

# APPENDIX 3 - Correspondence from 1996

FILE NOTE

My ref. CL/FP.Steyning

## Steyning: Footpath between Bostal Road and Coombe Drove

Mr. George Cockman (works telephone No. 01903 ) of No.12 Coombe Drove, Steyning, telephoned on the 11th March, 1996.

He was telephoning in connection with the footpath link between Bostal Road and Coombe Drove. The path is not shown on the Definitive Map, but has been in regular use for the last 32 years he reports. The owners, now wish to incorporate the land crossed by the footpath into their garden and are preparing an alternative route a few yards from the existing path and quite close to Mr. Cockman's property. He asks what the position was.

I explained that it was open to the public to claim the original route on the basis of long-standing use, and to make an application to the County Council for a Definitive Map Modification Order. If the claim was eventually successful, I would be required to remove any obstructions on the claimed route, notwithstanding the fact that they have provided an alternative.

Mr. Cockman said that Steyning Parish Council may be contacting us. He would also suggest to that they talk to us, so that they are aware of the position.

If residents/the Parish Council do decide, in due course, to make a formal claim, I explained that this procedure needed to be co-ordinated by one of the claimants, and perhaps the Parish Council would take the role on. I would explain what was involved, if the Parish Council does contact me.

I got the impression that Mr. Cockman was on the whole satisfied and would not be pursuing a claim and his one concern is that the alternative route passes closer to his property. He may be able to agree a slight variation to the route with the owners.

telephoned on the 13th March. She had, she explained, been in touch with us in 1994 (our letter dated the 31st May) and she and her husband thought that they were doing nothing wrong by constructing an alternative route and stopping-up the existing used route. I explained that, as things stood at the moment, the path was not shown on the Definitive Map, we had not received a claim in respect of it and we did not have any proof of its public status at the present time.

I went on to explain the claim procedure and that if, eventually, a claim was proved and an Order made and confirmed to add the path to the Definitive Map, we would require the removal of any obstructions placed over it. hoped that the provision of an alternative route would head off a claim.

agreed to let me have a plan showing the existing used route and the proposed alternative and I would then write to Mr. Cockman to seek his views.

subsequently faxed the information to me the same day.

telephoned + sent a fax, on 15.3.96.  
They are a bit aggrieved with the "less than fuel" information given by us in 1994, but don't seem to want to make an issue of it.

New Staying Parish Clerk, called 15/3/96 what we knew. Explained + sent <sup>him</sup> a copy of the letter to Mr. Cockman.

Christine Luff

13.3.96

Ramblers Ass local FP See phoned 15.3.96 - again what did we know + I explained. The top end of the route has a CC signpost on it he says - this part (highlighted yellow on plan) is publicly maintained but not the rest of the route.

13<sup>th</sup> March 1996

FAO [REDACTED]

Please find attached the plan as requested. I have indicated approximate lines of the existing & proposed footpaths, cross hatched & hatched respectively. I shall write & confirm on telephone conversation & enclose a more detailed plan of the proposals. If you have any queries or wish to discuss this further, please do not hesitate to contact me. I shall be available on 01403 [REDACTED] for the rest of today or 01903 [REDACTED] on Thursday or Friday.

1 B

21.5m  
+

STEYNING

Primrose  
Court

GP

Penland  
Collage

Guide  
Post

- original route
- alternative route
- publicly maintained length.

12

10

16

18

COOMBE DRIVE

2

2

Penland Cottage  
Bramber Road  
Steypning  
West Sussex  
BN44 3PB

14th March 1996

**[REDACTED]**  
West Sussex County Council  
County Hall  
Chichester  
West Sussex  
PO19 1RQ

Dear **[REDACTED]**

FOOTPATH TO THE REAR OF PENLAND COTTAGE, BRAMBER ROAD, STEYNING

I am writing to confirm our telephone conversation yesterday.

I wrote to West Sussex County Council on the 19th May 1994, questioning whether it would be necessary to obtain permission to divert the footpath to the rear of our property. I received a reply on the 31st May 1994 confirming that the path is not on the Definitive Map, that there was nothing the Council could do and that we should contact the land owner.

In January 1995, we agreed to purchase the land on which the footpath was located. Prior to purchase, I telephoned West Sussex County Council and spoke to **[REDACTED]** on the 5th January 1995, questioning whether we could proceed to move the path. A message was left on our answering machine as follows "... Having checked the file, as you [will be] the legal land owner, you are entitled to do as you wish with the footpath, so just to let you know there isn't a problem with that".

On the 15th February 1996, prior to commencement of the works, I wrote to Horsham District Council to explain our proposals, including the diversion of the footpath, and to seek confirmation that no statutory consents were required. I received a reply stating that providing the fencing did not exceed 2 metres in height along the footpath or 1 metre in height where it fronts onto the cul-de-sac, no consents were required.

We consequently commenced works, satisfied that we had fulfilled all the statutory requirements. We have to date, spent in excess of £500 and at least 100 hours on the project. We are also committed by way of firm orders for fencing (due to be delivered on the 15th) and french windows (currently being constructed) to a further sum in the region of £1500.

Cont/d ....

-2-

The new path has been constructed and is of a superior finish to the existing earth path.

It is very frustrating to discover at this late stage, that the position is not as clear cut as we had been led to believe. We would not have commenced work on the project if we had been aware of the uncertainties.

In view of the late stage this knowledge has come to our attention, we have decided to proceed with the diversion of the footpath as planned. I would stress that we are moving the footpath by only a matter of 10/15 feet and that we have no intention of obstructing the footpath. The alterations will cause no inconvenience to those wishing to use the path and indeed, as it is of superior surface, it represents an improvement. We have fully explained our plans to anyone who has asked and they have been received positively.

Clearly, it would be a long and complex process to establish whether a public right of way does exist. However, we would consider dedicating the footpath to the public, providing it follows the new route but we would challenge the existence of the right of way on it's existing course. Perhaps you would be kind enough to advise on the dedication procedure and it's implications.

If you wish to discuss this matter further or if you would like to meet on site, please do not hesitate to contact us.

Yours sincerely

A large, dark, irregular redacted area covering the signature of the sender.A dark, horizontal redacted line covering the name of the sender.

[REDACTED] CL/FP.Steyning

15th March, 1996

Dear Mr. Cockman,

Steyning: Footpath between Bostal Road and Coombe Drove

Thank you for telephoning [REDACTED] recently.

I would confirm that the path running between Bostal Road and Coombe Drove is not recorded on the Definitive Map of Public Rights of Way. There is provision, however, under Section 53 of the Wildlife and Countryside Act, 1981 for a claim to be made to the County Council that the path should be added to the Definitive Map, by virtue of long standing use (a minimum of 20 years' uninterrupted use) or historical evidence.

Subsequently, if, upon investigation, the County Council considered the evidence to be strong, a Definitive Map Modification Order would be made and when confirmed, would have the effect of adding the path to the Map. If you would like further details of the claim procedure, perhaps you could kindly let me know.

As you explained on the telephone, the owners are in the process of constructing an alternative route, in place of the original path and [REDACTED] has been in touch with [REDACTED] recently and has supplied the attached plan showing the original route and the proposed new path. The new path may be acceptable, perhaps, as an alternative to making a formal claim for the original path and your views would be much appreciated please. I enclose a prepaid envelope for your use. I would just add that I have sent a copy of this letter to [REDACTED] and to Steyning Parish Council.

Yours sincerely,

County Secretary

G. Cockman, Esq.,  
12 Coombe Drove,  
STEYNING,  
West Sussex

DS\CS.101

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FB  
15th March, 1996

[REDACTED] CL/FP.Steyning

Dear [REDACTED]

Steyning: Footpath between Bostal Road and Coombe Drove

Thank you for your fax dated the 13th March, 1996 and for the plan.

I have now written to Mr. Cockman and a copy of my letter is enclosed for your information. I shall, of course, keep you informed of any developments.

Yours sincerely,

County Secretary

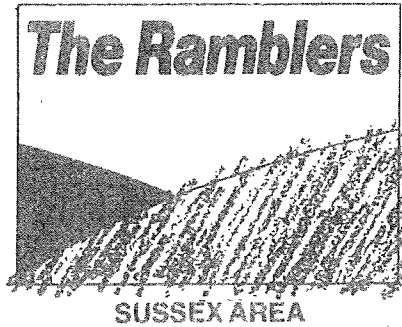
[REDACTED],  
Penland Cottage,  
Bramber Road,  
STEYNING,  
West Sussex

PS Thank you for your further  
fax of 14 March. I shall be  
in touch.

DS\CS.101

BF 13/7





The Ramblers' Association promotes rambling, protects rights of way campaigns for access to open country and defends the beauty of the countryside.

[REDACTED]  
Steypning  
West Sussex  
[REDACTED]

Rights of Way Department  
W S C C.  
County Hall  
Chichester  
West Sussex  
PO19 1RQ

17.3.96

Dear [REDACTED],

PUBLIC PATH FROM COOMBE DROVE TO BOSTAL ROAD  
STEYNING

There is a short section of path that provides a "cut through" from Coombe Drove to where Bostal Road joins the main road coming up from Bramber Castle to Steypning.

I have used the path for something like 25 years. It is signposted "Footpath, no Bridleway" on the WSCC design of sign. It is an unmade up section of path that comes from the made up roadway of Coombe Drove through to a track that leads along the side of an area of generally well maintained grass butting onto Bostal Road.

There are signs of low level building activity between the 2 houses. I have heard locally that the path is going to be reduced to about 4 feet wide. If this is so then I would have thought it to be unacceptable as the public has enjoyed a much wider area than this for many years in the past. Whereas I am not saying that the full historic width should be maintained, I think that a minimum of 6 feet would be desirable from a legal point of view.

I have also heard that the person in one of the adjacent properties who is carrying out the alterations may be planning to use the short track from Bostal Road to his property as a vehicle access. This may already be a legal access point of course. If it so then an occasional vehicle going in or out of this private residence should not create much of a problem as far as the right of way is concerned.

I would be grateful if you would keep an eye on this matter and keep me advised of any adverse developments that may occur.

Yours sincerely,

[REDACTED SIGNATURE]

LOCAL FOOTPATH SECRETARY

12 COOMBE DROVE STEYNING WEST SUSSEX BN44 3PW

The County Secretary  
(██████████)  
County Hall  
Chichester

18th March 1996

Dear Sir,

I spoke at length with ██████████ on Friday 15th March to find out what he proposed to do following his conversations with you. He seemed convinced that there was basically no reason why he should not go ahead as he had planned.

He said that when he had told you that there was not a 6' path at either end of the existing footpath, you had agreed that this diminished the argument for maintaining a 6' width to the path he was building. I thought the more relevant comparison was with the existing route.

I told ██████████ that the information I had received both from County and locally made me believe that the new path should be laid out in such a way that would minimise the risk of (a) a demand for the original right of way to be restored or (b) the new path to be widened.

If ██████████ insisted on laying a 4' path on the new alignment and allowed only a 2' margin along the line of our garage and garage driveway - he had previously told me he would allow 3' and had drawn a plan which also showed a 3' margin - I pointed out the obvious danger from our point of view was that any demand to widen the path once his fence was erected would almost certainly lead to the path being extended right up to the boundary or very close indeed to my property. On the very first occasion when ██████████ told us of his plans (which was after he had dug test trenches into the bank alongside my garden wall) it was made very clear that the major concern on our part was to avoid a footpath running adjacent to our property.

In view of these considerations I told ██████████ that I would only be satisfied with his fence line 9' from the boundary wall along the section which ran parallel with our garage and driveway. Whatever then happened by way of complaint or objection was unlikely to result in any requirement for him to move his fence or the line of his path because he had made adequate alternative provision. While my wife and I would have preferred no change to be made to the existing path, we would have accepted this as a reasonable compromise: the ██████████ get their garden and we have some protection from a path which runs close to our property. In our view both parties also have much greater security from future objections.

I spoke to ██████████ again on site on Sunday morning 17th March. On the

previous day he had erected a fence along that part of the path closer to the Bostal Rd. He was already preparing to work with an assistant on the section close to our garage. He said he was going to place the fence 6' from my wall. I stated my objection. We talked further. I said I would go down to 8' in my requirement. (This would have allowed the margin of 3' and a path of 5' which I thought could be accommodated within the bounds of good practice.) He said he would go to 7'. We could not agree and he said that if I did not accept 7' he would take the 6' line. His assistant was actually digging a post hole while we were discussing the matter. He said he would rather put the fence up on the 6' line then and take it down later if he had to that erect it on any other line.

I made it clear I objected very strongly to what he was doing. He has since erected the fence along the 6' line.

We feel very distressed about what [REDACTED] has done. I have also made it clear to him that we did not approve of his digging into the bank outside my garden wall before he had even told us of his intentions. He had no more right to that ground than we had; we have planted and pruned the shrubs along that stretch of the path for many years. Again, his plan showed what he said he would give on the Coombe Drove end of the path: 3'; he had allowed only 2' and made the change without reference to us. Having put him in touch with County Rights of Way, I do not think he has paid due attention to what he has been told. The work he has done on Sunday 17th March he has done knowing it to be against my strong objections. He may have heard something different from what I heard by way of County advice but there should have been time to attempt to reconcile those views.

For the twenty six and a half years we have lived in 12 Coombe Drove, our house has not been adjacent to a public footpath. The privacy and security of our property are affected by the re-alignment that is being carried out. We deeply regret that there has not been more time to consider compromises and make sure that we have the most complete information; until I made contact with you last week and passed the information onto [REDACTED], they had not known they should communicate with County Rights of Way.

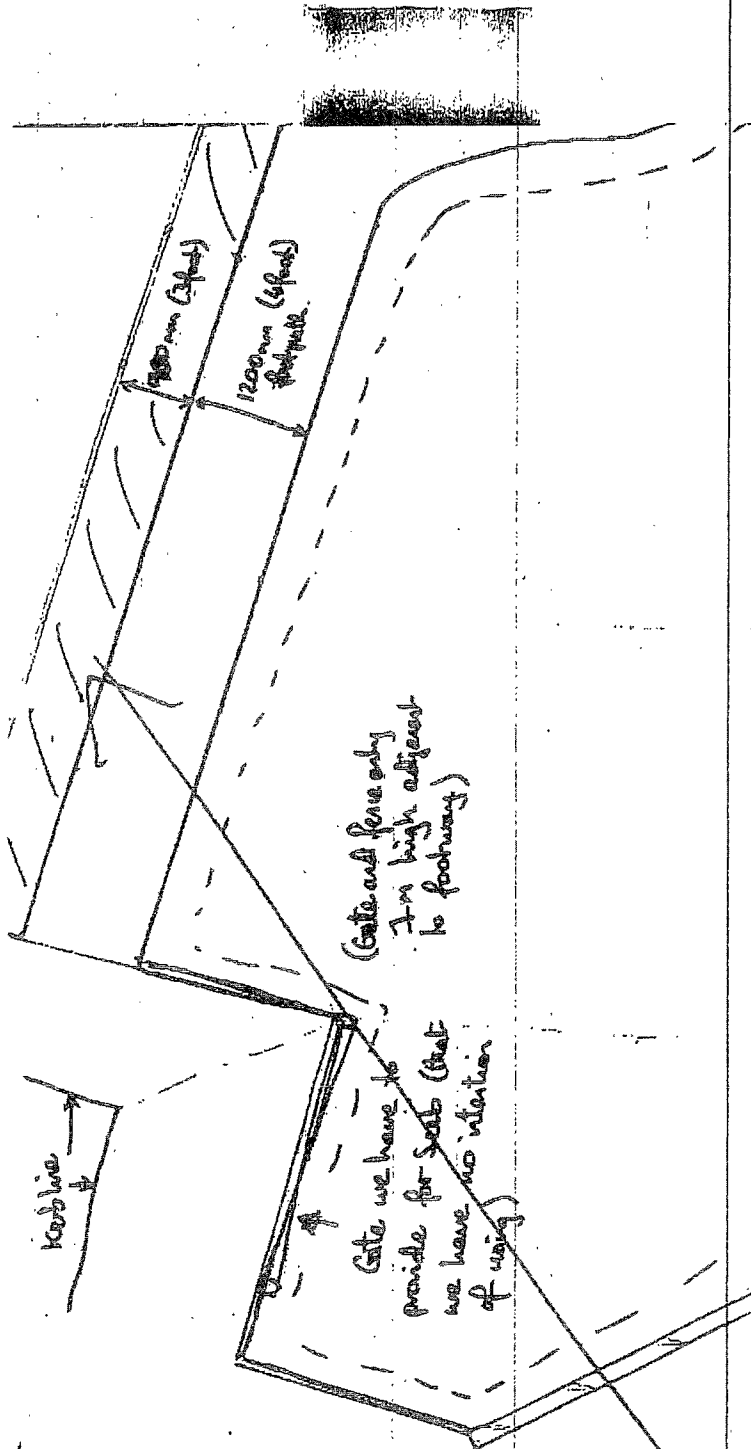
We now anticipate the real possibility that the 3' margin, already reduced to 2' without consultation, will be reduced to 1' or nothing and we will find ourselves living adjacent to a footpath. To this we make the strongest possible objection and seek your assistance in facilitating a solution.

Yours faithfully,

*GA Cockman*

GA COCKMAN.

[REDACTED] plan follows in two sections.



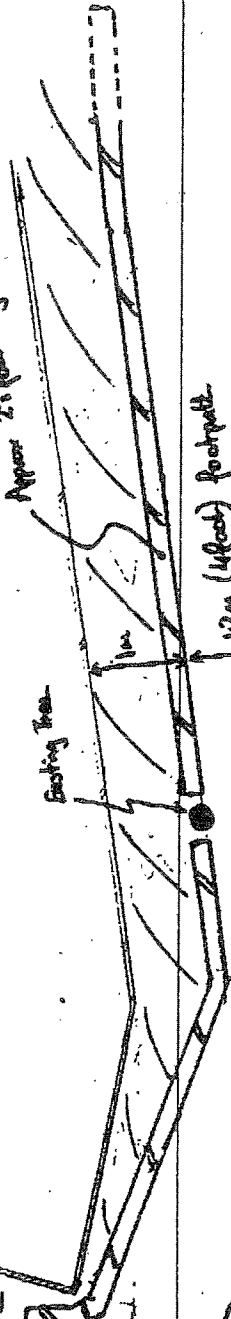
Mr [redacted] own

plan given to us  
shows the 3' margin  
be agreed orally.  
Without further consultation  
be reduced this to 2'

Your wall line

area for planting as discussed.

Proposed wall (concrete)  
Approx 24 feet high. at highest points, tapering to nothing.



Existing Tree

12m (40foot) footprint

fine line

4foot close board with battis

Area we'd park our cars.

access to Pan Bostad Rd.

Existing tree.

Perland Cottage

Approx Scale 1:50

Mrs. Luft

CL/FP.Steyning

22nd March, 1996

Dear Mr. Ford,

Steyning: Footpath Between Bostal Road and Coombe Drove

Thank you for your letter dated the 17th March, 1996.

Only a small length of the route is publicly maintained, as highlighted yellow on the attached plan. The remainder (in pink) is not formally recorded as being public, although I understand that people have used it for many years. As you may be aware, it is open to members of the public who have known and used the route (we usually look for 20 years' uninterrupted use) to make an application to the County Council, under the provisions of Section 53 of the Wildlife and Countryside Act, 1981, for an Order in respect of the claimed route. Once made and confirmed, the Order would have the effect of adding the route to the Definitive Map. No such claim has been received in respect of this path to date.

As you know, the owner of the land has now taken steps to divert the pink route on to the line shown in green on the plan and this action may satisfy users who would otherwise consider making a claim application. However, I do know, as you also report, that the width of the alternative route (4 feet or so) is not acceptable to at least one local person. I have advised this person of the claim procedure, but I do not know whether he proposes to pursue the claim.

I hope that this information has been of some help - please do not hesitate to contact me again if I can be of further assistance.

Yours sincerely,

County Secretary

J. G. Ford, Esq.,  
Local Footpath Secretary,  
14 Coxham Lane,  
STEYNING,  
West Sussex BN4 3LG

DS\CS.130

[REDACTED] CL/FP.Steyning

22nd March, 1996

Dear Mr. Cockman,

Steyning: Footpath Between Bostal Road and Coombe Drove

Thank you for your letter dated the 18th March, 1996.

I am sorry to learn of the distress caused to you by [REDACTED]'s actions in erecting the fence in a position that is not acceptable to you. In the circumstances, you may now wish to consider making a formal claim to me in respect of the original route (i.e. as shown in pink on the plan previously sent to you). Perhaps you will kindly advise me - I would be more than happy to give the necessary help and guidance.

If it is your wish, I shall write to [REDACTED] at this stage, to pass on your concern and to give him advance notice that a formal claim may be made in respect of the original path. If this claim results in the making and confirmation of a formal Order, the route will be added to the Definitive Map and we will require the removal of any obstructions on the route at that time.

Yours sincerely,

County Secretary

G. A. Cockman, Esq.,  
12 Coombe Drove,  
STEYNING,  
West Sussex  
BN44 3PW

DS\CS.130

Penland Cottage  
Braumber Road  
Steyning

20 March 1996

Dear [REDACTED],

Path between Bostal Road & Coombe Drive.

We were considering dedicating the "alternative route" as highlighted in green on the plan attached to your letter dated 18 March 1996 (ref. CL/FP. Steyning).

However, we understand that if we were to do this & some-one were to object to the closure of the original path & it was established that the original path was a public right of way, we run the risk of having 2 dedicated paths on our land.

We have consequently decided that we do not wish to dedicate the new path.

Yours Sincerely,

[REDACTED] [REDACTED]

[REDACTED]



██████████ CL/FP.Steyning

29th March, 1996.

Dear ██████████,

Steyning: Footpath between Bostal Road and Coombe Road

Thank you for your letter dated 20th March 1996.

I do appreciate the reasons why you are not prepared to enter into a Public Path Creation Agreement with the County Council in respect of the route you have recently provided. You are correct in your understanding that it is open to a member of the public, at some time in the future, to make a claim to the County Council for the "original route," and in the event that the claim succeeded, and you had earlier dedicated the alternative route, there would be two public rights of way over your land.

I would just mention that under Section 31(6) of the Highways Act 1980, you can deposit a statement with the County Council which would have the effect of negating any possible future claim in respect of the "alternative" route (but such a statement could not negate a claim relating to the "original" route). If you would like details of the procedure, perhaps you could kindly let me know.

If and when a claim is made to me for the "original" route, I will, of course, let you know.

Yours sincerely,

County Secretary

██████████  
Penland Cottage,  
Bramber Road,  
STEYNING,  
West Sussex.

RW/CS.9