

Appendix E

User Evidence: Interviews and user evidence forms

Witness interviews

- E.1. Gemma Harrison (Rights of Way Officer) and Adam Maciejewski (Senior Definitive Map Officer) interviewed Mrs. Stiles, Mr. Rogers, Mr. and Mrs. Vincent and Ms. Brown in January 2012 as part of the investigative process. These residents were chosen as they had lived in Barton-le-Clay adjacent to the footpath the longest and would be able to give evidence spanning the 20 year period prior to Mr. Corbett calling into question the public's right to use the full width of the lane.
- E.2. Mr. and Mrs. Stiles moved into their house at 40 Sharpenhoe Road in 1998. Mrs. Stiles recalls seeing people riding the track on bicycles, at this time there were no houses built to the west of the footpath. She stated that she has a private access right along Footpath No. 9. Mrs. Stiles' deeds show a 2 foot wide strip to the west of the boundary hedge with a 12 foot wide easement abutting the strip. Mrs. Stiles recalls the footpath running down the middle of the track, with the southern half of the track always being kept clear as this was regularly used by Mr. and Mrs. Vincent in their car. Mrs. Stiles stated that trees always defined the right of way from the adjacent land, and that the track has always been the same width during this time. The chain-link fence at the bottom of the path and the telegraph pole were not present when Mr. and Mrs. Stiles first moved in. Mrs. Stiles could not recall there ever being a problem with motorcycles. Mrs. Stiles recalls that No. 44 Sharpenhoe Road was built in about 2002. At this time there was vegetation to the side of the track but this was kept down in the middle by the passage of walkers. Mrs. Stiles did not recall ever seeing a stile, farm gate or signs restricting use of the track.
- E.3. Mr. Rogers has lived at No. 42 Sharpenhoe Road adjacent to Footpath No. 9 since 1989. At this time the land which Nos. 44 and 46 Sharpenhoe Road occupy was wasteland. Mr. Rogers recalls a broken down chain link fence separating his land from the footpath. To the rear of the property was meadowland, the track was used by dog walkers to access the open ground. The track was a grass track with no gates; the only time the adjacent land was used was on church days by the congregation of the small church (now a private residence). Mr. Rogers's recalls there being a 4 feet high chain link fence at the end of the footpath with a gap to the right hand side, you could walk through the gap although it was a bit muddy at times. Mr. Rogers stated that he erected his fence on the exact line of the old fence. There was no fence on Mr. and Mrs. Vincent's land behind his garden until 2004; this plot of land used to be very overgrown. Mr. Rogers stated that he has never seen cyclists using the track and only the occasional dog walker. He has never seen any notices and has never been stopped from using the track. Mr. Rogers recollects that the track was overgrown to the sides with grass and weeds and maybe a few brambles. He could not remember anybody putting any kind of surfacing down. Mr. Rogers stated that he hardly ever goes down the footpath.

- E.4. Mr. and Mrs. Vincent have lived at No. 32 Sharpenhoe Road since August 1975. They have a private access right along Footpath No. 9. In 1975 both Mr. and Mrs. Vincent recall a stile at the northern end of the track. They stated that Ms. Robina Brown owned all the land at that time including the adjacent land now occupied by Nos. 44 and No.46. Mr. and Mrs. Vincent recall that in 1975 a line of plum trees marked the western limit of their easement, with two sycamores standing at the southern end of this line. The plum trees are now fenced within Mr. Corbett's garden. Mr. and Mrs. Vincent stated that their old chain link fencing alongside the footpath was replaced on the same line with close board fencing when the land was transferred over to them in August 2006. At this time a digger gained access along the footpath to landscape their garden. Mr. and Mrs. Vincent recall the well worn line of the footpath was right down the middle of the lane and lead over a stile into "Bull Field" which belonged to the Gale family. The fence by the stile was in poor condition, once the cattle were taken out of the field in the 1980's the two step stile was removed to its bottom step to allow Ms. Robina Brown's horse to be able to step over it and access the field. Mr. and Mrs. Vincent stated that they always trimmed the sides of the track to enable them clear access along the footpath with their car to the garage which is situated half way up the track. The northern half of the track would get slightly more overgrown. Mr. and Mrs. Vincent stated that walkers used the full width of the track and used it far more regularly once cattle were taken out of the field after the farmer, Mr. Gale, died. Mr. and Mrs. Vincent recall that there was a depression in the track (close to point A on the plan at Appendix A) as water used to gather here and was often a drinking point for the cattle. The land to the west of the footpath was scrubland in 1975. Mr. and Mrs. Vincent stated that they have never been challenged or heard of anybody being challenged, over their use of the full width of the track as pedestrians. Nor did they ever see any signs preventing access. Mr. and Mrs. Vincent paid for hoggin surfacing to be laid along the footpath as part of the October 1986 South Beds District Council planning conditions relating to their new garage.
- E.5. Ms. Robina Brown currently lives at No. 46 Sharpenhoe Road and was bequeathed several land parcels land including that occupied by her house and Footpath No. 9 by Flt. Frank Osborne Brownson, who had owned the nearby thatched cottage and surrounding land. Prior to his death in 1971, Ms. Brown had rented some of his land for her horses. Ms. Brown remembered the track went northwards along its current path and then turned sharply west to head along the south side of a ditched fence boundary towards No. 54 Sharpenhoe Road. The ditch went as far as the old mill and was generally a gentle defile. This is why the stile had to be situated slightly to the south of the field so that it was on higher ground. Ms. Brown recalls the fence was the other side of the ditch to keep the cattle in "Bull Field". The track went to the cesspits. Ms. Brown used to ride the track with her horse and has lived in Barton-le-Clay since she was 16 years old. Ms. Brown stated that from the 1960's there has never been a gate across the track (at the southern end) until recently. Ms. Brown recalls the stile disappeared at approximately the same time Mr. Brownson died in 1971. The width of the track has been the same (12 feet) for as long as Ms. Brown can remember.

She recalls lorries using the track to empty the cesspits.

User Evidence Forms

- E.6. Mr. David Henden submitted a user evidence form attesting to his occasional use of the footpath between 1990 and 2008. Although not interviewed, his statement provides details of the character of the path and its usage. Mr. Henden recalls that the footpath had a grassy surface – particularly at its northern end and has a width of approximately 3 metres. Mr. Henden first used the path in 1990 and last used it in 2008; he describes himself as an occasional user of the path. Mr. Henden walked the footpath for pleasure and usually as part of a longer walk. At the southern end it was unbounded on its western side. Mr. Henden recalls there was a staggered wooden barrier at point A on the plan at Appendix A in later years; this was not present when he first started walking the footpath. Mr. Henden also records that he knows of a person who lives near the footpath and has known of it as a public path between Sharpenhoe Road and “Park Meadow” since the 1930s.
- E.7. Mr. John and Mrs. Julie Corbett and their sons David and Michael and daughter Laura have all submitted evidence forms. The Corbett family moved into No. 44 Sharpenhoe Road in April 2011. The five evidence forms all record that at this time the footpath was very overgrown and rubbish strewn. Also that there were notices erected at the end of the footpath advertising a temporary closure for the construction of the new housing estate situated behind the Corbett’s home. None of the evidence forms submitted by the Corbett family and summarised below provide any information about their or anybody else’s use of the path prior to 2011.
- E.8. Mr. Corbett filled in a user evidence form which stated that he first used Barton-le-Clay Footpath No.9 in 2011. He states that the entire footpath runs over his land and has used the footpath to maintain his own property and land. Mr. Corbett states in the form that he believes the path is a footpath which is for public access on foot only, and that neighbours use the path. Mr. Corbett states that he believes the footpath runs along Mr. Rogers’ boundary, which Mr. Corbett describes as his far eastern boundary. Mr. Corbett states that he believes this area was once grazed by cattle. Mr. Corbett also states that the northern boundary was restricted due to illegal motorcycle use and the restriction has meant that this section of the footpath has been very narrow for at least 10 years.
- E.9. Mrs. Julie Corbett of 44 Sharpenhoe Road submitted a user evidence form on 11 March 2012. She stated that she has known the footpath to be public since moving to No. 44 Sharpenhoe Road in 2011. Mrs. Corbett stated that she used the footpath twice before it was temporarily closed due to the adjacent development which has taken place behind their property. Mrs. Corbett stated that the previous owner told them that the path was used occasionally by dog walkers. Mrs. Corbett questions why No’s 32, 40 and 42 Sharpenhoe Road would have private access rights over 12 feet if the footpath was also 12 feet wide.

- E.10. Mr. David Corbett of 44 Sharpenhoe Road responded on 18 March 2012 submitting a user evidence form. He states that he has known the footpath for a year and describes it as a narrow track of earth flattened by pedestrian use, which has been infrequent since living at No. 44 Sharpenhoe Road. Mr. David Corbett stated there is a footpath sign which is hidden in the hedge. Mr. David Corbett describes the path as overgrown and not maintained; the route was cleared by his father Mr. John Corbett. Mr. David Corbett also submitted an extract from an old OS map taken from the internet and an aerial and street view photograph.
- E.11. Ms. Laura Corbett of Johnson Place, Hitchin submitted a user evidence form on 27 February 2012 stating that she had used the path for blackberry picking for two years since 2011. She describes the footpath as being overgrown in this time, and only used by an occasional dog walker.
- E.12. Mr. Michael Corbett of No. 44 Sharpenhoe Road submitted a user evidence form on 13 March 2012 stating he had used the footpath for a year and describing the footpath as running along the fences of Nos. 42 and 32 Sharpenhoe Road. Mr. Michael Corbett describes the path as completely overgrown until he cleared the track; it was upon clearing the path that a small footpath on the ground could be seen alongside the fences belonging to Nos. 42 and 32. He also remembers removing a lot of rubbish from the footpath.