



Northumberland County Council

RIGHTS OF WAY COMMITTEE
25th October 2023

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

ALLEGED PUBLIC FOOTPATH No 45 PARISH OF MATFEN

Report of the Executive Director of Local Services
Cabinet Member: Councillor John Riddle, Roads & Highways

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public footpath rights over a route between the C342 road and the U9022 road, at Matfen.

Recommendation

It is recommended that the Right of Way Committee agrees that there is insufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the application route D-E;

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 Rights of Way 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 November 2021, Mr A Murrell of Matfen made a formal application in support of a public footpath from a point marked D, on the C342, in an easterly direction towards the U9022 road, as far as the Walled Gardens properties at a point marked E.

- 2.2 The proposal was supported by user evidence from 8 local people, all of whom claim to have used the route, on foot, for periods in excess of 20 years.
- 2.3 When it became apparent that the route applied for by Mr Murrell terminated neither on an existing recorded highway nor a recognised place of public resort, NCC contacted user evidence providers to establish whether they continued beyond Point E. 6 of the 8 responded and they all confirmed that they continued along the access road as far as the existing public road at Point F.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 10 October 2022, Mr William Murphy responded to the consultation, stating:

“Objection to proposal to modify the Definitive Map and Statement of Public Rights of Way at Matfen

“I have been made aware of an application to create a Public Right of Way over land forming part of North Lodge, Matfen, NE20 0RB – a property of where I am the tenant of the Matfen Estate.

“As this is my home I am deeply concerned by this application and would like to object to the creation of this proposed Public Right of Way.

“I am concerned that the creation of a new Public Right of Way along this route will require the removal of the boundary fence which prevents public access to my front garden. This fence provides me with privacy which I think would be reasonably expected for a Private dwellinghouse and also ensures I avoid a constant stream of guests and visitors to/ from Matfen Hall Hotel. The creation of a new right of way would permit anyone to walk right past the windows of my house, along the driveway I share with my neighbours at the Estate House and indeed across the ground where my car is parked and would have significant detrimental effect on my day to day health and wellbeing.

“I have enclosed a plan showing the extent of my property I rent, and which forms my private home.

“I really do hope this application for a public right of way through my home is not accepted, I’m sure you will appreciate that this would cause a great deal of intrusion into and impact on my right to privacy.”

- 3.2 By letter, dated 13 November 2022, Stuart and Annabel Mills responded to the consultation, stating:

“Further to our recent telephone conversation and your letter dated 30th August 2022, I am writing to outline our thoughts and observations regarding the above consultation process.

“My wife and I have lived in and around the village of Matfen for the last 23 years, and we have lived at the above address for the last 10 of those. In that time, I have also spent some 6 years on Matfen Parish

Council, the majority of those as Chairman. As such, we do have wide ranging experience and a good knowledge of the local area.

“Over the years, we have often walked between our house and Matfen Hall, using part of the route outlined for consultation. We have also seen others use the route too. In that time, we have never regarded the route as a Public Right of Way and have always regarded it as being used with permission of the landowner. Indeed, there was a sign at the Matfen Hall end of the route (marked A on enclosed map), making it clear that this path was permitted for use by residents and customers of Matfen Hall. Additionally, there was also a sign on the gate at point F, making it clear that the shared access road to our houses was private, but at some stage in the last 10 years, this disappeared but has been replaced recently. That said, the majority of people using the route did in fact use a shortcut that came about by people slowly knocking down the wall along the roadside (marked B), so people using this route may never have actually seen the sign on the gate at all.

“I can’t help but wonder if the first submission by the local resident, to make the claim of a Public Right of Way between points E and D, was precisely because they themselves had been using the cut through over the broken-down wall and had always regarded the route between points F and E, over our shared driveway, as ‘Private’ themselves.

“Matfen is a beautiful place to live, and there are many public footpaths and walking routes to be enjoyed. We have always regarded the route as permissive and we do not believe that any right of way was ever implied, and no right was ever assumed by us either.

“Please do feel free to get in touch again if you have any further questions.”

3.3 By letter, dated 28 November 2022, Ward Hadaway responded to the consultation on behalf of Matfen Hall Limited, stating:

“We are instructed by Matfen Hall Limited ("Our Client") in relation to the informal pre-order consultation in response to an application submitted by Mr Arthur Murrell to add the route identified on plan 10 (as attached as Appendix 1) from D-E-F to the Definitive Map and Statement as a public footpath ("the Proposal").

“The route of the alleged footpath runs (in part) across the grounds of Matfen Hall Hotel ("the Hotel"). Our client is the leasehold owner of the Hotel. This letter has also been prepared in consultation with the freehold owner of the land upon which the hotel is situated, Mr David Harrison and as such should also be taken as representing Mr Harrison's position also. We are instructed to object to the Proposal and for the reasons set out below, it is submitted that the alleged footpath has not been reasonably alleged to subsist and accordingly that the Council ought to reject the Proposal and decline to modify the Definitive Map and Statement.

“1. The legislative framework

“1.1 It is acknowledged that the Council have a duty, by virtue of section 53(2)(b) of the Wildlife and Countryside Act 1981 (“WCA 1981”) to keep the Definitive Map and Statement under continuous review. In determining whether to update a Definitive Map and Statement, the Council are obliged to take into account the tests set out in section 53 WCA 1981. The relevant test is ‘the discovery by the local 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’ (section 53(c)(i) WCA 1981).

“1.2 An application was made to the Council in November 2021 to add a public footpath to the Definitive Map and Statement (“the Application”). User evidence has been compiled to support the Application which seeks to demonstrate that the statutory test in section 31(1) Highways Act 1980 (“the HA 1980”) is satisfied:

“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’.

“1.3 The period of 20 years is calculated retrospectively from the date when the right of the public, to use the way is brought into question, in accordance with s31(2) HA 1980.

“2. Description of route and works undertaken to the route / changes of its physical alignment

“2.1 The application sought to establish the route identified from D-E on the plan; however, the Proposal relates to the route marked D-E F (“the Proposal Route”). The Proposal Route is best described in three separate sections:

“2.1.1 that part marked D-W on the plan appended to this letter at Appendix 2 (“the North Lodge Path”); and

“2.1.2 that part marked W-Z on the plan appended to this letter at Appendix 2 (“the Hotel Path”).

“2.1.3 that part marked Z-F on the plan appended to this letter at Appendix 2 (“the Woodland Path”).

“2.2 The North Lodge Path and the Woodland Path are in the ownership of Sir Hugh Blackett Bt either personally or by way of a trust, while the Hotel Path has, since August 2020 been in the ownership of Mr David Harrison who acquired the Hotel from Sir Hugh Blackett Bt.

“2.3 Our Client was notified of the Application in November 2021; such notice stated that the application related to what is now points D-E on the plan. The plan provided as part of the informal consultation however

shows the Proposal Route to comprise points D-E-F on the plan. It is not clear if the additional section E-F has been included by the Council or as a result of a post-application request by Mr Murrell. We do however note that all of the user evidence forms only relate to the alleged route D-E and therefore that there is no evidence submitted to support the inclusion of route E-F.

“2.4 The Proposal identifies the route passing through the woodland on an alignment between points Z-E on the plan at Appendix 2; this claimed route is not and never has been passable on foot and is overgrown/part of the wooded area. The Proposal Route at points Z – E cannot therefore as a matter of fact been walked along and the user evidence forms should carry no weight in respect of this part of the Proposal Route. There is however a route through Hall Wood in close proximity to the Proposal Route which runs from A-E on the plan at Appendix 2. This route was originally a private entrance to Matfen Hall via East Lodge and since 2007 has been opened up as a permissive route for hotel and leisure guests only (or those others granted permission) as set out later in this objection. Subsequent references in this letter to "the Woodland Path" are a reference to the route as shown marked A-E-F on the plan appended at Appendix 2 and references to the Proposal Route are to be read as including the route marked A-E-F in place of the route marked Z-E-F.

“2.5 It is further submitted that the Proposal Route has not always been physically open to walk on the same alignment and / or subject to the same surface over the period of claimed user. These changes are characterised in paragraphs 2.6 and 2.7 below but it is important to note that the evidence set out below suggests a contrary position to that claimed by users in their user evidence forms in response to Questions 4 to 7. Furthermore, the fact that the Proposal Route has had physical works undertaken to it over the years is further evidence of a landowner asserting his right to do what he chooses with his land. As detailed below and in the witness statements of Sir Hugh Blackett (Appendix 3), Peter Dawson (Appendix 4) and Keith Maxwell (at Appendix 5) extensive works that have impacted upon the ability to use the Proposal Route have been undertaken on a number of occasions since 1997.

“2.6 In respect of the Hotel Path the following are relevant since the date of the first claimed use in 1986: -

“2.6.1. Matfen Hall underwent significant construction and renovation works in the period 1997 to 2000 when it was converted from a nursing home to the Hotel. Including (we are informed) resurfacing work for part of the Hotel Path.

“2.6.2. Further significant construction works were undertaken in the period 2003/2004 when a new leisure wing was added to the Hotel; attached at Appendix 6 is the local search summary referencing planning permission reference CM/02/D/129 granted on 10 September 2002 as confirmation of the dates that such works were authorised. During such time it is the evidence of Keith Maxwell (Appendix 5) and Gary Hall (Appendix 7) that parts of the Hotel Route as more particularly described in their witness statements and at paragraphs 4.17.3 and 4.7.2 of this

objection were inaccessible. For ease the leisure wing is approximately shown edged red on the aerial image dated 2007 at Appendix 8 and construction traffic would access from the main hotel access.

“2.6.3. Following the leisure wing extension works referenced above, a staff car park was constructed over part of the Hotel Path at point W as shown in the location edged red on the aerial image dated 2002 at Appendix 8; the area was cleared and resurfaced as is evident from the aerial photo dated 2009 at Appendix 8.

“2.6.4. The Hotel Path was again substantially re-surfaced in the recent works undertaken to the Hotel in the period 2020-2021.

“2.6.5. Aerial images at Appendix 8 clearly show that the section of the Hotel Path that runs parallel with Holy Trinity Church has undergone significant works to amend its alignment and width; to the extent that aerial images taken in 2007 and 2009 (Appendix 8) show cars parked along that section of the Proposal Route.

“2.7. In respect of the Woodland Path the following are relevant:

2.7.1. that part of the Proposal Route marked E-F comprises an access road to the 4 dwellings located within the former walled garden; now known as The Sycamores, Willoughby House, The Walled Garden, and Beechwood House. The access road as we understand constructed in phases along its current alignment as part of the construction of those 4 dwellings, which were initially granted outline planning permission in February 1993 (reference C/93/D/066). We are informed that the initial dwellings were constructed in the late 1990s. The final dwelling to be constructed, Beechwood House, benefitted from a detailed planning permission (reference CM/00/D/44) granted on 10 October 2000 (Appendix 9). It is understood, in accordance with the witness statement provided by Sir Hugh Blackett Bt at Appendix 3 that the access road between points E-F was constructed as necessary as the 4 dwellings progressed with a final surface laid once works at Beechwood House were complete. The aerial image from 2002 appended at Appendix 8 clearly shows Beechwood House (garden area) still under construction. Prior to the construction of the current access road, the route in this location aligned to continue in a straight line to comprise the historic East Lodge entrance to Matfen Hall (as evidenced on the 1968 OS plan appended at Appendix 10). There is a further track evidenced on the OS plan which went from the current point F eastwards (in contrast to the current alignment which proceeds westwards) and curved down towards what was the original walled / kitchen garden.

“2.7.2. attached at Appendix 11 is a photo dated December 2000 which shows the Woodland Path between points A-E The photo shows the Woodland Path looking back towards the Hotel obstructed by large stones, with tape across and signs advising of no unauthorised access.

“2.7.3. That part of the Woodland Path in the location A-E was resurfaced in or around 2007 to facilitate a permissive walking route for Hotel guests and leisure members of the Hotel. Prior to that, in accordance with the evidence of Sir Hugh Blackett, this section of the Woodland Path was boggy and muddy and there was very little use.

“3. The 20-year period

“3.1. The first use claimed in the Application dates from 1986 up until 2020. For the reasons given below, our position is that no 20-year period has in fact been established.

“3.2. In November 1993 the Matfen Settled Estate and Sir Hugh Blackett Bt as landowner of the H.F. Blackett Estate deposited with the Council a statement and plan pursuant to section 31(6) HA 1980. The area of land delineated on the plan accompanying the deposits included the vast majority of the land over which the Proposal runs; there appears to be a small section of land over which the Proposal runs which was omitted from the s31(6) statement being that section from W to Z on the plan at Appendix 2 but this does not affect the legitimacy of the deposit in respect of the other land included within it and, in any event, a claim based solely on that section would be a nonsense given it doesn't connect at either end to any highway. The deposits and the plan are appended to this letter at Appendix 12. The 1993 deposits and statements were followed with the two statutory declarations, sworn by Sir Hugh Blackett Bt as landowner of the Matfen Settled Estate and the H.F. Blackett Estate, dated 13 January 1994. The 1994 statutory declarations are appended to this letter at Appendix 13.

“3.3. Such a declaration is deemed sufficient both to call the public's right to use the way into question and to demonstrate that the landowner did not have an intention to dedicate the route as a right of way. The right of the public to use the route was therefore first brought into question by January 1994 and no 20-year period can be established from the first claimed use in 1986.

“3.4. At the time of the 1994 statutory declarations, the relevant legislation was that in order to keep the effect of the deposit alive a further statutory declaration would have been required to have been sworn within 6 years of the date of the prior declaration – i.e., by January 2000. We are not aware of such a further declaration being sworn by this date but that does not affect the validity of the 1993 deposit / 1994 declaration in evidencing the lack of intention to dedicate a highway over the alleged route during the period 1994 – 2000. Any period of alleged user during this period therefore needs to be discounted when considering whether there is a 20-year period of use.

“3.5. A further s31(6) statement dated 4 June 2019 was however deposited with the Council with a subsequent statutory declaration made on 19 August 2019 in respect of land in the ownership of Sir Hugh Blackett Bt that includes the entirety of the land over which the Proposal Route runs (such statement and declaration are appended to this letter at Appendix 14). This 2019 declaration again demonstrates that the right of the public to use the alleged route was called into question again by August 2019 and therefore there is no retrospective 20-year period from that date within which to claim public rights as the

20 year period calculated retrospectively from August 2019 would commence in August 1999. As established above, no public rights could have accrued during the period August 1999 to January 2000 as this period was covered by the earlier 1993 statements and 1994 declarations.

“3.6. In order for the Application to meet the statutory test, there is a need to demonstrate that the requirements of s.31(1) HA 1980 are met in respect of a 20-year period and due to effects of both the 1994 declarations and the 2019 declarations no 20 year period can be established. For this reason alone and without the need to further consider the user evidence it is submitted the Proposal must fail.

“3.7. Without prejudice to the above position, we consider below and for completeness the remainder of s31 of the Highways Act 1980. As set out below it is critical to note that the actions taken by the landowner throughout the period of claimed use are demonstrative of a landowner who is intent on protecting it's land from accrual of public rights and it is submitted that the other requirements of s31 required to be proven by the applicant for a presumption of dedication to be raised or not in fact so proved.

“4. Analysis of User Evidence

"As of Right" and Lack of intention to dedicate

“4.1. Pursuant to section 31(1) of the HA 1980, and following R v Oxfordshire County Council ex parte Sunningwell¹, public use of the Proposal Route must be "as of right", namely without force, secrecy or permission.

“4.2. It is submitted that use of the Proposal Route during the claimed period of use (such as there has been use) has not been as of right because it has either been by force or with permission.

“4.3. In respect of user being by force there is a clear history of users being challenged by Hotel staff. Hotel staff would challenge persons walking along the Hotel Path that they did not recognise as being Hotel guests or leisure members; in particular dog walkers would rarely fall into such categories and would be challenged by Hotel staff if they saw them along the Proposal Route. It is the clear evidence of Peter Dawson (at Appendix 4) that this was the case and he personally recalls challenging many such users. Such challenges are sufficient to negative the intention to dedicate the route as a public right of way.

“4.4. In respect of user being by way of permission the Hotel sought to encourage guests and those already using the Hotel's leisure facilities to use the claimed route and in or around 2007 had published a leaflet detailing walks that could be undertaken from the Hotel in and around Matfen village, and which included the Hotel Path and the Woodland Path ("the Walking Leaflet"). The Walking Leaflet is appended to Sir Hugh Blackett's witness statement as Exhibit 3. The Walking Leaflet was placed in the Hotel bedrooms as in-room literature and was available at the Hotel reception. It was also circulated to the leisure members of the Hotel who paid to have access to the leisure facilities. In or around the same time and as part of the promotion of the

permitted walks, it is the evidence of Sir Hugh Blackett that a sign was erected near to point A on the plan at Appendix 2 advising that access was for Hotel Guests and leisure members only. Peter Dawson, Hotel manager, was not employed at the time the sign was erected, but does in his witness statement at Appendix 4 recall the sign having been in place when he first commenced employment for the Hotel. The publication of the Walking Leaflet and the erection of the sign is evidence that use of the Hotel Path and Woodland Path post 2007 was by permission and for limited user only.

“4.5 We note that s31(4) HA 1980 provides that where the owner of the land has erected and maintained a notice inconsistent with the dedication of the way as a highway, in such a manner as to be visible to persons using the way, this is (in the absence of proof of contrary intention) considered sufficient evidence to negative the intention to dedicate the way as a highway. The witness statements of Sir Hugh Blackett and Mr Peter Dawson both refer to a sign being erected along the Proposal Route as set out at paragraph 4.4 above in connection with the Walking Leaflet. They also identify signs that have more recently been erected at points D and F on the plan at Appendix 1 in June 2022 and November 2020 respectively advising that the route is private and access only. Any use by non-authorized persons (i.e. not hotel / leisure and others granted permission) is therefore contrary to these signs and is use by force not as of right.

“4.6. In addition to the more recent signs erected in 2020 – 2022 referred to above, a wooden fence was also erected in 2021 at the extent of the Hotel boundaries at points W and A-Z following the disposal of the Hotel to Mr David Harrison. The Proposal Route at point W is further currently blocked by the temporary installation of shipping containers utilised during the renovation works that remain ongoing.

“4.7. The construction works referred to at paras 2.6 and 2.7 above demonstrate a lack of intention to dedicate, but they also variously blocked off parts of the Proposal Route at differing times as set out below and it is therefore submitted that any use of the Proposal Route during such times, to the extent that it existed at all, would have been with force and therefore not as of right:

“4.7.1. The Woodland Path and the access road to the 4 dwellings was constructed over a number of years, being completed around 2000-2002. During the construction period it is likely that the path between points E-F will have been blocked off to all unauthorised users as it will have been an active construction site. Furthermore, the Woodland Path between points A-E was clearly blocked off to users in or around 2000 at point E as evidenced by the photograph at Appendix 11 which shows the Woodland Path looking back towards the Hotel obstructed by large stones, with tape across and signs advising of no unauthorised access.

“4.7.2. During the construction of the leisure wing extension, the physical availability of the Hotel Path was significantly restricted. The evidence of Keith Maxwell (Appendix 5) is that the eastern end of the Hotel Path was fenced off and used to store heavy plant and the portacabins used in the construction works. It is

Keith Maxwell's evidence that the route would not have been safe for pedestrians in this location and that even the construction workers had to use the Hotel entrance to the south of the building because access to the Great Hall at the rear of the building was too restricted. Keith Maxwell's evidence is that the Hotel Path would have been blocked in this location for at least 12 months.

"4.7.3. Gary Hall in his witness statement at Appendix 7 also recalls that during the extension works, when he was employed as a contractor to remove the spoil from the site, that the Hotel Path was obstructed and comprised a building site, rendering it unsafe for unauthorised users.

"4.7.4. Following the leisure wing extension, the staff car park was constructed at point W of the Hotel Path. It is evident from the aerial image taken in 2002 (Appendix 8) that prior to such works this area comprised a densely wooded area, and therefore any such works will have necessitated for health and safety reasons the blocking of the Proposal Route while the trees were felled, the area levelled and re-surfaced.

"4.7.5. During the most recent renovation works, the Hotel Path has been narrowed where it runs parallel to Holy Trinity Church and the entirety of the Hotel Path has been resurfaced. In addition to the resurfacing works, as documented by Peter Dawson in his witness statement (Appendix4) services were laid under the Hotel Path requiring trenches to be dug at regular intervals along sections of the Hotel Path of approximately 1 metre depth, such trenches being in place for a number of months and restricting the ability to use the Hotel Path for such periods.

"Quantum and Quality of User Evidence Forms

4.8. In considering whether the quality and quantity of public use of the Proposal Route is sufficient to raise the presumption of dedication under section 31(1) of the HA 1980, it is submitted that while statute does not stipulate a minimum usage, following the Supreme Court decision in R (Lewis) v Redcar and Cleveland Borough Council the extent and quality of the use should be sufficient to alert an observant owner to the fact that a public right is being asserted. It is submitted that in order to meet the requirements of Lewis, it must be demonstrated that the Proposal Route has been used by the public at large, contrasted with sporadic use of the Proposal Route by a nominal number of people.

"4.9. The Application consists of 8 User Evidence Forms ("UEFs"). The quantum of UEFs, in the context of the population of Matfen, recorded as 555 in the latest census figures available (2011), is therefore very limited. We further note that while 8 UEFs have been submitted they in fact comprise 5 households. We do therefore not consider user evidence from 8 persons or 5 households to be sufficient to constitute 'use by the public' as required by s31(1) HA 1980.

“4.10. In addition to being (we submit) insufficient in terms of quantum, the user evidence provided by the UEFs is vague and generally gives very limited detail in respect of use of the Proposal Route. A considerable number of the UEFs are answered primarily using yes/no answers to the standardised questions, We therefore note the disparity between the limited user evidence provided by the UEFs, and the extensive and detailed witness evidence provided by Sir Hugh Blackett and employees of the Hotel (attached at Appendices 3-5 and 7), which provides a significantly different impression of use of the Proposal Route during the relevant period.

“4.11. The discrepancies in respect those parts of the route marked Z-E and E-F has already been noted at paragraphs 2.3 and 2.4 above. It is also noted that the User Evidence Forms all claim that the Proposal Route has always followed the same course and that there have never been any barriers on the route, this being contrary to the evidence presented by Hotel employees and confirmed by way of photographic evidence that the Proposal Route has in fact been obstructed on a number of occasions since 1997 due to ongoing construction works and that the Hotel Path was obstructed for at least 12 months during the 2003/2004 works in accordance with the detailed evidence of Mr Keith Maxwell and again in 2021/2021 for at least 3 months in accordance with the evidence of Mr Peter Dawson. It is therefore submitted that little weight can be afforded to the user evidence forms given the discrepancies therein.

“4.12. The User Evidence Forms also state that they have never been advised that the route was not public, or at least none of them claim to have been advised of this prior to 2020. It is clear however that users are routinely challenged where it is clear that they are not a Hotel guest, or up until the leisure membership ceased in May 2020, where it was clear that they were not a leisure member. Dog walkers were routinely challenged on the basis that it was most likely that they were not a Hotel guest

“4.13. It is acknowledged that all of the user evidence forms refer to having seen other people using the Proposal Route, however this is to be expected given that the route was promoted by the Hotel as a permissive route as described at paragraph 4.4 above. It is understood that at its peak, there were approximately 800 leisure members, all of whom had a permissive right to use the Proposal Route as shown on the Walking Leaflet, and therefore it would be expected that there would potentially be a number of people using the route. However, in view of the fact that such use was permissive, the sighting of other persons walking along the Proposal Route should not be taken as evidence as use "as of right". It is submitted that such use as there has been has generally been in more recent years post 2007 with the promotion of the route as a permissive path but before that time the evidence is that there was little use of the entire route.

“Common Law

“4.14. Dedication of a public right of way at Common Law can be inferred by evidence of user and the acquiescence of the landowner of that user. It is our submission that, as set out above the quality and quantum of the use evidenced in the application is insufficient to raise

any inference of a dedication of the Proposal Route. Further, considering the actions of Sir Hugh Blackett Bt and Our Client as detailed at paragraphs 4.3 to 4.7 above, we submit that there is in any case no acquiescence of the landowner to any use of the Proposal Route. The landowners have taken actions that are in fact quite inconsistent with acquiescence including various building works necessitating closure of the physical availability of any route, s31(6) deposits, personal challenges to user and grants of permission. On this basis, there can be no case for the dedication of the Proposal Route at Common Law.

“Conclusion

“4.15. We do not consider that there is sufficient evidence to justify that an order be made to include the Proposal route on the Definitive Map.

“4.16. We submit that the depositing of statement and plan pursuant to S31(6) HA 1980 in 1993, and the making of a subsequent statutory declaration in 1994, combined with the further deposit of a statement and plan in 2019 and a subsequent statutory declaration in the same year, means that there is no 20 year period within which public rights can have accrued.

“4.17. The user evidence, provided by a very small number of individuals, does not demonstrate a level of public use that was sufficient to highlight to the landowner that a public right was being asserted over the Proposal Route during the application period and it is submitted in any case that any wider use post 2007 was permissive and not as of right. Notwithstanding the insufficient quantity of user evidence, the witness evidence provided by Sir Hugh Blackett and Hotel employees contradicts any impression created by the 8 UEFs of frequent, visible use of the Order Route by the public at large as of right during the Relevant Period.

“4.18. We therefore contend that the legal requirement of actual enjoyment by the public as of right for a period of 20 years without interruption, has not been met.

“4.19. Furthermore, the s31(6) deposits and statements, the obstruction of the Proposal Route for lengthy periods of time on a number of occasions over the application period, and the erection of signs all demonstrate a consistent lack of intention to dedicate the Proposal Route as a public right of way. We therefore submit that notwithstanding that the requirement of public use set out in s31(1) HA 1980 has not been met, a lack of intention to dedicate the Proposal Route as a public right of way has been demonstrated perpetually.

“4.20. Therefore, it is our submission that there is no reasonable allegation that a public right of way has been proven to exist over the Proposal Route.

“4.21. We reserve our client's position to make further representations in relation to this matter in due course.”

3.4 By letter, dated 17 January 2023, Matfen Estates responded to the consultation, stating:

“Objection to proposal to modify the Definitive Map and Statement of Public Rights of Way at Matfen.

“Thank you for your letter which was received on 5th September 2022 inviting evidence regarding the claimed Right of Way over land owned by Sir Hugh Blackett, The Trustees of the Matfen Settled Estate and Matfen Home Farms Partnership (together the Matfen Estate).

“The owners of the land marked on the attached plan strongly object to the proposed modification of the Definitive Map and Statement and do not believe such a right has ever been established nor should it be granted. I outline some initial reasons for their objection and evidence to support as such as follows and attached:

“1. A Section 31(6) was deposited with NCC in 2019 giving an undertaking to accept the existing rights of way across land owned by the Matfen Estate but declaring no additional rights of way are established or granted.

“2. The route crosses private residential land at North Lodge and there is no physical route to access through here as it would have to cross the garden fence. The route claimed is physically impassable (see picture 'North Lodge Garden Fence).

“3. The route is clearly marked as 'Private and 'Access only' for the domestic let properties of North Lodge and the Estate House (see picture 'Estate House Access Sign').

“4. In 2004/5 a route walking route was establish through the Hall Wood. This route was established for and by Matfen Hall Hotel and for the benefit of hotel guests, leisure club members and other users of the hotel's services. I have attached the relevant walking map supplied to guests and members at the time. This was a private permitted access and never intended to be a public right of way.

“5. The initial notification received by Matfen Estates on 19th November 2021 noted a claim for access from points 'D to E'. The recently received consultation includes an additional stretch from point 'E to F'. This is an issue for a variety of reasons:

“a. The claimant has clearly changed their position on where the right to access exists which must throw the whole basis of the claim into doubt

“b. The additional section claimed is a private drive owned by Matfen Home Farms giving access to a commercial woodland.

“c. This route also gives a Right of Access by Title to the owners of four private dwellings.

“d. The route is clearly marked as private and for access only (see attached picture 'Private Sign - Walled Garden').

“Please find enclosed a plan showing the following:

- Land owned by the above mentioned parties
- The claimed access
- Name and address of the Matfen Estate for future contact

“I would suggest that it would be prudent to consult with the Tenants (occupiers) of North Lodge, Matfen, NE20 ORB and Estate House, Matfen, NE20 ORP as this claimed route crosses land which forms part of their private access and indeed the garden of North Lodge.

“Clearly the claim made by Mr Murrell has no grounds and is spurious at best. There is a great deal of evidence against the proposed amendment to the Definitive Map and Statement and I trust this will be dismissed accordingly by the Local Authority.

“Should you require any further information please do not hesitate to contact me.”

3.4.1 By letter, dated 25 July 2021, Mr David Hall wrote to Matfen Estates, stating:

“I understand that you are seeking information regarding a supposed right of way through Matfen Hall and have been encouraged by others to write to you.

“I hope you will accept this by email as, like many of my friends I have no interest whatsoever in using Facebook or any other social media which means that Village Hall news is unavailable to us none Facebookers.

“As a lot of you will know I have lived here for forty years, and my interest is natural history and fish and I study and record local wildlife around Matfen. My interest in the neighbouring areas has been facilitated by the kindness of the Blakett family and the staff of Matfen Estates who granted me permission to pursue my interest after I had approached them to ask permission to record and photograph wildlife, which I very much appreciate.

“In doing so I was always careful not to be a pest to people working on gamekeeping, forestry or gardening duties being carried out but was always appreciative of my position.

“Over the years Mick Jewitt, Tim Scott, Tom McLuskey and Donald Threadgold all protected the estate from trespass pointing out respectfully that the Hall was private property.

“In recent years I have seen more people walking through the Hall that I presume had never sought permission but that hardly presumes a right of way.

“I perfectly understand Arthur's point that he is frustrated that the current owners do not want casual walkers walking through their grounds, but I presume that as they have invested so much in the Hall to be run as a business that employs and trades with local people and companies they need to preserve the exclusiveness for the benefit of guests especially wedding parties.

“I am not expressing an opinion purely responding to your request for information as I believe Arthur's views and those written in The Hexham Courant column are inaccurate. I share a similar frustration as the latest owners of 11 East Close have fenced off any access to the genuine right of way to the sluice gate where kids traditionally played, and I reported my Nature column each week.

“May I end by recommending you contact Phil and Lynn Urwin at Northside. Phillip is the oldest resident of Matfen village and is a mine of useful information about the village. He could write a book.”

3.4.2 By email, dated 30 September 2022, Mr Philip Urwin wrote to Matfen Estates stating:

“As there is a query over foot paths in Matfen leading to Matfen Hall I hope my knowledge of the village may be of some use. I have lived in Matfen all of my life; 74 years now and as far as I know there has never been public footpaths or rights of way in the grounds of Matfen Hall. When I was growing up, the footpath to the Hall up the garden path was the access used by the village people that worked at the Hall for the Blackett family. No one was allowed to walk through the grounds or woods or gardens, it was all marked with private signs. The path up to the Church from the village was for access to the Church only and was sign posted as such.

“In the early 1960's when the Blackett family decided to move from the Hall and the Leonard Cheshire Foundation moved in, nothing changed as far as I am aware, the grounds etc were still private. Of course, over the passage of time the signs eventually deteriorated and are now not there. When my wife came to work at Matfen Hall in the early 1970's the access and private signs were still the same and the grounds and gardens were still private. Apart from when there was a big garden Fete held in front of the Hall, which is now the golf course, it was then open to the public.

“When the East Close houses were built, this was when people began to wander in the grounds of the Hall. I don't know if the staff running the Cheshire home felt it wasn't their place to remind people that it was private property as they were tenants, I couldn't say. As more houses have been built and the private signs were no longer there, people have just wandered through the grounds, through the woods, and down to the Burnside Road etc.

“I have always enjoyed a walk through the grounds of Matfen Hall, but I was given permission to do so by Sir Hugh Blackett quite a long time ago. As Sir Hugh no longer owns the Hall, then this obviously no longer applies.

“As far as we are aware, the grounds, paths, woods and gardens of Matfen Hall have always been private and continue to be private under the new owners.”

4. CONSULTATION

- 4.1 In August 2022, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”. Two replies were received and are included below.
- 4.2 By email, in August 2022, the British Horse Society responded to the consultation, indicating they had no comments regarding the proposal
- 4.3 By email, on 28 November 2022, Cycling UK responded to the consultation in consultation indicating that it supports this particular proposal as it creates a “short loop walk”

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made of archives relating to the area. Evidence of Council Highways records, County Maps and O.S. Maps was inspected, and the following copies are enclosed for consideration.

1819 Quarter Session (QRH 72)

There is clear evidence of a track over the most westerly half of the route of alleged Footpath No 45. It would appear that this was part of a public road that was diverted onto an alternative route, to the north.

1840 West Matfen Tithe Award

There is clear evidence of a track over the most westerly half of the route of alleged Footpath No 45.

1864 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path / track over the route of alleged Footpath No 45.

1896 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a path / track over the route of alleged Footpath No 45.

1898 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path / track over the route of alleged Footpath No 45.

1922 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45.

1924 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45.

Survey Map: Scale 1:10,560

There is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45 on the base map used, though this route is not identified for inclusion as a public right of way.

Draft Map: Scale 1:10,560

As with the Survey Map, there is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45 on the base map used, though this route is not identified for inclusion as a public right of way.

Provisional Map: Scale 1:10,560

As with the Survey and Draft Maps, there is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45 on the base map used, though this route is not identified for inclusion as a public right of way.

Original Definitive Map: Scale 1:25,000

There is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45 on the base map used. This route is not identified as a public right of way.

First Review Definitive Map: Scale 1:25,000

There is clear evidence of a path / track closely approximating to the route of alleged Footpath No 45 on the base map used. This route is not identified as a public right of way.

1993/4 Section 31(6) deposits by Matfen Estate

The alleged public footpath route crosses land identified by Matfen Estate as being land partially within its ownership. The alleged footpath route is not acknowledged, by the landowner, as being a public right of way.

2019 Section 31(6) deposits by Matfen Estate

The alleged public footpath route crosses land identified by Matfen Estate as being land partially within its ownership. The alleged footpath route is not acknowledged, by the landowner, as being a public right of way.

6. SITE INVESTIGATION

- 6.1 From Point D, on the C342 road, a 2.7 to 3 metre wide tarmac track proceeds in an easterly direction for a distance of 205 metres, where a 5.7 to 6 metre wide stone resin track continues in an easterly direction for a further 110 metres, where it then continues in an easterly direction through the car park on

a less well-defined route for a further 30 metres, to meet the hotel's boundary fence. From the fence, a 1.2 to 1.5 metre stone earth track proceeds in an easterly direction through the woodland area for a distance of 230 metres, to a point marked E, where a 3.3 metre wide tarmac track proceeds in an easterly direction, along the access road to the Walled Garden properties, to a point marked F on the U9022 road.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

7.1 In September 2023, a draft copy of the report was circulated to the applicant and those landowners / occupiers who responded to the initial consultation for their comments.

7.2 By letter dated 19 September 2023, Ward Hadaway made the following comments in relation to the draft report:

“Thank you for sight of the draft report in respect of the application submitted by Mr Arthur Murrell to add the Alleged Footpath No 45 to the Definitive Map and Statement as a public footpath ("the Proposal").

“We note the recommendation that the Right of Way Committee agrees that there is insufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the application route D-E and we welcome this recommendation.

“We make the following comments in respect of the draft Report and would be grateful if these could be considered as part of the consideration of the Proposal.

“It appears that limited weight has been given to the witness statements provided on behalf of Our Client (and by extension Mr Harrison as freehold owner of part of the land impacted by the proposed route) notwithstanding the level of detail that was provided in those witness statements, in particular as compared with the weight that appears to have been attributed to the very limited and undetailed answers provided in the user evidence forms.

“The draft Report states at paragraph 8.13 that "there are statements that some users have been challenged but we don't know who was challenged or when"; it is not unreasonable that hotel staff would not necessarily recognise those persons they encountered and challenged, in particular in the context of recounting events that have occurred over a number of years. There is no evidence to counter their witness statements beyond the one word response in the user evidence forms stating that the users have not been challenged, but that does not make the witness statements inaccurate.

“The witness statements also provide detailed evidence in respect of the times when the proposed route was closed off due to building works. In the context of the information provided in those witness statements, it is difficult to understand how the Council has concluded that they may not have been mentioned by the users because "some of them were relatively short-lived and went un-noticed". The witness statement of Keith Maxwell (for example) makes it clear that the route was closed for at least 12 months in the period 2003/2004 which is not

considered a short period, nor in the context of the users stated frequency of use could the closure have gone un-noticed.

“It is also noted that in spite of there being frequent reference (in the witness statements, and in the correspondence from Matfen Estates, Stuart and Annabel Mills, and Mr Philip Urwin) to signs having been erected at various times over the years, little weight has again been given to such signs, other than the comment at paragraph 8.7 which referred in particular to the sign mentioned by Stuart and Annabel Mills, commenting that the word "private" was insufficient to prevent acquisition of public rights. Without prejudice to our position as to the effectiveness of a sign simply stating "private", no reference has been made to the sign referred to in Sir Hugh Blackett's statement (that included the words "hotel and leisure guests only") erected in approximately 2005, or to the sign referenced in Peter Dawson's statement (which again referred to "hotel and leisure guests only").

“When the content of the witness statements is taken into account, along with the comments from Stuart and Annabel Mills, Matfen Estates, Mr David Hall and Mr Philip Urwin in respect of their understanding of the permissive nature of any paths, the evidence points to a clear picture of a lack of intention to dedicate and a landowner carrying out activities on his land without the need to consider any public access.

“We note the Council's comments in respect of the s31(6) statement as stated at paragraph 8.12 of the draft report; our position is set out in our letter dated 28 November 2022 and we do not intend to make any more detailed comments at this stage, save that the Highway Encyclopaedia states at paragraph 2-066.2 that:

"Such a map or statement will then have effect for 10 years but this can be extended by the submission of a statutory declaration every 10 years (or less) confirming either that no new ways have been dedicated or identifying which ways have been dedicated during that period".

“We note the Council's position as to the technical inaccuracies contained within the application, but our initial comments equally addressed a potential route D-W-X-Y-A-E-F and therefore should a new application be forthcoming to regularise the technical inaccuracies, there is still insufficient evidence to indicate that public rights have been reasonably alleged to exist.

“As a final comment, please can you ensure that all witness statements are fully redacted such that personal address details are also redacted.”

7.3 By email dated 21 September 2023, Mr Murrell, the applicant, made the following comments in relation to the draft report:

“Thank you for the copy of The Draft Report that has been prepared for The Rights of Way Committee on 25th October.

“In response I would like to make the following comments.

“1) We are flattered that the 2 Landowners involved have found it necessary to go to so much effort and expense and employ so many resources to prevent a small group of senior residents from taking a stroll on their land.

“2) That small group does not have the resources or expertise to effectively produce such a complex response as the Landowners have produced.

“3) When we submitted the application we were told that only evidence from people who had 20 years experience of use could be witnesses but the draft report indicates that LACK of evidence from people with less than 20 years is a weakness in our case.

“4) Most of the respondents opposed to the footpath enjoy patronage of the Landowners, either employed or tenants.

“5) The “Private Road” signs referred to in several places (points D & F) are both recent additions in our opinion.

“6) My error in incorrectly locating the path through Hall Wood is precisely due to our lack of similar resources and expertise as the Landowners

“7) We do, however, wish to comment on some of the points raised by them and the respondents to the consultation as follows

“a) Mr Murphy of North Lodge is, we think, referring to a high fence that was erected following the sale of Matfen Hall to the new owner in 2019 effectively blocking part of the path we wish to remain using. The path previously passed several metres from the front of the lodge, presumably now his parking space.

“b) With reference to Mr Mills comments, this path passes many metres from the properties in the woods, nowhere near their property. His suggestion that the people asking for this footpath to remain have deliberately destroyed a wall to avoid a stretch of that path is insulting and completely unfounded.

“c) At no time have we condoned or encouraged allowing dogs to run free in the area and in fact only one of the applicant households has a dog of any kind.

While we note that The Executive Director of Local Services recommends that our case is not proved we request that The Committee takes the alternative view that this is a “sledgehammer to crack a nut” (or rather a small group of them). This is not a call to open the floodgates to large groups of ramblers nor an invasion of private property.

We request that The Committee establish this walk as a designated footpath based on the evidence we presented.”

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 / 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 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 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.
- 8.5 The proposal is supported by user evidence from 8 local people, all of whom claim to have used the route on foot for periods in excess of 20 years. The frequency of use ranges from daily to weekly.
- 8.6 Mr Murphy replied to the consultation in October 2022, and stated that the creation of a new right of way would “permit anyone to walk right past the windows of my house”, “have significant detrimental effect on my day to day health and wellbeing” and “cause a great deal of intrusion into and impact on my right to privacy”. This proposal isn’t setting out to create a new public right of way because it is a good idea. What Mr Murrell, and others, are claiming is that they have already been walking this route for that significantly long period of time, without challenge, and by doing so have establish a public footpath.
- 8.7 It is not clear what the sign on the gate at Point F said. Stuart and Annabel Mills said that the sign on the gate at Point F said “private”, and if it did, this isn’t generally considered to be effective in preventing acquisition of public footpath or bridleway rights. I believe this was because they did not believe there was any issue/ controversy over public use of this section.
- 8.8 The section from Point E to Point F has been included by the Council after contacting Mr Murrell about his application route not ending on an existing public highway. 6 of the 8 user evidence providers (A Murrell, A Cleasby, A D Cleasby, A Gregory-Smith, S Gregory-Smith and D Padgett) have confirmed that they didn’t simply stop at Point E but also used the continuation to Point F.

- 8.9 Ward Hadaway's point regarding the alignment of the route the woodland east of Matfen Hall is accepted. The route identified on the application plan is almost certainly incorrect. The most likely route used by people passing through the wood is the one which currently exists on the ground, around 30 metres north of that shown on the application plan.
- 8.10 The extensive works along sections of the claimed route identified in paragraphs 2.5, 2.6 and 2.7 of Ward Hadaway's November 2022 submission may or may not have interfered with public's ability to freely use the route as suggested. The path users have not mentioned these interruptions and it may be because some of them were relatively short-lived and went un-noticed or it could be because people recognised that surface repairs or improvements were taking place and that these changes would improve future access, not hinder it, so they weren't perceived as any kind of challenge to their ability to use the route.
- 8.11 It is accepted that there is currently insufficient evidence to demonstrate 20 years public use prior to the 1994 declaration under Section 31(6) of the Highways Act 1980.
- 8.12 There may be a misunderstanding about how Section 31(6) deposits operate. They demonstrate a lack of intention to dedicate on the date they are made, only. At this point in time, to maintain continuity, it was necessary to lodge follow up declarations within 6 years. In the mid 2000s, this period was extended to 10 years and in 2013 this was further increased to 20 years. It wasn't the case that lack of intention was considered to last for 6, 10 or 20 years per se. Ward Hadaway is implying that if a landowner deposited a statement and declaration in 2010, then made a new deposit in 2049 and again in 2088 it would not be possible to find a 20 year window of public use, because the 2010 deposit would provide protection until 2030, the follow up in 2049 would close the subsequent window of vulnerability at the 19 year point (i.e. before 20 years had elapsed) and this would protect until 2069 so a new deposit in 2088 would similarly close the next window of vulnerability at the 19 year point. We don't believe this is correct. We think that if a landowner doesn't renew within a 20 year period they are leaving themselves vulnerable to an application based on 20 years use.
- 8.13 Ward Hadaway mention that there is a "clear history of users being challenged by Hotel Staff". With respect, there isn't a clear history of users being challenged. There are statements that some users have been challenged but we don't know who was challenged or when.
- 8.14 We don't consider the walking leaflet to be particularly powerful rebuttal to the acquisition of public footpath rights. Such a leaflet might not come to the attention of the local community, especially if they weren't leisure members. A sign advising that the route was for hotel guests and leisure members only would be much more effective. We are not aware of any unequivocal evidence of what the sign said or for how long it was in place.
- 8.15 I believe it was the more recent signs and, particularly, the fence erected at the hotels boundaries that prompted the current application.
- 8.16 8 user evidence providers isn't a large number of people, but the claim is that this path was being used regularly. Although it might not be sufficient to justify confirmation of a DMMO when applying a Balance of Probabilities test, at this

stage we are only considering whether public footpath rights reasonably alleged to subsist, and 8 users is considered sufficient to justify that claim.

- 8.17 From the landowners perspective, trespassers were routinely challenged, but those completing the user evidence forms claim that they were never challenged and that, until recently, they had not heard of anyone being challenged.
- 8.18 A number of user evidence providers have indicated that they have witnessed other people using the route. Ward Hadaway's point is accepted, however, that many of the people sighted using the path may have been people using the route on a permissive basis.
- 8.19 Ward Hadaway also make a reasonable point regarding Common Law. Whilst we do believe the landowner is vulnerable to a claim based on presumed dedication following 20 years of unchallenged use, a claim based on presumed dedication at common law (where the period of use can be much shorter but which generally required more overt acts, such as dedication, from the landowner) is unlikely to be met in this instance.
- 8.20 The Map and Statement deposited by Strutt & Parker, on behalf of Sir Hugh Blackett Bt in June 2019 and the declaration which followed in August 2019, have no retrospective effect. The 2019 Declaration, is likely to be an effective calling into question of the alleged public right of way, making the most likely 20 year relevant period August 1999 to August 2019.
- 8.21 The route may be physically impassable now but, if ultimately found to be a public right of way, the 'new' barriers on the Matfen Estate-Matfen Hall boundary would have to be removed.
- 8.22 The background evidence from Mr Hall and Mr Urwin is very useful. The key points are that they themselves used the path with landowners permission. Mr Hall is aware of 3 members of Estate staff who have challenged trespassers (it is not clear if this was on the alleged footpath route or on the Estate land more generally). Mr Urwin believes that when he was younger, the route was accepted as being a private one. Public use has increased over time, particularly when the East Close houses were built, and the previous private signs were no longer present.
- 8.23 The historical map evidence would suggest that a path may have physically existed over the claimed route since at least the 1920s. Although a route existed, this does not mean it necessarily had any public rights over it at that time. Although the user evidence forms from older members of the public identify some use from 1986 onwards, the period 1999 to 2019 would appear to be the relevant one for determining when a public footpath may have come into existence.
- 8.24 None of the evidence providers have acknowledged ever having been given permission to use the route, and, until recently, none of them claim to have been prevented from using the route.
- 8.25 None of the evidence providers have acknowledged the existence of any 'private' signs but the landowners appear to be claiming that such signs were in place along the route.

- 8.26 This isn't considered to be an especially clear-cut decision. The quantity of user evidence supplied in support of this application was not large and Ward Hadaway has suggested it is insufficient to satisfy the Reasonably Alleged to exist test. Officers acknowledge that whilst a few more user evidence (even if they had not used it for the full 20 year period) would undoubtedly improve the applicant's case, the current level of evidence is sufficient (if only just) to cross the 'reasonably alleged' threshold. Based on the user evidence, and in the absence of evidence of any definite acts of rebuttal prior to 2019, it might be considered appropriate to conclude that public footpath rights have been reasonably alleged to exist over the route D-W-X-Y-A-E-F, but the original application route was for D-W-X-Z-E. Northumberland County Council sought to remedy the lack of any eastern connection with the highway network by also consulting on an E-F extension. 6 of the 8 users confirmed that they did use that extension but 2 people did not respond to the Council's enquiry. Stuart and Annabel Mills, who live just south of the E-F section, have suggested that many path users don't walk the full E-F section, but proceed through the gap in the wall, part way along. They have also referenced a 'private' sign on the gate at Point F.
- 8.27 Ward Hadaway have indicated that the Z-E section has never been available for public use. They suggest that the route people did use was most probably Y-A-E. Historical map evidence and our own site visit would appear to support this position.
- 8.28 In their comments in relation to the draft version of this report, Ward Hadaway indicated that they did not feel sufficient weight had been attributed to the witness statements provided by the landowners which were, in their view, more detailed than those provided in support of the application. In *R v Secretary of State for Wales, ex parte Emery* 1998 (Court of Appeal) it was held that, in determining, for the purposes of s.53(3)(c)(i) of the Wildlife and Countryside Act 1981, whether a public right of way was reasonably alleged to subsist over land, the question to be considered by the local authority was whether the evidence produced by the claimant together with all the other relevant available evidence showed that it was reasonable to allege a public right of way. If the evidence from witnesses as to user was conflicting but, reasonably accepting one side and reasonably rejecting the other, the right of way would be shown to exist, it was reasonable to allege such a right. In short, where there is a conflict of credible evidence, if the positive evidence in favour of a right of way satisfies the reasonably alleged test then, unless there is some incontrovertible and powerful evidence set against it, the route should be included in a Definitive Map Modification Order. Whilst the evidence provided by the landowners' witnesses was certainly credible, it would be a massive stretch to argue that any of it was incontrovertible.
- 8.29 An Inspector, appointed by the Secretary of State to determine a Definitive Map Modification Order that has attracted objections, must balance all the conflicting evidence and decide, on a balance of probabilities, whether or not the alleged rights exist. This is not, generally, an easy task. In effect, they must determine which version of events seems to be the most credible. This is the Inspector's role – it is not the County Council's. The Council's role is, essentially, to determine whether or not there is a case to answer.
- 8.30 Officers stand by the comments made in relation to deposits made under section 31(6) of the Highways Act 1980 but, like Ward Hadaway, they don't feel it is necessary to expand, any further, at this stage.

- 8.31 With regard to the applicant's comments in relation to the draft report, officers think they may have misunderstood the advice given regarding user evidence. There is no requirement that any one person must have used the path for the full 20 year period. What an applicant should be aiming to show is that a route has been used by the public for a relevant period of 20 years or more. This could be achieved by, for example, getting user evidence from 10 people who had each used the route, regularly, for the same 20 year period, or by getting evidence from 200 people, where 10 of them used it just for Year 1, a different 10 just for Year 2, a different 10 just for Year 3 etc. It's generally easier to get user evidence from a smaller number of longer users, but it doesn't need to be done that way. A lack of evidence from people with less than 20 years use isn't a weakness, per se, with this application. The problem is more the relatively modest quantity of user evidence as a whole. Additional user evidence from any members of the public who had used the path regularly during (or for the whole of) the relevant 20 year period would strengthen this application.
- 8.32 The applicant has invited the Committee to find that this is a sledgehammer to crack a nut, that this route will not be used by large groups of ramblers and that public footpath rights have been reasonably alleged to exist. Ultimately, though, it's not about weighing up the loss of a pleasant walk used by a small band of local seniors against the interests of the landowners, this matter must be determined on the basis of the available evidence.
- 8.33 On its own, the relatively small number of user evidence wouldn't prevent public footpath rights from being found to be reasonably alleged to exist. On its own, the fact that the original application terminated at Point E, which was neither a public place of resort or a public highway, needn't prevent public footpath rights from being found to be reasonably alleged to exist. On its own, the alignment issue identified by Ward Hadaway, in relation to the middle section of the route could probably be 'corrected', and public footpath rights still be found to be reasonably alleged to exist. But with all three occurring together, officers do not feel comfortable recommending that public footpath rights have been reasonably alleged to exist.
- 8.34 If the current application was to be rejected, it would be open to the applicant to resolve these issues and make a new application.
- 8.35 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. The user evidence providers have identified a path width ranging from 1.8 to 4 metres for most of the route and 1 metre throughout the woodland area. From measurements taken on my site visit, in September 2022, the current width that physically exists on the ground would appear to be 2.7 to 3 metres wide over the tarmac sections of the route, 5.7 to 6 metres on the stone resin track leading up to the car park and 1.2 to 1.5 metres through the woodland area. If the path is included in a future Definitive Map Modification Order, it would seem appropriate to identify the tarmac sections at either end of the route with a width ranging from 2.7 to 3 metres, the middle stone surface track section with a width ranging from 5.7 to 6 metres and the woodland section with a width of 1.5 metres, as identified in paragraph 6.1 above. For the unenclosed 30 metres through the car park, it is proposed to identify the route with a width of 1.5 metres, reflecting the width of the woodland track.

9. CONCLUSION

- 9.1 In the light of the evidence submitted, it appears that there is not sufficient evidence to justify that public footpath rights have been reasonably alleged to exist over the claimed route.

BACKGROUND PAPERS

Local Services Group File: 413/045z

Report Author Zara Quinn – Definitive Map & Search Technical
Officer
07542 318328
Zara.Quinn@Northumberland.gov.uk

Revised Plan



Northumberland
County Council

Infrastructure Records, Local Services, County Hall, Morpeth,
Northumberland, NE61 2EF
Email: Alex.bell@northumberland.gov.uk

Wildlife & Countryside Act, 1981
Public Rights of Way

----- Alleged Public Footpath
----- Original Application Route

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Former District(s):
Castle Morpeth

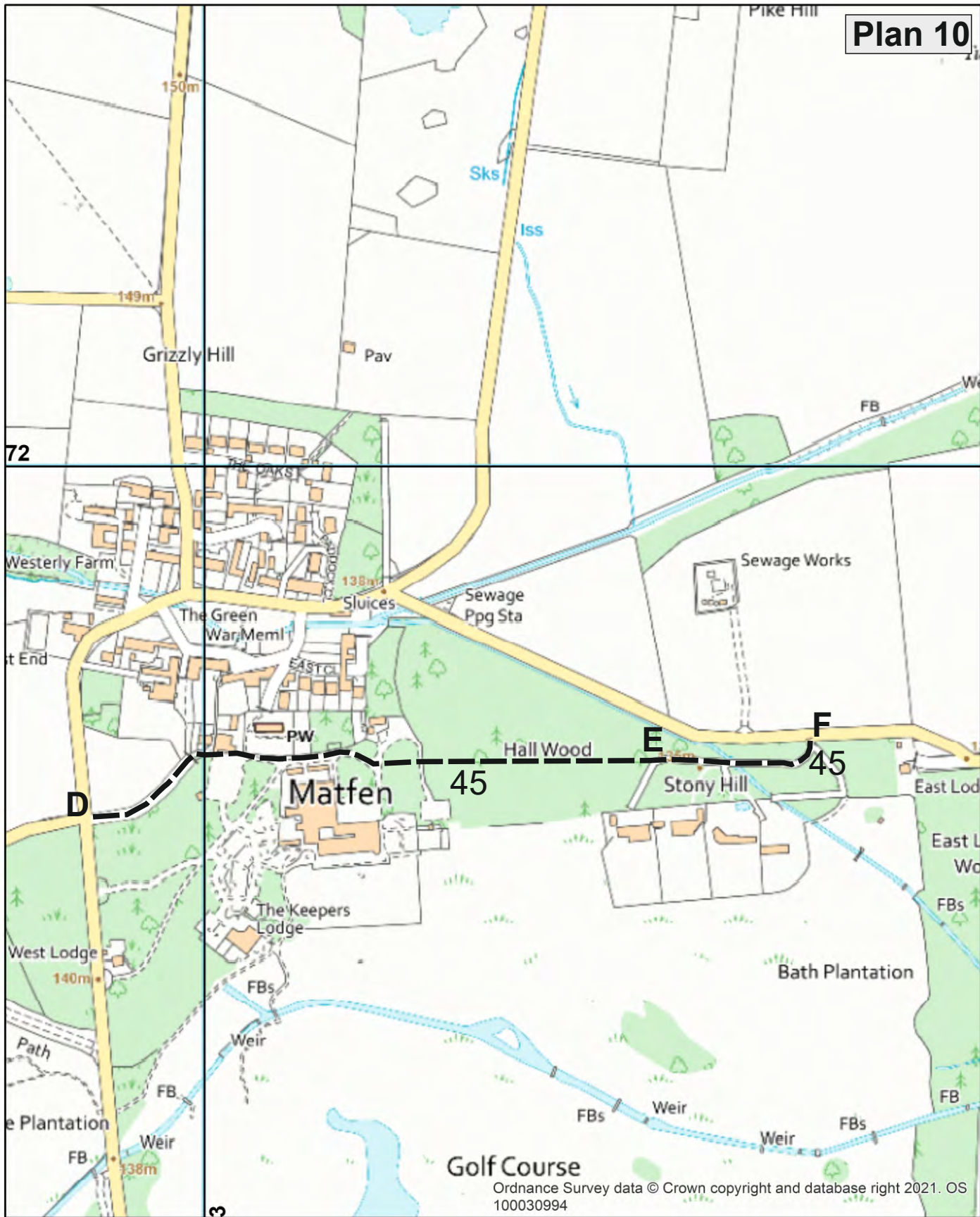
Parish(es):
Matfen

Scale:
1:5000

Def. Map No.:
183


O.S. Map:
NZ 07 SW

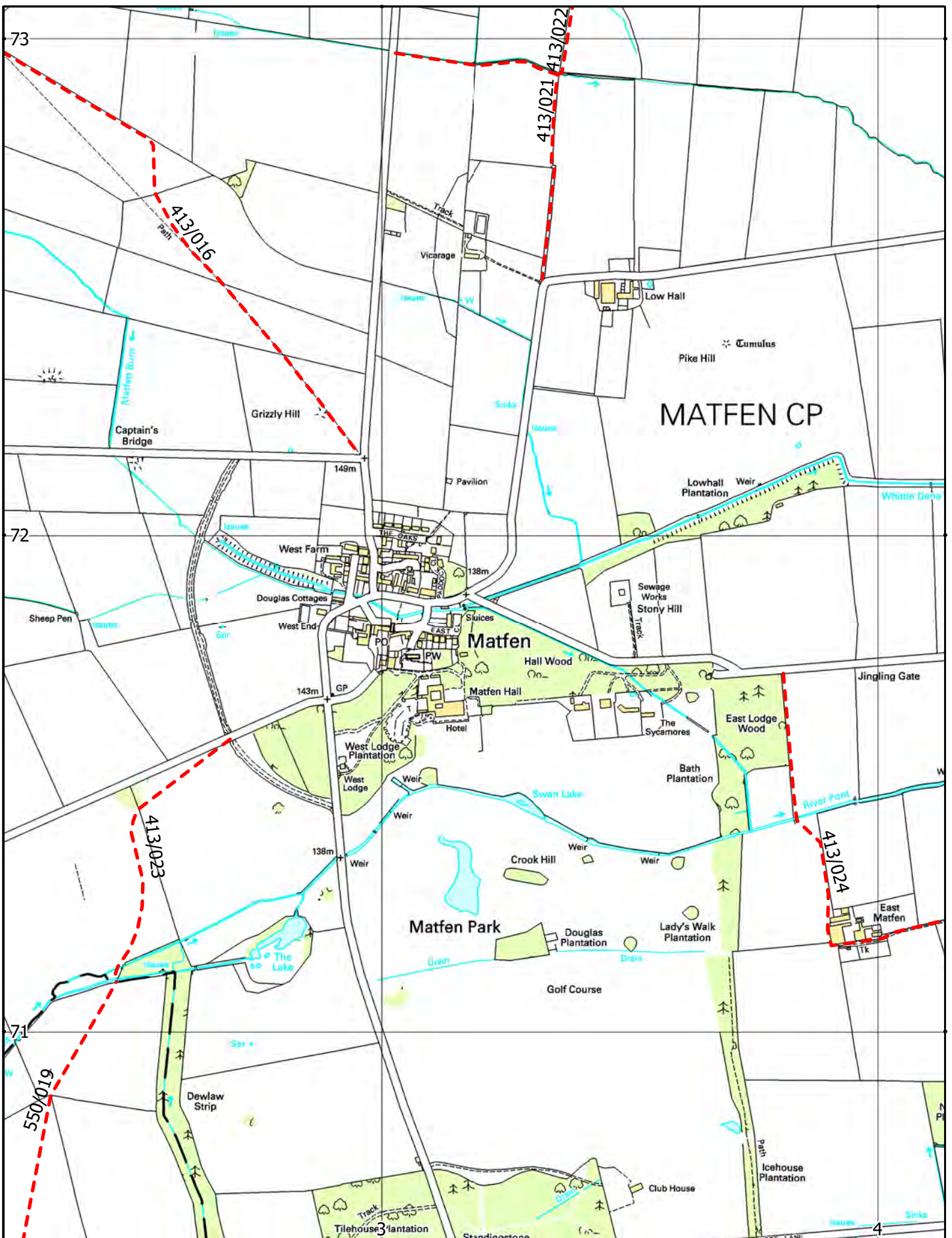
Date:
September 2023




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)	Parish(es)	Scale
Castle Morpeth	Matfen	1/5,000
Def. Map No.	O.S. Map	Date
183	NZ 07 SW	August 2022



Northumberland
County Council

County Hall, Morpeth, NE61 2EF
Contact: Highway Search Team

Email: Highwaysearch@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: 1:10,000

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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 MORPETH

Parish MATFEN

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

I/We ARTHUR MURRELL (Name)

of 2 EAST CLOSE (Address)

..... MATFEN NE20 0TF

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 POINT (A)

to POINT (B)

as shown on the plan attached. IN PURPLE

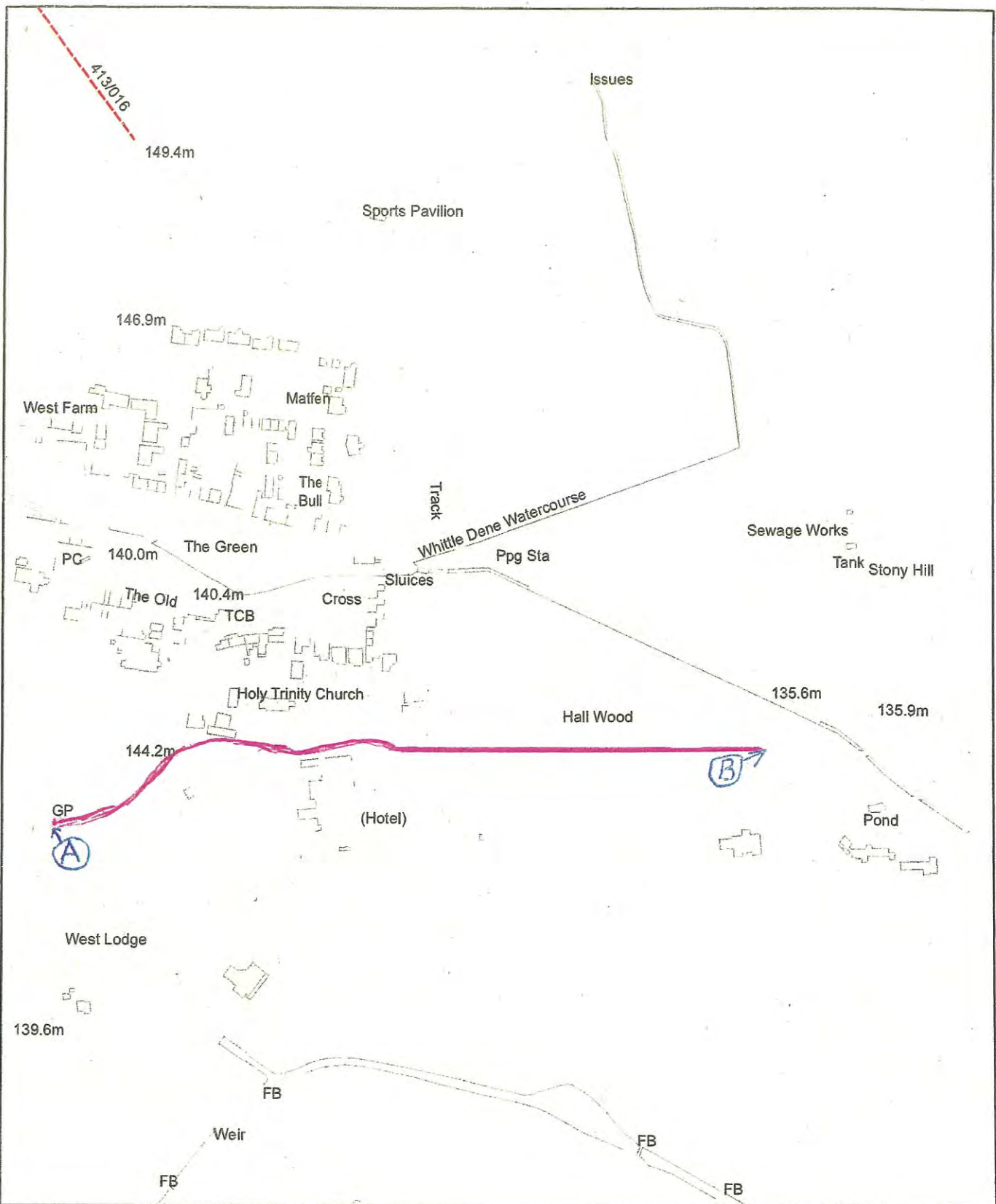
I/We attach copies of the following documentary evidence (including statements of witness) set out below in support of this application.

List of Documents — SUPPORTING LETTER


- ① USER EVIDENCE - A. MURRELL
- ② USER EVIDENCE - R. BELL
- ③ USER EVIDENCE - A. D. CLEASBY
- ④ USER EVIDENCE - ANGELA CLEASBY
- ⑤ USER EVIDENCE - ANN GREGORY-SMITH
- ⑥ USER EVIDENCE - S. GREGORY-SMITH
- ⑦ USER EVIDENCE - LYNDA PADGETT
- ⑧ USER EVIDENCE - DEREK PADGETT
- ⑨ LETTER - ANN GREGORY-SMITH
- ⑩ LETTER - ANGELA CLEASBY

Dated 18/11/21 Signed

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	Matfen	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ARTHUR MURRELL

Address 2 EAST CLOSE
..... MATFEN

..... Postcode NE20 0TF

Year of Birth 1950

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)

From Point A To Point B ON ATTACHED
MAP.

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 1994 To 2020

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']

..... 3-4 Metres through most of the route

.....

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]

Gravel lane from point A varying through gravel park Church to earth through Hall Wood to point B.

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

Often crossed paths with others while walking the route 4

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 AND MY FAMILY HAVE WALKED THIS ROUTE
MANY TIMES FROM MOVING TO MARFEN UNTIL
LATE 2020. WE HAVE NEVER BEEN ASKED
NOT TO BY ANYONE, EVER.
WE MOVED HERE IN 1994.

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:

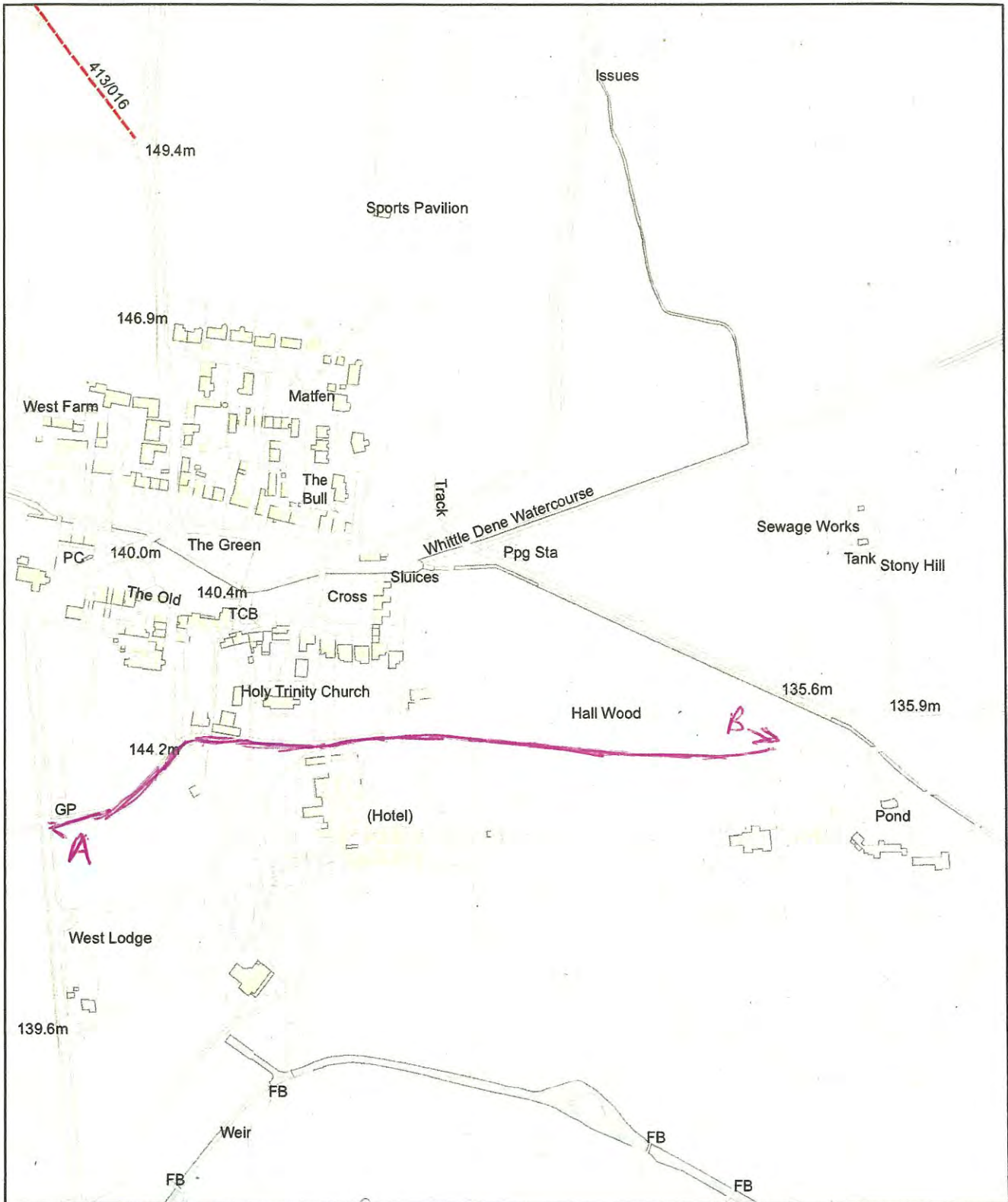
ARTHUR S. MURRELL

Date:


18/11/21

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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 Infrastructure Records, Local Services
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Wildlife & Countryside Act, 1981
 Claimed Public Right of Way

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Former District	Morpeth	Parish	Matfen	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name RONALD BELL

Address 4 EAST CLOSE

..... MATFEN

..... Postcode NE 20 0TF

Year of Birth 1945

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)

..... From point A to point B as indicated on

..... the attached plan.

.....

.....

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 1986 To 2020

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']

..... MAINLY 3 METRES 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]

GRAVEL FROM POINT A UP TO HOTEL BOILER
HOUSE THEN EARTH THROUGH HAW WOOD

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

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

No

How long were they in place?

N/A

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

SAW OTHERS IN BOTH DIRECTIONS MOST DAYS

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]

THIS ROUTE HAS BEEN A REGULAR ROUTE
I HAVE WALKED WITH MY WIFE SINCE WE
MOVED TO MOTTEN IN 1986

.....
.....

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):

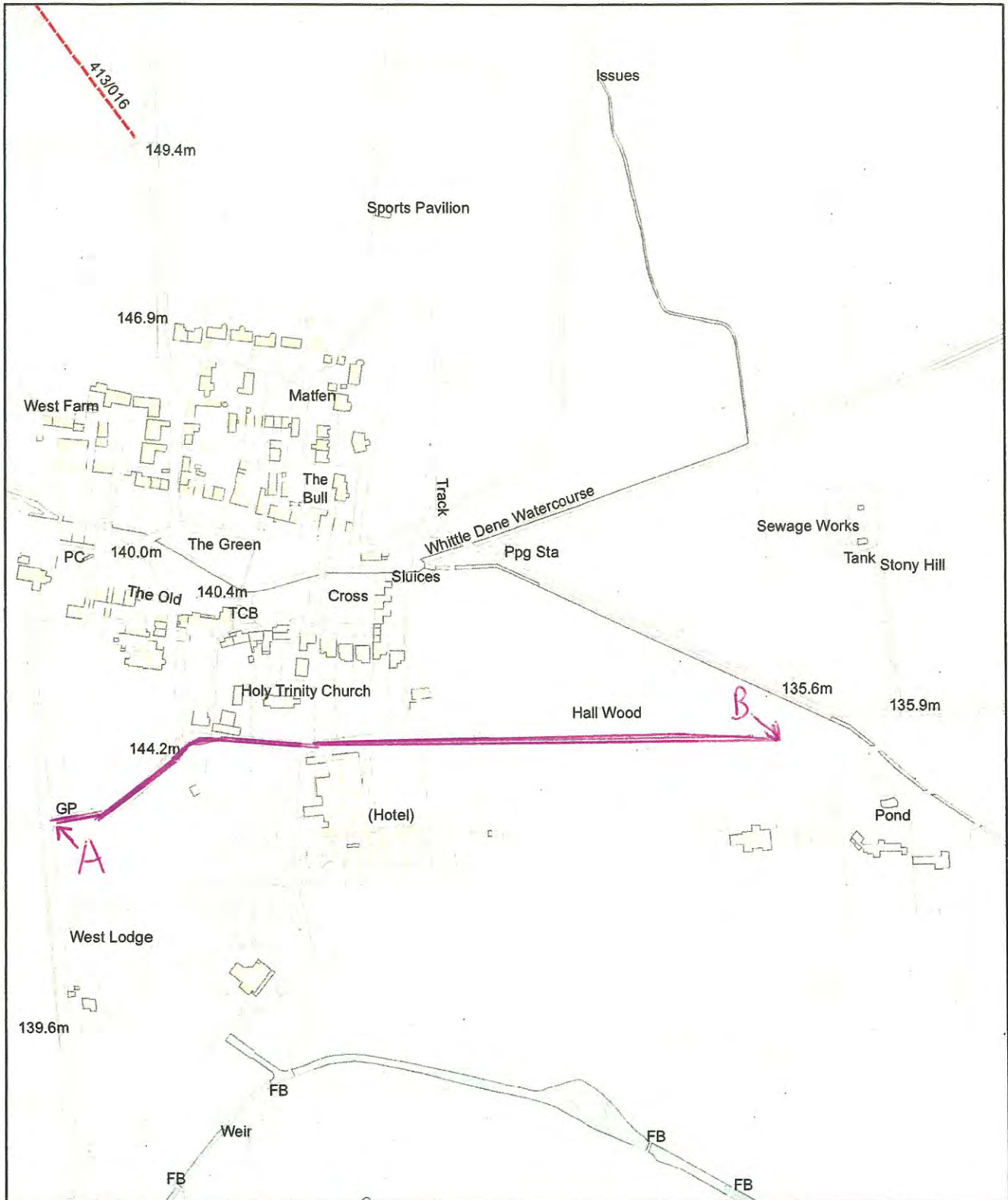



Print full name: RONALD DAVID BELL

Date: 18/11/21

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. 183</p>	<p>O.S. Map NZ07SW</p>	<p>Date August 2021</p>

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name TONY CLEASBY

Address 3, EAST CLOSE

MATFEN

Postcode NE 20 0TF

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]

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)

Refer to attached map From point A to B.

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 2020

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']

Approx 3 metres 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]

.....Varying.....surfaces - gravel, stones and.....
.....compacted earth.....

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

.....Other walkers using the route.....

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

Walker using path early 2022
.....
.....

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]

We moved to Matfen in 1988 and have frequently used this route until early 2020. No one has ever questioned us about this.

.....
.....

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

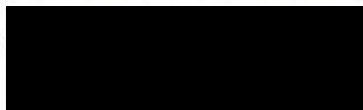
20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

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):



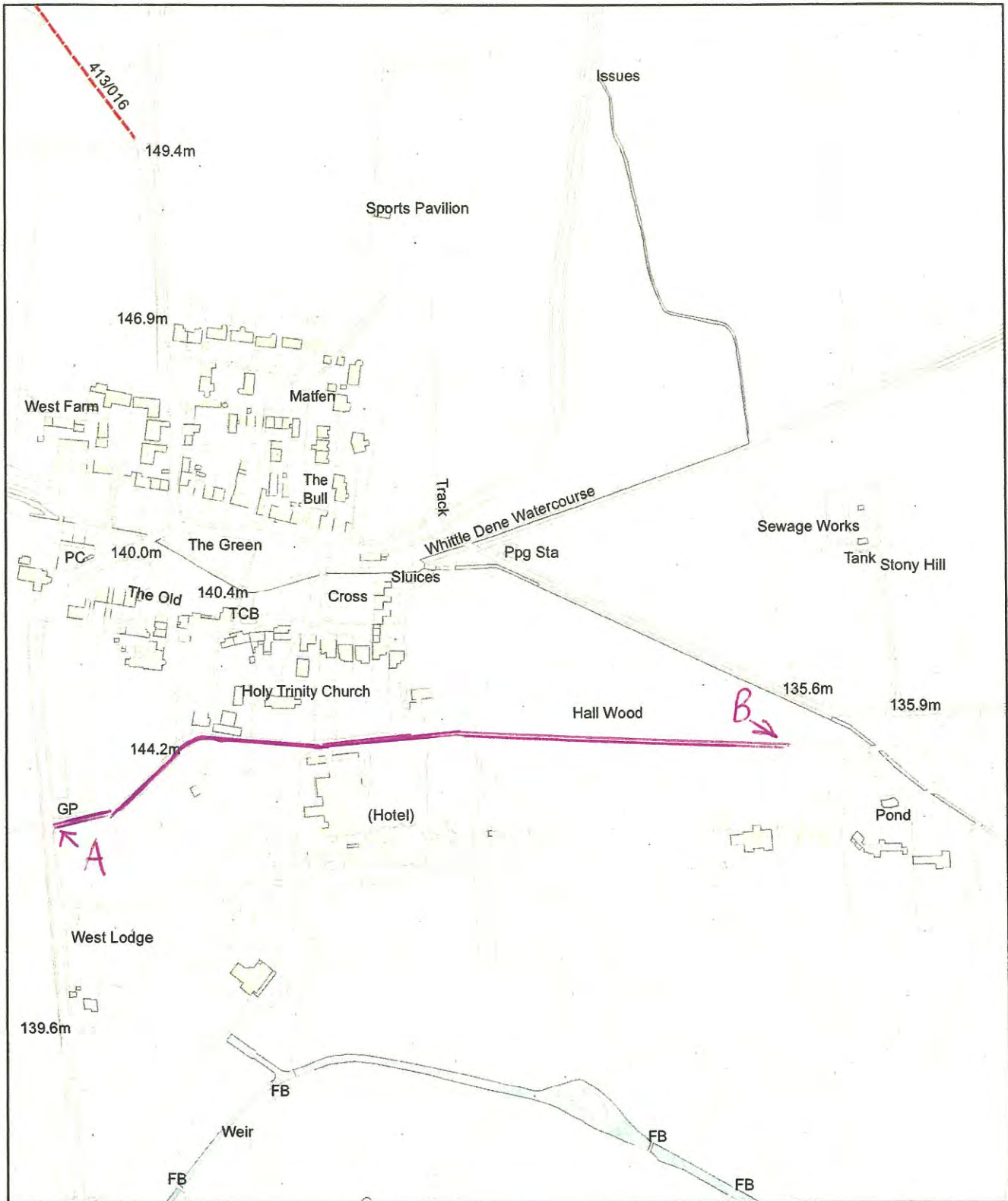
Print full name:

ANTHONY DAVID CLEASBY

Date: 19-10-2021

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	Matten	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ANGELA CLEARBY

Address 3, EAST CLOSE

MATFEN NEWCASTLE UPON TYNE

Postcode NE 20 0TF

Year of Birth 1948

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)

See attached map. From point A to B

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 2020.....

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']

Approx 3 metres.....
.....

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]

Gravel lane from point A. Mixture of gravel and earth past Church. Mostly earth through wood to point B.

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

Walkers passing whilst walking the route

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?

Only since 2020
.....

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]

My family and I have walked this route since moving to Matfen in 1988. The end of the route^B leads to Burnside which we use to return to Matfen (a pleasant circular route.)

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:

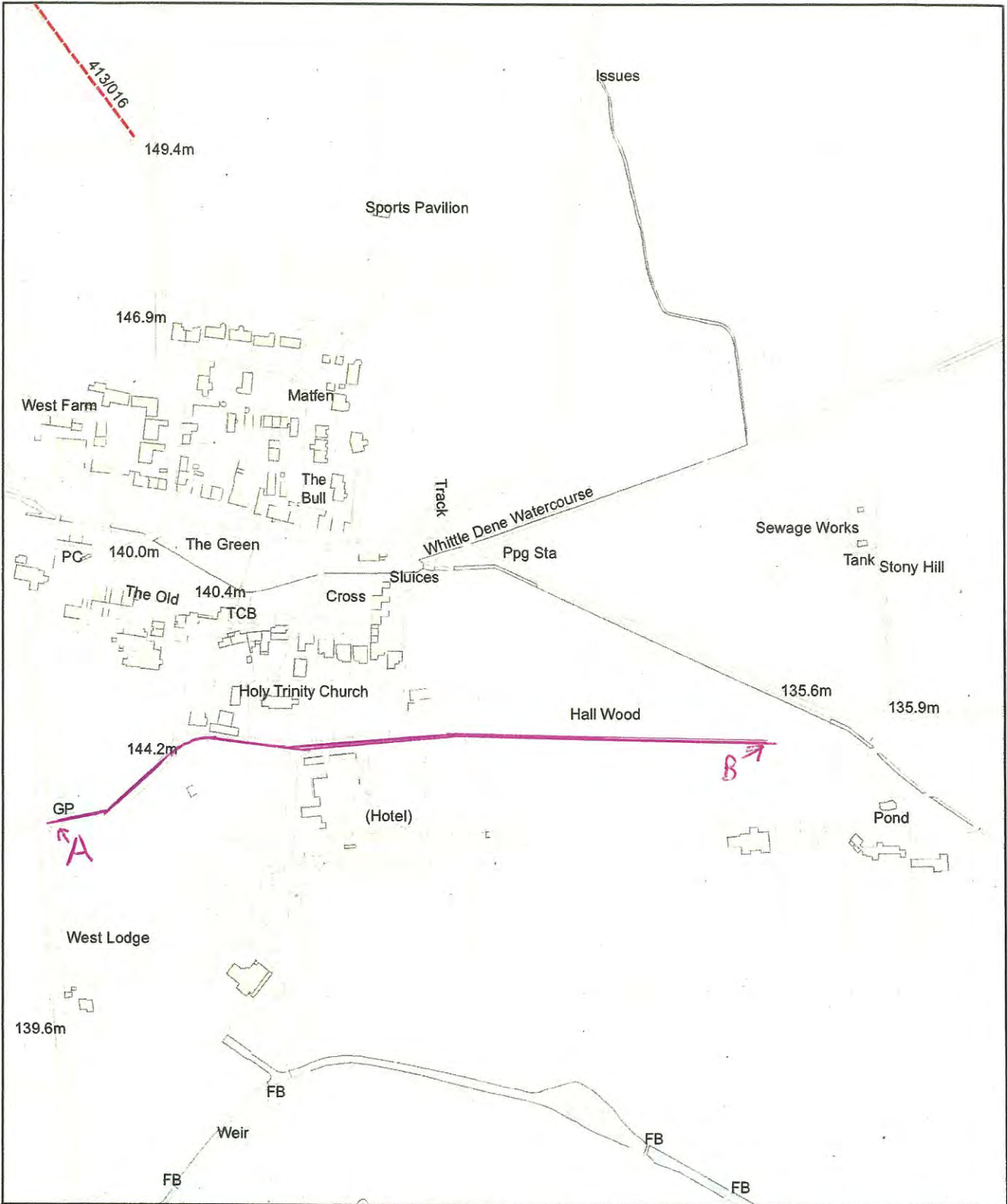
ANGELA CLEASBY

Date:

19-10-2021


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	Matfen	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name AUN GREGORY-SMITH.

Address 3, PADDOCK CLOSE, MATFEN

..... NEWCASTLE-UPON-TYNE

..... Postcode NE20 0EH

Year of Birth 1948

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)

..... THE ACCESS POINT IS FROM THE GT WHITTINGTON JUNCTION

..... ON MAIN RD INTO MATFEN FROM THE MILITARY RD

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?

From1997..... To2020.....

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?

.....SINCE 2020 WHEN NEW OWNERS OF HOTEL
TOOK OVER.....

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']

.....APPROX 3MT NARROWING TO 1MT THROUGH
WOOD.....

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]

GRAVE AND HARDENED EARTH

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 IS A WELL USED ROUTE FOR VILLAGERS

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

..... ONLY WHEN NEW OWNERS TOOK OVER.....
.....

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]

..... MY CHILDREN AND GRANDCHILDREN HAVE USED
..... THIS ROUTE REGULARLY SINCE 1997, THROUGH
..... ALL SEASONS WITH MANY PHOTOGRAPHS TO
..... PROVE IT.
.....

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:

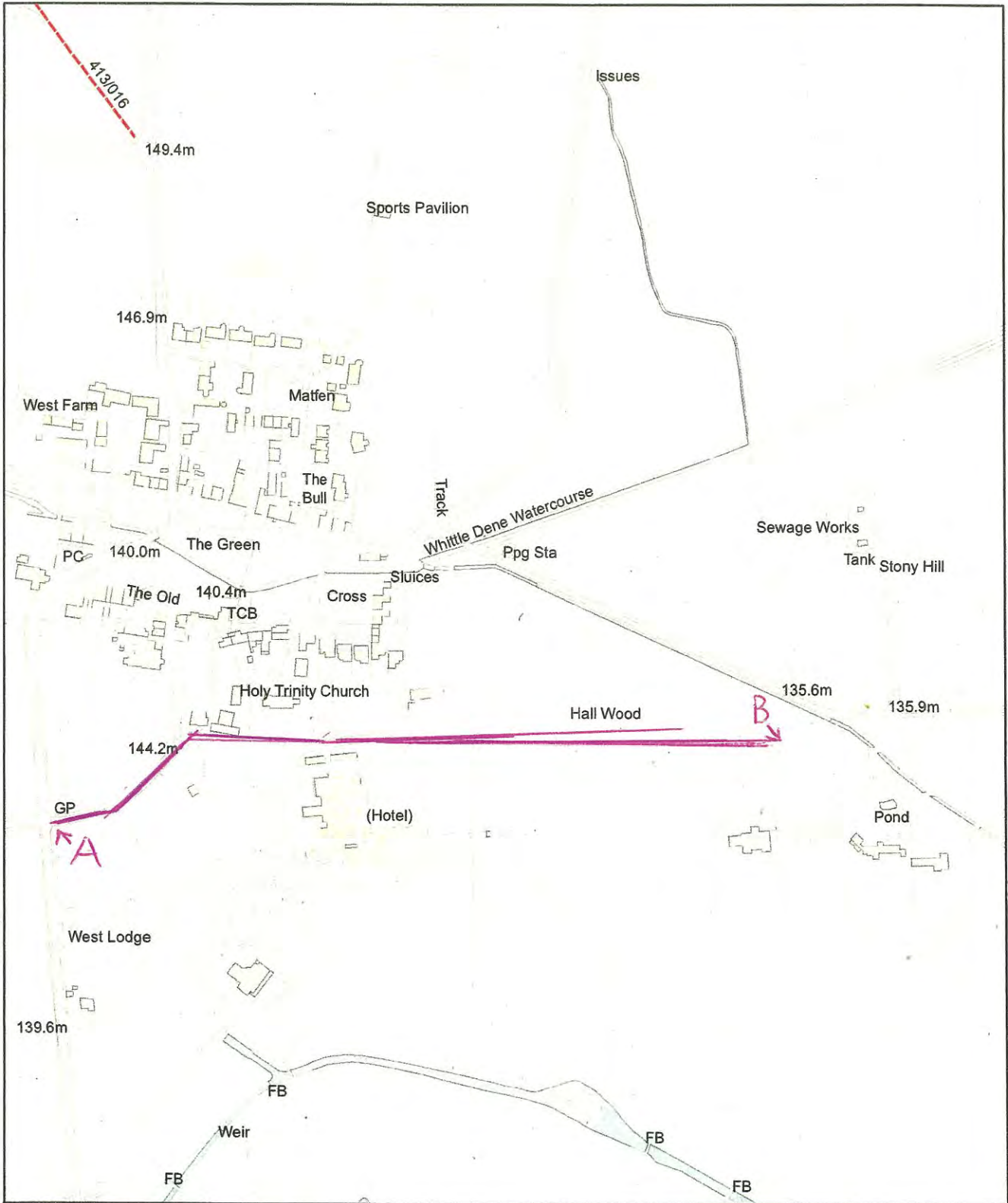

A.T. GREGORY-SMITH


Date:

29-10-21


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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<h2 style="margin: 0;">Wildlife & Countryside Act, 1981</h2>			
		Claimed Public Right of Way	
Former District	Morpeth	Parish	Matfen
Scale	NTS		
Def. Map. No.	183	O.S. Map	NZ07SW
Date	August 2021		

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name STEPHEN GREGORY SMITH

Address 3 Paddock Close MATTON

..... N

..... Postcode NE20 0EH

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]

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)

ENTRANCE AT MAIN ACCESS FROM TO HOTEL,
TO EXIT AT ENTRANCE TO WOODED AREA
BY THE WALLED GARDEN AREA.

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 1997 To 2020

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']

..... 3m THROUGH HOLEY GROUNDS

..... NARROWING TO 1m IN WOODED AREA

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]

Gravel & Concrete Gravel
.....
.....

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?

N/A
.....

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

N/A
.....

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

N/A
.....

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

A Regular well used Route for Walkers &
VILLAGERS
.....

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

..... When New owners took over Hotel.

.....

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]

.....
THIS HAS BEEN ACCEPTED AS A REGULAR
ROUTE FOR YEAR ROUND WALKING ROUTES
ANY RESTRICTIONS FROM PREVIOUS OWNERS
.....
.....

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:

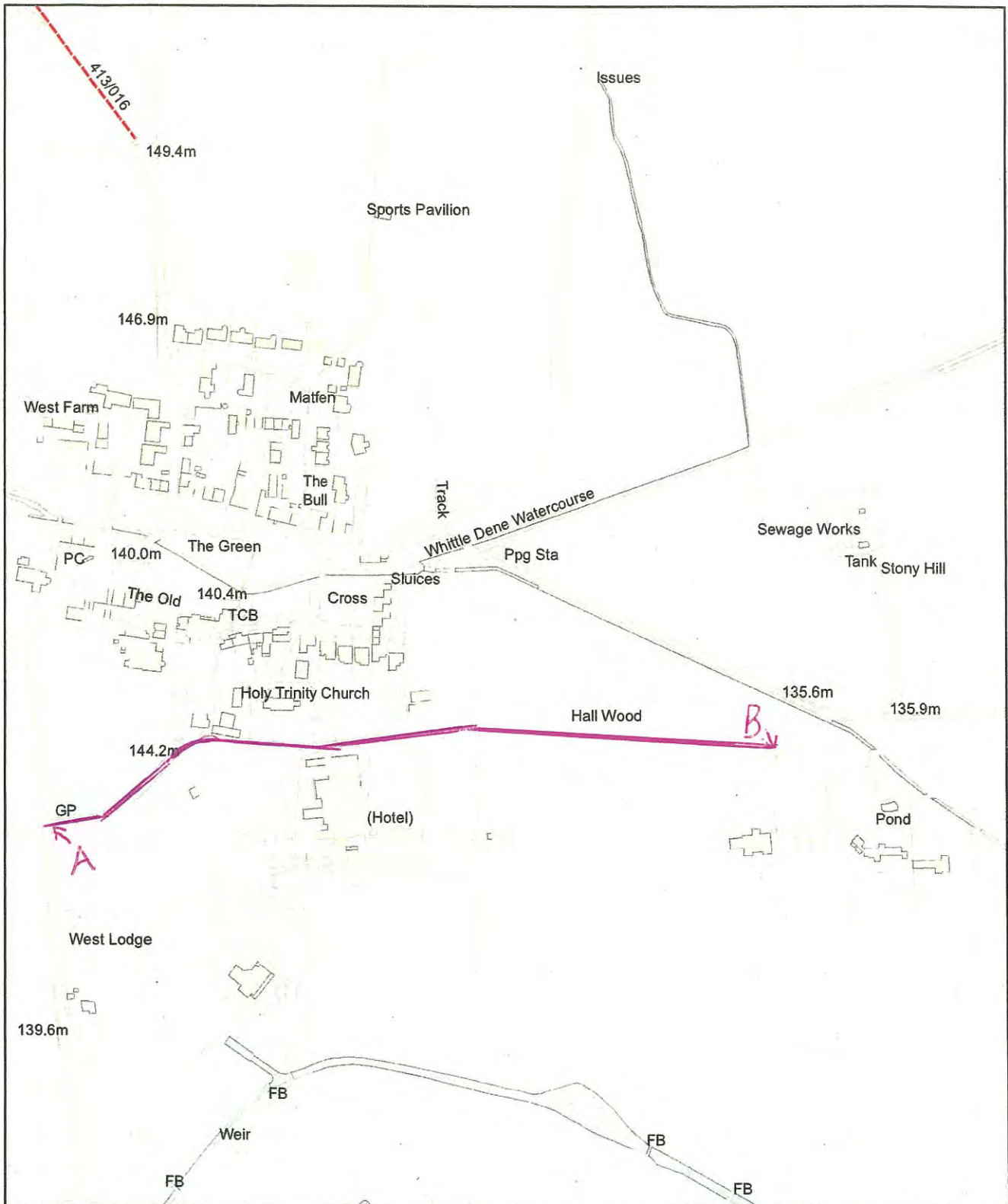
STEPHEN FRANCIS GREARY-SMITH


Date:

1-10-21

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. 183</p>	<p>O.S. Map NZ07SW</p>	<p>Date August 2021</p>

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name LYNOA PADGETT

Address 2 WOODBINE COTTAGE

..... MATFEN

..... Postcode NE20 0RP

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]

..... 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)

..... From point C to point B on the attached map.

.....

.....

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 1999 To 2020 when a fence was erected across the path.

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						<u>2-3 times per week</u>
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']

Approx. 2 yards. Enough room most of the way for two people to walk together or when passing others.

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]

Gravel behind church - tarmac behind Matfen Hall, earth through
wood.

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

The route has been used by many people who live in Matfen village as a means of exercise. My husband & I walk the route for pleasure & exercise. We do not own a dog. We have done this for almost 22 years.

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 gate at point C and fence at the entrance to the wood were erected without dialogue or consultation by the new owner of Mafren Hall with the local residents. During the past 22 years the footpath has never been blocked off to pedestrians on one day of each year in order to stop the footpath from being designated a public right of way by means of constant use over 20 years.

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)



Print full name:

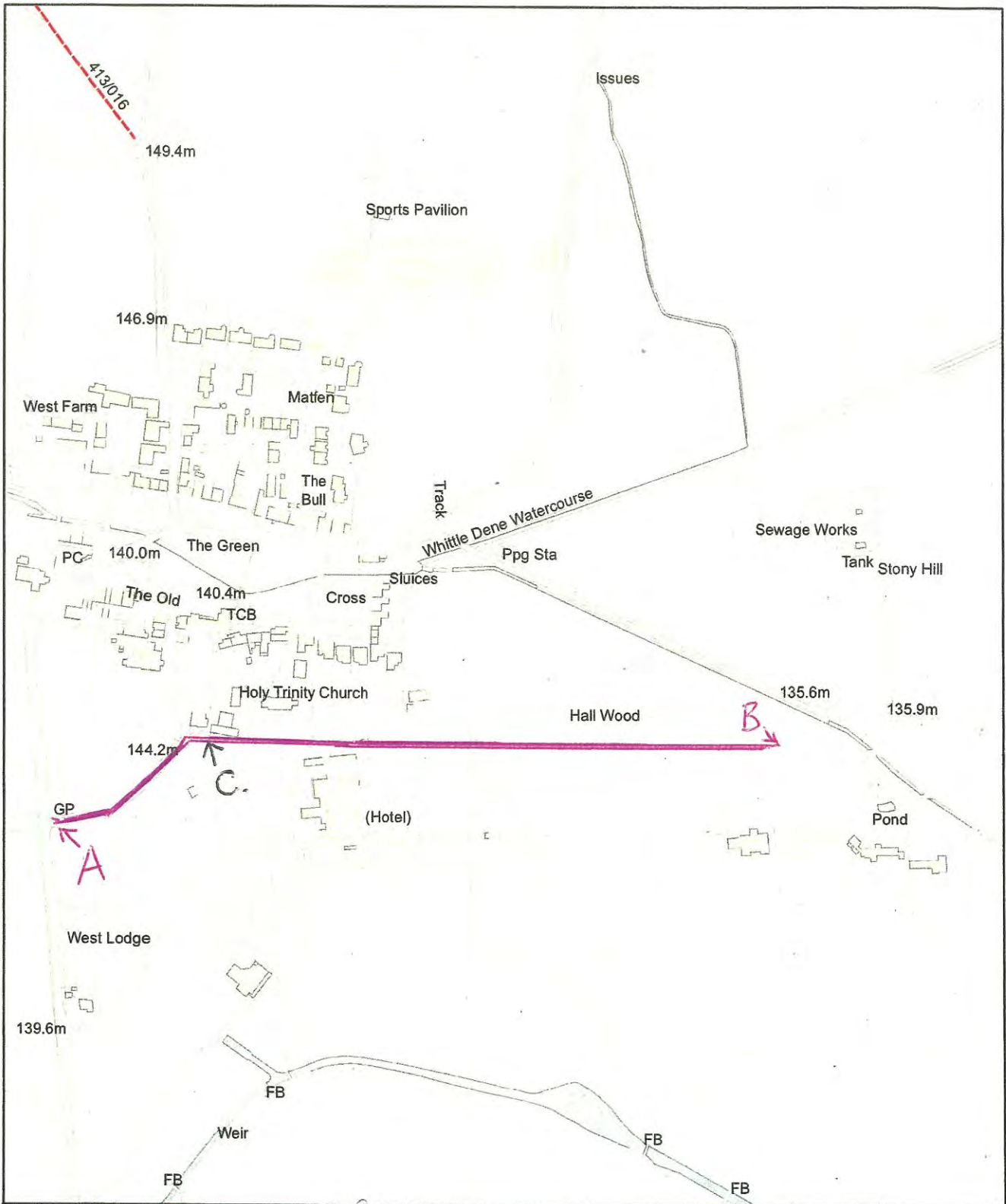
LYNDA PADGETT

Date:

16 November 2021


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	Matfen	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name *Derek Podgett*

Address *2 Woodbine Cottage*

Matten Northumberland

Postcode *NE20 0RP*

Year of Birth *1946*

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)

*From point 'C' to point 'B' on the
attached map*

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 1999 To 2020

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		✓				<u>more than once a week.</u>
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']

..... 2 yards approx through most of the route

.....

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]

Gravel path behind the church wall Tarmac
behind Maffen Hall to earth through Hall wood.

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

Many Village people use the path for exercise

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 new owners of Matfen Hall erected a fence which prevented access to the path through the wood without any consultation with the residents of Matfen, who had been using the path for their recreation.

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 p



Print full name:

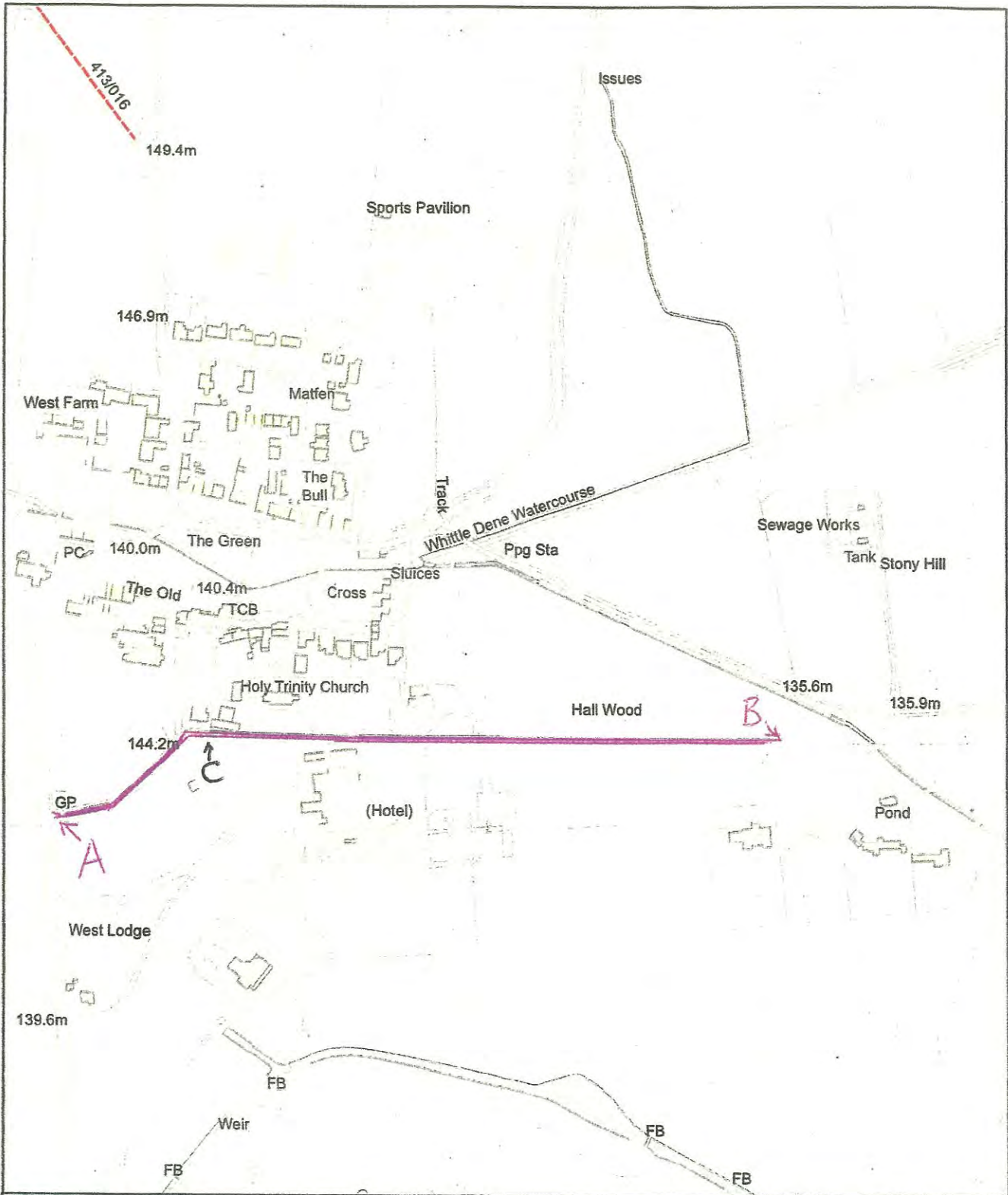
DEREK PADGETT

Date:

4/11/2021

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	Matfen	Scale	NTS
Def. Map. No.	183	O.S. Map	NZ07SW	Date	August 2021

Ann Gregory-Smith
Long established footpaths
26 Jul 2021 at 20:31:05



As a resident of this village for 24yrs, I am deeply disappointed that the new owners of Matfen Hall Hotel are not reopening the two well established footpaths through the wood along Burnside and from the GT Whittington crossroads through to the centre of Matfen Village.

These walkways have been established for many years and were probably in use when the Blacketts were in residence in the hall used as access for servants to and from the village.

My own children, now in their 40's, used them as youngsters and before their recent closure, my grandchildren loved to cycle and walk through them during the changing seasons.

I feel strongly that the present owners should not alienate villagers by blocking access to well loved village walks.

Ann Gregory-Smith
3, Paddock Close
Matfen

Angela
Re: Footpaths
30 Jun 2021 at 19:46:06
Arthur Murrell

As residents of Matfen for 33yrs we strongly support Arthur Morrell's concerns about the closure of the pathways from the Great Whittington junction through to Matfen Hall and through the woods to Burnside. We have walked these paths on a regular basis over the years and the woodland walk was also enjoyed by the residents of the Hall. We fail to see how our usage of both these paths could cause any harm.

Angela & Tony Cleasby

Sent from my iPhone

PLAN FROM THE MILLS' CONSULTATION RESPONSE

Plan 10



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Wildlife and Countryside Act 1981 Public Rights of Way

----- Alleged Public Footpath

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Former District(s) Castle Morpeth	Parish(es) Matten	Scale 1/5,000
Def. Map No. 183	O.S. Map NZ 07 SW	Date August 2022

Street & Ansted Mills

The Garden House

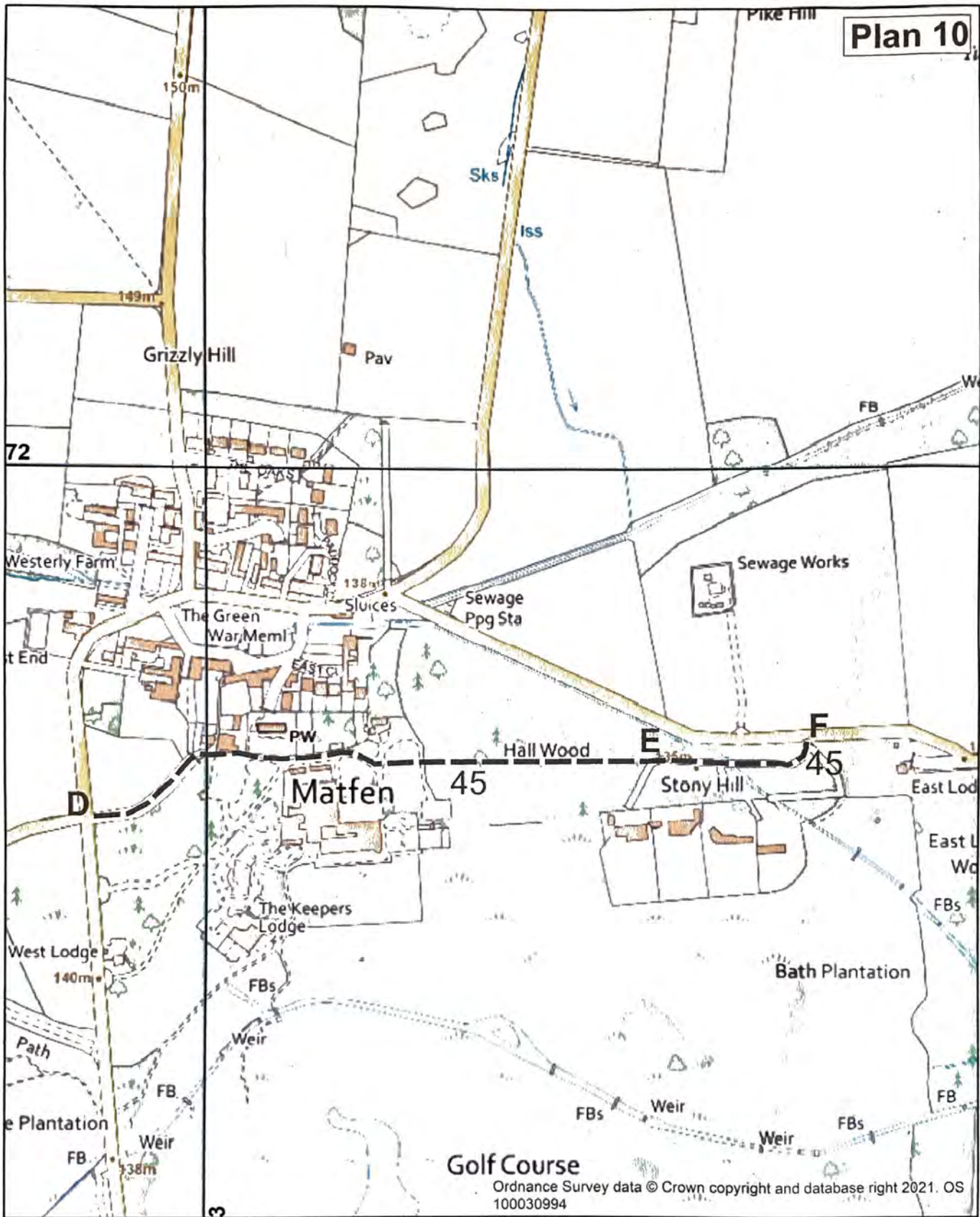
Mattler

NE20 ORP

13/11/22


Appendix 1

Plan 10




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

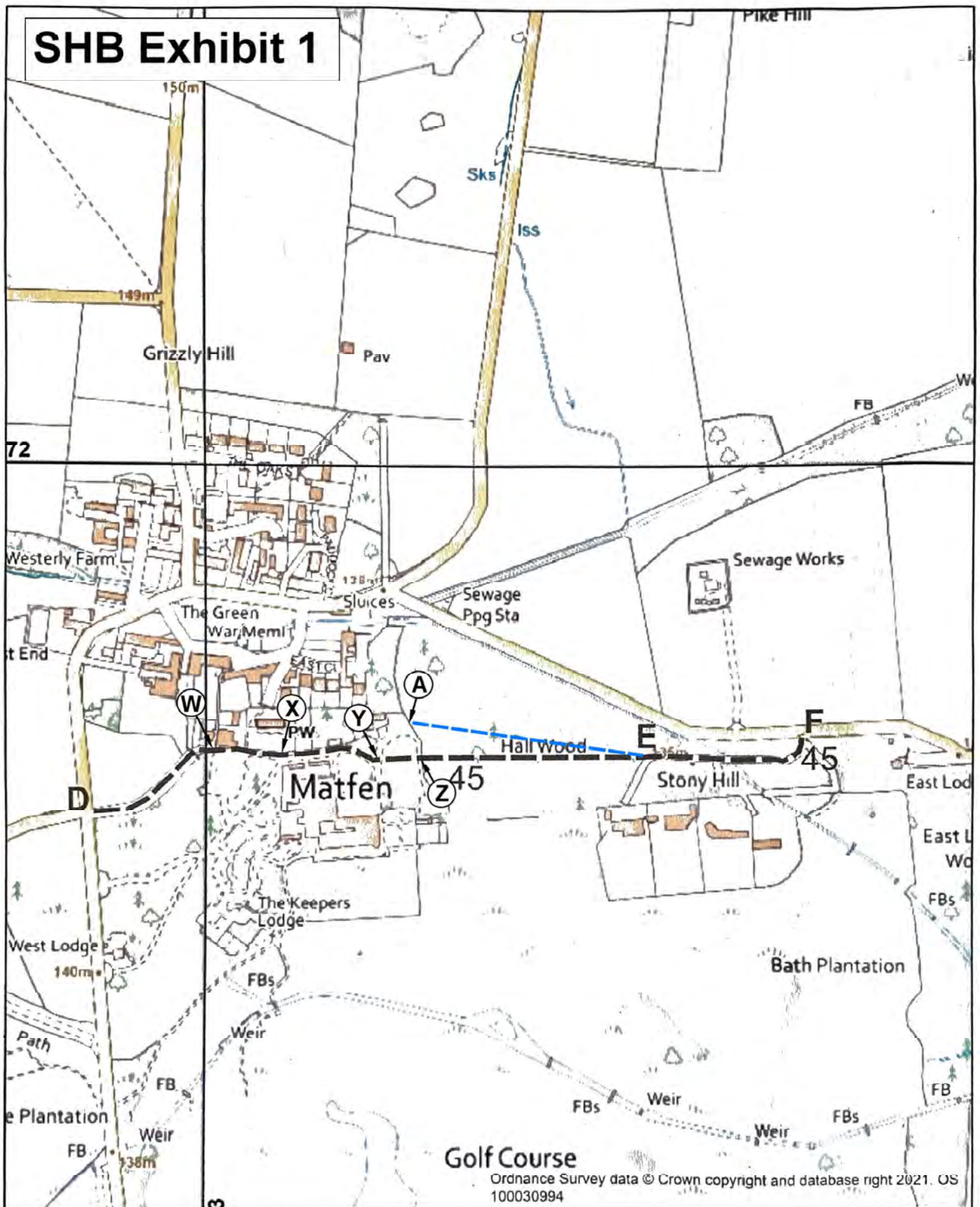
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Wildlife and Countryside Act 1981 Public Rights of Way			
<p style="text-align: center;">  Alleged Public Footpath </p>			
Former District(s)	Parish(es)	Scale	
Castle Morpeth	Matfen	1/5,000	
Def. Map No.	O.S. Map	Date	
183	NZ 07 SW	August 2022	

Appendix 2

Plan

SHB Exhibit 1



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Wildlife and Countryside Act 1981 Public Rights of Way

— — — — — Alleged Public Footpath

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Former District(s) Castle Morpeth	Parish(es) Matfen	Scale 1/5,000
Def. Map No. 183	O.S. Map NZ 07 SW	Date August 2022

Appendix 3

Witness Statement of Sir Hugh Francis Blackett Bt

Dated 22ND NOVEMBER 2022

**APPLICATION FOR MODIFICATION TO THE DEFINITIVE MAP OF LAND AT MATFEN
ESTATES/MATFEN HALL HOTEL PURSUANT TO S.53 WILDLIFE AND COUNTRYSIDE
ACT 1981**

WITNESS STATEMENT

of

SIR HUGH FRANCIS BLACKETT Bt

I Sir Hugh Francis Blackett Bt of [REDACTED] Matfen, [REDACTED]
[REDACTED] state as follows:

Introduction

1. I make this statement in relation to land at and adjoining to Matfen Hall Hotel and Hall Wood, Matfen Northumberland which is affected by an application made by Mr Arthur Murrell on the 18 November 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked D-E-F on the plan shown at Exhibit 1.

Background

2. The route of the alleged footpath lies partly on land that is my ownership and partly on land that forms part of Matfen Hall Hotel ("the Hotel"). Up until August 2020 I was also the owner of the Hotel and therefore for the relevant 20 year period I was the owner of all of that land affected by the alleged footpath.
3. Matfen Hall has operated as a hotel since 2000 having gone through a period of renovation works 1997-2000. Further works were undertaken in 2003/2004 to construct a new leisure wing, the facilities of which were open for non-residents' use, subject to membership agreements. I am aware that the Hotel underwent a further period of improvement works from November 2020 to May 2021 after I had sold the Hotel.

The Application

4. I am aware that the Application relates to the route shown from D-E-F on the plan attached at Exhibit 1 ("the Alleged Footpath"). Looking at the additional markings on the plan at Exhibit 1, those parts of the route from D to W ("the North Lodge Route"), and from Z to F ("the Hall Wood Route") lie within my current ownership while that part of the route from W to Z falls within the grounds of the Hotel ("the Hotel Path").
5. The North Lodge Route was used as an access to Matfen Hall prior to the current access to the Hotel being constructed as part of the works undertaken 1997-2000. It also provides private vehicular and pedestrian access to North Lodge and Estate House. In the approximate location of point W on the plan at Exhibit 1 there was a gate for part of the time the route was used as an access to Matfen Hall and subsequently a large stone was placed as an obstruction in the gap where the gate used to be situated.

6. The Hotel Path largely comprises between points marked X to Y on the plan a private access road around the back of the Hotel, and towards the recently enlarged and resurfaced car park for hotel guests. Between points W to X the Hotel Path currently comprises a narrow bonded gravel path as pedestrian access from the Church to the Hotel. There is no path between points Y to Z on the plan as the Alleged Footpath at this point goes through landscaping and shrubbery.
7. The Hall Wood Route as shown on the Application is not at all walkable along its line from points marked Z to E and is in fact covered by overgrowth and woodland. There is however a path that runs from the Hotel (at point A) to point E on the application plan as shown on the plan at Exhibit 1 marked with a blue dashed line; this was the old access route from East Lodge to Matfen Hall. This path, which is in close proximity to the Alleged Footpath comprises a woodland path between points A to E ("the Woodland Path"). The Hall Wood Route then continues from point E, comprising a tarmacked private access road to point F at the junction with the public highway, such access road servicing the 4 dwellings known as The Sycamores, the Walled Garden, Willoughby House, and Beechwoods.
8. After the leisure wing was constructed in 2003/2004 at the Hotel further works were undertaken in the grounds to construct the staff car park and Keepers' Lodge (the golf clubhouse). What is now the staff car park lies over the start of the Hotel Path at point W. You can see from the google earth image from 2002 appended at Exhibit 2 that the area where the staff car park now is (shown edged red on Exhibit 2) was at the time part of a densely wooded area. The area was cleared, levelled and a gravel surface was laid. During this time, and in particular while the trees were felled, the Hotel Path would not have been accessible or safe for walkers.
9. In undertaking the works described at paragraphs 9 and 10 above I gave no thought to the Hotel Path being a public right of way such that I might question whether I was permitted to restrict or block access in the ways that the Hotel Path was in fact blocked. I considered the land upon which the Alleged Footpath lies to be my own land and having obtained the necessary planning permissions, I was free to undertake those works without further thought for any users on the understanding that any such users were only using the route with my permission.
10. Following the works to construct the leisure wing, around 2005 I considered that it would be attractive for hotel guests and leisure members to have informal access as to where they were permitted to walk within the grounds of the Hotel and Matfen Hall Golf Club.

This would also have the benefit of discouraging guests and members from straying onto the golf course itself. As a result, we had a leisure walking leaflet prepared (appended at Exhibit 3) which provided guests and members with a number of walking routes around the locality of Matfen Hall to and from the Hotel , including parts of the Alleged Footpath and the Woodland Path. This leaflet was provided as part of the "in-room literature" to Hotel guests, as well as being available from the Hotel reception and circulated to the leisure members.

11. In conjunction with the production of the walking leaflet, I arranged for works to be undertaken to the Woodland Path. Prior to approximately 2005 the Woodland Path was a boggy, muddy, and overgrown path that was not suitable for light walking use. I do not recall that it was used in any regular manner prior to the improvement works being undertaken, in part due to its unsuitability. The Woodland Path was cleared, widened in places, and a stony tarmacked/bonded surface was laid along its entire length. A sign was also erected in the approximate location as shown marked A on Exhibit 4, which made it clear that access to the Woodland Path was restricted to Hotel guests and leisure members only. I recall the sign had the words "hotel and leisure guest only" included and this was to make it clear that the route was to be permissive only.
12. In respect of that part of the Alleged Footpath from point E to point F, this route was only constructed in its current layout and surface between approximately 1995 to 2000. The works were approved as part of the planning permission issued in February 1993 for the golf course and residential development south of Matfen Hall (reference C/93/D/066). I recall that the first two plots, being those two closest to the public highway were sold in approximately 1995/1996 and works would then have been undertaken to construct the layout of the current access road from the public highway at point F to those dwellings now known as The Sycamores and the Walled Garden. As would be typical of such a construction project, I recall that the access road was constructed in stages and extended as and when this was required to facilitate the construction of the next dwelling, with a final surface laid once all of the access road had been constructed. The final dwelling, Beechwood, was not constructed until approximately 2000/2001 following the grant of a later planning permission dated 10 October 2000 (reference CM/00/D/444) (Exhibit 5). The aerial photograph from 2002 at Exhibit 2 shows the works to Beechwood House being under construction. I also append a photograph taken in 2000 showing the final section of the access road being constructed (Exhibit 6). The photograph shows both the access road and the Woodland Path looking towards the Hotel in the distance; the Woodland

Path in this photo is clearly blocked by large stones and rubble and is taped off with signs advising caution and access to permitted persons only.

13. Prior to the above works being undertaken to the access road, the Woodland Path extended as a straight line up to East Lodge but was not accessible by vehicles. There was an access at point F to the public highway but this curved eastwards and not westwards as per the new alignment. This eastward route looped round to what was the original walled garden prior to the residential development and facilitated any vehicular access that was required. The stonework at the entrance to the access road was altered at this time to widen the access road to create the residential access and this can be seen from the photographs appended at Exhibit 7 that show a change in the stonework.
14. Signs at both the East and the West entrances to the Alleged Footpath (at points marked D and F on Exhibit 1) advising that the route is private were installed in June 2022 and November 2020 respectively.
15. I have always been mindful of the need to limit the creation of public rights of way across my landholdings and it was on that basis that I instructed my surveyors in 1993 to submit a s31(6) notice and statutory declaration, evidencing that I have no intention to dedicate any routes across my land, including the Alleged Footpath. I can't recall whether there was a subsequent s31(6) notice made following the 1993 deposit until I submitted the 2019 deposit but it is clear that from approximately 2005 the route had only been made available as a permissive route.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true

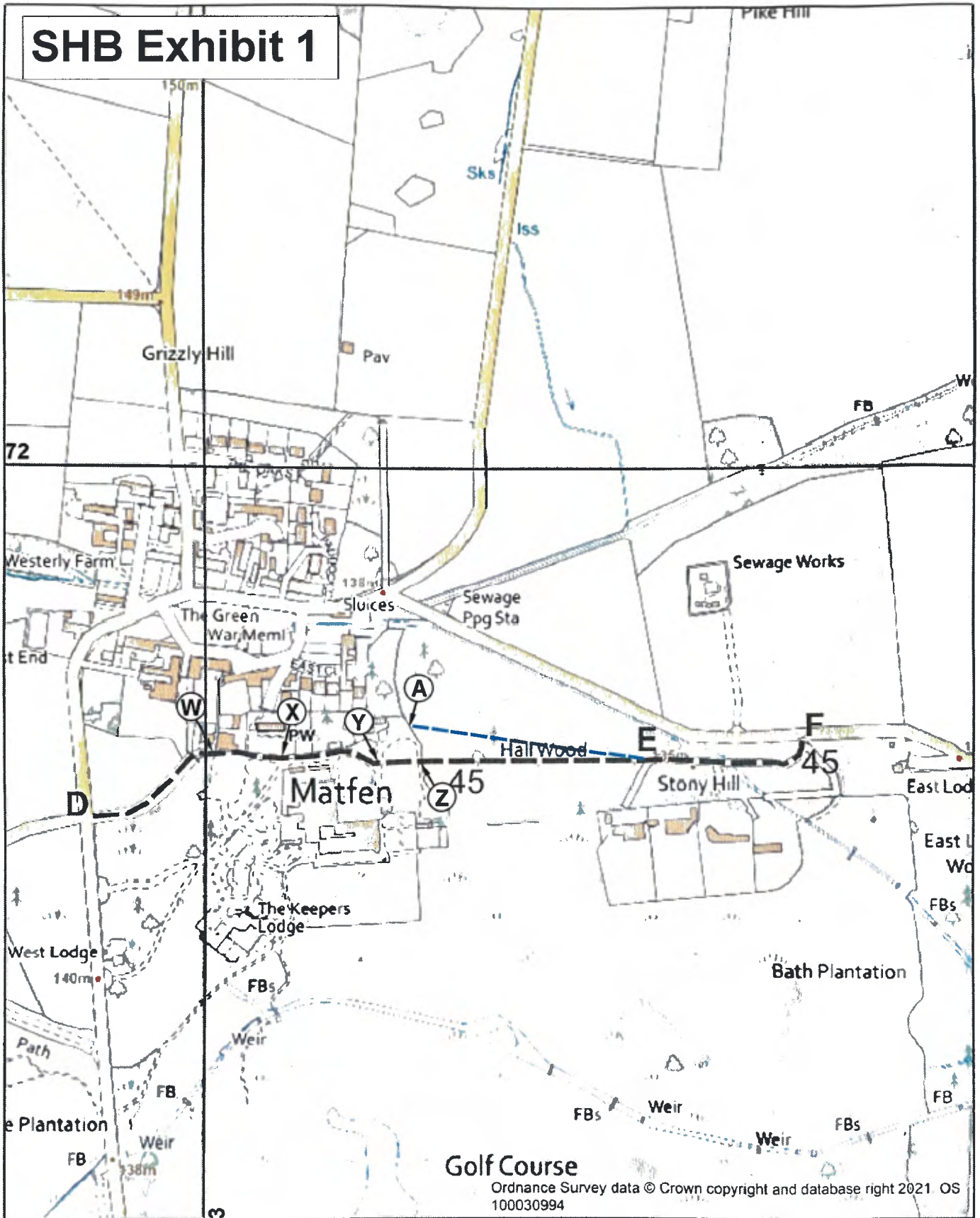
Full name HUGH F BRACKETT

Signature 

Date 22nd November 2022

Exhibit 1

SHB Exhibit 1



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Wildlife and Countryside Act 1981 Public Rights of Way	
 Alleged Public Footpath	
Former District(s)	Parish(es)
Castle Morpeth	Matfen
Def. Map No	O.S. Map
183	NZ 07 SW
Scale	Date
1/5,000	August 2022

Exhibit 2

A3



Google Aerial Photo - 2002

Title: SHB Exhibit 2	
Land at Matten Hall Matten Northumberland	
Scale: NTS @A3	Date: 07/11/22
<small>Ordnance Survey © Crown copyright. All rights reserved. Licence number SR100001268</small>	Drawn By: CS

Exhibit 3

All walks and jogging routes start from the Great Hall/East Wing Car Park. Follow the path north-east past the disused bungalow. Continue down the footpath of the Old East Drive through the wood to join the public road.....

Walk 1 - 15 minutes and Jogging Route 1 Red Route

At the public road turn left and follow the road back to the village, turning left into the village, then left again, over a bridge and return to the hotel through the churchyard straight ahead.

Walk 2 - 45 minutes, Black Route

At the public road turn right, after about 400 yds take the footpath into the field marked 'East Matfen 1/2'. Walk past the farmhouse, down the drive and then turn left back onto the public road. Keep on this road all the way back towards the village then turn left into the village and left again, over a bridge and return to the hotel through the churchyard straight ahead.

Walk 3 - 1 1/4 hours, Green Route

At the public road turn right, after about 400 yds take the footpath into the field marked 'East Matfen 1/2'. Walk past the farmhouse, down the drive and then continue straight ahead onto the public gated road. Follow this road as it swings right-handed and through another gate. Continue past 2 houses then take the road to the right following this lane past the settlement of Standing Stone, note the stone which is on the left-hand grass verge. At the junction with the main road turn right towards Matfen but once through the wood take the footpath on the left which runs down the side of the golf course back towards the hotel.

Walk 4 - 2 hours, Yellow Route

At the public road turn right, after about 400 yds take the footpath into the field marked 'East Matfen 1/2'. Walk past the farmhouse, down the drive and then continue straight ahead onto the public gated road. Follow this road as it swings right-handed and through another gate. Continue past 2 houses then take the road to the right following this lane past the settlement of Standing Stone, note the stone which is on the left-hand grass verge. At the junction with the main road turn right towards Matfen but after 50 yds take the Miller's Lane on the left signposted 'Gates'. Approx 1/2 mile down the lane take the footpath on the right signposted 'Matfen 3/4' towards Dewlaw Farm. At the junction with the public road turn right back towards the village.

Jogging Route 2, Brown Route

At the public road turn right. Keep on this public road continuing through the gated field, passing the two houses and then turning right towards Standing Stone. Once past this settlement turn right onto the main road back to Matfen taking the footpath on the edge of the golf course once through the wood.

PACKED LUNCH

Please inform reception if you require our chef to provide you with a packed lunch.

Matfen Hall, Matfen, Newcastle upon Tyne, NE20 ORH

Tel: 01661 886 500 email: info@matfenhall.com

www.matfenhall.com



SHORT WALKS AND JOGGING ROUTES

- Walk 1 / Jogging route 1
- Walk 2
- Walk 3
- Walk 4
- Jogging route 2

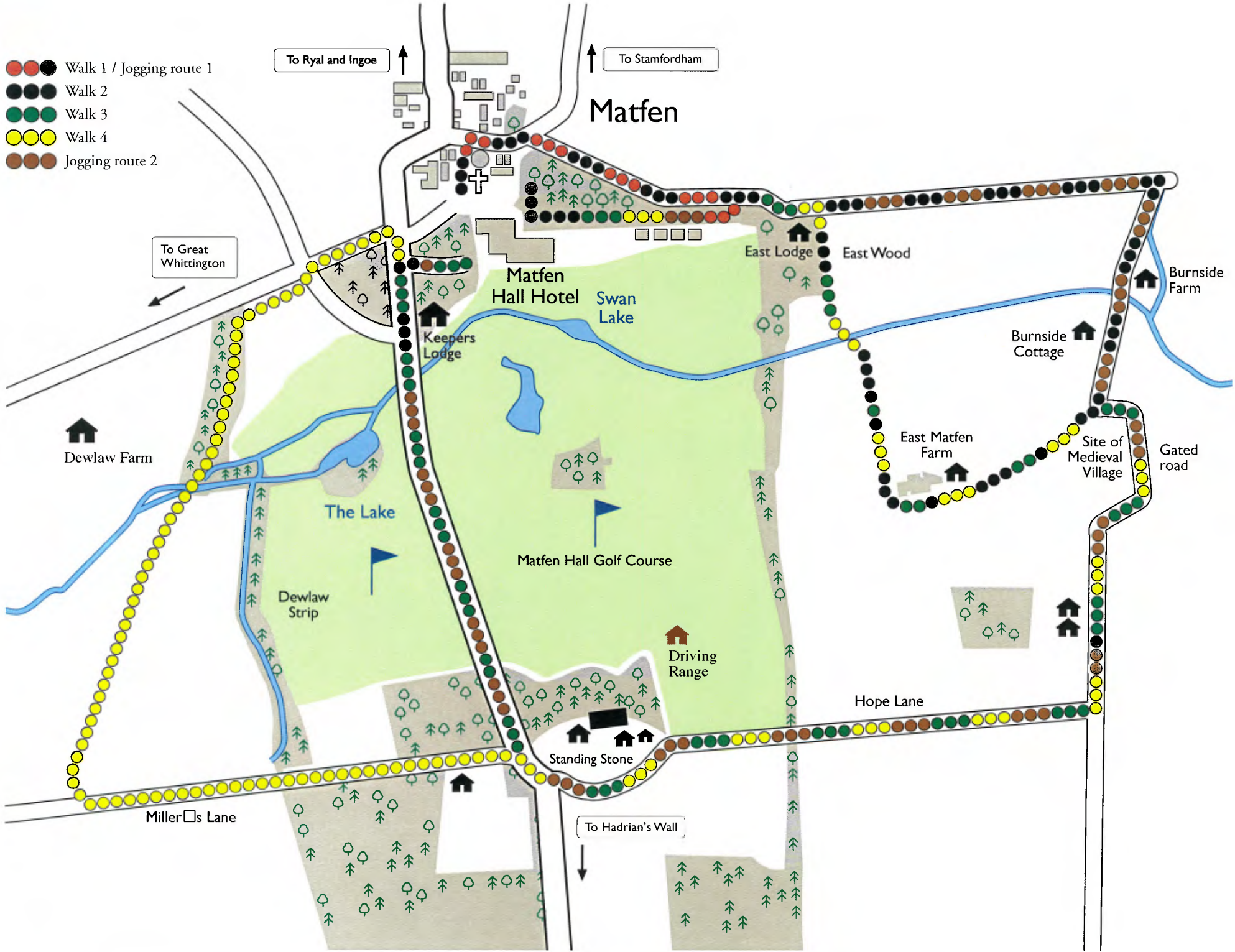
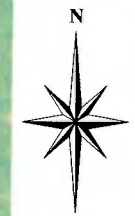


Exhibit 4

A3



Google Aerial Photo - 2007

Title: Plan A	
Land at Matten Hall Matten Northumberland	
Scale: NTS @A3	Date: 07/11/22
<small>Ordnance Survey © Crown copyright. All rights reserved. Licence number SR100001268</small>	Drawn By: CS

Exhibit 5

PLANNING DECISION NOTICE

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ORDER), 1995**

CASTLE MORPETH BOROUGH COUNCIL

Ref. No Application 00/D/444

To. L. McCluskey
Per E. Newsham - Architect
1 Jesmond Business Court
217 Jesmond Road
Newcastle upon Tyne NE2 1LA

IN PURSUANCE of their powers under the above-mentioned Act the Borough Council **HEREBY PERMIT** the carrying out of the following development:-

Erection of detached dwelling with detached double garage at 1 Walled Garden, Matfen (as amended plans and letter received 3rd October 2000)
as described in your application for planning permission received 2nd August 2000
and in the plans and drawings attached thereto, subject to compliance with the relevant bylaws and statutory provisions and with the following condition(s):-

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.
2. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

The reason(s) for the imposition of the condition(s) specified above is/are:

1. In order to ensure that the development is carried out in accordance with the approved plans.
2. To ensure that the development is commenced within a reasonable period of time from the date of this permission.

Cont/ Date 10th day of OCTOBER 2000


Director of Environmental and Planning Services

NOTE

Failure to adhere to any details shown on the plans forming part of the application for which permission is hereby granted, and/or failure to comply with any conditions attached to this permission, may constitute a contravention of the provision of the Town and Country Planning Act, 1990, in respect of which enforcement action might be taken.

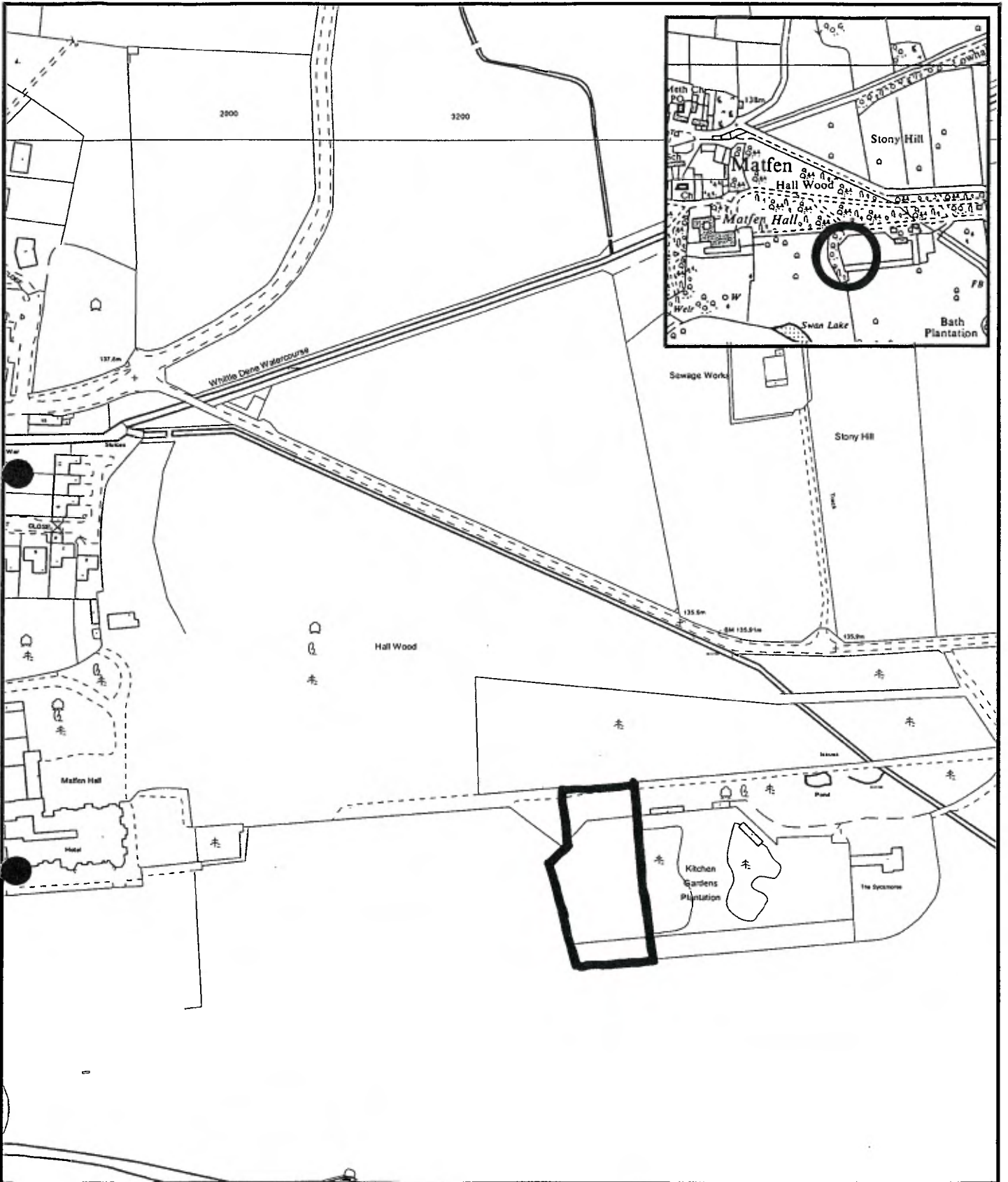
Your attention is drawn to the notes overleaf.

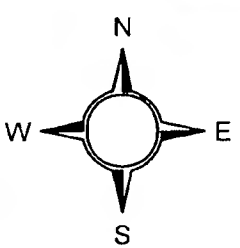
CONTINUATION SHEET**00/D/444****CONDITIONS CONTINUED**

3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roof(s) of the building(s) have been submitted to and approved by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.
4. Before any development commences the applicant shall submit to and have approved by the Local Planning Authority a landscaping scheme for the site, including the planting of trees. Thereafter the said scheme, including tree planting, shall be carried out as agreed not later than the next planting session immediately following the commencement of any development and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting to the satisfaction of the Local Planning Authority.
5. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995) details of all fences and boundary walls to be constructed shall be submitted to and approved by the Local Planning Authority before work on the site is commenced.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Orders 1995 Schedule 2 Part 1 Classes A-H, no future development shall be carried out other than expressly authorised by this permission, without the prior written consent of the Local Planning Authority.
7. During the construction period, there should be no noisy activity, ie. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday - Friday - 0800 - 1800, Saturday 0800-1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.
8. No development shall commence until full details of foul and surface water drainage have been submitted to and approved by the Local planning Authority.
9. No trees on the site shall be felled, lopped or topped until full details have been submitted to and approved in writing by the local planning Authority, the form of a detached tree survey showing these trees to be retained and removed and those to be managed.

REASONS CONTINUED

3. To retain control over the external appearance of the development in the interests of amenity.
4. In the interests of visual amenity.
5. In the interests of the amenity of the area.
6. To retain control over the development of the site, in the interests of
7. In order to protect the amenity of the existing residents.
8. To ensure proper site drainage and to prevent off site flooding or pollution.
9. In the interests of preserving the appearance of the area.




Scale: 1:2500

Application Ref:-00/D/444
Title:- Plot 1 Walled Gdn, Matfen

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 Castle Morpeth Borough Council
 License No: LA077453
 Date:

J A Woodcock BA MRTPI
Dir. Env and Planning Services
The Kylins
Morpeth
Northumberland
NE61 2EQ



Castle Morpeth
 Borough Council

Exhibit 6



Holly

00	01	02	03	04	05
06	07	08	09	10	11
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31	32	33	34	35
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78	79	80	81	82	83
84	85	86	87	88	89
90	91	92	93	94	95
96	97	98	99	00	01

Exhibit 7







Appendix 4

Witness Statement of Peter Dawson

Dated 24 NOVEMBER 2022

**APPLICATION FOR MODIFICATION TO THE DEFINITIVE MAP OF LAND AT MATFEN
ESTATES/MATFEN HALL HOTEL PURSUANT TO S.53 WILDLIFE AND COUNTRYSIDE
ACT 1981**

WITNESS STATEMENT

of

PETER DAWSON

I Peter Dawson of [REDACTED], Gateshead, [REDACTED] do state as follows:

Introduction

1. I make this statement in relation to land at Matfen Hall Hotel, Northumberland which is affected by an application made by Mr Arthur Murrell on the 18 November 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked D-E-F on the plan shown at Exhibit 1.

Background

2. I have worked at Matfen Hall Hotel ("the Hotel") for 9 years. I commenced employment at the hotel in June 2012 as the Food and Beverage Manager and in November 2018 I became the Hotel Manager.
3. As Food and Beverage Manager I was responsible for the Bars, restaurants and function spaces at Matfen Hall along with the Food & Beverage Team. During this role I was a member of the Duty Management team.
4. As Hotel Manager I am responsible for the daily operation of the hotel, team and grounds.
5. Matfen Hall has operated as a boutique hotel since 2000 having gone through a period of renovation works 1997-2000. Further works were undertaken in 2003/2004 to construct a new leisure wing, the facilities of which were until May 2020 open for non-residents' use, subject to membership agreements. During the period when the leisure facilities were open to members, the membership typically numbered around 800. The Hotel underwent a further period of improvement works from November 2020 to May 2021. The Hotel currently has 53 bedrooms.
6. Matfen Hall Golf Club ("the Golf Club") is situated within the Hotel's grounds, although the Golf Club pre-dates the Hotel and was opened in 1995.

The Application

7. I am aware that the Application relates to the route shown from D-E-F on the plan attached at Exhibit 1 ("the Alleged Footpath"). Part of the route from D to E falls within the grounds of the Hotel as shown marked W to X to Y to Z on the plan at Exhibit 1 ("the Hotel Path").