

Blackbushe Airport

e-mail objection by Bob Milton on behalf of BHS June 2016

Dear Sirs

I am writing to formally object on behalf of the British Horse Society as Common land advisor for Hampshire and SE Region to the proposal to remove clause seven of planning permission 15/01835/FUL. This condition is tied up with what has been an ongoing flagrant obstruction of the public highway and unlawful inclosure of the 138 acres common land since 1988, in contravention of a Court Order to facilitate public access rights with the default connivance of both HCC by not enforcing through statutory duty and the Court Order and the planning authority in contravention of its own planning policy.

The history and legal reasoning have been set out by other objectors namely Kieran Foster which we fully endorse, support and form part of this formal objection and is copied below.

I have personally and on behalf of the BHS tried since 2006 following on from others that have tried to get this ancient and historic drove road and bridleway opened and the registered common land to be accessible but have been obstructed at every turn by those whose statutory duty it is ie Hampshire CC and Hart DC

Yours faithfully

Bob Milton  
for Abbeylands on behalf of the British Horse Society

'1) neither this application, or the former application for 15/01835/FUL mentioned in any way that the land involved in the application was registered common land, and that a large proportion of the land involved in 15/01835/FUL was CROW Access land, with a right of unrestricted public access for recreation at all times - The proposed withdrawal of the planning permission clause will affect routes of access to the statutory CROW access land, and thus has a wider effect on public access that was not fully investigated in the processing of 15/01835/FUL

2) The applicant has unlawfully obstructed the bridleway in question through erection of gates and fences, the applicant has

unlawfully erected further additional obstructions since the issuance of 15/01835/FUL and at the time of this application the route remains unlawfully obstructed.

3) A previous application to reroute this bridleway in the 1980's through the highways act process was unsuccessful, arguments over safety and security have already been settled during this application, and the landowner remains in flagrant breach through their continued unlawful obstruction of the route - as such, natural justice suggests that this issue is allowed to continue to its conclusion through the proposed rerouting procedure under S257 and is thereby fully resolved through the statutory process of order and objection, rather than being allowed to fester as an unsettled issue for decades longer.

4) The withdrawal of the planning permission clause would lead to the continued unlawful obstruction of this right of way, contrary to Hart planning policy CON 23 (Development affecting Public Rights of Way)

5) in their application for 15/01835/FUL the applicant stated in evidence **(PLANNING, DESIGN AND ACCESS STATEMENT paragraph 8.14 & 15)**

→→ \* *Neither bridleway 11 nor 16 has been used since 1939 i.e. some 76 years.*

→→ \* *In addition there is a gate located within the boundary fence just north of the terminal building in the south east corner of the airfield. That is kept permanently locked for security reasons and we understand there has only been one request to open the gate since BCA's purchase in 1985.*

→→ \* *In accordance with the above and Appendix 6 we do not believe the historic presence of bridleways 11 or 16 are material to the consideration of this planning application.*

**However, in Error! Hyperlink reference not valid. they stated**

*23. Mr Lambert explained that there were occasions when walkers insisted on using the public bridleway, despite the fact that it was a dead-end. He had never seen anyone on a horse. He thought it might happen once or twice a year. When it did the*

*visitor had to be escorted all the way over and all the way back and the runway was shut for up to an hour. He was not sure when it had last been necessary to do that; he thought perhaps last year or the year before. He did not know how it came to be that the Premiair hangar had apparently been built over the bridleway without objection or diversion.*

The statement to the planning authority stating that the route had not been used since 1939, and that there had only been one request to open the gate since 1985 is clearly at odds with the evidence given by the company in the above court case - this inconsistency must call into question the contention by the applicant in their cover letter that the development would have minimal impact on the bridleway route.

6) The withdrawal of the clause would lead to the continued unlawful obstruction of this right of way, contrary to DEFRA circular 1/09 Section 7 which states:

*7. Planning permission and public rights of way*

*7.1 Proposals for the development of land affecting public rights of way give rise to two matters of particular concern: the need for adequate consideration of the rights of way before the decision on the planning application is taken and the need, once planning permission has been granted, for the right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.*

*7.2 The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.*

7) The withdrawal of the clause would lead to the continued unlawful obstruction of this right of way, contrary to National planning policy framework paragraph 75, which states:

*75. Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*