
REPORT TO: Development Control Sub- Committee

AGENDA ITEM:

16

DATE OF MEETING: 29th May 2001

CATEGORY: DELEGATED

REPORT FROM: PLANNING SERVICES MANAGER

OPEN

MEMBERS'

CONTACT POINT: ADRIAN KIRKHAM EXT: 5743

DOC:

SUBJECT: Bridleway 11, Willington Parish

WARDS AFFECTED: Willington

1.0 Purpose of Report

1.1 To update members concerning Bridleway 11 in Willington Parish further to the discussions which took place at the last Development Control Sub Committee meeting (8th May 2001) at which this matter was raised.

2.0 Content

2.1 Complaints have been received that the bridleway, Bridleway 11 in Willington, is being obstructed by a wall and fences erected within its defined width. The matter has been investigated by officers of this council and a wall and a fence, along with a small number of other materials, have been found to have been erected in an area of land to the west of residential development at Willington.

2.2 The area of land enclosed by the fence and wall was the subject of a recent planning application. This sought consent for the area of land to be incorporated within the domestic curtilage of the nearest residential property. The application was refused by the Sub Committee. Notwithstanding that, the erection of walls and fences up to a height of two metres, as in this case, is permitted development not requiring the consent of this Council.

2.3 There is a dispute between the County Council, as highway authority, and the Parish Council, and others, as to the extent and the line of the bridleway. The County Council have confirmed a line of the bridleway to the district council and indicated that the bridleway extends 36 feet in width. This line is, however, disputed by the Parish Council and local residents and the matter is currently being investigated further by the County Council. This Council is advised that the result of the further investigation required will not be available before July of this year.

2.4 Whilst this Council takes its role, as agents of the County Council, in maintaining public highways very seriously, without this matter being clarified by the highway authority itself, it cannot be resolved by this Council and it is, therefore, inappropriate at this stage to commit resources to this matter.

2.5 The members of the Sub Committee are informed that the bridleway has recently been re-opened following its closure due to foot and mouth disease.

3.0 Financial Implications

3.1 There would be a financial implication should there become a necessity to utilise enforcement powers to ensure any unauthorised obstruction of the bridleway is removed.

4.0 Conclusion

4.1 Until the definitive line of the bridleway is confirmed by the highway authority this Council is unable with certainty to secure the removal of any alleged obstruction of the bridleway. However, if it is found that the bridleway is blocked then this Council, as agents for the highway authority, would be able to secure the removal of any unauthorised blockage.

4.2 The erection of the wall and fence that is allegedly blocking the bridleway are otherwise permitted development under the terms of the Town and Country Planning (general Permitted Development) Order.

4.3 The matter of the alleged obstruction of the bridleway is not one over which this Council has absolute jurisdiction. This falls to the County Council in this case.

5.0 Recommendations

5.1 That the comments of this report are noted.