



Countryside Planning and
Development Control
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Universal Services

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LDC/24/96924

Date

22 March 2024

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For the attention of Claire Dinnage:

Planning reference: LDC/24/96924

Site location: Beech Ridge, The Bridleway, Brook Lane, Botley, SO30 2ER

Proposals: Lawful Development Certificate for Existing Use: Yard for the storage of building materials and associated vehicle parking - see planning statement, site plan and other accompanying details.

Consultation response: No Objection

Thank you for consulting Hampshire Countryside Service (the Service) as Highway Authority in respect of Public Rights of Way (PROW) and Commons Registration Authority. We also manage Country Parks and Countryside Sites throughout Hampshire. Please accept this as our response to the above application, taking into account the material considerations relating to PROW, Commons and impacts to Hampshire County Council (HCC) Country Parks and Countryside Sites.

Site Context:

- The definitive line of Botley Bridleway 17 (BW17) runs northeast from the parish boundary to King Copse Avenue, continuing on the other side along Maris Road, then along The Bridleway, then through, respectively west to east, land owned by HCC, the site of this application and woodland, terminating at Brook Lane.
- The site is not located in a material proximity to any HCC Countryside Site.

A copy of the Definitive Map of Rights of Way and Countryside Sites and Definitive Statement can be found at <https://maps.hants.gov.uk/rightsofwaydefinitivemap/> and <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Summary:

The Service offers no objection to the acceptability of this application in planning terms. However, government guidance regarding Lawful Development Certificates states, “the grant of a certificate applies only to the lawfulness of development in accordance with planning legislation. It does not remove the need to comply with any other legal requirements” (GOV.UK Guidance – Lawful Development Certificates 2014, Paragraph 004). The Highways Act (1980) is one such ‘other legal requirement.’

The recorded line of BW17 runs west to east through the site close to the north boundary, but is not accessible to bridleway users, being obstructed by the existing yard, in contravention of Section 137 of the Highways Act (1980). It is understood that the route to the south called The Bridleway, via which this site is accessed by vehicles from Brook Lane or Maris Road, has been used by bridleway users for many years as an alternative and, as a result, may have accrued public rights through long, consistent use. The Service, however, as Highways Authority for PROW, alerts the applicant to the existence of the recorded public highway (BW17) through their site, as it (the Service), in the event a member of the public served notice on it to do so, would be required to begin enforcement procedures against the applicant to open up access to the legally recorded line of the path.

To avoid such a scenario, the route and surface of the PROW should be cleared of obstructions and made safe for public use. Alternatively, the Service would consider an application under Section 119 of the Highways Act (1980) to divert the recorded line of BW17 to another suitable route outside the site, possibly the existing track called The Bridleway. Further information on this process can be found here: [Public Path Orders | Hampshire County Council \(hants.gov.uk\)](#).

Yours sincerely,

Peter Miles
Countryside Planning Support Officer
Hampshire Countryside Service