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Our reference: JG/ fp4f

15 October 2015

Mr Derek Blackhall
Clerk to Fulking Parish Council

By e-mail

Dear Mr Blackhall

Fulking – Request for Diversion of Part of Footpath 4F at Perching Sands Farm

The County Council has received a request for consideration to be given to the above proposal.

I attach a plan showing the proposal together with my report which outlines the background to this matter and sets out the issues involved. You will notice that I do consider this to be a reasonable proposal which I believe meets the necessary legal tests for diversion and can be recommended for approval.

If, following consideration of the views of consultees, a Path Order is published, a public objection period will be included as part of the normal procedures.

I would be pleased to receive any comments that you may have on the proposal by 26 November 2015. If I have not heard from you by then I will assume that you have no comments to make.

Yours sincerely

Judith Grimwood
Rights of Way Officer

Enc: - Report
- 2 Plans

Cc. –Peter Griffiths, local County Council member for Fulking and Chairman of South Mid Sussex County Local Committee
-Annalee Clayton - Democratic Services Officer
-Sue Phillipson, Access Ranger

Highways Act 1980 S119
Fulking – Request for Diversion of Part of Footpath 4F at Perching Sands Farm

Inspecting Officer's Report for Consultation

Location and Background - Plan 01677.

A request has been received for the diversion of part of footpath (fp) 4F at Perching Sands House in the parish of Fulking. Footpath 4F runs north west across farmland from Fulking village before joining the concrete access drive to Perching Sands House and other properties. The path intersects with a number of other footpaths before passing through the applicant's property and then turning west to meet bridleway 2747 (Edburton Drove) on the parish boundary with Upper Beeding.

Footpath 4F enters the grounds of Perching Sands House at point **A** and runs northwards on a line close to the western elevation of the applicant's house. After crossing landscaped grounds to the west of the house the definitive line continues northwards via a field gate adjacent to a new stable block at **B** and enters a double fenced track on the western edge of grazing land. The track is used for access to the stables and at times the applicant's horses are given free access to the track as part of their management routine. At the northern end of the track the path passes through two further gates before turning west to leave the applicant's property at point **C**. Views from the southern length of the path are restricted by the buildings and trees but as the path proceeds northwards attractive and far reaching views southwards across farmland towards the north scarp of the South Downs become generally available.

In recent times there has been some discrepancy between the definitive line of the length of path which is now the subject of this application and the route being used on the ground. A path a short distance to the west of the definitive line, and avoiding close proximity to the building, has been waymarked by the landowner as a permissive path and is in common usage by walkers. The definitive line is however open, in good condition for use and clearly waymarked.

An earlier application for the diversion of this length of path onto an alternative route across fields to the east of the house led to the publication of a Diversion Order in 2013. Objectors raised a number of concerns about loss of views, increased distance and proximity to livestock and so the Order was submitted to the Secretary of State for determination. The Inspector concluded that the diversion would cause the public's enjoyment of the path to be diminished and the Order was not confirmed. After careful consideration of these views the landowner has put forward a new application for diversion onto the nearby, presently used permissive route which is now the subject of this report.

Reasons for the Request for Diversion

The applicant feels that the use of the present path has a substantial impact on the privacy and security of his home and would like to be able to improve this situation by diverting the path onto a route further away from the house and garden.

Its present route alongside the western side of the house allows close views to the doors and windows of ground floor bedrooms and a bathroom which are directly adjacent to the path. There are window shutters and doors which, due to their close proximity to the path, can only be operated with very careful regard to the safety of path users.

The applicant reports that walkers' dogs within the garden are sometimes a nuisance and further disturbance and alarm has been caused on occasions when the path has been used by groups of walkers at night time.

The applicant would like his horses to have open access between the stable block and the adjoining track but the present position of the path makes this difficult. He is also planning a new garage/log store in the area crossed by the present definitive path and a diversion of the path around the boundary would mean that he would be able to site the building and plan the layout of the area without the restriction imposed by the present path route.

In addition, the applicant reports that some walkers, he believes, feel uncomfortable passing through the grounds and so close to a private house.

The proposed diversion-Proposal plan 01678
It is proposed that, from point **A** on the applicant's boundary the proposed route will turn west and then run northwards on a route through trees just within the western boundary of the property. This route has already been made available on a permissive basis and will be widened slightly to a width of 2 metres if the diversion is confirmed. The landowner has offered to carry out additional vegetation clearance to the west of the route to allow viewpoints from the path south westwards to the Downs.

Continuing northwards the proposed diversion route runs within the applicant's western boundary following the western side of a fence on a line which is generally parallel to the definitive path just to the east. The proposed path has a mown grass surface and on its western side is open to the neighbouring arable field. As the route proceeds northwards away from the buildings there are extensive views across the surrounding countryside especially south to the Downs. The proposed route rejoins the definitive line to be retained just west of the existing gate at point **C**.

The Tests

The Making Test
The grounds:
The application to divert the footpath is made in the interests of the owner of the land. The reasons given are that on its present definitive route the path has a considerable impact on the privacy and security of his property. A diversion onto a route further away from the house and skirting around the western boundary will allow him to separate the path from the house and garden. He will be able to landscape the area as he wishes and site any new outbuildings without having to accommodate the path. He will also be able to manage the access around the stable more effectively.

The point of termination and convenience:
The points of termination of the path will not be changed and in this respect the proposed route is considered substantially as convenient to path users as the path to be stopped up.

<u>Conclusion on the Making Test</u>
It has been demonstrated that it would be in the landowner's interests for the path to be diverted because it will enable the privacy, security and management of his property to be much improved. In terms of the termination points, the route proposed will be as convenient to the public. It is concluded that the relevant tests for making a diversion order as set out in Section 119 of the Highways Act, 1980 have been satisfactorily met.

The Confirmation Test
Is the proposed route substantially less convenient to the public?
The diversion proposed results in a very small increase (approx. 10 metres) in the length to be walked. The track on which the present route runs is also used for agricultural access, by livestock and by cars in the vicinity of the house. There are 2 existing gates across the present route plus a further 2 gates subject to authorisation. The new path will be on a segregated route, separate from livestock and with open access along its length which will make it convenient and easy to use for walkers...

Is it expedient having regard to:-

i. the effect on public enjoyment of the way as a whole
ii. the effect on other land served by the existing way
iii. the effect on land over which the way is created

i. The proposed path will provide a pleasant route with a good walking surface. The views over attractive countryside are much the same as from the present path and the landowner has offered to provide additional viewpoints. Some walkers will prefer to be separate from livestock and avoid passing in such close proximity to private houses. The diverted route is therefore not considered likely to be less enjoyable than the present path.

ii. It is not anticipated that other land will be affected by the diversion.

iii. The applicant advises that he owns all the land over which the path is proposed to run. Neighbours adjoining to the west and south of the property have been consulted.

Conclusion on the Confirmation Test
This diversion offers a very straight forward alternative route which offers good walking conditions and will allow walkers to avoid passing through a number of gates. It is not considered to be less convenient than the present path. It offers some attractive views and enables walkers to avoid passing through a domestic area. It is concluded that the relevant tests for confirmation of a diversion order as set out in Section 119 of the Highways Act, 1980 have been satisfactorily met.

Consultations
On 15 October 2015 letters of consultation were sent to the relevant user groups and other interested parties with the request that any comments be submitted by 26 November 2015. Notice of the consultation was included on the Members Information Service. Careful consideration will be given to all comments received.

Rights of Way Improvement Plan, Equality Act 2010,
Human Rights Act 1998 and Crime and Disorder Act 1998 Implications
In considering this application the County Council's responsibilities under the provisions of the above have been taken into account.

The Works
The landowner is required to provide a width of 2 metres for the new path. Open access is to be maintained along whole length. The Rights of Way Officer will arrange for waymarking to be adjusted and new signs installed as necessary at the applicant's expense.

Costs
As regards the costs associated with the diversion order process, the usual administrative fees plus advertising charges will be borne by the applicant together with all works and the cost of adjusting the waymarking.

Overall Conclusion
This is a reasonable diversion that will allow the landowner to improve the privacy and security of his home whilst providing a convenient and enjoyable alternative route. It is considered that the legal tests for diversion can be met.

Judith Grimwood
Public Rights of Way Office

October 2015

Parish: **Fulking** Agenda Item No.....

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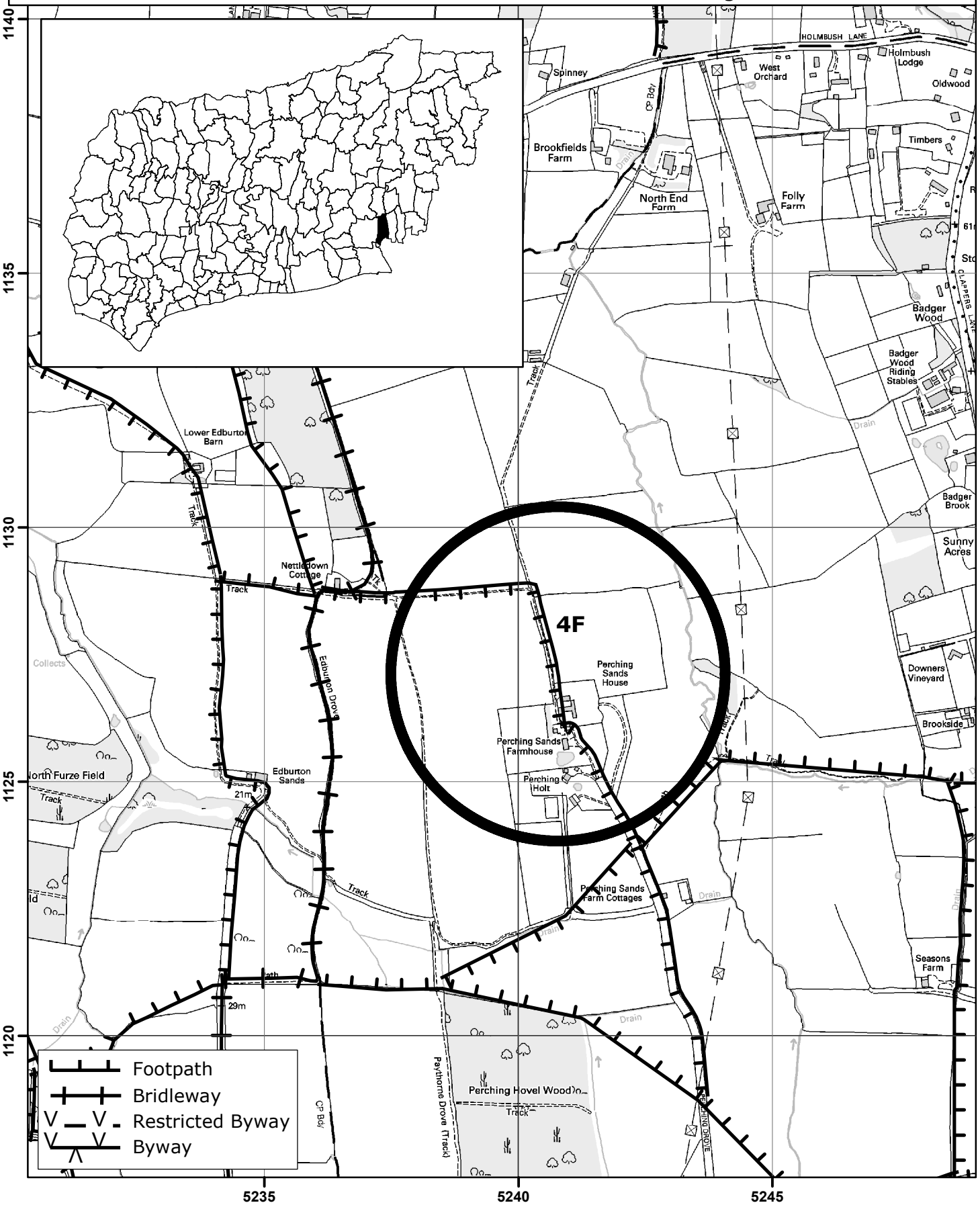
Fulking: Proposed diversion of part of Footpath 4F - Site Plan

Plan: 01678	1:2,500	OS Sheet: TQ 21 SW	west sussex county council	Photocopy liable to distortion	Nicola Debnam Director of Highways and Transport
Date: 02.10.2015		Grid Ref: 5240 1126			

Parish: **Fulking**

Agenda Item No.....



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Fulking: Proposed diversion of part of Footpath 4F - Location Plan

Plan: 01677	1:10,000	OS Sheet: TQ 21 SW	west sussex county council	Photocopy liable to distortion	Nicola Debnam Director of Highways and Transport
Date: 01.10.2015		Grid Ref: 5240 1126			

The Planning Inspectorate

Order Decision

Site visit carried out on 17 September 2014

by Peter Millman BA

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 24 SEP 2014

Order Ref: FPS/P3800/4/54

- This Order is made under Section 119 of the Highways Act 1980 and is known as the West Sussex County Council (Fulking) Public Path (No.4f Part) Diversion Order 2013.
- The Order is dated 23 January 2013 and proposes to divert a footpath as shown on the Order Map and described in the Order Schedule.
- There were six objections outstanding when West Sussex County Council submitted the Order to the Secretary of State for determination.

Summary of Decision: I have not confirmed the Order.

Preliminary and procedural matters

1. I carried out a site visit on 17 September 2014, accompanied by two objectors to the Order, and a representative of West Sussex County Council ("WSCC"), which stated that it supported the Order.

2. One of the applicants for the Order submitted late material, consisting of comments on objectors' statements. Paragraph 15 of the Circular for procedure rules for rights of way orders states that only extraordinary circumstances justify the acceptance of late material. It gives examples of such circumstances, which 'include where papers are delayed because of a postal strike, or where the ill-health of a party prevent him preparing evidence in time, or where there is a material change in circumstances that the inspector ought to know about and which could not have been identified at an earlier stage.' The applicant was asked to state the extraordinary circumstances in this case. He stated that he had been abroad on business for two weeks, but gave no further details. It was considered that 'extraordinary circumstances' had not been demonstrated. I have therefore not seen the late material or taken it into consideration.

3. Officers of WSCC recommended to the responsible Council Committee in 2012 that the Order should be made. On considering the objections to the Order which were received when it was made, officers recommended to the Committee that it be rescinded because the legal tests for confirmation could not be met, and that it should not be sent to the Secretary of State for confirmation. The Committee, however, resolved that the Order should be sent to the Secretary of State 'for determination'.

Main issues

4. The Order was made by WSCC in the interests of the owners of the land crossed by the footpath. Section 119(6) of the Highways Act 1980 ("the 1980

Act") requires that, before confirming the Order, I am satisfied that it is expedient in the interests of the owners, or of the public, or both, that the path should be diverted.

5. The further tests for confirmation are set out in s119(6) and (6A) of the 1980 Act. The principal issues which arise in this case are, first, whether the diverted footpath would be substantially less convenient to the public than the present one, and second, what effect the proposed diversion would have on public enjoyment of the path as a whole.

Reasons

Whether it is expedient in the interests of the landowners that the footpath should be diverted

6. The Order was made in the interests of security and privacy of the owners of Perching Sands House and Perching Sands Farmhouse, two large and fairly isolated properties past which Footpath 4f runs. It runs through the garden of Perching Sands Farmhouse, passing within about 15 metres of the front of the house, and then, a few metres to the north, almost immediately adjacent to the rear of Perching Sands House for around 40 metres. The public right of way runs past Perching Sands House in the way described, but that right of way has been unlawfully obstructed, and an unofficial path has been provided which passes some 10 metres to the west of the house. The owner of Perching Sands Farmhouse has since sold the property, but WSCC states that the new owner supports the proposal to divert.

7. The agent acting for the owner of Perching Sands House submitted that 'The need for this diversion has been well documented and is based on the security and privacy of two residential properties...'.

8. Not all the documents to which the agent referred in his submission have been provided in evidence. The application for the diversion, dated August 16 2012, states, 'The grounds for this application are as set out in the report attached to the inspecting officer's letter dated 11 January 2012.' Neither a letter nor a report with that date have been submitted. The dating of the documents submitted by WSCC is curious. Its 'statement of the grounds on which it is considered that the order should be confirmed' notes that the application for an order was approved by the Principal Rights of Way Officer on 19 June 2012, almost two months before the written application is dated. This statement of grounds mentions neither a report nor a letter dating from January 2012.

9. The material that has been provided in support of the Order is as follows. First there is a letter, dated 3 April 2012, from the Crime Prevention Design Adviser for Sussex Police. This states, 'The reason for the diversion of the footpath is the owner of Perching Sands Farmhouse is unable to secure their property due to the footpath and the requirement to provide access to it at all times. The amenity of the owner is being compromised on a regular basis due to the existing ruling [what this 'ruling' is is not stated]. Additionally, the safety of occupants and the security of the property are at risk due to the permeability which exists. There are reported instances of dogs causing distress to grandchildren and livestock whilst within the confines of the property, this coupled with the health hazard caused by dog's [sic] faeces on the lawn is causing distress and concern. I have examined the reasoning behind the application from a crime prevention viewpoint and as a result I support the recommendation made by the reporting officer.' The 'recommendation'

referred to must have been made before 3 April 2012, but no such recommendation has been provided in evidence.

10. Next, there is a report, compiled by an 'inspecting officer' for WSCC, dated June 2012. That report states – but referring to Perching Sands Farmhouse and its then owner, not Perching Sands House – 'From time to time walkers' dogs have appeared in the kitchen, defecated on the lawn, chased the ducks and frightened his grandchildren.' The report continues to consider Perching Sands House, and states of it, 'There are direct views to doors and windows and there are shutters and doors which, due to their close proximity to the path, can only be operated with very careful regard to the safety of path users', and of both properties, 'The applicants feel that the present path has a substantial impact on the privacy and security of their homes....'

11. What I have quoted at length in the previous three paragraphs is the extent of evidence before me relating to the 'well-documented' need for the diversion.

12. Although I have no evidence of the views of the new owners of Perching Sands Farmhouse, I consider it reasonable to conclude that the proposed diversion is probably expedient in the interests of both landowners; there is no doubt that if the path were diverted they would have greater privacy. One aspect of 'security' is freedom from care, anxiety or apprehension; there is little doubt that the landowners would feel more secure if the path were diverted and they could, if they wished, erect 'security' measures such as gates and fences.

Whether the proposed diversion would be substantially less convenient to the public than the current path

13. I noted above (at paragraph 6) that the public right of way has been obstructed in the vicinity of Perching Sands House. For the purposes of assessing comparative convenience (and enjoyment) I take into account the lawful right of way, treating it as if it was open and available for use, and not the unofficial and unapproved diversion which has been created by the landowner.

Length

14. The proposed diversion is about 200 metres longer than the current route of Footpath 4f. WSCC considered that this extra distance would not necessarily be less convenient, since the path was a 'recreational route in a rural setting' – implying that its users would probably not be hurrying to get from one place to another. While I have no information about who uses this path and what it is used for, I accept that it is unlikely to be other than a purely recreational route. I agree with WSCC's assessment about the impact of the extra distance.

Surface, gradient and obstructions, present route

15. At present Footpath 4f runs from point D (see the Order map attached to this decision) as far as the southern edge of Perching Sands House on a wide concrete track. Where it lies adjacent to Perching Sands House it would, if not obstructed by laurel bushes, probably run on a hard surface. From the northern end of the curtilage of Perching Sands House to point A the right of way (although not the path provided by the landowner which lies immediately to its west) runs along a track with a good hard surface which seems unlikely to be muddy in wet weather (the site visit was carried out during a prolonged dry spell). The Definitive Statement for the path does not list any stiles or gates as lawful limitations on the public's use. Slopes on this route are gentle.

Surface, gradient and obstructions, proposed route

16. The proposed diversion from D to C runs slightly uphill and then down to C across a rough grass field. The slope is not steep, although steeper than any on the current line. Between B and C the proposed route runs on a fairly level and even grass surface, although there are one or two places where holes – perhaps made by rabbits – have been filled with sawn-off posts. B is the lowest point on the proposed diversion, and from there to point A the proposed route rises fairly gently on a good grass surface. At present the proposed route is obstructed by a fence at D. There is a gate across it at C, a new wooden bridge at B and further gates between A and B. The Order does not show any gates as limitations on the proposed route. If the route was fenced on both sides throughout, no gates would be needed. If not fenced, and the fields continued to be used for grazing livestock, as anticipated by the agent for the owner of Perching Sands House, then gates would be necessary. These could be authorised under section 147 of the 1980 Act. It seems to me that despite the landowner's comment that 'livestock are rotated around all the fields **including** the field where the current footpath is located and indeed will still be located' is incorrect; the current line between D and A does not pass through any fields. The current path would not need, in my view, to be gated for the purposes of stock control. I conclude that it would be likely, if the Order were to be confirmed, that the new route would either be fenced throughout on either side, or that one or more gates would be placed across it.

17. One objector stated that the ground underlying the current path consisted of Lower Greensand, which provided a suitable terrain for walking, while much of the proposed diversion, on lower ground, lay on alluvial soils, which were more prone to make walking difficult when it was wet underfoot. In my view the likely impact of this difference in underlying ground would depend to a great extent on the level of use of the proposed diversion. It runs over grass. If it were little used and were to be fenced off so that livestock did not walk on it, the impact would be unlikely to be great. I have no information on the level of use of the current footpath. One of the landowners argued that since the path is now in the South Downs National Park, use was likely to increase because the Park Authority encouraged the public to explore its rights of way. If he is correct, and the proposed diversion were not fenced, then it would seem to be likely that its lower parts might become difficult to walk in wetter times of the year because of poaching by livestock.

Conclusions on convenience

18. Overall, there are factors – the increase in slopes, the likelihood that the proposed route might be gated, and the surface condition of the path – which would probably make the proposed diversion somewhat less convenient than the current route for many people, and would make it substantially less convenient for a few, particularly those with mobility problems. Given, however, that it is necessary to walk for some distance on a public footpath to get to the proposed diversion, making it less likely that people with mobility problems would reach it, I do not consider that it can be concluded that overall the proposed diversion would be substantially less convenient.

The effect of the proposed diversion on public enjoyment of the path as a whole

Livestock and fencing

19. It is clear from the objections, and from comments in WSCC's reports, that some people who use this footpath do not enjoy walking through fields where they may be approached, or fear they may be attacked, by cattle. The fields through which the proposed diversion passes are used for grazing sheep and cattle.

20. I noted above that much of the proposed diversion – between C and A – has already been fenced off from the surrounding land; from A to B the path runs between post and wire fences roughly 1.2 metres high and 2 metres apart, and from B to C between similar post and wire fences slightly more than 2 metres apart. WSCC's report to the Rights of Way Committee dated 18 June 2013 stated that the landowner had advised that he would fence the proposed diversion to separate it from grazing livestock. The landowner himself has confirmed this, stating that he had erected fences to protect livestock. Two lambs, he further stated, had been killed by dogs, although it is not clear from his statement that the dogs belonged to walkers on Footpath 4f. The landowner's agent stated that the land will continue to be used as pasture for the foreseeable future.

21. It is likely, therefore, that if the Order is confirmed, much or all of the footpath will run between fences placed between 2 and 2.5 metres apart.

22. One objector referred to the possibility of the proposed route being fenced off from the fields through which it passes. She stated 'the present path does not go through fenced fields, which is of value for walkers'.

23. The view of WSCC's Director of Communities Commissioning and WSCC's Head of Law and Governance was that fencing might overcome some walkers' concerns about livestock but that it would 'detract from the enjoyment of walking through an area which is presently open grassland.'

24. The current line of Footpath 4f is not fenced south of Perching Sands House, although there are hedges adjacent to it in places. North of Perching Sands House it runs along a fenced track to A, but the width between fences is greater than 2 metres.

25. I consider that if the Order was confirmed and the route of Footpath 4f was fenced on both sides for its full length of 670 metres, the enjoyment of the public would be significantly diminished as a result.

Views

26. On the day of my site visit the weather was sunny but very hazy. Chanctonbury Ring, on top of the Downs about six miles away, was barely visible. It was possible to appreciate long-range views, but only to see them dimly and in muted colours. The most spectacular views are towards the Downs, between east-south-east and west-south-west. In other directions there are good views of wooded hills and countryside, but they do not appear to have any specific special character.

27. The current path passes over higher ground than the proposed diversion; Perching Sands House is on a low hill. The best views from the current path

can be seen when walking southwards, although they are blocked to some extent by Perching Sands House and surrounding trees. Views are available from the proposed diversion; between A and B and between C and D they are fairly extensive, but do not match the scope of views available from some parts of the current route. Between B and C there is a substantial hedge to the east of the path, blocking views in that direction. This is also the lowest section of the proposed diversion, around 10 metres below the height of the current path near Perching Sands House and Farmhouse. All views from the proposed diversion would be from within a fenced path, rather than from an open field. I consider that this might have some negative impact on people's appreciation of them.

28. I conclude that the loss of views would probably detract to some extent from public enjoyment of the footpath.

Walking near private houses

29. The agent for the owner of Perching Sands House believed that if Footpath 4f was diverted, it would avoid 'the uncomfortable experience of passing through two private dwellings.' WSCC's view was that some people did not like walking through private property. No objectors have raised that issue. I have seen no evidence that those using or likely to use Footpath 4f are put off doing so because it passes close to private dwellings. It is reasonably clear where the path runs (or should run), and the correct route could be emphasised by signage so that there was no danger of people inadvertently wandering off the public right of way. I conclude that the diversion of the footpath would not add to the public's enjoyment by reason of it being removed from the vicinity of two private houses.

Historical significance

30. Almost all the route of Footpath 4f proposed for diversion runs along a track called Perching Drove. Evidence was provided that a small part, in the vicinity of Perching Sands House, was slightly (and legally) diverted from its original route a few years ago, perhaps when Perching Sands House was converted from agricultural to domestic use. One of the objectors argued that Perching Drove had some historical significance; it was part of a longer route used in ancient times for the seasonal driving of animals (transhumance) between the Downs and the lower ground to the north. It seems likely to me that a few walkers with historical knowledge and interests might lose some enjoyment from being deprived of the use of part of an historical route, especially when the diversion away from it is quite significant. In this respect the diversion would not add to public enjoyment, and would probably diminish it, but only to a slight extent.

Conclusion

31. I conclude, from the matters discussed in paragraph 19 onwards, that the proposed diversion would add nothing to the enjoyment of the public and would diminish it to a significant extent.

Other factors

32. On the Order plan attached to this decision a path is shown running south-east from C which the key describes as 'Proposed Footpath'. The written application for the Order notes 'that once the County Council receives Land Registry details, a public path creation agreement will be drafted for signature by the

owner of the land for the proposed new public footpath... [this is the footpath shown on the Order plan]. The agreement, once signed, will be held on file and will be brought into effect at such time as the diversion order... is made and confirmed.' The Ramblers' Association stated that it would not object to the Order if it was made 'in conjunction with dedication of the new link as a public footpath'.

33. There is a copy of a draft creation agreement with the papers submitted to the Secretary of State. It is neither signed nor dated. The diversion Order does not mention such an agreement. If it were to be confirmed, the creation agreement, it seems to me, would not be enforceable. I can therefore give it no significant weight in deciding whether it is expedient to confirm the Order.

The balance

34. When considering whether it is expedient to confirm a diversion order which is in the interests of landowners, and which would not result in a path that was substantially less convenient to the public, but which would result in it being less enjoyable, it is necessary to balance the weight to be given to the interest of the landowners against the loss of enjoyment to the public.

35. I concluded at paragraph 12 above that this Order was expedient in the interest of the landowners, at paragraph 18 that it would not result in a path that was substantially less convenient, but at paragraph 31 that there would be an adverse effect on public enjoyment.

36. I accept that the properties concerned would be more private, and that the owner of Perching Sands House would feel more secure if the path were diverted. It is not easy, however, to quantify any improvement in the quality of their lives which would result. I have been provided with no evidence about the extent to which the footpath is used; the evidence about dogs causing distress and health hazards to the previous owner of Perching Sands Farmhouse is provided only at second-hand and no information is given about the frequency of problems. The Crime Prevention Design Adviser (see paragraph 9 above) stated that 'the safety of occupants and the security of the property are at risk due to the permeability which exists', but what the risks comprise, and their level and frequency, are not explained or detailed. It might be that the landowners would feel that if the path were removed from close proximity to their properties they could erect physical barriers such as gates or walls to make it more difficult for unwelcome visitors to reach them – but no evidence has been provided of what has caused the owner of Perching Sands House to feel that he needs this diversion (see paragraph 7 above), and I have no evidence at all about the concerns of the new owner of Perching Sands Farmhouse, apart from a statement from WSCC that he or she supports the Order. I can therefore give the safety and security concerns of the landowners little weight.

37. I considered the effect of the proposed diversion on the public's enjoyment of the footpath at paragraphs 19 to 31 above. I concluded that the adverse effect on the public's enjoyment of the path if it were diverted in the manner proposed would be significant. The adverse effect on public enjoyment clearly outweighs the benefit (so far as I am able to ascertain it from the evidence) to the landowners.

Conclusion

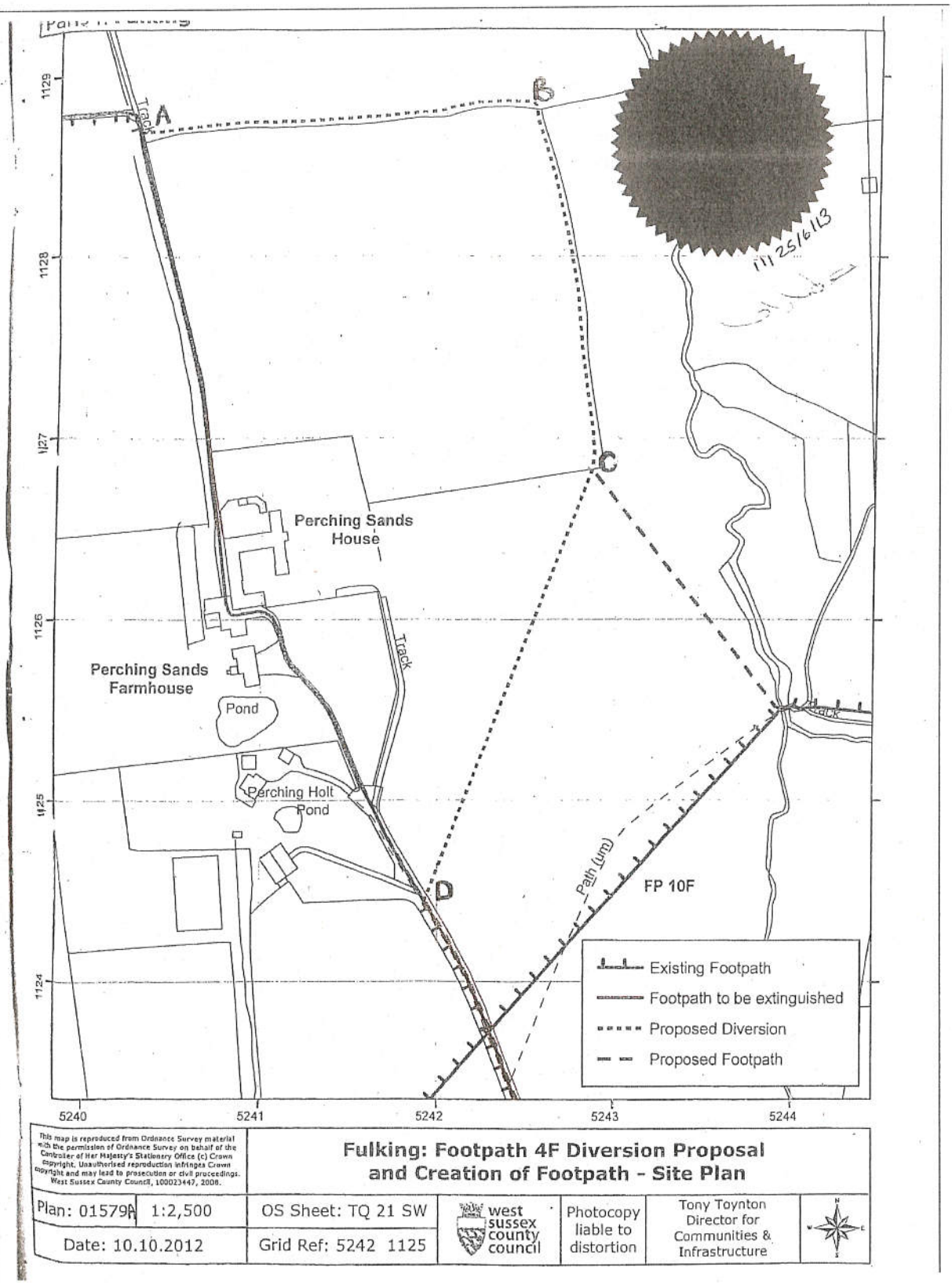
38. Having regard to these and all other matters raised in the written representations I conclude that it is not expedient to confirm the Order.

Formal Decision

39. I do not confirm the Order.

Peter Millman

Inspector



MAP NOT TO ORIGINAL SCALE