

# **SMAN13-8**

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

Copies of any replies to pre-order consultation

## Initial proposal consultation responses

### Objections

1. Andy Jameson
2. Area Highways Engineer
3. Cranborne Chase National Landscapes
4. David Willis
5. Dr JA Prince and D Foston
6. Elizabeth Beeley
7. Emma Heard
8. Jack Deverell
9. Jack Shakespeare
10. Joseph Dowling and H Webb
11. Kate Barker and B Millington
12. Liz Barra
13. Nicholas Shakespeare
14. Nick Radford and Eeva-Kaarina Kuisma
15. Paul Cordle
16. Paul Harris
17. Peter Ellis
18. Roger Walker
19. Sarah Beddington
20. Shelia Jack and Paul Barnes
21. South Wilshire Ramblers
22. Tim Martin

**From:** [REDACTED]  
**To:** [Definitive Map](#)  
**Subject:** Objection -Application for public path order P/2023/016  
**Sent:** 03/03/2025 16:20:26

---

[REDACTED]  
I wish to register my objection to the application for public path order P/2023/016.

My wife and I have been walking this path on a regular basis for the past 9 years. We have always been considerate regarding being in close proximity to The Homestead. The proposed diversion offers less variety as it is very similar to path SMAN3, which crosses the same field. The path is also steeper than SMAN13, which would make it much harder for us to use.

I therefore object on the basis that this will be the loss of an amenity that the public currently enjoy.

Over the years the owners of the property have made numerous amendments which appear to give them far less privacy than they enjoyed in the past. Common sense says that surely they can't complain of lack of privacy as a result of their own actions? When they bought the property they would have been aware of the public footpath.

I don't like walking in the road where there are no pavements, especially where there is a 60mph speed limit and heavy vehicles using it.

Andy Jameson  
Tisbury Resident

**From:** [Roberts, Ali](#)  
**To:** [Button, David](#)  
**Subject:** RE: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13  
**Sent:** 31/03/2025 13:45:00

---

Good afternoon Ali,

My only comment would be that myself and Local Highways would need to be consulted on any change of level on the existing highway verge that is required to accommodate a new footpath entry/exit point, ie in terms of how that would be achieved in engineering terms. In relation to the proximity of that and the existing highway gully pots/chambers, it would not be acceptable if any gradient and entry point of the new path then allowed surface and ground water to reach and overwhelm the existing apparatus which is solely present to drain the tarmac carriageway and NOT the revised RoW or any surrounding land there.

I hope the above is useful and I look forward to receiving further engineering detail if the application is successful, although personally I wouldn't support the application as the private desires for "privacy" etc of the applicant, don't appear to be in balance with the number of physical alterations that would be need to be made to facilitate the new route and the stated difficulties that those alterations appear to present in terms of current land use and for those expected to use the proposed new route!

Kind regards,

*David Button*  
**Area Highways Engineer**  
**South West Wiltshire**  
**Wiltshire Council**

**From:** [Burden, Richard](#)  
**To:** [Roberts, Ali](#)  
**Cc:** [Newland, Sarah](#)  
**Subject:** RE: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13  
**Sent:** 26/02/2025 13:14:52

---

Hello Ali,

Thank you for consulting CCNL on what appears to be extinguishing one route [A-B] and creating a new route [C-D] some distance to the east. The reasoning appears to be based upon the proximity of the existing route to a domestic dwelling, passing through its garden.

CCNL is aware of a number of development proposals at Homestead, and it is clear that the existence of the PRow was well known at the time proposals to develop the accommodation at Homestead, in close proximity to the PRow, were formulated. It would seem, therefore, that the recent structural changes and sensitivities at Homestead have created a situation which has led to the concerns about the use of the PRow rather than the longstanding existence of the PRow and its users.

The existing route 13 does provide a relatively direct route southwards for users of footpath 18 from the north, but the proposed alternative route C-D would add in the order of 80% to that route southwards following A-C-D-B rather than A-B.

I also read about reference to other landowners, so it seems that the proposal is not entirely on the applicant's land. However, there does not appear to be any statement within the submitted documentation indicating that the proposed route C-D would be acceptable to the other landowner[s].

Since the production of the DEFRA guidance in relation to the diversion of PRows, s.85 of CRow Act 2000 has been amended [s.85(A1)]. That now means that a relevant authority, in this case Wiltshire Council, must seek to further the purposes of National Landscape designation when making any decision affecting land in a National Landscape. The purposes of designation are the conservation and enhancement of natural beauty, so the applicant needs to demonstrate to the Council how the proposed diversion [extinguishment / creation] would conserve and enhance natural beauty if the Council approves the proposal.

CCNL is concerned that too often PRows end at highways that do not have safe verges for walkers / riders to use before continuing their journeys on another PRow. The proposal would increase, rather than decrease, the distance walkers would have to use a narrow highway which does not have a verge as a refuge when traffic passes by. That is obviously a safety issue that does not enhance the experience of using a PRow in a nationally important and nationally designated area.

I hope those comments are helpful to you.

Regards Richard

Richard Burden BSc DipCons MSc MCMI(rtd) MCIPD FLI PPLI  
 Chartered Landscape Architect  
 Principal Landscape & Planning Officer (*part-time, Mon-Wed*)  
**Cranborne Chase National Landscape**  
*an Area of Outstanding Natural Beauty*  
 Cranborne Chase NL Office, Rushmore Farm, Tinkley Bottom, Tollard Royal, Wiltshire, SP5 5QA  
 Tel: 01725 517417  
 Hosted by Wiltshire Council  
[Click to get our web site and AONB Management Plan](#)  
[14<sup>th</sup> International Dark Sky Reserve in the World; \*Dark Night Skies\*](#)

---

**From:** Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>  
**Sent:** 24 February 2025 08:18  
**Subject:** FW: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13

**Highways Act 1980**  
**The Proposed Diversion of Footpath Sutton Mandeville 13**

Wiltshire Council are in receipt of an application, dated 24 September 2023, to divert path Sutton Mandeville 13 (SMAN13). The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached plan with a bold continuous line, a distance of approximately 200 metres with a recorded width of 0.91 metres, to a new route from point C to point D shown with a dashed line, a distance of approximately 225 metres with a recorded width of 2 metres.

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

*"The application is made on the grounds that it is in the interest of the owners of the land crossed by the majority of the footpath, and known as the curtilage of Homestead, Sutton Mandeville, for the footpath to be diverted. The interests of the owners are served as follows:*

*The northern termination point is immediately adjacent to the property. The footpath then runs by a side door and small patio area. It passes close by large windows and so affects the privacy of the property.*

## **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.

## OBJECTION to moving SMAN13 Sutton Mandeville

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

1. The applicants purchased the property when it consisted of a low-rise largely thatched cottage, in full knowledge that SMAN13 traversed the land on an approximate North/South axis connecting Sutton Hill to SMAN 9. Subsequently, they built the large extension parallel and adjacent to the northern course of the RoW. Instead of using traditional fenestration in keeping with the old cottage, they glazed it with large plate glass windows directly onto the footpath, exposing occupants to walkers' gaze. In 2023 they destroyed what remained of the old garden which was formerly not overlooked from the footpath, by removing tall Beech hedging and a row of mature Silver Birch trees, exposing the Southern aspect of the house and original garden area to view from the RoW. The applicant states that the path passes through their garden, but this is to ignore the fact they removed the garden boundary. Before that the path did not pass through the garden but skirted its edge through a greenfield site. There appears to have been no planning permission sought or granted for these alterations which effectively doubled the size of the original garden.

The applicants are therefore entirely to blame for reducing their privacy, because their own actions have created the situation of which they now complain, and they have deliberately created these conditions very likely as a ploy to justify their already formulated (but not at the time publicised) plan to remove the footpath from its current location.

2. At present three footpaths, SMANs 3, 13, & 10 are in equidistant sequence from one another from Rectory Road and Sutton Hill, allowing a variety of walks through the relatively flat meadows to the North of a strip of woodland, known as The Hanging, to join SMAN 9, running along the Southern border of it. The application if successful would result in SMAN13 being too near to SMAN 3 and too far from SMAN 10. The Southern entrances to 3 and 13 would be a mere few yards apart, as is now shown on the map.

3. The woodland is very steep throughout its whole length, so the suggestion that passage through it for disabled pedestrians would be easier if the footpath were to be relocated East is not credible. Although a somewhat shorter portion would be through the woodland, moving the path would make no difference to the difficulty of negotiating it, because of the steep incline. Certainly, no wheel chair, pushed or powered could use any of the three footpaths. It is fatuous and misleading to suggest that the proposed location of SMAN 13 could become part of a recently installed network of Milton Keynes gateways allowing access to pathways for the disabled in wheelchairs to Great Ground Hill and other parts of the village. This ancillary assertion is fallacious.

4. With regard to security, before the above changes were made to the house and landscaping, The Homestead was configured similarly to neighbouring properties with south facing private gardens, and was thus no less secure than they are. The applicants themselves chose to denude it of appropriate screening from walkers using the footpath. It could also be said that it is no less secure than it was before the extension was built and the garden devastated, because it is now easier to spot intruders casing or breaking into the property. On balance the changes have not altered security; this posited justification is factitious.

5. Traffic surveys show that Sutton Hill is not a quiet lane. It is much used by HGVs, agricultural vehicles, as well as vans and private cars. Despite the fact that it is narrow and difficult for vehicles to pass one another, Sutton Mandeville is classified as open countryside where the speed limit is 60mph, which makes it dangerous especially at the junction with Panter's Road where it is proposed to create the new pedestrian entrance to SMAN13. This site is also inappropriate for other reasons: the need not to interfere with essential road signage at the junction, to avoid exacerbation of a drainage problem, to avoid the removal of a large portion of hedgerow, and to accommodate the difference in level between the road surface and that of the field. All these factors would make usage problematic as a new location for the re-located Northern end of SMAN13. The Highways officers should be informed and investigate this.

6. The notion that walkers find it embarrassing to traverse the footpath is absurdly subjective. If the applicants find it demeaning to encounter walkers, they only have themselves to blame. Villagers know it is their legal right to enjoy walking along historic village paths, and are careful not to trespass onto private land at The Homestead.

7. To relocate SMAN 13 to the Eastern boundary of the property will make it run adjacent to the large solar array for which permission has been granted. Such arrays are an ugly blot on the heritage National Landscape. A RoW running adjacent to it will only make it more visible when it should be as unobtrusive as possible.

8. The approval of this application would establish a very regrettable precedent, especially in this National Landscape. SMAN13 is part of an ancient network of footpaths, one of which comes from Chicks Grove, past Sutton Mill (mentioned in The Domesday Book) through Sutton Mandeville's C13 century churchyard, then across Sutton Hill southwards through The Hanging to Manor Farm and the Downs. To move part of this old RoW on such flimsy and concocted grounds may result in many more such applications. Public footpaths and bridleways are part of our rural heritage, an important amenity, and although not always convenient for landowners and farmers they should be tolerated and indeed cherished for the good of the whole community, not expunged out of narrow self-interest. It is hard to acknowledge any imperative or even sound reason to alter the route of SMAN13 which would be to the detriment of villagers' interests and amenities, and certainly not for the minor domestic inconvenience to the applicants, who knew of the footpath's presence when they purchased the property and have exacerbated their perceived problems by their own subsequent actions.

John Prince – David Foston

**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:** [REDACTED]  
**To:** [Roberts, Ali](#)  
**Subject:** P/2023/016 Objection to change of right of way  
**Sent:** 26/02/2025 08:33:37

---

[REDACTED]  
Dear Sirs

-  
Reference Number: P/2023/016

I would like to raise a very strong objection to the movement of the above footpath in the Parish of Sutton Mandeville.

As a local walker, I have used this footpath for many years and it takes a delightful route through the fields leading down to the road in Sutton Mandeville. This route has been used as a right of way since the 1700s and probably even further back than that. This is a historic right of way and it must not be moved for the sake of people's convenience.

I work within the historic building sector and I am constantly witnessing the use of local planning loopholes and sneaky moves in order to ruin our history. For over 300 years people have been able to walk this ancient path and now, just because it doesn't suit these arrogant landowners, they think it's perfectly justifiable to 'just move it.' Our heritage paths are facing more issues than ever before with council budgets continuing to be squeezed and landowners riding roughshod over local laws for access.

I do not accept their excuses of privacy and security as I have seen them take a wrecking ball (literally) to a lovely little historic cottage. They have chosen to add glass windows all across the back of their house and they have removed the beech hedge and trees that gave them plenty of privacy. Security is not an excuse. They have turned their home into a goldfish bowl by choice. If anyone wants to break in they will just come from the road side. I would like to suggest that they reinstate a nice big hedge which would effectively solve their issues and give a bit back to nature, of which they have already destroyed.

I urge you not to allow this change as it will set a precedence for more footpaths, bridleways and greenpaths to be moved at will and easily. Perhaps we will end up losing countryside access altogether and for me, as someone who will never be able to own my own bit of land, this would be devastating. Please keep what remaining countryside access that we have intact and preserve our ancient byways and paths so we, the history loving and countryside loving public, can enjoy using them (respectfully I may add) for many centuries more.

Yours sincerely  
Emma Heard  
Local resident

**From:** [Jack Deverell](#)  
**To:** [Roberts, Ali](#)  
**Subject:** SMAN13  
**Sent:** 03/03/2025 21:21:06

---

[REDACTED]  
Good Evening

I am commenting on the application to change the route of SMAN13.

I am inclined to agree with those who have suggest that the principle of 'caveat emptor' should apply. In the twenty years I have lived in the village I cannot recoil seeing anyone use the footpath in question. That does not mean it is never used, simply I suspect the actuality is much less than the perceived likelihood. In any case it is an unattractive route as it has a very steep exit at the top. There is a much more accessible path with a gentler gradient no more than 200m to the East. This path reaches the top of the ridgeline no more than 30 or so yards from where the alternative footpath would emerge. There seems little reason to site an alternative when to all intents and purposes a footpath already exists no more than 100m to the East of the suggested start point of the alternative.

Lastly, I believe as an ancient path it should not be relocated simply for convenience.

Jack Deverell

[REDACTED]  
Sutton Mandeville [REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [Roberts, Ali](#)  
**Subject:** Fwd: Objection to application to divert public path in Sutton Mandeville: ref P/2023/016  
**Sent:** 16/03/2025 11:05:17

---

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

[REDACTED]  
Sent: Sunday, March 9th 2025, 23:43  
Subject: Objection to application to divert public path in Sutton Mandeville: ref P/2023/016

Dear Ali Roberts,

I am writing to object to the application to divert a public path in Sutton Mandeville (Reference P/2023/016) where I have lived since 1992. I agree with the objections that have been lodged by others in the village, namely that this footpath has been in continuous use for more than 300 years; that the owners when they bought the property would have been fully aware of the location of the path and that it was an historic right of way; and that the proposed new path would be altogether much steeper for pensioners like myself. Certainly, I could no longer walk it, as I used to walk the present path with my late wife (it was the nearest footpath to offer us a complete circuit) and as my four children and seven grandchildren continue to do whenever they stay. It also seems worth reiterating that it was entirely the decision of the applicants to remove the protective hedge which had given privacy to the original home, as was their decision to install new windows that now directly overlook the path. There was no encroachment by the path. For these reasons, I would like to see it remain in situ, undisturbed, as a public right of way.

Yours sincerely,

John Shakespeare

[REDACTED]  
Sutton Mandeville SP3 [REDACTED]

**From:** [joseph dowling](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Application for public path order SMAN13  
**Sent:** 12/03/2025 20:57:41

---

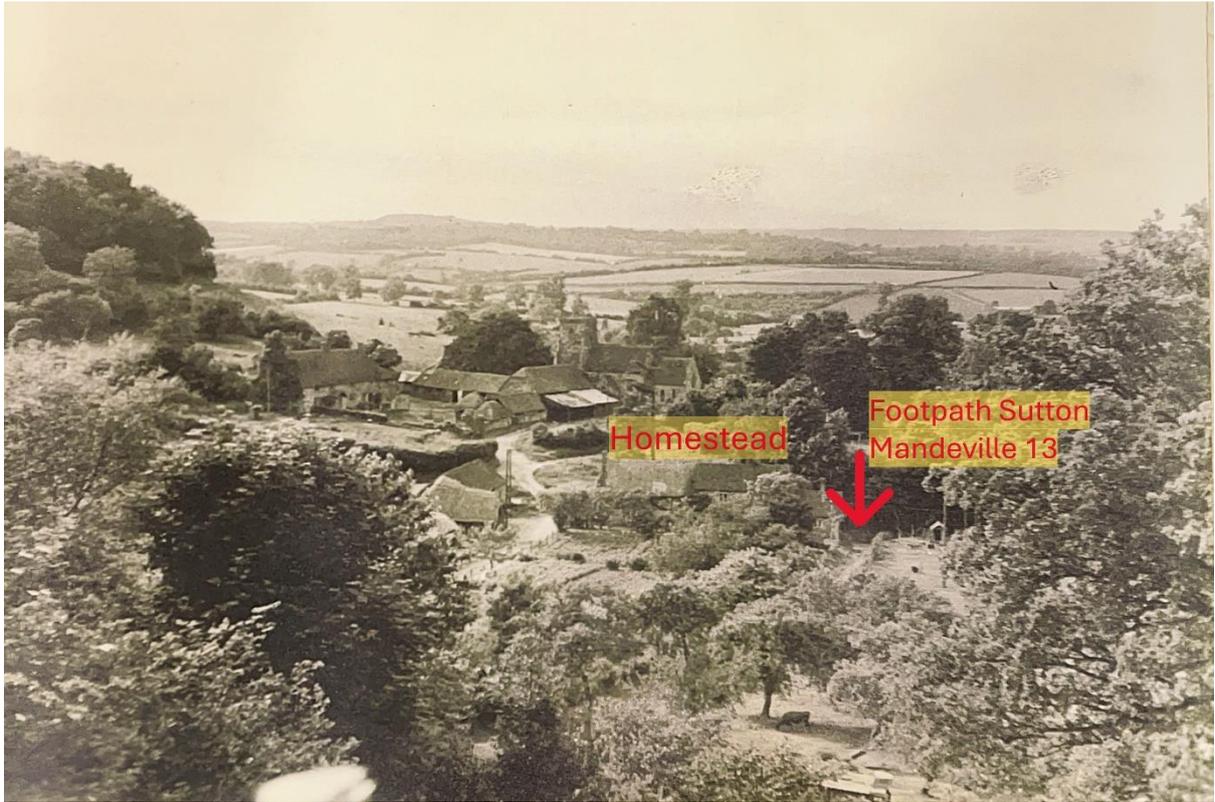
Dear Ali,

We wish to register our objection to the application to move the footpath SMAN13. The proposed new route is entirely unacceptable having the entrance/exit coming out at the junction of Panters road and Sutton hill without some major works to make it safe and easily accessible. Losing the existing footpath robs the local community of a small part of the history of the village and one of few local amenities that we have.

J Dowling and H Webb

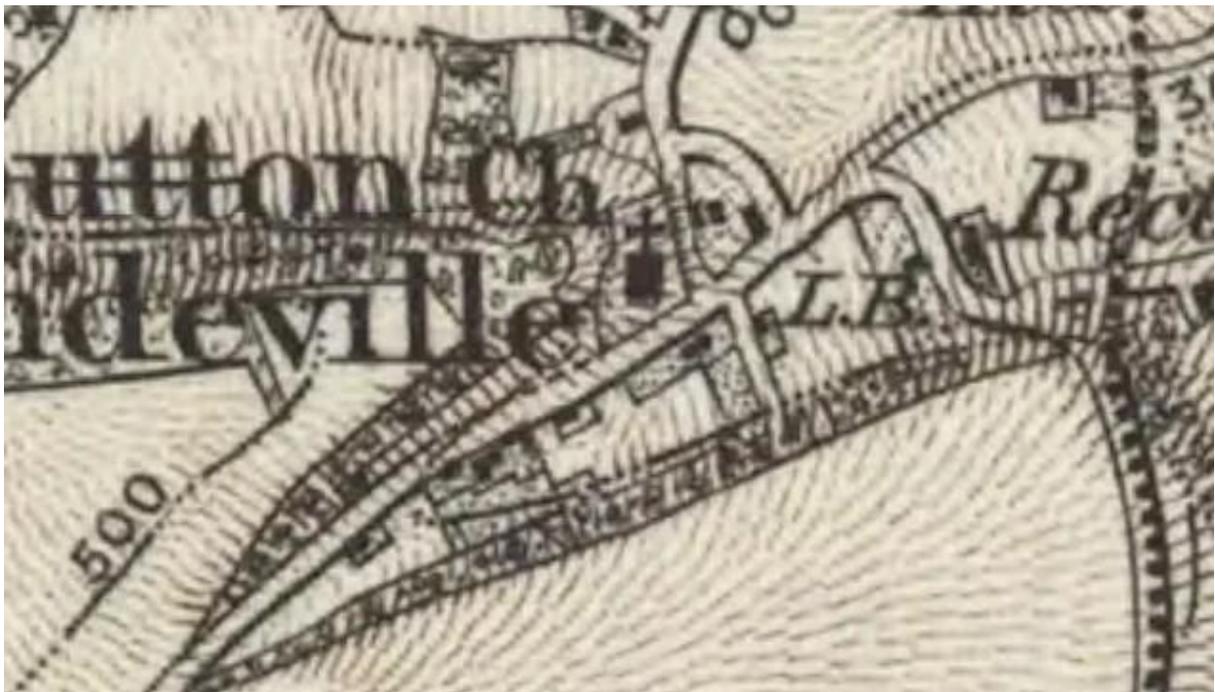
Sent from my iPad



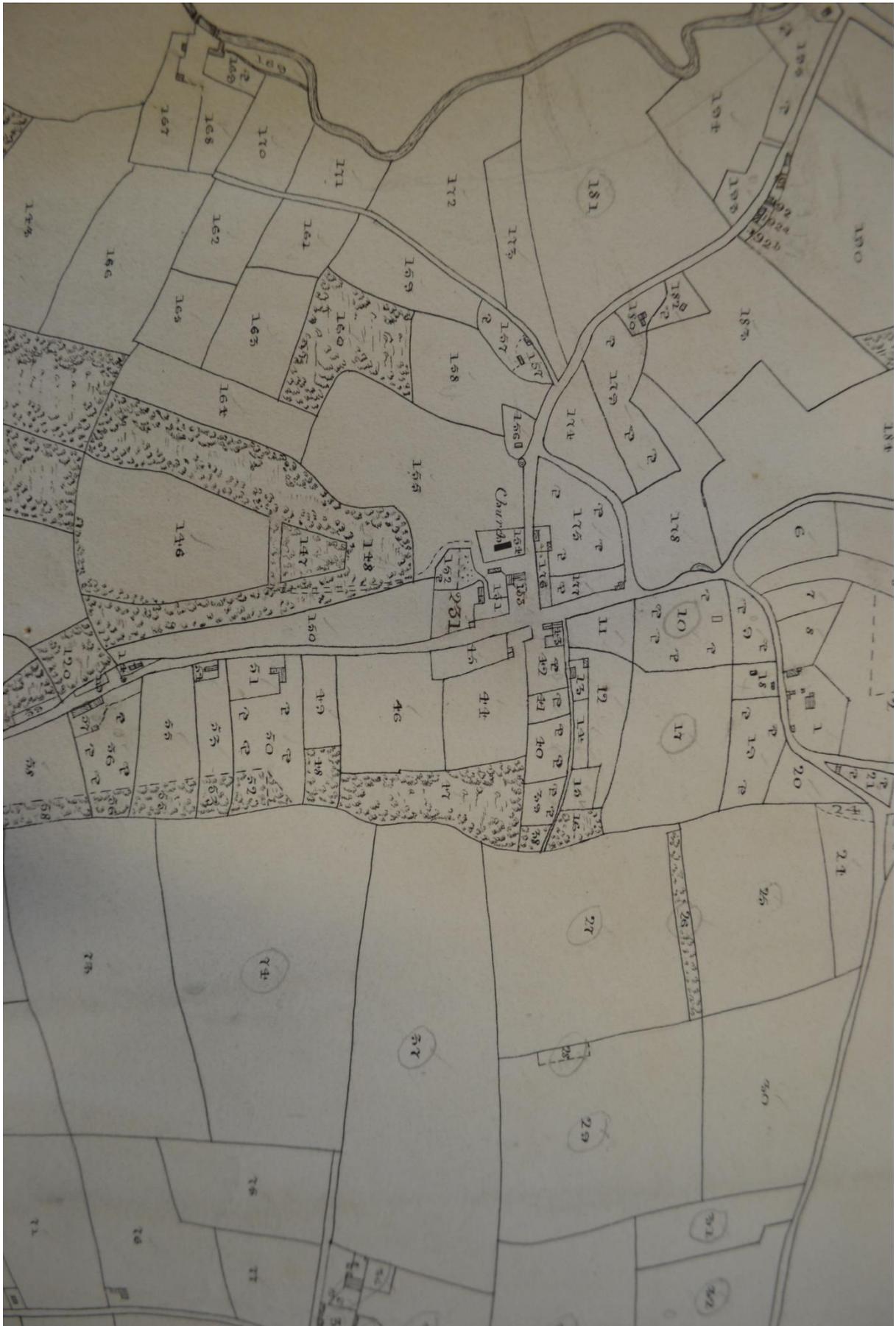


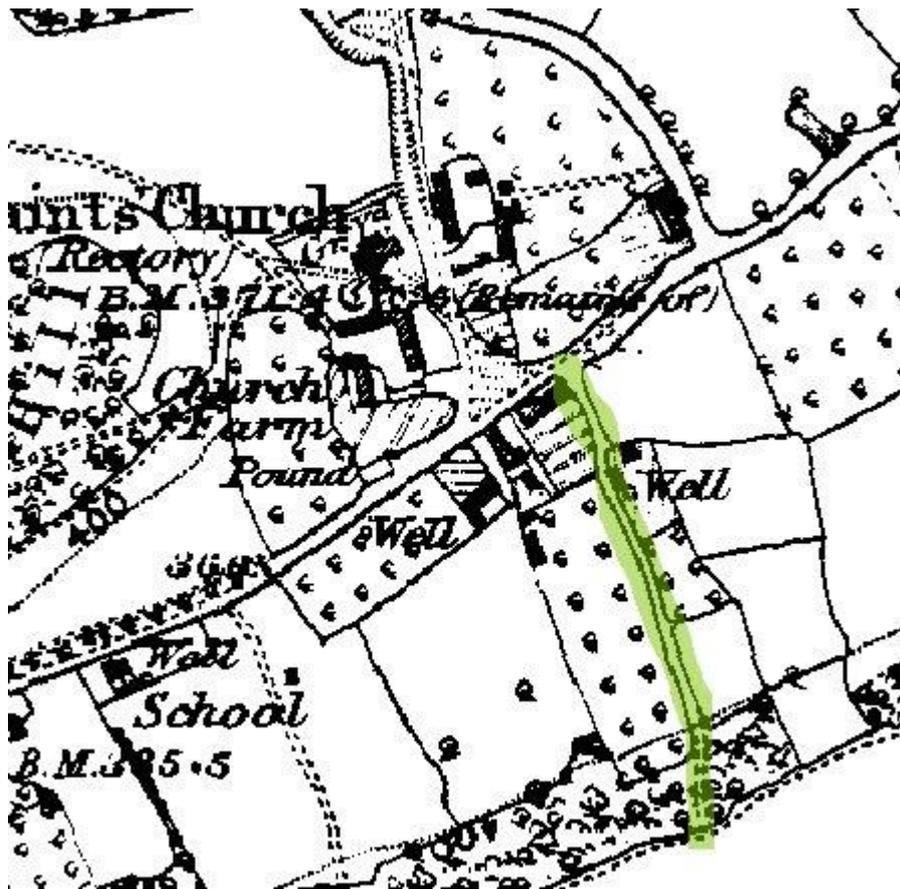
Homestead

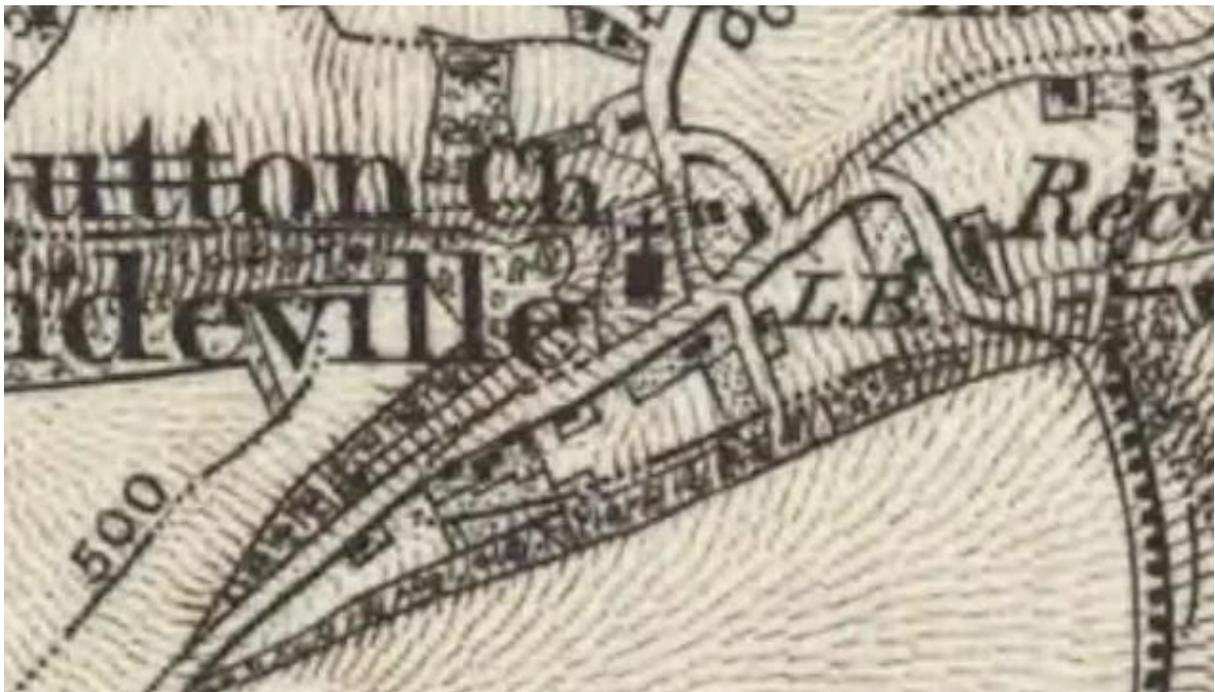
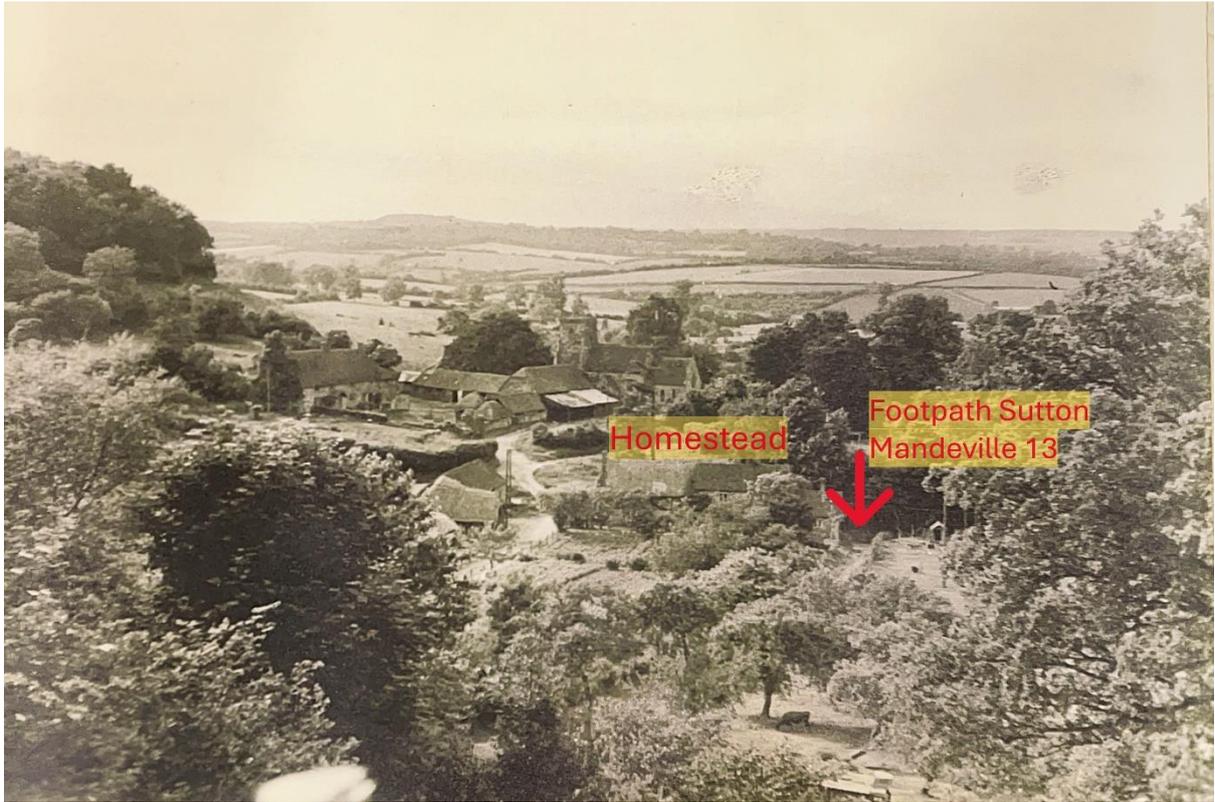
Footpath Sutton  
Mandeville 13

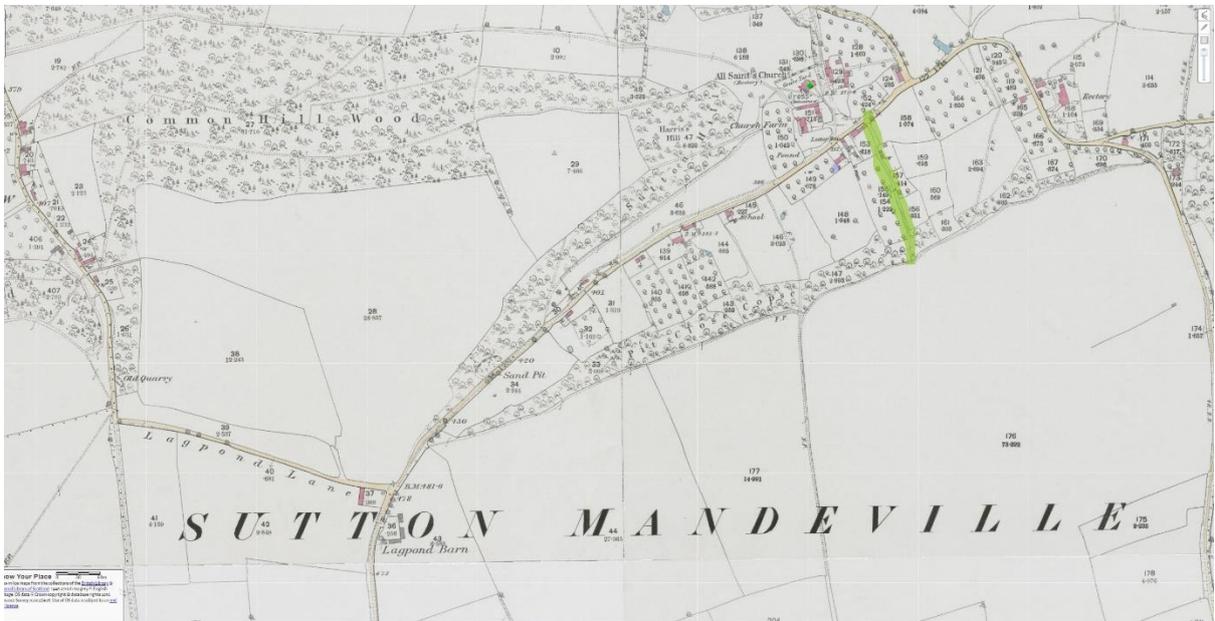


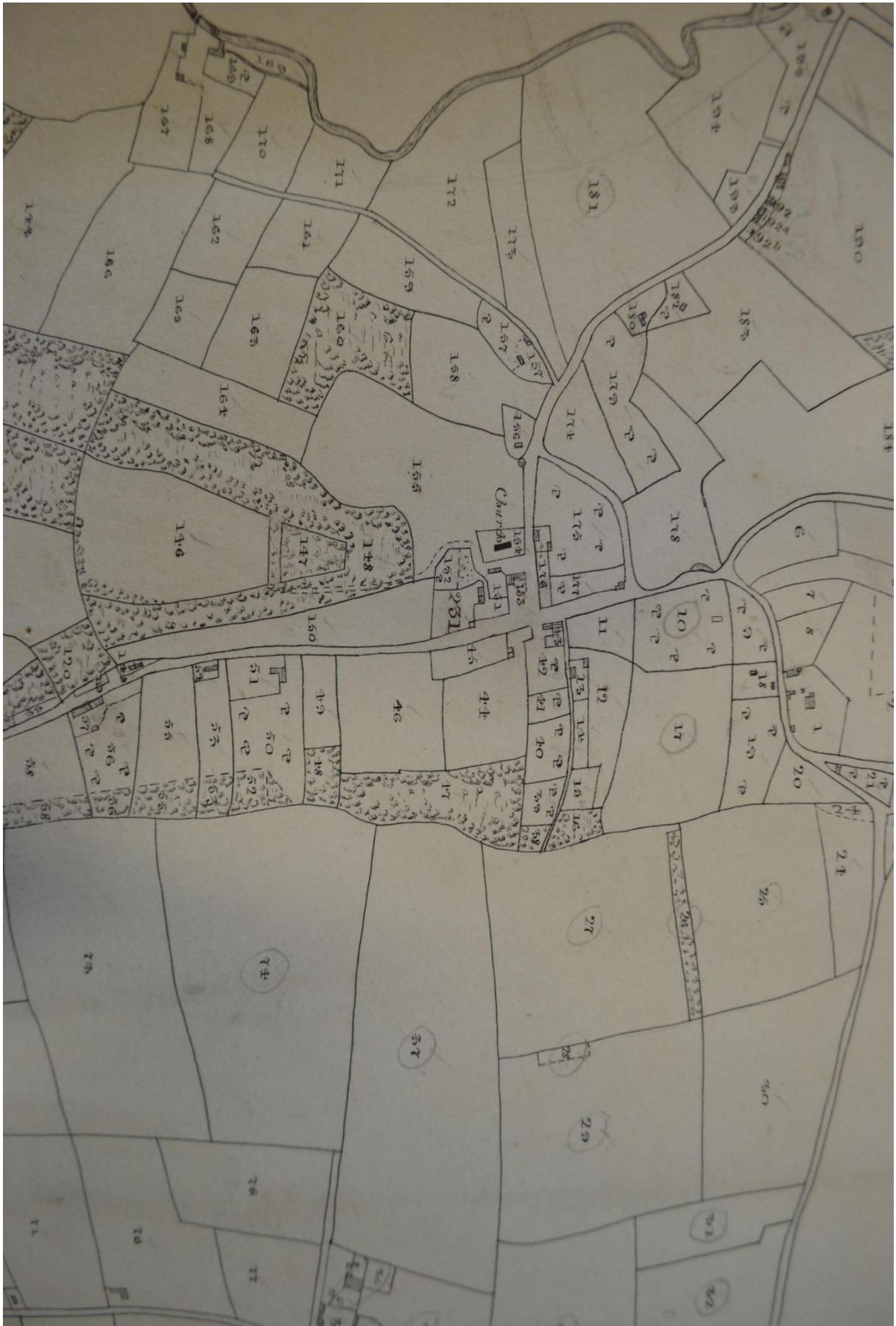


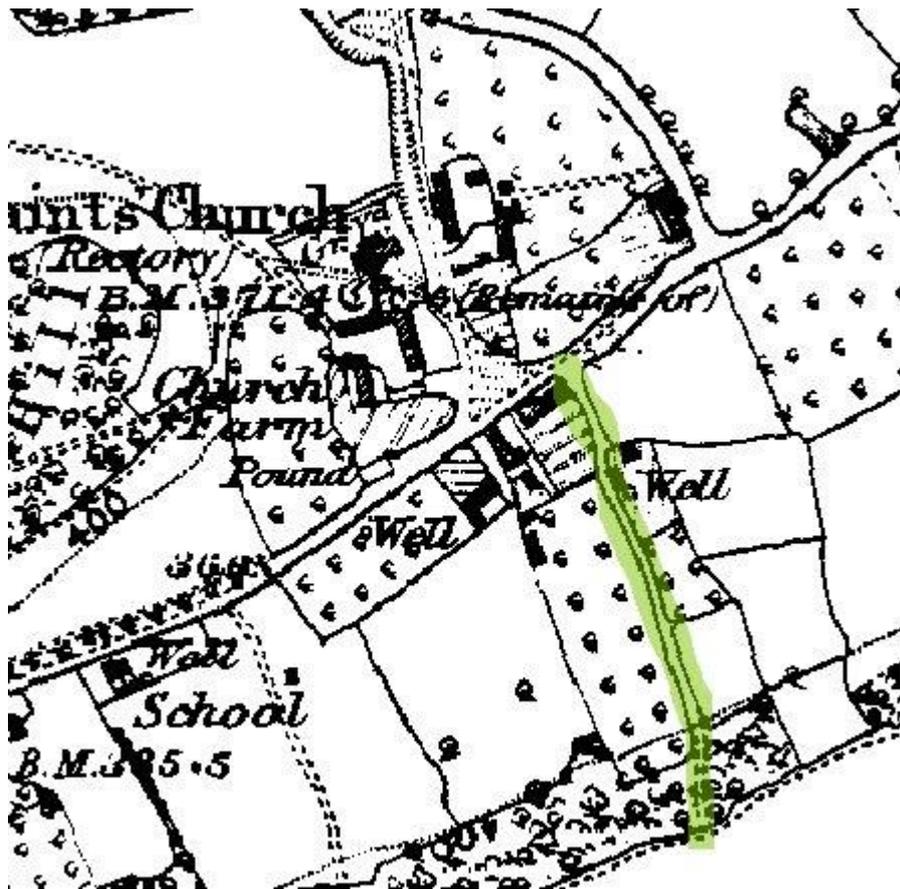












**From:** [liz barrah](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Objection to divert footpath SMAN13  
**Sent:** 18/03/2025 19:07:10

---

I'd like to object to the application to divert the footpath SMAN13.

I live in the village and am a keen walker. I have enjoyed using these amazing footpaths and routes connecting the parishes for the last 25 years. Each pathway connects to the next and gives a different direction and walking route.

The location of the Homestead in central to our village. The owners have changed the property extensively and I feel without much consideration for the wider community and the redirection of the footpath feels that it benefits them but impacts so many. The development of the property clashes with the character of the village and the immediate houses surrounding the property have lost a beautiful small holding and have gained something best suited to somewhere more ostentatious, not a quiet Wiltshire village. It is so visible and has changed the look of the village. This is the legacy of the current owners, the property will only be bought by someone with pots of money not a family cherishing a special historic building in a valley that has got so much human history.

The footpath has pretty much been closed for the last year with a 'polite notice' encouraging us all to use the next path along. This also makes me sad that one family can take so long to finish a project (I'm not sure this is their primary residence) and we all have to change where we walk.

For the future of this village and the preservation of our ancient pathways I implore the council to refuse this application and for the owners to rethink this idea, as in reality we all need to live harmoniously in our community as we are not separate from one another.

Regards, Liz Barrah

██████████  
Sutton mandeville

Sent from my iPhone

**From:** [Nicholas Shakespeare](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Ref P/2023/016. Objection to application to divert public path in Sutton Mandeville  
**Sent:** 09/03/2025 23:47:56

---

 [brtant](#)  
Dear Ali Roberts,

I have lived in Sutton Mandeville since 2001 and I am writing in support of the many in the village who object to the application to divert a public path (Reference P/2023/016).

The current path has existed for generations, providing safe and accessible passage through the countryside. The suggested rerouting, however, is neither practical nor in keeping with the public's enjoyment of the area.

The suggested path climbs a steep, wooded slope, which likely explains why a trail has not been established there before. Even before my knee replacement, I would have found it challenging to walk comfortably up or down this steep incline. It will be inaccessible for individuals with mobility issues, and could be dangerous for many during wet weather.

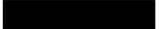
The original path offers an open, uplifting perspective of the countryside—one of the reasons walkers value it. The change would replace this lovely view with one of the solar panels used to heat a swimming pool.

The proposed alternative does not meet the standard of accessibility or enjoyment that should be required for such a change. Making it safe and usable would require significant destruction of trees and banking, further undermining the area's character.

The historic footpath should not be compromised for the convenience of one household at the expense of the wider community's right to enjoy a safe, beautiful and established route.

Yours sincerely,

Nicholas Shakespeare

  
Sutton Mandeville SP3 

**From:** [Nick Radford](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Objection to proposed change of footpath SMAN13  
**Sent:** 10/03/2025 12:24:14

---

Dear Miss Roberts,

As long term residents of Sutton Mandeville, we wish to respectfully object to the proposed diversion of footpath SMAN13 on the following legal and public interest grounds:

- **Landowner's Choice:** The current owners purchased The Homestead with knowledge of the route of the public footpath. Their decision to build an extension with large windows adjacent to the path and remove the previous natural screening was their own. Under Highways Act 1980, Section 119, a footpath should only be diverted if it is in the interests of the landowner and the public. This application serves only the landowner's personal preferences, not the public benefit.
- **Legal Tests Not Met:** The proposal does not satisfy the necessary legal requirements under Section 119 of the Highways Act 1980:
  - The termination points must remain on a highway and be equally convenient.
  - The "not substantially less convenient" test requires an objective comparison of factors such as length, gradient, and accessibility. The proposed diversion requires walkers to use a longer, steeper route and use a longer section of a narrow lane without a verge, which is less safe and less accessible.
  - The council must also consider the impact on public enjoyment. The diverted path removes variety from the existing footpath network, placing it too close to another path (SMAN3) and reducing the overall amenity value.
- **Loss of Public Amenity & Heritage Value:**
  - SMAN13 is an ancient right of way that has existed for centuries, forming part of a historic network of footpaths. It contributes to the character of Sutton Mandeville and should be preserved in situ.
  - The current path provides a varied and scenic walking experience, whereas the proposed route is less diverse and runs alongside a solar array, reducing the rural character and public enjoyment of the walk.
  - Public rights of way exist for the benefit of the whole community, not just individual landowners. Approving this diversion would set an unfortunate precedent, potentially encouraging future requests to alter historic paths for private convenience.

Given these legal and public interest concerns, and above all the precedent that this would set, we would request that the council reject this application and maintain the footpath in its original, lawful, and historic location.

Yours sincerely,

Nicholas Radford and Eeva-Kaarina Kuisma

Sutton Mandeville, Salisbury,

**From:** [Definitive Map](#)  
**To:** [Roberts, Ali](#)  
**Subject:** FW: Public path order enquire re P/2023/016  
**Sent:** 22/04/2025 08:18:08

---

[REDACTED]  
**Sent:** 19 April 2025 12:47

**To:** Definitive Map <DefinitiveMap@wiltshire.gov.uk>

**Subject:** Public path order enquire re P/2023/016

[REDACTED]  
Enquiry regarding the public path order application P/2023/016:

Sir/Madam,

I live within half a mile of the footpath SMAN 13 in Sutton Mandeville and know the area well and walk it almost everyday.

I write to object to the application to move footpath SMAN 13. I have read many of the clear and thoughtful objections already submitted, agree with them and can add nothing new. It seems to me that the applicants have created their own problem and I see no reason whatsoever to move the path. I object to the application.  
Paul Cordle

**From:** [Roberts, Ali](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Paul Harris 1  
**Sent:** 17/03/2025 14:09:41

---

Good morning Ali

Thank you for your reply today. I forgot to add some other points so may I ask you to replace my comments with the ones below please? Thank, you, Paul

If the window for public comments on this application is still open I'd like to object to this application please.

I use the path to get from the churchyard footpath back up to the ridge and then to Fovant and I also use it in the other direction. My family and I use this path for walking and running and for enjoying the amenity of our local area. This route is our preference to ascend/descend the ridge because of its proximity to the church footpath and because it avoids use of the road. The path has always run next to the house and cutting diagonally to the woodland strip - but I suspect many years ago it used to run down the field line and through what was then a farmyard. The house is a good aiming point, the path route and path itself is historical and the direct path is very convenient. There's no reason to alter this path and many reasons to refuse the application - which I will detail below

1. Highway safety. My family and I do not use the other footpath because of its location on a corner, the ditch and the poor stile at the roadside, plus there is more use of the road. This proposed diversion is similar and indeed worse as it takes the walker or runner to an actual road junction where there are three potential sources and direction of traffic flow rather than two. There is also more narrow road to have to use up the hill (towards church) where natural lighting is very poor. I feel that this makes the route to and from the church much more unsafe simply because there is more road to use. Road traffic is increasing ever more and so these public rights of way that offer short sections of road use to connect with each other and destinations need to be protected and enhanced to ensure public safety..

2."Privacy and security" - I've never seen anyone in the house, and anyway I've never stared in when using in either direction (so there may have been people there) but the point is that I've never felt awkward as its just a path leading somewhere. With clear way marking, good path condition and good path condition(currently lacking) there's no reason why the path can't remain on its line as users are on the path for a short amount of time and there's zero security risk. Arguments over privacy and security are facile as the extension was placed deliberately in that position and consisted of that open design. It could have had a more defensive design. Most of us live near pavements and roads and use curtains and fences so why is this path's location as a result of the changes to the property a justification? This is not a convenient, practical or reasonable reason for change.

3. Amenity. At the moment the path is open and pleasant to use, despite the building and landscaping works making it unpleasant and even obstructed at times. The proposed alternative path will go around the property and no doubt be wedged in behind earth mounds and hedge screening. This will make for an unpleasant experience and the dog-leg route is an abrupt change of direction that is unnecessary and unreasonable. This is not a way to treat a public highway that has been in place and available for many many decades and that currently contributes to the enjoyment of the landscape of the area.

4. Historical connections. As said before, this path provides an historical connection to and from the church and fields which is part of our cultural heritage. You can't replicate that short drop down from the church and little snuck of road use to then pass up next to the farmhouse. Its cute, its historical and its a sense of adventure and exploration. It is a priceless part of our heritage as the current route more or less retains this direct connection and a feeling of belonging. A harsh-angled diversion for householder convenience, stuck behind a bund and hedging and exposing people to more road use is a travesty and a direct attack on our country's priceless landscape and heritage.

Please keep the path on its line and improve it for all.

Kind regards, Paul Harris

■ Sling Orchard  
 Fovant  
 SP3 ■

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

**Wiltshire Council**

Tel: 01225 756178

**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]

**Application for public path order Reference P/2023/016 for the diversion of Sutton Mandeville Right of Way (footpath) SMAN13.**

**Letter of objection**

The new owners of the Homestead have applied to divert SMAN13 from its present alignment so that the northern end of the path would emerge onto road C317 some 100 metres further northeast from its present termination point. Its present northern termination point is almost exactly opposite the southern end of SMAN18, the footpath which leads to the church. The path is an ancient route from the major path SMAN9 serving farms to the south to provide them with direct access to the church. It makes no sense to move it away from this route.

The proposed diversion would require pedestrians to walk along road C317 which is a narrow rural road with no speed restriction. The diversion would expose pedestrians to significantly increased risk of injury from cars speeding through the village.

The applicants cite their lack of privacy as a reason for diverting the path. The lack of privacy has been caused by their own actions in extending their house right up to the footpath with a large window facing onto the path and due to their removal of the hedge which previously screened their house from the path. This cannot be allowed to cause pedestrians such increased inconvenience in having to use a more dangerous and extended route.

Roger Walker

**Reference:** P/2023/016 **Re:** Re-positioning of footpath SMAN13 in Sutton Mandeville, Wiltshire  
**From:** Sarah Beddington, Sutton Mandeville, SP3 [REDACTED]

06/03/2025

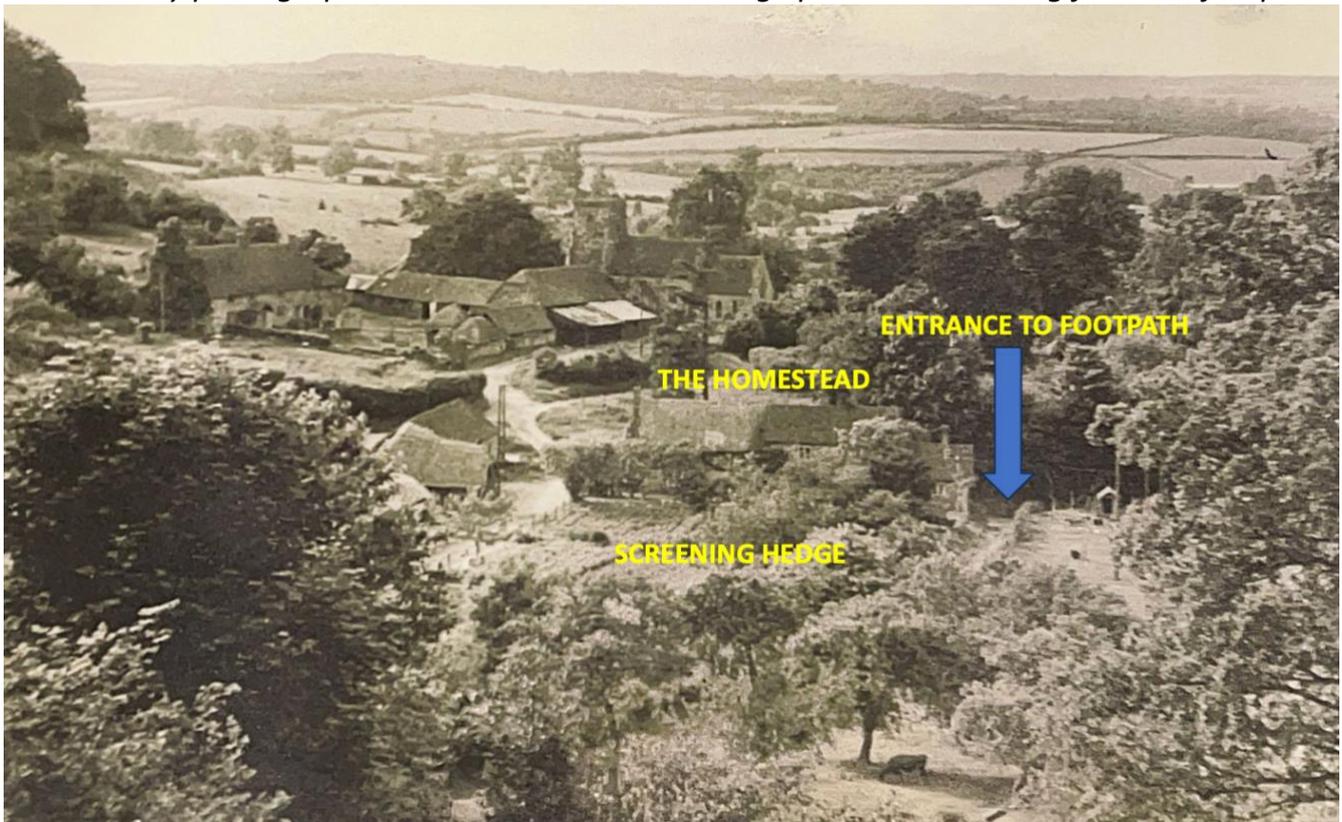
Dear Ali Roberts,

As a resident of the village and regular local footpath user over many years, I am writing to protest against the proposal of re-routing an ancient footpath, Sutton Mandeville 13 or SMAN13.

#### CONTEXT

The residents of The Homestead, Mr and Mrs Lodge, bought their house in 2013 with the full knowledge that a footpath ran past their property. The Homestead is probably one of the oldest habitations in the village but despite being of historical interest sadly has no listed classification. Until recently, both house and garden were screened from the footpath by a mature hedge and trees which provided a biodiverse habitat for nature and offered the inhabitants the privacy they now desire, but instead they decided to rip it all out. They also inexplicably built an extension with large plate glass windows looking straight on to the now denuded path. Was this done with the conviction that the footpath would be moved at their whim?

*20th century photograph below illustrates how a hedge provided screening from the footpath:*



There have been extensive alterations to The Homestead over the last years, with works vehicles often causing hold-ups and blockages in the main single track lane through the village. The gaping hole of an as yet unfinished swimming pool has left a large spoil heap currently disrupting the gentle slope of the landscape up to the wooded escarpment. It is hoped that the pool, when completed, will not be illuminated at night as this is a designated dark skies area in an Area of Outstanding Natural Beauty.

## THE FOOTPATH

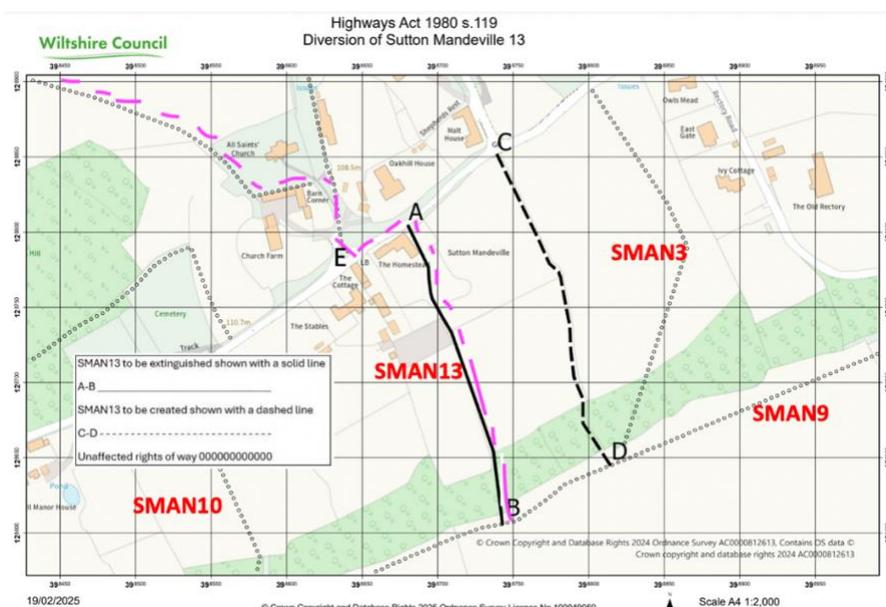
The central road through Sutton Mandeville, known as Sutton Hill, is a single track tarmac lane. In parallel, following the ridge to the south that overlooks the village, is the footpath SMAN9. Along the half mile or so length of SMAN9, three other footpaths, SMAN3, SMAN13 and SMAN10, rise up from the Sutton Hill road to meet it, almost equidistant at a couple of hundred yards or so apart from each other. All three form what are known as ‘holloways’ as they pass through the strip of woodland on the escarpment. These are ancient sunken paths, worn down over centuries by pedestrians, livestock and horse or oxen-drawn farm vehicles.

The Sutton Mandeville holloways reveal how these three separate paths were never random tracks, but were routes of purpose, connecting particular places or dwellings with particular pieces of land to be worked, or to lands and villages further away. Their depth reveals both the continuous usage over time that wore away at these pathways and the labour in the landscape of people going about their everyday lives. This visible path network connects these people of the past to ourselves. Re-routing the footpath will make the holloway through the wood completely redundant, rupturing this continuity.

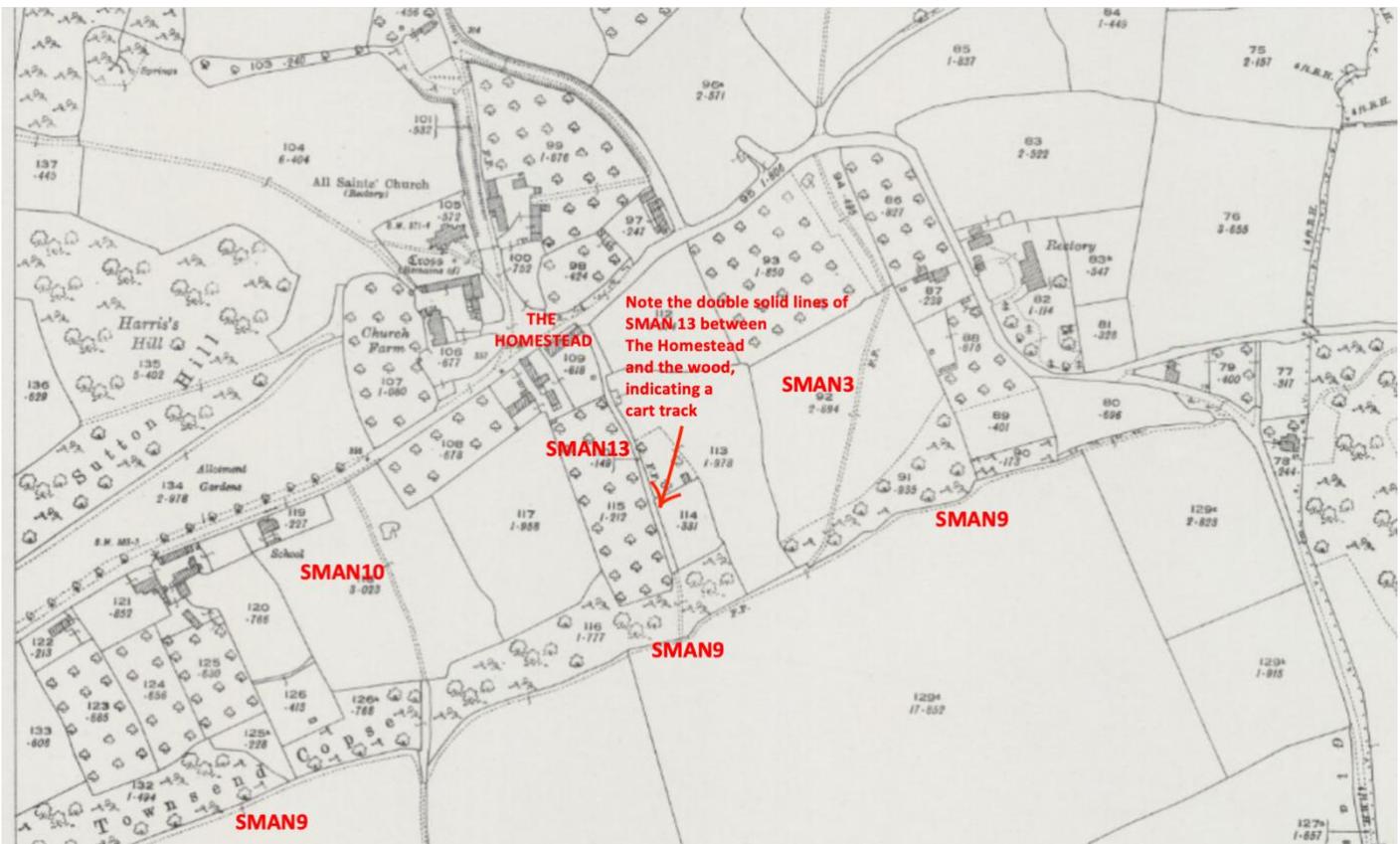
The proposed re-routed footpath would fail to deliver in a number of other ways:

- A bank of solar panels to heat The Homestead’s private pool is destined to be placed close to the proposed route, thus ruining the current peaceful, rural aspect of SMAN13.
- As others have mentioned, the new route would take a steeper turn up the escarpment than the present trajectory of SMAN13, making it difficult for some to manage the climb.
- A further diminution of local biodiversity would be caused if part of a hedge had to be removed to let the re-routed path exit on to Sutton Hill.
- After heavy rainfall, a pool of water often forms in the field at this proposed exit point, opposite Panters Lane, making the ground over-saturated and access difficult.

SMAN13, as it is now, flows downwards from the ridge to The Homestead and then almost directly across the road to the church (pink dotted line below), allowing the walker to continue onwards on a green path through fields towards Sutton Row or Chicks Grove with almost no interaction with the road or motor vehicles. The proposed route D to C necessitates walking considerably further along the pavement-less single track road before reaching the turning towards the church – C to E on the map below.



The Homestead was for many centuries a farm and it is interesting that of the three footpaths connecting the village to SMAN9, along the ridge, it is only SMAN13 that in the [Ordnance Survey map of 1925](#) (below), as well as in much earlier maps, is registered as two solid parallel lines, between The Homestead and the escarpment, indicating that it was once a proper cart track not just a pedestrian right of way.



## CONCLUSION

If it was privacy that the owners of The Homestead were interested in, this is a strange property to have chosen, as once ascending the slope of the escarpment and looking back, or looking down from the ridge on footpath SMAN9 between points D and B – see map on previous page – there is a clear aerial view for the public of the rear of The Homestead, its entire garden and swimming pool etc which nothing short of a huge canopy could conceal.

The footpaths of Sutton Mandeville have been in use for at least a thousand years. In 1086 there were 25 households [listed in the Domesday Book](#) – medieval pottery shards often surface in local gardens, while Neolithic stone tools also appear, indicative of layers of human presence in the village potentially stretching back over 6,000 years.

Rather than re-aligning the ancient heart of this quiet hamlet purely for the self-interest of a single family, myself and others in the vicinity would like to honour the presence of the village ancestors by keeping the footpaths where they are, allowing them to retain their spatial logic and continue an unbroken connection to our human past,

Yours sincerely,  
Sarah Beddington

**From:** [Sheila Jack](#)  
**To:** [Definitive Map](#)  
**Cc:** [Roberts, Ali](#)  
**Subject:** Public path order enquire re P/2023/016  
**Sent:** 15/03/2025 15:05:56

---

Enquiry regarding the public path order application P/2023/016:

We wish to register our objection to the application for a public path order P/2023/016 for the following reasons:

- The proposed amendment is in the interests of the landowner alone. Any privacy/security issues described are entirely of their own making, in the past few years the owners have removed hedgerow screening, added an extension to the property with large windows immediately adjacent to the path, are in the process of adding further hard landscaping elements. The path has existed for hundreds of years as a public amenity, the owners would have been aware of the path when the property was purchased. Any perceived privacy issues have been actively created by the current owners in the past decade.
- Creating the new route for the footpath would lead to further biodiversity loss with the removal of a existing hedgerow and trees
- The proposed termination point would now be at the junction of two roads with public safety compromised, pedestrians entering & leaving at the junction of two roads without any special speed restrictions and required to walk further on roads without pavement or verge.
- This application feels like a rather cynical attempt to remove an historic footpath perceived as 'inconvenient' to the owners as the new route would effectively duplicate SMAN3 except at a substantially steeper gradient making it less accessible to many walkers. An ancient path shouldn't be rerouted simply for one householder's convenience

Yours sincerely  
Sheila Jack & Paul Barnes  
Sutton Mandeville

**From:** [Footpaths](#)  
**To:** [Roberts, Ali](#)  
**Subject:** RE: Highways Act 1980 S.119 - proposed diversion of Sutton Mandeville 13  
**Attachments:** [SMAN13 objection Ramblers Association.pdf](#)  
**Sent:** 11/03/2025 10:05:26

---

Dear Ali,

Please find attached my response on behalf of Ramblers' Association.

I have reviewed a few such proposals since taking on my current role with Ramblers, and have found to date that they generally reflect reasonable solutions to changing land use or other factors and I have been happy to respond accordingly. On this occasion however I do not consider this to be the case and have documented our objections to the proposal in the attached document.

Thanks for the opportunity to comment.

Regards  
 Charles

Charles Penn  
 Footpath Secretary  
 S Wilts Ramblers

---

**From:** Roberts, Ali [mailto:[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)]  
**Sent:** 19 February 2025 13:52  
**To:** Roberts, Ali  
**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 are in receipt of an application, dated 24 September 2023, to divert path Sutton Mandeville 13 (SMAN13). The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached plan with a bold continuous line, a distance of approximately 200 metres with a recorded width of 0.91 metres, to a new route from point C to point D shown with a dashed line, a distance of approximately 225 metres with a recorded width of 2 metres.

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

*"The application is made on the grounds that it is in the interest of the owners of the land crossed by the majority of the footpath, and known as the curtilage of Homestead, Sutton Mandeville, for the footpath to be diverted. The interests of the owners are served as follows:*

*The northern termination point is immediately adjacent to the property. The footpath then runs by a side door and small patio area. It passes close by large windows and so affects the privacy of the property.*

*The route continues over an area of lawn, used for the family's recreation with a football goal and other play equipment. It affects the use and privacy of the garden.*

*The proximity of the footpath to the house also affects the owners' perception of their security, knowing that anyone passing so close to the house and within the garden cannot be challenged.*

*The proposed route resolves these concerns, enabling a side gate to be locked. Quiet enjoyment of, and security at, the property is enhanced."*

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 19 March 2025.

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

## **Application for public path order Reference P/2023/016 for the diversion of Sutton Mandeville Right of Way (footpath) SMAN13.**

### **Letter of objection on behalf of The Ramblers' Association (South Wiltshire Group).**

#### **Context:**

The Public Right of Way (PRoW) SMAN13 runs from Sutton Mandeville in a southerly direction through the grounds of The Homestead to connect with SMAN9. It forms part of a continuous network of paths considered to follow ancient routes. A key feature of SMAN13 is its passage through the wooded hill known as the Hanging where it passes through an avenue of trees indicative of an old route and known as a holloway. These features are well documented in other responses to this consultation (see S Beddington and K Barker) and are not repeated here.

The Homestead comprises an agricultural holding laid to grassland extending approximately 2.6 hectares. The site consists of a two-storey detached house with additional detached outbuildings including a barn and stables. The property has been subject to substantial development over the past 11 years, which includes extension of the dwelling up to and alongside the PRoW SMAN13, subsequent modification to the dwelling, construction of a hard surface tennis court, and most recently plans for a solar array and agricultural buildings. It should be noted that some of these developments, which have also resulted in loss of hedges that screened the PRoW, have themselves contributed considerably to the loss of privacy and security that is the basis for this application.

#### **Grounds for objection:**

1. **Safety.** The proposed diversion compromises public safety in that the new termination point for the path on the road Sutton Hill is some 100m NE of its current position. A key feature of SMAN13 is its connection with SMAN18 leading up to the church, and beyond to the wider path network including SMAN5,6,26. Walkers following these routes in either direction will be forced to use this stretch of vehicle carriageway. This short stretch of Sutton Hill is narrow in places with high banks such that pedestrians will be unable to quickly step away from the carriageway. The lane is not subject to any speed restriction other than the national limit of 60mph.
2. **Inconvenience.** Highways Act 1980 s119(6) states "the path or way will not be substantially less convenient to the public..." The same Act s119(2) states, with regard to termination point, "shall be substantially as convenient...". That most members of the public wishing to use SMAN13 will now have to use the road Sutton Hill constitutes inconvenience, and when taken together with the safety considerations, this inconvenience must be considered substantial.
3. **Impact of the proposal on the public as a whole.** Relevant DEFRA guidance issued in 2023<sup>1</sup> states that "the...authority should weigh the interests of the owner/occupier against the overall impact of the proposals to the public as a whole". This application does not reflect a reasonable or acceptable balance between these interests as follows:

---

<sup>1</sup> Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises. DEFRA August 2023

- a. The proposal is substantially more than is necessary to protect the impact of the path on privacy and security where it passes by the dwelling itself, as it involves relocation of the route along its whole length, with changes to the termination points.
- b. The diversion has substantial impact due to the need to use the road, as set out in points 1 & 2 above.
- c. There will be loss of or disruption to continuous historic route(s) such as SMAN26,6,5,18 from Chicks Grove through to SMAN13.
- d. The Public will be denied access to the attractive path up through the wood known as the Hanging and which is indicative of an old route.
- e. That the fact that the owners have themselves contributed substantially to their loss of privacy and security, through the building extension up to and along the right of way and landscaping resulting in the loss of screen hedges, should be taken into account.

**Applicant's reasons for the diversion of the footpath:**

A number of the applicant's reasons for diversion lack merit, and should be discounted including:

- i. 2.2.1 – statement that road walking is not a concern. No evidence such is provided to support this statement. As Ramblers we are aware that even quiet country roads present a hazard when walking as a group, and we try to minimise such exposure when planning and leading walks.
- ii. 2.2.2 – improved access for those with mobility needs. The terrain through the wooded hill will not be suitable for those with mobility needs without very substantial path development. There are gates designed for access needs on path SMAN3 north of Sutton Hill, and the logical connection to this route is its continuation as SMAN3 south, not to SMAN13.
- iii. 2.4.1 – benefit to walkers from the Panters Lane area. This affects very few properties at the south end of Panters Lane. Walkers from further up will use SMAN18 which connects better to the existing termination point for SMAN13. More walkers will be inconvenienced than inconvenienced by this change.

Charles Penn  
 Footpath Secretary  
 South Wiltshire Ramblers

**From:** [Anne & Tim Martin](#)  
**To:** [Definitive Map](#)  
**Subject:** Public Path Order P/2023/016 - Proposed Diversion of SMAN13  
**Sent:** 03/03/2025 09:41:10

---

As a regular walker of the paths in the Nadder Valley, I think the proposed new route is less attractive than the current path and would lessen the walking experience. These are my observations that lead me to that conclusion.

- To me the current SMAN13 takes the natural route up through the wooded area. The path has an established feel, slightly sunken in relation to the ground either side and a slightly wavy alignment to add interest. The route takes care of the gradient making it easily walkable.
- The slope through the wood at the proposed location for SMAN13 would be significantly steeper, making ascent and descent much more difficult and very unsuitable for many walkers who would be able to manage the current gradient.
- The proposed SMAN13 would be very similar to the adjacent path SMAN3, which runs in the same field for much of its route, giving identical terrain and virtually the same views. This proposal creates duplication and takes away the greater variety provided by the existing arrangement.
- For local people doing a short loop, you don't want to go up one side of a field and down the other.

The attractiveness of the lower section of path has been adversely affected by the recent changes at The Homestead. Presumably what is being done has been approved, and is compliant with that approval? The concerns giving rise to this application seem to arise from these changes and therefore seem self-inflicted.

I register my objection to this proposal and would not like to see it proceed.

Tim Martin  
Tisbury resident

**From:** [andrew taylor](#)  
**To:** [Definitive Map](#)  
**Subject:** Public path order enquire re P/2023/016  
**Sent:** 27/02/2025 09:21:27

---

Enquiry regarding the public path order application P/2023/016:

I would like to register my objection to the above application, on the grounds of pedestrian safety and loss of amenity.

1. The new route proposed deposits walker slap bang in the middle of a three way junction . This is intrinsically more dangerous than the current route.

2. The current arrangement of paths down from the ridge , are evenly spaced along its length , affording walkers options of various length walks . The new route is much closer to the next path and will provide little or no variety in walk lengths. A clear loss of amenity.

This application is clearly driven by irresponsible land owners not wishing to acknowledge a right of way that was clear to them at the time of purchase.

Simple hedging could reinstate their perceived loss of privacy in this self inflicted situation.

Regards Andrew Taylor  
Chairman Tisbury Footpath club.

## Revised proposal consultation responses

### Representations

1. David Cordle
2. The Ramblers
3. Cranborne Chase National Landscape

### Objections

1. Sutton Mandeville Parish Council
2. Claire Morris
3. David Willis
4. Elizabeth Beeley
5. Emma Heard
6. Helen Havard
7. JA Prince and DT Foston
8. John Shakespeare
9. Kate Barker and B Millington
10. Liz Barraha
11. Nicholas Shakespeare
12. Peter Ellis
13. Sarah Beddington
14. Tim Martin

### Applicant's response to representations and objections

1. Birketts

**From:** [Roberts, Ali](#)  
**To:** [Roberts, Ali](#)  
**Subject:** FW: Revised Proposal for the diversion of Sutton Mandeville 13  
**Sent:** 09/01/2026 12:26:58

Dear Ali

Thank you for this. The proposed re-routing of the path and planting of shrubs & hedging seems to provided a sensible compromise to which I have no objection.

Best wishes,  
 Paul

Paul Cordle  


**From:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Sent:** 07 May 2025 15:57

**Subject:** Revised Proposal for the diversion of Sutton Mandeville 13

**Highways Act 1980**  
**The Proposed Diversion of Footpath Sutton Mandeville 13**

We are currently in the initial consultation phase on the proposed diversion of SMAN13. During this stage, the consultation responses received may raise issues that could potentially be resolved by amending the original diversion proposal applied for. During this phase we look to work with the applicant, the local community and user groups in an attempt to address concerns that may prevent objections to a made order. The applicant has had sight of the objections to their original proposal and following a site meeting with the applicant, myself, and the area Countryside Access Officer in which potential resolutions to these concerns were discussed, a revised diversion plan for SMAN13 has been submitted. The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached revised plan with a bold continuous line, a distance of approximately 135 metres with a recorded width of 0.91 metres, to a new route from point A to point B shown with a dashed line, a distance of approximately 165 metres with a recorded width of 2 metres. A revised statement of reasons is also attached detailing the applicant's grounds for making and confirming a diversion order.

**Issues raised regarding the original proposal and potential resolutions to these concerns.**

1. Health and safety concerns were raised regarding the originally proposed termination point on to Sutton Hill.
  - The revised diversion will retain the termination point at The Homestead on to Sutton Hill linking to SMAN18 leading to All Saints Church.
2. Comments on the originally proposed route included that the route was longer and steeper, was less diverse and scenic than the current route and would be very similar to SMAN3.
  - The revised proposal is a minimal diversion which adds approximately 30 metres to the route and retains the same ground levels as the current route. As can be seen from the plan showing the planned works, this proposed route will run alongside a vegetable plot, through an orchard, past mature trees and lead into the sunken lane heading south up the hill retaining its diverse character and avoiding any feeling of intrusion on the home.
3. Concern was also raised that the originally proposed route would bring walkers in close proximity to the solar array.
  - The revised diversion proposal is further away from the solar array than the original proposal but is approximately 15 metres closer to the current route. However, the solar array will be shielded by mature trees, a planned orchard and a new hedge.
4. Objections stated that the rights of way network is historic and diverting this path would set an unfortunate precedent.
  - I would refer to the recent Planning Inspectorate decision regarding a diversion order at Dilton Marsh and Westbury (ROW3301931) which can be seen in full by following the attached link [P/2020/010 - Rights Of Way - Wiltshire Council](#), which tackled this issue, in particular at paragraph 52 the Inspector states "... I do not attribute any weight to the Objectors' assertion that the route of a public footpath is 'sacrosanct'. Self-evidently that is not a correct statement of the law, given the procedures available under sections 118 and 119 of the 1981 [1980] Act and the Guidance which specifically provide a regime for diversion of public rights of way. The Guidance [Defra Presumption Guidance which is attached] states at paragraph 6 "Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner.""

If you would like to make any observations or representations regarding the proposal, I would be very grateful if you could reply to me via email, no later than 5pm on 18 June 2025.

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:*

**From:** [Footpaths](#)  
**To:** [Roberts, Ali](#)  
**Cc:** [Ford, Carys](#)  
**Subject:** RE: Revised Proposal for the diversion of Sutton Mandeville 13  
**Sent:** 16/06/2025 20:34:09

Dear Ali,

Thank you for the update to the proposal for SMAN13. I have reviewed the new proposal for a diversion, and I believe that this does address the key points made in my original response. I therefore have no further comments at this stage.

Regards  
 Charles

Charles Penn  
 Footpath Secretary  
 South Wiltshire Ramblers

**From:** Roberts, Ali [mailto:Ali.Roberts@wiltshire.gov.uk]  
**Sent:** 08 May 2025 09:56  
**To:** Roberts, Ali  
**Subject:** FW: Revised Proposal for the diversion of Sutton Mandeville 13

**Highways Act 1980**  
**The Proposed Diversion of Footpath Sutton Mandeville 13**

We are currently in the initial consultation phase on the proposed diversion of SMAN13. During this stage, the consultation responses received may raise issues that could potentially be resolved by amending the original diversion proposal applied for. During this phase we look to work with the applicant, the local community and user groups in an attempt to address concerns that may prevent objections to a made order. The applicant has had sight of the objections to their original proposal and following a site meeting with the applicant, myself, and the area Countryside Access Officer in which potential resolutions to these concerns were discussed, a revised diversion plan for SMAN13 has been submitted. The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached revised plan with a bold continuous line, a distance of approximately 135 metres with a recorded width of 0.91 metres, to a new route from point A to point B shown with a dashed line, a distance of approximately 165 metres with a recorded width of 2 metres. A revised statement of reasons is also attached detailing the applicant's grounds for making and confirming a diversion order.

**Issues raised regarding the original proposal and potential resolutions to these concerns.**

1. Health and safety concerns were raised regarding the originally proposed termination point on to Sutton Hill.
  - The revised diversion will retain the termination point at The Homestead on to Sutton Hill linking to SMAN18 leading to All Saints Church.
2. Comments on the originally proposed route included that the route was longer and steeper, was less diverse and scenic than the current route and would be very similar to SMAN3.
  - The revised proposal is a minimal diversion which adds approximately 30 metres to the route and retains the same ground levels as the current route. As can be seen from the plan showing the planned works, this proposed route will run alongside a vegetable plot, through an orchard, past mature trees and lead into the sunken lane heading south up the hill retaining its diverse character and avoiding any feeling of intrusion on the home.
3. Concern was also raised that the originally proposed route would bring walkers in close proximity to the solar array.
  - The revised diversion proposal is further away from the solar array than the original proposal but is approximately 15 metres closer to the current route. However, the solar array will be shielded by mature trees, a planned orchard and a new hedge.
4. Objections stated that the rights of way network is historic and diverting this path would set an unfortunate precedent.
  - I would refer to the recent Planning Inspectorate decision regarding a diversion order at Dilton Marsh and Westbury (ROW3301931) which can be seen in full by following the attached link [P/2020/010 - Rights Of Way - Wiltshire Council](#), which tackled this issue, in particular at paragraph 52 the Inspector states "... I do not attribute any weight to the Objectors' assertion that the route of a public footpath is 'sacrosanct'. Self-evidently that is not a correct statement of the law, given the procedures available under sections 118 and 119 of the 1981 [1980] Act and the Guidance which specifically provide a regime for diversion of public rights of way. The Guidance [Defra Presumption Guidance which is attached] states at paragraph 6 "Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner.""

If you would like to make any observations or representations regarding the proposal, I would be very grateful if you could reply to me via email, no later than 5pm on 18 June 2025.

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>

**From:** [Burden, Richard](#)  
**To:** [Roberts, Ali](#)  
**Cc:** [Nunn, Linda](#); [Newland, Sarah](#);  
**Subject:** RE: Revised Point B Sutton Mandeville 13  
**Sent:** 29/05/2025 08:10:29

---

Hello Ali

I think you should know that CCNL is being lobbied by the local community on this proposal, with concerns that the householder has brought the situation upon themselves. We are told that the original path did not pass tight to the house until the householder built a substantial extension, with extensive areas of glazing, right up to the edge of the path. We are also told that to build that extension a hedge was removed which screened the path from the house. We are also told the existing route is of some historic significance and that altering the route would be a cultural loss to the community.

Whilst CCNL supports you in your efforts to resolve the situation, it does seem that the householder has brought the situation upon themselves by their own actions. We can, therefore, appreciate the community view that it is for the householder to resolve an issue they appear to have created and not for the community to suffer a loss by the diversion of the footpath.

Regards Richard

Richard Burden BSc DipCons MSc MCMI(rtd) MCIPD FLI PPLI  
 Chartered Landscape Architect  
 Principal Landscape & Planning Officer (part-time, Mon-Wed)  
**Cranborne Chase National Landscape**  
 an Area of Outstanding Natural Beauty  
 Cranborne Chase NL Office, Rushmore Farm, Tinkley Bottom, Tollard Royal, Wiltshire, SP5 5QA  
 Tel: 01725 517417  
 Hosted by [Wiltshire Council](#)  
 Click to get our web site and [AONB Management Plan](#)  
 14<sup>th</sup> International Dark Sky Reserve in the World: [Dark Night Skies](#)

---

**From:** Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>  
**Sent:** 19 May 2025 09:56  
**To:** Burden, Richard <RichardBurden@cranbornechase.org.uk>  
**Cc:** Nunn, Linda <LindaNunn@cranbornechase.org.uk>; Newland, Sarah <SarahNewland@cranbornechase.org.uk>; Willis, Angela <AngelaWillis@cranbornechase.org.uk>  
**Subject:** RE: Revised Point B Sutton Mandeville 13

Good morning Richard,

Thank you for sending through the CCNL support for this proposed diversion.

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](mailto:ali.roberts@wiltshire.gov.uk)  
 Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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

Follow Wiltshire Council



[Sign up](#) to Wiltshire Council's email news service

Information relating to how Wiltshire Council will manage your data can be found at:  
<http://www.wiltshire.gov.uk/recreation-rights-of-way>

---

**From:** Burden, Richard <[RichardBurden@cranbornechase.org.uk](mailto:RichardBurden@cranbornechase.org.uk)>  
**Sent:** 19 May 2025 09:51  
**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Cc:** Nunn, Linda <[LindaNunn@cranbornechase.org.uk](mailto:LindaNunn@cranbornechase.org.uk)>; Newland, Sarah <[SarahNewland@cranbornechase.org.uk](mailto:SarahNewland@cranbornechase.org.uk)>; Willis, Angela <[AngelaWillis@cranbornechase.org.uk](mailto:AngelaWillis@cranbornechase.org.uk)>  
**Subject:** FW: Revised Point B Sutton Mandeville 13

Hello Ali

Many thanks for all the information you have been sending through.

From the CCNL position the current proposal is hugely better than the original diversion, and we are happy to support you in taking this forward.

Regards Richard

Richard Burden BSc DipCons MSc MCMI(rtd) MCIPD FLI PPLI  
Chartered Landscape Architect  
Principal Landscape & Planning Officer (part-time, Mon-Wed)  
**Cranborne Chase National Landscape**  
an Area of Outstanding Natural Beauty  
Cranborne Chase NL Office, Rushmore Farm, Tinkley Bottom, Tollard Royal, Wiltshire, SP5 5QA  
Tel: 01725 517417  
Hosted by Wiltshire Council  
**Click to get our web site and AONB Management Plan**  
**14<sup>th</sup> International Dark Sky Reserve in the World; [Dark Night Skies](#)**

---

**From:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Sent:** 16 May 2025 15:46  
**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>  
**Subject:** Revised Point B Sutton Mandeville 13

**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.

## Sutton Mandeville Parish Council response to revised proposed diversion of SMAN 13 (P/2023/016) received 6<sup>th</sup> 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.

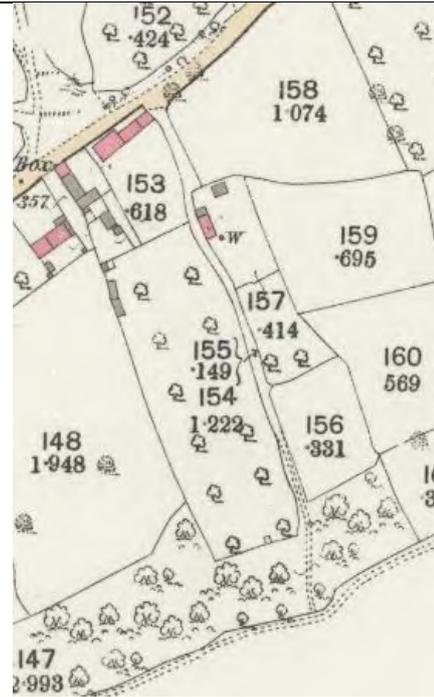
#### Heritage and the National Landscape

##### **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 10<sup>th</sup> 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

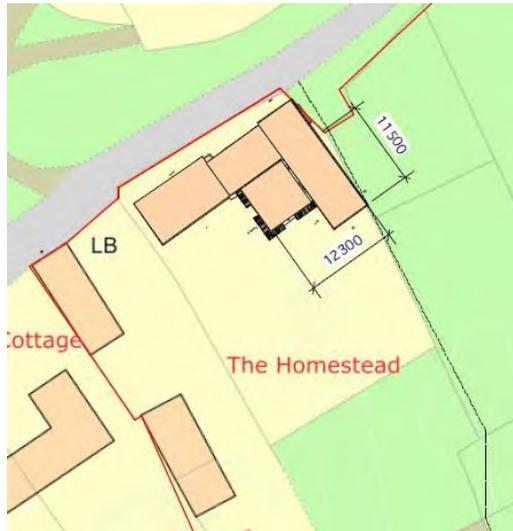
##### **Owner’s planning application, 2014**

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

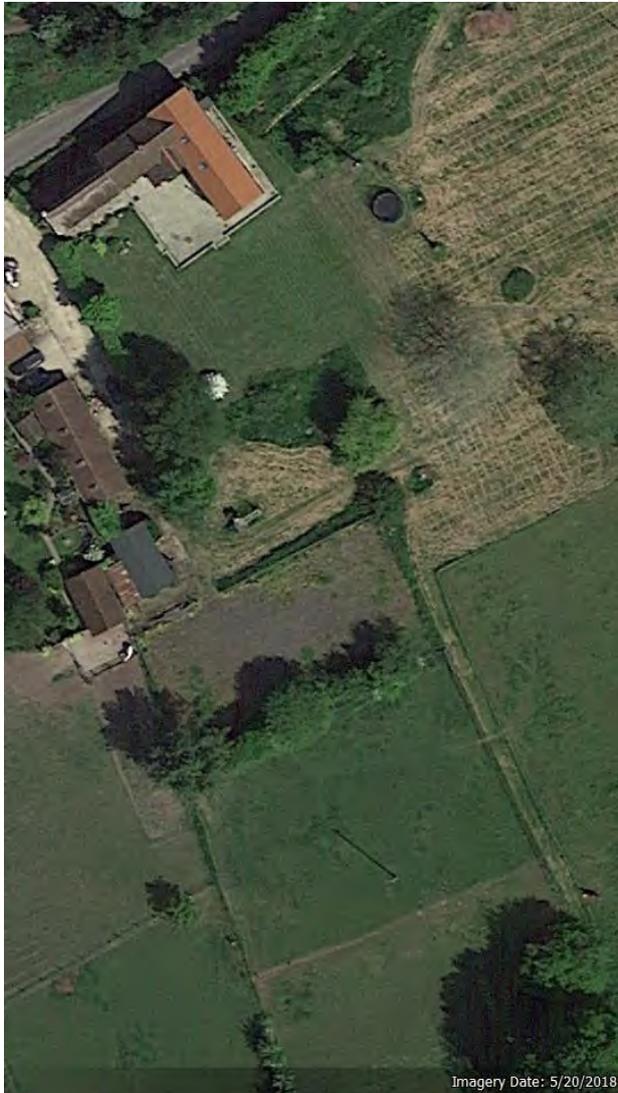
Google Street view shows on an image captured in June 2011 that the right of way ran through fields and was screened from the house and garden by a high laurel hedge:



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.

**From:** [Claire Morris](#)  
**To:** [Roberts, Ali](#)  
**Cc:** [Definitive Map](#)  
**Subject:** Objection to diversion of Footpath SMAN13  
**Sent:** 30/06/2025 15:28:06

---

[REDACTED]

Dear Ali Roberts,

I would like to register my objection to the diversion of SMAN13.

For context: my family bought a farm in this area 1911. Throughout my childhood I enjoyed the extensive network of footpaths, bridleways and byways. As an adult I have lived here since 1986 and continue to explore the local public Rights of Way. There has, of course, been much change.

These ancient routes have been in use for many hundreds of years and should only ever be closed or diverted for a very good reason.

As many others have already stated, the new owners were fully aware of the ROW running over the property when they bought it. Over the past years they have made significant alterations including removing the hedge that screened the footpath. Their stated reasons for seeking to divert the path ("privacy and security") are not a sufficient reason to justify its diversion, as detailed by other local residents.

This is not, however, about localism, local resentment of incomers or change, but about the respect for existing, long established, legal, public Rights of Way.

I ask that the footpath remain unchanged.

Best wishes,

Claire Morris

**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:** 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:** [REDACTED]  
**To:** [Roberts, Ali](#)  
**Subject:** Revised Proposal for the diversion of Sutton Mandeville 13  
**Sent:** 30/05/2025 14:18:48

---

Dear Ali

I refer to the recent amendments to the proposal to move SMAN13 and am writing once again to object to the proposed route. Many of my original reasons for objecting remain, with the addition of the following comments and observations.

This new route is, in fact, longer and winds through the proposed vegetable garden. How is this any less intrusive than a route by the house? The proposed path now cuts across part of the valley, away from the tennis court, just below where the hollow way emerges from the wooded area. It unnecessarily diverts the current path from the tennis court, once again taking walkers close to the solar array. This spoils the route and causes a loss of public amenity.

Are the applicants now suggesting that the tennis court requires privacy? The court is supposed to have a hedge planted around it for screening and to make it less intrusive. However, having recently walked the route, this hedge does not appear to have been planted. Perhaps the applicants should first address their outstanding planning conditions. This also raises the question of whether they would actually screen anything effectively.

While the council dismisses the importance of the historic aspect and cites another case of a path running through a garden, however, the loss of privacy in this instance is entirely self-inflicted. This footpath originally passed through a field and has done so for centuries. It served as a road between the Homestead and the paddocks running up the hill. The applicants have incorporated the field into their new garden—yet it absolutely was not a garden until they built and redesigned the landscape to resemble a Surrey mansion. The transformation is entirely out of character, and it is disheartening to see the landscape being so permanently altered. Much of this former farmstead no longer resembles its original state. They could have designed the house and garden to respect the footpath, but they did not. Now, they believe they can simply move it for their own convenience.

The entire proposed route is unnecessary, and any issues of privacy could be resolved by installing screening around the house. Allowing the path to be moved will set a precedent for every footpath in the county that passes by a house with a garden. I maintain that the owners were aware of the footpath when they purchased the property, and others have managed to live here without needing to relocate it.

The issue of privacy loss, as I have said before, is entirely of their own making. They should find a solution that does not involve realigning a footpath enjoyed by walkers. Moving the footpath should not be allowed.

Yours sincerely

Emma Heard

---

**From:** Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>  
**Sent:** 08 May 2025 09:56  
**To:** Roberts, Ali <Ali.Roberts@wiltshire.gov.uk>  
**Subject:** FW: Revised Proposal for the diversion of Sutton Mandeville 13

**Highways Act 1980**  
**The Proposed Diversion of Footpath Sutton Mandeville 13**

We are currently in the initial consultation phase on the proposed diversion of SMAN13. During this stage, the consultation responses received may raise issues that could potentially be resolved by amending the original diversion proposal applied for. During this phase we look to work with the applicant, the local community and user groups in an attempt to address concerns that may prevent objections to a made order. The applicant has had sight of the objections to their original proposal and following a site meeting with the applicant, myself, and the area Countryside Access Officer in which potential resolutions to these concerns were discussed, a revised diversion plan for SMAN13 has been submitted. The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached revised plan with a bold continuous line, a distance of approximately 135 metres with a recorded width of 0.91 metres, to a new route from point A to point B shown with a dashed line, a distance of approximately 165 metres with a recorded width of 2 metres. A revised statement of reasons is also attached detailing the applicant's grounds for making and confirming a diversion order.

**Issues raised regarding the original proposal and potential resolutions to these concerns.**

1. Health and safety concerns were raised regarding the originally proposed termination point on to Sutton Hill.
  - The revised diversion will retain the termination point at The Homestead on to Sutton Hill linking to SMAN18 leading to All Saints Church.
2. Comments on the originally proposed route included that the route was longer and steeper, was less diverse and scenic than the current route and would be very similar to SMAN3.
  - The revised proposal is a minimal diversion which adds approximately 30 metres to the route and retains the same ground levels as the current route. As can be seen from the plan showing the planned works, this proposed route will run alongside a vegetable plot, through an orchard, past mature trees and lead into the sunken lane heading south up the hill retaining its diverse character and avoiding any feeling of intrusion on the home.

**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]

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:** [John Shakespeare](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Fwd: P2023016 objection  
**Sent:** 17/06/2025 18:08:41

---

[REDACTED]

Dear Ali Roberts,

Thank you for sending this new application.

After some consideration, I regret that it does not sway me from again registering an objection. Nor does it alter my reasons for doing so – outlined in my original letter (see below). While I appreciate the efforts being made to address these, the change still presents the same navigational challenges for me.

I would like only to add that my objections continue to be shared by almost everyone else in Sutton Mandeville. It is not an exaggeration to point out that most people in the community would be affected – and not in a way that is a positive improvement – by having this footpath rerouted.

Yours sincerely,

John Shakespeare

Dear Ali Roberts,

I am writing to object to the application to divert a public path in Sutton Mandeville (Reference P/2023/016) where I have lived since 1992. I agree with the objections that have been lodged by others in the village, namely that this footpath has been in continuous use for more than 300 years; that the owners when they bought the property would have been fully aware of the location of the path and that it was an historic right of way; and that the proposed new path would be altogether much steeper for pensioners like myself. Certainly, I could no longer walk it, as I used to walk the present path with my late wife (it was the nearest footpath to offer us a complete circuit) and as my four children and seven grandchildren continue to do whenever they stay. It also seems worth reiterating that it was entirely the decision of the applicants to remove the protective hedge which had given privacy to the original home, as was their decision to install new windows that now directly overlook the path. There was no encroachment by the path. For these reasons, I would like to see it remain in situ, undisturbed, as a public right of way.

Yours sincerely,

John Shakespeare

[REDACTED]  
Sutton Mandeville [REDACTED]

**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.

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 18<sup>th</sup> 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](mailto:ali.roberts@wiltshire.gov.uk)

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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

Follow Wiltshire Council

<image002.png>

**From:** [Nicholas Shakespeare](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Objection to P/2023/016  
**Sent:** 17/06/2025 11:09:47

---

Dear Ali Roberts,

I am writing in response to a revised application to alter a long-established footpath in Sutton Mandeville.

<https://apps.wiltshire.gov.uk/RightsOfWay/Path/Detail/aBVi78Bm?row=P2023016>

Having now attempted to walk the proposed new route, I am writing to say that this revised application does not alter any of the reasons listed below for my original objection, which I attach beneath. All of them still stand.

What is not clear is why we are still discussing moving a footpath in a place of outstanding natural beauty against the wishes of the majority of the village (a footpath which was there when the applicants bought the house; and, furthermore, was guarded at that time by a thick and ancient hedge which provided adequate screening for their privacy, before they decided to pull it down). It feels mean-spirited to object to a proposal which has now been re-submitted, but the collective is being asked to compromise for the benefit of the individual. I worry that we are in danger of being worn down by a modified iteration. I remain reluctant to bypass the community's enjoyment for an individual incursion.

Best wishes,

Nicholas Shakespeare

Dear Ali Roberts,

I have lived in Sutton Mandeville since 2001 and I am writing in support of the many in the village who object to the application to divert a public path (Reference P/2023/016).

The current path has existed for generations, providing safe and accessible passage through the countryside. The suggested rerouting, however, is neither practical nor in keeping with the public's enjoyment of the area.

The suggested path climbs a steep, wooded slope, which likely explains why a trail has not been established there before. Even before my knee replacement, I would have found it challenging to walk comfortably up or down this steep incline. It will be inaccessible for individuals with mobility issues, and could be dangerous for many during wet weather.

The original path offers an open, uplifting perspective of the countryside—one of the reasons walkers value it. The change would replace this lovely view with one of the solar panels used to heat a swimming pool.

The proposed alternative does not meet the standard of accessibility or enjoyment that should be required for such a change. Making it safe and usable would require significant destruction of trees and banking, further undermining the area's character.

The historic footpath should not be compromised for the convenience of one household at the expense of the wider community's right to enjoy a safe, beautiful and established route.

Yours sincerely,

Nicholas Shakespeare

██████████  
Sutton Mandeville SP3 ██████████

**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**  
[REDACTED]  
**Sutton Mndeville**  
**SP3** [REDACTED]

**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 [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:** [Anne & Tim Martin](#)  
**To:** [Roberts, Ali](#)  
**Subject:** Re: FW: Revised Proposal for the diversion of Sutton Mandeville 13  
**Sent:** 10/05/2025 16:29:49

---

Dear Ali

Thank you for your email.

The revised proposal is contrived and demotes the footpath, which has existed for everyone's enjoyment, to something subsidiary to a few, who knew of the paths existence when purchasing/developing their property and wanting now to degrade it for their own self serving purposes. I think the priority of the footpath should be maintained on its current route. Imagine the ridiculous contortions this precedent would set when landowners realise they can get a path threaded round a mere vegetable plot, just to suit their purposes!

Tim Martin

On Thu, 8 May 2025 at 09:56, Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)> wrote:

**Highways Act 1980**

**The Proposed Diversion of Footpath Sutton Mandeville 13**

We are currently in the initial consultation phase on the proposed diversion of SMAN13. During this stage, the consultation responses received may raise issues that could potentially be resolved by amending the original diversion proposal applied for. During this phase we look to work with the applicant, the local community and user groups in an attempt to address concerns that may prevent objections to a made order. The applicant has had sight of the objections to their original proposal and following a site meeting with the applicant, myself, and the area Countryside Access Officer in which potential resolutions to these concerns were discussed, a revised diversion plan for SMAN13 has been submitted. The proposal is to divert Footpath SMAN13 from point A to point B shown on the attached revised plan with a bold continuous line, a distance of approximately 135 metres with a recorded width of 0.91 metres, to a new route from point A to point B shown with a dashed line, a distance of approximately 165 metres with a recorded width of 2 metres. A revised statement of reasons is also attached detailing the applicant's grounds for making and confirming a diversion order.

**Issues raised regarding the original proposal and potential resolutions to these concerns.**

1. Health and safety concerns were raised regarding the originally proposed termination point on to Sutton Hill.
  - The revised diversion will retain the termination point at The Homestead on to Sutton Hill linking to SMAN18 leading to All Saints Church.
2. Comments on the originally proposed route included that the route was longer and steeper, was less diverse and scenic than the current route and would be very similar to SMAN3.
  - The revised proposal is a minimal diversion which adds approximately 30 metres to the route and retains the same ground levels as the current route. As can be seen from the plan showing the planned works, this proposed route will run alongside a vegetable plot, through an orchard, past mature trees and lead into the sunken lane heading south up the hill retaining its diverse character and avoiding any feeling of intrusion on the home.
3. Concern was also raised that the originally proposed route would bring walkers in close proximity to the solar array.
  - The revised diversion proposal is further away from the solar array than the original proposal but is approximately 15 metres closer to the current route. However, the solar array will be shielded by mature trees, a planned orchard and a new hedge.
4. Objections stated that the rights of way network is historic and diverting this path would set an unfortunate precedent.
  - I would refer to the recent Planning Inspectorate decision regarding a diversion order at Dilton Marsh and Westbury (ROW3301931) which can be seen in full by following the attached link [P/2020/010 - Rights Of Way - Wiltshire Council](#), which tackled this issue, in particular at paragraph 52 the Inspector states "... I do not attribute any weight to the Objectors' assertion that the route of a public footpath is 'sacrosanct'. Self-evidently that is not a correct statement of the law, given the procedures available under sections 118 and 119 of the 1981 [1980] Act and the Guidance which specifically provide a regime for diversion of public rights of way. The Guidance [Defra Presumption Guidance which is attached] states at paragraph 6 "Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner.""

If you would like to make any observations or representations regarding the proposal, I would be very grateful if you could reply to me via email, no later than 5pm on 18 June 2025.

Kindest regards,

Ali

---

## Highways Act 1980 S119

### Diversion of Part of Footpath SMAN 13

#### Response to the Outcome of the Council's Informal Consultation on the Amended Proposal

---

#### 1. INTRODUCTION

- 1.1 The amended proposal (ie as shown on the plan attached at Appendix 1), was submitted to the Council on 6 May 2025. The amended proposal included a revised Statement of Reasons for the diversion which set out how the tests for the making and confirmation of an order were met (as attached at Appendix 2).
- 1.2 The Council undertook informal consultation on the amended proposal very promptly, between 7 May and 18 June 2025, and accommodated responses received after the end date.
- 1.3 As at 3 July 2025, the Council's website showed responses as follows:
- 1.3.1 That there was no objection to the proposal from the local Ramblers' representative and one individual, and initial support from the Cranborne Chase National Landscape (who had all objected to the original proposal) – the last also pointing out that it had subsequently been lobbied by the local community to no longer support the amended proposal.
- 1.3.2 That there was objection to the proposal from Sutton Mandeville Parish Council (although the Council had not held a meeting at which to make a decision on a response to the consultation) and 14 individuals.
- 1.4 This document comments on the objections and establishes that, notwithstanding the objections, the tests for the making and confirmation of an order remain met by the proposal.

## 2. COMMENTS ON THE OBJECTIONS

### Sutton Mandeville Parish Council

- 2.1 **The Legal Test:** The Parish Council states that the application is not in the interest of the public. There is no requirement in s119(1) of the Highways Act 1980 (“the Act”) for a change to the network to be in the interest of the public. The application is made on the grounds it is in the interest of the owners of the land crossed by the route for it to be diverted; this is valid grounds and the benefit which results to the owner of the land is set out in paragraph 2.2 of the Statement of Reasons.
- 2.2 The change to the route is minor and any ‘sense of place’ felt when walking the existing route is as likely to be that of discomfort when walking so close to a private dwelling. This discomfort is acknowledged by paragraph 4 of the Government Guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises (“The Presumptions Guidance”): *Members of the public may not be comfortable following a path through a contained space of this type because doing so feels like infringing on the privacy of a house owner, or potentially disrupting, or being endangered by, activities within a farmyard or commercial premises. Such path alignments can deter people from exercising the public’s right to use the path.*”
- 2.3 No information is supplied to support the statement that the proposed route will ‘damage a feature of the landscape’, so that no weight can be attached to this assertion.
- 2.4 There is in fact no change to the northern termination point of the route.
- 2.5 There is no intention for the proposed route to be gated. If livestock is kept in the field crossed by the route north of point J it is easy for the corner of the field to be fenced out by fencing on the eastern side of the footpath. In the event that the field is used for grazing, this is also likely to add interest for walkers, while avoiding direct contact with livestock. Any livestock kept in the area of the agricultural building and orchard (eg chickens) can also be contained by fencing within the area and away from the footpath.
- 2.6 **Objections from the Public:** The Parish Council’s support for local objection to *any* diversion of the route is noted and is wholly understandable. However, it fails to acknowledge that the legislation provides for diversion of a footpath in accordance with the legislative tests and government guidance, not on the basis of whether there is or is not local support for a change.
- 2.7 The Parish Council’s statement that the Cranborne Chase National Landscape has rescinded its support for the amended proposal in the light of lobbying by the local community is disputed. In any event, it does not object to the amended proposal.

- 2.8 **Heritage and the National Landscape:** As stated above, legislation provides for the public rights of way network to be diverted. It is the case that the vast majority of routes currently recorded on Definitive Maps and Statements have existed for a considerable period of time. This is not, in principle, a reason for them not to be diverted. The existence of the route on previous Ordnance Survey and other historic mapping is not an uncommon occurrence, with very many recorded routes featuring on such mapping nationally. No evidence has been produced that the footpath is of especial historic significance on its current alignment. Rather it is argued that the route is of historic significance simply as a result of its existence; this argument is incompatible with the legislative provision for routes to be diverted.
- 2.9 The Parish Council's objection on 'historic' grounds also fails to consider paragraph 6 of the Presumptions Guidance which acknowledges that historic routes can be the subject of applications: *"Even where a public path through a private garden or farmyard has existed for centuries, and perhaps even pre-dates the use of the land for these purposes, there may be one or more reasons why its presence could be problematic for the landowner"*. The reasons acknowledged include *"a reasonable expectation of being able to relax in the garden or spend time with family and friends without strangers appearing in the same confined space"*.
- 2.10 The Parish Council also promotes that the historic existence of the route and Wiltshire Council's adoption of the Cranborne Chase management plan means that it must consider the route as a 'heritage asset' which is not to be diverted. However, this fails to consider the role of the Council as highway authority and the Wiltshire Countryside Access Improvement Plan 2015 -2025. This indeed acknowledges the historic nature of the public rights of way network at paragraph 6.1: *"Public rights of way, often known just as rights of way, are routes which anyone can use to cross private land. They generally reflect historic use by members of the public. Many date back hundreds of years but some have been created recently."* However, the Foreword to the Plan concludes *"Wiltshire Council will continue to work in partnership with countryside access users, volunteers and local communities to ensure that the network evolves to meet the changing needs of both Wiltshire's residents and visitors."*
- 2.11 It is for Wiltshire Council to conclude how to balance the application of its policies and plans, but there is no prescription on a decision to exercise its powers in s119 of the Act to divert public rights of way within the Cranborne Chase National Landscape area.
- 2.12 **Development at The Homestead:** The Parish Council also argues that the need for the diversion is the result of development of the property and other actions by the applicant for the order and that this provides grounds for refusal.

- 2.13 First, the extent to which route abutted the property and/or affected the privacy of the previous owners of the property is disputed with, for example, the photograph on page 6 of the Parish Council's objection showing the route running immediately adjacent to a door and window. There was also no hedging to the south of the large beech tree in the photograph which would have provided privacy in the rear garden. The tree would have provided only very limited privacy at ground level, given the height of its canopy.
- 2.14 Secondly, this photograph and the first Google Earth satellite image included on page 7 are both dated 2011. The current owner did not view or own the property until 2013. The owner has been told that the large beech tree in the photograph was rotten and it had been taken down prior to their viewing the property. The extent of this one tree can clearly be seen in the 2011 images, with the huge canopy casting a large shadow over the property. A gap immediately south of the tree canopy can also be seen; there was no continuous hedge line here.
- 2.15 The short section of laurel hedge shown in the 2011 photograph has been removed but this did not screen the rear of the property from being viewed closely by those on the footpath previously. A length of low beech hedge was also removed to the south of the garden, but this also did not provide privacy from the footpath.
- 2.16 Notwithstanding the above, the Parish Council's argument ignores the decision in *Ramblers Association v SSEFRA, Oxfordshire County Council, Weston et al* [2012] 3333 (Admin). Here Ousley J said "*The question that has to be asked under section 119(1) is whether the diversion is expedient in the interests of the landowner. I cannot see that the question of whether the landowner bought knowing the footpath, or bought not knowing of it, or bought taking a chance that he might be able to obtain a diversion order, has got anything to do with whether it is expedient in his interests that the order be made. If it is more convenient, beneficial or advantageous to him, it is expedient in his interests.*" and "*It is plain that there is no statutory bar to a person making an application in circumstances where they have acquired the property with knowledge. Indeed, that would normally be the position that appertains, otherwise one is looking at existing land owners who bought before the footpath existed and those who inherited the property.*"
- 2.17 *I have very real doubts as to whether the concession made by the Secretary of State that this factor is legally relevant can be correct, any more than it could be correct that a person who makes an application for planning permission on property he owns is to face an argument that he ought not to have bought the property for that purpose because he knew that the relevant building did not exist on it."*
- 2.18 The fact that alterations to the garden and approved development have been carried out at the property since 2013 when it was purchased by the current owner and

applicant for the order is therefore irrelevant. It does not alter that the grounds for the making of an order in the interest of the owner of the land are met.

2.19 **The Defra Presumptions Guidance:** The Parish Council's comment references and quotes from a government announcement on 26 December 2024 which is not relevant to the diversion of public rights of way. This statement was made in respect of the decision of the government to rescind the implementation of the 'cut-off' date for the recording of additional public rights of way on the basis of their historic existence. The government has made no statement which implies that the Presumptions Guidance is not to be adhered to in respect of the diversion of public rights of way in the form in which it was published in August 2023.

2.20 The route passes within the curtilage of The Homestead. The Presumptions Guidance therefore applies, as set out above and in the Statement of Reasons, leading to the conclusion that the tests for the making and confirmation of an order are met.

**Claire Morris**

2.21 Objection is made on grounds to which responses have been provided above.

**David Willis**

2.22 Objection is made on grounds to which responses have been provided above.

2.23 It is also not the case that approval of any application for the diversion of a public right of way would set a precedent for the approval of any other. There is no reason to doubt that the Council properly considers each application for an order against the relevant legislative tests and government guidance.

**Elizabeth Beeley**

2.24 Objection is made on grounds to which responses have been provided above and also on the grounds that the applicant did not consult with or obtain approval from neighbours. There is no requirement that neighbour consultation or approval is a prerequisite for an application, or indeed the making of an order. The current consultation by Wiltshire Council has in any event clearly enabled local views to be submitted.

2.25 The diversion is only approximately 30 metres longer than the existing route, an insignificant increase in the context of a long route used for recreational purposes. It is unclear how it is more 'difficult' given the comparable terrain. It is also the case that there is no 'destruction' of the land crossed by the existing route; rather it will simply become grass.

**Emma Heard**

- 2.26 Objection is made on grounds to which responses have been provided above.
- 2.27 It is also stated that the route if diverted will be as intrusive for the applicants as the existing alignment. This is not the case, the route being further from the dwelling itself and enabling quiet enjoyment of the rear garden without the presence of the public in this most private area. It also passes behind and not through the vegetable garden. It is agreed that it is not as unintrusive as the originally proposed route, but the applicants have proposed the alignment to provide a meaningful compromise between their understandable wish for privacy in the garden and the wishes of some of the local community.
- 2.28 There is no planning requirement for screening planting for the tennis court. However, hornbeam has been planted along the southern side.
- 2.29 No public amenity is served by the existing route. The proposed route retains the rural character of the route overall and is likely to add to the enjoyment of use of the path by those who do not enjoy being in such close proximity to a private dwelling.

**Helen Havard**

- 2.30 Objection is made on grounds to which responses have been provided above.

**JA Prince and DT Foston**

- 2.31 Objection is made on grounds to which responses have been provided above. In addition:
- 2.32 In respect of the footpath becoming substantially less convenient as a result of its diversion, as set out in the Statement of Reasons, the difference in distance to be walked is an increase of approximately 30 metres and the proposed route takes approximately an extra 15 seconds to walk. Moreover, the distance to be walked is not the only factor by which the impact on convenience is to be determined and the proposed route, over similar terrain and incline, offers a width of twice that of the existing alignment. Overall, the diversion cannot be considered a substantial inconvenience, and especially in the context of a route used for a recreational purpose.
- 2.33 The objector places emphasis on the route being closer to the solar panels but acknowledges that screening is a requirement; in fact this has now been planted. The objector also refers to 'a history of non-compliance' but the owners maintain they have complied with all planning conditions. In addition to planning requirements additional planting was carried out along the eastern boundary previously and any

dissatisfaction with it could have been raised directly with the owners over the last ten years.

- 2.34 The Presumptions Guidance sets out that the public can be embarrassed at passing so close to a private dwelling, as cited in paragraph 2.2 above. Weight is therefore to be attached to this factor by Wiltshire Council.
- 2.35 It is not the case that ‘diversions are intended to be to the advantage of both applicants, and other members of the public.’ For a diversion order to be made and confirmed it needs to meet the legislative criteria; this assertion is not a relevant criteria.

### **John Shakespeare**

- 2.36 Objection is made on grounds to which responses have been provided above.
- 2.37 It is also not the case that the route will be ‘much steeper’, the incline being the same as on the present alignment. The route will still offer the same circular walk given that the termination points are unaffected by the diversion.
- 2.38 The consultation responses do not show that ‘almost everyone else in Sutton Mandeville’ shares these objections. The population of the parish is given as 243 in the 2021 census:
- 2.39 ([https://citypopulation.de/en/uk/southwestengland/admin/wiltshire/E04011832\\_sutton\\_mandeville/](https://citypopulation.de/en/uk/southwestengland/admin/wiltshire/E04011832_sutton_mandeville/)) and there are 14 objections in response to the consultation. This is notwithstanding that it is surmised that significant lobbying has been undertaken by a few objectors.

### **Kate Barker and B Millington**

- 2.40 Objection is made on grounds to which responses have been provided above. The solar panels will be screened by the new planting, which has now been carried out.

### **Liz Barra**

- 2.41 Upon the confirmation of an order diverting the footpath, works to the new route will include appropriate signing and clearance to ensure it is easy for the public to follow.
- 2.42 The approved development at the property and layout of the garden as shown on the application plan establish the impact of the proximity of the footpath on the dwelling and its curtilage. Enclosing the existing route in new hedging would preclude the enjoyment of the rear garden area and vegetable garden in conjunction with the dwelling once the works are completed.

- 2.43 The current footpath is not closed and has been kept open during development works, and walkers wishing to pass through during building works have been accommodated. It is anticipated that the majority of the works will be completed in the next four weeks and the existing alignment will continue to be available.

**Nicholas Shakespeare**

- 2.44 Objection is made on grounds to which responses have been provided above.
- 2.45 The proposal no longer involves the 'steep, wooded slope' to which the respondent maintains objection. It is unclear why the respondent considers that the revised alignment would not be 'safe and accessible' given its comparable terrain and that the incline is the same as along the existing alignment. Views of the countryside from north of point J on the application plan are now maintained.
- 2.46 The applicants do not agree that the footpath was 'guarded...by a thick and ancient hedge' at the time of their purchase, presuming this to be reference to the short section of laurel hedge referenced in paragraph 2.15 above.

**Peter Ellis**

- 2.47 Objection is made on grounds to which responses have been provided above.
- 2.48 The proposed alignment offers significant more privacy for the windows currently facing on to the footpath and for the rear garden of the property, which is where privacy is most valued by the applicants.

**Sarah Beddington**

- 2.49 Objection is made on grounds to which responses have been provided above.
- 2.50 Walkers will not be adjacent to the solar panels as a result of the diversion, which in any event will be screened from view by the new planting.
- 2.51 While not relevant to the determination of the application, the solar panels are not solely to heat a swimming pool. The solar panels also provide energy for a ground source heat pump, which will provide heating and hot water for all buildings on the property in due course and charging points for electric cars.
- 2.52 The 'dense and biodiverse hedge that previously screened' was a short section of laurel hedge, as set out in paragraph 2.15 above, immediately adjacent to the existing property (and planted by the previous owners no doubt to provide some relief from exposure to the footpath) and incompatible with approved development.
- 2.53 In addition it is the case that The Homestead is not a second home. It is the main residence of the applicant and the family's children and they have been fully resident

for 10 years. The family partly works abroad but does not own other property abroad or in the UK. It is regularly occupied by the family.

### **3. CONCLUSION**

- 3.1 The objections to the diversion are made by a minority of the local community. They are in places very similar and the applicant is aware of lobbying by a few determined objectors.
- 3.2 It is also noted that the Parish Council now objects to the amended proposal – which proposes a smaller diversion of the footpath - whereas it was previously happy to work with the applicant in creating the originally submitted application.
- 3.3 The applicant is sensitive to the views of the community, which has resulted in the amended proposal to try to meet concerns. The applicant considers that the revised proposal also:
  - 3.3.1 meets the relevant legislative tests for the making and confirmation of an order under s119 of the Act
  - 3.3.2 is compatible with the advice to local authorities within the Presumptions Guidance
  - 3.3.3 will provide The Homestead with the privacy required to enable them to enjoy it as a long term family home.
- 3.4 The Council is therefore requested to make the order and, if formal sustained objection is received, to refer it to the Planning Inspectorate for determination.

This drawing is the copyright of the architects and may not be reproduced without permission.

The contractor is responsible for checking dimensions, tolerances and reference. Any discrepancies to be checked with the architect before proceeding with the works.

Where an item is covered by drawings to different scales, the larger scale drawing is to be worked to.

Scale for planning purposes only, figured dimensions to be worked to at all times.

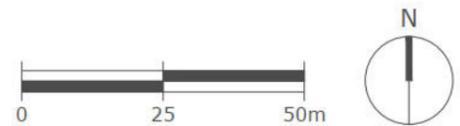
All work and materials to be in accordance with the building regulations and to comply with the relevant codes of practice and British Standards.

Please note the information is based upon the independent survey information provided. The contractor is to report any discrepancies between the drawings and the site configurations.



PROPOSED KEY	
	UNAFFECTED LINE OF PATH
	EXISTING FOOTPATH
	ALTERNATIVE PROPOSED ROUTE
	EXISTING TREE
	PROPOSED TREE
	PLANTING AREA

EXISTING FOOTPATH DISTANCE	
A - J	142.3 m
PROPOSED FOOTPATH DISTANCE	
A - J	161.5 m
B - C	5.2 m
A - G	23.9 m
G - H	39.6 m
H - J	94.1 m



GENERAL AMENDMENTS	14.05.25	H
GENERAL AMENDMENTS	06.05.25	G
GENERAL AMENDMENTS	02.05.25	F
FOOTPATH AMENDMENT	30.04.25	E
details	date	rev

**PRELIMINARY**

HOMESTEAD, SUTTON MANDERVILLE

PROPOSED FOOTPATH DIVERSION PLAN

Date	Client	
MAY 2022	MR & MRS LODGE	
Scale	Drawing no.	Revision
1:1250 @ A3	22 / 782 / P001	H

---

## Highways Act 1980 S119

### Diversion of Part of Footpath SMAN 13

#### Reasons for the Diversion of the Footpath

---

#### 1. CONTEXT

- 1.1 Section 119(1) of the Act enables a council to make and confirm an order for the diversion of a footpath or bridleway in its area if it appears to the council that it is expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the way, or of the public, and subject to other provisions of the Act, and as set out below.
- 1.2 S119 of the Act enables an order for the diversion of a footpath or bridleway to be made and confirmed as follows:
- 1.2.1 S119(1) It is expedient to divert the public right of way in the interest of the owner, lessee or occupier of the land crossed by the route or of the public
  - 1.2.2 S119(2) The termination points of the route are not altered, otherwise than to points which are as convenient to the public
  - 1.2.3 S119(6) The route is not substantially less convenient to the public as a result of the diversion
  - 1.2.4 S119(6)(a) With regard to the effect on public enjoyment of the route as a whole
  - 1.2.5 S119(6)(b) With regard to the effect the coming into operation of the order would have as respects other land served by the existing public right of way
  - 1.2.6 S119(6)(c) With regard to the effect which any new public right of way would have on the land over which it is created, and any land held with it.
  - 1.2.7 S119(6A) With regard to any material provision of a rights of way improvement plan for the area

- 1.3 S29 of the Act requires Councils to have due regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geological and physiographical features.
- 1.4 Guidance on the making and confirmation of orders is contained in Rights of Way Circular (1/09) (October 2009) published by Defra.
- 1.5 Government guidance to local authorities on the diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises was published by Defra on 1 August 2023. This new guidance, known as the Presumptions Guidance, is relevant to the determination of the order and concludes:
- 1.6 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.

## 2. **GROUNDS FOR THE MAKING AND CONFIRMATION OF THE ORDER**

**S119(1) It is expedient to divert the public right of way in the interest of the owner, lessee or occupier of the land crossed by the public rights of way**

- 2.1 The application has been revised following informal consultation undertaken by the highway authority during February and March 2025.
- 2.2 The revised application is made on the grounds that it is in the interest of the owners of the land crossed by the footpath, and known as the curtilage of Homestead, Sutton Mandeville, for the footpath to be diverted. The interests of the owners are served as follows:
  - 2.2.1 The northern termination point is immediately adjacent to the property. The footpath then runs by a side door and small patio area. It passes close by large windows and so affects the privacy of the property.
  - 2.2.2 The route continues over an area of lawn, used for the family's recreation with a football goal and other play equipment. It affects the use and privacy of the garden.
  - 2.2.3 The proximity of the footpath to the house also affects the owners' perception of their security, knowing that anyone passing so close to the house and within the garden cannot be challenged.
  - 2.2.4 The proposed route resolves these concerns, with additional hedging near the northern termination point accommodating the route while protecting

privacy, supported by a redesign of the garden. Quiet enjoyment of, and security at, the property is enhanced.

**S119(2) The termination points of the route are not altered, otherwise than to points which are as convenient to the public**

2.3 The termination points are not altered.

**S119(6) The route is not substantially less convenient to the public as a result of the diversion**

2.4 The proposed route is not substantially less convenient as:

2.4.1 The general direction of travel is unaffected.

2.4.2 The difference in distance to be walked is an increase of approximately 30 metres and the proposed route takes approximately an extra 15 seconds to walk. This cannot be considered a substantial inconvenience, especially in the context of a route used for a recreational purpose.

2.4.3 An increased width of 2 metres is proposed, twice that of the existing footpath.

2.4.4 The proposed footpath passes over similar terrain to the current route.

**S119(6)(a) With regard to the effect on public enjoyment of the route as a whole**

2.5 It is submitted that public enjoyment of the route as a whole is enhanced by:

2.5.1 The diversion away from the property, to a location outside the main domestic area of the garden, removing any sense of intrusion or embarrassment, so encouraging use of the network.

2.5.2 Some local residents have said they avoid using the path as they feel uncomfortable intruding into the owners' privacy but would like to have accessibility to the path, particularly as it now forms a convenient route to the popular Stalls Café on the A30 <https://www.thestallscafe.com/>. The new alignment therefore improves, in real terms, accessibility to the footpath and encourages residents to use the route to walk to the café.

2.5.3 The proposed route maintains the existing incline south of point J on the application plan and will pass by existing trees, and through what will become a new orchard area, with additional tree planting as shown on the plan. Solar panels to the east will be shielded by existing trees and new hedge planting as approved under planning application PL/2024/03227.

**S119(6)(b) With regard to the effect the coming into operation of the order would have as respects other land served by the existing public right of way**

2.6 The land served is all within the ownership of the applicants. No public facilities are served by the route and the impact on the land served is positive for the landowners.

**S119(6)(c) With regard to the effect which any new public right of way would have on the land over which it is created and any land held with it.**

2.7 The effect would be to preclude use of the land other than in accordance with the public's right of way. This is acceptable to the landowners.

**S119(6A) With regard to any material provision of a rights of way improvement plan for the area: The Wiltshire Council Local Transport Plan 2011 – 2026 – Accessibility Strategy and the Countryside Access Improvement Plan**

2.8 The proposal is compatible with the Plans in encouraging walking given concerns about intruding, and especially visits to the local café to the south.

**S29 Due regard to the needs of agriculture and forestry and to the desirability of conserving flora, fauna and geological and physiographical features**

2.9 No adverse impact on flora, fauna or geological and physiographical features has been identified.

**The Presumptions Guidance**

2.10 The provisions of the guidance are relevant to the application, given the proximity of the route to the private dwelling and its alignment across the garden. The Council is therefore requested to attach due weight to the benefits to the landowner in determining the application.