

THE EIGHT RESPONSES OBJECTING TO THE MAKING OF THE ORDER

File: gr. Cheverell  
Objection to the order

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**Chinnick, Tim**

**From:** Barnabas Beddow [barnabas.beddow@btinternet.com]  
**Sent:** 05 August 2011 17:48  
**To:** Chinnick, Tim  
**Subject:** Wiltshire Council Sheet ST95SE Partish of great Cheverell Mod Order No 16 2011

Dear Mr Chinnick

Thank you for your letter dated 17 June reference the Cheverell Magna =  
 Right of Way Modification order No 16 2011. I am truly astonished at the =  
 decision as it stands and would like to make a firm objection. I do not =  
 believe that "on the balance of probabilities" a footpath exists. The =  
 width of 3.5 metres (from B-C) is just not consistent with other =  
 footpaths in the area (and as a footpath traverses my own property I =  
 would know). Additionally the positioning of this footpath vis a vis the =  
 edge of the field seems to make the centre of the footpath some =  
 5.25metres from the edge of the field. This would make it necessary for =  
 Mr Kavanagh to move that fencing he has already generously put in place.

Yours sincerely

Mr B T Beddow  
 Little Cheverell Mill  
 Little Cheverell=20  
 Devizes  
 SN10 5UP

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**From:** Vince Gaiger [mailto:Vince@gaigerbros.co.uk]  
**Sent:** 05 August 2011 11:49  
**To:** Chinnick, Tim  
**Subject:** Modification Order 16;2011 - Footpath, Little Cheverell

Dear Sir

I write to object to the making of the order, the proposed width of the footpath & the stated distance of the footpath centre from the edge of the field.

Yours faithfully

Vincent & Pamela Gaiger  
 Orchard Acre  
 Little Cheverell

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**From:** Mike Gaiger  
**Sent:** 05 August 2011 11:30  
**To:** 'tim.chinnick@wiltshire.gov.uk'  
**Cc:** Vince Gaiger; Michael Kavanagh (michaelkavanagh@kavanaghs.co.uk)  
**Subject:** Modification order No. 16;2011, Footpath Little Cheverell

Dear Sir

I write to object to the making of the order, the proposed width of the footpath & the stated distance of the footpath centre from the edge of the field.

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Yours Sincerely  
 Michael Gaiger  
 Hawkeswell Lodge  
 Little Cheverell

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*File at Cheverell  
 objection*

Rose Cottage  
 Low Road  
 Little Cheverell  
 Devizes  
 Wiltshire SN10 4JY

Mr Tim Chinnick  
 Rights of Way Officer  
 Rights of Way Section  
 Department of Neighbourhood and Planning  
 Wiltshire County Council  
 Bythesea Road  
 Trowbridge  
 Wiltshire BA14 8JN

14<sup>th</sup> July 2011

Ref: Modification Order No. 16 2011.

Dear Mr Chinnick,

As residents of Little Cheverell we are surprised to see that Mr Kavanagh is being asked to widen part of the path alongside his field to 3.5m (as per the a/m Modification Order). This is almost as wide as Low Road itself. We have used the path frequently over the years, particularly when walking our dogs and have never felt that it should be any wider. The fence down the open field side is perfectly adequate and sufficient to protect walkers from livestock, should there be any.

Why on earth are Council resources being used to enforce such a proposition? We would like to register our objections to the proposal.

Yours sincerely,



Spencer and Lynne Gammond

From Major Nicholas Haines

WILTS  
 SPRINGSIDE COTTAGE  
 LITTLE CHEVERELL  
 DEVIZES  
 SN10 4JS

01380 818280

12 July 2011

Dear Mr Chinnick,

MODIFICATION ORDER NO 16 2011

As a resident of Little Cheverell and frequent user of the footpath that is the subject of the above numbered order, I object in the strongest possible terms that the path should be 3.5m wide between the points B & C on the diagram. This is meant to be a footpath not a passage for large vehicles and if a 4' wide gate is considered adequate access, how can it possibly be right to require the path itself to be virtually 3 times that width?

The path, as it currently exists, is quite wide enough for a footpath. If it gets a little overgrown in places at times, that merely reflects how little regular use it gets. I believe that the provision by the present landowner of a stout fence along the open or field side of the path together with sturdy well maintained gates at either end not only clearly identifies the path but also provides protection for those using it (and their pets) in the event of cattle or other livestock being kept in the field.

The order, if implemented, would be an unwarranted limitation of the landowner's legal right to full enjoyment of his property. I therefore urge you to reconsider the order and to reduce the required minimum width to, at the most, 1.5 m.

Yours sincerely,  
 Nicholas Haines

Mr Tim Chinnick, Rights of Way Officer  
 Department of Neighbourhood and Planning  
 Wiltshire Council  
 Bythesea Road  
 Trowbridge  
 BA14 8JN

Tel: 01380 813322

*File to Cheverell  
objection*

Cheverell Place,  
Little Cheverell  
Nr. Devizes,  
Wiltshire, SN10 4JJ

14<sup>th</sup> July, 2011

Mr Tim Chinnick, Rights of Way Officer,  
Dept. of Neighbourhood and Planning,  
Wiltshire County Council,  
Bythesea Road, Trowbridge, BA14 8JN.

Ref: Modification Order No. 162011

Dear Mr Chinnick,

I would like to ask you to reconsider the above referred order.

Rather than repeating the points made in the letter from  
Brigadier Rawlins of the Grey House Little Cheverell, dated  
11<sup>th</sup> July, may I refer you to it and say that I entirely agree  
with the points which he has made.

Yours sincerely,

*Ruth Hawley*

(Lady Hawley)

Definitive Map & Highway Records Team Leader  
Tel 01225 713044

**From:** Michael Kavanagh [mailto:michaelkavanagh@kavanaghs.co.uk]  
**Sent:** 05 August 2011 15:31  
**To:** Chinnick, Tim  
**Cc:** Burke, Barbara; Linda Kavanagh  
**Subject:** Proposed footpath modification order 16 2011  
**Importance:** Low

Dear Mr. Chinnock,

I write to object to the order in respect of the existence of a footpath itself, the proposed width and the proposed distance from the edge of the field.

In respect of the existence of a right of way we do not feel that you have come to the right conclusion in your consideration of the prolonged periods each year when access was not available. We do not feel that the case law quoted is sufficiently relevant enough for you to rely on the conclusions you now draw from it in this instance.

With regard to the width and positioning of the path we can only comment that there is no mathematical conclusion to be drawn in support of this from the evidence sent to us to date. The proposed width is substantially wider than any other footpath in either of the parishes and indeed most of the adopted highways. Equally the evidence put forward itself suggests that walking took place further away from the edge of the field mainly due to the condition of the boundary. This does not appear to have been properly taken into account.

We would also comment that most of the evidence upon which the Council have relied especially in regard to width and positioning are based on a relatively short time period i.e. post 2001 to presumably when the fence was erected 4m from the boundary with locked gates to the remainder of the field in 2008. The evidence prior to that is far less certain indeed most of those quoting earlier years are either silent on width or state 1m. Certainly the pictorial evidence does not support anything approaching 3.5m.

**You indicated when I rang you that you have already received objections to the order being made and that the matter will now go to inquiry. Please will you confirm by return that in light of this email and other objections this is the case.**

Whilst writing I would comment that in arriving at its conclusion that a modification should be made the Council appear to have relied on information that they have failed to make available to us as land owners or any of the objectors. This includes the aerial mapping and the responses by supporters to both objectors initial comments and to their subsequent comments on interview. By not doing so you have denied us the opportunity to comment on what the Council now appear to regard as material evidence.

We are considering making a formal complaint in this respect of these issues but are awaiting comments from Barbara Burke prior to doing so.

You will also recall at our meeting with you and Barbara Burke on the 19<sup>th</sup>. Jan you undertook to revert to us for further discussion when you had made more enquiries. We hardly envisioned that such reversion would be in the form of a modification order.

Yours sincerely,

Michael Kavanagh

FNAEA, FICBA, MARLA

Direct Dial 01225 341490



Chartered Surveyors

File G.T. Cheverell  
objection to the order

From: Brigadier (Ret'd) P P Rawlins, MBE.

The Grey House,  
Low Road,  
Little Cheverell,  
Devizes,  
Wiltshire,  
SN10 4JS.  
// July 2011.

Mr Tim Chinnick, Rights of Way Officer,  
Rights of Way Section,  
Department of Neighbourhood and Planning,  
Wiltshire County Council,  
Bythesea Road,  
Trowbridge,  
Wiltshire,  
BA14 8JN.

Ref: Modification Order No. 16 2011.

Dear Sir,

I write as a resident of Little Cheverell and a not infrequent user of the footpath that is the subject of the above numbered order. I wish to register an objection in the strongest possible terms to that element of the proposed order requiring that the path should be 3.5m wide between the points B & C on the diagram. If a 4' wide gate is considered adequate access to the right of way, how can it possibly be legitimate to require the path itself to be virtually 3 times that width?

The path as it currently exists is more than adequate in width for any legitimate use as a pedestrian right of way. If it gets a little overgrown in places at times, this merely reflects how little regular use it gets. In my opinion, the provision by the present landowner of a stout fence along the open or field side of the path, together with sturdy well maintained gates at either end, not only clearly identifies the right of way, but also provides protection to users of the path (and their pets) in the event of cattle or other livestock being kept in the field. This had never been provided for in the past.

As a matter of fact, the tarmac surface of Low Road in Little Cheverell, a thoroughfare used by motor vehicles up to and including the Councils refuse collection lorries and commercial bulk fuel delivery vehicles, is no more than 3.5 m for most of its length. It is clearly ridiculous to require that a footpath should be of the same dimensions. More than that, it represents an unwarranted limitation of the land owner's legal right to full enjoyment of his property. I therefore urge you to reconsider the order and to reduce the required minimum width to at most, 2 m.

Yours faithfully

