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Principal: Adam Tedstone LL.B. (Hons.)

Consultants: Robert Tedstone (non-practising), Simon Russell M.A. (Oxon), Michael Rogers, Michael Banahan LL.B. (Hons.)

Assistant Solicitors: Elizabeth Sherratt LL.M., Montuha Khatun LL.B. (Hons.)

1st Class
Ms Hannah Titchener
Staffordshire County Council
DX 712320
STAFFORD 5

Date: 17 January, 2022
Your Ref: 008112
Our Ref: AT.MMcQ.LB.P31108/1
Email: mollie@tedstones.com
Direct Dial: 01785 711537

Dear Sirs,

Re: Section 53 Application for the addition of a public bridleway from Trent Walk Bridge to the public road at the South East corner of Home Farm

We act on behalf of Mrs Karin Hall the owner of Waterford House.

The writer has had the benefit of reading the Memorandum dated 5th December 2006 prepared by Mr Bill King on behalf of Sandwell Borough Council. We support entirely the comments made in that memorandum with regard to the application.

The fact that a right of way was diverted in 1801 is not in dispute. However, the route of the new right of way is challenged.

We very much doubt that the Plan produced by the applicant is the original plan. If it is the original plan; it has clearly been amended after the event to such an extent that the intention behind the creator of the plan has become unclear.

With respect to the applicant, his approach is simplistic and lacking in some logic.

When interpreting the Justice Order and the Plan, SCC has to ask itself a simple question. What was intention of the Justices and the Earl Talbot in 1801.

Clearly, both parties wish to divert an existing right of way. It is almost certain that the Earl Talbot wished to gain privacy for his family seat. He could only do so by making a right of way which was "more commodious to the public".

Furthermore, the Earl was undergoing further development at Ingestre. Waterford House was completed in 1842 within the then existing walled garden.

The Earl was clearly planning for the future when applying for the diversion.

Although this is not a conveyancing exercise, it is worthwhile noting that reference to plans of this age, when considering what land was or was not conveyed, should also be made with reference to what physically existed on site at the time.

Crown Bridge, Penkridge, Stafford, ST19 5AA. DX29931 Penkridge
Tel: 01785 712243 Fax: 01785 715529

www.tedstones.co.uk

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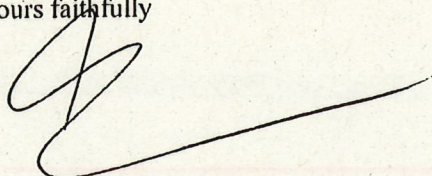
Attached is the 1842 plan of Ingeste.

It shows no path along the route that the applicant suggests. In fact, if this were taken it would go through the formal kitchen garden and the walled garden. This would hardly be a route more commodious of the public.

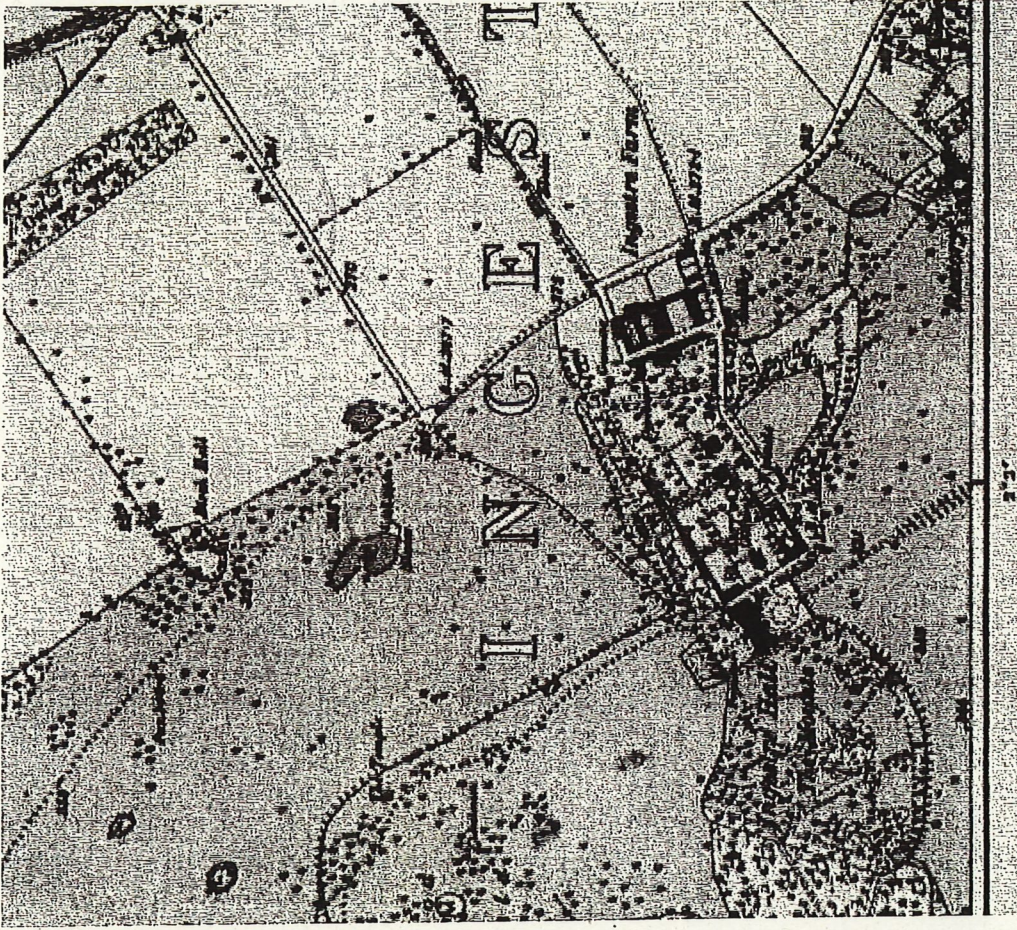
Common sense says that the diversion, which would have come at some cost (as part of it the Earl agreed to maintain the bridge over the Trent remember) would have been well thought out and part of an overall plan. Would the Earl have diverted through his garden, which was the common source of food and fruit for the hall? The answer must be no.

Clearly, the intention was to avert along the existing routes shown on the plan we have produced.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized initial 'T' followed by a long horizontal stroke that tapers to the right.

Tedstone George & Tedstone



ire XXXVIII.NW (includes: Hopiton and Colon; Ingestre; Salt and Enson; - Orchard
new/101596618

