

Date: 15 February 2022

Countryside and Rights of Way Panel - Friday 18th February 2022

Dear Sir/Madam,

I have recently forwarded to you a copy of the agenda for the next meeting of the Countryside and Rights of Way Panel.

I am now able to enclose, for consideration at next Friday 18th February 2022 meeting of the Countryside and Rights of Way Panel, the following reports that were unavailable when the agenda was printed.

John Tradewell
Director of Corporate Services

Enc



ADDENDUM – Continued

Email Received 11/02/22 From John & Sarah Killion (Landowners) to David Adkins, Legal Officer, Staffordshire County Council

Dear sir,

We would like to put in an objection to this application, for a public right of way immediately behind our bungalow.

We first viewed the property in the summer of 2005. The grass track was completely over grown and you could not walk down it , let alone ride a horse down there with all the over grown trees and hedge branches .

When purchasing the property our solicitors did a load of searches and surveys . It was not a public footpath or bridleway in 2006 on any maps ,so we bought the property on Feb 2006 . The grass track was still completely in passable. We would not have bought the property if it had been used as a public right of way !!

We bought the field of old farmer Mr Geoffrey Dennis in Aug 2006. He said he owned the track and nobody ever used it . Geoffrey Dennis and his daughter in law Rose Dennis, who lived next door at Birchenease would clarify this if our solicitor needs to do a formal witness statement .

Amanda and Kevin Welsh who live on the lane on Bellhurst Lane can also verify this

Julie and Stephen Brown who lived in the now home that borders the end of the track will also verify the track was never used throughout the disputed time period . They now live in New Zealand and will fill in a witness statement if needed .

Mr Yates and his wife lived here for 21 years . They wrote a witness statement to say it was always overgrown and you couldn't walk up and down it as it was so overgrown . He had planted hedging either end which is on his statement .

So Mr Yates lived here for 21 years and ourselves for 16, so that's 37 years of it not being used . Mr Yates did take a photo of a Wendy Arthur who tried to walk through and had to push through the hedging and trespass onto the Dennis field behind as it was in passable . We have a photo of this.

The trees and hedges are growing into each other so there's no way anyone could have walked up there let alone ride . Directly behind our bungalow its definitely not wide enough as a bridleway unless you removed our hedges .

I have had horses here at home and theres no way i could have ridden down the grass track .

I would question the validity of any witness that claims they regularly used it , as you can not walk or ride towards Ivetsey Road end, as you would have to jump a rather wide and deep water ditch which runs the length of Ivetsey road .

There are also 2 big concrete water pipes running underneath the road so difficult to get over !

Ivetsey road is a 60 mph speed limit . It is too dangerous for us to walk as a pedestrian , walk our dogs or ride horses on . The local riding school run by the Blakemores come straight out of their yard and ride across Ivetsey road up Bellhurst lane to the village . Opening up this track serves no purpose

The track joins Ivetsey road on a very nasty bend so would be very dangerous if a horse rider would suddenly appear out of the hedge !

On google maps you can not see the track as you drive up Ivetsey road .

To get across the big water ditch you would have to build a substantial heavy bridge in order for horses to safely cross onto a 60 mph road . This is dangerous.

This over grown grass track runs through our land and backs onto 3 other properties

Have you been in contact with them all as i know they all want to object ! Including the home ?

If this turns into a bridleway it will seriously devalue our property and our neighbours properties as its right behind our bedrooms as its a bungalow and i fear for our security and privacy .

Mr Yates told us that he trusted the Blakemores from Wesley house livery riding school , to look after their house whist they went on holiday . Apparently this is the only 1 time that anyone got down it but Veronica Blakemore had to jump her horse across the big water ditch on Ivetsey road . Mr Yates quickly replanted the hedges and stopped anyone from using it again .

When we had our arena installed the contactor G.PCork spoke to somebody in the highways division ,as they contributed towards the cost of installing some land drains in and they said they were not interested in the grass track and had no funding to build a bridge or maintain it . If it gets turned into a bridleway who is going to maintain it or fund it ?

At present my horses have had full access across the track for the last 16 years . Are you proposing to put bridleway gates in, either end of our land as there is a lot of missing hedging !

Our solicitor says we own the track as it runs through our land, so own 50/50 either side of the track so who is going to fund the clearing and maintenance of this proposed right of way ?

We have been here for 16 years and no one has used it . i can get you several other witness statements to back us up to say it has not been regularly used

Yours sincerely

John and sarah Killion

Email Response 11/02/22 From David Adkins, Legal Officer, Staffordshire County Council to John & Sarah Killion (landowners)

Dear John and Sarah

Thank you for sending us the below statement and details which I will add to the submissions for the CROW Panel. Your solicitors will no doubt have confirmed that this will be on the 18th February (next Friday) at 10am following the previous deferral. I do understand your position and I will highlight the below points to the Panel.

Although the law requires a 20- year period of unchallenged use, it can be any 20- year period and the applicant has provided evidence of this. This position is also supported by the historical evidence and taken together there is, of course, a case to answer.

The later impassability of the route and any health and safety concerns are also not related to the matter in hand - which is limited to establishing whether a public right of way subsists or not.

Although we have now exceeded the deadline for further evidence statements, I am happy to add all of the below details into the addendum of the Panel Report. We are impartial and only assess the evidence and present it to Panel - although I should also stress that we can never pre-empt the outcome of Panel.

If the alleged route was added to the Definitive Map then both ourselves and colleagues in Rights of Way would be able to advise on the further points highlighted below. Again, I do understand the matter from your perspective and it is something that we encounter relatively frequently. Please let me know if you need any points clarifying at this stage.

Thank you once again for sending me the details.

Kind regards

David

David Adkins | Legal Officer

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Staffordshire Legal Services
From the public sector, for the public sector

