

From: [Hall, Julie \(C&F\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2022/0210 - White Hart Hotel, High Street, Alton - change of use of outbuilding to rear of listed building from use class B8 to use class E(g))ii) - Rights of Way
Date: 12 July 2022 15:04:55

Dear Arne,

Rights of Way

The application documents don't acknowledge the existence of Public Footpath No.61 Alton Parish which runs west of the proposed site.

It does not appear from the submitted documentation that the footpath will be directly impacted by the proposals.

The attention of the developer should, however, 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 your council 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 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

**Definitive Map and Spatial Information Officer
Staffordshire County Council**

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