

6 June, 2018

Flat 5, Welcome House
North Street
Mere
Warminster
Wiltshire BA12 6HH

Mr. Craig Harlow
Rights of Way Officer
Wiltshire Council
Rights of Way & Countryside Team
Waste and Environment
County Hall
Bythesea Road
Trowbridge
Wilts BA14 8JN

Dear Mr Harlow

Wildlife and Countryside Act 1981 s.53

Application for an Order to add a footpath to the definitive map and statement at The Square, Mere.

I did not receive a letter in respect of the above and I understand several of the residents in the Walton Building also did not get a letter – why?

This is my response to the above in respect of creating a right of way through our private car park and homes:-

- privacy issues – private properties. Affects those buildings alongside the path as it stands now, coming back through the gate from the Town, but would affect all of us in this complex;
- people would start to park their cars in the private car park again to cut through. There is already congestion issues, at certain times of the day, for residents getting in and out of the park;
- we have already experienced young people sitting in end of tunnel drinking, smoking – legal and other, urinating and leaving rubbish behind (this has been ongoing for a number of years), but being gated and locked has prevented these activities. Debris and filth was constantly monitored and this has abated since the above action was taken;
- danger issues – car park busy and private. People invariably have to reverse out of their parking place and turn in the parking area. We also have large vehicles coming and going. Each driver would, of course, be responsible when in control of their vehicle, but it places additional risks to pedestrians and residents if bicycles, prams, skate boards, youngsters, pets, etc. have access through our thorough fare;
- higher theft issues – items have been taken in the past from several of the properties. Having two exits just makes theft easier.

2/

Has the Highways considered making the pathway alongside the Walton Antiques and old Lloyd's Bank Building into a proper and safe pavement? As already demonstrated by the existing pavement, it does not have to be wide and could even just be on one side of the buildings up through the road. The road going between the Walton Antiques building and the old Lloyd's Bank Building is good and vehicles are considerate of people walking there, but a pavement would assist in any safety issue for pedestrians. This would also negate the suggestion of needing a right of way through our 'square'.

There could be a one-way system created to help traffic coming into areas behind the old Lloyd's Bank Building and then at Water Street to facilitate the safety of people, if this is an issue and has created the suggestion for a right of way through our residential area.

The one complainant or interested party, a gentleman, already has two options for cutting across – rather than using the High Street - from where he lives, namely Pennybank Lane and Water Street. Why is it so important for him (only him?) to suddenly want access through our living area when he has a direct route to the High Street to access the shops, pubs, etc? If the Complainant or interested party wants access to Castle Hill and beyond, there is also a route further up the High Street which goes straight across and is better access than coming through to North Road/North Street where there is more of a gradient to get up to Castle Hill.

To my knowledge no-one has visited the site, or ascertained from residents what this proposal would mean to their everyday living.

Yours sincerely



J.D. Ackerman

Harlow, Craig

From: Harlow, Craig
Sent: 29 May 2018 10:41
To: 'Everard D'Silva'
Subject: RE: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere
Attachments: SWG New UEF (v.2 Oct 2016).doc

Dear Mr and Mrs D'Silva,

Thank you for your reply to my letter.

This application to add a footpath to the definitive map and statement in Mere will rely upon the evidence that is available to the council before it can make a decision.

It must be demonstrated that the route claimed has been used for a period of 20 years as of right, this means the use has been without permission, secrecy or force for that period. This has to be based upon evidence and any extra information any users of the way can submit to the council will help in reaching a decision. I have attached a user evidence form to this email which is very helpful it gaining the relevant information when considering an application such as this, if you would like to fill out the form and return it to me with a map of the route you have used I would be most grateful.

Regards

Craig

Craig Harlow
 Acting Rights of Way Officer (Definitive Map)
 Rights of Way Warden (North / Central)
 Environment Services
 Wiltshire Council

[Tel:01249 468568](tel:01249468568) / 01225 712810
 Ext:28568
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 Email: craig.harlow@wiltshire.gov.uk
 Web: www.wiltshire.gov.uk

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From: Everard D'Silva [REDACTED]
Sent: 26 May 2018 15:42
To: Harlow, Craig
Subject: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere

Dear Craig Harlow,

Re: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere

Thank you, for your letter dated 23 May 2018, Reference 2018/03.

My wife and I live in Walton Cottage as marked on the map you sent us with your letter. When we were in the process of purchasing Walton Cottage back in the winter of 2016 one of the deciding factors when weighing up whether or not to buy was that we had easy and **safe** access to the High Street via the passage that is the subject of this petition. Our Estate Agent told us that we had that access. Since the gate has been closed we have had to walk round and use Manor Road. There is a very narrow pavement in Manor Road which narrows down to nothing and cars, lorries and heavy goods vehicles use it constantly and anybody walking on Manor Road come within a couple of inches of the vehicles passing by on the narrowed part. At night time this is particularly dangerous and I can tell you that, both, my wife and I have had to be pretty quick to jump out of the way of the vehicles. Now, here, there is a particular problem because my wife is very slow due to a very serious accident (hit and run is not an accident!) many years ago and the doctors said that it is unlikely that she will make a full recovery - she hasn't! (she spent two years in a wheelchair!)

My wife works as a carer in Fives Court Old People's Home in Angel Lane, a very short distance from Walton Cottage but I always walk with her to and from work to ensure her safety. She usually works late shifts (2.30 pm to 10 pm) which means it's dark when I collect her from work. She, also, has very little vision in her right eye (due, again, to her hit and run incident) and does not see traffic approaching from her right. I am trying to reduce the risks as much as I can but I am enraged every time we have to be smart to move out of the way at night because cars and other vehicles expect the pedestrian to get out of the way and have blown their horns at us on a number of occasions.

Incidentally, I must add that, only, yesterday, it so happens, I witnessed a nasty altercation out of our kitchen window when someone threatened a young man whose father had left the gate open. His father is a retired Vicar who lives opposite us and who suffers from Alzheimer's. I was on the verge of calling the Police.

People have been using this passage to the High Street for years and are outraged at it being, all of a sudden, closed off to us.

Therefore, My wife and I are outraged and must protest at this passage being closed.

Thank you,
Yours sincerely,

Mr & Mrs D'Silva
Walton Cottage, Mere

Harlow, Craig

From: Roberts, Ali
Sent: 30 July 2018 10:51
To: Harlow, Craig
Subject: FW: Right of way in Mere

From: Andrew Holder [REDACTED]
Sent: 24 July 2018 11:57
To: rightsofway
Subject: Fwd: Right of way in Mere

I gather that Mr Harlow is on leave at the moment. Please refer this email to the appropriate person.

Thank you
 Andrew Holder

Begin forwarded message:

From: Andrew Holder [REDACTED]
Subject: Right of way in Mere
Date: 24 July 2018 at 11:55:18 BST
To: craig.harlow@wiltshire.gov.uk

Dear Mr Harlow.

Further to my telephone message yesterday, I am the owner of the Brainwave Shop and the building behind it in Mere, Wiltshire, BA12 6DL.

I live in Scotland and, as such, am not quite up to date with local matters in Mere. I gather that there has been a consultation process regarding an application to make a private walkway through our properties into a public right of way.

I gather that one requirement for the creation of a public right of way is that it should have been in unencumbered use for the last 20 years. In fact, it has come to my attention that this has been claimed in a "dossier" of information.

This is absolutely not the case. I bought the property, which was then a disused warehouse, along the West side of the walkway in 2007. I then spent some 4 years renovating it. During this time the passageway was often locked for safety reasons and was also closed off by large wooden doors with an old fashioned system of brackets and wood brace. This effectively barred entry from the road side at nights.

I also put a laminated sign on the iron gates informing that it was private property and entry was restricted. This was in place for at least a year, before it was anonymously removed.

During the period when Lipscombe Builders were renovating the Boardroom property, on the other side of the walkway, the iron gates were usually locked.

The conclusion of this is that for a period of some 5 years, entry was locked for a good proportion of the time.

I look forward to your comments.

Best regards
Andrew Holder



Harlow, Craig

From: Harlow, Craig
Sent: 01 August 2018 09:59
To: 'Andrew Holder'
Subject: RE: Right of Way in Mere

Good Morning Andrew,

Thank you for the email and the photograph, as I say any evidence is always helpful.

It will still be some months before a decision report is finalised, I will keep you informed of any progress.

Regards

Craig

Craig Harlow
 Acting Rights of Way Officer (Definitive Map)
 Rights of Way Warden (North / Central)
 Environment Services
 Wiltshire Council

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From: Andrew Holder [REDACTED]
Sent: 01 August 2018 09:44
To: Harlow, Craig
Subject: Re: Right of Way in Mere

Good morning Craig,

Thank you for ringing the other day, it was a very informative conversation.

I have trawled through all my back up disks and have found one photo of the rear entrance, by my property. I have put the date on it. I remember it well because it was just after I had bought the property in August 2007 and the rendering had just been done, although the temperature had plummeted and I was worried about the mortar setting!

You can see the wooden doors, which were usually barred at night by putting a stout piece of wood across the brackets.

This was before any of the alterations were started by Lipscombe builders next door.

I'm afraid I could not find any photos of the Private Property sign I put on the front gate.

Best regards
Andrew Holder



Harlow, Craig

From: Harlow, Craig
Sent: 10 July 2018 13:58
To: 'Gill Main'
Subject: RE: Proposed public right of way, Mere

Dear Ms Main,

Thank you for your email.

I acknowledge your comments and I will keep you informed of any progress on the case.

Regards

Craig Harlow
Acting Rights of Way Officer (Definitive Map) Rights of Way Warden (North / Central) Environment Services
Wiltshire Council

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-----Original Message-----

From: Gill Main [REDACTED]
Sent: 05 July 2018 23:41
To: Harlow, Craig
Subject: Proposed public right of way, Mere

Sent from my iPad

Dear Mr Harlow,

I am writing in response to your letter of 23rd May., and wish to object , most strenuously to the current private footpath being adopted as a public right of way.

Listed below are some of the reasons for this objection.

A private footpath crosses the residents' private car park, clearly marked as such, and passes through a quiet residential area. Since the locking of the gate residents have been able to enjoy a peaceful life in their homes free from the following:

Children using the car park as a playground, riding their bicycles, skidding backwards and forwards through the gravel topping.

Youths using the seat in the residents' private garden. They leave behind discarded sandwich packets and unwanted food, cigarette ends and evidence of banned substances.

Dog walkers allowing their pets to use the garden as a toilet.

Drivers disregarding the private car park, residents only, sign and regularly leaving their cars whilst accessing the town via the gates and, on occasion, if asked not to do so, residents being verbally abused.

Men and children riding bicycles down the sloping path and children also constantly using scooters and skate boards. Again, it is not a play area.

Under the archway in front of the gates youths congregate, both day and night. It is intimidating when one has to walk through a group sitting on either side of the archway with their legs stretched across the pathway making fatuous comments. Even more intimidating are the nighttime gatherings when larger groups of teenagers "party". Several residents have asked them to leave at different times, as have I and I can assure you that at 3 a.m. in the morning, exasperated by the noise, I found it a frightening experience.

We have Chinese food + containers, half-eaten hamburgers and chips spread across the floor. Rubbish and cigarette ends are dropped and the walls have been sprayed with fizzy drinks/beer and the bottles or cans are left behind. The painted walls are black with the spray, spoiling the lovely entrance.

I swept the entrance on a daily basis and on numerous occasions took water and bleach to wash the path under the archway where men think it is acceptable to urinate against the walls. One female resident went to collect her post and was confronted by a man urinating in broad daylight.

I removed the bench from outside my front door as men would sit there at night with their cans of beer and use my flower pots as ashtrays. This also happens in the private courtyard in front of the cottage off the path.

Late at night people seem to think it great fun to cut through to North Street whooping and screeching at the tops of their voices.

We have found evidence of drug-taking and sexual activity.

The above problems have now ceased since the locking of the gates.

With regard to the historical evidence of the gate being locked, I think you already have information. However, when the post office and sorting office was situated here, the post mistress at that time informed me that there were double, solid gates as well as the metal ones and the general public did not use the footpath, it was only for the residents of the 3 flats. Her lease expired in 2000. The next owner, Mr. Robert Finan had a chain and padlock and the gates were permanently locked. I understand that was the situation when Mr. Lipscombe purchased the property + a "private property" sign was attached to the gate.

There are several other ways that pedestrians can access the town and there are many roads which do not have pavements. The person asking for the right of way lives at the opposite end of Mere, nowhere near here. I note that in Mere Matters Mr. George Jeans states that if 2 wheelchairs users were to meet in Pennybank Lane they would not be able to pass each other. As one can see both ends of the lane I do not think this problem would arise. Also, this route takes pedestrians to the zebra crossing, safer than through the gates here where there is a blind corner on an often busy road.

I feel that our quality of life in this lovely enclave would be adversely affected again if this proposal goes through and also think that other residents in Mere would be appalled if the above incidents occurred in their part of the town.

I look forward to hearing from you.

Yours faithfully,

Gillian Main

Harlow, Craig

From: Gill Main [REDACTED] >
Sent: 19 July 2018 13:43
To: Harlow, Craig
Subject: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPad

Dear Mr. Harlow,

Further to my recent e-mail re the above proposal, I would like to add the following:

I am in receipt of a copy of the minutes of a meeting of Mere Town Council held on 4th June, 2018 in which Mr. Jeans explained that he had collected quite a dossier on the issue regarding the locking of the gates in The Square. Cllr. Jeans explained that in order to claim a public right of way you need to produce evidence that unobstructed access was available for a 20 year period minimum. Cllr. Jeans says that from 1997 to 2017 the gates were not locked and public access was available.

What concerns me is that the dossier states that Sam Squires was the last person to chain the gates up in 1992. It does not contain information from Mr. Bob Finan, owner Sept. 2004 - 2007 that the gates were locked with a chain and padlock for insurance reasons - access by the public was not covered. Also, Mr. Andrew Lipscombe, owner from 2008 to the present, has not been contacted by Mr. Jeans to ascertain whether the gates have been locked by his company.

I spoke to Mr. Lipscombe who confirmed that when he viewed the property before purchase, Mr. Finan unlocked the gates before he could gain access. He further stated that the gates were locked during renovation work as access was unsafe for the general public due to demolition and building works. All of the above can be confirmed by Mr. Finan and Mr. Lipscombe. Therefore, how can an application be made for a public right of way when the gates have been locked during the past 20 years?

Also, in 2012, I am reliably informed by residents in The Square, that there was a sign attached to the gates stating Private Property. It was later removed by persons unknown.

Yours faithfully,

Gillian Main

Mr. Craig Harlow
Rights of Way Officer
Rights of Way & Countryside Team
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

July 2nd 2018

Stuart May
Flat 3
Walton Building
Mere
Wiltshire
BA12 6HU

Ref: 2018/03

Wildlife and Countryside Act 1981 s.53
Application for an Order to add a footpath to the definitive map and statement at The Square, Mere.

Dear Mr. Harlow,

Thank you for your letter dated June 19th 2018 regarding the above application.
I enclose the completed Landowner evidence form.

I own Flat 3 and the corresponding parking bay both of which are adjacent to this proposed footpath.

I purchased this property in March 2018 and of course I did so with the clear knowledge that this footpath was accessible to residents of this enclosed area only and not a public right of way.
I have been a Mere resident for many years and in fact lived until recently at 15 Castle Hill Crescent which is nearby and in the same direction from the Clock Tower and town centre.

I have never used this footpath route into town before becoming a resident at The Walton building and was never aware of any public access.

On speaking to some of my immediate neighbours it appears that for a time while the development of The Boardroom building was taking place that this walkway was accessible as the gate that exists was, for a period, unlocked.

This accessibility to the public at that time seems to have lead to many instances of anti social behaviour concentrated around the Archway of The Boardroom and the pathway the is adjacent to both The Walton Building and the properties very close to the archway.

These included people using this area to drink alcohol (with the corresponding litter), instances of urination and vomiting, along with general intimidation of residents in this area.

Access in this direction already exists to the area of the Clocktower via Manor Road and dedicated pedestrian access exists via Pennybank Lane which is also very close by.

This route as indicated on the enclosed map by A - B is of course used primarily as a residents car park and in fact my parking bay crosses the route indicated.
Increased pedestrian traffic in this area, beyond the residents that currently use it, where cars are parking and turning seems to pose a risk to people on foot.

Therefore, for the reasons given, I strongly appose the creation of a new public footpath in this area.

Thank you again for your correspondence.

Yours sincerely

A solid black rectangular box used to redact the signature of Stuart May.

Stuart May

LANDOWNER EVIDENCE FORM

The object of this enquiry is to establish whether a Public Right of Way exists. It is important that you answer all the questions accurately and as fully as possible. This is of special importance as the information given may be examined at a Public Inquiry or Hearing.

FULL NAME STUART MAY

ADDRESS FLAT 3, THE WALTOW BUILDING, MERE, BA12 6HU

Tel no (day)

e.mail address

PATH DETAILS:

Parish MERE

Claimed Status of Way

Description of Path (also see attached map)

From: To:

1. The route of the way is shown on the accompanying plan.

Does the route cross or adjoin your land? YES / ~~NO~~

If no, no further questions need to be answered.

If yes, please indicate on the plan the position of your land and state the number of years it has been in your ownership 1 or tenancy

2. Do you believe this way to be public? NO

(a) If so, with what status

(b) For how long have you held this belief?

3. Have you seen, or been aware of, members of the public using this way? NO

(a) If so, please state the period, regularity and nature of such use

4. Have you ever required people to ask permission before using the way? NO

If so, please give details

- 5. **Have you deposited a Section 31 (Highways Act 1980) plan and statement?** ~~YES~~ / NO
 If so, please give details and dates
- 6. **Have you, or someone on your behalf, ever turned back or stopped anyone from using the way?** No
 If yes, please give details and appropriate dates
- 7. **Have you, or someone on your behalf, ever told anyone using the way it was not public?** No
 If yes, please give details and appropriate dates
- 8. **Have you ever erected notices or signs stating that the way was not public?** No
 a. If yes, please give details and approximate dates
- b. State whether these notices were ever defaced or destroyed and whether they were replaced.

- c. Show their position on the accompanying plan
- 9. **Have there, to your knowledge, ever been on the way any stiles or gates?** YES / ~~NO~~
 a. If yes, state whether the gate or gates were ever locked YES RESIDENTS HAVE A KEY.
 b. Show their position on the accompanying plan
- 10. **Have you ever obstructed the way?** ONLY BY LOCKING THE GATE.
 a. If yes, state where, how and when
- 11. **Can you give any further information?** Please continue on a separate sheet of paper if needed.

DECLARATION

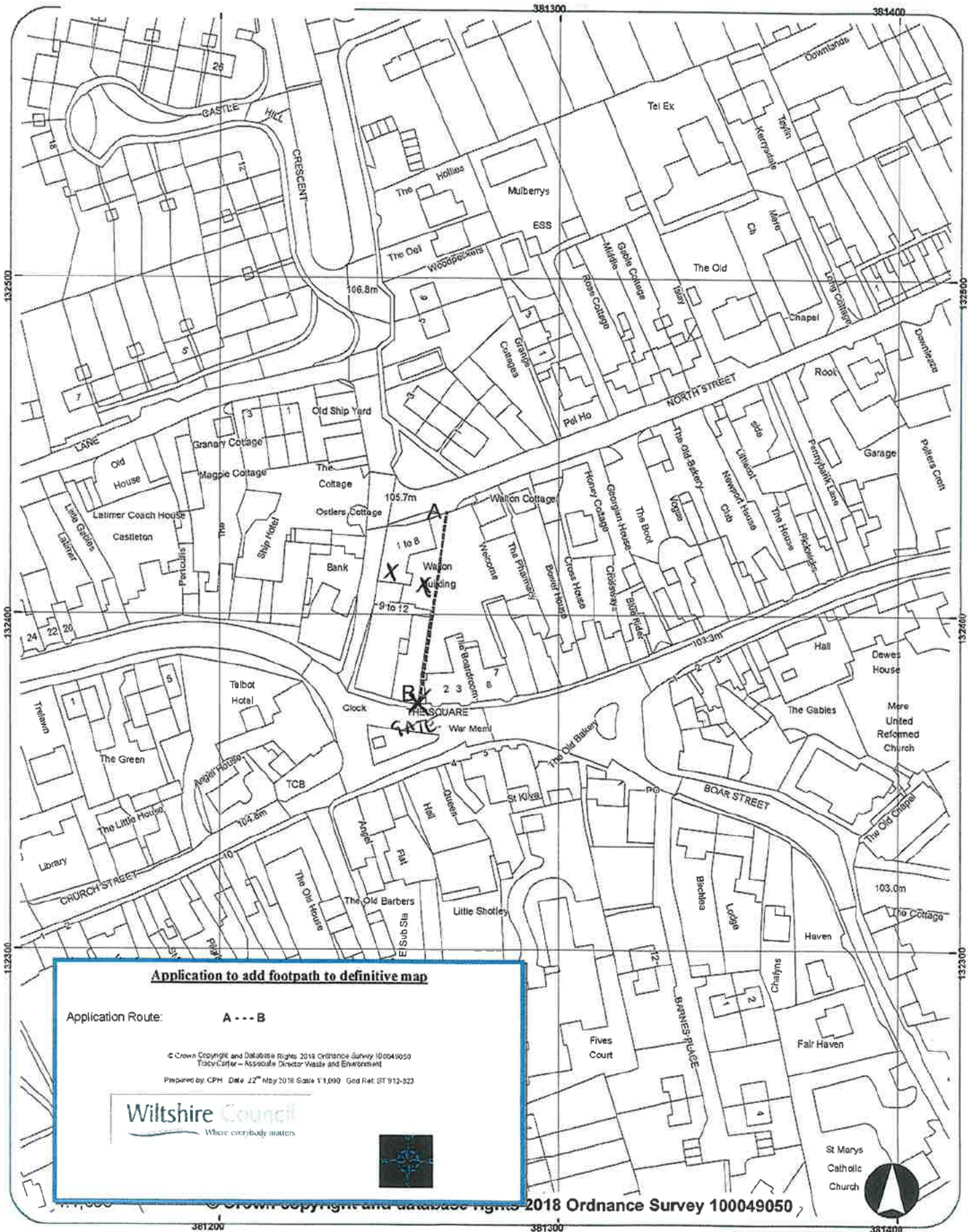
I hereby certify that, to the best of my knowledge and belief, the information that I have given is true .

Signed:  Date: 23/6/18.

Please return this form and any accompanying map to:

**Rights of Way and Countryside Section,
Waste and Environment
Wiltshire Council
County Hall
Trowbridge
BA14 8JN**

Application to add footpath to definitive map - Mere



Harlow, Craig

From: Lindsey [REDACTED]
Sent: 04 July 2018 10:59
To: Harlow, Craig
Cc: Jeans, George
Subject: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere.

Dear Craig,

Thank you for your letter of 23rd May – (Your ref: 2018/03) and attached plan. I can confirm that this was presented to the Town Council at their June meeting. The simplest way for me to respond is to send you a copy of the approved Minutes as copied below:

b) Application for an Order to add a footpath to the definitive map and statement at The Square, Mere – a copy of a letter from Wiltshire Council’s Rights of Way Officer had been distributed to members with their agenda papers – the letter stated that Wiltshire Council had received an application to add a public footpath to the definitive map and statement leading from The Square in a northerly direction to North Street (plan attached). Wiltshire Council is now placed under a duty to investigate the available evidence to determine, on the balance of probabilities, whether or not a right of way for the public on foot, subsists or can be reasonably alleged to subsist and to amend the definitive map and statement of public rights of way accordingly. Wiltshire Council were inviting the Town Council’s comments on this matter and would be grateful to receive any further evidence regarding public use of the route in question and/or historical evidence of the claimed route.

Cllr. Jeans explained that he had collected quite a dossier on this issue as he had had a large number of people contact him when the gate was locked recently and access was blocked. He pointed out that many people used this path as a safe way of getting from The Square to North Street/Manor Road/North Road as the alternative route, between the old Lloyds Bank and Waltons Antiques buildings, was a single width roadway with no footpath and it was hazardous to walk along here with young children or a pram/pushchair. Cllr. Jeans explained that in order to claim a public right of way you need to produce evidence that unobstructed access was available for a 20 year period minimum. Cllr. Jeans says that from 1997 to 2017 the gates were not locked and public access was available and as far as he is aware people have not been challenged when going through there and there were no signs saying that people were not allowed to go through there. Cllr. Sims said that, many years ago when Mrs. Young had the post office next door, apparently this was a closed off area. Cllr. Jeans confirmed that Mr. Andy Young controlled the building and access on behalf of Mr. Clifford (the owner) until approximately 1989. Sam Squires was the last person to chain the gates up in 1992. After that, people went through there unopposed until the gates were shut in December 2017.

Cllr. P. Coward said that he could not remember it ever being open for public use. Cllr. Mead said that he could not ever remember it being open for public use. Cllr. Norris said that he had used the path within the last 12 years and had not been challenged, although he had not thought of it as a public right of way. Cllr. Sims said that the alleyway was used as a public toilet and a place for people to take drugs. Cllr. R. Coward said that his grandson used it on a regular basis when he gets off the school bus to get to North Street. **RESOLVED** that, should it be legally feasible for this route to be added as a footpath to the definitive map and statement, then it would be welcomed as a safer route for pedestrians to come into town on proposal made by Cllr. Jeans, seconded by Cllr. Mrs. Hurd and carried with a vote of 4 for, 3 against and 5 abstentions.

Lindsey Wood

Town Clerk, Mere
Tel: 01747 860701

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County Hall
Bythesea Road
Trowbridge
BA14 8JN

28th May 2018

Dear Mr Craig Harlow - your ref: 2018/03

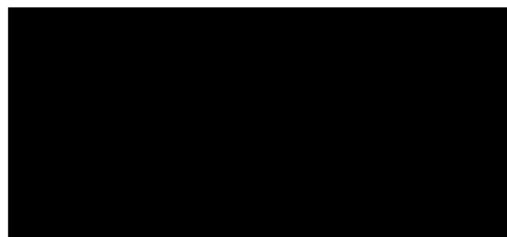
Footpath to the Square - Mere

I have lived in North Street in excess of 42 years and during this time the route has always been available and open until the development of the Walton Buildings. Around a year ago residents of the development have taken into their heads to fit a lock and keep the route closed to all residents North of the Square.

There are many residents similar to myself who have various mobility problems. In my case it is my age (95). It is extremely dangerous for us being forced to use Manor Road as it is narrow, very busy and has no pavements.

Please take the safety aspects into serious consideration along with the already long standing existence of this route when making your final decision.

Yours sincerely



Joyce Moody,
Resident
Rose Cottage
North Street BA12 6HH

Mr C Harlow
Waste and Environment
County Hall
Trowbridge
BA14 8JN

Flat 4, Welcome House
North Street
Mere
Wiltshire
BA12 6HH

11th June 2018

Your Ref: 2018/03

Application to add footpath to the definitive map at The Square, Mere.

Dear Mr Harlow,
In reply to your letter of 23rd May.

I and my fellow residents are firmly against the above proposal to add a public footpath that would go through a private courtyard area and car park.

The path heading North to South, leading onto an extremely busy four road junction, has a downward slope that encourages the local children to use their skateboards and scooters, if the gates at the bottom are left open they could easily lose control and career into the oncoming traffic or collide with a pedestrian.

An accident waiting to happen.

A much safer option is to use the pathway which runs from North Street down Penny Bank Lane which brings you out to the zebra crossing on Salisbury Street or indeed to take the short walk down Manor Road.

The covered archway at the end of the path is used by teenagers as a meeting place late into the night, evidence of the drinking of alcohol and taking of drugs have been found along with a variety of rubbish, the walls and roof of this area are a mess.

They also congregate around the bench located in the gardens of the residents car park, property has been stolen and vehicles vandalised.

This behaviour is very intimidating to everyone and especially to the elder residents of the area. Barry, the gentleman who opens and shuts the doors to the Clocktower every day informs me that since the gates at the bottom of this path have been locked, there is less rubbish to clean up and a general improvement of the area has been noted.

I have spoken with Mr Robert Finan who once owned the properties around the archway area and he has informed me that he always kept the gates padlocked but a gang of drug dealers would use bolt cutters to open them up again in order to deal under cover. Drug dealers are still active in this area.

There was also a second set of gates made of thick, solid wood which were also kept locked and to his knowledge never opened because they were there as added protection for the back door of the Post Office which was then located next to the arch, which is now the charity shop. The hinges of this gate are still there on the wall under the arch.

Mr Finan can be contacted at 07759 422037 or post@stewartfinan.co.uk
He has told me that he is more than willing to help you in any way he can.
After all is considered, I do not think this path has ever been a right of way.

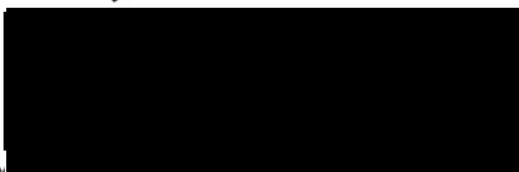
Are you aware that not one resident I have spoken to from Walton Buildings flats 1 to 10, have received your letter?

This is a terrible oversight as the proposed public footpath runs the whole length of that building and the residents should have a chance to put their views forward.

As secretary of the Welcome Flats Residents association, I represent the owners of all five flats in this building and they are all against the proposed path.

I would welcome the chance to discuss this matter in person with you when you make your site inspection visit, which you surely must in order to assess the situation.

Yours Faithfully



Alan Morris
tel: 07710 453516
Secretary, Welcome House Residents Association

Tim Bennett	Flat 1
Samantha Starkie	Flat 2
James Dyke	Flat 3
Julie Ackerman	Flat 5

LIPSCOMBE

BUILDING CONTRACTORS

Registered Office

Lower Langham Barn, Langham Lane, Gillingham, Dorset SP8 5NT

Telephone: (01747) 823599 Fax: (01747) 823591

Email: lipscombe.building.contractors@btconnect.com

28 June 2018

FAO: Mr Craig Harlow
Rights of Way & Countryside Team
Waste and Environment
County Hall
Bythesea Road
TROWBRIDGE
Wiltshire
BA14 8JN

Dear Craig

THE BOARDROOM HOUSE, MERE, WILTSHIRE

Thank you for meeting with me on the 5th June. I hope this gave you the chance to familiarise yourself with the location and the path/courtyard in question.

We most strongly object to our land being added to the definitive map. I would like to question why a councillor would, not only back this application, but also actually try to drum up support with such enthusiasm. We believe that this application is vexatious and a waste of tax payers' money. It will have a detrimental effect on so many people's properties and privacy. Surely councillors should take an unbiased view in this situation? It's absurd to think it's necessary to have three separate routes from North Street to Salisbury Street within a distance of approx. 100 metres.

The applicant has no reason to take this route from his house to The Square – there are several other more direct routes available to him and anybody else. It takes forty extra paces to get from points A to B via Manor Road. There is also a direct route from North Street to Salisbury Street via a foot path called Penny Bank Lane. Anyone living on the Eastern or Western side of Mere can simply walk along Salisbury Street to The Square and use one of the other routes to get to the Northern side of Mere.

We purchased The Boardroom House and land at auction in around 2008. Due diligence and advice from our Solicitors at the time confirmed that the land belonged to us, but that residents of The Old Post Office and The Walton building had a right of way over this land and under our building to the High Street (Point B). There are even covenants in place for the maintenance and up-keep of the path and The Walton building car park. It seems strange that if this application was approved, just a few people would have to pay for the path's up-keep and maintenance for anyone and everyone to use it as they please.

We purchased the building in good faith and subject to the legal advice given. Our original plan was to develop and sell the building. We would not have continued with the purchase had we been advised that a possible public footpath ran straight through our land and under the building. This area now forms a private courtyard for Flats 1-5 and a garden for The Boardroom Cottage. It is used for relaxing, barbeques and is also a secure place for any of our tenants' children to play. Our tenants and the residents of The Old Post Office and Walton building do not benefit from proper gardens, unlike most of the supporters of this application, who probably do. Our path narrows down to about 4ft wide as it goes beneath the building, so if

the application is successful, people would literally be able to walk freely straight through our tenants' courtyard and garden area.

Prior to the auction, I met with the *then* owner, Mr. Robert Finan to view the property. I distinctly remember him unlocking the gate to allow me to view the rear of the building. There were also a pair of substantial wooden doors to the back of the covered area – these doors were bolted shut (see photo). He will confirm this and also the fact that he used to lock the gates and bolt the doors. We are also reliably informed that when The Old Post Office was in use, these doors were permanently locked, albeit some years ago. We locked the gates on and off throughout the two year period of development work. Once complete, we left the gates unlocked but fixed PRIVATE signs to the gates and the fence to the rear. These were torn down (repeatedly) and in less than a week of putting them up. There is also a permanent private sign at the entrance to The Walton building car park for all to see. We believe that anyone using the path had a good idea that it was private land and were just taking a (*not very*) shortcut to the High Street (point B).

Furthermore, whilst the gates were unlocked the 20ft covered path area under the building became a target for vandals. Beer cans were pushed into light fittings, litter left strewn around, and rubbish stuffed into our tenants' letter boxes. We've also had to clean up vomit, urine (and worse). Youths were loitering at all times of day and night causing a nuisance. The councillor or councillors and residents of Mere who are in support of the application, should really ask themselves if they'd like this happening right outside *their* front doors? Also, when the gates were unlocked during wetter weather, up to a dozen people would wait for the bus under our building. Does this mean it should become a designated bus shelter too?! We decided to lock the gates and issue keys to our tenants and other residents who had a legal right of way (approx. 17 keys).

If the application is granted, it will affect the privacy and enjoyment of the amenity area that our tenants now benefit from. As the owners of the building, it will severely affect the saleability, its value and make the properties much less desirable to rent, thus affecting our business financially.

Yours sincerely

MR ANDREW LIPSCOMBE
Joint Managing Director

On behalf of Lipscombe Building Contractors / Lipscombe Developments Ltd

Encs.

Plan showing alternative routes
Photo of gates with doors visible from front
Photo of doors visible from rear

Also:

Enc: Letter from

The Cottage

tenants.

&

Landowner evidence form



FRONT VIEW

REAR VIEW



Subject: Boardroom Cottage

From: Jo Oliver [REDACTED]

Date: 30/06/2018 20:55

To: Lipscombe Building Contractors Ltd [REDACTED]

Dear Andrew

It is with regret that we write to give you a months notice on the cottage. We have loved living here and had anticipated on staying long term but we have been given the opportunity of another property with a garden, which for our son Daniel is a much better arrangement.

You have been fantastic landlords and we will be sorry to go. We have to say that the prospect of the path becoming public, which we hope does not happen, but the lack of co operation from other neighbours who have a key to the gate but choose to not use it has really helped sway our decision. I (JO) has had crossed words with one of the neighbours about her constant need to not only leave it unlocked but to leave it wide open. I have explained to her and her husband that for us, not only have we encountered unsociable behaviour late at night, when it has been left unlocked, but also that Dan is under threat from "strangers" and also the main road. They seem to not care whatsoever about this and persist in leaving it open.

I have emailed Wiltshire council to argue several points as to why it should remain locked and we hope that this helps your case.

We hope you understand our decision, its a beautiful cottage and its been a joy, any guests that we have had visit have also said how lovely it is.

If you could let us know what leaving date we have as the house we are taking is available as soon as we are. Also if we owe anything in terms of rent.

As a separate note, you may have noticed that we had the electric "log burner" installed in the lounge, we don't need it where we are going and wondered if you would be interested in purchasing it from us as it does look really nice (well we thought so!) and is a feature for the room. No worries if you don't we can take it out and selleit, its fine. Just thought we would ask.

Kind regards and we look forward to hearing from you.

Many thanks again

Jo and Simon

Recent email from
the current tenants in
The Cottage.
See highlighted text
for relevant information.

Wiltshire Council


Where everybody matters


LANDOWNER EVIDENCE FORM

The object of this enquiry is to establish whether a Public Right of Way exists. It is important that you answer all the questions accurately and as fully as possible. This is of special importance as the information given may be examined at a Public Inquiry or Hearing.

FULL NAME ANDREW JOHN LIPSCOMBE

ADDRESS LOWER LANGHAM BARN

Tel no (day) 

e.mail address 

PATH DETAILS:

Parish MERE, WILTSHIRE

Claimed Status of Way PRIVATE

Description of Path (also see attached map)

From: NORTH STREET To: SALISBURY STREET

1. The route of the way is shown on the accompanying plan.

Does the route cross or adjoin your land?

YES / NO

If no, no further questions need to be answered.

If yes, please indicate on the plan the position of your land and state the number of years it has been in your ownership APPROX. 10 YEARS or tenancy N/A

2. Do you believe this way to be public? NO

(a) If so, with what status

(b) For how long have you held this belief? SINCE PURCHASING + BEFORE

3. Have you seen, or been aware of, members of the public using this way?

(a) If so, please state the period, regularity and nature of such use YES: WHEN THE

GATE IS UNLOCKED. TOO OFTEN

4. Have you ever required people to ask permission before using the way?

If so, please give details NO

Have you deposited a Section 31 (Highways Act 1980) plan and statement? YES / NO

If so, please give details and dates N/A

6. Have you, or someone on your behalf, ever turned back or stopped anyone from using the way?

If yes, please give details and appropriate dates YES - MANY TIMES I'VE TOLD

PEOPLE IT IS PRIVATE INCLUDING THE BUS LOADS OF SCHOOL CHILDREN THAT CUT THROUGH TWICE A DAY.

7. Have you, or someone on your behalf, ever told anyone using the way it was not public?

If yes, please give details and appropriate dates YES, AS ABOVE

8. Have you ever erected notices or signs stating that the way was not public?

a. If yes, please give details and approximate dates YES, PRIVATE SIGNS

ON SEVERAL OCCASIONS OVER THE LAST 10 YEARS

b. State whether these notices were ever defaced or destroyed and whether they were replaced.

YES AND YES

c. Show their position on the accompanying plan (ONE ON GATES, ONE ON REAR FENCE)

9. Have there, to your knowledge, ever been on the way any stiles or gates? YES NO

a. If yes, state whether the gate or gates were ever locked YES, GATES + DOORS

b. Show their position on the accompanying plan SEE PHOTOS

10. Have you ever obstructed the way?

a. If yes, state where, how and when YES BY CARRYING OUT BUILDING WORKS

11. Can you give any further information? Please continue on a separate sheet of paper if needed.

SEE ENCLOSED LETTER.

DECLARATION

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

Signed: 

Date: 28/06/2018

Please return this form and any accompanying map to:

Rights of Way and Countryside Section,

Waste and Environment

Wiltshire Council

County Hall

Trowbridge

BA14 8JN

Harlow, Craig

From: Jo Oliver [REDACTED] >
Sent: 25 June 2018 10:18
To: Harlow, Craig
Subject: Application for an Order to add a footpath from The Square to North Street, Mere. BA12

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Harlow

Further to your letter dated 23 May 2018 regarding the application for the private path leading from the private car park of the Boardroom Apartments to The Square in Mere, we are writing to state that we as residents of Boardroom Cottage strongly object to such an application.

First of all when we moved into the property we were advised by the letting agent that the gate would be locked and the courtyard directly outside our cottage, where the path runs through was to be private. We have a 6 year old who plays in the courtyard, if the pathway and gate were to be made public and the gate unlocked, I would not feel that this was a safe and secure environment for him to play out. This is the only outside space that he has. Suitable alternative properties in Mere are few and far between, as I do not drive and our son attends Mere School, we would be most worried should this gate become accessible to all.

Secondly, last summer when the gate was unlocked we were woken on several occasions by local teenagers, congregating in the archway by the gate, drinking, smoking and basically having a little party. This happened on more than one occasion, at 12 am, 2am etc on different occasions. We find this absolutely unacceptable. As did one of our neighbours who had to go down in her pyjamas and ask them to move on. If the gate became accessible again and this behaviour occurred, I would call the police to move them on, what a complete waste of police time, yes I agree, but I do not see why myself or my partner, or anyone else for that matter should have to police the area at night to prevent anti social behaviour.

Thirdly, the mess that is left by passers by, since the gate has been locked, my neighbours and I have created a lovely Courtyard area for the small community to enjoy who live at the Boardroom and neighbouring properties. There has previously been Chinese take away remnants, fish and chip wrappers, Urine, cigarette ends, used Condoms left under the archway. Most unpleasant for everyone.

The point is that unfortunately in the 21st Century it would be lovely to open the gate and let people walk through, however people cannot be trusted (serious concern for my son and strangers) to keep their surroundings tidy and be considerate. We no longer live in the bygone era of leaving your door unlocked and everyone looks out for each other, and cares about their environment, these days are long gone sadly. Why should we suffer from rubbish and noise and anti social behaviour, we pay our council tax just like anyone else who is lucky enough to be able to afford a property with a private garden.

There are alternative access points to North Street from The Square, Manor Road, Pennybank Lane and Upper water street.

I also don't see how it is fair that a person who lives completely the other end of the town, who would not need access to the path to go to the Square (or anywhere else in the town tbh) should have the right to request such a path when it has absolutely no bearing on them whatsoever. They would be going out of their way if they were to use the path, regardless of where they were going. Just a case of bloody mindedness.

Perhaps it was unlocked previously, but if that was the case this property was uninhabitable due to being derelict. The noise, mess etc would not have bothered any residents as no one lived here. Our landlord has taken the arduous task of restoring this building, yes it is an investment for him, however there would have been lots of easier investments to make, other than a listed building. We want to keep this place beautiful, if it is a public right of way it will be a fruitless task as without us and another neighbour, the rubbish will pile up and the small area will become a den for bored teenagers to congregate and people to stop to relive themselves at the pub closing time.

Someone left the gate unlocked the week before last, we had to endure two men at 12am, smoking and chatting outside our window, on a weekday. Then two days after that again it had been left unlocked and around 11.30 pm, a small group of lads came through cheering and clapping, We were asleep and woken up on both occasions. This is just two occasions whereby it has been left unlocked and by chance people have sought to use it as a short cut to get home, probably from the pub I would image at that time of night. The shape of things to come, we fear, if it becomes a footpath. We cannot live like the, being woken and disturbed, we have to get up at 6am for work. My son is 6 and needs to sleep.

We feel very strongly about this. and trust you understand from the content of this email the problems such a request would cause.

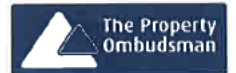
Yours faithfully

Jo Oliver and Simon Richards
Boardroom Cottage, Mere.

**GILYARD
SCARTH
LETTINGS**

The Old Coffee Tavern
Salisbury Street **MERE**
Wiltshire BA12 6HA
Telephone 01747 860372
Fax 01747 861120

mere@gilyards.co.uk
www.gilyardscarth.co.uk



Mr C Harlow
Rights of Way & Countryside Team
Waste and Environment
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Wednesday, 18 July 2018

Dear Craig

Re: Application for an Order to add a footpath to the definitive map and statement at The Square, Mere.

Please find enclosed the Landowner Evidence form completed on behalf of The Walton Building Management Company who are the management company/freeholder for Flats 1 to 8 The Walton Building, North Street, Mere, Wiltshire, BA12 6HU. I have also attached a plan of the land that is owned by The Walton Building Management Company.

I forwarded your letter to the members of The Walton Building Management Company and asked for responses in order that I could co-ordinate a single response to yourself.

In addition to the completed form, the Directors would like me to add:-

We would like to contest the right of way as it is through private property. Prior to the gate being locked there had been low level vandalism and noise issues. Alternative routes from North Street to The Square via the road or Pennybank Lane are well established and authorised routes.

Yours sincerely



Saffron Reilly-Stitt
Gilyard Scarth Lettings

Associated offices

The Old Cycle Shop, Long St
SHERBORNE, Dorset DT9 3BS
Tel 01935 817360 Fax 01935 817354
sherborne@gilyards.co.uk

The Old Wine Merchants, 25 High St
SHAFTESBURY, Dorset SP7 8JE
Tel 01747 851122 Fax 01747 851113
shaftesbury@gilyards.co.uk

The Old Pine Shop, High St
GILLINGHAM, Dorset SP8 4QT
Tel 01747 825533 Fax 01747 826000
gillingham@gilyards.co.uk

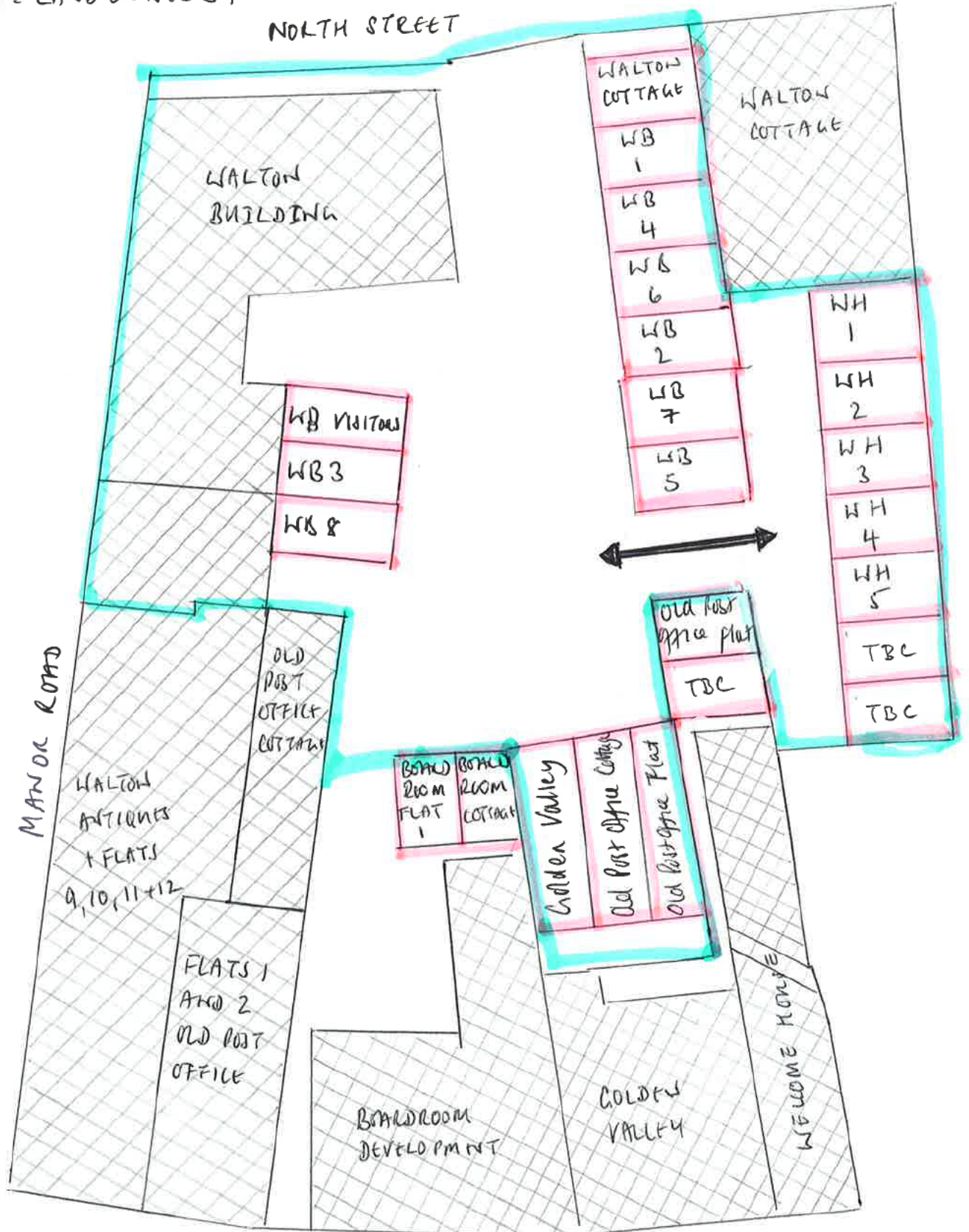
THE WALTON BUILDING CAR PARK

WB = WALTON BUILDING FLATS 1-8

WH = WELCOME HOUSE

TBC = TO BE CONFIRMED

 = LAND OWNED BY THE WALTON BUILDING MANAGEMENT CO



THE SQUARE



LANDOWNER EVIDENCE FORM

The object of this enquiry is to establish whether a Public Right of Way exists. It is important that you answer all the questions accurately and as fully as possible. This is of special importance as the information given may be examined at a Public Inquiry or Hearing.

FULL NAME THE WALTON BUILDING MANAGEMENT COMPANY

ADDRESS C/O WILYARD SCARTEH LETTING, THE OLD COFFEE TANK / SPURRING STREET, MERE, WILTSHIRE, SA1 2 6HA

Tel no (day)

e.mail address

PATH DETAILS:

Parish Wiltshire - Mere

Claimed Status of Way

Description of Path (also see attached map)

From: THE SQUARE **To:** NORTH STREET

1. **The route of the way is shown on the accompanying plan.**

Does the route cross or adjoin your land?

YES / **NO**

If no, no further questions need to be answered.

If yes, please indicate on the plan the position of your land and state the number of years it has been in your ownership or tenancy

2. **Do you believe this way to be public?** NO

(a) *If so, with what status*

(b) *For how long have you held this belief?*

3. **Have you seen, or been aware of, members of the public using this way?**

(a) *If so, please state the period, regularity and nature of such use* DAILY

4. **Have you ever required people to ask permission before using the way?**

If so, please give details NO

5. **Have you deposited a Section 31 (Highways Act 1980) plan and statement?** YES/NO (NO circled)
 If so, please give details and dates
6. **Have you, or someone on your behalf, ever turned back or stopped anyone from using the way?**
 If yes, please give details and appropriate dates No
7. **Have you, or someone on your behalf, ever told anyone using the way it was not public?**
 If yes, please give details and appropriate dates No
8. **Have you ever erected notices or signs stating that the way was not public?**
 a. If yes, please give details and approximate dates No
 b. State whether these notices were ever defaced or destroyed and whether they were replaced.
 c. Show their position on the accompanying plan
9. **Have there, to your knowledge, ever been on the way any stiles or gates?** YES/NO (YES circled)
 a. If yes, state whether the gate or gates were ever locked located at 'B'. unsure if they have been locked or not
 b. Show their position on the accompanying plan
10. **Have you ever obstructed the way?**
 a. If yes, state where, how and when No
11. **Can you give any further information?** Please continue on a separate sheet of paper if needed.

DECLARATION

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

Signed:

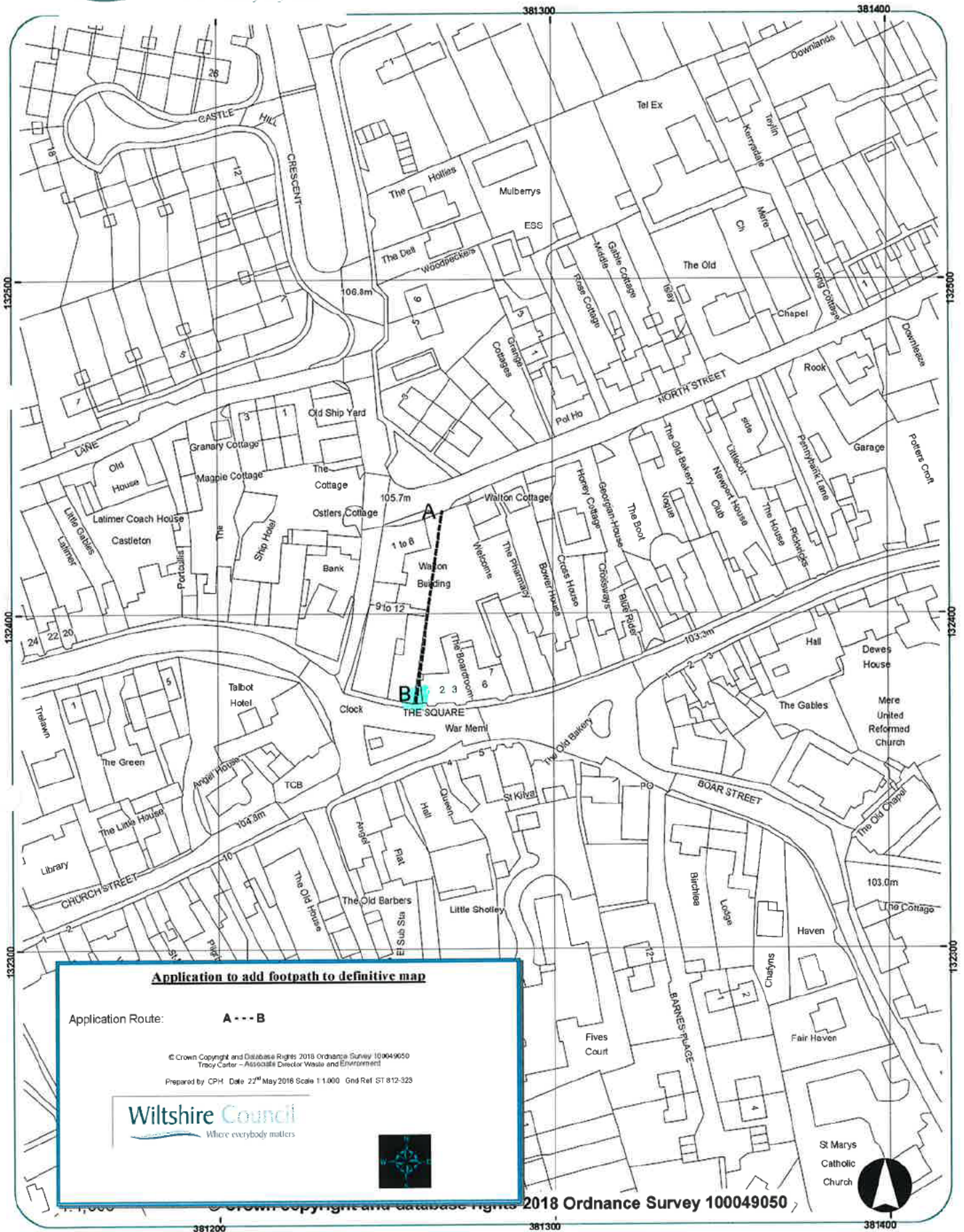


Date: 17/7/18

Please return this form and any accompanying map to:

**Rights of Way and Countryside Section,
 Waste and Environment
 Wiltshire Council
 County Hall
 Trowbridge
 BA14 8JN**

Application to add footpath to definitive map - Mere



Application to add footpath to definitive map

Application Route: **A - - - B**

© Crown Copyright and Database Rights 2018 Ordnance Survey 100049050
Tracy Carter - Associate Director Waste and Environment
Prepared by CPH Date 22nd May 2018 Scale 1:1,000 Grid Ref ST 812-323



Mr P. CRUMP
 Flat 4 The Boardroom
 The Square
 MERE
 Wiltshire
 BA12 6DH,

Dear Sir,

I am writing to you
 to protest most strongly about
 the footpath application, wildlife
 and countryside Act 1981 s.53 to
 add Public footpath that goes
 through the above address,
 This will lead to the most
 anti social Behaviour to all
 living at and around this area!
 People parking who do not live here!
 children playing in car park!
 People Drug taking!
 late night noise from Drunken
 people late at night!
 littering! Noise!
 Lack of respect for residents late
 at night!
 Vandalism to cars and property!

I Had to cut a padlock off
the gates a couple of weeks
ago, where people thought they
can vandalize the gate to keep
it open,

I Dearly Hope That the Peace
and quiet of the residents will
Be repeated!

Yours faithfully

