

**ALLEGED PUBLIC RIGHT OF WAY AT FOX CORNER, PIRBRIGHT
SUMMARY OF EVIDENCE FROM LANDOWNERS AND FRONTAGERS**

- a) Mike Giles of Guildford Borough Council stated that much of the user evidence was submitted either by those accessing property on the route or by people gaining access to the Wildlife Area, which required permission. He suggests that such use is not 'as of right'.
- b) Catherine Cobley, Chairman of the FCCWAC, explained that the Committee has a private right over both the central and eastern sections of the route (i.e. between B-C and C-D). They regularly use the route in order to access the wildlife area.
- c) Mr A. Denman owns the eastern part of the route (i.e. C-D). He and his predecessor in title (his father, Mr E Denman) confirmed that they had regularly seen people using the route on foot, horseback and in vehicles. For the most part use was by residents of Pirbright Cottages, although some members of the public also used it. Many users had been given permission by Mr Denman. He also referred to a number of temporary obstructions of the route.
- d) Revd. Busby of Iona Fox Corner had used the whole route on foot and in a mechanically propelled vehicle to access his property and had seen others do the same. He believes that the way should be a byway open to all traffic (BOAT).
- e) Mr and Mrs de Coverly of 1 Pirbright Cottages claim that a private right is registered in their title deeds over that part of the path shown A-B and that a historical conveyance provides an express grant over the rest of the route. Furthermore they believe that they have a prescriptive right over the eastern end of the path (C-D). They submitted a user evidence form but would only support the making of an order if it were for a BOAT.
- f) Mr C. Galpin of 5 Pirbright Cottages objected to the possibility of the route being subject to public vehicular rights. He submitted a user evidence form.
- g) Mr Emmerson of 7 Pirbright Cottages provided evidence that his property has the benefit of a private right of way over part of the claimed route. Furthermore he claimed that Guildford Borough Council had informed him that he would require planning permission to construct a garage in his garden because the new building would be situated between his property and a highway. Mr Emmerson completed a user evidence form.
- h) Mr Helowitz of 8 Pirbright Cottages, who had also submitted a user evidence form, confirmed his belief that the path was a public right of way.
- i) Mr Gosham of 9 Pirbright Cottages confirmed his use of the route as per his user evidence form. He also described the use of others that he had witnessed and supplied a copy of a statutory declaration from a previous owner of this property which confirms use of the claimed route between 1966 and 1989.

ITEM 8
ANNEX D

- j) Mrs Boylett of 13 Pirbright Cottages stated her belief that the route has been a public right of way since at least 1955.
- k) Mr Mumford of 18 Pirbright Cottages confirmed that he had a private right across that part of the route currently owned by Mr Denman (i.e. C-D). He suggested that this, together with the private ownership of most of the path, was evidence that there is no public right of way.
- l) Mr Hedger of 19 Pirbright Cottages confirmed his use of the path as set out in his user evidence form.
- m) Miss Rouse of 20 Pirbright Cottages stated that it was her understanding that the path was a public right of way, and that the majority of vehicular users were residents. She submitted a user evidence form.