

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.

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>

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