

### **Stiles & Gates on Public Rights of Way** **Landowner Guidance**

#### **Who is responsible for maintaining stiles and gates?**

Gates and stiles on a public right of way are the responsibility of the landowner and the law requires that they are maintained in a safe condition and to a standard of repair so as to prevent unreasonable interference with the rights of users. If a landowner fails in their duty then the highway authority may, after giving not less than 14 days notice to the owner/occupier, do any work necessary and charge the costs to them. It should also be noted that if a poorly maintained stile or gate becomes unusable for its purpose it may constitute an unlawful obstruction and the owner may be guilty of a criminal offence.

Landowners are entitled to recover at least 25% of reasonable costs from the highway authority. Shropshire Council normally makes its contribution in the form of supplying suitable materials free of charge and an owner should always contact the council before undertaking any work for which they intend making an application for a contribution of costs.

#### **Am I entitled to erect new stiles and gates on public rights of way on my land?**

Where a gate or stile already exists on a public right of way at the time of dedication, permission is not usually required to replace it with the same type of barrier as and when required. It would not be acceptable to replace a gate with a stile. Where the landowner wishes to install a barrier at a location where one has not previously existed, permission must be obtained from the council before any work is undertaken. Shropshire Council has the power to authorise the erection of a gate or stile on a public right of way for the purposes of controlling livestock if the land is being used, or being brought into use, for agriculture or forestry. The authority may impose conditions in respect of maintenance and design. There is no appeal against an authority's refusal to grant authorisation or its imposition of conditions.

#### **What standards apply to furniture on public rights of way?**

Shropshire Council will require that any new structures placed on rights of way are the least restrictive option possible. Stiles present an unacceptable barrier to many potential users of public paths and modern pedestrian gates should not pose any stock proofing difficulties. Shropshire Council will require any new barriers to be gates rather than stiles and will encourage the replacement of existing stiles with gates. The Countryside Access Team can supply long-lasting, robust and stock proof gates that will require minimal future maintenance.

There is no statutory design to which stiles and gates must comply, however they should be of a suitable design and standard to serve their purpose and allow walkers access with a reasonable amount of ease. British Standard BS 5709:2018 covers gaps, stiles, kissing-gates and bridle gates.

The council can provide dog gates or pedestrian gates where routes are heavily used by dog walkers. Whilst there is no legal requirement on landowners to make provision for dogs, problems often arise where dog walkers remove stile rails or cut holes in fences by stiles to allow their dogs to pass. Whilst this action is unlawful it is difficult to prevent and often the only effective solution is to provide a stockproof 'dog-friendly' access point.