

# Stiles and Gates on Public Rights of Way

## Guidance Notes

### MAINTENANCE

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 the users.

If a landowner fails in his duty, the highway authority\* may, after giving not less than 14 days' notice to both the owner and the occupier, do any work necessary and charge the costs to the owner. 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.\*\* The owner may also be committing an offence under the Health and Safety at Work Act 1974.

If a landowner complies with his duty, he is entitled to recover at least 25% of his reasonable costs from the highway authority. The authority normally makes its contribution in the form of supplying suitable materials free of charge and, therefore, an owner should always contact the authority before undertaking any work for which he intends making an application for a contribution of costs.

\* Shropshire County Council

\*\* See guidance notes Unlawful Obstructions and Public Rights of Way

### THE RIGHT TO ERECT A STILE OR GATE ON A PUBLIC RIGHT OFWAY

Where a gate or stile already exists on a public right of way at the time of dedication, permission is not required to replace it with another gate or stile as and when required.

Where the landowner requires to install a gate or stile at a location where one has not previously existed, permission must be obtained from the highway authority before any work is undertaken. The highway authority may 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.

### DESIGNS OF STILES AND GATES

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. A British Standard was published in 1979\*\*\* covering postand- rail stiles, kissing-gates and bridleway-gates. Although stiles must be of a suitable standard to allow walkers access with a reasonable amount of ease, there is no legal requirement on landowners to make provision for dogs, even though dogs are acknowledged to be a natural accompaniment.

\*\*\*Revisions in the process of being published.