



The countryside charity
Hertfordshire

31a Church Street
Welwyn
HERTS AL6 9LW
www.cpreherts.org.uk
office@cpreherts.org.uk
01438 717587

Standing up for Hertfordshire's countryside

Briony Curtain
Planning and Development
Dacorum Borough Council
Civic Centre
Marlowe
Hemel Hempstead
Hertfordshire HP1 1HH

Our Ref:

Your Ref:

29th July 2020 (by email)

Dear Ms. Curtain,

Application No. 20/01927/FUL

Replace existing damaged fencing/hedge with new wood/barbed wire fence. Relocate existing access gate to the field.

Plot 17, Land South East Of Church Road, Little Gaddesden, Hertfordshire HP4 1NZ

As you will be aware, recently the Grade 3 arable land to the south-east of Church Road was subdivided and marketed as a series of 34 small plots in the Chilterns Area of Outstanding Natural Beauty (some of which are still being advertised for sale). Earlier this year we had occasion to write to the Council regarding an attempt to build a dwelling and garage on Plot 7 (20/00176/FUL). That application was subsequently withdrawn. Consequently CPRE Hertfordshire have concerns regarding this application for work to Plot 17.

There appear to be some inconsistencies in the documents accompanying the application.

Firstly, there is no hedging whatsoever around the perimeter of this plot. The entire eastern boundary is timber post and rail, which appears to be in good condition. The timber post and rail continues along the north boundary, until it meets the existing timber gate/stile opposite the entrance to St Peter and Paul church. There is some damage to the post and rail just before the gate/stile. The remainder of the northern boundary and the whole of the west and south boundaries are post and wire fencing, with a second timber gate/stile in the centre of the southern boundary. The vehicular entrance, via a metal gate, is on the north west side of the plot. There are varying degrees of dilapidation along the stretches of post and wire fencing. There is no need for planning approval for the repair of existing fencing, although replacement constitutes new development in which case replacement timber post and rail would be the most obvious choice for treatment. The used of barbed wire should be discouraged where possible and sends an unattractive message to walkers and members of the public about the site.

Secondly, the line of Public Right of Way 016 is incorrectly drawn on the plans. It would appear that the applicant has taken the line from the HCC GIS map (which HCC point out is not exact) and not the Definitive Map and Listings which show that the path goes across the field from the front of the church. PROW 016 is quite clear on the ground, as the applicant must know. It runs directly from the

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

President: Sir Simon Bowes Lyon, KCVO
Chairman: Richard Bullen

Registered Charity 1162419

timber gate/stile in front of the church straight across the centre of the plot to the similar timber gate/stile on the southern boundary which gives access to the field beyond. The path across the plot is distinct and it is signposted with a finger sign next to the northern gate/stile.

The closure or diversion of a right of way can only be achieved by a proper legal process. This is normally done by a local authority making a public path order under Highways Act 1980 : section 119 (public path diversion order). Changes can only be made for one or other of the reasons provided for in the legislation, not through applications such as this. It must be advertised and anyone can object to the proposal. Unresolved objections are considered not by the Local Authority, but by an Inspector appointed by the Secretary of State for the Environment. Alternatively a PROW can be diverted under section 257 of the Town and Country Planning Act 1990 but only to enable development to take place, which is not stated to be the case here.

The Applicant gives no reason or justification for the diversion of PROW 016. The legislation requires that a plan showing the proposed diversion is prominently displayed at both ends of the part of a path affected by the proposal and that the plan must show, as a minimum, the effect on that path, and the proposed diversion must be advertised in local media. As far as we are aware this has not been done.

The current vehicular access to the site is by way of a metal gate on the western flank of the plot. The applicant intends to move this access to the northern flank, opposite the church. Again there is no explanation of the need for this.

Unfortunately, the impression is given that the diversion of the Public Right of Way and the relocation of the vehicular access are to facilitate future development of this plot. In that event we would vigorously oppose any such development in the AONB.

Given that Permitted Development Article 4 Directions apply on this site, the Council retains control over replacement fencing, and we would recommend that this be of a comparable timber post and rail. We see no public benefit to diverting the path which, like many, is historically aligned to the Parish Church entrance. The Council will have to satisfy itself of the justification for the moving of the vehicular access and that the correct processes will be observed for diversion of Public Right of Way 016 before determining this application.

Yours sincerely,

David Irving