

Appendix D

| Name                     | Years Known | Years Used                 | Gates/Stiles                | Frequency of Use | Width | Purpose               | Number of people seen | Permission given | Obstructions/Notices | Stopped or turned back |
|--------------------------|-------------|----------------------------|-----------------------------|------------------|-------|-----------------------|-----------------------|------------------|----------------------|------------------------|
| Andrew David Proffitt    | 30 years    | Since childhood to present | No                          | Once a week      |       | Pleasure              |                       |                  |                      |                        |
| Jill Proffitt            | 12 years    | Last 12 years              | No                          | Once a week      |       | Pleasure              |                       |                  |                      |                        |
| Richard Ball             | 15 years    | 1980- 1995                 | No                          | 3-4 times a week |       | Pleasure              |                       |                  |                      |                        |
| Michael Bowen            | 31 years    | 1975- 1995                 | No                          | Weekly           |       | Pleasure              |                       |                  |                      |                        |
| C Capewell               | 38 years    |                            | No                          | Very often       |       | Pleasure              |                       |                  |                      |                        |
| Mr Peter Owen            | 60 years    | 60 years                   |                             | Weekly           |       | Pleasure              |                       |                  |                      |                        |
| Mr Ronald Colin Capewell | 38 years    |                            | No                          |                  |       | Pleasure              |                       |                  |                      |                        |
| Alma Crosby              | 50 years    | 1945- 1995                 | Gate at top of Higherfields | Weekly           |       | Access to Higherfield |                       |                  |                      |                        |

Appendix D

|                  |          |                   |      |              |                 |  |  |  |  |
|------------------|----------|-------------------|------|--------------|-----------------|--|--|--|--|
| Edith Gilman     | 28 years | 1967- 1987        | No   | Twice weekly | Pleasure        |  |  |  |  |
| Isaac Gilman     | 28 years | 1967- 1982        | No   | Twice weekly | Pleasure        |  |  |  |  |
| Leslie Kirkham   | 70 years | Always            | No   | Once a day   | Pleasure        |  |  |  |  |
| Edwin Sellers    | 27 years | 1968- present day | No   | Once a week  | Pleasure        |  |  |  |  |
| Keith Walker     | 18 years | 1977- 1995        | No   | Twice a week | Pleasure        |  |  |  |  |
| Meda Cooper      | 55 years | 1940- 1995        | None | Once a week  | Pleasure        |  |  |  |  |
| Frederick Cooper | 40 years | 1952- 1995        | None | Occasionally | Pleasure        |  |  |  |  |
| Jennifer Bowen   | 45 years | 1950- 1995        | None | Once a week  | Pleasure        |  |  |  |  |
| Eric Parfitt     | 60 years | 1933- 1995        | None | Weekly       | Pleasure & Work |  |  |  |  |
| Sheila Walker    | 18 years | 18 years          | No   | Weekly       | Pleasure        |  |  |  |  |
| Kevin Edwards    | 13 years | The last 13 years | No   | Weekly       | Pleasure        |  |  |  |  |
| Marjorie         | 30 years | The last 30       | No   | Weekly       | Pleasure        |  |  |  |  |



Appendix D

| Edwards             | years    |                         |    |  |  |  |  |  |                 |  |  |  |  |  |
|---------------------|----------|-------------------------|----|--|--|--|--|--|-----------------|--|--|--|--|--|
| Jack Kirkham        | 50 years | Always                  | No | Once a day   |  |  |  |  | Pleasure        |  |  |  |  |  |
| Patricia Shallcross | 50 years | Always                  | No | Once a day   |  |  |  |  | Pleasure        |  |  |  |  |  |
| Jessie Willshaw     | 62 years | 1932 to the present day | No | Once a day   |  |  |  |  | Pleasure & Work |  |  |  |  |  |
| Beryl Linnell       | 31 years | 1965 to the present day | No | For 12 years twice a week Mon- Fri, now 3 times a week |  |  |  |  | Pleasure & Work |  |  |  |  |  |





# BOWCOCK & PURSAILL

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SOLICITORS

P.O.Box No. 1, 54, St.Edward Street, Leek, Staffordshire, ST13 5DJ  
Tel: Leek (01538) 399199 Fax (01538) 399362 DX 16352 LEEK

The County Clerk & Chief Executive,  
Staffordshire County Council,  
P. O. Box 11,  
County Buildings,  
Martin Street,  
STAFFORD, ST16 2LH.

Your Ref: 4/MWB/lmb/19/11/146

Our Ref: 10/DM

7 November 1995

Dear Sir,

Alleged Public Footpath at the rear of Ox Pasture, Cheddleton.

We thank you for your letter of the 2nd of November, 1995 with enclosures addressed to Mr. Bowcock. The land over which the alleged footpath runs belongs to the Executors of the late Solomon Bowcock who died on the 20th of February, 1951, for whom we act. It will take sometime to investigate the position and obtain instructions, but we hope to let you have the completed questionnaire early next month.

Yours faithfully,

COUNTY CLERK  
REFER TO .....  
COPY TO .....  
- 8 NOV 1995  
REF: .....





# BOWCOCK & PURSAILL

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The County Clerk & Chief Executive,  
Staffordshire County Council,  
P. O. Box 11,  
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Martin Street,  
STAFFORD, ST16 2LH.

Your Ref: 4/MWB/lmb/19/11.146

Our Ref: 10/DM

24 November 1995

For the Attention of Mr. Bradbury please.

Dear Sir,

Alleged Public Footpath at the rear of Ox Pasture, Cheddleton.

We thank you for your letter of the 2nd of November, 1995 which crossed with and answered ours of the 3rd of November, 1995.

The land in question is a private footpath and was described as such in a Conveyance of the 23rd of July, 1931 between the late Solomon Bowcock and the late George Arthur Lymer whose descendant owns the triangular pasture field immediately to the north. The private footpath land is vested in the Executors of the late Philip Thornley Bowcock.

We are instructed by the Executors to act in the matter and to object to this proposal. One has to ask why, if this has been a footpath for 60 years, there only now comes forward a proposal to designate it as a public footpath? It is significant that no action was taken so to designate it following the enactment of the 1959 legislation.

There is no legitimate purpose in the proposal since running parallel to it and only 50 metres away is an excellent wide pavement along Ox Pasture. This adequately serves all possible needs for traffic on foot.

You should be aware that there has been some controversy over an application by Messrs. Alcock and Bailey to develop Mr. Lymer's field. It seems likely that this application, made at this stage, is a ploy and a misuse of the footpaths legislation with a view to obtaining some possible debating advantage in the planning dispute. The proposal amounts to an attempt at expropriation, taking advantage of the tolerance of the owners.

We return the questionnaire duly completed. Can you please advise when the formal objection should be made

Yours faithfully,



E.W. Hodkinson, I.C. Naylor LL.B., H.J. Stevenson, B.C. Laver. Associates: J.A. Wilson, B.A., J.E. Lakin, LL.B.,  
Also at: 42 Kingsway, London WC2B 6EX. Tel:0171 831 6939 Fax:0171 831 6465  
1874, Leek Road, Milton, Stoke-on-Trent ST2 7AH. Tel: (01782) 542404 Fax:(01782) 544099





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 ..... PHILIP PARNELL BOWCOCK  
(Block Capitals please)

Address ..... C/o. BOWCOCK & PURSAILL,  
..... 54 ST. EDWARD STREET, LEEK,  
..... STAFFORDSHIRE, ST13 5DJ.  
.....

Telephone No: ..... (01538) 399199

Date of Birth ..... 28 / 4 / 1927 ..... Occupation Retired Solicitor.  
Part time Chairman,  
Independent Tribunal  
Service and Building  
Society Director.

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. Legal ownership in names of Executors of Philip Thornley Bowcock deceased and last surviving Executor of YES/NO Solomon Bowcock deceased, Mrs. Sylvia Mary Bowcock and Mr. Thomas Harry Ball C/o Bowcock & Pursaill. I am a beneficiary to the extent of 1/9.

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. As Executors ..... 44 ..... years.  
and previously owned by Solomon Bowcock from before 23rd July, 1931.

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?

Trustees of the estate of Solomon Bowcock who died on 20th February, 1951. 7 Beneficiaries.

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.

Not Applicable.

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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 signs erected as land is a private footpath and has not been used by public at large.

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

No, but by concession no objection would be taken to neighbours using it peacefully.

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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, as it was not necessary.

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

No, as until recently there was no evidence of use. When previously inspected it was overgrown. It has recently been cleared and investigations are being undertaken as to who authorised this intrusion on private land.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? No, since any use by the public could give rise to the presumption. The land runs parallel to Ox Pasture with an NOTE - Section 31(1) of the Highways Act 1980 states that:-

excellent pavement only 50 yards away.

"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?

Yes, copy of Conveyance.

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

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

Signature..........

Person taking this statement .....

Date ..24..11..95.....

