

APPENDIX D – CORRESPONDENCE RECEIVED IN THE FORMAL OBJECTION PERIOD:

1)	3 rd June 2014	Mr G Fletcher (present landowner)	Objection
2)	6 th June 2014	Mr F J & Mrs E A Sheppard	Support
3)	14 th July 2014	Mrs R A Clifford & Mr P J Akers	Objection
4)	15 th and 23 rd July 2014	Hazel Woodbridge	Support
5)	16 th July 2014	M Entwistle (tenant)	Objection
6)	17 th July 2014	Pauline Cameron	Objection
7)	23 rd and 25 th July 2014	Dr Richard Pagett	Support

Mr & Mrs Fletcher
17 Sherford Road
Swindon
Wiltshire
SN25 3PR

3rd June 2014

Dear Ms Green

I am writing to lodge a formal objection in respect of the application made under the Wildlife and Countryside Act 1981 s53 to add a footpath to the definitive map of public rights of way with is intended to run across my property in Purton, off Hoggs Lane.

I have now been made aware through the current tenant that since last week a notice of an order has now been placed at the property although as of yet we have received no notification by post to our home address. as you are likely aware, the Supreme Court has in R (on the application of Barkas) vs. North Yorkshire County Council & Another [2014] UKSC 31 recently ruled that the judgement in R (on the application of Beresford) v Sunderland City Council [2003] UKHL 60, the authority on which the order cites, was wrong and therefore can no longer be relied on.

In any case, I have made it expressively clear that use of the land by the public has been by right as opposed to as of right. As I have stated in my letter in 2002, public use has been granted permissively and I believe I have made this clear to the community. Since the precedent in Beresford has been overturned implied permission can now give way to being held as permission by right. It would not have been reasonable for me to grant permission individually to each and every person that enters the property and the law does not require me to do so. I have been aware of the use of the land by the community and allowed it continue on the clear inference that it was no means unconditional but rather dependent on my consent. I believe I have been clear and direct that access to the property was granted in the understanding that it could be revoked should it affect our own use and enjoyment of the land. When there have been breaches of the permission granted, I have been quick to deal with them.

Furthermore, establishing a public right of way would directly interfere with my use and intended future use of the land. The land is currently used for the purpose of grazing livestock and it is my belief that creating a public footpath would be damaging. There has already been instances where animals have been tampered with and there would also be a public safety aspect should we decide to place cattle in the field.

I am now taking legal advice on the matter, please accept this letter in the first instance as my official objection to the order.

Yours sincerely

Mr G Fletcher

Constables, 20 Hoggs Lane, Purton, Wiltshire SN5 4BU
Telephone: 01793 771018 e-mail: francis@sheppard.org

Miss Janice Green
Rights of Way Officer
Waste and Environment
Wiltshire Council
County Hall
Bythesea Road
TROWBRIDGE BA14 8JN

6th June 2014

Dear Miss Green

Footpath 161 Modification Proposal, Hoggs Lane, Purton, SN5 4BU

We write in support of the above as outlined in the public notice pinned to the post at the top of Hoggs Lane.

From our address you will see that our property adjoins the field across which the proposed modified footpath runs. When purchasing this property 37 years ago, one of the many attractions was the then seemingly already established access to and across this field.

A couple of times since 1977 we have approached Purton Parish Council informally to ask whether and how an official footpath could be established across this field – indeed I also remember mentioning it in passing when I was elected to serve on the Parish Council between 2001 and 2002.

Over all those years it has been a very regular footpath in all but official name for all in our community and we are delighted that it's rightful status is about to be finalised.

Yours sincerely

Francis Sheppard
Libbie Sheppard

Mr F J and Mrs E A Sheppard

Mrs R A Clifford
Rose Brook Farm
Minety
Malmesbury
Wiltshire
SN16 9RJ

Monday 14th July 2014

Miss Janice Green
Rights of Way Officer
Waste & Environment
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Janice,

Re: Your letter dated 26th June 2014. Ref: JG/PC/189. The Wiltshire Council (Parish of Purton) Path no: 161 Definition Map & Statement Modification Order 2014

I write to object to the above application to add a public footpath leading from Hoggs Lane, in a north westerly direction and then north, north west to join its junction with footpaths no: 110 and 112. My reasons for this are as follows.

My Father owned this particular field prior to its previous owner, during the 1980's and 1990's. Throughout his ownership he continuously tried preventing and challenging many resident regarding trespassing on this particular piece of ground and dog fouling. Un permitted access to this field has been an ongoing problem for decades, not to mention the potential risk to unborn animals the dog excrement may have and continues to cause.

I do not feel it is necessary to create an additional footpath when there are already two existing footpaths 110 and 112 either side of this field, within a very short walking distance of where the proposed footpath 161 is intended to go. I am frustrated by the fact that many of the residents whose properties back onto the field take it as their right to use this field, when they are trespassing. At the back of these houses most residents have gates which open directly into the field giving them immediate access to ground they should not even be on. I feel this is down to idleness as they can't be bothered to walk down the road and get on the approved footpath routes. If there is no footpath the ground is private hence it should remain a no entry zone.

It is a known problem that the risk of disporia in unborn cattle is on the increase largely due to the amount of dog fouling. Putting a footpath across the centre of this

field could lead to increasing these numbers for this farmer. Causing financial loss and inconvenience. This is something which is preventable and we should be looking to preserve the natural environment we live in without potentially causing further problems, particularly when there are alternative routes which are easily accessible to residents.

People who access this field at the moment are trespassing and do so at their own risk if there are animals grazing. Approval of a footpath would lead to the owner becoming liable should anything happen at any time i.e. if a dog were to chase or attack any livestock at anytime. Animals should of course be kept on leads at all times however this is not always the case for some owners. Loss of livestock would have a further knock on effect to the farmer and he would also incur liability arising from the issue which occurred. This again is avoidable when there are neighbouring footpaths to use.

I believe the current owner purchased this field as a premium price due to the fact there was and is no footpath in place. Should at any time in the future a planning application be made on this ground an established footpath would cause many problems and certainly effect its final value.

My siblings and I all have an interest in this property although this is not the only reason I am objecting to this application. The practical and environmental issues highlighted above are also of great concern. We really should be concentrating on respecting other people's property and using the approved routes already available. An additional path through the centre of this field is unnecessary.

I trust you will consider my views carefully together with all the other 'for and against' comments.

I look forward to hearing from you with a decision.

Yours sincerely

Received.
Please also take this as a letter of objection from
Mrs R A Clifford my brother Philip.
Many thanks.
Befford

P Z Jakers
Mr P. JAKERS.

Green, Janice

From: Wilts And Glos BDS [wiltsandglosbds@gmail.com]
Sent: 15 July 2014 14:12
To: Green, Janice
Subject: Proposed pathway across field at the top of Hoggs Lane. Path 161

Importance: High

Dear Janice

The above pathway is opposite my house and have lived here since 1985 and have observed the daily comings and goings of various people in the village who have walked the pathway across the field for years long before I arrived here. I am anxious to support the path please can you let me know whether you require a more letter or whether an e-mail will suffice. I have a painter here at the moment who has walked the field all his life and would like to send his support. If there is anything else I can do please let me know.

I understand that the owner is objecting (saw her this morning and had a chat) what a shame but she seems to be under the impression that she is going to have to take out very expensive insurance. Out of curiosity what is the legal requirement for insurance in the case of a footpath going across land?

I will be at the access meeting to-morrow so if you want to relay a message to me via someone else that's fine.

Many thanks
Hazel

(Woodbridge)

Green, Janice

From: Green, Janice
Sent: 23 July 2014 17:03
To: 'Hazel Woodbridge'
Subject: RE: Footpath

Dear Mrs Woodbridge,

Thank you for your e-mail, just to confirm safe receipt. Your comments and the attached photograph are very helpful. I will shortly be putting together a report for the Northern Area Planning Committee and your evidence will be included and given full consideration.

Thank you for your help,

Kind regards,

Janice

Janice Green
Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court Trowbridge BA14 0XA
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Please note my working days are Wednesday, Thursday and Friday

Web: www.wiltshire.gov.uk

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From: Hazel Woodbridge [<mailto:hazelwoodbridge@hotmail.com>]
Sent: 23 July 2014 16:56
To: Green, Janice
Subject: Fw: Footpath
Importance: High

Dear Janice

My neighbour Francis Sheppard has found the attached on Google Earth which very clearly show the diagonal path across the field that has been worn by walkers over the years. The path slightly below is where the pony go into the next field for their water.

I was talking to a neighbour who has ponies just down the road in Vastern Hill and she has told me that recently that she and another neighbour who has fields adjoining the footpath field has had their fences cut and their horses let out. When I spoke to Ann Fletcher the other day about the path when the police were there she was blaming walkers for fence damage but clearly there is a local problem.

The fences around the field are in terrible condition I am not sure why the ponies don't get out. When I first came here in 1985 the field was let by the owner Miss Walker to Mr Akers from Charlton as Grass

Keep and he grazed cattle out there for several years during the spring/summer. I think then he eventually purchased it and then on his death it was sold after a while to the Fletchers. Just prior to it being sold for about a year or so we had Gypsy Cobs out there belonging to Mr Downs from Wantage. Margaret Entwistle has had her ponies out there 365 days a year for several years. At no time has there been any break in the use of the path. When it snows it is the village sledging field!

If there is anything more I can help with please let me know.

Best wishes

Hazel

PS Can't find my photo which shows the path a few years back I am sure it will turn up eventually.

From: [Francis Sheppard](#)

Sent: Monday, July 21, 2014 11:49 AM

To: 'Hazel Woodbridge'

Subject: Footpath

Google photo attached as is a copy of my letter.

Francis Sheppard

E: francis@sheppard.org

T: 01793 771018

M:07976 268919



Margaret Entwistle
35 Witts Lane
Purton
Wilts
SN5 4EX

Wednesday 16th July

Dear Ms Green

I am writing to notify you of my wish to object to the proposed public right of way over the field at Hogg's Lane, property of Mr & Mrs Fletcher.

I am the current tenant, having used the property for the last 6 years to graze my horses. I wish to object to the plan to grant a public right of way on the grounds that it would be objectively interfere with my use of the land and would result in damage to my property and livestock.

I have been in discussion with Mrs Fletcher over the continual abuse of the property by the residents of the village since I had erected fencing in order to keep my animals safe and away from the public. I have had to deal with the fences being broken and vandalised, resulting in my animals being able to get out where they could become injured. I have tried to divide the field in two to accommodate a permissive right of way as the Fletcher's had allowed but again, the fences and style I installed have been removed and damaged which has incurred both stress and financial loss on my behalf.

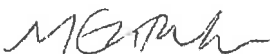
Due to this continuous abuse I now have serious concerns over the welfare of my animals. Failure to restrict my horses puts them at risk of laminitis. I have also heard that the villagers themselves have expressed that they have no regard for my 'old ponies'.

In addition to this, the villagers broke through my fencing to toboggan when there was snow on the ground with no consideration for my animals or property. This resulted in the loss of two foals and a mare. Because of this, I was urging Mrs Fletcher to seriously consider revoking the permissive footpath and not allowing any public access at all to the Hogg's Lane Field since the historical and intended use of the land was being compromised.

It is my strongly held belief that a public footpath would make it impossible for me to continue to use the land for its designated purpose of grazing livestock. A public right of way would require me to partition off parts of the field to protect my animals and as I have experienced, the residents vandalise the fences I erect and let out my horses which is highly dangerous both for them and the general public. I am also concerned that there would be further damage to my property from the abuse by the residents which would only get worse if more boundaries were installed.

Please accept this first letter of objection, I am also requesting an extension for further objection as I did not receive notification of your intention till last week.

Yours sincerely



M Entwistle

Chestnuts
1 Field View
Little Somerford
Chippenham
Wilts
SN15 5LA

17th July 2014

Rights of Way & Countryside Team
Waste and Environmental
County Hall
Bythesea Road
Trowbridge
Wilts
BA14 8JN

To Janice Green

Thank you for your letter regarding the land at Hoggs Lane Purton and the order to add a public footpath to the definitive map and statement of public rights of way. I would like to object to this footpath going straight across the middle of this field. You state that the footpath would have a width of 1.82 meters which is a huge width and great loss of crops and farming land to the owner. Why can this footpath not go around the outside of the field? This would lead to less crops ruined or lost due to its use. There is perfect flat ground around the outside close to the houses to the left of the entrance or much more demanding walking around to the right of the field from the entrance. This field has certainly been walked straight across for many years without any concern for the owners or their crops. I would be very interested to see the witness evidence for this application.

I await to hear from you
Yours sincerely



Pauline Cameron

Green, Janice

From: Dr Richard Pagett [secure@richardpagett.com]
Sent: 24 July 2014 13:37
To: Roberts, Ali
Cc: Green, Janice
Subject: RE: Footpath 161 Modification Proposal, Hoggs Lane, Purton, SN5 4BU

Many thanks

From: Roberts, Ali [mailto:Ali.Roberts@wiltshire.gov.uk]
Sent: 24 July 2014 13:27
To: secure@richardpagett.com
Cc: Green, Janice
Subject: RE: Footpath 161 Modification Proposal, Hoggs Lane, Purton, SN5 4BU

Dear Dr Pagett,

I have forwarded your email on to Janice Green for her attention.

Regards,

Ali Roberts (Miss)
Rights of Way Officer
Wiltshire Council
County Hall, Trowbridge
Email: alison.roberts@wiltshire.gov.uk
Telephone: 01225 756178
Web: www.wiltshire.gov.uk
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From: Dr Richard Pagett [mailto:secure@richardpagett.com]
Sent: 23 July 2014 11:38
To: rightsofway
Subject: Footpath 161 Modification Proposal, Hoggs Lane, Purton, SN5 4BU

Dear Miss Green

I realise that I might have missed the deadline by a little but I have been abroad almost constantly for several weeks in Burkina Faso, Ghana, Nigeria and Mozambique, so may I request a little latitude if possible please? Thank you.

I have noted the above proposal and write in support of it.

My wife and I have lived in Hoggs Lane since 1989 and in Purton for even longer. During all that time the track across the field has been used as a de facto public footpath/right of way.

I have been associated with the parish council for many years and was chairman, 2001-04, and during this time, this usage/access has never been questioned or doubted (parish council minutes to 1967 will validate that).

The path provides enormous amenity and that kind of enjoyment generally was recently evidenced within the Purton Parish Plan (2014) which noted that (p 32) "Feedback from the questionnaire stated that there should be more done to encourage the use of footpaths...". Page 65 and onwards in the parish plan also testify to the value of the footpaths in the parish.

The formalising of this route is completely in accordance with the wishes of the residents of Purton, and is further substantiated within the emerging Neighbourhood Plan. It is also aligned with the aspirations of the Wiltshire Core Strategy.

I fully support the proposed Modification.

Yours sincerely

Richard Pagett

Dr Richard Pagett
Huntersbrook House
Hoggs Lane
Purton
Wiltshire
SN5 4HQ

Home: +44 (0) 1793 771557
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Green, Janice

From: Green, Janice
Sent: 25 July 2014 12:16
To: 'secure@richardpagett.com'
Subject: RE: Footpath Claim - Purton

Dear Dr Pagett,

Thank you for your clarification on this point, this is very helpful.

I will of course keep you updated on progress.

Kind regards,

Janice

Janice Green

Rights of Way Officer
Wiltshire Council Waste and Environment
Plot Court Trowbridge BA14 0XA
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

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From: Dr Richard Pagett [<mailto:secure@richardpagett.com>]
Sent: 25 July 2014 11:51
To: Green, Janice
Subject: RE: Footpath Claim - Purton

Many thanks for accepting the support letter

As indicated in the letter, it is a false positive, since 1967 (at least) the minutes contain no reference to any concern about the use of the proposed footpath. As you know, there is a tendency to complain so I am sure if the route was a problem in the past of present concern would have been expressed

Kind regards
Richard Pagett

From: Green, Janice [<mailto:janice.green@wiltshire.gov.uk>]
Sent: 25 July 2014 11:32
To: secure@richardpagett.com
Subject: Footpath Claim - Purton

Dear Dr Pagett,

Wildlife and Countryside Act 1981 – Section 53

The Wiltshire Council (Parish of Purton) Path no.161 Definitive Map and Statement Modification Order 2014

Thank you for your e-mail dated 23rd July and your representations in support of the above-mentioned order. Your comments are very helpful and although they arrived just outside the formal consultation period, I am of course very happy to take them forward for consideration.

We have received a number of objections to the making of the order and as a result the case will now be determined by the Secretary of State for Environment, Food and Rural Affairs. Before the case is submitted to the Secretary of State, a report will be taken forward to the Wiltshire Council Northern Area Planning Committee whose members will consider all the evidence (including all representations and objections received), to determine the Wiltshire Council recommendation to be attached to the order before it is forwarded to the Secretary of State, i.e. that the order should be confirmed where the Council continues to support the making of the order, or that the order should not be confirmed where the Council no longer supports to making of the order.

The Northern Area Planning Committee is a public meeting and you will have opportunity to speak at the meeting should you wish to do so. I will of course notify you of the date of the meeting once this case has been timetabled into the schedule of meetings.

Your comments are very helpful and I would certainly be very interested to receive further details of the Parish Council meeting minutes which make reference to the claimed route, as mentioned in your e-mail.

I hope this is helpful, but please do let me know if you should require any further information at this time.

Kind regards

Janice Green

Rights of Way Officer
Wiltshire Council Waste and Environment
Ascot Court Trowbridge BA14 0XA
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Email: janice.green@wiltshire.gov.uk

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