

13. Tintinhull – Application to Divert Public Footpath Y26/5 at Gentles Farm, Queen Street, Tintinhull

Strategic Director: Philip Dolan, Corporate Services
Assistant Director: Ian Clarke, Legal and Corporate Services
Service Manager: Nicholas Whitsun-Jones, Legal Services Manager
Lead Officer: Derek Waddleton, Rights of Way Administrative Officer,
Contact Details: derek.waddleton@southsomerset.gov.uk or (01935) 462116

Purpose of the Report

To decide whether a Public Path Order should be made to divert the current legal line of path Y26/5 at Gentles Farm, Queen Street, Tintinhull in accordance with the application submitted. Officers can make Orders without reference to committee only if no adverse comments are received from informal consultations.

Public Interest

An application has been made by the owner/occupier of Gentles Farm, Queen Street, Tintinhull to alter the legal line of the above path (A-B-C-D on the attached map at the end of this report) so that it runs within a field immediately adjoining (A-E-D on the map).

Recommendation

That the committee authorise the making of a Public Path Order (and its confirmation, if unopposed) to divert footpath Y26/5 in accordance with the application submitted.

Background

This application arose from planning consent sought by the applicant for the erection of a building comprising two stables, a tack room and an open-sided hay store the footprint of which would affect the line of the path. The planning application was deferred in January last year pending appropriate readvertising. It was reconsidered in November 2009 and was refused.

Report Detail

The path currently runs through an area used for the growing of vegetables that has, for sometime, been enclosed for that reason. The public have been content to use the field gate nearby, where there is also a stile, and follow a natural, open and closely-parallel route through the field (A-E-D on the map) in order to reach the same destination, path Y26/16. This route is the proposed alternative (new path) that will run further along the existing consolidated track, through a pedestrian gate (instead of a stile) and over the field's natural grass surface at a width of two metres. The path will be signed and waymarked and keep its terminal points.

Officers consider the new route as not substantially less convenient for the public and as not having an adverse affect on the path as a whole.

Arising from the planning process, neighbours to the site (Mr & Mrs Dodds, 58 Queen Street) made a written objection *“to the proposed building being built on the existing footpath, and we would also like to record our objection to any proposed diversion of such footpath.”*

The results of consultations on the path application are:

The **Ward Member** has some concerns about the proposal.

The **Parish Council** *“expressed no opinion on the enquiry.”*

The **Highway Authority** supports the proposal.

Those remaining consultees that have replied, including user groups such as The Ramblers and The Open Spaces Society, have no objection.

Financial Implications

The applicant would bear the whole costs of processing the application except those relating to the period where any objection to an order made by this council (and not withdrawn) is defended by written representation or at a hearing or public inquiry.

Corporate Priority Implications

Improving the health and well-being of our citizens (Corporate Aim Three)

Carbon Emissions & Adapting to Climate Change Implications (NI188)

No effect.

Equality and Diversity Implications

Will improve access for the less-mobile (pedestrian gate in place of existing stile).

Background Papers: *Working file: Tintinhull – Fp. Y26/5 – Land (OS 9213) off Queen Street*