ELMBRIDGE LOCAL COMMITTEE

DATE:	**16 NOVEMBER 2020**
LEAD OFFICER:	**CATHERINE VALIANT, COUNTRYSIDE ACCESS OFFICER**
SUBJECT:	**ALLEGED PUBLIC FOOTPATH BETWEEN LITTLEHEATH LANE AND WATER LANE, COBHAM, ESHER**
AREA AFFECTED:	**COBHAM, ESHER**

ADDENDUM TO COMMITTEE REPORT

Additional information was submitted following the deferment of the March 2020 Committee. This is attached here as an addendum and will be considered by the Officer during her statement to committee on 16 November.

1. Letter from Mr Ross dated 28 May 2020
2. Letter from Mr Richard Turk dated 8 March 2020
3. Additional Statement from Mrs Patrina Hutchings dated October 2020
4. Additional Statement from Mrs Joanna Rutherford dated October 2020
5. User Evidence Form Mrs Heather Collinson
6. User Evidence Form Mr Newby Groves
7. Witness Statement from Newby Groves
8. User Evidence Form Mr John Groves
9. Witness Statement from Mr John Groves
10. Email from Mrs Alice Pearson

Catherine Valiant
Countryside Access Officer
Countryside Access Team
Surrey County Council
Whitebeam Lodge
Merrow Depot
Merrow Lane
Guildford GU4 7BQ

Hazel Glen
24 Water Lane
Cobham
Surrey
KT11 2PB
28 May 2020

[redacted]

Dear Ms Valiant,

Right of Way claim – Water Lane

My wife has been dealing this with this but a comment I made to her earlier this month re the old gate made me decide I should write also, setting out some additional facts.

We, as you know, have lived here since 1995. I cannot ever recall seeing anyone walking the disputed path from the Stables – it was totally overgrown, and it was quite a battle to get through to it from the end of our garden where the tennis court is. Over the years we did, occasionally, see someone walking on our land across the diagonal. Seeing walkers there was quite rare - there would not have been any year when I encountered more than 6 and I would always tell them it was private. The only occasion I can recall when I did not was more than 10 years ago, perhaps 2006 or 2007, when I met the lady from 30 Water Lane walking there with her daughter, although she was walking up across the field not along the path towards the Stables. They apologised for walking there but, in that case, I said I did not mind if she walked across it as she was quite elderly.

When we moved in there was an old iron gate across the path at the Stables end (as well as at the other end) which had an old metal sign on it saying private in black on a white background. When we replaced the gate in 2013 with a new wooden gate (which also said private on it), the old iron gate was left on the ground. As you will be aware, the new gate we put up was taken off its hinges and stolen in 2017. We put the old gate back in place and I attach a picture of it. The reason I am writing is that I noticed around the time that the new gate was stolen that the metal private sign had also disappeared from the old gate.

Yours sincerely,

[redacted]

Finlay Ross

Marsham Oast
Pett Level Rd
Fiarlight
Hastings
TN25 4ED

8th March 2020

To whom it may concern,

I lived at Kingfisher lodge, Water lane, Cobham in Surrey from 1979-2003. My mother and father Diane Turk and Michael Turk and my brother James Turk also lived at the property with me during those years and beyond.

I understand that the pathway that we jointly owned along with two families the Doggets and Rogers at the end of our land with two garages is currently under dispute with regards to its rights of way.

I can categorically and truthfully state that this pathway was always private. It was gated at both ends with private signs which were painted red on both of the gates. We would use part of the pathway daily as we had a busy horse yard and agricultural barns that the pathway gave access to and from our house. I understand that members of the public have claimed they have always used this pathway. This is simply untrue as the pathway by the gates and garages at one end was always extremely overgrown and for many years access was impossible. From time to time we would have the occasional dog walker access the pathway from the horse yard end of the pathway and they were always told that this is private land and sent back the way they came. My mother and father were extremely protective of anyone we didn't know trespassing on our land as we had had several thefts at the Stables from suspected travellers operating in the area.

My mother has recently passed and my father passed 5 years ago. Neither my brother James Turk or myself live in Surrey anymore and have no interest in this piece of land. That said I wish to state the land has always has been privately owned with no public access and anyone who says otherwise is mistaken.

Your sincerely

[redacted]

Richard Turk

Mrs Patrina Hutchings of 48 Littleheath Lane, Cobham adds to her previous statement dated 12th January 2019 as follows

Comments on the Reports of Catherine Valiant

1. I note that the report of Catherine Valiant dated 17th March 2019 should be dated 17th March 2020 ("the March Report") following as it does her report of 5th December 2019 ("the December Report") which had recommended registering the path

2. In the December Report at 3.2 and 3.3 the conclusion was that the evidence submitted in support of the application is considered sufficient to reasonably allege that public footpath rights subsist over the claimed route, whereas at 3.2 in the March report there is a recommendation that the evidence suggests that signs present along the claimed footpath were in existence during the relevant 20 year period and that these satisfy the requirements of s.31 of the Highways Act, and are sufficient evidence of a lack of intention to dedicate to negate the claim of long user by the public.

3. It must be said that the evidence of users is that the signs on which this recommendation was made were introduced after 2015 after the issue as to whether this was a public path was challenged. I emphasise for the purpose of 5.2 of the March Report that no locked gates or signs saying such as 'no public right of way' were ever along this route before 2015. There was placed at the gate at point D in about 2013/14 a crude sign based on a number plate which merely said "private" and was placed there following stable thefts and wasn't in connection with walkers. Source Mr Lawson and Mrs Christine Bailey and see also the statement of Joanna Rutherford.

4. At 13.9 in the March Report the author correctly identifies that to a casual user that sign might be ambiguous as the sign did it does not make it clear as to whether it is referring to the track or the land adjacent.

Going through the March Report I make the following points on what went into the report relating to the route starting at Point B

5 At 4.3 and 5.23 and references in other paragraphs, the objectors' evidence relating to the time of placing of the electronic gate is incorrect. It was not placed until after 2015. At 4.4 the gate at point D was always tied back although in about 2013/14 we found that closed. See the statement of Joanna Rutherford as to finding it closed. The temporary closure wasn't connected with walkers. At 4.5 the sign on the gate at point E 'private keep out' was new in 2016. Again that was a gate that had previously been left open with no sign. At 5.8, a gate was erected at point J in June 2015 with a sign showing 'private land no right of way'. It was present for a brief period. It had not been there when I walked the route with Dan Williams from the Council in March 2015..

6. At 5.9, 5.12. and 5.16 the dates of any signage occurred after 2015.

7. At 5.13, contrary to the report, we did not have any challenges from the gardener prior to the blockage. If anything, we chatted with him often, for example about the small orchard, and Joanna Rutherford enquired several times also about the presence of adders with him confirming that there were adders and grass-snakes in the vicinity.

8. At 5.14, contrary to the impression given, walkers have walked this route without challenge until 2015. Prior to this the path was neither blocked, nor was there signage.

9. At 5.21, before 2015 all the gates along the route were generally open.

Conclusion from these reports

10. It is clear from the user evidence that the contention that the path was unusable is wrong. Some users say that it may have become a little overgrown toward the west but it was still usable and used.

11. Contrary to the statement in 13.14 of the March Report it was the case that the path usage was peaceful and uninterrupted until the December 2014 blockage.

12. The conclusion at 14.1 of the March Report is flawed. Insufficient thought has been given to the time the signs appeared and to their effect.

13. The path has been present and consistently shown on maps since 1871 – and undoubtedly earlier. The provenance of the path and its use is shown by Ordnance Survey maps referred to at 5.64 and other maps referred to in the March Report and the evidence provided by Joanna Rutherford. There is wide reference to a “path” on maps showing the claimed path.

14. As shown at 5.52 of the March Report, Elmbridge Borough Council support this application

Comments on the landowners

Graham and Twinkle Rogers.

15. Mr and Mrs Rogers had a welcoming attitude to walkers, dogs and were chatty with any member of my family. They placed no signs and made no challenge. Graham offered me the front field closest to Littleheath Lane for grazing my horses but I declined as I knew the land had been made up from dumped waste from building projects including chunks of iron, hardcore etc, therefore unsuitable for livestock.

Photos 2001/2002

Far from being a private individual valuing his privacy, he hosted two open house illegal raves on his property, the first being early in the new year 1995, followed closely by a second a few months later. Hundreds of revellers and many vehicles were parked on Littleheath Farm and around the entire area and many walked from local railway stations. I feel this refutes the image objectors try to project as a quiet reclusive person desperate to protect his privacy.

Comments on the Perry's statements

16. Land at Littleheath Farm was developed to the current new build between end 2012 and 2013. Initially they placed solar lights along the track from Littleheath Common, down the Lane to the farm. The new electronic gate was not inserted at point B until after 2015. There had been no gate there previously. I passed Mrs Perry on a number of occasions while walking my dogs and exchanged pleasantries. I was never challenged while walking this path. With Joanna Rutherford, when chatting with Mrs Perry on one occasion we mentioned to her the garage which now belonged to her near the Stables cul-de sac and had a large square oak table which was suffering because rain was coming in and it was such a shame.

Comments on Christine Baily

17. There are a number of references to Christine Bailey. She lived with her family at the Cottage in the Woods, further up the track from Liitleheath Farm. It is noted that she was 'unable to recall 'whether there was a gate at point B despite having lived there thirty years previously. It was of course put there after 2015.

Comments on the statement of Diane Turk

18 I frequently visited the livery yard, then run by Diane Turk, to see my neighbour Marian Ridgeway. I would often chat with Diane Turk, Christine Bailey, and Carol Cowlard while walking my dogs along this path and on other occasions. All were always friendly and I was never challenged walking this path. In her statement of 3rd July 2019 Diane Turk says there were gates at either end of her land which had private signs. This is wrong. A sign only appeared on the gate at E after the challenge in 2015 long after she had parted with the land. There was no gate at point F. It is noteworthy also that in her statement dated 3rd July 2019 she only 'feels' strongly that this is not a public right of way. She also refers to gates being removed 'a few times' but this only related to one event during 2017 referred to in a letter from Kathryn Ross to neighbours.

Comments on the statements of Kathryn Ross

19. The suggestion that the path was impassable at any time is wrong and shown by frequency of the use of the path. The path was also, as photographs show, quite wide. Here are family photos taken on 31st August 2014, the first looking towards point H with the path clear and visibly going into the distance and the second showing how wide it is, taken between point E and F, looking towards F.

Blockage created on 7th Dec 2014
at point H

Effect of Millgate

20 From 2014 Millgate bought Knowle Hill Park from Cargill and were in contact with neighbouring landowners relating to path from the Stable cul-de-sac to Polyapes route. I believe this is what kickstarted the subsequent sequence of events, beginning with the foliage blockage and followed by new gates and signs, and subsequent challenges.

Statements of Joanna Rutherford

21 I have read the statement and additional statement of Joanna Rutherford and agree the content particularly as to where it refers to my participation.

The Solicitor's letter

21 A Solicitor's letter from James Smith dated 4th December 2019 was sent to Countryside Access one day before the Elmbridge Local Committee was due to meet on 5th December 2019.. Before the intervention of these solicitors Surrey County Council recommended that the path be registered as a public right of way. The Solicitors picked up on a small number of ambiguities and have failed to follow up on their unsatisfactory contentions with any further evidence. Perhaps of most concern is a threat they finished with - "should an order be made on the basis set out in the officer's report the Council will be acting both unlawfully and unreasonably and my clients will on appeal reserve the right to seek their full legal costs from the Council." Surely, whatever the flaws in the investigation either way, the council do act in good faith. The Committee is there to make the decision Such threats should not be made and seem to me to be prejudicial if not unlawful.

22. I ask the Committee to follow the original recommendation that the right of way be registered.

I make this statement to the best of my knowledge and belief

…….

Patrina Hutchings

October 2020

Joanna Rutherford of 1 Heath Cottages, 58 Littleheath Lane adds to her previous undated statement as follows

1. I was very clear in my first statement and now reiterate that the claimed path was clear prior to 7th December 2014, freely used and known to be walked by a good number of local people. I was never challenged and there was no reason for me to think that I was not walking a well-established path used over a very long period of time, from well over a century ago, as of right.

2. In my first statement I cited the background as shown on maps. The route is clearly shown on Ordinance Survey maps and many maps to date have accompanied this route at the back of Water Lane with the designation of "path". That in itself indicates considerable use by the public. The analysis by Catherine Valiant shows that use was not inconsiderable from well before the time that I started to use the path.

3. I share the impression of Pat Hutchings as to the easy-going outlook of the Graham Rogers who owned Littleheath Farm. In 1994 I walked down this track with neighbour Mr Alan Ridgeway, following hundreds of revellers to see what was happening at the rave (the first of two such raves) which was near the field now owned by Mrs Ross.

4. Subsequently Diane Turk who was happy for us to freely collect manure and I used to give a little wave if I saw her in the distance at the livery yard, while I walked along this path. I would frequently walk to the first small stable with my daughter to 'pat the noses' of the horses. Mrs Cowlard often saw me there.

5. In February 2012 a pond just outside the development zone of the proposed most recent Littleheath Farm development, was filled in illegally by the owners/developers working on this site. Being immediately adjacent to a known Great Crested Newt location, this was a criminal offence and dealt with by SARG (Surrey Amphibian and Reptile Group), police, council etc. They reinstated the pond approximately a week later, having been given a two-week notice. I wouldn't have noted this habitat destruction, if I hadn't been already regularly walking the path and I can confirm that there was no gate at this time on the track up to Littleheath Farm.

6. On one occasion I walking with a neighbour (who lived on Water Lane) with her dalmation, when approaching the 90 degree bend with the barn behind us, a land agent was chatting to Mrs Perry and as we walked past the agent turned to us and back to Mrs Perry smiling and reminded her there was path here and Mrs Perry nodded in concurrence as we walked past.

7. I believe that it was in or about 2013/14 that I was walking with Pat Hutchings up to point D. We waited for Christine Bailey walking down towards us from Little House in the Woods. An old looking barred metal gate was closed across this point, with an old tatty number plate sign 'private' attached randomly with wire or string. This was the first time I had seen a gate here being closed, so we asked Christine about it. She said this was only due to some wire lighting cable thefts at the stables and simply to deter vans from turning up to the livery yard. She said just walk around the post as they were doing, and this gate wasn't anything to do with walking the path. The gate was already being left open again within a few weeks. The gate had a post but no fence attached on the field side so walkers could easily walk around. This was the

only sign that appeared prior to the blockage with foliage and we were told specifically this was not related to us in any way, so we continued walking the path as before unchallenged.

8. Contrary to the recent council path report, we did not have any challenges from a gardener prior to the blockage 2015. If anything, we chatted with one of them frequently, for example about the small orchard and trees there - he seemed unaware that on one occasion he had cut down a lovely old damson tree. There were also apple trees and a large quince tree there too. I also enquired several times about the presence of adders for example. He confirmed there were adders and grass-snakes in the vicinity. This area is wider and appears more grassed than other areas neighbouring the path, as it was formally worked as a small orchard, vegetable plot/allotment/small plant nursery.

9. The path was first blocked on 7th December 2014. Initially we thought the gardener had placed the foliage there for convenience and it would be cleared soon after. But, in the new year the pile of cut foliage grew and a rope across was added much later in June 2015

10. An approach to the Council was openly discussed with other walkers, local residents and for example dog walkers from The Stable cul-de-sac etc; whereby landowners would certainly have become aware either this would or was already taking place. This resulted in a site visit by Dan Williams on 19th March 2015 and he walked the path Pat Hutchings and I. He advised us to continue walking the path and the DMMO process was begun.

11. DMMO signs were placed along the footpath on 5th June 2015
We noted a new gate placed at point I, this had scribbled on it in black felt the words 'no public admittance'. This was the first signage that appeared here. On 23rd June 2015 a new gate and sign appeared at point J with a sign that read 'Private land no public right of way'. The sign was subsequently removed by a person unknown.

12. The reference to Mrs Rutherford supplying photographs of the DMMO notices then put up is correct. However, the sentence continues saying Mrs Rutherford also erected these notices which is incorrect. The notices were erected and placed by Pat Hutchings and I photographed them.

13. After this I was challenged by a gardener and there appeared to be a couple of random ditches now dug across the path on the south side of the dumped foliage blocking the path, with more tree stems having been added to the pile. It was at that point that I felt the route was now being made too dangerous for the public/myself to continue walking.

14. I ask the Committee to follow the original recommendation that the right of way be registered.

I make this statement to the best of my knowledge and belief

…….
Joanna Rutherford
October 2020

SURREY COUNTY COUNCIL

Countryside Access

ONE FORM PER PERSON PLEASE
One form per route

PUBLIC WAY EVIDENCE FORM
PLEASE USE BLOCK CAPITALS AND BLACK PEN.
v. June 2010

NAME (MR/MRS/MISS/MS) HEATHER COLLINSON

Address BELL COTTAGE, CHURCH RD

SULGRAVE OXON Tel: Email [redacted]

Describe where the route runs from and to: *(& also please mark the route used on a map*

WALKED

1. Do you think the way is:-

	YES	NO		YES	NO		YES	NO	Byway open to all traffic	YES	NO
Footpath	✓		Bridleway			Restricted Byway					

2. How did you first find out about the way? WALKED WITH MY FATHER, GRANDFATHER, SIBLINGS.

3. Please indicate the **years** when and how you have used the way (*eg 1970 – 1995*)

	From	To	From	To	From	To
On foot:	1970	NOW				
Horseback						
Bicycle						
Horse and Carriage:						
With a motor vehicle:						

(a) Where were you going? LITTLEHEATH LANE TO WATER LANE

(b) For what reason? EXERCISE

(c) Number of times per year? :On foot 30 Horse..... Bicycle..... With carriage..... With a motor vehicle.....

(d) Did you use the way openly? YES ✓ NO

4. (a) Has the way always run over the same route? YES ✓ NO

If No, when and how did the way change?.....

5. Describe the way A SEMI RURAL ~~COTTAGE~~ COUNTRY PATH

6. How wide is the way? 6-12'

7. Have you ever seen any of the following across or beside the way?

(a) Any stiles or gates? YES NO X

If yes when? .....

(b) Any notices? YES NO X

If yes when and what did they say? .....

(c) Any fencing across it? YES [ ] NO [X]

If yes when and where? .....

(d) Any other structures or obstructions? YES [ ] NO [X]

If yes when and where? .....

(e) Has any part of the way ever been ploughed or cultivated? ..... NO .....

.....

8. (a) At the time when you used the way did you work for the owner or occupier of any adjoining land over which the way runs? If so, give details and dates..... NO .....

.....

(b) If you are/were employed by the owner or occupier, did your employer ever give you instructions about the public using the way? If so, what were they..... NO .....

.....

(c) Did you ever meet the landowner, his employees or family while you were using the way? If so, did they comment on your being there? What did they say? .....

NO.

.....

(d) Did you ever get or seek permission to use the way? YES [ ] NO [X]

If yes give details .....

(e) Did you ever use the way to deliver anything or visit adjoining residents? YES [ ] NO [X]

If yes give details .....

9. Did anyone ever attempt to turn you back or say that you had no right to use the way? If so please give details and dates ..... NO. .....

10. Are you aware of any documentary evidence to support your claim, e.g. Enclosure Awards, Tithe Maps, Estate Maps, Deeds, etc? Yes/No. If Yes, give details NO.

.....

.....

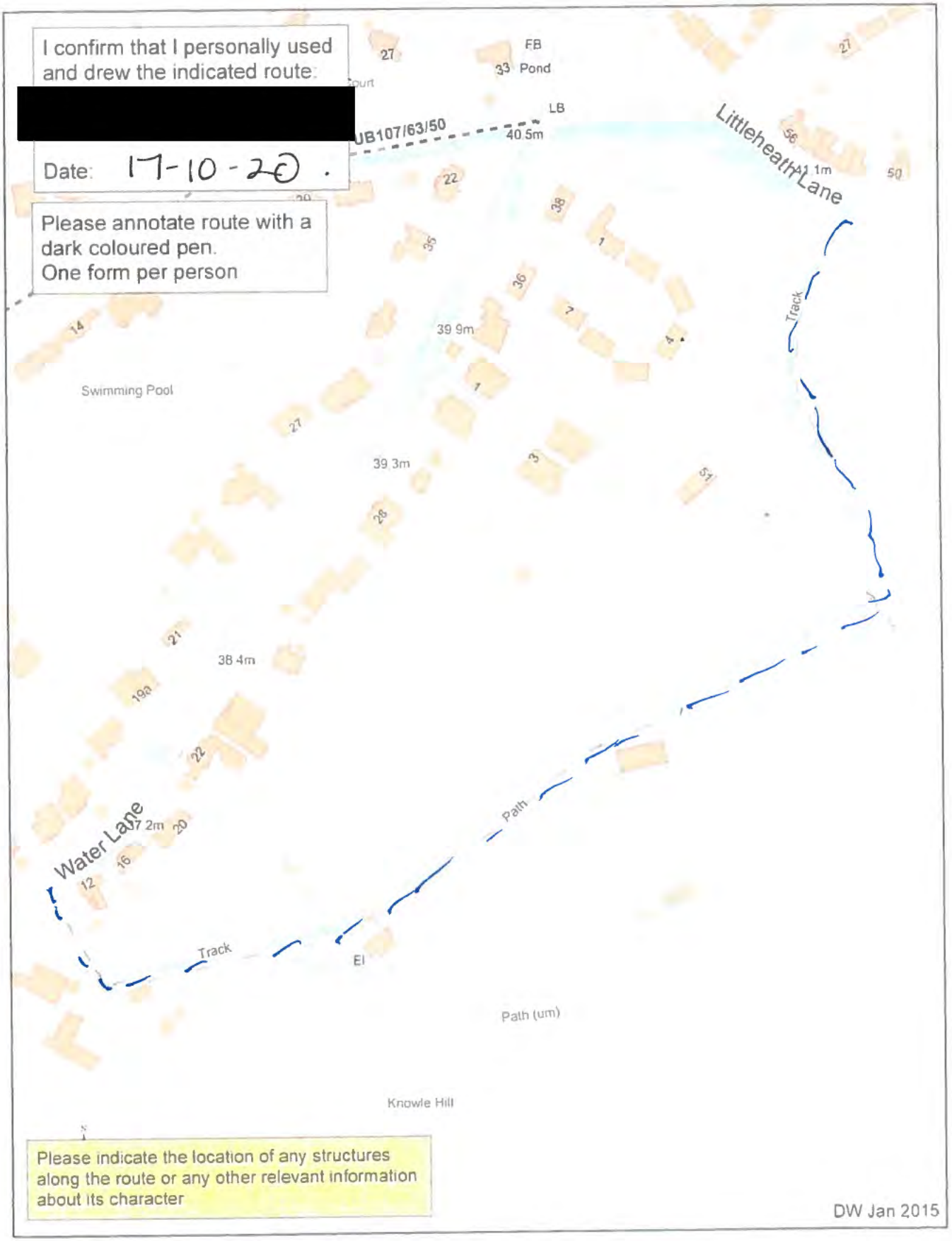
11. If the Council decides to make an Order and there are objections a Public Inquiry may be held. Would you be prepared to attend a Public Inquiry to give evidence in person? YES [✓] NO [ ]

I confirm that to the best of my knowledge and belief the facts I have given are true.

[redacted]

Date 7/10/20.

The information given on this form will be available for public inspection unless requested otherwise- please see accompanying note for further information



SURREY COUNTY COUNCIL

Alleged public right of way between Littleheath Lane and Water Lane, Cobham, Esher

1:2,500

Rights of Way

Status
- Footpath
- Bridleway
- Restricted Byway
- BOAT

SURREY COUNTY COUNCIL

Countryside Access

ONE FORM PER PERSON PLEASE
One form per route

PUBLIC WAY EVIDENCE FORM
PLEASE USE BLOCK CAPITALS AND BLACK PEN.
v. June 2010

NAME (MR/MRS/MISS/MS) MR ROLAND NICHOLAS NORBY GROVES

Address ACKLAM GRANGE. ACKLAM N. YORKS

Tel: **Email:**

Describe where the route runs from and to: *(& also please mark the route used on a map and attach it to this form)*

1. Do you think the way is:-

	YES	NO		YES	NO		YES	NO	Byway open to all traffic	YES	NO
Footpath	X		Bridleway			Restricted Byway					

2. How did you first find out about the way? WALKING WITH MY GRANDFATHER + FATHER + BROTHER SISTER

3. Please indicate the **years** when and how you have used the way (*eg 1970 – 1995*)

	From	To	From	To	From	To
On foot :	1975	2015				
Horseback						
Bicycle						
Horse and Carriage:						
With a motor vehicle:						

(a) Where were you going? LITTLEHOWE LANE TO WATER LANE

(b) For what reason? EXERCISE

(c) Number of times per year? :On foot 50-60 Horse..... Bicycle..... With carriage..... With a motor vehicle.....

(d) Did you use the way openly? YES X NO

4. (a) Has the way always run over the same route? YES X NO

If No, when and how did the way change?

5. Describe the way MANY TARMAC FOOTS

6. How wide is the way? UNMETALLED WIDTH MOSTLY

7. Have you ever seen any of the following across or beside the way?

(a) Any stiles or gates? YES NO X

If yes when?

(b) Any notices? YES NO X

If yes when and what did they say? .....

(c) Any fencing across it? YES ☐ NO ☒

If yes when and where? .....

(d) Any other structures or obstructions? YES ☐ NO ☒

If yes when and where? .....

(e) Has any part of the way ever been ploughed or cultivated? ..... NO .....

.....

8. (a) At the time when you used the way did you work for the owner or occupier of any adjoining land over which the way runs? If so, give details and dates.....

..... NO .....

(b) If you are/were employed by the owner or occupier, did your employer ever give you instructions about the public using the way? If so, what were they.....

..... NO .....

(c) Did you ever meet the landowner, his employees or family while you were using the way? If so, did they comment on your being there? What did they say? .....

..... NO .....

(d) Did you ever get or seek permission to use the way? YES ☐ NO ☒

If yes give details .....

(e) Did you ever use the way to deliver anything or visit adjoining residents? YES ☐ NO ☒

If yes give details .....

9 Did anyone ever attempt to turn you back or say that you had no right to use the way? If so please give details and dates ..... NO .....

10. Are you aware of any documentary evidence to support your claim, e.g. Enclosure Awards, Tithe Maps, Estate Maps, Deeds, etc? Yes/No. If Yes, give details

..... NO .....

.....

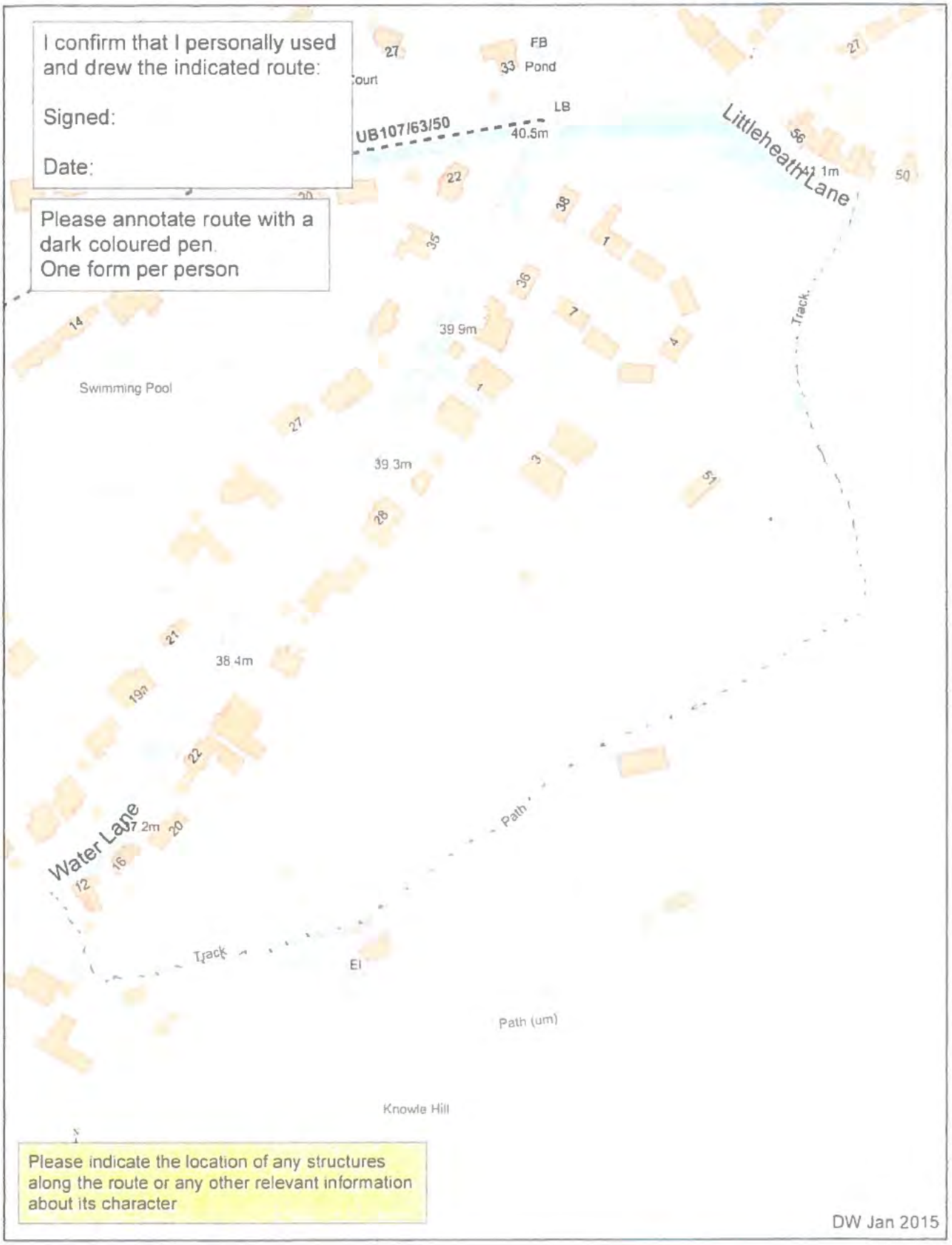
11. If the Council decides to make an Order and there are objections a Public Inquiry may be held. Would you be prepared to attend a Public Inquiry to give evidence in person? YES ☒ NO ☐

I confirm that to the best of my knowledge and belief the facts I have given are true.

[redacted]

Date 17-10-20

The information given on this form will be available for public inspection unless requested otherwise- please see accompanying note for further information



SURREY COUNTY COUNCIL

Alleged public right of way between Littleheath Lane and Water Lane, Cobham, Esher

1:2,500

Rights of Way
Status
- Footpath
- Bridleway
- Restricted Byway
- BOAT

WITNESS STATEMENT FROM NEWBY GROVES (aka Rowland Groves)
from Littleheath Lane to Water Lane Footpath DMMO Application

Rowland (aka Newby) Groves. John Groves youngest son. Roland has vivid memories of walking the path with his grandfather, father and his two older siblings. He left for University in 1986 when his use of the path became less but walked it on odd occasions when he came home before he moved away to Yorkshire.

1. *Name (and year born).* ***Roland Groves. b 1968 (51)***
2. *Address at the time.* ***Blackbirds, 48 Heathridge Green, Cobham – now lives in Yorkshire.***
3. *What date did Roland first walk the path?* ***Sometime after 1968.***
4. *What date did Roland last walk the path?* ***Up till when it was closed in 2015 but not on a regular basis as was living in Yorkshire.***
5. *Did he walk the path with anybody else?* ***His grandfather, father & siblings.***
6. *How many times a week did he walk the path?* ***2 or 3 times a week.***
7. *Why did he walk it? Exercise or to get from place A to B? Maybe shopping, work, visit friends etc.* ***Exercise & fun***
8. *Did he ever see any signs saying he couldn't walk it?* ***No signs or no gates.***
9. *Was he ever told he couldn't walk it.* ***No.***
10. *Anything else he might remember that would help keep this path open and prove long term access?* ***As below:-***

- *There were stables for the Schiff hospital at the end of that path.*
- *Nearest shop is Browns corner. 2 shops. On corner was a sweet shop. Run by 2 sisters and then further round was a green grocers run by the brother. They were the BROWNS family. Green grocers shut first and then finally the sweet shop.*
- *Grandfather was from Tolworth. He walked the path when visiting his daughter and family from 1961 for many years. He passed away in 1993. (age 87).*
- *People would come out on the train for the day from London and walk through Oxshott woods. The monument, sweet shop & café all in Oxshott woods by train station.*
- *Grandmother was sent to Schiff hospital after her hysterectomy. It was known as Schiff hospital of Recovery. People used to walk in the surrounding area for recuperation.*

Mr Rowland (aka Newby) Groves R.N.HN. GROVES

PRINT NAME

[redacted]

Signature

5 December 2019

Date

SURREY
COUNTY COUNCIL
Countryside Access

ONE FORM PER PERSON PLEASE
One form per route

PUBLIC WAY EVIDENCE FORM
PLEASE USE BLOCK CAPITALS AND BLACK PEN.
v. June 2010

NAME (MR/MRS/MISS/MS) MR JOHN E. CALVERT

Address 42 HEATH RIDGE LEATHERHEAD
COBHAM SURREY KT11 2QT **Tel:** [redacted]

Describe where the route runs from and to: *(& also please mark the route used on a map and attach it to this form).*

LITTLE HEATH LANE → WATERLANE

1. Do you think the way is:-

	YES	NO		YES	NO		YES	NO	Byway open to all traffic	YES	NO
Footpath	✓		Bridleway			Restricted Byway					

2. How did you first find out about the way? TALKING TO A LOCAL TEAM ASSISTANT IN LITTLEHEATH LANE WHO WALKED THIS FROM THE 1960 CENTURY

3. Please indicate the **years** when and how you have used the way (*eg 1970 – 1995*)

	From	To	From	To	From	To
On foot:	LITTLE HEATH LANE → WATERLANE					
Horseback						
Bicycle						
Horse and Carriage:						
With a motor vehicle:						

(a) Where were you going? LITTLE HEATH LANE → WATERLANE

(b) For what reason? EXERCISING DOGS
BUSINESS

(c) Number of times per year? :On foot..... Horse..... Bicycle..... With carriage..... With a motor vehicle.....

(d) Did you use the way openly? YES [✓] NO [ ]

4. (a) Has the way always run over the same route? YES [✓] NO [ ]

If No, when and how did the way change?

5. Describe the way A SEMI-RURAL COUNTRY LANE WITH FIELDS ON BOTH SIDES OF A ROAD

6. How wide is the way? 6 - 12 FT

7. Have you ever seen any of the following across or beside the way?

(a) Any stiles or gates? YES [ ] NO [✓]

If yes when?

(b) Any notices? YES [ ] NO [✓]

If yes when and what did they say? .....

(c) Any fencing across it? YES [ ] NO [X]

If yes when and where? .....

(d) Any other structures or obstructions? YES [ ] NO [X]

If yes when and where? .....

(e) Has any part of the way ever been ploughed or cultivated? NO

.....

8. (a) At the time when you used the way did you work for the owner or occupier of any adjoining land over which the way runs? If so, give details and dates..... NO

.....

(b) If you are/were employed by the owner or occupier, did your employer ever give you instructions about the public using the way? If so, what were they..... NO

.....

(c) Did you ever meet the landowner, his employees or family while you were using the way? If so, did they comment on your being there? What did they say? ..... NO

.....

(d) Did you ever get or seek permission to use the way? YES [ ] NO [X]

If yes give details .....

(e) Did you ever use the way to deliver anything or visit adjoining residents? YES [ ] NO [X]

If yes give details .....

9. Did anyone ever attempt to turn you back or say that you had no right to use the way? If so please give details and dates ..... NO

10. Are you aware of any documentary evidence to support your claim, e.g. Enclosure Awards, Tithe Maps, Estate Maps, Deeds, etc? Yes/No. If Yes, give details

..... NO

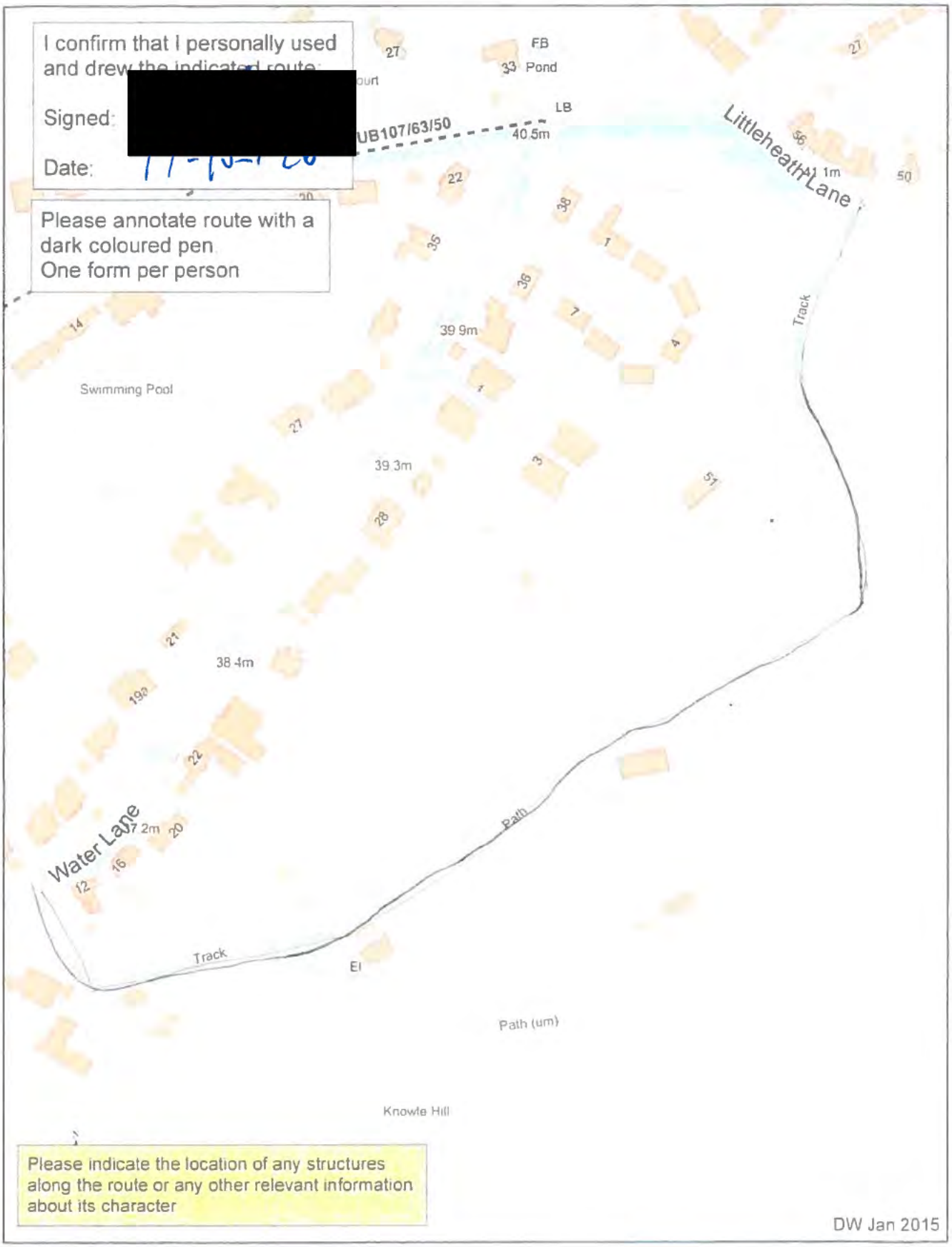
.....

11. If the Council decides to make an Order and there are objections a Public Inquiry may be held. Would you be prepared to attend a Public Inquiry to give evidence in person? YES [X] NO [ ]

I confirm that to t[redacted]e facts I have given are true.

Signature: .....[redacted] Date 17.10-20

The information given on this form will be available for public inspection unless requested otherwise- please see accompanying note for further information



SURREY COUNTY COUNCIL

Alleged public right of way between Littleheath Lane and Water Lane, Cobham, Esher

1:2,500

Rights of Way
Status
- Footpath
- Bridleway
- Restricted Byway
- BOAT

WITNESS STATEMENT FROM JOHN GROVES
from Littleheath Lane to Water Lane Footpath DMMO Application

Mr John Groves was born in 1933 (now 87) and lived at Blackbirds, 48 Heathridge Green in Cobham since 1961. He lived there with his wife (now 86) and 3 children. 59, 56 and his youngest son Rowland (aka Newby) now 51. John walked the path before the children were born and then when his 3 children were born. The whole family walked the path in the 60's, 70's and 80's and the surrounding area. He retired in 1992 and his use of the path increased then. John Groves walked the path until it was blocked in 2015.

1. *Name (and year born).* ***John Groves. b 1933 (87)***
2. *Address at the time.* ***Blackbirds, 48 Heathridge Green, Cobham (still living there with his wife)***
3. *What date did John first walk the path?* ***1961 he moved in and walked the path till it was blocked in 2015 (walked for 54 years).***
4. *What date did John last walk the path?* ***Till 2015 when it was blocked. He walks everywhere.***
5. *Did he walk the path with anybody else?* ***With his father and then his children and their 3 dogs over the years (Charlie, Kizzy & Kip).***
6. *How many times a week did he walk the path?* ***Walked daily. (and also in Oxshott woods). Probably 3 or 4 times a week the path***
7. *Why did he walk it? Exercise or to get from place A to B? Maybe shopping, work, visit friends etc.* ***For exercise (with dogs from 1987).***
8. *Did he ever see any signs saying he couldn't walk it?* ***No signs or gates. There was no fencing anywhere.***
9. *Was he ever told he couldn't walk it.* ***No.***
10. *Anything else he might remember that would help keep this path open and prove long term access?*
11. Photos? – Don't think so.

Mr John Groves JOHN F. GROVES

PRINT NAME

[redacted]

Signature

5 December 2019

Date

From:	Alice Pearson
To:	Catherine Valiant
Subject:	Re. Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham, Esher (CP588)
Date:	24 October 2020 20:50:38
Importance:	High

Dear Catherine,

RE. Alleged Public Footpath from Littleheath Lane to Water Lane, Cobham, Esher (CP588)

As an addendum to my original witness statement I'd be grateful if the irregularities in the most recent report, that I list below, could be included.

With thanks,
Alice

Alice Pearson-Thorne
30 Water Lane
Cobham
Surrey KT11 2PB

IRREGULARITY IN MRS DIANE TURK'S WITNESS STATEMENT

- Mrs Diane Turk states that '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'. Alice Pearson-Thorne and Cathy Beeby can bear witness to the fact that Mrs Marian Pearson and her family of 30 Water Lane (including daughters Alice and Cathy), regularly used the full length of the footpath from Water Lane to Littleheath Lane unchallenged. The Pearson family regularly saw Mrs Diane Turk and her family on the footpath in question as the Pearson and Turk families were neighbours at Nos 30 and 32 Water Lane respectively and both families had rear access on to the footpath.

IRREGULARITY IN JAMES SMITH (PLANNING LAW SERVICES LTD) LETTER

- Mr James Smith of James Smith (Planning Law Services Ltd) uses the evidence that Mrs Cathy Beeby states in her witness statement that she was turned away by the landowner's (Ross family) gardener, as evidence of 'dedication'. However, Mrs Beeby was turned away by the landowner's gardener after 2015 when the landowner blocked the path with foliage, therefore the statement is irrelevant as evidence of 'dedication'. The landowner's gardener had been pleasant if encountered up to 2015 but was instructed by the landowner to turn people away in an aggressive manner after the path was blocked in 2015.

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