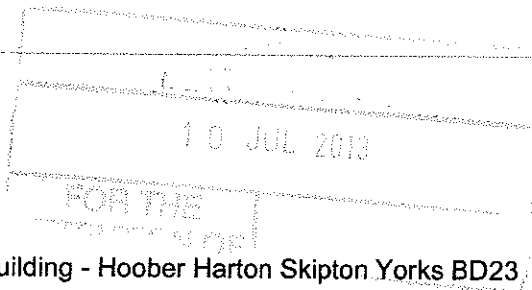


David Laskey

From: Patel, Uday [Uday.Patel@lancashire.gov.uk]
Sent: 10 July 2013 11:55
To: planning
Cc: ENV LHS Customer Service
Subject: 3/2013/0546 - Proposed new agricultural live stock building - Hooper Harton Skipton Yorks BD23 3JT



Graeme Thorpe,

Planning Application Reference: 3/2013/0546
Grid Reference: 385077 450978
Proposal: Proposed new agricultural live stock building
Location: Hooper Harton Skipton Yorks BD23 3JT

Hooper Farm is an existing on going agricultural business with number of assets in terms of existing building and other related infrastructure to sustain the on going agricultural business.

Proposed development is an erection of new agricultural building to house addition livestock. It is believed that the existing infrastructure available on site will be able to support the new livestock for their daily needs. However, for housing the livestock there is a requirement of new building of approximately 339.2m² floor area. Proposal is for the erection of new building adjacent to the existing track within the farm curtilage.

There is an existing access Public rights of way FP9 and Bridle Way BW7 to the property. The access FP9 forms a junction with Knot Lane and BW7 form a junction with green lane. There is no change to the existing access to the property. With the proposed development it is anticipated that there will be additional vehicular traffic associated with the new development in terms of vet visits, feed transport vehicles as well as livestock transport vehicles etc. It is anticipated that the current business already uses the existing access to support the such needs and will continue to be used for proposed development.

It is anticipated that during the time of construction there will be several delivery vehicles as well as construction vehicles traffic on access road FP9 and BW7 which are public rights of way.

The proposed development is in a rural area and is unlikely that it will have a significant effect on to the adjacent highway network. However following conditions shall be considered during the planning application approval process.

Conditions related to Public Rights of Way:

- Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.
- The Town and Country Planning Act 1990 has provision for diverting Definitive Public Rights of Way if a diversion is necessary to allow the development to take place. The Highways Act 1980 also has provision for the diversion of Definitive Rights of Way, though with regards to new developments, the Town and Country Planning Act 1990 is the appropriate legislation to use. It should be noted by the applicant that objections may be raised using either of the

above Acts. Lancashire County Council will not process a diversion application in relation to these paths in connection with a development proposal.

- Should the paths be obstructed during the development or be obstructed after the development has taken place, Lancashire County Council will consider commencing criminal proceedings.
- The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders, or if it is necessary to divert the above listed Public Rights of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected. There is no provision under the Town and Country Planning Act 1990 to allow a retrospective diversion of paths that are already affected by either partially completed or completed development.
- It is brought to the attention of the applicant that - if they have any questions relating to the position of the public right of way then they should be directed to the Lancashire County Council Public Rights of Way section.
- Please contact Mr. Steve Williams (Senior PROW officer – 01772 533886)

Thank You

Uday Patel
(Developer Support - Area East)

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10/07/2013