

**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

My name is Mrs Beeby and my mother, Mrs Pearson, lives at 30 Water Lane. She moved there in 1961 and I grew up there; I have known the path for 54 years. I now live in Bournemouth however I have regularly returned home over the years since I left to visit my family, and continue to visit now. My sister does the same.

My mother's land consists of a garden and a wooded area behind the house; the wooded area backs onto the claimed path. We would regularly access the path from the wood, and would walk a number of different routes. We could turn left and continue along the path towards Littleheath Lane, or we could turn right and walk along the path to come out onto Water Lane. There was also the option to turn left and then right to walk through the stables owned by my mother's neighbour, Mrs Turk, to walk over the hill at the back. None of these routes were ever obstructed or difficult to use. *(The Turks no longer live in Water Lane & their house has been demolished & rebuilt on)*

I recall in the 60s and 70s the whole area was maintained by the groundsman, or gardener for the Cottage in the Woods. He was called Mr Bingham and he ensured that the area was well maintained. This included ensuring that the path was open and available. He used to store his equipment in the sheds that are at the end of the path, past where the obstruction is now.

Some time ago, and I cannot recall now how long ago, the owner of the land with the tennis court must have instructed their gardener to barricade the path off and to turn people away. He was quite rude in the way he did it, and the obstructions that he put up were substantial and sometimes a little unpleasant.

My mother would regularly walk out along the path, as she got older her mobility deteriorated to the extent that the only walking she felt she could do was out along the path. I would walk with her when I visited. It was so sad because when the path got obstructed her inability to use the path led to her moving less and less, and as a result her mobility has really decreased substantially. She now has dementia, but at the time the lack of ability to get out onto the path really affected her mobility.

In the 60s and 70s when I was at home I would use the path on a daily basis – sometimes several times a day. It was such a well-used path. Everyone in the area used it. We would regularly see from our garden people walking the path. We had dogs and used it as a dog walk, as did many people.

I am surprised that this isn't recorded as a public footpath already, to be honest. It was a footpath long before the tennis court was there, it should still be available now. Apart from the obstruction the path has changed little over the years. It has always had the appearance that it has now.

*We* have never sought or ~~been given~~ <sup>needed</sup> permission to use the route, <sup>since it was a well used public footpath</sup> and although there were gates along the route in a number of places they were never an obstruction to the route. I cannot now recall if there were any notices on the gates.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFLECTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed..... *C M Beeby* .....

Date..... *05/01/19* .....

*(Please amend as necessary as shown above + reprint - many thanks) C Beeby*



**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

I (Mr Butler) have lived at 27 Water Lane since 1990, while Mrs Butler has lived at the property for 10 years.

I found the path after about 6 or 7 years of moving to Water Lane, when I had a share in a horse that was stabled along the route. I also had a dog that needed walking and so a combination of the horse and the dog meant that I was going along the claimed path on a daily basis from about 1997 until about 2002. I then had a share in a different horse from 2002 to 2004/5. From 2004/5 when I stopped having a share in a horse my use reduced, to about once a month or so, but I haven't been along there now for 3 years or so.

My use would involve the whole claimed route, as I would go to visit the horse, and then continue on in a circular route to walk the dog. When Foot & Mouth outbreak happened this was one of the few places you could go with a dog, and so it was well used.

I would meet the lady who owned the stables, Di Turk on the land and we have walked along the path with her. She never said anything about it, never told us the route was only access to the stables or that it was private.

My (Mrs Butler) use is more along the alternative route, past the electricity sub station and up to the path by Polyapes. I have done this every week day morning since I moved to Water Lane 10 years ago. I used to use the claimed route less frequently, but stopped when the barriers were erected (see below).

The track was always open and available along its full length. We do not recall there being any gates that stopped us from getting along there.

Approximately 3 years ago we were out walking that way one day and suddenly found that we couldn't get through easily any more. There were trees and bits of debris down to block the route. Then some gates were put up and we couldn't get through any more.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFLECTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed..... *Robert Butler* .....

Signed..... *J. Butler* .....

Date..... *11/01/2019* .....

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### **Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

My name is Mrs Patrina Hutchings and I live at 48 Littleheath Lane. I have lived here since 1989. When we first moved in and started to use the claimed route part of the land was owned by Diane Turk who lived on Water Lane, and owned the stables and fields adjacent to the path. There was never any problem with using the route – we would regularly see Di and the people that owned Littleheath Farm at that time.

We had 2 dogs, so walked regularly. I also had a friend who owned a horse that was stabled at Diane Turks livery yard, adjacent to the claimed route, and I would go there to help her muck it out from time to time.

From Littleheath Lane I walk down the claimed path to the point where the path turns sharply to the right and continue as far as the substation, where I would turn left and loop back to rejoin Littleheath lane. Occasionally I would continue on to Water Lane and walk back that way, however my preference is not to use Water Lane but to loop back.

I have also walked other paths in the area, near to the lake, and then joined up with the claimed route. And I have come off the claimed route and walked through the field near the tennis court to join the path past the substation. There hasn't always been a gate there.

I think I would be most likely to walk along the claimed path until I got to about the tennis court, then to cut up through the field to the path behind the substation. There are a variety of routes to use though across the land. On occasion we would walk our two dogs along the path onto Water Lane and then down to Tilt, at Stoke D Abernon.

I have walked in this area 4-5 times a week from 1989, with 2 dogs you need to get out. The ability to go out walking from the house was one of the reasons we moved to the house in the first place. I generally walk with my husband or with neighbours and friends.

In 1989 when we moved in there were no closed gates along the claimed route. There was a gate at the sharp bend – but that was always open and tied back. There was also always a gate at the big black barn but again that was always open. I don't recall there ever being signs on either of them. There was a third very rickety old gate near the substation and that again was never closed. I don't recall any notices along the path at all.

In 1989 the route was wide and clear and the surface was relatively even. You could take a child in a buggy along there. It was about a cars width from Littleheath Lane until the sharp bend and then it got a little narrower to the barn and narrower still after the barn – you could still walk 2 abreast along this section. There were laurel trees adjacent to the path and occasionally it would get a little overgrown.

Things started to change about 4-5 years ago when land changed hands. We carried on walking the path however and were never challenged until a gardener challenged us and mentioned the word 'trespass'. It then felt a bit awkward to continue walking,

and we were put off by the landowner's dogs. Then a gate went up and there were more obstructions, which is what prompted us to make the application. Some other people said that you could continue to access the path by walking around, but I wasn't prepared to do that as obstructions began to appear. We were also challenged by Mr Ross one time who said we shouldn't be there. The gardener also challenged us and I said I thought it was a path and continued along it. But when you get questioned so much you start to feel uneasy.

The section from the tennis court west to the old metal gate was always available, although this was the section that did sometimes get a little overgrown with laurel. I think it must have been use that kept that section open, I don't think it was ever cut back or maintained as such. However it didn't really matter much to us as more often than not we would leave the claimed path there and cross the field to get to the path behind the substation.

On occasion I have also driven, or walked up to The Cottage in the Woods as my farrier lives there.

Recently the gate leading from Water Lane, through The Stables and onto the disputed path has been reopened and left wide open. All private signs leading up to it have been removed and free access looks available. I have not walked it and continue to use Water Lane instead.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed..... *P. F. Hutchings* .....

Date..... *12/01/19* .....

**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

We live at 20 Woodside Road, and have done so for around 40 years. I (Mr Gaskell) built the house.

We would walk around the lake and then take the path past Polyapes and down the route adjacent to the old Schiff house grounds. We would then cut across the meadow/field adjacent to the tennis court to join a track that ran along the back of the properties on Water Lane. The field used to be open and overgrown and there was not a gate at the corner, as there is now – it was just a gap. The gate appeared approximately 8 years ago, but wasn't locked. Then it was locked but there was a gap to one side, so you could still get through. Then finally the gap was blocked up. At about the same time the path along the back of the properties (the claimed path) was blocked off with logs.

We have always had dogs, and so we have always been out walking in the area frequently. The route we used to walk is a nice route where you can avoid the traffic on Water Lane. We have met others when out walking this route.

There has always been a gate at the sharp bend, near the entrance to Littleheath Farm and the other properties. It had a sign saying private on it, maybe not the one that is there now, but you could always just open the gate to get through.

The other gate by the large barn I can recall always being open, but I don't remember there being a sign on it.

The path has always looked like it does now – open and available throughout and either open or with a post and rail fence to one side. There was also a chain link fence alongside the old Schiff house grounds.

I think The Stables were built about 30 years ago. Prior to that there was a road/track that continued out onto Water Lane. I can't really remember it very well. We didn't often go out all the way to Water Lane as we generally did circular walks.

The other route, up past the field and to join the path that passes Polyapes, adjacent to where the old Schiff house is, has always looked a lot like it does now. The top bit is often more overgrown, although it does die back a bit in winter and sometimes someone would clear it.

Our daughter had a horse at the stables along the claimed route for a while from about 1990. We would drive up the claimed route as far as the stables. We knew Mrs Turk as a result, and were in the Pony Club together. Mrs Turk never talked to us at all about the track we just used it assuming it was a public right of way.

I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFLECTS MY UNDERSTANDING OF THE CLAIMED ROUTE.  
I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.

Signed.....*Mr Gaskell*.....

Signed.....*Mrs Gaskell*.....

Date.....*07 Feb 2019*.....



**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

My name is Mr Lumley and I live at 4 The Stables. I have lived here since 2009. I have an interest in the access drive of The Stables and together with the other residents of The Stables I partly own it. The claimed route therefore passes over land in which I have an interest in part.

I have walked my dog in the area and along at least part of the claimed route. My normal walk is from my house, along the track from The Stables, turning right to walk up adjacent to the substation and in a wide circular route to come back along the track back to my house. I asked permission of Chris Perry to walk the part of the track that he owns.

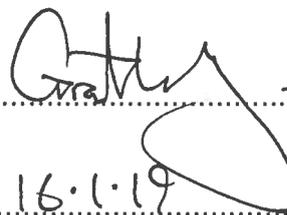
About 4 years ago there started to be an obstruction to the track, initially the old metal gate near the substation which used to lie on the floor was propped back up across the track such that you couldn't easily get past. Then the owners of the land with the tennis court erected a dead wood barrier and dug a ditch to block the route. They have since encouraged the route on their land to get overgrown such that you can't get through. Other than in that area there has never been any restriction to the use of the track.

I walk the route daily, and I know others in The Stables have walked it as much or more frequently even.

There have been ways to get around the blockage at the land with the tennis court but these have all been blocked up now too.

About 3½ - 4 years ago I was stopped when walking the route by the gardener and told that I shouldn't be there. I have also spoken to the landowner once who also challenged my use. I explained I had always used it and he seemed fine with that but then 3 weeks later the barriers went up.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed..........

Date.....16.1.19.....

Grant Lumley, 4 The Stables, Water Lane, Cobham,  
KT11 2TD

This supports the notes I was asked to confirm in the email I replied to on 5.11.18.



### **Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

I lived in the road called Twin Oaks between 1966 and 1975 and since 1975 I have lived here in Fairmile Lane.

There was a disused brickyard in the area of Somerville Road when I was younger and you could walk down into it and then go off exploring on the common and around. Then they built houses and it wasn't so easy to get around. Now you can walk around the pond, but you didn't used to be able to as easily.

I would walk along the claimed route and the alternative route up past the electricity substation to join the path by Polyapes, as a circular route. It was safe, and off road, so pleasant.

I would walk it a couple of times a week with my children and with the dogs, it was our nearest, easiest walk. It always had a surface and the same kind of appearance as it has now – it was open and a clear route to walk. I still walk in the area now, except that I have to use the other route, up past the electricity substation as you cannot get through the claimed route any more.

I can recall horses using the claimed route in the 60s and 70s. The road that is now called The Stables, at the end of the claimed path used to actually be the stables for the Schiff home. I understood there to be some history about the route being used by horses to avoid the road.

You could get through with no problem, it was never over grown. I seem to recall that there were once horses in the old buildings by the substation at once point.

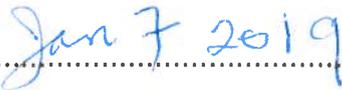
I have seen the obstruction that is along the path now, but no one has ever spoken to me about it or told me that I shouldn't be there. I use the alternative path now and walk in other areas.

There have been gates across the route in the past, but they have only ever just been pulled across – you could always either get round them or open them. I don't remember there being private signs.

The whole area was a lot more open then, and a lot of people would use the path. You would see people there all the time. It was a good enough path that you could take children on bikes down there. You couldn't let kids out to play by themselves over by the brickworks, so you let them use this path instead.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed.....

Date.....



## **Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

I have lived at 6 The Stables since 1994. I have an ownership interest in part of the route over which the claimed path runs, as I partly own the road The Stables with my neighbours.

When I moved into the house I explored the area. For the last 18 years I have been a dog owner and have taken my dog on a walk 3 times a day. Our standard dog walk over the years has been from our house, along the claimed route to where the path ends up on the common, shortly after the sharp bend. I then come off the claimed route and walk on paths through the common adjacent to the lake and then up to the public footpath that runs past Polyapes. I then come down the path adjacent to Knowle Hill and the electricity sub station and back to my house. This is our standard walk that I have been doing 3 times a day for the past 18 years or so. I don't walk out onto Littleheath Lane, I come off the claimed path before it reaches the lane.

In about 2015 steps began to be taken to stop access along the claimed route at about where the tennis court is. There were ditches dug and piles of debris mounded up along the route, and along any other route that you then tried to take to get around the obstruction.

I tried to get an amicable solution with the owner of the property that was doing the obstruction. I did not necessarily want the route to become a public right of way – I just wanted to be able to continue with my dog walking like I had done for nearly 20 years. Unfortunately the owners were not open to an amicable solution, and therefore this application was eventually made.

After having all routes barred to me I eventually gave up trying to walk through and now I walk a slightly alternative route which bypasses the obstruction. I walk up past the substation and then cut down through a horse field into the stables area and then rejoin the claimed path at the large barn. I did talk to the landowners there to say what I was doing. They seemed ok with it – a bit concerned perhaps that my dog might worry the horse, but they didn't object to me walking through the stables.

There are gates along the claimed route, and most of these have been there for many years. There is a relatively new wooden gate across the path at the point where you leave the common near Littleheath Lane. It is controlled by an electric motor so that it closes after you, but it is easy to open; you just press the green button. There is a white metal gate at the sharp bend which has a 'private' sign on it now, although it hasn't always. You have always been able to walk around this gate. There is a gate at the barn too, with a private sign on what feels like the wrong side of the gate. This used to be left open but now is pulled shut. The sign is relatively new, and probably arrived at the same time that the gate started to be pulled shut. It has never been locked and you have always been able to get through. Gates did also get put up near The Stables end, however they were stolen quite quickly. One set of these gates were put up and had a notice saying private land, but they were tied back. The implication I took from this was that the landowner was trying to tell people that the land was private – that it wasn't a public footpath – but that they didn't have a problem with people walking the route on that basis.

I have met the landowner on a couple of occasions and she has made it very clear that she does not believe the route is a public footpath and that she does not want people walking there.

Up until the path started to be blocked from about 2015 the path was open and available to users with no issues whatsoever. I can understand that the landowners don't want people wandering over the paddock and damaging their land, but the path has always been open to use and is the way I want to walk.

I know that other people used the path as well, certainly Mr Lumley used the path very frequently, and there are other dog walkers too. There used to be an elderly lady that lived along Water Lane who had access from her back garden out onto the path and I have seen her walking the path as well.

The route that runs up past Knowle Hill Park and onto the Polyapes path has always been open and available and looked like it does now. I have walked this path as frequently as the claimed path. The section at the top gets overgrown every now and then and users go down with loppers and keep it open.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed.....  
*Patrick Fossett*

Date.....  
*12 / 19*

### **Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

We have lived in this house in Millhedge Close for 24 years but we both grew up in Cobham, in the roads around the claimed path.

When we were growing up we would roam around the area, getting to know the land around the brick pond. We would visit friends in roads in the area, like Heath Ridge Green and Twin Oaks and down towards Stoke D'Abernon, and would walk across the common land and on off-road routes to get there. The Schiff Home was open and you could walk across the grounds at that time.

I (Mr Taylor) can recall using the claimed route frequently in the 1970s and 80s. I just assumed it was a path like any other that we used at the time. I very seldom saw anybody else using the path at that time. There were no locked gates or barriers to worry about.

I (Mrs Taylor) remember that there was an elderly lady, Miss Pearson(?), who lived in a Water Lane house backing onto the claimed route and she had a chauffeur who kept the Rolls Royce in the garage. He was quite scary, so I would often use the alternative route past the substation if he was about.

In the late 1970s and early 80s, I (Mrs Taylor) kept a horse in the stables that were located where the road The Stables is now. At the time the alternative route wasn't fenced in so we just went across the field. In winter we had stables in the front of the Schiff house and horses would come up the alternative route and into the back field in the winter. The field adjacent to the tennis court was known as "the bomb field", as there was a big crater in the centre. Sometimes we had horses in there too. Mr Bell rented out the field.

The claimed route has always looked similar. The road where The Stables is now was just a track - it was the back entrance into the Schiff house. The rest of the path has always been a rough track, but clearly laid out and accessible. The section that is now blocked has always been the same as the rest - not overgrown, open and easy to use.

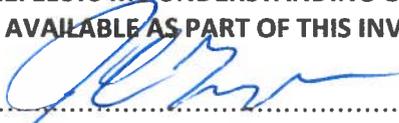
There were gates along the route, but they were never shut. The 60s popstar Twinkle used to live in the House in the Woods, and in her time the gate on the driveway from Littleheath Lane was never shut.

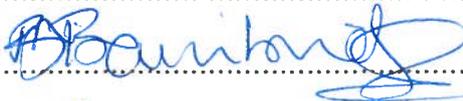
No one ever said we could only use the path because of the horses - we just used it. It was a fairly quiet area, we didn't really see many other people using it. There has always been a good solid boundary onto the back of the properties along Water Lane. You wouldn't have gone across that boundary and gone into people's gardens - it was a definite path along the back of the properties.

In 2002 we got a dog and started walking more frequently and regularly in the area again, including along the path - about once or twice a month until about 2015 when it started to get blocked off and it became more and more difficult to use. At first it was at the tennis court with a load of dumped laurel branches, then it got more and more blocked with logs. Clearly someone wanted to stop people going down there. Finally the gate at the Littleheath Lane driveway boundary was shut and we gave up trying to walk down the pathway.

It was a very useful path, given the increased traffic on Water Lane and the endless building works that go on there. It was a much safer route for pedestrians than the road, which has no pavements and is narrow with many blind corners.

I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.

Signed..... JEREMY TAYLOR. 

Signed.....  B.M. BAMBRIDGE - TAYLOR.

Date..... 20TH FEBRUARY 2019.

**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham**

My name is David Page and I am the Countryside Officer for Elmbridge Borough Council. I have held this position since 1991 and I have regularly been in this area as a result, as the area at the north of the claim is Littleheath Common, which is one of the areas I manage.

There is now an electronic gate at the boundary of our land and the neighbours land, but I cannot now recall if this replaced an earlier gate. I have a recollection of driving up the track to turn our vehicles around and I don't recall having to open a gate. So if there was a previous gate it must have always been open.

As a team we patrol the site every weekend. So I am on site very regularly. I have also used the claimed route personally about 8-10 times over the years. I would generally come out of the EBC common land onto the Public Footpath and then walk along, past Polyapes and then down the path that joins the claimed path at the substation, then around and along the claimed path back to the EBC Common Land. I did not realise that this wasn't a public footpath either. I did this as it was a more enjoyable walk and I was looking for bird nests and bat roosts. There have also been reports of Adders in the area, so I have been on the lookout for them.

I clearly remember walking the path, which was open and had the appearance of an old cart track. It was clearly a route that was regularly walked by other people. I have also seen it on the old Ordnance Survey Maps as a clear track.

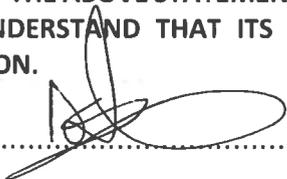
I struggled past the obstructions a couple of times, but have not been there much since.

I don't think I actually saw anyone using the path when I was, but it had the appearance of a path and as far as I can recall no private notice or indication that I should be there. It was a very interesting, nicely derelict part of the landscape.

The track over the common has always been tarmac as far as I can remember. There has been a gate at the sharp bend and another where the barn is. I think I remember climbing over or around that gate, and there was a sign on it that appeared to face almost in the wrong direction. I have a recollection of some sign being up in the tree as well, but I can't remember what that was.

I didn't use the section down to The Stables – I used it just to get to the other path up to Polyapes.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFLECTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed.....  DAVE PAGE.....

Date..... 7/1/19.....



Mrs Jo Rutherford

**Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham, Esher****A. Quick Reference**

- B. Resident
- C. Location details – the alleged public footpath
- D. History of footpaths on Little Heath, Stoke D'Abernon and Oxshott
- E. History of Little Heath Brick Works and area
- F. Walking the alleged public footpath
- G. Water Lane
- H. Wildlife surveying – Surrey Wildlife Trust
- M. Knowle Hill House - history
- I. Millgate Homes – path application
- J. Obstructions to the alleged path – history
- K. Memories - written by Catherine Valiant

**B. Resident**

My name is Joanna Rutherford and I have lived at 1 Heath Cottages, 58 Littleheath Lane since 1993, and have used this alleged public footpath since this time.

**C. Location Details – route of alleged public footpath**

The alleged public footpath in question, referred to as '*the alleged path*' in this document, is located running between Littleheath Lane, Littleheath Common KT11 2QN (TQ 130 603), to Water Lane KT11 2TD (TQ 126 600) Knowle Hill, Esher, Surrey. Illustration 1 below.

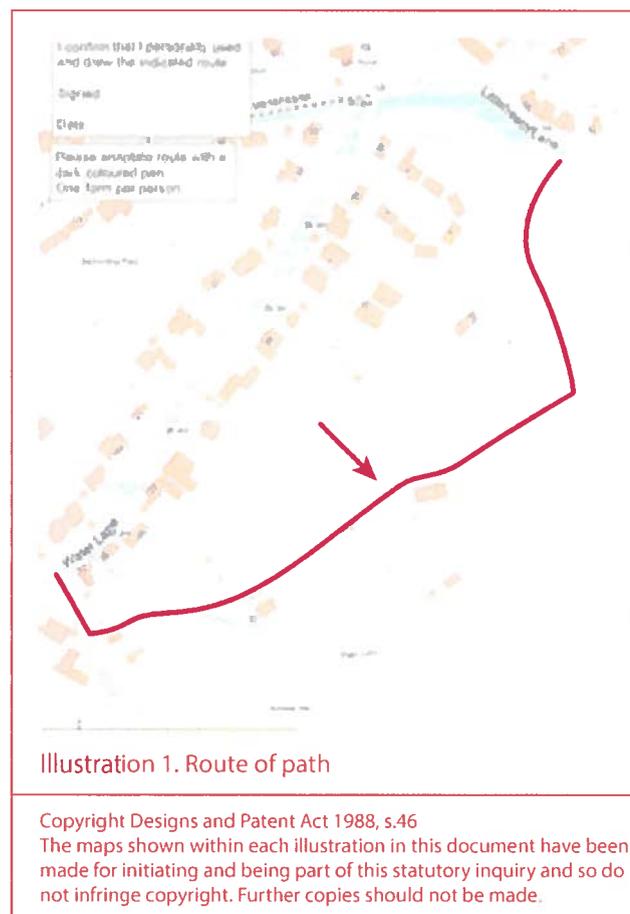


Illustration 1: Route of *the alleged path*. Map was received from Dan Williams, Countryside Access Team, Surrey County Council, Guildford Surrey (May 2015) following the application for a DMMO (Definitive Map Modification Order) by Mrs Pat Hutchings. The application is made under section 53(5) of the Wildlife & Countryside Act 1981 to Surrey County Council following a DMMO made under

section 53(3) (c)(i) that a way should be added to the definitive map and statement for Surrey as a definitive *path* - KT11 2Q to KT11 2TD.

Illustration 2 below: Route of *the alleged path*: updated map of *the alleged public footpath* available from Catherine Valiant, Countryside Access Team, Surrey County Council, Guildford Surrey (November 2018) following the application for a DMMO by Mrs Hutchings.

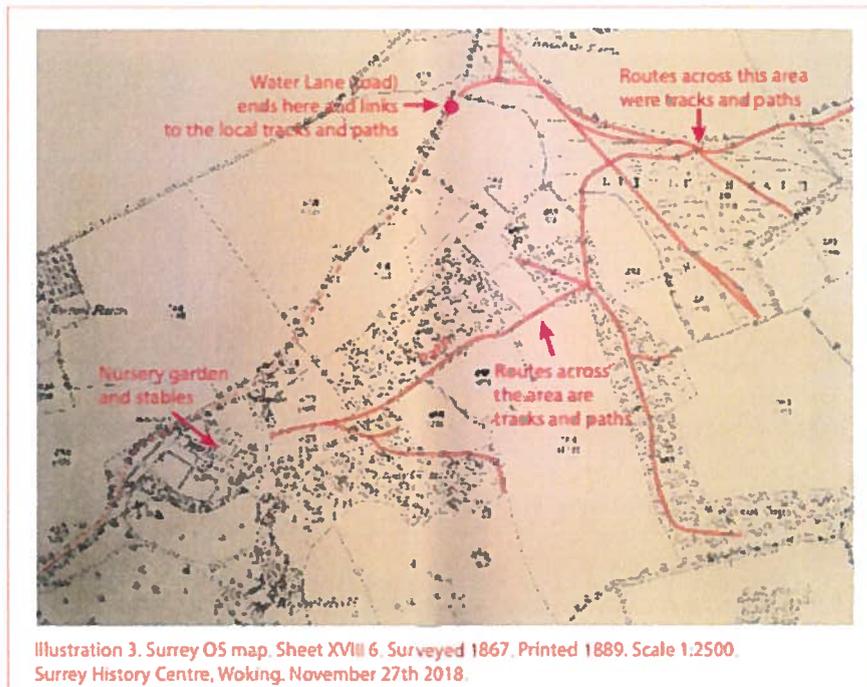


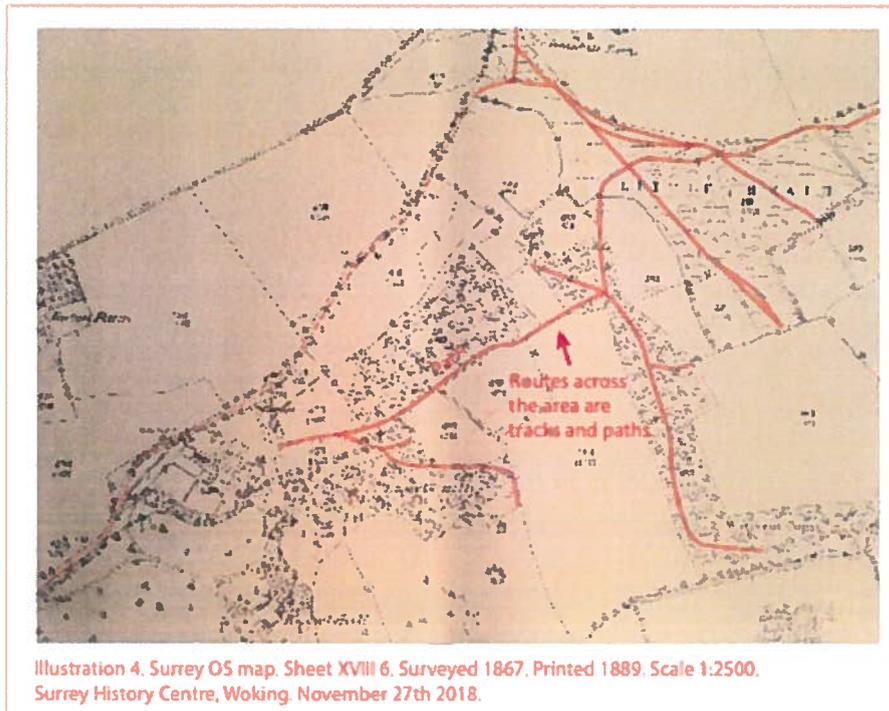
D. History of footpaths on Little Heath, Stoke D’Abernon and Oxshott

Oxshott was originally just a hamlet on the east side of Stoke D’Abernon village.

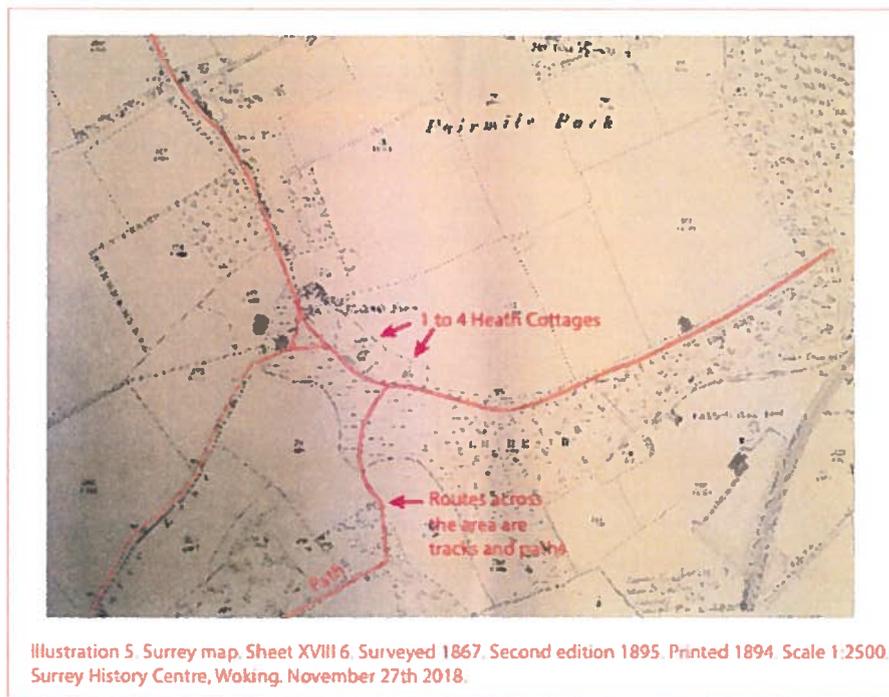
“Until the 16<sup>th</sup> century Oxshott was fairly isolated from other centres of population, surrounded by heath and scrubland and connected to nearby villages *only by footpaths*. For almost the whole of a further three centuries no major transport links crossed this parish.”

<https://en.wikipedia.org/wik/Oxshott> (accessed 16 August 2018). Illustration 3 below.





Illustrations 5 and 6 below show 1 to 4 Heath Cottages, Littleheath Lane built some 50 years prior to subsequent properties built along Water Lane.



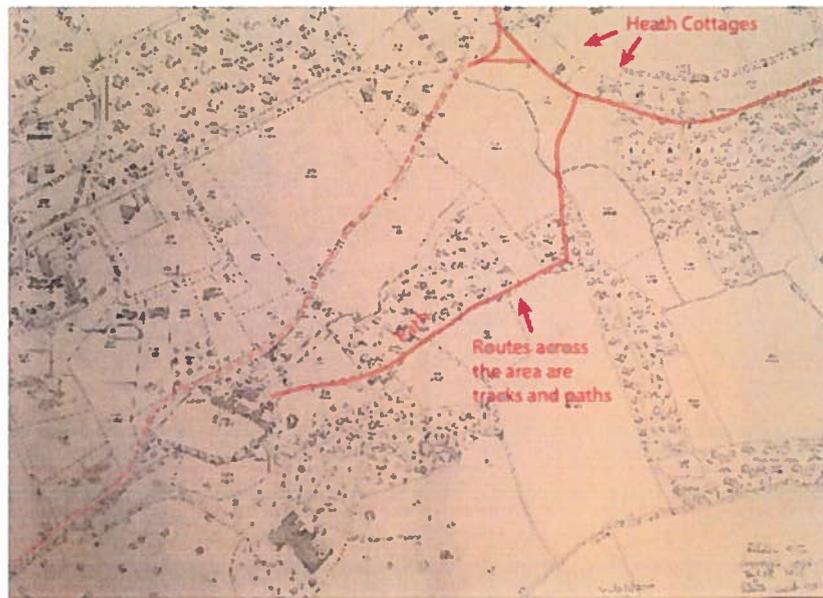


Illustration 6. Surrey map, Sheet XVIII 6, Surveyed 1866/7. Printed 1912. Scale 1:2500. Surrey History Centre, Woking. November 27th 2018.

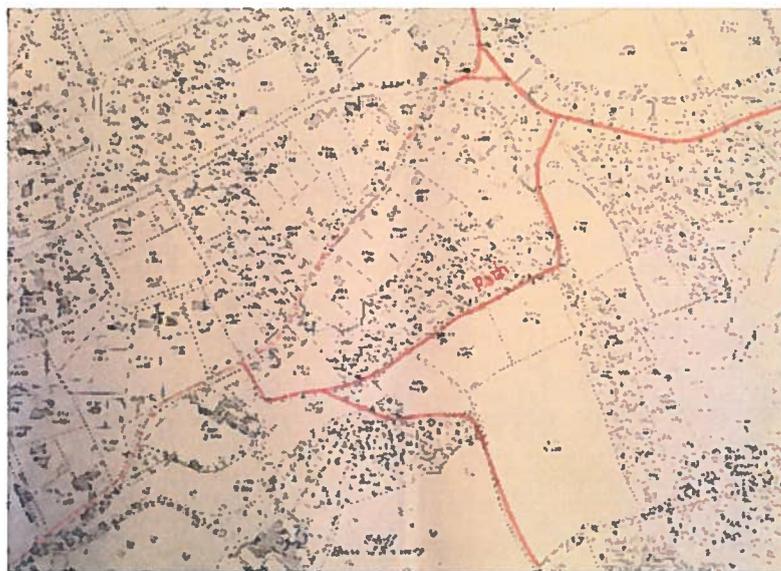


Illustration 7. Surrey map, Sheet XVIII 6, Surveyed 1866/7. Relevelled 1912. Revised 1934 1912. Scale 1:2500. Surrey History Centre, Woking. November 27th 2018.

#### E. History of Little Heath Brick Works and area

We bought our house from Mr Bonniface in 1993 and he told us of local areas, routes, and paths we could walk. The following Ordnance Survey maps are those maps available for the public to purchase at this time and show *the alleged path*, labelled path. Illustration 8 and 9 below.

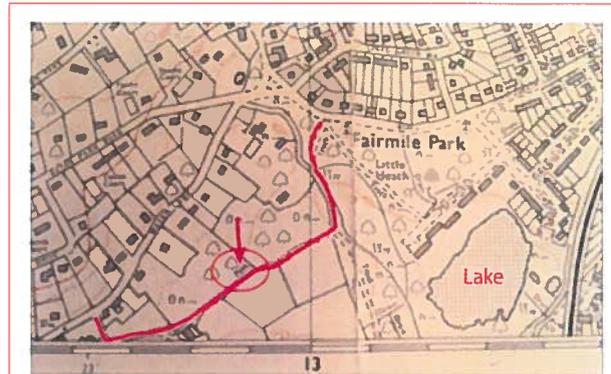


Illustration 8. Path shown on Surrey Ordnance Survey 6" map 1983 Sheet TQ 16SW

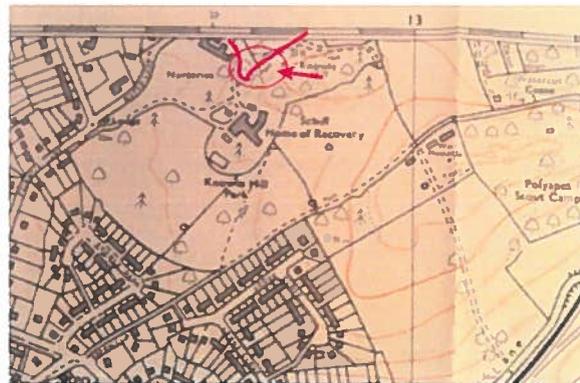


Illustration 9. Path shown on Surrey OS map continuing past Knowle Hill, towards the Schiff Home of Recovery. Ref. Ordnance Survey 6" map 1989 Sheet TQ 15 NW.

The map in Illustration 8 above also shows a lake. This was the former Little Heath Brick Works established in 1866 by John Early Cook and continued brick production until its closure in 1958. It later became known as the Oxshott Brick Works. This former brick works clay quarry was subsequently flooded and is now a lake, being in the region of 90-100ft deep. This clay quarry is known as the 'Brick Pit' and occasionally labelled as 'lake' or 'pond' on maps. The map in illustration 8 does not show a path going around the lake.

A wide hard surfaced path has been recently installed around the lake circa 2001/2, making this area now an accessible route another the lake for the public and fisherman: Cobham Court Angling Club. This linked *the alleged path* at Little Heath to path No 52 and Knowle Hill as a circular route via The Stables cul-de-sac. Four public information boards were installed around the lake by Elmbridge Borough Council, including one illustrating the history of Little Heath and the development of the Brick Works.

#### F. Walking the alleged public footpath

I began to walk *the alleged path* from 1993 for the following reasons:

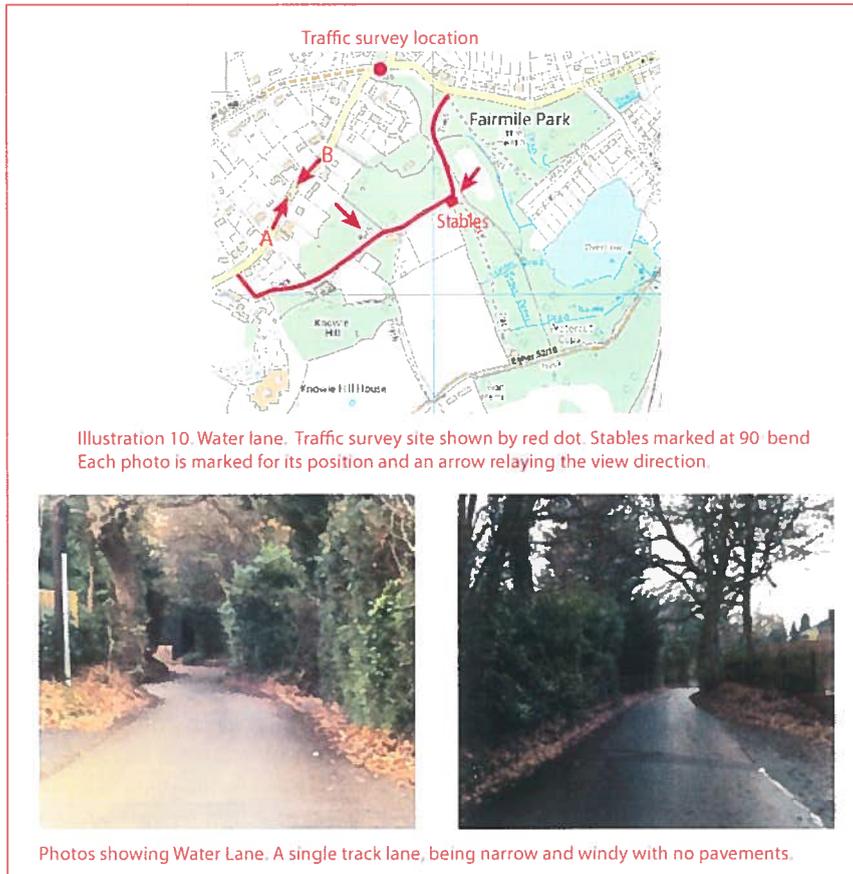
- walking *the alleged path* for enjoyment of the countryside
- walking *the alleged path* to enjoy the wildlife and photographing the countryside
- walking to the first ninety-degree bend, where there used to be two horses stabled, which my daughter liked to go and see. The landowner known as Terry gave us permission to feed a carrot or apple to her horses at her stable or small paddock. The horse stables mentioned are indicated in Illustration 10 below.
  - we were given permission to collect the free manure in our wheel barrow by these stables.
- walking *the alleged path* for safety reasons, instead of walking along the narrow windy single-track Water Lane which has no public footpath
- walking *the alleged path* to collect litter to voluntarily keep this and other local paths clear of rubbish for the benefit of other path users and the wildlife, accompanied by Mrs Pat Hutchings
- walking *the alleged path* as part of the route walking to shops at Stoke D'Abernon KT11 3BT or to Downside village KT11 3NX

G. Water Lane

The alleged path runs 'behind' Water Lane, linking Littleheath Lane, Littleheath Common KT11 2QN (TQ 130 603), to Water Lane KT11 2TD (TQ 126 600) Knowle Hill, Esher, Surrey.

Water Lane is mainly a narrow, windy single-track highway with house driveways being the main option available for vehicles to pass each other. This single-track highway does not have any pavements for the public to walk along this road safely. There are just two small sections of pavement either side of the entrance of Warblers Green cul-de-sac KT11 2NY.

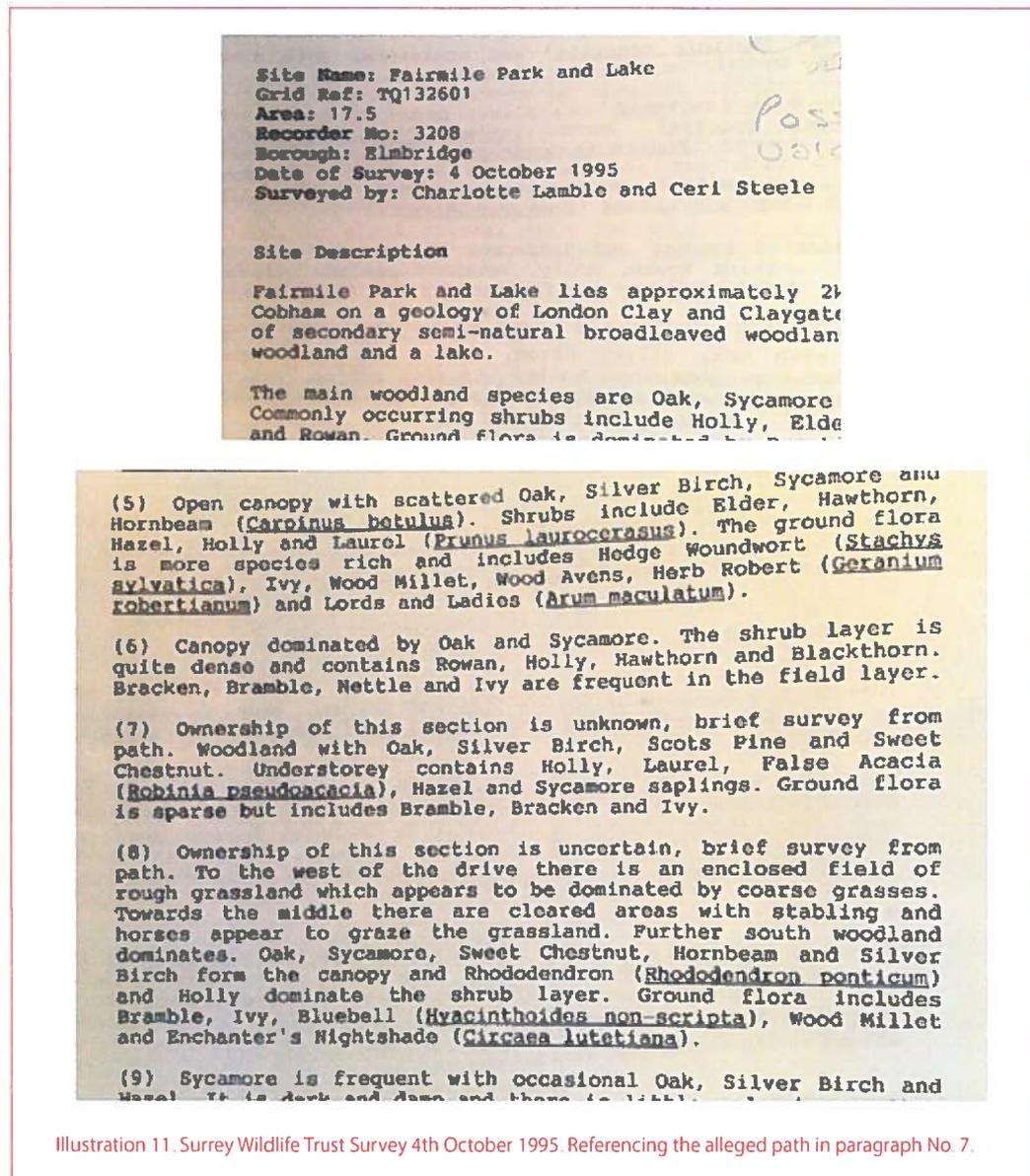
Water Lane is used as a cut through for traffic. This highway is unsuitable for the size of and number of lorries and heavy goods vehicles that now currently use it. A traffic survey was conducted circa 2012-4 Water Lane at the junction with Knipp Hill. Illustration 10 below.



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## H. Wildlife surveying – Surrey Wildlife Trust

A tree and plant survey undertaken by the Surrey Wildlife Trust on 4<sup>th</sup> October 1995 refers to surveying from *the alleged path*. *This alleged path* is clearly annotated on the map and referenced in the text paragraph 7. Illustration 11 and 12 below.





Mrs Jo Rutherford

## I. Knowle Hill House – history

In 1980 the Schiff Home of Recovery, formally known as Knowle Hill House, was sold by the council to the Wellcome Foundation health organisation. This site was subsequently owned by Cargill who most recently sold Knowle Hill to Millgate developers for private residential housing.

Millgate contacted neighbouring landowners (circa 2014) informing them they proposed to apply for a DMMO for the path running across the top of the meadows, linking Water Lane, The Stables cul-de-sac and *the alleged path* to Footpath Number 52.

Millgate letter to local residents in April 2015 confirmed:

“• We will also ensure that the public access to the existing footpath to the North West of the site from The Stables to Public Footpath No 52 is retained.” Millgate Homes Update April 2015.

This highlighted to local residents that *the alleged path* was not classified as a Definitive Path.

J. Obstructions to *the alleged path* - history

Circa. 2014, in passing a gentleman fellow walker on *the alleged path*, I asked if he knew who owned the small overgrown field section between the larger (of the two) barns and The Stables cul de sac. He did not know but thought it was probably the lady at number 30 water lane whom I now know to be called Mrs Pearson.

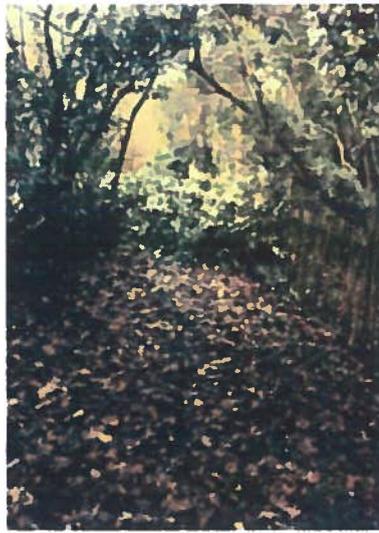
Circa mid 2015 walking *the alleged path* with Mrs Hutchings, we spoke with a gardener who was working in the above-mentioned overgrown area. He said the lady owner of 24 had asked him to ask everyone he saw walking through to not walk *the alleged path* anymore. When we said it was a footpath, he said he was just doing what he was told, and it was nothing to do with him and it was only because they wanted to develop the tennis court. He said we could keep walking through as far as he was concerned. I do not know the name of the gardener and I did not see him again. This has been the only occasion that anyone has ever indicated to me that I should not be walking *the alleged path*.

The first time I noticed access along *the alleged path* being blocked was 7<sup>th</sup> December 2014, by a large pile of freshly cut laurel shrub cuttings had been placed across *the alleged path*. The blockage to the alleged path was still in place the following year. Illustration 13 below.

*Note: Photographs were taken on the date when the event/item was observed and included here within the text referencing the observation. This date may not be the same date as when the event may have originally occurred.*



Illustration 13. Site of path blockage indicated by red dot. Photo of path viewed from 'dot' indicated on map, looking towards point 'B' on map.



Left: Two photos showing blockage first seen on 7th December 2014.

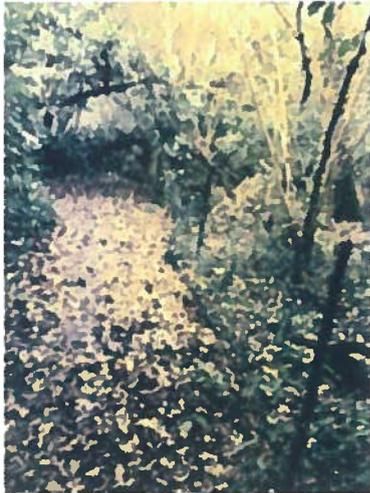


Photo taken 29th January 2015.

Photo taken 12th February 2015.

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Approaching from The Stables cul-de-sac, the blockage along *the alleged path* only occurred at this pile of laurel cuttings. The alleged path from The Stables cul-de-sac can be seen as a wide clear surfaced track. Illustration 14 below.



Walking from The Stables cul-de-sac, I noticed a tree had fallen down past the second of two single garages. Photo 5<sup>th</sup> May 2015. The width of *the alleged path* and track here can clearly be seen. Illustration 15 below.



On 5<sup>th</sup> June 2015, Mrs Hutchings received the 'Form of Notice for Landowners and Occupiers' DMMO from Dan Williams, Countryside Access team, Merrow, Guildford, Surrey. She was instructed to copy and attach a copy of this notice at each end of *the alleged path* and at key points along *the alleged path*. Illustration 16 below.



Illustration 16. Form of Notice for Landowners and Occupiers placed at four sites along the path: numbered 1 to 4 i.e. at each end and at the two junctions with other path routes. 5th June 2015.



Sign 1. Sign at Little Heath by Lane



Sign 2. Sign at metal gate, the alleged path continues through this gate.



Sign 3. Sign on new wooden gate, the alleged path continues through this gate.



Sign 4. Sign at The Stables cul-de-sac.

Walking along *the alleged path*, Mrs Hutchings and myself saw that a new wooden gate with padlocks had been erected, just before the two old disused single garages. On this new wooden gate, hand written words in black felt pen read 'no public admittance'. 5<sup>th</sup> June 2015. This was the first notice to appear regarding public access along *the alleged path*. Illustration 17 below.



Illustration 17. Site of new wooden gate shown in blue. Gate was padlock and with black felt pen hand writing. This was the first notice to appear regarding public access. Photos 5th June 2015.



Mrs Jo Rutherford

On 9<sup>th</sup> June 2015, approaching via The Stables cul-de-sac, Mrs Hutchings replaced the missing 'Form of Notice for Landowners and Occupiers' on the tree just before the gate. A second FNLO had also been removed by the large barn gate, this was also replaced. Mrs Hutchings sought advice from Dan Williams, Countryside Access Team regarding the removed signs. She understood as long as the signs had been placed there in the first instance that was all that was required, even if they had been removed. 9<sup>th</sup> June 2015. Two replaced FNLO signs: Illustration 18 below.



Replaced missing FNLO notice at Point 3 - onto tree just before new wooden gate.

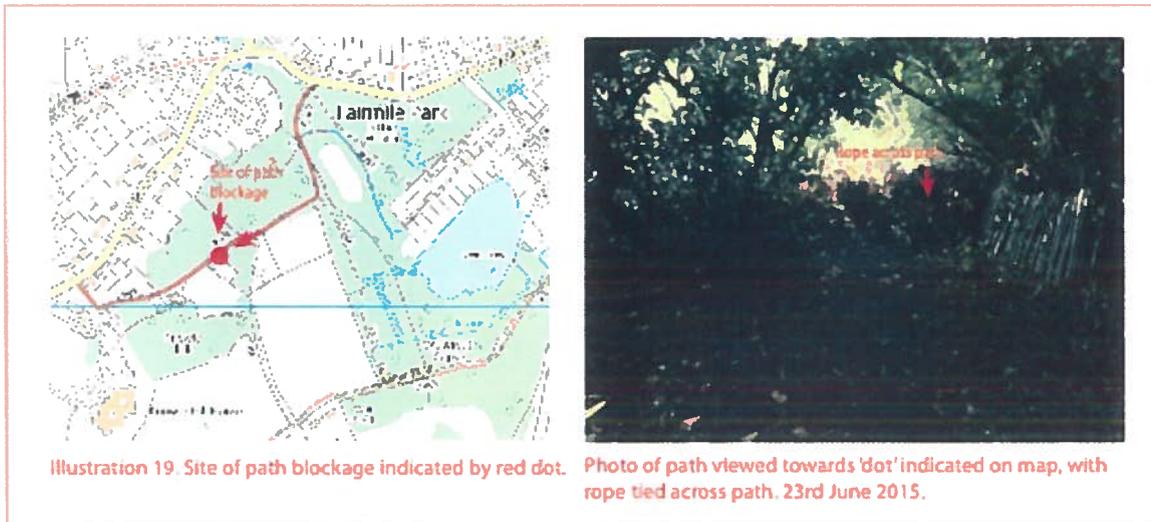
Illustration 18. Two missing Forms of Notice for Landowners and Occupiers were replaced at points 2 and 3 on map. Photos 9th June 2015.



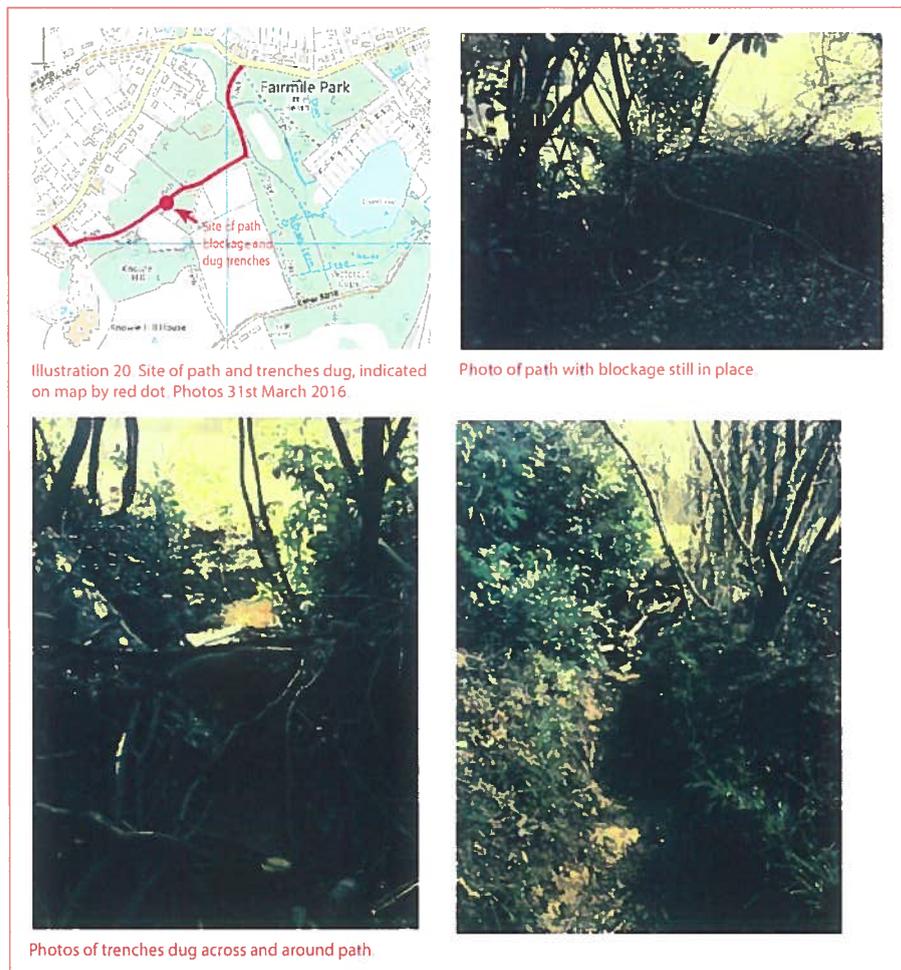
Replaced missing FNLO notice from metal gate at Point 2 and repositioned onto tree just beyond the gate.



On 23<sup>rd</sup> June 2015 I walked along *the alleged path* from Little Heath finding it still blocked by laurel cuttings, over time these had since turned brown. A rope had been tied across *the alleged path*. Illustration 19 below.



On 31<sup>st</sup> March 2016, I walked along *the alleged path* to see if its access was now cleared. The blockage appeared similar and in addition, several large trenches had been dug across *the alleged path*. These trenches were filled with logs and the trenches naturally filled with water. I sought advice from Dan Williams, Surrey Countryside Access Team, as I felt *the alleged path* was now completely un navigable, making it dangerous for the public. Illustration 20 below.



Mrs Jo Rutherford

A 'private property' sign had been added onto the second gate by the largest barn. 31<sup>st</sup> March 2016. Illustration 21 below.



On 22<sup>nd</sup> June 2017 I noticed the wooden gate had been moved and an old metal gate placed across the alleged path, being propped up with concrete slabs. The metal gate and concrete slabs have since been removed circa mid 2018. Illustration 22 below.



#### K. Memories – written by Catherine Valiant

Following a meeting with Catherine Valiant on 5<sup>th</sup> September 2018, Catherine typed up the following memories from our conversation:

My name is Jo Rutherford and I live at 58 Littleheath Lane. I have lived here since 1993. We bought the house from Mr Bonniface who had been here a few years and next door was a man who was very elderly. Both these men told me about the local paths we could walk. I tried walking over by the lake, but it was too difficult, so this path was the convenient and locally used path. I have walked this path down to the Cricketers Pub, to the shops at Stoke D'Abernon and to the bakery, as well as just out for a walk.

In the early years I would only walk it occasionally, then we would walk out more frequently – especially to the first ninety-degree bend where there was a horse stabled and who my daughter like to go and see. Terry, the owner, told us we could come down to see it whenever we liked. We would also walk further along this path to see if we could see owls at dusk.

Once we owned dogs, from 2003, I would walk the path much more frequently. There are two routes I have walked – along the claimed path parallel to Water Lane, or past the electricity substation which linked across the top of Knowle Hill meadow, in turn this links to path No 52. I probably do each route the same amount, and with the dog/s maybe 4-5 times a week. Maybe one week I would walk the path every day, then the next week only twice. But it was very frequent.

The path was open and clear, even in the section that is now overgrown; it was a very established path. In the main it was straight and easy to follow. There was a section near the garages which wiggled a bit around a laurel tree. A tree came down in January 2015.

We continued to use this with no questions asked until access was blocked off in December 2014. There were also signs added to a new gate (which was then removed) to say no admittance. This is in the location where there is now an old rusty metal gate – near the substation.

I have a photo of the gate at the barn dated June 2015 and there is no sign on it at that point. I don't recall that sign being there at any point prior to 2015.

In 2016 there were ditches dug across the claimed path next to where the obstructions had been put in place. The landowner blocked off the path, dug trenches across the path and in the end, I just stopped using the path as I felt it had become too dangerous.

I understood that residents in The Stables used it a lot.

It was a wide surfaced path, it was only the neglected section that wasn't a car's width. I can remember walking this path, also the Knowle Hill meadow path from The Stables cul-de-sac running behind the substation and picking up the litter that had been dropped along these.

**I AGREE THAT THE ABOVE STATEMENT CORRECTLY REFELCTS MY UNDERSTANDING OF THE CLAIMED ROUTE. I UNDERSTAND THAT ITS CONTENT WILL BE PUBLICLY AVAILABLE AS PART OF THIS INVESTIGATION.**

Signed.....

Date.....