

Countryside and Rights of Way Panel

Friday 9 April 2021

10:00

Meeting to be conducted using Microsoft Teams - Microsoft Teams

NB. Attendance by the public and press is via webcast only which can be viewed here - <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell
Director of Corporate Services
1 April 2021

A G E N D A

PART ONE

1. **Apologies**
 2. **Declaration of Interest in accordance with Standing Order 16.2**
 3. **Minutes of meeting held on 19 March 2021** (Pages 1 - 4)
 4. **Wildlife and Countryside act 1981 Section 53 - Application for the addition of an alleged Public Footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell** (Pages 5 - 60)

Report of the Director of Corporate Services.
 5. **Wildlife and Countryside Act 1981 Section 53 - Application for upgrading of Public Footpath No 8 Caverswall to Bridleway status** (Pages 61 - 280)

Report of the Director of Corporate Services.
 6. **Exclusion of the public**

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve 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)

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

Verbal update of the Director of Corporate Services.

(Exemption paragraph 2, 6a and 6b)

Membership	
Alan Dudson	Paul Snape
David Smith	Mark Winnington (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 19 March 2021

Present: Mark Winnington (Chairman)

Attendance	
Alan Dudson	Paul Snape
David Smith	

PART ONE

45. Declaration of Interest in accordance with Standing Order 16.2

There were no Declarations of Interest on this occasion.

46. Minutes of meeting held on 12 February 2021

RESOLVED – That the minutes of the meeting held on 12 February 2021 be confirmed and signed by the Chairman.

47. Wildlife and Countryside act 1981 Section 53 - Application for Upgrading of Public Footpaths 67 and 68 Madeley and Footpath 15 Keele to Bridleways

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 1981 for the Upgrading of Public Footpaths 67 and 68 Madeley and Footpath 15 Keele 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 the 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 plan of the claimed route; (ii) Deposited Railway Plan 1858; (iii) Highways Diversion Order; (iv) Highways Stopping Up Order; (v) Finance Act 1910; (vi) Parish Survey and (vii) County Map and details 1830s-1880s.

The Panel decided that the available evidence was not sufficient to conclude that Public Footpaths 67 & 68 in Madeley and Footpath 15 in Keele should be added as a highway of a different description, namely to a Bridleway to the Definitive Map and Statement of Public Rights of Way.

RESOLVED – That (a) the evidence submitted by the applicant and that discovered by the County Council is not sufficient to show, on a balance of probabilities, that Public

Footpaths 67 & 68 in Madeley and Footpath 15 in Keele should be added as a highway of a different description, namely a Bridleway to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle Rural.

(b) an Order should not be made to add the alleged right of way shown on the plan attached at Appendix B and marked A-B, C-D, E-F to the Definitive Map and Statement of Public Rights of Way for the District of Newcastle, Newcastle Rural.

48. Wildlife and Countryside Act 1981 Section 53 - Application for Upgrading of Public Footpath 73 Audley Rural Parish to a Public Bridleway and the addition of a Public Bridleway, Newcastle

The Panel considered a report of the Director of Corporate Services regarding an application by Mrs P J Whalley for a modification order under Section 53 of the Wildlife and Countryside Act 1981 for the upgrade of Public Footpath 73 Audley Rural Parish to Bridleway Status and the Addition of a Public Bridleway, Newcastle.

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 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) Plan of claimed route; (ii) User evidence; (iii) Landowner reply from British Coal and Mr Pepper; (iv) Clarification of Route; (v) Evidence Letters; (vi) Statutory consultee reply – Audley Rural Parish Council and Newcastle under Lyme Borough Council.

The Panel decided that the available evidence was sufficient to conclude that a Public Bridleway, which was not currently shown on the Definitive Map and Statement, subsisted along the claimed route.

RESOLVED – That (a) the evidence submitted by the applicant, in the application at Appendix A is sufficient to show that a Public Bridleway subsists along the route marked A to B along PF73 Audley Rural Parish and that a Public Bridleway may be reasonably alleged to subsist along the route marked C to D, Newcastle on the same plan attached at Appendix B to this report and should therefore be added to the Definitive Map and Statement of Public Rights of Way as such.

(b) an Order should be made to add the alleged right of way shown on the plan attached at Appendix B and marked A to B and C to D to the Definitive Map and Statement of Public Rights of Way for the Borough of Newcastle under-Lyme.

49. Exclusion of the public

RESOLVED – That the public be excluded from the meeting for the following items of business which involve 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.

50. Exempt minutes of meeting held on 12 February 2021

RESOLVED – That the exempt minutes of the meeting held on 12 February 2021 be confirmed and signed by the Chairman.

Chairman

Local Members' Interest	
Jeremy Pert	Stafford- Eccleshall

Countryside and Rights of Way Panel -

Wildlife and Countryside Act 1981

Application for the addition of an alleged Public Footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell.

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 show that the alleged public footpath at Eccleshall Road to the Footbridge over the River Sow, Creswell subsists along the route shown marked A to B on the plan attached at Appendix B and should be added to the Definitive Map and Statement of Public Rights of Way as such.
2. That an Order made be made to add the alleged right of way shown on the plan attached at Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Stafford Borough Council 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 attached at Appendix A from Mr Martin Reay for an Order to modify the Definitive Map and Statement for the District of Creswell. The effect of such an Order, should the application be successful, would:
 - (i) add an alleged Public Footpath between Eccleshall Road to the Footbridge over the River Sow, Creswell to the Definitive Map of Public Rights of Way under the provisions of Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981.
 - (ii) The lines of the alleged Public Footpath which are the subject of the application are shown highlighted and marked A – B 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. The applicant has submitted in support of his claim evidence from the 1910 Finance Act Plans and Field Book dated 9th January 1911, Ordnance Survey Maps for 1888, 1902 and 1925 and an extract from a book about the River Sow.
2. The 1910 Finance Act material refers to two plots which cover the area of land which the claimed route runs. These are plot numbers 63 and 67. Copies are attached at Appendix C.
3. In the Field Book there is a deduction allowed for a Footpath and a right of way. The only reference made in relation to a Footpath in the Field Book is, "Public Footpaths through enclosures no 63 and 67 Creswell".
4. On the section of the map that covers plots 63 and 67 there is a route shown as dotted lines which bear the depiction FP and appears to follow the same line as the alleged route.
5. The applicant sent a letter dated 5th January 2000, enclosing evidence he had taken from a modern book about the River Sow. The applicant did not provide the name of the book and there is nothing on the page provided to identify the book it has come from. Copy attached at Appendix D.
6. The applicant has identified one paragraph of note in relation to this application and a second paragraph in relation to a separate application. The paragraph of note in relation to this claim is on page 32 and is the third paragraph down. The applicant has noted one sentence of particular relevance and is as follows: "For generations of Stafford children a public footpath has lead past the chapel ruins to Shaky Bridges, a cherished play area beside (and in) the Sow. The path continues on after crossing the river and heads towards the village of Seighford". The applicant alleges that this mentions the path he has claimed as it mentions a path leading past the chapel ruins.
7. The 1888 Ordnance Survey Map shows a route shown as dotted lines running from Eccleshall Road to a chapel, which has been noted on the map. However, it appears that the route terminates at this point. Copy attached at Appendix E.
8. On the 1902 Ordnance Survey Map it shows a similar route to the 1888 OS map with a route shown as dotted lines running from Eccleshall Road but instead of terminating at the chapel, continues passed the chapel across the land connecting to a footbridge to the River Sow. The dotted line bears the depiction FP and appears to follow the same line as the alleged route. Copy attached at Appendix F.
9. The 1925 Ordnance Survey Map shows no evidence of any route running from Eccleshall Road, to the footbridge connecting to the River Sow in the area of the alleged route. Copy attached at Appendix G.

Evidence submitted by the Landowners

10. When the application was submitted, the applicant revealed three landowners for the whole of the land over which the application route runs.
11. Keepers Lodge joint owners Mr Henry Hilderley and Amy Hilderley, along with the owner of Creswell Farm, Mr John Henry Hilderley jointly completed an owner evidence form on 15th December 1998, a copy of which is attached at Appendix H. They have stated that they do not consider the route to be public. They have had an interest in the land for 75 years and the land has been with the family since 1900. They have confirmed that they have never felt it necessary to erect any "No private/trespassers" signs, as no one has ever tried to use the alleged path. They

do confirm that permission is given to use the alleged route for a chapel service once a year. They have further stated that there are high locked wrought iron gates at the road entrance, (the assumption is Eccleshall Road), which are 100 years old but are rarely used for the farm. They have advised that on the 1923 Ordnance Survey Map a new parallel path appears 200 yards north off the Eccleshall Road to the same bridge over the River Sow. They assume this path replaced the alleged route. They have not provided a copy of the 1923 Ordnance Survey Map. They have further advised that occasionally people wander off the existing right of way to look at the chapel, but they are not particularly walking on the claimed route and they are always directed back to the right of way. To conclude they have stated that no one uses the alleged route, so they had no reason to presume a dedication by way of usage.

12. A further owner evidence form was jointly completed on the 19th December 1998 by Mr Henry Hidderley and Mrs Amy Hidderley of Keepers Lodge, Mr John Henry Hidderley of Creswell Farm and Mr Mark William Hidderley of New Lodge, a copy of which is attached at Appendix I. They reiterate what was stated in the evidence form completed on the 15th December 1998 and state that no one has tried to use the alleged route and if anyone had they would have been seen as there is a Lodge either side.
13. A further owner evidence form was completed on the 30th December 1998 by Mr Mark William Hidderley of New Lodge, a copy of which is attached at Appendix J. Mr Mark Hidderley disputes a public right of way exists on the alleged route. He confirms that he has had an interest in the land for 14 years and that no members of the public have ever asked to use the alleged route.

Comments received from statutory consultees

14. Creswell Parish Council responded on 10th December 1998 with a letter advising that they were of the understanding that the landowner would be making representations and that the matter was in hand. They had no further comments to make. They have not submitted any evidence which supports or refutes the application.

Comments on Evidence

15. The 1910 Finance Act was concerned with mapping lands throughout the UK for purposes of taxation. A landowner could claim tax relief for public rights of way and these deductions would be shown in the Field Book. Where a deduction was made this would appear under public rights of user and in the entry under restrictions.
16. In this case under the “public rights of user” section it confirms that a deduction was made of £10.00. In the “entry under restrictions” it states that a £10.00 deduction was made for a footpath. Also, in the Field Book, under the section “Charges, Easements and Restrictions affecting market value of Fee Simple” it refers to “Public footpaths through enclosures no 63 & 67 Creswell”. There is no mention of any other routes or public rights of way in the Field Book.
17. The Plan that accompanies the Field Book shows a route showing two dotted lines going through both plots 67 and 63, corresponding with the entries in the Field Book. The two dotted lines also bear the depiction FP, again corresponding with what is in the Field Book. The dotted lines follow a similar route to the alleged route being claimed. The route goes from Eccleshall Road, passed a chapel, across the land to a footbridge crossing the River Sow.

18. Taking into consideration what is recorded in the Field Book and on the Plan this gives weight that this route physically existed and was classed as a public right of way at that time. Claims for deductions were investigated by the valuers to ensure that these were valid. The legislation set out that it was an offence to make a false claim under the Act and was punishable by a fine and up to six months imprisonment. Given this consideration it would have been most unlikely that the landowner would have made a claim unless it was well founded.
19. The purpose of Ordnance Survey Maps is to show physical features on, and the contours of the ground. They do not distinguish between public and private rights of way.
20. The 1902 Ordnance Survey Map reflects what was recorded on the Plan that was part of the 1910 Finance Act material, showing a route, depicted by two dotted lines, from Eccleshall Road, running parallel to a chapel and connecting to a footbridge crossing the River Sow. Next to this route is the annotation FP, which is evidence of a physical existence of a way on the ground, but it does not indicate whether the way was public or private. However, considering what is recorded in the Finance Act this is suggestive that the route was likely to be a public footpath and right of way.
21. The 1888 Ordnance Survey Map depicts a route running from Eccleshall Road up to a chapel, but this is where the route terminates and there is no evidence of a route connecting to the River Sow. There is no annotation on the route to identify the type of route. This supports that there was a physical route in existence up to the chapel at this time but there is no evidence of a physical route passed this point or whether the route was public or private.
22. By 1925, the Ordnance Survey Map does not show the existence of a physical route along the alleged right of way. The route that is recorded on the 1902 Ordnance Survey Map and in the 1910 Finance Act material is not depicted on the 1925 Map. This would imply that the route was no longer in existence or in use by this point. However, there is no clear evidence as to why the route is not depicted on the 1925 map.
23. In relation to the extract from the book regarding the River Sow this would seem to indicate that there was a public footpath in the area of the alleged right of way that specifically passed a chapel and connected to the River Sow. However, it is not conclusive from the description that this relates to the alleged route or that the footpath mentioned was a public right of way. There is no map or visual aid to confirm that the footpath mentioned relates to the alleged route. The evidence from the book alone cannot confirm or refute whether the alleged route is a public right of way.

Comments of Draft Report

24. Following circulation of the report comments were received from the legal representatives of the landowners, Lanyon Bowdler Solicitors. They state that Creswell Farm has been in the ownership of the Hilderley family since it was purchased by John Henry Hilderley in 1927. They advise that none of the family can remember the alleged footpath being used by members of the public.
25. They advise that the alleged footpath passes between two lodges, known as Keepers Lodge and New Lodge and through Creswell Farm. The part of the farm through which the route passes is used for grazing cattle.

26. From the sales particulars it would appear that New Lodge was built in 1914 and from the plans there has always been a gate between the two lodges and a fence around them, which obscures the alleged footpath.
27. The premise of the landowner's objection is in their opinion the alleged footpath must have been either diverted or extinguished before 1923. A copy of their response and your officer's reply is attached at Appendix K.
28. In response to the above correspondence the County Council investigated Parish Survey Cards for the area of Creswell and neither the parish cards nor the plans have any reference to a path along the same line as the alleged route. No legal or other document or map evidences the alleged route. It appears that the alleged route appears on ordnance survey maps for approximately 20 years and then the route disappears.
29. Between the years 1902 and 1911 there is evidence from the Finance Act material that the alleged route exists. By 1923, however there is no evidence that the alleged path is still in use or existence, which may coincide with the construction of New Lodge in 1914. However, there is no clear evidence that the route has ever been legally extinguished or diverted, it may be that the route fell into disuse and therefore was no longer deemed a significant enough route to be included on maps. In conclusion there is no additional evidence which would alter the conclusions of the report.

Burden and Standard of Proof

30. 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 maps subsists: or
 - (b) Evidence that a right of way which is not shown on the map is reasonably alleged to subsist.
31. 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.
32. 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.
33. 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".
34. If the conclusion is that either test is satisfied, then the Definitive Map and Statement should be modified.

Summary

35. In relation to the Finance Act evidence, where the plans do show public highways, this provides good evidence of their public status. As the survey was carried out under statute by a public body and misrepresentation carried severe criminal penalties, evidence of a public right of way is given considerable weight even though the recording of rights of way was not the primary purpose of the survey.

36. The Field Book and Plan support that there was a route that existed through plots 63 & 67, which was recorded as a footpath and a deduction was made for this as a “public rights of user”. This is supportive evidence that a footpath existed at this time, which was a public right of way.
37. The Ordnance Survey Maps provide conflicting evidence. Out of the three maps provided only the 1902 map provides evidence that a route was recorded all the way from Eccleshall Road to a footbridge to the River Sow and this was depicted as a footpath. The 1888 map is only supportive of a route running along part of the alleged way, with no indication as to what the route was. By 1925 the route no longer appears on the map and no evidence has been found as to why the route appears to have disappeared from the map.
38. The evidential value of Ordnance Survey Maps has been considered by the courts to be limited solely to being evidence of whether there was a visible feature on the ground at the time of the survey.
39. It appears that between 1888 and 1902 the route was extended and reviewed in conjunction with the evidence from the Finance Act it can be surmised that there was a public right of way, at the very least during the period 1902- 1911.
40. The extract from the book about the River Sow does not provide any weight as to whether the alleged route exists but merely suggests that there was a route in this location that was perhaps at some time used as a footpath.

Conclusion

41. 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.
42. 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.
43. The evidence provided by the Finance Act Field Book and the Ordnance Survey Map of 1902 is good evidence. Although there is conflicting evidence from the 1925 Ordnance Survey Map which does not record the alleged route, it is unlikely that the route would have been included in the Finance Act material due to the strict penalties in place for misrepresentation, if it did not actually in fact exist as a public right of way. Therefore, this could be taken to mean that the application has passed the test on the balance of probabilities.
44. When the lesser test is considered, that of reasonable allegation, this is satisfied. In the case of Bagshaw, the Judge said in relation to s53 (3) (c) (i): *“the wording of the section indicates, as I consider, that the evidence necessary to establish that a right of way is reasonably alleged to subsist must be less than that which is necessary to establish that a right does subsist”*.
45. Taking everything into consideration it is apparent that the evidence shows that a public right of way, with the status of a footpath, which is not shown on the map and statement is reasonably alleged to subsist.

Recommended Option

46. To make an order adding the public footpath, on the lines shown on the map attached at appendix B to the Definitive Map and Statement.

Other options Available

47. To reject the application and refuse to make an Order to add the claimed way to the Definitive Map and Statement.

Legal Implications

48. The legal implications are contained within the report.

Resource and Financial Implications

49. The costs of determining applications are met from existing provisions.
50. 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

51. 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.
52. 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.
53. 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.
54. 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. There are no additional risk implications.

Equal Opportunity Implications

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

J Tradewell

Director of Corporate Services

Report Author: Hannah Titchener

Ext. No: 854 190

INDEX TO APPENDICES

Appendix A	Copy of application and associated submitted letters and documents
Appendix B	Plan of claimed route
Appendix C	The 1910 Finance Act materials, including Field Book and Plan
Appendix D	Extract from a book about the River Sow
Appendix E	1888 Ordnance Survey Map
Appendix F	1902 Ordnance Survey Map
Appendix G	1925 Ordnance Survey Map
Appendix H	Owner evidence questionnaire- Mr Henry Hidderley, Mrs Amy Hidderley and Mr John Hidderley dated 15 th December 1998.
Appendix I	Owner evidence questionnaire from Mr Mark Hidderley, My Henry Hidderley, Mrs Amy Hidderley and Mr John Hidderley dated 19 th December 1998.
Appendix J	Owner evidence questionnaire from Mr Mark Hidderley dated 30 th December 1998
Appendix K	Correspondence from Lanyon Bowdler Solicitors in response to the draft report and officer's response.

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of STAFFORD

Parish of CRISWELL

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

I/We M - ROAY

of 53 TITTLE 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 ECCLESHALL RD to FOOTBRIDGE OVER RIVER SOW

~~*(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.

List of Documents

THIS PATH IS AN ADMITTED PUBLIC
FOOTPATH APPEARING ON THE 1910 FINANCE ACT
PLANS + FIELD BOOK. (RED ON ENCLOSED MAP)

COPY OF RELEVANT PAGES OF FIELD BOOK ENCLOSED.
COPY OF 25IN, 2ND ED, (1902), O-S SHEET SHOWING THE
COURSE OF THE PATH (EXACTLY THE SAME AS THE FINANCE
ACT PLAN)
- ENCLOSED

~~AND~~ ~~AND~~ ~~AND~~ ~~AND~~ ~~AND~~

Date 3/11/98

19 98.

signed..... M. Ray.....

FOOTPATH FROM ECCLES HALL RD TO FOOTBRIDGE OVER RIVER
SOW.

Form 3

LH 627G

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

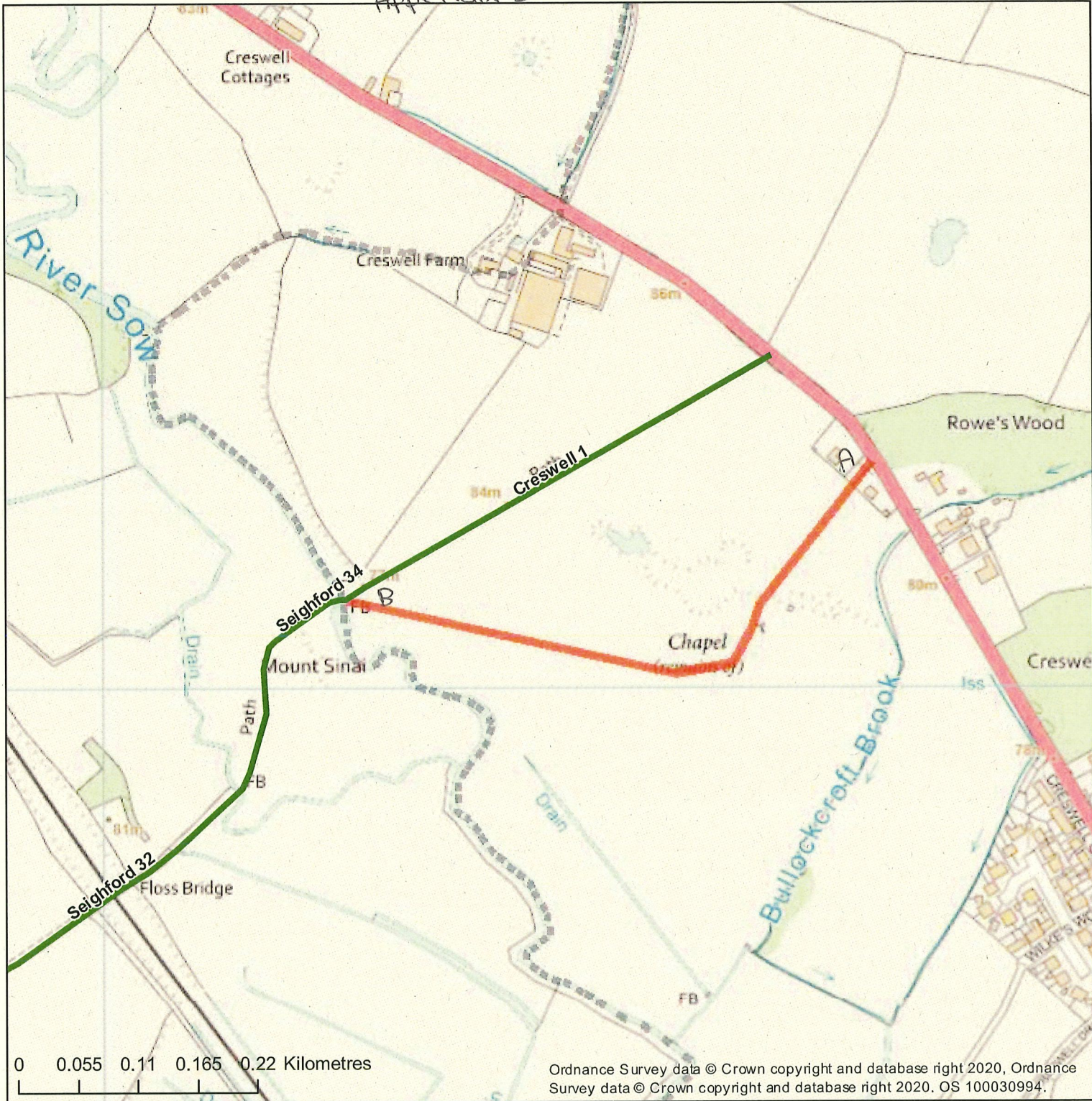
I/We *M. Reay*
of *53 Tittle Barn rd*
..... *Stafford*

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

Dated *3/11/98* 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:

- 2* *HIDDENLEY - CRESWELL FARM, CRESWELL GROVE, STAFFORD*
- " " - *NEW LODGE* " " " "
- " " - *KEEPERS LODGE* " " " "



0 0.055 0.11 0.165 0.22 Kilometres

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- Public Rights of Way**
- Bridleway
 - Section 53
 - Parishes

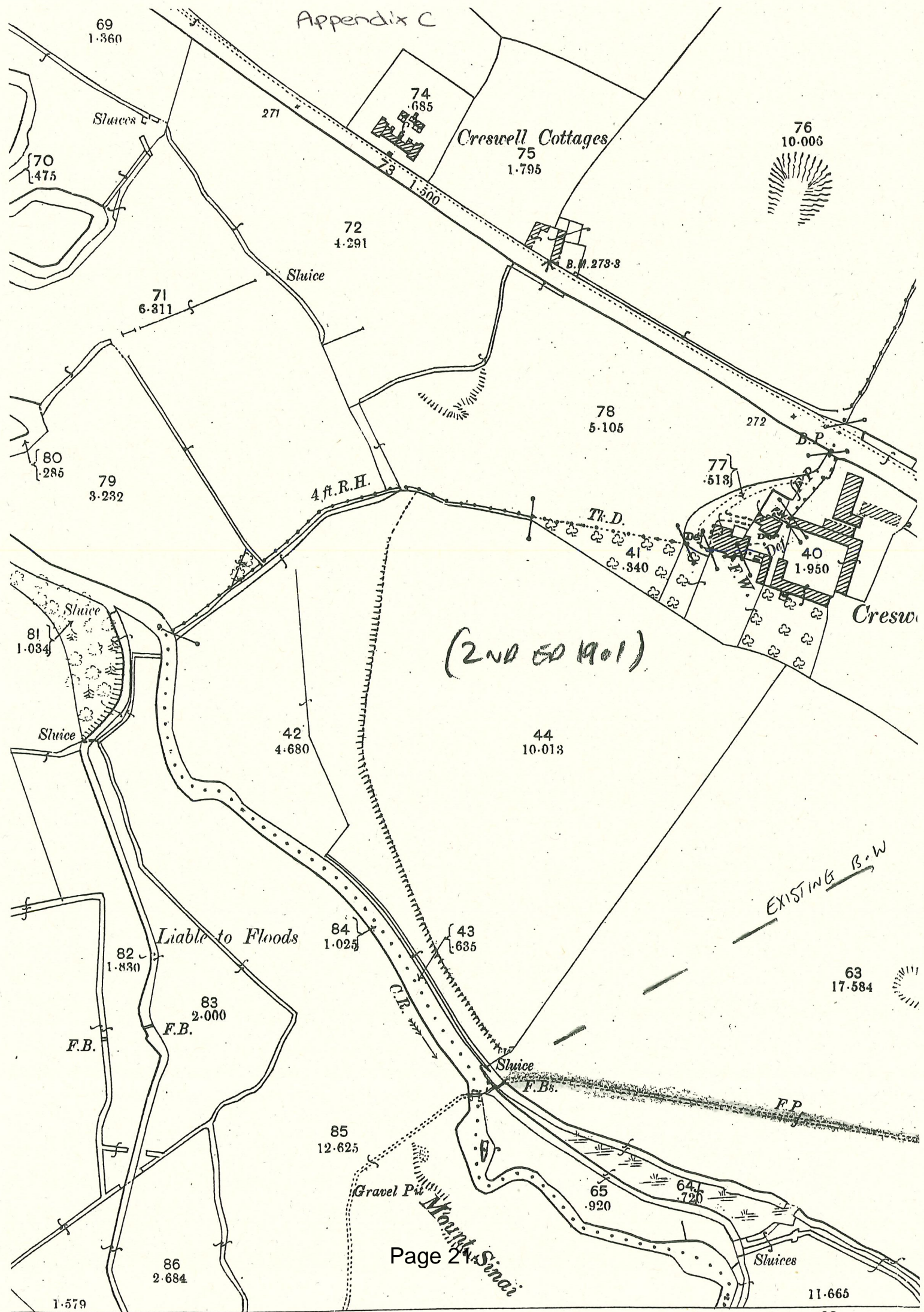


Staffordshire County Council Map

Staffordshire County Council

© Crown Copyright and database rights 2020.
 Ordnance Survey 100031282.
 2000 Aerial Photography by UKPerspectives.com.
 License Number UKP/048/SCC.
 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 10/11/2020.

Appendix C



37
8-753

I HAVE INDICATED THE EXISTING
COURSE OF PUBLIC BRIDGEWAY WITH DASH.
THERE IS ONLY ONE PATH THROUGH
FIELDS 63+67.

38
16-286

C R

47
19-084

39
455

arm

45
6-290

North Lodge

62
350

B.M. 2657

The Kennels

60
5-683

61
260

B.M. 272-8
Chapel
(Remains of)

Sluice

67
16-870

Page 23

12-424

68

69
4-061

C r e s t

~~ASST SURVYOR GENERAL ON DUTY~~

now includes 929, 930, 931, 932 + Creswell no. 5
O. H. G. F. B.

..... 928 Reference No. Map. No. XXXVII: 6. v. 2
 Situation Creswell Farm
 Description House, land & sporting
 Extent 475.989 acres
 Gross Value { Land £ 468.3.35 } Rateable Value { Land £
 Buildings £ 83.18.0 } Buildings £ 76.8.
 Gross Annual Value, Schedule A, £
 Occupier Hidderley H.
 Owner Meakin G. Elliot, Creswell Hall, Stafford.
 Interest of Owner Freehold
 Superior interests

Subordinate interests See Return N° 5.

Occupier's tenancy, Term yearly from 25th March, 1906
 How determinable
 Actual (or Estimated) Rent, £ 600 (25/6 an acre)
 Any other Consideration paid
 Outgoings—Land Tax, £ 16.5.4 paid by }
 Tithe, £ 28.3.822.3.8. paid by } Landlord
 Other Outgoings:

Who pays (a) Rates and Taxes (b) Insurance (a) Occupier (b) Owner
 Who is liable for repairs Owner—except repairs to hedges &c. for which
 Fixed Charges, Easements, Common Rights and Restrictions Landlord sup. materials
£3 viz 30/- due to the Poor of Hingstone
50/- " " " " " Abbot's Bromley

Former Sales. Dates 1908 Copied from Form
 Interest Creswell's
 Consideration £58000 for the whole of the Estate in the Parish
 Subsequent Expenditure of Creswell, Tillington & Seighford, etc.
 Owner's Estimate. Gross Value two fields in the latter Parish
 Full Site Value
 Total Value
 Assessable Site Value

Site Value Deductions claimed
Owner also owns minerals

Roads and Sewers. Dates of Expenditure
 Amounts

Form IV. Creswell 5.

P.V.

Reference No. 928

Particulars, description, and notes made on inspection 9.11.

House: Entrance Hall dining + Drawing + breakfast room.
8 bedrooms, 3 attics bath (f.c.) + w.c. lavatory (2) Kitchen, back do, brew house, Water pumped from well to top of house by engine 2 allans.

Fishing: - a little in river some - trout.
Timber: - not much hedge row timber, chiefly ash + oak
Sporting: - a few hares, snipe in meadows by railway, birds.
Charges, Easements, and Restrictions affecting market value of Fee Simple

Public footpaths through enclosures no. 63 + 67 + Creswell

+ Creswell no. 5
Including ref. nos. 929-932

Valuation.—Market Value of Fee Simple in possession of whole property in its present condition

16/11/12.	Annual Value	£600
	Deduct 15% L190	132.4
	" Land Tax. 16.4	467.16 470
£14700 = £31 an acre	Tithe 2273.3.8	28 J.P. 30
	Other Charge 3	13100 14,100
	Add Timber + sporting	£ 470 600
		13570 14,700

Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land

£24 an acre 473.989 acres on 25" O.S. sheet. £ 10730 11,130

Difference Balance, being portion of market value attributable to structures, timber, &c. £ 344032 70

Divided as follows:—

Buildings and Structures.....	£2500
Machinery 10%.....	£ 250
Timber @ 5% p. acre.....	£ 120
Fruit Trees Sporting @ 1% p. acre @ 20 J.P.....	£ 350
Other things growing on land 1/80%.....	£ 170

Market Value of Fee Simple of Whole in its present condition (as before) £ 14700

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) Tithe.....	£ 549665
Restrictions Other Charges.....	£ 8 1/8 £ 743 459
Footpath.....	
GROSS VALUE.....	£ 1431315459

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IN 58 79075

1	
2	
3	
4	
5	
6	

now includes 929, 930, 931, 932 + Creswell

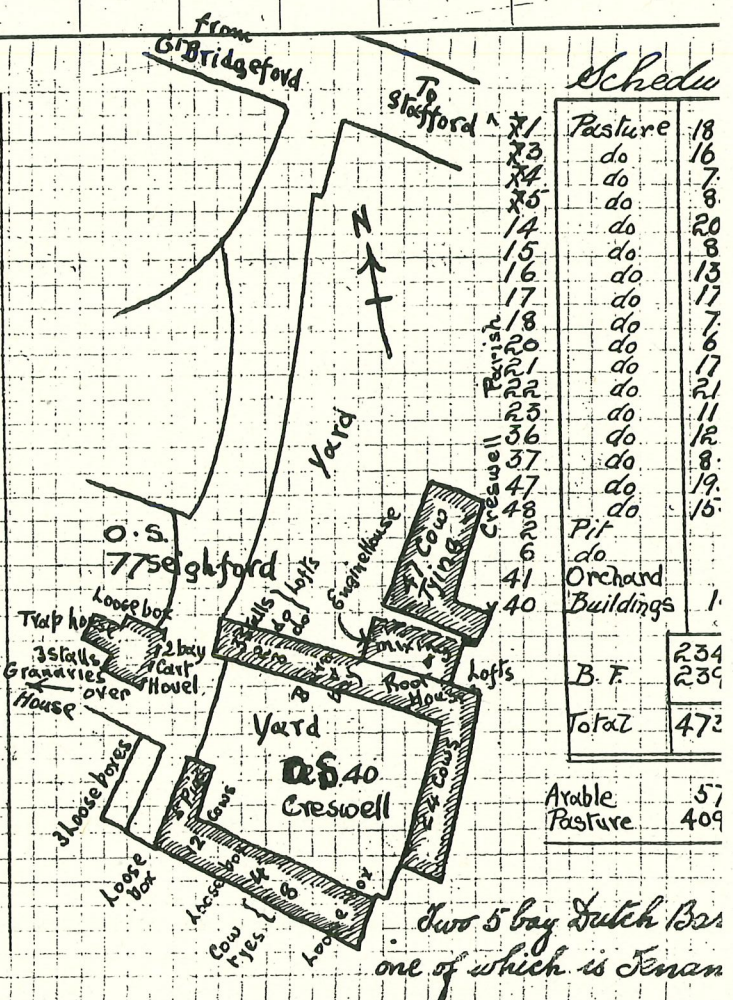
928 Reference No.

Index letter	Description of Buildings	Dimensions			Cubical Contents	Condition	Remarks
		Frontage	Depth	Height			

Houses & buildings bricks & tiled generally in good condition & repair.

Schedule		
57	Arable	7.851
62	do	7.182
63	do	5.923
510	Pasture	1.420
85	do	12.625
62	do	5.199
59	do	5.728
60	do	7.007
66	do	7.487
67	do	6.882
68	do	5.347
75	do	1.795
76	do	10.006
77	Houses &c.	.513
74	Cottages	.685
	Water (P)	3.220
19	Arable	10.208
38	do	16.286
44	do	10.013
66	Pasture	11.665
67	do	16.870
68	do	12.424
88	do	4.262
89	do	2.618
91	do	13.145
112	do	12.763
63	do	17.584
64	do	.720
65	do	.920
45	do	6.900
42	do	4.680
39	do	4.455
72	do	4.291
78	do	5.105

939
930
931
932
X Seighford Parish 89.050
X Creswell Parish



Schedule	
Pasture	18
do	16
do	7
do	8
do	20
do	8
do	13
do	17
do	7
do	6
do	17
do	21
do	11
do	12
do	8
do	19
do	15
Pit	
do	
Orchard	
Buildings	1
B. F.	234
	239
Total	473

Arable 57
Pasture 409

Two 5 bay Dutch Bars one of which is Tenan

C. F. 239-959

Reference No. 9.28

GROSS VALUE £14313 15,459

Less Value attributable to Structures, timber, &c. (as before) £ 3140 3270

FULL SITE VALUE £ 11173 12189

Gross Value (as before) £ 14313 15,459

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 £

Tithe or Tithe Rent Charge £ 679 665

Other Burden or Charge arising by operation of law or under any Act of Parliament £ 84

If Copyhold, Estimated Cost of Enfranchisement £

Public Rights of Way or User £ 10

Rights of Common £

Easements £

Restrictions £

£ 773 759

TOTAL VALUE £ 13570 14700

Less Value attributable to Structures, timber, &c.

(as before) £ 3140 3270

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 £ 3140 3270

ASSESSABLE SITE VALUE £ 10430 11,430

If Agricultural land, the value for Agricultural

purposes including ~~excluding~~ Sporting Rights £ 18220 14,350

Value of Sporting Rights £ 350

If Licensed Property, the annual license value £

Liable to Undeveloped Land Duty as from

For further reference as to Apportionments &c., see

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INSTR 79075

1	2	3	4	5	6
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Place Names interprets Creswell as "the stream where watercross grew". The "Cressvale" of the Domesday Book had a mill by the river. At that time the land was held by William Pantulf. It then passed to the de Cresswell family who held it until the 14th century, when it was seized by Edward III after a rebellion. It acquired its next owner on 1st November 1334 when the king granted to Thomas de Swynnerton the lands "late of Henry de Cresswell and Thomas his son who are outlawed for felony".

The ruined stone building is the chapel which was built about 1200 but destroyed in the 16th century. The settlement had little future left and, in 1679, Walter Chetwynd's "History of Pirehill Hundred" stated "Creswell was formerly a village of some note, though now there is nothing of it but ye Manor House". This is not quite true as the trained eye of the archaeologist can still detect in the fields the platforms where the houses and other timber buildings of the medieval village once stood.

Creswell's ruined chapel drew the attention of the North Staffordshire Field Club in 1883. The report of their visit stated that "Mr. Whiby (Lord of the Manor) had caused excavation to be made which laid bare the outline of the building in its entirety". The work of uncovering the stonework also unearthed a skeleton which "those in the party who were learned in Archaeology" thought might be the remains of the founder of the church. Although only fragments of the North wall, with two Early English lancet windows, and the East wall of the chancel survive, it is possible for the size of the building to be estimated at 18 feet wide, with the chancel 20 feet long and the nave 30 feet. It is interesting to note that Mr. Whiby was the host for the Field Club on that day in 1883. The Staffordshire Chronicle reported that, on Wednesday, 4th December 1811, Captain Whiby of Creswell Hall presented to the Borough of Stafford the colours of the ship "Le Caronne", which he had captured in a naval action against French and Italian ships in the Adriatic.

For generations of Stafford children a public footpath has lead past the chapel ruins to Shaky Bridges, a cherished play area beside (and in) the Sow. The path continues on after crossing the river and heads towards the village of Seighford. Its name describes its location, for Seohtrre was the Anglo-Saxon name for a brook, and the ford element is still there on the track from Creswell. The village stands beyond the ford, dominated by its church of St. Chad. Much of the church building is the original Norman or Medieval work of about 1300, although the tower and south wall had to be rebuilt when the Norman tower collapsed sometime between 1600 and 1610. The contrast between 17th century construction of local red brick and the earlier building's sandstone is evident. The dedication to St. Chad indicates that a Saxon place of worship had stood there before the Norman Conquest. The Bishop of Lichfield still held the living at the time of the Domesday Book.

It is to be hoped that this village does not suffer a repetition of a freak storm which it once endured. The Staffordshire Chronicle had "an authentic account of a hailstorm, when fell a hailstone of 11 inches in circumference, that was taken up at Seighford, after the dreadful tempest that happened there, July 3, 1719. The day before the hailstorm the air was dark and cloudy,

The cottage became a museum of its famous owner in 1924. It was still thatched in those days, but the property had to be roofed with tiles in 1939. Visitors to Shallowford who remember steam trains will appreciate why the thatch had suffered so often due to the proximity of the railway line and its fiery engines.

Three centuries ago this rural community was the scene of religious persecution. Yeoman families of Whitgreave, Chebsey and Shallowford were among the first converts in the county in 1654 to The Society of Friends, or Quakers as they are better known. Meetings of the Society were held in Eccleshall, Shallowford and Chebsey until over 180 members were arrested in Staffordshire in 1660. Among those gaoled were John Till of Whitgreave and another local man, Edward Scotson. They were neighbours of the Woolrich family, who were also staunch members. This family farmed the land adjoining Izaak Walton's cottage and gave a piece of their acreage for a Quaker burial ground. This can still be traced in a field beside the Shallowford to Chebsey lane.

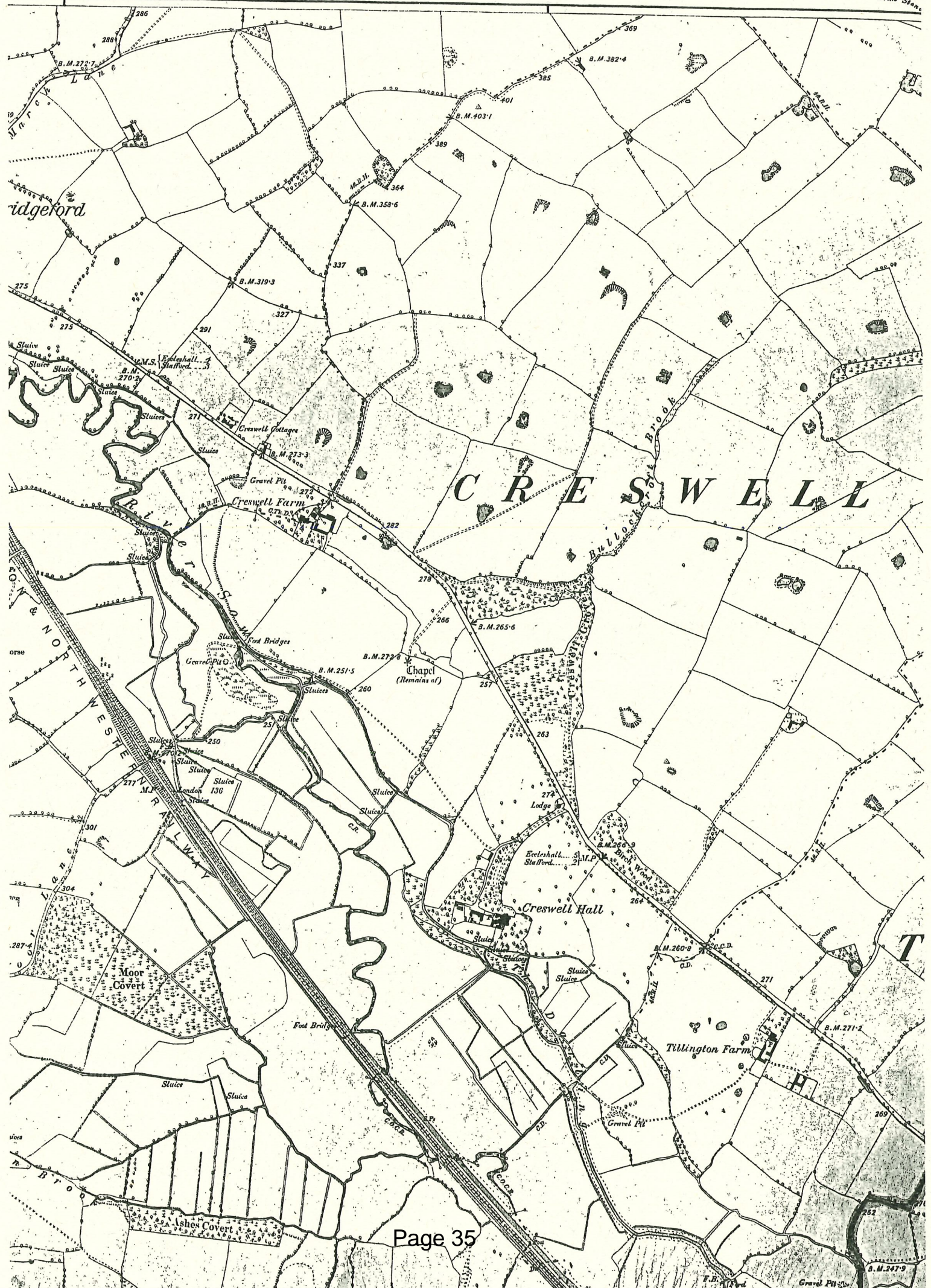
Some years ago I heard an unusual story about Shallowford. A married couple were taking an afternoon stroll along the road from Norton Bridge to Shallowford when they saw another person ahead of them. What caught their attention was the appearance of the man, who was dressed in the sombre clothes of a 17th century Quaker. He turned off the road before the junction with the lane to Chebsey and walked across the field beside it. The couple continued on towards Shallowford but suddenly realised as they reached the other lane that there was no break in the hedge at the point where the mysterious figure had left the road to enter the field. They were baffled by the experience. Later enquiries produced a 19th century map of the area. This showed that there had indeed once been a path across the field. It led from a gate in the now solid hedge where the man had turned, and crossed to the Quakers' burial ground!

Downstream from Shallowford is Worston Mill, which now houses a restaurant. Built in 1814 on a site which mills had occupied since 1279, it dealt with several different products during its working life. Initially this last mill was used to chop and grind wood, then from 1932 to 1970 it was a cornmill. The most unusual feature, however, was the silk mill which operated in the 19th century until, like Izaak Walton's cottage, it fell victim to the nearby railway. In this case the problem was not the fire hazard but the vibrations from the trains which snapped the fine silken threads as they were being produced. Anyone travelling to the mill until the 1920's would have encountered the Sow direct for the river had to be crossed by a ford.

A Deserted Medieval Village

Between Bridgeford and Stafford the river winds and loops in a series of tight turns. It is lost from view from the main road as it twists through low-lying meadows but the traveller should spot the remnants of a ruined stone building in a field beside the road.

This is all that remains of the ancient settlement of Creswell, for today it is a good example of a deserted medieval village. The Oxford Dictionary of

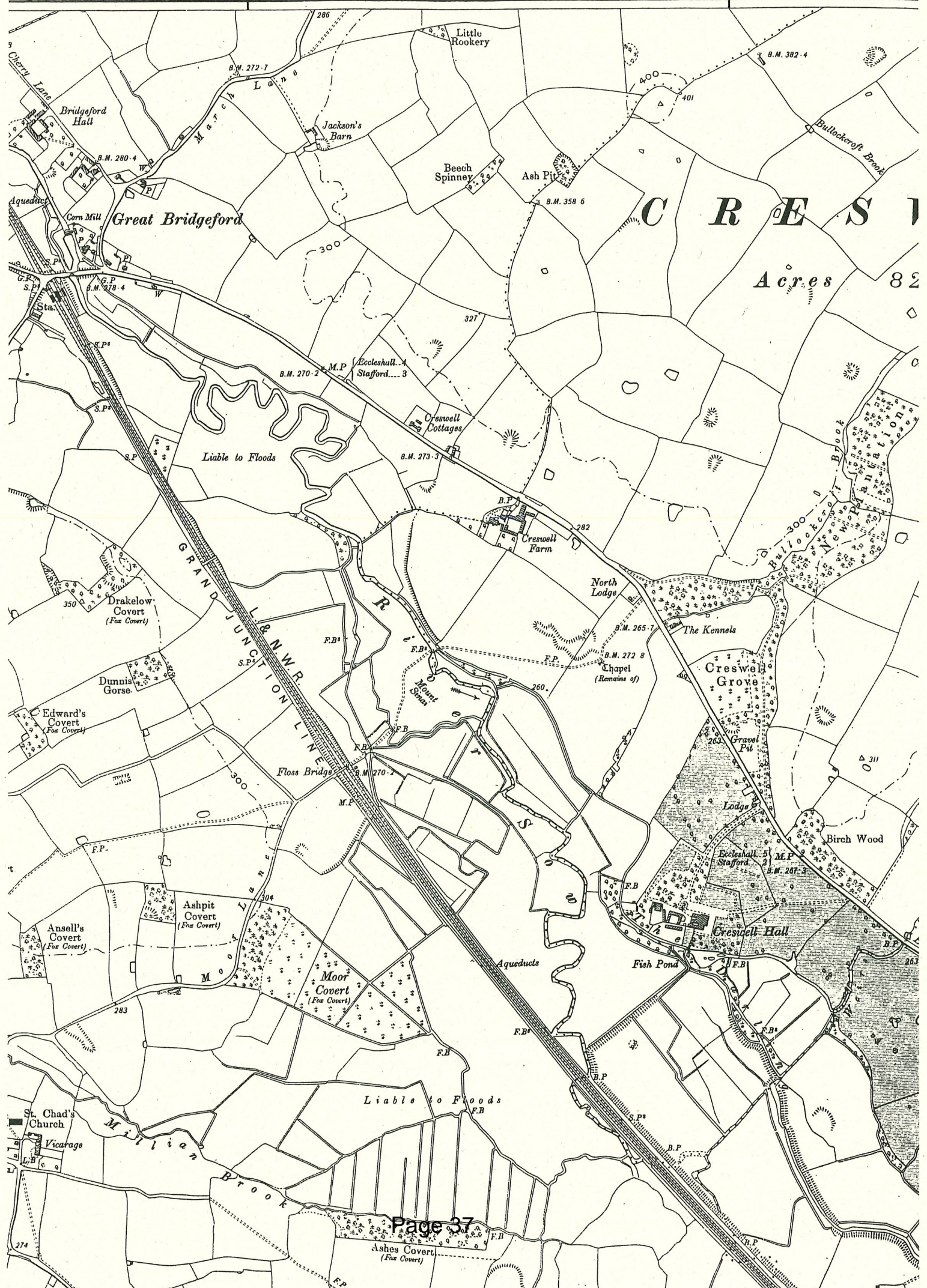


1st Ed.

1888

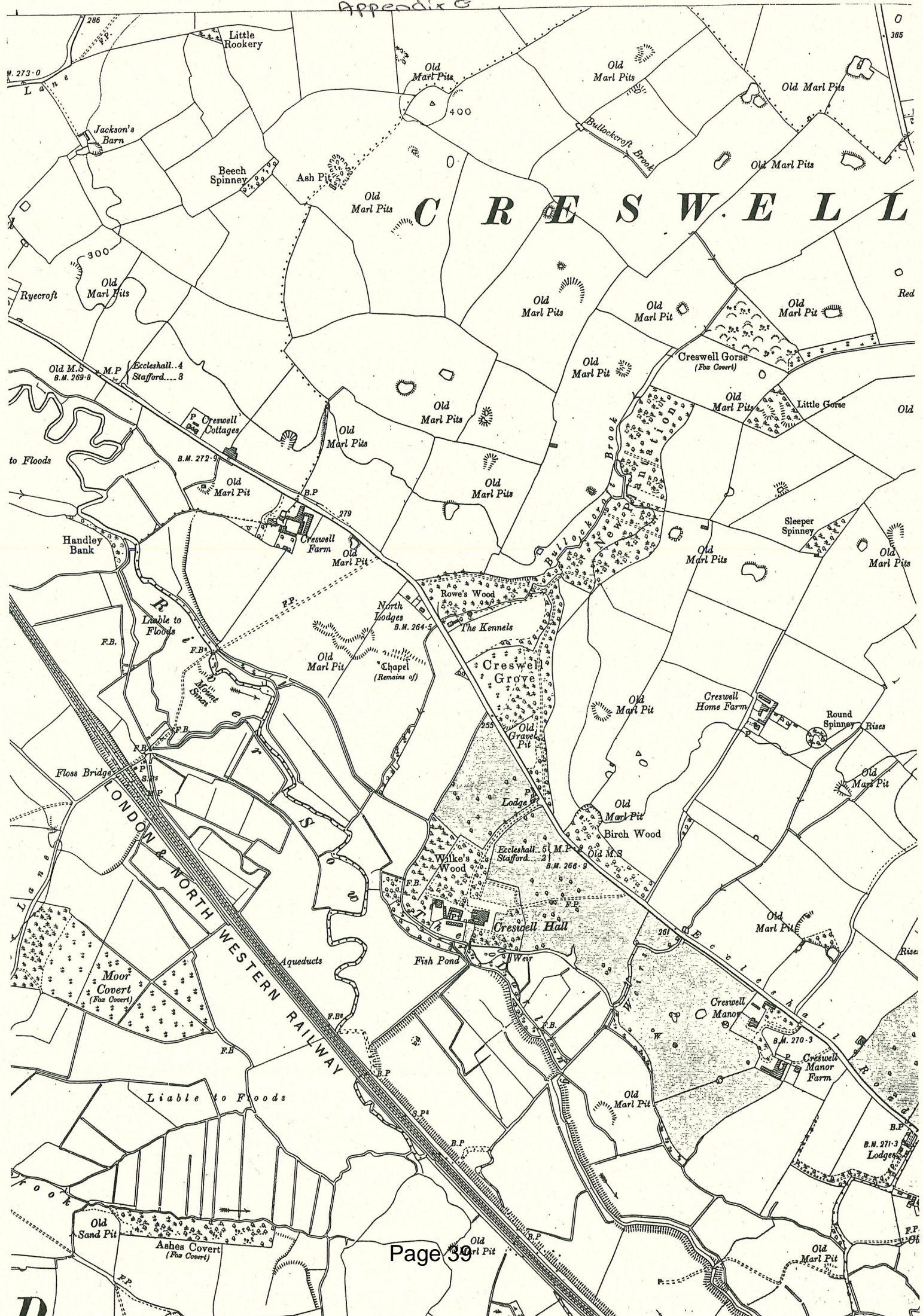
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3rd Ed 1925
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PUBLIC RIGHT OF WAY EVIDENCE FORM

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.

JOINT OWNERS

Name of witness .. HENRY BOURNE HIDERLEY .. AMY HIDERLEY .. AND .. JOHN HENRY HIDERLEY
(Block Capitals please)

Address KEEPERS LODGE JOHN HENRY AT
..... CRESWELL CRESWELL FARM
..... STAFFORD ST18 9SG STAFFORD ST18 9SG

Telephone No: 01785 225679 01785 282373

Date of Birth 09. 8. 1953 Occupation RETIRED.
JOHN HENRY 18. 5. 1952 JOHN HENRY FARMER

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.

FAMILY SINCE 1900 75 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?

FARM. JOINT OWNERS
~~FAMILY PARTNERSHIP.~~

HIS. H. D. DERLEY.

A. "

J.H. "

~~---~~

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.

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 had no idea that it would be claimed as a path. No one has ever tried to use it. There is a hedge on either side of the entry so anybody would have been seen.*

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

Periodic use of Chapel. for service once a year but not on a regular basis. We give permission to use the path for service only

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? *High locked wrought iron gates at the road entrance. These are at least 100 yrs old. Even for the farm, they are rarely used, as the access is very dangerous, so they are never accidentally left unlocked*

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details. *Occasionally people wander off the existing R.O.W. to look at the Chapel. Not particularly walking on the claimed path. They are always directed back to the R.O.Way.*

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? *No one has used the path, and there was no reason to presume dedication by way of usage.*

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. on 1923 D.S. Map, a new parallel path appears 200yds North of The
Eesbhall road to the same bridge crossing over river Sow. We assume this
path replaced the alleged path.

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.

M.B. Heddley
a. Heddley

Signature.....

Person taking this statement

Date 15-12-98

Appendix I

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.

PARTNERS

Name of witness	HENRY BURNE HIDDENLEY	AMY HIDDENLEY	JOHN HENRY HIDDENLEY
(Block Capitals please)	MARK WILLIAM HIDDENLEY		
Address	HB & A HIDDENLEY KEEPERS LODGE	JAH HIDDENLEY CRESWELL FARM	M W HIDDENLEY NEW LODGE
	CRESWELL	STAFFORD	CRESWELL
	STAFFORD	ST18 9SG	STAFFORD
Telephone No:	01785 225579	01785 282373	01785 245555
Date of Birth	HBH 09 / 08	23 / 25	RETIRED
	AH 20 / 02	25	RETIRED
	JAH 18 / 05	52	FARMER
	MWH 06 / 09	62	FARMER

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.

.....15.....years.
FAMILY SINCE 1950

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?

FAMILY PARTNERSHIP
OF:- H.B HIDDENLEY
A HIDDENLEY
J.H HIDDENLEY
M.W HIDDENLEY

Tenancies and Leases

TRADING AS J.H. HIDDENLEY & SON

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 WE HAD NO IDEA THAT IT WOULD BE CLAIMED AS A PATH. NO ONE HAS EVER TRIED TO USE IT. THERE IS A LODGE ON EITHER SIDE SO ANYBODY WOULD HAVE BEEN SEEN

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

PERIODIC USE FOR CHAPEL SERVICE ONCE A YEAR, BUT NOT ON A REGULAR BASIS. WE GIVE PERMISSION TO USE PATH FOR SERVICE ONLY.

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?

HIGH LOCKED WROUGHT IRON GATES AT THE ROAD ENTRANCE THESE ARE AT LEAST 150 YEARS OLD. EVEN THE FARM RARELY USES THEM AS ACCESS IS VERY DANGEROUS, SO THEY ARE NEVER ACCIDENTALLY LEFT UN

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

OCCASIONALLY PEOPLE WANDER OFF THE EXISTING ROAD TO LOOK AT THE CHAPEL; NOT PARTICULARLY WALKING ON CLAIMED PATH. THEY ARE ALWAYS DIRECTED BACK TO THE R.O.W.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? No. NO ONE HAS USED THE PATH AND THERE WAS NO REASON TO PRESUME DEDICATION BY USAGE

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. ON THE 1923 OS MAP A NEW PARALLEL PATH APPEARS, 200 YARDS NORTH, OFF THE ECCLESHALL ROAD TO THE SAME BRIDGE CROSSING OVER THE SOW WE ASSUME THIS PATH REPLACED THE ALLEGED PATH.

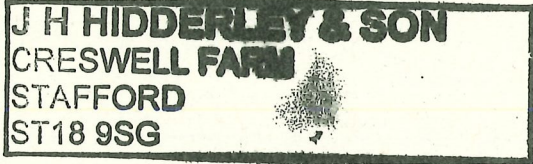
13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?
YES

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

Signature [Handwritten Signature]
A. B. Hiddlerley & Son
A. Hiddlerley
Mr. Hiddlerley

Person taking this statement

Date 19-12-98



HIDDELL & SON
JEWELLERS
FORD
1898

OTS

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 ... MARK WILLIAM HODGFRDY
(Block Capitals please)

Address ... NEW LODGE
..... CRESWELL
..... STAFFORD

Telephone No: 01785 245555

Date of Birth ... 06 / ... 09 / ... 62 ... Occupation FARMER

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.

..... 14 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?

FAMILY PARTNERSHIP.

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.

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 one has ever asked to use this alleged path.

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?

THE GATES HAVE BEEN LOCKED FOR AS LONG AS IS KNOWN, SINCE 1800'S

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

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.....*Mr. Hill*.....

Person taking this statement ..*MARK... William... HINDSLEY*.....

Date*30/12/98*.....

15 JAN 1999
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Cairo University Library

Your Ref: LH6275
Our Ref: TZL/TL/121808/0006/Hidderley
Date: 12 February 2021

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

By email: hannah.titchener1@staffordshire.gov.uk

Dear Ms Titchener

**Our Client: Mr Robert Hidderley
Land at Creswell Farm, Creswell, Staffordshire
Application for Modification to the Definitive Map and Statement to add footpath
between Eccleshall Road Footbridge over the River Sow**

We have been instructed by our client to object to the above named application. The application was made on 3 November 1998 and I understand that the Council's Countryside and Rights of Way Panel will be meeting soon to determine the application. I have been sent a copy of the officer's report. I am also instructed that you have given my client until 12 February 2021 to make representations which will be taken into account at this meeting.

The application has been made under Section 53(3)(c) of the Wildlife and Countryside Act 1981 (the "1981 Act") and is for the addition of a public footpath at Eccleshall Road to the footbridge over the River Sow, Creswell, as shown marked from A to B on the application plan, to the Council's Definitive Map and Statement. The basis of the application is the discovery of historical evidence of this footpath. The applicant relies on a number of documents which are attached to and summarised in the officer's report.

Mr John Hidderley, Mr and Mrs Henry and Amy Hidderley, of Keeper's Lodge and Mr Mark Williams Hidderley of New Lodge submitted two sets of evidence forms in 1998 which have been attached to and summarised in the officer's report.

The alleged footpath passes between 2 lodges known as Keeper's Lodge and New Lodge and through Creswell farm. The part of the farm through which the route passes is used for grazing cattle.

I enclose the following information:

1. Office copy entries for Creswell Farm
2. Office copy entries and title plans for Keeper's Lodge and New Lodge
3. Map Search Plan for the above annotated with the gates, fence, ruins and lodges referred to in the evidence forms
4. Extracts from a 1923 Ordnance Survey Plan (a full copy of the plan can be arranged if required by the Panel)

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5. Extracts from sales particulars for an auction on 14 June 1927
6. Map attached to the above sales particulars.
7. Conveyance of Creswell Farm to John Henry Hidderley on 28 February 1927.
8. Abstract of title dating from 21 August 1885 and plans
9. Sections 84 to 91 of the Highways Act 1835
10. Photograph of gates and fence

The freehold interest of the farm is registered in the names of Mr Henry Bourne Hidderley, our client's grandfather, Mr John Henry Hidderley, our client's father, and Mr Robert Hidderley, our client. Mr John Henry Hidderley passed away in November 2020 and his wife and our client's mother, Mrs Anne Hidderley, is the executor of his estate. Keeper's Lodge and New Lodge are in separate titles. Amy Hidderley, our client's grandmother, Amy Hidderley has also passed away.

Creswell Farm has been in the ownership of the Hidderley family since it was purchased by John Henry Hidderley, our client's great grandfather in 1927. Mr Henry Bourne Hidderley, our client's grandfather has lived on the farm since then. John Henry Hidderley, our client's father, and our client lived on the farm all their lives. Our client currently lives in the farmhouse while Anne Hidderley lives in New Lodge and John Henry Hidderley lives in Keeper's Lodge. As stated in the evidence form, none of the above can remember the alleged footpath being used by members of the public.

Keeper's Lodge does not appear on the 1888 Ordnance Survey plan produced by the applicant and first appears on the 1902 Ordnance Survey plan. New Lodge first appears on the 1923 Ordnance Survey plan. The extracts from the sales particulars indicate that New Lodge was built in 1914 and states that it was built 13 years before the sales auction in 1927. It can be seen from the plans that there has, since New Lodge first appeared on the plans, always been a gate between the two lodges and a fence around them. The gate and fence remains until now, obscures the alleged footpath and is used to separate the lodges from the adjacent grazing land and cattle on Creswell Farm.

In accordance with section 53(3)(c) of the 1981 Act, the Council is obliged to make modifications to the Definitive Map and Statement where there has been the discovery of evidence which shows that a right of way either exists or is reasonably alleged to exist and which is not shown on the definitive map. Satisfaction of the latter test - reasonably alleged to exist - is sufficient for the Council to make an order. However, if an objection is made and the order is referred to the Secretary of State for confirmation, he can only confirm the order if, it is proven, on the balance of probabilities, that the right of way does in fact exist. This is established by case law (for example *Todd v Secretary of State for the Environment Food and Rural Affairs* [2004] 1 W.L.R. 2471)

The premise of our client's objection is that there is compelling evidence to show that the alleged footpath was diverted or extinguished before 1923 and that, in light of that evidence, the Council is obliged to make further investigations before making the order. This will save all parties the time and expense of going through the confirmation process with the planning inspectorate if investigations show that the footpath was diverted or extinguished.

Notwithstanding the ability for members of the public to object to a map modification order and the local inquiry process for confirmation of the order, there is a duty on the Council to properly investigate each application under section 53 of the 1981 Act as was decided in *R. v Isle of Wight County Council Ex p. O'Keefe* (1989) 59 P. & C.R. 283. The order therefore should not be made at this time and the decision of the panel should be to decline to make the order or to defer their decision until further investigations are carried out.

We note that the route in the 1888 Ordnance Survey plan, the Finance Act plan and the 1902 Ordnance Survey plan as well as the routes on the plans attached to the abstract of title vary. As stated in the report, the Ordnance Survey plan can provide no evidence of whether a path is public or not. There is reference in the 1910 Finance Act documents to a public footpath in which follows a similar route to the alleged footpath.

The 1923 and 1925 Ordnance Survey plans does not show the alleged footpath or any route similar to it. It shows New Lodge and a path which is similar to public paths Seighford 32, Seighford 34 and Creswell 2. These facts, in our view, are unlikely to be a coincidence and strongly point to the extinguishment or diversion of the alleged footpath prior to 1923. The diversion or extinguishment may have been linked to the construction of New Lodge, which would explain the obstruction of the previous path by the gate and fence and the claimed route may have been replaced with routes 32, 34 and 1.

As stated, Mr Henry Bourne Hilderley lived on the farm since 1927 and has not observed members of the public using the claimed footpath as of right. Up till about 15 years ago, the landowners granted permission to the parish church and members of the public to cross the farm to attend an open-air service at the Creswell chapel ruins once a year. However this arrangement is not capable of amounting to a deemed dedication of a right of way and is irrelevant to the application, which is based on the discovery of historical evidence. Members of the public did not follow the route of the alleged footpath when going to view the ruins or attend the open air service.

The procedures for diverting or extinguishing highways in the early 20th century were found in Sections 84 to 91 of the Highways Act 1835. We enclose these sections as originally enacted. The sections describe a formal process involving the church, the Parish Council, the County Surveyor and the justices of the peace to divert the footpath to a more commodious route or extinguish it as unnecessary. This process involved applications, notices, site visits, certificates and an appeal process.

As stated above, the evidence, including the disappearance of the claimed route on all maps within a relatively short period of time between 1910 and 1923, the construction of the lodges and the fact that the land had been in the Hilderley family's ownership since 1927 without any 'as of right' use by the public of the claimed footpath strongly points to the conclusion that the claimed path, if it existed as a public footpath, was extinguished diverted before 1923.

We therefore request that inquiries are made of Creswell and Seighford Parish Councils, St Mary's Church in Creswell and St Chad's Church in Seighford, the County Council's own records, William Salt Library and the local courts prior to the order being made. We have been recently instructed in this matter and will be making our own enquiries.

The officer's report shows that these inquiries do not appear to have been made and, as stated above, we request that they are made before the order is made to save everyone the time and expense of a local hearing or inquiry if evidence of a diversion or extinguishment is discovered. In the meantime, we would be grateful if the Council could send us extracts of the Definitive Map statement for paths numbered Seighford 32, Seighford 34 and Creswell 1. We believe that, because of the national lockdown, it is not possible to inspect the Definitive Map Statement at the Council offices but please let us know if our assumption is wrong.

In respect of the evidence set out in the report to the officer, out of the 3 Ordnance Survey plans, produced, only 1 shows the claimed route and the latter 1925 plan does not show the route at all. The routes on these plans are not entirely consistent with the alleged

footpath. The extract from the book published in 2000 refers to a footpath and a former footpath but provides no information as to the line of that footpath and whether or not it has been extinguished.

In light of the above, we believe that there is insufficient evidence to show that the claimed footpath has been reasonably alleged to subsist and there is evidence to indicate that it has been extinguished or diverted. We therefore ask that the panel either declines to make the order or at least defers its decision until the investigation described above has been undertaken.

I would be grateful if you would consider changing your recommendation and if you would ensure that this letter and enclosures are put before the panel before it makes its decision. Please do not hesitate to contact me if you have any queries about this letter or if I can assist in any way.

Yours sincerely



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My Ref: LH627G

Your Ref:

Date: 23 March 2021

Dear Ms Lovejoy,

RE: Alleged public footpath between Eccleshall Road footbridge over River Sow, Creswell Parish

Thank you for your letter dated 12 February 2021 regarding the draft report in relation to the above application. Your comments have been noted.

We note that your client's great grandfather, Mr John Henry Hilderley brought Creswell Farm in 1927 and it is noted that the Finance Act material included in the report dated 1911 confirms that at the time this document was completed a H Hilderley was the occupier of the land and a G Elliot Meakin was the owner. Documentation shows that following the death of G Elliot Meakin in 1927 the Hilderley family took over ownership of Creswell Farm.

We further note that New Lodge was built in 1914 and that a gate was erected between Keepers Lodge and New Lodge and a fence put around the gate, which obscured use of the alleged footpath.

The Ordnance Survey map you have provided dated 1923 does not show the alleged route. The 1910 Finance Act material dated 1911 shows a route running along the same line as the alleged route with the depiction FP and the route is also referred to in the Field Book as a public footpath. Due to the severe penalties people faced if they were found to have made a false claim, it is unlikely that the landowner would have made a claim for the public footpath unless it was well founded.

Therefore, it appears that during the period between 1911 and 1923 the route has ceased to be in existence, or it has not been deemed significant enough to be included on any maps.

Whilst, we note that your client objects to the application on the grounds that there is a strong likelihood that the alleged route was diverted or extinguished before 1923, no legal document has been put forward to confirm that the route was extinguished or diverted.

The Council has looked into Parish Survey Cards for the area of Creswell and neither the parish cards nor plans have any reference to a path along the same line as the alleged route. No legal or other document or map evidences the alleged route. It appears that the alleged route appears on ordnance survey maps for approximately 20 years and then the route disappears.

We note on the Ordnance Survey map dated 1923 provided by yourselves and the Ordnance Survey map dated 1925, which is commented on in our draft report, they do not show the alleged route but there is a route with the depiction FP running along the same line as what is now Creswell 1, which is recorded on the map as a public bridleway. Although Creswell 1 runs near to the alleged route there is no clear evidence that the alleged route has ever been diverted to become Creswell 1. Seighford 32 and Seighford 34 are also recorded as public bridleways on the Definitive Map and there is no evidence that these routes were previously the alleged route.

Overall, we conclude that between the years of 1902 and 1911 there is evidence of the existence of the alleged route and that when the lesser test of reasonable allegation is considered, the evidence of the Finance Act material supports that the alleged route was a public footpath.

By 1923 there is no evidence that the alleged path is still in use or existence and this may coincide with the construction of New Lodge in 1914. However, there is no clear evidence that the route has ever been legally extinguished or diverted, it may be that the route fell into disuse and therefore was no longer deemed a significant enough route to be included on maps.

Whilst we acknowledge your client's comments and objections, in light of the fact that there is no clear evidence that the route has ever been legally extinguished or diverted, the maxim "once a highway, always a highway" applies and therefore we will not be changing our recommendation.

Yours sincerely

H.J.Titchener

Hannah Titchener
for Director of Corporate Services

HT2 / LH627G

Cllr Ross Ward	District of Staffordshire Moorlands
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Countryside and Rights of Way Panel

Wildlife and Countryside act 1981

Application for Upgrading of Public Footpath No 8 Caverswall to Bridleway Status.

Report of the Director of Corporate Services

Recommendation

1. That the evidence submitted with the application at Appendix A is sufficient to show that a Public Bridleway subsists along the route marked A to B on the plan attached at Appendix B to this report and should therefore be added to the Definitive Map and Statement of Public Rights of Way as such.
2. That an Order should be made to add the alleged right of way shown on the plan attached at Appendix B and marked A to B to the Definitive Map and Statement of Public Rights of Way for the District of Staffordshire Moorlands, Caverswall.

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 attached at Appendix A made on the 27th March 2001 by Mrs C A Howell, Clerk to Caverswall Parish Council for an order to modify the Definitive Map and Statement for the area by upgrading Public Footpath 8 Caverswall to a public bridleway under the provisions of Section 53(3) of the Wildlife and Countryside Act 1981. The line of the alleged public bridleway as claimed by the applicant is shown on the plan at Appendix B and marked A to 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

4. In support of the application the applicant Mrs C A Howell on behalf of Caverswall Parish Council has submitted 24 user evidence forms, and a copy of "The Spirit of the Place" by M J W Roberts (pages 10 & 11). The evidence forms are attached to this report at Appendix C.
5. A summary of the salient points from the user evidence forms has been compiled in a table. This is attached at Appendix D.

Evidence Submitted by the Landowner/s

6. Mr C Dale of Highfield Stud Farm, Abbey Green Road, Leek ST13 8SA returned the Right of Way Evidence Form indicating that he believed the route was a "footpath" and "bridleway", that he had not erected any signage on the route, although the previous owner a Mr Myatt had. He also stated that "3 years ago a bar was put across at (the) junction with Leek Road to prevent road vehicles gaining access". This owner evidence form can be seen at Appendix E.

Comments Received From Statutory Consultees

7. M Rowley of the Byways and Bridleways Trust stated that the extract supplied as evidence by the applicant and entitled "The Spirit of the Place" was "neither accurate nor relevant" adding that it is well established that the A34/A50 is the route from Chesterton (Holditch) via Trent Vale to Rocester. This letter can be found at Appendix F.
8. M Rowley also stated that vehicular rights exist over the route of PF8 and this was recognised by J W Vernon, Barrister, the Inspector who held the Cheadle Public Enquiry in 1978 and who submitted the report to the Secretary of State on 21/07/78.
9. M Rowley attached a copy of the 1978 Report which gave a detailed description of PF8. The route was referred to as RP8 at this time, the abbreviated acronym for RUPP – a Road Used as A Public Path. This can be found at Appendix G.
10. M Rowley also attached a copy of decision letter from the Department of the Environment and Transport dated 15/02/80. This can be found at Appendix H.
11. For clarity the 1980 report referred to in point 10 above stated (in relation to "RP8) that the reclassification of this road used as a public path (hereinafter referred to as RUPP) should remain as a footpath in the Draft Revised Map and Statement".
12. M Rowley confirmed that he had also inspected the 1910 Record Plans relating to PF8 at Stafford County Record Office in 1977 and that he had "ridden RP8 Caverswall by motorcycle for a period in excess of 20 years" Although the 1910 Record Plans likely referred to the Finance Act no further exposition of this was given.
13. M Rowley highlighted that his use of the path with a motor vehicle was irrespective of the routes' reclassification as Footpath status in 1978 as reclassification, according to "leading counsel" did not extinguish prior vehicular rights.

14. The Staffordshire Moorlands Bridleways Preservation Group commented in 2001 that an obstruction and signs had been erected on the route. They stated the obstruction was “a barrier with a small stile” and signage stating, “No Horses or Vehicles”. They also stated that they would submit a request for a modification order to remove the footpath from the definitive map as it was, they believed “a pre-1835 vehicular road”. Photographs submitted with their letter show the barrier and signage. While an additional copy of Cary’s Map of Staffordshire was also attached showing the route with perceived “road” status. They stated that “the erection of a stile to be outside the requirements of Section 147 of the Highways Act 1980” and “a misfeasance”. This can be found at Appendix I.
15. The Staffordshire Moorlands Bridleways Preservation Group also consulted solicitors DLA & Partners concerning the erection of the obstruction on the route. DLA commented that the Group did not accept the route was “only a footpath”. They went on to state that the obstruction or stile covered over half the width of the route leaving only a small squeeze stile. This they stated was an “obstruction of a highway” and quoted that “as early as 1630 the courts held that if a new gate be erected across a public highway it is a common nuisance and any of the Kings subjects passing that way may cut it down and destroy it”. It was also confirmed that person’s unknown had since removed the stile. This can be found at Appendix J.
16. DLA Solicitors also commented on the erection of the signage by the County Council stating, “No horses or vehicles”. They reiterated that the route was originally shown on the Definitive Map as a road used as a public path (RUPP) and cited the case “R v Secretary of State for the Environment ex parte Hood” that held “designation on the Definitive Map as a RUPP provided conclusive evidence of the existence of a public right of way on horseback at least.” They felt the erection of signage stating “No Horses” was tactless and that this was contrary to section 57 of the National Parks and Access to the Countryside Act 1949.
17. North Staffordshire Bridleways Association commented in support of the application stating that “as a former RUPP we believe that it must have a minimum of bridleway rights”. They also indicated that the route was shown in the same way on old maps as the adjacent lane – now a Byway Open to all Traffic – (BOAT 9). They also stated that PF8 had been used by local horse riders for as long as the Association had been in existence, approximately 10 years. It was also part of one of their circular routes “around The Potteries”. Immediate complaints had been received by the Association as soon as the stile had been erected. This can be seen at Appendix K.

Comments on Evidence

18. Section 31 of the Highways Act 1980 sets out the test that must be satisfied under statute for a way to become a public highway through usage by the public.
19. In 1932 the Rights of Way Act introduced the statutory presumption of dedication by the landowner of a public right of way which could be proven by evidence of 20 years usage as of right and without interruption. This presumption could be rebutted by the landowner proving that he had no such intention. However, the

onus is on the landowner to do so. The land that the path crosses is not of a character that would prevent the dedication of a way.

20. As the applicant has submitted both historical and user evidence in respect of the claim then the validity of both needs to be assessed.
21. For clarity the claim is for the upgrade of an existing right of way to bridleway status.
22. The claimed bridleway was originally classified as a RUPP until its reclassification as a Public Footpath in 1978. The details established at this time are important as they give significant insight into the historical use and past status of the path. The 1978 evidence is detailed and relevant to the applicants claim for bridleway status.
23. The salient points of the 1978 inspection and report are outlined below:
 - A total width of approximately 25 feet – with a useable width of approximately 8 feet. This is a greater width than would be typical for a way with the status of a “footpath”.
 - Evidence of “old metalling” at certain points. Again, suggestive of a route that once had higher rights as it is unlikely that a footpath would have been given such a surface. However, this point could also be applied to a bridleway.
 - A concrete culvert carrying a stream beneath the route. This would have had an associated cost at the point of installation and would not normally be necessary for a route that only had footpath status.
 - A mainly soil or grass surface which has been “destroyed by galloping horses”. This point adds to the evidence that horses were indeed using the route in sufficient numbers to cause surface damage. As such this point of the 1978 report is significant as it demonstrates its use by horses.
 - The County Council’s view at the time stated that the overall width of the route was suggestive of a “drovers track” and that “it served no essential transport need”.
24. The 1978 report presented 12 x findings of fact, most of which mirrored those in point 23 above. However, they also included the point that Cheadle Auto Club had used the route with motor vehicles (without challenge) for over 20 years between 1950-72 but that the route was subsequently closed to 4 wheeled motor vehicles. The key point here is that the auto club had used the route “infrequently” and so their use may not have conflicted with other users, notably on horseback.
25. In addition, the British Horse Society claimed the way should have been reclassified as a byway (for use by pony and trap) or as a bridleway. However, the National Farmers’ Union (on behalf of local farmers), the Peak and Northern Footpath Society and Caverswall and Werrington Parish Council opposed these proposals favouring the status of a public footpath.
26. Further evidence appeared in the Inspectors Conclusions relating to the historical status of the path. The applicant claims the route had been used as a bridleway

since the year 200AD and submitted a published account to that effect. However, the Inspectors report of 1978 showed that:

- Both the Tuke and Yates Maps of 1798 show the route marked by double dotted lines which the Inspector interpreted as indicating an “unenclosed cart track”. On both maps the route ends at a brook where Caverswall Common begins.
- The 1840 Ordnance Survey Map showed the route as a continuation of what later became the county road to Roughcote. As such it appears to have been a minor north-south vehicular route, although this has no bearing on its status as a public right of way, again it suggests that the route had higher rights than a footpath.
- The Finance Act maps of 1910 show that the route was treated in the same way as public roads and indicates that the way had some “public vehicular status”.
- Given that the route was designated as a RUPP on the First Definitive Map it seems probable that the route historically had “public vehicular rights” over it.
- However, given the stream is prone to rise and flood the route and overgrowth either side has reduced the width to approximately 8 feet, together with a muddy surface area it is impractical for a wide variety of motor vehicles.

27. The summary of the 1978 report was that the route, that had been included as a RUPP on the First Definitive Map, should not be reclassified as a Byway Open to All Traffic (BOAT) and should remain with the new classification of Public Footpath as directed by the County Council.

28. Of relevance to the application is the point made in the 1978 report that “Classification of the way as a bridleway was not raised prior to the hearing and accordingly cannot be considered”. Thus, the question as to whether the route would have been reclassified as a bridleway at this time remains open. If an application for bridleway status had been submitted by any party at this time then given the evidence contained in the 1978 report then there would have been strong evidence to support it.

29. Staffordshire County Councils’ response to the Staffordshire Moorlands Bridleways Group points raised through solicitors DLA stated that the way was originally classified as a RUPP but was downgraded to a Footpath at the 1st Review. As there were objections to this downgrade a Public Inquiry was held on the 4th and 5th April 1978 for the former Cheadle Rural District Council. At that inquiry the Inspector upheld the reclassification of former RUPP No 8 Caverswall to a Footpath. This remains the status unless higher rights can be proven.

30. Staffordshire County Council further stated that given that the legal status of the route was a Public Footpath then the landowner had the right to apply to the County Council for a stile to be erected on the way for the purpose of stock control under the Highways Act 1980 s147. The landowner had done this and had been granted permission to erect the stile. This demonstrated the fact that the stile was not an illegal obstruction as DLA solicitors had claimed. The removal of a stile in this instance would therefore constitute an offence of criminal

damage. This also applied to the erection of signage stating “No Horses” as the route had the legal status of a public footpath. Significantly to the application was the point that this was not in prejudice to any higher rights which may subsequently be proven to exist.

31. In summary the County Council stated that the route was “currently classified as a footpath” and that “the stile has lawful authority and is therefore not an obstruction”. It added that an application had been received in 2001 to upgrade the route to a BOAT. This point demonstrates there has been a long-held belief that the route had higher rights than those limited by footpath status.
32. The stile was later removed through the instruction of Staffordshire County Councils Rights of Way Officer, Ms Noreen Moore due to the provisions of the Disability Discrimination Act and the implementation of the Countryside and Rights of Way act 2000. This required the County Council to consider the needs of disabled people who wished to use public routes.
33. The historical information which led to the original designation of PF8 as a RUPP was based on the evidence which in 1949 was weighted heavily in its favour. A RUPP was a category of right of way that included public carriage roads, cart roads and green unmetalled lanes which were mainly used as footpaths or bridleways. This suggests that at the time of the original classification following the 1949 Act the route was considered to be at least superior to a footpath and at least laid down the possibility that the route had been, or could be demonstrated to become, through evidence, a bridleway.
34. When the RUPPs were reclassified (at the 1st Review) and the County Council allocated the route the status of “footpath” objections were received that resulted in the 1978 Inquiry. It appears that the only alternative classification that was considered in 1978 was that of a Byway Open to All Traffic (BOAT). As such consideration was only given as to whether the RUPP had any higher “vehicular rights”. The Inquiry concluded that it did not and as such should remain as a Public Footpath. However, as the bridleway groups and users on horseback did not present a case for its reclassification as a bridleway, the option was not satisfactorily considered. To reiterate point (X) from the 1978 report *“Classification of the way as a bridleway was not raised prior to the hearing and accordingly cannot be considered.”*
35. The reason for this oversight may have been created by the fact that when the RUPP’s were first classified there was some ambiguity in their exact designation. At the time the parish surveyors were able to classify routes by two different acronyms, CRB and CRF. The first referred to *“highways which the public are entitled to use with vehicles but which, in practice are mainly used by them as footpaths or bridleways”*. The second referred to *“a public carriage or cart road or green unmetalled lane mainly used as a footpath or bridleway”*. As the acronyms could not be included on the Definitive Map as such the routes were mostly categorized as RUPPs. In doing so the original vehicular rights of the path were unclear although both had been used by people on foot or by horse. The rights and status of a bridleway being obscured by the focus on the existence of vehicular rights.
36. Of the 24 user evidence forms received 10 of them were using the route weekly on horseback throughout the relevant 20year period. The remaining users stated

they used the way either regularly or seasonally. For the purpose of the claim however only horseback use is relevant.

37. It is clear from the user evidence that there have been no interruptions to use over the relevant 20 year period. The application was only made as a consequence of a challenge in 2001 to horse riders accessing the path -when a stile was erected to prevent motorbikes using the route. The relevant period between 1981-2001 is therefore the period critical to the claim.
38. All of the user evidence plans show the route marked along the same line. The route had been used for pleasure and occasionally work purposes and formed part of a well-used circular route.
39. The stile had been erected to prevent motorbikes accessing the route on both anti-social and safety grounds. This had been an acceptable solution from a rights of way perspective as the route had the status of a Public Footpath and no higher rights. The stile was installed without prejudice to any future application on the route.
40. The horse riders who had used the route for the relevant 20 year period had done so without either seeking or being granted permission and had done so without secrecy. The land in question being accessed as part of a local "circular ride" as well as for general riding purposes.
41. The statutory test refers to use over 20 years and in the evidence submitted as there are at least 10 users who satisfy this criteria having used the route on horseback then legal weight is given to the application. One user claims to have used the route for "training horses" and another for "exercising horses". This was done on a weekly basis by one and several times per week by another.
42. Neither the legislation nor the applicable case law sets out a minimum level of user that is expected or required to support a claim that a route exists. The case law does suggest that the amount of usage should be such that it is enough to bring home to a reasonable landowner that the public are using a way and that use is as if it was a public highway, ie. "as of right".
43. The total user evidence that spans the relevant period of 20 years is almost half that of the amount of submitted users. This could be considered sufficient enough to bring that use home to a landowner. In addition, it is more likely than not that horses would be noticed using a route than persons using the route on foot.
44. The user evidence forms and signed statement testifying to many years use of the route provide significant evidence that this has been done as of right, without permission and by its nature without secrecy. The fact that stiles were only installed when motorbikes became a problem suggests that no one prior to this had complained about horses accessing the path. In addition, the evidence records three individuals who had known the way for periods of 66 years, 50 years and 50 years respectively – however their personal use was solely on foot and as such of little value as supporting evidence to the bridleway claim.
45. A Caverswall Parish Council Meeting of 19th February 2001 was attended by over 50 local residents who expressed their "astonishment, outrage and anger" over the erection of stiles on the route on the 31st January 2001. Concern was voiced about a lack of public consultation and the perceived change of use from a Bridleway to a Footpath. However, it was acknowledged that the route was PF8.

The route was highlighted as having been a “bridle path since 200AD” as stated in the book “The Spirit of the Place” by M J W Roberts. The relevant extract from this book was forwarded by the Parish Council including a copy of a photo with the subtitle “Green Lane – An Extension of the old Salt Way which may just possibly be of Roman origin”.

Comments on all Available Material

46. For the application to be successful, it will have to be shown that the public have used the alleged route, as of right and without interruption, for a period of at least 20 years prior to the status of the route being brought into question, or that it can be inferred by the landowners conduct that he had actually dedicated the route as a public right of way, and the right of way had been accepted by the public.
47. In order for the right of the public to have been brought into question, the right must be challenged by some means sufficient to bring it home to the public that their right to use the way is being challenged.
48. There was an identifiable challenge to the public’s use of the claimed route in 2001 as outlined in this report. Accordingly, the requisite 20-year period of use should be calculated retrospectively from this date.
49. There is some evidence to support higher rights than those applied for given the original classification of the route as a RUPP. However, the Public Inquiry of 1978 rejected its reclassification as a Byway Open to All Traffic and no one has raised the matter since.
50. The material when taken together appears to be consistent – and the landowners evidence supports the user evidence in the route’s usage as a bridleway.

Burden and Standard of Proof

51. With regard to the status of the route, the burden is on the applicant to show, that on the balance of probabilities, that it is more likely than not, the way subsists. The existing situation must remain unless and until the Panel is of the view that the Definitive Map and Statement should be amended. If the evidence is evenly balanced, then the existing Definitive Map and Statement prevails.
52. If a conclusion is reached that the test is satisfied, then the Definitive Map and Statement should be modified.

Summary

53. The application is made under Section 53(2) of the 1981 Act, relying on the occurrence of the event specified in 53(3)(c) (ii) of the Act.
54. The relevant statutory provision, in relation to the dedication of a public right of way, is found in Section 31 of the Highways Act 1980 (“the 1980 Act”) which sets out the requirements for both the statutory test and common law dedication.
55. The test requires consideration of whether there has been use of a way by the public, as of right without interruption, for a period of twenty years prior to its status being brought into question and, if so whether there is evidence that any landowner demonstrated a lack of intention during this period to dedicate a public right of way.
56. Before a presumption of dedication can be raised under statute, Section 31 of the 1980 Act requires that a way must be shown to have been actually used by the

public, as of right and without interruption, and for this use to have continued for a period of twenty years. In this case, the view taken was the status of the route was brought into question in 2001.

57. Therefore, it needs to be demonstrated that there was public use between 1981 to 2001 to satisfy the first part of the statutory test. In total 13 out of the 23 users have over 20 years recorded usage on horseback that covers the relevant 20-year period. This is over half of all users and therefore significant enough to have alerted the landowner to its use.
58. If the test in the first part of Section 31 is considered as to whether the way subsists and the balance of probabilities, the courts have indicated that this can be satisfied by considering whether it is more probable, or more likely than not. As Lord Denning in the case of Miller said, "If the evidence is such that the tribunal can say 'we think it more probable than not' the burden is discharged, but if the probabilities are equal it is not".
59. In this instance your officers consider that the use is sufficient to satisfy the statutory test set out in s31 when considered on the balance of probabilities.
60. In this instance there is also evidence for a common law dedication, in that available evidence shows that the owner of the land over which the way passes has dedicated it to the public.
61. An implication of dedication may be shown at common law level if there is evidence from which it may be inferred that a landowner has dedicated a right of way and that the public has accepted the dedication. Evidence of the use of a way by the public, as of right, may support an inference of dedication, and may also be evidence of the acceptance of a dedication by the public.
62. No evidence has been submitted to show that the usage has been challenged by the landowner or that there has been an intention not to dedicate during the 20 year relevant period. In light of this it can be reasonably considered that there has been a common law dedication of the route as a public footpath.
63. For clarification all points appear to be satisfied in this case, there is a "way over land", the character of the land does not prohibit use by statute, it has been enjoyed by the public, and in sufficient numbers over a sufficient period of time. It has been used without force, secrecy and permission.

Conclusion

64. In light of the evidence as set out above it is your Officers opinion that the evidence does show that a public right of way subsists with the status of a bridleway.
65. It is the opinion of your Officers that the County council should make a Modification Order to add the public bridleway which is the subject of this application to the Definitive Map and Statement of Public Rights of Way for the district of Staffordshire Moorlands, Caverswall with a minimum width of 3 metres.

Recommended Option

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

Other Options Available

67. To decide to reject the application and not to make an Order to add the route to the Definitive Map and Statement of Public Rights of Way.

Legal Implications

68. The legal implications are contained within the report.

Resource and Financial Implications

69. The cost of determining applications are met from existing provisions.

70. 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

71. 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 under Schedule 14 of the 1981 Act. The Secretary of State would appoint an Inspector to consider the matter afresh, including any representations or previously unconsidered evidence.

72. 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. 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.

73. Should the Council decide not to make an Order the applicants may appeal that decision under Schedule 14 of the 1981 Act 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.

74. 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. There are no additional risk implications.

Equal Opportunity Implications

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

J Tradewell

Director of Corporate Services

Report Author: David Adkins

Ext: 27618 **Background File:** LL602G

Index to Appendices

Appendix A	Application
Appendix B	Plan
Appendix C	User Evidence Forms and Extract – Spirit of the Place
Appendix D	Salient Points of User Evidence Forms
Appendix E	Owner Evidence Form
Appendix F	M Rowley Letter
Appendix G	1978 Inquiry
Appendix H	1980 Report
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Appendix K	North Staffordshire Bridleways Association Letter

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of CAVERSWALL

Parish of CAVERSWALL

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

We CAVERSWALL PARISH COUNCIL
of 1, UPLANDS CROFT, WERRINGTON,
STEEPS MOORLANDS - ST9 0LW

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 to~~

~~*(upgrading)(downgrading) to a (footpath)(bridleway)(byway open to all traffic) the (footpath)(bridleway)(byway open to all traffic)
from MANTHOUSE HILL (AS20) to ROUGHCOVE~~

~~* (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.

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

*delete as appropriate.

List of Documents

24 - PUBLIC RIGHT OF WAY EVIDENCE FORMS
'COPY OF THE SPIRIT OF THE PLACE' BY M.J.W. ROBERTS
(PAGES 10+11)

FORM NO. 1

FORM NO. 3.

(FORM NO 2 - NOW IN POSITION TO TRACE OWNER)

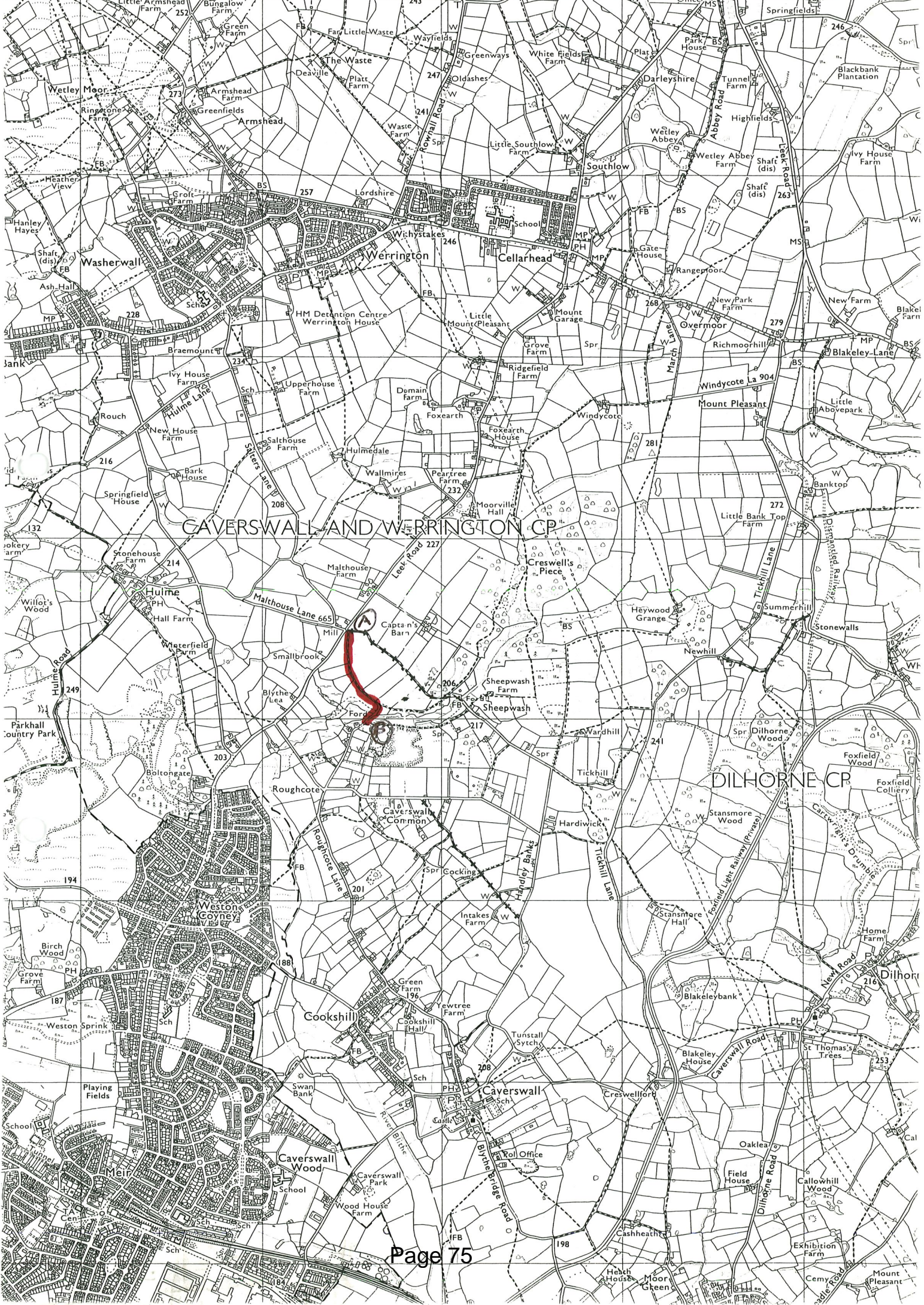
Date 27th MARCH

2001
19

signed... *B. A. Howell*

CLERK TO THE COUNCIL

~~NUMBER~~ (01782-304635)



CAVERSWALL AND WERRINGTON CP

DILHORNE CP

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) ... CHRISTINE MOULD
(Block Capitals please)

Address .. [REDACTED]
(Block Capitals please)

Telephone No. ... [REDACTED]

Date of Birth [REDACTED]. Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

To

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

-
1. (a) How many years have you known the way? 40 YEARS
(b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/NO
(d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? 1960
- (f) Where were you going from/to? SHEEPWASH TO SHEEPWASH.
- (g) For what purpose? (e.g. work, pleasure) PLEASURE
- (h) How many times a year? (e.g. daily, weekly, seasonal)
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT AND HORSEBACK
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? THE ONLY OTHER WAY WOULD BE ON A MAIN ROAD WHICH WOULD NOT BE VERY SAFE FOR A HORSE OR HORSE DRAWN VEHICLE.
- (l) Please show 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.
- (m) Do you still use the way?
- (n) If not why not?

2. When using the path where did you live? SHEEPWASH COTTAGE, CAVERSWALL.
If at different places please provide details and years. IPSTONES 1979 - 2001

-
3. (a) How wide is the way? APPROX 15 FT.
(b) Is it the same width throughout its length?

-
4. If you have ridden a horse on the way
(a) Where did you keep the horse? SHEEPWASH COTTAGE CAVERSWALL
(b) Where did you start and finish your ride? SHEEPWASH TO SHEEPWASH
(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using? HORSE DRAWN
(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? 2-4 TIMES A MONTH
(ii) What type of vehicle were you in? HORSE DRAWN
(iii) For what purpose was it being used? PLEASURE

-
6. (a) Has the way always been on the same route? *YES/NO
(b) If not, please describe the original route, state when the way was diverted and show details on a plan.
(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? YES
(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? YES.

7. (a) Have there, to your knowledge, ever been any stiles or gates on the way? *YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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.

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

(d) If Yes to (c),
(i) What was your employment?
(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way? *YES/NO
- (b) How were they using the way (i.e. foot, horse)? FOOT, AND HORSES
- (c) Were they accompanying you? If so, please give details.
(i.e. companions, rambling club, family, etc.) FAMILY
- (d) If they were not accompanying you, were these people known to you?
- (e) How frequently did you see other people using the way?
(i.e. daily, weekly, seasonal etc.) WEEKLY
- (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.
-

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

17. (a) Do you have any documentary evidence about the way? *YES/NO
- (b) If so, in what form is this?
(i.e. maps, photos, etc. please attach a copy if possible)
- (c) Would you be willing to make the original document available if necessary? *YES/NO
-

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

19. 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

Please note that this form will be open 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.

Signature *C. Mould*

Person taking this statement (if applicable)

Date *17/3/2001*

CAVERSWALL AND WERRINGTON CP

DILHORNE CP



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 WILLIAM CHAMP
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

Description of claimed way:- (include grid references if known) KNOWN AS GREEN LANE
From CONTINUATION OF ROUGHCOVE LANE
To BARN LANE / A 520 MAIN ROAD

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? ALL MY LIFE
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/
- (d) Did you only use part of the way? *NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? ALL MY LIFE
- (f) Where were you going from/to? CAVERSWALL TO HULME
- (g) For what purpose? (e.g. work, pleasure) WORK / PLEASURE
- (h) How many times a year? (e.g. daily, weekly, seasonal) WEEKLY / SEASONAL
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) HORSE BACK / HORSE DRAWN VEHICLE
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? AVOIDING MAIN A520 ROAD
- (l) Please show 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.
- (m) Do you still use the way? ONLY ON FOOT. AS THIS HAS BEEN CLOSED OFF FOR HORSES ECT.
- (n) If not why not?

2. When using the path where did you live?

CAVERSWALL

If at different places please provide details and years.

3. (a) How wide is the way?

APPROX 15 FT

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

NO

4. If you have ridden a horse on the way

(a) Where did you keep the horse?

SHEEDWASH

CAVERSWALL

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

CAVERSWALL / HULME / OTHER

(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using?

HORSE DRAWN
HORSE BACK

(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?

WEEKLY / MONTHLY

(ii) What type of vehicle were you in?

HORSE DRAWN / HORSE BACK

(iii) For what purpose was it being used?

PLEASURE

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

*YES/~~NO~~

(b) If not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

KEPT TO THE ROUTE

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

*YES/~~NO~~

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

OPENING GATES.

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

H RATCLIFFE & SON

Please mark on the attached plan the locations of the locked gates.

8. (a) Have you ever known of, excluding locked gates, any other obstructions to the way?

*~~YES~~/NO

(b) If so, 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) 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.

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way?

*~~YES~~/NO

(d) If Yes to (c),

(i) What was your employment?

(ii) Between what years were you employed?

(e) 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?

(f) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? If so, what was their relationship to you?

*~~YES~~/NO

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

PUBLIC RIGHT
OF WAY

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

FOOT / HORSE

(c) Were they accompanying you? If so, please give details.
(i.e. 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?
(i.e. daily, weekly, seasonal etc.)

WEEKLY | SEASONAL

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

1/2 MOST TIMES

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

AVOIDING THE USE OF
MAIN A520

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

THIS PATH AS ALWAYS BEEN A PUBLIC RIGHT
OF WAY AND BRIDLE PATH, IN THE YEARS OF
THE GYPIES THEY USED IT. THIS PATH
SHOULD BE LEFT OPEN FOR HORSE-DRAWN
VEHICLES. WHY IS IT CLOSED OFF WITH NO
NOTIFICATION TO THE LOCAL PARISH COUNCIL.
AND FOR WHAT PURPOSE

19. 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/

Please note that this form will be open 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.

Signature *A. W. Champ*

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

Date 13/3/2001

CAVERSWALL AND WERRINGTON CP

DILHORNE CP



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/Ms~~/Miss/Ms) HELEN R. SLINN
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

From ROUGH COTE LANE

To BARN LANE.

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 18 YRS
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/~~NO~~
- (d) Did you only use part of the way? *~~YES~~/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? THROUGHOUT 1982 - 2001
- (f) Where were you going from/to? ROUGH COTE LANE TO SHEEPWASH & BACK
- (g) For what purpose? (e.g. work, pleasure) EXERCISING HORSES
- (h) How many times a year? (e.g. daily, weekly, seasonal) 2-3 TIMES PER WEEK
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) HORSE BACK
- (j) Is, or was, the way a short cut for you? NO
- (k) If so why? N/A
- (l) Please show 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.
- (m) Do you still use the way? NO, AS ACCESS STOPPED.
- (n) If not why not?

2. When using the path where did you live? **DILHORNE**

If at different places please provide details and years.

3. (a) How wide is the way? **2M - 6M**

(b) Is it the same width throughout its length? **NO, VARIOUS WIDTH.**

4. If you have ridden a horse on the way

(a) Where did you keep the horse? **DILHORNE / CAVERSWALL**

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

(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using?

N/A

(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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

(d) 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 or gates on the way? *~~YES~~/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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 N/A
If YES please give dates.

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

(d) If Yes to (c),
(i) What was your employment? N/A
(ii) Between what years were you employed?

(e) 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~~ N/A
(ii) If so, what were your instructions?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

BY FOOT & HORSEBACK

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

OCCASSIONALLY

(d) If they were not accompanying you, were these people known to you?

FAMILY / FRIENDS

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

WEEKLY

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

3/4 PER WEEK

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

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

IT IS A GREAT DISAPPOINTMENT NOT TO BE
ABLE TO USE THE WAY!

HAVE HAD MANY A GOOD HACK THROUGH OVER
MY CHILDHOOD & THROUGHOUT MY RECENT
YEARS.

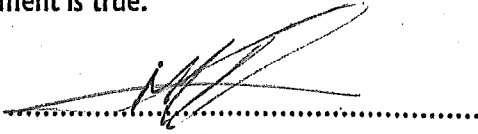
19. Would you be prepared to give evidence of your use of the way at a public inquiry or in a court of law, if necessary?

*YES/~~NO~~

Please note that this form will be open 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.

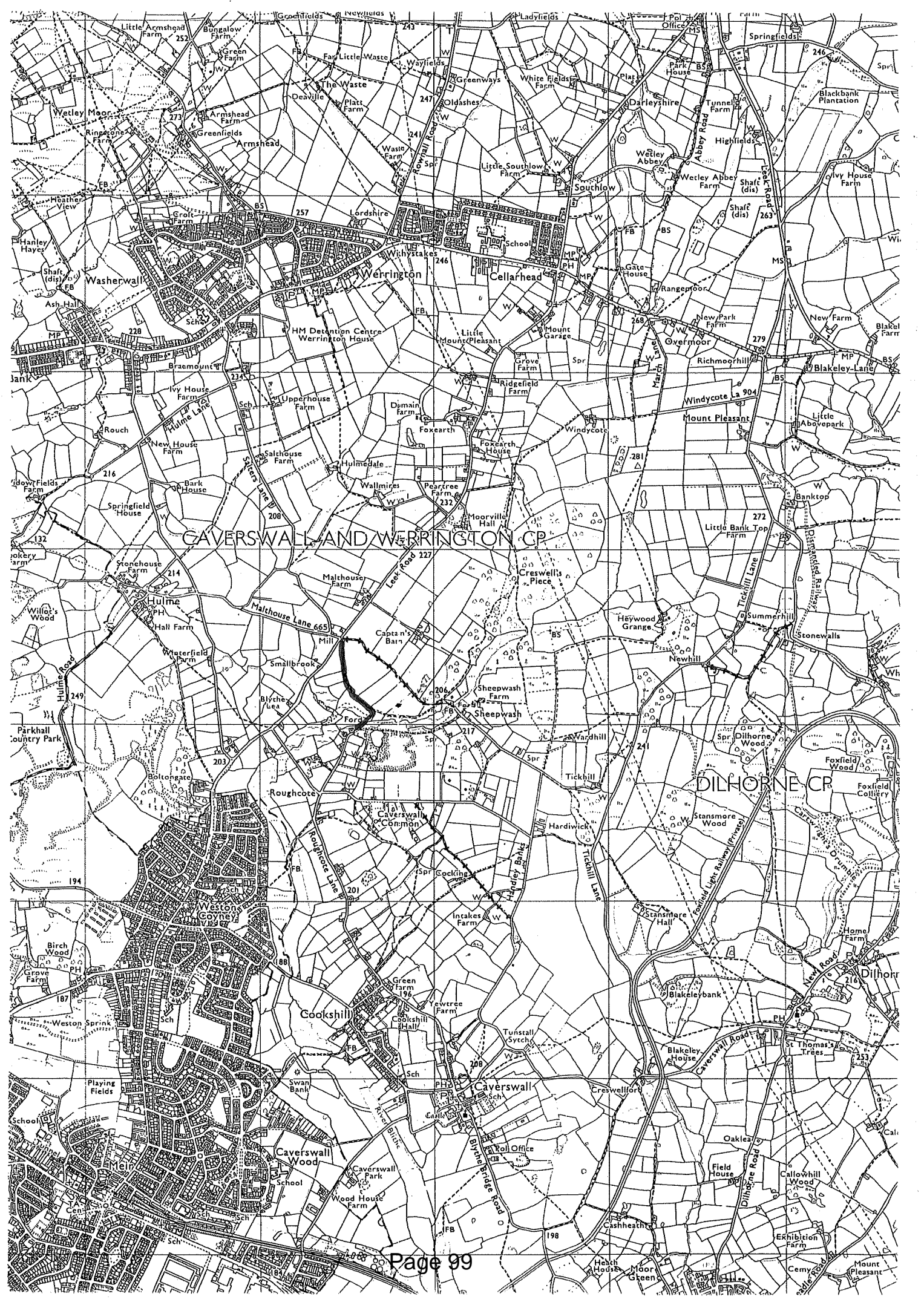
Signature



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

Date

4/3/2001



CAVERSWALL AND WERRINGTON CP

DILHORNE CP

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) J. T. Purvis
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

From ROUGHKOTE HAMLET

To THE A530 MEET TO LEER ROAD, AND TO PROVIDE ACCESS TO LAND OWNED BY OUR FAMILY

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? FOR LIFE
- (b) Does the way have a popular name? GREEN LANE ROUGHKOTE
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO ALL THE WAY
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? EVERY YEAR
- (f) Where were you going from/to? FROM HOME TO A530
- (g) For what purpose? (e.g. work, pleasure) BOTH
- (h) How many times a year? (e.g. daily, weekly, seasonal) WEEKLY
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) FOOT & HORSEBACK
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? CONVENIENCE & SAFETY
- (l) Please show 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.
- (m) Do you still use the way? YES
- (n) If not why not?

2. When using the path where did you live? *AT ROUGHKOTE.*

If at different places please provide details and years.

3. (a) How wide is the way? *BETWEEN 10 & 12 FEET HEDGE ROW TO HEDGE ROW*

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

4. If you have ridden a horse on the way

(a) Where did you keep the horse? *HOME ADDRESS*

(b) Where did you start and finish your ride? *HOME TO HOME, VIA VARIOUS ROUTES,*

(c) Were you ever riding with the 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 TRACTORS IE, HAY CARTS*

(b) If so, how often and what type of vehicle were they using? *EXERCISE CARTS & "TRAPS"*

(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? *OCCASIONALLY. ~~SOME MANURE SPREADING~~
& HAY*

(ii) What type of vehicle were you in? *FARM VEHICLE. & HORSE DRAWN*

(iii) For what purpose was it being used? *ACCESS TO OWN FIELD. MANURE SPREADING
& HAY MAKING*

6. (a) Has the way always been on the same route? **YES/NO*

(b) If not, please describe the original route, state when the way was diverted and show details on a plan.

(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? *NOT FROM ROUGHKOTE END*

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? *YES*

7. (a) Have there, to your knowledge, ever been any stiles or gates on the way? *YES/NO
ONLY RECENTLY 3/1/01

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) Were you ever an owner or tenant of the land crossed by the way? *YES/NO

If YES please give dates. *FAMILY OWNED 1919..*

(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.

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

(d) If Yes to (c),

(i) What was your employment? *—*

(ii) Between what years were you employed? *—*

(e) 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*

(f) 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? *N/A*

10. (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. BY FENCE & STILES RECENTLY ERECTED

11. (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 so, please state (i) Who told you? —

(ii) When you were told? —

(iii) What were you told? —

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission? N/17

(d) When were you given permission? 11

(e) For what purpose were you given permission to use the way? 11

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

BOTH

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

(d) If they were not accompanying you, were these people known to you?

NOT ALWAYS

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

DAILY

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

VARYING - MORE AT WEEKENDS

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

ACCESS TO FIELDS THROUGH GATES
OF THE WAY. TO MAINTAIN HERDS
& WALKERS & RIDERS.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO
YES

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

MAPS - I.E. OS

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

*YES/NO

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

19. 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

Please note that this form will be open 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.

Signature *S. J. Pandy*

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

Date *18 February, 2001.*



CAVERSWALL AND WERRINGTON CP

DILHORNE CP

FORSBROOK CP

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)..... JENNIFER H SLINN.....
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

Description of claimed way:- (Include grid references if known)
From Roughcote Lane
To Barn Lane

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 44 years
(b) Does the way have a popular name? Green Lane

(c) Have you personally used the above way? *YES/NO
(d) Did you only use part of the way? *YES/NO

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

(e) During which years have you used the way? Since 1957
(f) Where were you going from/to? Roughcote Lane to Sheepwash + Sheepwash to Roughcote Ln
(g) For what purpose? (e.g. work, pleasure) Exercising Horses
(h) How many times a year? (e.g. daily, weekly, seasonal) Weekly
(i) By what means? (e.g. on foot, horseback, motor vehicle etc) Horse back
(j) Is, or was, the way a short cut for you? No
(k) If so why?

(l) Please show 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.

(m) Do you still use the way? NO access was denied recently
(n) If not why not?

2. When using the path where did you live? *Caverswall + Dilhorne*

If at different places please provide details and years.

*1957 -
1979 - Present*

3. (a) How wide is the way?

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

4. If you have ridden a horse on the way

(a) Where did you keep the horse? *Caverswall + Dilhorne*

(b) Where did you start and finish your ride? *Dilhorne / Caverswall & vice versa*

(c) Were you ever riding with the 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 so, 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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

Yes

(d) 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 or gates on the way? *YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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.

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

(d) If Yes to (c),
(i) What was your employment?
(ii) Between what years were you employed?

(e) If you were employed by the owner/ tenant *N/A*
(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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

I have used it as Bridle Path for 44 years

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

Foot + Horse

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

family + friends

(d) If they were not accompanying you, were these people known to you?

Some

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

weekly

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

3-4 weekly

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

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

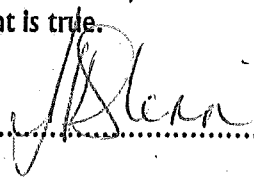
I have used the way since 10 yrs
of age when I worked at a Riding
School in Weston Coyney & I used to
take pupils along the lane on a regular
basis. In recent years I have ridden
the way (since my daughter had her 1st
pony in 1981) to exercise our ponies and
now horses as it is a safe place to
ride off busy narrow lanes. We were
completely amazed a few weeks ago when
Page 143 lane was blocked

19. 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

Please note that this form will be open 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.

Signature 

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

Date 28.2.2001

CAVERS WALL AND WERRINGTON CP

DILHORNE CP



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/Ms/Miss/Ms)..... MS REBECCA SUNN.....
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED].....

Date of Birth [REDACTED] Occupation [REDACTED].....

Please attach a map showing the claimed way marked in red.

Description of claimed way:- (include grid references if known)
From ROUGH COTE LANE
To BARN LANE

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 19 YRS.
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/~~NO~~
- (d) Did you only use part of the way? *~~YES~~/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? FROM 1981 - 2000.
↳ ALL YEARS.
- (f) Where were you going from/to? SHEEPWASH ↳ ROUGH COTE LANE (BOTH WAYS)
- (g) For what purpose? (e.g. work, pleasure) EXERCISING HORSES.
- (h) How many times a year? (e.g. daily, weekly, seasonal) 3 TIMES PER WEEK.
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) HOSE BACK.
- (j) Is, or was, the way a short cut for you? NO
- (k) If so why? ✓
- (l) Please show 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.
- (m) Do you still use the way? WE DID UNTIL ACCESS WAS STOPPED.
- (n) If not why not?

2. When using the path where did you live? *DILHORNE*

If at different places please provide details and years.

3. (a) How wide is the way? *FROM 2M - 6M*

(b) Is it the same width throughout its length? *NO - VARIES*

4. If you have ridden a horse on the way

(a) Where did you keep the horse? *DILHORNE / CAUERSWALL ~~BEH~~*

(b) Where did you start and finish your ride? *DILHORNE / CAUERSWALL*

(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using?

N/A

(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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES

(d) 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 or gates on the way? *~~YES~~/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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 N/A
If YES please give dates.

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

(d) If Yes to (c),

(i) What was your employment? N/A

(ii) Between what years were you employed?

(e) 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 NA

(ii) If so, what were your instructions?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

foot, horse,

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

ON OCCASSIONS

(d) If they were not accompanying you, were these people known to you?

FAMILY/FRIENDS

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

WEEKLY

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

3/4 ~~EACH TIME~~ PER WEEK

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

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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


GOOD METHOD OF TRAINING YOUNG/
INEXPERIENCED HORSES, KEEPING
THEM OFF BUSY ROADS - REDUCING
DANGER

19. 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~~

Please note that this form will be open 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.

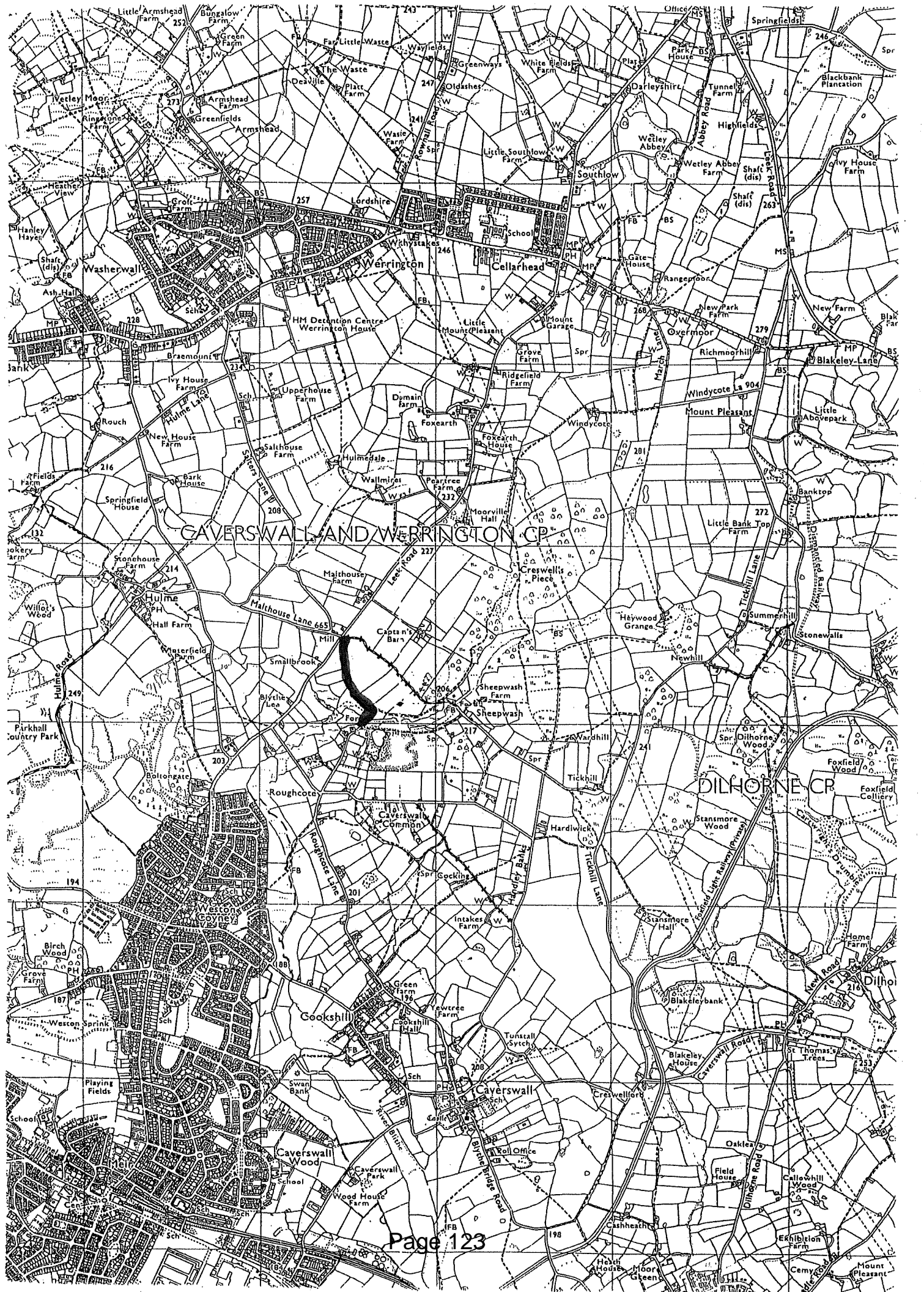
Signature 

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

Date 2 / 3 / 01

CAVERS WALL AND WERRINGTON CP

DILHORNE CP



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) CAROLINE ROBERTS
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

From SHEEPWASH

To LEER ROAD, NR CELLARHEAD

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 20 YEARS
(b) Does the way have a popular name? "SHEEPWASH"
(c) Have you personally used the above way? *YES/NO
(d) Did you only use part of the way? *YES/NO
Please do not use vague terms such as "often". 1980-83 MONTHLY
(e) During which years have you used the way? 1983-1988 MOST WEEKENDS 1989-2000 SEASONALLY
AUTUMN 2000 - ONCE A MONTH
(f) Where were you going from/to? HORSE-RIDING ALONG THE WAY - CIRCULAR ROUTE
(g) For what purpose? (e.g. work, pleasure) PLEASURE
(h) How many times a year? (e.g. daily, weekly, seasonal) WEEKLY
(i) By what means? (e.g. on foot, horseback, motor vehicle etc) HORSEBACK
(j) Is, or was, the way a short cut for you? NO
(k) If so why?

(l) Please show 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.

(m) Do you still use the way? LAST USED DECEMBER 2000

(n) If not why not? THERE HAS BEEN A RAIL BARRIER ERECTED
(SOMETIME IN JANUARY 2001)

2. When using the path where did you live?

MILL FARM,
97 SCHOOL LANE,
CAVERSWALL,

If at different places please provide details and years.

MAY 1983 - JANUARY 2001

3. (a) How wide is the way?

VEHICLE WIDTH (FENCE TO FENCE)

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

NO - SOMETIMES OVERGROWN WITH SHRUBS

4. If you have ridden a horse on the way

MILL FARM,
97 SCHOOL LANE,
CAVERSWALL

(a) Where did you keep the horse?

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

CIRCULAR ROUTE
CAVERSWALL - SHEEPWASH - CAVERSWALL

(c) Were you ever riding with the 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 so, 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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES - VERY CLEAR

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

IT IS IMPOSSIBLE TO WANDER FROM THE ROUTE - IT IS FENCED

7. (a) Have there, to your knowledge, ever been any stiles or gates on the way? *YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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 N/A

If YES please give dates.

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

(d) If Yes to (c),

(i) What was your employment?

(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)? HORSE, BICYCLE, FOOT, MOTORBIKE

(c) Were they accompanying you? If so, please give details. NO
(i.e. 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? WEEKLY (EVERY TIME I USED THE WAY)
(i.e. daily, weekly, seasonal etc.)

(f) How many other people, approximately, BETWEEN TWO AND FOUR USUALLY,
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.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

I have used this way since 1984 for recreational purposes. Over the years I have seen many, many people also using the way for the same purposes. There has never been a time since 1984 that the way has not been used regularly. Even when I am not using it myself I am aware of family, friends and other villagers that make use of the path.

19. 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

Please note that this form will be open 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.

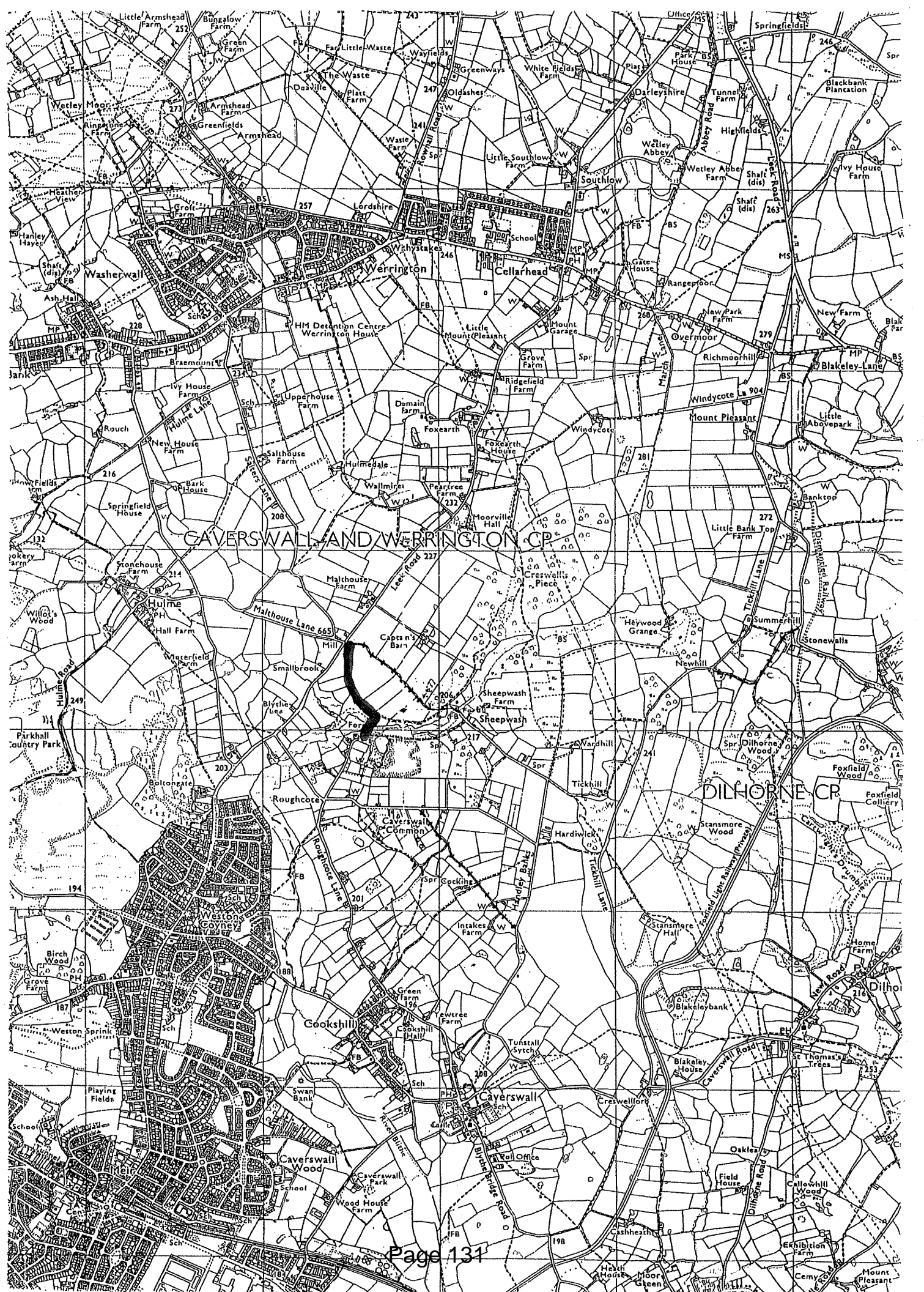
Signature *[Handwritten Signature]*

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

Date *16th March 01*

CAVERS WALL AND WERRINGTON CP

DILHORNE CP



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) FRED AUSTIN
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

To

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

-
1. (a) How many years have you known the way? 1924
(b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/NO
(d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? SINCE I WAS 5 YEARS.
- (f) Where were you going from/to? MALTHOUSE TO SHEEPWASH
- (g) For what purpose? (e.g. work, pleasure) WORK AND PLEASURE
- (h) How many times a year? (e.g. daily, weekly, seasonal) REGULARLY
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT AND WITH HORSE AND WAGON
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? TO KEEP OFF THE MAIN ROAD
- (l) Please show 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.
- (m) Do you still use the way? YES
- (n) If not why not?

2. When using the path where did you live? *HULME - 1 MILE FROM GREEN LANE*
If at different places please provide details and years.

-
3. (a) How wide is the way? *VARIES FROM 25 FT.*
(b) Is it the same width throughout its length? *NO*

-
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 the 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 so, how often and what type of vehicle were they using? *HORSE, CART*
(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? *REGULARLY*
(ii) What type of vehicle were you in? *HORSE AND CART*
(iii) For what purpose was it being used? *TO TRANSPORT POTATOES, TURNIPS etc.*

-
6. (a) Has the way always been on the same route? **YES/NO*
(b) If not, please describe the original route, state when the way was diverted and show details on a plan.
(c) Is the way a clearly defined track or path which a stranger to the vicinity could follow? *YES*
(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? *YES*

7. (a) Have there, to your knowledge, ever been any stiles or gates on the way? *YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

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

ONLY RECENTLY
(STILES & RAILS)

(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) 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.

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? *YES/NO AS FAR AS I KNOW THIS LANE HAS NEVER BEEN OWNED BY ANYONE

(d) If Yes to (c),
(i) What was your employment?
(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan. " " PUBLIC FOOTPATH - SHEEPWASH ROUGHNOTE

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

~~*YES/NO~~

(b) How were they using the way (i.e. foot, horse)?

WALKING, ON HORSEBACK
AND HORSE + CART

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

(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?
(i.e. daily, weekly, seasonal etc.)

REGULARLY

(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.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

~~*YES/NO~~

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

~~*YES/NO~~

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

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

~~*YES/NO~~

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

19. 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

Please note that this form will be open 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.

Signature *H. Austin*

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

Date

GAVERSWALL AND WERRINGTON CP

DILHORNE CP



PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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Name of witness (Mr/Mrs/Miss/Ms)..... MRS. K. WALCHESTER.....
(Block Capitals please)

Address ... [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 30 YEARS
- (b) Does the way have a popular name? GREEN LAINE
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? BETWEEN 1970 - 2001
- (f) Where were you going from/to? FROM THE FARM - WHERE I KEEP MY HORSE & BACK
- (g) For what purpose? (e.g. work, pleasure)
- (h) How many times a year? (e.g. daily, weekly, seasonal)
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc)
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? IT CUTS OFF MAIN RD. + SHORTENS MY JOURNEY BY 25 MINUTES
- (l) Please show 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.
- (m) Do you still use the way? YES
- (n) If not why not?

2. When using the path where did you live? AT CAVERSWALL & MY PRESENT ADDRESS

If at different places please provide details and years.

CAVERSWALL 1970 - 1980

PRESENT ADDRESS 1980 - 2001

3. (a) How wide is the way? APPROX 10 FEET ~~15 FT~~

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

NO

4. If you have ridden a horse on the way

(a) Where did you keep the horse?

SHEEPWASH FARM
SHEEPWASH

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

START AT FARM - THROUGH BAKIN LANE ONTO GREENLANE & BACK

(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using?

PONY & TRAP - ONCE A WEEK

(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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES!

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

CANNOT WANDER - FENCE & HEDGES EITHER SIDE

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

*YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

8. (a) Have you ever known of, excluding locked gates, any other obstructions to the way?

*YES/NO

(b) If so, 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) 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.

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way?

*YES/NO

(d) If Yes to (c),

(i) What was your employment?

(ii) Between what years were you employed?

(e) 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?

(f) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? If so, what was their relationship to you?

*YES/NO

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

POSSIBLE SIGN ON THE A520. DIRECTING TO LANE

(b) Have you ever seen any direction signs, finger posts or other indicators on or near the way?

*YES/NO

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

FOOT - HORSE - MOUNTAIN BIKE - POLY + TRAP

(c) Were they accompanying you? If so, please give details.

(i.e. companions, rambling club, family, etc.)

COMPANIONS - FAMILY

(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?

(i.e. daily, weekly, seasonal etc.)

DAILY

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

ANYTHING UP TO APPROX 12 PEOPLE AT ANY ONE TIME

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

SAFETY REASONS - IT KEEPS HORSE OWNERS + RIDERS SAFE FROM TRAFFIC ON THE A520

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

(b) If so, in what form is this?

(i.e. 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

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

THE LANE IN QUESTION HAS BEEN USED TO MY KNOWLEDGE BY MYSELF AND FAMILY FOR AT LEAST 30 YEARS PLUS.

19. 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

Please note that this form will be open 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.

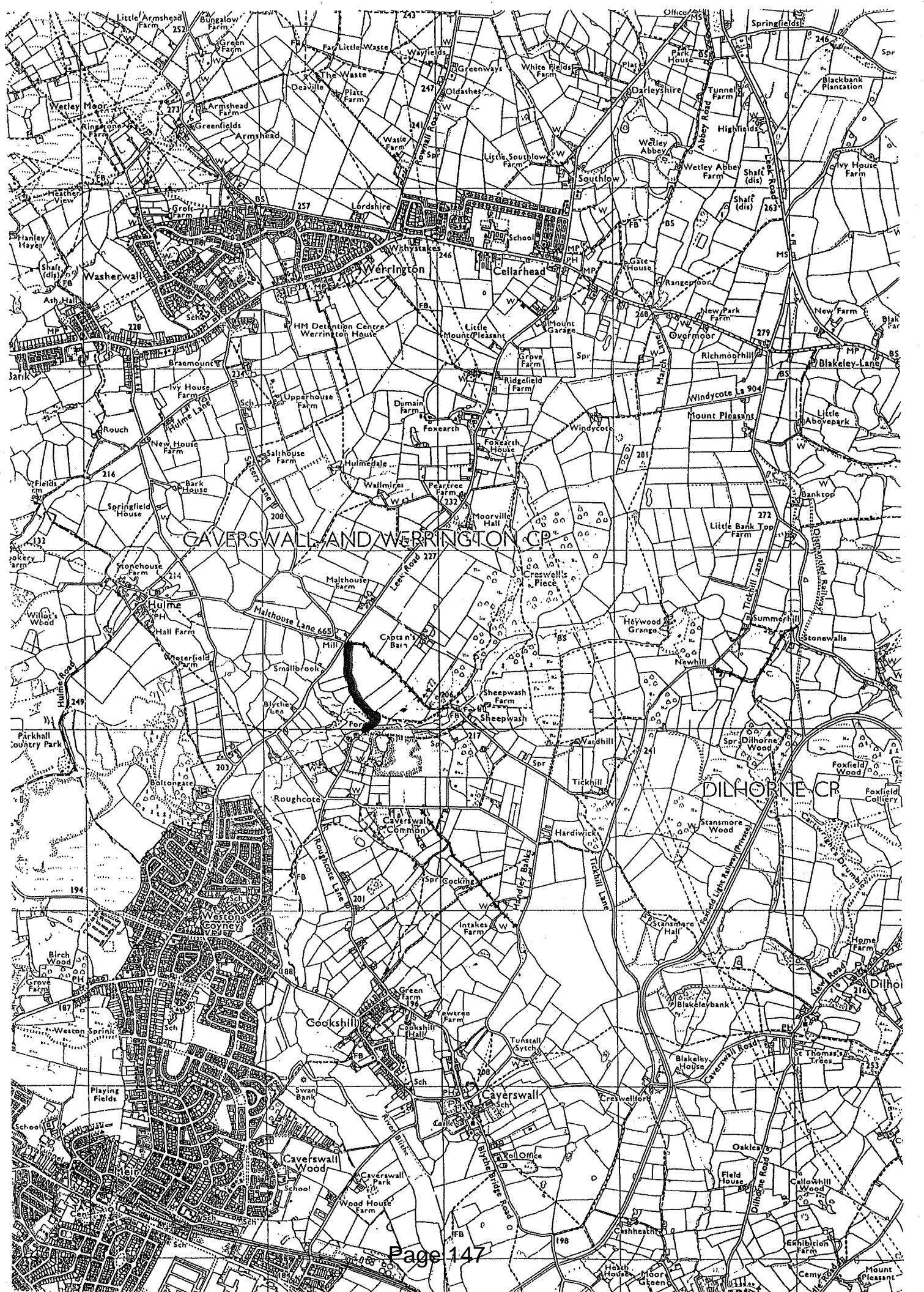
Signature *K. J. Wainwright*

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

Date *25-02-01*

CAVERS WALL AND WERRINGTON CP

DILHORNE CP



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) ELIZABETH ANN SMITH
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

Please attach a map showing the claimed way marked in red.

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

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? ALL MY LIFE - 50 years.
- (b) Does the way have a popular name? GREENLANE.
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? 1951 - 2001.
- (f) Where were you going from/to? ROUGHCOTE - WERRINGTON - ROUGHCOTE - SHEEPWASH
- (g) For what purpose? (e.g. work, pleasure) PLEASURE
- (h) How many times a year? (e.g. daily, weekly, seasonal) WEEKLY.
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) FOOT.
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? TO CATCH THE BUS ON THE MAIN ROAD. - or when WALKING TO WERRINGTON.
- (l) Please show 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.
- (m) Do you still use the way? YES.
- (n) If not why not?

2. When using the path where did you live?

ROUGH COTE

If at different places please provide details and years.

3. (a) How wide is the way?

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

4. If you have ridden a horse on the way

NO

(a) Where did you keep the horse?

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

(c) Were you ever riding with the 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 so, how often and what type of vehicle were they using?

HORSE-DRAWN VEHICLES.

(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?

ONCE

(ii) What type of vehicle were you in?

HORSE + CART

(iii) For what purpose was it being used?

PLEASURE

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

*YES/NO

(b) If not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES.

(d) 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 or gates on the way? *YES/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed. ?

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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.

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

(d) If Yes to (c),
(i) What was your employment?
(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

FOOTPATH

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

foot + horse + horse drawn vehicle.

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

companions - family - horse

(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?
(i.e. daily, weekly, seasonal etc.)

DAILY.

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

1 - 3 or more.

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

it has always been used as a footpath and as a bridle way by horse-riders. it is a safe environment for riders to use - which they have done frequently for many, many years.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

As far as I can

remember and my mother (who is 79) can remember it has always been open as a right of way, i.e. bridle path, and has been used daily by horse riders, it is a safe, scenic route for riders to use.

19. 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

Please note that this form will be open 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.

Signature *E.A. Smith*

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

Date ... *16/2/01*

CAVERSWALL AND WERRINGTON CP

DILHORNE CP



PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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Name of witness (Mr/Mrs/Miss/Ms) DORIS EDITH CWARIKSON
(Block Capitals please)

Address 
(Block Capitals please)

Telephone No. 

Date of Birth  Occupation 

Please attach a map showing the claimed way marked in red.

Description of claimed way:- (include grid references if known)
From LEEK MAIN ROAD A520. AT MALHOUSE.
To Roughcote on to CAVERSWALL.

*Please delete as appropriate.

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? ALL MY LIFE Parents & Grandparents Life
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way?
- (f) Where were you going from/to?
- (g) For what purpose? (e.g. work, pleasure)
- (h) How many times a year? (e.g. daily, weekly, seasonal)
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc)
- (j) Is, or was, the way a short cut for you?
- (k) If so why?
- (l) Please show 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.
- (m) Do you still use the way?
- (n) If not why not?

2. When using the path where did you live? AT SHEEPWASH

If at different places please provide details and years.

3. (a) How wide is the way? You can get a TRACTOR + TRAILER,
(b) Is it the same width throughout its length? Right through, if hedges were cut back.

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 the 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 so, how often and what type of vehicle were they using? Horse

(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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

(d) 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 or gates on the way? *~~YES~~/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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.

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

(d) If Yes to (c),
(i) What was your employment?
(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

11. (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 so, please state (i) Who told you?
- (ii) When you were told?
- (iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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~~
- (b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

on the AS20 at the Entrance of Park Lane & Green Lane.
Public Foot Path. 3/4 m. to Roughcote
1/2 Mile to Sheepwash

14. (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 so, who gave you permission?
- (d) When were you given permission?
- (e) For what purpose were you given permission to use the way?

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

BOTH

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

NO

(d) If they were not accompanying you, were these people known to you?

(e) How frequently did you see other people using the way?
(i.e. 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.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*YES/NO

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

*YES/NO

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

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

*YES/NO

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

From the being of the Nineteen Hundreds my family have known the Ranes
by the names of BARN LANE, GREEN LANE, AND SWANG, as rights of way
for the Public, by foot horse or ~~Vehicle~~ Vehicle, Green Lane does not cross any ones
Land it was always a through Road.

19. 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

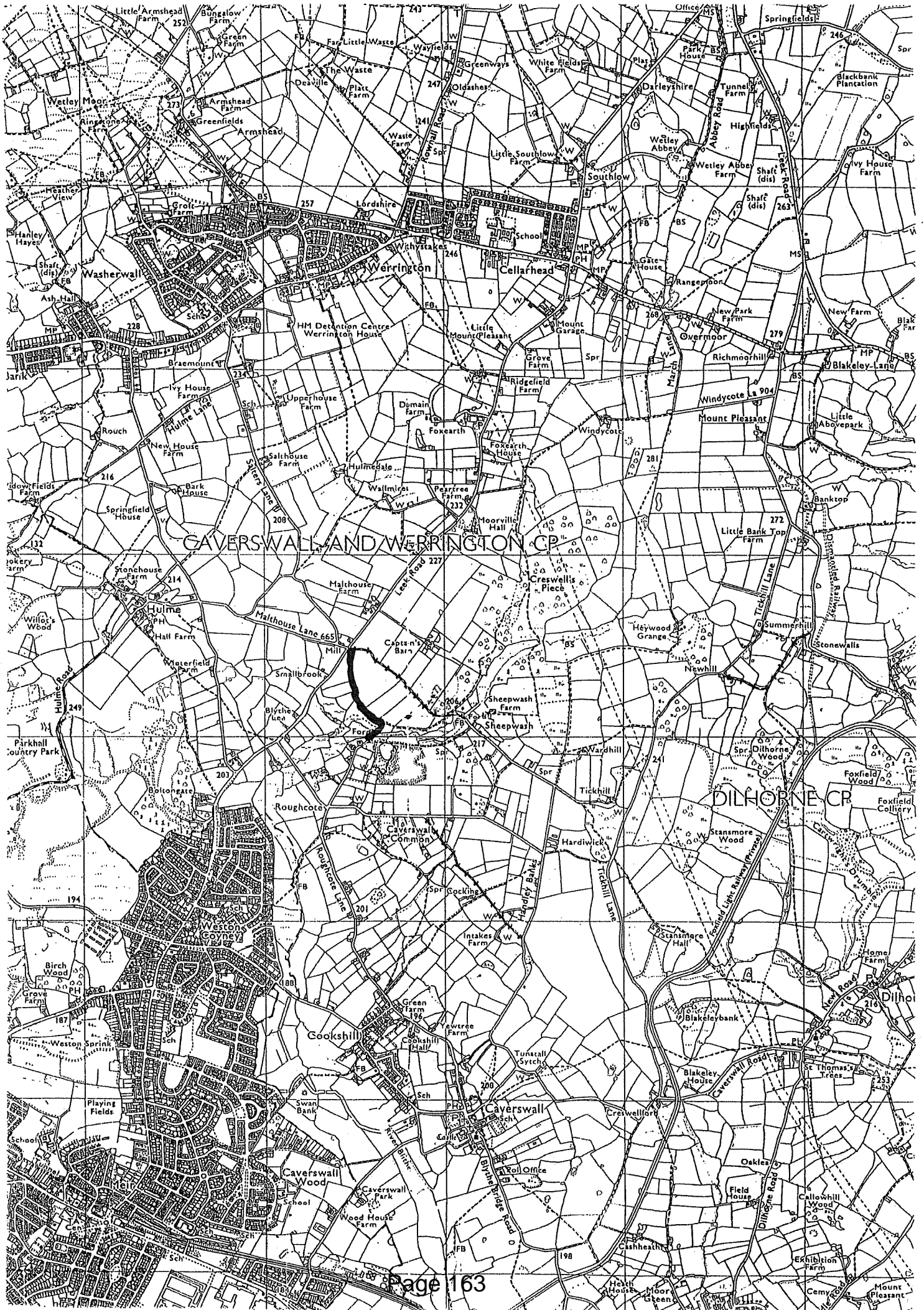
Please note that this form will be open to members of the public including affected owners or occupiers of the land crossed by the way.

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

Signature *J. E. Clark*

Person taking this statement (if applicable)

Date *MARCH 14th 2001*



PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

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Name of witness..... VALERIE HART
(Block Capitals please)

Address..... [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth .. [REDACTED] Occupation .. [REDACTED]

Description of way (include grid references if known):-
From RECENTLY CLOSED PATH (BRIDLEWAY) SHEEPWASH/CAVERS WALL
To AREA - SEE ATTACHED MAP
* Please delete as appropriate

1. How many years have you known the way? 30

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way (i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way? VARYING WIDTHS

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

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

*YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

*YES/NO

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

*YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

*YES/NO

(b) If so, please give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

*YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

*YES/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

*YES/NO

N/A

(b) If so, by whom?

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

HAS ALWAYS BEEN USED BY HORSE RIDERS & SHOULD NOT BE CLOSED. THERE ARE FAR MORE OFFENSIVE ACTIVITIES IN THE AREA - BIKERS, 4x4 VEHICLES, *

14. 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

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

Signature U. Khan

Person taking this statement.....

Date 100301

* NOT TO MENTION TIPPER LORRIES SPEEDING UP+DOWN, CAN YOU NOT ADDRESS THIS AMENITY NUISCANCE INSTEAD OF UPSETTING THE GENTLE COUNTRY PASTIME OF HORSE RIDING? HORSE OWNERS ARE AFTER ALL, VERY RESPONSIBLE PEOPLE WHO WANT TO KEEP THE COUNTRYSIDE TRANQUIL.



SCALE 1:25000 PATHFINDER SERIES SHEET SJ 84/94
STOKE-ON-TRENT.

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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Name of witness (Mr/Mrs/Miss/Ms) ... NORMAN AUSTIN
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

Please attach a map showing the claimed way marked in red.

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

To

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? SINCE 1925
- (b) Does the way have a popular name? ALWAYS KNOWN AS "GREEN LINE"
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? FROM 1925 TO PRESENT DAY
- (f) Where were you going from/to? FROM MALTHOUSE MILL TO SHEEP WASH.
- (g) For what purpose? (e.g. work, pleasure) PLEASURE
- (h) How many times a year? (e.g. daily, weekly, seasonal) REGULARLY THROUGHOUT MY LIFE
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT
- (j) Is, or was, the way a short cut for you? NO
- (k) If so why? -
- (l) Please show 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.
- (m) Do you still use the way? YES. THE LAST TIME BEING END OF FEBRUARY
- (n) If not why not?

2. When using the path where did you live? HUHME,

If at different places please provide details and years.

3. (a) How wide is the way? 20 FT TO 15 FT

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

4. If you have ridden a horse on the way MY DAUGHTER AND FRIENDS HAVE USED IT REGULARLY

(a) Where did you keep the horse? CELLEAHEAD

(b) Where did you start and finish your ride? TITCHILL - SHEEPWASH - BRAN LANE TO GREEN LANE BACK.

(c) Were you ever riding with the 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 HORSE DRAWN
GYPSEY CARAVANS USED TO PARK ALONG THE LANE AT MALTHOUSE HILL END

(b) If so, how often and what type of vehicle were they using? MY FATHER-IN-LAW TRAVELLED ACROSS THE LANE WITH A HORSE DRAWN FRUIT CART.

(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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES

(d) 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 ROUTE

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

3
*YES/NO BUT STILES WERE
ERECTED FROM THE SHEEPWASH END OF
GREEN LANE TO CRESSWELL'S PIECE - LAST
YEAR.

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

8. (a) Have you ever known of, excluding locked gates, any other obstructions to the way?

*YES/NO

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

RAILS AND STILES HAVE RECENTLY
BEEN ERECTED AT EACH END OF
GREEN LANE.

(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.

STAFFORDSHIRE COUNTY
COUNCIL

9. (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.

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way?

*YES/NO

(d) If Yes to (c),

(i) What was your employment?

TO THE BEST OF MY KNOWLEDGE THERE
HAS NEVER BEEN AN OWNER OR TENANT
OF THIS LANE SINCE 1925, IT HAS
ALWAYS BEEN A PUBLIC BRIDLEWAY

(ii) Between what years were you employed?

(e) 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?

(f) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? If so, what was their relationship to you?

*YES/NO

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

PUBLIC FOOTPATH - SHEEP WASH

PUBLIC FOOTPATH - ROUCOTE

14. (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 so, who gave you permission?

(d) When were you given permission?

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

THIS LANE HAS ALWAYS BEEN A PUBLIC BRIDLEWAY SO NO

PERMISSION WAS NEEDED

15. (a) Have you seen other people using the way? *YES/NO
 (b) How were they using the way (i.e. foot, horse)? ON FOOT, ON HORSEBACK AND BY HORSE AND CART
 (c) Were they accompanying you? If so, please give details. NO
 (i.e. companions, rambling club, family, etc.)
 (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? ALWAYS BEEN USED ON A REGULAR BASIS
 (i.e. 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. -

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

17. (a) Do you have any documentary evidence about the way? *YES/NO
 (b) If so, in what form is this? MAP
 (i.e. maps, photos, etc. please attach a copy if possible)
 (c) Would you be willing to make the original document available if necessary? *YES/NO

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

MR. BRASSINGTON USED TO LIVE AT BANKHOUSE FARM, RUGHROTE, AND OWNED LAND TO THE LEFT OF GREEN LANE. THERE WAS A GATE HALF-WAY ACROSS THE LANE AND HE USED TO MOVE HIS CATTLE AND FARMING EQUIPMENT ACROSS DAILY.

19. 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

Please note that this form will be open 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.

Signature *ev edostry*

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

Date





PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

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Name of witness..... DEREK MATTHEWS
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

Description of way (include grid references if known):-
From AS 20 (AT JUNCTION WITH 'BARN LANE')
To ROUGHCOTE

* Please delete as appropriate

1. How many years have you known the way? 27 YEARS

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way? APPROX 15 FT WIDE ENOUGH FOR 2 CARTS TO PASS AS IT WAS THE ROUTE FROM MALTHOUSE TO ROUGHCOTE & BEYOND TO CAVERSWALL VILLAGE

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

From 1974 TO PRESENT

- (b) Where were you going from/to?
(c) For what purpose? (eg work, pleasure)
(d) How many times a year? (eg daily)
(e) By what means? (eg on foot, horseback, motor vehicle etc)
(f) Please show the route of the way used on the attached plan.

ROUHCOTE TO SHEEPWASH.
PLEASURE
SEVERAL TIMES WEEKLY.
HORSEBACK.

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

*YES/NO

- (b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

*YES/NO

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

*YES/NO

- (b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

*YES/NO

- (b) If so, please give particulars.
-

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? ~~*YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

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

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? ~~*YES/NO~~

(b) If so, by whom?

NONE REQD

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

ANY FURTHER DETAILS CAN BE SUPPLIED BY THE PARISH COUNCIL

14. 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~~

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

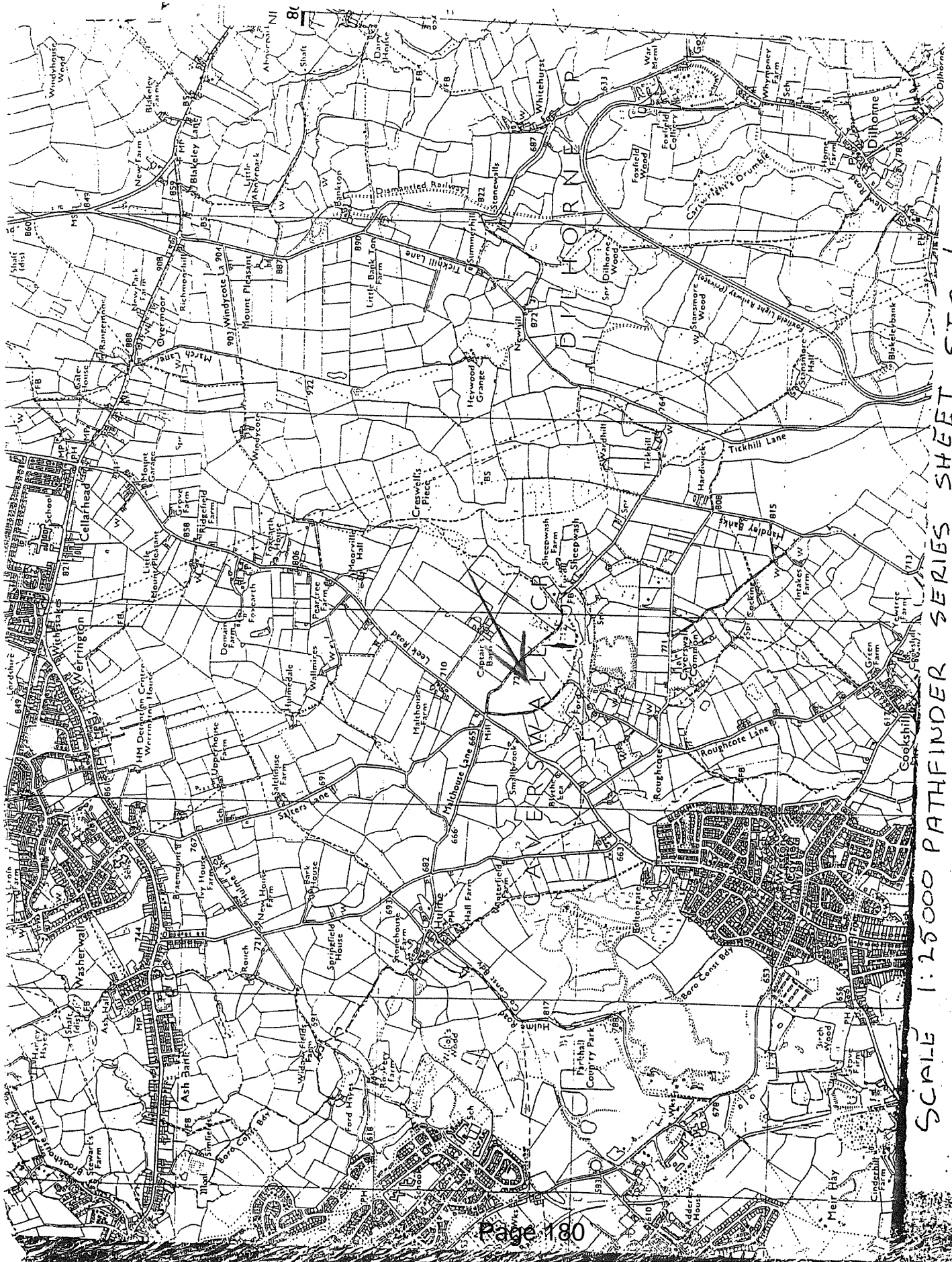
Signature

D.J. Matthews

Person taking this statement.....

Date.....

15/3/01



SCALE 1:25000 PATHFINDER SERIES SHEET SJ84/94
STOKE-ON-TRENT.

PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

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Name of witness..... JOHN GARRICK
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

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

* Please delete as appropriate

1. How many years have you known the way? 40 YEARS

2.(a) Do you believe the way to be a public right of way? *YES/~~NO~~

(b) If so, is the way

(i) a footpath? (pedestrians only) *~~YES~~/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/~~NO~~

(iii) a by-way open to all traffic? (all uses including vehicles) *~~YES~~/NO

3. How wide is the way? 10 FEET

4. Have you used the above way?

*YES/NO

If so: (a) During which years? FROM 1960 TO PRESENT

(b) Where were you going from/to?

ROUGH COTE LN TO SUBSPWASH

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

(d) How many times a year? (eg daily)

70 +

(e) By what means? (eg on

foot, horseback,
motor vehicle etc)

(f) Please show the route of
the way used on the
attached plan.

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

*YES/NO

(b) If not, please give details
of original route, date of diversion and
show details on a plan.

6. Have there, to your knowledge,
ever been on the way
any stiles or gates?

*YES/NO

If so, state (with details
of location) where the stiles
or gates stood.

7.(a) Were you working for any
owner or tenant of land
crossed by the way at the time
when you used it.

*YES/NO

(b) If so, give particulars and say whether you received
any instructions from the owner/tenant as to the
use of the way by the public? If
so, what were they?

8.(a) Have you ever been stopped or
turned back when using the way
or do you know, or have you heard,
of anyone else having been prevented
from using the route?

*YES/NO

(b) If so, please
give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? *~~YES~~/NO

(b) If so, state when and where and show its approximate position on the attached plan.

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

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? *~~YES~~/NO

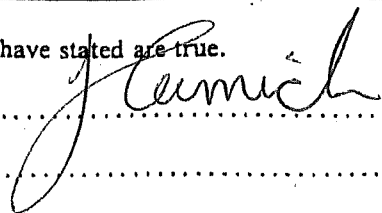
(b) If so, by whom?

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

14. 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~~

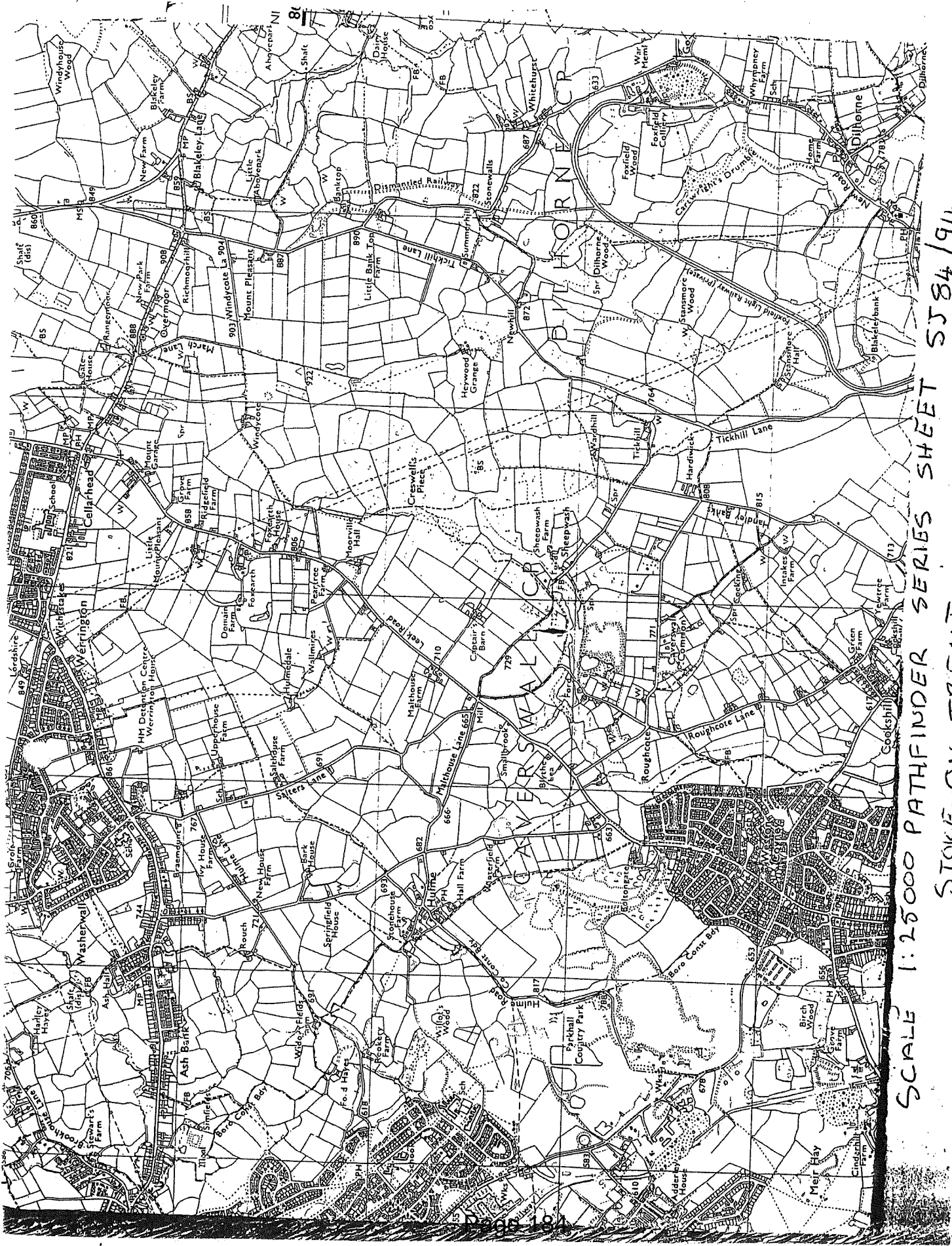
I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature



Person taking this statement.....

Date.....



SCALE 1:25000 PATHFINDER SERIES SHEET SJ 84/94
STOKE-ON-TRENT

PUBLIC RIGHT OF WAY EVIDENCE FORM

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Name of witness.....SHIRLEY CARRICK.....
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

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

* Please delete as appropriate

1. How many years have you known the way? 30 YEARS

2.(a) Do you believe the way to be a public right of way? *YES/~~NO~~

(b) If so, is the way

(i) a footpath? (pedestrians only) *~~YES~~/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/~~NO~~

(iii) a by-way open to all traffic? (all uses including vehicles) *~~YES~~/NO

3. How wide is the way?

4. Have you used the above way?

*YES/NO

If so: (a) During which years? FROM 1970 TO PRESENT.

(b) Where were you going from/to? Roughcote lane to

(c) For what purpose? (eg work, pleasure) SHEEPWASH.

(d) How many times a year? (eg daily) 100 days

(e) By what means? (eg on

foot, horseback,

motor vehicle etc)

(f) Please show the route of
the way used on the
attached plan.

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

*YES/NO

(b) If not, please give details
of original route, date of diversion and
show details on a plan.

6. Have there, to your knowledge,
ever been on the way
any stiles or gates?

*YES/NO

If so, state (with details
of location) where the stiles
or gates stood.

7.(a) Were you working for any
owner or tenant of land
crossed by the way at the time
when you used it.

*YES/NO

(b) If so, give particulars and say whether you received
any instructions from the owner/tenant as to the
use of the way by the public? If
so, what were they?

8.(a) Have you ever been stopped or
turned back when using the way
or do you know, or have you heard,
of anyone else having been prevented
from using the route?

*YES/NO

(b) If so, please
give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? ~~YES~~/NO

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way? ~~YES~~/NO

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? ~~YES~~/NO

(b) If so, by whom?

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

14. 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?

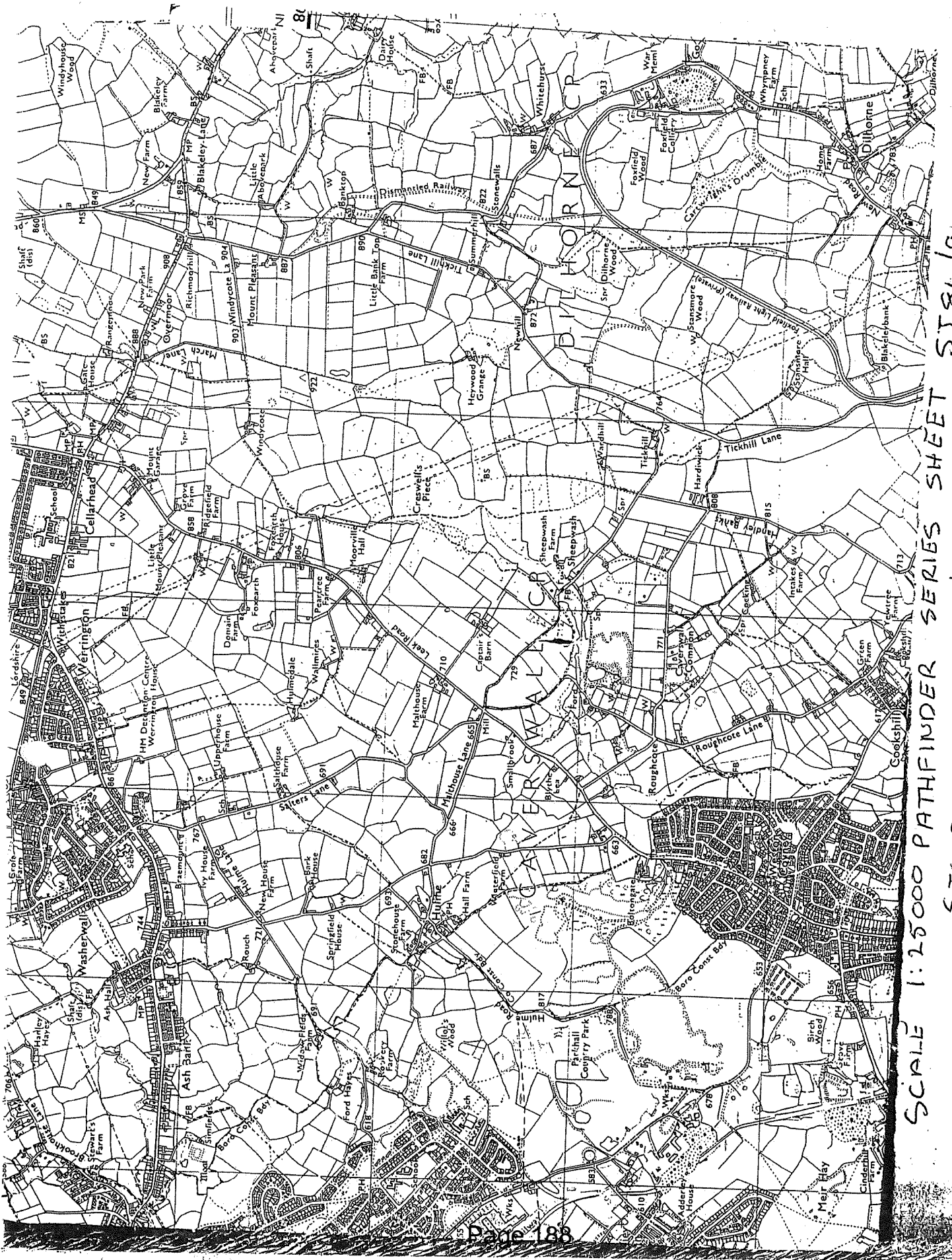
*YES/~~NO~~

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

Signature *S. Carrick*

Person taking this statement.....

Date.....



SCALE 1:25000 PATHFINDER SERIES SHEET SJ 84/94
STOKE-ON-TRENT.

PUBLIC RIGHT OF WAY EVIDENCE FORM

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Name of witness..... VIVIAN MATTHEWS
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

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

From ASDO
To ROUGHCOTE

* Please delete as appropriate

1. How many years have you known the way? 27 YRS

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way? 15 FT APPROX - 2 CART WIDTHS

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

1974 TO PRESENT

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

ROUGH COVE TO SHEEPWASH
PLEASURE
SEVERAL TIMES WEEKLY
HORSEBACK

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

*YES/NO

- (b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

*YES/NO

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it.

*YES/NO

- (b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

*YES/NO

- (b) If so, please give particulars.
-

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

~~*YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

~~*YES/NO~~

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

~~*YES/NO~~

(b) If so, by whom?

None Recd

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

CONSULT PARISH COUNCIL

14. 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~~

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

Signature

Kevin Matthews

Person taking this statement

Date

15/3/01



SCALE 1:25000 PATHFINDER SERIES SHEET SJ84/94
 STOKE-ON-TRENT.

PUBLIC RIGHT OF WAY EVIDENCE FORM

Important Note

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Name of witness... JILLIAN WESTON
(Block Capitals please)

Address ... [REDACTED]
(Block Capitals please)

Telephone No. ... [REDACTED]

Date of Birth ... [REDACTED] Occupation ... [REDACTED]

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

From LEEK ROAD - A520
To ROUGHGATE LANE - CHIVERSWALL

* Please delete as appropriate

1. How many years have you known the way? 25 YEARS.

2.(a) Do you believe the way to be a public right of way? *YES/NO

- (b) If so, is the way
 - (i) a footpath? (pedestrians only) *YES/NO
 - (ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO
 - (iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way?
THE BRIDLE WAY WAS ABOUT 11 FT WIDE, BUT OVER THE YEARS IT HAS BECOME VERY OVER GROWN AND IS NOW ABOUT 6 FT WIDE.

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

- (b) Where were you going from/to?
(c) For what purpose? (eg work, pleasure)
(d) How many times a year? (eg daily)
(e) By what means? (eg on
foot, horseback,
motor vehicle etc)
(f) Please show the route of
the way used on the
attached plan.

ROUGHCOOTE LANE - CAVERSWALL
PLEASURE
DAILY.
HORSEBACK.

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

*YES/NO

- (b) If not, please give details
of original route, date of diversion and
show details on a plan.

6. Have there, to your knowledge,
ever been on the way
any stiles or gates?

*YES/NO

If so, state (with details
of location) where the stiles
or gates stood.

7.(a) Were you working for any
owner or tenant of land
crossed by the way at the time
when you used it.

*YES/NO

- (b) If so, give particulars and say whether you received
any instructions from the owner/tenant as to the
use of the way by the public? If
so, what were they?

8.(a) Have you ever been stopped or
turned back when using the way
or do you know, or have you heard,
of anyone else having been prevented
from using the route?

*YES/NO

- (b) If so, please
give particulars.
-

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? *YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

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

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? *YES/NO

(b) If so, by whom?

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

14. 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

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

Signature *J. Daley*

Person taking this statement.....

Date.....



SCALE 1:25000 PATHFINDER SERIES SHEET SJ 84 194
STOKE-ON-TRENT.

2000 194

PUBLIC RIGHT OF WAY EVIDENCE FORM

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Name of witness... MRS. DEBORAH JANE WISHAW... (Block Capitals please)

Address... (Block Capitals please)

Telephone No.

Date of Birth... Occupation...

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

From Week Road To Roughcote Lane { covers all Dulhorne }

* Please delete as appropriate

1. How many years have you known the way? 22 yrs.

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way? Green Lane is approximately 6 to 11 foot wide depending on the overgrowth of trees + weeds.

4. Have you used the above way? *YES/NO

If so: (a) During which years? 1978 onwards

- (b) Where were you going from/to?
(c) For what purpose? (eg work, pleasure) PLEASURE
(d) How many times a year? (eg daily) AT LEAST ONCE A MONTH SOMETIMES MORE
(e) By what means? (eg on foot, horseback, motor vehicle etc) HORSEBACK.
(f) Please show the route of the way used on the attached plan.

5.(a) Has the way always been on the same route? *YES/NO

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates? *YES/NO

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tenant of land crossed by the way at the time when you used it. *YES/NO

(b) If so, give particulars and say whether you received any instructions from the owner/tenant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route? *YES/NO

(b) If so, please give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

~~*YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

~~*YES/NO~~

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

~~*YES/NO~~

(b) If so, by whom?

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

This bridle path provides many riders with an off road circular route which is safe to ride without worrying

14. 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~~

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

Signature *P. J. W. Shaw*

Person taking this statement.....

Date.....



CAVERSWALL AND WERRINGTON CP

DILHORNE CP

FORSBROOK CP

201

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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Name of witness (Mr/Mrs/Miss/Ms) BRIAN JOHN HEATH
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Please attach a map showing the claimed way marked in red.

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

To AS20 BELORDHEAD TO WESTON COYNEY

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 50 YEARS
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/NO
- (d) Did you only use part of the way? *YES/NO
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? FOR THE PAST 50 YEARS
- (f) Where were you going from/to? HOME TO SHERWOOD WINDERS TO
- (g) For what purpose? (e.g. work, pleasure) PLEASURE SHERWOOD
- (h) How many times a year? (e.g. daily, weekly, seasonal) SEASONALY
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT
- (j) Is, or was, the way a short cut for you? YES
- (k) If so why? FOR SAFETY
- (l) Please show 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.
- (m) Do you still use the way? YES
- (n) If not why not? -

2. When using the path where did you live?

HYAMS, WESTON WESTON
COTNEY & CAVERSHALL

If at different places please provide details and years.

WESTON

HYAMS 10 YEARS

WESTON COTNEY 15 YEARS

10 YEARS

CAVERSHALL

15 YEARS

3. (a) How wide is the way?

10-12 FEET

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

NO

4. If you have ridden a horse on the way

NO

(a) Where did you keep the horse?

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

(c) Were you ever riding with the 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

TRUCKS

(b) If so, how often and what type of vehicle were they using?

SEASONALLY

(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?

M/A

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

*YES/NO

(b) If not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES PART A 522

END

A LITTLE WAY AT STALWASH END

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

YES

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

*YES/NO

STILES ERCTED JAN 2001

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

8. (a) Have you ever known of, excluding locked gates, any other obstructions to the way?

*YES/NO

(b) If so, 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) 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.

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way?

*YES/NO

(d) If Yes to (c),

(i) What was your employment?

n/a

(ii) Between what years were you employed?

n/a

(e) 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

n/a

(ii) If so, what were your instructions?

(f) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? If so, what was their relationship to you?

*YES/NO

n/a

10. (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.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

nh
nh

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

FOUR PATH

14. (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 so, who gave you permission?

(d) When were you given permission?

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

15. (a) Have you seen other people using the way?

*YES/NO

(b) How were they using the way (i.e. foot, horse)?

Foot Horse Horse & Trap

(c) Were they accompanying you? If so, please give details. (i.e. 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? (i.e. daily, weekly, seasonal etc.)

SEASONAL

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

VARIED

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

USED REGULARLY BY HORSERIDERS TO GO TO

LOCAL RIDING CLUB EVENTS IN SALTAS AND AS THIS IS THE SAFEST WAY

16. Have you ever been charged a monetary sum for using the path? If so, by whom?

*YES/NO

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

*YES/NO

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

MAP & PHOTO

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

*YES/NO

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

GREEN ROAD IS PART OF THE OLD SALTWAY AND HAS BEEN USED FOR CENTURIES BY MAN AND HORSE. IT IS REPORTED TO BE PART OF A ROMAN ROAD; I HAVE USED THIS WAY FOR 50 YEARS AT THE BEGINNING OF THE CENTURY IT WAS USED BY GYPSIES AND HAS ALWAYS BEEN USED BY WARRIORS & HORSERIDERS. THE HORSERIDERS ARE ESSENTIAL TO THE WAY TO KEEP IT CLEAR, AND THE WAY IS ESSENTIAL TO HORSERIDERS FOR SAFE RIDING.

19. 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

Please note that this form will be open 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.

Signature



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

Date .. 24 - 2 2001

CAVERS WALL AND WERRINGTON CP

DILHORNE CP

FORSBROOK C



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..... CAROL CARTRIDGE.....
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

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

From ROUGH COTE
To WEEK ROAD

* Please delete as appropriate

1. How many years have you known the way? Over 20 years.

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way?

Approx 10'

4. Have you used the above way?

*YES/NO

If so: (a) During which years?

1980 to 2001

(b) Where were you going from/to?

Roughcaste - Sheepwash

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

Pleasure

(d) How many times a year? (eg daily)

3-4 times week

(e) By what means? (eg on

foot, horseback,
motor vehicle etc)

foot / Horseback

(f) Please show the route of
the way used on the
attached plan.

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

*YES/NO

(b) If not, please give details
of original route, date of diversion and
show details on a plan.

6. Have there, to your knowledge,
ever been on the way
any stiles or gates?

*YES/NO

If so, state (with details
of location) where the stiles
or gates stood.

7.(a) Were you working for any
owner or tennant of land
crossed by the way at the time
when you used it.

*YES/NO

(b) If so, give particulars and say whether you received
any instructions from the owner/tennant as to the
use of the way by the public? If
so, what were they?

8.(a) Have you ever been stopped or
turned back when using the way
or do you know, or have you heard,
of anyone else having been prevented
from using the route?

*YES/NO

(b) If so, please
give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way? *YES/NO

(b) If so, state when and where and show its approximate position on the attached plan.

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

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way? *YES/NO

(b) If so, by whom?

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

14. 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

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

Signature *E. Partridge*

Person taking this statement

Date *16.3.01*



SCALE 1:25000 PATHFINDER SERIES SHEET SJ84/94
STOKE-ON-TRENT.

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... ROGER GIBSON.
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation [REDACTED]

Description of way (include grid references if known):-
From STEEPWASH
To CAVERSWALL

* Please delete as appropriate

1. How many years have you known the way? 35

2.(a) Do you believe the way to be a public right of way? *YES/NO

(b) If so, is the way

(i) a footpath? (pedestrians only) *YES/NO

(ii) a bridleway? (pedestrians, horse riders and pedal cyclists) *YES/NO

(iii) a by-way open to all traffic? (all uses including vehicles) *YES/NO

3. How wide is the way?

4. Have you used the above way?

~~*YES/NO~~

If so: (a) During which years?

LAST 30 YEARS.

- (b) Where were you going from/to?
- (c) For what purpose? (eg work, pleasure)
- (d) How many times a year? (eg daily)
- (e) By what means? (eg on foot, horseback, motor vehicle etc)
- (f) Please show the route of the way used on the attached plan.

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

~~*YES/NO~~

(b) If not, please give details of original route, date of diversion and show details on a plan.

6. Have there, to your knowledge, ever been on the way any stiles or gates?

~~*YES/NO~~

If so, state (with details of location) where the stiles or gates stood.

7.(a) Were you working for any owner or tennant of land crossed by the way at the time when you used it.

~~*YES/NO~~

(b) If so, give particulars and say whether you received any instructions from the owner/tennant as to the use of the way by the public? If so, what were they?

8.(a) Have you ever been stopped or turned back when using the way or do you know, or have you heard, of anyone else having been prevented from using the route?

~~*YES/NO~~

(b) If so, please give particulars.

9.(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 so, give particulars and dates.

10.(a) Have you ever known of any locked gate or obstruction to the way?

~~*YES/NO~~

(b) If so, state when and where and show its approximate position on the attached plan.

11.(a) Have you ever seen notices such as 'Private', 'No Road', 'No Thoroughfare' or 'Trespassers will be Prosecuted', on or near the way?

~~*YES/NO~~

(b) If so, state what the notices said and show their approximate position on a plan.

12.(a) Have you ever been given permission to use the way?

~~*YES/NO~~

(b) If so, by whom?

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

14. 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

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

Signature

Person taking this statement.....

Date... 11.03.01



PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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Name of witness (Mr/Mrs/Miss/Ms) JOYCE EDWARDS
(Block Capitals please)

Address 
(Block Capitals please)

Telephone No. 

Date of Birth  Occupation 

Please attach a map showing the claimed way marked in red.

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

*Please delete as appropriate

Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? 30 YEARS
- (b) Does the way have a popular name? GREEN LANE
- (c) Have you personally used the above way? *YES/~~NO~~
- (d) Did you only use part of the way? *YES/~~NO~~
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? 1970 to 1995 WEEKLY - 1995 TO 2001 ALMOST DAILY
- (f) Where were you going from/to? FROM CAVERSWALL COMMON - ROUGHLOTE - GREEN LANE - BARN LANE
- (g) For what purpose? (e.g. work, pleasure) PLEASURE - SHEEP WASH. HANDLEY BANKS CAVERSWALL COMMON
- (h) How many times a year? (e.g. daily, weekly, seasonal) ALMOST DAILY.
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT
- (j) Is, or was, the way a short cut for you? NO.
- (k) If so why?
- (l) Please show 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.
- (m) Do you still use the way? YES
- (n) If not why not?

2. When using the path where did you live? *CAVERSWALL Common.*

If at different places please provide details and years.

3. (a) How wide is the way? *VARIOUS - 4 ft - 8 ft - 12 ft.*

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

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 the 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 NO.*

(b) If so, 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 not, please describe the original route, state when the way was diverted and show details on a plan.

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

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route? *KEPT TO THE ROUTE*

7. (a) Have there, to your knowledge, ever been any stiles or gates on the way? ~~YES~~/NO

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

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

Please mark on the attached plan the locations of the locked gates.

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

(b) If so, 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) 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.

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

(d) If Yes to (c),

(i) What was your employment?

(ii) Between what years were you employed?

(e) 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?

(f) 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?

10. (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.

THE RECENT INSTALLATION OF STILES PREVENTS HORSE RIDERS

11. (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 so, please state (i) Who told you? —

(ii) When you were told? —

(iii) What were you told? —

12. (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 so, please state what the notices said and show their approximate position on the attached plan. —

13. (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

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission? —

(d) When were you given permission? —

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

15. (a) Have you seen other people using the way?

*YES/~~NO~~

(b) How were they using the way (i.e. foot, horse)? ON FOOT. HORSEBACK.

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

— NO

(d) If they were not accompanying you, were these people known to you? SOME.

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

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

VARIOUS NUMBERS. (3/4.

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

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

*~~YES~~/NO

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

*~~YES~~/NO

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

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

*YES/NO

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

YES

19. 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?

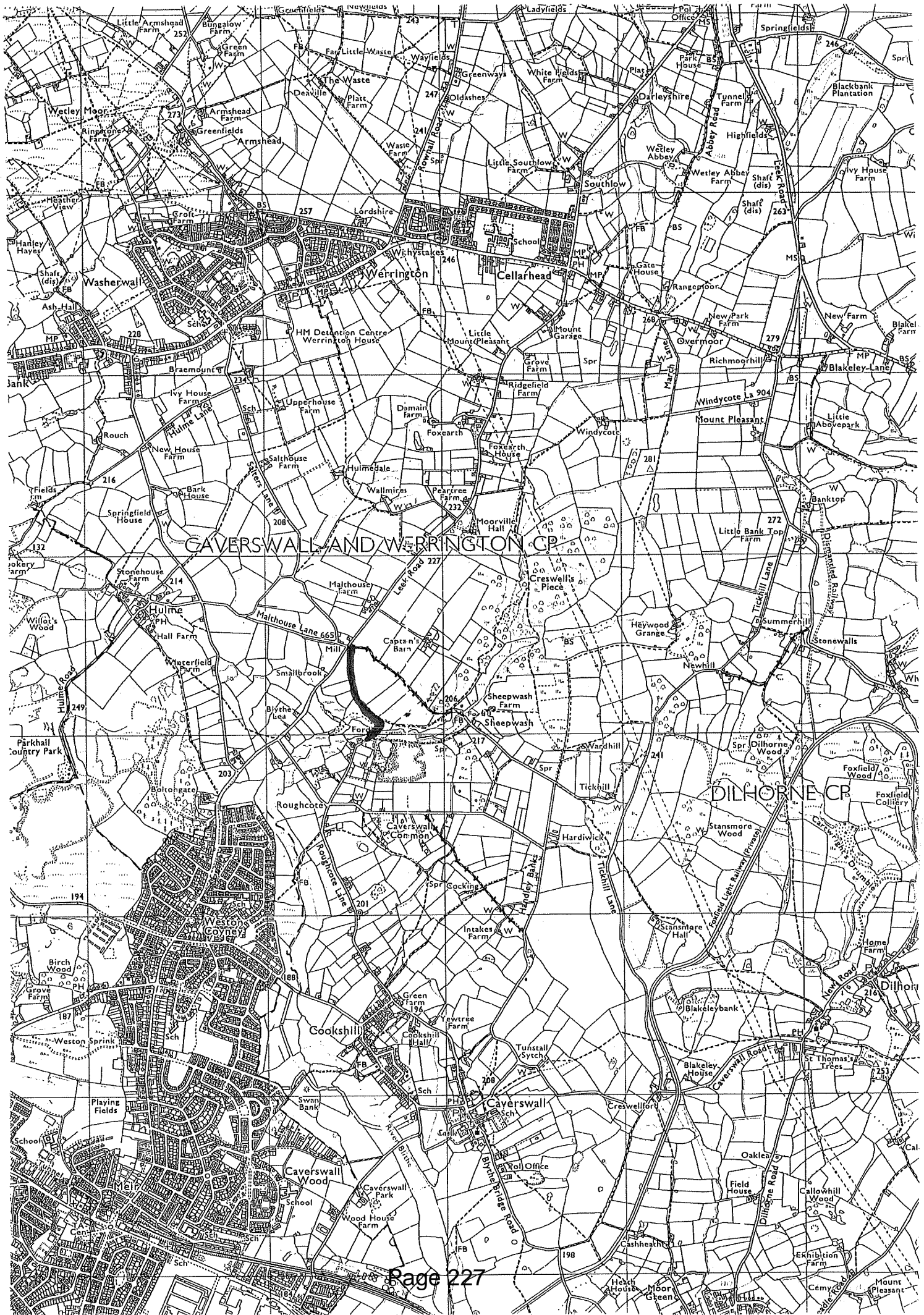
Please note that this form will be open to members of the public including affected owners or occupiers of the land crossed by the way.

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

Signature 

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

Date



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) PURVIS
(Block Capitals please)

Address [REDACTED]
(Block Capitals please)

Telephone No. [REDACTED]

Date of Birth [REDACTED] Occupation ... [REDACTED]

Please attach a map showing the claimed way marked in red.

Description of claimed way:- (include grid references if known)
From ROUGH COTE, CAVERSWALL, ST11 9ET.
To ACCESS TO OUR OWN STRIP OF MEADOW, COMMENCING BY RIVER AT THE BEGINNING OF BRIDLEWAY, SITED BETWEEN THE TWO STRETCHES OF BROOK,
*Please delete as appropriate BEFORE IT ENTERS CULVERTED DRAINS, WHICH PASSES UNDER-NEATH 'FILLED LAND' ON MAP OF ROUGH COTE (MARKED X) WHERE IT ENTERS INTO RIVER PROPER.
Please take time to answer the questions carefully and in full.

1. (a) How many years have you known the way? SOME 66 YEARS NOW
- (b) Does the way have a popular name? GREEN LANE, ROUGH COTE, CAVERSWALL.
- (c) Have you personally used the above way? YES *YES/NO-
- (d) Did you only use part of the way? YES-NO *YES/NO-
- Please do not use vague terms such as "often".**
- (e) During which years have you used the way? ALWAYS
- (f) Where were you going from/to? MY HOME HERE IN ROUGH COTE TO FOXEARTH HALL
- (g) For what purpose? (e.g. work, pleasure) ONCE HOME OF MY GRAND PARENTS WHO RESIDED THERE.
- (h) How many times a year? (e.g. daily, weekly, seasonal) USUALLY PLEASURE, BUT, IF ON FOOT, IT CUT OFF FOLLOWING THE METALLED SURFACE
- (i) By what means? (e.g. on foot, horseback, motor vehicle etc) ON FOOT. ON THE ASS. ANT. TAKEN INTO ROUGH COTE LANE.
- (j) Is, or was, the way a short cut for you? YES, MOST CERTAINLY.
- (k) If so why? (IT WAS ALWAYS CONVENIENT TO USE AND ENABLED US TO GET TO OUR HOMES HERE) QUICKER.
- (l) Please show on the attached plan the route of the way you have used. (SEE PLAN).
- If you have only used part of the way please mark or indicate the part used.
- (m) Do you still use the way? YES
- (n) If not why not?

2. When using the path where did you live? HERE IN ROUGHCOTE

If at different places please provide details and years.

3. (a) How wide is the way? BETWEEN 10' - 12' HEDGEROW TO HEDGEROW

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

4. If you have ridden a horse on the way

(a) Where did you keep the horse? HERE IN ROUGHCOTE

(b) Where did you start and finish your ride? FROM STABLES HERE AND IN A CONTINUOUS 3-MILE RIDE.

(c) Were you ever riding with the 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?

(b) If so, 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?

(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?

***YES/NO**

PLEASE SEE LETTER ATTACHED TO MR. MORRIS FROM ANN PURVIS DATED 4TH FEBRUARY, 2001.

***YES/NO**

HAYCARTS USED ~~IF~~ ALWAYS WHEN MAKING HAY.

EVERY SEASON, INCLUDING MUCK SPREADING, AND HEDGE-LAYING.

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

***YES/NO**

(b) If not, please describe the original route, state when the way was diverted and show details on a plan.

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

YES. NOT FROM THE ROUGHCOTE END

(d) Have you always kept to the route of the way between the start and finish, or have you wandered from the route?

YES

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

~~YES/NO~~

(b) If so, please mark on the attached plan the location of the stiles or gates and state, if known, when they were erected or removed.

ONLY RECENTLY ERECTED
WED. 31ST JAN, 2001
I WROTE ABOUT ACCESS
TO OUR MEADOW ~~ON PLAN~~
TO MR. P.F MORRIS,
THE COUNTY COUNCILS DE
GREEN HALL, LICHFIELD OFFICE,
STAFFORD ST17 4LA.

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

Please mark on the attached plan the locations of the locked gates.

8. (a) Have you ever known of, excluding locked gates, any other obstructions to the way?

~~YES/NO~~

(b) If so, 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) Were you ever an owner or tenant of the land crossed by the way?

~~YES/NO~~

If YES please give dates.

MY FATHER BOUGHT THIS MEADOW SOME 80 YEARS OR MORE AGO, AND TO THIS DAY REMAINS SO.

(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.

A.S ABOVE

(c) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way?

~~YES/NO~~

(d) If Yes to (c),

(i) What was your employment?

(ii) Between what years were you employed?

(e) 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?

(f) Did any relatives of yours ever work for an owner or tenant of land adjoining or crossed by the way? If so, what was their relationship to you?

~~YES/NO~~

YES, THE FAMILY.

10. (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~~

YES, BY STILES RECENTLY ERECTED.

(c) If yes to (a) or (b), please give details.

11. (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 so, please state (i) Who told you?

(ii) When you were told?

(iii) What were you told?

12. (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 so, please state what the notices said and show their approximate position on the attached plan.

13. (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~~

(b) If YES to (a) or (b), please state what the notices or posts said and show their approximate position on the attached plan.

14. (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 so, who gave you permission?

(d) When were you given permission?

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

} NOT APPLICABLE

15. (a) Have you seen other people using the way?

~~*YES/NO~~

(b) How were they using the way (i.e. foot, horse)?

BOTH ON FOOT/HORSE

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

FAMILY

(d) If they were not accompanying you, were these people known to you? ~~OFTEN, DAILY.~~

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

~~DAILY~~ DAILY / ~~SEASONAL~~ / WEEKLY

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

MORE AT WEEK-ENDS

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

ACCESS, TO ~~HAND OWNED~~
TO FIELDS OFF THE WAY.

16. Have you ever been charged a monetary sum for using the path?
If so, by whom?

~~*YES/NO~~

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

YES ~~*YES/NO~~

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

OLD MAPS, I.E. O.S. MAPS.

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

~~*YES/NO~~

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

19. 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

Please note that this form will be open 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.

Signature *Genevieve San-Pedro*

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

Date *15 February 2008*



CAVERSWALL AND WERRINGTON CP

DILHORNE CP



Green Lane—An extension of the old Salt Way which may, just possibly, be of Roman origin.

THE REIGN OF THE EAGLES

200 A.D.

That road constituted the first major impact of Man upon the parish. Running from east to north-west it linked the garrison at Chester with the settlement at Holditch and both with Uttoxeter and the towns of the East Midlands so offering a route to London and ultimately, to Rome. Along it flowed the current of Roman provincial life clinging closely to the security offered by a main road through a forest wilderness.

Among the travellers passing through the region were those conveying salt from the salt fields of Cheshire to the settlements at Rocester and beyond. Evidence of their passage and that of their medieval successors lingers in the name of Salter's Lane whilst the unswerving line of Green Lane above Sheepwash is locally held to be evidence of a Roman origin.

Villains also abounded for, if most of the local artisans were truly 'worth their salt', a number were not. Among those must be reckoned the forgers who produced the bad money tokens unearthed in a garden at Lightwood in 1960. Buried to escape the military police sent by Probus to stamp out the practice of forgery around Caverswall and Trent Vale, the hoard was never retrieved. The fate of the coins is unknown but the thrill of a detachment of legionaries hastening through the parish in his pursuit lingers on.

The cluster of hovels hidden in the forest north of the road saw little of Roman provincial civilization consequently the hammer blows which shattered the walls of Rome were little more than whispers on the wind in Caverswall. Movement through the area, along the road, climbed to a peak of fervour and then gradually died as the military presence withdrew. Trade, travel and commerce slowly ossified, communities drew in upon themselves, languished and shrank. Bushes reached out into the cleared verges of the road, trees began to sprout and spread whilst fingers of grass rose skyward from seeds which had lodged by chance in the surface of the road. Imperceptibly silence returned with only a ribbon of vanishing road and a network of fast disappearing forest trails to speak of the transitory nature of man's first occupation.

APPENDIX D (i) Use on Horseback							
Name	Years known the way	Years Used	Frequency	By	Use	Gates/ Stiles	Width
Mrs K Walchester	30	1970-2001	Weekly	Foot Horseback	Pleasure	No	10 Feet (approx.) Width varies at points
Fred Austin		1924-2001	Regularly	Foot Horse & wagon	Work & Pleasure	Only recently stiles and rails	Varies from 25 feet
Caroline Roberts	20	1984-2001	Weekly	Horseback	Pleasure	Rail barrier erected in 2001	Vehicle width – fence to fence / sometimes overgrown
Rebecca Slinn	19	1981-2000	3 x times per week	Horseback	Training horses	No	Varies 2-6 metres
Jennifer Slinn	44	1957-2001	Weekly	Horseback	Exercising horses	No	-----
J T Purvis	(for life)	(Born 1936)	Weekly	Foot Horseback	Work & Pleasure	Fence & Stiles recently erection	10-12 Feet
Helen R Slinn	18	1982-2001	2-3 times per week	Horseback	Exercising horses	-----	-2m – 6m

John William Clamp	(all my life)	(all my life)	Weekly Seasonal	Horseback Horse drawn vehicle	Work Pleasure	-opening gates	Approx. 15 Feet
Christine Mould	40	1960-2001	-----	Foot Horseback	Pleasure	No	Approx 15 Feet
Carol Cartlidge	20+	1980-2001	3-4 times per week	Foot Horseback	Pleasure	No	10 Feet approx.
Deborah Wilshaw	22	1978-2001	At least once per month – sometimes more	Horseback	Pleasure	No	6-11 Feet
Jillian Weston	25	-----	Daily	Horseback	Pleasure	No	11 Feet But overgrown reduced to 6'
Vivien Matthews	27	1974-2001	Several times week	Horseback	Pleasure	No	15 Feet approx.
Shirley Carrick	30	1970-2001	100 days per year	Horseback	Pleasure	No	-----
John Carrick	40	1960-2001	70 days per year	Horseback Foot	Pleasure	No	10 Feet
Derek Matthews	27	1974-2001	Several times weekly	Horseback	Pleasure	No	15 Feet approx.

APPENDIX D (ii) – Use on Foot Or Use Not Specified							
Norman Austin		1925-2001	Regularly	Foot	Pleasure	Rails and stiles erected last year (at each end of Green Lane)	15-20 feet
Valerie Hart	30	-----	-----	-----	-----	No	Varying widths
Doris Edith Clarkson	All life, parents and grand - parents life.	-----	-----	-----	-----	No	Wide enough for a tractor and trailer if hedges cut back
Brian John Heath	50	1951-2001	Seasonal	Foot	Pleasure	Stiles erected 2001	-----
Elizabeth Ann Smith	50	1951-2001	Weekly	Foot	Pleasure	Unsure	-----
Miss Purvis	66	always	Seasonal	Foot	Pleasure	Only recently erected Wed 31 Jan 2001	10-12 Feet
Joyce Edwards	30	1970-2001	1970-1995 (weekly) 1995-2001 (daily)	Foot	Pleasure	No	Various 4', 8', 10'
Roger Gibson	35	1971-2001	-----	-----	-----	No	-----

4/MTM/26026

Received 27/7/01

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) MR CHARLES EDWARD ALICE JANE
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

*please delete as appropriate.

Please take time to answer the questions carefully and in full.

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? *YES/NO

If the answer is YES please answer questions 2 to 15 and indicate on the attached map the extent of your ownership or tenancy.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

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

3. Would you be willing to allow County Council officers to make a site inspection? *YES/NO

4. (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)

5. How long have you had an interest in the land affected by the application? 4 MONTHS 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? *WITH MARGUERITE MARGARET JANE*

If so with whom?.....

(c) A tenant in common? *No*

If so with whom?.....

(d) A tenant for life under the Settled Land Act? *No*

If so with whom?.....

Tenancies and Leases

Are you a tenant or lessee of the land? *No*

If so please state the nature of your interest as tenant or lessee.....

7. 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

NOT TO MY KNOWLEDGE

If YES please state:-

(a) When were these signs erected?.....

(b) What did these signs say?.....

(c) Are these signs still in place?.....

(d) Where are these signs located?.....

Please indicate location on attached map.

8. 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?.....

9. Have you, or any previous owner/tenant of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the route?

*YES/NO

If YES please state:-

- (a) When was this?.....
 - (b) For how long was this?.....
 - (c) How was the access blocked?.....
 - (d) Where was this?.....
- Please indicate location on attached plan.

10. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO NO

If YES please give full details.....

.....

11. Have you ever taken any other steps to prevent the presumed dedication of this route as a public right of way? *YES/NO 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."

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

13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/NO NO

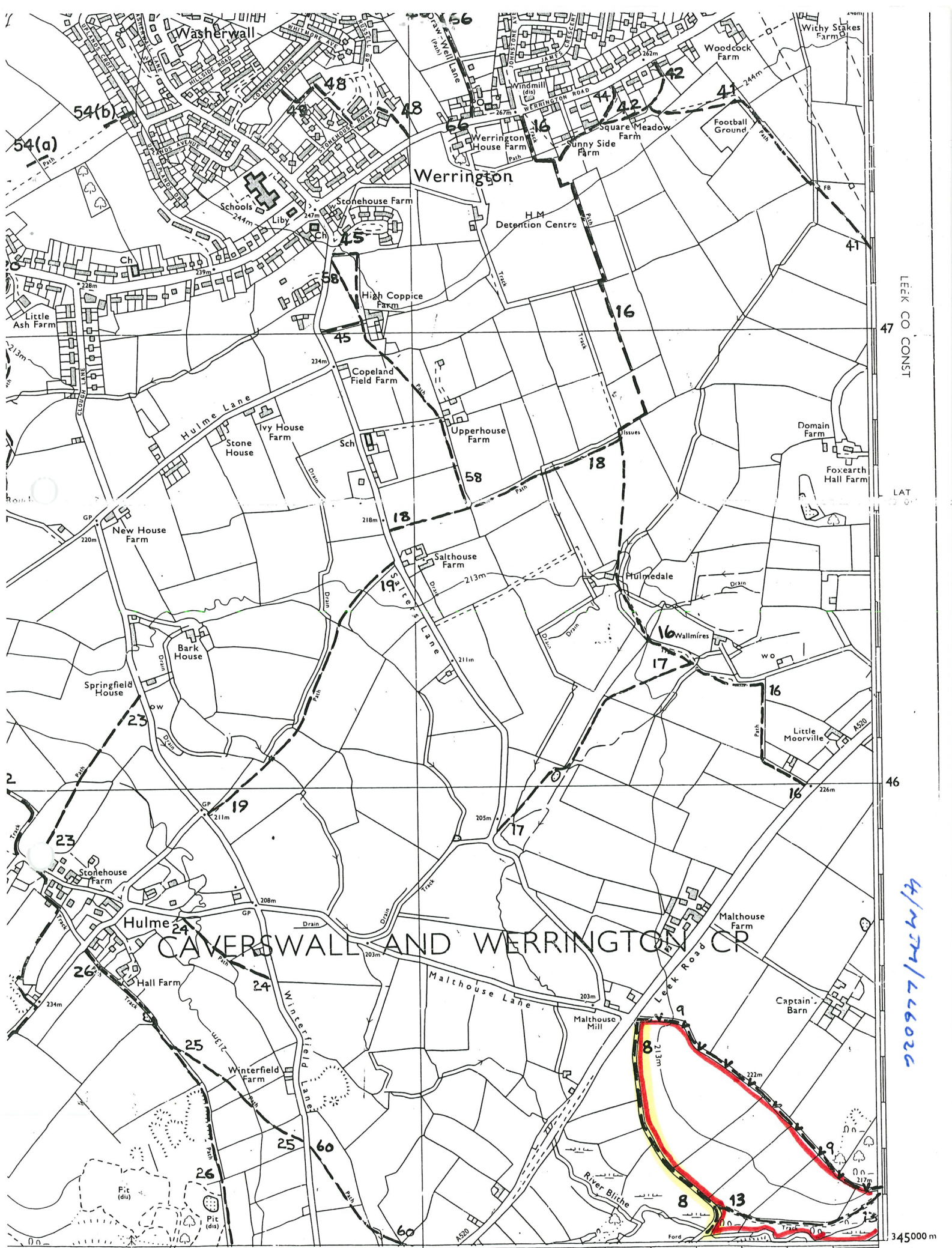
~~14. Can you give any further information about the alleged route?
(continue on a separate sheet of paper if necessary).~~

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

Signature 

Person taking this statement (if applicable)..... *CEA)AVI*

Date *25/7/11*



LEEK CO CONST
LAT

46

195000m

94

5594NW

4/M37/L6602C

345000m

PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the owner/occupier of land over which there is an alleged publicly maintained highway.

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) Mr C E A Dale
(Block Capitals please)

Address
(Block Capitals please)

Telephone No.

Date of Birth Occupation

* please delete as appropriate.

Please take time to answer the questions carefully and in full.

1. Do you own or occupy 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.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

2. Would you be willing to allow County Council officers to make a site inspection? *YES/NO

3. (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)~~

4. How long have you had an interest in the land affected by the application? 3 years

8. Have you; or any previous owner/tenant of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the route? *YES/NO

If YES please state:-

- (a) When was this?..... 3 years ago.....
 - (b) For how long was this?..... a bar was put across to prevent road vehicles gaining access.....
 - (c) How was the access blocked?.....
 - (d) Where was this?..... at junction with Leek Road.....
- Please indicate location on attached plan.

9. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO

(b) If YES please give full details.....

10. Do you have any documents which show this route as a private right of way or giving details of its closure to the public? *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

11. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/NO

12. Do you know if this route is maintained? *YES/NO

a) If YES by whom was the work carried out?

b) When was the last occasion maintenance work was carried out?.....

13. If the route is not maintained do believe it should be? *YES/NO

a) If YES by whom?

b) Why do you believe this person/body is responsible?.....

14. Can you give any further information about the alleged route?
(continue on a separate sheet of paper if necessary).

The property lies to the south east of a farm purchased by myself in May 2000

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

Signature



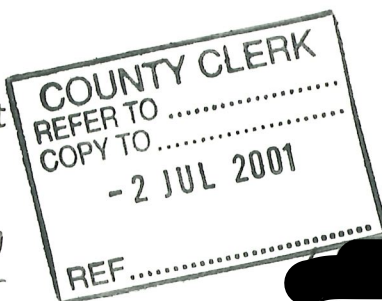
Person taking this statement (if applicable).....



Date

17.7.03

Byways & Bridleways Trust



John Gregory Esq.
Director of Central Services
DX 712320 Stafford S

Your ref: HMTM/LL 6029

Dear Sir,

re: RP 8 Caverswall

28th June 2001

Ack 6/7/01

Thank you for your letter of the 26th instant: I support the Caverswall Parish Council's claim for a Modification Order, which should be to Byway.

Although the extract from 'The Spirit of the Place' provides an interesting diversion, I believe it is neither accurate nor relevant, as far as this route, or indeed RP 9 Caverswall, is concerned: it is well established that the A34/A50 is the route from Chesterton (Holditch) via Trent Vale to Rochester.

Be that as it may, vehicular rights exist over RP 8 Caverswall, which fact was recognised by Mr. J.W. Vernon, the Inspector who held the Cheddle Public Inquiry on the 4th and 5th April 1978 and whose report was submitted to the Minister on 21st July 1978, and accepted by him, such decision being notified on 15th February 1980.

No doubt your Department has these documents on file (probably under reference 25/cst/19/2/14) but in case they are not readily to hand I enclose:-

- 1 Copy relevant extracts from the Inspector's report;
- 2 Copy decision letter from the DOEAT, dated 15/2/80.

I confirm that, on a day between 1/12/77 and 21/12/77, I inspected the 1910 Record Plans at the Stafford office of the District Valuer and accurately related the result of my findings. I have also ridden RPS Caverswall by motorcycle for a period in excess of 20 years, despite the reclassification to TP under the provisions of the abominable Circular 123/77, having been advised by leading Counsel that such reclassification did not extinguish proved vehicular rights.

If I can be of further assistance, doubtless you will let me know.

Yours faithfully,



M. Lowrey

Rt. Hon. P. Shore, P.C., M.P.,
Secretary of State for the Environment.

Sir,

I have the honour to report that on the 4th and 5th April 1978 I held at the Council Offices, Cheadle a local public inquiry into the Objections and Representations on the Draft Revised Map and Statement prepared by Staffordshire County Council for the area comprising the former Cheadle Rural District.

2. The rights of way included in the public announcement of the inquiry were:

Path	Parish	Status on Draft Map	Para. Ref.
R.P.8	Caverswall	F.P.	15
R.P.11	Caverswall	Byway	27
R.P.9	Caverswall	Byway	37
R.P.64/65)	Caverswall)	F.P.	46
R.P.22)	Forsbrook)		
R.P.55)	Cheadle)	F.P.	57
R.P.40)	Checkley)		
R.P.19	Dilhorne	F.P.	66
R.P.1	Draycott	F.P.	74
R.P.91	Waterhouses	B.P.	85
R.P.90/137	Waterhouses	B.P.	95
R.P.128	Waterhouses	F.P.	105
R.P.82)	Ipstones	F.P.)	114
R.P.85(part))		B.P.)	
R.P.12	Blore-w-Swinscoe	F.P.	126
R.P.3	Blore-w-Swinscoe	F.P.	131
F.P.84(part)	Waterhouses	Stopped up	136

"F.P."= footpath, "B.P." = bridleway,
"Byway" = byway open to all traffic.

3. In all these cases except F.P.84 Waterhouses the way was originally classified as a road used as a public path (hereafter referred to as R.U.P.P.) and the claim of most objectors was that reclassification should be as a byway open to all traffic. F.P. 84 Waterhouses was partly closed by a Stopping Up Order and the objection related to the description of the way remaining open after that change.

4. In addition Mr. and Mrs. R. Cartwright presented their case for claiming that the parts of F.P.31 and F.P.33 Ipstones running through Sharpcliffe Hall were wrongly defined as public rights of way.

5. The inquiry opened with some general statements relevant to the inquiry as a whole and then each way was considered in turn. For convenience this report is presented in the same way giving the general statements first and my conclusions on them and then dealing with each way in turn giving in each case description, arguments presented, my findings of fact, conclusions and recommendations. A concluding section summarises my recommendations.

6. Attached to this report is a list of documents and maps presented at the inquiry (Appendix A), a list of appearances (Appendix B), and a list of persons present on each day (Appendix C). The Staffordshire County Council will be referred to in this report as 'the County Council'. All distances given in this report are approximate.

SITE VISITS

7. A programme of site visits was agreed on 4th April (doc. 3/G) and carried out on 6th and 7th April. I was accompanied throughout the visits by Mr. D. Emery, Mr. B. Lowton and Mr. F. Mason. Others who joined me for particular paths were:

R.P.40 Checkley and R.P.55 Cheadle: Mr. Hulse
R.P. 64/65 Caverswall, and R.P. 22 Forsbrook: Mr. D. Hall and Mr. D. Goodall.

R.P.s8/9 Caverswall: Mr. H. Myatt.

R.P.91 Waterhouses: Mr. H. Jones, Mr. J. Brassington, Mr. B.Chadburn.

R.P.90/137 Waterhouses: Mr. R.J.Heath, Mr. J.C. Crichelow, Mr. J. Brassington.

8. In the course of these visits I was able to check the descriptions of the ways given in the course of the inquiry and I have incorporated the relevant material in the description of each way given below. The weather was dry following a rainy spell so that general conditions were muddier than after a long spell of dry weather but not as wet as conditions could become after a period of very heavy rain. This I have allowed for in my conclusions.

GENERAL STATEMENTS

Inspector's Statement

9. As all the objections except one related to the reclassification of R.U.P.P.s I opened the proceedings by drawing attention to the definition of R.U.P.P.s in the National Parks and Access to the Countryside Act 1949 and the provisions of paragraphs 9 and 10 of Schedule 3 to the Countryside Act 1968, requiring the reclassification of R.U.P.P.s to one of the three categories of (a) byway open to all traffic, (b) bridleway or (c) footpath. I also drew attention to the contents of Department of Environment Circular 123/77 regarding R.U.P.P.s which followed the decision of the Court of Appeal in

R.P. 8 CAVERSWALL

15. This way is an R.U.P.P. which the County Council proposed on the Review Map should be a footpath. Mr. Auckland in his letter of 15th December 1971 protested at the downgrading of this 'road'.

DESCRIPTION OF WAY

16. The way runs south and then south-east from the busy road A520 opposite Malthouse Lane where Malthouse Mill used to stand. This section of the A520 has been widened and straightened in recent years so that the entrance to the way is new. Two gates have been provided from the A520 one for R.P.8 and another alongside it for R.P.9. There is also a stile. The gate to R.P.8 was not locked on 16th December 1977 or 6th April 1978. The two ways diverge some thirty yards from the gates. R.P.8 reaches the county road D174 in about 500 yards. There is a tubular steel gate on to the D174 road which also was not locked on 16th December 1977 or 6th April 1978. D174 is a cul-de-sac finishing where R.P.8 begins and continues south to Roughcote. There is an alternative way on publically maintained highways from the junction of A520 and Malthouse Lane to Roughcote measuring about the same in distance.

17. The way is about 25' wide for most of its length between hedgerows on two to three foot high banks. In parts barbed wire has taken the place of the hedgerow. There are field accesses from the track from time to time with little sign of recent use. There are ditches each side between the track and the hedgerows so that the usable centre of the track is about 8' wide.

18. The surface is mostly soil, but there are some signs of old metalling in parts. There were some muddy patches on 6th April 1978. Branches from trees at the sides of the path overhang the way and there is some light brushwood growing on the track itself at some points.

19. At the south end at a point marked "Ford" on the Ordnance Survey maps the stream is culverted under the way through a 3' concrete drainpipe. The surface of the stream on 6th April 1978 was some 6' below the level of the way, between narrow banks. Fifty yards to the north there is a second stream, a tributary of the first, culverted under the way in an 18" concrete pipe. The way between these two culverts was churned up and very muddy.

COUNTY COUNCIL'S OPINION

20. The points made on behalf of the County Council are:-

- (i) The way can be used today by specialist four-wheeled vehicles although the muddy morass at the south end could only be passed with difficulty. Horses and a pony and trap could get through as could trail motorcycles. An ordinary motor car could not. There are no signs of recent vehicular use.

unmetalled road with a turf surface which has been destroyed by galloping horses. The overall width suggests it was a drovers' track. It serves no essential transport need. The surface is not suitable for powered wheeled traffic and should be left as a footpath.

FINDINGS OF FACT

24. I find the following facts:-

- (i) A double dotted line is shown on the Tuke 1798 map approximately along the route of the way.
- (ii) A similar double dotted line is shown on the Yates 1798 map
- (iii) The route is shown as a double continuous line from the crossroads at Malthouse Mill to Roughcote and eventually to Caverswall on the First Edition Ordnance Survey 1840 map.
- (iv) The way is shown on the Finance Act 1910 Map as a right of way.
- (v) The way crosses an area which used to be part of a large estate.
- (vi) The way was used infrequently by motor vehicles of the Cheadle Auto Club from 1950 to 1972 without challenge. It was then closed to four-wheeled vehicles by locked gates. However these gates have not been locked in recent months. The route has been used infrequently from 1948 to the present day by motorcyclists.
- (vii) The way has hedges and barbed wire along each side with banks and is about 25' wide for most of its length. There is a ditch along each side for most of the way leaving a centre track of about 8'.
- (viii) The surface is earth with a little metalling in some places.
- (ix) The south end is churned up and muddy. A stream goes under the track in concrete pipes. A ford is marked on Ordnance Survey maps at this point.
- (x) Mr. Auckland objected to the downgrading of this road. B.M.F. and Cheadle Auto Club claim that this R.U.P.P. should be reclassified as a byway.

(xi) British Horse Society claims the way should be reclassified either as a byway for use by pony and trap or as a bridleway.

(xii) National Farmers' Union on behalf of the farmers concerned, Peak and Northern Footpath Society and the Caverswall and Werrington Parish Council oppose these proposals and want the way left as a footpath.

INSPECTOR'S CONCLUSIONS

25. Having regard to these facts and the evidence at the inquiry including the general arguments explained above (paras. 9 to 14) I reach the following conclusions on R.P.8 Caverswall:-

(i) The way is treated very similarly on the Tuke and Yates 1798 maps. The northern end of the way starts from a road of some prominence on these maps which is on the line of the present A520 road. There is no mill marked on the maps at this point. The fact that the way is shown double but by dotted lines indicates that it was an unenclosed cart track. On both maps the way ends at a brook where an extensive area marked as "Caverswall Common" begins. A similar track is shown on the far side of the common continuing on the line of the present road to Roughcote, although Roughcote itself is not shown. On the Yates 1798 map only there is a thick black line over the common which may represent a continuation of the track to join the route to Roughcote. In both cases however the track is the least important type of way of any marked on the map. It is therefore by no means certain that there was at that time even a through track from what is now Malthouse Lane to Roughcote. The evidence is not sufficient to establish that there was a public vehicular right of way in 1798.

(ii) The Ordnance Survey 1840 Map shows five roads meeting at Malthouse Mill. Two of them - the north and south sections of the present A520 road - are slightly more prominent than the other three of which one is now Malthouse Lane, a county road, and the other two are R.P.s 8 and 9. The path R.P.8 continues on the map on the line of what is now the county road to Roughcote without any change in appearance. It thus seems from the map to be part of a minor north-south through vehicular route, although this is not conclusive of a public right of way.

(iii) The evidence that this way used to be an estate road leading to an estate mill at Malthouse was wholly unsupported without any indication even that documents do exist to this effect. No evidence was produced that this was a drovers' way and there is no obvious destination for such a way.

- (iv) The evidence that this was shown as a public right of way on the Finance Act 1910 maps of the Inland Revenue was also hearsay but the source was indicated. That it was treated on this map in the same way as routes which are now public roads is some evidence of public vehicular status.
- (v) Although Mrs. Ratcliffe claimed not to have seen any use of the way for 50 years by motor vehicles the infrequent use by the Cheadle Auto Club may have escaped her notice and Mr. Lowton's evidence of such use from 1950 to 1972 could provide evidence of use for 20 years under Section 34 of the Highways Act 1959 without interruption. This assumes that the construction and locking of the gates in 1972 was the date on which the right of public vehicular use was challenged. Even if a case under Section 34 is not made out, and I do not decide the case on this basis, it is still an indication that motor vehicles were allowed to use the way for a long period without challenge.
- (vi) On balance having regard to all this evidence and to the fact that the way was designated as an R.U.P.P. on the First Definitive Map I conclude that the R.P.8 Caverswall should be regarded as having public vehicular rights of way over it.
- (vii) Although the width between the hedgerows is some 25' the part which could readily be used by vehicles is about 8' wide. Light scrub would have to be removed for four-wheeled vehicles to use the track and even so the narrow width would create problems for vehicles passing each other.
- (viii) Since the surface is mostly earth and there are some muddy places the surface is generally not suitable for ordinary cars. Moreover the bed of the stream at the south end is so narrow that at times of spate the water is likely to rise to the level of the track making the way impassable for most vehicles including ordinary motorcycles and horse-drawn vehicles. The way is therefore not suitable for a wide variety of vehicular traffic.
- (ix) The properties at the south end of the way have an alternative county road connection with Malthouse Lane and the occupiers would not suffer hardship if this way were closed to vehicular traffic. The way does not lead to any particularly attractive view of the countryside and those who wish to visit the countryside using motor vehicles, including motorcycles, will not suffer undue hardship if they are denied the use of this way for that purpose.
- (x) On balance, having regard to the provisions of para. 10 of Schedule 3 of the Countryside Act 1968, the case for classifying this way as a byway open to all traffic has not been made out. Classification of the way as a bridleway was not raised prior

to the hearing and accordingly cannot be considered. The classification by the County Council of this R.U.P.P. as a footpath must therefore stand.

RECOMMENDATION

26. I accordingly recommend that the objection that this R.U.P.P., R.P. No. 8 Caverswall, should be a byway should be rejected and the reclassification as a footpath should remain.



Departments of the Environment and Transport
 West Midlands Regional Office
 Five Ways Tower Frederick Road Edgbaston Birmingham B15 1SJ
 Telephone 021-643 8191 ext

The County Clerk & Chief Executive
 P O Box 11
 County Buildings
 Martin Street
 STAFFORD
 ST16 2LH

Your reference 25/CH/19/2/14
 Our reference PC2/1988/171/2
 Date 15-2-1980

Sir

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949
 COUNTRYSIDE ACT 1968
 PUBLIC RIGHTS OF WAY
 SPECIAL REVIEW - FORMER CHEADLE RURAL DISTRICT COUNCIL

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of his Inspector, Mr J W Vernon, CMG, MA, Barrister, who held a local inquiry into the draft revision prepared by the Council under Part IV of the National Parks and Access to Countryside Act 1949 and the Countryside Act 1968 for the former Cheadle Rural District Council.

2. The Inquiry dealt with the objections and representations to the following paths:-

RECLASSIFICATION

✓ RP8	CAVERSWALL	FP?
✓ RP11	CAVERSWALL	✓ By
✓ RP9	CAVERSWALL	✓ By
✓ RP64/65	CAVERSWALL	} FP?
✓ RP22	FORSBROOK	
✓ RP55	CHEADLE	} ✓ By
✓ RP40	CHECKLEY	
✓ RP19	DILHORNE	✓ By UCR

RECLASSIFICATION

✓ RP1	DRAYCOTT	✓ By	
✓ RP91	WATERHOUSES	Br.	
RP90/137	WATERHOUSES	Br.	
✓ RP128	WATERHOUSES	✓ By	
{	RP82	IPSTONES	Br.
	RP85(Part)	IPSTONES	FP.
RP12	BLORE-WITH-SWINSCOE	} withdrawn objection	
RP3	BLORE-WITH-SWINSCOE		

DEFINITIONS

FP84 (Part) WATERHOUSES
 FP31 IPSTONES
 FP33 IPSTONES

3. In his report, a copy of which is enclosed, the Inspector came to conclusions which are set out in those parts of his report referred to below:-

RECLASSIFICATION	PAGE NO(S)	PARAGRAPH NO(S)
RP8 CAVERSWALL	19, 20, 21	25 (i) - (x)
RP11 CAVERSWALL	25, 26	35 (i) - (xi)
RP9 CAVERSWALL	30, 31	44 (1) - (x)
RP64/65 CAVERSWALL	} 35, 36	55 (i) - (ix)
RP22 FORSBROOK		
RP55 CHEADLE	} 39	64 (i) - (vii)
RP40 CHECKLEY		
RP19 DILHORNE	41	72 (i) - (iii)
RP1 DRAYCOTT	44	83 (i) - (iv)
RP1 WATERHOUSES	50	93 (i) - (vi)
RP90/137 WATERHOUSES	54	103 (i) - (vii)
RP128 WATERHOUSES	58,59	112 (i) - (vi)
RP82 IPSTONES	} 64, 65	124 (i) - (x)
RP85(Part) IPSTONES		
FP84 WATERHOUSES	69	138 (i) - (v)
FP31 IPSTONES	} 75, 76, 77, 78	146 (i) - (viii)
FP33 IPSTONES		
RP12 BLORE-WITH-SWINSOE	} The objection was not pursued at the Inquiry	
RP3 BLORE-WITH-SWINSOE		

4. The Inspector recommended that:-

RP8 CAVERSWALL	The reclassification of this road used as a public path (hereinafter referred to as RUPP) should remain as a footpath in the Draft Revised Map and Statement.
RP11 CAVERSWALL RP9 CAVERSWALL	The reclassification of these RUPPs should remain as byways in the Draft Revised Map and Statement.
RP64/65 CAVERSWALL RP22 FORSBROOK	The reclassifications of these RUPPs should remain as footpaths in the Draft Revised Map and Statement.
RP55 CHEADLE RP40 CHECKLEY RP19 DILHORNE RP1 DRAYCOTT	The reclassifications of these RUPPs as footpaths in the Draft Revised Map and Statement should be altered to byways.
RP91 WATERHOUSES RP90/137 WATERHOUSES	The reclassifications of these RUPPs should remain as bridleways in the Draft Revised Map and Statement.

RP128	WATERHOUSES	The reclassification of this RUPP as a footpath in the Draft Revised Map and Statement should be altered to byway.
RP82/RP85	IPSTONES	The reclassification of RP82 and RP85 (Part) should remain as footpath and bridleway respectively in the Draft Revised Map and Statement.
RP12 RP3	BLORE-WITH-SWINSCOE BLORE-WITH-SWINSCOE	The reclassification of these RUPPs should remain as footpaths in the Draft Revised Map and Statement.
FP84	WATERHOUSES	The County be directed to amend the Revised Map and Statement to bring it in line with the Stopping Up of Highways (County of Stafford) (No 8) Order 1968.
FP31 FP33	IPSTONES IPSTONES	The classification of these footpaths in the Draft Revised Map and Statement (as previously recorded in the First Definitive Map in 1954) should remain.

5. The Secretary of State accepts the Inspector's findings of fact and agrees with his conclusions. Accordingly he has decided not to give effect to the objections in respect of:-

RP8	CAVERSWALL
RP11	CAVERSWALL
RP9	CAVERSWALL
RP64/65	CAVERSWALL
RP22	FORSBROOK
RP91	WATERHOUSES
RP90/137	WATERHOUSES
RP82	IPSTONES
RP85(Part)	IPSTONES
RP12	BLORE-WITH-SWINSCOE
RP3	BLORE-WITH-SWINSCOE
FP31	IPSTONES
FP33	IPSTONES

but has decided to modify the draft revision by directing that

RP19	DILHORNE)	The reclassifications as footpaths in the Draft Revised Map and Statement be altered to byways.
RP1	DRAYCOTT)	
RP128	WATERHOUSES)	
RP55 RP40	CHEADLE CHECKLEY		This route was the subject of the Cheadle Rural District (Checkley Number 1) Public Path Diversion Order 1970. Signed by the County Council on 17 March 1970 and approved

by the Minister of Housing and Local Government on 28 October 1970. The Special Review preceded the Diversion Order and the reclassification as footpath in the Draft Revised Map and Statement should be altered to byway along the original route and consideration of the Diversion deferred until the next Review.

FP84

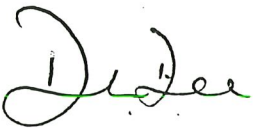
WATERHOUSES

The Revised Map and Statement be amended in line with the Stopping Up of Highways (County of Stafford) (No 8) Order 1968.

The formal direction giving effect to this decision is being prepared and will be sent to you shortly.

6. A copy of this letter has been sent to the objectors and other interested persons.

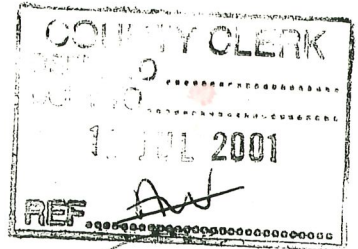
I am Sir
Your obedient Servant



D L DEE

Authorised by the Secretary of State
to sign in that behalf.

LX130G



(ES)

STAFFORDSHIRE MOORLANDS BRIDLEWAYS PRESERVATION GROUP

pl ack refer to
DCPS

Secretary:
Carol Povey,



The Chief Executive
Staffordshire County Council
Martin Street
Stafford
ST16

9 July 2001

Dear Sir

FP 8 CAVERSWALL

An obstruction has recently been erected at OS map ref. ST9447 4547 (photographs enclosed), with signs that suggest it was erected by Staffordshire County Council Countryside Services. The obstruction is a barrier with a small stile. The effect is to obstruct the free passage of the public, in particular the disabled, and is unlawful. We ask you to take regard to the judgement in *Seekings v Clarke* (1961) 59 LGR 268.

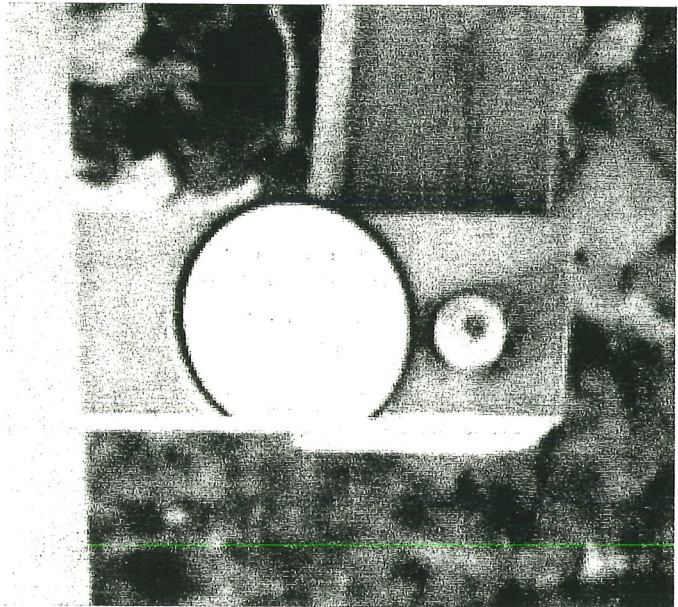
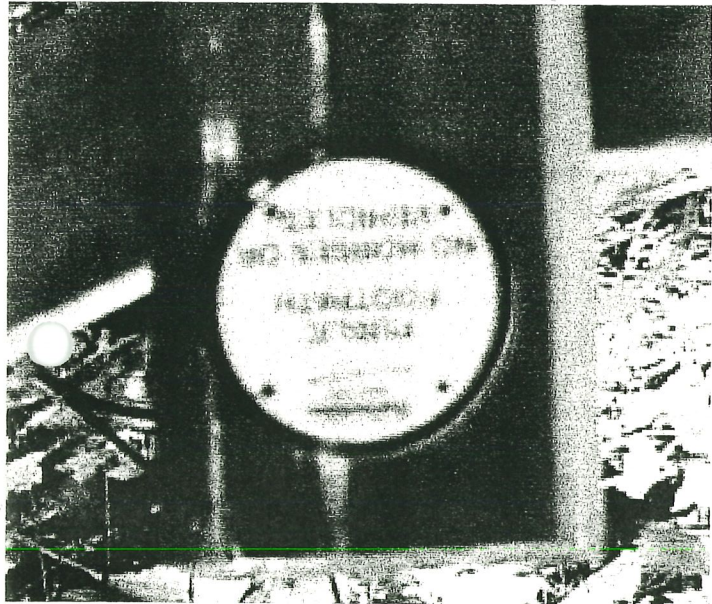
We also note signs stating "No Horses or Vehicles", we would remind you that a way shown on the definitive map as a footpath, simply means that there is a conclusive right of way on foot, and does not prejudice any other rights that may exist.

Parliament's intentions were made clear in DoE circular 1/83 where in Annexe A paragraph 70 the Secretary of State wrote that anyone exercising higher rights, if challenged, would have to show to a Court or inquiry that he did so "as of right". Clearly if the County Council wishes to challenge users or horses, a challenge in the Court should have been made and defended.

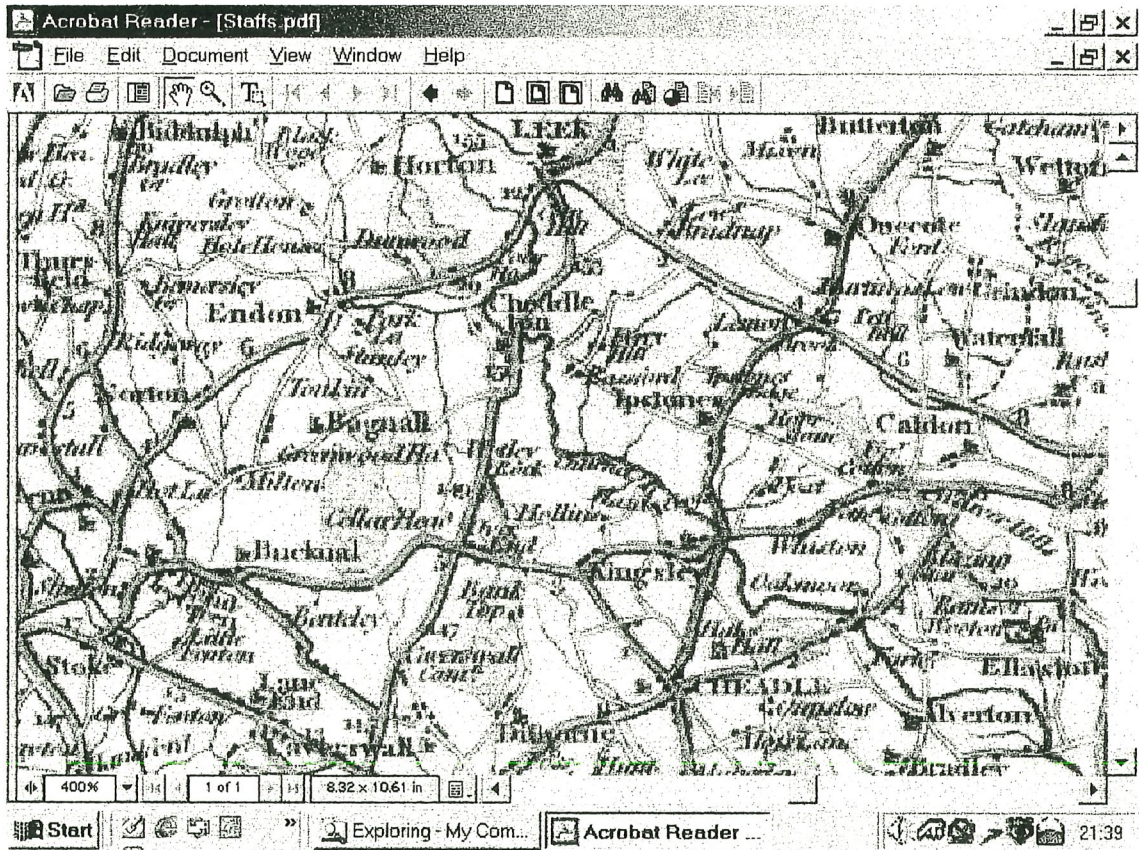
The Staffordshire Moorlands Bridleways Preservation Group will shortly submit a modification order to remove the footpath from the definitive map, as it is a pre. 1835 vehicular road, but in the meantime we would be obliged if you would remove the barrier without delay.

Yours faithfully

Carol Povey
Secretary
Staffordshire Moorlands Bridleways
Preservation Group



EXTRACT. CARY'S MAP of STAFFORDSHIRE





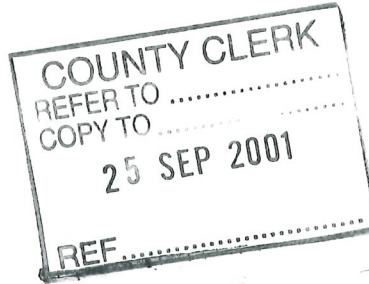
DLA
 Victoria Square House Victoria Square Birmingham B2 4DL DX 13022 Birmingham 1
 Direct tel +44 (0) 121 262 5930 Fax +44 (0) 121 262 5795 Email michael.orlik@dla.com

Director of Central Services
 Legal Services Unit
 Staffordshire County Council
 PO Box 11
 County Buildings
 Martin Street
 Stafford
 ST16 2LH

Your ref:
 Our ref:

4/MTM/LL602G
 MFO/DP/RE34926

24 September 2001



Dear Sir

FOOTPATH NO 8 CAVERSWALL

We have been consulted by the Staffordshire Moorlands Bridleways Preservation Group about their exchange of letters with you dated 9 and 26 July concerning the above right of way.

The Group have had to go to the expense of consulting us because they are concerned on a number of points. Not least of these is the fact that, although you did say that you were making enquiries of the Countryside section and said that a further reply would be coming from them or yourself, no further reply has been received nearly two months later. Bearing in mind that the County Council has a duty to maintain the rights of the public to the enjoyment of rights of way, not obstruct them, the Group, not unjustifiably, feel that they should have been afforded the courtesy of a rather speedier reply.

Even on the basis that the way is only a footpath, which the Group definitely do not accept, we are astonished that the Council should erect a barrier, as shown in the attached photograph, over almost the entire width of the way, leaving only a small squeeze stile. You must be aware that this is an obstruction of a highway and we are surprised that there has not been an immediate apology from you. In fact, the wooden barrier has now been removed by persons unknown. Such removal is fully justified. As early as 1630, the courts held that if a new gate be erected across a public highway it is a common nuisance and any of the King's subjects passing that way may cut it down and destroy it. Could you please confirm that you will advise the Countryside section accordingly and confirm to us that no form of barrier will be re-erected across the path.

Our client is also extremely concerned about the signs which have been erected by the Council saying "No horses or vehicles". You will be aware that this way is shown on early 19th century maps and was shown on the Definitive Map prepared following the 1949 Act as a road used as a public path. It was subsequently reclassified by the County Council as a public footpath but, bearing in mind, that the Court of Appeal held in *R -v- Secretary of State for the Environment ex parte Hood* that designation on the map as a RUPP provided conclusive evidence of the existence of a public right of way on horseback at least, this reclassification was not valid. Moreover, designation as a footpath is without prejudice to any question where the public have higher rights. There is in fact, as you point out in your letter, and has been for some time, an application before the County Council for a Modification Order to show the path on the map as a byway open to all traffic.

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Director of Central Services
Legal Services Unit
Continuation 2
24 September 2001

In view of the history of this matter, and the fact that the way can be used by horses without difficulty, it seems to have been particularly tactless to erect a notice saying "No horses". We have also advised our client that, in view of the Hood decision, there is no doubt that this footpath is at least a bridleway and it follows that the notice "No horses" has been erected contrary to section 57 of the National Parks and Access to the Countryside Act 1949. Could you please confirm that notices prohibiting horse riding will be removed.

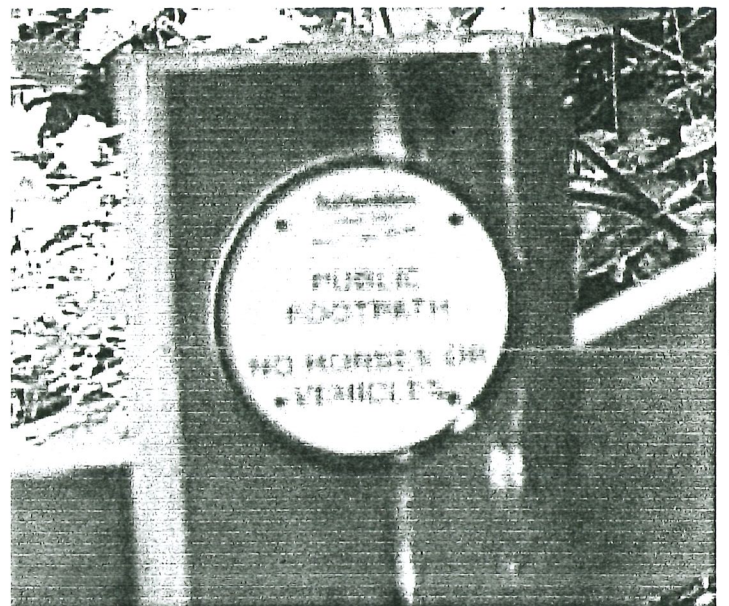
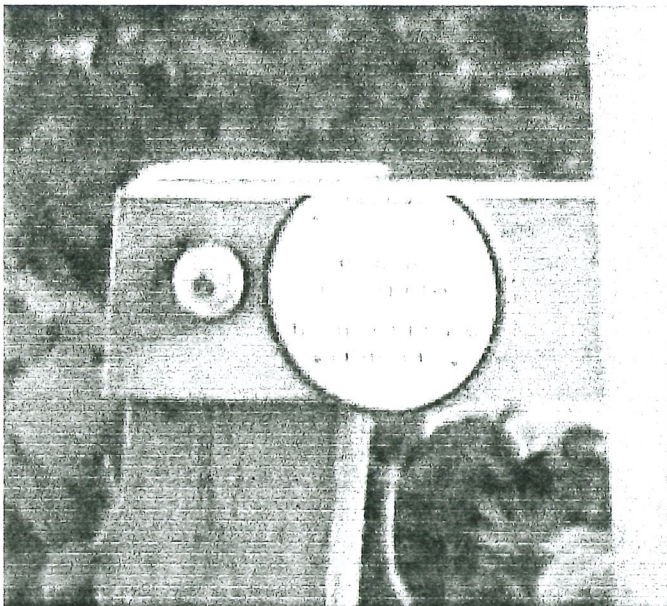
We should be grateful if you could be kind enough to acknowledge receipt of this letter and we hope to receive an early substantive reply to this letter and our client's earlier letter of 9 July.

Yours faithfully

A handwritten signature in blue ink that reads 'DLA'.

DLA

BIRDP\REAL ESTATE\ORLIK\RE34926.DOC (mfo\vk)





North Staffordshire Bridleways Association



COUNTRYSIDE
CIRCULATION LIST

25 JUL 2001

Affiliated to the British Horse Society

COPY TO:

J C RIDLEY

PFM JO G.S. NI
MJB BDW 2001 EQ



24/7/01

Your Ref. 4MTM/LL602G

Dear Mr. Murphy,
Applic. For upgrading of F.P.8 Caverswall on the Definitive Map.

Thank you for your letter of 26th. June. The N. Staffordshire Bridleways Assoc. would certainly wish to support any claim for higher status for this route. As a former RUPP we believe that it must have a minimum of bridleway rights. It seems probable that it is of the same status as the adjacent lane (BOAT 9) which is shown in identical manner on old maps.

The lane currently classed as F.P. 8 has been in use by local horse riders for as long as this Association has been in existence (some 10 years or so) and has been used by our members on organised Rides through that area. It is the 'alternative' course of our long distance route around The Potteries and used when doing shorter circular rides based on that route. We received immediate complaints when stiles were erected across the lane and wrote to Mr. Gregory in February, 2001 I enclose a rough copy of same in case it has not come to your attention. As we have not received any reply to this correspondence I do not know to whom it has been passed either in your Dept. or in R-o-W and would be most grateful if you could locate it and arrange for a reply to be made.

We are now extremely concerned to hear that an illegal metal pole barrier has been erected across BOAT 9---allegedly by a nearby property owner. I would appreciate it if you could let me know what action is being taken to effect the removal of this obstruction.

Yours sincerely,

*Rey 94587
Take to check on BOAT 9*

N.S.B.A. Research Officer.



North Staffordshire Bridleways Association



Affiliated to the British Horse Society

J C RIDLEY

Dear Mr. Gregory,
Re. FOOTPATH 8 CAVERSWALL C.P.

17/2/01

It has recently been reported to this Association that horse riders have found their way blocked by newly erected stiles on this route. As a former RUPP shown on old maps as a lane of identical type to the adjacent RUPP which has become a BOAT (9) NSBA has always considered that 'F.P. 8' carries higher rights.

We are aware that the route is in current use by horse riders and that there are people who can give Evidence of such use over many years without encountering any difficulties. As it happens our Association held an organised ride through the area just before the stiles were installed. Although on this occasion we used BOAT 9 we find F.P. 8 equally as convenient for our Rides when doing events including The Potteries Ring Route long distance route that we have researched.

We would therefore request that you review the Definitive Map status of this route on the basis that an error of Classification has been made. In the meantime we would be most grateful if your Department could contact the relevant body who erected the stiles and arrange their removal to restore the status quo!

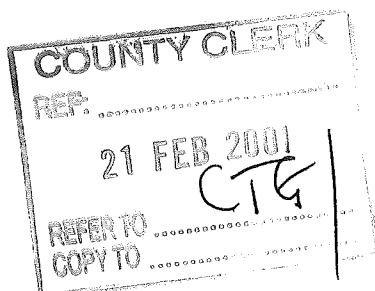
On a similar topic horse riders recently encountered barb wire across another 'green lane' that is a RUPP that has been erroneously classed as a Footpath. I do not know the number of the route so I enclose a map excerpt of its location near Caverswall. Again the lane has been in use by horse riders even though one end of it has become very overgrown. The obstruction of this lane necessitates a three mile diversion around local roads (1/2 hour riding time) including a very twisty length of road that is not very safe at certain times of the day. Bearing in mind the VERY large population of horses in the Caverswall area this is a most regrettable development.

I would be grateful if you could investigate these matters as quickly as possible and look forward to receiving a reply from one of your officers. I regret that I am frequently out of the house during office hours so my ansaphone is permanently on --- -it takes only very brief messages so a reply in writing is required!

Yours sincerely,

Jane Ridley
Miss Jane C. Ridley

NSBA Research Officer

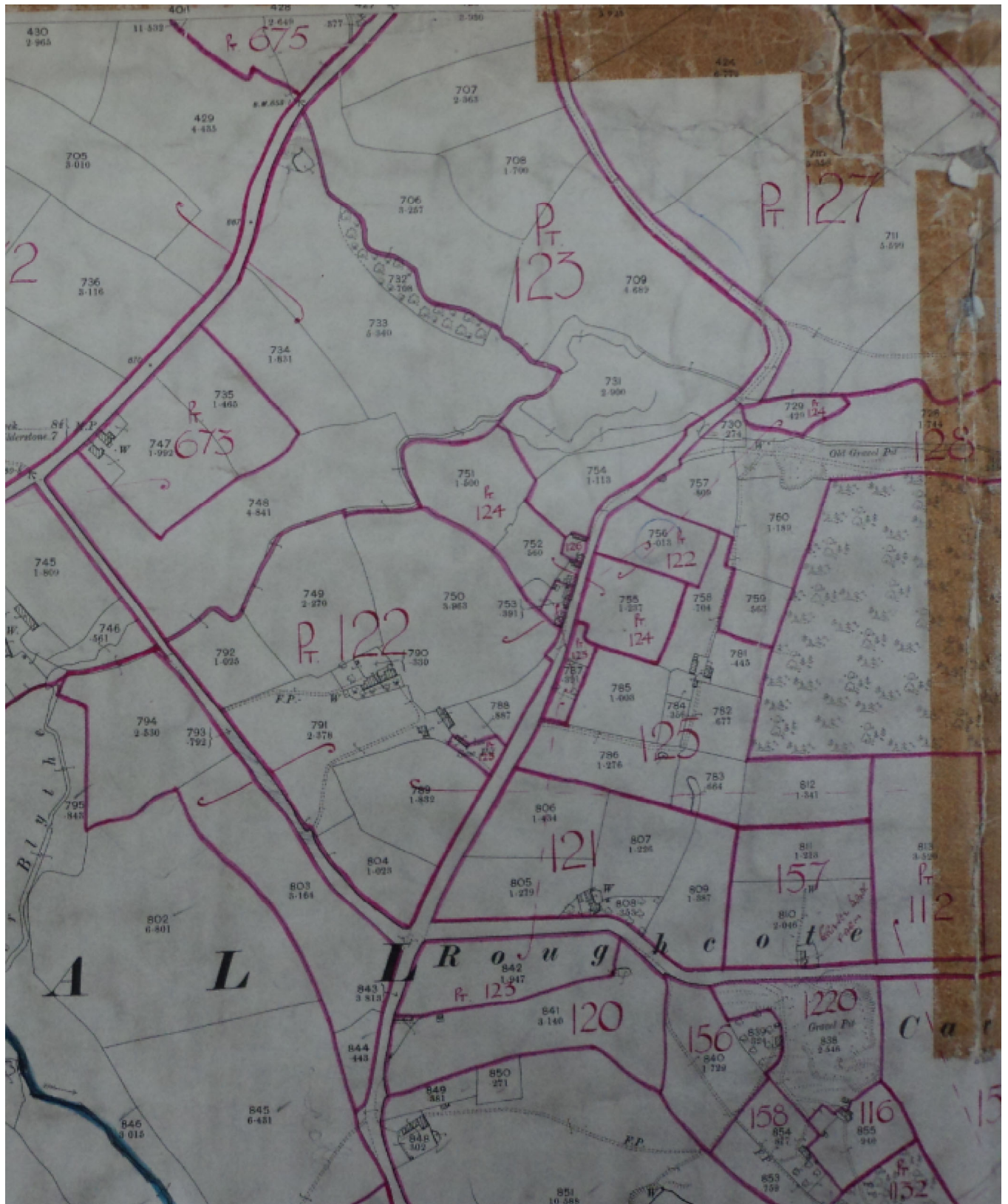


Addendum

The below new evidence submitted by Mr David Rice on 20/12/19 is highlighted as it relates to the Finance Act which shows the route as separate from the taxable holdings. It is suggested that the way the route is depicted on the plan, together with the other evidence is indicative of “public carriageway rights” and supportive of a BOAT (Byway Open to All Traffic) status.

Email From David Rice 20/12/19 – (Sent to P Dalton, Staffordshire County Council)

“Attached are copies of the relevant 1910 Finance Act Plans which are strong evidence, taken in context of the other evidence found, that the application route enjoys public carriageway rights. This being based on the case law for routes excluded from adjoining hereditaments or “coloured out” on 1910 Finance Act Plans. This having been decided by the courts in Robinson Webster (Holdings) Ltd v Agombar and others (2001) and Fortune & Others v Wiltshire County Council (2012). Please add this communication and attachments to the evidence in support of BOAT application LL602G. This is “new evidence” for the user rights that was not considered by Staffordshire County Council when it undertook its “Special Review” - and reclassified or “downgraded” the route from a “Road Used as a Public Path” to a Public Footpath.”



397
11-479

394
9-358

399
9-166

395
9-805

413
1-055

Malthouse Mill

394
9-120

410
256

412
4-058

414
3-623

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125

425
5-825

423
4-253

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Smallbrook

From
Stapford

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Zincographed and Published at the Ordnance Survey Office, Southampton, 1906
The Altitudes are given in feet above the assumed Mean Level of the Sea at Liverpool which is 0-000 of a Foot from the general
Altitudes included this (B.M. 541) refer to Bench Marks on Buildings Walls etc. these marked with a 52-100
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Page 279

