

# North Yorkshire Council

## Environment Executive Members

12 July 2024

### Opposed Public Footpath No. 35.7/5 Beal Diversion Order 2024

#### Report of the Assistant Director – Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours

##### 1.0 PURPOSE OF THE REPORT

- 1.1 To advise the Corporate Director of Environment of the proposed submission to the Secretary of State (SoS) of an opposed Public Path Diversion Order. A location plan is attached to this report as **Plan 1**. The route is shown on **Plan 2**. Land ownership is shown on **Plan 3** – Appendix A.
- 1.2 To request the Corporate Director, in consultation with the Executive Member for Highways and Transportation, to decide whether to refer the opposed order to the SoS, and if so, to decide what stance the Authority should take in its submission, regarding the confirmation of the opposed Diversion Order.

##### 2.0 SCHEME OF DELEGATION

- 2.1 Within the Council's scheme of delegation, it is delegated to the Assistant Director of Integrated Passenger Transport, Licensing, Public Rights of Way and Harbours, to decide whether to abandon an opposed Diversion Order where the Authority is of the opinion that the requirements to confirm the Order may not be met and where an Inspector appointed by the Secretary of State may decline to confirm the Order, or to recommend to the Corporate Director of Environment that the Order be referred to an Inspector appointed by the Secretary of State.

##### 3.0 THE APPLICATION

Applicant:	N/A
Date of application:	N/A
Type of Application	Diversion Order S.119 Highways Act 1980
Parish:	Beal
Local Member:	Cllr. Tim Grogan
Applicant's grounds for making the application	In the Public interest

##### 4.0 GENERAL DESCRIPTION OF ROUTE & PROPOSAL

- 4.1 The definitive alignment of the footpath commences at its northern end on Marsh Lane, Beal and runs generally south, continuing via an alleyway to the footway of the cul-de-sac estate road known as Riverdale.
- 4.2 The proposed diversion will create a route which avoids the obstruction caused by the building and follows a line as close as possible to the current definitive line. It is considered that this represents the route of any diversion which would have been carried out under s257 of the TCPA had that occurred at the relevant time when planning permission was granted for a building encroaching on the public footpath.

## **5.0 RELEVANT LEGAL CRITERIA**

- 5.1 Under Section 119 of the Highways Act 1980, the Council, having consulted any other local authority, may divert a Public Right of Way where it appears to the Authority that in the public interest it is expedient that the line of the route should be diverted.
- 5.2 Where an Order is opposed, the Council cannot confirm the Order; it can only be confirmed by the Secretary of State. The Secretary of State will confirm an Order if he/she is satisfied that:
- i) in the interests of the public, it is expedient to divert the footpath, and
  - ii) the diversion will not be substantially less convenient to the public as a result of the Order, and that it is expedient to confirm the Order having regard to the effect which:
    - (a) the diversion would have on public enjoyment of the route as a whole;
    - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
    - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.
- 5.3 Plan 3 shows the landownership as it currently stands. The plot of land shown as being in the ownership of Jade Campey has changed hands since the start of the proceedings but no date has been provided, the original owner was Campey Estates
- 5.4 There is a legal requirement to consult with any other local authority or local authorities in whose area the land concerned is situated. Beal Parish Council have been consulted and have responded.

## **6.0 REASON FOR THE DIVERSION OF THE FOOTPATH**

- 6.1 The Definitive line is now obstructed by extensions built onto the eastern side of the The Retreat (former Hungry Fox and Kings Arms public house). Those extensions were carried out following a successful planning application in 2007 and possibly earlier applications.
- 6.2 The public have followed a route through the car park of the property as a means of avoiding the obstruction, following a line which most likely represents the line onto which the path would have been diverted had a diversion under s.257 of the Town and Country Planning Act been enacted by the relevant planning authority at the time.
- 6.3 The change of use from a public house to The Retreat has led to conflict between the owners/ tenant of the property and the public resulting in the route which had been previously taken around the obstruction and through the car park no longer being available to the public.
- 6.4 At the time of the planning applications, diversions could have been applied for under s257 of the Town and Country Planning Act 1981 (TCPA) by the local Planning Authority at that time because granting planning consent does not confer any authority to interfere with a right of way. However no such diversions were enacted.
- 6.5 The ability to apply for a diversion under s257 TCPA ceases once the development is substantially complete and any subsequent diversion must be carried out under the Highways Act 1980.

- 6.6 The building which obstructs the definitive line was formally a public house which has recently been granted planning permission for change of use to, effectively, a bed and breakfast establishment offering writer's retreats.
- 6.7 A s257 TCPA diversion cannot be carried out as part of a change of use planning application.
- 6.8 Efforts to implement an alternative route around the perimeter of the car park and exiting onto Marsh Lane via an area of land known as the "Urban Garden" were not successful and the landowner has not submitted any application for an Order to divert the footpath.
- 6.9 The Order route replicates the route which it is believed that the public will have used to avoid the building obstruction and is the closest viable route to the original definitive line. It is therefore considered to be in the public interest to divert the footpath around the building along the alignment which is considered to be most expedient and is not substantially less convenient for users.

## **7.0 RESPONSES TO THE INITIAL CONSULTATIONS**

- 7.1 The tenant of the Retreat objected as follows –
- The route proposed will take the path directly in front of private spaces, which is unacceptable, particularly the original path was obstructed through no fault of the tenant or the landowners.
  - The business is a private writers' retreat and the outdoor space is used for quiet writing and reflection time for our guests. Due to the nature of the business, guests come from a variety of backgrounds and the business regularly hosts writers from diverse minority groups, who can and do feel threatened and intimidated by strangers within their private space.
  - Staff, clients and the tenant have been targeted regularly both in person and on social media by locals who do not understand the nature of the business and who are not open to following legal process around the issues with path 35.7/5 which has resulted in a number of complaints to the police.
  - The move to divert the path in this way, knowing the nature of our business, is contrary to the most recent guidance issued by DEFRA on matters relating to public rights of way that exist on privately owned land.
- 7.2 The landowner objected as follows –
- That the proposed diversion will reduce the value of his property.
  - That the tenant would no longer be able to conduct their business at the property.
  - There are suitable alternative routes available.
  - He has no responsibility for the original obstruction caused by extension of the building.
- 7.3 A resident of the property objected as follows –
- That the proposed diversion moves the path close to private downstairs spaces leading to an intrusion on privacy.
  - The effect the diversion will have on the ability to run the business at the property and loss of employment.

## **8.0 RESPONSES TO THE PUBLICATION OF THE SEALED ORDER**

- 8.1 The Order was duly advertised by notice on 25 April 2024. Full details of all objections are included in Appendix B.

- 8.2 The landowner objected as follows-
- That the diversion is contrary to recent DEFRA guidance regarding rights of way that pass through premises where privacy, safety or security are a problem.
  - The proposal will cause hardship, interfere with the privacy of the tenant and the tenant's guests, cause a nuisance and affect the safety and security of The Writer's Retreat.
  - The tenant occupies the Property and operates a writer's retreat from it. Such location ought to be peaceful and tranquil by definition. Because of the nature of the business, the patrons are diverse and include people with special needs as well as members of minority groups who can and often do feel frightened.
  - The footpath will allow the public to view through the windows and cause significant disruptions for those who are attending the Retreat.
  - The occupant plans to use the space that was formerly the car park and which forms part of the lease, for outdoor pursuits like quiet writing and reflection. If the footpath is rerouted as proposed, it will obviously be disruptive and cause a nuisance.
  - The public will trespass from the route and use the entirety of what was the car park.
  - The negative impact on the ability of the tenant to conduct their business and a reduction in the value of the property.
  - That the footpath should either be extinguished entirely or diverted onto a different alignment.

8.3 The Tenant of the property reiterated their earlier objection as detailed above.

8.4 A further 22 objections were received from customers and staff at the Retreat. All object on the grounds that confirmation of the Order would have a detrimental impact on the ability of the tenant to conduct her business at the property.

8.5 Objectors highlight the use of the Retreat by vulnerable and neuro-divergent customers who have particular requirements regarding security, privacy and a calm environment over and above those of other customers.

8.6 At the time of writing this report no objections have been withdrawn and the Order remains opposed.

8.7 Responses in support of the Order were as follows -.

8.7.1 15 duly made responses from members of the public were received supporting the Order, plus a further 3 which were received after the deadline and hence are not duly made.

8.7.2 Where any extended comment was made it relates to the fact that the public have had use of a route through the car park for a considerable period and have made use of it to walk around the village.

## **9.0 REPRESENTATION MADE BY THE LOCAL MEMBER**

9.1 The Local Member was consulted and supports the Order.

## **10.0 FINANCIAL IMPLICATIONS**

10.1 If the opposed Order were to be submitted to the SoS, the Order would be resolved by a Public Inquiry, a Public Hearing or by written representations.

- 10.2 There would be a non-rechargeable cost to the Authority in preparing a submission to the SoS and responding to any queries raised by the SoS and these costs would be for officer time which would be met by the respective staffing budgets. If the Inspector chose to hold a Public Inquiry, the costs of arranging, hosting and supporting the Inquiry would fall to the Council.
- 10.3 Given the nature of this case and the legal test which has to be considered it is likely that the authority will engage Counsel to represent it in any proceedings with associated costs implications estimated to be no more than £3000, which would be met from existing service budgets.

## **11.0 EQUALITIES IMPLICATIONS**

- 11.1 There are no significant equalities implications arising from this report.

## **12.0 LEGAL IMPLICATIONS**

- 12.1 The Council has a statutory duty under the Highways Act 1980 to ensure that members of the public can freely pass and repass along any highway for which they are the highway authority. At present the public are not able to use the public right of way as it is obstructed.
- 12.2 The Council as the Order Making Authority may consider the relevant criteria for making an order for a diversion of the footpath under section 119 of the Highways Act 1980, is as stated earlier in this report.
- 12.3 If the Council wish to pursue the opposed Diversion Order it can only be determined by an Inspector appointed by the Secretary of State, by way of, as stated above, either a Public Inquiry, a Public Hearing or written representations.
- 12.4 The Inspector, on the basis of the legal criteria in section 119 HA 1980 summarised in Section 5 above, will decide whether or not to confirm the opposed Diversion Order. If he/she decides to confirm the Order, part of the existing obstructed route would be extinguished, and the proposed diverted route would be added to the Definitive Map.
- 12.5 Given the nature of this case and the legal test which has to be considered it is likely that the authority will engage Counsel to represent it in any proceedings.
- 12.6 Alternatively should the Council decide to not pursue the opposed Order, the footpath will remain obstructed and unavailable for use by the public unless any further applications are made and considered by the Council to meet the legal criteria for making an Order.

## **13.0 CLIMATE CHANGE IMPLICATIONS**

- 13.1 There are no significant climate change implications arising from this report.

## **14.0 CURRENT DECISIONS TO BE MADE**

- 14.1 The Assistant Director has approved the forwarding of this report to the Director and the Executive Member to decide how this matter should be progressed.
- 14.2 The decisions to be made at this stage are, firstly, whether the Order is to be abandoned, or is to be forwarded to the SoS for resolution.

14.3 Secondly, if it is decided that the matter is to be forwarded to the SoS then a further decision will need to be made, namely which stance the authority would take within its submission to the SoS towards the confirmation of the Order; that is the Authority needs to decide if it:

- supports confirmation of the Order, or not;
- or
- considers the circumstances are so finely balanced or are particularly unclear and wishes to take a neutral stance.

14.4 Officers have explored other options, including a diversion which runs around the outside of the car park onto Marsh Lane; both the landowner and tenant were initially in favour of this but no application (or request for application forms) for such a diversion, which would be in the private interest and hence chargeable, has been received by the Council. The landowner refers to such a diversion in his objection but states that this would be 1 metre wide, a width that the Authority could not agree to; 2 metres width being the standard for a public footpath which allows for pedestrians to pass in opposite directions.

## 15.0 CONCLUSIONS

15.1 The proposed Order route will provide a diverted route which is thought would replicate the likely route of an Order had one been made under s257 of the TCPA at the time planning permission was granted for extension of the building which led to obstruction of the path.

15.2 Officers consider that the making of the Order is in the public interest to allow continued use of the existing footpath without obstruction and it is expedient to make an order to resolve the issue and without which the footpath would remain obstructed.

## 16.0 RECOMMENDATIONS

16.1 It is therefore recommended that:

- i. The Corporate Director, in consultation with the Executive Member for Highways and Transportation approve submission of the Order to the Secretary of State for a decision on whether or not it should be confirmed.
- ii. The Authority should support the confirmation of the Order within its submission to the SoS.

## APPENDICES:

Appendix A – Location Plans

Appendix B - Objections – combined and redacted

**BACKGROUND DOCUMENTS:** File Ref: SEL-2023-04-DO

PAUL THOMPSON

Assistant Director for IPT, Licensing, Public Rights of Way and Harbours

County Hall

Northallerton

12 July 2024

Report Author – Ron Allan – Principal Definitive Map Officer


Presenter of Report – Ron Allan – Principal Definitive Map Officer



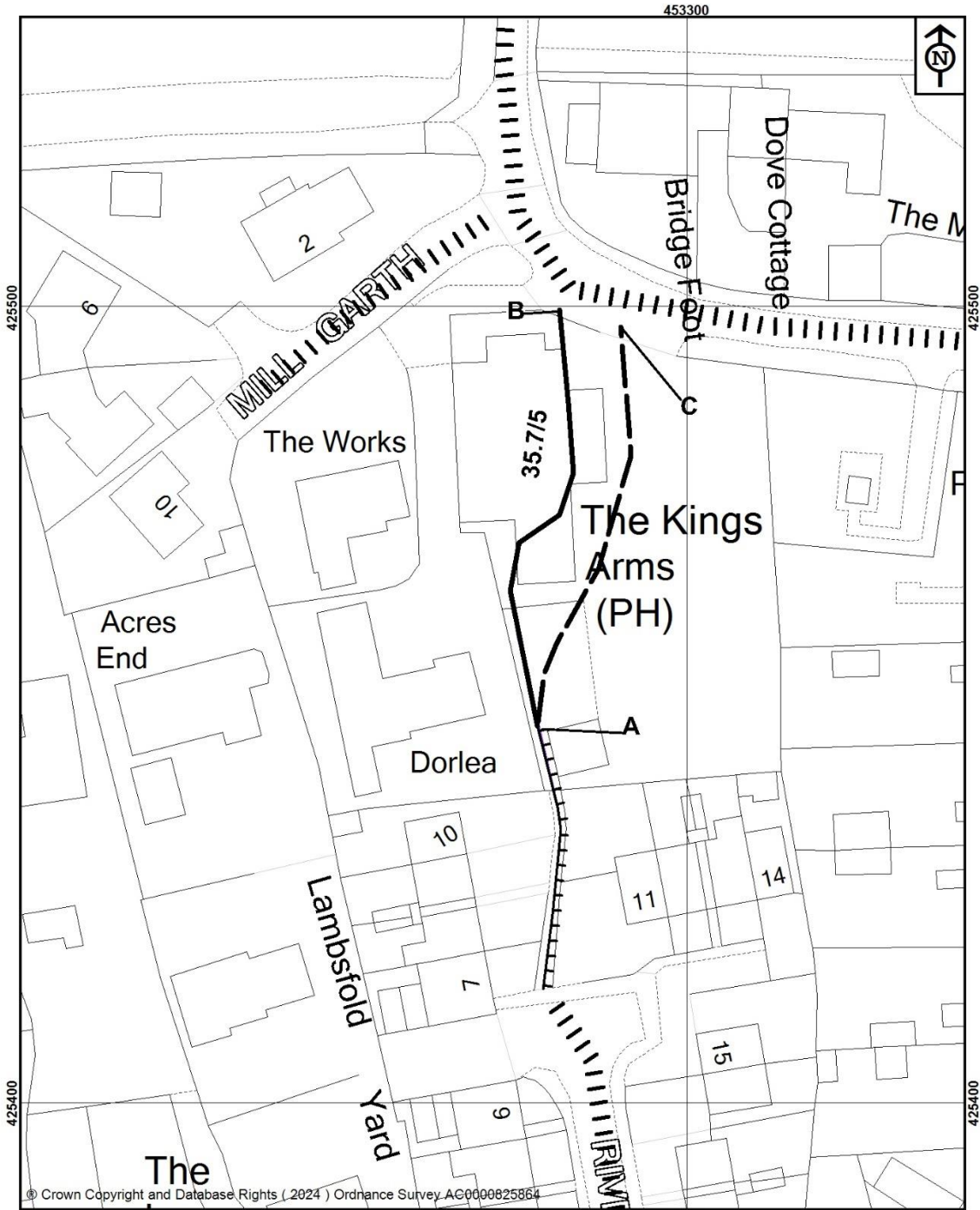
PLAN 1



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 <b>NORTH YORKSHIRE COUNCIL</b>  Public Rights of Way Countryside Access Service County Hall Northallerton DL7 8AH		<b>The North Yorkshire Council</b>
	Map drawn on 10 June 2024 Drawn by RWA      Scale 1:10000	<b>Plan 1</b>  <b>Beal Location Plan</b>  File Ref No. refno

Plan 2



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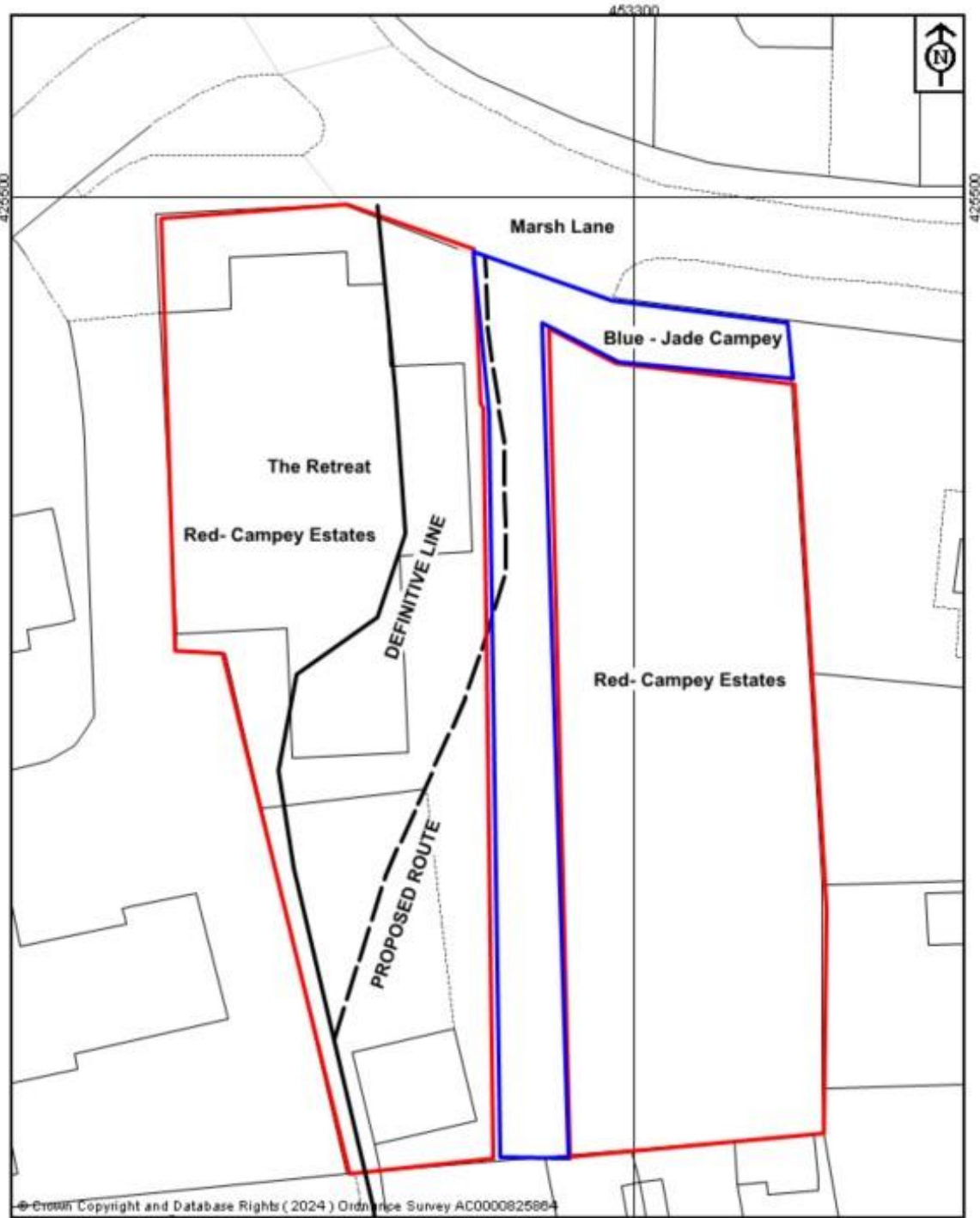
**NORTH YORKSHIRE COUNCIL**  
 Public Rights of Way  
 Countryside Access Service  
 County Hall  
 Northallerton  
 DL7 8AH

**Key:**  
 Footpath to be added   
 Footpath to be deleted   
 Other footpaths   
 Maintainable Highways   
 Map drawn on 8 April 2024  
 Drawn by RWA Scale 1:625


**The North Yorkshire Council**  
 Highways Act 1980 Section 119  
 Wildlife & Countryside Act 1981  
**PUBLIC FOOTPATH NO. 35.7/5**  
**BEAL DIVERSION ORDER**  
 2024  
 File Ref No. SEL/2023/04/DO



Plan 3



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 <b>NORTH YORKSHIRE COUNCIL</b>  Public Rights of Way Countryside Access Service County Hall Northallerton DL7 5AH	<b>Land ownership</b>	<b>The North Yorkshire Council</b>
	Map drawn on 20 May 2024 Drawn by RWA   Scale 1:313	<b>PLAN 3</b>  File Ref No. SEL/2023/04/00

## OBJECTION TO FOOTPATH DIVERSION – 35.7/5

I, Ian Campey, am the Director of Campey Estates Limited, who in turn is the proprietor of the property registered at HM Land Registry under title number NYK59948 as The Hungry Fox, Marsh Lane, Beal DN14 0SL (“the Property”).

On or about 21<sup>st</sup> January 2020 Campey Estates Limited purchased the Property. At this time I was not aware of the existence of a public right of way footpath No 35.7/5 (“the Footpath”), as the solicitors acting on my behalf during the purchase did not notify me of the same.

The Property underwent two extensions approximately 30 years ago, encroaching on the Footpath. Despite the need for a diversion or stopping up Order pursuant to Section 257 of the Town and Country Planning Act, Selby District Council did not carry out such action, with no record of an application being found.

The North Yorkshire Council is now proposing to divert the Footpath through the centre of the Property’s the curtilage pursuant to Section 119 Highways Act 1980, aiming to maintain proximity to the original route. As the Director of the proprietor and on behalf of the tenant, who uses the Property for both residential and business purposes as The Writer’s Retreat, I oppose this diversion.

## CONSIDERATION

I refer you to the new guidance set out by DEFRA in August 2023 regarding diversion or extinguishment of public right of ways that pass through private dwellings and commercial premises where privacy, safety or security are a problem. I specifically refer to paragraph 9, 11 and 14.

Paragraph 9 states the order making and confirming authority should weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole.

Paragraph 11 states, before making an order authorities should consider all the options available to them and/or to the landowner and should be open to using the combination of powers, agreements and management arrangements that best suit the circumstances.

Paragraph 14 states, in determining an application, the authority is to consider the case on all its merits taking into account all the statutory requirements and available guidance. In making its decision as to whether the existing path should be diverted or extinguished, an authority should consider, in particular, the impact of the existing path on the property owner and/or occupier against the benefit that having the right of way through the land brings to the public.

I consider the proposal will cause hardship, interfere with the privacy of the tenant and the tenant's guests, cause a nuisance and affect the safety and security of The Writer's Retreat.

As stated above, the tenant occupies the Property and operates a writer's retreat from it. Such location ought to be peaceful and tranquil by definition. Because of the nature of the business, the patrons are diverse and include people with special needs as well as members of minority groups who can and often do feel frightened.

Video 1 and Video 16 demonstrates how the planned diversion will bring the public in front of the enormous windows of The Writer's Retreat which is utilised for workshops, seminars and film production in addition to dining. I, along with the existing occupant, am deeply concerned that the Footpath will allow the public to view through the windows and cause significant disruptions for those who are attending the Retreat.

A further worry is that, come summertime, the occupant plans to use the space that was formerly the car park and which forms part of the lease, for outdoor pursuits like quiet writing and reflection. If the Footpath is rerouted as proposed it will obviously be disruptive and cause a nuisance.

There are further concerns that the public will trespass from the route and use the entirety of what was the car park. Photographs 1, 2, and 3 show that a number of locals have already trespassed over the car park.

The proposal essentially divides the curtilage in half. I have grave concerns that this will negatively impact the tenant's business for the reasons set out herein and will significantly reduce the property's value by resulting in future problems with changes of usage. The planned route for the path's diversion does not, in my opinion, serve the interests of either the landowner or the occupier.

I would urge you to consider the extinguishment of the right of way altogether. However, in the alternative, the tenant has previously proposed an alternative route incorporating land belonging to the Parish Council marked in pink on the enclosed plan. Please refer to video 1, 2 and 16 which demonstrates this route on the ground. The Footpath is primarily used by the public to access the riverbank and the nearby children's playground. The effort required to redirect the Footpath through the Parish Council's land is minimal. There is already an existing Footpath that the new route could be connected to, providing the public with a location much closer to the riverbank and the playground. This alternative Footpath would have better lighting and equal accessibility. The diversion would only add an additional 11 to 19 metres to the overall length of the Footpath.

If the proposal is not deemed acceptable, I request a further alternative route around the outer perimeter of the car park as depicted in the attached plan, highlighted in red. Please refer to video 17 for a visual representation of this proposal. I believe this option would better serve the landowner and occupants, it does not significantly inconvenience the public or offer a different level of enjoyment and, moreover, it would

effectively keep the public away from The Writer's Retreat. In that regard I request that there be a modification of the definitive statement such that the path be no more than 1 metre wide pursuant to paragraph 1(3)(a)(i) of Schedule 12A Highways Authority 1980 as amended by the Rights of Way Act 1990, in order to limit the costs involved.

In conclusion, based on the aforementioned reasons, I would urge consideration of the above in line with the DEFRA guidelines and request an Order that:

1. The Footpath be extinguished;
2. Alternatively, if extinguishment is not possible, the Footpath be diverted through the Parish Council's land; or
3. In another alternative, if either of the points above cannot be agreed, the Footpath be re-routed as shown highlighted red on the plan attached, to be no more than 1 metre wide.

DATED 22<sup>ND</sup> APRIL 2024

IAN CAMPEY  
Director, Campey Estates Limited

**Ron Allan**

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**From:**   
**Sent:** 21 April 2024 10:53  
**To:** Ron Allan  
**Subject:** Public footpath

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning Ron,

I am writing to you to express my concerns about the pathway which runs through the grounds of "The Retreat", Red Lion, Marsh Lane, Beal.

As a regular visitor to the retreat, where peace and quiet and lack of interruptions are of the essence, I am saddened to hear that people are petitioning to allow a public footpath to traverse through the grounds.

For two very important reasons, this going ahead would have a huge impact on the functioning of this wonderful oasis, which really saddens me.

Firstly- the entire purpose of this wonderful resource is for people to have a calm quiet place without interruptions, where they can think, relax and be able to plan and write their work. Were there to be strangers walking through the land at all times of the day, for many writers their thoughts and concentration would be interrupted and the calm atmosphere that is the purpose of them attending would no longer exist. This would destroy the whole purpose of the retreat, and possibly, if not very likely, would mean that regular users of this resource may no longer return. As a charity supporter, Jan, who runs the retreat regularly subsidises places for writers who are less financially able, and these sections of society would also sadly lose out.

A second worrying concern is that the retreat is also used by vulnerable groups. The presence of unknown members of the public would be a huge safeguarding concern which would impact severely on the ability of these vulnerable sections of the community being able to attend the retreat. This would be tragic, since attending these peaceful retreats is a much needed life-line for many.

I myself have planned to use the retreat for a group of vulnerable individuals in the charity I work for. I was obviously very disappointed when I heard about the footpath, and desperately hoping that the plans are halted. If not, we will have to cancel, and sadly we are unaware of other similar services which will serve the needs of our community, at a cost we can manage.

Please can I urge you to consider the impact this footpath would have upon such a wonderful project and its impact on local art and literature and vulnerable local groups.

Yours sincerely,

Charity Support Programmes Manager.



**Ron Allan**

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**From:**   
**Sent:** 23 April 2024 13:43  
**To:** Ron Allan  
**Subject:** objection regarding the re-routing of pathway through car park

This email is by way of my objection regarding the re-routing of pathway through the car park of "The Retreat", Red Lion, Marsh Lane, Beal.

Being aware of the history of the pathway and the plans to re-rout it, I am writing to object to it being re-routed through the car park of the retreat. It is essential that an alternative route is sought, since the retreat is a valuable resource where peace and quiet and lack of interruptions are of the essence.

This planned route going ahead would have a huge impact on the functioning of this incredibly valued service which not only helps to promote the arts in times when there are fewer opportunities for artists, especially those on low incomes, or who need to work in other areas and need a time and place to create away from their busy lives.

Members of the public being given access to essentially walk through the grounds of a place for solitude and calm is absolutely not appropriate; it would destroy the whole purpose of the retreat, and possibly, if not very likely, would even destroy the business. .

Sadly, the retreat is more than a business. Jan, who runs the retreat regularly subsidises places for writers who are less financially able, and these sections of society would also sadly lose out. She also ensures the retreat is suitable for all intersections of the community, providing many inclusivity features, for example being accessible to any marginalised groups or individuals who wish to attend. Jan regularly also provides subsidised retreats for such groups as those with a variety of disabilities.

A group that I work for had planned to use the retreat for a group of vulnerable disabled people who will be unable to attend should the path be re-routed through the retreat car park, due to safeguarding requirements.

Please can my concerns be taken into consideration when taking onboard the views of the local community. I object to the plans on the above grounds and trust that a more suitable plan will be made to reduce negative impact on the needs of vulnerable groups and the Arts in North Yorkshire.

Yours

**Ron Allan**

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**From:**   
**Sent:** 21 May 2024 11:31  
**To:** Ron Allan  
**Subject:** Objection to order

Dear Mr Allan,

I would like to object to the footpath running through the centre of the carpark at The Retreat in support of Mrs Jan Birley. As a visitor to this venue, it would not be appropriate to have people wandering through the middle of it when important and sometimes private discussions are taking place, not to mention that people are here to work, write and think. It is hard to understand why people would want to wander through the middle when the path could go round the edge, which is obviously also safer for pedestrians as well as for Retreat visitors.

**Ron Allan**

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**From:** [redacted]  
**Sent:** 22 May 2024 10:40  
**To:** Ron Allan  
**Subject:** Footpath at The Retreat, Marsh Lane, Beal, North Yorks.

The proposal to allow a public footpath through the centre of a car park at The Retreat, Beal beggars belief!! An active car park would seem a very dangerous place to have an unmarked footpath. Legally who is responsible for any accidents that may occur? Clearly this proposal totally disregards the privacy and security of the paying guests at The Retreat when members of the public are allowed to freely roam across a car park.

Surely a more sensible approach would be to detour this footpath around the edge of the car park for the safety of users and aid the privacy of the guests at The Retreat.

Am I to believe that North Yorkshire Council are willing to disregard Government advice on security and privacy with regards to public footpaths?

[redacted]

Sent from my iPhone

**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 08:32  
**To:** Ron Allan  
**Subject:** Objection to diversion order public footpath no 35.7/5 Beal

Dear Mr Allan

I am writing to register my OBJECTION to diversion order public footpath no 35.7 Beal (at The Retreat, Marsh Lane, Beal. DN14 0SL).

I make this objection on the basis that converting this public right of way to a public footpath will do nothing to enhance the footpath nor route. Furthermore, based upon the map in the attached document, this is a long-outdated right of way that precedes the building of 'The Kings Arms' now known as 'The Retreat'. The map implies that the old right of way (marked by a solid line) goes through the building within the property. From this my inference is that this right of way is considerably out of date. It would be surely commonsense and far safer for members of the public to have a diversion around the property, using already maintained public footpaths adjacent to public highways, than through the property car park (and any dangers incumbent with walking through private property). An alternate diversion of this nature would add very little material time to anyone using the path. The venue is no longer a public house for which a short cut through the car park would be beneficial to users and the local economy.

My second objection is on the basis of the safety and security of users of 'The Retreat'. The nature of this business is that users are there to work, quietly, and away from the diversions of everyday life. Creating a thoroughfare via the car park would destroy one of the foundations of 'The Retreat' itself. My third objection also relates to safety and security. 'The Retreat' have borne witness to several aggressive visits/protests from individuals regarding this right of way which has left both employees and clients feeling unsafe and insecure. If this footpath were approved, this previous lived experience is likely to raise ongoing concerns of security and safety for employees to work with dignity (ie not subject to abuse) and clients to feel that they are in a safe working environment.

I would propose that the council REJECT this proposal and consider an alternate diversion using footpaths around the road (Craven Garth) for the safety and security for all involved; residents, footpath users, employees and clients of 'The Retreat'.

Best regards



**Ron Allan**

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**From:** [REDACTED]  
**Sent:** 21 May 2024 07:49  
**To:** Ron Allan  
**Subject:** Objection letter

Dear Ron,

I strongly object to a footpath running through the centre of the car park of the Writers Retreat. It's a huge invasion of privacy for the retreat guests and given the scale of aggressive protesting that has been taking place - a possible security risk too.

I work at the retreat and those who don't want the retreat to be there have gone out of their way to be unfriendly and unwelcoming. If these same people can then walk next to the building with a right of way, which they have been doing unofficially anyway, it will continue to be unpleasant for myself and the guests. Please don't let these hostile, bullying, prejudicial tactics win this case. It will set a new precedent for anti-social behaviour being rewarded.

Kind regards

[REDACTED]



**Ron Allan**

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**From:**   
**Sent:** 21 May 2024 09:13  
**To:** Ron Allan  
**Subject:** Objection to public footpath DN14 0SL

Good Morning.

I wish to strongly object to the public footpath running directly through the car park of The Retreat, Marsh Lane Beal DN14 0SL.

This is unacceptable to the ethos of the retreat and undermines the peaceful tranquility being achieved here. Many people use the services as a complete break from outside noise and people, so to allow just any individual or group to invade the space is counterproductive.

The path runs directly through the car park area which again is a safety issue too.

Please add my objection to the list (I'm certain I won't be alone in objecting) on support of The Retreat being left in peace.

Many thanks

**Ron Allan**

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**From:** [REDACTED]  
**Sent:** 21 May 2024 07:03  
**To:** Ron Allan  
**Subject:** Footpath

Dear Ron,

I am writing to object about the proposed footpath which will cut through the car park at The Retreat Kings Arms Marsh Lane Beal DN140SL.

This venue provides writers and vulnerable groups with secure safe accommodation so that they can relax and enjoy their time there in peace and quiet.

Attendees expect to remain in a closed group of participants throughout their stay. This enables them to feel safe and truly let go of worries and inhibitions so that they can enable creativity and autonomy to come to the fore. Having participated in such groups in the past I know how I would feel if someone unexpectedly appeared, and the negative impact it could have.

Approving public access across the car park could interrupt that process and setback participants.

Outdoor space is very important to these groups and seating in the private car park should be an alternative "room" to work in, for creativity and safe conversations without fear of strangers passing through.

For the owners of the retreat they are paying rent and giving the Kings Arms a new purpose offering new life in the village rather than allowing it to become another unused neglected licensed premises subject to vandalism. They don't expect to have people walking through their back yard when the alternative is merely a few yards away, to walk in front of the pub to access the connecting footpath.

Please give my objection due consideration.  
Sincerely

[REDACTED]

Sent from my iPhone

**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 11:40  
**To:** Ron Allan  
**Subject:** Public Path Diversion Order 2024 : Footpath No 35.7/5 Beal (The Retreat)

Dear Mr Allan

I am writing to register my objection to the above diversion order.

I do so as a user of The Retreat.

I would like to make the following points:

1. The building now known as The Retreat (Formerly The Kings Arms and also for a period of time the Hungry Fox) has existed on the site for several decades without any objection regarding the public right of way (even though the original footpath route goes right through the building).
2. When the application was made for change of use (to a bed and breakfast and events venue in 2023) there were 99 objections and 51 supporting comments. Recently the Retreat and their guests have been subjected to unpleasant and threatening protests from local residents. It seems likely therefore that those who object to the current use of the premises may be using this application maliciously, to damage the business.
3. During the change of use application (2023/0220/COU) the Public Rights of Way Officer made a report on 4<sup>th</sup> May 2023. The report is not available to view on the Planning Portal, but his report at that time did not result in any conditions on the use of the building regarding public access. To impose this diversion order will restrict the use of the building which was agreed just last year without any such restriction. This will have a detrimental impact of the business.
4. The proposed footpath route (on the application plan) would take members of the public very close to the building where there is a downstairs bedroom for disabled use (essential for The Retreat to be able to provide accessible accommodation). The Retreat sets out to provide a peaceful place to study/write/rest and this also includes using outside seating areas around the building when the weather is pleasant. The proximity of the path could therefore compromise the privacy and safety of all visitors and in particular those who are more vulnerable.

Thank you for taking the time to consider these points in making your decision.

Kind Regards

**Ron Allan**

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**From:**   
**Sent:** 21 May 2024 11:25  
**To:** Ron Allan  
**Subject:** OBJECTION TO ORDER

Dear Mr Allan

WRITERS RETREAT, MARSH LANE, BEAL

I write to strongly object to an order for a public footpath going through the centre of Dr and Mr Birley's above mentioned car park on the following grounds.

I am an employee and mother of Dr Birley and am there at almost all the retreats.

THIS IS A RETREAT and as such necessities quietness and PRIVACY for guests at all times and who, weather permitting, enjoy sitting outside to write and also have their appointed one to one sessions with their mentor and therefore privacy whether inside or out is of paramount importance.

Security for the guests and staff who stay overnight on the premises is also of paramount importance.

A public footpath would not promote security for guests and staff.

Yours sincerely

Sent from my iPhone

**Ron Allan**

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**From:**   
**Sent:** 21 May 2024 10:37  
**To:** Ron Allan  
**Subject:** Writer's Retreat Beal footpath

Dear Ron Allan.

I'm a regular user of services at The Retreat in Beal. I'm neurodivergent (autism and schizophrenia) and one of the reasons The Retreat is so good for me and my group is, the privacy of the private grounds. If there were a public right of way through the car park, this aspect would be removed and I'd no longer feel safe to use The Retreat, as I suffer from paranoia and sensory processing difficulties.

I was here once during a 'protest' carried out by locals who wanted the footpath re-instated and they were aggressive and threatening. But even if this was not the case, I'd be unable to use a place where anyone can walk through as they please. I am almost housebound with agoraphobia from sensory processing and paranoia in public environments and my life is very restricted. It would be further restricted as would others like me if people could have public access and walk through the car park.

I have walked around the property and found that it adds a two-minute walk to a journey. Is that what all the fuss is about here?

I must stress the absolute necessity for me and others like me for this space to remain private access. Suppose locals wandered through the car park, gawping at us like a visit to Bedlam in Georgian/Victorian times. In that case, I don't think that would be pleasant for neurotypical writers and users of the retreat, never mind neurodivergent users like myself.

Please consider this carefully. An outdated footpath/right of way through a building that locals insist is vital for to save a two-minute walk around the property, against vulnerable users of the retreat, who need privacy to attend. I will add to this that local protesters have been aggressive toward people at the retreat. During a protest I was present at, we were threatened with violence. I don't think anyone would be comfortable with people like that walking through the car park where they can see into the retreat, including a downstairs bedroom.

Thank you



**Ron Allan**

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**From:**   
**Sent:** 21 May 2024 01:14  
**To:** Ron Allan  
**Cc:** Jan Birley  
**Subject:** Objection

Dear Ron,

As a regular guest at the Writing Retreat, I am emailing to object to a public footpath running through the centre of our carpark. This would be incredibly disruptive to guests and frankly as a woman who travels solo I would not feel safe with this. Anybody walking through can look in through the windows or look at me while I am working outside and I find this invasive and potentially threatening.

I choose to stay at the writing retreat because I feel safe there and having people walking through at any time compromises my sense of safety and privacy. If I don't feel safe staying at a venue, then I don't go and so the public footpath would be harmful not only to guests, it is harmful for the business operations of the writing retreat.



21<sup>st</sup> May, 2024

Dear Sir or Madam

I write in response to the council's intention to run a new public footpath through the middle of the property that I live at (address above). I have lived here for over a year now and I help to run this business. I am often at home on my own and feel very vulnerable as a black person from the LGBTQ community on a property where there are no external lights and the prospect of anyone being able to lurk outside is threatening to me. I have been referred to in very unkind terms by people walking through the car park. I have cc TV evidence to back this up.

It was different when this was a pub, as the car park was lit up until late at night but we don't have a need for those outside lights and they're too expensive to run. That means the property is very dark at night and the street itself is lit, so it makes more sense for people to walk around, which takes only a few minutes more.

We have guests who come here for quiet time to write and read and to share their work. They often work outside and people walking through interrupts that and interferes with our business.

On the points above, I strongly object to the order for the public footpath through this property.

Regards



**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 14:02  
**To:** Ron Allan  
**Subject:** The Writer's Retreat, King Arm's, Beal, North Yorkshire - PROW Objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon

I would like to raise an objection to the enforcement of the public right of way passing through the car park of the above facility.

My daughter recently attended a 3 day workshop and found it invaluable for her studies. She met the most amazing people from whom she learned so much. She found the retreat very relaxing and peaceful. I fail to see that this would be the case should people be walking past the windows where she was attempting to work.

I personally would also see it as a security issue since her room was on the ground floor. I felt she was in a safe environment the entire time she was there and was happy to leave her. I really don't think this would be the case if the general public were passing so close by at all times of day or night.

Looking at the general area too I really fail to see how a footpath across the car park would actually benefit anybody since it is no longer a pub.

Kind regards

**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 13:49  
**To:** Ron Allan  
**Subject:** The Writer's Retreat, Beal, North Yorkshire - Objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon

I recently attended a writers workshop at the above venue and I understand there is a public footpath to be going past the windows outside, which I'd like to raise an objection to.

I am 19 years old and to find something like this in the local area has been great. The moment I walked in, it felt so warm and welcoming. An escape from normal life where I could concentrate to write and learn in peace and quiet. I can't imagine this would be the same if people were regularly walking past the windows where we were working. It would be very distracting. It would be a real a shame to lose a facility such as this. I personally wouldn't be in a position to travel further afield and I find it a great support to my writing aspirations and accompaniment to my university course.

Whilst a group of us were there we ate in the local pub twice. I really can't see that a path across the car park would save any time at all when walking around to it. The difference in distance and time would be minimal. I really can't see the benefit when it would cause issues for a local business such as this..

Kind regards

**Ron Allan**

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**From:**  >  
**Sent:** 22 May 2024 13:31  
**To:** Ron Allan  
**Subject:** Objection to diversion order public footbath no 35.7 Beal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Allan,

I am writing to register my objection to diversion order public footbath no 35.7 Beal (at The Retreat, Marsh Lane, Beal. DN14 0SL).

I stayed at The Retreat for six nights back in April and had a wonderful time. The main attraction for clients of The Retreat is the peace and quiet offered to them, which most of them can't get at home. If the general public are allowed to walk through the car park and right up to the building, the entire USP of the business is no longer relevant, and the business will be severely jeopardised. Simply put, you can't run a retreat business like this without being able to guarantee privacy and security for the guests who stay there. If this public right of way through the car park is reinstated, this is effectively sounding a death knell for a successful business that is greatly valued by those who use it.

Was there this kind of objection to the public right of way being blocked when the building was being used as a pub? I suspect not. The owners of The Retreat do not deserve the negative, hostile and aggressive attitude shown to them by the residents of Beal, and frankly, I believe they should be cut some slack. They're only trying to run a business like anyone else, and I can't see that it's an unreasonable request to ask people not to walk through their car park.

Kind regards,



**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 18:17  
**To:** Ron Allan  
**Subject:** Objection to public footpath

Dear Ron,

I would like to to object to a proposed public footpath running through the centre of the Retreat carpark.

As a recent (and hopefully future) retreator, my objection centres around issues of security and privacy for retreat guests. I would not feel safe or comfortable with members of the public accessing the retreat grounds whilst residents are there.

Kind regards

**Ron Allan**

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**From:**   
**Sent:** 22 May 2024 17:26  
**To:** Ron Allan  
**Subject:** Regarding public footpath through property of The Retreat at the Kings Arms, Marsh Lane, Beal, North Yorkshire. DN14 0SL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Allan,

Please accept this email as my objection to the public footpath through property of The Retreat at the Kings Arms, Marsh Lane, Beal, North Yorkshire. DN14 0SL.

I am a disabled person who has been to the retreat several times. As I cannot walk well or climb stairs, I always hire the 'Retreat Suite' which is downstairs with level access onto the car park so I can gain entry to the building.

It gives me an additional feeling of security that the gates to the property are closed and locked overnight, and nobody is walking through the carpark and past my bedroom windows or able to gain access to the rear of the property behind where I sleep.

In my opinion, there is no need for the public right of way to exist. It is not a pleasurable walk through scenic land - just a carpark. There is a street and road adjacent to the property that allows the public to reach exactly the same start and end points, so I do not understand why anybody feels they must walk through a car park to get there.

The retreat has a seating area in what would have been the pub garden. We cannot fully use this area during the retreat as members of the public walk straight through our retreat sessions. It is very off putting, it isn't as if they walk a certain route, they treat the whole car park as the footpath. In addition, with the gates open, people use the carpark as public parking.

The Retreat cannot offer 'secure' facilities if they are not allowed to lock their gates and prevent public access.

Best Regards,

**Ron Allan**

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**From:** [REDACTED]  
**Sent:** 22 May 2024 21:07  
**To:** Ron Allan  
**Subject:** Objection

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ron,

I would like to to object to a proposed public footpath running through the centre of the Writers' Retreat carpark.

As a retreator and writer in residence my objection centres around issues of security and privacy for retreat guests. I would not feel safe or comfortable with members of the public accessing the retreat grounds whilst residents are there.

Kind regards

[REDACTED]  
Sent from my iPhone

**Ron Allan**

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**From:** [REDACTED]  
**Sent:** 23 May 2024 07:09  
**To:** Ron Allan  
**Subject:** Objection letter

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ron,

I would like to object to a proposed public footpath running through the centre of the Retreat carpark.

I have attended both short and long sessions at The Retreat and where I hope to attend on a regular basis, my objection centres around the implications for security and privacy for retreat guests. I would not feel safe or comfortable with members of the public accessing the retreat grounds whilst residents are there. For me it would defeat the very nature of a retreat.

Kind regards

[REDACTED]  
Ananta Dave

**Ron Allan**

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**From:** [Redacted]  
**Sent:** 23 May 2024 06:41  
**To:** Ron Allan  
**Subject:** Objection to a footpath running through the writer's retreat Beal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Allan

I hope you are well.

I am writing to object to a footpath running through the Writer's Retreat car park. I and other authors use this as a way to escape and focus completely on our novels and many of Jan's clients are published authors. It is a complete getaway and having people wandering through would affect the solitude the family business attempts to create.

I would feel it would also make it a less secure place.

Please support the creative industry as Jan does by upholding my objection.

Kind regards

[Redacted]

**Ron Allan**

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**From:**   
**Sent:** 23 May 2024 18:42  
**To:** Ron Allan  
**Subject:** The Retreat at The Kings Arms DN14 0SL

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon,

I am writing to object to a public footpath running through the car park at the above address.

I have been a paying guest at the Retreat and have also attended as a Resident Tutor. The Retreat is a haven of tranquility for writers of all levels to focus on their work. It is a thriving centre, bringing a steady and sustainable stream of guests to the town of Beale - in particular providing patrons to the local pub and other local businesses.

With a footpath going through the car park of the property, with immediate access to the windows and doors of the Retreat, this poses a threat to the security of the guests and staff. There is also the issue privacy of guests - for example, the room with disabled access and facilities is on the ground floor, overlooking said car park.

It is hard to understand why there is such strength of feeling by locals about this footpath, as it would seem to serve as an inadequate shortcut anywhere.

I would also like to add that, whilst accompanying a party of guests for a meal at the Jenny Wren yesterday, I witnessed firsthand the verbal abuse directed at Jan Birling and her staff, which seemed wholly unacceptable.

In summary, I would like to strongly state my objection to the footpath running through the land of the above property.

Yours sincerely