From:	
To:	Planning (SMDC)
Cc:	ECU Consultations (Place)
Subject:	EC3210SM - SMD./2025/0252 - 29 Southlowe Road, Cellarhead - Summer House Outbuilding - Rights of Way
Date:	30 May 2025 14:36:37

Dear Hannah,

Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way adjacent to the application site. From the information submitted, it does not appear it will be directly impacted by the proposed development.

Public Footpath No. 51(a) Cheddleton Parish runs immediately south of No. 29 Southlowe Road, the subject of this planning application.

Although not further affected by this application, it should be noted that the footpath is currently obstructed by housing and gardens in Souhtlowe Road/The Oval/Heath Avenue.

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 rights of way 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.

A public right of way does not become obsolete through non-usage and the only way that it can be altered on the Definitive Map and Statement is through a legal event order. Section 118 of the Highways Act 1980 allows a public right of way to be extinguished if it can be argued that the route is 'no longer needed for public use'. It is also worth noting that the processing of applications to divert or extinguish public rights of way is a discretionary power not a statutory duty and the process is subject to public consultation and associated costs.

I cannot state whether or not we would look to enforce the usage of this footpath in the future. Whilst we have a statutory duty to assert and protect the rights of the public to the use and enjoyment of the public path network, I think it is unlikely that we would allocate limited resources to opening up a route which appears to serve no particular purpose within the wider path network. It is suggested the District Council contact the County Council Rights of Way Team to discuss the obstruction. They can be contacted via email

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.

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.
Kind Regards,

Definitive Map and Spatial Information Officer
Staffordshire County Council

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