

# Summary of User Witness Evidence Bromham – Chittoe Heath

# Appendix A

Witness Form Number	Name of Witness	Address of Witness
1	Major (Retd) Gaetano David Micciche	34 Mintys Top, Bromham, Chippenham, Wilts, SN15 2HB
2	Jeremy Thompson	9 Ridgemean, Calne, Wiltshire
3	Mrs Carol Thompson	44 Yard Lane, Bromham, Chippenham, Wilts, SN15 2DT
4	Mrs Muriel Wiggins	30 Bryans Close Road, Calne, Wilts, SN11 9AB
5	Michael Wiggins	30 Bryans Close Road, Calne, Wilts, SN11 9AB
6	Mrs Hazel Imrie (and family)	Ashton House, St Ediths Marsh, Bromham, Nr Chippenham, SN15 2DJ
7	Freda G Mead	9 Dean Close, Melksham, Wilts, SN12 7EZ
8	Mrs Ann Wade	8 Dean Close, Melksham, Wilts, SN12 7EZ
9	Mrs J Stainer	3 Dean Close, Melksham, Wilts
10	Mr C J Thompson	44 Yard Lane, Bromham, Chippenham, Wilts, SN15 2DT
11	Mr M J Benham	51 Highfield, Bromham, Chippenham, SN15 2HS
12	Mrs L Thomas (and family)	Yew Tree House, 55 Horsepool, Bromham, Chippenham, Wilts, SN15 2HD
13	Mr and Mrs Du Boulay (and family)	Lower Lodge, 35 Bowden Hill, Lacock, SN15 2PP
14	Mrs S Collins	The Old Church, Chittoe, Chippenham, Wilts, SN15 2EL
15	M Hodsell	The Old Police House, Sandy Lane, Chippenham, Wilts, SN15 2PZ
16	Mrs M Beater	3 Rosemary Close, Calne, Wilts, SN11 0UL
17	Mrs E Kirk-Duncan	Meadow Cottage, 3 The Green, Marston, Devizes, Wilts, SN10 5SW
18	Mr R J Carver	51 The Gardens, Bromham, Wilts, SN15 2HX
19	Mr M N Parkinson	27 Greystones, Bromham, Chippenham, SN15 2JT
20	Mr and Mrs A T J Padwick	Linden House, London Road, Devizes, Wilts, SN10 2DS
21	Mr K Appleton	47 Churchill Avenue, Melksham, Wilts
22	Mr Peter Holt	8 Highfield, Bromham, Chippenham, SN15 2HJ

Witnesses who responded to requests for additional information shaded in grey.

Supplementary information received from witnesses supplemental to that on their user evidence forms has been added to the following table in red.

Map showing application plan with Access Points referred to as A, B, C, D and site of plant sales at end of Appendix.

**Relevant Period : Erection of signs, gate, some fencing work and verbal challenge Jan 2009 back 20 years i.e. Dec 1988 to Dec 2008**

Witness No	Dates of Use	Yrs in relevant period	Frequency and use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
1	1998 to 2008 (10 years total)	10	3 to 4 times per week. Walking	Yes extensive use by dog walkers	FP 1.5 to 2.0 m	Yes – plantation has been extensively used for tens of years	No, but is aware of a number of dog walkers who have been stopped	No but the previous owner did have plants for sale in the plantation	No (wire fence and gate fitted Feb 2009) <b>Old fence in disrepair with free access along its length</b>	'Private' signs appeared very recently high up on trees	Plan shows perimeter and one cross track. Access at A, C and D <b>Recalls plant sales</b>
2	1982 to Dec 2008 (26 years total)	20	1 to 2 times per month. Walking, walking with dogs, parents and BMX bike as a child	Yes, walkers and joggers	FP 1 to 1.5 m	Yes, lived nearby, people always walk paths	No	Not required. Formally Spye Park Land. Family farmed as manager at Manor Farm, Chittoe	Primitive stiles at C and D. B wire and A open.	No	Some wire alongside the roadside and field boundary Access at A, B, C and D.
3	1986 to Dec 2008 (22 years total)	20	3 times a week, especially if raining. Walking	Yes, walkers	FP 1 to 1.5 m in places	Yes because the new owner has erected fencing and signs prohibiting access	Only by hear say	No	No broken down fencing from when cattle sued the roadway (25 years ago)	Not until recently	Access at A, B, C and D. Circular route is well trodden, linking paths less so
4	1980 to 2009 (29 years total)	20	2 to 3 times per week. Walking the dog	Many dog walkers	FP Not completed	Yes because of the constant use and regular car parking	No	No	No <b>Some wire fence was up, some down. Stile in corner fell down a long time ago.</b>	No	Access at A B and D
5	1980 to 2009 (29 years total)	20	2 to 3 times per week. Walking	Many dog walkers	FP Not completed	Yes no reasons given	No	No	No <b>As 4.</b>	No	Access at A, B and D

Witness No	Dates of Use	Yrs in relevant period	Frequency and use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
6	1998 to 2009 (11 years total)	10	Daily. Walking	Yes, on foot	FP 1 to 2 m	Yes because present owner lives adjacent and has been advising that it is not a public footpath	No, but has heard and met people who have been approached by present owner	No	Not until recently when gate erected Short sections of barbed wire but still gaps to access the woodland <b>doesn't recall stiles</b>	Only recently have notices been erected	Shows five access points. Well trodden paths through woodland covered by leaves in autumn and winter <b>recalls plant sales</b>
7	1962 to 2009 (47 years total)	20	3 times per week Walking	Yes, horses	FP 1 to 4 m	Yes so many people used the wood to walk dogs	No but has spoken to people who have been by new owner	No	Fences fell down and so did stiles <b>12 or 15 years ago.</b>	No <b>Definitely doesn't recall signs.</b>	2 stiles one near new gate and other half way up road <b>Recalls plant sales</b>
8	1993 to 2009 (16 years total)	15	2 times a week all year round Walking	Yes, walkers	FP 1 to 4 m	Yes no one ever stopped me and never saw owner	No but knows others who have been stopped by new owner	No	Two stiles one by new gate and other by cross roads to plantation	No	2 stiles one near gate and other by cross roads <b>Recalls plant sales</b>
9	2002 to 2009 (7 years total)	6	Daily Walking	Yes, lots, all walking	Not completed 1 to 3 metres	Yes. General knowledge that it's a lovely place to walk. I have never been the only person there and all local people have been friendly	No but knows that new owner has spoken to others	No	Two stiles. Broken down rusty barbed wire <b>Remembers broken down wire laying on ground.</b>	One where new gate has been erected	Describes it as woodland with paths <b>Normal access point near cross roads corner.</b>

Witness No	Dates of Use	Yrs in relevant period	Frequency and type of use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
10	1982 to 2009 (27 years total)	20	2 to 3 times per week. Walking and with children on BMX bikes	Yes, children adults and dogs	FP 1 to 2 metres on average	Yes Because he has lived there for years, knows the countryside and is a district councillor	No	Not needed former resident and farmer	Once primitive stiles at C and D over barbed wire. Access at A and B open. Remains of a wire fence from days when cattle were driven along road.	Recently a gate and 'private land' signs were put up by all 4 entry points	Pathways link a circular route. Main paths do not overlook gardens. Residents have made their own paths.
11	1981 to 2009 (28 years total) But has known woods since 1959/1960.	20	Daily Walking	Yes, many different walkers mainly with dogs	Not completed Not completed	Yes All the time he has lived there people have been walking regularly. Must have known this had gone on for years.	Yes, stopped and asked to leave by Mr Seed in January 2009	No	Only since Early February 2009 Fence has always been in poor condition and down opposite BROM75.	Only since January 2009 signs in trees and a gate	Access points shown at A, C and D
12	1997 to 2009 (12 years total)	11	2 to 4 times a week at least, often daily Walking	Yes, almost always saw other dog walkers and families on foot	FP 4 to 6 feet	Yes. Walkers and their vehicles have been very visible to anyone passing. Present owner backs onto plantation.	No but have heard of local walkers being challenged in Jan 2009	No	No some long disused barbed wire in small quantities at edge from approach (opposite the Common) but not an obstruction Flat and down	No	Access points A, B, C and D Well trodden and clearly delineated path around outer edge with central pathways also. Recalls plants

Witness No	Dates of Use	Yrs in relevant period	Frequency and type of use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
13	1989 to 2009 (20 years total)	19	Daily Walking dogs	Yes, walkers with dogs	FP 1 to 2 m	Yes if he'd gone on daily basis as lots of people used it	No	No	Not until Jan 2009	No	Access shown at A, B and D <b>Didn't see plants</b>
14	1989 to 2008 (19 years total) <b>But limited mobility 2000 to 2008 difficulty in stepping</b>	19	At least 2 times per week Walking	Yes, dog walkers, small children and bikes	FP About 2 m	Yes previous owner of Spye Park allowed access. Never saw owner	No	No	In early days ( <b>1988 ish</b> ) remains of broken down stile. Remains of barbed wire, not fixed and offered no obstruction	Not until 2009	Walked 2 paths a small inner circle and an outer circle through the woodland. Access shown at A and B
15	1986 to 2009 (23 years total) <b>"It would have been impossible for anyone not to have known that it has been walked by very many people every day"</b>	20	Daily (afternoons) Walking	Yes many people over the years	FP 1 to 2 metres	Yes The pathway is close to back gardens, it would have been known that there was use. The previous owner left potted plants in the woods for sale and advertising his business. You would have to walk into the woods to see these	Not before January 2009	No	No <b>removable wire gate opp. BROM75. Does recall a stile at the corner but didn't use it because there was a gap nearby.</b>	Not before January 2009	Paths are clearly defined through years of people keeping to pathways. Some houses have gates into the woods. Access shown at A, B and D <b>Recalls plants for sale.</b>

Witness No	Dates of Use	Yrs in relevant period	Frequency and type of use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
16	1991 to 2006 (15 years total)	15	Daily during summer, weekends in winter Walking	Yes, several people walking with dogs	Not completed 1 to 2 m depending on growth of bushes	Yes because of the present reaction to the use of the path	No but knows of others who have recently	n/a	Originally 2 stiles one which fell into disrepair Some barbed wire around the perimeter	No	Fences and wiring generally in disrepair. Stiles shown at A and C. Other access shown at B and D
17	1996 to 2008 (12 years total)	12	Once a week max Walking	Yes, walkers	Not completed Not completed	Not completed Don't know	No	Not completed No	No can't recall what fences were like	No	Access at A, C and D shown.
18	1996 to 2009 (13 years total)	12	Daily Walking	Yes, many dog walkers and holiday makers	FP 1.5 m to 3 m. Path informal	Yes believes they live adjacent to the lands which is a well known dog walking area	No but knows of two people who were at the end of 2008	No – believed it to be a public right of way	Not before early 2009. There has always been some old wire fencing lying on the ground, an incomplete obsolete single wire	Not before Dec 2008	Plan shows circulatory pathway but no access points free access over broken single wire from Heath all along road
19	1986 to 2007 and in 2009 (21 years total)	19	Twice daily Walking	Yes, walkers	FP About 2m	Yes as used frequently by many people walking their dogs	No	No	No some barbed wire in some but not all places some on ground	No	Access at A and B shown Recalls plant sale

Witness No	Dates of Use	Yrs in relevant period	Frequency and type of use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
20	1997 to Feb 2009 (12 years total) Sent photos showing sue of route at different times of year and years.	11	Weekly between Sept and April each year Walking	Yes, usually met other dog walkers	FP 2 to 4 metres in some places single file dictated by terrain	Yes as for decades this wood has been visited by people from the area to walk	No	No	Not until recently. Broken remains of a wire fence in places bordering the wood (and road) most of it lay on the ground or was partly buried. Fencing unmaintained	Not until Jan and Feb 2009	Access shown at A, B and C The paths follow the outer perimeter about 10 to 20 metres in from remains of outer fence. There is a clearly worn route in the earth and leaf mould
21	1972 to 2008 (36 years total)	20	Daily Walking	Yes, other dog walkers	FP Entry was unfenced until fenced and gated in 2008	Yes the owner has employed someone to warn off other dog walkers	Yes. Owner of holiday homes accused our dog of chasing her chickens	No	Stile at cross road since about 1972. Also single strand of wire gate.	No	Access and stile shown at A on plan Recalls plants outside wood

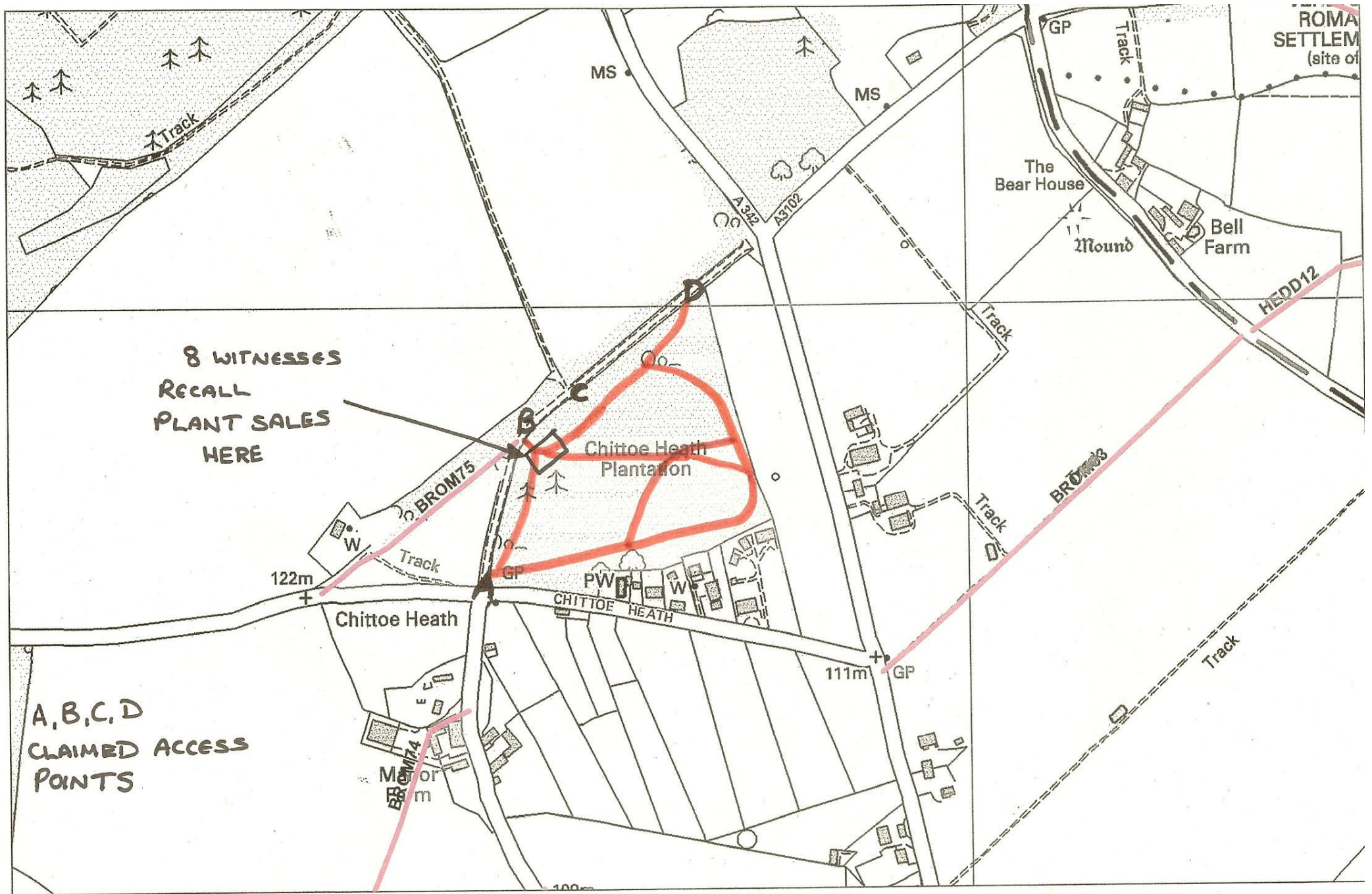
Witness No	Dates of Use	Yrs in relevant period	Frequency and type of use	Other Users?	Status and Width	Owner aware?	Challenge?	Permission?	Gates or Stiles?	Signs?	Comments
22	1974 to 2006 (32 years total)	18	Twice daily Walking	Yes, many other dog walkers, leisure walkers and later, mountain bikes	FP 1.5 to 2 metres	Yes. People have been using the woods as long as I have been, previous b and B owner Mr Collins knew as did previous owner of chalets, local councillor Francis Wheeler deceased knew of it and so did Mr Fred Hazel.	No	No	Two stiles near A and in woods) removed poss. by owner  Stiles in place roughly 1972 to 1988. Woods overgrown during this period. As fence fell into disrepair people stopped using stiles.	Memory recalls a sign near the corner stile (A) can't remember markings.	Trees planted at corner near moveable chain, advertised for sale.  Access A, C and D shown.  Detailed description of route, plan also annotated. Some new fencing mid 1990s near houses. Recalls plants.



## Nature of Use and Routes

Witness No	Reason for use	Routes used
1	Recreation. Dog walking	Perimeter and east west cross path shown on map.
2	Recreation	Perimeter paths and several cross paths shown on map.
3	Recreational and dog walking	Perimeter path well trodden and other linking paths. Path is clear of gardens but within 10 yds of eastern boundary. Entry 44 yards from cross roads.
4	Walking the dog	Perimeter path and cross paths shown on map
5	Walking the dog	Perimeter path and cross paths shown on map
6	Recreation – exercising dog	Perimeter path and some cross paths shown on map
7	Walking dogs, picnics, eatser egg hunts	Open woodland with paths. Perimeter path and some cross paths shown on map.
8	Walking the dog	Open woodland tracks, perimeter path shown and some cross tracks
9	Recreation and dog walking for whole family	Woodland with paths. Perimeter path shown and a cross path loop
10	Recreation	Perimeter path shown and several cross paths
11	Recreation	Perimeter path shown and one cross path with spurs
12	Recreation	Well trodden and clearly delineated path around outer edge and central pathway also
13	Walking and exercising dogs	Clearly defined path. Perimeter path and some cross paths shown on map.
14	Walking the dog	Perimeter path and inner loop shown on map.
15	Recreation	Perimeter path and cross paths shown on map.
16	Recreation	Perimeter path and one north south cross path shown on map
17	Recreation, walking dogs	No description but perimeter and east west cross path with spurr shown on map
18	Recreation	Circulatory within woodland boundaries. Perimeter path and some cross paths shown on map.
19	Exercising dogs	Runs round perimeter of plantation. Perimeter path and east west path shown on map.
20	Recreational dog walking	Follows perimeter of woodland 10 to 20 metres in from the remains of outer fence. Perimeter path shown on map.
21	Recreation	Perimeter path and cross route shown on map. Route entered at A followed the line of the old A3102 on reaching the fence in line with A342 follw fence to houses where walk past back gardens to the common (A)
22	Dog walking	“From one stile at corner” (A) “second stile at Inner fence down slope by detached house by chapel, up slope to barbecue basket in hollow. Here either turn left across to path junctions or ahead and down slope to Bluebell Corner by rear of B and B. Veer left to run parallel to field and main road, between two large deciduous trees to meet what was main road at top of area (no fence here) or just before a left junction to join track from basket and out to road (no fence here) or on parallel with side road at one climbing over huge fallen tree and on to entrance at corner with moveable chain or on round to start of walk”





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