

NATIONAL PARKS AND ACCESS TO THE
COUNTRYSIDE ACT 1949

COUNTRYSIDE ACT 1968

FIRST AND SPECIAL REVIEW OF PUBLIC RIGHTS
OF WAY STAFFORDSHIRE COUNTY COUNCIL,
FORMER STAFFORD AND STONE RURAL DISTRICT

Inspector: Brigadier J A NOTLEY, MBE

Date of Inquiry: 9/10/11 December 1980

References: PC2/2394/171/1
PC2/2385/171/1

CONCLUSIONS

208. The tests in Paragraph 10 of Part III of Schedule 3 of the Countryside Act 1968 do not satisfy byway status as the paths are not passable to vehicles and no hardship has been shown.
209. There is a lot of evidence that they have been used by horses for over 20 years before they were obstructed in 1962. Although farmers object to bridleway status because of the possibility of straying cattle, I consider that they should be reclassified as bridleways.

FOOTPATH 52 SWYNNERTON

THE FOOTPATH AND SURROUNDINGS

210. The path starts at its South end in Upper Hatton Farm (Maps A, LL and MM). The farmyard is muddy with a hard bottom. At the end of the farmyard there is a gate leading to a 3-4 metre track. There is a 'Private Road' sign at the gate.
211. The track is rutted in places but passable to vehicles. It has hedges in places and poor drainage. There are several gates into adjacent fields. At the Northern end there is a closed gate and a one metre gap for pedestrians.

THE CASE FOR THE PROPOSERS

Mr T Gray representing Staffordshire County Council
(Document 55)

212. The path is shown as an RP on the Definitive Map and was reclassified as a footpath on the Draft Revised Map. The Ramblers Association (Documents 6 and 7) and the Motorcyclists Federation claim it as a byway. There is no evidence that any public vehicular rights of way have ever existed. There has been no claim for bridleway status.

1st Witness

Mr G W Moore Area Surveyor Staffordshire County Council
(Document 56)

213. There are no known public vehicular rights over this path. The farmyard at Upper Hatton Farm is impassable to vehicles in wet weather and is littered with farm equipment. There would be no hardship if any public vehicular rights were extinguished.

Answers to Questions

214. The County Council took over the road to Upper Hatton Farm in 1929 because houses needed access to the main road.
215. The path is suitable for vehicles in good weather. The recreational use of the road was not taken into consideration when it was reclassified.

Mr C J Leather Managing Agent Swynnerton Estate
(Map NN)

216. Footpath 52 Swynnerton is acknowledged as a right of way for pedestrians. It is an accommodation lane for the Swynnerton Estate especially for Hatton Top, Upper Hatton and Hatton Hall farms, now all amalgamated into one farm. It is also used by a smallholding at the North East end.
217. The lane is in the ownership of the Swynnerton Estate as shown in the deeds (Map NN). It has never been open to public vehicles. It has been shut off by locked gates at both ends since 1974. No objections to these locked gates has ever been made to him.
218. The 1820 Map shows no turnpike into the lane and therefore no rights of way. There is no record of any change of status since 1820.
219. Usage by horses is confined to the owners family.

THE CASE FOR THE OBJECTORS

Mr M Rowley representing the Motorcyclists Federation
(Documents 3 and 57-61 and Maps OO 1-6)

220. The 1838 Tithe Map and other old maps show the whole route. Evidence of use by car and motorcycle are produced (Documents 58 and 59-61) and also correspondence between the Federation and the Clerk of Stone Rural District Council (Document 60).
221. The route is suitable for light public vehicles, and hardship through loss of recreational facilities would be caused through any loss of rights of way.

1st Witness
Mr I G Gaskin
(Document 61)

222. He has used the route in a private car between 1936-1975 in connection with his duties as Clerk of the Council, and for pleasure.

Mrs M B Stokes Eccleshall Stafford
(Document 62)

223. This route is used by many horseriders.

FINDINGS OF FACT

224. The path is shown as an RP on the Definitive Map and reclassified as a footpath on the Draft Revised Map. Claims have been made for it to be a byway. No claim for bridleway status was made during the review period.
225. The path is suitable for light traffic but has gates at both ends. The Southern entrance passes through a muddy farmyard.
226. Old maps show a route along 52 Swynnerton and it is marked on the Tithe Map.

227. The path is owned by the Swynnerton Estate and is shown on the deeds. A notice to this effect is at the Southern end of the path. The Motorcyclists Federation claim it for recreational purposes and have produced evidence of usage by vehicles.

CONCLUSIONS

228. This path is owned by the Swynnerton Estate and probably has been since at least 1820. It is shown on many old maps but I do not consider that they show any public vehicular rights. There has been some usage for over 20 years by cars and motorcycles, but mostly for recreational purposes. No undue hardship would be caused by the extinguishment of vehicular rights of way. The owners have erected notices and put in locked gates to show that the path was private thus negating the intention to dedicate the paths as highways under Section 34 (3) of the Highways Act 1959.
229. I do not consider that the claim for byway status satisfies the tests in Paragraph 10 of Part III to Schedule 3 of the Countryside Act 1968 or Paragraph 34 (1) of the Highways Act 1959 and consider that 52 Swynnerton should remain as a footpath.

PATH IR/2651 COLWICH

THE PATH AND SURROUNDINGS

230. The path joins the track between Trentians Bridge and Essex Bridge at Colwich and the tow path of the Trent and Mercury Canal (Maps A, PP and QQ). It is about 20 metres long, across park land.

THE CASE FOR THE PROPOSERS

Mr T Gray representing the Staffordshire County Council
(Document 63)

231. The path was originally included on the Draft Revised Map but an objection on ownership was received. It has now been found that the land belongs to the National Trust who have no objection to its inclusion (Document 64).

CONCLUSION

232. I consider that this path should be included on the Draft Revised Map as a footpath.

OMISSION OF FOOTPATHS IN TRENTHAM PARK

THE PATHS AND SURROUNDINGS

233. Path A branches off Footpath 2 at its Eastern end and goes West over the M6 motorway to Gravel Pit Lodge, where it comes out on the A519 (Maps A, RR and SS). It is a 3-4 metre path with a hard base passable to light vehicles.
234. Path B starts at a large locked gate on Footpath 2 at its Northern end and runs South West and then South East to a swimming pool. It is inside Trentham Gardens Pleasure Ground and is only available to the public who have paid an entrance fee or hold annual season tickets. It passes initially through a caravan site and then through a wooded area. It is a tarmac road 3-4 metres wide passable to light vehicles.