

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 21 MARCH 2016

FOOTPATH DIVERSION APPLICATION AT CORAL SPRINGS, WITNEY
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Abby Fettes, Tel: (01993) 861684)

(The decision on this matter will be a resolution.)

1. PURPOSE

To seek authority for Officers to withdraw/resolve not to confirm a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990.

2. RECOMMENDATION

That the Head of Planning and Strategic Housing be authorised to withdraw the Order.

3. BACKGROUND

3.1 Planning permission was granted on 29th April 2013 for the “Erection of retirement community comprising of sixty care bedrooms, forty six care suites and seventy nine care apartments.” – Application reference 12/I037/P/FP.

3.2 As a result of the implementation of the planning permission and non-material amendments to the approved scheme, it was necessary to divert a section of footpath to the south of the development. An application was brought before the Sub-Committee in May 2015 seeking authority to make a Public Path Diversion Order under Section 257 of the Town and Country Planning Act 1990.

3.3 Unfortunately, it is clear from a recent site visit by the County Council Rights of Way Officer that an insurmountable objection has arisen to the confirmation of a Diversion Order in that the definitive line of the footpath has already been obstructed by construction.

3.4 Whilst Section 257 the Town and Country Planning Act allows for the application for diversion of a footpath to facilitate permitted development, it does not permit a footpath to be obstructed before the diversion route is confirmed and in place. Whilst there is a temporary closure in place for the footpath, the closure is permitted for the health and safety of the public and also does not permit the obstruction of the footpath. As a result it would be beyond the Council’s power to confirm the Order.

4. FINANCIAL IMPLICATIONS

None.

5. ALTERNATIVES/OPTIONS

None.

6. REASONS

The Council is unable to proceed with this application under s257 of the Town and County Planning Act. This process allows for the application for diversion for permitted development however it does not permit the footpath to be obstructed before the diversion route is confirmed and in place. A site visit has verified that the footpath has been obstructed prior to confirmation of the Order.

7. PROCEDURAL MATTERS

None.

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Head of Planning and Strategic Housing

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Background Papers:

None