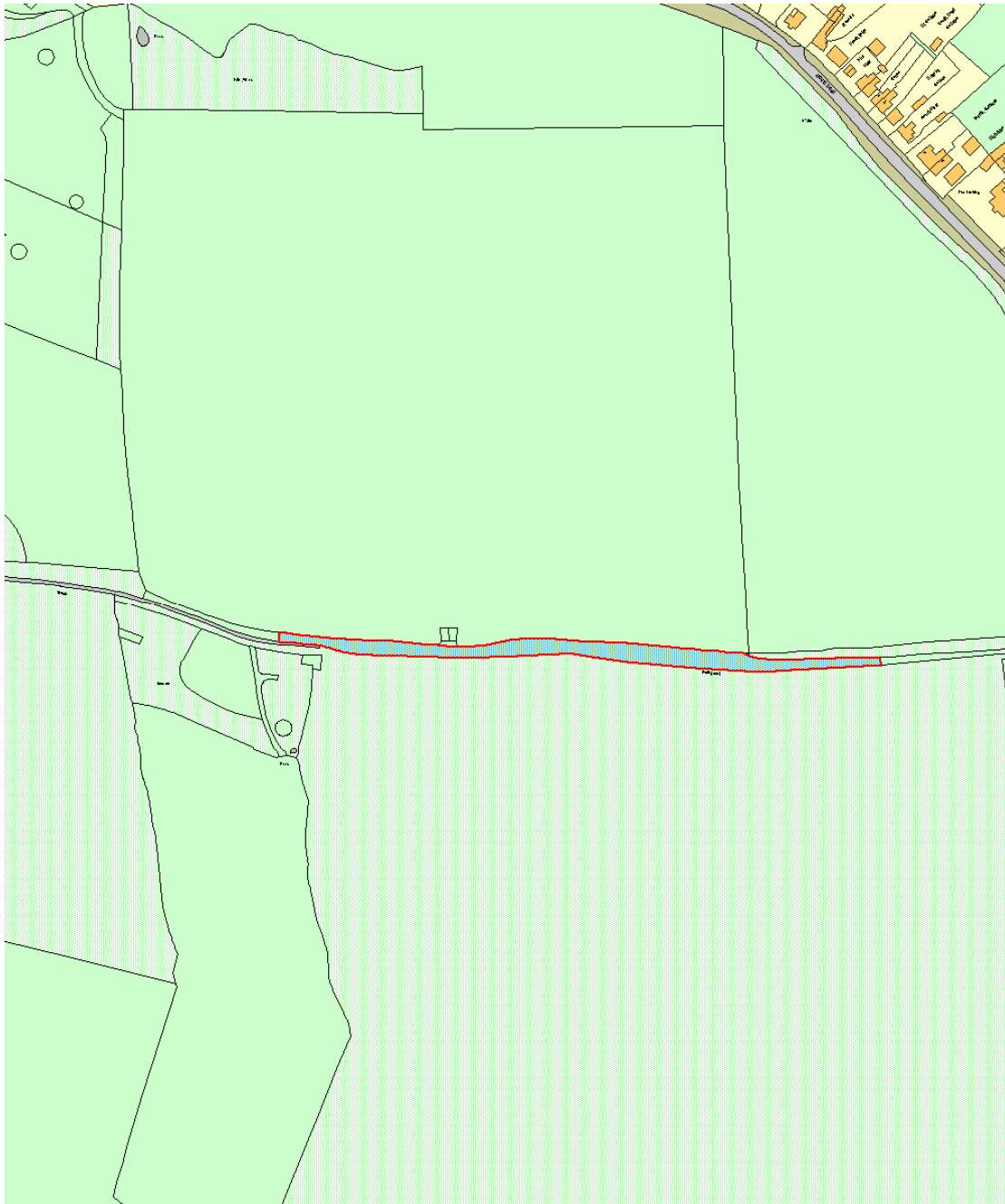


|                            |   |                       |  |
|----------------------------|---|-----------------------|--|
| <b>APPLICATION NUMBER:</b> | LW/07/0576  | <b>ITEM NUMBER:</b>   | <b>6</b>                               |
| <b>APPLICANTS NAME(S):</b> | Mr & Mrs Ransom   | <b>PARISH / WARD:</b> | Wivelsfield /<br>Chailey & Wivelsfield |
| <b>PROPOSAL:</b>           | Planning Application for Section 73A Retrospective application for repairs and improvement to bridleway |                       |  |
| <b>SITE ADDRESS:</b>       | The Golf Course Farm, South Road, Wivelsfield Green, East Sussex, RH17 7QS                              |                       |  |
| <b>GRID REF:</b>           | TQ 3519   |                       |  |



## **1. SITE DESCRIPTION / PROPOSAL**

1.1 Retrospective planning permission is sought for the resurfacing of a section of bridleway to the west of South Road, Wivelsfield. The bridleway links South Road to Hundred Acre Lane and a section approximately 310m long has been resurfaced by laying chalk with road planings on top to a width of 3m. The works have been carried out to enable vehicles to reach the site of stables which were approved under planning permission reference LW/04/1704 but not yet constructed. The applicants state that the bridleway was in a poor condition prior to the resurfacing works, was liable to become waterlogged and muddy, and had deteriorated to the point where it was largely unusable for many months of the year. Objectors to the application have stated that the bridleway was not in as bad a condition as has been made out by the applicants.

## **2. RELEVANT POLICIES**

**LDLP: – ST03 – Design, Form and Setting of Development**

**LDLP: – RE05 – Public Rights of Way**

**LDLP: – RE08 – Equestrian and Related Activities**

## **3. PLANNING HISTORY**

**LW/04/1704 – Erection of stables with feed store/tack room – Approved.**

## **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**ESCC Rights Of Way Officer – No objection**

**The Ramblers Association – Not received**

**Main Town Or Parish Council –** There is concern amongst those who use the bridleway that it cannot be restored to its original state and will end up as a morass.

An alternative proposed is that the bridleway should be left as it is on the provisos that:

a) the applicant improves the last section linking the improved section to South Road and installs bollards/obstructions to prevent access by wheeled traffic. This section is in an appalling state worsened by being dug up by the applicant to facilitate drains and mains electricity and it appears that Charles Burgoyne is not in favour of horse traffic using his made-up exit to South Road.

b) suitable bollards/obstructions are installed at the Lashmar Wood section to prevent access for wheeled vehicles from the Hundred Acre lane direction thus preventing the bridleway becoming a cut through from Hundred Acre

Lane to South Road. The installation of the bollards/obstructions on both sections would presumably have to be agreed by the County Council's Rights of Way officer

c) that under no circumstances should planning consent be granted at any time for any type of dwelling, permanent or temporary, on the site covered by LW/04/1704.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

5.1 Six letters of objection received - the need for a road to access the stables should have been considered at the time of that application; the intention is to develop the site for a dwelling; road is an eyesore and out of keeping with rural character of the area; surface is unsuitable for horses; unsuitable for disabled users as there is no footpath along South Road; land should be restored to its former condition.

5.2 A letter of objection received from Mid Sussex Area Bridleways Group - the part of bridleway that has been surfaced was not the section that had previously precluded wet weather use by horseriders; the worst sections are through Lashmar Woods and the section leading from South Road to the now surfaced section; the section that has been improved was previously a grassed field edge, not a muddy track; spreading of manure on the road could result in a slippery surface when wet and cause mud fever on horses legs; will be smelly and not appreciated by walkers and cyclists; a more sympathetic surface should have been used.

5.3 One letter of support received - works will ensure that bridleway remains passable through winter months without becoming a more permanent road; retains its rural character.

## **6. PLANNING CONSIDERATIONS**

6.1 The main consideration in the determination of this application is the visual impact of the resurfacing works on the rural character of the area.

6.2 The bridleway runs along the northern edge of a field which is presently used for the grazing of horses. The eastern end of the works border the buildings at Golf Course Farm while the western end is at the entrance to Lashmar Wood. The works have resulted in a compacted 'black top' road surface which is an intrusive urban feature in this rural landscape. The extent of the surfacing works is considered to be excessive for the purposes of serving stables and accommodating only very limited traffic movements.

6.3 The removal of the new surface in its entirety has been considered but, as the Parish Council have stated, there is a danger that this would result in further degradation of the area. Furthermore, permission exists for stables and it is reasonable for the applicants to expect to be able to have a usable access to the site for horseboxes and feed deliveries. Discussions with the applicants have sought ways to mitigate the visual impact of the development.

It was suggested by the applicants that a layer of manure be spread over the surface to tone down its appearance and help speed up green growth. However, it was generally agreed that this would be environmentally unpleasant for users of the bridleway, such as walkers and cyclists, and was dismissed. An alternative solution is to reduce the amount of 'black top' by removing a 1m wide section in the centre of the road, leaving two parallel tracks for vehicles to use. The central section would maintain the chalk base layer but this would be covered in top soil and planted with grass seed to soften its appearance. Over time, grass would grow over the edge of both of the tracks and weeds are likely to grow up through the road surface. It is considered that these works would help to reduce the visual impact of the resurfacing and would make the retention of the remainder of the new road acceptable.

6.4 Objections have been received to the principle of allowing the road to remain, fearing that it will open the way for future development on the site. However, this is not a material consideration in the determination of this application. Any future application will be subject to planning controls in the usual way and on the basis of the strict planning policies applicable for development in the countryside. Similarly, the fact that the works are retrospective should not influence Members in the decision making process.

6.5 The applicants have requested six months to carry out the mitigation works, which would take them into the next planting season thereby assisting in the success of any grass planting. This is considered to be reasonable.

6.6 The comments of the Parish Council are noted. The road is to be used to gain access to the stables and the resurfaced section forms only a part of a longer bridleway. It is not considered to be necessary or reasonable to require the applicants to place bollards on the bridleway to prevent vehicular access along its entire length. If the resurfacing works had not been carried out the bridleway could still have been potentially used as a 'cut through' from Hundred Acre Lane to South Road. The resurfacing of a section of the bridleway does not change the previous situation. The remainder of the bridleway will continue to be unsurfaced and liable to become muddy in the winter months, making it less likely to be used by vehicles in any event.

6.7 The resurfacing of the remaining section of bridleway to South Road, as requested by the Parish Council, is also noted. However, it is considered that this would further urbanise the area and would have a greater visual impact than the current situation. It is understood that the applicants have the permission of the landowner to use his hard surfaced access from South Road, which links to the resurfaced section of bridleway. Further resurfacing of the bridleway is therefore considered to be unnecessary.

6.8 It is considered that the mitigation of the impact of the new road, by reducing the extent of 'black top' to two parallel tracks instead of one continuous wide road, is a reasonable solution which will ensure that the visual impact of the works is not unduly harmful in the countryside. The application can be supported.

## 7. RECOMMENDATION

That permission is granted

### **The application is subject to the following condition:**

1. Within six months of the date of this permission, a 1m wide section of road planings from the centre of the existing surfacing track shall be removed and the remaining chalk base shall be covered in top soil and planted with grass seed, in accordance with the details specified on drawing no. (to be confirmed).

Reason – To reduce the visual impact of the resurfacing works in the interests of the visual amenities of the area having regard to Policy ST3 of the Lewes District Local Plan.

### **This decision is based on the following submitted plans/documents:**

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------|----------------------|------------------|
| Location Plan    | 2 May 2007           | PD/01            |

### **Summary of reasons for decision and any relevant development plan policies/proposal:**

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policy ST3 of the Lewes District Local Plan.