

Western Area Planning Committee

29th September 2021

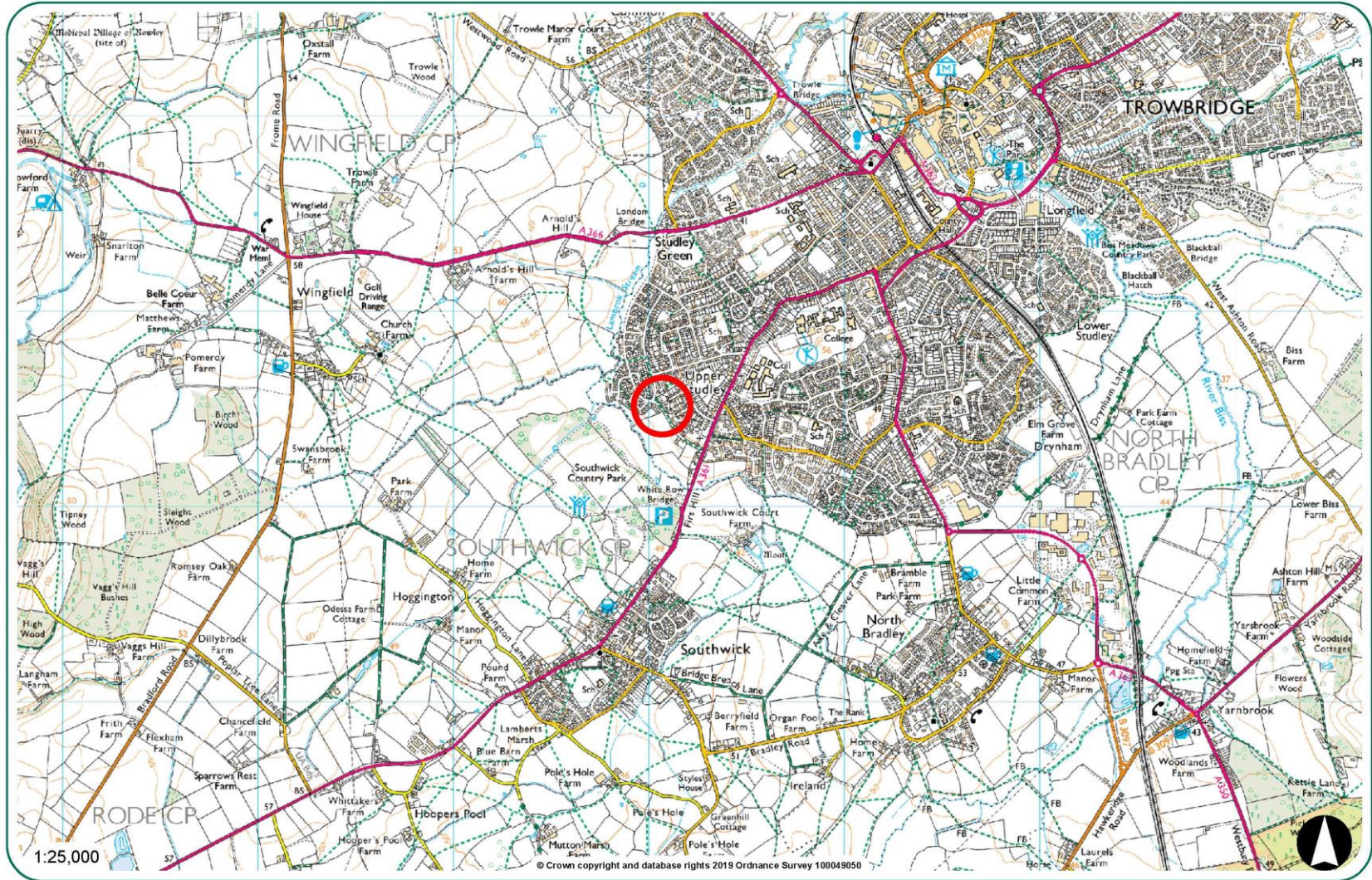
**WILDLIFE AND COUNTRYSIDE ACT 1981 –
SECTION 53
THE WILTSHIRE COUNCIL TROWBRIDGE PATH
NO.8 DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2021**

**AGENDA ITEM NO.7a
WESTERN AREA PLANNING COMMITTEE:
29 SEPTEMBER 2021**

JANICE GREEN – SENIOR DEFINITIVE MAP OFFICER

Path no.8 Trowbridge – Location Plan

Footpath no.8 Trowbridge Location Plan

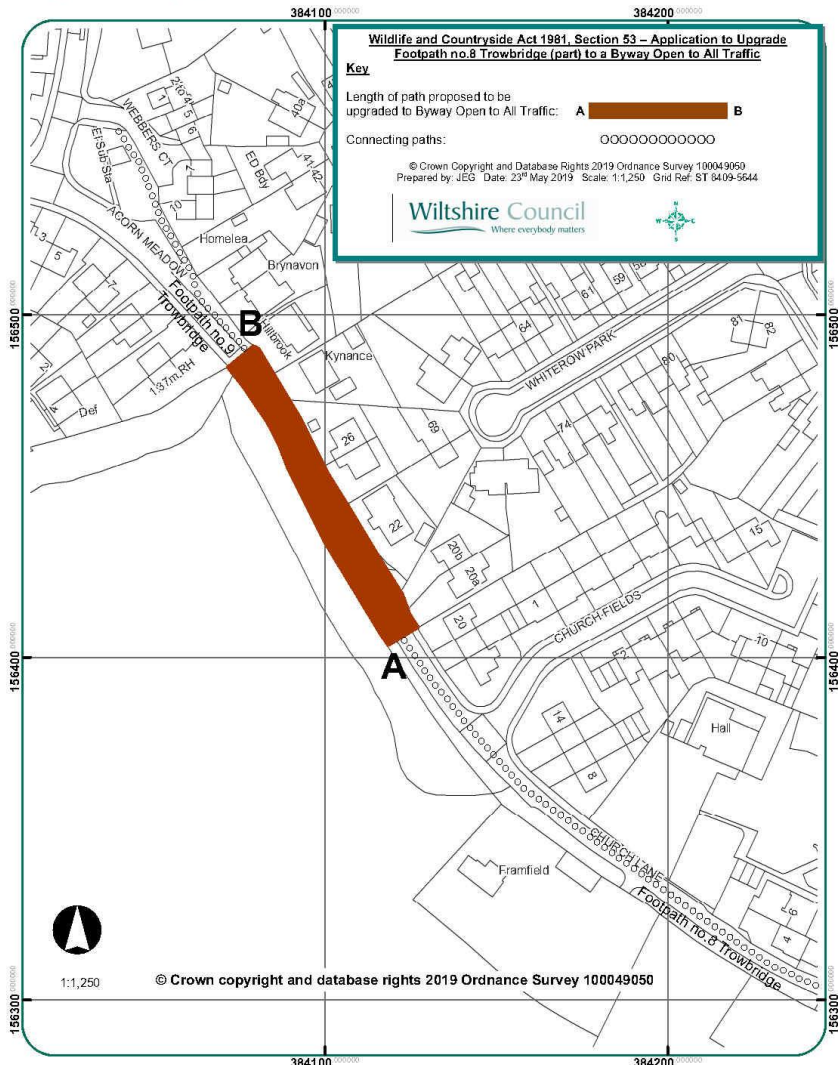


Path no.8 Trowbridge – Application Plan

Date: 23/05/2019



Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic



Application:

Wiltshire Council received an application made under s.53 of the Wildlife & Countryside Act 1981 to upgrade a section of Footpath no.8 Trowbridge (Church Lane) to Byway Open to All Traffic (between Acorn Meadow and Church Fields)

Investigation of historical and witness evidence:

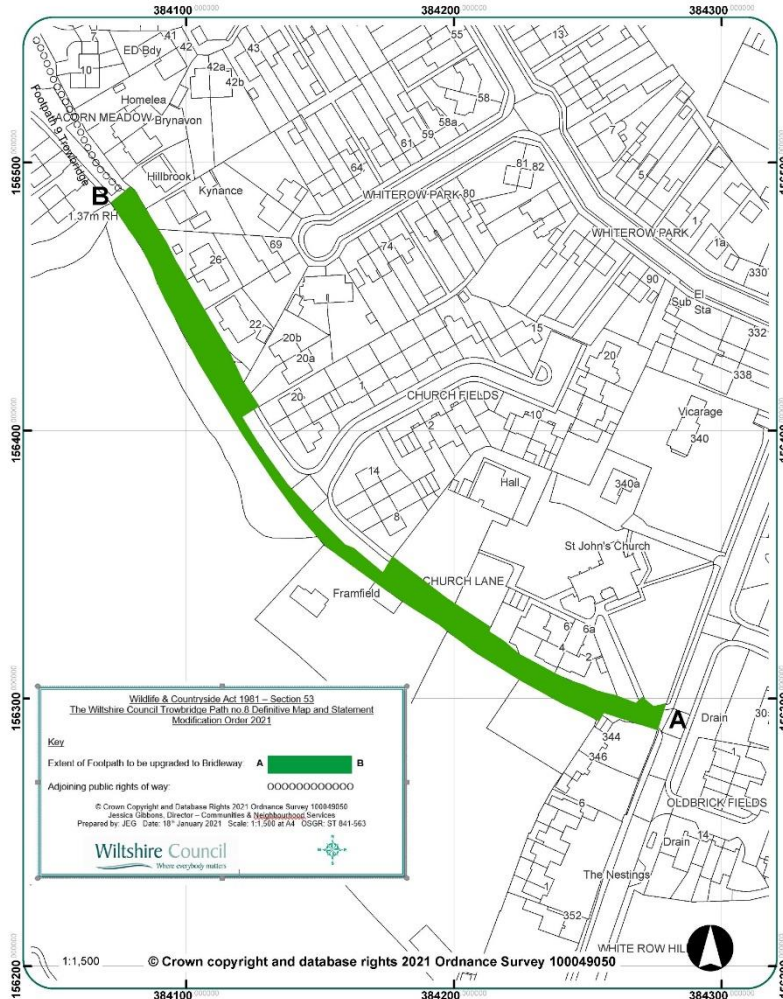
Insufficient evidence of public vehicular rights, however, evidence of public bridleway rights over the whole length of Footpath no.8 Trowbridge (Church Lane).

Path no.8 Trowbridge – Modification Order

Date: 18/01/2021

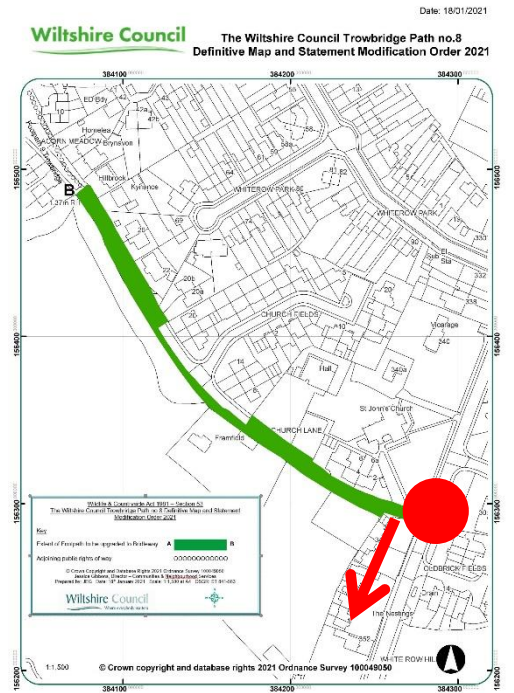
Wiltshire Council

The Wiltshire Council Trowbridge Path no.8
Definitive Map and Statement Modification Order 2021

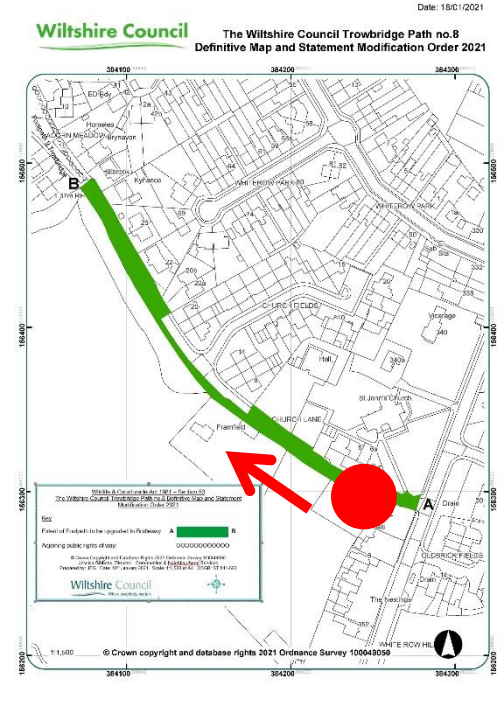


Based on the available evidence - “The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021” was made to upgrade the whole length of Footpath no.8 Trowbridge (Church Lane) to a bridleway having a width varying between 4m and 13m – (excluding from the recorded bridleway the central area of adopted highway at Church Fields)

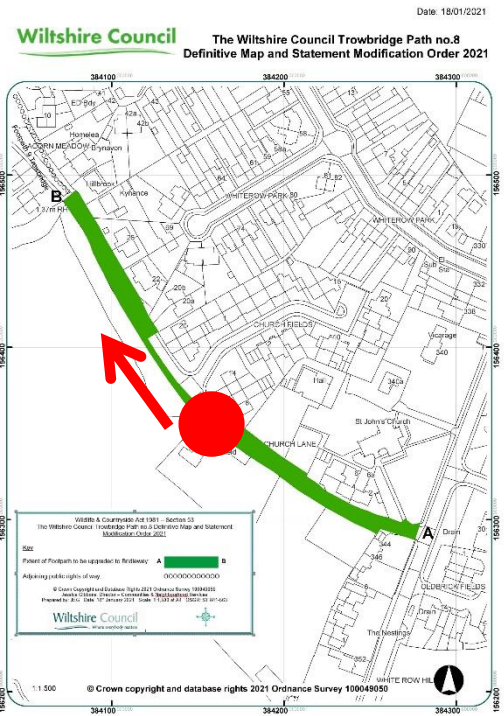
The Order route at point A - junction of Path no.8 Trowbridge (Church Lane) with Frome Road



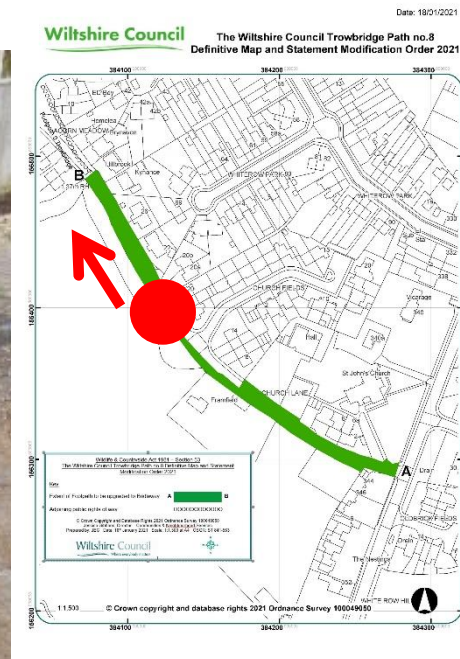
Path no.8 Trowbridge (Church Lane) leading north-west



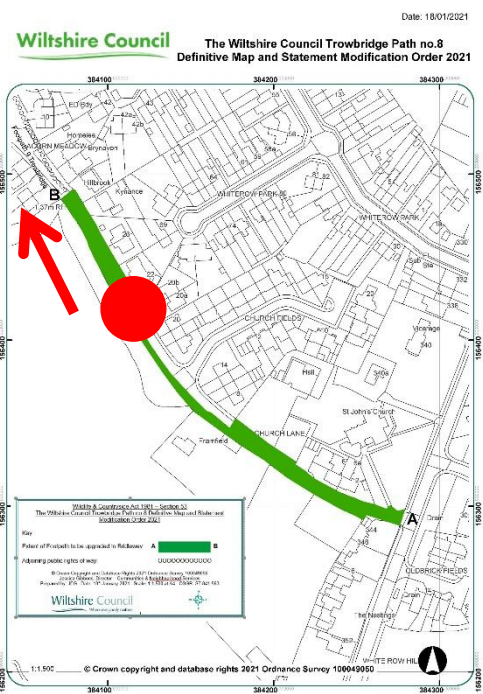
Adopted highway section of Church Lane at Church Fields



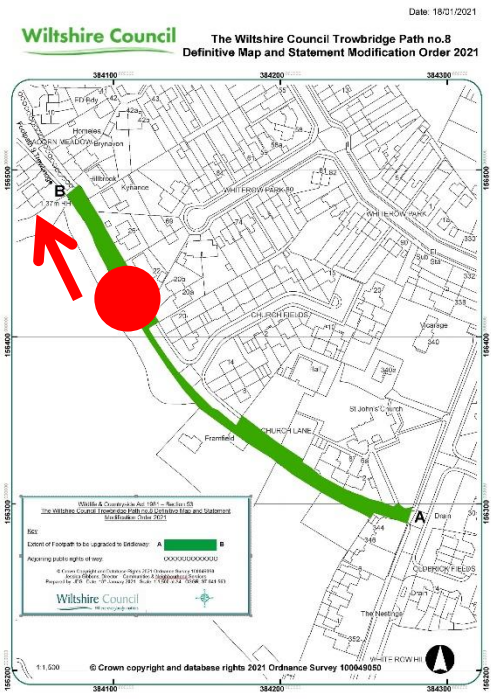
Path no.8 Trowbridge - change in surface to route where the adopted highway section of Church Lane ends



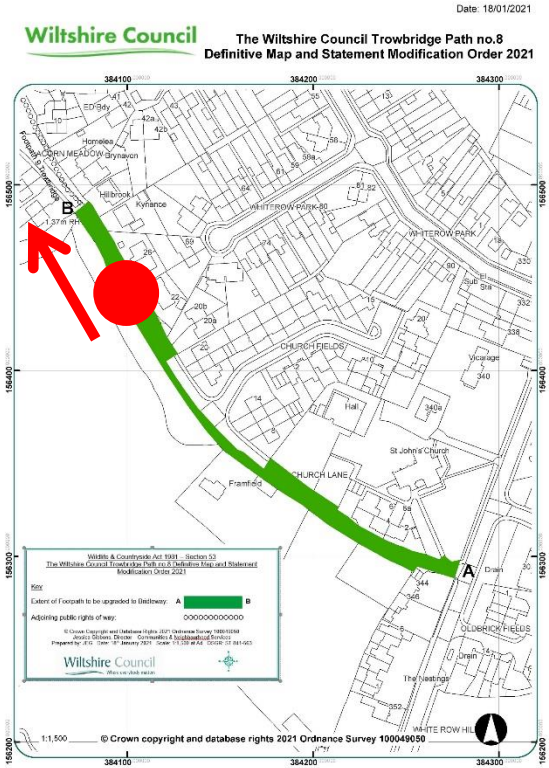
Path no.8 Trowbridge (Church Lane) looking north-west



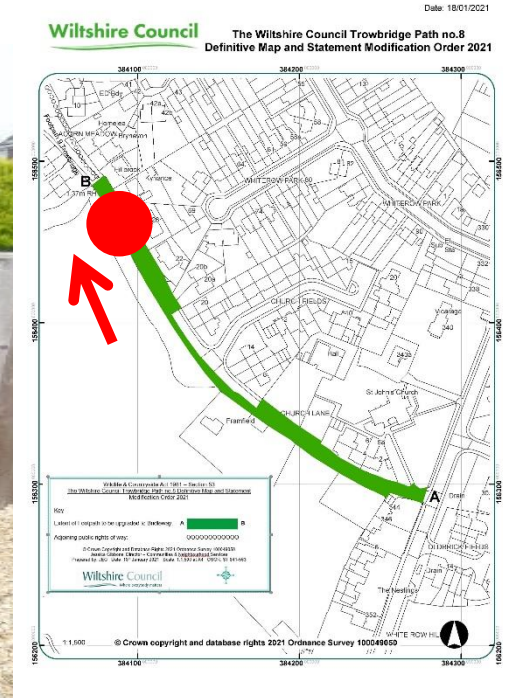
Path no.8 Trowbridge (Church Lane) looking north-west



Fencing at the northern end of Footpath no.8 Trowbridge (Church Lane) which reduces the width available for public use



Existing barrier and fencing arrangement at northern end of Footpath no.8 Trowbridge (Church Lane)

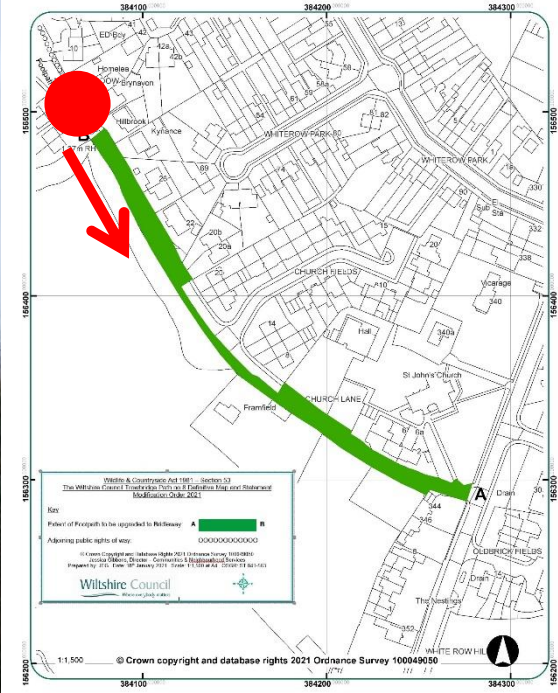


Junction of Path no.8 Trowbridge (Church Lane) with Acorn Meadow

Date: 18/01/2021



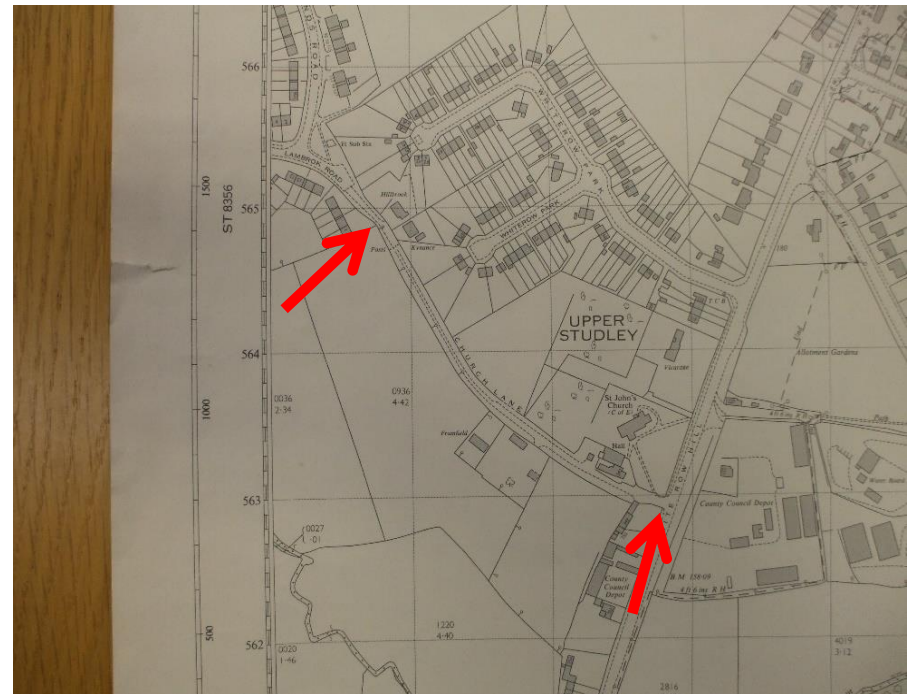
Wiltshire Council The Wiltshire Council Trowbridge Path no.8
Definitive Map and Statement Modification Order 2021



OS mapping consistently records full width of Church Lane, as reflected in the Order plan



OS County Series Map 1924 –
1:2,500



OS National Grid Series Map 1968
– 1:2,500

Duties of the Council

Section 53 of the Wildlife and Countryside Act 1981 - an order to modify the definitive map and statement of public rights of way may be made where there is evidence that there is an error within the definitive map – in this case that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description and any other particulars contained in the map and statement require modification.

Section 31(1) Highways Act 1980 – where a way over any land has actually been enjoyed by the public as of right and without interruption for 20 years or more, the way is deemed to have been dedicated as a highway, unless there is sufficient evidence that there was no intention during that period to dedicate it.

Evidence is key – the burden of proof is in the balance of probabilities.

Committee Decision

Committee is making a decision in its Regulatory function, which is a quasi-judicial function.

Committee does not determine the order, but determines the Wiltshire Council recommendation to be attached to the order when it is forwarded to the Secretary of State for determination, based on the evidence before it.

The evidence is likely to be tested at a statutory public inquiry, at which new oral or documentary evidence may come to light and the oral evidence of witnesses will be tested under cross examination.

The Inspector appointed on behalf of the Secretary of State will determine whether the order is confirmed, confirmed with modification, or not confirmed.

Objections and Representations

The application to upgrade a short section of Footpath no.8 Trowbridge to Byway Open to All Traffic was made by a local resident and supported by 62 completed user evidence forms and documentary evidence.

Based on the evidence a Definitive Map Order was made to upgrade the whole of Footpath no.8 to a Bridleway, having a recorded width.

Following Notice of the making of an Order, objections were received on the following grounds:

Change in status to bridleway

Proposed width

Opening up Church Lane at its junction with Acorn Meadow

Improvements for disabled users/pushchairs are all that is required

Private rights of access

Effect on property

Conclusions

Wiltshire Council as the Surveying Authority may only take into account the evidence regarding public rights and the width of the path.

No additional evidence regarding the correct status and width of the path has been submitted during the formal consultation period which would lead to a recommendation that the Order is amended.

If the Committee determines that the Council no longer supports the Order or recommends that the Order be amended, clear evidential reasons for this must be given where the decision of the Council is open to legal challenge.

The matters of:

the barrier between Church Lane and Acorn Meadow
private rights

are not considerations for this Order, which is limited only to the correct recording of public rights based upon the available evidence.

Recommendation

That “The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021” be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

8a) PL/2021/03460 - Yew Tree House, Brokerswood, BA13 4EG

Erection of two holiday ecolodges

Recommendation: Refusal

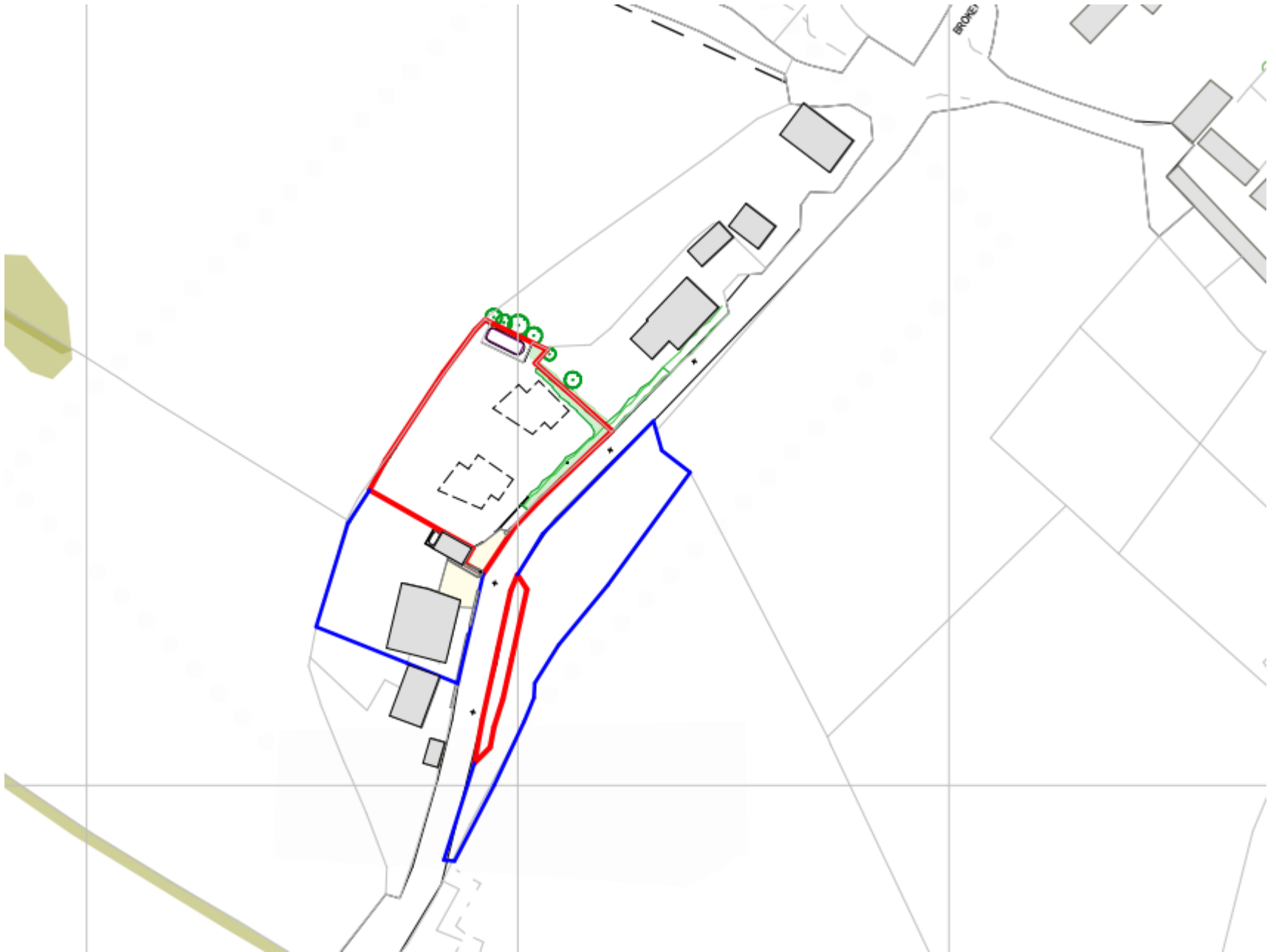


Site Location Plan

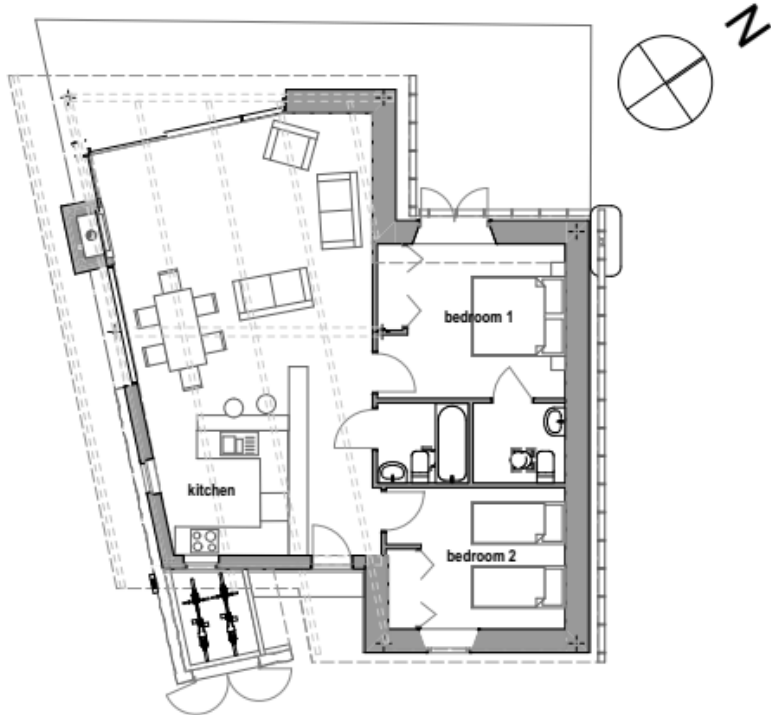


Aerial Photography

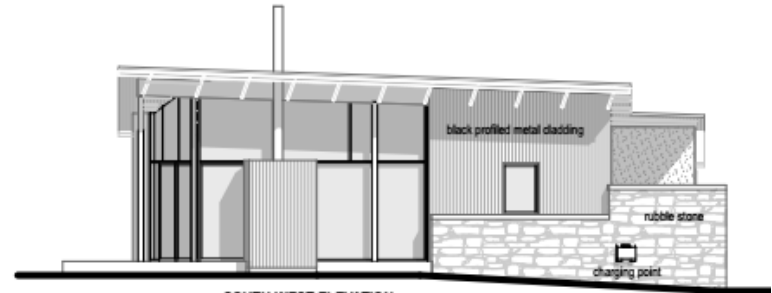
Location Plan for proposed ecolodges



Proposed Elevations and Floor Plan for ecolodges



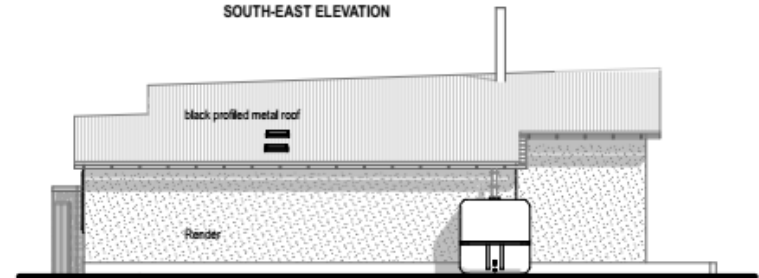
LODGE 1 & 2 PLANS



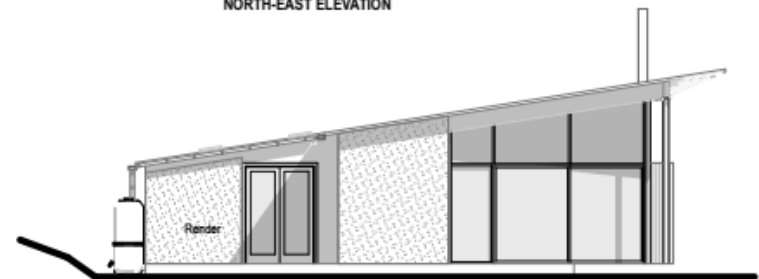
SOUTH-WEST ELEVATION



SOUTH-EAST ELEVATION



NORTH-EAST ELEVATION



NORTH-WEST ELEVATION

Google Street View image of site when used as car park – image dated October 2011



Site photograph dated January 2021 – Fencing added to roadside boundary



Photo provided within the submitted Planning Statement dated March 2021 from within the site



Figure 3 –Application site with Yew Tree House and existing garage

Extract taken from the Council's 2014 aerial photograph



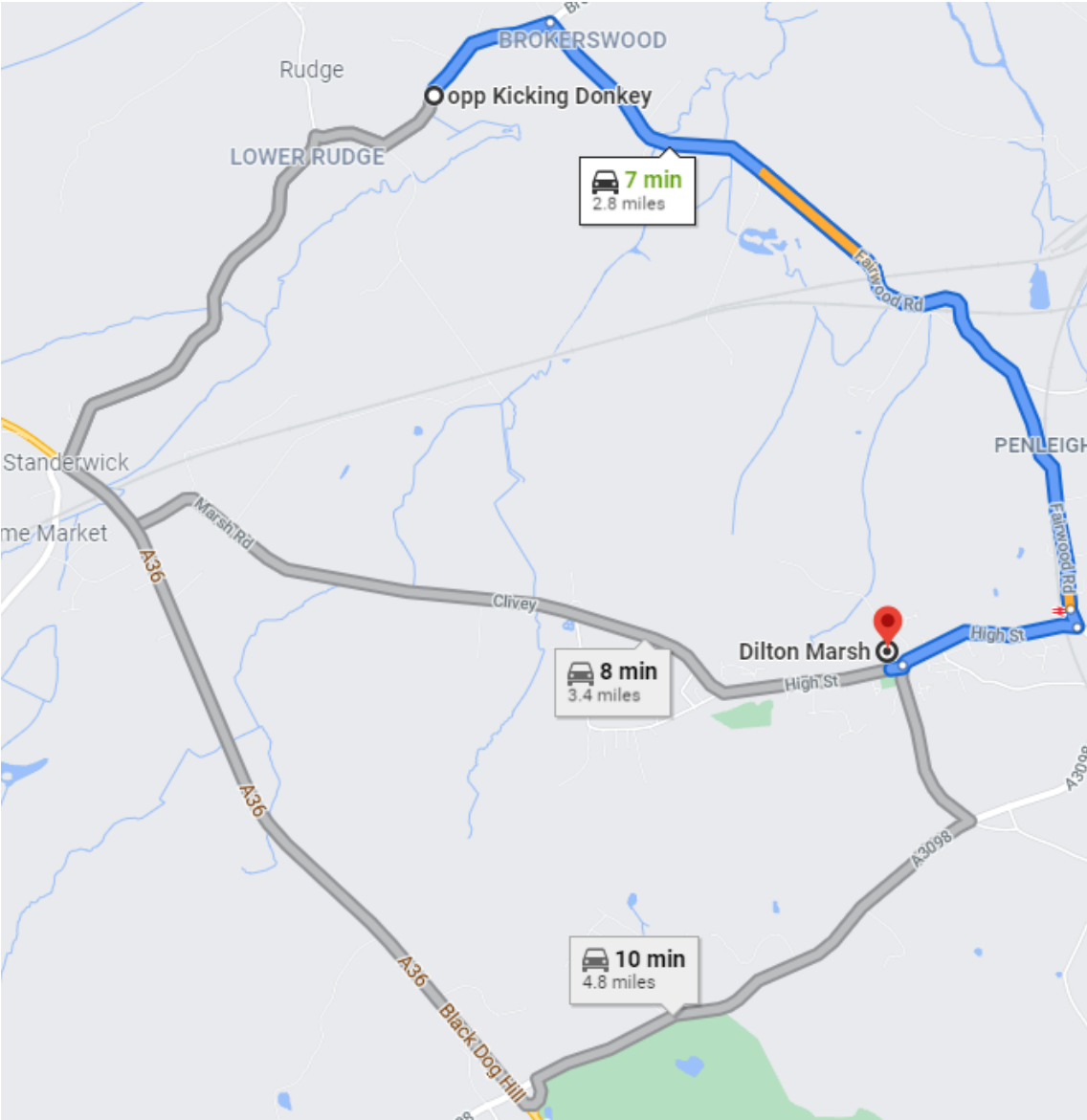
Extract taken from Google Earth – Image dated September 2020



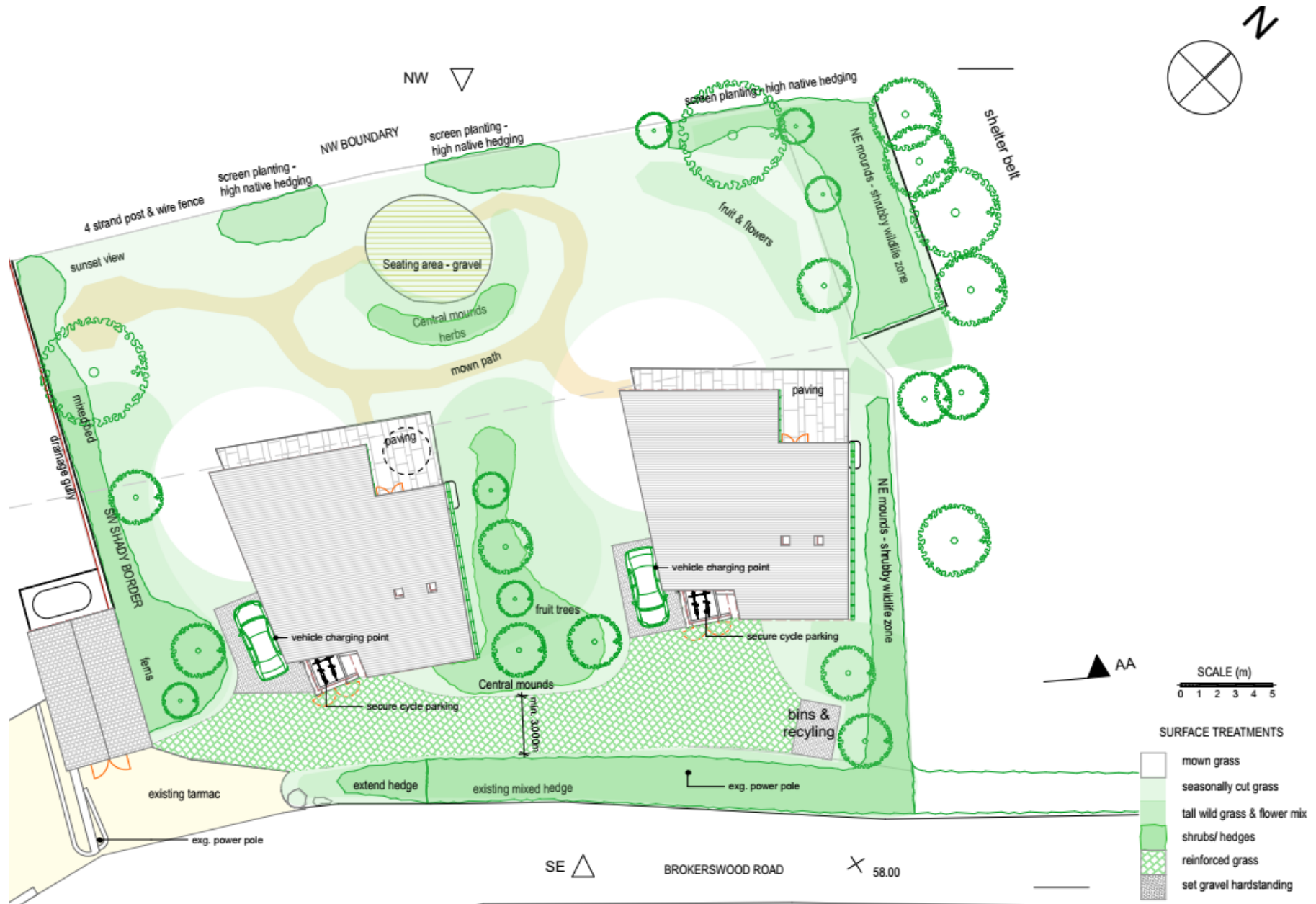
Relationship between proposed site and closest Local Service Centres or Large and Small Villages



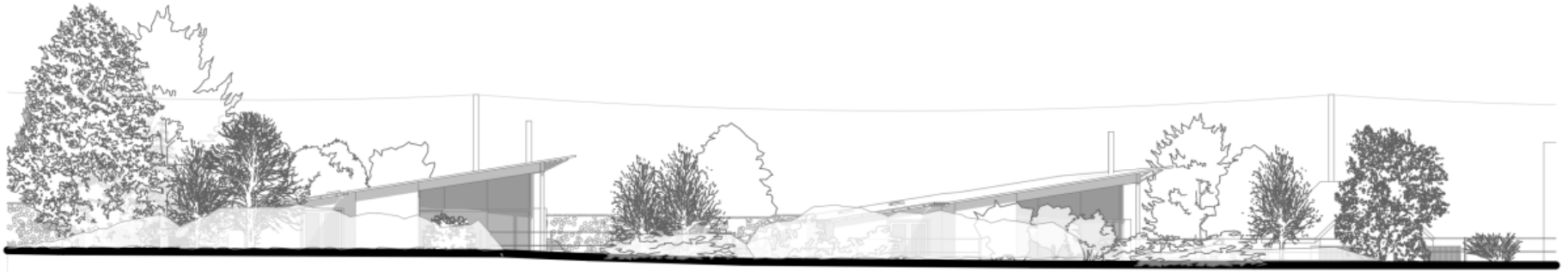
Google Maps extract to show distance between application site to nearer settlement



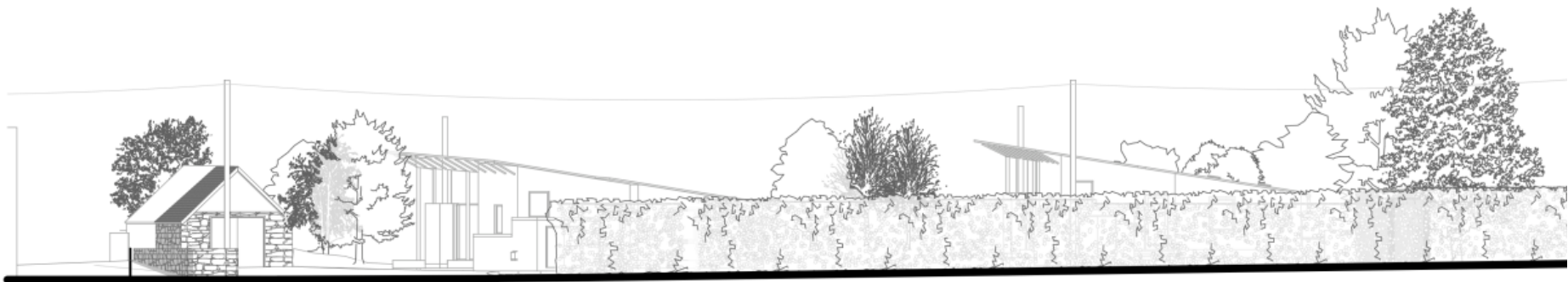
Proposed site plan with landscaping



Proposed views of the application site from the field to the north-west and from the road to the south-east

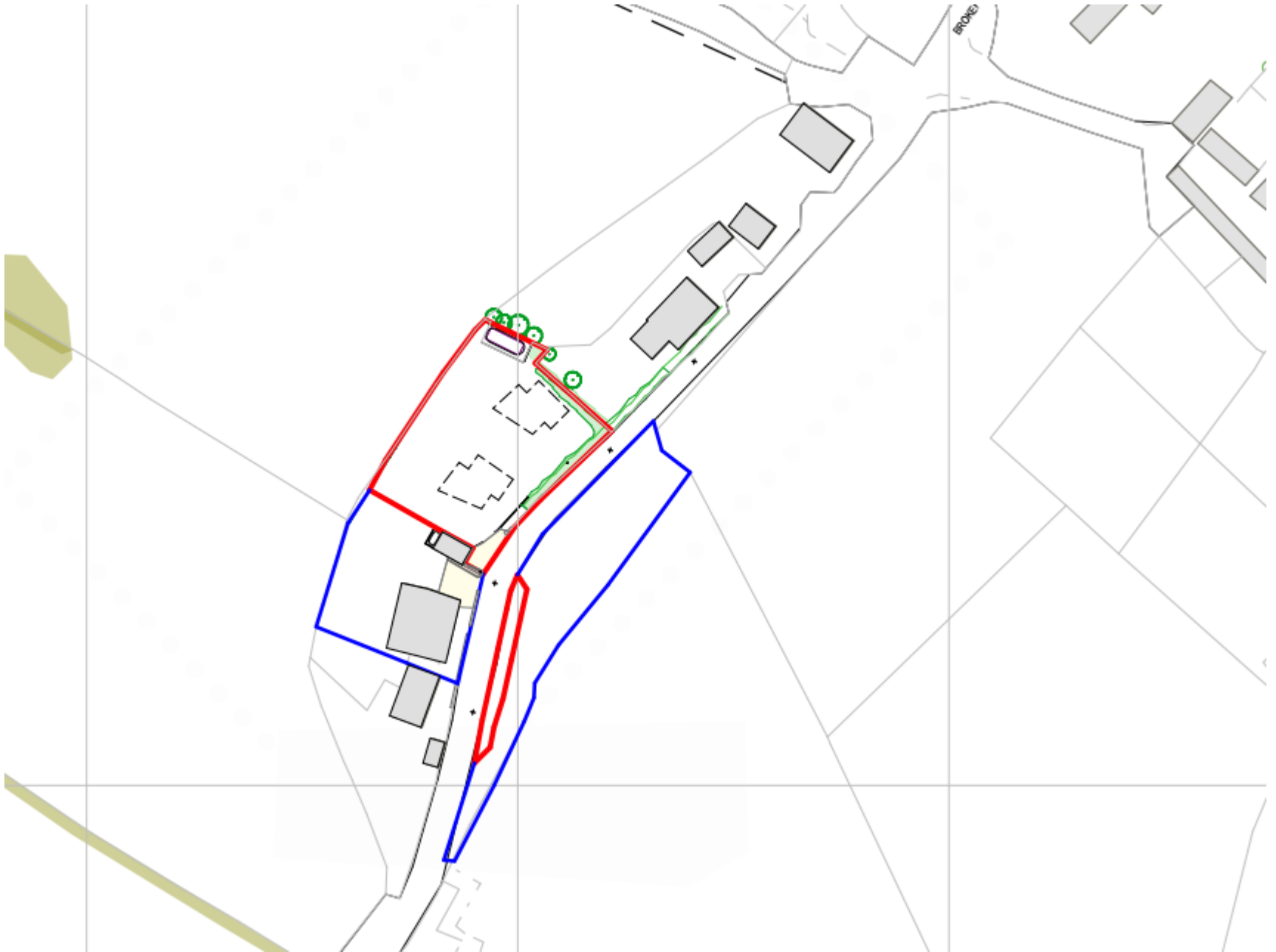


NORTH-WEST ELEVATION FROM FIELD



SOUTH-EAST ELEVATION FROM ROAD

Location Plan for proposed ecolodges



8b) 20/10353/FUL - 37 A Monkton Farleigh, Bradford-on-Avon, Wiltshire, BA15 2QD

Erection of replacement dwelling

Recommendation: Approve subject to conditions



Site Location Plan



Aerial Photography

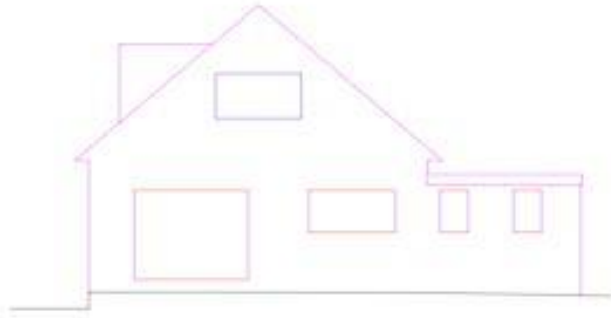
Existing and proposed block plans



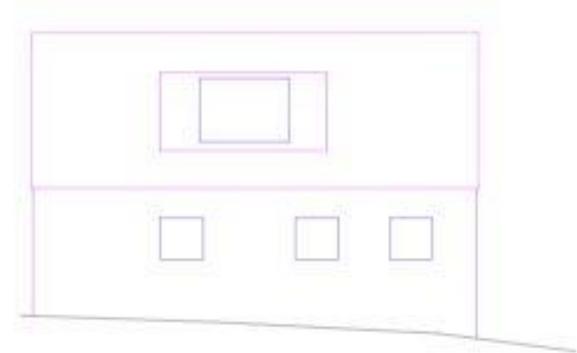
Block plan: proposed dwelling in relation to adjoining properties



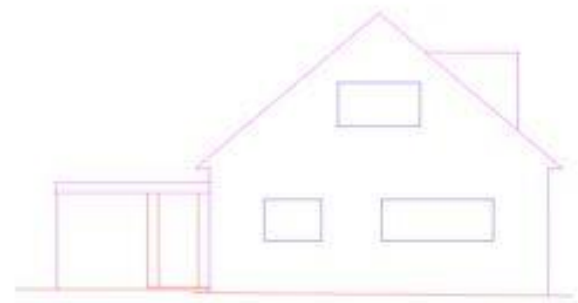
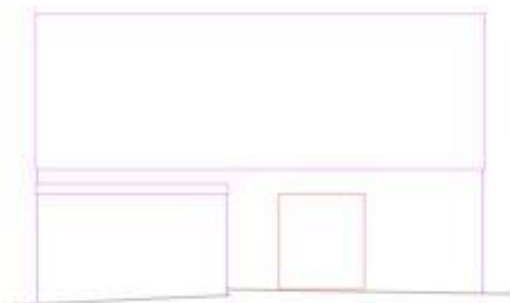
Existing elevations



100% EAST ELEVATION



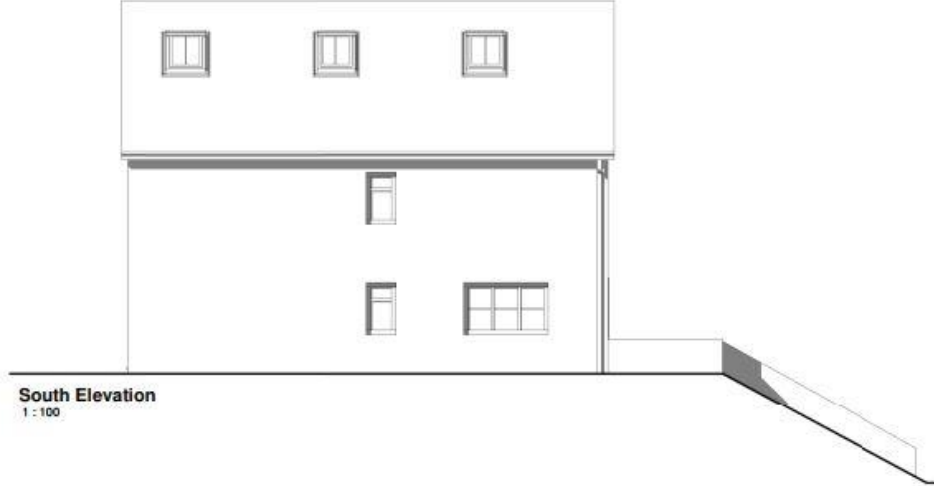
100% WEST ELEVATION



Proposed elevations



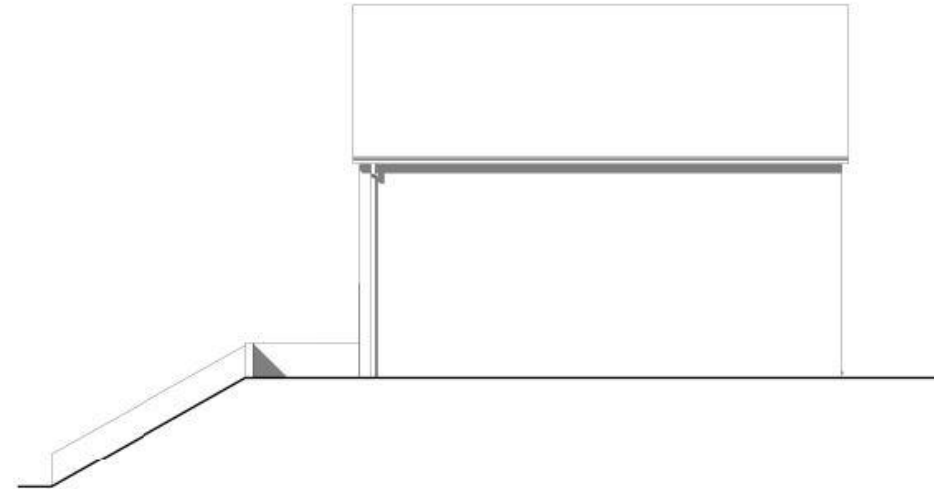
Front Elevation
1 : 100



South Elevation
1 : 100

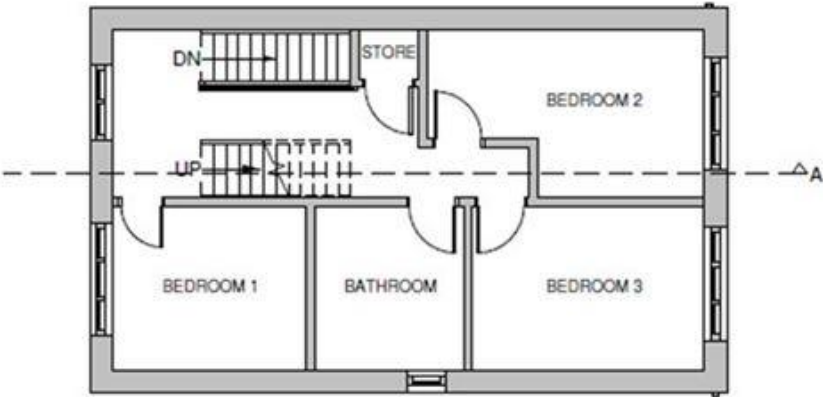
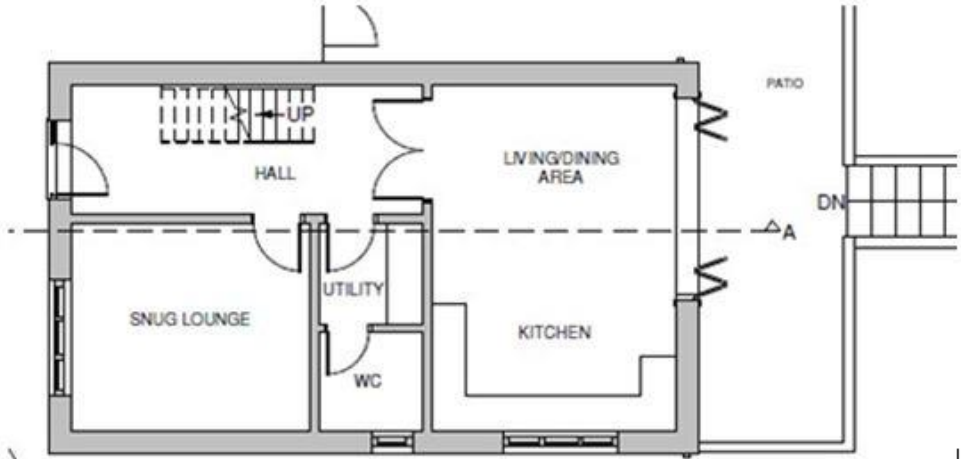


Rear Elevation
1 : 100

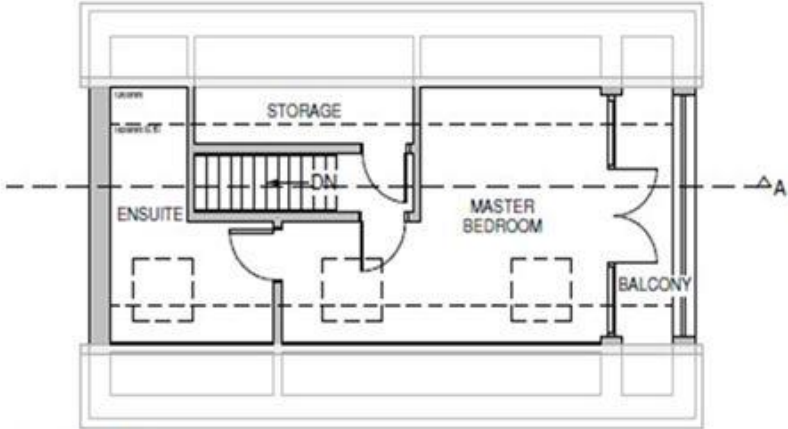


North Elevation
1 : 100

Proposed floor plans



First Floor
1:100



Second Floor

Street scene: proposed dwelling in relation to adjacent property (No. 37B)



Existing dwelling (front)



Street scene view of 37A,B and C Monkton Farleigh



Existing dwelling (rear)



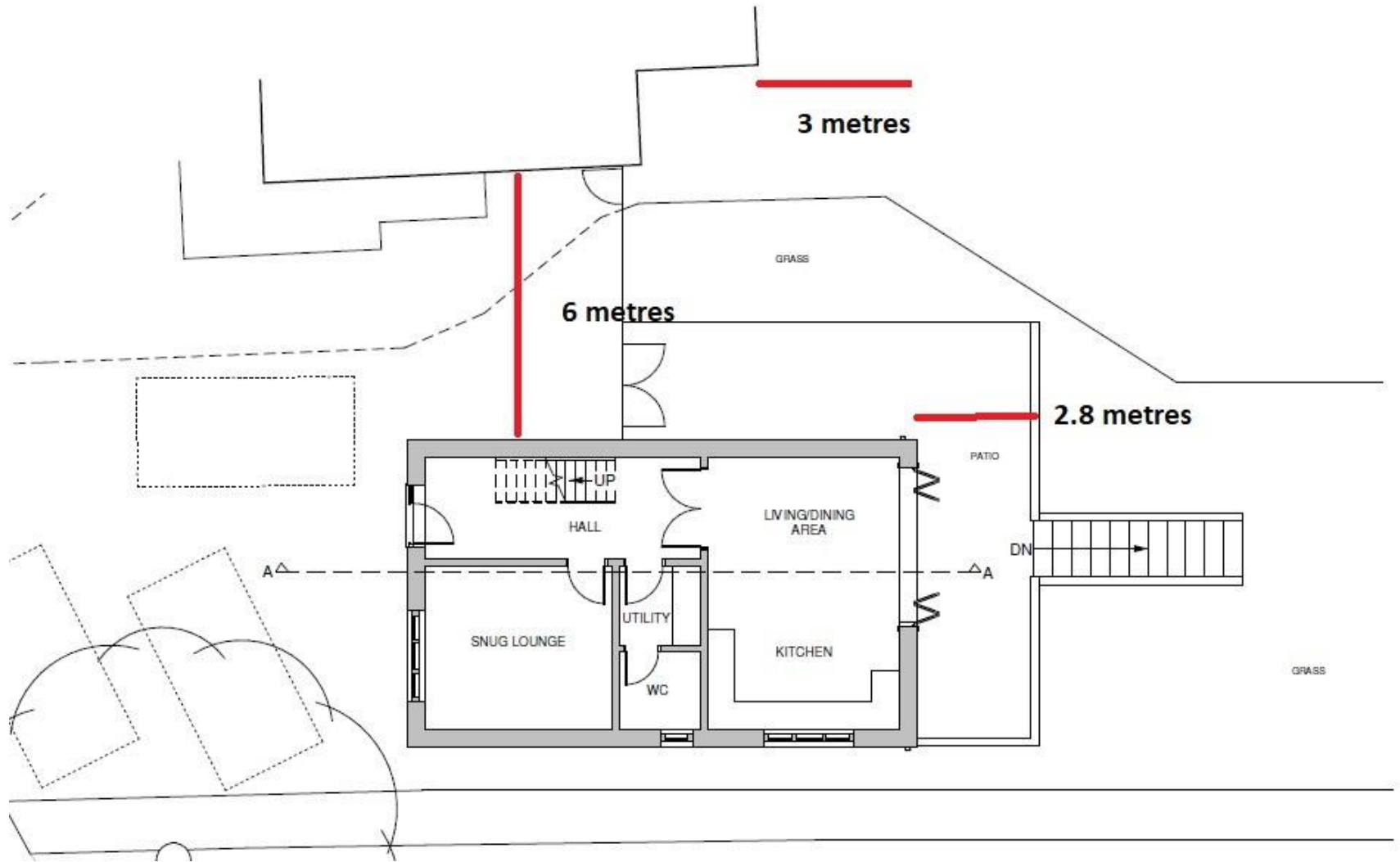
Looking out towards rear of No. 37B from rear application site



Overlooking application site from rear patio of No. 37B



Distance/set back between 37A and 37B Monkton Farleigh



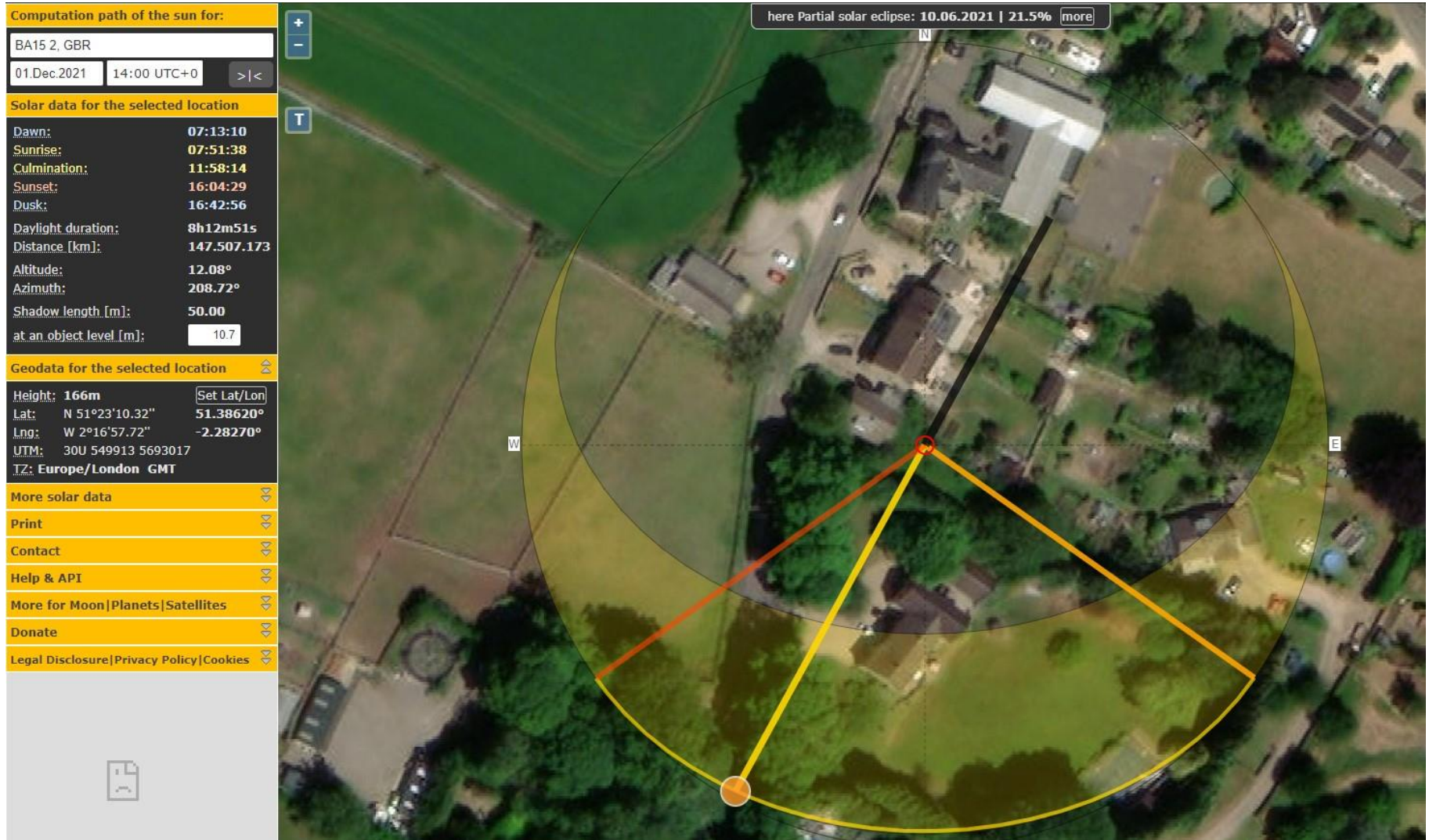
Sun calculations: Proposed dwelling June



Sun calculations: Existing property December



Sun calculations: Proposed dwelling December



Block plan: proposed dwelling in relation to adjoining properties



Western Area Planning Committee

29th September 2021