



To All Councillors,

You are summoned to an **ONLINE** meeting of the Planning and Environment Committee (in adherence to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392) on **Thursday 07 January 2021 at 7.30pm**. A link will be sent to you explaining how to join this meeting.

To Members of the Public,

This meeting will be streamed on the internet. Follow link from website or Facebook page. This will enable you to see and hear Councillors.

If you would like to ask a question,

- a. you can either submit it to the Clerk at least 24 hours prior, who will then read it out, or
- b. you can ask it directly, but you must still notify the Clerk at least 24 hours prior, so you can be sent a link that you will enable you to join the meeting for the duration of public questions.

G.C. Burt

Clerk to the Council

23 December 2020

AGENDA

1. Apologies for Absence.
2. Declarations of interest and notification of change to members' interests.
3. Approval of the minutes of the Planning and Environment Committee meeting held on 19 November 2020, previously circulated, to confirm and sign the minutes as a correct record.
4. Approval of the minutes of the Planning and Environment Committee meeting held on 3 December 2020, previously circulated, to confirm and sign the minutes as a correct record.

5. Approval of the minutes of the Planning and Environment Committee meeting held on 16 December 2020, previously circulated, to confirm and sign the minutes as a correct record.
6. Matters Arising.
7. Public Session.
8. Planning Applications.

| | |
|-------------------|---|
| DC/20/2415 | Conversion of existing garage to habitable living space ancillary to the main dwelling. Installation of new window to the east elevation 8 FIELD END, BILLINGSHURST |
| DC/20/2503 | Surgery to 1 x Lawson Cypress Ellwoodii and 1 x Yew (Works to Trees in a Conservation Area) 25 HIGH STREET, BILLINGSHURST |
| DC/20/2574 | Surgery to 1 x Oak (Works to Trees in Conservation Area) 17 ROSEHILL, BILLINGSHURST |
| DC/20/2540 | Erection of a new chalet bungalow with associated parking PARBROOK COTTAGES, PARBROOK, BILLINGSHURST |
| DC/20/2495 | Erection of a single storey rear extension and first floor side extension over existing garage 2 OAK ROAD, BILLINGSHURST |
| DC/20/2480 | Fell 1 x Ash and Fell 3 x Sycamore (Works to Trees in a Conservation Area) THE VICARAGE, 8 EAST STREET, BILLINGSHURST |

*** Details of additional plans received during the Christmas break will be circulated on 4 January 2021 in advance of this meeting.**

9. Horsham District Council Planning Decisions.
10. Appeals and Appeal Decisions.
11. To consider commenting on the proposed diversion of public footpath 780_1 at Land at Haybarn, Scrase Farm, Blackgate, Pulborough, West Sussex, RH20 1DF.
12. Any other matters for information only.
13. **Date of Next Meeting: Thursday 4 February 2021 at 7.30pm.** (Unless there is a need for a plans-only meeting).

Committee Members: GA, EB, GC, DH, JP, DW, SW.

Members of the public should be aware that being present at a meeting of the Council or one of its Committees or Sub-Committees will be deemed as the person having given consent to being recorded (photograph, film or audio recording) at the meeting, by any person present.

Council Office: Billingshurst Community & Conference Centre,
Roman Way, Billingshurst, West Sussex RH14 9QW
Tel: 01403 782555
Email: council@billingshurst.gov.uk

PRE- ORDER MAKING CONSULTATION LETTER

HORSHAM DISTRICT COUNCIL (Billingshurst) PUBLIC FOOTPATH No: 780_1
DIVERSION ORDER 2020

**LAND AT HAYBARN SCRASE FARMS BLACKGATE PULBOROUGH WEST
SUSSEX RH20 1DF**

PUBLIC PATH DIVERSION ORDER UNDER SECTION 119 OF THE HIGHWAYS ACT 1980

The Council have received an application from the Applicant to divert Public Footpath No: 780_1 at land at Haybarn Scrase Farms Blackgate Pulborough West Sussex RH20 1DF.

The applicant was granted planning permission for development in 2017 under planning reference DC/17/1150, the development would be constructed over the footpath and therefore required a diversion of the footpath, however an Order to divert footpath 780_1 under s257 of the Town and Country Planning Act 2020 was not received by the applicant and therefore was not made and confirmed by Horsham District Council prior to development taking place over the path. A diversion Order cannot be applied for retrospectively under s257 of the Town and Country Planning Act 1990, therefore the applicant is requesting for a diversion order to be made and confirmed under s119 of the Highway Act 1980 which will address the current issue of a building blocking the definitive line of the path and formally make the proposed alternative route the new public path.

Section 119 of the Highway Act 1980 enables a Public Path Diversion Order to be made by Horsham District Council (HDC) (Order Making Authority) where it appears to HDC that in the interests of the owner, lessee or occupier of the land crossed by the path, or in the interest of the public, it is expedient that the line of the path, or part of that line should be diverted but only where:

- the diverted route would not be substantially less convenient to the public; and
- the diversion would not alter any point of termination of the path, other than to another point on the same highway or a connected highway.

HDC will also consider the effect the diversion would have on public enjoyment of the path as a whole, the effect the order would have as respects other land served by the existing public right of way, and the effect any new public right of way created by the order would have as respects the land over which the right is so created and

any land held with it, including other factors to determine if this application meets the legal tests for a diversion order to be made under section 119.

HDC are considering making the order as development has already taken place whereby a building has been built over the current footpath which means that the public are unable to use this public footpath. The new route as shown on the plan from point B to A is therefore considered to be a suitable substitute route which meets the tests as set out in s119 of the Highway Act 1980.

The applicant has been informed of the works to be carried out to the new path - The new path to be provided will have a minimum of 2 metre width. Surface to be cleared and rolled. Adjoining hedge to be kept cut back, any gates or structures required across the path for livestock control are to be subject to prior consent from West Sussex County Council and to an approved standard and there will be ongoing need for vegetation maintenance as the route runs between the hedge and existing barn. The new route to be waymarked by the County Council and the cost recharged to the applicant.

The applicant has agreed to undertake the works and has confirmed that the surface for the new route has been cleared and rolled and the adjoining hedge has been and will be kept trimmed back off the route. There is a gate across the new route which was agreed by WSSC with the applicant in order to retain stock when the footpath is formally diverted.

Please find enclosed a copy of the draft Notice of Making the Order and a copy of the draft Order for your consideration. The accompanying Plan shows the length of footpath the applicant wishes to divert and the new route proposed by the applicant.

A copy of the draft Order and the draft Order Plan have been placed and may be seen free of charge at the offices of Legal Services, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL on Mondays to Fridays between 9.00am and 4.00pm Please call the Council on 01403 215354 to arrange an appointment for viewing. The Notice and accompanying documents are also available to view on the council's website consultations page.

If you wish to make a comment or object to the making of this Order, please send it by email to joy.ukadike@horsham.gov.uk or by letter for the attention of Joy Ukadike, Principal Planning Solicitor at Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL before **12 January 2021**

Date of letter : 14 December 2020

PUBLIC PATH DIVERSION ORDER
Highways Act 1980

Horsham District Council (Billingshurst)
Public Path (No.780_1) Diversion Order 2020

This order is made by Horsham District Council ("the Authority") under Section 119 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that in the interests of the owners of the land crossed by the footpath described in paragraph 1 below, it is expedient that the line of the path should be diverted.

Mr Jonathan Scrase of Scrase Farms, Blackgate Lane, Pulborough, West Sussex RH20 1DF has agreed to contribute towards any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public and to defray any compensation which becomes payable in consequence of the coming into force of this Order.

West Sussex County Council and [Natural England] have been consulted as required by Section 120(2) of the 1980 Act.

BY THIS ORDER

1. The public right of way over land situate at Haybarn, Scrase Farms, Blackgate Lane, Pulborough West Sussex RH20 1DF in Billingshurst Parish and shown by a bold continuous line on the map contained in this Order and described in Part 1 of the Schedule to this Order shall be stopped up after 28 days from the date of confirmation of this Order.
2. Notwithstanding anything in paragraph 1 of this Order, where immediately before the date on which a highway is stopped up in pursuance of this Order there is apparatus on, under or over that highway belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus they then had.
3. There shall be at the end of 28 days from the date of confirmation of this Order be a public footpath over the land situate at Scrase Farms, Blackgate Lane, Pulborough West Sussex RH20 1DF described in Part 2 of the Schedule and shown by a bold broken line on the map contained in this Order.

SCHEDULE

Part 1

Description of site of existing path or way

Public footpath No 780_1 from Point A (OS grid reference TQ 504585, 123699) to Point B (OS grid reference TQ 504682 123610) which runs through two barns and is approximately 128 meters in length is to be stopped up as indicated on the Plan

Part 2

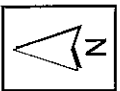
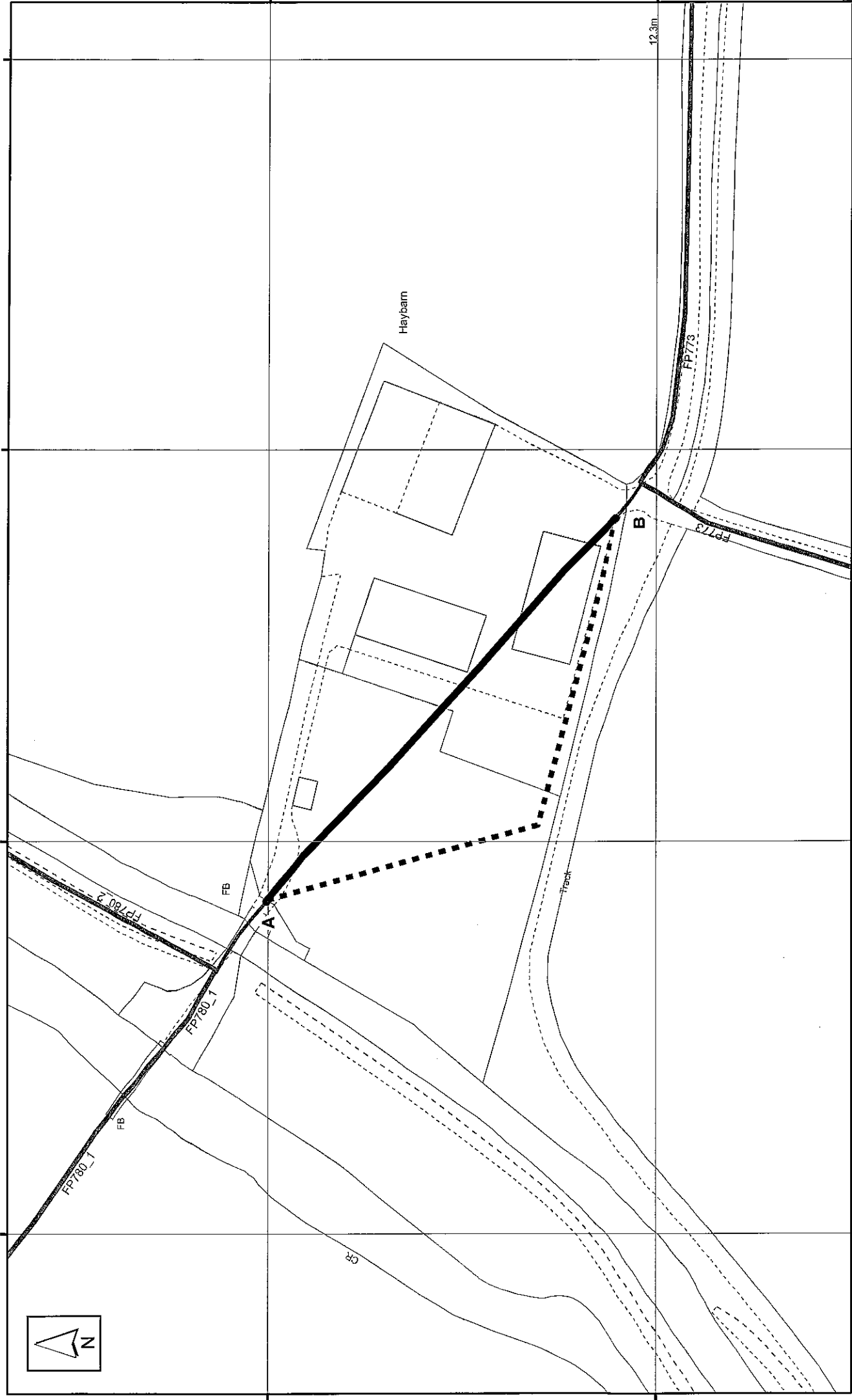
Description of site of new path or way

The new Public footpath to be substituted runs from Point B (OS grid reference TQ 504682 123610) to Point A (OS grid reference TQ 504585, 123699) which runs between a hedge and a barn and then across an open field with a length of approximately 137 meters and having a width of 2 meters as indicated on the Plan.

Dated this day of 20xx

The Common Seal of the District Council)
of Horsham was hereunto affixed in)
the presence of:)
)
)
)
)
)
)

Authorised Signatory)
Sharon Evans
Head of Legal & Democratic Services



12.3m

504500_000000

504600_000000

504700_000000

504800_000000

Horsham District Council
 Parkside, Chart Way, Horsham
 West Sussex RH12 1RL
 Reproduced by permission of Ordnance Survey map on behalf
 of HMSO. © Crown copyright and database rights (2020),
 Ordnance Survey Licence. 100023865

- Diverted Route
- Proposed Route
- Existing Footpath

S119 Diversion of FP780_1 - Scrase Farm, Pulborough

Reference No.: S119 - FP780_1
 Drawing No.:
 Date: 03/11/2020
 Scale: 1:1,250 (at A4)
 Checked:
 Revisions: