

APPENDIX B

PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE, SHEFFIELD 6.

OBJECTOR	VIEWS EXPRESSED IN OBJECTION	OFFICER OPINION
<p data-bbox="25 264 483 407">Owner of industrial land and buildings at Clay Wheels Lane, Sheffield, which backs onto the subject footpath.</p> <p data-bbox="94 743 136 906" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 45</p>	<p data-bbox="583 264 1276 516">Accessing the footpath enables the proprietor and others to ensure that the property that is owned by the family pension scheme is being maintained by the tenant of the property and to inspect the same at regular intervals. Closing the footpath would deprive the proprietor of this opportunity in the future.</p>	<p data-bbox="1350 264 2043 443">Due to its nature as a cul-de-sac footpath this narrow route has seen extremely minimal use for many years and has become impassable due to overgrown vegetation, such as that shown in the photographs attached as Appendix C.</p> <p data-bbox="1350 483 2043 735">Due to the overgrown nature of the footpath, it is thought unlikely that inspections of the rear of the property would have been possible via the footpath for at least the last 8 years. Therefore, Officers believe that legal closure of the path will make no practical change to the situation which has persisted for a considerable time anyway.</p> <p data-bbox="1350 776 2043 1206">The ownership of the relevant part of the subsoil of the subject path is unregistered with the Land Registry, and thus unknown. Therefore, under the 'Ad Medium Filum presumption', Officers believe that, upon legal closure of the path, ownership and control of enough of the path land would revert to the objector so as to facilitate his continued desired inspection access to his premises anyway. On that basis, Officers believe that, despite the objection, the Council will still be able to demonstrate to a Planning Inspector that the path is not necessary for public use.</p>

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		<p>The statements below, from the report presented to this committee on 27th October 2017, explain how the cul-de-sac footpath was created.</p> <p>2.1 <i>Footpath SHE/346 has a recorded length of 720 yards and commences at Clay Wheels Lane at a point just east of the junction with Limestone Cottage Lane. From this point it heads north for 85 metres before heading east until it terminates on the eastern side of the former Wadsley Bridge Railway Station. Beyond this point there is no further public access.</i></p> <p>2.2 <i>During the time that the railway station was operating, and latterly before the sale of the land by the British Railways Board, the public were able to continue their journey from or towards Halifax Road without obstruction.</i></p> <p>2.3 <i>Under section 57 of the British Transport Commission Act 1949 (amended by the Railways Act 1993) a public right of way cannot be established over any road, footpath, thoroughfare or place whilst it is the property of the railway. Consequently, when the redundant railway property and land was sold (in 1995) to a private individual, a public right of way – between the easternmost point of footpath SHE\346 and Halifax Road - could not be claimed.</i></p> <p>Consequently the path ceased to be used by the public and over a period of time has become overgrown.</p>

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