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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Rebecca Greally

Email:

Rebecca.Greally@northumberland.gov.uk

Tel direct: 01670 622616

Date: Friday, 30 July 2021

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CASTLE MORPETH LOCAL AREA COUNCIL** to be held in Committee Room 1, County Hall, Morpeth, Northumberland, NE61 2EF on **MONDAY, 9 AUGUST 2021** at **4.00 PM**.

Yours faithfully

Daljit Lally
Chief Executive

To Castle Morpeth Local Area Council members as follows:-

D Bawn, J Beynon (Chair), L Darwin, S Dickinson, R Dodd, L Dunn, J Foster (Vice-Chair (Planning)), P Jackson, V Jones, M Murphy, G Sanderson, D Towns (Vice-Chair) and R Wearmouth

Any member of the press or public may view the proceedings of this meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>.

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving around but can be removed when seated, social distancing should be maintained, hand sanitiser regularly used and members requested to self-test twice a week at home, in line with government guidelines.



Daljit Lally, Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS** (Pages 1 - 2)
2. **APOLOGIES FOR ABSENCE**
3. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact the monitoring officer by email at monitoringofficer@northumberland.gov.uk. Please refer to the guidance on disclosures at the rear of this agenda letter.
4. **DETERMINATION OF PLANNING APPLICATIONS** (Pages 3 - 6)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>
5. **20/04264/FUL** (Pages 7 - 18)

**Part-Retrospective: Change of use of detached garage and pre-school nursery to Granny Annexe (amended description)
Former Garage South East of Kirkley Mill Farm House, Kirkley Mill, Kirkley, Northumberland**
6. **APPEALS UPDATE** (Pages 19 - 28)

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee
7. **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC FOOTPATHS NOS 20 - 22** (Pages 29 - 154)

PARISH OF EAST CHEVINGTON

The Committee is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a number of public rights of way in South Broomhill, east of St John's Estate.

- 8. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC BRIDLEWAY NO 36 PARISH OF BELSAY** (Pages 155 - 204)

The Council is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a public bridleway from the B6309 road immediately south-west of Burnside Lodge in a general easterly direction for a distance of 2700 metres to join Public Bridleway No 10, 235 metres south of the Belsay Estate Office.

9. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

1. Registerable Personal Interests – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

2. Non-registerable personal interests - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3. Non-participation in Council Business

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.

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Northumberland County Council

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Record attendance of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

Vote(by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)



Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL

9 AUGUST 2021

DETERMINATION OF PLANNING APPLICATIONS

Report of the Executive Director of Place

Cabinet Member: Councillor C Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Castle Morpeth Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:
 - Decision makers are to have regard to the development plan, so far as it is material to the application

- Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

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BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy: Procedures and individual recommendations are in line with policy unless otherwise stated

Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

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APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

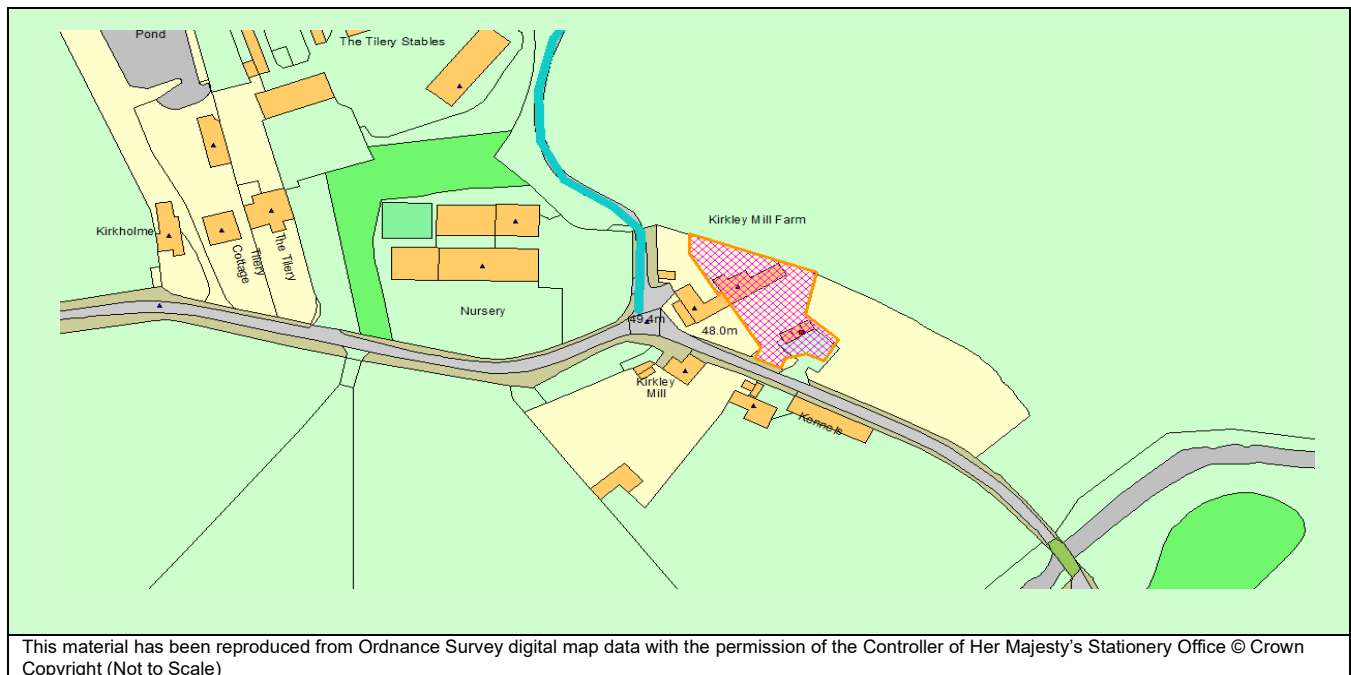


Northumberland
County Council

Castle Morpeth Local Area Committee
9 August 2021

Application No:	20/04264/FUL		
Proposal:	Part-Retrospective: Change of use of detached garage and pre-school nursery to Granny Annexe (amended description)		
Site Address	Former Garage South East of Kirkley Mill Farm House, Kirkley Mill, Kirkley, Northumberland		
Applicant:	Mr Paul Elwell Kirkley Mill Farm House, Kirkley Mill, Kirkley, Newcastle Upon Tyne, Northumberland, NE20 0BQ	Agent:	Mr Peter Fletcher Ashlea, Prestwick Road, Dinnington, Newcastle Upon Tyne, NE13 7AG
Ward	Ponteland East and Stannington	Parish	Ponteland
Valid Date:	18 March 2021	Expiry Date:	13 August 2021
Case Officer Details:	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 01670 625548 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions.



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and the Chair and Vice Chair of the Castle Morpeth Local Area Council Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

2.1 Part-retrospective planning permission is sought for the conversion and extension of the ground floor level of a detached garage and former pre-school nursery building into living accommodation which is to be ancillary to the main dwelling of Kirkley Mill Farmhouse, Kirkley Mill, Kirkley.

2.2 The application form indicates that the proposed works associated with the change of use started in August 2020 and have not yet been completed; therefore, this application is part-retrospective. The description of the application has been amended accordingly to reflect this. A site visit was undertaken by the case officer on 8th April 2021; at which time some alteration works to the detached garage and former pre-school nursery building had already been undertaken and the porch extension to the north east elevation had been constructed.

2.3 The application proposes to convert the ground floor of the existing stone and slate detached garage and former pre-school nursery building to provide an annex to the main dwelling of Kirkley Mill Farmhouse. The part-retrospective development also includes the construction of a porch entrance to the north east elevation of the building. The porch projects 2.4 metres from the north east elevation and measures 3.3 metres in width. The height of the porch measures 2.6 metres to the eaves and 3.6 metres to the ridge of the pitched roof. The porch is constructed of brick with slate roofing tiles. The additional living space created by the proposed conversion would consist of a living/dining/kitchen area, WC, one bedroom and one bathroom. The supporting information indicates that the annex would provide accommodation for the applicant's elderly relative.

2.4 The application site is located within the open countryside and is within the Green Belt. The application site is also within an Area of High Landscape Value and is within an Impact Risk Zone for a nearby Site of Special Scientific Interest. The southern corner of the application site is located within Flood Zone 2, however, the building subject to this application is out with this.

2.5 An amended location plan has been submitted during the course of this application which has amended the red line boundary from being drawn solely around the building which is subject to this application to also include the residential dwelling and curtilage of Kirkley Mill Farmhouse. This was requested by the case officer because the application proposes to create an annex ancillary to the main dwelling, and is not creating a new, separate unit. Following the receipt of this amended location plan, full re-consultation was undertaken.

3. Planning History

Reference Number: 17/03563/FUL

Description: Construction of agricultural shed

Status: Permitted

Reference Number: 16/03211/FUL

Description: Retrospective change of use of garage to children's day nursery and proposed extension to garage, and retrospective change of use of land to parking and external play area to serve day nursery business

Status: Permitted

Reference Number: 15/03155/FUL

Description: Proposed two storey dormer extension of garage and conversion of part garage to playroom.

Status: Withdrawn

Reference Number: 12/00417/FUL

Description: Construction of extension to rear.

Status: Permitted

Reference Number: CM/20080526

Description: Proposed conservatory to front

Status: Permitted

Reference Number: CM/04/D/644

Description: Alteration/extension of existing outbuilding to form lounge/bedrooms over and new garage

Status: Permitted

Reference Number: CM/99/D/608

Description: Alterations and extension to provide granny flat

Status: Permitted

Reference Number: CM/93/D/484

Description: Conversion of agricultural building to form dwelling

Status: Permitted

4. Consultee Responses

Ponteland Town Council	<p>Following re-consultation, Ponteland Town Council made the following comments:</p> <p>The Planning Committee would like to see this application refused and object as there seems to be some planning enforcement issues that need addressing. If this application is approved the Planning Committee request that a condition is put in place where the proposal remain an annex in perpetuity and no further development can take place on this site.</p> <p>Further comments were then made by Ponteland Town Council on 07/07/2021 which sought to amend their initial objection to:</p>
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	The Planning Committee request that a condition is put in place where the proposal remains an annex in perpetuity and no further development can take place on this site.
Highways	No objection subject to informatives.
Environment Agency	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	1

Notices

General site notice – Displayed on 8th April 2021
No press notice required.

Summary of Responses:

One representation of objection has been received in relation to this application and has been summarised below:

- The applicant has previously made complaints regarding noise etc. from the nearby cattery/kennels business and has previously claimed that it is unsuitable for the cattery/kennels business to be near to residential properties. The ancillary building, which the applicant proposes to convert into a residential annex, would be located closer to the cattery/kennel business than the main dwelling. This may result in further complaints being raised against the cattery/kennels business.
- The conversion should include sound proofing.
- The applicant is in breach of planning application reference: 1703563/FUL, which permitted the construction of an agricultural shed. No further permissions should be granted until this issue has been resolved.

One neutral representation has been received in relation to this application which indicates that they have no objection to the application but wish to raise several matters. The matters raised within this representation are summarised below:

- The proposed development appears to be creating an additional, separate dwelling and it is misleading to refer to it as a “granny annex”.
- Dispute the reasons provided within the application for why the pre-school nursery business closed.
- Alterations and extensions, such as the installation of roof light windows and the construction of a porch, have already been undertaken to the detached garage/former pre-school nursery building, without the benefit of planning permission.

- This will be the second “granny annex” at this site, with the first one being within the extension to the main dwelling.
- The agricultural shed permitted under application reference: 17/03563/FUL has not been constructed in accordance with the approved plans.
- No site notice has been displayed at the time of this representation.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QLBNREQSKS300>

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (2017)

Policy PNP 1 – Sustainable Development Principles

Policy PNP 2 – High Quality and Inclusive Design

Castle Morpeth District Local Plan (adopted in 2003, saved policies in 2007)

Policy C1 – Settlement Boundaries

Policy C16 & C17 – Green Belt

Policy H14 – Improvements to Existing Housing

Policy H22 – Guidance for Alteration and Extension to Dwellings in the Open Countryside

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2018, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

Policy HOU 8 – Residential Development in the Open Countryside

Policy QOP 1 – Design Principles (Strategic Policy)

Policy QOP 2 – Good Design and Amenity

Policy STP 1 – Spatial Strategy (Strategic Policy)

Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)

Policy STP 3 – Principles of Sustainable Development (Strategic Policy)

Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)

Policy STP 8 – Development in the Green Belt (Strategic Policy)

Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)

Policy TRA 2 – The Effects of Development on the Transport Network

Policy TRA 4 – Car Parking Provision in New Development

Policy WAT 2 – Water Supply and Sewerage

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises policies from the Ponteland Neighbourhood Plan and the Castle Morpeth District Local Plan, as identified above. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29th May 2019, and is currently going through the examination process.

7.3 On 9th June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The emerging Northumberland Local Plan is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7.4 The main considerations in the determination of this application are:

- Principle of the development and Green Belt.
- Design and impact upon the landscape.
- Impact upon amenity.
- Highway safety.
- Drainage and sewerage.
- Other matters.

Principle of the Development and Green Belt

7.5 The application site lies outside of any settlement boundary identified under Policy C1 of the Castle Morpeth District Local Plan and is therefore considered to be located within the open countryside. Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or it is covered by other policies in the Plan.

7.6 Policy H22 of the Castle Morpeth District Local Plan is supportive of alterations and extensions to existing dwellings within the open countryside subject to meeting several design criteria.

- 7.7 With regard to the emerging Northumberland Local Plan, Policy HOU 8 relates specifically to residential development in the open countryside. This policy is supportive of extensions and also other householder development within the curtilage of an existing property subject to the proposal being incidental and subordinate to the existing dwelling in size and massing, the use of appropriate materials and subject to the proposal not having an adverse impact on the open character of the area.
- 7.8 The part-retrospective conversion, extension and alteration of the ground floor level of the detached garage and former pre-school nursery building into ancillary living accommodation to the main dwelling of Kirkley Mill Farmhouse, is acceptable as a matter of principle, in relation to Policy H22 of the Castle Morpeth District Local Plan and Policy HOU 8 of the emerging Northumberland Local Plan.
- 7.9 The application site is also located within the Green Belt, as defined under Policy C16 of the Castle Morpeth District Local Plan. Development within the Green Belt is strictly controlled. Policy C17 of the Castle Morpeth District Local Plan sets out that planning permission will only be granted for a limited number of purposes within the Green Belt, one of which accounts for the limited extension, alteration or replacement of existing dwellings.
- 7.10 Paragraph 134 of the NPPF states that *“Green Belt serves five purposes:*
- (a) To check the unrestricted sprawl of large built-up areas;*
 - (b) To prevent neighbouring towns merging into one another;*
 - (c) To assist in safeguarding the countryside from encroachment;*
 - (d) To preserve the setting and special character of historic towns; and*
 - (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land”.*
- 7.11 The proposal would not conflict with these purposes because the proposal would result in the limited extension and alteration of the existing garage and former pre-school nursery building which is contained within the curtilage of an existing residential property. Notwithstanding this, Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and lists a number of exceptions to this. One exception to this, as stated within Paragraph 145, is *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*. Given the stance of Paragraph 145 of the NPPF, appropriate weight can be afforded to Policy C17 of the Castle Morpeth District Local Plan, as a result of its consistency with the aims of the NPPF.
- 7.12 Policy STP 8 of the emerging Northumberland Local Plan relates to development in the Green Belt. Policy STP 8 states *“development which is appropriate in the Green Belt, as defined in national planning policy, will be supported”* and *“development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”*. This emerging policy is consistent with the aims of the NPPF in relation to its approach to development in the Green Belt.

7.13 The proposal includes the part-retrospective conversion, extension and alteration of the ground floor level of the detached garage and former pre-school nursery building into additional living accommodation for the main dwelling of Kirkley Mill Farmhouse. The proposed development would not result in a disproportionate addition over and above the size of the original building and would ultimately result in a limited extension, through the provision of a front porch, and would involve limited alterations. It is acknowledged that the proposal would be contained within the curtilage of the existing dwelling, Kirkley Mill Farmhouse. It is therefore considered the proposal would not have a materially greater impact on the openness of the Green Belt than the existing building.

7.14 It is considered that as a whole, the proposed development would remain subordinate to the existing building and would not amount to inappropriate development within the Green Belt and would accord with Paragraph 145 of the NPPF in this respect, and would be acceptable in accordance with Policies C16 and C17 of the Castle Morpeth District Local Plan and Policies STP 7 and STP 8 of the emerging Northumberland Local Plan.

Design and Impact upon the Landscape

7.15 Kirkley Mill Farmhouse is a traditional stone and slate property which occupies an elevated position and is located within the northern part of the application site and faces south east, looking onto its front garden. The existing detached garage and former pre-school nursery building is also constructed of stone and slate and is located to the south east of the property and is located on lower ground than the main dwelling. There is a stone wall and a high hedgerow at the southern boundary of the site which aligns the road (Berwick Hill). There is a patch of vegetation at the south western boundary shared with Kirkley Mill Farm Cottage. The alterations and porch extension to the garage and former pre-school nursery building are partially visible from vantage points along the road to the south; however, they are viewed against the backdrop of the existing dwelling and also in the wider context of the group of buildings within this open countryside location.

7.16 It is acknowledged that the brick material used for the porch extension does not match the materials of the existing building or the main dwelling. However, despite this, the development would respect the character of the site and its surroundings. It is therefore considered that the part-retrospective works would accord with Policy PNP 2 of the Ponteland Neighbourhood Plan, Policies H14 and H22 of the Castle Morpeth District Local Plan, Policies HOU 8, QOP 1, QOP 2, STP 2 and STP 3 of the Northumberland Local Plan (Publication Draft Plan) and the principles of the NPPF.

Impact upon Amenity

7.17 Kirkley Mill Farmhouse is located within a small group of buildings within the open countryside to the north of the town of Ponteland and to the south east of Kirkley Hall. The application site is located on the eastern edge of this small group of buildings and is surrounded by open agricultural land to the north and east. The Old Mill Kennels (a boarding kennel and grooming business) and The Old Mill (a residential dwelling) are located to the south of the application site and on the opposite side of the road (Berwick Hill). Directly to the west of the

application site is Kirkley Mill Farm Cottage (a residential dwelling). The separation distances between the part-retrospective annex and the neighbouring dwellings and business range from 15 metres to 26 metres, with Kirkley Mill Farm Cottage being the closest.

7.18 It is acknowledged that in 2016, under planning application reference: 16/03211/FUL, planning permission was granted, albeit retrospectively, for the change of use and extension of the garage building (which is the subject of this current application) to a children's day nursery facility. It is also acknowledged that this change of use was considered to be acceptable in relation to impact upon amenity of the neighbouring properties and business. This current proposal seeks part-retrospective permission to convert, extend and alter the ground floor level of the detached garage and former pre-school nursery building into living accommodation which is to be ancillary to the main dwelling of Kirkley Mill Farmhouse. The applicant has confirmed that the childminding business no longer operates from this premise and has relocated. Given the proposed use of the building under this current application, which would be ancillary to the main dwelling, it is considered that the proposal would likely have less of an impact on the amenity of neighbouring properties and the kennels business than the previous use, and thus is considered to be acceptable. It is also considered necessary to impose a condition to ensure that the annex is used solely for purposes ancillary to the main dwelling and to ensure that it does not create a separate dwelling. It is noted that this condition has also been requested by Ponteland Town Council within their most recent comments.

7.19 The application is considered to be acceptable in accordance with Policies PNP 1 and PNP 2 of the Ponteland Neighbourhood Plan, Policy H14 of the Castle Morpeth District Local Plan, Policies QOP 2 of the emerging Northumberland Local Plan and the aims of the NPPF in this respect.

Highway Safety

7.20 The Council's Highway Development Management (HDM) team have been consulted on this application and have no objection, subject to informatives. The Council's HDM team conclude that the part-retrospective development would not have a severe impact on highway safety and the traffic expected to be generated from the development is considered to be less than its previous use as a childminding facility. The annex would utilise the existing vehicular access which serves the property, Kirkley Mill Farmhouse, with no changes proposed to this access. Also, the existing car parking area within the site, and as shown on the proposed site plan, would remain as existing, and the Council's HDM team considered this to be an acceptable arrangement. Therefore, the application is considered to be in accordance with Policy PNP 2 of the Ponteland Neighbourhood Plan, Policy H14 of the Castle Morpeth District Local Plan, Policies TRA 1, TRA 2 and TRA 4 of the emerging Northumberland Local Plan and the aims of Paragraph 109 of the NPPF in relation to highway safety.

Drainage and Sewerage

7.21 The application form indicates that surface water would be disposed of by a soakaway and that foul sewage would be disposed of by a septic tank. The applicant, during the course of the application, has confirmed that the detached garage and former pre-school nursery building is currently connected to the

existing septic tank which serves the main dwelling, Kirkley Mill Farmhouse, and that this connection would remain as part of this current proposal. The applicant has also confirmed that services such as electric and water supply would be extended from the main dwelling to serve the annex, as per the existing arrangement. It is typically anticipated that an annex would share the services, such as water and electric, of the main dwelling which it is to be ancillary to. The proposed development would be in accordance with Policy WAT 2 of the emerging Northumberland Local Plan in respect of drainage, sewerage and other vital services.

Other Matters

- 7.22 One representation of objection has been received in relation to this application and has been summarised above (Section 5). This representation states the applicant has previously made complaints, regarding matters such as noise, from the adjacent kennels business and the objector is concerned that the conversion of the garage/former nursery building to additional living accommodation could result in further complaints being raised against this adjacent business. The issue of impact of the proposal upon amenity has been assessed in the above sections of this report, however, this specific issue raised regarding noise complaints is not a planning consideration.
- 7.23 One neutral representation has been received in relation to this application and has been summarised above (Section 5). This neutral representation states that this will be the second “granny annex” at this site, with the first one being within the extension to the main dwelling. In 2000, planning permission was granted (under planning application reference: CM/99/D/608) for an extension to provide an annex. Further clarification has been sought from the applicant, who has confirmed that there is no existing annex at Kirkley Mill Farmhouse. Also, there have been more recent planning permissions at this site since 2000, which do not appear to show an annex on the submitted plans. The neutral representation also highlights that some of the work proposed within this application has already been undertaken. This was noted by the case officer, who amended the description of the application to reflect the fact the application seeks part-retrospective permission. The neutral representation also indicates that at the time of writing the representation, a site notice had not been displayed. The case officer visited the site on 8th April 2021 and displayed a site notice of the gate at the entrance to Kirkley Mill Farmhouse, which was after this representation was received.
- 7.24 Both the neutral representation and the representation of objection raise that the agricultural shed, permitted under planning application reference: 17/03563/FUL, has not been constructed in accordance with the approved plans. These concerns have been raised with the Council’s Planning Enforcement team and will be investigated separately to this current planning application.
- 7.25 Ponteland Town Council have requested that a condition be imposed to stop further development from taking place on this site. Paragraph 55 of the NPPF states *“planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects”*. The condition requested from Ponteland Town Council to prevent further development at the site is not considered to meet the tests set out within the

NPPF and would be considered unreasonable. Any future planning application would be assessed on its own merits, having consideration for national and local planning policy, the planning history of the site and any other relevant material planning considerations.

Equality Duty

7.26 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.27 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.28 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.29 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.30 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:

1. Land Registry Location Plan (Received on 18/03/2021)
2. Proposed Site & Roof Plan 20.63.01
3. Proposed Plan 20.63.03
4. Application Design & Access Statement

Reason: To ensure the approved development is carried out in complete accordance with the approved plans.

03. The additional living accommodation hereby approved shall not be used other than for residential purposes ancillary to the existing dwellinghouse, Kirkley Mill Farmhouse, and shall not be occupied, sold or let as a separate dwelling.

Reason: To avoid the creation of a separate residential dwelling and in the interests of amenity, in accordance with Policy H22 of the Castle Morpeth District Local Plan.

Informatives

1. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
2. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

Date of Report: 07.07.2021

Background Papers: Planning application file(s) 20/04264/FUL



Northumberland County Council

Appeal Update Report

Date: August 2021

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
20/02920/FUL	<p>Extensions to roof including hip to gable extension and full width flat roofed dormer – 5 Dilston Avenue, Hexham</p> <p>Main issues: proposals would not be in keeping with the character of the building or the surrounding area and would be detrimental to the visual amenity of the area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/02872/FUL	<p>Retrospective application for detached granny annex (amended description 17/11/20) - Moresby, Main Road, Stocksfield</p> <p>Main issues: the use of render results in harm to the character and appearance of the property, the surrounding area and the setting of a listed building.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
19/04938/FUL	<p>Resubmission of approved planning application 17/02932/FUL Erection of new building comprising of 12 self-contained 1 bedroom apartments (use class C3) for specialised independent supported living with associated external works and car parking – land between 86-90, Front Street East, Bedlington</p> <p>Main issues: appeal against non-determination due</p>	No

	to invalid application (no fee paid). Appeal against non-determination	
20/03046/FUL	Flat roof dormer to rear of property – 41 George Street, Amble Main issues: the proposal would significantly detract from the character and appearance of the dwelling and the conservation area. Delegated Decision - Officer Recommendation: Refuse	No
20/01649/FUL	Constuction of 1no. 4 bed dwelling to be used as primary residence. Unit to be 1.5 storey in height – land north west of The Granary, Tughall Steads, Chathill Main issues: layout results in a harmful impact on the character and rural setting of Tughall, and new track and access would create an urbanising effect to the rural setting. Delegated Decision - Officer Recommendation: Refuse	No – claim refused
20/01045/FUL	Barn conversion for holiday accommodation including three new build elements, a long lean-to to the long barn to the North of the site for corridor access, a middle single storey link between the north and south of the site, and the replacement of the hay barn for a sports hall facility (amended description) - land west of Townhead Farm, Tow House Main issues: design and impact on the non-designated heritage asset; insufficient information relating to drainage; and insufficient information relating to ground gas protection and water supply. Appeal against non-determination	No – claim refused
18/03435/VARYCO	Variation of condition 27 (noise) pursuant to planning permission 16/04622/FUL for amendments to boundary treatment plan – land at former Bates Colliery site, Cowpen, Blyth Main issues: applicant has been unable to provide a long-term management and maintenance plan for the required acoustic fencing to specific plots and protection from noise to occupiers cannot be secured. Delegated Decision - Officer Recommendation: Refuse	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
18/02239/FUL	<p>Redevelopment of the former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout) - Marley Tile Factory, Lead Lane, Newlands</p> <p>Main issues: isolated development in the open countryside; inappropriate development in the Green Belt by virtue of causing substantial harm to the openness of the Green Belt and very special circumstances have not been demonstrated to outweigh harm; and the design of the development would be out of keeping with the character and appearance of the locality and does not deliver an appropriate form of sustainable design or development for the site.</p>	<p>27 January 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01794/VARYCO	<p>Retrospective: Variation of condition 2 (Approved Plans) pursuant to planning permission 17/00229/FUL to allow amendments made during construction – land north and east of Horsley Banks Farm, Horsley</p> <p>Main issues: inappropriate development in the Green Belt and very special circumstances do not exist to outweigh harm to the Green Belt as well as harm to the character of the area and amenity of residents.</p>	<p>23 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

20/02548/FUL	<p>Construction of dwelling – land and building east of Ovington House, Ovington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; harm to the setting of a non-designated heritage asset and the Ovington Conservation Area; and a Section 106 agreement has not been completed in respect of a contribution to sport and play.</p>	<p>19 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03861/VARYCO	<p>Variation of condition 2 (approved plans) pursuant to planning permission 20/00297/FUL in order to allow new wall to be moved closer to boundary wall to underpin and give support. Also French doors have 3/4 height windows on either side and single window in extension will be replaced using existing 2no. sash windows and mullions – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: extension would be out of scale and character with the existing property and would have a harmful impact on the character and appearance of the site and surrounding area; and detrimental impact upon the residential amenity of the neighbouring property.</p>	<p>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02479/FUL	<p>Retrospective: Change of use from agricultural and construction of wooden shed - land north-west of 2 Linnels Cottages, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; visually intrusive and harmful impact upon the rural and open character of the site and surrounding area; and harmful impacts upon the amenity of neighbouring residents.</p>	<p>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04883/FUL	<p>Proposed demolition of existing garage to be replaced with two-storey dwellinghouse - 2 Sandridge, Newbiggin-by-the-Sea</p> <p>Main issues: harm to non-designated and designated heritage assets and the identified harm would not be outweighed by public benefits.</p>	<p>27 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00574/ADE	<p>Retrospective: Advertisement consent for installation of 3no. signs that have been in place for over 2 years - ADS Caravan Storage, Remscheid Way, Jubilee Industrial Estate, Ashington</p> <p>Main issues: Sign 1 has an unacceptable</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Split Decision</p>

	impact on the visual amenity of the site and surrounding area due to its siting and scale.	
20/04234/FUL	Proposed two storey side extension and demolition of existing garage – 23 Ladbroke Street, Amble Main issues: adverse impact on the street scene and the character and appearance of the conservation area due to scale, height and mass forward of the building line.	1 June 2021 Delegated Decision - Officer Recommendation: Refuse
20/04134/FUL	New sunroom – Outwood, Riding Mill Main issues: alongside existing extensions the proposal would result in a disproportionate addition over and above the scale of the original building and would be inappropriate development in the Green Belt.	1 June 2021 Delegated Decision - Officer Recommendation: Refuse
20/00923/FUL	Erection of four no. dwellinghouses (C3 use) - land south of The Paddock, Longframlington Main issues: proposal fails to protect and enhance the distinctive character of Longframlington; incursion into the open countryside; and insufficient information regarding surface water drainage and flood risk.	4 June 2021 Delegated Decision - Officer Recommendation: Refuse
21/00069/CLEXIS	Certificate of Lawful Development of an Existing Use of land as residential - land south of 4 Station Cottages, Longhirst Main issues: insufficient evidence to conclude that the land has been used as stated for a period in excess of 10 years.	16 June 2021 Delegated Decision - Officer Recommendation: Refuse
20/00925/FUL	Outline permission for the construction of up to 9no dwellings including access, appearance, layout and scale – land north-west of Blue House Farm, Blue House Farm Road, Netherton Colliery Main issues: harm to setting of a designated heritage asset; insufficient information in respect of potential risk from ground gas; and a section 106 agreement has not been completed in respect of a contribution to the ecology coastal mitigation scheme or off-site sport and play provision.	30 June 2021 Delegated Decision - Officer Recommendation: Refuse
21/00928/FUL	Part first floor extension to existing bungalow - 16 Lynwood Close, Darras Hall, Ponteland Main issues: proportion, form, massing, siting, height, size, scale and design fails to be subordinate and respectful of the character and appearance of the property	7 July 2021 Delegated Decision - Officer Recommendation:

	and its surroundings.	Refuse
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Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
18/01344/ENDEVT	Bridgend Caravan Park, Wooler Main issues: one Enforcement Notice appealed by three parties in respect of operational development to provide extra bases for residential static caravans with associated services	No
18/00489/ENDEVT	Land at Moor Farm Estate, Station Road, Stannington Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers	Yes

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		No

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB Main issues: material change of use of the land from agricultural for the siting of 4 caravans	1 February 2021

18/00223/ENDEVT	<p>Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB</p> <p>Main issues: material change of use of the land for the siting of one caravan and the erection of fencing in excess of 2 metres in height</p>	1 February 2021
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Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/00247/FUL	<p>Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington</p> <p>Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.</p>	<p>Inquiry date: 9 March 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02247/FUL	<p>Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne</p> <p>Main issues: fails to demonstrate the need for a rural worker's dwelling in the open countryside; inappropriate development in the Green Belt and there are no very special circumstances to outweigh harm; and fails to address pollution concerns with potential to affect protected species and failure to demonstrate ecological enhancement.</p>	<p>Virtual hearing date: 28 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL
9 August 2021

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC FOOTPATHS NOS 20 - 22 PARISH OF EAST CHEVINGTON

Report of the Executive Director of Local Services
Cabinet Member: Councillor Jeff Watson, Healthy Lives

Purpose of report

In this report, the Committee is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a number of public rights of way in South Broomhill, east of St John's Estate.

Recommendation

It is recommended that the Committee agree that:

- i) there is sufficient evidence to justify that public rights of way have been reasonably alleged to exist over the claimed routes**
- ii) the routes be included in a future Definitive Map Modification Order as Public Footpaths.**

1.0 BACKGROUND

- 1.1 The relevant statutory provisions which apply to adding a public right of way to the Definitive Map and Statement based on 20 years user evidence are Sections 53(3)(b) and 53(3)(c)(i) of the Wildlife and Countryside Act, 1981, which require the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“The expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been

dedicated as a public path or restricted byway” [s53(3)(b)]

or

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;” [s53(3)(c)(i)]

- 1.2 It is an unresolved question whether it is permissible to invoke section 53(3)(c)(i) in a case to which section 53(3)(b) applies. There is a case (Bagshaw), which is indirect authority to the effect that in any case of deemed dedication reliance on paragraph (c)(i) is perfectly acceptable. Members are therefore invited to apply the lower test.
- 1.3 Section 31 of the Highways Act 1980 (HA80) provides for the presumption of dedication of a public right of way following 20 years continuous use. Sub-section (1) states:

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”
- 1.4 It is necessary to show that there has been uninterrupted use, as of right, by the public over a period of 20 years or more. ‘As of right’ means openly, not secretly, not by force and not by permission. The public must have used the way without hindrance (e.g. objections, verbal / written warnings, etc.) or permission from the landowner or his agents. The 20 year period may be shown at any time in the past and is generally taken to run backwards from the date when the use of the path was first “brought into question”, whether by a notice or otherwise.
- 1.5 The Committee must consider whether there is sufficient evidence to allege that the presumption is raised. The standard of proof is the civil one that is the balance of probabilities. Members must weigh up the evidence and if, on balance, it is reasonable to allege that there is a public right of way, then the presumption is raised. The onus is then on the landowner to show evidence that there was no intention on their part to dedicate.
- 1.6 Such evidence may consist of notices or barriers, or by the locking of the way on one day in the year, and drawing this to the attention of the public, or by the deposit of a Declaration under section 31(6) HA80 to the effect that no additional ways (other than any specifically indicated in the Declaration) have been dedicated as highways since the date of the deposit.
- 1.7 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals’ rights and the public interest.

2.0 PUBLIC EVIDENCE

2.1 In January 2019 the County Council received an application to add to the Definitive Map and Statement a number of public rights of way in South Broomhill, east of St John's Estate as detailed below and indicated on the attached plan.

To add alleged **Public Footpath No 20** from a point marked C on the U6125 footway north of number 8 Aged Miners Cottages in a northerly direction for a distance of 80 metres to a point marked J on the Simonside Crescent Footway then continuing in a south-easterly and southerly direction for a distance of 100 metres to a point marked D at Precinct shops car park.

To add alleged **Public Footpath No 21** from a point marked E on the U6094 road 15 metres north-east of number 76 St John's Estate in an easterly direction for a distance of 15 metres to a point marked F on alleged Public Footpath No 20, 55 metres south-west of Druridge Bay Community Centre.

To add alleged **Public Footpath No 22** from a point marked G on alleged Public Footpath No 20, 12 metres north-east of number 49 St John's Estate in a general south-easterly and easterly direction for a distance of 50 metres to a point marked H on alleged Public Footpath No 20, 20 metres north-west of Druridge Bay Community Centre.

The proposal is supported by user evidence from 14 members of the public, 10 of whom indicate that they have used the paths for periods in excess of 20 years. The application is also supported by Ordnance Survey plans dated 1981, 1986 and 1991 and a satellite image from Google Maps dated 2018. The evidence providers have all attached plans showing the paths that they have used. Some of the alleged routes overlap and some of the evidence is common to all or some of the claimed paths. It is estimated that 13 of the users claim to have walked all or part of Footpath No 20, 7 users claim to have walked Footpath No 21, and 5 users claim to have walked Footpath No 22.

3. LANDOWNER EVIDENCE

3.1 In February 2019 Womble Bond Dickinson, on behalf of their client, Karbon Homes, submitted the following comments:

- i) "We act on behalf of Karbon Homes Limited (**Karbon**), in respect of the above matter. Karbon has received the enclosed notice of an application for a modification order in respect of the definitive map insofar as it relates to the Site, made by Mr John Boyd (**Application**). Karbon is the freehold owner of the site.
- ii) "We understand that the Council, as the surveying authority, is currently considering the Application.
- iii) "Whilst there is no statutory duty or obligation on the Council to consult with the landowner prior to the making of an order modifying the

definitive map, Karbon wishes to place on record its objection to the Application and the making of an order modifying the definitive map.

- iv) “Please note that should the order be made, Karbon will submit detailed objections to the confirming of the order, unless a practical solution can be agreed between the parties.”

3.2 In December 2019 Womble Bond Dickinson, on behalf of their client, Karbon Homes, submitted the following comments:

- i) “We act on behalf of Karbon Homes Limited (**Karbon**), in respect of the above matter. Thank you for your letter of 17 September 2019 enclosing further details of the application for a modification order in respect of the site (**Application**).
- ii) “As requested in your letter, we enclose a marked-up copy of the plan you provided which shows the extent of Karbon’s ownership until title number ND144375, shown edged in red
- iii) “Karbon wishes to reiterate its objection to the Application and to the making of an order to modify the Definitive Map, as we previously set out in the letter from this Firm dated 12 February 2019. Karbon is reserving its position pending sight of the user and documentary evidence submitted in support of the Application.
- iv) “Karbon has no record of the existence of the alleged footpaths and no evidence that the alleged footpaths have been used as of right. Similarly Karbon has no record of there being any express dedication of the alleged footpaths.
- v) “We understand that an order granting the modification to the Definitive Map has not yet been granted, in respect of the Application. We trust that the above will be taken into account by the Council when it considers the Application and whether to make the order.
- vi) “Karbon wishes to reiterate that should the order be made, it will submit objections to the confirming of the order, unless a practical solution can be arranged between the parties.

4. CONSULTATION

4.1 In September 2019, the County Council carried out a consultation with the Parish Council, known owners and occupiers of the land and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”.

4.2 By email dated 19rd October 2019, the Clerk to East Chevington Parish Council responded to the consultation with the following comment:

“East Chevington Parish Council have discussed this matter and would like it noted that we fully support the residents in their application.”

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made, relating to historical evidence and the following copies of O.S. Maps are enclosed for consideration.

1957 O.S. Map: Scale 1:10,560 (enlarged)

St Johns Estate was, at that time, part of North Row and Middle Row.

1966 O.S. Map: Scale 1:10,560 (enlarged)

Dwellings between the Dairy Farm and Hadston Farm are in existence and as is the imprint of St Johns Estate.

1984 O.S. Map: Scale 1:10,560 (enlarged)

The street layouts appear to be very similar to the present day.

6. SITE INVESTIGATION

- 6.1 A site inspection was undertaken on 30th June 2020 and photographs will be presented at the meeting for members information and attention

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In July 2021 a draft copy of the report was circulated to the applicant and the agent acting on behalf of the owner/occupiers of the land who responded to the consultation.

8. DISCUSSION

- 8.1 Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:

that a right of way, which is not shown in the Map and Statement, subsists or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic.

- 8.2 The representation of a path or track on an Ordnance Survey Map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

- 8.3 Under Section 31 of the Highways Act 1980, a particular way may be presumed to be a highway if it can be shown that there has been twenty years uninterrupted use by the public, as a right of way, and that the landowners

have not taken steps to rebut this presumed dedication during that twenty year period.

- 8.4 The proposal was supported by user evidence from 14 members of the public. All of the evidence providers submitted one evidence form relating to all or some of the alleged paths so in some cases the evidence is common to all of the claimed paths. However the majority of the users gave a detailed response when answering 'Question 18' or submitted an additional statement. A 'Usergram' compiled by officers is attached to the report which includes a summary of the evidence of use as follows:

Footpath No 20 - 14 users claim to have walked or cycled all or part of the path. Of those 14 users 13 claim to have walked the path for periods in excess of 20 years.

Footpath No 21 - 7 users claim to have walked the entire path. All of the 7 users claim to have walked the path for periods in excess of 20 years.

Footpath No 22 - 5 users claim to have walked the entire path. 3 of the 5 users claim to have walked the path for periods in excess of 20 years.

- 8.5 It would appear from the user evidence that there is continuous use of all of the alleged paths on a daily basis to frequent social and commercial premises as well as public transport links. It is also worth noting that all of the evidence providers have witnessed other people using the routes. The paths are all metalled with tarmac and have received maintenance with the addition of dropped kerbs at various locations to assist with access. Although some of the evidence providers claim to have used the route on bicycles there does not appear to be sufficient evidence to raise a presumption of the existence of any higher rights than public footpaths.
- 8.6 If the date the public's right to use the alleged paths was called into question is taken to be January 2019, the date the application was submitted, then 11 of the user evidence providers can still claim to have walked the paths for periods in excess of 20 years, prior to this date. The frequency and purpose of this use is considered to be sufficient to raise a presumption of dedication.
- 8.7 The historical map evidence would suggest that during the development of North Broomhill, housing has been constructed on all sides of the alleged public paths to accommodate the growing infrastructure. The area of land over which the alleged paths cross has remained at the centre of this community hub.
- 8.8 None of the evidence providers appear to have been given permission to use the paths by the landowner or indicate that they were physically stopped during the relevant period.
- 8.9 If members are not convinced that the route has been used for periods in excess of 20 years then members may also wish to give consideration to dedication under Common Law. Public rights of way may have been dedicated under Common Law if it can be inferred by the landowner's conduct that they intended to dedicate public rights over the routes. Where there has been evidence of a use by the public so long and in such a manner that the landowner must have been aware that the public was acting under the belief that

the way had been dedicated. The construction of tarmacked paved ways over the routes of the alleged paths and the fact the landowner did not take steps to disabuse the users of the paths suggests an acceptance by the landowner for the public to walk the paths.

- 8.10 The County Council notes the request by Womble Bond Dickinson on behalf of Karbon Homes Limited to investigate a practical solution. If an Order was to be made and objections received, it is usual practice for officers to investigate whether there is the possibility of agreeing a harmonious solution on an alignment that satisfies the concerns of all the interested parties.
- 8.11 For administrative reasons if the paths were to be included in a Definitive Map Modification Order the numbers would be changed to record the paths as Parish of East Chevington Public Footpaths Nos 23, 24 and 25.
- 8.12 Advice from the Planning Inspectorate states that it is important to have the correct width, where known, recorded in the definitive statement. It is considered appropriate therefore, that should any future modification order be made, it should reflect the evidence statements and the physical features on the ground by recording all of the routes with a minimum width of 1.5 metres wide.

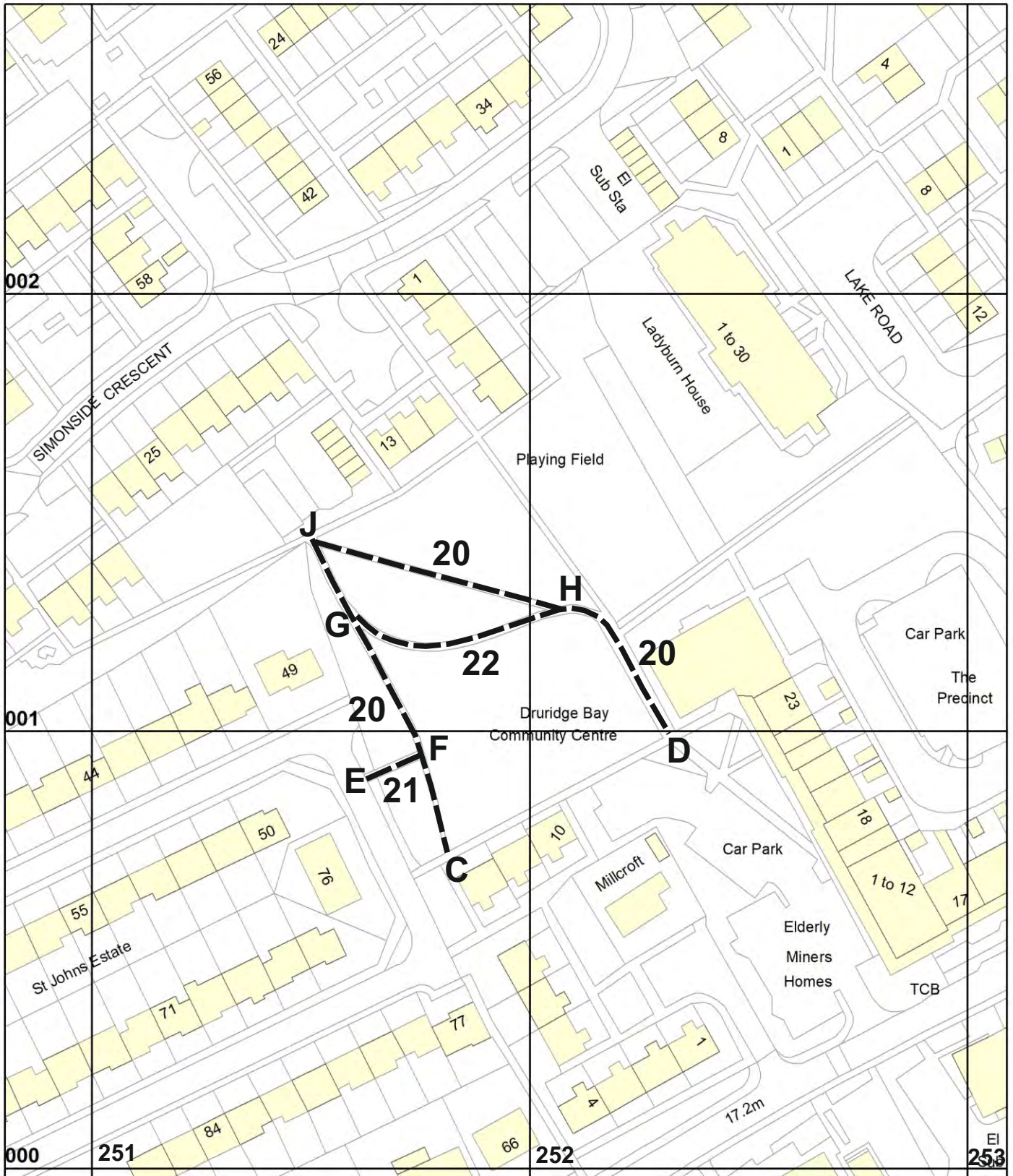
9. CONCLUSION

- 9.1 In the light of the evidence submitted, it appears that there is sufficient evidence to justify that public footpath rights have been reasonably alleged to exist over all of the claimed routes.

BACKGROUND PAPERS

Local Services Group File D/4/20-22z

Report Author John McErlane – Definitive Map Officer
 (01670) 624136
 John.McErlane@northumberland.gov.uk



Northumberland
County Council

Local Services
County Hall Morpeth Northumberland
NE61 2EF
Telephone 0845 600 6400

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Wildlife and Countryside Act 1981 Public Rights of Way

----- Alleged Public Footpath

Former District(s) Morpeth	Parish(es) East Chevington	Scale 1: 1250
Def. Map No. 88	O.S. Map NU 20 SE	Date September 2019



Legend

- - - Footpath
- - - Bridleway
- - - Restricted Byway
- Byway Open to All Traffic

This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale: 1:10,000

Contact: John McErlane
 Tel: 01670 624136
 EMail: John.McErlane@northumberland.gov.uk

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PARISH OF EAST CHEVINGTON ALLEGED PUBLIC FOOTPATHS Nos 20 - 22											
	1960	1970	1980	1990	2000	2010	2020		Frequency and Type of Use	Prevented from using the route?	
J Boyd									Weekly on Foot	No	
E Moir									Daily of Foot & Bicycle	No	
D Devine									Daily on Foot & Weekly on Bicycle	No	
B Smith									Daily on Foot	No	
A Devine									Weekly on Foot & Bicycle	No	
K Smith									Daily on Foot	No	
D Smith									Daily on Foot	No	
F McDonald Belisle									3-4 times a week on Foot	No	
P Douglas									Daily on Foot & Bicycle	No	
W Belisle									Daily on Foot & Weekly on Bicycle	No	
A Robertson									Daily on Foot	No	
B Robertson									Daily on Foot & Bicycle	No	
J Dunn									Daily on Foot & Bicycle	No	
K Walker									Daily on Foot	No	

PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLAND

APPLICATION FOR MODIFICATION ORDER

Former Borough/District CASTLE MORPETH

Parish ~~FACET~~ EAST CHEVINGTON

To: Infrastructure Records
Local Services Group
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

I/we JOHN BOYD (Name)

of 69 St Johns Estate, South Broomhill (Address)
Morpeth NE65 9RZ


hereby apply for an order, under Section 53 (2) of the Wildlife and Countryside Act 1981, modifying the Definitive Map and Statement for the County of Northumberland, by adding the footpath:

from ① 55,294783 | 1,605517 and ① 55,294783 | 1,605517
to ② 55,294139 | 1,605021 ~~1,605517~~ ③ 55,294633 | 1,604439
as shown on the plan attached.

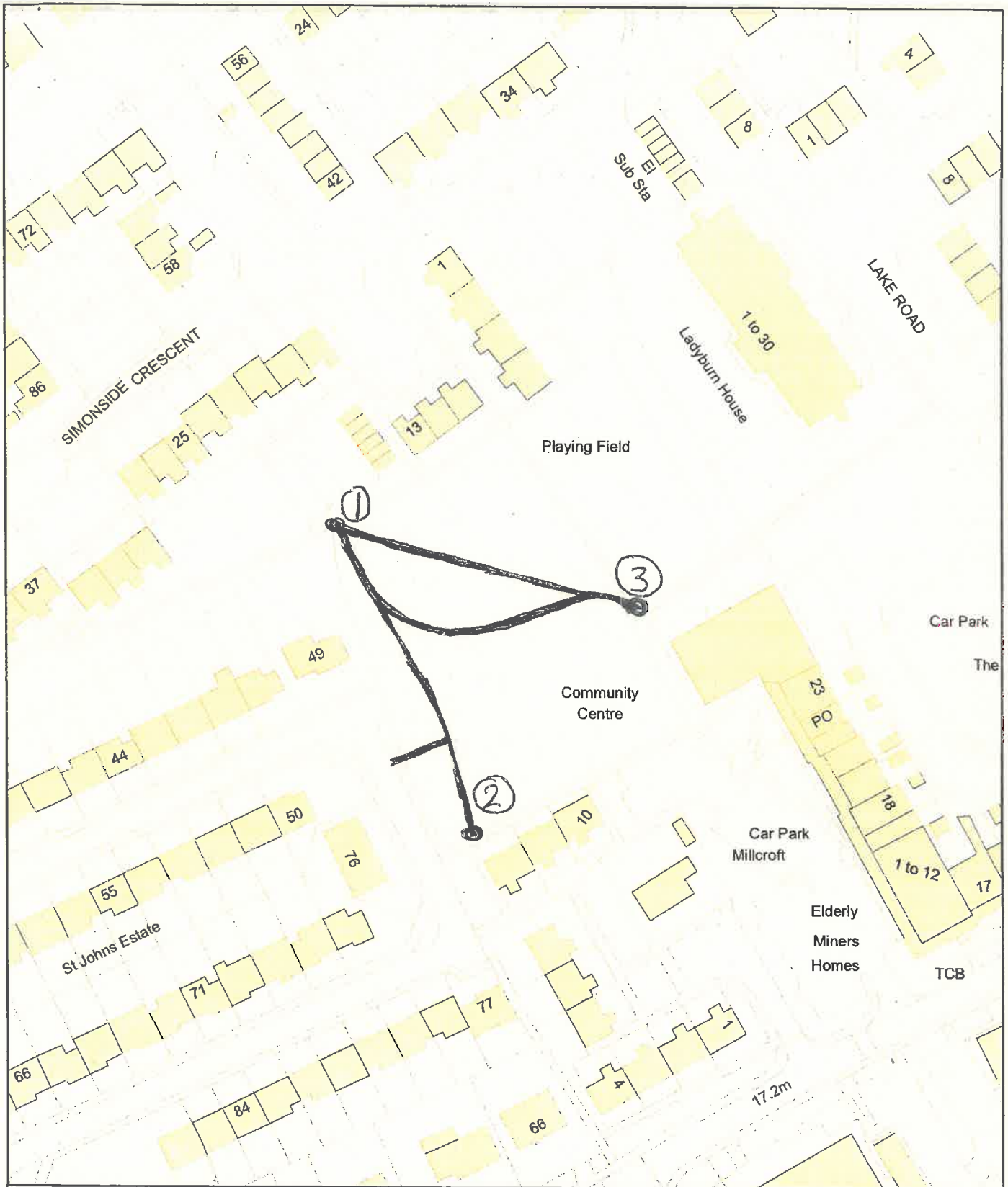
I/we attach copies of the following documentary evidence (including statements of witness) set out below in support of this application.

List of Documents

- 14 EVIDENCE STATEMENT, Plus LIST OF NAMES
- 1 MAP SHOWING GRID REF. LOCATIONS

Dated 21/1/19 S 

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2½" to 1 mile, but 1:10,000 scale (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.




Northumberland
 County Council
 Infrastructure Records, Local Services
 County Hall Morpeth Northumberland
 NE61 2EF Telephone 0345 600 6400

Wildlife & Countryside Act, 1981

 Claimed Public Right of Way

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLAND

CERTIFICATE OF SERVICE OF NOTICE OF
APPLICATION FOR MODIFICATION ORDER

Former Borough/District CASTLE MORPETH

Parish EAST CHEVINGTON

To: Infrastructure Records
Local Services Group
Northumberland County Council
County Hall
Morpeth
NE61 2EF

I/we JOHN BOYD (Name)

of 69 St JOHN'S ESTATE, SOUTH BROOMHILL (Address)
..... MORPETH NE 65 9RZ

hereby certify that the requirements of Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with, and each of the following landowners and occupiers affected by the claim have been notified.

Name
..... Mr VINCE WAHSH

Address
..... KARBON HOMES, N⁵ GOSFORTH
..... PARK AVENUE
..... GOSFORTH BUSINESS PARK
..... NEWCASTLE UPON TYNE
..... NE12 8EG

Dated 21/1/19

Sign 

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name JOHN BOYD

Address 69 St Johns Estate
SOUTH BROOMHILL

MORPETH Postcode NE65 9RZ

Year of Birth 1954

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

No

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

ALL THREE PATHS START AT THE CORNER OF
THE BACK GARDEN OF 49 St Johns Est. The long
STRAIGHT PATH RUNS Nd to Sd TO THE AGED MINDS HOMES
The short & curved path runs Nd W to Sd EAST TOWARDS
COMMUNITY CENTRE

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

ATTACHED

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1988 To PRESENT

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

.....
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

THE 2 STRAIGHT PATHS ARE APPROX 4 FT WIDE
AND THE CURVED PATH IS 6 FT WIDE

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

ALL THE PATHS HAVE CONCRETE KERBS AND THE SURFACE IS TARMAC. THE CONNECTIONS TO ST JOHN'S HAVE "DROPPED" KERBS.

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

NO

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO

c. Other barriers [state what they were and location, how long they were in place and show on your map]

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

SEE ATTACHED SHEET

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No Yes

If yes – please provide details

ORDANCE SURVEY MAP
GOOGLE EARTH ~~SATELLITE~~ SATELLITE IMAGE
1986 M.M. LAND REGISTRY NDI 16144

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

SEE ATTACHED SHEET AND MAPS/PHOTOS
.....
.....
.....
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No Yes

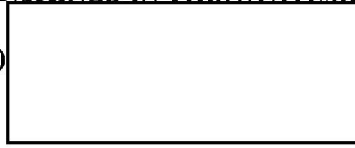
20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth)

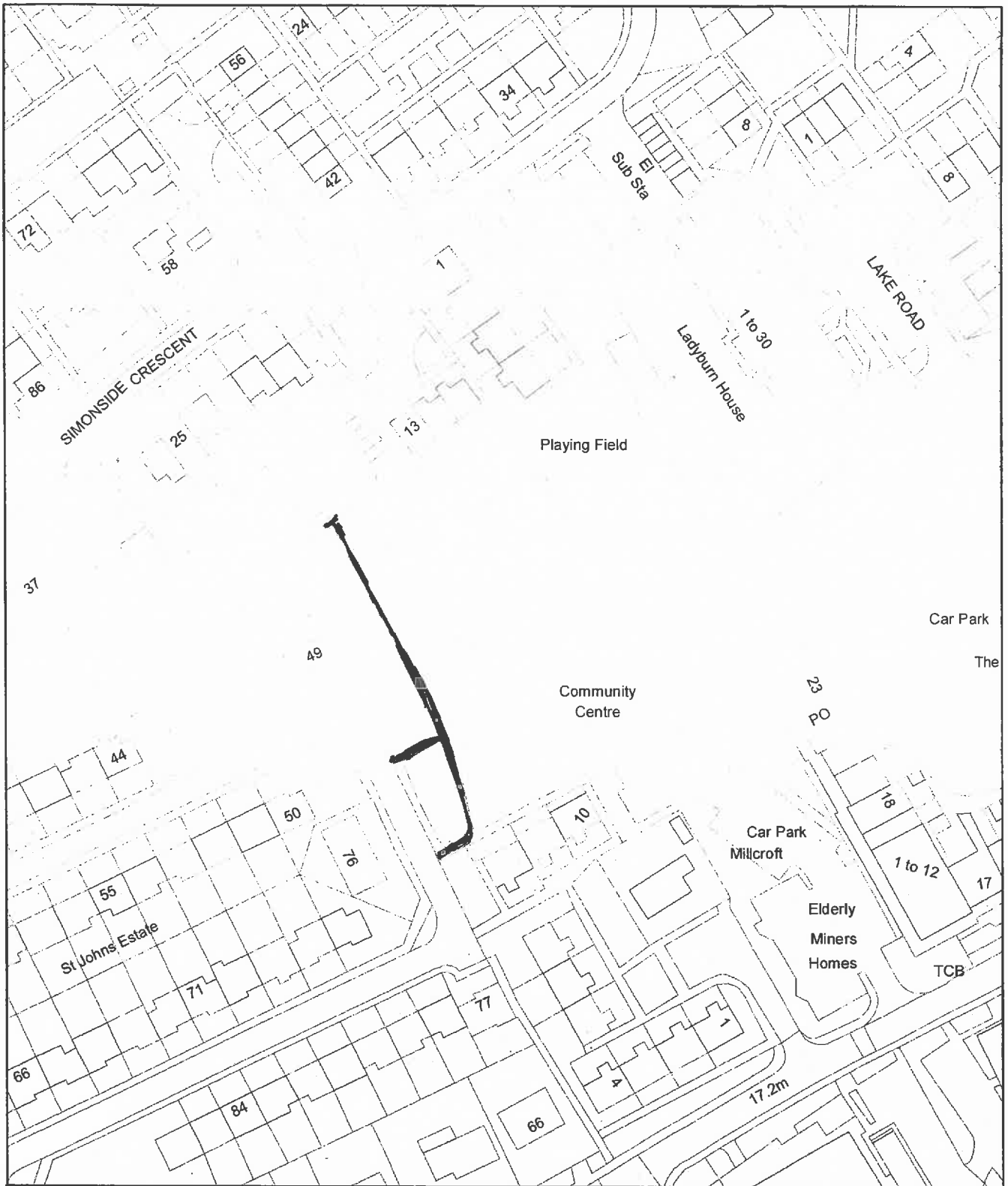



Print full name: JOHN BOYD

Date: 21/1/19

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



 <p>Northumberland County Council</p> <p>Infrastructure Records, Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0345 600 6400</p>	<h2>Wildlife & Countryside Act, 1981</h2>		
<p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License No. 100049048 (2013).</small></p>	<p>Former District Morpeth Parish East Chevington</p>		<p>Scale 1:1,250</p>
	<p>Def. Map. No. 98</p>	<p>O.S. Map NU20SE</p>	<p>Date November 2018</p>

Public Right of Way User Evidence Statement. January 2019

John Boyd
69 St Johns Estate
South Broomhill
NE65 9RZ. Tel. 01670760918.
No. 10

While using the application route over the last 31 years I have seen numerous other users. In the early days lots of miners used these paths as they went to and fro to the bus pick up point at the precinct. School children have also used these paths to go to Red Row First School, Druridge Bay Middle-School (now closed) and to the Bus pick up points for James Calvert Academy at Amble. The majority of other users have been on foot although young mothers and grandparents with pram/push chairs are often seen.

In the later years, I have seen quite a few Mobility Scooters and Wheel Chair users on the paths. Several use the longer path to reach St Johns Est then travel up through the Estate to the Bus Stop for Morpeth and Newcastle

When meeting other users with mobility problems it is necessary to step onto the grass to let them pass safely.

The majority of users are going to the Precinct Shops, Community Centre, Doctors Surgery, Drop in Centre and the Bus Stops. Morning /Evenings it is School Children that make up the majority on users.

No.18

When the Estate, that includes Simonside and Hartside Crescents, was built to replace Miners homes at East Chevington Drift the then "Castle Morpeth Borough Council" installed the long straight path that goes from the rear of 49 St Johns Estate to the Aged Miner Homes and the Curved path that crosses the green to the precinct. A few years later they installed the short diagonal path over the green as so users were walking over the grass and wearing it away.

In more recent years the N.C.C. have installed "Dropped Kerbs" at the end of the paths that link with St Johns Est.

If these paths are removed, users, especially with Mobility problem will have a major detour to get to St Johns Estate and further on to the Bus Stop for the Morpeth and Newcastle Hospitals.

My young family and I used the longer path to access the "Play Area" (removed now) behind 49 St Johns (as shown on the HM Land registry map) and to play Cricket on the Green bordered by the Curved path.

We also used it weekly, between 1998 to 2008, to visit relatives who lived in Simonside Crescent. When my children started school, we used the paths to visit their friends.

John Boyd





Imagery ©2018 Google, Map data ©2018 Google 10 m

 Set a home address

 Set a work address

Updated 1 min ago



 Light traffic in this area
No delays nearby



Search this area

7°



Restaurants



Hotels



Bars



Coffee



More

Hide

H.M. LAND REGISTRY

TITLE NUMBER

ND 116144

ORIGINATING SURVEY
PLAN REFERENCE

NO 2500

SECTION C

Scale

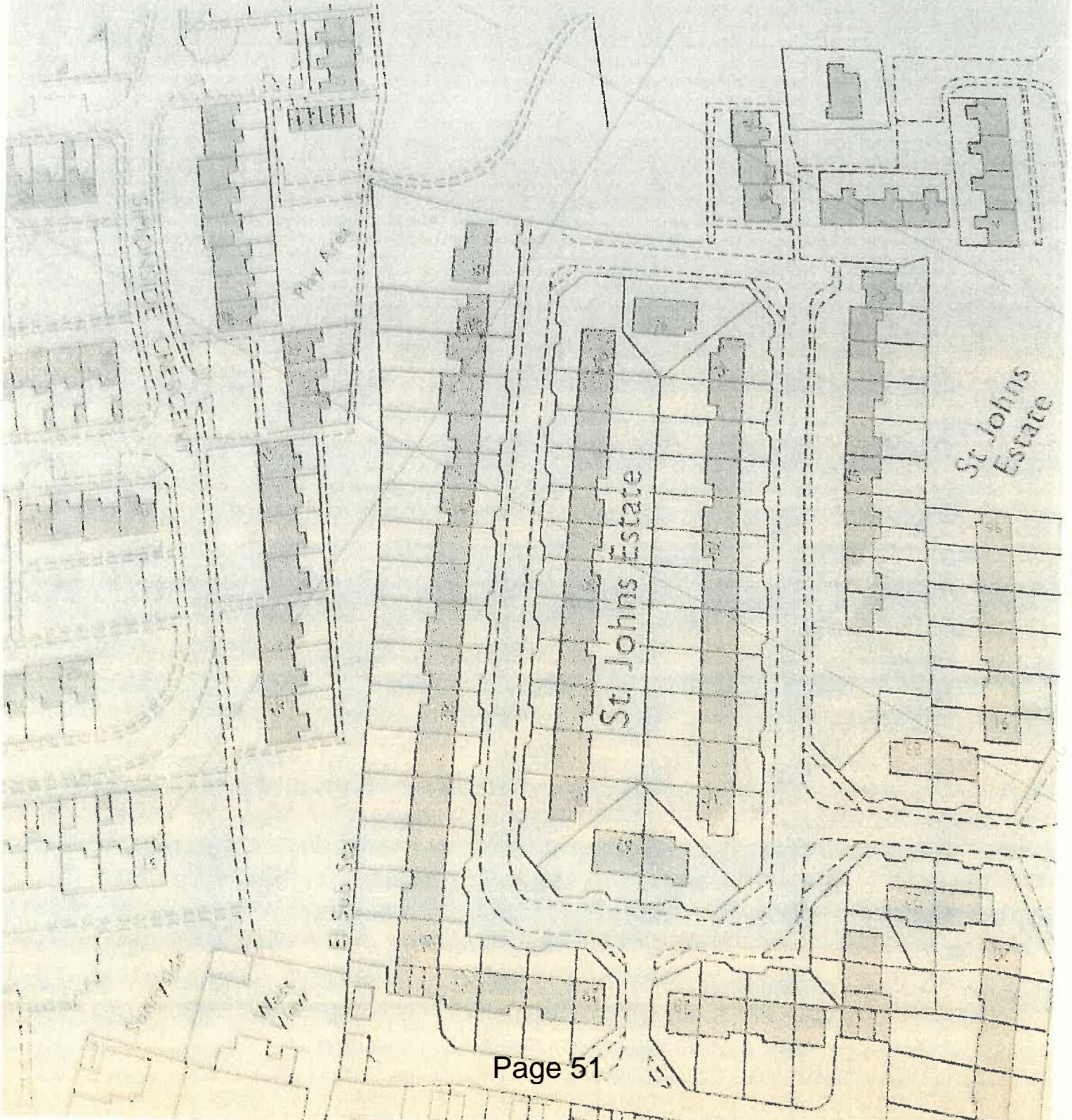
1/1250 Enlarged from 1/2500

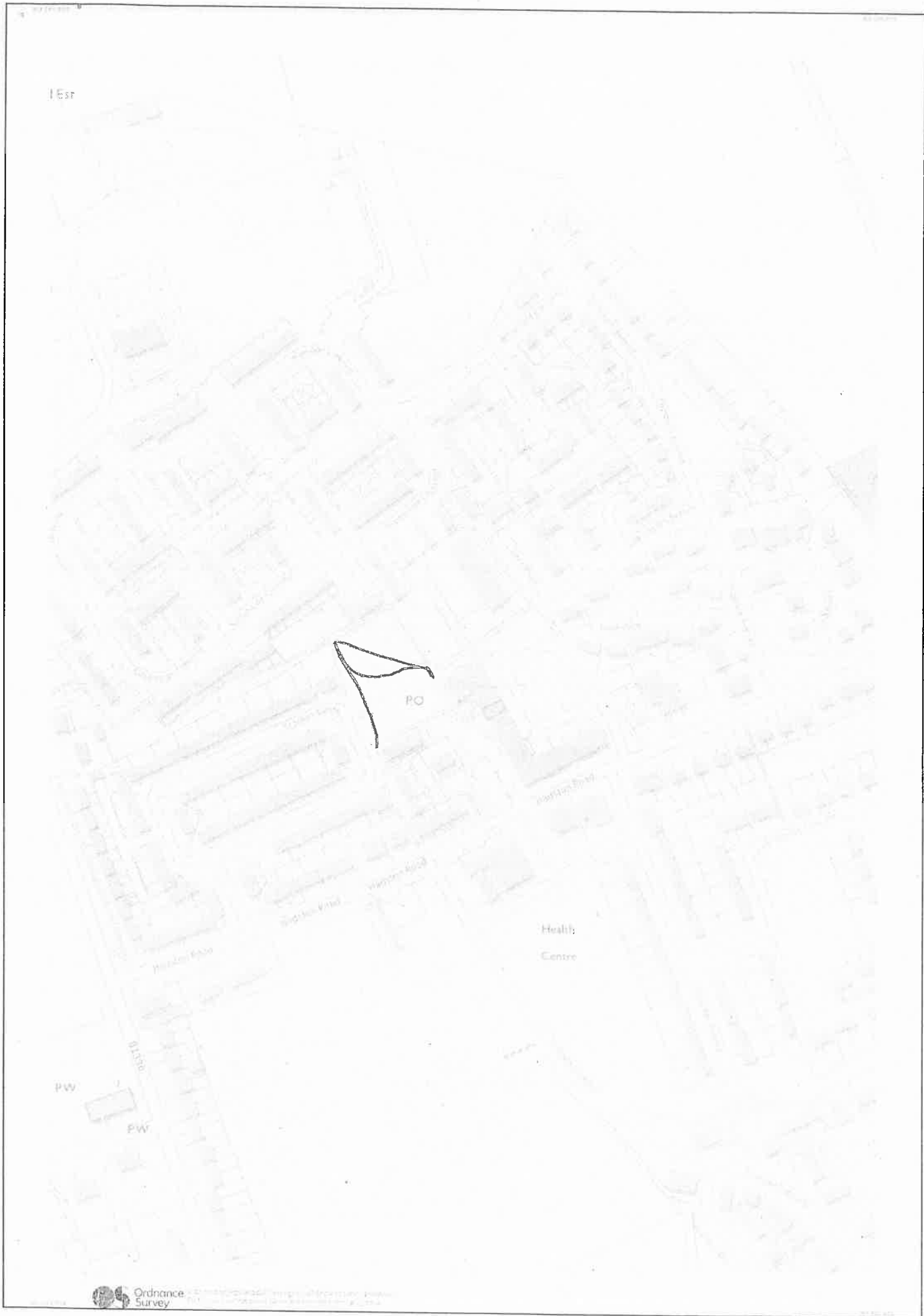
COUNTY NORTHUMBERLAND

DISTRICT CASTLE HORBETH

© Crown copyright 1986

1986







**Ordnance Survey Plan
Published 1981**

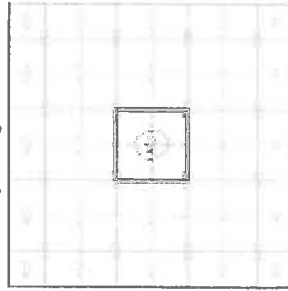
Source map scale - 1:2,500

The historical maps shown were reproduced from maps predominantly held at the Ordnance Survey, which were adopted for England, Wales and Scotland in the year 1854 at a scale of 1:2,500. The maps were compiled from a series of surveys covering the whole of what were considered to be the cultivated parts of Great Britain. The published date given below is often some years later than the surveyed date. Before 1938, all OS maps were based on the Cassini Projection, with independent surveys of a single county or group of counties, giving rise to significant inaccuracies in outlying areas.

Map Name(s) and Date(s)

1825/26	1857
1872/81	1881
1888/89	1898
1905/06	1913/14

Historical Map - Segment A13



Order Details

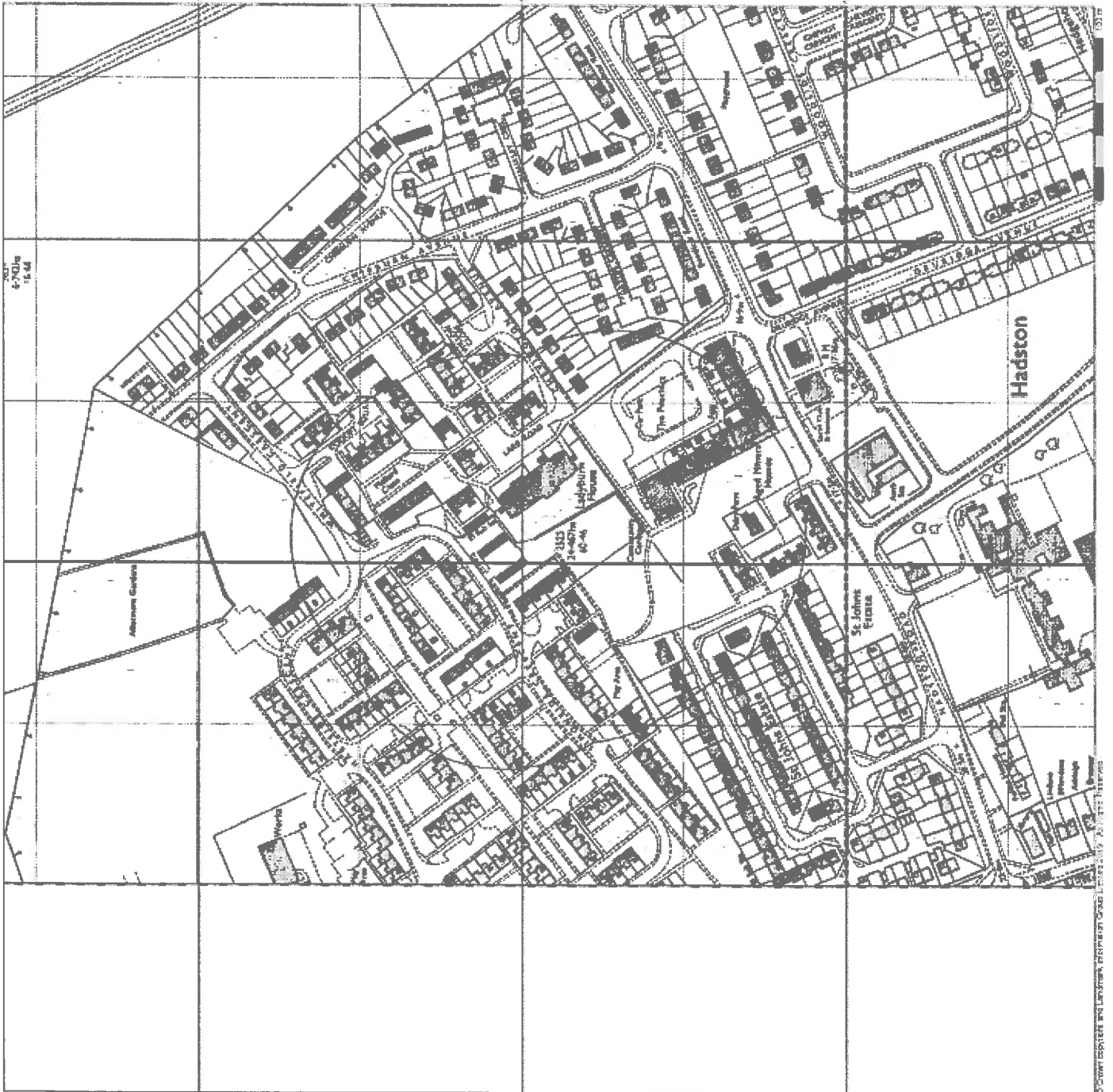
Order Number: 204839188_1_1
 Customer Ref: 190515
 National Grid Reference: 425210, 600180
 Slice: A
 Site Area (Ha): 0.33
 Search Buffer (m): 100

Site Details

Land at Hadston, Hadston, MORPETH, NE65 9TG



Tel: 0844 844 9852
 Fax: 0844 844 9951
 Web: www.landmark.co.uk





ROBERTS

Additional SIMs Published 1991

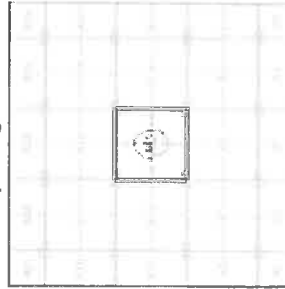
Source map scale - 1:2,500

The SIM cards (Ordnance Survey's 'Survey of Information on Microfilm') are further, minor editions of mapping which were produced and published in between the main editions of an area was updated. They date from 1947 to 1991, and contain detailed information on buildings, roads and land-use. These maps were produced at both 1:2,500 and 1:12,500 scales.

Map Name(s) and Date(s)

1:12,500
1:2,500
1:12,500
1:2,500
1:12,500
1:2,500

Historical Map - Segment A13



Order Details

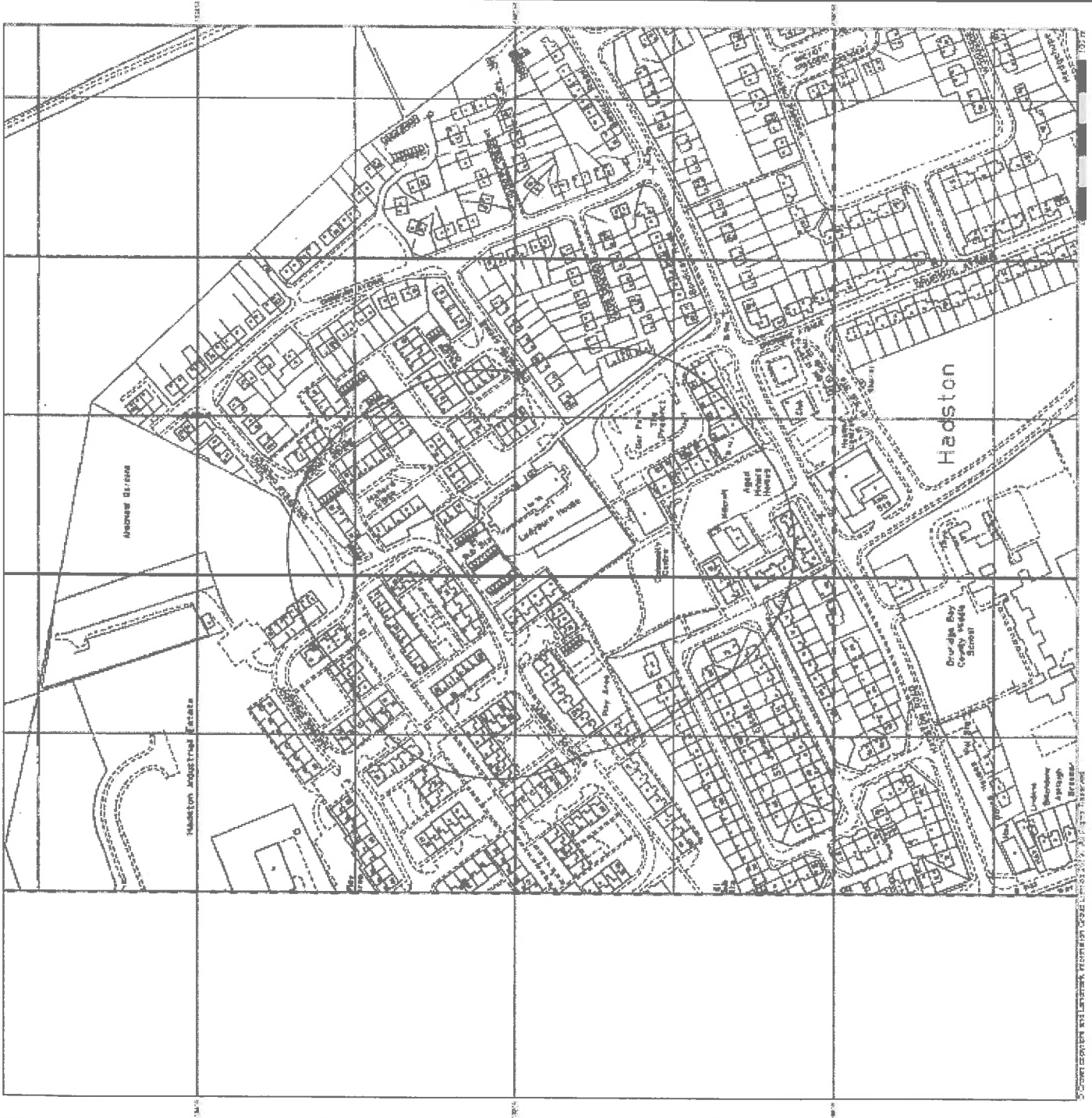
Order Number: 204830188_1_1
 Customer Ref: 190515
 National Grid Reference: 425210, 600180
 Slice: A
 Site Area (Ha): 0.33
 Search Buffer (m): 100

Site Details

Land at Hadston, Hadston, MORPETH, NE65 9TG



Tel: 0844 844 9852
 Fax: 0844 844 9851
 Web: www.ansirocheck.co.uk





Additional SIMs

Published 1987 - 1991

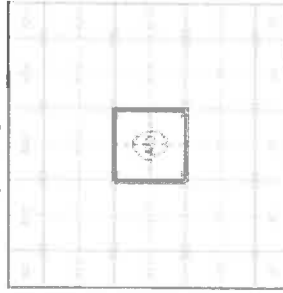
Source map scale - 1:2,500

The SIM cards (Ordnance Survey's 'Survey of Information on Microfilm') are further, minor editions of mapping which were produced and published in between the main editions as an area was updated. They date from 1947 to 1994, and contain detailed information on buildings, roads and land-use. These maps were produced at both 1:2,500 and 1:1,250 scales.

Map Name(s) and Date(s)

1987/88	1:2,500
1989/90	1:2,500
1991/92	1:2,500
1993/94	1:2,500

Historical Map - Segment A13



Order Details

Order Number: 204639188_1_1
Customer Ref: 190515
National Grid Reference: 425210, 600180

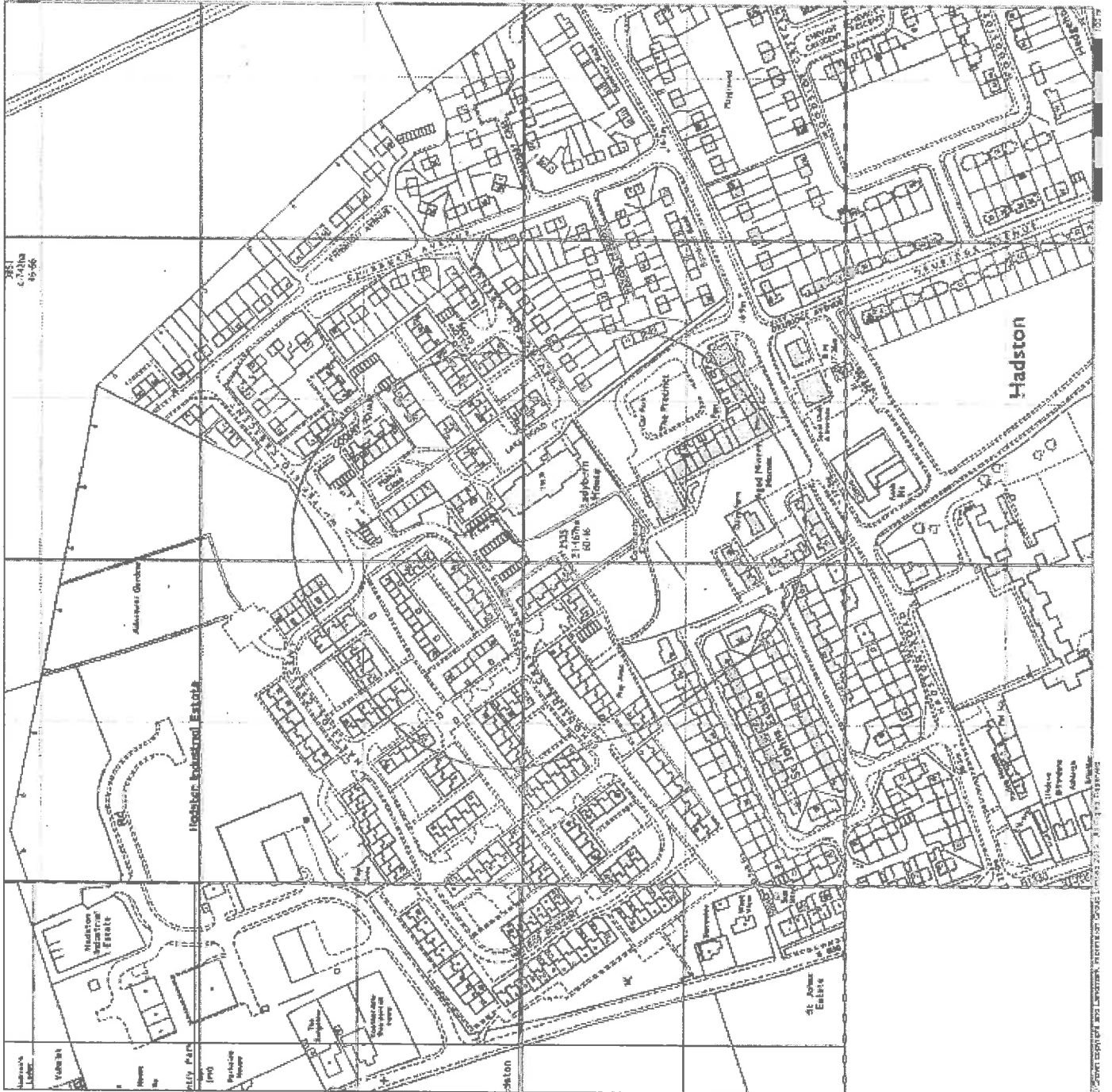
Site: A
Site Area (Ha): 0.33
Search Buffer (m): 100

Site Details

Land at Hadston, Hadston, MORPETH, NE65 9TG



Tel: 0844 844 9952
Fax: 0844 844 9951
Web: www.landmark.co.uk



PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name EVE MOIR

Address 43 SWARLAND TERRACE, RED ROW,
MORPETH, NORTHUMBERLAND

Postcode NE61 5AW

Year of Birth 1980

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

29 SIMONSIDE CRESCENT

23 ST. JOHN'S ESTATE

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

FROM THE CORNER OF ST. JOHNS + SIMONSIDE
CRESCENT DIAGONALLY TO THE COMMUNITY
CENTRE AT HAOSTON PRECINCT.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1980 To 1994/96 APPROX

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

NO. USED DAILY.

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	<input checked="" type="checkbox"/>					
On horseback						
By pedal cycle	<input checked="" type="checkbox"/>					
By car						
Other []						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

THE ORIGINAL PATH WAS CIRCULAR THEN IT WAS
CHANGED TO THE DIAGONAL PATH EARLY-MID 80'S
APPROX

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

IT IS THE WIDTH OF AN ORDINARY FOOTPATH!

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

IT IS A TARMAc PATH SURROUNDED BY
GRASS.

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

.....

How long were they in place?

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

.....

c. Other barriers [state what they were and location, how long they were in place and show on your map]

.....

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

ABSOLUTELY! DAILY TO GET TO THE PRECINCT,
WALKING TO SCHOOL TO THE BUS STOP, TO
VISIT FAMILY & FRIENDS.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
IF YOU LOOK AT NCC WEBSITE FOR PUBLIC
RIGHTS OF WAY THE PATH IS CLEARLY MARKED

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

.....
IT HAS BEEN IN USE MY ENTIRE LIFE TIME
(38 YEARS) AND CONTINUES TO BE USED
CONSISTENTLY EVERY SINGLE DAY BY
RESIDENTS, POSTAL WORKERS, ANYONE ON FOOT!!

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

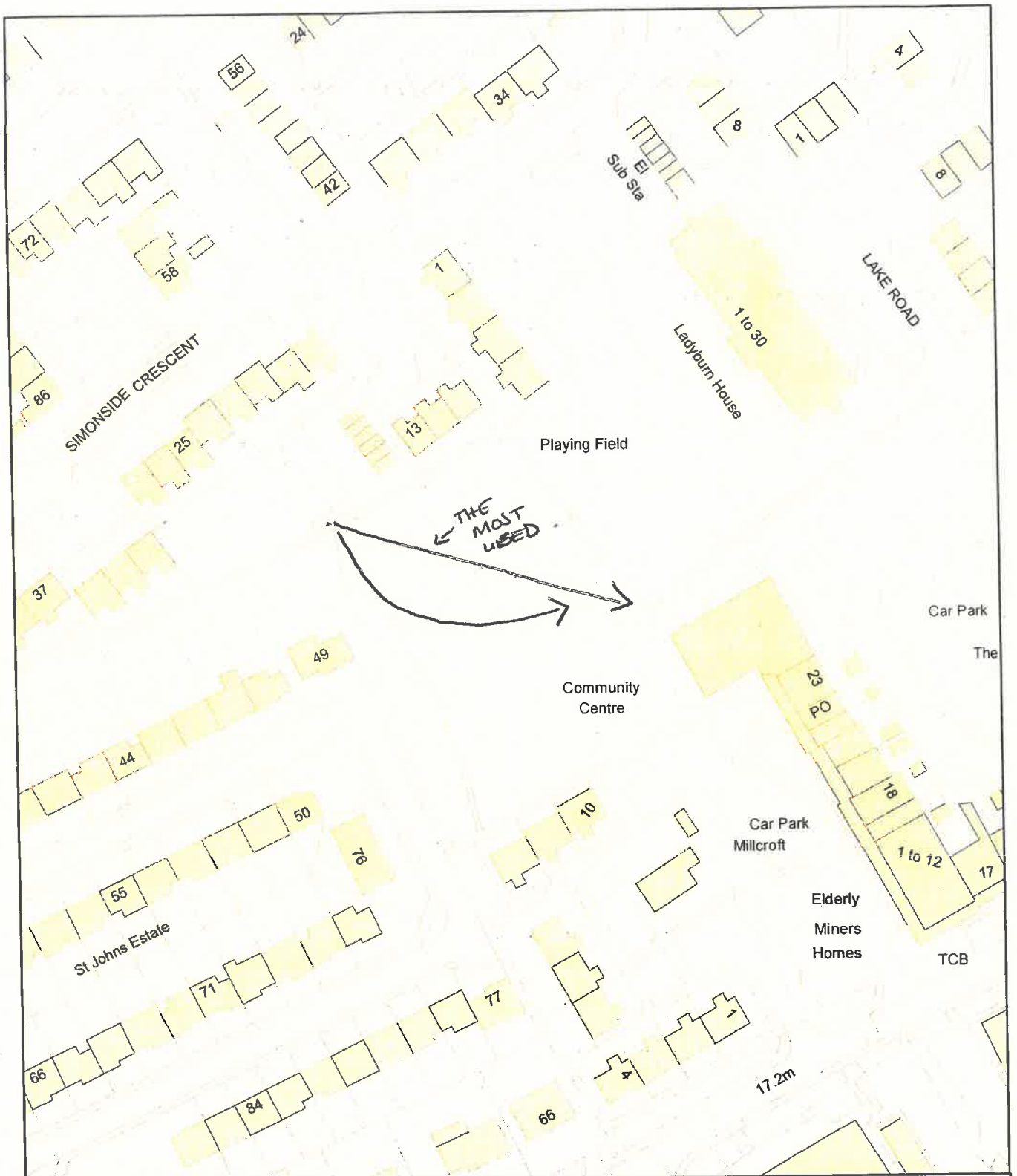
Signature (of the person making the statement of truth):


Print full name: **EVE MOIR**

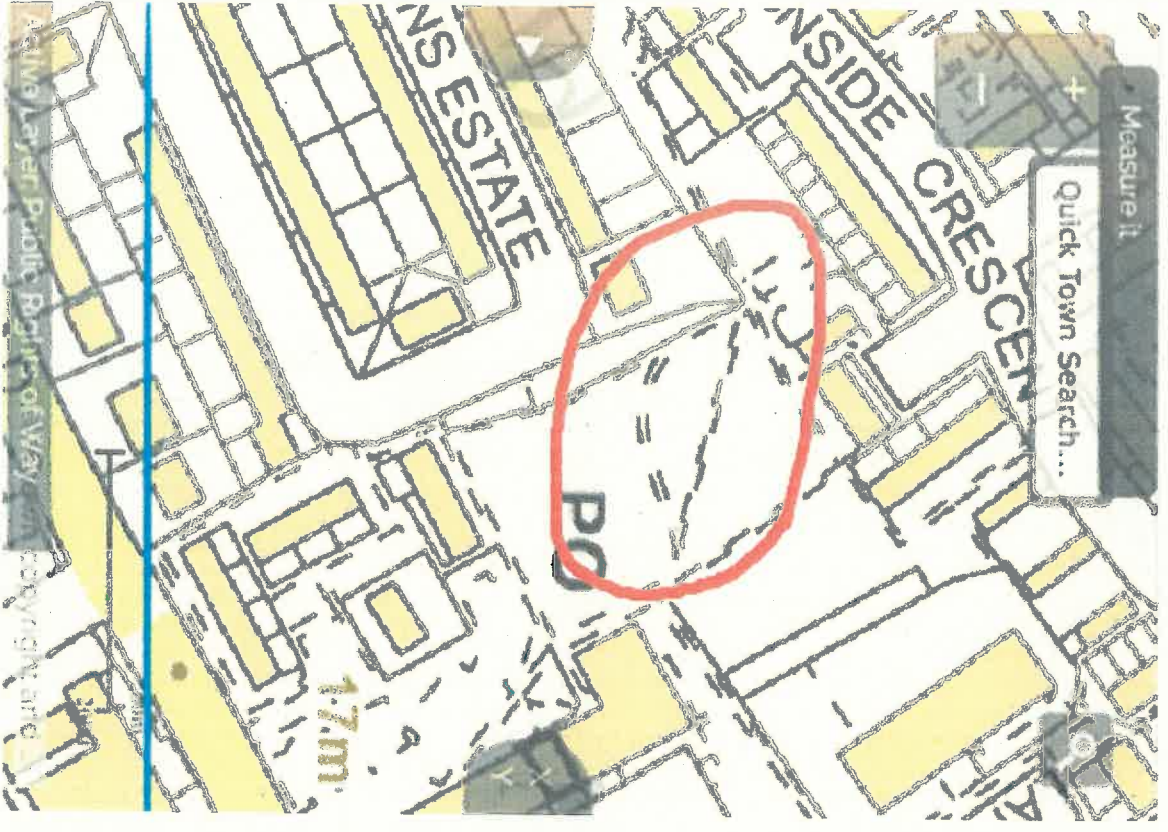
Date: **6 DEC 2018 .**

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



 Northumberland County Council Infrastructure Records, Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0345 600 6400	Wildlife & Countryside Act, 1981 <hr style="width: 10%; margin: 5px auto;"/> Claimed Public Right of Way		
	Former District Morpeth	Parish East Chevington	Scale 1:1,250
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PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name DANA-MARIE DEVINE

Address 11 Selbourne Close

CRAMLINGTON

Postcode NE23 8HL

Year of Birth 1982

Have you lived at any other addresses during the time you have used the path or way?

If so, please provide details and years [full addresses are not required]

2, Simonside crescent, Heddon 2001

2, Church close Red Bay, 27 Perla View

1991 - 1999 1999 - 2001

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

path that goes across the green

path along St Johns estate,

the curved path

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1991 To present when visiting

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

briefly ~~in~~ 2001-2003 moved away
from area

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle		✓				
By car						
Other [<u>when visiting</u>] <u>on foot</u>		✓				

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

3-4 ft.

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Grass and tarmac (path)

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

NO.

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO.

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

For access to shops, GP's school, Bus stop. For playing football, flying kites running round. Rounders.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
It has been used ^{by everyone} for as long as I
can remember.
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

.....
The path is a very regularly used
path to get to the precinct on the
Bus stops.
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

4

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

Print full name:

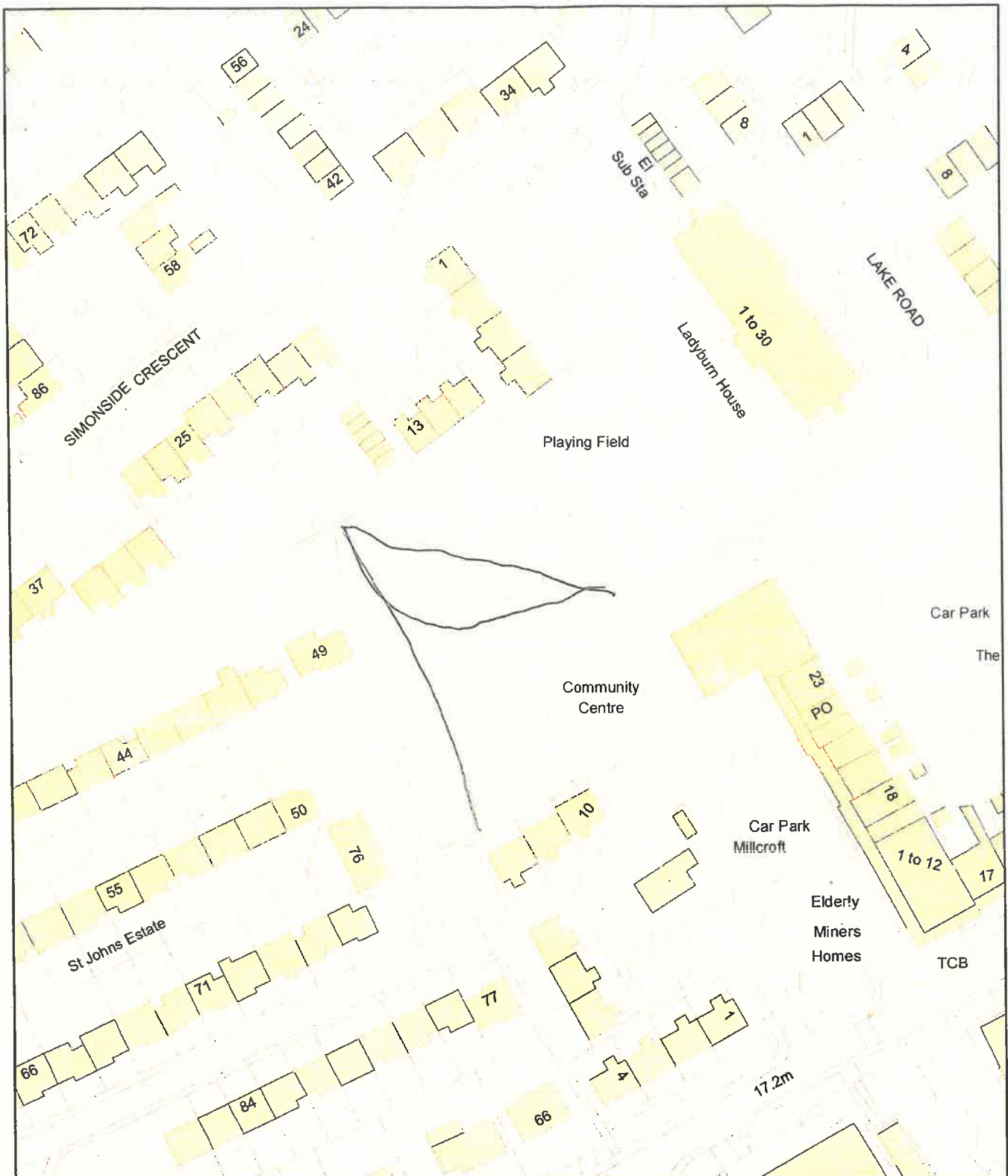
Dana - Marie Devine

Date:


8-12-2018

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.




Northumberland
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Wildlife & Countryside Act, 1981
 Claimed Public Right of Way

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name BRUCE SMITH

Address 50 ST JOHN'S ESTATE, SOUTH BROOMHILL MORPETH, NORTHUMBERLAND

Postcode NE65 9RY

Year of Birth 1985

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years [full addresses are not required]

86 SIMONSIDE CRESCENT, HADSTON

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
As a bridleway (public rights on foot and on horseback or bicycle)
As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

THE TARMACED PATH ROUTE STARTS AT THE CORNER OF THE GARDEN BOUNDRY 49 ST JOHN'S ESTATE. THEN FOLLOWS THE FENCE LINE DOWN TOWARDS THE HEDGE PASSING A NUMBER OF TREES. THERE IS AN OPENING GIVING ACCESS PATH INTO ST JOHN'S ESTATE. BUT THE PATH CONTINUES DOWN TOWARDS THE MINERS COTTAGES.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1990 To PRESENT DAY

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

..... NO

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

..... 100 YARDS x 4 FT WIDE

..... GRASS GROWING OVER EDGE IN PLACES

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

TARMAC

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

NO

How long were they in place?

/

b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO

c. Other barriers [state what they were and location, how long they were in place and show on your map]

NO

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

DOG WALKERS, CHILDREN GOING TO/FROM SCHOOL, OTHER
VILLAGES WALKING TO/FROM NEIGHBOURING ESTATES

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

WHEN ATTENDING RED ROW FIRST SCHOOL MY WALK TO SCHOOL WOULD

CONSIST OF WALKING ACROSS THE TARMACED PART OF THE GREEN

STARTING AT THE GARDEN BOUNDARY OF 49 ST JOHN'S ESTATE

AND FOLLOWING THE FENCE BOUNDARY ALONG TO THE END OF

THE MINERS COTTAGES (NO. 8). THIS HAPPENED EVERY DAY FOR

4 YEARS. ONCE LEAVING FIRST SCHOOL, I THEN ATTENDED THE MIDDLE

SCHOOL - DURIDGE BAY MIDDLE AGAIN, TAKING THE SAME ROUTE MENTIONED -

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

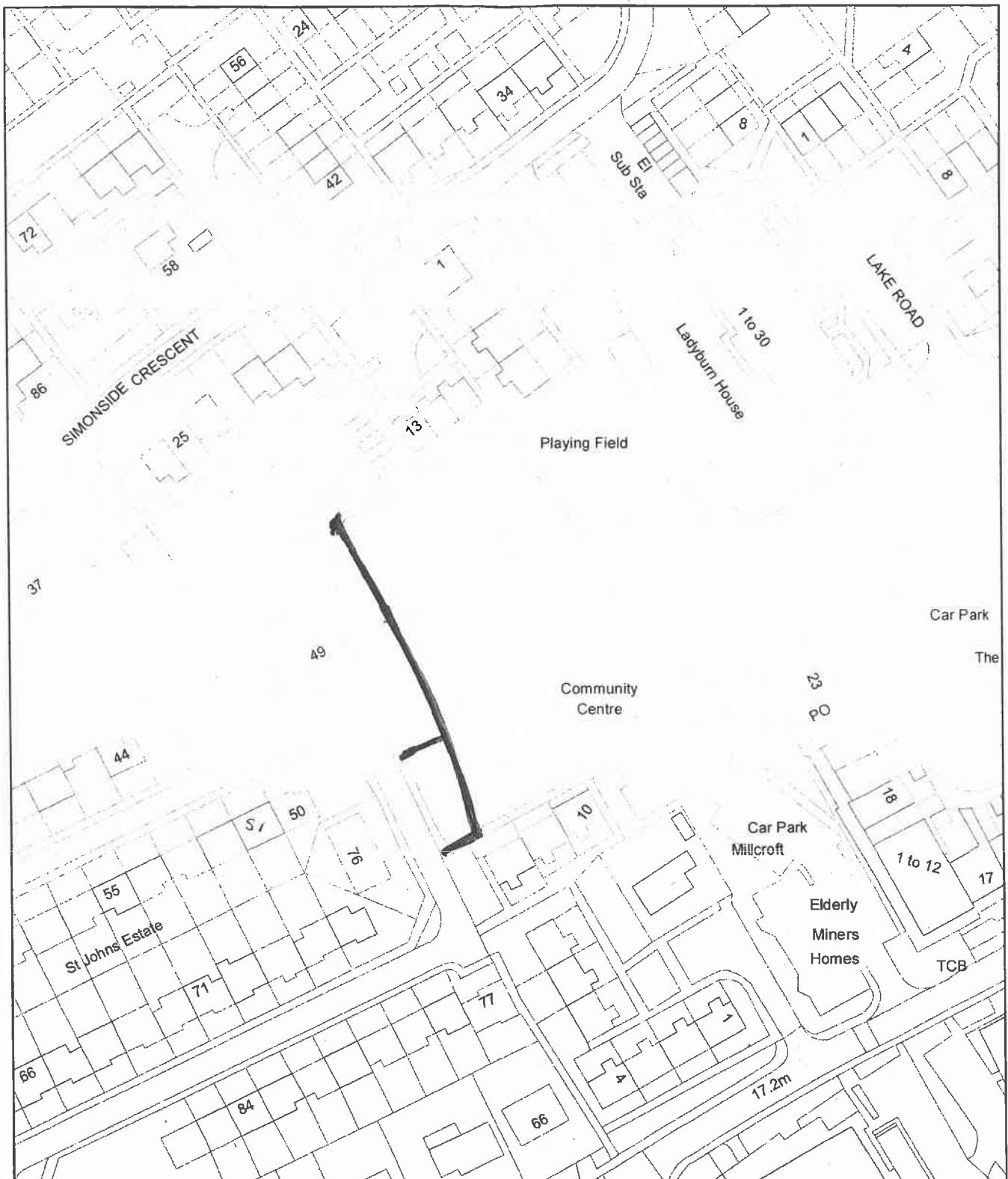
Signature (of the person making the statement of truth):

Print full name: BRUCE SMITH

Date: 7/12/18

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.




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Wildlife & Countryside Act, 1981
 Claimed Public Right of Way

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

ADDITIONAL INFORMATION

Application Route.

I HAVE LABELLED MY ROUTE ON THE MAP AT THE BACK OF THIS APPLICATION.

QUESTION 10.

VILLAGERS GOING TO SHOPS, HEALTH CENTRE, PUB, SURE START CENTRE AND COMMUNITY CENTRE. THERE HAS ALSO CHILDREN PLAYING ALONG THIS TARMACED PATH.

QUESTION 18 CONTINUED

APART FROM TRAVELLING THIS ROUTE TO AND FROM SCHOOL. FOR SEVERAL YEARS; I ALSO USED USED A SIMILAR ROUTE ACROSS THE GRASSED AREA FROM THE CORNER BOUNDARY OF NO. 49 ST JOHN'S ESTATE ACROSS THE GRASS (THE TARMAC WHICH RUNS THROUGH THE GREEN) AND JOINS THE OTHER PATHS AT THE CORNER OF THE COMMUNITY CENTRE TO ACCESS THE SHOPS, BUS STOP AND FRIENDS AND FAMILY HOUSES IN WOODSIDE.

ONCE FINISHING MIDDLE SCHOOL I USED THIS ~~PAVED~~ TARMACED PATH TO ATTEND THE BUS STOP TO GET TO THE HIGH SCHOOL AT AMBLE.

SINCE LEAVING SCHOOL I HAVE USED THESE PATHS TO ACCESS THE LOCAL SHOPS, DOCTORS, DENTIST (WHILST IT WAS OPEN) AND TO ACCESS THE PUB.

SINCE MOVING OUT OF MY PARENTS, I HAVE BOUGHT A HOUSE IN ST JOHN'S ESTATE. MY FAMILY USE THE TARMACED PATH ~~TO~~ ON A DAILY BASIS FROM THE ENTERANCE OF ST JOHN'S ESTATE BETWEEN 49 + 50 ST JOHN'S ESTATE UP TOWARDS THE CORNER BOUNDARY OF 49'S GRASS BOUNDARY. THEY ALSO USE IT TO GET TO THE LOCAL SHOPS, DOCTORS AND SURE START CENTRE WITHOUT HAVING TO CROSS DANGEROUS BUSY ROADS. THEY / WE USE ALSO USE IT TO GET TO / FROM THE CHILDMINDERS VISITING MY FAMILY AND TO GET TO SCHOOL.

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ANGELA DEVINE

Address 11 SIMONSIDE CRESCENT

..... HADSTON, MORPETH

..... NORTHUMBERLAND Postcode NE65 9YA

Year of Birth 15/11/70

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

..... 6 THE PRECINCT

..... 5 CHIBBURN AVENUE (NO LONGER THERE)

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

..... FROM SIMONSIDE CRESCENT GOING OVER THE GREEN

..... TO THE COMMUNITY CENTRE, 2 PATHS, ONE STRAIGHT,

..... THE OTHER CURVED. ALSO THE PATH FROM SIMONSIDE

..... RUNNING PAST ST JOHN'S ESTATE PAST THE MINERS COTTAGE

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1980 To PRESENT

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

NO
.....
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle		AS ABOVE ✓				
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

3-4 ft
.....
.....

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

..... TARMAC

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... NO

How long were they in place?

..... /

b. Gates [state locations, indicate whether locked – and when - and show on your map]

..... /

c. Other barriers [state what they were and location, how long they were in place and show on your map]

..... /

8. Did any of the above prevent you from using the application route?

No Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes Don't know No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No Yes

If yes, please provide any additional information about this

..... THIS ROUTE IS USED THROUGHOUT THE DAY EVERY DAY
TO ACCESS ALL LOCAL AMENITIES

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

..... I WAS PREVIOUSLY A COUNCIL TENANT BEFORE
..... THEY SOLD THE LAND

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

THIS HAS ALWAYS BEEN A PUBLIC AREA FOR USE

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....

.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....

.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

..... LAND REGISTRY FROM MY
..... HOUSE DEEDS - CLEARLY SHOWS THE CURVED
..... PATH.
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

..... I HAVE LIVED ON THE PERIMETER OF THE GREENS WHERE
..... FOR 27 YEARS
..... THE PATHS CROSS AT ANY GIVEN TIME OF THE DAY PEOPLE ARE
..... USING IT TO ACCESS LOCAL AMENITIES - SHOPS, HEALTH CENTRE, BUS,
..... STOPS, COMMUNITY CENTRE. PEOPLE ARE DOG WALKING, RIDING BIKES,
..... CHILDREN USE THE PATHS AS A SAFE ROUTE TO AND FROM SCHOOL
..... TRANSPORT. THE ELDERLY ALSO FEEL SAFE.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

6

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

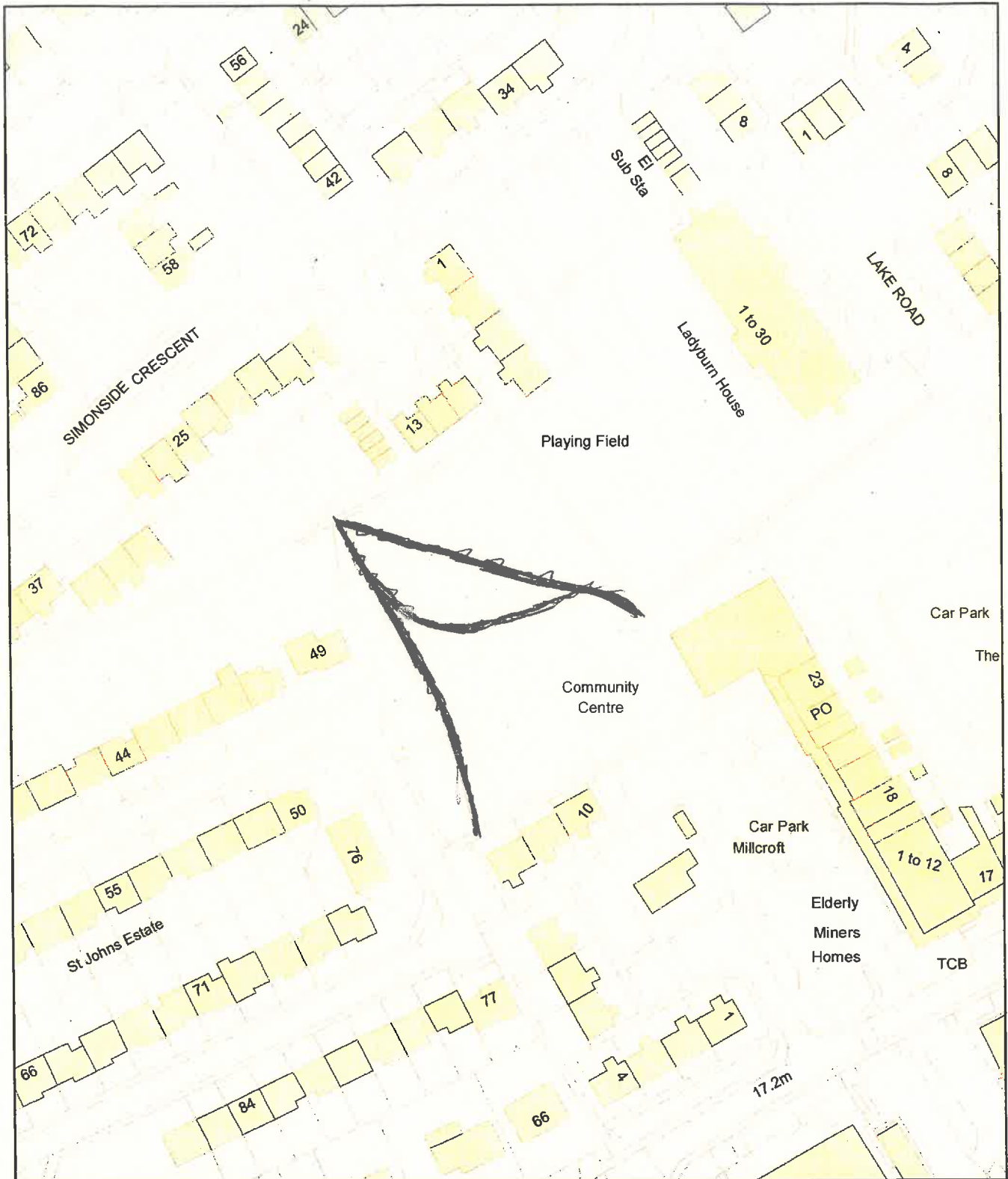
Signature (of the person making the statement of truth)

Print full name: ANGELA DEWINE


Date: 4/12/18

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.




Northumberland
 County Council
 Infrastructure Records, Local Services
 County Hall Morpeth Northumberland
 NE61 2EF Telephone 0345 600 6400

Wildlife & Countryside Act, 1981
 Claimed Public Right of Way

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

CONTINUATION OF QUESTION 18

I HAVE USED ALL OF THE PATHS SINCE APPROX 1980. AS A CHILD I SPENT A LOT OF TIME VISITING FRIENDS AND PLAYING ON THE GREEN.

THE PATH THAT RUNS PAST ST JOHN'S ESTATE WAS USED NIGHTLY WHEN WE USED TO WALK TO THE CHILD SHOP / SHOP AT RED ROW. WE ALSO MET UP TO WALK TO THE MIDDLE SCHOOL WHEN IT WAS THERE. THIS ROUTE IS STILL A MAIN ROUTE FOR PARENTS WALKING TO THE FIRST SCHOOL AT RED ROW. IT IS ALSO USED AS A MAIN ROUTE FROM ST JOHN'S ESTATE TO SIMONSDALE / HALTSIDE CRESCENT.

I HAVE LIVED FACING THIS ROUTE FOR 27 YEARS. FROM EARLY MORNING TO LATE EVENING, THE PATHS ARE USED AS A MAIN SAFE ROUTE TO ALL LOCAL AMENITIES. LOCAL PEOPLE WOULD BE LOST WITHOUT THEM. PEOPLE USE THE GREEN THAT THE PATHS CROSS FOR BOTH PRACTICAL AND LEISURE PURPOSES. MANY PEOPLE WALK DOGS HERE AND CHILDREN PLAY. THE AREA HAS A FRIENDLY OPEN FEEL, ITS ALWAYS A VERY WELL USED SPACE.

THE PATHS IN QUESTION FORM AN ESSENTIAL PART OF DAILY LIFE FOR RESIDENTS. ACCESS TO ALL LOCAL AMENITIES WOULDN'T BE DIRECT OR AS SAFE WITHOUT THEM

I'VE ENCLOSED A MAP FROM MY HOUSE DEEDS CLEARLY SHOWING THE CURVED PATH, DATED 1986.

YOURS SINCERELY



PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Kayleigh Smith

Address 62 Dunlin Drive South Beach
BLYTH

Postcode NE24 3SH

Year of Birth 1987

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

86 Simonside Cres from 1989 until
April 2018

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

The tarmaced path is from the corner of
the garden fence of 49 St Johns Estate to
the minors bungalows. It follows the fence
and passes some trees

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Tarmac

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

No

How long were they in place?

-

b. Gates [state locations, indicate whether locked - and when - and show on your map]

No

c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes - state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

dog walkers, local people going to school, dentist
doctors, or visiting family and friends

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 2002 To 2018

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

No
.....
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

400 yards
.....
.....

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?
[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

Walking to school when I was younger, going to the doctors and dentist over many years.
Going to visit friends and family

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

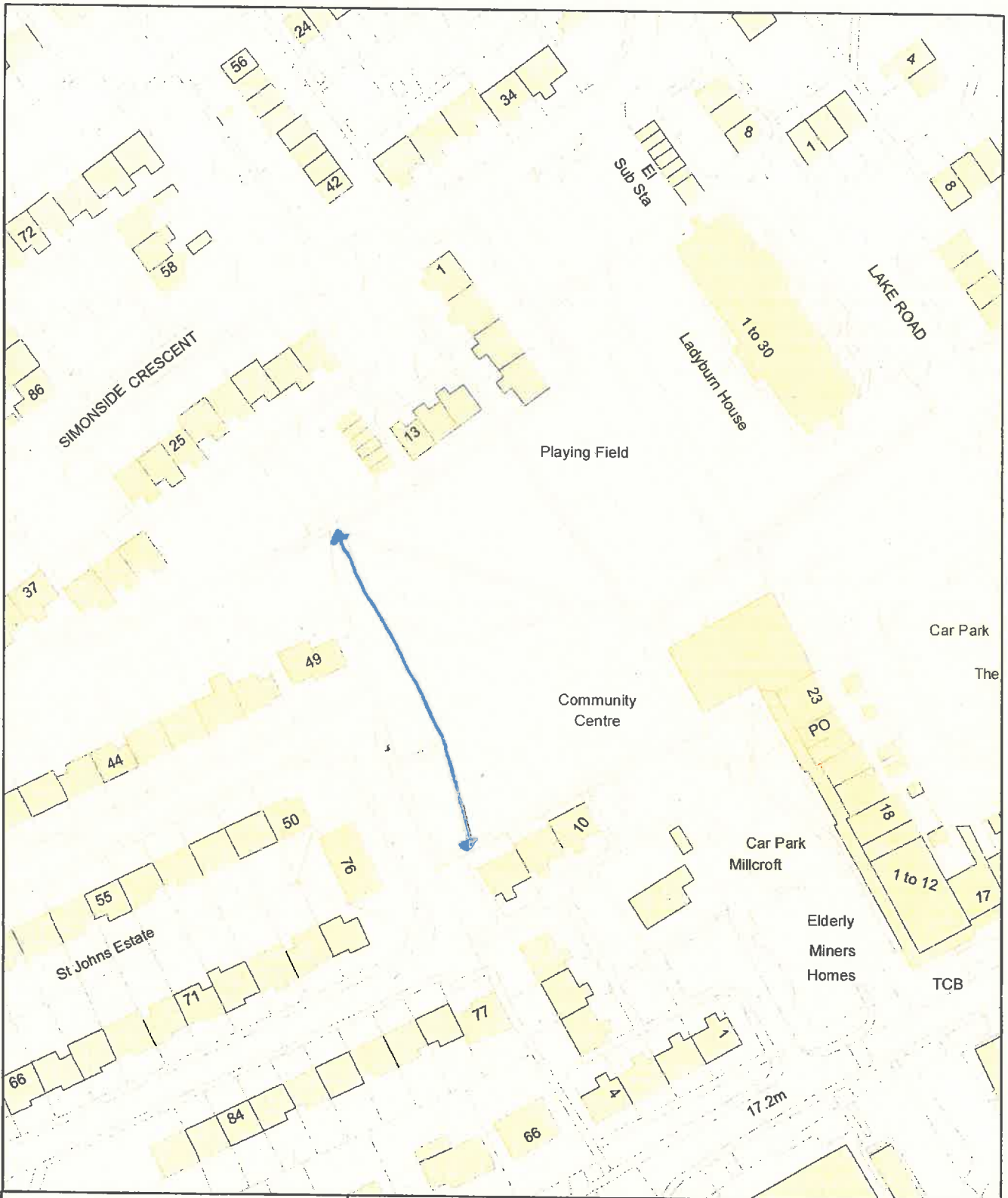




Print full name: **KAYLEIGH D. SMITH**

Date: **14th December 2019**

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



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	Former District Morpeth Def. Map. No. 98	Parish East Chevington O.S. Map NU20SE	Scale 1:1,250 Date November 2018

K Smith 14/12/18

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Mrs Denise Smith

Address 8b Simonside Cres

Hadston

Morpeth Postcode NE65 9YB

Year of Birth 1960

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years [full addresses are not required]

62 Simonside Cres Hadston

3 years

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

THE TARMACED PATH IS FROM THE CORNER OF THE GARDEN BOUNDRY 49 ST JOHN'S EST. IT THEN GOES DOWN THE FENCE LINE WHICH PASSES TREES TO THE BUNGALOWS

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1983 To now

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

No

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

400 YARDS

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Tarmac

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

No

How long were they in place?

/

b. Gates [state locations, indicate whether locked – and when - and show on your map]

No

c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

DOG WALKERS, FAMILIES GOING TO SCHOOLS / DR'S
FRIEND VISITING PEOPLE 4 IN NEIGHBOUR ESTATES

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

WHILE MY CHILDREN WENT TO SCHOOL BOTH AT RED ROW AND DRURIDGE BAY WE WOULD WALK ALONG THAT PATH. I WOULD ALSO WALK THE TARMAC PATH TO GO TO WORK AT THE SCHOOLS MENTIONED ABOVE. I HAVE ALSO USED THE PATH TO VISIT FRIENDS AND FAMILY IN THE ESTATE, TO GO TO THE DOCTORS SURGERY.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

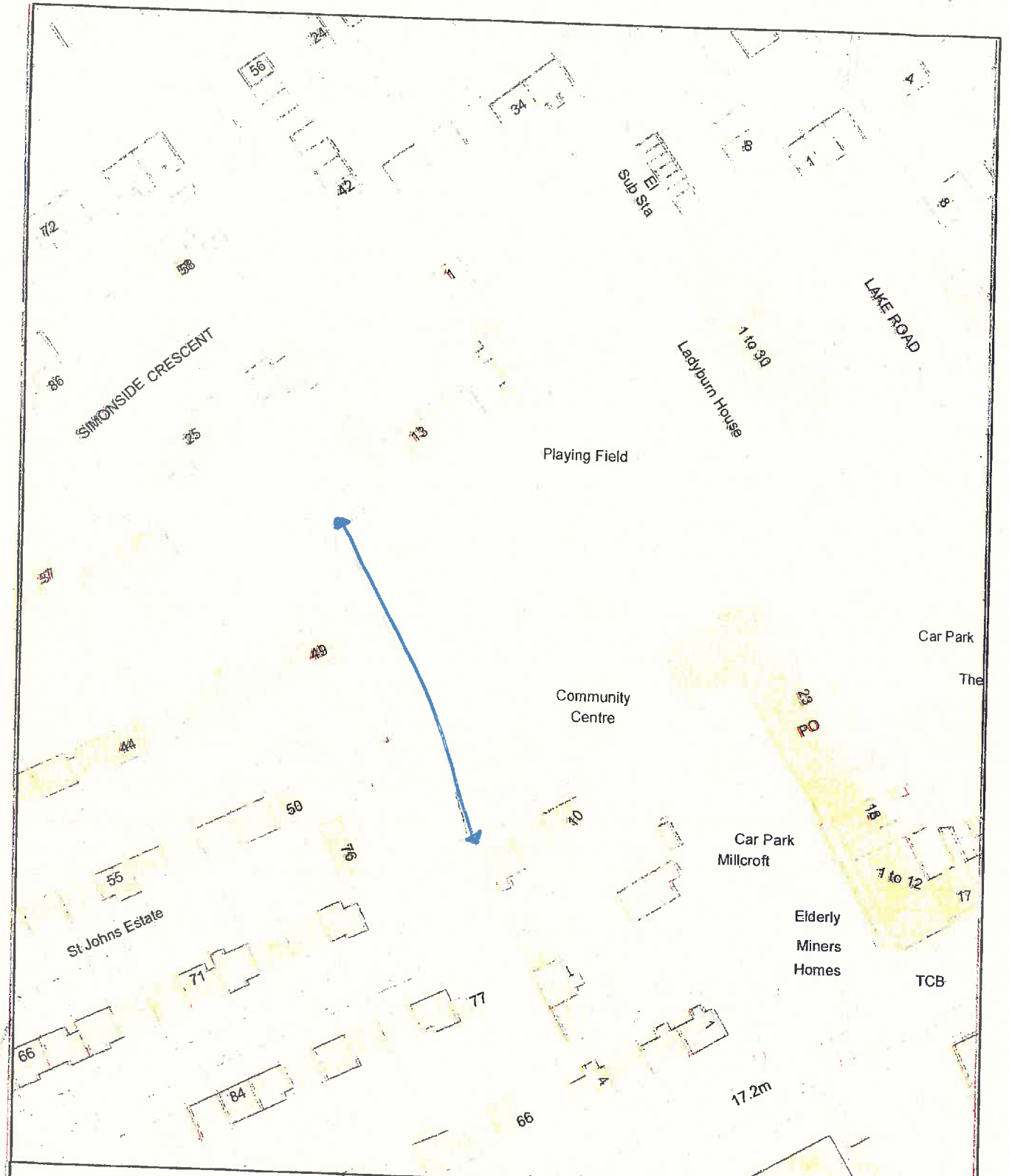
Signature (of the person making the statement of truth):


Print full name:

Date:

You should keep a copy of the completed statement

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 Northumberland County Council Infrastructure Records, Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0345 600 6400	Wildlife & Countryside Act, 1981 <hr style="width: 50px; margin: 5px auto;"/> Claimed Public Right of Way		
	Former District Morpeth	Parish East Chevington	Scale 1:1,250
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D. Smith

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Mrs. Flora Belisle

Address 24 Hartside Cres

Hadston

Morpeth Postcode NE65 9YE

Year of Birth 1936

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years [full addresses are not required]

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

THE TARMACED PATH FROM THE CORNER OF 49 ST. JOHNS ESTATE WHICH GOES TO THE MINORS BUNGALOWS

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 2002 To present day

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

✓ No

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		<input checked="" type="checkbox"/>				3 or 4 times a week
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

400 yards

.....

.....

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Tarmac

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

No

How long were they in place?

/

- b. Gates [state locations, indicate whether locked – and when – and show on your map]

No

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

people walking dogs, people going to the dr's or the schools just going to visit friends.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No Yes

If yes, please give full details, including who gave the permission, why and when

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No Yes

If yes – please provide details

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?
[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

I would walk along the tarmac path from my daughters house when walking their dog or if I was picking up their children from school.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

Print full name:

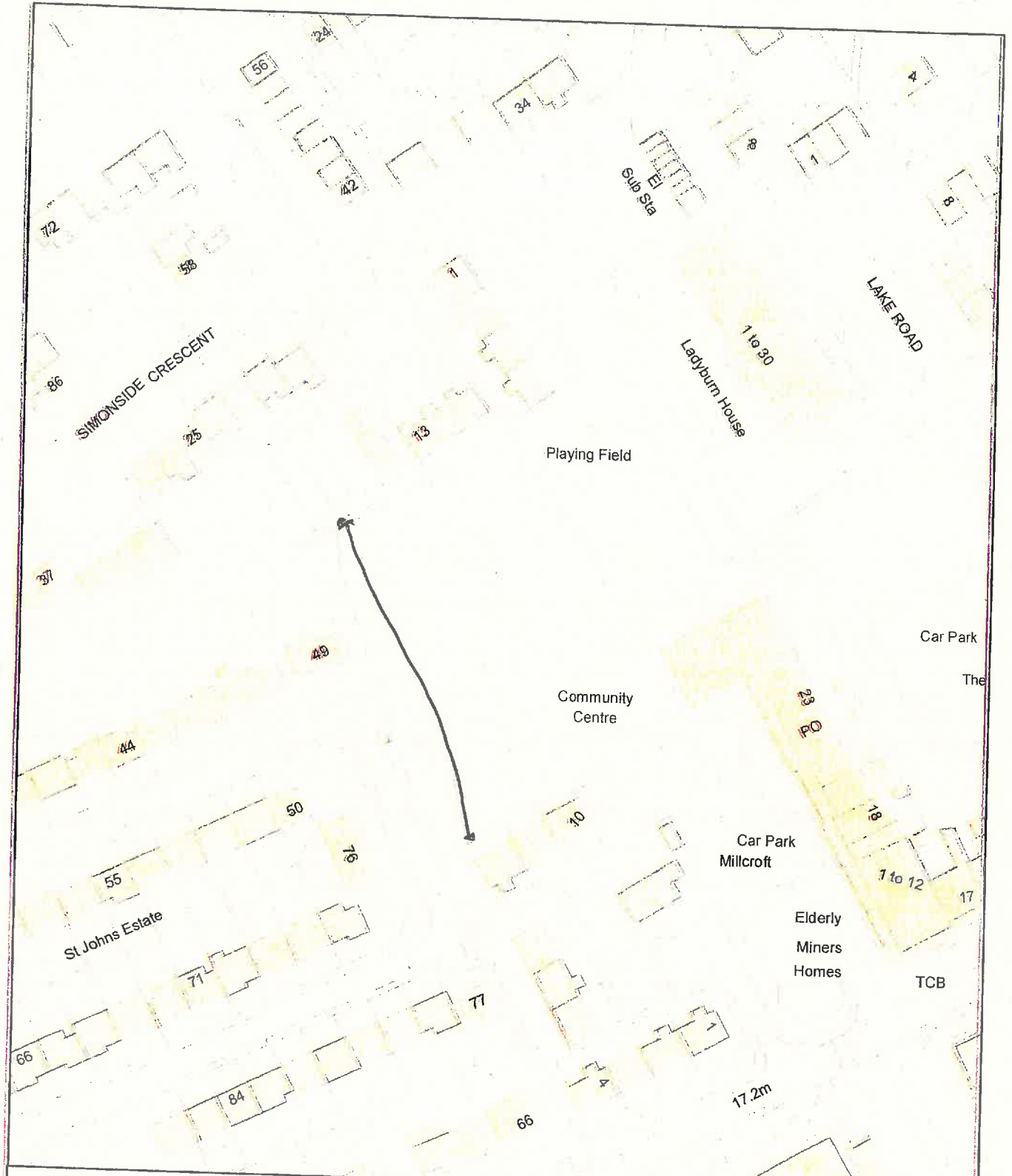
MRS FLORA McDONALD BELISLE

Date:


14th December 2019

You should keep a copy of the completed statement

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

14/12/18

Page 108
Flora A. Behale

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name PHILIP DOUGLAS

Address 27 ST JOHNS ESTATE

SOUTH BROOMHILL MORPETH

NORTHUMBERLAND Postcode NE65 9RU

Year of Birth 1983

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

26 ST JOHNS ESTATE SOUTH BROOMHILL 19 YEARS

3 BROOMHILL FARM COTTAGES BROOMHILL FARM 2 YEARS

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

SEE MAP ATTACHED

.....

.....

.....

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1983 To 2018

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

NONE
.....
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓	✓				
On horseback						
By pedal cycle	✓	✓				
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

1.2m
.....
.....

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

TAR MAC

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

NONE

How long were they in place?

NONE

b. Gates [state locations, indicate whether locked – and when - and show on your map]

NONE

c. Other barriers [state what they were and location, how long they were in place and show on your map]

NONE

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

THIS IS A PATH FROM ONE ESTATE TO ANOTHER LINKING THEM ACC TO SHOPS AND 4 PLAY FIELD AREA

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No Yes

If yes – please provide details

.....

IT CAN CLEARLY BE SEEN FROM ANY AERIAL PHOTOS
OF THE PLACE THE PATH HAS BEEN THERE MY WHOLE LIFE

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

.....
.....
.....
.....
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

Print full name: PHILIP WILLIAM JOUGAS

Date: 19-12-18

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



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Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S.Map	NU20SE	Date	November 2018

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name WENDY BELISLE

Address 72 ST. JOHNS ESTATE

SOUTH BROOMHILL MORPETH

Postcode NE65 9RZ

Year of Birth 1963

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

No

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Footpath from aged miners to simonside crescent and Hartside crescent.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1988 To Present day 2018

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

No

.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle		✓				
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

The paths are about 4ft wide. When necessary you have to use grass if passing mobility Scooters or people using prams or pushchairs

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

Tarmac

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

NO

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

NO

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

children going for school bus, parents walking children to first school, people going to shops and dog walkers.

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

..... *O.S. MAP.*

.....

.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

..... *As people use it everyday for Doctors, children*

..... *going to school, using shops, community centre*

..... *to use our bus service. As well as children*

..... *using the field to play on and people walking*

..... *there dogs.*

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):

Print full name:

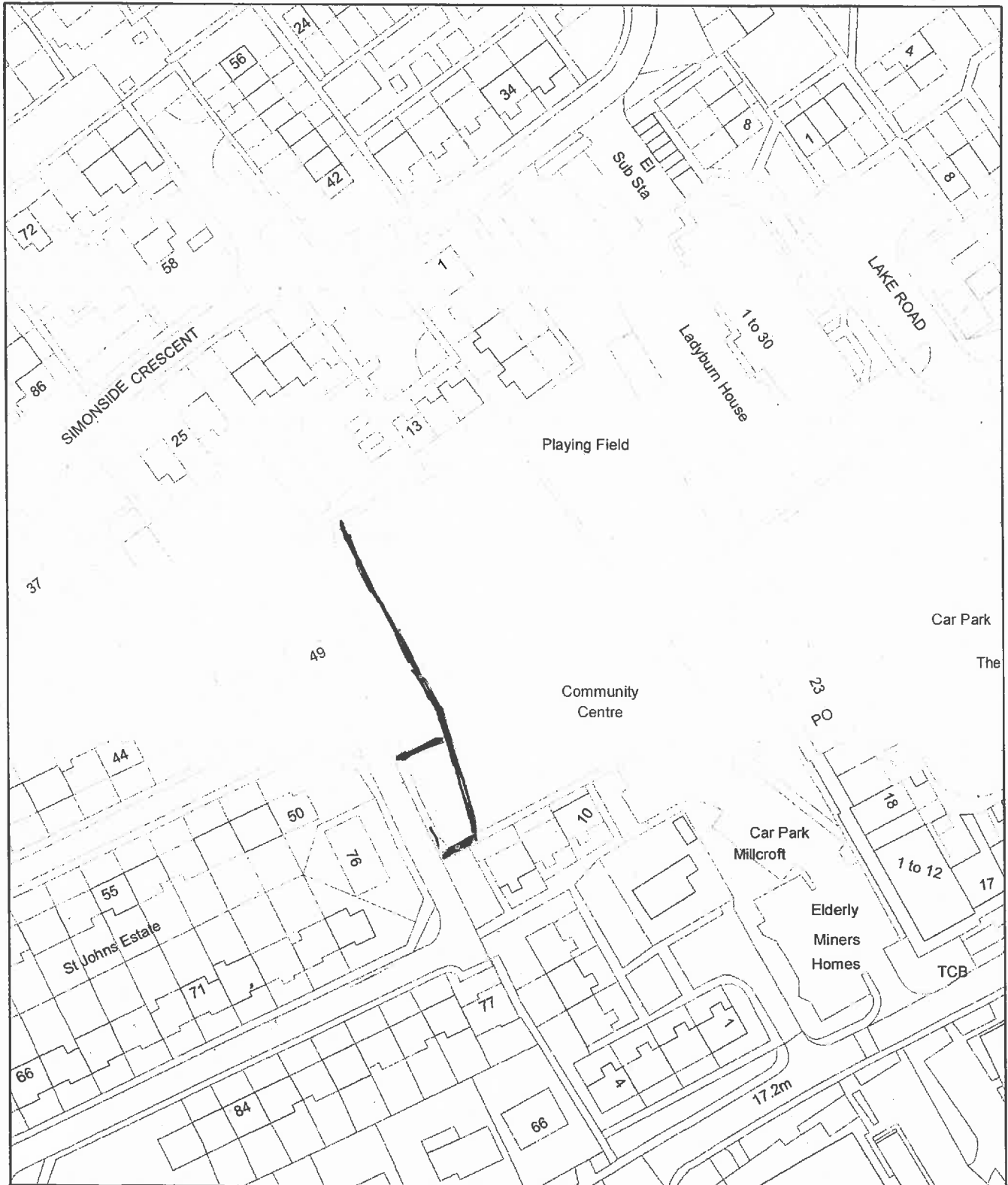
WENQY JEANNE BEUSIE

Date:

19.12.18

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



Northumberland
County Council

Infrastructure Records, Local Services
County Hall Morpeth Northumberland
NE61 2EF Telephone 0345 600 6400

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Wildlife & Countryside Act, 1981



Claimed Public Right of Way

Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ANGELA ROBERTSON
Address 49 ST JOHNS EST
..... SOUTH BROOMHILL MORPETH
..... NORTHUMBERLAND Postcode NE65 9RY
Year of Birth 1964

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

..... 55 ST JOHNS EST SOUTH BROOMHILL
..... MORPETH

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

.....
.....
.....
.....

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From SEPT 1986 To PRESENT DAY

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

4 FT WIDE & CURVED ONE IS 6 FT

.....

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

TARMAC WITH CONCRETE EDGINGS

7. Have there ever been any of the following on the application route? No

- a. Stiles [state locations and show on your map]

No

How long were they in place?

No

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

No

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

LOTS OF PEOPLE USE IT EVERYDAY - TAKING KIDS TO SCHOOL, LOCAL SHOPS, BUS STOPS & LOCAL INSTITUTE

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No Yes

If yes – please provide details

..... ORDNANCE SURVEY MAPS

.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

..... AS WE HAVE HAD 5 CHILDREN WE HAVE ALL
..... USED THESE FOOTPATHS OVER THE LAST 32 YEARS
..... SINCE LIVING ON ST JOHNS EST. WE HAVE HAD
..... TO USE THEM TO ACCESS THE SHOPS, DOCTORS, BUS
..... STOPS & THE LOCAL INSTITUTE

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

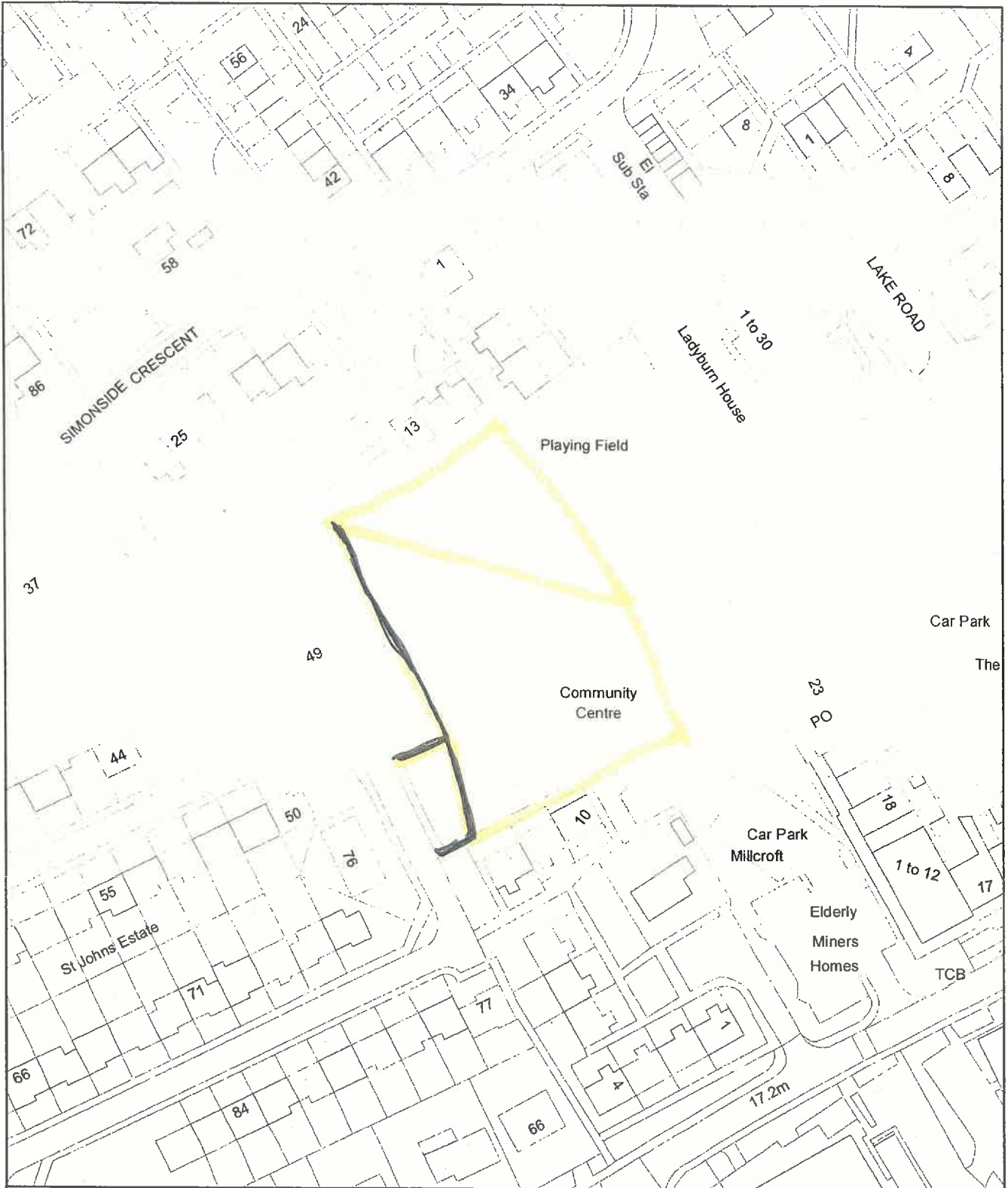
Signature (of the person making the statement of truth):

Print full name: ANGELA ROBERTSON

Date: 16TH DEC 2018

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



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Wildlife & Countryside Act, 1981



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Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name BARRY ROBERTSON
Address 49 ST JOHNS EST
SOUTH BROOMHILL MORPETH
NORTHUMBERLAND Postcode NE65 9RY
Year of Birth 1961

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

..... 55 ST JOHNS EST SOUTH BROOMHILL
MORPETH

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

.....
.....
.....
.....

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From SEPT 1986 To PRESENT DAY

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

No

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle	✓					
By car						
Other []						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

4 FT & CURVED ONE IS 6 FT

.....

.....

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

TARMAC WITH CONCRETE EDGING

7. Have there ever been any of the following on the application route? **NO**

a. Stiles [state locations and show on your map]

NO

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO

c. Other barriers [state what they were and location, how long they were in place and show on your map]

NO

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

LOTS OF PEOPLE USED IT TO GET TO LOCAL SHOPS
BUS STOPS & LOCAL INSTITUTE ETC

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

ORDNANCE SURVEY MAPS

.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

WE AS A FAMILY HAVE ALL USED THE PATHS IN QUESTION FOR OUR LOCAL SHOPS - CO-OP CHEMIST ETC + WE ALL USED THEM DOCTORS BUS STOPS ALSO WE HAVE USED ALL OF THEM WHILST TAKING OURS DOGS OUT FOR A WALK

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth)



Print full name:

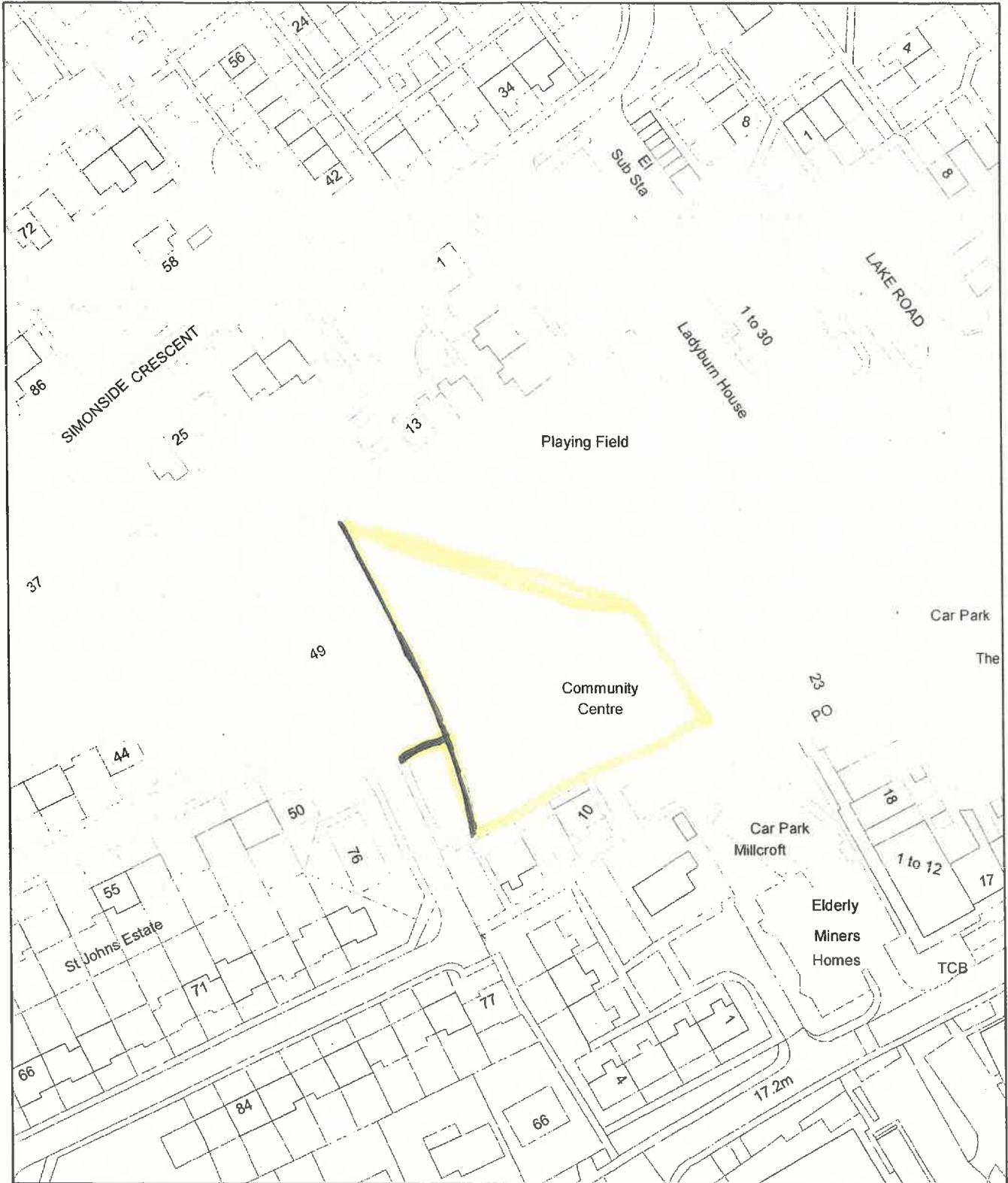
Barry Robertson


Date:

16 - 12 - 2018

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



 <p>Northumberland County Council</p> <p>Infrastructure Records, Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0345 600 6400</p>	<h2>Wildlife & Countryside Act, 1981</h2> <p>————— Claimed Public Right of Way</p>		
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	<p>Def. Map. No. 98</p>	<p>O.S. Map NU20SE</p>	<p>Date November 2018</p>

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name JOHN DUNN

Address 10 ASEA MINERS COTTAGES

HADSTON

MORPETH Postcode NE65 9YJ

Year of Birth 1947

Have you lived at any other addresses during the time you have used the path or way?
If so, please provide details and years [full addresses are not required]

19 HARTSIDE CRESC

13 YEARS

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

FROM SIMON SIDE CRESC

TOWARDS SHOPS PAST COMMUNITY CENTRE

TO FROM SIMON SIDE CRESC TO ASEA MINERS

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From 1973 To 1986

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

..... NO

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle	✓					
By car						
Other []						

4. Has the application route always followed the same course?

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

..... STRAIGHT PATH 4 FT WIDE AND CURVED
6 FT WIDE

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

..... TARMAC

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... NO

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

..... NO

c. Other barriers [state what they were and location, how long they were in place and show on your map]

..... NO

8. Did any of the above prevent you from using the application route?

No Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes Don't know No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No Yes

If yes, please provide any additional information about this

..... THIS PEOPLE GOING TO SHOPS, BUS STOP, SCHOOL & DOCTORS

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

THE PATHS HAVE BEEN USED BY THE
RESIDENTS OF HAOSTON & BROOMHILL
AS LONG AS I CAN REMEMBER

.....
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):



Print full name:

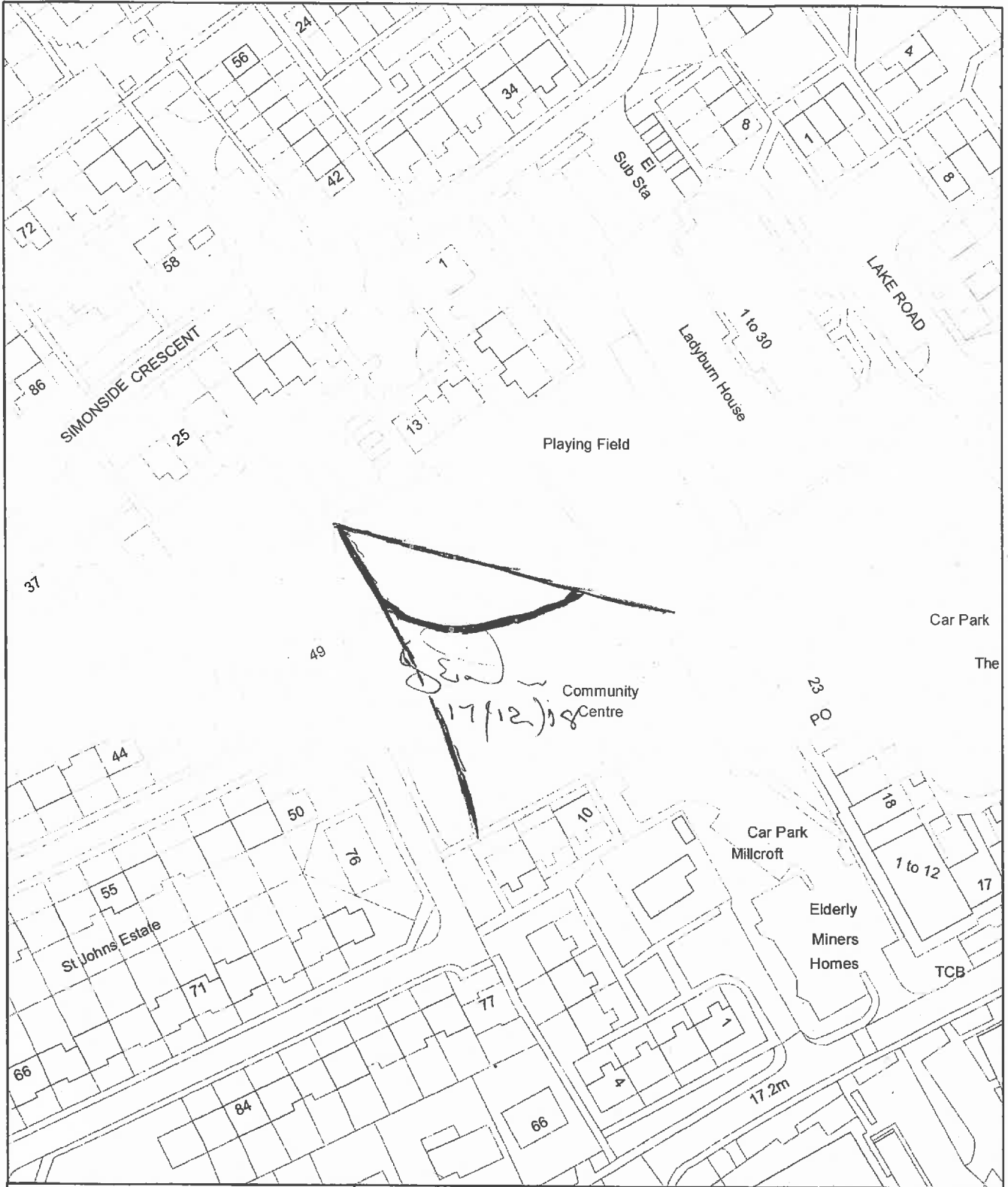
JOHN GOWARD DUANE

Date:

17 12 18

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



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Wildlife & Countryside Act, 1981



Claimed Public Right of Way

Former District	Morpeth	Parish	East Chevington	Scale	1:1,250
Def. Map. No.	98	O.S. Map	NU20SE	Date	November 2018

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name MRS KAY WALKER

Address 23 St. JOHN'S ESTATE

SOUTH BROOMHILL, MORPETH

NORTHUMBERLAND Postcode NE65 9RY

Year of Birth 1947

Have you lived at any other addresses during the time you have used the path or way? YES
If so, please provide details and years [full addresses are not required]

29 SIMONSIDE CRESCENT 10 1/2 years

BETWEEN JULY 1978 to JANUARY 1989

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Route is to and from Simonide Crescent
and the Community Centre/Shopping Precinct.
The curved path being the first permanent
tarmaced route.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

See map on back page. I have high lighted
the route in question!

YOUR USE OF THE APPLICATION ROUTE

1. In which years did you use the application route?

From July 1978 To The present day

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why? NO

.....
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot	✓					
On horseback						
By pedal cycle						
By car						
Other []						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

Enough width for two people to pass one another

6. What type of surface does the application route have? (for example grass, gravel, earth)
[For varying surfaces, please describe with reference to your map]

The surface of the route is tarmac.
Prior to that a dirt track over grass.

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

NO

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

NO

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

NO

8. Did any of the above prevent you from using the application route?

No Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", No Right of Way "Trespassers will be Prosecuted")

Yes Don't know No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No Yes

If yes, please provide any additional information about this

.....

Land Ownership

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No Yes

If yes, provide details and dates

.....
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No Yes

If yes,

a. From whom?

b. When?

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No Yes

If yes, please give details including when this happened

.....
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....
.....

Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....
.....
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

As the building of Simonside and Hartside were in progress, to the completion; residents walked over the route in question to get to the shops, Drs, schools, work etc. Myself and family included. Then workers arrived and laid a permanent tarmac path. The curved path.

Continued on separate paper

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

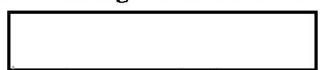
No

Yes

PART F: Statement of Truth
(all applicants must complete this Part)

I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE

Signature (of the person making the statement of truth):



Print full name: Kay Walker

Date: 6th December 2018.

You should keep a copy of the completed statement

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

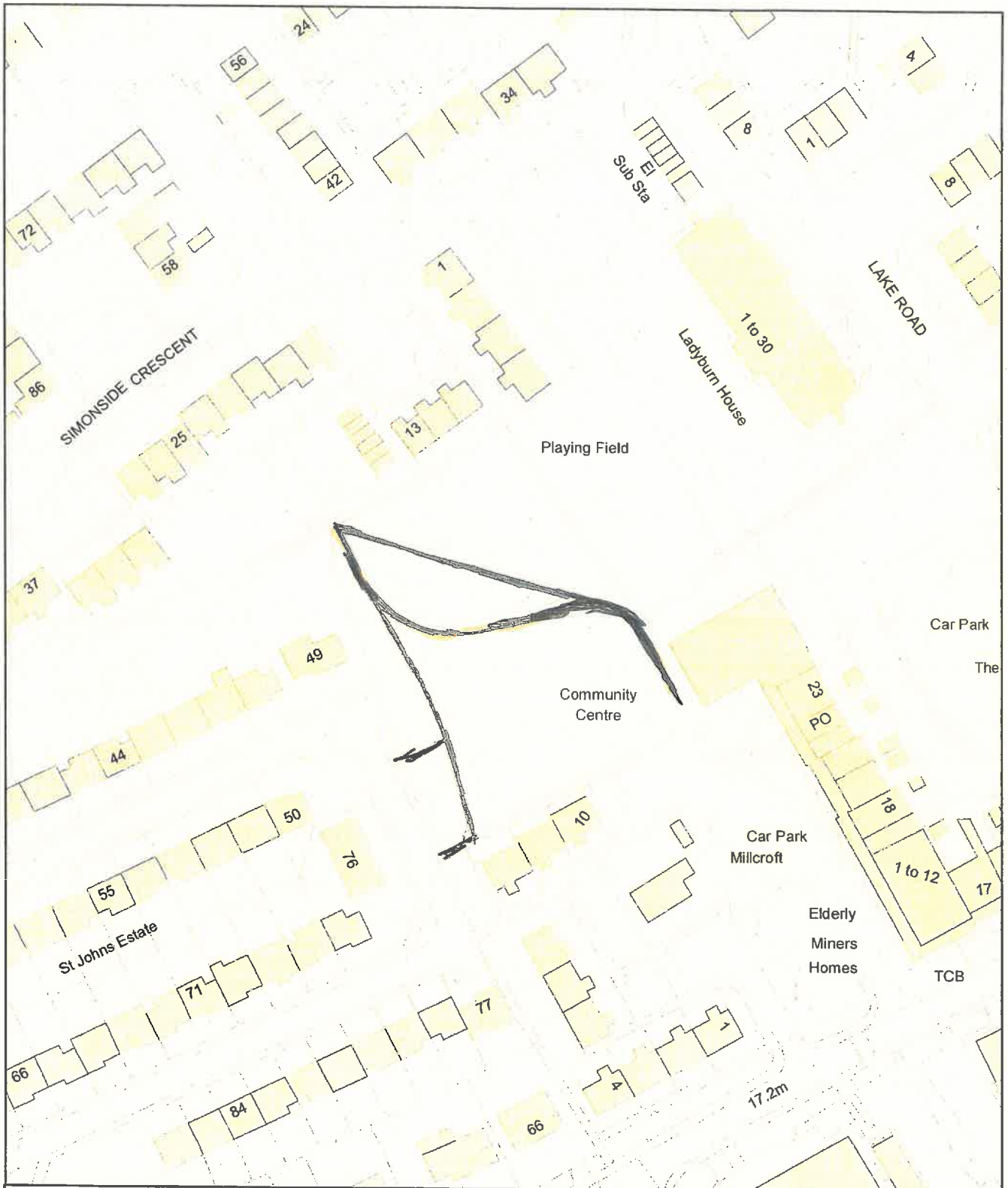
18. Continued.


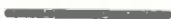
15'

We moved from Simonside Crescent to the nearby St. John's Estate in 1989 (Jan). We have lived here 30 years next month. So the permanent curved path has been there ~~for~~ and used for 35 years plus.

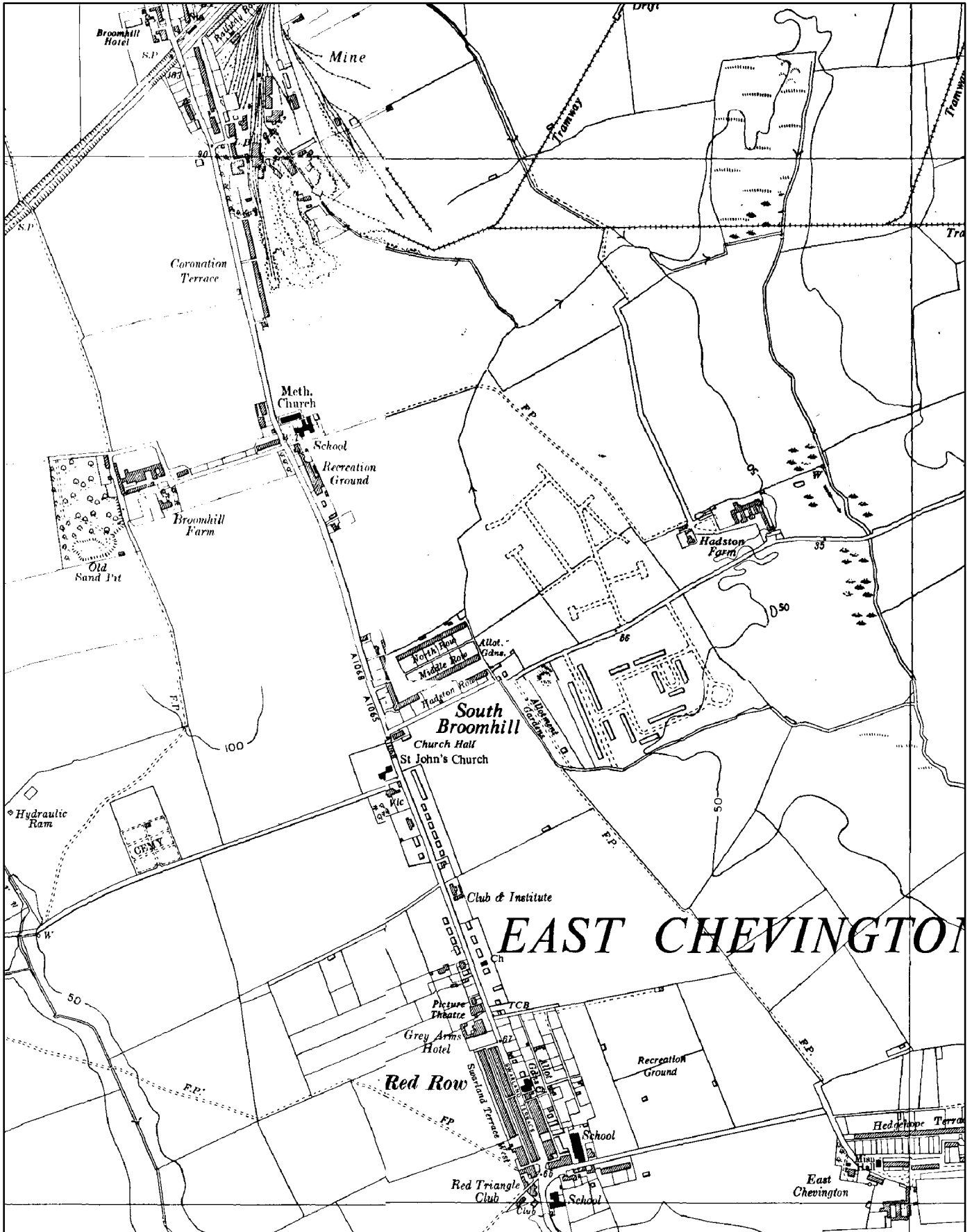
I have personally used (and still do) the route in question, many, many times. Soon after we moved to St. John's there were other permanent pathways laid over the green area. These were needed because of the high volume of pedestrian use.

I strongly think that, after we have used the route for the best part of 40 years (before and after permanent paths were put in place) this open space and access route should be legally named as a PUBLIC RIGHT OF WAY.



 Northumberland County Council Infrastructure Records, Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0345 600 6400	Wildlife & Countryside Act, 1981  Claimed Public Right of Way		
	Former District Morpeth Def. Map. No. 98	Parish East Chevington O.S. Map NU20SE	Scale 1:1,250 Date November 2018

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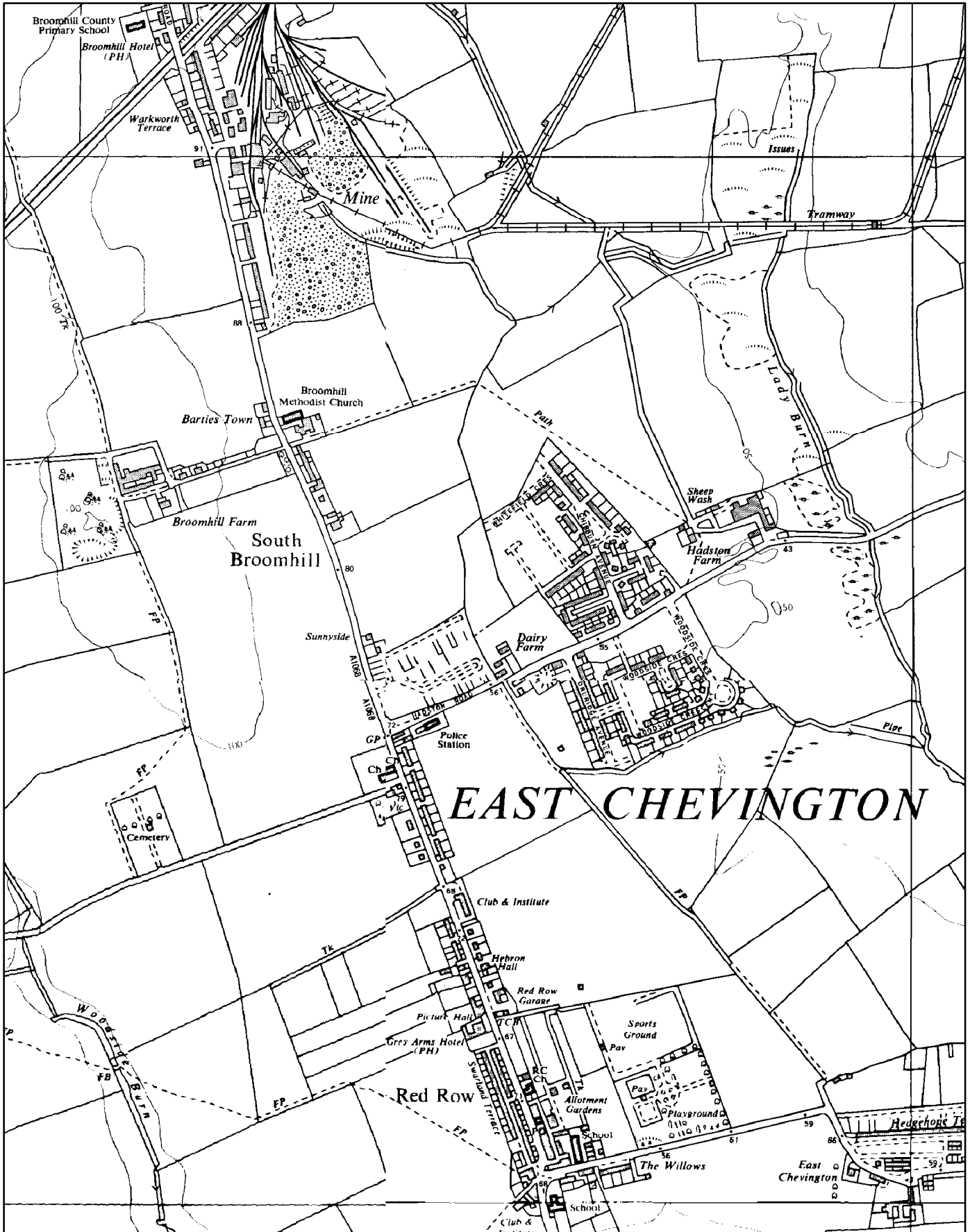
Northumberland
County Council

Ordnance Survey Plan 1957

Contact: John McErlane
Tel: 01670 624136
EMail: John.McErlane@northumberland.gov.uk

Scale: 1:10,000

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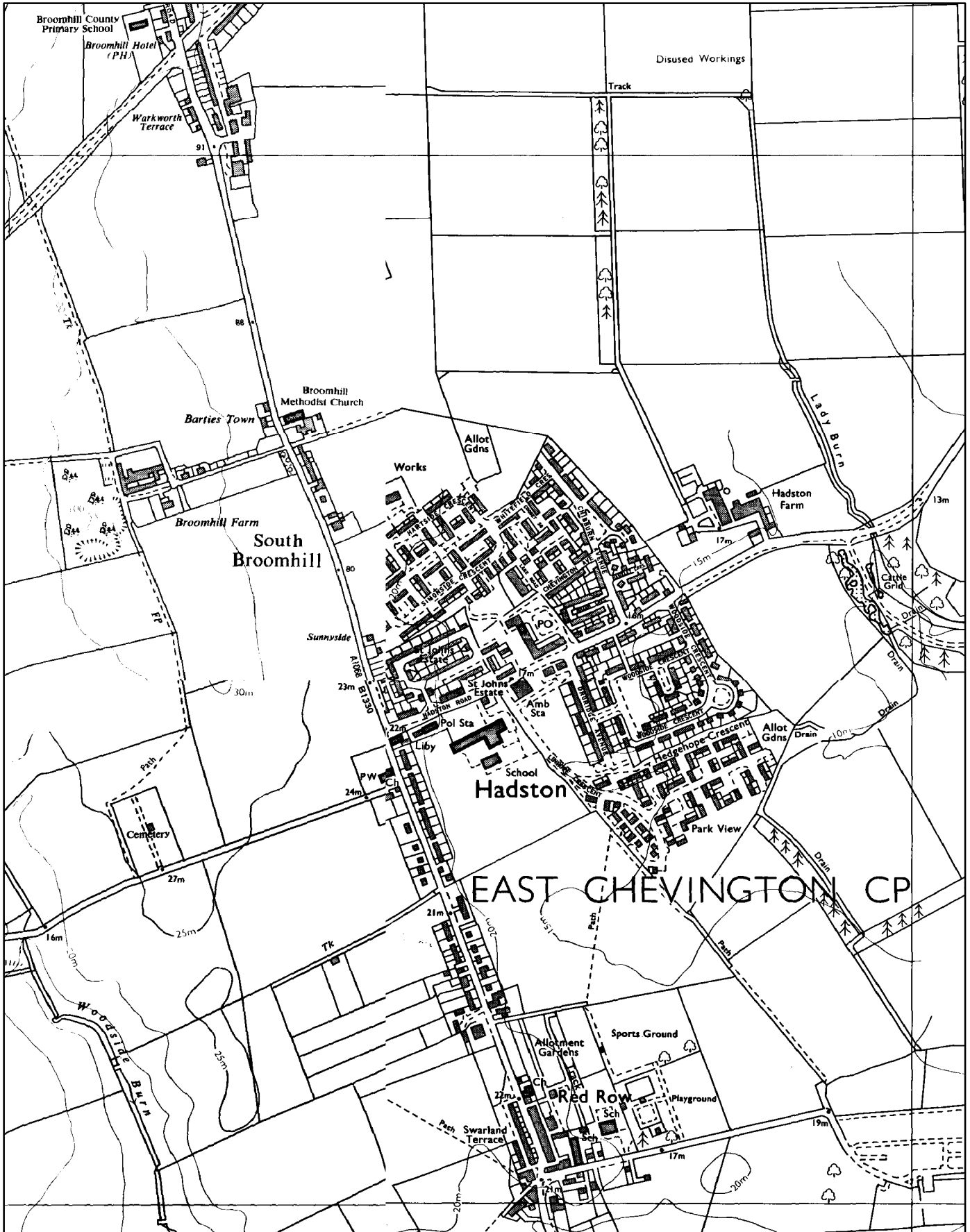
Northumberland
County Council

Ordnance Survey Plan 1966

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Scale: 1:10,000

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Northumberland
County Council

Ordnance Survey Plan 1984

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Tel: 01670 624136
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Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL
9 August 2021

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC BRIDLEWAY NO 36 PARISH OF BELSAY

Report of the Executive Director of Local Services
Cabinet Member: Councillor Jeff Watson, Healthy Lives

Purpose of report

In this report, the Council is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a public bridleway from the B6309 road immediately south-west of Burnside Lodge in a general easterly direction for a distance of 2700 metres to join Public Bridleway No 10, 235 metres south of the Belsay Estate Office.

Recommendation

It is recommended that the Council agree that:

In the light of the evidence submitted it appears that public bridleway/restricted byway rights have not been reasonably alleged to exist over the route.

1.0 BACKGROUND

- 1.1 By virtue of Section 53 of the Wildlife and Countryside Act, 1981, the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provisions which apply to adding a public right of way on the Definitive Map and Statement based on historical documentary evidence is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981, which requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

“that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals’ rights and the public interest.

2.0 PUBLIC EVIDENCE

- 2.1 In October 2018, Edward Liddle of Steel, Hexham submitted an application to amend the Definitive Map and Statement by adding a public bridleway from a point marked A on the B6309 road immediately south-west of Burnside Lodge in a general easterly direction for a distance of 2700 metres to a point marked B on Public Bridleway No 10, 235 metres south of the Belsay Estate Office.
- 2.2 The application is supported by historical evidence including a 1790 diversion of a public road, Fryer’s County Map of 1820, Greenwood’s County Map of 1828, the Ponteland Turnpike Trust papers of 1828 and 1829, the 1840 Tithe Award for Belsay township, the 1st Edition O.S. 25” plan of 1866 with the accompanying Book of Reference, the 2nd Edition O.S. 6” plan of 1895, Bartholomew’s half inch map of 1902, the 1910 Finance Act and recent editions of the Ordnance Survey plans.
- 2.3 The application was also accompanied by the following submission:

Belsay Park

The route

“1. The alleged route is in the parish of Belsay and is currently unrecorded as a public right of way. It can be seen on OS Explorer 316 Newcastle upon Tyne.

“2. It starts at GR NZ 102783 (A), where it leaves BW 401/010, going in a westerly direction to meet the C340 at GR NZ 075782 (B).

“3. It is a well defined track with a stone surface, which links a public bridleway to a minor road. It is approximately 5m wide.

“4. The notice at the west end of the alleged route indicates that there is no access for vehicles to the horse trials. This is an important annual event and it is understandable that the estate does not want horseboxes approaching the venue along an unsuitable track. However, vehicular rights are not alleged, only bridleway rights.

See photographs

The documentary evidence

1. C1790 Diversion of the public road

Historic England

See <https://historicengland.org.uk/listings/the-list/list-entry/1001042>

In the listing of properties on the Historic England website, under Belsay Hall, list entry number 1001042, it states that the owner at that time, Sir William Middleton, fifth Bt, diverted the existing **public road** onto a new road which '*entered by Bankfoot from where it ran due east to meet the Ponteland to Jedburgh road, rather than leading directly past the Castle and manor*'.

This provides evidence that the section of the alleged route from the C340 to Bankfoot was a public road prior to 1790. The public rights, associated with the road that took a line from there to emerge on the Morpeth road at Sheepfold, were diverted onto what is now the alleged route.

See extracts

2. 1820 Fryer's map of Northumberland

The full length of the alleged route is clearly shown on this map. It also shows a remnant of the old road described above. The alleged route is shown as an 'other road' as opposed to a turnpike road, such as the road close to its east end, which is the A696 today'.

See extract

3. 1828 Greenwood's map of Northumberland

The full length of the alleged route is also shown on this map. In addition it shows the line of the old road from which the public rights were diverted. The alleged route is shown as a 'cross road', that is a minor road connecting two roads of greater importance.

See extract

4. 1828 Ponteland Turnpike Trust

QRUp22

On the plan entitled '*Plan of that part of the proposed road between Edinburgh and Newcastle in the county of Northumberland. Surveyed under the direction of J L Macadam. 1828*', a spur is shown indicating approximately where the application route left the proposed line of the turnpike (A). There would have been no need to show it if it had not been a public road.

See extract

5. 1829 Ponteland Turnpike Trust

QRUp24

Only a year later another plan was surveyed. This one was entitled '*Plan of the intended new line of the road from Newcastle to Otterburn in the county of Northumberland. Surveyed in 1829 by Thomas Sopwith.*' The existing roads

were shown in brown and the proposed new road in red. The application route is shown, if rather faintly. It should be noted that this plan is not aligned to north.

These two turnpike plans show that two highly respected highway surveyors of the time, when drawing up plans of their proposals, considered it necessary to indicate that there was a public road leaving the turnpike at this point.

See extract

6. 1840 Tithe plan for the township of Belsay in the parish of Bolam DT 34S

“The alleged route is shown in brown in the same manner as all other public roads in the area are shown. However its destination is not shown, but then there was not a village or another parish at the western end of the alleged route’.

See extract

**7. 1866 OS 1st ed. Scale 1:2,500, (the 25”) sheets LXXIX/1 & LXXVIII/4
OS Book of Reference for the Parish of Bolam, township of Belsay**

“The eastern part of the alleged route is shown on sheet LXXIX/1 annotated with the plot number 53. The western part is shown on sheet LXXVIII/4 with the plot number 300. The full length of the alleged route is shown to be in the parish of Bolam, township of Belsay.

In the Book of Reference accompanying this sheet, on page 7, plot 53 is described as ‘**public road**’. On page 10, plot 300 is also described as ‘**public road**’.

See extracts

8. 1895 OS 2nd ed. Scale 1:10,560 (the 6”) sheets LXXIX NW & LXXVIII SE

The route is again split between these two sheets with the east section on sheet LXXIX NW and the western part on sheet LXXVIII SE. The route is not annotated either as FP (footpath) or BR (bridle road) which suggests it was believed to have a higher status, that of a road.

See extract

9. 1902 Bartholomew’s cycling map National Library of Scotland map collection

The map series at the scale of two miles to one inch, was produced to meet the needs of the many cyclists and tourists at the start of the twentieth century who wanted to get out into the countryside. It shows by the use of colour which public roads were suitable for cycling. Those with orange dashes were good quality roads and those with orange dots were described as ‘indifferent, passable for cyclists’ but still recommended for use by cyclists.

As cyclists were not allowed to go off-road until 1968, one can presume that all those roads that were recommended for cyclists to use were in fact public roads.

From the extract and the key it can be seen that the alleged route was one of these, shown by the orange dots along it. The dashes also indicate that it was a motoring road.

See extract

10. 1910 Finance Act Plan Field Book

**NRO 436/LXXIX/1 & LXXVIII/4
NRO/2000/36**

“The eastern part of the route is shown on sheet LXXVIII/4 and the western part of the route is shown on sheet LXXIX/1.

“The full length of the route is shown to be in hereditament 247. There is no deduction shown for ‘right of way or user’ for this plot. However there was no obligation on the landowner to claim the deduction so this does not show that there were or were not public rights along the track.

“It appears that owners of large estates in Northumberland were often not bothered with the small deduction that was on offer as this situation has been seen on many estates for which this series of documents has been checked. Very few deductions were claimed in this area as a quick look through the field book will show and yet today there are many public rights of way and minor roads for which a deduction could have been claimed.

See extracts

11. Recent editions of the OS

The alleged route continues to be shown clearly on OS maps in the 20th century.

See extract

It is understood that the route has been regularly used by local people in the recent past. This is now prevented by the route having a locked gate at its east end, close to the village.

However there is no intention of gathering user evidence as it is believed that the documentary evidence is sufficient to demonstrate that public rights existed in the past.

Conclusion

The evidence listed above suggests that public rights have existed over this route since the late 18th century. Please can you investigate to see if there is sufficient evidence for this route to be added to the definitive map as a public bridleway?”

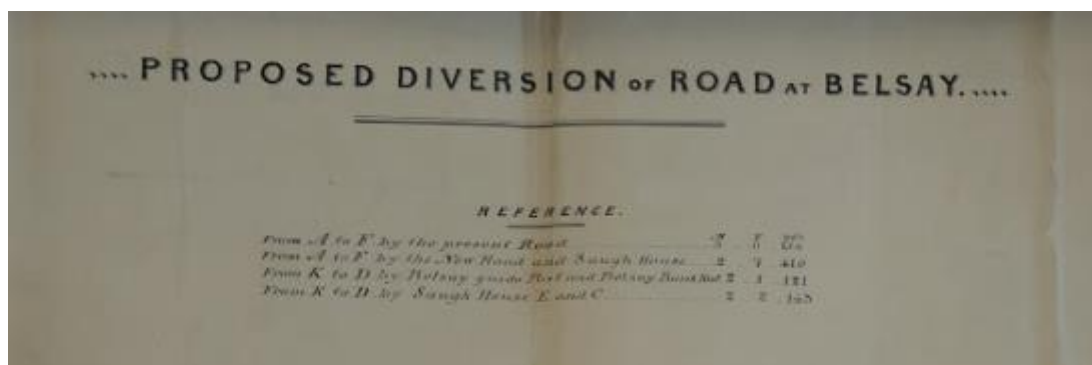
3. LANDOWNER EVIDENCE

3.1 By letter dated 10th February 2020, Galbraith Group in a report by Liz Sobell, on behalf of the Belsay Estate responded with the following comments.

- i) "I have been asked by Belsay Trustees to examine evidence submitted in support of an application to add a bridleway to the definitive map. The alleged way runs south of Belsay Hall between the C340 at GR NZ075782 on the west and on the east at a point on Bridleway 401/010 at GR NZ102783.
- ii) "The supporting evidence submitted by the claimant in support of this claim consists largely of maps ranging in date from 1820 to recent times, but the basis of the claim is an alleged highway diversion dating to around 1790 which is described in the Historic England website entry for Belsay Hall.
- iii) "The following report will demonstrate that the c.1790 diversion cannot be verified with documentary evidence, and that, crucially, a later highway diversion extinguished any supposed public right of way along the claimed route.
- iv) "The claimant's documentary evidence begins by referring to a record in Historic E's online National Heritage List for England ("NHLE"). The record concerned is at <https://historicengland.org.uk/listing/the-list/list-entry/1001042> and is the "listing" relating to the status of Belsay Hall as a Grade I Listed Building. The relevant paragraph states: "*In c. 1790, Sir William Middleton, fifth Bt. (1738-95), Captain of the Royal Horse Guards and MP for Northumberland from 1774, diverted the public road which ran along the boundary of the earliest deer park from Burnside northwards to Sheepfold on the Morpeth road, thus increasing the enclosed area. The new road entered the park by Bankfoot from where it ran due east to meet the Ponteland to Jedburgh road, rather than leading directly past the Castle and Manor*".
- v) "Two places are marked as 'Sheepfold' on Northumberland sheet 78.4 of the 1896 Ordnance Survey 25" map: one is north of Burnside at GR NZ075787, but does not join the Morpeth road. The other 'Sheepfold' is at GR NZ 081790, and is on the Morpeth road, but has no track leading to it which is recorded on Ordnance Survey maps dating between 1885 and 1967. The closest track is located 401 metres east of 'Sheepfold' at GR NZ085791, just south of the original location of Saugh House Farm at GR NZ086792 (The historic location of Saugh House is shown between points E and K on the plan at Appendix A, although Saugh House was later rebuilt at GR NZ 086795). This seems the most likely candidate for a way which was to be diverted from running past the Castle and Manor House, since it also leads past Belsay Townfoot at GR NZ086783.
- vi) "Notwithstanding the reference in the NHLE to a 1790 diversion, it is not possible to confirm the veracity of the statement in the NHLE or give an accurate interpretation of the routes involved in any c.1790 diversion, as no documentary reference has been supplied to prove its existence. Moreover, I have made a thorough search of Northumberland Quarter

Session books (where a public highway diversion was required (at that time) to be endorsed by Justices of the Peace and recorded) and no record could be found.

- vii) “However, the search did produce two relevant highway diversions, both dated 1837, holding the references NRO QRH 134 and NRO QRH 135 respectively. Both diversions use the same plan, which is reproduced at Appendix A.
- viii) “NRO QRH 134 and NRO QRH 135 demonstrate that there was a major reorganisation of the road network around Belsay in 1837. Here it might be useful to provide a timeline summarising the historical content.
 - **1810 -1817** Belsay Hall was built, following a design by Sir Charles Monck (1779 - 1867, third son of Sir William Middleton, 5th baronet).
 - **1828 and 1829** Two turnpike roads were established east of Belsay: the Newcastle to Edinburgh Turnpike (NRO QRUP 22) and the Newcastle to Otterburn Turnpike (NRO QRUP 24).
 - **1830s** The village of Belsay was removed from its original position between Belsay Castle and the newly built Hall and aligned on the east side of the Newcastle to Edinburgh Turnpike (present-day A696).
 - **1837** Sir Charles Monck created two new lengths of road in order to divert and extinguish public rights over the road allegedly created by the c.1790 highway diversion (NRO QRH 134 and NRO QRH 135, both orders using the same plan).
- ix) NRO QRH 135 is concerned with a length of road created to simplify and shorten the route coming east from the direction of Capheaton, and is annotated on the plan (Appendix A) by the letters E and F. The road is uncoloured but outlined in red.
- x) NRO QRH 134 created a new length of road, also outlined on red, between the letters D and C on the plan, and provided a more level route than that between D to B to C.
- xi) NRO QRH 134 also stopped up the highway on the route between letters L and D and letters L/B/C, outlined in blue on the plan.
- xii) Figure 1 below is an extract from the diversion plan titled ‘Reference’:



- xiii) The letter ‘A’ marks the position of Belsay Guide Post at GR NZ 102785; ‘F’ is the most westerly point of the new length of road at GR NZ 053781. The measured length between these two points if travelling

by the line of the road which was to be stopped up (i.e. A-L-B-C-I-H-G-F) was 3 miles and 154 yards. In comparison, Points A to F via the new length of road and Saugh House (i.e. A-K-E-F) measured 2 miles 7 furlongs and 410 yards.

- xiv) “Letter K is the location of the junction between the B6924 and the A696 at GR NZ100790. The distance between K and D via Belsay Guide Post (A) and Belsay Bank Foot (GR NZ 079783) measured 2 miles 1 furlong and 121 yards. K to D via Saugh House and points E and C was longer at 2 miles 2 furlongs and 143 yards. However, the replacement of a steep climb with the new length of road between points C and D compensated for the extra length.
- xv) “Appendix B is the order made at the Northumberland Quarter Sessions held on 16th September 1837 (NRO QRH 134). The new length of road had been inspected by two justices of the peace and found to be ‘*more commodious to the public than the present highway*’. It confirmed the new length of road made between points C and D on the plan and ordered that ‘*the said Highway mentioned in the said certificate as lying between a certain guide post in the Township of Belsay in the said County called the Black Heddon Guide Post and the point or place on the Turnpike Road between Newcastle upon Tyne and Otterburn in the said County where the same Highway meets the said Turnpike should be stopped up and should be diverted and turned to the new Highway also mentioned in the same certificate lately made between the said guide post and the south west corner of Belsay park in the said Township of Belsay aforesaid*’.
- xvi) “NRO QRH 134 therefore shows that the claimed route carries no public highway right. Any highway which did exist over the claimed route (by virtue of the alleged 1790 diversion or otherwise) was stopped up and ceased to exist as a result of the Order of the Quarter Sessions dated 16th September 1836.
- xvii) “There is no dispute that the claimed route is clearly present on historic and contemporary maps. The issue is not, however, physical presence, but whether or not the depicted route carries any public right of way. The following paragraphs will discuss the map evidence submitted in support of the claim.
- xviii) “Fryer’s County map (1820) and Greenwood’s (1828) map both pre-date the diversion and extinguishment of the claimed route in 1837, as do the creation of turnpike roads between Newcastle and Edinburgh (1828) and Newcastle and Otterburn (1829).
- xix) “Belsay Township Tithe Award plan (NRO DT 34S) of 1840 shows the line of the claimed way. However, it was not the prime purpose of a tithe map to depict public ways, but to identify the boundaries of areas where tithe payments were chargeable. In addition, it was possible for an earlier plan to be submitted during the tithe commutation process.

- xx) “The Ordnance Survey maps comprise the bulk of supporting evidence for this claimed way, but these maps, along with Bartholomew’s Cycling map of 1902, carry a disclaimer that representation on a map is not evidence of the existence of a right of way.
- xxi) “The description of a way in an Ordnance Survey Book of Reference as a ‘public road’ relates simply to the appearance of such a way. Ordnance Survey officers were not required to establish the highway status of the routes they mapped, merely to describe their physical appearance.
- xxii) “At paragraph 10 of the submitted claim, the absence of a tax liability deduction in relation to the claimed route in 1910 Finance Act records is accounted for by the suggestion that ‘*owners of large estates in Northumberland were often not bothered with the small reduction that was on offer*’. This is speculation with no documentary evidence to support it. Conversely, the inclusion of the claimed route in the records is of course evidence (albeit not conclusive evidence) that the claimed route is not a highway.
- xxiii) “NRO 2000/36 is held by Northumberland Archives and contains a record of the evidence given by the owner of the Belsay Estate in relation to the 1910 Finance Act.
- xxiv) “Appendix C is an extract from the estate copy of the valuation book (NRO 2000/36), where two claims of £20 each are made for ‘public right of way or user’. One is on Saugh House land and the other at West Belsay. No claim for a deduction is made in relation to any other land within Belsay, but this document shows that the land owner was indeed bothered enough to claim £40 in total.
- xxv) “In conclusion, it has been shown that a former public highway which ran south of Belsay Hall had all public right of way removed and stopped up under a highway diversion order dated 1837. The appearance of the way on maps pre- and post- dating the diversion order (which is the remaining evidence relied on by the claimant) simply reflects the physical existence of the route. The 1910 Finance Act records accurately represent the fact that no right of way existed along the claimed route.”

4. CONSULTATIONS

- 4.1 In March 2018, the County Council carried out a consultation with the Parish Council, known owners and occupiers of the land and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”.
- 4.2 By letter in March 2018 the County Access & Bridleways Officer for the British Horse Society responded to the consultation with the following comments:

“This is a well kept tarmac road providing access to a number of properties and adjacent fields which links to two minor rural roads and so forms an important part of the recreational network in the area. It

was shown to be part of the cycling network in 1902 by the presence on Bartholomew's popular cycling map of that date."

5. DOCUMENTARY EVIDENCE

5.1 A search has been made, relating to historical evidence and the following copies are enclosed for consideration.

1820 Fryer's County Map

There is evidence of a track over the entire length of the claimed route.

1827 Cary's Map

There is evidence of a track over the entire length of the claimed route.

1828 Greenwood's County Map

There is evidence of a track over the entire length of the claimed route.

1840 Belsay Tithe Award (Applicant's Plan)

There is evidence of a track over the entire length of the claimed route identified the same as other public highways in the locality.

c1860 1st Edition O.S. Map: Scale 1:2,500 & Book of Reference (Applicant's Plan)

There is evidence of an enclosed track over the entire length of the claimed route.

The claimed route is annotated with the numbers 53 & 300 and identified in the accompanying Book of Reference as 'Public road'.

1897/8 2nd Edition O.S. Map: Scale 1:10,560

There is evidence of an enclosed track over the entire length of the claimed route.

1924 3rd Edition O.S. Map: Scale 1:10,560

There is evidence of an enclosed track over the entire length of the claimed route.

6. SITE INVESTIGATION

6.1 Photographs of the route will be displayed at the Council meeting.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In July 2021, a draft copy of the report was circulated to the applicant and known owners / occupiers of the land who responded to the consultation.

8. DISCUSSION

- 8.1 Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:

that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;

- 8.2 When considering an application or proposal for a modification order, Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 It is clear that the claimed route which is depicted on Fryer’s, Cary’s and Greenwood’s Maps was likely an all-purpose highway at the beginning of the 19th Century. Its inclusion on the Turnpike records and the Ordnance Survey plans of the area strengthen the evidence in support of public rights existing over the full length of the claimed route, at that time. The landowner does not appear to dispute the accuracy of these plans although does cast doubt on the interpretation and legality of the highways order in 1790 allegedly diverting public rights onto the alignment of the claimed route.
- 8.5 The Highways Order in 1837 was certified by the Justices of Peace at the Northumberland Quarter Sessions on 16th September 1837. The Highways Order had the effect of stopping up the route of the alleged path as being unnecessary as a new public highway had been made and dedicated to the public. There is no evidence to suggest that public footpath or public bridleway rights were retained over the alleged route.
- 8.6 Whilst it is accepted that there is map evidence of the physical existence of the claimed route up until the present day there does not appear to be any evidence that post 1837 the landowners have expressed any intention to

dedicate public rights over the alleged route or that there has been any inference of dedication at common law.

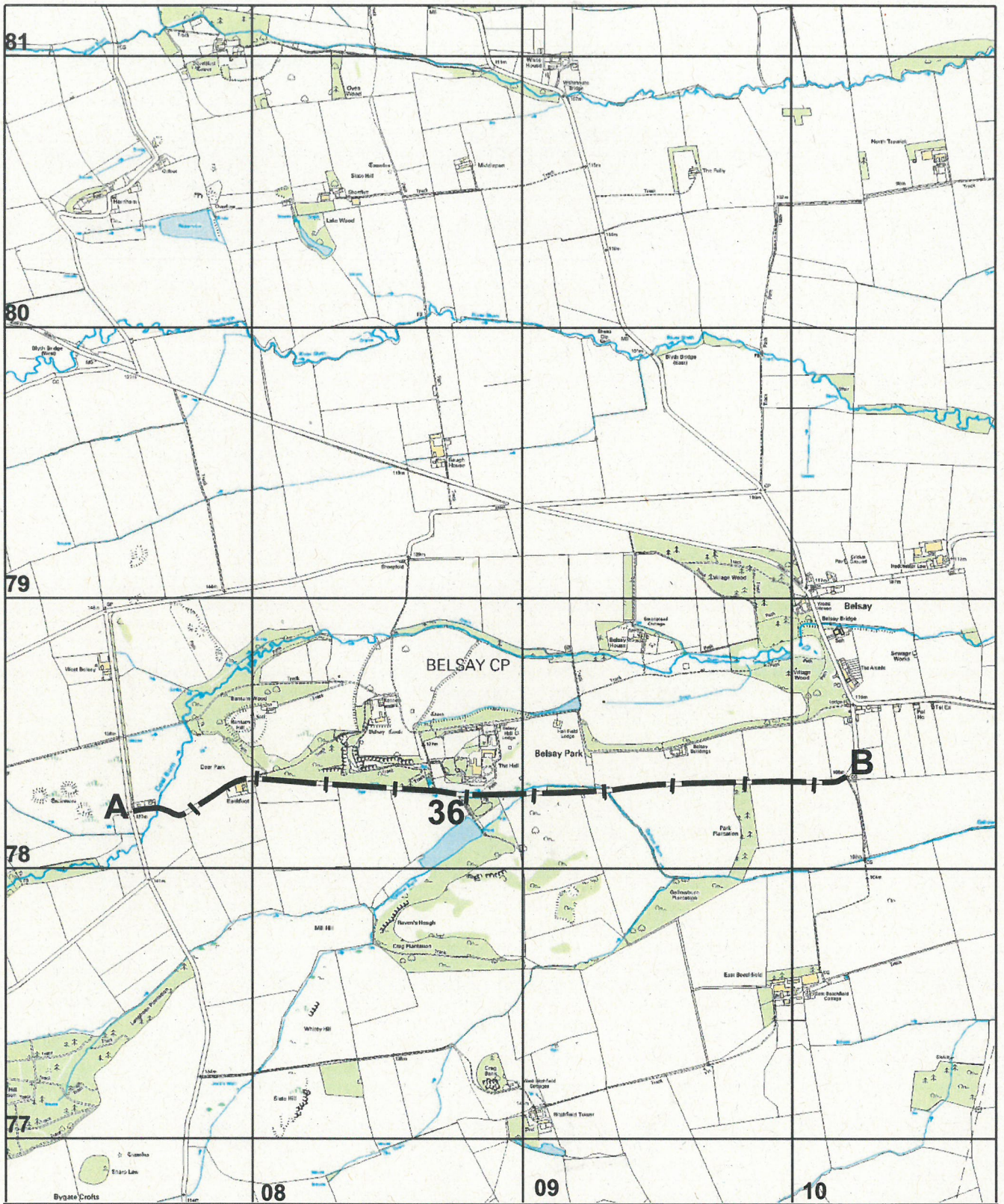
9. CONCLUSION

- 9.1 In the light of the evidence submitted, it appears that the historical evidence is insufficient to demonstrate that, public bridleway or public vehicular rights have been reasonably alleged to exist over the route.

BACKGROUND PAPERS


Local Services Group File D/1/36z

Report Author John McErlane – Definitive Map Officer
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John.McErlane@northumberland.gov.uk



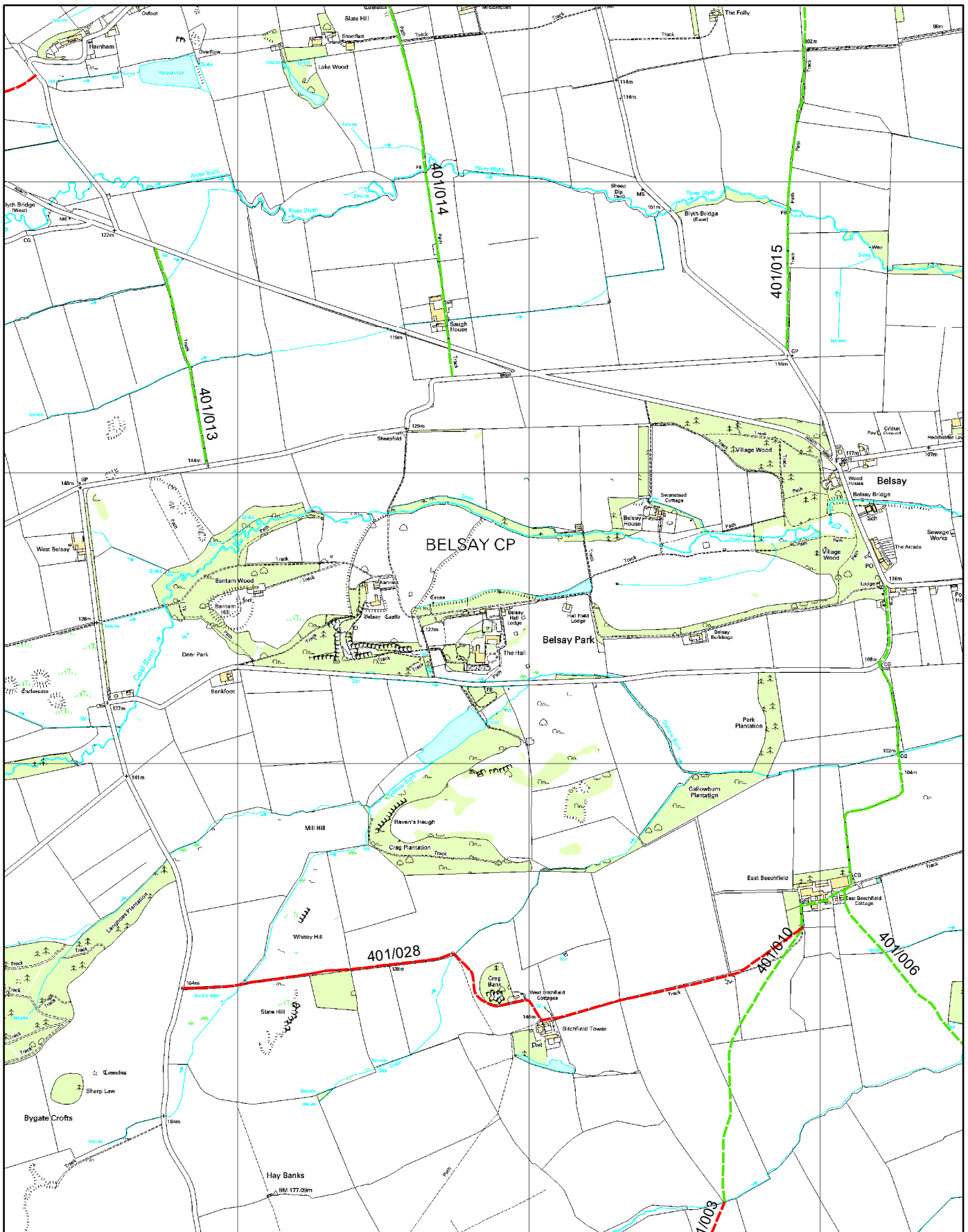

Northumberland
 County Council
LOCAL SERVICES
 County Hall Morpeth Northumberland
 NE61 2EF
 Telephone 0845 600 6400

Wildlife and Countryside Act 1981
Public Rights of Way

 Alleged Public Bridleway

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Former District(s) Castle Morpeth	Parish(es) Belsay	Scale 1:10,000
Def. Map No. 170	O.S. Map NZ 07 NE	Date September 2019



Contact: John McErlane
Tel: 01670 624136
EMail: John.McErlane@northumberland.gov.uk

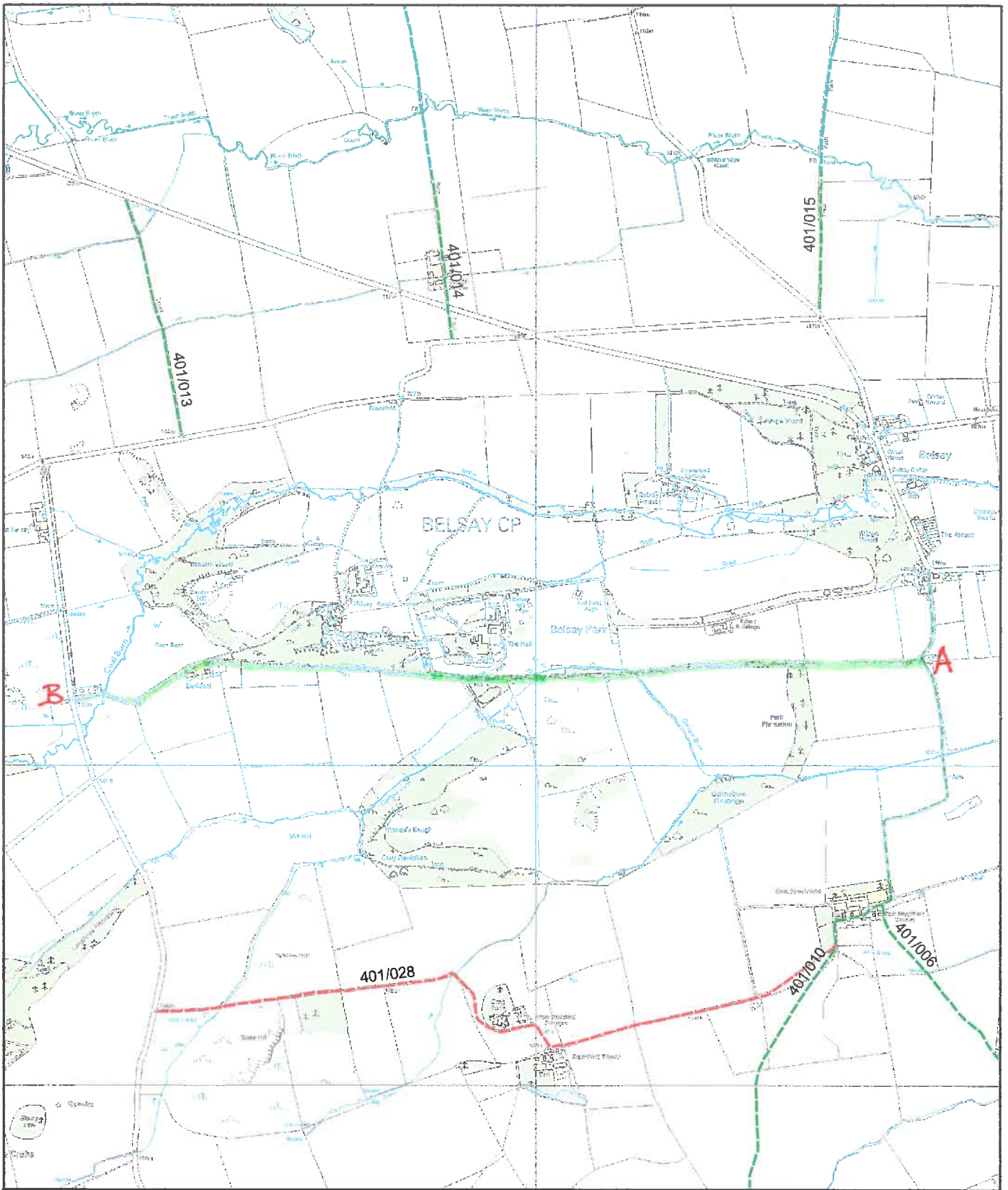
Legend

- - - Footpath
- - - Bridleway
- - - Restricted Byway
- Byway Open to All Traffic

This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale: 1:18,000

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Northumberland
 County Council
 Infrastructure Records, Local Services
 County Hall Morpeth Northumberland
 NE61 2EF Telephone 0345 600 6400

Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District	Parish	Scale
Morpeth	Belsay	NTS
Def. Map. No.	O.S. Map	Date

Belsay Park

The route

1. The alleged route is in the parish of Belsay and is currently unrecorded as a public right of way. It can be seen on OS Explorer 316 Newcastle upon Tyne.
2. It starts at GR NZ 102783 (A), where it leaves BW 401/010, going in a westerly direction to meet the C 340 at GR NZ 075782 (B).
3. It is a well defined track with a stone surface, which links a public bridleway to a minor road. It is approximately 5m wide.
4. The notice at the west end of the alleged route indicates that there is no access for vehicles to the horse trials. This is an important annual event and it is understandable that the estate does not want horseboxes approaching the venue along an unsuitable track. However, vehicular rights are not alleged, only bridleway rights.

See photographs

The documentary evidence

1. **c1790 Diversion of the public road**

Historic England

See <https://historicengland.org.uk/listing/the-list/list-entry/1001042>

In the listing of properties on the Historic England website, under Belsay Hall, list entry number 1001042, it states that the owner at that time, Sir William Middleton, fifth Bt, diverted the existing **public road** onto a new road which '*entered by Bankfoot from where it ran due east to meet the Ponteland to Jedburgh road, rather than leading directly past the Castle and Manor*'.

This provides evidence that the section of the alleged route from the C340 to Bankfoot was a public road prior to 1790. The public rights, associated with the road that took a line from there to emerge on the Morpeth road at Sheepfold, were diverted onto what is now the alleged route.

See extracts

2. **1820 Fryer's map of Northumberland**

The full length of the alleged route is clearly shown on this map. It also shows a remnant of the old road described above. The alleged route is shown as an 'other road' as opposed to a turnpike road, such as the road close to its east end, which is the A696 today.

See extract

3. 1828 Greenwood's map of Northumberland

The full length of the alleged route is also shown on this map. In addition it shows the line of the old road from which the public rights were diverted. The alleged route is shown as a 'cross road', that is a minor road connecting two roads of greater importance.

See extract

4. 1828 Ponteland Turnpike Trust

QRUp22

On the plan entitled '*Plan of that part of the proposed road between Edinburgh and Newcastle in the county of Northumberland. Surveyed under the direction of J L Macadam. 1828*', a spur is shown indicating approximately where the application route left the proposed line of the turnpike (A). There would have been no need to show it if it had not been a public road.

See extract

5. 1829 Ponteland Turnpike Trust

QRUp 24

Only a year later another plan was surveyed. This one was entitled '*Plan of the intended new line of road from Newcastle to Otterburn in the county of Northumberland. Surveyed in 1829 by Thomas Sopwith.*' The existing roads were shown in brown and the proposed new road in red. The application route is shown, if rather faintly. It should be noted that this plan is not aligned to north.

These two turnpike plans show that two highly respected highway surveyors of the time, when drawing up plans of their proposals, considered it necessary to indicate that there was a public road leaving the turnpike at this point.

See extract

6. 1840 Tithe plan for the township of Belsay in the parish of Bolam

DT 34 S

The alleged route is shown in brown in the same manner as all other public roads in the area are shown. However its destination is not shown, but then there was not a village or another parish at the western end of the alleged route.

See extract

7. 1866 OS 1st ed. Scale 1:2,500, (the 25")

sheets LXXIX/1 & LXXVIII/4

OS Book of Reference for the parish of Bolam, township of Belsay

The eastern part of the alleged route is shown on sheet LXXIX/1 annotated with the plot number 53. The western part is shown on sheet LXXVIII/4 with the plot number 300. The full length of the alleged route is shown to be in the parish of Bolam, township of Belsay.

In the Book of Reference accompanying this sheet, on page 7, plot 53 is described as 'public road'. On page 10, plot 300 is also described as 'public road'.

See extracts

8. 1895 OS 2nd ed. Scale 1:10,560, (the 6") sheets LXXIX NW & LXXVIII SE

The route is again split between these two sheets with the east section on sheet LXXIX NW and the western part on sheet LXXVIII SE. The route is not annotated either as FP (footpath) or BR (bridle road) which suggests it was believed to have a higher status, that of a road.

See extract

9. 1902 Bartholomew's cycling map National Library of Scotland map collection

This map series at the scale of two miles to one inch, was produced to meet the needs of the many cyclists and tourists at the start of the twentieth century who wanted to get out into the countryside. It shows, by the use of colour, which public roads were suitable for cycling. Those with orange dashes were good quality roads and those with orange dots were described as 'Indifferent, passable for cyclists' but still recommended for use by cyclists.

As cyclists were not allowed to go off-road until 1968, one can presume that all those roads that were recommended for cyclists to use were in fact public roads.

From the extract and the key, it can be seen that the alleged route was one of these, shown by the orange dashes along it. The dashes also indicate that it was a 'motoring road'.

See extract

**10. 1910 Finance Act plan NRO 436/LXXIX/1 & LXXVIII/4
Field Book NRO/2000/36**

The eastern part of the route is shown on sheet LXXVIII/4 and the western part of the route is shown on sheet LXXIX/1.

The full length the route is shown to be in hereditament 247. There is no deduction shown for 'right of way or user' for this plot. However there was no obligation on the

landowner to claim the deduction so this does not show that there were or were not public rights along the track.

It appears that owners of large estates in Northumberland were often not bothered with the small deduction that was on offer as this situation has been seen on many estates for which this series of documents has been checked. Very few deductions were claimed in this area as a quick look through the Field Book will show and yet today there are many public rights of way and minor roads for which a deduction could have been claimed.

See extracts

11. Recent editions of the OS

The alleged route continues to be shown clearly on OS maps in the 20th century.

See extracts

It is understood that the route has been regularly used by local people in the recent past. This is now prevented by the route having a locked gate at its east end, close to the village.

However there is no intention of gathering user evidence as it is believed that the documentary evidence is sufficient to demonstrate that public rights existed in the past.

Conclusion

The evidence listed above suggests that public rights have existed over this route since the late 18th century. Please can you investigate to see if there is sufficient evidence for this route to be added to the definitive map as a public bridleway?

Sent to NCC October 2018

Photographs showing the character of the route



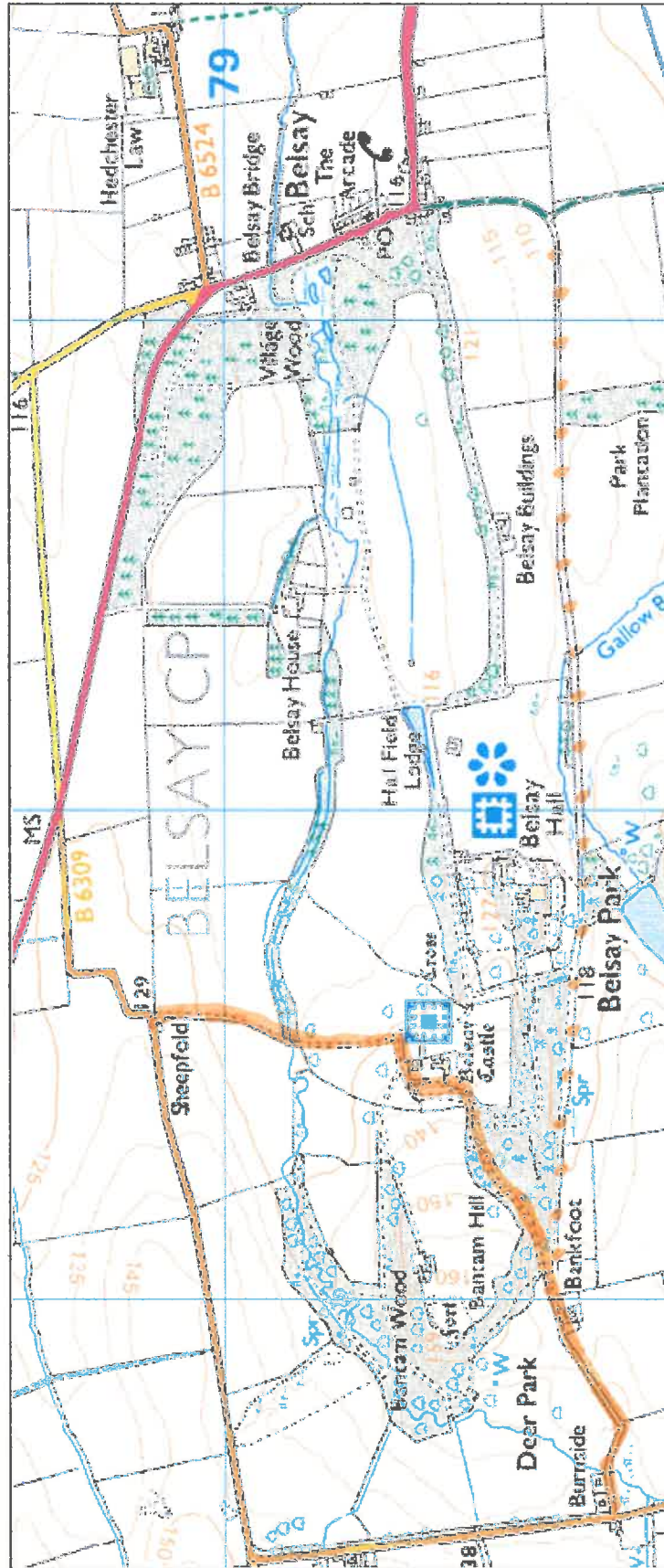
Sir William created a landscape park which extended over the area covered by Belsay Park today. It was set out with plantations of woods and specimen trees to frame the long-distance views, notably Bantam Wood and Crag Plantation. By 1757 Bantam Folly, a ferme ornée, had been built facing the 'Roman' camp (as the earthworks of the prehistoric promontory fort were then thought to be), with a cold bath situated in the valley bottom. Lady Anne Middleton is reputed to have planted up Bantam Hill as a wild garden, with snowdrops (Hackett 1972). Belsay Lough (drained in 1805) was constructed to add a reflective sheet of water in the best C18 landscape tradition.

In c 1790, Sir William Middleton, fifth Bt (1738-95), Captain of the Royal Horse Guards and MP for Northumberland from 1774, diverted the public road which ran along the boundary of the earliest deer park from Burnside northwards to Sheepfold on the Morpeth road, thus increasing the enclosed area. The new road entered the park by Bankfoot from where it ran due east to meet the Ponteland to Jedburgh road, rather than leading directly past the Castle and Manor.

Sir Charles Monck (1779-1867), William's third son, inherited the Belsay estate in 1795, and also estates in Essex and Lincolnshire. Between 1804 and 1806 he travelled extensively, his diaries documenting his passion for Greek art and architecture. He recorded the new neoclassical buildings in Germany, including the Brandenburg Gate. In Greece he met Sir William Gell (1777-1836), the antiquary and topographer, whose studies of classical antiquities and architecture influenced him in his transformation of the Belsay estate, from 1806 until his death in 1867.

Belsay Hall and its landscape are the centrepiece of his large-scale estate reorganisation and improvement. Inspired by early 'picturesque' theory and following Humphry Repton's principles and techniques, Belsay is a unique, remarkable, and unusually early example of a Greek Doric house and associated picturesque landscape. The picturesque landscape incorporates the Quarry (the source of stone for the Hall), lakes, dells, ponds and a cascade, and lodges built in the Greek style to reflect the Hall. Belsay village, relocated northwards to its current position outside Belsay Park, was built in corresponding Neoclassical style.

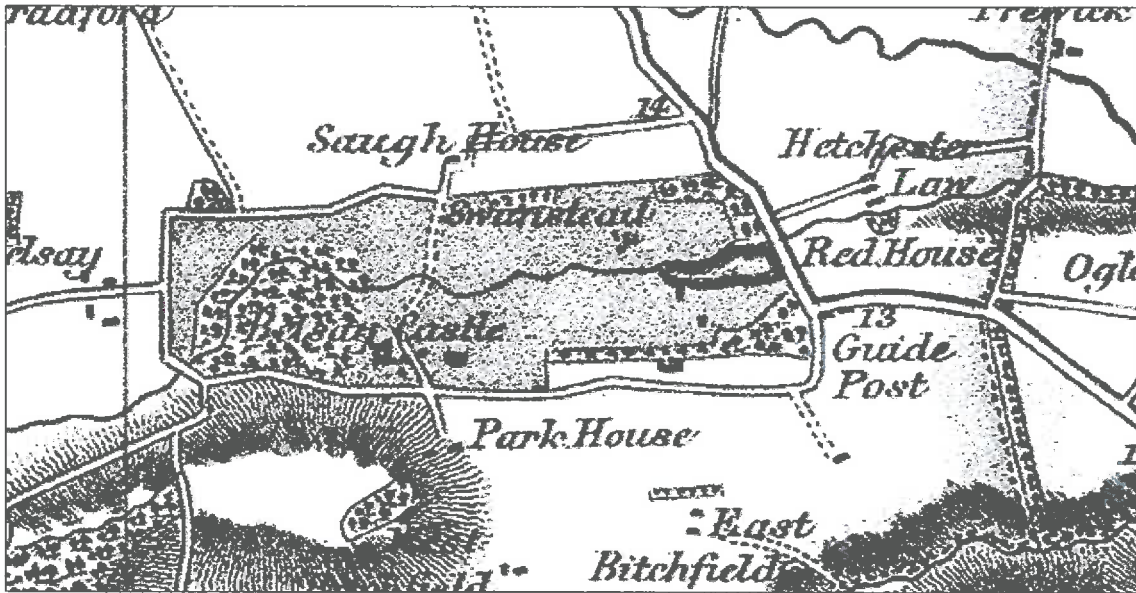
Public road prior to the diversion negotiated by Sir William Middleton c 1790



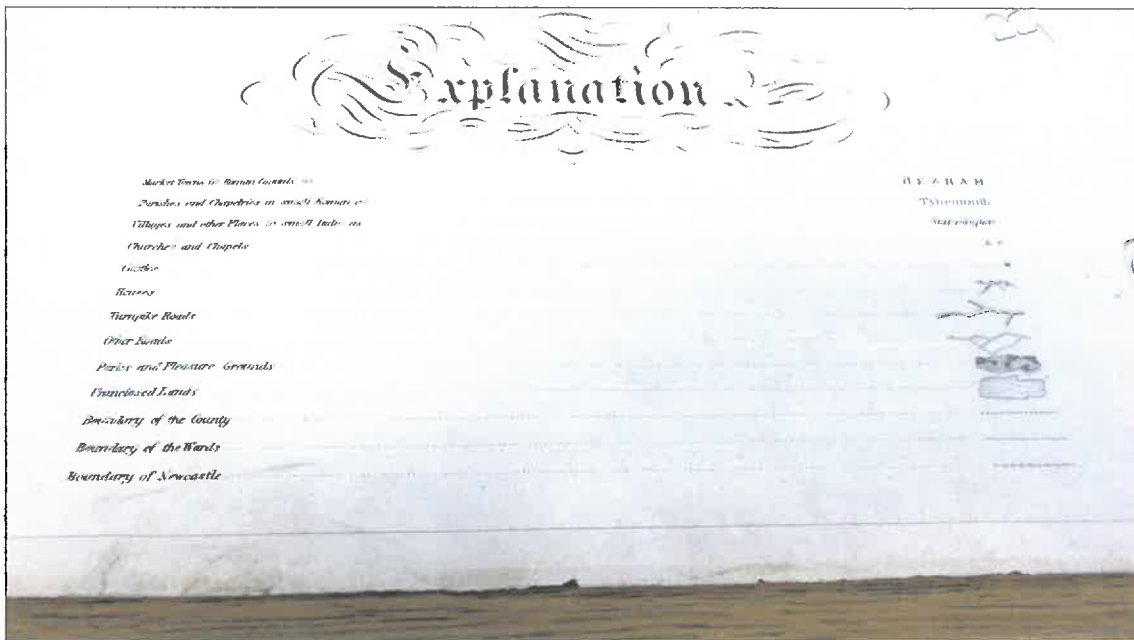
Line of new road onto which the public rights were diverted

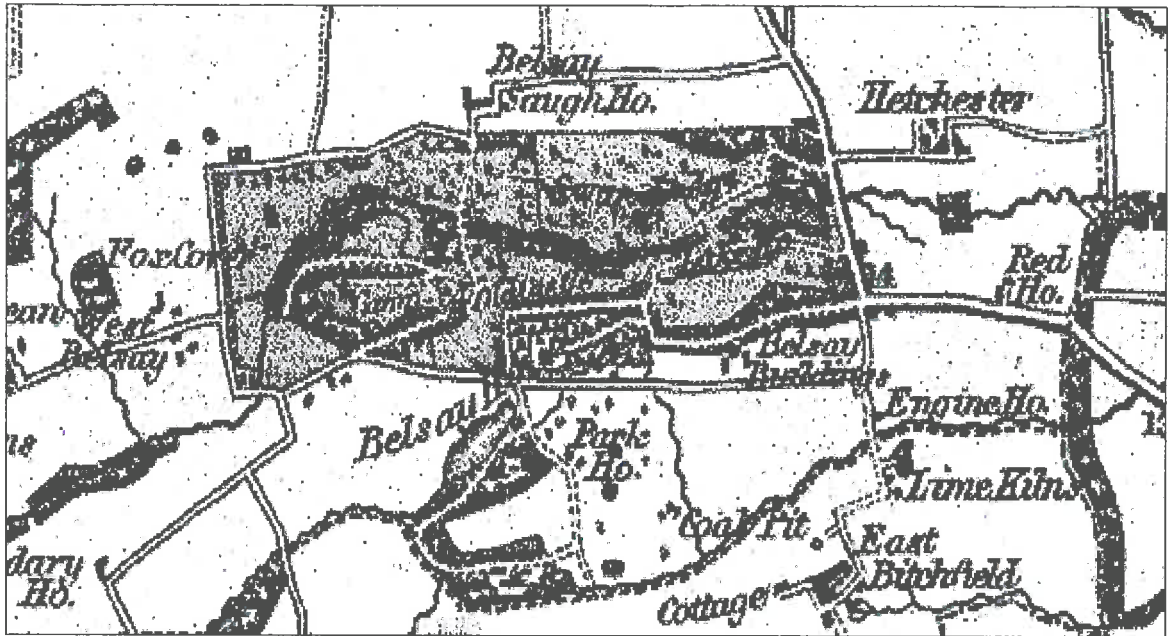


1820 Fryer's county map of Northumberland



Key





Key

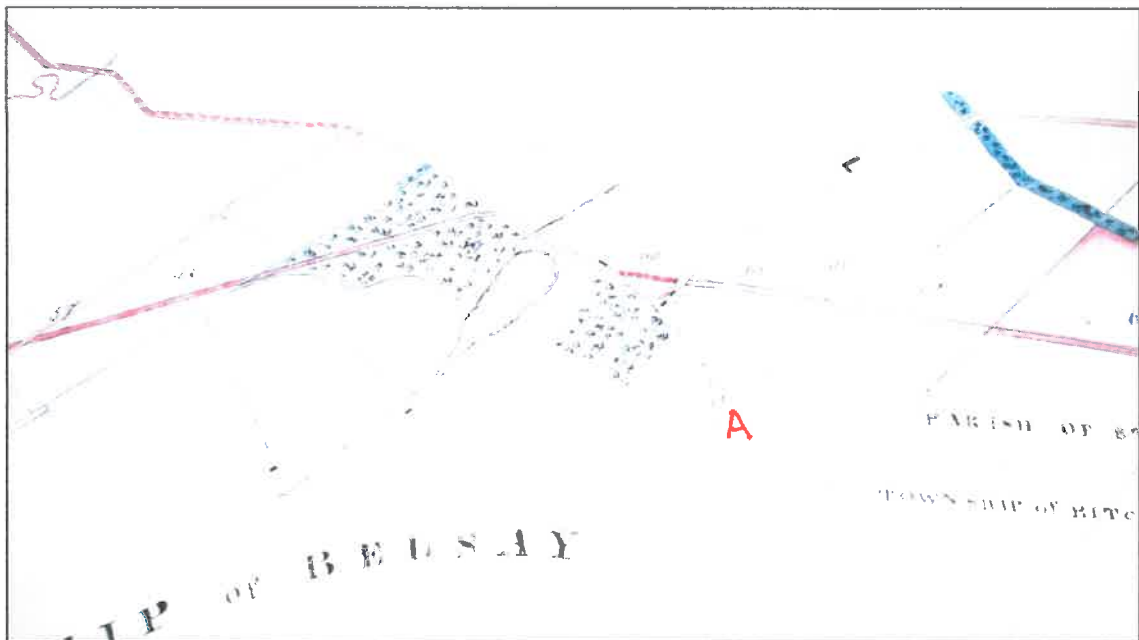
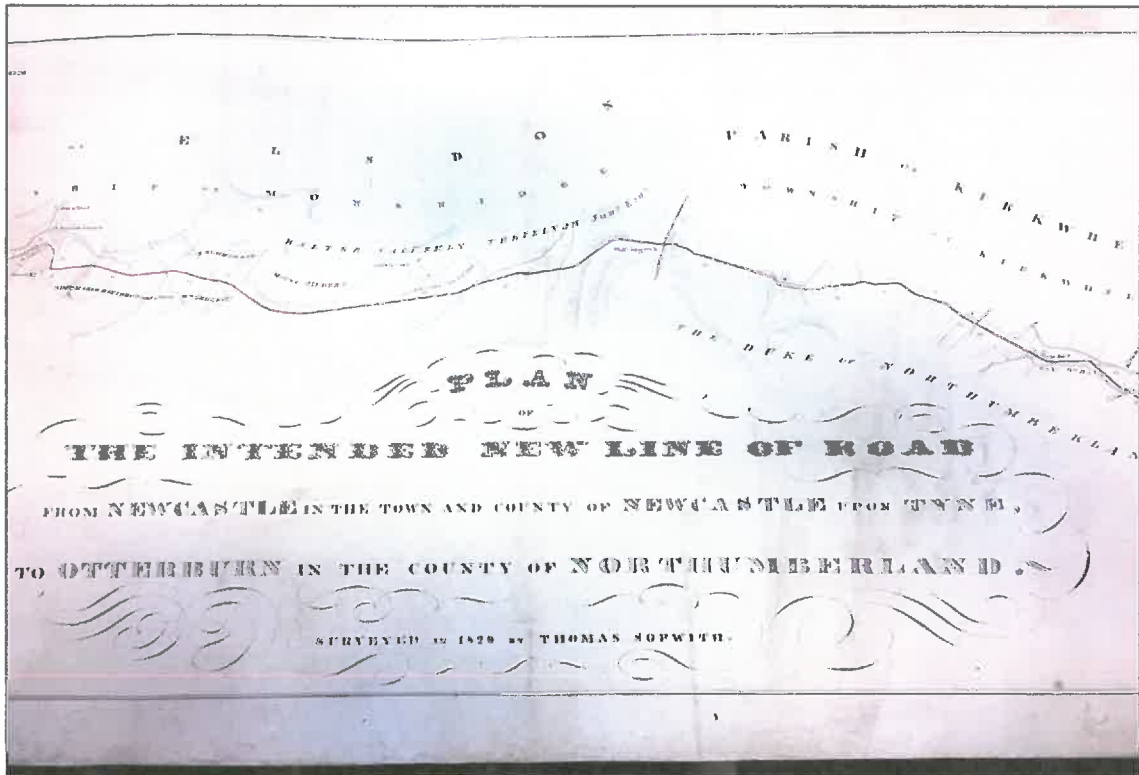
Explanation

<p>Boundaries of Counties ————</p> <p>Boundaries of Wards - - - - -</p> <p>Market-Towns as HESHAM</p> <p>Parishes as ACCOMB</p> <p>Villages and other Places as WONGE</p> <p>Places that send Members to Parliament </p> <p>Turnpike Roads & Toll Bars </p> <p>Cross Roads </p> <p>Churches & Chapels </p>	<p>Castles & Towers </p> <p>Houses </p> <p>Heaths & Commons </p> <p>Rivers & Brooks </p> <p>Navigable Canals </p> <p>Railways </p> <p>Woods </p> <p>Parks & Pleasure Grounds </p> <p>Hills & Rising Grounds </p> <p>Wind & Water Mills </p>
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SCALE OF STATUTE MILES.

1828 Turnpike Plan





See enlargement of plan on separate sheet

1. 08
B M I N A Y



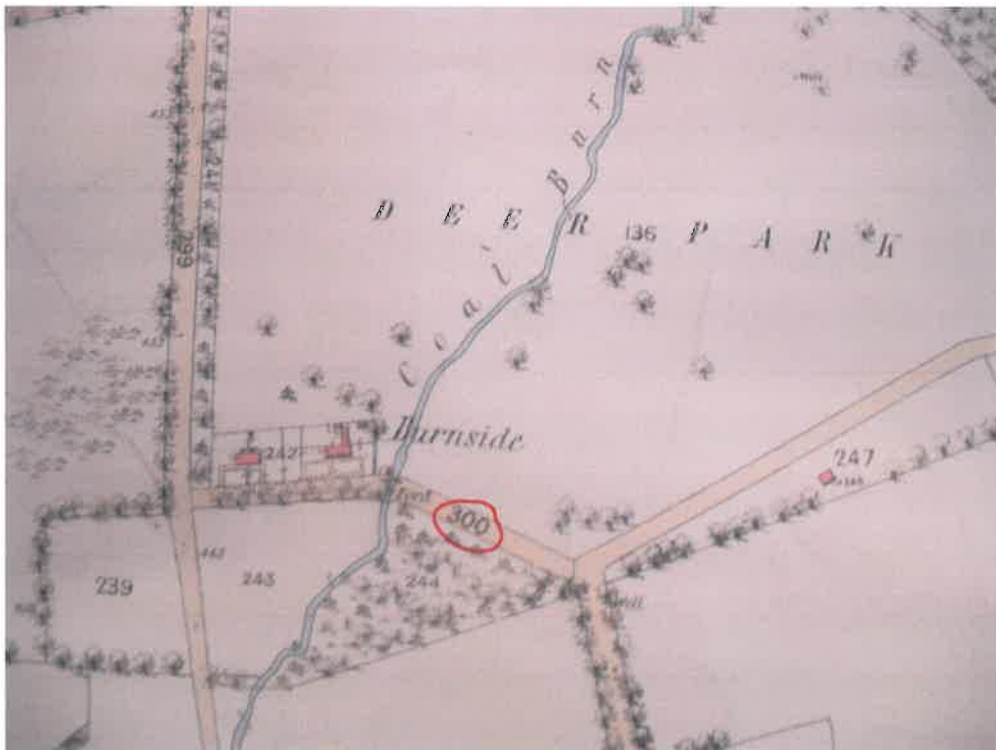
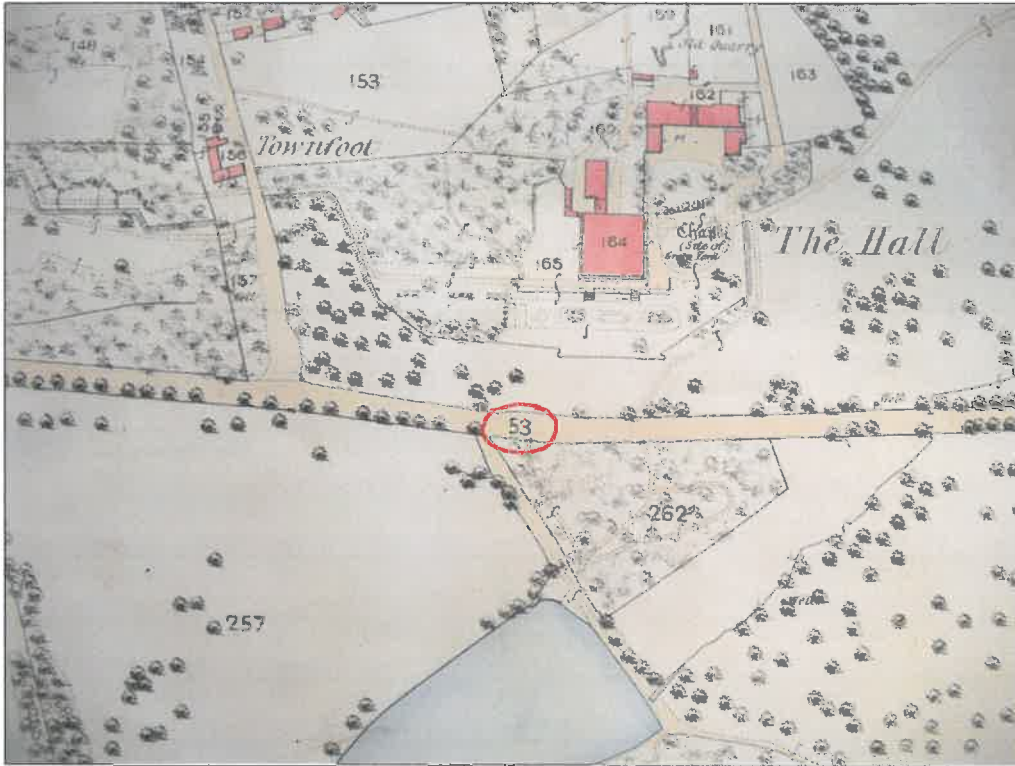
TOWN

PAR

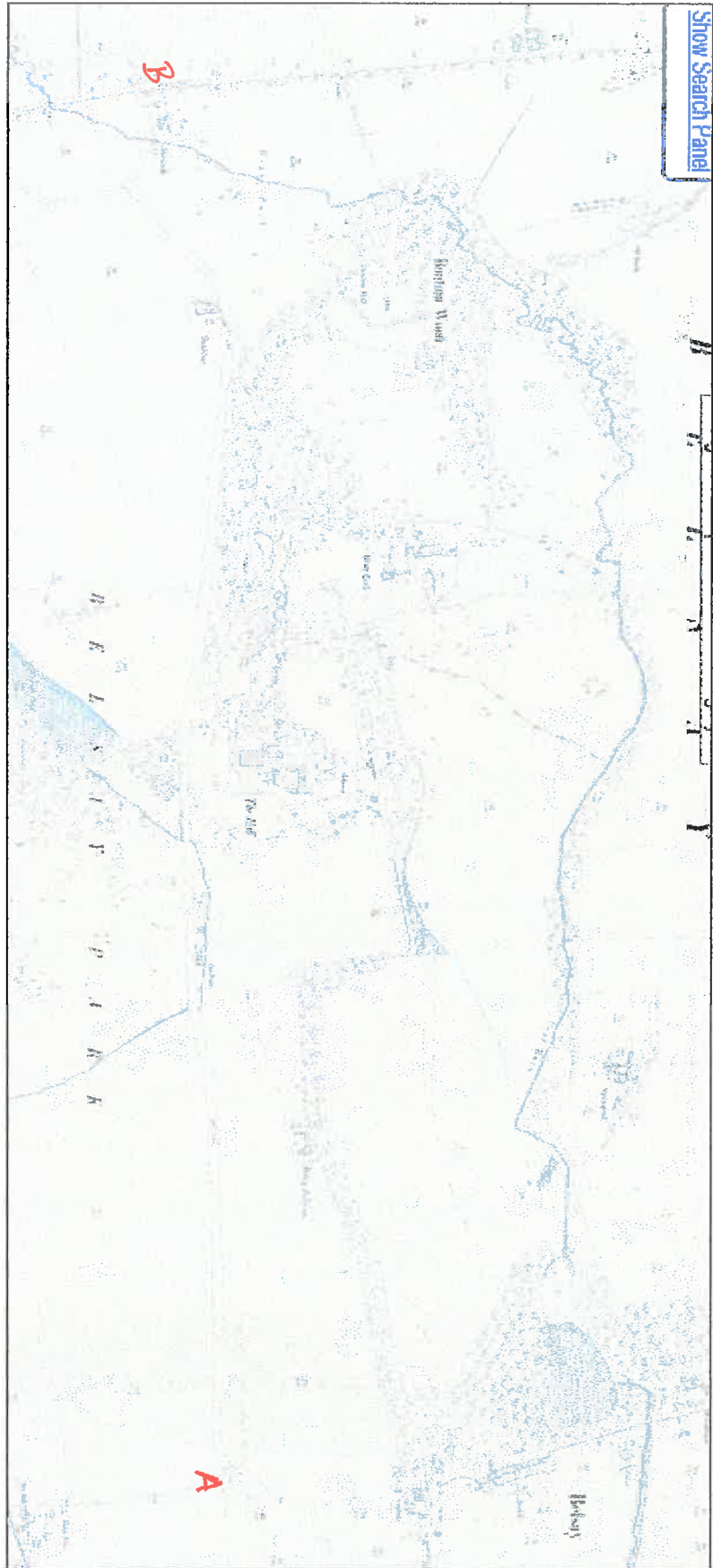
1840 Tithe plan for the township of Belsay in the parish of Bolam



1866 OS 1st edition scale 1:2,500 (25")



1895 OS 2nd ed scale 1:10,560 (6")





1902 Bartholomew's cycling map Scale: 2 inches to 1 mile



Key

EXPLANATORY NOTE

Motoring Roads {

- Through Routes**
- First Class Roads**
- Secondary**
- Indifferent** *(Passable for cyclists)*

The uncoloured roads are inferior and not to be recommended.

Footpaths & Bridlepaths *NB. The representation of a road or footpath is no evidence of the existence of a right of way. The figures thus 190 represent heights in feet above sea level.*

Railways **STA.** *Station with Refreshment Room* **L.C. (Level Crossing)**

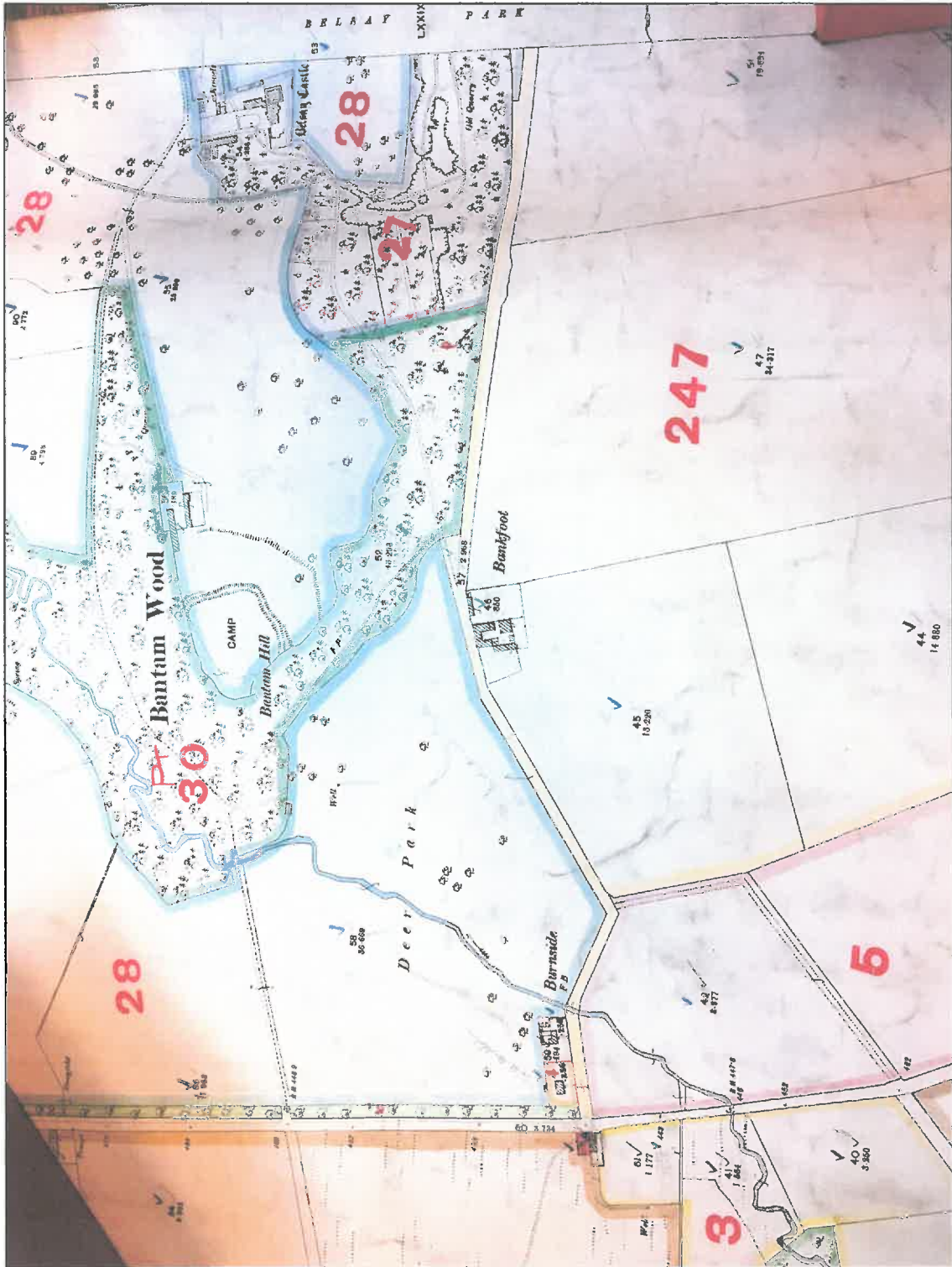
Canals

County Boundaries

1910 Finance Act plan

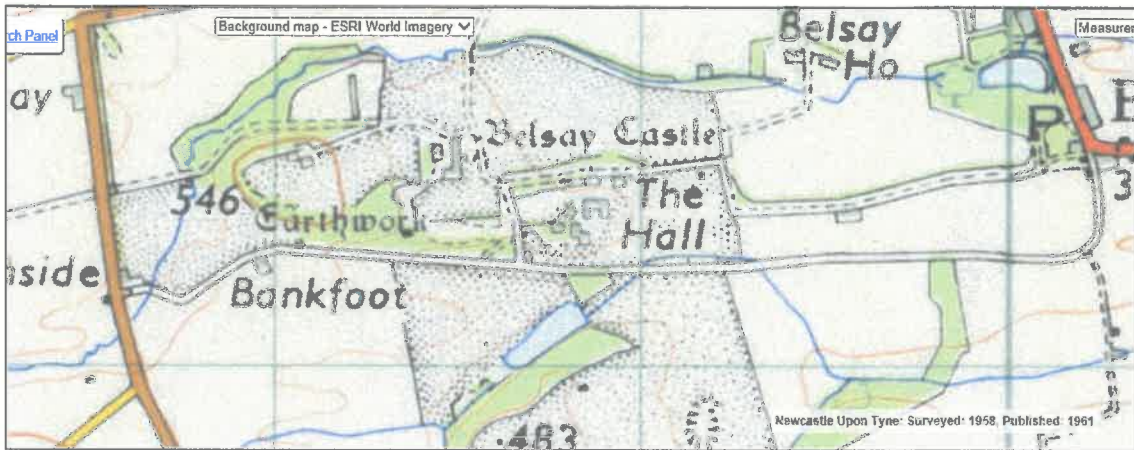


See enlarged copy of western end on separate sheet

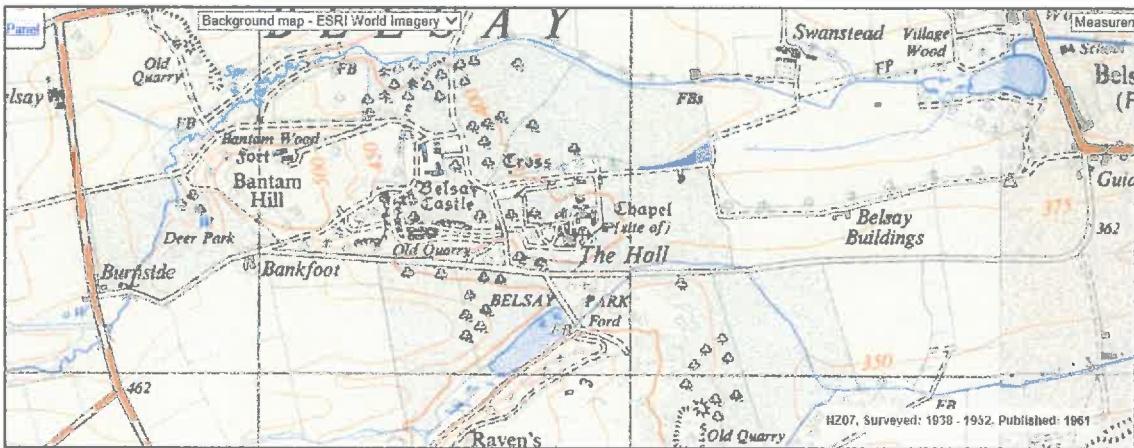


Recent editions of the OS

7th Popular edition



1961



BELSAY ESTATE
PARISH OF BELSAY
ALLEGED PUBLIC
BRIDLEWAY 36
REPORT BY LIZ SOBELL MA

ALLEGED BRIDLEWAY NO. 36
PARISH OF BELSAY

1. I have been asked by Belsay Trustees to examine evidence submitted in support of an application to add a bridleway to the definitive map. The alleged way runs south of Belsay Hall between the C340 at GR NZ075782 on the west and on the east at a point on Bridleway 401/010 at GR NZ102783.
2. The supporting evidence submitted by the claimant in support of this claim consists largely of maps ranging in date from 1820 to recent times, but the basis of the claim is an alleged highway diversion dating to around 1790 which is described in the Historic England website entry for Belsay Hall.
3. The following report will demonstrate that the c.1790 diversion cannot be verified with documentary evidence, and that, crucially, a later highway diversion extinguished any supposed public right of way along the claimed route.
4. The claimant's documentary evidence begins by referring to a record in Historic England's online National Heritage List for England ("NHLE"). The record concerned is at <https://historicengland.org.uk/listing/the-list/list-entry/1001042> and is the "listing" relating to the status of Belsay Hall as a Grade I Listed Building. The relevant paragraph states: *"In c.1790, Sir William Middleton, fifth Bt. (1738-95), Captain of the Royal Horse Guards and MP for Northumberland from 1774, diverted the public road which ran along the boundary of the earliest deer park from Burnside northwards to Sheepfold on the Morpeth road, thus increasing the enclosed area. The new road entered the park by Bankfoot from where it ran due east to meet the Ponteland to Jedburgh road, rather than leading directly past the Castle and Manor"*.
5. Two places are marked as 'Sheepfold' on Northumberland sheet 78.4 of the 1896 Ordnance Survey 25" map: one is north of Burnside at GR NZ075787, but does not join the Morpeth road. The other 'Sheepfold' is at GR NZ081790, and is on the Morpeth road, but has no track leading to it which is recorded on Ordnance Survey maps dating between 1885 and 1967. The closest track is located 401 metres east of 'Sheepfold' at GR NZ085791, just south of the original location of Saugh House Farm at GR NZ086792 (The historic location of Saugh House is shown between points E and K on the plan at Appendix A, although Saugh House was later rebuilt at GR NZ 086795). This seems the most likely candidate for a way which was to be diverted from running past the Castle and Manor house, since it also leads past Belsay Townfoot at GR NZ086783.
6. Notwithstanding the reference in the NHLE to a 1790 diversion, it is not possible to confirm the veracity of the statement in the NHLE or give an accurate interpretation of the routes involved in any c.1790 diversion, as no documentary reference has been supplied to prove its existence. Moreover, I have made a thorough search of Northumberland Quarter Session books (where a public highway diversion was required (at that time) to be endorsed by Justices of the Peace and recorded) and no record could be found.

7. However, the search did produce two relevant highway diversions, both dated 1837, holding the references NRO QRH 134 and NRO QRH 135 respectively. Both diversions use the same plan, which is reproduced at Appendix A.
8. NRO QRH 134 and NRO QRH 135 demonstrate that there was a major reorganisation of the road network around Belsay in 1837. Here it might be useful to provide a timeline summarising the historical context:
 - **1810 – 1817** Belsay Hall was built, following a design by Sir Charles Monck (1779-1867, third son of Sir William Middleton, 5th baronet).
 - **1828 and 1829** Two turnpike roads were established east of Belsay: the Newcastle to Edinburgh Turnpike (NRO QRUP 22) and the Newcastle to Otterburn Turnpike (NRO QRUP 24).
 - **1830s** The village of Belsay was removed from its original position between Belsay Castle and the newly built Hall and aligned on the east side of the Newcastle to Edinburgh Turnpike (present-day A696).
 - **1837** Sir Charles Monck created two new lengths of road in order to divert and extinguish public rights over the road allegedly created by the c.1790 highway diversion (NRO QRH 134 and NRO QRH 135, both orders using the same plan).
9. NRO QRH 135 is concerned with a length of road created to simplify and shorten the route coming east from the direction of Capheaton, and is annotated on the plan (Appendix A) by the letters E and F. The road is uncoloured but outlined in red.
10. NRO QRH 134 created a new length of road, also outlined in red, between the letters D and C on the plan, and provided a more level route than that between D to B to C.
11. NRO QRH 134 also stopped up the highway on the route between letters L and D and letters L/B/C, outlined in blue on the plan.
12. Figure 1 below is an extract from the diversion plan titled 'Reference':

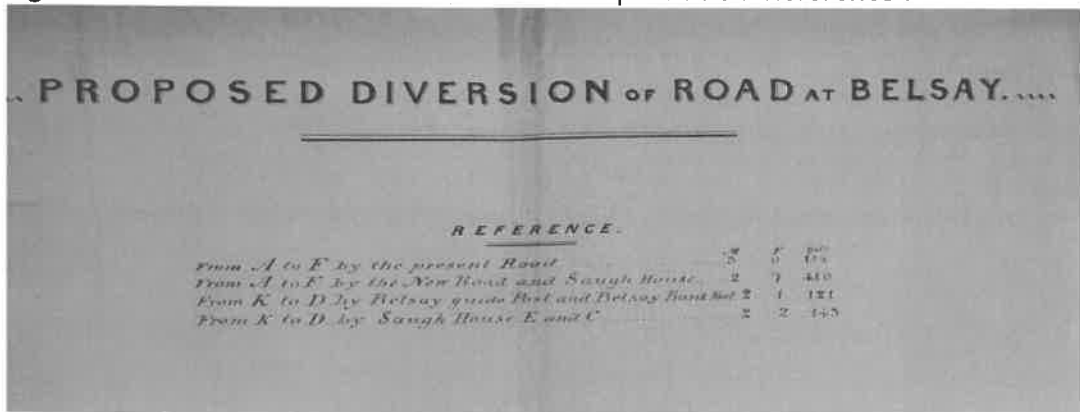


Fig. 1. NRO QRH 134 extract: Key to locations annotated on the Highway Diversion Plan

13. The letter 'A' marks the position of Belsay Guide Post at GR NZ 102785; 'F' is the most westerly point of the new length of road at GR NZ 053781. The measured length between these two points if travelling by the line of road which was to be stopped up (i.e. A-L-B-C-I-H-G-F) was 3 miles and 154 yards. In comparison, Points A to F via the new length of road and Saugh House (i.e. A-K-E-F) measured 2 miles 7 furlongs and 410 yards.
14. Letter 'K' is the location of the junction between the B6924 and the A696 at GR NZ100790. The distance between K and D via Belsay Guide Post (A) and Belsay Bank Foot (GR NZ 079783) measured 2 miles 1 furlong and 121 yards. K to D via Saugh House and points E and C was longer at 2 miles 2 furlongs and 143 yards. However, the replacement of a steep climb with the new length of road between points C and D compensated for the extra length.
15. Appendix B is the order made at the Northumberland Quarter Sessions held on 16th September 1837 (NRO QRH 134). The new length of road had been inspected by two justices of the peace and found to be *'more commodious to the public than the present highway'*. It confirmed the new length of road made between points C and D on the plan and ordered that *'the said Highway mentioned in the said certificate as lying between a certain guide post in the Township of Belsay in the said County called the Black Heddon Guide Post and the point or place on the Turnpike Road between Newcastle upon Tyne and Otterburn in the said County where the same Highway meets the said Turnpike should be stopped up and should be diverted and turned to the new Highway also mentioned in the same certificate lately made between the said guide post and the south west corner of Belsay park in the said Township of Belsay aforesaid'*.
16. NRO QRH 134 therefore shows that the claimed route carries no public highway right. Any highway which did exist over the claimed route (by virtue of the alleged 1790 diversion or otherwise) was stopped up and ceased to exist as a result of the Order of the Quarter Sessions dated 16th September 1836.
17. There is no dispute that the claimed route is clearly present on historic and contemporary maps. The issue is not, however, physical presence, but whether or not the depicted route carries any public right of way. The following paragraphs will discuss the map evidence submitted in support of the claim.
18. Fryer's County map (1820) and Greenwood's (1828) map both pre-date the diversion and extinguishment of the claimed route in 1837, as do the creation of turnpike roads between Newcastle and Edinburgh (1828) and Newcastle and Otterburn (1829).
19. Belsay Township Tithe Award plan (NRO DT 34S) of 1840 shows the line of the claimed way. However, it was not the prime purpose of a tithe map to depict public ways, but to identify the boundaries of areas where tithe payments were chargeable. In addition, it was possible for an earlier plan to be submitted during the tithe commutation process.

20. The Ordnance Survey maps comprise the bulk of supporting evidence for this claimed way, but these maps, along with Bartholomew's Cycling map of 1902, carry a disclaimer that representation on a map is not evidence of the existence of a right of way.
21. The description of a way in an Ordnance Survey Book of Reference as a 'public road' relates simply to the appearance of such a way. Ordnance Survey officers were not required to establish the highway status of the routes they mapped, merely to describe their physical appearance.
22. At paragraph 10 of the submitted claim, the absence of a tax liability deduction in relation to the claimed route in 1910 Finance Act records is accounted for by the suggestion that '*owners of large estates in Northumberland were often not bothered with the small reduction that was on offer*'. This is speculation with no documentary evidence to support it. Conversely, the inclusion of the claimed route in the records is of course evidence (albeit not conclusive evidence) that the claimed route is not a highway.
23. NRO 2000/36 is held by Northumberland Archives and contains a record of the evidence given by the owner of the Belsay Estate in relation to the 1910 Finance Act.
24. Appendix C is an extract from the estate copy of the valuation book (NRO 2000/36), where two claims of £20 each are made for 'public right of way or user'. One is on Saugh House land and the other at West Belsay. No claim for a deduction is made in relation to any other land within Belsay, but this document shows that the land owner was indeed bothered enough to claim £40 in total.
25. In conclusion, it has been shown that a former public highway which ran south of Belsay Hall had all public right of way removed and stopped up under a highway diversion order dated 1837. The appearance of the way on maps pre- and post-dating the diversion order (which is the remaining evidence relied on by the claimant) simply reflects the physical existence of the route. The 1910 Finance Act records accurately represent the fact that no right of way existed along the claimed route.

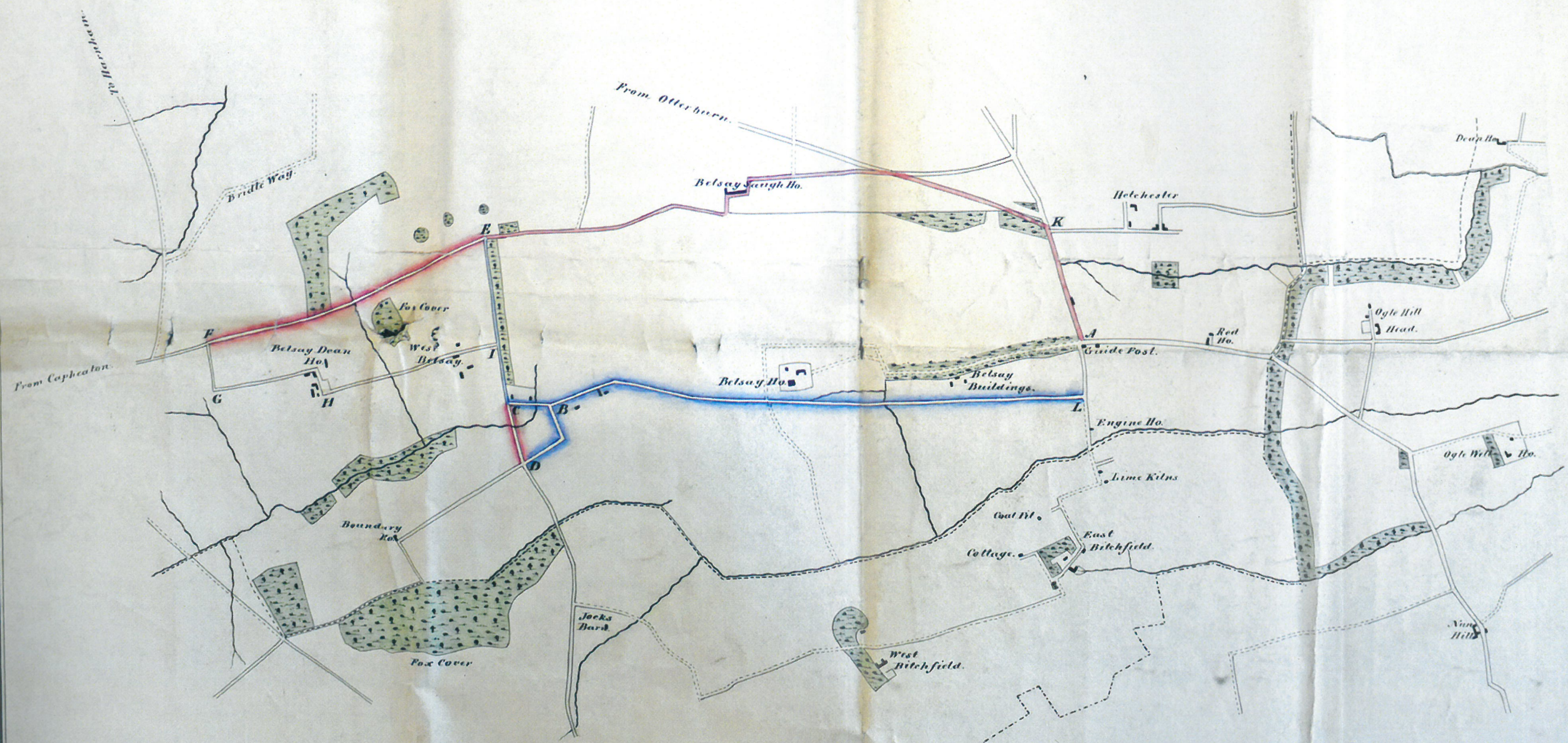
Liz Sobell MA
11th January 2020

PROPOSED DIVERSION OF ROAD AT BELSAY.

APPENDIX A
NRO QRH 134

REFERENCE.

	M.	F.	Yds.
From A. to F. by the present Road.	5	0	154
From A. to F. by the New Road and Saugh House.	2	7	110
From K. to D. by Belsay guide Post and Belsay Bank Foot.	2	1	121
From K. to D. by Saugh House E. and C.	2	2	145



Northumberland to wit, At the General Quarter Sessions of the peace of our Lady the Queen held at Alnwick — in and for the said County on Thursday the nineteenth day of October — in the first year of the reign of our Sovereign Lady Victoria — of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith Before

and others Her Majesty's Justices of the Peace assigned to keep the Peace in the said County

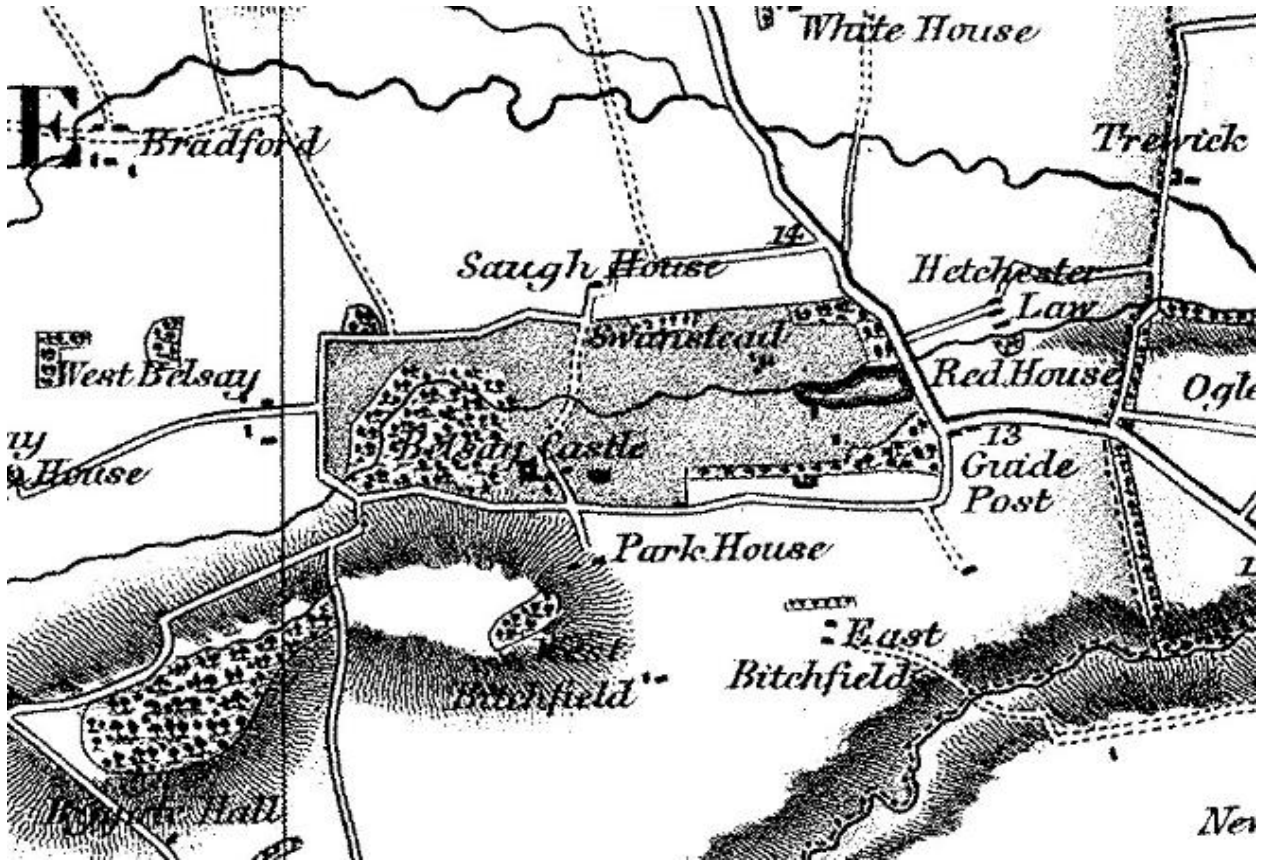
The Certificate of Sir John Edward Gwinburne Baronet and John Cresswell Jobling ^{Esquire} two of the Justices of the Peace for the said County bearing date the sixteenth day of September — last past that they had viewed the present Highway in the Township of Belsay in the said County lying between the point marked D. on the plan hereunto annexed being the place where a certain guide post — called the Black Heddon Guide post at present stands and the point marked I. on the same plan being the point or place on the Turnpike Road between Newcastle upon Tyne and Otterburn in the said County where the said present Highway meets the said Turnpike Road and also that they had viewed the road between the said point marked D. and the said point marked I. on the said plan by way of a certain proposed new Highway lying between the said point marked D. and the point marked C. on the same plan the said point marked C. being the south west corner of Belsay Park in the said Township of Belsay And further that the road or way between the said point marked D. and the said point marked I. by the proposed new Highway is more commodious to the public than the present Highway between the same points by reason of several steep ascents and descents being avoided having been read in open Court and the said Certificate together with the proof and plan and the consent in writing of Sir Charles Miles Lambert Monck Baronet the owner of the land through which the said new Highway is proposed to be made required by an Act passed in the fifth and sixth years of the reign of His late Majesty intituled "An Act to consolidate and amend the laws relating to Highways in that part of Great Britain called England" having been enrolled amongst the Records of the said Court of Quarter Sessions pursuant to the said Act and no appeal having been made It was under and by virtue and pursuant to the said Act ordered by the said Court of Quarter Sessions that the said Highway mentioned in the said Certificate as lying between a certain guide post in the Township of Belsay in the said County called the Black Heddon Guide post and the point or place on the Turnpike Road between Newcastle upon Tyne and Otterburn in the said County where the same Highway meets the said Turnpike should be stopped up and should be diverted and turned to the new Highway also mentioned in the said Certificate lately made between the said guide post and the south west corner of Belsay park in the said Township of Belsay aforesaid.






QRH
134

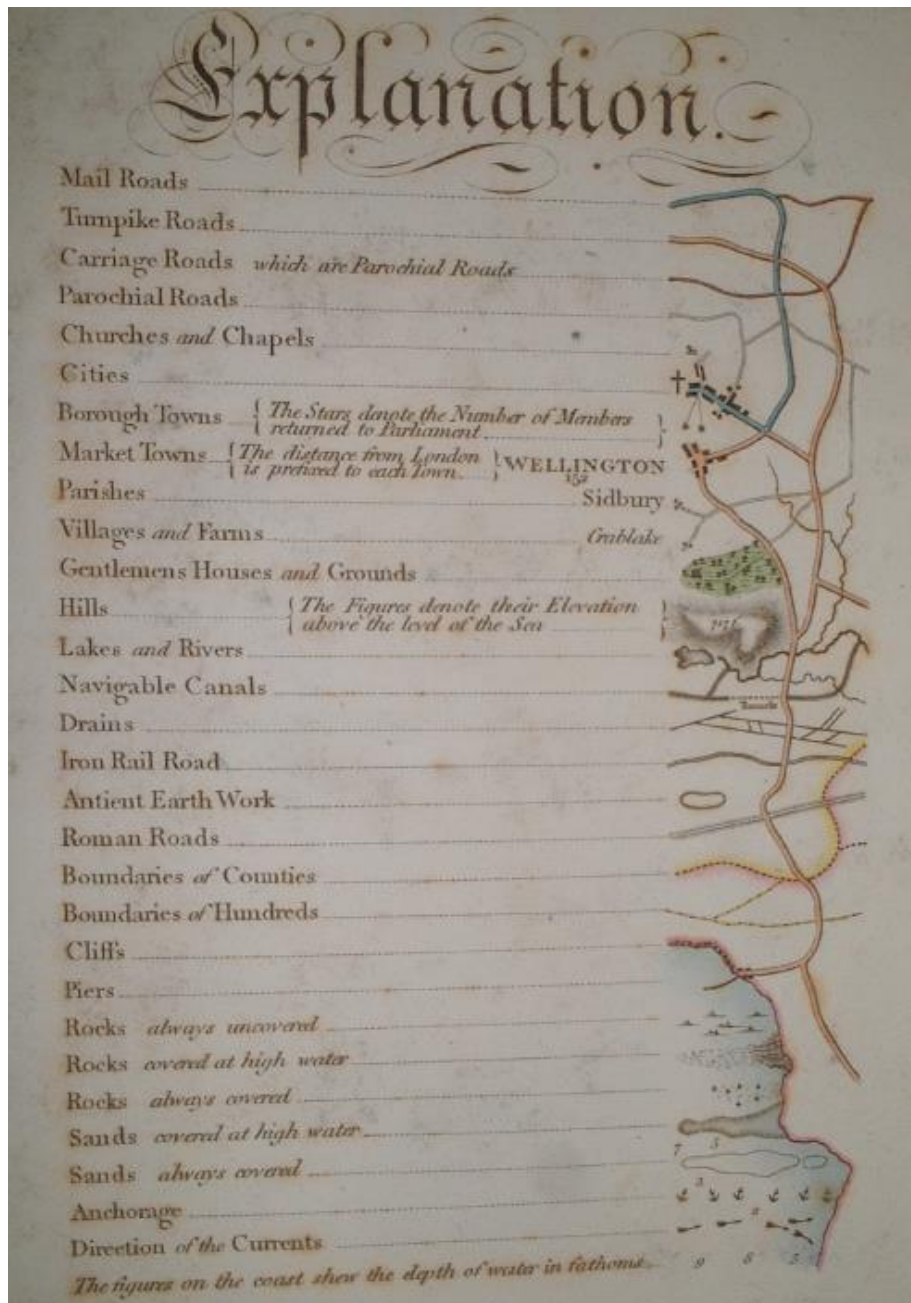
Page 197

134

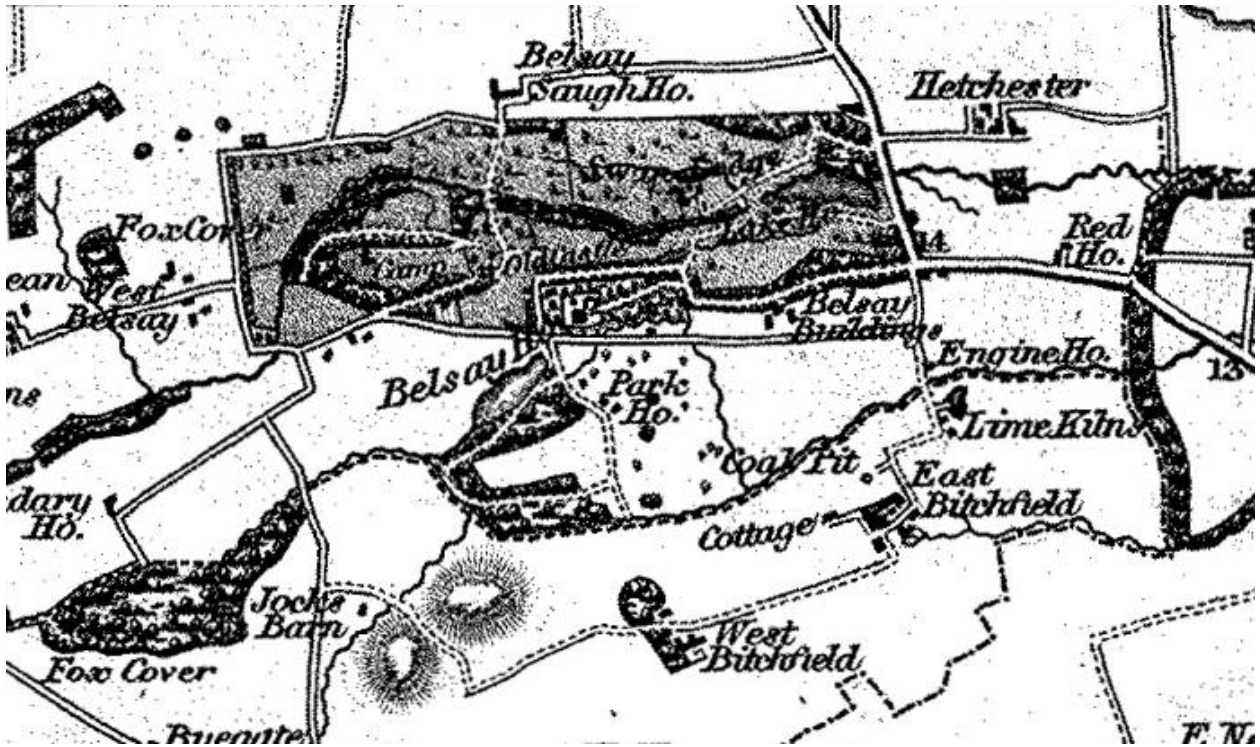
FRYER'S COUNTY MAP
1820



Market Towns in Roman Capitals, as	HEXHAM
Parishes and Chapels in small Roman, as	Tynemouth
Villages and other Places in small Italic, as	Stannington
Churches and Chapels	⊕ +
Castles	⊠
Houses	
Turnpike Roads	
Other Roads	
Parks and Pleasure Grounds	
Unclosed Lands	
Boundary of the County
Boundary of the Wards
Boundary of Newcastle



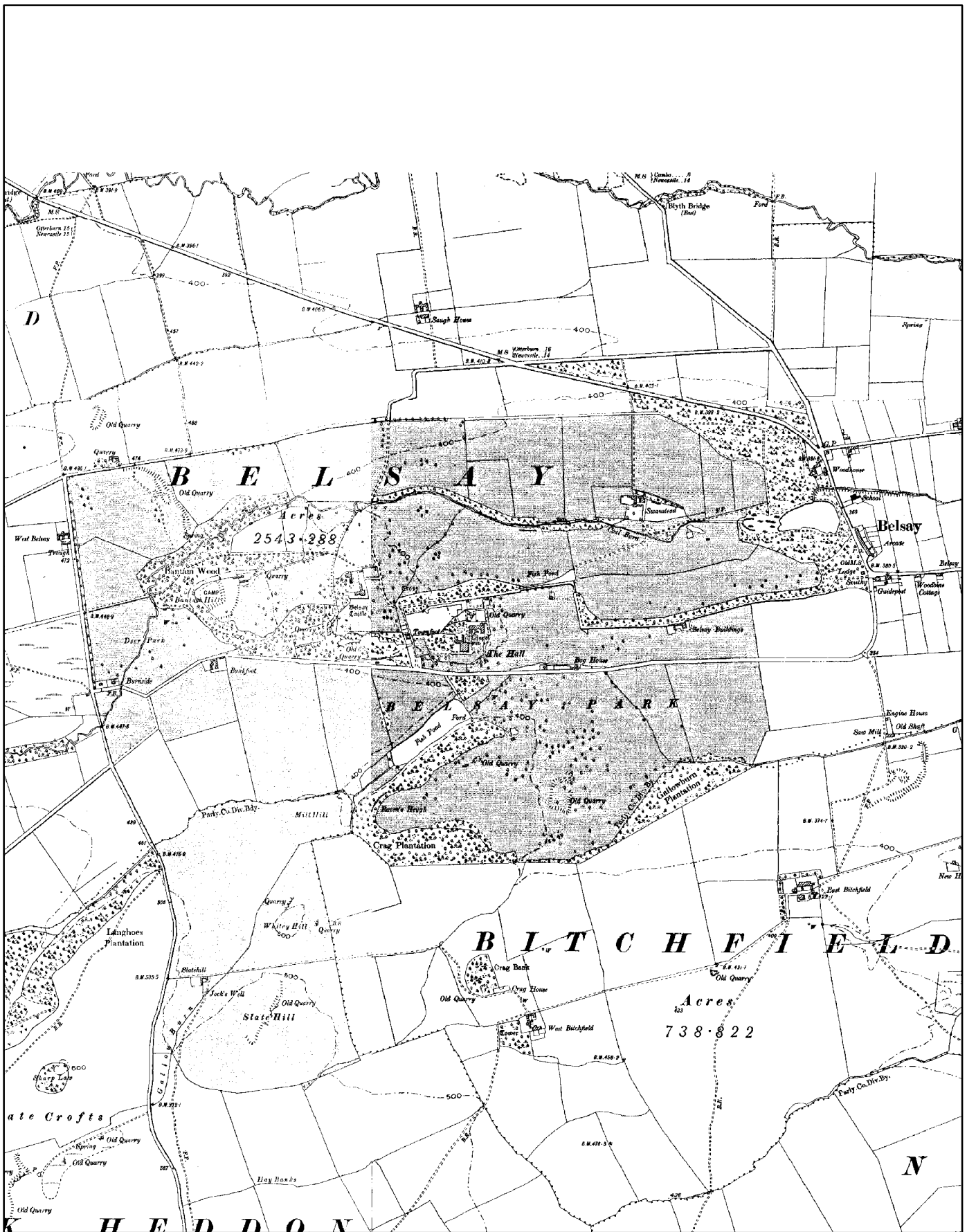
GREENWOOD'S COUNTY MAP
1828



Boundaries of Counties
 Boundaries of Wards
 Market Towns as **HEXHAM**
 Parishes as **Accomb**
 Villages and other Places as **Notage**
 Places that send Members
 to Parliament }
 Turnpike Roads & Toll Bars } **TB**
 Cross Roads }
 Churches & Chapels } *

Castles & Priors } *

Houses }
 Heaths & Commons }
 Rivers & Brooks }
 Navigable Canals }
 Railways }
 Woods }
 Parks & Pleasure Grounds }
 Hills & Rising Grounds }
 Wind & Water Mills } *



Northumberland
County Council

Ordnance Survey Plan 1897/8

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