

PLANNING COMMITTEE

DATE	26th November 2025
REPORT OF	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
SUBJECT	Extinguishment of Public Footpath 53, Humberston
STATUS	Open

CONTRIBUTION TO OUR AIM

The maintenance and review of the Definitive Map and Statement is identified as a key action in the Council's Rights of Way Improvement Plan (ROWIP) 2021.

The proposal will contribute to the Council's Stronger Economy objective by recording a path on the Definitive Map and will not be deleted in the future.

The ROWIP is identified as a key policy document within the Council's Local Transport Plan, which seeks to provide an opportunity for healthy lifestyle choices and supports the Council's strategic aims to Improve Health & Wellbeing within the Borough.

EXECUTIVE SUMMARY

This report recommends the making of an Order to extinguish part of Humberston Public Footpath 53 as shown in Appendix 1.

The path is shown on the Definitive Map running in two sections, the middle part of the Public Footpath was extinguished in two parts in 1961 and 1963. Both sections are not walkable and not on the ground.

The Council can authorise the making of an extinguishment Order under section 118 of the Highways Act 1980. As it appears to a Council that it is expedient that the path should be stopped up on the ground that it is not needed for public use.

RECOMMENDATIONS

That an extinguishment order be made under the Highways Act 1980 Section 118 to remove the Public Footpath shown on the Definitive Map between Queen Elizabeth Road running in a south easterly direction to the junction of Stephen Crescent and Queen Elizabeth Road, and from the rear of Humberston Cloverfield's Academy to Humberston Avenue, Humberston.

- a. To approve the making of an Order in accordance with Highways Act 1980 Section 118.
- b. To confirm the deletion Order as made, subject to there being no objections or in the event of objections which cannot be resolved and withdrawn, for the Order to be referred to the Planning Inspectorate for determination.

REASONS FOR DECISION

The Public Footpath is shown on the legal record for Public Rights of Way (the Definitive Map). As such a legal order is required to delete it from the Definitive Map and Statement. As the path has not been set out on the ground and some of the line has either been built across or has been included in residential curtilages, it is appropriate to delete the path from the legal record. A plan of the location of the Public Footpath is shown in Appendix 1.

It is the opinion of officers that it is appropriate to delete the path as it is not laid out on the ground.

1. BACKGROUND AND ISSUES

- 1.1 A Public Footpath extinguishment application was received on 2nd June 2025. The applicant had recently purchased the former Methodist Church and requested that the Public Footpath be extinguished as the path isn't on the ground and isn't used.
- 1.2 The Planning Application DM/0419/25/FUL for the Change of use from Methodist church to dwelling to include part demolition, extensions and alterations with installation of rooflights and solar panels, erect 1.8m timber fence to the rear, install permeable block paved parking, associated landscaping and various other works was approved in October 2025.
- 1.3 Public Footpath 53 runs alongside the property up to Humberston Cloverfield's Academy. The continuation of the Public Footpath across the Academy site had been extinguished on 26th March 1963.
- 1.4 Public Footpath 53 is also shown on the Definitive Map which runs between Queen Elizabeth Road this is an anomaly on the Definitive Map as it wasn't extinguished when the residential properties were built.
- 1.5 Part of Public Footpath 53 was deleted on 27th September 1961 where the Public Footpath crossed properties on Steven Crescent, St. Johns Road and St Christophers Road.
- 1.6 It is unknown why the northern and the southern sections of the Public Footpath were not extinguished at the same time. Both remaining parts of the Public Footpath have been on the Public Rights of Way anomaly list.
- 1.7 A consultation was carried out between 19th June 2025 and 17th July 2025. The Grimsby and Louth Ramblers representative said he had no problem with these sections closing. Humberston Village Council had no objections to the proposal.
- 1.8 Under Section 118 of the Highway Act 1980, the Highway Authority where it feels it is expedient that the path should be stopped up on the ground that it is not needed for public use, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an

unopposed order, extinguish the public right of way over the path or way.

2. RISKS AND OPPORTUNITIES

- 2.1 There is a risk that there could be objections from members of the public or stakeholder groups to the proposed Public Path extinguishment Order. Pre-Order consultations have been carried out and no objections have been received.
- 2.2 Failing to delete the path will impact on the owners of the Methodist Church and residents of Queen Elizabeth Road and St Peters Crescent for having a Public Footpath shown running through their property and will be shown on any future sale of the properties.

3. OTHER OPTIONS CONSIDERED

The Council could choose to do nothing and not implement the deletion Order. The risks include that the Council has a duty to keep the definitive map and statement under continual review and therefore there is no risk associated with the Council pursuing this duty correctly.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

The Council could choose to do nothing and not implement the deletion Order. The risks include that the Council has a duty to keep the definitive map and statement under continual review and therefore there is no risk associated with the Council pursuing this duty correctly. There is however a risk that if the order is not made complaints being submitted through the Council's complaints procedure, potentially leading to a complaint to the Ombudsman. Ultimately a request for judicial review could be made.

5. FINANCIAL CONSIDERATIONS

If there are objections to the Order and the case goes to the Planning Inspectorate. As part of the Public Footpath has been built across and the southern section has runs to a dead end the financial considerations are minimal and will be Order making costs.

6. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no children and young people implications.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change or environmental implications.

8. FINANCIAL IMPLICATIONS

- 8.1 If there are objections to the Order and the case goes to the Planning Inspectorate. If this is the Planning Inspectorate's decision, there may be a further cost to the Council in having to open the path as the northern section is built on and the southern section runs to a dead end this is unlikely.

8.2 There will be further legal and publicity costs in making the necessary extinguishment order to delete the route. It is anticipated that there will not be a call on revenue or capital reserves.

8.3 The extinguishment does not interact with other policies.

9. LEGAL IMPLICATIONS

The relevant tests are laid out in the main body of the report.

10. HUMAN RESOURCES IMPLICATIONS

There are no Human Resource implications.

11. WARD IMPLICATIONS

This path lies within the Humberston Ward.

12. BACKGROUND PAPERS

Public Path Order 51 FP53 Humberston case file.

13. CONTACT OFFICER(S)

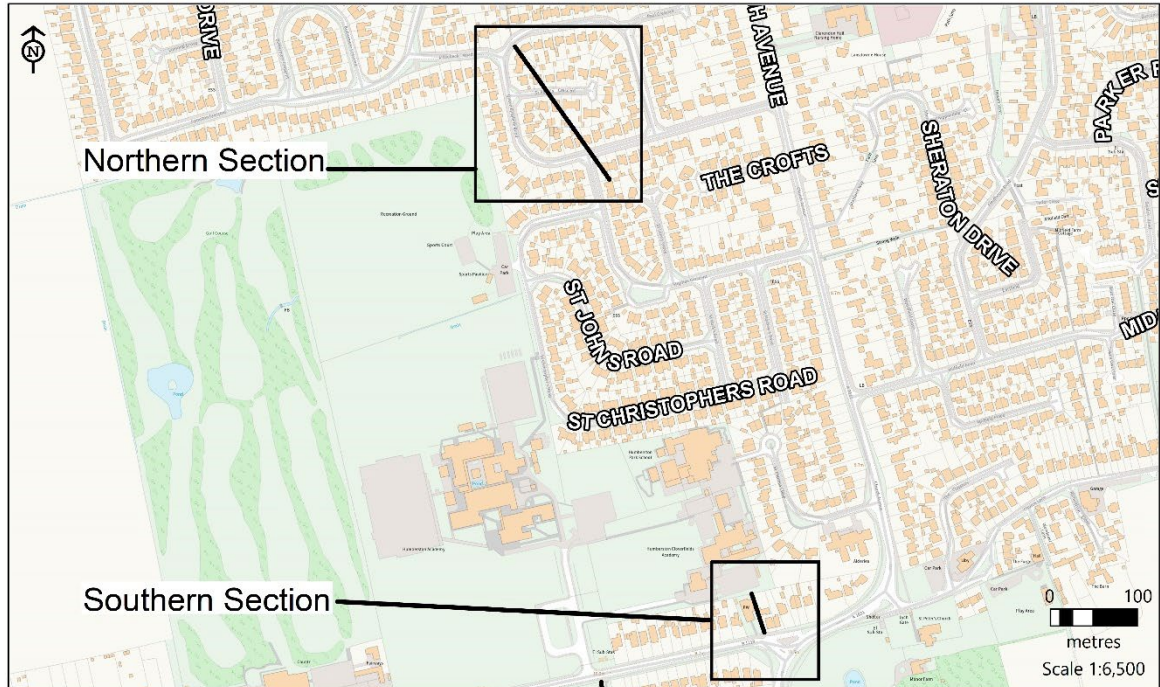
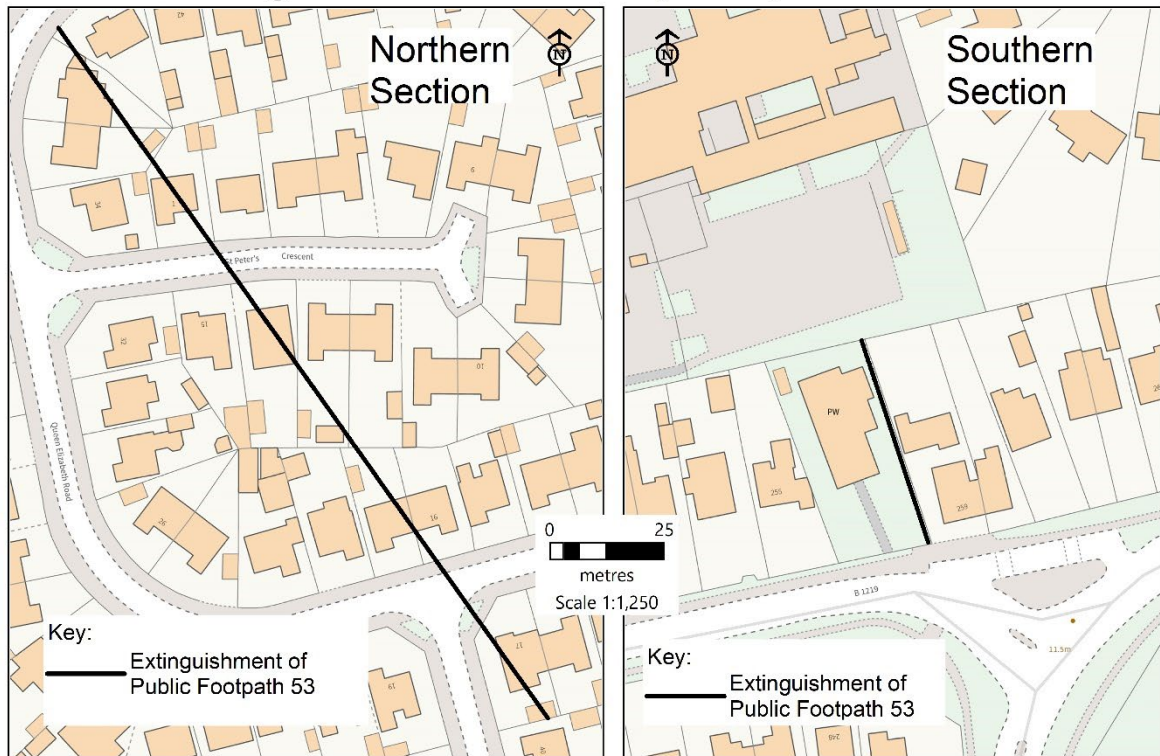
- Carolina Borgstrom Director of Economy, Environment and Infrastructure • Environment Economy and Infrastructure, Tel: 01472 326207
- Paul Evans, Assistant Director – Infrastructure Environment Economy and Infrastructure, Tel: 01472 323029
- Matthew Chaplin, Public Rights of Way Mapping Officer, Tel: 01472 324789

Carolina Borgstrom

**Director of Economy, Environment and Infrastructure • Environment
Economy and Infrastructure**

Appendix 1. **Plan of part extinguishment of Public Footpath 53, Humberston**

Extinguishment of Public Footpath 53, Humberston



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