

This is an explanatory statement and does not form part of the order

Town and Country Planning Act 1990

Public Path Order

Under the Town and Country Planning Act 1990, county and district councils have the power to make orders to create, extinguish/stop up (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

West Suffolk Council has made an order to divert part of Denham Public Footpath No 10. This statement has been prepared to explain various aspects of the order.

The council may authorise the diversion of any footpath, bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to allow development to be carried out in accordance with planning permission granted under Part III of the act. The granting of planning permission does not confer any right to obstruct a footpath, bridleway or restricted byway.

The council has made the order because it is satisfied that it is necessary to divert part of Denham Public Footpath No 10 in order to enable development to take place in accordance with planning permission granted under reference DC/18/1444/FUL on 28 September 2018 for the conversion of existing garages into stables, the installation of a horse walker (11m diameter) and the installation of an outdoor arena (20m x 60m) at the Priory property. The planning permission has been implemented in part but the development is not substantially complete.

If the footpath is not diverted the applicants cannot implement their planning permission in full as the footpath runs directly across a proposed outdoor arena to be used for training horses for dressage and for showing jumping.

The planning permission granted set the size and location of the arena. The surface of the arena is to be fibrewax which is a high performing wax coated riding surface that has been specifically designed for a multipurpose equestrian use. It combines washed silica sand, Daytec® stabilising fibre and equestrian grade wax; this general-purpose footing provides both horse and rider with excellent levels of support and stability.

The nature and use of the arena would be incompatible with use by walkers, possibly accompanied by dogs.

The council is required to consider the disadvantage or loss, if any, likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing highway.

There will be no significant disadvantage or loss to members of the public generally. For some walkers the proposed access at point G on the order map will be

an improvement and some walkers will consider it an advantage for the footpath to be further from a residential property. The public will also benefit from the proposed footpath being wider than the existing footpath. The legally recorded width of the existing footpath is 1.2 metres. The width of the proposed footpath will vary between 1.7 metres and 2 metres.

The only properties nearby are the property of the applicants and some residential properties near to the northern end of the existing footpath. These property owners will be able to access the footpath from the proposed new access at point J on the order map and if they are heading for the nearest footpath to the west they will benefit from the new section of off-road footpath between points J – G on the order map.

The order will come into effect only after it has been confirmed and the necessary site works have been undertaken: making and advertising the order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing by 20 September 2024 to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at the address below.

Please note that any such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to <https://www.westsuffolk.gov.uk/privacy/>

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the council's representative, Ms Sharon Berry of Babergh and Mid Suffolk District Councils, telephone 01449 724634 or email public.realm@baberghmidsuffolk.gov.uk

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the council will have to refer the order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council will be able to confirm the order itself but it has no power to modify orders.

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Dated: 23 August 2024