

HIW/19/62

Teignbridge Highways and Traffic Orders Committee
4 July 2019

Extinguishing a section of Highway Land at 25 Grove Crescent, Teignmouth

Report of the Chief Officer for Highways, Infrastructure, Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that:

- (a) a section of highway land at 25 Grove Crescent, Teignmouth, is considered to be unnecessary for use as public highway, and;**
- (b) this committee resolves that Devon County Council submits a formal application to the magistrates' court for an order under Section 116 of the Highways Act 1980 that the said section of highway be extinguished.**

1. Introduction

This report seeks approval for an application to the magistrate's court for the extinguishing a small section of highway land at 25 Grove Road in Teignmouth. The land is not being used as highway and is considered to be surplus to requirements.

2. Proposal

Ms Needham, the landowner at 25 Grove Crescent received planning permission from Teignbridge Council on to change the use of this land adjacent to her property to domestic curtilage on 8 May 2019.

The disposal of the land is supported by Teignmouth Town Council and the local Member for the Teignbridge Division.

3. Options/Alternatives

The alternative would be for the land to remain as highway, but it is considered to be surplus to requirements.

4. Consultations/Representations/Technical Data

The proposal is supported by Teignmouth Town Council and the local Member for the Teignmouth Division, and has received planning permission from Teignbridge District Council.

5. Financial Considerations

All costs will be borne by the applicant, there will be no cost to the County Council.

6. Environmental Impact Considerations

There are no environmental impact considerations.

7. Equality Considerations

There are no equality considerations.

8. Legal Considerations

Under section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to extinguish a section of public highway on the grounds that is considered to be 'unnecessary'. Whether the land is unnecessary is a question of fact. It should be unnecessary for the purpose which the public might reasonably be expected to use it.

Only a Highway Authority can apply to a magistrates' court for a section of highway to be extinguished. A highway authority has discretion on whether or not to make an application. However, as this discretion is capable of being judicially reviewed it should have reason for making or not making the application.

9. Risk Management Considerations

No risks have been identified.

10. Public Health Impact

No public health impacts have been identified.

11. Summary/Conclusions/Reasons for Recommendations

It would appear from consultation with local highways officers, the Town Council and the local Member that this piece of land is not required for public use and therefore an application should be made to the magistrates' court for it to be extinguished.

Meg Booth
Chief Officer for Highways, Infrastructure, Development and Waste

Electoral Division: Teignmouth

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref.
1. Teignbridge District Council Planning Application Ref No. 19/00648/FUL	May 2019	See www.teignbridge.gov.uk/planningonline
2. 2. Clerks report from Teignmouth Town Council Finance and General Purposes Committee	July 2018	Held by Teignmouth Town Council

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Appendix I
To HIW/19/62



Title: Land at Grove Crescent, Teignmouth		Project: Site plan	
 <p>NPS South West Ltd</p> <ul style="list-style-type: none"> • Head office: Venture House, 1 Capital Court, Bittum Road, Sowton Ind Est, Exeter, EX2 7FW • South office: The Acorn Centre, Lee Mill Ind. Est. Ivybridge, PL21 9QP 	Scale: 1:1,250	Date: Sep 18	Contact:
	File/Deed:	OS Sheet:	Telephone:
	Prep: CP	Checked:	Office: EXETER
	BIS No:	Project No: 18001	Drwg No: GC01