

BEFORE THE COUNTRYSIDE AND RIGHTS OF WAY PANEL

Wildlife and Countryside Act 1981

Application for a Public Right of Way off Cadmans Lane, Essington, Walsall

INDEX

	-	REPORT
APPENDIX A	-	COPY OF APPLICATION
APPENDIX B	-	PLAN OF CLAIMED ROUTE
APPENDIX C	-	FINANCE ACT FIELD BOOK ENTRY
APPENDIX D	-	FINANCE ACT PLAN
APPENDIX E	-	TRACING OF DEPOSITED RAILWAY PLAN
APPENDIX F	-	CORRESPONDENCE FROM THIRD PARTIES
APPENDIX G	-	DEPOSITED RAILWAY PLAN
APPENDIX H	-	EXTRACT FROM RAILWAY BOOK OF REFERENCE
APPENDIX I	-	ANNOTATED DEPOSITED RAILWAY PLAN
APPENDIX J	-	PARISH SURVEY PLANS
APPENDIX K	-	ANNOTATED MAP FROM THE FIRST SPECIAL AND GENERAL REVIEW OF THE DEFINITIVE MAP

REPORT

1. Report p 1 - p 9

A. COPY OF APPLICATION

1. Form 1 23-07-1999 A 1 - A 2
2. Map accompanying Form 1 A 3
3. Statement accompanying Form 1 A 4 - A 5

B. PLAN OF CLAIMED ROUTE

1. Plan of Claimed Route B 1

C. FINANCE ACT FIELD BOOK ENTRY

1. Copy of Finance Act Field Book Entry C 1 - C 3

D. FINANCE ACT PLAN

1. Copy of Finance Act Plan D 1

E. TRACING OF DEPOSITED RAILWAY PLAN

1. Tracing of Deposited Railway Plan E 1

F. CORRESPONDENCE FROM THIRD PARTIES

1. Correspondence from Fisher German 10-01-2020 F 1 - F 2
2. Email from Edmund Blakemore 16-07-2020 F 3
3. Email from Graham Sadler, Tenant 16-07-2020 F 4
4. Email from Graham Sadler, Tenant 16-07-2020 F 5 - F 18
5. Email from Graham Sadler, Tenant 16-07-2020 F 19 - F 20
6. Email from Graham Sadler with comments from Mr Arch 29-07-2020 F 21
7. Letter from Mr John Peter Arch Undated F 22

G. DEPOSITED RAILWAY PLAN

1. Deposited Railway Plan of 1845 G 1

H. EXTRACT FROM RAILWAY BOOK OF REFERENCE

1. Railway Book of Reference Extract H 1
2. Railway Book of Reference H 2

I. ANNOTATED DEPOSITED RAILWAY PLAN

1. Annotated Deposited Railway Plan I 1

J. PARISH SURVEY PLAN

1. Parish Survey Map J 1
2. Parish Survey Map Extract Brownhills J 2

K. ANNOTATED MAP FROM THE FIRST SPECIAL AND GENERAL REVIEW OF THE DEFINITIVE MAP

1. First Special and General Review of the Definitive Map and Statement in 1969 K 1

REPORT

Local Members' Interest	
Kath Perry	Essington and Great Wyrley
Bernard Williams	

Countryside and Rights of Way Panel -

Wildlife and Countryside Act 1981

Application for a Public Right of Way off Cadmans Lane, Essington, Walsall

Report of the Director of Strategy, Change and Governance

Recommendation

1. That the evidence submitted by the applicant and that discovered by the County Council is enough to conclude that a public footpath, which is not currently shown on the Definitive Map and Statement, is reasonably alleged to subsist.
2. That an order be made to add a public footpath, shown marked A to B on the plan attached at Appendix B, to the Definitive Map and Statement of Public Rights of Way for the District of Cannock.

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 for Staffordshire.
2. Determination of applications are made under section 53 of the Wildlife and Countryside Act 1981. Orders are made under the Act to modify the Definitive Map and Statement of Public Rights of Way.
3. These orders fall within the terms of reference of the Countryside and Rights of Way Panel of the County Council's Regulatory Committee ("the Panel").
4. 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.
5. The Panel are asked to consider an application made by Mr Martin Reay, for an order to modify the Definitive Map and Statement by adding a public footpath off Cadman's Lane for a continuation of an existing cul-de-sac path under the provisions of Section 53(3) of the Wildlife and Countryside Act 1981. A copy of Mr Reay's application is attached at Appendix A. The line of the application route is shown on the plan attached at Appendix B and marked A – B.
6. Legal officers have reviewed the application, the evidence available and have applied the relevant legal tests. A decision now needs to be made as to whether the route can be added to the Definitive Map and Statement.

Background

1. This report primarily focusses on historical evidence only.

Evidence submitted by the applicant

1. Mr Reay has relied upon three pieces of evidence to support of his application:
2. A field book entry prepared in relation to the 1910 Finance Act, which is attached at Appendix C. The applicant avers that this shows that '*Hereditament 9176 has an entry for a public path crossing it. Only one path on enclosed Finance Act plan*'. The field book entry does refer to reference no. 9176. It refers to two fields of pastureland with a public footpath across and a deduction of £20.00 has been made for Public Rights of Way or User. In support of the field book entry, the applicant also submitted a plan which is attached at Appendix D. The plan is very dark and not very clear although it does show that plot 9176 is crossed by a route.
3. A tracing of the Deposited Railway Plan (Q/Rum 209) (1845) which is attached at Appendix E. This relates to the Branches of the South Staffordshire Junction Railway. The applicant avers that this shows an occupation road and a public path through plot number 81. He also states that '*this is not the same line as the path shown on the 1910 Finance Act Plan. The path seems to have altered slightly between 1845 and 1910*'.
4. Parish Survey for Cannock Town dated 24/04/1952; the applicant avers that '*this shows footpath 26 from Wyrley Lane to Cadmans Lane along the claimed route. It states that the grounds for believing the path to be public are that it is shown on the rights of way map of 1932*'.
5. Officers have inspected all the documents submitted and have verified their veracity.

Other evidence discovered by the County Council

6. Officers have reviewed the Deposited Railway Plan and Book of Reference from Staffordshire Records Office.
7. Officers have researched the parish survey and the parish survey plans.
8. Officers have researched and reviewed boundary changes.

Evidence submitted by the Landowners

9. In a Form 3, the applicant advised that he had served a copy of his application on Mr Yates and Ms Sadler of Hobble Farm. Ms Sadler has since confirmed that the alleged path does not cross her land.
10. As it was unclear who owned the land, legal officers wrote to 'the owner/ occupier' of Home Farm at Wyrley Lane where it is understood the alleged route runs through. Legal officers advised the owner/ occupier that an application for a footpath had been submitted and a copy of the application was also provided.
11. On the 10th January 2020, legal officers received correspondence from Fisher German, property consultants, confirming that they act for Little Wyrley Estate, the owner of the land affected by the application. In the correspondence, they stated that the alleged footpath was removed from the Essington Parish approximately 30 years ago. I attach the correspondence at Appendix F. Officers can confirm that the claimed route has never been in existence on any of Staffordshire's Definitive Maps.

Comments received from statutory consultees

12. Essington Parish Council confirmed that they have no objections to the application.
13. Cannock Chase Council advised that the land falls outside the council's area and therefore did not wish to comment.

Comments on Evidence

The Finance Act 1910

14. The 1910 Finance Act provided for the levying of tax on concerned mapping lands throughout the United Kingdom between 1910 and 1920.
15. Landowners would fill in a form asking whether their land was subject to any public rights of way or any public rights of user. If these rights did cross their land, then they could claim tax relief. The information from these forms were then copied into field books and the tax deductions would be shown. The deduction entry, whilst not describing the actual route of a right of way, provides evidence of its existence across a land holding.
16. Plans were produced to accompany the Finance Act and were based upon large-scale Ordnance Survey (OS) Maps. They were annotated and the land was divided into plot numbers. These plot numbers correspond with the entries in the field books.
17. Where the OS Surveyors recorded that a track or path physically existed across an individual OS plot, this when viewed in conjunction with the entry, provides strong evidence of the existence of a way. This supports Mr Reay's application as plot 9176 is crossed by a route. As there are no other paths marked on the 9176 plot, it is reasonable to allege that the route shown on this plot is the same path that the applicant is claiming.
18. Claims for deductions were investigated, by the valuers of the land, to ensure that they were valid. Legislation set out that it was an offence to make a false claim and was punishable by a fine and up to 6 months imprisonment. Due to the risk of punishment, it is unlikely that a landowner would have made a false claim.
19. The absence of a landowner making a claim for a right of way does not provide evidence of its non-existence as the owner may have decided not to make a claim.
20. In overview a tax claim was originally made for the claimed route, and allowed by the valuer hence the deduction being recorded which supports the contention that the route is public.
21. However, as outlined in the case of *Fortune v Wilshire CC* in 2012, the Finance Act material is '*simply one part of the jigsaw puzzle*' and does not provide enough evidence for a modification of the Definitive Map and Statement when assessed in isolation. It must be considered alongside other supporting evidence.

Deposited Railway Plan

22. Where there was a proposed railway or canal in the 18th and 19th century, the intended route would be surveyed in order to assess the suitability of the land for construction of a railway or canal. Plans and books of reference were then produced

which ultimately recorded highways and showed who owned and/ or occupied the land where the proposed railway or canal was to cross the land.

23. From 1838, statute required plans of these works and the accompanying book of reference to be deposited with local public authorities. This included both the routes that never came to into existence as well as those that were constructed.
24. The plans only recorded details of the land that was being crossed by the intended construction. Therefore, the entity of a whole right of way may not be shown if only a short length of the way was to be affected by the construction.
25. The Deposited Railway Plan of 1845, that the applicant submitted, refers to plot numbers and then the book of reference refers to the owners of each of these plots. Appendix G is a clearer copy of the Deposited Railway Plan of 1845. As above, the applicant alleges that plot 81, shown on the plan, is the claimed route.
26. Looking at plot 81 in the book of reference, the land is described as being owned by Sarah Knight and occupied by Thomas Lindop. The description of the plot is 'field, occupation road and public footpath'. An extract of the field book entry is attached at Appendix H. This provides historical evidence that a public right of way existed in plot 81.
27. The introduction of The Railways Clauses Consolidation Act 1845 meant that the requirements for railways were expanded. Public rights of way which crossed the route of a railway were to be retained unless their closure had been duly authorised. Although it was not the primary purpose of the deposited plans, they can show whether a route was public or not.
28. Despite the railway plan being published in 1845, it does not necessarily mean that it was drawn up at the same time as the Railways Clauses Consolidation Act. The plan would have taken time to draw up and it is therefore unlikely that the Act would have been taken into consideration at this point.
29. The applicant believes that the claimed route has changed post the deposited railway plan being published. However, officers believe that it is the same path. Appendix I is an annotated version of the deposited railway plan showing the footpath in pink and marked A and the brook course in blue and marked B. When looking at this Appendix alongside the claimed way as shown on Appendix B, the brook course follows the same route on both plans, which leads officers to reasonably conclude that the public footpath mentioned and depicted in 1845 is the route being claimed.
30. As with the Finance Act, the Deposited Highways Plan should be looked at and evaluated along with other historical evidence. However, the plan is good evidence to support the existence of a public right of way.

Parish Survey for Cannock Town (Norton Canes)

31. The third piece of evidence that the applicant submitted is the parish survey carried out under The National Parks and Access to the Countryside Act 1949.
32. Parish surveys produced correspondence and entries in the minutes of parish meetings, in addition to the parish survey cards and maps.
33. Parish records are of great importance, particularly those relating to the parish survey, from which the Definitive Map followed. They usually include a statement which accompanied a draft map, a survey card and the relevant contemporary parish council minutes.

34. The survey card describes path number 26 as a footpath starting at Wyrley Lane (by home farm) and finishing at Cadmans Lane. The grounds for believing that the path is public is 'Rights of Way Map 1932'. The description of the route is *'this path is very difficult to follow and is obviously never used nowadays. The path starts at fieldgate in School Lane, Little Wyrley, (by Home Farm) goes across a field to a broken stile, follows a hedge to a field gate and stile, then diagonally across the meadow to another field gate then crosses a narrow stream, and joins Cadman's Lane. There are no notice boards.'*
35. The parish survey map shows a route which matches the claimed route. The map and an extract of the map is attached at Appendix J. The route is shown as going beyond Cadmans Lane to Hobble End.
36. Staffordshire County Council would have then added the portion of the route that was within the County and the Norton Canes Parish to a draft Definitive Map.
37. The remainder of the route was outside the administrative county boundary and was within, what was then, Walsall. For whatever reason, the continuous route inferred to in the parish survey was not included in any Definitive Map made by Walsall.
38. Subsequent boundary changes meant that the area which now comprises Essington parish became part of Staffordshire County but as this claimed route was never recorded it has never appeared on any Definitive Map.

First Special and General Review of the Definitive Map and Statement in 1969

39. Before the first General Review could be undertaken in Staffordshire, the Countryside Act 1968 was passed and required a Special Review to be undertaken, to reclassify all RUPPs to footpaths, bridleways, or a new legal category under that Act Byways Open to All Traffic (BOAT).
40. The County Council prepared its First Special and General Review of the Definitive Map and Statement in 1969. This had a Relevant Date of 30 September 1969 and was duly advertised and placed on public deposit between August and December 1971. The advertisements were placed in the London Gazette and newspapers circulating in the area. Copies placed on deposit at Council offices including those of the districts.
41. Several hundred objections and representations were lodged throughout the County in respect of the reclassifications and other proposals in the Review. The Secretary of State was responsible for determining these objections and a series of public inquiries was held during the 1970's and early 1980's.
42. During this period, in February 1983, sections 53 and 54 of the Wildlife and Countryside Act 1981 came into force. The commencement of the two sections also provided that where a review of the definitive map and statement was under way those sections did not apply until the review was completed or abandoned.
43. As the public inquiries into the objections were well advanced the Secretary of State directed Staffordshire County Council in February 1983 to complete its review.
44. On determination of these objections, the Secretary of State directed the County Council to complete its First Revised Definitive Map and Statement of Public Rights of Way which became definitive in 1988.

45. The area of land on which the path is situated was in the County Borough of Walsall until 1966 when the boundary was altered. This can be evidenced from maps drawn up as part of the First Special and General Review of the Definitive Map and Statement in 1969. I attach Appendix K which shows the old boundary and the new boundary. The two nearby routes Essington 1R/2270 and 1R/2271 shown on the extract were added to the Definitive Map as part of this review.
46. Legal officers have no evidence in any of the Definitive Map Statements from where the routes of these two paths came from although it is possible that a map was provided by Walsall County Borough at the time but we have no record of this.

Burden and Standard of Proof

47. 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 in two separate events:
 - (a) Evidence that a right of way, which is not shown on the map, subsists; or
 - (b) Evidence that a right of way, which is not shown on the map, is reasonably alleged to subsist.
48. One of events must be satisfied before a modification order can be made. To establish a test, the evidence must be evaluated and weighed up before a conclusion can be reached.
49. For the first test to be satisfied; that a right of way which is not shown on the map subsists, it will be necessary to show that on a balance of probabilities the right of way does subsist.
50. For the second test to be satisfied; that a right of way which is not shown on the map is reasonably alleged to subsist, the question is whether a reasonable person could reasonably allege a right of way exists 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 be less than that which is necessary to establish the right of way “does subsist”.
51. If a conclusion is reached that either test is satisfied, then the Definitive Map and Statement should be modified.

Summary

52. The Finance Act evidence suggests that at one time the claimed route was regarded as a public footpath.
53. The Deposited Railway Map suggests that at one time the claimed route was regarded as a public footpath.
54. The Parish Survey card shows that the route claimed was regarded but not recorded as a public right of way.

Conclusion

55. As discussed above, it is apparent that the claimed route was not added to the definitive map, like the existing cul-de-sac known as Norton Canes 18 was.

Officers determine that this is as a result to the boundary change in 1966 putting the two routes into separate districts.

56. Considering all the evidence above; The Finance Act 1910, The Deposited Railway Map and The Parish Survey, Officers aver that the claimed route is a public right of way, with the status of a footpath which is not shown on the map and statement which is reasonably alleged to subsist.
57. Parts of the historical evidence on its own is not enough to conclude that the path existed, however when all of the historical evidence is looked at and evaluated together, they support one another and strengthen the evidence overall.

Recommended Option

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

Legal Implications

59. The legal implications are contained within the report.

Resource and Financial Implications

60. The costs of determining applications are met from existing provisions.
61. 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

62. Should the Council decide to make an order, any person may object 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.
63. 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.
64. 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.
65. Should the Council decide not to make an Order, the applicant may appeal the 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.
66. 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.
67. There are no additional risk implications.

Equal Opportunity Implications

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

J Tradewell

Director of Strategy, Change and Governance

Report Author: Ally Brereton

Ext. No: 895661

Background File: LJ621G

INDEX TO APPENDICES

Appendix A	Copy of application
Appendix B	Plan of claimed route
Appendix C	Finance Act Field Book entry
Appendix D	Finance Act Plan
Appendix E	Tracing of Deposited Railway Plan
Appendix F	Correspondence from Fisher German
Appendix G	Deposited Railway Plan
Appendix H	Extract from Railway Book of Reference
Appendix I	Annotated Deposited Railway Plan
Appendix J	Parish Survey Plans
Appendix K	Annotated Map from the First Special and General Review of the Definitive Map

A. COPY OF APPLICATION

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of SOUTH STAFFS.

Parish of ESSINGTON

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

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

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

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

* ~~adding the (footpath)(bridleway)(byway open to all traffic)
from ... CADMAN'S LANE ... to ... CUL DE SAC PATH AT DISTRICT ...~~

~~* (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.

1910 FINANCE ACT SHOWS ROUTE AS A
PUBLIC PATH.

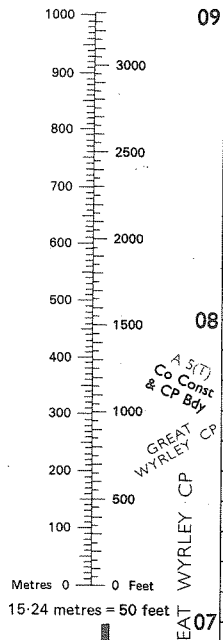
DEPOSITED PLAN Q/Rum 209 (1845) SHOWS PART OF
ROUTE AS PUBLIC PATH.

PARISH SURVEY FOR CANNOCK TOWN (NORTON CANES)
SHOWS ROUTE AS FOOTPATH 26, PUBLIC.

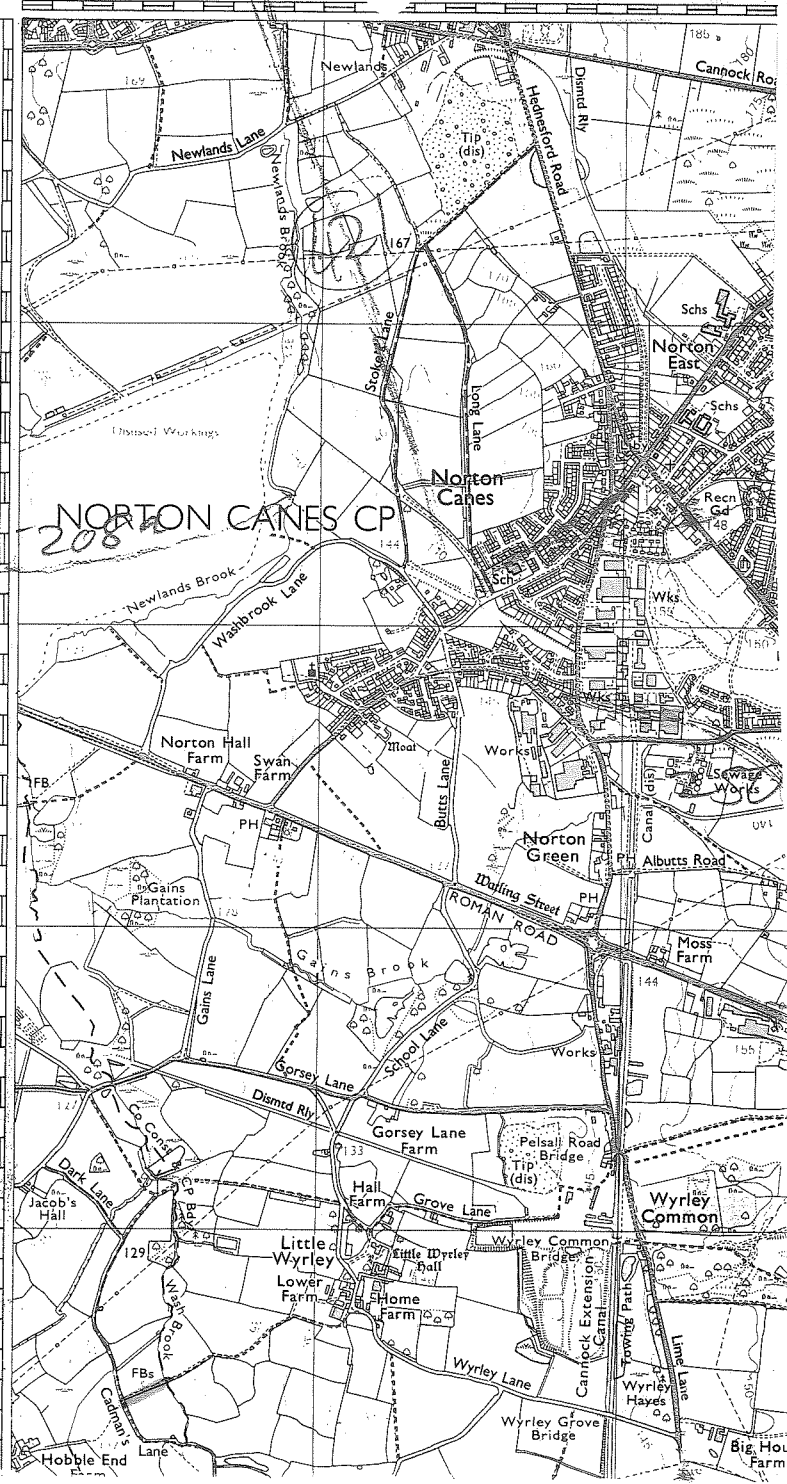
23/7/99. M. Reay

3 | 0000m
A 5190
Cannock
2 km or 1 mile
LAT
52° 41'

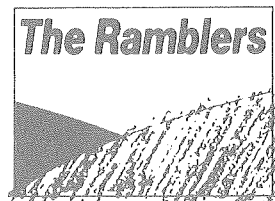
CONVERSION
METRES — FEET
1 metre = 3 2808 feet



SOUTH STAFFORDSHIRE
SOUTH STAFFORDSHIRE
S. DIST
CONST
39'



The Ramblers' Association
Working for walkers



FOR A CONTINUATION OF AN
EXISTING CUL DE SAC PATH.

THIS WILL FORM A TERMINATION ON
A PUBLIC WAY

Staffordshire Area

1910 FINANCE ACT (AT PUBLIC RECORD OFFICE, KEN)

HEREDITAMENT 9176 HAS AN ENTRY FOR A
PUBLIC PATH CROSSING IT. ONLY ONE PATH
ON ENCLOSED FINANCE ACT PLAN.

DEPOSITED PLAN. (Q/Ram 209) (1845)

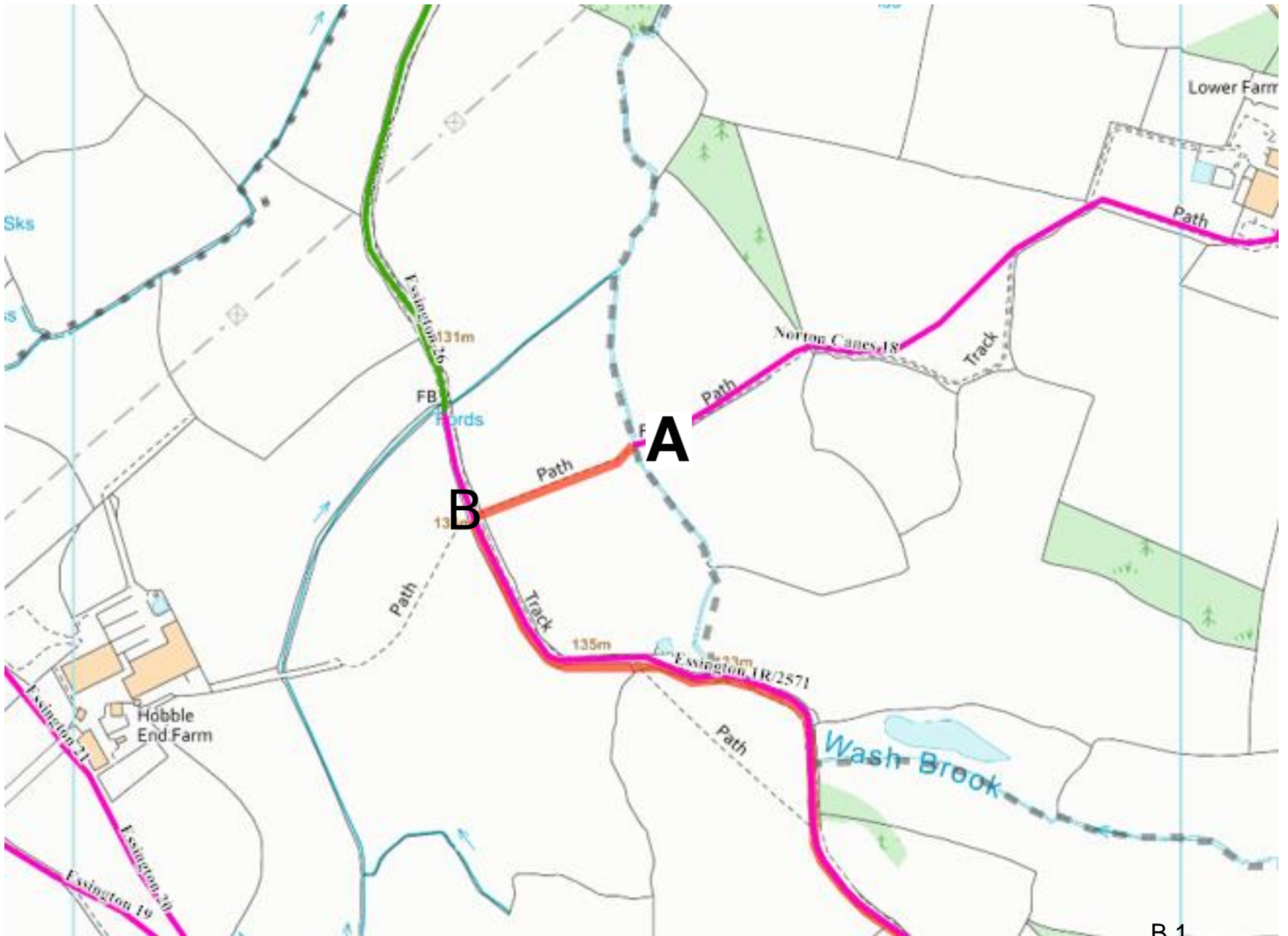
THE ENCLOSED TRACING OF THIS SHOWS
AN OCCUPATION RD + PUBLIC PATH THROUGH NUMBER
81. HOWEVER THIS IS NOT ON THE SAME
LINE AS THE PATH SHOWN ON THE 1910
FINANCE ACT PLAN. THE PATH SEEMS TO HAVE
ALTERED SLIGHTLY ~~AREA~~ BETWEEN 1845 + 1910.
IN WHICH CASE, THE DEPOSITED PLAN EVIDENCE
MAY NOT BE OF ANY USE. (CADMANS LN IS
SHOWN ON LEFT OF TRACING).

PARISH SURVEY (HELD AT GREEN HALL).

THIS SHOWS FP26 CANNOCK TOWN (NORTON CANES)
FROM WYRLEY LN TO CADMANS LN ALONG
CLAIMED ROUTE. IT STATES THAT THE GROUNDS
FOR BELIEVING THE PATH TO BE PUBLIC ARE
THAT IT IS SHOWN ON THE 'RIGHTS OF WAY'
A4

MAP OF 1932'. I DO NOT KNOW WHERE
THIS MAP IS.

B. PLAN OF CLAIMED ROUTE



C. FINANCE ACT FIELD BOOK ENTRY

9176
 9176 Reference No. Map No. 249

Situation *Fishley*
 Description *Land.*
 Extent *11 a. 2 r. 10 p.*
 Gross Value { Land, £ *12/1* Rateable Value { Land, £ *12/1*
 Buildings, £ *12/1* Buildings, £ *12/1*
 Gross Annual Value, Schedule A, £
 Occupier *Geo. Blakemore*
 Owner *Hussey's Trustees (G.F. Nightingale Agent)*
 Interest of Owner *Freehold*
 Superior interests

Subordinate interests
 Occupier's tenancy, Term *10 years* from *25th Nov 1908*
 How determinable
 Actual (or Estimated) Rent, £ *25/-* *are*
 Any other Consideration paid
 Outgoings—Land Tax, £ paid by
 Tithe, £ paid by
 Other Outgoings
 Who pays (a) Rates and Taxes (b) Insurance *Rates—Occup. Taxes Owner*
 Who is liable for repairs & (c) *Owner*
 Fixed Charges, Easements, Common Rights and Restrictions

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

Roads and Sewers. Dates of Expenditure
 Amounts

Reference No. _____
 Particulars, description, and notes made on inspection

*2 fields of pasture land with
 public footpath across*

Charges, Easements, and Restrictions affecting market value of Fee Simple

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

Or No 142.
11.56 ac. @ £35 p.a. = say £400
less public footpath 20

£ 380
 Deduct Market Value of Site under similar circumstances,
 but if divested of structures, timber, fruit trees, and
 other things growing on the land
as above £ 380
 Difference Balance, being portion of market value attribut-
 able to structures, timber, &c. £ -

Divided as follows:—
 Buildings and Structures.....£ -
 Machinery£
 Timber£
 Fruit Trees.....£
 Other things growing on land.....£

Market Value of Fee Simple of Whole in its present con-
 dition (as before)£ 380
 Add for Additional Value represented by any of the follow-
 ing for which any deduction may have been made
 when arriving at Market Value:—
 Charges (excluding Land Tax)£
 Restrictions *Rt. of way*£ 20
 GROSS VALUE...£ 400

Reference: *M58/87053*
 PUBLIC RECORD OFFICE
 Reproduction may infringe copyright

Reference No. _____

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

Reference No. _____

GROSS VALUE.....£ 400

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

FULL SITE VALUE.....£ 400

Gross Value (as before)£ 400

Less deductions in respect of—

Fixed Charges, including—

Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize£

Any other perpetual rent or Annuity ...£

Tithe or Tithe Rent Charge£

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

If Copyhold, Estimated Cost of Enfranchisement£

Public Rights of Way or User£ 20

Rights of Common£

Easements£

Restrictions£

£ 20

TOTAL VALUE.....£ 380

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

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£ -

ASSESSABLE SITE VALUE.....£ 380

If Agricultural land, the value for Agricultural purposes ^{including} _{excluding} Sporting Rights.....£

Value of Sporting Rights£

If Licensed Property, the annual license value /...£

Liable to Undeveloped Land Duty as from

For further reference as to Apportionments, &c., see

Reference: M58/87053

REPRODUCTION MAY INFRINGE COPYRIGHT

PUBLIC RECORD OFFICE

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

1910 FINANCE ACT

FIELD BOOK

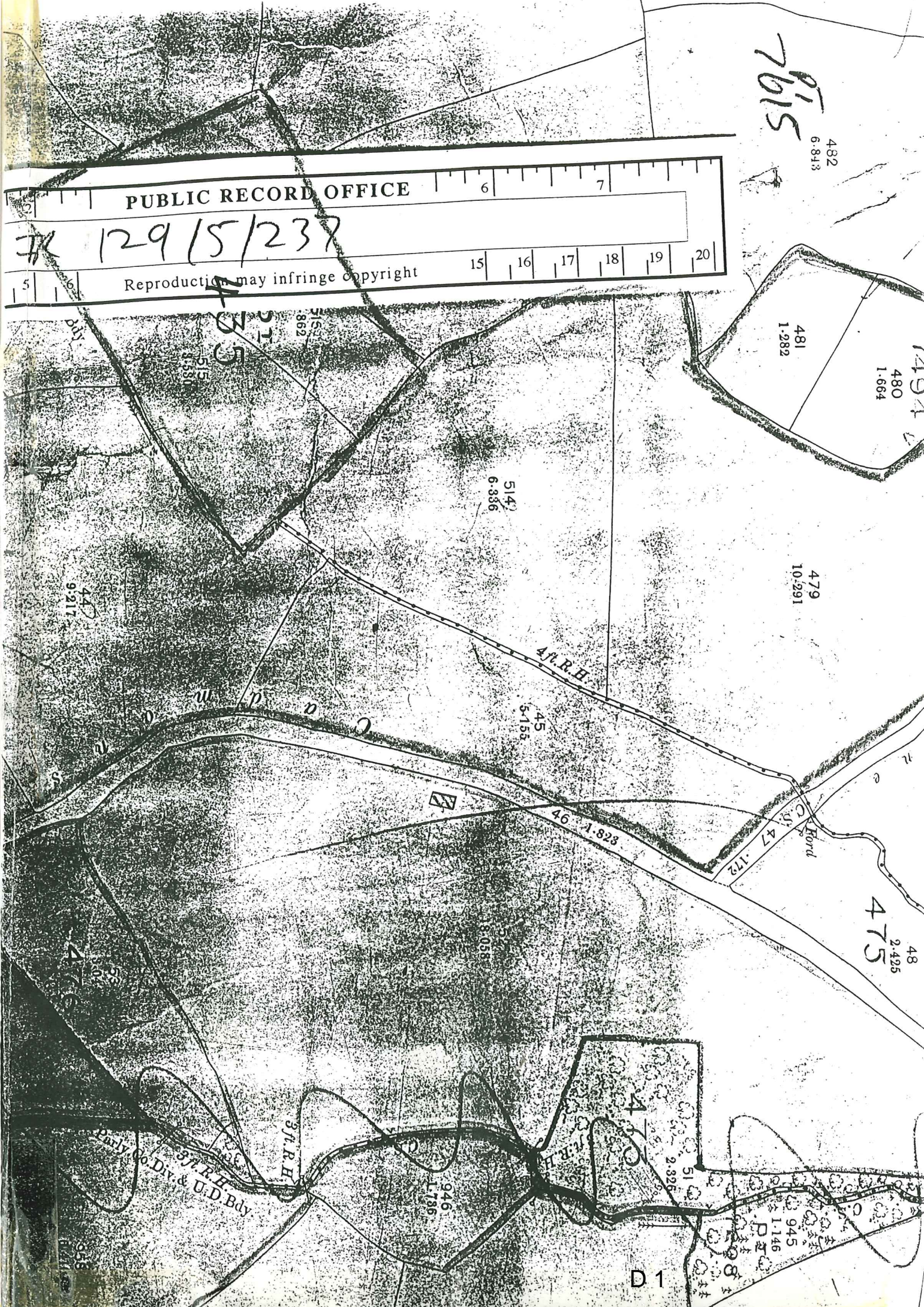
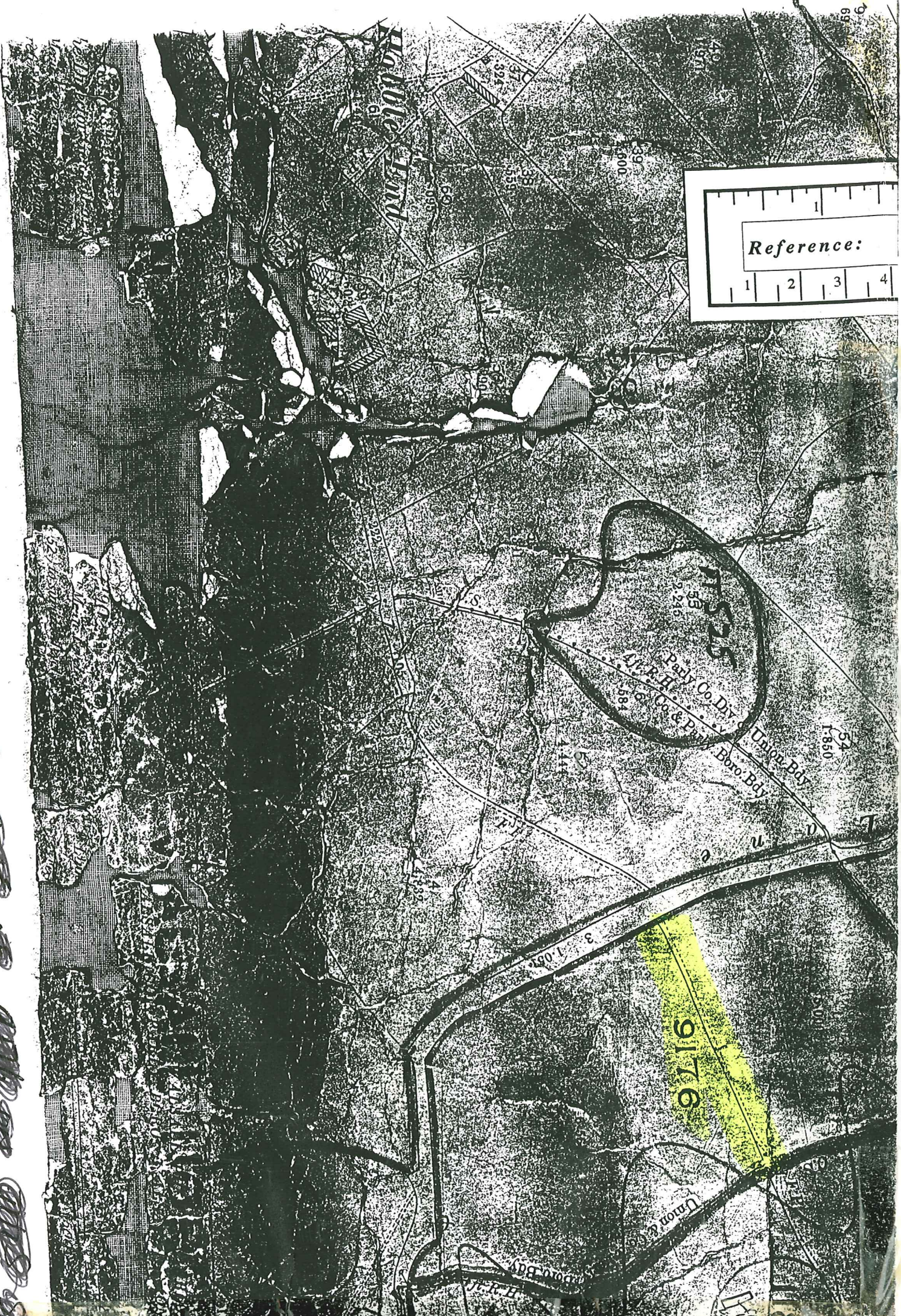
D. FINANCE ACT PLAN

Reference:

PUBLIC RECORD OFFICE

JK 12915/237

Reproduction may infringe copyright



E. TRACING OF DEPOSITED RAILWAY PLAN

Q/Ram/209 (1845)

DEPOSITED PLAN FOR RAILWAY.

HOBBLE END



PAGE 34aa PLAN

WALSALL (PAGE 225aa BOOK OF REF)

81 - FIELD, OCC RD + PUB PATH.

NORTON (PAGE 231aa BOOK OF REF)

10 - FIELD, OCC RD + PUB PATH.

11 - " " " " " "

12 - BARN, STAB + YARD.

13 - RUCKY/TERR.

14 - FIELD + PUB PATH.

F. CORRESPONDENCE FROM THIRD PARTIES

Our Ref: GWS/LCB

Your Ref: AB7/LJ621G

10 January 2020

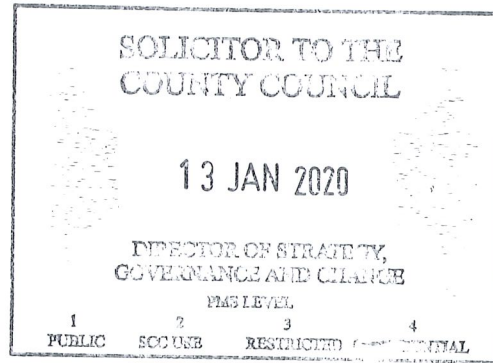


Fisher German LLP
2 Rutherford Court
Staffordshire Technology Park
Stafford
ST18 0GP

t 01785 220044

f 01785 220944

fishergerman.co.uk



For the attention of Ally Brereton

Director of Corporate Services
Solicitor to The County Council
2 Staffordshire Place
Stafford
ST16 2DH

Dear Sirs

Alleged footpath from Cadmans Lane, Essington to Footpath No 26B Norton Canes, Cannock Chase District

I act for the Little Wyrley Estate, the owner of the land affected by the application to create a footpath referred to in your letter of 31 December 2019.

I have discussed the matter with my client and the farm tenant, and reviewed the evidence included with your letter in support of the application, and comment as follows:

1. I understand that an application to close Footpath No 26B was submitted and approved many years ago (c 30 years, quite possibly more). The definitive map was updated to remove the path (which has not been used for many years) in the Essington Parish, but for some reason this did not happen in Norton Canes due to an omission at the Council at the time. The farm tenant has had personal involvement in the matter from the outset and would be happy to assist with enquiries and provide evidence if required.
2. May I request that as part of your investigations you review your files to confirm the above and complete the stopping up process.
3. Having reviewed the supporting information included in your letter, I can see that the proposed route has been shown as a track on maps for many years. This does not however confirm that the route was open to or used by the public.
4. The information also includes a report by the Rights of Way Officer in 1952 quoting justification of the route being public by referring to one of the maps dated 1932. The map is a tracing, of very poor quality and impossible to identify with any certainty the alleged footpath. Again, the existence of a track (if identifiable) does not in itself prove the existence of a public right of way.
5. The report goes on to describe the route. It is not clear from the report that the route is in fact the one now known as Footpath 26 B. It is described as starting at School Lane, by Home Farm. Footpath 26B starts on Wyrley Lane by Lower Farm. The description appears to be more befitting of Footpath 56B, although it is not clear. The description states that the route is in any event 'obviously never used'.

In summary the evidence submitted does not appear to support the dedication of a public footpath, and in any case Footpath 26B should have been formally stopped up many years ago, which renders the application void.

CONT/.....



Fisher German LLP is a limited liability partnership.
Registered in England and Wales, Registered Number: OC317554.
Registered Office: The Head Office, Ivanhoe Office Park, Ivanhoe Park
Way, Ashby De La Zouch LE65 2AB. A list of members' names is
available for inspection at the registered office.
Regulated by RICS.



Please contact George Simpson if you wish to discuss this matter further.

Yours faithfully



G W Simpson MRICS FAAV

Partner

For and on behalf of Fisher German LLP

direct dial: 01785 273995

mobile: 07810 378185

email: george.simpson@fishergerman.co.uk

Brereton, Ally (Corporate)

From: Sue Jones <railswoodlodge@plus.com>
Sent: 16 July 2020 12:45
To: Brereton, Ally (Corporate)
Subject: Disused Footpath at Lower Farm, Little Wyrley,

Dear Madam,

I was a tenant at Lower Farm, Little Wyrley until 1990. The footpath to my knowledge has not been used since 1968. I understood it was closed through disuse and Health and Safety as it went straight through our cattle yard.

Yours sincerely,

Edmund Roy Blakemore

Railswood Farm, Pelsall, Walsall, Ws3 4BE.

Tel. 01922 682248

Brereton, Ally (Corporate)

From: hobbleendfarm@btconnect.com
Sent: 16 July 2020 20:18
To: Brereton, Ally (Corporate)
Subject: FW: Public Footpath

From: hobbleendfarm@btconnect.com <hobbleendfarm@btconnect.com>
Sent: 16 July 2020 18:33
To: 'uk' <ally.brereton@staffordshire.gov>
Subject: Public Footpath

From Mr Graham Sadler
Lower Farm
Little Wyrley
Pelsall
WS3 5AG

Ref: **Footpath between Cadman's Lane and Footpath 26B**

We have been tenants for more than 20 years on the farm detailed above and neighbouring farms.

The footpath in question has been closed for more than 35 years. The area is renowned for fly tipping particularly where the access is proposed. The footpath would be adjacent to a hay barn, the road side access is used by drug addicts so their needles and other drug related items are left lying around. If the foot path is opened, no doubt the drug users will gain access to the farm yard, at present they can not access the yard. Approximately 250 metres North East of Lower Farm there is an existing public footpath on a wide track which leads to Cadman's Lane, is there is any need to re-open a second path when one exists 250 metres away running parallel with the proposed path. From a farming Health and Safety point, people wandering through the farm yard with pets, disrupting the livestock, leaving behind litter and dog faeces. Dog faeces is a direct cause of Neosporosis in cattle which in turn results in the cattle aborting their calves. The fields adjacent to the farm where the proposed path is, are the fields used to closely monitor the pregnant cows due to calve. As cows with new born calves can become very protective of their young, from a health and safety point we feel this path should not be opened.

Mr G Sadler
07778 112906

Please use the email of hobbleendfarm@btconnect.com
Or Write to
Hobble End Farm
Hobble End Lane
Newtown
Walsall WS6 6AS

Brereton, Ally (Corporate)

From: hobbleendfarm@btconnect.com
Sent: 17 July 2020 11:27
To: Brereton, Ally (Corporate)
Subject: footpath
Attachments: map1staffs 001.jpg; map2staffs 001.jpg; map3letstaffs 001.jpg; Footpath info - last email! ; Footpath photos ; Footpath Photos 2; Footpath Photos 3

Morning

Following on from our previous email please find attached copy documents to support our claim

Regards

Graham Sadler