

FOI number: **HBC_FOI_20200488**
Date FOI Received: **26/08/2020**
Department: **Planning**
Title: **Horsehaven Mews to Footpath PRW 17 Rights of Way**
Description: **Horsehaven Mews to Footpath PRW 17 Rights of Way**

Request: (As Redacted sent by requestor)

1) Please supply me with information confirming whether the public have the right to cross the land between Horsehaven Mews and the PRW 17 that runs between Merry Hill Rd and Oxhey Lane.

2) Shanly Homes told purchasers of their properties that there would be a path across the fields to link with Footpath 17. If they have failed to provide this how will the Council follow up and ensure that they are made to deliver what was promised.

3) Why was Shanly Homes allowed to padlock the gates so blocking local residents access to the greenbelt land on the other side of the fence

4) Why is the Clovercourt original purchaser of the land who promised local residents orchards, pond, landscaping footpath to link with PRW17 now padlocking and placing Private Property notices on Green belt land that is lying there unused except for a few weeks when local people enjoyed walking across the open land to join Footpath 17 after a member of Hertsmere Council visited Horsehaven Mews to ensure the padlocks had been removed.

5) If this above fore mentioned land is sitting there unused and has not been delineated for Hertsmere's plans for future development does the owner of this green belt land have the right of restricting public access?

6) Herts CC have indicated that they will set up a PRW from Horsehaven Mews to PRW17 as long as there is sufficient public demand. During the short time recently before padlocks and private land notices were placed on the gate in the lower field, a large number of locals and walking groups accessed PRW17 from Horsehaven Mews. When Hertsmere BC agreed to the Shanly Development what were the provisions made to meet the interests of local people who lost their local Riding School and have been blocked from accessing this Green belt land.

Response: (Response as Redacted sent by service)

1) With regard to the footpath from Horsehaven Mews, as far as we can determine, there is no direct indication on any of the submitted plans suggesting a public footpath linking to the public walkway seen joining Merry Hill Road and Oxhey Lane. More information about the developments plans can be found here: https://www6.hertsmere.gov.uk/online-applications/files/B37622A5C8164998538AFBEDF3043419/pdf/17_1260_FUL-DECISION_-_GRANT_PERM_WITH_CONDS_-FUL-738485.pdf as well as, their S106 document found here: https://www6.hertsmere.gov.uk/online-applications/files/9E4B2D356364CD174B522C60F1878635/pdf/17_1260_FUL-SECTION_106_COMPLETE-752565.pdf

2) It is possible that the developer made statements and offers to the residents/ purchasers, but the Council can only comment on the officially lodged agreements that formed parts of the planning permission and S106 agreement (as previously referred to). We do not see any specific mention or design of a path way which links to the public footpath. You may also find their submitted landscape plan useful: https://www6.hertsmere.gov.uk/online-applications/files/C33C30A0289A81CFC630735179C9B987/pdf/17_1760_DOC-ADDITIONAL_LANDSCAPE_PLAN_RECEIVED_5_JAN_18-726815.pdf

3) We are not able to comment on this as it seems to relate to a decision that the landowner(s) have made and that relates to the way they wish to manage and control use of their land. It is worth mentioning that "greenbelt land" does not necessarily mean "public land". Please see the S106 document for more information on the developments plans: https://www6.hertsmere.gov.uk/online-applications/files/9E4B2D356364CD174B522C60F1878635/pdf/17_1260_FUL-SECTION_106_COMPLETE-752565.pdf

4) We are unable to locate the mention within the planning obligation or S106 of public access from the development site to the land which is in the vicinity of the public footpath which links Merry Hill Road and Oxhey Lane. As stated previously there does not appear to be any written detail that specifically identifies the way the land is controlled by the landowner and / or prevents the land owner(s) restricting access over their land.

5) As I understand, the land mentioned could be considered as open space but not specifically open to the general public as the land behind the gate is still within the developments boundary. More information can be found here: https://www6.hertsmere.gov.uk/online-applications/files/B37622A5C8164998538AFBEDF3043419/pdf/17_1260_FUL-DECISION_-_GRANT_PERM_WITH_CONDS_-FUL-738485.pdf

6) Queries about setting up / creation of rights of way should be directed to Herts County Council rights of way not Hertsmere Borough Council. As regards the planning permission, we understand that the original application from the developer was considered acceptable by the Council when it was approved. The decision to approve was made at the time by officers and / or elected members. Please see the linked document where it states "Acceptable In planning turns with no legal reason to

prevent the development” and “The loss of the sporting use is considered to be acceptable in this instance as it has been shown to be surplus to needs, and taking into account the provision of open space within the development of benefit to the wider community.” More information can be found here: https://www6.hertsmere.gov.uk/online-applications/files/B37622A5C8164998538AFBEDF3043419/pdf/17_1260_FUL-DECISION_-_GRANT_PERM_WITH_CONDS_-FUL-738485.pdf

If you have any queries about the processing of your request then please do not hesitate to contact me. Further information explaining the Council's process for responding to information requests together with a complaints/appeals procedure is available in our reception or via our website at:

<https://www.hertsmere.gov.uk/Your-Council/Official-Publications--Guides--Policies/Access-to-Information.aspx>

The Information Commissioner oversees the application of the Freedom of Information Act. You may contact the Information Commissioner at:

Information Commissioners Office

Wycliffe House, Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113

Website: www.ico.org.uk

Please include the above reference number on all correspondence related to this request.

Thank you for your request.

Kind regards

Information Services

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