

APPENDIX II

OLD FOLD MANOR
HADLEY GREEN
BARNET
HERTS
EN5 4QN

Mr John Gregory
Director of Central Services
PO Box 11
County Buildings
Martin Street
Stafford
ST16 2LH



6th August 1997

Your Ref: 4/HLL/ LG614G

Dear Mr Gregory,

Wildlife and Countryside Act 1981
Application for the addition of a footpath to the Definitive Map

Thank you for your letter of 11th July with various enclosures regarding the application to add a footpath at Stretton to the Definitive Map. You have also written to my father, A.S.Monckton, who has given me a copy of his reply objecting to the proposal.

I farm the southern section of the land concerned in partnership with my parents and the land to the north of Stretton Wood is farmed by my tenant, Mr B.J.Brewster of Bickford Grange Farm. I can confirm that I own all the affected land shown on the plans with the following exceptions:

- The drive to Bickford Grange House (although I retain rights of access along it) (A-B on my plan).
- The northernmost field at Bickford (labelled C on my plan).
- That portion of the "lane" which is marked on the Plan north of Bickford Grange, running east-west, thereon described as "Smiths County Map", which lies on the northern side of the fence on the field adjoining Bent Lane near the marked level 301 (D-E on my Plan).
- The "lane" shown east of Bickford Grange (F-G on my Plan).

I hereby object to the inclusion in the Definitive Map of all the proposed additions on my land, with the exception of the footpath running east-west on the north side of and adjacent to Bickford Grange farmstead (marked H-J on my Plan) although I would make the point that this footpath is shown incorrectly on the application; it should be shown as extending further eastwards and is shown on the Definitive Map as footpath 0.1048). My objections are:

1. The park at Stretton was created in the mid 1800's and was the result of a considerable amount of work which cost my family a great deal of time, effort and expense. The scale of the work would have been such that it would have not only taken a long period to carry out but also a substantial period to plan. The changes involved the draining of the then malarial marsh, creating the lakes and a new drainage and sewerage system for the village. The extent of these works would be impressive today using machines; then it was a huge task for manual labour to complete which included digging land drains that run nearly ten feet deep in places and dams around the lakes. My family would not have made this scale of investment and effort to landscape the area around Stretton Hall (as well as paying for the village sewerage system) if they were to have a public footpath running through it. The long period of planning and the prolonged nature of the works

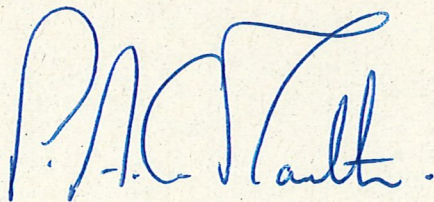
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would have entailed the extinguishment of the footpath a long time before the project was completed (circa 1860) which is consistent with its disappearance from the maps and the new roadways being opened up to the east to replace it.

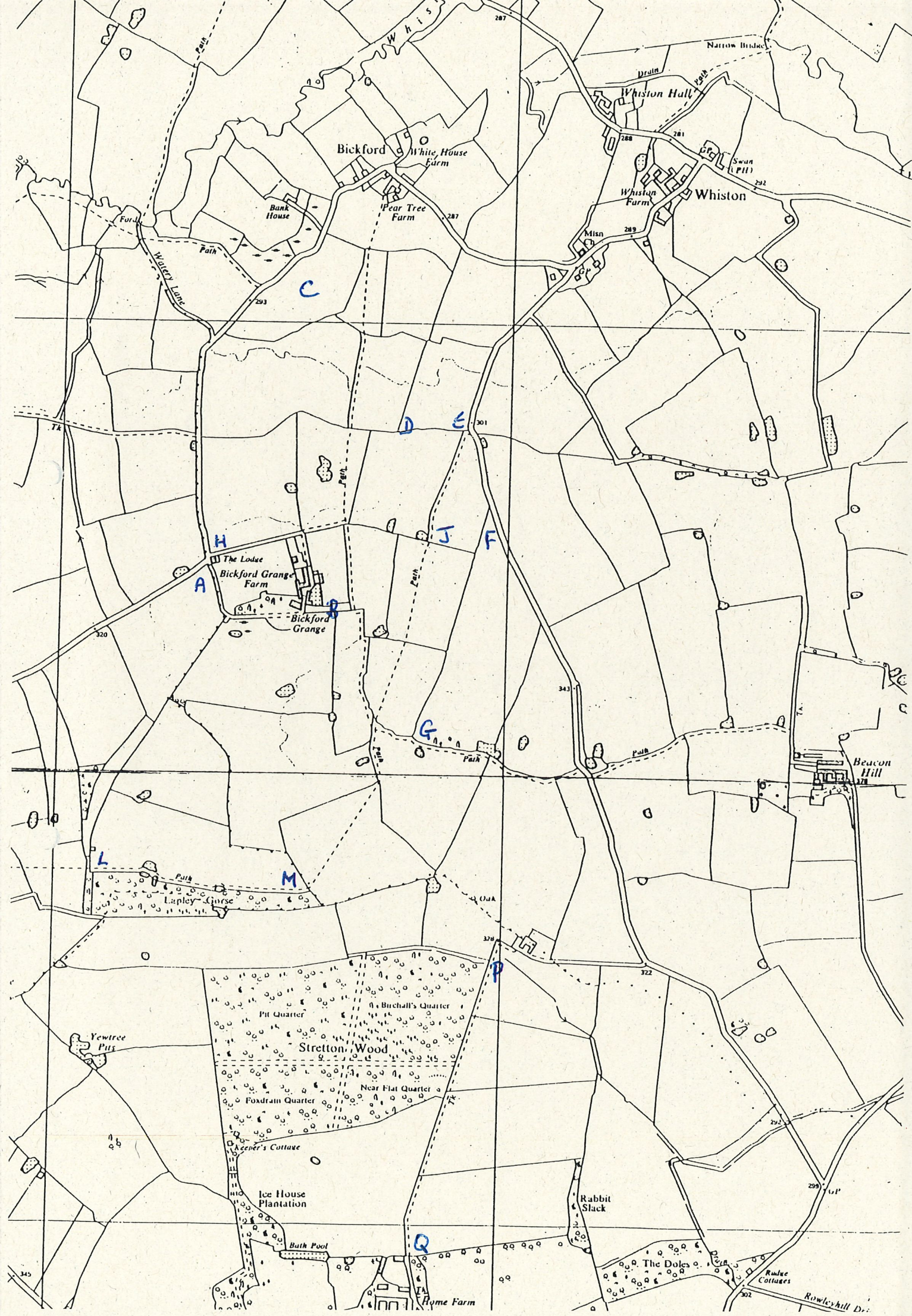
2. The facts and arguments set out in my father's letter to you of 17th July 1997. The north-south footpath was taken out of legal use about 140 years ago.
3. In further clarification of the changes made to the park at Stretton, the County Council would have been involved in works of this nature due to the public health aspects of it (the new sewer) and would have necessarily have had to approve the extinguishment of the rights of way as the formation of the sewerage settlement lake would have blocked any access to the said right of way. The current bridge at Stretton Lodge was built in about 1860 but on a different line to that of the old footpath and to the west of it. Clear evidence of the changes made to the public rights of way are seen in the new routes created to the east (on what are now public roads) which also is a clear indication as to why there has been an absence of objections over the past 130 years.
4. On the Definitive Map the east-west footpath on the north side of Lapley Gorse (L-M on my Plan) is marked 0.1004. It ends at the east end of Lapley Gorse. It does not extend eastwards from there. I object to any eastwards extension in order to link it with the proposed north-south footpath. I am told that this footpath 0.1004 was considered between 1962 and 1965 when my grandfather and Mr Menzler of the Ramblers Association were working together to register footpaths in that area. It was used by the residents of Woodside Farm (now demolished) to walk to Lapley and did not connect with the registered rights of way. My grandfather wished to register it on his land as a nice walk for people to be able to make, but did not wish for the footpath to extend eastwards, so as to preserve his privacy and security.
5. The track (P-Q on my Plan) was constructed in its present form in about 1877, running from Stretton Home Farm to the north-east corner of Stretton Wood with twin gates at point Q. My family had purchased Beacon Hill and the surrounding land in 1877 and this track became the internal estate route to that area. Until the First World War my family lived at Stretton Hall for 9 months of the year and Beacon Hill House for the remainder. Their access track went eastwards from point P on my Plan, along what still is a track, but which was then the private access to Woodside Farm.
6. The proposed footpath north-west from the north-east corner of Stretton Wood, which then goes north to Bickford and beyond on two separate lines was clearly not in existence many years ago. Not only is the farmstead at Bickford built across it but the few hedges remaining on the line make it clear that they have been left undisturbed for many generations. Additionally the proposed footpath would pass through the middle of extensive arable land, for much of its length with no side hedges, and would thus cause considerable nuisance and loss to the farmer. One section of the path is not disputed by me; registered footpath 0.1046 which connects with 0.1048 providing east-west access between Bent Lane and the Lapley to Bickford Road.

I hope that I have made the above points clearly. I have purposely not repeated any of the details contained within the letter my father wrote to you on 17th July 1997 for the sake of conciseness. Please record that I fully support his statements and opinions. If you have any concerns or if you would like to meet on site please let me know. I hope you will agree that there is compelling evidence that this footpath does not exist, and that to open a new footpath through two farmsteads would involve expensive demolition and rebuilding of major structures, quite apart from the adverse effect on the efficiency of the businesses and the major security worries for the occupiers of the land. This should only be undertaken on the most clear and convincing evidence, which there is not.

Yours sincerely



P.A.C. Monckton



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 PIERS ALASTAIR CARLOS MONCKTON
(Block Capitals please)

Address Old Fold Manor, Hadley Green, Barnet, Herts
..... EN5 4QN

Telephone No: 0181-4513092 (Home 0181-9012640)

Date of Birth 28 / 10 / 62 Occupation Stockbroker / Farmer

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?

By Appointment only for Security Reasons.

☒ 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.

..... 22 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?

Sole Freehold Owner.

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.

No.

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?

No.

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?

Yes, At All Times. Public Access Has Never Been Permitted, Claimed Or Used. The Line Has Always Been Obstructed By Buildings, Water And Structures Within My Memory. As Well As Locked Gate At The Lodge.

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

No, I HAVE NEVER SEEN ANYONE USING OR ATTEMPTING TO USE IT.

11. Have you taken any other steps to prevent the presumed dedication of the path as a public right of way?

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."

No, There Has Been No Modern Use Nor Has It Been Claimed.

12. Do you have any documents which show this as a private right of way or giving details of its closure?

SEE ATTACHED LETTER AND MY FATHER'S LETTER OF 17th JULY 1997.

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.....

P.A. O'Connell

Person taking this statement

Peter Monaghan

Date

25th JULY 1997.

