

From: [Roberts, Ali](#)
To: [Roberts, Ali](#)
Subject: RE: Highways Act 1980 S.119 - proposed diversion of Purton 104
Sent: 20/06/2025 15:48:10

Highways Act 1980
The Proposed Diversion of Bridleway Purton 104 (part)

Wiltshire Council are in receipt of an application, dated 10 July 2023, to divert bridleway Purton 104 (part) (PURT104). The proposal is to divert PURT104 from point A to point B shown on the attached plan with a bold continuous line, a distance of approximately 140 metres with a recorded width between 3.66 and 7.62 metres, to a new route from point C to point B shown with a dashed line, a distance of approximately 255 metres, with a recorded width of 4 metres.

The applicant states the following reasons for applying to divert the right of way are as follows:

"This application is made primarily in the interests of the landowner, to improve both privacy and security of the private residence and operational farm. Issues of concern that have been shown through personal experience to have already occurred include:

- Intruder used the bridleway to gain access to the property at night and disturbed sleeping guest*
- People leaving the bridleway to walk around the house and look through windows. Dogs being allowed to jump up at windows. These incidents have occurred during the night as well as in the day.*
- People parking their cars in the driveway and picnicking in the garden*
- People with uncontrolled dogs, animals chased in garden and farmyard*
- People using the bridleway through the garden at night can be startling and frightening*
- Groups of males using the bridleway for access then roaming the farmyard, clearly not genuine walkers.*
- Prospect of horses coming through the garden is concerning, but has never happened due to the proposed diversion route being already available as a permissive bridleway*
- Farm animals have been let out by walkers, e.g., cattle released into the garden*
- Immediate neighbour burgled via access at the back of the house, near to the bridleway.*
- Vandalism of property, lighting of fires, drug abuse, fireworks, lamping using firearms, other vermin coursing using dogs, motorcycle riding, raves etc. on surrounding land. Concern that people engaged in such activities have right of access along the bridleway through the garden and so close to the house and farmyard/buildings.*

There will also be some benefits to people using the path, primarily due to concerns over the occupier's privacy and the feeling of intrusion and invasion into what in all other respects appears to be a private space. Also, some users, mainly cyclists, have started to use the route through the garden but have found it unsuitable and turned back. The diversion route avoids this issue arising, and horse-riders likewise have shown a preference for the diversion route. To this extent the diversion may be considered to be in the interests of the public."

Their applicant's statement in full is attached to this email.

Defra government guidance on diversion or extinguishment of public rights of way that pass through private dwellings or their curtilages and gardens, dated August 2023 states in its conclusion *"In making its decision as to whether the existing path should be diverted or extinguished, an authority should consider in particular the impact of the existing path on the property owner and/or occupier against the benefit that having the right of way through the land brings to the public, taking account of this guidance."* Defra government guidance sets out a presumption that if a public right of way that is subject to a diversion application goes through private dwellings or their curtilages and gardens, that an Order making authority should be predisposed to make an Order and a confirming authority will similarly be predisposed to confirm it, should the Order satisfy the relevant legislative tests. The Defra guidance is attached to this email for information.

If you would like to make any observations or representations regarding the proposals, I would be very grateful if you could reply to me via email, no later than 17 July 2025.

The application is on the Wiltshire Council register which can be found by following the attached link, [P/2023/013 - Rights Of Way - Wiltshire Council](#) All papers and correspondence received for this case will be added to the page for public viewing.

Kindest regards,

Ali

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

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