

[REDACTED]

From: Rochfort, Paul (E,I&S) <[REDACTED]>
Sent: 05 October 2026 15:03
To: Planning (SMDC)
Cc: ECU Consultations (Place); Hall, Julie (E,I&S)
Subject: FW: EC3210SM - SMD/2026/0445 (Public Footpath 3 and 4 Caverswall)
Attachments: E_844335.DOC

Categories: [REDACTED]

Dear Sir/Madam

Please find comments from the Public Rights of Way team below.

The Definitive Map of Public Rights of Way for Staffordshire shows public rights of way crossing the application site. From the information submitted, it appears a right of way 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. 4 Caverswall Parish runs across the application site, and will be obstructed by the proposed gates.

Public Footpath No. 3 Caverswall Parish runs adjacent to the application site.

Public BOAT No.11 Caverswall Parish runs adjacent, along Sandy Lane. Any works to the BOAT require discussions with our Highways colleagues.

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

NPPF TR8: Public rights of way states that: 'Development proposals should: a. Protect and enhance the network of public rights of way, including through suitable diversions agreed with the highway authority'

It is essential that public rights of way are diverted in order to fulfil the aims of the application. Failure to do so will most probably lead to the obstructing of a public right of way. 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.

Obstructing a public right of way - whether the whole or part of the width - may constitute a criminal offence under Section 137 of the Highways Act 1980.

With regards to the proposed diversion:

Public Footpath No 3 and 4 have not wholly followed their definitive path lines for some time and it is disappointing the applicants have not taken steps sooner to formally divert these routes as they have made physical changes on the ground, albeit without authority to do so.

The application is not clear in being specific about the alternative routes for Footpath 3 and 4. It appears that Footpath 4 will be diverted to the east of the drive

and Footpath 3 will start east of the driveway then cross the drive and head in a south-westerly direction just beyond the property. We don't have any specific concerns about this proposal which will improve privacy and security at the property and allow path users to follow clear and unobstructed routes.

Please note, there are no grounds under the Town and Country Planning Act 1990 to allow for a pedestrian gate on the diversion of Footpath 4 adjacent to the proposed new access gate. Gates can only be authorised for stock control purposes (under the Highways Act 1980) including the breeding and keeping of horses and any request for path furniture would need to be submitted to ourselves as highway authority. We presume similar structures are proposed where the diversion of Footpath 3 crosses the driveway although the plans are not clear in this regard. To confirm – at all three locations gaps should be present not gates or stiles unless authorised for stock control by ourselves as highway authority.

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.

Any works that affect the surface of a public right of way require discussions with the County Council Rights of Way Team prior to any works commencing,

As a public right of way needs diverting as part of these proposals the developer must apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence. For further information the applicant must read [section 7 of DEFRA's Rights of Way Circular \(1/09\)](#). It is also strongly suggested, in order to avoid unwanted complications, that guidance should be sought from Staffordshire County Council as Highways Authority, regarding the exact position of the Public Right of Way shown on the Definitive Map.

Should this planning application be approved and any right of way require a temporary closure, please see the County Council website for [guidance and an application form](#). **Please note:** a minimum of 8 weeks notice is required for temporary closures)

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

It should be noted, however, that this does not exclude the possibility of the existence of a currently unrecognised public right of way at common law, or because of a presumed dedication under Section 31 of the Highways Act 1980.

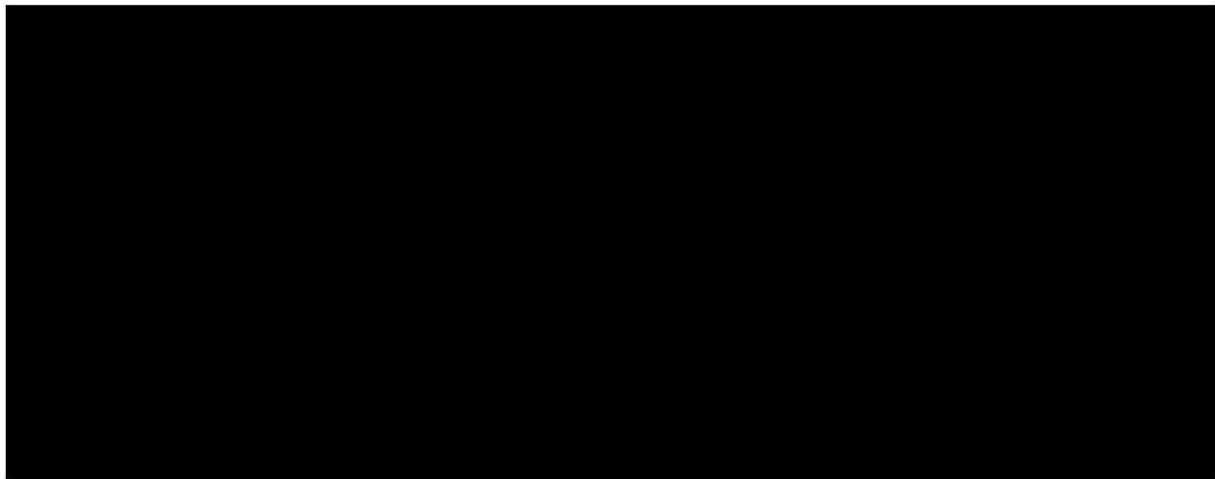
It may, therefore, be necessary to make further local enquiries and seek legal advice regarding any physically evident route affecting the land, or the apparent exercise of a public right of way by members of the public

Many thanks, Paul



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-----Original Message-----

From: Planning (SMDC) <Planning@staffsmoorlands.gov.uk>

Sent: 25 September 2026 12:12

To: ECU Consultations (Place) <ecu.consultations@staffordshire.gov.uk>

Subject: External Consultation Letter - App ref SMD/2026/0445

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