

From: [Hall, Julie \(C&F\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\)](#)
Subject: EC3210SM - SMD/2022/0365 - Land South East of Mill Lane, Wetley Rocks - erection of stable block - Rights of Way
Date: 27 July 2022 12:52:06

Dear Arne,

Rights of Way

The application correctly acknowledges the existence of Public Footpath No. 52 Cheddleton Parish, which runs along the access track, and then to the west and south of the proposed site. It does not appear that the footpath will be directly impacted by the proposals.

The attention of the developer, however, should be drawn 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 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 or use of the site if the application is approved. 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. 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 is only responsible for the surface of the footpath for pedestrians, not vehicles, and the applicant should be made aware of this.

The applicant needs to be reminded that although the access 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

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

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