

# Notice of Public Path Order



## Town and Country Planning Act 1990, Section 257 and Paragraph 1 of Schedule 14

### West Suffolk Council (Denham Footpath No 10(part)) Public Path Diversion Order 2024

The above order, made on 16 August 2024 under section 257 of the Town and Country Planning Act 1990, will divert the entire width of that part of Denham Public Footpath No 10 commencing at Ordnance Survey grid reference (OSGR) TL75126087 and proceeding in a north easterly direction for 145 metres to OSGR TL75196099; changing to a generally north westerly direction for 22 metres to OSGR TL75186102; changing to a north easterly direction and continuing for 43 metres to join the driveway to Denham Priory at OSGR TL75206106, continuing along the driveway for 109 metres and terminating at a junction with the C660 road at OSGR TL75246116 to a new line running from OSGR TL75126087 and proceeding in a north north westerly direction for approximately 284 metres along the edge of a field between a ditch to the west south west and paddock fencing to the east north east to the northern field edge at OSGR TL75056114 then crossing a footbridge for approximately 4 metres to join the C660 road (Denham Road) at OSGR TL75056115; from OSGR TL75056114 changing to an easterly direction and proceeding for approximately 136 metres between a ditch to the north and paddock fencing to the south to OSGR TL75196115 then in a northerly direction across a verge for approximately 4 metres to join the C660 road (Denham Road) at OSGR TL75196116 as described in the order and as shown on the order map.

A copy of the order and the order map and an explanatory statement have been placed and may be seen free of charge at Bury St Edmunds Library, Sergeants Walk, St Andrews Street North, Bury St Edmunds, IP33 1TZ between the hours of 8.30am and 5.30pm Monday, Wednesday and Thursday, 8.30am and 7.30pm Tuesday and Friday, 8.30am and 5pm Saturday and 10am and 4pm Sunday. A copy of the order and the order map and an explanatory statement may be obtained by post or email free of charge by contacting the council's representative, Sharon Berry, via email at [public.realm@baberghmidsuffolk.gov.uk](mailto:public.realm@baberghmidsuffolk.gov.uk) or telephone 01449 724634. They can also be viewed at <https://www.westsuffolk.gov.uk/parking/Travel/publicrightsofway.cfm>

Any representations about or objections to the order may be sent in writing to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU not later than 20 September 2024. Please state the grounds on which they are made. Please note that any such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to <https://www.westsuffolk.gov.uk/privacy/>

If no representations or objections are duly made, or if any so made are withdrawn, West Suffolk Council may confirm the order as an unopposed order. If the order is sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the order.

T Halliday  
Service Manager (Legal and Governance), Legal and Information Governance Service  
West Suffolk Council

Dated: 23 August 2024

**This is an explanatory statement and does not form part of the order**

**Town and Country Planning Act 1990**

**Public Path Order**

Under the Town and Country Planning Act 1990, county and district councils have the power to make orders to create, extinguish/stop up (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

West Suffolk Council has made an order to divert part of Denham Public Footpath No 10. This statement has been prepared to explain various aspects of the order.

The Council may authorise the diversion of any footpath, bridleway or restricted byway under section 257 of the Town and Country Planning Act 1990 if it is satisfied that it is necessary to do so in order to allow development to be carried out in accordance with planning permission granted under Part III of the Act. The granting of planning permission does not confer any right to obstruct a footpath, bridleway or restricted byway.

The Council has made the order because it is satisfied that it is necessary to divert part of Denham Public Footpath No 10 in order to enable development to take place in accordance with planning permission granted under reference DC/18/1444/FUL on 28 September 2018 for the conversion of existing garages into stables, the installation of a horse walker (11m diameter) and the installation of an outdoor arena (20m x 60m) at the Priory property. The planning permission has been implemented in part but the development is not substantially complete.

If the footpath is not diverted the applicants cannot implement their planning permission in full as the footpath runs directly across a proposed outdoor arena to be used for training horses for dressage and for showing jumping.

The planning permission granted set the size and location of the arena. The surface of the arena is to be fibrewax which is a high performing wax coated riding surface that has been specifically designed for a multipurpose equestrian use. It combines washed silica sand, Daytec® stabilising fibre and equestrian grade wax; this general-purpose footing provides both horse and rider with excellent levels of support and stability.

The nature and use of the arena would be incompatible with use by walkers, possibly accompanied by dogs.

The Council is required to consider the disadvantage or loss, if any, likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing highway.

There will be no significant disadvantage or loss to members of the public generally.

For some walkers the proposed access at point G on the order map will be an improvement and some walkers will consider it an advantage for the footpath to be further from a residential property. The public will also benefit from the proposed footpath being wider than the existing footpath. The legally recorded width of the existing footpath is 1.2 metres. The width of the proposed footpath will vary between 1.7 metres and 2 metres.

The only properties nearby are the property of the applicants and some residential properties near to the northern end of the existing footpath. These property owners will be able to access the footpath from the proposed new access at point J on the order map and if they are heading for the nearest footpath to the west they will benefit from the new section of off-road footpath between points J – G on the order map.

The order will come into effect only after it has been confirmed and the necessary site works have been undertaken: making and advertising the order simply provides an opportunity for objections or representations to be made.

Objections or representations relating to the order must be made in writing by 20 September 2024 to Mrs T Halliday, Service Manager (Legal and Governance), Legal and Information Governance Service at the address below.

Please note that any such correspondence cannot be treated as confidential and may be inspected by any interested party. For further information please refer to <https://www.westsuffolk.gov.uk/privacy/>

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact the Council's representative, Ms Sharon Berry of Babergh and Mid Suffolk District Councils, telephone 01449 724634 or email [public.realm@baberghmidsuffolk.gov.uk](mailto:public.realm@baberghmidsuffolk.gov.uk)

The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner. The costs involved in dealing with objections to orders are normally awarded against objectors only in cases of unreasonable behaviour.

If any objections are made and not withdrawn then the council will have to refer the order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council will be able to confirm the order itself but it has no power to modify orders.

T Halliday  
Service Manager (Legal and Governance), Legal and Information Governance Service  
West Suffolk Council  
West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

Dated: 23 August 2024

**PUBLIC PATH DIVERSION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257**

**WEST SUFFOLK COUNCIL**  
**(DENHAM FOOTPATH NO 10(PART))**  
**PUBLIC PATH DIVERSION ORDER 2024**

This order is made by West Suffolk Council under section 257 of the Town and Country Planning Act 1990 ("the 1990 Act") because it is satisfied that it is necessary to divert the footpath to which this order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990 namely: DC/18/1444/FUL - (i) Conversion of existing garages into stables (ii) Installation of horse walker (iii) Installation of outdoor arena, Denham Priory, Barrow Road, Denham, Bury St Edmunds, Suffolk, IP29 5EW.

**BY THIS ORDER:**

1. The footpath over the land shown by a bold black line on the attached map between points A – B – C – D – E and described in Part I of the Schedule to this order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of West Suffolk Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map between points A – F – G and F – H – J.
3. The diversion of the footpath shall have effect on the date on which West Suffolk Council certifies that the terms of Article 2 have been complied with.
4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule hereto, that is to say: The developer shall provide the footpath in accordance with the Certificate of Works issued by Suffolk County Council on 2 February 2024.
5. K J Smith and N J Smith are hereby required to pay the cost of carrying out the necessary works.



6. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, over or across it belonging to statutory undertakers for the purposes of carrying out their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

THE COMMON SEAL of )  
WEST SUFFOLK COUNCIL )  
was hereunto )  
affixed in the presence of )



  
Authorised Signatory

Dated: 16 August 2024

## SCHEDULE

### PART 1

#### DESCRIPTION OF SITE OF EXISTING FOOTPATH

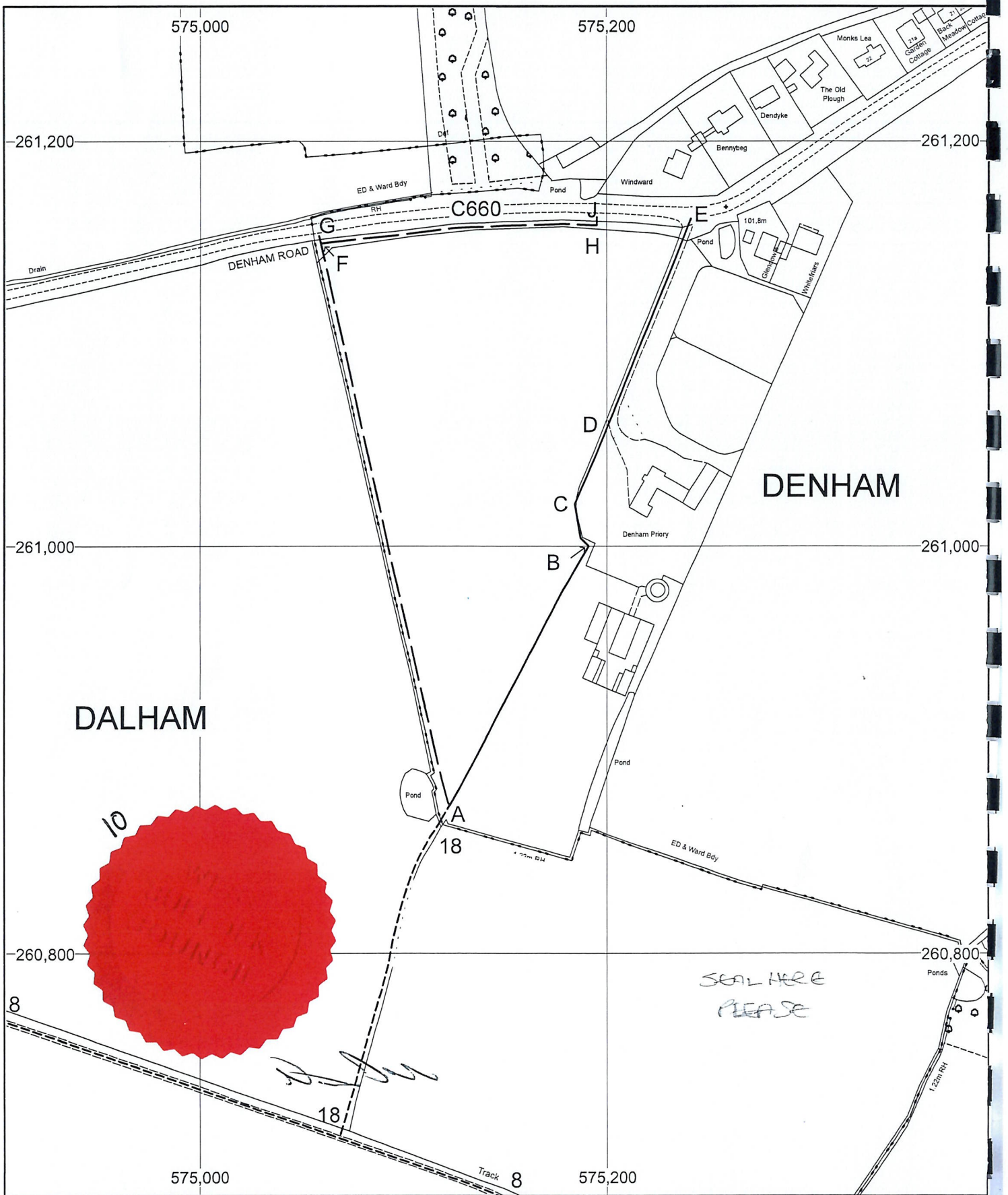
**Denham Footpath No 10(part)** – The entire width of that part of Denham Footpath No 10 commencing at Ordnance Survey grid reference TL75126087 at point A and proceeding in a north easterly direction for 145 metres to Ordnance Survey grid reference TL75196099 (point B); changing to a generally north westerly direction for 22 metres to Ordnance Survey grid reference TL75186102 (point C); changing to a north easterly direction and continuing for 43 metres to join the driveway to Denham Priory at Ordnance Survey grid reference TL75206106 (point D), continuing along the driveway for 109 metres and terminating at a junction with the C660 at Ordnance Survey grid reference TL75246116 (point E).; this being the route shown between points A – B – C – D – E on the order map.

**PART 2**  
**DESCRIPTION OF SITE OF ALTERNATIVE HIGHWAY**

**Denham Footpath No 10(part)** – Commencing at Ordnance Survey grid reference TL75126087 at point A and proceeding in a north north westerly direction for approximately 284 metres along the edge of a field between a ditch to the west south west and paddock fencing to the east north east to the northern field edge at Ordnance Survey grid reference TL75056114 (point F) then crossing a footbridge for approximately 4 metres to join the C660 road (Denham Road) at Ordnance Survey grid reference TL75056115 (point G); from Ordnance Survey grid reference TL75056114 (point F) changing to an easterly direction and proceeding for approximately 136 metres between a ditch to the north and paddock fencing to the south to Ordnance Survey grid reference TL75196115 (point H) then in a northerly direction across a verge for approximately 4 metres to join the C660 road (Denham Road) at Ordnance Survey grid reference TL75196116 (point J); this being the route shown between points A – F – G and F – H – J on the order map.





Width: Varying between 1.7 metres and 2 metres between points A – F – G  
2 metres between points F – H – J





**MAP REFERRED TO IN THE WEST SUFFOLK COUNCIL (DENHAM FOOTPATH NO 10(PART))  
PUBLIC PATH DIVERSION ORDER 2024 - TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257**



-  Footpath to be diverted (A - B - C - D - E)
-  Proposed Footpath (A - F - G; F - H - J)
-  Unaffected Footpath
-  Definitive Map Parish Boundary



**Scale: 1:2,500 at A4**