



Wildlife & Countryside Act 1981
Definitive Map of Public Rights of Way for Warwickshire

Planning & Transport Department,
PO Box 43, Shire Hall, Warwick, CV34 4SX.

**Application for Modification Order to
ADD a Route to the Map**

| | | | |
|-----------------------|------------------------------|---------------|----------------|
| Applicant's Full Name | MR. MRS S A. ADAMS | | |
| Address | 111 ASTON CANTLOW RD | | |
| Town | WILMCOTE STATFORD UPON AVOON | | |
| WARWICKSHIRE | Postcode | CV37 9XU | |
| Daytime Tel | 01789 269 488 | Date of Birth | 9.3.44 23.9.31 |
| Occupation | CREW CONTROLLER & POSTMAN | | |

I hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the County of Warwick by Adding the following route as a

Public Footpath / Public Bridleway / Byway Open To All Traffic *
as shown on the attached map.

*delete as appropriate

Please describe the route carefully and explain exactly where the route starts (from a point on a road or path), the line it follows and exactly where it finishes. Colour the line of the route on a 1:25000 scale Ordnance Survey Map and mark the position of any obstructions, fences, stiles or gates. Also note the width and surface type of the route. If possible give Ordnance Survey 10 figure grid references for the start and finish of the route.

| Grid References | Start | Finish |
|--|-------|--------|
| THE PROPOSED ROUTE IS A PIECE OF LAND BETWEEN NO111 AND NO115 ASTON CANTLOW RD - WHICH STRETCHES FROM THE ASTON CANTLOW RD TO THE FOOT PATH AT THE REAR OF GARDENS OF THE ASTON CANTLOW RD HOUSES. THIS FOOTPATH STRETCHES FROM MARSH LAWN TO THE GALLOP AT THE BACK OF SHAW FOLD (MARKED BY CROSS ON MAP X) | | |

23 JUN 1995

| Planning, Transport & Economic Strategy | | Action by |
|---|----|-----------|
| DIR | | |
| DCP | ES | |
| HES | | |
| ETC | | |
| GH | | |
| DNF | | |
| JM | | |
| MS | | |
| PSV | | |

Signed *S.A. Adams*
Date 16/6/95

Making your Application

Note on this application form all the documents you are using as evidence (and attach copies if possible), plus any photographs.

Please ask anyone who wishes to give evidence that they have used the route, to fill in a "Witness Statement" Form G. Collect the completed forms and return them with your application.

Before returning your application form you must send to each owner/occupier/tenant of the land crossed by your claim:

- A Notice of Application for Modification order, **(Form A)** ✓

Your completed application form, should then be returned to the County Council with:

- an Ordnance Survey plan of the route ✓
- a certificate of Notice of Application for Modification Order, **(Form B)** listing the owners/occupiers to whom you sent a copy of **(Form A)**.
- Evidence – documents, photographs, "Witness Statement" forms **(Form G)**

You may find it helpful to keep a copy of all the information you send to the County Council.

Send your application to:

Warwickshire County Council
Planning & Transport Department,
PO Box 43, Shire Hall, Warwick, CV34 4SX.

Telephone (0926) 410410 ext. 2889

Evidence in support of your claim

Documents 3 number attached (pages)

Please attach a copy of any documents or maps you are using as evidence and give the full name and address of the Library, Record Office, University or person who has the original document together with the document reference number and title.

Photographs number attached — one held by the planning committee.

These should be securely mounted on card, stout paper or in plastic wallets, the same size as this form (A4). Each photograph should be clearly numbered and labelled with the date and place it was taken. Please show the location of the photographs on a plan.

Witness Forms 1 number attached

Please list on this form the name and address of each person who has completed a "Witness Statement" in support of your application numbering each one. Also put the same number on the top right hand corner of each "Witness Statement" form.

Briefly, why do you believe this route is a) public b) ~~of the wrong status~~

This route is used and indeed has been used for over twenty years by many village people — horses have been rode up here. Cows were led up to see fields adjoining the footpath, and it is used as an access to see areas of scientific interest. It is frequented by hawks, deer and other wild life.

Application for Building Permission was put forward earlier this year for a dwelling to be built on its land — but was refused and the Chairman of the Planning Committee suggested that as it was an established right away it should become a permanent right of way.

List your detailed evidence/references below - and list of witnesses

| | | |
|-------------------|----------------------|----------|
| MR. M. J. KEMP | Middle Tie Road | Wilmecob |
| MR & MRS STANLEY | 147 Astor CAUTION Rd | Wilmecob |
| MRS MRS DEUSBYE | 151 Astor CAUTION Rd | Wilmecob |
| MR. G. M STEPHENS | 20 Astor CAUTION Rd | Wilmecob |
| MR. W. G. ROBERTS | 113 Astor CAUTION Rd | WILMCOB |
| MR. H. R. HOWARTH | 24 Astor CAUTION Rd | WILMCOB |
| MISS T. M. COOPER | 24 Astor CAUTION Rd | WILMCOB |

Mr Ansell is an absentee landlord, the only address I have for him is care of Geoffrey Pater, Bourne solicitors and I have forwarded this form to him to post a.

Also please note Planning Application Form Site and Surroundings Section - Papers attached.

There is a photograph held by the County Planning Committee.

7. Conditions if any and as appropriate on planning grounds having regard to observations of the Landscape & Forestry Officer, and Warwickshire Museum - Archaeology.

APPLICATION REF.NO. S94/1230

PARISH ASTON CANTLOW

CONTACT OFFICER: Mark Sturgess

APPLICANT

Robert Edward Ansell

SITE ADDRESS

Land between 141 and 145 Aston Cantlow Road, Wilmcote

PROPOSAL

Erection of single dwelling

TYPE OF APPLICATION

Outline

SITE AND SURROUNDINGS

X The site consists of a wide field access lying between two dwellings. It is open to the Aston Cantlow Road and the fields to the rear and bounded on each side by tall hedgerows. The access itself appears to be well used by vehicles. X

The site lies within a ribbon of detached houses extending westwards into the countryside from Wilmcote. It is bounded to the south by open countryside and to the north by the Aston Cantlow/Wilmcote Road and further countryside.

RELEVANT PLANNING HISTORY

The site has been subject to two previous applications for the erection of a single dwelling:

1. S82/0399 detached dwelling into garage refused 12 August 1982
2. S87/1614 detached dwellinghouse refused 8 March 1988

Planning application S87/1614 was the subject of an appeal to the Secretary of state for the Environment. The Inspector appointed to determine the appeal considered that the principal issue in the case was whether or not the proposal was appropriate in Green Belt terms. On this issue the Inspector found that a single dwelling was inappropriate development in the Green Belt and there were no very special circumstances which weighed in favour of the proposal and therefore dismissed the appeal.

POLICY

Planning Policy Guidance Note No.2 'Green Belts' January 1995.

Warwickshire Structure Plan Alterations 1989-2001

Policy G2 and G3

*Determined 23 Feb
Decision reported 8 March*

Stratford-on-Avon District Local Plan (Deposit Draft)

Policy ENV13

SUMMARY OF CONSULTATIONS AND RESPONSES

Parish Council

Cannot see any reason to refuse this application (3.1.95)

Ward Member(s)

Councillor Lawrence (13.1.95)

Application to construct a dwelling on this site has already been dismissed at appeal. Would constitute over development and result in a loss of light to one property.

Third Party Representations

Four letters received stating amongst other things; concern about surface water drainage along the application site; access to the electricity transformer box to house; loss of wildlife habitat; loss of access to agricultural land

Applicants Comments

The application site cries out for a house.

Circumstances have changed since the 1988 refusal, the Warwickshire Structure Plan now authorises infilling within built-up areas in Green Belt settlements. PPG2, PPG3 and PPG7 all lay down guidelines within which the application falls.

The local Planning Authority is prevented by PPG1 (para 32) for replying on its Deposit Draft Plan as a ground for refusing the application.

Highway Authority

None received

KEY ISSUES AND CONCLUSIONS

I consider the key issue in determination of this planning application is whether the proposal is appropriate in terms of Green Belt policy and if it is not whether sufficient very special circumstances identified by the applicant outweigh the presumption against inappropriate development within the Green Belt.

Planning Policy Guide Note 2 'Green Belts' (January 1995) defines those categories of development which are appropriate in the Green Belt, namely:

- i) agricultural and forestry;
- ii) essential facilities for outdoor sport and recreation, cemeteries, and other uses which preserve the openness of the Green Belt
- iii) limited extensions to existing dwellings and replacements
- iv) limited infilling in existing villages and limited affordable housing for community needs in accordance with the policies of the development plan
- v) limited infilling or redevelopment of major existing developed sites identified in adopted local plans which meet certain criteria

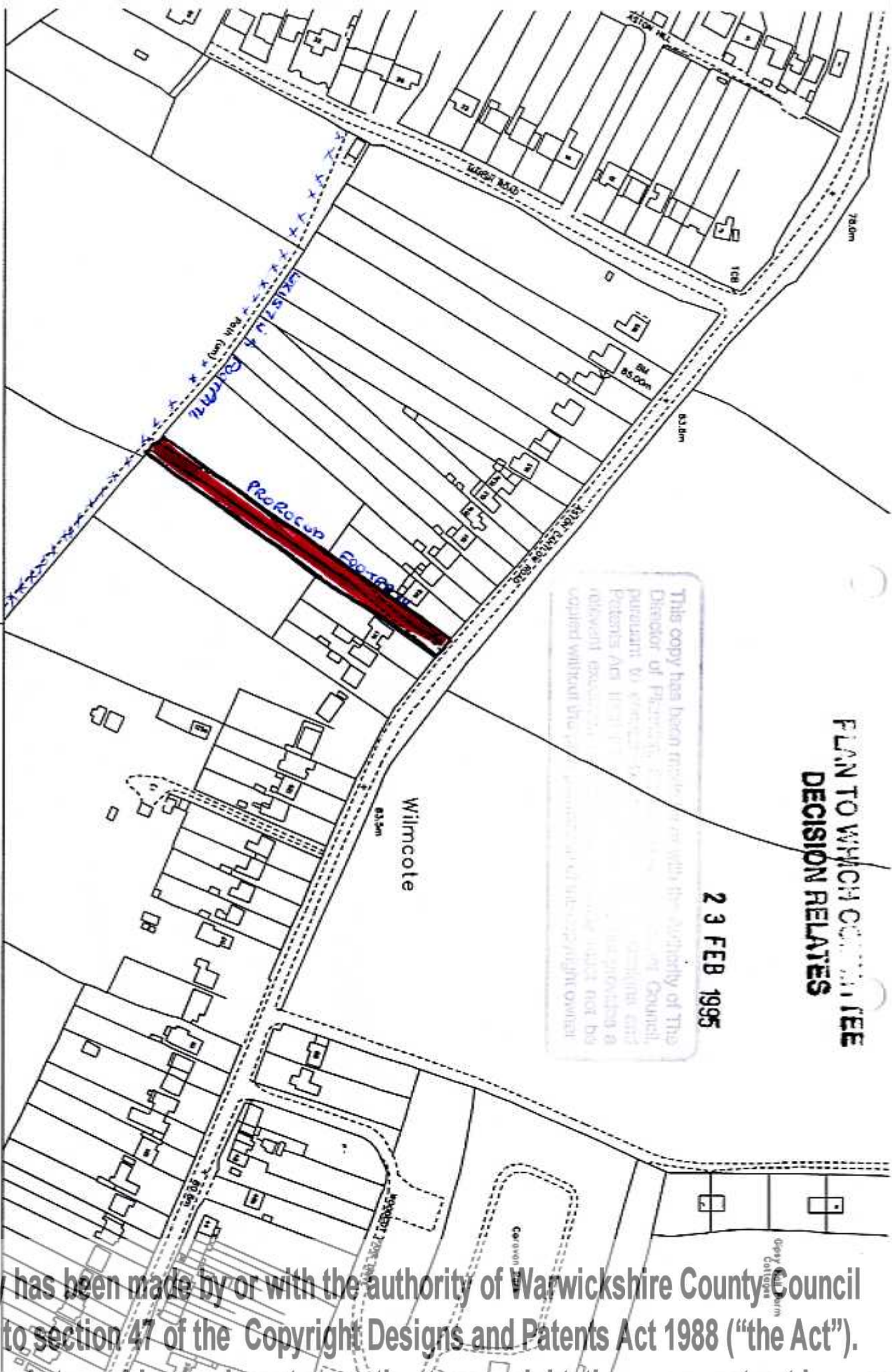
In terms of criteria (iv), outlined above, the PPG advises that development plans should treat existing villages in one of three ways:

- i) Green Belt notation should be carried across village and infilling prevented;
- ii) where infilling is allowed the village should be washed over by Green Belt and the

**PLAN TO WHICH COUNCIL FEE
DECISION RELATES**

23 FEB 1995

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attlement: land between 141 & 145
Arish: Aston Cantlow Rd, Wilmcote

Map ref: SP1558
Scale 1 : 2500



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