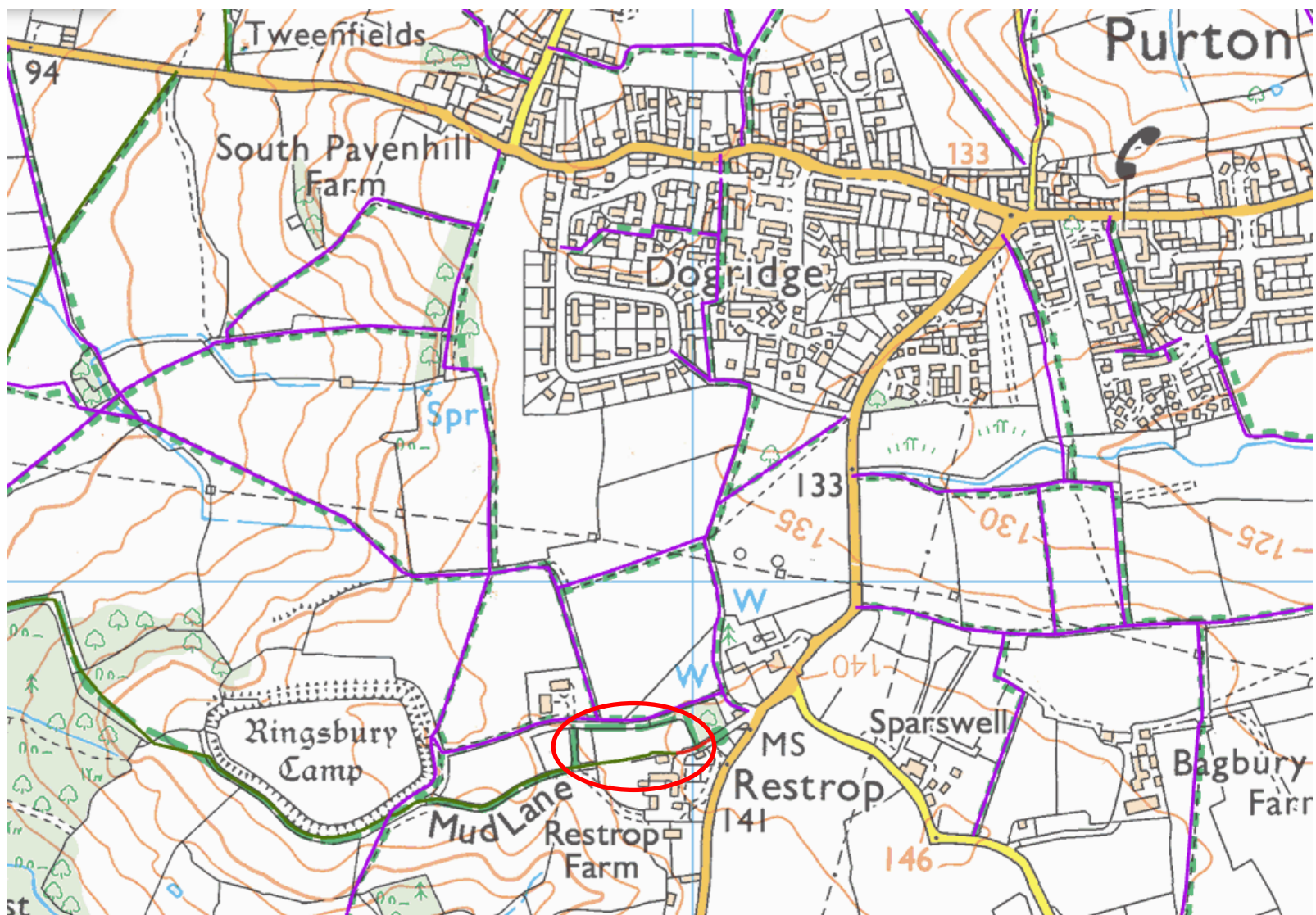


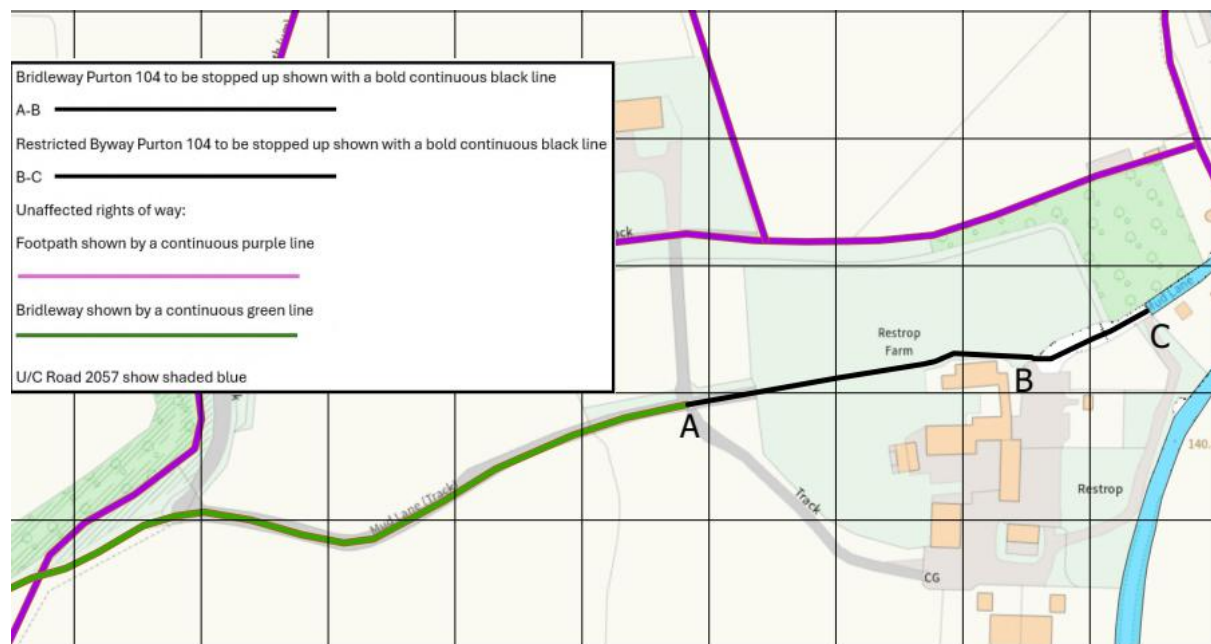
HIGHWAYS ACT 1980 S.118 and 26

**The Wiltshire Council Parish of Purton Path 104 (part) Extinguishment
and Definitive Map and Statement Modification Order 2025**

**The Wiltshire Council Parish of Purton Bridleway 104 (part) Creation
and Definitive Map and Statement Modification Order 2025**



Order Plan for the Proposed Extinguishment of Purton Path 104 dated 2025



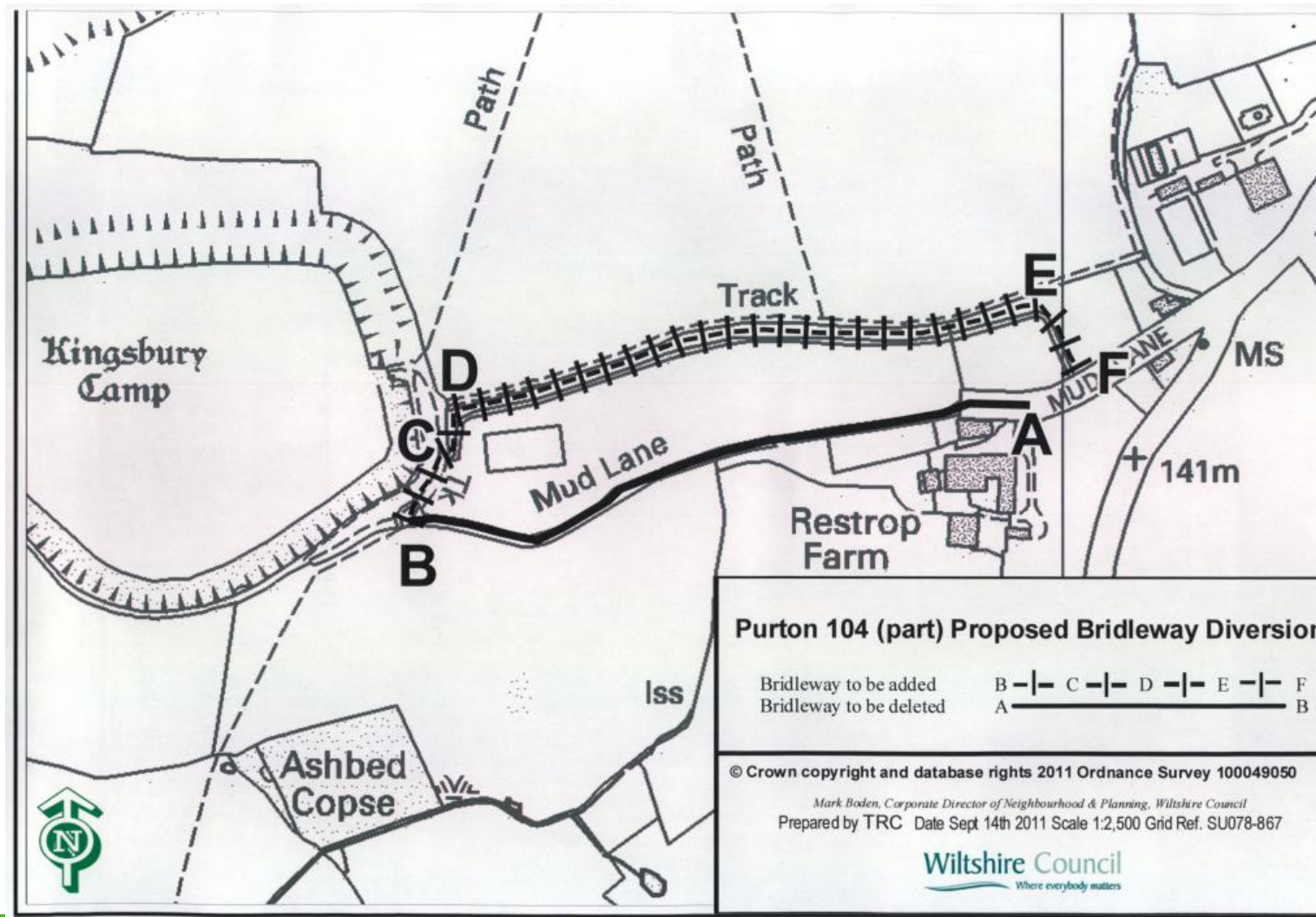
Order Plan for the Proposed Creation of Purton Bridleway 104 dated 2025



The main points of objection to these orders

- That a diversion of Bridleway Purton 104 was previously refused by the Planning Inspectorate following a Public inquiry in 2012 and that there have been no material changes since this decision was reached.
- DEFRA guidance has been incorrectly applied because the land is agricultural rather than a garden.
- There is historic and heritage value to Mud Lane.

Order Plan for the Proposed Diversion of Purton Bridleway 104 dated 2011





**Photographs used for the
Public Inquiry in 2012 of
PURT104 Definitive Route**

**Photographs used for the
Public Inquiry in 2012 of
PURT104 Proposed Diversion
Route**



2012 proposal shown with red lines
2025 proposal shown with black lines



Photograph taken in 2025



Photograph taken in 2007



Continuation of Purton 104 not subject to this diversion



Legal tests for S.118 of the Highways Act 1980

“118. Stopping up of footpaths, bridleways and restricted byways

(1) Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way.”

Current route of Purton 104



Current route of Purton 104



Legal tests for S.26 of the Highways Act 1980

“26. Compulsory powers for creation of footpaths, bridleways and restricted byway

(1) Where it appears to a local authority that there is a need for a footpath, bridleway or restricted byway over land in their area and they are satisfied that, having regard to-

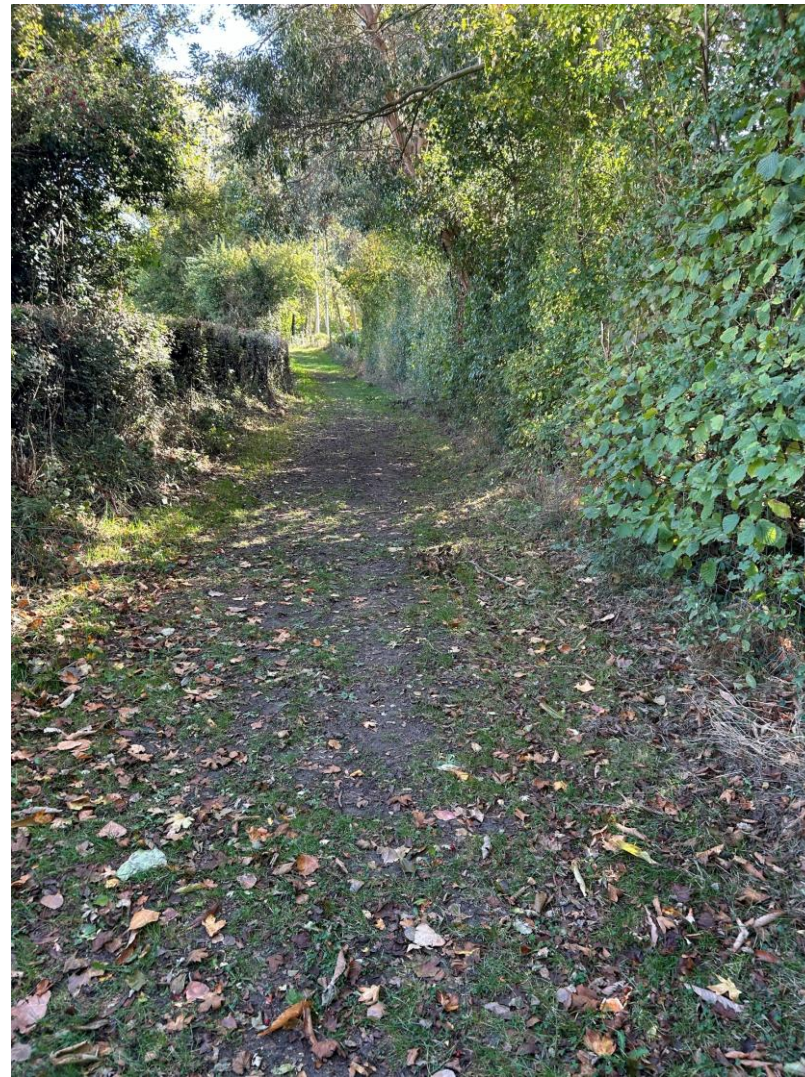
- (a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area; and*
- (b) the effect which the creation of the path or way would have on the rights of persons interested in that land, account being taken of the provisions as to compensation contained in section 28 below,*

it is expedient that the path or way should be created, the authority may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed by them as an unopposed order, create a footpath, bridleway or restricted byway over the land.”

Proposed route of Purton 104



Proposed route of Purton 104



Summary

- The Orders before the committee today, differ in extent and circumstances since the Planning Inspectorate's refusal on the previous diversion proposal in 2012.
- A Certificate of Lawful Existing Use granted in 2026 formally recognises the land has been used as a residential garden for over 10 years, therefore it is appropriate to have regard of the Defra presumption guidance.
- Defra presumption guidance directs authorities to give due weight to privacy, security and safety impacts on owners where rights of way pass through gardens, farmyards and commercial premises.
- The existing route passes through a private residential garden and farm setting, giving rise to legitimate privacy, security and safety concerns
- The proposed route maintains network connectivity, provides a comparable or improved recreational experience, and avoids intrusion on the property.

Options for the Council

- The Orders should be forwarded to the Secretary of State for determination as follows:
 - The Orders be confirmed without modification, or
 - The Orders be confirmed with modification
- or...
- Wiltshire Council no longer supports the making of the Orders, in which case the Orders should be abandoned, with clear reasons given as to why Wiltshire Council no longer support the making of the Orders, i.e. why the Orders fail to meet the legal tests

Officer Recommendation

That the Wiltshire Council Parish of Purton Path 104 (part) Extinguishment and Definitive Map and Statement Modification Order 2025 and the Wiltshire Council Parish of Purton Bridleway 104 (part) Creation and Definitive Map and Statement Modification Order 2025 be forwarded to the Secretary of State for the Environment, Food and Rural Affairs with the recommendation that they be confirmed as made.