

Information on Permissive Paths

Permissive Paths allow the public to enjoy new areas of the countryside while providing protection to the landowner against the route becoming a public right of way.

Permissive Paths are routes with landowners allowed the public to use but which are not themselves public rights of way. Landowners may impose various conditions on how Permissive Paths are used and withdraw the permission at any time.

The following information was found online from an article written by Jonathan Cheal, a West Country solicitor and is a public rights of way specialist. He works for Mogers Drewett which have offices in Bath, Sherborne and Wells.

“I’ve heard that I can give permission for paths on my land to be used and that I can withdraw permission in the future? Is that true?”

It involves you as the owner granting the public permission to use the path (as long as it’s not a public right of way already).

You will need sufficient signage to make it clear to the public it is only permissive and not going to be dedicated as a public right of way.

You should tell the Parish Council, and also tell the County Council and ask if they would be prepared to enter into a Permissive Path Agreement.

This agreement will allow you to specify the width, whether there are any gates, and to give notice that you will close it from time to time for land management and how you will publicise this.

If someone takes down the Permissive sign, you do need to replace it and take photographs showing it in situ and the date.

You can also write the to the County Council along with the photograph of the sign and restate that you have no intention of dedicating the path.

That letter will have the same effect as is the sign remained in place.

The great benefit of a permissive path is that you are allowing the path to be used by the public but only on your terms, and you can specify that they do at their own risk.

Ideally you should try to recruit the Parish Council’s help in getting individual forms of indemnity signed by users.

By making it a permissive path you are making it very clear that you do not intend to dedicate it, so those who are using it will not get a right to it.”

Notes

Westbury Sub Mendip Parish Council does not own any land, so the landowners would need to apply for the Permissive Path Agreement as it would be in their name. The Parish Council can help with research, passing on contact details for various departments and helping to get the various form signed.