


Streetscene and Housing
Flint Street, Fartown
Huddersfield
HD1 6LG

Public Rights of Way

Tel: 01484 221000 

phil.champion@kirklees.gov.uk

Date: 23/11/2020



Dear 

Definitive Map Modification Order (DMMO) application. Section 53 Wildlife and Countryside Act 1981.

Investigation into the width of part of public footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong, West Yorkshire

As you will be aware, Peak and Northern Footpaths Society have applied for a Definitive Map Modification Order (DMMO) to vary the particulars shown in the Statement accompanying the Definitive Map.

Public footpath Holmfirth 60 is currently recorded as approximately 1.2 metres (4ft) wide along its whole length. The application is to increase the recorded width of part of this path at Wolfstones Heights Farm. This is shown by letters A-B-C-D-E on the attached plan.

The application is principally supported by evidence from members of the public who described use of a way of greater width than the 1.2 metres currently recorded. The applicant has indicated that the width recorded in the Statement should be between 3 and 4 metres.

I am aware that the available width of the access from Wolfstones Road over which the public right of way runs has recently been narrowed to approximately 1.2 metres.

I note that you are the registered owner of Wolfstones Heights Farm (title no. WYK137187) and Wolfstones Heights (WYK448872). I understand that the applicant has served notice on you, as the owner of land to which the application relates, as required under paragraph 2 of Schedule 14 of the Wildlife and Countryside Act 1981. Notice has also been served on other occupiers of Wolfstones Heights Farm and Wolfstones Heights. The applicant has certified to the authority that notices have been served.

The Council, as the surveying authority, has a duty to investigate the matters stated in the application and to decide whether or not to make the Order to which the application relates.

The Council also has a standalone duty under section 53(2)(b) to keep the Definitive Map and Statement under continuous review and to make such order as appear to them to be requisite, in line with evidence. This duty applies irrespective of whether or not a valid application has been an application from a member of the public or whether notice has been served on all owners and occupiers.

As the landowner your assistance is sought as part of the investigation of this application.

You may wish to submit evidence regarding the width of the public right of way or make other comments regarding the application. The Council will consider all evidence received whether or not it supports the application.

As well as evidence regarding the width of the path and its use, or lack thereof, it would assist my investigation of this matter if you would also consider providing any evidence regarding structures such as gates or stiles that may or may not have been in place on Holmfirth 60 at various times. Including when any structures may have been installed, removed or altered.

Any documentary evidence you feel able to provide, including any photographs, would also be gratefully received.

If you have any evidence to add, or further comment, I would be grateful if you could let me have it within 28 days of the date of this letter. Response by email is preferred.

This matter is being considered separately from the proposed diversion of part of footpath Holmfirth 60 under s247 Town and Country Planning Act. It is not concerned with the merits of that proposal. However, the width and position of public rights over the part proposed to be diverted may be a material factor when an Inspector appointed by the Secretary of State for Transport considers the diversion proposal. It is therefore important that the Definitive Map Modification Order application is considered without delay.

Please note that this communication forms part of the investigation of the application to modify the Definitive Map and Statement and that no decision on the application has yet been made by the Council.

In due course the matter will be considered by Kirklees Council's Huddersfield area Planning Sub-committee who will make a decision whether or not to make an Order to modify the Map and Statement. Any evidence you provide will be taken into consideration.

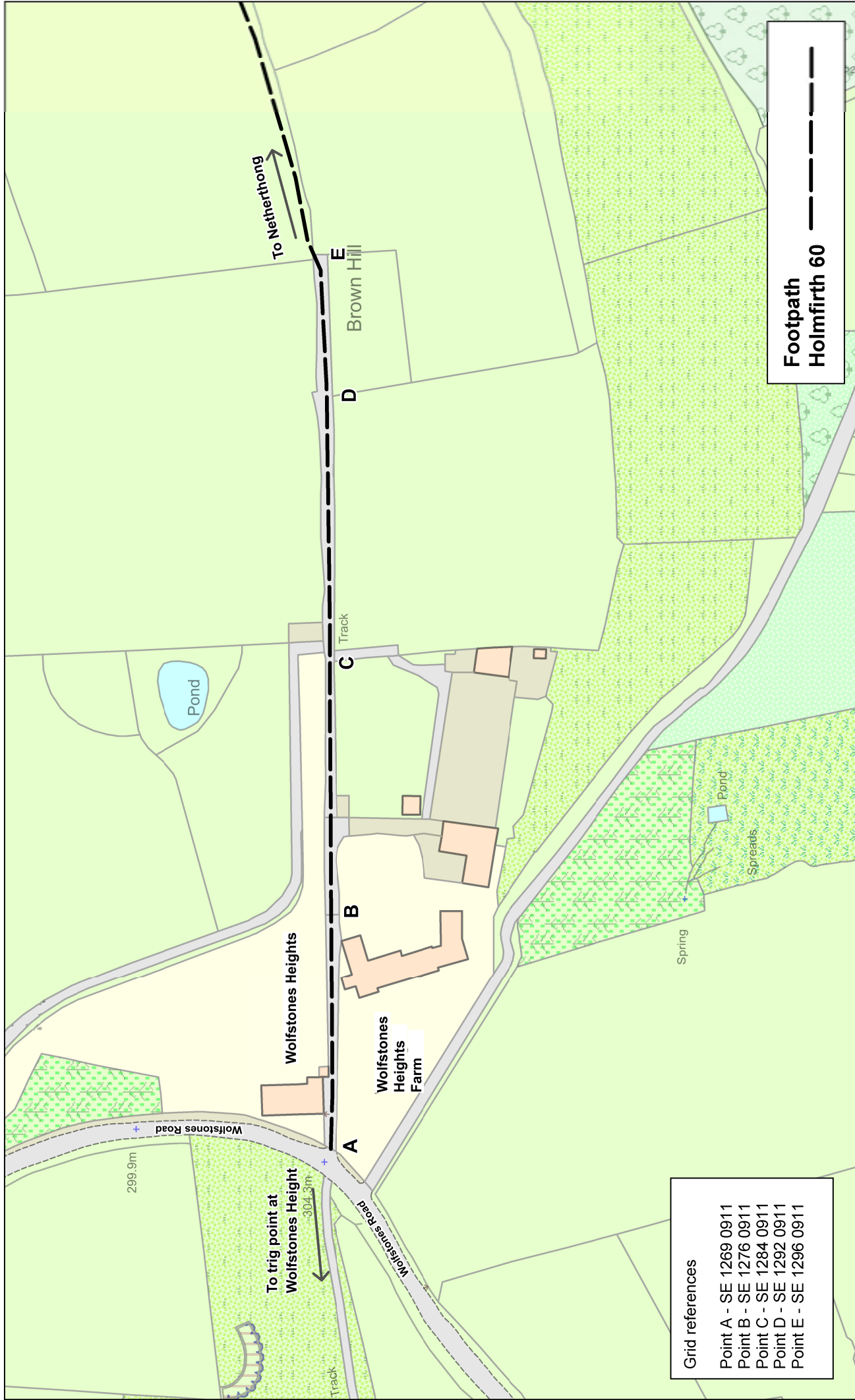
Any comments you make or evidence you provide may eventually become public and may be used in evidence at a Public Inquiry.

If you require any further information about this matter, please do not hesitate to contact me.

Yours sincerely

A black rectangular redaction box covering the signature of Phil Champion.

Phil Champion
Definitive Map Officer



Grid references

Point A - SE 1269 0911
 Point B - SE 1276 0911
 Point C - SE 1284 0911
 Point D - SE 1292 0911
 Point E - SE 1296 0911

**Footpath
 Holmfirth 60** ———



Public Footpath Holmfirth 60 at Wolfstones Heights Farm, Upperthong

Produced on 18 Nov 2020
 Scale 1:1500

