

Stopping up of public highway: Land adjacent to Road past Lower Cator Farm, Widecombe in the Moor

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) the extent of highway Land adjacent to Road past Lower Cator Farm, Widecombe in the Moor, as detailed in Appendix I, is not needed for public use; and**
- (b) this Committee resolves that subject to the consultations referred to in section 4, Devon County Council makes an application to the magistrates' court for an order under Section 116 of the Highways Act 1980 that the said highway land be stopped up.**

1. Introduction

Under Section 116 of the Highways Act 1980, Devon County Council can make an application to a magistrates' court to stop up a section of highway if they think it is unnecessary.

We have received representation from the landowner at Hayloft who wishes to apply for a stopping up order so that the land in question (as shown in Appendix I) no longer forms part of the public highway.

2. Proposal

It is recommended that an application is made to the Magistrates' Court under Section 116 of the Highways Act 1980 for the stopping-up of part of the public highway adjacent to Road past Lower Cator Farm, Widecombe in the Moor as shown on the drawing attached as Appendix I.

3. Options/Alternatives

Devon County Council could refuse the application but would have no specific reasons for doing so.

4. Consultations

A number of organisations have been contacted on the proposal and a summary of the consultees and their response can be found in Appendix II.

5. Financial Considerations

There are no financial implications to this proposal as all costs will be met by the applicant.

6. Legal Considerations

Under Section 116 of the Highways Act 1980 a highway authority can apply to a magistrates' court to stop up highway on the ground that it is 'unnecessary'. Whether a highway is unnecessary is a question of fact. It should be unnecessary for the sort of purpose for which the public might reasonably be expected to use it, for example, to reach a specific destination or for recreational purposes.

Only a highway authority can apply to a magistrates' court for a stopping up order. A highway authority has discretion on whether or not to make an application. However, this discretion is capable of being judicially reviewed. It should therefore have good reason for not making an order.

7. Environmental Impact Considerations (Including Climate Change)

There are no environmental impacts in relation to this proposal.

8. Equality Considerations

There are no equality considerations in relation to this proposal.

9. Risk Management Considerations

No risks have been identified.

10. Public Health Impact

There are no implications of the proposals on public health in the area.

11. Reasons for Recommendations

In summary it is recommended that the Committee approve the request for an application to the magistrates' court for a stopping up order on the Land adjacent to Road past Lower Cator Farm, Widecombe in the Moor described above, as the land is not needed for public use and is unnecessary as public highway.

Meg Booth
Chief Officer for Highways Infrastructure Development and Waste

Electoral Division: Bovey Rural

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Amy Garwood

Tel No: 0345 155 1004 Room: M8 Great Moor House

Background Paper	Date	File Reference
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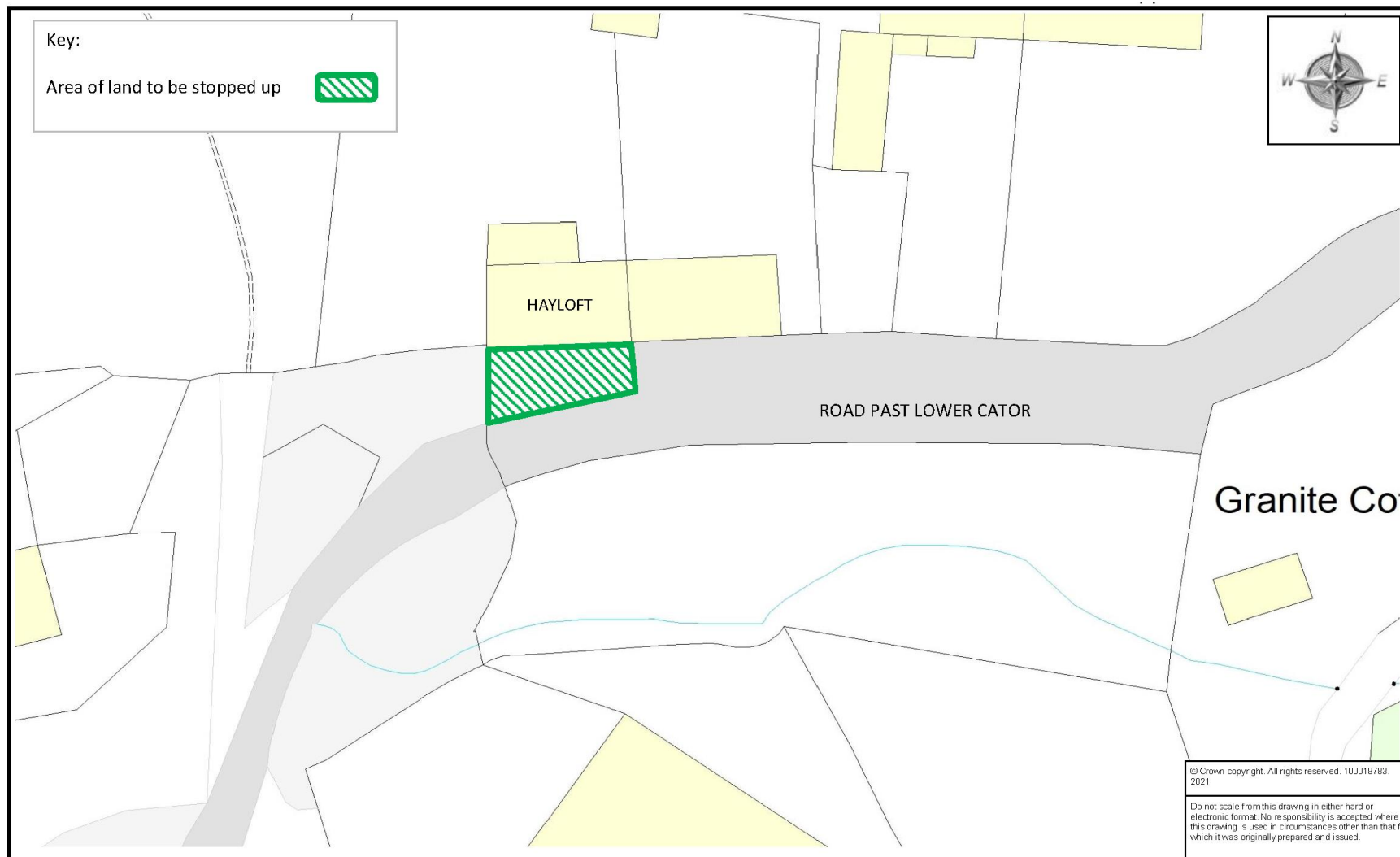
None

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sc/cr/Stopping up Lower Cator Farm Widecombe in the Moor

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**Appendix I
To HIW/21/55**



Meg Booth - Chief Officer for Highways, Infrastructure Development & Waste
 TRAFFIC MANAGEMENT TEAM
 DEVON HIGHWAYS
 GREAT MOOR HOUSE,
 BITTERN ROAD,
 EXETER,
 EX2 7NL,
 Telephone 0345 155 1004

SCHEME	ROAD PAST LOWER CATOR FARM, WIDDECOMBE IN THE MOOR	
DRAWING	STOPPING UP ORDER	

drawn by	scale
AG	1:500
date	O.S. Ref
18-Mar-2021	268793, 076298
drawing number	
SU21/01 (A)	

Organisations Contacted & Response

Organisation Contacted	Response
Teignbridge District Council	None received
Widcombe in the Moor Parish Council	Received 04/04/21 – No objections
Western Power Distribution PLC	None received
Auto Cycle Union	None received
British Driving Society	None received
British Horse Society	None received
Byways and Bridleways Trust	Received 10/05/21 – No objections
Country Land and Business Association	None received
Cyclists Touring Club	None received
National Farmers Union	None received
Natural England Consultation Service	None received
Open Spaces Society	None received
Devon Green Lanes Group	No longer in existence
Ramblers	None received
Trail Riders Fellowship	None received
4 Wheel Vehicle Users	None received