From: ECU Consultations (Place) <ecu.consultations@staffordshire.gov.uk>
Sent: 19 July 2018 08:42
To: Planning (SMDC)
Subject: FW: EC3210SM - SMD/2018/0445 - 5 Heather Hills, Stockton Brook - demolition of garage & construction of 2 storey extension, Public Bridleway No 1 Endon and Stanley

Categories: Blue Category

APPLICATION NO SMD/2018/0445

Please find comments below from Paul Rochfort, Principal Rights of Way Officer in connection with the consultation for 5 Heather Hills, Stockton Brook.

Kind regards

Staffordshire County Council

Sue Glen | **Business Support Administrator**
Business and Executive Support Team
Support to: Rural County
1 Staffordshire Place
Tipping Street, Stafford, ST16 2DH
☏: (01785) 277284
✉:
🖱: www.staffordshire.gov.uk

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Rights of Way

Public Bridleway No. 1 Endon and Stanley Parish runs up the track adjacent to the property. From the application documents it does not appear that the bridleway will be directly affected by the development. However, the attention of the applicant should still be drawn to the existence of the bridleway and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the bridleway must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.

The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects

the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

Many thanks, Paul

Paul Rochfort
Principal Rights of Way Officer
Rural County
Staffordshire County Council
2 Staffordshire Place
Tipping Street
Stafford
ST16 2DH

www.staffordshire.gov.uk

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