

## **PROPOSED DIVERSION OF FOOTPATH 8, GREAT WAKERING**

### **1 SUMMARY**

- 1.1 This report considers an application to divert public footpath 8, Great Waking.

### **2 INTRODUCTION**

- 2.1 Authority is sought under Section 119 of the Highways Act 1980 to divert the footpath, as shown by the broken line on the attached plan.
- 2.2 Section 119 of the Act enables the Council to divert a public footpath if it is in the interest of the owner of the land that the footpath crosses or it is expedient that the line of the path or part of that line should be diverted onto the land of another owner.
- 2.3 The diversion must not result in the alteration of the termination point of the footpath or be substantially less convenient to the public.

### **3 PROPOSED DIVERSION**

- 3.1 The route of the footpath is shown by the bold line on the attached plan, which currently runs through the rear gardens of 64a - 72 Alexandra Road, Great Waking.
- 3.2 The diversion route, as depicted by a broken line on the attached plan, diverts the route onto the edge of the adjacent field to the rear of the residents' gardens.
- 3.3 The rear gardens were extended following the purchase of additional land in 1998 from the adjoining farmer and his agreement to the footpath being routed along the edge of his land.
- 3.4 The proposed route is currently available and is being used, pending the determination of this application.
- 3.5 The Highway Authority is supportive of the application and has encouraged the residents in their application in order to resolve the current problem.

- 3.6 The diverted route is approximately the same length as the existing route and joins the current route at the same point, providing the same level of amenity to members of the public.

#### **4 PLANNING IMPLICATIONS**

- 4.1 The need for the diversion of the footpath has been brought about by the extension of the residents' gardens. Unfortunately, these garden extensions were carried out without the grant of planning consent.
- 4.2 The Council's adopted policy on the extension of gardens into the Green Belt is to the effect that such extensions will not normally be permitted. However, the policy included in the Replacement Local Plan is more specific and states that extensions may be permitted in exceptional circumstances where it can clearly be demonstrated that the proposal would not affect the openness of the Green Belt or prejudice the Council's Green Belt Strategy.
- 4.3 A careful assessment has been made of the planning situation and the Head of Planning Services considers that, given the minor nature of the extensions, they do not undermine either the Council's overall Green Belt strategy or impact on the openness of the Green Belt. In the circumstances it would not be expedient to take enforcement action.

#### **5 ENVIRONMENTAL IMPLICATIONS**

- 5.1 The proposed route will be equally convenient to the public, will facilitate proper use of the footpath and will enable the applicants to continue to use their gardens. There would be no significant change in the use of the footpath.
- 5.2 Whilst the garden extensions are not authorised, it is considered that, due to their minor nature, they do not impact upon the openness of the Green Belt.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 The Council's expenses in making the Diversion Order will be borne in full by the applicants.

#### **7 LEGAL IMPLICATIONS**

- 7.1 In the event that the Council supports the proposed Diversion Order, statutory consultation will need to be undertaken and any representations considered prior to the confirmation of the Order.

**8 PARISH IMPLICATIONS**

- 8.1 Great Wakering Parish Council has been notified of the application and its response has been that it has no comments, as the diversion corrects the problem.

**9 RECOMMENDATION**

- 9.1 It is proposed that the Committee **RESOLVES**

To determine the application

Albert Bugeja

Head of Legal Services

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**Background Papers:-**

None.

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