

Staffordshire

County Council

PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the previous owner/occupier of land over which there is an alleged public right of way.

Important Note

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

Name of witness (*Mr/Mrs/Miss/Ms) MAJOR (RET'D) A. M. YATES

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

1. As far as possible the previous owner/occupier should complete the form. If another individual completes the form on their behalf they should indicate this at the end of the form.
2. Please answer all questions fully with as much detail as possible.
3. Please indicate on attached map the extent of your ownership/tenancy or other interest in the land affected by the alleged public right of way.
4. Please indicate whether you 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).
5. If a person 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.
6. **Please note** The Freedom of Information Act 2000 provides a general right of access to all information held by Staffordshire County Council. The Environmental Information Regulations 2004 provide a similar right of access to environmental information held by the Council. This means that the information that you supply may be disclosed to any individual making the appropriate request.
7. The information given on this form may become available for public inspection.

* Please delete as appropriate

PLEASE TAKE TIME TO ANSWER THE QUESTIONS CAREFULLY AND IN FULL

1. Have you ever owned or occupied or had any interest in any of the land affected by the proposal or adjacent to it?

*YES/~~NO~~

If the answer is YES please answer questions 2 to 14 and indicate on the attached map the extent of land which was in your ownership or tenancy, or in which you had an interest.

2. (a) Do you consider the route to be public?

~~YES~~/NO

(b) If YES what description best describes the route? (please delete those inappropriate)

- (i) *Footpath (i.e. for pedestrians only).
- (ii) *Bridleway (i.e. for horse riders, cyclists and pedestrians)
- (iii) *Byway open to all traffic (open to all traffic)
- (iv) *Restricted Byway (i.e. for horse riders, cyclists pedestrians and vehicles which are not mechanically propelled)

3. During which years did you have an interest in the affected land? From 1984 to 2006

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

Freehold Ownership. Were you:--

(a) Sole freehold owner?..... YES with wife

(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

Were you a tenant or lessee of the land?.....

If so please state the nature of your interest as tenant or lessee of the land.....

Any Other Interest in or over the affected land (e.g. a private right of way, shooting rights etc)

.....

.....

* Please delete as appropriate

5. Had you, or any previous owner/tenant of the land, ever erected any signs such as "Private", "Keep Out" or "Trespassers will be prosecuted" or similar signs on or near the alleged public right of way? *YES/NO

BUT A FENCE WAS ERRECTED AT EACH END OF THE TRACK

If YES please state:-

- (a) When were these signs erected?.....
- (b) What did these signs say?.....
- (c) Are these signs still in place?.....
- (d) Where are these signs located?.....

Please indicate location on attached map.

6. (a) Did you ever see people using the way? *YES/NO

(b) How were they using the way (i.e. foot, horse)? ON FOOT & A HORSE

(c) Were they alone or accompanied Please give details. (i.e. companions, rambling club, family, etc)? ALONG

(d) Were these people known to you? YES

(e) How frequently did you see other people using the way? (i.e. daily, weekly, seasonal etc). AS IN PARA 18

(f) How many other people, approximately, did you see on these occasions? NONE

(g) Please give any further details of other people's use of the way which you feel may be important. NONE

7. Did you ever give anybody permission to use the route? *YES/NO

If YES please state:-

- (a) When was this?.....
- (b) To whom was it given?.....
- (c) Why was it given?.....

8. (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.

* Please delete as appropriate

9. (a) Excluding locked gates, have you (or any previous owner or occupier) ever known of any other obstructions to the way? *YES/NO

(b) If YES, state :

(i) what type of obstruction was this? BRUSHWOOD AT EACH END & MIDDLE

(ii) When they were erected or removed? ABOUT 1984

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

ERECTED BY ME AS INSTRUCTED BY SOLICITOR

(d) If you had a private right of way how was this been exercised while the alleged public route was obstructed.

ONLY THE EXIT FROM THE TOP OF THE GARDEN TO DEWHURST LANE FOR WALKING

10. (a) Did you ever stop or "turn back" anyone found using the route? *YES/NO

If YES please give details MRS WENDY ARMOUR. I WARNED HER THAT

SHE WAS DAMAGING THE HEDGES IN THE LANE BY CONTINUALLY BREAKING THROUGH THEM

11. Did you ever take any other steps to prevent the presumed dedication of this route as a public right of way? *YES/NO.

If YES please give full details.....

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

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

12. Do you have any documents which show this as a private right of way or giving details of its closure? *YES/NO

If YES: -- ORDINANCE SURVEY MAP SHOWS THAT IT IS NOT A PART OF WAY OR SIDE PATH.

(a) In what form is this? ORDINANCE SURVEY MAPS

(i.e. maps, photos, deeds, etc. please attach a copy if possible)

(b) Would you be willing to make the original document available if necessary? *YES/NO

13. Did you ever tell persons attempting to use the route that the way was not public? *YES/~~NO~~.

14. Have you ever taken some form of action to communicate to the public that the claimed route is not public? *YES/~~NO~~.

If YES (i) what action was this? VERBALLY TO MRS METKAL

(ii) When was this action taken? NOT SURE, SOME YEARS AGO

15. Did you when you were the owner/occupier of the land ever make a statutory declaration concerning public rights of way? *~~YES~~/NO.

(a) If YES when was this declaration made?.....

(b) If YES who did you lodge the declaration with?.....

(c) If YES did this declaration state that there were no public rights of way over the land? *YES/NO.

(d) If YES did this declaration state that there were public rights of way over the land? *YES/NO.

(e) If public rights of way did exist was the claimed route one of those admitted to exist? *YES/NO.

If the declaration stated there were public rights of way in existence please mark on a plan the location of these.

16. Do you know of any previous landowners? *YES/~~NO~~.

If YES please can you provide names and contact details.....

Mrs Mrs CRVILL, ELLIOTS LANE, COTSDALE

17. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/~~NO~~

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

*YES/NO

I was the owner of Seven Oaks from Feb 1984 to Feb 2006, and is shown shaded red on the plan. The owners before us were burgled at least once and so were we during the early part of our occupancy. We were therefore very conscious of any one in the track as it only ran some seven yards from the rear of the house. The only person we saw in the track in the early years was Joe Riley from Sunny Cottage as he walked down there once to go bird watching, but the track was so overgrown we never saw him again.

We asked our solicitor if it was possible to take over the track as part of the garden. He carried out some searches and told us it did not belong to anyone, and to fence it off at each end which we did. We then had problems with a Mrs Wendy Arthur around the beginning of 2004, who started to break through the hedge from the farm next door to gain access to the lane. She kept a horse at Westley House and insisted in trying to use the track to get to and from Westley House so she could leave her dogs in the gateway to a field next to Westley House while she went riding. The end of Bellhurst Lane led straight into the Westley House Stables and there would appear to be no reason to use the track.

I approached Mrs Arthur about breaking through the hedges into and out of the track and the damage she was causing. She was rude and offensive and threw branches of the hedge in my face. My wife who was watching fetched her camera and we took pictures. (Attached). Mrs Arthur is a consummate trouble maker and rounded up all the locals to champion her cause, even though they were not affected and would probably never use the track. Mrs Veronica Blakemore who runs the stables at Westley House considers herself very much the Lady of the manor, whilst her husband Police Constable Blakemore seems to keep away from it all. None of the people involved were there when we moved to Seven Oaks.

The present owners of Seven Oaks are being cruelly harassed which they could well do without as they have a sick child and the husband is very often working away.

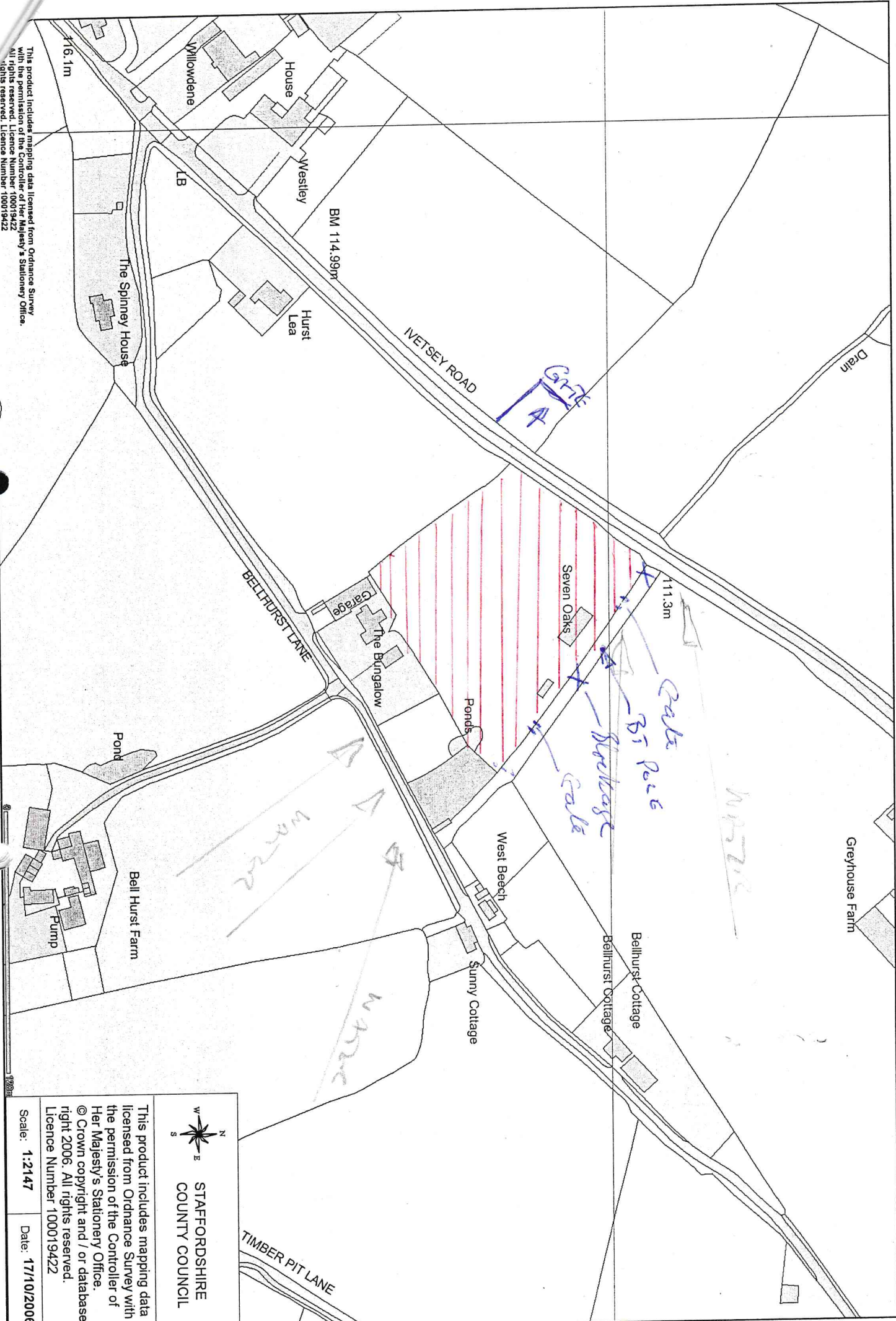
I am aware that the present owners have purchased more land from Greyhouse Farm which means they now own the land on each side of the track.

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

Signed:  Date: 4.2.2007

On Behalf of.....

* Please delete as appropriate



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 STAFFORDSHIRE
 COUNTY COUNCIL

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