



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

To: Staffordshire Moorlands
 Staffordshire Moorlands District Council
 Moorlands House
 Stockwell Street
 Leek
 ST13 6HQ

Application Type: FULL

Applicant:

Mr Jack Nethercott Whitehouse Lane, Swindon, DY3 4PE

Officer: Tracey Lunn

Our Reference: SMD20220557

District Reference: SMD/2022/0557

Date Received: 13-Dec-2022

Date Responded: 21-Dec-2022

Particulars of Development:

Erection of Oak Framed Garden Room and Porch following demolition of existing Conservatory

Location of Development:

EARLS ROCK, Earls Rock, Red Road, STOKE-ON-TRENT, ST10 4BU

Recommendation Summary: Acceptance

Site Visit Conducted on: 04-Oct-2022

Personal Injury Collisions;

Current records show that there were not any Personal Injury Collisions on Red Road within 215 metres either side of the access track for the previous five years.

Background;

The property is located on an access track off Red Road. Red Road is a D classification road (Road No. D1141) and is subject to a 60mph speed limit.

The access track is also known as public footpath Alton 9.

Description of Proposal;

Erection of Oak Framed Garden Room and Porch following demolition of existing Conservatory.

Comments on Submitted Information;

The proposal is for demolition of an existing conservatory and the construction of a garden room to the SW elevation and a porch to the SE elevation of the property.

It is considered the proposal will not have a detrimental impact on the adopted highway and therefore I have no objection (SMD/2022/0557).

Note to Planning Officer;

It is noted that public footpath Alton 9 runs along the access track to Earls Rock.

INFORMATIVE NOTES TO BE INCLUDED ON THE DECISION NOTICE:

Public Footpath Alton 9 runs along the access track to Earls Rock. 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.

Assistant Director, Highways and the Built County
On behalf of the County Council as
Highway Authority