

From: [Hall, Julie \(F&C\)](#)
To: [Planning \(SMDC\)](#)
Subject: EC3210SM - SMD/2021/0549 - 10 Cheadle Road, Cheddleton - rear 2 storey extension - Rights of Way
Date: 31 August 2021 08:30:12

To whom it may concern,

Rights of Way

The application does not recognise the existence of Public Footpath No. 1R/2248 which runs adjacent to the southern boundary of the site. It does not appear from the included documents that the footpath will be directly impacted by the development.

However, the attention of the developer should be drawn to the existence of the path 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. If the path does need diverting as part of these proposals the developer would need to apply to under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants 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. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times.

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.

Kind Regards,

Julie Hall

[Spatial Information Officer](#)

[Staffordshire County Council](#)

Disclaimer

This e-mail (including any attachments) is only for the person or organisation it is addressed to. If you are not the intended recipient you must let me know immediately and then delete this e-mail. If you use this e-mail without permission, or if you allow anyone else to see, copy or distribute the e-mail, or if you do, or don't do something because you have read this e-mail, you may be breaking the law.

Liability cannot be accepted for any loss or damage arising from this e-mail (or any attachments) or from incompatible scripts or any virus transmitted.

E-mails and attachments sent to or received from staff and elected Members may be monitored and read and the right is reserved to reject or return or delete any which are considered to be inappropriate or unsuitable.

Do you really need to print this email? It will use paper, add to your waste disposal costs and harm the environment.