

**THIS IS AN EXPLANATORY STATEMENT AND DOES NOT FORM PART OF THE
ORDER**

HIGHWAYS ACT 1980

PUBLIC PATH ORDER

Under the Highways Act 1980, county and district councils have the power to make orders to create, extinguish (close) or divert public rights of way. A notice that such an order has been made has to be advertised on the site of the path in question and in the local press. This provides an opportunity for objections or representations to be made to the proposed change.

The District Council has made an order to divert part of Laxfield Public Footpath 22. This statement has been prepared to explain various aspects of the order.

The application has been submitted under Section 119 of the Highways Act 1980 in the interests of the owners of the land crossed by the footpath. The applicants' statement of reasons for requesting the diversion is summarised below:

"Laxfield footpath 22 runs in a southerly direction from Badingham Road past the eastern side of Laxfield wood across the fields of Valley Farm and then between Sunflower Farm and Sunflower Farm Barn, coming to an end at Low road. At this point the path continues as Dennington FP 11 which diagonally crosses a small livestock field. The footpaths probably served as an access route for Valley Farm to the village of Badingham, passing through the farm yard of Gilbert's Farm. Since then, the farm buildings have been converted into a residence and renamed Sunflower Farm Barn and the original farm house to Sunflower Farm. The definitive alignment of FP22 is recorded as obstructed by a building at Sunflower Farm. All 3 properties: Sunflower Farm, Sunflower Farm Barn and Valley Farm are now owned and occupied by the Cantrell family. Sunflower Farm was most recently acquired in 2018. Renovation work has been going on since and it is now complete allowing occupation. The obstructing building was present before ownership of any of the properties.

The Cantrell Family is a large, close, family. Three generations of the family: One father, two sons, one daughter, seven children and six dogs currently live or regularly visit the three properties. There is a lot of mixing between family members both human and canine! Even more so now that Sunflower Farm is being occupied.

Unrestricted access between the properties is desired. Currently they are separated by a wall and a fence. If FP22 were to be diverted, these could be removed. This would alleviate the continual opening and closing of gates, the constant feeling of needing to control the dogs in case a walker appears and would greatly enhance the day to day living experience. In addition, the security of the site would be improved and any feelings of intrusion removed.

Shortly after the purchase of Valley Farm in 2008 a permissive path was created to provide an alternative route to FP22 and FP11, which were rarely used. Since then, the permissive path is almost exclusively used. It has been included in the Badingham Village guide, rather than the footpaths, and is now enjoyed by many more walkers. We are often told how nice the route is.

The proposed diversion would follow the current permissive path, is of a similar distance and is entirely within land owned by the Cantrells. This route would solve the problem of the obstruction by a building at Sunflower Farm of FP22.”

The current footpath has no legally recorded width. The proposed footpath will be 1.5 metres wide between points D – E on the order map. The remainder will be 2 metres wide.

The Council is satisfied that the order complies with the legal grounds and tests laid down in the Highways Act.

It considers that the proposal is in the interests of the owners of the land, that the order does not alter any termination points of the footpath other than to other points on the same path or highways connected with it and which are substantially as convenient to the public, that the proposed route will not be substantially less convenient to the public as a consequence of the diversion and that the proposal will not have an adverse effect on public enjoyment of the footpath as a whole.

In coming to a decision to make the order the Council has taken account of guidance issued by the Government in August 2023 titled ‘*Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises*’, known as the ‘*Presumptions Guidance*’. The guidance sets out Government policy on changes to public rights of way through gardens and curtilages of private dwellings, working farmyards and other commercial premises.

Paragraph 9 states “...*the order-making and confirming authority should weigh the interests of the owner and/or occupier against the overall impact of the proposal on the public as a whole. They should note that reducing or eliminating the impact of the current route of the right of way on the owner and/or occupier, in terms of privacy, security and safety, are important considerations to which due weight should be given...*”

Paragraph 10 states “*The order-making authority should therefore be predisposed to make, and the confirming authority will be similarly predisposed to confirm, an order if it satisfies the respective relevant legislative tests...*”

Paragraph 14 states “*In determining an application to which this guidance applies, it is for the authority to consider the case on all its merits taking into account all the statutory requirements and available guidance. In making its decision as to whether the existing path should be diverted or extinguished, an authority should consider in particular the impact of the existing path on the property owner and/or occupier against the benefit that having the right of way through the land brings to the public, taking account of this guidance.*”

The order will come into effect only after it has been confirmed. Making and advertising the order simply provides an opportunity for objections or representations to be made.

Where a new path is being created (by a creation or diversion order) the change will come into effect only after a specified period from the date of confirmation to allow

time for any necessary works to be undertaken.

Objections or representations relating to the order must be made in writing by 17 July 2025 to N Christo, Head of Public Realm and Parking Services, Mid Suffolk District Council, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

The Council is willing to discuss the concerns of those considering objecting or making representations relating to the order. Please contact Sharon Berry by emailing public.realm@baberghmidsuffolk.gov.uk or by telephone on 01449 724634. The right of objection to an order is a statutory right, but it should be exercised in a reasonable manner.

If any objections are made and not withdrawn then the council will have to refer the order to the Department of the Environment, Food and Rural Affairs for determination. An Inspector from the Planning Inspectorate will then hear the objections at a public inquiry or hearing, or in writing if the objectors agree. The Inspector can confirm an order, confirm it with modifications, or refuse to confirm it. If no objections are received the Council will be able to confirm the order itself but it has no power to modify orders.

N Christo
Head of Public Realm and Parking Services
Mid Suffolk District Council

19 June 2025