

Eastern Area Planning Committee

13 June 2024

7a) PL/2024/02018 13 Collis Terrace, Crawlboys Lane, Ludgershall, Andover, SP11 9QZ

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

Recommendation: Refuse



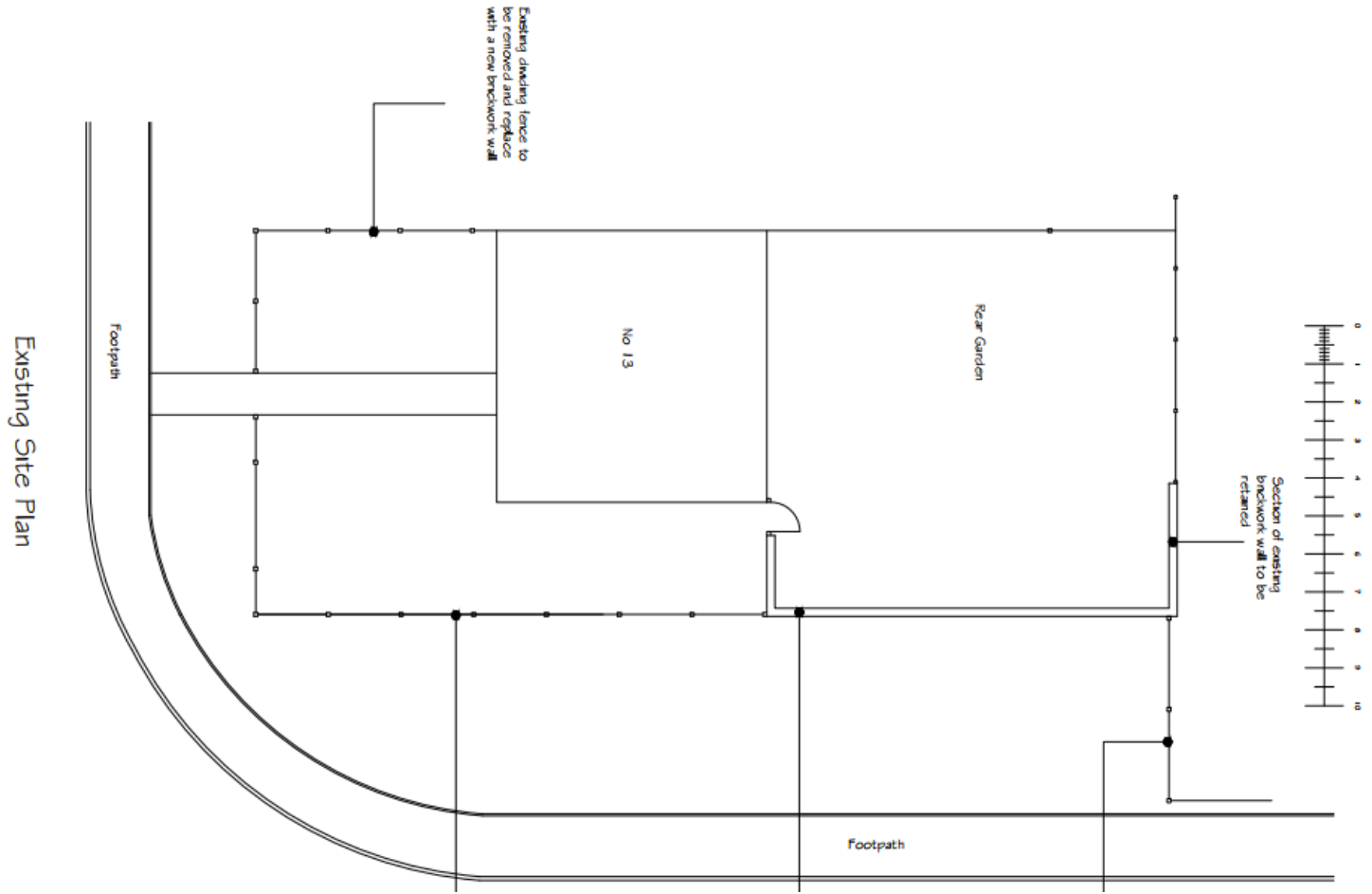
Site Location Plan



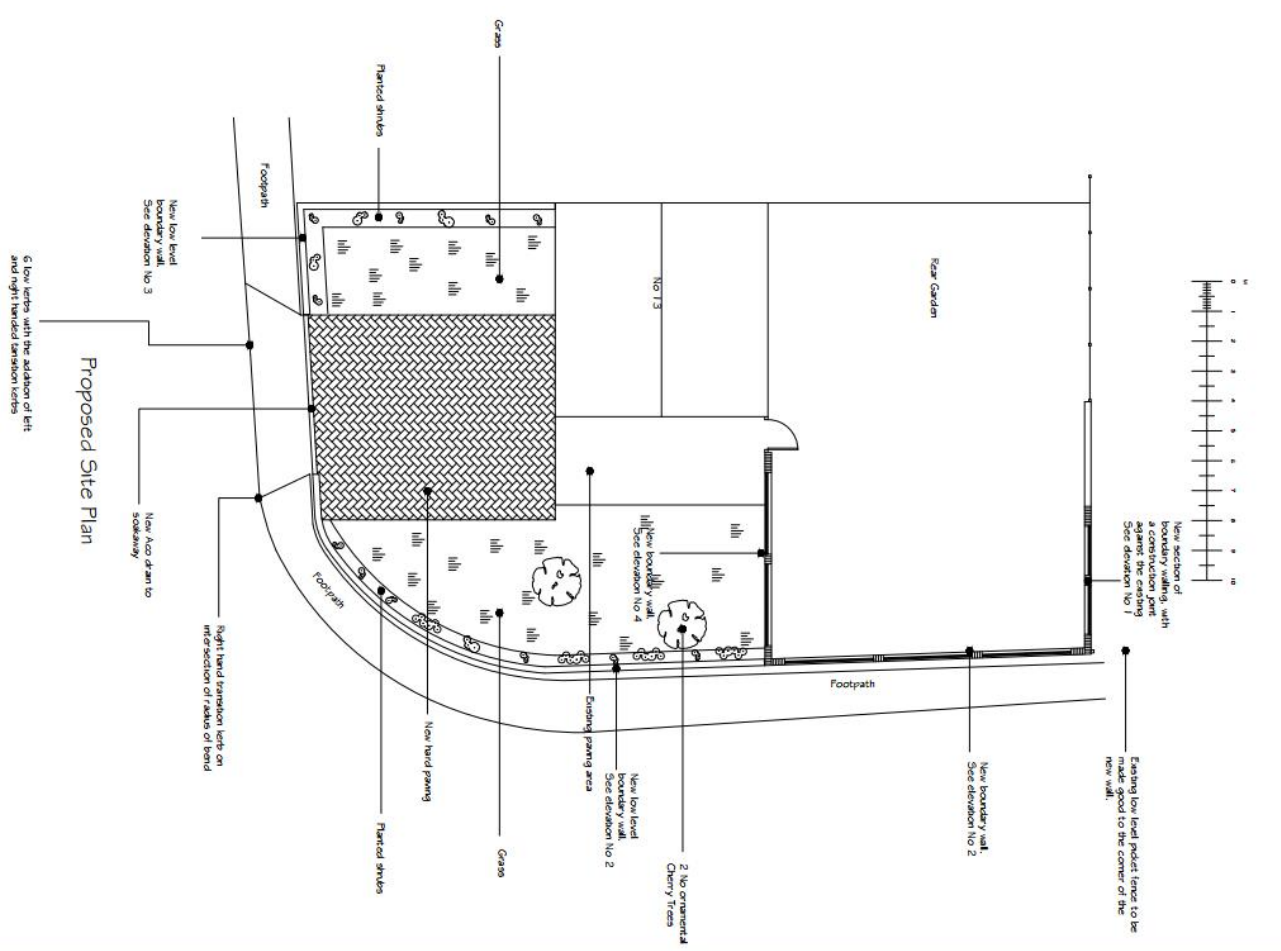
Aerial Photography



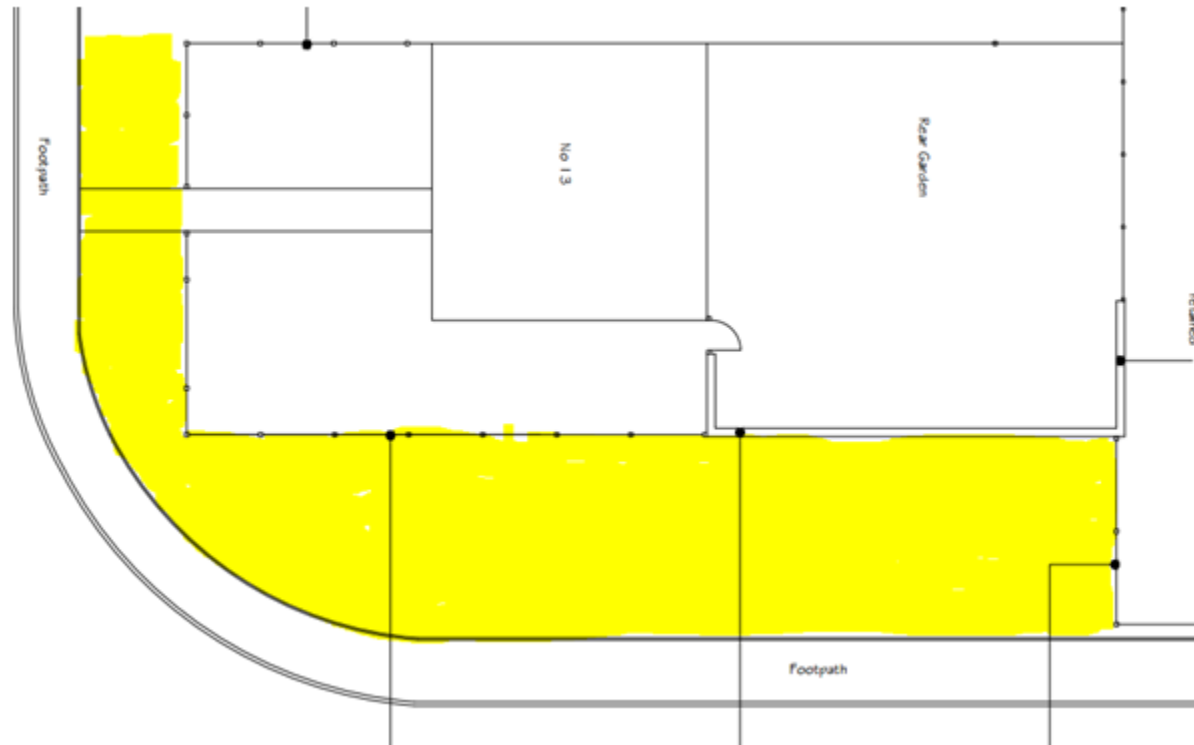
Existing site plan



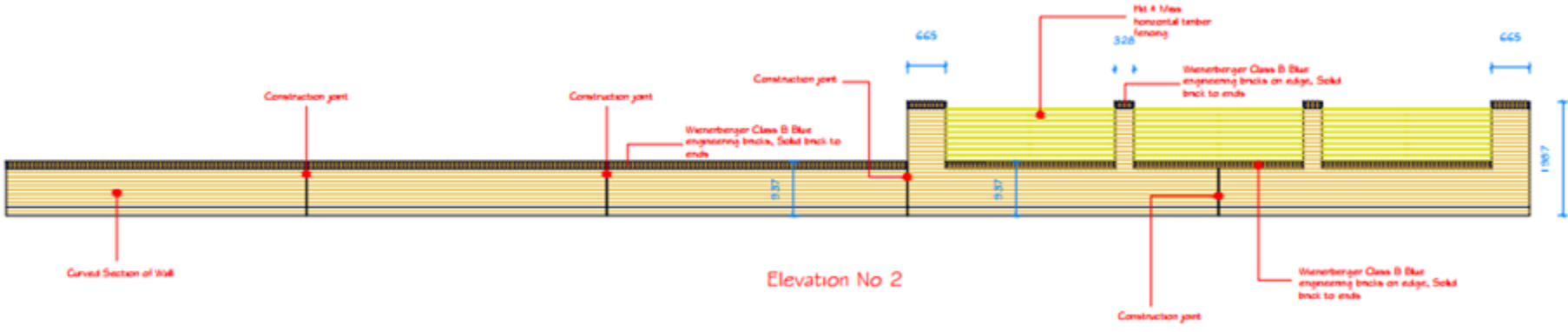
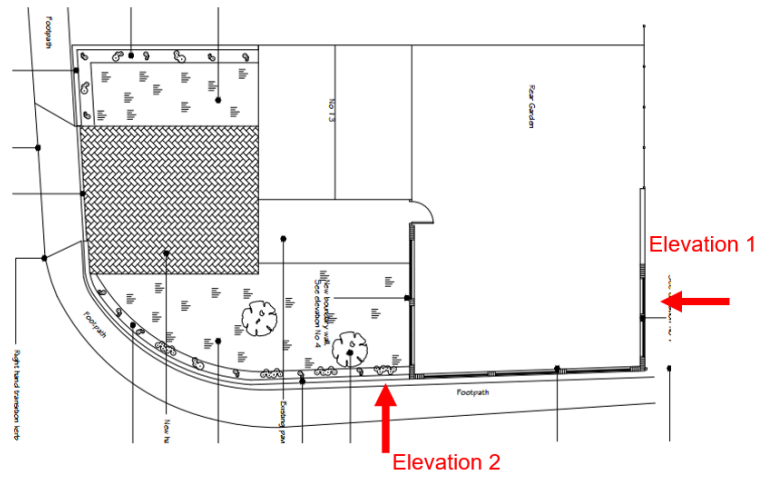
Proposed site plan



Area for change of use



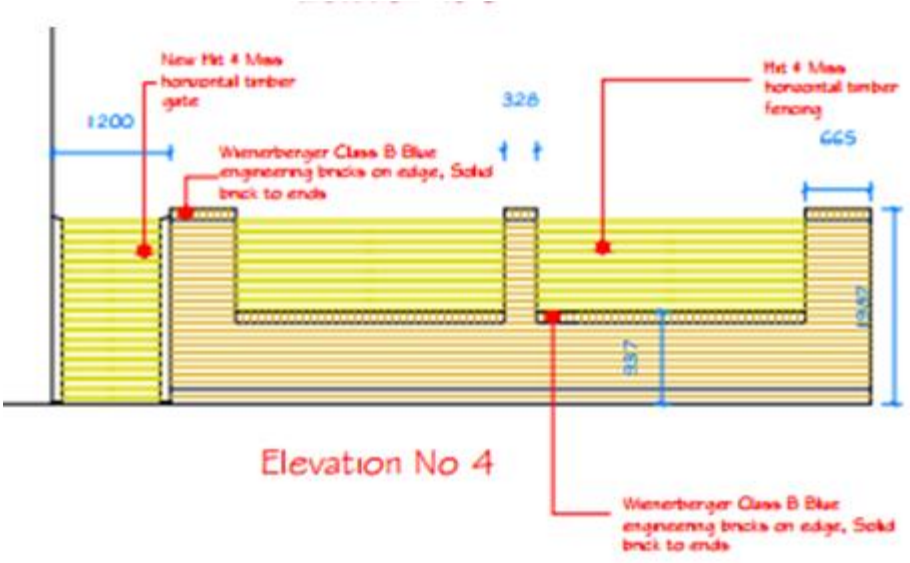
Proposed wall elevations 1 and 2



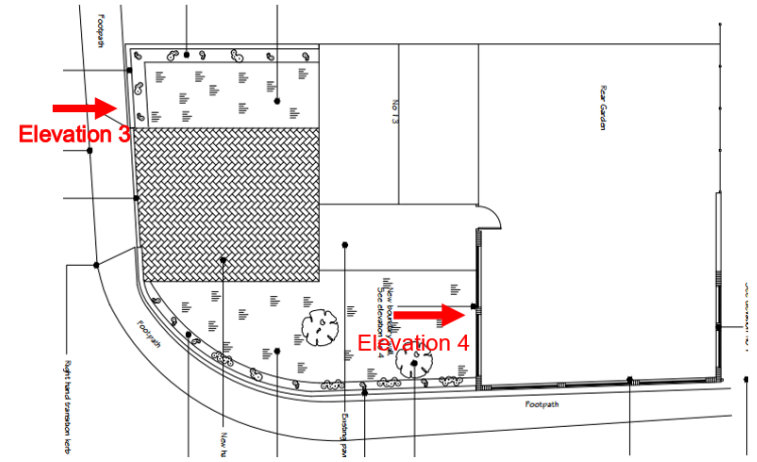
Proposed wall elevations 3 and 4



Elevation No 3



Elevation No 4



Site photos



Site photos



Other green space in locality



Example boundary treatments



Other sites in locality



1 Flemming Close

Site on corner of Old Common
Way subject to live application
PL/2023/06881



Other sites in locality



1 Lady Diana Court

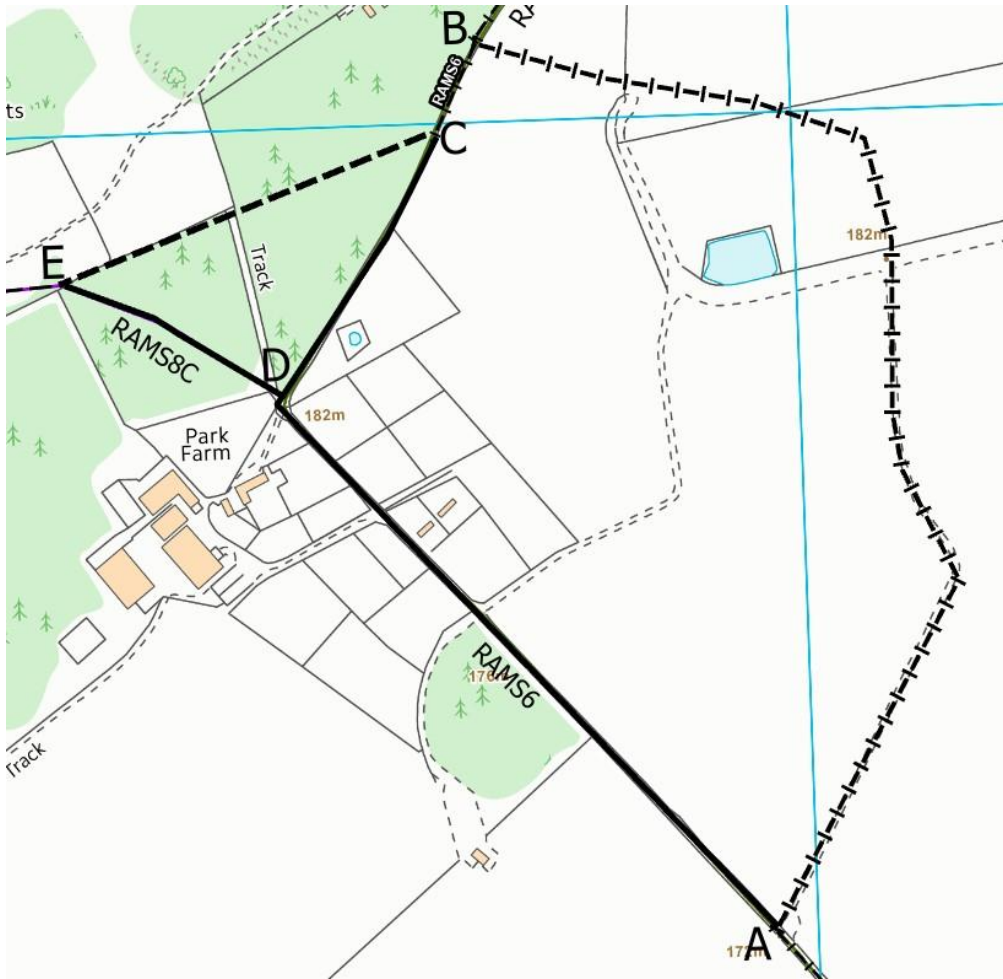


Computer visualisation of works by applicant



**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**

Order Plan 1



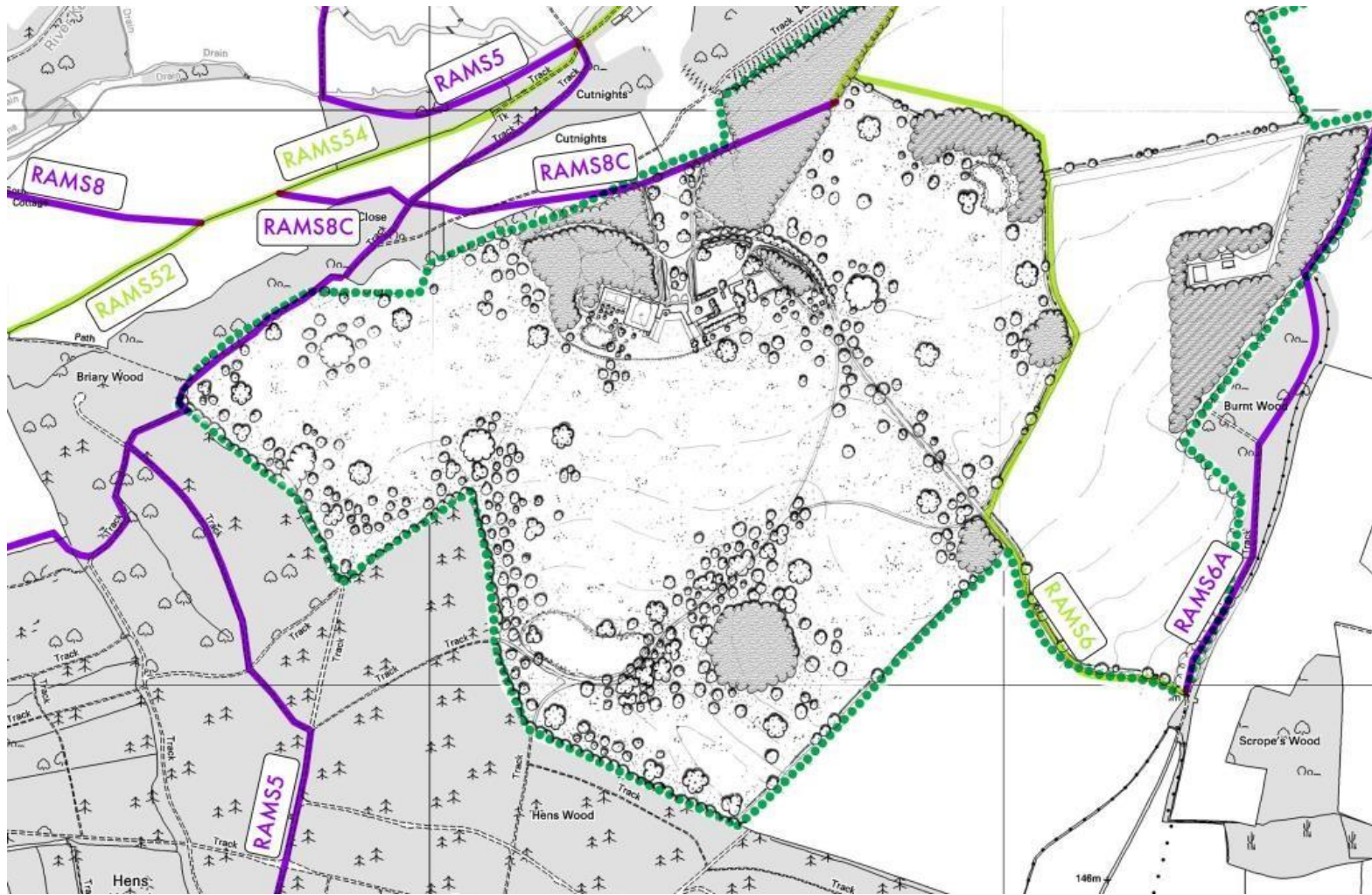
Key- Plan 1

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: - | - | - | - |

Proposed layout



Current route of bridleway (August 2022)



Current route of bridleway (August 2022)



Proposed route of bridleway (August 2022)



Proposed route of bridleway (August 2022)



Current route of footpath 8C (February 2024)



Proposed route of footpath 8C (February 2024)



Order Plan 2



Key – Plan 2

Route of footpath LBED20.RAM55 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) : _____

Current route of footpath LBED 20 and RAMS5 (August 2022)



Proposed route of footpath RAMS5 (August 2022)



The Application

- Made on 5th August 2022
- By Ramsbury SARL c/o Ramsbury Estate.
- Land in the ownership of Ramsbury SARL and Mr Carl Stefan Erling Persson

Reasons for application

- Managing parkland and reducing potential conflict between the public and livestock.
- Reduce conflict between users and vehicle movements
- Increase security and privacy for the new residential development

Process so far

- Initial consultation undertaken on proposal
- 23 responses (16 objections) , to initial consultation.
- Order made on 10th January 2024
- 4 objections received in the statutory consultation period. (The Ramblers, Ramsbury Manor Foundation, David and Carolyn Sheppard and Mr Steven Little.
- Order to be considered by Eastern Area Planning committee

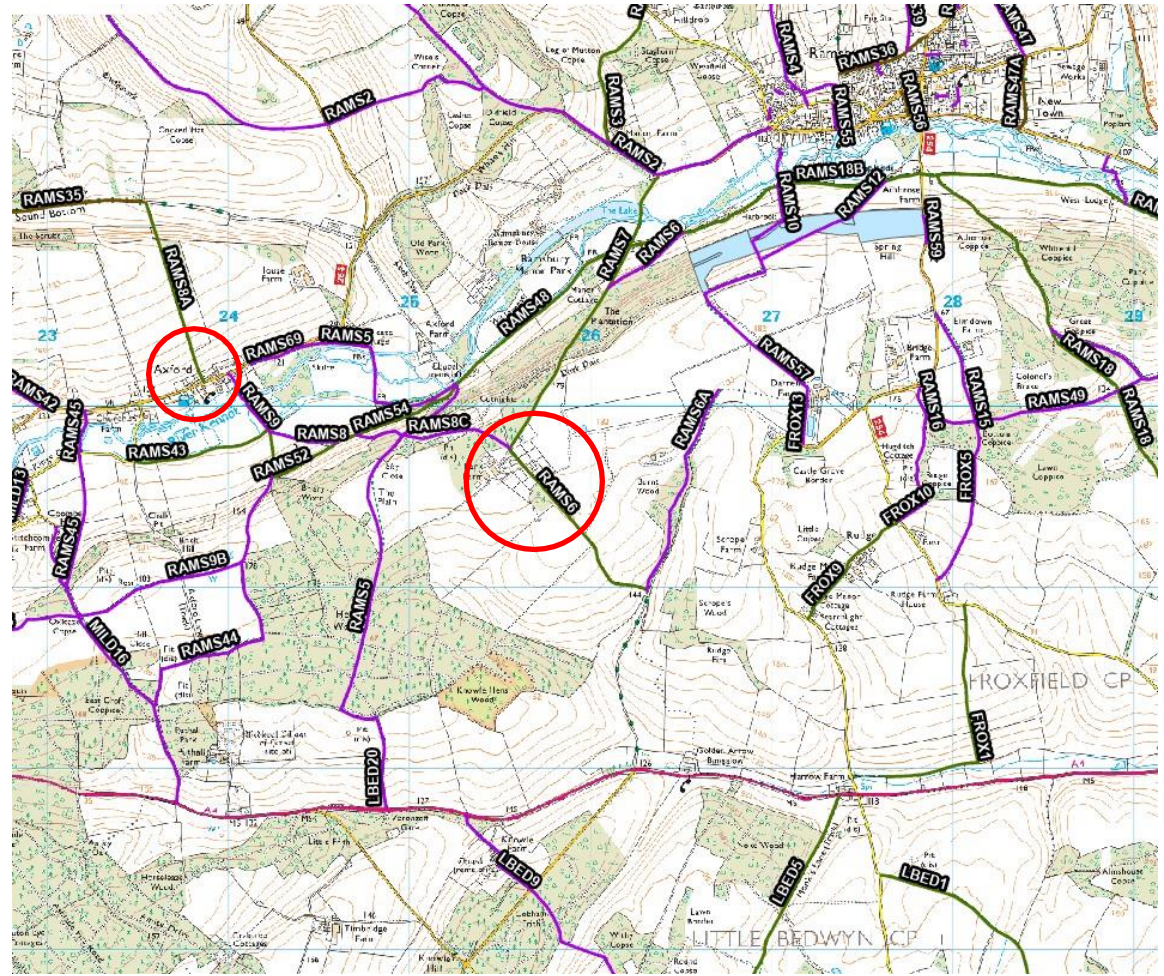
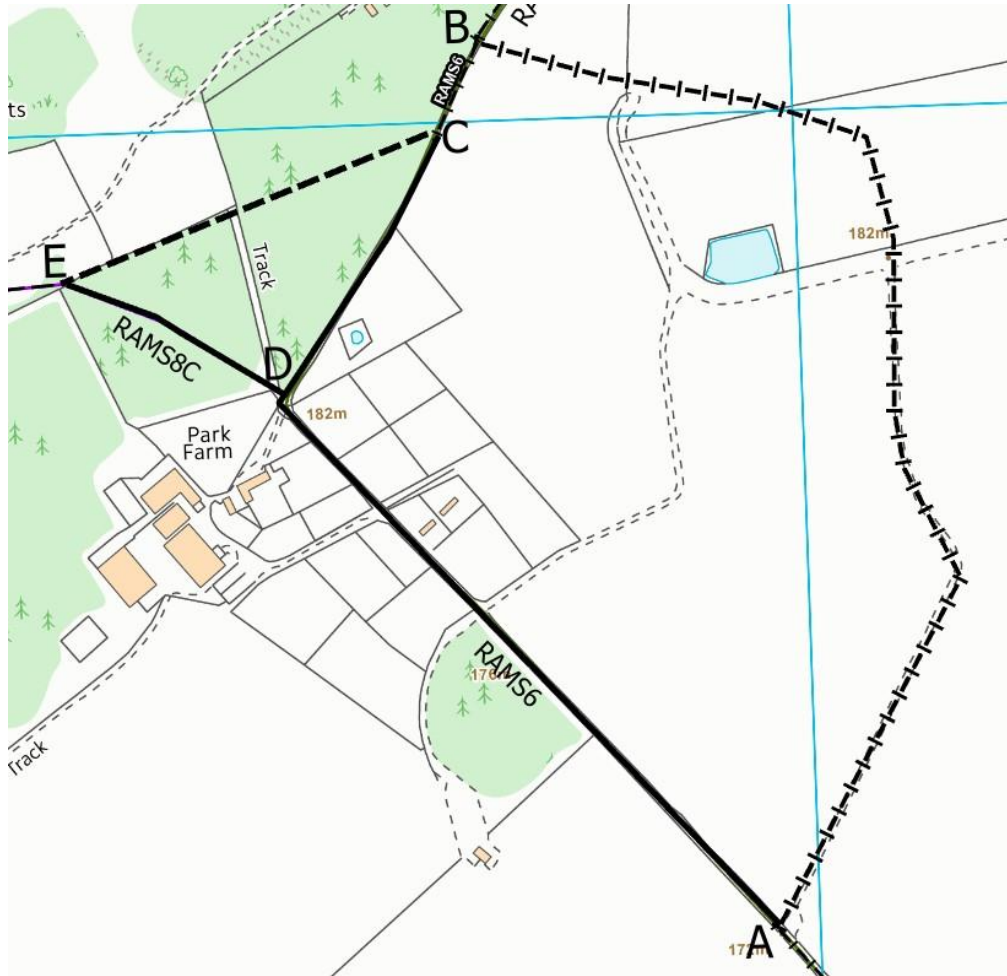
S.119 Highways Act 1980 – The tests to make an order to divert

- S.119 (1) - Is it expedient that the line of the path should be diverted in the interests of the landowner (or occupier or lessee)? OR
Is it expedient that the line of the path should be diverted in the interests of the public?
- S.119 (2) - Where termination points are altered, are the new termination points
 - i) connected to another highway
 - ii) substantially as convenient to the public

S.119 Highways Act 1980 – The tests to confirm an order to divert

- 119(6)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 subsection (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

Plan 1- s.119(6)



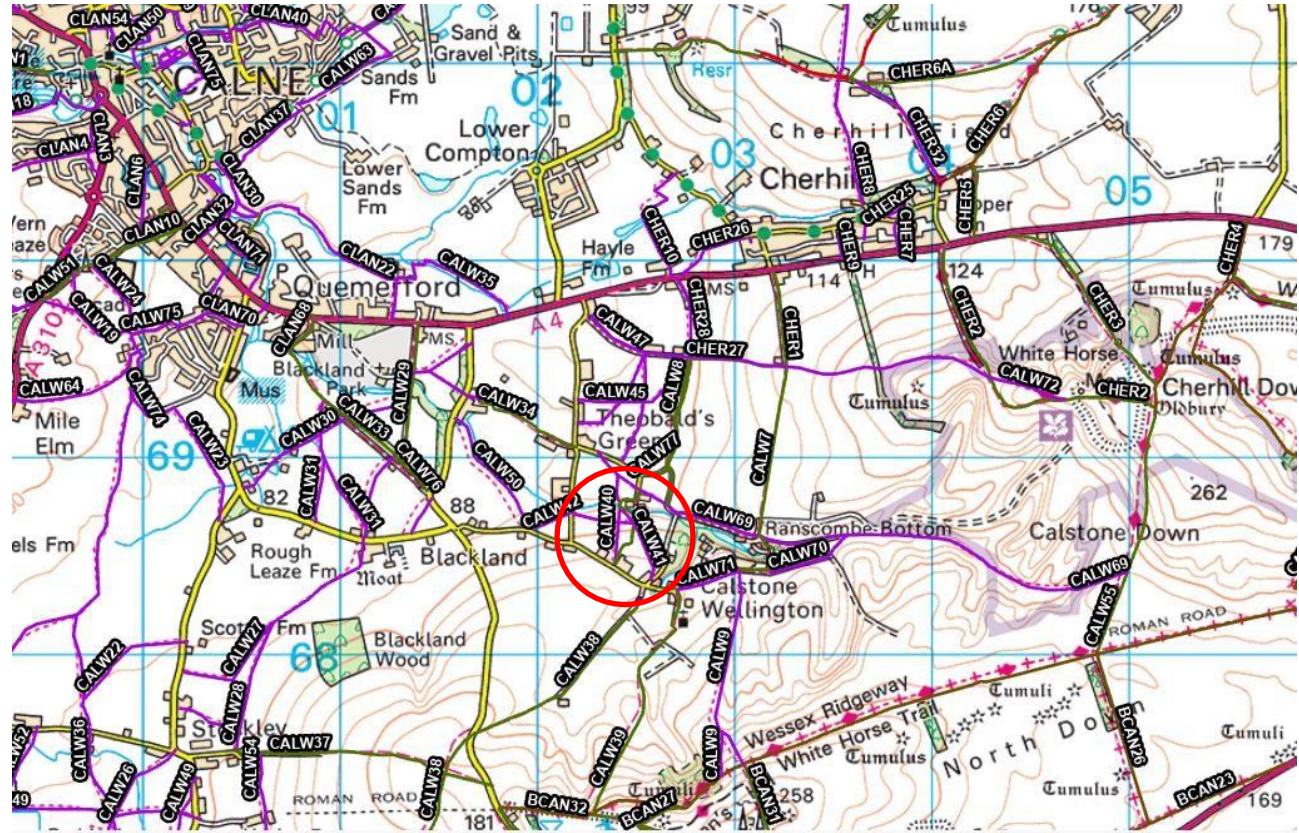
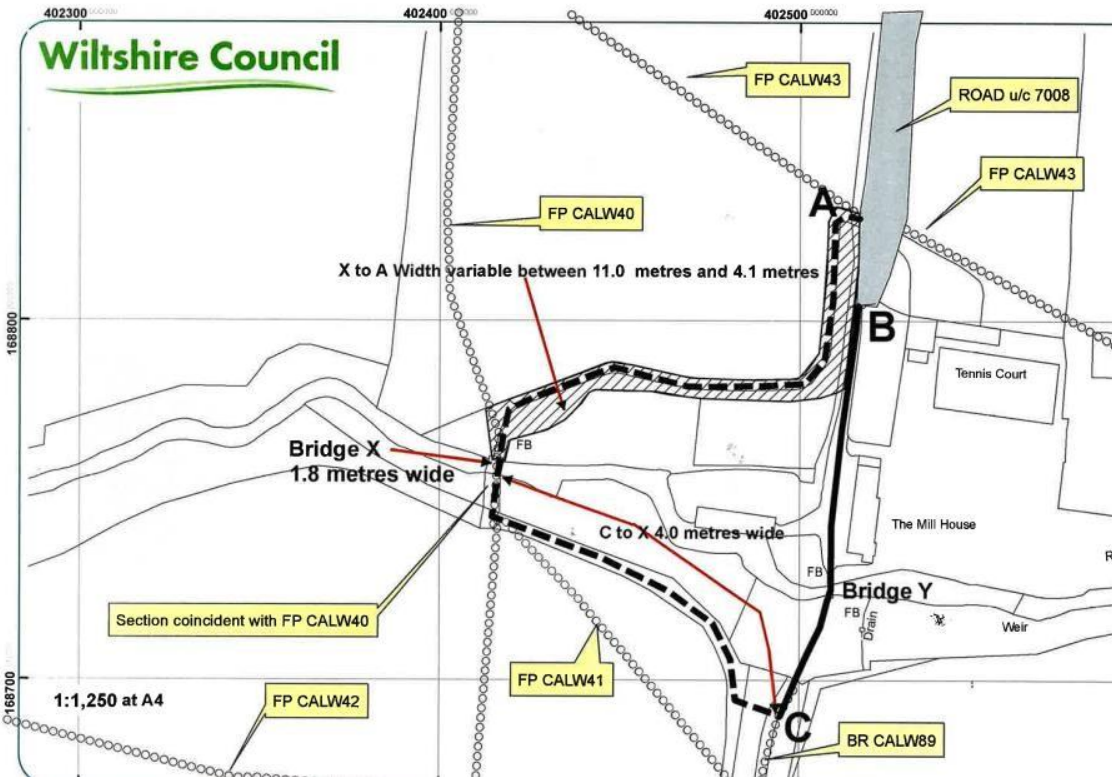
Calne Without order

CALW 89, 89A and 89B Order Plan

bridleway to be extinguished B — Y — C

bridleway to be created A - - - X - - - C

Unaffected rights of way shown by continuous circles



Late submission from BHS

- The surface will in part be concrete
- The entire surface of the diversion route is proposed to be hard
- The width of the bridleway is significantly less than the existing route
- The diversion of RAMS6 will bring horses and riders into contact with shooting
- Opportunity to create linking bridleway routes

Comparison of routes



Views north approaching point E



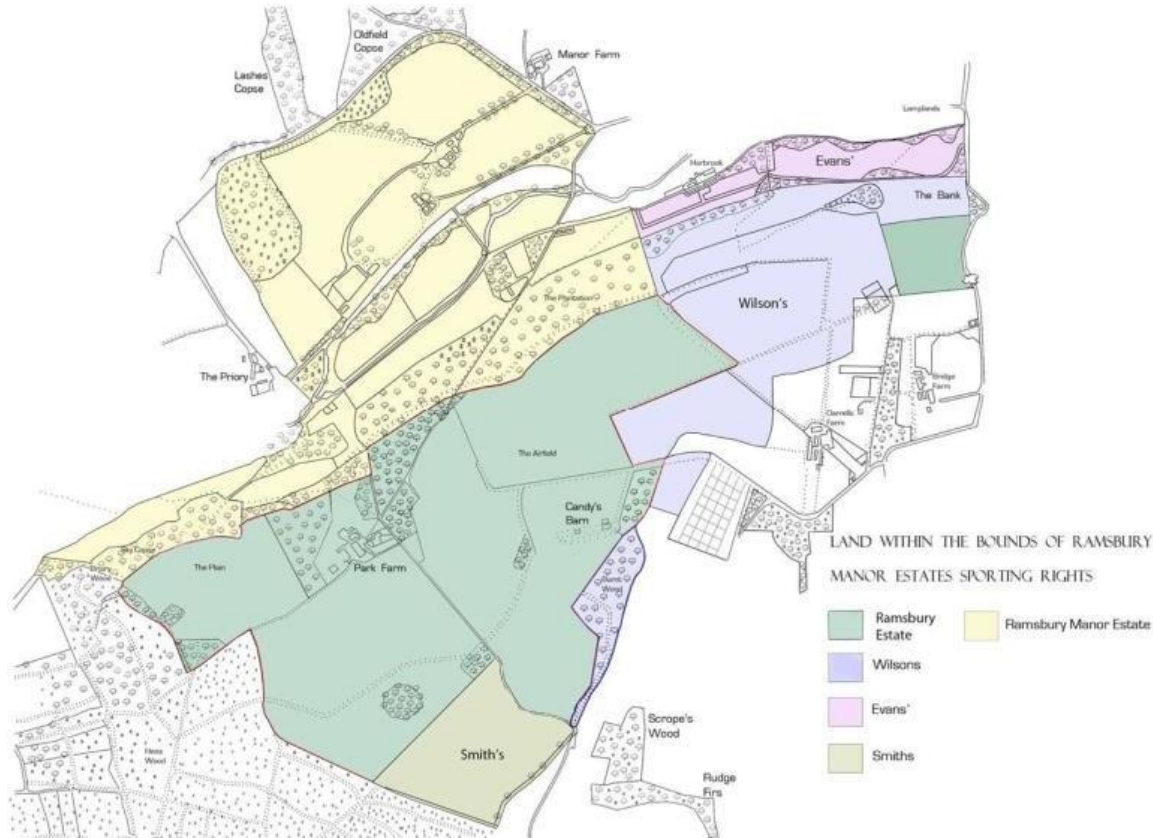
Plan 2 s.119(6)



Other 119 considerations

- (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,

S.119(6)(b) (c)- sporting rights and s.28 (s.121) compensation



- S.28 of Highways act 1980 – permits compensation to be claimed for the effect creation orders, 28(5) specifically mentions sporting rights
- S.121 of Highways Act 1980- applies s.28 to diversion orders.

Overhanging Trees on footpath 8C



Other matters

- Consideration of the Rights of Way Improvement Plan
- Regard to the needs of agriculture, forestry, and conservation of biodiversity
- Other matters raised in Objection

Summary

- The order meets the relevant tests of section 119. It is not **substantially** less convenient to users.
- Enjoyment of the route is not negatively affected.
- It meets the considerations of the improvement plan and the needs of agriculture, forestry and biodiversity
- It is capable of confirmation by the Secretary of State.
- Compensation may be claimed by parties following confirmation.

Officer Proposal

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