

**From:** [REDACTED]  
**To:** [Roberts, Ali](#)  
**Subject:** RE: Highways Act 1980 S.118 S.26 - PURT104 Objection to Order  
**Sent:** 16/10/2025 16:42:53

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Dear Ms Roberts  
Thank you for your email below.

I believe that there has been an error in determination. Whilst the Defra guidance is that it is possible to divert/extinguish paths that go through gardens, that does not apply in this case. The land through which the footpath passes is agricultural land. Just because a field is mown to look like a lawn does not make it a garden.

I believe that the Defra guidance has been incorrectly applied, and this should be examined further at the Northern Planning Committee, and the Order dismissed.

Many thanks  
Richard Pagett

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**From:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Sent:** 24 September 2025 14:34  
**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Subject:** Highways Act 1980 S.118 S.26 - PURT104

**Highways Act 1980 S.118**  
**The Proposed Extinguishment of Purton 104 (part)**

**Highways Act 1980 S.26**  
**The Proposed Creation of Purton 104 (part)**

Wiltshire Council made the above Order on 11 September 2025. Please find attached a copy of the Orders, the Order Plans and the Notice of making the Orders.

Notice of the made order will be advertised in the Gazette and Herald 25 September 2025 and on site.

The decision report is available to view by following the attached link to the public register for this case [P/2023/013 - Rights Of Way - Wiltshire Council](#)

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>

Ali Roberts (Miss)  
Definitive Map Officer  
Definitive Map and Highway Records  
Wiltshire Council  
County Hall  
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**Wiltshire Council**

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The applicant has stated the following reasons for applying to divert the right of way (RoW):

- *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; and*
- *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 the right of access along the bridleway through the garden and so close to the house and farmyard/buildings.*

**A lot of scepticism is warranted since much of the above, if these did occur, most, if not all, would be the subject of police reports, of which there is no evidence.**

The applicant states, “This application is made primarily in the interests of the landowner, to improve both privacy and security of the private residence and operational farm. **This says it all. The actual benefit will be an increase in property value due to the absence of an RoW adjacent to the house.**

The current 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.”* The Government guidance also sets out a presumption that if a public right of way that is subject to a diversion goes through private dwellings or their curtilages and gardens, that it should be permitted.

Sadly, the justification for this diversion, while grossly overstated, will be seen to meet the Government requirements and so be accepted.

**BUT it is important that there are several severe misgivings about this:**

- Whilst the proximity of the RoW to the house makes for unlawful access and loss of privacy, this has not been helped by the landowner extending the garden across the

RoW and removing previous boundaries adjacent to it. **In other words, by these actions the landowner encouraged the issues that he now faces;**

- Concerning the so-called “raves” - the legal definition of a rave is “*...a gathering of more than 20 people, often at night time, where loud music is played over several hours*” if that were really the case the police would be called and have ample time to arrive, plus it would be in the *Swindon Advertiser* – **there is no evidence of either;**
- As far as the undesirable activities going on at Ringsbury Camp, **this will not be changed by the diverted RoW since the existing permissive path still allows access;**
- **When the public inquiry dismissed the original attempt to divert Mud Lane, the landowner promptly cut down the hedges and trees, and the wildflowers disappeared in order to encourage walkers to use the permissive route;**
- **Currently, the RoW is an embarrassment and ordinarily very difficult to walk due to the lack of maintenance that the landowner is legally required to do. Currently it has been strimmed (a) because the ROW officer of Wiltshire Council told him to last week; and (b) the landowner obviously thought it would help his application.**

This is a sorry tale, and the landowner and Wiltshire Council should be ashamed of themselves. The presence of the right-of-way had been in existence for more than a hundred years – the landowner knew of it when the property was purchased. This is nothing more than an exercise in increasing property value.

In addition to the above objection, a final comment is that if Wiltshire Council is minded to grant this diversion, to **require legally that the landowner shall uphold his obligation to maintain all the RoW and the diverted part and the remainder of this ancient RoW, such that it is kept in a fit state for walkers at all times.**

**Kind regards**

**Richard Pagett**

**Resident of Purton**

29 June 2025