

**REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS**

**DETAILS OF APPLICATION**

District Dacorum File Name Boxted Farm, Hemel Hempstead

Parish Hemel Hempstead Application Date 17/02/14

Grid References TL033 087  
TL030 088

Application to Divert Hemel Hempstead FPs 17 & 18

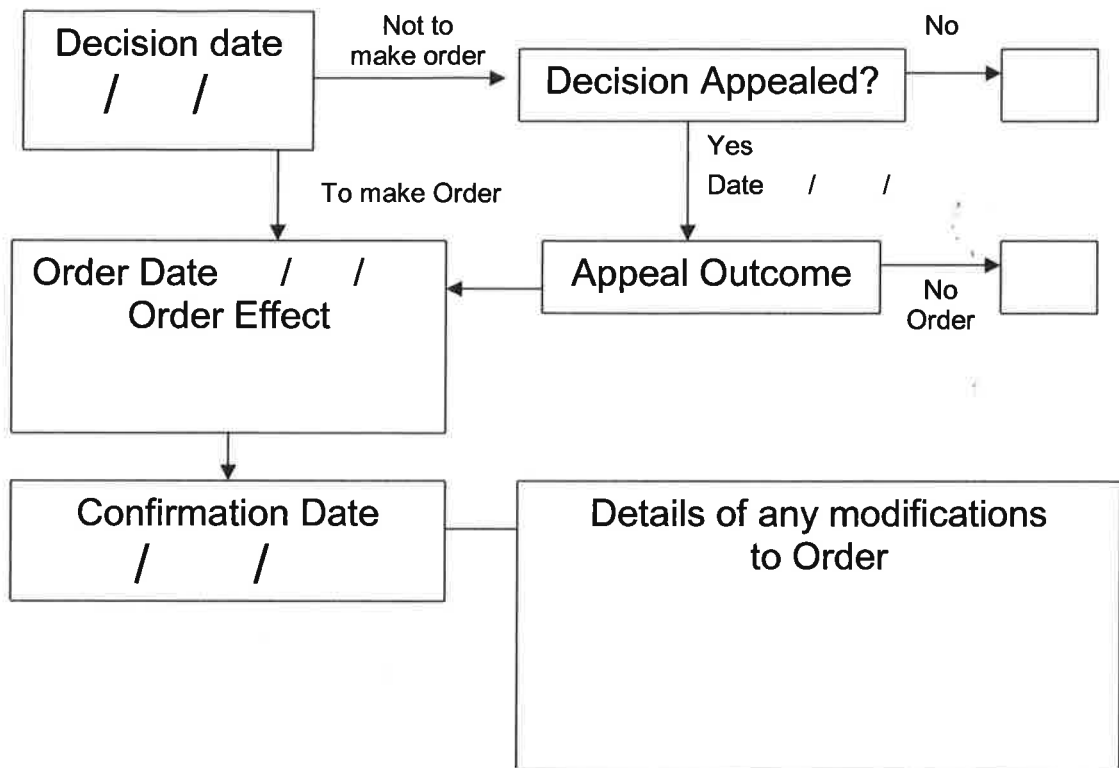
Applicant Richard Gardener & David Gardener

	City	Town	Village
Nearest	St Albans	Berkhamsted	Potten End

Addresses of properties affected	House Name/Street Boxted Farm	Postcode HP1 2SQ
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	.....	.....
	.....	.....

**DETERMINATION (DECISION) OF APPLICATION**

# REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS



**Application for an Extinguishment or Diversion Order  
Under sections 118 or 119 of the Highways Act 1980**

Please read the Advice to Applicants carefully before filling in the application form. Once you have filled in the application form please ensure that you send to us the following:

- the completed form
- a plan of your proposal based on an Ordnance Survey map of a scale not less than 1:2500
- proof of ownership of the land and
- a cheque for £100, payable to Hertfordshire County Council.

**1. Initial matters**

(Tick relevant boxes below)

1.1 I am applying to extinguish a path under section 118 of the Highways Act 1980

1.2 I am applying to divert a path under section 119 of the Highways Act 1980

1.3 My application relates to a  footpath  
 bridleway  
 restricted byway

1.4 Path number 17 & 18

1.5 Parish Warners End

1.6 Full name(s) of applicant Richard Norman Gardener & David William Gardener

1.7 Address  
Boxted Farm  
Berkhamsted Road  
Hemel Hempstead  
HP1 2SQ

1.8 Phone number (daytime) 

1.9 Mobile number 

1.10 E-mail address

1.11 Would you like to use an external agent to assist processing your application? If "YES" please tick this box

*(Note. An Agent's Pack has been produced explaining in detail what your agent is required to do. When processing of your application can start, this pack will be sent to you unless you have provided us with details of your agent.)*

Name and contact details of external agent  
Josie Brown  
Mannbrown  
Bottom Farm, Covington  
Cambridgeshire PE28 0RU

*(Note. You will be solely responsible for your agent's costs. Seeking an agent capable of dealing with the intricacies of rights of way law is recommended)*

## 2. Ownership of land affected by the application

2.1 Are you the freehold owner and occupier of all of the land affected by the application?

Yes  No

If **yes**, please supply evidence of your ownership of the land and then go to 2.4

2.2 If **no**: please

- list below the names and addresses of all the owners, occupiers or lessees of land affected including yourself;
- indicate accurately on the application plan the different ownerships and occupiers of the land affected;
- supply copies of proof of title to land affected (clearly labelled);
- **Diversion applications only**; enclose a letter of consent to the diversion, from all of the owners, occupiers and lessees affected.

Name	Address	Status (landowner, occupier or lessee)
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2.3 In the case of a diversion application, will any owners, occupiers or lessees of the land affected claim compensation under Section 28 of the Highways Act 1980?

Yes  No

2.4 Does any statutory undertaker (e.g. gas, water, electricity, telephone) have any rights on, over or under the land over which the right of way runs?

Yes  No

If yes, describe the rights.

Water, Electric and BT apparatus cross footpath underground

2.5 Is the apparatus of any statutory undertaker affected by the application?

Yes  No

If yes, state what apparatus may be affected.

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### 3. Reasons for application

3.1 Please state your reasons for applying to extinguish or divert the public right(s) of way. (Note. You will need to refer to the legal tests. See Section 2 of the Application Pack, or the relevant highways legislation.)

We believe that it is expedient for the County Council to divert public paths number 17 & 18 for the safety, ease and amenity of the public using the paths. Currently, whilst path 17 is clearly identified on the ground, users do not follow the path over the various stiles and through sheep fields and instead walk up the main drive to Boxted Farm which is a heavily used access by vehicles accessing the commercial units at Boxted Farm. In addition, the access is utilised by agricultural machinery. The proposed diversion route takes the path away from the commercial buildings and Boxted Farm's main drive and would provide increased amenity to users as it cuts through the middle of open permanent pasture. Furthermore, because users would not be required to cross the main drive until they get to the Path 18 spur they would not be tempted to stray from the footpath up the main drive.

The proposed diversion to Path 18 is proposed so as it ties in with the proposed route for Path 17 and ensures good visibility splays for users when crossing the main drive. This has resulted in the path being moved slightly to the south west. From here, it is proposed that the footpath is moved to the field edge which is the route many users currently stray to.

This route again provides improved amenity to users as well as reducing the number of stiles.

#### **4. Description of route(s)**

The plan accompanying this application must show the paths on an accurate up-to-date plan at a scale of not less than 1:2500.

##### **4.1 Existing route as recorded by the Definitive Map and Statement of Public Right of Way in Hertfordshire. (Describe the path using grid references and any important landmarks)**

From the kissing gate at TL0300 0902 the footpath runs south along the field edge to a kissing gate, the footpath then crosses over the main drive to Boxted Farm to another stile, and continues to head due south along another field boundary where, after circa 63m two further stiles either side of a spur of the main access to Boxted Farm, have to be crossed. The path then heads south west through a closed personnel gate around the edge of the garden of Boxted Farmhouse before joining the main drive to Boxted Farm again via a personnel gate and a closed Drive gate. At this point (TL0300 0904) Path 17 continues heading south east and Path 18 spurs to the left heading east, north east. A further stile has to be crossed between Path 17 and 18 and the path then runs through a permanent pasture field to a further stile after circa 118m on the far side of the field. The path heads north east through another permanent pasture field to the far field boundary, a distance of circa 84m to another stile. The path then continues to head north east through an arable field for approximately 180m before a dog leg (TL0403 0903) changes the direction of the path to the south east then over a stile.

distance approximately 672 metres width 1.5 metres

existing stiles/gates/bridges (list and show position on plan)

2 x kissing gate  
2 X personnel gate  
1 X Drive gate  
7 x stile

##### **4.2 Proposed route (describe the path using grid references and any important landmarks) (leave blank if applying for an extinguishment)**

From the kissing gate at TL0300 0902 the proposed footpath will run in a straight line south, south west for circa 245m to the field boundary at which point the path will go through the hedge (TL0300 0904) and bear south east and head towards the main drive for Boxted Farm. The path will then cross the main drive and a kissing gate will be installed either side of the drive due to livestock being kept in these fields. After the

kissing gates the path will head east along the field boundary until it reaches the far field boundary (after circa 141m) where a further kissing gate is proposed. The path will then head north east along an arable field boundary to join Path 18 at the corner of field with a right hand turn (TL0403 0903)

distance approximately 700m (metres) width 1.5m

4 x Kissing Gates are proposed for stock control.

*(Note. County Council policy will not normally allow new gates or stiles to be erected on the new route (excluding gates for stock control) except in exceptional circumstances)*

4.3 Is the existing (definitive) route unobstructed and fully available to the public?

Yes  No

4.4 If the answer is NO, state fully the reasons why the route is obstructed and describe and show clearly on the application plan the obstruction and the route used by the public.

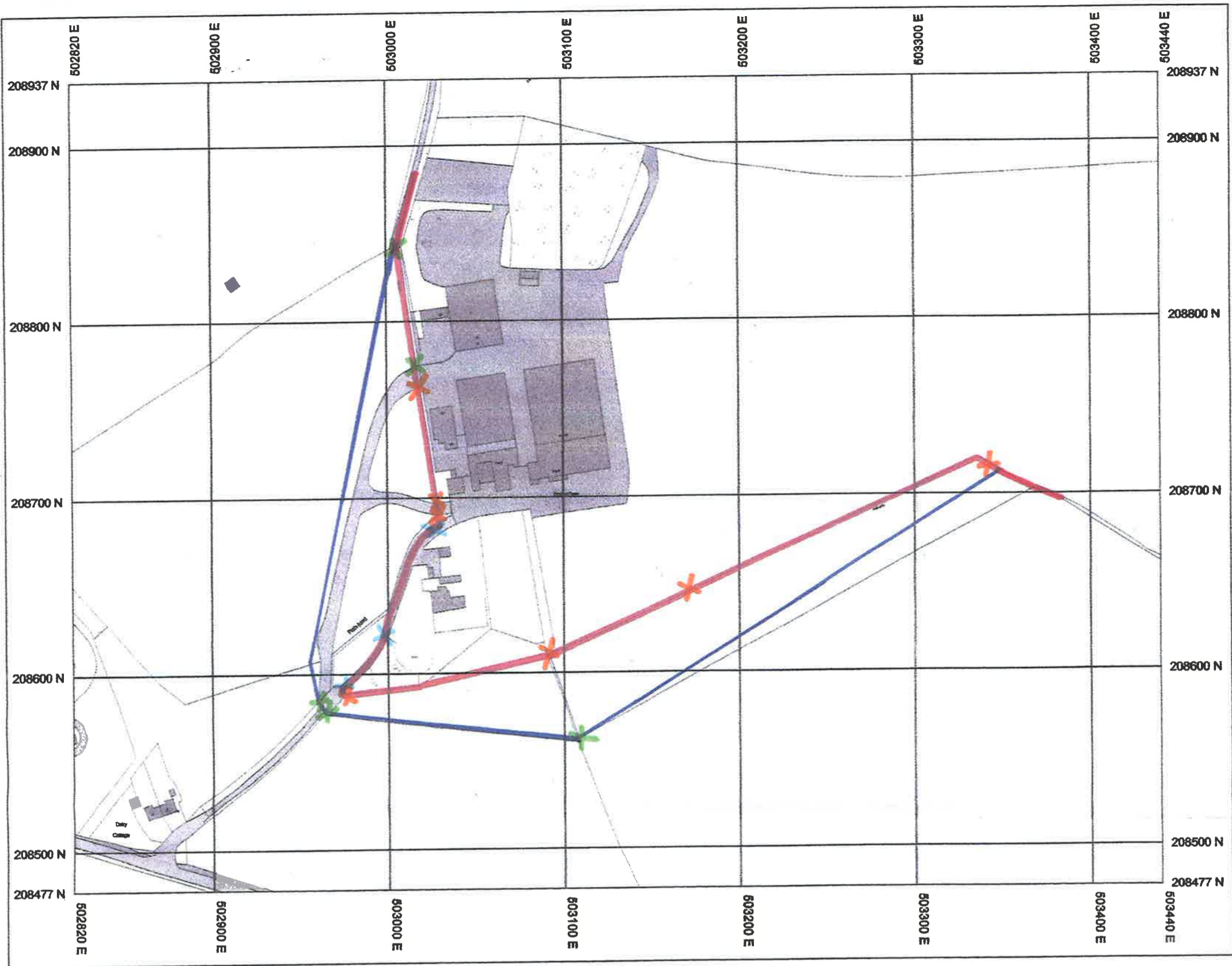
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SCALE 1:2500

LEGEND :

-  EXISTING ROUTE
-  PROPOSED ROUTE
-  KISSING GATE
-  STILE
-  PERSONNEL / DRIVE GATES