

From: [Hall, Julie \(F&C\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2021/0555 - Barn, Cash Heath Farm, Cash Heath, Forsbrook - proposed conversion of redundant barns into 3 residential units - Rights of Way
Date: 12 October 2021 15:11:59

To whom it may concern,

Rights of Way

The application documents don't recognise the existence of Public Footpath No. 21 Forsbrook Parish which runs within the proposed development site, through the site access and along the track to the west of the site.

Public Footpath No. 0.1467 also runs just outside the site boundary, to the south west.

The attention of the developer should be drawn to the existence of the paths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public paths. If the paths do need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpaths 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 paths are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development.

The applicant needs to be reminded that although the track to the property is private, the fact that the route is a public highway (footpath) takes precedence. The use by private vehicles is subject, and subordinate to, the public's right. In other words pedestrians have a public right and vehicles need to give way to them not the other way around.

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

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