



Robert Allan
Planning
Folkestone and Hythe District Council
Civic Centre,
Castle Hill Avenue,
Folkestone,
Kent CT20 2QY

**Countryside and Community
Development**

The Granary, Penstock Hall Farm
Canterbury Road
East Brabourne
Ashford, TN25 5LL

Phone: 03000 41 71 71

Email: eastprow@kent.gov.uk

Date: 20th December 2022

Your Ref: 22/2034/FH/PA

Our Ref: HE92_a15268

Dear Mr Allen

**PROPOSAL: Prior Notification of erection of an Agricultural Hay
and Machinery Storage Building under Part 6 Class A
of the General Permitted Development Order 2015 (Amended)**

LOCATION: Land Opposite Gate House, North Elham Hill, Elham CT4 6UY

This response is made on behalf of Kent County Council Public Rights of Way (PRoW) and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

The proposed development impacts on Public Right of Way HE92, the location of which is indicated on the attached extract of the Network Map of Kent. The Network Map is a working copy of the Definitive Map and Statement incorporating any further amendments as a result of legal orders since the relevant date of 31 May 2013.

The existence of the right of way and the effect of any development on a public right of way is a material consideration in the determination of applications for planning permission. Appropriate weight should be given to the impact on PRoW including the surrounding network when determining this application.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

The proposed development would impact on the right of way and would result in a loss of amenity and public enjoyment, through the loss of views to the North from the footpath contrary to policy NE3 of the Folkestone & Hythe District - Places and Policies Local Plan 2020 and the National Planning Policy Framework 2019, on this basis we ask for the proposal to be **refused**.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Yours sincerely

Public Rights of Way Area Office (East Kent)