

## **Barrowford and Western Parishes Committee Report 01<sup>st</sup> April 2026**

### **25/0784/FUL – Forest of Pendle Leisure Park**

#### Consultee Comments

United Utilities – Maintain their objection on the grounds that a water main and other United Utilities assets run through the site and their location and therefore the impact of the development upon them has not been demonstrated by the application.

#### PBC Countryside Access Officer - Highway Status and “Unadopted” Classification

Lancashire County Council records highways as either adopted or unadopted, depending on whether the highway is maintainable at public expense or not maintainable at public expense. However, the word “unadopted” is a misleading term because it is also commonly used to describe routes with no recorded highway status, which is how the word seems to have been in the submission.

There may have been public highway rights established, but these will have been extinguished by the:

#### Natural Environment and Rural Communities Act 2006 (NERC)

The Southern access lane is recorded as public footpath so NERC extinguished any public vehicular rights which extended over them. None of the exclusions listed in the legislation apply.

There are no vehicular highway rights along the access lane. The public right of way is on foot only. Any application for a Definitive Map Modification Order on the basis of higher rights based historical evidence, would at most result in the upgrading to Restricted Byway (i.e. a route for non-mechanically propelled vehicles).

Therefore, the applicant’s submission should rely only on the existence of private vehicular rights acquired through longstanding private use of the access route. So the question is not whether other people have used the route for access to other premises, but whether the owner of the development site has established a private right of access along the lane through long use. The *Bakewell Management Ltd v Brandwood [2004]* judgement means that a private vehicular right of way can have come into effect over a public footpath notwithstanding that driving a vehicle on a right of way is unlawful. But an owner of the lane could come forward and challenge whether such rights have come into existence.

#### Officer Comments

Further legal advice has been submitted by the applicant that there is a both a public and private right of vehicular access through longstanding use, however, the Council’s

Countryside Access Officer position remains that there is no public right of access and the only right of access could be a private right.

From a planning perspective the considerations are whether the development is acceptable in terms of highway safety and has the statutory notification of landowners has been correctly carried out.

The issues of rights of access, whether public or private is only relevant insofar as it relates to those matters. In this case should it be established separately to the planning process that there is no right of vehicular access the applicant also has the alternative option of access via the existing caravan park access. Both the existing caravan park access and the proposed access are acceptable in terms of highway safety and therefore the proposed development would not result in any unacceptable highway safety impact.

It has been identified from those discussions that the ownership certificate submitted with the application, which declared that the access was in the ownership of the applicant was incorrect. A revised ownership certificate has been submitted, a further period of 21 days is required for any landowners to respond to the publicity before a decision can be made.

An amended plan showing the route of the existing footpath and diversion is also awaited for the Countryside Access Officer's comments.

The recommendation remains for the approval of the application and any conditions necessary to be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the expiry of the notification period, an acceptable plan of the public right of way and an acceptable plan showing the route of United Utilities infrastructure within the site.

## **26/0122/HHO – 19 Applegarth, Barrowford**

### Consultee Comments

Barrowford Parish Council comments were received on the 19<sup>th</sup> March stating the following:

No 19 stands on the junction of Applegarth which sweeps through a 90-degree bend around number 19 with the entrance to Hawthorne Close veering off to the right. There are additional bends on Applegarth just above the curtilage of the property and a further bend just below the lower curtilage. The property is required to provide three off road parking spaces and given the three-legged highway layout with additional bends situated to boundary of this site additional on road parking will be problematic. The application is to convert one half of the double garage into a habitable room. There is no mention of addition offroad provision to offset the loss of one space and the application should be refused on the grounds of loss of offroad parking provision and potential safety hazards through additional on road parking.

### Officer Comments

As set out in the main report, the proposed development itself would not increase the parking requirements for the dwelling.

The concerns raised relate primarily to the potential partial loss of the garage for parking purposes. However, works to the garage could be undertaken under permitted development rights and therefore fall outside the scope of this application. In such circumstances, the Local Planning Authority must have regard to this fallback position.

Notwithstanding this, sufficient space would remain within the site's driveway to accommodate vehicles, and it is not considered that the proposal would result in a level of on-street parking that would give rise to severe highway safety impacts.

As such, the concerns raised do not alter the overall assessment or recommendation.