

Andrew May

Andrew May Statement of Case

I don't believe that I object to anything that Mr Morland more recently objects to, but I certainly would object to anything that results in Church Lane being opened up to Acorn Meadow to create a through road, which I believe were a part of his objections to the unmodified order. According to all evidence presented by Janice Green, Church Lane has never been a through road or connected to Lambrok Road.

As it had been clearly stated that the positions of the barriers were beyond the remit of the inspector's report I did not pursue any discussion of that during the inspectors visit in December 2023. He also mentioned verbally when we passed the barriers that it was beyond his remit. I object to the following modifications in the inspectors report (that now brings the location of the barriers into question, and thus it is now in the inspectors remit and I am forced to argue our case for a [REDACTED] and [REDACTED] vehicular right of way up Church Lane since 1961 when they were built):

The Wiltshire Council may permit posts or bollards to be erected between points X and Y on the Order Map to prevent use by mechanically propelled vehicles'.

- Include the remainder of Church Lane within the Order Map and add points X and Y at the appropriate points.
- Modify the key to the Order Map to reflect the extent of the route.

I had taken steps to begin discussion of the barrier location with Ben Braine and Vicky Roscoe of Wiltshire Council by providing them with the [REDACTED] right of way evidence that I also submitted in "Representations & Objections to Proposed Order Modifications (May 2024)". I reattach it here for convenience, together with "Roger Hillier DMMO" (a previous [REDACTED] owner) Witness Evidence Form confirming that Trowbridge UDC supported his Church Lane access to [REDACTED] in 1961. Lee McClurg (who also lived at [REDACTED]) also confirmed in his Witness Statement Form that he used Church Lane access in his car daily up to 2005 and that the post was removable. The evidence that [REDACTED] and [REDACTED] both have a private right of way both up Church Lane and Acorn Meadow (also through prescription) is overwhelming. Unfortunately it took far too long to gather in time to present to Wiltshire Council before they made their dubious decisions outlined below. Now though, is the ideal time to undo those wrongs. To set the record straight, give the public back their full width Footpath 8 and restore our access route to Church Lane which is and always has been [REDACTED]

As you can see from that pack and other comments (especially those of Mr Coleman), the history of decisions involving that barrier is very complicated. Mr Coleman, on page 47, wrote that "Wiltshire Councils own approved Planning documents for the above properties < [REDACTED] > state that vehicle access could be (and was in fact) granted for them down Church Lane "alongside the Public Foot Path!" This would suggest to me, and I would suggest to any reasonable person that the Council did not actually deem the width of the Public Foot Path to be the entire width of Church Lane as suggested in the Interim Order. There are also other documents and correspondence from both Wiltshire Council and The Highways Authority that I believe cast doubt over the suggestion that the Foot Path covers the full width of Church Lane".

I agree with Mr Coleman with the exception of his final sentence and I would like to see those documents and correspondence. However, the council certainly did not deem the width of footpath

8 to be the entire width of Church Lane during the planning permission process of [REDACTED]. They merely assumed. I attach June 2013 "05 Wiltshire Council (1) to BLB - Footpaths" that states that "There is no width recorded for this footpath and officers have assumed the extent of the highway is marked by the surfacing put in place by the council approximately 20 years ago." That would be around 1993. In the attached June 2011 email "June 2011 Richard Broadhead" Mr Richard Broadhead, Rights of Way and Countryside Manager states "I have to consider the effect on the public's use of the way as a public footpath". Just how much did he question underlying assumptions about the footpath. That is the basis of a rudimentary analysis. This assumption led to the public being denied their full width footpath since 2010 when Mr Fitzgerald fenced off his building plot to "safeguard" the public. It also led to [REDACTED] and [REDACTED] legal searches into believing that their fenced off area and planning permission was perfectly legal. It also led to [REDACTED] and [REDACTED] to be continually denied their lawful right of way. The letter goes on to suggest that we apply for a DMMO. That was also suggested again in June 2013 "07 WCC to BLB" and July 2013 "09 Wiltshire Council letter to BLB". I wonder how long it actually took Janice Green to discover that actually Footpath 8 was more than just a metre wide strip. How much of an investigation would it have taken the officers to question their Footpath 8 width assumption and not allow Mr Fitzgerald to fence off land enjoyed by the public? In one afternoon my partner Michelle Dunne found "1970 County Secretary Church Lane Width" and "1970 Definitive map of PROW" in their very own records. It states that purple hatching indicates "that there is a public right of way on foot along the whole width of Church Lane". In "May 2011 Kenny Green" I contacted Mr Kenny Green of the Department of Neighbourhood and Planning to explain our position. I went on to submit some of our evidence before planning permission had been agreed but unfortunately it seems that Richard Broadhead's "research" didn't uncover anything untoward about Footpath 8. Now I can see from emails contained in the "Representations & Objections to Proposed Order Modifications (May 2024)" that that department objected only "in principle". When our solicitor presented legal arguments we were then led to Sarah Marshall, Wiltshire Council Solicitor, which then led to the three suggestions that we go through the DMMO process. The only other option was to take [REDACTED] to court for blocking our right of way with fencing on land that he didn't own. According to Sarah Marshall it was a civil matter between us, or a DMMO. I undertook this arduous DMMO because it was the right thing to do, and we felt very reluctant to take [REDACTED] to court when we didn't really believe morally that he was at fault. We believed the blame lay at Wiltshire Council's door. Mr Fitzgerald simply took advantage of the situation to make his money. Yes, the [REDACTED] and [REDACTED] vehicular right of way is being unlawfully blocked. But also it is a public right of way that has been encroached on. We decided on the DMMO route to tackle both issues head on, and 70 members of the local public kindly stated their agreement on an 11 page Witness Statement Form over the space of about 18 months of my surveying. The public were fairly angry. They remembered enjoying plenty of room for groups of people passing in opposite directions as is clearly seen in the short video "2006 Footpath 8". Pram pushing parents, wheel-chair users and Sunday best Church goers did not have to tread through the inches thick wet mud that now forms in the chicane. Bicycle users didn't have to be torn at by overgrown blackberry bushes on this highway that is "maintainable at the public expense". It is all in the Witness Evidence Forms. Any locals know how bad that chicane gets after some rain. I don't think that Wiltshire Council have ever actually maintained the footpath. Just take a look at it nowadays south of the fencing. All crumbled up to nothing. Yet in our correspondence they use that "maintainable at the public expense" as a justification for being able to place the barrier at X.

Perhaps it serves the council's best interests to keep the barrier at position X. I am suspicious that when the new housing estate is built on the field adjacent to Church Lane, and the planning laws are relaxed by the new government, more houses can be built on the area currently given over to nature

which is directly in front of [REDACTED] Then vehicular access to that could be granted via Acorn Meadow and a new rat run through the new estate to Frome Road.

With regard to barriers at X and Y, paragraph 38 of the interim decision states "I can only have regard to any limitations that were in place when a right of way was dedicated". I do not understand this statement. The posts were not in place when [REDACTED] and [REDACTED] were built with agreed Church Lane access (see my evidence pack) and certainly were not in place when the public historically used Church Lane. Church Lane has never been dedicated to the public and it is well known that there are no known owners of Church Lane. Searches have been conducted and public adverts placed. Therefore there are no limitations. The only limitation that ever existed was the original historical gate that marked the end of Church Lane attached as "[REDACTED] Plan with Gate 1961". Does the inspector refer to a deemed dedication under Section 31 of The Highways Act 1980 which states: "Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it". If so, when was the land dedicated and where were those limitations at that time?

In the attached "April 2011 Martin Fitzgerald" you can see that Mr Fitzgerald, the original builder who encroached on to the PROW, initially supported our right of way and indicated "we would support you to come out this way". You can also see in that email how he used that idea to influence our comment on his planning permission that has since been used in an attempt to question our position. I naturally wanted Mr Fitzgerald to gain access to Church Lane so that a minimal outcome would be that vehicles from the new build would not be driving past [REDACTED] to Acorn Meadow, as we had [REDACTED] That was one of the first of over 600 emails sent and received over 13 years. The impact on [REDACTED] mental health cannot be understated. [REDACTED] All due to the fact that a developer was given planning permission to fence off land he didn't own because "There is no width recorded for this footpath and officers have assumed the extent of the highway is marked by the surfacing put in place by the council approximately 20 years ago".

If the barrier is not moved to its historically correct position at the actual end of Church Lane, then under what legal authority can Wiltshire Council obstruct the proven, private vehicular right of way of [REDACTED] and [REDACTED]?

From: Andrew May
Sent: Wednesday, July 10, 2024 9:49 PM
To: Sparks, Helen <helen.sparks@planninginspectorate.gov.uk>
Subject: Re: FW: Addendum to my Statement of Case

Dear Helen

Here is a list of appendices in my original statement of case which are all attached (The Roger Hillier folder is now smaller):

05 Wiltshire Council (1) to BLB - Footpaths.pdf

07 WCC to BLB.pdf

09 Wiltshire Council letter to BLB.pdf

1970 County Secretary Church Lane Width.JPG

1970 Definitive map of PROW.JPG

April 2011 Martin Fitzgerald.pdf

June 2011 Richard Broadhead.pdf

████████ Plan with Gate 1961.jpg

████████ RoW Evidence.pdf

LMcClurgStatement(redacted).pdf

May 2011 Kenny Green.pdf

Roger Hillier DMMO.zip

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DPC:76616c646f72

Dear Helen

I took some screenshots from the video that can take it's place. I also found more evidence on the encroachment over time, the removable post and the chicane.

Please accept the following text and attachments as an addendum to my statement of case.

Kind regards
Andrew May

Statement of Case Addendum, referring to the attached files.

1) Not quite the full width of Church Lane Footpath 8 because the hedge is beginning to encroach on to the PROW. You can see the discoloured removable post. One year earlier the McClurg family were using this access route as per their Lee McClurg's Witness Statement Form and Jackie McClurg's Legal Statutory Declaration given to us on the purchase of [REDACTED]

2) As the camera pans to the left we can see two fence posts in the hedging that indicate the boundary of the plot. They look like they are slightly behind the gate there. It is clear to see that the hedging is beginning to grow towards the path.

3) By this time Mr Fitzgerald had purchased the plot and left it to overgrow. We can see that the hedge has now more substantially taken much of the PROW width. As the hedge grows very slowly, I believe that many local residents did not notice the encroachment happening. This photo also shows that the removable post is currently removed. We had been enjoying our Church Lane access but as the hedging encroached we began to stop using it. Mr Fitzgerald had led us to believe that he would support us in regaining our access, as can be seen in "April 2011 Martin Fitzgerald" email. Therefore we chose to temporarily only use our Acorn Meadow right of way until his building was completed and we could continue to use it.

4) Later in the year there is further encroachment by the hedging. Removable post still removed.

5) Still later in time, the post is still removed.

6-7) Now that the public were used to being squeezed purely on to the tarmac strip by the hedging, Mr Fitzgerald consolidated his encroachment by fencing off the plot of land he owned together with the PROW that he intended to take for his own and profit with. We had to fight Mr Fitzgerald to relinquish this part so that we could continue to use that space to reverse into our drive from, as we always had done when driving into [REDACTED] from Acorn Meadow. [REDACTED]

[REDACTED] He had no intention to "support you to come out this way" in the "April 2011 Martin Fitzgerald" email

8-9) Photos showing the "temporary" fencing to "protect the public" that would become permanent with a wooden fence. The basis that he owned the fence, and that it was built on land that he didn't own, in the future meant that Wiltshire Council told us that it was a civil matter and that we would have to take [REDACTED] to court to regain our right of way.

10-18) The fence was built and it didn't take long for it to look shoddy. Particularly on the 1m tarmac strip left for the PROW side. Mr Fitzgerald had raised the dirt on the ditch side rendering the ditch useless. Instead the rain now forms streams down the footpath and deposits thick mud in the chicane as the inspector found during his inspection in December 2023. Combined with the overgrowing blackberry thorns ripping at pedestrians and cyclists, the thick mud and rusting metal (it never was painted as per the planning permission either: "The top rail to be painted with "Morgan's or similar.." which led to the rusting. See "19 Planning Permission Excerpt") Footpath 8 has been absolutely ruined for the public.

20) We can see that the two buildings do not own the land that is also PROW.

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DPC:76616c646f72



Please consider the environment before printing this email

From: Andrew May
Sent: Wednesday, July 10, 2024 9:53 PM
To: Sparks, Helen <helen.sparks@planninginspectorate.gov.uk>
Subject: Re: FW: Addendum to my Statement of Case

And here's a list of attachments to the addendum:

Photos 1 to 18

19 Planning Permission Excerpt

20) Land Registry

Are you able to open the zip file?

Please don't hesitate to ask if there's anything else I need to do.

Kind regards

Andy May

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DPC:76616c646f72









7 June 2013

Legal Services
DX 745070
Melksham 3

BLB
Solicitors
DX 43106
Trowbridge



FAO Mr T Bishop
By email and DX

Your ref: TAB/MAY0002/00001
Our ref: SLM WCS 20178/Q03 132

Dear Sirs,

Re: Your Clients Mr A May and Ms M Dunne
Footpath 8 Church Lane, Upper Studley, Trowbridge BA14 0

Thank you for your letters of 25 April and 24 May. I have now obtained instructions from my Instructing Officers and have also had the opportunity to consider the Council records concerning this matter.

Footpath 8 is public highway and is recorded as a footpath on the Council's definitive map and statement. There is no width recorded for this footpath and officers have assumed the extent of the highway is marked by the surfacing put in place by the Council approximately twenty years ago. The condition attached to the planning permission for the development was for the replacement of existing bollards which were in place on the highway before the development took place. Under s.66 (3) of the Highways Act 1980, the Council may provide in a publicly maintainable highway such as a footpath, barriers, posts rails or fences as necessary for the safeguarding of persons using the highway. S.66 (4) gives the Council the power to alter or remove the aforementioned items. As such the bollards are not unlawful obstructions of this highway. The planning condition was considered to be necessary to prevent vehicles and from gaining access into Lambrok Road and because the Council had received a number of complaints about vehicles accessing this road from Church Lane raising concerns regarding the potential risk to pedestrian users of the footpath. The issue was fully considered in the planning process and I understand your clients provided a response to the Council's planning officers on this issue.

The Council are unable to require the developer to relocate the bollards as to do so would be a breach of the planning condition which was considered necessary for the protection of pedestrian users of the footpath.

Regarding the fencing, the developer was permitted to erect fencing provided it was less than one metre in height and it did not encroach onto the public highway. The fencing was permitted because officers considered that the height of the fencing would discourage vehicles from reversing out of the new development and would therefore reduce the risk to pedestrians using the highway.

If your clients consider they have evidence that footpath 8 has 'higher rights' and should be recorded as a bridleway or restricted byway with a specified width, your clients may apply for the Council's definitive map and statement to be legally modified under the statutory process which is set out in the Wildlife and Countryside Act 1981. Please note however that the Natural Environment and Rural Communities Act 2006 (NERC Act) does not permit a right of way to be recorded as a byway open to all traffic (i.e. motor vehicles) unless certain conditions are met as set out in s.67 of the NERC Act. The case officer in the Council's Rights of Way team allocated the application would fully investigate the history of the lane and research records held by the Council in the History Centre in Chippenham.

Yours sincerely,



Mrs S Marshall
Solicitor

Direct Line: 01225 718567
Email: sarah.marshall@wiltshire.gov.uk







25 June 2013

BLB
Solicitors
DX 43106
Trowbridge

FAO Mr T Bishop



Legal Services
DX 745070
Melksham 3

Your ref: TAB/MAY0002/00001
Our ref: SLM WCS 20178/Q03 132

Dear Sirs,

Re: Your Clients Mr A May and Ms M Dunne
Footpath 8 Church Lane, Upper Studley, Trowbridge BA14 0

Thank you for your letter of 19 June on which I am seeking instructions.

Referring to the last paragraph of your letter please note your statement 'Church lane is un-adopted highway' is incorrect. Both Church Lane and Acorn Meadow are public vehicular highway maintainable at public expense (i.e. adopted highway) and both are shown as such on the Council's highway record. Footpath 8 which joins Church Lane and Acorn Meadow is recorded as a footpath with an undefined width which is also highway maintainable at public expense. However although the path is recorded as footpath this would be without prejudice to any higher rights. For example if there was evidence that the path ought to be recorded as a bridleway or restricted byway an application could be made to amend the Council's definitive map and statement. Please note that s.67 of the Natural Environment and Rural Communities Act 2006 prevents the creation of rights of way for mechanically propelled vehicles unless certain conditions as set out under s67 (2) are met. As the footpath is publicly maintainable highway the Council has the power to authorise the erection of posts or railings across the footpath under s.66 (3) of the Highways Act 1980.

Yours sincerely,

Mrs S Marshall
Solicitor

Direct Line: 01225 718567
Email: sarah.marshall@wiltshire.gov.uk







22 July 2013

Legal Services
DX 745070
Melksham 3

BLB
Solicitors
DX 43106
Trowbridge



Your ref: TAB/MAY0002/00001
Our ref: SLM WCS 20178/Q03 132

FAO Mr T Bishop
By email and DX

Dear Sirs,

Re: Your Clients Mr A May and Ms M Dunne
Footpath 8 Church Lane, Upper Studley, Trowbridge BA14 0 [REDACTED]

Thank you for your letter of 4 July 2013 on which I have now obtained instructions from my Instructing Officers.

I enclose a copy of the Council's highway record plan which clearly shows the extent of the public vehicular highway including the width. The plan shows both Church Lane and Acorn Meadows recorded as public vehicular highway with a small section of lane between Acorn Meadows and Church Lane recorded as highway – public footpath (footpath 8) and as marked by a purple line. As a right of way footpath 8 is also recorded on the Council's definitive map and statement. Although footpath 8 is shown as a purple line this is not an indicator of the width as there is no width recorded for footpath 8 in the Definitive Statement. It has therefore been assumed that the extent of the footpath runs along the north eastern side of the lane, however officers cannot be certain as to the extent (width) of the public footpath along the Lane. There has been no application made for a definitive map modification order for footpath 8. If made such an application would require a full investigation into footpath 8 (the extent and width and history of the footpath) by the Council's Rights of Way team. As this length of Church Lane is public highway the Council has a power to erect posts or railings under s66 (3) of the Highways Act 1980.

If as alleged in your letter the development itself has extended into Church Lane and is not in accordance with the location plan submitted for the planning application or the planning conditions, this would be a matter that would need to be referred to the Council's planning enforcement team. I have therefore included the planning enforcement link below;
<http://www.wiltshire.gov.uk/planninganddevelopment/planningenforcement.htm>.

Yours sincerely,



Mrs S Marshall
Solicitor
Direct Line: 01225 718567
Email: sarah.marshall@wiltshire.gov.uk

















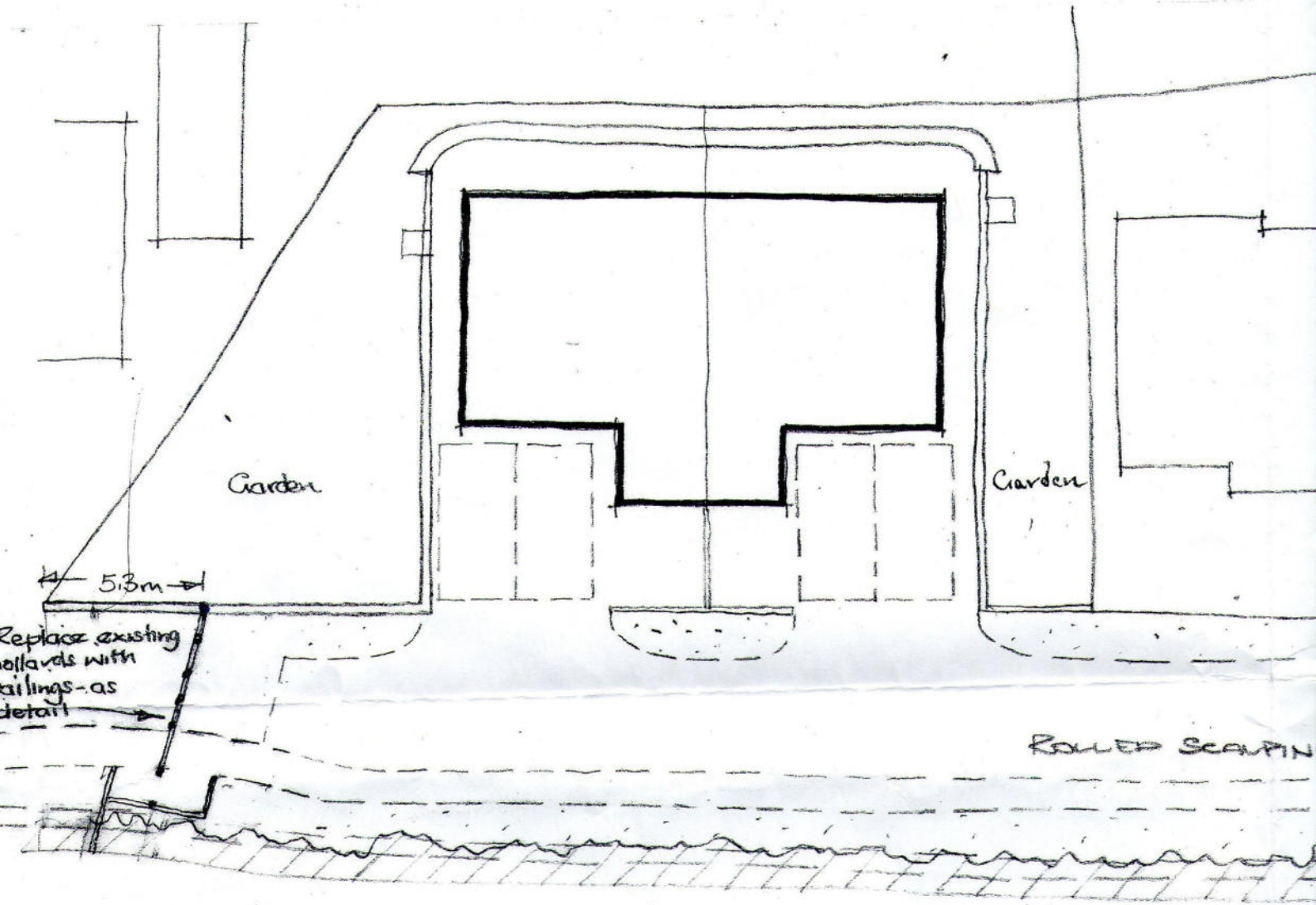






LAND DEVELOPMENT & PLANNING CONSULTANTS LIMITED

Nettleton, Chippenham, Wiltshire. SN14 7

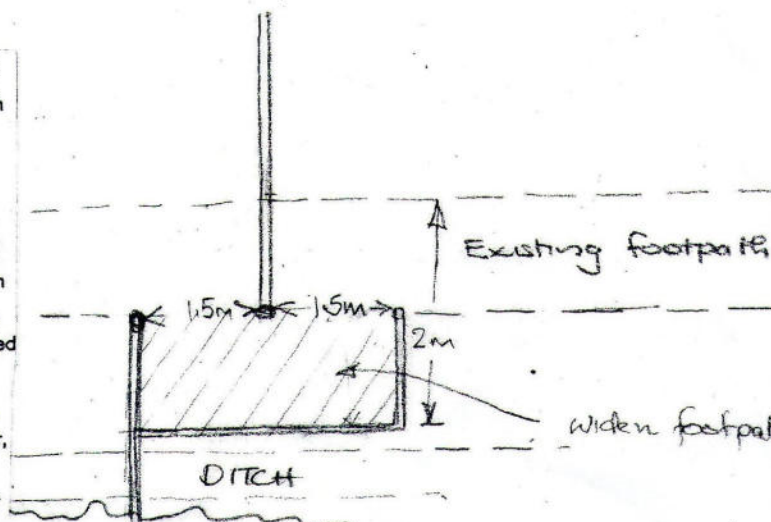


Barrier to be constructed using 'Kee-Klump' tubes and fittings or similar approved system with construction and materials as follows:-

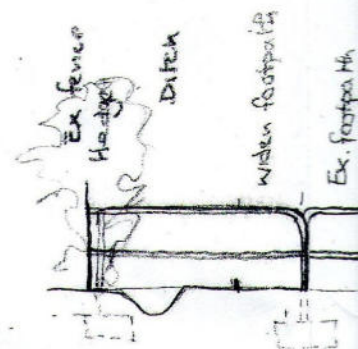
- Post and rails to be galvanised steel tubing, 42mm diameter to BS1387 and coated to BS729.
- Junctions between rails and posts to be a malleable iron casting to BS6681 and capable of achieving a rigid joint by means of a recessed zinc plated set screw at each tube/fitting interface.

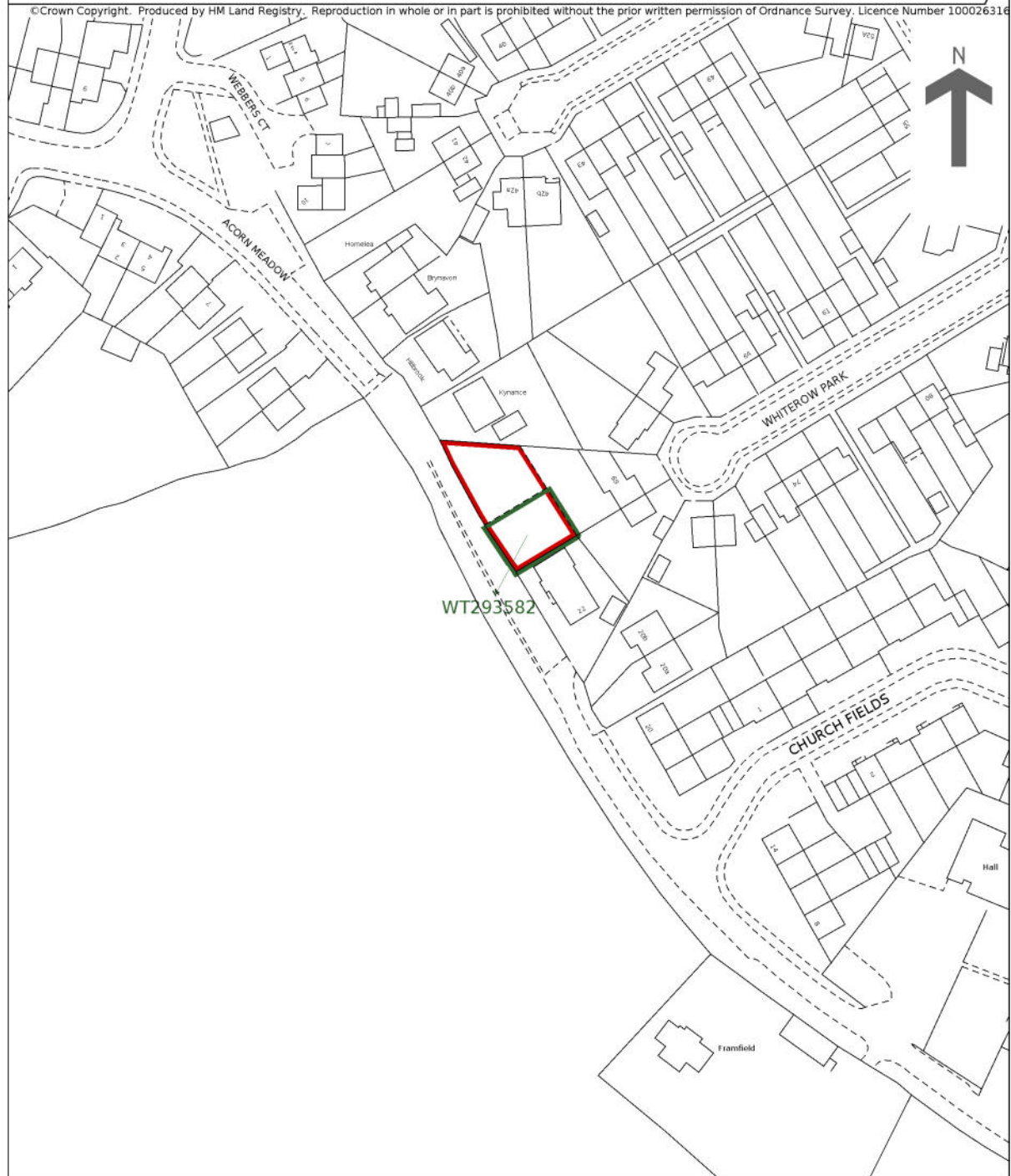
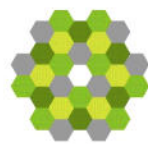
When stated in the contract or when requested by the Engineer, the alternative socketed foundations to be provided, comprising of a cast in ground socket capable of securing the upright posts by a set screw fixing.

The top rail to be painted using "Morgan's" or similar galvanised metal primer plus top coat of white "Hammerite" using second coat where required within 3 hours. Paint to be applied in accordance with manufacturers recommendations.



Detail of railings - N.T.S.





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H. 238

Church Fields and Church Lane,
Upper Studley, Trowbridge.

1. An extract from the highway records is attached which shows coloured orange the extent of the road at Church Fields which has been adopted as highway maintainable at the public expense and also the half width of a length of Church Lane which has also been adopted. Also coloured orange is the length of White Row Hill (Frome Road) and Lambrok Road at either end of Church Lane which are adopted highways.
2. Church Fields and the half width of Church Lane was adopted by the former Trowbridge Urban District Council and was passed over on local government reorganisation in 1974 to the County Council as a highway maintainable at the public expense.
3. It will be observed that Church Lane, from its junction with White Row Hill (Frome Road) to its junction with Lambrok Road is shown by purple hatching which indicates that there is a public right of way on foot along the whole width of Church Lane. Church Lane is however a private street (except, of course, for the half width which has been adopted).
4. Church Lane has not been included either in whole or in part in the Private Street Works Programme for making up by the County Council under the Private Street Works Code at the expense of the frontagers. At the present time the County Council are not undertaking any private street works and the current programme will take many years to complete. If the County Council should decide to make up Church Lane under the code it will be appreciated that it may be open to them to decide that the owners of property on the Church Fields estate should bear a proportion of the cost bearing in mind the benefit they would receive.
5. It will be appreciated, that when an estate road is taken over by the highway authority by agreement with the estate developer, which presumably happened in the case of Church Fields, the ownership of the land comprising the estate road would not be transferred to the highway authority.

FIR/ENV/TC.242

County Secretary & Solicitor's Office,
County Hall,
Trowbridge.



Copy of Definitive Map of Public Highways
 R. W. W. W.

SCALE: 6" TO 1 MILE

RE: Hi Andy did you get my email. Martin

Martin Fitzgerald [REDACTED]

Sat 02/04/2011 21:35

To: 'Shelly and Andy May' [REDACTED]

Hi Andy, Shelly [REDACTED] I think I would write something as follows:- Dear Sirs, we would like to thank you for giving us the opportunity to comment on the planning apps no W/11/00419/FUL. We are the people that this application effects most in Church Lane our drive is on an incline and due to the large gate pillar and fencing **that we do not intend to change** completely obliterates our view of any traffic that may be emerging from the proposed development the existing permission allows. Our fear now is the fact, that if we happen to drive out of our drive as someone is emerging from [REDACTED] and we meet they could swerve out onto the footpath and knock a pedestrian over this would be a natural reaction on their behalf and fatal for the unfortunate on the footpath. This footpath is at times a problem, bicycles travel down the hill from Church Lane and by the time they pass our gate they are doing in excess of 30 mph it is not unknown to have 6+ cycles from a cycle club in full regalia to use this footpath in either direction. We have problems with motor bikes and scooters. I have to say since last September when the site was fenced off along the side of the path it has slowed bicycles down and motor cycles have been non-existent. We would further add that when the original permission was sought we were on a sabbatical around the world had we known we would have objected to the access past our property for the reasons stated. We have talked with developer and he has informed us that he is quite prepared to erect cycle chicanes at either end of the footpath and erect bollards of steel or concrete to stop motor vehicles driving through we do not want this and neither does the developer. What useful purpose would it serve him or us? We therefore agree with his application as does Trowbridge Urban District Council and suggest you embrace the applicants generous suggestions to protect the footpath and its users at know expense to yourselves and the Community Tax Payers. We would finally add that the developer has been in contact with the owner of the hedge and she has given him permission to cut back the tremendous growth that has taken place over years of neglect and further dig the ditch out which is now non existent due to dumped rubbish etc causing water to run down the footpath and out on to the road.

I don't think this is over the top and as I have said let us get our planning first and set a precedence and then we would support you to come out this way. [REDACTED]

[REDACTED] in any case he would be better driving in the way he does because of the angle of his drive. If you just want to cut and paste what I have written that's fine with me. [REDACTED]

[REDACTED] Cheers Martin.

From: Shelly and Andy May [REDACTED].com]

Sent: 02 April 2011 10:06

To: Martin Shewry

Subject: RE: Hi Andy did you get my email. Martin

Hi Martin

Where the Council have said that the bollards need to be maintained by the occupiers, what do they mean exactly? Which occupiers? Presumably if they do end up outside our wall that would be us. How do you maintain a bollard!? If someone drives into one would we be expected to replace it if they're not insured or drive off?

Anyway, here's what we were going to write for our comment:

The current planned position of the bollards to prevent Church Lane being opened up to through traffic are on the [REDACTED] We have used that area since moving into our house over 5 years ago in order to reverse up our drive. If the bollards are placed there we would have to reverse into neighbours drives in Acorn Meadow to turn around in order to reverse up into our drive. I'm sure our neighbours would object to that in the long term. We would like to suggest that the bollards

are placed between our two gates which will eliminate the problem and allow us access to Church Lane which is after all [REDACTED]

I reckon a better way Martin would be to put the bollards on the pavement so that our neighbours can also go up Church Lane, and then we wouldn't be responsible for their maintainence - would that be the neighbours or the council? It would also require less bollards as it's not so wide and it might look tidier as it's the natural boundary between Church Lane and Acorn Meadow. Not sure when or how we should bring that up with who. Is there anyway to stop motorbikes from using the lane?

Also - I think the council SHOULD maintain the bollards, footpath and lane because they've been rubbish since we've been here! What do we pay our concil tax for anyway!

Let us know what you think and we'll submit our comment when you do.

Cheers
Andy and Shell

From: [REDACTED]
To: [REDACTED]
Subject: RE: Hi Andy did you get my email. Martin
Date: Thu, 31 Mar 2011 19:33:53 +0100

Hi Andy and Michelle, [REDACTED]
[REDACTED] Just see that Parish/Town Council have supported it that's a good sign. Martin

From: Shelly and Andy May [REDACTED]
Sent: 31 March 2011 19:29
To: [REDACTED]
Subject: RE: Hi Andy did you get my email. Martin

Yes thanks Martin, we've just had a look. We'd like to have a chat with you in front of the computer if we can. When you've got a spare 5 minutes pop round for a cuppa and we'll have a look. Tonight (thursday) or friday evening should be fine. Sat morning?

See you later
Andy

From: [REDACTED]
To: [REDACTED]
Subject: Hi Andy did you get my email. Martin
Date: Wed, 30 Mar 2011 22:22:48 +0100

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1209 / Virus Database: 1500/3542 - Release Date: 03/31/11

No virus found in this message.
Checked by AVG - www.avg.com
Version: 10.0.1209 / Virus Database: 1500/3545 - Release Date: 04/01/11

W/11/00419/FUL Revised Access

Broadhead, Richard <Richard.Broadhead@wiltshire.gov.uk>

Mon 06/06/2011 16:42

To

Cc:Green, Kenny <Kenny.Green@wiltshire.gov.uk>;McMahon, David <David.McMahon@wiltshire.gov.uk>

Dear Mr May and Miss Dunne,

Further to Mr Green's response below, I can advise you that I have now inspected the location and have considered your request that the bollards, when repositioned, should be done so in such a way that you can gain vehicular access to your property (once all necessary approvals have been obtained) from Church Lane. Whilst I can see how this would be to your benefit, I have to consider the effect on the public's use of the way as a public footpath and any safety issues, as does Mr McMahon. The extra vehicular traffic that might use the path is, therefore, an important issue, and we would not wish to see this increase beyond the numbers that will have planning consent to do so once Mr Fitzgerald's development is complete.

I understand your point about your postcode potentially leading emergency vehicles to try to access your property from Church Lane, but I note that the three properties to the Acorn Meadows side of your property, [REDACTED], [REDACTED] and [REDACTED] share the postcode and could make the same argument. I am sure you will appreciate that if we were to give consent for you to use the Church Lane access we would have to do the same for them, which would make it impossible to re-instate the bollards in any location that would prevent any vehicle from being driven through. The safety problem that this would create would not be acceptable.

There is also an additional complication in that the issue of planning consent for development accessed over a public footpath, bridleway or restricted byway does not of itself give a right of way for vehicles to travel over the right of way. Separate permission needs to be obtained, firstly from the landowner and also from the highway authority (Wiltshire Council). As you are probably aware, there is no registered landowner for the public right of way, so the right to drive vehicles over it could not be assured even if the council was happy to give its own consent.

Under the circumstances, I am sorry to have to advise you that, were we to receive a formal application for you to have a right to access Church Lane with vehicles, it is unlikely that officers of the Council would feel able to support it.

Kind regards,

Richard Broadhead

Rights of Way and Countryside Manager

Department of Neighbourhood and Planning

Wiltshire Council

Tel: 01225 713875

e-mail: richard.broadhead@wiltshire.gov.uk

Fax: 01225 713400

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