

## STATEMENT OF CASE

### Footpath 60 Holmfirth. Public Inquiry.

My name is Malcolm Sizer.

I am a Vice President of Holmfirth Harriers Athletic Club. I am representing them in their objection to the proposed S247 Order. Their objection as set out below is as it appears at CD6.26 within the list of Inquiry Core Documents.

Our members have used this path hundreds of times over the last 50+ years, both individually and as part of our organised summer training runs and as a club, we feel that this seems to be a classic case of someone buying a property with the knowledge that an ancient and well used right of way runs along what was the farm track, through the property and then decides to block the route for their privacy. With regards to the proposed works, we would expect that a temporary diversion might be appropriate for safety reasons while any building work is underway, but that the original right of way should be reinstated as soon as it is finished. The proposed diverted path with its tree & shrub planting between the path and the main property, is being taken as far away from the original route and the property as is physically possible within the property's boundaries and is obviously just an attempt to obtain total privacy for this very expensive development. Finally, in addition to the fact that the diversion not only destroys the traditional route that has been in existence for hundreds of years, it would also emerge at a particularly poor point well down Wolfstones Road to the north for those wishing to either visit the Trig point at Wolfstones Heights or continue to link up with the footpath from Carr Farm to New Close and Upperthong. Anyone wishing to continue their walk or run would now be forced along the side of the road with their back to traffic coming from the north to a blind corner, in an unrestricted speed limit zone. This is clearly not acceptable. When a S257 application was made to the Council for the same proposal, it at least proposed improvement to the verge on Wolfstones Road to improve safety for walkers and runners. That proposal was resoundingly rejected by the Council. The current application doesn't even propose that improvement. There is no public, only private, benefit to be gained from allowing the stopping up of the existing footpath to enable the works, the subject of planning permission, to be fully implemented. On the other hand there will be significant disbenefit to members of the public, such that the balance of argument is clear- the application should be rejected out of hand.

I now wish to address the issue of whether the application should be considered for approval given the requirement, as acknowledged by yourself at this morning's pre-inquiry meeting and by Mr. Scanlon at paragraphs 3.3 and 3.10 of his Supporting Statement and Statement of Reasoning (CD1.3) that the development should not have been substantially completed.

Mr. Scanlon states that, , *'Given that the development pursuant to the permissions cannot be fully implemented until the Footpath is lawfully diverted, then there is no possibility that the development is substantially complete. To suggest so is ... absurd.'*

I would argue that the issue is what proportion of the overall development for which planning permissions have been granted has been completed. If it is such that the development is substantially completed then the application for the S247 Order should be rejected.

I would argue that that is the case here and accordingly for this reason as well as the other reasons I have put forward on behalf of the Harriers and those put forward by other objectors and the Council, the application should be rejected.

Malcolm Sizer

B.A., Dip. T.P., M. R. T. P. I.

3 August 2021