

SCHEDULE OF COMMITTEE UPDATES

222020 - PROPOSED DEVELOPMENT OF TWO DWELLINGS. AT LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT

For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

Two letters of support have been received since the Committee Report was written. These representations raised the following points:

- Site already has approval for two dwellings and this application is effectively a variation of the approved
- Offers benefits to Ecology as it proposes to utilise the existing access rather than create a new one
- It will be an improvement to the original

OFFICER COMMENTS

No further comments in respect of the above representations

In addition, the Council is aware of ongoing concerns regarding the legal rights of the applicant to create a domestic access across Common Land from the existing agricultural access.

This is acknowledged by Officers but ultimately it is for the applicant to apply separately via a Section 38 consent in accordance with the Commons Act 2006. A planning permission will not override this requirement. I refer Committee Members to the comments received by the Commons Officer in paragraph 4.5 of the Officers Report and the further details in paragraph 6.33 of the report.

An additional informative can be added to a permission as detailed below should this be considered appropriate.

Informative Note proposed: The land to be crossed by the proposed vehicular access is registered as common land, subject to common rights. The applicant's attention is drawn to the provisions of Section 194 of the Law of Property Act 1925 (as amended) and to the carrying out of works on commons.

NO CHANGE TO RECOMMENDATION