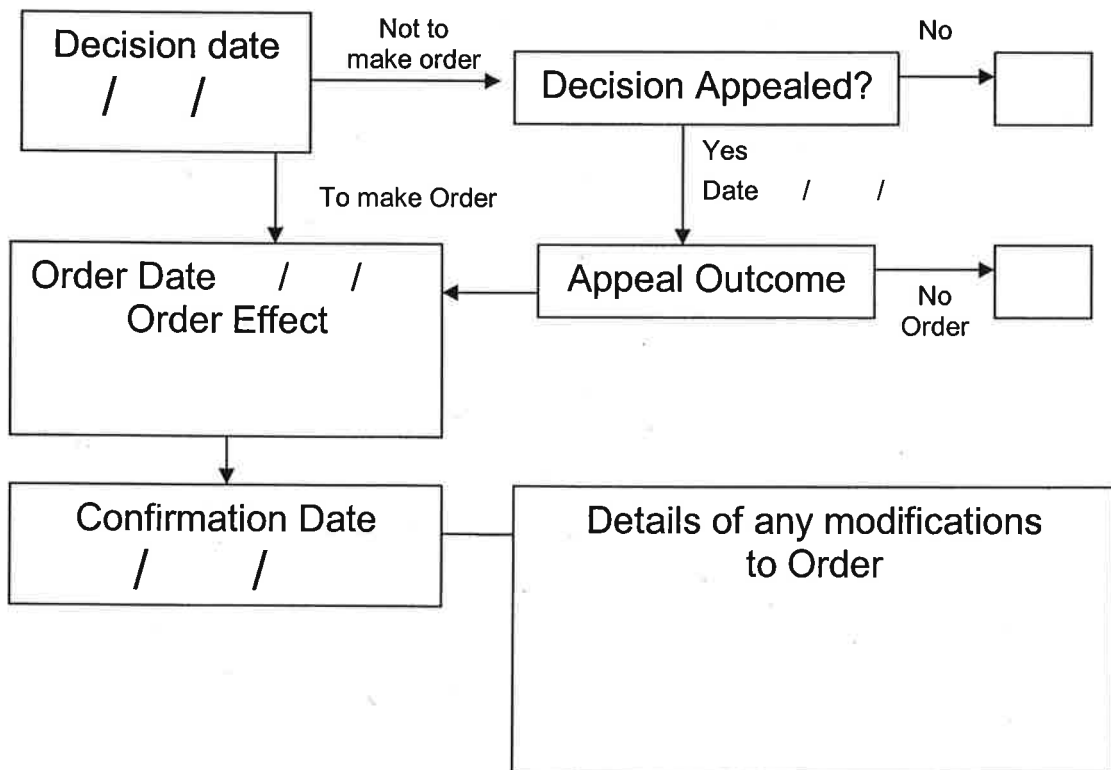


**REGISTER OF APPLICATIONS - PUBLIC PATH ORDERS**

**DETAILS OF APPLICATION**

District	North Herts	File Name	Park View Stables
Parish	Offley	Application Date	2/3/05
		Grid References	
Application to	.....	Point A	TL 136, 295
	Divert footpath	Point B	TL 140, 297
Applicant	Mr, Or & Mrs T Tsuchiya		
Nearest	City	Town	Village
	St Albans	Hitchin	Arton
Addresses of properties affected	House Name/Street	Postcode	
	Wellbury Park, Hitchin	SG5 3BP	
	Park View New Wellbury Farm	SG5 3BP	

**DETERMINATION (DECISION) OF APPLICATION**



# APPLICATION FOR A PUBLIC PATH DIVERSION ORDER

## Highways Act 1980 Section 119

Please read the Advice to Applicants carefully before filling in the application form.

- The completed form,
- a plan based on an Ordnance Survey map of a scale not less than 1:2500,
- proof of title, and
- a cheque for £70, payable to Hertfordshire County Council should be sent to the Definitive Map Officer

Application to divert public footpath ~~XXXXXXXXXX~~

Number 37

Parish OFFLEY

Full name(s) of applicant MR. TAKEAKI TSUCHIYA, DR. T. TSUCHIYA, MRS. T. TSUCHIYA

Address PARK VIEW, NEW WELLBURY FARM, OFFLEY  
NR HITCHIN, HERTS, SG5 3BP.

Phone no. 01462 769070 daytime phone no. 07850 921955

Fax no. ----- e-mail address -----

Address for correspondence (if different from above e.g. solicitor) AGENT

MISS. LEIGH JOHNSON

SOUTH LODGE, WELLBURY PARK,

LITTLE OFFLEY, HERTS. SG5 3BT

01462 768382 /

07734 139871

(\*Delete as appropriate)

1. **Ownership of land affected by the application**

1.1 Are you the freehold owner and occupier of all of the land affected by the proposed diversion?

Yes .....  No .....

If yes, go to 1.4

1.2 If no,

- list below the names and addresses of all the owners, occupiers or lessees of land affected by the diversion including yourself,
- indicate accurately on the application plan the different ownerships and occupations.
- enclose a letter of consent, and supporting documentation proving title, such as Land Registry documents, from all of the owners, occupiers and lessees.

Name	Address	Status (i.e. landowner, occupier or lessee)
MR + LADY FRENCH.	LITTLE OFFLEY HOUSE, LITTLE OFFLEY HERTS. SG15 3B	LANDOWNERS.

1.3 Will any owners, occupiers or lessees of the land affected by the proposed diversion to your knowledge claim compensation under Section 28 of the Highways Act 1980?

Yes .....  No .....

1.4 Does, to your knowledge, 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 (e.g. wayleave)

N/A.

1.5 Is to your knowledge the apparatus of any statutory undertaker affected by the proposed diversion?

Yes .....  No .....

If yes, state what apparatus may be affected

N/A.

2. Reasons for application

2.1 Please state fully your reasons for applying to divert the public right(s) of way. Remember that the County Council may not make an order unless it is satisfied that it is expedient in your interests to do so.

PLEASE REFER. TO ATTACHED STATEMENT.

3. Description of routes

The routes should be shown on an accurate up-to-date plan at a scale of not less than 1:2500.

3.1 Existing Route (i.e. the path recorded on the Definitive Map)

from LODGEFIELD PLANTATION OS grid ref E. 513681m (6744)  
N. 229363m.  
to (EXISTING POSITION SEE PLAN) OS grid ref \_\_\_\_\_  
distance 520m (AS SHOWN ON DEFINITIVE MAP) metres width VARIES BETWEEN 900m to 2m.  
555m (ACTUAL PERMISSIVE ROUTE WALKED)  
existing stiles/gates/bridges (list and show position on plan)

2<sup>ND</sup> KISSING GATES.

3.2 Proposed Route

from LODGEFIELD PLANTATION OS grid ref E. 513680 (6744)  
N. 229504  
to POINT 'B' ON PLAN OS grid ref \_\_\_\_\_  
(if known)  
distance 580 metres width 2m CLEAR WIDTH.

proposed stiles/gates/bridges (list with grid refs and show position on plan).  
The Council will not normally agree to stiles or gates in the Order setting out the new route. If necessary they may be authorised separately under s147 of the Highways Act 1980 to prevent the ingress or egress of stock.

NO STILES OR GATES REQUIRED AS ROUTE WILL BE  
OUTSIDE OF LIVESTOCK AREA.

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

Yes .....  No .....

3.4 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 walked/ridden by the public.

THE CURRENT ROUTE IS UNOBSTRUCTED 3/4 OF ROUTE. THE ACTUAL FP 37 CUTS ACROSS A PADDOCK WITH LIVESTOCK IN & WALKERS HAVE CHOSEN TO WALK THE ROUTE HIGHLIGHTED ORANGE ON THE ATTACHED PLAN - THIS HAS BEEN THE SITUATION SINCE MY CLIENTS TOOK OWNERSHIP OF THE LAND IN 1998.

4. COSTS

4.1 We agree to pay the cost of processing the application as detailed in the Advice to Applicants. We enclose a cheque for £70.

(\*delete as appropriate)

Signed

on beha

te

2/3/05

5. AGREEMENT REGARDING WORKS AND COMPENSATION COSTS

5.1 Works

We understand that the applicant must pay the cost of all works which may be required by the County Council including signposting and waymarking to bring the new site of the path diversion into fit condition for use by the public.

We understand that  We will be required to enter into an agreement to carry out works specified in a schedule to be drawn up by the Countryside Access Officer.  We understand that if the works are not completed within the time specified, or to the required standard, the Countryside Access Officer will, after notice in writing, carry out or complete the works and that  We will be liable for all costs so incurred.

(\*delete as appropriate)

5.2 Compensation

We confirm that  We are the sole owner(s) and occupier(s) of the land affected by the proposed diversion.

We enclose letters of consent from all landowners, occupiers or lessees of the land affected by the diversion and agree to pay any compensation which may become payable in consequence of the order becoming operative.

We declare that the existing public right of way is not obstructed as described in 3.1 and is fully available to the public.

We undertake not to obstruct the existing public path(s) in any way before the confirmed diversion order comes into operation.

We understand that the diversion is not operational until the works, as specified, have been completed.

(\*delete as appropriate)

Signed \_\_\_\_\_

on behalf \_\_\_\_\_

2/3/05

## 2 Reasons for application

### 2.1 Please state fully your reasons for applying to divert the public right(s) of way. Remember that the County Council may not make an order unless it is satisfied that it is expedient in your interests to do so

Mr Tsuchia and his wife acquired Park View and its land in 1998, at which time it was used as a private residence and smallholding.

In the seven years since moving to the property Mr and Mrs Tsuchiya have built up a successful smallholding, based predominantly on equestrian activities. The land and stables now accommodate up to 20 competition horses at any one time, both privately owned by Mr and Mrs Tsuchiya and client's horses.

In addition to these there are a further 6 horses which are part of a successful bloodstock breeding programme which they intend to build upon.

As Park Views equestrian activities have grown, it has become apparent that the viability of Footpath 37 in its current route, and the safety and enjoyment of its users has been brought into question.

The frequency of use of the path by walkers is naturally greater at weekends and in the spring/summer months, which are also my clients busiest times, for example, weaning young stock, harvesting of hay and straw and the start of the competition season which generates greater use of the horseboxes and their manoeuvring, together with horses being loaded and unloaded in the vicinity of the footpath and its walkers.

There have also been instances where young stock have escaped from their fields and have galloped along the footpath, together with other occasions where walkers dogs have chased horses either in the field or whilst being ridden which have caused accidents – luckily in both instances, not to members of the public.

Aside from these incidents, the business activities of Park View now warrant a large number of vehicle movements over and above the acceptable level of car/pedestrian interfaces.

You will note from the enclosed plan titled 'Traffic/pedestrian movement' the property has a substantial and regular amount of vehicular movements most of which are HGV or 8 wheel vehicles, all of which, because of the single point of access and position of FP37, have to reverse and manoeuvre over this footpath which is not acceptable in terms of public safety.

Given the nature of the activities taking place on the property, Mr & Mrs Tsuchiya have all the relevant land and public liability insurance, however the best and safest solution would be to divert this section of FP37 along the north-west boundary of their land, as shown on the proposed plan.

Having met on site with Ms Lardeur, your Definitive Map Officer from your Rights of Way department in September last year, it was agreed that the proposed route, indicated in blue on the proposed plan, will afford walker the same views and enjoyment of their surroundings, but without having to come into direct contact with either the equestrian activities or the HGV vehicles and farm machinery which frequent the property.

**The gradient and visual landscape value of this new route is identical to the current route, although slightly longer by 25metres, and will not require**

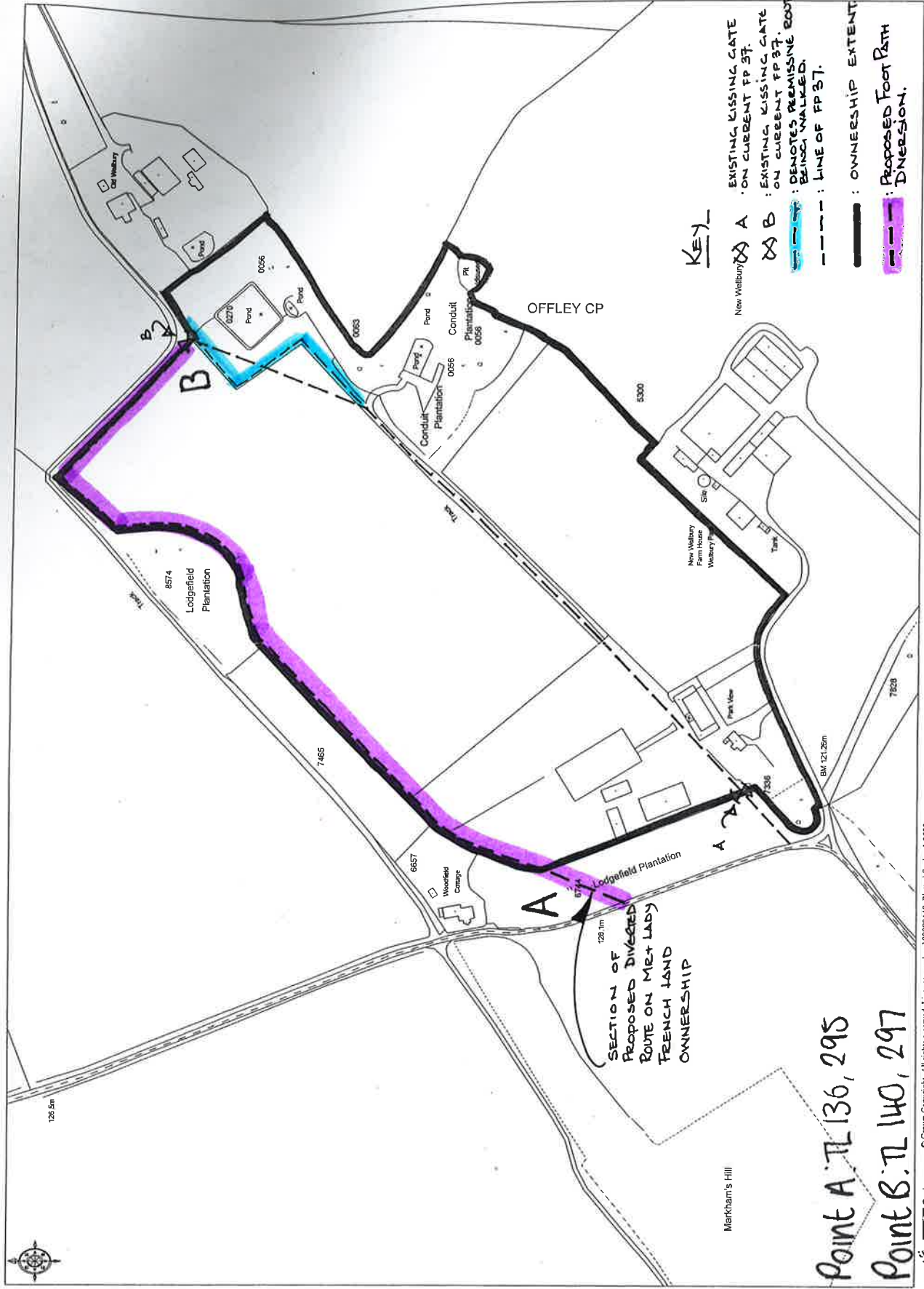
kissing gates or stiles as it will be outside of the livestock areas. My clients propose to delineate the path with a post and wire fence and hedging with a view to dedicating the route to the public should it be acceptable. They are also flexible in terms of its width, for the purpose of the application I have indicated it will be 2metres wide, but they are happy to provide a width up to 4metres if this is deemed beneficial to the route.

In conclusion, the proposed diversion of route FP37, together with its potential dedication, will be beneficial to both my clients and the public in terms of the continued enjoyment and safety for its users, and will result in a far better solution for all concerned.



NH 176 DIV

Land at Park View Stables,  
Little Offley  
Herts



This map was created with Promap