

Madgwick, Sally

From: Derek Walsh [REDACTED]
Sent: 20 March 2019 12:43
To: Madgwick, Sally
Subject: RE: Diversion of the Bridleway at The Mill House, Calstone - your ref: SM/2018/08 (our ref: DW/202231-1)

Dear Sally

Thank you for forwarding this third objection. Although the points raised by this brief objection are covered elsewhere in our submissions I think it is appropriate to send you this brief note so that you have my response on the record.

Using the same numbering as the objection:

1. The interests of the landowner are a factor, amongst others, to be considered as part of the legal test (original submissions, paras 19.1 – 19.17). The issue of alleged historic use has been dealt with in depth but, as we know, the status of bridleway was established in 2009 and so I do not need to comment further here.
2. I have already dealt with the point about what was known at the time of purchase (original submissions, paras 17.1 – 17.9). Public rights are one of those protected interests but even a purchaser who bought land fully aware of a public right of way would not be prevented from applying for a diversion using the statutory process (this is obvious).

The option of 2 bridleways across my clients' property has also been dealt with previously (e.g. original submissions, para 21.8).

As ever, if you have any questions please do not hesitate to contact me.

Regards

Derek



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Our Ref: DW/202231-1
Your Ref: SM/2018/08

Ms S Madgwick
Rights of Way and Countryside
Wiltshire County Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Letter also by email: Sally.Madgwick@wiltshire.gov.uk

(Hard copy and enclosures to follow by post)

19 March 2019

Dear Sirs

Application to divert part of Bridleway CALW89 and bridleways CALW89A and CALW89B

Our clients: Mr and Mrs J E Moore, The Mill House, Calstone Wellington

We have now had sight of the letters of objection sent to you following our clients' application. Although redacted (rightly) it is apparent that these letters have come from Mr Bill Riley and Mr Norman Beardsley.

Mr Riley appears to be writing on his own behalf (i.e. not on behalf of the TRF). Mr Beardsley purports to be writing on behalf of the Wiltshire Bridleways Association ("WBA") although we understand that members were not consulted, other than those attending a meeting in December 2018 who supported the diversion.

The remaining paragraphs are numbered for ease of reference. Numbers in square brackets are references to the enclosures.

1. Before turning to the substance of those letters we feel it appropriate to mention that in a meeting with Baroness Scott in February 2018, our clients were told emphatically by Ms Tracy Carter that the reason so much weight was given to the views of the WBA was that "they are part of the National Federation of Bridleways Associations ("NFBA"), and a statutory consultee".
2. Ms Carter and Baroness Scott may have been misled. The WBA is not part of the NFBA, nor is it a statutory consultee. Our clients have made enquiries of members of the NFBA. They are not

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aware of the WBA. The WBA does not appear on the NFBA website (<http://www.rightsofway.org.uk/bridleway-groups/>). Furthermore, the NFBA appears no longer to operate and the previous members look to the British Horse Society for guidance.

3. Our clients have no doubt that the WBA do a considerable amount of good work in keeping bridleways open but on the issue of diverting a bridleway, the position of the committee is emphatic. Their Constitution [1] states: -

"The objects of the association are: -

To promote the permanent preservation for the benefit of the public generally and especially the inhabitants of the County of Wiltshire of the Byways and Bridleways within the county..."

4. Furthermore, according to the WBA's website "*The Association continues to oppose any closure of riding rights of way ...*" (<http://www.wiltshirebridlewaysassociation.co.uk/>). That is a matter of principle although what is being offered in this case is the diversion to a much improved bridleway.
5. What is abundantly clear from the above extracts is that, as a matter of principle and regardless of whether a diversion would offer the public an enhanced bridleway, the WBA are duty bound to object. We submit that their objection letter should be read with that in mind.
6. Turning specifically to the letters of objection it appears that the common theme is the suggestion that the existing route through our clients' property is ancient and historic so we will deal with that as a separate point.

Ancient and historic

7. We have seen the email dated 11 March 2019 from Mr John Moore to you dealing with part of the history of the track (formerly Sir Edward's Drove and eventually part of U/C 7005). It appears from this that until sometime between 1802 and 1818 there was no access down the track to Calstone Mill. It was not an ancient or historic route.
8. It is well established that Ordnance Survey maps are only direct evidence of the topographical features which the surveyor found on the ground at the time of the survey – they do not provide evidence of status. Mr Riley refers to an OS map from 1808 but, as can be seen from the above, we accept that the drove was opened up at sometime between 1802 and 1818.
9. It is understood that the drove was opened up by the Bowood Estate to give easier access to the mill to their tenant farmers to the south of the mill.
 - It is clear that the track (later U/C7005) from the south, past Manor Farm, to the mill was not opened up until the early part of the 19th century.
 - In 1776 the Bowood Estate including the village of Calstone Wellington was bought by the Marquis of Lansdowne.

- East Farm, South Farm and Manor Farm were arable farms, the last two extending right up to the Roman Road above Calstone. Sprays Farm was predominantly a dairy farm. The farms extended down towards what is now the A4 and completely surrounded the mill. The farmers were all tenants of the Bowood Estate.
 - The track from the south would logically have been opened up to allow the tenant farmers at East Farm, South Farm and Manor Farm, all in the ownership of the Bowood Estate as well as Calstone Mill, to bring their grain down to the mill [2].
 - According to a History of the County of Wiltshire Volume 17:-

“From 1776 to 1954 nearly all the land of Calstone tithing belonged to the owner of Bowood House. In 1954 George Petty-Fitzmaurice, marquess of Lansdowne, then the owner of Bowood House, sold East, South and Manor Farms to G.R. and Mr M. J. Maundrell”.
 - Sprays Farm is still owned by the Bowood Estate and let on an agricultural tenancy.
 - Calstone Mill remained in the ownership of the Bowood Estate until 21 July 1962.
 - The use of the track by tenants of the Bowood Estate would not have created any public rights of way.
 - The reason so much of the Bowood land was sold off in the 1950s was to pay death duties following the deaths of two family members in quick succession.
10. Having referred to the 1808 OS map, Mr Riley then refers to the 1818 Calne Inclosure Award and says the “road” is described therein as an “ancient lane”. The 1818 Calne Inclosure Award refers to “Aw... One other public Bridle Way of the width of eight feet in its ancient track over Calstone West Field towards Devizes as the same is marked on the said Map C with the letters A.w.”. We enclose a map of Blacklands (c. 1884) [3] (<https://www.british-history.ac.uk/vch/wilts/vol17/pp17-27>). The position of Calstone West Field is clear from this map.
11. It is also clear from the OS Map surveyed 1885, published 1889 (extract enclosed [4]) (<https://maps.nls.uk/view/102347989#zoom=5&lat=2985&lon=8471&layers=BT>) that the route referred to in the 1818 Calne Inclosure Award is the route running diagonally from just south of Manor Farm and East Farm, crosses Calstone West Field and meets up at Blacklands Crossroads (and then on towards Devizes). It is nowhere near The Mill House.
12. Furthermore, the 1818 Calne Inclosure Award depicts the drove as a track with no hedging between it and the mill [5].
13. Mr Riley states that there was a Public Carriage Road “towards Calstone Wellington” and suggests that it could only have passed The Mill House and along the current bridleway. This is not the case. There is a route from Cherhill to Calstone Wellington travelled due south from Labour in Vain Hill – see extract from OS Map surveyed 1885, published 1889 [6]. There was a spur leading west to Greens Lane and two further spurs at the end, one leading to South Farm and the other to East Farm. From the spur leading to Greens Lane, there is a spur which leads

south and round to join U/C 7008 and Theobalds Green. This spur is a bridleway (not a Public Carriage Road) and classified as CALW77. Alternatively, taking the spur route around South Farm would also take you to Calstone Wellington from where it meets with the "ancient track" across Calstone West Field and then towards Devizes. These are some distance from the mill and there is no reason why the route past the Mill House was the only route as Mr Riley implies.

14. Calstone Mill ceased to operate as a mill in the early 20th century and then became a dairy. It continued to be let from the Bowood Estate until 1962.
15. The Bowood Estate is settled land governed by the Settled Land Acts. Until the Settled Land Act 1925 the tenant for life (the then Lord Lansdowne) had no power to dedicate land nor could there be an implied dedication. It is clear that much later there was some movement of riders and walkers, through the mill, who may not have been tenants of Bowood (i.e. by which time some of the estate farms were in new ownership) but their exact status is unclear. Nevertheless, even if these were members of the public, any rights that were acquired then could hardly be regarded as ancient or historic.
16. Finally, even if the original route was to be classed as ancient and historic (which is not accepted), that is just another matter to be considered in the determination of the application and would not, of itself, be determinative of the matter.
17. We now turn to other matters raised in the letters of objection.

Mr Riley's letter

18. We do not intend to comment on every point made by Mr Riley but rather to focus on those that seem most relevant at this stage. Our clients reserve the right to comment further on Mr Riley's letter should that become necessary.
19. Paragraph 2. There is no evidence that Bill Riley has "known and used this lane since the 1970s both on a motor cycle (when it was still a carriageway) and on foot" beyond the bare statement in his letter. In the 19 years our clients have been living at The Mill House they have seen Mr Riley only once – the letter dated 10 March 2006 from Alan Harbour of Wiltshire Council to (presumably) Mr Riley refers.
20. By way of background to that letter, on 2 March 2006 Mr Riley drove his motorbike through the mill in a threatening way. Mrs Moore went out to see what was happening. She was quite distressed and telephoned her husband. Mr Moore told her to make a contemporaneous note of what had happened. She did and a copy was sent to Barbara Burke. A few days later our clients were surprised to receive a letter from Mr Alan Harbour threatening them with criminal action for harassing Mr Riley.
21. Mrs Moore's contemporaneous note reads as follows: -

"The Mill House

At 3.45pm on the 2 March 2006, I Lucy Moore, heard a terrible noise outside. I went to investigate and much to my amazement someone had just gone past on a motorbike. The bike had crossed the bridge when I got outside. He was having difficulty controlling his bike and it stalled probably 20 metres the other side of the bridge. I spoke to the motor cyclist and said to him "what on earth are you doing? This is not a road". He replied "Yes it is and that he had written opposing our application to have it closed off". I said he ought to be ashamed of himself and turned around and went back inside the house."

22. This note is already within your records.
23. In 2005, as part of dealing with Mr Riley's application to have our clients' driveway opened up as a byway open to all traffic, statutory declarations were obtained from previous owners of the mill and adjoining land owners. These are enclosed [7]. The originals are already within your records.
24. None of these had any knowledge of Mr Riley coming through on a motorbike and all were able to say that to the best of their knowledge the track had never been used as a vehicular public right of way.
25. Paragraphs 3 and 4. We have dealt with this issue separately above.
26. Paragraph 5. If Mr Riley is referring to our clients' driveway, this was never maintained by the highway authority – see final paragraph of the statutory declaration of Barry Victor George Summers dated 14 October 2005 [7 – **final statutory declaration in tab**]. This route was never a right of way for motor vehicles. In fact Wiltshire Council determined in 2009 that bridleway rights had become established having considered all of the relevant evidence.
27. Paragraph 6. Firstly, the route had not "been established as a highway for centuries" before 1925. Secondly, the land was Settled Land. Under the Settled Land Acts, the tenant for life did not have power to dedicate land until after 1925.
28. Paragraph 7. The position here is not the same as Purton and we addressed this in our original submissions dated 31 May 2018 – see paras 6.6 and 6.7 of those submissions.
29. Paragraph 8. The measurements were taken using a tape measure but we accept there will inevitably be discrepancies when using different measuring methods. Whatever measure is taken we have dealt with the issue of additional length in our original submissions and this is just one factor to be considered as part of the overall balancing exercise.
30. In reports produced by Wiltshire Council (Barbara Burke and Tracy Carter) they have used the measurements set out and adopted in the Submission Letter.
31. Paragraph 9. Wiltshire Council confirmed in 2006 that if our clients were successful in their challenge to Mr Riley they would be entitled to put up a gate. The gates are bridleway gates.
32. Paragraph 10. Our clients are unaware of any agreement by the Council regarding the provision of a new bridge to replace Bridge Y.

33. Paragraph 11. See our comments on Paragraph 5 above.
34. Paragraph 13. See our comments on Paragraph 2 above.

Mr Beardsley's Letter

35. Again, we do not intend to comment on every point made by Mr Beardsley but rather to focus on those that seem most relevant at this stage. Our clients reserve the right to comment further on Mr Beardsley's letter should that become necessary.
36. Paragraph 5. Our clients cannot comment on the number of WBA members in Calstone. However many riders, and WBA members, come from much further afield to ride around the proposed route. It is also ridden by at least one of the WBA committee members. It is true the WBA numbers were boosted by local supporters who should have a voice within WBA.
37. Paragraph 6. The terrain "which must be navigated in order to reach the proposed diversion points" is part of the present bridleway. Most of it is a gentle incline. The bottom line is that the proposed route has opened up the countryside to many more people because it is much improved on the section of bridleway it has replaced.
38. From the top of The Mill House driveway to Theobalds Green the road is a normal made up road. If you turn eastwards at the bend in the road along CALW77 there are a few potholes which can be navigated easily. Furthermore, the land here is flat.
39. Our clients are unaware of any difficulties opening the wooden gate and have had no such reports.
40. It seems obvious to state it but the only reason the ground approaching Bridge Y appeared firm on 12 December 2018 is that it had not been churned up by horses or walkers as the vast majority of people now use the proposed route rather than the original route. For an example of what that area used to look like please refer to enclosure 13 to the original submissions.
41. Erecting signage for the present bridleway is not our clients' responsibility. What our clients have done is to signpost the permissive route. Mr Beardsley later implies that the signs may be misleading because they encourage/direct users away from the definitive line. This is clearly not the case.
42. Paragraph 7. It is unclear what point Mr Beardsley is trying to make but for the sake of clarity we can confirm that Mrs Moore did go to the WBA meeting on 12 December 2018. She did not say she was a member. She had been invited along by a group of WBA members to observe and said nothing throughout the proceedings.
43. Members were asked to send their comments to Mr Beardsley. All were very supportive of the diversion. These positive comments were ignored by Mr Beardsley who, whilst writing in a WBA capacity, does not appear to be reflecting the WBA membership.

44. Furthermore we submit Mr Beardsley has overstated their remarks - you will have already seen the correspondence referred to which, for ease of reference, consists of the emails from Sally-Ann Leaf, Louisa Reis, Jayne Bullock and Sharon Hockey.

We appreciate there is a considerable amount of information above but we believe it is better that you have all relevant information to hand when considering this matter.

If you have any questions on any of the above please do not hesitate to contact us.



COFFIN MEW LLP



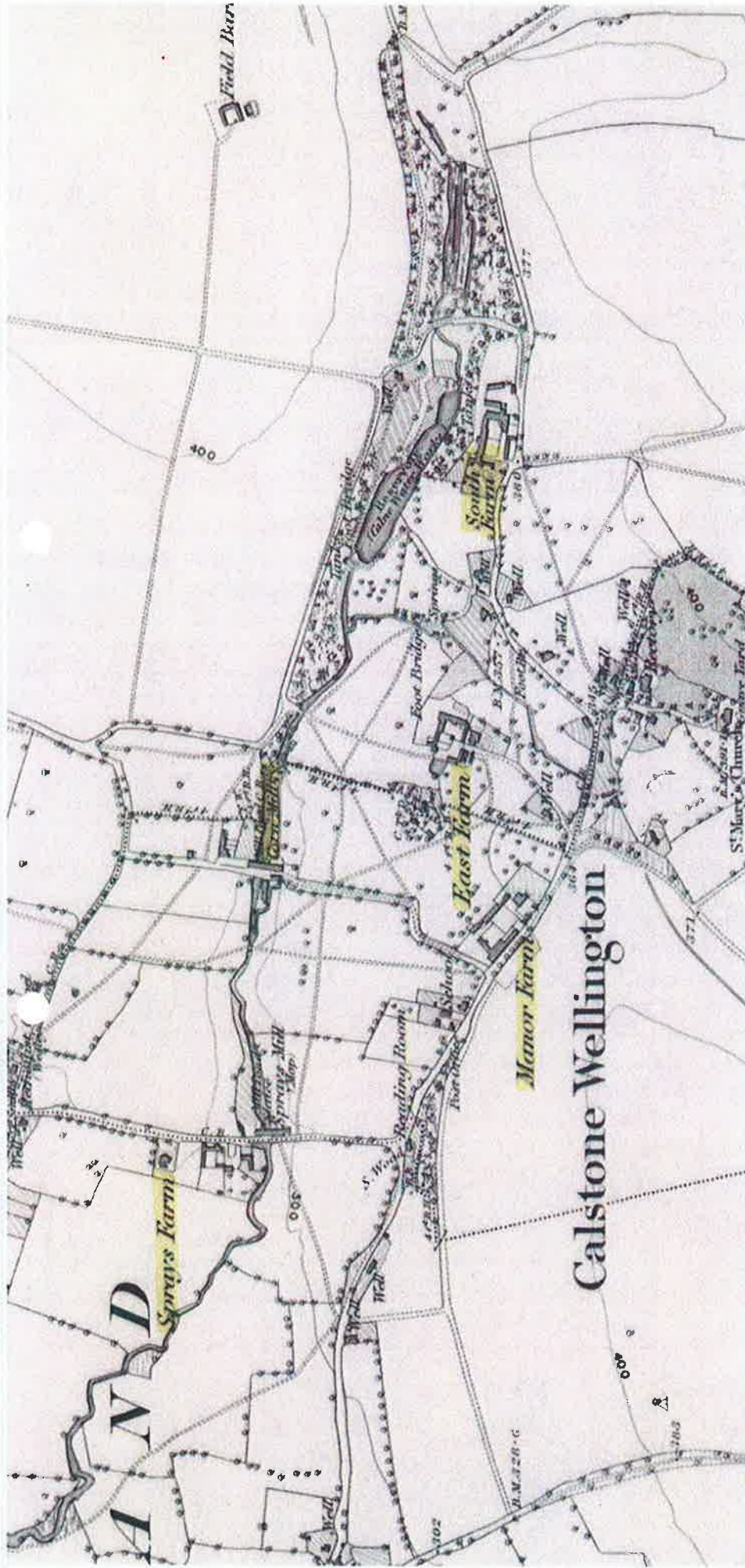
WILTSHIRE BRIDLEWAYS ASSOCIATION – CONSTITUTION

31 March 2016

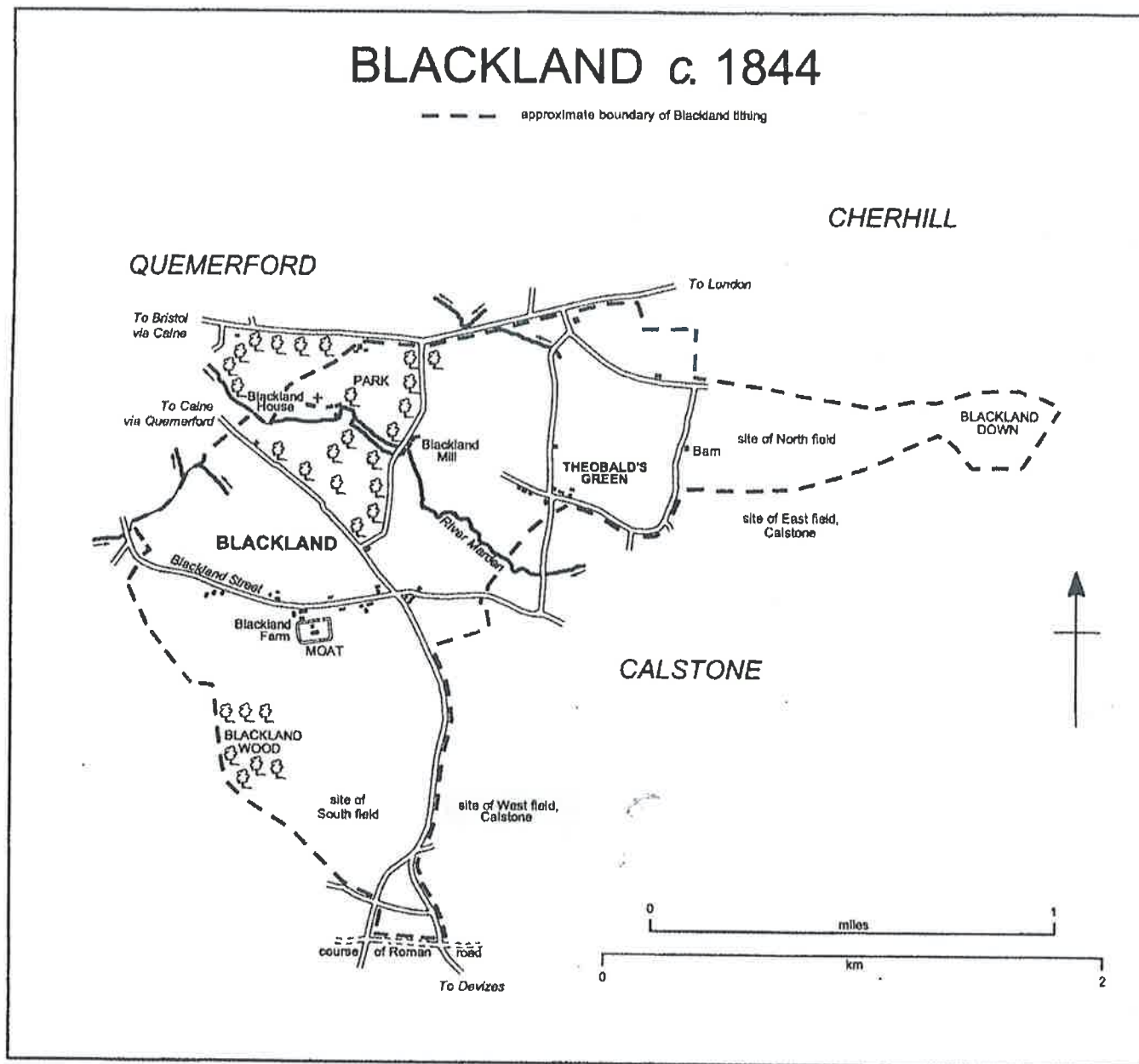
1. The name of the association shall be The Wiltshire Bridleways Association.
2. The objects of the association are:
 - a. To promote the permanent preservation for the benefit of the public generally and especially the inhabitants of the County of Wiltshire of the Byways and Bridleways within the county. To establish new equestrian routes within the county and to link such routes where possible and preserve the character and amenities of the said Byways and Bridleways and for the attainment of the foregoing to consider and if it shall seem necessary or desirable to promote, assist or oppose proposals for the use or development of the same within the said County.
 - b. To do all such lawful acts or things which are incidental to the attainment of the primary objects of the association, and so far as may be necessary or desirable to do such acts or things in collaboration with any person, body, institution, authority or otherwise.
3. Membership of the association shall not be confined to the county of Wiltshire.
4. The annual subscription shall be decided by the committee and ratified at the Annual General Meeting (AGM). The association shall have power to accept donations for any purpose not inconsistent with its objects and may make special appeals for funds to be used in connection with any purpose.
5. Any member may terminate his/her membership by notifying, in writing, the membership secretary.
6. The management of the association shall be vested in the committee; this committee shall consist of The Chairman, Honorary Treasurer, Administrative Secretary, Membership Secretary and one member to represent each area in Wiltshire. Provided that the committee may co-opt additional members to the committee. Five members shall form a quorum.
7. The association shall at the AGM elect a Chairman, Honorary Treasurer and Administrative Secretary together with one member to represent each area in Wiltshire to constitute the committee for the ensuing year. The members of the committee shall take office at the end of the meeting, at which there were elected, and shall hold office until the end of the next AGM. All members of the committee may be elected for a further term of office. The Chairman for the time being of the committee shall also be Chairman of the AGM.

8. The Honorary Treasurer shall keep accounts of all monies received and expended on account of the association and shall present such accounts at the AGM of the association. A banking account shall be opened in the name of the association and all such cheques drawn upon the said account shall bear the signature of the Honorary Treasurer plus the signature of one other delegated member of the committee if the cheque amount is above £50. Any expenditure over £100 is to be agreed by the committee.
9. The financial year of the association shall end on the 31st day of December in each year and a general meeting of members shall be convened by the administrative secretary not more than three months after this date for the purpose of receiving the annual report and balance sheet, for electing the officers and committee for the ensuing year and to consider any business as may be necessary. At least 21 days notice of this meeting shall be given to all members either by post or by a notice in the association newsletter sent to all members. Ten members present shall constitute a quorum at the AGM. In the event of a quorum not being present at the meeting, the meeting shall be adjourned to such place, date and time as the Chairman shall decide within the ensuing 14 days and the members present at such an adjourned meeting shall constitute a quorum. The committee reserve the right to contribute to projects in partnership with a third party regarding maintenance and improvements to Bridle Routes and Restricted Byways for the benefit of equestrian use.
10. An extraordinary general meeting may be convened at any time by a resolution of the committee or at the requisition of at least ten members of the association. A meeting held on such a requisition shall be held within 21 days of receipt of such requisition by the administrative secretary who shall give all members 14 days notice of such meeting. A quorum shall be the same as a quorum at the AGM.
11. Any amendments to this constitution shall be placed before the members at either the AGM or an extraordinary general meeting of the association where not less than three-quarters of those present and voting may amend this constitution.

R Cunningham
Administrative Secretary



View: Wiltshire XXVII (includes: Calne Within; Calne Without; Cherhill; Compton Bassett... - Ordnance Survey Six-inch England and Wales
<https://maps.nls.uk/view/102347989#zoom=5&lat=2985&lon=8471&layers=BT>



Blackland c. 1844

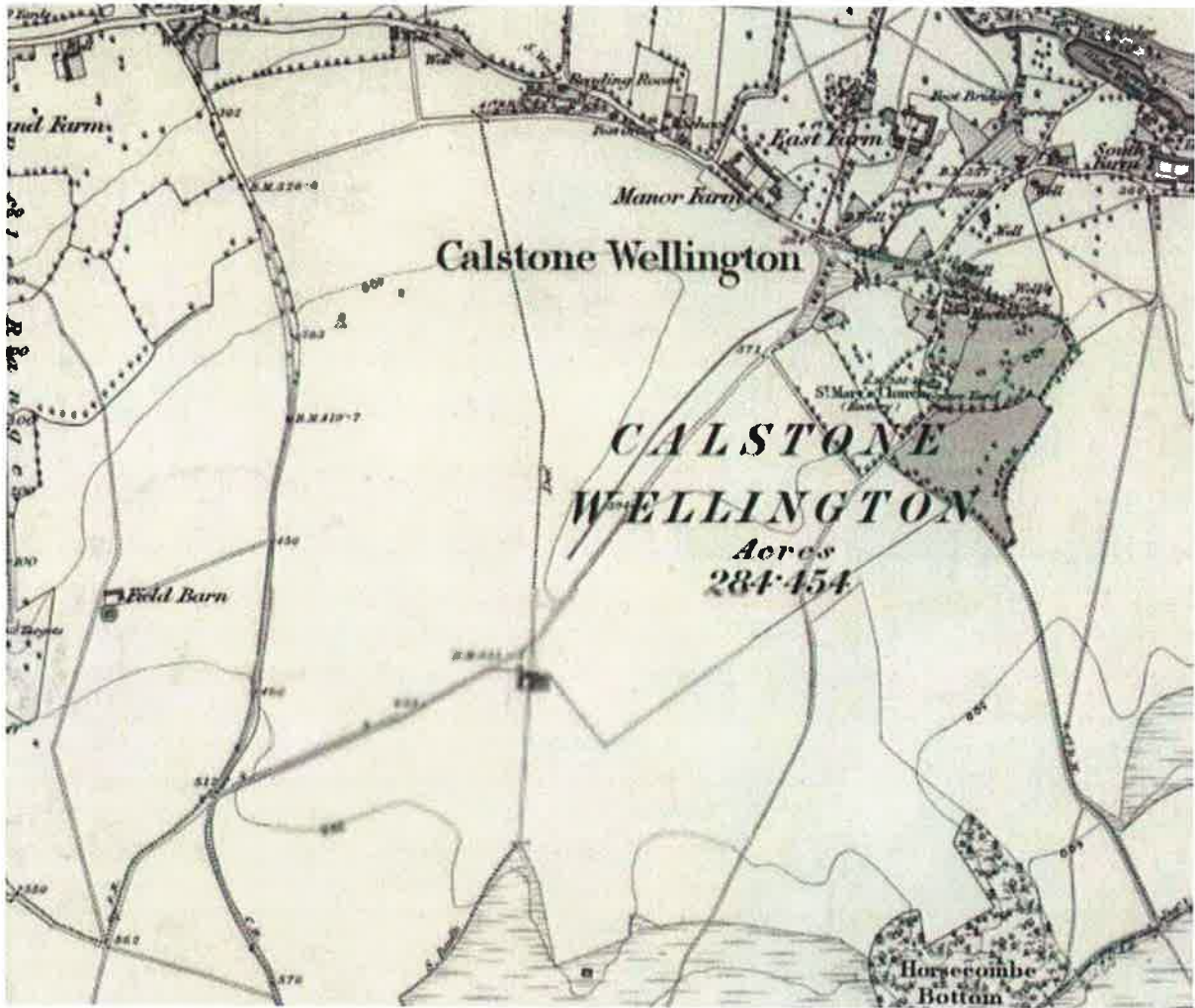
At Blackland Farm the house enclosed by the moat was replaced by a new farmhouse, of dressed rubble, asymmetrical, and gabled, built in 1863 on or very near to its site. (fn. 40) Long ranges of single-storey and stone farm buildings were erected immediately north-west of the moat probably c. 1863, and other large farm buildings were put up on the site in the 20th century. None of the other buildings in Blackland street was used for farming in 2000. Of the buildings standing in the 18th century the only survivors were Blackland Thatch, a thatched 18th-century farmhouse immediately east of Blackland Farm, and possibly the cores of two much altered houses further east. To the west Dykes Farm was rebuilt in the 19th century; the new buildings, a small house and ranges of single-storeyed and stone farm buildings, survived 2000. A small earlier 19th-century house then stood on the site of a farmstead a little east of where, at Blackland crossroads, the street crossed the Calne-Devizes road. (fn. 41) A group of about seven cottages on the north side of the street near Blackland Farm was replaced by five cottages built between 1843 and 1885 (fn. 42) and a pair of houses built in the mid 20th century. At the crossroads a pair of 19th-century houses was converted to five cottages between 1899 and 1922. (fn. 43)

Tibbolls Green was an address in the mid 17th century. (fn. 44) In the earlier 18th century it was an area of waste where north-south and east-west lanes crossed east of Blackland mill, and eight buildings, including six on the waste, then stood at the crossing. (fn. 45) In 1773 and 1820 the name Tibbolls Green was erroneously applied to the small group of buildings at Blackland crossroads. (fn. 46) In the 1840s the settlement at the crossing east of Blackland mill was called Theobald's Green, c. 11 houses and cottages stood there, (fn. 47) and a nonconformist chapel was built there in 1866. (fn. 48) Of the buildings standing in the 1840s two cottages survive, each thatched, apparently 18th-century, altered, and extended. There were also six houses of the 19th and 20th centuries at Theobald's Green in 2000. A little north of them a pair of council houses was built in 1944, another pair in 1946. (fn. 49) Guernsey Villa, a house built a little further north between 1843 and 1885, was demolished in the mid 20th century and replaced by a cattle yard. (fn. 50)

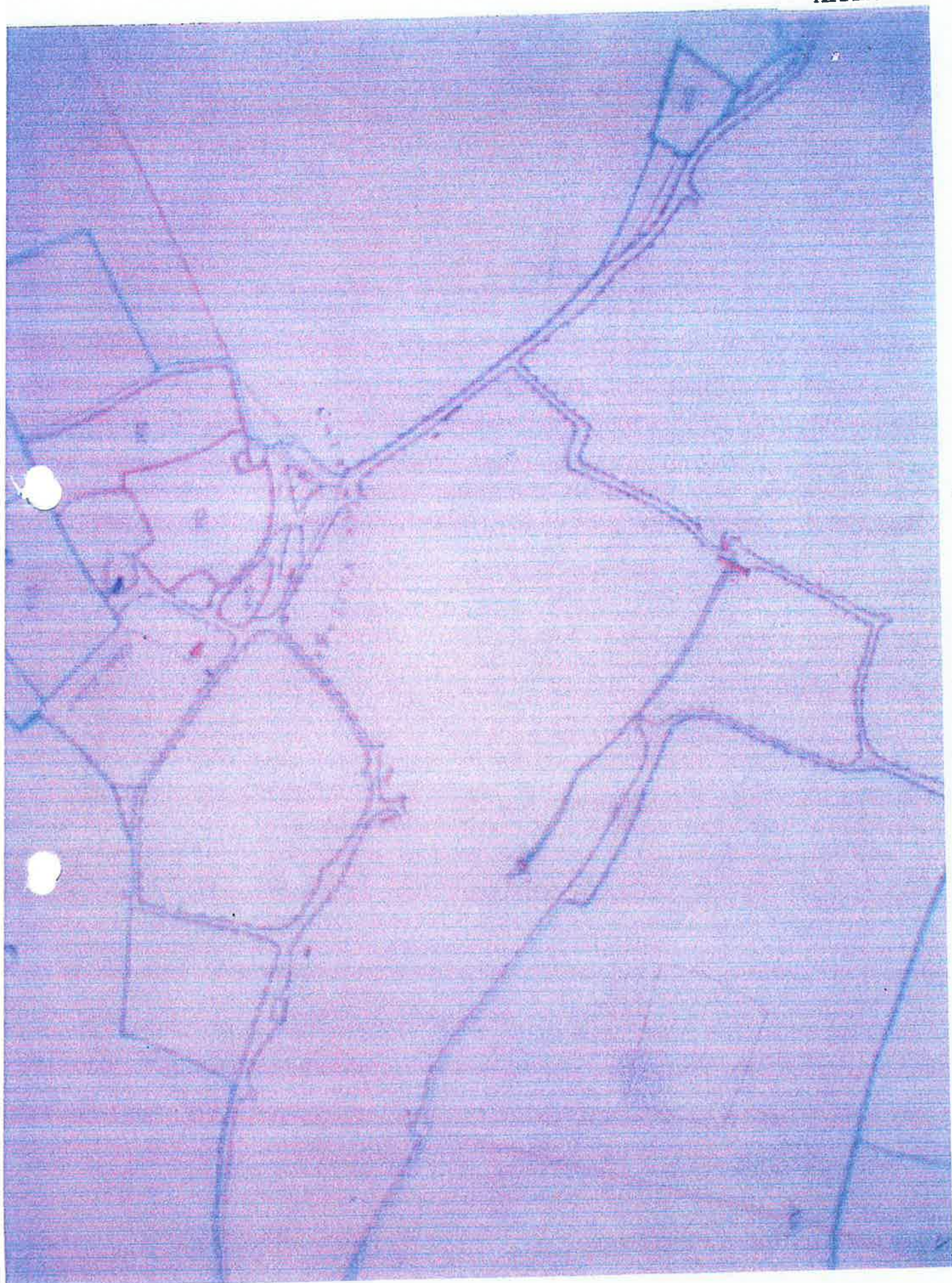
Beside a lane leading south-east from the London road north of Theobald's Green a pair of cottages was built in the early 19th century. (fn. 51) Further south-east a few cottages were collectively called Green Lanes in the late 19th century; (fn. 52) a pair of mid 19th-century cottages and a few 20th-century houses stood at Green Lanes in 2000.

MANOR AND OTHER ESTATES

The land which became Blackland tithing was part of Calstone's land and, as such, in the 10th and 11th centuries almost certainly part of the king's large estate called Calne. In 1086 what became Blackland manor and parish presumably remained part of that estate, and the rest of what became the tithing presumably lay in the three estates called Calstone which had already been granted away. (fn. 53)



Extract of OS Map surveyed 1885, published 1889, showing Calstone West Field





Extract from OS Map surveyed 1885, published 1889

DATE

6th October

2005

STATUTORY DECLARATION

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

Macfarlanes
10 Norwich Street
London EC4A 1BD

JIRM/557710/2830331.1
03 October 2005

STATUTORY DECLARATION

DATE *Thirteenth October*

2005

I, Victor Henry Hislop of [REDACTED]

[REDACTED] do solemnly and sincerely declare that:-

- 1 I live at Sprays Farm, Calstone Wellington and have lived on the farm for fifty two years.
- 2 My family have farmed Sprays Farm since I took on the tenancy in 1953. The farm is now farmed by my son Robert.
- 3 I am familiar with The Mill House, Calstone Wellington, formerly known as Calstone Mill. When I moved to Calstone Wellington, The Mill House was used as a dairy by the Summers family. They sold it to Wing Commander Evans in 1968.
- 4 There is now produced to me a plan shown "VHH1" on which is marked in brown the track passing The Mill House from the north and extending up to the junction with the village road at Manor Farm.
- 5 Until about 1969 there was a narrow cart bridge over the river next to The Mill House. That was replaced by a bridleway bridge. I remember that that caused some upset because Michael Maundrell was no longer able to pass over the bridge on his horse and cart or Land Rover to get to his fields on the north side.
- 6 Apart from Michael Maundrell going to his fields, I have never seen the track coloured brown used by any vehicle or horse and cart passing through The Mill House. Therefore to the best of my knowledge and belief this track has never been used as a vehicular public right of way whether by horse and cart or motor vehicles.
- 7 There used to be a whitening mill at Sprays Farm. Chalk would be crushed in a mill near the top of the village and brought down along the top road past the old Reading Room to the mill at Sprays Farm where the whitening stones were made. That is the way anyone would come from the top of the village. Any one wishing to get to the top of the village from the north would drive past Theobalds Green and Sprays Farm and join the top road at the junction by the old Reading Room.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said Victor Henry Hislop

At

Ca

in

This 13th day of October 2005

Before me

Solicitor/Commissioner for Oaths

EXHIBIT

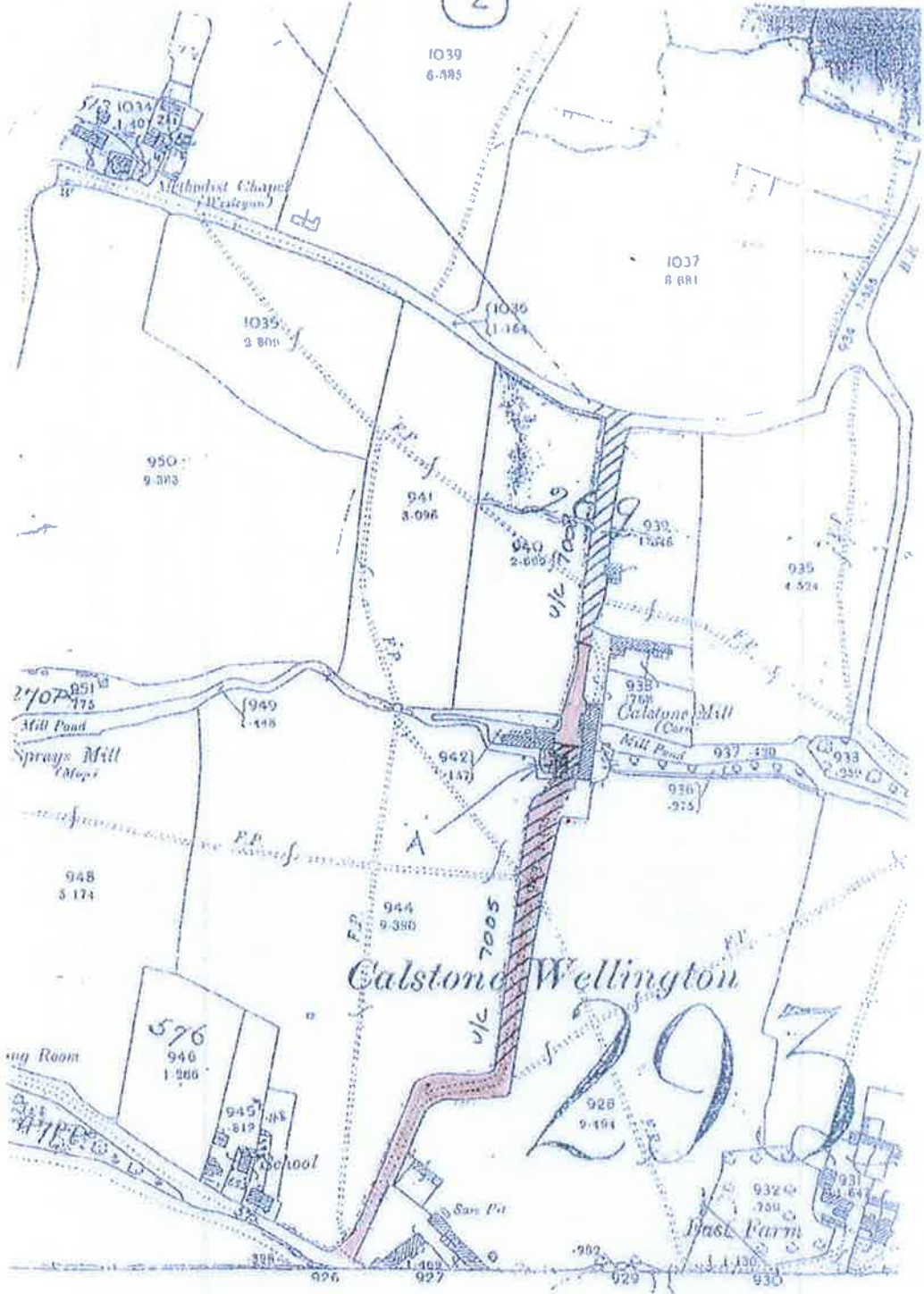
**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

This is the exhibit marked "VHH1" referred to in the Statutory Declaration of Victor Henry Hislop.

 *Salia, far..*
Signed

13th October 2005
Dated

2



DATE 13th October 2005

STATUTORY DECLARATION

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

Macfarlanes
10 Norwich Street
London EC4A 1BD

JHRM/557710/2838583.1
12 October 2005

STATUTORY DECLARATION

DATE 24th October 2005

2005

1 I, Joan Ellen Wheeler-Bennett of [REDACTED] do
solemnly and sincerely declare that:-

2 I lived at The Mill House, Calstone Wellington, Calne, Wiltshire SN11 8QF from
September 1982 until March 2000, nearly eighteen years.

3 There is now produced to me a plan shown "JEWB1" on which is marked in brown
the track passing The Mill House from the north and extending up to the junction
with the village road at Manor Farm.

4 During my time at The Mill House the track would be used by people on horseback
or on foot. There is a bridge crossing the river which is wide enough to take horses
and which I believe is classified as a bridleway bridge. I have never seen the track
coloured brown used by any motorised vehicle passing through The Mill House.
Therefore to the best of my knowledge and belief this track has never been used as a
vehicular public right of way.

5 Any one wishing to get to the top of the village from the north would drive past
Theobalds Green and Sprays Farm and join the top road at the junction by the old
Reading Room. Anyone leaving the top of the village would come back by the same
route or continue along the top road to the Devizes Road.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the
provisions of the Statutory Declarations Act 1835.

DECLARED by the said Joan Ellen Wheeler-Bennett

At [REDACTED]

This 24th day of October 2005

Before me [REDACTED]
Solicitor/Commissioner



EXHIBIT

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

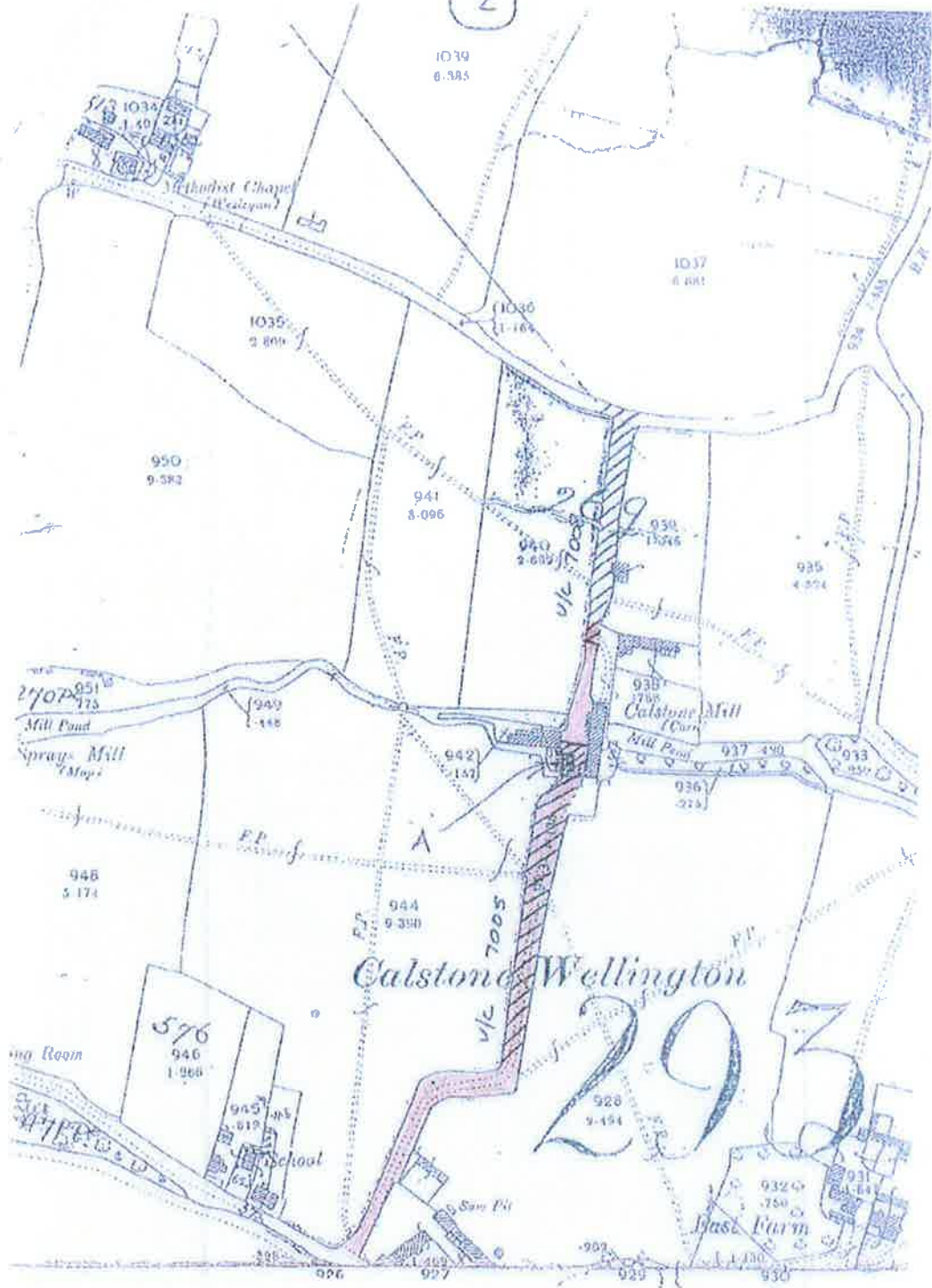
This is the exhibit marked "JEWBI" referred to in the Statutory Declaration of Joan Ellen Wheeler-Bennett.



24th October 2005

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Dated

2



DATE 24th October 2005

STATUTORY DECLARATION

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

Macfarlanes
10 Norwich Street
London EC4A 1BD

JHRM/557710/2843736.1
19 October 2005

STATUTORY DECLARATION

DATE

2005

I, Michael Joseph Maundrell of [REDACTED]
[REDACTED] do solemnly and sincerely declare that:-

- 1 I live at Manor Farm, Calstone Wellington ("Manor Farm") and have lived there for ninety years.
- 2 My family have farmed Manor Farm since the early part of the nineteenth century. I was responsible for the running of the farm from the death of my father in 1936 until 1990, when I handed responsibility over to my son Pat. Pat continues to farm Manor Farm.
- 3 Manor Farm includes land to the north of the River Marden close to Calstone Mill now known as The Mill House.
- 4 Prior to 1969 I gained access to certain fields north of the River Marden by going down Bailey's Lane, which is the unclassified road 7005, crossing the cart bridge by horse and cart or in a Land Rover and passing in front of The Mill House.
- 5 Before 1968 The Mill House was lived in by the Summers family, who ran a dairy. They would use Bailey's Lane as a cattle drove to take their cattle up to fields near St Mary's Church for grazing. I had a good relationship with the Summers and they were happy to agree for me to pass The Mill House to gain access to my fields. To the best of my knowledge and belief this route was not used as a general thoroughfare for vehicles or horses and carts by the public at large.
- 6 In 1968 The Mill House was bought by Wing Commander David Evans. I believe he had the cart bridge declared unsafe and it was eventually removed. A bridleway bridge replaced the cart bridge, after which I had to take a different route to my fields.
- 7 My neighbour Colonel Luard and I argued for the cart bridge to be replaced by another cart bridge and as Parish Councillors sought to obtain a resolution to that effect.

8

I acknowledge that my use of the cart bridge was in the nature of a private right for the benefit of Manor Farm. I do not believe it constituted a vehicular public right of way.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said Michael Joseph Maundrell

At

This 6th day of October 2005

Before me

Solicitor/Commissioner for Oaths

Jensen

DATE 14th October 2005

STATUTORY DECLARATION

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

Macfarlanes
10 Norwich Street
London EC4A 1BD

JHRM/557710/2838525.1
12 October 2005

STATUTORY DECLARATION

DATE

2005

I, Virginia Hope Rawlings of [REDACTED] do solemnly and sincerely declare that:-

1 I was born Virginia Hope Summers and lived at The Mill House, Calstone Wellington, formerly known as Calstone Mill, from when I was born on 14 June 1941 until 1968, latterly with my husband and children.

2 My father ran the dairy at Calstone Mill until it was sold to Wing Commander Evans in 1968.

3 There is now produced to me a plan shown "VHR1" on which is marked in brown the track passing The Mill House from the north and extending up to the junction with the village road at Manor Farm.

4 During my time at The Mill House the track would be used by people on horseback or on foot. My father would use the track to take his cattle to graze at the top of the village. There was a narrow cart bridge over the river. Our neighbour Michael Maundrell was permitted to pass through The Mill House to gain access to his fields just to the north.

5 With the exception of Michael Maundrell going to his fields, I have never seen the track coloured brown used by any vehicle or horse and cart passing through The Mill House. Nor did I ever hear anyone suggest that vehicles were allowed to pass through. Therefore to the best of my knowledge and belief this track has never been used as a vehicular public right of way.

6 Any one wishing to get to the top of the village from the north would drive past Theobalds Green and Sprays Farm and join the top road at the junction by the old Reading Room. Anyone leaving the top of the village would come back by the same route or continue along the top road to the Devizes Road.

7 I understand that on 24 March 1939 my grandfather George Summers complained about the condition of the road to Calstone Mill. I can only imagine that he was

referring to the state of the road leading up to what is now the entrance to the driveway as in all the time that I lived at The Mill House the Council never repaired the road beyond that point, what we would call the top of the hill.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said Virginia Hope Rawlings

At

This 13th day of October 2005

Before me

Solicitor/Commissioner for Oaths



EXHIBIT

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

This is the exhibit marked "VHR1" referred to in the Statutory Declaration of Virginia Hope Rawlings.

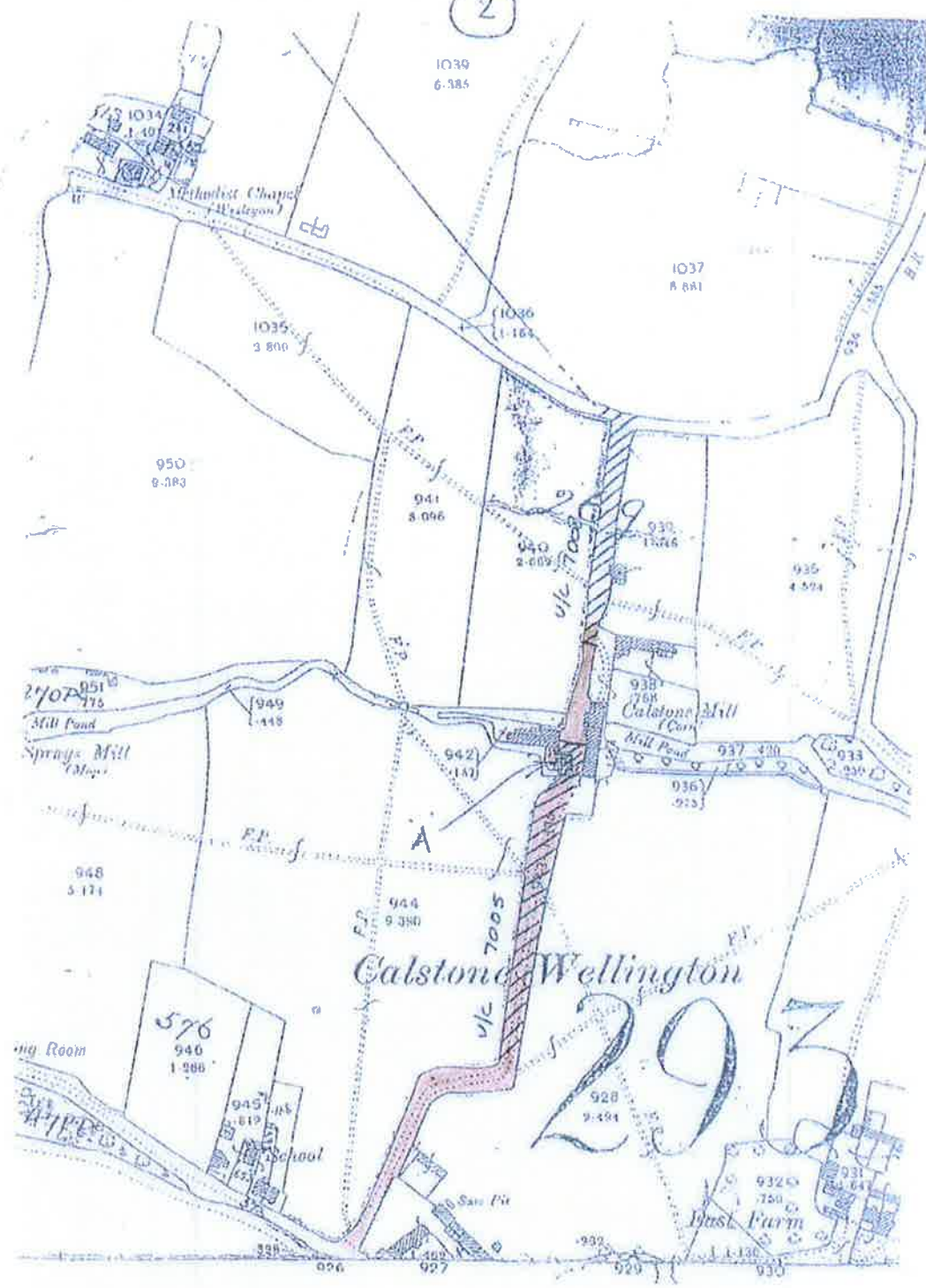
[Redacted signature]

Signed

13th October 2005

Dated

2



DATE 13th October 2005

STATUTORY DECLARATION

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

Macfarlanes
10 Norwich Street
London EC4A 1BD

JHRM/557710/2838653.1
12 October 2005

STATUTORY DECLARATION

DATE

2005

I, Barry Victor George Summers of [REDACTED] do solemnly and sincerely declare that:-

1 I was born on 9 April 1934 and lived at The Mill House, Calstone Wellington, formerly known as Calstone Mill, from when I was born until 1951 when I went off to do National Service. Members of my family continued to live there until 1968 and so I remained familiar with it until then.

2 My father ran the dairy at Calstone Mill until it was sold to Wing Commander Evans in 1968.

3 There is now produced to me a plan shown "BYGSI" on which is marked in brown the track passing The Mill House from the north and extending up to the junction with the village road at Manor Farm.

4 During my time at The Mill House the track would be used by people on horseback or on foot. My father would use the track to take his cattle to graze at the top of the village. There was a narrow cart bridge over the river. Our neighbour Michael Maundrell was permitted to pass through The Mill House to gain access to his fields just to the north.

5 With the exception of Michael Maundrell going to his fields, I have never seen the track coloured brown used by any vehicle or horse and cart passing through The Mill House. Nor did I ever hear anyone suggest that vehicles were allowed to pass through. Therefore to the best of my knowledge and belief this track has never been used as a vehicular public right of way.

6 Any one wishing to get to the top of the village from the north would drive past Theobalds Green and Sprays Farm and join the top road at the junction by the old Reading Room. Anyone leaving the top of the village would come back by the same route or continue along the top road to the Devizes Road.

I understand that on 24 March 1939 my grandfather George Summers complained about the condition of the road to Calstone Mill. I can only imagine that he was referring to the state of the road leading up to what is now the entrance to the driveway as in all the time that I lived at The Mill House the Council never repaired the road beyond that point, what we would call the top of the hill.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED by the said Barry Victor George Summers

At

Ce

This 14th day of October 2005

Before me

Solicitor/Commissioner for Oaths

EXHIBIT

**In relation to
The Mill House
Calstone
Wellington
Nr Calne**

This is the exhibit marked "BVGS1" referred to in the Statutory Declaration of Barry Victor George Summers.

[Redacted Signature]

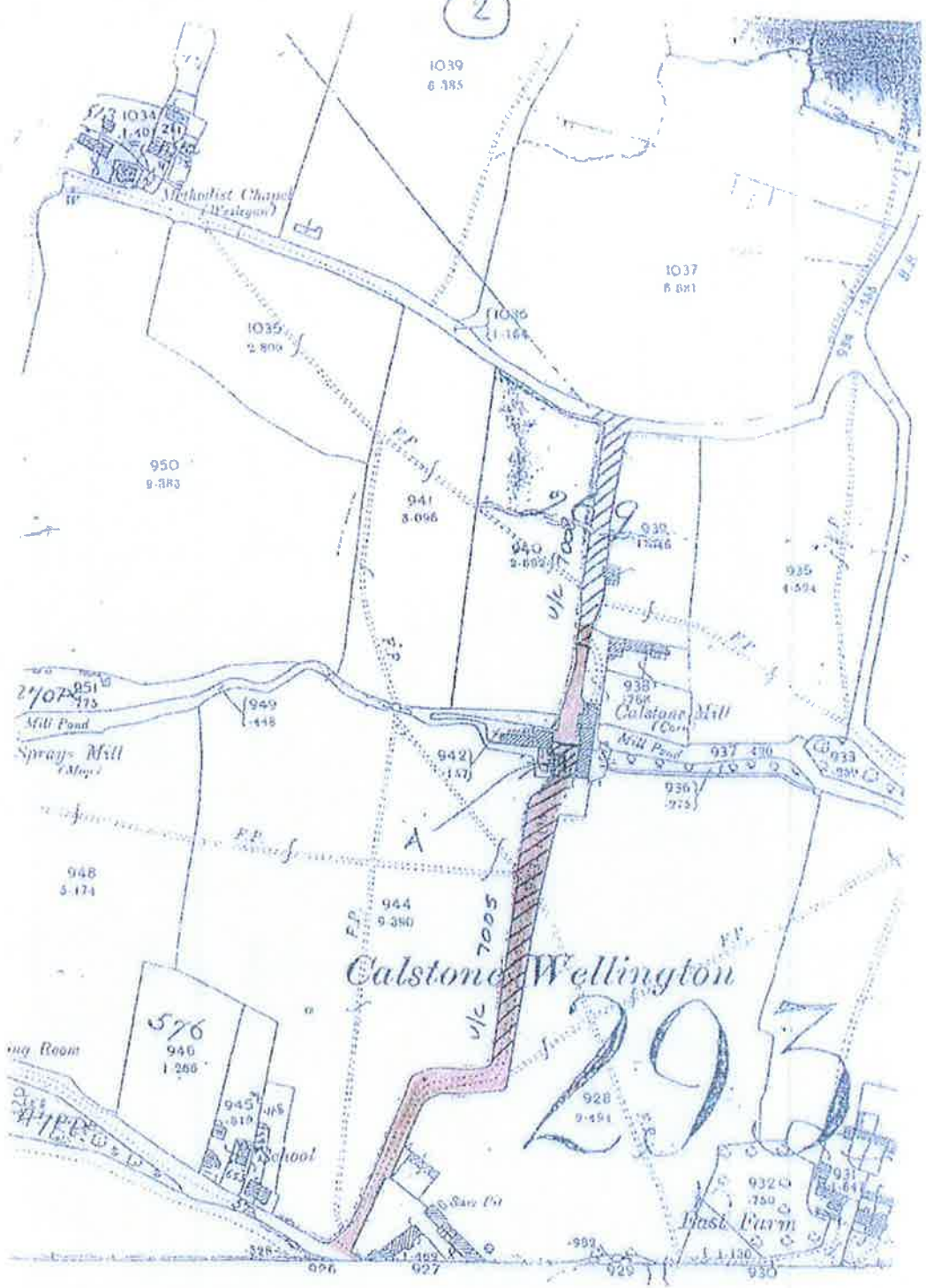
Signed

Commissioner for Oaths

14.7.0-2005

Dated

2



Calstone Wellington

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