

## NORTH YORKSHIRE COUNTY COUNCIL

### PLANNING & REGULATORY FUNCTIONS SUB-COMMITTEE

15 NOVEMBER 2013

#### PROPOSED WITHDRAWAL OF THE DIVERSION ORDER FOR FOOTPATH NOS. 10.92/3 & 10.92/4, BARKER'S BUILDING, CROSS LANE, LITTLE AYTON

Report of the Corporate Director – Business and Environmental Services

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To inform Members and to seek the formal resolution to withdraw the sealed Diversion Order for footpath Nos. 10.92/3 & 10.92/4, Barker's Building, Cross Lane, Little Ayton. A location plan is attached to this report as **Plan 1**. The effect of the Order is shown on **Plan 2**.

#### **2.0 THE COMMITTEE'S RESPONSIBILITIES**

- 2.1 The County Council has the discretion not to proceed with Orders to which there have been representations or objections or may withdraw an order for other reasons, such as external factors making a scheme no longer appropriate. In order to bring the procedure to an end, the Committee must make a formal resolution not to proceed,
- 2.2 If the Committee makes a formal decision not to proceed, Officers will undertake to notify the applicant and those who have made representations or objections of the passing of the resolution.

#### **3.0 BACKGROUND**

- 3.1 The owner of Barker's Building submitted an application to the Council under Section 119 (1) of the Highways Act 1980 to divert the footpaths as shown on **Plan 2**.
- 3.2 The applicant was seeking to divert the paths away from the farm buildings, with the long term view of developing the site for residential use.
- 3.3 An Order was made in 2008 in the interests of the landowner, and objections were received from The Ramblers and a member of the public.
- 3.4 The applicant subsequently sold the property and is no-longer interested in the land or the diversion of the rights of way.

3.5 The current landowner is aware of the sealed order and the intention to abandon the order. He is also aware that it is open to him to make his own application to the authority if he were to wish to divert the public rights of way across his land.

#### **4.0 IMPLICATIONS FOR EQUALITIES**

4.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

#### **5.0 LEGAL IMPLICATIONS**

5.1 There are no legal implications associated with the withdrawal of this order.

#### **6.0 CONCLUSION**

6.1 The applicant no longer owns the property and therefore has no interest in pursuing the Order. To enable the procedure to be brought to a close, the Committee is requested to make a formal resolution that the Diversion Order is not pursued to confirmation.

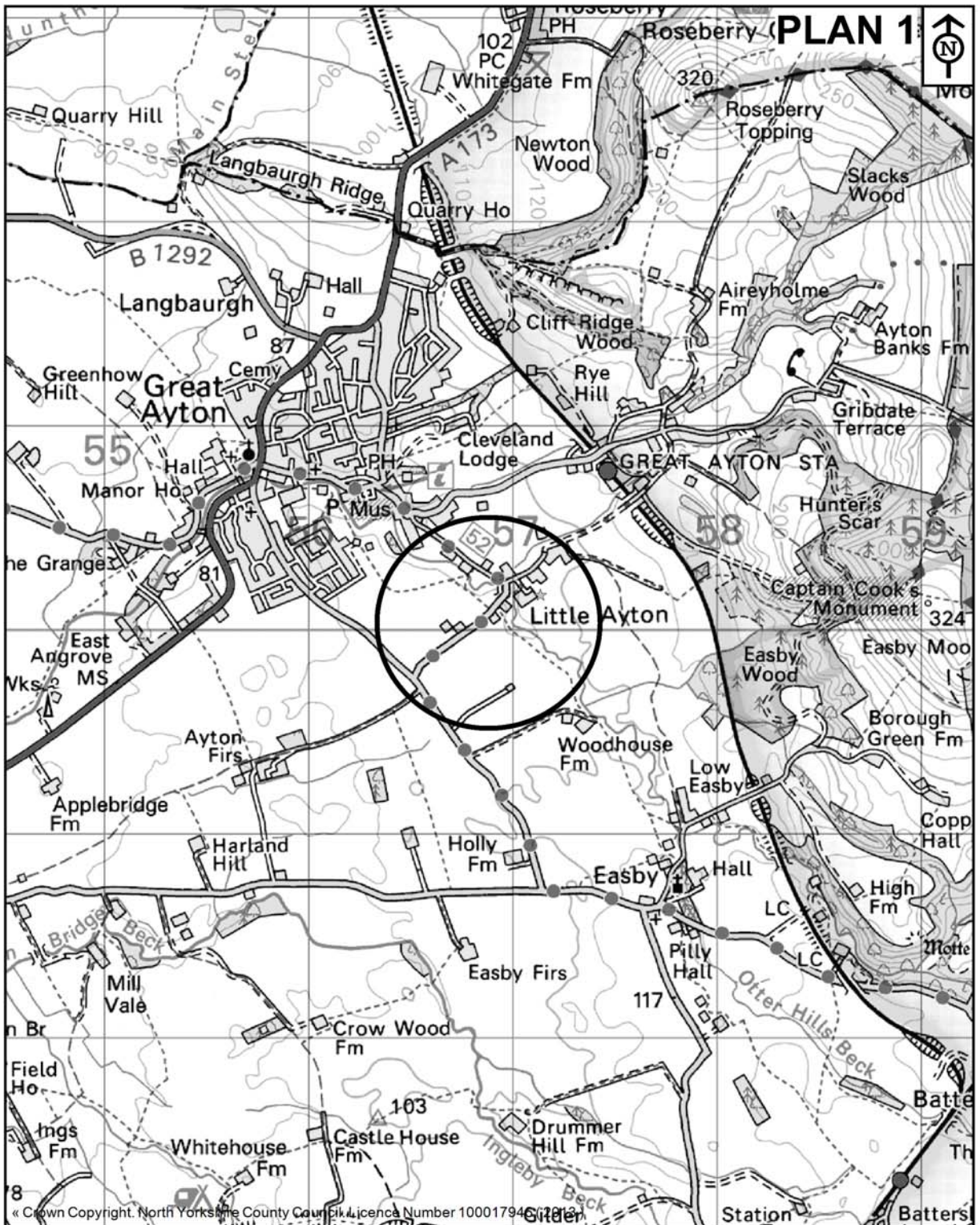
#### **7.0 RECOMMENDATION**


7.1 It is therefore recommended that the Committee authorise the Corporate Director, Business and Environmental Services to withdraw the sealed Diversion Order for footpath Nos. 10.92/3 & 10.92/4, Barker's Building, Cross Lane, Little Ayton.

DAVID BOWE  
Corporate Director – Business and Environmental Services

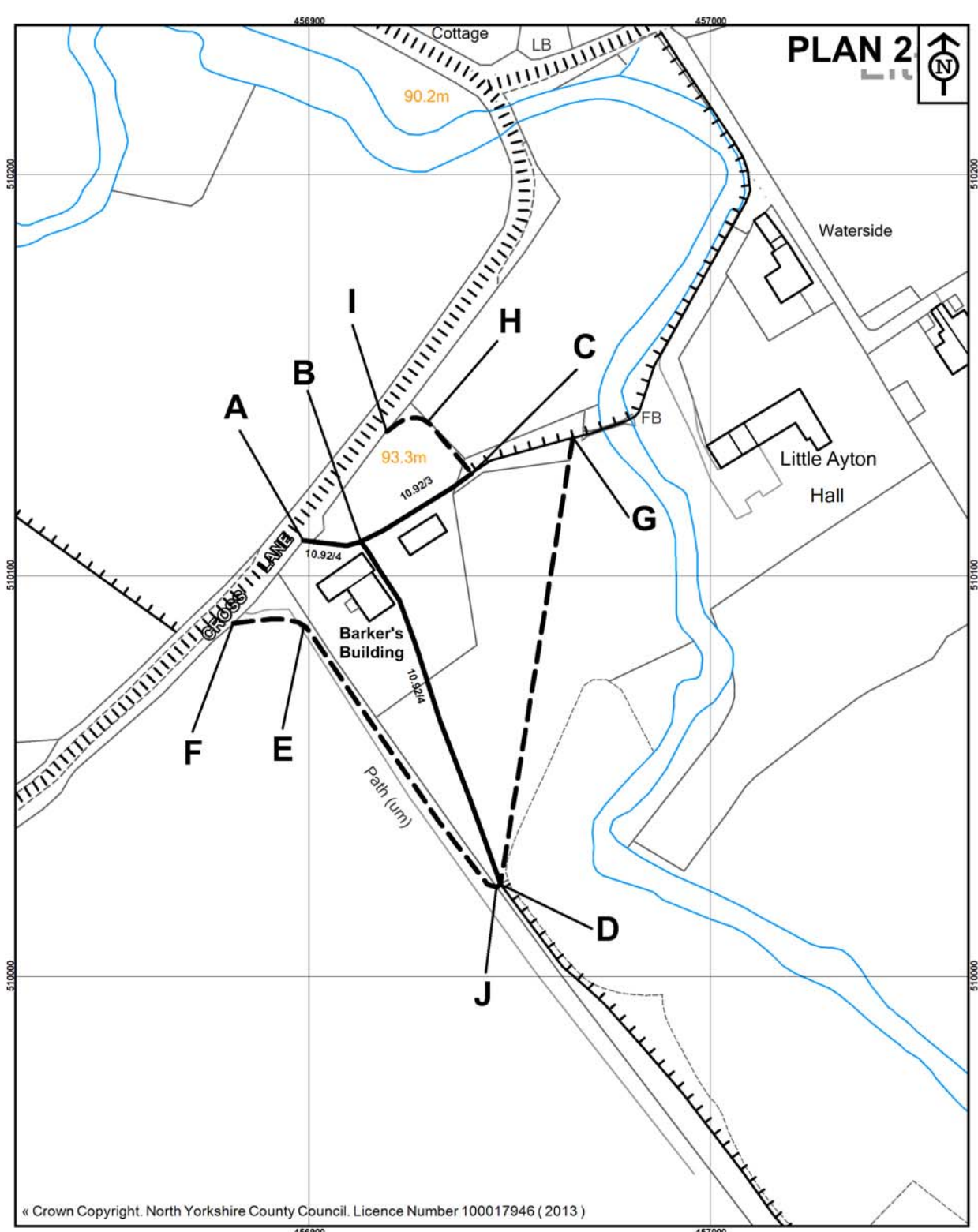
Author of Report: Andy Hunter

Background Documents: Definitive Map Team Case file ref: HAM/2006/12/DO



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|  <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way<br/>Waste and Countryside Services<br/>County Hall<br/>Northallerton<br/>DL7 8AH</p> | <p align="center"><b>PLAN 1<br/>LOCATION PLAN</b></p> <p>Map drawn on 9 July 2013<br/>Drawn by AWH      Scale 1:25000</p> | <p><b>North Yorkshire County Council</b></p> <p>PROPOSED WITHDRAWAL OF THE<br/>DIVERSION ORDER FOR FOOTPATH<br/>NOS. 10.92/3 &amp; 10.92/4, BARKER'S<br/>BUILDING, CROSS LANE, LITTLE AYTON</p> <p>Plan prepared for the Planning &amp;<br/>Regulatory Functions Sub-Committee<br/>on 15th November 2013</p> <p>File Ref No. HAM/2006/12</p> |
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**North Yorkshire County Council**  
 Public Rights of Way  
 Waste and Countryside Services  
 County Hall  
 Northallerton  
 DL7 8AH

**PLAN 2**

Key:  
 Footpath to be added      - - - - -  
 Footpath to be deleted      = = = = =  
 Other footpaths      - - - - -  
 Maintained Highways      ||| ||| |||

Map drawn on 9 July 2013  
 Drawn by AWH      Scale 1:1250

**North Yorkshire County Council**

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 DIVERSION ORDER FOR FOOTPATH  
 NOS. 10.92/3 & 10.92/4, BARKER'S  
 BUILDING, CROSS LANE, LITTLE AYTON

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