

# Guidance: Gaps, Gates and Stiles

## Gates and Stiles - the legal position:

A gate, stile or other structure (e.g. bollard, barrier) is a potential nuisance at common law and an unlawful obstruction unless it is recorded as a lawful limitation in the legal record of public rights of way (the Definitive Map and Statement). Upon representation being made to an access authority, it may be possible for a stile or gate (which is necessary to control livestock/animals on land used for agriculture, forestry or for keeping horses) to be authorised under s147 Highways Act 1980.

A landowner is under a duty to maintain a gate or stile across a public right of way and to keep it in a safe condition and to a standard of repair required to prevent unreasonable interference with the rights of users. In this respect, compliance with the British Standard for Gaps, Gates and Stiles (BS 5709:2018) is advised by the Public Rights of Way Service (Service) – example diagrams are set out overleaf. Where a landowner complies with their duty, they are entitled to recover 25% of the reasonable cost of installation/maintenance from the access authority (Isle of Wight Council).

Where a gate is lawful (or has been authorised) **then it must remain unlocked and in safe working order at all times.**

## Policy:

In support of policy contained in the Rights of Way Improvement Plan 2018-2028, the Service adopts the least restrictive option to enable the network to be used in a safe and enjoyable manner by all. In most cases a gap will be the preferred option. If a gap is not appropriate, due to the need to control livestock/animals, then the next option is a pedestrian or bridle gate. On footpaths, a pedestrian gate will be preferred over a kissing gate. Generally, the Service does not support the installation of stiles due to their restrictive nature.

## Additional Information for Landowners:

**1. Notification of Hazard/Obstruction:** Upon a report being made to the Service of a stile or gate being in disrepair and/or requiring replacement the landowner will be made aware.

**2. Repair:** If an existing stile or gate **is required for livestock control** and the landowner confirms this to be the case, but is unable to carry out their own repairs, then the Service will arrange an inspection. If the stile or gate can be made good by way of a basic repair, the Service will (so long as resources allow) carry out the repair at its own cost for the purposes of maintaining positive relationships with landowners.

**3. Replacement:** Where existing stiles or pedestrian, kissing or bridle gates require replacement, the Service will (for the purposes of livestock control only) offer to a landowner a service of installation of a new stile/gate (standard design only), providing the landowner covers the cost of materials sourced by the Service (e.g. a stile kit or gate and associated posts, hinges and handles etc.). Where the Service carries out the installation it will not be possible for a landowner to claim or recover 25% of the cost.

**4. Landowner Duty to Replace:** In the case of a field gate or if paragraph 3 is not agreed, a landowner will need to fulfil the maintenance duty itself (s146 Highways Act 1980), subject to recovery of 25% of the reasonable cost of a properly constructed stile or gate (i.e. to BS 5709:2018) and checked by the Service.

**5. Discretionary Works:** Depending on the result of the original assessment and available resource, the Service may, at its discretion, supply and install a gate at its own cost to support the policy contained in the Rights of Way Improvement Plan relating to accessibility. Where installation of a gate by the Service will replace a stile, the prior agreement of the landowner will be sought.

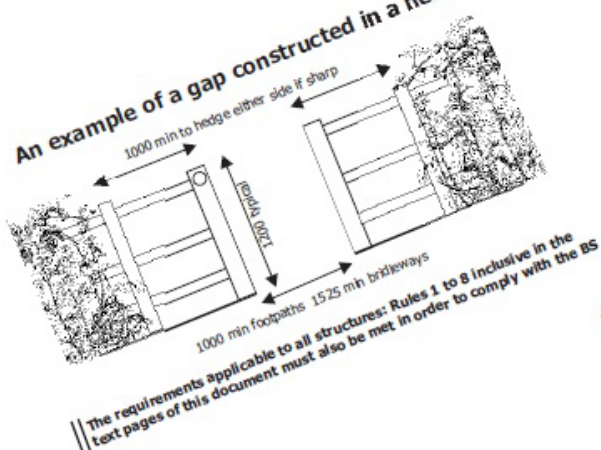
**6. Landowner Liability:** A landowner is potentially liable to anyone injured because of a defective stile or gate and will be committing an offence under Health and Safety at Work legislation if not maintained to a safe standard.

**7. Ongoing Landowner Duty to Maintain:** Provision of and installation of a stile or gate (or a repair) by the Service will not override a landowner's duty to maintain it or to replace it in the future.

## Donate a Gate Scheme:

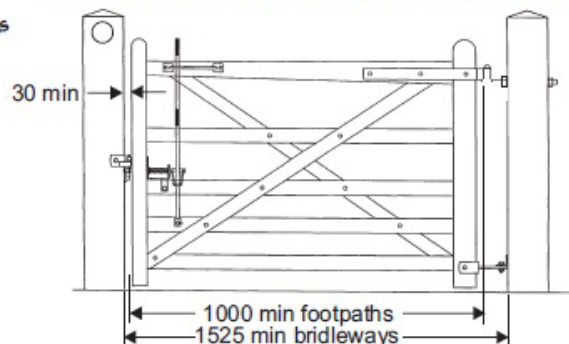
Information relating to the Isle of Wight Ramblers Association's donate a gate scheme can be found by clicking here: [Donate a Gate \(iowramblers.com\)](https://www.iowramblers.com). We can, if you wish, ask the Ramblers Association to contact you with further information regarding the scheme. Please confirm that we can pass on your contact details.

### An example of a gap constructed in a hedge.



### An example of a two way bridle/pedestrian gate.

- # Latches if fitted (as here) to be visible, accessible and operable from both sides of the gate.
- # Not more than 50N (5kg on spring balance) force to fully open.
- # Gates, except off roads, if self closing must be two way.
- # For public paths a notice saying Public Footpath/Bridleway on both sides and within 2 m of the gate, is required.
- ## The requirements applicable to all structures: Rules 1 to 8 inclusive must also be met in order to comply with the BS



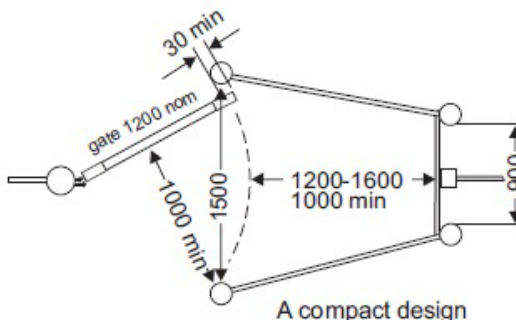
### Three examples of kissing gates.

#### For all of these:

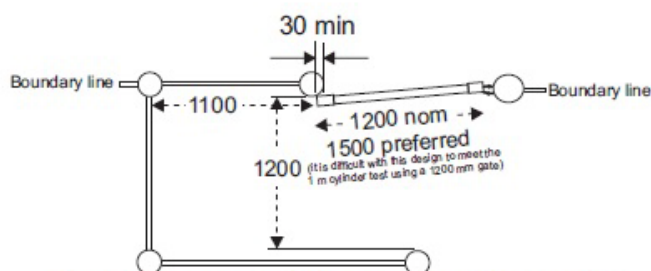
- # A 1 m cylinder, with axis vertical, must be able to pass through.
- # Latches, if any, must be easily accessible from either side by all users.
- # The gate must swing freely.
- # For public paths a notice 'Public Footpath' must be clearly visible to path users from both directions of approach and to be within 2 m of the structure.
- # Where the use of mobility vehicles (wheelchair or child's push-chair) is practicable at or near the structure the surface must be level or on a slope all in one plane and less than 1 in 10.

## The requirements applicable to all structures: Rules 1 to 8 inclusive (in the text pages of this document) must also be met in order to comply with the BS

Height of all gates and top rails typically 1200 mm  
Infill with wire mesh or other material to suit stock requirements



A compact design



A design fitting neatly all on one side of a boundary

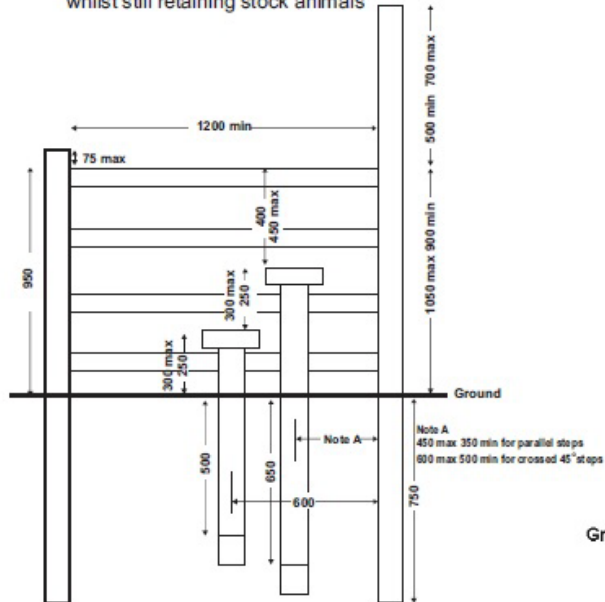


A very easy to install design  
Including RADAR bypass for mobility vehicles

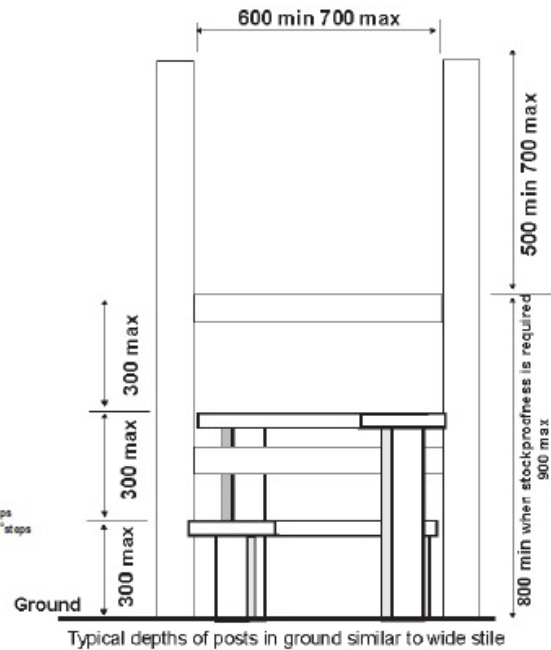
Step width 200 mm  
Hand posts 70 to 100 mm diameter or across faces  
Posts not to be used as straining posts for fencing  
Steps level in all directions to 1 in 30  
Posts vertical to 1 in 30

Good stockproofness with two steps, but when stockproofness is less important this stile can have a single step, not more than 300 mm from the ground, making it easier to use especially if the top cross bar is omitted.

Showing typical and max and min dimensions  
This is a well known design updated by  
this Standard to make more convenient  
whilst still retaining stock animals

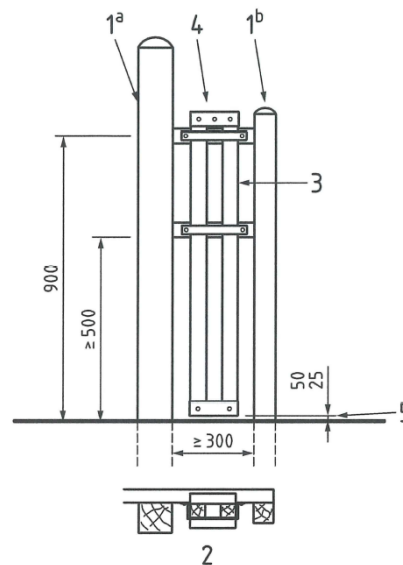


Steps either  $90^{\circ} \pm 10^{\circ}$  to the stile rails or  
crossed over at  $45^{\circ} \pm 10^{\circ}$  to them  
Step length 900 min  
Step width 200 min



- Steps to be crossed over at  $45^{\circ} \pm 10^{\circ}$  to the stile rails
- Step length 1000 min
- Step width 200 min
- Two extended posts are required

Dimensions in millimetres



- 1a Stile post
- 1b Dog gate post
- 2 Plan view
- 3 Door
- 4 Dowel or handle to assist in lifting door
- 5 Ground clearance when closed

**NB the installation of a dog gate is at the discretion of the landowner**



**Isle of  
Wight**



## Donate a Gate Scheme

During the last decade our charity has replaced some 275 stiles with gates across the Isle of Wight. This helps less mobile people access the rights of way network. Ideally we like to create linked paths.

We agree with landowners which type of gate to install. Typically, this is a kissing gate which is installed by a professional contractor. If livestock is kept, then we can agree to add meshing around the enclosure and latches to the gate.

Donors pay for the cost of the gate and installation and a plaque is installed on the gate. Isle of Wight Council provide ongoing maintenance.

If you would like to replace stiles, or would like further information, please do contact me,

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tel 07477 600337

