



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>PLANNING AND LICENSING COMMITTEE – 10.06.2026</b>
<b>Subject</b>	<b>FOOTPATH DIVERSION ORDER TETBURY UPTON Footpath No NTU 46 (Part) PUBLIC PATH DIVERSION ORDER 2026 (ref: 25/02389/PROWOR)</b>
Wards affected	Tetbury and East Rural; Tetbury with Upton
Accountable member	Councillor Nikki Ind - Email: <a href="mailto:nikki.ind@cotswold.gov.uk">nikki.ind@cotswold.gov.uk</a> Councillor Laura Hall-Wilson - Email: <a href="mailto:Laura.Hall-Wilson@cotswold.gov.uk">Laura.Hall-Wilson@cotswold.gov.uk</a>
Accountable officer	Harrison Bowley (Head of Planning Services) Email: <a href="mailto:Harrison.Bowley@cotswold.gov.uk">Harrison.Bowley@cotswold.gov.uk</a>
Report author	Andrew Moody (Principal Planning Officer) Email: <a href="mailto:Andrew.Moody@cotswold.gov.uk">Andrew.Moody@cotswold.gov.uk</a>
Summary/Purpose	To consider making a Public Path Diversion Order in respect of TETBURY UPTON Footpath No NTU 46 (Part) at Worwell Farm. To determine whether the Order should be confirmed or not confirmed.
Annexes	Annex A – GCC PROW map Annex B – Approved site layout Annex C – Site photographs <b>(to follow)</b> Annex D – Draft Public Path Order and Plan
Recommendation(s)	That Planning and Licensing Committee resolves to: a) Make a Public Path Diversion Order in respect of TETBURY UPTON Footpath No NTU 46 (Part) under Section 275 Town and Country Planning Act 1990 and carry out the statutory consultation (subject to response and any final minor amendment required by the County Council PROW Officers). b) To confirm the Public Path Diversion Order, if unopposed
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li><li>• Responding to the Climate Emergency</li><li>• Supporting Communities</li></ul>
Key Decision	NO
Exempt	NO



# COTSWOLD

District Council

<p>Consultees/ Consultation  (informal consultation)</p>	<p>Planning Agent on behalf of the Landowner Upton Parish Council Auto-Cycle Union British Horse Society Byways and Bridleways Trust Open Space Society The Ramblers Cycling Touring Club County Council Highways and Public Rights of Way</p>
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## 1. EXECUTIVE SUMMARY

- 1.1 This report is to appraise members of an application for a Public Path Diversion Order in respect of TETBURY UPTON Footpath No NTU 46 (Part)
- 1.2 Section 257 of the Town & Country Planning Act 1990 allows the Council to, by order, authorise the stopping up or diversion of any footpath bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out.
- 1.3 TETBURY UPTON Footpath No NTU 46 is located in Tetbury at Worwell Farm, Cirencester Road, crossing the boundaries of Tetbury and East Rural; Tetbury with Upton wards.
- 1.4 An application for the footpath diversion was submitted to the Council validated and the order drafted.
- 1.5 The Council undertook an informal consultation exercise with the statutory consultees to understand any concerns or objections that may arise.
- 1.6 2 objections and 1 comment to the diversion were submitted to the Council.
- 1.7 Officers have engaged with the agent for the applicant and the objectors in respect of the objections indicated. The Objections remain at the date of this report.
- 1.8 This report considers and responds to the grounds for objection.
- 1.9 The conclusion of the report is a recommendation that the Footpath Order is made.

## 2. BACKGROUND

- 2.1 The footpath is located in Tetbury at Worwell Farm, Cirencester Road, crossing the boundaries of Tetbury and East Rural; Tetbury with Upton wards. The existing legal route of the footpath runs generally east from Cirencester Road (opposite Trubshaw Close) partly along the farmhouse drive before entering the fields, and crossing a stream to join other footpaths in the network. **Refer to Annex A for GCC PROW map**
- 2.2 The applicant applied for and received consent for the mixed use development comprising healthcare facility, 27 dwellings (including 11 affordable units), landscaping, site access, internal estate road and associated works (Ref: 23/02682/FUL) on the site at Worwell Farm, the approved site layout indicating an obstruction to the existing legal route of the footpath. **Refer to Annex B for approved site layout**



- 2.3** Pursuant to s257 Town and County Planning Act, a person can apply to the Council for the stopping up or diversion of any footpath bridleway or restricted byway. The Council can make such an order if they are satisfied that it is necessary to do so in order to enable development to be carried out provided that the Council considers the disadvantages that may arise from the stopping up or diversion of the way to members of the public or to persons whose properties adjoin or are near the existing highway.
- 2.4** Officers carried out a site visit to undertake an assessment and consider the amenity of the existing and proposed route of the footpath.
- 2.5** The existing route will be obstructed by development as permitted by the Planning Permission, it will be necessary for development to establish a diversion.
- 2.6** The proposed route is to the south of the existing footpath / development passing along a more direct route. The route is to be made up in hoggin and is part of the landscaped edge of the development.
- 2.7** Along the route is a point of local interest – the “Wor well” part of the Tetbury Avon. This was visible from the existing route and the agent has confirmed permitted access from the proposed route. **Refer to Annex C for site photographs.**
- 2.8** Following an informal consultation with statutory consultees on the draft order indicated objections were received from Stroud Rambling Club and South Cotswold Ramblers and comments were received from the County Council Public Rights of Way officer.
- 2.9** The applicant discussed the indicated objections and has added permissive access between the proposed diversion and the “Wor well” as indicated on the plan. Permissive routes do not form part of the legal route, but it is understood this has resolved the indicated objections received.
- 2.10** It should be noted that the footpath is temporarily closed and a diversion provided under an application to the County Council.

### **3. Policies**

#### **National Policy**

- National Planning Policy Framework (NPPF) – Para 91, 98, 20
- Planning Policy Practice Guidance – Open space, sports and recreation facilities, public rights of way and local green space
- Defra Rights of way Circular (1/09)



## **Core Strategy**

- Policy INF5 – Parking Provision (Infrastructure)

## **Neighbourhood Development Plan**

- Policy 3: Promotion of Sustainable Transport – para 4.2.4 Rights of Way Network

## **4. Consideration**

### **Necessity for Future Development**

- 4.1** The diversion is necessary to enable a permitted scheme under the planning permission. These works would not be compatible with the existing route of the right of way. The path will remain accessible and enjoyable to the public as a consequence of the diversion.

### **Suitability of Proposed Route**

- 4.2** The proposed route diverts a subtly different route, along to the south of the new development, avoiding the rear gardens, to re-join the footpath network. The proposed route is slightly shorter, although this is not considered a detriment to the route. The views and outlooks from the current route would be impacted by the development. The make up is currently along part of a tarmacked access. The proposed route will be materially different to the definitive route. being along a landscaped route and made up in hoggin. However, this is not considered less amenable than the existing route.
- 4.3** The diversion route will not have an adverse impact when considering the accessibility of the whole path and the equalities duty
- 4.4** The proposal is therefore in accordance with National Policy and guidance.

## **5. SUMMARY OF RESPONSES**

- 5.1** To assist members, the grounds for objections are summarised below:
1. general correspondence regarding correct mapping
  2. no access to the Wor well – now resolved
  3. inadequate width (2m) – now resolved
  4. absence of natural foliage



## **6. OFFICER RESPONSE**

**6.1** The grounds for objections are considered as follows.

### **6.2 Response to point 1**

6.2.1 Officers have liaised with the County Council and the agent, and the draft order and plan are now considered accurate.

### **6.3 Response to point 2**

6.3.1 The existing route of the footpath passed close to the Wor well allowing a view of the feature. Access was permitted by the landowner. The agent has confirmed that from the proposed route there will be a gate from the footpath allowing unrestricted access for the public to visit the Wor well.

6.3.2 The access to the feature is considered as reasonably amenable as the current route access. It is understood this indicated objection it now resolved.

### **6.4 Response to point 3**

6.4.1 The existing width of the footpath is stated as being 3m wide at points.

6.4.2 Where a footpath is unenclosed the County Council minimum width is 2m. the applicant is proposing 2m as the minimum width, the County Council have not raised an objection to the proposal.

6.4.3 The County Council officer have confirmed they are happy with a 2 metre width, given that there will be a grass verge between the hedge and the new footpath. The verge is now incorporated in the order. It is understood this indicated objection it now resolved.

### **6.5 Response to point 4**

6.5.1 Landscaping is not generally a consideration of a footpath application. The nature of any green space and general amenity can be taken into the overall consideration, however, during the process of the planning application for the development the landscaping was considered and approved.



## **7. ALTERNATIVE OPTIONS**

**7.1** To not make the Order.

## **8. FINANCIAL IMPLICATIONS**

**8.1** There are no financial implications for the Council

## **9. LEGAL IMPLICATIONS**

**9.1** Should the Order be made and subsequent objections received to the statutory consultation, the Council must consider submitting the application Secretary of State (Planning Inspectorate) for determination

## **10. EQUALITIES IMPACT**

**10.1** The diversion route will not have an adverse impact when considering the accessibility of the whole path and the equalities duty

## **11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**11.1** The protection and appropriate diversion of footpaths can provide both climate emergency and community benefits.

## **12. BACKGROUND PAPERS**

**12.1** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

Application details can be found on the Planning portal: 25/02389/PROWOR

**12.2** (END)