

Witness Evidence Summary

DMMO Application 2016/01 – Byway Open to All Traffic at St Mary’s Church, Codford

Relevant Period: 1983 – 2003 *W=walking C = cycling R = riding D = driving*

NB – Byway Open to All Traffic is abbreviated to BOAT

Witness No	Name	Years of use	Years in relevant period	Believed status
1	Lionel G French	1995 – 2015	8 <i>W D</i>	BOAT
2	James Abel	2013 – 2015	0 <i>W</i>	BOAT
3	David J Delius	1988 – 2015	15 <i>W</i>	BOAT
4	Col (Retd) N G Quarrelle	1946- 2015	20 <i>W</i>	BOAT
5	Emma Abel	2013 – 2015	0 <i>W</i>	BOAT
6	David Chetwode Belchamber	2005 – 2015	0 <i>W</i>	BOAT
7	Diana Shaw	1998 – 2015	5 <i>WCD</i>	BOAT
8	Bernard Nicholls	2000 – 2012	3 <i>WC</i>	BOAT
9	David Hastings	1988 – 2015	15 <i>W</i>	BOAT
10	Elizabeth Richardson-Aitken	1986 – 2015	17 <i>WCD</i>	BOAT
11	David Cautley Shaw	1998 – 2016	5 <i>WCD</i>	BOAT
12	Helen Belchamber	2005 – 2015	0 <i>W</i>	BOAT
13	Sir William Mahon Bt	1999 – 2015	4 <i>W</i>	BOAT
14	Robert Richardson-Aitken	1985 – 2015	18 <i>WCD</i>	BOAT
15	Tabitha Butcher	1994 – 2016	9 <i>WRD</i>	BOAT
16	David Richardson – Aitken	1986 – 2008	17 <i>C</i>	BOAT
17	Romy Wyeth	1973 – 2016	20 <i>W</i>	BOAT
18	Maurice Cole	Born 1927 but excluding some years	20 <i>D</i>	BOAT

No.	How used	Other users	Nature of own use	Frequency of use	Signs and notices	Gates or stiles	Challenge	Was the owner or occupier aware	Additional comment
1	Walking and driving	Yes frequently walking and driving	Attending church and walking	2 to 3 times per week	'Private Road' at Salisbury Road end. Invite use for farm and shop	No	No	Most certainly. The estate office is within sight of route. Owner regularly acknowledges with a wave	
2	Walking	Walkers, churchgoers and many vehicles Oct to Dec using the shop	Dog walking	weekly	Yes near Salisbury Road entrance	No	No but we know 2 families that were turned back	Yes, the route was routinely used and could be seen from the house of the landowner	
3	Walking	Yes, other pedestrians	Attending church	About 5 times per year	'Private Road' and 'No public right of way' signs recently installed	No	Yes, confronted by the wife of the owner of the farm 15 May 2015	Yes, because its use has been accepted/tolerated until relatively recently	No permission needed as the way has been used by villagers for generations
4	Walking	Yes walkers	Visiting cemetery and church	Twice per year	Yes	No	No	Yes – the Church Warden had approached the landowner asking him to agree to the Royal British Legion forming up on the claimed route. Permission was declined.	The Commonwealth War Graves Commission was approached for comment regarding the use of the route but specific comment was not given

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5	Walking	Yes, walkers and vehicles visiting the shop	Dog walking and running	Monthly	Yes, three on the entrance off Salisbury Road	No	I know of two families who were stopped and turned back	Yes, it was common practice to use the road and people can be seen from the landowner's house	
6	Walking	Yes, walkers and people in cars	Exercise	Once or twice per week	Yes "Private Road" at farm entrances	No	No but has heard of other people who have been accosted	Yes, because people walking or running along the road have met and spoken to the landowner	
7	Walking, cycling and driving	Yes, walking and driving	Going to church to clean and arrange flowers	Twice per week	Yes, signs appeared a few years ago. Photos provided.	No	No, but has spoken to someone working at the church who has been	Yes, it's obvious and people use it all the time. Oct to Dec it is used for the Christmas shop	Has never needed permission as has always assumed it was ok
8	Walking and cycling	Yes other dog walkers daily	Recreation	Daily	Yes signs appeared in 2012 refusing walkers access though signs saying it was a Private Road and restricting lorries in place pre-2012	No	No, owner used to stop and chat though have heard others say they have been told off	Yes as they used to see me and others walking around on a regular basis	

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9	Walking	Yes frequently walkers and cars	Recreation	c.12 times per year	Yes 'private type signs' put up recently	No	No but am aware of a friend who was confronted and someone else had a note put on their car when parked	Yes, for 25 years this road has been used without hindrance. Also at Christmas time it is used by the public for access to the Christmas fair. Cars need to park on the route especially when there are large functions at the church.	
10	Walking, cycling and driving a car	Yes, it has been in common use for years	'like I use any road'	2 or 3 times per week	'no overnight parking' sign. Private road sign at the Salisbury Road end	No	No	Yes, in the almost 30 years since I have lived here it was in common use for walkers, weddings, funerals and general access	"we have always got on well with the landowner and his family and we have used the roads frequently for parking"
11	Walking cycling and driving	Yes, walkers cyclists and drivers	Church duties and worship. Access to farm shop.	3 or 4 times per week	Hand made signs appeared about 2 years ago closing the road to pedestrians	No	Yes, verbally 'this is private property' and by clear 'keep out' signs	Yes because the prohibitive notices went up. He allows access to the Christmas shop. In the years when the farm shop operated this was one of two primary routes to it.	"yes; on church business or to use the Military Road as access to the landowner; Christmas shop used to be west Country Fine Foods and accessed by the public daily"

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12	Walking	Yes, walkers and visitors to the graveyard by car	Recreation and exercise	At least weekly	Not until notices were put up prohibiting all use	No	Know of people who have been accosted while visiting the church	Yes, it has been in use for as long as local people can remember both by vehicles and walkers. Only recently have the signs gone up.	
13	Walking	Yes walkers	Church and cemetery service	Frequently for walks once or twice annually for parades	Yes signs saying 'no overnight parking' and others as shown on plan.	No	Yes, my wife was accosted and told not to park. Individuals berated on several occasions	Yes, he often drove past when we were out walking.	Yes, instructed by the Stratton family to forbid parking for ANZAC Day 2015 (April 25 th) in both Church Lane (public right of way) and Military Road.
14	Walking, cycling, driving	Yes always used as a route to church and for parking	General living in the village	Mostly daily	Signs erected after a swimming pool was built in the garden. Various signs.	No	I know that several people have been stopped.	Yes, it has been common practice for village people and others to use the road for at least 30 yrs. The road is open to all for the Christmas shop	
15	Walked, ridden and driven	Yes	Normal part of village traffic arrangements	Throughout the duration of her life in village	Signs in the 'last few months'		No	-	
16	Cycled	Yes other cyclists	To avoid the main road	Regularly	-	-	-	Surprised as he knew Mr M Stratton and saw him often	As a child was encouraged to use the claimed route and forbidden from using main rd

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17	Walked	Walkers and drivers for church and farm shop	Recreational	Lives nearby	'Recent' signs prohibiting use of the roads	No	No	-	Has never been prevented or dissuaded and never felt the need to ask for permission
18	Driven in car	-	Access to the church	-	Recent signs prohibiting parking and access	-	-	-	Believes he has 'prescriptive rights' established over the last 70 years.

Widths: 4.5 m +, c.5 m, 4 to 5m,c.3 m, c.5 m, 11 – 12 ft, 5 to 6 m, 'normal road width', 3.5 – 5 m, 2 large vehicles wide, 5 to 6 m, 11 – 12 feet, c. 2,5 m, 'wide enough two vehicles to pass with ease'.

NB Witnesses 15, 16, 17 and 18 have not submitted UEFs but have written letters instead.

Sally Madgwick, Rights of Way Officer

25th April 2016