

Summary of Evidence Submitted – Newton Toney

Appendix 3

Relevant period for S.31(1) HA80 application: December 1988 to December 2008

No	Name	Address	Dates	Years in rel. period	How used	Challenge?	Permission?	Land owner aware?	Comments
1	Captain N Kettlewell	The Old Rectory Newton Toney Salisbury SP4 0HA	1978 to 2008	20	Walking	No	No	Yes – told in conversation	Gate and opening to side
2	Brian Barker	42 Beechfield Newton Toney Salisbury SP4 0HH	1982 to 2008	20	Walking	No	No	Yes – obvious use	
3	Jacqueline Barber	42 Beechfield Newton Toney Salisbury SP4 0HH	1982 to 2008	20	Walking	No	No	Yes – open use over many years	
4	Alan Burgess	31 Beechfield Newton Toney Salisbury SP4 0HL	1982 to 2008	20	Walking	Yes landowner's agent in 2008 – but no objection to use	No	Yes – greetings with farm workers on numerous occasions	Squeeze gap left by gate for walkers
5	Raymond Burfitt	34 Beechfield Newton Toney Salisbury SP4 0HH	1981 to 2008	20	Walking	No	No	Yes – track is walked on a regular basis	
6	Neville Hill	2 North End Allington Salisbury Wiltshire SP4 0BS	1993 to 2008	15	Walking	No	No	Must have been the public have always been free to use the route	
7	Colin Hodges	5 The Croft Newton Toney Salisbury Wilts SP4 0HG	Early 1950s to 2008	20	Walking	No	No	Yes, been seen by employees	Gate
8	Doreen G M Holloway	3 St Just Close Newton Toney Salisbury SP40 0HB	1975 to 2008	20	Walking	No	No	Yes, well worn path beside gate	
9	Lady Serena Kettlewell	The Old Rectory Newton Toney Salisbury SP4 0HA	1978 to 2008	20	Walking	No	No	Yes, the previous owner Mrs Elizabeth Jowett told her so.	

No	Name	Address	Dates	Years in rel. period	How used	Challenge?	Permission?	Land owner aware?	Comments
10	E John Maffey	26 Beechfield Newton Toney Salisbury Wiltshire SP4 0HH	1942 to 2008	20	Walking	No	No		Gate – not locked
11	Trevor A Pettitt	10 St Just Close Newton Toney Salisbury SP4 0HB	1971 to 2008	20	Walking	No	No	Yes, occasional salutations to farm walkers	Gate has trodden path round it
12	James Anthony Price	Appletree Cottage 6 Newton Toney Salisbury SP4 0HA	1968 to 2008	20	Walking	No	No	Yes – observed by farm staff during walk	Open pedestrian access adjacent to gate

The evidence above comprises that of 11 people who have used the route continuously between the dates Dec 1988 and Dec 2008 and one person who has used it for 15 years.

All witnesses have walked the route and all witnesses have walked the same route.

No witnesses report any signs or notices or obstruction to access.

All witnesses report that their use has been without permission, secrecy or force and none of the witnesses have worked for the landowner.

One witness reports being spoken to by an employee or tenant of the current landowner (the RSPB) but being allowed to continue on his walk.

Regarding frequency of use and use by others see table below:

Witness number	Frequency of use	Purpose	Other users seen?	Width
1	Weekly when at home	Recreation, walking dog	Yes, walkers and ramblers	Approx 4 metres
2	Twice a week	Recreation, visiting relatives	Yes, walkers	Approx 4 metres
3	Once a week	Recreation, dog walking	Yes, walkers	Approx 4 metres
4	Once a week	Recreation	Yes, walkers, both long distance and people exercising dogs	Approx 3 metres
5	Approx 8 times per year	Recreation, walking dog	Yes, walkers	Approx 4 metres
6	Most days	Walking to work in village	Yes, walkers with dogs	4 metres
7	8 to 10 times per year	Walking to the Old Inn at Allington	Yes, other walkers	Not completed
8	3 to 4 times per week	Recreation	Yes, dog walkers	Approx 4 metres
9	2 to 3 times a week when at home	Exercising dog	Yes, quite often see other dog walkers	Approx 4 metres
10	20 to 30 times per year	Recreation	Yes, walkers	4 metres
11	Twice a week	Recreation	Yes, walkers	Approx 4 metres
12	4 to 6 times a year	Recreational walking with wife	Yes, specifically on the 25 th Nov saw one man and dog walking from Allington and returning and a lady walking from Newton Toney	3 to 4 metres

