

West Hill Parish Council

Permissive Path Policy (West Hill Road – Village Hall)

APPROVED WHPC Meeting 2nd September 2025 Min 25/287

1. Background

During 2025 the Parish Council provided a new pedestrian path from West Hill Road onto the West Hill Village Hall site. This project was the preferred choice of residents responding to the 2019 West Hill community survey.

Following the survey, working closely with partners West Hill Village Hall Trustees (WHVHT), the Parish Council gained planning permission (21/2207/FUL and subsequent variation 22/1864/VAR) for the construction of a new pedestrian entrance onto West Hill Road and associated works. During 2024 WHVHT granted the Parish Council a long term lease on a section of the Village Hall site for the purposes of providing the path.

Under the Highways Act 1980, WHVHT wish the path to be a permissive path rather than a public right of way.

2. Permissive Path

A permissive path, under the Highways Act 1980, is a route on private land that the landowner allows the public to use, but with the clear intention that it should not become a public right of way.

Unlike public rights of way, there is no legal obligation for the landowner to keep a permissive path open or maintained. The landowner has the right to withdraw permission for its use at any time.

A permissive path can only become a public right of way if it is used 'as of right' for 20 years without being closed. Permissive paths may be closed temporarily or permanently

3. Preventing Public Rights Accruing on a Permissive Route

To prevent public rights from accruing on a permissive path, the Parish Council:

- a. has erected two Permissive Path signs adjacent to the path to demonstrate that the landowner has granted permission, rather than a right, for users to access the path.
- b. will regularly check and maintain signs, at least annually, to ensure signs are clearly visible and in good condition. If signs are removed or damaged, the Council will replace them.
- c. will keep permanent photographic records of the signs, which include dates of installation.

- d. will periodically close the path to establish that access is not continuous and uninterrupted.

The permissive path is not formally registered with Devon County Council as they will only register paths where they are a party to a formal agreement (which is not the case on this occasion).

4. Closing the Path

A permissive path can only become a public right of way if it is used 'as of right' for 20 years without being closed. Closing the path once a year prevents uninterrupted use 'as of right' from accruing. Traditionally, path closures are scheduled over a public holiday.

Annually, the Parish Council:

- a. will close the path for 1 day per year
 - on 1st September
 - or on the date specified at the previous Annual Meeting

to demonstrate that permission has been legitimately and temporarily withdrawn.
- b. will publish signs in advance to inform users of the closure.
- c. will record the closure actions (dated photographs and in the Minutes of the Council) as evidence of closing the path.

This policy will be reviewed every two years. The next review date will be Annual WHPC Meeting 2027.

Approval History:

WHPC Meeting 2nd September 2025 Min 25/287