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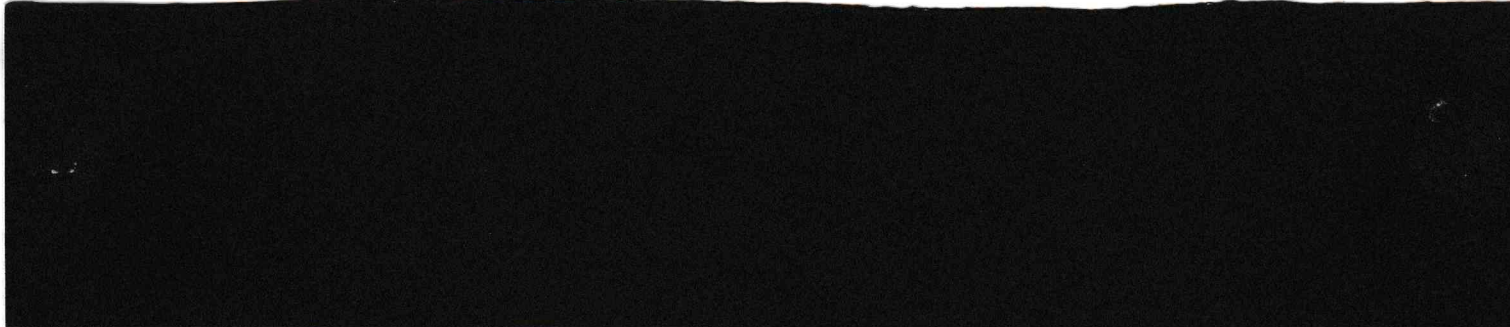
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2006

Staffordshire
County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM
Important Note

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

Name of witness (Mr/Mrs/Miss/Ms)..... DANINA WENDY ARTHUR



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

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

1. As far as possible the witness should complete the form, preferably in black ink. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Each witness should answer all questions fully with as much detail as possible.
3. Each witness should complete a separate form in respect of each claimed right of way about which she/he can give evidence.
4. A plan must be attached and the witness should clearly draw the route of the claimed right of way on the plan, and initial the plan at each end of the drawn route.
5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. The information given on this form may become available for public inspection.

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

From

To

Please take time to answer the questions carefully and in full

- 1. (a) How many years have you known the way? *about 1970*
- (b) Does the way have a popular name? *No*
- (c) Have you personally used the above way? **YES/NO*
- (d) Did you only use part of the way? *sometimes* **YES/NO*

had to divert into Dennis's farm field to avoid obstacles

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

- (e) During which years have you used the way? From..... *1970* To *2006*
- (f) Where were you going from/to? *Westley Horse livery* *and sometimes as an extension of long wall*
- (g) For what purpose? (eg work, pleasure) *dog walking*
- (h) How many times a year? (eg daily, weekly, seasonal) *approximately monthly*
- (i) By what means? (eg on foot, horseback, motor vehicle etc) *foot and to halfway on horseback*
- (j) Is, or was, the way a short cut for you? *yes*
- (k) If so why? *took me in end of livery fields then to stables*

** sporadically until 1999 then more frequently when horse stabled west by horse*

(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? *Not at present (see all explanations)*
- (n) If not why not? *been made impossible by blockages of rubble and ground clearance rubbish, grass etc*

2. When using the path where did you live? *Wheaton Aston - all obstacles which have managed to prevent the usual time*

If at different places please provide details and years.

- 3. (a) How wide is the way? *about 8 feet*
- (b) Is it the same width throughout its length? *approximately, yes.*

- 4. If you have ridden a horse on the way *yes*
 - (a) Where did you keep the horse?
 - (b) Where did you start and finish your ride? *Halfway along the way*
 - (c) Were you ever riding with the hunt when you used the way? *No*

didn't at wetso 120 etc

Although I believe it officially could be used as a motor vehicle road
*YES/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 YES, how often and what type of vehicle were they using?

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

*YES/NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

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

*YES/NO

(b) If NO, 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?

Yes, although on map is not an official public footpath or bridleway. Have had to go into Dennis's field or come back in due to trees/obstacles being there deposited by previous owner of adjoining property a "Major" Michael Yates

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

*YES/NO

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

*YES/NO

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

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

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

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

*YES/NO

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

* trees bushes, garden refuse, wire at each end of pathway

(ii) When they were erected or removed?

Removed by me with local help when property owner on holiday!!

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

Mr. Yates property, and main building at plot at Bellmire Lane end (Name unknown)

* I was able to force my way through some of these, but if they were too much, as I had grandchild with me had to divert into adjacent field/Dennis's and return through hedge to pathway.

* Please delete as appropriate

9. Has your usage ever been hindered or prevented in any way? ~~*YES/NO~~
 • Didn't preventive, but Major Yates challenged me re. usage
 If so by whom or what? *way and said considering my argument that his solicitor said he had a right to shut it & win the pathway each 2*
 When was this? *about 2002-3*
 Have you continued to use the way despite hindrances or obstructions ~~*YES/NO~~
 How did you do this? (e.g. diversion) *as previously described*
 Is the hindrance or obstruction still in existence *and worse as described* ~~*YES/NO~~

10. (a) Were you ever an owner or tenant of the land crossed by the way? ~~*YES/NO~~
 If YES, please give dates.
 (b) If you were an owner or tenant did you acknowledge the route as a Public Right of Way? ~~*YES/NO~~
 If YES, please give dates.
 (c) Was the land ever owned or tenanted by a relative of yours? ~~*YES/NO~~
 If so, what was their relationship to you?
 (d) When you used the way were you working for any owner or tenant of the land adjoining or crossed by the way? ~~*YES/NO~~
 (e) If YES to (d),
 (i) What was your employment?
 (ii) Between what years were you employed?
 (f) 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?
 (g) 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?

11. (a) Have you ever been stopped or turned back when using the way? *YES/~~NO~~

(b) Do you know, or have you heard of, anyone else having been prevented from using the way? *~~YES~~/NO

(c) If YES to (a) or (b), please give details including dates.

.....
.....

*1. applicable
owner
not
registered*

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

(b) If YES, please state:

*(I was informed by land registry at
Bickenhead that the road is unadopted and
they had no idea who the owner
was - perhaps lost in the annals
of time)*

(i) Who told you?

(ii) When you were told?

(iii) What were you told?

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

(b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? *YES/NO

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

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

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

.....

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

16. (a) Have you seen other people using the way? *YES/NO* *but*
my liney owner took his horse
- (b) How were they using the way (ie foot, horse)? *through about a year or so ago.*
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? *Also have taken my granddaughters through*
- (d) If they were not accompanying you, were these people known to you? *NIA*
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) *Have been told Mrs Bennet has taken dogs down occasionally* *NIA*
- (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 *Laravan club people told about way by my liney - to use in order to get to village more safely than walking down wetsey road. Also*
riders would use it if it was cleared & the ditch at wetsey road end covered by old railway sleepers to facilitate horses entry/exit

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

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

only on my OS maps. I believe a Mr. Riley has some old maps as has Mrs Blakemore (livery proprietor)

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

Have letter from Land Registry copy attached.

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

This way is, I understand an unadopted highway although, when I contacted the Land Registry they could not trace ^{in Birkenhead} an owner. It has perhaps not been used as frequently as it was in perhaps 17th / 18th / 19th centuries but I feel many ramblers would use it more if it was given public footpath status and was publicly maintained. I have no idea whether the matter of the ~~footpath~~ unadopted road came up when Major Yates sold his property recently, but a plot of land at Bellhurst Lane end has now been cleared and a new development is being built, I understand. As previously stated, rubble etc has been deposited at that end.

Also, although, by a concerted effort wire at each end & trees were removed a couple of years ago & ^{were} not replaced by Mr Yates further bushes trees are now blocking the Ivetsey Rd end of the pathway, also and as stated by rubble appeared at Bellhurst Lane end. An interesting development would be to let it be a continuation of a walk across to join the public footpath a field or two in from the main Ivetsey Road on opposite side.

It does seem to me that owners adjacent to pathway / unadopted road have assumed that the lane is for their use and convenience. Perhaps this assumption is because its 'ancient' usage no longer applies.

Previous owner, Yates, used it for his own convenience dumping garden cuttings etc.

20. 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 may be available to members of the public including affected owners or occupiers of the land crossed by the way.

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

Signature: *Danna W. Arthur*

Person taking this statement (if applicable)

Date: *12-04-2006*

I walked the way on 15th April and spoke
 present owners who claim previous owners of "Seven Oaks"
 but present blockages and who claimed that their solicitors
 told them they could shut it off and claim the lane in
 approximately nine years. It would seem that legally ~~they~~
 cannot do so and that we (walkers) are justified in
 removing them or scrambling over them.

I enclose a letter from the Land
 Registry (copy)

Registry which I quoted to them.

I was informed by a Land Registry
 representative, by telephone, that the residents at
 Seven Oaks have no right to claim the way, or shut
 it off until they have some deeds of ownership. The
 informant told me that if it was ^{not} part of his property
 he had no ^{right}, at least legal, presumably, to shut it off.

I would be grateful if you could

confirm by letter please what the legal position is
in such matters. I realise the land is not part
 of any official public footpath / bridle path.

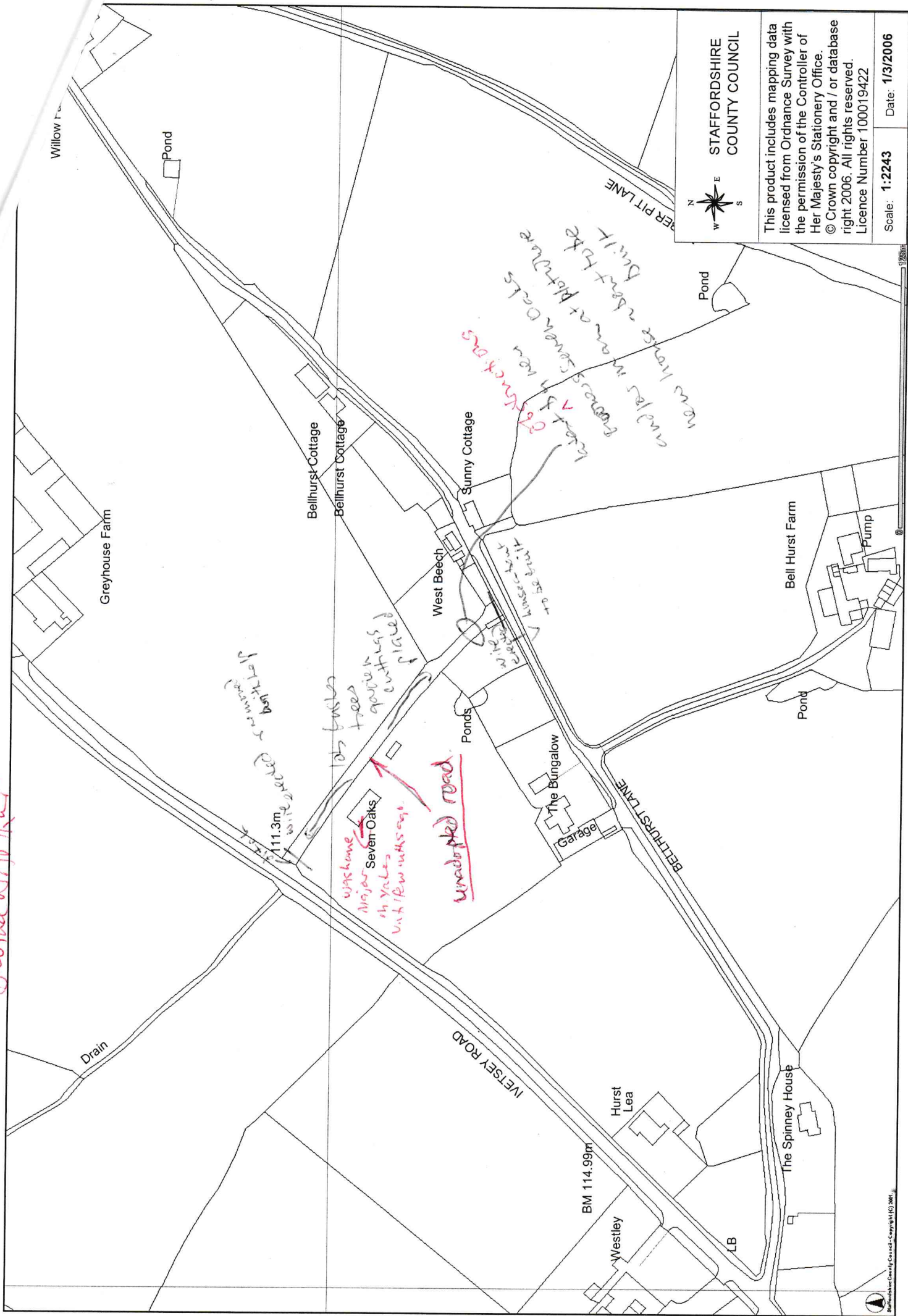
Sincerely

Davina W. Arthur.

P.S. I have ^{a copy of a letter} ~~sent~~ in my possession, dated 19-07-2004 sent to Mrs Evans (the senior organizer)
 in which this way is described by your department

as a "publicly maintained highway"
 It was signed by Chris Cheeseman "rights of way" technical assessor

Jarvis with the



STAFFORDSHIRE COUNTY COUNCIL

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Scale: 1:2243 Date: 1/3/2006

4/SF/LX60007

Staffordshire County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM Important Note

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Name of witness (~~Mr/Mrs/Miss/Ms~~) VERONICA BLAKEMORE

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

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5. The route of the claimed right of way should be described as accurately as possible, if possible giving details of such things as property and field boundaries, stiles, gates, bridges and stepping stones, etc.
6. Witnesses should indicate whether they are prepared to give evidence either in a court or at a public inquiry. (The evidential value of a statement is reduced if it cannot be subject to cross examination).
7. If a witness would be unable to give evidence at a hearing because of ill health, age, etc the person obtaining the statement should endorse the form accordingly, and be able to give evidence of the circumstances.
8. The information given on this form may become available for public inspection.

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

From

To

Please take time to answer the questions carefully and in full

1. (a) How many years have you known the way? 26 years
(b) Does the way have a popular name? The 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? From 1983 To 2008
(f) Where were you going from/to? IVETSEY RD TO BELLHURST LANE
(g) For what purpose? (eg work, pleasure) WORK & PLEASURE
(h) How many times a year? (eg daily, weekly, seasonal) TWICE A MONTH
(i) By what means? (eg on foot, horseback, motor vehicle etc) ON FOOT & HORSEBACK
(j) Is, or was, the way a short cut for you? YES
(k) If so why? SHORTCUT INTO BELLHURST LANE

(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? AM TRYING TO
(n) If not why not? LANE HAS BEEN BLOCKED OFF AT EACH END AND A DEEP DITCH DUG ON IVETSEY ROAD END.

2. When using the path where did you live? AT MARSTON ROAD, WHEATON ASTON FROM 1984 UNTIL 1993. THEN AT WESTLEY HOUSE
If at different places please provide details and years. IVETSEY ROAD.

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

4. If you have ridden a horse on the way YES
(a) Where did you keep the horse? AT WESTLEY HOUSE LIVERY
(b) Where did you start and finish your ride? ABOVE
(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 YES, how often and what type of vehicle were they using? 5-6 TIMES A YEAR
SAW GORDON BLAKEMORE & TOM POWELL DRIVING TRACTORS

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

*YES/NO

(d) If YES to (c),

(i) How often was this?

(ii) What type of vehicle were you in?

(iii) For what purpose was it being used?

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

*YES/NO

(b) If NO, 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 on the way?

*YES/NO

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

*YES/NO

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

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

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

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

*YES/NO

(b) If YES, state (i) what type of obstruction was this? STOCK WIRE AND BRUSH AT BELL
END. GRASS CUTTINGS 1.5m high in middle. Dead, interwoven tree branches at
about 200 (ii) When they were erected or removed? Wetsey Rd end plus deep
ditch dug on Wetsey Road end.

(c) Please state, if known, who erected the obstructions and show the approximate position of the obstructions on the attached plan. Mike Yates and new owner of
(previous owner) Seven Oaks.

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

If so by whom or what? By Mike & Paula Yates & new owners of
Seven Oaks.

When was this? Over last 3 yrs

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

How did you do this? (e.g. diversion) Forced way through on foot and
horseback.

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

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

If YES, please give dates.

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

If YES, please give dates.

(c) Was the land ever owned or tenanted by a relative of yours? *YES/NO

If so, what was their relationship to you?

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

(e) If YES to (d),

(i) What was your employment?

(ii) Between what years were you employed?

(f) 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?

(g) 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?

11. (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/~~YES~~

(c) If YES to (a) or (b), please give details including dates.

Mrs Arthur has been stopped on numerous occasions
.....
.....

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

(b) If YES, please state:

(i) Who told you?

(ii) When you were told?

(iii) What were you told?

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

(b) If YES, please state what the notices said appropriate date of their display and show their approximate position on the attached plan? *YES/NO

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

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

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

.....

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

16. (a) Have you seen other people using the way? *YES/~~NO~~
- (b) How were they using the way (ie foot, horse)? foot, horse, tractor, bike
- (c) Were they accompanying you? If so, please give details. (ie companions, rambling club, family, etc)? family, friends, local farmers
- (d) If they were not accompanying you, were these people known to you? Some were known others not known.
- (e) How frequently did you see other people using the way? (ie daily, weekly, seasonal etc) approx 1 x month
- (f) How many other people, approximately, did you see on these occasions? 1-2
- (g) Please give any further details of other people's use of the way which you feel may be important This lane makes a lovely circular route for riding & walking. My three children played in the lane a lot when they were younger.
-

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

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

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

I feel very disappointed that people recently moving onto Ivetsy Road & Bellhurst Lane are trying to get it closed. It has been used for many years by lots of people, for lots of reasons. We used it a lot in training young horses on roads. We go^s out of our drive, down Bellhurst lane, into the lane and back home up Ivetsy Road. If the horse is not settled we can cross over from lane into our field. I have ridden & walked it many, many times. I have seen farmers using it to move sheep along including my father-in-law, Gordon Blakemore. When our three children were younger, they had friends that lived at the Spinney House & ~~down~~ Bellhurst Cottage. They always used the lane as it was much safer than Ivetsy Road.

20. 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/~~NE~~

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

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

Signature: C Blake

Person taking this statement (if applicable)

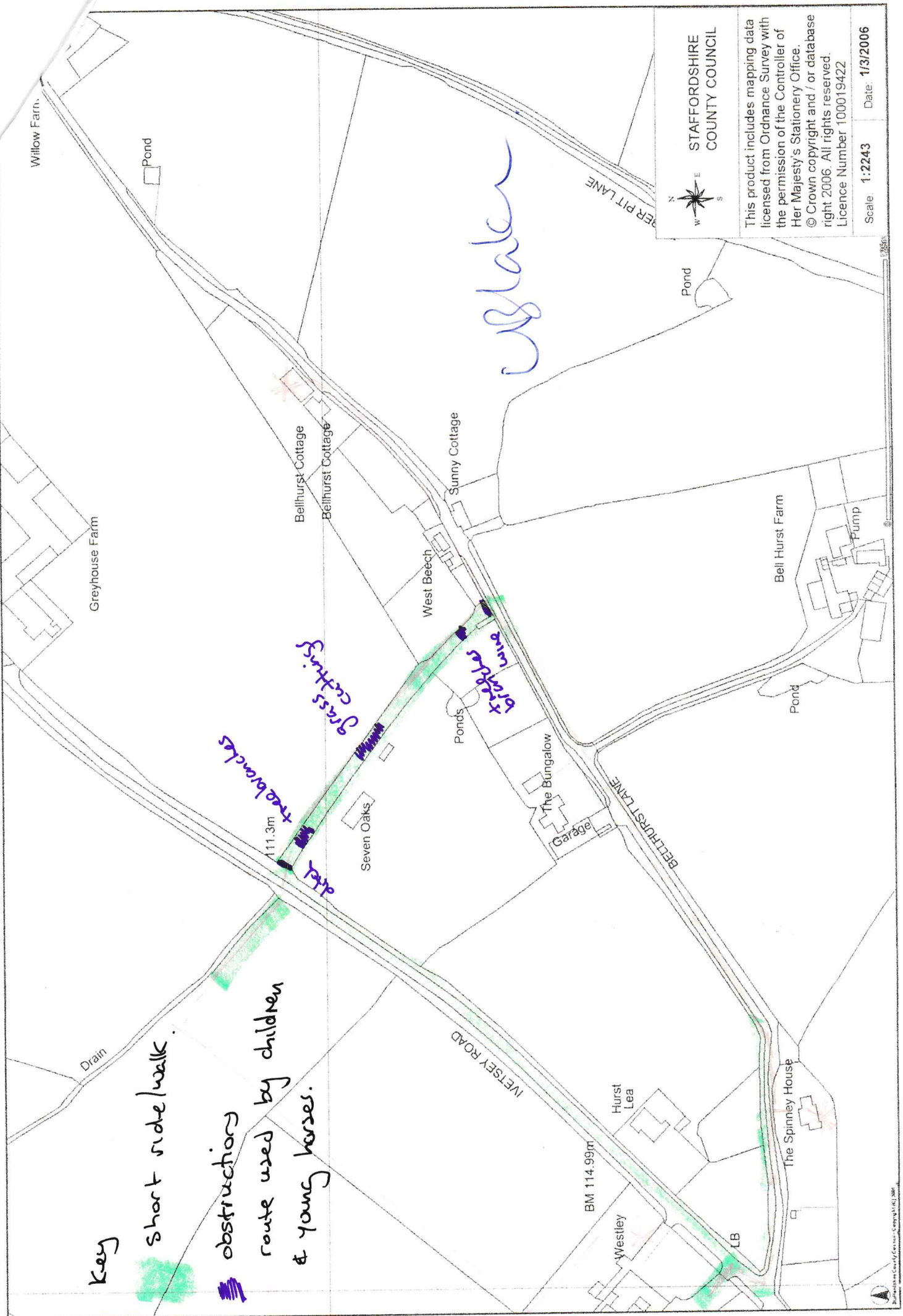
Date: 20.7.06

STAFFORDSHIRE
COUNTY COUNCIL



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Scale 1:2243 Date 1/3/2006



Key

short side/walk

obstruction

route used by children & young horses.

taken

grass cutting

tree branches

triple wire

111.3m

Drain

NETSEY ROAD

BM 114.99m

Westley

Hurst Lea

The Spinnery House

LB

Garage

The Bungalow

Ponds

Seven Oaks

West Beech

Sunny Cottage

Bellhurst Cottage

Bellhurst Cottage

Greyhouse Farm

Willow Farm

Pond

Pond

Pond

Pump

Bell Hurst Farm

PER PIT LANE

BELLHURST LANE