This is an outline application for the erection of one dwelling on land adjacent to 11 Ballroyd Longwood Huddersfield. The developments site is a “yard” parking area with a gated access directly off Ballroyd Lane which slopes down very steeply into the site. Ballroyd Lane is registered on the Definitive Map as a Byway (HUD/310/10) and has the benefit of a bound surface and an adopted street lighting system. A footpath crosses the site (HUD/308/10) east to west from the boundary with No. 11 Ballroyd Close and is obstructed on both boundaries by fences.

The application gives little detail of the development proposals and although it is an outline application with all matters reserved this raises some concerns.

The submitted plan shows the site enclosed on three sides with a gate onto Ballroyd Lane. These boundaries seek to formalise the “closure” of Footpath HUD/308/10 and there is no reference within the application to which formal legal process it would seek to secure, either its diversion or its closure. If the applicant wishes to divert the existing Footpath onto adjoining land the diversion line would have to be included within the site edged red and the relevant notices served on the appropriate landowner/s.

We would also need to see the position of the dwelling and car parking spaces to assess if they obstruct the definitive line of the footpath. This is required as one of the potential legal requirements of proceeding with a legal closure/diversion order is that it is necessary to allow development to take place. If the Footpath could remain on its definitive without obstruction a closure/diversion may not be necessary.

The submitted plans show a “footpath” on adjoining land on its eastern boundary which is not a registered right of way, however it may have gained highway rights by usage so two public footpaths may subsist.

The Public Rights of Way Team has also raised concerns regarding the developments impact on Ballroyd Lane which is a Byway. Their comments are “access from the public byway, Ballroyd Lane, through existing gates should be carefully considered for its effect on the public byway traffic, particularly non-vehicular. Stopping on the byway and parking matters would need to be assessed to facilitate a decision on the principle of development”.

In addition, from a construction perspective we would at this stage raise concerns about the access gradient into the development site as it is currently substantially steeper to the 1:8 gradient the Council would require to meet its standards.

Therefore, the Highways Development Management Team cannot support this application in its current form.

Suggested Reason
Insufficient information has been submitted to assess the legal requirements of the proposals to be properly judged; particularly having regard to the diversion or closure of the existing public footpath which crosses the site.