

Hayley Holden

From: Planning
Subject: FW: 2020 06 29 DMPA/2020/0450 - Longlands Farm

From: Peter White (Economy Transport and Environment) [<mailto:Peter.White@derbyshire.gov.uk>]
Sent: 29 June 2020 16:07
To: H Goodwin and Sons; Neil Thompson
Subject: RE: 2020 06 29 DMPA/2020/0450 - Longlands Farm

Shanette

Apply to DCC, we are better placed to deal with your application.

Regards,

Peter J White FIPROW
Rights of Way Officer

If you wish to report a problem on a public right of way or ask a question please click [here](#) to use our online reporting facility. Alternatively, ring our Contact Centre on 01629 533190.

From: H Goodwin and Sons <longlandsfarm@hotmail.co.uk>
Sent: 29 June 2020 16:00
To: Peter White (Economy Transport and Environment) <Peter.White@derbyshire.gov.uk>; Neil Thompson <Neil.Thompson@southderbyshire.gov.uk>
Subject: RE: 2020 06 29 DMPA/2020/0450 - Longlands Farm

Peter

Thank you for your email. Hopefully it is now resolved with regards to the current application. I am sorry that I omitted it within the original D&A statement; as I had it clear in my head that it wasn't affected I didn't put it down on paper.

I will attend to the submission of an application to divert the path through the existing buildings as soon as I can. Is it preferable to do this via SDDC or yourselves?

Shanette

H Goodwin & Sons
Longlands Farm
Caldwell Road
Linton
Swadlincote
DE12 6RY

01283 761437

From: [Peter White \(Economy Transport and Environment\)](#)
Sent: 29 June 2020 15:50

To: [H Goodwin and Sons](#); [Neil Thompson](#)

Subject: 2020 06 29 DMPA/2020/0450 - Longlands Farm

Hello Shanette

Thank you for your email. We are very pleased to offer advice at an early stage to reduce risks in the future.

Noted your point about not including the path in the Design and Access Statement. I think its absence caused me some concern and a passive statement that stated the path would be unaffected would have put my mind at rest notwithstanding the path passing through buildings. If the path is not going to be affected by the development then I'm fine with that.

With regard to the path passing through the buildings you will need to submit an application to divert the path as soon as practicable. It will not be necessary to apply to SDDC for a diversion under the Town and Country Planning Act 1990 (TCPA) if the path is unaffected by the development however, if the path was affected by your planned development then the section through the buildings could have been incorporated in the application under the TCPA. If we are in agreement that no application is necessary under the TCPA then an application to divert the path under the Highways Act 1980 may be made to either DCC or SDDC; both authorities share similar powers. Details for a DCC application are available here: <https://www.derbyshire.gov.uk/leisure/countryside/access/rights-of-way/add-or-amend-a-right-of-way/public-path-orders/public-path-orders.aspx> and forms and costs are provided at the foot of that webpage. Please note we cannot provide an estimated cost for the diversion however, without prejudice and for guidance only, your application is unlikely to exceed £2,000 however, the process is run at cost and we can provide a running total of costs as they accrue.

To put your mind at rest, and I Neil may concur, it is unlikely that SDDC will make the diversion of any path conditional on any approval; I have never known this happen because diversion orders are covered by independent regulations that sit outside the planning process.

If I may be of further assistance please contact me.

Regards,

Peter J White FIPROW

Rights of Way Officer

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From: H Goodwin and Sons <LonglandsFarm@hotmail.co.uk>

Sent: 29 June 2020 13:23

To: Peter White (Economy Transport and Environment) <Peter.White@derbyshire.gov.uk>; Neil Thompson <Neil.Thompson@southderbyshire.gov.uk>

Subject: DMPA/2020/0450 - Longlands Farm

Dear Peter,

I refer to your recent correspondence with Neil Thompson relating to my planning application for a new farm building at Longlands Farm, Caldwell Road, Linton, Swadlincote, DE12 6RY.

I attach a plan of the location of the proposed building and the route of the public footpath and a statement setting out my proposals in relation to the Public Right of Way. I wanted to clarify a couple of points with you and would welcome the opportunity to discuss these further if required.

1. I did not identify the Public Footpath with my Design and Access Statement as I do not believe the construction of the new building will have any impact on the Rights of Way. To clarify, the area between the new building and the existing farm buildings is currently an area of hardstanding upon which calves are currently housed within hutches. Due to the construction of the existing farm building the footpath is currently informally diverted and access is available through the site on the informal diversion at all times. On the grant of planning permission and construction of the new building the hutches will be relocated elsewhere and the area of hardstanding will remain without anything on it. This WILL NOT become a "stockyard"; all cattle will be housed within the new and existing farm buildings, not outside and particularly not along the route of the existing footpath. There will be no stock outside of the farm existing or new farm buildings in the area within which the footpath currently runs.
2. We are aware that the footpath is currently obstructed by another farm building and that an application for the diversion of this is required. The footpath is currently informally diverted and access is available through the site on the informal diversion at all times. It was my understanding that, because of this existing obstruction, it would not be possible to submit an application for diversion under section 257 of the TCPA as the work had already commenced (the buildings obstructing the footpath have been erected for several years now) and as such an application would be required under the Highways Act. This is why I have not submitted an application for diversion alongside the application for planning permission. If I have this wrong and you believe that an application under Section 257 would be possible this would certainly be my preference. I am aware that this is something that can run concurrently with the planning application or after permission is granted but before work starts. If you are comfortable that I can submit an application under Section 257 I will do this as soon as I have obtained planning permission and before commencing the new development, provided that it does not delay construction of the new farm building. I would reiterate that the new building in itself does not necessitate the diversion of the public right of way and I am very concerned that by making the diversion of the footpath a condition of granting planning I will be left without sufficient housing for youngstock this winter – I need to have obtained planning permission so that I can order the new building which has a significant lead time without risking a significant financial loss. As the path is already obstructed by the existing building I have viewed the need to rectify the existing obstruction as a separate matter to the construction of the new farm building albeit I would like to try and divert the public right of way around the new building if this is possible – I fully understand that the procedure is very long and complicated and I may not obtain the desired outcome.

I realise that the existing obstruction has complicated matters – please be assured that I intend to deal with this as soon as I am able and I am keen to work with the Authority to obtain an acceptable solution. I would also mention that although the path is obstructed by the existing farm building (which I am aware needs rectifying immediately) we have provided alternative informal routes through the farm at all times.

Perhaps you could let me have your telephone number to call and discuss if you would like any further clarification. If it would help to have photographs of the site as it stands I can send these to you.

Thanks.

Shanette

H Goodwin & Sons
Longlands Farm
Caldwell Road
Linton
Swadlincote
DE12 6RY

01283 761437

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