

| | |
|---|--|
| Report Title | Town and Country Planning Act Section 257 Proposed diversion of public footpaths FP1315095, FP1315103, FP1315108 and FP1315110. Proposed stopping up of public footpath FP1315097 |
| Meeting | Barrowford and Western Parishes Committee |
| Meeting Date | 4 th February 2026 |
| Report Author | Tom Partridge |
| Directorate | Directorate of Place |
| Lead Executive Member(s) | |
| Wards Affected | Fence and Higham Ward |
| Public. Part Exempt, or Fully Exempt | Public |
| Appendices (if any) | A – Location Map B – Proposals Map C – Proposals Map with proposed development |

1. Executive Summary

- 1.1 The Council has given planning permission for the formation of an industrial area centred on the former Wheatley Laithe Farm, off Barrowford Road. In order for the development to be carried out a number of public footpaths need to be diverted. This report sets out the details of the decision needed.

2. Recommendations

For the reasons set out in this report, Barrowford and Western Parishes Committee is recommended to:

- 2.1 Authorise the Head of Legal and Democratic Services to make an order under the Town and Country Planning Act Section 257 to divert public footpaths FP1315095, FP1315103, FP1315108 and FP1315110 and to stop up part of public footpath FP1315097 as shown on the proposals map included in this report.
- 2.2 Authorise the Head of Legal and Democratic Services to confirm the order in the event of there being no objections, or if any objections received are subsequently withdrawn, subject to all necessary consents first being obtained.
- 2.3 Authorise the Head of Legal and Democratic Services to send the order to the Secretary of State to be determined in the event of objections which are not subsequently withdrawn.

3. Information: The Rationale & Evidence for the Recommendations

- 3.1 Pendle Borough Council granted planning permission to application Reference 23/0389/REM on 7th December 2023 for the approval of reserved matters including layout, scale, appearance and landscaping of planning permission reference 19/0767/OUT. This planning permission relates to the proposed development at the former Wheatley Laithe Farm Barrowford Road Fence. The location can be seen on the map at Appendix A to this report.
- 3.2 The proposed development would have a substantial impact on the network of public footpaths which meet where the farm buildings once stood at Wheatley Laithe Farm. Therefore, in order for the development to be carried out, the footpaths would need to be diverted. The proposals for the diversion are included in Appendix B to this report. The existing footpaths to be diverted are shown as solid bold lines, and the new footpaths to be created are shown as bold dashes. The same map is shown at Appendix C, which also shows the development proposals.
- 3.3 The applicant has provided details of the proposed specification of the diverted footpaths which will each be constructed to 2m width with a stone surfaced finish.
- 3.4 The plans sent with the planning application made it clear that the proposed development would require the diversion of the public footpaths. The effect on the rights of way was one of the material considerations for the Council to take into account before making the decision to grant planning permission. The government guidance to local authorities is not to question the merits of planning permission when considering whether to make or confirm an order, but nor should an order be made purely on the grounds that planning permission has been granted. Any disadvantages or loss to members of the public generally or to people whose properties adjoin the existing footpaths should be weighed up against the advantages of the proposed order.

Results of Informal Consultation

- 3.5 We have consulted Lancashire County Council, Old Laund Booth Parish Council, PBC ward councillors, footpath user groups (The Ramblers and Peak and Northern Footpath Society) and utility companies.
- 3.6 Electricity North West has told us about an existing overhead high voltage line running across the site roughly between points N and O and have commented that this overhead line will need diverting as part of the overall development. Statutory undertakers have special protections under the legislation meaning that a diversion order which affects its apparatus cannot be confirmed without its consent. However, the process of making the order can go ahead on the basis that the necessary consent will be obtained at a later date.
- 3.7 Through our own searches we have discovered that other apparatus belonging to statutory undertakers is also affected, namely United Utilities, BT

Openreach and Zayo (fibre optic). Consent from each of these will be required before a diversion order can be confirmed.

- 3.8 Lancashire County Council responded that it had no comment. There have been no other responses.

Assessment of the proposals against the Legal Criteria

- 3.9 Under the Town and Country Planning Act Section 257 a local authority who grants planning permission may authorise the stopping up diversion of any footpath if they are satisfied that it is necessary to do so to enable the development to be carried out.
- 3.10 The table below summarises the effect of the proposal on each of the affected footpaths.

| Existing section of footpath to be diverted or stopped up, running from: | New footpath to be created, running from |
|---|---|
| FP1315095 Q – A | Q – P – O – M |
| FP1315097 N – C and M – A | (No replacement path) |
| FP1315103 B – A | B – D – C |
| FP1315108 F – E | F – K – G – H with a branch G – D |
| FP1315110 L – E – A | L – O |

- 3.11 The diversion of footpath FP1315095 (line A – Q) is necessary because a large proposed industrial has been sited across it. The proposed diversion (Q – P – O – M) is a nearby alternative route with connections to other rights of way at points O and M.
- 3.12 Parts of footpath FP1315097 (sections N – C and M – A) would be stopped up. The section N – C is proposed as part of a car park and runs through the parking bays of one of the industrial units, whilst section M – A runs through a proposed loading area. The footpath is not currently thought to be well used and there is an outstanding complaint that the path is obstructed at point N (where it is reported there is no sign of a stile or gate through the existing hedge). However, should the site be developed then route on foot from point N to the west of the site to point H to the east of the site would be substantially less convenient. The alternative route provided by these proposals would be via point Q on the proposals map.
- 3.13 Footpath FP1315103 from point B – A is affected by the proposed alterations to the road layout as well as running through the loading area of Unit 15 which gives a clear rationale for the diversion being necessary. The proposed diversion to the pavements of the estate road on the line B – D – C represents a convenient alternative route.

- 3.14 Footpath FP1315108 running from point F – E is through the buildings of Unit 12 and Unit 15 so the diversion of this route is unquestionably necessary for the development to be carried out. The alternative route F – K – G – H passes to the edge of the developed area as closely as possible and creates a connection with the proposed footpaths passing around the edge of the industrial area. The applicant has also included a new footpath from point D – G along one of estate road pavements.
- 3.15 The diversion of FP1315110 from points L – E – A is also clearly needed for the development by reason of the proposed buildings. The diversion to the edge of the site appears to be a good alternative route.

4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)

- 4.1 This report links most closely to the Council Plan Priority of Good Growth and Housing.

5. Implications

5.1 Financial Implications

The legislation which governs the making of public path orders provides for Council's being able to recover their costs. It is therefore that the full costs of making and confirming an order will be recovered from the applicant.

5.2 Legal and Governance Implications

This report sets out an assessment of how the proposals satisfy the tests set out by the relevant legislation.

5.3 Climate and Biodiversity Implications

None arising directly from the report.

5.4 Human Resources Implications

None arising directly from the report.

5.6 Equality and Diversity Implications

None arising directly from the report.

6. Consultation

- 6.1 The consultations are detailed in paragraphs 3.4 to 3.7

7. Alternative Options Considered

- 7.1 No alternative options have been considered.

8. Statutory Officer Sign off (please put an x in the relevant box below)

| | |
|---------------------|---|
| Section 151 Officer | x |
| Monitoring Officer | x |

9. Background Documents

Application form submitted to the Council on 23rd August 2023

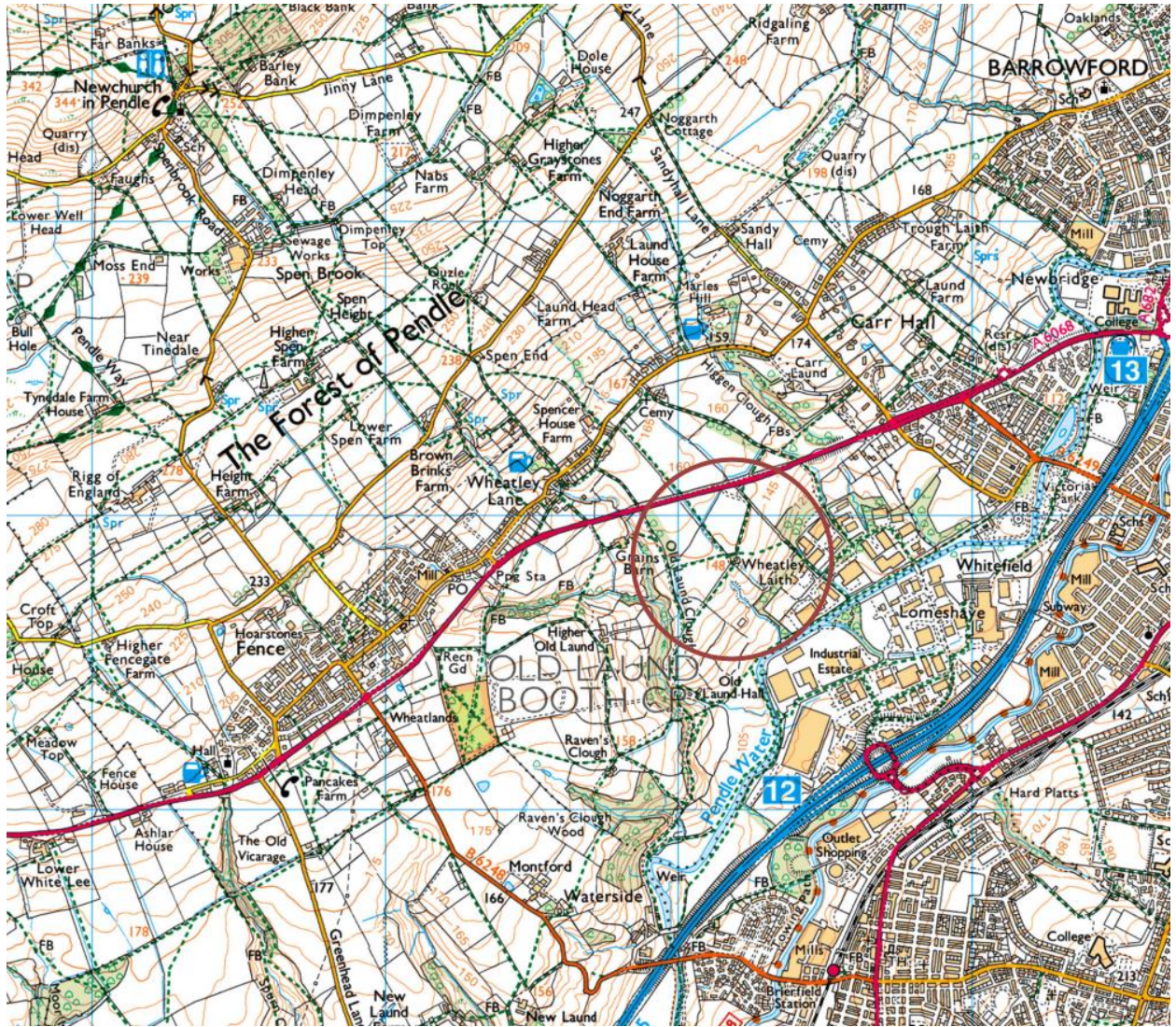
Contact Officers

Tom Partridge, Countryside Access Officer, Operational Services, Fleet Street Depot, Fleet Street, Nelson, BB9 7YQ.

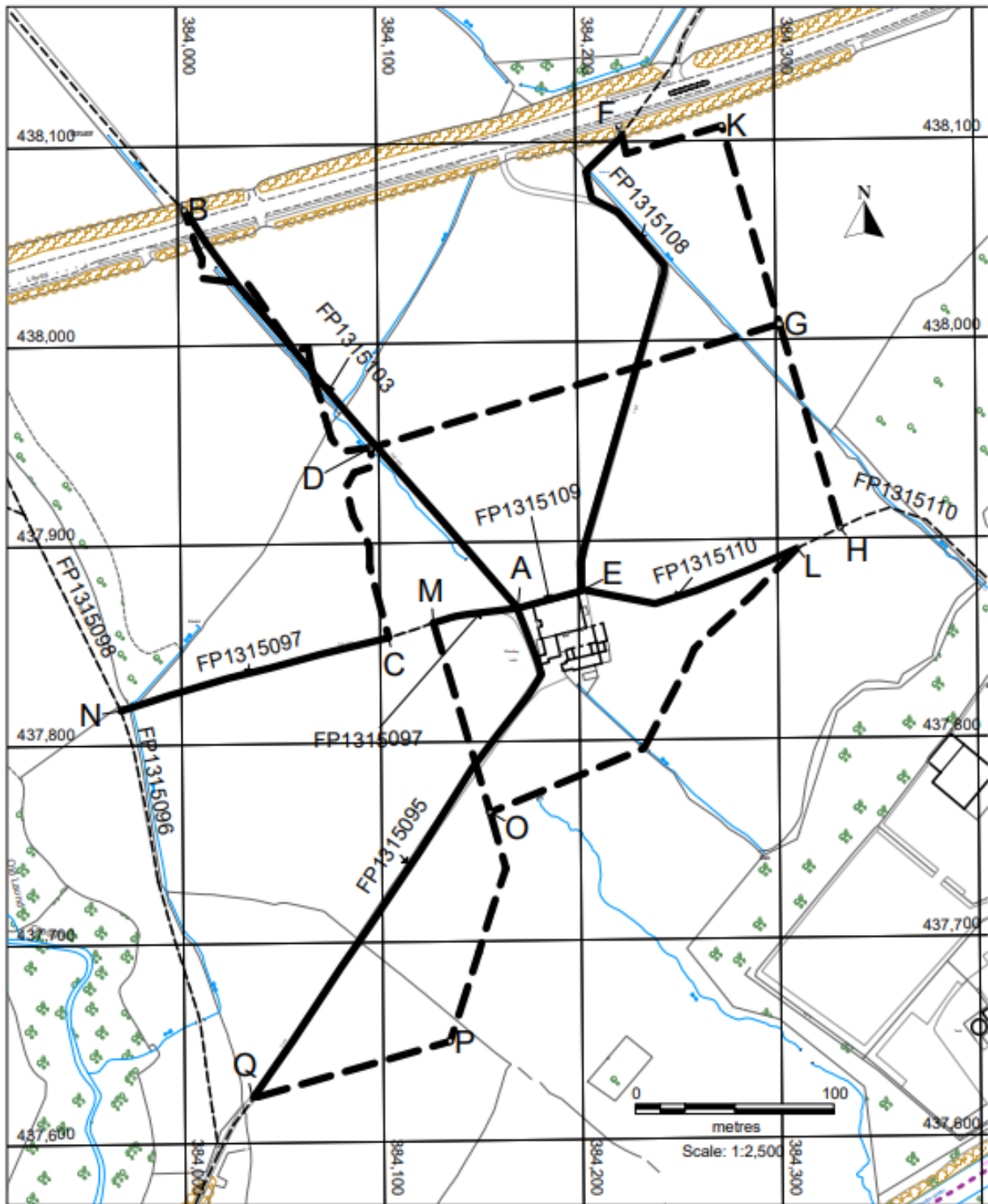
Tel. 01282 661059.



Email: tom.partridge@pendle.gov.uk

Appendix A – Location Map

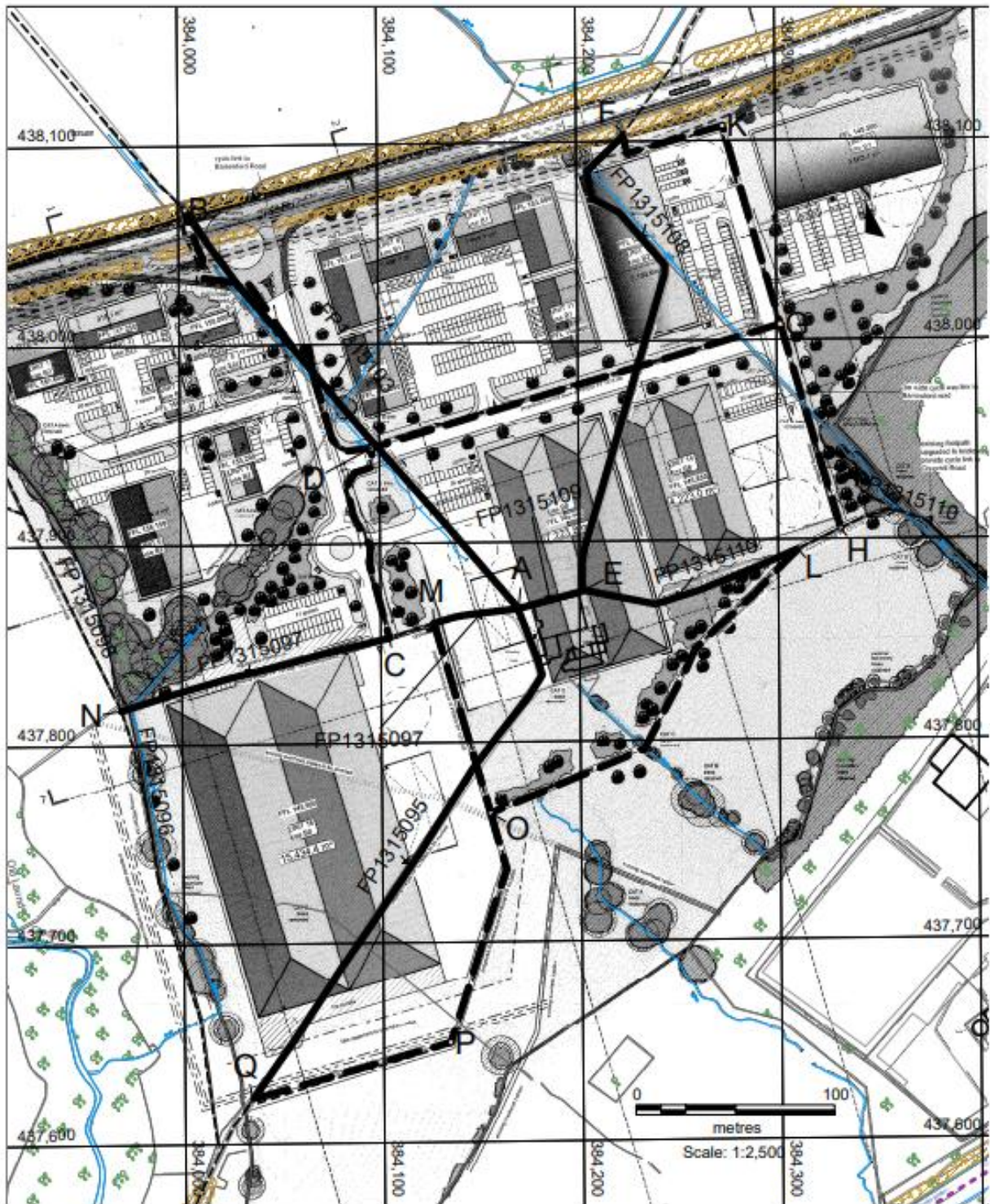


Appendix B – Proposals Map



| | | |
|---|---|--|
|  | <p>Proposed diversion of public footpaths FP1315095, FP1315097, FP1315103, FP1315108, FP1315109 and FP1315110 at Wheatley Laithe</p> | <p>Footpaths to be diverted </p> |
| | <p>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. PBC Licence No. 100019669 (2025)</p> | <p>Scale 1:2500 File Reference: R2/14/204 Date: 14th November 2025</p> |

Appendix C – Proposals Map with proposed development



Proposed diversion of public footpaths FP1315095, FP1315097, FP1315103, FP1315108, FP1315109 and FP1315110 at Wheatley Laithe

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. PBC Licence No. 100019669 (2025)

Scale 1:2500
File Reference: R2/14/204
Date: 14th November
2025

Footpaths to be diverted

Footpaths to be created

Other footpaths

— — — — —