

## **Public Rights of Way Committee**

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**Date of Meeting:** 03 December 2018

**Report Title:** Town & Country Planning Act s.257, Public Path Diversion Order, Peover Superior Footpath No. 4 (part) – Informative Report

**Senior Officer:** Frank Jordan, Executive Director, Place

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### **1. Report Summary**

- 1.1. This report is to inform the Committee that the Planning Application 16/2659M against which the proposed diversion of Peover Superior Footpath No. 4 (part) was approved by the Committee on 10<sup>th</sup> September 2018, has been superseded by Planning Application 18/5249M so the Order that will be made and confirmed will be undertaken in reference to this new planning application.

### **2. Recommendation/s**

- 2.1. That the content of this report be noted and minuted.

### **3. Reasons for Recommendation/s**

- 3.1. To be formally noted that Planning Application 16/2695M against which, on 10<sup>th</sup> September 2018, the Committee resolved to make an Order to divert part of Public Footpath No. 4 in the Parish of Peover Superior, has been superseded by Planning Application 18/5249M and the Order will now be made in reference to this new application.

### **4. Other Options Considered**

- 4.1. Not applicable – this is a non-executive matter.

### **5. Background**

- 5.1. An application was received from Mr B Kettle (agent) of Wharfe Rural Planning on behalf of Mr D Cox (applicant) of Paradise House, Holmes Chapel Road, Over Peover, requesting that the Council make an Order

under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No. 4 in the Parish of Peover Superior.

- 5.2. The application was made in response to enforcement action taken by the Council to stop any further construction of an agricultural barn in a position that did not comply with the planning application 16/2695M, and which then also obstructed the current definitive alignment of Public Footpath No 4 Peover Superior.
- 5.3. On 10<sup>th</sup> September 2018, the Committee resolved that an Order be made and confirmed to divert part of Peover Superior Footpath No. 4 under section 257 of the Town and Country Planning Act to enable the construction of the barn to be completed. The diversion is shown on Plan No. TCPA/050.
- 5.4. Subsequently, as well as choosing to divert part of Peover Inferior Footpath No. 4 obstructed by the partially constructed barn, the applicant has submitted a new planning application to seek permission from the Council to allow the completion of the barn in its existing position in order to comply with the planning enforcement requirements.
- 5.5. The Committee is now informed that, because a new planning application has been submitted by the applicant to seek permission to complete the construction of the barn in its current position, the diversion Order will be made and confirmed in reference to this new planning application 18/5249M, should planning permission be granted.

## **6. Implications of the Recommendations**

### **6.1 Legal Implications**

- 6.1.1 There are no legal implications.

### **6.2 Finance Implications**

- 6.2.1 There are no financial implications.

### **6.3 Policy Implications**

- 6.3.1 There are no direct policy implications.

### **6.4 Equality Implications**

- 6.4.1 There are no direct equality implications.

## **6.5 Human Resources Implications**

6.5.1 There are no direct human resources implications.

## **6.6 Risk Management Implications**

6.6.1 There are no direct risk management implications.

## **6.7 Rural Communities Implications**

6.7.1 There are no direct implications for rural communities.

## **6.8 Implications for Children & Young People**

6.8.1 There are no direct implications for children and young people.

## **6.9 Public Health Implications**

6.9.1 There are no direct implications for public health.

## **7 Ward Members Affected**

7.1 Chelford Ward Councillor George Walton was originally consulted.

## **8 Consultation & Engagement**

8.1 Statutory and local user groups and statutory undertakers were originally consulted.

## **9 Access to Information**

9.1 The background papers of file No. 239D/566 relating to this report can be inspected by contacting the report writer.

## **10 Contact Information**

10.1 Any questions relating to this report should be directed to the following officer:

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