

Ref. 008112.

Application for a alleged
Public Brideway between
Trent Walk and Fiddlers Lodge.Mr G.T. TAVERNOR
Birch Hall Farm,
Incestre
Stafford
ST18 0RE.

Dear Hannah Tichener

Thanks for your correspondence, as is evident from address, the alleged route crosses through my property, Birch Hall Farm.

I have the following comments:-

- 1, The application from Mr Martin Reay is to my mind now quite historic 1997, but I also think so are all the other submitted letters, and very strangely all are dated within a narrow time frame 1997-1999, illustrating a concerted effort of drumming up support, rather than an a more real and organic body of evidence collected over a long time period
- 2, Can I also draw your attention to a letter from Colton & Hopton Parish Council (21 Nov 2005 Appendix H) which sums up my thoughts precisely. I quote the last paragraph.
"I have to say that on the information provided it is very difficult to accurately determine precisely what occurred under the 1801 ORDER"
- 3, In your letter at 19 you say the following.

4. The combination of the Order and the attached plan provides a fairly accurate description of the path intend to be diverted and the new bridle path"

I feel the resulting disruption to the land owners affected really deserves evidence that is very accurate and without any shred of doubt, and a description of the evidence presented as being Fairly Accurate, is simply not very clear or without a shred of doubt

5. I propose that the documents relating to Quarter session Order 1801 are obviously very old, and even with the transcripts, are open to interpretation, and the accompanying maps are very crude and not clear.

6. In point 27. you highlight a letter from Dr Fowkes @ Appendix I, he only states that there is no doubt that the length of the bridleway stopped is 739 yards in front of the Hall, he doesn't offer any insight into the ~~alternative~~ routes exact location at all, only saying that it runs through the Earls own land, which could have been anywhere on the vast Ingestre Estate.

7. If the 1801 document is absolutely reliable, and I'm not convinced, that it is.

It's quite clear that the ~~Alleged~~ alternative route was never used as a route to Stafford.

It's a fact that the closed Bridle Way in front of Ingestre Hall, was already out of use, as by 1801 the current road between Great Haywood and Stafford

was the actual road that residents of Ingestre would use to reach Stafford. The Alleged alternative route was, and is, just an old estate route. From 1801 to the sale of the estate in the 60^s to the present day the Alleged route has always been private, with at various times signs saying PRIVATE ROAD, and for many years gated and locked. When I was in my teens my family farmed at Weston, but we had one field in Ingestre, and to access the field we had to travel down Trent Lane, and there was a gate house (it is still occupied, its called Trent Lane Lodge) with double gates (also still in place). A lady called Mrs Rowbottom would ask who you were, and then open the gates using a wheel in the bay window of her house.

Also up to the present day any Walkers - Cyclists - Trespassers encountered by land owners or their staff have been vigorously challenged, the relatively small number of the supporting letters in Appendix A. in the user evidence section, given the years of duration since 1801, must just be the ones that were not challenged.

8. The map (Appendix F. Ingestre Estate Division Plan) On the reverse front page titled Sketch of the roads about Ingestre Intended to be Diverted is very crude and not to scale

8. therefore very difficult to decipher, ⁴/₄
and when strategically placed in this context
could on brief inspection be assumed to
be referring to the 1801 diversion Order, but
because I have known Ingestre all my life
(born 1948) I have knowledge of the historical
geography of Ingestre, I can clearly see that
in actual fact the road, hatched with lines
is in fact a road starting from the entrance
to the village from the Gt Haywood to Tixall Rd
it then heads in a westerly direction through
where Lion Lodges are now, and is in fact
what was the Main Drive to Ingestre Hall
going between Lion Lodges across what is
now the golf course to the Hall, if you
pay particular attention you can clearly
see that the section of road directly in front
of the Hall is significantly not hatched.
It clearly demonstrates on this map that
many roads were intended to be diverted.
Also on this map you can see that
at the entrance to the village from Tixall
at Hoom, the road I've just described
is the left side of a fork in the road,
to the right the road forks to the
right and follows the road which is
now the main entrance road into
Ingestre, to use an expression you
yourself use at point 38 "Upon the
balance of probabilities" This very same
section of road could easily have been the
route offered by the Earl as the
diversion/alternative route.

- s. It meets the following ^{sighted in evidence}
 - a. It takes people away from walking in front of the Hall.
 - b. It's more commodious to the public ^{point 20}
 - c. It commences from the end of Trent Walk.

^{point 29.}
 d. The route is some Two Thousand and six hundred and Twenty Six Yards in length. ^{point 5}
 e. It is through the ^{or thereabouts} lands of the Earl.

d. At point 5. you state. "The bridle way was to be diverted onto a new line which took the bridle way from the end of Dog Kennel Gate in a north-westerly direction and then looping round to terminate on the A518."

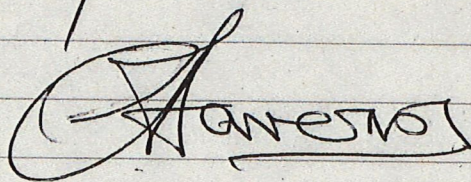
This has to be pure speculation surely there is no mention of the direction the alternative route might take, or where it would terminate, or a map to really clarify this. To use the phrase you yourself use at point 38, once again. "Upon the balance of probabilities it's highly likely that the alternative route did in fact travel in a southerly direction and follow what is now, and has been for more than one hundred years the main route/road into Ingestre. There is no evidence that categorically disproves this. There is not a own infabric map - sketch - plan of the alleged alternative route, absolutely nothing to without a shadow of doubt actually identify the Alleged alternative route.

6/
9, I go on to observe that, if as has obviously been done in this case, a body presents, as evidence, when that same body has a certain objective at the core of its argument, a collection of copies and transcripts of 220 year old manuscripts and very crude - not to scale - hard to decipher, maps, in this case to attempt to support the claim of an alleged route.

With only a cursory perusal of these documents having the overall overarching title of proof to substantiate an Alleged Route one might be convinced - but with closer scrutiny of the disparate collection of purported evidence, it becomes clear that just because the paper thin evidences are bundled together under the heading proof of an alternative route doesn't mean that they were all originally regarding the same purpose, or actually prove anything very much, and certainly don't categorically site and identify the Alleged. Bridle Way mentioned as the Diversion in the 1801 ORDER.

Thanks and Kind Regards.

Geoffrey Thomas Taverne.



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Mr G T Tavernor
Birch Hall Farm
Ingestre
Stafford
ST18 0RE

Ann-Marie Davidson
County Solicitor
Staffordshire Legal Services
Staffordshire County Council
1 Staffordshire Place
Tipping Street
Stafford, ST16 2DH

DX 712320 Stafford 5
Fax No. (01785) 276179
Please ask for: Hannah Titchener
Telephone: 01785 854190
e-mail: hannah.titchener1@staffordshire.gov.uk

My Ref: 008112

Your Ref:

Date: 01 December 2021

Dear Mr Tavernor,

**Re: s53 Public Bridleway between Trent Walk & Fiddlers Lodge Ingestre -
Alleged Public Bridleway (Previous File LE624G)**

Thank you for your correspondence providing comments on the above draft report.

We note your opinion that it is difficult to accurately determine precisely what occurred under the 1801 Order and it is open to interpretation. We also note your opinion that the route is private and always has been.

Whilst we note that reviewing historical documents can be open to interpretation we are of the opinion that the interpretation of the 1801 Order is accurate and therefore when using the relevant legal test, which is whether the evidence on the balance of probabilities shows the existence of a public right of way, the 1801 order does show the existence of a public bridleway along the line of the alleged route and no evidence has been put forward to show that this route has ever been legally extinguished.

Also, Quarter Session Orders are legal documents and therefore are considered by the courts to be strong evidence of the existence of public rights of way, particularly if no contrary legal documents are found showing the legal extinguishment of a route. Even if a route has since fallen into disuse, the maxim remains, "Once a highway, always a highway".



As already stated, the legal tests to prove the existence of a public right of way, in this case is on the balance of probabilities and whether it can reasonably be alleged that a public right of way exists. It does not have to be proven beyond all doubt that the public right of way exists.

Therefore, whilst your comments have been noted officers' recommendation remains unchanged. Your comments will be put before the Countryside and Rights of Way Panel when it is heard and determined. The next Panel date is the 10 December, and we anticipate that the report in relation to the application for an alleged bridleway between Trent Walk and Fiddlers Lodge will be heard and determined at this Panel. The application in relation to a public bridleway from Trent Walk bridge to the public road SE corner of Home Farm will be heard at a sperate panel meeting and we will respond separately in relation to this.

We will notify you again once there is a further update.

Yours sincerely

H.J.Titchener

Hannah Titchener
on behalf of Ann-Marie Davidson, County Solicitor.

HT2 / 008112