

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

30.05.2022

APPLICATION NUMBER 21/03621/POROW.

PROPOSED DIVERSION OF PART OF PUBLIC RIGHT OF WAY CHASTLETON FOOTPATH
159/4 (PART) PUBLIC PATH DIVERSION 2022

(Contact: James Nelson, Tel: (01993) 861712

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

I. PURPOSE

- I.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.
- I.2. The diversion is necessary to enable development to be carried out in accordance with planning permission applied for under Part III of the Town and Country Planning Act 1990 namely: Construction of an extension to the existing agricultural building.
- I.3. The path will remain accessible and enjoyable to the public as a consequence of the diversion.

2. RECOMMENDATION

That the Business Manager Development Management be authorised

- (i) to make the Order and carry out public consultation, consistent with the drafted Order attached to this report; and
- (ii) to confirm the Order if it is unopposed

3. BACKGROUND

- 3.1. Planning permission, dated 25 August 2021, for construction of an extension to the existing agricultural building – application reference 21/02438/FUL.
- 3.2. As a result of the implementation of the planning permission, it will be necessary to divert a section of the Chastleton footpath 159/4, as described in the attached draft order.
- 3.3. A consultation exercise has been completed. A summary of responses is as follows:
 - Cadent/National Grid: no objection.
 - Oxfordshire County Council Countryside Access and Countryside Records Teams: No objection: amendment suggested for the purpose of recording & administration.

4. FINANCIAL IMPLICATIONS

The applicant has agreed to pay the Council's costs in respect of the application and also for the cost of advertising the order and subsequent notice of confirmation. The law does not permit the Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an order is the subject of an objection.

5. ALTERNATIVES/OPTIONS

The Council may refuse to consider the application as there is no requirement to process these applications, however the diversion of the footpath will be required either under the District Councils powers or by application by the applicant to the County Council.

6. REASONS

The following issues are considered relevant to the determination of the application:

- It is necessary to enable development
- Suitability of Proposed Route (expedient)
- The Order shall not alter the point of termination if the point is not on a highway or it is on the same highway or a highway as convenient to the public (convenience / amenity)

a) It is Necessary to Enable Development (necessity)

As a result of the grant of planning permission construction of an extension to the existing agricultural building at the site, Chastleton footpath 159/4 will pass through the proposed building. The landowner has made an application to divert the footpath around the outside of the land parcel, as described in the attached draft order, to enable the development.

b) Suitability of Proposed Route (expedient)

The proposed route is longer by approx. 2m although this is not considered a detriment to the route. The proposed route is not be materially different to the existing definitive route and would not have an adverse impact on the enjoyment or amenity of the user. The path will be unobstructed and remain accessible and enjoyable to the public because of the diversion.

The diversion route will not have an adverse impact when considering the accessibility of the whole path and the equalities duty.

c) Point of Termination (convenience / amenity)

The proposed route terminates onto the existing footpath to the West of the site.

The proposal is therefore in accordance with National Policy and guidance.

7. PROCEDURAL MATTERS

- 7.1. Officers are seeking authority to make and consult on the Order and to subsequently confirm the Order if unopposed. If objections are raised and not withdrawn, 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 need to enable development and the amenity of the resulting route.

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Background Papers:

Draft Public Path Diversion Order
Planning permission 21/02438/FUL