

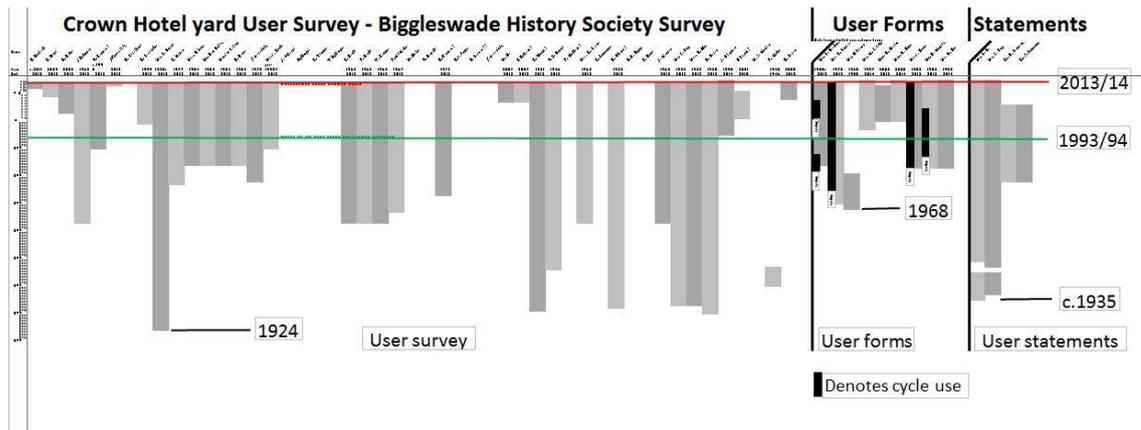
## APPENDIX D

### User Evidence

- D.1. In late October 2014 Mrs. Jane Croot, the editor for the Biggleswade History Society, canvassed 51 generally elderly residents living close to the Crown Hotel as well as people collecting their children from St. Andrew's Lower School. Thirty three of those surveyed have stated that they have used the Crown Hotel yard route between 1992 and 2013. This is the "*relevant period*" for deemed dedication under Section 31 of the Highways Act 1980 (see Appendix B). Furthermore, the results, whilst lacking in detail (and in some cases legibility) give a picture of public use of the Crown Hotel yard as a public thoroughfare from at least as early as the 1930s.
- D.2. The applicant has supplied nine user evidence forms which detail public use of the route through the Crown Hotel's yard.

Name	Start	End	Duration	Remarks
Mr. D. Woodward	1982	2013	Over 25 years	Used on foot (1980 – 1987 monthly then occasional to 1995 then monthly between 2001-2007 and Used by bicycle monthly (for period: 1982-87 and occasionally between 2001-2007
Mr. K. Emmerson	1970	2013	38 years	Used fortnightly on foot (1970-2013) and by bicycle (during period 1975-2013)
Mr. M. Brawn	1968	1980	22 years	Used weekly on foot until 1975 and then monthly thereafter
Mr. M. Griffiths	1997	2014	17 years	Used daily on foot
Mrs. C. Woodward	2000	2012	12 years	Used monthly on foot
Mrs. C. Amos	2000	2014	14 years	Used daily on foot
Mr. J. Norris	1983	2013	20 years	Used weekly both on foot and by bicycle
Mr. A. Mapletoft	1983	2013	20 years	Used weekly on foot and used weekly by bicycle during period 1987-2004
Mr. C. Day	1983	2014	31 years	Used weekly on foot

- D.3. The chart below summarises the breadth of public use - as evidenced by the user survey, user evidence forms and additional statements of use. The relevant period for deemed dedication of the claimed bridleway is between 1993 and 2013. As can be seen, there is a significant amount of public use during this period.



Relevant 20 year period: 1993/4 – 2013/14

- D.4. The use of the claimed route on foot by all nine people bolsters the public use within the relevant 20 year period as evidenced by the Biggleswade History Society’s survey. More importantly it provides the necessary detail relating to user “*as of right*”; none of the nine users who submitted statements reported either being challenged or seeing prohibitive signs on the route. None were interrupted in their use prior to the security fencing being erected. Unfortunately none of the users have given a precise date for the erection of this fencing – believed to be in late November or early December 2013.
- D.5. The use of the claimed route by four cyclists: one fortnightly for the full 20 years, one weekly for the full 20 years, one weekly for the first 10 years of the relevant period and the other occasionally for six years during the middle of the relevant period. This indicates there was at least limited public use of the claimed route by bicycle. The case of *Whitworth v Secretary of State for Environment, Food and Rural Affairs 2010] EWHC QBD 738 (Admin)* concerned limited levels of public user. The stated use provides a qualifying degree of public user by bicycle. Bridleways and restricted byways both permit the public to lawfully cycle along them. The subsequent appeal case of *Whitworth and Others v Secretary of State for Environment, Food and Rural Affairs [2010] EWCA Civ 1468*, established that any deemed dedication permitting the public to cycle over the claimed route should be of the lowest class of highway that permits the public to lawfully cycle – i.e. a bridleway (see Appendix B).
- D.6. Letters received from a Mr. D. Ball state that the Biggleswade Urban District Council (“*the BUDC*”) carried out publicly funded repairs to the route sometime in the late 1940s or 1950s and that the route was considered a public route by that council at that time. Mr. Ball recalls that the owners, the Wells and Winch Ltd. brewery, disputed this status though, claiming it to be private. The BUDC records show that Mr. Ball was employed by the BUDC during this period but no independent corroborating evidence has yet been found in the BUDC minutes for the work that Mr. Ball describes being carried out or of the alleged dispute as to the route’s status.

- D.7. During a telephone interview with Mr. Ball, he recalled that there was a school on Church Street (previously Brewery Lane) next to the old Fire Station. The school is shown on the 1926 3<sup>rd</sup> Edition of the Ordnance Survey 25":1 mile map. People used to access the school by cutting through the Crown Hotel yard from the High Street. Additionally there were quite a few small shops on Church Street (cobblers etc.) which people access from the High Street via the Crown Hotel yard.
- D.8. Before the second world war Cowfair Lands was one of the centres of population in Biggleswade. Many people walked from there southwards along Chapel Fields to the town centre and accessed the High Street and Market Square via the Crown Hotel's yard. At this time the current Abbot's Walk was the gated yard of Franklin's Corn Merchants and was never a through-route until much later. Mr. Ball recalls that the Crown Hotel was also used by many coaches and horses before the war (as was the New Inn's yard opposite).
- D.9. Mr. Ken Page, life president of the Biggleswade History Society, submitted a statutory declaration to Biggleswade Town Council in January 2015 in which he described his extensive knowledge of the Crown Hotel and recollections of his use of the route. In it he recalls that he and his friends regularly used the Crown Hotel's yard route in the 1930s as a pedestrian route to get to and from the junior school in Church Street. The claimed route was also used by brewery workers going to and from the brewery in Church Street (previously called Brewery Lane). Mr. Page states that he has no knowledge of the route ever being closed or public use challenged in his lifetime until the erection of the security fencing in early 2014.
- D.10. Mr. Page states that some of his ancestors were dairymen and he was told that long ago drovers herded cattle south from Biggleswade Common along Sun Street and then into Chapel Fields and through the Crown yard into the Market Square. Another cattle trail came northwards from Topley's Hill (Langford), via Holme Green and Palace Street to the Market Square. These probably existed until the railway came to the town in 1850. Mr. Page states that the Crown Hotel's yard provided access to the cattle markets.