

**Jane Tucker**

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**From:** Patel, Uday [Uday.Patel@lancashire.gov.uk]  
**Sent:** 22 October 2013 13:13  
**To:** planning  
**Cc:** ENV LHS Customer Service  
**Subject:** 3/2013/0854 - Erection of replacement dwelling - Sawley Lodge Sawley BB7 4LF

**F.A.O: Stephen Kilmartin,**

**Planning Application Reference: 3/2013/0854**

**Grid Reference: 377928 447082**

**Proposal: Erection of replacement dwelling**

**Location: Sawley Lodge Sawley BB7 4LF**

Proposed development is a residential dwelling with five bedrooms and associated infrastructure. Proposed development is to replace the existing building structure and erect a new building at the same location with variable foot print. Access to the property is from existing Sawley Old Brow. There is an existing access to the property which is also an existing Bridle Way BW8. Overall the development involves lots of external works associated with the main dwelling in terms of landscaping and associated infrastructure. It is noticed that existing Bridle Way BW8 is affected with the proposed development. In this regard applicant is advised to contact LCC PROW officer Mr. Stephen Williams (01772 533886) for further advice.

Application form indicates 10 no parking spaces within the curtilage of the property. It is believed that being a large property and number of bed rooms including some leisure facilities for private use, it is likely that number of personal and private visitors may visit the house. Having 10 no parking spaces, it is anticipated that such external visitor's vehicles will be accommodated within the parking spaces available within the curtilage of the property.

It is anticipated that having number of vehicles within the curtilage of the property, not all the vehicles are likely to use the access at the same time. It is believed that proposed development is unlikely to have a significant effect in terms of the volume and capacity of the adjacent highway network. However with regard to the PROW following conditions are required to be included in the planning approval notice.

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)

In principle there is no objection to the proposed development if above conditions are included in the planning approval notice.

Thank You

Uday Patel  
(Developer Support – Area East)

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