

E. HEATON & SONS

ALAN MORRIS

LAND & ESTATE AGENTS
SURVEYORS & VALUERS

Established 1770

TELEPHONE/FACSIMILE
(01782) 502108/503124

The Estate Office,
P.O. BOX No. 1

Endon,

Stoke on Trent.

ST9 9BJ

COUNTRYSIDE
CIRCULATION LIST
28 AUG 2003
COPY TO
PFM JQ NM NCP
MJB BDM KLR FOM

YOUR REF: 4/RMJ/LK 639G

OUR REF: R. AM/EC

26th August, 2003.

Dear Sir,

Alleged Public Footpath from Tenement Farm
to Edgewells Farm, Ramshorn and Farley Parish.

We thank you for your letter of the 22nd ultimo with enclosures and now return your Questionnaire duly completed.

With regard to Question 3, we are quite willing for your Officers to inspect but we should warn you that it is impossible to walk through the plantation without first cutting a way through the undergrowth etc., and it would be necessary to climb over barbed wire fencing.

At the present time the land belonging to the Estate through which the path is alleged to run on the north side of the woodland is occupied by Mr. B. Rowlinson of Edgewells Farm, and that to the south by Mr. P. Gould of Unwin Farm, Ramshorn. We have spoken to both tenants who would be able to confirm what we have said as both have lived close by and farmed the land for many years.

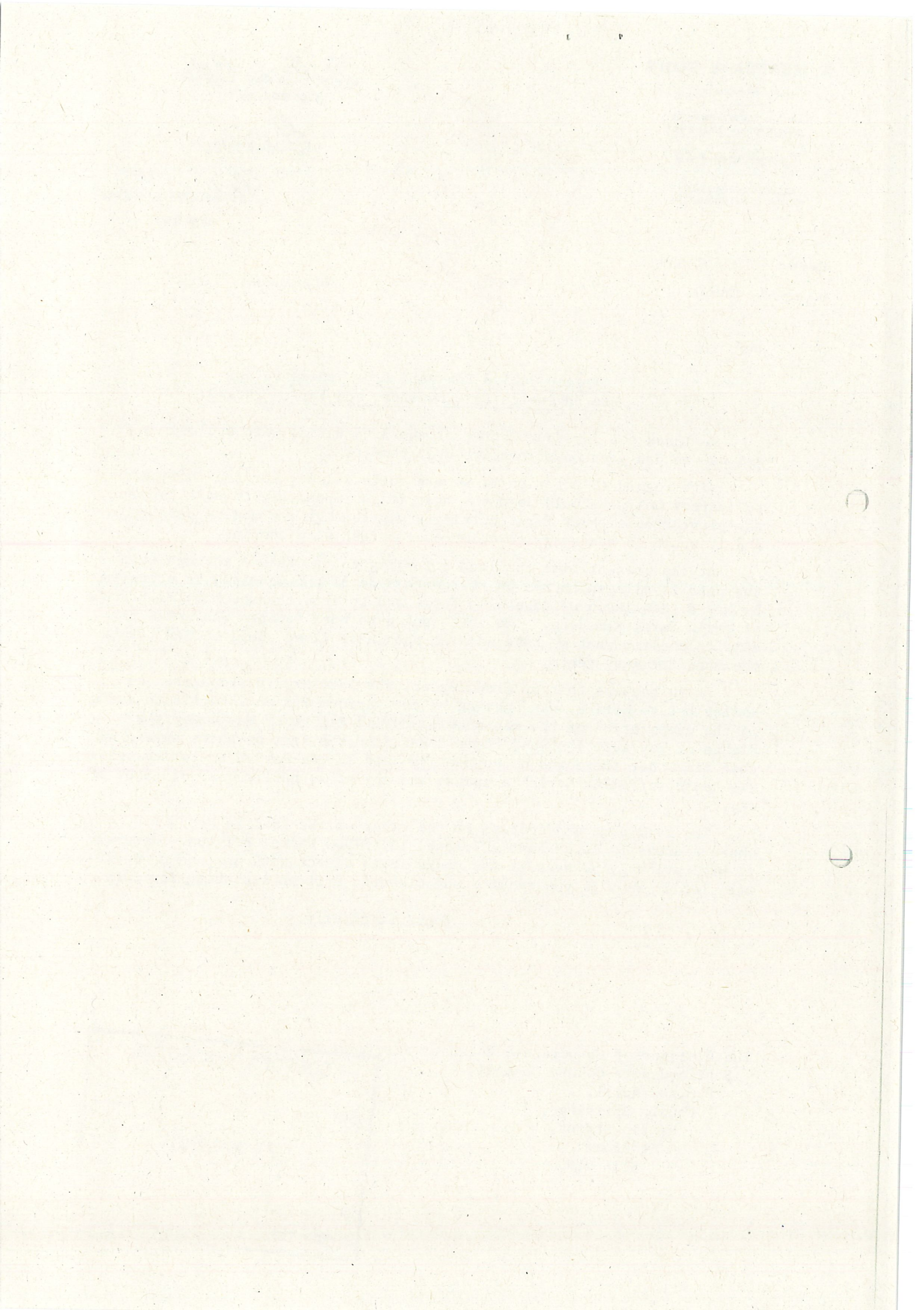
It so happens that my predecessor, the late Mr. J. P. Stephenson of Farley Estate Office, was engaged by the various Parish Councils to assist in the preparation of the map showing Public Rights of Way under the Rights of Way Act, 1932 and it is clear from the list of paths agreed at that time that there was no connecting path in the Parish of Farley between the Ramshorn/Farley Parish Boundary and any other public road or right of way.

The full name and address of the owner of the land is Mrs. U. R. De Stoop whose address is Av. de Four a Brique, 13, B1300 Wavre, Belgium. However, it will probably be best if you communicate direct with us, and no doubt you will let us know if you require our Client's written authority for this.

Yours faithfully,

The Director of Corporate & Consumer Services,
Staffordshire County Council,
P.O. Box No. 11,
County Buildings,
Martin Street,
Stafford.
ST16 2LH.

CORPORATE DIRECTOR
REF
28 AUG 2003
REF
COPY TO



PUBLIC RIGHT OF WAY EVIDENCE FORM

Questionnaire to be completed by the 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) ALAN MORRIS (as Agent for owner, Mrs. U.R. De Stoop)
(Block Capitals please)

Address E. HEATON & SONS, THE ESTATE OFFICE, ENDON, STOKE-ON-TRENT, ST9 9BJ.....
(Block Capitals please)

Telephone No.

Date of Birth Occupation LAND AGENT.....

*please delete as appropriate.

Please take time to answer the questions carefully and in full.

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? *YES/~~NO~~

If the answer is YES please answer questions 2 to 15 and indicate on the attached map the extent of your ownership or tenancy.

If the answer is NO, please, if possible, advise the names and addresses of the landowners/occupiers.

2. Have you received a Notice of Application for a Modification Order? *~~YES~~/NO

3. Would you be willing to allow County Council officers to make a site inspection? *YES/~~NO~~

4. (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)

5. How long have you had an interest in the land affected by the application?
I have also acted for previous owners, Lt.Col.E.H.M.Unwin, 58 years
Mr.T.J.Brindley and Mrs.E.M.Grindey. Mrs.De Stoop is the late Mrs.Grindey's
daughter, the property being vested in her in March, 1997.

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

Freehold Ownership. Are you:--

(a) Sole freehold owner?...SOLE FREEHOLDER.....

(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

Are you a tenant or lessee of the land?.....NO.....

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

7. Have 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

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.

8. Have you ever given 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?.....

9. Have you, or any previous owner/tenant of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the route?

*YES/NO

If YES please state:- Fences and walls have been maintained from time to time to prevent stock from straying and, in particular, a post and wire fence was erected by the Estate between points 'A' and 'B' on plan. This fence was renewed/repared in 1992 by the Tenant of O.S.No.9 who employed a contractor to do the work.

As to fencing between O.S.No.9 and O.S.No.16:-

- (a) When was this? 1961 and 1992
- (b) For how long was this? approximately 250 yards
- (c) How was the access blocked? Post and barbed wire fencing
- (d) Where was this? Whole of boundary between O.S.No.9 and 16

Please indicate location on attached plan.

Between Points 'A' and 'B'

10. (a) Have you ever stopped or "turned back" anyone found using the route? *YES/NO

If YES please give full details.....

11. Have you ever taken 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. Objection to proposed inclusion of path on map prepared under National Parks & Access to the Countryside Act, 1949

(Objection sustained)

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: --

(a) In what form is this? See attached copy correspondence (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. Would you be prepared to give evidence on this matter at a public inquiry or in a court of law, if necessary? *YES/NO

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

We understand that prior to the Second World War this was merely a path originally used by tenant of Ribden Farm for access to Edgewells House and the main Leek Road. The Public has never been allowed to enter the woodland O.S.Nos.16 & 18 which lie across the alleged path.

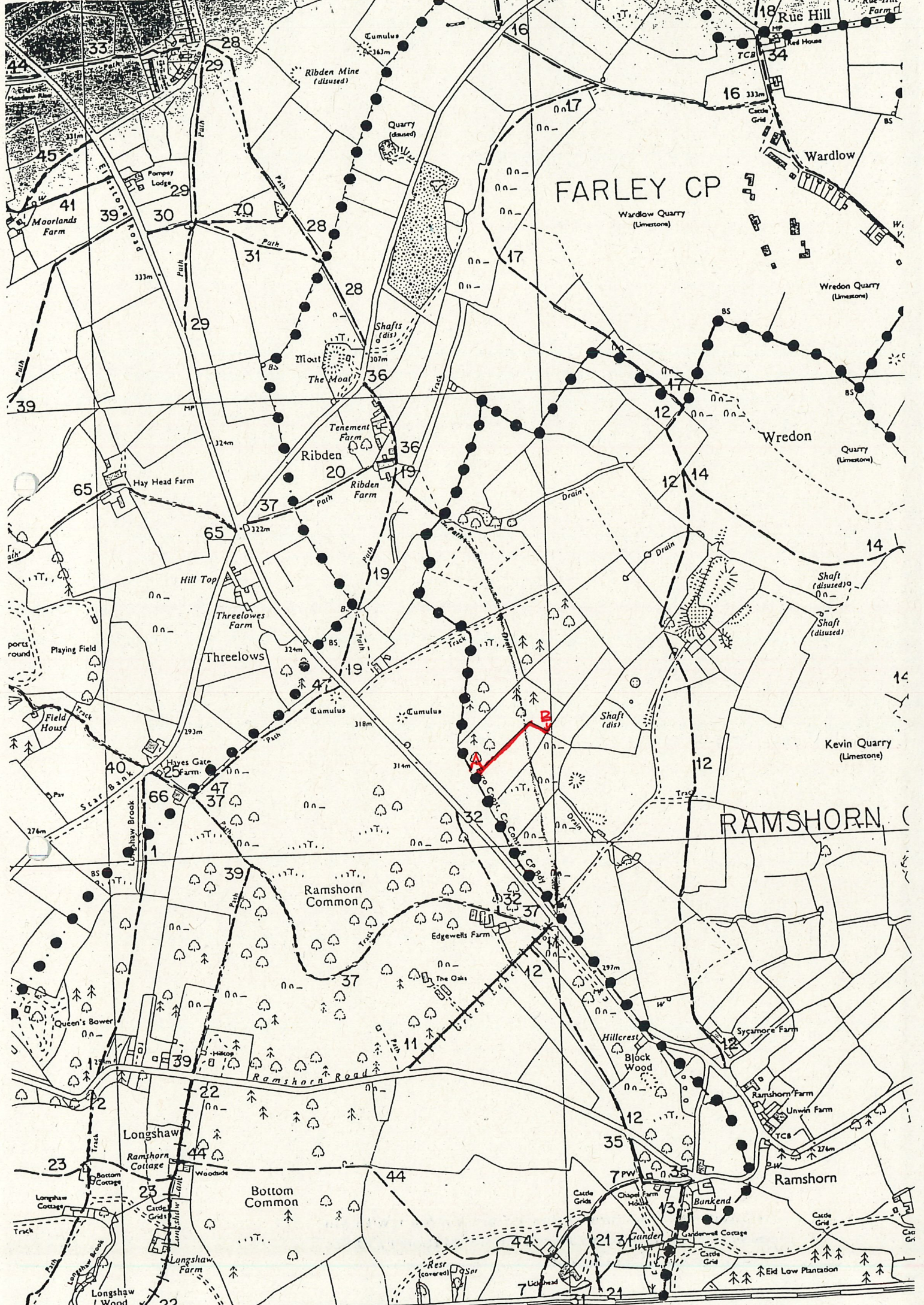
I certify that, to the best of my knowledge and belief, the information I have given in this statement is true.

Signature

ALAN MORRIS

Person taking this statement (if applicable).....

Date 26/8/03



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STAFFORDSHIRE COUNTY COUNCIL

T. H. EVANS, C.B.E., D.L., LL.M.
CLERK of the COUNTY COUNCIL



COUNTY BUILDINGS
STAFFORD

TELEPHONE No. 1530 4121

MY REF. DM/AB/F.2260.

9th March, 1962.

YOUR REF.

Dear Sir,

National Parks and Access to the Countryside Act, 1949 - Draft Map
of Rights of Way - Uttoxeter Rural District -
Parish of Ramshorn - Objection 717 FP. 13.

I refer to the objection which was lodged by Mr. Stephenson in November, 1954, on behalf of the Ramshorn Estate in respect of the above Right of Way. I find on checking my file that I have not written to you giving you notice of the County Council's determination to agree to the deletion of this Right of Way from the Draft Map for the Parish of Ramshorn.

I shall be pleased, therefore, if you will kindly accept this letter as the notification of the County Council's determination to delete the above Right of Way from the Draft Map. There has been no counter objection to this determination.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'Alan Morris', written over a horizontal line.

Alan Morris, Esq.,
Land Agent,
Farley Estate Office,
Oakamoor,
North Staffordshire.

COPY

Farley Estate Office,

OAKAMoor.

XXX 384.

10th. March, 1962.

Your ref: DN/AB/T.2260

Dear Sir,

National Parks and Access to the Countryside
Act, 1959 - Draft Map of Rights of Way -
Uttoxeter Rural District - Parish of
Ramshorn - Objection 717 - FP. 13.

Thank you for your letter of yesterday's
date giving notification of the County Council's
determination to delete the above Right of Way
from the Draft Map. I note that there has
been no counter objection to this determination.

Yours faithfully,

ALAN MORRIS

The Clerk of the Staffordshire County Council,
County Buildings,
Stafford.

COPY