

Enquiries to Tara Potheary

My reference **PPO 5294**

Date 6 October 2026

E-mail tara.potheary@hants.gov.uk

Dear Sir/Madam

Proposed Diversion of Part of Sherfield English Footpath No 21

Hampshire County Council proposes to divert part of Sherfield English Footpath No 16 under section 119 of the Highways Act 1980. A plan showing the route of the proposed diversion is attached.

Hampshire County Council has published a guidance document outlining the criteria that will be considered in assessing applications for diversions, either in the interest of the landowner or of the public. This document can be viewed on the HCC website at the following address and should be read in conjunction with the requirements of the Highways Act 1980.

<https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap/pa/thorders>

Legal Tests

Section 119 of the Highways Act

Orders for the Diversion of footpaths, bridleways or restricted byways may be made under Section 119 of the Highways Act 1980, as amended by the Wildlife and Countryside Act 1981, in the following circumstances: -

“Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order:

- (a) create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion; and
- (b) extinguish... the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

An order under this section is referred to in this Act as a 'public path diversion order'."

Guidance published by the Department for Environment, Food & Rural Affairs (DEFRA) in August 2023, provides a steer for local authorities as to the weight they should attach to the impact of public footpaths, bridleways or restricted byways where they run by private houses and gardens, farmyards and commercial and industrial premises. The guidance sets out Government policy on changes to public rights of way in circumstances where a right of way may cause hardship because it goes through the garden of a family home, a working farmyard or other commercial premises.

Definitive Alignment (A-B)

SU 3008 2407 and SU 2996 2428

That part of Sherfield English Footpath No. 21 commences at SU 3008 2407 (Point A on the plan), proceeding north-westward across a paddock to its junction with Footpath 20 at SU 2996 2428 (Point B).

Approximately 245 metres in length.

Proposed Alignment (A-C)

SU 3008 2407 and SU 2994 2423

A 2-metre-wide path commencing at SU 3008 2407 (Point A on the plan), proceeding north-westward through a paddock to SU 2994 2423 (Point C).

Approximately 253 metres in length.

Background

The application has been made by the landowners under Section 119 of the Highways Act 1980 to divert part of Sherfield English Footpath No. 21 between points A and B onto an alternative alignment between points A and C on the attached plan.

The affected section of the definitive footpath currently crosses the centre of a grass paddock for approximately 245 metres. The proposed diversion would relocate the route to the edge of the paddock, following a path that has reportedly been available to and used by the public for many years. The proposed route would be approximately 253 metres in length and have a width of 2 metres.

The applicant advises that the diversion would formalise the route currently used on the ground and would provide a clearer and more convenient line for public use. The proposal would remove the need for walkers to cross an earth bund and would avoid the necessity for users to pass through areas containing temporary electric

fencing associated with the management of grazing animals. The applicant also intends to replace existing stiles with gates, which would improve accessibility for a wider range of users.

The applicant considers that the proposed route would provide a safer and more straightforward path for the public while enabling more effective management of the paddocks and livestock. In addition, relocating the footpath to the field boundary would assist the landowners in managing privacy and security around the property and agricultural operations.

If you have any comments to make and wish them to be considered by the Council, I would be grateful if written submissions could be sent to me at the email address above by the 3 November 2026, if possible. Should you wish to discuss any of the above, please do not hesitate to contact me.

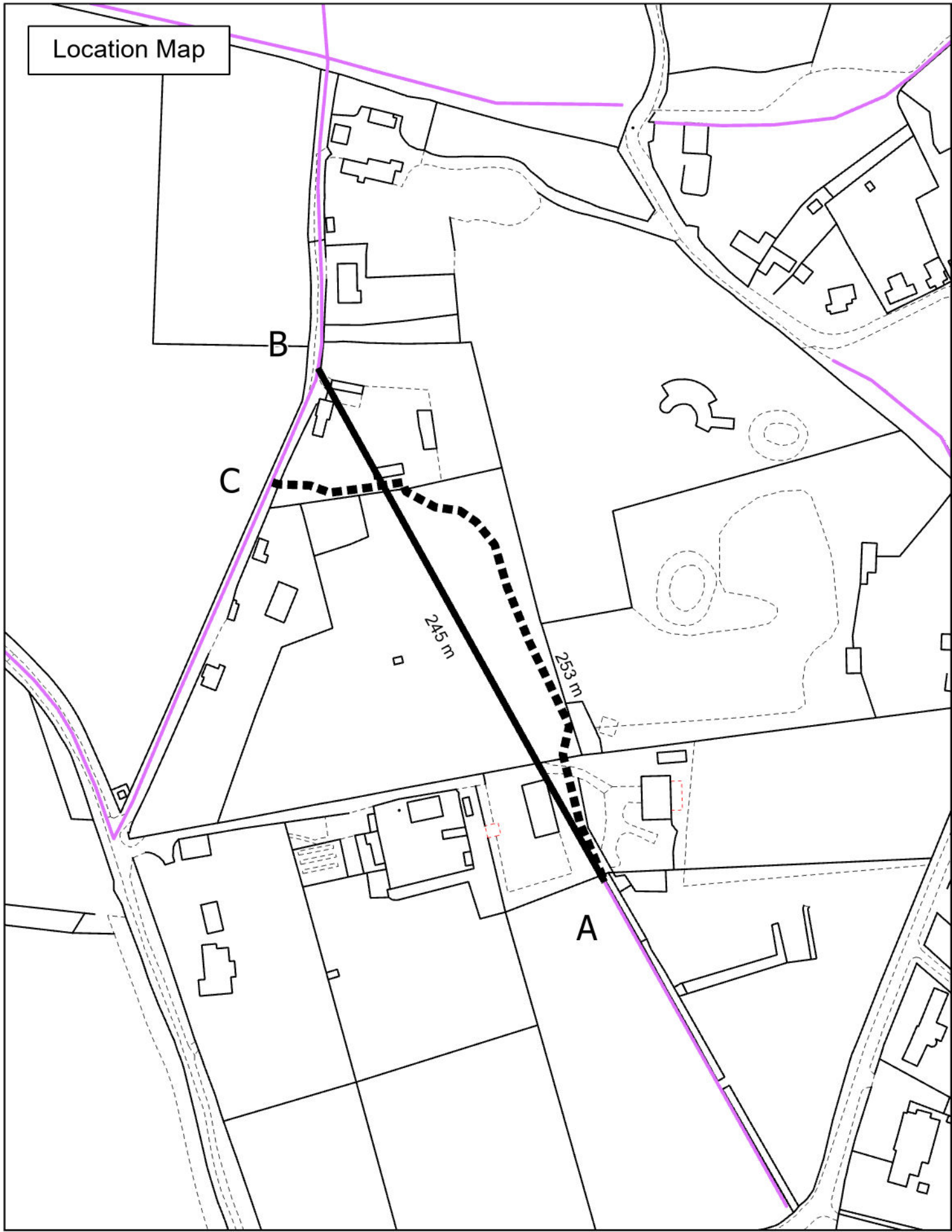
The personal data you provide in any response will be treated in accordance with Data Protection Legislation, and may be published in a decision report, be disclosed to other interested parties, including the landowner (or their representatives). It may also be made public if the matter is referred to the Planning Inspectorate. Your data will be retained for a maximum period of 3 years from the date that the application is resolved. In the event that this changes to a legal event order, it will become part of the permanent records kept on rights of way in Hampshire. The legal basis for our use of this information is the compliance with a legal obligation – Highways Act 1980.

You have some legal rights in respect of the personal information we collect from you. Please see our website Data Protection page for further details: www.hants.gov.uk/dataprotection You can contact the County Council's Data Protection Officer at data.protection@hants.gov.uk If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Yours faithfully,

Tara Potheary

Tara Potheary
Countryside Access Development Officer



LEGEND 1:2,000

- Existing Footpath
- - - - - Footpath to be added
- Footpath to be extinguished

Countryside Access Team, Universal Services,
The Castle, Winchester, SO23 8UD

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