

SMAN13-5

**Highways Act 1980 s. 119
The Wiltshire Council Parish of Sutton Mandeville Path 13
Diversion and Definitive Map and Statement Modification Order
2025**

Objections and representations to the order

Representations to the order

1. Andrea Davies
[REDACTED]
2. Chloe Luxton
[REDACTED]
3. Simon Davies
[REDACTED]
4. Anonymous
5. Caroline Vernon, officially received after the statutory consultation deadline but pre attempts were made
[REDACTED]

Objections to the order

1. Sutton Mandeville Parish Council
janedavidchilds43@gmail.com
Sutton Mandeville Parish Clerk
Waterfall Cottage
Chicksgrove
Salisbury, Wiltshire
SP3 6NA
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. David Willis
[REDACTED]
3. Elizabeth Beeley
[REDACTED]
4. Helen Havard
[REDACTED]
[REDACTED]
Sutton Road
SP3 [REDACTED]
5. Dr JA Prince and DT Foston
[REDACTED]
6. Kate Barker and B Millington
[REDACTED]
7. Liz Barraha
[REDACTED]

8. Peter Ellis

[REDACTED]

[REDACTED]

Sutton Mandeville

SP3 [REDACTED]

[REDACTED] Maida Avenue

Little Venice

London

W2 [REDACTED]

9. Sarah Beddington

[REDACTED]

10. Francis Morland, objection to the draft order only

[REDACTED]

[REDACTED]

Chapmanslade

Wiltshire

BA13 [REDACTED]

From: [REDACTED]
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 11/09/2025 17:15:37

[REDACTED]
Dear Ali,

I am writing in support of the diversion of SMAN13, a path in Sutton Mandeville.

I live a couple of lanes away in Fovant and often walk my dog along the footpaths in Sutton Mandeville. In all the years of walking around there I have never ventured along path 13 for the very reason that I feel uncomfortable walking so close to a family home and effectively through their garden, especially when there are children playing outside.

I appreciate that it is my right to do so, but it still feels like an invasion of privacy, so I think it is a great idea to create this minor diversion. It's not only the homeowners privacy I'm considering, but also my own - I would feel less 'on display' walking around to the side of the plot than coming straight down directly facing the house as it is currently.

If you need anything further in relation to this email of support please don't hesitate to contact me,

Kind regards

Andrea Davies

From: [Chloe Luxton](#)
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 10/09/2025 19:30:17

[REDACTED]
Dear Ms Roberts

I am writing to you to give my support for the proposed diversion of the footpath that runs through Sutton Mandeville.

We are a family of 5 living in Fovant and we like to use the footpaths in the area for walks at the weekend. We have avoided this particular footpath because it literally passes in front of a family home, and we feel like we're invading their privacy. We therefore fully support the proposed diversion because it will mean we can use the footpath without feeling like we're walking in their family garden.

Best wishes
Chloë

<p>CHLOË LUXTON Creative Director & Founder</p> <p>☎ 01747 445067 / 07968 347161 ✉ chloe@bramleyproducts.com 🌐 bramleyproducts.com</p>	<p>Certified  Corporation</p>
<p>BRAMLEY BOTANICAL MAGIC</p>	<p>Made by nature, crafted by Bramley.</p>

From: [REDACTED]
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 12/09/2025 09:15:39

[REDACTED]
Dear Ms Roberts,

I write with reference to the above path diversion.

We live in Fovant and I often either run or walk in this area with our dog, either on my way to the Stalls café, or as part of regular exercise in the area: just to clarify that would be 3-6 times per week, so am familiar with the area.

I fully support this application to divert the path away from the Lodge's property for a number of reasons, including so that I don't feel like I am walking through their demise. There are many paths in this area and the diversion of this path will in no way affect my enjoyment of the area nor will it detrimentally impact the area, in my opinion.

'Sympathetic' updates, amendments and changes into small rural communities are an important part of ensuring investment in the local area for future generations.

Regards,

Simon Davies

From: [REDACTED]
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 11/09/2025 18:10:10

[REDACTED]

Dear Ali

I am a resident of Sutton Mandeville and use the footpath past The Homestead several times a year.

I see no reason to object to diverting the footpath a short distance away from the Lodge's property: it will add seconds to the walk and make the path less intrusive for walkers and dwellers alike.

[REDACTED]

Yours sincerely,

[REDACTED]
[REDACTED]

Sent from my iPhone

From: [Caroline Vernon](#)
To: [Roberts, Ali](#)
Subject: "The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025"
Sent: 24/09/2025 10:02:37

Dear Ms Roberts,

This will be my third attempt to send this email to you! Apologies for its lateness.

I am writing to you in connection with the aforementioned modification order 2025.

I strongly support the diversion of the footpath. The alignment of the current path cuts through a private garden and I certainly have felt uncomfortable using it, preferring not to intrude on the private lives of those living in The Homestead. Regretfully, that feeling of intrusion has discouraged me from using the path, forcing me to take more circuitous routes around the area. The diversion offers the advantage of not only giving better privacy to those living in The Homestead, but it also upholds the connection into the network of the paths in the immediate vicinity and as a result a marked improvement for local walkers. I would ask you to consider the modification order for the re-alignment of the path favourably.

Yours Sincerely,

Caroline Vernon

From: [HUGH COLLINS](#)
To: [Roberts, Ali](#)
Subject: Re: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13
Sent: 11/09/2025 14:54:24

Dear Ali

Please note that Sutton Mandeville Parish Council objects to the made order and would like to take this to the Southern Area Planning Committee.

I have written to Cllr Nabil Najjar and will be meeting with him to discuss the issues later this month.

Please let me know if I should give details of the grounds for objecting to the made order at this stage.

Kind regards Hugh

----- Original Message -----

From: Ali.Roberts@wiltshire.gov.uk

To: Ali.Roberts@wiltshire.gov.uk

Sent: Wednesday, August 13th 2025, 15:07

Subject: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13

Highways Act 1980

The Proposed Diversion of Footpath Sutton Mandeville 13

-

Wiltshire Council made the above Order on 4 August 2025. Please find attached a copy of the Order, the Order Plan and the Notice of making the Order.

Notice of the made order will be advertised in the Wiltshire Times on 15 August 2025 and on site.

The decision report and associated paperwork is available to view by following the attached link to the public register for this case [P/2023/016 - 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
Trowbridge

Sutton Mandeville Parish Council response to revised proposed diversion of SMAN 13 (P/2023/016) received 6th May 2025

The Homestead, Sutton Mandeville

SMPC objects to the revised proposal on the following grounds:

1. It fails the legal tests for a Highways Act 1980 S.119 application
2. A significant number of respondents, including many residents of the parish, object to the proposed diversion.
3. The existing route of SMAN 13 is an important historical feature of the village, which is itself a heritage asset within the Cranborne Chase National Landscape.
4. Prior to planning application 14/02330/FUL, SMAN13 was not adjacent to the house, which abutted the highway. The path was in a field separated from the garden by a hedge.
5. The Defra Presumptions Guidance of 1st August 2023 is neither applicable nor valid in this case.

The Legal Test

Diversion of SMAN 13 is not in the interests of the public because it disrupts an ancient route connecting historical settlements and fields to the south with All Saints Sutton Mandeville and the River Nadder beyond. It would diminish walkers' sense of place and damage a feature of the landscape, as well as being inconvenient to diverge away from the north termination point. Furthermore, where the proposed route traverses an existing paddock, gates may be required, inhibiting accessibility, and giving rise to further inconvenience to walkers and future land users.

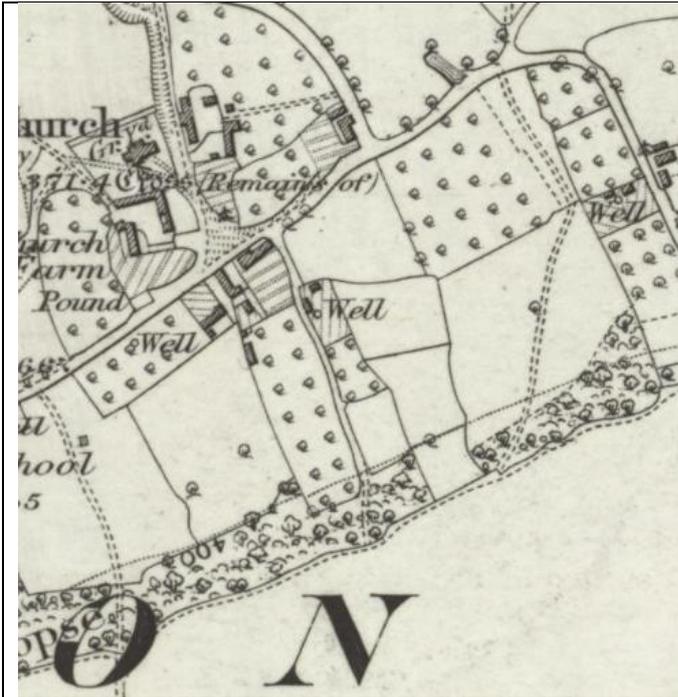
Objections from the Public

The initial consultation for extinguishment and rerouting of SMAN13 prompted some 25 letters of objection from the public. The revised proposal submitted following this outcry gave rise to fewer objections, but the majority remain resolute in their opposition. The Ramblers Association's response registers satisfaction that previous key points have been addressed and is therefore neutral rather than supportive. Only one resident individual altered their submission to support. The National landscape officer altered his initial response to the effect that he rescinded his support in favour of the opinions of the majority of the community. The message from this public consultation is, "don't interfere with or alter this right of way", and that *any* changes to SMAN 13 would be contrary to the wishes of many, and SMPC acknowledges these objections.

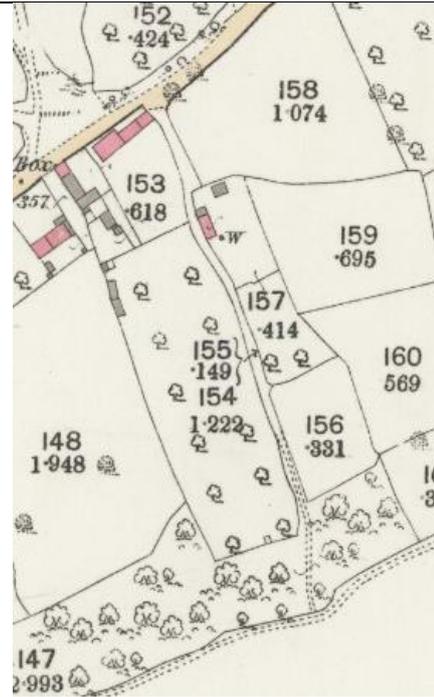
Heritage and the National Landscape

Historic maps

The OS Six-inch map (top left) shows that the right of way was, historically, the most prominent route between the centre of the village and the network of paths to the south of the village, forming a distinctive lane. The OS 25-inch map (top right) shows similar, in more detail. Its depiction as a lane continues on maps to the 1960s (maps from National Library of Scotland).



Six-inch. Wiltshire Sheet LXV. Surveyed: 1886,
Published: 1890



25-inch. Wiltshire LXV.13. Surveyed:
1886, Published: 1887



25-inch. Wiltshire LXV.13. Revised: 1939, Published:
1947



1:10,560. ST92NE – A. Surveyed /
Revised: Pre-1930 to 1961, Published:
1961

SMAN13 is clearly shown as a lane in the Tithe map of 1839 (map from Know Your Place, Wiltshire):



Although harder to make out, the OS Survey Drawing of 1807 also shows that the right of way was a prominent lane, central to the form and structure of the village. This map also underlines the connection between routes south out of the village to the network connecting to Manor Farm (map from Old Maps Online – British Library):



Wiltshire Council has recently endorsed and adopted the Cranborne Chase management plan, which is in place to conserve, protect and enhance a nationally important and protected landscape ([Wiltshire Council News and Communications 10th June 2025](#))

From Section 7. Historic and Cultural Heritage:

“The remnants [...] of working life, together with the layout of settlements, routeways and buildings, contribute to the historic character of the area.”

The Ambition of the management plan states that, “The historical and cultural environment of the National Landscape [should be] conserved and enhanced [so that] everyone understands, values and enjoys its cultural and heritage assets.”

Key Issues 3. Heritage at Risk – The National Landscape has heritage assets that Historic England considers to be vulnerable or ‘at risk’. There is a need for partners to take practical action to conserve and enhance these assets.

SMAN 13 is evidently a heritage asset which must be actively conserved, and its proposed diversion should therefore be refused by Wiltshire Council as a partner which has endorsed the vision of the National Landscape plan.

Development at The Homestead

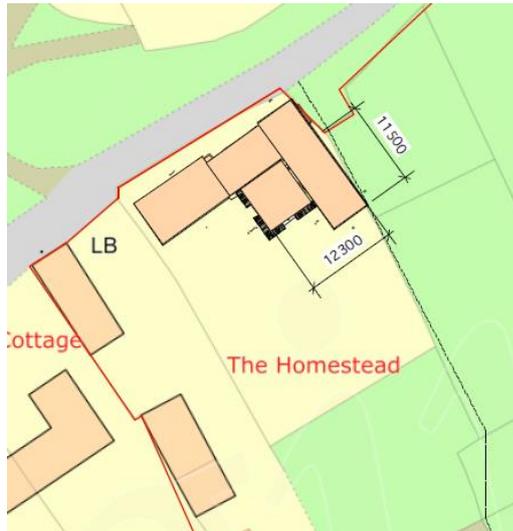
Owner’s planning application, 2014

14/02330/FUL (<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000014eIY6AAM/1402330ful>)

The Location Plan shows the east end of the house bordering the boundary of the property at the indent for the right of way. The right of way is only adjacent to the house on the public highway:



The Block Plans show the extension running back along the boundary, adjacent to the right of way: the right of way is only adjacent to the house because the house has been built up to it:



Both documents show that the right of way was on the other side of the field boundary to the garden, shown in yellow. The right of way only came into the garden as a result of the residents' alteration following planning consent in 2014 and is not shown in the documents accompanying that application.

The Officer Report noted that 'The proposed extension would be approximately 7.4m in height with 3m of the extension screened from view by existing boundary treatments. This will ensure that there will be no overlooking, loss of privacy or overshadowing to a detrimental degree.'; and 'The proposal would be of an acceptable scale and partially screened from view at the rear of the property'. The Officer Report does not raise any concern about privacy or disturbance in connection with the right of way. Notably, the Officer did not impose a condition of retention of the screening. Such a condition is in place for an approved solar array application PL/2024/03227.

Google Street View, from 2011

Google Street view shows on an image captured in June 2011 that the right of way ran through fields and was screened from the house and garden by a high laurel hedge:



The actions of the current owners in building an extension, expanding the garden over former fields and removing hedges has given rise to the perceived loss of privacy. It is analogous to removing window blinds from a house in a public place and then complaining that passers-by can see in.

Google Earth

Comparison of Google Earth satellite images from 2011 and 2018 shows that the right of way was formerly beyond the property and its garden, and that it is extension of the house and garden and removal of mature boundary vegetation that has caused the right of way to become proximate.



The Defra Presumptions Guidance

Defra recently articulated its policy towards access to the countryside and historic rights of way as follows:

A healthy and thriving natural environment which everyone can access is a critical part of delivering long-term sustainable change across the country. Boosting access to nature will also help drive economic growth in rural communities, as part of the government's Plan for Change.

Minister for Access, Baroness Hayman said:

These well-trodden routes, many of which have been in place for hundreds of years, are a part of our shared heritage and it is critical that we bring forward these measures to protect their long-term future.

26 Dec 2024: <https://www.gov.uk/government/news/government-steps-in-to-save-historic-rights-of-way-from-being-lost-to-the-nation>

Considering these policy statements, Defra's 2023 guidance is equivocal and must be left open to interpretation and used with discretion. It could be drawn upon, for example, in instances of malicious trespass or regular nuisance where the interests of the landowner are demonstrably of paramount importance. There is no evidence in this case that the interests of the owners of The Homestead outweigh those of users of the public right of way, nor that its current route is 'problematic' (para 6.).

Para 7. Of the guidance says it only applies where a public right of way passes through a garden or curtilage of a residential dwelling. In fact, the owners have encroached upon SMAN13: this guidance would not apply to SMAN13 except because of the actions of the owners, representing a perverse incentive contrary to intended policy. Misapplication of this Defra guidance in these circumstances could be challenged and there should be greater clarity on the status of RoWs in a National Landscape.

In weighing the interests of the owner against the overall impact of the proposal on the public (para. 9), the authority should reflect on both the actions of the owners in creating the current situation.

A more appropriate balance between the interests of the owners and the impact on the public could be obtained if the owners reversed their previous actions by screening their house and garden from SMAN13 rather than diverting the right of way. The perceived impact on privacy and security that has arisen from the owners' actions could be remedied directly by themselves without impacting the public. Verbal consultation with parishioners and walkers confirms that none feel discomfort and embarrassment walking past the house and that this will not deter them from so doing. Most people will mind their own business and concentrate on the path itself, even if no change is made.

Conclusion

SMAN 13 should remain unaltered for present and future generations in the interests of heritage, sense of place and enjoyment of the historic landscape. These interests far outweigh those of the current owners of The Homestead, and Sutton Mandeville Parish Council object to this proposal. The Homestead is a cherished centrepiece of Sutton Mandeville, despite extensive developments to the property, and SMAN 13 should remain untouched.

Thanks Ms Roberts for your helpful explanation. I am absolutely astonished that previous objections are ignored in the next stage unless the objector says otherwise. This seems highly undemocratic and I would ask that my and all other earlier objections are taken into account. I would also reserve the right to make further comments in due course. As I understand the existence of any objection prevents the Council from making the order which is reassuring.

From: [David Willis](#)
To: [Roberts, Ali](#)
Subject: Re: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13
Sent: 28/08/2025 15:09:53

Yrs
David Willis

On 28 Aug 2025, at 07:54, Roberts, Ali <Ali.Roberts@wiltshire.gov.uk> wrote:

Dear Mr Willis,

Representations and objections received during the initial consultation process will not automatically be forwarded to the made order consultation. To follow due process and regulation you will need to confirm if you wish your objection to be carried forward. To make a duly made objection to the made order you can simply request all previous comments are forwarded and reserve the right to add or amend your representation as the process progresses or you may wish to write a new representation. This is a 28 day statutory consultation, consultees include Sutton Mandeville Parish Council, the Wiltshire Councillor for Fovant and Chalke Valley, user groups, Cranborne Chase National Landscape and everyone that responded to the revised consultation, notices have been placed on site and advertised in The Wiltshire Times.

As objections are likely to be received to the order Wiltshire Council would not be able to confirm the order. The order would go before Wiltshire Council's Southern Area Planning Committee to determine whether the order is referred to the Secretary of State, who would appoint an inspector from The Planning Inspectorate to determine the order. At the Planning Committee stage there will be an opportunity for objectors to address the committee and present their case. If the decision is for the order to be sent to the Secretary of State they will decide whether to determine the order via written representations, a public hearing or a public inquiry, there will be a further opportunity for objectors to present their case either in person and or in written form.

I have attached a flowchart of the PPO process for your information.

Kind regards,

Ali

Ali Roberts (Miss)
Definitive Map Officer
Definitive Map and Highway Records
Wiltshire Council
County Hall
Trowbridge
BA14 8JN
<image001.png>
Tel: 01225 756178
Email: ali.roberts@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

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<image002.png> <image003.gif>

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From: David Willis <[REDACTED]>
Sent: 27 August 2025 17:55
To: Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>
Subject: Re: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13

Thanks for your email. As you may remember I was an objector to the first and second scheme. I am unclear whether my and other objections are automatically taken into account in the final decision or whether another objection needs to be lodged. Please advise
Yrs

Sent from my iPhone

On 13 Aug 2025, at 15:07, Roberts, Ali <Ali.Roberts@wiltshire.gov.uk> wrote:

Highways Act 1980
The Proposed Diversion of Footpath Sutton Mandeville 13

Wiltshire Council made the above Order on 4 August 2025. Please find attached a copy of the Order, the Order Plan and the Notice of making the Order.

From: [David Willis](#)
To: [Roberts, Ali](#)
Subject: SMAN13
Sent: 05/06/2025 15:26:14

Dear Ms Roberts,

I previously lodged an objection to the original application and although I am conscious that modifications have now been made, I remain of the view that the original footpath should stay in place.

In order that I can give further thought to the matter, I would be interested to hear how you see your role in this matter. Are you an impartial arbiter, hearing both sides and then coming to a recommendation or is your role to facilitate the application?

You seem to ignore the fact that the applicants have brought about this problem for them so it would be very wrong, in my view, for their reward to be a revision to a historic footpath. This would create a terrible precedent and I think that future generations will deem the destruction of an historic right of way to be a great tragedy.

You seem to dismiss historic significance but even if you are right (which I do not accept) there remain valid objections to the revised route which have been well expressed in the other objections that you have received.

Subject to any further comments from your self or others, I adhere to my original objection>

Yours

David Willis

P/2023/016 SMAN 13

1-I am a long term resident of Sutton Mandeville and a regular user of the network of footpaths in our area. I wish to object to the proposal that SMAN 13 should be closed in its entirety and be replaced by a totally new footpath.

2-I quite understand the attraction of this proposal to the applicants. However it seems to me to be highly relevant that the extensive works carried out by the applicants to their property have increased the visibility of SMAN 13 so they can be said to be the authors of their own misfortune. If the original hedging had remained in place, they would be much less exposed.

3-I do not think that the proposed new footpath can be said to be in the “wider public interest” (the phrase used in the leading authority Open Spaces Society -v- The Secretary of State for The Environment (2021) EWCA Civ 241) for various reasons

3.1 Coming through the churchyard (a very popular walk) a pedestrian at present crosses the road and only has to walk a very short distance to connect to SMAN 13. The proposal would necessitate a much longer walk along the road (which is narrow and has no pavement) to connect to the access point. There is no speed limit and this road can be quite busy with cars tractors etc.

3.2 The new access point is to be sited near a T-junction adjacent to 2 drain manhole covers. It is not clear to me what type of access would be intended. Ideally this would not be right on the road to minimise risk to pedestrians. I would not think that access at a T-junction is intrinsically as safe as the existing access point.

3.3 I have not walked up the proposed new footpath but I understand that it is quite steep at the top which may necessitate steps being constructed. I would imagine that this might conflict with the Council’s obligations under the Equality Act 2010.

3.4 At the moment 3 footpaths run off the road which are broadly equidistant. The new footpath would be much nearer to SMAN 3 and much further from SMAN 10

3.5 The creation of the new footpath would require removal of a significant chunk of hedgerow thereby potentially affecting wildlife and biodiversity

3.6 The new footpath would be close to the solar array for heating the swimming pool-hardly an attractive feature for walkers

3.7 Preservation of the heritage/history of the footpath network

Finally it seems to me to be highly relevant to look at the enormous volume of highly cogent objections. No-one supports the proposal apart from the applicants! Taking all the above into account, it seems to be that the public

interest far outweighs the interests of the applicants and on that basis it seems to be clear that the application should be refused.

From: [Elisabeth Beeley](#)
To: [Roberts, Ali](#)
Subject: Sutton Mandeville path 13 diversion
Sent: 05/09/2025 12:35:45

I object to the made order for reasons already given in my objection to the application, and will give further reasons for appealing against it as the process evolves. Beeley

From: [Elisabeth Beeley](#)
To: [Roberts, Ali](#)
Subject: The Homestead Footpath, SP3 5ND
Sent: 18/06/2025 12:19:39

I wish to repeat my objection to the alteration to the course of SMAM13 Sutton Mandeville P/2023/016; the applicants are entirely responsible for their loss of privacy by making major alterations to their property and its setting without consulting, or approval of the near neighbours. The revised route is longer and difficult and involves destruction of much of the original path.

This is a much valued ancient, and extensive, Right of Way and there can be no justification for allowing any alteration. EB

From: [Elisabeth Beeley](#)
To: [Roberts, Ali](#)
Subject: Application to alter footpath SMAN 13 Sutton Mandeville, SP3 5ND
Sent: 03/03/2025 16:46:45

I I wish to object to the application to move the above footpath for the following reasons:

1. Right to privacy: This was lost by the removal of the mature hedge by the new owners
2. Access: Suggested new footpath difficult to negotiate..steep hill.
3. New pedestrian access extended along narrow lane, no pavement, traffic which would endanger walkers with children and dogs.

I have kept my objections short as all points have been well covered already.

From: [Helen Havard](#)
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 07/09/2025 14:14:27

Dear Ali,

The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025

Thank you for your previous email. At this point I wish to object to the order to divert the footpath SMAN13 for the reasons stated in my previous letter.

I believe allowing this diversion sets an unfortunate precedent for any and every footpath in the county. It gives the appearance that Wiltshire Council places the extravagant whims of a single incoming landowner above the needs of the existing community for a simple and direct right of way that has been used and greatly enjoyed by all for many many generations.

Regards,

Helen Havard.

On 13/08/2025 15:07, Roberts, Ali wrote:

Highways Act 1980
The Proposed Diversion of Footpath Sutton Mandeville 13

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Kindest regards,

Ali

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Ali Roberts (Miss)
Definitive Map Officer
Definitive Map and Highway Records
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

Tel: 01225 756178
Email: ali.roberts@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

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From: [Helen Havard](#)
To: [Definitive Map](#)
Subject: SMAN13 Footpath
Sent: 19/06/2025 11:59:50

[REDACTED]

I am writing to object to the relocation of the footpath SMAN13, Sutton Mandeville. I only recently became aware of the proposed diversion but, as a local who also has land with footpaths across it, I feel allowing the alterations will set a dangerous precedent for every right of way in the area.

The applicant should not be able to move this longstanding footpath just because of the inconvenience it poses to them during their temporary tenure of the adjacent property. They knowingly built an extension to their house that extends right up against the existing footpath. The footpath has only now become inconvenient to them because they have chosen to make it so. This is not a valid reason to divert it.

I support all the comments made by others who do not support these alterations and take the same view.

Rights of way should not be rerouted because someone extends their house. The footpath should remain.

Helen Havard

[REDACTED]
Sutton Road, SP3 [REDACTED]

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. Noone 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

From: [Kate Barker](#)
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 31/08/2025 17:53:54

Dear Ali,

With reference to the above, we wish to note our objection within the 28 day consultation period to the order to divert Footpath Sutton Mandeville 13.

The grounds of our objection remain fundamentally as detailed in our earlier objection letters but, as I understand it, we have the right to reserve further comment at this stage, to be detailed as the process proceeds.

Sincerely,

Kate Barker
Babs Millington

From: [Kate Barker](#)
To: [Roberts, Ali](#)
Subject: Proposed diversion of footpath SMAN13
Sent: 21/05/2025 19:24:00

Dear Ali,

We wish to register our objection to the revised proposal to divert footpath SMAN13.

Responding specifically to points in the 1980 Highway Act:

- the proposed diversion is substantially **less convenient for the public** being both longer and less direct.

- more importantly, the proposed diversion runs much closer to the proposed new solar array which will be much more visible from the path - this can only have a substantially **negative impact on public enjoyment** of the route.

There are no guarantees that the proposed planting of trees and a new orchard would materialise as such proposals are unenforceable and, in any case, would likely be ineffective in screening the large, incongruous solar panel array. The diversion does, therefore, represent a **lessening of public enjoyment and a loss of public amenity**.

It remains the case that the issue of loss of privacy which the proposal largely hinges on is entirely a result of the owners own actions, and quite possibly a contrivance specifically designed to force through the footpath diversion. It is surely important that individuals are not simply allowed to manipulate the guidance at the expense of the wider public.

Issues of heritage raised in the earlier objections have been largely ignored; nonetheless it is our belief that these ancient footpaths are, as we previously argued, an important part of our history and heritage, and as such are community assets which should not be simply disregarded in favour of individual gain and self interest.

K Barker, B Millington.

From: [liz barrah](#)
To: [Roberts, Ali](#)
Subject: Objection to appeal diversion of SMAN13
Sent: 11/09/2025 20:26:33

I would like to object again to the diversion of the SMAN13.

The residents claim that privacy and security are at risk. I would suggest that there is a heightened security risk as the path will divert past a solar array, agricultural barn and veg plot that will be out of sight from the main residence.

The planning consent in 2014 was given as there was a mature hedge that screened the modern extension on a beautiful historic cottage. The owners chose to take out this hedge which could still be there to screen walkers. The extensive changes made by the owners, some of which have still not appeared, have made any footpath difficult to maintain on the property.

The comments made by villagers, some of whom have lived here for decades, have not been listened to by the owners and I feel in a small community it is important to do so.

Many of us live with footpaths going through our properties and we have a duty to work around what has been there far longer than any of us.

Sent from my iPhone

I would like to object to the revised plan for the diversion of SMAN13.

From: [liz barrah](#)
To: [Roberts, Ali](#)
Subject: Re: Revised Point B Sutton Mandeville 13
Sent: 17/06/2025 21:30:28

The diversion is confusing and passes areas not yet changed by the residents. The footpath has been politely closed for some time but as all the building work hasn't been completed it seems completely inappropriate to divert an easy straight footpath. The plans show a solar array, an agricultural building, tree planting and a vegetable plot, all next to the new diverted path. In my opinion it is just relocating the perceived 'problem'.

With so many plans for change at this property wouldn't it be better to creatively screen the original historic footpath, as it was before with a hedge. Surely this would be the easiest solution that would benefit everyone. I would ask the residents of The Homestead to withdraw yet another planning application and leave the footpath where it is, for the sake of other villagers, walkers and our heritage.

Liz Barrah

Sent from my iPhone

On 16 May 2025, at 15:45, Roberts, Ali <Ali.Roberts@wiltshire.gov.uk> wrote:

Highways Act 1980
The Proposed Diversion of Footpath Sutton Mandeville 13

Good afternoon,

I have been asked to revise Point B on the proposed diversion plan for SMAN13 to show the route on the ground where there is a bend heading west into the sunken lane section of SMAN13, as can be seen in the attached photographs.

<image006.png>

<image007.png>

<image004.png>

<image005.png>

The content of the consultation email below, dated 7 May, remains the same, as does the consultation deadline, which is 5pm on the 18th June as this still provides the required 28 day consultation period.

Kind regards,

Ali

Ali Roberts (Miss)
 Definitive Map Officer
 Definitive Map and Highway Records
 Wiltshire Council
 County Hall
 Trowbridge
 BA14 8JN
 <image001.png>

Tel: 01225 756178

Email: ali.roberts@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

Report a problem <https://my.wiltshire.gov.uk/>

Follow Wiltshire Council

<image002.png>

Dear Ali

From: [Peter Ellis](#)
To: [Roberts, Ali](#)
Subject: The Wiltshire Council parish of Sutton Mandeville path 13 diversion and definitive map and statement modification order 2025
Sent: 08/09/2025 09:26:52

I have looked again at the proposed new route again and it actually deviates far more than I originally thought and as it was described as going left around the vegetable plot and then back to connect the path but its it does not go back to the original path until the final 5th or so. I therefore object to it for reasons already given and reserve the right to add to them as the process of appeal evolves.

kind regards
Peter Ellis

On 13 Aug 2025, at 15:07, Roberts, Ali <Ali.Roberts@wiltshire.gov.uk> wrote:

From: [Peter Ellis](#)
To: [Roberts, Ali](#)
Subject: SMAN13
Sent: 18/06/2025 12:37:13

Dear Ms Roberts,

I previously lodged an objection to the original application for moving the footpath SMAN13 in Sutton Mandeville and although I am aware that modifications have now been made, I remain of the view that the original footpath should not be changed.

My main reason for this is the historical significance of the original path and the fact that it should not have been tampered with in the first place by removing the original surrounding hedges that hid walkers from the land/householders view. History should not be erased for the convenience of people that will live next to it for only a brief moment in it's history.

A further reason is the new compromised route proposed seems a strange one - to walk around a vegetable patch that for a large part of the year will be empty and still offer little more privacy that the owners seek than the original especially especially if they are working in the vegetable patch.

Kind regards
Peter Ellis

Peter Ellis Design

████████████████████

Sutton Mndeville

SP3 █████

From: [Peter Ellis](#)
To: [Roberts, Ali](#)
Subject: Objection to footpath move
Sent: 05/03/2025 16:04:08

[REDACTED]
Hello Ali

John Prince suggested I email you a copy of my objection letter to the moving of SMAN13. I live at The Old Malthouse opposite to where the new proposed gate and path position they are hoping to move it to. I have already sent it to the general email on the website.

kind regards
Peter Ellis

OBJECTION to moving SMAN13 Sutton Mandeville

We register a strong objection to the application to move this public RoW for the following reasons.

1. When someone buys a property with a public RoW footpath you know what you are letting yourself in for and have a moral duty to look after and maintain this ancient and historic right of way. This clearly is not something the current owners seems to have taken into account or have held up with the developments and landscaping that have already taken a heavy toll on the footpath. It was their choice to develop and build and make themselves far more public. Sighting privacy and security concerns for both themselves and the general public is therefore a complete irrelevance and should not be taken into consideration.

Apart from public enjoyment the single most important point is maintaining around a thousand years of history and not wiping that off the map for a few peoples convenience during their brief years of ownership of the property and land. If this is aloud it will be seen as a precedent for other people to apply to do similar and set things on a slippery slope. The country side is under enough pressure by developers, population growth and environmental changes and this is one thing that can still be preserved with the correct decision not to allow the requested application.

2. The new proposed location running up besides the planned solar array will not be an attractive walk with that on one side and hedge on the other. It also has a very steep rise up to the top which apart from the very young would be a struggle for the average person. I have personally scrambled up that bank just 20 feet left from the proposed route and had to use trees to pull myself up in parts.

3. The proposed new location would be to close to SMAN 3 making it almost redundant especially as SMAN 3 would be a much easier walk.

4. The gate entrance to this proposed path site is not as safe a location as the original being at the junction of Sutton Hill with Panters Road where cars and lorries are often forced to reverse when trying to turn into the single lane Panters Road if a car or lorry is coming down it. I have often witnessed cars, vans, tractors and lorries pulling out of Panters Road into Sutton Hill at far too fast speeds with little heed for anyone walking, riding or driving along. It is a bit of a blind spot.

5. Installation of the gate will also require tearing out the historic hedgerow and bank and would be sitting next to the attractive old style road direction sign and in front of or besides the drain which is not a particularly acceptable idea.

Peter Ellis and Hamish Davies.

Peter Ellis Design
[REDACTED] Maida Avenue
Little Venice
London W2 [REDACTED]

[REDACTED]

**OBJECTION TO THE PROPOSED REVISED APPLICATION TO RE-ROUTE
SMAN13 FOOTPATH IN SUTTON MANDEVILLE, WILTSHIRE**

From: Sarah Beddington, Sutton Mandeville resident and documentary filmmaker

To: Ali Roberts and the Definitive Map and Highway Records Team of Wiltshire Council

10/06/2025

Dear Ali Roberts and Team,

Having objected to the first application to re-route footpath SMAN13 in Sutton Mandeville, I wish to object again to this second, revised version.

The revised proposal to re-route the original footpath, while now keeping to the holloway through the wood, will still alter the path's direct and meaningful connection between the fields above the escarpment and the centre of the village. The applicants wish walkers to loop away from their newly constructed swimming pool, tennis court and house extension, leading us on a meaningless detour close to unsightly solar panels set up to heat their private pool.

As I stated previously, the owners of the Homestead must have known when they bought the property the positioning of the public footpath, adjacent to their house and garden, yet they inexplicably ripped out the dense and biodiverse hedge that had previously screened them and their new developments from public view. Why is it only now, with their alterations almost complete, that they wish to change the route of the local community's right of way?

The Homestead is a second home and the owners are often absent from the property so why should the multiple permanent residents of the village who use this footpath regularly be forced to alter their ways purely for the benefit of a single household that is often elsewhere?

SMAN13 once linked the cornfields below the downs to Sutton Mandeville Mill on the River Nadder, by way of the deeply worn holloway through the wooded escarpment and then past the Homestead and the church – a route along which cartloads of corn were taken to be milled into flour and the same route which we still use today.

While the historicity of this footpath has been dismissed as irrelevant in planning terms, I would strongly beg to differ – as it seems does Wiltshire Council itself. Together with other participants, including the National Trust, Salisbury Museum and the Wessex Rivers Trust, **Wiltshire Council** is named as a partner in Cranborne Chase National Landscape's [The Chase & Chalke Landscape Partnership Scheme](#) with funding from the National Lottery, Natural England and Historic England and South West Wiltshire Area Board (**Wiltshire Council**), among others.

Their mission statement says:

“There have always been historical, natural and social links between the valley and the Chase downland, and the Chase & Chalke Landscape Partnership explores and reinforces these links...”

This partnership is still involved in improving and alerting the community to:

ANCIENT WAYS

“The Chase & Chalke landscape area is criss-crossed by paths, many of them ancient ways... In centuries past these were the main routes between settlements, the way the rural economy functioned before the coming of the motorcar and the roads we use today.”

And under **KEY ISSUES** in 'Cranborne Chase Landscape Partnership Plan's 2025 - 2030 Future Vision', of which **Wiltshire Council** is also a partner, page 12 of their PDF states:

“Historic and Cultural Heritage

7.1. *The way the land has been used over the centuries has influenced the character of the landscapes we see around us today.*

The remnants and artefacts of working life, together with the layout of settlements, routeways, and buildings, contribute to the historic character of an area.

How does it add up for Wiltshire Council to commit to protecting the “**historic character**” of this Area of Outstanding Natural Beauty and “**the layout of...routeways**” on the one hand, only to dismiss the historicity of an ancient footpath as irrelevant on the other?

And what sort of precedent is set if public routeways can be changed on the whim of a singular and often absent second home owner, unhappy with their self-inflicted situation, in contravention to the wishes of the majority permanent residential community who wish their footpath to stay in its centuries old position?

Yours sincerely,
Sarah Beddington

From: [F M](#)
To: [Roberts, Ali](#)
Cc: [Definitive Map](#)
Subject: The Wiltshire Council Parish of Sutton Mandeville Path 13 Diversion and Definitive Map and Statement Modification Order 2025
Attachments: [SMAN13 made order.pdf](#)
Sent: 12/09/2025 16:01:45

Dear Definitive Map Officer,

Thank you for your e-mail below (Tue 26/08/2025 14:41).

Please accept this e-mail as my duly-made objection to the Order.

I consider that the reference to Southwick in Part 1 of the Schedule to the Order is erroneous.

I reserve the right to add to or amend these grounds if further information indicates it to be appropriate.

Please confirm receipt of this e-mail.

Yours sincerely,

Francis Morland

██████████ Chapmanslade BA13 ██████████

From: Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>
Sent: 26 August 2025 14:41
To: F M <██████████>
Subject: RE: The Wiltshire Council Parish of Sutton Mandeville Path 13 Diversion and Definitive Map and Statement Modification Order 2025

Good afternoon Mr Morland,

Please find attached made order and order plan for the diversion of Footpath Sutton Mandeville 13 as requested.

Kind regards,

Ali

Ali Roberts (Miss) Definitive Map Officer
 Definitive Map and Highway Records
 Wiltshire Council County Hall Trowbridge BA14 8JN

Wiltshire Council

Tel: 01225 756178 Email: ali.roberts@wiltshire.gov.uk Web: www.wiltshire.gov.uk

From: F M <██████████>
Sent: 26 August 2025 15:04
To: Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>
Cc: Definitive Map <DefinitiveMap@wiltshire.gov.uk>
Subject: The Wiltshire Council Parish of Sutton Mandeville Path 13 Diversion and Definitive Map and Statement Modification Order 2025

Dear Definitive Map Officer,

I refer to the Notice of making an Order dated 15 August 2025.

Please advise where I can access an electronic copy of the Order and Order Map.

Yours sincerely,