

FORM OF APPLICATION FOR MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

Definitive Map and Statement - Staffordshire County Council

District of EAST STAFFS

Parish of MARCHINGTON

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

I/We M. NEAY

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 BUTTERMILK HILL to SMALLWOOD MANOR

*(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

highlighted in yellow
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

Q/RDC 58 - INCLOSURE ANAND C Part 1.

D 1528/2/23/4 - TITLE MAP

Q/SB TRANS 1826 - HIGHWAY ORDER

I AM CLAIMING THE UTTOXETER TO
NEWBROUGH FOOTWAY, MENTIONED ON
Q/RDC 58. PLEASE SEE ENCLOSED MAPS.
NO SUBSEQUENT ORDERS EXIST AT
THE RECORD OFFICE AFFECTING THIS PATH.

Date

5 / ~~10~~ / 1 19 98

signed..... M. A. Gray.....

BUTTERMILK HILL TO SMALLWOOD MANOR

Form 3

LG 6506

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. Neay
of 53 & TITHE BARN RD STAFFORD
.....

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

Dated 5~~th~~ / 1 / 98 Signed M. Neay

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:

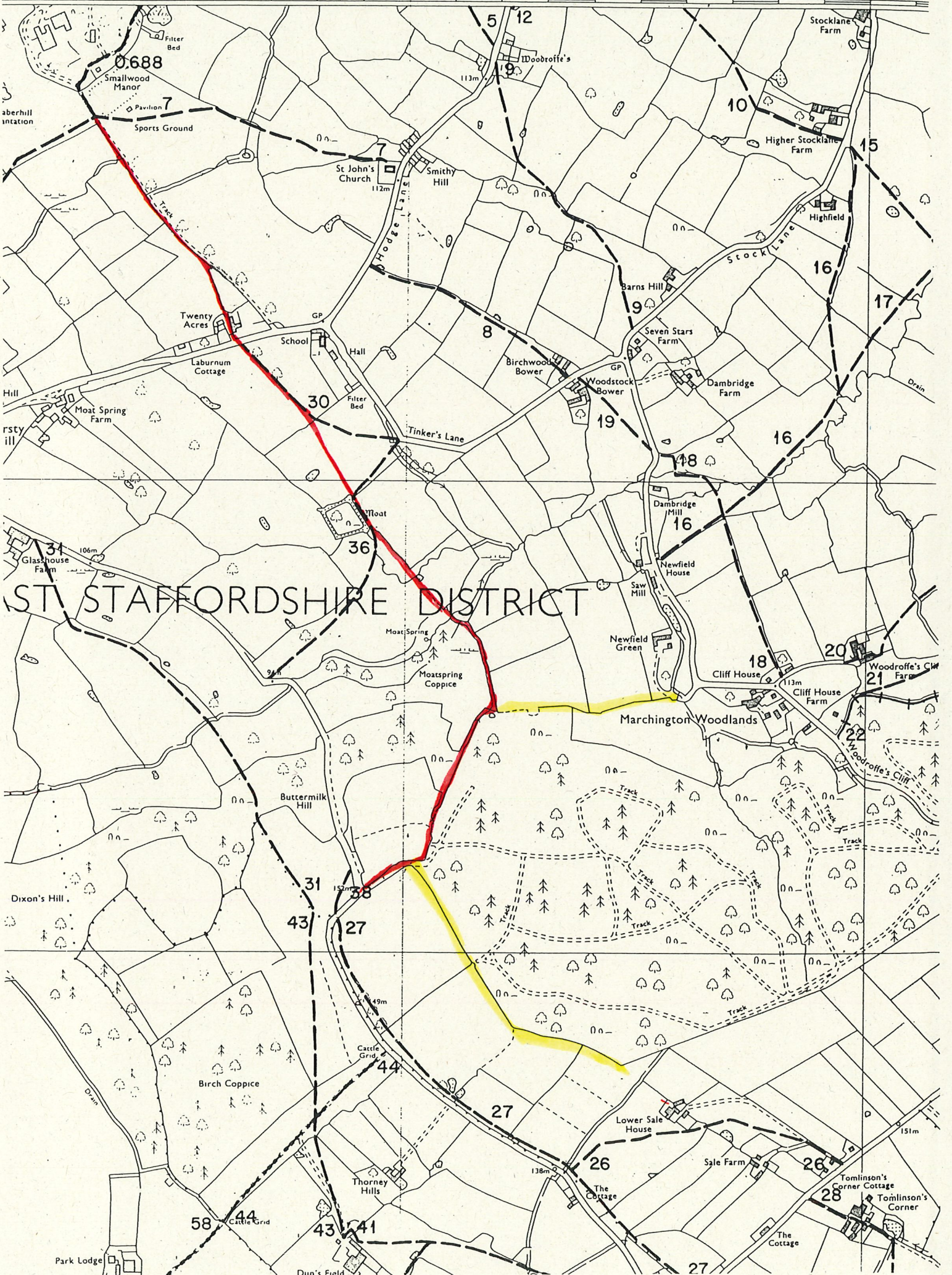
- DUCHY OF LANCASTER ESTATE OFFICE, C. P. MEYNELL
JOHN GERMAN, 1 LICHFIELD ST BURTON DE14 3QZ.
- MR. CHARLES WORTH, CLIFF HOUSE FARM, MARCHINGTON
WOODLANDS, UTTOXETER.
- MR. GRIFFIS, MOAT SPRING FARM, M. WOODLANDS
UTTOXETER.
- MR. DAVIES, 'TWENTY ACRES' GORSTY HILL UTTOXETER
ST14 8PF
- THE PRINCIPLE, SMALLWOOD MANOR SCHOOL, SMALLWOOD
GORSTY HILL, UTTOXETER.
- Mr. Nobbs, Church Farm, Gorsty Hill, Uttoxeter.

Stopped up by QRD c 58 a. - Footway a C

Alleged public footpath - supported by QRD c 58 c (Plan)

STAFFORDSHIRE COUNTY

11 50' 12



ST STAFFORDSHIRE DISTRICT



Abbot's Bromley 59(b)

Abbot's Bromley 59(a)

Marchington 34

Marchington 35

Marchington 32

Marchington 33

Marchington 56

Scounslow Green

Smallwood Manor Preparatory School

A

B

Marchington Woodlands

C

D

E

Marchington 31

Marchington 36

Newborough 43

Newborough 46

Marchington 30

Marchington 8

Marchington 12

Marchington 9

Marchington 19

Marchington 16

Marchington 10

Marchington 22

Marchington 17

Stock Lane

First Inclosure Award (1805), Ref: QRDC58a

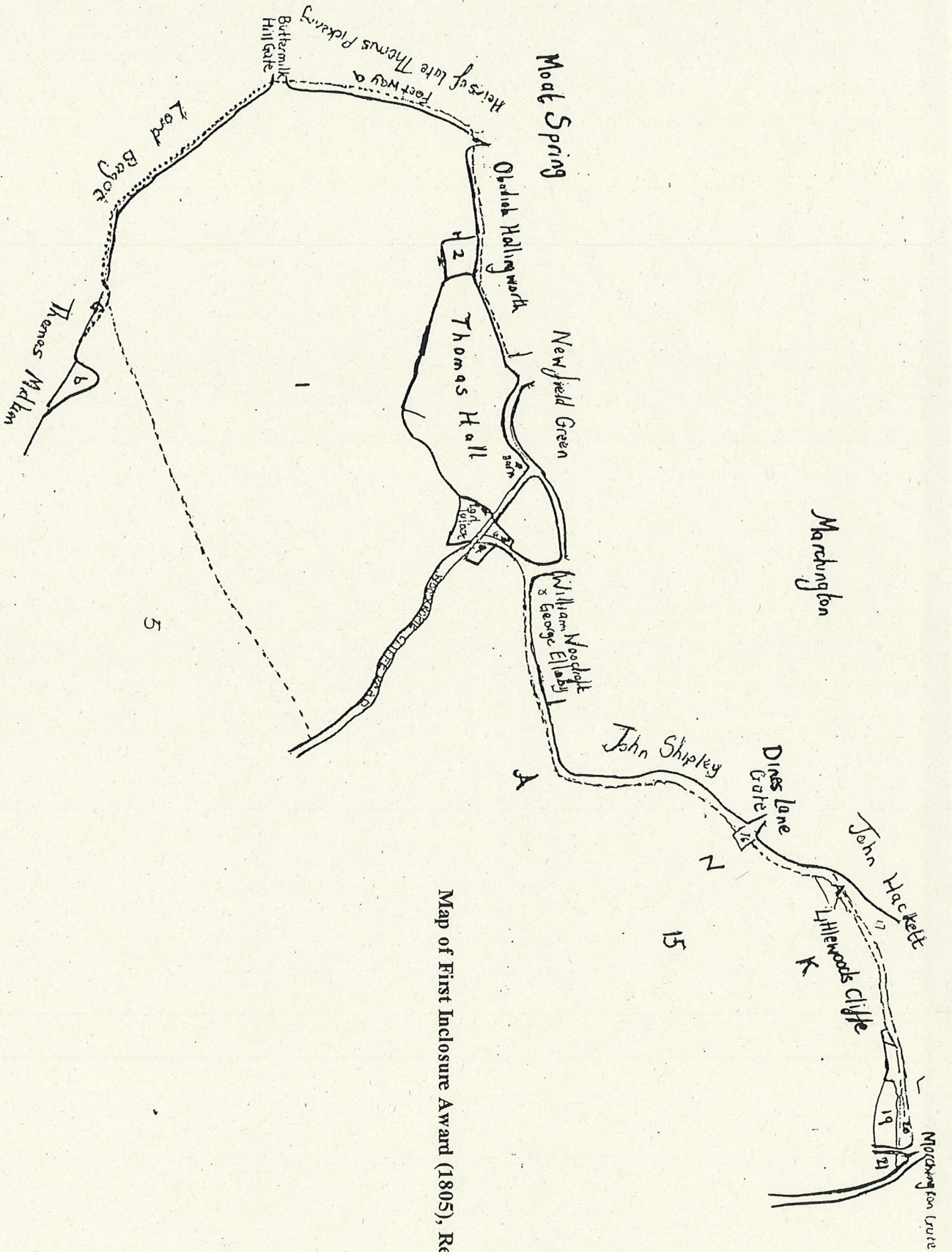
Private Carriage and Drift Road

A One private carriage and drift road and also public bridle road and public footway leading from Woodroffe Cliffe Road at allotment 4 northeastwardly and eastwardly between the allotments 15 and 16 and ancient inclosure over the south side of allotment 17 between allotment 18 and ancient way in a inclosure and over a late inclosure 20 to Marchington Cliffe Road at Marchington Gate.

Public footways (breadth five foot)

a One public footway leading from Newfield Green westwardly over inclosed lands of Obadiah Hollingsworth to and over allotment 1a and land now of late Thomas Pickering to the present footway leading from Uttoxeter to Newborough along the same over the said land now off late Thomas Pickering to the south east corner thereof and reusing a small corner of allotment 1 at Buttermilk Hill Gate into ancient inclosures of Lord Bagot at the stile at the said Uttoxeter Newborough footway along the north east fence of the said land of Lord Bagot to Road G and along the same allotment 5 to be continued in our final award.

Which last described footway or part thereof we have set out and appropriated in lieu of our footway hereto for use from Moat Spring over ancient inclosures to ~~New field Green~~ and of all footways over allotment 1 which we hereby order and direct shall hereby be discontinued and stopped up.



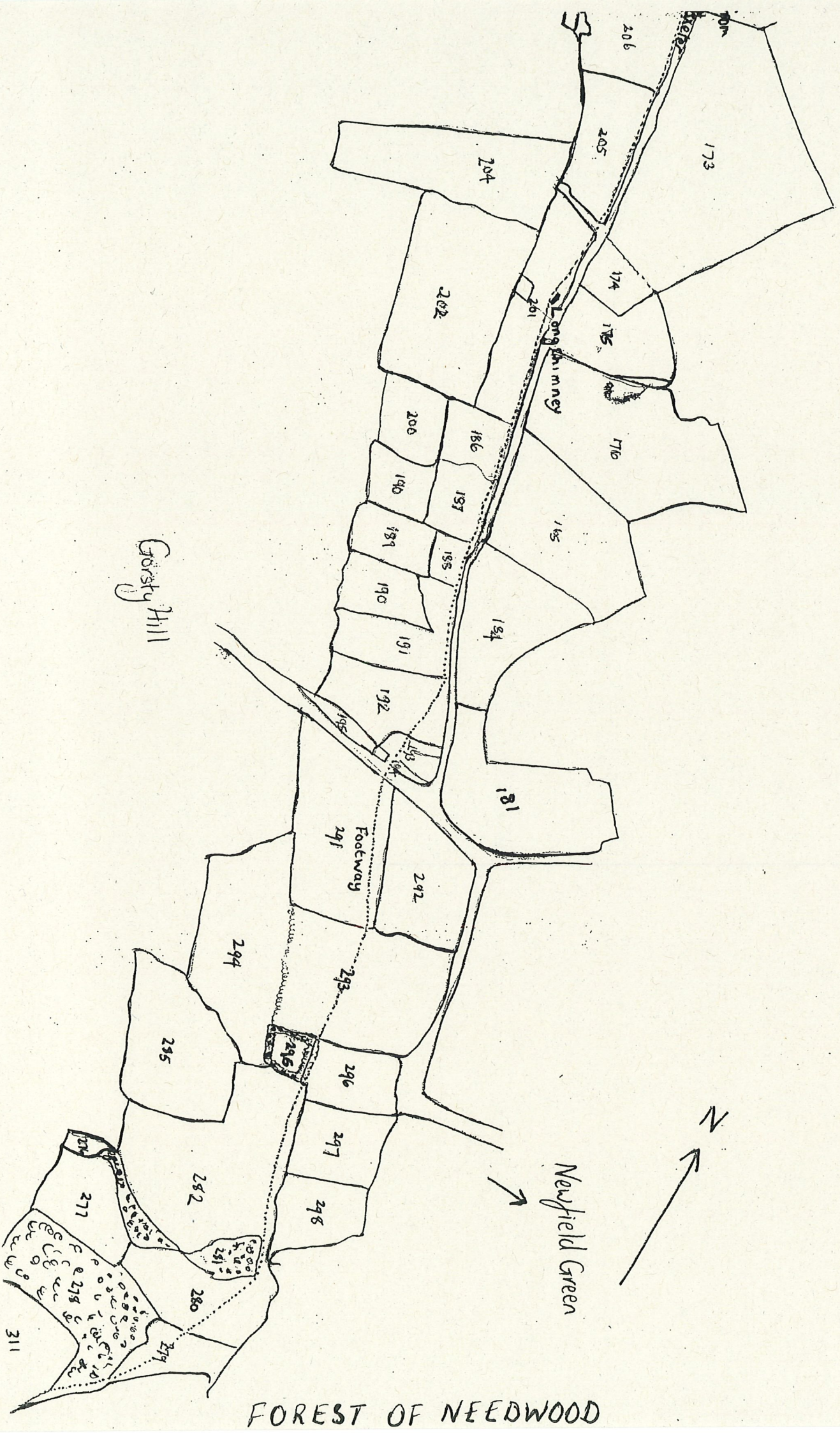
Map of First Inclosure Award (1805), Ref: QRDC58a

Inclosure Award (1811), ref: QRDC58c (ii)

Public Carriage and Drift Roads and Footway through ancient inclosures which the order and direct to be discontinued and stopped up as follows:

- (i) A Public Footway over the Northeast side of an ancient enclosure in Stampstall Ridware belonging to Edward Riley called The Meadow. So much of the public set out our first award as leads from a stile at the Northeast route of an ancient inclosure belonging to Lord Bagot near Buttermilk Hill Gate along the Northeast route of the said inclosure to a road marked to in our first award.

Inclosure Award (1811) - Plan of the township of Marchington Uplands, Ref: QRDC58c(ii)



QSD Trans (1825) - Notice of Stopping Up 22 May 1826 with note of Surveyors that copies were delivered 27 May 1826. Justice Order for Stopping Up a Highway called Long Chimney Lane, Uttoxeter Woodlands and Marchington Woodlands.

Justice Order

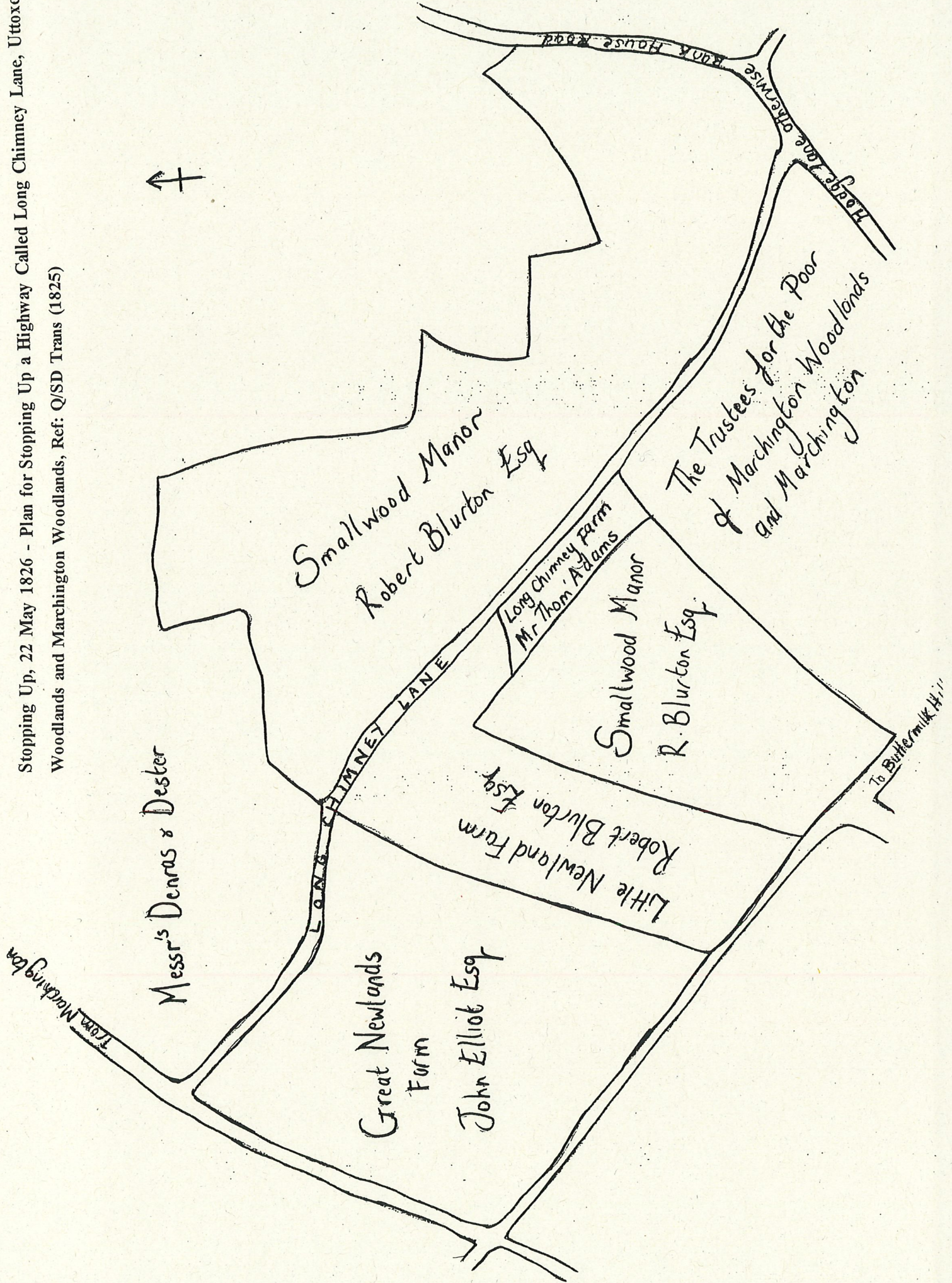
"We do hereby order the said public highway called Long Chimney Lane to be forthwith stopped up and the land and soil thereof to be sold by the surveyors of the highways of the said Townships of Uttoxeter Woodlands and Marchington Woodlands aforesaid to John Elliott or the said Robert Blurton whose lands adjoin thereto if they or either of them shall be willing to purchase the same for the full value thereof if not to some other person or persons for the full value thereof serving hereby to Thomas Adams a freeway and passage for persons house cattle and carriages through and over the land and soil of the said highway called Long Chimney Lane ...".

Notice

".....purpose of Stopping Up a certain useless and unnecessary Public Highway called Long Chimney Lane lying to being in several Townships of Uttoxeter Woodlands and Marchington Woodlands in several parishes of Uttoxeter and Hanbury within the several Hundred of Divisions of Johnston south of Offlow North in the said County and leading from a certain Road and Public Highway in the said Township of Uttoxeter Woodlands called Great Newlands Lane in a southwardly direction to a certain other road on Public Highway in the said Township on Marchington Woodlands called Hodge Lane otherwise the Bank House Road and for the purpose of selling and disposing of the land and soil of the said first mentioned Public Highway. In witness thereof we being heirs of Her Majesty's Justice of the Peace along in and for the said Hundreds of Divisions and County have hereunto set our hands on 22nd day of May, one thousand eight hundred and twenty six."

Stopped Up Long Chimney Lane Highway, but the alleged public footpath runs alongside the Highway, no comment in document of this way being stopped up.

Stopping Up, 22 May 1826 - Plan for Stopping Up a Highway Called Long Chimney Lane, Uttoxeter
Woodlands and Marchington Woodlands, Ref: Q/SD Trans (1825)



CT/OS

COUNTY
REF:
-2 FEB 1998

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 WILFRED KENNETH DAVIES
(Block Capitals please)

Address TWENTY ACRES
..... MARCHINGTON WOODLANDS
..... Nr Uttoxeter STAFFS

Telephone No: 01889-564615

Date of Birth ... 24 ... / MARCH ... / 1928 ... Occupation ... RETIRED

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. 56 years.

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

Freehold Ownership Are you:-

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

Tenancies and Leases

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

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

NO

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

NO

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

NO

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

NO

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? NO

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

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

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

NO

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

YES

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

Signature..... *W K Davies*

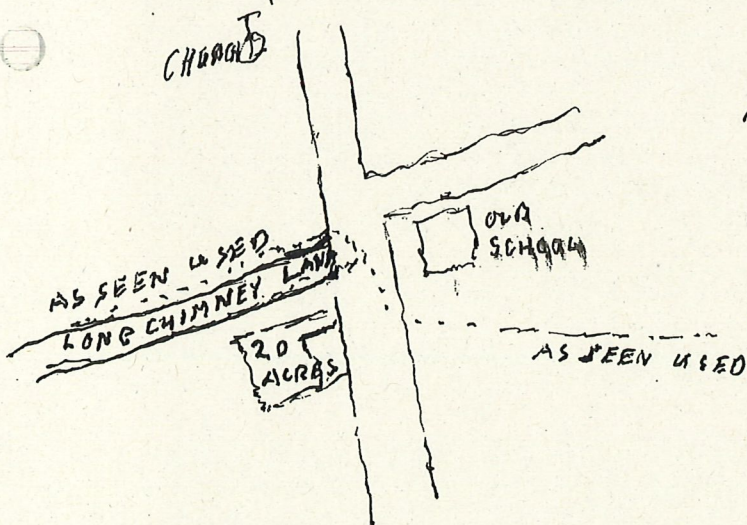
Person taking this statement

Date ... *29-1-98*

Dear Sir

Having lived at Twenty Acres for many years I can truthfully say that I have never known any person to have used this length of footpath I have however seen Long Chimney Lane itself occasionally used from its joint to County Mill road if this is of any help to your enquiry.

Yours Faithfully
W K Davies



P.S. I would welcome a visit by you arranged to discuss the matter in more detail if possible.

PUBLIC RIGHT OF WAY EVIDENCE FORM

COUNTY CLERK
REFER TO
COPY TO
23 FEB 1998

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 P. J. KNOBBS
(Block Capitals please)

Address CHURCH FARM,
..... MARCHINGTON WOODLANDS,
..... UTOXETER, STAFFS. ST14 8PE

Telephone No: .. 01889-562396

Date of Birth ... 17 / ... 8 / ... 26 ... 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. 25 years.

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

Freehold Ownership Are you:-

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

Tenancies and Leases

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

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

NO

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

NO

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

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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

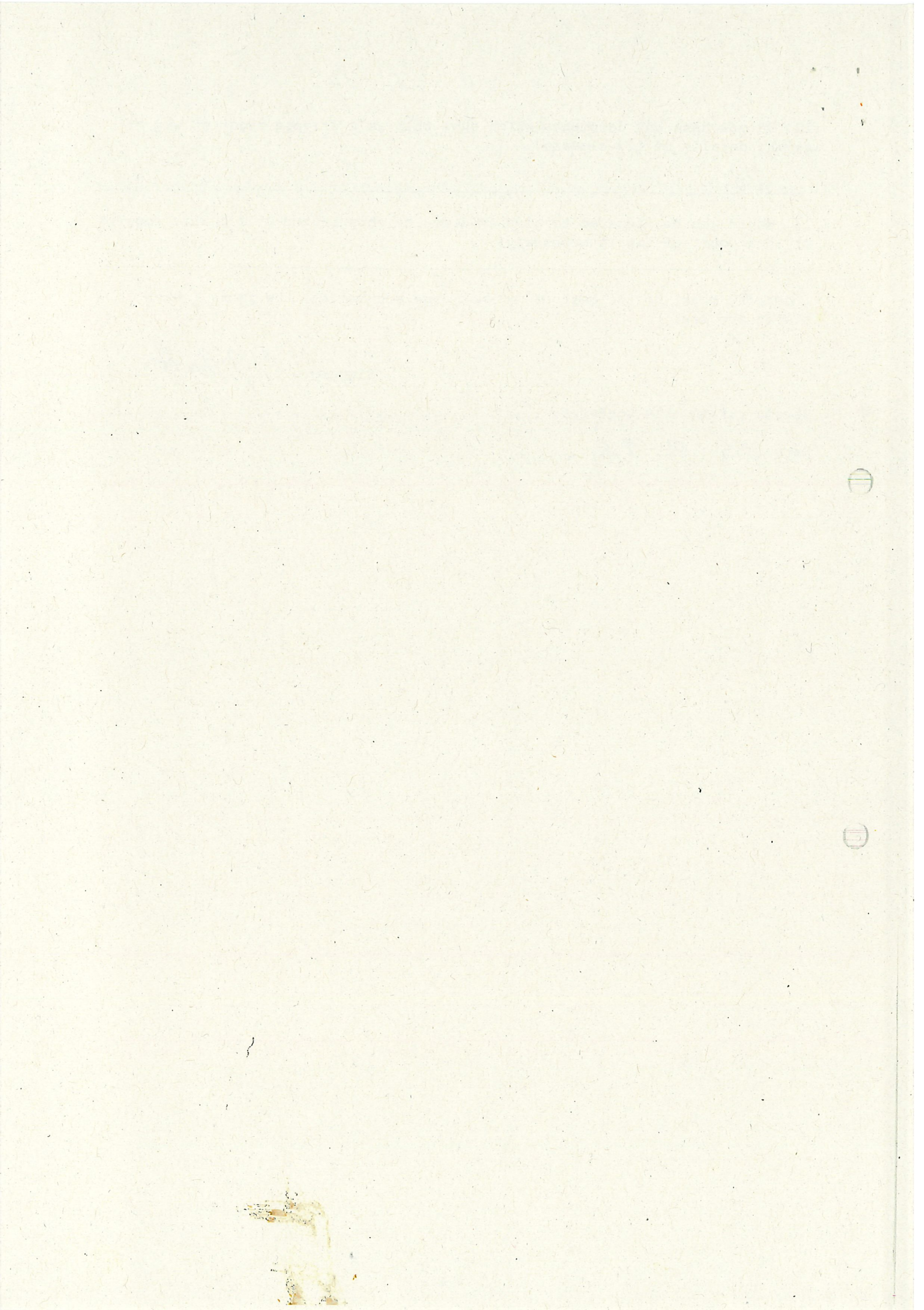
13. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law if necessary?

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

Signature.....*P. J. Snodden*.....

Person taking this statement

Date 14.....2.....98.....



MARCHINGTON PARISH COUNCIL

Parish Clerk: Mrs Rebecca Ede
39 Blounts Drive, Uttoxeter, Staffordshire, ST14 8TQ
Tel: 07549 164641
Email: marchingtonpc@gmail.com
Web: www.marchington.info

Hannah Titchener
for Director of Corporate Services
Via email
hannah.titchener1@staffordshire.gov.uk

10th February

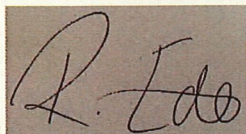
Dear Hannah,

RE: Alleged footpath between Smallwood Manor and Buttermilk Hill Gate, Marchington (Previous File LG650G)

I am writing on behalf of Marchington Parish Council with comments we would like you to take into consideration when considering the above application. The Council has reviewed the information provided in the application and agree that this footpath should be reinstated. However, the map shows the footpath running through a private garden, Marchington PC believe that this could be avoided, and the footpath could run alongside the property towards Tinkers Lane.

Please contact me should you require any further information.

Yours sincerely,



Rebecca Ede
Clerk to Marchington Parish Council

