

Countryside and Rights of Way Panel

Tuesday, 3 December 2019

10.00 am

White Room, County Buildings, Martin Street, Stafford

NB. Members are requested to ensure that their Laptops/Tablets are fully charged before the meeting

John Tradewell
Director of Corporate Services
25 November 2019

A G E N D A

1. **Apologies**
2. **Minutes of meeting held on 8 November 2019** (Pages 1 - 6)
3. **Wildlife and Countryside Act 1981, Section 53 - Application for a Definitive Map Modification Order to Add a Public Right of Way from Beaconside to Marston Lane, near Marstongate Farm, Hopton and Marston Parish** (Pages 7 - 72)

Report of the Director of Corporate Services
4. **Wildlife and Countryside Act 1981, Section 53 - Application for a Definitive Map Modification Order to Syerscote Lane** (Pages 73 - 314)

Report of Director of Corporate Services
5. **Exclusion of the Public**



The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involves the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below”.

PART TWO

(all reports in this section are exempt)

Nil

Membership	
David Brookes	Paul Snape
Alan Dudson	Mike Worthington
Julia Jessel (Chairman)	

Note for Members of the Press and Public

Filming of Meetings

The open (public) section of this meeting may be filmed for live or later broadcasting or other use, and, if you are at the meeting, you may be filmed, and are deemed to have agreed to being filmed and to the use of the recording for broadcast and/or other purposes.

Recording by Press and Public

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the Chairman, disrupt the meeting.

Minutes of the Countryside and Rights of Way Panel Meeting held on 8 November 2019

Present: Julia Jessel (Chairman)

Attendance	
Alan Dudson	Mike Worthington
Paul Snape	

Apologies: David Brookes

PART ONE

115. Declarations of Interest in Accordance with Standing Order 16.2

There were no declarations of interest made.

116. Minutes of meeting held on 20 September 2019

RESOLVED – That the minutes of the meeting held on 20 September 2019 be confirmed and signed by the Chairman.

117. Wildlife and Countryside Act 1981, Section 53 - Application for a Definitive Map Modification Order to Add a Public Right of Way between B5405 to Path at Whitley Heath, Gnosall and Ellenhall Parishes

The Panel considered a report of the Director of Corporate Services regarding an application by Mr. M. Reay for a Modification Order under Section 53 of the Wildlife and Countryside Act to add a Public Right of Way between B5405 to path at Whitley Heath, Gnosall and Ellenhall Parishes to the County Council's Definitive Map and Statement of Public Rights of Way.

The report was presented verbally to take Members through the various legal, documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to the evidence and gave guidance on the legal tests which should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the appendices attached to report including:- (i) a plan of the alleged route; (ii) a copy of the application; (iii) a copy of the Finance Act 1910 Record Books; (iv) a copy of the Finance Act 1910 accompanying Maps; (v) a copy of the Parish Survey Records; (vi) Knightly Enclosure Award 1811 tracing and transcript; (vii) Ordnance Survey (OS) map of 1891, 6 inch to 1 mile; (viii) OS maps discovered by the County Council; (ix) OS map of 1963 25 inch to 1 mile; (x) transcript of Knightly Enclosure Award; (xi) map of routes objected to for Gnosall and Ellenhall Parishes; (x) list of objected routes for Gnosall and Ellenhall Parishes; (xi) a copy of the Landowner Evidence Form submitted by Mr. Braithwaite; (xii) a copy of a Landowner Evidence Form submitted by Mr. Haszard.

The Director clarified that the Parish Surveys referred to in the appendices listed above were undertaken in the 1950s. Also, the records of the evidence considered by the hearings into the status of the various paths put forward for inclusion onto the Definitive Map were no longer available. However, the objections lodged at the hearings related to the evidence available at that time rather than that which was now available to the Panel.

Following their detailed consideration of the application, the Panel decided that from the totality of the available evidence and the absence of conflicting evidence to refute the claim, the application met the civil test of 'balance of probabilities' as set out in paragraph 53(3)(c)(i) of the Act in that the alleged Right of Way subsists.

RESOLVED – (a) That the report be received and noted.

(b) That the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that a Public Footpath which is not shown on the Definitive Map and Statement subsists on the balance of probabilities along the route shown marked A to B on the plan attached at Appendix A to the report and should be added to the Definitive Map and Statement of Public Rights of Way as such.

(c) That an Order be made to add the alleged right of way shown on the plan attached at Appendix A and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a Public Footpath.

118. Wildlife and Countryside Act 1981, Section 53 - Application for a Definitive Map Modification Order to Upgrade Public Footpath No. 21 Heaton Parish to Bridleway Status

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs. P. Amies for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981 to upgrade Public Footpath No. 21 Heaton Parish from Heaton Village to Hawksley Farm and County Road to Bridleway status.

The report was presented verbally to take Members through the various legal, documentary and historical evidence relevant to the application. The Director also made reference to case law which dealt with the weight to be given to evidence and gave guidance on the legal tests which they should apply. In applying these tests, Members were made aware that they should examine the evidence in its totality.

During their consideration of the application, Members had regard to the appendices attached to the report including:- (i) a copy of the application and associated submitted letters and documents; (ii) a plan of the alleged route; (iii) copies of various User Evidence Forms; (iv) a table summarising the user evidence submitted; (v) a copy of Estate Plan of Heaton 1817; (vi) a copy of Heaton Enclosure Award and Statement; (vii) Copies of Ordnance Survey Maps; (viii) a copy of Finance Act 1910 Map and Field Books; (ix) Copies of County Maps; (x) a copy of Owner/Occupier Evidence Form submitted by Mr. Heathcote; (xi) a copy of Owner/Occupier Evidence Form submitted by Mr. Woolley; (xii) a copy of Owner/Occupier Evidence Form submitted by Mr. Tideswell; (xiii) a copy Owner/Occupier Evidence Form submitted by Ms. Norgrove-Moore.

The Director informed them that a request had been received from a third party for the determination of the application to be deferred pending submission of an additional application for a linked path. However, owing to the Direction which had been received by the County Council from the Secretary of State for non-determination of the application, the third party had been informed that the matter would have to be determined by the Panel without further delay.

In the discussion which ensued, the Director clarified that the effect of the application, if successful, would be to create cul-de-sac Bridleway at its junction with Public Footpath No. 6 Heaton Parish. However, this was not a relevant consideration for the Panel in their determination of the application owing to the route's inclusion on the Definitive Map as a Public Footpath.

Following their detailed consideration of the application, the Panel decided that from the available evidence, the application met the civil test of 'Balance of Probabilities' as set out in Paragraph 53(3)(c)(i) of the Act in that alleged Right of Way subsists as a Bridleway.

RESOLVED – (a) That the report be received and noted.

(b) That the evidence submitted by the application and that discovered by the County Council is sufficient to show that the alleged Public Bridleway, running from Public Footpath No. 6 Heaton Parish to Hawksley Farm and County Road subsists.

(c) That the evidence submitted by the applicants and that discovered by the County Council is sufficient to show that, on Balance of Probabilities, Public Footpath No. 21 Heaton Parish should be added as a Highway of a different description, namely a Public Bridleway to the Definitive Map and Statement of Public Rights of Way.

(d) That an Order be made under Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by upgrading Public Footpath No. 21 Heaton Parish at Heaton Village to Public Bridleway status along the route shown between points A and B on the plan attached at Appendix B to the report.

119. Wildlife and Countryside Act 1981, Section 53 - Application for a Definitive Map Modification Order to Add a Public Footpath between A525 Keele Road and Lymes Road, Keele Parish

RESOLVED – That consideration of the report be deferred until a future meeting pending investigation of further evidence submitted by the applicant for a Modification Order under Section 53 of the Wildlife and Countryside Act 1981, after publication of the Agenda for the meeting.

120. Village Green Priority Criteria

The Panel considered a report by the Director of Corporate Services regarding the adoption of a policy for determination of applications for registration of lands as Town or Village Greens under the Commons Act 2006 by the County Council as Registration Authority.

RESOLVED - (a) That the report be received and noted.

(b) That the priority criteria for determination of applications for the registration of Town or Village Greens under Section 15 of the Commons Act 2006 as set out in Appendix A to the report be adopted for implementation with immediate effect.

(c) That the Director of Corporate Services advise relevant applicants and landowners of the above-mentioned criteria.

121. Date of Next Meeting - Tuesday 3 December 2019 at 10.00 am, County Buildings, Stafford

RESOLVED – That the date, time and venue of their next meeting be noted.

122. Exclusion of the Public

RESOLVED – That the public be excluded from the meeting for the following items of business which involves the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972, indicated below”.

PART TWO

123. Wildlife and Countryside Act 1981, Section 53 Modification Order Applications - Update

(exemption paragraph 3)

The Panel received an exempt oral report from the Director of Corporate Services regarding the progress made in determining the backlog of outstanding applications for Modification Orders to the Definitive Map of Rights of Way under Section 53 of the Wildlife and Countryside Act 1981. They noted that although the increased rate of determination of applications over recent months had been sustained, there was every likelihood that further Directions from the Secretary of State for the Environment, Food and Rural Affairs would be received in the near future. In addition, he expected the volume of applications from Members of the Public would also increase. However, he outlined the measures being taken in an attempt to manage the backlog given the limited resources available.

RESOLVED – That the exempt oral report be noted.

Chairman

Local Members' Interest	
Jeremy Pert	Eccleshall
John Francis	Stafford Trent Valley
Jonathan Price	Stafford North

Countryside and Rights of Way Panel – Tuesday 3 December 2019

Wildlife and Countryside act 1981

Application for a Public Right of Way from Beaconside to Marston Lane, near Marstongate Farm, Hopton and Marston Parish

Report of the Director of Corporate Services

Recommendation

1. That the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that a public footpath, which is not shown on the Definitive Map and Statement, is reasonably alleged to subsist along the route shown marked A to B to C to D on the plan attached at Appendix J to this report, and should be added to the Definitive Map and Statement of Public Rights of Way as such.
2. That an Order be made to add the alleged right of way shown on the plan attached at Appendix J and marked A to B to C to D to the Definitive Map and Statement of Public Rights of Way for the District of Stafford as a public footpath.

PART A

Why is it coming here – what decision is required?

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”). Determination of applications made under the Act to modify the Definitive Map and Statement of Public Rights of Way, falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council’s Regulatory Committee (“the Panel”). The Panel is acting in a quasi-judicial capacity when determining these matters and must only consider the facts, the evidence, the law and the relevant legal tests. All other issues and concerns must be disregarded.
2. To consider an application from Mr Martin Reay, for an order to modify the Definitive Map and Statement for the area by adding an alleged Public Footpath from Beaconside to Marston Lane under the provisions of Section 53(3) of the Wildlife and Countryside Act 1981. A copy of Mr Reay’s application is attached at Appendix A. The line of the application route is shown on the plan attached at Appendix B and marked A – B.
3. To decide, having regard to and having considered the Application and all the available evidence, and after applying the relevant legal tests, whether to accept or reject the application.

Evidence submitted by the applicant

1. The applicant has submitted in support of his claim evidence from a traced version of the Marston Tithes Award of 1839. A tracing of the map is attached at Appendix C. The alleged footpath is shown as a dotted line and a short section of the northern most part of the alleged path is shown.
2. The applicant has also submitted Deposited Railway plan records of 1844. These indicate that a public footpath was recorded over plots 27a and 5. In plot 6, which the alleged route also runs through, there is a recording of a "field" only.
3. The accompanying maps to the 1844 railway plans are attached at Appendix E and show the full footpath by way of a dotted line which matches the alleged route plotted by applicant.
4. The applicant has also submitted the Deposited Railway plan maps of 1845. These show a footpath by way of a dotted line which matches the railway plan map of 1844. There is also an annotation along the dotted line which describes it as a footpath. This dotted line shows the entire alleged route. A copy is attached at Appendix F.
5. The accompanying records to the 1845 railway plans show that the alleged footpath runs through plots 30, 61 and 63. The owner is described as being "the Surveyor of the Highways for the Township". These are attached at Appendix G.
6. Officers have inspected all of the documents submitted and have verified their veracity.
7. The applicant had raised concerns that the proposed development would compromise the alleged route. However, from the map attached at Appendix I this is not the case.

Other evidence discovered by the County Council

8. Officers have conducted research at the Councils records office and have been unable to locate any further evidence that supports or refutes the application.

Evidence submitted by the Landowners

9. The landowners, Mrs Stubbs, Mr & Mrs Baker and Mrs Brandon have submitted landowner questionnaires, copies of which are attached at Appendix H.
10. In Mrs Stubbs' questionnaire she comments that there is no knowledge of the alleged footpath from village residents. Mrs Stubbs also comments that her father-in-law moved into their farm in 1903 and claimed there were no footpaths in the area at all.
11. In Mr & Mrs Bakers' questionnaire they comment that the right of way does not exist.
12. In Mrs Brandon's questionnaire she comments that there are already three public footpaths on her farm which are portrayed on the definitive map and does not believe the alleged route to exist. Mrs Brandon also states that there is no path of any description on any documents in her possession such as old maps and sale particulars.

Comments received from statutory consultees

13. Stafford Borough Council have replied stating that they have no comments on the application.
14. Marston Parish has also replied stating that they oppose the addition of the alleged footpath but has not submitted any evidence.

Comments on Evidence

Tithe maps:

15. The Tithe map of Marston Parish 1839 displays only a short section of the Northern most part of the alleged route.
16. The Tithe maps and awards were not intended to be records of highways and more often used the latter as a mechanism for orienteering the map to assist in locating the titheable land and allotments.
17. Minor ways such as footpaths might be shown as dotted lines crossing various plots.
18. The Tithe maps were intended to be a record of the productivity of the land and as a consequence the amount of tithe that would be payable. The impact of footpaths on any cultivated land would be lessened and so there would be less reason to exempt the land from the tithe. It might give rise to a reduction in the tithe payable to allow for inference, but such reductions are not always apparent.
19. The best that can be adduced from the Tithe maps is that there was a physical feature the surveyors considered worth recording. As to whether that way had public or private rights is open to conjecture but could at the very least be construed as supporting evidence of physical existence.
20. The Tithe Maps may be a record of the physical existence of a route however they are not evidence of the legal boundries of the highway as stated in *Webb v Eastleigh Borough Council 1957*.

Deposited Railway Plans:

21. The Deposited Railway records of 1844 provide a description of the plots in which the claimed route passes through. The records also provide an account of who is the owner of each plot. In this instance plots 5 and 6 are owned by Earl Talbot and plot 27a is owned by Thomas William Giffard. Nonetheless, plot 5 and 27a mention a public footpath.
22. Statute required, from 1838, that the plans of these works and the associated book of reference were deposited with the local public authorities. This was true for routes that never came to fruition as well as for those that were constructed.
23. In compiling the plans for the route of the railway the surveyors drew up a map showing the intended line of the construction with the limits of deviation from that line. It was not the primary purpose of deposited plans to record highways of any description but came about as a consequence of the need to survey the land.
24. In the case of public highways, the landowner or person responsible for maintenance may be listed as the Surveyor of Highways which would indicate the

way was public. The Surveyor of Highways may also be listed as jointly liable with a landowner. For the 1844 records the plots were under private ownership.

25. It was not until The Railways Clauses Consolidation Act 1845 was introduced that the requirements for railways were expanded, with public rights of way which cross the route of a railway to be retained unless their closure has been duly authorised. Although it was not the primary purpose of the deposited plans, they can show whether a route was public or not.
26. In respect of the 1844 plans it is difficult to determine whether the alleged route was public as the Railways Clauses Consolidation Act was not introduced until a year later.
27. Conversely, the 1845 railway plans may well have been published in 1845, but that does not necessarily mean that they were drawn up at the same time as the Railways Clauses Consolidation Act. The plans would have taken time to draw up and so it is unlikely that the act would have been taken into consideration at this point.
28. The 1845 railway plan refers to who owns each plot which the alleged route passes through. The owner is described as being “the Surveyor of the Highways for the Townships”. The paths are also described as being “public”. There is also a further annotation on the accompanying maps which describe the route as a “footpath”.
29. The financial implication that a railway line would have had on a public highway must also be taken into consideration. There were potential penalties for not providing public crossing points where there was a public highway. The railway surveyor undertaking the plans would have needed to be accurate in his plans as there were great financial implications in place. Whoever funded the construction of a railway would have wanted to know the precise costs. A public footpath crossing a potential railway would mean that a manned crossing may have been required to allow the public to pass and re-pass over it safely.
30. For both sets of records it was the responsibility of the Railway Surveyor to carry out a survey(s) in order to assess the suitability of the land for the construction of a potential railway line. The Railway Surveyor would have made enquiries and physically assessed the land for existing highways crossing the proposed line of deviation.
31. It was the Railway Surveyor who recorded the status of a highway in his survey. The landowner may have informed the Railway Surveyor of the status of a route passing over his land but the decision to record its status lay with the Surveyor. There is no record of the landowners admitting the accuracy of the Surveyors records, therefore less weight can be attached to this particular set of evidence.
32. On the other hand, both sets of records show that a public footpath was recorded by the Surveyor in 1844, and a year later in 1845. The corroboration of the records indicates that there must have been a feature worth recording by the Surveyor on both occasions; in this instance a public footpath.
33. The Highways Act 1835 set out that all public highways except for turnpike roads were maintainable at public expense and the parish was to maintain them. However, footpaths were not automatically publicly maintainable after 1835 and it was rare for them to be maintained and mentioned in records.
34. The Highways Act 1835 also set up the new procedures for railway planning and creation in that they could no longer set out new highways or that they were in fact publicly maintainable without the agreement of the Surveyor of the Highways.

35. However, from viewing OS maps dated from 1881 to 1925 Officers have been unable to locate any historical record of any railway lines which run through the area in which the footpath is alleged. There is also no contemporary record of any disused railway lines on OS maps. The absence of a line would indicate that this particular railway plan was never brought to fruition.
36. Where schemes were not completed, the plans were still produced to form the basis for legislation and were still in the public domain. Whilst they are likely to provide useful topographical details, they may not be as reliable as those that have passed through the whole parliamentary process. As above, the weight to be attached will need to be determined alongside all the other available evidence.

Comments on draft report

37. Prior to the Panel meeting on 9 August 2019 Officers discovered evidence that would have an impact upon the route applied for.
38. The accompanying deposited railway map of 1844 shows a dotted line from Marston Lane in the North which heads Southwards to the original 'point A' marked on Appendix B.
39. However, upon closer examination, the dotted line (which portrays a footpath) continues to extend further south to where it meets Common Road.
40. Officers contacted the applicant notifying him that the matter would be deferred to allow for further investigations to take place. Mr Reay responded and stated it may be best to pursue the claimed route from Marston Lane all the way to Common Road.
41. The relevant landowners in which the additional section of route passes have been notified of the application.
42. It is your Officer's opinion that it is reasonable to assume that, during the drafting of the 1844 railway plan, a public footpath existed. The dotted line forms part of the same route linking Marston Lane to Common Road.
43. Although there is no reference to the plots of land in the book of reference at the south of the railway map, one can reasonably assume that the entirety of the route has the status of a public footpath. This is because the railway surveyor was only concerned with land surrounding the line of deviation where the proposed railway line would be. Therefore, the alleged public footpath must have been a significant feature to the surveyor.
44. A copy of the proposed extended route can be found at Appendix J and point A is marked as commencing at Common Road and the route concludes at point D at Marston Lane.
45. A copy of the proposed extended route can be found at Appendix J. The route would commence at point A at Common Road and conclude at point D. Point A to point B displays the additional length of footpath.
46. The Panel have also raised the issue that the evidence submitted is the same as that in the recently determined application LJ607G (application to add an alleged footpath from Marston Lane to Bridleway No.8). Officers can confirm that the same set of evidence was submitted for both applications. Although the routes for both applications are in very close proximity they must be determined separately.

47. It is your Officer's opinion that, after viewing all available evidence, that an additional section of route is reasonably alleged to subsist from point A commencing at Common Road to point B as shown on Appendix J.
48. After the report was sent out with the recommendation for an additional section of route, several of the landowners responded.
49. Firstly, landowner Mr Watson raised concerns that as the owner of a scrapyard any public footpath crossing the site would be unworkable and financially unsustainable. Therefore, he objected to the Officers recommendation. However, if the route were to fall short of his land then no objection would be raised. Mr Watson also enquired as to what accommodation would be made for any footpath crossing his land however, Officers could not clarify this as the matter has not yet been determined.
50. The solicitor for landowner Boiling Investments Limited has objected to the proposed route and states that there is no physical evidence of any footpath across the land.
51. Finally, Mr and Mrs Brandon's solicitors have objected to the Officer's recommendation. A copy of their letter can be found at Appendix K and the Officer's response at Appendix L.
52. All correspondence has been sent to the applicant. Mr Reay has commented in respect of the OS map submitted by Mr and Mrs Brandon and their comments that the route has not been used in living memory. Mr Reay states that these matters cannot be given any weight and that the law is once a highway always a highway unless stopped up by legal event or process.

Burden and Standard of Proof

53. In this instance the applicable section of the Wildlife and Countryside Act 1981 is section 53(3)(c)(i). This section relates to the discovery of evidence of two separate events:
 - (a) Evidence that a right of way which is not shown on the map subsists; or
 - (b) Evidence that a right of way which is not shown on the map is reasonably alleged to subsist.
54. Thus, there are two separate tests, one of which must be satisfied before a Modification Order can be made. To answer either question must involve an evaluation of the evidence and a judgement on that evidence.
55. For the first test to be satisfied it will be necessary to show that on a balance of probabilities the right of way does subsist.
56. For the second test to be satisfied the question is whether a reasonable person could reasonably allege a right of way subsists, having considered all the relevant evidence available to the Council. The evidence necessary to establish a right of way which is "reasonably alleged to subsist" over land must by definition be less than that which is necessary to establish the right of way "does subsist".
57. If the conclusion is that either test is satisfied, then the Definitive Map and Statement should be modified.

Summary

58. On their own, Tithe maps and awards are not evidence as to the public or private nature of a particular route but may add to the supporting evidence. Their purpose

was to show what land was titheable as stated in *Merstham Manor Ltd v Coulsdon and Purley Urban District Council* [1937] 2 KB 77.

59. The courts have said that the evidence may be supportive of the existence of a public right of way but the weight to be given to such documents is a matter for the tribunal of fact, in this case the Panel. Such evidence is not on its own conclusive proof and therefore must be considered alongside all other evidence as stated in *Maltbridge Island Management Co. v Secretary of State for the Environment* [1998] EGCS 134.
60. The Tithe map of Marston Parish only shows a short section of the northern most part of the route. However, on the adjoining Tithe map of the Parish of Hopton and Coton the alleged footpath is not shown. Conversely if a route does not appear on a map it does not necessarily mean it did not exist. One could reasonably assume that the footpath does continue South towards Common Road when viewed in conjunction with other evidence.
61. The Tithe Map was submitted alongside Deposited Railway plans and records from the 19th Century. The alleged route is shown on the all of the deposited railway maps and is also noted in the accompanying books of reference. This would indicate that the route did exist.
62. The deposited railway plans indicate that there was a public footpath which follows the same way as the claimed route. Even though the railway was never constructed it was important that the railway surveyors be as accurate as possible with their plans due to the financial implications they could have had.
63. As the footpath is shown on the railway plans as public this is strong evidence that it was indeed a public right of way as footpaths were not automatically maintainable at public expense and the surveyor of highways could have objected to its inclusion within the records.
64. In the absence of further supporting evidence the railway plans and books of reference may be sufficient, dependant upon the particular document, to reasonably allege a public highway subsists.

Conclusion

65. The application is to be considered under s53(3)(c)(i) as mentioned above, and so the question of whether the application should succeed needs to be evaluated against both tests in that section.
66. When the totality of the evidence is considered it is finely balanced as to whether it would satisfy the first part of the test set out in s53(3)(c)(i) above, that is whether on the balance of probabilities a public footpath subsists.
67. However, when the lesser test is considered, that of reasonable allegation, that is clearly satisfied. As the courts have indicated, if it is reasonable to consider any conflicting evidence and reasonable to accept the evidence of existence then an order should be made, and the material be tested during that process. Here there is no conflicting evidence to weigh in the balance and so it does clearly satisfy the test.
68. Taking everything into consideration it is apparent that the evidence shows that a public right of way, with the status of footpath, which is not shown on the map and statement is reasonably alleged to subsist.
69. It is the opinion of your officers that the County Council should make a Modification Order to add the alleged public footpath marked A – B – C – D on Appendix J and not the line shown on Appendix B to the Definitive Map and Statement of Public Rights of Way.

70. It is the Panel's decision, as to whether a modification to the Definitive Map and Statement should be made based upon the totality of the evidence. However, the Panel can determine a route which differs from the original application i.e. to add a greater length of route or decide upon a different status than applied for such as a bridleway rather than a footpath.

Recommended Option

71. To accept the application based upon the reasons contained in the report and outlined above.

Other options Available

72. To decide to reject the application to add a public footpath to the definitive map.
73. To only add the claimed route.

Legal Implications

74. The legal implications are contained within the report.

Resource and Financial Implications

75. The costs of determining applications are met from existing provisions.
76. There are, however, additional resource and financial implications if decisions of the Registration Authority are challenged by way of appeal to the Secretary of State for Environment, Food and Rural Affairs or a further appeal to the High Court for Judicial Review.

Risk Implications

77. In the event of the Council making an Order any person may object to that order and if such objections are not withdrawn the matter is referred to the Secretary of State for Environment, Food and Rural Affairs under Section 14 of the Wildlife and Countryside Act 1981. The Secretary of State would appoint an Inspector to consider the matter afresh, including any representations or previously unconsidered evidence. The Secretary of State may uphold the Council's decision and confirm the Order; however there is always a risk that an Inspector may decide that the County Council should not have made the Order and decide not to confirm it.
78. If the Secretary of State upholds the Council's decision and confirms the Order it may still be challenged by way of Judicial Review in the High Court.
79. Should the Council decide not to make an Order the applicants may appeal that decision to the Secretary of State who will follow a similar process to that outlined above. After consideration by an Inspector the County Council could be directed to make an Order.
80. If the Panel makes its decision based upon the facts, the applicable law and applies the relevant legal tests the risk of a challenge to any decision being successful, or being made, are lessened.
81. There are no additional risk implications.

Equal Opportunity Implications

82. There are no direct equality implications arising from this report.

J Tradewell

Director of Corporate Services

Report Author: Dale Garside-Chell

Ext. No: 276747

Background File: LG608G

INDEX TO APPENDICES

Appendix A	Copy of application from Mr Martin Reay
Appendix B	Copy of plan showing alleged route
Appendix C	Marston Tithe Award Map (tracing) – (1839)
Appendix D	Deposited Railway plan book of reference – (1844)
Appendix E	Deposited Railway plan accompanying maps (1844)
Appendix F	Deposited Railway plan accompanying maps (1845)
Appendix G	Deposited Railway plan book of reference (1845)
Appendix H	Landowner questionnaires from Mrs Stubbs, Mr & Mrs Baker and Mrs Brandon
Appendix I	Copy of planning application boundary
Appendix J	Copy of plan showing new alleged route
Appendix K	Letter from Mr and Mrs Brandon's solicitor
Appendix L	Response letter to Mr and Mrs Brandon's solicitor

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of STAFFORD

Parish of HOPTON + MARSTON

To: Staffordshire County Council
PO Box 11
County Buildings
Stafford
ST16 2LH

I/We M. REAY
of 53 TITHE BARN RD
..... STAFFORD

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

* deleting the (footpath)(bridleway)(byway open to all traffic) from to

* adding the (footpath)(bridleway)(byway open to all traffic) from .. BEACON SIDE to .. MARSTON LANE

*(upgrading)(downgrading) to a (footpath)(bridleway)(byway open to all traffic) the (footpath)(bridleway)(byway open to all traffic) from to

*(varying)(adding to) the particulars relating to the (footpath)(bridleway)(byway open to all traffic) from to

by providing that

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application

*delete as appropriate.

DEPOSITED RAILWAY PLANS

Q/Rum /148 (1844)

Q/Rum /223 (1845)

MARSTON TITE D834 /14/15/4 (1839)

7/4/99 . M. P. (over)

AFFORD



WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT - STAFFORDSHIRE COUNTY COUNCIL

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

To: Staffordshire County Council
of: PO Box 11,
County Buildings,
Martin Street,
Stafford, ST16 2LH

I/We *M. REAY*
of *53 TITHE BARN RD*
..... *STAFFORD*

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

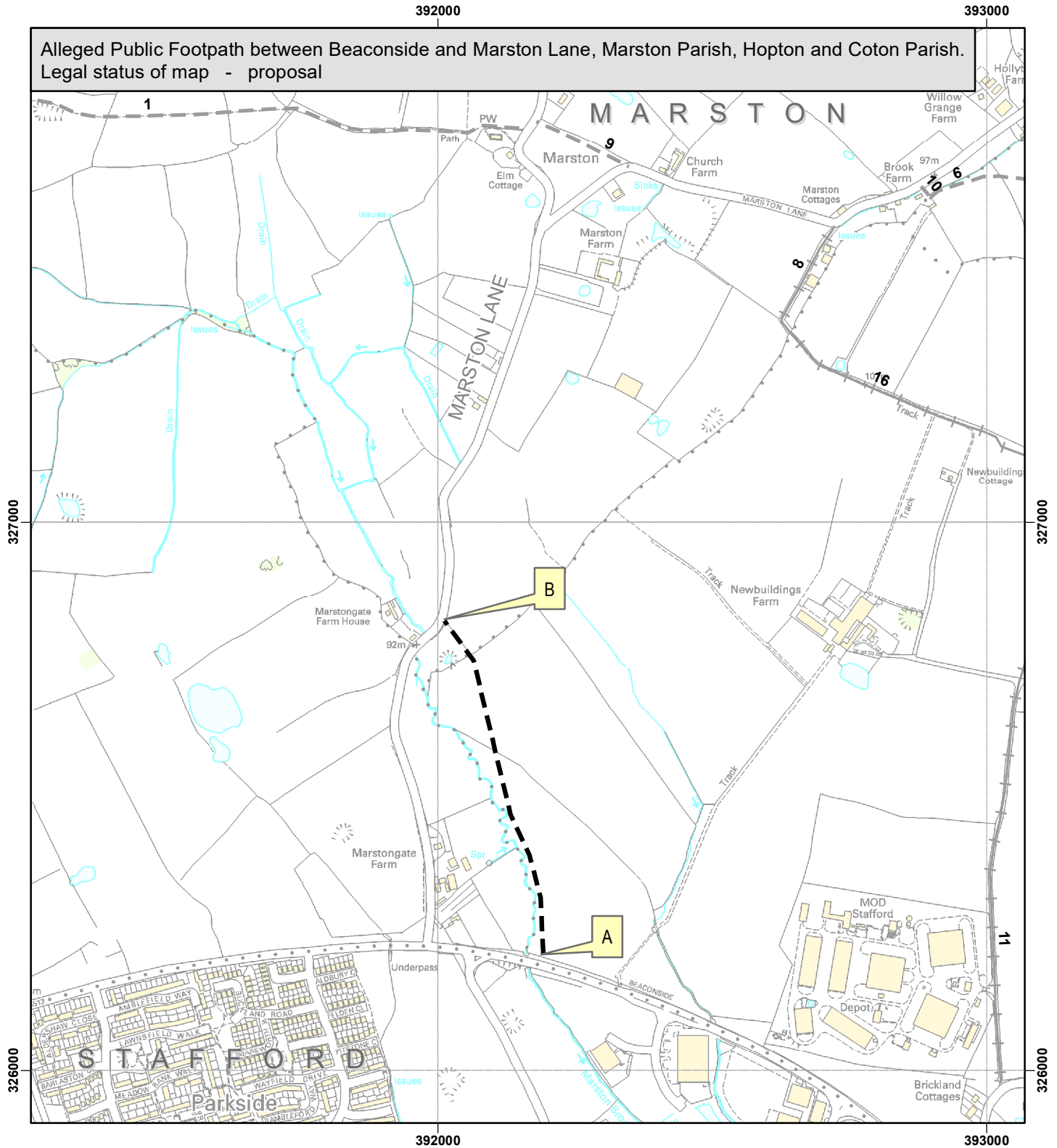
Dated *7/4/99* Signed *M. Reay*

Names and addresses of owners and occupiers of land on whom notice has been served that an application for a Modification Order has been made:

MR BRANDON, NEWBUILDINGS FM, SANDOWN RD, HORTON,
MR STUBBS, MARSTON FM, MARSTON LN, STAFFORD.

J. Baker, Ludstere Hs, Ludstere, Clebury - W-TON WVS 70E.
↑
To be given to me.

Wildlife and Countryside Act 1981, Section 53A(2)(b)
 Marston Parish, Hopton and Coton Parish,
 Staffordshire, Proposed Addition of Footpath to
 Definitive Map and Statement.

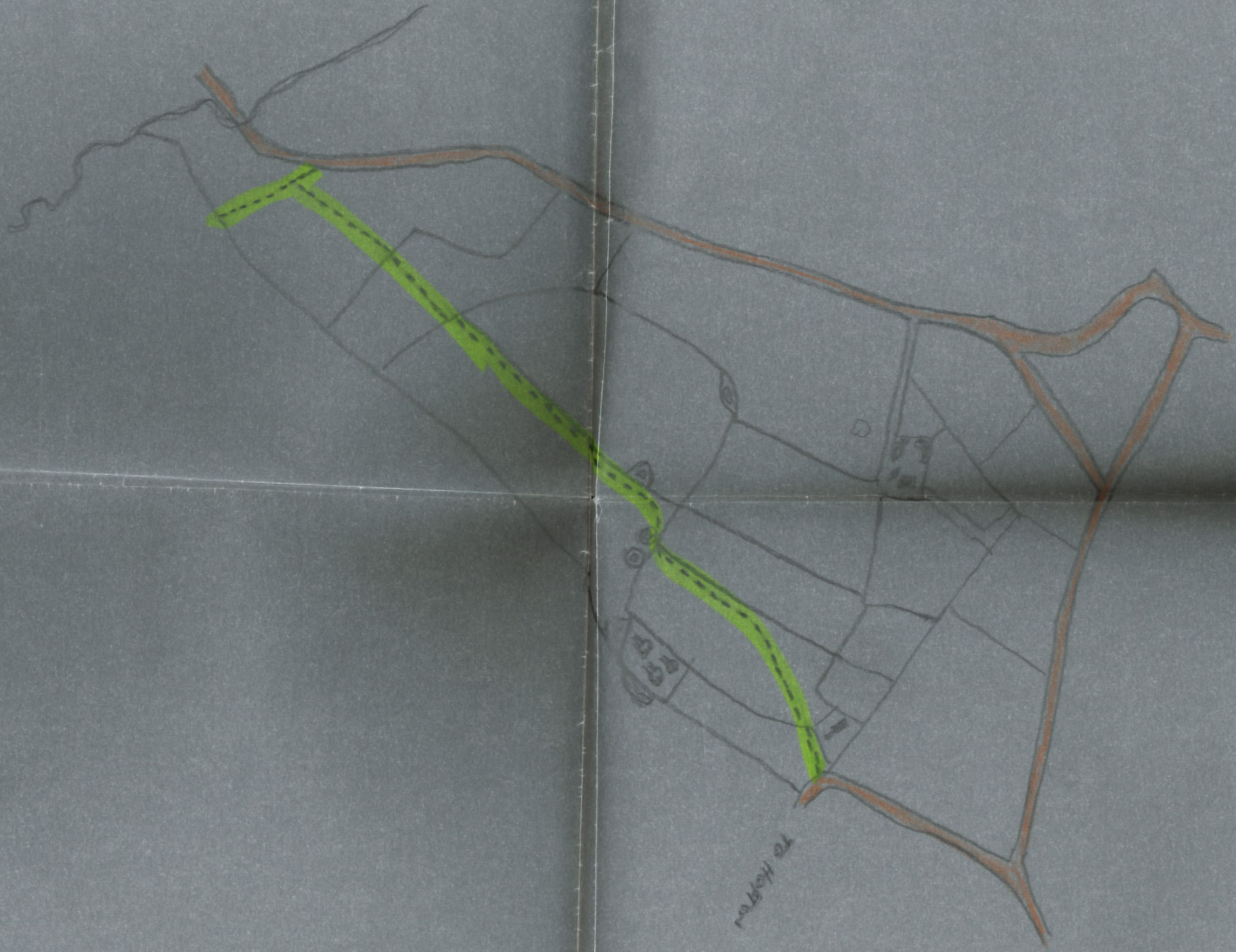


Map created at the scale of 1:10,000
 (facsimiles may vary)

- Right of Way to be added (A - B)
- Rights of Way Unaffected
- Footpath
- +--- Bridleway

© Crown Copyright and database rights 2019.
 Ordnance Survey 100019422. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.
 Use of this data is subject to the terms and conditions shown at www.staffordshire.gov.uk/maps.
 Produced by Staffordshire County Council, 11/07/2019.

D 834 / 14/15/14 (1830)
TITHE MAP - MARSTON



Q/Rum/148 (1844)

TOWNSHIP OF MARSTON, PARISH OF ST. MARY, STAFFORD, COUNTY OF STAFFORD—
continued.

No. on Plan.	Description of Property.	Owner or Reputed Owner.	Lessor or Reputed Lessee.	Occupier.
31	Cottages Gardens and Appurtenances	Thomas William Locker.		Edward James, Henry Tatton, and John Lowndes. Thomas William Locker.
32	Field	Thomas William Locker.		
33	Public Highway	Surveyor of the Highways.		
34	Field	The Householders being Parishioners within the Borough of Stafford		The Householders being Parishioners within the Borough of Stafford.
35	Field	The Householders being Parishioners within the Borough of Stafford		The Householders being Parishioners within the Borough of Stafford.

TOWNSHIP OF HOPTON AND COTON, PARISH OF ST. MARY, STAFFORD,
COUNTY OF STAFFORD.

1	Field	Earl Talbot		William Perkin.
2	Field	Earl Talbot		William Perkin.
3	Field	Earl Talbot		William Perkin.
4	Field	Earl Talbot		William Perkin.
5	Field and Public Footpath	Earl Talbot		William Perkin, as to Field.
6	Field	Earl Talbot		William Perkin.
7	Brook	Earl Talbot.		

EXTRA PAROCHIAL PLACE OR TOWNSHIP OF TILLINGTON, PARISH OF ST. MARY,
COUNTY OF STAFFORD

No. on Plan. 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 18 19 20
Fi Fl Fi

EXTRA PAROCHIAL PLACE OF YARLET, COUNTY OF STAFFORD.

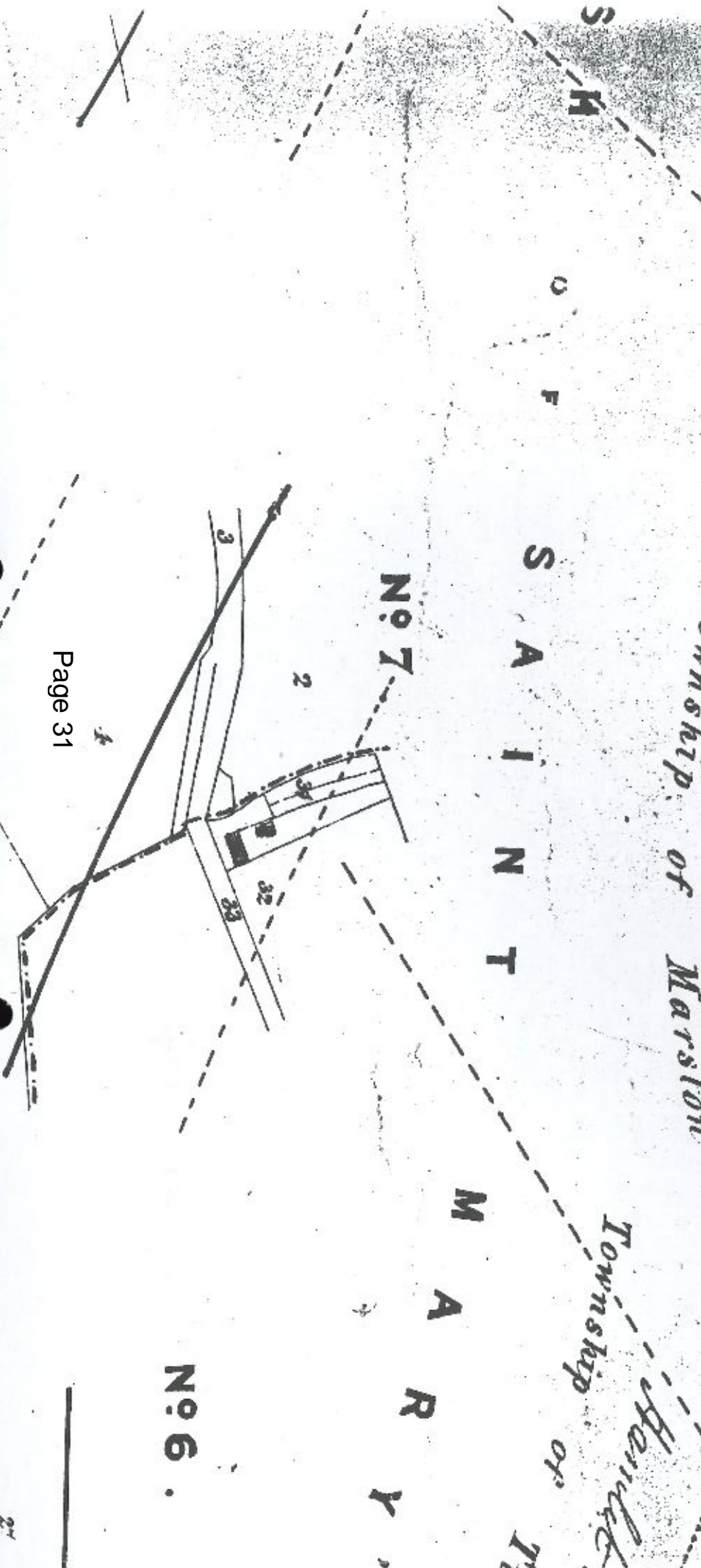
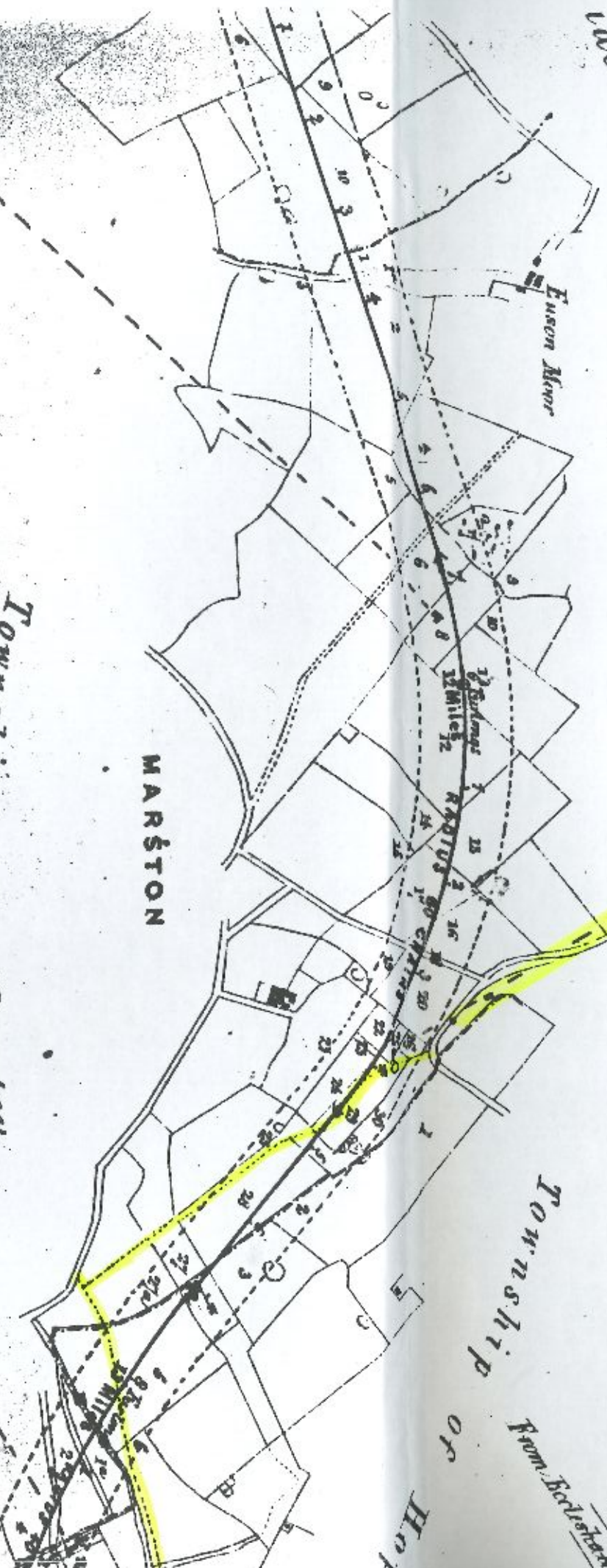
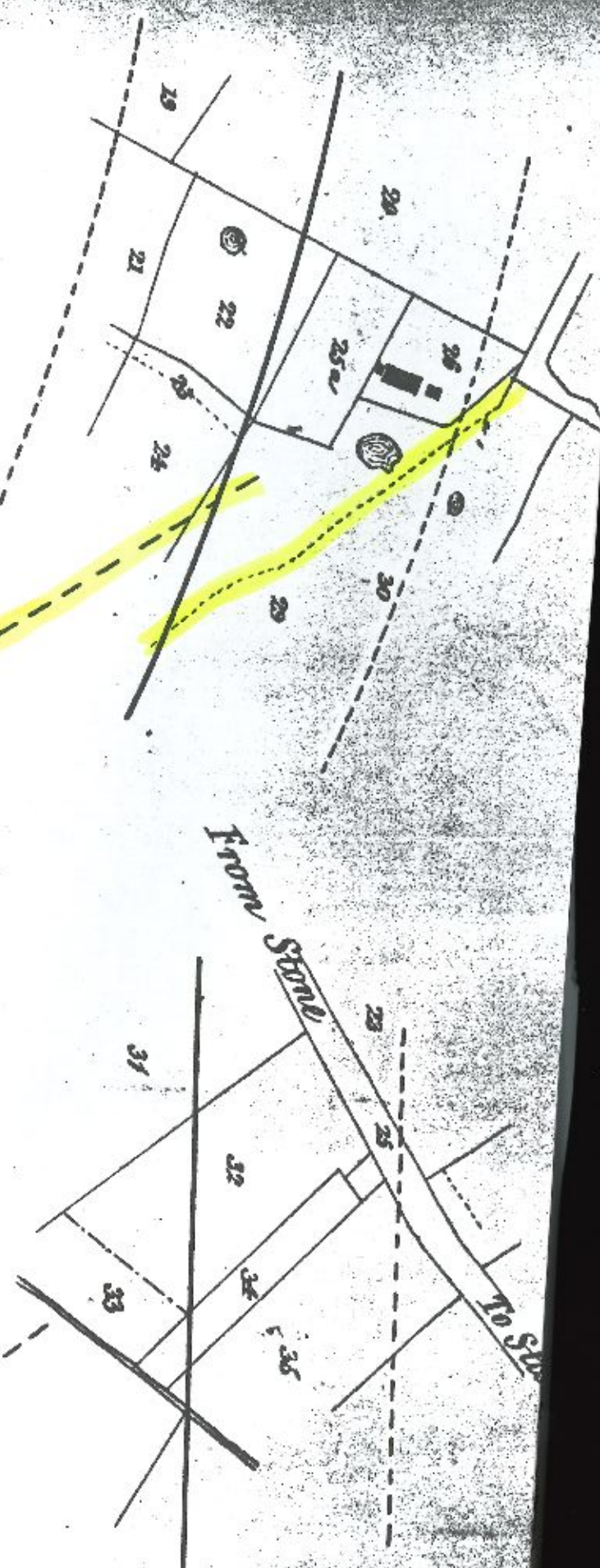
No Property is intended to be taken where not shown upon the Plan:
 Or if shown upon the Plan, not numbered thereon:
 Or if numbered thereon, not contained and described in the Book of Reference.
 Where Property is situate in more than one Parish, the number and description are limited in each Parish to the particular portion of the Property comprised in such Parish:
 And where lands are shown upon the Plan, either wholly or partially, and comprise buildings either shown or not shown thereupon, the number upon the Plan designates only such part of the Property as is described in the Book of Reference, and as is within the limits of deviation denoted upon the Plan.

No. on Plan.	Description of Property.	Owner or Reputed Owner.	Lessee or Reputed Lessee.	Occupier.
1	Brook	Honourable Edward Jervis.		
1A	Field	Thomas William Giffard.		
2	Field	Sarah Tunnicliff		Simon Myatt.
3	Field	Sarah Tunnicliff		Sarah Tunnicliff.
3A	Field	Sarah Tunnicliff		Sarah Tunnicliff.
4	Field	Sarah Tunnicliff		William Swift Woolfe.
5	Field	Sarah Tunnicliff		William Swift Woolfe.
6	Field	Sarah Tunnicliff		William Swift Woolfe.
7	Field	Sarah Tunnicliff		William Swift Woolfe.
8	Field	Sarah Tunnicliff		William Swift Woolfe.
9	Field	Sarah Tunnicliff		William Swift Woolfe.
10	Field	Sarah Tunnicliff		William Swift Woolfe.

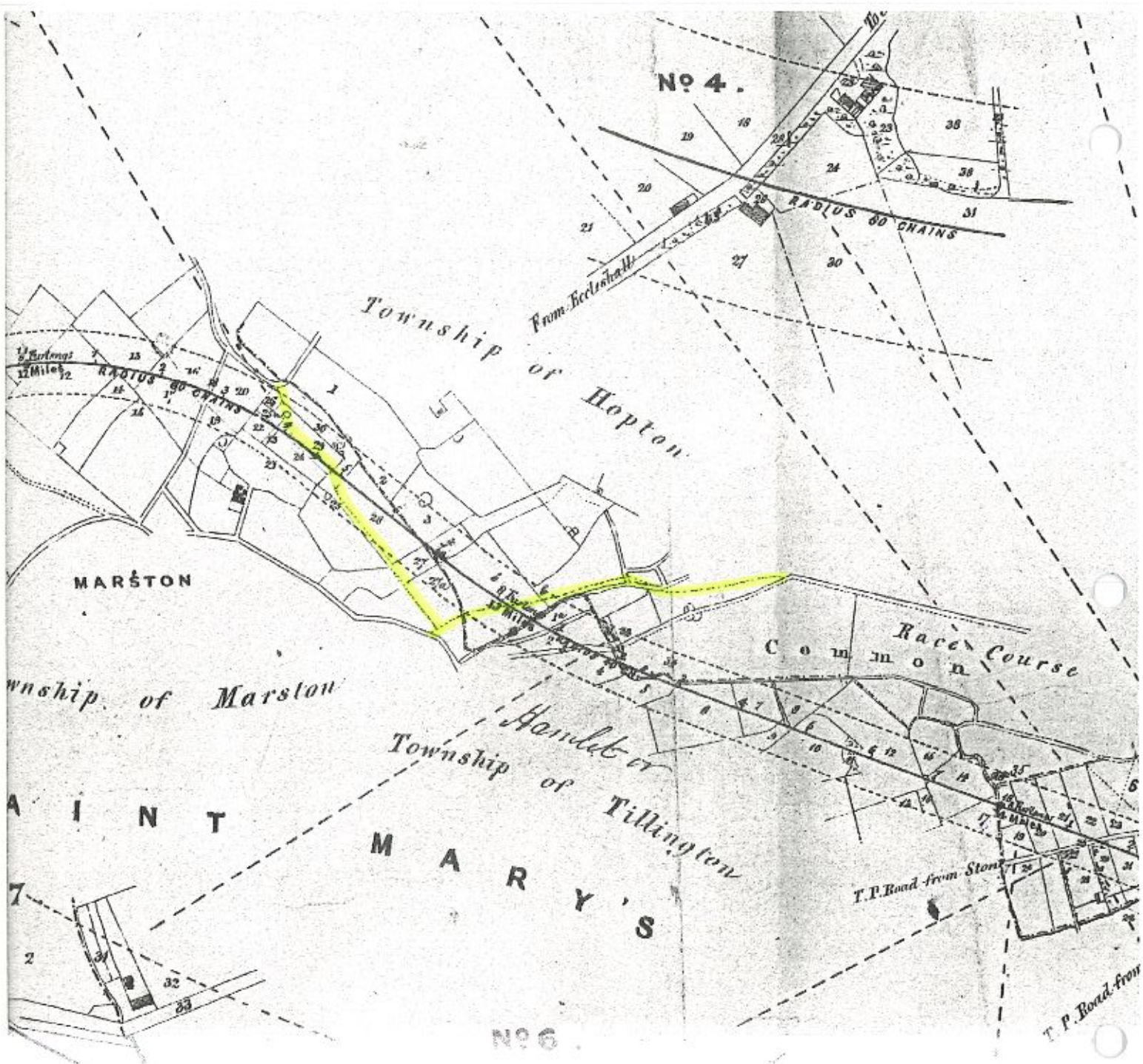
TOWNSHIP OF MARSTON, PARISH OF ST. MARY, STAFFORD, COUNTY OF STAFFORD

1	Field	Thomas William Giffard		
1A	Occupation Road	Thomas William Giffard.		Simon Myatt.
2	Field	Thomas William Giffard		
3	Field	Thomas William Giffard		Simon Myatt.
4	Field	Thomas William Giffard		Simon Myatt.
5	Field	Thomas William Giffard		Simon Myatt.
6	Field and Bridle Road	Thomas William Giffard		Simon Myatt.
7	Plantation	Thomas William Giffard		Simon Myatt.
8	Field and Shed	Thomas William Giffard		Simon Myatt, as to Field.
9	Field	Thomas William Giffard		Simon Myatt.
10	Field	Thomas William Giffard		Simon Myatt.
11	Field	Thomas William Giffard		Simon Myatt.
12	Field	Thomas William Giffard		Simon Myatt.
13	Field	Thomas William Giffard		Simon Myatt.
14	Field	Thomas William Giffard		Thomas Greensmith.
15	Field	Thomas William Giffard		Peter Lowe.
16	Field	Thomas William Giffard		Thomas Greensmith.
17	Field	Thomas William Giffard		Thomas Greensmith.
18	Public Highway	Surveyor of the Highways.		Peter Lowe.
19	Field	Thomas William Giffard		Peter Lowe.
20	Field	Thomas William Giffard		Peter Lowe.
21	Field	Thomas William Giffard		Peter Lowe.
22	Field	Thomas William Giffard		Peter Lowe.
23	Occupation Road	Thomas William Giffard		Peter Lowe.
24	Field	Thomas William Giffard		Peter Lowe.
25	Field	Thomas William Giffard		
25A	Garden	Thomas William Giffard		Peter Lowe.
26	Cottages Gardens and Appurtenances	Thomas William Giffard		Peter Lowe.
27	Field and Public Footpath	Thomas William Giffard		Peter Lowe.
27A	Field and Public Footpath	Thomas William Giffard		Peter Lowe, as to Field.
28	Field and Public Footpath	Thomas William Giffard		Peter Lowe, as to Field.
29	Field and Public Footpath	Thomas William Giffard		Peter Lowe, as to Field.
30	Field and Public Footpath	Thomas William Giffard		Peter Lowe, as to Field.

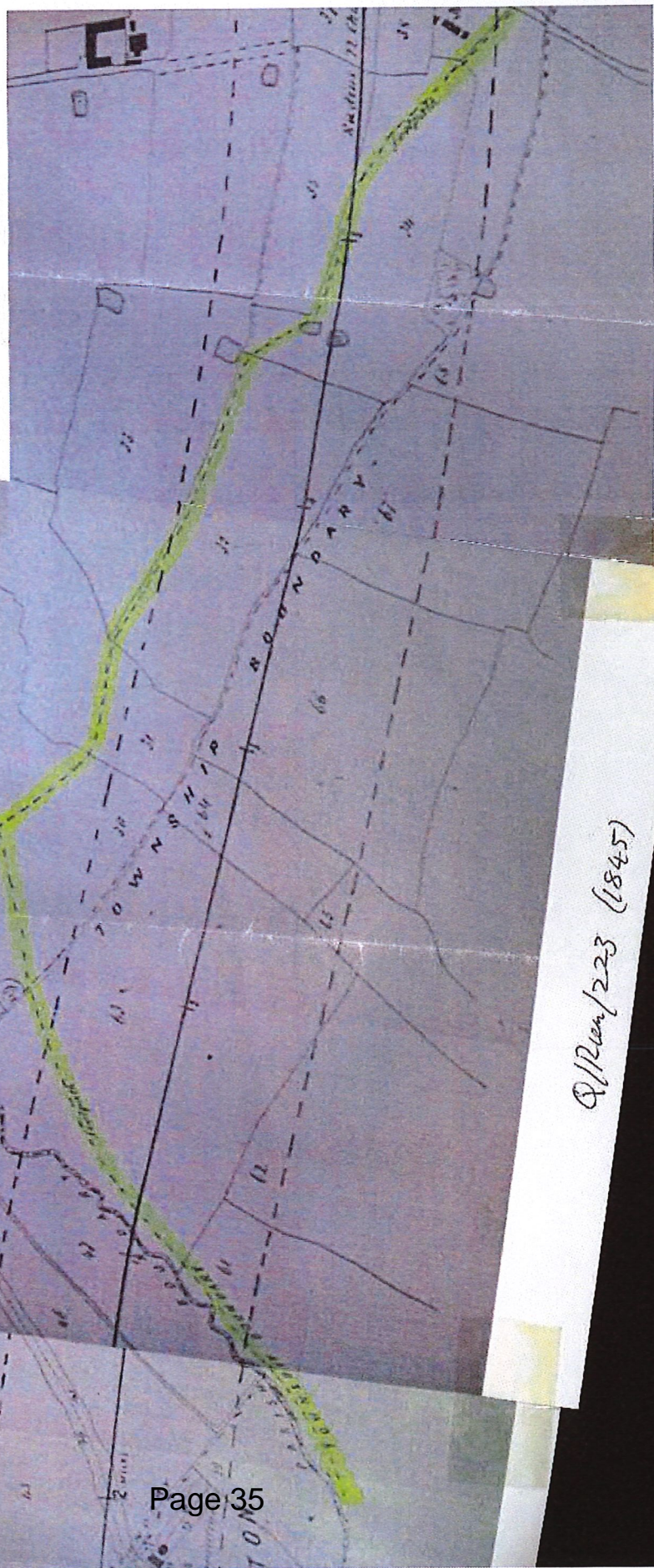
extra
ial







Q/Rum/148 (1864)



Q/Ren/223 (1845)

WAT PLACE

EXTRA PAROCHIAL

INGTON

Township of Hutton and Colton, Parish of Saint Mary's

Copy	Description	Owner
63	Field and public footpath	As to the Field Charles Schoyond Earl Dalbot
64	Field	As to the footpath the Surveyor of the High ways for the Township Charles Schoyond Earl Dalbot
65	Field	ditto
66	Field	ditto
67	Field	ditto
68	Field and pond	ditto

R/Renf 223 (1845)

Description	Description	Caption
61. <i>Wells and public foot paths</i>		<p>As to the field Charles Chetwood Evel Talbot</p>
62. <i>Wells</i>		<p>As to the foot paths <i>The Surveyor of the Highways for the Township</i> Charles Chetwood Evel Talbot</p>

Q/Ren/223 (1845)

and Garden Bake House	ditto
28	ditto
29 Field	ditto
30 Field pit and two Public footpaths	As to the field and pit - Thomas William Poffard As to the Public Foot paths, the Surveyor of the Highways for the Parish

Q/Ramp223 (1845)

LJ 6079 / 15608 G

PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness ... LESLEY BARBARA GRANDON
(Block Capitals please)

Address ... NEW BUILDINGS FARM, HOPTON, STAFFORD
STIR 9TH

Telephone No: ... 01785 - 252585

Date of Birth ... 01 / ... 06 / ... 1954 Occupation ... FARMER / BIOCHEMIST

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES / NO

2. Have you received a Notice of application for a Modification Order?

YES / NO

3. Would you be willing to allow my assistant to make a site inspection?

YES / NO

4. Do you consider the route to be public?

YES / NO

5. How long have you had an interest in the land affected by the application. 20 years.

Personally 20 yrs - family interest since 1930's

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner? - WITH MY HUSBAND OF PART OF THE LAND. B → C.
(b) A joint tenant, - WITH MY HUSBAND OF SECTION OF ALLEGED PATH
if so, with whom? RUNNING FROM BEACONSIDE. A → B. SEE PLAN.
(c) a tenant in common,
if so, with whom?
(d) A tenant for life under the Settled Land Act,
if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

Tenant of land parts A → B on Plan. Full agricultural tenancy. A path would limit the usefulness of this land & devalue it.

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

NO. WE BELIEVE THE LAND TO BE PRIVATE, AND HAVE NEVER HAD CAUSE TO ERECT SUCH SIGNS.

8. Have you ever given anybody permission to use the path? If so, when and to whom?

NO. THERE IS NO SUCH PATH, SO NO ONE HAS EVER MADE SUCH A REQUEST.

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

NO. HOWEVER, THERE IS NO ROUTE ACROSS THIS ALLEGED PATH AS IT HAS NEVER BEEN USED. THERE ARE THICK HEDGES, ETC.

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

NO.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

NO. THIS PATH IS A COMPLETE MYSTERY TO ANYONE WITH KNOWLEDGE OF THIS LAND WITHIN 3 GENERATIONS.

12. Do you have any documents which show this as a private right of way or giving details of its closure?

NO. THERE IS NO PATH OF ANY DESCRIPTION ON ANY DOCUMENTS WE HAVE, INCLUDING OLD MAPS AND SALE PARTICULARS.

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

YES !!!

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

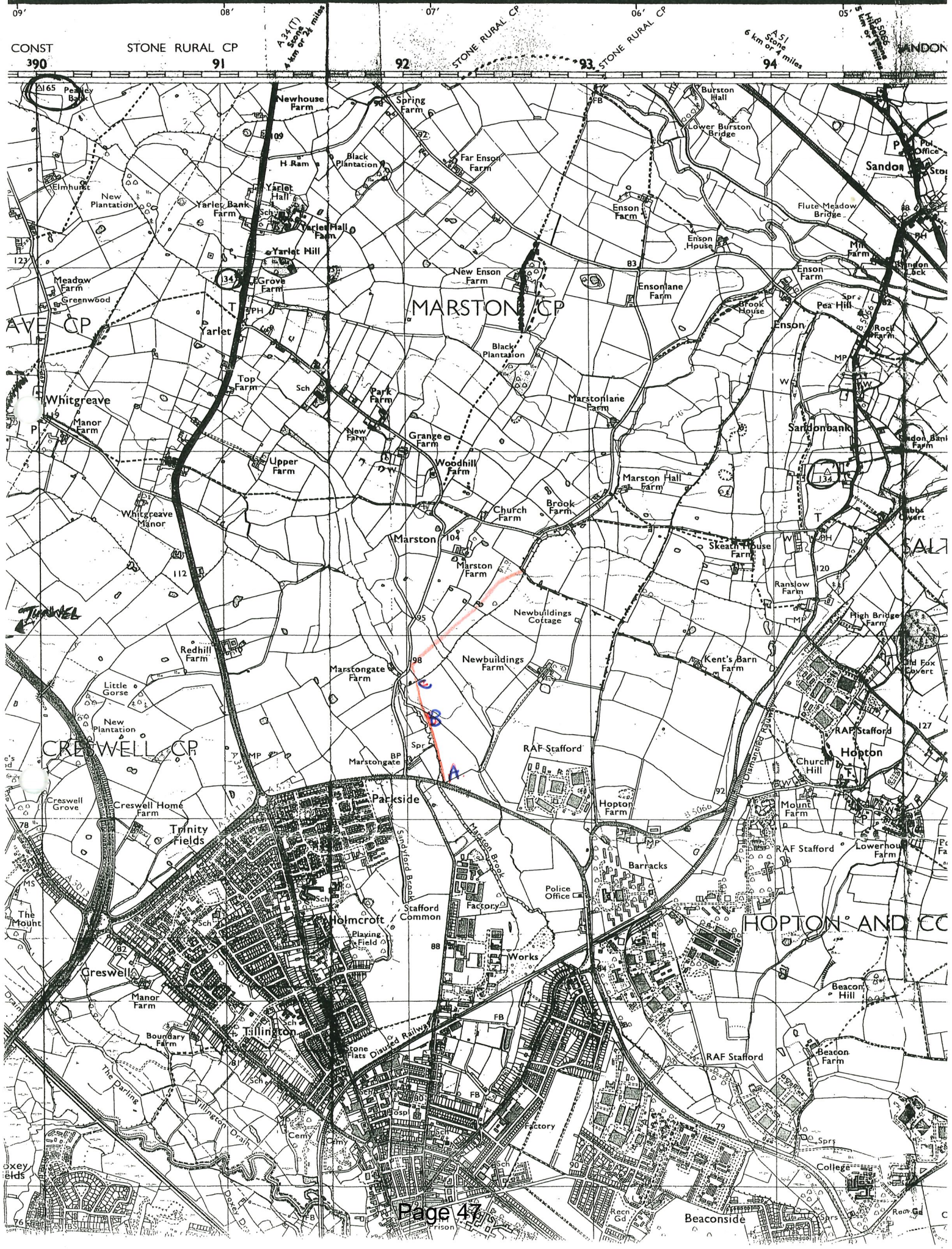
Signature... L. B. Brandon

Person taking this statement ... L. B. BRANDON

Date ... 21.5.99

We have three ~~old~~ paths on the farm, all of considerable length. They are on the definitive map & we have never questioned their existence or use by the public. We find the current situation extremely worrying and upsetting. We do not understand how it can be possible for anyone to conjure up paths from no-where in this way.

STAFFORD



PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier
of land over which there is an alleged public right of way

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witnessMr. & Mrs. J. P. BAKER.....(TRUSTEES).....
(Block Capitals please)

AddressLUDSTONE HOUSE.....
.....LUDSTONE CLAVERLEY.....
.....WOLVERHAMPTON WV5 7DE.....

Telephone No:01746 710574.....

Date of Birth25./...05...../1926.. Occupation ...RETIRED.....
25 02 1925

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

EXTENT OF OWNERSHIP AS INDICATED ON PLAN YES/ NO
ATTACHED HERETO

2. Have you received a Notice of application for a Modification Order? YES/ NO

3. Would you be willing to allow my assistant to make a site inspection? YES/ NO
SUBJECT TO TENANTS AGREEMENT

4. Do you consider the route to be public? YES/ NO

5. How long have you had an interest in the land affected by the application.OVER 60...years.
(Mrs BAKER)

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner? — YES
- (b) A joint tenant,
if so, with whom?
- (c) a tenant in common,
if so, with whom?
- (d) A tenant for life under the Settled Land Act,
if so, with whom?

Tenancies and Leases

NO

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

NO

RIGHT OF WAY DOES NOT EXIST

8. Have you ever given anybody permission to use the path? If so, when and to whom?

NO

NOT APPLICABLE

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

NO

NOT APPLICABLE

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

NO

NOT APPLICABLE

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

NO

RIGHT OF WAY DOES NOT EXIST

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

12. Do you have any documents which show this as a private right of way or giving details of its closure?

No

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

NO

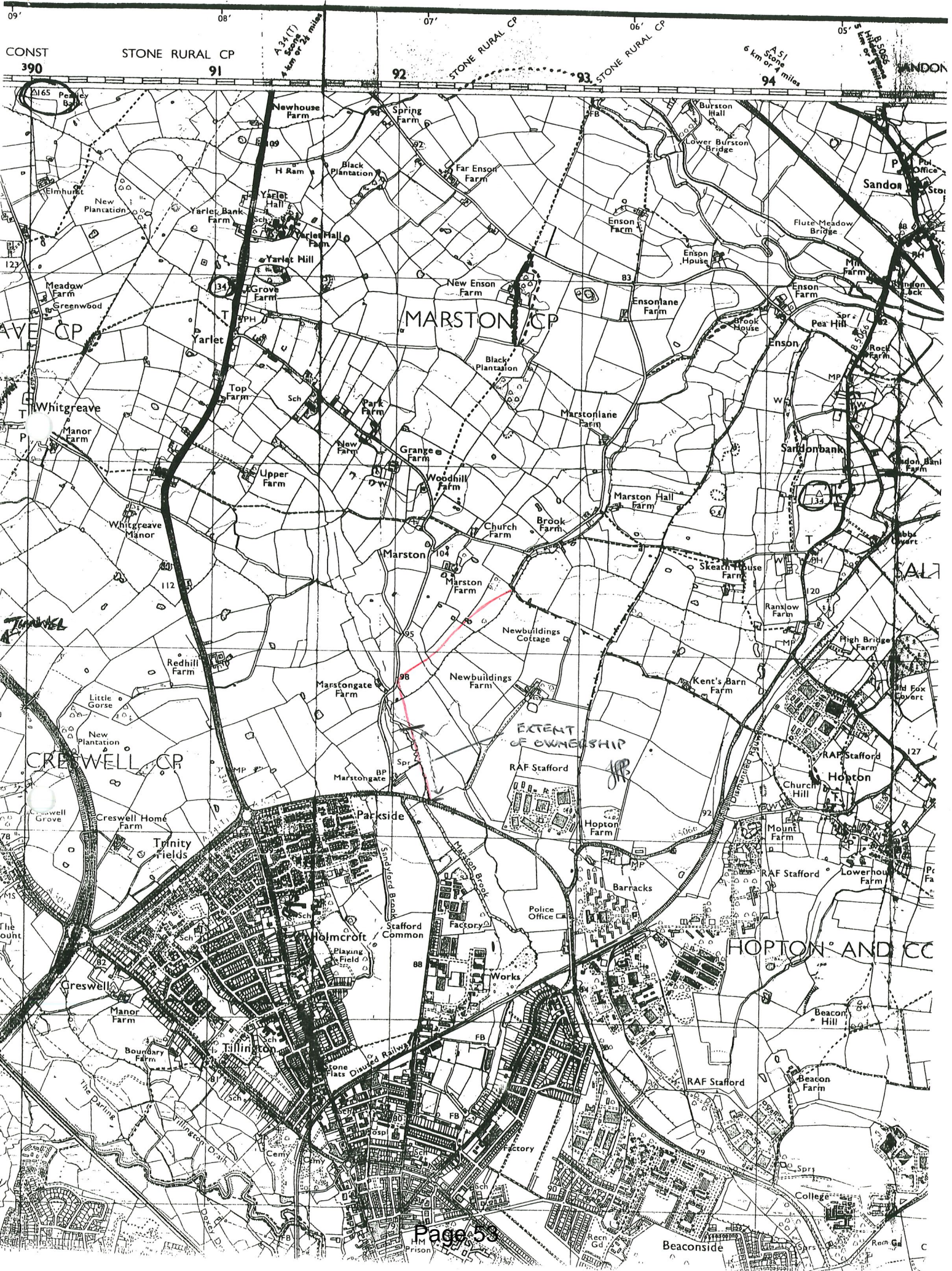
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature..... J.P. Bale
Dunbar

Person taking this statement

Date ...17...05...99.....

AFFORD



LJ6070 / LJ6080

PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness MRS. FRANCES GAIL STUBBS
(Block Capitals please)

Address MARSTON FARM
MARSTON LANE
STAPFORD

Telephone No: 01889 508 227

Date of Birth 18/6/44 Occupation TEACHER / FURTHER EDUCATION

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES/NO

2. Have you received a Notice of application for a Modification Order?

YES/NO

3. Would you be willing to allow my assistant to make a site inspection?

YES/NO

4. Do you consider the route to be public?

YES/NO

5. How long have you had an interest in the land affected by the application. 39 years.

6. Please state the nature of your interest in the land over which the alleged public right of way is claimed:

Freehold Ownership Are you:-

- (a) Sole freehold owner?
- (b) A joint tenant,
if so, with whom?
- (c) a tenant in common,
if so, with whom?
- (d) A tenant for life under the Settled Land Act,
if so, with whom?

Tenancies and Leases

are you a tenant or lessee of the land? If so, please state the nature of your interest as tenant or lessee.

N/A

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan.

NO

8. Have you ever given anybody permission to use the path? If so, when and to whom?

NO

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

NO

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

NO

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

NO

NOTE - Section 31(1) of the Highways Act 1980 states that:-

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

12. Do you have any documents which show this as a private right of way or giving details of its closure? NO

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary? YES

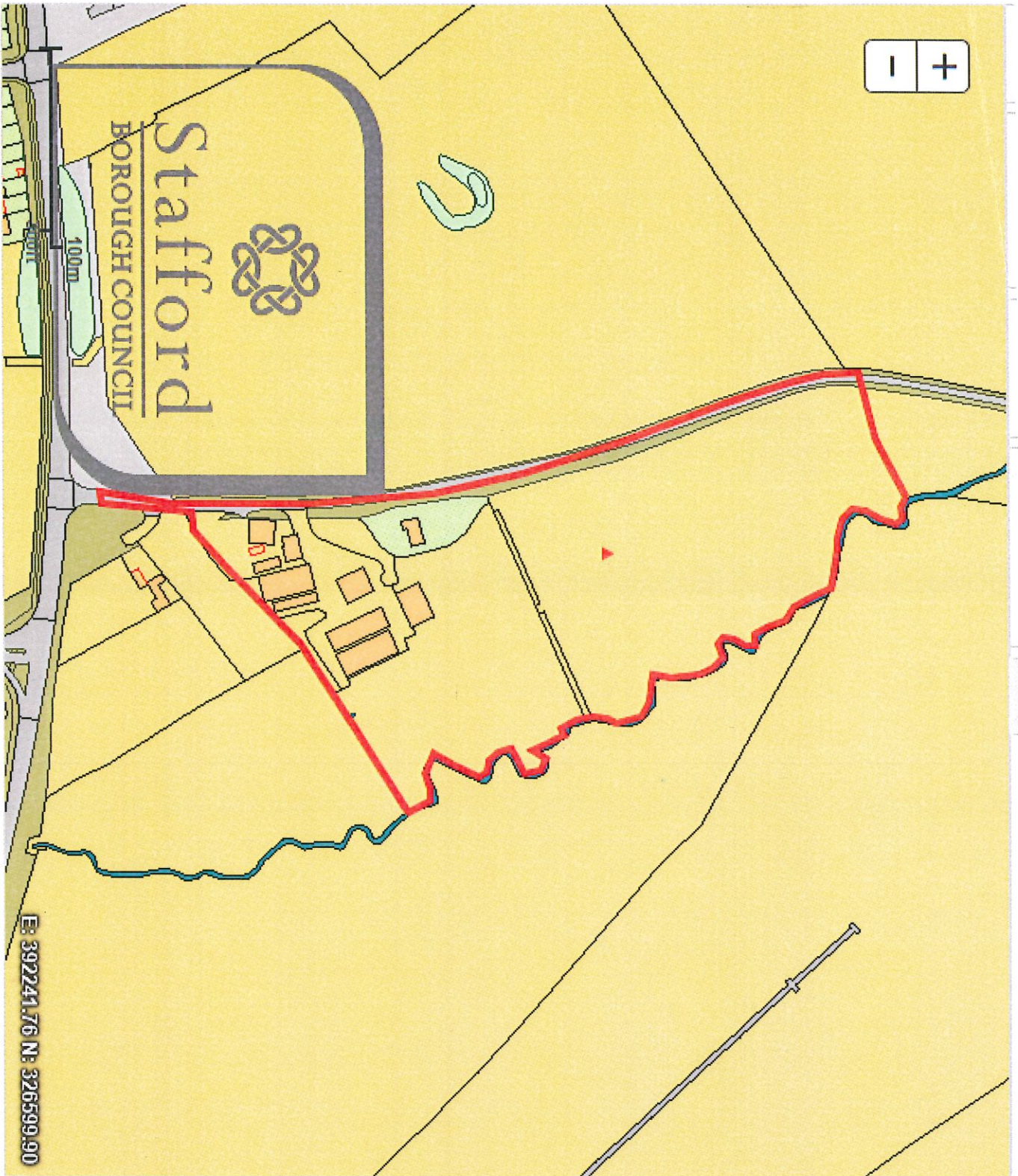
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature... F. Q. Stubbs.....

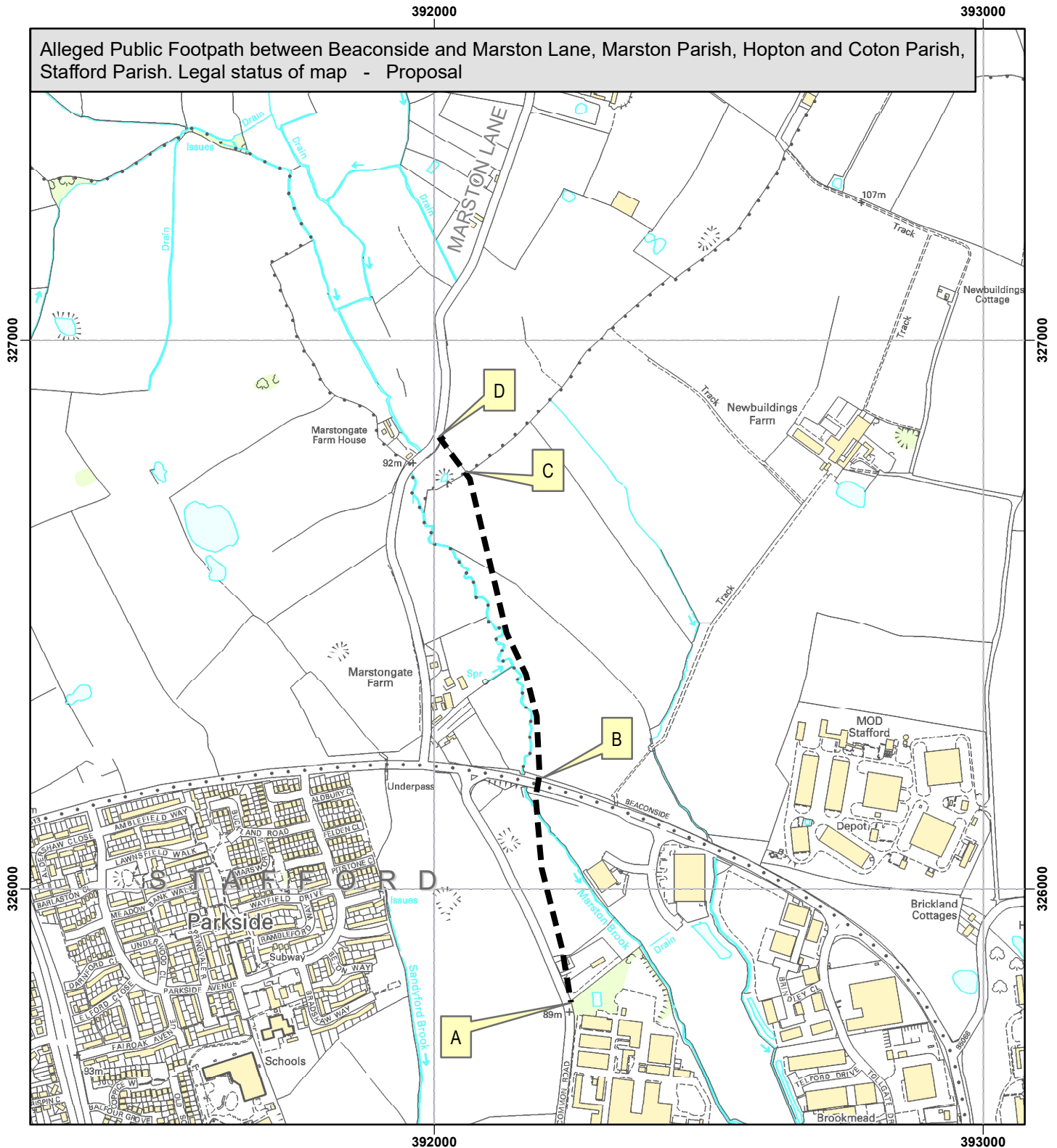
Person taking this statement F. Q. STUBBS.....

Date 28.5.99.....

There are people who were born & have lived in this village for over 50 years up to 76 yrs who can never remember a footpath in the area shown.
My father-in-law who moved into this farm in 1903 always claimed that there were no footpaths in this area at all. It is a farm with a lot of road side fields with correct maintained roads, which were always used by the villagers.



Wildlife and Countryside Act 1981, Section 53A(2)(b)
 Marston, Hopton and Coton and Stafford Parishes,
 Staffordshire, Proposed Addition of Footpath to
 Definitive Map and Statement.



Alleged Public Footpath between Beaconside and Marston Lane, Marston Parish, Hopton and Coton Parish, Stafford Parish. Legal status of map - Proposal

Map created at the scale of 1:10,000
 (facsimiles may vary)

--- Right of Way to be added (A - B - C - D)

Rights of Way Unaffected

--- Footpath

---+--- Bridleway

© Crown Copyright and database rights 2019.
 Ordnance Survey 100019422. You are not
 permitted to copy, sub-license, distribute or
 sell any of this data to third parties in any form.
 Use of this data is subject to the terms and conditions
 shown at www.staffordshire.gov.uk/maps.
 Produced by Staffordshire County Council, 03/10/2019.

Your Ref: LJ608G

Our Ref: TZL/TZL/154305/0001

Date: 28 October 2019

Mr Dale Garside-Chell

Staffordshire Legal Services
Staffordshire County Council
2 Staffordshire Place
Tipping Street
Stafford
Staffordshire
ST16 2DH

Dear Mr Garside-Chell

Our Clients: Mrs Lesley Barabara Maxine Brandon & Mr Stephen Henry Brandon

Section 53 of the Wildlife and Countryside Act 1981

Application for Modifications to the Definitive Map

Alleged public footpath from Beaconside to Marston Lane, near Marstongate Farm

We have been instructed on behalf of Mr and Mrs Brandon in relation to the Countryside Right of Way Panel's committee meeting on 8 November 2019 to consider the making of the above named order. Our clients have sent us a copy of your letter dated 18 of October 2019 together with the officer's report to the panel and Appendices A to I.

Our clients own land which will be subject to the order and in particular on the land on which the alleged path between B and C, as shown on Appendix J, is proposed.

The officer has recommended in the committee report that the evidence meets the test in section 53(3)(b (i) that the footpath is reasonably alleged to subsist. We object to the making of this order on the basis that there are too many inconsistencies and unknown factors in the evidence to meet that test.

Evidence Submitted by the Applicant and Discovered by the Council

A number of matters appear to be inconsistent or at least unclear in the report. We note that the path on the title map stops at C on appendix J which shows that there are inconsistent lengths of the footpath shown in the evidence.

In relation to the railway information and maps, the officer has matched the records in Appendix D to the map in appendix E and has stated that the dotted line runs through plots 5 and plots 27A. The applicant or the Council has, in the records in Appendix D, highlighted fields 5 on the records relating to Hopton and Cofton and Fields 27 to 30, including 27A, in the records relating to Marston at Appendix D as showing public footpaths.

Firstly looking at the maps at Appendix E, it is not possible for the Rights of Way Panel to tell where the boundary between Hopton and Marston is. This is important because there are roughly 2 sets of numbering for each area. This makes it impossible for the panel, landowners or members of the public to tell if the numbering relates to Hopton or Marston.

Also, the numbers on the map at Appendix E are very difficult to read. Further, while there is a footpath which runs through a number which is assumed to be 5 but is difficult to read, it then runs through plots labelled plots 27, 28, in what appears to be the Marston boundary, then back down to 25 and a number which is possibly 23. It then moves to 26 and then in a parallel line runs through , 29 and 30 in what appears to be the Hopton area. This does not appear to match the information on the records in Appendix E but much would depend on where the boundary between the villages are.

It is also odd that parts of a continuous line would be public footpaths and other parts of the same line would not. For instance, subject to the difficulties in reading the numbers on the plan, there is a continuous dotted line through what is presumed to be plots 5, 27, 27a, 28, 23, 25,26 and another parallel line that continues to 29 and 30 and unnumbered plots. However in relation to the first line, the records do not state that there is a public footpath on plots 23, 25 and 26. It appears unlikely that the same line would contain a mixture of public and non-public or private paths.

In paragraph 4 of the Committee Report, the officer states that the deposited railway map plan maps of 1845 show a footpath by way of a dotted line which match the railway plan map of 1844. Having compared the maps in appendix E and the map in appendix F, although they relate to some of the same area notably by reference to the brook, the route highlighted in appendix F appears to be a different line from the ones highlighted in the plans in appendix D. I also note that the records accompanying them relate to at least one plot which is numbered differently. It is very difficult to tell what many of the numbers are on the map attached in appendix F.

The officer states that in paragraph 6 of the committee report that he has inspected all the documents submitted and has verified their veracity. I will be grateful if it could be explained to the committee and the members of public how the officer has verified these documents. In particular:

- How has each piece of evidence been verified (as stated in paragraph 6 of the report)?
- How has the Council verified the original source of evidence from which title was traced?
- How have the railway plans been matched to railway records?
- Who made the annotations on the plans and records (for example Q/RUM/148/ (1844)). These appear to be made by the applicant. What steps have the Council taken to verify these annotations?
- Does the Council consider all dotted lines on the railway plans to be public footpath and if not how does it differentiate between the public and private paths on these historical maps?

The report also confirms that there are substantial doubts in relation to the evidence provided. For example it states that the title map only shows part of the section of the alleged route and were not intended to be records of highways or publicly available routes. The report also states that at the time the railway plans were made there were unlikely to be any statutory obligation to show public footpath although various points are made about the financial implications of the public footpaths. In conclusion, because of

the matters set out above, the evidence is insufficient to meet even the lower test in section 53 (3)(b) of the Wildlife and Countryside Act 1981.

Evidence at the time of the making of the definitive map

The case of *R v the Secretary of State for the Environment ex parte Sims and Burrows* 1991 2 QB 354 states that information to satisfy section 53(c) would normally, if not always, relate to a fact or situation which already existed at the time of the making of the definitive map and is concerned with the correction of mistakes as a result of newly discovered information.

R v The Secretary of State for the Environment ex parte Riley 1990 P & CR states that the "discovery of evidence" means evidence discovered or produced and laid before the Council at the appropriate time which is different from the original evidence used to prepare the Definitive Map.

Mayhew v The Secretary of State for the Environment 1992 62 P & CR 344 states that a comparison has to be made between the newly discovered evidence and the evidence available at the time of the preparation of the Definitive Map (above three cases quoted in *Highway Law* by Stephen Sauvain QC).

Therefore the evidence that was available during the preparation of the Definitive Map is a material factor for the Rights of Way Panel to take into account, not only because of the above caselaw but also to consider whether the evidence provided at the application has already been considered during the preparation of the Definitive map and whether there was any other explanation for the maps presented to the Council at the time of the preparation of the Definitive Map.

The panel has no information before it as to the preparation of the Definitive Map and the evidence which existed at the time. This is important because none of the information which our client has corroborates the existence of this footpath and the evidence provided in relation to the footpath is isolated in that respect. We would request that a decision on this order is deferred until the committee has had a chance to inspect the evidence which was before the Council at the time the definitive map was made.

Evidence from landowners and occupiers of neighbouring properties.

Various landowners and residents have responded to the original application stating that as far as they can remember no footpath existed on the land. I enclose extracts from a large 1901 ordnance survey, provided to us by our clients, which does not show the footpath but appears to show other paths and routes. We can arrange for members of the Panel to view this map at our client's house if necessary.

We are instructed that the parish council also has no evidence in memory or written record of these maps. In addition, the route has never been walked by the residents, some of whom are elderly, and as far as they can remember by anyone else in this and previous generations. A large part of the route is through the land of it is not readily walkable as it is wet and peaty.

The above are substantial evidential points as it shows that the evidence before the panel is somewhat isolated. In light of the substantial prejudice that would be caused to landowners by the making of the order, especially in light of the likely delay before the matter is finally resolved at a confirmation hearing, it is important that the points in this letter are answered and investigated prior to the making of the order. We would also request the following information:

- The date the Definitive Map in respect of the our client's land was made (or last modified) . I enclose a map search showing the boundaries of our client's land.
- An extract of the Definitive Map and Statement as it relates to our client's land. The Definitive Map is not on the county council's website.
- The evidence that was before the Council when the Definitive Map was made in relation to the area within which our client's land is situated. .
- All maps and the Council's possession of our client's area of land including any ordnance survey plans
- How the evidence provided by the applicant has been verified as stated in paragraph 6 of the committee report and in relation to the points made above
- Please confirm the boundaries between the Hopton and Cofton and Marston on a plan

Please note that this request is made pursuant to section 8 of the Freedom of Information Act 2000.

In conclusion, we are of the view that there is insufficient evidence to meet even the lower test in section 53(3)(b)(i) of the Wildlife and Countryside Act 1981 and we ask that the panel does not make the order 8 November.

Yours sincerely

Tracy Lovejoy
for Lanyon Bowdler

T: 01952 211059

E: tracy.lovejoy@lblaw.co.uk

Protective Marking Scheme Level 3

Sent by email to:

Tracy.Lovejoy@lblaw.co.uk

DX 712320 Stafford 5
Fax No. (01785) 276179
Please ask for: Dale Garside-Chell (ROW)
Telephone: 01785 276747
e-mail: dale.garside-chell@staffordshire.gov.uk

My Ref: LJ608G **Your Ref:** TZL/TZL/154305/0001 **Date:** 18 November, 2019

Dear Sirs,

Section 53 Wildlife and Countryside Act 1981
Application for the Alleged Public Footpath from Beaconside to Marston Lane, near Marstongate Farm

I refer to your letter of 28 October 2019 and whilst the majority of your comments have, we feel, been addressed in the body of the report I have responded in detail to some points below.

Officers do not dispute your point in respect of the Tithe map. As set out in the report only the northern most section of the route is shown. However, when the totality of all the material is considered it gives sustenance to the evidence of which highways existed at that time.

In respect of the boundary between the parishes of Hopton and Coton and Marston, this is shown by a thick black line on the railway plan maps.

Officers have been able to match the relevant plot numbers in the reference books to those portrayed on the railway plan maps. Officers acknowledge that the maps at appendix E and F do not show the exact same lengths of the alleged route, with the former showing an extended length.

Each piece of evidence submitted by the applicant has been verified by Officers in the County Council's records office. Officers can confirm that the copies of evidence provided by the applicant are accurate copies.

The annotations on the plans and records have been made by the applicant. The annotations refer to the reference used by the County Council's records office for historical documents.



The railway plans have been matched to the records as they are part of the same historical document. Each record book makes reference to a plot number and the features of said plot. The record book is accompanied by a map where each plot number is evident.

The Council does not consider all dotted lines to be public footpaths. The differentiation is made by careful examination of the record books and accompanying railway maps. The plans show physical features recorded by the surveyor and the records make reference to the features of each plot, e.g. a “field and public footpath”.

During the preparation of the Definitive Map the alleged route was not included in the Parish Surveys nor was its omission the subject of an objection. Accordingly, the evidence now being considered is what case law refers to as “fresh evidence”.

Officers do not dispute the fact that the alleged route is not shown on the OS submitted by your client. However, the OS maps were not concerned with the recording of public rights of way but only the recording of the physical features of the land. In addition, just because a feature is not shown on a map it does not necessarily mean it did not exist.

The evidence submitted by the applicant dates back to the early 19th Century and therefore is outside of living memory. Factors such as suitability of the land, security or safety cannot be taken into consideration. The legal maxim of once a highway always a highway applies. Public highways can, over time, become disused and fade from memory and therefore often not included in contemporaneous maps.

A copy of your comments will be appended to the report and laid in front of the Panel along with Officers’ response. I would add that your correspondence does not provide any evidence to refute the existence of the highway when the lesser test of reasonable allegation is applied. As you will be aware the case law states that some conflicting evidence of sufficient probity and weight needs to be introduced to put in the balance.

In respect of the Freedom Of Information request a member of our Information Governance Team has responded directly to you.

The report will be presented to the Panel at the next meeting on 3 December 2019 at the County Buildings in Stafford.



Yours faithfully,

Dale Garside-Chell (ROW)
for Director of Corporate Services

DGC / LJ608G / 03470217



Local Members' Interest	
Alan White	Lichfield Rural East

Countryside and Rights of Way Panel – 3 December 2019

Wildlife and Countryside Act 1981

**Application for an Alleged Bridleway from Syerscote Lane to Public Bridleway 33,
Clifton Campville**

Report of the Director of Law, Democracy and Transformation

Recommendation

1. That the evidence submitted by the applicant and that discovered by the County Council is sufficient to conclude that a Public Bridleway which is not shown on the Definitive Map and Statement is reasonably alleged to subsist along the route shown on the plan attached at Appendix B to this report and should be added to the Definitive Map and Statement of Public Rights of Way as such.
2. That an Order be made to add the alleged right of way shown marked A-B on the plan attached at Appendix B to this report, to the Definitive Map and Statement of Public Rights of Way for the District of Lichfield as a Public Bridleway.

PART A

Why is it coming here – what decision is required?

1. Staffordshire County Council is the authority responsible for maintaining the Definitive Map and Statement of Public Rights of Way as laid out in section 53 of the Wildlife and Countryside Act 1981 (“the Act”). Determination of applications made under the Act to modify the Definitive Map and Statement of Public Rights of Way, falls within the terms of reference of the Countryside and Rights of Way Panel of the County Council’s Regulatory Committee (“the Panel”). The Panel is acting in a quasi-judicial capacity when determining these matters and must only consider the facts, the evidence, the law and the relevant legal tests. All other issues and concerns must be disregarded.
2. To consider an application (attached at Appendix A) from Mr Martin Reay for an order to modify the Definitive Map and Statement for the area by adding an alleged public bridleway from Syerscote Lane to Public Bridleway 33 Clifton Campville under the provisions of Section 53(3) of the Wildlife and Countryside Act 1981. The line of the alleged Public Bridleway is shown on the plan attached as Appendix B.
3. To decide, having regard to and having considered the Application and all the available evidence, and after applying the relevant legal tests, whether to accept or reject the application.

Evidence submitted by the applicant

1. Mr Reay has submitted in support of his claim a copy of the 1910 Finance Act Field Book entry for the land crossed by the alleged bridleway, a copy of the 1902 Ordnance Survey Map and a tracing of the 1838 Clifton Campville Tithe Award Map. These are attached at Appendices C, D and E respectively.
2. The Field Book entry states that the occupier was “not aware of any specific rights of way if there are any an inspection will doubtless disclose them”.
3. Under the heading of inspection, which was carried out on 29 May 1913, there is a note that there is a public footpath and a public bridle road. The latter is described as “OS 466 is a public Bridle Road continuing through O.S. Plots 497, 496, 511 528”. There are subsequent deductions for public rights of user.
4. An examination of the 1902 map shows that OS Reference 466 is shown as being that section which commences at Syerscote Lane and runs east before turning south until it joins plot 497. The description of the route running through the remaining plots identified is the line of BW33 which continues until it meets the claimed way.
5. The 1838 Clifton Campville Tithe Award Map shows what is now shown as BW33 Clifton Campville as commencing at the end of Plot 475 and continuing along the claimed way to join what is now Syerscote Lane. The route is coloured sepia or brown and shown separate from the adjacent landholdings.
6. Since Mr Reay made the application in 1996 a Mr Bainbridge submitted 16 user evidence forms in November 2013. Several of the users refer to the claimed route being named Pessall Lane. It is also called that in the Parish Survey cards. Officers will refer to the route as Pessall Lane in this report for identification only. A copy of Mr Bainbridge’s letter and the user evidence forms are attached at Appendix F.
7. Three of the users have employment for a landowner associated with their evidence, a Mr R W Leedham, Mr R Leedham and Mrs B Wright.
8. The latter two persons do mention that they also used the route on horse with the pony club. All refer to a gate being erected and locked around 2011 preventing use. They all mention that a gate was in existence for many years previously for stock control purposes although it had never been locked.
9. Dr M Carter has submitted evidence as a member of the Atherstone Hunt. He states that the hunt have used the route from 1815 until 2010 when the gate at the end of the claimed way was locked.
10. Six of the evidence of use given is from usage after the application was lodged in 1996; Mrs Cooper, Ms Holland, Mr Bartram, Ms Bentinck, Mrs Taylor and Mrs Pass usage all commences after that date. Their use is on horseback and all refer to the locked gate. Mr Bartram and Mrs Bentinck both mention the existence of an older gate.
11. Mr P Bennion’s use dates from 1960 until the gate was locked and is usage on foot. He does state that he has seen horseriders using the route, believes it to be a bridleway and refers to the gate at the end of Pessall Lane as having always been there.
12. Mr J Bainbridge has stated that he has used the route on foot from 1976 until the gate was locked. He has also added two copies of Tithe Maps and a copy of the OS Map of 1925 to his evidence. The former are dated 1810 and 1838 respectively

13. Mr D Lodge's use is from 1991 to 2011 and is on foot. He has seen riders using the way.
14. Ms S Inge-Innes-Lillingston has used the route on foot from 1996 to 2011 when the gate was locked. She was also told by a farm worker that the lane was not public and has seen a notice on the gate saying private. She mentions the finance act and the tithe award and has seen riders and cyclists using the way.
15. Mrs J Jewell has used the route on horseback from 1984 to 2011. She has seen other people using the route as well as the hunt. She also states that it is part of the old dray route from Nuneaton to Burton.
16. Mrs F Wolferstan has used the route from 1952 to the gates being locked. Her usage is on foot and riding and has seen others using the path.

Evidence submitted by the Landowners

17. Mr S Bostock has submitted an evidence form stating that he owns the land which the alleged route crosses over. He states that he has had an interest in the land since 2002. A copy of his form is attached at Appendix G.
18. In his evidence Mr Bostock states that he has never considered signs necessary as the gate was always closed and the route was for agricultural purposes only.
19. He has also stopped and spoken to anyone he has seen using the route explaining that there was no public right of way.
20. Mr Bostock states he has also spoken to previous owners and tenants who have all said the lane was for private use only.
21. Finally, he refers to a conversation with a County Council Officer who confirmed that the route was not a public right of way and that he could lock the gate.
22. Mr Bostock instructed solicitors who wrote to SCC on 3rd October 2014, a copy of the letter is attached at Appendix L. Officers did respond and a copy of their reply is attached at Appendix M.
23. The solicitor argues that the 1838 Clifton Campville and Haunton Tithe Map shows the route as a private occupation road and not a public right of way. They also refer to several short lengths of road leading into fields on the Tithe map that either no longer exist or are private tracks.
24. The solicitor argues there appears to be an error in the Parish Survey Returns, attached at Appendix K. They contend that there is no evidence that the alleged route has ever been called or referred to as Pessall Lane, or indeed any name at all.
25. The solicitor provides extracts from the Sale Particulars of the Clifton Campville and Haunton estate in 1905. They state this supports the existence of the claimed route as a farm track. The sale particulars hold no evidential value as they are not legal documents and there is no evidence to show they were accurate at the time.
26. The solicitor makes reference to a case *Mildred v Weaver* heard in 1862 which concerned a dispute over a farm track being a public right of way. However, this case is not relevant to the current application in question as the case was concerned with use of a track the application submitted for the route in question is originally based on historical evidence not user evidence.

27. The solicitor makes reference to a second case *Holloway v Egham UDC* 1908, this case also involves a private occupation road being claimed as a public highway through use. This case was found in favour of the land owner due to documentary evidence, namely an Inclosure Award, therefore this case is not applicable in the circumstances and holds no bearing on the application in question.
28. The solicitor refers to the creation of the Deregulation Act which includes changes to s53 of the Countryside and Rights of Way Act and they suggest that the matter be delayed until these provisions are brought into force. As matters stand this section of the Act is still not yet in force and therefore the application must be decided based on the current law.
29. The previous tenant of the land which the route runs through, Mr John Cliffe, has written a letter dated 3rd October 2014, a copy attached at Appendix L.
30. Mr Cliffe states that the track has always been a private track used for accessing fields and moving cows between fields. It has never been used as a bridle path and he never gave permission for it to be used by the general public.

Comments received from statutory consultees

31. Lichfield District Council has responded stating they have no comments to make.
32. The Cyclists Touring Club have replied stating that they consider the addition of the route would have no detrimental effect, that it would resolve the fact that BW33 terminates at a footpath and be a useful addition to the network.
33. The Peak and Northern Footpaths Society have said they support the application but have no evidence to submit.
34. Copies of the above responses are attached at Appendix H.

Other evidence discovered by the County Council

35. Officers have found the claimed way shown on the OS Maps of 1830, 1884, 1902, 1924 and 1925 and the larger scale 1 inch to 1-mile maps of 1907 and 1924. The route is shown as running from the end of what is now BW33 to join Syerscote Lane. Copies of the maps are attached at Appendix J.
36. The Parish Survey card for BW33 describes the route as starting from Pessall Lane and running to Clifton Lane. There is no mention of the route commencing from Syerscote Lane. The bridleway was given the number 35 in the survey which was later changed to 33 but the status remained the same.
37. The survey card for FP34 which commences on the map from BW33 describes the route as commencing from Syerscote Lane and then over a stile onto Pessall Lane.
38. The Map accompanying the survey cards shows the two routes as joining at the end of Pessall Lane but neither continues down the lane. Copies of the survey cards and associated maps are attached at Appendix K.
39. Both routes were added to the Draft Definitive Map and Statement and no objections were received. Nor was any objection made to the exclusion of Pessall Lane from the map and statement.

Comments on Evidence

40. The original application as made by Mr Reay was based solely upon documentary evidence alleging that at some time in the past the claimed way was a public bridleway.
41. The user evidence submitted is supplementary to the original application and was received some years later. However, the County Council has to take into account all the evidence which is discovered or is provided.
42. While there have been challenges to the use of the way as evidenced by the user evidence forms, and the evidence given by Mr Bostock, the actual date of challenge is when the application was made.
43. The relevant legislation states that where is no identifiable event which has brought into question the use of a way, Section 31(7B) of the Highways Act 1980 (as amended by Section 69 of the Natural Environment and Rural Communities Act 2006) provides that the date of an application for a modification order under Section 53 can be used as the date at which the public's use was brought into question.
44. In this instance the application was made in 1999 and that action brought the status of the claimed route into question. There is no evidence of any earlier challenge and so in evaluating the evidence of use any that took place must be confined to that prior to 1999.
45. Of the user evidence forms submitted the usage of 6 individuals, Mrs Cooper, Mrs Holland, Mr Bartram, Mrs Bentinck, Mrs Taylor and Mrs Pass, all date from after the application was lodged. Consequently, their evidence cannot be taken into account.
46. Dr Carter's evidence is as a member of and on behalf of the Atherstone Hunt. There is a presumption in these matters that a hunt has, at the least, implied permission from landowners to use the land as part of their activities. As a result, any person who is using a way whilst participating in hunt activities would be presumed to have an implied permission at the very least. Accordingly, Dr Carter's evidence cannot be taken into account.
47. The evidence of Mr R W Leedham and Mr R Leedham includes the fact that they worked for a landowner. In the case of Mr R W Leedham this was from 1950 to 1959 and for Mr R Leedham from 1967 to 1984. This does mean their evidence is coloured by this relationship. While working for an owner an employee would have express permission to cross the land and use a route to gain access. Consequently, this would mean that their evidence of use is not "as of right" and so not be counted.
48. It would also mean that this might even extend to after their employment had terminated as the owner would have known the person and consequently not challenged them. The permission is also presumed to extend to the members of the immediate family of the employee.
49. In this instance Mr R W Leedham's son also worked for an owner from 1967 and so his use is again rendered suspect as a consequence of having his father working for an owner as well as being an employee. This also has implications for Mr R W Leedham's usage after his son commenced employment.
50. The cumulative effect of working for an owner along with having a relative doing so does mean that the evidence of both individuals cannot be taken as use "as of right" and so should be discounted.

51. Mrs Wright worked for an owner between 1960 and 1965 and her father also worked for a landowner. Again, this does mean Mrs Wright's evidence as to usage is discounted for the same reasons as above.
52. Mrs Wright does state that she did receive instructions from the owner concerning the claimed route that it was a right of way. This could indicate that that owner did believe this to be the case.
53. Of the remaining 6 persons who have given evidence four of the user's usage is on foot only. Mr Bennion, Mr Lodge and Ms Inge-Innes-Lillingston state that they have seen riders but as they personally have not done so their evidence can only go towards proof of a public right on foot. Mr Bainbridge does not mention seeing riders but his usage is also on foot.
54. Mrs Jewell and Mrs Wolferstan have both used the route on horseback and so their evidence does support the contention that the claimed path is a bridleway.
55. Several people mention that there was always a gate at the end of the lane but that it had fallen into disrepair. Mr R Leedham believes it was there for stock control.
56. The current landowner states that the gate has been locked in recent years and adds that previous landowners had followed the same practice. However, none of the users comment on this, only that a gate was there but that it was in a bad state of repair. Certainly, there is no reference to any challenge prior to Mr Bostock's.
57. What is not in dispute is that a gate did exist at the end of Pessall Land and had been there for a number of years.
58. The optimum period of usage for the purposes of the 20-year period as provided for under s31 of the Highways Act 1980 is from 1979 to 1999.
59. Only 3 of the users whose evidence can be taken into account have used the claimed way for over twenty years during that period. Of those persons Mr Bennion and Mr Bainbridge's use is on foot during that period and only Mrs Wolferstan's use is on horseback.
60. Two or more user's evidence of usage which overlaps can be added together to produce a cumulative effect of usage over the 20-year period. In this case there is no other user evidence that can be combined to establish the requisite 20-year period.
61. There has been an instance where the Secretary of State has accepted evidence of use from as few as six persons to substantiate the existence of a way although in that case the evidence was of a high quality. Here the amount of applicable user evidence does not reach that threshold.
62. Consequently, the user evidence does not go towards providing proof of the existence of a public right of way. It could be considered as evidence of reputation.
63. The OS maps do show there has been a track on the line of the claimed way but do not give any indication of its status. The claimed route does connect with what is now the line of BW33 but for the first part of the way is shown as being clearly delineated with solid lines. It then is depicted as continuing with a broken line suggesting that the first section was of a more substantial physical nature.
64. The larger scale 1907 and 1924 maps show this in more detail, and it can be seen from these that the dotted line runs down the middle of the claimed way and then to the south along BW33 until plot no 494 is reached when the dotted line continues to the south. This does support the premise that this first section, with the reference of

Plot 466, was a more significant physical feature. It would also appear from the maps that this section was separate from the adjacent land.

65. The purpose of the OS was to show every physical feature and there is a consistency in that successive editions all show a route along the lines of the claimed path. It should be borne in mind though that while the ordnance survey maps are supportive of the physical existence of the way they provide no evidence as to the rights appertaining or whether these are public or private.
66. Tithe maps and awards were not drawn up with the purpose of showing highways whether public or private. They were concerned with showing what land was subject to the tithe and the amount payable dependent upon its productivity. Highways on the outskirts of the land subject to tithe were often used as a means of orientating the map and consequently being able to identify the location of the various allotments by reference to these. Those within the titheable lands would be shown as a consequence of their effect upon the sums payable. The evidence they contain has to be evaluated in light of this although they can be supportive of public rights.
67. The highways that the tithe maps did show would be more likely to be those with higher rights than footpath or bridleway. The latter would often, where a claim was made or acknowledged to exist, be shown contained within the land over which they crossed. This was a result of the lesser effect these types of route had upon the cultivation of the land and the amount of tithe payable. A reduction in the sum payable would be applicable as the land would not be uncultivated.
68. Pessall Lane is shown as not being included in, or as part of, the taxable land but is not named or marked in any way. It does show the claimed way linking with the beginning of BW33 and that the latter continues until it meets plot no 472. After that point there is no indication of any route nor has an examination of the Tithe Award uncovered any mention of a route crossing the other plots.
69. The fact that Pessall Lane is coloured in the same manner as Syerscote Lane could be taken to mean that it was considered to have similar status, that is a public highway. However, it may just have been considered a private track to reach the various plots of land and the mapmaker used what was a noteworthy physical feature to orientate the map. The reason that is shown separate could be that the track was a way for private vehicles which would have had an adverse impact on the productivity of the land. Consequently, it was shown separate.
70. The tithe map is good supportive evidence that the route existed but not what the status of the route was.
71. There is a similarity between the OS maps and the tithe map. The claimed route shown on the tithe map does appear to be a more substantial physical feature in the same way that the OS maps depict it. If the claimed route is public, it would lend weight to the proposition that the rights might be higher than those appertaining to footpath.
72. While the maps of themselves are not supportive of public rights the courts have considered the depiction of routes on old maps and in *Ridley v Secretary of State for the Environment* [2009] EWHC 171 the judge concluded that while the weight of evidence he could attach to these was small he did find them suggestive of higher rights than footpath.
73. The Planning Inspectorate Consistency Guidelines section 12 para 45 quotes Christine Willmore regarding dealing with old maps: "*What is looked for is a*

general picture of whether the route seemed important enough to get into these documents fairly regularly. A one-off appearance could be an error ... consistent depiction over a number of years is a positive indication." This approach was approved by the Court of Appeal in *Fortune v Wiltshire Council* [2012] EWCA Civ 334.

74. The Parish Survey cards do not include Pessall Lane in their survey as a public right of way simply terminating both PF34 and BW33 where they join it. This leaves a curious anomaly in that a bridleway terminates at a footpath and so equestrians have no public right to continue and must turn back and retrace their steps.
75. The survey card for PF34 mentions that users must cross into Pessall Lane via a stile which would further support the fact that horseriders were not able to physically proceed onto PF34 in any event.
76. The persons who undertook the parish surveys were usually local people who were conversant with the area and would have known what routes were in use and what the usage was. In this instance the description of the routes is reasonably detailed and the reason for inclusion was that the paths were used for over 20 years without dispute. This would seem to suggest that the surveyors were familiar with the area as well as the historical use by the public.
77. If one considers that the above is a reasonable assumption then it does raise the question of why the surveyors felt that BW33 simply terminated at Pessall Lane, a cul-de-sac in effect.
78. While there are instances where cul-de-sacs do exist, there is usually a purpose behind such. In the urban areas these are often quite common and form access to various properties, to parks, squares and so forth. In a rural area they more usually lead to a point of interest such as a viewpoint, a promontory or similar.
79. There is no rule of law that prohibits or rules against a factual conclusion that a public highway has been established over a route that ends in a cul-de-sac. In *Moser v Ambleside Urban District Council* (1925) 23 LGR 533 Lord Atkin said: "I think you can have a highway leading to a place of popular resort even though when you have got to the place of popular resort which you wish to see you have to return on your tracks by the same highway, and you can get no further either by reason of physical obstacles or otherwise."
80. In summary there is usually some purpose as to why a public highway of that nature has arisen; it is to gain access to that point and then return. To simply have a route terminate without such a point in the vicinity is unusual. This would be especially true for a route such as this which is quite a length and continues into the next parish. Riders would have been unlikely to travel this distance simply to retrace their steps.
81. One explanation might be that the surveyors believed that Pessall Lane was already a public highway with bridle rights and so there was no need to include it in their survey. However, there is no evidence in any of the survey documentation to support such a contention and it does not go towards supporting the application.
82. The question of cul-de-sacs was also considered by the courts in *Eyre v New Forest Highway Board* 1892. While the circumstances were slightly different the judge held that, where a short section of uncertain status exists it can be presumed that its status is that of the two highways linked by it.

83. In this case it is clear that PF34 could not be a continuation of the bridleway but the same could not be said of Pessall Lane. That leads into a vehicular highway, Syerscote Lane, but the status of that road and BW33 are different. So, the rule does not hold but it could be that the claimed way is a bridleway which would fit the reasoning of the judge.
84. The intent of the 1910 Finance Act was to allow for the levying of tax on land based upon its value in 1910 and any eventual sale or transfer. It was therefore important to the landowner that any deductions for factors that could affect the value were properly recorded and accounted for.
85. It was usual for a landowner when submitting the form detailing their land to make a claim for public rights of way, or user, so that a deduction could be made. This information was used to compile the field books which were completed before the valuers went out to inspect and assess the property. The penalties for making false claims were quite severe and so any owner or occupier claiming relief had to be certain of his facts.
86. In this instance the owner did not make any claim clearly preferring any that existed should be discovered at inspection. It could be the case that the owner was not prepared to admit to any public rights of user and thus receive any tax deduction. Alternatively, it may have been that the owner, who lived in Coventry, was unfamiliar with the land and so decided to leave it to the inspection to determine what rights, if any, there were.
87. The valuer did note that there were public rights of way and made a note on the field book regarding such. Plot 466 (Pessall Lane) was regarded as having its own separate identity in contrast to the remainder of the route where it crossed the fields, commencing at plot 497 and continuing through the land to plot 528. This latter part, as mentioned above, accounts for part of the length of BW33.
88. While the owner did not claim any relief the valuer at inspection was clearly of the opinion that this route was a public highway and acknowledged it as a bridle road. He granted relief on the parts that crossed the land in question which he would not have done unless satisfied they actually existed. The whole purpose of the legislation was to allow for the raising of taxes and the job of the inspector was to maximise the amount levied and only allow relief where such was proven.
89. As the inspector granted tax relief and found the route to be a public bridle road this would provide good evidence that Pessall Lane is a public bridleway.
90. In *Fortune v Wiltshire Council* [2012] EWCA Civ 334 the Court of Appeal considered the issue of the Finance Act and the Planning Inspectorate guidelines on the subject. They approved the latter but with one important proviso. Such evidence cannot be viewed in isolation but must be considered as part of the overall jigsaw.
91. The fact that OS Plot 466 was regarded by the inspector as a separate entity would seem to bear out the picture of the route being more substantial for that section of Pessall Lane and the first part of BW33 before it crosses the fields. The OS maps and the tithe map bear this out and support Plot 466 as having a distinct physical presence.

Comments on Draft Report

92. Following circulation of the draft report in 2018 comments were received from Mr Bostock, a copy of his response is attached at Appendix N. In his correspondence

Mr Bostock wishes to refer to the claimed way a 466. Officers consider that this designation would be unsatisfactory given that there is a field plot with that numerical identifier. Officers consider it is better to use the name Pessall Lane as a mechanism to identify the claimed way. He acknowledges that the application in the Officers opinion relies upon the 1910 Finance Act documentation. He states there are a series of anomalies associated with this material.

93. He states the field book entry details that the owner Mr Wakefield or his agent writes that he is not aware of any rights of way. Mr Bostock contends there were none. As stated above the Inspector allowed tax relief and so must have had some indication for him to do this upon his visit to the land.
94. Mr Bostock also mentions other routes in the area which are shown on the OS mapping but are not included as public highways. The fact that maps show routes that are not on the definitive map and statement does not have a bearing upon this application; it falls to be considered upon the evidence for and against its existence.
95. He then comments on the sale particulars which he submitted as evidence against the application. The documents do not mention any public right of way. This is not unusual but the absence of such a record does not go towards proving that the right did not exist as well as not supporting the route. In this case Officers did not note anything that could prove or rebut the claim.
96. Mr Bostock then comments on the Tithe map award submitted by the applicant. He claims that in the draft report, reference is made to the Tithe map of 1838, which states 'what is now shown as BW33 Clifton Campville, as commencing at the end of Plot 475 and continuing along the claimed way to join what is now Syerscote Lane'. He then states that the Tithe map of 1810 clearly shows that Plot 475 does not connect with 466, it leads into and terminates in field 472. Officers note that BW33 Clifton Campville is already a public highway which does commence from Plot 475 and 472 and it runs the length of Plot 466 and ending at Plot 460. The alleged route then commences in a north-westerly direction crossing through Plot 467 and terminates at Plot 469, which is Syerscote Lane.
97. Mr Bostock then comments upon the user evidence and his challenge to it. As stated above the user evidence submitted is not supportive of the claim and has been disregarded.
98. Finally, Mr Bostock claims the presence of a marl pit at the end of the bridle path could explain the reason for its cul-de-sac nature, he believes this is where what is now BW33 ended; however, this is not the case. BW33 is a public bridleway which continues beyond the point to which Mr Bostock is referring to and so this evidence is irrelevant to the application.
99. The applicant Mr Martin Reay also submitted comments regarding the alleged route. Copies of his letter are attached at Appendix O.

Burden and Standard of Proof

100. Mr Reay made the application under Section 53(3)(c)(i) which relates to the discovery of evidence and is concerned with two separate events:

Evidence that a right of way which is not shown on the map subsists; OR

Evidence that a right of way which is not shown on the map is reasonably alleged to subsist.

101. For the first test to be satisfied it will be necessary to show that on a balance of probabilities the public right of way does subsist.
102. For the second test to be satisfied the question is whether a reasonable person could reasonably allege a public right of way subsists, having considered all the relevant evidence available to the Council. The evidence necessary to establish a right of way which is “reasonably alleged to subsist” over land is less than that which is necessary to establish the right of way “does subsist”.
103. One of the two tests must be satisfied before a Modification Order can be made to add the public right of way. Judgment must be made based upon evaluation of the evidence provided by the applicant alongside all other material and evidence. If either test is satisfied, the Definitive Map and Statement should be modified.

Summary

104. The user evidence is not sufficient to support an application based upon that material alone. Even if it were to be considered sufficient to reasonably allege that the route is public the user evidence could only support the existence of a public footpath.
105. There is some suggestion from the evidence given that the route enjoyed the reputation of a bridleway and some users have certainly used it as such.
106. The fact that there was a gate on the Lane does not preclude a public right existing and it may well have been there for stock control with users expected to close it after they had passed through.
107. The documentary evidence provided by the OS maps and the Tithe Map do suggest a physical presence but do not support any evidence of public rights.
108. The Finance Act field book is good evidence which is sufficient to support the contention that the claimed way was a public bridleway at the time of the inspection. There is no contrary evidence to dispute the finding of the valuer in 1910.
109. The law states that “once a highway, always a highway” and so if the route was a public bridleway in 1910 it remains so until stopped up by legal process.
110. If one considers the comments of the judges in the *Fortune* case as mentioned above, then there is a constant depiction of a way on the older maps and the entry in the field book attests to public bridle rights. The latter provides the final piece of the jigsaw referred to.

Conclusion

111. The application falls to be considered under s53(3)(c)(i) as mentioned above, and so the question of whether the application should succeed needs to be evaluated against both elements.

112. When the totality of the evidence is considered it is finely balanced as to whether it would satisfy the first part of the test set out in s53(3)(c)(i) above, that is whether on the balance of probabilities a public bridleway subsists.
113. The evidence provided by the Finance Act field book is good evidence, but it does not have the probative quality of, for example, a court order. It is a singular piece of material with no other documentary evidence to support the existence of a public bridleway and the user evidence is too sparse to do so.
114. When the second part of the section and the lesser test is considered, that of reasonable allegation, that is satisfied. As the courts have indicated, if it is reasonable to consider any conflicting evidence and reasonable to accept the evidence of existence then an order should be made, and the material be tested during that process. Here there is no conflicting evidence to weigh in the balance and so it does clearly satisfy the test.
115. Taking everything into consideration it is apparent that evidence shows that a right of way, with the status of bridleway, which is not shown on the map and statement is reasonably alleged to subsist.

Recommended Option

116. To make an order to add the claimed route as a Public Bridleway to the Definitive Map and Statement of Public Rights of Way for the District of Lichfield.

Other options Available

117. To reject the application as not satisfying the burden of proof as laid in in s53(3)(c)(i).

Legal Implications

118. The legal implications are contained within the report.

Resource and Financial Implications

119. The cost of determining applications is met from existing provisions.
120. There are, however, additional resource and financial implications if decisions of the Registration Authority are challenged by way of appeal to the Secretary of State for Environment, Food and Rural Affairs or a further appeal to the High Court for Judicial Review.

Risk Implications

121. In the event of the Council making an Order any person may object to that order and if such objections are not withdrawn the matter is referred to the Secretary of State for Environment, Food and Rural Affairs under Section 14 of the Wildlife and Countryside Act 1981. The Secretary of State would appoint an Inspector to consider the matter afresh, including any representations or previously unconsidered evidence. The Secretary of State may uphold the Council's decision and confirm the Order; however, there is always a risk that an Inspector may

decide that the County Council should not have made the Order and decide not to confirm it.

122. If the Secretary of State upholds the Council's decision and confirms the Order, it may still be challenged by way of Judicial Review in the High Court.
123. Should the Council decide not to make an Order the applicant may appeal that decision to the Secretary of State who will follow a similar process to that outlined above. After consideration by an Inspector the County Council could be directed to make an Order.
124. If the Panel makes its decision based upon the facts, the applicable law and applies the relevant legal tests the risk of a challenge to any decision being successful, or being made, are lessened.
125. There are no additional risk implications.

Equal Opportunity Implications

126. There are no direct equality implications arising from this report.

John Tradewell

Director of Democracy, Law and Transformation

Report Author: Samantha Finney

Ext. No:

Background File: LJ618G

INDEX TO APPENDICES

Appendix A	Copy of Application
Appendix B	Map showing line of claimed route
Appendix C	Copy of 1910 Finance Act Field Book Entry
Appendix D	Copy of 1902 Ordnance Survey Map
Appendix E	Copy of 1838 Clifton Campville Tithe Map
Appendix F	Copy of Mr Bainbridge's letter and user evidence forms
Appendix G	Copy of Mr Bostock's landowner evidence form
Appendix H	Copy of responses from consultees
Appendix J	Copy of Ordnance Survey Maps
Appendix K	Copy of Parish Survey Cards and associated Maps
Appendix L	Copy of letter from Mr Bostock's solicitor & a copy of the letter from Mr John Cliffe
Appendix M	Copy of Officers response to Mr Bostock's solicitors
Appendix N	Letter from Mr Bostock dated 25/11/2018
Appendix O	Response from applicant

APPENDIX A

Form 1

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of LICHFIELD

Parish of CLIFTON CAMPVILLE

To: Staffordshire County Council
PO Box 11
County Buildings
Stafford
ST16 2LH

I/We Mr. Reay
of 53 Tithe Barn Rd
..... Stafford

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

* deleting the (footpath)(bridleway)(byway open to all traffic)
from to

* adding the ~~(footpath)~~(bridleway)(~~byway open to all traffic~~)
from ... EXISTING BRIDLEWAY to ... SYERSCOTE LN

*(upgrading)(downgrading) to a (footpath)(bridleway)(byway open to all traffic) the (footpath)(bridleway)(byway open to all traffic)
from to

*(varying)(adding to) the particulars relating to the (footpath)(bridleway)(byway open to all traffic) from to
by providing that

and shown on the map accompanying this application.

I/We attach copies of the following documentary evidence (including statements of witnesses) in support of this application

*delete as appropriate.

- 1/ The 1910 Finance Act documents show the route as a 'public Bridle Road'.
- 2/ 2nd ed O.S 1902 showing O.S plot 466.
- 3/ Tithe Map - Clifton Campville - Untaxed way.

(Claimed route in red on enclosed map.)

DATE 21/6/99

M. Pilcey

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT - STAFFORDSHIRE COUNTY COUNCIL

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION
FOR MODIFICATION ORDER

To: Staffordshire County Council
of: PO Box 11,
County Buildings,
Martin Street,
Stafford, ST16 2LH

I/We *M. REAY*
of *53 TITHE BARN RD*
..... *STAFFORD*

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with.

Dated *21/6/99* Signed *M. Reay*

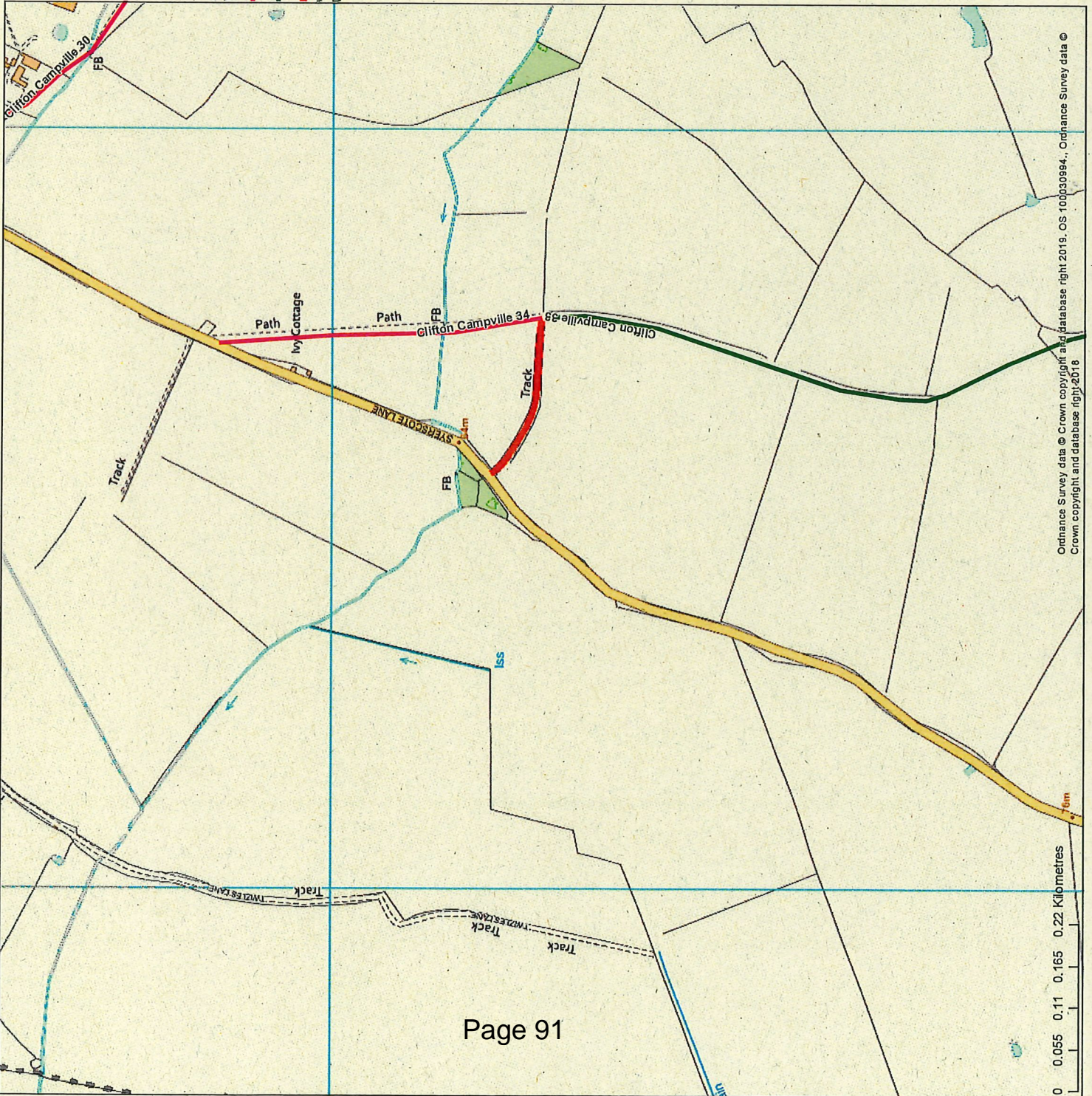
Names and addresses of owners and occupiers of land on whom notice has been served that an application for a Modification Order has been made:

MR. LEO HAM, THE DALE, SYERSCOTE LN, SYERSCOTE
..... *B79 9EX*

APPENDIX B

Public Rights of Way

- Footpath
- Bridleway
- Section 63
- Parishes



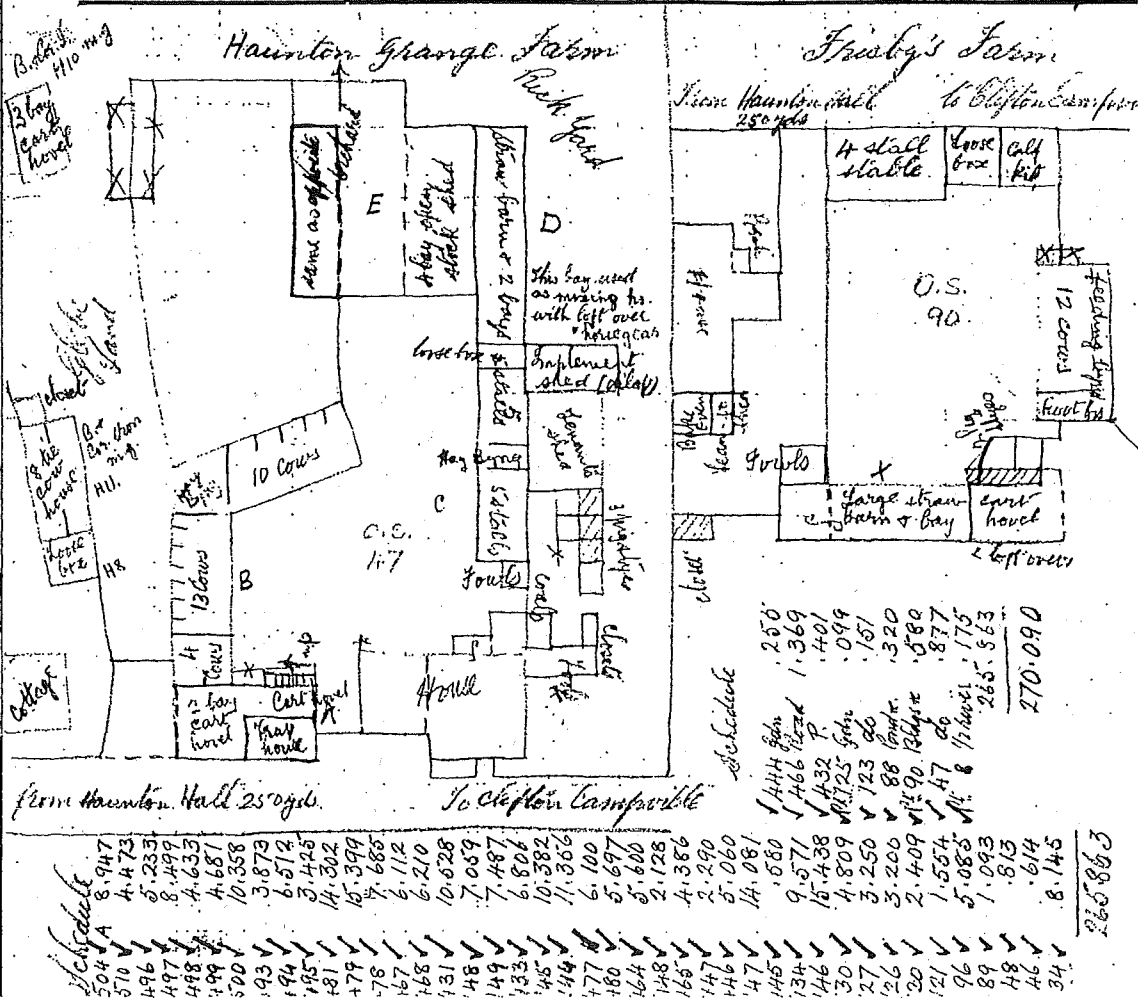
Ordnance Survey data © Crown copyright and database right 2019. OS 100030994. Ordnance Survey data ©
 Crown copyright and database right 2018

© Crown Copyright and database rights 2018.
 Ordnance Survey 100031292.
 2000 Aerial Photography by UKP/reflectives.com.
 License Number UKP/048/S/C.
 2010 Aerial photography copyright Getmapping (2006-10).
 You are not permitted to copy, sub-license, distribute
 or sell any form of this data to third parties in any form.
 Produced by Staffordshire County Council 16/10/2019.

APPENDIX C

Reference No.

Index letter	Description of Buildings	Dimensions			Cubical Contents	Condition	Remarks
		Frontage	Depth	Height			
	House			32		Spouted	
	back do			21			
A	ditto			18		Lofting over	
B	ditto			10			
C	ditto			13		Spouted	
D	do + cor. iron			17			
E	timber + do			11		Spouted	
Grubbs Farm	Brick + tiled			22		good structurally but v. dirty	
X	ditto	47	18.6	18	M. good.		
Y	ditto			12	V. good.	built 1912	
Z	ditto			12	good	loose base left corner in gull + 1/2 not fixed	



P/S

Reference No.

GROSS VALUE.....	£ 9100 7425
Less Value attributable to Structures, timber, &c. (as before)	£ 1990 3170
FULL SITE VALUE.....	£ 7110 4255
Gross Value (as before).....	£ 9100 7425
Less deductions in respect of—	
Fixed Charges, including—	
Fee Farm Rent, rent seek, quit rent, chief rents, rent of Assize	£
Any other perpetual rent or Annuity.....	£ 1375
Tithe or Tithe Rent Charge	£ 1100
Other Burden or Charge arising by operation of law or under any Act of Parliament	£
If Copyhold, Estimated Cost of Enfranchisement.....	£
Public Rights of Way or User	£ 75
Rights of Common.....	£
Easements	£
Restrictions.....	£

TOTAL VALUE..... £ 7650 6250

Less Value attributable to Structures, timber, &c. (as before)	£ 1990 3170
Value directly attributable to—	
Works executed	£
Capital Expenditure	£
Appropriation of Land.....	£
Redemption of Land Tax.....	£
Redemption of Other Charges.....	£
Enfranchisement of Copyhold, if enfranchised	£
Release of Restrictions.....	£
Goodwill or personal element.....	£
Expense of Clearing Site.....	£ 1990 3175

ASSESSABLE SITE VALUE..... £ 5660 3085

If Agricultural land, the value for Agricultural purposes—	
including Sporting Rights	£ 7245 6045
excluding Sporting Rights	£ 205
Value of Sporting Rights.....	£
If Licensed Property, the annual license value.....	£
Liable to Undeveloped Land Duty as from	£
For further reference as to Apportionments &c., see	

Reference: 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
 Pages 93 6 7 8 5 2 7
 Reproduction may infringe copyright

Reference: 7158 49459

Reproduction by copyright

APPENDIX C

1944 226
LIII 12

147 Reference No. Map No. 16
 Situation *Haunton Grange & Frisby's Farm*
 Description *House, Buildings & Land*
 Extent *269a. 1r. 24p.* *270a. 0r. 12p.* ✓
 Gross Value { Land £
 Buildings £ Rateable Value { Land £
 Buildings £
 £295-19-6. £266-8-0.
 Gross Annual Value, Schedule A, £
 Occupier *E. E. Walker.* 16 yrs
 Owner *William Wakefield, Esq, Walsgrave Hall, nr. Coventry.*
 Interest of Owner *Freehold.* 70-90 %
 Superior interests
 Subordinate interests

Occupier's tenancy, Term *yearly* from
 How determinable *Agreement* 24 yrs
 Actual (or Estimated) Rent, £ *353-5-0*
 Any other Consideration paid
 Outgoings—Land Tax, £ *29-10-2* 39, 42, paid by *Owner.*
 @ 10/2p. act. Tithe, £ *45-18-9* paid by *Owner.*
 Other Outgoings

Who pays (a) Rates and Taxes (b) Insurance (a) *Occupier.* (b) *Owner.*
 Who is liable for repairs *Owner.*

Fixed Charges, Easements, Common Rights and Restrictions
"We are not aware of any specific rights of way etc., if there are any an inspection will doubtless disclose them."

Former Sales. Dates *"The last sale of this and other property & the interest particulars are therefore not applicable."*

Consideration
 Subsequent Expenditure
 Owner's Estimate. Gross Value
 Full Site Value
 Total Value
 Assessable Site Value
 Site Value Deductions claimed

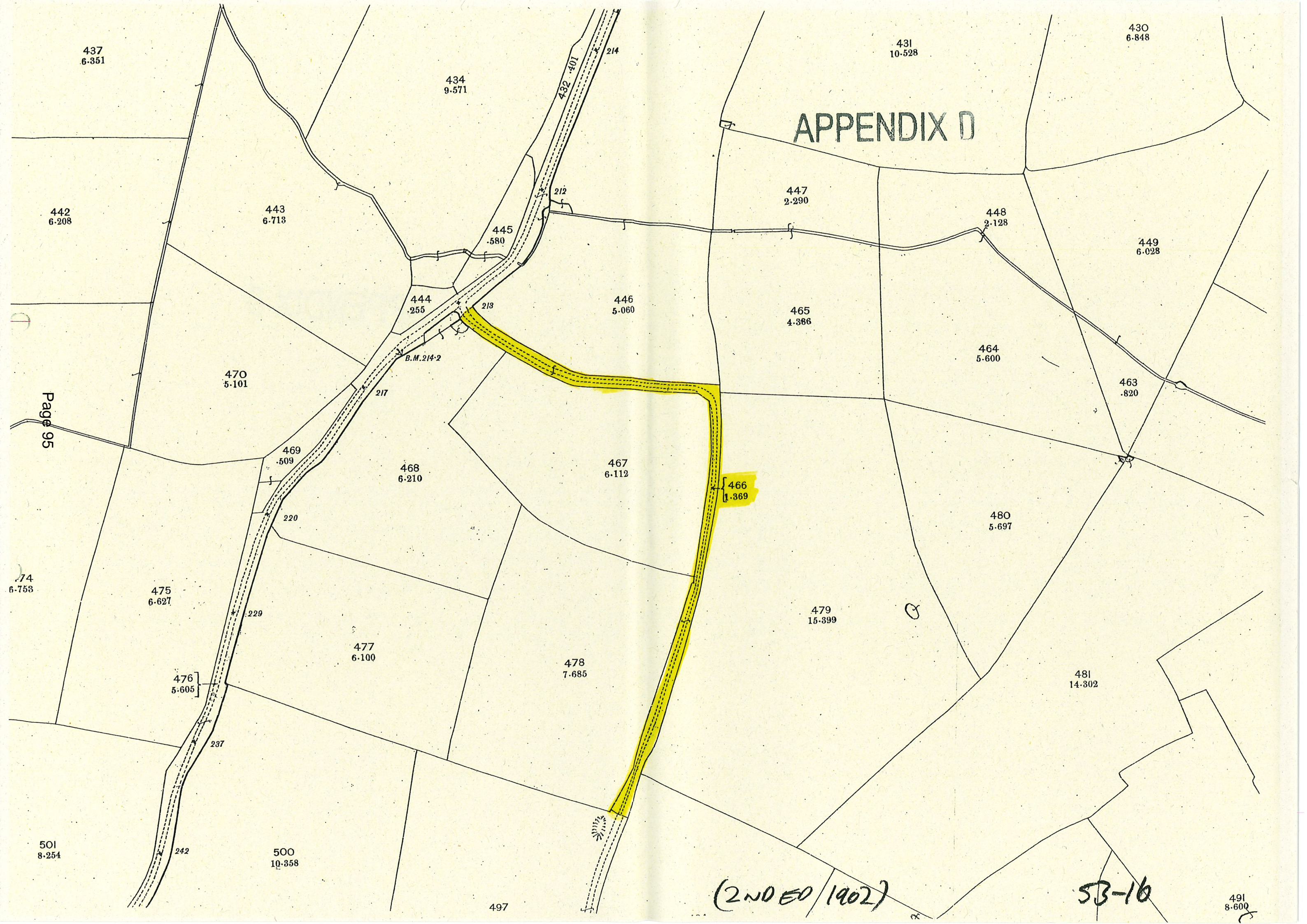
Roads and Sewers. Dates of Expenditure
 Amounts

Including ref. nos 11, 20, 22, 108, 146 & 157. Reference No.
 Particulars, description, and notes made on inspection 29.5.13.
 Comprising *farm house & buildings, second set of buildings with dwellinghouse on opposite side of road, cottage & land.*
 Entrance hall with drawing (a) & dining rooms (b)
 Large brew house with 2 coppers, sink & bake oven & man's room over, store room & bath room (c) fitted 1910; office & kitchen, good dairy, pantry, with cheese room over by separate stairs; 2 good bedrooms, 2 other rooms; 2 attics above; good cellarage built 1910.
 Charges, Easements, and Restrictions affecting market value of Fee Simple
Frisby's Farm House contains—back kitchen with copper, bake oven & sink, kitchen, dairy, pantry, front sitting room; 3 bedrooms & cheese room

Public Footpaths through O.S. 96.
 O.S. 466 is a public Bridle Road continuing through O.S. 497, 496, 511 & 528
 Valuation.—Market Value of Fee Simple in possession of whole property in its present condition Annual Value £ *353-5-* 107.
 Deduct 15% repairs etc. £ *53-0-*
 " L.T. & T.R.C. *51-16-3*
 £ *104-16-3*
 Add Timber & Shorting
 Immediate repairs to *Grange Farm* *771-0*
 Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land £ *765-0* 6250.

270.090 acres £ *5660* 3080
 Difference Balance, being portion of market value attributable to structures, timber, &c. £ *1990* 3170
 Divided as follows:—
 Buildings and Structures..... £ *1500* 2000
Fishing 150 yds Shorting *20 paces* *20 yr = £200* £ *205*
 @ 6/10 yds. *10 yr* Timber..... *very little* £ *50*
 Fruit Trees £ *15*
 Other things growing on land £ *190* 700
 Market Value of Fee Simple of Whole in its present condition (as before) £ *7650* 6250
 Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—
 Charges (excluding Land Tax)... T.R.C. £ *1570*
 Restrictions... *Footpaths etc. (21 ch. 100)* £ *75* £ *1450* 1175
 GROSS VALUE... £ *9100* 7425

APPENDIX D



Page 95

(2ND ED/1902)

53-16

491
8.600

APPENDIX E



J. E. Sandbyl 26.11.13

APPENDIX F

Staffordshire County Council
Law and Democracy
2 Staffordshire Place
c/o Wedgewood Building
Tipping Street
STAFFORD ST16 2DH

~~Rose Cottage~~
~~Clifton Lane~~
~~Clifton Campville~~
~~Tamworth~~
~~Staffordshire~~
~~B79 0AH~~

16th November 2013

For The Attention of the Director of Law and Democracy

Dear Sir

Your Reference: LJ618G

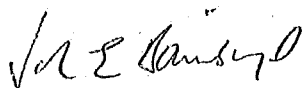
Many years ago this bridleway was omitted from the definitive map and was brought to your attention on 21st June 1999 by Mr M Reay of 53 Tithe Barn Road Stafford in a submission in June 1999 for an order under section 53(2) of the Wildlife and Countryside Act 1981 to modify the definitive map and statement for the area by adding a bridleway from the existing bridleway No. 33 to Syerscote Lane near Haunton.

This omission did not cause locals any problems because this has always clearly been a public right of way and all-comers have had free access. The status quo has remained until two years ago when a new landowner, Mr S Bostock of Home Farm, Main Street, Clifton Campville, blocked access with a locked gate. Mr Bostock has been asked to permit access to riders and walkers but he has refused; he is systematically destroying what was once a beautiful green lane and part of a network of public highways.

Local folk are getting very angry about this situation and we must now ask that this matter is dealt with as a matter of urgency. To help expedite this I have enclosed sixteen Public Right of Way Evidence Forms that have been completed by people who have known and used this track for decades, including the current High Sheriff of Staffordshire Miss Susie Inge-Innes-Lillingston of Gorse Fields, Clifton Lane and Dr Phillip Bennion, MEP and local farmer of Haunton Manor Farm, Haunton. Others who have completed the forms are folk who have known and used the track for many years and/or lived adjacent to this track for generations.

On 30th March 2012 I was told by Mr Michael Murphy that this was No:125 on your Modification Application Register, it is now No:130. Why is this? How are priorities set? In the light of this information can this be reviewed without further delay please? I believe that our Parish Council have also written to urge action.

Yours faithfully



John E Bainbridge

LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) PHILLIP BENNION

(Block Capitals please)

Address ~~HAUNTON HAVER FARM, HAUNTON, TAUNTON~~

(Block Capitals please)

Telephone No. ~~07935 36512~~ Post Code ~~BB 9AN~~

Date of Birth ~~7/12/1954~~ Occupation FARMER & MEP
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)
From

To

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From.....1960.....To.....2013.....
- (c) Does the way have a popular name?PESSELL LANE.....
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to?TO TRIG POINT AT TOP OF HILL.....
- (f) For what purpose? (eg work, pleasure)PLEASURE.....DOG WALKING.....
- (g) How many times a year? (eg daily, weekly, seasonal)3-4 TIMES PER YEAR.....
- (h) By what means? (eg on foot, horseback, motor vehicle etc)FOOT.....
- (i) Is, or was, the way a short cut for you?NO.....
- (j) If so why?
- (k) Do you still use the way?OCCASIONALLY.....
- (l) If not why not?
- (n) How many years have you known of the existence of the way?55 YEARS.....

2. When using the path where did you live?HAUNTON MANOR FARM.....

If at different places please provide details and years.

3. (a) How wide is the way?.....3 METRES APPX.....*Feet/Metres
- (b) Is it the same width throughout its length? DONT KNOW PROBABLY NARROWER
*YES/NO FURTHER
- If NO please state width From.....To.....*Feet/Metres wide FROM HAUNTON

PTO

4. If you have ridden a horse on the way N/A
- (a) Where did you keep the horse?
-
- (b) Where did you start and finish your ride?
-
- (c) Were you ever riding with a hunt when you used the way?

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
- (b) If YES, how often and what type of vehicle were they using?TRACTORS
.....& OTHER AGRICULTURAL VEHICLES USE IT.
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES? ~~NO~~
- (d) If YES to (c),
- (i) How often was this?VERY RARELY.....
- (ii) What type of vehicle were you in?TRACTOR, LAND ROVER.
- (iii) For what purpose was it being used? ...INVESTIGATING SYRACUSE VEHICLES.

6. (a) Has the way always been on the same route? *YES/~~NO~~
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?
-

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?KEPT TO ROUTE.....
-

7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way? *YES/~~NO~~
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed?GATE HAS ALWAYS BEEN AT ENTRANCE TO SYERSCOTE LANE.....
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?GATE AT SYERSCOTE LANE LOCKED RECENTLY.....
-

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? ~~*YES/NO~~

(b) If so by whom or what?

(c) Have you continued to use the way despite hindrances or obstructions N/A
*YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence N/A
*YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? ~~*YES/NO~~

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? ~~*YES/NO~~

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? ~~*YES/NO~~

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? ?
 ~~YES/NO~~
(b) If YES, please state:
(i) Who told you? THIS WAS QUESTIONED WHEN I WAS PC CHAIR.
(ii) When were you told? IT WAS NOT ON THE MAP, SO WE ASKED FOR
(iii) What were you told? CLARIFICATION FROM THE COUNTY IN 1999.
..... AWAITING AN ANSWER

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said CAN'T REMEMBER.

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? ~~YES~~/NO
 (Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *~~YES~~/NO
- (c) If YES, who gave you permission?
-
- (d) When were you given permission?
-
- (e) For what purpose were you given permission to use the way?
-

20. (a) Have you seen other people using the way? *YES/~~NO~~
- (b) How were they using the way (ie foot, horse)? ...FOOT AND HORSE.....
-
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)?NO.....
-
- (d) If they were not accompanying you, were these people known to you?
-SOMETIMES.....
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc)OCCASIONALLY.....SEVERAL TIMES EACH YEAR.....
-
- (f) How many other people, approximately, did you see on these occasions?
-USUALLY NONES AND TWOS.....
- (g) Please give any further details of other people's use of the way which you feel may be important
-HORSE RIDERS USE IT TO GET THROUGH TO STATEFOLD VIA THE BRIDGE PATH WHICH STARTS PART WAY ALONG. WE ALWAYS ASSUMED THE WAY WAS A BRIDGE PATH UNTIL WE REVIEWED DEFINITIVE MAPS DURING 1999......
-

21. Have you ever been charged a monetary sum for using the path? *~~YES~~/NO
- If so, by whom?

22. (a) Do you have any documentary evidence about the way? *~~YES~~/NO
(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary? *YES/NO

23. (a) Do you consider the route to be historical? *YES/~~NO~~
(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

..... BRIDLEWAY

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps) *~~YES~~/NO

(d) If Yes please give details of this evidence or documents.....
.....
.....

24. Do you know who owns the land? *YES/~~NO~~
If YES please can you provide names and contact details.....

..... MR S. BOSTOCK, HOME FARM, CLIFTON CAMPVILLE

25. Do you know of any previous landowners? *YES/~~NO~~
If YES please can you provide names and contact details.....

..... WAKEFIELD TRUST

26. Are you prepared to be interviewed? *YES/~~NO~~
If No please state reasons.....

.....
.....
If YES would you be prepared to be interviewed over the phone? *YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

No.

~~YES/NO~~

If No please state reasons..... MEMBER OF EUROPEAN PARLIAMENT
..... SO USUALLY NOT IN COUNTRY.....

28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

~~NO~~ WHEN I WAS CHAIR OF THE PARISH COUNCIL I, WITH THE SUPPORT OF THE PC AS A WHOLE, SOUGHT TO CONFIRM, THROUGH THE COUNTY COUNCIL, THAT THE LANE WAS A CONTINUATION OF THE BRIDGE PATH. WE FORMALLY APPROACHED THE COUNTY COUNCIL IN 1999 AND WERE TOLD THAT THE CASE COULD TAKE SOME TIME IT STILL HAS NOT BEEN RESOLVED.

THE LANE IS A TARGET FOR FLY TIPPERI AND I SYMPATHISE WITH MR BOSTOCK FOR LOCKING THE GATE. ALSO, BOTH HE AND I HAVE HAD UNLOCKED GATES STOLEN BY METAL THIEVES. HENCE, MY SUGGESTION IS FOR A SOLUTION WHICH ALLOWS MR BOSTOCK TO LOCK THE GATE, BUT ALLOWS FOR A SMALLER GATE ADJACENT TO IT, TO ALLOW ACCESS FOR HORSES.

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

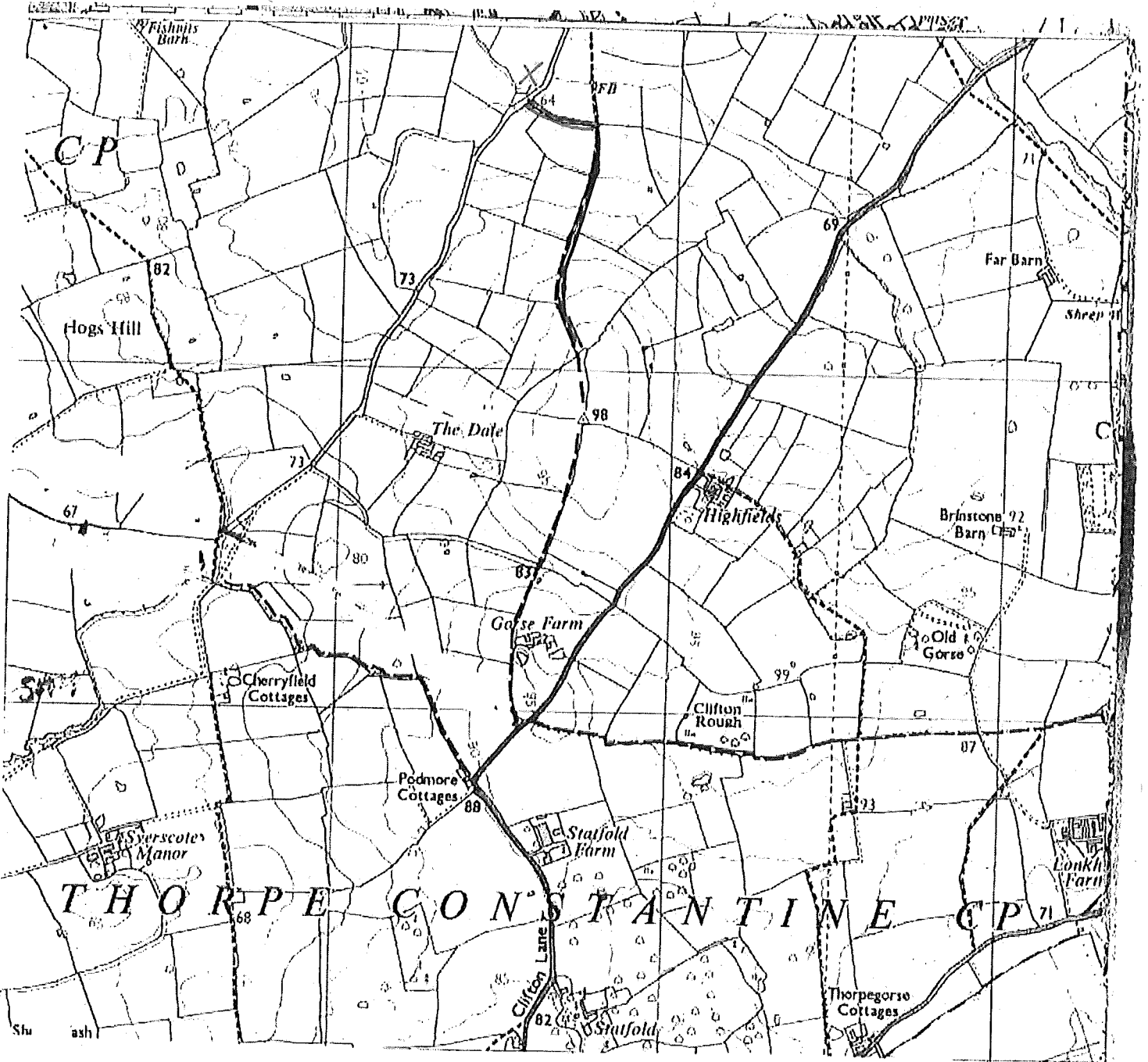
I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: R. Phillip Bennin Date: 17th November 2013

Person taking this statement (if applicable).....

14 Jan
11 March
13 May

8 July
9 Sept
11 Nov.
X LOCKED GATE



R. Kelly B.

LJ6189

Staffordshire
County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/MS) R W LEEDHAM

(Block Capitals please)

Address ... "INFULON" THE DALE LAUNTER TAMWORTH

(Block Capitals please) 13000A

Telephone No. 01827 43000 Post Code B79 9EX

Date of Birth 5/9/1922 Occupation FARMER

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

*Please delete as appropriate

Description of claimed way:- (include grid references if known)
From

To

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From.....1950..... To PRESENT DAY.....
- (c) Does the way have a popular name? BESSALL LANE.....
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? CLIFTON CAMPVILLE TO LAND AT THE END OF THE LAND OCCUPIED BY ARTHUR WANNOP FARMER.....
- (f) For what purpose? (eg work, pleasure) WORK AND PLEASURE.....
- (g) How many times a year? (eg daily, weekly, seasonal) SEASONAL.....
- (h) By what means? (eg on foot, horseback, motor vehicle etc) FOOT AND TRACTOR.....
- (i) Is, or was, the way a short cut for you? IT WAS THE ONLY ACCESS TO THE LAND.....
- (j) If so why?
- (k) Do you still use the way? YES.....
- (l) If not why not?
- (n) How many years have you known of the existence of the way? 73.....

2. When using the path where did you live? 1) CLIFTON HALL, CLIFTON CAMPVILLE
2) SYERSCOTE MANOR 3) THE DALE
- If at different places please provide details and years. 1) CLIFTON HALL 1938-1955
2) SYERSCOTE MANOR 1955-1993 3) THE DALE 1993-PRESENT

3. (a) How wide is the way? APPROX 12..... *Feet/Metres
- (b) Is it the same width throughout its length? *YES/NO
- If NO please state width From..... To..... *Feet/Metres wide

PTO

4. If you have ridden a horse on the way
 (a) Where did you keep the horse? N/A
-
- (b) Where did you start and finish your ride?
-
- (c) Were you ever riding with a hunt when you used the way?

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/~~NO~~
- (b) **IF YES**, how often and what type of vehicle were they using?
HORSE AND CART, TRACTOR
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES?~~NO~~
- (d) **IF YES to (c)**,
- (i) How often was this? SEASONAL
- (ii) What type of vehicle were you in? TRACTOR
- (iii) For what purpose was it being used? ACCESS TO FARM HAND

6. (a) Has the way always been on the same route? *YES/~~NO~~
- (b) **IF NO** when was the way diverted? N/A
- (c) Why was the way diverted? N/A
-

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?
-

7. (a) Have there, to your knowledge, ever been any stiles on the way? *~~YES~~/NO
- (b) Have there, to your knowledge, ever been any gates on the way? *YES/~~NO~~
- (c) **IF YES**, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed? FELL INTO DISREPAIR
APPROX 5 YEARS AGO, REPLACED APPROX 2 YEARS AGO
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?
- NOT UNTIL REPLACEMENT GATE ERECTED APPROX
2 YEARS AGO, THEN LOCKED BY CURRENT PTO
OWNER OF THE HAND

*Please delete as appropriate

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? ~~YES/NO~~

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? ~~YES/NO~~

(b) If so by whom or what? BY LOCKED GATE ERECTED
APPROX 2 YEARS AGO

(c) Have you continued to use the way despite hindrances or obstructions

~~YES/NO~~

(d) How did you do this? (ie diversion) BY CLIMBING OVER THE
GATE

(e) Is the hindrance or obstruction still in existence ~~YES/NO~~

10. (a) Were you ever an owner or tenant of the land crossed by the way? ~~YES/NO~~

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? ~~YES/NO~~

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? ~~YES/NO~~

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? ~~YES/NO~~

If YES (i) What was your employment? CONTRACT - HARVESTING

(ii) Between what years were you employed? From 1950 To 1959

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? ~~YES/NO~~

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? ~~*YES/NO~~
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? ~~*YES/NO~~
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? ~~*YES/NO~~
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? ~~*YES/NO~~
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? ~~*YES/NO~~
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? YES ~~*YES/NO~~
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? ~~*YES/NO~~
(c) If YES to (a) or (b) please state what the notices said BRIDLEWAY SIGN AT POINT "A" BRIDLEWAY GATES AT POINTS "A" AND "B"

Please show their approximate position on the attached plan.

19. (a) Have you ever been given permission to use the way? ~~YES~~/NO
(Whether or not you asked for it)

(b) Have you ever asked permission to use the way? ~~YES~~/NO

(c) If YES, who gave you permission?

(d) When were you given permission?

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way? ~~YES~~/NO

(b) How were they using the way (ie foot, horse)? ...ON FOOT, ON HORSE BACK

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? NO

(d) If they were not accompanying you, were these people known to you? SOME LOCAL PEOPLE WERE KNOWN, BUT MANY NOT KNOWN

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) DAILY AND WEEKLY

(f) How many other people, approximately, did you see on these occasions? FROM ONE TO GROUPS OF UP TO 30

(g) Please give any further details of other people's use of the way which you feel may be important DURING THE 1950's/60's USE WAS MAINLY WORK RELATED, OR PEOPLE WALKING TO VISIT RELATIVES, CHURCH ETC. A FEW FOR RECREATION, THE ATHERSTONE HUNT USED IT REGULARLY IN SEASON. DURING MORE RECENT TIMES IT HAS BEEN USED INCREASINGLY FOR PLEASURE BY WALKERS AND RIDERS.

21. Have you ever been charged a monetary sum for using the path? ~~YES~~/NO

If so, by whom?

22. (a) Do you have any documentary evidence about the way?

*YES/NO

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

THE ESTATE MAP OF 1905

(c) Would you be willing to make the original document available if necessary?

YES, BUT NOT TO LEAVE THESE PREMISES
A COPY WOULD BE AVAILABLE ON REQUEST

23. (a) Do you consider the route to be historical?

*YES/NO

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

BRIDLEWAY

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) If Yes please give details of this evidence or documents

AS ABOVE

24. Do you know who owns the land?

*YES/NO

If YES please can you provide names and contact details

MR BOSTON, HOME FARM, CRIFTON CAMPVILLE

25. Do you know of any previous landowners?

*YES/NO

If YES please can you provide names and contact details

WAKEFIELD ESTATE
THE VIVIEN TRUST

26. Are you prepared to be interviewed?

*YES/NO

If No please state reasons

.....
If YES would you be prepared to be interviewed over the phone?

~~YES~~/NO

DEAFNESS WOULD RENDER THIS DIFFICULT

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

~~YES~~/NO

If No please state reasons..... DEAFNESS

.....
28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: *R W Seedman* Date: *11-10-* 20*13*.

Person taking this statement (if applicable).....

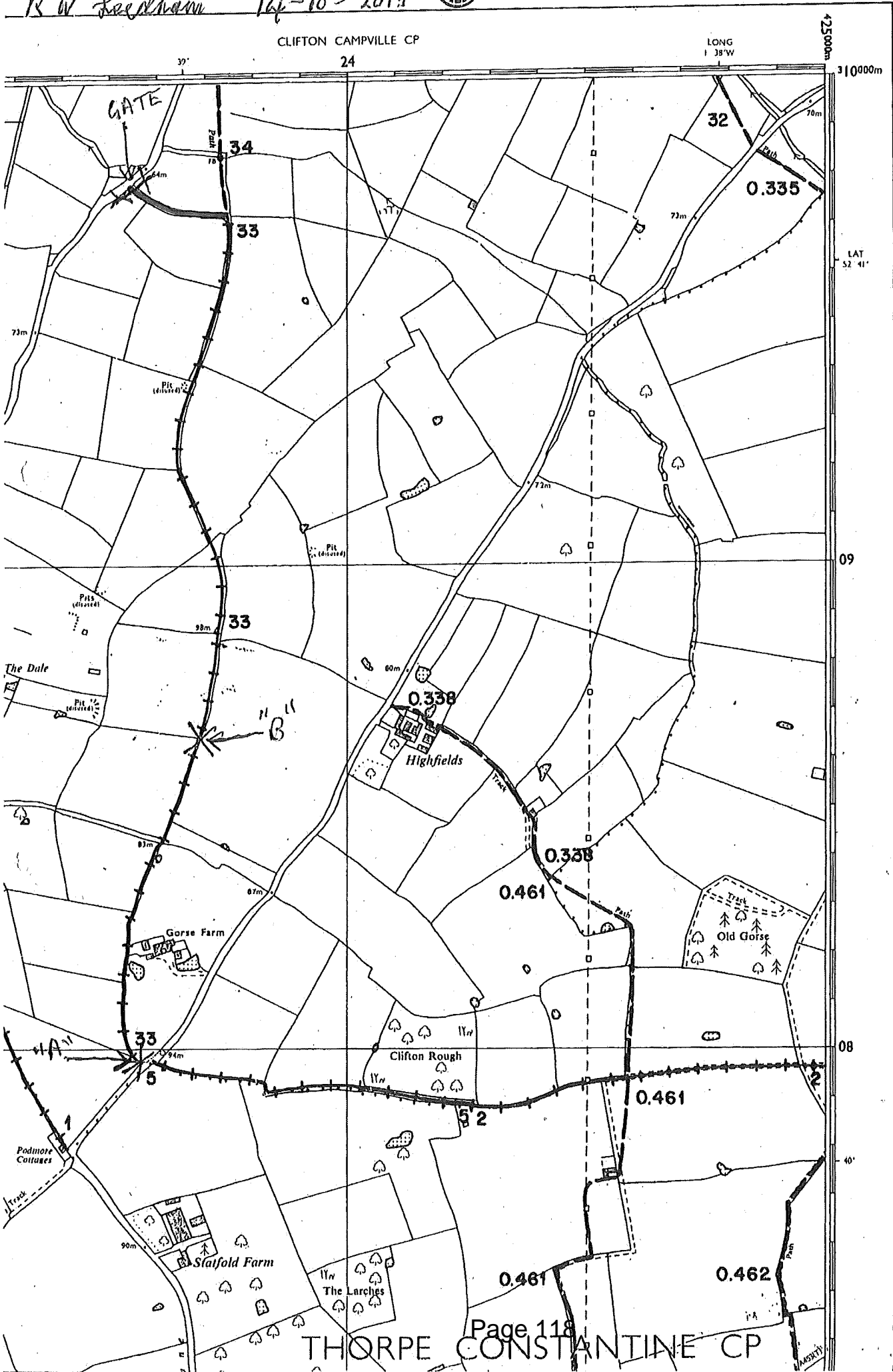
R W Seelham

14-10-2013



SHEET SK 20 NW

A



LJ 6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) ROBERT LEEDHAM

(Block Capitals please)

Address THE DALE, HAUNTON, TAMWORTH STAFFS

(Block Capitals please)

Telephone No. 01827 830240 / 01976 910378 Post Code

Date of Birth 25/12/1943 Occupation FARMER

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From Syerscote Lane

To Bridleway 33 at its Northern end

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way?

*YES/NO

(b) During which years have you used the way?

From 1955 To 2011

(c) Does the way have a popular name? Pessall Lane

(d) Did you only use part of the way?

*YES/NO

(e) Where were you going from/to? Syerscote Lane to The Dale and vice versa on foot and Syerscote Lane to Fields at the end of Pessall Lane by tractor

(f) For what purpose? (eg work, pleasure) on foot for pleasure, on tractor for work, on horseback with Pony Club

(g) How many times a year? (eg daily, weekly, seasonal) Seasonally

(h) By what means? (eg on foot, horseback, motor vehicle etc) by foot and by tractor

(i) Is, or was, the way a short cut for you? No

(j) If so why? N/A

(k) Do you still use the way? No

(l) If not why not? Inconvenient, since gate locked

(n) How many years have you known of the existence of the way? 60+

2. When using the path where did you live? The Dale, Haunton, and Syerscote Manor, Wigginton

If at different places please provide details and years. 1955-1972 at Syerscote Manor, 1972 to present at The Dale

3. (a) How wide is the way? 10-12 *Feet/Metres

(b) Is it the same width throughout its length? *YES/NO

IF NO please state width From To *Feet/Metres wide

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? *Horse borrowed, but kept at The Dale.*
- (b) Where did you start and finish your ride? *The Dale*
- (c) Were you ever riding with a hunt when you used the way? *No*

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? **YES/NO*
- (b) If YES, how often and what type of vehicle were they using? *Tractors*
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? **YES/NO*
- (d) If YES to (c),
- (i) How often was this? *Seasonally*
- (ii) What type of vehicle were you in? *Tractor*
- (iii) For what purpose was it being used? *Contract work on land at the end of Persall Lane for Mr Duggins*

6. (a) Has the way always been on the same route? **YES/NO*
- (b) If NO when was the way diverted? *N/A*
- (c) Why was the way diverted? *N/A*

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? *YES*
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? *I have always kept to the route, although the hedge has been removed from the further part of Persall Lane, not part of this issue.*

7. (a) Have there, to your knowledge, ever been any stiles on the way? **YES/NO*
- (b) Have there, to your knowledge, ever been any gates on the way? **YES/NO*
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed? *The gate has always existed for control of stock, but fell into disrepair during 1980's*
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom? *The gate was replaced about 2 years ago and has been kept locked since that time by the current owner*

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO
(b) If YES, state (i) what type of obstruction was this? N/A
.....
(ii) When they were erected or removed? N/A
.....
(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. N/A

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO
(b) If so by whom or what? by the locked gate now in place
(c) Have you continued to use the way despite hindrances or obstructions *YES/NO
.....
(d) How did you do this? (ie diversion) by climbing the gate
(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO
If YES, please give dates. N/A
(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO
If YES, please give dates. N/A

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO
If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO
If YES (i) What was your employment? Contractor (Agricultural)
(ii) Between what years were you employed?.... From 1967 To 1984
If you were employed by the owner/tenant
(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO
(ii) If so, what were your instructions? N/A

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
 If so, what was their relationship to you? *Father*

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
 (b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
 (c) If YES to (a) or (b), please give details including dates.

..... *N/A*
 *N/A*

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO

(b) If YES, please state:

(i) Who told you? *N/A*
 (ii) When were you told? *N/A*
 (iii) What were you told? *N/A*

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO

(b) If YES please state what the notices said *N/A*

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO

(c) If YES to (a) or (b) please state what the notices said

..... *Bridleway sign at Clifton Lane and of*
 *Bridleway 33, and bridleway gates at A & B.*

Please show their approximate position on the attached plan.

19. (a) Have you ever been given permission to use the way? ~~YES~~/NO
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? ~~YES~~/NO
- (c) If YES, who gave you permission? *N/A*
- (d) When were you given permission? *N/A*
- (e) For what purpose were you given permission to use the way? *N/A*

-
20. (a) Have you seen other people using the way? ~~YES~~/NO
- (b) How were they using the way (ie foot, horse)? *on Foot, on Horseback & on Tractor*
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? *accompanied on Horseback and on Tractor, alone on foot*
- (d) If they were not accompanying you, were these people known to you?
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) *sometimes daily, some weekly, some monthly, some seasonally*
- (f) How many other people, approximately, did you see on these occasions? *on Horseback 25-30, on Foot and Tractor groups from 2-12*
- (g) Please give any further details of other people's use of the way which you feel may be important

-
21. Have you ever been charged a monetary sum for using the path? ~~YES~~/NO
If so, by whom?

22. (a) Do you have any documentary evidence about the way? *YES/NO

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

Estate Maps

(c) Would you be willing to make the original document available if necessary?

but not to release them from my care *YES/NO

23. (a) Do you consider the route to be historical?

*YES/NO

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

Bridleway

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) If Yes please give details of this evidence or documents.....

Estate Maps

24. Do you know who owns the land?

*YES/NO

If YES please can you provide names and contact details.....

Mr Bostock, Home Farm, Clifton Campville

25. Do you know of any previous landowners?

*YES/NO.

If YES please can you provide names and contact details.....

The Vivian Trust

Address not known

26. Are you prepared to be interviewed?

*YES/NO

If No please state reasons.....

.....
If YES would you be prepared to be interviewed over the phone?

*YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

*YES/~~NO~~

If No please state reasons.....
.....

28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: RR. Keedham Date: 10th October 2013.

Person taking this statement (if applicable).....



CLIFTON CAMPVILLE CP

LONG 1 38' W

425000m

310000m

39'

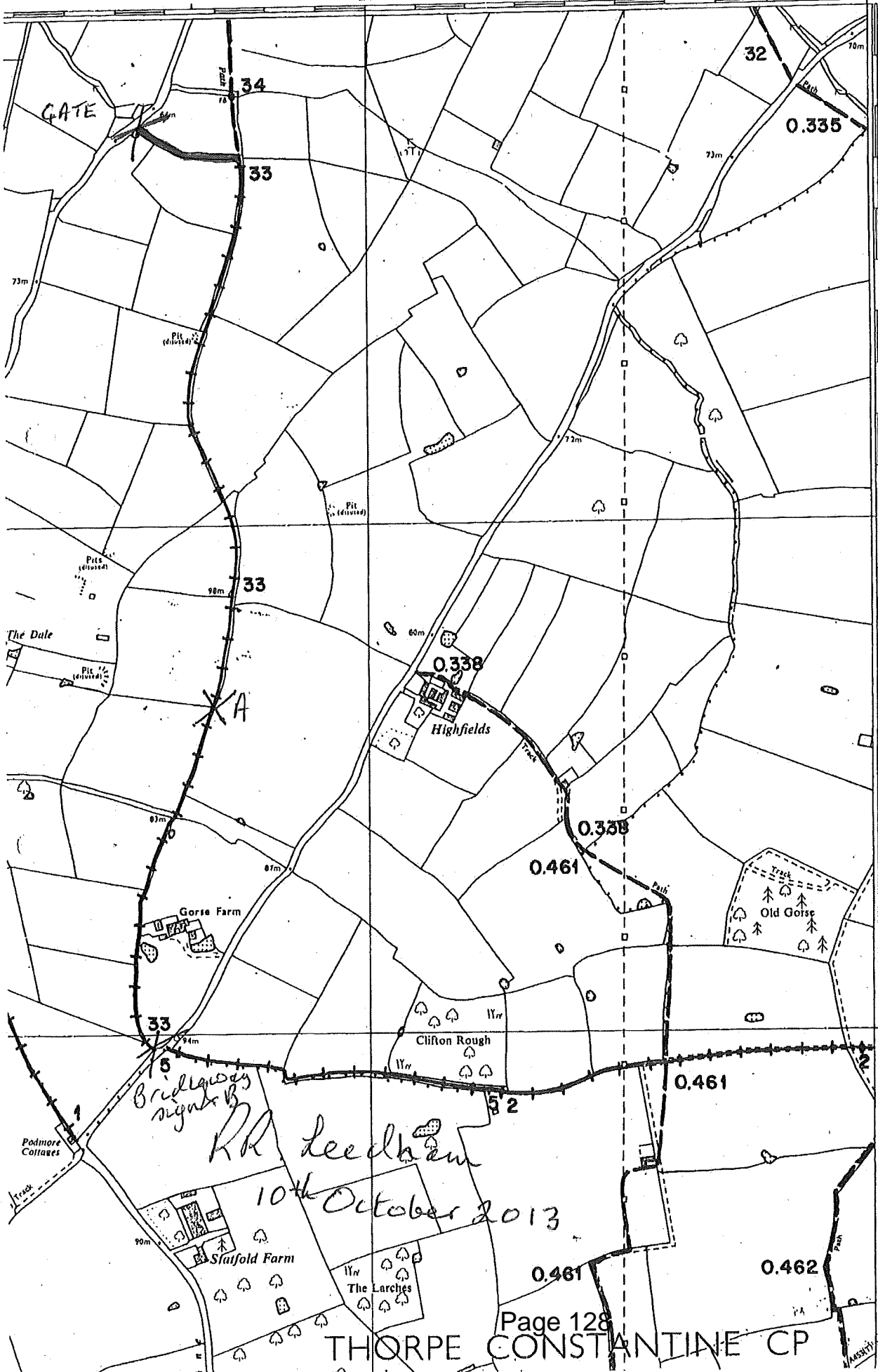
24

LAT 52 41'

09

08

40'



Bridgeway signs by
R.R. Leedham
10th October 2013

LJ618G

Staffordshire
County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (~~Mr/Mrs/Miss/Ms~~) **BARBARA WRIGHT**

(Block Capitals please)

Address **COBSTON LODGE FARM WOLVERHAMPTON**

(Block Capitals please)

Telephone No. **01455 220318** Post Code **LE10 3HX**

Date of Birth **26/9/45** Occupation **FARMERS WIFE**

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)
From

To

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way?

*YES/NO

(b) During which years have you used the way?

From 1954 To 1965

(c) Does the way have a popular name? Pessel Lane

(d) Did you only use part of the way?

*YES/NO

(e) Where were you going from/to? Dale Farm BACK TO DALE FARM

(f) For what purpose? (eg work, pleasure) WORK + PLEASURE

(g) How many times a year? (eg daily, weekly, seasonal) WEEKLY

(h) By what means? (eg on foot, horseback, motor vehicle etc) FOOT + HORSE

(i) Is, or was, the way a short cut for you? No

(j) If so why?

(k) Do you still use the way? No

(l) If not why not? MOVED TO HINCKLEY

(n) How many years have you known of the existence of the way? 68 YEARS

2. When using the path where did you live? DALE FARM

If at different places please provide details and years.

3. (a) How wide is the way? 15 *Feet/Metres-

(b) Is it the same width throughout its length? *YES/NO

If NO please state width From.....To..... *Feet/Metres wide

4. If you have ridden a horse on the way

(a) Where did you keep the horse? DALE FARM

(b) Where did you start and finish your ride? DALE ROUND TRIP

(c) Were you ever riding with a hunt when you used the way? NO. PONY CLUB

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way?

*YES/NO

(b) If YES, how often and what type of vehicle were they using? THE FARMERS TRACTORS - Impuls

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way?

*YES/NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

6. (a) Has the way always been on the same route?

*YES/NO

(b) If NO when was the way diverted?.....

(c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? YES

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? NO

7. (a) Have there, to your knowledge, ever been any stiles on the way?

*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way

*YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates.

(d) When were the gates or stiles erected or removed? ALWAYS BEEN A GATE THAT ANYBODY COULD OPEN

(d) If any gates on the way were ever locked please state, how often, and if known, by whom?

SINCE 2012 Permently

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *~~YES~~/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *~~YES~~/NO

(b) If so by whom or what?

(c) Have you continued to use the way despite hindrances or obstructions

*YES/NO

MOVED AWAY

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *~~YES~~/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *~~YES~~/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/~~NO~~

If YES (i) What was your employment? **FARM WORKER**

(ii) Between what years were you employed?....From **1960** To **1965**

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? **Its a right of way** *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
 If so, what was their relationship to you? **DAD**

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
 (b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
 (c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
 (b) If YES, please state:
 (i) Who told you?
 (ii) When were you told?
 (iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
 (b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
 (b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
 (c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

DONT need it
its
right of way

19. (a) Have you ever been given permission to use the way? (Whether or not you asked for it) *YES/NO
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
- (d) When were you given permission?
- (e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (ie foot, horse)? FOOT + HORSE
 + WORK FARMERS
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? YES PONY CLUB
- (d) If they were not accompanying you, were these people known to you? YES
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) Seasonal
- (f) How many other people, approximately, did you see on these occasions? 1 - 30
- (g) Please give any further details of other people's use of the way which you feel may be important ROB LEEDHAM

21. Have you ever been charged a monetary sum for using the path? *YES/NO
 If so, by whom?

22. (a) Do you have any documentary evidence about the way? *~~YES~~/NO

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*~~YES~~/NO

23. (a) Do you consider the route to be historical?

*YES/~~NO~~

(b) If Yes what type of route is pr was it? (eg bridleway, footpath etc)

BRIDLEWAY

.....

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/~~NO~~

(d) If Yes please give details of this evidence or documents.....

ESTATE SALE MAPS

.....
.....

24. Do you know who owns the land?

*YES/~~NO~~

If YES please can you provide names and contact details.....

No dont

KNOW THE DETAILS

.....
.....

25. Do you know of any previous landowners?

*YES/~~NO~~.

If YES please can you provide names and contact details.....

WAKEFIELD'S ESTATE

NAW VIVIAN TRUST

.....
.....

26. Are you prepared to be interviewed?

*YES/~~NO~~

If No please state reasons.....

.....
.....

.....
If **YES** would you be prepared to be interviewed over the phone?

*YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

*~~YES~~/NO

If **No** please state reasons.....
.....

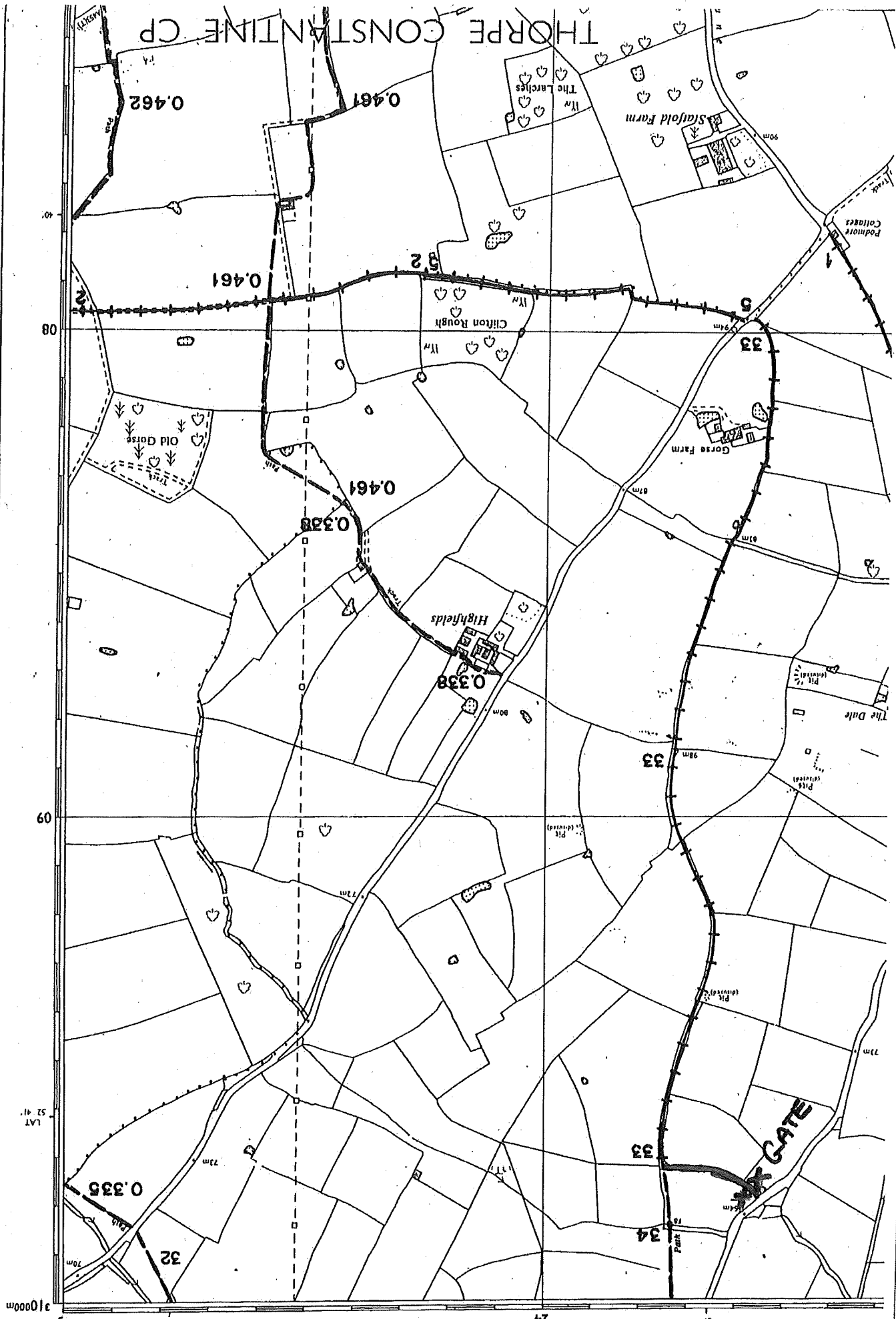
28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: B. W. W. W. Date: 11.10.13 20.....

Person taking this statement (if applicable).....



THORPE CONSTANTINE CP

CLIFTON CAMPVILLE CP 24 30' 39' 1000m

SHEET SK 20 NW

Page 138

B.W.G.

11.10.13

LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms)..... JOHN BAINBRIDGE

(Block Capitals please)

Address [REDACTED] COTTAGE, [REDACTED] LANE, [REDACTED] TAMWORTH

(Block Capitals please)

Telephone No. [REDACTED] Post Code [REDACTED]

Date of Birth [REDACTED] Occupation (RETIRED) SENIOR IT CONSULTANT
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From SYERSCOTE LANE

To PUBLIC BRIDLEWAY NO. 33

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

- 1. (a) Have you personally used the above way? *YES/~~NO~~
- (b) During which years have you used the way?
From 1976 To 2011
- (c) Does the way have a popular name? PESSALL LANE
- (d) Did you only use part of the way? *YES/~~NO~~
- (e) Where were you going from/to? CLIFTON LANE TO SYERSCOTE LANE
- (f) For what purpose? (eg work, pleasure) PLEASURE
- (g) How many times a year? (eg daily, weekly, seasonal) SEASONAL
- (h) By what means? (eg on foot, horseback, motor vehicle etc) ON FOOT
- (i) Is, or was, the way a short cut for you? YES
- (j) If so why? PROVIDED ACCESS TO SYERSCOTE LANE FROM BRIDLEWAY NO. 33
- (k) Do you still use the way? NO
- (l) If not why not? LOCKED GATE WHERE PESSALL LANE MEETS SYERSCOTE LANE
- (n) How many years have you known of the existence of the way? 37

2. When using the path where did you live? ROSE COTTAGE, CLIFTON LANE, NR. CLIFTON CAMPVILLE - ABOUT 1 MILE AWAY

If at different places please provide details and years.

3. (a) How wide is the way? 3 approx *Feet/Metres

(b) Is it the same width throughout its length? *YES/~~NO~~

If NO please state width From To *Feet/Metres wide

4. If you have ridden a horse on the way
- (a) Where did you keep the horse?
 -
 - (b) Where did you start and finish your ride?
 -
 - (c) Were you ever riding with a hunt when you used the way?

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *~~YES~~/NO
- (b) If YES, how often and what type of vehicle were they using?
-
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *~~YES~~?NO
- (d) If YES to (c),
- (i) How often was this?
 - (ii) What type of vehicle were you in?
 - (iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/~~NO~~
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?.....
-

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?
-

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *~~YES~~/NO
- (b) Have there, to your knowledge, ever been any gates on the way *~~YES~~/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed?.....
-
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?
-

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? ~~YES~~/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/~~NO~~

(b) If so by whom or what? ... LOCKED GATE BY MR S BOSTOCK, HOME FARM, CLIFTON CAMPVILLE

(c) Have you continued to use the way despite hindrances or obstructions *YES/~~NO~~

(d) How did you do this? (ie diversion) ... CLIMBED THE GATE

(e) Is the hindrance or obstruction still in existence *YES/~~NO~~

10. (a) Were you ever an owner or tenant of the land crossed by the way? *~~YES~~/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *~~YES~~/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *~~YES~~/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.
..... SUSIE INGE - INNES LILLINGSTON TURNED BACK IN 2013

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said
..... "BRIDGEWAY"

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? ~~*YES~~/NO
(Whether or not you asked for it)

(b) Have you ever asked permission to use the way? *YES/~~NO~~

(c) If YES, who gave you permission? MY WIFE ASKED FOR PERMISSION
BUT IT WAS REFUSED (BECAUSE GATE WAS LOCKED)

(d) When were you given permission? NOT GIVEN

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way? *YES/~~NO~~

(b) How were they using the way (ie foot, horse)? ON FOOT

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)?

(d) If they were not accompanying you, were these people known to you? NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) SEASONAL

(f) How many other people, approximately, did you see on these occasions? A FEW PEOPLE

(g) Please give any further details of other people's use of the way which you feel may be important

21. Have you ever been charged a monetary sum for using the path? *YES/NO
If so, by whom?

PTO

22. (a) Do you have any documentary evidence about the way? *YES/~~NO~~

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

MAPS - SEE ATTACHED

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? *YES/~~NO~~

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

BRIDLEWAY + FOOTPATH

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/~~NO~~

(d) If Yes please give details of this evidence or documents

TITHE MAP OF CLIFTON CAMPVILLE

1910 FINANCE ACT DOCUMENTS

24. Do you know who owns the land? *YES/~~NO~~

If YES please can you provide names and contact details

MR S BOSTOCK, HONE FARM, CLIFTON CAMPVILLE

25. Do you know of any previous landowners? *~~YES~~/NO.

If YES please can you provide names and contact details

26. Are you prepared to be interviewed? *YES/~~NO~~

If No please state reasons

If YES would you be prepared to be interviewed over the phone? *YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

*YES/NO

If No please state reasons.....
.....

28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

* PESSLE LANE IS THE ONLY ACCESS FROM THE BRIDLEWAY TO SYERSCOTE LANE. SO, BECAUSE OF THE LOCKED GATE, THE BRIDLEWAY ENDS IN THE MIDDLE OF A FIELD.

* PESSLE LANE HAS BEEN A PUBLIC RIGHT OF WAY FOR GENERATIONS UNTIL ABOUT 2 YEARS AGO WHEN THE LOCKED GATE WAS INSTALLED

* THE BRIDLEWAY, NO. 33 FORMS PART OF A NETWORK OF BRIDLEWAYS

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

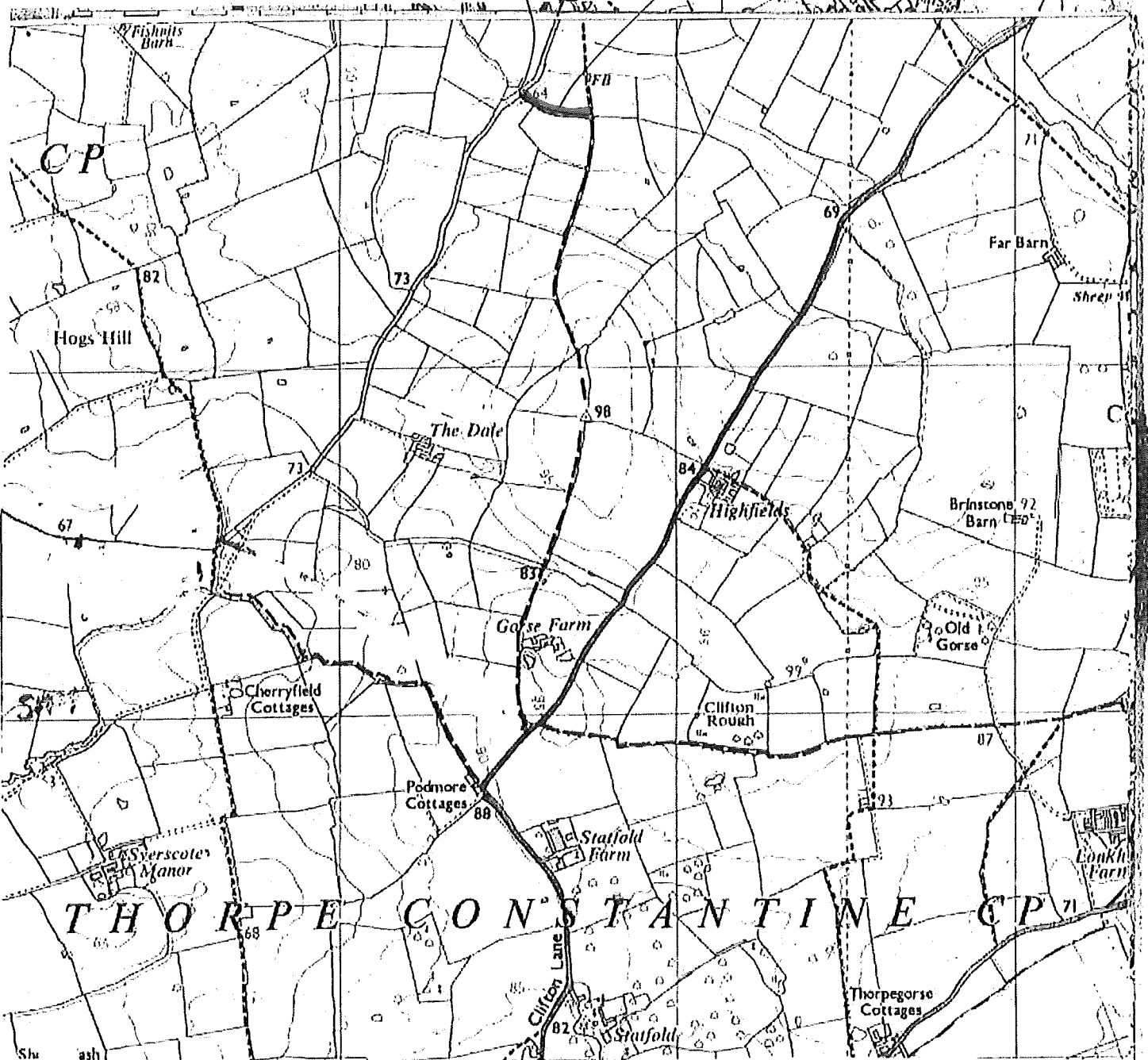
Signed: J.R. Lambert Date: 28th October 20.13

Person taking this statement (if applicable).....

LOCKED GATE

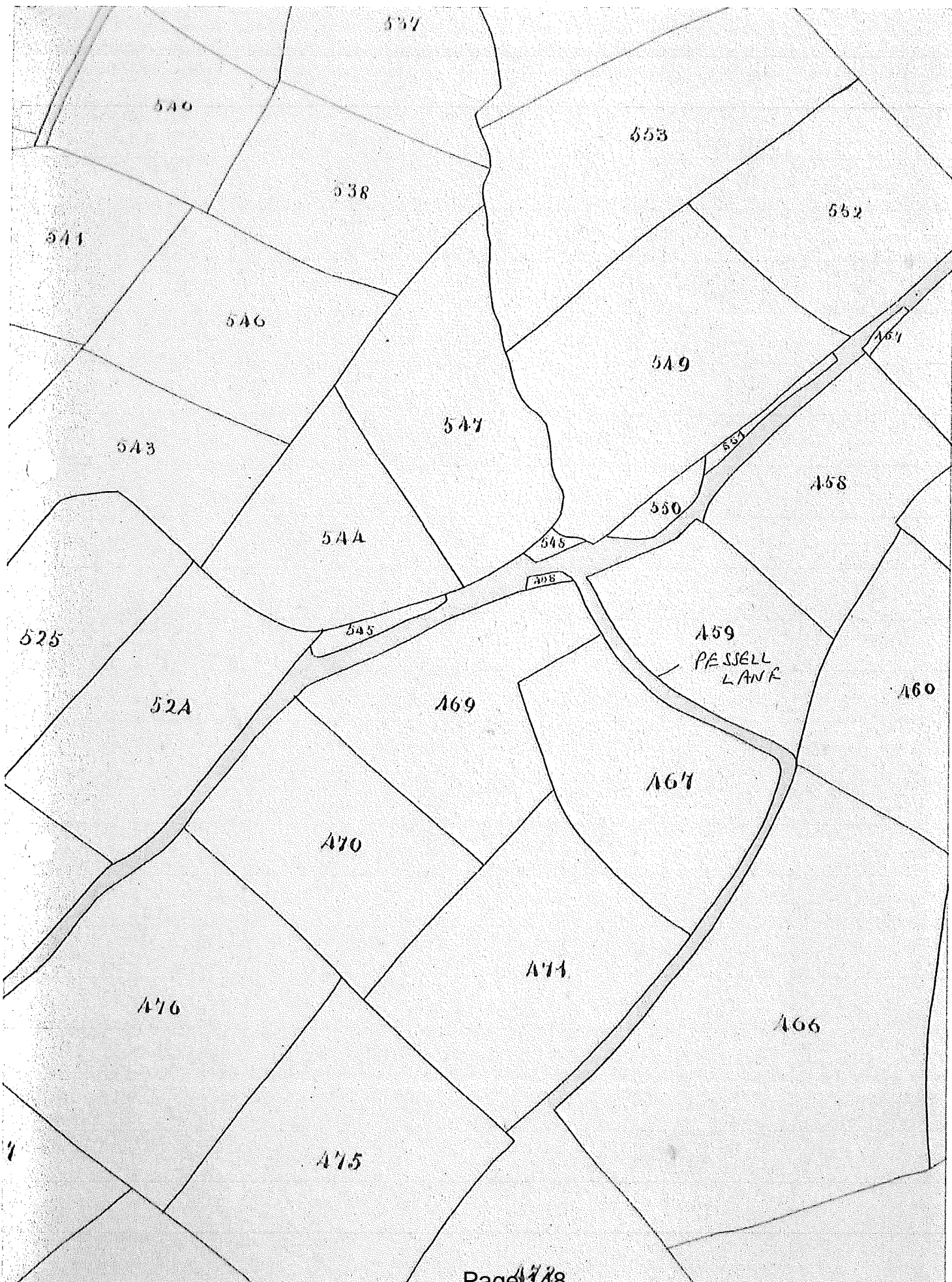
PESSELL LANE

HAUNTON



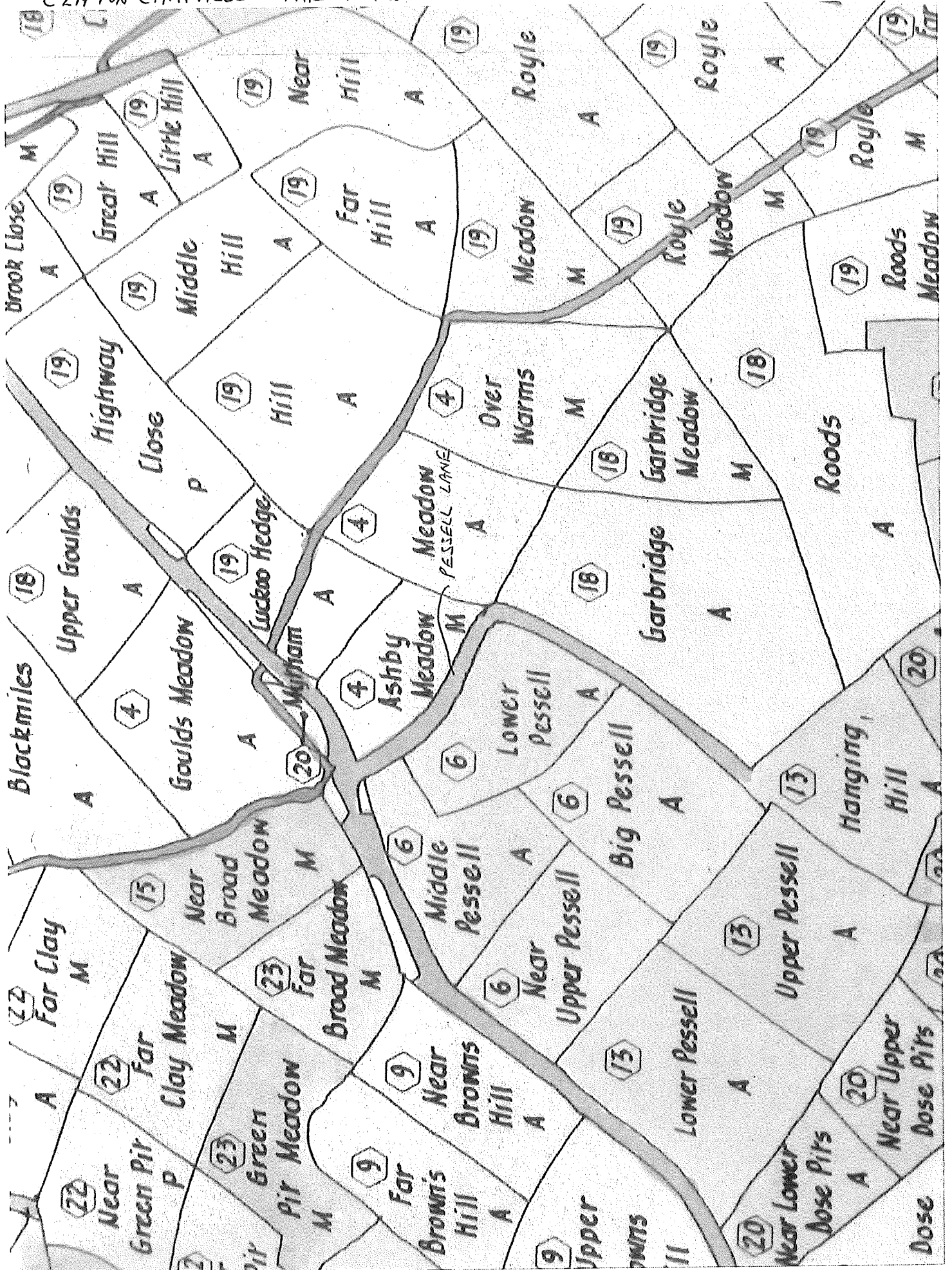
John R. Lambie
 28.10.13

CLIFTON & HAUNTON TITHE MAP 1810



J. E. Sandby 26.11.13

PLAN of THE TOWNSHIPS of CLIFTON AND HAUNTON IN THE PARISH of CLIFTON CANVILLE TITHE AWARD 1838



LJ618G

REFERENCE
LJ618E

Staffordshire
County Council

APPENDIX F

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) ... DAVID A. LODGE

(Block Capitals please)

Address [REDACTED]

(Block Capitals please)

Telephone No. [REDACTED] Post Code [REDACTED]

Date of Birth [REDACTED] Occupation RETIRED ENGINEER

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From SYENSCOTE LANE
To PUBLIC BRIDLEWAY N°33

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? YES NO
- (b) During which years have you used the way?
From 1991 To 2011
- (c) Does the way have a popular name? PESSLE WAY
- (d) Did you only use part of the way? YES NO
- (e) Where were you going from/to? SYENSCOTE LANE AND GREAT HILL FARM
- (f) For what purpose? (eg work, pleasure) PLEASURE
- (g) How many times a year? (eg daily, weekly, seasonal) SEASONAL
- (h) By what means? (eg on foot, horseback, motor vehicle etc) ON FOOT
- (i) Is, or was, the way a short cut for you? NO
- (j) If so why?
- (k) Do you still use the way? WOULD DO IF NOT LOCKED GATE
- (l) If not why not? ON SYENSCOTE LANE END
- (n) How many years have you known of the existence of the way? 22 YEARS

2. When using the path where did you live? 89, MAIN STREET
GILFORD CAMPVILLE, FARMWORTH, STRIFFS B290AX
If at different places please provide details and years.

3. (a) How wide is the way? 3 METRES TO 5 METRES *Feet/Metres

(b) Is it the same width throughout its length? YES NO
If NO please state width From 3 To 5 /Metres wide

PTO

4. If you have ridden a horse on the way
(a) Where did you keep the horse?
.....
(b) Where did you start and finish your ride?
.....
(c) Were you ever riding with a hunt when you used the way?

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
(b) If YES, how often and what type of vehicle were they using?
.....
(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES/NO
(d) If YES to (c),
(i) How often was this?
(ii) What type of vehicle were you in?
(iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/NO
(b) If NO when was the way diverted?
(c) Why was the way diverted?.....
.....

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?
.....

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
(b) Have there, to your knowledge, ever been any gates on the way? *YES/NO
(c) If YES, please mark on the attached plan the location of the stiles or gates.
(d) When were the gates or stiles erected or removed?.....
.....
(d) If any gates on the way were ever locked please state, how often, and if known, by whom?
.....

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? *IT IS NOW SINCE LOCKED GATE ONE TAKEN APPROX 2 YEARS AGO*

(c) Have you continued to use the way despite hindrances or obstructions *YES/NO

(d) How did you do this? (ie diversion) *NO OPTION BUT TO CLIMB OVER THE GATE*

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? YES NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? YES NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? YES NO
(c) If YES to (a) or (b), please give details including dates.

..... MISS S. KILGINGTON..... THIS YEAR 2013.....

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? YES NO
(b) If YES, please state:

- (i) Who told you?
- (ii) When were you told?
- (iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? YES NO

(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? YES NO

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? YES NO

(c) If YES to (a) or (b) please state what the notices said

..... BRIDGEWAY..... (BRIDGEWAY RATE POSTS IN PLACE BUT RATES APPARENTLY STOLEN.).....

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? *YES/NO
(Whether or not you asked for it)

(b) Have you ever asked permission to use the way? *YES/NO

(c) If YES, who gave you permission? (ARRIVAL TO BE OPEN PUBLIC ACCESS)

(d) When were you given permission?

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way? YES/NO

(b) How were they using the way (ie foot, horse)? FOOT AND EXERCISING ON HORSE BACK

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? NO

(d) If they were not accompanying you, were these people known to you? NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) SEVERAL

(f) How many other people, approximately, did you see on these occasions? SEVERAL

(g) Please give any further details of other people's use of the way which you feel may be important

21. Have you ever been charged a monetary sum for using the path? *YES/NO

If so, by whom?

22. (a) Do you have any documentary evidence about the way? YES NO
 (b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)
 MAPS

 (c) Would you be willing to make the original document available if necessary?
 *YES/NO

23. (a) Do you consider the route to be historical? YES NO
 (b) If Yes what type of route is or was it? (eg bridleway, footpath etc)
 BRIDLEWAY AND FOOTPATH

 (c) Are you aware of any evidence/documents to support this? (excluding OS Maps)
 YES NO
 (d) If Yes please give details of this evidence or documents
 MAPS INCLUDING TITHE MAPS, 1810, ACQUISITION
 CAMPVILLE

24. Do you know who owns the land? YES NO
 If YES please can you provide names and contact details
 MR S. BUSTOCK, HOME LEAN
 CROFTON CAMPVILLE

25. Do you know of any previous landowners? YES NO
 If YES please can you provide names and contact details

26. Are you prepared to be interviewed? YES NO
 If No please state reasons

 If YES would you be prepared to be interviewed over the phone? YES NO

PTO

27. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

YES/NO

If No please state reasons.....
.....

28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

SINCE 1991 I HAVE OBSERVED THE OPEN ACCESS TO PRESSL LANE FROM SYBASCOTE LANE AND THEN BEGAN OCCASIONAL USAGE.

IT IS ONLY VERY RECENTLY THAT EFFORTS HAVE BEEN MADE TO STOP THIS ACCESS WHICH I BELIEVE IS DETRIMENTAL TO THE PUBLIC ROAD.

I HAVE ALWAYS UNDERSTOOD THAT THIS DRIVEWAY IS PART OF AN EXTENDED AREA NETWORK

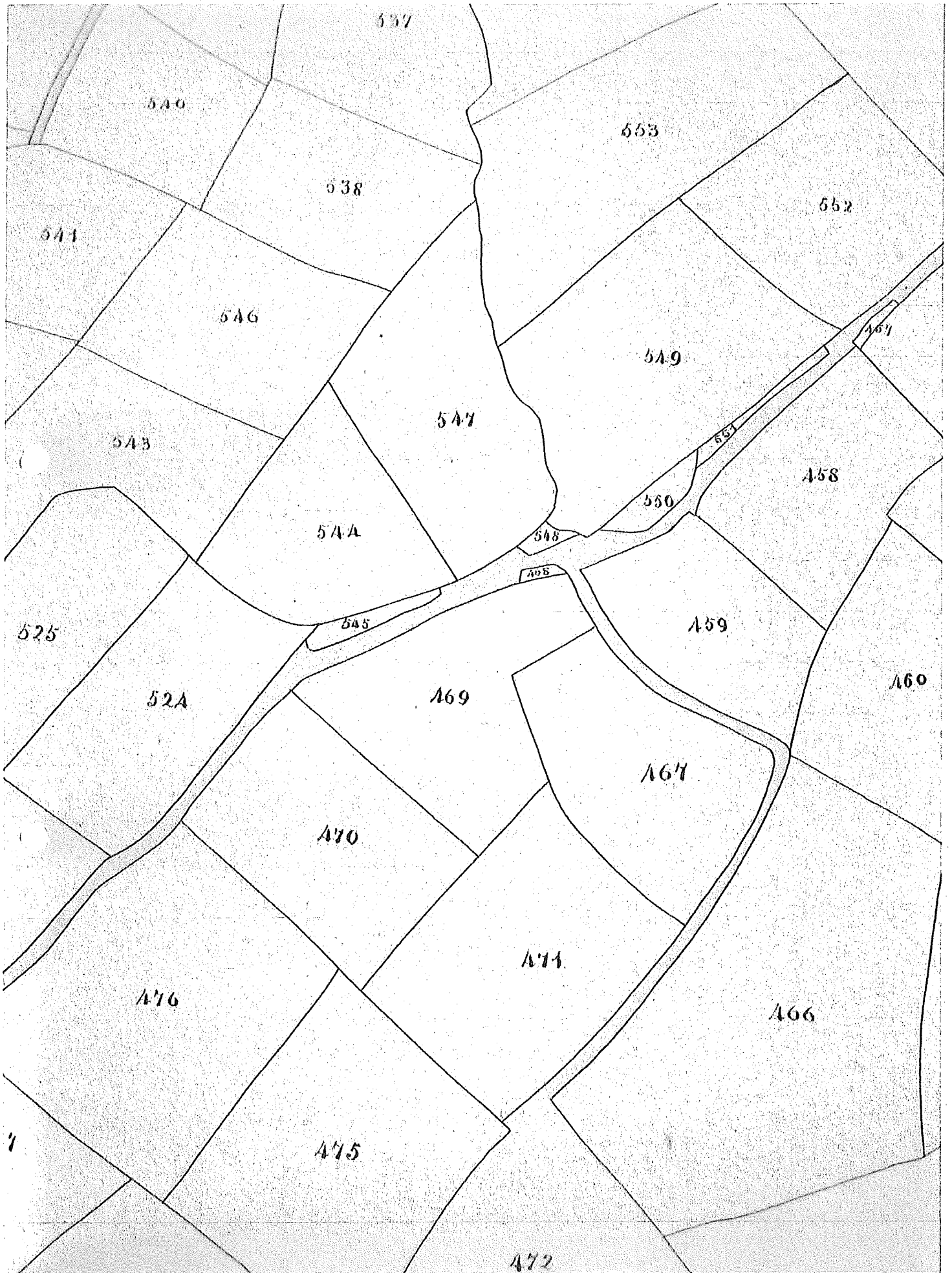
Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

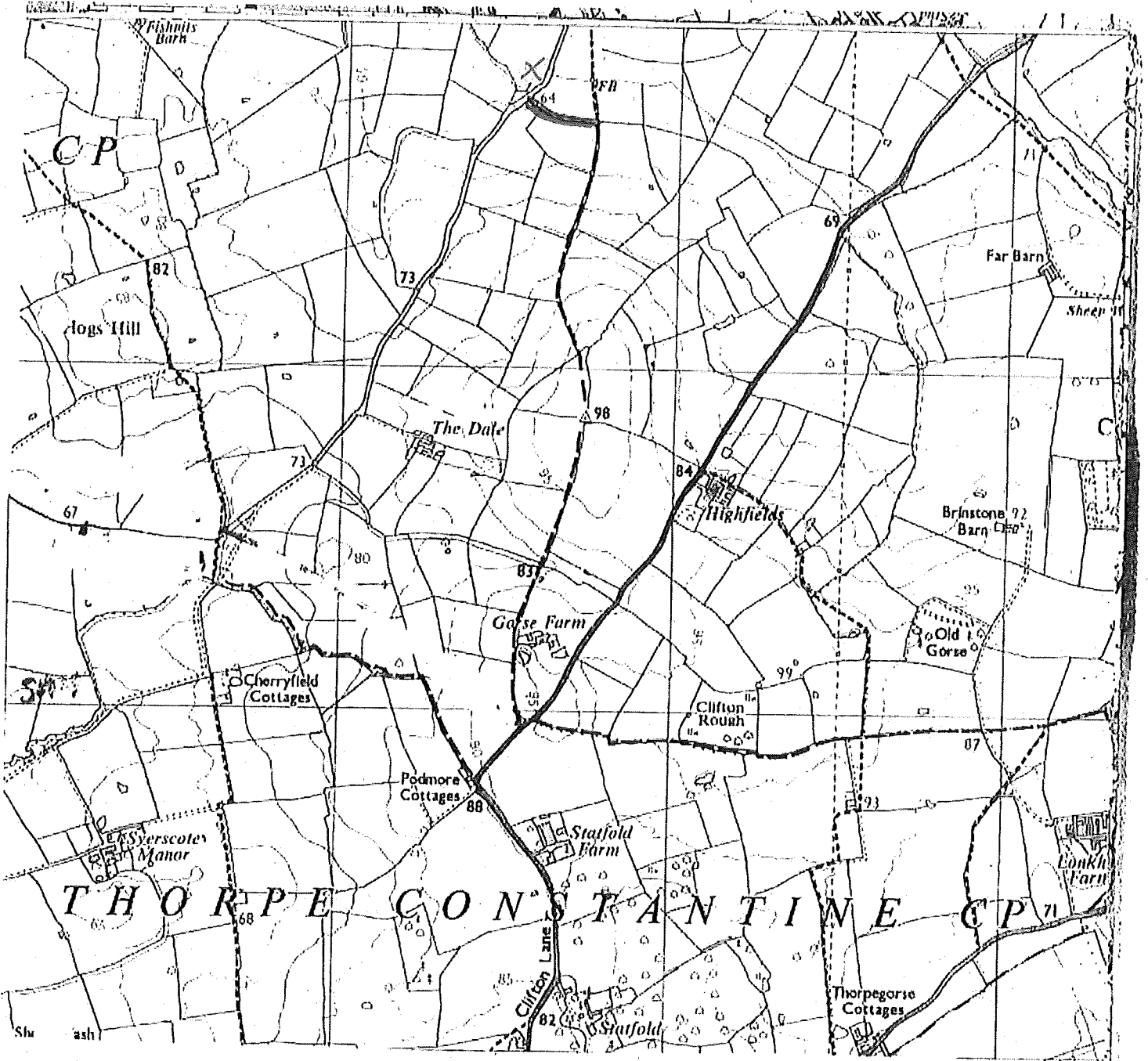
Signed: P. A. Lodge Date: 14TH NOVEMBER 2013

Person taking this statement (if applicable)..... NONE.....

CLIFTON & HAUNTON TITHE MAP 1810



X LOCKED GATE



D. A. Ladlog 14/11/2013.

LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) MARY HOLLAND

(Block Capitals please)

Address [REDACTED]

(Block Capitals please)

Telephone No. [REDACTED] Post Code [REDACTED]

Date of Birth [REDACTED] Occupation HOUSEWIFE

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From SYERSCOTE LANE TO BRIDLEWAY NO 33

To LJ6189

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way?

*YES/NO

(b) During which years have you used the way?

From 2007 To UNTIL CLOSED

(c) Does the way have a popular name? DON'T KNOW ONLY KNOWN AS

(d) Did you only use part of the way?

PESSAL LANE

*YES/NO

(e) Where were you going from/to? OVERSOAL AS PART OF PICKNICK

RIDE VIA NETHERSAL (CLIFTON CAMPVILLE & THORPE CONSTANTINE)

(f) For what purpose? (eg work, pleasure)

CHILDREN

PLEASURE ALL DAY RIDES

(g) How many times a year? (eg daily, weekly, seasonal) TWICE A YEAR

(h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK

(i) Is, or was, the way a short cut for you? NO YES TO CUT OUT LONG ROAD SECTIONS

(j) If so why? PROVIDES ACCESS TO BRIDLEWAY

NO 33

(k) Do you still use the way? NO

(l) If not why not? LOCKED GATE

(n) How many years have you known of the existence of the way? SINCE 2007

2. When using the path where did you live? OVERSOAL

If at different places please provide details and years.

3. (a) How wide is the way? 3 *Feet/Metres

(b) Is it the same width throughout its length?

*YES/NO

If NO please state width From.....To..... *Feet/Metres wide

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? AT HOME
 - (b) Where did you start and finish your ride? OVERSEA
 - (c) Were you ever riding with a hunt when you used the way? NO

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
- (b) If YES, how often and what type of vehicle were they using?
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES/NO
- (d) If YES to (c),
- (i) How often was this?
 - (ii) What type of vehicle were you in?
 - (iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/NO
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way *YES/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed?

- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? LOCKED GATES

(c) Have you continued to use the way despite hindrances or obstructions? *YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?...From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? *YES/NO
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
- (d) When were you given permission?
- (e) For what purpose were you given permission to use the way?

-
20. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (ie foot, horse)? HORSES
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? YES COMPANION
- (d) If they were not accompanying you, were these people known to you?
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) NONE SEEN OTHER THAN CAMPAIGN
- (f) How many other people, approximately, did you see on these occasions? NONE
- (g) Please give any further details of other people's use of the way which you feel may be important

-
21. Have you ever been charged a monetary sum for using the path? *YES/NO
If so, by whom?

22. (a) Do you have any documentary evidence about the way? *YES/NO
(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?
*YES/NO

23. (a) Do you consider the route to be historical? *YES/NO
(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

.....
.....

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)
*YES/NO

(d) If Yes please give details of this evidence or documents.....

.....
.....

24. Do you know who owns the land? *YES/NO
If YES please can you provide names and contact details.....

.....
.....

25. Do you know of any previous landowners? *YES/NO
If YES please can you provide names and contact details.....

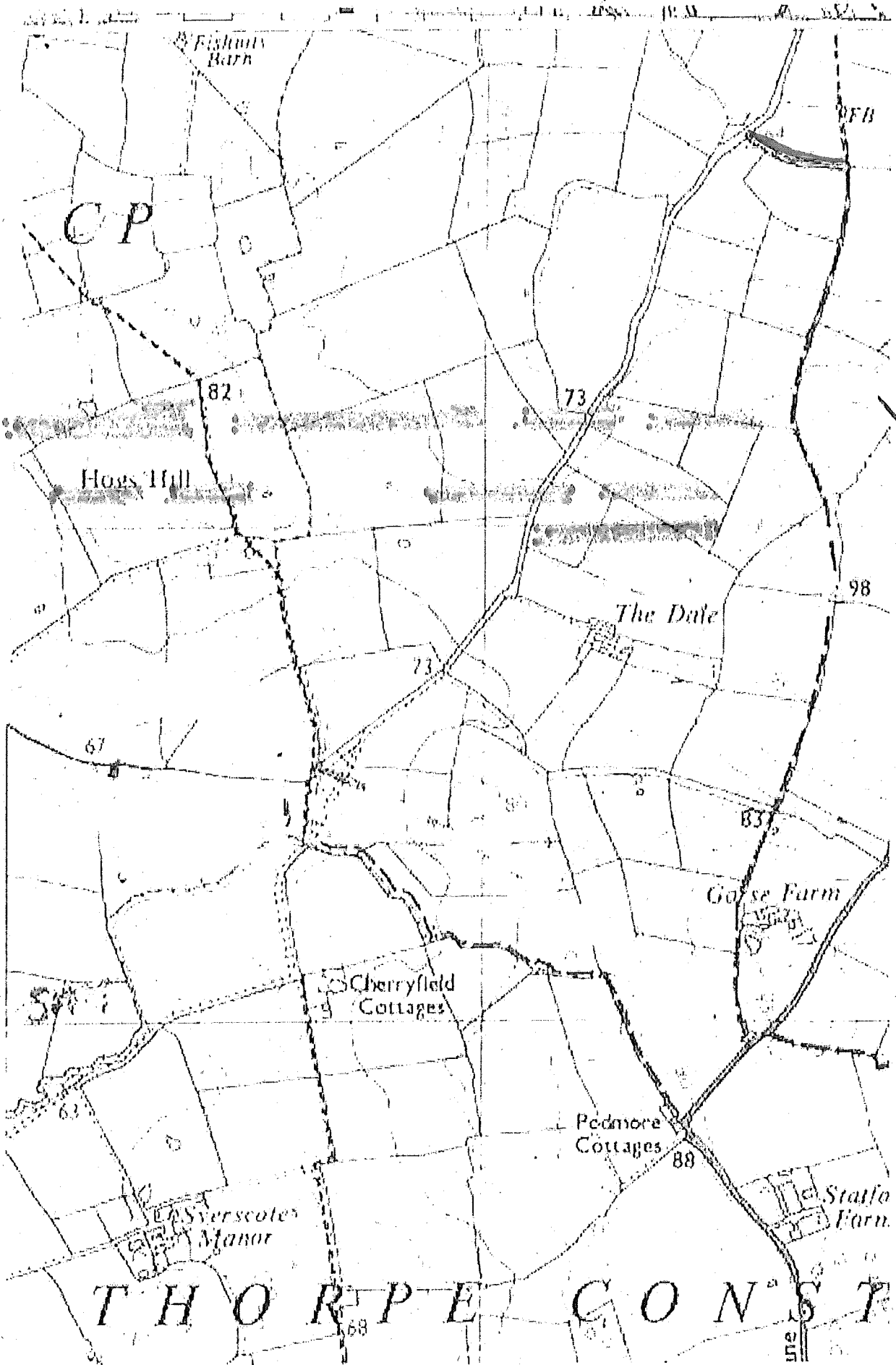
.....
.....

26. Are you prepared to be interviewed? *YES/NO
If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone? *YES/NO

PTO



LJ6189

Staffordshire
County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) SUSIE INGE INNES LILLINGSTON

(Block Capitals please)

Address GORSB FIELDS CUSTON LANE TAMWORTH

(Block Capitals please)

Telephone No. 01827 830309 Post Code B79 0AG

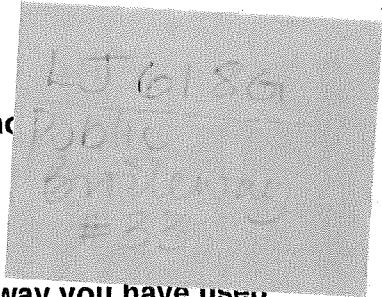
Date of Birth 16/11/1962 Occupation TEACHER (RETIRED)

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request



Description of claimed way:- (include grid references if known)

From BRIDLEWAY # 33

To SYERSCOTE LANE

Please mark clearly on the attached plan the route of the way you have used.

If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way?

*YES/NO

(b) During which years have you used the way?

From FEB 1996 To OCT 2011

(c) Does the way have a popular name? PESSAL'S LANE

(d) Did you only use part of the way?

*YES/NO

(e) Where were you going from/to? FROM BRIDLEWAY #33

TO SYERSCOTE LANE

(f) For what purpose? (eg work, pleasure) PLEASURE

(g) How many times a year? (eg daily, weekly, seasonal) WEEKLY

(h) By what means? (eg on foot, horseback, motor vehicle etc) ON FOOT

(i) Is, or was, the way a short cut for you? YES

(j) If so why? PROVIDED ACCESS TO SYERSCOTE LANE

FROM BRIDLEWAY # 33

(k) Do you still use the way? NO

(l) If not why not? PADLOCKED GATE

(n) How many years have you known of the existence of the way? 17 1/2 YEARS

2. When using the path where did you live? GORSE FIELDS

CUFTON LANE, TAMWORTH B79 0AG

If at different places please provide details and years.

3. (a) How wide is the way? 3.5m approx *Feet/Metres

(b) Is it the same width throughout its length?

*YES/NO

If NO please state width From.....To.....*Feet/Metres wide

PTO

4. If you have ridden a horse on the way
 (a) Where did you keep the horse?

 (b) Where did you start and finish your ride?

 (c) Were you ever riding with a hunt when you used the way?

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/~~NO~~

(b) If YES, how often and what type of vehicle were they using?
 FARM VEHICLES DURING AGRICULTURAL YEAR

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? ~~YES~~? NO

- (d) If YES to (c),
 (i) How often was this?
 (ii) What type of vehicle were you in?
 (iii) For what purpose was it being used?

6. (a) Has the way always been on the same route? *YES/~~NO~~

- (b) If NO when was the way diverted?
 (c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? YES.....

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? ALWAYS KEPT TO THE ROUTE.....

7. (a) Have there, to your knowledge, ever been any stiles on the way? ~~YES~~/NO

(b) Have there, to your knowledge, ever been any gates on the way *YES/~~NO~~

(c) If YES, please mark on the attached plan the location of the stiles or gates.

(d) When were the gates or stiles erected or removed? GATES.....
ERECTED IN 2011.....

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? GATE LOCKED ALL THE TIME.....
BY MR S BOSTOCK SINCE 2011.....

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way?

~~YES~~/NO

*Please delete as appropriate

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? BY LOCKED GATE

MR S BOSTOCK

(c) Have you continued to use the way despite hindrances or obstructions

*YES/NO

(d) How did you do this? (ie diversion) CLIMBED OVER

GATE

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?...From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14. Did any relatives of yours ever work for an owner or tenant

PTO

of land adjoining or crossed by the way?

~~YES~~/NO

If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way?

*YES~~NO~~

(b) Do you know, or have you heard of, anyone else having been prevented from using the way?

*YES~~NO~~

(c) If YES to (a) or (b), please give details including dates.

a) SPRING 2011 STOPPED BY FARM WORKER
b) RIDERS & WALKERS SINCE 2011

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public?

*YES~~NO~~

(b) If YES, please state:

(i) Who told you? FARM WORKER

(ii) When were you told? SPRING 2011

(iii) What were you told? LAND WAS PRIVATE PROPERTY

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way?

*YES~~NO~~

(b) If YES please state what the notices said

NOTICE ATTACHED TO GATE "PRIVATE"

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way?

*YES~~NO~~

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way?

*YES~~NO~~

(c) If YES to (a) or (b) please state what the notices said

WOODEN BRIDLEWAY SIGN POST

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way?

~~YES~~/NO

(Whether or not you asked for it)

(b) Have you ever asked permission to use the way?

~~YES~~/NO

(c) If YES, who gave you permission?

(d) When were you given permission?

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way?

*YES/~~NO~~

(b) How were they using the way (ie foot, horse)? FOOT, HORSEBACK AND MOUNTAIN BIKERS

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? NO

(d) If they were not accompanying you, were these people known to you?

NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) SEASONAL

(f) How many other people, approximately, did you see on these occasions?

SINGLE PEOPLE TO SMALL GROUPS

(g) Please give any further details of other people's use of the way which you feel may be important

FOR HORSEBACK RIDERS IT CONNECTS THE BRIDLEPATH #33 TO SYERSCOTE LANE - WHICH OTHERWISE ENDS IN THE MIDDLE OF THE FIELD

21. Have you ever been charged a monetary sum for using the path?

~~YES~~/NO

If so, by whom?

PTO

22. (a) Do you have any documentary evidence about the way?

*YES/~~NO~~

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? _____

*YES/NO

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

..... BRIDLEWAY
..... PUBLIC RIGHT OF WAY

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) If Yes please give details of this evidence or documents.....

..... 1910 FINANCE ACT DOCUMENT
..... TITLE OF CLETON CAMPVILLE - UNTAXED WAY

24. Do you know who owns the land? _____

*YES/NO

If YES please can you provide names and contact details.....

..... MR S BOSTOCK
..... HOME FARM, CLETON CAMPVILLE, TAMWORTH

25. Do you know of any previous landowners? _____

~~YES~~/NO.

If YES please can you provide names and contact details.....

.....
.....
.....

26. Are you prepared to be interviewed? _____

*YES/NO

If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone? _____

*YES/NO

27. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary? *YES/NO

If No please state reasons.....

28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

⊗ IT IS PART OF A NETWORK OF BRIDLEWAYS

⊗ PROVIDES ACCES FROM THE BRIDLEWAY 33 TO SYERSCOTE LANE, WHICH WOULD OTHERWISE END IN THE MIDDLE OF A FIELD.

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

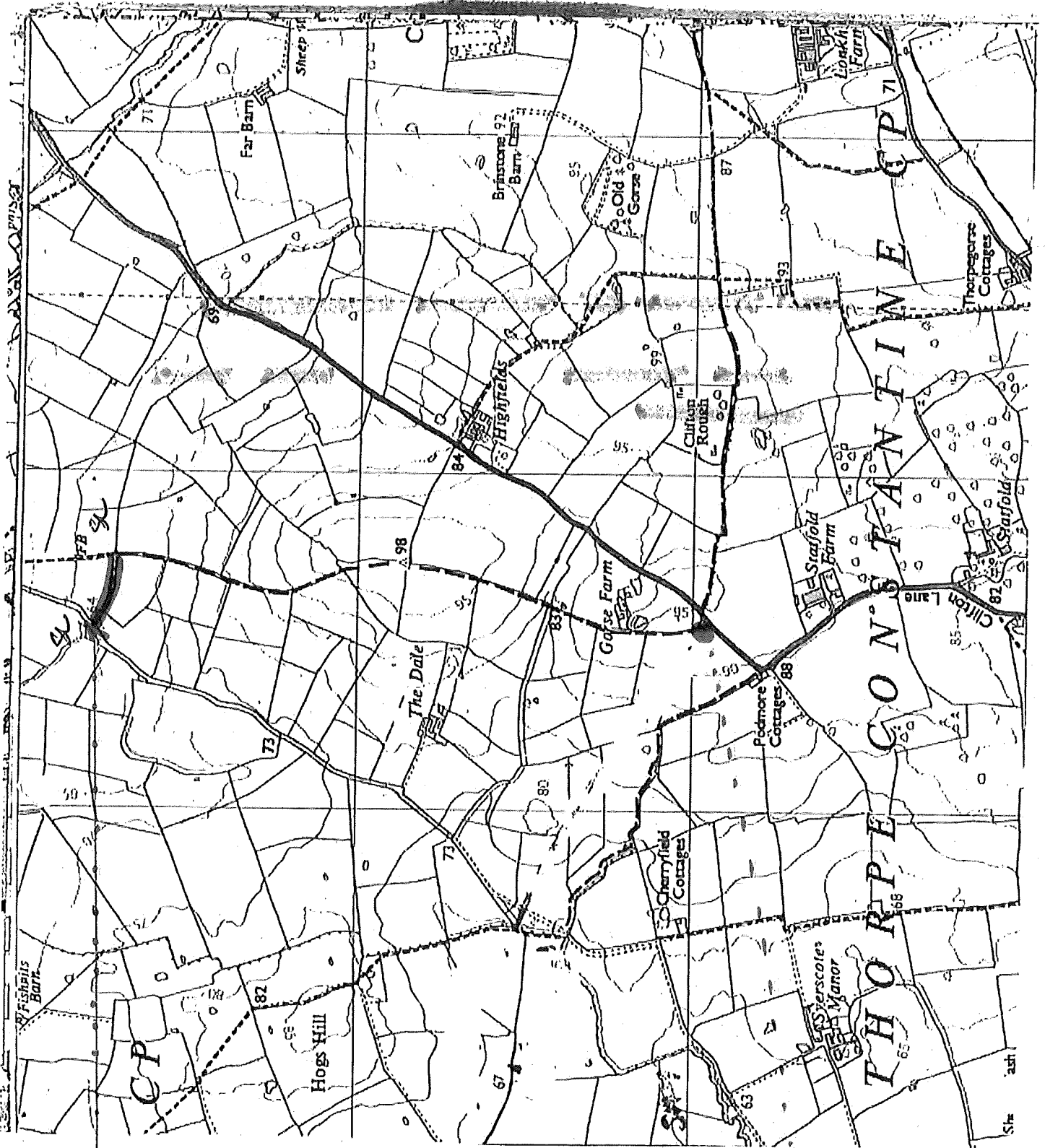
Signed: [Signature] Date: 28.1.13

*Please delete as appropriate

Person taking this statement (if applicable).....

Q7
LOCKED
GATE

Q18
BRIDLEWAY
SIGN



LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (~~Mr/Mrs/Miss/Ms~~) LYNNE PASS

(Block Capitals please)

Address 274 BURTON RD, OVERSEA, SWADLINCOTE

(Block Capitals please)

Telephone No. 0223 760553 Post Code DE12 6TN

Date of Birth 06/01/49 Occupation SPECIAL NEEDS TEACHER (RTD)
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From SCYERSCOTE LANE LJ618G

To PUBLIC BRIDLEWAY No. 33

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/~~NO~~
- (b) During which years have you used the way?
From.....2007.....To.....2009.....
- (c) Does the way have a popular name? ...UNSURE - PESSAL LANE?.....
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? ..OVERSEAL - NETHERSEAL - CLIFTON CAMPVILLE - THORPE CONSTANTINE - CHILCOTE - NETHERSEAL - OVERSEAL VIA BRIDLEWAYS.....
- (f) For what purpose? (eg work, pleasure)PICNIC RIDES.....
- (g) How many times a year? (eg daily, weekly, seasonal) SEASONAL - SPRING & SUMMER
- (h) By what means? (eg on foot, horseback, motor vehicle etc) ...HORSEBACK.....
- (i) Is, or was, the way a short cut for you?YES.....
- (j) If so why? ...PROVIDES ACCESS TO BRIDLEWAY No 33.....
- (k) Do you still use the way? ...NO.....
- (l) If not why not? ...GATE AT SCYERSCOTE LANE LOCKED.....
- (n) How many years have you known of the existence of the way? ...SINCE 2007.....

2. When using the path where did you live? ..OVERSEAL.....

If at different places please provide details and years.

3. (a) How wide is the way?.....3..... *Feet/Metres

(b) Is it the same width throughout its length? *YES/NO

If NO please state width From.....To.....*Feet/Metres wide

PTO

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? ... AT HOME, OVERSEAL
 - (b) Where did you start and finish your ride? ... OVERSEAL
 - (c) Were you ever riding with a hunt when you used the way? ... No

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *~~YES~~/NO
- (b) If YES, how often and what type of vehicle were they using?
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *~~YES~~?NO
- (d) If YES to (c),
- (i) How often was this?
 - (ii) What type of vehicle were you in?
 - (iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/~~NO~~
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *~~YES~~/NO
- (b) Have there, to your knowledge, ever been any gates on the way *~~YES~~/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed?.....
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? LOCKED GATE

(c) Have you continued to use the way despite hindrances or obstructions *YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO
If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?...From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *~~YES~~/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *~~YES~~/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/~~NO~~
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *~~YES~~/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *~~YES~~/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *~~YES~~/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *~~YES~~/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? *~~YES~~/NO
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
-
- (d) When were you given permission?
-
- (e) For what purpose were you given permission to use the way?
-

-
20. (a) Have you seen other people using the way? *YES/~~NO~~
- (b) How were they using the way (ie foot, horse)? ...HORSEBACK.....
-
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? ...YES, COMPANION ON PICNIC RIDE.....
-
- (d) If they were not accompanying you, were these people known to you?
-
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) ...ONLY SEEN COMPANION ON PICNIC RIDE.....
-
- (f) How many other people, approximately, did you see on these occasions? ...1.....
-
- (g) Please give any further details of other people's use of the way which you feel may be important
-
-
-
-
-
-

-
21. Have you ever been charged a monetary sum for using the path? *YES/NO
- If so, by whom?

22. (a) Do you have any documentary evidence about the way? *~~YES~~/NO

(b) **If so**, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? *YES/~~NO~~

(b) **If Yes** what type of route is or was it? (eg bridleway, footpath etc)

.....
.....

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*~~YES~~/NO

(d) **If Yes** please give details of this evidence or documents.....

.....
.....

24. Do you know who owns the land? *~~YES~~/NO

If YES please can you provide names and contact details.....

.....
.....

25. Do you know of any previous landowners? *~~YES~~/NO.

If YES please can you provide names and contact details.....

.....
.....

26. Are you prepared to be interviewed? *YES/~~NO~~

If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone? *YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

*YES/~~NO~~

If No please state reasons.....

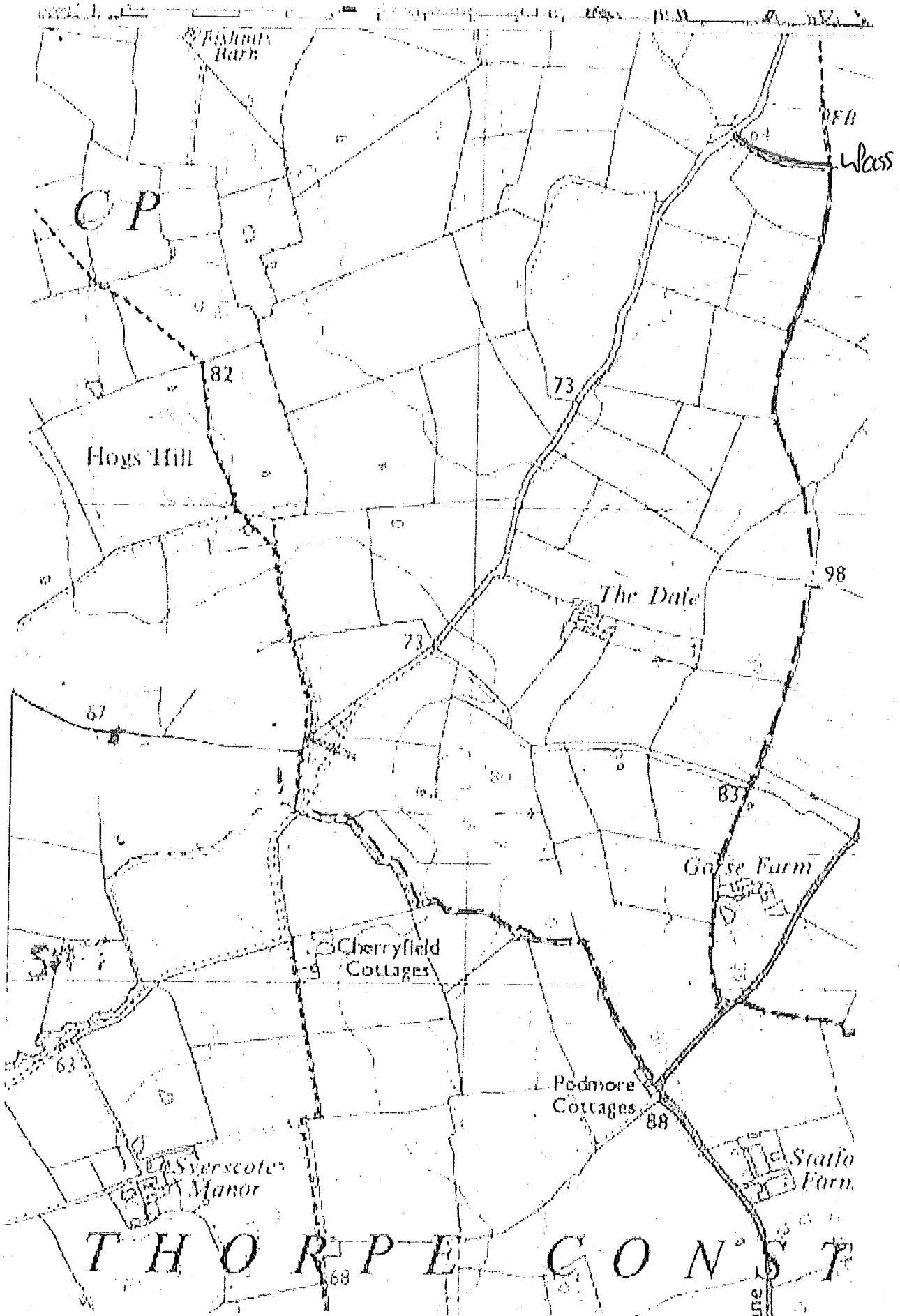
28. Can you give any further information about the way (continue on a separate sheet of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: *U. Pass* Date: *21.10* 20*13*..

Person taking this statement (if applicable).....



LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms)..... Taylor

(Block Capitals please)

Address [REDACTED] WATSON LANE MARASTON

(Block Capitals please)

Telephone No. [REDACTED] 383079 Post Code [REDACTED]

Date of Birth [REDACTED] 1962 Occupation MEDICAL RECEPTIONIST

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

*Please delete as appropriate

Description of claimed way:- (include grid references if known)

From

To

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

- 1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From 2001 To 2011
- (c) Does the way have a popular name? *YES/NO
- (d) Did you only use part of the way?
- (e) Where were you going from/to?
- (f) For what purpose? (eg work, pleasure) pleasure
- (g) How many times a year? (eg daily, weekly, seasonal) Seasonal
- (h) By what means? (eg on foot, horseback, motor vehicle etc) horseback
- (i) Is, or was, the way a short cut for you? yes
- (j) If so why? as I live in harlaston it was ideal for off road hacking
- (k) Do you still use the way? no
- (l) If not why not? Its blocked by a gate
- (m) How many years have you known of the existence of the way?

2. When using the path where did you live? Harlaston

If at different places please provide details and years.

3. (a) How wide is the way?.....*Feet/Metres

(b) Is it the same width throughout its length? *YES/NO
If NO please state width From.....To.....*Feet/Metres wide

*Please delete as appropriate

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? *at home in harleston*
- (b) Where did you start and finish your ride?
- (c) Were you ever riding with a hunt when you used the way? *no*

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
- (b) If YES, how often and what type of vehicle were they using?
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES/NO
- (d) If YES to (c),
- (i) How often was this?
- (ii) What type of vehicle were you in?
- (iii) For what purpose was it being used?

6. (a) Has the way always been on the same route? *YES/NO
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way *YES/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed?
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? *by a gate*

(c) Have you continued to use the way despite hindrances or obstructions *YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

22. (a) Do you have any documentary evidence about the way? *YES/NO
(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

map

(c) Would you be willing to make the original document available if necessary? *YES/NO

23. (a) Do you consider the route to be historical? *YES/NO
(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps) *YES/NO

(d) If Yes please give details of this evidence or documents.

24. Do you know who owns the land? *YES/NO
If YES please can you provide names and contact details.

25. Do you know of any previous landowners? *YES/NO.
If YES please can you provide names and contact details.

26. Are you prepared to be interviewed? *YES/NO
If No please state reasons.

If YES would you be prepared to be interviewed over the phone? *YES/NO

PTO

*Please delete as appropriate

27. Would you be prepared to give evidence orally
at a public inquiry or in a court of law, if necessary?

*YES/NO

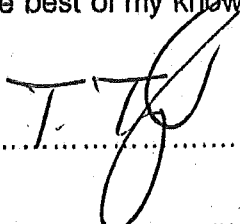
If No please state reasons.....
.....

28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed:



Date:

29/10/

20..13

Person taking this statement (if applicable).....

*Please delete as appropriate

Q7. Would you be prepared to give evidence of your use of the way

Staffordshire
County Council

APPENDIX F

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (~~Mr~~/~~Mrs~~/~~Miss~~/~~Ms~~) Mrs Frances Wolferstan
(Block Capitals please)

Address ~~Gardeners Cottages, Clifton Lane, Tamworth~~
(Block Capitals please)

Telephone No. ~~01827 830 223~~ Post Code ~~B79 0AE~~

Date of Birth .. ~~6th~~ / .. ~~May~~ ~~1930~~
Occupation Ret'd Vet.Surgeon.....
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

*Please delete as appropriate

Description of claimed way:- (include grid references if known)
From

To

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/

(b) During which years have you used the way?

From... 1952..... To 2013.....

(c) Does the way have a popular name?

(d) Did you only use part of the way? */NO

(e) Where were you going from/to? To Haunton or for a circular walk or ride.....

(f) For what purpose? (eg work, pleasure) Pleasure.....

(g) How many times a year? (eg daily, weekly, seasonal) From 1953 to 1973, only occasionally when home on leave. After 1973, about once a month.....

(h) By what means? (eg on foot, horseback, motor vehicle etc) Foot & Horseback.....

(i) Is, or was, the way a short cut for you? A short cut if walking to Harlaston.....

(j) If so why? Avoids going all the way via road to Clifton or into Tamworth and round via Wigginton.....

(k) Do you still use the way? Yes.....

(l) If not why not?

(n) How many years have you known of the existence of the way? 60 years.....

2. When using the path where did you live? After 1973, Statfold.....

If at different places please provide details and years.

From Statfold when on leave from various military postings.....

(c) If YES, please mark on the attached plan the location of the stiles or gates.

(d) When were the gates or stiles erected or removed?.....about 2 years ago.....

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? Since erection by Bostocks

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? * /NO

(b) If so by whom or what?

(c) Have you continued to use the way despite hindrances or obstructions *YES

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES

10. (a) Were you ever an owner or tenant of the land crossed by the way? * NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? /NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? * /NO

If YES (i) What was your employment?

3. (a) How wide is the way?...Varies approx. 3M except where it crosses a field..when it narrows to sprayed track.....*Feet/Metres

(b) Is it the same width throughout its length? * /NO

If NO..... please state width From see above.....To.....*Feet/Metres wide

PTO

4. If you have ridden a horse on the way

(a) Where did you keep the horse? Statfold or friend's horse from Shutlington.....

(b) Where did you start and finish your ride? Statfold or Shutlington.....

(c) Were you ever riding with a hunt when you used the way? No

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? /NO

(b) If YES, how often and what type of vehicle were they using?

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? * NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

6. (a) Has the way always been on the same route? *YES

(b) If NO when was the way diverted?.....

(c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? YES

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? Occasional shortcut to Dale Farm.....

7. (a) Have there, to your knowledge, ever been any stiles on the way? NO

(b) Have there, to your knowledge, ever been any gates on the way YES

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way?

*YES/

(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way?

* NO

(Whether or not you asked for it)

(b) Have you ever asked permission to use the way?

* /NO

(c) If YES, who gave you permission?

(d) When were you given permission?

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way?

*YES

(b) How were they using the way (ie foot, horse)? Foot and horse

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? Family, friends, rambling club

(d) If they were not accompanying you, were these people known to you?

...Yes

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) Occasionally

(f) How many other people, approximately, did you see on these occasions?

...A few

(g) Please give any further details of other people's use of the way which you feel may be important

(ii) Between what years were you employed?...From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

.....

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? * /NO

PTO

If so, what was their relationship to you?

.....

15. (a) Have you ever been stopped or turned back when using the way? /NO

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO

(c) If YES to (a) or (b), please give details including dates.

.....

.....

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? * NO

(b) If YES, please state:

(i) Who told you?

(ii) When were you told?

(iii) What were you told?

.....

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? * NO

* NO

(b) If YES please state what the notices said

.....

.....

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/

*YES/

.....
.....

21. Have you ever been charged a monetary sum for using the path? * /NO
If so, by whom?

PTO

22. (a) Do you have any documentary evidence about the way? *YES/NO
(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....
(c) Would you be willing to make the original document available if necessary?
***YES/NO**

23. (a) Do you consider the route to be historical? *YES
(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

.....Bridleway.....
.....

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)
***YES/NO**

(d) If Yes please give details of this evidence or documents.....
.....
.....

24. Do you know who owns the land? *YES/NO
If YES please can you provide names and contact details.....
.....
.....

25. Do you know of any previous landowners? *YES/NO.
If YES please can you provide names and contact details.....
.....
.....
.....

26. Are you prepared to be interviewed? *YES
If No please state reasons.....

.....

If YES would you be prepared to be interviewed over the phone? *YES

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary? *YES

If No please state reasons.....

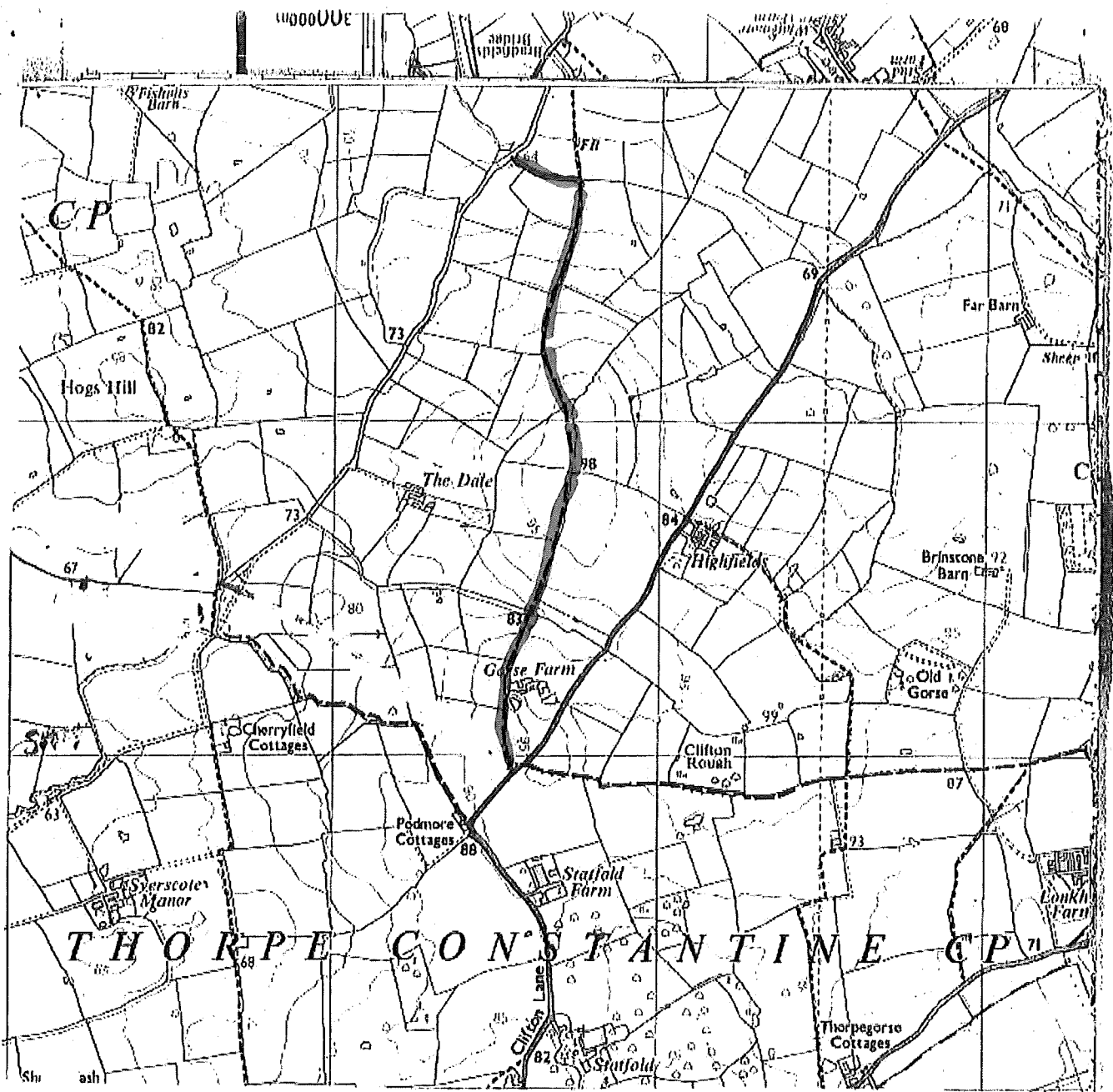
28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: *Francis Wolfers* Date: *14th October 2013*

Person taking this statement (if applicable).....



Francis W. J. J. J.



**Staffordshire
County Council**

**PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note**

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) DR. M. J. CARTER, M.P.H. ON BEHALF
OF ATHERSTONE HUNT
(Block Capitals please)

Address THE PINES, KENNEL WANE, ATHERSTONE
(Block Capitals please)

Telephone No. 01827 830112 Post Code BV9 3LJ

Date of Birth/...../..... Occupation WASTE MANAGEMENT DIRECTOR
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From GRID REF: LJ6186 PUBLIC BRIDLEWAY NO: 33

To PESSLE LANE, OFF SYERSCOTE LANE, HAUNTON

Please mark clearly on the attached plan the route of the way you have used.

If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? ATHERSTONE HUNT *YES/NO
- (b) During which years have you used the way?
From 1815 To 2010
- (c) Does the way have a popular name? PESSLE LANE, HAUNTON
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? HUNTING - FOLLOWING FOXHOUNDS WITH THE ATHERSTONE HUNT
- (f) For what purpose? (eg work, pleasure) COUNTRY PURSUIT
- (g) How many times a year? (eg daily, weekly, seasonal) DURING AUTUMN + WINTER
- (h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK
- (i) Is, or was, the way a short cut for you? ACCESS TO/FROM SYERSCOTE LANE
- (j) If so why?
- (k) Do you still use the way? NO IT IS LOCKED
- (l) If not why not?
- (n) How many years have you known of the existence of the way? ALWAYS

2. When using the path where did you live? FOLLOWERS OF THE ATHERSTONE LIVE MAINLY BETWEEN TAMWORTH, LEICESTER RUGBY & COVENTRY
If at different places please provide details and years.

3. (a) How wide is the way? 8 METRES *Feet/Metres
- (b) Is it the same width throughout its length? *YES/NO
If NO please state width From..... To..... *Feet/Metres wide

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? IN THE 'ATHERSTONE HUNT COUNTRY'
 - (b) Where did you start and finish your ride? VARIOUS MEETS HELD LOCALLY
 - (c) Were you ever riding with a hunt when you used the way? YES

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
- (b) If YES, how often and what type of vehicle were they using?
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES?NO
- (d) If YES to (c),
- (i) How often was this?
 - (ii) What type of vehicle were you in?
 - (iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/NO
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way *YES/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed? GATE ERECTED 2010
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom? GATE LOCKED PERMANENTLY AFTER BEING ERECTED

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what?

BY LOCKED GATE

(c) Have you continued to use the way despite hindrances or obstructions

*YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? *YES/NO
(Whether or not you asked for it)

(b) Have you ever asked permission to use the way? *YES/NO

(c) If YES, who gave you permission?

(d) When were you given permission?

(e) For what purpose were you given permission to use the way?

20. (a) Have you seen other people using the way? *YES/NO
ONLY WHEN OUT FOLLOWING HUNT

(b) How were they using the way (ie foot, horse)?

(c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? *UP TO 60 OTHER MEMBERS OF THE HUNT AT ANY ONE TIME*

(d) If they were not accompanying you, were these people known to you?

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) *DURING HUNTING SEASON (AUTUMN & WINTER) AT LEAST TWICE A YEAR*

(f) How many other people, approximately, did you see on these occasions? *UP TO 60 WHEN FOLLOWING ATHERSTONE HUNT*

(g) Please give any further details of other people's use of the way which you feel may be important

21. Have you ever been charged a monetary sum for using the path? *YES/NO
If so, by whom?

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

*YES/NO

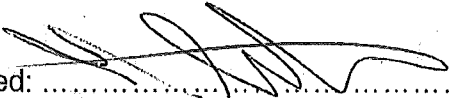
If No please state reasons.....

28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

MEMBERS OF THE ATHERSTONE HUNT HAVE USED
PESSELL WANE FOR ^{NEARLY} TWO HUNDRED YEARS AND
THERE HAS NEVER BEEN ANY QUESTION OF IT
NOT BEING PART OF THE PUBLIC BRIDLEWAY

Please note that this form may be available to members of the public including affected
owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this
statement is true.

Signed:  MFH Date: 15 Oct, 2013

on behalf of the Atherton Hunt.

Person taking this statement (if applicable).....

22. (a) Do you have any documentary evidence about the way? *YES/NO

(b) **If so**, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? *YES/NO

(b) **If Yes** what type of route is or was it? (eg bridleway, footpath etc)

..... ALWAYS BEEN A BRIDLEWAY

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) **If Yes** please give details of this evidence or documents.....

.....
.....

24. Do you know who owns the land? *YES/NO

If YES please can you provide names and contact details.....

..... MR. S. BOSTOCK, HOME FARM, CHILTON CAMPVILLE

25. Do you know of any previous landowners? *YES/NO

If YES please can you provide names and contact details.....

..... MR. BRISCOE

.....
.....
.....

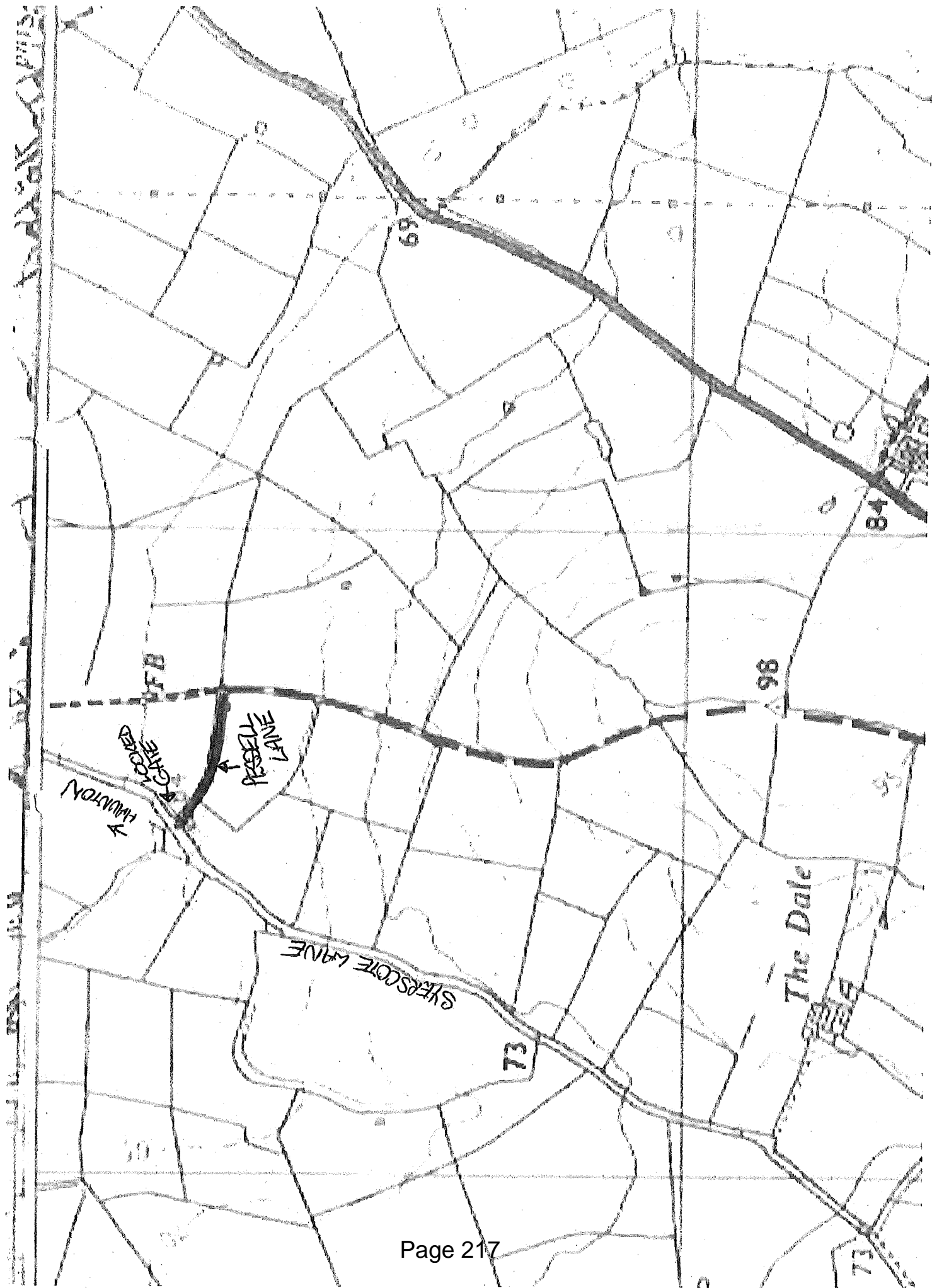
26. Are you prepared to be interviewed? *YES/NO

If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone? *YES/NO

PTO



LJ618G

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) MARY COOPER

(Block Capitals please)

Address [REDACTED]

(Block Capitals please)

Telephone No. [REDACTED] Post Code [REDACTED]

Date of Birth/...../..... Occupation COMPANY DIRECTOR

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From PESSSELL LANE, NEAR HAUNTON
To GRID REF: LJ6188 BRIDLEWAY NO: 33

Please mark clearly on the attached plan the route of the way you have used.
If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From 1999 To 2006
- (c) Does the way have a popular name? PESSSELL LANE
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? I.T STOPPED AFTER PROBABLY 500 YARDS SO I WENT BACK & WENT ON NEIGHBOUR'S LAND.
- (f) For what purpose? (eg work, pleasure) PLEASURE
- (g) How many times a year? (eg daily, weekly, seasonal) WEEKLY AFTER HARVEST
- (h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK
- (i) Is, or was, the way a short cut for you? NO & REALLY IT WAS JUST
- (j) If so why? AWAY OF GETTING TO THE NEXT BRIDLE PATH
- (k) Do you still use the way? I NO LONGER RIDE
- (l) If not why not?
- (n) How many years have you known of the existence of the way? 40

2. When using the path where did you live? ELFORD

If at different places please provide details and years. WHEN I RODE I LIVED AT ELFORD AND BOXED TO STEARSCOTE LANE

3. (a) How wide is the way? 8 metres *Feet/Metres

(b) Is it the same width throughout its length? *YES/NO

If NO please state width From To *Feet/Metres wide

4. If you have ridden a horse on the way
(a) Where did you keep the horse? AT HOME AT ELFORD
.....
(b) Where did you start and finish your ride? SYERSCOTE LAVE
.....
(c) Were you ever riding with a hunt when you used the way? NO

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
(b) If YES, how often and what type of vehicle were they using?
.....
(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES?NO
(d) If YES to (c),
(i) How often was this?
(ii) What type of vehicle were you in?
(iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/NO
(b) If NO when was the way diverted?
(c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? IF CROPS WERE STILL ON FIELDS HAD TO TRESPASS ON TO NEXT FIELD.

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
(b) Have there, to your knowledge, ever been any gates on the way? *YES/NO
(c) If YES, please mark on the attached plan the location of the stiles or gates. ✓
(d) When were the gates or stiles erected or removed? 210

- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?

LOCKED

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *~~YES~~/NO
(b) **If YES**, state (i) what type of obstruction was this?
.....
(ii) When they were erected or removed?
.....
(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.
.....

-
9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO
(b) **If so** by whom or what?
.....
(c) Have you continued to use the way despite hindrances or obstructions *YES/NO (
(d) How did you do this? (ie diversion)
.....
(e) Is the hindrance or obstruction still in existence *YES/NO

-
10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO
If YES, please give dates.
(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO
If YES, please give dates.

-
11. Was the land ever owned or tenanted by a relative of yours? *YES/NO
If so, what was their relationship to you?
.....

-
13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO
If YES (i) What was your employment?
(ii) Between what years were you employed?....From.....To.....
If you were employed by the owner/tenant
(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO
(ii) **If so**, what were your instructions?
.....

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

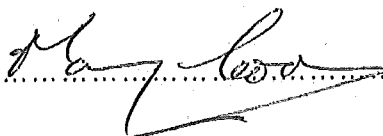
*YES/NO

If No please state reasons.....
.....

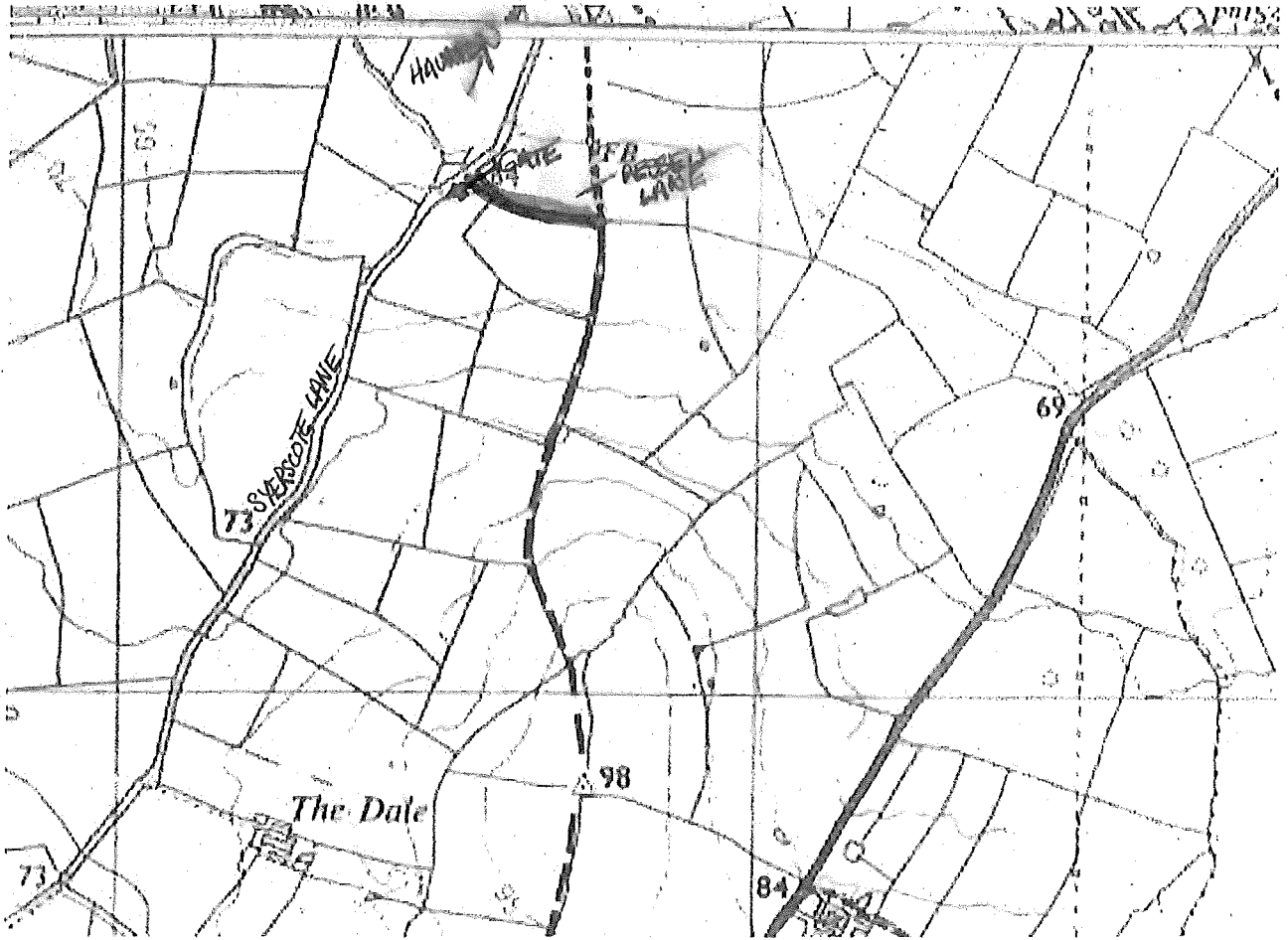
28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected
owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this
statement is true.

Signed:  Date: 15-10-2013

Person taking this statement (if applicable).....



May 15-10-13

LJ 6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) JOSEPHINE JEWELL

(Block Capitals please)

Address [REDACTED]

(Block Capitals please) [REDACTED]

Telephone No. [REDACTED] Post Code [REDACTED]

Date of Birth [REDACTED] Occupation PROPERTY VIEWING AGENT
(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From PESSSELL LANE, OFF SYERSCOTE LANE,

GRID REF: HAUNTON

To LT 618 G PUBLIC BRIDLEWAY NO: 33

Please mark clearly on the attached plan the route of the way you have used.

If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

1. (a) Have you personally used the above way? *YES/NO

(b) During which years have you used the way?

From 1984 To 2011

(c) Does the way have a popular name? PESSSELL LANE

(d) Did you only use part of the way? *YES/NO

(e) Where were you going from/to?

RIDING FROM HIGHFIELDS & BACK TO HIGHFIELD

(f) For what purpose? (eg work, pleasure)

PLEASURE & HUNTING (COUNTRY PURSUIT)

(g) How many times a year? (eg daily, weekly, seasonal) SEASONAL THROUGHOUT

(h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK YEAR

(i) Is, or was, the way a short cut for you? ACCESS TO SYERSCOTE LANE

(j) If so why? !

(k) Do you still use the way?

(l) If not why not?

(n) How many years have you known of the existence of the way?

2. When using the path where did you live? HIGHFIELDS FARM HOUSE, CLIFTON LANE & HIGHFIELDS COTTAGES, CLIFTON LANE

If at different places please provide details and years.

HIGHFIELDS FARMHOUSE 1984-1995

HIGHFIELDS COTTAGES 1995-PRESENT

3. (a) How wide is the way? *Feet/Metres

(b) Is it the same width throughout its length? *YES/NO

If NO please state width From.....To..... *Feet/Metres wide

4. If you have ridden a horse on the way
- (a) Where did you keep the horse? HIGHFIELDS FARMHOUSE
- (b) Where did you start and finish your ride? HIGHFIELDS START + BACK TO HIGHFIELDS TO FINISH
- (c) Were you ever riding with a hunt when you used the way? YES WITH ATHERSTONE HUNT

-
5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way? *YES/NO
- (b) If YES, how often and what type of vehicle were they using?
- (c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES/NO
- (d) If YES to (c),
- (i) How often was this?
- (ii) What type of vehicle were you in?
- (iii) For what purpose was it being used?

-
6. (a) Has the way always been on the same route? *YES/NO
- (b) If NO when was the way diverted?
- (c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

- (d) Is the way a clearly defined track or path which a stranger to the vicinity could follow?
- (e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

-
7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO
- (b) Have there, to your knowledge, ever been any gates on the way *YES/NO
- (c) If YES, please mark on the attached plan the location of the stiles or gates.
- (d) When were the gates or stiles erected or removed? 2010
- GATES ERRECTED 2010
- (d) If any gates on the way were ever locked please state, how often, and if known, by whom?
- GATE LOCKED ~~HOPE~~ PERMANENTLY WHEN ERRECTED

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? BY LOCKED GATE

(c) Have you continued to use the way despite hindrances or obstructions *YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?....From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14 Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *YES/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *YES/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *YES/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *YES/NO
(b) If YES, please state:
(i) Who told you? MR + MRS S. BOSTOCK (OWNERS)
(ii) When were you told? 2011
(iii) What were you told? THAT THEY HAD BOUGHT THE LAND AND THAT PESSLE HANE WAS NOT A RIGHT OF WAY ACCORDING TO A MAP IN THEIR POSSESSION

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *YES/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *YES/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *YES/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

19. (a) Have you ever been given permission to use the way? *YES/NO
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
-
- (d) When were you given permission?
-
- (e) For what purpose were you given permission to use the way?
-

-
20. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (ie foot, horse)? HORSES OUT HUNTING
WITH ATHERSTONE HUNT
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? HUNTING
-
- (d) If they were not accompanying you, were these people known to you?
-
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) SEASONAL - DURING AUTUMN & WINTER - PRIOR TO GATE BEING ERECTED & LOCKED
- (f) How many other people, approximately, did you see on these occasions? UP TO NO. AT ANY ONE TIME
- (g) Please give any further details of other people's use of the way which you feel may be important
-
-
-
-
-
-
-
-

-
21. Have you ever been charged a monetary sum for using the path? *YES/NO
If so, by whom?

22. (a) Do you have any documentary evidence about the way? *YES/NO

(b) **If so**, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? *YES/NO

(b) **If Yes** what type of route is or was it? (eg bridleway, footpath etc) *PESSERWAY*
FORMS PART OF THE OLD 'DRAY' ROUTE FROM UNKEATON
TO BURTON UPON TRENT

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) **If Yes** please give details of this evidence or documents.....

.....
.....

24. Do you know who owns the land? *YES/NO

If YES please can you provide names and contact details.....

MR & MRS S. BOSTOCK, HOME FARM, CLIFTON CAMPVILLE

25. Do you know of any previous landowners? *YES/NO

If YES please can you provide names and contact details.....

UNDERSTAND IT WAS UNDER OWNERSHIP OF
MR. BRISCOE PRIOR TO CURRENT OWNERSHIP

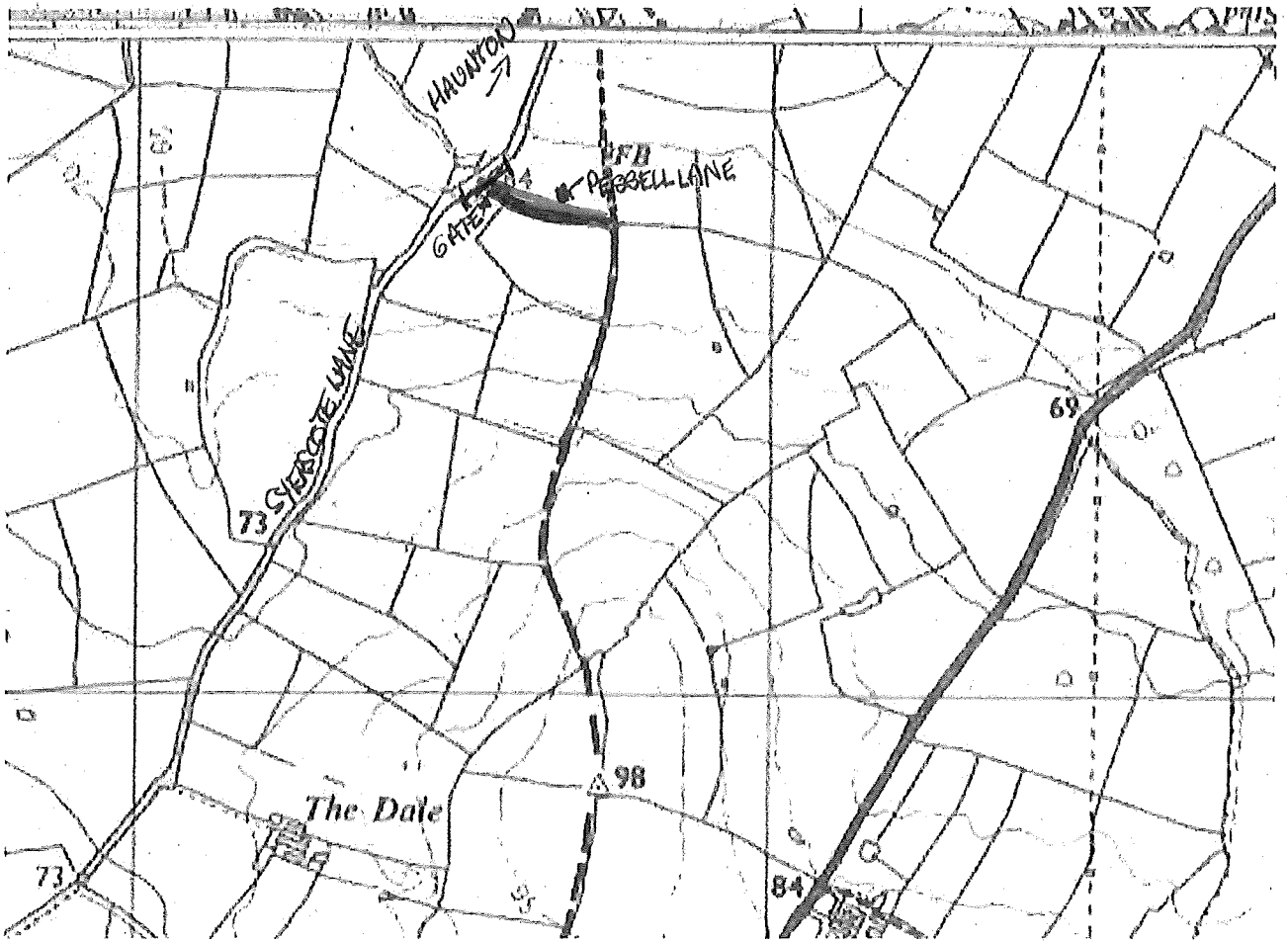
26. Are you prepared to be interviewed? *YES/NO

If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone?

*YES/NO



James J. ...
17 10 13

LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (~~Mr/Mrs/Miss/Ms~~) A BENTINCK

(Block Capitals please)

Address MEASON TERN, HIND LANE, NETHERS, STAMFORD

(Block Capitals please)

Telephone No. 01827 33372 Post Code DE12 3BU

Date of Birth 24/11/44 Occupation COLLEGE LIBRARIAN

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

Description of claimed way:- (include grid references if known)

From 42353 30978 (SYERSCOTE LANE)

To 42374 30970

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

- 1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From 2002 To WHEN LOCKED GATE INSTALLED c. 2007
- (c) Does the way have a popular name? NO
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? CLIFTON CAMPVILLE TO HAUNTON AS PART OF CIRCULAR RIDE FROM NETHERSEAL OR ORGANISED RIDES FROM NEWTON REGIS
- (f) For what purpose? (eg work, pleasure) PLEASURE
- (g) How many times a year? (eg daily, weekly, seasonal) 2 P.S.
- (h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK
- (i) Is, or was, the way a short cut for you? NO
- (j) If so why?
- (k) Do you still use the way? NO
- (l) If not why not? There is a locked gate + deep dip on to Syerscote Lane
- (n) How many years have you known of the existence of the way? 11 years

2. When using the path where did you live? NETHERSEAL FROM AUG 2002
HOPDAS - CHARITY RIDE 25/4/02

If at different places please provide details and years.

3. (a) How wide is the way? approx 4 *Feet/Metres

(b) Is it the same width throughout its length? *YES/NO
If NO please state width From.....To.....*Feet/Metres wide

4. If you have ridden a horse on the way

(a) Where did you keep the horse? NETHERSEAL

(b) Where did you start and finish your ride? FROM NETHERSEAL

ALSO FROM NEWTON REGIS GARDEN CENTRE 27/4/03 + 28/04/02 ON RIDES ORGANISED BY ENDURANCE GB (HEART OF ENGLAND GROUP) + 4 CHARITY RIDE
(c) Were you ever riding with a hunt when you used the way? NO

5. (a) When using the way did you ever see any other person driving motor or horse-drawn vehicles on the way?

*YES/NO

(b) If YES, how often and what type of vehicle were they using?

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way?

*YES?NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

6. (a) Has the way always been on the same route?

*YES/~~NO~~

(b) If NO when was the way diverted?

(c) Why was the way diverted?

Please show details of the original route and the diversion on the plan.

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? YES

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? NO. ~~NO~~ ~~YES~~ YES

7. (a) Have there, to your knowledge, ever been any stiles on the way?

*YES/NO

(b) Have there, to your knowledge, ever been any gates on the way

*YES/~~NO~~

(c) If YES, please mark on the attached plan the location of the stiles or gates.

(d) When were the gates or stiles erected or removed? DONT KNOW

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? THE OLD GATE, WHICH WAS NEVER LOCKED, FELL INTO

DISREPAIR + WAS LEFT IN THE UNDERGROWTH UNTIL THE PRESENT. LOCKED METAL GATE WAS INSTALLED

PTO

8. (a) Excluding locked gates, have you ever known of any other obstructions to the way? *YES/NO

(b) If YES, state (i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

9. (a) Has your usage ever been hindered or prevented in any way? *YES/NO

(b) If so by whom or what? ... LOCKED METAL GATE, DEEP MUD

(c) Have you continued to use the way despite hindrances or obstructions *YES/NO

(d) How did you do this? (ie diversion)

(e) Is the hindrance or obstruction still in existence *YES/NO

10. (a) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES, please give dates.

(b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? *YES/NO

If YES, please give dates.

11. Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

13. When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO

If YES (i) What was your employment?

(ii) Between what years were you employed?...From.....To.....

If you were employed by the owner/tenant

(i) Did you receive any instructions from the owner/tenant as to the use of the way by the public? *YES/NO

(ii) If so, what were your instructions?

14. Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? *~~YES~~/NO
If so, what was their relationship to you?

15. (a) Have you ever been stopped or turned back when using the way? *~~YES~~/NO
(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *~~YES~~/NO
(c) If YES to (a) or (b), please give details including dates.

16. (a) Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? *~~YES~~/NO
(b) If YES, please state:
(i) Who told you?
(ii) When were you told?
(iii) What were you told?

17. (a) Have you ever seen any deterrent notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the way? *~~YES~~/NO
(b) If YES please state what the notices said

Please show their approximate position on the attached plan.

18. (a) Have you ever seen any notices such as "Public Path", or "footpath", or any other similar notice on or near the way? *~~YES~~/NO
(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way? *~~YES~~/NO
(c) If YES to (a) or (b) please state what the notices said

Please show their approximate position on the attached plan.

PTO

19. (a) Have you ever been given permission to use the way? *YES/NO
 (Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
-
- (d) When were you given permission?
-
- (e) For what purpose were you given permission to use the way?
-

20. (a) Have you seen other people using the way? *YES/NO Except
- (b) How were they using the way (ie foot, horse)? *on organized rides* HORSE
-
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)?
-
- (d) If they were not accompanying you, were these people known to you?
-
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc)
-
- (f) How many other people, approximately, did you see on these occasions?
-
- (g) Please give any further details of other people's use of the way which you feel may be important

THE ORGANISED RIDES DETAILED IN 4b ABOVE WOULD HAVE HAD 40-50 RIDERS TAKING PART

.....

.....

.....

21. Have you ever been charged a monetary sum for using the path? *YES/NO
 If so, by whom?

22. (a) Do you have any documentary evidence about the way? *YES/~~NO~~

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)
ROUTE OF NEWTON REGIA PLEASURE RIDE 27/4/03 - ATTACHED

(c) Would you be willing to make the original document available if necessary? *YES/~~NO~~

23. (a) Do you consider the route to be historical? *YES/~~NO~~

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)
BRIDLEWAY

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps) *~~YES~~/NO

(d) If Yes please give details of this evidence or documents.....

24. Do you know who owns the land? *~~YES~~/NO

If YES please can you provide names and contact details.....

25. Do you know of any previous landowners? *~~YES~~/NO.

If YES please can you provide names and contact details.....

26. Are you prepared to be interviewed? *YES/~~NO~~

If No please state reasons.....

If YES would you be prepared to be interviewed over the phone? *YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?

*YES/~~NO~~

If No please state reasons.....
.....

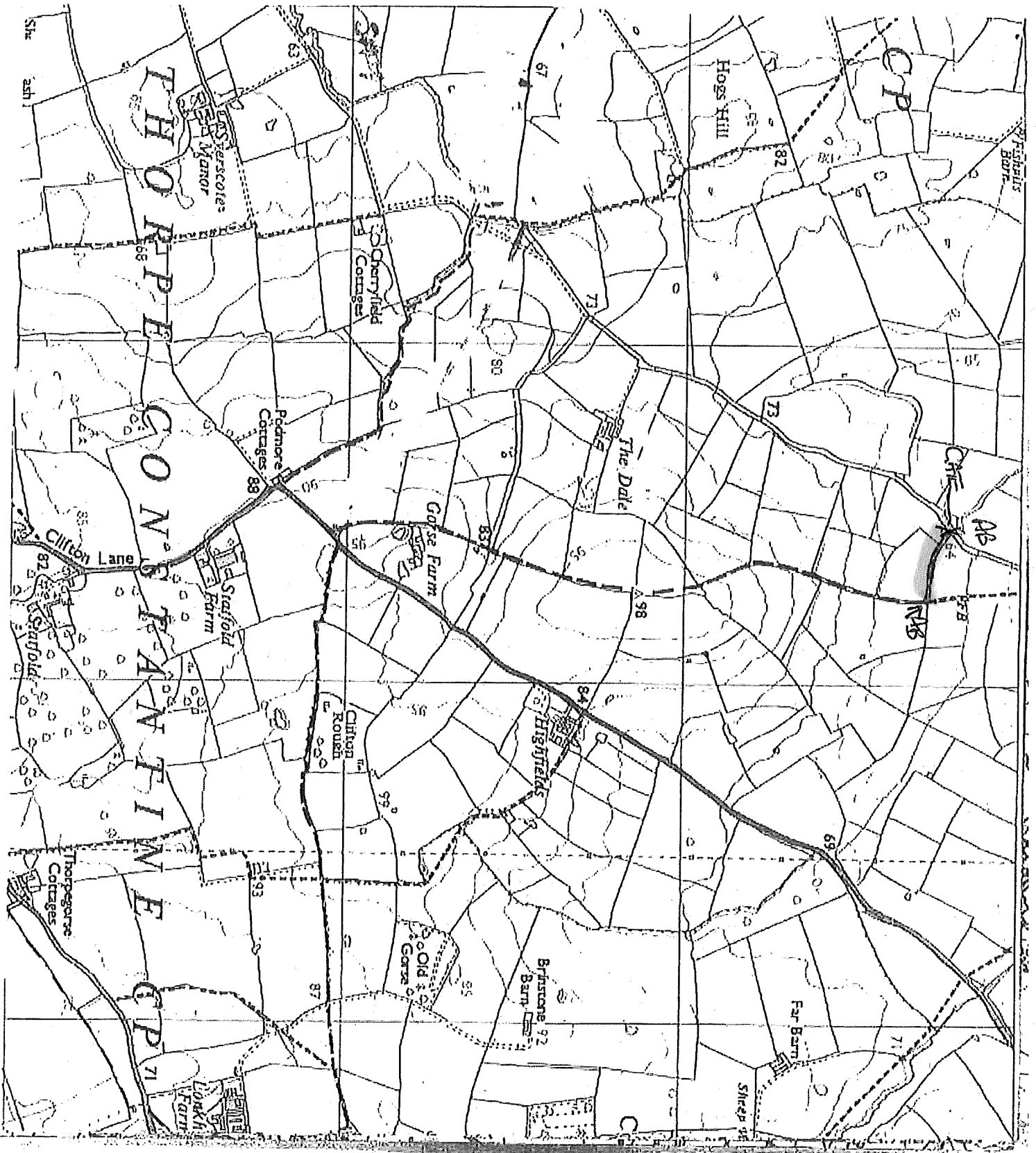
28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: *ABendich* Date: 16 Oct 2013..

Person taking this statement (if applicable).....



ABentick

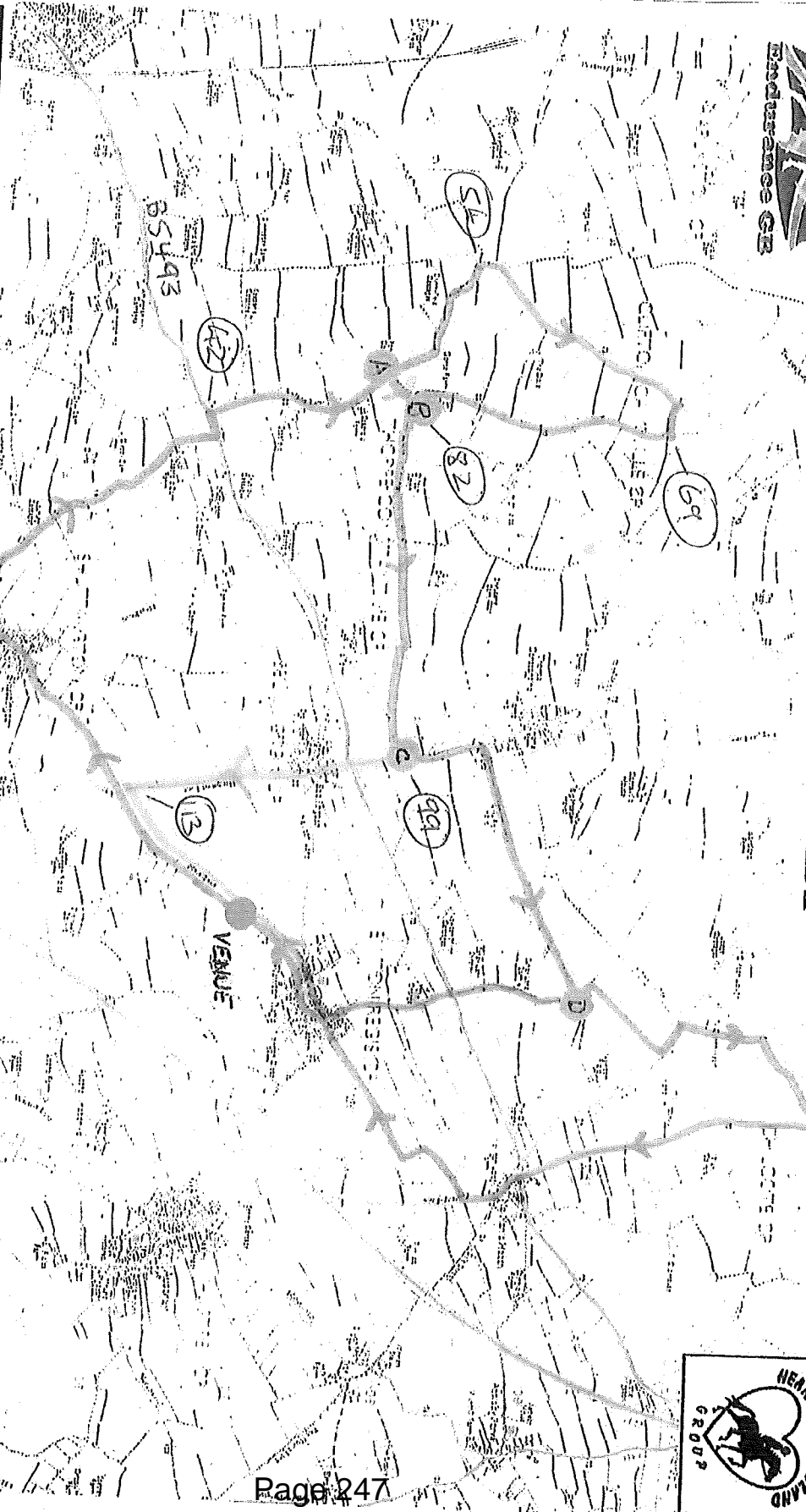
27/4/2003



NEWTON REGIS PLEASURE RIDE



Reproduced from the Ordnance Survey
Landranger Sheet with permission of the
Controller of Her Majesty's Stationary Office
© Crown copyright reserved.
SCALE 1 : 50,000



Key:

- Venue
- routes split or rejoin

17mile route: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

14mile route: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

10mile route: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

8mile route: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

LJ6189

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) COLIN BARTRAM

(Block Capitals please)

Address [REDACTED] LANE, [REDACTED] [REDACTED]

(Block Capitals please)

Telephone No. [REDACTED] [REDACTED] Post Code [REDACTED] [REDACTED]

Date of Birth [REDACTED] Occupation COMPANY DIRECTOR

(If retired, what was your previous occupation)

Please attach a map showing the claimed way marked in red, signed by yourself.

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible **ONLY** the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and **ONLY** the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request

*Please delete as appropriate

Description of claimed way:- (include grid references if known)

From 4 23 53 30978

To 4 23 74 30970

Please mark clearly on the attached plan the route of the way you have used. If you have only used part of the way please mark or indicate the part used.

Please take time to answer the questions carefully and in full

Please do not use vague terms such as "often". Please provide dates

- 1. (a) Have you personally used the above way? *YES/NO
- (b) During which years have you used the way?
From 2002 To CIRCA 2008 (WHEN CLOSED)
- (c) Does the way have a popular name?
- (d) Did you only use part of the way? *YES/NO
- (e) Where were you going from/to? CIRCULAR ROUTES - VARIOUS, INCLUDING THORPE ESTATE, CLIFTON CAMPVILLE, MARLBASTON
- (f) For what purpose? (eg work, pleasure) PLEASURE
- (g) How many times a year? (eg daily, weekly, seasonal) SEASONAL - 6 MAX
- (h) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK
- (i) Is, or was, the way a short cut for you? NO
- (j) If so why?
- (k) Do you still use the way? CANNOT AS
- (l) If not why not? BLOCKED BY LOCKED GATE
- (n) How many years have you known of the existence of the way? 12+

2. When using the path where did you live? HOPWAS, THEN NETHERSEAL

If at different places please provide details and years. HOPWAS TO AUGUST 2002 NETHERSEAL TO ~2008

3. (a) How wide is the way? RECOLLECTION - 3+ *Feet/Metres

(b) Is it the same width throughout its length? GENERALLY *YES/NO

If NO please state width / From.....To..... *Feet/Metres wide

4. If you have ridden a horse on the way

(a) Where did you keep the horse? FORMERLY HOPLAS, LATTERLY.....

NETHERSEAL.....

(b) Where did you start and finish your ride? VARIOUS, ORGANISED RIDE FROM.....

NEWEN REGIS GARDEN CENTER, CIRCULAR RIDES FROM NETHERSEAL.....

(c) Were you ever riding with a hunt when you used the way? NO.....

5. (a) When using the way did you ever see any other person

driving motor or horse-drawn vehicles on the way? *YES/NO

(b) If YES, how often and what type of vehicle were they using?

(c) Have you ever driven, or been a passenger in, a motor or horse drawn vehicle on the way? *YES?NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

6. (a) Has the way always been on the same route? *YES/NO

(b) If NO when was the way diverted?

(c) Why was the way diverted?.....

Please show details of the original route and the diversion on the plan.

(d) Is the way a clearly defined track or path which a stranger to the vicinity could follow? ...YES.....

(e) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? ...HAVE ALWAYS KEPT TO THE ROUTE.....

7. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO

(b) Have there, to your knowledge, ever been any gates on the way *YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates.

(d) When were the gates or stiles erected or removed? OLD GATE WAS ALWAYS OPEN UNTIL IT WAS REPLACED AND LOCKED ABOUT 4 YRS AGO.....

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? ...ALWAYS, LOCKED, PRESUMABLY BY FARMER.....
NOW

19. (a) Have you ever been given permission to use the way? *~~YES~~/NO
(Whether or not you asked for it)
- (b) Have you ever asked permission to use the way? *YES/NO
- (c) If YES, who gave you permission?
-
- (d) When were you given permission?
-
- (e) For what purpose were you given permission to use the way?
-

-
20. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (ie foot, horse)? HORSE
-
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? ORGANISED RIDE (SEE 4.b)
-
- (d) If they were not accompanying you, were these people known to you?
- ORGANISED RIDES (SEE 4.b)
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) OCASIONAL, SEASONAL
-
- (f) How many other people, approximately, did you see on these occasions?
- ORGANISED RIDE - 50 TOTAL
- (g) Please give any further details of other people's use of the way which you feel may be important
-
-
-
-
-

-
21. Have you ever been charged a monetary sum for using the path? *YES/NO
If so, by whom?

22. (a) Do you have any documentary evidence about the way? *YES/NO

(b) If so, in what form is this? (ie maps, photos, etc please attach a copy if possible)

.....
.....

(c) Would you be willing to make the original document available if necessary?

*YES/NO

23. (a) Do you consider the route to be historical? *YES/~~NO~~

(b) If Yes what type of route is or was it? (eg bridleway, footpath etc)

...BRIDLEWAY..., CRITICAL TO OPERATION OF CIRCULAR ROUTES

.....

(c) Are you aware of any evidence/documents to support this? (excluding OS Maps)

*YES/NO

(d) If Yes please give details of this evidence or documents.....

.....
.....

24. Do you know who owns the land? *YES/NO

If YES please can you provide names and contact details.....

.....
.....

25. Do you know of any previous landowners? *YES/NO.

If YES please can you provide names and contact details.....

.....
.....

26. Are you prepared to be interviewed? *YES/~~NO~~

If No please state reasons.....

.....
.....

If YES would you be prepared to be interviewed over the phone? *YES/~~NO~~

PTO

27. Would you be prepared to give evidence of your use of the way
at a public inquiry or in a court of law, if necessary?


*YES/~~NO~~

If No please state reasons.....
.....

28. Can you give any further information about the way (continue on a separate sheet
of paper if necessary).

Please note that this form may be available to members of the public including affected
owners or occupiers of the land crossed by the way.

I certify that, to the best of my knowledge and belief, the information I have given in this
statement is true.

Signed:  Date: OCTOBER 16TH 2013

Person taking this statement (if applicable).....

(

()

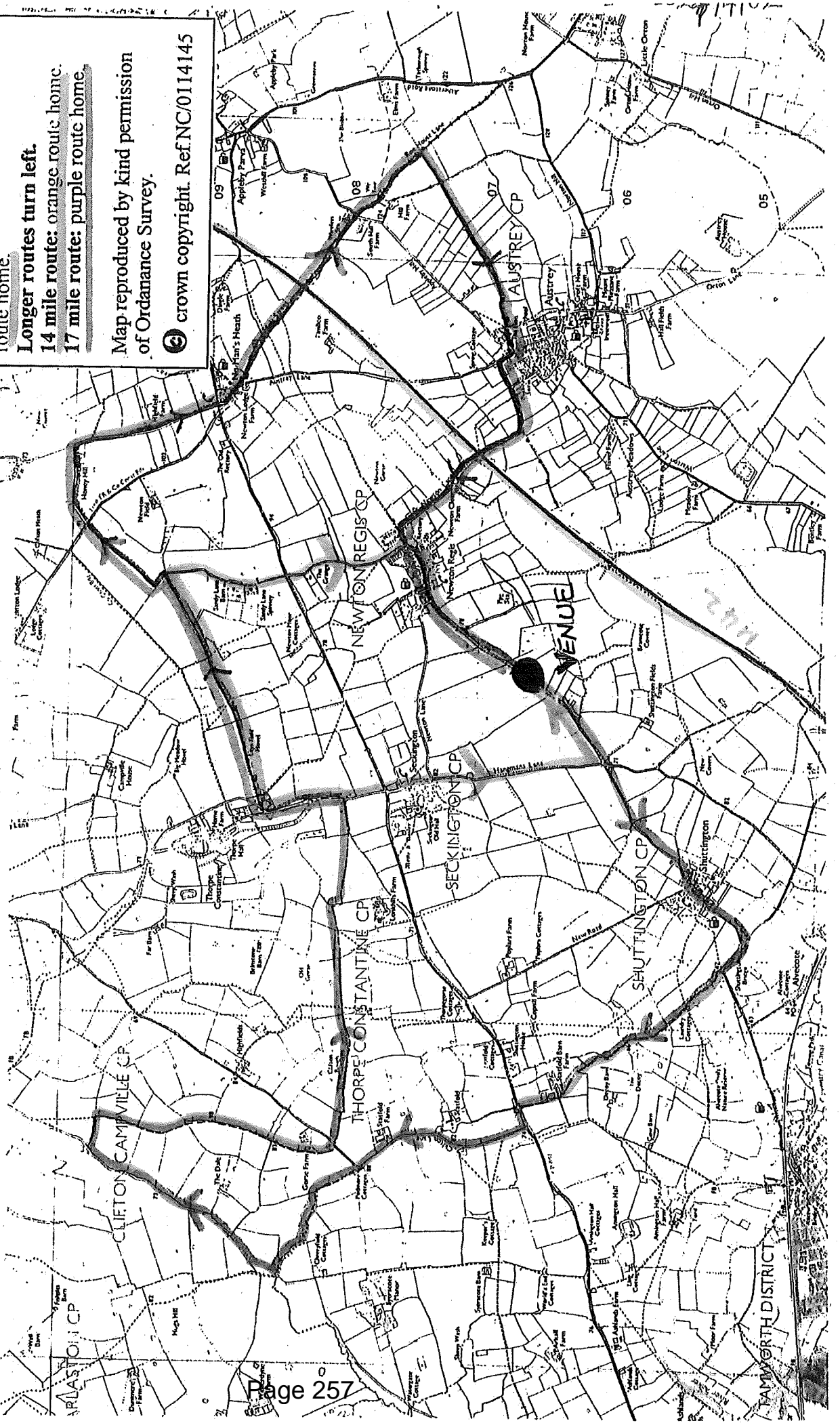
Disclaimer of liability. All horse riding activities involve an element of risk. Neither the ride organisers, the BHS or the landowners accept any responsibility for any accident, loss or damage suffered to horses, riders, spectators or property, howsoever caused.

CHARITY RIDE. 28.4.02
 All riders follow red route as far as Thorpe Constantine road
10 mile route: turn right, follow pink route home.
Longer routes turn left.
14 mile route: orange route home.
17 mile route: purple route home.

Map reproduced by kind permission of Ordnance Survey.
 © crown copyright. Ref.NC/0114145

28
29

CHILCOTE



PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier of land over which there is an alleged public right of way.

Important Note

The object of this enquiry is simply to reach the truth of the matter, whatever it may be. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information; whether for or against the public status claim. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness (*Mr/Mrs/Miss/Ms) STEPHEN WILLIAM BOSTOCK
(Block Capitals please)

Address HOME FARM CLIFTON CAMPVILLE TAMWORTH STAFFS
(Block Capitals please)

Post Code: B79 0AX Telephone No.

Date of Birth Occupation

Guidance Notes on the completion of Public Rights of Way Evidence Forms

1. As far as possible the owner/occupier should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross-examination).
5. If a person would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
6. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request
7. The information given on this form may become available for public inspection.

* Please delete as appropriate

PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL

1. Do you own or occupy or have any interest in any of the land affected by the proposal or adjacent to it?

*YES/NO

If the answer is YES please answer questions 2 to 14 and indicate on the attached map the extent of your ownership or tenancy, or interest in the land.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

.....
.....
.....
.....
.....

2. Do you know of any previous landowners?

*YES/NO

If YES please can you provide names and contact details.....

VIVIAN FARMING PARTNERSHIP CONTACTABLE THROUGH
FISHER GERMAN WASHBY DE LA ZOUCH OFFICE

3. Have you received a Notice of Application for a Modification Order?

*YES/NO

4. Would you be willing to allow County Council officers to make a site inspection?

*YES/NO

5. (a) Do you consider the route to be public?

*YES/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

- (i) *Footpath (i.e. for pedestrians only).
- (ii) *Bridleway (i.e. for horse riders, cyclists and pedestrians)
- (iii) *Byway open to all traffic (open to all traffic)
- (iv) *Restricted Byway (i.e. for horse riders, cyclists pedestrians and vehicles which are not mechanically propelled)

6. How long have you had an interest in the land affected by the application?

From 2002 to

* Please delete as appropriate.

2

7. Please state the nature of your interest in the land over which the alleged public right of way is claimed.

Freehold Ownership. Are you:--

(a) Sole freehold owner?..... YES

(b) A joint tenant?.....

If so with whom?.....

(c) A tenant in common?.....

If so with whom?.....

(d) A tenant for life under the Settled Land Act?.....

If so with whom?.....

Tenancies and Leases

Are you a tenant or lessee of the land?.....

If so please state the nature of your interest as tenant or lessee of the land.....

Any Other Interest in or over the affected land (e.g. a private right of way, shooting rights etc)

.....

8. Have you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? *YES/NO

If YES please state:-

(a) When were these signs erected?..... NO SIGNS WERE DEEMED

(b) What did these signs say?..... NECESSARY BECAUSE THE

(c) Are these signs still in place?..... GATE WAS ALWAYS CLOSED

(d) Where are these signs located?..... AND WAS FOR AGRICULTURAL

Please indicate location on attached map. USE ONLY .

9. (a) Have you seen people using the way? *YES/NO

(b) How were they using the way (ie foot, horse)?

(c) Were they alone or accompanied Please give details. (ie companions, rambling club, family, etc)? USUALLY COUPLES

(d) Were these people known to you? NO

(e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc).
..... SEASONAL

(f) How many other people, approximately, did you see on these occasions?

(g) Please give any further details of other people's use of the way which you feel may be important.

.....

* Please delete as appropriate

10. Have you ever given anybody permission to use the route? *YES/NO

If YES please state:-

(a) When was this?.....

(b) To whom was it given?.....

(c) Why was it given?.....

11. (a) Have there, to your knowledge, ever been any stiles on the way? *YES/NO

(b) Have there, to your knowledge, ever been any gates on the way *YES/NO

(c) If YES, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

(d) If any gates on the way were ever locked please state, how often, and if known, by whom? THE GATE WAS ALWAYS KEPT CLOSED

Please mark on the attached plan the locations of the locked gates.

12. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? *YES/NO

(b) If YES, state :

(i) what type of obstruction was this?

(ii) When they were erected or removed?

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan.

(d) If you have a private right of way how has this been exercised while the alleged public route has been obstructed.

13. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO

If YES please give details THE OCCASIONAL WALKER WHO CLAIMES TO HAVE LOST THERE WAY

14. Have you ever taken some form of action to communicate to the public that the claimed route is not public? *YES/NO.

If YES (i) what action was this? I HAVE EXPLAINED TO ANY PERSON ON THIS LANE " THERE NO RIGHT OF WAY " ON THIS LANE FOR THE PUBLIC

(ii) When was this action taken? I HAVE SPOKE TO THE PREVIOUS TENANT WHO HAS TAKEN SIMILAR ACTION TO MY SELF HE WAS TENANT FROM 1969 - 2002

* Please delete as appropriate

15. Have you ever told persons attempting to use the route that the way was not public? *YES/NO.

16. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? *YES/NO.

If YES please give full details.....

NOTE --- Section 31(1) of the Highways Act 1980 states that: --

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

17. Do you have any documents which show this as a private right of way or giving details of its closure? *YES/NO

If YES: --

(a) In what form is this?.....

(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary? *YES/NO

18. Have you as the owner/occupier of the land ever made a statutory declaration concerning public rights of way? *YES/NO.

(a) If YES when was this declaration made?.....

(b) If YES who did you lodge the declaration with?.....

(c) If YES does this declaration state that there are no public rights of way over the land? *YES/NO.

(d) If YES does this declaration state that there are public rights of way over the land? *YES/NO.

(e) If public rights of way do exist was the claimed route one of those admitted to exist? *YES/NO.

If the declaration stated there are public rights of way in existence please mark on a plan the location of these.

19. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/NO

* Please delete as appropriate

20. Can you give any further information about the alleged route?
(continue on a separate sheet of paper if necessary).

*YES/NO

8.3.10

I HAD A SITE MEETING WITH R COLLINS THE COUNTY FOOTPATHS OFFICER WHO INFORMED ME THAT THERE WAS NO RIGHT OF WAY FOR THE PUBLIC AND THAT I HAD EVERY RIGHT TO LOCK THE GATE,

ON SPEAKING TO PREVIOUS OWNERS OF THIS LANE AND LAND AGENTS INVOLVED, THEY ALL INDICATED THE LANE WAS FOR PRIVATE USE ONLY.

I HAVE RECENTLY INSTRUCTED MY SOLICITOR TO HAVE A LOCAL SEARCH. THIS HAS COME BACK WITH NO MENTION OF A PUBLIC RIGHT OF WAY.

ORDNANCE SURVEY . DERBY & BURTON ON TRENT 1945 CLEARLY SHOWS THE LANE TO BE A FARM TRACK WITH ONLY PRIVATE ACCESS .

I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signed: *S. W. Bostock*.....Date:

20.1.10

On Behalf of.....*S. W. BOSTOCK LTD*.....

* Please delete as appropriate

6

Lichfield District Council

DISTRICT COUNCIL HOUSE, FROG LANE, LICHFIELD. WS13 6YU

HEAD OF ADMINISTRATION SERVICES
PAUL PARNELL DMA, FCIS



F

Your Ref: 4/OTS/LJ6189

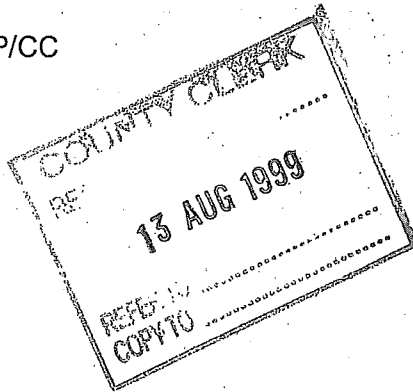
Tel: (01543) 414000

Fax: (01543) 250673

Extension: 2029

Ref: WL/LLW/FP/CC

Ask for: Mrs Lawton



10 August 1999

APPENDIX H

Dear Sir,

ALLEGED BRIDLEWAY BETWEEN SYERSCOTE LANE AND PUBLIC BRIDLEWAY NO. 33, CLIFTON CAMPVILLE

Further to your letter dated 12th July 1999 concerning the above, I would confirm that the District Council have no comments to make on the application.

Yours faithfully,

P. Parnell

Head of Administration Services

Mr J Gregory
Director of Central Services
Staffordshire County Council
PO Box 11, County Buildings
Martin Street
Stafford ST16 2LH

PC ack 16/8/99

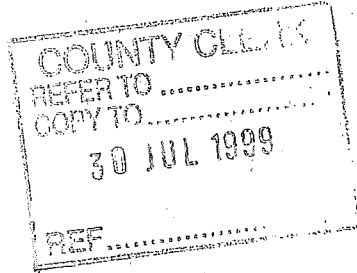
APPENDIX H

right to ride network



working for cycling

John Gregory
Director of Central Services
PO Box 11, County Buildings,
Martin Street, Stafford,
ST16 2LH



Please reply to:

Terry Williams LCG
60 Meadow View
Rolleston on Dove
Burton on Trent
DE13 9AN

Tel: 01283 814706

26th July 1999

Dear Sir,

Wildlife and Countryside Act 1981
Alleged Public Bridleway between Syerscote Lane and Public Bridleway No. 33,
Clifton Campville

Your letter 4/OTS/LJ618G of 12th July 1999 refers.

The Cyclists' Touring Club has passed the above letter, together with the enclosures, to me for action as one of their local representatives.

I have ridden over to the site in order to judge its likely impact on any cyclist living locally or travelling through the area. In my view the proposals will have no adverse effect on cyclists. The proposed extension would seem to be long overdue since, at the moment, the public bridleway ends approximately 150 metres from Syerscote lane. Therefore anyone exercising their legal right to ride along this from the road near Gorse Farm can go no further when they almost reach Syerscote Lane, except on foot. This cannot be a sensible state of affairs and the 1901 map clearly shows the way continuing to Syerscote Lane.

The bridleway extension requires no work on the part of the authority, apart from the provision of a marker where the bridleway joins Syerscote Lane and a slight modification to the definitive map.

Burton Section of the CTC use Syerscote Lane quite often when cycling in the Tamworth direction and find it a delightful and quiet route away from speeding traffic. The bridleway extension would make a useful addition to the through routes that are open to us. In my view it is unlikely to have any detrimental effects on the landowner or local residents since it is unlikely to be heavily used.

We therefore support the application.

Yours faithfully

TRG Williams
CTC Right to Ride Representative

PC ack 30/7/99

Right to ride is the CTC's volunteer campaign network - working for all cyclists at the local level.



CYCLISTS' TOURING CLUB (EASTERN) LTD (Reg. No.1101956)
CYCLISTS' TOURING CLUB (NORTHERN) LTD (Reg. No.1101957)

CYCLISTS' TOURING CLUB (SOUTHERN) LTD (Reg. No.1101958)
CYCLISTS' TOURING CLUB (WESTERN) LTD (Reg. No.1101959)

Founded 1878

Patron: Her Majesty the Queen
President: Phil Liggett
Director: Kevin Mayne

CTC (CYCLISTS' TOURING CLUB) A COMPANY LIMITED BY GUARANTEE REGISTERED IN ENGLAND NO. 25185 REGISTERED OFFICE: COTTRELL HOUSE, 69 MEADOW, GODALMING, SURREY GU7 3HS. FOUNDER MEMBER OF THE ALLIANCE INTERNATIONALE DE TOURISME

PLEASE NOTE NEW ADDRESS

F
COPY

PEAK & NORTHERN FOOTPATHS SOCIETY

23, Turncroft Lane, Offerton, Stockport, SK1 4AB.
Telephone 0161 480 3565 Fax 0161 429 7279

APPENDIX H

19th July, 1999

Director of Central Services.
Staffordshire County Council,
PO Box 11,
County Buildings,
Martin Street,
STAFFORD
ST16 2LH

Our reference: T/200-256

Your reference: 4/OTS/LJ6118G

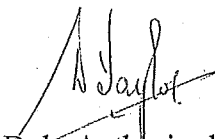
Dear Sir,

Re: Alleged public bridleway between Syerscote Lane, and Public Bridleway No.33.
Clifton Campville.

Thank you for your letter of the 12th July 1999. Whilst we would support the creation of a bridleway at this location I have to inform you that we have no evidence which would be of value to you in this case.

Thank you for consulting us.

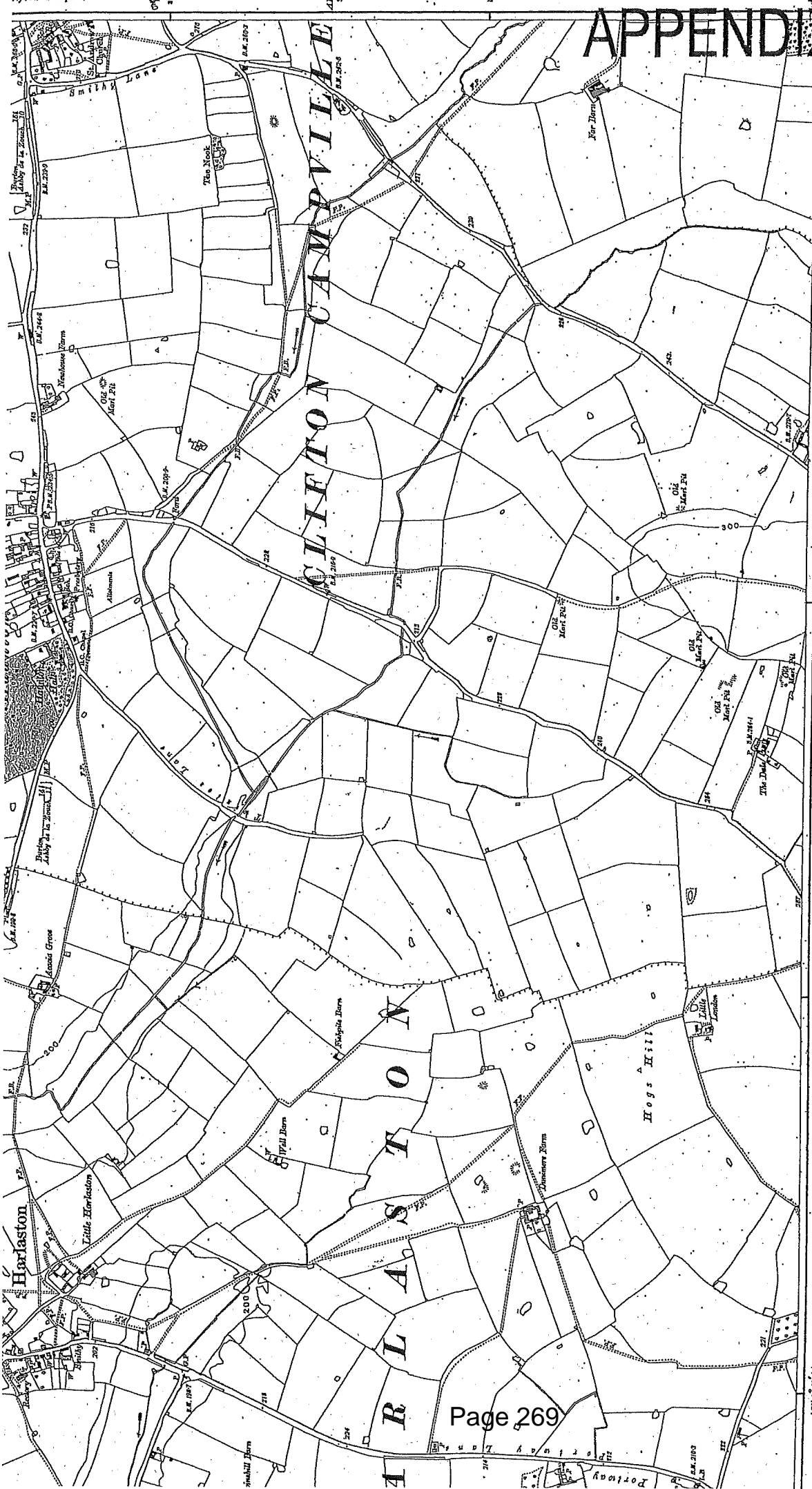
Yours faithfully,



Duly Authorised Officer

PC ack 27/7/99

APPENDIX



STAFFORDSHIRE

LICHFIELD DIVISION

1925 0.5

TAMWORTH UNION & R.D.

Scale—Six Inches to One Statute Mile or 600 Feet to One Inch—1:1200

1" = 30'

1" = 40'

1" = 50'

1" = 60'

1" = 70'

1" = 80'

1" = 90'

1" = 100'

1" = 110'

1" = 120'

1" = 130'

1" = 140'

1" = 150'

1" = 160'

1" = 170'

1" = 180'

1" = 190'

1" = 200'

1" = 210'

1" = 220'

1" = 230'

1" = 240'

1" = 250'

1" = 260'

1" = 270'

1" = 280'

1" = 290'

1" = 300'

1" = 310'

1" = 320'

1" = 330'

1" = 340'

1" = 350'

1" = 360'

1" = 370'

1" = 380'

1" = 390'

1" = 400'

1" = 410'

1" = 420'

1" = 430'

1" = 440'

1" = 450'

1" = 460'

1" = 470'

1" = 480'

1" = 490'

1" = 500'

1" = 510'

1" = 520'

1" = 530'

1" = 540'

1" = 550'

1" = 560'

1" = 570'

1" = 580'

1" = 590'

1" = 600'

1" = 610'

1" = 620'

1" = 630'

1" = 640'

1" = 650'

1" = 660'

1" = 670'

1" = 680'

1" = 690'

1" = 700'

1" = 710'

1" = 720'

1" = 730'

1" = 740'

1" = 750'

1" = 760'

1" = 770'

1" = 780'

1" = 790'

1" = 800'

1" = 810'

1" = 820'

1" = 830'

1" = 840'

1" = 850'

1" = 860'

1" = 870'

1" = 880'

1" = 890'

1" = 900'

1" = 910'

1" = 920'

1" = 930'

1" = 940'

1" = 950'

1" = 960'

1" = 970'

1" = 980'

1" = 990'

1" = 1000'

1" = 1010'

1" = 1020'

1" = 1030'

1" = 1040'

1" = 1050'

1" = 1060'

1" = 1070'

1" = 1080'

1" = 1090'

1" = 1100'

1" = 1110'

1" = 1120'

1" = 1130'

1" = 1140'

1" = 1150'

1" = 1160'

1" = 1170'

1" = 1180'

1" = 1190'

1" = 1200'

1" = 1210'

1" = 1220'

1" = 1230'

1" = 1240'

1" = 1250'

1" = 1260'

1" = 1270'

1" = 1280'

1" = 1290'

1" = 1300'

1" = 1310'

1" = 1320'

1" = 1330'

1" = 1340'

1" = 1350'

1" = 1360'

1" = 1370'

1" = 1380'

1" = 1390'

1" = 1400'

1" = 1410'

1" = 1420'

1" = 1430'

1" = 1440'

1" = 1450'

1" = 1460'

1" = 1470'

1" = 1480'

1" = 1490'

1" = 1500'

1" = 1510'

1" = 1520'

1" = 1530'

1" = 1540'

1" = 1550'

1" = 1560'

1" = 1570'

1" = 1580'

1" = 1590'

1" = 1600'

1" = 1610'

1" = 1620'

1" = 1630'

1" = 1640'

1" = 1650'

1" = 1660'

1" = 1670'

1" = 1680'

1" = 1690'

1" = 1700'

1" = 1710'

1" = 1720'

1" = 1730'

1" = 1740'

1" = 1750'

1" = 1760'

1" = 1770'

1" = 1780'

1" = 1790'

1" = 1800'

1" = 1810'

1" = 1820'

1" = 1830'

1" = 1840'

1" = 1850'

1" = 1860'

1" = 1870'

1" = 1880'

1" = 1890'

1" = 1900'

1" = 1910'

1" = 1920'

1" = 1930'

1" = 1940'

1" = 1950'

1" = 1960'

1" = 1970'

1" = 1980'

1" = 1990'

1" = 2000'

1" = 2010'

1" = 2020'

1" = 2030'

1" = 2040'

1" = 2050'

1" = 2060'

1" = 2070'

1" = 2080'

1" = 2090'

1" = 2100'

1" = 2110'

1" = 2120'

1" = 2130'

1" = 2140'

1" = 2150'

1" = 2160'

1" = 2170'

1" = 2180'

1" = 2190'

1" = 2200'

1" = 2210'

1" = 2220'

1" = 2230'

1" = 2240'

1" = 2250'

1" = 2260'

1" = 2270'

1" = 2280'

1" = 2290'

1" = 2300'

1" = 2310'

1" = 2320'

1" = 2330'

1" = 2340'

1" = 2350'

1" = 2360'

1" = 2370'

1" = 2380'

1" = 2390'

1" = 2400'

1" = 2410'

1" = 2420'

1" = 2430'

1" = 2440'

1" = 2450'

1" = 2460'

1" = 2470'

1" = 2480'

1" = 2490'

1" = 2500'

1" = 2510'

1" = 2520'

1" = 2530'

1" = 2540'

1" = 2550'

1" = 2560'

1" = 2570'

1" = 2580'

1" = 2590'

1" = 2600'

1" = 2610'

1" = 2620'

1" = 2630'

1" = 2640'

1" = 2650'

1" = 2660'

1" = 2670'

1" = 2680'

1" = 2690'

1" = 2700'

1" = 2710'

1" = 2720'

1" = 2730'

1" = 2740'

1" = 2750'

1" = 2760'

1" = 2770'

1" = 2780'

1" = 2790'

1" = 2800'

1" = 2810'

1" = 2820'

1" = 2830'

1" = 2840'

1" = 2850'

1" = 2860'

1" = 2870'

1" = 2880'

1" = 2890'

1" = 2900'

1" = 2910'

1" = 2920'

1" = 2930'

1" = 2940'

1" = 2950'

1" = 2960'

1" = 2970'

1" = 2980'

1" = 2990'

1" = 3000'

1" = 3010'

1" = 3020'

1" = 3030'

1" = 3040'

1" = 3050'

1" = 3060'

1" = 3070'

1" = 3080'

1" = 3090'

1" = 3100'

1" = 3110'

1" = 3120'

1" = 3130'

1" = 3140'

1" = 3150'

1" = 3160'

1" = 3170'

1" = 3180'

1" = 3190'

1" = 3200'

1" = 3210'

1" = 3220'

1" = 3230'

1" = 3240'

1" = 3250'

1" = 3260'

1" = 3270'

1" = 3280'

1" = 3290'

1" = 3300'

1" = 3310'

1" = 3320'

1" = 3330'

1" = 3340'

1" = 3350'

1" = 3360'

1" = 3370'

1" = 3380'

1" = 3390'

1" = 3400'

1" = 3410'

1" = 3420'

1" = 3430'

1" = 3440'

1" = 3450'

1" = 3460'

1" = 3470'

1" = 3480'

1" = 3490'

1" = 3500'

1" = 3510'

1" = 3520'

1" = 3530'

1" = 3540'

1" = 3550'

1" = 3560'

1" = 3570'

1" = 3580'

1" = 3590'

1" = 3600'

1" = 3610'

1" = 3620'

1" = 3630'

1" = 3640'

1" = 3650'

1" = 3660'

1" = 3670'

1" = 3680'

1" = 3690'

1" = 3700'

1" = 3710'

1" = 3720'

1" = 3730'

1" = 3740'

1" = 3750'

1" = 3760'

1" = 3770'

1" = 3780'

1" = 3790'

1" = 3800'

1" = 3810'

1" = 3820'

1" = 3830'

1" = 3840'

1" = 3850'

1" = 3860'

1" = 3870'

1" = 3880'

1" = 3890'

1" = 3900'

1" = 3910'

1" = 3920'

1" = 3930'

1" = 3940'

1" = 3950'

1" = 3960'

1" = 3970'

1" = 3980'

1" = 3990'

1" = 4000'

1" = 4010'

1" = 4020'

1" = 4030'

1" = 4040'

1" = 4050'

1" = 4060'

1" = 4070'

1" = 4080'

1" = 4090'

1" = 4100'

1" = 4110'

1" = 4120'

1" = 4130'

1" = 4140'

1" = 4150'

1" = 4160'

1" = 4170'

1" = 4180'

1" = 4190'

1" = 4200'

1" = 4210'

1" = 4220'

1" = 4230'

1" = 4240'

1" = 4250'

1" = 4260'

1" = 4270'

1" = 4280'

1" = 4290'

1" = 4300'

1" = 4310'

1" = 4320'

1" = 4330'

1" = 4340'

1" = 4350'

1" = 4360'

1" = 4370'

1" = 4380'

1" = 4390'

1" = 4400'

1" = 4410'

1" = 4420'

1" = 4430'

1" = 4440'

1" = 4450'

1" = 4460'

1" = 4470'

1" = 4480'

1" = 4490'

1" = 4500'

1" = 4510'

1" = 4520'

1" = 4530'

1" = 4540'

1" = 4550'

1" = 4560'

1" = 4570'

1" = 4580'

1" = 4590'

1" = 4600'

1" = 4610'

1" = 4620'

1" = 4630'

1" = 4640'

1" = 4650'

1" = 4660'

1" = 4670'

1" = 4680'

1" = 4690'

1" = 4700'

1" = 4710'

1" = 4720'

1" = 4730'

1" = 4740'

1" = 4750'

1" = 4760'

1" = 4770'

1" = 4780'

1" = 4790'

1" = 4800'

1" = 4810'

1" = 4820'

1" = 4830'

1" = 4840'

1" = 4850'

1" = 4860'

1" = 4870'

1" = 4880'

1" = 4890'

1" = 4900'

1" = 4910'

1" = 4920'

1" = 4930'

1" = 4940'

1" = 4950'

1" = 4960'

1" = 4970'

1" = 4980'

1" = 4990'

1" = 5000'

1" = 5010'

1" = 5020'

1" = 5030'

1" = 5040'

1" = 5050'

1" = 5060'

1" = 5070'

1" = 5080'

1" = 5090'

1" = 5100'

1" = 5110'

1" = 5120'

1" = 5130'

1" = 5140'

1" = 5150'

1" = 5160'

1" = 5170'

1" = 5180'

1" = 5190'

1" = 5200'

1" = 5210'

1" = 5220'

1" = 5230'

1" = 5240'

1" = 5250'

1" = 5260'

1" = 5270'

1" = 5280'

1" = 5290'

1" = 5300'

1" = 5310'

1" = 5320'

1" = 5330'

1" = 5340'

1" = 5350'

1" = 5360'

1" = 5370'

1" = 5380'

1" = 5390'

1" = 5400'

1" = 5410'

1" = 5420'

1" = 5430'

1" = 5440'

1" = 5450'

1" = 5460'

1" = 5470'

1" = 5480'

1" = 5490'

1" = 5500'

1" = 5510'

1" = 5520'

1" = 5530'

1" = 5540'

1" = 5550'

1" = 5560'

1" = 5570'

1" = 5580'

1" = 5590'

1" = 5600'

1" = 5610'

1" = 5620'

1" = 5630'

1" = 5640'

1" = 5650'

1" = 5660'

1" = 5670'

1" = 5680'

1" = 5690'

1" = 5700'

1" = 5710'

1" = 5720'

1" = 5730'

1" = 5740'

1" = 5750'

1" = 5760'

1" = 5770'

1" = 5780'

1" = 5790'

1" = 5800'

1" = 5810'

1" = 5820'

1" = 5830'

1" = 5840'

1" = 5850'

1" = 5860'

1" = 5870'

1" = 5880'

1" = 5890'

1" = 5900'

1" = 5910'

1" = 5920'

1" = 5930'

1" = 5940'

1" = 5950'

1" = 5960'

1" = 5970'

1" = 5980'

1" = 5990'

1" = 6000'

1" = 6010'

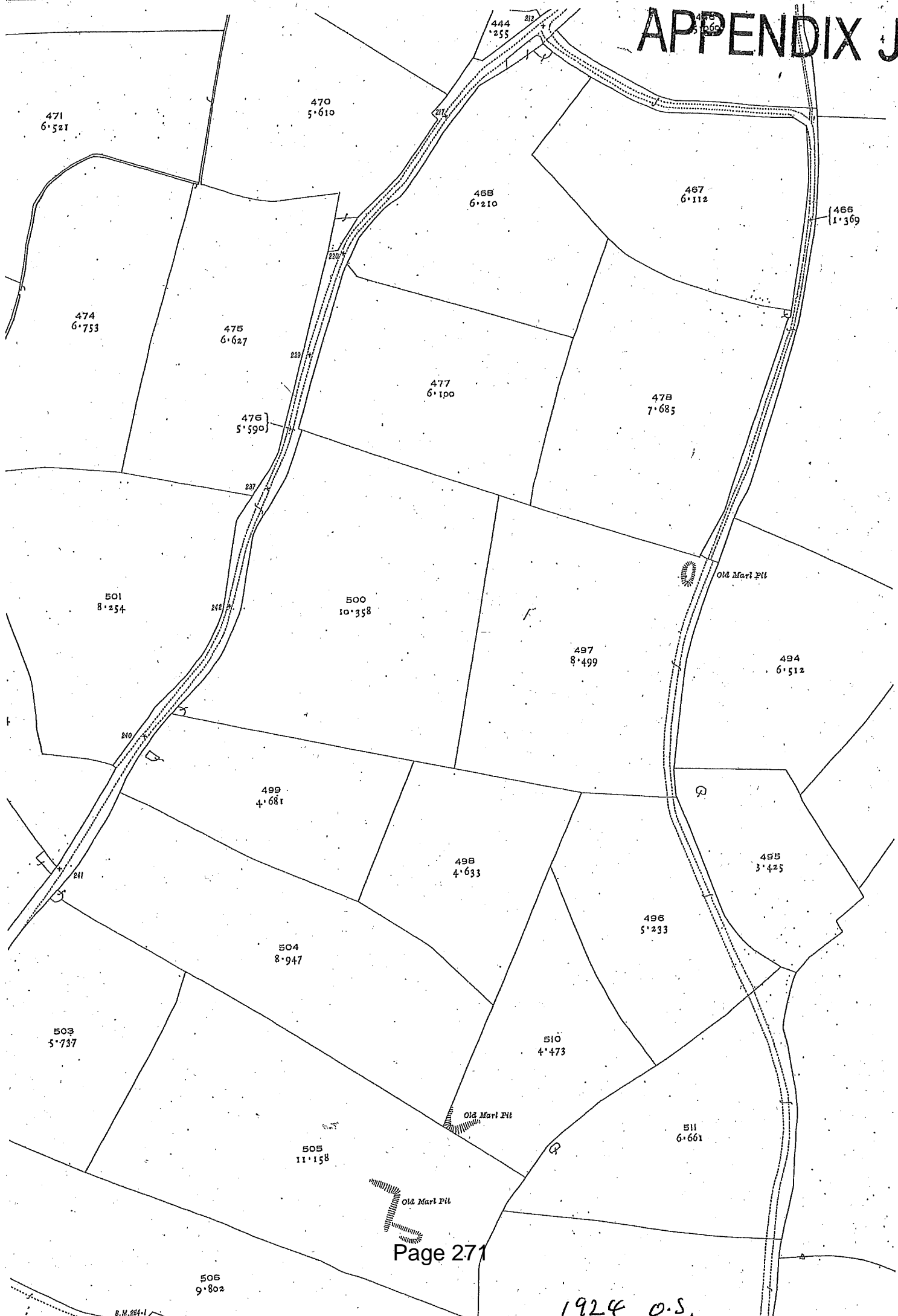
1" = 6020'

1" = 6030'</

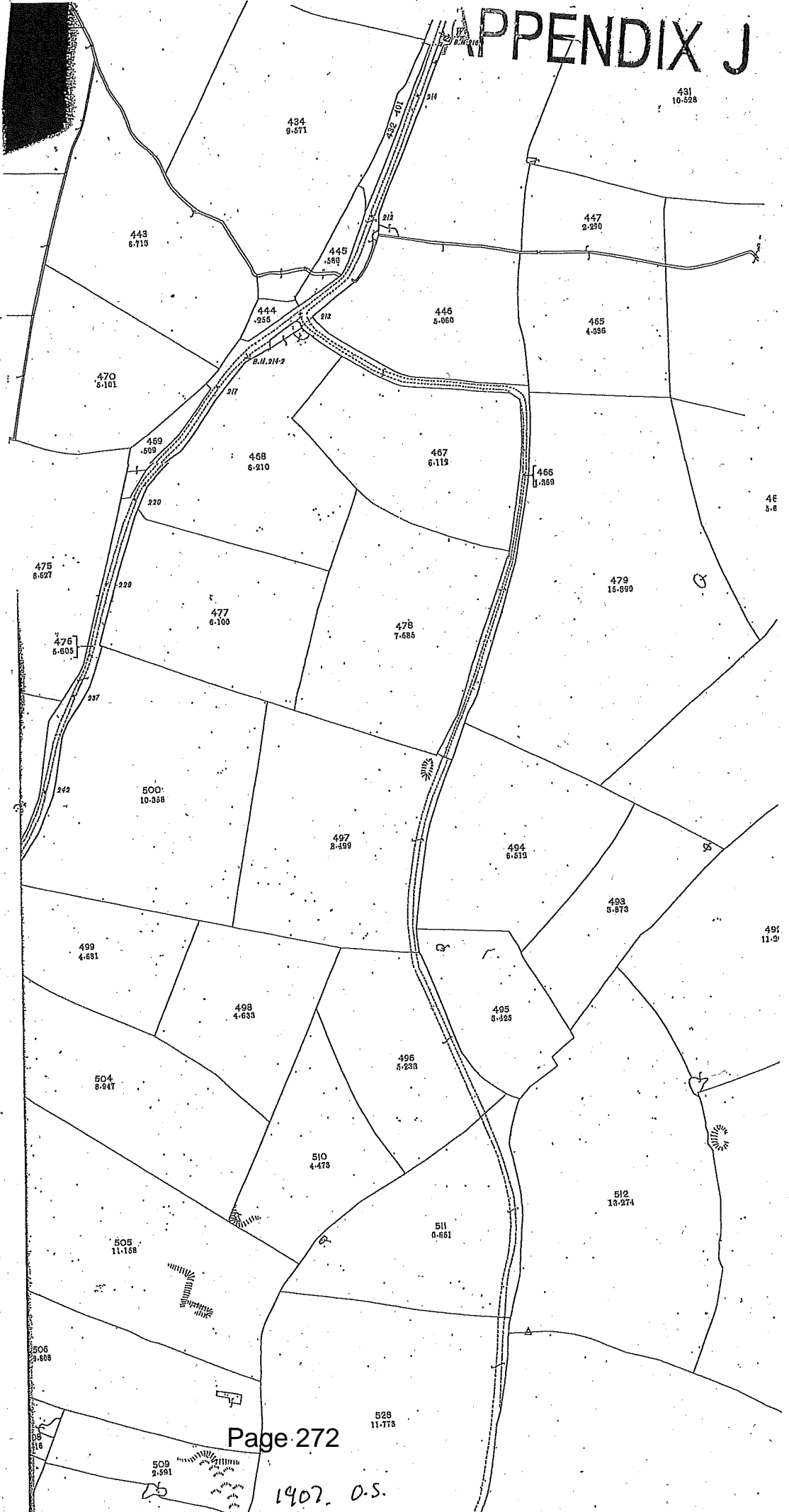
APPENDIX J



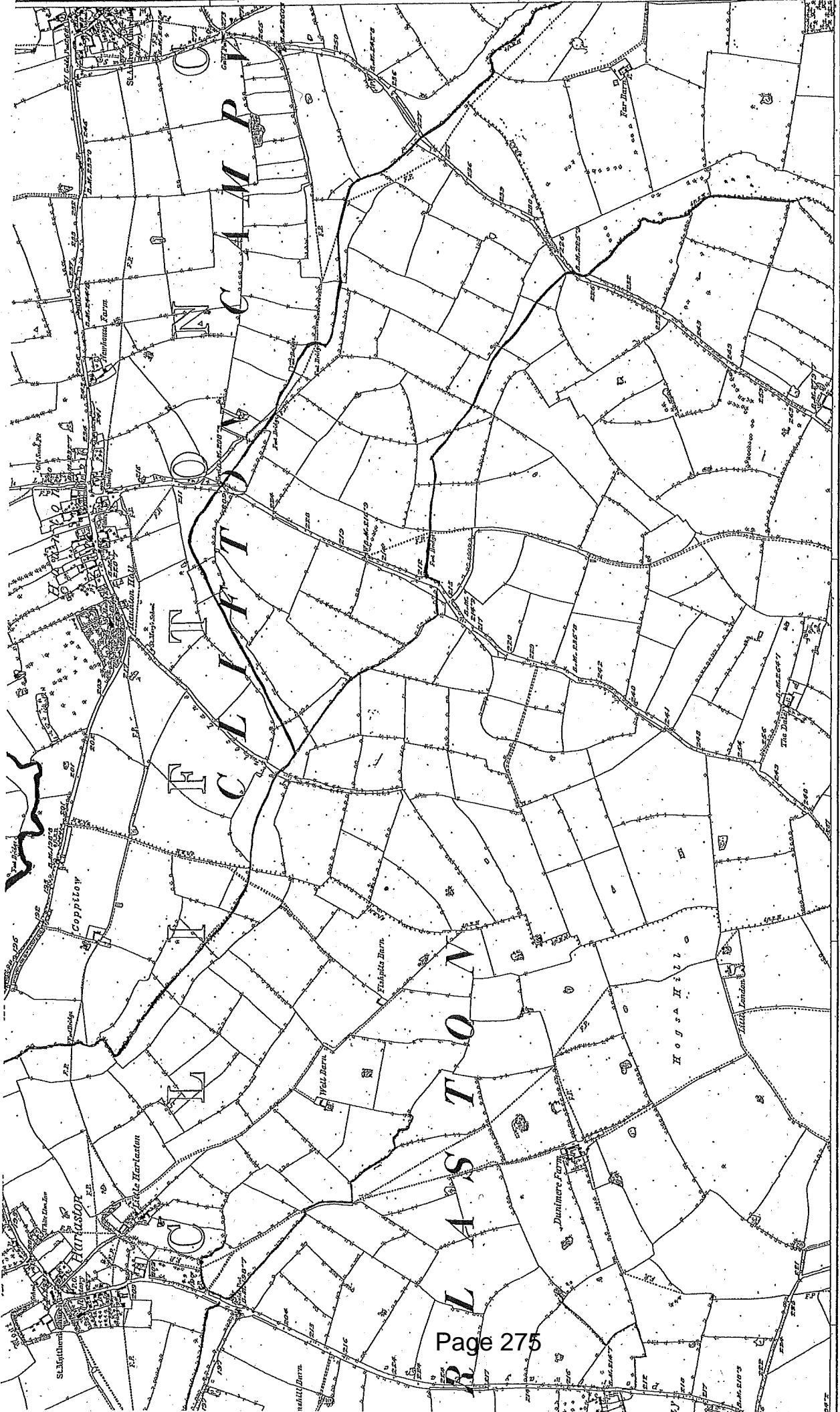
APPENDIX J



APPENDIX J



1402. 0-5.



11° 40' 11° 20' 11° 00' 10° 40' 10° 20' 10° 00' 9° 40' 9° 20' 9° 00' 8° 40' 8° 20' 8° 00' 7° 40' 7° 20' 7° 00' 6° 40' 6° 20' 6° 00' 5° 40' 5° 20' 5° 00' 4° 40' 4° 20' 4° 00' 3° 40' 3° 20' 3° 00' 2° 40' 2° 20' 2° 00' 1° 40' 1° 20' 1° 00' 0° 40' 0° 20' 0° 00'

LIX.N.E.
Staffordshire (Eastern Division.)
1884 0.5

Scale—Six Inches to One Statute Mile or 800 Feet to One Inch—1:1600

Scale—Six Inches to One Statute Mile or 800 Feet to One Inch—1:1600

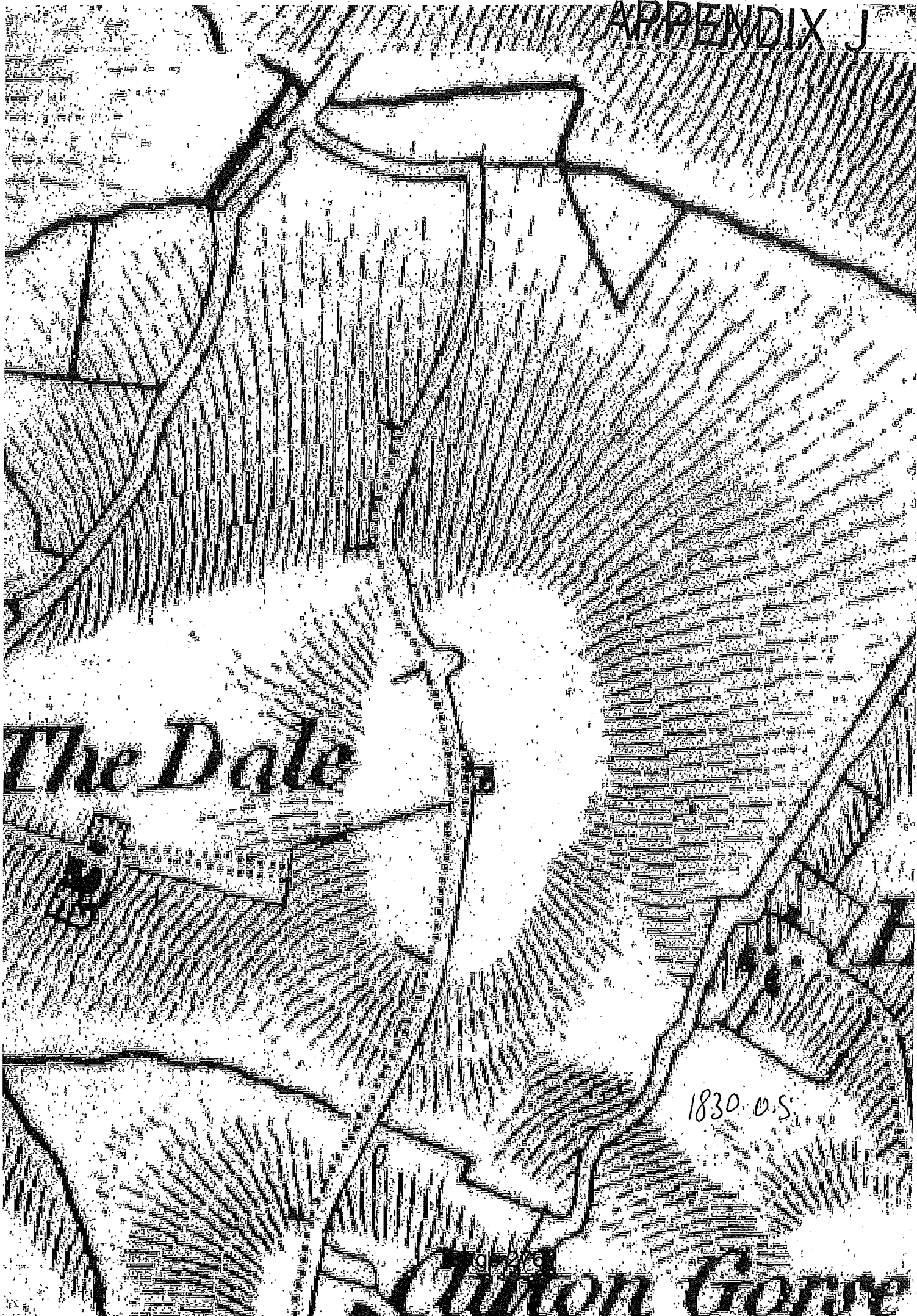
Photoreproduced from 1880 Plans and Published at the Ordnance Survey Office, Southampton.

Surveyed in 1861-62.

1884

The Sheet is published by the Ordnance Survey Office, Southampton.

APPENDIX J



The Dale

1830. O.S.

9 2 6
Cotton Grove

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

Staffordshire County Council: Survey of Rights of Way

Note—The survey should be carried out as described in the pamphlet "Survey of Rights of Way."

LOCAL AUTHORITY: <i>Stafford A.D.C.</i>	PATH No., as on map: <i>✓ 25533</i>
PARISH: <i>Stretton Comfwell</i>	PATH SYMBOL, as on map: <i>B.R.</i>
Path finishes at: <i>2 Parish Boundary</i>	6 th quarter Ordnance Sheet No.: <i>L17 F.P. 202</i>
Path starts at: <i>Perwell Lane</i>	Survey started on <i>June 17</i> 1951
Names and addresses of persons making the survey:	Survey finished on <i>June 26</i> 1951
<i>L. Bennett B. Payne</i>	<i>Hillside Stretton Comfwell Tamworth Staffs Hawton</i>

Grounds for believing path to be public: please mention Enclosure Award Maps, Title Maps, and any other relevant documentary evidence

Path used for at least 20 years without dispute.

CHV-51219

Description of route:

35 B.R.

Start at Peppall Lane through Field Gate into Plough Fields
to rear of Gorse Farm to Field Gate leading in to the Staff
Lane near Footmire Cottage, then crosses road through
Bridle Gate along variable Field to S. of Staff Lane
E. Paris Boundary / NW BR 36

Date of last walking
or riding the path:

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
Staffordshire County Council; Survey of Rights of Way

Note—The survey should be carried out as described in the pamphlet "Survey of Rights of Way."

LOCAL AUTHORITY: <i>Stafford B.D.C.</i>	PATH No. as on map: <i>34</i>
PARISH: <i>Stilton Stafford</i>	PATH SYMBOL as on map: <i>F.B.</i>
Path starts at: <i>Byerscote Lane</i>	Path finishes at: <i>Russell Lane</i>
Names and addresses of persons making the survey: <i>L. Clement E. Peppie</i>	8" Quarter Ordnance Sheet No. <i>L K 11</i> <i>L 111</i>
	Survey started on <i>June 9th 1951</i>
	Survey finished on <i>June 26 1951</i>
Groups for believing path to be public: please mention Enclosure Award Maps, Title Maps, and any other relevant documentary evidence. <i>path used for at least 40 years without dispute</i>	

CHV-51219

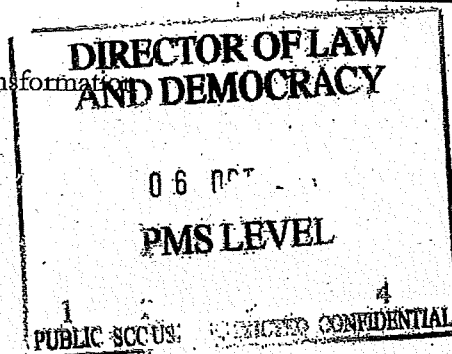
APPENDIX L

Our Ref: MFO/VJ/BOS00032/00001
Your Ref: MMU/ZIP008120

03 October 2014



Director of Democracy, Law and Transformation
Staffordshire County Council
DX 712320
STAFFORD 5



FAO Michael Murphy

Dear Sir

Section 53 Wildlife and Countryside Act 1981

Bridleway Claim between Syerscote Lane and Public Footpath 33 Clifton Campville

Mr Bostock has consulted us on your letter to him of 28th August 2014. Thank you for sending him a copy of your report in draft which we have been able to consider. Our client does not, by any means, accept all the points made in your detailed report. At this stage, however, we are writing to ask you to take account of some further points as follows:

- The 1838 Clifton Campville and Haunton Tithe Map seems clearly to indicate a private occupation road ending at a cul de sac with a fence or gate at its end.
- The 1838 Map shows a number of these short lengths of road leading into fields. Some of them have disappeared altogether and the others are private tracks, not bridleways.
- The OS Map of 1883 shows coloured brown a continuation of Mease Lane running northwards from the centre of the village of Haunton towards Lullington. Nevertheless you have recently rejected a claim that the continuation of Mease Lane is a bridleway and have pointed out that it ends in a cul de sac. In the case of our client's track it is not even shown coloured on the OS Map.

Furthermore, recent SCC recommendations made for Mease Lane appear to contradict the recommendations made in the draft document regarding our client's track.

- Until 1947 the large scale OS Maps included the initials B.R. alongside any public bridleway. These initials do not appear alongside our client's track.
- We attach extracts from the Sale Particulars of the Clifton Campville and Haunton Estate in 1905. Our client's track was included in Lot 15. It is referred to there as "a roadway" under the number 466. By contrast Lot 49 states that the Lot was divided by a "public road", (i.e. the aforementioned "Mease Lane"). Those

Lodders Solicitors LLP

Registered Office: Number Ten Elm Court Arden Street, Stratford upon Avon, Warwickshire CV37 6PA

T 01789 293259 F 01789 268093 DX 16201 Stratford upon Avon E lawyers@ladders.co.uk www.ladders.co.uk

A reference to a partner of Lodders Solicitors LLP means a member of Lodders Solicitors LLP or an employee with Partner status.

Lodders Solicitors is a trading name of Lodders Solicitors LLP, a Limited Liability Partnership. Registered in England. Partnership No: OC306995.

Authorised and Regulated by the Solicitors Regulation Authority, SRA no. 00465376. A list of members is available for inspection at the registered office.



persons responsible for drafting the Sale Particulars were obviously being careful to distinguish between public and private roads.

Additionally, evidence from Lot 15 of the 1905 Sale Particulars details the various farmers renting different fields surrounding the track, and their annual rent. This supports the existence of our client's track as a farm track to allow these various tenants means to access their respective fields, which would otherwise have been land-locked and inaccessible.

- You have helpfully included the Parish Survey Returns made in 1951 under the 1949 National Parks and Access to Countryside Act. The Parish Councillors said that Footpath 34 finishes at Pessell Lane. On their Return for the Bridleway 33 they say that it begins at Pessell Lane. There are no references to Pessell Lane on other maps, (indeed the only marked 'Pessall Lane' in the vicinity is in a Neighbouring village approximately 3 miles away.) The Parish Council Return does however suggest that the Parish Council had in mind a direct line route from Haunton to 'Clifton Rough and Parish boundary', (near Statfold), beginning as a footpath and becoming Pessell Lane at the point where there was a stile at that time. It is not accepted, and our client cannot find any evidence, that the track now claimed as a bridleway has ever been called, or referred to, as Pessell Lane, or indeed any name at all.
- Whilst the bridleway does end in a cul de sac as recorded on the Definitive Map it is still a substantial length of over half a mile. It is worthwhile therefore for horse riders to use the track and turn at the end of it. Some of the witnesses making user statements say that they have done this.
- The previous tenant of the land over which the track runs, Mr John Cliffe, was occupier of the land for a period of 43 years (1959-2002). He will be providing a written statement stating that he always believed that the route originated as a footpath from Syerscote Lane leading directly into the bridleway and never ran down the track in question.
- We attach a copy of the Case of Mildred -v- Weaver heard in 1862. This concerned a dispute over a farm track. Members of the public were breaking into it and the owner of the land brought an action for trespass. The defence was that the track was a highway. You will see that the Chief Justice said:

"It was a matter of common experience that there were many farm roads which, as means of communication, were of great convenience and which many persons used a long time before it became worth the owner's while to resort to any measures to prevent it. On the other hand the fact of payment for the user would not be conclusive against the right, for it might be that a man was not in a position to enter into litigation to enforce the right. Still it was a strong piece of evidence against the right. The question was only as to carriageway. The bridleway would be admitted, and if a gate was put up it might be opened by a horseman just as much as if there were a right of carriageway. The strongest evidence in favour of the defendants, and in support of the alleged right was that of the bailiffs of former owners, for it would be within the province of the bailiffs to prevent trespassers, and they might have put a lock on the

gate for carriages, and opened a bridlegate. *Easy minded men, however, would not be disposed to contest every user, and it was a matter for the experience of the Jury whether the evidence tended to show a farm road or a highway used by all the world, and whether the user as a highway had been submitted to by the owners.*" (our italics)

Matters were obviously little different in 1862 from now and the determining body, nowadays an Inspector rather than a Jury, has a difficult balancing exercise. In this case the Jury found that the road had not become a highway and found for the Plaintiff in his claim for trespass.

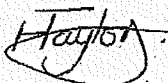
- The High Court Judge made a similar point in *Holloway -v- Egham UDC* in 1908. He pointed out that there were many occupation roads in the country and where a limited class of persons is entitled to use the road evidence of user by members of the public carries much less weight because it is difficult for the landowner to distinguish between them and persons with a right to use a road.

Our client is obtaining the title deeds from his mortgagee so that we can see if there is any material there which could be helpful in determining this matter and we are making other enquiries.

We note that in paragraph 96 of your draft report you say that when the totality of evidence is considered "it is finely balanced" as to whether, on the balance of probabilities, a public bridleway subsists. In the light of the points we have made above we would respectfully ask you to reconsider this view. Given those additional points it seems to us that the matter is not finely balanced and that this claim could only proceed on the basis of "reasonably alleged to subsist". This test is going to be repealed by the Deregulation Bill currently going through Parliament. We understand that the application to claim this bridleway was number 125 or 130 on your waiting list. It is more than probable that some of the first 124 claims are those where you will find that, on the balance of probabilities, the path does exist, not is reasonably alleged to subsist. It seems logical that these claims should be processed first and that any "reasonably alleged to subsist" claims should be deferred during the passage of the Bill through Parliament.

Could you please be kind enough to acknowledge receipt of this letter. An email acknowledgement to the address below will suffice.

Yours faithfully

pp. 

MICHAEL ORLIK
CONSULTANT
For and on behalf of Lodders Solicitors LLP

Direct Tel: 01789 206106
Direct Fax: 01789 262985
Email: michael.orkik@lodders.co.uk

50.50 Impose

Lot 14, continued.

Nos. 438 to 440 and 441 to 445 are let to Mr. J. Walker on a Yearly Agreement together with other lands comprised in Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 at a total rent of £270, and for the purposes of this sale the rent payable in respect of this portion is £75-0-0

Nos. 448, 470, and 471 are let to Mrs. Goodall on a Yearly Tenancy together with other lands comprised in Lot 13 at a total rent of £144-2-6 and for the purposes of this sale the rent payable in respect of this portion is £25-0-0

No. 469 is let to Mr. S. Hatfield on a Yearly Agreement dated 28th September 1887 (subject to six months' notice) together with other lands comprised in Lots 16 and 17 at a total rent of £120 and for the purposes of this sale the rent payable in respect of this portion is £12-0-0

No. 469 of Garden Street let to J. L. Butler on a Yearly Tenancy together with other lands comprised in Lots 16 and 17 at a total rent of £24-0-0 and for the purposes of this sale the rent payable in respect of this portion is £0-2-0

No. 502 is let to Carter Brothers on a Yearly Tenancy together with other lands comprised in Lot 19 at a total rent of £86 and for the purposes of this sale the rent payable in respect of this portion is £7-0-0

The remainder is let to Mr. A. Simpson on a Yearly Tenancy together with other lands comprised in Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 at a total rent of £170-10s. and for the purposes of this sale the rent payable in respect of this portion is £116-0-0

Total Rent = £432-16-0

The timber standing and growing upon this lot has been valued and will have to be taken and paid for in addition to the purchase money at the price of 5/- per acre as mentioned by the Auctioneer at the time of Sale.

There are tithe amounting to 242 5s. 10d. payable upon this lot of which Messrs. Goodall, Carter Bros. and Hatfield paid 24s. 1d. in 1904 for tithe upon the portion of their land comprised in this lot.

Lot 15.

(Coloured PURPLE on Plans Nos. 1 and 2)

ANOTHER CAPITAL FREEHOLD PROPERTY

KNOWN AS

Haunton Grange Farm,

COMPRISING

213 a. 1 r. 5 p.

OR

PRODUCTIVE ARABLE AND GOOD PASTURE LAND.

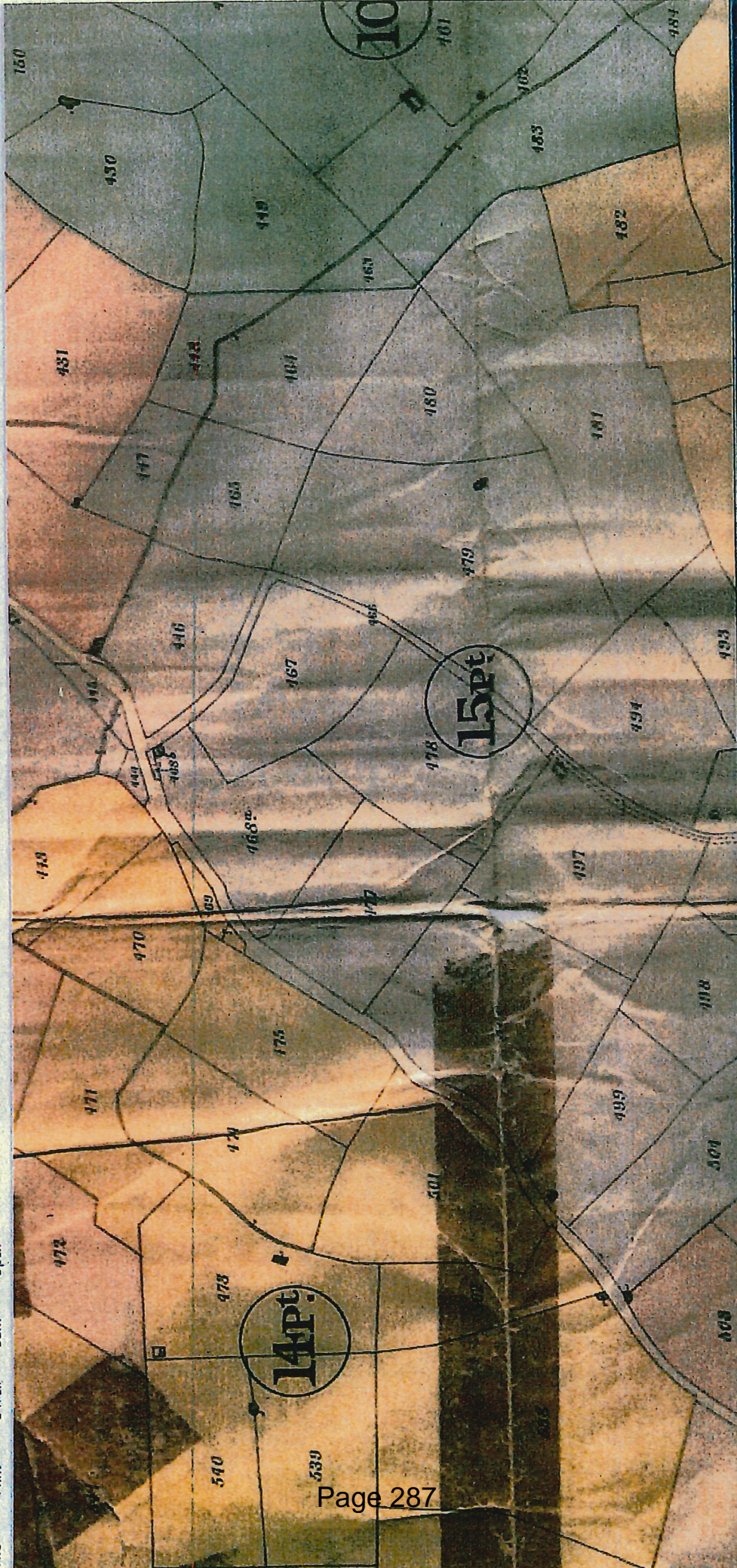
Situate in the parishes of CLIFTON CAMPVILLE and HAUNTON, STAFFORDSHIRE. The Homestead adjoins the property comprised in the preceding Lot and the lands running down to the River Mease, and the remaining lands form two compact blocks divided only by a main thoroughfare and

POSSESSING A MILE OF FRONTAGE TO A GOOD ROAD,

Which extends from Haunton Village to Tanworth, Herefordshire.

Imposing Old-fashioned Residence.

Seated in the centre of the village, brick built and tiled with slates, roof and it contains—
 On the Second Floor—Two Attic Rooms
 On the First Floor—Five Bed Rooms and Box Room
 On the Ground Floor—Central Entrance Hall, one Drawing Room and Dining Room, both with tiled hearths and fireplaces, and cupboards, a Library Room with stove and cupboards, Kitchen, Back Wash house, Store Room, Dairy with Large Cheese Room over, and Wine, Beer and other Cellars in basement.



STAFFORDSHIRE.

Four miles from Hazelour and Elford Station, on the Midland Railway, 6 miles from the Market Town and Railway Station of Tamworth, on the London and North Western Line, and 10 miles from Lichfield.

Particulars, Plans, and Conditions of Sale
OF A VALUABLE

Freehold Estate

KNOWN AS

CLIFTON CAMPVILLE & HAUNTON,

EMBRACING ABOUT

3,092 Acres

Bounded by the River Mease for many miles, comprising a

Residential, Sporting and Manorial Property,

CALLED

CLIFTON HALL,

With Ancient House, Chapel, Stabling, Gardens, excellent Game Coverts, Fish Ponds, and excellent Fishing. There are

15 COMPACT FARMS,

Varying from 50 to 300 Acres, and let to old-established Tenants, also

FULLY-LICENSED INN, "THE GREEN MAN,"

Water Mill, Saw Mill, School, Smithies, Shops, numerous Holdings, Houses and Cottages, comprising nearly the whole of the

VILLAGES OF CLIFTON AND HAUNTON,

And of an actual and estimated rental value of about

£4,260 per annum.

Which will be Sold by Auction

BY MESSRS.

FAREBROTHER, ELLIS, EGERTON, BREACH & CO.

AT THE CASTLE HOTEL, TAMWORTH,

On MONDAY, the 10th day of JULY, 1905,

At HALF-PAST TWO o'clock precisely, first in its entirety, and, if not sold, then immediately afterwards in 53 Lots.

Particulars, with Plans and Conditions of Sale, can be obtained of Messrs. WALTERS & Co., Solicitors, 9, New Square, Lincoln's Inn, W.C.; of Messrs. ARGYLE & SONS, Solicitors, Tamworth; A. J. O'CONNOR, Esq., Solicitor, 25, Bennett's Hill, Birmingham; C. E. ELAURIST, Esq., Solicitor, 8, Lendal, York; The Castle Hotel, Tamworth; "The Green Man" Inn, Clifton Campville; and of

Messrs. FAREBROTHER, ELLIS, EGERTON, BREACH & CO.,
11, Fleet Street, Temple Bar, London, E.C.

Lot 15, continued.

THE FARM BUILDINGS

Are well arranged, and comprise : Range of Waggon Shed, Trap House, with Granary over, Calf House, Cow House for 11 head and another Calf House, a Return Range of Cow House for 10 head. Near house are, Cart-horse Stable for five head, Chaff House, another Stable for five, Loose Box, Hen House and fattening pens, in the rear of which are Implement Shed and Range of Piggeries; Large Barn with Granary over; Two 4-bayed open Cattle Shed and enclosed yard. Brick and slated Cattle Shed near.

SCHEDULE.

No. on Plan.	Description.	Cult.	Quantity.			No. on Plan.	Description.	Cult.	Quantity.		
			A.	R.	P.				A.	R.	P.
8	Part of River Mease	Water	0	0	22		Brought forward	89	3	3	
34	Long Yard	Pasture	8	0	23	466	Roadway	Road	1	1	19
46	Hood's Meadow	Ditto	0	2	18	467	Lower Pessell	Arable	6	0	18
47	Farmhouse, Buildings, &c.	—	0	3	20	468A	Middle ditto	Ditto	6	0	24
48	Croft	Pasture	0	3	10	468B	Garden Ground	Ditto	0	0	10
125B	Strip of Garden Ground	Arable	0	0	20	477	Near Upper Pessell	Ditto	6	0	16
130	Little Hill	Pasture	4	3	10	478	Big ditto ditto	Ditto	7	2	30
144	Tithe Meadow Flat	Arable	11	1	17	479	Garbridge	Ditto	15	1	24
145	Blackmiles	Ditto	10	1	21	480	Garbridge Meadow	Pasture	5	2	32
146	Great Hill	Pasture	15	1	30	481	Roods	Arable	14	1	8
432	Roadside strip	—	0	1	24	493	Long Hanging Hill	Ditto	3	3	20
433	Upper Goulds	Arable	6	3	0	494	Hanging Hill	Ditto	6	2	2
434	Goulds' Meadow	Pasture	9	2	11	495	Ditto	Pasture	3	1	28
444	Garden Ground	Arable	0	1	1	496	Stinking Graeves	Arable	5	0	37
445	Mytham	Ditto	0	3	13	497	Upper Pessell	Ditto	8	2	0
446	Ashby Meadow	Pasture	5	0	10	498	Near Lower Dose Pits	Ditto	4	2	21
447	Meadow	Arable	2	1	6	499	Near Upper ditto ditto	Ditto	4	2	29
448	Ditto	Pasture	2	0	20	500	Lower Pessell	Ditto	10	1	17
464	Over Warms	Ditto	5	2	16	504	Dose	Ditto	8	3	31
465	Ditto	Arable	4	1	22	510	Far Stinking Graeves	Ditto	4	1	36
Carried forward			89	3	3	A.			213	1	5

No. 432 is let to Mr. E. Duggins on a yearly tenancy, together with other lands £ s. d. comprised in Lot 50, at a total rent of £2, and for the purposes of this sale the rent payable in respect of this portion is 0 7 0

No. 445 is let to Mr. S. Heafield on a yearly agreement (subject to six months' notice), together with other lands comprised in Lots 14 and 50, at a total rent of £15, and for the purposes of this sale the rent payable in respect of this portion is 0 18 0

Nos. 444 and 468B are let to T. Barker on a yearly tenancy, together with other lands comprised in Lots 14 and 17, at a total rent of £3 4s. 0d., and for the purposes of this sale the rent payable in respect of this portion is per annum 0 6 0

Nos. 434, 446, 447, 448, 464 and 465 are let to Mr. A. Simpson on a yearly tenancy, together with other lands comprised in Lots 1, 13, 14, 17, 18 and 19, at a total rent of £479 16s. 0d., and for the purposes of this sale the rent payable in respect of this portion is 29 0 0

Nos. 493, 495, 496, 498, 499 and 510 are let to Mr. Thos. Hewett on a yearly tenancy, together with other lands comprised in Lots 10, 13, 18 and 50, at a total rent of £153 10s. 6d., and for the purposes of this sale the rent payable in respect of this portion is 26 0 0

The remainder is let to Mr. James Walker on a yearly agreement, together with other lands comprised in Lots 10, 13, 14, 17, 18 and 19, at a total rent of £370, and for the purposes of this sale the rent payable in respect of this portion is 200 0 0

TOTAL RENTAL £256 11 0

The Timber standing and growing upon this lot has been valued and will have to be taken and paid for in addition to the purchase money at the price of £ 3900 as mentioned by the Auctioneer at the time of Sale.

There are Tithes amounting to £36 13s. 3d. payable upon this lot, of which Mr. S. Heafield paid 1s. 7d. in 1904 for Tithe upon the portion of his land comprised in this lot.

3900

Lot 15, continued

THE FARM BUILDINGS

Arrival arranged and comprise: Range of 12 Cows Shed, Trap House with Granary over, Calf House, Cow House for 12 head and another Calf House, a large Range of Cows House for 10 head, a new house for Cattle, horse stable for six near Chimney House, and other stable for five, Epsom Box, Hen House and fattening pens in the rear of which are implement shed and Range of Pigsties, Large Barn with Granary over, a two-bayed open Cattle Shed and enclosed yard, Brack and fenced Cattle Shed near

SCHEDULE

No.	Description	Quantity	Remarks	Quantity	Remarks
34	Long Yard	1	100	100	Boards
46	Hood's Meadow	1	100	100	Arable
47	Barndoor Building	1	100	100	Ditto
48	Grass	1	100	100	Ditto
120	Strip of Garden Ground	1	100	100	Ditto
180	Little Hill	1	100	100	Ditto
144	Time Meadow	1	100	100	Ditto
145	Blackmire	1	100	100	Ditto
146	Grass Hill	1	100	100	Ditto
492	Hoag's Meadow	1	100	100	Ditto
434	Upper Gully	1	100	100	Ditto
435	Grass Meadow	1	100	100	Ditto
444	Grass Ground	1	100	100	Ditto
445	Mytham	1	100	100	Ditto
446	Amby Meadow	1	100	100	Ditto
447	Meadow	1	100	100	Ditto
448	Ditto	1	100	100	Ditto
464	Over Warm	1	100	100	Ditto
465	Ditto	1	100	100	Ditto

No. 432 is let to Mr. T. Duggin on a yearly tenancy together with other lands comprised in Lot 60 at a total rent of £12 and for the purposes of this sale the rent payable in respect of this portion is £12 0 0

No. 445 is let to Mr. S. Heald on a yearly agreement (subject to six months notice) together with other lands comprised in Lots 14 and 17 at a total rent of £210 and for the purposes of this sale the rent payable in respect of this portion is £210 0 0

Nos. 444 and 468 are let to J. Barker on a yearly tenancy together with other lands comprised in Lots 14 and 17 at a total rent of £224 8 0 and for the purposes of this sale the rent payable in respect of this portion is £224 8 0

Nos. 444, 446, 447, 448, 449 and 465 are let to Mrs. S. Simpson on a yearly tenancy together with other lands comprised in Lots 14, 15, 17, 18 and 19 at a total rent of £479 10s 0d and for the purposes of this sale the rent payable in respect of this portion is £479 10s 0d

Nos. 492, 495, 496, 498, 499 and 510 are let to Mr. P. H. Hewitt on a yearly tenancy together with other lands comprised in Lots 10, 12, 13 and 16 at a total rent of £159 10s 0d and for the purposes of this sale the rent payable in respect of this portion is £159 10s 0d

The remainder is let to Mr. James Walker on a yearly agreement together with other lands comprised in Lots 10, 13, 14, 16, 17 and 18 at a total rent of £370 and for the purposes of this sale the rent payable in respect of this portion is £370 0 0

To Mr. RENTAL £256 14 0

The Timber standing and growing on this lot has been valued and will have to be taken and paid for in addition to the purchase money at the price of 1s per cord as mentioned by the Auctioneer at the time of Sale.

There are Tithes amounting to £36 13s 3d payable upon this lot of which Mr. S. Heald paid 1s 7d in 1904 for Tithe upon the portion of the land comprised in the lot

1802.
MIRREB
v.
WEAVER.

Lusk examined the witness, so as to elicit that he had the plan from a former tenant of the farm; but this was only eight years ago, and it did not appear who made the plan, nor from what custody it came originally. It was not put in.

Witnesses were called and examined at great length in support of the case for the plaintiff, in order to disprove the alleged user.

The plaintiff had not had the property for more than two years, and since he had it had desired to improve it as a gentleman's residence, and with that view had hardened the road and put it in good condition.

M. Chambers for the defendant, opened that the way was a highway, and called many witnesses in support of the alleged right of way with carts and carriages to a place called Croham Hurst.

It should be mentioned that "Croham Hurst" is an eminence which commands a pleasant prospect, and is therefore a place of resort for parties of pleasure; and, therefore, it was suggested, on the part of the plaintiff in cross-examination, that the use of the road thereto by such parties was permissive only, and with light vehicles, and no evidence of a right, any more than the usual resort to the parks of the archbishop, or of any peer or gentleman of property, for the purposes of pleasure, would prove a legal right to go there, not only on foot, but with carriages and carts.

The defendant was called, and admitted the payment, to the plaintiff, but explained it as having been only as a contribution for the expense of repairs; not as a rent, or acknowledgment, for the user of the way.

The strongest evidence for the defendants, in support of the alleged right, was that of the bailiffs of former tenants (going back fifty or sixty years), which went to prove the user of the right and the absence of all obstruction. On

the other hand, the evidence did not show any particular user of the road by the tenants or occupiers of the defendant's farm; and, on the contrary, the user, so far as it had existed, seemed to have been general and chiefly by strangers.

M. Chambers, in summing up the case for the defendant, went upon the plea of a *highway*.

Bowll, in reply, on the part of the plaintiff, also directed his arguments against the plea of a *highway*. If so, or if it could be, why had the defendant paid for the repair? Whether on the plea of highway or of way by prescription, there must have been a user, *as of right* (a).

At the close of the case,

ERLE, C. J. (to the jury), said the question for them was whether they were satisfied that there had been a dedication of the road to the public by the owner. If all the Queen's subjects had used the way at their free will and pleasure, and at all times, that was strong evidence of such a dedication as a *highway* (b). But the evidence of such a user was to be well weighed, with reference to gates, to repairs, to permission, and the like. It was a matter of common experience that there were many farm roads which, as means of communication, were of great convenience, and which many persons used a long time

(a) The question would seem to have been a *dedication* by the owner to the public, the user must have been *as of right*. The converse, of course, would not hold, that, if the user was of right by *prescription*, there had been a *dedication* to the public, which, indeed, is not consistent with a defence founded on a *private right*. The evidence here clearly showed a user by the public, if at all.

(b) The Lord Chief Justice, it will be seen, seemed to regard the question as substantially the same, on both pleas, whether of *public highway* or of *private way* by *prescription*, which requires a user as of right. The question, however, for the jury, on the former, plainly includes the latter; since, if there

1862,

THE QUEEN
v.
ROPER,

It was proposed that the defendant should plead guilty; and a nominal fine be imposed; but to this he objected, as he had acted under a notion that the part of the highway inclosed was his own, it being an open space, between the footway and the metalled road (opposite some cottages of his), but over which it now appeared that the public had the right of highway; and eventually, on an undertaking on his part not to renew the obstructions, the prosecution agreed to a verdict of

Not guilty.

has been or will be removed (*R. v. Incombe*, 2 Citty, 214; *R. v. Longdon*, 3 Smith, 575); whence it is conceived that in either case the proceeding is substantially of a civil and not a criminal character, the distinction taken in the most ancient and approved authorities being, not whether the Crown is a party (for so it is in *mandamus* and *quo warranto*), but whether the real end or object of the proceeding is punishment or reparation. See 498 (a).

Coram Erle, C. J.

MILDRED v. WEAVER.

Syring Assets: TRESPASS, for breaking down plaintiff's gates, and the occasional user of a farm driving carts over his land.

Pleas: that the road was a public highway; and also a way by prescription. Issues.

Bovill, Tash, and *Erwell* for the plaintiff.
M. Chambers, Petersdorff, Serjt., and *J. T. Clark*, for the defendant.

The plaintiff was lessee of land and premises, occupied the public as a highway, but more than a private way, and may be evidence of a dedication to the public as a highway, but must be well weighed with reference to permission, repair, and all other circumstances tending to show whether the owner ever intended such a dedication, especially if it leads to a place of resort for mere purposes of pleasure.

1862.

MILDRED
v.
WEAVER.

belonging to Archbishop Whitgift's Hospital, near Croydon. The defendant was a farmer, who had a farm on one side of the plaintiff's ground, and had a field on the other side of it, and to which he claimed a right of access with carts over the plaintiff's land by the road or way in question; a road leading from Croydon to the plaintiff's house, at the entrance to which gates had been put up by a former lessee of the plaintiff's farm. It was not, on the part of the plaintiff, disputed that this road was a footway or a bridle-way; but the defendant had claimed a right to use it with heavy carts, for carriage of lime to his farm, and, in the assertion of this supposed right, had broken open the gates, which had been shut to exclude them.

A former lessee of the farm had made the road for his own use. Persons had been allowed to pass along it on foot or with horses, but heavy carts had always been stopped and turned back, and gates had always been there. In 1838, when one Wood was tenant, permission had been asked to use the road; and in 1848, one Church being tenant, the defendant had agreed to pay something yearly for leave to use it (as was alleged); but, as he said, only to repair it. The parish had never repaired the road.

The warden of Whitgift's Hospital was then called and examined in support of the plaintiff's case. He produced the old plan alluded to, but

Chambers objected to its admissibility.

Erle, C. J., thought that might depend on the object with which it was put in, or the use which was to be made of it. If it was not put in with a view of showing that there was not the road in question, so as to disprove the right asserted by the defendant, it could not be admissible; but for some purposes it might be admissible.

Chambers said he objected to its use for any purpose whatever, whether to refresh the witness's memory or otherwise.

APPENDIX L

Syerscote Barn
Haunton
Tamworth
Staffs
B79 9HL

03/10/2014

To whom it may Concern

r.e Track leading from Syerscote lane to join public footpath number 34 at Haunton - the track now belonging to Mr Stephen Bostock of Clifton Campville.

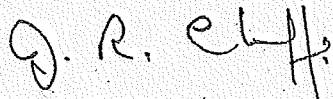
I farmed at Haunton Grange from 1959 to 2002, both with my father, and in later years on my own. Our land encompassed the track in question. I would like to confirm the following points:

- The track does not have a name. To my knowledge no part of the track had a name, from Syerscote lane to where it ends at the edge of the fields known as Hanging Hill and Big Pessell ie where there was always a heavy wooden gate (always kept closed). This was the boundary of the land I farmed.
- I have never witnessed anyone riding on the track, except for the hunt on hunting days, and it was difficult to challenge them as you couldn't get near them. In the early 1960's, shortly after we came to the area, I was working with my Father on the brook next to the track. Father saw someone walking on the track and went to challenge her as it was private and the public had no right to be there. The person turned out to be a Miss Ann Wannup, who said that she was aware it wasn't a right of way, because she used to live at Manor Farm in Clifton Campville, and had worked the land, before we took the farm over. She was walking on the track because she was visiting the area, and was reminiscing. Once he realised this, Father gave her permission to be there.
- I have been asked if any one was given permission to use the track, and can confirm that Mr Duggins was given permission to use it to gain access to fields he farmed, at the end of it. Nobody has ever asked me, and I have never given permission anyone else to use the track, either walking or on horse back. There is a public footpath from Syerscote lane which joined the existing bridle path by climbing stiles. In 1960 this was hardly ever used, and the path was overgrown. The footpath was used a little more after a footbridge over the brook was installed in the 1980's, but again, the use was infrequent.
- I used the track to move my cows, twice a day during the latter part of the grazing season for milking - I was milking cows until 1996. The track gave access into 3 gated fields at the end of it, and was used to herd the cows into each of these fields respectively. All of the fields around the area of the track in question had cows in after the silage had been made, and every field was gated.

- In the late 1990's I heard there had been some correspondence from the County Council to some local people about my track, but no one would share that information with me. I know neighbouring farmers -Mr Leedham and Mr Davison had letters, and I believe the Parish Council did too, but I felt they were deliberately evasive with sharing that information and I felt excluded from knowing what was going on. I never received any letter from the County Council about the track, or notification that the council were trying to change the use of it. I have been asked if I saw any notification notice on the lane from the council, about a change of use, but I can confirm that I saw no such notice.

In conclusion, I believe the track in question has always been a private track, used for accessing fields and moving cows between fields. It has never been known, or used as a bridle path, and, despite being in the area regularly with my livestock, I have never seen horse riders on the track, or given permission for it to be used by the general public.

Yours sincerely



John R Cliffe

John Tradewell
Director of Democracy, Law and Transformation

2 Staffordshire Place, Stafford
c/o Wedgwood Building, Block A, Tipping Street
Stafford, ST16 2DH
DX 712320 Stafford 5

APPENDIX M

Protective Marking Scheme Level 2

Lodders Solicitors LLP
Number 10 Elm court

DX 16201 Stratford upon Avon

Please ask for: Michael Murphy
Telephone: 01785 277249
Fax No. 01785 276179
e-mail: michael.murphy@staffordshire.gov.uk

My Ref: MMU/Zip008120 **Your Ref:** MFO/VJ/BOS00032/01 **Date:** 17 November, 2014

Dear Sirs

Section 53 Wildlife and Countryside act 1981

Application for an Alleged Bridleway from Syerscote Lane to Public Bridleway 33, Clifton Campville

I am writing with regard to your letter dated 03 October 2014 concerning the draft report for the above matter in which you make some comments upon that document. For ease of reference I have addressed these in the same order as in your correspondence. I would add that there were no attachments with your letter.

With regard to the tithe map evidence I would refer you to paragraphs 58 to 62 of the report which deals with that document. Neither the award or map indicate what the status of the route is and as the report states the best that can be said for these documents is that they show the existence of the way as a physical feature. They do not support the existence of any rights either public or private and I would disagree that the map clearly shows that the track is a private occupation road.

The fact that other ways depicted on the map have either disappeared or are only private tracks does not lend support to the contention that this particular path is a private one. It could equally be said that some of the other tracks are public but have fallen into disuse. I would reiterate that the best that can be concluded from the tithe material is that there was a route in existence at the time the map was drawn up.

I am unsure as to the point you are making with regard to the recent report on the addition of a bridleway along part of Mease Lane and the upgrade of PF25 Clifton Campville. The application was not for a continuation of a bridleway from Mease Lane but concerned the lane itself. Nor did I conclude that the route was a cul-de-sac. The 1883 OS map is not coloured brown and in common with all OS maps of that period is not coloured in any way. Further the evidence in that case was completely different to the material in this instance and in any event each matter turns upon its own facts; an analogy or correlation cannot be made between the two applications.

While you are correct in that OS maps often had the annotation BR alongside some tracks this was not mandatory. Nor would the initials indicate that public rights existed. The OS maps were concerned with recording physical features and not whether a way carried public or private rights. In fact they carried a disclaimer to that effect and of themselves

have no evidential weight in proving public rights being limited to a record supporting the physical existence of a feature. I would refer you to paragraph 64 of the report.

I do not have to hand the sale particulars that you refer to as these were not attached. However, I would state that these materials often do not refer to public highways. The absence of a reference to public rights does not support a contention that such did not exist nor support an argument that they do. As for the reference to Mease Lane there are public rights along that route albeit only those of footpath. In any event this application is not concerned with that lane.

Concerning the name of the claimed way it is noteworthy that several of the persons providing evidence refer to it having the name Pessall Lane. The parish survey cards are unequivocal in stating that PF34 and BW33 begin and end at Pessall Lane. While your client does not consider that it has any name, in terms of whether the application succeeds or not it is immaterial. The report does not refer to the significance of the route having a name although I would add at this juncture that it is often the case that named routes are more likely to be public in nature. I do not understand the significance of the fact that there is a route some distance away with that name, it could not be mistaken for this place. It is clear that when they were compiling the information for the survey card the persons doing so were referring to this location and clearly felt the track had that name.

The question of BW33 currently being a cul-de-sac has been dealt with in the report at paragraphs 70 to 75. I do not think that there is anything further to add to that material.

While the statement from a previous owner is awaited I would state that the application does not turn on user evidence or belief. The determining factor in this case is the Finance Act evidence which dates from the 1910 legislation and subsequent survey.

I have reviewed the case of *Mildred v Weaver* as well as the case of *Holloway v Egham UDC* and would respond by stating that their relevance to this application is unclear. Those cases both were concerned with evidence of user whilst the user evidence in this situation does not, as the report summarises, support the application, it is based upon historical documentation. I would also add that there are many instances of cases before the courts as to whether a public right exists and each case has turned on its own facts with some finding in favour whilst others have ruled against.

In respect of the title deeds to your client's property I will await any communication regarding these but I would opine that it is rare for title deeds to allude to any public rights.

I have considered the points you have made regarding the draft report and having taken those into account I cannot find any evidence that would suggest that the conclusion of the report is incorrect. It is in fact the opposite and I have addressed that further below.

I appreciate the argument you are making regarding the intended repeal of that part of the test contained in s53(3)(c)(i) but it cannot be said with certainty that provision will definitely come into force. Nor can it be said with any degree of confidence if the legislature do enact it when it may come into force. The mere fact that it does have the potential to come into force should not be a reason to delay a matter. In any event all parties to the application, whether the applicant if the application fails, or any other person if an order is subsequently made, do have a right of appeal or objection respectively.

I have now had the opportunity to reconsider the report and the conclusions reached and the application of the legal test. It is now my opinion that while the evidence is still somewhat finely balanced the fact that the Finance Act valuation resulted in a deduction for, and the recognition of, a public bridleway carries more weight. It is sufficient to tip the scale on the balance of probabilities towards it being more likely than not that a public bridleway exists especially in the absence of any contrary evidence.

As for the application being considered before others on the list I would state that on a review of the matter it does satisfy several of our priority criteria in that it is a historical application and should the application succeed it would satisfy criteria laid down in the County Council's Rights of way Improvement Plan. I understand that some years ago an attempt was made by the Countryside section to resolve the matter by means of a dedication but no resolution was reached.

I would ask that if you have any material that you wish to submit, or any further comments, that you do so by 16 December 2014. I would advise that it is my intention after that date to commence compiling a final report on the application. This will include your correspondence and this reply as well as the amendments to the conclusion on the applicable legal test referred to above. A copy of that report will be provided to you and your client who will still be able to make comments or submissions upon it. Any received will not result in any changes to that report but will instead be appended to it and drawn to the attention of the Panel.

Yours faithfully

Michael Murphy
for Director of Democracy, Law and Transformation

APPENDIX N

Home Farm
Clifton Campville
Tamworth
Staffs
B79 0AX
25/11/2018

Mr John Tradewell
Director of Strategy, Governance and Change
Staffordshire Legal Services
Staffordshire County Council
2, Staffordshire Place
Tipping Street
Stafford
ST16 2DH
Reference: AW1/008120

Dear Mr Treadwell,

Thank you for your letter dated 8th October 2018 regarding:

Alleged bridleway between Syerscote Lane, and Pubic footpath 33, Clifton Campville.

I have a number of concerns regarding this submission.

1. Use of the Name 'Pessall/Pessel Lane for field 466

I am very disappointed that the term 'Pessall Lane' has been used to describe field no: 466 in your recent correspondence. Following a meeting with Mr Michael Murphy at Staffs County Council in November 2014 (appendix1a,1b), he informed us that the term 'Pessall Lane' had been used by himself as a matter of convenience to give a frame of reference for the claimed route.

Mr Murphy agreed that the name did not appear on any maps. We discussed that the previous farmer, of the land for 43 years, Mr John Cliffe, confirmed the track has no name, and no name appears on my deeds of ownership - similar to the lack of existence of a right of way. 'Pessell Lane' was hand

written by Mr Bainbridge onto a copy of an old Tithe map he submitted as 'evidence', presumably to attempt to add weight to his claim, and it is supposed that following this he informed the other witnesses he coordinated, to include it into their submissions also.

When this name was introduced as an agenda item at the Clifton Campville Parish Council meeting following receipt of the initial Staffordshire County Council documentation, (ref:MMU/Zip008120), Councillors agreed that there was no such place as 'Pessell Lane' in the Parish of Clifton Campville, and that the only 'Pessall Lane' in our locality is in the neighbouring village of Edingale. The Council meeting minutes were changed accordingly.

Mr Murphy informed me he would make it clear in a future report that he had referred to 466 as 'Pessell Lane' for his own convenience, and admitted that: 'there have been judicial comments that refer to named rights of way being more public in nature', this could negatively influence the outcome for me.

However, in your latest correspondence, it is used several times (points 66, 68,69, 74,77,81,89). We feel that this is misleading and respectfully ask that 'Pessell Lane' be replaced with 466 in your report.

2. The 1910 field book entries

The submitted evidence to attempt to make 466 into a Bridleway, appears to rely, almost entirely, on the copy of the 1910 Finance Act field book entry. However, there are a series of anomalies associated with this:

- The field book entry details that the owner, Mr Wakefield (or his agent? - the entries are not signed), writes in the field book that he is not aware of any rights of way. The Staffordshire County Council report makes a presumption that Mr Wakefield may have been unfamiliar with the land, as he lived in Coventry, (Point 86) and hence did not know if a bridleway existed. This is supposition. It is also difficult to establish if the field book was completed by Mr Wakefield, or his agent – we cannot see any signatures on the document submitted for consideration with this case? It could also be contended that it is more likely that either, or both, would have been very familiar with this land – so recently purchased only 5 years earlier.
- The 1901 OS map copy submitted by Mr Rey to accompany the field book entry (he refers to as a 1902 copy), appears to be 'selective' in submission. A slightly larger view of this map – clearly details a marked bridle route (BR) in close proximity from the Tamworth Road to the Thorpe Road. (Appendix 2). Would it not appear unusual that one route would be marked and another not in such close proximity? It also seems curious

that an inspector should decide that 466 had public access when the OS map did not show a route?

- The 1905 sale particulars (appendix 3) and Map (appendix 4) clearly detail that field 466 was rented to a Mr James Walker on a yearly agreement, and specifies the rents paid. This makes sense as 466 gave Mr Walker access to the fields he also rented directly surrounding 466, ie fields:
494 - Hanging Hill
479 - Garbridge
497 - Upper Pessell
478 - Big Upper Pessell,
477 - Near Upper Pessell.

This is historical information, and similar to the reference of the Finance act Field book, (point 105) although not probative in nature, gives factual evidence of the nature of field 466 around 1905. Furthermore, the sale map of 1905 clearly denotes what is now BW33 as a different status to the point of the field boundary of 466 – which does not have the same markings. Both were sold in 1905. We ask therefore that this evidence is considered as part of the whole investigation. We contend that 466 is a field number, which represents it as a field, and not a public right of way. It has no name, unlike other tracks in the area, which are named, (e.g. Twizzles Lane, Mease Lane), and some of these do not have field numbers.

3. Tithe Map award

In your report, reference is made to the 1838 tithe award map, and states that 'what is now shown as BW33 Clifton Campville, as commencing at the end of Plot 475 and continuing along the claimed way to join what is now Syerscote Lane'.

However, the Tithe map of 1810, clearly shows that plot 475 does not connect with 466 (appendix 5-a,b,c), it actually leads into, and ends in field 472. The 1838 Tithe map submitted by Mr Bainbridge, also illustrates the same. (your appendix F). The track is coloured sepia, but this does not indicate a public right of way, as many tracks in the locality are also coloured sepia on the tithe map, and are private, e.g. Twizzles Lane, located close by.

Mr Rey's copy of the tithe map (appendix E) appears to have been overdrawn to extend the track according to the tithe maps we have in possession (1810).

4. User evidence.

The report suggests that the user evidence relies on 2 riders- Mrs F Wolferston and Mrs J Jewel.

Mrs Jewel was a friend of my wife for many years. Our son had private riding lessons from her, from around 2005 to around 2014. Because she had no facilities to keep a horse at Highfields Cottages, I kept her horse on my farm over a few years period until 2012. Her partner also rode my wife's horse throughout that period - sometimes as regularly as 5 times a week. During this time, they were given a key and permission to ride over land owned by myself, and regularly rode this land, often with my wife and son. That land included the track 466 at Haunton.

However, Ms Jewel's statement indicates that she only used the track up until 2011, and had 'never been given permission to use the way'. She retained a key until mid-2013.

Mrs Jewel submission details that she had never seen styles or gates on the way, yet I confirm that in 2002 when I began to farm the land, there was a style and a gate off 466 entering 446, and another gate from 466 into 479 and more importantly a heavy boundary gate between the end of 466 and 497, which would have required a horse rider to dismount to open. The latter fell into disrepair and was removed by myself in 2010. It is curious therefore, that if Mrs Jewel rode 466 as regularly as she claims, she has not acknowledged their existence, or noted them on the map. (the same applies to Mrs Wolferston). Mr Cliffe does detail the position of the gates and style in his letter, (appendix 6).

Additionally, Mrs Jewel, refers to track 466 as being part of an 'old Dray route' between Burton on Trent and Nuneaton, via Mease Lane in Haunton. In 2015 Staffordshire County council rejected Mease Lane as a bridleway and Derbyshire County Council rejected a bridleway existed from the river Mease through to Westbrook in Lullington.

I believe, as this statement is so factually incorrect, it should be rejected in its entirety.

The only other 'witness' statement which is deemed usable is Mrs Wolferston. I would like further clarity on when she actually claims to have ridden the route within this specified time period. This is because Mrs Wolferston, via our local vicars' wife, contacted my wife, to request loan of a horse to practice riding in preparation for a voluntary expedition in Peru where she would be riding on donkeys to get around. She told my wife that she was out of practice as hadn't ridden for almost 20 years. Although we don't have an accurate date, we think this was around the millennium which would mean that the 20-year period required may not have been met (1979-1999, point 58).

5. Lack of Challenge to the route being used

Points 43 and 44. detail that no-one had challenged people using 466. My evidence states that I challenged the occasional walker I saw using 466 after I began farming the land in 2002, but I would like to ascertain how a farmer can prohibit trespassers on his land, if he is unaware of their actions? Mr Cliffe clearly states he did not witness anyone using his land without permission except once, who, after questioning the lady, gave permission to proceed, as it was a previous farmer of the land, reminiscing.

6. Cul -de- sac bridleway

Points 74/78/80 - It is suggested that there is an anomaly in that a bridleway would exist and end in a cul de sac, i.e not reaching another road, without the presence of another geographical feature.

What has not been considered is the presence of the Marl Pit, in field 497 (tithe map 475), and on OS map 1883. It could be reasonably surmised that the bridle way from 497 to the Tamworth Road existed as a method of transport of Marl - a clay lime substance used for fertiliser in past years. Indeed fields 510, and 505 along the length of that track also show evidence of previous marl pits (1924 OS map- appendix J of your correspondence). This would give a reasonable explanation of why BW33 begins at the Tamworth Road, and ends in plot 497. 466 is a footpath which continues onto this bridleway – as suggested in the Parish Surveys. It is therefore not a cul-de sac right of way for people on foot. A neighbouring farmer who has farmed in the area for over 40 years has confirmed that they believe the bridle path ends at 497, but are unwilling to make an official statement.

In conclusion

I feel that there is enough conflicting evidence to support evidence that 466 is, and always has been a field track, and not a bridleway:

- 466 is shown on OS maps in the same way as many other tracks in the close vicinity to access specific plots of land e.g. Twizzels lane
- The track 466 is not named on any OS map, and we have not uncovered a name on any tithe map, sale particulars or other cartographical documentation
- Mease Lane - which was locally thought to be a bridle path - and part of the 'old dray route from Burton on Trent to Nuneaton' according to Mrs Jewel, was rejected as being so by Staffs County Council in 2015.
- The tithe maps of 1810 and 1838 demonstrate that plot 475 does not connect with 466 as specified in the SCC report, but clearly ends on the edge of field 472. This however, has been overdrawn in Mr Rey's submission.
- The 1905 sale particulars were rejected by Staffs County Council, as unimportant evidence to the case - but details the names and annual payments of tenants renting land neighbouring the track 466, as well as

466 itself. This is supporting evidence of the use of 466 – it was rented as a field. Furthermore – the track beginning at the end of 466 and proceeding along 497 to the Tamworth Road is denoted in a different way on the sale particulars – again suggesting that it had a different status to 466.

- Mr John Cliffe gives evidence that he used 466 as a field to herd his cows twice a day during the summer months, before bringing them back to the farm to be milked for 37 years. It would be unlikely that a horse and rider would have attempted to access a narrow lane filled with cattle, as this would be potentially dangerous to them both. Additionally, if there had been people using 466, as contended, why were they never seen?
- The presence of a Marl pit at the bridle path end - 497 could reasonably explain the reason for its cul- de-sac nature. I believe this is where what is now BW33 ended.
- More importantly, there are significant abnormalities in both of the two useable witness statements, and all of the witness statements appear to be identical in their submissions. Interestingly none of them mention the boundary gate between 466 and 497 which is surprising as it was so heavy and cumbersome to negotiate, that I removed it in 2010 for safety reasons. One would have presumed this would have been easy to recall for people who had used the route, yet does it not feature on any witness statement or their attached maps, despite guidance notes advising the inclusion of accurate descriptions of such details. Mr Cliffe the previous farmer does however detail the presence of this gate, as well as the other gates and styles along 466.
- The evidence of Mr Cliffe and myself who have had a close working knowledge of 466 and the surrounding fields for a combined 60 years, does not appear to have been considered in the submitted report.
- Finally, 466 does not appear on historic OS maps as a bridle way, in the same way as other bridle ways in the vicinity are marked, including the 1901 (your appendix D – '1902') OS map, included as evidence by Mr Rey.

I believe there is significant evidence to demonstrate that 466 is a field to access surrounding fields, and not a public bridleway, and have provided evidence to support this. If you would like to see original copies of the attached appendices, I can arrange this.

Yours Sincerely

Stephen W Bostock

APPENDIX

53 Tithe Barn Rd.,
STAFFORD
S16 3PL
EMAIL: g.reay2@talktalk.net

Staffs County Cnl
Dear Ms Dalton

Staffordshire County Council has been directed to determine definitive map modification application LJ618G by no later than 15th July. With only ten days remaining to meet this deadline and having not been advised of the investigating officers recommendations in this case, please ensure that the following input is also considered as part of the determination process.

1) Connection of the Application Route LJ618G With Bridleway No 33 Clifton Campville

Public rights of way are routes that require continuity for users from one public place to another public place. In this case the recording of Clifton Campville bridleway 33 created a "dead end" path for horse riders and cyclists, forcing them to turn back at the junction with Clifton Campville footpath No 34. Although dead end highways can exist, as decided by case law in *Eyre vs New Forest Highways Board*, unless there is strong evidence or rationale for a bridleway terminating in the middle of a field, with no legal right to proceed beyond that point, it can be presumed that a mistake in the records exists. In rural areas it has been accepted, by several rights of way Public Inquiry hearings, that a dead end highway can only exist if it terminates at a point of special interest - such as a beauty spot or viewpoint which the public would wish to visit. In this case there are no reasons for the termination of bridleway 33 with no contiguous user rights with horses beyond that point. This is a matter that needs to be considered and factored into the determination process for this bridleway claim.

2) Historical Map Evidence

The 1910 Finance Act Field Book and Plan drawn up for the Commissioners, which I submitted 19 years ago in support of this claim, are in my view indefeasible evidence of the bridleway rights asserted. Although OS maps are not conclusive evidence of public highway rights they are evidence of what exists on the ground. From the first large scale OS survey in 1882, through to the present day, the application route is depicted as a continuous and unbroken part of bridleway 33 and missing link with public highway D3023. Copies of the OS surveys for 1882 and 1924, at a scale of 25" to the mile, illustrate my point. These add further weight to the assertion that there is absolutely no logical explanation for bridleway 33 not connecting one public place with another public place – and that an error in the records clearly exists.

Please can you ensure that the above input is placed before the Countryside and Rights of Way Panel when determining this application and please can you also confirm which meeting date will consider this application?

Kind regards,

Martin Reay

Rose Cottage
Clifton Lane
Tamworth
Staffs.
B79 0AH

14th November 2019

Your Ref: 008120

Dear Ms Finney

Definitive Map Modification Application LJ618G – Unrecorded Bridleway at Clifton Campville

I appreciate you sending me a copy of the attached draft report for comment. My only substantive observation is that the 1910 Finance Act evidence is sufficient to show that a bridleway subsists, over the application route, on the “**balance of probabilities**” rather than “**reasonable allegation**” as you suggest. The reasons for this conclusion are as follows:

1) The 1910 Finance Act evidence is unusual because an Inspector and valuer, acting for the local 1910 Finance Act Commissioner, conducted a detailed site survey to establish any relief in duty value arising from easements and public user rights over hereditament 147. Because the absent landowner had insufficient first-hand knowledge of the land to be assessed the inspector and valuer, acting wholly independently from landowner input concluded, by way of inspection and enquiries conducted on the 29th May 1913 that:

“OS 466 is a Public Bridle Road continuing through OS Plots 497, 446, 511 and 528”.

Accordingly, the inspector and valuer granted relief from incremental duty tax for the Public Bridle Path and other rights of way identified across the land.

2) Again unusually, Ordnance Survey **field parcel number 466 comprises only of land that is part of the Public Bridle Path in question**. Attached is a copy of the base OS map used for creating the 1910 Finance Act records which clearly evidences that field parcel number 466 comprises **exclusively** of land attributed to be a **Public Bridle Road** within the 1910 Finance Act records. This is **conclusive evidence** to show the precise location and route of the **Public Bridle Road** that the valuer provided relief in duty value for. It is unusual for the 1910 Finance Act records to enable the **precise location, and user status of a public path** across private land to be conclusively identified in this way.

3) It was a serious offence **for anyone, including valuers acting for the Commissioners**, to provide false evidence to obtain a reduction on duty value. The sanctions applied for doing so were up to 6 months imprisonment with hard labour. This sanction was set-out in section 94 of the 1910 Act, a copy of which is attached. It is for this reason that any 1910 Finance Act evidence that unambiguously records a public right of way over land that can be conclusively identified and positioned on a 1910 Finance Act Plan, is such strong evidence for the public right of way asserted.

In this case the 1910 Finance Act records are conclusive regarding both the user status and position of the Public Bridle Road described in the Field Book for Hereditament 147.

4) In the absence of any evidence of the **Pubic Bridle Road** concerned having been stopped up by any subsequent legal event it remains a Public Bridle Road to this day. No evidence has been found of such an event nor any evidence that the 1910 Finance Act evidence is flawed or ambiguous in any way.

Accordingly, I would ask you to please:

a) Modify the draft report to record that the evidence found concludes that a public bridleway has been shown to exist, over the application route, based on the balance of probabilities (in other words it is more likely than not that a public bridleway subsists over the application route).

b) Append this communication and attachments to the report to be presented to the Countryside and Rights of Way Panel on 3rd December, referencing it in the report text to alert Members of its submission.

Thank you.

Yours sincerely

John Bainbridge.

Enc. Copy Base OS map used for creating 1910 Finance Act records
Copy of section 94 of 1910 Finance Act

Penalty for making false statement or representation

If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour.

