



STATUTORY DECLARATION

I Margaret Hallas of Scargill Farm 58 Heybeck Lane, Woodkirk, Dewsbury, West Yorkshire WF12 7AU so solemnly and sincerely declare as follows:-

1. I have resided at the above address since I married my late husband in 1963. My husband Ronny passed away approximately 11 years ago. We have always lived in his family home, Scargill Farm. We have raised 3 children, 2 girls and 1 boy all of whom live locally.
2. It is a close community on Heybeck Lane and over the years I have become familiar with and close to many of the neighbours past and present, some who are no longer here and some who are no longer alive.
3. I recall well my close friends Brian and Kath Buckley who lived at 75 Heybeck Lane which is across the road diagonally from where my farm is situated.
4. I recall Brian and Kath moved in approximately 1965 shortly after I had moved into the farm.
5. They had 2 girls who were close to my own children.
6. These were Pat and Victoria. Pat subsequently married Simon Bowett and they lived in the property from 1979 onwards.
7. Subsequently that house was sold to Ian and Monica Bragg. I understand this was in the early 1980's.
8. I know Ian and Monica and am acquainted with them. It is fair to say that we are not close friends although we acknowledge each other whenever we see each other. Until recently I had not seen Ian Bragg for approximately 12 months.
9. I understand that a potential dispute has arisen between Ian and Monica Bragg and the Local Authority with regard to the positioning of a Public Footpath across their land.
10. I have been asked to recollect the position when the property was purchased by the Buckley's in the mid 1960's and my understanding and knowledge of the steps taken by them to relocate the footpath that existed at that time.
11. Brian and Kath having bought the house subsequently bought the triangular land to the side of the house. At that time it was simply open land and there were no buildings on it. They purchased this land so that Kath could keep her horses on it and it was their plan to build stables.
12. The background to this is well fixed in my mind as previously Kath, even before she had moved to Heybeck Lane had kept her horses on our land. Accordingly I had become to know her well.

13. After they bought the land they put an application in for Planning Permission.
14. At that time there was a footpath that ran across the side of the land between the land and the house.
15. There was a small sign which pointed to the fact that it was a footpath.
16. I saw Kath on a regular basis and often cleaned for her when she was at work. She worked as a pharmacist in her father's business in Leeds. Brian also had a busy job, running an oil refinery business based in Morley with his brothers.
17. One day when I visited her I heard raised voices as I approached the property. I found Kath in a heated conversation with a man I knew then as Mr Woolin.
18. He lived at Hill Top further up the lane.
19. He was something of a cantankerous individual.
20. Kath explained to me afterwards when we were alone what had happened. He had been using the footpath at the side of the field between the house and had been rude to her with regard to the position of the footpath and the land.
21. She was particularly upset by it and indicated at that stage that she and Brian would do what they can to get the footpath moved.
22. This would have been in the late 1960's.
23. Seeing her on a regular basis as I did she kept me abreast of developments. The Planning Permission was granted and they erected stables on the land.
24. I believe that there were 3 stables and a tack room.
25. Subsequently I was told that they had made a formal application and were involving the local Council in the repositioning of the footpath so that it ran up the farm lane and went behind the rear of their property.
26. At that time I should say that all of the land in the area including my own farm was owned by Savile Estates. Indeed my husband and I did not formally purchase the farm until 1982. At that time I believe that Savile Estates who had sold the section of land to the Buckley's also owned the farm lane that ran up the side towards the farm situated in the area behind.
27. On one occasion when I was visiting her again she told me that finally they had been given approval to move the footpath and the sign. She was particularly pleased about this as it had taken quite some time and I believe that there had been a number of objections.
28. At about this time Patricia would have probably been a teenager and I believe that it may have been in the early 1970's.

29. Shortly after that I remember officials coming, I assume they were from the then Batley Council who erected signs showing the footpath running up the farm lane and then across the field behind the stables at the rear of the Bragg's property.
30. This was as long ago as the early 1970's and remained the position until a few years ago when the footpath was blocked up by the owner of the land to the rear who I believe was a Mr Lilley.
31. I understand that there has at least been one Public Inquiry with regard to the correct position of the footpath in the interim.
32. I understand that Ian and Monica Bragg have made enquiries through a variety of public bodies to find out if there was any formal written record of this application. It is because to date they have been unable to locate any records that they have asked me to commit my memory to writing and make this declaration.
33. I have no hesitation in confirming the foregoing information. I can further say that Mr and Mrs Buckley were extremely professional and responsible people. I recall that Kath who was killed a number of years ago in a horse riding accident was upset by the actions of Mr Woolin and determined to ensure that the footpath remove the need for he in particularly or indeed anyone else to walk across their land.
34. Mr Buckley would have taken all proper and reasonable steps to ensure that everything was done in the appropriate and legal manner to ensure that there was no difficulty in the future. When they left the property in 1979 and moved to the land behind down Farm Lane the property was lived in by Patricia their eldest daughter and her then husband Simon Bowett.
35. Nobody has ever previously raised with me any difficulties with regard to the footpath. Nobody has previously suggested that the signs incorrectly showed its position. Nobody has suggested that it should run across the land owned by the Bragg's. We are a close knit community and had there been any attempt for anyone to obstruct a footpath I am certain that I would have been closely involved in discussions with family and neighbours with regard to activity of that nature. Indeed when the actions of Mr Lilley resulted in a Public Inquiry some 20 years ago there was a great deal of conversation with regard to the same.

Declared at Dewsbury in the County of West Yorkshire
 This 6th day of September 2013

Mrs. Margaret Hedges

Before me, a Solicitor Commissioner for Oaths

[Signature]

Disken & Co., Solicitors
 20 Bond Street
 Dewsbury
 West Yorkshire
 WF13 1AT
 Tel. (01924) 464101

STATUTORY DECLARATION

Margaret Hallas

Scargill Farm

58 Heybeck Lane,

Woodkirk,

Dewsbury,

West Yorkshire

WF12 7AU

STATUTORY DECLARATION

Simon John Bowett

I Simon John Bowett of 20 Grange Drive, Emley, West Yorkshire. HD8 9SF do solemnly and sincerely declare as follows:-

1. I moved into Heybeck Cottage off Heybeck Lane in 1980.
2. At that time I was married to Pat Perry one of the two daughters of the Buckley family.
3. Her parents Brian and Kath Buckley had lived at number 75 on Heybeck Lane. This is where Ian and Monica Bragg currently reside at and I understand it is the address of a dispute between them and Kirklees Council with regard to the position of a footpath through or around that property. I am advised that this footpath is identified as footpath number 49 Batley.
4. I lived at Heybeck Cottage adjacent to my parents in law Mr and Mrs Buckley who then resided in High Barn. Both of those properties are situated to the rear of number 75 Heybeck Lane.
5. Mr and Mrs Buckley purchased High Barn in 1980. The same year I bought Heybeck Cottage and lived there with their daughter.
6. There was a period of two years or so until 1981 during which they carried out significant works to High Barn with a view to making it habitable. In 1981 they sold 75 Heybeck Lane to the Braggs.
7. Although I no longer live in the area I am very familiar with people who have lived there for many years. I know well Margaret Hallas and her family and also Jack Fountain and the Midgleys. I recall Mr and Mrs Fountain very well when they were the landlords and owners of the pub up the hill in the village.
8. In all my time during my occupation of Heybeck Cottage and from my familiarity with the Bucleys and the other residents I understood that the footpath ran along the Lane at the side of the Braggs property at number 75 Heybeck Lane, then before Heybeck Cottage cut across the field towards the wood.
9. For ease of reference I have been referred to H M Land Registry Plan Title No WYK159305.
10. Many years prior to the Bragg's ownership; I believe in 1966 the Bucleys purchased a triangular section of land that abuts number 75 and is at the side of the farm lane on

the north eastern boundary of number 75. The farm lane divides number 75 from number 77 Heybeck Lane.

11. The footpath ran along the farm lane to a stile at which point it dog legged back going west in a straight line behind the rear of number 75, firstly along the side of Heybeck Cottage, the Heybeck Barn, then towards the wood.
12. I understand that notwithstanding the footpath was in that position for many years with styles and official green footpath signs erected by the Council. It is now being suggested that the footpath should run between number 75 itself and the outbuilding along the border of the triangular land that was purchased many years ago.
13. As my father in law I knew Brian Buckley extremely well. He was a very particular and methodical man. Everything he did was by the book and he dotted all the I's and crossed all the t's. I have seen reference to documents which make it clear that before he purchased the triangular section of land from Savile Estates (adjacent to number 75) in the mid 1960's he applied for planning permission so that he could erect the stables. The footprint of the stables I believe are still there today which comprises a single storey flat erected by the Braggs.
14. Due to the type of person he was he made sure he would get planning permission before the purchase went through.
15. I am certain that he would have made such applications through his solicitors as necessary to arrange for the footpath to be relocated so that it did not run through the centre of his property.
16. I understand that no records relevant to this application and its approval have been found by Savile Estates the neighbouring land owners or more particular Kirklees Council.
17. This does not really surprise me as the application would have been in the late 1960's.
18. What I am clear about in my own mind is that Mr Buckley would not have himself unilaterally repositioned the footpath or allowed any steps to be taken on his behalf without ensuring that he had full legal backing to do so. My understanding of the position is rather borne out by the fact that the green signs pointing the footpath in the way that it was certainly from 1966 until 2012 had been in place for many years.
19. As far as I can remember, during all my time in the area I was never aware of any suggestion that the Buckleys their predecessors or successor's had wrongly positioned the footpath or that it went through their land. I do not recall any issues arising until the Public Inquiry in the early 1990's which came about as a result of the activities of Mr Lilley.

20. Mr Lilley has subsequently bought a section of land adjacent to High Barn from the Buckley's and issues have appeared to bubble under since that time notwithstanding a Public Inquiry.
21. I have also been shown documentation that shows enforcement proceedings were taken by the then Batley Council in 1971 with regard to the stopping up of number 49 footpath further down its parallel route to Heybeck Lane east of the land being talked about and that enforcement resulted in a number of Court hearings. It seems extremely strange to me that a great deal of time and effort was put into the prosecution or the farmer concerned for blocking up that footpath and no consideration was given to the fact that it had wrongly been re-routed by the Buckley's.
22. In conclusion it seems extraordinary to me that this footpath has been situated as it was for over 40 years without anyone suggesting that it was the incorrect position until steps were taken to block up the style and re-position it by an adjacent land owner.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835

Declared at *Walsbyre*
in the County of *West Yorkshire*

This *12* day of *November* 2013

Before me, a Solicitor/~~Commissioner for Oaths.~~

[Signature]
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[Signature]

Ramsdens LLP (Ref JMC/SHP/211630-1)

28 Bond Street

Dewsbury

WF13 1AU

Solicitors for the Defendant

STATUTORY DECLARATION

Mr Simon John Bowett

20 Grange Drive

Emley

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WF8 9SF

EXHIBIT

SJB 1

H.M. LAND REGISTRY

TITLE NUMBER

WYK 159305

ORDNANCE SURVEY
PLAN REFERENCE

COUNTY SHEET
WEST YORKSHIRE

NATIONAL GRID
SE 2724

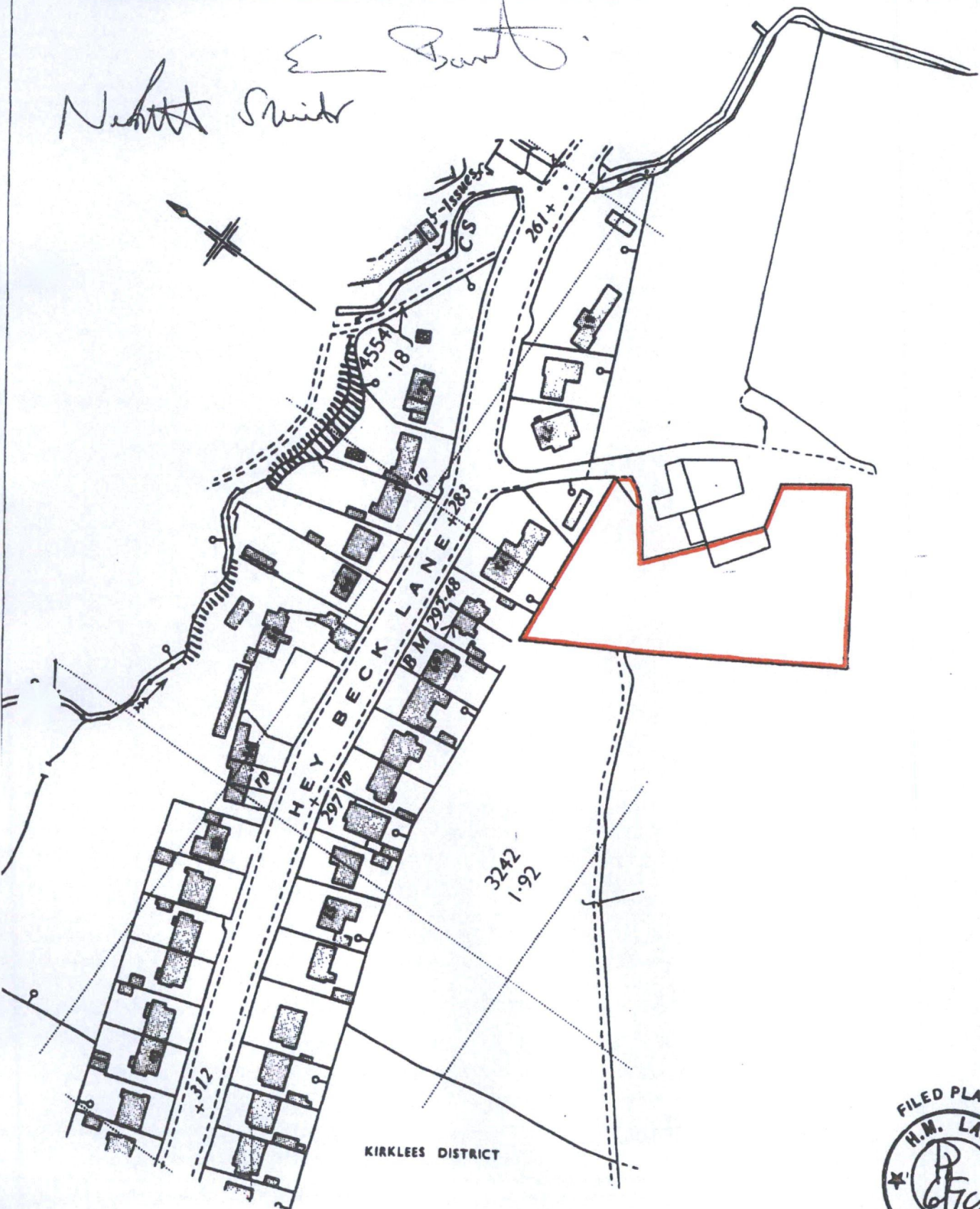
SECTION

Scale: 1/1250 Enlarged from 1/2500

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North Smith

E. Smith



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