

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 27 APRIL 2015

APPLICATION NUMBER 15/00111/POROW
PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY 168/4 AT THE
CHEQUERS PUBLIC HOUSE, CHURCHILL, OX7 6NJ.

(Contact: Catherine Tetlow, Tel: (01993) 861655)

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

1. PURPOSE

- 1.1. To seek authority for Officers to make a Public Path Diversion Order under Section 257 the Town and Country Planning Act 1990 and carry out the required statutory consultation upon it.
- 1.2. The diversion is required to enable permitted works to the outside space at the premises to be carried out. These works would not be compatible with the existing route of the right of way.

2. RECOMMENDATIONS

That the Head of Planning and Strategic Housing be authorised to make the Order and carry out public consultation, consistent with the drafted Order attached to this report.

3. BACKGROUND

- 3.1. Planning permission was granted on 13th June 2014 for “the erection of Cotswold stone walling with timber entrance gates to enclose & create external dining areas, construction of timber pergola and enclose existing escape stairs and kitchen entrance, associated landscaping works to include low level external lighting and replacement of existing externally illuminated post sign in revised location” – application reference 14/0299/P/FP.
- 3.2. As a result of the implementation of the planning permission, it will be necessary to divert a section of footpath 168/4, measuring 27.5 metres in length, to go around the enclosed external dining area. The new section would measure 31m.

4. FINANCIAL IMPLICATIONS

None

5. ALTERNATIVES/OPTIONS

None

6. REASONS

See section 3

7. PROCEDURAL MATTERS

- 7.1. At this stage Officers are only seeking authority to make the Order and consult upon it. If objections are raised, it will not be possible for the Local Planning Authority to confirm the Order. In these circumstances the Order and any objections to it will be considered by the Planning Inspectorate on behalf of the Secretary of State.

- 7.2. The Inspectorate does not consider the need for the development to which the Order relates. However, account must be taken of the effect of the Order on those entitled to the right which would be affected.

Giles Hughes
Head of Planning and Strategic Housing

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Date: 16.4. 2015

Background Papers:
Draft Public Path Diversion Order
Planning permission I4/0299/P/FP

Date Made: 2015

Date Confirmed: 2015

TOWN & COUNTRY PLANNING ACT 1990 SECTION 257

WEST OXFORDSHIRE DISTRICT COUNCIL

CHURCHILL FOOTPATH 168/4 (PART)

PUBLIC PATH ORDER 2015

TOWN & COUNTRY PLANNING ACT 1990 SECTION 257

WEST OXFORDSHIRE DISTRICT COUNCIL

CHURCHILL FOOTPATH 168/4 (PART)
PUBLIC PATH DIVERSION ORDER 2015

This Order is made by West Oxfordshire District Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up that part of the footpath to which this Order relates and make provision for an alternative footpath to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely Erection of cotswold stone walling with timber entrance gates to enclose & create external dining areas, construction of timber pergola and enclose existing escape stairs and kitchen entrance, associated landscaping works to include low level external lighting and replacement of existing externally illuminated post sign in revised location , which is allocated planning reference 14/0299/P/FP.

BY THIS ORDER:

- 1 The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be stopped up as provided below.
- 2 There shall be created to the reasonable satisfaction of Oxfordshire County Council an alternative footpath for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
- 3 The stopping up of the footpath and creation of the alternative footpath shall have effect on the date on which Oxfordshire County Council certify that the terms of Article 2 have been complied with.
- 4 Where immediately before the date on which the alternative footpath is created there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART 1

Description of site of existing Footpath

The entire width of that length of public footpath numbered 168/4 on the Definitive Map for the Parish of Churchill that runs along Langston Close from

OS Grid Ref SP 28241 24112 (Point A on the Order Plan) in a generally westerly direction for approximately 17m to SP 28224 24110 (Point C) continuing in a generally northerly direction for approximately 10.5m to OS Grid Ref SP 28223 24121 (Point D) on the Order plan annexed hereto and shown by a bold black continuous line.

PART 2
Description of site of new Footpath

A length of public footpath in the Parish of Churchill that runs along Langston Close from OS Grid Ref SP 28241 24112 (Point A on the Order plan) in a generally west-south-westerly direction and then west-north-westerly direction for approximately 18.5m to OS Grid Ref SP 28224 24110 (Point E) before heading in a generally north-north-westerly direction for approximately 10.5m to OS Grid Ref SP 28221 24120 (Point F) then continuing in a generally east-north-easterly direction for approximately 3m to OS Grid Ref SP 28223 24121 (Point D) re-joining the footpath numbered 186/4 on the definitive Map for the Parish of Churchill shown by the Order Plan annexed hereto and shown by a bold dashed line.

Widths of New Footpath:

- 1.2m between Point A and Point E
- 1.5m between Point E and Point D.

DATED DAY OF 2015

THE SEAL OF WEST OXFORDSHIRE)
DISTRICT COUNCIL WAS HEREUNTO)
AFFIXED IN THE PRESENCE OF)

Chairman

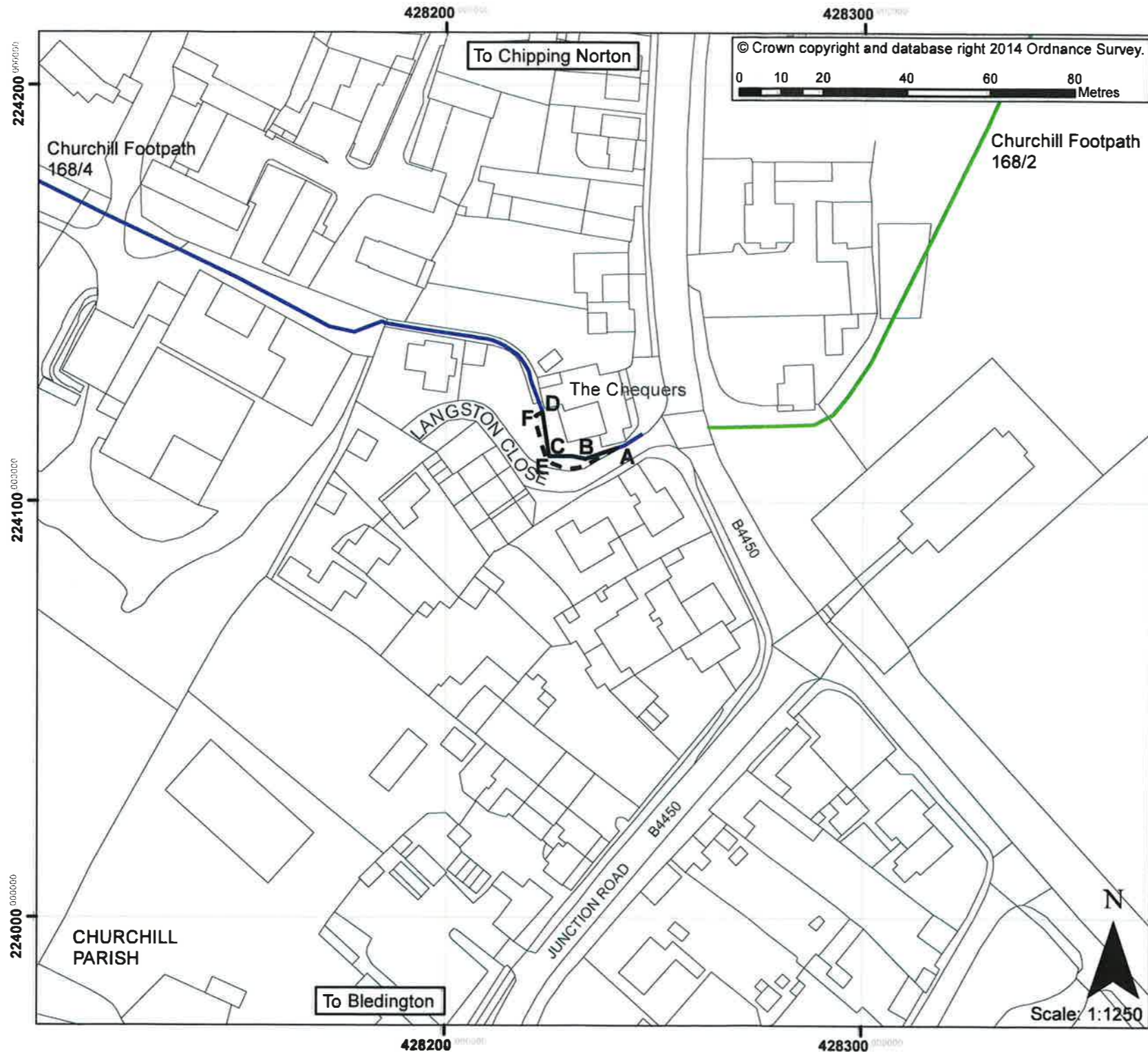
Authorised Officer

AND THIS ORDER WAS SUBSEQUENTLY CONFIRMED BY WEST OXFORDSHIRE DISTRICT COUNCIL ONDAY OF..... 2015

THE SEAL OF WEST OXFORDSHIRE)
DISTRICT COUNCIL WAS HEREUNTO)
AFFIXED IN THE PRESENCE OF)

Chairman

Authorised Officer



Town and Country Planning Act
Section 257

Public Path Diversion Order
Churchill Footpath 168/4 (Part)

- Existing Footpath (168/4) to be diverted. A-B-C-D Length = 27.5m
- Proposed Footpath diversion. A-E-F-G Length = 31m
- Route of Unaffected Footpath (168/4)
- Churchill Footpath (168/2) Unaffected by Order



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