

From: [Hall, Julie \(E,I&S\)](#)
To: [Planning \(SMDC\)](#)
Cc: [ECU Consultations \(Place\); Rochfort, Paul \(E,I&S\)](#)
Subject: EC3210SM - SMD/2025/0071 - Huddale Farm, Leek Road, Waterhouses - Erection of roof cover existing slurry store - Rights of Way
Date: 05 March 2025 12:53:08

Dear Reuben,

Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way crossing the application site.

Public Footpath No. 135 Waterhouses Parish crosses the application site. The footpath is obstructed by the slurry store, (which is the subject of this planning application), and also by the existing parlour, dairy and collecting yard. The footpath will require diverting. Public Bridleway No. 137 Waterhouses Parish runs along an access track, north of the proposed development.

Public Footpath No. 79 Waterhouses Parish runs west/south west of the proposed development.

(Rights of Way in Staffordshire may be seen on our online web map here: [Staffordshire County Council Public WebMap](#))

This is not an uncommon occurrence in the county. When developments are planned and agreed to by the relevant planning authority, in this case Staffordshire Moorlands District Council, the planning authority is supposed to ensure all public rights of way are accounted for and diverted appropriately. It does not appear to have happened in this case. The 2021 and 1999 Definitive Map shows the Public Footpath No. 135

Waterhouses Parish on this alignment and as far as I am aware, we have received no applications under Section 53 for an extinguishment, or under the Town and Country Planning Act, or Highways Act 1980, for a diversion. Staffordshire County Council also have no plans to extinguish or divert this footpath in the short term.

It is essential that the footpath is diverted in order to fulfil the aims of the application. As the development is already obstructed, the diversion will need to be carried out under Section 119 Highways Act 1980.

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).

The term obstruction, in this context, also applies to items such as gates or stiles which are regarded as licenced obstructions which must be sanctioned by the highways authority.

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

Any works that affect the surface of the footpath/s require discussions with the County Council Rights of Way Team.

Where private rights exist that allow the use of vehicles along a right of way drivers of vehicles must give way to; pedestrians in the case of footpaths, and horse riders, cyclists and pedestrians in the case of bridleways..

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 a public right of way are the responsibility of the landowner not the Highways Authority (including maintenance and liability).

Staffordshire County Council has not received any application to add to or modify the Definitive Map of Public Rights of Way in that vicinity.

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.

It is advised the County Council Rights of Way Team are contacted to informally discuss the proposals. Initial contact can be made by emailing:

rightsofway@staffordshire.gov.uk.

Kind Regards,

Julie Hall

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

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