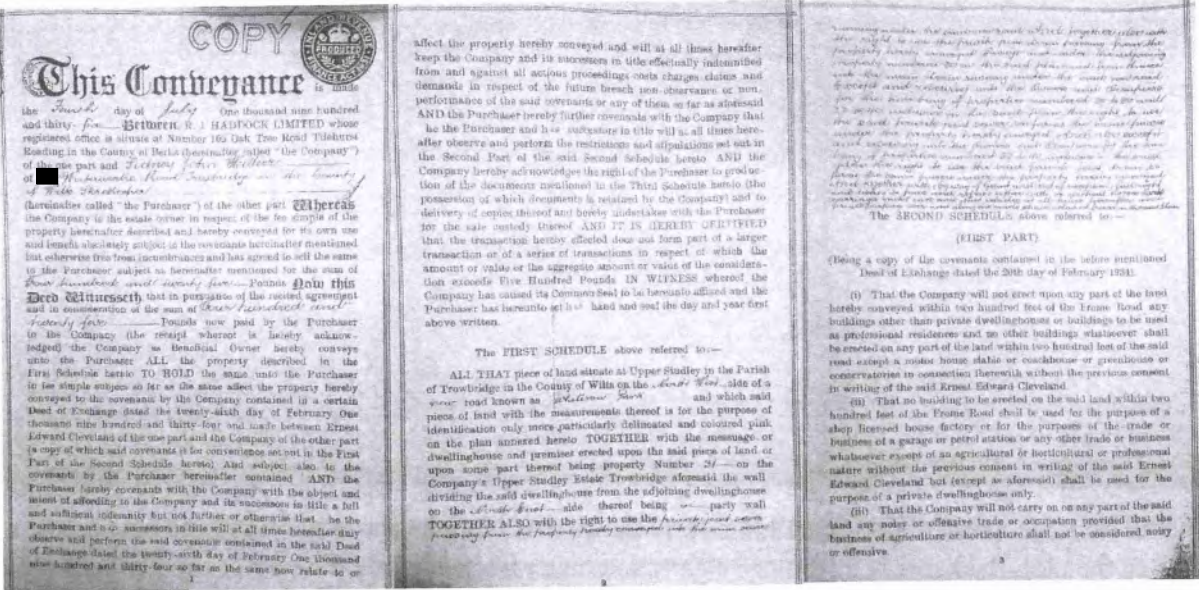




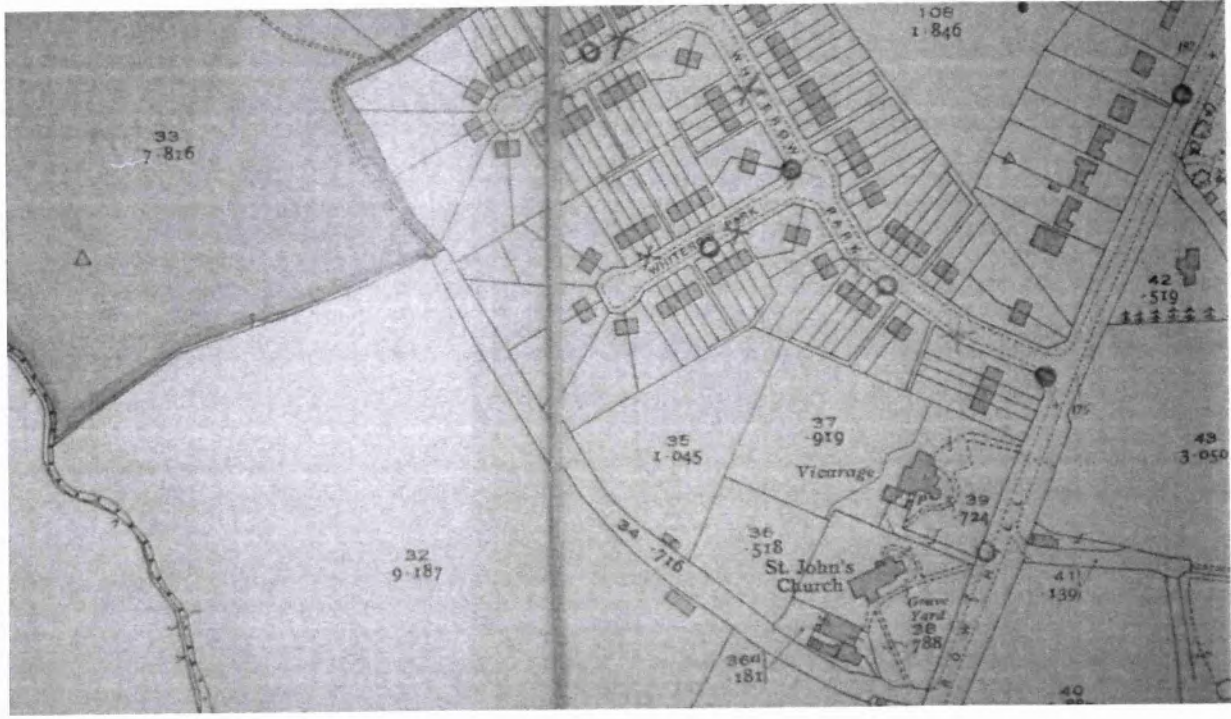
Addition to DMMO Footpath 8 Pack.

Recd 16/5/19

Historical Evidence that Kynance, Church Lane access should be reinstated



4th July 1935 – Land deeds are bought for £425.



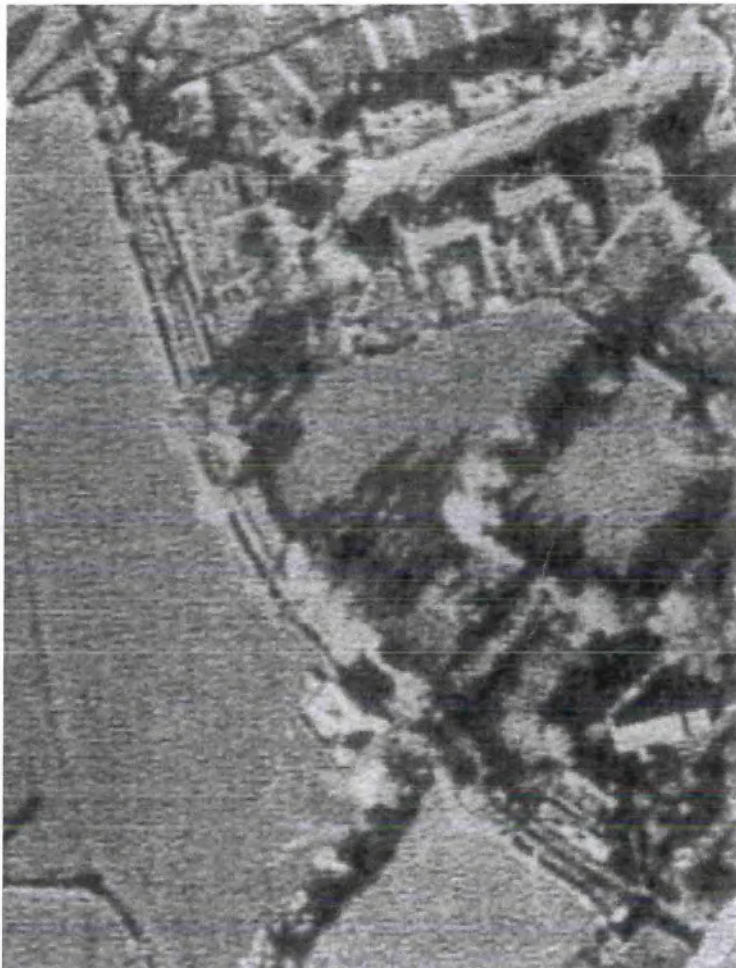
OS 38/11 – 1937

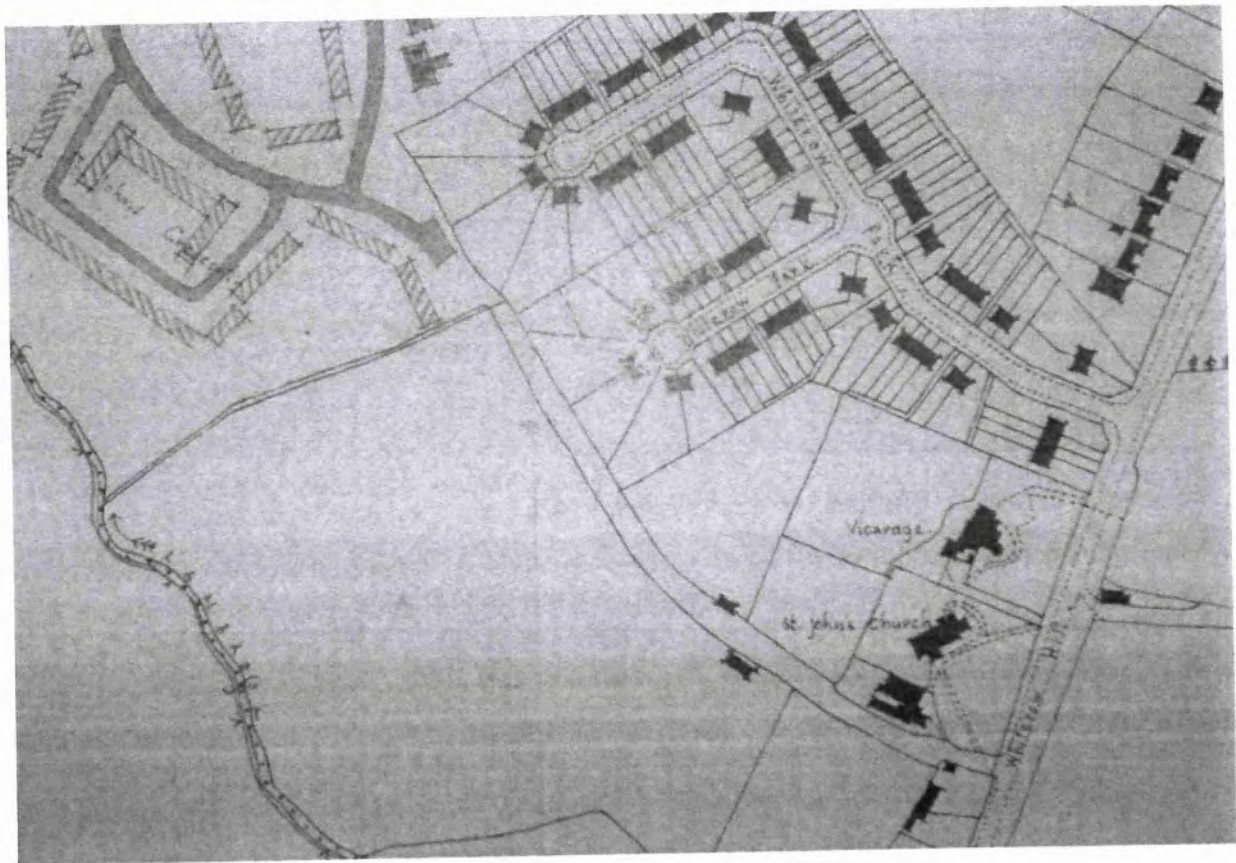
Kynance land sectioned off of 68 Whiterow Park. End of Church Lane is clearly marked. Access only possible via Church Lane.

Additional evidence adduced as part of application.
16/05/19 J.C. 319



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:





Drawing Number T1A/15b 11th Jan 1954

Showing a clear gap between Lambrok Road and Church Lane. Access to Lambrok Road not possible. Only possible access is via Church Lane



OS 38/11 1937 edition with revisions circa "1950/55"

Kynance and Hillbrook are planned. Acorn Meadow does not exist. There is a clear gap between end of Lambrok Road and end of Church Lane, through which there is a footpath.

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:—

- (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.
- (ii) That the Surveyor prepare a detailed plan in connection therewith.
- (iii) That the Clerk be authorised to serve all necessary notices and to take all necessary action in connection with the proposed order.

2293. Traffic Signs

13th December 1960 – Trowbridge U.D.C. Minutes

Planning to adopt Church Lane

2586. Site for Proposed Dwelling at rear of No. 42a Whiterow Park.—An informal enquiry was received as to whether permission could be obtained for the erection of a dwelling, preferably a semi-bungalow, on this site, being part of the large garden of No. 42a Whiterow Park, with access to Church Lane. It was Agreed to obtain the Area Planning Officer's views on this matter and to inform him that the Committee see no objection in principle to the proposal.

2nd March 1961 – Trowbridge U.D.C. Minutes

No objections in principle to Church Lane access for Hillbrook.

Minutes, Plans Committee, 13th April, 1961.

267

No. 4331 Church Lane (rear No. 68 Whiterow Park): Outline application for erection of semi-bungalow for Mr. S. J. Hillier.
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.

13th April 1961 – Trowbridge U.D.C. Minutes

Kynance planning permission

No. 4333 Church Lane (rear No. 42A Whiterow Park): Proposed detached semi-bungalow for Mr. K. J. Hillier.
Byelaws: Surveyor authorised to pass the plan if found to comply with the requirements of the Byelaws: otherwise to reject the plan.
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.

13th April 1961 – Trowbridge U.D.C. Minutes

Hillbrook planning permission

No. 4344 Church Lane (rear No. 42 Whiterow Park): Outline application for erection of house or bungalow for Mr. E. J. Organ.
Planning: Surveyor to discuss with the applicant the dimensions of the site and to report back together with the observations of the Area Planning Officer.

4th May 1961 – Trowbridge U.D.C. Minutes

Planning for land fronting between Church Lane and Lambrok Road. See map OS ST8456

Planning: Permission, subject to recommendation.
No. 4344 Church Lane (rear No. 42 Whiterow Park): Outline application for erection of bungalow for Mr. E. J. Organ.
Planning: Permission, on an outline application, subject to approval of detailed plans and to satisfactory arrangement of site boundaries.
No. 4345 Church Lane (rear No. 42 Whiterow Park): Proposed detached

18th May 1961 – Trowbridge U.D.C. Minutes

Recommendation, Area Planning Officer's
No. 4394 Rear No. 68 Whiterow Park (Church Lane): Detached semi-bungalow and garage for Mr. S. J. Hillier.
Byelaws: Pass.
Planning: Permission.
Highways Act, 1959, Sec. 193: Deposit or security for street works to be provided in the amount of £135.
No. 4395 24 The Croft: Proposed

29th June 1961 – Trowbridge U.D.C. Minutes

Kynance planning permission

HIGHWAYS ACT, 1959. s. 193

Notice by Street Works Authority requiring payment or security in advance of apportionment of Private Street Works Expenses.

To (1) Mr S J HALLIER
[REDACTED] WATERLOO PARK
TROWBRIDGE WILTS.

WHEREAS on the First day of July 1961, the* Trowbridge Urban District Council (hereinafter called "the Council") passed under the building byelaws of the Council plan No. 4391 deposited by you for the erection of a building at the rear of [REDACTED] Waterloo Park Trowbridge which building will have a frontage on to the private street known as CHURCH LANE, Upper Street, 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] [1876]) 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

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).

DATED this Third day of July, 1961.

[REDACTED]
[Town] Clerk [of the Council].

Notes.

* Insert name of local authority.

† Insert the name and address of the person by whom or on whose behalf the building plans were deposited.

1st July 1961 – Trowbridge U.D.C. Document

Street works paid by Kynance developers. This document proves that Kynance fronts on to Church Lane and it is a private street.

- to
The Urban District Council of Trowbridge

All Accounts to be paid to the Cashier, Town Hall, Trowbridge and
Cheques made out to "Trowbridge U.D.C." and crossed Account Payee

Date. <i>Shing 1/6/61</i>	<i>Mr K J Hillier Whiterow Park Trowbridge</i>	
	<i>Highways Act 1954 Amount recoverable in respect of street works re new house to be erected near Whiterow Park</i>	i s. d. <i>135-0-0</i>

CHEQUES ACT, 1957.

If payment of this account is made by CHEQUE, please forward THIS SECTION ONLY with the cheque.
No receipt will be issued unless specifically requested as the paid cheque is evidence of receipt by the Council of the sum payable by the cheque.
If payment is made other than by cheque, please present this account intact.

ACCOUNT No.

3792

Only a Receipt printed by the receipting machine will be recognised.

Received the sum stated here in printed figures.



135 0 000

Receipt for streetworks payment 1961



1st July 1961 – Kynance plans showing Church Lane and Lambrok Road are separated. Also shows 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.

No. 4425 Rear No. 42A Whiterow Park (Church Lane): Proposed garage for Mr. K. J. Hillier.
Byelaws: Defer consideration pending receipt of further particulars.

20th July 1961– Trowbridge U.D.C. Minutes

instructed as to the reply to be made.

3154. Upper Studley Vicarage and adjacent land (Reference Plan No. 4213).—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 satisfactory in principle subject to adequate provision for car parking at the proposed new church hall being incorporated in the scheme.

20th July 1961 – Trowbridge U.D.C. Minutes

More adequate car parking is necessary for the new church hall. No concern for cars exiting on to 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.

No. 4425 Rear No. 42A Whiterow Park (Church Lane): Proposed garage amended for Mr. K. J. Hillier.
Byelaws: Pass.
Planning: Permitted development.

10th August 1961 – Trowbridge U.D.C. Minutes

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 11th Jan 1954 and OS 38/11 1937 edition).

3787. Lambrok Road: Church Lane.—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 across 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.

9th January 1962 – Trowbridge U.D.C. Minutes

A verge separated end of Lambrok Road and end of Church Lane (as seen in 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.

objecting to the way from the site to The Down, December, 1961, and which had been forwarded to Council.

4019. Church Lane: Site for Dwelling at rear of No. 42 Whiterow Park (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 enquirer to say that the Committee are not prepared to agree to the erection on this site of a bungalow of the type suggested.

8th March 1962 – Trowbridge U.D.C. Minutes

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.

4161. Church Lane, Upper Studley.—It was RESOLVED 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.

10th April 1962 – Trowbridge U.D.C. Minutes

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.

5564. Unadopted Streets: Linden Place.—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.

9th April 1963 – Trowbridge U.D.C. Minutes

Council unable to act on unadopted private streets.

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.

31st October 1963 – Trowbridge U.D.C. Minutes

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.

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.

21st November 1963 – Trowbridge U.D.C. Minutes

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.

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:—

- (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.
- (b) that the observations of this Committee with regard to other land adjoining Church Lane be conveyed to the Town Development Committee.

14th January 1964– Trowbridge U.D.C. Minutes

580. Unadopted Roads: Church Lane, Upper Studley.—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.

13th October 1964– Trowbridge U.D.C. Minutes

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.

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.

25th March 1965– Trowbridge U.D.C. Minutes

Lots more cars to be exiting out of Church Lane on to Frome Road.

mission be granted for the change of use of the property.

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.

4th April 1967—Trowbridge U.D.C. Minutes

“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.



OS ST8456 1967

New route between Church Lane and Lambrok Road has been created as a result of council giving permission to Hillier to lay down hardcore to access Kynance for coal and furniture deliveries. Posts have been installed.

H. 238

Church Fields and Church Lane,
Upper Studley, Trowbridge.

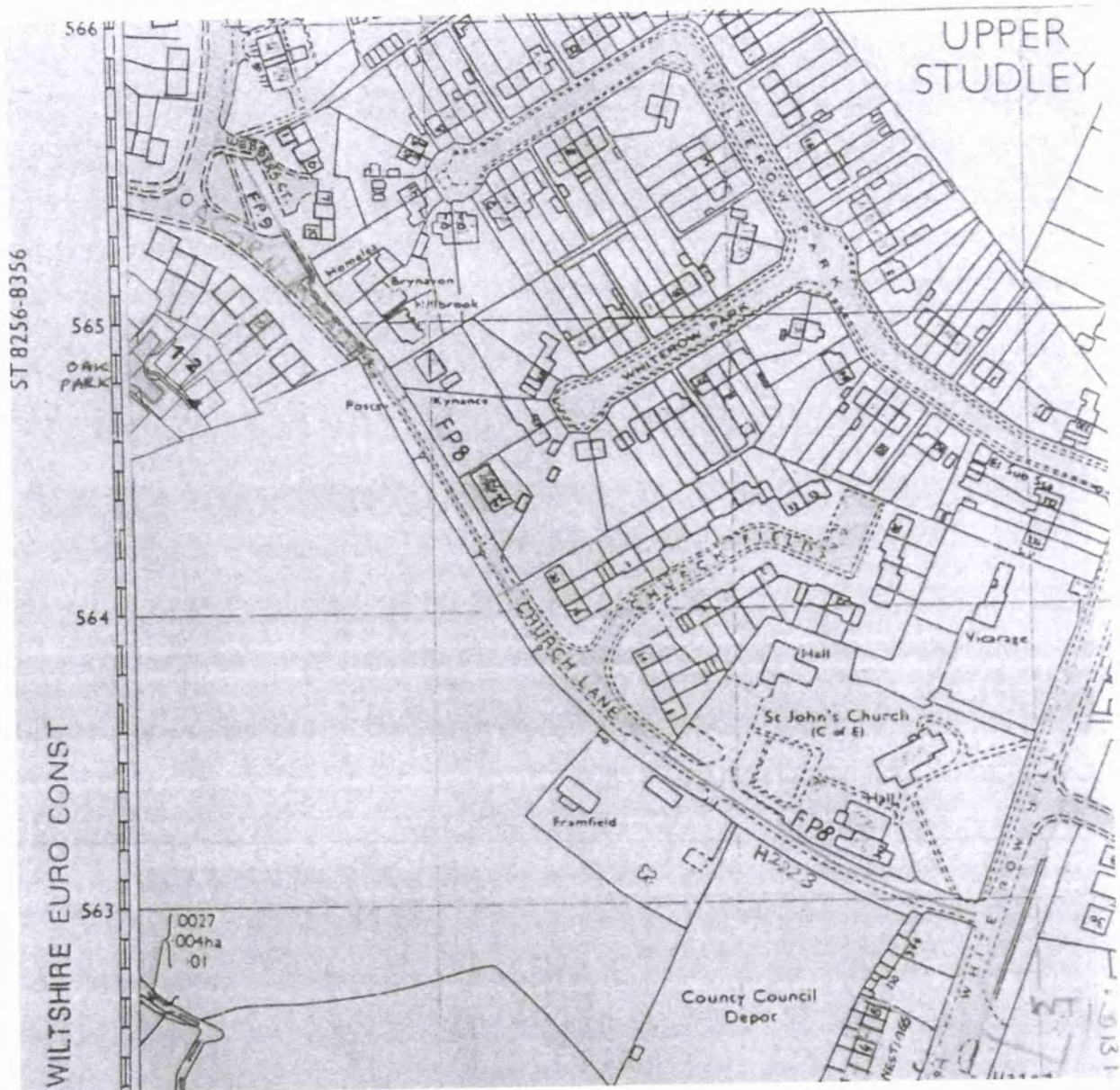
1. An extract from the highway records is attached which shows coloured orange the extent of the road at Church Fields which has been adopted as highway maintainable at the public expense and also the half width of a length of Church Lane which has also been adopted. Also coloured orange is the length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

TIR/ENV/TC.242

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

1970 County Secretary and Solicitor's Office Letter referring to follow map

"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). So footpath 8 is adopted and the whole width of the lane is a PROW.



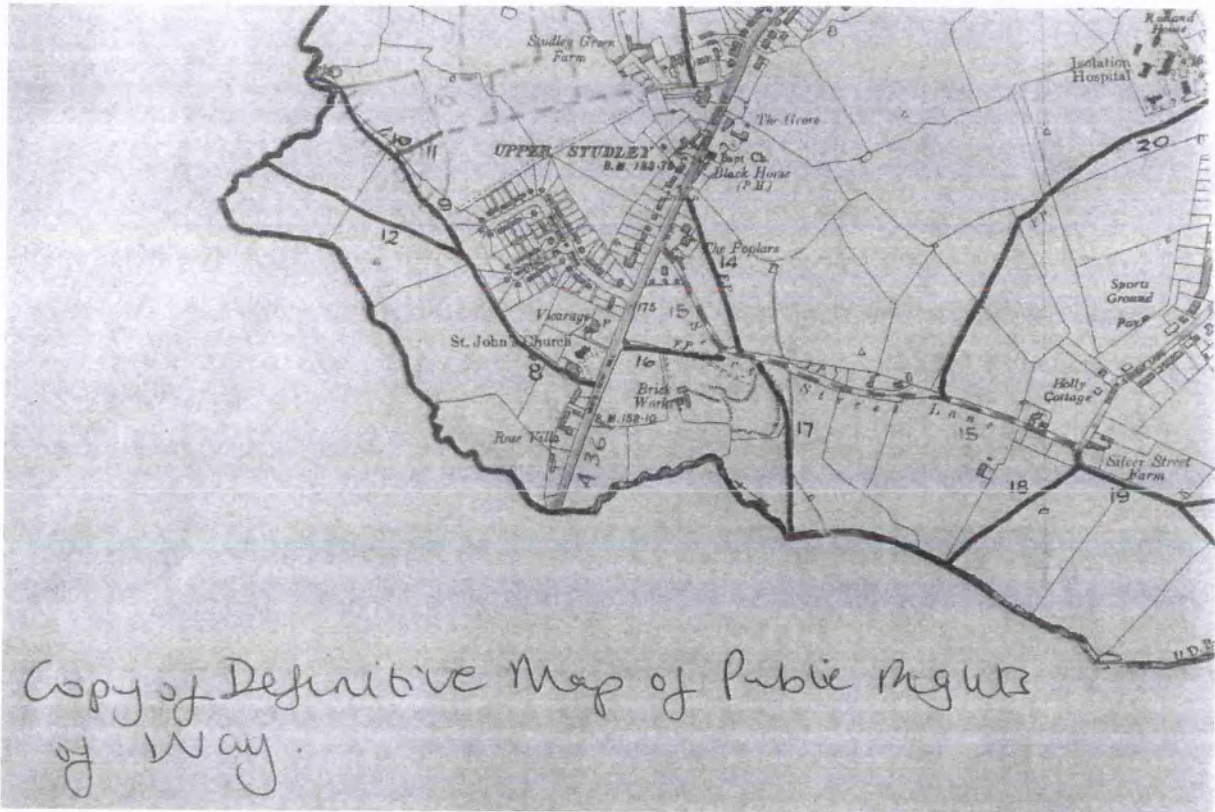
1970 Highway Records Map referred to above.

Also refer to <https://www.wigan.gov.uk/Resident/Parking-Roads-Travel/Public-rights-of-way/Guidance-for-landowners-and-occupiers.aspx#Widthofpublicrightsofway>

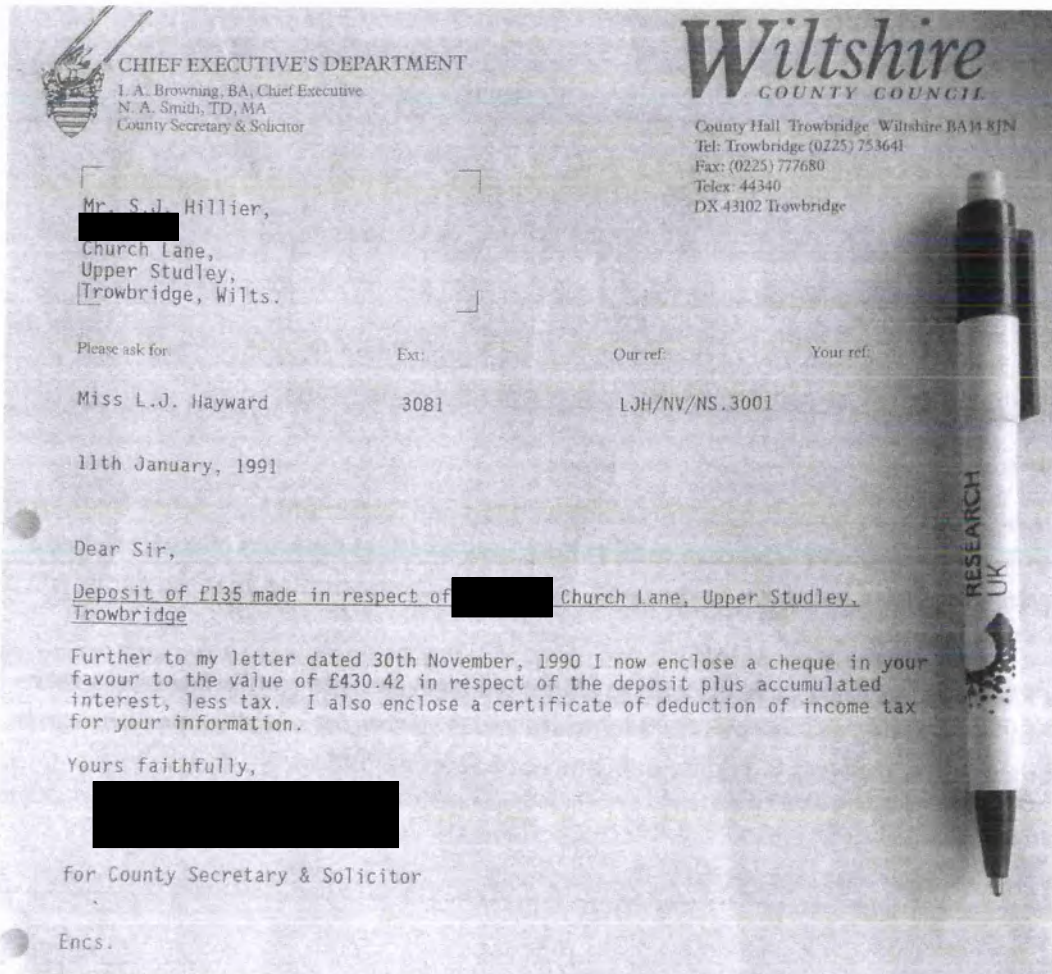
Where it states:

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 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.




Circa 1970 Map confirming Church Lane is PROW



11th January 1991

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 30th November 1990 cannot be located by the archive team at Wiltshire Council, nor by the Wiltshire and Swindon History Centre

 **CHIEF EXECUTIVE'S DEPARTMENT**
I. A. Browning, BA, Chief Executive
M. O. Holder, LL.B., County Secretary & Solicitor

Wiltshire
COUNTY COUNCIL
County Hall, Trowbridge, Wiltshire, BA14 8JN
Tel: Trowbridge (0225) 753641
Fax: (0225) 777680
DX 43102 Trowbridge

Messrs. Bishop Longbotham & Bagnall,
Solicitors,
DX 43106,
TROWBRIDGE.

H.567

Please ask for:	Est:	Our ref:	Your ref:
Mr. A. Harbour	3041	ARH/JW/ENV/TC242	13/F/480

12th April, 1991

Dear Sirs,

14 Church Lane, Upper Studley, Trowbridge

Thank you for your letters dated 14th March and 9th 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.B. Trowbridge.

It is assumed that the whole of Church Lane is used by vehicles and it is therefore 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.

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.

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.

Yours faithfully,

for County Secretary & Solicitor

Enc.

Letter to BLB from WCC 12/4/91

The whole of Church Lane is considered a private street and used by vehicles.

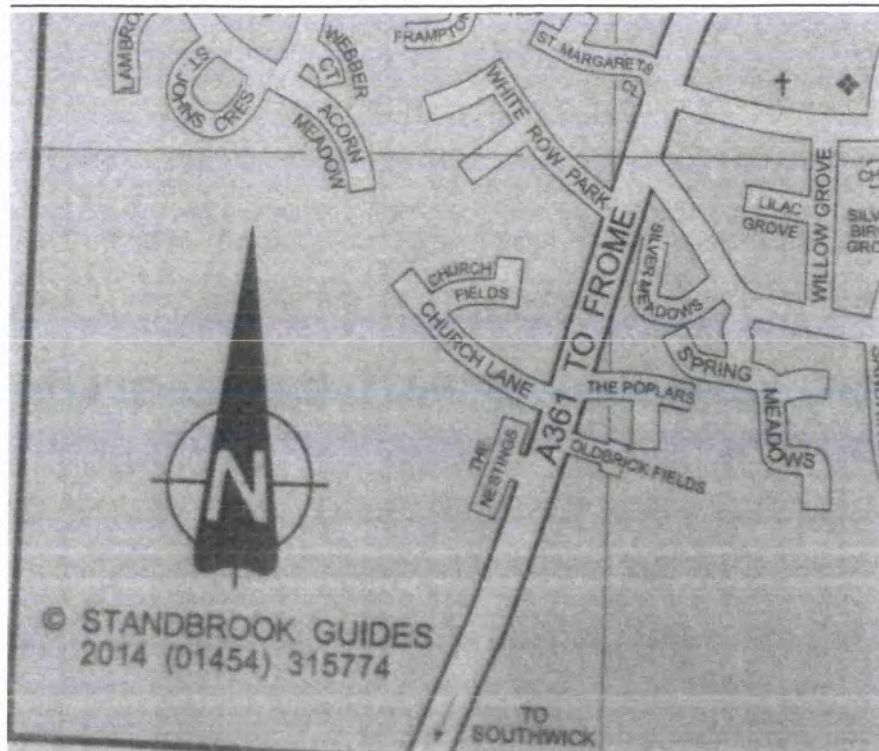


Photo of map in Trowbridge Police Station showing where Church Lane has been adopted, and where it hasn't.

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 2 Fort Street Trowbridge

in the County of Wiltshire

this 1st day of August 2005

Before me [REDACTED]

A Commissioner for Oaths Solicitor

empowered to administer Oaths

PAUL VINGOE
Solicitor
TROWBRIDGE,
Wiltshire.

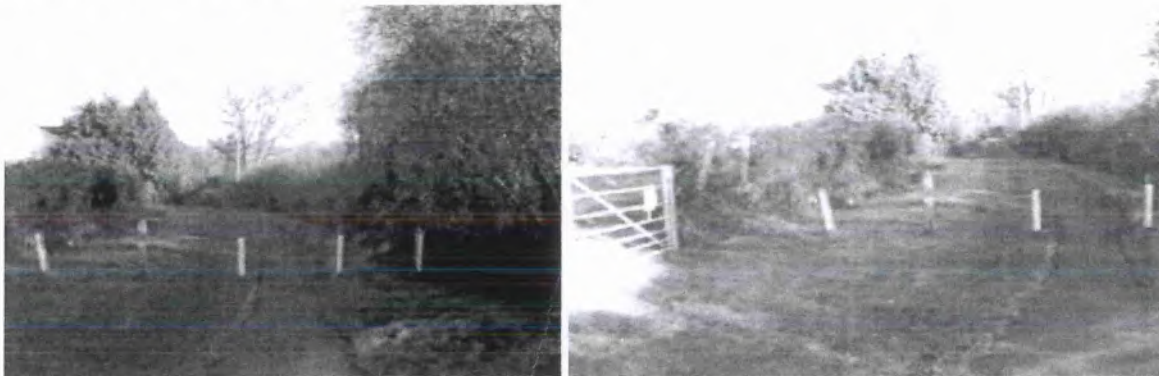
1st August 2005 – Jackie McClurg, previous owner of [REDACTED], declares that her, her family and visitors have used the brown area to access the property since July 1999.



© Crown Copyright. Produced by Land Registry. Reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey. Licence Number 100026316.



24th March 2006 – We move into [REDACTED]



Church Lane when we moved in. You can clearly see that there is a post that is different to the others. This was a removable post which we used to access Church Lane.

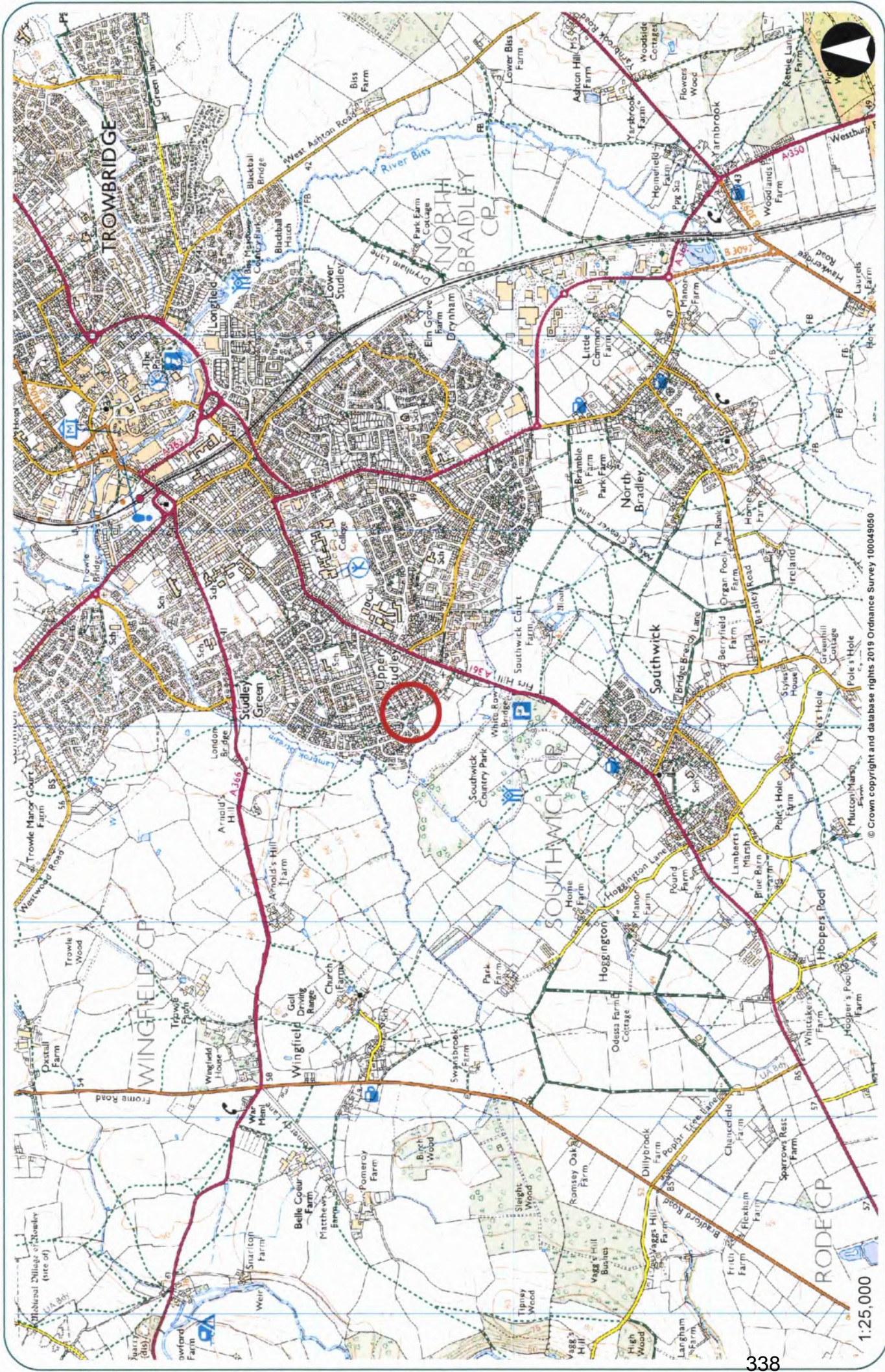


February 2009 – The post is removed on these photos. The gap is clearly wide enough for a car to pass. The hedgerow had now grown over our access.

Conclusion

Kynance and Hillbrook were the first developments in 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 here) did object to the posts.

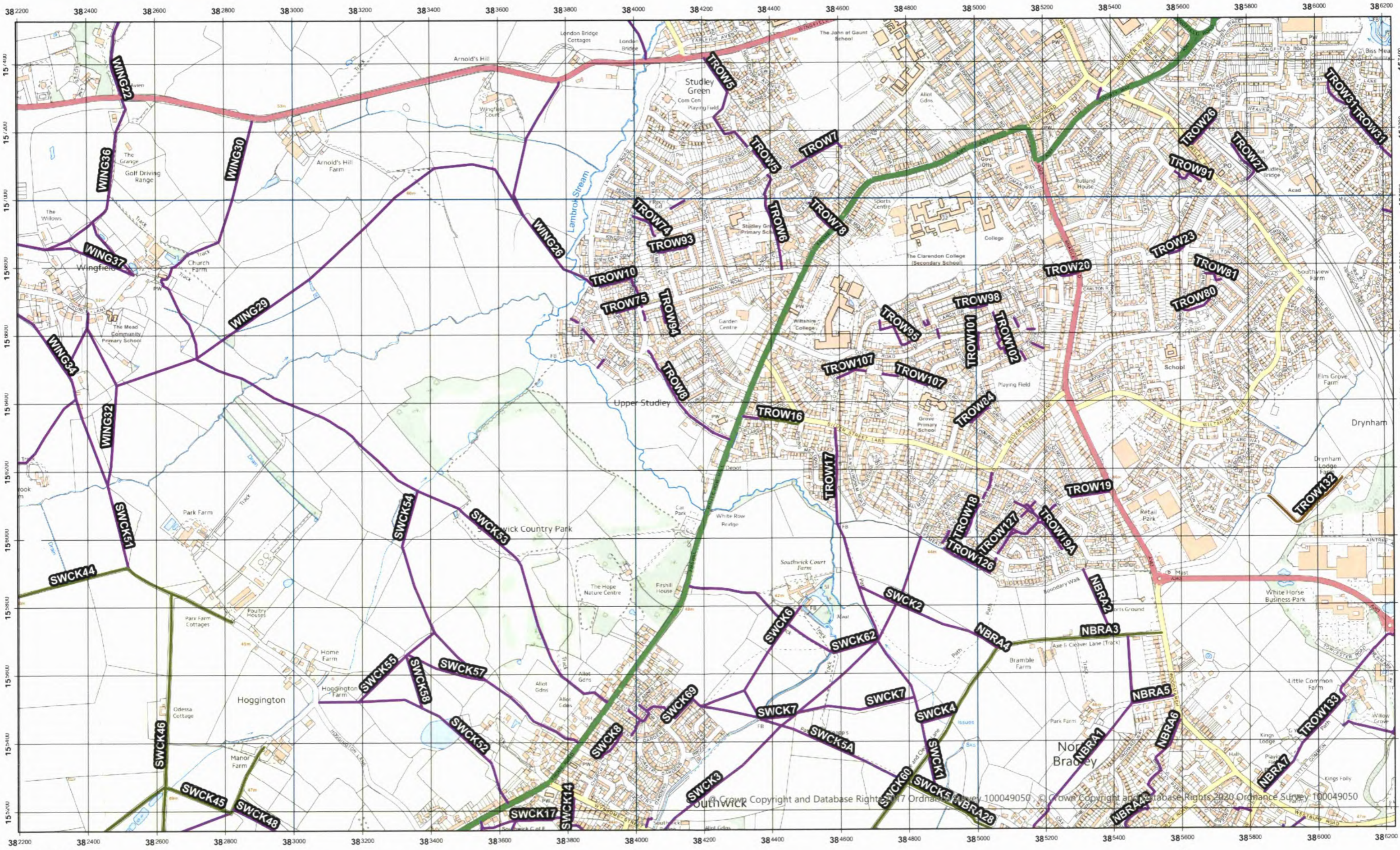
**Footpath no.8 Trowbridge
Location Plan**



© Crown copyright and database rights 2019 Ordnance Survey 100049050

1:25,000

Path no.8 Trowbridge
Connecting Rights of Way Network



23rd May 2019

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Mr James Higgs
Trail Riders Fellowship
Massey Road
Devizes
Wiltshire
SN10 3

Your ref:
Our ref: JG/Dist.10 2018/05

Dear Mr Higgs,

Wildlife and Countryside Act 1981 – Section 53
Application to Upgrade Path no.8 Trowbridge (part) to a Byway Open to All Traffic,
Church Lane, Trowbridge

Wiltshire Council are in receipt of an application, dated 29th August 2018 and made under Section 53 of the Wildlife and Countryside Act 1981, to modify the Trowbridge Urban District Council Area Definitive Map and Statement of public rights of way, dated 1953, by upgrading part of Footpath no.8 Trowbridge to a byway open to all traffic at Church Lane, Trowbridge. The proposed byway open to all traffic leads in a generally north-westerly direction from Churchfields at OS Grid Reference ST 8412-5640, to Acorn Meadow at OS Grid Reference ST 8407-5648, as shown on the enclosed plan, (between points A and B), having a width of 5 metres. The application is accompanied by 59 completed witness evidence forms and historical evidence.

Wiltshire Council is now placed under a duty to investigate the available evidence to determine, on the balance of probabilities, whether a highway shown on the definitive map as a highway of a particular description, ought to be there shown as a highway of a different description and to amend the definitive map and statement of public rights of way accordingly.

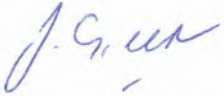
Your comments on this matter are therefore invited and any representations regarding the application may be sent in writing to myself at the address given above. I would be very grateful to receive any further evidence regarding public use of the route in question and/or historical evidence relating to the status of the claimed route.

In May 2006 the Natural Environment and Rural Communities Act (NERCA) came into force and affected the way in which we deal with such applications. Section 67(1) of the Act had the effect of extinguishing unrecorded public vehicular rights, save for certain exceptions. As part of its investigations Wiltshire Council will be considering these exemptions and I would also be particularly interested to receive any information which you may have regarding use of the route with motor vehicles prior to 1930, (i.e. when it first

became an offence to drive a mechanically propelled vehicle "off road") and also between 2000 and 2006, (during the 5 year period prior to the commencement of NERCA).

I would be very grateful to receive any additional information, comments or representations on this matter, in writing, not later than 5:00pm on Friday 12th July 2019.

Yours sincerely



Janice Green
Senior Definitive Map Officer

Direct line: 01225 713345

Email: janice.green@wiltshire.gov.uk

Enc.

Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

23rd May 2019

Land Access and Recreation Association

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your ref:

Our ref: JG/Dist.10 2018/05

Dear Sir or Madam,

Wildlife and Countryside Act 1981 – Section 53
Application to Upgrade Path no.8 Trowbridge (part) to a Byway Open to All Traffic,
Church Lane, Trowbridge

Wiltshire Council are in receipt of an application, dated 29th August 2018 and made under Section 53 of the Wildlife and Countryside Act 1981, to modify the Trowbridge Urban District Council Area Definitive Map and Statement of public rights of way, dated 1953, by upgrading part of Footpath no.8 Trowbridge to a byway open to all traffic at Church Lane, Trowbridge. The proposed byway open to all traffic leads in a generally north-westerly direction from Churchfields at OS Grid Reference ST 8412-5640, to Acorn Meadow at OS Grid Reference ST 8407-5648, as shown on the enclosed plan, (between points A and B), having a width of 5 metres. The application is accompanied by 59 completed witness evidence forms and historical evidence.

Wiltshire Council is now placed under a duty to investigate the available evidence to determine, on the balance of probabilities, whether a highway shown on the definitive map as a highway of a particular description, ought to be there shown as a highway of a different description and to amend the definitive map and statement of public rights of way accordingly.

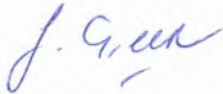
Your comments on this matter are therefore invited and any representations regarding the application may be sent in writing to myself at the address given above. I would be very grateful to receive any further evidence regarding public use of the route in question and/or historical evidence relating to the status of the claimed route.

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23rd May 2019

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Byways & Bridleways Trust
Burgate
Harwood Dale
Scarborough
North Yorks
YO13 0DS

Your ref:
Our ref: JG/Dist.10 2018/05

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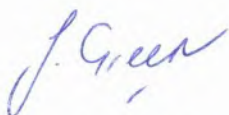
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23rd May 2019

Cllr David Halik
Councillor for Trowbridge Grove
Wiltshire Council

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Your ref:
Our ref: JG/Dist.10 2018/05

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Wildlife and Countryside Act 1981 – Section 53
Application to Upgrade Path no.8 Trowbridge (part) to a Byway Open to All Traffic,
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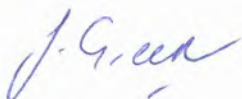
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Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic

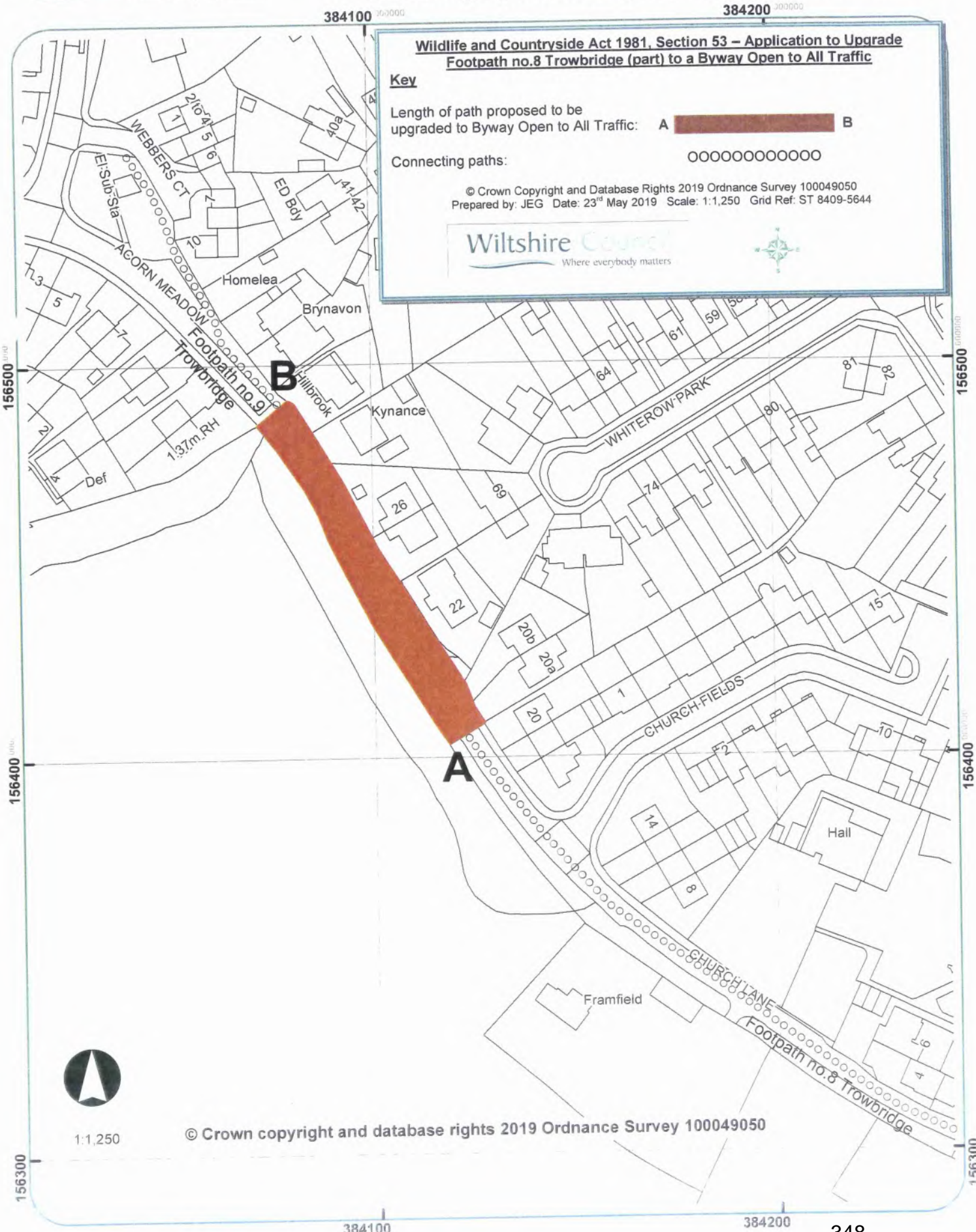
Wildlife and Countryside Act 1981, Section 53 – Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic

Key

Length of path proposed to be upgraded to Byway Open to All Traffic: A  B

Connecting paths: 

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Prepared by: JEG Date: 23rd May 2019 Scale: 1:1,250 Grid Ref: ST 8409-5644



1:1,250

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Name	Address 1
The Secretary General	ACU House
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
The Owner / Occupier	Church Lane
Salisbury Diocesan Board	Church House
Open Spaces Society	25a Bell Street
Ms F Gilmour	Church Lane
Ms A Thomas & Ms A Hanson	Church Lane
Ms A Evans-Wyllie	Frome Road
Mrs R Hunt	Frome Road
Mrs R Cunningham	Wiltshire Bridleways Association
Mrs Myra Bennett	BHS CABO Wiltshire
Mrs H D Woodbridge	Area Commissioner
Mr T Lewis	Ramblers
Mr S Wylie	Church Lane
Mr S Coleman	Church Lane
Mr R Pegrum	Church Lane
Mr Peter R Mundy	West Wilts Group Footpath Secretary
Mr Paul Millard - Rights of Way Warden (Central)	Wiltshire Council
Mr M Rowland	Crossroads Cottage
Mr M Reid	Church Lane
Mr M Moore	Southern Counties Off Road Club Ltd
Mr M Harrington	Church Lane
Mr L Allan	Trowbridge Town Clerk
Mr Jonathan Shipton - Partner	Goughs Solicitors
Mr John Lippiatt	Andover Road
Mr Jeremy Bell	Solent and District Land Rover Club

Address 2	Address 3	Address 4	Address 5
Wood Street	Rugby	Warwickshire	CV21 2YX
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
Crane Street	Salisbury	BA14 0	SP1 2QB
Henley-on-Thames	Oxfordshire	RG9 2BA	
Trowbridge	Wiltshire	BA14 0	
Church Lane	Trowbridge	Wiltshire	BA14 0
Trowbridge	Wiltshire	BA14 0	
Trowbridge	Wiltshire	BA14 0	
British Driving Society	Charlton St Peter	Pewsey	Wiltshire SN9 6
	Pugs Hole	West Tytherley	Hampshire
	Beckhampton	Hoggs Lane	Purton
Trowbridge	Wiltshire	Marlborough	Wiltshire
Trowbridge	Wiltshire	BA14 0	
Church Lane	Wiltshire	BA14 0	
Ramblers	Trowbridge	Wiltshire	BA14 0
Melksham Depot.	Laycock Gardens	Hilperton	Trowbridge
London Road	Hercules Way	Bowerhill	Melksham
Trowbridge	Devizes	Wiltshire	SN10 2
Trowbridge	Wiltshire	BA14 0	
Hillary Close	Lyndhurst	SO43 7	
Trowbridge	Wiltshire	BA14 0	
Trowbridge Town Council	Civic Centre	St Stephens Place	Trowbridge
Ramsbury House	30 Market Place	Devizes	Wiltshire
Chirton	Devizes	Wiltshire	SN10 3
		Gooseberry Lane	Ringwood

Name	Address 1
Mr James Higgs	Trail Riders Fellowship
Mr J Reynolds	Shire Land Rover Club
Mr D Tibbury	[REDACTED]
Mr D Powell	Crockford Road
Mr Clarke	Wiltshire Cycling Touring Club
Mr B Riley	Bath Road
Mr and Mrs May	[REDACTED] Chantry Gardens
Mr A May & Ms M Dunne	[REDACTED]
Mr & Mrs Tripp	Church Lane
Mr & Mrs Edwards	Acorn Meadows
Mr & McGrath	[REDACTED]
Land Access and Recreation Association	[REDACTED]
Judith Parry	[REDACTED]
Cllr David Halik	Councillor for Trowbridge Grove
Byways & Bridleways Trust	Burgate
British Horse Society	Abbey Park

	Address 2	Address 3	Address 4	Address 5
██████████	Massey Road	Devizes	Wiltshire	SN10 3 ██████████
██████████	Foxley Fields	Urchfont	Devizes	Wiltshire
██████████	Oakbank Road	Bishopstone	Eastleigh	SO5 6 ██████████
██████████	Station Approach	Alresford	SO21 1 ██████████	Wiltshire SP1 1 ██████████
██████████	██████████	Kelsey Road	Salisbury	
██████████	Bradford on Avon	Wiltshire	BA15 1 ██████████	
██████████	Southwick	Trowbridge	Wiltshire	BA14 9 ██████████
██████████	Church Lane	Trowbridge	Wiltshire	BA14 0 ██████████
██████████	Trowbridge	Trowbridge	BA14 0 ██████████	
██████████	Trowbridge	Wiltshire	BA14 9 ██████████	
██████████	Church Lane	Trowbridge	Wiltshire	BA14 0 ██████████
██████████	Llansoy	Usk	Monmouthshire	NP15 1 ██████████
██████████	Wiltshire Council			
██████████	Harwood Dale	Scarborough	North Yorks	YO13 0DS
██████████	Stareton	Kenilworth	Warwickshire	CV8 2XZ

Address 6	Salutation	Close
SN10 4 [REDACTED]	Mr Higgs	sincerely
	Mr Reynolds	sincerely
	Mr Tilbury	sincerely
	Mr Powell	sincerely
	Mr Clarke	sincerely
	Mr Riley	sincerely
	Mr & Mrs May	sincerely
	Mr May & Ms Dunne	sincerely
	Mr & Mrs Tripp	sincerely
	Mr & Mrs Edwards	sincerely
	Mr & Mrs McGrath	sincerely
	Sir or Madam	faithfully
	Ms Parry	sincerely
	Cllr Halik	sincerely
	Sir or Madam	faithfully
	Sir or Madam	faithfully

Green, Janice

From: Green, Janice
Sent: 23 May 2019 10:15
To: Halik, David
Subject: Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic
Attachments: Application to Upgrade Path no.8 Trowbridge (part) - Consultation (Cllr Halik).pdf

Dear Cllr Halik,

Wildlife and Countryside Act 1981 – Section 53

Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic

Please find attached consultation letter, inviting your comments regarding an application to upgrade Footpath no.8 Trowbridge (part), to a byway open to all traffic.

If you would like to make any representations regarding the application, I would be very grateful if you could forward them in writing, for my attention, before 5:00pm on Friday 12th July 2019.

Kind regards,

Janice Green

Senior Definitive Map Officer
Wiltshire Council Waste and Environment
County Hall Trowbridge BA14 8JN
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at:
<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: www.wiltshire.gov.uk

Follow Wiltshire Council



Follow Wiltshire Countryside



Green, Janice

From: Green, Janice
Sent: 23 May 2019 10:18
To: 'notices@bywaysandbridlewaystrust.org.uk'
Subject: Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic
Attachments: Application to Upgrade Path no.8 Trowbridge (part) - Consultation (BBT).pdf

Dear Sir or Madam,

Wildlife and Countryside Act 1981 – Section 53

Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic

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Green, Janice

From: Green, Janice
Sent: 23 May 2019 10:20
To: notices@laragb.org
Subject: Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic
Attachments: Application to Upgrade Path no.8 Trowbridge (part) - Consultation (LARA).pdf

Dear Sir or Madam,

Wildlife and Countryside Act 1981 – Section 53

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Green, Janice

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Sent: 23 May 2019 10:23
To: [REDACTED]
Subject: Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to all Traffic
Attachments: Application to Upgrade Path no.8 Trowbridge (part) - Consultation (J Higgs).pdf

Dear Mr Higgs,

Wildlife and Countryside Act 1981 – Section 53

Application to Upgrade Footpath no.8 Trowbridge (part) to a Byway Open to All Traffic

Please find attached consultation letter, inviting your comments regarding an application to upgrade Footpath no.8 Trowbridge (part), to a byway open to all traffic.

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Web: www.wiltshire.gov.uk

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ack. 06/09/18

[REDACTED]
Church Lane

Trowbridge

Wilts

BA14 0 [REDACTED]

5th Sept. 2018

Dear Sirs

Re Application to Modify Access in Church Lane.

I wish to comment on the application made by the residents of [REDACTED] to modify the access from Church Lane to Acorn Meadow.

- If a 5m wide extension of the BOAT of Church Lane were granted with associated constrictions moved from their current position northwest towards the end of Acorn Meadows this would increase traffic in Church Lane by adding the residents and associated deliveries of two additional dwellings to the existing exit on to the Frome road with its restricted sight-lines.
- With the best will in the world the likely hood of coordinating the remove of the existing arrangement with the erection of any new bollards etc. required by a 'restricted byway' (or extended BOAT) is low. This could leave Church Lane open to use as temporary through road until any new measures are installed.
- I have resided in Church Lane for 24 years and the measures installed to prevent through traffic have always been exactly where they currently exist and not at the end of Acorn Meadows. As far as I am aware Kynance and the adjacent residence to the northwest have never had vehicle access to Church Lane in that time and I see no reason; historically or otherwise; for this to change.

I would be grateful if you would keep me informed regarding how this Application for Modification progresses.

Yours Faithfully

[REDACTED]
Roy Pegrum
[REDACTED]

BA14 OEF

A/c J.S. 27/09/18.

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

Mrs Rachel Hunt

[REDACTED]

[REDACTED] Frome Road

Trowbridge

Wiltshire

22nd September 2018

Dear Sir,

Objection to an application by Andrew May and Michelle Dunne of [REDACTED] dated 30th August in respect of the proposed modification of Church Lane by the way of adding byway open to all traffic leading from Church Lane to Acorn Meadow outside the driveway of 20a Church Lane, grid reference ST8411556422

I object to the proposed opening of Church Lane to vehicular and other traffic on the following grounds:

- 1. Contradiction to Wiltshire Council's existing strategy regarding Church Lane in the SHLAA**
In Wiltshire Councils' Housing Strategy it clearly states that access for any new housing on the fields behind Church Lane would not be granted through Church Lane as it would cause excessive traffic on what is effectively a one way lane. If this is the council's strategy for a potential 45 new houses, then it must also be the strategy for the whole of Studley Green (hundreds of houses)
- 2. Congestion**
If the application was allowed, this would open up a rat run between Broadmead (and therefore Bradford on Avon) and the A361. Church Lane is a very narrow unadopted road which at best allows for single lane traffic. It could never be suitable for large volumes of traffic.
- 3. The Environment**
Church Lane and the adjacent fields has been recognised as being a corridor for the European protected species of Bechstein Bats. The lane offers only minimal lighting and noise pollution which allows safe passage for these creatures. Opening up the lane to Studley Green would cause irrevocable damage to the environment.
- 4. Safety**
As mentioned above the lane is a single track, unmaintained leading to a small gate which is solely used by local residents and access to the church car park. The sides of the road are soft and bordered by a ditch and residential walls. It is also used by dog walkers and pedestrians wishing to access the A361 from Studley Green. Increased traffic would

inevitably lead to accidents involving both pedestrians and vehicles. Church Lane is under no circumstances suitable to take any additional volume of traffic from the large housing estates on the other side of Acorn Meadow.

I would be most grateful if you could take these objections into account when making any decisions. Please do keep me informed of any further information relating to this application.

Kind Regards,



Rachel Hunt

CHURCH LANE

TROWBRIDGE

WILTS

BA14 0

14.06.19

Dear Ms Green,

reference your letter 36/dist.10.2018/05
to opening up Footpath no 8 to a byway open to all
traffic.

I was brought up on Studley Green estate born in 1953
my earliest recollections would be from around seven
years of age so from 1960 on, I have lived in
Trowbridge all my life moving to Church Lane
around 1979.

During these times to present day stretching approx
59 years I have never seen the area in
question used as a byway for vehicles it has always
been footpath access only.

There were always white posts installed Acom Meadow
end and by No 21 Church Lane across the land
from the footpath, as developments occurred the

White posts at the Acorn Meadow end were pushed further up the lane but remained to stop any vehicles using the land.

The land in question remained heavily overgrown for many of these years.

The land only became open to traffic when a developer built nos 24 + 26 at the bottom Acorn Meadow end, initially planning permission gave access from Studley Green estate only.

The developer managed to have this overturned and access was via Church Lane.

This open to all traffic never existed until the Council gave this permission for access.

I have spoken to my brother Vaughan Knecht who like me has lived on Studley Green estate for most of his life he lives at [REDACTED] Lambroch Road and he agrees with my recollections that this has never been open to traffic as he is some nine years older this extends to over 60 years our memories of Church Lane.

Yours faithfully

[REDACTED] CLIVE KNECHT

17th June 2019

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Mr C Knight
[REDACTED] Church Lane
Trowbridge
Wiltshire
BA14 0 [REDACTED]

Your ref:

Our ref: JG/Dist.10 2018/05

Dear Mr Knight,

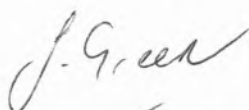
Wildlife and Countryside Act 1981 – Section 53
Application to Upgrade Path no.8 Trowbridge (part) to a Byway Open to All Traffic –
Church Lane, Trowbridge

Thank you for your letter dated 14th June in respect of the above-mentioned application to upgrade Path no.8 Trowbridge (part), (Church Lane), to a byway open to all traffic.

The additional information provided in the form of your own recollections and knowledge of the lane and its use since 1960 onwards, is very interesting and certainly very helpful in our further consideration of this application.

Thank you for taking the time to kindly submit your representations, I will of course keep you updated on the progress of the application.

Yours sincerely



Janice Green
Senior Definitive Map Officer

Direct line: 01225 713345
Email: janice.green@wiltshire.gov.uk

Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

A/c J.S. 27/09/18

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

Anna Evans-Wylie
Church Lane
Trowbridge BA14 0

21st September 2018

Dear Sir,

Objection to an application by Andrew May and Michelle Dunne of [REDACTED] dated 30th August 2018 in respect of the proposed modification of Church Lane by way of adding byway open to all traffic leading from Church Lane to Acorn Meadow outside the driveway of 20a Church Lane, grid reference: ST8411556422

I object to the proposed opening of Church to vehicular and other traffic on the following grounds:

1. Congestion

Church Lane is a very narrow unadopted road which at best allows for single-line traffic. It is not well maintained and poorly lit. Even the current level of traffic is problematic when for example there is a church service at St John's and cars have to queue up in order pass one way or the other. I can't possibly imagine what the congestion would be like if vehicles were able to travel between the very large estate on the side of Acorn Meadow and beyond, and Frome Road. The volume of traffic would be well beyond the capacity of a little country lane that Church Lane is.

2. Safety

I've mentioned the narrowness and lack of adequate lighting along Church Lane. The sides of the road are soft and unenforced on the one side and on the other side there are residential walls and the border of the cemetery, with absolutely no room for widening the road. In peak hour traffic early in the morning or in the evening, especially in winter, the accidents would be numerous. There is also the question of poor visibility on the junction between Church Lane and Frome Road. This was the reason why even the developers proposing housing development on the south side of Church Lane decided against using Church Lane as an access road and elected to build another road for the new estate further down Frome Road. Without some serious widening and upgrading of Church Lane which would involve adopting the road by the Council and investing in adjacent land, Church Lane is under no circumstances suitable to take on any additional volume of traffic from the large housing estates around Acorn Meadow.

3. Protected Wildlife

I have already pointed out that Church Lane is poorly lit. This is conducive to a large population of Bechstein's bats who are proven to forage in the fields adjacent to the road. Bringing traffic lights and street lamps to the road would put the future of these protected animals in jeopardy.

I look forward to hearing from you regarding your decision on the outcome of the application my objection relates to.

King regards,

Anna Evans-Wylie [REDACTED]

Green, Janice

From: Green, Janice
Sent: 14 June 2019 16:03
To: 'Lance Allan'
Subject: RE: Application to upgrade footpath TRO#08

Dear Mr Allan,

Thank you for your e-mail. The comments of the Town Council are very helpful and will assist in our determination of the application, particularly the Town Council's local knowledge of use of the path.

I will of course keep you updated on progress, thank you for your assistance.

Kind regards,

Janice Green

Senior Definitive Map Officer
Rights of Way and Countryside
Wiltshire Council, County Hall, Trowbridge, BA14 8JN
Telephone: Internal 13345 External: +44 (0)1225 713345
Email: janice.green@wiltshire.gov.uk

Information relating to the way Wiltshire Council will manage your data can be found at:
<http://www.wiltshire.gov.uk/recreation-rights-of-way>

Web: www.wiltshire.gov.uk

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From: Lance Allan [<mailto:Lance.Allan@trowbridge.gov.uk>]

Sent: 14 June 2019 15:42

To: Green, Janice

Subject: Application to upgrade footpath TRO#08

Janice,

The town council considered this application at a meeting of the Town Development committee and resolved to object to the proposal.

None of the councillors is aware of any evidence of vehicular traffic using the entirety of this section of footpath nor of public vehicles having access along parts of the footpath, except for those in recent years who have gained access from one end to properties situated alongside the footpath.

Regards

Lance Allan BSc FSLCC

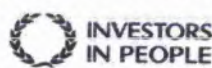
Town Clerk & Chief Executive

Trowbridge Town Council, The Civic Centre, St Stephen's Place, Trowbridge, BA14 8AH

Email lance.allan@trowbridge.gov.uk
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Lance Allan

Town Clerk and Chief Executive

Trowbridge Town Council, The Civic Centre,

St Stephen's Place, Trowbridge. BA14

P: 01225 765072

E: Lance.Allan@trowbridge.gov.uk



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[REDACTED]
Church Lane

Trowbridge

Wilts

BA14 0 [REDACTED]

6th June 2019

Your Ref JG/Dist.10 2018/05

FAO Janice Green

Dear Sirs

Re Application to Upgrade Path no.8 Trowbridge (part) to Byway Open to all Traffic Church Lane Trowbridge.

I have resided at the above address since August 1994 at no time since then have four wheeled vehicles been able to pass between Acorn Meadows to the north and Church Lane to the south. This was prevented initially by timber bollards placed south of 'Kynance' and another set north of 22 Church Lane. These allowed the passage of pedestrian's, cyclists and horse riders but were too narrow for any four wheeled vehicles. More recently; since the construction of 24/26 Church Lane; a staggered (chicane) barrier was erected north of 26 Church Lane this has prevented vehicular access between Acorn Meadows and Church Lane but has permitted vehicular access northward up Church Lane as far as no 26.

I therefore comment as follows on the Exceptions to subsection 67 (2) for the last 25 years.

- a) Through access has been by walkers cyclists and horse-riders only, no motor vehicles at all
- b) No maintenance has ever been carried out at public expense to keep any access free.
- c) Part access was created to permit vehicular access to the newly constructed 24 and 26 Church Lane but no through access.
- d) No road construction has ever taken place.

Regrettably I have no documentation of photographs to support any of the
aforementioned but I trust that the information provided is useful.

Your Faithfully



Roy Pegrum



11th June 2019

Rights of Way & Countryside Team
Communities and Neighbourhood Services
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Mr R Pegrum

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

Your ref:

Our ref: JG/Dist.10 2018/05

Dear Mr Pegrum,

Wildlife and Countryside Act 1981 – Section 53

Application to Upgrade Path no.8 Trowbridge (part) to a Byway Open to All Traffic – Church Lane, Trowbridge

Thank you for your letter dated 6th June in respect of the above-mentioned application to upgrade Path no.8 Trowbridge (part), (Church Lane), to a byway open to all traffic.

The additional information which you have provided is very helpful and will be fully considered in the determination of the application.

Thank you for your assistance in this matter, I will of course keep you updated on the progress of the application.

Yours sincerely



Janice Green
Senior Definitive Map Officer

Direct line: 01225 713345
Email: janice.green@wiltshire.gov.uk

Please note that any responses to this letter will be available for public inspection in full. Information relating to the way Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Ms. Janice Green
Senior Definitive Map Officer

Your ref: SG/Dist.102018/05 d/d 23.5.19.

Mr. M. Reed
Church Lane
Trowbridge Wiltshire
BA14 0
Daytime Contact

Dear Ms. Green

9.6.19

I am about to go away for the next week and this reply is very much my initial thoughts and findings. On my return I will provide you with a more detailed and considered response. With this in mind a more precise description of the byway's location would be helpful.

At the time of purchasing the property it was not made apparent by either the owner/estate agent or solicitor that the upgrading of the footpath would become an issue in the future. If it had been, I would not have gone ahead with the house purchase.

The pros and cons of the application that immediately come to mind are:-

a) Pros - nil

b) Cons -

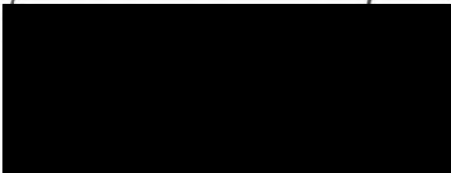
- (1) detrimental impact on the selling prices of houses in Church Lane, and in particular Nos. 24 & 26.
- (2) passing of traffic that did not exist before
- (3) traffic noise
- (4) loss of privacy
- (5) increase in traffic queuing on the Frome Rd caused by volume of cars/trucks slowing down to enter Church Lane.
- (6) parking, turning and delivery problems caused by reduced driveway at Nos. 24 & 26.
- (7) safety issues
- (8) drainage problems
- (9) costs involved to satisfy the selfish requirements of one household.

Nobody in church have supports the application because of the many downsides listed above. Apparently, its original aim was to enable the proposer's wife to reach their property without having to drive through the canal estate, an experience she found unbecoming, despite a driving time from Frome Rd of only 5 minutes.

Given this overwhelming rejection the proposer is now attempting to gain the backing of canal tenants by advocating for Church Lane to become accessible to all of them. To this end he has been putting posters on fences and gates etc, an action that is surely illegal given some of the literature is of Canal Business. It is important that nobody is fooled into thinking this action is altruistically motivated. On the contrary, it is solely for selfish reasons, and if implemented will significantly downgrade the quality of life currently experienced by Church Lane residents.

The recovery of expenses incurred by some fighting the application has yet to be considered. As has the involvement by the local MP and press, in the event of an unfavourable outcome.

Yours sincerely



Mr S Coleman
Church Lane
TROWBRIDGE
Wiltshire
BA14 0

Ramsbury House
30 Market Place
Devizes
Wiltshire
SN10 1JG
T: 01380 726913
F: 01380 729107
DX: 42904 Devizes
W: www.goughs.co.uk

Sent by email only to: stephen.coleman@tgb.toyota.co.uk

Our Ref: JMS/COL00416/00001
Date: 29th May 2019

Dear Steve

Re: Dispute re access to neighbouring property

Thanks for the email you sent to Heather last Friday.

The first thing we need to do is look at the 59 witness statements and the historical evidence that Janice Green said in her letter of the 23rd May has been left with Wiltshire Council.

That is in addition to the evidence of Mr May and Ms Dunne, which will doubtless be amongst those witness statements. The others will be those who at one time or another have used, or known others who will have used the footpath.

As you know, a footpath is a highway over which anyone can pass on foot. A byway gives the same right, but in addition a right to ride on horseback (or lead a horse) or with a non mechanically propelled vehicle.

With those definitions in mind, we need to consider what the pathway is suitable for, who would maintain it, whether it is going to be right in every respect for what is planned, whether there are there any equally good paths nearby, would there be too much damage to the pathway, to any shrubs, pipes, etc. nearby. I can only advise on the content of your witness evidence once I have been out with you to see the area and taken a full statement from you.

Your statement will be your objection to the application and should detail how the path has been used and what is likely to happen if the Council upgrade the footpath to a byway.

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Aside from that, we would need to know who else is going to object to the modification of the definitive map. If you have names other than those I already know about from the file, please tell me.

I would also want to have a look at the parish claim and map and as many ordnance survey maps of editions that go back as far as is necessary to determine what was anticipated when the way was set up, how long it has been used simply as a footpath, and any reasons for it not having been “upgraded” so far.

Ultimately, it isn't the number of those supporting the application or the number of objectors; it is the substantive facts that the tribunal making the decision have to consider on the balance of probabilities – i.e. whether on that basis the path should be upgraded to a byway.

The consultation exercise has now started and you will have seen notices (I hope) on the route. We should therefore begin getting together as much information as I mentioned above, and any more that you can think about, as quickly as possible.

If you agree, what I will do is I will write to Wiltshire Council asking whether they are prepared to send copies of the documents they have.

We do need to ensure that we have completed the statements and the representations we want to make by the end of June at the very latest.

Kind regards,

Yours sincerely



Jonathan Shipton

Partner

email: jonathanshipton@goughs.co.uk

direct dial: 01380 736653

Excellence through understanding

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