

Name	Years Known	Years Used	Gates/Stiles	Frequency of Use	Width	Purpose	Number of people seen	Permission given	Obstructions/Notices	Stopped or turned back
Rachel Murfin	36 years	Most of my life-on and off	Stiles	Once a week		Pleasure				
Annie Mould			Just a stile- no notices.	Once a month		Pleasure				
Alistair Pegg	30 years	1965 onwards	Stile	Twice a month		Pleasure				
Jessie Pegg	49 years	1946- present	Stile	Once a month		Pleasure				
Wendy McCarroll	From 1940- 1995			Once a month		Pleasure				
Barbara Hine	50 years	First 25 years mainly	Out of church yard into field- doesn't specify what	Once a month		Pleasure				
Michael Bowen	20 years	1974- present	One out of the church- doesn't specify what	Once a month		Pleasure				
Michael	29 years	1966- 95	Church Lych Gate- to stile to	Twice a year		Pleasure				



Askey			Lymer's field									
Mary Wain	55 years	1940- 1995	No	2-3 times a year		Pleasure						
Stephen Dawson	30 years	1965- 1995	No	Once a month		Pleasure						



The Revd. Preb. Derek Tinsley

Tel: 01538 360226

The Vicarage,  
Hollow Lane,  
Cheddleton,  
Leek, Staffs.  
ST13 7HP

Mr M.W. Bradbury,  
Staffordshire County Council,  
PO Box 11,  
County Buildings,  
Martin Street,  
Stafford.  
ST16 2LH

*Acknowledged*

*6/2/96.*

5th February 1996,

Your Ref: 4/MWB/db/19/11/149

Dear Mr Bradbury,

Alleged Public Footpath between Hollow Lane  
and Public Footpath No. 1R/2248, Cheddleton Parish

I have recently become the Vicar of Cheddleton and it is for that reason I was somewhat besieged by letters you sent to various supposed interested parties on 21st November 1995 concerning the above alleged footpath. I was away at the time of your letter and I make apology for a somewhat tardy reply.

I took your letter to the Parochial Church Council in December which is, in effect, the legal owner of the property of St. Edward's Church, Cheddleton. Ownership of the church building and the churchyard is not vested in the Diocese nor its Registrar though the Diocese exercises power over the PCC through the Ecclesiastical Jurisdiction Measure as your planning department exercises power over individual freeholders of property.

The PCC recognises the fact that people are in the habit of using the churchyard as a through way on foot without any intention of visiting the church or the churchyard. This cannot be avoided since there are footpaths to the church from various points and from the church into the churchyard for the purpose of burials and these footpaths to and from the church have been in existence for many hundreds of years. The PCC has no desire to block these access points. On the other hand it does recognise that there might arise a need in the future to make a variation to the actual positions on the ground of these paths and it would not wish to jeopardise the possibility of such a variation in the long-term future by the establishment of a formal footpath or right-of-way drawn on a map at this time.

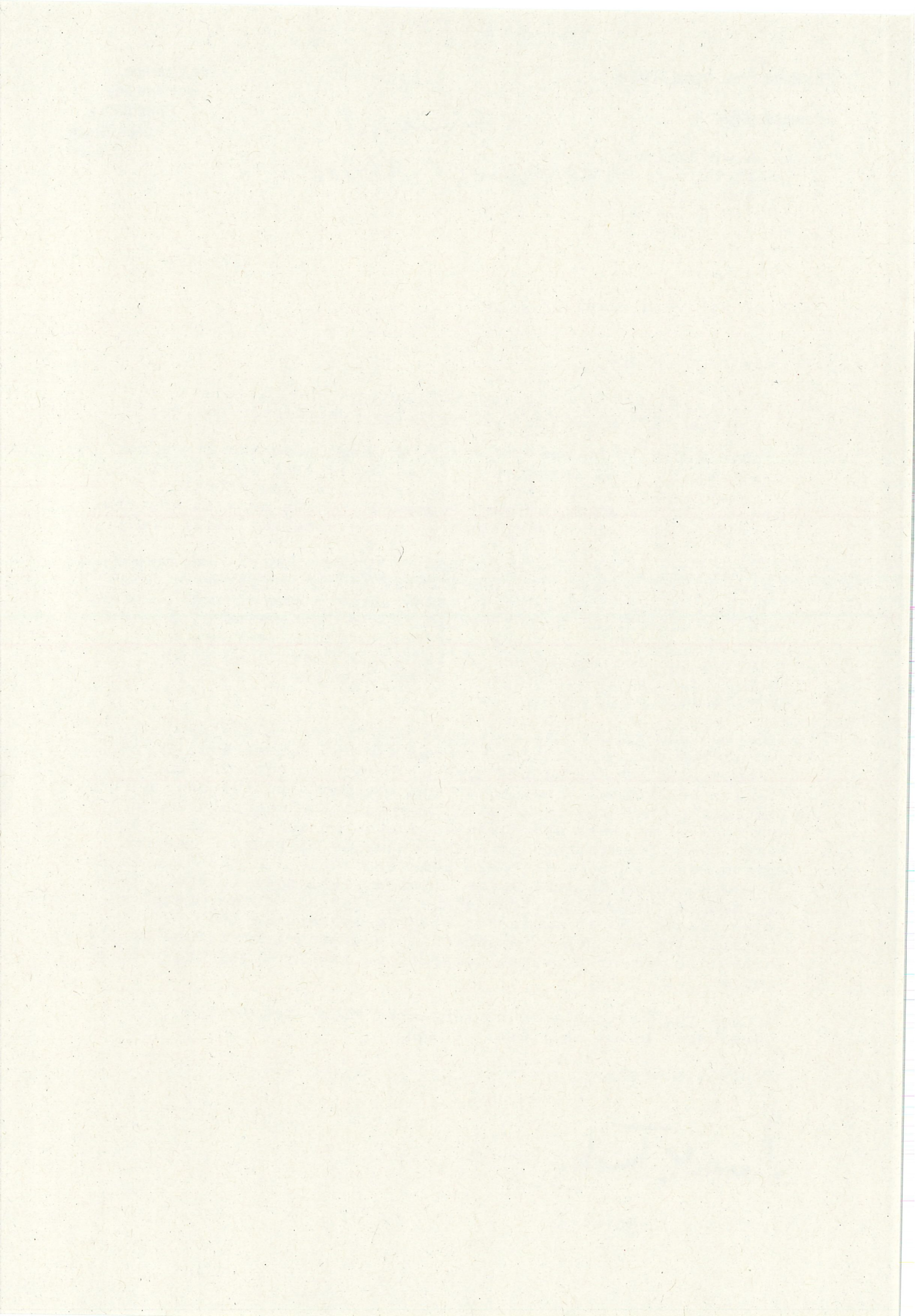
I hope you will be able to represent this view in the consideration of this application.

Yours sincerely,

*Derek Tinsley*

Vicar of Cheddleton







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 claimed public right of way. This is of particular importance if the information is to be of real value in establishing the status of the way.

Name of witness ..... THE VICAR OF CHEDDLETON .....  
(Block Capitals please) THE REV. DEREK M. TINSLEY

Address ..... THE VICARAGE .....  
..... HOLLOW LANE .....  
..... CHEDDLETON, LEEK, STAFFORDSHIRE ST13 7HP .....

Telephone No: ..... 01538 360226 .....

(?) Date of Birth ..... 16 / ..... 07 ..... / ..... 35 ..... Occupation VICAR .....

1. Do you own or occupy any of the land affected by the proposal or adjacent to it? If the answer is YES please answer questions 2 to 13 and indicate on one copy of the plan the extent of ownership. If the answer is NO please, if possible, advise the names and addresses of the landowners/occupiers.

YES/NO

2. Have you received a Notice of application for a Modification Order?

YES/NO

3. Would you be willing to allow my assistant to make a site inspection?

YES/NO

4. Do you consider the route to be public?

YES/NO

5. How long have you had an interest in the land affected by the application. .... ~7.50 ..... years.







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? ✓  
(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? If so, please state the nature of your interest as tenant or lessee.

---

7. Have you, or any previous owner/tenant of the land, erected any "private" or "trespassers will be prosecuted" or similar signs on or near the alleged public right of way? If so please state when and where these signs were erected, what they said, whether they are still in place and show their position on the attached plan. No

---

8. Have you ever given anybody permission to use the path? If so, when and to whom?

N/A

---

9. Have you, or any previous owner of the land, taken steps to prevent the public's access by locking gates or erecting some other form of obstruction along the path? If so, when, where and for how long was the path obstructed?

No

---

10. Have you ever stopped or "turned back" anybody found using the path? If so, please give full details.

No

---

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way? No

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 to be 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?  
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.

I certify that, to the best of my knowledge and belief, the facts I have stated are true.

Signature Derek J. Taylor.....

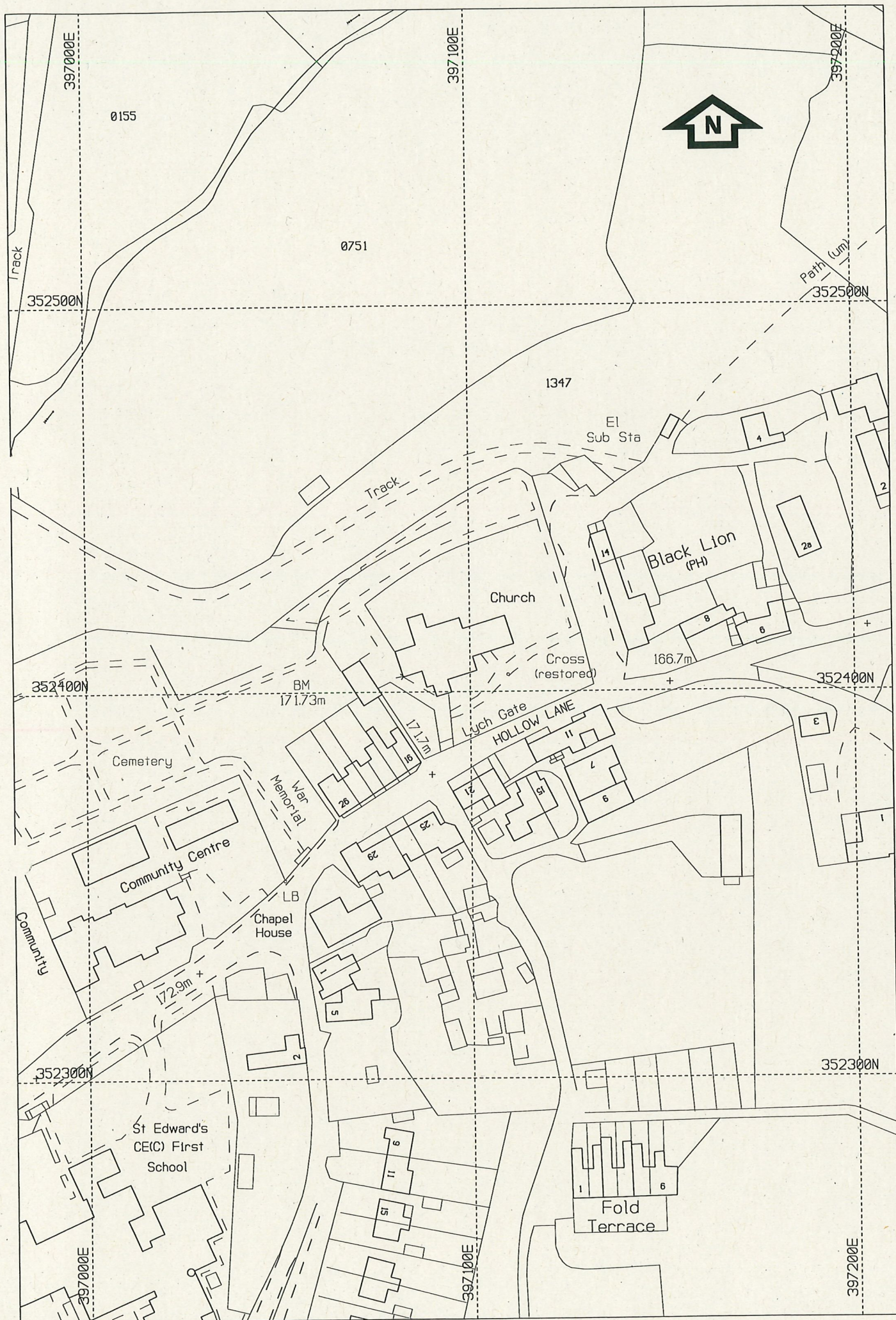
Person taking this statement THE VICAR OF CHEDDLETON.....

Date 5<sup>th</sup> February 1996.....
















From BRIAN RICH  
11 ADAMS GLOVE  
LEEK ST13 8NX

Appendix F  
DISTRIBUTION SECRETARY - STAFFS. MODULARS.

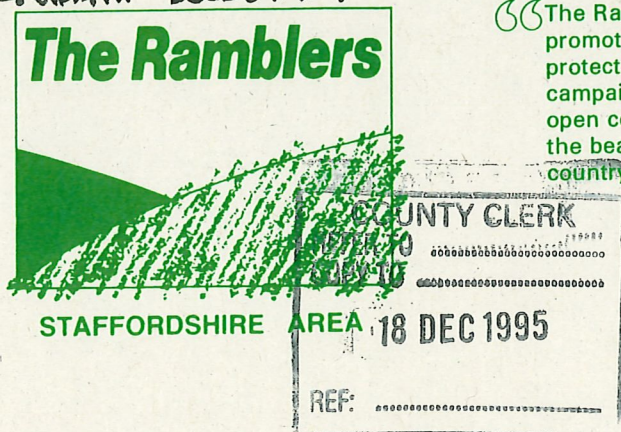
**The Ramblers**

The Ramblers' Association  
promotes rambling,  
protects rights of way,  
campaigns for access to  
open country and defends  
the beauty of the  
countryside. 

F

1ms reference

4/mwb/db/19/11/149



PC note sent  
18/12/95

Dear Mr Brackbury,

WCA 81 - ALLEGED FOOTPATH BETWEEN HOLLOW LANE  
AND FP 12/2248 CHEDDINGTON

I am in receipt of your correspondence of 21/11/95  
referring to the above Section 53 application.

It is clear that both branches of 12/2248 were found  
by local people going to church. It is surprising therefore that  
this alleged footpath was not put on the definitive map  
at earlier reviews.

The benefit gained from adding this short path to  
the definitive map is clearly to safeguard the link between  
12/2248 and 12/2465 for the future.

Yours sincerely

Brian Rich



