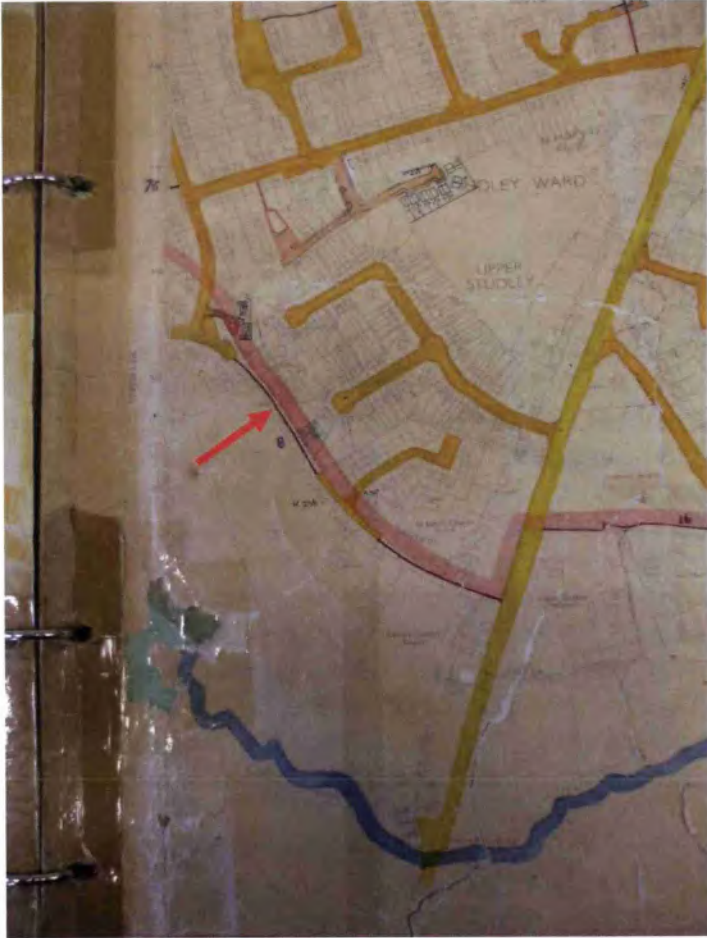
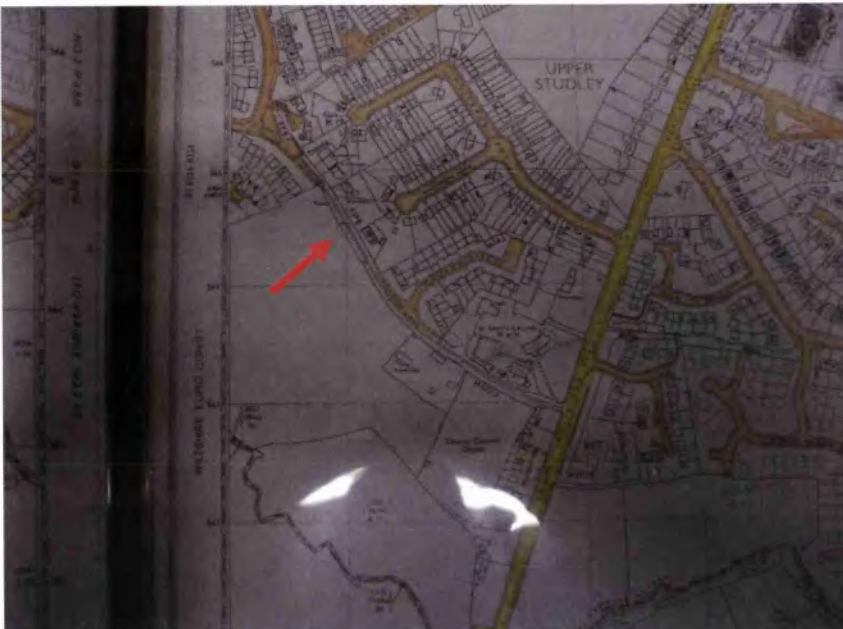




Key to highway record map



*Highways Record c.1974*



*Current Highway record plan (Trowbridge)*

Decision Report – Wildlife and Countryside Act 1981 Section 53  
Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic

<b>Document</b>	<b>Trowbridge Tithe Award (T/A Trowbridge)</b>
<b>Date</b>	1838
<b>Relevant Documents</b>	Tithe Apportionment Tithe Award Map - <i>"Plan of the Parish of Trowbridge in the County of Wilts"</i>
<b>Size / Scale</b>	Scale – 6 chains to 1 inch Size – 122cm x 92cm approx
<b>Evidential weighting</b>	B
<b>Significance</b>	<p>Parishioners once paid tithes to the church and its clergy in the form of payment in kind, for example grain, comprising an agreed proportion of the annual profits from cultivation and farming. This gradually began to be replaced by monetary payments and this was formally recognised by the Tithe Commutation Act of 1836, which regularised this system.</p> <p>Tithe Awards are not a primary source of evidence as the apportionments and plans were produced as an official record of all titheable areas and it was not their main purpose to record highways. However, they can provide useful supporting evidence as the existence of a highway could affect the productivity of the land and give important map orientation and plot boundary information, therefore the Commissioners had some interest in recording them.</p> <p>Additionally, the public provenance of the documents adds weight to the information recorded within them.</p> <p>The Trowbridge Tithe Award map is certified by the Tithe Commissioners and stamped as received by the Clerk of the Peace.</p>
<b>Conclusion</b>	<p>Church Lane is recorded on the map, uncoloured as the remainder of the highway network, including the claimed section. However, the continuation of the route north-westward, which was recorded as a private carriage road in the inclosure award and now forms part of Acorn Meadows, is not recorded on this plan. This suggests that there is no public through route at the north of Church Lane. The surrounding plots are as follows:</p> <p>7 – "Newland" pasture owned by Mortimer Edward Horlock  12 – "Houses and Gardens" owned by Frederick Webber  16 – "Hewitts" pasture owned by Edward Luxford and Charles Spragg  8 – "Newlands" pasture owned by Ludlow Henry Gaisford Gibbs  10 – "Paddock" arable to John Taylor</p> <p>The nature of the land to the north of what is now Church Lane and the land surrounding it as mainly pasture and arable, suggest that the route from Frome Road, to the field 7 "Newland" "pasture", further supports Church Lane as an agricultural access to reach these fields.</p>

There is no key to this map, however, The British Parliamentary Paper XLI 405, 1837, gives guidance on how landscape features were to be indicated on Tithe maps produced under the Commutation of Tithes Act 1836. This describes a route shown by double solid lines as a "Bye or Cross Roads", (it should be noted that Bridle Roads" and "Foot Paths" are shown by different conventions). There was no statutory requirement to follow these instructions and it is noted that Bridleways and Footpaths do not appear to be shown on the Trowbridge plan, (or at least not in the manner provided for in the Parliamentary Paper), however, the recording of the route as a "Bye or Cross Roads" would support public vehicular rights over what is now Church Lane, including the claimed route.

In this context "cross road" is not necessarily the same as our modern understanding of this term. It would appear that the term "cross road" was first mentioned in Ogilby's Britannia of 1675, which used the classification to distinguish secondary roads from direct/primary roads, (i.e. those originating in London). In the preface of the Britannia, Ogilby states "*...having illustrated the principal roads in England and Wales by 85 several itineraries we have distinguished the same into direct and cross roads...and calling such cross as lead from some of the said lesser centres to another like capital town or place of eminency...*" It would appear that subsequent map makers consistently used this term with the same meaning until about 1912 and dictionaries still contain a reference to "by-way" within the definition of "cross roads".

It was not the main purpose of Tithe Awards to include public highways and they are not category A evidence, it is possible that Church Lane was recorded where the presence of a private route to access surrounding land could affect the productivity of the land, or to add plot boundary/map orientation information. Church Lane is not shown as a through route linking to another public highway. Perhaps the condition of the private carriage road leading north-westwards (as shown on the Inclosure Award map), was such that it did not affect the productivity of the surrounding land and so is not recorded. The north-west and north-east continuations of the route are shown as cross-field footpaths, (braced with the surrounding land), on the later Ordnance Survey mapping.

The Tithe Award documents should therefore be considered alongside other documentary evidence.



Trowbridge Tithe Award Map - 1838

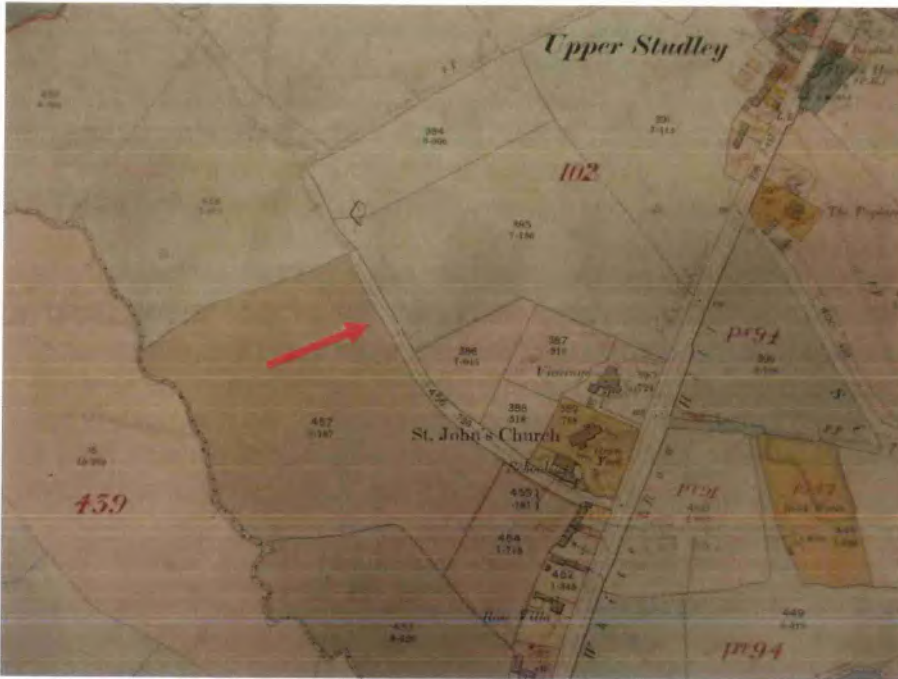


British Parliamentary Paper XLI 405 – 1837

<b>Document</b>	<b>Finance Act</b>
<b>Date</b>	1910
<b>Relevant Documents</b>	Finance Act Plan (Working Copy) (L8/10/38 – Maps) Finance Act Plan (Working Copy) Finance Act Valuation Book (L8/1/103 & L8/1/104/2)
<b>Size / Scale</b>	Plan – 1:2,500
<b>Evidential weighting</b>	B

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<p><b>Significance</b></p>	<p>In the early 20<sup>th</sup> Century, the ownership of the majority of the land in Britain by a privileged few was seen as a major cause of social injustice and poverty. By the Finance Act of 1910, the Government's main concern was that private landowners should pay part of the increase in land values which was attributable, not to their own efforts to improve the land, but to expenditure by the state, e.g. the provision of improved roads, drainage and other public services.</p> <p>The 1910 Finance Act required the Valuation Department of the Inland Revenue to carry out a survey of all hereditaments (land holdings) for the purposes of levying a tax upon the incremental value of a site. This included all property and land in the United Kingdom (whether or not it was considered to be exempt). It has been referred to as the "Second Domesday" as it was such a comprehensive record of land and there were criminal sanctions for the falsification of evidence.</p> <p>Public rights of way across land could be excluded from the land as a tax benefit. Hereditaments are illustrated on OS base maps (1:2,500), coloured and numbered, being referred to in the books of reference which accompany the maps. As rights of way could decrease the value of the land, we would expect them to be shown excluded from the hereditaments in the case of public roads, or as a deduction made for rights of way within the book of reference in the case of a lesser right of way, e.g. footpath. The Planning Inspectorate Consistency Guidelines suggest that the exclusion of public roads, may relate to section 35(1) of the Finance Act 1910, which stated that <i>"No duty under this part of the Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority."</i> and also s.25(3) which stated <i>"The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to...any public rights of way."</i> The hereditament information is recorded on the Ordnance Survey 2<sup>nd</sup> County Series map dated 1901 and drawn at a scale of 25 inches to 1 mile.</p>
<p><b>Conclusion</b></p>	<p>The route of Path no.8 Trowbridge, Church Lane, is recorded as uncoloured on both plans (working copies) between Frome Road and its junction with the "F.P" which continues north-westwards in plot no.102. Exclusion from the numbered hereditaments is a strong indication that a route is considered to be public highway, however, as the Planning Inspectorate Consistency Guidelines point out, there are some cases of private roads set out at inclosure, being shown excluded from the hereditaments. The Instructions to the valuers in the field issued by the Inland Revenue refer to the exclusion of 'roadways' from plans, (this could include private roadways) and did not expressly set out all the circumstances in which such an exclusion would apply. The Finance Act documents should therefore be considered alongside other documents.</p>



Finance Act Map – 1910 (Sheet no.38/11)



Finance Act Map – 1910 (Sheet no.38/11)

Document	Trowbridge Urban District Council Minutes – see separate Appendix 8
Date	1960 - 1974
Evidential weighting	C

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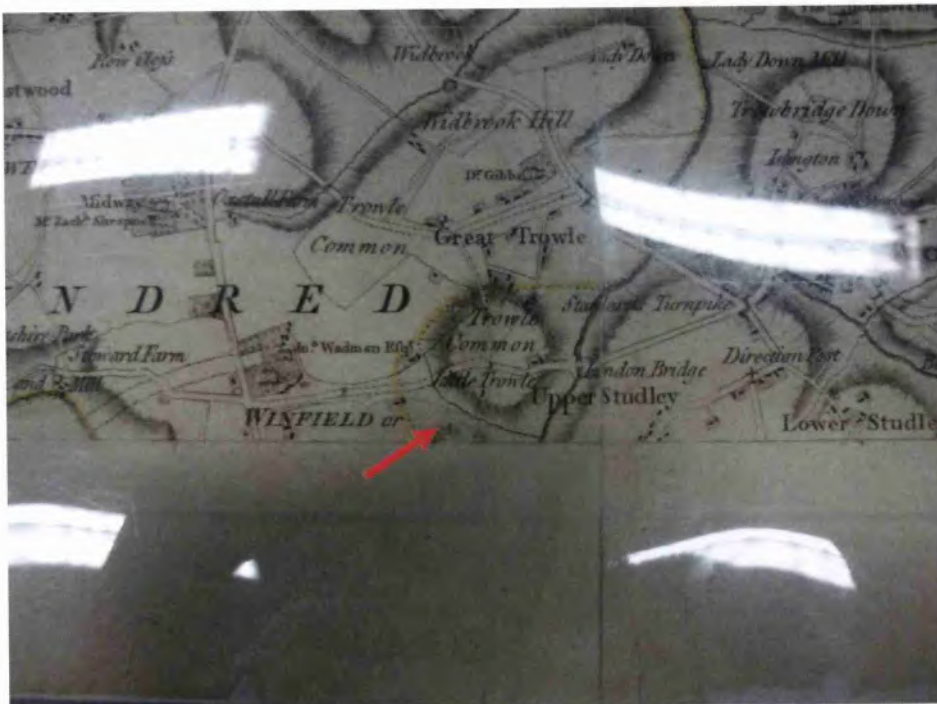
<b>Significance</b>	Trowbridge Urban District Council Minutes. The applicant in this case has carried out a very detailed and thorough inspection of the Urban District Council Minutes and discovered the entries included at Appendix 8, with some additions.
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<b>Document</b>	<b>Andrews' and Dury's Map of Wiltshire (1810 – A1/524/2MS)</b>
<b>Date</b>	1773 1810
<b>Relevant Documents</b>	1773 Index Map 1773 Map Plate no.7 & 10 of 16 plates 1810 Index Map 1810 Map Plate no.7 & 10 of 18 plates
<b>Size / Scale</b>	1773 – 2 inches to 1 mile 1810 – 2 inches to 1 mile
<b>Evidential weighting</b>	E
<b>Significance</b>	<p>Commercial maps were produced for profit and intended for sale to the whole of the travelling public. From the 17<sup>th</sup> century Turnpike Trusts were set up by individual acts of Parliament, having powers to collect road tolls for maintaining the principal roads and as travel became more popular and traffic on the main roads increased, as a result of agricultural and industrial progress, there was a demand for itineraries, road books and road maps. There are four map makers whose maps are based on original survey: Andrews' and Dury's; Greenwoods; Cary (to a certain extent) and the Ordnance Survey. Other small scale commercial maps are derivatives of these original surveys.</p> <p>Andrews' and Dury's Map of Wiltshire dated 1773 is a commercial map of the county based on original survey, drawn at a scale of 2 inches to 1 mile. The map is dedicated "<i>To Noblemen Gentlemen Clergy shareholders of the County of Wilts This MAP is inscribed by their most Obedient and devoted servants JOHN ANDREWS ANDREW DURY</i>".</p> <p>The 1810 second edition map is a corrected and updated edition of the 1773 map, entitled, "<i>A Topographical Map of the County of Wilts Describing the Seats of the Nobility and Gentry Turnpike &amp; Cross Roads, Canals &amp; c. Surveyed originally in 1773 by John Andrews and Andrew Dury Drawn from a Scale of two Inches to one Statute Mile. Second Edition, Revised and corrected from the extensive information liberally communicated by The Right Honourable The Earl of Radnor and Sir Richard Hoare Bart to Whom this Improved Edition is most respectfully inscribed By William Eaden Charing Cross Jan.y 1<sup>st</sup> 1810</i>".</p> <p>The Wiltshire map has no key, however a key is attached to Andrews' and Dury's Hertfordshire map. The Wiltshire Archaeological and Natural History Society have produced a reduced facsimile of the 1773 map, dated 1952, in which Elizabeth</p>



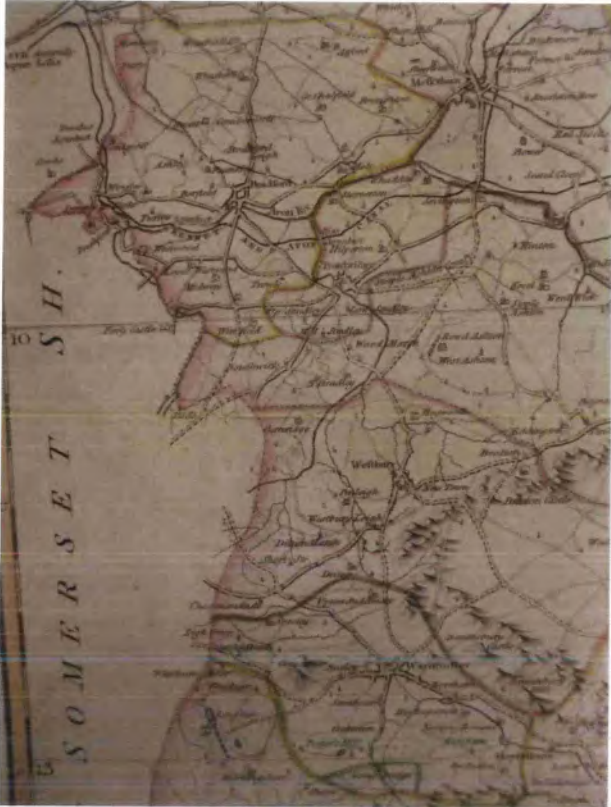


Andrews' and Dury's Map of Wiltshire – 1773 (Sheet no.7)

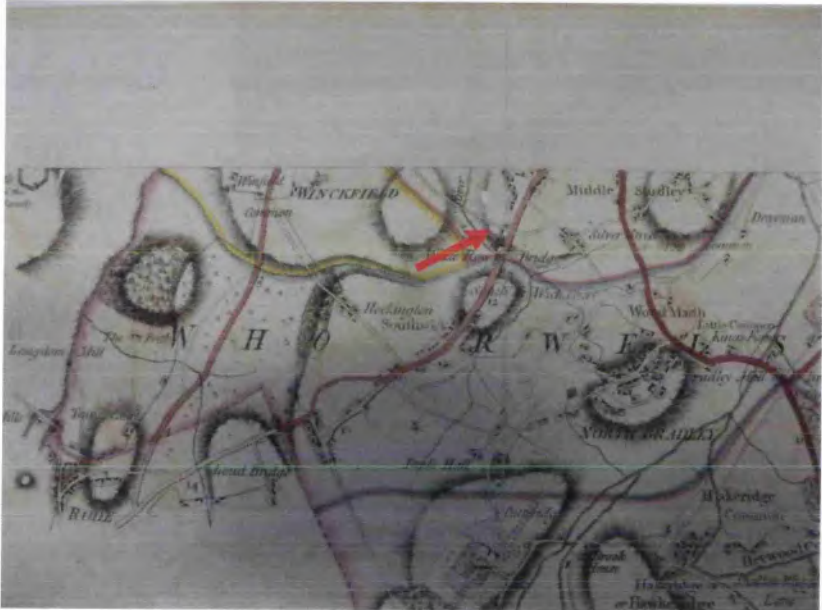


Andrews' and Dury's Map of Wiltshire – 1773 (Sheet no.10)

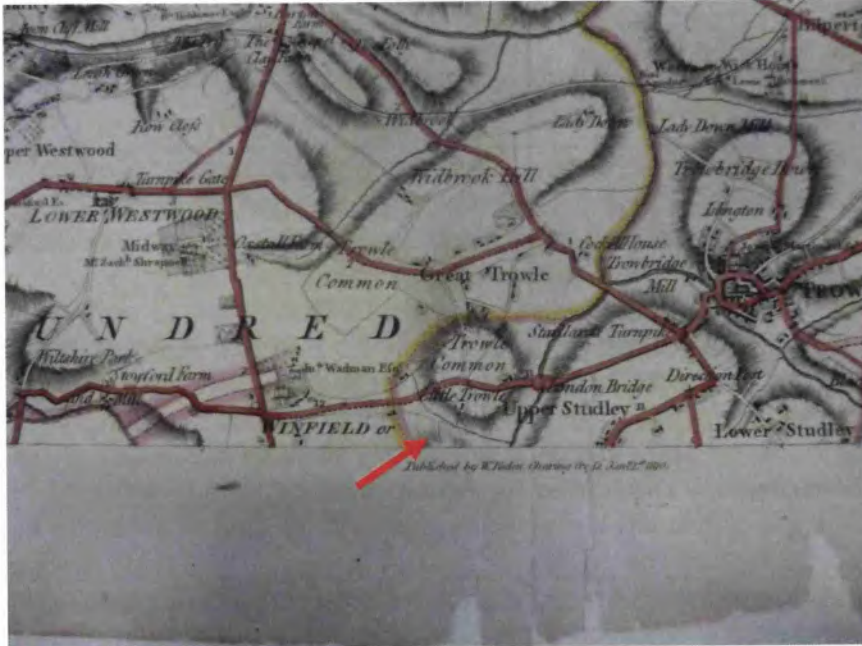
Decision Report – Wildlife and Countryside Act 1981 Section 53  
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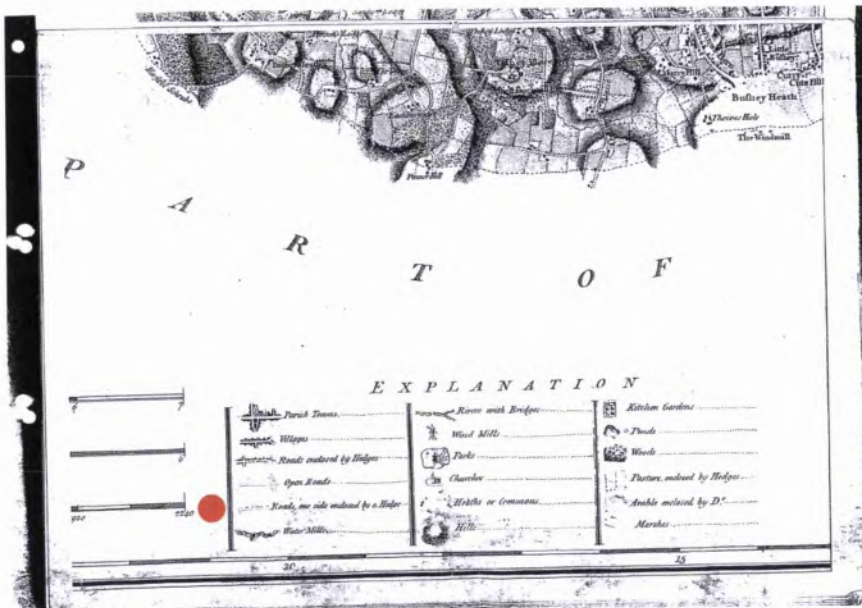
Andrews' and Dury's Map of Wiltshire – 1810 (Index Map)



Andrews' and Dury's Map of Wiltshire 1810 – (Sheet no.7)



Andrews' and Dury's Map of Wiltshire 1810 – (Sheet no.10)

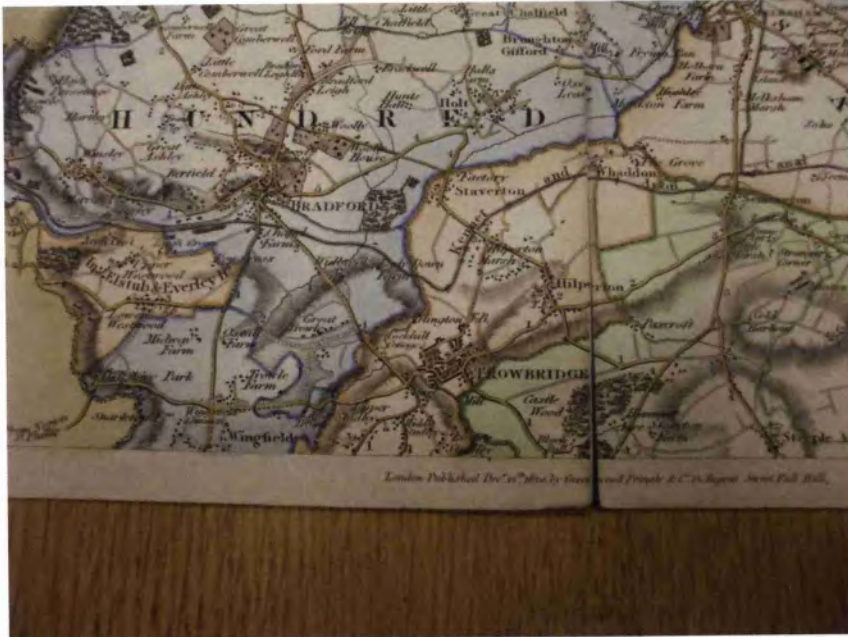


Andrews' and Dury's – Hertfordshire Map Key

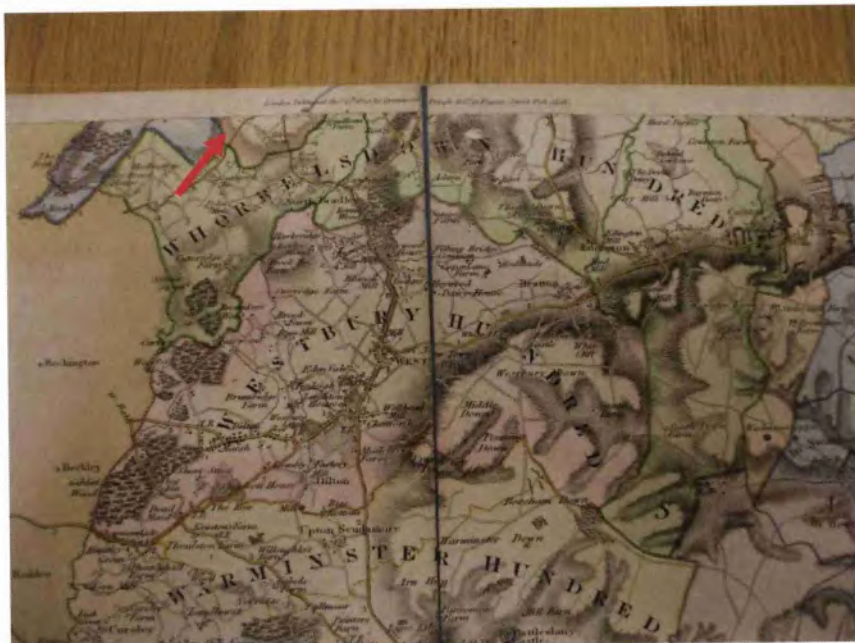
<b>Document</b>	<b>Greenwoods Map of Wiltshire (1820 – 1390/142, 1829 Map Folder 3.3)</b>
<b>Date</b>	1820 1829
<b>Relevant Documents</b>	1820 – Map of the County of Wilts from an Actual Survey made in the Years 1819 & 1820 by C and I Greenwood 1829 – Map of the County of Wilts from an Actual Survey made in the Years 1819 & 1820 by C and I Greenwood Corrected to the present period and Published 4 July 1829

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<b>Size / Scale</b>	1820 – 1 inch to 1 mile 1829 – 1 inch to 3 miles
<b>Evidential weighting</b>	E
<b>Significance</b>	Greenwood re-surveyed and produced a set of updated County Maps between 1817 and 1839. Greenwood appears to have carried out actual survey supported by existing secondary sources such as inclosure and estate maps; printed guide books; official sources and local knowledge collected by Surveyors. Greenwoods first edition “Map of the County of Wilts from Actual Survey”, dated 1820 is a commercial map produced for the travelling nobility who contributed to its production. The inscription reads: <i>“To the Nobility, Clergy and Gentry of Wiltshire This Map of the County is most respectfully Dedicated by the proprietors”</i> . Greenwood produced a revised and corrected map of Wiltshire in 1829.
<b>Conclusion</b>	On both maps there is a route shown from Frome Road leading in a north-westerly direction from a location south of the Silver Street Lane junction, however, unlike the Andrews’ and Dury’s small scale map which records this route almost directly opposite Silver Street Lane, which would correspond with the Church Lane, the route leading north-west on Greenwoods maps appears to be too far south to correspond with Church Lane and is more likely to correspond with a route further south at White Row Bridge. If this is the case, the claimed route is not shown on Greenwoods maps, on which routes not open to the public or not open to all traffic are unlikely to be shown, given the purpose of the map for sale to the travelling public and given its small scale. Recording routes not open to the public or not open to all traffic would cause difficulties for the travelling public who purchased the maps and the landowners from whom subscriptions in the production of the maps were sought, which was not in the interests of the map makers.

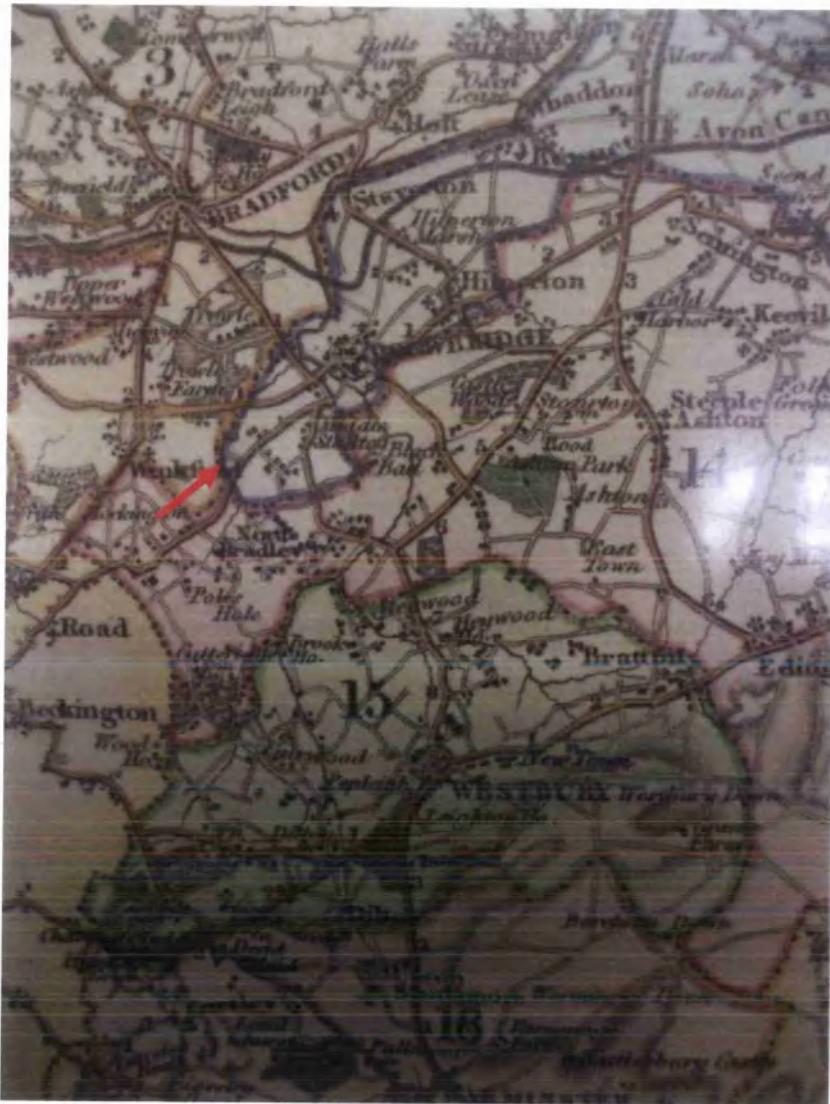


Greenwoods Map of Wiltshire - 1820

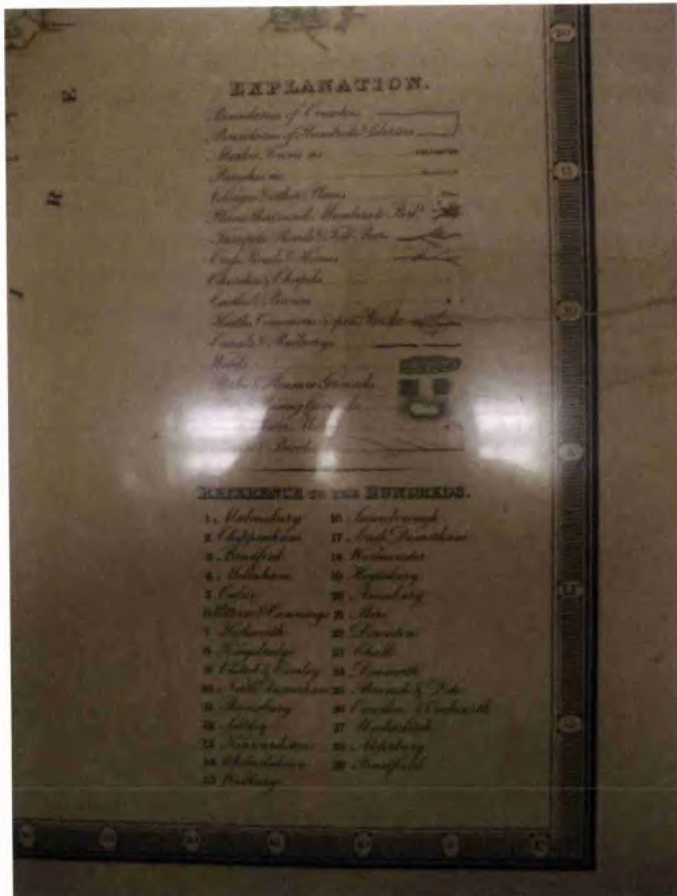


Greenwoods Map of Wiltshire - 1820

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Greenwoods Map of Wiltshire - 1829



Greenwoods Map of Wiltshire - 1829

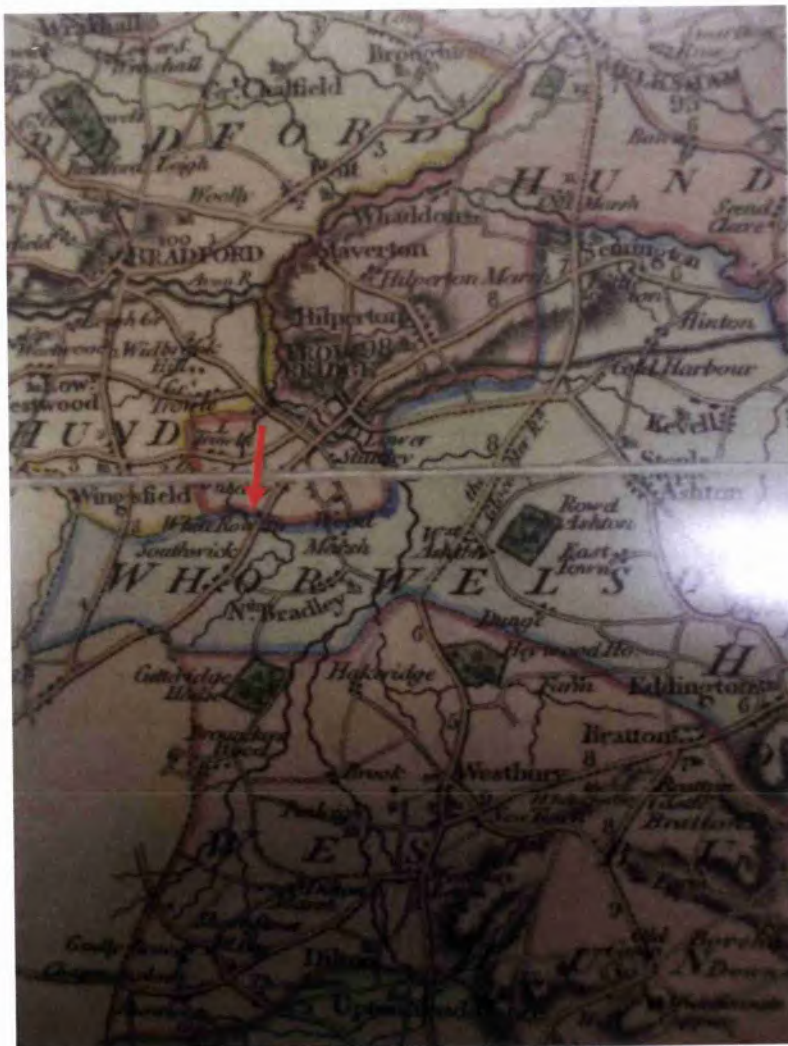
<b>Document</b>	<b>Cary's Map of Wiltshire 1787 (Map Folder 1.12)</b> <b>Cary's Map of Wiltshire 1801 (Map Folder 3.2)</b> <b>Cary's Map 1823 (Map Folder 3.2A)</b> <b>Cary's Map 1832 (Map Folder 3.4)</b>
<b>Date</b>	1787 1801 1823 1832
<b>Relevant Documents</b>	1787 – Wiltshire by John Cary Engraver 1801 – A New Map of Wiltshire Divided into Hundreds Exhibiting its Roads, Rivers, Parks & c. 1823 – Map Sheet 18 (with key) 1832 – Map Sheet 18
<b>Size / Scale</b>	1787 – 10 miles = 1 ¾ inches 1801 – 8 miles = 2 7/8 inches 1823 – 2 miles = 1 inch 1832 – 2 miles = 1 inch
<b>Evidential weighting</b>	E
<b>Significance</b>	John Cary was a cartographer, born in Warminster, Wiltshire in 1755, well known for his series of county maps. In 1794 he

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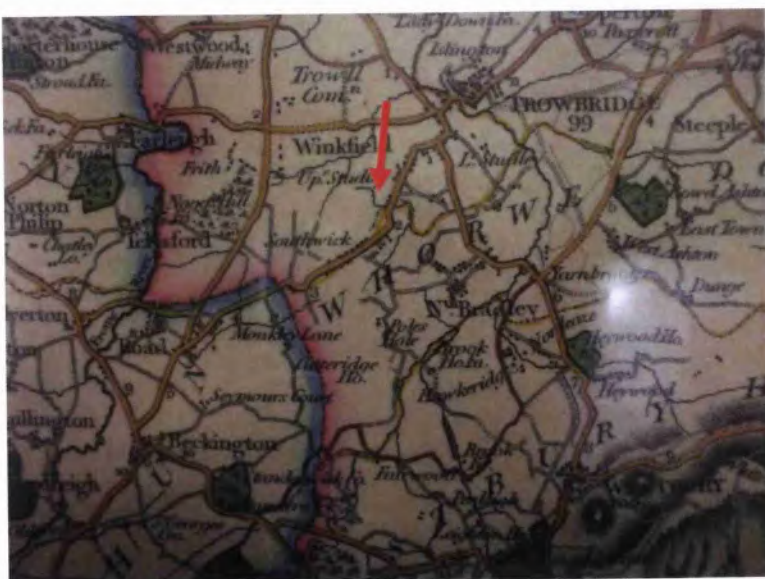
	became Surveyor of Roads for the Postmaster General, charged with undertaking a survey of all main roads in England. Cary appears to have used actual survey, as well as the work of others, e.g. the Ordnance Survey in the production of his maps.
<b>Conclusion</b>	The claimed route is not recorded on Cary's maps. The maps are small scale commercial maps produced for the travelling public and therefore it would not have been helpful to record private routes, or those which were not open to all traffic, which could cause difficulties for those purchasing the maps and landowners.



Cary's Map of Wiltshire - 1787

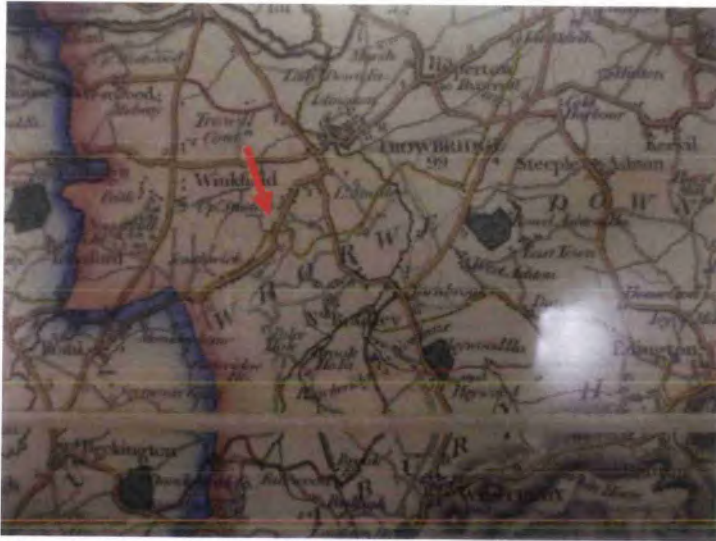


Cary's Map of Wiltshire - 1801

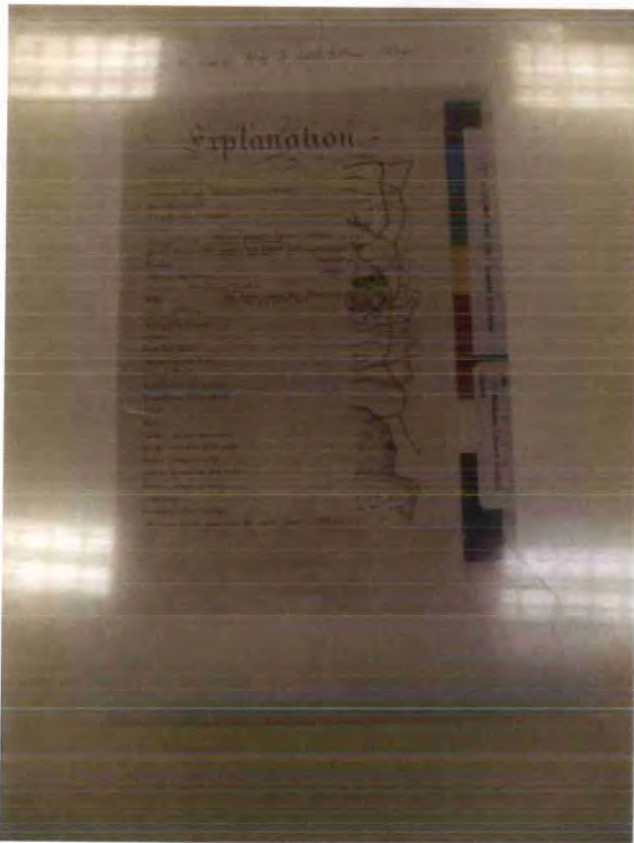


Cary's Map – 1823 (Sheet 18)

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Cary's Map 1832 – (Sheet 18)

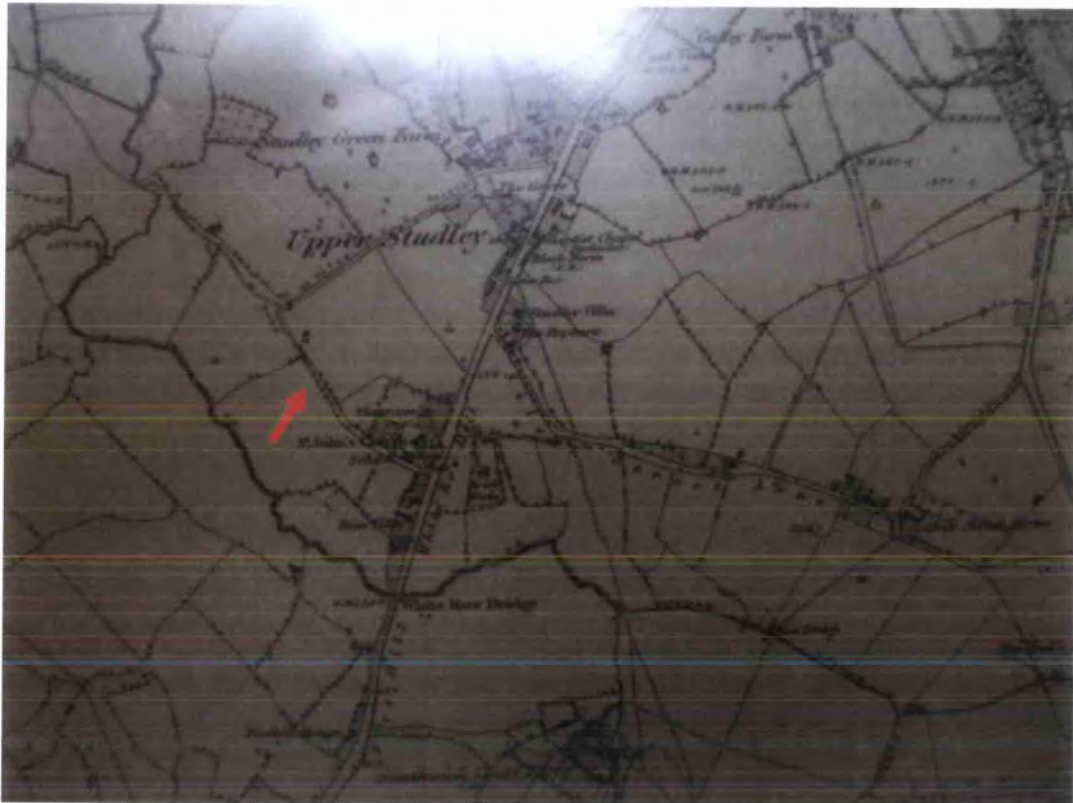


Cary's Map 1832 – (Map key)

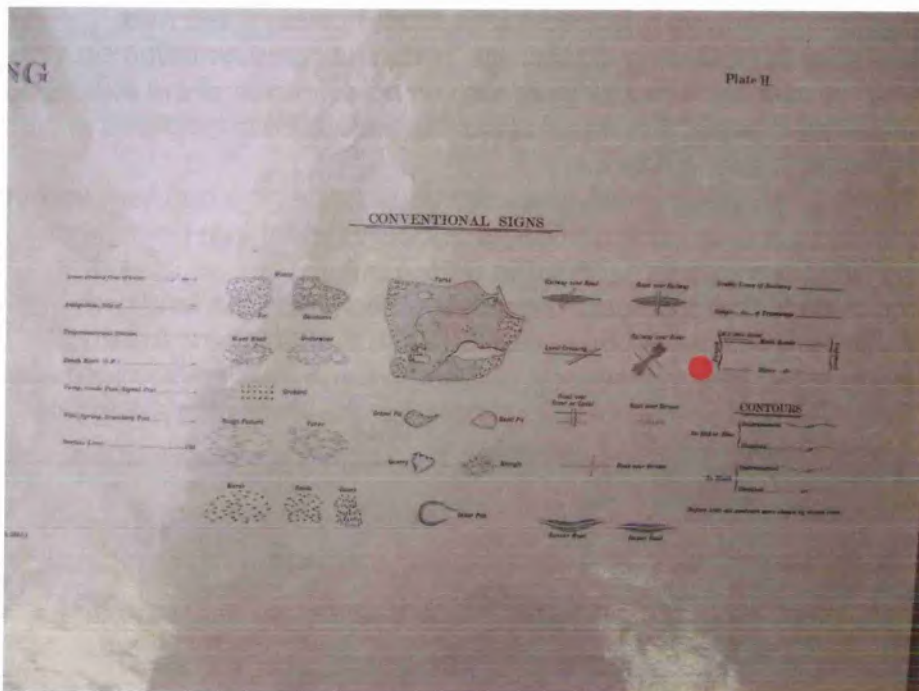
<b>Document</b>	<b>Ordnance Survey First Edition Map</b>
<b>Date</b>	Engraved and Published 1890
<b>Relevant Documents</b>	Map Sheet 38/11
<b>Size / Scale</b>	Scale: 6 inches to 1 mile

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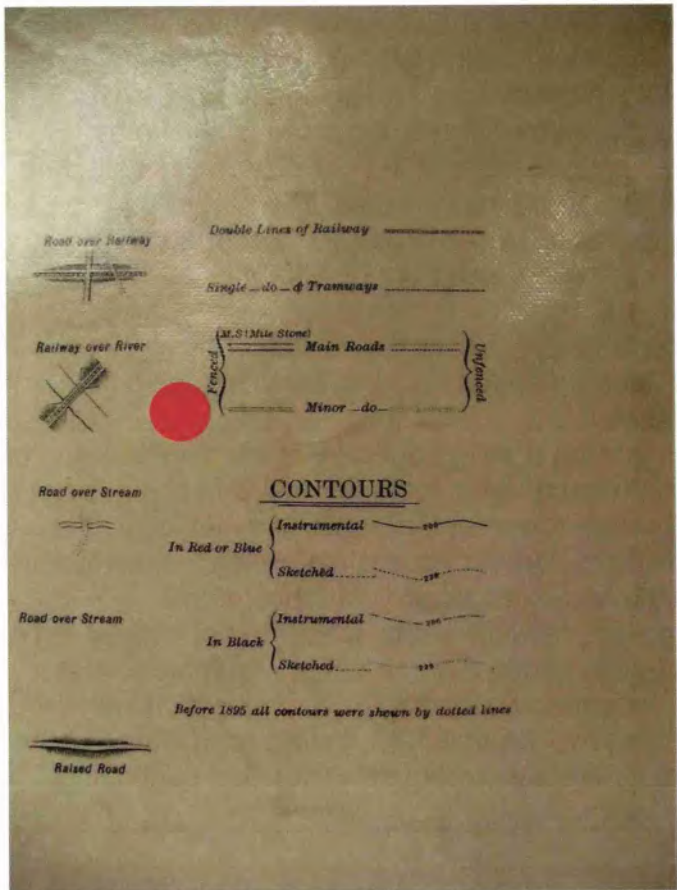
<b>Evidential weighting</b>	E
<b>Significance</b>	<p>The Ordnance Survey was founded in 1791, due to demand from the military for accurate maps of southern England, in preparation for the Napoleonic Wars. In time the Ordnance Survey developed a range of maps, varying in scale and level of detail, to meet changing needs for accurate and updated maps of the country. The maps are based on original survey, with revisions, and are topographical in nature, i.e. showing only physical features which are recorded by a particular surveyor at the time of survey, with place names and administrative boundaries added.</p>
<b>Conclusion</b>	<p>Church Lane is shown by double solid lines, suggesting that there is a solid boundary on either side of the lane, as a fenced minor road according to the key. The claimed part of the route is incorporated in that, narrowing as it leads north with a solid boundary across the northern end consistent with the field boundary of the field located to the west of the lane. The northern continuation of the path is, (from the northern extent of the claimed section), shown by double broken lines, suggesting a cross field path without physical boundaries.</p> <p>Where OS maps are topographical in nature, i.e. they record physical features visible at the time of survey, it is not possible to infer the existence of public rights over a way, from the plan. There is a key to the 6" OS map, which suggests that the claimed part of the route is a fenced minor road, however, the map includes the following disclaimer "<i>N.B. The representation on this map of a Road, Track or Footpath, is no evidence of the existence of a right of way.</i>" OS maps should therefore be considered alongside other evidence.</p> <p>The OS mapping, showing a solid boundary at the northern end of the route and its continuation as a footpath past that point, is not consistent with a through route for the public with vehicles. It is more likely that this route was for the accessing the land with vehicles which would be consistent with the Inclosure Award evidence of the continuation of Church Lane as a private carriage road. There do not appear to be residential properties alongside Church Lane, requiring access.</p>



OS 6" Map - 1890



OS 6" Map 1890 – Conventional Signs



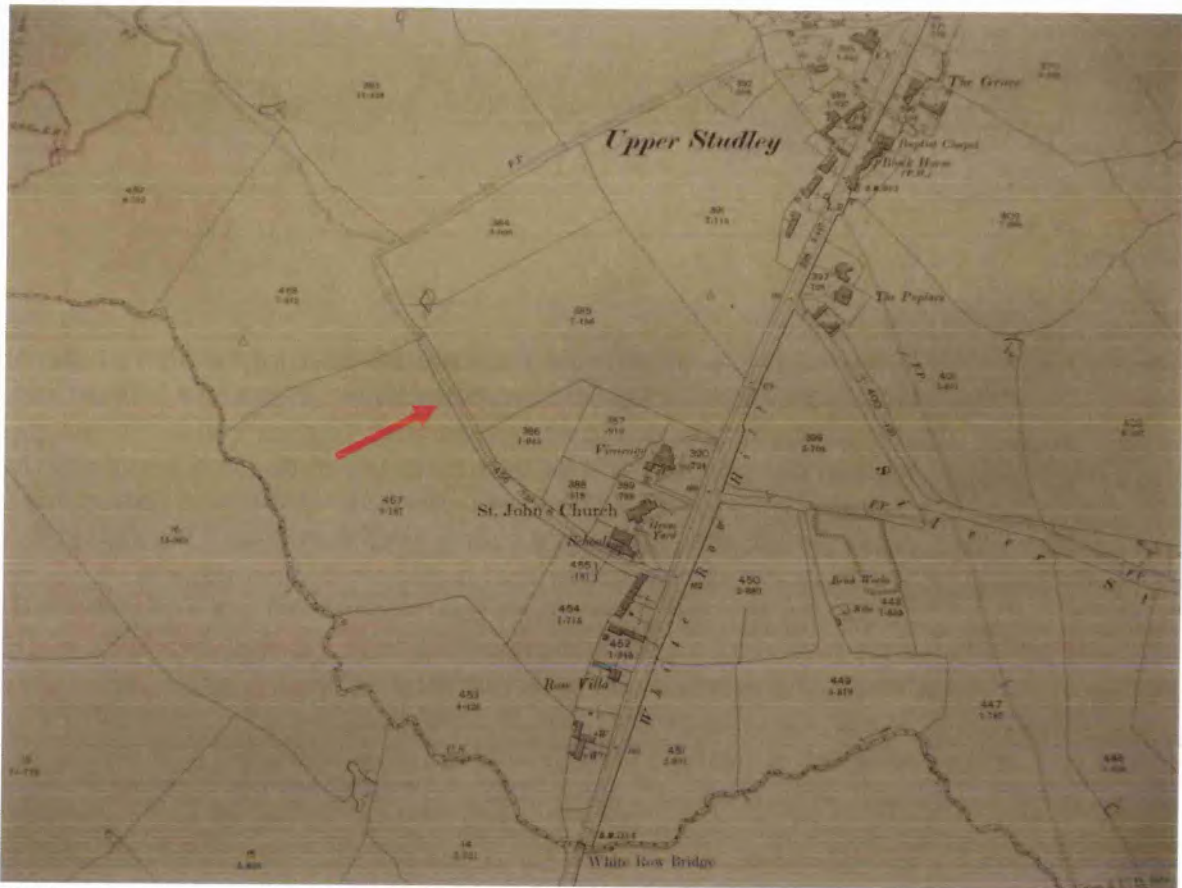
OS 6" Map 1890 – Conventional Signs

<b>Document</b>	<b>Ordnance Survey County Series Map</b>
<b>Date</b>	Surveyed 1886, Zincographed and Published 1887
<b>Relevant Documents</b>	Map Sheet 38/11
<b>Size / Scale</b>	25 inches to 1 mile
<b>Evidential weighting</b>	E
<b>Significance</b>	As above. The 25 inch County Series maps were completed to 1890, with a first revision between 1891 – 1914, second revision commenced 1904 and third revisions were never completed nationally due to wartime conditions and a period of austerity and retrenchment which followed in the 1920's. The Ordnance Survey was unable to maintain its planned revision programme.
<b>Conclusion</b>	Church Lane is shown by double solid lines, having a solid boundary and perhaps a surfaced central section shown by double pecked lines within the double solid lines. The claimed section of the path is shown in this manner, narrowing as it leads north and a metalled path within the full extent of the highway accords with the witness evidence of a wide way laid to grass with a metalled section within the extent of highway. At its northern end the lane has a solid hedge boundary,

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<b>Document</b>	<b>Ordnance Survey County Series Map</b>
<b>Date</b>	Surveyed 1884-5, Revised 1899, Printed & Published 1901
<b>Relevant Documents</b>	Map Sheet 38/11
<b>Size / Scale</b>	25 inches to 1 mile
<b>Evidential weighting</b>	E
<b>Significance</b>	As above
<b>Conclusion</b>	<p>Church Lane is shown by double solid lines suggesting that the lane is enclosed between solid boundaries. There is a broken line along two parts of the centre of the lane, one part shown bracing the two parts of the lane either side of the dotted line together. The dotted line suggests a change in character of the lane either side of the dotted line, perhaps a change in the nature of the surface. The claimed section of the path is shown in this manner, narrowing towards its northern end. At the northern end there is a solid boundary to the lane consistent with the field boundary of the field to the west. The lane is numbered 456.</p> <p>The continuation of the path leading north from the claimed route is shown by double broken lines, as an unbounded cross-field path, braced as part of the field and inscribed "FP" against the eastern fork, suggesting footpath. This does not have a separate parcel number as Church Lane does.</p> <p>Where the map is topographical in nature, public rights cannot be adduced from the map, which carries the disclaimer "<i>N.B. – The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.</i>"</p> <p>The OS mapping, showing a solid boundary at the northern end of the route and its continuation as a footpath past that point, is not consistent with a through route for the public with vehicles. It is more likely that this route was for accessing the land would be consistent with the Inclosure Award evidence of the continuation as a private carriage road. There do not appear to be residential properties alongside Church Lane, requiring access.</p> <p>The width of the path varies from 9m, at its junction with Frome Road, then widening to 11m and 12m, before narrowing to 10m and then 8m at its junction with the footpath in the field leading north.</p>



Ordnance Survey 25" County Series Map 1901

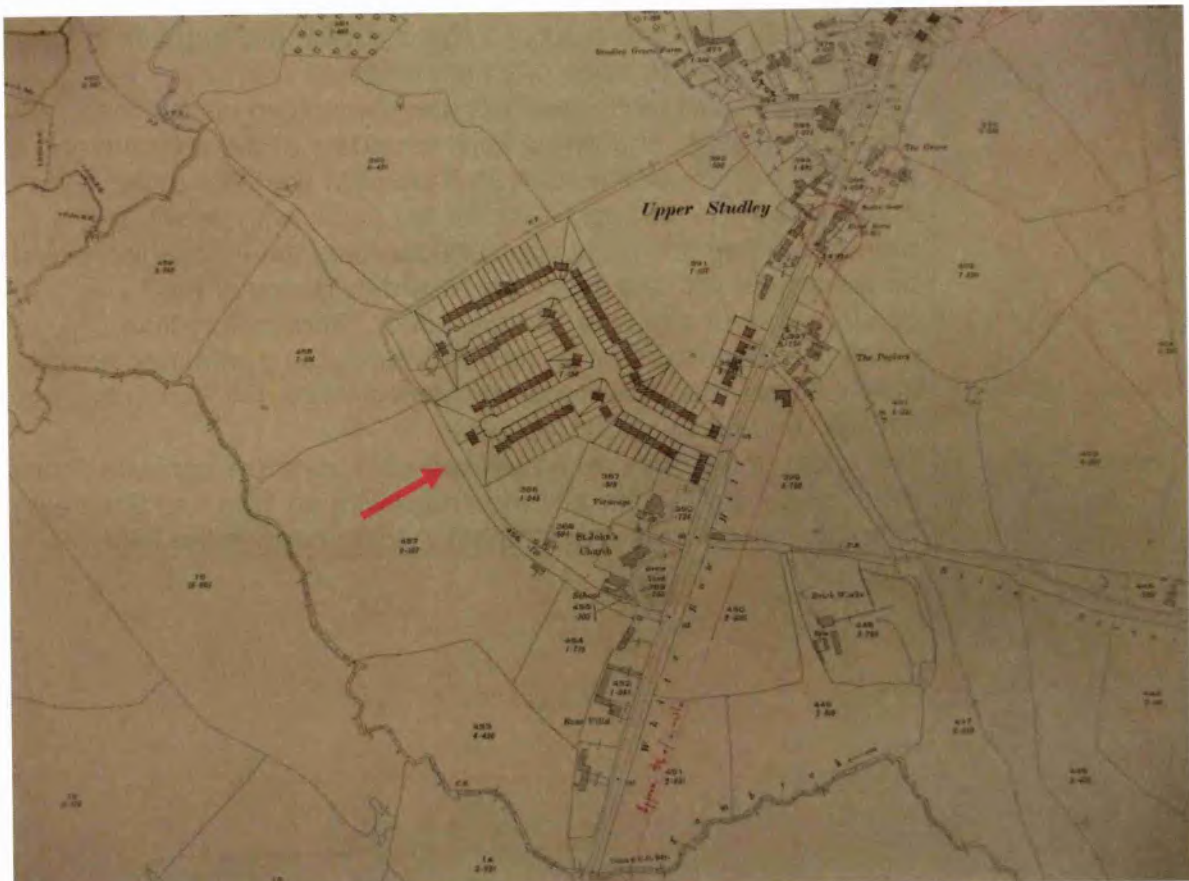
<b>Document</b>	<b>Ordnance Survey County Series Map</b>
<b>Date</b>	Surveyed 1884-85, Revised 1922, Levelling Revised 1899, Printed and Published 1924
<b>Relevant Documents</b>	Map Sheet 38/11
<b>Size / Scale</b>	25" to 1 mile
<b>Evidential weighting</b>	E
<b>Significance</b>	As above
<b>Conclusion</b>	<p>Church Lane is shown by double solid lines suggesting that the lane is enclosed between solid boundaries. There now no broken line along two parts of the centre of the lane to suggest a change in character/surface of the lane.</p> <p>The claimed section of the path is shown in this manner, narrowing towards its northern end. At the northern end there is a solid boundary to the lane, now just south of the field boundary of the field to the west. The lane is numbered 456.</p> <p>The continuation of the path leading north from the claimed route is shown by double broken lines, as an unbounded cross-field path, braced as part of the field and inscribed "FP" against the</p>

eastern fork, suggesting footpath. This does not have a separate parcel number as Church Lane does.

Where the map is topographical in nature, public rights cannot be adduced from the map, which carries the disclaimer “N.B. – The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.”

The properties in Whiterow Park are now shown on this map, although they appear to be hand drawn onto the OS base map. The OS mapping, showing a solid boundary at the northern end of the route and its continuation as a footpath past that point, is not consistent with a through route for the public with vehicles. It is more likely that this route was for accessing the land which would be consistent with the Inclosure Award evidence of the continuation as a private carriage road. There is very little residential development alongside Church Lane, the newly developed Whiterow Park has a new access road north of Church Lane.

The width of the path in this map varies from 8m at its junction with Frome Road, before widening to 12m and then narrowing to 10m and then 8m at its junction with the footpath leading northwards.



Ordnance Survey 25" County Series Map 1924

Decision Report – Wildlife and Countryside Act 1981 Section 53  
 Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic

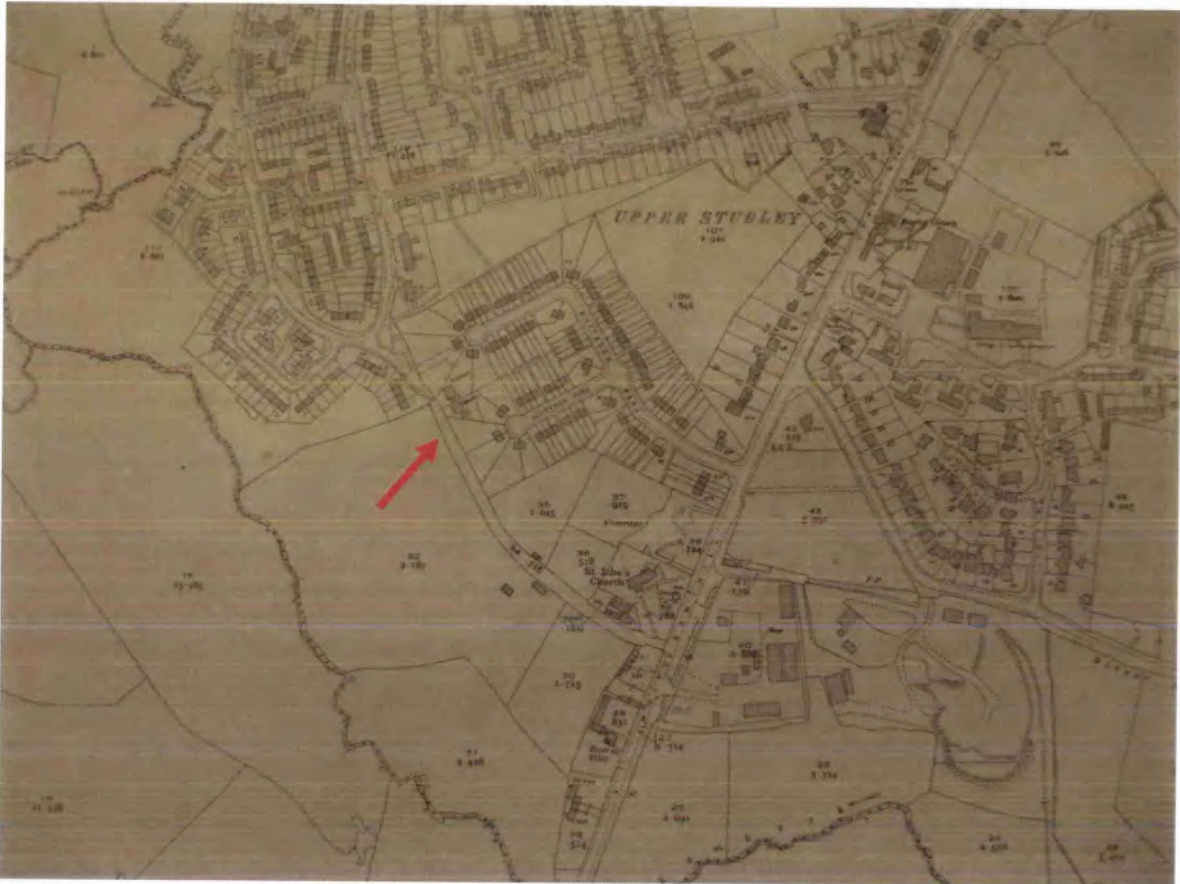
<b>Document</b>	<b>Ordnance Survey County Series Map</b>
<b>Date</b>	Surveyed 1884-84, Revised 1937, Re-levelled 1937, Printed and Published 1938
<b>Relevant Documents</b>	OS Map Sheet 38/11
<b>Size / Scale</b>	25" to 1 mile
<b>Evidential weighting</b>	E
<b>Significance</b>	As above.
<b>Conclusion</b>	<p>Church Lane is shown by double solid lines suggesting that the lane is enclosed between solid boundaries and the claimed section of the path is shown in this manner, narrowing towards its northern end. At the northern end there is a solid boundary to the lane, now just south of the field boundary of the field to the west. The lane is numbered 456.</p> <p>The continuation of the path leading north from the claimed route is shown by double broken lines, as an unbounded cross-field path, braced as part of the field and inscribed "FP" against the eastern fork, suggesting footpath. This does not have a separate parcel number as Church Lane does.</p> <p>Where the map is topographical in nature, public rights cannot be adduced from the map, which carries the disclaimer "<i>N.B. – The representation on this map of a Road, Track, or Footpath, is no evidence of the existence of a right of way.</i>"</p> <p>The properties in Whiterow Park are now shown on this map. The OS mapping, showing a solid boundary at the northern end of the route and its continuation as a footpath past that point, is not consistent with a through route for the public with vehicles. It is more likely that this route was for accessing the land which would be consistent with the Inclosure Award evidence of the continuation as a private carriage road. There is very little residential development alongside Church Lane requiring access from Church Lane, the newly developed Whiterow Park has a new access road north of Church Lane.</p> <p>The width of the path varies between 8m at its junction with Frome Road, widening to 12m and then narrowing to 10m and 9m, being 7m at its junction with the footpath leading north in the field.</p>



Ordnance Survey 25" County Series Map 1938

<b>Document</b>	<b>Ordnance Survey County Series Map</b>
<b>Date</b>	Surveyed 1884-85, Revised 1937, Re-levelled 1937, Printed and Published 1938 – Planning Information revised 1950 and 1955 (part)
<b>Relevant Documents</b>	Sheet 38/11
<b>Size / Scale</b>	1:2,500
<b>Evidential weighting</b>	E
<b>Significance</b>	As above
<b>Conclusion</b>	As above. This revision of the map shows the properties Hillbrook and Kynance, which were built 1961, hand drawn onto the map along with the new development at Studley Green. There are no changes to the recording and width of Church Lane itself from the 1938 edition map, however, its continuation northwards is relocated southwards as a footpath before being incorporated with Lambrok Road. The “gap” is reconfigured and there is no longer a solid boundary between Church Lane, Acorn Meadow and Lambrok Road. Again, the OS disclaimer regarding the inference of public and private rights of way remains, as per the 1938 edition OS map.

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Ordnance Survey 25" County Series Map 1938 – (Revisions 1950 & 1955)

<b>Document</b>	<b>OS National Grid Series Map</b>
<b>Date</b>	1968
<b>Relevant Documents</b>	Plan ST 8456 and Plan ST 8556
<b>Size / Scale</b>	1:2,500
<b>Evidential weighting</b>	E
<b>Significance</b>	The Davidson Committee of 1935-1938 was set up partly because of concerns regarding the OS mapping being out of date, and recommended that the large scale mapping "...as soon as it can be conveniently arranged the 1:2500 survey should be re-cast on National instead of county sheet lines on a National projection." and whilst this work was in progress, a general overhaul of the plans would be undertaken "...to remove the discrepancies along county boundaries and to eliminate the errors which have crept in to the original survey in the course of its revision". The first National Grid series OS maps were published in 1948 (J B Harley 1975 – Ordnance Survey Maps a descriptive manual).
<b>Conclusion</b>	The map records the properties Kynance and Hillbrook alongside

the claimed path, being built c.1961. The map shows the path by double solid lines suggesting an enclosed path, with a central area shown by double broken lines, suggesting a change in the character of the surface of that part of the way, perhaps having a metallised surface. "Posts" are recorded on the lane just south of the property Kynance and span the full width of the path between the boundaries.

There is now no solid boundary between Church Lane, Acorn Meadow and Lambrok Road and the "gap" has been reconfigured. The OS mapping shows that once the solid field boundary / gate has been removed at the north of Church Lane, the posts appear south of Kynance, shortly afterwards, so that any public through traffic with vehicles, would only have occurred for a short window of time, if at all.

The map carries the disclaimer: *"The representation on this plan of a road, track or path is no evidence of the existence of a right of way."*

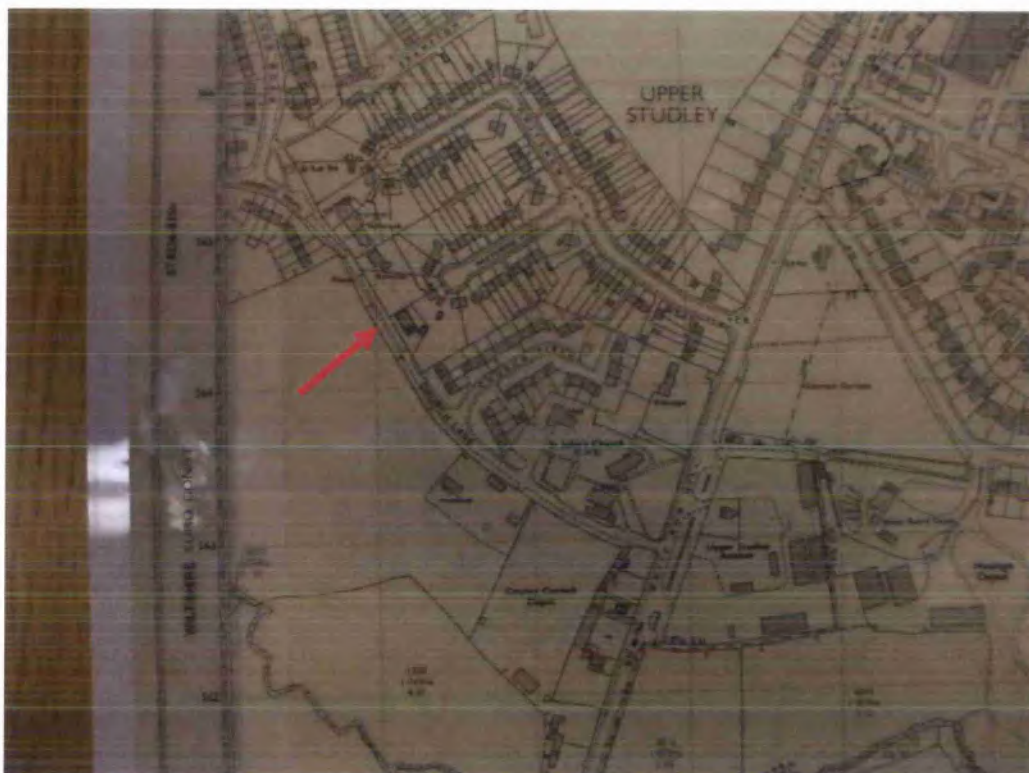
The width of the path varies between 9m at its junction with Frome Road, widening to 13m and then 12m, before narrowing to 10m and then 8m, to 7m at its junction with the footpath leading north in the field.



OS National Grid Series Map 1968, 1:2,500 - Plan ST 8456 and Plan ST 8556

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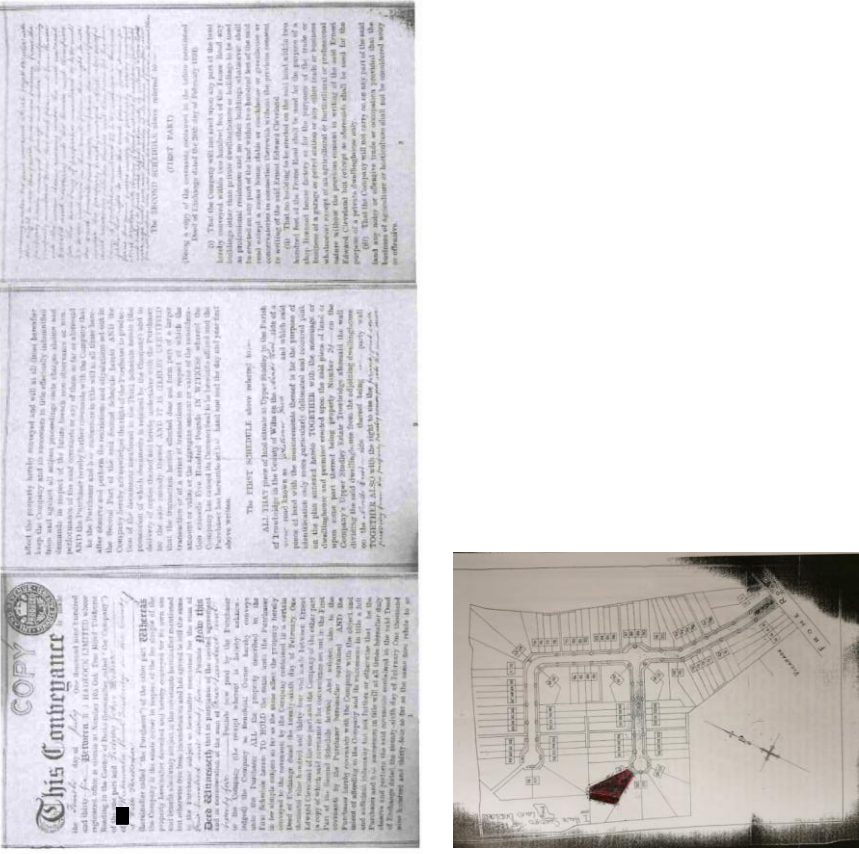
<b>Document</b>	<b>OS National Grid Series Map</b>
<b>Date</b>	1974
<b>Relevant Documents</b>	Plan ST 8456-8556
<b>Size / Scale</b>	1:2,500
<b>Evidential weighting</b>	E
<b>Significance</b>	As above
<b>Conclusion</b>	<p>The map records the properties Kynance and Hillbrook alongside the claimed path, being built c.1961 and a new property south of Kynance, 22 Church Lane. The map shows the path by double solid lines suggesting an enclosed way, with a central area shown by double broken lines which suggests a change in the character of the surface of that part of the way, perhaps a metalled surface. "Posts" are recorded on the lane just south of the property Kynance and span the full width of the path between the boundaries.</p> <p>The map carries the disclaimer: <i>"The representation on this plan of a road, track or path is no evidence of the existence of a right of way."</i></p> <p>The width of the path varies between 10m at its junction with Frome Road, before widening to 13m and narrowing to 10m and 9m and then 10m, then 8m to 7m at its junction with Acorn Meadow.</p>






OS National Grid Series Map 1974, 1:2,500 - Plan ST 8456-8556

**APPENDIX 8**

The applicant has adduced a number of documents in support of the application, which are listed here with some additions, the following comments are made:

Document	Date	Document and Significance by Applicant	Surveying Authority Conclusions
Land deeds	July 1935	 <p><i>Images supplied by applicant</i></p>	<p>The conveyance relates to private rights in relation to the land and dwelling house at 31 Whiterow Park, rather than public rights.</p> <p>It is not clear from the plans which roads are coloured brown and over which the purchaser has a right to pass and repass with vehicles, but it is likely to relate to the Whiterow Park estate roads as this would be the main access for this property and access is being given by a grant, it would not have been possible for “the Company” to grant private rights over Church Lane if they were not the landowners.</p> <p>Additionally, even if Church Lane were included in the grant, the conveyance does not grant the general public a right to pass and repass with vehicles, but only to the purchaser of the property and therefore is not evidence of public use of Church Lane. Neither could the grant allow the user with vehicles by the purchaser to qualify as user “as of right” where it is use with permission and use by the owner/occupier to access property is not use by the general public.</p> <p>This evidence cannot support the existence of a public right of way with vehicles over the claimed route.</p>

		<p>Land deeds are bought for £425</p> <p><i>This Conveyance is made the Fourth day of July One thousand nine hundred and thirty five Between R J HADDOCK LIMITED whose registered office is situate at Number 105 Oak Tree Road Tilehurst Reading in the County of Berks (hereinafter called "the Company") of the one part and Sidney John Hillier of [redacted] Waterworks Road Trowbridge in the County of Wilts Storekeeper (hereinafter called "the Purchaser") of the other part Whereas the Company is the estate owner in respect of the property hereinafter described and hereby conveyed for its own use and benefit absolutely subject to the covenants hereinafter mentioned but otherwise free from incumbants and has agreed to sell the same to the Purchaser subject as hereinafter mentioned for the sum of four hundred and twenty five Pounds...</i></p> <p><i>The FIRST SCHEULDE and above referred to:-</i></p> <p><i>ALL THAT piece of land situate at Upper Studley in the Parish of Trowbridge in the County of Wilts on the North West side of a new road known as Whiterow Park and which said piece of land with the measurements thereof is for the purpose of identification only more particularly delineated and coloured pink on the plan annexed hereto TOGETHER with the messuage or dwellinghouse and premises erected upon the said piece of land or upon some part thereof being property Number 31 on the Company's Upper Studley Estate Trowbridge aforesaid...</i></p> <p><i>And together with (by way of Grant and not of exception) full right and liberty to pass and repass either with or without horses carts carriages motor cars and other hereafter and for all purposes over and along the roads shown coloured brown on the said plan...</i></p>	
<p>English Heritage aerial photograph</p>	<p>Nov 1946</p>		<p>This aerial photograph records that Church Lane exists as a cul-de-sac route which terminates at the field entrance, however, the aerial photograph can provide no additional evidence regarding the status of the track. The property Kynance was not built in 1946 and access to this plot for the residential property from Church Lane cannot be implied from the photograph.</p> <p>The Highway Authority in researching this claim are not concerned with the private rights to property but are concerned only to</p>

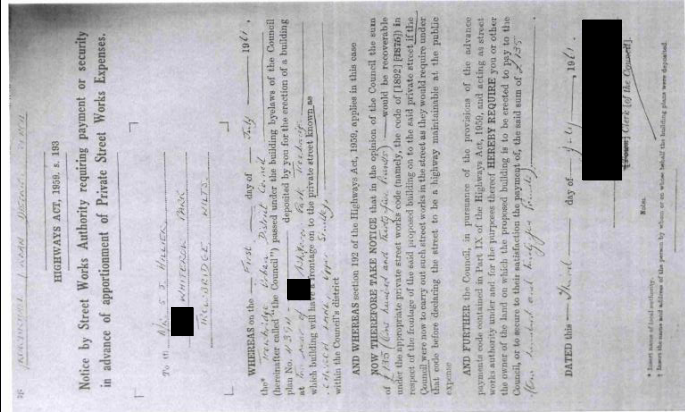
		 <p><i>Images supplied by applicant</i></p> <p>English Heritage Aerial photo Nov 1946 clearly shows that Church Lane is the only possible access road to the plot. If you zoom in you can clearly see that a track leads all the way to the Kynance plot.</p>	<p>correctly record public rights over Church Lane. This area of land is included as plot 16 “Hewitts” pasture owned by Edward Luxford and Charles Spragg in the Tithes Award and the aerial photograph is consistent with OS mapping at this time, i.e. the track terminating at the field boundary and Officers accept that prior to the residential development alongside Church Lane, that the route is likely to have been used by agricultural traffic to access the fields.</p> <p>It is noted that the aerial photographs dated 2005/06 and 2014, show the driveway of the property Kynance orientated towards Lambrok Road, rather than Church Lane.</p>
<p>Drawing no.T1A/15b</p>	<p>Jan 1954</p>	 <p><i>Image supplied by applicant</i></p> <p>Showing a clear gap between Lambrok Road and Church Lane. Access to Lambrok Road not possible. Only possible access is via Church Lane.</p>	<p>The context of this plan is not given, but it appears to be a planning map in relation to the development at Lambrok Road, based on OS mapping. There is a gap between Church Lane, which is shown as per the OS mapping terminating at the boundary of the field to the west. Access to the plot of the later property Kynance is not possible from the Lambrok side, but where the property is not built, access to it cannot be inferred from this map. Again, the authority is not concerned with private access rights to the property.</p> <p>This plan provides no additional evidence of the status of Church Lane, the OS maps from which it derived are topographical in nature,</p>

Trowbridge Urban District Council minutes (Highways Committee) G15/100/49	13 <sup>th</sup> December 1960	<p><b>"2292. Church Lane: Upper Studley.</b> – Upon a report by the Surveyor that land situate on the north side of Church Lane is likely to be developed for residential development it was RESOLVED that the Council be recommended:-</p> <p>(i) By Order to prescribe the centre line of the New Street and the outer lines defining the minimum width, in accordance with S.159 of the Highways Act, 1959.</p> <p>(ii) That the Surveyor prepare a detailed plan in connection therewith.</p> <p>(iii) That the Clerk be authorised to serve all necessary notices and to take all necessary action in connection with the proposed order."</p> <div data-bbox="778 965 1050 1675" style="background-color: #e0e0e0; padding: 5px;"> <p>2292. Church Lane: Upper Studley.—Upon a report by the Surveyor that land situate on the north side of Church Lane is likely to be developed for residential development it was RESOLVED that the Council be recommended:—</p> <p>(i) By Order to prescribe the centre line of the New Street and the outer lines defining the minimum width, in accordance with S.159 of the Highways Act, 1959.</p> <p>(ii) That the Surveyor prepare a detailed plan in connection therewith.</p> <p>(iii) That the Clerk be authorised to serve all necessary notices and to take all necessary action in connection with the proposed order.</p> <p>2293. Traffic Signs.</p> </div> <p>Planning to adopt Church Lane.</p>	<p>i.e. recording only physical features visible to the surveyor at the time of survey. OS maps alone cannot provide evidence of public vehicular rights and must be viewed alongside the other evidence. The termination of the route at the field, perhaps supports earlier evidence of the route as an accommodation road.</p>
Trowbridge Urban District Council Minutes G15/100/49 (Highways Committee)	10 <sup>th</sup> January 1961	<p><b>"2380. Church Lane: Upper Studley (Reference Minute No.2292).</b> The Surveyor submitted the detailed plan in connection with the proposed order under S.159 of the Highways Act 1959, which plan was approved."</p>	<p>This appears to be a reference to further development on the Lambrok Road side of Church Lane, where a significant amount of development had already taken place as can be seen from the OS 25" County Series map 1938 revised by Wiltshire County Council 1950 and 1955.</p> <p>Section 159 of the Highways Act 1959 referred to the "Power to declare existing highway to be a new street", however Church Lane has never been adopted in full, as may be seen from the highway records, despite numerous examples of road adoptions within the Urban District Council minutes and the later adoption of the Church Fields development and a central section of Church Lane.</p>

<p>Trowbridge Urban District Council minutes G15/100/49 (Plans Committee)</p>	<p>13<sup>th</sup> April 1961</p>	<p>2380. Church Lane; Upper Studley (Reference Minute No. 2379). The Surveyor submitted the detailed plan in connection with the order under S.159 of the Highways Act 1959, which plan was approved, figures as follows:—  2381. Road Accident Figures.—The Surveyor submitted the proposed figures for November. Accidents 19, Persons injured 23.  2382. Street Lighting</p> <p>“No.4331 Church Lane (rear No.68 Whiterow Park): Outline application for erection of semi-bungalow for Mr. S. J. Hillier.  <i>Planning: Permission, subject to the Area Planning Officer’s recommendation and to the submission of detailed plans and particulars for the approval of the Council before development is commenced.” (Kynance)</i></p> <p>“No.4333 Church Lane (rear No.42A Whiterow Park): Proposed detached semi-bungalow for Mr K J Hillier.  <i>Byelaws: Surveyor authorised to pass the plan if found to comply with the requirements of the Byelaws; otherwise to reject the plan.</i>  <i>Planning: Permission, subject to the Area Planning Officer’s recommendations. Highways Act, 1959, Sec, 193: Deposit or security in respect of street works in the sum of £162 to be provided.” (Hillbrook)</i></p>	<p>Access to private property with vehicles is not qualifying user “as of right” by the public at large.</p>
<p>Trowbridge Urban District Council</p>	<p>4<sup>th</sup> May 1961</p>	<p>“No.4344 Church Lane (rear No.42 Whiterow Park): Outline application for erection of house or bungalow or Mr. E. J. Organ.  <i>Planning: Surveyor to discuss with the applicant the dimensions of the site and to</i></p>	<p>Kynance Planning Permission.  Hillbrook Planning Permission.</p>

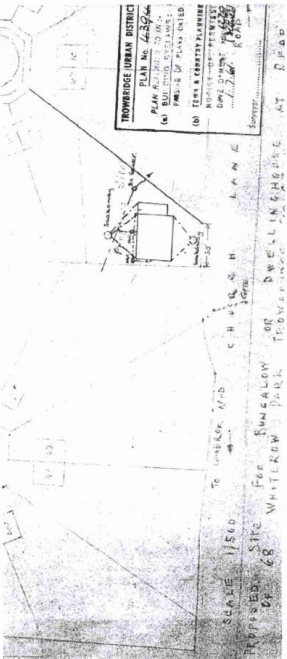
minutes G15/100/49 (Plans Committee)		<p>Minutes, Plans Committee</p> <p>Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house of, bungalow for Mr. E. J. Organ.</p> <p>Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house of, bungalow for Mr. E. J. Organ. Planning: Survey for to discuss with the applicant the dimensions of the site and to report back together with the observations of the Area planning Officer.</p> <p>Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house of, bungalow for Mr. P. W. Hiscock.</p> <p>Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house of, bungalow for Mr. P. W. Hiscock.</p> <p>Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house of, bungalow for Mr. P. W. Hiscock.</p>	<p>report back together with the observations of the Area Planning Officer.”</p> <p>Planning for land fronting between Church Lane and Lambrok Road. See map OS ST8456.</p>
Trowbridge Urban District Council minutes G15/100/49 (Plans Committee)	18 <sup>th</sup> May 1961	<p>“No.4344 Church Lane (rear No.42 Whiterow Park): Outline application for erection of bungalow for Mr. E. J. Organ.</p> <p>Planning: Permission, on an outline application, subject to approval of detailed plans and to satisfactory arrangement of site boundaries.”</p> <p>recomendation.</p> <p>No. 4344 Church Lane (rear No. 42 Whiterow Park): Outline application for erection of bungalow for Mr. E. J. Organ.</p> <p>Planning: Permission, on an outline application, subject to approval of detailed plans and to satisfactory arrangement of site boundaries.</p> <p>No. 4344 Church Lane (rear No. 42 Whiterow Park): Outline application for erection of bungalow for Mr. E. J. Organ.</p>	
Trowbridge Urban District Council minutes G15/100/50 (Plans Committee)	29 <sup>th</sup> June 1961	<p>“No.4394 Rear No.68 Whiterow Park (Church Lane): Detached semi-bungalow and garage for Mr. S. J. Hillier.</p> <p>Byelaws: Pass.</p> <p>Planning: Permission.</p> <p>Highways Act, 1959, Sec. 193: Deposit or security for street works to be provided in the amount of £135.”</p> <p>No. 4394 Rear No. 68 Whiterow Park (Church Lane): Detached semi-bungalow and garage for Mr. S. J. Hillier.</p> <p>Byelaws: Pass.</p> <p>Planning: Permission.</p> <p>Highways Act, 1959, Sec. 193: Deposit or security for street works to be provided in the amount of £135.</p> <p>No. 4394 Rear No. 68 Whiterow Park (Church Lane): Detached semi-bungalow and garage for Mr. S. J. Hillier.</p>	<p>Planning permission granted for the property Kynance requiring a deposit for £135 under the section 193 of the Highways Act 1959.</p> <p>The Urban District Council and later Wiltshire Council, as the Highway Authority, consistently refer to Church Lane as a “Private Street” and development consistent with a private street. This accords with other documentary evidence of the route as an accommodation route, not supportive of public vehicular rights over Church Lane.</p>
Highways Act, 1959. s.193 Notice by Street Works	1 <sup>st</sup> July 1961	<p>Kynance planning permission.</p> <p>“HIGHWAYS ACT, 1959. s.193 Notice of Street Works Authority requiring payment or security in advance of apportionment of Private Street Works Expenses To Mr. S.J. Hillier</p>	<p>The Private Street Works Code empowers a Highway Authority to make-up a private street for adoption as a maintainable highway, at a time when the Authority</p>

<p>Authority requiring payment or security in advance of apportionment of Private Street Works Expenses</p>	<p>Whiterow Park Trowbridge, Wilts</p> <p>WHEREAS on the First day of July 1961 the * Trowbridge Urban District Council (hereinafter called "the Council") passed the building byelaws of the Council plan No. 4394 deposited by you for the erection of a building at The rear of Whiterow Park, Trowbridge which building will have a frontage on to the private street known as CHURCH LANE, Upper Studley, within the Council's district AND WHEREAS section 192 of the Highways Act, 1959, applies in this case NOW THEREFORE TAKE NOTICE that in the opinion of the Council the sum of £135 (one hundred and thirty five pounds) would be recoverable under the appropriate private street works code (namely, the code of [1892] in respect of the frontage of the said proposed building on to the said private street if the Council were now to carry out such street works in the street as they would require under that code before declaring the street to be a highway maintainable at the public expense</p> <p>AND FURTHER the Council, in pursuance of the provisions of the advance payments code contained in Part IX of the Highways Act, 1959, and acting as street works authority under and for the purposes thereof HEREBY REQUIRE you or other the owner of the land on which the proposed building is to be erected to pay to the Council, or to secure to their satisfaction the payment of, the said sum of £135 (One hundred and thirty five Pounds)."</p>	<p>chooses and at the expense of the owners of property fronting the street. The code has its origins in the Public Health Act of 1875 and the Private Street Works Act of 1892. The Advance Payments Code was first introduced in the New Streets Act 1951, amended 1957, aiming to relieve house buyers of road charges under the Private Street Works Code by requiring developers to pay or secure a sum covering the making up of the private street to adoption standard. The provisions were codified in the Highways Act of 1959 (from section 192 onwards), (Sections 219 - 255 of the Highways Act 1980 contain similar and current provision for the Advance Payments Code).</p> <p>Under the Section 219 of the Highways Act 1980, (the 1959 Act relevant to the Church Lane Private Street Works Notice contained similar provision), where it is proposed to erect a building for which plans are required to be deposited with the local authority in accordance with building regulations and the building will have a frontage onto a private street in which the street works authority has power under the Private Street Works Code to require works to be executed or to execute works, no building works shall be commenced unless security has been provided for the sum required under Section 220 in respect of street works. Once notification of the passing of plans has been received by the Street Works Authority, a charge requiring a cash deposit or bonded security can be applied where the building fronts a private street and no exemptions</p>
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	 <p>Image supplied by applicant.</p> <p>Street works paid by Kynance developers. This document proves that Kynance fronts Church Lane and it is a private street.</p>	<p>apply, for which notice is served, as in the Trowbridge case.</p> <p>There are two types of private streets, i) those on a new development and ii) those that have existed for many years such as Church Lane, Trowbridge. It is not unusual for the owners of a private street to be unknown and even if the frontagers do not own the street, the highway authority is only required to deal with the frontagers.</p> <p>The Public Utilities Street Works Act 1950 "Second Schedule Declarations Designating Streets as Prospectively Maintainable Highways" sets out that routes will meet this criteria:</p> <p>"1. Where the appropriate local authority are satisfied as to any street in their area, whether a highway or not, which is not a maintainable highway that is likely to become a maintainable highway, they may declare that it is likely to become such:  Provided that such a declaration shall not be made as to a street which is under the management of control of a transport authority.</p> <p>1. A declaration made under this Schedule shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the street or any part thereof is situated..."</p> <p>A highway maintainable at the public expense is described under Section 36 of the</p>
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		<p>Highways Act 1980:  <i>“A highway shall not by virtue of subsection (4) above become a highway which for the purposes of this Act is a highway maintainable at the public expense unless either-</i>  <i>(a) it was a highway before 31<sup>st</sup> August 1835; or</i>  <i>(b) it became a highway after that date and has at some time been maintainable by the inhabitants at large of any area or a highway maintainable at the public expense...”</i></p> <p>Any carriageway that existed on or before 1835 automatically becomes a highway maintainable at the public expense, which suggests that Church Lane was not considered to be a highway before 1835 and there is no evidence that it became a vehicular highway after that date, other than a footpath, where there is no record of public maintenance as a vehicular route and the minutes and letters adduced in evidence by the applicant support the continuous treatment of Church Lane as a “Private Street”, not relating to public vehicular rights.</p> <p>Wiltshire County Council kept a list of private streets until 1980 which it considered for making up to adoptable standard, although very few were undertaken due to both the cost of construction and administrative procedures for recovering these costs from frontagers, as in the Trowbridge case explained in the letter from Wiltshire County Council to BLB Solicitors dated 12<sup>th</sup> April</p>
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		<p>1991. Church Lane was never adopted in full and monies secured through the Private Street Works, were refunded.</p> <p>The Trowbridge Urban District Council minutes and Wiltshire County Council correspondence, consistently refer to and treat Church Lane as a "Private Street", i.e. a private or unadopted street which is not maintained at the public expense and over which there is no obligation on the Council to carry out repairs, even if the public has a right of access. For most private streets the duty to maintain them falls to the owners of the properties fronting the street.</p> <p>Church Lane is not included in the current list of streets with the exception of the adopted part which is included as non-principal unclassified 7m in length, (Church Fields is also included in this list as non-principal unclassified 134m in length).</p>
<p>Receipt for Streetworks Payment</p>	<p>1961</p>	<p>This document does not support public vehicular rights over Church Lane as a "Private Street", (as above).</p> <div data-bbox="917 1355 1252 1646" data-label="Image"> </div> <p><i>Image supplied by applicant</i></p>

<p>Kynance Planning Drawing no.4394 Trowbridge Urban District Council</p>	<p>1<sup>st</sup> July 1961</p>	 <p><i>Image supplied by applicant</i></p> <p>Kynance plans showing Church Lane and Lambrok Road are separated. Also records a gate that separates the two roads. This gate was previously a cattle gate and marked the end of Church Lane. Now it could be used to stop Church Lane and Lambrok Road becoming a through road.</p>	<p>The evidence of the gate between Church Lane and Lambrok Road, support the existence of a gate as recorded in the Trowbridge Urban District claim map (following the National Parks and Access to the Countryside Act 1949, in preparation for the definitive map) and OS maps before the 1950/1955 revised planning OS sheet, which show a solid boundary at this junction.</p> <p>A gate may have prevented or at least hindered any public use of Church Lane with vehicles and the evidence of the condition of the route suggests that the surface was poor as it continued northwards. The OS mapping records that beyond Church Lane the northward continuation was as a cross-field path. It is unlikely that Church Lane would have been used by the public with vehicles where the gate/boundary and the condition of the path leading northwards may have prevented/hindered vehicular users continuing through to Lambrok Road.</p> <p>It is noted that the gate was present in 1961, even if it was removed at that time for the new properties, it was only another year before the posts were erected over the full width of Church Lane. Therefore, there was only a limited window for unhindered and unobstructed public vehicular use of Church Lane as a through route.</p>
<p>Trowbridge Urban District Council minutes</p>	<p>20<sup>th</sup> July 1961</p>	<p><b>“3154. Upper Studley Vicarage and adjacent land (Reference Plan No. 4213).—</b>  <i>The Surveyor submitted a letter and revised draft layout plan showing proposals for the redevelopment of the site and was instructed to inform the applicants’ agents that in the opinion of the Committee the proposals are generally</i></p>	



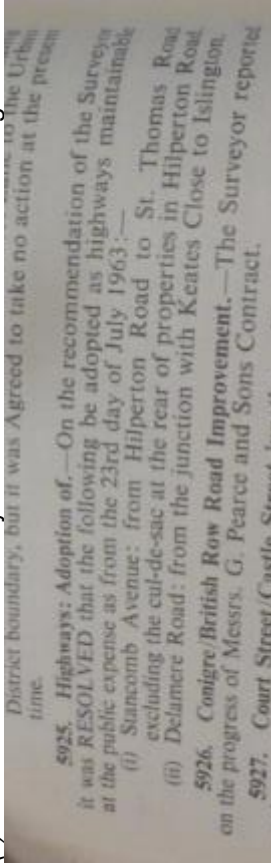
G15/100/50 (Plans Committee)		<p>satisfactory in principle subject to adequate provision for car parking at the proposed new church hall being incorporated in the scheme.”</p> <p>instructed as to the reply to be made. the surveyor reported that the applicants' agents on their proposal and was</p> <p>3154. Upper Studley Vicarage and adjacent land (Reference Plan No. 4213).—The Surveyor submitted a letter and revised draft layout plan showing applicants' agents that in the opinion of the Committee the proposals are generally satisfactory in principle subject to adequate provision for car parking at the proposed new church hall being incorporated in the scheme.</p> <p>3155. Clarendon Road; Site for Bungalow</p> <p>More adequate car parking is necessary for the new church hall. No concern for cars exiting on Frome Road from Church Lane. This is only included as this has been a reason for the council PROW team to refuse access in 2011.</p> <p>“No.4425 Rear No.42A Whiterow Park (Church Lane): Proposed garage for Mr. K. J. Hillier.</p> <p>Byelaws: Defer consideration pending receipt of further particulars.”</p> <p>Byelaws: Defer consideration pending receipt of further particulars.”</p> <p>No. 4425 Rear No. 42A Whiterow Park (Church Lane): Proposed garage for Mr. K. J. Hillier. Byelaws: Defer consideration pending receipt of further particulars.</p>	
Trowbridge Urban District Council minutes G15/100/50 (Plans Committee)	10 <sup>th</sup> August 1961	<p>“No.4425 Rear No. 42A Whiterow Park (Church Lane): Proposed garage amended for Mr. K. J. Hillier.</p> <p>Byelaws: Pass.</p> <p>Planning: Permitted development.”</p> <p>Planning: Permitted development.</p> <p>No. 4425 Rear No. 42A Whiterow Park (Church Lane): Proposed garage amended for Mr. K. J. Hillier. Byelaws: Pass. Planning: Permitted development.</p> <p>Hillbrook garage amendment given planning permission. Council clearly have no objection to another car exiting out of Church Lane on to Frome Road. Access is currently only from Church Lane (see Drawing Number T1A/15b 11<sup>th</sup> Jan 1954 and OS 38/11 1937 edition).</p>	
Trowbridge Urban District Council minutes	9 <sup>th</sup> January 1962	<p>“3787. Lambrok Road: Church Lane.- The Surveyor submitted an enquiry by the owner of the new bungalows fronting on to Church Lane as to whether the Council could put down some hardcore across the verge at the end of Lambrok Road to allow furniture vans, coal lorries, etc., to approach the site. It was RESOLVED that</p>	The OS County Series map dated 1938, with revisions dated 1950 and 1955 to record development to the north of Church Lane, still show a gap between the end of Church

<p>G15/100/50 Highways Committee</p>		<p>approval be given and that the matter be left for the Surveyor to deal with under S.47 of the Public Health Act 1961.”</p> <p>3787. <b>Lambrok Road: Church Lane.</b>—The Surveyor submitted an enquiry by the owner of one of the new bungalows fronting on to Church Lane as to whether the Council could put down some hardcore along the verge at the end of Lambrok Road to allow furniture vans, coal lorries, etc., to approach the site. It was RESOLVED that approval be given and that the matter be left for the Surveyor to deal with under S.47 of the Public Health Act, 1961.</p> <p>3788. <b>Road Accident Figures.</b> The Surveyor submitted a map OS 38/11 1937 edition with revisions circa 1950/55). Now Kynance and Hillbrook were given permission to access from both directions, if only for heavy loads from the North end. This also turned Church Lane into an unofficial through road.</p>	<p>Lane and Acorn Meadow which appears only a footpath. This minute does not make clear if the furniture vans and coal lorries were approaching from Church Lane or Lambrok Road, the reference to the end of “Lambrok Road” may suggest that vehicles were approaching that way and required a surface to continue their journey and access the bungalows. From aerial photographs it can be seen that the access to the property Kynance is angled towards Lambrok Road, for heavy vehicles approaching from the Church Lane end it may have been difficult to turn almost 145 degrees to pull into Kynance from Church Lane, or they may have reversed in when coming from this direction.</p> <p>In any case use with vehicles to access private property does not give rise to public vehicular rights and public vehicular access from Church Lane leading north past the bungalows after April 1962, was not possible where the posts were erected south of Kynance across the full width of the way.</p>
<p>Trowbridge Urban District Council minutes G/100/50 (Plans Committee)</p>	<p>8<sup>th</sup> March 1962</p>	<p><b>4019. Church Lane: Site for Dwelling at rear of No. 42 Whiterow Park</b> (Reference Plan No. 4344). - An inquiry was received from a prospective purchaser of this site as to whether permission would be forthcoming for the erection of a “Woolaway” type bungalow upon it. The observations of the Area Planning Officer had been obtained and were submitted. The Surveyor was instructed to reply to the enquiry to say that the Committee are not prepared to agree to the erection on this site of a bungalow of the type suggested.</p>	<p>Wiltshire Council in this application are not concerned with private vehicular rights or the correct addresses of the properties. This minute does not assist in establishing public vehicular rights over the claimed section of Church Lane.</p>

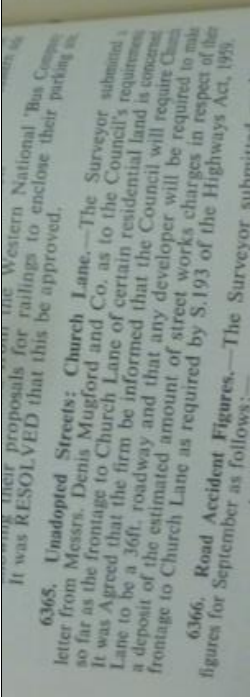
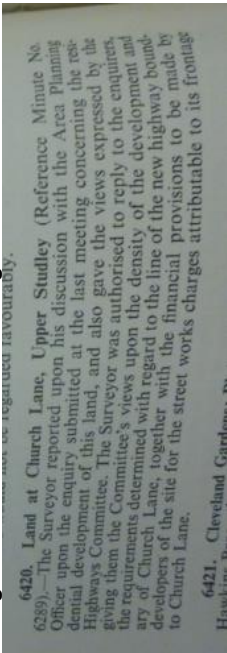
<p>Trowbridge Urban District Council minutes G15/100/50 (Highways Committee)</p>	<p>10<sup>th</sup> April 1962</p>	<p>December, 1961, and which may be seen to have been considered by the Council.</p> <p><b>4019. Church Lane: Site for Dwelling at rear of No. 42 Whiterow Park (Reference Plan No. 4344).</b>—An inquiry was received from a prospective purchaser of this site as to whether permission would be forthcoming for the erection of a "Woolaway" type bungalow upon it. The observations of the Area Planning Officer had been obtained and were submitted. The Surveyor was instructed to reply to the enquirer to say that the Committee are not prepared to agree to the erection on this site of a bungalow of the type suggested.</p> <p>Rear of 42 Whiterow Park is now being referred to as Church Lane when actually it is past the end of Church Lane as shown on all previous maps. This is an argument against a precedent being set for other Church Lane addresses should Kynance and Hillbrook regain Church Lane access.</p>	
<p>Trowbridge Urban District Council minutes G15/100/50 (Highways Committee)</p>	<p>19<sup>th</sup> April 1962</p>	<p><b>4161. Church Lane, Upper Studley.</b> - It was <b>RESOLVED</b> that the Surveyor be authorised to erect posts across the width of the lane near the new bungalows to prevent through vehicular traffic using the lane.</p> <p>Accidents 14, Persons Injured 2</p> <p><b>4161. Church Lane, Upper Studley.</b>—It was <b>RESOLVED</b> that the Surveyor be authorised to erect posts across the width of this lane near the new bungalows to prevent through vehicular traffic using the lane.</p> <p>Posts erected on a private street for which there were plans to adopt in the future. Church Lane was however never adopted. The posts were justified by the council to protect the PROW safety from the cars treating the lane as a through road. The posts remained after 1991 when the street works charge was refunded to [redacted] owners, even though the [redacted] owners requested access in the mid nineties.</p>	<p>If the Urban District Council considered Church Lane to be a full public vehicular highway, the posts would form an obstruction of the highway unless authorised. The erection of the posts has the effect of bringing into question any previous public vehicular use of Church Lane.</p> <p>The posts were erected to prevent Church Lane becoming a through route with vehicles, therefore for qualifying evidence of use by the public with vehicles, a period of user of 20 years prior to that date (1942-1962) is required. Any use with vehicles after that date as far as the property [redacted] and beyond is likely to be by utilising the removable post, which appears to be a private arrangement and does not equate to a public vehicular right.</p>
<p>Trowbridge Urban District Council</p>	<p>19<sup>th</sup> April 1962</p>	<p>No.4603 Studley Vicarage, Upper Studley: Outline application, demolition of existing Viacarage, Parish Room and cottage and erection of new Vicarage;</p>	

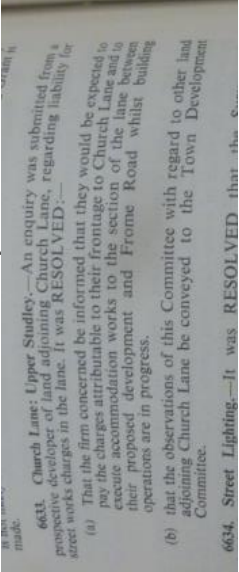
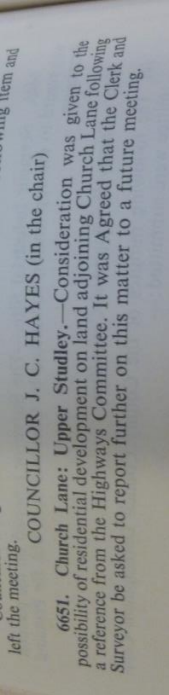
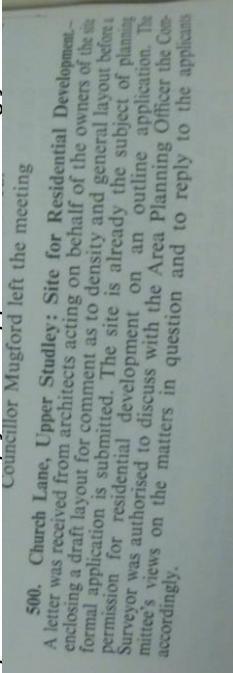
<p>Council Minutes G15/100/50 (Plans Committee)</p>		<p>Sexton's house and a Parish Hall for the Rev. R. H. Gilding.  <i>Planning: Defer, pending receipt of the Area Planning Officer's formal recommendation.</i></p> <p><i>applicant the sting of the proposed building.</i></p> <p>No. 4603 Studley Vicarage, Upper Studley: Outline application, demolition of existing Vicarage, Parish Room and cottage and erection of new Vicarage; Sexton's house and a Parish Hall for the Rev. R. H. Gilding.  <i>Planning: Defer, pending receipt of the Area Planning Officer's formal recommendation.</i></p>	
<p>Trowbridge Urban District Council Minutes G15/100/50 (Plans Committee)</p>	<p>10<sup>th</sup> May 1962</p>	<p>No.4603 St John's, Upper Studley: Demolition of existing Vicarage, Parish Room and cottage, and erection of new Vicarage, Sexton's House and Parish Hall for Rev. R. H. Gilding.  <i>Planning: Defer, pending receipt of Area Planning Officer's recommendation.</i></p> <p><i>St. John's, Upper Studley: Demolition of existing Vicarage, Parish Room and cottage, and erection of new Vicarage, Sexton's House and Parish Hall for Rev. R. H. Gilding.</i>  <i>Planning: Defer, pending receipt of Area Planning Officer's recommendation.</i></p>	
<p>Trowbridge Urban District Council Minutes G15/100/51 (Plans Committee)</p>	<p>21<sup>st</sup> June 1962</p>	<p><b>4437. Plan No.4603: Vicarage, Sexton's House and Parish Hall at Upper Studley (Reference Minute No.4289).</b>-The Surveyor reported that he had had further correspondence with the Area Planning Officer upon the matters raised by him and that a formal recommendation upon the proposal had not yet been received. A letter was submitted from the applicant's architects asking for the inclusion in their application of the proposed use of the site of the existing parish room and sexton's house as an exclusion to the graveyard. It was agreed that the Committee see no objection to this on planning grounds.</p> <p><i>4437. Plan No. 4603: Vicarage, Sexton's House and Parish Hall at Upper Studley (Reference Minute No. 4289).—The Surveyor reported that he had had further correspondence with the Area Planning Officer upon the matters raised by him and that a formal recommendation upon the proposal had not yet been received. A letter was submitted from the applicants' architects asking for the inclusion in their application of the proposed use of the site of the existing parish room and sexton's house as an exclusion of the graveyard. It was agreed that the Committee see no objection to this on planning grounds and the Surveyor was instructed to inform the Area Planning Officer accordingly.</i></p>	

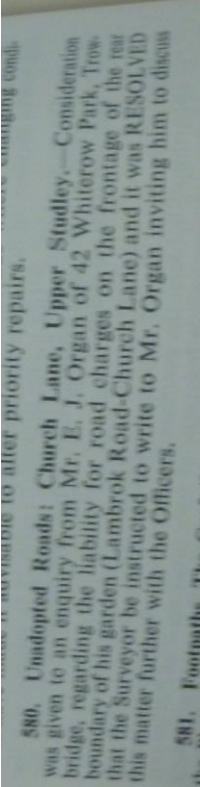
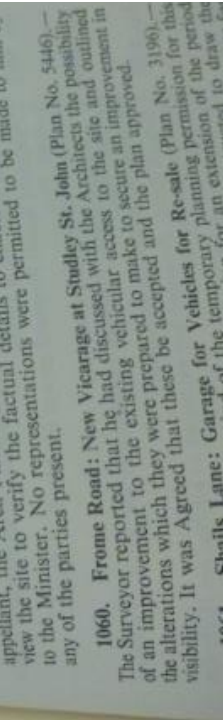
<p>Trowbridge Urban District Council Minutes G15/100/51 (Plans Committee)</p>	<p>23<sup>rd</sup> August 1962</p>	<p><b>4628. Plan No. 4603: Site for new Vicarage, Sexton's House and Parish Room at St John's, Upper Studley</b> (Reference Minute No. 4289).-The Committee considered the views of the Area Planning Officer about the proposed vehicular accesses to Frome Road and were in agreement with his suggestions. The Surveyor was instructed to approach the applicants on this matter and was authorised, in the event of satisfactory amendments being made to the application, to issue permission on the outline proposal.</p> <p><small>Southern Electricity Board v. Ibbotson.</small></p> <p><b>4628. Plan No. 4603: Site for new Vicarage, Sexton's House and Parish Room at St. John's, Upper Studley</b> (Reference Minute No. 4289).—The Committee considered the views of the Area Planning Officer about the proposed vehicular accesses to Frome Road and were in agreement with his suggestions. The Surveyor was instructed to approach the applicants on this matter and was authorised, in the event of satisfactory amendments being made to the application, to issue permission on the outline proposal.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/51 (Plans Committee)</p>	<p>13<sup>th</sup> September 1962</p>	<p><b>4697. Plan No. 4603: Site for new Vicarage, Sexton's House and Parish Room at St John's, Upper Studley</b> (Reference Minute No. 4628).-The Surveyor reported upon a meeting on the site with the applicant's architect, the incumbent and the Area Planning Officer with regard to vehicular access to Frome Road. As agreement had not been reached upon the points at issue, the Area Planning Officer had given his formal recommendation that permission be refused for the reasons that the joint access for Sexton's House and rear of Parish Hall, shown in the application, is inadequate for the joint purpose and the increased use would create dangerous traffic conditions in Frome Road. It was RESOLVED that permission be refused on the grounds stated in the Area Planning Officer's formal recommendation. In the event of an amended application being subsequently submitted, the matter could be considered afresh.</p> <p><small>Chairman v. Plan No. 4603: Site for new Vicarage, Sexton's House and Parish Room at St. John's, Upper Studley (Reference Minute No. 4628).—The Surveyor reported upon a meeting on the site with the applicant's architect, the incumbent, and the Area Planning Officer with regard to vehicular access to Frome Road. As agreement had not been reached upon the points at issue, the Area Planning Officer had given his formal recommendation that permission be refused for the reasons that the joint access for Sexton's House and rear of Parish Hall, shown in the application, is inadequate for the joint purpose and the increased use would create dangerous traffic conditions in Frome Road. It was RESOLVED that permission be refused on the grounds stated in the Area Planning Officer's formal recommendation. In the event of an amended application being subsequently submitted, the matter could be considered afresh.</small></p> <p><b>4698. St. Thomas Road: Use of premises.</b>—A letter signed by the</p>	

<p>Trowbridge Urban District Council Minutes G15/100/51 (Plans Committee)</p>	<p>15<sup>th</sup> November 1962</p>	<p>No. 4760 Upper Studley: Outline application for proposed development for the Rev. R. H. Gilding. Planning: Permission subject to the Area Planning Officer's formal recommendation.</p> 	
<p>Trowbridge Urban District Council minutes G15/100/51 (Highways Committee)</p>	<p>9<sup>th</sup> April 1963</p>	<p><b>“5564. Unadopted Streets: Linden Place.</b> - The Surveyor submitted a letter from residents of Linden Place on the subject of car parking in the street, and asking whether the Council could help by erecting a “No Parking” sign. It was RESOLVED that the Surveyor reply stating that as Linden Place is a private street, the Council are unable to erect an official sign.”</p>  <p>Council unable to act on unadopted private streets.</p>	<p>The applicant has included this extract to demonstrate that the Council is unable to act on unadopted private streets. It was not possible for them to authorise an official sign, which could be misleading to the public.</p> <p>Minutes dated 10<sup>th</sup> June 1971 show that the Urban District Council had a private street works programme and a budget for contract works and administration costs.</p>
<p>Trowbridge Urban District Council minutes G15/100/52 (Highways Committee)</p>	<p>9<sup>th</sup> July 1963</p>	<p><b>5925. Highways: Adoption of.</b>-On the recommendation of the Surveyor it was RESOLVED that the following be adopted as highways maintainable at the public expense as from the 23<sup>rd</sup> day of July 1963:- (i) Stancomb Avenue: from Hilperton Road to St. Thomas Road excluding the cul-de-sac at the rear of properties in Hilperton Road. (ii) Delamere Road: from the junction with Keates Close to Islington.</p> 	<p>Road adoptions by the Urban District Council, but not Church Lane. Officers found many examples of adoptions within the UDC minutes, but no evidence that Church Lane was ever fully adopted as a publicly maintainable highway, despite the adoption of the central section for the Church Fields development.</p>

<p>Trowbridge Urban District Council minutes G15/100/52 (Plans Committee)</p>	<p>31<sup>st</sup> October 1963</p>	<p>"6289. Land at Church Lane, Upper Studley. -The Surveyor reported upon correspondence with the Agents acting for a prospective purchaser of a parcel of land at the rear of Studley Vicarage on the subject of the density of housing development likely to be permitted and the Council's requirements as to the frontage to Church Lane. Outline planning permission for residential development of this land was given in March 1961. The Committee expressed an opinion of the maximum density they would consider to be satisfactory, subject to any lesser density made necessary in securing the proper development of a restricted site, and authorised the Surveyor to consult with the Area Planning Officer before replying on this point. It was decided to refer to the Highways Committee the enquiry relating to the frontage of Church Lane.</p> <p><small>Development Committee.</small>  6289. Land at Church Lane, Upper Studley. -The Surveyor reported upon correspondence with the Agents acting for a prospective purchaser of a parcel of land at the rear of Studley Vicarage on the subject of the density of housing development likely to be permitted and the Council's requirements as to the frontage to Church Lane. Outline planning permission for residential development of this land was given in March 1961. The Committee expressed an opinion on the maximum density they would consider to be satisfactory, subject to any lesser density made necessary in securing the proper development of a restricted site, and authorised the Surveyor to consult with the Area Planning Officer before replying on this point. It was decided to refer to the Highways Committee the enquiry relating to the frontage to Church Lane.</p> <p>Council were aware of Church Fields Estate and the fact that cars would exit out on to Frome Road. Kynance and Hillbrook had already been given planning permission and were built and accessing via Church Lane. Kynance was later refused access due to too many cars exiting on to the Frome Road.</p>
<p>Trowbridge Urban District Council Minutes G15/100/52 (Highways Committee)</p>	<p>12<sup>th</sup> November 1963</p>	<p><b>6365. Unadopted Streets: Church Lane.</b> -The Surveyor submitted a letter from Messrs. Denis Mugford and Co. as the the Council's requirements so far at the frontage to Church Lane of certain residential land is concerned. It was Agreed that the firm be informed that the Council will require Church Lane to be a 36ft. roadway and that any developer will be required to make a deposit of the estimated amount of street works charges in respect of their frontage to Church Lane as required by S.193 of the Highways Act, 1959.</p> <p>The Urban District Council could secure monies from the developers to under section 193 of the Highways Act 1959 to undertake works to bring the private street to the appropriate standard for the development. Although only part of Church Lane is adopted, that section between Frome Road and the adopted highway (Church Fields) is made up, which is likely to be as a result of private street works on that section.</p>


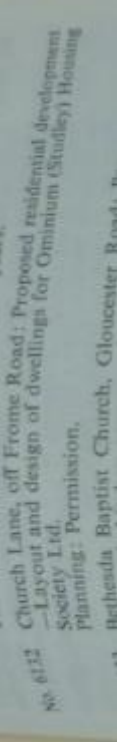
			
<p>Trowbridge Urban District Council Minutes G15/100/52 (Plans Committee)</p>	<p>21<sup>st</sup> November 1963</p>	<p><b>“6420. Land at Church Lane, Upper Studley (Reference Minute No.6289). The Surveyor reported upon his discussion with the Area Planning Officer upon the enquiry submitted at the last meeting concerning the residential development of this land, and also gave the views expressed by the Highways Committee. The Surveyor was authorised to reply to the enquirers, giving them the Committee’s views upon the density of the development and the requirements determined with regard to the line of the new highway boundary of Church Lane, together with the financial provisions to be made by developers of the site for the street works charges attributable to its frontage to Church Lane.”</b></p>  <p>Street works charges for Church Fields. Church Lane was adopted just past the entrance to Church Fields only. See map below from Trowbridge Police Station.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/52 (Highways Committee)</p>	<p>14<sup>th</sup> January 1964</p>	<p><b>“6633. Church Lane: Upper Studley. – An enquiry was submitted from a prospective developer of land adjoining Church Lane, regarding liability for street works charges in the lane. It was RESOLVED:-</b></p> <p><b>(a) That the firm concerned be informed that they would be expected to pay the charges attributable to their frontage to Church Lane and to execute accommodation works to the section of the land between their proposed development and Frome Road whilst building operations are in progress.</b></p> <p><b>(b) that the observations of this Committee with regard to other land adjoining</b></p>	

		<p><b>Church Lane be conveyed to the Town Development Committee.”</b></p>  <p>6633. Church Lane: Upper Studley.—An enquiry was submitted from a prospective developer of land adjoining Church Lane, regarding liability for street works charges in the lane. It was RESOLVED:—</p> <p>(a) That the firm concerned be informed that they would be expected to pay the charges attributable to their frontage to Church Lane, and to execute accommodation works to the section of the lane between their proposed development and Frome Road whilst building operations are in progress.</p> <p>(b) that the observations of this Committee with regard to other land adjoining Church Lane be conveyed to the Town Development Committee.</p> <p>6634. Street Lighting.—It was RESOLVED that the e...</p>	
<p>Trowbridge Urban District Council Minutes G15/100/52 Town Development Committee</p>	<p>16<sup>th</sup> January 1964</p>	<p><b>6651. Church Lane: Upper Studley.</b>—Consideration was given to the possibility of residential development on land adjoining Church Lane following a reference from the Highways Committee. It was Agreed that the Clerk and Surveyor be asked to report further on this matter to a future meeting.</p>  <p>COUNCILLOR J. C. HAYES (in the chair)</p> <p>6651. Church Lane: Upper Studley.—Consideration was given to the possibility of residential development on land adjoining Church Lane following a reference from the Highways Committee. It was Agreed that the Clerk and Surveyor be asked to report further on this matter to a future meeting.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/53 (Plans Committee)</p>	<p>17<sup>th</sup> September 1964</p>	<p><b>500. Church Lane, Upper Studley: Site for Residential Development.</b>—A letter was received from architects acting on behalf of the owners of the site enclosing a draft layout for comment as to density and general layout before a formal application is submitted. The site is already the subject of planning permission for residential development on an outline application. The Surveyor was authorised to discuss with the Area Planning Officer to Committees views on the matters in question and to reply to the applicants accordingly.</p>  <p>Councillor Muggford left the meeting</p> <p>500. Church Lane, Upper Studley: Site for Residential Development.— A letter was received from architects acting on behalf of the owners of the site enclosing a draft layout for comment as to density and general layout before a formal application is submitted. The site is already the subject of planning permission for residential development on an outline application. The Surveyor was authorised to discuss with the Area Planning Officer the Committee's views on the matters in question and to reply to the applicants accordingly.</p>	

<p>Trowbridge Urban District Council Minutes G15/100/53 (Highways Committee)</p>	<p>13<sup>th</sup> October 1964</p>	<p><b>“580. Unadopted Roads: Church Lane, Upper Studley.</b> -Consideration was given to an enquiry from Mr. E. J. Organ of 42 Whiterow Park, Trowbridge, regarding the liability for road charges on the frontage of the rear boundary of his garden (Lambrok Road-Church Lane) and it was RESOLVED that the Surveyor be instructed to write to Mr. Organ inviting him to discuss this matter further with the Officers.”</p>  <p>See OS ST8456 below. End of Church Lane is now considered to have moved further North. Kynance is no longer at the end of Church Lane and it now meets Lambrok Road.</p>	<p>When overlaying a current OS map with historic OS mapping, the field boundary where Church Lane ends remains consistent, but there was a gap between the end of Church Lane and the start of Lambrok Road which coincides with the rear boundary of 42 Whiterow Park, now part of the adopted highway Acorn Meadow.</p> <p>The posts were in place from April 1962, as shown in the Trowbridge Urban District Council minutes dated 10<sup>th</sup> April 1962 and the OS National Grid Series map ST8456 and ST 8556 dated 1968. Public vehicular access from Frome Road as far as Kynance and beyond, was not possible. If the residents were utilising the removable post to access property, this related to a private right rather than public vehicular rights.</p>
<p>Trowbridge Urban District Council Minutes G15/100/53 (Plans Committee)</p>	<p>4<sup>th</sup> March 1965</p>	<p><b>1060. Frome Road: New Vicarage as Studley St.John (Plan No. 5446).</b> -The Surveyor reported that he had discussed with the Architects the possibility of an improvement to the existing vehicular access to the site and outlined the alterations which they were prepared to make to secure an improvement in visibility. It was Agreed that these be accepted and the plan approved.</p> 	
<p>Trowbridge Urban District Council</p>	<p>25<sup>th</sup> March 1965</p>	<p><b>“No.5454 Off Church Lane, Upper Studley: Outline application, proposed layout for 22 houses for Aubrey Bell Ltd. Planning: Permission.</b></p>	

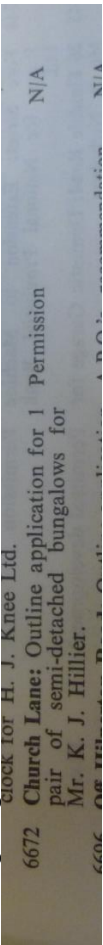
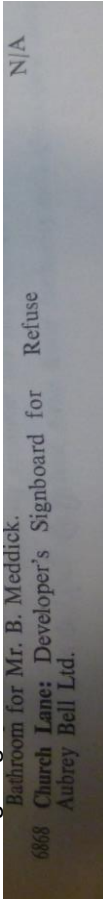
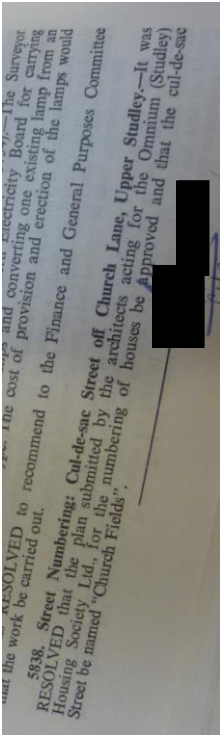
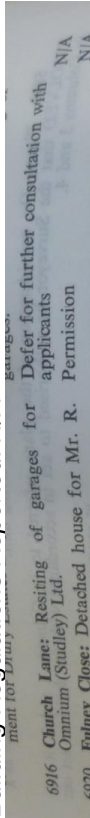
<p>Minutes G15/100/53 (Plans Committee)</p>		<p>Councillor Mugford declared his interest in this plan and took no part in the discussion.”</p> <p>No. 5454 Off Church Lane, Upper Studley: Outline application, proposed layout for 22 houses for Aubrey Bell Ltd. Planning: Permission. Councillor Mugford declared his interest in this plan and took no part in the discussion.</p> <p>“Carpenter’s Arms” Public House, Roundstone Street: Proposed Lots more cars to be exiting out of Church Lane on to Frome Road.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/53 (Plans Committee)</p>	<p>29<sup>th</sup> April 1965</p>	<p>No. 5518 Land off Church Lane, Upper Studley: Outline application for residential development for E. H. Bradley &amp; Sons Ltd. Planning: The Area Planning Officer be informed that the Committee are not in agreement with his formal recommendation. Councillor Mugford took no part in the discussions of this plan.</p> <p>No. 5518 Land off Church Lane, Upper Studley: Outline application for residential development for E. H. Bradley &amp; Sons Ltd. Planning: The Area Planning Officer be informed that the Committee are not in agreement with his formal recommendation. Councillor Mugford took no part in the discussions of this plan.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/54 (Plans Committee)</p>	<p>19<sup>th</sup> August 1965</p>	<p><b>1632. Church Lane: Site for Residential Development-E. H. Bradley &amp; Sons Ltd. (Plan No. 5518).</b> A letter was received from the Clerk of the County Council conveying the recommendation of the Southern Sub Committee to be made to the County Planning Committee at their meeting on 7<sup>th</sup> September and asking whether the Urban Council wished to send representatives to that meeting as the recommendation was not in accordance with the Council’s views. It was RESOLVED that representatives of the Committee attend and that the Clerk prepare the necessary information to substantiate the views of the Committee.</p> <p>should be made to the scheme in submitting it for formal consideration.</p> <p>1632. Church Lane: Site for Residential Development—E. H. Bradley &amp; Sons Ltd. (Plan No. 5518).—A letter was received from the Clerk of the County Council conveying the recommendation of the Southern Sub-Committee to be made to the County Planning Committee at their meeting on 7th September and asking whether the Urban Council wished to send representatives to that meeting as the recommendation was not in accordance with the Council’s views. It was RESOLVED that representatives of the Committee attend and that the Clerk prepare the necessary information to substantiate the views of the Committee.</p>	

Trowbridge Urban District Council Minutes G15/100/54 (Plans Committee)	9 <sup>th</sup> September 1965	<p><b>1732. Church Lane: Site for Residential Development.-E. H. Bradley &amp; Sons Ltd. (Plan No.5518) (Ref. Minute No.1633).</b>-It was reported that Councillors Hayes, Mugford and Singleton, together with the Clerk and the Surveyor, had attended the meeting of the County Planning Committee on 7<sup>th</sup> September and had put forward the views of the Committee upon this application. The formal decision of the County Planning Committee upon the application is now awaited.</p> <p>1732. Church Lane: Site for Residential Development.—E. H. Bradley &amp; Sons Ltd. (Plan No. 5518) (Ref. Minute No. 1633).—It was reported that Councillors Hayes, Mugford and Singleton, together with the Clerk and the Surveyor, had attended the meeting of the County Planning Committee on 7<sup>th</sup> September and had put forward the views of the Committee upon this application. The formal decision of the County Planning Committee upon the application is now awaited.</p> <p>1733. Winofield Road: Residential Development. South. E. H. Bradley &amp; Sons Ltd. (Plan No. 5518) (Ref. Minute No. 1633).—Copies were submitted of notices issued by the County Council of decisions made in respect of the following applications:-</p> <p>Church Lane: Site for Residential Development for E. H. Bradley &amp; Sons Lts. (Plan No.5518) (Reference Minute No. 1732)...</p> <p>In each case the County Planning Committee had refused permission for the proposed development.</p> <p>1812. Planning Decisions issued by the County Council (Reference Minutes No. 1732 and No. 1633).—Copies were submitted of notices issued by the County Council of decisions made in respect of the following applications:—</p> <p>Church Lane: Site for Residential Development for E. H. Bradley &amp; Sons Ltd. (Plan No. 5518) (Reference Minute No. 1732).</p> <p>Canal Road: Site for Residential Development for Aubrey Bell Ltd. (Plan No. 5517) (Reference Minute No. 1633).</p> <p>In each case the County Planning Committee had refused permission for the proposed development.</p> <p>3354. Church Lane, Upper Studley: Residential Development-Messrs Aubrey Bell Ltd. (Reference Plan No.5454.-The Surveyor reported that he, with the Area Planning Officer, had met representatives of the developers to discuss a revised layout for the estate which they wished to put forward in lieu of the layout approved in Plan no. 5454 in April, 1965. A plan showing the revised layout was</p>
Trowbridge Urban District Council Minutes G15/100/54 (Plans Committee)	30 <sup>th</sup> September 1965	<p>1812. Planning Decisions issued by the County Council (Reference Minutes No. 1732 and No. 1633).—Copies were submitted of notices issued by the County Council of decisions made in respect of the following applications:—</p> <p>Church Lane: Site for Residential Development for E. H. Bradley &amp; Sons Ltd. (Plan No. 5518) (Reference Minute No. 1732).</p> <p>Canal Road: Site for Residential Development for Aubrey Bell Ltd. (Plan No. 5517) (Reference Minute No. 1633).</p> <p>In each case the County Planning Committee had refused permission for the proposed development.</p> <p>3354. Church Lane, Upper Studley: Residential Development-Messrs Aubrey Bell Ltd. (Reference Plan No.5454.-The Surveyor reported that he, with the Area Planning Officer, had met representatives of the developers to discuss a revised layout for the estate which they wished to put forward in lieu of the layout approved in Plan no. 5454 in April, 1965. A plan showing the revised layout was</p>
Trowbridge Urban District Council Minutes G15/100/55	8 <sup>th</sup> December 1966	<p>3354. Church Lane, Upper Studley: Residential Development-Messrs Aubrey Bell Ltd. (Reference Plan No.5454.-The Surveyor reported that he, with the Area Planning Officer, had met representatives of the developers to discuss a revised layout for the estate which they wished to put forward in lieu of the layout approved in Plan no. 5454 in April, 1965. A plan showing the revised layout was</p>

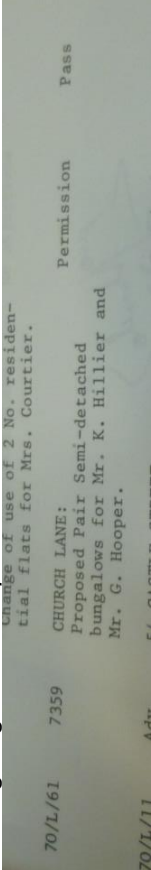
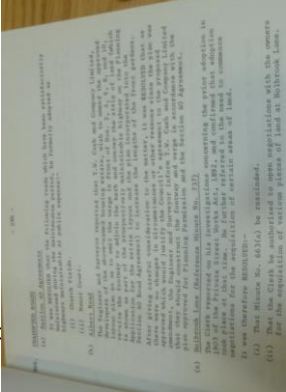
<p>(Plans Committee)</p>		<p>submitted by the developers for the informal observation of the Committee. The Area Planning Officer has intimated that he saw no objection to the revised layout. It was RESOLVED that the developers be informed that a formal application submitted on the lines now suggested and incorporating the arrangements for access to the site as included in the originally approved scheme would be likely to receive favourable consideration. Councillor Mugford took no part in the discussion above.</p> 
<p>Trowbridge Urban District Council Minutes G15/100/55 (Plans Committee)</p>	<p>9<sup>th</sup> February 1967</p>	<p>No. 6132 Church Lane, off Frome Road: Proposed residential development—Layout and design of dwelling for Omnium (Studley) Housing Society Ltd. Planning: Permission.</p> 
<p>Trowbridge Urban District Council Minutes G15/100/55</p>	<p>4<sup>th</sup> April 1967</p>	<p>“3811. Plan No.6132: Residential Estate of Church Lane for the Omnium (Studley) Housing Society Ltd.-The Surveyor reported that the amount of deposit or security required in respect of street works charges was:- (a) In respect of the new estate street: £4,214. (b) In respect of the estate frontage to Church Lane: £1,488. It was RESOLVED that these amounts be approved and that the Clerk take all necessary action under Section 193 of the Highways Act 1959 in respect thereof and also to arrange for the preparation of agreement under Section 40 of the Act with respect to the future adoption of the estate street.”</p> <p>This relates to the Church Fields estate located to the north-east of Church Lane. Church Lane is still treated as a “private street”, the Urban District Council as the Street Works Authority looking to secure a private street works payment for the frontage onto Church Lane, only the estate street is mentioned for future adoption and it was later adopted. Church Lane is never fully adopted</p>

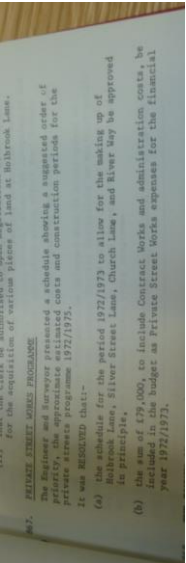
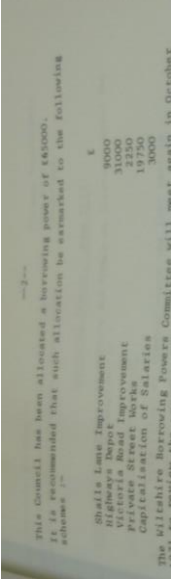
<p>Trowbridge Urban District Council Minutes G15/100/55 (Highways Committee)</p>	<p>11<sup>th</sup> April 1967</p>	<p>mission be granted to the 3811. Plan No. 6132: Residential Estate of Church Lane for the Omnium (Studley) Housing Society Ltd.—The Surveyor reported that the amount of deposit or security required in respect of street works charges was— (a) In respect of the new estate street: £4,214. (b) In respect of the estate frontage to Church Lane: £1,488. It was RESOLVED that these amounts be approved and that the Clerk take all necessary action under Section 193 of the Highways Act 1959 in respect thereof and also to arrange for the preparation of agreement under Section 40 of the Act with respect to the future adoption of the estate street.</p> <p>“Future adoption of the estate street” – Not the rest of Church Lane then? Kynance and Hillbrook (and others?) had also paid street works charges as a condition of planning permission. They were still expecting Church Lane to be adopted and improved as a road, not a track.</p>	<p>as a highway maintainable at the public expense.</p>
<p>Trowbridge Urban District Council Minutes G15/100/56 (Plans Committee)</p>	<p>8<sup>th</sup> June 1967</p>	<p><b>3852. Street Lighting—Church Lane, Upper Studley.</b> - The Surveyor reported that residential development by Messrs. Aubrey Bell Lts, at Church Lane, Upper Studley, for which planning permission has been given, is about to commence. The developers have agreed to provide some temporary lights on poles along Church Lane from Frome Road to the new estate entrance. RESOLVED that the Surveyor be authorised to sell surplus pole brackets in the Council's possession to Messrs. Aubrey Bell Ltd. for the sum of £1 each.</p> <p>Council's positioning of the pedestrian crossings. 3852. Street Lighting—Church Lane, Upper Studley.—The Surveyor reported that residential development by Messrs. Aubrey Bell Ltd, at Church Lane, Upper Studley, for which planning permission has been given, is about to commence. The developers have agreed to provide some temporary lights on poles along Church Lane from Frome Road to the new estate entrance. RESOLVED that the Surveyor be authorised to sell surplus pole brackets in the Council's possession to Messrs. Aubrey Bell Ltd. for the sum of £1 each.</p>	
<p>Trowbridge Urban District Council Minutes G15/100/56 (Plans Committee)</p>		<p>No.6270 Church Lane: 25 No Three Bedroom Houses and Garages for Omnium (Studley) Housing Society. Building Regulations: Pass, subject to siting of dwellings being satisfactory. Planning: Permission previously granted.</p>	

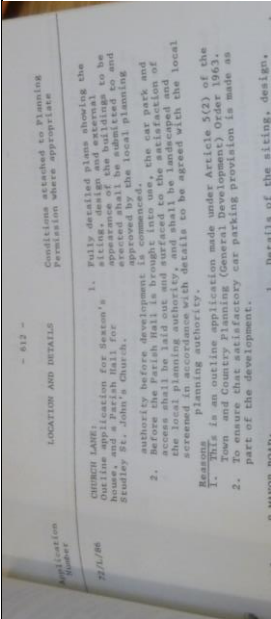
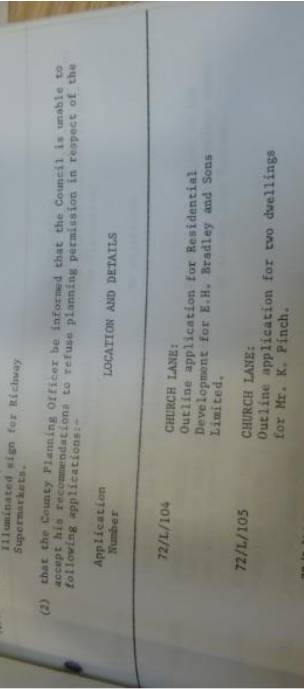
Trowbridge Urban District Council Minutes G15/100/56 (Plans Committee)	21 <sup>st</sup> September 1967	<p>Detailed Plans No. 6270 amended Church Lane: Proposed 25 No. three bedroom houses for Ominum (Studley) Housing Society Ltd. Building Regulations: Pass. Planning: Detailed plans approved.</p>	
Trowbridge Urban District Council Minutes G15/100/58 (Highways Committee)	6 <sup>th</sup> June 1968	<p><b>5233. Statutory Undertakers' Works Reported:-</b></p> <p>(a) Post Office Telephones :-  (i) Residential Estate off Church Lane : Underground telephone cables...  (b) Southern Electricity Board:-  (i) Residential Estate off Church Lane: Underground electricity supply cables.</p> <p>5233. Statutory Undertakers' Works Reported:-  (a) Post Office Telephones :-  (i) Residential Estate off Church Lane: Underground telephone cables.  (ii) Wingfield Road in footway at Western end: Underground telephone cable.  (iii) Residential Estate off Cockhill: Cross connection Cabinet on verge.  (b) Southern Electricity Board:-  (i) Residential Estate off Church Lane: Underground electricity supply cables.  (ii) Fore Street—in footway near Old Post Office: 11 KV and LV underground electricity cables.  (c) West Wilts Water Board :-  Polebarn Road: 6in. water main between Roundstone Street and Ashton Street.</p>	The provision of services to the Church Fields estate in Church Lane as the highway (footpath). Additionally, supports the full width of Church Lane as a highway, where services are located at the boundaries.
Trowbridge Urban District Council	22 <sup>nd</sup> August 1968	6672 Church Lane: Outline application for 1 pair of semi-detached bungalows for Mr. K. J. Hillier. Planning: Permission	20 and 22 Church Lane. Again development consistent with the private street and not additional evidence of public vehicular rights.

Minutes G15/100/58 (Plans Committee)		<b>Building Regulations: N/A</b> 	
Trowbridge Urban District Council Minutes G15/100/58 (Plans Committee)	2 <sup>nd</sup> January 1969	<b>6868 Church Lane: Developer's Signboard for Aubrey Bell Ltd.</b> Planning: Refuse Building Regulations: N/A 	
Trowbridge Urban District Council Minutes G15/100/58 (Highways Committee)	9 <sup>th</sup> January 1969	<b>5838. Street Numbering: Cul-de-sac Street off Church Lane, Upper Studley.-</b> It was RESOLVED that the plan submitted by the architects acting for the Omnium (Studley) Housing Society Ltd., for the numbering of houses be approved and that the cul-de-sac Street be named "Church Fields". 	
Trowbridge Urban District Council Minutes G15/100/58 (Plans Committee)	30 <sup>th</sup> January 1969	<b>6916 Church Lane: Resiting of garages for Omnium (Studley) Ltd.</b> Planning Decisions: Defer for further consultation with applicants Building Regulations Reported: N/A 	
Trowbridge Urban District Council	27 <sup>th</sup> February 1969	<b>6916 Church Lane: Resiting of garages for Omnium (Studley) Ltd.</b> Planning Decisions: Permission Building Regulations Reported: N/A	

<p>Minutes G15/100/58 (Plans Committee)</p>		<p>PLANNING DECISIONS</p> <p>LOCATION AND DETAILS</p> <p>Wyke Farm, Wyke Road: Outline application for Residential Development for with County Planning Officer</p> <p>McCall Bros. Ltd. Bar. Holdings: Unimailed Sign on Street: Use of premises as shop extension for Mrs. M. Kohn.</p> <p>6908 56 Castle Street: New vehicular access for Neuman Hender Ltd.</p> <p>6912 Church Lane: Resting of garages for Ormatum (Studley) Ltd.</p> <p>6916 Church Lane: Residential Development</p> <p>REGULATIONS APPLIED FOR</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	
<p>Trowbridge – Roads and Bridges 1935 – 1968 F2/256/10/1</p>	<p>April-May 1969</p>	<p>PLANNING DECISIONS</p> <p>LOCATION AND DETAILS</p> <p>Wyke Farm, Wyke Road: Outline application for Residential Development for with County Planning Officer</p> <p>McCall Bros. Ltd. Bar. Holdings: Unimailed Sign on Street: Use of premises as shop extension for Mrs. M. Kohn.</p> <p>6908 56 Castle Street: New vehicular access for Neuman Hender Ltd.</p> <p>6912 Church Lane: Resting of garages for Ormatum (Studley) Ltd.</p> <p>6916 Church Lane: Residential Development</p> <p>REGULATIONS APPLIED FOR</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Mr A G Phillips writes to Wiltshire County Council to complain that planning permission has been granted by the Urban District Council for the houses at Church Fields, without access onto a public highway "no adequate means of access" and onto the unmade track (Church Lane), which was not good planning practice. The County Council agree that the Urban District Council has granted planning permission, with access onto a "private street" and the making up of Church Lane is a matter for the Urban District Council as the street works authority.</p> <p>This correspondence is further evidence that there were no public vehicular rights over Church Lane and the reputation of Church Lane as a private street.</p>
		<p>PLANNING DECISIONS</p> <p>LOCATION AND DETAILS</p> <p>Wyke Farm, Wyke Road: Outline application for Residential Development for with County Planning Officer</p> <p>McCall Bros. Ltd. Bar. Holdings: Unimailed Sign on Street: Use of premises as shop extension for Mrs. M. Kohn.</p> <p>6908 56 Castle Street: New vehicular access for Neuman Hender Ltd.</p> <p>6912 Church Lane: Resting of garages for Ormatum (Studley) Ltd.</p> <p>6916 Church Lane: Residential Development</p> <p>REGULATIONS APPLIED FOR</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Mr A G Phillips writes to Wiltshire County Council to complain that planning permission has been granted by the Urban District Council for the houses at Church Fields, without access onto a public highway "no adequate means of access" and onto the unmade track (Church Lane), which was not good planning practice. The County Council agree that the Urban District Council has granted planning permission, with access onto a "private street" and the making up of Church Lane is a matter for the Urban District Council as the street works authority.</p> <p>This correspondence is further evidence that there were no public vehicular rights over Church Lane and the reputation of Church Lane as a private street.</p>

<p>Trowbridge Urban District Council Minutes G15/100/59 (Plans Committee)</p>	<p>28<sup>th</sup> May 1970</p>	<p>70/L/61 7359 CHURCH LANE: Proposed Pair Semi-detached bungalows for Mr. K. Hillier and Mr. G. Hooper.          Planning Decisions: Permission Building Regulations Reported: Pass</p> 	<p>866 refers to the formal adoption of Church Fields as a highway maintainable at the public expense. The remainder of Church Lane, however, is treated differently under the private street works programme. Church Lane being a priority for 1972/73 phase of the 1972-1975 programme, where the Church Fields development is completed. The making up of the unadopted section of Church Lane from Church Fields to Frome Road, that we see today is likely to have been carried out as part of this programme. That section north of the adopted section has not been made up to the same standard where there is less use with vehicles to access residential properties.</p>
<p>Trowbridge Urban District Council Minutes G15/100/60 (Highways &amp; Planning Committee)</p>	<p>10<sup>th</sup> June 1971</p>	<p>866. UNADOPTED ROADS          (a) Section 40 Agreements          It was RESOLVED that the following roads which have been satisfactorily maintained during the maintenance period, be formally adopted as highways maintainable at the public expense:-          (i) Church Fields.</p>  <p>867. PRIVATE STREET WORKS PROGRAMME          The Engineer and Surveyor presented a schedule showing a suggested order of priority, the approximate estimated costs and construction periods for the private streets programme 1972/1975.          It was RESOLVED that:-          (a) The schedule for the period 1972/73 to allow for the making up of Holbrook Lane, Silver Street Lane, Church Lane, and River Way be approved in principle,          (b) the sum of £79,000, to include Contract Works and administration costs, be included in the budget as Private Street Works expenses for the</p>	<p>866 refers to the formal adoption of Church Fields as a highway maintainable at the public expense. The remainder of Church Lane, however, is treated differently under the private street works programme. Church Lane being a priority for 1972/73 phase of the 1972-1975 programme, where the Church Fields development is completed. The making up of the unadopted section of Church Lane from Church Fields to Frome Road, that we see today is likely to have been carried out as part of this programme. That section north of the adopted section has not been made up to the same standard where there is less use with vehicles to access residential properties.</p>

<p>Trowbridge Urban District Council Minutes G15/100/60 (Financial Report)</p>	<p>June 1971</p>	<p><i>financial year 1972/1973.</i></p>  <p>This Council has been allocated a borrowing power of £65000. It is recommended that such allocation be earmarked to the following schemes :-</p> <p>... Private Street Works £19750</p> 	<p>The Urban District Council has a budget to undertake private street works.</p>
<p>Trowbridge Urban District Council Minutes G15/100/61 (Highways &amp; Planning Committee)</p>	<p>6<sup>th</sup> July 1972</p>	<p><i>Application Number 72/L/86</i></p> <p><b>LOCATION AND DETAILS CHURCH LANE: Outline application for Sexton's house and a Parish Hall for Studley St. John's Church.</b></p> <p>Conditions attached to Planning Permission where appropriate</p> <ol style="list-style-type: none"> <li>1. Fully detailed plans showing the siting, design and external appearance of the buildings to be erected shall be submitted to and approved by the local planning authority before development is commenced.</li> <li>2. Before the Parish Hall is brought into use, the car park and access shall be laid out and surfaced to the satisfaction of the local planning authority, and shall be landscaped and screened in accordance with details to be agreed with the local planning authority.</li> </ol> <p><u>Reasons</u></p> <ol style="list-style-type: none"> <li>1. This is an outline application made under Article 5(2) of the Town and Country Planning (General Development) Order 1963.</li> <li>2. To ensure that satisfactory car parking provision is made as part of the development.</li> </ol>	

			
<p>Trowbridge Urban District Council Minutes G15/100/61 (Highways &amp; Planning Committee)</p>	<p>3<sup>rd</sup> August 1972</p>	<p>(2) that the County Planning Officer be informed that the Council is unable to accept his recommendations to refuse planning permission in respect to the following applications:-  Application Number 72/L/104  72/L/105  LOCATION AND DETAILS:  CHURCH LANE: Outline application for Residential Development for E.H. Bradley and Sons Limited.  CHURCH LANE: Outline application for two dwellings for Mr. K. Pinch.</p> 	
<p>Trowbridge Urban District Council Minutes G15/100/61 (Highways &amp; Planning Committee)</p>	<p>7<sup>th</sup> September 1972</p>	<p>Building Regulation Number 7980  LOCATION AND DETAILS CHURCH LANE: Single storey Parish Hall for Rev. R. H. Gilding.</p>	

Committee)			
Trowbridge Urban District Council Minutes G15/100/61 (Highways & Planning Committee)	5 <sup>th</sup> October 1972	<p>Application Number 72/L/183  <b>LOCATION AND DETAILS CHURCH LANE: Proposed Church Hall for Rev. R. H. Gilding.</b>  <b>Conditions attached to Planning Permission where appropriate</b></p>	
Trowbridge Urban District Council Minutes G15/100/61 (Highways & Planning Committee)	7 <sup>th</sup> December 1972	<p><b>CHURCH LANE: Outline application for two dwellings for Mr R. K. Pinch. Refusal</b></p>	
County Secretary and Solicitor's Office letter	Undated	<p><b>"Church Fields and Church Lane, Upper Studley, Trowbridge.</b>  <b>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</b></p>	The applicant dates this letter as 1970, however, it refers to the adopted section of Church Lane for the Church Fields development. The adoption of this highway

and map	<p><i>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 as highways.</i></p> <ol style="list-style-type: none"> <li><i>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.</i></li> <li><i>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).</i></li> <li><i>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.</i></li> <li><i>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."</i></li> </ol>	<p>was not agreed by the UDC until the minutes dated 10<sup>th</sup> June 1971 and the letter also makes reference to responsibility for Church Fields as an adopted highway being passed from the UDC to the County Council, following local government reorganisation in 1974.</p> <p>Again, it is recognised that Church Lane is for the most part not adopted highway, but a "private street" which does not equate to a public vehicular right. Wiltshire Council as the Surveying Authority is concerned only to record public rights correctly and not private access rights to property.</p> <p>It is noted that the full width of the lane is recorded as highway (footpath), which is supportive of the historic width of the lane being available for public use.</p>
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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 lines indicating the extent of the highway which is shown as being 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 (Strome Road) and Lambrook 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 authority powers which were transferred 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 (Strome Road) to its junction with Lambrook 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 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 order of 1911, it is appreciated that the County Council would decide that the cost of the highway in 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.

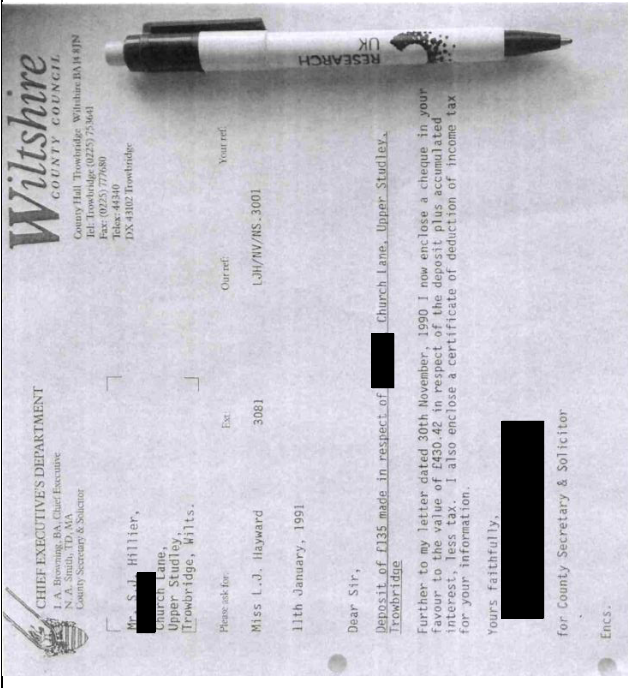
III/ENV/PC.242  
County Secretary & Solicitor's Office,  
County Hall,  
Trowbridge.

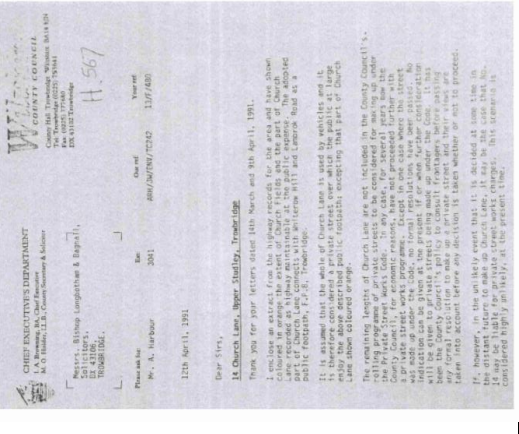


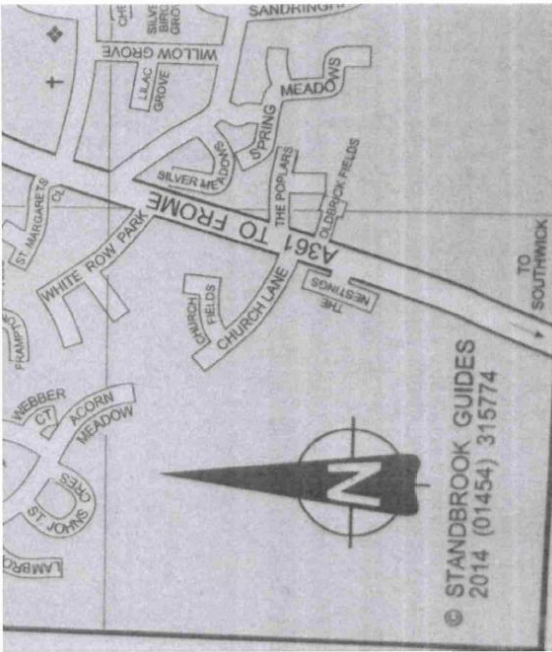
Images supplied by applicant  
There is a public right of way on foot along the whole width of Church Lane.

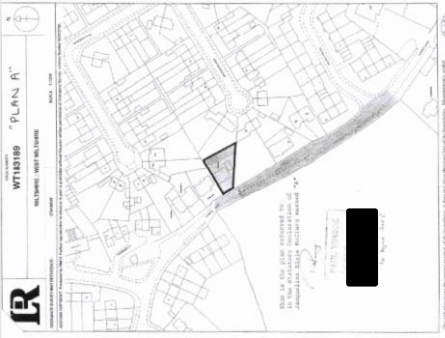
Decision Report – Wildlife and Countryside Act 1981 Section 53  
Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic

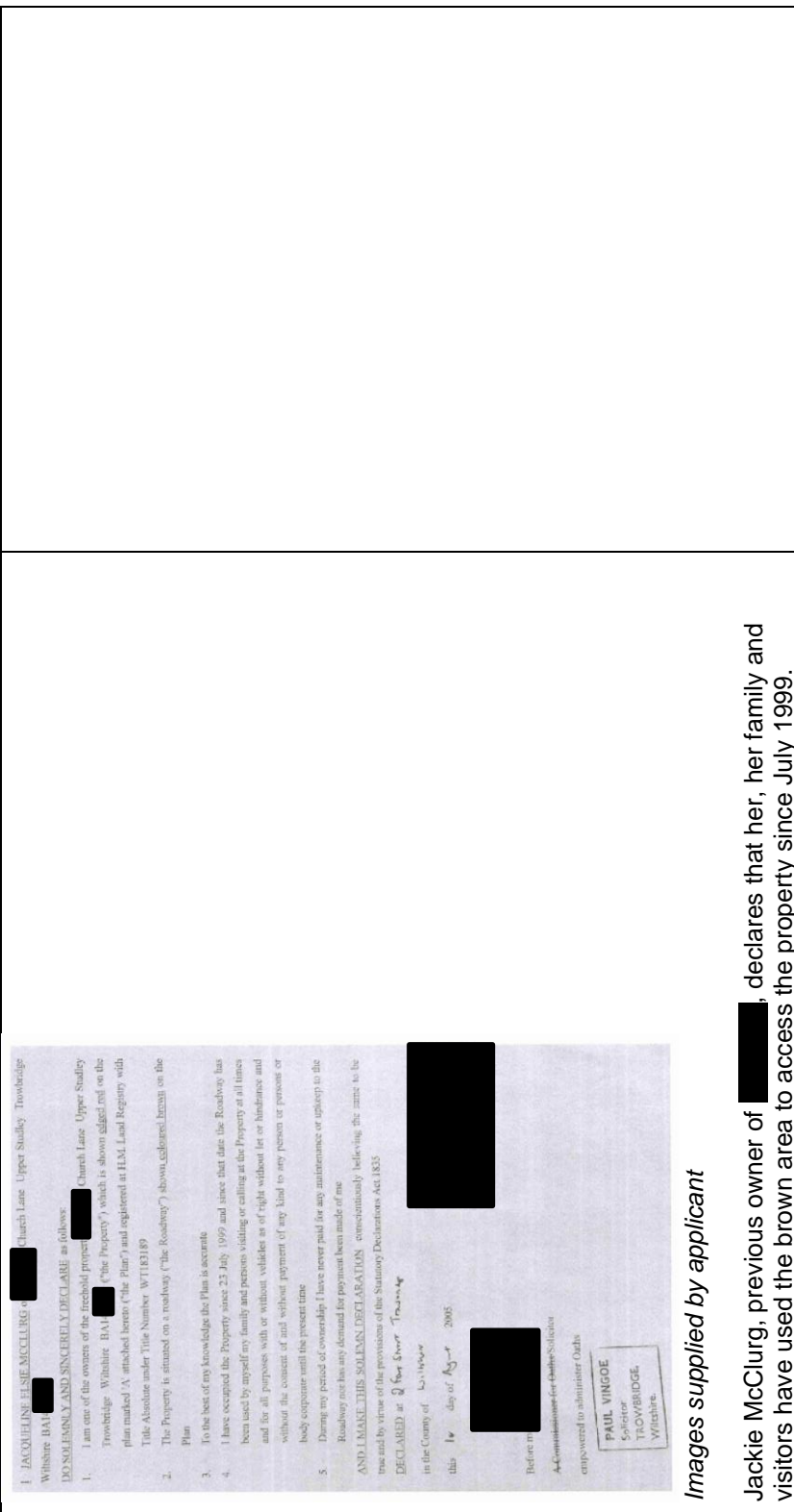
<p>Letter from Wiltshire County Council</p>	<p>11<sup>th</sup> January 1991</p>	<p>Church Lane is however a private street (except, of course, for the half width which has been adopted). So footpath 8 is adopted and the whole width of the lane is a PROW. Also refer to <a href="https://www.wigan.gov.uk/Resident/Parking-Roads-Travel/Public-rights-of-way/Guidance-for-landowners-and-occupiers.aspx#Widthofpublicrightsofway">https://www.wigan.gov.uk/Resident/Parking-Roads-Travel/Public-rights-of-way/Guidance-for-landowners-and-occupiers.aspx#Widthofpublicrightsofway</a> Where it states: Sometimes a width may be recorded on the Definitive Map and Statement (see definitive map and statement) but this is not always the case or the width may be that which has historically been available. In the absence of evidence to the contrary where there is a presumption that the width will be from boundary to boundary. As a guide a PROW needs to be wide enough to allow two legal users to comfortably pass each other. This can be regarded as 2 metres for a footpath and 3 metres for a bridleway, although it should be remembered that this is a guide only and not a legal definition.</p>	
		<p><b><u>“Deposit of £135 made in respect of Church Lane, Upper Studley, Trowbridge</u></b> <i>Further to my letter dated 30<sup>th</sup> November, 1990, I now enclose a cheque in your favour to the value of £430.42 in respect of the deposit plus accumulated interest, less tax. I also enclose a certificate of deduction of income tax for your information.”</i></p>	<p>The letter from Wiltshire Council to BLB Solicitors below perhaps gives further details of why the sum was refunded by Wiltshire County Council, i.e. “...for several years now the County Council, for economic reasons, have not proceeded further with a private street works programme.”</p> <p>A “Private Street” does not give rise to a public vehicular right. Wiltshire Council as the Surveying Authority seeks to correctly record public rights within the definitive map and statement of public rights of way.</p>

		 <p><b>Image supplied by applicant</b></p> <p>Refund of street works charge from 1961. Church Lane to [redacted] will no longer be adopted. Posts remained even though Roger Hillier (heir to Sidney Hillier) also requested Church Lane access in the mid nineties. The letter dated 30<sup>th</sup> November 1990 cannot be located by the archive team at Wiltshire Council, nor by the Wiltshire and Swindon History Centre.</p>	<p>The letter clearly states that the route is enjoyed by the public as a footpath, although the whole of Church Lane is considered a private street for access to property over which there is a public right on foot, i.e. the recorded footpath. The "private street" does not support public vehicular rights.</p>
<p>Letter from Wiltshire County Council to BLB Solicitors</p>	<p>12<sup>th</sup> April 1991</p>	<p><b>"14 Church Lane, Upper Studley, Trowbridge</b>  <i>Thank you for your letters dated 14<sup>th</sup> March and 9<sup>th</sup> April, 1991. I enclose an extract from the highway records for the area and have shown coloured in orange the extent of Church Fields and the part of Church Lane recorded as highway maintainable at the public expense. The adopted part of Church Lane connects with Whiterow Hill and Lambrok Road as a public footpath, F.P.8. Trowbridge.</i>  <i>It is assumed that the whole of Church Lane is used by vehicles and it is therefore</i></p>	

		<p>considered a private street over which the public at large enjoy the above described public footpath: excepting that part of Church Lane shown coloured orange.</p> <p>The remaining lengths of Church Lane are not included in the County Council's rolling programme of private streets to be considered for making up under the Private Street Works Code. In any case, for several years now the County Council, for economic reasons, have not proceeded further with a private street works programme. Except in one case where the street was made up under the Code, no formal resolutions have been passed. No indication can be given at the present if or when further consideration will be given to private streets being made up under the Code. It has been the County Council's policy to consult frontagers before passing any formal resolution to make up a private street and their views are taken into account before any decision is taken whether or not to proceed. If, however, in the unlikely event that it is decided at some time in the distant future to make up Church Lane, it may be the case that No. 14 may be liable for private street works charges. This scenario is considered highly unlikely, at the present time.</p> <p>Any private vehicular rights that do exist over Church Lane would be considered to be of a private nature and, of course, have to be proven to exist if challenged."</p>	<p>Wiltshire Council as the Surveying Authority, in this DMMO application, seeks to correctly record public rights within the definitive map and statement of public rights of way and is concerned with private rights of access to property.</p>
			

		<p>Any private vehicular rights that do exist over Church Lane would be considered to be of a private nature and, of course, have to be proven to exist if challenged.</p> <p>Yours faithfully,</p> <p>for County Secretary &amp; Solicitor</p> <p>Enc.</p> <p><i>Images supplied by applicant</i></p>
<p>Stanbrook Guides map, held at Trowbridge Police Station</p>	<p>2014</p>	<p>The whole of Church Lane is considered a private street and used by vehicles.</p>  <p><i>Image supplied by applicant</i></p> <p>Photo of map in Trowbridge Police Station showing where Church Lane has been adopted, and where it hasn't.</p> <p>The map includes the section of Church Lane at its junction with Frome Road, which is not adopted highway.</p> <p>The map gives no indication of the nature of the public rights recorded the routes shown, but given the gap between Church Lane and Acorn Meadow, it is unlikely that footpaths are recorded where Path no.8 is not shown linking Church Lane and Acorn Meadow. This map is based on OS mapping which is topographical in nature, i.e. recording physical features visible at the time of survey/revision, therefore they must be viewed alongside other evidence.</p>

<p>Statutory Declaration of J McClurg</p>	<p>1<sup>st</sup> August 2005</p>	<p>"I JAQUELINE ELSIE MCCLURG of [redacted] Church Lane Upper Studley Trowbridge Wiltshire BA14 0 [redacted] DO SOLEMNLY AND SINCERELY DECLARE as follows:</p> <ol style="list-style-type: none"> <li>1. I am one of the owners of the freehold property [redacted] Church Lane Upper Studley Trowbridge Wiltshire BA14 0 [redacted] ("the Property") which is shown <u>edged red on the plan marked 'A' attached hereto ("the Plan") and registered to H.M. Land Registry with Title Absolute under Title Number WT183189</u></li> <li>2. The Property is situated on a roadway ("the Roadway") shown <u>coloured brown on the Plan</u></li> <li>3. To the best of my knowledge the Plan is accurate.</li> <li>4. I have occupied the Property since 23 July 1999 and since that date the Roadway has been used by myself my family and persons visiting of calling at the Property at all times and for all purposes with or without vehicles as of right without let or hindrance and without the consent of and without payment of any kind to any person or persons of body corporate until the present time</li> <li>5. During my period of ownership I have never paid for any maintenance or upkeep to the Roadway nor has any demand for payment been made of me</li> </ol> <p><b>AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835"</b></p> 	<p>The brown shaded area is part of Church Lane, (not extending to Frome Road). Ms McClurg claims to have used Church Lane to access the property [redacted] between 1999 and 2005 without let or hindrance or consent, however, the evidence suggests that during this time there were posts in place on Church Lane, preventing public vehicular access. It may be that Ms McClurg and her visitors were aware of the removable post, which would allow them vehicular access, however, this is not made clear in the declaration. If this was the case, this would not relate to a public right with vehicles where there is no evidence that the removable post was communicated to the public and the Trowbridge Urban District Council minutes dated 10<sup>th</sup> April 1962, support that the reason for the posts was to prevent Church Lane becoming a through route for the public with vehicles.</p> <p>This document is not supportive of public vehicular rights.</p>
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		 <p>1. JACQUELINE ELSIE MCCLURG, Church Lane Upper Studley Trowbridge Wiltshire BA14 [redacted] DO SOLEMNLY AND SINCERELY DECLARE as follows:</p> <ol style="list-style-type: none"> <li>I am one of the owners of the freehold property Church Lane Upper Studley Trowbridge Wiltshire BA14 [redacted] ("the Property") which is shown edged red on the plan marked 'A' attached hereto ("the Plan") and registered at HM Land Registry with Title Absolute under Title Number WT182189</li> <li>The Property is situated on a roadway ("the Roadway") shown coloured brown on the Plan</li> <li>To the best of my knowledge the Plan is accurate</li> <li>I have occupied the Property since 23 July 1999 and since that date the Roadway has been used by myself my family and persons visiting or calling at the Property at all times and for all purposes with or without vehicles as of right without let or hindrance and without the consent of and without payment of any kind to any person or persons or body corporate with the present time</li> <li>During my period of ownership I have never paid for any maintenance or subject to the Roadway use has any demand for payment been made of me</li> </ol> <p>AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and in accordance with the provisions of the Statutory Declarations Act 1835</p> <p>DECLARED at [redacted] in the County of Wiltshire this 16 day of August 2006</p> <p>Before me [redacted] A Commissioner for Oaths empowered to administer Oaths</p> <p>PAUL VINGOE Justice of the Peace for WILTSHIRE</p>
	<p><i>Images supplied by applicant</i></p> <p>Jackie McClurg, previous owner of [redacted], declares that her, her family and visitors have used the brown area to access the property since July 1999.</p>	

**The applicant concludes:**

Kynance and Hillbrook were the first developments on Church Lane and only had Church Lane access at first. All of Church Lane was originally planned to be adopted. The end of Church Lane extended to the end of Lambrok Road without apparent deliberate decision by the council. As a result land rear of 42 was given the address of Church Lane when it was built. When the council gave permission to put down hardcore on the verge between Lambrok Road and Church Lane the area became a through road. Next they installed posts despite the fact that the positioning was on unadopted land, and never would be adopted. Kynance and Hillbrook were then denied their original Church Lane access. According to Roger Hillier (Sidney Hillier's nephew who lived there) did not object to the posts.

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**Wiltshire Council concludes:**

Access to properties with vehicles is not qualifying public user where it does not include the public at large. Whilst it is accepted that there was and is some vehicular use of the lane to access land, the church and later the church hall and residential properties, this is not qualifying use by the public at large. In this application, the Highway Authority are not concerned with the private vehicular rights of the property owners over Church Lane, the Authority is concerned only to correctly record public rights. The applicants are concerned to establish a vehicular right to the property in their ownership, however, reference to private vehicular rights must be unpicked from the evidence presented.

It is clear from the Trowbridge Urban District Council minutes and other documents above, that the District Council and then Wiltshire County Council as the relevant highway authority's, considered Church Lane, Trowbridge to be a "private street" and the development permitted alongside Church Lane is consistent with a private street. The only part of Church Lane which was adopted, was that section adjacent to the new development "Churchfields". Whilst the minutes give a useful planning history of Church Lane, they do not assist in supporting public vehicular rights over Church Lane and it can be seen throughout the minutes that whilst other roads in Trowbridge were being adopted, Church Lane was at no time adopted in full, even when the Church Fields estate was built and even though concern was expressed regarding the standard of the surface of Church Lane and its junction with Frome Road for additional vehicular traffic as a result of the Church Fields development.

Overall, the evidence is not supportive of public vehicular rights over Church Lane, or the reputation of Church Lane as a vehicular highway which has been maintained at the public expense.

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Appendix 9 – User Evidence Summary

Name	Address	Years used	How used	Frequency	Others seen	Width	Signs/ gates/ obstructions	Permission	Owner aware
1 A May	Church Lane	06-present	Walking Running	Daily	Walking	5m until 2011, less than 1m afterwards	No	No	Yes, his land registry does not include the area within his boundary. I told him that the public used to be able to walk on his fenced off area.
2 R Hillier	Holbrook Lane	40's-present	Several means	Daily at one time	Yes	Full width (land at rear of 69 Whiterow Park encroached on lane)	Farm gate & stile (pre- development). 5 or 6 wooden posts erected by Council to stop cars using as a rat run.	Town Council 1961	
3 G Gray R ****	Manor Road	01-18	Riding horse Walking	Weekly	Walking Cycling	5m	Posts	No	Yes because it was clearly a footpath/bridleway
4 R Weedon	Regents Place	07-present	Walking	Daily, sometimes twice daily	Walking Bikes Horses	5m	Posts	No	Yes - Obvious
5 Z ****	Oak Park	10-present	Walking (Can't ride horse due to barriers)	Weekly	Walking	5m	Posts	No	Yes – Made complaints no one listened
6 L Hunt	Oak Park	92-present	Walking Cycling	About 30 times per year	Walking Cycling Pushchairs	About 5m	No	No	Yes – cause when they moved there it was a

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7	D Gumm	Acorn Meadow	17-18	Walking Cycling	5 x a week	Yes sometimes	About 5m, has become narrower	Overgrown hedges. Vision at night and early mornings when its dark	No	public bridleway
8	K Hunt	Acorn Meadow	83-18	Walking	3-4 times per week	Walking Cycling		When I used the path way back in 1983- 1988 approx signpost saying no cyclists. The signpost disappeared and I have continued to use the path way and ongoing 3-4 times a week	No	Yes because of the signpost saying no cyclists
9	S Hussey J Kennett	Regents Place	00-present	Walking	Daily	Walking Cycling	5m	Posts	No	Yes – because its obvious
10	M Edwards	Acorn Meadow	91-present	Walking	Once a week	Lots of people	5m	No	No	Don't know
11	C Speakman	Lambrok Road	15-18	Wheelchair	Daily – but not at moment due to overgrown hedges and path so narrow	Cyclists Walkers	Under 1m should be 5m	Metal barriers. Undergrowth shrubby 20m long fence leaving no access to travel through	No	Yes – it's a public right of way

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12	T Cutts	Lambrok Road	06-present	Wheelchair	Monthly	Walkers Cyclists	About 1.3m now between brambles and fence impassable. Used to be 5m from tarmac path across the gravel.	Signposts – just road names. Fence, foliage, nettles and bad, very bad condition of path	No	Yes – public bridleway
13	T Lewis	Acorn Meadow	94-present	Walking	A couple of times a week	Occasionally Walkers	About 5m, now seems narrower.	When its dark its very dangerous going through the path as there always appears to be lots of rubbish etc	No	Not applicable
14	M Dunne	Church Lane	80-92, 95-06-18	Walking Cycling	Daily	Families Children Wheelchairs Bikes Walkers	Grass area 4m+. Fruit hedgerow on each side of lane. 1m wide FP before builder bought it, then became mess and restricted. Changes to gravel area restricted.	No	No owner	No owner

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15	P Moore	Acorn Meadow	73-18	Walking	Twice a week	Walking Riding horse	Since house built path has got smaller	Was a gate at some point	No	Yes – path been there for years
16	D Moore	Acorn Meadow	73-18	Walking	Twice a week	Walking Riding horse	Since house was built path smaller	Was a gate at some point	No	Yes – path been there for years
17	A Whelan	St Johns Crescent	03-18	Walking	Daily	Walking Cycling	Changed from 15/20ft to about 1m – too small	I believe there used to be a footpath sign at the entrance to the path, there was no gates or styles. Only a footpath sign. No obstructions – a open area/road and I believe the Council maintained the area.	No – I've always known it to be a public footpath	Yes, it was always used by the public and I believe they did know this.
18	E Whelan	St Johns Crescent	12-18	Walking	Twice a day	Walkers Students going to school	Used to be 18ft, now reduced to 1m due to houses built and overgrown bushes	Public footpath signs. No gates/stiles until houses were built. The bushes are	Never, it's a public footpath	Yes, as they have commented on the public using "there" garden. They wouldn't have needed to put up barriers if they weren't aware.

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19	C Whelan	St Johns Crescent	03-18	Walking Cycling	Daily/twice a day for 15 yrs	All the time Walking Cycling (previously seen horses)	Used to be about 15- 18ft, now no longer than 1m wide and unkept. Fences put up path shortened.	overgrown and the stinging nettles overbearing. The fence is blocking up the footpath.	No – I've always known it to be a public footpath and footpath signs used to be in place at entrance to road.	Yes – as the area is used daily by many people going to shops and cutting through from one estate to another, also it has access to our community church and as a Christian I want/need to access this to gain entry to my church.
20	C Gulliver	Aldeburgh Place	03-18	Walking	Weekly	Loads	5m	No – except posts that do not obstruct	No	Yes – people use it all the time and did so before his house was built. I don't know
21	F Green	Acorn Meadow	06-18	Walking	1 per fortnight	Walking Cycling	5m	No	No	I don't know
22	B Hodge	St Johns Crescent	06-18	Walking	About twice a yr. It's a bit hard to walk on now	Several people	Was 4-5m, now 1m – fence moved	Just posts	No	Yes – its obvious
23	D Morris	Lambrok Road	12-18	Walking	Weekly	Walkers	Probably	Metal barriers	No	It's a public

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24	S Dunk	Aldeburgh Place	94-18	Walking Pushchair Bike	Every day	Cyclists Loads Now have to wait for others to finish using it before I can	less than 2m 5m	Little posts	No	footpath You can just see it is – main footpath to church
25	C May	Semington Road, Meiksham	06-18	Walking Car occasionally Cycling	2-3 times per yr with car until 2010 20 x per yr walking	Walkers Cyclists	Was 5m available until new houses built at Acorn Meadow end when FP was fenced and reduced to 1m. Vegetation occasionally reduces this further to about 1/2m – chicane built at time of fence, also restricts use, especially with bikes.	No	No	Yes – because of the number of people using the path
26	C Price	St Johns Crescent	14-18	Walking	Daily	Walking Cycling	5m	Posts	No	No – because it was very much used as one before
27	J Joseph	Manor Road	01-16	Walking	Every day	Lots Walking	5m	No	No	Because we used it way before he built his house

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28	S Wheeler D Wheeler	Church Lane	06-18	Walking Cycling	Daily	Cycling	It was 5m now reduced to less than 1m at times	There were posts restricting vehicular access	N/A	Yes – Prior to building work and fencing of area adjacent land owner allowed hedges to overgrow to be able to claim the land
29	A Franklin	Aldeburgh Place	10-18	Walking	5-10	Walkers Cyclists (previously horse riders)		Metal barriers installed to force cyclists off. Horses could no longer get through. Always assumed it was always open to the public and I still do.	Yeah by myself	Yes- because they always have. If someone bought a pub they wouldn't be surprised by passing trade or people passing surely. This still counts.
30	N Gillman	Lambrok Road	01-18	Walking	Weekly	Cyclists Walkers	5m	Posts	No	Its obvious
31	T Bishop	Roundstone Street	70-18	Driving	About once a year	Driving Walking	Whole width about 4.5m	No – apart from present obstruction before “Kynance”	No	
32	Cllr R Brice	Church Fields	68-18	Walking Cycling	About 10 times a year	Everyday Walking Cycling	Was 5m wide. Reduced by 4m by fences	Cycle barrier	There has been an established public footpath there for at	Yes because he left room for a narrow path which was tarmaced

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33	S Farrow	Acorn Meadow	76-18	Walking	Daily	Mainly access	5m	No	least 50 years	Don't know
34	V Knight	Lambrok Road	56-18	Walking Cycling	Weekly	A lot Walking Cycling	Approx 4m, several houses and car parking on north side	None	No	Because of the amount of use
35	H Gates M Gates	Acorn Meadow	98-18	Walking	Once a month	Walking	5m			
36	L Bradshaw	St Johns Crescent	74-18	Walking Cycling	At least a few times per week	Walking	5m	Just posts – not always	No	When he bought the land he'd have seen people using it
37	D Turner	Aldeburgh Place	00-16	Walking	Every day	Loads Walking Cycling	5m	Just posts	No	Had plans when built
38	D Murrell	Church Lane	96-18	Walking Cycling	Daily	Walking Cycling Motorbike Tractor	3m until houses built then restricted by fence to 1m fp	Posts as shown on plan until house built at A then land blocked with fence just leaving footpath open	No	Yes – it has always been a lane
39	O Smart	The Nestings	49-18	Walking	Weekly from 1949, now daily	Loads Walking	5m from 1950's	No		
40	A Gunning	St Johns Crescent	1970 sporadically, 85-18	Walking	Once per year	Not that I remember	5m	No, except posts	No	Its just frickin' obvious
41	S O'Neill	Aldeburgh Place	Throughout	Walking	Every few	Horse riding	Was about	Nothing	I've always	Because without

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			my life (d.o.b. 99)-18			weeks	Cycling Walking	5m, now about 1m	locked	been under the impression it was a public walkway too	bringing common sense into it, its obviously not his land or property and it was more separate
42	F O'Neill	Aldeburgh Place	80-18	Walking Cycling	Daily		Walking	Its been getting smaller 5.5m	No – the builder encroached further and further with metal fencing which turned into proper fence	No	He must have seen the horses and people
43	S Passmore	Lambrok Road	02-	Walking Cycling	Weekly		Horse riding Cycling Walking		Small white plastic post appeared around 2003	There was no fencing the path/road was clear	Yes
44	J Studden	Aldeburgh Place	88-present	Walking	Used to be a couple of times a week Daily		Walking	5m	Only posts – not obstructing pedestrians	No	People use it all the time, you couldn't not notice that
45	S Siminsky	Aldeburgh Place	03-18	Walking	Daily		Walking	5m	No – some posts	No	Obvious
46	A Cane	Manor Road	02-18	Walking	Was everyday		Lots Walking	5m	Only posts – not an obstruction to me	No	Obvious! Path was there before the house
47	J Webb	St Johns Crescent	06-18	Walking	5 times a year		Walking	5m	No	No	Its always been a public byway heading to Frome Road

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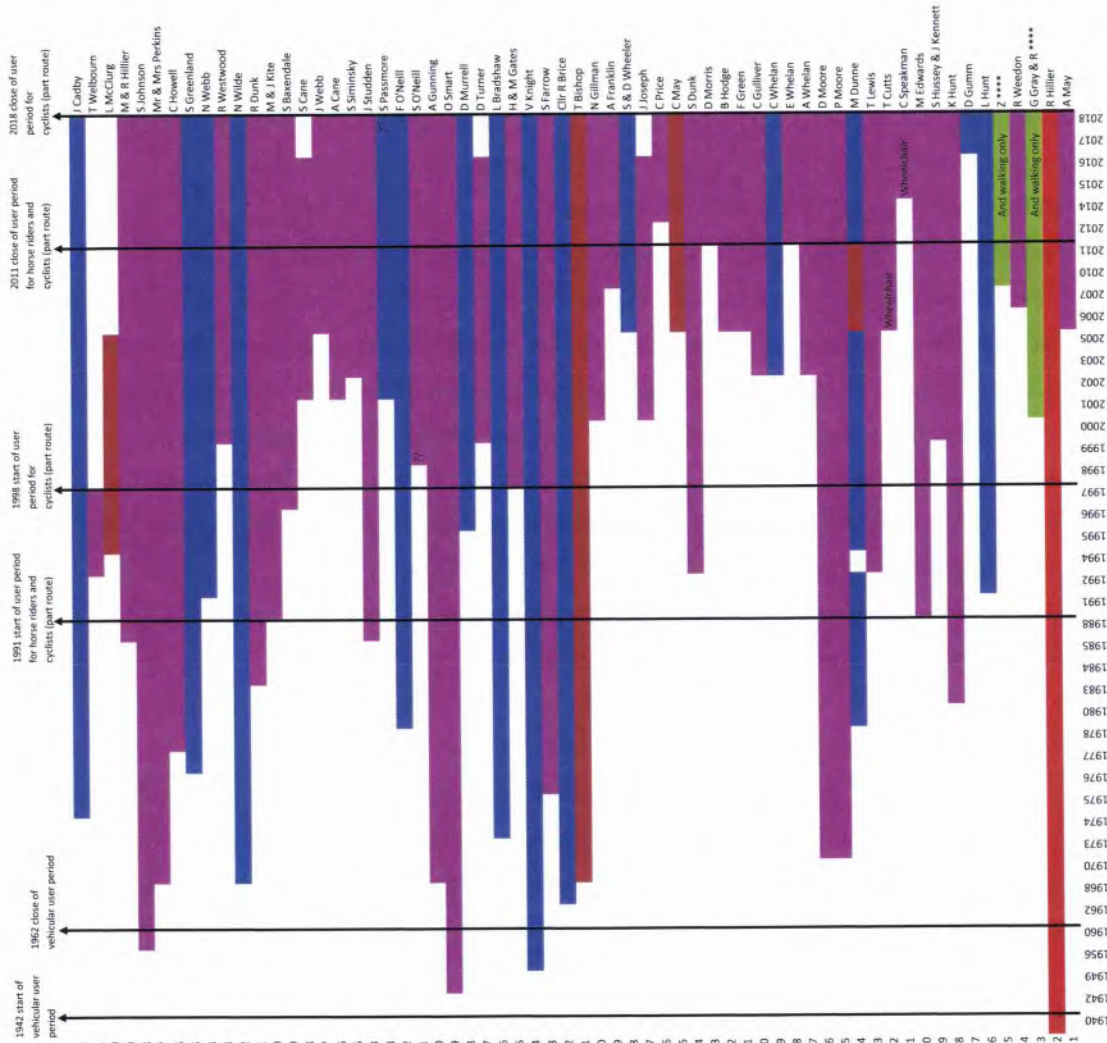
48	S Cane	Manor Road	02-16	Walking	Daily	Walking Cycling	5m	Only posts, obstructs only vehicles	No	Yes – its obvious
49	S Baxendale	Aldeburgh Place	97-18	Walking	Daily	Loads Route to church & hall	5m	Just posts	No	Yes - He'd have seen people
50	M Kite J Kite	Regents Place	91-18	Walking	Daily, bit less now	Always	5m	Posts	No	Yes - Everybody used it everyday
51	R Dunk	Aldeburgh Place	84-18	Walking	3-4 times a week	Walking	5m	No, except posts	No	Yes – You can see it is PROW
52	N Wilde	Aldeburgh Place	70-18	Walking Cycling	2-3 times per week	Loads	5m	No	No	Yes – of course
53	R Westwood	St Johns Crescent	00-18	Walking	At least twice a week	In the past horses, motorbikes	About 5m	Just bollards	No	Yes – he would have seen them
54	N Webb	St Johns Crescent	92-18	Walking Cycling Running	Always people using it as I live round the corner	Walking Cycling Running	Approx 5m	None	No, as I've always known it as a public walkway as I've lived on Studley Green since I was a child	Yes – because it was maintained by Council, also it has hedges on the left hand side which isn't there now, which was about 5/6 feet beyond where the fence has been put up.
55	S Greenland	Aldeburgh Place	77-18	Walking Cycling	Varies – was daily, now 2-3 times per month	Not now – mainly late evening. Used to see loads	5m	No – the posts weren't there in my childhood	No	Yes – obvious! Its been there since I was 6
56	C Howell	Church Fields	78-18	Walking	6 times a year	Cyclists Walkers	5m		Always been a right of way as	Unknown

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57	Mr Perkins Mrs Perkins	Church Fields	70-18	Walking	As required	Yes	5m	On Frome Road entrance it says no through road. Posts	No	far as I know	Yes – he should have been
58	S Johnson	St Johns Crescent	60-18	Walking	Monthly	Walking Cycling	5m	Posts	No		Yes – They're not stupid
59	M Hillier R Hillier	Church Fields	88-18	Walking	About once a month	Walking	Originally about 4m now fenced and restricted	No	No		Yes - obviously
60	L McClurg	Concord Close	95 - 05	Walking Cycling Driving	Daily	Walking Cycling	5m	Removable post	No		No - as there was no owner
61	T Welbourn	The Rank	94 - 97	Walking	3-4 times a week	Other	Footpath & lane approx. 4m	Gates but I can't remember exact positions	No		Yes - it's a public footpath
62	J Cadby	The Rank	75 - present	Walking Cycling Running	Varied over the years – maybe 20 times per year	Yes, it's a busy path	5-6m ish	A builder fenced off an area in 2010. Then could only walk on the tarmac only leaving a chicane on completion.	No		Yes - it's a public footpath, used all the time

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Appendix 1b - User Evidence Chart



Please note this refers to the maximum use by an individual, e.g. a user on bicycle or on horseback is also very likely to have referred to their use of the way on foot in addition.

- On foot
- On horseback
- With Vehicles
- Cycling
- Unspecified

## Decision Report

### Wildlife and Countryside Act 1981 – Section 53

#### Application to Upgrade Footpath no.8 Trowbridge (Part), Church Lane, to a Byway Open to All Traffic

### Appendix 11 – Bringing Into Question

In the Trowbridge case, those who have used the route on foot have not been prevented from doing so, but witnesses do refer to the reduction of the width of the path, (which did not prevent use on foot and with bicycles), but which did prevent user on horseback:

<b>User</b>	<b>Nature and Date of Obstruction</b>
1	<p>In 2006 when I moved to my house I could walk across the whole width of footpath 8 from hedge to hedge. There was lots of room and I could walk with a group of friends easily. There was 5 metres of room. There was a metal gate entrance to a field which is still there. Now there is only room for single person at a time because the grass you could walk on has been fenced off. You have to wait for other pedestrians to exit it before you can use it. Brambles scratch at you from the field side, and weeds grow a lot from the fence side. It is dangerous with many pot holes and one could easily fall or twist ankles.</p> <p>Width – 5m until 2011, less than 1m afterwards</p> <p>Ever stopped or turned back – No except by the present barrier and 1m high fencing</p>
2	<p>Full width lane from the oak tree just below Framfield to the Manor Road estate outside Hillbrook. The land was bordered on both sides by a ditch and a hedge which marked the boundary of 42A, 68, 69 and 70 Whiterow Park (surface water from Whiterow Park entering the ditch through a large pipe by Brynaron and the garden of 69 Whiterow Park). The council erected the posts across the lane to stop vehicles using the lane as a rat run between Frome Road and Manor Road. Before the estate was built the lane was used by the farm to access the fields which are now Lambrok Road.</p> <p>Width – Full width (Land at rear of 69 Whiterow Park encroached the lane).</p> <p>Gates/stiles - Farm gate and stile. (pre development)</p> <p>Obstructions - Five or Six wooden posts erected by Council to stop cars using as rat run</p> <p>Photograph dated early 1990's showing posts in place</p>
3	<p>I used to be able to ride my horse across the whole width from hedge to hedge. There was 1 metre width of a tarmac strip footpath but also 4 metres of grass to a hedge. There was plenty of room for me to pass pedestrians walking on the path. Now I cannot ride my horse there due to the chicane.</p>

	<p>Width – 5 metres</p> <p>Obstructions - Posts</p>
4	<p>5m wide grassy area that groups of people could walk on from edge to edge with plenty of room to pass, even with a horse or two. 1 – 1.5m wide tarmac strip with more room to the right.</p> <p>Width – 5m</p> <p>Obstructions - Posts</p>
5	<p>5m wide grassy area that groups of people could walk on from edge to edge with plenty of room to pass, even with a horse or two. 1-1.5m wide tarmac strip with more room to the right as you walk up Church Lane.</p> <p>Can't ride horse due to barriers.</p> <p>Width – 5 metres</p> <p>Always used same route – Yes. Had to stop riding horse and child in wheel chair have to go all around the long way</p> <p>Obstructions - Posts</p>
6	<p>Path leads from Acorn Meadow up to Church Walk, was once open with grass on the left coming from Acorn Meadow and wide, and is now fenced off where grass was, path is narrow and restricted, and hard to walk along especially when overgrown.</p> <p>Width – About 5 metres</p>
7	<p>A very narrow path. Only big enough for one person to walk along. Difficult to cut through when the hedges alongside it are overgrown. Litter is left alongside. Very dark at night time. Difficult.</p> <p>Width - The path is about 5 metres. The path has become narrower.</p> <p>Obstructions – Overgrown hedges. Vision at night and early mornings when its dark.</p>
8	<p>5 metres wide grassy edge single people and groups of people can walk freely on, plenty of room for double buggies, stopped at a trimmed looked after hedge.</p> <p>Signposts/waymarkers - When I used the pathway back in 1983 – 1988 approx signpost saying no cyclists. The signpost disappeared and I have continued to use the pathway and ongoing 3-4 times a week</p>
9	<p>Used to be 1m tarmac strip with about 1m of grass to the right then a ditch then a hedge. There was 4m of grass to the left of the tarmac strip to another hedge. You could walk anywhere across this whole width from hedge to hedge, plenty of room for groups of people and dog walkers to pass each other from opposite directions. The grass was usually short, but overgrew to brambles until the new house was built. Now my severely disabled daughter cannot walk there. ██████ cannot use the path now with her mobility scooter.</p> <p>Width – 5m</p> <p>Obstructions - Posts</p>
10	<p>The path is not as wide as it was before the buildings. Not wide enough for a wheelchair and has never been maintained and the grass by the fence is growing over the path.</p> <p>Width – 5m wide</p>

11	<p>Public footpath (right of way) that leads from Acorn Meadows to Churchfields and out on to Frome Road. It has metal railings and a fence which restricts pathway for access to footpath. This route is nearly impossible for myself to navigate due to being wheelchair dependant.</p> <p>Use – Daily but unable to at moment due to overgrown hedges and path being so narrow</p> <p>Width – Under 1m should be 5 metres</p> <p>Changed route – Yes due to over grown hedge and wooden fence I now have to travel and push myself an extra ¾ of a mile the long way round. Which is very strenuous due to my condition.</p> <p>Obstructions - Metal barriers. Undergrowth shrubbery 20metre long fence leaving no access to travel through.</p>
12	<p>Dilapidated state with overgrown nettles/foilage one side and fence on other makes it awkward to get through. I remember gravel across 5m width because I can't use it with wheelchair. Other people could walk across that.</p> <p>Width – About 1m 30cm now, between brambles and fence. Impassable. Used to be 5m from tarmac path across the gravel.</p> <p>Signposts/waymarkers – Just road names</p> <p>Obstructions - Fence, foliage, nettles and bad, very bad condition of path.</p>
13	<p>A narrow path that leads from Acorn Meadow into Church Lane. There are narrow railings to get between, which leads to the narrow path. On one side is hedges/bushes and the other side is where builders of the new houses have left it in an awful sight. Before the builders were there the path was wider, clearer and a lot safer.</p> <p>Width – The path is about 5 metres. I am sure over the years the path seems narrower.</p> <p>Obstructions – When its dark its very dangerous going through the path. As there always appears to be lots of rubbish etc.</p>
14	<p>Then – Open grass area 4 metres wide, 1 metre wide footpath, hedgerow fruit either side...</p> <p>Now – Overgrown footpath. ½ metre wide brambles and stingers. Enclosed gravel area, very little space to walk with family, single file allowing others to pass as there is no room for buggy's and horse and dog.</p> <p>Width – Grass area 4 metres or more wide. Fruit hedge row on each side of the lane. 1 metre wide footpath clear and open space before builder bought it then it became a mess and restricted. Changed to gravel area restricted.</p> <p>Always used same route – Yes until land was changed. Drove to my property unless wet and muddy. Since lane had been changed unable to access my property have to take a long route to work. Rode my bike to work.</p>
15	<p>Tarmac path with grass either side.</p> <p>Width – Since house was built the path has got smaller.</p> <p>Gates/stiles - Was gate at some point.</p>
16	<p>Tarmac path with grass either side.</p> <p>Since house was built the path smaller.</p>

	Gates/stiles - Was a gate at some point.
17	<p>The path used to be a very wide path with a grass verge to the right house to the left.</p> <p>Width – It has changed from 15/20 foot to about a meter – to small.</p> <p>Signposts/waymarkers – I believe there used to be a footpath sign at entrance to path.</p> <p>Notices/signs – No only a footpath sign.</p> <p>Obstructions – No a open area/road and believe the Council maintained the area.</p> <p>Stopped/turned back – No but it so unkept its very hard to use this area. Used to be clean and tidy and bushes and trees were kept tidy. A small space is hard to access.</p> <p>Ever told not public - One day it was a large well kept space then the houses were built and the path was made very small, too small.</p>
18	<p>Fencing is on the left side of the path, with over-grown greenery on the right, i.e. thorns/nettles the ground is unsteady and uneven making it easy to trip, the floor is always damp making the area unpleasant, the path itself is rather narrow because of the overbearing greenery and unnecessary fencing.</p> <p>Width – Used to be 18ft now reduced to 1mtr due to houses being built and overgrown bushes.</p> <p>Signposts/waymarkers - Public footpath signs</p> <p>Gates/stiles - No gates/stiles until houses were built</p> <p>Obstructions – The bushes are overgrown and the stinging nettles overbearing. The fence is blocking up the footpath</p> <p>Stopped/turned back - Whilst houses were being built we were asked not to use the walkway (my only way to school) and not to park near the walkway.</p>
19	<p>A large open road/pathway width shrubs and trees to the right hand side. New built houses to the left going up the hill.</p> <p>Width – It used to be about 15/18 foot wide its now no longer than a meter wide and unkept. Fences put up path shortened.</p> <p>Changed route - No reason to change my route although when changes were made my double buggy no longer fitted through so I couldn't take my children that way which was very upsetting.</p> <p>Signposts/waymarkers - Always a post saying public footpath.</p> <p>Gates/stiles - No gate or styles ever until houses were built.</p> <p>Obstructions - The stinging nettles and fences put up blocking the footpath and iron gates that were never there before.</p> <p>Stopped/turned back - The road was blocked when houses were being built. I could not access the road for a few weeks.</p> <p>Permission – No I've always known it to be a public footpath and footpath signs used to be in place at entrance to road.</p>
20	<p>5m wide grassy area with lots of room for groups of people to pass each other. A metal gate on the left is still there. Now posts have been replaced by an ugly metal chicane and</p>

	<p>fencing that goes all the way up past the two new buildings, severely limiting pedestrian movement and access.</p> <p>Width – 5m</p> <p>Obstructions – No, except posts that do not obstruct.</p>
21	<p>A tidy tarmac path about 1 metre wide, grassy for 1 metre to the right and 4-5 metres on the left. You could walk across the whole width without obstruction, except the posts.</p> <p>Width – 5 metres</p>
22	<p>5 metre wide with a tarmac footpath. Lined with hedges. A metal gate on the left on entrance to a field. Big trees encroaching on to the grass a bit at the top.</p> <p>Width – It was about 4-5 metres, now it 1 metre – fence moved.</p> <p>Obstructions – Just posts</p>
23	<p>A path that leads from Acorn Meadows to Churchfields and out onto Frome Rd. Very narrow with overgrown vegetation on one side and a wooden fence on the other which extends for about 20 metres making the first 20 metres very difficult to navigate when overgrown.</p> <p>Width – probably less than 2 metres.</p> <p>Obstructions – Metal barriers</p>
24	<p>You used to be able to walk across the whole width from hedge to hedge. It was 1m of tarmac path and about 4 metres of grass. Lots of room for people in groups to pass. Now I struggle to get my push chair through the chicane, and down the path. Only single file is possible now.</p> <p>Others seen – Yes – loads, but now I've got to wait for others to finish using it before I can.</p> <p>Width – 5 metres</p> <p>Gates/stiles – No, little posts</p>
25	<p>In 2006 the footpath was to the right, a grassed area, approx. 4 mtrs wide, with bushes and shrubs against the 2 x boundaries and a ditch alongside the path. Occasionally there were wooden stakes across the path but these were removable and often not there. In 2011ish builders separated the footpath from the remaining area with a fence, drastically reducing the area available. A 6' wooden fence was erected across the grass part, and a metal fence and chicane installed.</p> <p>Width – Was 5 mtrs width available until new house built at Acorn Meadows end, when footpath was fenced and reduced to 1mtr wide. Vegetation occasionally reduces this further to about ½ mtr – Chicane built at time of fence also restricts use, esp with bikes.</p>
26	<p>Pleasant grassy path 5m wide with tarmac strip and edged with hedges, ditch on right. You could walk across the whole width.</p> <p>Width – 5m</p> <p>Obstructions - Posts</p>
27	<p>5m wide, grassy, plenty of room, prettier, felt safer with more room, no pot holes, not muddy.</p> <p>Width – 5 metres</p>

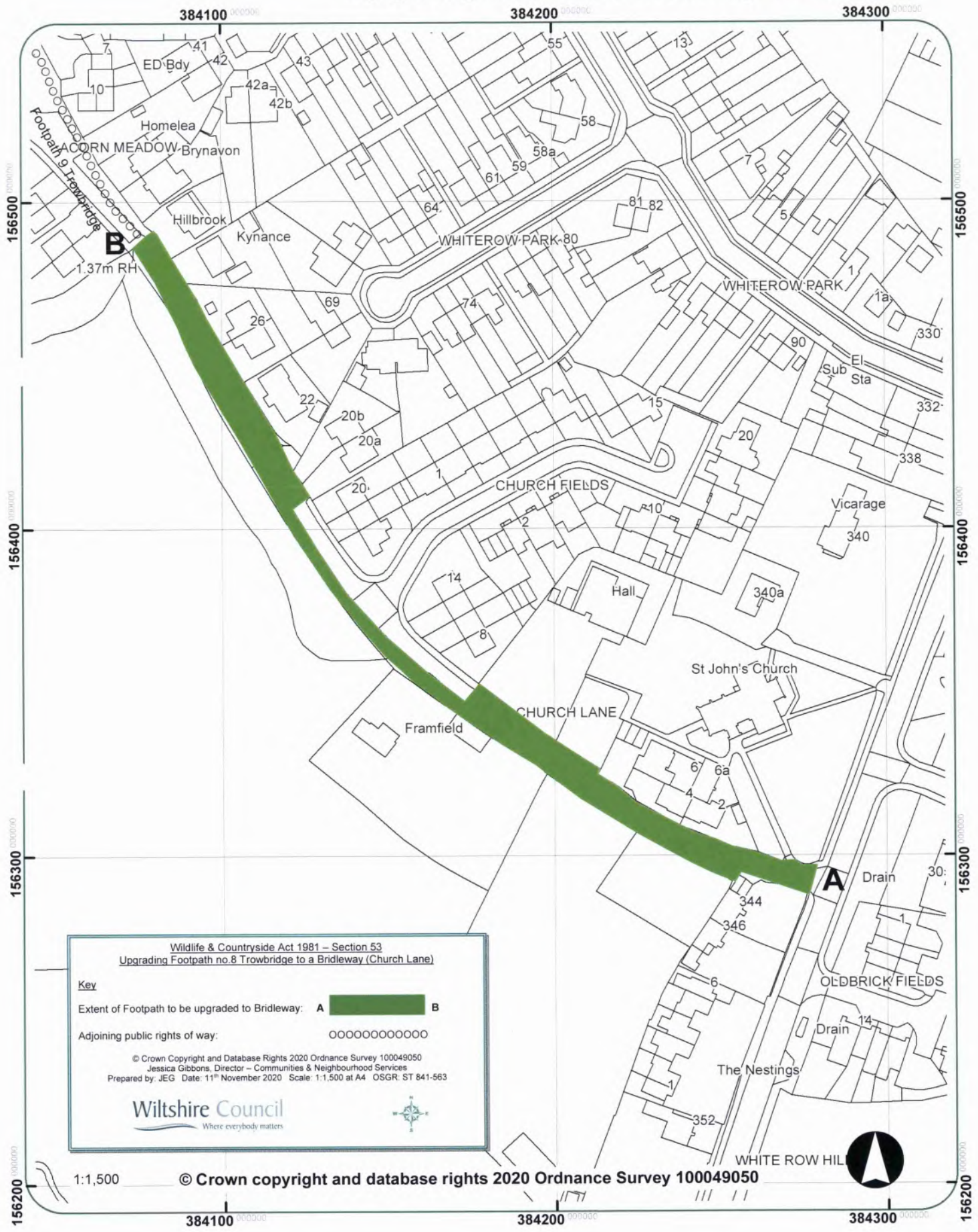
	Same route – No, now feel vulnerable – too narrow, no lighting now or then, pot holes now unsafe. Scratched up by brambles.
28	<p>Approx 5m grassed area at the end of Church Lane with access to Studley Green for walking, cycling and often horses. Maintained pathway with hedges and wildlife posts stopped any motor vehicles from entering Upper Studley from Studley Green.</p> <p>Width – It was 5m and has been reduced to less than 1m at times.</p> <p>Changed route – Yes, flooding occurs where a new fence has been put.</p> <p>Obstructions – There were posts restricting vehicular access.</p> <p>Owner aware – Prior to building work and fencing of area adjacent landowner allowed hedges to overgrow to be able to claim the land.</p>
29	<p>Used to be open ended and was a lovely walk with fields and the great outdoors on 1 side, gave nice scenic route to church and pub. There was an important access point to the country park and it was lovely to be in a town with such easy access to country park, we need these green areas and free access to these areas.</p> <p>Gates or stiles – Metal barriers installed to force cyclists off. Horses could no longer get through.</p>
30	<p>Used to be easy to walk on with the people I support because it was level, space to pass people and not overgrown. It was 5m wide, lined with hedges and has a 1m tarmac strip.</p> <p>Width – 5m</p> <p>Obstructions - Posts</p>
31	<p>The whole width of Church Lane Upper Studley from its junction with Frome Road to where it connects to Lambrok Road.</p> <p>Width – Whole width about 4.5m</p> <p>Gates/stiles/obstructions – No apart from present obstruction before “Kynance”</p>
32	<p>From Church Lane to Acorn Meadow whole width. 5 mtrs.</p> <p>Width – Was 5m wide, reduced by 4 mtrs by fences.</p> <p>Gates or stiles – Cycle barrier</p> <p>Landowner aware – Yes because he left room for a narrow path which was tarmaced.</p>
33	<p>No obstructions except posts. Where there is now gravel there was grass and we could walk on it all the way up to the hedge boundary of the field.</p> <p>Width – 5m</p>
34	<p>Enter from north end hedges on both sides several large trees, on the left hand side there was a wooden fence with a gate, used as a back entrance to a house in Whiterow Park</p> <p>Width – Approx 4 metres, several houses and car parking on north side.</p>
35	<p>1 metre wide path (tarmac) 4 metre of Grassy walk way lined with hedgerow this allowed plenty of room when walking in groups and passing other people. We also stopped to pick fruit and socialise.</p> <p>Width – 5m</p>
36	<p>Tarmac path with 5m grass on left, and 1 metre on right, enclosed by hedges both sides.</p> <p>Width – 5 metres</p>

	Gates or stiles – just posts – not always
37	Normal path with accessible grass on left side. Width – 5 metres Obstructions – Just posts
38	Starts outside Hillbrook at end of tarmac 'Acorn Meadow' and runs up towards 'Frome Road', gravel up to posts marked on map, originally from posts to end of tarmaced 'Church Lane' was an earth/grass track until taken over when houses at A built, just leaving footpath which is tarmaced. Marked green on plan. Width – 3m wide until houses built in area A then restricted by fence to 1m footpath. Changed route – Unable to use full width of lane after houses built in area A. Gates or stiles – Posts as shown on plan until house built at A then land blocked with fence just leaving footpath open.
39	It used to be a nice 5m wide grassy lane that you could walk anywhere on from width to width, there were horse riders too. Only the tarmac strip is available to walk on by the fence now and is too narrow sometimes due to overgrowth from both sides and brambles. That strip and gravel and pot holes are dangerous due to degradation and I recently fell over on it. Width – 5m – from 1950's
40	Grassy, walk off the path (tarmac bit) if someone was coming. Bordered on right with ditch and hedge, hedge on left pass grass. Width – 5 metres Obstructions – No, except posts
41	Used to be a wide public path that I could easily walk down with my dogs, it also used to be clear, now its over grown and there is lots less space. Width – Was about 5 metres – now is about 1
42	Housing on right. Field on left green sides on path RH LH Width – its been getting smaller 5½ metres Changed route – When the building and work Obstructions – No – The builder encroached further and further with metal fencing which turned into proper fence.
43	The path was a ruff piece of land. Used same route – Yes, until the path was blocked. When walking my dog to Southwick Park, because of the restricted route, I found an alternative route. Signposts/waymarks – Small white plastic post appeared around 2003. Obstructions – white post Permission – There was no fencing, the path/road was clear
44	Used to be wide, pretty, grassy area edged with hedging on both sides. A ditch on right being grass up to it from the 1m tarmac path, a metal gate on the left leading to the hedge boundary. About 4 metres to the left hedge to the tarmac. Now it is only wide enough for 1 person. You get a muddy puddle in the chicane, and scratched by the brambles.

	Width – 5 metres Obstructions – Only posts – not obstructing pedestrians
45	5m wide grassy area, plenty of room hedges trimmed both sides. Width – 5m Obstructions – No – some posts
46	1m wide tarmac footpath, 4m of grass that was mown to the left up to a hedge, 1m of grass to right up to a ditch and hedge to the field. Width – 5m Obstructions – Only posts – not an obstruction to me
47	It was 1m wide tarmac strip, 4m of grass you could walk on and was mown on the right was a hedge with a big ditch, and on the left past the grass was another hedge. Width – 5 metres Changed route – Few time Building Materials all over Footpath.
48	Used to be 1m wide tarmac strip with about 1m of grass to right, then a ditch then hedge. 4m of grass to the left of tarmac strip to another hedge. You could walk across the whole width and the grass was usually short but overgrown with brambles later, for about 1 to 2 years. Width – 5m Obstructions – Only posts, obstructs only vehicles.
49	1m tarmac strip, 4m of grass to the left that you could walk on, leading to hedge. 1m of grass to right leading to a ditch and hedge. Grass was mown. Width – 5m Obstructions – Just posts
50	Used to be 1m tarmac strip with about 1m of grass to the right, then a ditch then a hedge. There was 4m of grass to the left of the tarmac strip to another hedge. You could walk anywhere across this whole width from hedge to hedge. Plenty of room for groups of people and dog walkers to pass each other from opposite directions. The grass was usually short, but overgrew with brambles from 2010ish until the new house was built. Width – 5m Obstructions - Posts
51	You used to be able to walk across the whole width from hedge to hedge. It was 1m of tarmac path and about 4 metres of grass. Lots of room for groups of people to pass each other. Width – 5 metres Obstructions – No, except posts
52	A gravelled (loose, bit bigger than pea gravel) track at least 5m wide. No posts in 70's (early) and late 60's. Width – 5m
53	Looking up to church 1m tarmac stripped with grass then about 4m of grass to left. There was 5/6 bollards where the present gate is.


	<p>Width – 5m</p> <p>Gates/stiles – Just bollards</p>
54	<p>The path was 1 metre with Grass on the left hand side which people could walk on if people was coming the other way, hedges on the right with a ditch.</p> <p>Width – Approx 5 metres</p> <p>Owner aware – Yes, because it was maintained by Council, also it had hedges on the left hand side which isn't there now, which was about 5/6 feet beyond where the fence had been put up.</p>
55	<p>1m wide tarmac strip, 4m of grass that anybody could walk on, and was mown, on the left to a hedge, 1m of grass to hedge on the right.</p> <p>Width – 5 metres</p> <p>Always used same route – No – I go all over the place. Varying the route, now its unsightly.</p> <p>Obstructions – No – the post weren't there in my childhood.</p>
56	<p>Wide grassy lane that could be walked across whole width, two groups of people could easily pass between two hedges.</p> <p>Width – 5m</p>
57	<p>5m wide grassy path/lane with 1m – 1½ m tarmac strip. Groups of people could easily pass each other.</p> <p>Width – 5m</p> <p>Notices/signs – On Frome Road entrance it says no through road.</p> <p>Obstructions - Posts</p>
58	<p>5m wide grassy area that groups of people could walk on from hedge to hedge with plenty of room to pass, even with a horse or two. 1 – 1½ m of tarmac strip too.</p> <p>Width – 5m</p> <p>Obstructions - Posts</p>
59	<p>5 metre wide footpath with 1m tarmac strip that groups of people and horses could pass easily on. Hedges lined either side and a ditch too.</p> <p>Width – Originally about 4m wide now fenced and restricted.</p>
60	<p>Width – 5m</p> <p>Obstructions – Removable post</p>
61	<p>Old footpaths and lane used for years to access country park via different routes and to get to houses in Studley Green.</p> <p>Width - Footpath and lane approx 4m</p> <p>Gates but I can't remember exact positions</p>
62	<p>The path was a tarmac 1m ish path with grass each side. The whole width about 5-6m wide. Each side was lined with wild hedgerows.</p> <p>A builder fenced off an area in 2010. Then you could only walk on the tarmac only, leaving a chicane on completion.</p> <p>A very narrow path (tarmac) left only.</p>

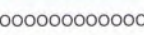
## Wildlife & Countryside Act 1981 - Section 53 Upgrading Footpath no.8 Trowbridge to Bridleway



Wildlife & Countryside Act 1981 – Section 53  
Upgrading Footpath no.8 Trowbridge to a Bridleway (Church Lane)


**Key**

Extent of Footpath to be upgraded to Bridleway: **A**  **B**

Adjoining public rights of way: 

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Jessica Gibbons, Director – Communities & Neighbourhood Services  
Prepared by: JEG Date: 11<sup>th</sup> November 2020 Scale: 1:1,500 at A4 OSGR: ST 841-563

**Wiltshire Council**  
Where everybody matters



1:1,500

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**WILDLIFE AND COUNTRYSIDE ACT 1981**

**THE DEFINITIVE MAP AND STATEMENT FOR THE TROWRIDGE URBAN DISTRICT COUNCIL AREA DATED 1953**

**THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2021**

This Order is made by Wiltshire Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Trowbridge Urban District Council Area Definitive Map and Statement dated 1953 require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(ii) and 53(3)(c)(iii) of the Act, namely the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows-

- ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
- iii) that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area includes the land to which the order relates. The Wiltshire Council hereby order that:

1. For the purposes of this Order the relevant date is 19<sup>th</sup> January 2021.
2. The Trowbridge Urban District Council Area Definitive Map and Statement dated 1953 shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. The Order shall take effect on the date it is confirmed and may be cited as The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.

THE COMMON SEAL OF            }  
THE WILTSHIRE COUNCIL        }  
was hereunto affixed this       }  
19<sup>th</sup> day of January 2021        }  
in the presence of:

## SCHEDULE

### PART I

#### Modification of Definitive Map

##### Description of public right of way to be upgraded

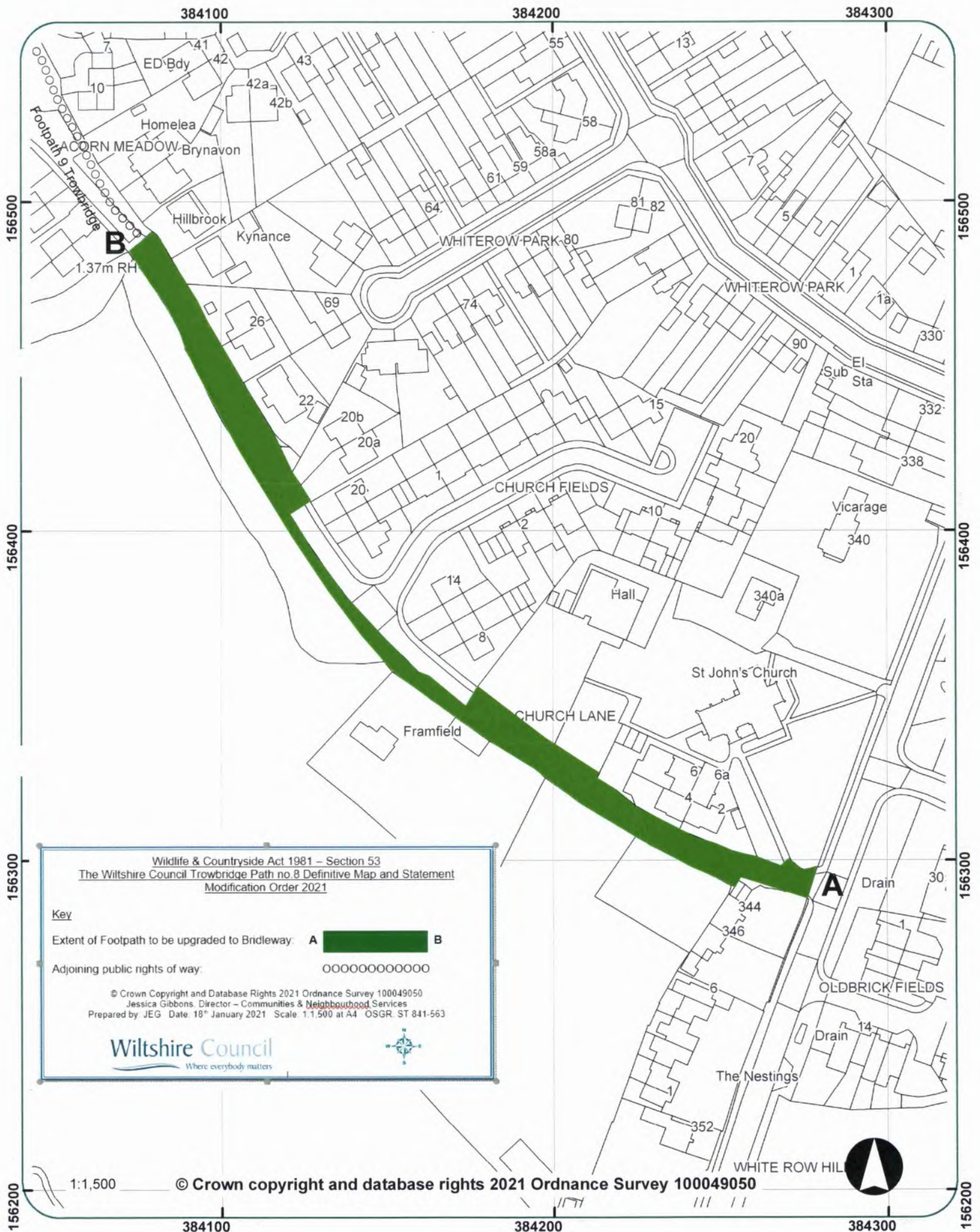
The extent of path as shown in green on the attached plan leading from point A at OS Grid Reference ST 8427-5629, at its junction with Frome Road, in a generally north-westerly direction for approximately 294 metres to point B at OS Grid Reference ST 8407-5648, at its junction with Path no.9 Trowbridge, having a width varying between 7 metres and 13 metres, as shown in green on the order plan, excluding the central part (Church Fields) which is recorded as adopted highway, at which point the path narrows to between 4 metres and 6 metres.

### PART II

#### Modification of Definitive Statement

##### Variation of particulars of path or way

Parish	Path No.	Modified Statement to read:-	Modified under Section 53(3) as specified
Trowbridge	8	<p><u>BRIDLEWAY</u>. From Frome Road at Whiterow Hill, south of the Church and School, leading north-west for the length of Church Lane to its junction with path No.9.</p> <p>Approximate length 294m. Width varying between 4m and 13m (see order plan – The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021).</p>	53(3)(c)(ii) 53(3)(c)(iii)



## APPENDIX F - Objections and Representations

**From:** [REDACTED]  
**Sent:** 08 March 2021 12:51  
**To:** [Green, Janice](#)  
**Subject:** Objection to Modification Order - YOUR REF:  
JG/Dist.10 2018/05  
**Attachments:** Objection to bridleway.docx

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Green,

Please find attached to this email my objection to the Modification Order 2021 in respect of Trowbridge Footpath No. 8.

I previously wrote regarding my objections to the opening of Footpath No.8 to all traffic and I reference that objection in my letter. You probably have that objection on record, but if not, please let me know and I will be happy to send it to you.

Kind regards,  
Anna Evans-Wylie

Ms Janice Green  
Senior Definitive Map Officer  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN  
By email: [Janice.green@wiltshire.gov.uk](mailto:Janice.green@wiltshire.gov.uk)

Anna Evans-Wylie  
■ Church Lane  
Trowbridge  
BA14 0■■■

24<sup>th</sup> January 2021

Dear Ms Green,

**Wildlife and Countryside Act 1981 – Section 53 YOUR REF: JG/Dist.10 2018/05  
The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.**

I am writing to log my objection to upgrading Footpath no.8 (Church Lane) to a bridleway with adjoining public rights of way from Acorn Meadow (and further from Lambrok Road) on two grounds:

1. The foreseeable hazards to public safety such extension/access would result in; and
2. That there are already in existence adequate rights of way over Church Lane in common law in favour of local residents and churchgoers, and it is not necessary to implicitly extend those rights to the residents of Lambrok Estate who have satisfactory and safe access to their properties via Lambrok Road.

Opening the whole width of the road at the end of Church Lane where it borders Acorn Meadow would inevitably invite all manner of vehicular traffic from the entire Lambrok Estate as users would consider it a handy shortcut to Frome Road (A361). The legal description of the road as a “bridleway” and the associated restrictions of accepted use to “only on foot or on horseback” would be disregarded by many users (or they simply could be ignorant of the implications).

The resultant misuse of Church Lane by vehicular traffic (cars, vans, motorcycles etc) would foreseeably generate significant dangers and hazards for the existing users of Church Lane, such as pedestrians, churchgoers, dog walkers, and the residents of Church Lane and neighbouring areas who commonly use this lane for recreational purposes.

Please note that in the Schedule Part 1 *Modification of Definitive Map* there is a reference to the path *having a width varying between 7 and 13 metres* (although other sections of the Schedule refer to 4-13m). Nowhere does the lane seem to have 13 metres in width and our measurements show the width to be slightly under 4m in front of our driveway and along the whole length of our boundary wall. This does not allow for two vehicles passing, or even for one vehicle to safely go past a group of pedestrians. The soft verge of the lane dropping into a ditch on the other side doesn't provide any room for laybys or pavements. Huge congestion could be anticipated if Church Road was opened at the border with Acorn Meadow and traffic started pouring in from the large Lambrok Estate to access the A361. Speeding cars and especially motorbikes would be particularly dangerous due to poor visibility on this narrow and hedge-framed lane. Difficulties are already noted on Sundays and religious holidays where the traffic to and from the church car park intensifies and leaves cars stuck in queues.

Further risks would ensue from the narrow entrance into Church Lane from Frome Road obscured by hedges. If the volume of traffic increased at this junction, collisions and potentially deaths could occur.

Looking at the difference between the footpath and bridleway usage, it is clear that it lies solely in bridleways allowing for travel on horseback (in addition to foot traffic). Since horseback traffic is only of historical interest and currently we have no horseback traffic at all (the only horse owner who leased the paddocks by Church Lane left a couple of years ago), there is little point in redefining the usage and upgrading a footpath to a bridleway, especially because the consequent opening of the full width of the road would foreseeably lead to the risks and hazards I mentioned above.

Finally, as residents of Church Lane we enjoy *"the benefit of a right of way over the roadway known as Church Lane leading into Frome Road"* (quote from our property Title Deed). The right of way over this private lane should not be now implicitly extended to people residing in Acorn Meadow and the whole of Lambrok Estate by virtue of opening Church Lane into that estate. Church Lane is not fit to accommodate any traffic in addition to the residents of the immediate area that it already serves as per our property rights in common law. In any event, the residents of Acorn Meadow are not disadvantaged in any way as they enjoy access to their properties from Lambrok Road.

I would therefore request that all necessary steps are taken by the Local Authority to carefully mitigate the foreseeable hazards that would be risked should the full width of the road between Church Lane and Acorn Meadow be opened. There is of course nothing within the current footpath usage to prevent the Council from making adjustments for disabled access. If the upgrade to bridleway should proceed our objections notwithstanding, I request that reasonable preventative measures are taken in advance to block vehicular traffic from Lambrok Estate through Church Lane and to Frome Road, such as barriers or bollards, as well as erecting road signs prohibiting the entry of motorbikes and cars into Church Lane from Path no.9 (Acorn Meadow).

For completeness and ease of reference, I also attach a copy of my prior objection to converting Church Lane to a byway open to all traffic.

I look forward to your response.

Kind regards,  
Anna Evans-Wylie

**From:** [REDACTED]  
**Sent:** 16 April 2021 11:53  
**To:** [Green, Janice](#)  
**Subject:** Re: Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05

---

Dear Janice,

Thank you very much for your email and clarifying the process and a few pertinent issues. It is very helpful.

It'd be great to see the report, thank you. I would also be obliged if you could send me a link to a place where the originating application and all the representations and objections relevant to this Order are kept.

I haven't got any objections to bicycles or any other non-motorised road users travelling through Church Lane in addition to its residents, the churchgoers and the Church Hall users. I was looking at the narrow definition of bridleway when referring to just horses, but cyclists are always welcome in Church Lane. However, this usage is already in place and well established in Church Lane as a private road without the need of adopting or upgrading it.

My objection, and my primary concerns, revolve around opening Church Lane to all traffic from and to the huge Lambrok Estate, which I fear would be the outcome if Church Lane became a thoroughfare between Lambrok and Frome Road on removing of barriers between Acorn Meadow Rd and Church Lane. This would not only be unnecessary, but would also generate public safety hazards as described in my letter. Adding street lamps and allowing for multiple vehicle headlights in the night would have an adverse effect on the protected Bechstein bat population in the roadside hedgerows.

Again, many thanks for your reply. I would indeed like to participate in this process so that the best outcome is secured for our little road and the safety of our community.

Best wishes,  
Anna

---

**From:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Sent:** 16 April 2021 09:55  
**To:** Anna Evans [REDACTED]  
**Subject:** RE: Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05

Dear Ms Evans-Wylie,

**Wildlife and Countryside Act 1981 – Section 53**  
**The Wiltshire Council Trowbridge Path No.8 Definitive Map and Statement Modification Order 2021**

---

Thank you for your e-mail dated 8<sup>th</sup> March with letter attached, I acknowledge safe receipt. I note your objections to the making of the Order upgrading the route of Path no.8 Trowbridge, Church Lane, from a footpath to a bridleway in status, in particular we have received a number of similar representations regarding the potential opening up of Church Lane at its northern end. Your comments are very helpful and just to update you regarding the process, where we have received objections to the making of the Order, the Order now falls to be determined by the Secretary of State, through the process of written representations, local hearing or public inquiry. One party has requested that the consultation period is extended to 23<sup>rd</sup> April for their response and after that date, all representations and objections will be considered in a report to the Western Area Planning Committee, whose Members will consider the representations and objections against the available evidence and the legal tests for making the Order, in order to determine the Wiltshire Council recommendation to be attached to the Order when it is forwarded to the Secretary of State for determination, i.e. that the Order be confirmed without modification; confirmed with modification or not confirmed, based on the available evidence. The Committee report will of course be made publicly available and public participation at the Committee meeting is possible, joining instructions and details of how to participate will be forwarded in due course. I must make you aware that your representations will be made public as part of this process and cannot be treated as confidential.

I note your comments regarding evidence of use of the lane on horseback, but of course a bridleway may also be used by the public with bicycles, in addition to user on foot. Within the user evidence submitted with the application there was a significant level of evidence of use of Church Lane with bicycles, which was considered within the decision report and as a result it was determined to upgrade the footpath to a bridleway. I am not sure if you have seen a copy of the report, it is rather lengthy, but please do let me know if you would like to receive a copy by e-mail. Yes thank you, I have retained a copy of your previous correspondence in this matter.

I hope this is helpful and thank you for your help.

Kind regards,

Janice

Kind regards,

Janice

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN

**Wiltshire Council**

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

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Report a problem: <https://my.wiltshire.gov.uk/>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** Anna Evans [REDACTED]  
**Sent:** 08 March 2021 12:51  
**To:** Green, Janice <[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)>  
**Subject:** Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05

Dear Ms Green,

Please find attached to this email my objection to the Modification Order 2021 in respect of Trowbridge Footpath No. 8.

I previously wrote regarding my objections to the opening of Footpath No.8 to all traffic and I reference that objection in my letter. You probably have that objection on record, but if not, please let me know and I will be happy to send it to you.

Kind regards,  
Anna Evans-Wylie

-----  
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**From:** [REDACTED]  
**Sent:** 17 April 2021 20:55  
**To:** [Green, Janice](#)  
**Subject:** Re: Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05  
**Attachments:** Objection to bridleway - supplementary representation.docx

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**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms Green,  
Further to my yesterday's email, I would like to, if I may, add this supplementary letter to my objection of 8th March.  
I have given your email below more consideration and feel that it is important to emphasise exactly what I object to, which isn't the idea of a bridleway but the widening of the current footpath between Church Lane and Acorn Meadow as shown in green in the Order.  
I am glad that we have this extension until 23rd April to expand on the precise nature of our concerns.

Many thanks for clarifying everything for us. It really helped with focussing on what's important.

My best wishes,  
Anna Evans-Wylie

---

**From:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Sent:** 16 April 2021 09:55  
**To:** Anna Evans [REDACTED]  
**Subject:** RE: Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05

Dear Ms Evans-Wylie,

**Wildlife and Countryside Act 1981 – Section 53**  
**The Wiltshire Council Trowbridge Path No.8 Definitive Map and Statement Modification Order 2021**

Thank you for your e-mail dated 8<sup>th</sup> March with letter attached, I acknowledge safe receipt. I note your objections to the making of the Order upgrading the route of Path no.8 Trowbridge, Church Lane, from a footpath to a bridleway in status, in particular we have received a number of similar representations regarding the potential opening up of Church Lane at its northern end. Your comments are very helpful and just to update you regarding the process, where we have received objections to the making of the Order, the Order now falls to be determined by the Secretary of State, through the process of written representations, local hearing or public inquiry. One party has requested that the consultation period is extended to 23<sup>rd</sup> April for their response and after that date, all representations and objections will be considered in a report to the Western Area Planning Committee, whose Members will consider the representations and objections against the available evidence and the legal tests for making the Order, in order to determine the Wiltshire Council recommendation to be attached to the Order when it is forwarded to the Secretary of

State for determination, i.e. that the Order be confirmed without modification; confirmed with modification or not confirmed, based on the available evidence. The Committee report will of course be made publicly available and public participation at the Committee meeting is possible, joining instructions and details of how to participate will be forwarded in due course. I must make you aware that your representations will be made public as part of this process and cannot be treated as confidential.

I note your comments regarding evidence of use of the lane on horseback, but of course a bridleway may also be used by the public with bicycles, in addition to user on foot. Within the user evidence submitted with the application there was a significant level of evidence of use of Church Lane with bicycles, which was considered within the decision report and as a result it was determined to upgrade the footpath to a bridleway. I am not sure if you have seen a copy of the report, it is rather lengthy, but please do let me know if you would like to receive a copy by e-mail. Yes thank you, I have retained a copy of your previous correspondence in this matter.

I hope this is helpful and thank you for your help.

Kind regards,

Janice

Kind regards,

Janice

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN

## Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345

Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

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Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** Anna Evans [REDACTED]  
**Sent:** 08 March 2021 12:51  
**To:** Green, Janice <janice.green@wiltshire.gov.uk>  
**Subject:** Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05

Dear Ms Green,

Please find attached to this email my objection to the Modification Order 2021 in respect of Trowbridge Footpath No. 8.

I previously wrote regarding my objections to the opening of Footpath No.8 to all traffic and I reference that objection in my letter. You probably have that objection on record, but if not, please let me know and I will be happy to send it to you.

Kind regards,  
Anna Evans-Wylie

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Ms Janice Green  
Senior Definitive Map Officer  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN  
By email: [Janice.green@wiltshire.gov.uk](mailto:Janice.green@wiltshire.gov.uk)

Anna Evans-Wylie  
■ Church Lane  
Trowbridge  
BA14 0■■■

17<sup>th</sup> April 2021

Dear Ms Green,

**Wildlife and Countryside Act 1981 – Section 53 YOUR REF: JG/Dist.10 2018/05  
The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.**

Thank you for your email dated 16<sup>th</sup> April 2021 where you advise of the extension of the consultation period to 23<sup>rd</sup> April 2021 for further representations, and of the process of referring this matter for determination by the Secretary of State.

This letter is to supplement and to further clarify the scope of my letter of 8<sup>th</sup> March submitted in objection to the Wiltshire Council Trowbridge Path No.8 (“Church Lane”) Definitive Map and Statement Modification Order 2021 (“the Order”).

**The particular stipulation of the Order I object to is the opening of Church Lane at its junction with Path no.9 (“Acorn Meadow”) to the width varying between 7 metres and 13 metres, as shown in green on the Order plan.**

I understand your objective of upgrading the footpath (pedestrian traffic) to a bridleway (pedestrian, bicycles and horseback) as that reflects the current and historic usage of Church Lane. However, pedestrians, bicycles and horses do not justify 7 – 13 metres of road width. Not even 4 meters is required to accommodate bridleway type of traffic. Opening Church Lane this wide would in practice inadvertently invite all traffic, including cars, lorries and motorcycles to commute between Lambrok Estate and Frome Road, whatever the legal description of Church Lane may be. This would create hazards and endanger the intended users of the bridleway (pedestrians and cyclists). In addition, Church Lane is not equipped to carry the volume of traffic from some two-thousand households of Lambrok Estate. The congestion would be unmanageable and could not be mitigated by the Council due to the geographic and natural limitations of this small lane. Finally, motorised traffic, particularly at night, would adversely affect the population of the nocturnal Bechstein bats foraging in Church Lane hedgerows.

I therefore request that the particulars of the path/bridleway in the proposed Modification Order describing **the width of Church Lane at its junction with Acorn Meadow is expressly limited to a maximum of 1.5metre (5ft).**

This would be a reasonable preventative measure to secure the peaceful enjoyment of Church Lane by its intended users and eliminating encroachment of the path/bridleway by heavy motorised traffic from

Lambrok Estate and endangering lives. The residents of Lambrok Estate would in no way be prejudiced by maintaining the status quo of only pedestrian/non-motorised access to Church Lane which is narrow, hedge-overgrown and devoid of any road markings, since there is already a network of wide, well-designed, well-lit and fit-for-purpose roads linking Lambrok Estate to the rest of Trowbridge and beyond. The residents of Church Lane and Church Fields, as well as churchgoers using St John's church hall carpark, would be able to continue accessing their properties by virtue of their established rights of way over Church Lane, be it by prescription, right of necessity or private right of way created by Deed.

I would be obliged if you could annex this letter to my original objection of 8<sup>th</sup> March as part of my formal objection on the specific issue of widening the width of Church lane at its north-western junction with Acorn Meadow.

Kind regards,  
Anna Evans-Wylie

Church Lane,  
Trowbridge, Wiltshire  
BA14 0

9.2.2021

Ms. Janice Green  
Senior Definitive Map Officer  
Wiltshire County Council  
Rights of Way & Countryside Team  
County Hall By the Sea Rd.  
Trowbridge BA14 8JN

Dear Ms. Green

Your Ref. JG/Dist. 10 2018/05

- 1/ When I bought Church Lane it was on the understanding that everything was in order. Now I'm being told of plans to modify the area to create a bridleway. This will have repercussions which are making me think the house was mis-sold.
- 2/ Given my concerns would you please clarify for me:-
- (a) Why part of the frontage of my property needs taking up for the bridleway, and what are your legal rights to do so? This is dangerous and will reduce privacy.
  - (b) The advantage of a bridleway which does not allow motorised vehicles to use it. This seems a nonsense given the fact that most people in the area have cars which require parking space.
  - (c) Who will be the main beneficiary of the proposal?
- 3/ Another major area of concern is how far the house will be devalued if this proposal goes through? Many people are already very stressed at the prospect.

Yours sincerely,

MO M O R O

**From:** [REDACTED]  
**Sent:** 13 February 2021 15:24  
**To:** [Green, Janice](#)  
**Subject:** Comment on The Wiltshire Council Trowbridge Path  
No 8 Definitive Map and Statement Modification  
Order 2021  
**Attachments:** Letter sent to WCC Representation regarding  
Modifictaion to Path No 8 Trowbridge.docx

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Janice ,

Please find attached my comments on the above order as part of your consultation process.

Kind Regards,

Rachel Hunt

Mrs Rachel Hunt

[REDACTED]

[REDACTED] Frome Road,

Trowbridge

13/2/21

**Comment on The Wiltshire Council Trowbridge Path No 8 Definitive Map and Statement Modification Order 2021**

I am writing in support of the above order to change footpath No 8 from a public footpath to a bridleway allowing access to pedestrians, bicycles and single horses but not to motorised vehicle. I believe that this is in keeping with the historical use of the route and it's use as a quiet lane, well used by walkers, cyclists, the elderly, Brownies/Guides and children learning to ride their bikes for the first time.

I would however like to express my concern that, should the gate at the bottom of the lane be removed or the pathway widened, it would likely become a cut through for some vehicles. My particular concern is that motorbikes, who use a circular routes along the lower half of the Frome Road and Bradley Road for night time races/routes would start to use Church Lane as a cut through to Studley Green.

As we already know, from Wiltshire Council's assessment of Church Lane as part of the WHSAP (site 2.4), the lane has been deemed unsuitable as an entrance to a development due to the dangerous and blind junction with the Frome Road. Should motorbikes start using this route, the lane would become extremely dangerous for cyclists and pedestrians. I would therefore suggest that, if the gate is to be removed, it be replaced by an entrance that is ONLY wide enough for a single horse or bike AND that some kind of bollard or hump is put there to prevent any vehicles attempting to use the route as a cut through.

Kind Regards

Rachel Hunt

**From:** [REDACTED]  
**Sent:** 12 April 2021 14:58  
**To:** [Green, Janice](mailto:janice.green@wiltshire.gov.uk)  
**Subject:** Re: Request for information The Wiltshire Council  
Trowbridge Path No 8 Definitive Map and  
Statement Modification Order 2021

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Janice,

Having commented on the above order, I have been advised that it would be a good idea for residents of existing properties on Church Lane to obtain written confirmation by Wiltshire Planning Department that current residents have a right of access to their property on what is currently designated as a footpath but is likely to be designated as a Bridleway. Please could you advise me as to whom to send this request to.

Many Thanks  
Rachel

---

**From:** rachel hunt [REDACTED]  
**Sent:** 13 February 2021 15:24  
**To:** [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk) <[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)>  
**Subject:** Comment on The Wiltshire Council Trowbridge Path No 8 Definitive Map and Statement Modification Order 2021

Dear Janice ,

Please find attached my comments on the above order as part of your consultation process.

Kind Regards,

Rachel Hunt

**From:** [REDACTED]  
**Sent:** 22 April 2021 16:03  
**To:** [Green, Janice](#)  
**Subject:** Wiltshire Council Trowbridge Path No.8 ("Church Lane") Definitive Map and Statement Modification Order 2021

**Attachments:** Statement of Confirmation of Access to our Properties on Church Lane.docx

---

Dear Janice,

Thank you for your email dated 16th April 2021 where you advise of the extension of the consultation period to 23rd April 2021 for further representations, and of the process of referring this matter for determination by the Secretary of State.

I have attached a statement which, we as residents of Church Lane, would like added to the consultation response regarding the Modification of Footpath No 8 to a Bridleway.

We have given our email addresses so that we might be kept informed of any further meetings or consultation extensions. I trust that you will blank out any personal details when it is uploaded to the consultation portal.

Kind Regards,

Rachel Hunt

As residents of Church Lane we wish to document the following information as part of the consultation process in the Application to upgrade Footpath Number 8 to a Bridleway.

**Statement of Confirmation of Access to our Properties on Church Lane, whether it remains a Footpath or is designated a Bridleway**

All of the undersigned residents of Church Lane and Church Fields, and other interested parties (such as the users of St John's Church and Hall carpark) can show if so required in terms of sec. 34(1) of The Road Traffic Act 1988 that they have the private right in place to use Church Lane as an accessway by either having acquired the prescriptive right of way (see evidence below), or by virtue of having the right of way of necessity on the basis of there not being any alternative ways of accessing their properties, or because they have the private right of way created by Deed.

**Evidence of Prescriptive Right of Way:**

St John's Church was built in 1852 and was accompanied by a rectory (built 1859) and School houses built 1856/1857 (converted into houses Number [REDACTED] Church Lane in the 1980's). Access to all of these has been established over 150 + years. In addition, [REDACTED] (Frome Road) has had access for a similar amount of time and has used Church Lane to access it's driveway by motor vehicle for at least 50 years. [REDACTED] in Church Lane was constructed in 1950's originally as a farm dwelling, later used by a practising veterinary and is now a private dwelling. This property has had essential vehicle access for over seventy years. Church Fields and the remaining houses on the lane also use Church Lane to access their properties. The majority of these houses were built in the 1970's and they have all enjoyed vehicular access since then without complaint.

**Evidence of Right of Way by Necessity**

All properties on Church Lane, Church Fields and users of the Church Hall can only access their property by using Church Lane.

These rights will continue if Footpath No 8 is upgraded to a bridleway and consequently there is no need to consider upgrading Church Lane to a byway.

Name:	Rachel and Simon Hunt
Address:	[REDACTED] Frome Road, [REDACTED], Trowbridge
Email:	[REDACTED]
Date:	18/4/21

Name:	Jo Hodge & Pete Mills
Address:	[REDACTED] Church Lane, Upper Studley, Trowbridge, BA14 0 [REDACTED]
Email:	[REDACTED]
Date:	17/4/21

Name:	Roy and Pat Pegrum
Address:	[REDACTED] Church Lane, Trowbridge, Wilts BA14 0 [REDACTED]
Email:	[REDACTED]
Date:	17/4/21

Name:	Ms S Coleman
Address:	Church Lane Trowbridge BA14 0
Email:	
Date:	18/04/2021

Name:	Sara Dade
Address:	Church Fields
Email:	
Date:	18 th April 2021

Name: CAVE KNIGHT  
Address: Church Lane, Trowbridge BA14 0  
Email:  
Date: 18/04/21

Name:	Mrs Sue Marshall
Address:	Church Lane, Upper Studley, Trowbridge. BA14 0
Email:	
Date:	18 <sup>th</sup> April 2021

Name: MR + MRS P MARCHANT  
Address: Church Lane Trowbridge BA14 0  
Email:  
Date: 18/04/21

Name:	Mr & Mrs Edward /Ingrid Figueirado
Address:	Church Lane, Trowbridge, BA14 0
Email:	
Date:	19 <sup>th</sup> April 2021

Name:	S.K. McGrath and T.P McGrath
Address:	Church Lane, Trowbridge. Wiltshire BA14 0
Email:	
Date:	17-04-2021

Name: ①	MR STEPHEN J WYLIE
Address:	CHURCH LANE TROWBRIDGE BA14 0
Email:	
Date:	17/4/2021

Name: ②	Anna Evans - Wylie
Address:	Church Lane, Trowbridge BA14 0
Email:	
Date:	18/04/21

Name: Haley Evans  
Address: [REDACTED]  
Email: [REDACTED] Church Lane, Trowbridge BA14 0 [REDACTED]  
Date: 18/04/21

Name:	Andrew Hunt
Address:	[REDACTED] Frome Road
Email:	[REDACTED]
Date:	19-04-2021

Name:	[REDACTED]
Address:	CHURCH MEWS, TROWBRIDGE
Email:	[REDACTED]
Date:	19-4-2021

Name:	MICHAEL THOMAS
Address:	CHURCH LANE TROWBRIDGE 0
Email:	
Date:	19/4/21

Name:	Mike Grant and Ruth McMillan
Address:	Church Lane, Trowbridge, Wilts BA14 0
Email:	
Date:	20/4/21

Name:	Diane Wheeler
Address:	Church Lane, Trowbridge, Wiltshire BA14 0
Email:	[REDACTED]
Date:	21/04/21

**From:** [REDACTED]  
**Sent:** 17 April 2021 17:24  
**To:** [Green, Janice](#)  
**Subject:** The Wiltshire Council Trowbridge Path no.8  
Definitive Map and Statement Modification Order  
2021.  
**Attachments:** Letter to Ms Janice Green.docx

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms Green  
Please find attached my letter of objection to the above.  
Regards  
Roy Pegrum  
Home [REDACTED]  
Mobile [REDACTED]

Ms Janice Green  
Senior Definitive Map Officer  
County Hall  
Bythesea Road  
Trowbridge  
BA14 8JN  
By email: [Janice.green@wiltshire.gov.uk](mailto:Janice.green@wiltshire.gov.uk)

Roy Pegrum  
[REDACTED]  
Church Lane  
Trowbridge  
BA14 0 [REDACTED]

17<sup>th</sup> April 2021

Dear Ms Green,

**Wildlife and Countryside Act 1981 – Section 53 YOUR REF: JG/Dist.10 2018/05  
The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order  
2021.**

Whilst I have no objections to the reassignment of Church Lane from a 'footpath' to a bridleway for historic reasons and also bearing in mind its current usage I do however consider the opening up to 7-13 metres to be unwarranted. Even in the depths of Wiltshire a bridleway over 4 metres wide must be a rarity after all it has only to cater for pedestrians, cyclist and horses. Even two horses would not need even 4 metres to pass each other.

To open a route of the width proposed would encourage its use by other vehicles and turn Church Lane into a 'through road' from the Lambrok Estate to Frome Road, a function for which it is ill equipped i.e. Road margins are kerbless, drainage, road markings and signage are non-existent and the exit on to Frome road has inadequate vision for safe usage. Please also note that at its narrowest point two vehicles are unable to pass.

I feel that it is not unreasonable that the proposed Modification Order should limit the width of the bridleway to that which makes its use by vehicles impossible at the point where Church Lane meets Acorn Meadow.

Please accept this letter as my formal objection on the matter of widening Church Lane at its junction with Acorn Meadow.

Yours Sincerely  
Roy Pegrum

**From:** [REDACTED]  
**Sent:** 19 April 2021 18:11  
**To:** [Green, Janice](#)  
**Subject:** RE: The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Green  
Thank you for your reply, yes I would like sight of the WC Decision Report ( a link would be fine) and obviously the Committee recommendation. When would the latter be available?  
Kind Regards  
Roy Pegrum

**From:** Green, Janice [mailto:janice.green@wiltshire.gov.uk]  
**Sent:** 19 April 2021 17:00  
**To:** Roy Pegrum [REDACTED]  
**Subject:** RE: The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.

Dear Mr Pegrum,

-  
**Wildlife and Countryside Act 1981 – Section 53**  
**The Wiltshire Council Trowbridge Path No.8 Definitive Map and Statement Modification Order 2021**

Thank you for your e-mail and letter dated 17<sup>th</sup> April regarding the above mentioned Order, upgrading Footpath no.8 Trowbridge, (Church Lane), to a bridleway. I note your objections and we have now received a number of similar representations and concerns. Where we have received objections to the making of the Order, the Order now falls to be determined by the Secretary of State, through the process of written representations, local hearing or public inquiry. As a result, all representations and objections received will be considered in a report to the Western Area Planning Committee, whose Members will consider the representations and objections against the available evidence and the legal tests for making the Order, in order to determine the Wiltshire Council recommendation to be attached to the Order when it is forwarded to the Secretary of State for determination, i.e. that the Order be confirmed without modification; confirmed with modification or not confirmed, based on the available evidence. The Committee report will of course be made publicly available and public participation at the Committee meeting is possible, joining instructions and details of how to participate will be forwarded in due course. I must make you aware that your representations will be made public as part of this process and cannot be treated as confidential.

Please do let me know if you would like me to forward you a copy of the Wiltshire Council decision report, it is rather lengthy, but it sets out in full the evidence examined in this case and the reasons for the decision to make the Order to upgrade Footpath no.8 Trowbridge to a bridleway.

Thank you for your help in this matter.

Kind regards,

Janice Green  
Senior Definitive Map Officer  
Rights of Way and Countryside  
Wiltshire Council  
County Hall  
Trowbridge  
BA14 8JN

## Wiltshire Council

Telephone: Internal 13345 External: +44 (0)1225 713345  
Email: [janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)

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Report a problem: <https://my.wiltshire.gov.uk/>

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Follow Wiltshire Council



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**From:** Roy Pegru [REDACTED]  
**Sent:** 17 April 2021 17:24  
**To:** Green, Janice <[janice.green@wiltshire.gov.uk](mailto:janice.green@wiltshire.gov.uk)>  
**Subject:** The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021.

Ms Green  
Please find attached my letter of objection to the above.  
Regards  
Roy Pegrum  
Home [REDACTED]  
Mobile [REDACTED]

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**From:** [REDACTED]  
**Sent:** 25 March 2021 15:29  
**To:** [Green, Janice](#)  
**Subject:** Your ref JG/Dist.10 2018/05

---

Shelley Mcgrath  
[REDACTED] Church Lane  
Trowbridge  
BA14 0[REDACTED]

Re: The Wiltshire Council Trowbridge Path No 8 Definitive Map and Statement Order 2021

Regarding the plan to upgrade Footpath 8 Church Lane to a bridleway. My concerns are as follows:

1] The opening/removing of the barriers at the Acorn Meadows end of Church Lane would result in the Lane being used as a "rat run" especially by motorbikes. It is likely that any restrictions would be ignored by people wanting to access Frome Road from and to Studley Green making the Lane and the junction on to Frome Road dangerous.

2] That the residents of Church Lane would still have complete freedom of vehicular access to their properties without restriction. A suitable sign could be erected stating "Resident's Access Only" for example . [REDACTED] so this is of particular importance to us.

Surely all that is possibly needed is to alter Footpath 8 to make it easier for disabled users and pushchairs.  
This would be cheaper and far less disruptive.

Regards

Shelley Mcgrath

**From:** [REDACTED]  
**Sent:** 26 March 2021 14:43  
**To:** [Green, Janice](#)  
**Subject:** Church Lane Bridleway proposal

---

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

With reference to  
The Wiltshire Council Trowbridge Path No 8 Definitive Map and Statement Modification  
Order 2021.

This issue, as presented by WCC, is ill thought out. The residents of Church Lane are not given specific guarantees that access to their properties will be unrestricted or that visitors and delivery vehicles will not suffer any hindrance or restrictions when using Church Lane. We understand that we all have legal rights to access our properties under common law but we need this to be clearly and unambiguously stated by the Council to avoid expense and uncertainty when selling our properties in the future. We are all aware of the many instances of hugely expensive legal actions caused by vague rulings. Any such commitment by WCC on access must include the full participation of all residents of Church Lane, as presently constituted and full disclosure of any Council plan or agenda that may impact on our rights of access in the future. We also need a detailed plan of action to ensure that Church Lane does not become a "Rat run" for motorcycles or scooters if these proposals are enacted. This has been a nuisance in the past and any alteration to the fixed barrier at the junction of Church Lane and Acorn Meadows should be viewed with extreme caution. The risk to walkers will inevitably be greatly increased by the proposal.

During the past seven years as a resident at Church Lane I have never heard a single person, whether resident or passers-by, ever suggest anything remotely like the Council's present proposals for a "Bridal way". What has been frequently voiced is simply to remove the overgrown grass that has obscured the footpath, a job that any competent landscaping team could accomplish in a matter of days, with tarmac repairs where eroded. After all, it is us that use the pathway, not the Council but we who will have to live with any detrimental outcomes long after the Council has forgotten that Path No 8 exists.

I suggest the Council stops wasting money that is going to be sorely needed in the immediate future and concentrate on proper maintenance of that part of the path that has been neglected in the past.

Thanks for your time,

Trevor McGrath  
[REDACTED] Church Lane, BA14 [REDACTED]

**From:** [REDACTED]  
**Sent:** 25 February 2021 12:57  
**To:** [Green, Janice](#)  
**Subject:** Comment on The Wiltshire Council Trowbridge Path  
No 8 Definitive Map and Statement Modification  
Order 2021

**Attachments:** No8\_proposal\_WCC.docx

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Janice,

Please find attached my comments on the above order as part of your consultation process.

Yours sincerely

Shane Wheeler

[REDACTED] Church Lane

Trowbridge.

Mr Shane Wheeler  
Church Lane  
Upper Studley  
Trowbridge  
BA14 0

25<sup>th</sup> February 2021

**Comment on The Wiltshire Council Trowbridge Path No 8 Definitive Map and Statement Modification Order 2021**

I am writing with regards the above proposal to change No8 from a public footpath to a public bridleway allowing access to pedestrians, bicycles and a single horse, but not motorized vehicles.

I believe this will be in keeping with its historical use, a quiet lane, well used by walkers, cyclists and visitors to St Johns Church. I support this change to a bridleway.

I would however like to just raise a potential concern for your awareness, if the pathway was to be widened and the current gateway removed it would allow access for motorized vehicles to use the route as a cut through to and from Studley Green to Frome Road. Motorbikes are of particular concern increasing traffic to an already dangerous blind junction to exit to Frome Road.

It is imperative that should the current gateway be removed a suitable replacement gateway be placed to prevent motor vehicles from using it as a cut through, reducing the risk to other users of the lane, and also the riders when exiting the lane.

When we first moved to this lane there were concrete bollards and a wider pathway, we had multiple issues with motorbikes coming from Studley Green, cutting through to use the field, and also as a escape from Police who were unable to follow. When the pathway was narrowed and a staggered gate installed this greatly reduced the issues and made the lane a much safer place.

Yours sincerely

Shane Wheeler

**From:** [REDACTED]  
**Sent:** 05 March 2021 12:58  
**To:** [Green, Janice](#)  
**Subject:** Wiltshire and Countryside Act 1981 - Section 53. The Wiltshire Council Trowbridge Path no. 8 Definitive Map and Statement Modification Order 2021

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Green

I am writing to object to the proposal made to upgrade public footpath no. 8 (Church Lane, Trowbridge) to a bridleway. The MO identifies no clear reasons or compelling benefits that would derive from this change, nor does it identify any current issues that might be rectified by this alteration.

Currently this footpath running from Frome Road A361 to Acorn Meadow allows passage for pedestrians and cyclists. The implication is that by 'upgrading' the route to a bridleway would make it accessible to horse-riders. There are, however, no longer any horses on Church Lane and last time I looked there was also a distinct lack of horses on the Lambrok Estate with an imperative need to ride up Church Lane to access the busy A361. I can therefore see no need for a bridleway here.

I believe the review of this route began in August 2018 when the occupiers of the property [REDACTED] applied for Church Lane to be redesignated as a byway open to all traffic. I also understand that following an extensive local consultation and consideration Wiltshire Council determined that there was no justification to create a public right of way for motorised vehicles between Church Lane and the Lambrok Estate.

There are many practical reasons why opening Church Lane to the Lambrok Estate involving potentially hundreds of additional daily motor vehicle movements along Church Lane would be wrong, including:

> Church

Lane is not wide enough for any more traffic, and is not wide enough for a pavement to protect pedestrians. Two vehicles cannot pass outside our house due to the narrow road - it is barely 4 metres wide;

> Church

Lane has for a long time been a quiet lane well used by walkers, cyclists, elderly, people with disabilities, people on mobility scooters,

Brownies/Guides, children learning to ride their bikes and lots of dogs . It is a safe recreational lane not suitable for more motor vehicles;

> The blind

and dangerous junction at the intersection of Church Lane with the A361 is unsuitable for more vehicles which would lead to more RTAs. Indeed, Wiltshire Council in its deliberations on the potential housing site H2.4 has already ruled that Church Lane would be unsuitable as an entrance to the development for up to 40 new houses, so it logically follows that Church Lane would be even more unsuitable for a flow of cars from the hundreds of dwellings from the streets to the north of Acorn Meadow (Lambrok Estate).

If Wiltshire

Council does choose, nonetheless to alter this route from a footpath to become a bridleway I believe it to be imperative that physical measures are taken at the same time as the decision, to ensure the route from Acorn Meadow remains inaccessible to motorised vehicles (including motor bikes) using appropriate bollards/barriers. If this is not done vehicles from the Lambrok Estate will use the route as a rat-run to the A361 and road accidents and possibly deaths will surely follow on Church Lane itself, or at the narrow blind junction at Church Lane with the A361.

I therefore

vote to reject the bridleway and to instead preserve the status quo. Keep this route as a public footpath for all, and with the existing private rights of access from Frome Road for the residents of Church Lane, Churchfields and users of St John's Church.

In conclusion,  
and as the saying goes, "if it ain't broke don't fix it".

Yours  
sincerely,

Steve Wylie

■ Church Lane

Trowbridge

BA14 ■



**From:** [REDACTED]  
**Sent:** 19 April 2021 20:24  
**To:** [Green, Janice](#)  
**Subject:** Wiltshire and Countryside Act 1981 - Section 53. The Wiltshire Council Trowbridge Path no. 8 Definitive Map and Statement Modification Order 2021

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Green

I wrote to you on 5th March objecting to the proposed Church Lane footpath modification order. My objection focused on the detriment and dangers that would occur if the current pathway between Church Lane and Acorn Meadow was opened up to motor vehicles. Because the modification order to upgrade the existing footpath to a bridleway contained no physical restriction to its width that would prevent its use by motor vehicles I could not support the order in that form. The modification order states that the planned bridleway would be between 4 and 13 metres wide, far in excess of that required by any pedestrian traffic and an open invitation to small and large motor vehicles.

Whilst I have no objection to Church Lane being classified as either a footpath or a bridleway and giving exclusive access to all forms of pedestrian traffic and cyclists, I cannot support it if it does not physically prevent motor vehicles passing between Church Lane and Acorn Meadow. If a physical width restriction of up to 1.5 metres was incorporated at the point where Church Lane meets Acorn Meadow as is the case now and has been ever since I've lived here, I would be able to support the modification order making the change to a bridleway.

I am aware that a volume of misinformation and anxiety has circulated in the neighbourhood in recent weeks about this modification order, in particular about the rights of property owners and churchgoers to access properties here. This may have influenced the way some people have responded to the consultation. So I am grateful that this consultation was extended until 23rd April so that I can now further clarify my position on the matter.

I hope this helps.

Yours sincerely,

Steve Wylie

[REDACTED] Church Lane  
Trowbridge  
BA14 0[REDACTED]

[REDACTED]

**Wiltshire Council**

Wildlife and Countryside Act 1981

Definitive Map and Statement of Rights of Way for the County of Wiltshire

Notice of Application for Modification Order

**To: Rights of Way and Countryside Section, Waste and Environment, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN**

**I/We** (please insert your name or the name of the organisation making the application)

Andrew May and Michelle Dunne

Of (please insert your full address)

██████████  
Church Lane  
Trowbridge  
Wiltshire  
BA14 0██████████

Hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

**Adding** the ~~footpath/bridleway/restricted byway/byway~~ open to all traffic (please delete the irrelevant status) **leading from** (please describe the position and route of the right of way you are referring to)

Grid reference ST 84084 56477 at the northwest end of Church Lane that borders on Acorn Meadow, leading south-east up Church Lane/footpath TROW8 to the end of the unadopted part of Church Lane outside the drive way of 20a Church Lane, grid reference ST 84115 56422.

**With a width of:** 5 metres

**The route of the right of way is shown on the attached map.**

I/We attach copies of the following documentary evidence and or statements of witnesses in support of this application.

**Dated** 26/7/18 ..... **Signed** .....

29/8/18 .....

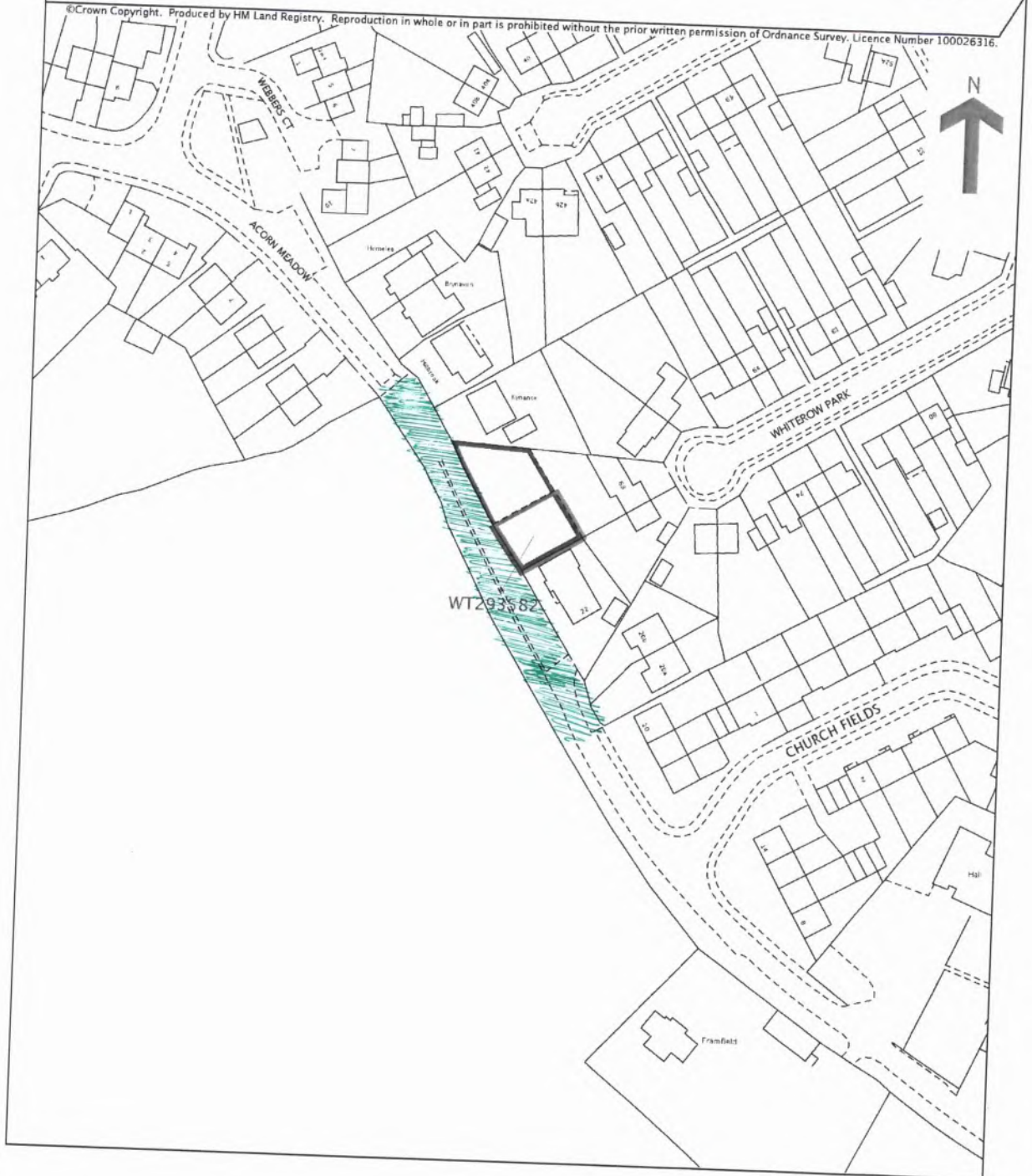
For a definition of the various categories of rights of way please see overleaf.

## Definitions of Public Rights of Way

- Footpath** A highway over which the public have a right of way on foot only, other than such a highway at the side of a public road (footway).
- Bridleway** A highway over which the public have the following, but no other rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse (or on or accompanied by a beast of burden), with or without a right to drive animals of any description along the highway.
- NB** Section 30 of the Countryside Act 1968 gives the public right to ride bicycles on bridleways, provided that they give way to walkers and horse riders. This right is subject to any orders or byelaws which may be made to prohibit cycling on a particular bridleway.
- Restricted Byway** A highway over which the public has a right of way on foot, on horseback or leading a horse, and a right of way in or on vehicles other than mechanically propelled vehicles, thereby giving a right of way for pedal cyclists and drivers of horse drawn vehicles. The Government considers a restricted byway a carriageway for the purposes of the Highways Act 1980.
- Byway Open to All Traffic (BOAT)** A highway over which the public have right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are so used.



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**Wiltshire Council**

Wildlife and Countryside Act 1981

Definitive Map and Statement of Rights of Way for the County of Wiltshire

Certificate of Service of Notice of Application for Modification Order

**To: Rights of Way and Countryside Section, Waste and Environment,  
Wiltshire Council, Bythesea Road, Trowbridge, Wilts, BA14 8JN**

**We**

Andrew May and Michelle Dunne

of



Church Lane

Trowbridge

Wiltshire

BA14 0

hereby certify that the requirements of paragraph 2 of schedule 14 to the Wildlife and Countryside Act 1981 have been complied with (i.e. that you have served a notice, Form 2, stating that the application has been made on **every** owner and occupier of **any** land to which the application relates).

Dated 29/8/18.....

Signed

**Please list below all the owners and occupiers upon whom notice was served.**

Steve Coleman  
 Church Lane  
Trowbridge  
Wiltshire  
BA14 0

Mike Reid  
 Church Lane  
Trowbridge  
Wiltshire  
BA14 0

**Wiltshire Council**

Wildlife and Countryside Act 1981

Definitive Map and Statement of Rights of Way for the County of Wiltshire

Certificate of Service of Notice of Application for Modification Order

To: Rights of Way and Countryside Section, Waste and Environment,  
Wiltshire Council, Bythesea Road, Trowbridge, Wilts, BA14 8JN

We

Andrew May and Michelle Dunne

of

[Redacted]  
Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

hereby certify that the requirements of paragraph 2 of schedule 14 to the Wildlife and Countryside Act 1981 have been complied with (i.e. that you have served a notice, Form 2, stating that the application has been made on every owner and occupier of any land to which the application relates).

Dated 5/9/18 .....

Signed [Redacted]

**Please list below all the owners and occupiers upon whom notice was served.**

Steve Coleman  
[Redacted] Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Mike Reid  
[Redacted] Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Mr Matthew Harrington  
[Redacted] Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Mr and Mrs Tripp  
[Redacted] Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Shelly and Trevor Mcgrath  
[Redacted] Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Mick and Sandra Edwards  
[Redacted] Acorn Meadows  
Trowbridge  
Wiltshire  
BA14 9 [Redacted]

Alun Thomas and Anne Hanson  
[Redacted]  
Church Lane  
Trowbridge  
Wiltshire  
BA14 0 [Redacted]

Judith Parry  
[Redacted]  
Llansoy  
Usk  
Monmouthshire

## Andrew May – Documentary Evidence of 5m Church Lane PROW

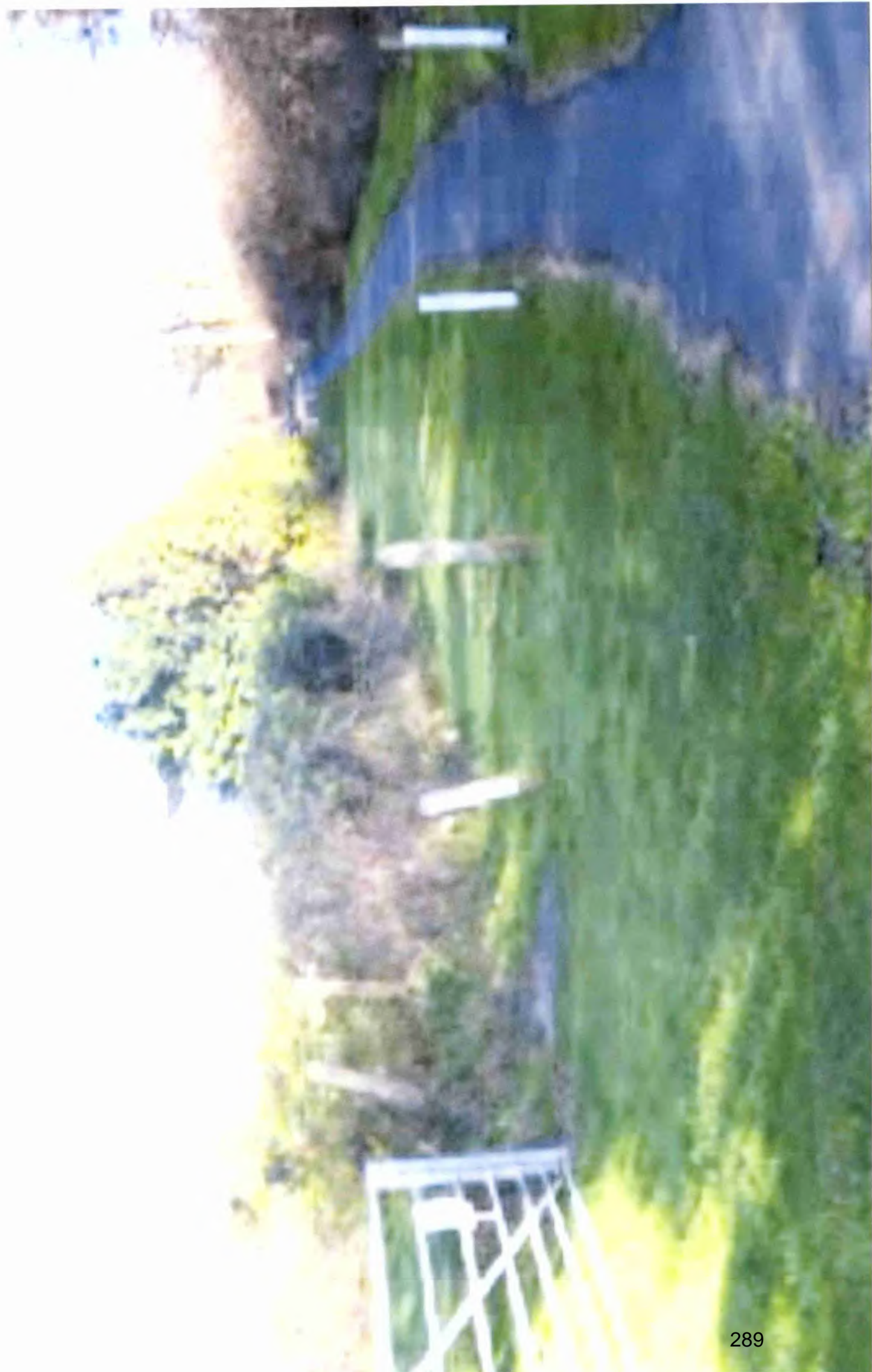
Item 1	Three photos taken in 2006 clearly showing that the public could use the whole width of Church Lane to walk, ride and bicycle or horse, and we also drove down there to access our house. The tarmac strip is in a good condition to walk on. On photo 1 the rough surface outside my house [REDACTED] is not a mess.
Item 2	Screen print from Wiltshire Council website shows an aerial view of the lane showing that there is no foliage obstructing the whole lane, as backed up more clearly in screen print 2 from google maps.
Item 3	<p>One document referring to a Highway Records map and a Definitive Map of Public Rights of Way. All obtained from Wiltshire Council archives. The document was written by the County Secretary and Solicitor's Office, County Hall, Trowbridge in the 1970s. It firstly shows, referring to the Highway Records map, that Church Fields is a "bubble" of adopted road (which, according to Neil Bromwich of Osborne Clark, is virtually unheard of to happen) and that half of the width of Church Lane (in red) was also adopted which was the original tarmacked part of the PROW.</p> <p>It also refers to the Definitive Map of PROW that "there is a public right of way on foot along the whole width of Church Lane" and that Church Lane is a private street (except for the adopted tarmac strip).</p>
Item 4	Statutory Declaration by Jacqueline McClurg (formerly of [REDACTED] on 01/08/05. States that since 23/7/99 "the Roadway has been used by myself my family and persons visiting or calling at the Property at all times and for all purposes with or without vehicles as of right without let or hindrance and without the consent of and without payment of any kind to any person or persons or body corporate until the present time."
Item 5	<p>Four maps obtained from Wiltshire and Swindon History Centre.</p> <p>Map 1 is dated early 1900s and clearly shows that the end of Church Lane is along the same line as the northern corner of field 457 9.187. It also indicates that the public footpath runs through the centre of Church Lane, unlike when it exits Church Lane into field 458 7.812.</p> <p>Map 2 is OS38/11 1937 edition also shows the location of the end of Church Lane, but also the plot that Kynance will be built on. The only access for that plot is via Church Lane.</p> <p>Map 3 is a 1950/55 revised edition of the above. Hillbrook is the last possible house to front on to Church Lane and in front of that you can see that the pathway from Lambrok Road leads to open out on to the whole width of Church Lane. It can also be seen that the southern most end of Lambrok Road did not meet with the northern most end of Church Lane.</p> <p>Map 4 is an OS map from 1975, updated in 2000. It clearly shows that the end of Church Lane is the same width as Acorn Meadow because the two seem to have merged. A through road was not intended and was prevented by the posts. Therefore the part of Church Lane in question has always been wide enough for vehicular traffic, yet separate from what was originally Lambrok Road. It was later only separated from Acorn Meadow by a length of pavement which is still there.</p>
	The following items relate to several problems about the current state of the tarmac strip left for the public and caused by the attempt to take 4 metres width of the Church Lane PROW by Martin Fitzgerald, the developer of 24 and 26 Church Lane. These are more reasons why the area needs urgent attention.
Item 6	<p>Photos of flooding (also witnessed by Carol-Ann Price, Shane and Diane Wheeler) caused by:</p> <ol style="list-style-type: none"> <li>a) Large volumes of rainwater being forced out of the broken manhole cover on the gravelled area outside of number 26.</li> </ol>

## Andrew May – Documentary Evidence of 5m Church Lane PROW

	<p>b) A blocked drainage ditch further up Church Lane and raised grassed/brambled edge causing a stream to form down the tarmac strip further eroding the path.</p>
Item 7	<p>Photos of gravel washed on to the path and chicane. This happens regularly and is a safety hazard.</p>
Item 8	<p>Photos of a deep puddle and mud that forms in the chicane (see Felicity Green witness statement) making it very difficult for mothers with prams (for example see Karen Hunt, Clare Whelan, Michelle Dunne, Sophie Dunk witness statement) to pass even when the path itself is not invaded by overgrown brambles from the right and weeds from the left.</p>
Item 9	<p>Excerpt from Delegated Report for application number W/11/00419/FUL on 16/03/11 stating that “The bollards shall thereafter be retained and maintained for the lifetime of the development hereby approved”. At the time these bollards were going to replace the original posts blocking Kynance’s vehicular right of way by prescription, but unfortunately the chicane option was agreed instead which now prevents horse riders from using the byway anymore (See witness statements from Zoe McKechnie, Rosamund Weedon, Gail Gray, Alex Franklin and R Musken). As you can see from the previous items the chicane has not been maintained by the owner of 26 Church Lane. It was not even painted as stated on page 3 of this item and is now beginning to rust.</p>
Item 10	<p>Photo of foliage growing towards the tarmac strip. This has got so bad further up that the brambles have scratched up pedestrians and cyclists. It can be very hard to walk up the lane and the effective width can get down to half a metre so only one person can use it at a time (See witness statements from Leila Hunt, Dean Gumm, Paul Moore, Dawn Moore, A Whelan, Ella Whelan, Charlene Gulliver, Brian Hodge, David Morris, Sophie Dunk, Carol May, ). Some wheel chair users are unable to use the path at all due to the general state of the path. See witness statements from Michael Edwards, Tony Cutts, and Craig Speakman who now needs to travel an extra ¾ of a mile to pick up his children from Grove Primary School. Witness Tracie Lewis says it was much safer before. Support worker and witness Natasha Gillman tells us that some of the people she supports struggle. Witness Jakki Joseph feels vulnerable because it’s too narrow for more than one person, no lighting, pot holes make it unsafe and she gets scratched up using it. Witness Sarah Hussey’s severely disabled daughter cannot walk up there anymore and her Mum Jacqueline Kennett also cannot get her mobility scooter up there anymore. 91 year old witness Owen Smart has fallen over on the uneven surface recently, his daughter told me he’s actually fallen over twice on it now and has forbidden him from using it to walk his dog anymore which has had an impact on his quality of life. <b>Because of this I would very much recommend to the Rights of Way department of Wiltshire Council to give this DMMO a high priority due to clear Health and Safety issues.</b> This is ironic seeing that public health and safety was used to justify the wooden fencing and chicane in the first place: in order to protect the public from cars using their “private drives”.</p>
Item 11	<p>These photos further confirm the terrible state that the tarmac strip has now become. Once one has navigated the overgrown foliage, muddy puddles, gravel and occasional flooding and passes by the end of the 1m high wooden fencing, one then has no choice but to use the continued “private drive” because the tarmac strip is completely unusable.</p> <p>So pedestrians are prevented from using the part of the PROW that now enhances and extends the frontage of the properties of 24 and 26 Church Lane, but then they are forced back on to the whole width of their PROW to continue up Church Lane. This area is full of potholes (which can also turn into unexpectedly deep puddles) which even I find tricky to stumble through at night because there is no street lighting anywhere near it. Page 2 of item 9 states that “the access drive shall be maintained for the lifetime of the development”. This has also been ignored and the public are at risk.</p>



KINGSTONS  
EST. 1978





**Parishes**

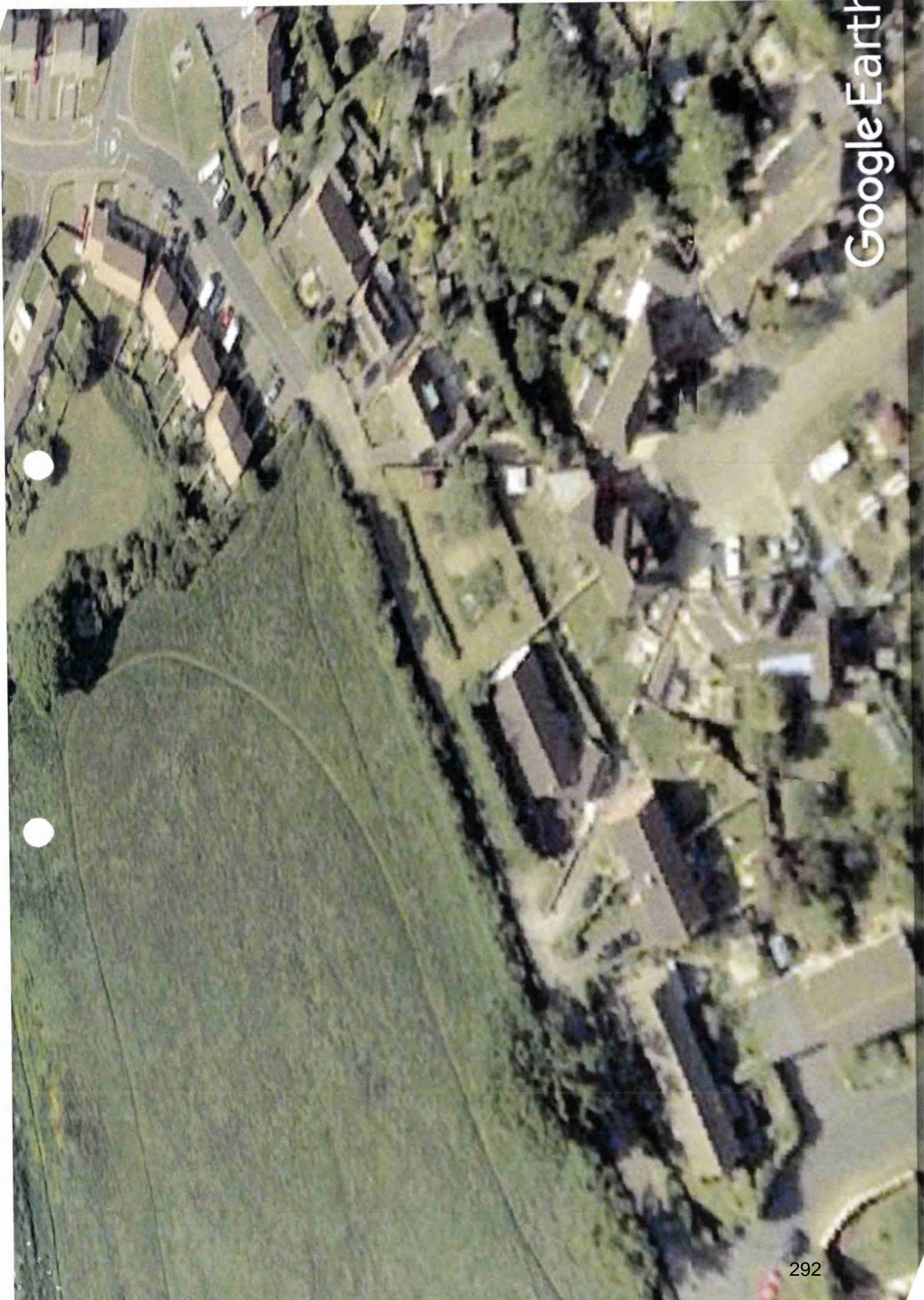
TROWBRIDGE

**Case officer**

Kenny Green

**Map showing planning application W/08/00260/FUL**





Google Earth

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.

PIR/ENV/TC.242

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

75

DLEY WARD

UPPER  
STUDLEY

ST 8256 & 356

566

565

H. 238

H 567



Copy of old  
(circa after 1970)  
highway records.



Copy of Definitive Map of Public Rights  
of Way.

SCALE: 6" TO 1 MILE

A MAY - ITEM 4

I JACQUELINE ELSIE MCCLURG of [redacted] Church Lane Upper Studley Trowbridge  
Wiltshire BA14 0 [redacted]

DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I am one of the owners of the freehold property [redacted] Church Lane Upper Studley Trowbridge Wiltshire BA14 0 [redacted] ("the Property") which is shown edged red on the plan marked 'A' attached hereto ("the Plan") and registered at H.M. Land Registry with Title Absolute under Title Number WT183189
2. The Property is situated on a roadway ("the Roadway") shown coloured brown on the Plan
3. To the best of my knowledge the Plan is accurate
4. I have occupied the Property since 23 July 1999 and since that date the Roadway has been used by myself my family and persons visiting or calling at the Property at all times and for all purposes with or without vehicles as of right without let or hindrance and without the consent of and without payment of any kind to any person or persons or body corporate until the present time
5. During my period of ownership I have never paid for any maintenance or upkeep to the Roadway nor has any demand for payment been made of me

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

DECLARED at [redacted] Four Street Trowbridge

in the County of Wiltshire

this 10 day of August 2005

Before me, [redacted]

~~A Commissioner for Oaths/Solicitor~~

empowered to administer Oaths

**PAUL VINGOE**  
Solicitor  
TROWBRIDGE,  
Wiltshire.



TITLE NUMBER  
**WT183189 "PLAN A"**



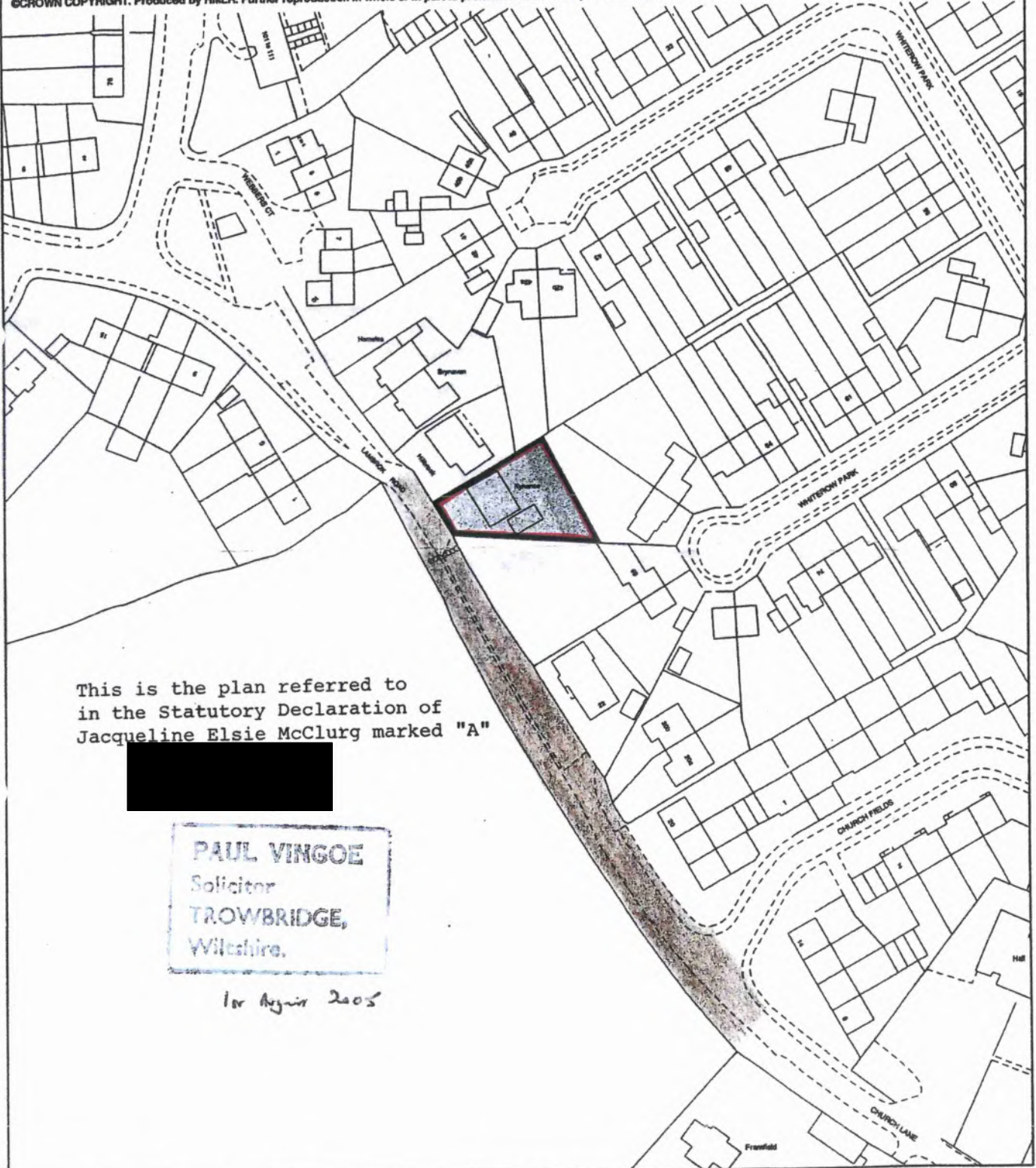
**WILTSHIRE : WEST WILTSHIRE**

ORDNANCE SURVEY MAP REFERENCE:

ST8456SW

SCALE 1:1250

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This is the plan referred to  
 in the Statutory Declaration of  
 Jacqueline Elsie McClurg marked "A"



**PAUL VINGOE**  
 Solicitor  
**TROWBRIDGE,**  
 Wiltshire.

1st August 2005

This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 9 June 2005 at 12:09:46. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 9 June 2005.

This title is dealt with by the Weymouth District Land Registry.



1001615004

A MAY - MEM S  
PT 2585

PT 101

PT 100

Studley Green Farm

Upper Studley

Baptist Chapel

Black Horse (P.H.)

The Poplars

St. John's Church

Vicarage

PT 94

PT 91

1047

Brick Works

Kiln

461  
5.931

2  
6.949

PT 2585

460  
8.687

17  
2.807

PT 430

72  
7.535

459  
8.762

458  
7.812

384  
3.006

385  
7.156

391  
7.115

457  
9.187

16  
15.969

439

70  
11.01

382  
4.674

381  
1.455

250  
21.676

378  
.740

380  
1.105

377  
1.185

3135

376  
2.091

394  
1.040

395  
1.025

1041

393  
1.927

396  
1.058

1825

1832

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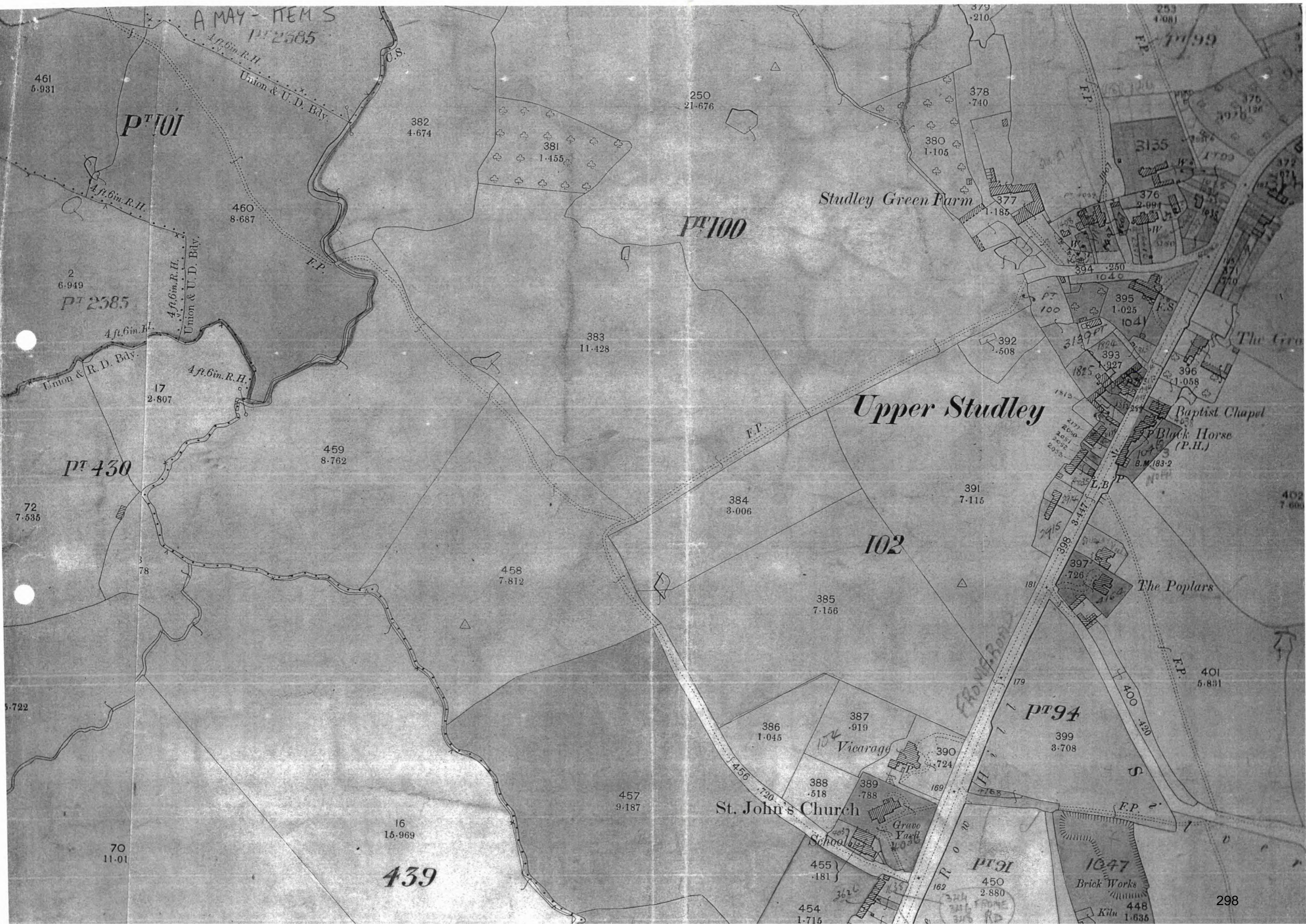
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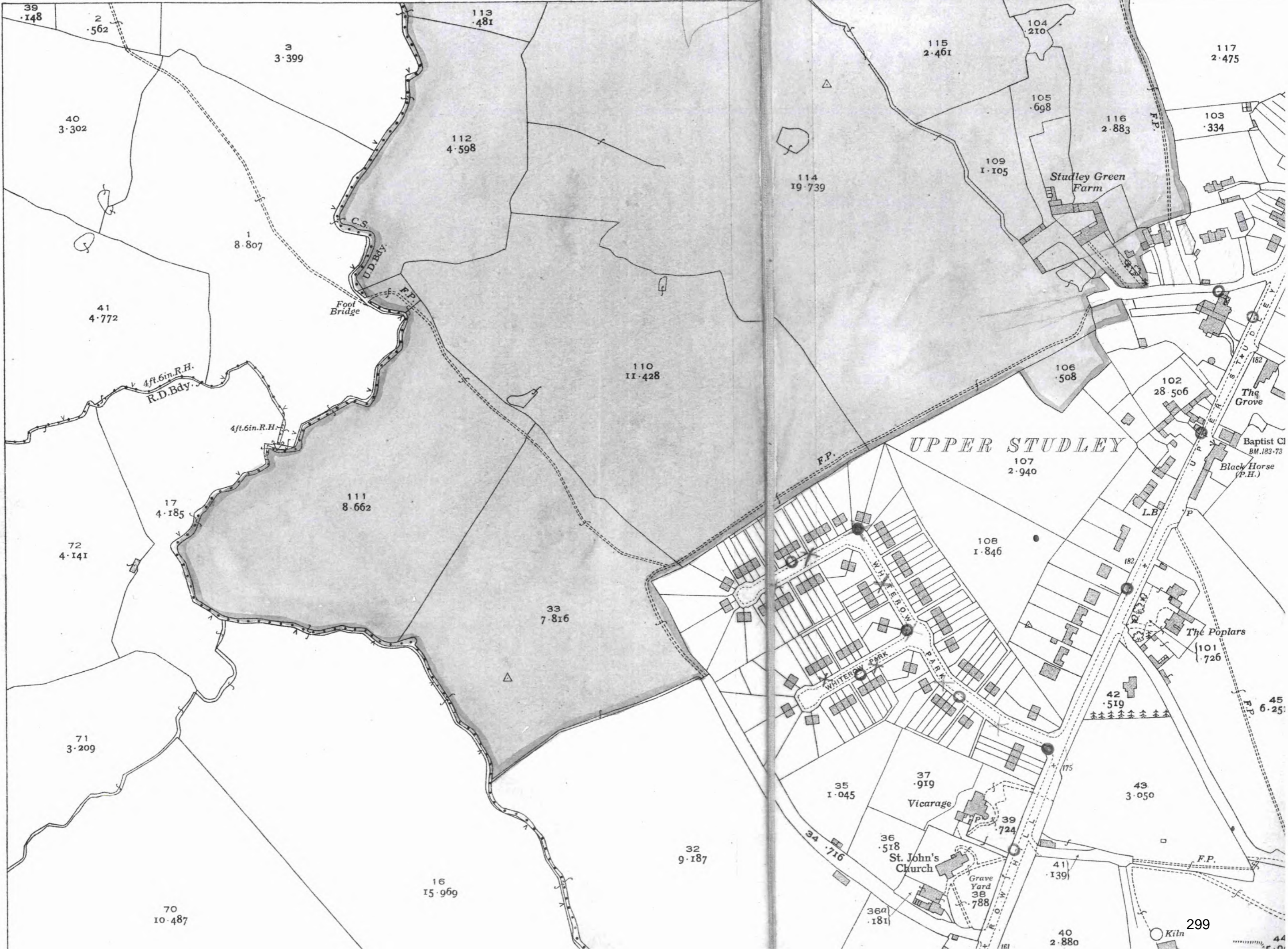
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FROM R. ROAD

TR 0 10



WINGFIELD PH.



WINGFIELD PH.



39 148  
2 562  
3 3399  
40 3302  
41 4772  
17 4185  
72 4141  
71 3209  
70 10487

1 8807

111 8662

16 15969

32 9187

35 1045

37 919

36 518

39 724

36a 181

41 139

43 3050

42 519

108 1846

107 2940

106 508

109 1105

116 2883

103 334

UPPER STUDLEY





A MAY - ITEM 6





A MAY - ITEM 7



A MAY - ITEM 8





This application has been delayed due to detailed and complex consultations with the Council's Highways Authority and the PROW officer as well as with the applicant's agent.

The re-location of bollards on "unknown" third party land (the land which is designated PROW) has required careful consideration in terms of assessing the reasonableness of imposing a Grampian style condition. This matter has been discussed at length, and it has been concluded through dialogue with the Council's PROW and Countryside Manager, that in the event the applicant reneges on any condition requirement to reinstall bollards on land not under his own control, the Council has the authority to ensure that such work is completed. Such a planning breach would out of highway safety necessity, be actively pursued and the costs of completing such works falling to the applicant.

It is acknowledged that several, if not all the frontagers on the section of the PROW have taken out insurance should the owner emerge to deny them access. This application has been subject to the proper advertisement procedures in terms of Article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, and despite such advertisements in local press, the owner of part of the PROW has not come forward or made representation.

The vast majority of the local objections stem from a concern about the creation of a rat-run or through road from Frome Road to Acorn Meadow/Studley Green. The installation of bollards along the north western edge of the application site (shown on drawing no LDC.1514.002A) would prevent this from happening.

Visibility from Church Lane onto Frome Road is at present restricted, but it has been demonstrated that an existing hedge (again not owned by the applicant) overhangs the public highway and that by cutting it back, improved visibility could be obtained, and that this would alleviate the previously raised highway objection. Such works are again within the power of the Highways Authority to sanction, and an informative rather than a condition is recommended to advise the applicant that it would be in his own best interests to agree with the known third party to cut back the offending hedgerow.

The Highways officer has confirmed that he does not wish to pursue an objection on the lack of footway and width of a section of Church Lane, on the grounds that the Lane is well used by the wider public and that refusing a 2-house development making further use of the lane, would be difficult to defend on appeal.

**Recommendation:      Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**Subject to the following condition(s):**

- 1     The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2     The dwellinghouses hereby approved shall not be occupied until further details have been provided confirming the exact type and siting of the relocated bollards on the public right of way. The dwellinghouses shall only be occupied after the relocated bollards have been installed in a position agreed in writing by the local planning authority. **The bollards shall thereafter be retained and maintained for the lifetime of the development hereby approved.**

REASON: In order to prevent the formation of an unauthorised through-road from Frome Road/Church Lane to Acorn Meadow and to limit the amount of traffic generated along Church Lane.

- 3 The dwellinghouses hereby approved shall not be occupied until further details have been provided confirming how the "continued private drive" (as shown on plan drawing LDC.1514.002A) shall be consolidated. Once the finished material has been agreed in writing, the access drive shall be maintained for the lifetime of the development.

REASON: In the interests of highway safety and in order to protect the integrity and use of the public right of way.

- 4 The dwellinghouses hereby approved shall not be occupied until further details of the access gradients have been submitted and approved in writing by the local planning authority.

REASON: In the interests of highway safety and in order to protect the integrity and use of the public right of way.

- 5 The parking spaces shown on plan drawing LDC.1514.002A shall not be used other than for the parking of vehicles or for the purpose of taking access to the site.

REASON: In the interests of highway safety and in order to protect the integrity and use of the public right of way.

- 6 That the hexagonal windows shown in the gable elevations shall be formed in obscure glazing units for the lifetime of the development.

REASON: To safeguard residential amenity and privacy.

POLICY: West Wiltshire District Plan - 1st Alteration policy C38.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the gable elevations of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 8 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN drawing no.LDC.1514.001 received on 09.02.2011

PROPOSED SITE LAYOUT drawing no. LDC.1514.002A received on 04.03.2011

PROPOSED FLOOR PLANS drawing no. LDC.1514.003 received on 04.03.2011

PROPOSED ELEVATIONS drawing no. LDC.1514.004 received on 04.03.2011

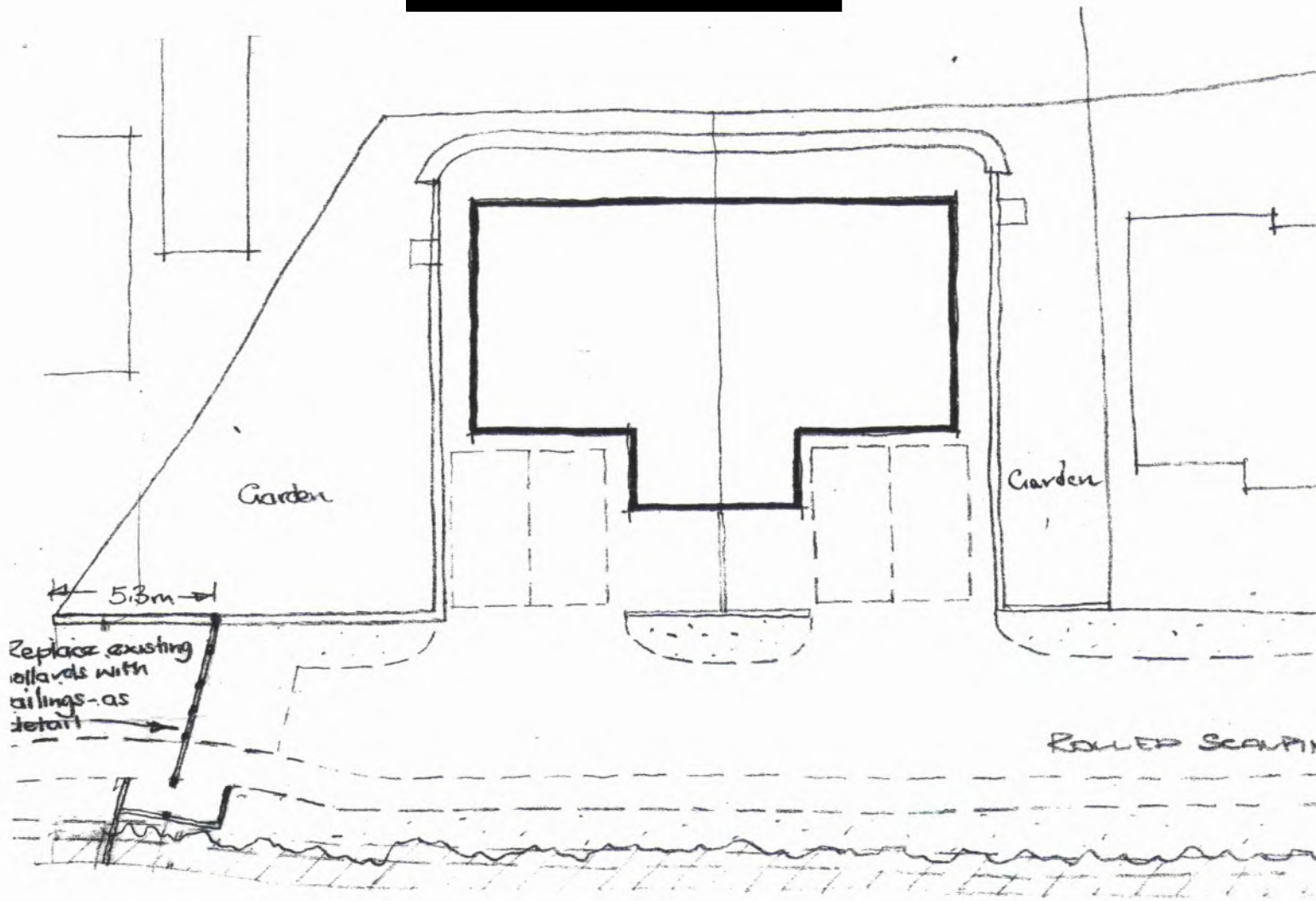
PROPOSED ELEVATIONS drawing no. LDC.1514.005 received on 04.03.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

**Informative(s):**

# LAND DEVELOPMENT & PLANNING CONSULTANTS LIMITED

Nettleton, Chippenham, Wiltshire. SN14 7

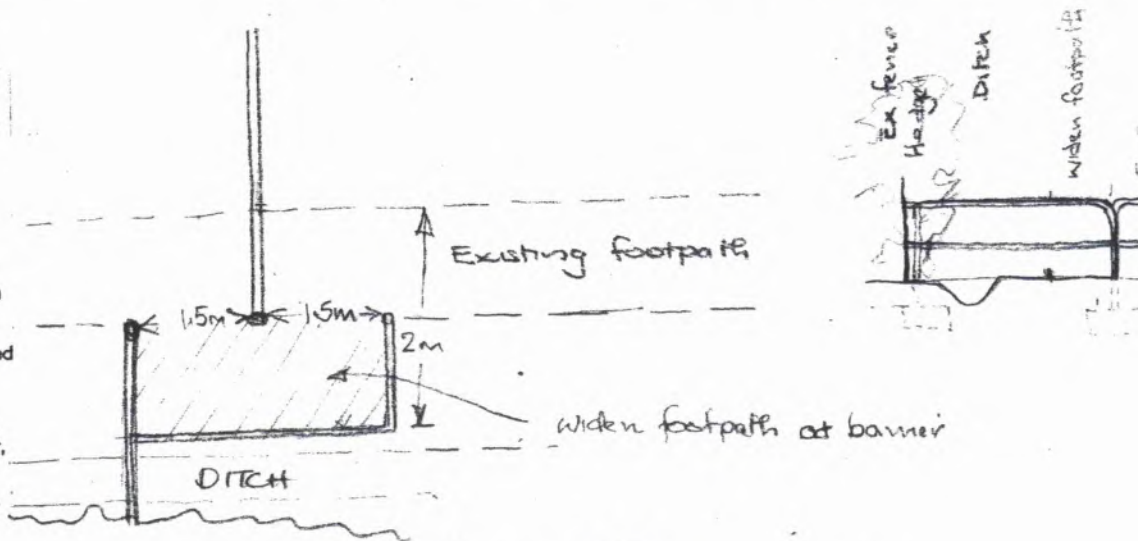


Barrier to be constructed using 'Kee-Klump' tubes and fittings or similar approved system with construction and materials as follows:-

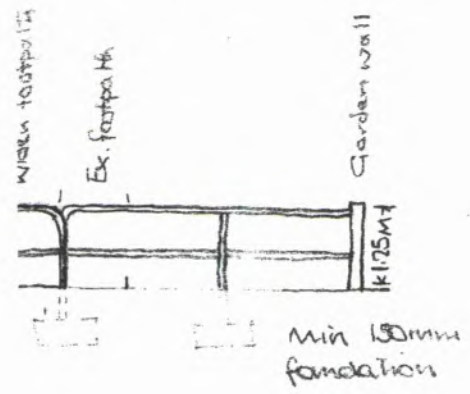
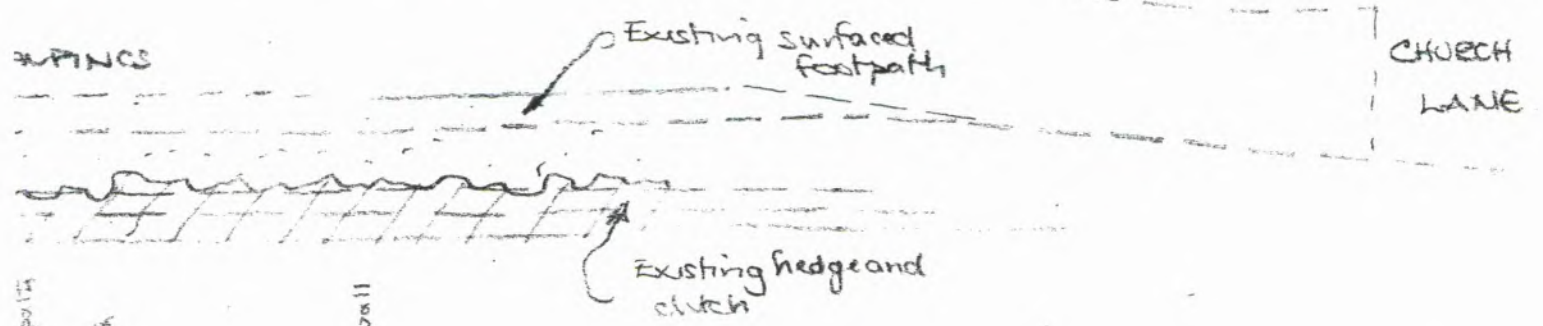
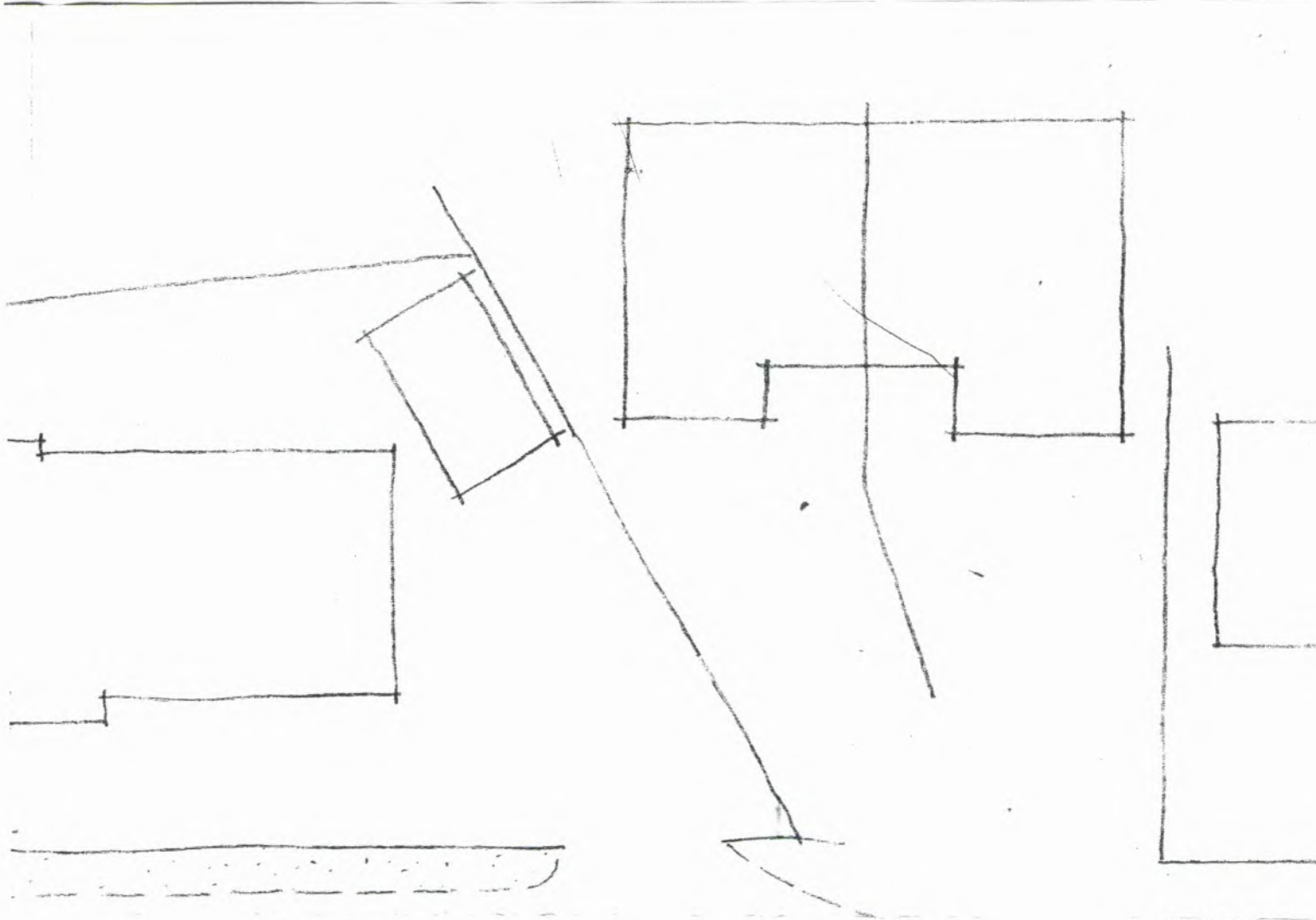
- Post and rails to be galvanised steel tubing, 42mm diameter to BS1387 and coated to BS729.
- Junctions between rails and posts to be a malleable iron casting to BS6681 and capable of achieving a rigid joint by means of a recessed zinc plated set screw at each tube/fitting interface.

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.



31 AUG 2011

DETAILS OF PROPOSED ALTERATIONS  
 TO BOLLARDS AND ACCESS DRIVE  
 AT CHURCH LANE, TROWBRIDGE

SCALE 1:200 DATE AUG 2011

DRAWING NO LDC 1514.01.CONDITIONS

A MAY - ITEM 10



A MAY - ITEM 11









