

**REQUEST FOR THE EXTINGUISHMENT OF PRIVATE RIGHTS OVER A NUMBER OF PATHWAYS ON LAND AT WASTWATER CLOSE, WHITEHAVEN**

**Lead Officer: Tony Pomfret – Development Control Manager**

**This report informs the Panel of a request to make a Stopping Up Order under Section 257 of the Town and Country Planning Act 1990**

**1.0 INTRODUCTION**

1.1 On 28 April 2010 planning permission was granted for the development of this site to provide 11 bungalows. The site was formerly occupied by flats which have been previously demolished.

**2.0 THE STOPPING UP ORDER REQUEST**

2.1 The applicant has informed the Council that to enable the development to proceed they require the extinguishment of public rights over a series of pathways that currently cross the site. Although these pathways are not adopted highways or registered rights of way they have acquired rights due to the length of time they have been open to public use (more than 20 years).

**3.0 THE LEGAL POSITION**

3.1 Section 257 of the Town and Country Planning Act 1990 states that a Local Planning Authority may, by order, authorise the stopping up of any footpath if the Council is satisfied that it is necessary to do so in order to enable the development to be carried out. An Order under section 257 has to be made and then advertised for a period of not less than 28 days. During this time representations and/or objections can be received.

3.2 Notice of the making of the Order also has to be given to every owner, occupier, lessee of any of the land; the Parish Council; statutory undertakers and such other persons as the Council may consider appropriate. A copy of the notice also has to be

Denotes extent of proposed footway closures.



PLANNING APP



Magellan Park,  
Whitehaven

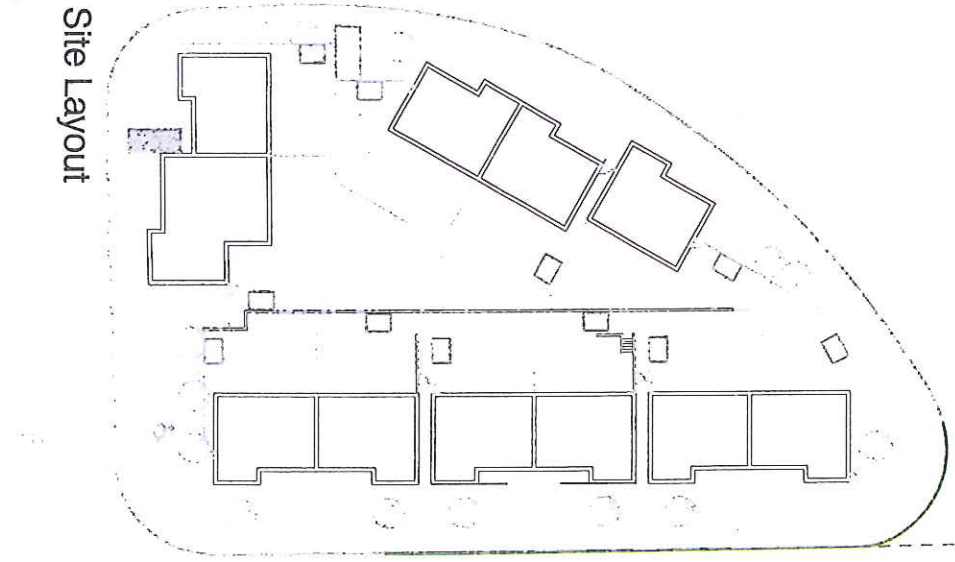
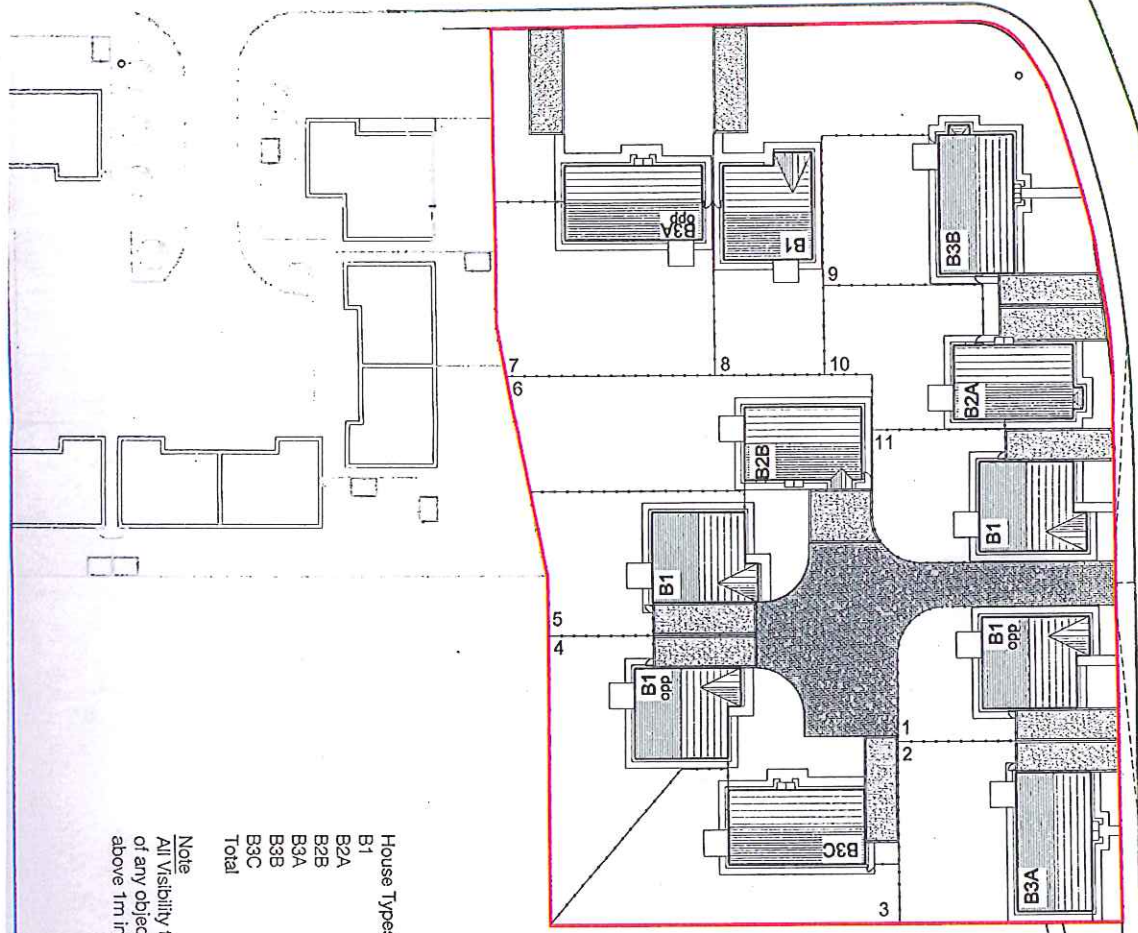
Proposed Footway Closures  
Location Plan

DRAWN BY	SPM	DATE	03/07/20
CHECKED BY	-	SCALE	1:1500 E/A3
DRAWING NUMBER	SH067.90.9.LP.FC		
REGION	SH067	MASTER REF.	1
SITE REFERENCE	Headroom		

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2.0m x 23m Junction Visibility Splay



Site Layout

House Types	Bedrooms
B1	5 no
B2A	1 no
B2B	1 no
B3A	2 no
B3B	1 no
B3C	1 no
Total	11 no

Note  
All Visibility to be kept free  
of any objections or planting  
above 1m in height



PLANNING APP



Lowther Gardens,  
Whitehaven

Planning Layout

DATE	14/07/2019
SCALE	1:5000
DRAWING NUMBER	SH072.90.9.SI.PA
SITE REFERENCE	SH072

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