

Dear Ms Roberts,

Re:-“The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025”

The choice of the word expedient used to justify the decision is indeed apposite, as reference to definitions of the word confirms, since in this instance, being governed by self-interest, it is a convenient means of attaining an improper end. Although it has been made to look as if the legal criteria for making the order have been met, this has only been achieved by prior confected manipulation of the property, and an arbitrary judgement about the meaning of ‘convenience’. The statement that the original application was modified because the applicants took cognisance of public opinion is disingenuous. The original plan was abandoned because it was never going to be acceptable to Wiltshire Council’s officers and statutory consultees, and did not fulfil the necessary criteria for diversions of Rights of Way.

The loss of privacy the applicants use to justify diversion of SMAN13 is, as The National Landscape Officer states, the result of their own deliberate actions, namely building the extension with large windows adjacent and parallel to the RoW, and removal of effective vegetation which until two years ago made the house and garden almost entirely unoverlooked. This alone warrants refusal of the order. A simple remedy to prevent pedestrians looking through the extension’s windows can be achieved by applying films internally to the glazing to render it opaque from the outside (and drawing curtains after dark). Some objectors pointed out that the garden’s privacy could easily be restored by planting a hedge along the Eastern boundary of the current course of the RoW from the corner of the extension to the hollow way.

Once the original plan was withdrawn, the applicants were thwarted in their main objective which was to remove the path entirely from its current location through the property. The outcome however is that they have anchored its presence there permanently on a tortuous longer route. To mitigate its effects, they have created a Pyrrhic victory for themselves, because the order will allow walkers to have a much better look around the curtilage, and have enhanced views (save for solar panels) from a higher altitude than if SMAN 13 were to be left untouched. This home goal however cannot be left unchallenged. The order erases 70% of the ancient RoW. Due to the significance of recently enacted legislation, heritage and amenity concerns now have enhanced historical importance. This was endorsed and supported by the decision of WC made on 10th June 2025. They should now take priority over other considerations including the legal criteria used to justify this order.

The applicants claim that the number of objections has fallen by a significant proportion since the original plan, and deduce that this is because some of those who objected were content with the revised version, as a compromise. On the contrary, this does not imply that they support the revision, because they had already stated they were opposed to alteration to the RoW; and did not feel it necessary to object again since the numerical identity of the application, P/2023/016, remained unchanged: it was deemed supererogatory to repeat themselves. Had the original application been withdrawn (as it should have been because it was not in effect for diversion, but total eradication) many more would have objected to a new application identical to the revised version now approved by the order. However, the criteria used to determine the next phase of a ‘public path order procedure’ wrongly ignores the details and numbers of objections to the original plan.

The applicants assert that only a minority of people in the community object to the application. It is axiomatic in a free society that if one does not vote on a matter, one is not counted. Many do not express their opinion for a variety of reasons including not being aware of or interested in it. This is also more likely in a non-nuclear rural community characterised by several small settlements widely separated by agricultural land. What is unarguable is that 27 people objected to the original application and 16 individuals confirmed their objection in writing to the revised plan, and The Parish Council objected on both occasions. No one in the community of over 80 households wrote in support of the original plan, and only one retracted over the revision. Thus, interference with SMAN13 has inspired many objections and negligible support.

For these reasons, though we reserve further comment at this stage of the process, we hereby appeal against the order.

Dr J A Prince - Mr D T Foston

Objection to revised application to divert SMAN13 Sutton Mandeville - P/2023/016

The proposed route is over 40% longer than the existing path and involves two right angled bends, as opposed to a more or less straight line. It is therefore substantially less convenient than the existing pathway. (Highways Act 1980 s119 – 1.2.3.(6))

The proposal involves erasure of 70% of the original RoW, by far the majority of its course. It amounts to a considerable loss of amenity and enjoyment of a historic pathway by inhabitants of this village and other local walkers.

The proposed route will be 30 metres nearer the solar array which will make it much more visible from the RoW, when such installations are supposed to be as unobtrusive as possible especially in National Landscapes. Screening by vegetation is unreliable and impossible to enforce. For half the time it is ineffectual in Winter when the trees are not in leaf. Trees die and blow down in storms; replacement is not enforced. The applicant has a history of noncompliance with such provisions because an agreement to screen the modern extension from view from the East was reneged upon with spurious excuses, which is why the visual amenities of the two listed properties in that direction including our own remain compromised by views of its inappropriate Eastern elevation. This applies equally to users of SMAN 3 and Rectory Road.

Statements concerning embarrassment at walking through the property are personal and subjective and should bear no weight since that is a minority opinion and other routes are available for the squeamish. We and most others have no such qualms; they should be ignored.

The route does not meet the legal criteria for diversions (see above) but in addition we are convinced that heritage should remain an important deciding factor. Even if a proposal is decided solely upon on other legal grounds, this particular application should be refused since its purpose gives advantage only the applicants, who are undoubtedly responsible for their own predicament, (possibly deliberately, in the hope of creating a cast iron case for diversion or erasure) at the expense of the whole community whose inhabitants testify to their enjoyment of walking where their predecessors trod. Diversions are intended to be to the advantage of both applicants, and other members of the public. There are no advantages to the community in the proposal.

SMAN13 should not be altered: we object to application.

J A Prince – D T Foston

SMAN13 P/2023/016 - Revised application - OBJECTION

We stand by to our objection to alteration of the footpath, and we submit the further reason that the village's heritage is under threat.

Last year, at a Parish Council meeting held to consider planning application numbers PL/2024/03227 & 03228, the applicant made a statement which included her opinion that she should be allowed to do what she wanted on her own property, an assertion that was tantamount to claiming the right to ignore planning regulations, environmental protection rules, special regulations applying in National Landscapes, and those concerning agricultural land, and rights of way, in favour of her personal objectives, with which we profoundly disagree.

The only beneficiaries of the revised plan would be the owners of the Homestead. Wiltshire Council's decisions are supposed to take account of the opinions and amenities of other members of the public, not just applicants. Given that the applicant has wrought this situation and bought the property in full knowledge of the RoW's existence (well covered already and confirmed by PC & CCNL officer) it is hard to see any scope for compromise over the RoW, especially as a successful application would provide a financial bonus since the property was acquired at a discount owing to its existence. Subsequently, privacy was deliberately impaired, which created conditions that would on a superficial analysis appear to justify the path's removal or diversion, a tactic that should be denied success for the sake of the whole community.

Heritage Rights of Way are of great concern to this village, and Wiltshire Council's policy recognises their importance - Section 7.1 Key Issues "Heritage at Risk". We urge decisive rejection of the application: it is unjustifiable, and would establish the regrettable precedent of people evading the consequences of altering the environmental surroundings of a RoW to present a case to divert or remove one.

J A Prince – D T Foston