

A02

F/TH/23/1217

PROPOSAL: Formation of a new footpath to Monkton Road (part-retrospective)

LOCATION: Hoo Farm 147 Monkton Road Minster Kent CT12 4JB

WARD: Thanet Villages

AGENT: Hume Planning Consultancy Ltd

APPLICANT: Roddy New Homes Ltd

RECOMMENDATION: Approve

Subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 878:P05 A.

GROUND;

To secure the proper development of the area.

2 Within 2 months of the date of this permission full details of the proposed gates and signage including wording as indicated on drawing 878:P05 A shall be submitted to, and approved in writing by the Local Planning Authority. The approved gates and signage shall be installed as per the approved details and as shown on drawing 878:P05 A and thereafter retained.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

3 Within 2 months of the date of this permission full details of a maintenance plan for the footpath shall be submitted to, and approved in writing by the Local Planning Authority. The maintenance plan shall outline responsibilities and requirements to be carried out for the clearance of vegetation, repair of surfacing and integrity of the path, as well as contact details for the responsible company/body. The footpath shall be maintained in accordance with this maintenance plan unless otherwise agreed in writing with the Local Planning Authority and kept available for public use.

GROUND:

In the interests of the visual amenity of the area in accordance with Policy QD02 of the Local Plan and the advice and guidance of the National Planning Policy Framework.

4 No further gates, walls or other means of enclosure, whether approved by Schedule 2, Part 2, Class A; of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior permission in writing of the Local Planning Authority.

GROUND:

To provide safe and satisfactory access for pedestrians, in accordance with Thanet Local Plan Policy QD02

INFORMATIVES

Please ensure that you check the above conditions when planning to implement the approved development. You must clear all pre-commencement conditions before development starts on site. Processing of conditions submissions can take up to 8 weeks and this must be factored into development timescales. The information on the submission process is available here:

<https://www.thanet.gov.uk/info-pages/planning-conditions/>

Information on how to appeal this planning decision or condition is available online at <https://www.gov.uk/appeal-planning-decision>

SITE, LOCATION AND DESCRIPTION

The application site comprises a strip of land set back from and parallel to the Monkton Road highway, extending from a residential development at Hoo Farm at the west, to an existing public footpath that continues to Minster to the east.

RELEVANT PLANNING HISTORY

F/TH/23/1097 - Variation of conditions 2 and 18 of planning permission F/TH/19/0173 for the 'Erection of 23 no. dwellings following the demolition of existing buildings, with associated parking, open space and landscaping.' to allow the omission of the car ports and replace with parking bays and amendments to footpath. Under consideration.

F/TH/22/0771 - Formation of vehicular access providing access to farm for vehicles. Approved 7th September 2022.

F/TH/19/0173 - Erection of 23 no. dwellings following the demolition of existing buildings, with associated parking, open space and landscaping. Approved 21st August 2020.

PROPOSED DEVELOPMENT

Planning permission was approved on 21st August 2019 under F/TH/19/0173 for the construction of 23 dwellings following the demolition of existing buildings on Hoo Farm, with associated parking, open space and landscaping. This permission included the provision of a 1.2 metre wide footpath from the development along the northern side of Monkton Road to

provide a eastern link to the existing footpath on that side of the road. Condition 18 of that permission relates to the footpath and whilst it is strictly incomplete as set out in the decision notice - No development, excluding demolition, shall commence until the footpath as shown on approved drawing 2019-3501-001 between the points shown as X and Y on drawing HPC_1258_2019_FP. GROUND: In the interests of highway safety and to facilitate the use of alternative means of transport in accordance with Policies SP43, SP44, TP02 and TP03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework - it is clear from the committee report that it should conclude "has been completed and made available for use".

It became apparent, however, that the full width of the requested 1.2m footpath would require land beyond the adopted highway, some of which appears to be unregistered land. In this instance, the applicant has created a route measuring 1.2 m in width, which connects the approved Farm development to the footpath to the east at a length of 155m. This is set back 2 metres from the road for most of its length and at a higher level than the highway. The footpath as constructed falls outside of the 'red line' site of the previous permission.

As such, retrospective planning consent is sought for the footpath that has been created. It is noted that the footpath is not intended for adoption by KCC, it would be gated (but unlocked) with signage informing users that whilst the path is privately owned and maintained it is available to all.

DEVELOPMENT PLAN POLICIES

SP24 - Development in the Countryside
SP26 - Landscape Character Areas
SP35 - Quality Development
SP43 - Safe and Sustainable Travel
SP44 - Accessible Locations
TP02 - Walking
TP03 - Cycling

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice displayed close to the application site.

Three representations have been received objecting to the application. They make the following summarised comments.

- * The footpath has not been constructed in the position or layout as per the original plans;
- * In the summer months vegetation either side of the footpath is overgrown and completely covers it;
- * People with wheelchairs and pushchairs have to use the road which is dangerous with speeding traffic using Monkton Road;
- * Path not wide enough for two people to pass;
- * Path is uneven and sloping;
- * Lack of enforcement action by Thanet Council

- * Path will not be adopted by Kent County Council;
- * Does the applicant expect the new residents for the Hoo Farm redevelopment to maintain the path?
- * The public will not use the footpath if it is gated;
- * Technical issues with the footpath should have been dealt with before the previous application was determined and not 4 year later;
- * Who would hold public liability insurance for the path?
- * If planning permission is granted it will encourage other developers to ignore conditions on their planning consents; and
- * The application to remove the condition from the original application that required the footpath in the first place was submitted before this application to retain what has been built.

Minster Parish Council: "Background - The provision of a footway connecting the site to the existing footway in Monkton Road to the east was initiated by Kent Highways as part of the application process; Kent Highways raising concerns that there was no connection between the site and the existing footway to the east. Detailed discussions took place between the applicants and KCC Highways which resulted in amended plans being submitted which included a footway connection from the site to the existing footway to the east within the application red line.

The footway included with the application was the subject of an independent Road Safety Audit which recommended an increased width from 0.9m to 1.2m.

Kent Highways indicated in their letter of 12 February 2020 that "...A Grampian condition for the footway and a S278 would only be required if the applicant were to construct the footway themselves and will not overcome the land issue unless the applicant has gained suitable control of the land necessary for the footway to be constructed. If the applicant can gain suitable control then the footpath could be provided through a Grampian condition and a S278 Agreement...."

The Planning Application for Development considered by TDC Planning Committee on 20 May 2020 acknowledged that "...the proposed development would include a footpath from the development on the north of Monkton Road to link it to the existing footway to the east..." and that "...the site is considered to be in a relatively sustainable location and future occupiers would not be wholly reliant on the private car."

Planning Consent F/TH/19/0173 included Condition 18 which required that:

No development, excluding demolition, shall commence until the footpath as shown on approved drawing 2019-3501-001 between the points as X and Y on drawing HPC_1258_2019_FP

GROUND:

In the interests of highway safety and to facilitate the use of alternative means of transport in accordance with Policies SP43, SP44, TP02 and TP03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

It can be seen, therefore, that there was a fundamental requirement to ensure that a safe pedestrian facility was deemed to be an integral part of ensuring an enduring form of Policy compliant sustainable development would be achieved.

The application of the above mentioned Grampian Condition No 18, pursuant to the advice from Kent Highways, sought to achieve the provision of the technically approved footpath. Beyond the application of the condition, the applicant was notified by Informative No 2 on the Notice of Consent that:

It is the responsibility of the applicant to ensure, prior to the commencement of the development hereby approved, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highway and Transportation to progress this aspect of the works prior to commencement on site.

It is understood that, notwithstanding the advice from Kent Highways regarding S278, or the above information, no request was made to pursue the construction of the path through that mechanism.

The Current Application

Planning Application F/TH/23/1217 seeks to regularise the current unauthorised work to provide a footpath. Early intervention by TDC enforcement could have assisted an earlier resolution of the situation.

Such footpath as envisaged through the application does not accord with and is of significant variance to the earlier approved plan; it has also been constructed without recourse to prior agreement, inspection or approval by Kent Highways. Reference is made to uncertainties over land ownership required to enable the approved plan to be achieved. MPC notes that both Notice in relation to possible unregistered land was published and that an application for an adjacent agricultural access required inclusion of the highway verge/banking and could only have been achieved with a clarity of these issues

It is further noted that it is intended that the unauthorised footway remains privately owned and maintained.

Kent Highways subsequently in response to the application indicated:

- The application seeks to provide a (part retrospective) footpath between Hoo Farm and the existing footway on Monkton Road. This application links with the proposed variation of condition application(F/TH/23/1097) for Condition 2 and 18 of planning permission F/TH/19/0173.
- A footpath between the site and the existing footway on Monkton Road has been constructed, albeit without entering a Section 278 Agreement with KCC Highways.
- Having visited the site it is evident that the footpath is not constructed to adoptable standards due to its alignment and levels. It is understood that the footpath is to remain private and maintained as such. By submitting a separate application, I suggest that the

maintenance of the footway and vegetation clearance is secured by way of a suitable condition.

- The extent of the public highway has been established, whereby a small section of the verge immediately adjacent to the highways is deemed as public highway. The extent of the 1.2 metre wide footway is within land beyond the areas of adopted highway, and is constructed on private land. The works are not intended to be offered for adoption by way of a Section 38 Agreement.

- The footway is constructed to the rear of the verge, adjacent to the existing farmland, to be available for public use in perpetuity. I suggest this is secured by way of a suitable condition.

- I am mindful that the footpath is gated with suitable signage to ensure awareness of the private nature.

private nature.

- In line with the above, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- o Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.

- o The footpath shall remain for use by the general public at all times.

- o Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners contact details. All details should be updated should the ownership change.

MPC notes with concern that, following a site visit, Kent Highways clearly acknowledge that the path has been constructed without a S278 Agreement and that it is evident that the footpath is not constructed to adoptable standards due to its alignment and level. There is tellingly no commentary on the integrity of what has actually been constructed and possible compliance with expected constructional details.

It is suggested that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition. MPC, in noting that the path has already been subjected to substantial incursion from vegetation, find this to be totally impractical, nor achievable. It is further suggested that gates and signing will have no practical benefit and the longevity and responsibility for such cannot be assured.

Reference to the extent of public highway being the limiting factor leading to the construction of the path in the unauthorised position is also not accepted. Given the incursion into adjacent land by an agreement which is silent, it is considered the provision of the approved footway could have been achieved at the outset without the level of land take inherent through the provision of the unauthorised footpath.

In conclusion, MPC, OBJECTS to the application on the following grounds:

The unauthorised footpath does not accord with the earlier approved details;

KCC acknowledge that the footpath, as constructed, does not accord with adoptable standards due to line and level;

There is no assurance over constructional integrity, user liability or future practical maintenance arrangements to keep the footpath in for suitable, safe use by all users at all times the Hoo Farm development is occupied;

There is no legal agreement assuring the enduring availability of the footpath consistent with the acknowledged requirements that the footway will provide to the sustainability of the approved Hoo Farm development contrary to the provisions of the Thanet Local Plan.”

CONSULTATIONS

KCC Highways: The application seeks to provide a (part retrospective) footpath between Hoo Farm and the existing footway on Monkton Road. This application links with the proposed variation of condition application (F/TH/23/1097) for Condition 2 and 18 of planning permission F/TH/19/0173.

A footpath between the site and the existing footway on Monkton Road has been constructed, albeit without entering a Section 278 Agreement with KCC Highways. Having visited the site it is evident that the footpath is not constructed to adoptable standards due to its alignment and levels. It is understood that the footpath is to remain private and maintained as such. By submitting a separate application, I suggest that the maintenance of the footway and vegetation clearance is secured by way of a suitable condition.

The extent of the public highway has been established, whereby a small section of the verge immediately adjacent to the highways is deemed as public highway. The extent of the 1.2 metre wide footway is within land beyond the areas of adopted highway, and is constructed on private land. The works are not intended to be offered for adoption by way of a Section 38 Agreement. The footway is constructed to the rear of the verge, adjacent to the existing farmland, to be available for public use in perpetuity. I suggest this is secured by way of a suitable condition.

I am mindful that the footpath is gated with suitable signage to ensure awareness of the private nature.

In line with the above, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.

The footpath shall remain for use by the general public at all times.

Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners' contact details. All details should be updated should the ownership change.

Informatives

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone

considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

COMMENTS

This application has been called to committee by Councillor Bambridge for Members to consider the fact that the conditions requiring the installation of the footpath on the previous application have not been met and the footpath installed presents issues of pedestrian and highway safety.

Principle

The application site is outside any defined settlement and in the countryside for planning purposes.

Policy SP24 of the Local Plan relates to development in the countryside. It states

“Development on non-allocated sites in the countryside will be permitted for either: 1) the growth and expansion of an existing rural business; 2) the development and diversification of agricultural and other land based rural businesses; 3) rural tourism and leisure development; 4) the retention and/or development of accessible local services and community facilities; or 5) the redevelopment of a brownfield site for a use that is compatible with its countryside setting and its surroundings.

Isolated homes sites in the countryside will not be permitted unless they fall within one of the exceptions identified in the National Planning Policy Framework.

All development proposals to which this policy applies should be of a form, scale and size which is compatible with, and respects the character of, the local area and the surrounding countryside and its defining characteristics. Any environmental impact should be avoided or appropriately mitigated.”

This application seeks permission for the retention of a footpath and whilst it is on non allocated land, it has been created in association with the Hoo farm residential development (F/TH/19/0173 refers) which was a brownfield site with that permission including the provision of a footpath. Its scale, form and size is considered compatible with the character of the area and surrounding countryside.

Given the above, it is considered that there are no in principle objections to the provision/creation of a footpath.

Character and Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

Policy QD02 outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy SP26 of the Local Plan relates to Landscape Character Areas and states that the council will identify and support opportunities to conserve and enhance Thanet's landscape character and local distinctiveness and that development proposals should demonstrate how they respect and respond to the character, key sensitivities, qualities and guidelines of the relevant landscape character areas. All development should seek to avoid skyline intrusion

and the loss or interruption of long views of the coast and the sea, and proposals should demonstrate how the development will take advantage of and engage with these views.

The application site is within the Chalk Slopes Character area, specially the Wantsum North Slopes area. The Landscape Character Assessment advises that within this area the “landscape is very open with few features and the former shoreline is more distinct in some places than in others, with the variation in the contour pattern. From the upper slopes it affords extensive views across the whole of the former Wantsum Channel to the slopes on the opposite banks and in many places to the sea. The former shoreline is more distinct in some places than in others, with the variation in the contour pattern. However, it also provides the unique setting of the former channel side villages of Minster, Monkton, Sarre and St Nicholas, and the smaller, originally farm based, settlements of Shuart, Gore Street and Potten Street. These elements provide important visual evidence of the growth of human settlement, agriculture and commerce in the area.”

The footpath is set up from the level of Monkton road due to the change in land level between the highways and the field to the north. A verge between the highway and the path is retained (constituting the unregistered land), with a post and wire fence erected along the northern boundary of the footpath (not forming part of the application).

It is not uncommon to see a variety of types of footpath adjacent to roads and, whilst this path may not be the traditional level straight footpaths found in more urban areas, it is considered that the footpath as built and the gates proposed have more of a feel of a public right of way than a traditional footpath adjacent to a highway. It is considered that the footpath will become part of the landscape with the planting to the north (outside of the remit of this application) and would not result in an obtrusive impact on the landscape character area. In addition it is not considered that there would be visual harm in the immediate area from the arrangement proposed and it is noted that the proposed gates would be open field type gates that are often found in a countryside location. It is considered appropriate to secure the type of gates via a condition to ensure that the style, and height are appropriate for the location.

Given the above, it is not considered that, subject to safeguarding conditions, that there would be any adverse impact on the character or appearance of the site from the proposed development.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f) details planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

It falls to consider the impact of the proposed development on nearby residential properties in the surrounding area. The nearest properties are the new dwellings on the development

approved under F/TH/19/0173, nos 139 to 145 Monkton Road and the dwellings on the opposite side of Monkton Road.

It is not considered that there would be any adverse impact on the residential amenities of the surrounding occupiers from the footpath and in any case the impact from having a footpath connecting the housing development with the existing footpath was already accepted under application F/TH/19/0173 with only the details of this amended footpath under consideration now.

Highways

Paragraph 110 of the NPPF states that in assessing applications for development it should be ensured that adequate opportunities to promote sustainable transport modes have been taken up; safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree. It goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

The application seeks permission for the existing footpath as constructed with the addition of gates and signage at either end and around the farm access to highlight that whilst the footpath is open to all users it is privately owned and maintained.

KCC Highways have advised that the footpath is not constructed to adoptable standards due to its alignment and levels, but raise no objection to the application if the following are secured by means of a condition or agreement.

- Maintenance of the footpath in terms of condition and vegetation to ensure constant use is available.
- The footpath shall remain for use by the general public at all times.
- Provision and maintenance of gates at the entrances to the footpath, and suitable signage detailing owners' contact details. All details should be updated should the ownership change.

Whilst it is disappointing that the footpath could not be provided in the manner envisaged under the 2019 application, it is acknowledged that a footpath which provides a link required under the planning permission has been provided. However, the footpath constructed does not provide level access along its length or laterally. It is appreciated, therefore, that the alignment, changes in level and addition of gates required by KCC Highways may make the path unsuitable for some users.

Due to the land ownership issue, the footpath as originally proposed cannot be provided, meaning that the provision of a footpath in its current location as constructed must be considered on its own merits. It is considered that the provision of the footpath which will allow many users to avoid having to walk along Monkton Road to adjoin the existing footpath as it heads east has advantages, however this footpath was a requirement of the provision

of the new houses meaning that the weight attributed to the benefits to highway safety is limited.

The consultation response from KCC Highways demonstrates that whilst not ideal, with conditions to ensure that the path is maintained and signage is in place so users are aware of the limitations of the path, the existing path would not result in severe harm to highway safety. The gates and signs proposed will be required to clearly indicate which element of the footpath is privately owned and maintained and which is adopted by KCC.

Concerns are raised by the Parish Council that there are no assurances over construction integrity, user liability or future practical maintenance to keep the footpath in suitable, safe use for all users and that there is no legal agreement ensuring the availability of the footpath.

Whilst it is noted that KCC Highways state that the footpath is not considered suitable for adoption, they do not advise that the footpath is unsafe or not fit for purpose. Conditions are proposed to ensure the ongoing maintenance of the footpath by way of the submission of a maintenance plan which would outline responsibilities and requirements to be carried out for the clearance of vegetation, repair of surfacing and integrity of the path, as well as contact details for the responsible company/body. The future availability of the footpath of the future use of the future path is also secured via a planning condition, which would comply with paragraph 56 of the NPPF being necessary, relevant to planning and to the development to be permitted. enforceable, precise and reasonable in all other respects

Given the above, it is generally considered that, whilst some users may not be able to access the footpath that has been created, many will be able and it provides to many people an alternative to walking in the public highway.

Other Matters

Concerns have been raised by local residents that the new residents of the Hoo Farm development would be expected to pay for the maintenance of the footpath; who would hold public liability insurance for the footpath; that granting consent for this application would set a precedent for developers to ignore conditions on planning consents and that the application to remove condition 18 from planning application F/TH/19/0173 was submitted before this application to approve the footpath. These points will be considered in turn below.

It is common for occupiers of new development to pay service charges to a management company to deal with landscaping, roads and other items that are not adopted by local authorities, county councils or other bodies.

Any requirement to hold public liability insurance is not a material planning consideration.

In terms of a precedent, each case would be determined on its own merits and enforcement action is available should conditions on other developments not be complied with.

An application to vary F/TH/19/0173 to include the removal of condition 18 (amongst other things) has been received by the Council prior to the submission of this application

(reference F/TH/23/1097). The current application for the footpath as constructed has been reported to members to consider if the path is acceptable, and if approved this application will form a material planning consideration in the assessment of the variation application..

Conclusion

This application seeks planning permission for the footpath that has been created together with the addition of gates and signage at either end and around the farm access to signify that it is privately owned and maintained.

It is noted that due to its alignment and changes in level that KCC would not adopt the footpath as part of its network, but do not object to consent being granted for it subject to conditions.

It is considered that the alignment, changes in level and the gates that would be added to the footpath would give the appearance of less of a traditional pavement and more of a public right of way, but it is considered that these are common in countryside areas and would not appear out of character. There is no adverse impact from the footpath or the gates/signage on the residential amenities of surrounding occupiers and whilst some users may find the path difficult to access and use, it is considered that many users will be able use the footpath as an alternative to walking in the highway.

Members are, therefore, recommended to approve the application.

Case Officer

Annabel Hemmings

TITLE:

F/TH/23/1217

Project

Hoo Farm 147 Monkton Road Minster Kent CT12 4JB

