

Recommendation Report for Planning Permission

REF NO: WA/51/22/PL

LOCATION: Land At
London Road
Fontwell
Walberton
BN18 0SG

PROPOSAL: Repairs and alterations to the Slindon Estate Gateway including replacement of existing post & wire fence/gates with new black metal Estate fence, new pedestrian crossover to link either side of Bridleway (incl re-alignment of Bridleway to match official route), replacement of existing road sign and localised repair of bridleway surface. This application is a dual parish application with Slindon Parish Council and is a cross boundary application with the South Downs National Park Authority.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	In this dual authority application the parts of it that are within Arun District will be dealt with in this application. The re-alignment of the bridleway, the repair of the bridleway surface, installation of a road surface to demark the pedestrian/bridleway crossover and the replacement of the road sign are proposed.
TREES	No trees affected by the proposal.
SITE CHARACTERISTICS	A bridleway out in the open countryside.
CHARACTER OF LOCALITY	Open countryside.

REPRESENTATIONS

Walberton Parish Council - supports the application as it improves the bridleway.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

WSCC Highways - No objection

Historic England - No need to consult.

South Downs National Park Authority - No comment

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

TRUNK ROAD

ADOPTED LOC PLN

CLASS A ROAD

LB GRADE II

Extinguished AONB

GLV VOID 060593

SPEC CONT ADVTS

OUTS BUILT AREA

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1 C SP1 Countryside

DDM1 D DM1 Aspects of form and design quality

[Walberton Neighbourhood Plan Policy 2019-2031](#) Footpath Bridleway and Cycle Patch Network
[GA2](#)

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it improves the bridleway network.

CONCLUSIONS

The key policies are C SP1 and D DM1 of the Arun Local Plan and policy GA2 of the Walberton Neighbourhood Plan.

Policy C SP1 permits development in the open countryside for quiet informal recreation which a bridleway is

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public Realm, Layout, Public Art, Density and Scale.

Policy GA2 of the Walberton Neighbourhood Plan supports the improvement of bridleways.

The proposal is for an extension of the bridleway to form a straight crossover to the bridleway on Dukes Road which will improve the safety of the road crossing. This will constitute a re-alignment of the bridleway shutting off a section of it and adding a section of it.

The bridleway will match the character and appearance of the area.

The proposal will not cause a loss of trees just the removal of some shrubbery to accommodate the new section of bridleway

The bridleway re-alignment will be an acceptable alteration to the area and will accord with policies C SP1 and D DM1 of the Arun Local Plan and policy GA2 of the Walberton Neighbourhood Plan.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Details Dwg.no. P-DT1 dated May 2022

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 4 INFORMATIVE:A stopping up order will be required from West Sussex County Council Highways Department for the small section of bridleway to be shut off.