

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 5TH JUNE 2017

FOOTPATH DIVERSION APPLICATION AT CHURCHILL FARM, CHURCHILL.
REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING
(Contact: Abby Fettes, Tel: (01993) 861684)

(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 119 of The Highways Act 1980 and carry out the required statutory consultation upon it.
- 1.2. The application for the diversion has been made in the interest of the owner of the land crossed by the path and is expedient in the interests of the owner. The path will not be substantially less convenient nor less enjoyable to the public as a consequence of the diversion.

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 18th May 2017 for the “Demolition of existing structures and erection of ten dwellings with associated garages, car parking and landscaping.” – application reference 16/03533/FUL.
- 3.2 As a result of the implementation of the planning permission, it will be necessary to divert a section of footpath 168/1, as described in the attached draft order.

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

(Author: Ms A Fettes, Tel: (01993) 861684; EMail: abby.fettes@westoxon.gov.uk)
Date: 2nd May 2017

Background Papers:

Draft order attached

THE WEST OXFORDSHIRE DISTRICT COUNCIL

FOOTPATH No. 168/1(PART)

PUBLIC PATH STOPPING UP ORDER 2017
TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

THIS ORDER is made by West Oxfordshire District Council under section 257 of the Town and Country Planning Act 1990 (as amended) because it is satisfied that it is necessary to stop up the section of footpath to which this Order relates in order 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 the demolition of existing structures and development of nine residential dwellings and associated garages, car parking and landscaping.

BY THIS ORDER:

- 1 The section of Footpath No. 168/1 over the land shown by a bold black line on the attached plan (“the Order Plan”) 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 section of Footpath No. 168/1 as provided in Part 2 of the Schedule and shown by bold black dashes on the Order Plan.
- 3 The stopping up of the section of Footpath No. 168/1 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 section of Footpath No. 168/1 is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULE

PART I

Description of existing path or way

The entire width of that length of Footpath No. 168/1 on the Definitive Map for the Parish of Churchill that runs from Kingham Road OS Grid Ref SP 2812, 2423 (Point E) in a southerly direction for approximately 255 metres to OS Grid Ref SP 2809, 2397 (Point D) and shown on the Order Plan by a bold black continuous line between Points D-E.

PART 2

Description of new path or way

The alternative route proposed commences at Kingham Road OS Grid Ref SP 2809, 2424 (Point A) and extends in a south-westerly direction for approximately 57.5 metres to OS Grid Ref SP 2807, 2419 (Point B), then in a southerly direction for approximately 94 metres to OS Grid Ref SP 2806, 2410 (Point C), then heads in a generally south-easterly direction for a total of approximately 120 metres to OS Grid Ref SP 2812, 2423 (Point D), to re-join the unaffected route of the footpath at Hacker's Lane as shown on the Order Plan annexed hereto by a bold dashed line between Points A-B-C-D.

The width of the proposed new route is 2 metres.

DATEDDAY OF 201

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..... 201

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

Chairman

Authorised Officer

Dated: 20

WEST OXFORDSHIRE DISTRICT COUNCIL

Churchill Footpath No. 168/1 (Part)

PUBLIC PATH DIVERSION ORDER 2017
