



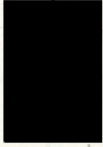
North 20 21

enclosure awarded Brown Edge Lane

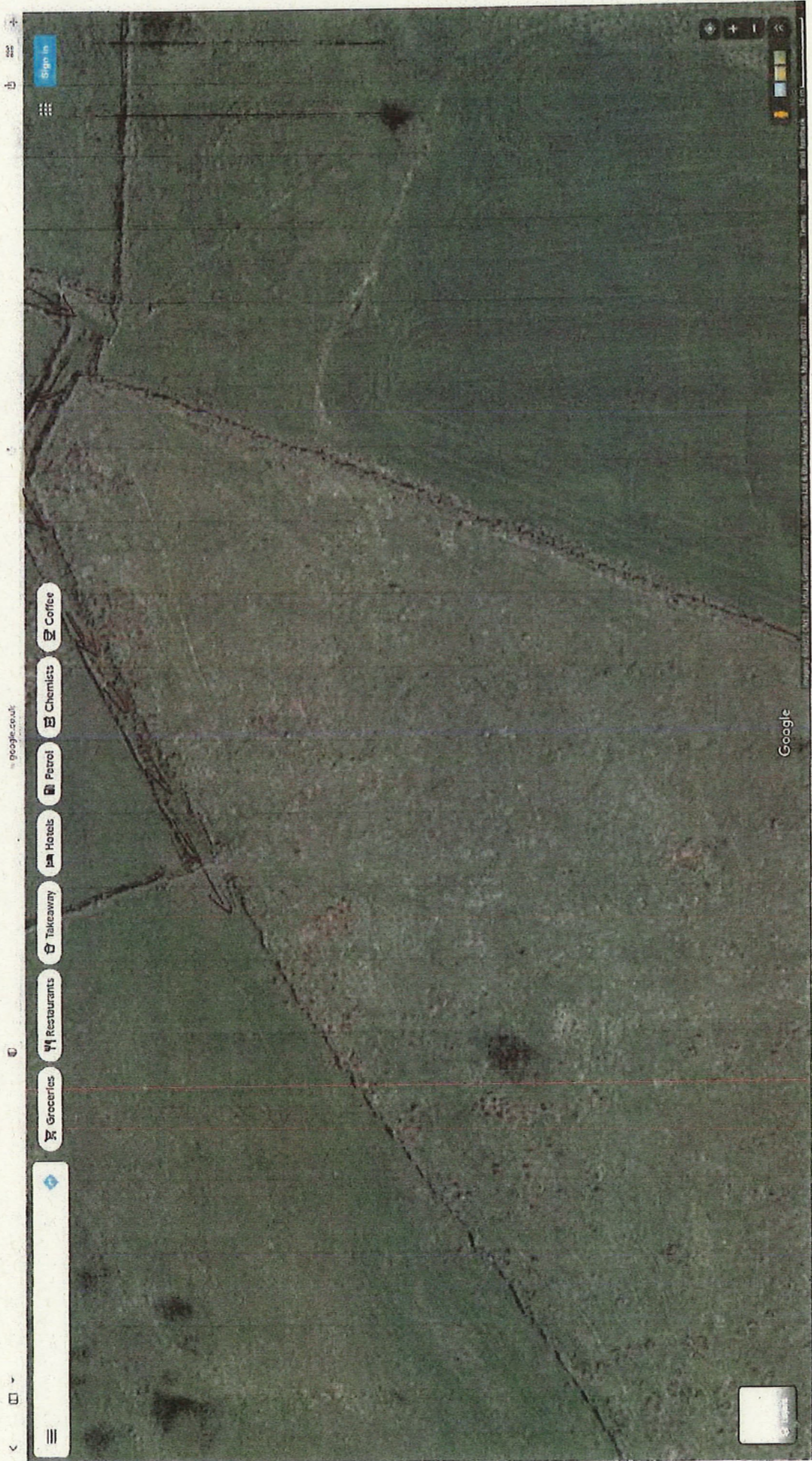
Ward 2022

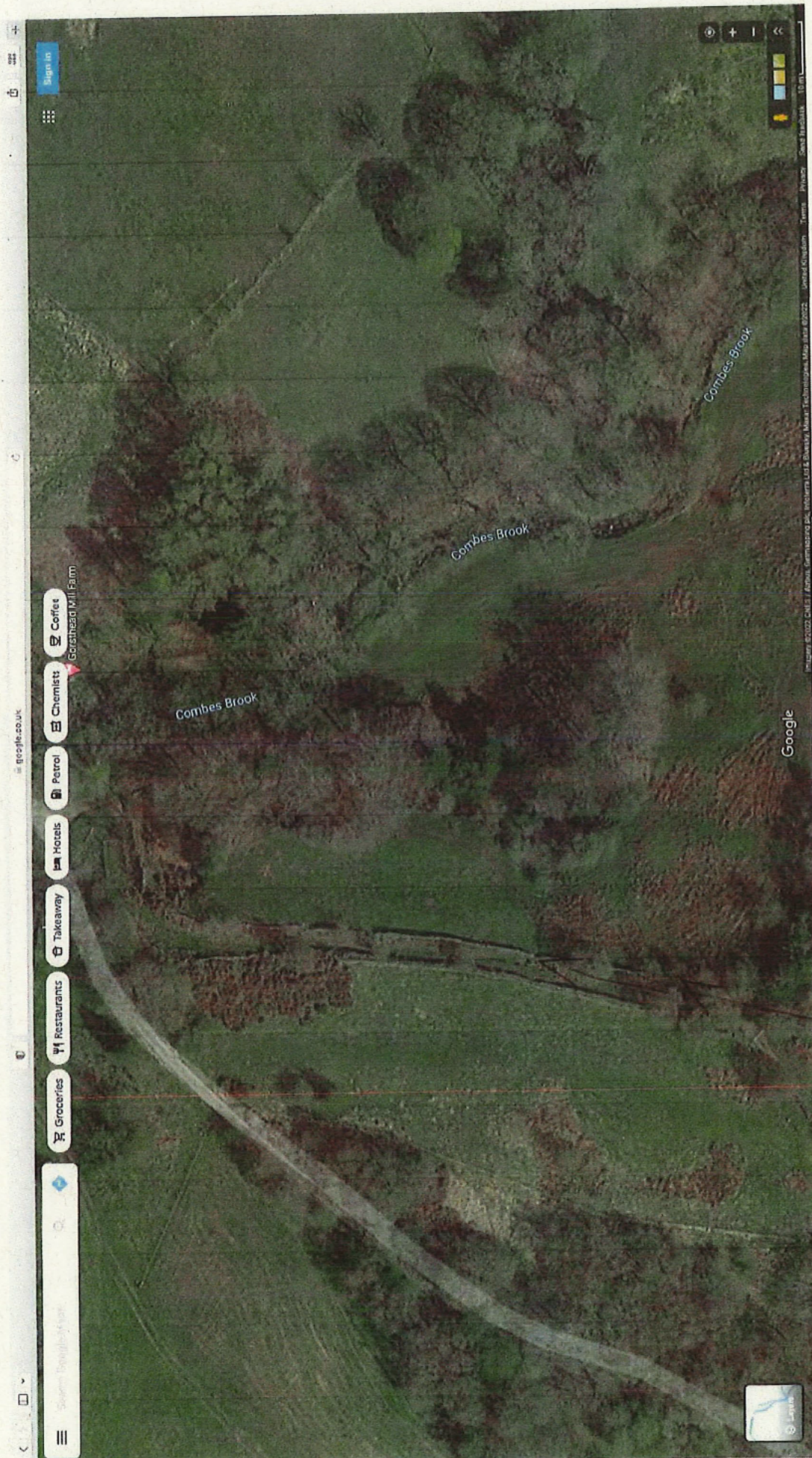


North 22

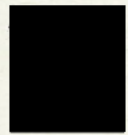


Brown Edge Lane





Brown Edge Lane



March 2022

In 1992 the Staffordshire Moorlands Bridleways Group wrote to Staffordshire County council asking for two gates, which had been unlawfully erected, to be removed. Copy enclosed.

The way in question, shown on the definitive map as footpath 35 Ipstones parish, is shown on the Bradnop enclosure award dated 1798 as Brown Edge Lane and called an ancient lane. The letter pointed out that the lane is enclosed between walls which the landowner had breached in places to allow animals access to the highway. This was quite clearly an offence under section 155 of the Highways Act 1980. The duty of the Highway Authority was to remove the gates and get the landowner to rebuild the walls. The decision to allow the erection of the gates under section 147 of the act was wrong, section 147 clearly states the application must be for land 'in or being brought into agriculture', this highway, ancient in 1798, between walls, cannot be brought into agriculture as it is an offence for animals to be on the highway. I refer to HA80 sec.155 again and draw your attention to sub section 1 which makes it clear that the land would have to be UNENCLOSED to allow animals to wander freely on the highway. This is not the case here. This happened a long time ago, officers have changed, there is now a better understanding of the law. Highway authorities are more aware of the words of Lord Chief Justice Lane in R v Surrey County Council ex Parte Send Parish Council, where he said 'The local authority must at all times act with the object of protecting the highway and preventing or removing obstructions, and, more broadly speaking of promoting the interests those who enjoy or should be enjoying the highway'.

On the REPORT OF DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT (PUBLIC PANEL-24 APRIL 1992) copy enclosed

3. Observations

3.1 (b) That, if the County Council consider that the conditions of Section 147 of the Highways Act 1980 no longer apply at any time, the gate is removed at the applicant's expense, unless the removal arises because of highway works, in which case the County Council will bear the cost of removal.

Faced with the evidence provided I believe the County Council must remove the gates which were unlawfully erected. and have repaired the breaches in the walls

Photographs attached.



unlawfully erected gates

1992

Brown Edge Lane 1992 sunken lane



Brown Edge Lane

1992



Walls breached allowing sheep to stray onto sunken lane



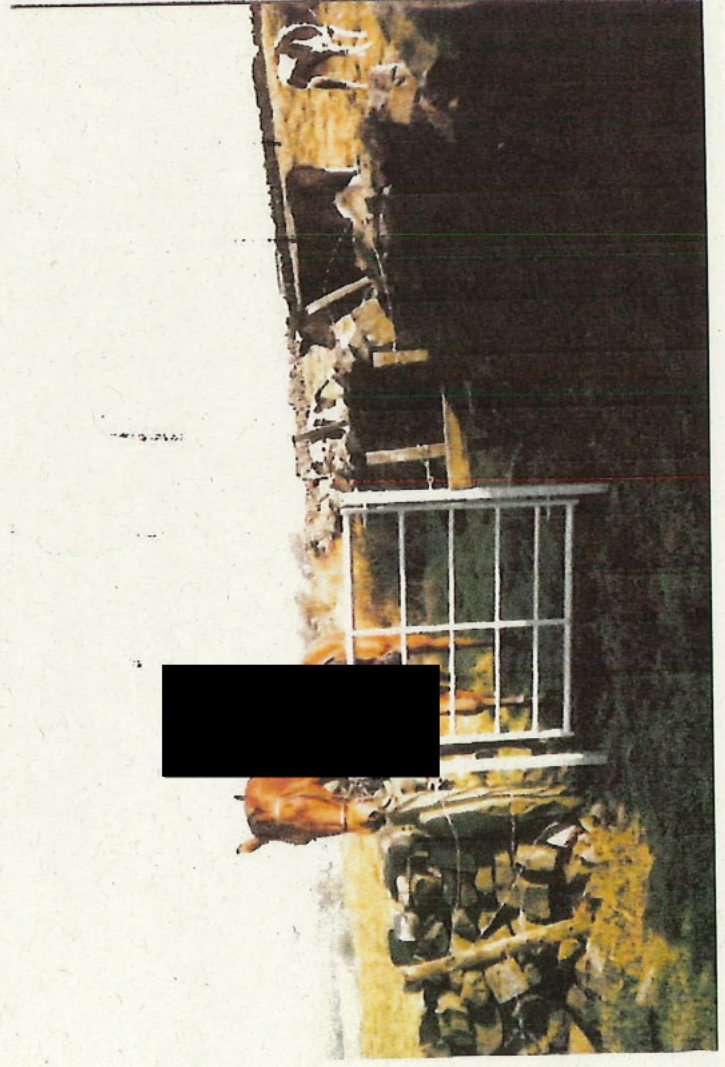
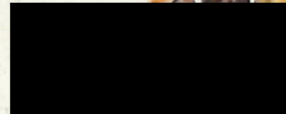
large stones placed under unlawfully created acres Brown Edge k

1988

photograph of

opening a

Brown Edge lane





BROWN EDGE LANE

1988

photograph of [redacted]
opening a bridle gate on
Brown Edge lane