

Address 6	Salutation	Close
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Reverend Wood	sincerely
	Sir or Madam	faithfully
	Mr Millard & Ms Roscoe	sincerely
	Sir or Madam	faithfully
Wiltshire, SN15 1BN	Ms Forshaw	sincerely
	Ms Gilmour	sincerely
	Ms Evans-Wylie	sincerely
	Mrs Hunt	sincerely
	Mrs Cunningham	sincerely
SP5 [REDACTED]	Mrs Bennett	sincerely
Wiltshire SN5 4 [REDACTED]	Mrs Woodbridge	sincerely
	Mr Wylie	sincerely
	Mr Coleman	sincerely
	Mr Pegrum	sincerely
	Mr Reed	sincerely
	Mr Moore	sincerely
	Mr Harrington	sincerely
	Mr Grant & Ms McMillan	sincerely
Wiltshire, BA14 8AH	Mr Allan	sincerely
	Mr Lippiatt	sincerely
BH24 1 [REDACTED]	Mr Bell	sincerely
	Mr Higgs	sincerely
SN10 4 [REDACTED]	Mr Reynolds	sincerely
SN10 2 [REDACTED]	Mr Yearsley	sincerely
	Mr Clarke	sincerely
	Mr Riley	sincerely
	Mr & Mrs May	sincerely
	Mr Thomas & Ms Hanson	sincerely
	Mr May & Ms Dunne	sincerely

Name	Address 1
Mr & Mrs Tripp	Church Lane
Mr & Mrs McGrath	[REDACTED]
Mr & Mrs Edwards	Acorn Meadows
Land Access and Recreation Association	[REDACTED]
Judith Parry	[REDACTED]
Cllr David Halik	Councillor for Trowbridge Grove
Chris Solman	[REDACTED]
Byways & Bridleways Trust	Burgate
British Horse Society	Abbey Park

	Address 2	Address 3	Address 4	Address 5
Trowbridge		Wiltshire	BA14 0	
Church Lane		Trowbridge	Wiltshire	BA14 0
Trowbridge		Wiltshire	BA14 0	
St Arvans		Chepstow	Monmouthshire	NP16 0
Wiltshire Council				
Harwood Dale		Scarborough	North Yorks	YO13 0DS
Stareton		Kenilworth	Warwickshire	CV8 2XZ

Address 6	Salutation	Close
	Mr & Mrs Tripp	sincerely
	Mr & Mrs McGrath	sincerely
	Mr & Mrs Edwards	sincerely
	Sir or Madam	faithfully
	Ms Parry	sincerely
	Cllr Halik	sincerely
	Mr Solman	sincerely
	Sir or Madam	faithfully
	Sir or Madam	faithfully
	Mr Grant & Ms McMillan	sincerely

NOTICE OF MAKING AN ORDER
SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981
WILTSHIRE COUNCIL
THE DEFINITIVE MAP AND STATEMENT FOR THE TROWBRIDGE URBAN DISTRICT COUNCIL
AREA DATED 1953
THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT
MODIFICATION ORDER 2021

The above Order made on 19th January 2021, if confirmed as made, will modify the definitive map and statement for the area by upgrading to a bridleway the public right of way, (Path no.8 Trowbridge, Church Lane), leading from its junction with Frome Road at OS Grid Reference ST 8427-5629, in a generally north-westerly direction for approximately 294 metres to its junction with Path no.9 Trowbridge at OS Grid Reference ST 8407-5648, and varying the particulars relating to Path no.8 Trowbridge by providing a recorded width varying between 4 metres and 13 metres, as shown on the Order Map.

A copy of the Order and the Order Map may be seen free of charge at Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN, from 9:00am to 5:00pm on Monday to Friday, please ask at Reception to view a copy. Copies of the Order may be obtained by contacting J Green, Senior Definitive Map Officer, e-mail: janice.green@wiltshire.gov.uk or tel: 01225 713345.

Any representation or objection relating to the Order must be sent in writing to J Green, Senior Definitive Map Officer, Communities and Neighbourhood, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN quoting reference no. JG/Dist.10 2018/05, not later than 5:00pm on Friday 26th March 2021 and applicants are requested to state the grounds on which it is made.

If no representations or objections are duly made to the Order, or to any part of it, or if any so made are withdrawn, the Wiltshire Council, instead of submitting the Order to the Secretary of State, (or part of it if the authority has by notice to the Secretary of State so elected under paragraph 5 of Schedule 15 to the Wildlife and Countryside Act 1981) may itself confirm the Order (or that part of the Order). If the Order is submitted to the Secretary of State for Environment, Food and Rural Affairs, in whole or in part, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated 5th February 2021

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

NOTICE OF MAKING AN ORDER

SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981

WILTSHIRE COUNCIL - THE DEFINITIVE MAP AND STATEMENT FOR THE TROWBRIDGE URBAN DISTRICT COUNCIL AREA DATED 1953 - THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2021

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TO: THE OWNERS AND ANY OCCUPIERS OF THE LAND AT CHURCH LANE, TROWBRIDGE, HIGHLIGHTED GREEN ON THE PLAN BELOW

The above Order made on 19th January 2021, if confirmed as made, will modify the definitive map and statement for the area by upgrading to a bridleway the public right of way, (Path no.8 Trowbridge, Church Lane), leading from its junction with Frome Road at OS Grid Reference ST 8427-5629, in a generally north-westerly direction for approximately 294 metres to its junction with Path no.9 Trowbridge at OS Grid Reference ST 8407-5648, and varying the particulars relating to Path no.8 Trowbridge by providing a recorded width varying between 4 metres and 13 metres, as shown on the Order Map.

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Dated 5th February 2021

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

(Map not to scale)



NOTICE OF MAKING AN ORDER
SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981

WILTSHIRE COUNCIL - THE DEFINITIVE MAP AND STATEMENT FOR THE TROWBRIDGE URBAN DISTRICT COUNCIL AREA
DATED 1953 - THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2021

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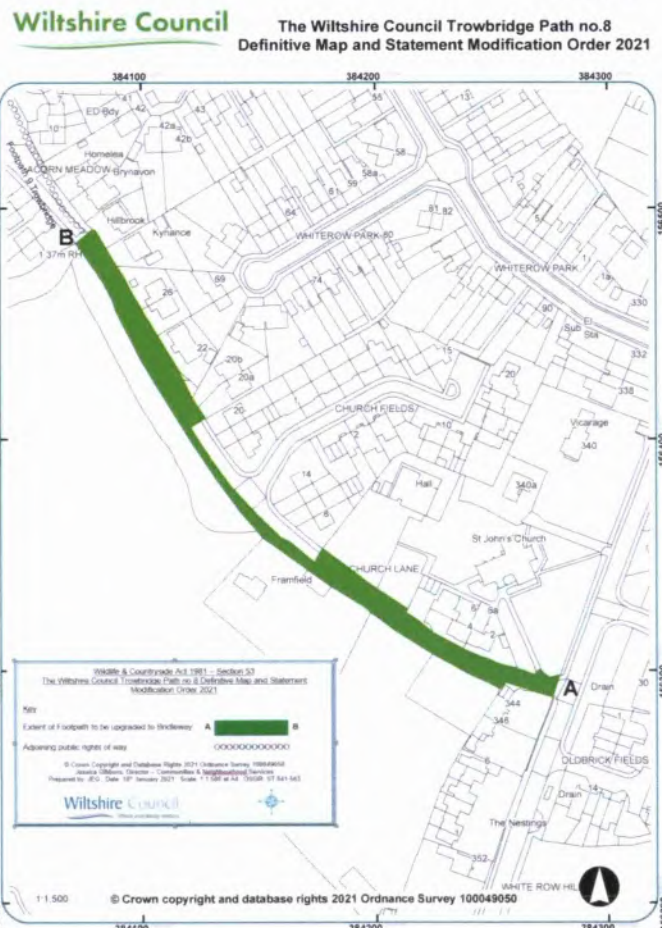
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Date 18/01/2021

Dated 5th February 2021

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
A14 8JN

(Map not to scale)



Thow 8.

Rights of Way and Countryside Section
Environment Services

Wiltshire Council

Certificate of Posting

I hereby certify that copies of the attached Public Notice(s) and Plan(s) were posted at the points indicated on the attached plan.

The Public notice(s) and plan(s) were posted on the 2ND FEB 2021 by:

Print name JANICE GREEN

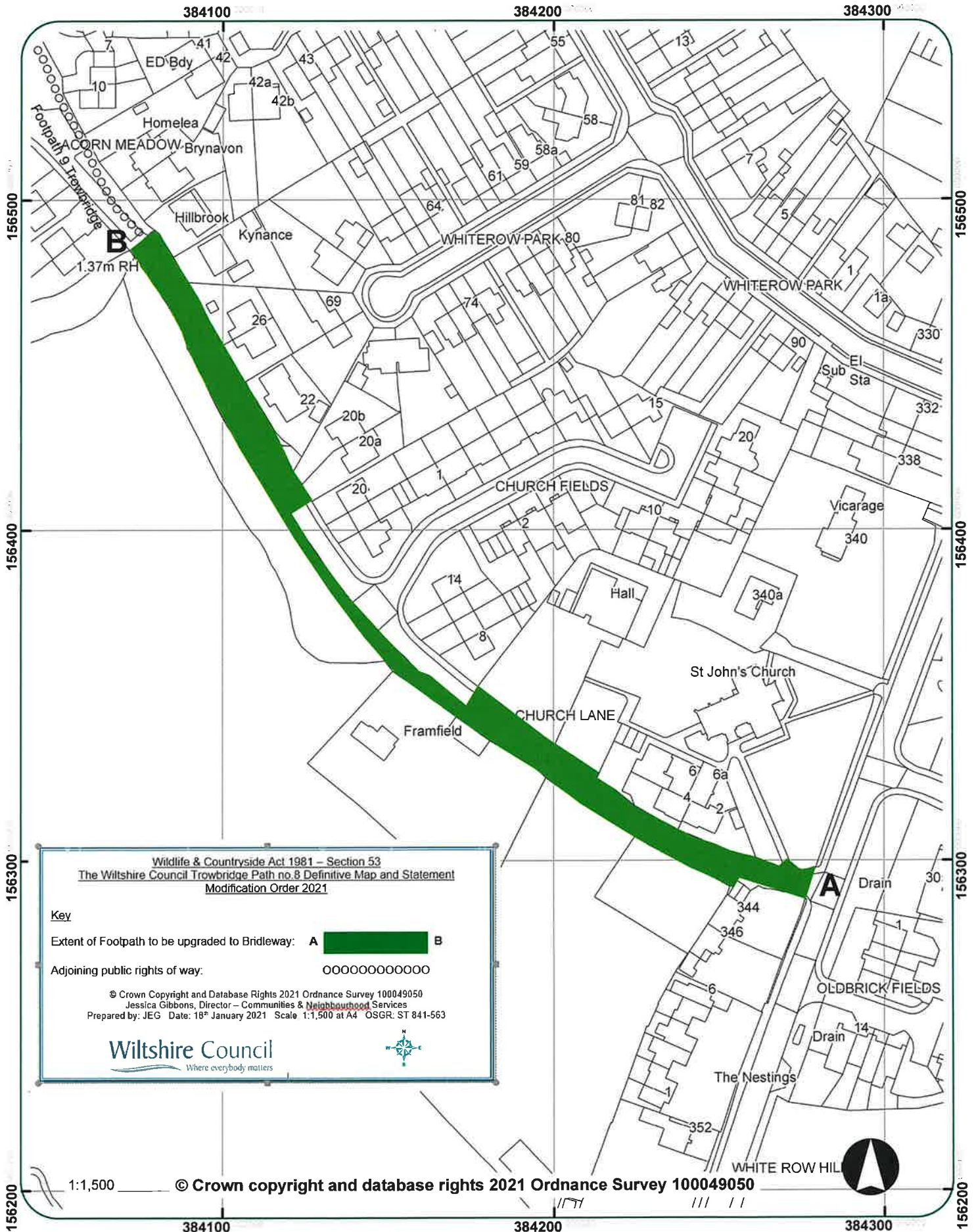
Signature J. Green

I hereby certify that the notices have been periodically inspected and that they were still in position and replaced if necessary.

Print name.....


Signature.....


* Notice posted at points A + B
on order plan attached.
x 2 Notices - ordinary and
addressed to all owners/
occupiers. J.S.



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

Key

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

Adjoining public rights of way: 

© Crown Copyright and Database Rights 2021 Ordnance Survey 100049050
 Jessica Gibbons, Director – Communities & Neighbourhood Services
 Prepared by: JEG Date: 18th January 2021 Scale: 1:1,500 at A4 OSGR: ST 841-563

Wiltshire Council
 Where everybody matters



1:1,500

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**NOTICE OF MAKING AN ORDER
SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981**

**WILTSHIRE COUNCIL - THE DEFINITIVE MAP AND STATEMENT FOR THE TROWBRIDGE URBAN DISTRICT COUNCIL AREA
DATED 1953 - THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT MODIFICATION
ORDER 2021**

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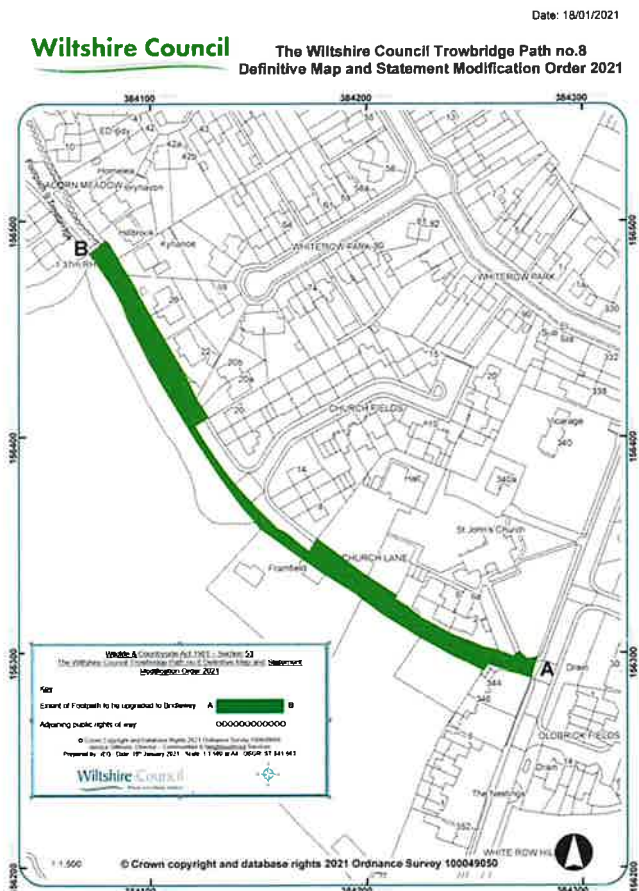
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Dated 5th February 2021

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

(Map not to scale)



NOTICE OF MAKING AN ORDER
SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981

WILTSHIRE COUNCIL - THE DEFINITIVE MAP AND STATEMENT FOR THE TROWBRIDGE URBAN DISTRICT COUNCIL AREA DATED 1953 - THE WILTSHIRE COUNCIL TROWBRIDGE PATH NO.8 DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2021

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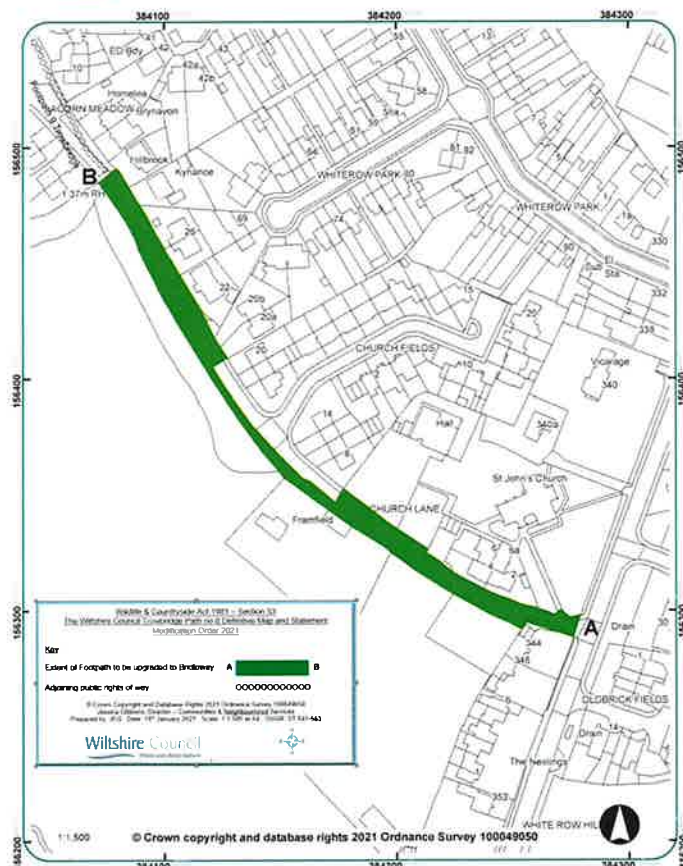
Date: 18/01/2021

Dated 5th February 2021

Wiltshire Council The Wiltshire Council Trowbridge Path no.8
Definitive Map and Statement Modification Order 2021

Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

(Map not to scale)



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Full story - Page 3

Protesters warned by police over breach of Covid rules



Demo came after sacking of manager

AN impassioned protest has been held over the dismissal of Pam Lewis from Regal Court, Trowbridge.

The development manager was fired after holding a Christmas dinner at the retirement complex.

Protesters made a plea to her employer, Firstport, to 'give our manager back' and

accused them of putting 'money over morals'. The same day, police knocked the doors of residents and warned them "not to gather again."

Full story - Page 4

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PLEASE NOTE: Due to current Lockdown restrictions this is an online only auction & there will be no public viewing.

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Planning Notices | Traffic Notices | Legal Notices | Probate Notices | Other Notices
 Church and Religious Notices | Tenders and Contracts | Goods Vehicle Operator Licences

Planning Notices

Section 14(1) of the Road Traffic Regulation Act 1984
 Notice is hereby given that Wiltshire Council has made an Order to close temporarily to all traffic: **Slag Lane (Part), Westbury**, for a distance of approximately 50 meters covering the Railway Bridge to enable Network Rail Infrastructure Ltd to carry out bridge examination and associated works. Alternative route: via Slag Lane (unaffected length) - B3097 - Hawkeridge Road and vice versa. **The closure and diversion route will be clearly indicated by traffic signs.** This Order will come into operation on 10 February 2021 and the closure will be required between the hours of 23:00 and 06:00 for one night. It is anticipated that the works will take the stated duration to complete depending upon weather conditions. Access will be maintained for residents and businesses where possible, although delays are likely due to the nature of the works. The Order will have a maximum duration of 18 months. For further information please contact Centurion Traffic Management on 0113 277 5360 Network Rail Infrastructure Ltd.

Notice of Making Order Section 53 Wildlife & Countryside Act 1981 - Definitive Map & Statement for the Trowbridge Urban District Council Area 1953 - The Wiltshire Council Trowbridge Path no. 8 Definitive Map & Statement

Modification Order 2021

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Town and Country Planning (General Development Procedure) (England) Order 2015

Town and Country Planning (Listed Buildings and Conservation Areas (Amendment) (England) Regulations 2010

The following planning applications are those affecting the setting of a Listed Building, a Conservation Area, a Public Right of Way, or major applications and are available to view on our website. Views relating to the planning applications listed below should be made by **26/02/2021** quoting the reference number. All views expressed regarding a planning application will be considered and placed on a file, which is open to the public.

ATWORTH - 20/11497/FUL Unit 8 Atworth Business Park, Bath Road, 21/00604/LBC 19 Silver Street, Alterations: **EDNINGTON - 20/11633/FUL** Land at Greater Lane Farm, Westbury Road, 3 dwellings/cars shed; **LIMPLEY STOKES - 20/11499/FUL & 21/00708/LBC** 36 Middle Stoke, Internal/external alterations; **TROWBRIDGE - 20/11327/FUL** 32 Fore Street, Extension/alterations; **BRADFORD ON AVON - 20/11247/FUL & 21/00604/LBC** 19 Silver Street, Alterations; **WARMINSTER - 20/11460/VAW** Plot A1, Furmax Lane, Variation of condition 2 of 20/025527/FUL; **WESTBURY - 20/11502/FUL & 21/00768/LBC** 4 Church Street, Change of use of ground floor to residential; **20/11515/OUT** Land South of Sandhole Lane, 67 dwellings (access to be determined);
 Email: developmentmanagement@wiltshire.gov.uk

Wiltshire Council

Exchange andMart
www.exchangeandmart.co.uk

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

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

Anna Evans-Wylie
Church Lane
Trowbridge
BA14 0

24th 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](mailto:janice.green@wiltshire.gov.uk)
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 8th 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 23rd 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

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Web: 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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From: [REDACTED]
Sent: 17 April 2021 20:55
To: [Green, Janice](mailto:janice.green@wiltshire.gov.uk)
Subject: Re: Objection to Modification Order - YOUR REF: JG/Dist.10 2018/05
Attachments: Objection to bridleway - supplementary representation.docx

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 8th 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 23rd 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

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Web: 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

Anna Evans-Wylie
Church Lane
Trowbridge
BA14 0

17th 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 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.

This letter is to supplement and to further clarify the scope of my letter of 8th 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 8th 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

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



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](#)
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 <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

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 2- 8 Church Lane in the 1980's). Access to all of these has been established over 150 + years. In addition, Church Cottage (344 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. 'Framfield' 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:	████ Frome Road, Church Cottage, Trowbridge
Email:	██
Date:	18/4/21

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

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

Name:	Ms S Coleman
Address:	Church Lane Trowbridge BA14 0
Email:	
Date:	15/04/2021

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

Name: CLIVE 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 th 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 th 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: Church Lane, Trowbridge BA14 0
Date: 18/04/21

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

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

Name:	MICHAEL THOMAS
Address:	CHURCH LANE TROWBRIDGE 0
Email:	[REDACTED]
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: 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

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 .

Mr Mcgrath of this address is registered disabled 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 0 [REDACTED]

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
[REDACTED]

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

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

17th 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.

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 17th 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

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From: Roy Pegrum [REDACTED]
Sent: 17 April 2021 17:24
To: Green, Janice <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
[REDACTED]

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Church Lane,
Trowbridge Wiltshire
BA14 0 [REDACTED]

9.2.2021

Ms. Janice Green
Senior Definitive Map Officer
Wiltshire County Council
Rights of Ways 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 [REDACTED] Church Lane it was on the understanding that everything was in order. Now I am 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,

[REDACTED]
MR. M. REED

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

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
[REDACTED] Church Lane
Upper Studley
Trowbridge
BA14 [REDACTED]

25th 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

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 Kynance 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 0 ■



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

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 [REDACTED]

[REDACTED]

Order Making Authority's Comments on the Objections
The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement
Modification Order 2021

1. Following the making of the above-mentioned Definitive Map Modification Order (DMMO), upgrading Footpath no.8 Trowbridge, (Church Lane), to a bridleway, Wiltshire Council are in receipt of 6 objections and 2 representations, which have not been withdrawn (**TROW 10**). A number of those making objections and representations do not object to the proposed status of bridleway over Church Lane and agree that this coincides with the historical use of the path on bicycles and some use on horseback, which they have observed / have knowledge of, as local residents, although some residents saw little point in upgrading the route where this use was already established.
2. Ms Rachel Hunt and Mr Shane Wheeler, writing separately, confirmed support for the Order to upgrade Path no.8 from public footpath to bridleway, allowing access to pedestrians, bicycles and single horses, but not to motorised vehicles, in keeping with the historical use of the route and its use as a quiet lane, well used by walkers, cyclists, the elderly, Brownies / Guides, children learning to ride their bikes for the first time and visitors to St Johns Church. Mr R Pegrum also confirmed that he had no objections to the reassignment of Church Lane from footpath to bridleway, for historic reasons and also bearing in mind its current usage.
3. The acceptance of the change of status from footpath to bridleway to reflect the historic use of the path, is also noted in the replies received to the initial consultation, in particular Goughs Solicitors, on behalf of Mr S Coleman, submit 24 identical statements, attaching a map of the application route and signed by local residents, confirming that to their knowledge "*...the footpath shown on the attached plan, between points A and B, has only ever been used by pedestrians, cyclists and horse-riders. The footpath has never been used by motor vehicles and I would not wish it to be.*" (please see initial consultation replies attached at **TROW 5**)
4. In response to the Order, Ms Evans-Wylie and Mr S Wylie, writing separately, commented that the difference between the footpath and bridleway lay solely in bridleways allowing for travel on horseback (in addition to foot traffic). Since horseback traffic was of only historical interest and currently there was no horseback traffic at all, (the only horse owners who leased the paddocks by Church Lane left a couple of years ago – although Officer's consider that this could change if the paddock is used again by horse owners in the future), with a distinct lack of horses on Church Lane and the Lambrok Estate with a need to ride along Church Lane to access the busy A361 road, there was little point in redefining the usage and upgrading the footpath to a bridleway. Mr Wylie confirmed that currently the footpath running from Frome Road A361 to Acorn Meadow, allowed passage for pedestrians and cyclists and that Church Lane had for a long time been a quiet lane well used by walkers, cyclists, the elderly, people with disabilities, people on mobility scooters, Brownies / Guides, children learning to ride their bikes and lots of dogs, as a safe recreational lane, not suitable for more motor vehicles. They confirmed their position as having no

objections to bicycles or any other non-motorised road users travelling through Church Lane in addition to its residents, the churchgoers and the visitors to the Church Hall and that cyclists were always welcome in Church Lane. Ms Evans-Wylie understood the objective of upgrading the footpath (pedestrian traffic) to a bridleway (pedestrian, bicycles and horseback), as that would reflect the current and historic usage of Church Lane and Mr Wylie clarified that he had no objection to Church Lane being classified as either a footpath or a bridleway, giving exclusive access to all forms of pedestrian traffic and cyclists, however, as Ms Evans-Wylie confirmed, this usage was already in place and well established in Church Lane without the need for adopting or upgrading the path.

5. Mr Wylie and Ms Evans-Wylie accept public use of Church Lane with bicycles and have no objections to this use, their comments regarding use of the lane by walkers and cyclists supports the findings of the Surveying Authority in upgrading the path to bridleway. Where the route is currently recorded only as a footpath, cyclists are not formally able to use the route and are therefore committing a trespass. It is true, therefore, that all use begins with a period of trespass, but where there is now evidence of use of the path by the public with bicycles for a period of 20 years or more, it is more likely than not that a right for the public with bicycles has been acquired and Wiltshire Council, as the Surveying Authority, has a duty to correctly record that right. Upgrading the route to a bridleway records a legal right for cyclists to use Path no.8 Trowbridge.

Change in status to bridleway

6. Only Mr M Reed objects to the proposed bridleway status of Path no.8 Trowbridge (Church Lane) and questions “...*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.*”
7. The Surveying Authority has carried out a detailed investigation of the historical and witness evidence in this case and considers there to be insufficient evidence of public vehicular rights over the way, but sufficient evidence of public bridleway rights, (through use of the route by the public on horseback and with bicycles). In such a case, evidence is key and Mr Reed provides no evidence that the route of Church Lane has been used by the public at large with vehicles, (in addition to private vehicular use to access property), which would lead the Council to take a different view on the evidence already before it.

Recorded Width

8. Objectors dispute the width recorded in the Order, varying between 4 metres and 13 metres. Ms Evans-Wylie considers that nowhere does the lane seem to have 13 metres in width and their measurements show the width to be slightly under 4 metres in front of their driveway. This does not allow for two vehicles passing, or even one vehicle to safely go past a group of pedestrians. The soft verge of the lane dropping into a ditch on the other side does not provide any room for laybys or pavements. Ms Evans-Wylie, Mr Wylie and Mr Pegrum consider 4 metres to be excessive for bridleway traffic. Mr Pegrum considers that 2 horses do not need even 4 metres to pass each other. There is concern that opening the path at the width set out in the Order would be an invitation to motor vehicles to use

Church Lane as a through route between Frome Road and Acorn Meadow, creating danger and hazards for the intended users of the bridleway, i.e. pedestrians, horse riders and cyclists.

9. Mr Wylie confirms that he cannot support the Order if it does not physically prevent motor vehicles passing between Church Lane and Acorn Meadow and Ms Evans Wylie and Mr Pegrum confirm their formal objection on the specific issue of widening Church Lane at its junction with Acorn Meadow. These parties, and additionally Ms R Hunt, confirm that the width should be limited at the junction of Church Lane and Acorn Meadow to prevent vehicular use, Mr Wylie and Ms Evans-Wylie suggest that the Order is amended to record a maximum width of 1.5 metres (5 feet) at the junction of Church Lane with Acorn Meadow.
10. The width recorded in the DMMO is measured from Ordnance Survey 25" County Series and later National Grid series mapping, which consistently records the width of Church Lane varying between 7 metres and 13 metres. The measurement includes not only the metalled carriageway, but also the verge area, as the full width of the path which would have been available to path users. The users in their evidence support the full width of the path being open and available, before the width was reduced at the Acorn Meadow end by the erection of the current barrier in 2011. Many witnesses refer to the path being "full width", "hedge to hedge" or "whole width". Additionally, in 1970 the County Secretary and Solicitors Office confirm: *"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..."* and Mr S Wheeler confirms in representations regarding the Order: *"When we first moved to this lane there were concrete bollards and a wider pathway"*.
11. The path width measured from the OS mapping varies from 7-13 metres for the length of the path, however, when the central area of adopted highway at Church Fields, (which cannot be recorded as bridleway where it is already highway), is excluded from the width of the path, the minimum width is reduced to 4 metres, so a width varying between 4 metres and 13 metres is recorded within the Order. When measured on the ground, a maximum width of approximately 13 metres can be measured opposite the Church Hall between boundaries. There is no evidence of a legal event formally stopping up part of the width of the highway, (please see Width section, paragraphs 10.64 – 10.70 of Decision Report at **Appendix D** of Western Area Planning Committee Report dated 29th September 2021).
12. Where the determination of such Orders is based upon evidence alone and in the absence of any evidence to the contrary, it is not possible to record an alternative width within the Order. Any modification to the Order, e.g. to record a reduced width of 1.5 metres at the junction of Church Lane with Acorn Meadow, whilst it may be desirable, must be based on evidence of a reduced highway width at this point, which has not been submitted in this case.

Opening up Church Lane at its junction with Acorn Meadow

13. Presently, the staggered barrier at the northern end of Church Lane, (at the junction of Church Lane and Acorn Meadow), reduces the width of the path to approximately 1.2 metres usable width, (4.5 metres approximately including verge), however, if the actual width of the highway is greater, (which the investigations of the Surveying Authority suggest is more likely than not, based on the available evidence), the current barrier will not be suitable for use by horse riders and will obstruct part of the width of the highway. There is concern that if the junction of Church Lane is opened up to full width by the potential removal of the current barrier, it will invite vehicular traffic from the Lambrok Estate to use Church Lane as a through route between the Estate and the Frome Road (A361), with the following consequences according to the objections and representations:
- The legal description of the road as “bridleway” and the associated restrictions of user on foot, horseback and with bicycles only, would be disregarded by many users.
 - Church Lane will be used as a “rat run” and 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.
 - Speeding cars and especially motorbikes would be dangerous due to poor visibility on this narrow and hedged lane.
 - Particular concern is that motorbikes, which use a circular route along the lower half of Frome Road and Bradley Road for night time races would use Church Lane as a cut through to Studley Green. Should motorbikes start using this route it would become extremely dangerous for cyclists and pedestrians. A detailed plan of action to ensure that Church Lane does not become a “rat run” for motorcycles / scooters is required and any alteration to the fixed barrier at the junction of Church Lane and Acorn Meadow should be viewed with extreme caution. Use of Church Lane by motorcycles has been a problem in the past, when the pathway was narrowed and a staggered gate installed, this greatly reduced issues and made the lane a much safer place.
 - Congestion could be anticipated if traffic started pouring in from the large Lambrok Estate, (some 2,000 households), to access the A361. 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.
 - Risks at narrow entrance into Church Lane from Frome Road (A361), obscured by hedges with inadequate vision for safe usage. If the volume

of traffic increased at this junction, collisions and potentially deaths could occur.

- Church Lane is not fit to accommodate any traffic in addition to the residents it already serves. Road margins are kerbless and drainage, road markings and signage are non-existent. At its narrowest point, (barely 4 metres), two vehicles are unable to pass and the lane is not wide enough for a pavement to protect pedestrians.
 - Wiltshire Council in its deliberations of the potential housing site H2.4 alongside Church Lane, (Wiltshire Housing Sites Allocation Plan), has ruled that Church Lane would be unsuitable as an entrance to the development for up to 40 new houses, due to the dangerous and blind junction with Frome Road. It follows that Church Lane would be even more unsuitable for a flow of cars from the hundreds of dwellings on the Lambrok Estate.
 - The residents of Acorn Meadow are not disadvantaged in any way as they enjoy access from Lambrok Road and 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.
 - Request that all necessary steps are taken by the Local Authority to mitigate the foreseeable hazards that would be risked should the full width of Church Lane and Acorn Meadow be opened and the current barrier removed, i.e. replacement barriers, bollards, gateway, hump, road signs to prevent / prohibit the entry of motorbikes and cars into Church Lane from Acorn Meadow, or an entrance only wide enough for a single horse or bike. If the route does become a bridleway it is 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.
 - Adding street lamps and vehicle headlights would have an adverse effect upon the protected Bechstein bat population in the roadside hedgerows.
14. In the determination of DMMO applications made under section 53 of the Wildlife and Countryside Act 1981, the Council, as the Surveying Authority, may only take into account the evidence to correctly record public rights. Where there is evidence that the path should have higher rights and a recorded width greater than that presently available at the junction of Church Lane and Acorn Meadow, the “once a highway, always a highway” presumption remains if there has been no legal event to extinguish / stop up part of that width. It is the duty of the Surveying Authority to investigate the available evidence to determine what public rights exist over path no.8 Trowbridge (Church Lane) and to accurately record those rights and the width of the path, based on the evidence.
15. There is understandable concern amongst residents regarding the potential removal of the current barrier to accommodate the width of the path recorded in

the Order and even though a bridleway cannot legally be used by vehicles, there is concern that the route could become a through route for vehicles from Frome Road to the Studley Green estate. There is evidence that use of Church Lane as a through route with vehicles has long been a concern, resulting in the current barriers erected under subsection 66(3) of the Highways Act 1980 Act, i.e. the power of the highway authority to erect barriers in the highway for the purposes of safeguarding users:

“(3) A highway authority may provide and maintain in a highway maintainable at the public expense by them which consists of a footpath or bridleway, such barriers, posts, rails or fences as they think necessary for the purpose of safeguarding persons using the highway.

(4) The powers conferred by the foregoing provisions of this section to provide any works include power to alter or remove them.”

16. Evidence of this long held concern regarding vehicular use of Church Lane as a through route to vehicles, can be seen in:
- i) Trowbridge Urban District Council minutes dated 10 April 1962, which resolved that the Surveyor be authorised to erect posts across the width of the lane near the new bungalows (Kynance and Hillbrook, built 1961), to prevent through vehicular traffic;
 - ii) Planning permission dated 12 May 1975 for detached bungalow on land to the rear of 20 Whiterow Park (22 Church Lane), which required a second set of bollards across the extremity of the turning head to *“prevent traffic going beyond the proper road access provided”* and
 - iii) Planning permission granted for the two new bungalows 24 and 26 Church Lane in 2011, which required the relocation of the bollards on unknown third party land (Church Lane) and resulted in the current barrier: *“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 the bollards along the north-western edge of the application site...would prevent this from happening...”*, With condition 2: *“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.”

(Please note that planning permission does not supersede highway law, however, there are powers available to the Highway Authority under subsection 66(3) of the Highways Act 1980, to erect a barrier in the highway where there are public safety concerns).

17. Where the current barrier has been erected under subsection 66(3) of the Highways Act 1980, for the purposes of safeguarding users of the highway, in any interim period, where Church Lane is already recorded as a footpath, the duty of the Highway Authority to safeguard users continues and there is no requirement for immediate removal of the barrier. It is anticipated that if the route is successfully upgraded to a bridleway at the full width of Church Lane and the matters of the width and status of the highway are established, the current barrier will be replaced with a barrier appropriate for a full width bridleway to enable the highway authority to continue its duty to safeguard users of the highway, (subsection 66(4) of the Highways Act 1980 includes powers for the Highway Authority to alter any barrier provided under subsection 66(3) of the Act). However, the management of rights cannot affect the decision regarding the correct recording of public rights which is evidence based and the nature and location of such a barrier is not a matter for this Order.

Improvements for disabled users/pushchairs is all that is required

18. Ms Evans-Wylie considers that *“There is of course nothing within the current footpath usage to prevent the Council from making adjustments for disabled access”* and Mrs S McGrath agrees that the DMMO is not necessary where all that is required are alterations to Footpath no.8 to make it easier for disabled users and pushchairs, which would be a cheaper and far less disruptive course of action. Mr T McGrath comments that during the past seven years, as a resident of Church Lane, he has never heard a single person, resident, or passer-by, suggest anything like the present bridleway proposal. What is frequently voiced is simply the removal of overgrowth from the obscured footpath with tarmac repairs where the path is eroded. It is they who use the pathway and will have to live with any detrimental outcome long after the Council has forgotten that Path no.8 exists and he suggests that the Council stops wasting money and concentrates on proper maintenance of that part of the path that has been neglected in the past.
19. Once Wiltshire Council, as the Surveying Authority, has received an application to amend the definitive map and statement of public rights of way, it has a duty to determine the application, and it cannot simply refuse to deal with the application in favour of improvements/maintenance. Of course, Wiltshire Council, as the Highway Authority, has a duty of maintenance, however, the Council also have a duty to determine applications and correctly record public rights in full, based on the evidence and on the balance of probabilities. To simply not deal with the application is a risk to the Council, which could lead the applicant to appeal to the Secretary of State who may compel the Authority to determine the application within a set time limit. If the Authority then fails in its duty to determine the application it could lead to costly legal challenge for the Authority. In making a DMMO, the Authority is not adding new rights, but recording only those public rights which have already been shown to exist, in this case based upon a user period of 20 years by the public on horseback and with bicycles. There is evidence of use of the lane on bicycles and Officers have observed this use when visiting the site, at present cyclists have no recorded right over Footpath no.8

Trowbridge, the upgrading of the route to a bridleway formally records the rights of cyclists and horse riders, which on the balance of probabilities, already exist over Path no.8.

Private rights

20. There is concern that the upgrading of the footpath to a bridleway will affect the rights of property owners to access their properties with vehicles. Some residents are aware of their private rights to access their properties, as Mrs Evans-Wylie writes “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)” and Rachel Hunt submits the following petition signed by 25 residents:

“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 2-8 Church Lane in the 1980’s). Access to all of these has been established over 150+ years. In addition, Church Cottage (344 Frome Road) has had access for a similar amount of time and has used Church Lane to access its driveway by motor vehicle for at least 50 years. ‘Framfield’ in Church Lane was constructed in 1950’s originally as a farm dwelling, later used by a practicing 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 land 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.”

21. There is understandably, however, some concern amongst residents regarding the impact of the proposed change in status upon their private rights to access

properties. Mr S Wylie agrees that *“A volume of misinformation and anxiety has circulated in the neighbourhood about the modification order, in particular the rights of property owners and churchgoers to access properties here. This may have influenced the way some people have responded to the consultation.”*

22. Mrs S McGrath is concerned that residents of Church Lane would still have complete freedom of vehicular access to their properties without restriction. Signage stating e.g. “Resident’s Access Only” could be erected and Mr T McGrath is concerned that 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: *“We understand that we 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.”*
23. Wiltshire Council, as the Highway Authority, does not record private rights and cannot give advice or comment upon private rights. Church Lane is an interesting case, as can be seen from the Urban District Council minutes 1960 -1972 and other correspondence, it is clear that Trowbridge Urban District Council, as the then highway authority and later Wiltshire County Council, consistently refer to Church Lane as a “Private Street”, i.e. prospective maintainable highway over which the Highway Authority could secure sums from frontagers in respect of street works. The Urban District Council had a private street works programme and budget and it is likely that the making up of the unadopted section of Church Lane was carried out under that programme when the Church Fields estate was adopted, as shown in the minutes dated 10 June 1971, (Highways and Planning Committee), when it was resolved that the Private Street Works Programme for the period 1972/73, allowing for the making up of Church Lane (amongst others), be approved in principle. It is interesting that Church Lane was never adopted as publicly maintainable highway in full, even though there are within the minutes, numerous instances of other roads in Trowbridge being adopted and even following the Church Fields development when the central section of Church Lane was adopted along with Church Fields itself. The County Council writes in 1991 that it was, for economic reasons, eventually unable to proceed further with the private street works programme and on 12 April 1991 Wiltshire Council writes to confirm that: *“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 the part of Church Lane shown coloured orange...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.”*, (please see Appendix 8 of Decision Report at **Appendix D** of Western Area Planning Committee Report, dated 29th September 2021).
24. Property owners must satisfy themselves that they have a vehicular right of access to their properties and this is not a matter which is relevant to this Order. The Surveying Authority has a duty to correctly record public rights only. Previously to this Order, the full length of Church Lane was recorded as a footpath and there is no material difference in the making of a DMMO upgrading

the route to a bridleway. If, however, property owners are relying upon a public vehicular right of way to access property, they have not submitted additional evidence which would support public vehicular rights over Church Lane and lead the Council to take an alternative view of the evidence already before it.

Effect on property

25. A property owner directly affected by any increased width in the path at its northern end and who presently parks on what may in fact be part of the full width of the highway, is understandably very concerned regarding the effect on his property: *“When I purchased property it was on the understanding that everything was in order, now I am told of plans to modify the area to create a bridleway, this will have repercussions which make me think the house was mis-sold... Which 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. 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.”*
26. Title documents show that there is no registered owner of the full length of Church Lane and over the full width proposed within the Order. Again, Wiltshire Council is concerned only to correctly record public rights and may only take into account the available evidence. The correspondent provides no additional evidence of a reduced width of the highway, or evidence of part of the highway width being legally stopped up at the northern end of Church Lane, which would lead Officers to reach a different conclusion on the evidence before it.

Conclusion

27. Wiltshire Council considers that based on the available, “The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021”, should be confirmed as made, in the absence of additional evidence provided within the objections which would lead the Council to reach an alternative conclusion on the already evidence before it.

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 29 SEPTEMBER 2021 AT COUNCIL CHAMBER – COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Pip Ridout, Cllr David Vigar and Cllr Tony Jackson (Substitute)

Present as Local Unitary Members:

Cllr Horace Prickett
Cllr Johnny Kidney

40 **Apologies**

Apologies for absence were received from Councillor Suzanne Wickham, who arranged for Councillor Tony Jackson to attend as a substitute.

41 **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 July 2021 were presented for consideration, and it was,

Resolved:

To approve and sign as a true and correct record of the minutes of the meeting held on 7 July 2021.

42 **Declarations of Interest**

There were no declarations of interest.

43 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

44 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

45 **Planning Appeals and Updates**

The update report on planning appeals was received with details provided that a number of appeals had been received and determined. Development Management Team Leader, Kenny Green provided a summary of three allowed appeals in Semington, Bradford On Avon and Southwick.

Resolved:

To note the Planning Appeals Update Report for 29 September 2021.

46 **Rights of Way Applications**

The Committee considered the following Rights of Way application:

47 **Trowbridge Path No.8 Definitive Map and Statement Modification Order**

Public Participation

Steve Wylie spoke in objection of the application.

Andrew May was unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Senior Definitive Map Officer, Janice Green presented a report which had the purpose to consider objections and representations received following the making and advertisement of "The Wiltshire Council Trowbridge Path no.8 Definitive Map and Statement Modification Order 2021". The report recommended that "The Wiltshire Council Trowbridge Path no.8. Definitive Map and Statement Modification Order 2021" be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee had the opportunity to ask technical questions regarding the application. Details were clarified, including that the fence within the portion of land subject to the Order would require removal if it was found to be an obstruction of the highway, however this would depend on the findings of the Secretary of State regarding the width of the path and its status. It was explained that the current barrier was erected under the Highway Authority's powers to erect barriers in the highway to safeguard users, under Section 66 of the Highways Act 1980 and there is evidence that the opening of Church Lane as a through route to vehicular traffic has long been a concern. The Highway Authority's duty to safeguard users of the path continues if the path is upgraded to a bridleway, but of course any barrier would need to be appropriate for a bridleway at the full width. The current barrier would be removed and replaced with an appropriate barrier at the same time in order to protect non-motorised

users. As this would be an operational decision, it would be made by the Head of Service for Highways or the Rights of Way team

Additionally, it was clarified that the Order proposes to upgrade the footpath to a bridleway, rather than a byway open to all traffic and that the legal public use for this would only be on horseback, with bicycles and foot. Details were sought regarding the private rights of residents to use Church Lane in order to access their properties and it was explained by officers that private rights had not been investigated as there was no duty to do so. Any person driving down Church Lane would be doing so to access the properties along Church Lane, not to use the highway as a through route. The barriers in place do not allow motor vehicles to connect from Church Lane to Acorn Meadow.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The local Unitary Member, Councillor David Vigar, then spoke regarding the application. Key points included concerns from residents that the barrier might be removed and then not replaced, causing Church Lane to be a through road which would be dangerous for pedestrians. As it was not directly addressed in the report, Councillor Vigar sought assurance that there would be no immediate intention to remove the barrier without replacing it. It was clarified that the barrier historically was likely to have been authorised to be erected in 1962 to safeguard non-motorised users. The Council consider that the need to safeguard non-motorised users continues and there is currently no reason for the Council to remove the barrier. If the route is confirmed to be bridleway by the Secretary of State any replacement barrier would need to be of a particular design to suit equestrian and cyclist use whilst not allowing motorists through. Regarding the removal of the fence that narrows the width of the piece of land, it was clarified that if installed, the bridle gate would be required cover the full width of the bridleway to prevent vehicles from attempting to drive around the barrier.

A debate then followed including the need to follow government guidance regarding the installation of the barriers if the order was confirmed by the Secretary of State.

A motion to move and accept the proposal was moved by Councillor Ernie Clark and seconded by Councillor Bill Parks.

At the conclusion, it was,

Resolved:

That “The Wiltshire Council Trowbridge Path no.8.Definitive Map and Statement Modification Order 2021” be forwarded to the Secretary of State for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

The meeting was adjourned at 4:01 pm and resumed at 4:08 pm.

48 **Planning Applications**

The Committee considered the following Planning Applications:

49 **PL/2021/03460 - Yew Tree House, Brokerswood, BA13 4EG**

Public Participation

Richard Cosker spoke in support of the application.

Rachel Clow spoke in support of the application.

Mr and Mrs C.N. Stevens were unable to attend the meeting, therefore Democratic Services Officer Ben Fielding read out a statement that had been provided prior to the meeting in support of the application.

Roger Evans spoke on behalf of North Bradley Parish Council.

Senior Planning Officer, Verity Giles-Franklin, presented the report and recommended that the Committee refuse the application for the erection of two holiday eco lodges.

The committee was advised about the site circumstances being located in the open countryside beyond any defined settlement and not close to any such settlement. The officer advised members about the principle of development and change of the use of the land to a tourist use, as well as the consequential visual and ecology impacts, the impacts to neighbouring amenity and highway matters.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided on the lawful use of the land being residential curtilage following the approved conversion of the former public house to a residential property in 2015. The committee was also advised on the lead development plan policies and queries were answered pursuant to the adopted policy regarding infill and directing new tourist development to settlements or close to settlements as set out by Core Policy 39 and the overarching Council's policy of securing sustainable development. It was also confirmed that the application had no direct association to Brokerswood Country Park.

Additionally, the sustainability principles of the application were discussed in relation to the proposal generating additional traffic, with officers advising members that by virtue of the site's rural location, the two holiday lets would likely have a heavy reliance placed upon the use of private motor vehicles to gain access to local attractions, which would conflict with Core Policies 60 and 61, to reduce reliance on cars. Clarity was furthermore sought with respect to Core Policy 39 stipulating that new holiday let development in the open countryside should first of one be evidenced that the proposed facilities are in conjunction with a particular countryside attraction, the reasoning being to provide new development in exceptional cases where there is demand and a clear association to an existing use that requires new holiday let accommodation.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The local Unitary Member, Councillor Horace Prickett then spoke regarding the application. Key points included that the design of the proposed holiday lets would be out of character with other buildings in the area and that the development would have no local services available and would be isolated in the open countryside and would generate more traffic.

A debate then followed which considered the principle of the development along with the associated impacts the proposed development would have to the open countryside, the aesthetics of the proposal was also discussed with the use of steel cladding noted; and the merits of the eco-lodge proposals along with noting the site's proximity to the national cycle route and the proposed on-site provision of electric charging points. Regard was also given to the Senior Planning Officer's policy explanation.

A motion to move and accept the officer recommendation was moved by Councillor Ernie Clark and seconded by Councillor Trevor Carbin.

At the conclusion of the debate and following a tied vote, the Chairman's used his casting vote, and it was

Resolved:

To refuse the application as per the officer's recommendation for the following reasons:

1. The subject site is located in open countryside and is not located in or close to a Local Service Centre or Large and Small Village and does not seek to re-use or replace an existing building and on this basis, only in 'exceptional cases' would such tourism accommodation be considered, which this proposal fails to adequately demonstrate, as the proposal fails to satisfy all the necessary criteria contained in CP39; and in particular, the Council is not convinced by the applicants' submissions that the proposal is justified or is supported by substantive evidence for this proposal to be considered 'exceptional'. As such, the proposal is not considered to be a sustainable form of development and is considered contrary to Core Policies 1, 2, 39, 60 and 61 of the adopted Wiltshire Core Strategy.

2. The proposed site is located in the open countryside and outside any identified limits of development whereby the proposed siting of two ecolodges to be used for holiday accommodation would constitute an unwarranted and unjustified encroachment of the open countryside, resulting in the loss of a spatial gap between existing buildings and introduce an urbanising effect that would harm the rural character and appearance of the area. As such, the proposal is considered to be contrary to Core Policies 51 and 57 of the adopted Wiltshire Core Strategy.

The meeting was adjourned at 5:00 pm and resumed at 5:06 pm.

50 **20/10353/FUL - 37 A Monkton Farleigh, Bradford-on-Avon, Wiltshire, BA15 2QD**

Public Participation

Lisa Baird spoke in objection of the application.

Jenny Potts spoke in objection of the application.

Simon Chambers spoke in support of the application.

Joy Spiers spoke on behalf of Monkton Farleigh Parish Council.

Senior Conservation and Planning Officer, Steven Sims, presented the report and recommended that the Committee approve the application for the erection of a replacement dwelling subject to conditions.

Details were provided of the site including the principle of development, the impact on the openness of the Green Belt and to the character and appearance of the Conservation Area and the AONB, as well as the impact on the amenity of neighbouring residents.

Members of the Committee had the opportunity to ask technical questions regarding the application. Clarification was provided by officers that, if approved, three car parking spaces would be required – which the proposed plans included. It was also confirmed, that as recommended, if the application was to be approved, certain permitted development rights should be removed by a planning condition.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The local Unitary Member, Councillor Johnny Kidney then spoke regarding the application. Key points included that the property was located in a sensitive village within a green belt as well as an Area of Outstanding Natural Beauty and that the proposed size of the replacement building would contravene the national planning policy framework. Councillor Kidney furthermore argued that the proposal would have a detriment impact on neighbouring properties.

A debate then followed whereby members discussed the merits and impacts of the proposed replacement dwelling and it was argued that despite officers securing negotiated changes that reduced the size and bulk of the replacement dwelling, the finalised proposal was still considered too large and harmful to neighbouring interests. The NPPF was referenced, specifically that a property should not be materially larger than the one being replaced. The sensitivities of the site were acknowledged and referenced, along with there being a recognition that the Council currently has a 5-year housing land supply deficit. However, it was also argued that the NPPF presumption in favour of supporting new housing when such a deficit exists, is not engaged for this particular case given the site's special protections.

A motion to refuse the proposal was moved by Councillor Trevor Carbin and was seconded by Councillor Antonio Piazza. The cited reasons for refusal were that the proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.

At the conclusion of the debate, it was,

Resolved:

That planning permission be refused for the following reason:

The proposed replacement dwelling, by virtue of its materially larger size and height (when compared to the existing property) and the proposed re-siting, would constitute an inappropriate and harmful form of development in the green belt contrary to para 149 d) of the Framework, and moreover, it would have an unacceptable impact on the amenities of the neighbouring properties, especially No.37B, contrary to adopted WCS Core Policy 57.

51 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00pm – 5:50pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.fielding@wiltshire.gov.uk
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