

From: [Hall, Julie \(E,I&S\)](#)
To: [Planning \(SMDC\)](#)
Subject: EC3210SM - SMD/2024/0262 - Hayes Gate Farm, Star Bank, Oakamoor - Full planning application for the change of use of a stone barn from ancillary accommodation to open market dwelling with modest extension - Rights of Way
Date: 08 July 2024 10:29:09

Dear Ben,

Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way running along the access track and public rights of way running adjacent to the application site. From the information submitted it does not appear that they will be directly impacted by the proposed development.

The following should be brought to the attention of the applicant and noted in the planning consent if granted:

Public Footpath No. 25 Cotton Parish runs along the access track to the application site (occupying the full width of the track between boundaries), and north of the proposed development.

Public Footpath Nos. 37 and 47 Farley Parish runs adjacent to the application site; north/north east of the proposed development, running through woodland.

Public Footpath No. 66 Cotton Parish runs west of the proposals, parallel with Longshaw Brook.

The granting of planning permission does not constitute authority for any interference with the public right of way and associated items - or its obstruction (temporary or permanent). This is the case both during the building stage or once the development is completed should the permission be granted. The term obstruction, in this context, applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority, and also to any vehicles parking on the right of way, including those associated with construction.

NPPF 104. states that: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Users of the path must be able to exercise their public rights safely and at all times and the path be reinstated if any damage to the surface occurs as a result of the proposed development.

Where private rights exist that allow the use of vehicles along a footpath, drivers of vehicles must give way to pedestrians.

In the absence of private rights, driving a vehicle on a public right of way is a criminal offence.

Any hedging/trees/shrubs planted within 3 metres of the public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

It should be noted that there is an application under Section 119 of the Highways Act 1980 to divert rights of way in this vicinity (Proposed diversion of Public Footpaths No. 25 (part) Cotton Parish and Nos. 37 (part) and 47 (part) Farley Parish). For more information please contact

rightsofway@staffordshire.gov.uk.

The possibility of the existence of a currently unrecognised public right of way, makes it advisable that the applicant pursue further enquiries and seek legal advice regarding any visible 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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