

COMMONS AND RIGHTS OF WAY COMMITTEE

29 March 2022

MEMBER QUESTIONS ON THE APPLICATION

A. Questioner's Name: Cllr David Willingham	Respondent's Name: Cllr Vernon Smith Director: Colin Chick
During our member training I seem to recall that officers mentioned what I believe was case law about cul-de-sac public rights of way, and them normally occurring if they went to a site of specific interest, I wonder if officers could be asked to clarify this for the committee, as it seems pertinent to this case?	Officers advise that the relevant case law is <i>Moser v Ambleside UDC (1925) 23 LGR 533 540</i> , whereby Atkin LJ said: " <i>I think you can have a highway leading to a place of popular resort even though when you have got to the place of popular resort which you wish to see you have to return on your tracks by the same highway, and you can get no further either by reason of physical obstacles or otherwise.</i> " So, it is contended that 'cul-de-sac' paths can legitimately exist. The case Officer for the Application will clarify this further during his presentation of the Application at the CROW Committee.

This page is intentionally left blank