

APPENDIX 3

**APPLICATION FORM FOR
DIVERSION OR EXTINGUISHMENT OF
PUBLIC FOOTPATH / BRIDLEWAY / RESTRICTED BYWAY**

SECTIONS 26, 118 AND 119 OF THE HIGHWAYS ACT 1980

IMPORTANT

No authority for the extinguishment or diversion of a highway is conferred unless and until a Public Path Extinguishment or Diversion Order has been made, confirmed and come into effect. Any preliminary obstruction of, or interference with, the highway concerned may not only be an offence, but may make it impossible to proceed with the making of an Order.

1. NAME AND ADDRESS OF APPLICANT

Name: Mr Philip Brainin and Mr Andrew Brainin _____

Postal Address: Sleight Farm, Timsbury, Bath, BA2 0HN

Email address: C/O Agent Telephone No: C/O Agent

2. NAME AND ADDRESS OF AGENT(S)

Name: Michael Ruddock

Postal Address: Pegasus Group, 33 Sheep Street, Cirencester, GL7 1RQ

Email Address: [REDACTED]

Telephone No: [REDACTED]

3. PARTICULARS OF RIGHT OF WAY TO BE EXTINGUISHED/DIVERTED*

- a) Footpath / Bridleway /Restricted Byway* No. CL21/48 (sections A and B on accompanying plan)
- b) Parish of Timsbury
- c) Length in metres of section to be extinguished/diverted A: Approx 150m
B: Approx 20m
- d) Width in metres of section to be extinguished/diverted Varying

- e) Description of length to be extinguished/diverted by reference to terminal points on plan to accompany this application

A: Area of footpath that passes through existing farm buildings, on the northern side of Sleight Farmhouse.

B: Area of footpath heading north from Hayeswood Road over an existing cattle grid and through a gated access.

- (f) Is the existing route freely available to the public? If NOT, please give reasons:

Yes – although in the case of B, not ideal due to an existing cattle grid.

4. **REASONS FOR THE CREATION/DIVERSION/EXTINGUISHMENT * OF THE PATH**

A: The applicants currently have an application pending determination for the conversion of farm buildings to residential units (ref. 23/01268/ADCOU). The diversion would increase privacy for future residents, and would also be more pleasant route, away from existing buildings and through more open land, with better views to the north.

B: To divert the path around the existing cattle grid and gate to ensure better accessibility. This will be delivered in conjunction with access works permitted via planning application 22/03472/FUL, and also a permissive path to the east towards the village.

Please Note:

- i) A path can be created under **Section 26 of the Highways Act 1980** only if it can be shown that it is needed for public use;
- ii) A path can be diverted under **Section 119 of the Highways Act 1980** in the interests of the landowner/occupier/lessee, or of the public, or
- iii) A path can be extinguished under **Section 118 of the Highways Act 1980** only if it can be shown that it is no longer needed for public use.

If an **extinguishment application**, please give details of an alternative route, or the reasons why an alternative route is not considered necessary.

n/a – the application is for a diversion, not an extinguishment

5. **PARTICULARS OF NEW PATH TO BE PROVIDED (if applicable)**

- a) Length in metres Approx. 190m

- b) Width in metres The full width
- c) Surface tarmac and grass
- d) Description of length to be provided by reference to terminal points on plan to accompany this application

A: Path would leave the existing line to the east of the farm buildings, diverting to the north around the buildings and re-joining west of the buildings.

B: Path would leave the existing line immediately north of the Hayeswood Road access in the centre of the wall, diverting east into a field around the cattle grid and gate, and re-joining the existing line north of the gate.

Please see accompanying plan for further details.

- e) What works do you propose to undertake to bring the new path into a condition fit for use by the public?

Other than the installation of 6 kissing gates as shown on the plan, it is not considered that surfacing works are required but we would be happy to undertake any such works as considered necessary.

6. **RELEVANT CONSIDERATIONS**

In what way would the proposals affect the following factors, as set out in the PPO Policy:

- a) **Connectivity** no impact – the diversions would ensure the same connectivity between points, just via an alternative route.
- b) **Equalities Impact** no difference
- c) **Gaps & Gates** 6 kissing gates are proposed to be installed in order to facilitate access to the fields involved.
- d) **Gradients** no difference
- e) **Maintenance** some additional maintenance will be required to ensure the paths remain in good condition, but no material change.
- f) **Safety** there would be a safety benefit by diverting away from the cattle grid, and away from existing buildings. There would also be a safety benefit from diverting paths away from the access track.
- g) **Status** no difference
- h) **Width** no difference
- i) **Features of Interest** there would be a better view from Diversion A than the existing path through the buildings.

7. PARTICULARS OF OWNERSHIP

- a) Applicant's interest (*owner/occupier/lessee*) in the land over which the existing path referred to in this application passes.

Owner

- b) Applicant's interest in the land over which the new path is to be provided

Owner

- c) Do any other persons have an interest in the land over which existing or proposed paths pass? If so, give names and addresses of persons and nature of interest

No

- d) If other persons have an interest in the land affected, please tick to confirm that a copy of their written permission for the proposals to go ahead and written confirmation that they waive their right to compensation is enclosed.

8. ACCOMPANYING DOCUMENTS AND CONSENT

Please tick boxes as appropriate

- a) A plan based on a current Ordnance Survey base map showing section of path to be extinguished and new path to be provided is attached.

- b) A cheque for £1018 is enclosed.

- c) Payment has been made by credit/debit card for £1018.

- d) It is understood that if the Authority decides to make an order then the remaining £3,046 will be payable at that time.

DECLARATION

I/We understand that no authority for the extinguishment of a public right of way is conferred unless and until any order made has been confirmed and come into effect and notice of this has been published.

I/We declare that the public right of way to be stopped up is not obstructed and that it is fully available to the public. (Subject to Article 3(f) above).

I/We hereby agree that if a creation/diversion/extinguishment order is made I/We will defray any compensation which becomes payable under section 18 or 121 of the Highways Act 1980 in consequence of the coming into operation of the Order and any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public.

I/We agree to pay a further £3,046 if the Authority decides to make an order.

I/We apply for the creation/diversion/extinguishment of the highway described above.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

Signed  Date 16/05/2023

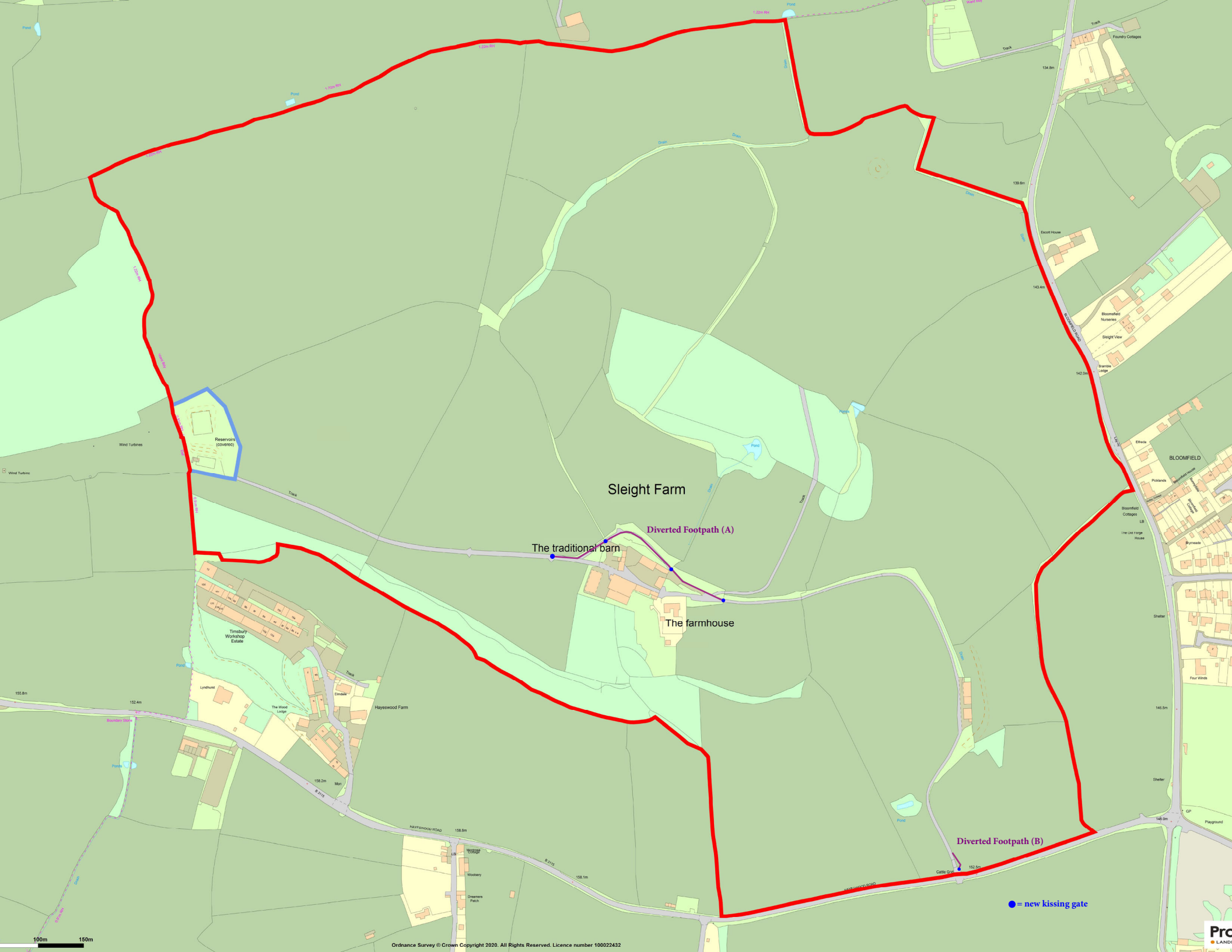
Name MICHAEL RUDDOCK

Signed Date

Name

On completion, this form, should be returned, together with the plan, cheque/confirmation of electronic payment and copies of any consents if appropriate, to:

Public Rights of Way, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.



Sleight Farm

The traditional barn

The farmhouse

Diverted Footpath (A)

Diverted Footpath (B)

● = new kissing gate

100m 150m