by the Secretary of State for the purposes of this subsection.

(4) Nothing in this section confers on any person, in respect of a footpath or bridleway created by a public path creation order, a right to compensation for depreciation of the value of an interest in the land, or for disturbance in his enjoyment of land, not being in either case land over which the path or way was created or land held therewith, unless the creation of the path or way would have been actionable at his suit if it had been effected otherwise than in the exercise of statutory powers.

(5) In this section " interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

121 Supplementary provisions as to public path extinguishment and diversion orders.

(2)Section 28 above (compensation for loss caused by public path creation order) applies in relation to public path extinguishment orders, rail crossing extinguishment orders, special extinguishment orders, public path diversion orders, rail crossing diversion orders, special diversion orders and SSSI diversion orders as it applies in relation to public path creation orders but as if—

39. The Public Path Orders Regulations 1993 state any claim should be made six months from the coming into force of the Order in respect of which the claim is made and that claim should be made to the authority (Wiltshire Council). This six-month period for a compensation claim would begin following the confirmation of the Order. Any claim would be made to Wiltshire Council; however, costs would be covered by the applicant, Ramsbury S.A.R.L as signed for in their application form and further identified by a deed of indemnity signed between Wiltshire Council, Ramsbury S.A.R.L and Carl Stefan Erling Persson (owners of the land subject to the sporting rights held by Ramsbury Manor Foundation).
40. Ramsbury Manor Foundation has objected to the Order in part due to the perceived effect the diversion of the public rights of way would have on their sporting rights. In particular the diversion of RAMS6 which will introduce a new access “ to an area that forms an important part of the Sporting Rights previously undisturbed by walkers and riders”. Whilst this can be considered in the decision making process to make or confirm a public path order, sections 28 (5) and 121 of the Highways Act 1980 make the

provision for claiming compensation in relation to the effect on sporting rights subject to loss caused by a public path order. If the Order is confirmed Ramsbury Manor Foundation may make a claim as set out in section 28 (5) and an independent body would settle the amount to be paid in compensation, fairly valuing the actual loss caused to their sporting rights by the diversion order.

41. Ramsbury Manor Foundation has also raised in objection that the diversion of path RAMS8C will place the new route under mature trees in their ownership where they overhang the proposed path on the applicant's land. This may increase their liability in terms of a claim in the event of an accident caused by falling trees.
42. The photo below depicts the trees mentioned in the objection. The new path would lead along the green route seen.



The diversion of RAMS8C will place the path along the border between the two landowners and potentially in an impact zone for falling debris from the mature trees in the ownership of Ramsbury Manor Foundation. Wiltshire Council's Tree and Woodland Officer Jon Price has assessed the potential risk and states within his assessment "*it is unlikely that the diversion would result in a significantly elevated acceptable risk tolerance score*". See full assessment at appendix 3.

43. **Consideration of the Rights of Way Improvement Plan**

Wiltshire Council's rights of way improvement plan (ROWIP) is entitled Countryside Access Improvement Plan 2015 – 2025. ROWIP Appendix 8 – Strengths, weaknesses, opportunities and threats assessment of the Countryside Access Network, Weaknesses, W1 states:

"The network is largely historic and although it has evolved, in places it does not meet the present and likely future needs of users and potential users". objectors have stated the paths should not be moved as they are historic. It is recognised paths have historic value and if a route had specific characteristics or features on its route then this would be taken into consideration. The routes proposed to be diverted do not have any specific

historically significant features that have been raised by objectors or that are obvious to officers. The ROWIP recognises paths can be moved for present needs and Section 119 of the Highways Acts facilitates the diversion of public rights of way.

44. ROWIP 2 recognises the Council's duty to have regard to the Equality Act 2010 and to consider the least restrictive option: At 4.1 page 16 it states "*..consider the needs of those with mobility impairments when maintaining the network and authorising structures (e.g. stiles and gates) on the rights of way network and seek improvements to existing structures where it would be beneficial (Equality Act 2010).*" The considerations above are met in this case. The surface of the proposed routes will improve in comparison with the current routes of LBED20/RAMS5, diverting from a soft woodland surface to a hard all-weather surface. The diversion of RAMS6 will provide a hard all weather surface catering for all users. The diversion of RAMS8C will not be detrimental in terms of surface of the right of way, with a natural surface on the proposed and existing routes. Kissing gates will be installed where possible to improve access, no new stiles will be authorised by any Order subject to this application. The proposed diversions do not have a detrimental effect on any users with mobility issues and in the case of LBED20/RAMS5 the proposals are a clear improvement.

45. **Regard to the needs of agriculture, forestry, and conservation of biodiversity**

There is no identified likely adverse impact on biodiversity, agriculture, or forestry as a result of the proposed diversion.

Further Comments on Objections

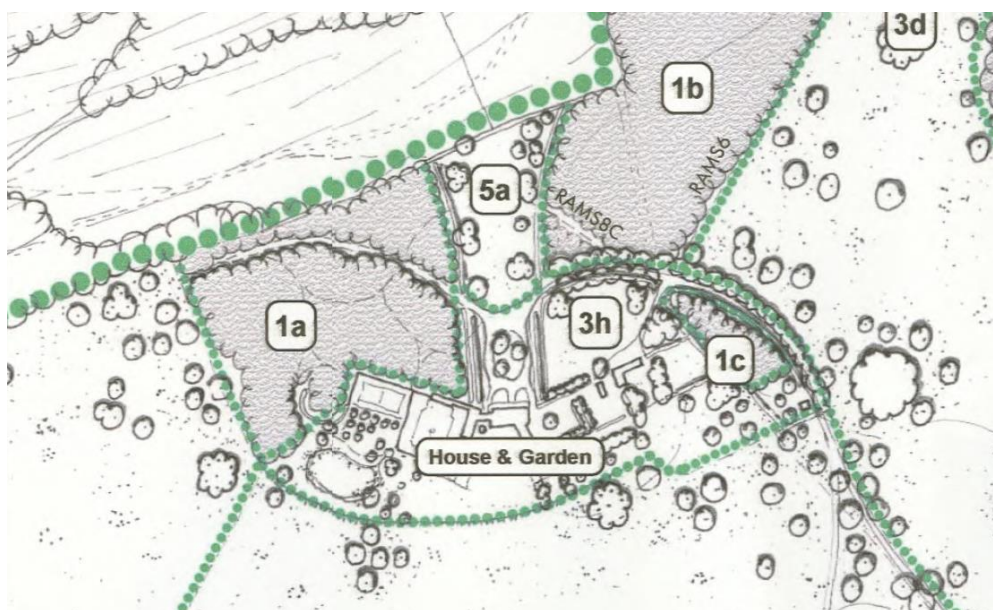
46. All objections can be seen in full at **Appendix 2**.
The objection from David and Carolyn Sheppard states "*the footpaths and bridleways has been here for many years, and we feel strongly that these ancient rights of way should not be relocated for personal gain...*" The legislation under which this Order is made recognises that rights of way can be moved, and a landowner may apply to do so. An Order can be made in the interests of the landowner as this Order is and further tests are applied in relation to public convenience and enjoyment when considering the confirmation of that Order. Mr and Mrs Sheppard do not raise any specific points to consider as to the benefits or otherwise of the proposed routes in comparison to the existing routes. Further comments are made in relation to other paths in the area and lack of maintenance, further details were requested from Mr and Mrs Sheppard to address any specific concerns with other paths, but no response was received.
47. Mr Steven Little, a resident of the Ramsbury area, has objected to the Order. In his objection he raises no specific points as to the benefits or otherwise of the proposed routes in comparison to the current routes. He states that the bridleways and footpath around Park Farm go back in history and are used and enjoyed by locals and visitors and therefore he would like to object to any diversion. Legislation exists for landowners to apply to divert public rights of way and is then subject to the relevant tests set out in legislation. Officers are unaware of any specific historic significance over the current routes proposed to be diverted. Comments in relation to the impact of the new house and grounds will have on the local area are also made. Planning permission for the house and grounds has been granted and this diversion order is a separate matter to consider on its merits or otherwise.
48. Peter Gallagher, in his role as Footpaths and Walking Environment Officer, objected to the Order on behalf of the Ramblers. Part of the objection raised is in relation to the diversion of RAMS8C and RAMS6 not meeting the requirement of s.119(6) that the path or way must not be substantially less convenient to the public in consequence of the diversion. In particular, the increase of distance of over 650 metres to a walker using

RAMS8C and RAMS6 is raised. This is addressed in detail in this report at 24-29 of this report. The objection states the Ramblers *“do not agree that the not substantially less convenient test should be assessed in the context of an assumed total walking distance which will inevitably vary between users.”* Officers concur that total walking distance will vary between users but at this location a very high proportion of users (if not all) who will be impacted by the increase of distance to walkers between points E and A will come from Axford, there is no other centre of population a walker can reach point E from to be impacted. If a user approaches from Ramsbury this increase in length is not a factor to those users wishing to get to point A. There is no other circular walk a user can take, using E-A using public rights of way other than the one indicated at 28 of this report. If a walker is wishing to do a linear route, i.e. return the same way they came then the increase in distance to point A will not negatively affect their walk, unless point A was a point of destination or interest which there is no evidence for. No individual user has objected to the increase in length claiming use of that actual route.

49. Further to the above points regarding the increase in distance, an inspector, C Beeby, appointed by the SoSEFRA to determine The Wiltshire Council Parish of Calne Without Bridleway 89 (part), 89A and 89B Diversion Order and Definitive Map and Statement Modification Order 2019, confirmed that Order on 5 July 2023 (reference ROW/3273510). In the inspector’s decision report on that Order, they considered the matter of an increase in length of the path as a result of the diversion and whether it therefore did not meet the not substantially less convenient test. At paragraph 24 of the decision report C Beeby states *“The length of the proposed path would be greater than twice that of the existing paths, increasing travel time for users. The Order would consequently increase the distance between the existing paths termini by a substantial degree. The additional distance may affect the convenience of the path for users with mobility issues, as referred to by an objector.”* The inspector continues at paragraph 25. *“Nevertheless, as a route connecting lanes serving countryside hamlets, the path as a whole is less likely to be used for errands or for commuting to other locations, and more likely to be used for leisure purposes as part of a longer journey. Therefore, in increasing the travel time between the routes termini, the Order is unlikely to adversely affect the convenience of the majority of users”.*
50. In the case referenced above the inspector, as part of their decision, confirmed a diversion order in Wiltshire in 2023 which as a result of the Order increased the length of the path by greater than twice that of the existing path. Whilst the Calne Without case was dealing with shorter distances than the increase of approximately 655 metres in this case, (for the one route, for walkers from point E - A) the percentage increase is less than the increase in distance accepted by the inspector in the Calne Without case. It is also noted that the inspector’s reasoning for accepting the more than twice increase in length was partly due to the rural nature of the route and the likely use of the route as a leisure walk rather than a utility route. The Calne Without route, in the hamlet of Calstone Wellington, is far closer to properties and potential users than the case under consideration in Ramsbury, which as detailed is approximately 2km from the nearest settlement and users. For the reasons set out, officers believe the increase in length in this Order would not be prohibitive to the Order’s confirmation.
51. The Ramblers also state *“we do not believe that the 2023 “presumption” guidance applies to this case. RAMS6 does not path through a farmyard or garden and is not within the curtilage of any individual property”.* DEFRA released guidance in August 2023 entitled ‘Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises’. This guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm, should the Order satisfy the relevant legislative tests. This 2023 guidance may apply to

this application where bridleway RAMS6 leads along the driveway to the residential property and passes in close proximity to the house and gardens, which may form part of the curtilage of that property.

52. Additionally, the construction of the new house and gardens encompasses part of RAMS6 into the extended area considered part of the House and Garden. The below plan is taken from the Section 106 agreement as part of planning permission PL/2022/07157 showing landscape compartments. The route of RAMS6, which leads over the track shown under 1C on the plan is within the boundary marked by green circles and labelled 3h which is "House Hedges" and within the area classified as House and Gardens.



53. The guidance may apply to this case as the route of RAMS6 may be within the garden and curtilage of the property; however, the confirmation of the Order is not reliant on this guidance being applicable.
54. The Ramblers do not object to the diversion of RAMS5/LBED20.
55. The Ramsbury Manor Foundation objected to the Order. They raise five points in their objection. The first of which relates to the impact on their sporting right over the land as a result of the diversion order. This matter is discussed at 37- 40 of this report, where the legislation allows compensation to be claimed specifically for the actual loss to sporting rights as caused by the diversion order, which would be the appropriate mechanism to fairly value the loss to sporting rights as a result of the diversion. The second point regarding the increase in distance for users has been discussed at length in this report at 24- 29 and 48-50. The third point is the installation of bollards on the bridleway which will restrict their staff exercising their sporting rights. The bollards will be lockable by either a key or code , any legal users of the bridleway will be given the key or code to open the bollards, this has been confirmed by the landowner and applicant and the countryside access officer. The fourth point raised regarding the negative affect on the view from point C is discussed at 33-34 of this report, officers do not believe the diversion has a negative affect on views in general and at this specific point as demonstrated by the photo at paragraph 33. The fifth point regarding Ramsbury Manors trees overhanging the new path is discussed at paragraph 42 and **Appendix 3** of this report and officers are guided by the Tree and Woodland officers' assessment.

Overview and Scrutiny Engagement

56. Overview and scrutiny engagement is not required in this case.
CM10168

Safeguarding Considerations

57. There are no safeguarding considerations associated with the confirmation of the making of this Order.

Public Health Implications

58. There are no identified public health implications which arise from the confirmation or the making of this Order.

Corporate Procurement Implications

59. In the event this Order is forwarded to the SoSEFRA there are a number of potential requirements for expenditure that may occur, and these are covered in paragraphs 63-66, of this report.

Environmental and Climate Change Impact of the Proposal

60. There are no environmental or climate change concerns associated with the confirmation of the making of this Order. This is wholly rural and recreational route and is unlikely to form any part of a sustainable transport route now or in the future.

Equalities Impact of the Proposal

61. Issues with accessibility have been addressed in the report at paragraph 44.

Risk Assessment

62. There are no identified risks which arise from the confirmation of the making of the Order. The financial and legal risks to the Council are outlined in the “Financial Implications” and “Legal Implications” sections below.

Financial Implications

63. The applicant has agreed to pay all the Council’s costs associated with the making of the Order, with the advertisement of the confirmed Order and with the creation of the new path, including the costs of any works required. However, Wiltshire Council is not empowered to charge the applicant any costs related to forwarding the application to the SoSEFRA for confirmation by the Planning Inspectorate and accordingly will have to fund these from existing rights of way budgets. Where an application for an Order is refused no costs are payable by the applicant. Where an Order is made but latterly refused by committee or SoSEFRA the costs incurred by the Council will be charged to the applicant, that being the advertising costs of the Order.
64. Where the land is subject to sporting rights compensation may be claimed if the Order is confirmed. However as described at 37 – 39 of this report any costs associated with this will be met by the applicant.
65. Where there are outstanding objections to the making of the Order, the Committee may resolve that Wiltshire Council continues to support the making and confirmation of the Order. The Order will then be determined by the Planning Inspectorate by way of written representations, local hearing, or local public inquiry, all of which have a financial implication for the Council. If the case is determined by written representations the cost to the Council is negligible; however, where a local hearing is held the costs to the Council are estimated to be around £200 if no legal representation is required and £1,000 to £3,000 where the case is determined by local public inquiry with legal representation. If SoSEFRA requests a public inquiry, additional costs may be incurred

to the Council in hiring an appropriate venue and providing equipment to facilitate virtual attendance where requested.

66. There are no costs associated with the Council resolving to abandon the Order though the decision may be subject to judicial review and the Council may incur associated costs as a result of that action (see Legal Implications below).

Legal Implications

67. Where the Council does not support confirmation of the making of the Order and resolves to abandon it, clear reasons for this must be given and must relate to the legal tests contained within Section 119 of the Highways Act 1980. The applicant may seek judicial review of the Council's decision if the process followed is seen as incorrect. The cost for this may be up to £50,000.

Options Considered

68. Members may resolve that:
- (i) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation as made.
 - (ii) The Order is forwarded to the Secretary of State for Environment, Food and Rural Affairs for confirmation with modifications.
 - (iii) The Order is revoked and abandoned.

Reason for Proposal

69. Unless the objections and representations are withdrawn the Order must be forwarded to the SoSEFRA for determination if it is to be confirmed.
70. It is considered that in this case the legal tests for the making of a diversion order to divert paths Ramsbury 5, 6, 8C and Little Bedwyn 20 under Section 119 of the Highways Act 1980 were met, and the additional legal tests for confirmation have also been met.
71. The Order is made in the interests of the landowner for privacy reasons and to reduce the conflict between users, livestock, and vehicle movements. The diversions are not considered to be substantially less convenient to the public or have a negative effect on public enjoyment and have a minimal detrimental impact on land on or adjoining the rights of way. Where the diversion may affect sporting rights held by Ramsbury Manor Foundation, legal instruments are in place for compensation to be claimed in regard to those sporting rights if an Order comes into force. The ROWIP, equalities Act, biodiversity, agricultural and forestry concerns have been considered and are not negatively impacted as a result of the diversions. The diversions benefit the public by adding a recorded width for the paths, of at least two metres for a footpath and four metres for a bridleway, where currently the recorded widths are narrower. The surface and furniture will cater for all users and all weathers.

Proposal

72. That the Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024 is forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that it be confirmed as made.

Samantha Howell

Director – Highways and Transport

Report Author:

Craig Harlow

Definitive Map Officer

Appendices:

Appendix 1 - Order and Order Plan

Appendix 2 - Objections to the order

Appendix 3 – Tree and Woodland Officers Technical Note

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**PUBLIC PATH DIVERSION
AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER
HIGHWAYS ACT 1980 – SECTION 119
WILDLIFE AND COUNTRYSIDE ACT 1981 – SECTION 53A (2)**

**THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH Nos. 5, 6 AND 8C AND
PARISH OF LITTLE BEDWYN PATH NO.20 DIVERSION AND DEFINITIVE MAP AND
STATEMENT MODIFICATION ORDER 2024**

This order is made by Wiltshire Council (“the authority”) under section 119 of the Highways Act 1980 (“the 1980 Act”) because it appears to the authority that in the interests of the owner of the land crossed by the public rights of way described in paragraph 1 of this order it is expedient that the lines of the paths should be diverted.

This order is also made under section 53A(2) of the Wildlife and Countryside Act 1981 (“the 1981 Act”) because it appears to the authority that the Marlborough and Ramsbury Rural District Council Area Definitive Map and Statement dated 1952 require modification in consequence of the occurrence of an event specified in section 53(3)(a)(i) of the 1981 Act, namely, the diversion (as authorised by this order) of a highway shown or required to be shown in the map and statement.

Ramsbury and Little Bedwyn Parish Councils have been consulted as required by section 120(2) of the 1980 Act.

BY THIS ORDER:

1. The public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW and shown by bold continuous lines on the two plans contained in this order and described in Part 1 of the Schedule to this order shall be stopped up on such date as the authority certifies that the work bringing the new site of the paths into a fit condition for use by the public has been carried out and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by deleting from it those public rights of way.
2. There shall at the end of 56 days from the date of confirmation of this order be public rights of way over the land situate at Park Farm, Ramsbury, SN8 2HW, in the parishes of Ramsbury and Little Bedwyn as described in Part 2 of the Schedule and shown by a bold broken lines on the plans contained in this order, and thereupon the Marlborough and Ramsbury Rural District Council Area Definitive Map dated 1952 shall be modified by adding those public right of way to it.
3. The Marlborough and Ramsbury Rural District Council Area Definitive Statement dated 1952 shall be modified as described in Part 3 of the Schedule to this order.
4. Where immediately before the date on which the public rights of way are diverted there is apparatus under, in, on, over, along or across them belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL OF
THE WILTSHIRE COUNCIL
was hereunto affixed this
19th January 2024
in the presence of:

}
}
}
}


Authorised Signatory
Wiltshire Council



20477

SCHEDULE

PART 1

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That entire width and length of that public right of way shown leading, from point A on the attached plan 1 at OS Grid Reference SU 25971 69301, in a north westerly direction for approximately 625 metres to point B at OS Grid Reference SU 25556 69768 then north easterly for approximately 260 metres to point C at SU 25698 70004 ,known as Ramsbury path no. 6.

Also, the entire width and length of that public right of way shown leading ,from point B on the attached plan 1 at OS Grid Reference SU 25556 69768, in a broadly north westerly direction for approximately 210 metres to point E at OS Grid Reference SU 25373 69870, known as Ramsbury path no. 8C.

Also, the entire width and length of that public right of way shown leading, from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, in a westerly and west by north direction for approximately 210 metres to point G at OS Grid reference SU 24622 68327 then leading in a broadly north north easterly direction for approximately 180 metres to point H at OS Grid Reference SU 24688 68492, known as paths Little Bedwyn 20 and Ramsbury 5.

PART 2

DESCRIPTION OF SITE OF NEW PATH OR WAY

That length of public bridleway leading from point A on the attached plan 1, at OS Grid Reference SU 25971 69301, leading in a broadly north easterly , then northerly and then broadly westerly direction for a total of approximately 1075 metres to point D at OS Grid Reference SU 25734 70066, having a width of 4 metres.

Also, that length of public footpath leading from point E on the attached plan 1 at OS Grid Reference SU 25373 69870, leading in a broadly north easterly direction for approximately 340 metres to point C at OS Grid reference SU 25698 70004, having a width of 2 metres.

Also, that length of public footpath leading from point F on the attached plan 2 at OS Grid Reference SU 24823 68283, leading in a broadly north westerly direction for approximately 250 metres to point H at OS Grid Reference SU 24688 68492, having a width of 2 metres.

PART 3

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Little Bedwyn	20	<p><u>FOOTPATH.</u> From the southern end of Ramsbury Path No.5 leading south to the London- Bath trunk road, A.4, opposite Voronzoff Gate.</p> <p>Approximate length 510 metres.</p> <p>Width 2 metres from SU 24823 68283 and SU 24819 68289</p>	53(3)(a)(i)
Ramsbury	5	<p><u>FOOTPATH.</u> Northern section known as Raggs Hatches. From its junction with the Marlborough Road C.6 at the Gravel Pit, leading east for approximately 350m and then heading in a generally southerly direction, across a bridge, for approximately 50m, before leading east for approximately 5m and south-south-east for approximately 100m, then leading south, crossing a bridge, for approximately 160m, continuing east for approximately 160m, then east-north-east for approximately 160m, before following a line north-east to its junction with Bridleways 48 and 54, where the path forks i) leading north-west for approximately 20m to join the track south of Axford Farm and ii) leading south-east for approximately 30m, then south-west for approximately 640m and then generally south-south-west and then south east to the parish boundary.</p> <p>Approximate length 3.2 km</p> <p>Width 1.8 m</p> <p>Width 2 metres between SU 24819 68289 and SU 24688 68492.</p>	<p>53(3)(a)(i)</p> <p>Part subject to ploughing.</p>

PART 3 (Continued)

MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury (Continued)	5	<p>Limitations and conditions</p> <p>Kissing gate to BS5709 standard at SU 24809 68310</p>	53(3)(a)(i)
Ramsbury	6	<p>FOOTPATH. From path No.48, south-west of Park Town leading south west to the junction With path No.7. Approximate length 500m. Width 1.5m.</p> <p>BRIDLEWAY. From the junction with path No.7 Near Manor Cottage and continuing south west through The Plantation to SU 25734 70066 then leading east south easterly , then broadly south, and south south westerly along the track to SU 25971 69301. The path then leads in broadly south easterly direction to the parish boundary and its junction with the northern end of road U/C 5091 and path 6A. Approximate length 2.3 km Width 1.5m Width 4 metres between SU 25971 69301 and SU 25734 70066.</p> <p>Limitations and conditions</p> <p>Lockable vehicle restricting bollards at SU 25971 69301 , SU 26078 69879 and 25734 70066 at minimum 1.5m spacing.</p>	53(3)(a)(i)

PART 3 (Continued)

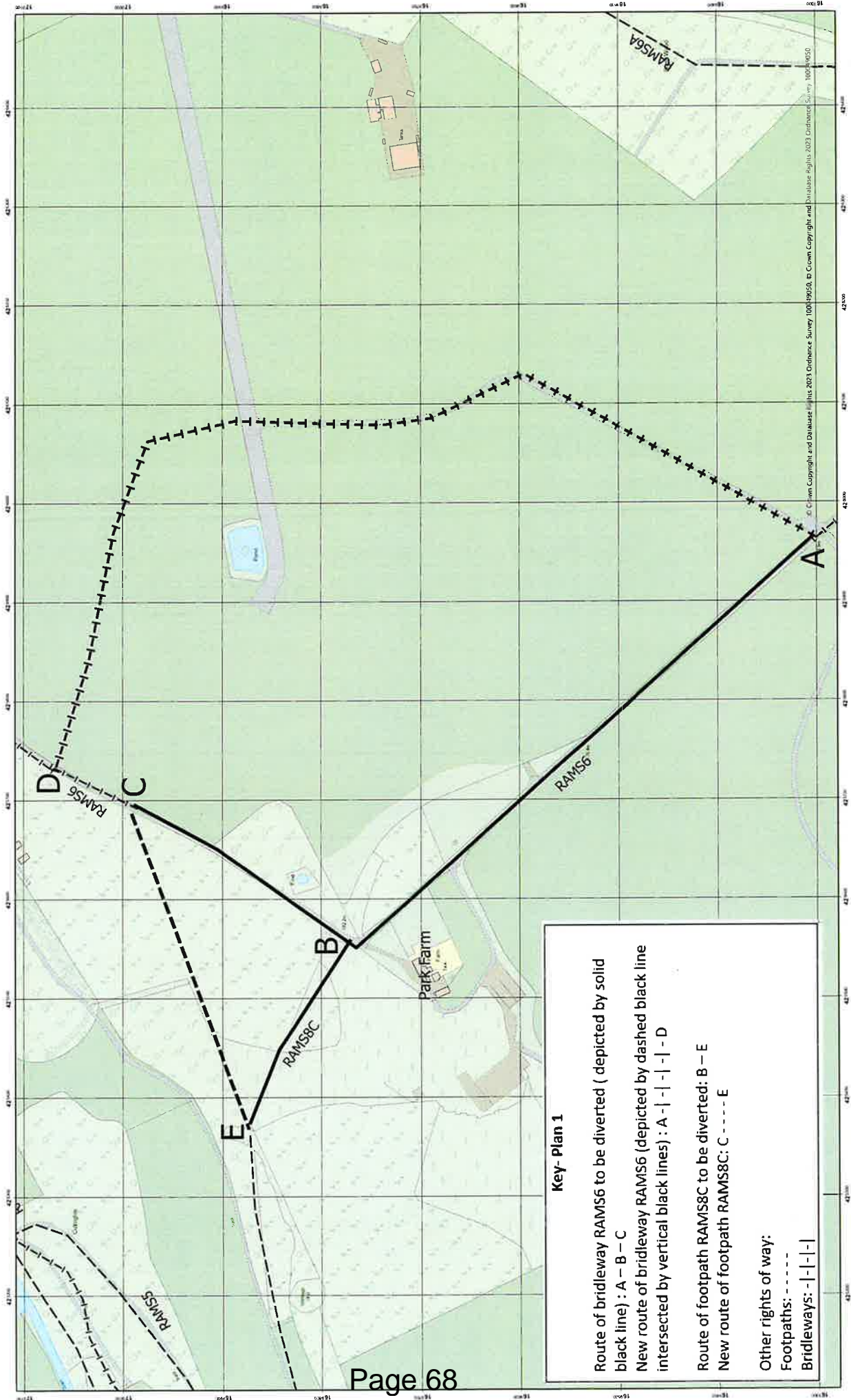
MODIFICATION OF DEFINITIVE STATEMENT

Variation of particulars of path or way

<u>Parish</u>	<u>Path No.</u>	<u>Modified Statement to read:-</u>	<u>Modified under Section 53 (3) as specified</u>
Ramsbury	8C	<u>FOOTPATH.</u> From the junction of path Nos. 8B and 54 leading east along the northern side of Sky Close then south east , crossing path no.5 , and then east by north to its junction with path no.6. Approximate length 1025 metres Width 1.2 metres. Width 2 metres between SU 25374 69871 and SU 25698 70004	53(3)(a)(i)

Limitations and Conditions

Kissing gate to BS5709 standard at SU 25698 70004



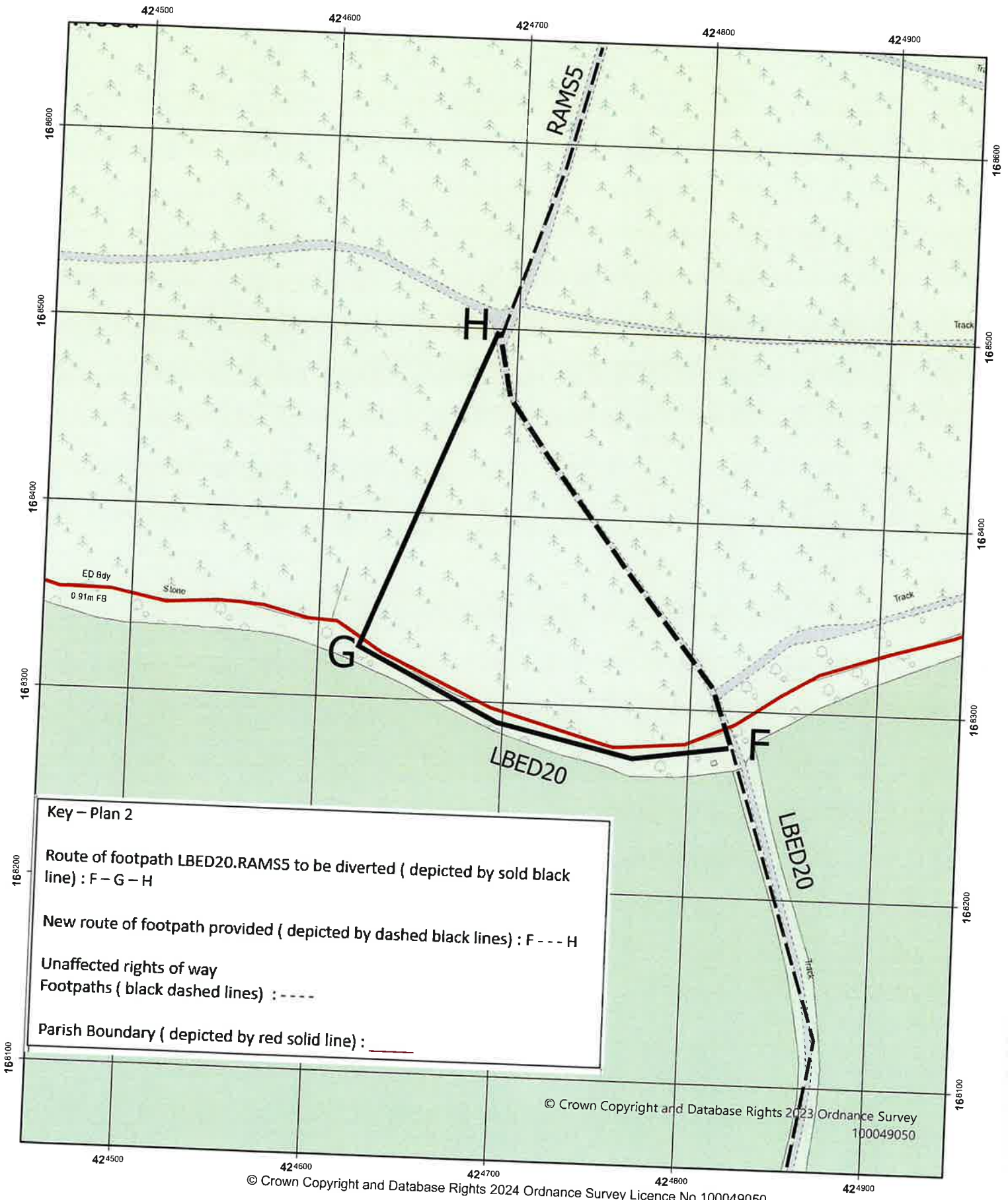
Key- Plan 1

Route of bridleway RAMS6 to be diverted (depicted by solid black line) : A – B – C
New route of bridleway RAMS6 (depicted by dashed black line intersected by vertical black lines) : A – | – | – | – D
Route of footpath RAMS8C to be diverted: B – E
New route of footpath RAMS8C: C – - - - - E

Other rights of way:
Footpaths: - - - - -
Bridleways: | – | – |



The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No. 20
 Diversion and Definitive Map and Statement Modification Order 2024- Plan 2



Key – Plan 2

Route of footpath LBED20.RAMS5 to be diverted (depicted by solid black line) : F – G – H

New route of footpath provided (depicted by dashed black lines) : F – - - H

Unaffected rights of way
 Footpaths (black dashed lines) : - - - -

Parish Boundary (depicted by red solid line) : _____

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From: David Sheppard [REDACTED]
Sent: 11 January 2024 18:58
To: Harlow, Craig
Subject: Objections

Follow Up Flag: Follow up
Flag Status: Flagged

We would like to express our objection to the footpaths (rams5, Rams8c, little Bedwyn 20 & bridleway Ramsbury No6 being relocated.

The footpaths and bridleways has been here for many years and we feel strongly that these ancient rights of way should not be relocated for personal gain but continue to be used and enjoyed by the public.

Several areas, which the public have walked for many years are now 'no go' areas. In some cases these paths have been walked by us for over fifty years.

Major Fisher, the previous owner always said the locals could walk anywhere in 'Axford and the surrounding countryside as long as they did not do any damage. Now all our walking areas are shrinking fast.

In the past other footpaths have been relocated by Ramsbury Estates and as these have fallen apart over the years they have not been repaired and are quite dangerous in places, with weakened wood, holes in bridges and extreme sloping of wooden walkways.

Kind regards

David and Carolyn Sheppard

Sent from David Sheppard

Sent from David Sheppard

From: [Harlow, Craig](#)
Sent: 05 February 2024 13:03
To: [Harlow, Craig](#)

Dear Craig

Thank you for your email dated 11 January.

Ramblers objects to this order on the grounds that it will add a distance of over 650 metres to the route of a walker using footpath RAMS8C and wishing to continue south on bridleway RAMS6 (or the same route in the opposite direction), which does not meet the requirement set out in s.119(6) Highways Act 1980 that the path or way must not be substantially less convenient to the public in consequence of the diversion.

We made the same objection at the informal consultation stage and we have noted the comments you have made in response in your Decision Report. While we agree that the southern end of RAMS6 does not connect well with the rest of the network we do not agree that the “not substantially less convenient” test should be assessed in the context of an assumed total walking distance which will inevitably vary between users. s.119(6) clearly states that the test applies to “the path or way” which is being diverted.

We do not believe that the 2023 “presumption” guidance applies to this case. RAMS6 does not pass through a farmyard or garden and is not within the curtilage of any individual property.


In your Decision Report you also refer to the Planning Inspectorate’s Advice Note 9 which states that the “not substantially less convenient” test is a gateway test. We are therefore not commenting at this stage on the extent to which the diversion meets the other tests but we reserve the right to make further representations if and when the case is referred to the Secretary of State for decision.

We do not object to the diversion of RAMS5/LBED20.

Without prejudice to any of the foregoing would you please let me know if Ramblers is the only objector to this order.

Best wishes

Peter Gallagher
Footpaths and Walking Environment Officer
Swindon and North East Wiltshire Group
The Ramblers



The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577, registered charity in Scotland, number: SC039799. Registered office: First Floor, 10 Queen Street Place, London EC4R 1BE.

THE RAMSBURY MANOR FOUNDATION

Ramsbury Manor
Ramsbury
Marlborough
Wiltshire SN8 [REDACTED]
Telephone [REDACTED]

Wednesday 14th February

Dear Mr Harlow

PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER - THE WILTSHIRE COUNCIL PARISH OF RAMSBURY PATH 5,6, AND 8C AND PARISH OF LITTLE BEDWYN NO20 DIVERSION ORDER

With reference to the above order made by Wiltshire Council under section 119 of the Highways Act 1980 and Section 53 A(2) of the Wildlife and Countryside Act 1981

I lodged an objection on behalf of The Ramsbury Manor Foundation on 13th October 2022 to the original proposals to divert the paths referred to above. My clients reiterate their OBJECTIONS to the amended proposed modifications as set out in the above modification order.

As owners of the full Sporting Rights over the land covered by the Modification Order dated 10th January 2024 with the exception of Path Number 20 in the Parish of Little Bedwyn the Foundation wish to OBJECT to the Order as follows:

1. The length of Bridleway leading from Point A on the plan attached to the Order to Point D will allow access to an area that forms an important part of the Sporting Rights previously undisturbed by walkers and riders. The present bridleway route ensures the users remain on the hard surfaced drive to Park Farm House and buildings B-C-D. This route has been long established, and it ensures the minimum of disturbance to Ground nesting birds and any wild game that lives and breeds in this area of the Estate. The routing proposed by the modification order is only to ensure the private and personal users of the New House and Park Farm House have the least disturbance. The Sporting Rights have been long held by the Ramsbury Manor Estate and the owners of the Freehold Property were fully aware of their existence when they purchased the property indeed, they clearly stated in their planning application that they would not be looking to amend any current rights of way. The order if confirmed will clearly diminish the enjoying and operation of those Sporting Rights.
2. The users of this proposed bridleway will find the additional length over and above the present Route A-D unnecessary and will quite reasonably question what benefit there is to anyone other than the new owners of the built property at Park Farm.

3. The installation of bollards on the bridleway is totally unacceptable to the Ramsbury Manor Estate as it restricts the free movement of the Estate owners and staff going about their legal business of exercising the Sporting Rights.
4. The Public Footpath from point B to E if modified as proposed will remove the walkers ability to appreciate on their arrival at the existing stile the views and sloping land form lying to the north. As the proposed diversion takes the walker to point C the route adjoins the southern boundary of the Ramsbury Manor Estate and the mature tree that overhang the new path. This passes the potential safety of the walkers to the Ramsbury Manor Estate to maintain these trees to reduce the liability of a claim in the event of accident caused by falling trees. Therefore, it is a reduction in any liability to the new owners at Park farm whilst diverting lawful walkers from the present routing of the footpath.
5. The Ramsbury Manor Estate request that the Modification Order is not confirmed as drafted.

Please acknowledge receipt of this letter.

Yours Sincerely

Bill Hughes

**WF Hughes FRICS FAAV
Consultant**

William Hughes

Harlow, Craig

From: Jessica Lawrence [REDACTED]
Sent: 16 February 2024 14:52
To: Harlow, Craig
Subject: Re: The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion Order
Attachments: image002.png
Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED]. [Learn why this is important](#)

New House at Park Farm Ramsbury

I am led to believe, as part of the proposed development of Park House on Park Farm Ramsbury that a bridleway and some foot paths will be re-routed. I assume that any application would have to be reviewed by the Parish and Wiltshire Council.

I am a lifelong resident of Ramsbury I know the area very well.

It is a great shame that proposed new house and grounds will mean that an important area of our countryside will be adversely affected as can be seen by the work carried out so far.

The bridleways and foot paths around Ramsbury Manor and Park Farm go back into history and have been, and are used and enjoyed by many local residents and visitors.

Therefore, I would like to object to any diversion of bridleways and foot paths.

Steven Little

On Thu, 11 Jan 2024, 14:50 Harlow, Craig, <Craig.Harlow@wiltshire.gov.uk> wrote:

Dear All

The Wiltshire Council Parish of Ramsbury Path Nos. 5, 6 and 8C and Parish of Little Bedwyn Path No.20 Diversion and Definitive Map and Statement Modification Order 2024.

Wiltshire Council has made the above-named order on 10th January 2024, please see attached a copy of the order, plans and notice of the order.

I would be pleased to receive any objections or representations to the order in writing addressed to Craig Harlow, Definitive Map and Highway Records, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN or via email at craig.harlow@wiltshire.gov.uk. Any responses should be received by 17:00 on 16th February 2024 , please see the attached notice.

Any responses to the order will be available for public inspection in full.

Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>.

Best Regards

Craig

Craig Harlow MIPROW

Definitive Map Officer

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

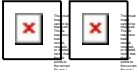
BA14 8JN



Direct Line: 01249 468568

Email: craig.harlow@wiltshire.gov.uk

Web: www.wiltshire.gov.uk



[Sign up](#) to Wiltshire Council's email news service

Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Report a problem <https://my.wiltshire.gov.uk/>

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Wednesday 3rd April 2024

Arboricultural Technical Note for:

Site Reference: Footpath Diversion, Park Farm, Ramsbury Estate, Ramsbury, SN8 2HW

<https://maps.app.goo.gl/TQrTZden6QGBZWe47>

<http://streetmap.co.uk/map?X=425625&Y=169989&A=Y&Z=120>

Site Address: As above.

Wiltshire Council (WC) contact:

Craig Harlow MIPROW

Definitive Map Officer

Definitive Map and Highway Records

Wiltshire Council

County Hall

Trowbridge

BA14 8JN

Direct Line: 01249 468568

Email: craig.harlow@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

Compiled by: Jonathon Price (WC) – Arboricultural Officer Trees and Woodlands

Date: 3rd April 2024

Reason for Technical Note: Footpath diversion by applicant will bring proposed route closer to area of third party owned off site trees, therefore increasing target value (where target is defined as people, property or infrastructure which could be damaged/harmed by falling trees or tree parts)



Extract 1: View of proposed diversion. Highlighted Yellow. Applicant land south of line, 3rd party owned trees and land, north of line.

The route currently runs parallel to a hedgerow and off site trees to the west north west then bisects the hedgerow and runs south east through rough pasture to meet with the wider network. The applicant is

looking to realign the footpath, from where it currently bisects the existing hedgerow, to run parallel still within their land, from west to east, to 'dog leg' therefore by-passing the rough pasture and reusing the nodal connection.

The proposed parallel stretch would bring the Row alongside an existing rough hedgerow and close to off-site mature trees. The existing off site tree belt is predominantly scattered oak and ash; with ash exhibiting Class 2 to 3 symptoms of Ash Die Back disease¹ and the oak exhibiting signs of minor to moderate decline, or accelerated senescence likely due to exposure and waterlogging. Together they contribute greatly as habitat and amenity features and have a moderate to high intrinsic value.

While a detailed risk assessment has not been carried out at this time, being beyond the surveyor's remit; it is assessed that should an industry accepted risk assessment using the Quantified Tree Risk Assessment (QTRA²) be carried out, it is unlikely that the diversion would result in a significantly elevated acceptable risk tolerance score. As discussed with the applicant's representative, they intend to carry out remedial pruning to their boundary (for which they have common law rights to do, provided arisings are offered back to the tree owner and other statutory protections notwithstanding) in addition they intend, in discussions with their own estate ecologist, to carry out augmentative planting within the rough pasture, of oak and other species to be advised using tools such as the Tree Design Action Group's Species Selector for GI: [Tree Species Selection for Green Infrastructure - Trees and Design Action Group \(tdag.org.uk\)](#).

In summary while the Duty of Care holder (the tree owners) will see an increase in footfall within the target zone of these trees, if the user numbers equate to usual rural footpath metrics, it is unlikely this increase, in addition to remedial works, will be significant. However it is recommended advice is sought by a qualified arboricultural professional to quantify this risk. All tree works must take in to account current wildlife legislation and follow the recommendations of the document British Standard BS3998 – 2010 Tree work - Recommendations.



Plate 1: View north east, cut sward indicates line of proposed new diversion. Off site trees (ash, oak) visible centre.

¹ [Ash Dieback Disease: A Guide for Tree Owners - The Tree Council](#)

² [Quantified Tree Risk Assessment \(qtra.co.uk\)](#)



Plate 3: As for Plate 1.



Plate 4: As for Plates 1 and 2, looking from east to west.

Yr eiddoch yn gywir, a diolch.

Jonathon Price

*BA (Hons) TechCert (ArborA) M (ArborA)
VALID QTRA*

Tree and Woodland Officer (North and East)

Rights of Way and Countryside

Highways and Transport
Wiltshire Council
Bath Road Industrial Estate
Chippenham
SN14 0AB
Tel: 07542 666016
Email jonathon.price@wiltshire.gov.uk

Wiltshire Council