

**Application for Modification Order of Definitive Map for Wiltshire  
(Wildlife and Countryside Act 1981)**

**WITNESS STATEMENT**

-of-

**KAREN JULIET MORRIS**

1. I, Karen Juliet Morris of Manor View, Bratton Road, West Ashton, Trowbridge, Wiltshire, BA14 6AZ make this statement in support of the application I bring for a Definitive Map Modification Order in respect of the footpath known as "West Ashton 1" (or "WASH1").
2. I purchased my home, Manor View, aforesaid with my then husband, Richard Hall in April 2006. I was not familiar with the property until we viewed it in the run up to buying the property.
3. At the time of our purchase we instructed solicitors to act for us in respect of the transaction. Our solicitor, Richard Coates of Forrester & Forrester, now Forrester Sylvester Mackett, instructed a search agent to undertake a local search against the property. One of the questions in the local search was:

"Is any public path, bridleway or road used as a public path or byway which abuts on, or crosses the property shown in a Definitive Map or revised Definitive Map prepared under Part IV of the National Parks and Access to the Countryside Act 1949 or Part III of the Wildlife and Countryside Act 1981? If so, please mark its appropriate route on the attached plan."

The answer to such question was:

"Yes – Definitive Footpath No 1 shown coloured pink on the attached plan."

At page 1 of the Exhibit "KJM1" hereto is a copy of such plan. (Please note that the handwritten letters superimposed thereon relate to paragraph 4 below). This accorded with my actual knowledge of the footpath.

4. At pages 2 to 7 of the Exhibit "KJM1", are a series of photographs taken by my solicitor in September 2013. The approximate position from where each photograph was taken is marked on the plan at page 1 of "KJM1", as follows:

- a page 2
- b page 3
- c page 4
- d page 5
- e page 6
- f page 7

Such footpath has not changed to any material extent since 2006 when I first became acquainted with it.

5. The entrance to the footpath shown in photographs appearing on pages 2 and 3 appears to be quite old. It has been constructed in quite a formal way, although I do not know who was responsible for its construction. The finger post at the start of the footpath is an official one, I suspect having been erected at some point in the past (the long ago past by the look of it) by the local authority. It is certainly the case that over the years I have been aware of Council workers inspecting and maintaining the footpath.

6. At pages 8 to 12 of "KJM1" are title documents and plans obtained from the Land Registry in respect of the properties neighbouring mine. Firstly, Montrose owned by Mr and Mrs Bradley and secondly, 17a Bratton Road, owned by Mr and Mrs Metcalfe. I supply these documents as they clearly show the strip of land from Bratton Road to the field at the rear, over which runs the footpath. This "footpath land" is in fact owned by Mr and Mrs Metcalfe and their title documentation makes clear reference to the fact that their property is, "subject to .... any private or public rights of way affecting the said property". That reference stems back to 1979 and therefore one can be certain that the footpath was like it is now at that time. As will be seen from the photographs at pages 4 to 7 of "KJM1", the footpath is enclosed on both sides. Although Mr and Mrs Metcalfe own the footpath land, it is separated from their garden, no doubt to give them the privacy they would naturally want and expect.

7. I understand that the provenance of the Land Registry plans is from the Ordnance Survey. I do not have the survey dates of the plans, but from the notation thereon, the Ordnance Survey plans were prepared before 1995.

8. In late 2012/early 2013, I tried to sell my home. The solicitors acting for the prospective purchaser obtained a local search in respect of my property and discovered that the Definitive Map shows the line of the footpath not to be where it actually is, but in fact running through my property and indeed right through my garage. At page 13 of "KJM1" is a copy of the plan being the search result. This caused my prospective purchasers to withdraw and subsequently I have instructed my solicitors to ascertain the correct position and establish liability, for it has been discovered that the local search obtained when I bought my home was prepared negligently. The search agency did not inspect the Definitive Map, something they should have done.
9. The footpath WASH1, as depicted on page 13 of "KJM1" is shown on the Definitive Map as running through my property. My solicitor has now made a personal inspection of the Definitive Map and a photograph of the relevant part of the Definitive Map is at page 14 of "KJM1". The footpath is shown as being straight, not doglegged as it actually is. It is possibly the case that my home, Manor View, Montrose and 17a Bratton Road were not built at the time the plan was originally drawn. I do not know, but I guess that Manor View, Montrose and 17a Bratton Road were all built after the Second World War.
10. A working copy of the Definitive Map (upon which one cannot rely but which shows modern landscape) and which is at page 15 of "KJM1", shows the footpath cutting through my property and not taking the dogleg course between Montrose and 17a Bratton Road. To be absolutely clear, no footpath has ever actually run through my home.
11. I ask for the Definitive Map to be adjusted to reflect the current and longstanding course of the footpath WASH1. At present, the line of the footpath is a serious blight on my home.
12. Whether the footpath WASH1 was every straight, as shown in the Definitive Map, or was always doglegged, is probably unascertainable. I understand that the Definitive Map was originally drawn incorrectly in 1952 as the start of the footpath from Bratton Road was changed when there was a revision to the Definitive Map in 1972. I suggest that this "correction" was itself wrong.
13. During the course of investigations, my solicitor has obtained plans from the files relating to planning applications which have been submitted over the years in respect of my neighbouring properties. At page 16 of "KJM1" is an Ordnance Survey plan, apparently

from 1947. It clearly shows the footpath in question taking a line around the back of Montrose in a very similar fashion to the current route. At page 17 of "KJM1" is an architect's plan for Montrose dating from 1996. Again, this shows the start of the footpath at Bratton Road, on the other side of Montrose.

I believe that the facts stated in this witness statement are true.

Signed .....  .....

**Karen Juliet Morris**

Dated ..... 4/12/13 .....

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# **EXHIBIT “KJM1”**



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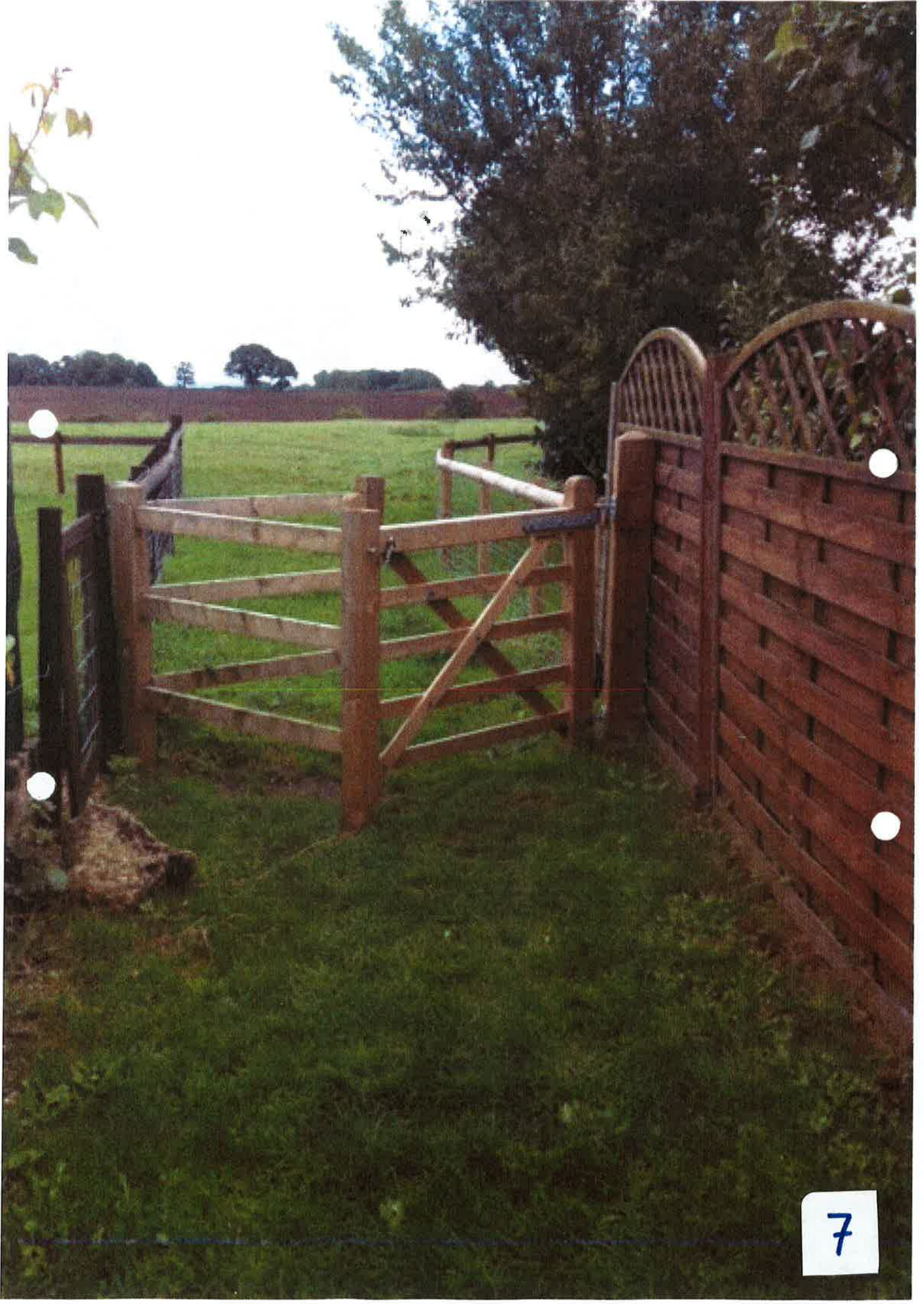
4



5



6



7



Official copy  
of register of  
title

Title number WT149940

Edition date 11.05.2009

- This official copy shows the entries on the register of title on 08 MAY 2013 at 14:51:07.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 May 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1-A guide to the information we keep and how you can obtain it.
- This title is dealt with by Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

WILTSHIRE

- 1 (14.02.1996) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Montrose, Bratton Road, West Ashton, Trowbridge, (BA14 6AZ).
- 2 (14.02.1996) The Conveyance dated 19 September 1958 referred to in the Charges Register contains the following provision:-  
  
"PROVIDED that the Purchaser and his successors in title shall not become entitled to any easement or right of light or air or other easement or right which would restrict or interfere with the free use of the said adjoining and neighbouring land or any part thereof by the Vendor or any person deriving title under her for building or any other purposes."

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (18.09.2003) PROPRIETOR: JACQUELINE MARY BRADLEY and DAVID IAN BRADLEY of 24 Bratton Road, West Ashton, Trowbridge, Wiltshire BA14 6AZ.
- 2 (18.09.2003) RESTRICTION: No disposition by a sole proprietor of the land (not being a trust corporation) under which capital money arises is to be registered except under an order of the registrar or of the Court.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (14.02.1996) The land is subject to the following rights reserved by a Conveyance of the land in this title and other land dated 7 January 1931 made between (1) Arthur Harper Bond (Vendor) (2) Percy Somers Joce and (3) Frederick William Rogers (Purchaser):-

There were reserved in fee simple to the Vendor and his assigns the owner or owners from time to time of all such hereditaments respectively as were conveyed to the Vendor by the deed first mentioned in the Sixth Schedule to the abstracted deed and were not conveyed by abstracted deed all such quasi-easements or rights of way water drainage or watercourse and other rights in the nature of easements or profits a prendre as were then or usually enjoyed by or in respect of such hereditaments respectively over through or from all or any of the hereditaments conveyed by the abstracted deed respectively.

- 2 (14.02.1996) A Conveyance of the land tinted pink on the filed plan dated 19 September 1958 made between (1) Lorna Kathleen Rogers (Vendor) and (2) Gilbert George Derrick (Purchaser) contains the following covenants:-

"The Purchaser hereby covenants with the Vendor that the Purchaser and the persons deriving title under him will henceforth at all times hereafter observe and perform all and singular the restrictions and stipulations contained in the First Schedule hereto

THE FIRST SCHEDULE above referred to

1. The Purchaser will within three months from the date hereof erect and for ever thereafter maintain on the north and east and south sides of the property hereby conveyed as indicated by the letters A-B B-C and C-D on the said plan a stockproof fence consisting of oak wooden posts with at least two strands of plain or barbed wire and chain-link fencing at least four feet in height above the surface of the land

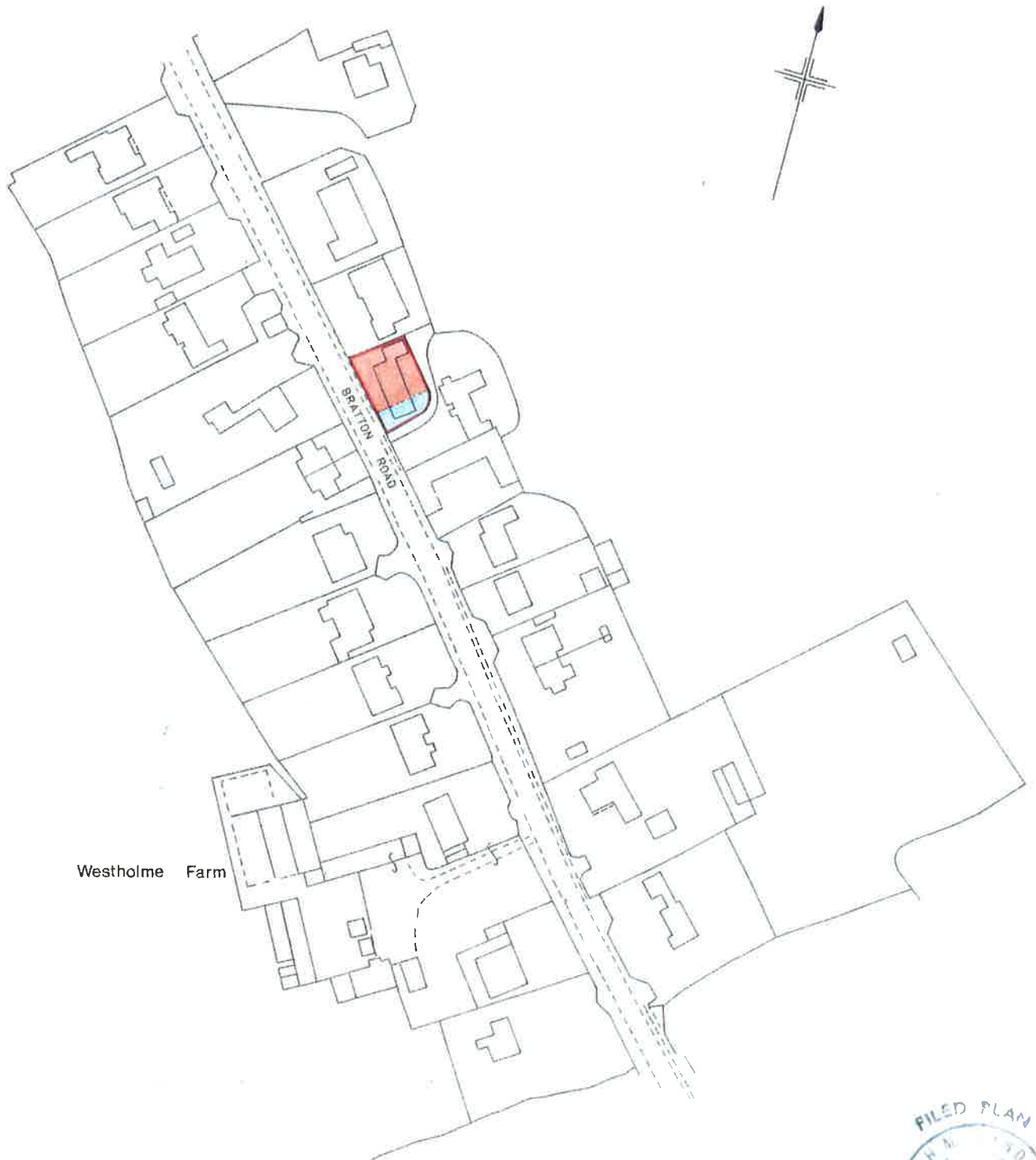
2. No buildings of any kind other than a private dwellinghouse with appropriate offices and outbuildings to be appurtenant thereto and occupied for the purposes thereof shall be erected on the land hereby conveyed and no trade business or manufacture shall be carried on upon the said land or any part thereof."

NOTE: The boundaries A-B, B-C and C-D referred to are the north western, north eastern and south western boundaries of the land tinted pink on the filed plan respectively.

- 3 (01.03.1996) The land tinted blue on the filed plan is subject to such restrictive covenants as may have been imposed thereon before 14 February 1996 and are still subsisting and capable of being enforced.

End of register

H.M. LAND REGISTRY		TITLE NUMBER	
		WT 149940	
ORDNANCE SURVEY PLAN REFERENCE	ST 8755	SECTION B	Scale 1/1250
COUNTY	WILTSHIRE	DISTRICT	WEST WILTSHIRE
			© Crown Copyright



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## Official copy of register of title

Title number WT147473

Edition date 14.04.2010

- This official copy shows the entries on the register of title on 08 MAY 2013 at 14:49:32.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 08 May 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry, Weymouth Office.

### A: Property Register

This register describes the land and estate comprised in the title.

WILTSHIRE

- 1 (14.12.1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 17a Bratton Road, West Ashton, Trowbridge (BA14 6AZ).

### B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### Title absolute

- 1 (14.04.2010) PROPRIETOR: RICHARD JOHN METCALFE and CHRISTINE ANN METCALFE of Springfields, 17a Bratton Road, West Ashton, Trowbridge, Wiltshire BA14 6AZ.
- 2 (14.04.2010) The price stated to have been paid on 9 April 2010 was £307,500.

### C: Charges Register

This register contains any charges and other matters that affect the land.

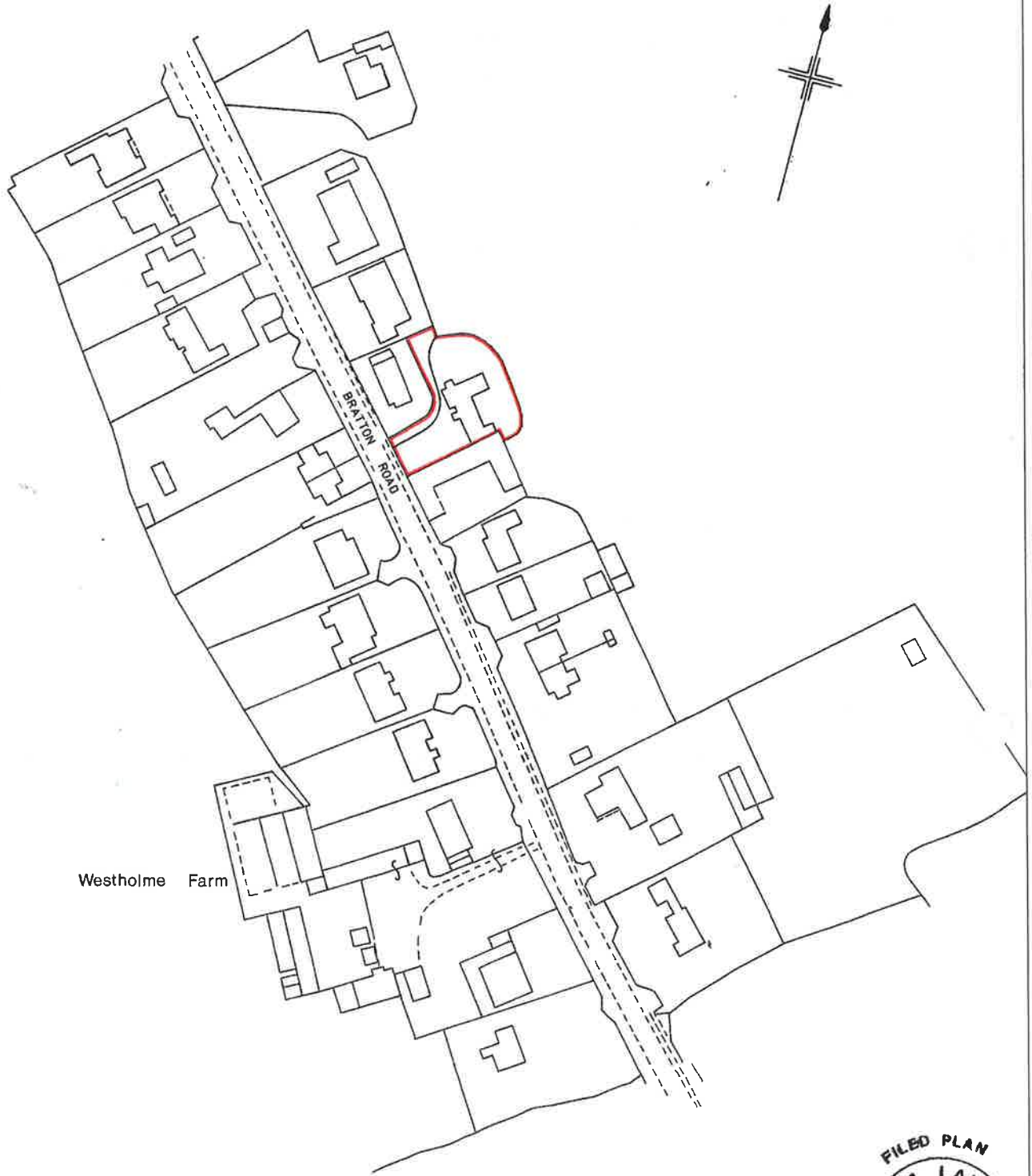
- 1 (14.12.1995) By a Conveyance dated 18 August 1979 made between (1) Lorna Kathleen Rogers and (2) Eric Rogers Brown the land the land in this title was conveyed subject as follows:-

"SUBJECT TO ..... any private or public rights of way affecting the said property."

End of register

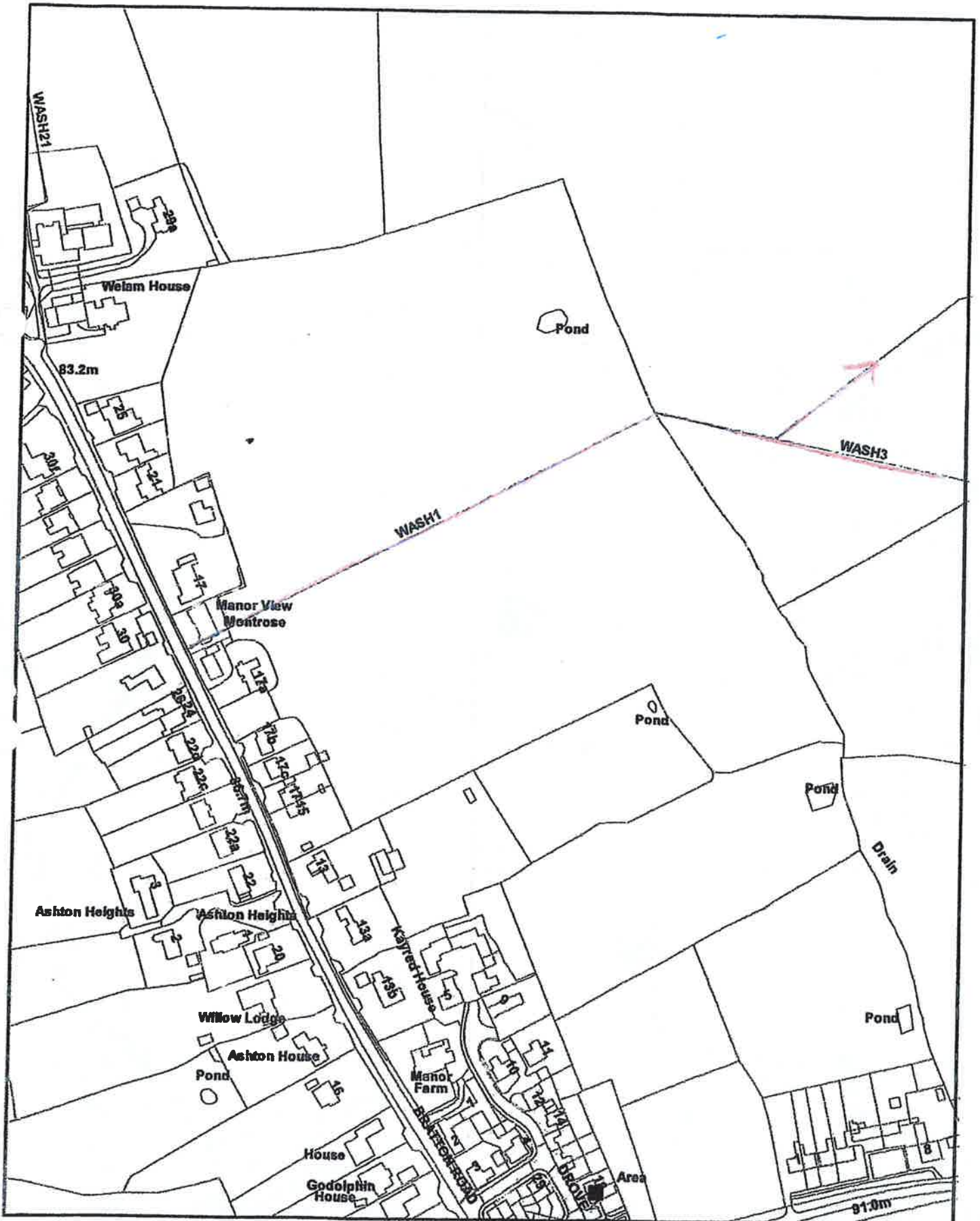


<b>H.M. LAND REGISTRY</b>		<b>TITLE NUMBER</b>	
		<b>WT 147473</b>	
<b>ORDNANCE SURVEY PLAN REFERENCE</b>	ST 8755	<b>SECTION B</b>	<b>Scale</b> 1/1250
<b>COUNTY</b>	<b>WILTSHIRE</b>	<b>DISTRICT</b>	<b>WEST WILTSHIRE</b> ✓
			<b>© Crown Copyright</b>



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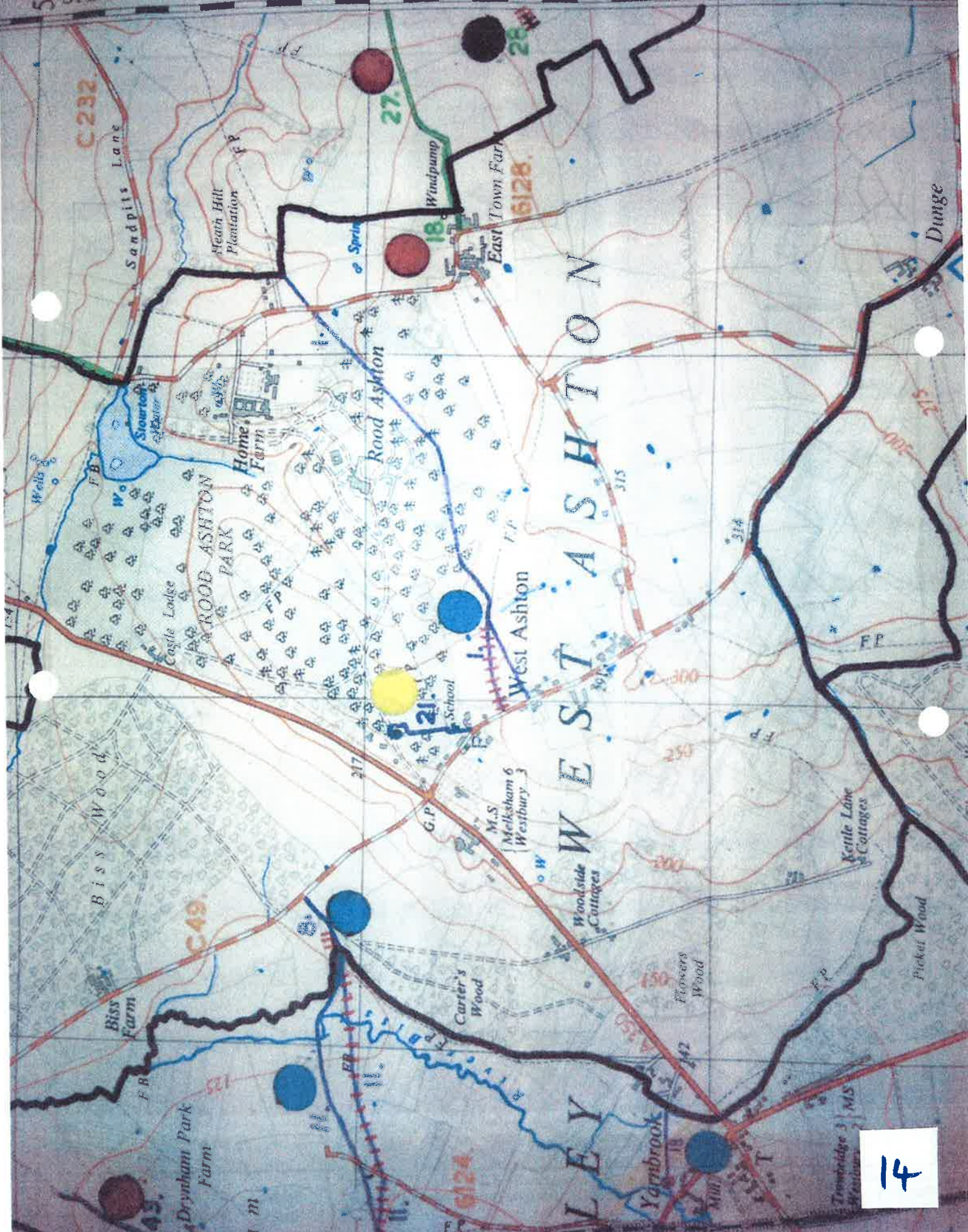
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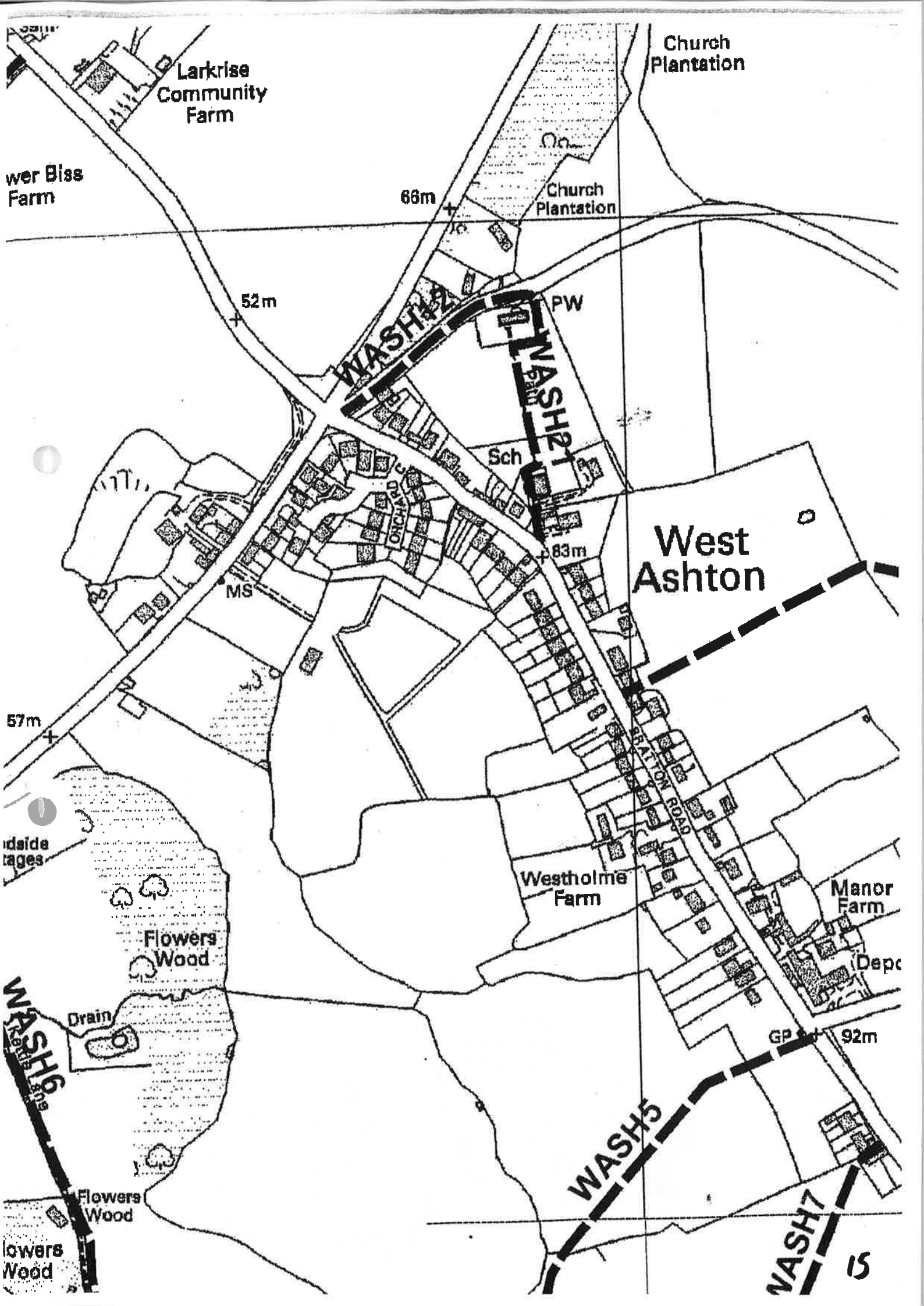
57 STEEPLE ASHTON

56

55



14



Larkrise  
Community  
Farm

Church  
Plantation

wer Biss  
Farm

66m

Church  
Plantation

52m

PW

WASH 1  
WASH 2

Sch

West  
Ashton

83m

MS

57m

side  
tages

Flowers  
Wood

Westholme  
Farm

Manor  
Farm

(Depc

Drain

GP 92m

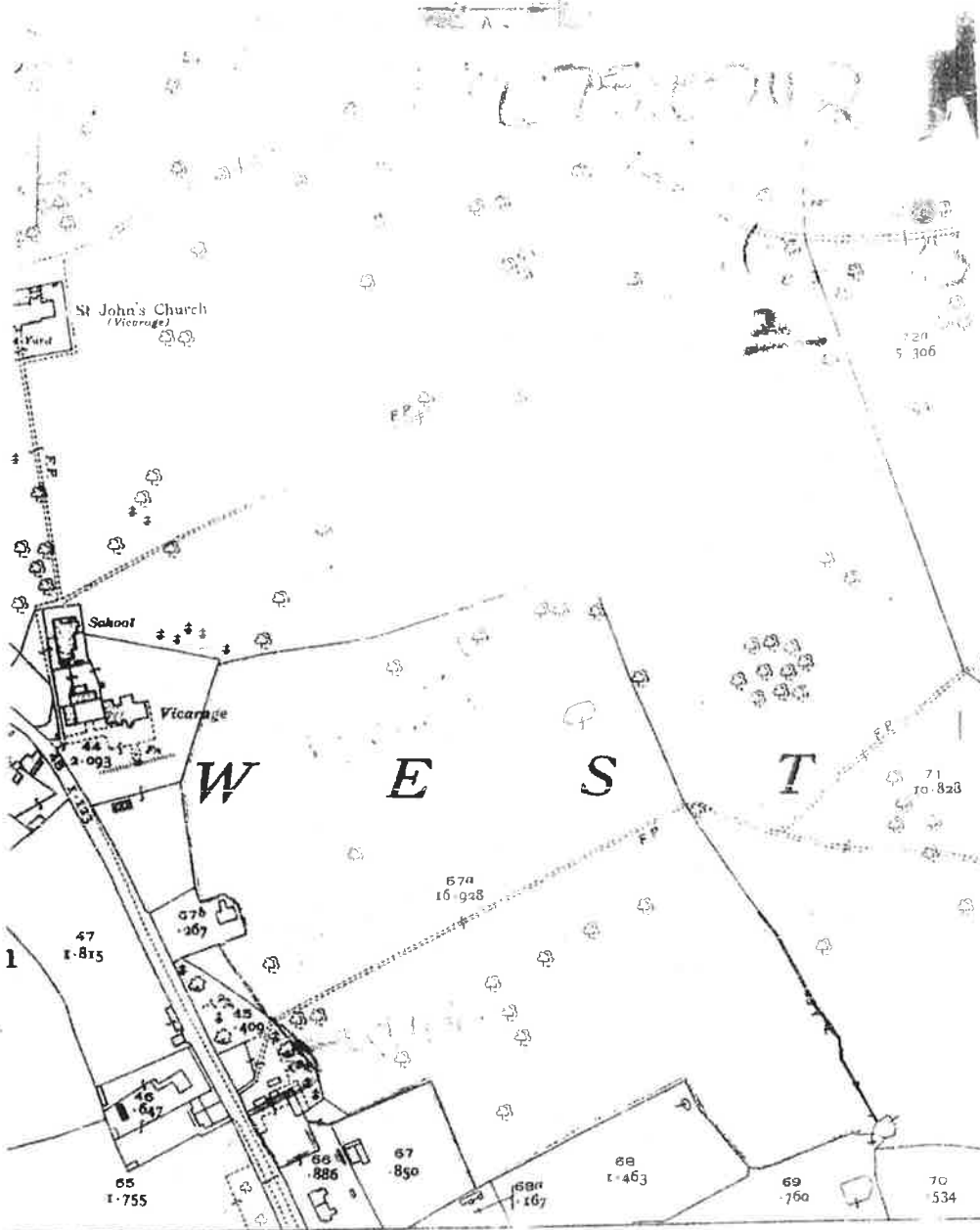
WASH 6

Flowers  
Wood

WASH 5

WASH 7  
15

Flowers  
Wood



WILTS XXXVIII.12. PRICE 10/- NET

44 Inches to a Statute Mile or 208 3/4 Feet to One Inch

20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 Feet

Printed and Published by the Director General at the Ordnance Survey Office 1947.

A 5

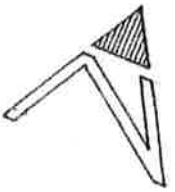
A 5

A 4

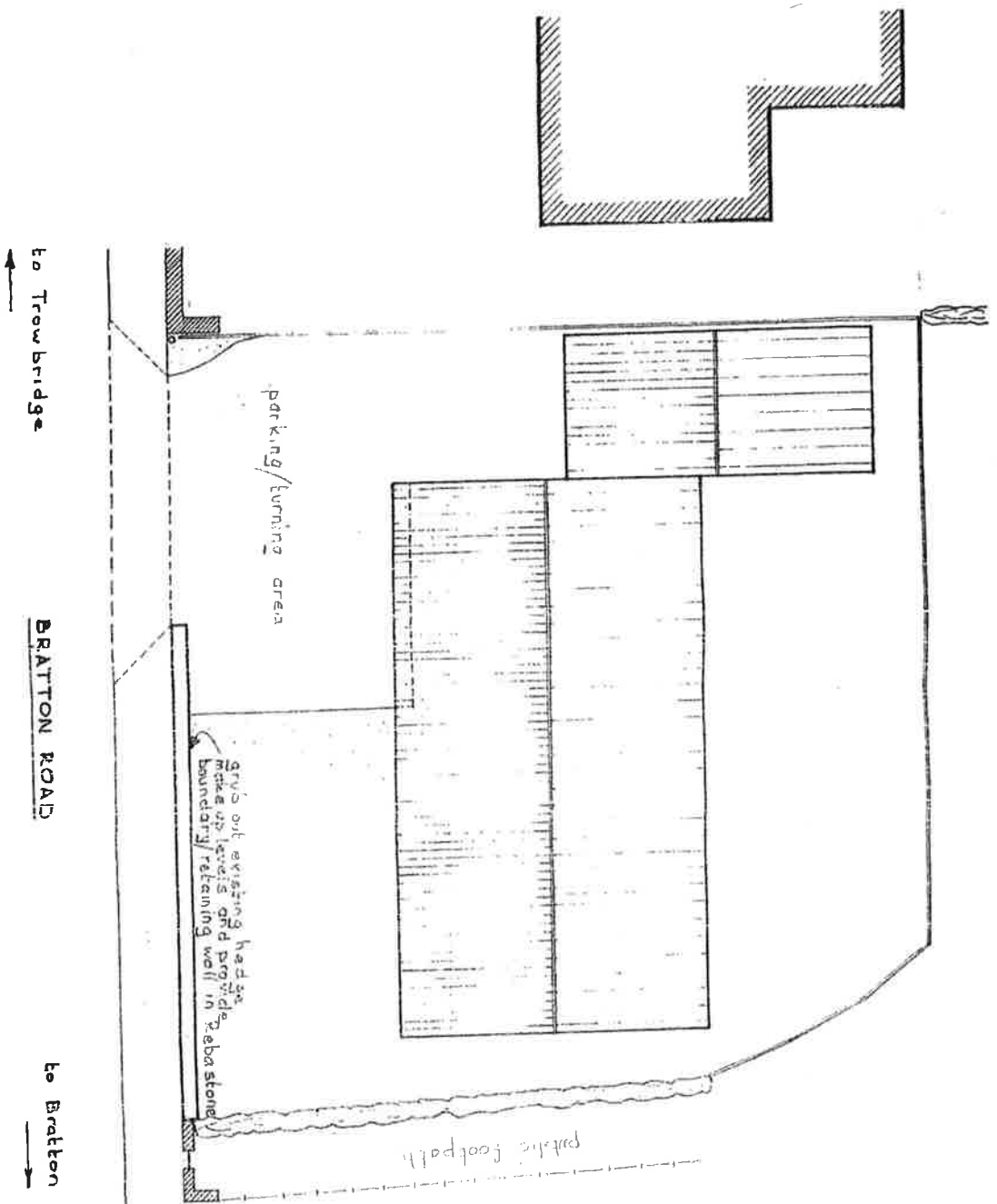
WILTSHIRE XXXVIII.12.1947

16

W03/1497



WEST WILTSHIRE DISTRICT C.  
 AMENDED PLAN  
 ON REF. No. W03/1497  
 HAS BEEN APPROVED FOR  
 PURPOSES AS A MINOR  
 AMENDMENT  
 8.5.96  
 CR/S  
 B.S.S.



ALTERATIONS & EXTENSIONS TO MONTROSE, BRATTON ROAD, WEST ASHTON

Block plan

Scale: 1:100