

# EASTERN AREA PLANNING COMMITTEE

## ON 10.07.2024

### UPDATE REPORT

Item  
No: (2)

Application  
No:  
23/02603/FUL

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Site: Barn, Hawkridge Farm, Bucklebury

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#### 1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

#### 2. Additional Consultation Responses

No further consultation responses received.

#### 3. Additional representations

One further letter containing additional comments from an objector has been received. In particular this raises that prior to a Certificate of lawfulness being determined in 2020, Hawkridge Farm and the Owl House were a single dwelling. However, this is incorrect. While it is the case that until submission of the Certificate of Lawfulness both dwellings had been considered a single dwelling unit, the Certificate of Lawfulness confirmed that The Owl House had been occupied as a separate dwelling for in excess of 4 years prior to submission of the Certificate of Lawfulness. Therefore, the Certificate of Lawfulness demonstrates that there are established to be two separate dwellings, that have long been occupied as two separate dwelling units.

The letter also raises matters in respect of highway safety and land ownership that were raised in previous objections.

#### 4. Officer Report Update

Officers have clarified that Frilsham Parish Council would like their comments to be summarised as neutral rather than an objection.

Point 1.11 of the officer's report should be updated to *"While the diversion of the definitive footpath is included in the proposal description, it should be noted that the planning permission process (under section 62 of the Act) cannot be used to divert a public footpath. Diversions of public footpath are carried out under section 247 of the Act which is a separate process. This will be further explained later in this report."*

Point 6.57 of the officer's report should be updated to *"Officers contacted the Department for Transport who confirmed that there have been no valid objections to the draft diversion Order made under section 247 of the Act. The draft Order will be confirmed and finalised by the Secretary of State if planning permission is granted. The DfT have also confirmed that the applicant cannot stop up or divert a highway (public right of way) until the notice announcing that the Secretary of State has made an Order has been published. It is therefore considered necessary and reasonable to make it a conditioned requirement of planning permission, should Members resolve in favour, that the Order is published and therefore the diversion secured as recommended at condition 4 of your officers' report."*