

Fwd: Right of way

Finlay Ross [REDACTED]
To: Finlay Ross

15:23 [REDACTED]

Sent from my iPad

Begin forwarded message:

From: FINLAY ROSS [REDACTED]
Date: 5 November 2018 at 17:20:33 GMT
To: kathryntross [REDACTED]
Subject: Fwd: Right of way

----- Original Message -----

From: FINLAY ROSS [REDACTED]
To: FINLAY ROSS [REDACTED]
Date: 05 November 2018 at 17:09
Subject: Right of way

My name is Kathryn Ross. I live with my family at Hazel Glen, 24 Water Lane, Cobham, and have done since July 1995. The property which we own comprises a garden, some woodland, a flower meadow, a tennis court and an orchard. The route being claimed as a public footpath dissects our land, between the woodland and the tennis court/flower meadow/orchard. This section of the claimed route forms part of our land ownership, proof of which I have copied to the council.

I do not believe that the route in question is a public footpath. I do not even believe that it has been passable for much of the time that we have owned it. In summer, it was always impassable by virtue of high nettles growing amongst fallen laurels and dense brambles. People did, indeed, cross our land, but diagonally, from south to east, not on the claimed route.

Some years ago, my husband met Mrs Pearson, an elderly and infirm lady who lives at 30 Water Lane, along with her adult daughter. They were crossing our land on the diagonal. The daughter apologised for being on private land but said that it was an easy route for her mother to travel for some exercise and that this was only done when she, her daughter, could visit her. My husband said that, of course, this was acceptable, given the mother's poor health. I must stress that the permission was given only for the diagonal crossing and for the two when together. We have never given permission for any other person to cross our land.

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I have, over the years, instructed my gardeners to challenge anyone crossing the land. This they have done on many occasions and have been verbally abused for their pains. I, myself, have always challenged walkers as I was aware of the legal position regarding rights of way and was anxious that no such right be given. I have never challenged or seen anyone crossing via the claimed route, however, as it has always been on the diagonal that people have crossed.

In order to emphasise the private nature of the land, I, in conjunction with Cargill, the owners of adjoining land to the south and the west, put up new fencing around the southern and western edge of the land. I also planted a line of fir trees along the eastern edge of the property. This was in the years 2001/2002. I never created barriers on the claimed path as it was impassable and was not a concern for that reason. Separately, however, in 1999, I engaged a digger to turn over the land in front of the tennis court, including the path, as it was, and had been since our arrival, a mass of nettles which had proved impossible to reduce or control.

In 2008, the house at 22a Water Lane was sold and the developers created a new home and garden. To that end, they fenced the land at the end of its property which stopped at the disputed path. For the first time in 13 or more years the path was cleared at this point to allow for fencers to do their work. I was still unaware of walkers passing by. However, in 2010, the owners of 22a constructed an illegal gate onto the land of 22 Water Lane and cleared the path to the west to allow for the passage of a car onto their land. I was made aware of this in 2011 and saw that the old iron gate which had guarded the passage-complete with a large lock and chain-had been upended. I put up a new gate in 2012 to replace it and, at the same time, renewed the gate to the south west of my land. Both bore the word "Private" and we subsequently added "No admittance."

I soon noticed that the gate to the west was being left open, even though we closed it each time that we found it thus. We realised that people must now be walking this cleared area. When, in 2015, a laurel fell across the path, we left it in situ and piled other wood upon it to block the path. The wood was regularly tossed aside. We therefore put a lock on both gates. The lock on the western edge of the disputed path, was cut off, along with the entire closing mechanism of the gate. This suggested quite sophisticated and powerful tools were being used and we began to feel afraid. We put up dead wood barriers all along the boundaries, but people started to appear on our land quite regularly. Mrs Pearson's daughter was one, walking on her own long after her mother had stopped being able to go out. There is also a man from 6 The Stables, who walks his golden retriever, always off a lead. It has knocked over my 2 year old granddaughter in passing. Only the other day, a man crossed emerging from the orchard at the south of the garden. He had a German Shepherd off its lead and it ran at my gardener who was very afraid. He told the man that the land was private and was told that it was a right of way and that it was of no concern that very small children might be on the land. My 18month old grandson was staying with me that week. Other signs of walkers were even more troubling. A wire was positioned at shin height across the pathway leading from our woodland towards the tennis court. This could have done serious damage to our grandchildren, or to our dogs. We notified the police of this, as we later did for further infringements. They made notes of what had happened and visited us to look at the site. They advised us that we had every right to protect ourselves and our property.


In 2017, my westerly gate and the gate further along the path put up by Mr and Mrs. Black were both stolen one night, entirely lifted off their hinges. My other gate was not taken, presumably as it is overlooked by a camera. Very recently, the old iron gate which we had used to replace the stolen one and which was held in place by a pile of concrete slabs, was pulled down and the slabs scattered.

To the east of the path, which was owned by Mrs Turk until 2006, there has always been a gate marked Private at the end of the pathway. After she sold, the new owners put up a second gate nearer to my land. The road towards the Cottage in the Woods has also always had a gate and this has been renewed over the past few years. There are signs throughout noting that the land is private.

I have seen the evidence forms and note that many say they have not been challenged, ever, which I find difficult to believe. Others say there has never been any sign of our activity in the area. As well as the digger referred to above, we also had the entire meadow dug over in 2013 to create a flower meadow. We had trees planted in its centre. My gardeners have worked there for years, clearing large areas of brambles. Old and dead trees have been taken down by tree surgeons. A pathway from our woodland was created with flowers planted on both its edges to emphasise the domestic use of the area. Additionally, in 1998 we fenced our land adjoining the path as we had had three break-ins at our home. The Police felt that it was by passers on the southern part of our land. I told them how trespassers would affect ignorance of its being private land. I was advised to raise the fence so that the same excuse could not be used were they to come further down towards our house. And yet, we have statements claiming that nothing has ever been done to change the land! We took these fences down in 2015 when it became obvious that the disputed path was being used. We did not want to create the impression that our land and rights stopped at this point. The tennis court has been cleaned on a regular basis and in 2004 was completely overhauled and the tarmac resurfaced.

There is a claim that four people could walk abreast on the path which would be entirely impossible, the path allowing, at best, two people to walk together. There are also those who state they have never seen gates in situ which makes me wonder if they have ever visited the area at all. The path does not, as claimed, lead to Stoke d'Abernon, but back to Water Lane. The path to Stoke d'Abernon is further south and is, indeed , a right of way, running parallel to my own.

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.....


Date.....
6 November 2018

Hazel Glen
24 Water Lane
Cobham
Surrey KT11 2PB
19 September 2017

To Whom It May Concern

Background.

My husband, Finlay, and I bought Hazel Glen and its accompanying four acres of land in July 1995. The property had been rented out for over 5 years and much of the land was in poor condition. It was impossible, for example, to walk along the path adjoining our tennis court, leading to the garages to the west except in deep winter. For the rest of the time, the path could barely be discerned, lost in fallen laurels, brambles and chest high nettles. This is the path that claimants say has been in continuous use for 20 years. I enclose a photo I took a couple of years ago showing the height of nettles on that path which had grown back following the falling of a neighbour's tree.(A,B) On that occasion, walkers could not pass by the path and used, instead, my neighbour's land. This caused further clearance of the path in order to fence off their land. Ironically, every attempt made by any of us to protect our homes from the threat of incursions has resulted in the path becoming wider and more accessible.

I became aware, in the summer of 1995, that people were crossing our land from the south, bordering the old Cargill estate. Walkers then crossed diagonally through our fields and picked up the path by the tennis court. I assume that this behaviour had started following the sale of the house in 1989 when the property was rented out . Perhaps the renters did not realise the significance of the incursions. I was always very conscious of the danger of a public right of way being claimed and made sure always to challenge these people. There was a heavy but rusty gate on the corner of the land, as well as another, plus chain and private sign, at the entrance to the west, by the garages. (C, D) At the far end, the Turks had their own gate, clearly marked, Private. (F) I also enclose testimony from Mrs. Turk regarding her ownership of the land. (A,1)

1995-99

We had three break-ins from the back of our property in the first three years, and were advised by the police to fence and gate the part of our land that ran along the path so that intruders could not claim , as the walkers did, that they did not realise it was private land. This we did in 1998/1999.

1999

We had the nettle bound area in front of the tennis court entirely dug over by an excavator, after all other attempts to reduce the nettles failed. (G) We have regularly had the tennis court cleaned and, in 2005, it was completely overhauled. I attach the bill from that time.(H) What with the gardeners'

ITEM 8

activities and our own usage of the tennis court, it has always been quite clear that this was land in use and personally upkept. I enclose letters from various friends and family who have played tennis with us, never encountering trespassers on the disputed land.. (1-21) My argument here, is that walkers did , from time to time, cross our land, but always from the South west, diagonally to the south-east. I assume that, as they could see us playing tennis, they avoided it at those times, knowing it was private. Had they come from the path which they claim, they would not have been able to see us on the land and so would have encountered us by surprise. This never happened.

2001-2002

I was still unhappy about the walkers encroaching from the south and proposed to Cargills that I would put up a fence along our boundary. They saw themselves as liable to do this and put up fencing in 2001. However, I was not happy with its siting and employed Sitetechnics of Guildford to survey our land and give an accurate map of its boundaries. They did this in 2002 and I renewed the boundary fence according to their calculations with which Cargills legally agreed.(I) Foot traffic from the south was much reduced, but I did note, in snowy weather the footprints of owners who were bringing their dogs through by pushing open the old, heavy, iron gate. There was still no sign at all of activity to the west even during the winter months. It remained impenetrable for much of the year.

2002-2006

We twice had equipment in to spray our big field in order to protect the nearby horses from ragwort. We also attacked the brambles which had choked the pathway area.

2007-2009

After Mr and Mrs Turk sold their property in 2006, I was approached by a groundsman employed by a Mr and Mrs Taylor who had intended to build on the old Kingfisher Lodge site. For two years, he dropped round for information about the boundaries and he installed new fences and gates along the route, all marked private.(J,K) The land was then sold on.

2008

No. 22a was sold for development in 2008. The developers, Chartridge, in careful consultation with us, cleared part of the disputed pathway in order to newly fence the land for their property.

2011-13

In 2011 I was advised by a neighbour that the owners of 22a , who had built a training room deep in their garden, were using the pathway via an illegal gate, cutting through land owned by No. 22. They had cleared the path entirely to achieve this. I imagine that is was at this stage that walkers began to use the disputed pathway, as before it was inaccessible. Once I had realised this, I made renewed efforts to resite the iron gate at its entry, it having now been pushed aside. As part of work being done on our house in 2012/13, I renewed both gates and clearly marked them private. (L,M,N,O)

We almost immediately noted that the gate to the west was being left open, despite our having closed it. It was clear that walkers were not only using this entrance, but were determined that we should know it. We were very unhappy about this, not least because the pathway runs alongside our tennis court. We have young grandchildren who live close by and are keen to play. We also have

younger ones who live with us, and like to wander up to the tennis court and beyond. Their safety could not be guaranteed if strangers could wander past at any time, completely unseen as they are from our house. When a laurel tree fell across the path beyond the tennis court, we left it there, hoping to deter the trespassers.

2012-2013

We took down old and dying trees bordering the big field and planted new ones.(P,Q) We also created a flower pathway to the field to emphasise personal, domestic usage.(G)

In 2013, after a couple of failed attempts, we had all the land turned over and we planted a wild flower meadow.(R,S,T,U) These are ecologically and environmentally needed and are increasingly rare. It has started to flower quite beautifully, but this year, sadly, it may not. Since we have put in barriers, on police advice, to prevent usage of the path, people are, once more, crossing from the south of our land and diagonally across the field. There are marked pathways where they have beaten down the growing plants. (V,W) whilst certain "activists" make a point of crossing the land in full sight- again, not on the disputed path.(X)

For 22 years we have made it abundantly clear in actions and in words that our land is both personally used and quite private.

Since the application to change the land to a right of way was made, we have suffered a campaign of belligerence, malicious damage and theft. Our gardeners are regularly abused by walkers on their route. Our gate had its entire latch hacked off; a wire, attached to three posts at shin height was placed across our pathway to the tennis court. Our gardener discovered it before either our animals or our grandchildren could be caught by it; our gate and that of Mr. Black, further along the disputed path, has been taken off its hinges and removed. These are 10'x3' heavy wooden gates. We are unnerved and very threatened by this level of hostility and willingness to break the law. The police have been informed in each case. (Y)

We now have a daughter and two grand children living with us. They walk to the field each day and their father has already had an unpleasant encounter whilst with his two year old daughter. I have equally suffered from a walker who arrived with his dog off the lead, which knocked over my grand daughter. We fear for our safety and for our property if these people are given the right – along with how many others?- to walk through our land. I enclose full documentation showing its legal history and confirming our absolute right of ownership. (Z)

Kathryn Ross

Encl.

Photographs

Copy of tennis court invoice. Copy of invoice from Sitetechnic, dated 2002 Copy of Police notification. Letter from co-owner of the disputed pathway, Diane Turk. Copy of legal document and map from 1983. 21 letters in support.



27/9/17

Outline of the land bought by my predecessors in 1983, showing the disputed path and our rights to walk on/own all the western side until the edge of No. 26a. Water Lane



Angela Duffett

Statement made by self of the "Track or road" Page 137
bought by our predecessors in 1883 & giving "rights" to
walk over its western edge, now owned by Mrs. Black

I, FELICITY MARGARET ACTON PIERCE of Knowle Hill

Cottage, Water Lane, Cobham in the County of Surrey,

Spinster DO SOLEMNLY AND SINCERELY DECLARE as follows:--

1. My Father Ernest Acton Pierce purchased Knowle Hill Cottage, Water Lane, Surrey in 1919 and I lived with my said Father and Mother at Knowle Hill Cottage, Water Lane Cobham aforesaid from 1919 until their deaths and I continue to live there

2. From my personal knowledge, ever since I first went to live at Knowle Hill Cottage, Water Lane, Cobham, Surrey in 1919 the Track or Road coloured brown on the plan annexed hereto was used by my said Father and Mother and Myself with the consent of the Schiff Home of Recovery with authority to drive a Car in and out once every day at a rent of TEN POUNDS per annum and at the request of the Schiff Home of Recovery my said Father erected a Gate at the point marked "A" and kept it locked, so that the Patients of the Home could not use it

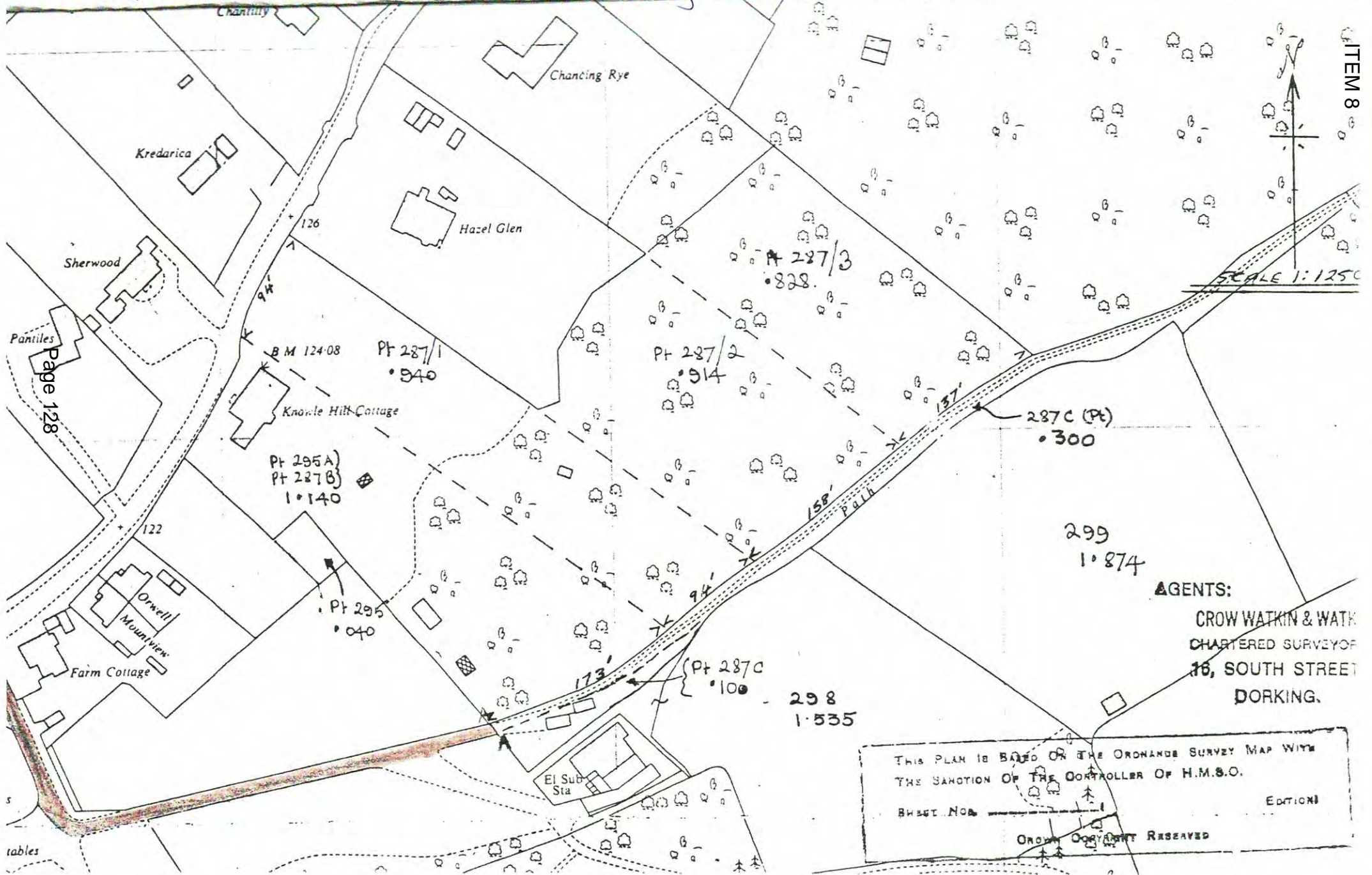
In about 1934 the Schiff Home of Recovery agreed to waive all Rent and allow my Father, Mother and myself to pass and repass along the said Track or Roadway with or without vehicles by day or by night for all purposes and I continue to use the said Track or Roadway without let or hindrance and without payment

4. I depose as above of my own knowledge

AND I MAKE this solemn declaration conscientiously

believing the same to be true and by virtue of ~~the~~ provisions of the Statutory Declarations Act

1983 map showing our entitlement to walk the land now owned by Mr & Mrs Black and emphasising its otherwise private nature.



Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham

My name is Mrs Black and I live at 20 Water Lane with my family. We moved here in 2014; prior to us, the previous owners were Mr and Mrs Pigeon.

Our land backs onto the claimed path, and includes that portion of the path that runs adjacent to the land. We also own a portion of land on the opposite side, which has a shed on it.

When we moved in, we installed a field gate across the path to the rear of the property. We had spoken to our solicitor and understood that a few people had a right of access to the substation and to walk into the woods, but the route was not public. For this reason, we were advised that we were entitled to put in the gate, but should leave it unlocked so that permitted people could continue to use the path. The gate that we put in had a sign indicating that the path was not public, and that the land was private.

The gate was installed shortly after moving in, however, it didn't take long for it to be stolen, along with the gate that the Ross' had put up at the boundary of their land. We haven't replaced the gate, but the gate posts still exist, and we have left the 'private land' sign there as well. Once the gate had been stolen, we fenced our land in from the claimed path as we felt this was more secure. *

I have seen a handful of local people using the claimed path with dogs. I have never seen people walk onto the Ross' land; they generally seem to turn right and go up past the electricity substation. Even before we fenced the land, I was not aware of huge numbers of people using the route.

I have never challenged anyone using the claimed path. I assumed that the handful of people I saw going up and into the woods had permission.

I believe that this is a private track, and not a public right of way.

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..... *Louise Black* *LOUISE BLACK*

Date..... *22/1/19*

* Our "private land" sign has also been stolen and we have had to put a new one up.

Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham

My name is Mr Perry and I live at Littleheath Farm which is accessed from Water Lane along a track over which there is now a claim for a public footpath.

We bought this property in 2012, at which time it was a development site and had not been inhabited for two years. We moved in in 2013 after the property had been redeveloped

We own part of the track over which the claimed footpath runs. Our ownership starts at a wooden gate across the track at the boundary of the common. There has historically been gates and barriers at the entrance to the land at the start of the track, but we installed a new five bar gate here during the development in 2012-2013 which crosses the full width of the track and is operated with a push button. We did not remove the post from the old gate system which still remains. On the fence to the left of the gate is a sign saying Private Drive No Access, and on the gate is a sign informing people of the CCTV that is in place. This has been the situation since we moved in in 2013.

The claimed path continues along the track, which at this point is in our ownership, until it reaches the entrance gates to mine and my neighbour's properties. At this point the track turns sharply right and has a 5 bar metal gate across it. This gate was present when we moved in and has been in place for over 35 year. It has a metal 'Private' sign on it which has also always been present. At this point the track leaves my ownership and continues onto neighbouring land.

Apart from my family and my neighbours that share the access drive the only other person that I have given the right to use this route is Carol Cowlard who stables her horse on my land which abuts the track to the south. The fencing along the track at this point is new and was erected by me in 2013 as part of the redevelopment of the site. There is another gate, further along the track as it passes behind the large black barn and the sign there reads Private Property Keep Out, on the other side (to be seen if you were walking west to east).

From this third gate onwards the track continues behind the gardens of the properties on Water Lane and eventually gets overgrown such that you can no longer get through. I have a private right of access along the whole of the track to gain access to the garages near the electricity sub station, one of which is in my ownership. At the moment I cannot use my right of access because of the overgrown nature of the track, however I am not greatly concerned by that.

I have occasionally seen people walking along the track since 2013 and I have at all times challenged them and told them that the route is not public. As far as I am concerned this is not a public right of way of any kind.

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..... 2 JANUARY 2019

Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham

I have lived at 51 Littleheath Lane for 30 years and access the property daily from Littleheath Lane along the track and up to the house. Part of the track forms part of what is being claimed as a public footpath.

I have walked all the way through to Water Lane on the claimed path once, out of curiosity, a long time ago. However when I realised it came out into what appeared to be someone's garden I stopped.

The electronic gate belongs to the Perrys and has been there for about 4 or 5 years. Before they moved in I can't recall if there was a gate there or not. However, I suspect there probably was one, as there are old gate posts and the people that lived there before the Perrys were quite private people.

There has always been a gate at the sharp bend, where our track continues, and that has always had a Private sign on it.

I have occasionally seen people walking all the way up to our house, having got lost or thinking they can get onto the footpath at the back of the property. I usually let them out the back gate onto the footpath telling them that it is not the proper way. I have occasionally seen people walking on the track before they get to the sharp bend. I have never asked them what they are doing – assuming that they must be going to see the Perrys or to the stables, which are still working.

When the stables were fully functional there must have been about a dozen horses there, and it was quite busy. The lady that owned it, Di Turk, was also very keen on her privacy and she would tell people to leave if they didn't have a reason to be there. She left about 10 years ago.

The surface of the track to the house was improved about 20 years ago and was improved again by the Perrys. But the surface used to be very poor; for the first 10 years that we were here it was very rough underfoot.

Even when we first arrived you couldn't have driven a car all the way through to the end of the claimed route where The Stables road is now.

I cannot believe that there can be more than 3 or 4 people that have been using the track on a regular basis.

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.....

Date.....

Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham

My name is Mrs Turk and I currently live in Cobham. I have lived here for 15 years, since about 2004. Prior to this I lived at 32 Water Lane. I lived there for 29 years, moving in around 1975.

Roughly 5 years after my husband and I moved in to 32 Water Lane the opportunity to purchase some land to the rear of our property presented itself and, together with some of our neighbours, we purchased it. This would have been in approximately 1980. My husband and I bought 12 acres of fields, so that we could run a stables. Our neighbour, Mr Rodgers, who lived at the House in the Woods bought 12 acres of woodland and the couple that lived then at Hazel Glen – The Doggetts, bought about 3 acres so that they could extend their garden at the rear. There was also a building plot next to the Doggetts' house which was purchased by the parents of one of the Doggetts, as part of the package of land sold.

We subsequently sold a few acres of our land to Mr Beresford who also lived in Water Lane and a couple that lived in Oxshott and kept horses at our stables. But we kept the remainder of the land and ran a stables from it. I had my own horses there, as did my children and we rented space to other people so that they could look after their horses there. Visitors to our stables access the land via the access track leading off Littleheath Lane. Mr Rodgers gave us permission to use this track.

When we moved from Water Lane I stopped running the stables, but I believe the developers let the horse owners keep their horses there, at least for a time.

I accessed the stables from the rear of my garden on Water Lane, and would do this several times a day. The horses needed to be fed and let out in the morning and then put away at night. I would also go up during the day, and my children and their nanny would also go over, from the rear of my house. It was treated as part of my back garden – to the extent that I would on occasion go there in my dressing gown. I never considered the access path to be public. Both us and the Doggetts bought the land with the intention of it just being part of our back garden, not a public right of way.

When we bought the land for our stables we also had to buy the strip of land which is the access track and two dilapidated garages to the west. We gave permission to Mr Rogers to walk his dog along the track, but that was the only person we allowed along there. If we saw other people we always challenged them. I do remember one man who was quite rude to me when I told him to leave. But he was the only person I remember seeing.

After a while we seemed to have a problem with people thinking they could get through along the track, through our land. Things kept happening like gates being removed (the gates near the garages). We never actually saw people to challenge them, but the gates were removed a few times. So, together with the Doggetts we decided to allow the track to become overgrown, to make it harder for people to walk along what was our private land. I am not sure it ever became totally impassable, but it would have been very hard to get through and would have been clear that it was not for the public.

There were gates at both ends of the track, either side of my land. Both gates had the word Private on them, so it was clear that the route was not public. They may not have been always shut, as people did go up and down the path to get to the stables and they may have left the gate open.

I feel very strongly that this is not a public right of way. We bought the land as a private garden, with access along a track for the owners of the land and their visitors but not for the public to walk along. I don't remember seeing anyone using it with any frequency and if we did see people we stopped them. On the occasions when it became clear that people were trying to use the route when we weren't around by removing gates we took steps to try to prevent that use by allowing the plants to grow up and be impenetrable. This is not a public right of way and should not be recorded as one.

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.....*Diane Turk,*.....

Date.....*3.7.19.*.....

(A, 1)

Rydal Oaks

Cobham Road

Stoke d'Abernon

Surrey KT11 3QL

1st July 2017

To Whom It May Concern

My family and I lived at Kingfisher Lodge, 32 Water Lane for 29 years, leaving in 2006. During that time, we, Mr and Mrs Doggett (the owners of no 24 Water Lane) and Mr and Mrs . Roger from Littleheath farm, joined together to buy private land from the Pearson family as it had become available following the deaths of the previous owners. We bought several acres but also, in order to link the lands to our own, the Doggetts at No 24 and we each paid £500 for the strip of land forming a pathway from the owners' house to the Cottage in the Woods where their workmen had lived. The pathway was sold with two garages which the family had owned and used many years before. We each guaranteed in writing that the pathway could be used by us, the Doggetts and the Rogers. This was in 1983.

We and the Doggetts promptly put up gates at the end of our lands which clearly stated private. I used my lands for keeping horses and I worked there each day as did various employees. Everyone was under instructions to make clear to trespassers that this was private land and I enforced this rule several times myself when neighbours wandered onto my land via the pathway. I was always quite clear that they had no permission to walk this way and stated categorically that the land was private.

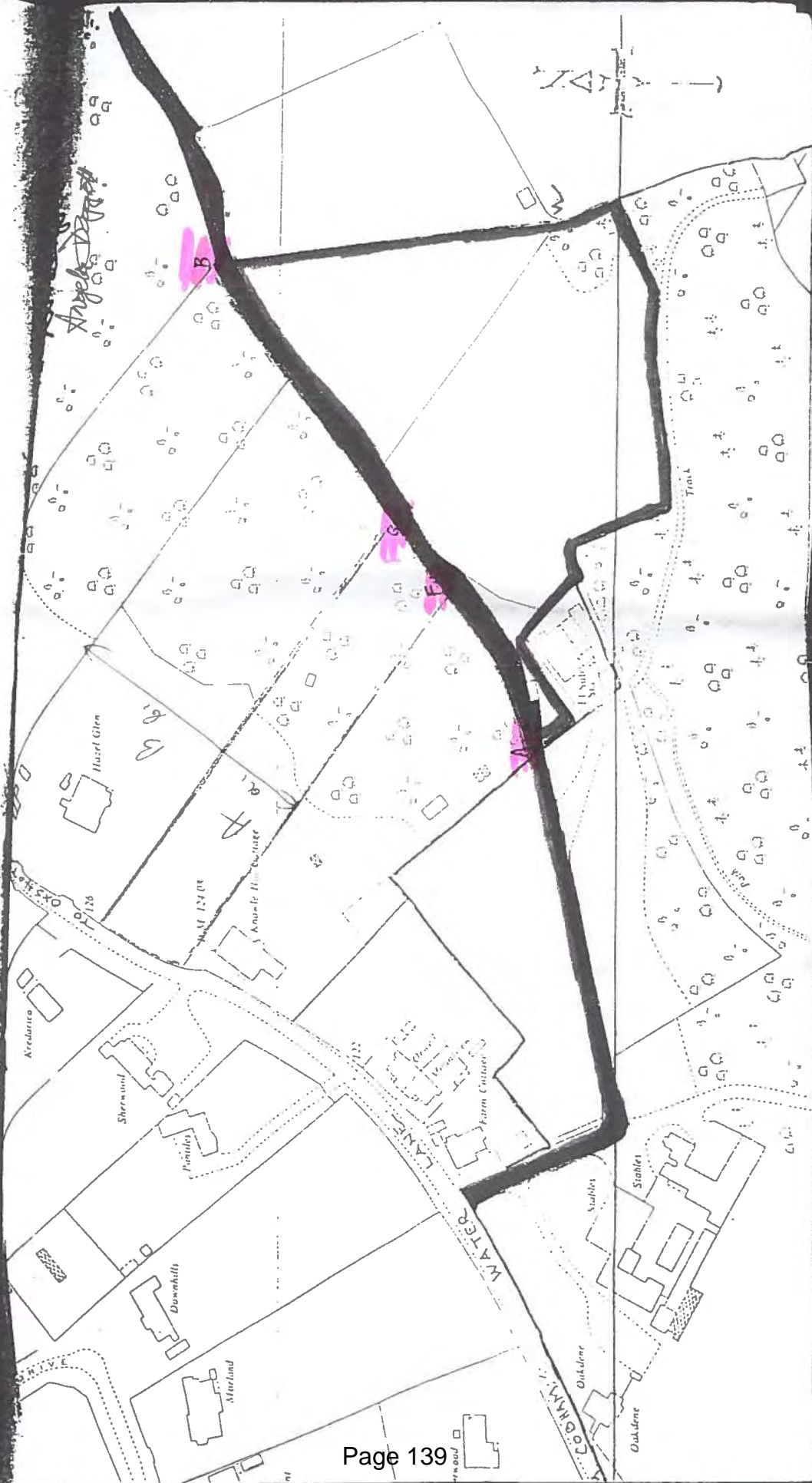
At the most westerly part of the path owned by the Doggetts, the pathway was left to become overgrown, quite deliberately, in order to discourage walkers who might mistake it for the right of way south of this path. I cannot believe that people have regularly walked this way as it was quite impassable in the summer months. In any case, the Doggetts had built a tennis court which led to the path and walkers would have been unable to pass unnoticed. Rodney Doggett was a lawyer and very clear about legal rights and infringements. He would not have tolerated any trespass on his land.

I am quite happy to expand on this statement if required to give oral evidence to the Council.

Diane Turk.

(A, 2)

Our land and access paths is designated in 1983.



orange shall
modifying
negative

A,3

Details of agreed access to the disputed path 1983

ITEM 8

Owners hereby convey unto Mr. Turk ALL THAT piece or parcel of land extending two feet in distance in each direction from the garage situate thereon shown coloured red on the plan annexed hereto TO HOLD the same unto Mr. Turk in fee simple SUBJECT TO the covenants stipulations and restrictions contained or referred to in the following Conveyances:-

(a) a Conveyance dated the Twenty-Fifth day of January One Thousand Nine Hundred and Ten between Charles William Hay (1) William Edgar Horne George John Marjoribanks and The Right Reverend Edward Stuart Talbot Lord Bishop of Southwark (2)

(b) a Conveyance dated the Seventh day of September One Thousand Nine Hundred and Twenty made between Charles William Hay (1) and Eliza Mary Durley Pierce (2)

(c) a Conveyance dated the Twenty-Third day of July One Thousand Nine Hundred and Twenty-Four made between Charles William Hay (1) George Loraine Hawker William McArthur Lieutenant Colonel John Willoughby Wray (2) and

(d) a Conveyance dated the Nineteenth day of March One Thousand Nine Hundred and Thirty Seven made between the Official Trustee of Charity Lands (1) James Murr Brydone Mary Brydone William Herman Dubuisson The Right Honourable George Rowland Blades Baron Ebbisham George Loraine Hawker Lieutenant Colonel Hugh Charles Fortescue Charles Herbert Fagge Arthur Maxfield Pollock Hodsall Sir William Edgar Horne Raymond Johnson Arnold Whitaker Oxford Sir Alfred Edward Webb-Johnson Harold Clifford Edwards Wilton Schiff Marjorie Bernard Potter Major William Robert Fiddes Osmond Swinford Edwards The Honourable Thomas Burdett Money-Coutts The Right Reverend Cyril Golding-Bird Lieutenant Colonel Edward St. Aubyn Wake and William Laurence Stephenson (2) and Ernest Acton Pierce (3)

2. MR. AND MRS. DOGGETT as Beneficial Owners hereby grant unto Mr. Turk and Mr. Wilson and their respective successors in title the owners and occupiers for the time being of the land respectively owned by each of them or any part thereof and their respective servants and licensees (in common with Mr. and Mrs. Doggett and all others having the like right) the right at all times hereafter by day or night to pass and repass along over and upon the track or driveway coloured brown on the plan annexed hereto between the points 'A' and 'B' marked thereon for pedestrians animal or vehicular access to the land or any part thereof respectively owned by Mr. Turk and Mr. Wilson PROVIDED THAT the rider of any horse shall dismount and walk the horse between the said points 'A' and 'B' TO HOLD the said right of way subject as

ITEM 8

aforesaid unto Mr. Turk and Mr. Wilson in fee simple

MR. TURK as Beneficial Owner hereby grants unto Mr. and Mrs. Doggett and Mr. Wilson and their respective successors in title the owners and occupiers for the time being of the land respectively owned by them or any part thereof and their respective servants and licensees (in common with Mr. Turk and all others having the like right) the right at all times hereafter by day or night to pass and repass over the track coloured brown on the plan annexed hereto between the points 'B' and 'H' marked thereon for pedestrians animal or vehicular access to the land respectively owned by them PROVIDED THAT the rider of any horse shall dismount and walk the horse between points 'B' and 'H' TO HOLD the said right of way subject as aforesaid unto Mr. and Mrs. Doggett and Mr. Wilson in fee simple

MR. WILSON as Beneficial Owner hereby grants unto Mr. and Mrs. Doggett and Mr. Turk the owners and occupiers for the time being of the land respectively owned by them or any part thereof and their respective servants and licensees (in common with Mr. Wilson and all others having the like right) the right at all times hereafter by day or night to pass and repass over the track coloured brown on the plan annexed hereto between the points 'C' and 'D' and between the points 'D' and 'H' marked thereon for pedestrians animal or vehicular access to the land respectively owned by Mr. and Mrs. Doggett and Mr. Turk PROVIDED THAT the rider of any horse shall dismount and walk the horse between points 'C' and 'D' and between points 'D' and 'H' TO HOLD the said right of way subject as aforesaid unto Mr. and Mrs. Doggett in fee simple

MR. WILSON as Beneficial Owner hereby further grants unto Mr. Turk and his successors in title the owners and occupiers for the time being of the land respectively owned by him or any part thereof and his or their respective servants and licensees (in common with Mr. Wilson and all others having the like right) the right at all times hereafter by day or by night to pass and repass along the track coloured orange on the plan annexed hereto between the points 'D' and 'E' marked thereon for pedestrians animal or vehicular access at Mr. Wilson's unfettered option either along the existing drive or track and thence across to point marked 'E' as shown coloured orange on the plan annexed hereto or alternatively along any new or future drive or track of a comparable nature and quality to the drive existing at the date hereof which Mr. Wilson may construct on his land at his own expense to give access to the fields or land of Mr. Turk at point 'E' TO HOLD the said right of way subject as aforesaid unto Mr. Turk in fee simple

THE Parties hereto hereby covenant with the respective owners of each

- section of the driveway coloured brown or orange on the plan annexed hereto and their successors in title that they and their successors in title will from time to time contribute a fair proportion according to user of the costs of keeping the said driveway in repair the proportion in case of difference to be determined by a Surveyor to be appointed by the parties in dispute or in default one Surveyor Surveyors whose decision shall be final The rights of way hereby granted shall not be exercisable during any period during which there shall be any breach of this present covenant which shall not have been remedied by the payment of all money payable thereunder
7. MR. AND MRS. DOGGETT as Beneficial Owners hereby grant to Mr. Turk and Mr. Wilson and their successors in title a right to take use and thereafter maintain a metered water supply from any water supply that Mr. and Mrs. Doggett may cause to be provided from the most convenient place within the land edged black to the track between the points 'F' and 'G' and thence across the land edged red to point 'W' for the purpose of providing water to the pieces of land respectively edged green and blue and yellow on the plan annexed hereto TO HOLD the same unto Mr. Turk and Mr. Wilson in fee simple SUBJECT TO Mr. Turk and Mr. Wilson or their successors in title indemnifying Mr. and Mrs. Doggett against all the costs of and incidental to the installation of such a metered water supply including the reinstatement of the land edged red and the land edged black after the exercise of such right AND SUBJECT TO Mr. Turk and Mr. Wilson and their successors in title complying with all the reasonable requirements of Mr. and Mrs. Doggett as to the time place or manner in which such works shall be carried out and SUBJECT TO Mr. and Mrs. Doggett being compensated for any damage done to their land edged red or edged black by such works and PROVIDED THAT such works do not involve Mr. and Mrs. Doggett in any financial or other liability whatsoever
8. MR. TURK as Beneficial Owner of the land edged green on the plan hereto hereby grants to Mr. Wilson and his successors in title a right to take use and thereafter maintain a metered water supply being a continuation of the provision contained in paragraph 7 hereof from point 'W' across the land edged green to the boundary with the land edged blue or the land edged yellow at such point as Mr. Wilson deems most convenient to him TOGETHER WITH all necessary rights of entry for these purposes and TOGETHER WITH a right of contribution from Mr. Turk proportionate to user if the supply beyond point 'W' is to any extent shared with Mr. Turk TO HOLD the same unto Mr. Wilson in

- fee simple SUBJECT TO Mr. Wilson or his successors in title indemnifying Mr. Turk against all the costs of and incidental to the installation of such a metered water supply insofar as it is not shared with Mr. Turk including the reinstatement of the land edged green after the exercise of such right and subject to Mr. Wilson and his successors in title complying with all the reasonable requirements of Mr. Turk as to the time place or manner in which such works shall be carried out
9. THE Parties hereto hereby expressly agree and declare that they may each freely use the existing water supply at the point marked 'W' on the plan annexed hereto save that in the case of Mr. Wilson this paragraph shall be construed as permitting him to connect such pipes as may be required by him to implement paragraph 8 hereof PROVIDED THAT they shall each bear such proportion of the costs of the maintenance and if necessary the renewal thereof as is reasonable having regard to the user thereof by each of them In case any dispute should arise in relation to the use of the water supply or the appropriate proportion of the cost of the maintenance or renewal then such dispute shall be settled by a Surveyor to be appointed by the parties in dispute or in default by one Surveyor to be appointed by the President of The Royal Institute of Chartered Surveyors for the time being whose decision shall be final
10. IT IS HEREBY FURTHER AGREED AND DECLARED between the parties hereto that if for any reason it may become necessary to replace the water supply to point 'W' and in so doing to exercise the right to take use and thereafter maintain a metered water supply as granted by Mr. and Mrs. Doggett herein then each of the parties hereto will contribute to the cost of such new water supply rateable according to user PROVIDED THAT it shall be open to any of the parties to decline to contribute towards the cost of the provision of such new supply or repair to the pre-existing supply on giving notice in writing to the other parties that he will not thereafter use the water supply On such notice having been given if the other parties hereto proceed with the repair or renewal then the party who shall have given such notice shall no longer be entitled to the right to take use and thereafter maintain a metered water supply and the right granted by this Deed in respect of such water supply shall in respect of such party giving notice determine so that he shall no longer be entitled to use the new or repaired water supply
11. EACH of the parties hereto hereby acknowledge the right of the other parties to production of such of their respective title deeds as are not common to all three parties including each of the three Conveyances of even date herewith and to delivery of copies thereof and hereby undertakes for the safe custody thereof

12. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Twenty Five Thousand Pounds

I N W I T N E S S whereof the parties hereto have hereunto set their hands and seals the day and year first before written

SIGNED SEALED AND DELIVERED)
by the said RODERICK)
ALISTAIR MANNING DOGGETT in)
the presence of:-)

RAM Doggett

L.S.

Signature of Witness *J.P. Wadsworth*
Printed Name of Witness J.P. Wadsworth
Address 28 Glebe Road, Barnes
London SW13
Occupation Banqueter

SIGNED SEALED AND DELIVERED)
by the said ANGELA CAROLINE)
DOGGETT in the presence of:-)

Angela Doggett

L.S.

Signature of Witness *R. Percival*
Printed Name of Witness R. Percival
Address 50 South Croxted Rd
Burleigh SE21
Occupation Banqueter

SIGNED SEALED AND DELIVERED)
by the said MICHAEL JOHN)
TURK in the presence of:-)

Michael Turk

L.S.

Signature of Witness *J. Clark*
Printed Name of Witness John Clark
Address 30 Dunstan Way
East Molesey Surrey
Occupation Manager Boatyard

SIGNED SEALED AND DELIVERED)
by the said GRAHAM ROGER)
WILSON in the presence of:-)

Graham R Wilson

L.S.

Signature of Witness *G. Hobson*
Printed Name of Witness G. Hobson
Address 87 LATHE ROAD
WHITTON ROTTERHAM
Occupation Housewife

Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham

My name is Mrs Koep and I live at 3 Coppice Avenue. Our garden backs onto the track over which I understand there is a claim for a public footpath.

We have been in this property for 4 years. We rented for the first year and have owned it for the last 3. I do not believe that the track as it abuts our garden is in our ownership. I consider the boundary of the garden and the track to be the boundary of our land. That being the case I have no understanding or knowledge that it is even within our remit or right to stop people from using the track.

I have only seen people walking on it about 3 times, it is a very unusual occurrence. We have recently had our garden landscaped and during that time I was in the garden pretty much every day and I don't recall seeing anyone walking it at all during that time. There is no access from our land onto the track, although the fence is only low and it is possible to step over it. Because of this I would have concerns about it being a public right of way. The fact that I have been happy for the fence to be low shows how few times I have seen people walking the track.

I have personally been walking in the area, but I have never walked along the track or gone through gates that say private on them. I wouldn't think that you could walk through a gate which said private on it.

I don't think the track is presently used much at all. It would have been a negative for us buying the property if it had been a footpath.

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

We are Mr & Mrs Lawrence and we live at 2 The Stables. We have lived here for 11 years.

We have walked the start of the claimed path, from our road as far as the split in the path just before the electricity substation. We turn at this point and follow the path past the substation and then turning to run south down to another footpath that runs east/west at Polyapes Scout camp site.

We have done this walk 2 or 3 times a year more or less the whole time that we have lived here. Mr Lawrence has used it perhaps a little more frequently than this. We have never walked on though, through the metal gate and onwards. This has always appeared to be barricaded to us.

We have seen other people using the same route as we use a few times, usually people with dogs.

We would not want the route to be recorded as a public footpath, we would like access to the route to be maintained as it is currently.

*in part
BECAUSE WE OWN THE ROAD.*

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.....*[Signature]*.....

Date.....*14 October 2018*.....