



## Openness of Local Government Bodies Regulations 2014

These 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>DIVERSION OF FOOTPATH 510004, KNOTT COTTAGE (HARROWSLACK), CLAIFE PARISH</b>
Relevant section of Scheme of Delegation	<p><b>PART 4 - DELEGATION OF FUNCTIONS TO OFFICERS</b></p> <p><b>ANNEX 4 - Functions delegated to Head of Strategy &amp; Ranger Service and sub-delegated to a Ranger Team Leader.</b></p> <p>Rights of Way and Access Matters</p> <p>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 Cumbria County Council) except for the making and confirmation of Definitive Map Modification Orders (Wildlife and Countryside Act 1981) and the decision to refer to the</p>

	<p>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.</p>
Background	<p>During a planning application process, an issue with a previous diversion order was noted – where the mapped route appears to be inside the garden wall, when the intention was that the path (as on the ground) would run outside the wall. We propose to rectify this with a new diversion order.</p>
Details of Decision	<p>To divert the section of FP 510004 at Knott Cottage (previously Harrowslack) between points A &amp; B to the line in use to the south of the new garden wall.</p>
Details of alternative options considered and rejected.	<p>Not to divert the path.</p>
Where a decision is made under an express authorisation, names of any Member(s) who have declared a conflict of interest	<p>None</p>
Author and contact details of report	<p>Nick Thorne, Senior Rights of Way Officer</p>
Background Papers	<p>Case file 1412.510.11</p>
Date of Report	<p>18 February 2026</p>
Authorising officer	<p>Ranger Team Leader Meeting</p>
Date	<p>19 February 2026</p>



## Diversion of Footpath 510004, Knott Cottage, Claife Parish

### Summary

1. During a planning application process, an issue with a previous diversion order was noted – where the mapped route appears to be inside the garden wall, when the intention was that the path (as on the ground) would run outside the wall. We propose to rectify this with a new diversion order.

### Recommendation:

- a. **We make a diversion order to realign public footpath 510004 between points A & B as shown on the plan on page 2 of this report; and**
- b. **We confirm the orders if no objections are received or if those objections received are withdrawn.**

### Background

2. This footpath was diverted in 2009 to remove the definitive line of the path from the garden areas of Sawrey Knotts and Knott Cottage (Knott Cottage was then known as Harrowslack or the Stables). The proposal was to move the mapped line to the walked line, just to the south of the garden wall. During the process the owner of Harrowslack requested that the section south of their property be moved very slightly even further south, as they planned to move their garden wall.
3. This was agreed. But between the owner, and differing staff members there appears to have been some misunderstanding or miscommunication. The initial proposal was to level an area of land and to move the wall a metre or two, leaving a 1.8 metre path outside the wall - but it ended up being moved three

metres, leaving a below par width for the footpath. And also meaning that the mapped route was once again inside the garden wall. Although this wasn't the intention, and it is a little uncertain precisely where the legal line of the footpath now is (that is – whether it's the mapped line or the used and intended line).

4. During a recent planning application submitted by the new owner, this came to light. Following discussions and consultations, it is now proposed to rectify any possible confusion and remove any potential problems being stored up for the future by formally diverting the path again – so that the exact correct alignment is known and fixed.

## **Policy context**

### **Links to Vision and Management Plan**

5. The Vision for the Lake District National Park sets out our aspirations for what we hope to achieve by 2030. To summarise, these are to have a landscape which provides an irreplaceable source of inspiration, whose benefits to people and wildlife are valued and improved; a landscape whose natural and cultural resources are assets to be managed and used wisely for future generations.
6. The Management Plan contains the policies and actions for achieving the aims of the Vision. The main delivery aim in the Partnership's Plan for access and rights of way is to make the most of the landscape and nature as the backdrop for outdoor leisure experiences for all, particularly the next generation of returning visitors, from relaxing and tranquil, to adventurous and exhilarating.

### **Links to Business Plan**

7. Our Business Plan states what actions will be taken as the National Park Authority plays its part, in partnership with others, in realising the Vision. The core Access & Recreation Action is to deliver the 'improve, maintain, promote and integrate elements' of the 'Out there' Strategy to deliver infrastructure and services which focus on serving under-represented groups (as identified by the 'Lake District for Everyone' Key Outcome Group).

## Links to other strategic plans

8. The Ranger Service Plan contains the priorities for our service, including Contributing to World Class Visitor Experiences. This aims to achieve a programme of activity that will implement the adopted Cumbria and the Lake District Access and Recreation Strategy.
9. 'Out There' our Access and Recreation Strategy (approved March 2023) contains our vision for countryside access and recreation in the Lake District, which is: A well connected network fit for purpose in the 21st Century with high quality infrastructure, facilities and services meeting the needs of all visitors and residents. We have identified four priority themes of work, and under each of these are a series of strategic actions that will contribute to the achievement of our goal and our strategic aims. The four priority themes are:
  - Improve: rights of way and countryside access.
  - Manage and maintain: rights of way, countryside access and recreational activities.
  - Promote and engage: connect more people to nature and the special qualities of the Lake District.
  - Integrate: with health and wellbeing, sustainable transport and the economy.
10. This proposal will slightly improve the existing walked line.
11. Our charging policy was agreed at Authority in August 2006, and the actual charges updated regularly since then.
12. Factors to take into account when determining changes to the network were agreed at Park Management Committee in May 1997 ("Changing the Rights of Way Network: Statement of Policy"), and are covered in the discussions below.

## Options

13. Ranger Team Leaders are presented with the following options:

- a. Divert the footpath as suggested; or
- b. Open up the mapped line by removing the high garden wall.

## Proposals

14. I recommend 4.1a. It resolves the identified issue, retains the privacy of the owner's property, and is accepted by our consultees.

## Stakeholder consultation

15. Our standard consultees have been contacted. We have had little response, which could indicate that those consulted are generally happy with the proposal. Those who did respond are listed below.

Open Spaces Society	<p>We have walked the path a couple of times in recent years.</p> <p>The OSS have no objection to the proposed diversion subject to the necessary works being undertaken to a standard acceptable to the LDNPA in advance of the Order coming into force.</p>
Claife Parish Council	<p>Support the application – so long as the path is at least 1.0m wide and maintained that width <i>[it will be 1.5-1.8m surfaced width]</i>.</p>

## Demonstrating best value

17. **Work Programme and Relevance to This Case:** this proposal has come about through a planning application being submitted. If not resolved, it may unnecessarily delay any implementation of any planning permission that may be granted – through no fault of the applicant. It was therefore decided to expedite the matter.
18. **Challenged** – The **challenge** is for us to achieve our policies without significant financial or staff implications. The proposed diversion is a speedy and pragmatic method of resolving this issue.
19. **Compared** – We have **compared** our casework completion rates with other authorities, and we appear to carry out the same sort of numbers of cases as other similar sized authorities. The diversion will align the definitive map and situation on the ground and will improve our ‘ease-of-use’ performance indicator if the path is selected for survey in the future.
20. **Consulted** – We have **consulted** user bodies, the Local Access Forum, and other interested parties as part of the process, their responses and our comments are at section 6.
21. **Compete** – Processing public path orders is not a **competitive** procedure. Westmorland & Furness / Cumberland Council can also process orders, but we are more closely connected with the day-to-day management of the network and so can act more effectively.

## Finance considerations

22. The staff and administrative costs for a standard diversion such as this are £3,150, and two adverts in the Westmorland Gazette costing around £300+VAT each. As the matter appears to have been partly caused by our past actions, it is appropriate that we waive these costs and meet the advertising costs ourselves. The landowner has offered to widen the existing path using plant machinery, and will surface it with quarry waste similar to the current surface. Thus the actual costs of the proposal are shared.

## **Risk**

23. The main risk with any diversion order is that objections will be received, which could lead to the LDNPA incurring the costs of submitting the matter to the Secretary of State. Prior consultation is the best way of mitigating this risk – and I consider that the risk is very low.

## **Legal considerations**

24. The order will be made under section 119 of the Highways Act 1980 and we are able to make orders under this section by virtue of schedule 9, paragraph 11 of the Environment Act 1995. The modification element will be made under section 53A(2) of the Wildlife & Countryside Act 1981, and we have powers to do such orders through our Agency Agreement with Cumbria County Council. The action strikes a reasonable balance between private and public rights.

## **Human resources**

25. The work involved in this proposal is approximately 60 hours from members of the Ranger teams, and one hour from a member of Legal Services. The work involved is all part of our day-to-day duties, and over half of it has already been undertaken.

## **Diversity implications**

26. I have not identified any significant diversity implications. The path is already well used, and this will not change. The widening of the existing walked route will actually make it more usable for those with pushchairs and so on.

## **Sustainability**

27. I have not identified any significant environmental, economic or social effects.

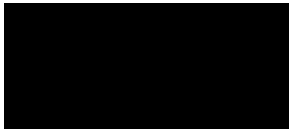
Background papers            Casefile 1412.510.11, and previous diversion 1412.510.07

Author / Post                 Nick Thorne, Senior Rights of Way Officer

Responsible Director        Stephen Ratcliffe, Sustainable Development

Date written                 18 February 2026

Authorised by:



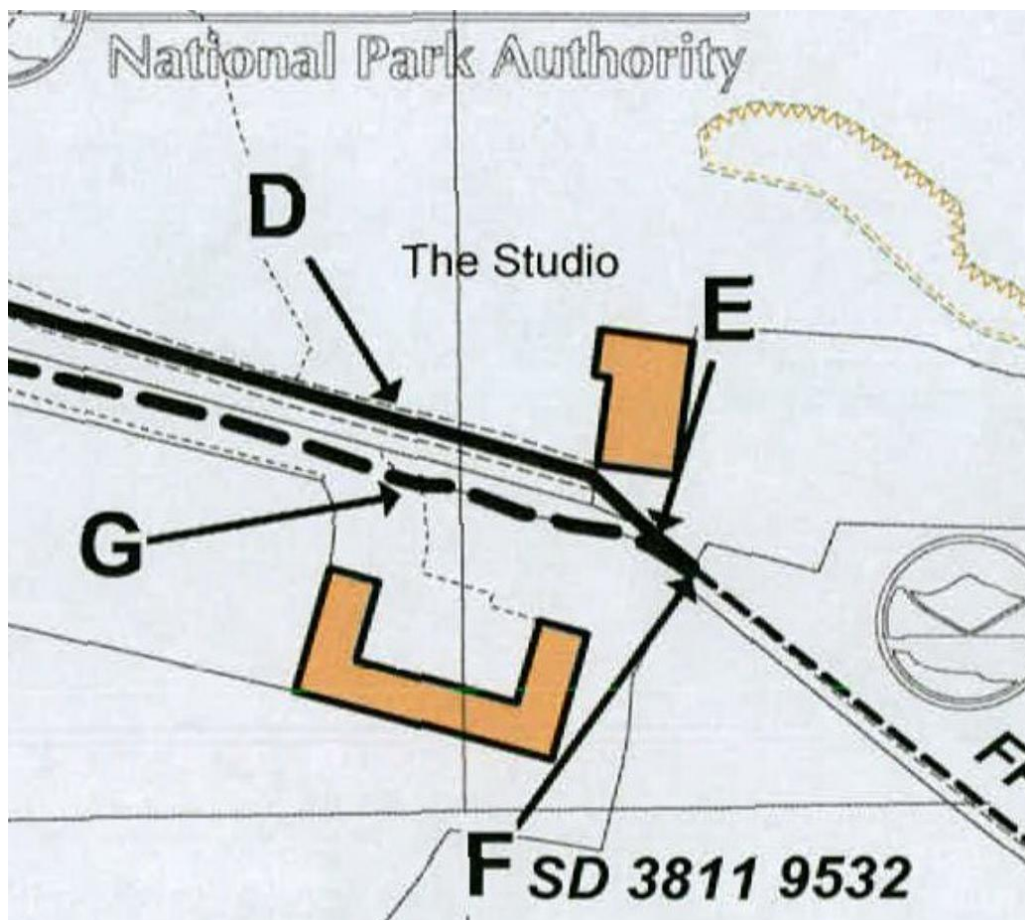
.....  
Ranger Team Leaders

Date 18/02/2026

## Annex 1: Discussion

### What is being proposed, and why?

1. In 2009, footpath 510004 was diverted to remove it from the garden area of Sawrey Knotts, and Harrowslack / The Studio / The Stables (what is now known as Knott Cottage). The diversion at this section is shown below between G & F.



2. During the discussions, the then owner mentioned that they were proposing to move the garden wall slightly to the south. The initial authorisation report stated that this would be a 'metre or so'. To ensure that the width of 1.8 metres as stated in the diversion order was provided, the owner removed some of the banking that was to the south. The work following this is shown on the photograph below.



3. The proposal as understood by the rights of way team was that the wall on the left would be moved outwards a metre or so, leaving a good 1.8 metres between the new wall and the base of the bank on the right. However, this seems not to have been the understanding of the landowner and our Ranger who was discussing the matter on site. The eventual result was that the wall was actually moved around three metres – leaving a narrower path between the wall and the bank. Over time, this has become slightly narrower still through slippage from the bank and general overgrowth. The secondary result was that, although the diversion order plan would have accommodated the minor move, the result of the larger move was that the mapped line was now to the north of the garden wall. The physical situation in December 2025 can be seen below. The path is to the right of the wall.



4. When planning application 7/2025/5571 was submitted, we noticed this anomaly. The situation was basically that the mapped line was inside the garden, although those involved in the 2009 diversion clearly intended, and thought, that it would be outside the garden. Which was indeed where everyone has used it for the last 15 years. The anomaly has basically come about through a misunderstanding or miscommunication and lack of full discussion and adherence to the diversion order plans in 2009. No fault can be attributed, it is just one of those things – but we have a mapped line in a different place than the ‘real’ line. And the real line is slightly substandard.
5. After discussing this with the planner and the landowner, it was agreed that the best solution would be to divert the path onto the walked route, and improve the walked route through widening and resurfacing. This would resolve any issues that may arise from any uncertainties as to where the actual legal line of the public footpath is. It would also end up with a better actual path than currently exists. We will end up with a level path roughly where shown in red on the photograph below.



## Grounds for Diversion

6. The grounds and tests for a diversion are slightly different at the making and confirmation stage. However, as we have discretion as to whether to make an order in the first place, it would be unwise to ignore something that could prevent an order from being confirmed. Therefore, the issue should be considered in the whole, and the factors to take into account are set out and discussed below. These factors incorporate our own policies on changes to the rights of way network.
7. There are only two grounds for a diversion of a right of way (section 119, Highways Act 1980), namely where it appears to the Authority that it is expedient to do so:
  - in the interests of the owner, lessee or occupier of the land crossed by the path, OR
  - in the interests of the public.
8. I consider that it is expedient in the interests of both the landowner and the public. It will remove and clarify any residual risk that the legal line of the footpath is in the garden by clearly placing the mapped line outside the substantial garden wall. It will also bring about an improvement to the surface and width of the current walked line – which couldn't be achieved without that clarification.

## Tests for Diversion

- Will the new path be substantially less convenient to the public?
- The effect which the diversion would have on public enjoyment of the path or way as a whole;
- The effect the order would have as respects other land served by the existing right of way;
- The effect of the new right of way on land over which the new path is created;
- That termination of the alternative footpath is on the same or a connected highway, and is substantially as convenient to the public.

9. *Will the new path be substantially less convenient to the public?*- Planning Inspectorate Advice Note 9, commenting on the case of *Young* identifies that the new route should not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and ordinary meaning of the word 'convenient' such as the length of the diverted path, the difficulty of walking it, and its purpose. Taking these considerations into account I do not consider that there is any loss in convenience from this minor change.
10. *What is the effect of the diversion on public enjoyment of the path or way as a whole?* - I do not consider that there is any change in enjoyment from the current situation. The walked route is arguably more enjoyable to most than going into, then out of someone's garden.
11. *Would the order affect other land served by the existing right of way?* - There are no other rights along the path that we are aware of.
12. *Is there any effect of the new right of way on land over which it is created?* - The land concerned is all in the same ownership, and the owners are happy with the proposals.
13. *Is the termination of the alternative footpath on the same or a connected highway, and is it as substantially as convenient to the public?* - The diversion is 'mid-path' and so the termination points are unaffected.
14. *Other factors relating to our policies* - One of our policies is to maintain the historic integrity of the network. The original (pre-2009) line of the path was in fact the old road through Sawrey, which was stopped up in the 1850s. The character and nature of that route had been eroded long before our 2009 diversion, and this current change will not affect this any further.