



**Meeting: Development Control and Regulatory Board**

**Date/Time: Thursday, 9 January 2025 at 2.00 pm**

**Location: Sparkenhoe Committee Room, County Hall, Glenfield**

**Contact: Mr E. Walters (Tel: 0116 305 2583)**

**Email: [euan.walters@leics.gov.uk](mailto:euan.walters@leics.gov.uk)**

### **Membership**

Mr. L. Phillimore CC (Chairman)

|                           |                      |
|---------------------------|----------------------|
| Mr. R. G. Allen CC        | Mr. D. J. Grimley CC |
| Mr. N. D. Bannister CC    | Mr. D. Harrison CC   |
| Mr. M. H. Charlesworth CC | Mr. B. Lovegrove CC  |
| Mr. J. G. Coxon CC        | Mr. K. Merrie MBE CC |
| Mr. D. A. Gamble CC       | Mr. B. Walker CC     |

**Please note: this meeting will be filmed for live or subsequent broadcast via You Tube**

**[https://www.youtube.com/playlist?list=PLrlN4\\_PKzPXjar7I0tLtNZvlwZ4xT\\_8yU](https://www.youtube.com/playlist?list=PLrlN4_PKzPXjar7I0tLtNZvlwZ4xT_8yU)**

**- Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

#### **Item**

1. Minutes of the meeting held on 21 November 2024. (Pages 3 - 6)
2. Question Time.
3. Questions asked by Members under Standing Order 7(3) and 7(5).
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
5. Declarations of interest in respect of items on the agenda.
6. Presentation of petitions under Standing Order 35.



Item

Reports of the Director of Environment and Transport.

7. Application for a Public Path Diversion Order - Footpaths E53 and E54 (parts) at Edmondthorpe. (Pages 7 - 48)
8. Any other items which the Chairman has decided to take as urgent.
9. Chairman's announcements.



Minutes of a meeting of the Development Control and Regulatory Board held at County Hall, Glenfield on Thursday, 21 November 2024.

PRESENT

Mr. L. Phillimore CC (in the Chair)

Mr. N. D. Bannister CC  
Mr. M. H. Charlesworth CC  
Mr. J. G. Coxon CC  
Mr. D. J. Grimley CC

Mr. D. Harrison CC  
Mr. B. Lovegrove CC  
Mr. K. Merrie MBE CC  
Mr. B. Walker CC

33. Minutes of the previous meeting.

The minutes of the meeting held on 3 October 2024 were taken as read, confirmed and signed.

34. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

35. Questions asked by Members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

36. Urgent items.

There were no urgent items for consideration.

37. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

It was noted that all members who were also members of a Parish, Town or District Council, or Liaison Committee would have personal interests in those applications which relate to areas covered by those authorities.

No declarations were made.

38. Presentation of petitions.

The Chief Executive reported that no petitions had been received under Standing Order 35.

39. Proposal of a new Leicestershire County Council Tree Preservation Order: Roman Way Day Centre, Market Harborough

The Board considered a report of the Director of Environment and Transport, a copy of which, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

That a new Tree Preservation Order be created at Roman Way, Market Harborough to protect Lime Trees T1 and T2 from being removed.

40. 2022/10125/04 & 2022/01384/07 (2022/EIA/0100/LCC) - Midland Quarry Products Ltd - Continuation of mineral operations overburden disposal and ancillary activities - Cliffe Hill Quarry, West Lane, Coalville.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 8', is filed with these minutes. The Board was also in receipt of an Addendum report which corrected typographical errors in the main report.

In accordance with the procedures for making representations to the Board Mrs. Phyllis Gilbert and Mr. Paul Webster spoke as local residents and Mr. Chris Nicoll (Heidelberg Materials UK) spoke on behalf of the applicant.

In response to a question from a member about traffic on Cliffe Lane it was clarified that a diversion was not proposed, instead it was proposed that the existing road would be kept open until the new road was constructed.

With regards to a suggestion from the local member Mr. P. Bedford CC MP that the applicant should introduce a community fund to offset the environmental impact, it was explained that a community fund was not part of this planning application and it could not be imposed as a planning requirement as it was not considered to be necessary.

With regards to proposed condition no. 46 which required operations at the site to be suspended during adverse weather conditions, it was explained that the condition did not refer to a specific strength of wind because this would not be enforceable and it was better to give the Planning Authority flexibility on when to intervene.

RESOLVED:

That the application be permitted subject to:

- (a) The conditions nos. 1-74 as set out in Appendix A to the report;
- (b) The prior completion of a legal agreement to secure provisions for a liaison committee (to include dust and blasting sub-liaison committees).

41. 2024/10117/04 (2024/EIA/0081/LCC): Forterra Building Products Ltd - To continue the development of Desford Brickworks and Quarry by amending the provisions of Condition 2 of Planning Permission 2018/0669/04, in so far as it relates to the phasing of mineral extraction - Land at Desford Brickworks, Heath Road, Desford.

The Board considered a report of the Chief Executive, a copy of which, marked 'Agenda Item 9', is filed with these minutes. The Board was also in receipt of an Addendum report which proposed amendments to proposed conditions nos. 36, 49 and 51.

In response to a question from a member it was clarified that the proposed amendments to conditions nos. 36, 49 and 51 would mean that the trigger point for the provision of the groundwater monitoring scheme, landscaping and restoration and aftercare scheme would now be a time period of 12 months from the date of planning permission being granted, rather than the trigger point being when Phase 7/A commenced.

RESOLVED:

That the application be permitted subject to:

- (a) The conditions nos. 1-53 as set out in the appendix to the report, subject to amendment to conditions 36, 49 and 51 as set out in the Addendum report;
- (b) The prior completion of a legal agreement to ensure existing obligations are attached to the new permission.

42. Delegated Decisions issued 1 July 2024 - 30 September 2024.

The Board considered a report of the Chief Executive which set out the delegated planning decisions issued between 1 July 2024 and 30 September 2024, a copy of which, marked 'Agenda Item 10', is filed with these minutes.

In response to a question from a member it was explained that the reason for the amount of applications from Severn Trent Water was that they all related to one project but separate planning applications had to be submitted for the individual parts of that project.

RESOLVED:

That the contents of the report be noted.

43. Chairman's announcements.

The Chairman advised that the next meeting of the Board would take place on Thursday 9 January 2025 at 2.00pm.

2.00 - 3.15 pm  
21 November 2024

CHAIRMAN

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## **DEVELOPMENT CONTROL AND REGULATORY BOARD**

**9 JANUARY 2025**

### **APPLICATION FOR A PUBLIC PATH DIVERSION ORDER - PROPOSED DIVERSION OF PUBLIC FOOTPATHS E53 AND E54 (PARTS) AT EDMONDTHORPE IN THE BOROUGH OF MELTON**

### **REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

#### **PART A**

##### **Purpose of the Report**

1. The purpose of this report is to enable the Board to determine an application by Mr. A.J.P. Pochin to divert parts of Public Footpaths E53 and E54 at Edmondthorpe in the Parish of Wymondham, as shown on Plan No. 2647/a (the plan) attached as Appendix A to this report.
2. Under the proposal Footpath E53 would be diverted from the route C-B-A-H on the plan, to the route C-G-E-F on the plan.
3. The proposal would also necessitate moving part of Footpath E54 to maintain the integrity of the footpath network, from the route D-B on the plan, to the new route D-E on the plan.

##### **Recommendation**

4. It is recommended that an Order be made under Section 119 of the Highways Act 1980 to divert Public Footpaths E53 and E54 at Edmondthorpe as shown on the Plan No. 2647/a appended to this report.

##### **Reasons for Recommendation**

5. The application to divert Footpaths E53 and E54 satisfies the relevant statutory criteria set out under the provisions of the Section 119 of the Highways Act 1980. It is in the interests of the landowner to divert the paths. The diversion links with the same carriageway and will not have a significant negative effect on the public enjoyment of the path as a whole and links with other paths.

**Resource Implications**

6. There are no resource implications for the Council directly arising from the recommendations in this report. The proposed alternative route will be over grass and will provide a like-for-like alternative route. The applicant will provide a single new kissing gate and a double sleeper bridge or culvert on the alternative route and their future maintenance will remain the responsibility of the landowner.

**Circulation under the Local Issues Alert Procedure**

7. This report has been sent to Mr. J.T. Orson CC (Melton Wolds Division).

**Officer to Contact**

Edwin McWilliam, Access Manager  
Environment and Transport Department  
Tel. 0116 305 7086  
Email: [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk)

## PART B

### Background

8. In September 2023, the County Council received an application from Mr. A.J.P. Pochin, the owner of Church Farm, Stoneycroft and the neighbouring fields at Edmondthorpe, for the diversion of part of Public Footpath E53 which runs through the garden of Church Farmhouse and onto the access drive to Stoneycroft. The application also includes the diversion of part of Footpath E54 to retain the integrity of the footpath network. A copy of the application form and plan is attached as Appendix B.
9. The reason given for making the application is to improve security and privacy for the occupiers of Church Farmhouse and Stoneycroft. If diverted the Footpath would no longer run through the garden of Church Farmhouse, immediately adjacent to the property, and walkers would no longer use the Stoneycroft driveway which could then be gated and locked.
10. Part of the path to be diverted is not recorded as public highway. The recorded Footpath terminates at point "A" on the application plan. People are accustomed to using the driveway of Stoneycroft to link to Main Street where there is a Footpath Fingerpost. After discussions with the land agent for the landowner, it was agreed that the path from point A running along Stoneycroft driveway to Main Street, would be treated as part of the public footpath for the purpose of this Order. An extract based on the current Definitive Map and highlighting the "missing link" is attached as Appendix C. Plan No. 2647/a (Appendix A) incorporates this variation from the application plan. If the diversion goes ahead the "missing link" will be stopped up and any future claim for this path to be recorded as part of the highway network would be superseded. Conversely if the path is not diverted the missing section would need to be subject to a formal claim and order process if it were to be recorded as highway.

### Legal Considerations

11. When considering the proposal, the Authority must have regard to the legal considerations set out in Section 119 of the Highways Act 1980 as detailed below.

#### Highways Act 1980 (Section 119)

1. The primary criteria which must be met before a Highway Authority makes a public path diversion order are as follows:
  - a) Before making an order the Authority must be satisfied that it is expedient to divert the path in the interests of the public or the owner, lessee or occupier of the land crossed by the path.
  - b) The Authority must also be satisfied that the diversion order does not alter any point of termination of the path, other than to another point on the same path, or another highway connected with it, and which is substantially as convenient to the public. Nor can the termination be altered where this is not on a highway (i.e. cul-de-sac).

- c) Before confirming an order, the Authority or the Secretary of State must be satisfied that:
  - i) The diversion is expedient in the interests of the person(s) stated in the order,
  - ii) The path will not be substantially less convenient to the public as a consequence of the diversion,
  - iii) It is expedient to confirm the order having regard to the effect it will have on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by any proposed new path, taking account the provisions for compensation.

2. An authority has the discretion not to make an order if it does not consider that the statutory criteria to enable it to confirm the order can be met.

12. In this context “expedient” is used to mean that the proposal is considered an appropriate action to achieve the particular outcome in this circumstance. The use of the word expedient indicates that the decision maker should consider the matter broadly taking into account the various factors that may be relevant to the particular case.

### **Site Inspections**

13. An initial site meeting by officers with the land agent for the prospective applicant was held in May 2023 to ascertain the feasibility of the proposal. Further site visits were made in November 2024 in preparation of the report and photographs from these more recent visits are attached as Appendix D.

### **The Existing Route of Footpath E53**

- 14. The existing route of Footpath E53 approaches the village of Edmondthorpe from the south, over pastureland, then crosses a stile into the garden of Church Farmhouse. Photographs 1, 2 and 3 show the pasture, stile and route through the garden.
- 15. The Footpath climbs out of the garden to go through a pedestrian gate onto the driveway of Stoneycroft. Here the recorded highway terminates, but by custom and use members of the public turn along the driveway to reach its junction with Main Street. At Main Street there is an old footpath fingerpost. The slope, pedestrian gate, driveway and fingerpost can be seen in photographs 4, 5 and 6.
- 16. The total length of Footpath to be diverted is approximately 130m long. On reaching Main Street walkers could turn right to visit the church and then continue their journey east on one of three routes. Walkers could continue their journey north via Footpath E45 or Bridleway E47, or turn left at Main Street and continue west, past the bus stop to Cordhill Lane. These options can be seen on the Definitive Map extract provided as Appendix C.

### **Proposed Alternative Route for Footpath E53**

- 17. The proposed alternative route for the Footpath departs from the unaffected part of the route approximately two thirds of the way up the pasture field on the approach to

Edmondthorpe at point "C" on the plan. The new route would then bear left (northwest) rising gently across the pastureland, avoiding close proximity to residential curtilages. This is shown in photograph 7.

18. The route would then exit onto Main Street through a new kissing gate at point "F" on the plan chosen where there is a grass verge separating the footway from the carriageway and a natural break in the hedgerow suitable for installing the new gate. This is shown in photograph 8.
19. The section of proposed new footpath is approximately 175m long and exits onto Main Street at a point approximately 165m from the used path exit point. At an average walking speed of around 3 miles an hour it would take about two minutes to cover the additional 165m distance on the proposed route.
20. From the proposed exit at point "F" on the plan, walkers would be conveniently located to continue their journey north along Dairy Lane (Bridleway E46) or to the west along Cordhill Lane. Walkers going to look at the church or continue eastwards along the village Main Street would use the pavement and add two minutes to their journey. Photographs 9, 10, 11 and 12 illustrate the onward options from point "F".

#### **The Existing Route of Footpath E54**

21. The existing route of Footpath E54 approaches the village of Edmondthorpe from Teigh Road to the west, crossing pastureland, to join Footpath E53 at point "B" on the plan where the stile takes the footpath into the garden of Church Farmhouse. Photograph 13 shows the view from point "D".

#### **Proposed Alternative Route for Footpath E54**

22. The proposed alternative route for the Footpath departs from the unaffected part of the route approximately thirty metres from Teigh Road where it enters the pasture field at point "D" on the plan. The new route would be shortened to rejoin Footpath E53 on its new route at point "E" on the plan, a location which would be clearly marked with a yellow-topped waymark post.

#### **Formal Preliminary Consultations**

23. Preliminary consultations were carried out between 20<sup>th</sup> October 2023 and 1<sup>st</sup> December 2023. Utility companies, user groups, Melton Borough Council, and Wymondham and Edmondthorpe Parish Council were consulted by letter or email.
24. The County Council received no objections from the utility companies or from the Borough Council.
25. An observation was raised by the Cyclists Touring Club (CTC) (see paragraph 26 below). The Parish Council discussed the matter at a meeting held on 6<sup>th</sup> November 2023 but did not wish to submit a response. An objection was submitted by the Leicestershire Footpath Association (LFA) (see paragraph 28 below). All the comments have been compiled into a single document which is attached as Appendix E to this report.

## **Objections/Representations and Officer Comments**

### Cyclists Touring Club

26. The full comments of the CTC are attached in Appendix E to this report. In summary the Club does not have a direct interest in the use of the Footpath but remarked that a simpler diversion could perhaps achieve the aim of taking the path out of the curtilage of Church Farmhouse. The route suggested was to divert the Footpath onto the western side of the boundary wall at Stoneycroft, a route parallel to A - B on the plan.

27. To establish the route suggested by the CTC would mean knocking a gap in the retaining wall close to point "B" and a significant engineering project to construct a slope or steps to accommodate the change in ground level. The wall is within the Edmondthorpe Conservation Area and thus alterations to the wall may not be received favourably. The applicant states that this route would be neither sympathetic nor practical given the agricultural activities in the adjoining field, it would not alleviate the problems regarding privacy or enable them to improve security of the storage yard at Stoneycroft. The applicant's full response to the observation is attached as Appendix F.

### Leicestershire Footpath Association

28. The full comments of the LFA are attached in Appendix E to this report and are summarised below.

29. The LFA is concerned that the proposal makes it less convenient for walkers who wish to access the village or for villagers who want to access the network of Footpaths E53 and E54. The Association recognises the benefits for the applicant and that the proposal might be more convenient for some walkers going in other directions, but these do not in its view, outweigh the added inconvenience for others.

30. Officers agree that there are a number of factors to be weighed against each other in this case including policy and guidance.

31. Recent Government guidance on the diversion of public rights of way that pass through private dwellings, their curtilages and gardens was issued in August 2023 and applies in this case. It encourages the order-making authority to acknowledge the difficulties of paths through such areas and be predisposed to make an order. The guidance is just that and it remains that any order needs to satisfy the relevant legislative tests.

32. The Leicestershire County Council Rights of Way Improvement Plan (ROWIP) includes ***Policy D2: The County Council will consider proposals that move paths from working areas or curtilages. In each instance, any proposal must not reduce the likely use of a path, other than those that address specific safety issues.***

33. As described in paragraphs 17 to 20 above, the proposed new route for Footpath E53 is further from the village centre, but not excessively so, it may be less convenient for some but not all. The opportunity would be taken to replace a stile with a gate and a sharp slope would be avoided.

34. The proposal is not likely to reduce the use of Footpath E53. The route does not provide part of a short walk “loop” likely to be used by villagers. There are two short circuits to the north of Main Street which are well used dog walking routes. Footpath E53 is more likely to be used by ramblers and other walkers on longer linear or circular walks. The alteration in the exit point onto Main Street will not be significant to these users.

35. The proposal retains the connectivity with Footpath E54 which again does not fall into a short village loop or serve as a popular access to local amenities.

36. In the light of the objection from the LFA, the applicant has also provided some additional commentary to substantiate their reasons for the application. This is attached in full as Appendix F.

### **Views of the Local Member**

37. The Local Member, Mr. J.T. Orson C.C. has been consulted on the proposal. His view is that the application should be considered by the Board given the objection from the Leicestershire Footpath Association.

### **Financial Implications**

38. The applicant has agreed to carry out the work needed to open up the alternative route on the ground, namely a kissing gate at point “F”, a double sleeper bridge or culvert at point “G”, and two yellow-topped waymark posts at points “E” and “G” on Plan No. 2647/a. The applicant has agreed that the new parts of public footpath will have a specified width of 3m from C-G-E-F and from D-E. There are no other financial implications.

### **Equality Implications**

39. Footpath E53 currently has a stile along its route, at point “B” on the plan and a steep slippery slope where it climbs out of the garden of Church Farmhouse to point “A” on the plan. The proposed alternative route would no longer cross the stile or climb the steep slope. The proposal includes provision of a new kissing gate to give access through the field boundary at point “F” and there is no abrupt change in levels on the alternative route. This will be an overall improvement in access to the footpath for less agile walkers. There are no other equality implications.

### **Human Rights Implications**

40. The E.U. Convention Rights and the Articles that set out the rights of individuals (such as respect for family life) can impact on certain decisions where the County Council is making decisions or setting policy of public access and Rights of Way issues. However, this impact is confined to the exercise of those powers and functions the County Council has to exercise discretion about proposals that require a balance between the benefits of the scheme and the potential adverse implications for landowners and others.

41. Proposals by the County Council to divert a Right of Way or to use statutory powers to compulsorily create a new Right of Way should have reference to the Convention on

Human Rights and take these issues into account when deciding if that scheme should proceed.

42. Where an application has been submitted to the County Council under the Highways Act 1980 for a Public Path Diversion Order it has to balance the human rights against the provisions of the legislation. For that reason, arguments based on a potential breach of any of the Article rights have no relevance to such applications. The Secretary of State has indicated that objections based on such rights will not be regarded as relevant.

## **Conclusion**

43. Under Section 119 of the Highways Act, the Council needs to be satisfied that the proposal is in the interests of the owner, occupier or lessee of the land, before considering making an order. The land subject to the order is in the ownership of the applicant and it is considered that the diversion would be in their interests. It would remove the footpath from the garden Church Farmhouse and the driveway of Stoneycroft thus providing greater privacy and opportunities to secure both properties. It would also resolve the current route not being recorded highway.

44. The Authority must be satisfied that the diversion is not substantially less convenient to the public. The proposal exits onto Main Street approximately 160 metres from the existing exit point, this would only take around two minutes additional walking time at an average walking speed to reach the original exit point, if that was the direction of travel. The terrain slopes more gently on the proposed route. There will no longer be a stile to climb but there will be a new kissing gate which will be easier to negotiate than a stile. Although the alternative route is in some ways less convenient, in others it is a little more so and therefore on balance, the diversion is not considered to be 'substantially' less convenient.

45. The new exit point will link into the wider path network allowing for users to remain on paths when reaching the rest of the village and the direct link to Wymondham.

46. Before confirmation, the County is also required to consider the effect the diversion would have on public enjoyment of the path as a whole. It is considered that a walker using either Footpath E53 or E54 would still be able to appreciate the context of the village as they approached Edmondthorpe and it is the opinion of officers that there would be no significant diminution of the quality of landscape views.

47. It is therefore recommended that an Order be made to divert parts of Public Footpaths E53 and E54 at Edmondthorpe.

## **Appendices**

Appendix A - Plan No. 2647/a

Appendix B - Application Form, Plan and supporting document

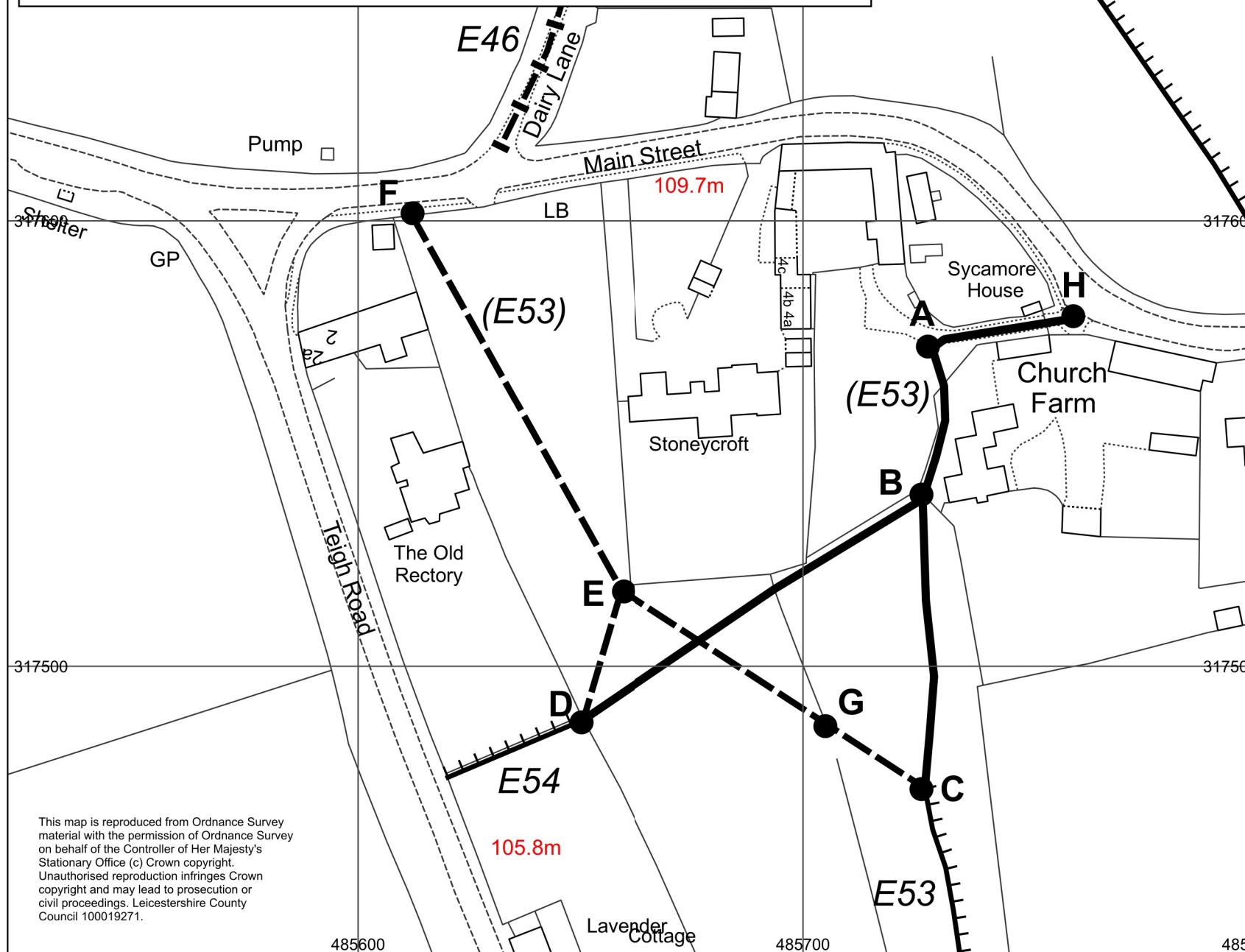
Appendix C - Extract from the Definitive Map of Public Rights of Way

Appendix D - Photographs of the Footpaths

Appendix E - Representations received during preliminary consultations

Appendix F - Applicant's additional comments

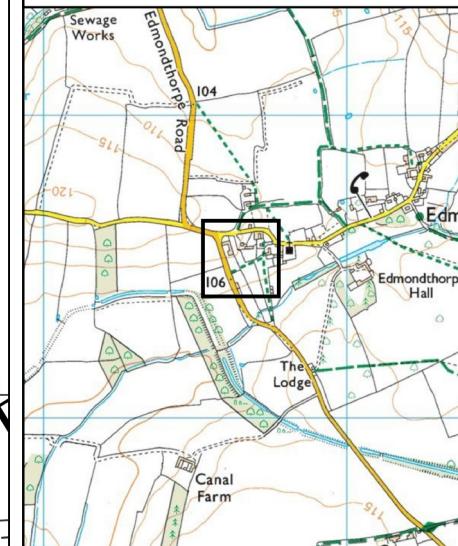
# **Application to Divert part of Public Footpaths E53 and E54 at Edmondthorpe In the Parish of Wymondham**



## **APPENDIX A**

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### **Location**



## Key

Footpaths to be     
Diverted A - B - C and B - D

Unrecorded path to be diverted A - H

Proposed Alternatives C - E - F and E - D

Existing Footpaths

Environment & Transport Dept,  
County Hall, Glenfield,  
Leicestershire LE3 8RJ  
Email [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk)  
Director Ann Carruthers

# Leicestershire County Council

Plan No.2647/a

Scale 1:1250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (c) Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Leicestershire County Council 100019271.

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**APPLICATION FOR THE DIVERSION/EXTINGUISHMENT  
OF PUBLIC RIGHTS OF WAY**

This form should be used to apply to Leicestershire County Council for the Diversion or Extinguishment of Public Rights of Way in Leicestershire.

Leicestershire County Council is the competent authority to make Orders under:-

- a) The Town and Country Planning Act 1990:- Where the County Council has issued the relevant planning permission.
- b) The Highways Act 1980:- Where landowners wish to alter rights of way on their land, or any other person or organisation would like the authority to create a new path. (An application under this Act may also be submitted to the appropriate District Council).
- c) Wildlife and Countryside Act 1981. If you consider that a right of way should be added to the Definitive Map or should not have been shown at all or has a different status, and you have documentary evidence to support this, then do not use this form. Please contact a member of the Rights of Way Service in the Environment & Transport Department on Leicester 0116 305 7087, who will arrange for the appropriate forms to be sent to you.

**Please complete the following questions:-**

1. Name and address of applicant. (Please include email address)

Mr A J P Pochin  
C/o Fisher German  
Innovation House  
Welland Business Park  
Valley Way, Market Harborough  
LE16 7PS

[Louise.duffin@fishergerman.co.uk](mailto:Louise.duffin@fishergerman.co.uk) 01858 411233

2. Details of the Public Right(s) of Way

- a) The Village/Town or place where the Right(s) of Way is/are situated.  
[Edmondthorpe](#)
- b) Status of Right of Way (i.e. Footpath/Bridleway).  
[Footpath](#)
- c) Name or number of the Right(s) of Way (if known).  
[E53 and E54](#)

3. Type of Order required – [Diversion/Extinguishment](#) (delete as appropriate)

4. Description of existing route(s).

[The existing footpath is located South West of the village of Edmondthorpe and runs through permanent pasture fields and within the grounds of the residential property Church Farmhouse, Edmondthorpe.](#)

5. Description of alternative route(s) (if appropriate).

[The proposed diversion relocates the footpath west of Stoneycroft house to Main Street Edmondthorpe](#)

6. If applying for a temporary Order under the provisions of the Town & Country Planning Act 1990 for what period of time do you wish it to last?

[N/A](#)

7. Reason for making the application:-

[See enclosure](#)

8. Names and address of **ALL** the owners(s)/ occupier(s)/tenant(s) of **All** of the land affected by the proposal, including the existing and alternative routes (if appropriate).  
**Mr A J P Pochin as Landowner and occupier of the land and Church Farmhouse**

9. Names and addresses of any user organisation(s) you have approached, (Please attach copies of any responses).

In advance of this application, we have consulted with the following individuals;  
Ellen Senior, Access officer at Leicestershire County Council,  
Dave Pollard at Leicestershire Footpath Association  
Martin James at Leicestershire and Rutland Ramblers Association

**TO ENABLE THE COUNTY COUNCIL TO BEGIN PROCESSING YOUR APPLICATION,  
THE FOLLOWING INFORMATION WILL NEED TO BE SUPPLIED**

A plan (scale 1:1250 or 1:2500) showing the existing and alternative route(s) clearly marked. An Ordnance Survey extract can be supplied by the County Council for this purpose by contacting the Rights of Way Service within the Environment & Transport Department on Leicester 0116 305 7087.

YOU ARE ALSO REQUIRED TO CONFIRM:-

10. That you/your client own(s) all of the land affected by the proposal. If you do not own any or all of the land concerned, you must supply the County Council with the written agreement of any owner(s)/occupier(s)/tenant(s) of the land.
11. That you/your client will pay the costs involved in processing the application. The administration charge is £1,250 plus a further £80 for each additional path included in the Order. The cost of advertising is also payable by the applicant(s). If the application is not finally approved, or is withdrawn by you/your client at any stage, you/your client will be required to pay the costs to date.
12. That you/your client will indemnify the County Council against any claim which may be made for compensation, as provided by Section 28 of the Highways Act 1980. Claims may be made if it can be shown that the value of a person's interest in land has depreciated, or that a person has been disturbed in his enjoyment of land, as a consequence of the coming into operation of a Public Path Diversion Order. However, it is unlikely that a claim would be forthcoming if the written agreement of all the owner(s) and occupier(s) of the land has been sought. Note:- this indemnification only applies to diversion Orders made under section 119 of the Highways Act 1980.

**DECLARATION**

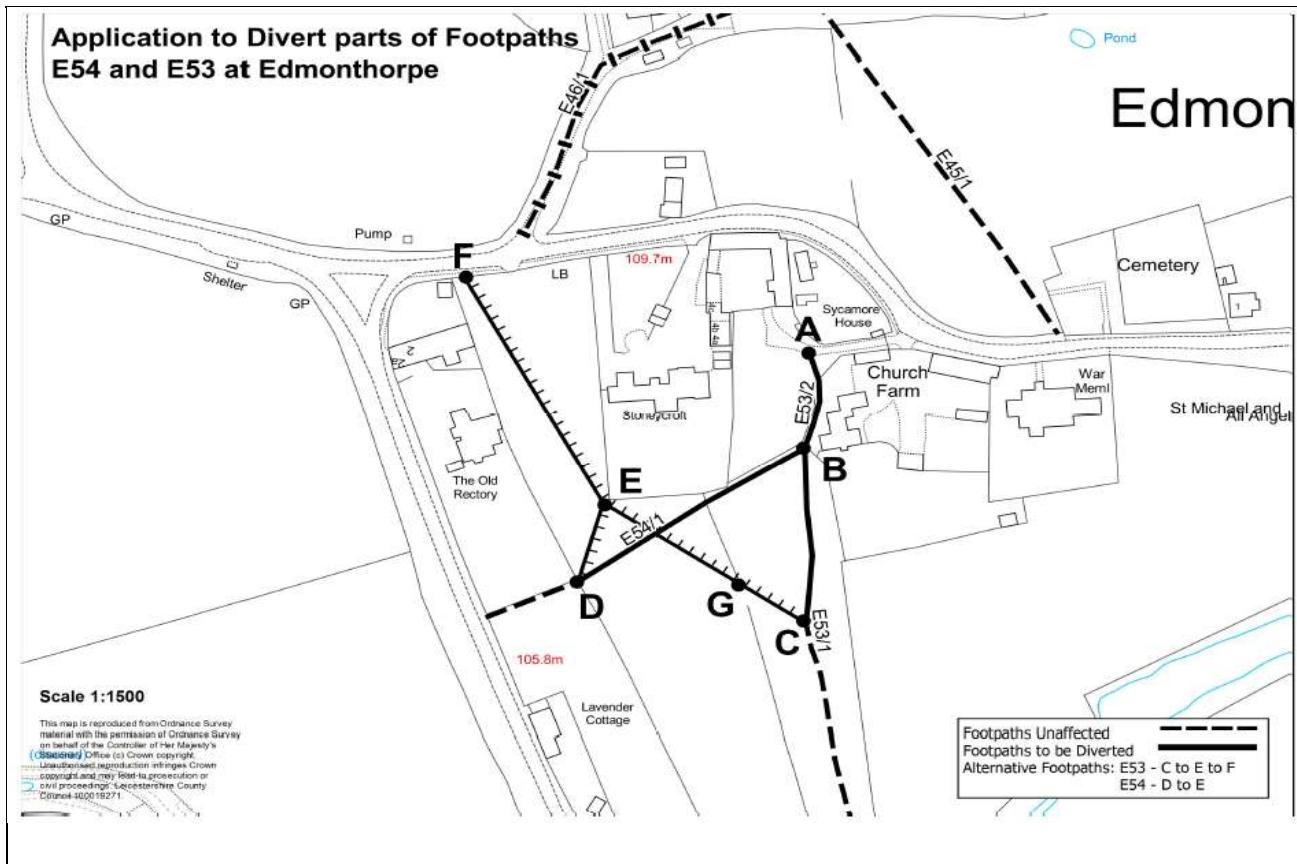
I/we declare that the Right(s) of Way to be diverted/extinguished is/are in no way obstructed and that it is/they are fully available to the public and I/we undertake that it/they shall in no way be obstructed before the Order is confirmed.

I/we confirm my/our agreement to points 10, 11 and 12 (if appropriate).

Signed \_\_\_\_\_

Date \_\_\_\_\_ 19<sup>th</sup> September 2023 \_\_\_\_\_

**How we use your information:** Any information you provide will be used in accordance with current data protection regulations and other relevant legislation. Please send your completed application form, together with the above additional information to - **The Safe and Sustainable Travel Team, Environment & Transport Department, Leicestershire County Council, County Hall, Glenfield, Leicester, LE3 8RJ.**



Points E-F



Points F-E

# Proposed Diversion of Footpaths E53 and E54

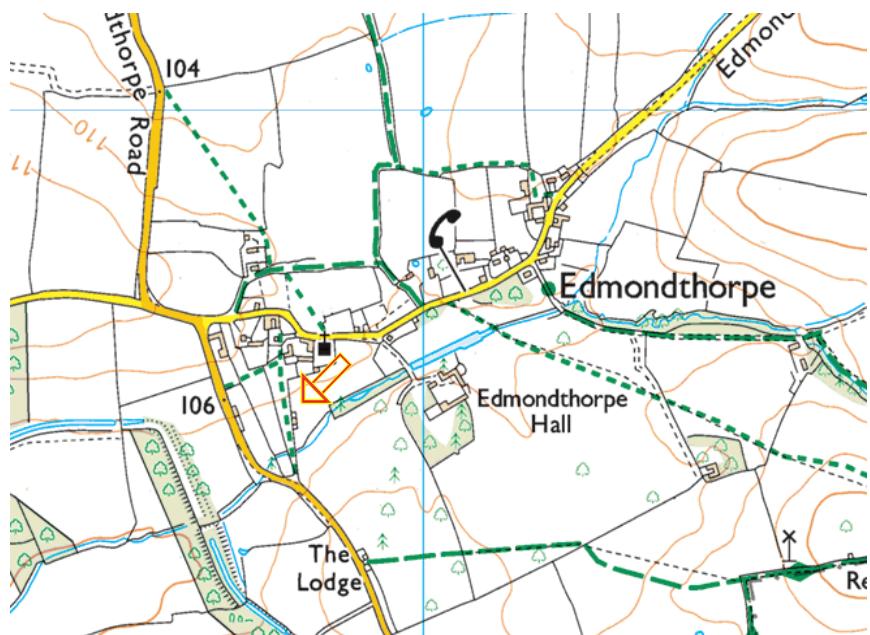
Church Farm, Edmondthorpe

September 2023

## Introduction

Church Farm is predominantly a grassland farm which is situated on the western edge of the village of Edmondthorpe, near Melton Mowbray. The holding forms part of the Pochin Estate at Edmondthorpe and includes Church Farmhouse and the adjoining Stoneycroft house and buildings which are in proximity to this proposal.

The property owner is seeking consent to divert sections of the footpaths E54 and E53 which are located southwest of the village and cross over fields of permanent pasture. These fields are enclosed by a Stone Wall to the East and Mature Hedgerows the others.



To date we have consulted with Ellen Senior the Senior Rights of Way officer at Leicestershire County Council both on and off site and following her advice we need to consult with other stakeholders being the Parish Council, Ramblers' Association and the Leicestershire Footpath Association prior to any application being submitted.

## Situation

The property owner is wishing to divert the footpath from going through the garden of Church Farmhouse. The close proximity of the footpath has an impact on the security and occupiers' privacy of the adjacent properties including Church Farmhouse with windows overlooking this route and Stoneycroft Yard

Footpath E54 runs in an East West direction, linking Teigh Road near The Old Vicarage to footpath E53 at the corner of Church Farmhouse where the two footpaths merge.

Footpath E53 crosses grassland in a North/South direction linking Teigh Road to the south and extinguishing at Church Farmhouse/Stoneycroft yard.

Access along this path entails going over two stiles and a challenging steep incline/decline where the footpath comes to an end.

For reference the location is <https://w3w.co/lilac.cropping.shovels>



View South from Stoney croft yard



View South through garden

Style in Garden



View North towards Church Farmhouse



## Proposal

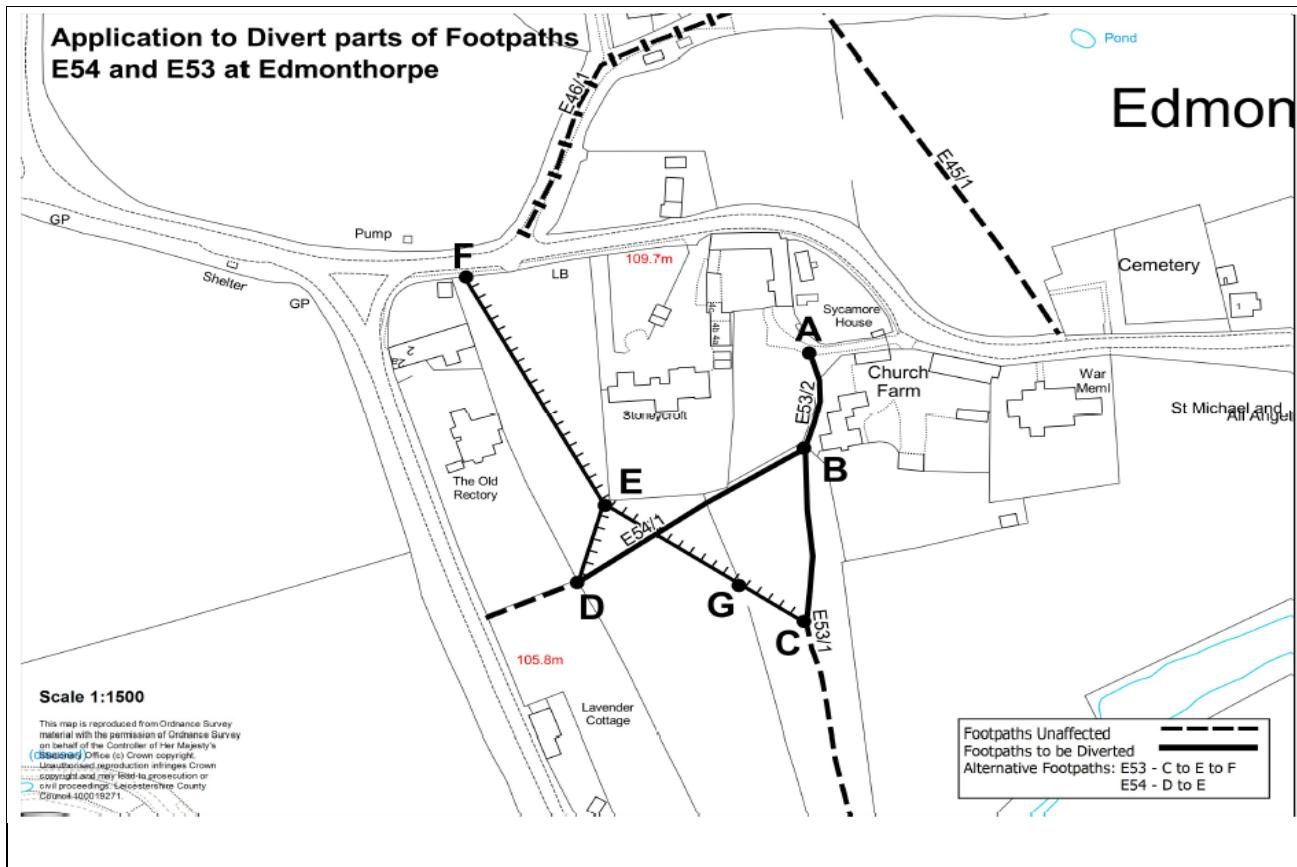
The proposal is to divert the two footpaths in part as shown on the plan below.

This would affect Footpath E53 between points C to A, replacing this with points C – G – E – F and Footpath E54 will be diverted between points D – B to create new path between points D – E, linking to the footpath E53.

We have consulted with the Access officer at Leicestershire County Council, the Leicestershire Ramblers Association and the Leicestershire Footpath Association and considered the feedback received which has been positive.

To confirm we would

- Provide a new kissing gate at point F through the removal of an elder bush and stone up within the "hoop" and the approaches to make a firm surface underfoot. This position would link nicely to the footpath which runs adjacent to the highway and provide a link to E46 directly opposite on Dairy Lane.
- Waymark posts would be installed at points E and G.
- Ensure at point G on the route would not become a muddy depression and install some hardstanding and drainage if required.
- Improve the operation of the gates and drainage through the cattle pen off Teigh road on footpath E35/1



Points E-F



Points F-E



Points E-G



Points G – C and to Teigh Road

## Benefits

The owner sees clear benefits of the proposed diversion by;

- Improved accessibility for footpath users along the whole route, through the removal of Styles
- Eliminating the steep incline where the path extinguishes at Stoneycroft yard
- Better connectivity to Main Street and Dairy lane (E46)
- Being more convenient and visible to use through signage and its position on the street scene
- Increased privacy to occupiers of Church Farmhouse property
- Giving consideration of diversion route to adjacent properties
- Ensuring the views and aspects are not inhibited
- The distance of the footpath diversion would be similar to the existing network

## Summary

It is proposed to divert both footpaths to provide a more accessible and convenient footpath network which would still be enjoyable to the public. The alteration to the distance walked is negligible and the user would still experience the same experience underfoot through walking in permanent pasture. The application would benefit the applicant who is concerned about privacy and security of their owned properties being Church Farmhouse, Stoneycroft Yard and house and this would provide an alternative route opposed to installing inappropriate fencing to separate the access.

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## APPENDIX C

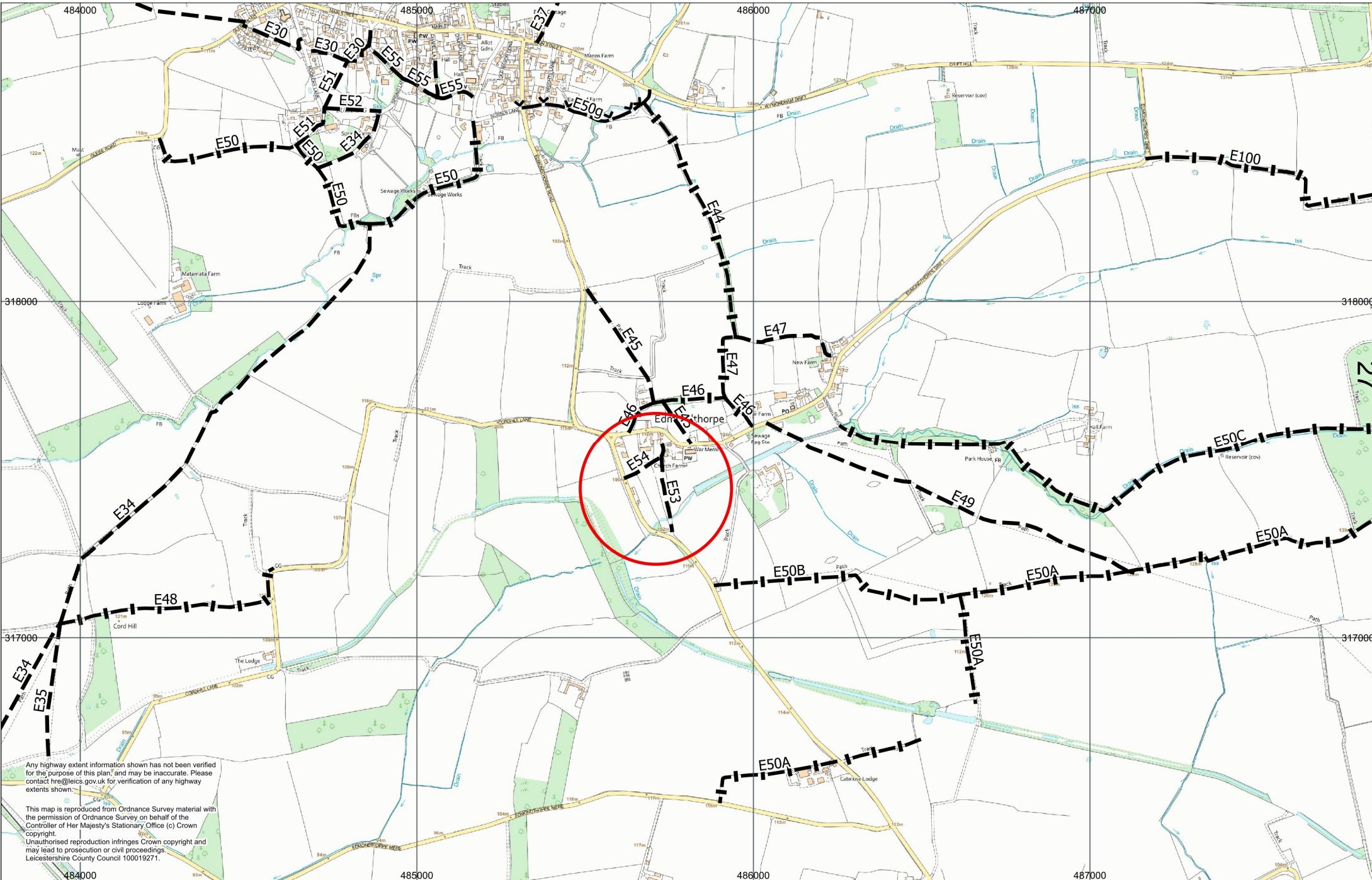
**Extract from the Definitive Map  
of Public Rights of Way for Leicestershire  
Edmondthorpe village - Footpaths E53 and E54**

Footpaths  
Bridleways  
Restricted Byways  
Byways Open To All Traffic

Environment & Transport Department  
County Hall, Glenfield,  
Leicestershire LE3 8RJ  
Email [footpaths@leics.gov.uk](mailto:footpaths@leics.gov.uk)  
Director Ann Carruthers



Scale 1:10000 Printed on A3



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## APPENDIX D

## Photographs taken on site visits in November 2024

1. View over the pasture land crossed by Footpath E53. Taken looking north on the approach to point "C".



2. Showing the stile into the garden at point "B" with the wall to the left.



3. Showing Footpath E53 within the garden of Church Farmhouse. Looking towards the slope and gate at point "A".



4. Showing the slope with pedestrian gate at the top and which leads in/out of the garden of Church Farmhouse at point "A".



5. The unrecorded part of the footpath running along the driveway of Stoneycroft.



6. The footpath fingerpost on Main Street at point "H".



7. The proposed line of Footpath E53, looking from point "G" towards point "E".



8. The proposed exit onto Main Street at point "F" with pavement (not visible because of the angle of the photo) then grass verge.



9. Looking across the road from the proposed exit at point "F", towards Dairy Lane (on the left) and ahead along Main Street, stretching away to the right. (On the day of the visit, the pavement was covered in leaves.)



10. Following the pavement into the village centre from point "F".



11. View of the church from in front of Sycamore House.



12. Looking west, out of the village from point "F". The bus stop can be seen in the distance. (One the day of the visit, the pavement was covered in leaves.)



13. View from point "D" on Footpath E54 looking towards point "E". The field gate exit onto Main Street can be seen as a gap in the hedge in the distance. The footpath exit would be to the left of this, marked as point "F".



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**Ellen Senior**

**From:** Ellen Senior  
**Sent:** 30 October 2023 12:04  
**To:** [REDACTED]  
**Cc:** Munira Patel  
**Subject:** RE: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

**1. CTC Correspondence**

Dear Mr Hill,

Thank you for your comments on the proposed diversion of Footpath E53 at Edmondthorpe, I can understand your thoughts when looking at the map. However, there are two or three reasons why it wasn't so straight forward to pick an alternative route for the footpath.

The boundary between the two properties of Church Farm and Stoneycroft largely consists of an old retaining wall. Between A and B the footpath drops down. To follow your line would mean knocking a gap in the wall at point B and possibly steps or construction of a slope which would be quite an engineering job. Added to that is the fact that Edmondthorpe is a conservation area and alterations to the wall may not be looked on favourably.

Aside from those practical reasons, you may not be aware, but at the moment the Footpath finishes at point A which does not in fact connect to the recorded highway network. There is a "missing link" between point A and Main Street. Moving the exit of the Footpath to point F solves this anomaly and legally reconnects the footpath to the road.

There are always pros and cons in looking at a proposed diversion and in this case the onward connection to Dairy Lane and resolution of the missing link, added to the landowner's initial request and practicalities seems to weigh in favour of the proposal.

I would be grateful if you could acknowledge receipt of my email and having considered the above, confirm to Munira whether or not it would be your intention to object to the proposal should the County Council decide to proceed.

Kind Regards,  
 Ellen

**Ellen Senior**  
 Access Officer,  
 Safe and Sustainable Travel Team  
**Leicestershire County Council**  
[ellen.senior@leics.gov.uk](mailto:ellen.senior@leics.gov.uk)  
 0116 305 0001

---

**From:** Munira Patel <Munira.Patel@leics.gov.uk>  
**Sent:** 26 October 2023 13:20  
**To:** Ellen Senior <Ellen.Senior@leics.gov.uk>  
**Subject:** FW: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

Hi Ellen,

Please see attachment and comments from Mr Hill.

Kind Regards

**Munira Patel**

Legal Assistant | Environment & Property  
Leicestershire County Council

**From:** Roger Hill [REDACTED]  
**Sent:** 26 October 2023 12:21

**To:** Munira Patel <[Munira.Patel@leics.gov.uk](mailto:Munira.Patel@leics.gov.uk)>

**Subject:** Re: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

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With the attachment!

This seems a very convoluted plan just to move a footpath a bit further from a house.  
Why not use a diversion similar to the one I have drawn on the plan in orange, going from point B to point A on the other side of the fence / wall? After all point A is already in it.

Roger Hill

On 20/10/2023 13:51, Munira Patel wrote:

Dear Sir/Madam

**SECTION 119 - HIGHWAYS ACT 1980**

**PROPOSED DIVERSION OF PUBLIC FOOTPATHS E53 AND E54 (PARTS) AT EDMONTORPE,  
IN THE PARISH OF WYMONDHAM, AND THE BOROUGH OF MELTON  
PUBLIC PATH DIVERSION ORDER 2023**

An application has been received for the diversion of public footpaths E53 and E54 at Edmonthorpe, in the parish of Wymondham, and the borough of Melton as shown on Plan No. 2647 attached hereto.

The diversion has been requested in the interests of the applicant to move Footpath E53 from a route which crosses the garden of Church Farmhouse, running very close to the residential building. The alternative path would remain on the farmland and then exit directly onto Main Street. Moving Footpath E53 necessitates the redirection of Footpath E54 to maintain its connectivity of to the highway network.

I have consulted with the Director of Environment and Transport who has stated that should the proposal be approved, the alternative footpath will be subject to the following conditions:-

1. Provide an LCC standard or equivalent kissing gate and stone up within the "hoop" and its approaches at point F on the plan.
2. Install an LCC standard yellow-topped waymark post at points E and G on the plan.
3. Ensure that point G does not become a muddy depression by installing hardstanding and drainage if necessary.
4. Relocate the Footpath fingerpost to point F on the plan.

5. The new sections of Footpath will have a specified width of 3m.

6. The applicant has also undertaken to make improvements at the access to Footpath E53 from Teigh Road, by enhancing the gates and the drainage.

I should be pleased if you would let me have your observations on this proposal by 1st December 2023 or advise if it would be your intention to object to the proposal should the Council decide to make the Order.

Kind Regards

**Munira Patel**

Legal Assistant | Environment & Property  
Leicestershire County Council

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Provide new kissing gate and stone up approaches and within the hoop

Pump

Dairy Lane

Main Street

109.7m

Relocate fingerpost to point F

317600

Shelter

GP

(E53)

A much shorter path diversion

Stoneycroft

Waymark post

Teigh Road

The Old Rectory

(E53)

Church Farm

Remove obsolete stile and waymark post

317500

A

B

C

D

E

F

E53

E54

105.8m

Lavender

Waymark post  
Hardstanding and  
drainage if necessary

**Ellen Senior**

**From:** Terry Brown <wepc.clerk@yahoo.co.uk>  
**Sent:** 06 December 2023 10:28  
**To:** Ellen Senior  
**Subject:** Re: Proposed Diversion of Footpaths E53 and E54 Edmondthorpe

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for this ..... but no response is to be made

Terry Brown  
Parish Clerk

On Tuesday, 5 December 2023 at 17:42:01 GMT, Ellen Senior <ellen.senior@leics.gov.uk> wrote:

Good afternoon,

I refer to the consultation email (20/10/2023) concerning the proposed diversion of parts of Public Footpaths E53 and E54 at Edmondthorpe. The deadline for correspondence on this matter has passed but I note that the County Council hasn't received any response on the matter from the Parish Council. I can see from the draft minutes of the meeting held on 6<sup>th</sup> November that the consultation was received but there is no record of any discussion.

I would be grateful if you could confirm whether or not there was anything to report from the Parish Council on the proposed diversion before I move the case on.

Kind Regards,

Ellen

**Ellen Senior**

Access Officer,

Safe and Sustainable Travel Team

**Leicestershire County Council**

[ellen.senior@leics.gov.uk](mailto:ellen.senior@leics.gov.uk)

0116 305 0001

## 3. Leicestershire Footpath Association correspondence

**Ellen Senior**

**From:** Ellen Senior  
**Sent:** 10 October 2024 12:40  
**To:** Ellen Senior  
**Subject:** FW: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

**From:** David Pollard [REDACTED]  
**Sent:** 27 October 2023 17:15  
**To:** Munira Patel <[Munira.Patel@leics.gov.uk](mailto:Munira.Patel@leics.gov.uk)>  
**Subject:** RE: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Munira

Leicestershire Footpath Association objects to this application. We agree that the proposed diversion would be more convenient for walkers who wish to proceed from E53 and E54 onto E46 going northwards (or vice versa). However, it is clearly less convenient for walkers who wish to access the village, or villagers who wish to access that part of the footpath network. And the arguments in favour of diverting it away from the applicant's property are not strong. On balance, therefore, we oppose the application. I have had some prior contact from the applicant's agent and I have let her know our thinking as a matter of courtesy.

Best wishes

Dave Pollard  
 Divisions Secretary LFA

**From:** Munira Patel <[Munira.Patel@leics.gov.uk](mailto:Munira.Patel@leics.gov.uk)>  
**Sent:** Friday, October 20, 2023 1:52 PM  
**Subject:** RE: Preliminary Consultations - Proposed diversion of public footpaths E53 and E54 (parts) at Edmonthorpe, in the Parish of Wymondham, and the Borough of Melton - MP/HTWMT/5612

Dear Sir/Madam

**SECTION 119 - HIGHWAYS ACT 1980**  
**PROPOSED DIVERSION OF PUBLIC FOOTPATHS E53 AND E54 (PARTS) AT EDMONTORPE, IN THE PARISH OF WYMONDHAM, AND THE BOROUGH OF MELTON**  
**PUBLIC PATH DIVERSION ORDER 2023**

An application has been received for the diversion of public footpaths E53 and E54 at Edmonthorpe, in the parish of Wymondham, and the borough of Melton as shown on Plan No. 2647 attached hereto.

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I have consulted with the Director of Environment and Transport who has stated that should the proposal be approved, the alternative footpath will be subject to the following conditions:-

1. Provide an LCC standard or equivalent kissing gate and stone up within the "hoop" and its approaches at point F on the plan.

2. Install an LCC standard yellow-topped waymark post at points E and G on the plan.
3. Ensure that point G does not become a muddy depression by installing hardstanding and drainage if necessary.
4. Relocate the Footpath fingerpost to point F on the plan.
5. The new sections of Footpath will have a specified width of 3m.

6. The applicant has also undertaken to make improvements at the access to Footpath E53 from Teigh Road, by enhancing the gates and the drainage.

I should be pleased if you would let me have your observations on this proposal by 1st December 2023 or advise if it would be your intention to object to the proposal should the Council decide to make the Order.

Kind Regards

**Munira Patel**

Legal Assistant | Environment & Property  
Leicestershire County Council

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Our ref: 418/POCHI003.065 /LD/240618

18 June 2024

Ellen Senior  
Rights of Way Officer  
Leicestershire County Council  
County Hall  
Glenfield  
Leicester  
LE3 8RA

Fisher German LLP  
Innovation House  
Welland Business Park  
Valley Way  
Market Harborough  
Leicestershire  
LE16 7PS

t. 01858 410200  
[fishergerman.co.uk](http://fishergerman.co.uk)

Dear Ellen

**AJP POCHIN ESQ - EDMONDTHORPE ESTATE  
PROPOSED DIVERSION OF PUBLIC FOOTPATHS E53 AND E54**

Thank you for providing an update in respect of the consultation process and it is disappointing that Leicestershire Footpath Association have now come forward stating that they would raise an objection, despite us having consulted with the diversion secretary in the early stages.

I wish to make the following comments in respect of the site and footpath concerned which follows our recent conversation:-

1. New guidelines were implemented by DEFRA from 1 August 2023 giving regard to applications of this nature, to ensure the local authority have considered the benefits to privacy, security and safety reasons when making the assessment for all parties concerned including landowner, occupiers and public.

With this in mind, we wish to reiterate that footpath E53 goes through the garden to the west of Church Farmhouse and leads into Stoneycroft yard, used as a materials store for the Estate. Whilst the footpath extinguishes in the yard, the public use the private driveway for Sycamore Cottage and yard to access the public highway. Therefore, there are a few interests affected by the current pathway.

The farmhouse is a residential dwelling and along the footpath route users can view into the property through the sitting room and kitchen windows, both of which are approximately 3m from the 'official' route, but users are not restricted from access in this area and can approach and 'peer in' if they wished. Both the sitting room and the kitchen are regarded as rooms in frequent daily use therefore impacting on the quiet enjoyment of the occupier, from both a privacy and security perspective.

Stoneycroft yard is used as a commercial unit and Estate store for materials and currently unsecure which we are looking to improve. The access way to these buildings is also utilised by the resident of Sycamore Cottage which is narrow and the public are generally not expecting to meet motorised vehicles on this section.

2. You have suggested relocating the footpath in a parallel position between points 'AB' on the application. We have evaluated this, and the images attached show the stone wall which acts as the curtilage of the Stoneycroft farm yard. The ground level is elevated in this section of the farm yard and, given the topography, if we were to consider a diversion route running along your proposed route (in blue) along the opposite side of this wall it would entail taking down a section of this stone wall within the conservation village and heavy construction work to build steps etc into this boundary. This would be neither sympathetic nor practical given the agricultural activities in the adjoining field and not to mention the costs involved. It would also be very imposing and does not alleviate the problem regarding privacy.
3. The alternative route (through extinguishment and diversion) will enable the footpath users to walk through the same fields albeit along a short diversion. The steep slope, which is currently in place through Church Farmhouse, will be eradicated and, where the diversion meets the highway footpath, a new kissing gate will be provided. This route will not be substantially less convenient, it will be more accessible (better topography) and ensure the same level of enjoyment and link with other footpaths in the village to the north and from a south easterly direction also.
4. By moving the footpath away from the private residence, it should open up opportunities for the public to use the new route and illuminate the feeling of infringing on the privacy or disrupting the activities at Church Farmhouse.

I very much hope that the County Council will understand the landowners' reasoning for this diversion and would be happy to discuss this with you further if required.

Yours sincerely



Mrs Louise M Duffin BSc(Hons), MRICS, FAAV  
 Partner  
 For and On Behalf of Fisher German LLP

e-mail: [louise.duffin@fishergerman.co.uk](mailto:louise.duffin@fishergerman.co.uk)  
 Direct Dial 01858 411233

Enc