CAMPAIGNERS who complained about a resident’s home extension illegally encroaching on public land are celebrating after preventing an order to make the building legal.

Now action group Hands Off Stubbin Lane want to take Rotherham Borough Council to task over why the development was allowed without planning permission.

Homeowner Gary Watson moved his fence outwards and removed banking for the two-storey addition to his Hoober Court home in Upper Haugh.

He told a planning inquiry last November that he had "exhausted all avenues" in trying to find out who the land belonged to before building.

"He argued that the precedent had been set for this by owners of the neighbouring dwelling. "Quite clearly, the land in question cannot continue as public highway once contained within a residential garden and built upon.,"

Some objectors said allowing the order could set up a harmful precedent for others encroaching on the land.

But Mr Wildsmith concluded that the order had failed because of "procedural reasons" rather than the merits of the extension and loss of public land.

"The council has the onus on it to preserve and by law, it shouldn’t have been built on."

Nearly 70 residents objected to the order. The council withdrew its statutory objection during the hearing.

"The decision is a victory in terms of what we set out to achieve, which was to prevent the stopping up order from being given."

"We now want to clarify how Rotherham Borough Council can allow an individual to take over and build on land for his own gain and depriving the public of a highway."

"We’ve done what we intended so far and will keep on fighting for the benefit of this public amenity."

HSOL barrister Naeem Siraj said: "Unfortu-nately, in the inspector’s own view, there’s no loss of public amenity by the highway being obstructed. "And, very unhelpfully, he says that the applicant can seek another route, via the council, through magistrates’ court. "The council don’t seem very enthusiastic about preserving this highway, a public amenity."

"What I’m waiting for is instruction as to prosecution of Mr Watson. I’ve spelled out to HSOL what should now be done if they want this building removed from the highway."

"No material harm, in highway terms, would arise if the order was made. The use of Stubbin Lane as public highway would not be significantly compromised in any way."

"We've done what we intended so far and will keep on fighting for the benefit of this public amenity."

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