

**The Openness of Local Government Bodies Regulations 2014** require that officers keep a written record of decisions which are made, either:

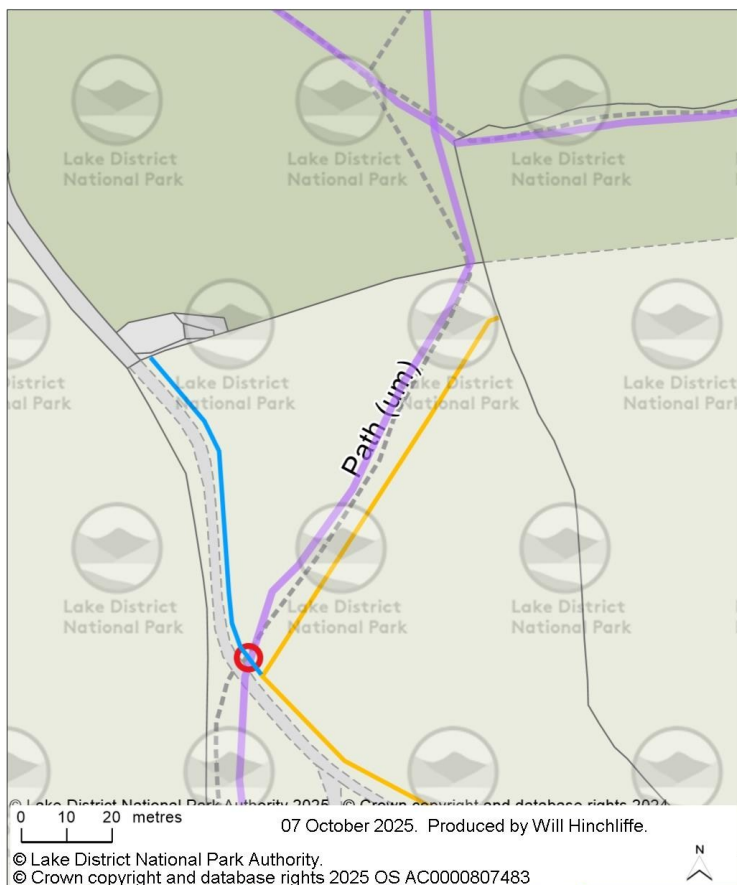
- a) under a specific express authorisation or
- b) under general delegated authority, where the effect of the decision is to
  - i) grant permission or licence;
  - ii) affect the rights of an individual; or
  - iii) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position (£50,000 or over).

Lead Director	Steve Ratcliffe, Director of Sustainable Development	
Subject of Decision	<b>AUTHORISATION OF NEW GATE, FOOTPATH 558017, ASHES LANE, NETHER STAVELEY PARISH</b>	
Relevant section of Scheme of Delegation	<b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b> <b>ANNEX 4 - Functions delegated to Head of Service and sub-delegated to Ranger Team Leaders.</b> <b>Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland and Furness Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the Planning Inspectorate of the confirmation of any orders under the Highway Acts where formal substantive representations have been made. "Substantive representations" are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	
Background	We have received a representation to authorise a new gate across a public footpath to prevent the egress of stock from an area of a field which will be enclosed by a proposed new fenceline	
Details of Decision	To grant authorisation	
Details of alternative options considered and rejected.	Not to grant authorisation	
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	None	
Author and contact details of report	Will Hinchliffe, Rights of Way Officer	
Background Papers	1410.002 – includes application form and authorisation letter	
Date of Report	7 October 2025	
Authorising officer	Steve Tatlock, Ranger Team Leader	
Date	10 October 2025	

## Brief summary of reasoning

The owner of the land in the vicinity of Ashes Lane (the U5317 road) and footpath 558017 has made a representation to us for authorisation to install a new gate at SD 4720 9689 just to the northeast of where the footpath crosses the lane (see Annex 1 location plan). They intend to install a new section of fencing along the eastern side of Ashes Lane in order to create a triangular stock enclosure within the field. Once constructed they intend to keep sheep / rams within this.

In order to make the new enclosure stockproof but retain public access along the footpath a gate is necessary will be necessary within the new fenceline. This reason would fit within the purposes for which we may authorise a new gate on a public right of way under Section 147 of the Highways Act 1980 (Annex 2), appearing expedient to aid agricultural efficiently by preventing the ingress and / or egress of stock. The below sketch plan shows what the owner intends with the new fence (blue line) extending across the footpath (purple, with red circle marking location of requested gate) to link with an existing fence installed relatively recently (orange):



Alternatively, the owner could install fencing along the northwestern side of the footpath, negating the need for a gate. However, with there already being a fence along its southeastern side, this would create a fenced corridor for the path which would potentially feel quite oppressive and unsightly within this context. If no other furniture hindering accessibility were encountered on this path this option may still be more preferable, but as there is already a kissing gate at the northeastern corner of this field on the footpath (and further gates or stiles beyond that depending on route choice), it appears to me that a new gate at the requested location (particularly as it will be of a more accessible design than the kissing gate in the northeast corner of the field) should not prevent anyone from using this footpath who otherwise could have. Therefore it appears more appropriate in my view that we authorise a gate at this location.

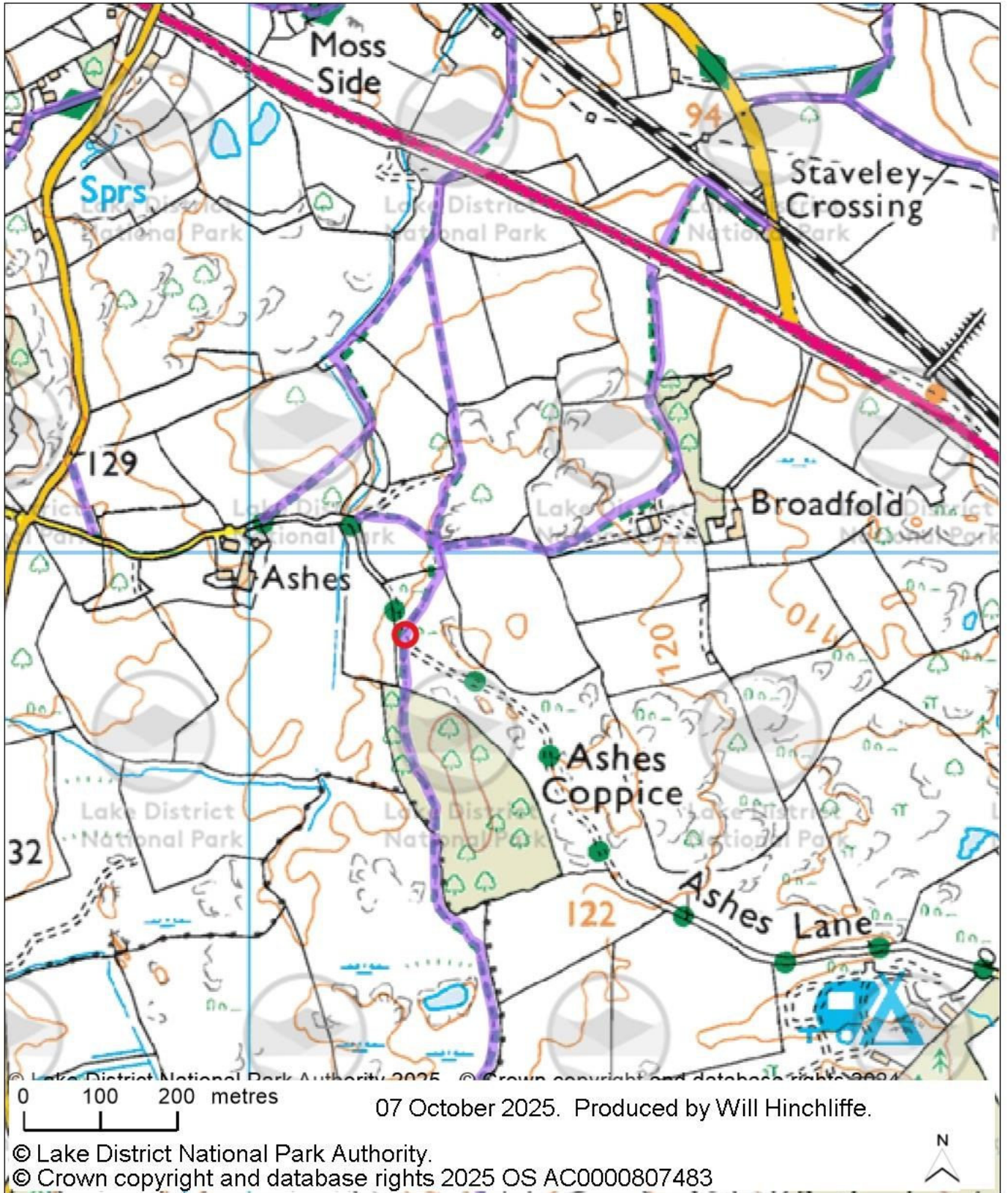
The Equality Act (2010) requires that reasonable adjustments are made to ensure furniture is not unreasonably difficult for people with limited mobility. DEFRA guidance for local authorities on authorising structures on rights of way and compliance with the Equality Act (available on the Open Spaces Society website here: <https://www.oss.org.uk/wp-content/uploads/2018/10/Authorising-structures.pdf>) provides further advice around this, '*the valid agricultural requirement to control animals must be balanced against the obligation of the authority to comply with the Equality Act. The assessment process should seek to define a suitable structure to satisfy both requirements*'. This authorisation would be for a 1.2m pedestrian wicket gate to LDNPA 2011 standards (Annex 3) as this is the least restrictive option which should meet the agricultural need.

The gate will be necessary for stock control only whilst the land remains in agricultural use for grazing stock. Therefore, this authorisation will cease if the land use changes or there is a substantive change to the grazing regime which would render the gate no longer necessary to prevent stock ingress / egress from the triangular enclosure within the field.

For the reasons given above and in the application form, I consider that it is appropriate to issue the relevant authorisation for a pedestrian wicket gate at this location.

**Will Hinchliffe, Rights of Way Officer, 7 October 2025**

**Annex 1 – Location plan showing requested gate location (red circle)**



## **Annex 2 – Section 147, Highways Act (1980)**

### **Section 147 Highways Act 1980**

#### **Power to authorise erection of stiles etc. on footpath or bridleway.**

- (1) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and  
(b) in the case of any other footpath or bridleway, the highway authority.

- (2) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

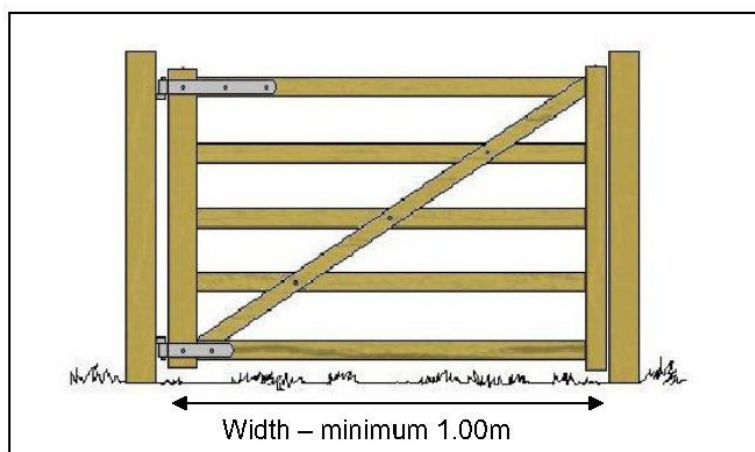
- (3) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.
- (4) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.
- (5) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.
- (6) Nothing in this section prejudices any limitation or condition having effect apart from this section.

## Annex 3 – LDNPA Pedestrian Wicket Gate Standard (2011)



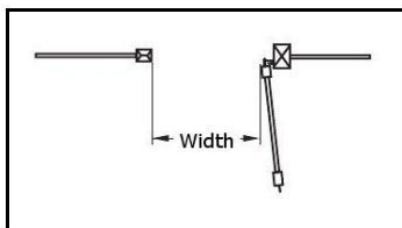
### LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

#### GATES – WICKET (PEDESTRIAN)

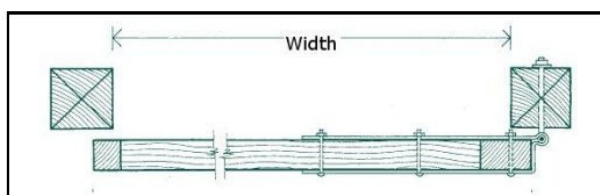


- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)





Lake District  
National Park

Mr [REDACTED] Peacock

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 October 2025

Dear Mr Peacock

**Our Reference: 1410.002**

**Authorisation of new gate across Public Footpath 558017,  
Near Ashes Lane, Nether Staveley Parish**

Thank you for your application to erect a new gate across the above footpath. On behalf of the Lake District National Park Authority, I authorise the installation of the following:

- 1.2 metre pedestrian wicket gate over Footpath 558017 at SD 4720 9689 (see Annex A location plan)

The authorised gate will prevent the egress of stock from the triangular section of this field which you are intending to enclose by installing a fence along the eastern side of Ashes Lane.

Please do bear in mind that because your proposed new fencing will run adjacent to a highway used by vehicular traffic, the height of the fence (and gate) must not exceed 1 metre unless planning permission for the development has been obtained (for any further advice regarding this please contact our Planning team).

My authorisation is granted under Section 147 of the Highways Act 1980 (Annex B). We must consider the needs of many users and the authorisation is therefore subject to the conditions below:

- The gate shall meet the LDNPA structures standard 2011 (included with this letter – Annex C) for a pedestrian wicket gate, complying with the least restrictive option suitable for the purpose.
- You will maintain the gate in a safe condition and to a standard that does not unduly inconvenience the public (s146, Highways Act 1980). If you fail to do so, the Authority's staff can improve the gate and recover the costs from you. This gate does not qualify for any contribution from the Highway Authority under s146(4) of the Highways Act 1980.

- Liability for the gate's safe maintenance lies with the landowner.
- The authorisation is granted whilst the agricultural need for a gate at this location remains. If the land use changes or the grazing regime is substantially changed such that the gate is no longer necessary to prevent ingress or egress of stock then the gate must be removed to restore uninterrupted passage.

Please sign and return the second copy of this letter, which will act as acceptance of the above conditions. Until we receive this, any structures will remain an unauthorised obstruction.

If you have any queries please contact the Area Ranger - Matt Croney, on 07920 086355, Ranger – Dave Bell, on 07747 767156, or Rights of Way Officer - Will Hinchliffe, on 01539 792696.

Yours sincerely



Steve Tatlock

Ranger Team Leader

Direct: 01539 792733

Email: [steve.tatlock@lakedistrict.gov.uk](mailto:steve.tatlock@lakedistrict.gov.uk)

**Landowner Confirmation**

- I am the owner of the land shown on the plan attached to this letter.

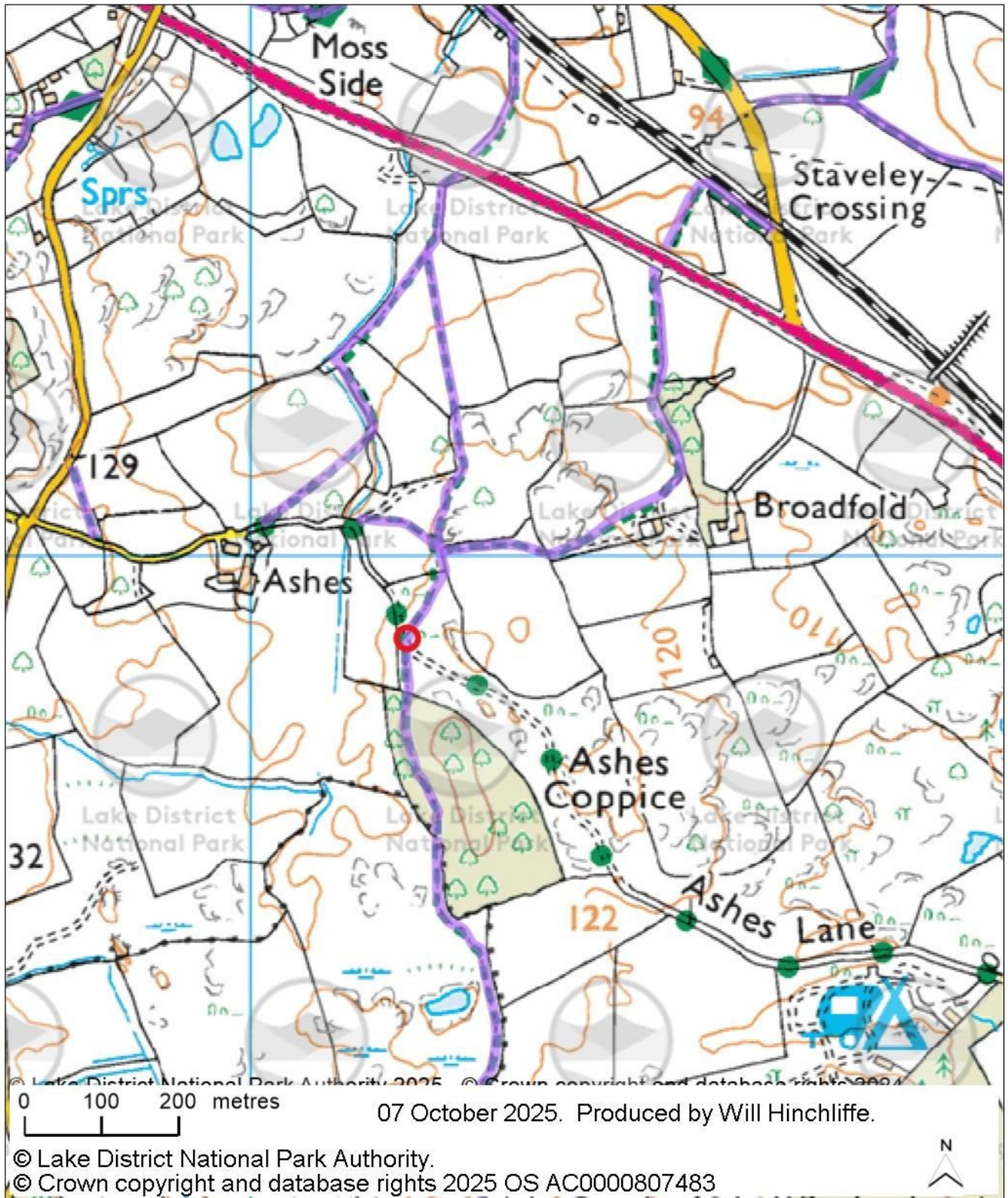
- I agree to the above conditions

Print name .....

Signature .....

Date .....

**Annex A – Location plan showing gate location (red circle)**



## **Annex B – Section 147, Highways Act (1980)**

### **Section 147 Highways Act 1980**

#### **Power to authorise erection of stiles etc. on footpath or bridleway.**

(7) The following provisions of this section apply where the owner, lessee or occupier of agricultural land, or of land which is being brought into use for agriculture, represents to a competent authority, as respects a footpath or bridleway that crosses the land, that for securing that the use, or any particular use, of the land for agriculture shall be efficiently carried on, it is expedient that stiles, gates or other works for preventing the ingress or egress of animals should be erected on the path or way.

For the purposes of this section the following are competent authorities—

- (a) in the case of a footpath or bridleway which is for the time being maintained by a district council by virtue of section 42 or 50 above, that council and also the highway authority, and
- (b) in the case of any other footpath or bridleway, the highway authority.

(8) Where such a representation is made the authority to whom it is made may, subject to such conditions as they may impose for maintenance and for enabling the right of way to be exercised without undue inconvenience to the public, authorise the erection of the stiles, gates or other works.

(2A) In exercising their powers under subsection (2) above a competent authority shall have regard to the needs of persons with mobility problems.

(2B) The Secretary of State may issue guidance to competent authorities as to matters to be taken into account for the purposes of subsection (2) above; and in exercising their powers under subsection (2) above competent authorities shall have regard to any such guidance issued to them.

(9) Where an authorisation in respect of a footpath or bridleway is granted under this section the public right of way is to be deemed to be subject to a condition that the stiles, gates or works may be erected and maintained in accordance with the authorisation and so long as the conditions attached to it are complied with.

(10) For the purposes of section 143 above, any stile, gate or works erected in pursuance of an authorisation under this section is to be deemed to be erected under this section only if the provisions of the authorisation and any conditions attached to it are complied with.

(11) In this section references to agricultural land and to land being brought into use for agriculture include references to land used or, as the case may be, land being brought into use, for forestry, or for the breeding or keeping of horses.

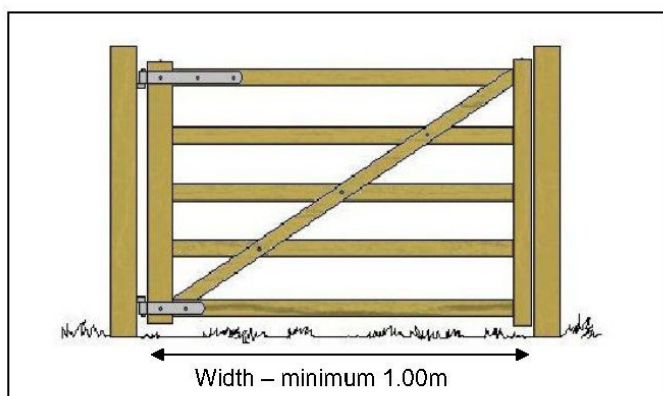
(12) Nothing in this section prejudices any limitation or condition having effect apart from this section.

## Annex C – LDNPA Pedestrian Wicket Gate Standard (2011)



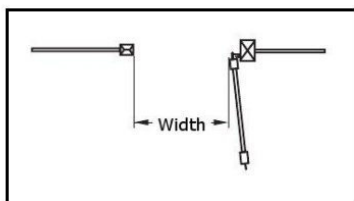
### LAKE DISTRICT NATIONAL PARK STRUCTURES STANDARDS 2011

#### GATES – WICKET (PEDESTRIAN)



- Usable width for all pedestrian gates to be at least 1.0m (3'3") wide.
- Catches to be self-fastening if possible, and should be visible, accessible and smoothly and easily operable from both sides of the gate by all path users.
- Waymarker fixed to both sides if appropriate (on the posts not the gate itself).
- Stoops should not be used as straining posts for a fence.
- There should be no barbed wire or electric fencing within 1m of the gate.
- Consideration should be given to two-way opening mechanisms (see catches guidance).
- Meets BS5709: 2006 size specifications.

If gate hangs and shuts inside stoops, then 'width' is the gap as shown below (requires 1.0m gate width)



If gate hangs and shuts from side of stoops, then 'width' is between the insides of posts as shown below (requires wider than 1.0m gate width)

