

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 1 APRIL 2019

APPLICATION NUMBER 18/03615/PROW.

**PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY MILTON-UNDER-
WYCHWOOD 301/13 (WHOLE) AND
MILTON-UNDER-WYCHWOOD 301/15 (PART)
PUBLIC PATH DIVERSION ORDER 2019**

(Contact: Peter Morgan, Tel: (01993) 861679)

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

1. PURPOSE

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.

2. RECOMMENDATION

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, dated 8th August 2017, granted on appeal for the erection of nine dwellings with associated infrastructure and landscaping – application reference 17/01174/FUL.
- 3.2. As a result of the implementation of the planning permission, it will be necessary to divert the whole of footpath 301/13 and a section of footpath 301/15, as described in the attached draft order.
- 3.3. The diversion is required to enable a permitted scheme for the erection of nine dwellings with associated infrastructure and landscaping. These works would not be compatible with the existing route of the right of way.
- 3.4. 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 neither be substantially less convenient nor less enjoyable to the public as a consequence of the diversion.

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: Peter Morgan, Tel: (01993) 861679;
Email: peter.morgan@westoxon.gov.uk)

Background Papers:

none