

## Appendix C

### User and “non-user” evidence (paraphrased and summarised)

#### Non -users

##### “Non-user” Statutory Declarations

##### **Mr. Cecil William Sharp – Statement supplied to Mr. Alan Bowers 17-1-1995**

Mr. Cecil Sharp was the joint freehold owner of the full width of the land now comprising 123a and 123b Clophill Road with his brother Alfred Sharp from 1946 to 1956. From 1956 to January 1990 Mr. Cecil Sharp was the sole freehold owner.

Prior to Mr. Sharp’s purchase the land was used as allotments with holders gaining pedestrian access only by means of a path. The path was not used by members of the public and was no more than 18”-24” wide. After 1946 the Sharp brothers turned the land into a market garden and continued to use the existing path as access.

During the early 1950s Mr. Sharp permitted a few people whom he knew to use the track as a shortcut. Mr. Sharp built his own house in c.1955 and as the path lay through his new garden area he blocked off the path. Mrs. Margaret Izzard told Mr. Sharp that the path was a right of way.

Mr. Sharp contacted the clerk of Ampthill UDC and, in 1957, was informed that no public right of way existed. Mr. Sharp blocked off the path again in 1957-8 by building a gate at the roadside. Mr. Sharp stated that over a period of several years the gate has intermittently vandalised and eventually padlocked by Mr. Sharp at nights.

Mr. Sharp recalled Mrs. Hilda Izzard and Jack Williams would occasionally use the path during the day – and permitted this use. Mr. Sharp told them both they had no right to use the path – but they didn’t agree with him. Mr. Sharp could not recall anybody else using the path.

During the 1960s and early 1970s Mr. Sharp kept the gate chained and locked at night. Occasionally the chain was cut and replaced up until the mid 70s when he ceased to replace it. Mrs. Hilda Izzard and Jack Williams and one or two others use path.

In 1989 Mr. Sharp sold the market garden part of the plot to Mr. Alan Bowers but continued to live at 123a until 20<sup>th</sup> April 1992.

##### **Mr. Harold William Brown – Statement supplied to Mr. Alan Bowers 17-1-1995**

Was the freehold owner of 123a Clophill Road between January 1990 and October 1993. The land encompassed the full width of the property (including

123b) and as far north as the boundary between the garden and the allotment.

Whilst Cecil Sharp owned the house and allotment to rear Mr. Jack Williams, Mrs. Hilda Izzard and Mr. Jackson occasionally walked the track (footpath). Mr. Brown believed that anybody using the track did so with permission.

In April 1992 Cecil Sharp, who had occupied the house since c.1955, moved into residential care. Mr. Brown wired the front field gate shut. The wire was cut and Mr. Bowers (with Mr. Brown's consent) re-wired the gate.

Mr. Sharp, having lived in Maulden all his life and having worked and owned the land in question for almost 50 years, believed that there was no public right of way over the track and that any use was with his permission.

### **Mr. Alan John Bowers – Statement supplied by Mr. Alan Bowers 18-1-1995**

Mr. Bowers lived at 125a Clophill Road from the mid-1970s. Mr. Bowers bought the market garden area ("the land") on 8<sup>th</sup> December 1989. On 29<sup>th</sup> October 1993 Mr. Bowers bought the house and garden known as 123a Clophill Road.

Mr. Bowers did nothing with the land until June 1992 when he put it into grazing and installed an electric perimeter fence and shut the roadside gate. Shortly afterwards Mrs. Hilda Izzard told Mr. Bowers that he couldn't close gate. Mr. Bowers said he had a right to but gave permission for her to walk the west side of the land.

Mr. Bowers recalls that, apart from Mrs. Izzard, only Mr. Frank Humphries and Mr. Jack Williams walked the track (Mr. Williams allegedly with the consent of Cecil Sharp).

Mr. Bowers chained the roadside gate in c. November 1993. Mr. Bowers considers that, having lived at the end of the track, he believes there to be no public right of way.

A follow-up statement by Mr. Bowers (received 15-5-2012) confirmed that he had used the footpath prior to owning the land. "I and my family used to walk down Mr. Sharps path to visit Mr. & Mrs Sharp who used to look after our children when they were young".

### "Non-user" witness interviews

#### **Mr. Harold Brown – BCC telephone Interview – 31-10-1994**

Mr. Brown inherited 123A Clophill Road from his wife's uncle, Mr. Cecil Sharpe, in 1990. He stated that Mr. Sharpe bought the smallholding in c.1945 to farm himself. Prior to that the plot had been allotments and part of the Duke of Bedford's Estate.

Mr. Brown stated that when Mr. Sharpe bought the land people had been using the path across the allotments to get to [Maulden] woods even though it

was an occupational road leading to the smallholdings. When Mr. Sharp built his house in 1955 and put up a gate, he had a lot of trouble from the Izzard family who had been used to using the path as a short cut to Clophill Road.

Mr. Brown stated that Mr. Sharpe had asked Ampthill Rural District Council for its opinion and was told the path was an occupational path to the allotments; however, as Mr. Sharp was a quiet, gentle man and could not stand the arguments whenever he shut the gate, so he left it open.

Mr. Brown stated that the path was a narrow beaten earth path about two feet wide, just wide enough to take a wheel barrow.

Mr. Brown stated that Mr. Sharpe left his house to him in 1990. At some time, the field behind the house had been sold to Mr. Alan Bowers. Mr. Brown shut and locked the gate in 1990 but it was smashed open twice; this was the talk of the local pub. The local parish council [supported Mr. Brown over the gate and path], but in order to keep the peace he too left the gate open in the end.

Mr. Brown stated that in October 1993 he sold his house to Mr. Bowers, who by then owned most of the land between Clophill Road and the woods.

#### **Mr. Trevor Hazzard – Witness interview – 6-3-2012**

Mr. Hazzard moved to 136 Clophill Road in 1971 and used the bridleway to access the woods as this was signposted. The bridleway was potholed and had puddles and occasional car use. He cannot remember there being any signs or structures on the footpath and does not know of anybody being challenged.

#### **Mr. Howard Lockey – Witness interview – 8-3-2012**

Mr. Lockey recalls that Mr. Bowers was good friends with the Izzards (who had been his next door neighbours). Mr. Lockey was in the market gardening business and so did business with Cecil Sharp in the 70s and 80s.

Mr. Lockey had never walked the footpath in his youth and only became aware of the issues through his involvement in Maulden Parish Council. Mr. Cecil Sharp was vice Chairman of the Parish Council and when a footpath issue was on the agenda used to reiterate that his path was not a public right of way. Mr. Lockey recalls that the Parish Council had confirmed to Cecil Sharp in 1957 that no right of way existed over his land.

Mr. Lockey remembers that a field gate by the roadside was kept locked at night by Mr. Sharp. Mr. Sharp was actively involved in the Methodist Church (superintendent) and in the village youth club and so knew most of the village.

When Mr. Sharp moved away a Mrs. Cotterell bought No. 123a. Mr. Lockey believes it was her who took photographs of a flash flood on the bridleway. Minor localised flooding occurs due to a dip in the land – although this apparently drains away quite quickly.

**Mr. Michael Harvey – Witness interview – 8-3-2012**

Mr. Harvey was a wholesale vegetable grower and used to work for Leon Northwood who was supplied by Mr. Sharp. Mr. Harvey used to collect vegetables from Mr. Sharp's land on Fridays and over the weekend from 1967-71. Mr. Harvey knew Mr. Sharp well did not consider him someone who would tolerate public access or trespass over his market garden. Mr. Harvey used to drive a tractor over the land and knew the path well. The field gate at the roadside was wide and was always open when he came to collect produce. He does not know what happened at night.

Mr. Harvey once saw Mrs Izzard using the path and understood this was a permissive arrangement between her and Mr. Sharp. He only saw the Izzards using the path two or three times and saw nobody else during his period working for Mr. Northwood.

Mr. Harvey has never walked the path or bridleway for pleasure. He has worked for Mr. Bowers before – replacing his windows at No. 125a.

**Mr. David Gomm and Mrs. Anne Gomm – Witness interview – 7-3-2012**

Mr. Gomm's parents owned the Dog and Badger pub and so his mother knew Cecil and Alfred Sharp well. The Gomms three children used to visit Cecil Sharp and play in his garden in the mid-60s. Mr. & Mrs. Gomm lived at The Bungalow between 1960 and 1994.

Mr. & Mrs. Gomm used to walk up the bridleway to the woods and recall there being a step-over stile at the wood end of the footpath. The bridleway was overgrown with nettles but they cannot recall it ever flooding. There was a wooded farm gate at the entrance to the land between the Pound and a hedge.

Mr. & Mrs. Gomm cannot recall anybody walking the path or being challenged for doing so.

**Mr. Michael Humphries – Witness interview – 7-3-2012**

Mr. Humphries lived at 129a from 1954 to 1977 and so knew Mr. Cecil Sharp well and who acted as informal "Uncle" to many local children. Mr. Humphries' father was also a market gardener and knew the Sharps well.

Mr. Humphries recalls there was a wooden field gate at the roadside which was kept locked at night by Mr. Sharp. Mr. Humphries recalls Mr. Sharp referred to the path as "my path" rather than "the footpath" and believed it to be private.

Mr. Humphries does not remember the bridleway being overgrown but does recall it was rutted with puddles – but not flooded. Flooding only occurred at the junction with the main road. The wood end of the path was open with no structures and no signs.

Mr. Humphries recalls Mr. Sharp looking out of his window to see if people were trying to open the farm gate and would get agitated if people were walking at the top end of the field and would go out to have a word with them.

**Mr. Brian Woodward - Witness interview – 8-3-2012**

Mr. Woodward was born in 1937 and always used the bridleway track to access Maulden Woods. Mr. Woodward considers the track has looked exactly like it did when he last used it in c.2007. He cannot recall the bridleway flooding except in the wood and where it meets the road; the surface has always been good enough to walk on.

Mr. Woodward knew Mr. Cecil Sharp before he built his house (in c.1957). Once Mr. Sharp moved into the house the track across the market garden was quite narrow. Mr. Woodward recalls that there was always a five-bar gate at the roadside which was mostly kept shut.

Mr. Woodward joined the Parish Council in 1974 and knows that the footpath has been discussed often. His view is that the footpath does not exist.

Mr. Woodward cannot recall Mr. Sharp ever complaining about people using the footpath. He cannot remember if there was any structure at the bridleway end of the footpath and cannot recall there ever being any signs.

**Mrs. Eileen Brown - Witness interview – 9-3-2012**

Mrs. Brown moved to 204 Clophill Road in 1967 and has known Cecil Sharp since she was a child. Mrs. Brown stated the path was merely a wheelbarrow track. The Izzard family used to own the land and used the track as a shortcut to access the main road.

Mrs. Brown used to take her two young (3-4 and 5-6) children to the woods and used to always use the bridleway. She recalls that once Mr. Sharp asked her where she was going with her children and he opened the field gate for her and told her she could use the path as a shortcut to the woods but this was by invitation only.

The garden track started next to the old blacksmiths shop (Pound) and continued as a narrow track on the west side of the field to the bridleway at the top.

Mrs. Brown has been on Maulden Parish Council for 32 years. She recalls that whenever footpaths were mentioned at council meetings Mr. Sharp would state "*my path isn't a footpath*".

Mrs. Brown remembers the fields at the back being all open and used for market gardening. She does not know of anybody except Mrs. Izzard using the path. Mrs. Brown remembers Mr. Sharp saying that intended to shut the gate one day a week as a precaution against a footpath being claimed – this was probably in the late 1970s.

Mr. Sharp was a popular man, being involved in the Methodist Church and youth group. All the village children called him "Uncle Cecil" and his wife "Aunty Nelly".

Mrs. Brown remembers the bridleway was potholed with grass in the middle and a ditch on the west side. The track was never flooded though. When

Mr. Bowers applied for planning consent for No. 123b the Parish Council didn't object as it did not consider a right of way existed over the track.

**Mr. Craig – Witness interview – 6-3-2012**

Mr. Craig moved to Maulden in 1968 with his two small children and from the 70s would take them up to the woods using the bridleway. There was no sign, stile or gate on the path at this time and no sign it was being used. Mr. Craig stated the bridleway looked as it does now, though without the tarmac. The passage of vehicles kept the vegetation down and so it was never overgrown.

Mr. Craig stated that he has not known of anybody who walked the path – or of anybody who was stopped or turned back.

**Mr. Ken Newnam – Witness interview – 6-3-2012**

Mr. Newnam moved to Maulden in 1960 when he took over the local garage. He often visited Mr. Lobb (Mr. Sharp's neighbour) who had a haulage business and needed his lorries starting if it was very cold. Mr. Newnam remembers the path at the side of Mr. Sharp's property being narrow and untidy.

Mr. Newnam recalls when Mr. Bowers moved into No. 125a in 1974 as the removal van got stuck in the ditch alongside the bridleway. Mr. Newnam considers that the bridleway has remained unchanged since then. The track has never flooded – although water does back up where it joins the metalled road.

Mr. Newnam became a Parish Councillor in 1987 and walked all the public rights of way to familiarise himself with the parish. As the path was not listed he did not walk it.

Mr. Newnam stated that the only route used by the Ramblers was the bridleway. Mr. Newnam believes that the path is private and the lack of any signs bears this out. Likewise he has never heard of anybody using the path – or of being turned back whilst doing so.

**Mr. Ronald Garner – Witness interview – 9-3-2012**

Mr. Garner knew Mr. Cecil Sharp and Mr. Harold Brown (Mr. Sharp's niece's husband) who looked after Mr. Sharp's affairs when he died. In c.1991 Mr. Brown had asked Mr. Garner (who was on the Parish Council between 1975 – 2005) whether the path was a public right of way. Mr. Garner had asked Mr. Lockey who said it wasn't.

Mr. Garner has lived in Maulden all his life and uses the footpath behind his house to get to Maulden woods. He has never used the bridleway and knows nothing about it. He also has never used the path in question. Mr. Garner would visit Mr. Sharp about once a year for anniversaries and remembers Mr. Sharp using a wheelbarrow on the path.

Mr. Garner cannot remember what the front of 123b looked like or whether there was a gate. He also cannot recall whether anybody used the path or was prevented from doing so.

Extracts from “non-user” statements

**Mr. Guy Bragg (deceased) – Witness statement – 1-4-2009**

Mr. Bragg remembered cultivating and rotavating Cecil Sharps’ market garden in the 1970s. To get onto the land Mr. Bragg used to take his tractor along the bridleway to then enter via a gate opposite No. 125a which was Mr. Bowers’ house at that time. Mr. Bragg would leave a yard or so unploughed in a straight line with the gate in order to leave to give Mr. Sharp room to tend his crop. On the opposite side of the plot to Mr. Sharp’s neighbour’s ground, Mr. Vass, Mr. Bragg was not aware of any public footpath on the ground.

Mr. Bragg acknowledged that in those days local people were welcomed to walk in open spaces unheeded if known to the owner of the land.

**Mr. Alan Burgoine – Witness statement – 23-1-2012**

Mr. Burgoine was born in Clophill Road in 1952. Mr. Bernard Sharp used to take Mr. Burgoine to Sunday School and so he often spoke to Mr. Cecil Sharp as a child.

Mr. Burgoine used to walk or cycle past the front of Mr. Sharps’ house on the way to catch the school bus. He remembers the track leading up through the allotments but cannot remember ever seeing anybody using it.

**Mr. Harold Brown – Witness statement – 17-3-2009**

Mr. Brown stated that the house and path belonging to his wife’s uncle had never been a public right of way and was used constantly to collect produce. After Mr. Sharp died the [roadside] gate was locked which caused Mr. Brown to receive abuse from passers by.

**Mrs. Helen Bowers – Witness statement – 23-3-2009**

Mrs. Bowers stated that as a girl living in Clophill she had walked the bridleway with her family in order to access Maulden Woods as there was no footpath.

**Mr. Peter Smith - Witness statement – 17-3-2009**

Mr. Smith stated that he had known the land since c.1946 and had worked on it for many years when it was owned by Mr. Cecil Sharp. Mr. Smith stated that the public used the nearby bridleway and the footpath was never used as it was an occupational track.

## **Users**

### User Statutory Declarations prepared for the 1995 modification order

#### **Mrs. Hilda Izzard – Stat Dec - 6-5-1997**

Mrs. Hilda Izzard moved into 125b Clophill Road in 1936. Since that date she has known and used the path to be a public footpath. She used it because her husband (Ralph) and his father used the path. Ralph Izzard and Cecil Sharp used to use the path to go from their houses in the “Rows” by the Commander in Chief Public House at Hall End to Maulden Woods for wood. Mrs. Hilda Izzard’s father-in-law used the path to get to work in the woods (at poultry farm).

From sometime before 1936 until 1946 land was owned by Ralph Izzard’s uncle who also considered it a public path. The Vasses, Jack Burgoyne, Madge Peat, Jack Pits and Gladys Stevens all used the path.[the Vasses had an allotment adjoining the path as did a number of other residents including the Preslands and Huckles (*Mrs. Huckle has stated however that their allotment was to the south of Clophill Road*)].

The bridleway used to be too rough and wet and so people used the footpath in preference. Mrs. Hilda Izzard recalls there used to be a “V” stile at the wood end of the footpath which was used a lot as access to the woods.

Before 1956 Mr. Cecil Sharp worked land next to path as market garden. In 1956 he took down stile and left a gap. In c.1956 he built his house (123a) and closed path and locked gate. Mrs. Hilda Izzard’s daughter allegedly went to the County Council and was told that he couldn’t block it off as it was a public footpath, so Mr. Sharp opened it again.

Mr. Brown who acquired No. 123a after Mr. Sharp went into a home closed the path in c.1990. Mrs. Hilda Izzard’s husband persuaded him to re-open it – although he subsequently closed it again.

Mr. Bowers bought No. 125b from Mrs. Hilda Izzard’s son in 1974. Mrs. Hilda Izzard alleges that Mr. Bowers used the path everyday from c.1974 to take his children to school. (*see Bowers statement*)

Mrs. Hilda Izzard stated that the path had been public for over 70 years.

#### **Mrs. Florence Huckle – Stat Dec - 6-5-1997**

Mrs Huckle was born in Maulden in 1904 and moved to Hall End in 1930. She used the path daily to access the woods until moving to Duck End in 1960. The path ran between allotments on one side and fields on the other. Everybody used it.

There was no gate at the roadside, or it was left open. There was no stile at the wood end. Mrs Huckle stated that she had never had an allotment or owned land there.

*(several other witnesses have stated that Mr. Huckle did have an allotment here though)*



**Mr. Jack Wilfred Burgoyne - Stat Dec - 6-5-1997**

Mr. Burgoyne was born at Sunnyside Nurseries at Hall End in 1921 and lived there until 1954. He ran a market garden as his father and grandfather had.

Mr. Burgoyne used the footpath from c.1924 until c.1985. As a youth this was to church with the family and friends. It was also used as a circular walk to Trilly and then the Dog & Badger pub. He employed men from most of the families in Maulden at one time or another – including Mr. Izzard's sons.

The footpath was used as the bridleway was flooded in winter. There used to be a tied-up field gate at the roadside and a stile (later just posts) at the wood end.

Mr. Burgoyne knew Mr. Sharp through Chapel but didn't know he had bought the land there. Everybody knew it was a public footpath.

Witness interviews undertaken for the 1995 modification order

**Mr. M.J. Williamson (127 Clophill Rd) – Interview statement - 6-12-1994**

Mr. Williamson moved into Maulden in 1974 and used the path twice a day until 1992 when the gate was locked. The roadside field gate was closed on Sundays but never locked. He recalls that there was a wooden sign saying footpath on side of the Pound.

He was never challenged and he did not know of anyone turned off by Mr. Sharp. He never had an allotment there.

**Mrs. Freda Vass – Interview statement 24-5-1995**

*(first cousin of Cecil Sharp)*

Mrs. Vass used the path from when she was born in the "first Row" in Hall End in 1905 until c.1915. She used the path to visit "Granddad and Grandma Sharp" who lived where 125a Clophill Road now is. In 1915 Granddad Sharp's coffin used the path.

She didn't use the path again until courting in 1923 and then not until she moved into the cottage where No. 125a stands in c.1930. Path was decent but nearby bridleway very rutted and impossible to use. She used the path every day with her pram until she moved to another house in Hall End after which she used it less frequently until she moved away in 1975.

There was a gate next to the thatched cage (Pound?) which was never locked. She cannot remember any notices. Cecil and Bernard Sharp were her first cousins and were born in the "second Row" and also used to use the path to visit their grandparents.

Mrs. Vass's husband had the top allotment from c.1930. The Coles and Inskips also held allotments.

**Mrs Kate T. Turner (127a) - Interview statement – 6-10-1994**

Mrs. Turner came to Maulden in October 1963. She used the path every Saturday to access the woods with her children and used the path in preference to the bridleway owing to the bridleway being overgrown and inaccessible for a pushchair. She thinks there was a footpath sign at the road

There was a gate at the roadside which was closed on Saturdays but never locked. The stile at the wood end had gone by 1963 and there was just a gap with some poles.

Mrs. Turner stated that Cecil Sharp had informed her that the path was public, and that she was never stopped from using the path.

**Mr. D. Rumbold – Interview statement – 7-10-1994**

Mr. Rumbold first used the path in 1985 and used to take his dogs up to the woods for a walk. He last used the path in 1992.

There was a gate at the roadside that was open and never locked. There was nothing at the wood end.

Mr. Rumbold was told by Mr. Sharp that the path was not a public path - but that he would try to keep it open. Mr. Rumbold assumed the path to be private property but that Mr. Sharp allowed people to use it.

**Mr. Stan Newbury – Interview statement – 2-5-1995**

*(brother of Mrs Lochrie and nephew of Florence Huckle)*

Mr. Newbury moved into Hall End in 1928 at the age of 4 and he thinks he first used the path in c.1934. He was the youngest of ten children and the entire family used the path for their Sunday evening walks to Green End and the woods. He was called up in 1940 and then moved to Luton after the war and then to Maulden in c.1950

He recalls a five-barred gate at the road end by the house. It was heavy and had to be opened but it was never locked. He knew Mr. Sharp and talked to him when they walked through but he was never challenged. The path was single track and everybody used it – not just allotment holders.

**Mrs. I. Lochrie – Interview Statement – 17-5-1995**

*(Sister of Stan Newbury)*

Mrs. Lochrie first used the path in 1929 when her family moved to Hall End. She used the path for weekend walks with her father. She used the path until 1949 when she moved away briefly. She moved back in 1950 and used the path until 1958 when she moved to Maulden.

Mrs. Lochrie cannot remember any signs but does remember the gate by the road which was never shut. The path was known as the "Close".

Mr. Sharp was Mrs. Lochrie's Sunday School teacher. She is not given permission to use the path and was never challenged. She and her family did not have an allotment in the target area.

**Mr. Kenneth Izzard – Interview statement – 6-12-1994**

*(Son of Mrs. Hilda Izzard)*

Mr. Kenneth Izzard was born in 1946 and lived at 125a Clophill Road. He walked the path from c.1947 as this was the best route to school as the bridleway was unusable. By the time he got a car the bridleway had been made good enough to use. The bridleway was used as a driftway and got churned up and flooded. Forestry workers and residents used to use the footpath.

Mr. Izzard does not remember any signs or hedges but does recall a stile at the wood end and a field gate at the road end. Mr Sharp did once stop him using the path in 1956. Mr. Izzard's sister went to the County Council to check and was told that he couldn't block the path.

Mr. Izzard recalled that Alan Bowers had walked the footpath for some 18 years prior to buying the field

**Mrs. Hilda Izzard – Witness Interview – 6-12-1994**

*(notes in addition to Stat' Dec')*

Mrs. Izzard's late husband had lived at No. 125a long before she married him and had always used the path. She believed her father-in-law also used the path.

Mrs Izzard recalls that the milkman, postman, and bread man all used the path.

*(Mrs. Izzard thinks that the Huckles had an allotment next to the path but Mrs Huckle has stated their allotment was on the south side of the road.)*

**Mr. Alan Izzard – Witness interview – 6-12-1994**

*(Mrs. Hilda Izzard's son)*

Mr. Izzard was born in 1940 and used the path from early childhood until he got a car. He then used only when going out on foot.

Mr. Izzard does not recall any signs but does recall a field gate at the Clophill Road end and a stile at the wood end comprising of two posts with planks cross the bottom to direct winter floodwater down the bridleway rather than along the path.

Mr. Izzard recalls that Mr. Sharp chained the gate in c.1956 but let people through after a while. He never asked Mr. Sharp for permission to use the path.

**Mrs. Marian Hymus – Interview statement - 7-12-1994**

*(first cousin once removed to Mrs. Hilda Izzard)*

Mrs. Hymus used to live in Clophill Road and first used the path as an infant in 1938 because her mother used to visit Mrs Izzard who was her cousin and to visit the woods. Later she used to walk the path to get to the Trilly Oak and to walk her dog. She stopped using the path in 1955 when she moved to Flitwick.

Mrs. Hymus thinks there was a footpath sign near the road and there was a five-bar gate. There were also posts at the wood end. Mr. Sharp never stopped her using the path.

Mrs. Hymus never had an allotment. Her grandmother's sister (*great aunt*) Mrs. Sharman used to live in the other bungalow (125b) next to Mrs. Izzard and her grandmother used to use the path to visit her sister.

**Mr. C. A. Humphries – Interview Statement – 6-12-1992**

Mr. Humphries moved to Hall End are in 1931 and first used the path in 1933 as a boy with his parents.

Mr. Humphries recalls that there was a “no Footpath” sign on the Pound by the road and somebody painted out the “No”. There was a field gate at the road end and, early on, a “V” stile at the wood end. This was later replaced by an ordinary stile.

The Sharp brothers always kept the path clear and no-one tried to stop him using it.

Mr. Humphries never had an allotment or any connection with the land there.

**Mrs. Florence Huckle – Witness interview 6-12-1994**

*(notes in addition to Stat' Dec')*

Mrs. Huckle used the path occasionally in the early 1920s before she was married. She has a clear recollection that the route was public. She was never stopped or challenged when she walked the path and has not known anybody else being stopped.

**Mrs. Eileen Fleckney – Witness interview - 7-12-1994**

*(Mrs. Fleckney's mother was Mrs. Izzard's cousin)*

Mrs. Fleckney was born in Clophill Road. Her father had a market garden on the south side of the road. From about 1940 as a child she used the path daily to get to the wood. Even after being married in 1953 she used the path as part of a circular walk. She last walked the path in 1992 and the gate was not chained then.

Mrs. Fleckney recalls a public footpath sign by the Pound pointing up “the Close” (path). There was a gate at the road which she cannot remember

being locked. There was at one point poles with a gap through at the wood end.

Mrs. Fleckney was never given permission by Mr. Sharp to use the path. She was never challenged and never heard of anybody being challenged. Her parents were friendly with the Preslands who owned an allotment up the track.

**Mr. Ernest Errick – Witness interview – 7-12-1992**

Mr. Errick grew up at 178 Clophill Road. He used the path from early childhood c.1946 to the mid-60s on a regular basis (weekly-fortnightly) to visit the woods and to visit Mrs Izzard's son. After 1966 he had a car and moved to Clophill so didn't use the path more than 4x a year.

Mr. Errick thinks there was a green signpost with white lettering [*unlikely prior to mid-1960s*].

**Mr. Ernest Downing – Witness interview – 6-12-1994**

*(nephew of Mrs. Florence Huckle)*

Mr. Downing moved into The Row by the Commander-in-Chief pub house in September 1938 when he got married. He stayed there until 1977. His wife and other ladies used the path almost daily to go to collect firewood from the woods. He and the men did this at the weekend to heat the "copper" (tub).

Mr. Downing does not recall any signs but does remember the five-bar gate which was shut but never locked. There was no stile or anything at the wood end of the path.

Mr. Downing knew Mr. Sharp and was never told he couldn't use the path. Many other locals also used the route. Mr. Downing's Aunt's husband (Mr. Huckle) had an allotment by the path in the 30s or 40s. He was never given permission to use the path as everybody considered it public.

**Mr. Jack Burgoyne - Witness Interview – 24-5-95**

*(notes in addition to Stat' Dec')*

There was a field gate next to the granary barn (The Pound) at the roadside. Cecil Sharp used to tie this up but it was never locked. Mr. Burgoyne recalls one of Mrs. Izzard's daughters used to bang the gate loudly as she was annoyed he had tied it shut. At the wood end there was originally a stile but later this was two posts or trees which you walked between.

Mr. Burgoyne stated that everybody knew Mr. Sharp couldn't stop them using the path as it was public. He only tried later when he was old and didn't want them walking through his garden.

Extracts from selected user evidence forms submitted for the 1995 modification order

**Mr. & Mrs. D. Rumbold – User evidence form – 9-9-1992**

Use period: 1985 – 1992

“Mr Sharpe, previous owner, did tell us when we first started using the path that it was his garden but he allowed people to use it”.

“When we first asked Mr. Sharpe for permission to use his path, he gave us permission, but also told us that when he sold the house he would ask for the path to stay open for people to use”.

**Ms. Lisa Jane Rogers – User evidence form – 4-9-92**

*(possibly a relative of the Izzards?)*

Use period: 1966 - 1985

“The pathway has been used by my grandparents and their parents before them. It has also been used by Mr. & Mrs. Bowers and their family. The pathway has been regularly used by the general public to get to Maulden Woods.”

**Mrs. M. A. Owen – User evidence form - 4-9-1992**

*(daughter of Mrs. Izzard)*

Use period: 1939 – 1992

“For years the route was open but then the late (?????) Mr. Cecil Sharp tried to close it to the public, but only for one week”.

**Mrs. Margaret Morison – User evidence form - 4-10-1992**

Use period: 1989 – 1992

“I knew the previous owner Councillor Cecil Sharp and he always assured me that the path by his house could be used by myself and my family as it had been for years and by many other residents of the village”.

**Mr. Rod Morison – User evidence form - 9-9-1992**

Use period: 1977 – 1992

“Mr. Sharp informed me it was a public footpath and to use it as it was safer than the bridleway”.

**Mr. Wilfred A. W. Izzard – User evidence form - 2-9-1992**

Use period: 1941 – 1992

“When I sold the 125a Clophill Rd. to Mr. Bowers in 1974 it was on the understanding that it was a public footpath and me and his family used it as such”.

*(Mr. Alan Bowers has stated that he has no recollection of such an understanding)*

**Mr. Ralph Alan Izzard – User evidence form - 3-9-1992**

Use period: 1922 – 1992

Turned back in “1956 for about 2 weeks. Then we were allowed to use it and have used it ever since until July 1992”.

“This path is used by many people in the village to walk in the woods. My bungalow is at the end of the path with two more houses one of which belongs to Mr. Bowers, he has used this path for 18 years... ..The roadway the cars use is sometime under water...”.

**Mr. Kenneth John Izzard – User evidence form – 31-8-1992**

Use period: 1946 – 1992

Turned back “when I was about 10 – 1956-ish for 2-3- days only”

“...the present owners of the fields [the Bowers] who have used this path as a public footpath every day for the last 18 years...”.

**Mrs. Hilda Mary Izzard – User evidence form – 24-7-1992**

Use period: 1936 – 1992

“V shaped access top end... .. was taken down approx 1952”

The Izzard family was stopped using the path “in approx 1956 for about 2-3 months then was clear until present”.

“Told it was not public by A Bowers whose family have used it for the last 18 years”

**Mrs. Christine Brooks – User evidence form – 12-9-1992**

*(daughter of Mrs. Izzard)*

Use period: 1944 – 1962 daily and then less frequently

“An easy walk through stile many years ago...”

“Around mid 50s when I was a child there was a dispute re us [the Izzards?] using the path. (He was Mr. Sharp)...”

“During the few weeks mentioned above my younger brother and myself were turned back many times”.

The determination of an application to delete Maulden Footpath No. 28 – Appendix C





