

Dear Mr. Battersby

I understand from [REDACTED] that you are dealing with the footpath matter at St Mary's Rise/Miry Lane, Netherthong. [REDACTED] please take this information as evidence of an accurate description of the actual position.

On 13th June 2019, we sent an email to [REDACTED] outlining the position as regards our property, which is attached. Following this [REDACTED] sent me a form and asked us to fill it in. We turned this around quickly but unfortunately, we did not keep a copy,

I [REDACTED] met with [REDACTED] on Friday 19th July 2019.

We are very concerned to hear [REDACTED] has taken our form as somehow meaning we left our land open for all and sundry to pass through at will. Everyone we let use it has always been aware that they are crossing our land with our consent and that this was never an open footpath for all and sundry to use.

Knowing what we know now, about just how complicated all this is, if we could go back, we would never have supported a footpath application. We have informed [REDACTED] of this already.

We have never allowed and do not want the general public using our land. The cut through across our land was only for people that we know, which we have been clear about over the years to everyone involved. We should have realised that by Stephen Cook applying for an official footpath, although we were trying to be helpful, we didn't appreciate that we would potentially be opening access up to everyone. We just didn't consider this at the time, nor did we or do we want it. We have been considering building a garage which would be on this land and obviously a footpath there would not work.

OUR CONSENT

[REDACTED] has explained that one of the key criteria here is how did we give our consent and managed the arrangement with our neighbours. We have not had to think about this in a while. Having given this some thought, we shall explain as follows.

We get on well with and have always chatted to our neighbours and people on the estate and villagers known to us. For those that we allow, they have always been appreciative of us letting them use our 'cut' to get to and from the field. It has come up in discussion with neighbours from time to time, but not for a few years now and I guess once someone uses it a few times with our consent, then the matter is not really mentioned again.

We are at home often and have always kept a close eye on everything going on, for our safety and security more than anything else. As per my previous email to [REDACTED] (attached) where we had not known or recognised someone, then we would have stopped them and asked them what they were doing. We would just have closed it up altogether if it ever became a persistent problem. It never was.

We have only ever had to stop and challenge people a few times over the years. In the main, on the few occasions when we had to confront people, the discussions were amicable and the vast majority understood. We would simply tell them that it was private property and that they shouldn't be using our land as a cut through to the field as neither our land nor the field had a footpath nor right of way running across them. The few people that we didn't know who have ever tried to use it, after informing them that it was actually private land, we did allow across on that occasion. We don't remember any of them ever returning. People locally, our friends and neighbours, some of whom we have known since we first moved in, understood the situation clearly, as we had told them.

Only on one occasion did things turn a bit heated. It was during the foot and mouth outbreak. There was a neighbour we know wanting to go across with his dog. Nigel confronted him and said that they shouldn't be in the field. The chap became a bit aggressive. He admitted to [REDACTED] that he knew it was not a footpath but seemed to take umbrage at being told that he couldn't walk his dog, because although he accepted it was not a footpath (either our land or the field) he said the farmer's field was not our land and had nothing to do with us. Since the foot and mouth outbreak, we haven't seen him trying to use it.

We have always been very clear that this land is not a public footpath. The only people using and crossing our land did this with our consent. Otherwise, as said, if seen we would have challenged them.

We have parked our car on the land for many years. Some years after we moved in, in 1987, the previous owners of 38 decided to fence off the land. It was on our Deeds but not on the land registry map and then we didn't know the difference between a general and a legal boundary - at this time it was all grass. When [REDACTED] moved in (approx 2004 but not sure of the exact date) they removed the fence and it was dug out for us both to use as parking, us a car and they a caravan. These used to block the cut through at times. After the farmer erected a high barbed wire fence and planning permission was eventually granted, we blocked up the hole in the wall.

I [REDACTED] do remember a few choice words exchanged with the farmer a few years ago, but that was because he was putting extra levels of barbed wire in to try and prevent people (that we knew) using the field to gain access to/from Miry Lane. He made it look like a prisoner of war camp and I said it was too much.

This whole footpath situation is much more complicated than we, and likely now the others on the estate, had realised. If we could go back, we would not have agreed to support an application for a formal public footpath knowing what we know now, given the obvious detriment to us and our property.

It doesn't really all matter now, as the field is being built on. However, we are now more aware of how important our permission/consent is in determining whether a way is what we now know to be a 'public' footpath or not. We also appreciate that this must obviously have applied to the farmer's field as well. We just didn't know all this before and likely neither did the other local residents.

We hope that this letter clarifies that we have ALWAYS restricted/approved anyone crossing our land. We spoke to neighbours about this and they were always appreciative of us allowing them to use our cut through. Nevertheless, we want to be clear we have never allowed just anyone to cross or use our land.

We just want to move on now and stop worrying about what is going to happen to our land. We apologise for any inconvenience caused, but again this whole thing seems very complicated and we just didn't realise what it all really entails.

You may share this email with anyone necessary to get this sorted as soon as possible.

We can do anything more formal if needed [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]
No. 7 St. Marys Rise
29th July 2019