

Staffordshire County Council  
Town and Country Planning Act, 1990  
Development Management Procedure Order 2015

**To:** Development Control Manager,

**Applicant:**

**Address:**

**Application Type:** Full

**Application Number:** SMD/2022/0433

**Officer:** T. Lunn

Date Received: 22/08/2022

**Date:** 07/09/2022

**Particulars of Development:** Proposed detached garage with office above

**Location of Development:** Pemberley House and Farm, Sandy Lane, Caverswall

### **Acceptance**

Site Visit - 23/08/2022

Personal Injury Collisions;

There are no Personal Injury Collisions recorded on Sandy Lane. The access road is private, Staffordshire County Council do not hold accident records on private roads.

Background;

The property is located on a private access road off Sandy Lane. Sandy Lane is a byway open to all traffic (BOAT) known as Caverswall 11.

The access drive is a public right of way, footpath Caverswall 4, footpath Caverswall 3 runs to the north-east of the property.

Description of Proposal;

Proposed detached garage with office above.

Comments on Submitted Information;

The proposal is for the construction of a detached garage with office above.

The minimum internal dimensions for the proposed garage are 11.4m wide x 6.5m long (3.8m wide x 6.5m long each garage space). The garage meets with the minimum internal dimensions stated in the Manual for Streets and Staffordshire Moorlands Parking Standards, for a single garage which are 3m wide by 6m long.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore there are no objections (SMD/2022/0433).

### **Note to Planning Officer;**

It is noted that public footpath Caverswall 4 runs along the access track to Pemberley House and Farm, public footpath Caverswall 3 runs along the north-east of the property.

## **INFORMATIVE NOTES TO BE INCLUDED ON THE DECISION NOTICE:**

Public Footpath Caverswall 4 runs along the access track to Pemberley House and Farm, public footpath Caverswall 3 runs along the north-east of the property. The attention of the applicant should be drawn to the existence of these footpaths and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the footpath network. For further information, the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

If the path does need diverting as part of these proposals the applicant would need to apply to the Local Planning Authority under Section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. Staffordshire County Council would need to be formally consulted on the proposal to divert this footpath.

It is important that users of the path 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 and increased vehicular use. Staffordshire County Council is only responsible for the footpath for pedestrians, not vehicles, and the applicant should be made aware of this. The applicant should also be made aware that it is illegal to park on the public footpath.

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.

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Commissioner for the Built County  
On behalf of the County Council  
As Highway Authority