

Wildlife & Countryside Act 1981
 Applications for a Definitive Map Modification Order
 Alleged bridleway Clarence Road, FP 279, Avenue Road/The Avenue to The Grove

Annex 7

Summary of Landowner's Evidence

Name	Evidence	Comments
Mr Fred Burridge	<p>Mr Burridge lives off Clarence Road. The ownership of Clarence Road itself is unknown. Mr Burridge has lived in Clarence Road for 40 years and lived locally before moving to Clarence Road. He fills in the potholes and is aware that its status is unadopted road. He sees horseriders using it very infrequently. There has been a long period where he has seen no riders at all, but more recently two riders have been using Clarence Road for about 3 months. A number of years ago Mr Harvey at Lincroft used to keep horses and he walked them along Clarence Road</p> <p>The footpath has been used by horses in the past, their use created a quagmire, particularly in the narrower sections. Post were put up at the junction of the footpath and Main Road about 10 years ago, these stopped the horseriders from using the route and may have been put up by the Council. Mr Burridge has never seen horse riders on the very narrow top section of the footpath leading up to the road. The stile at the end of the bank also prevents horse riders from using the footpath.</p> <p>There have been residential properties in Clarence Road for over 100 years. Mr Burridge has no formal easement over the road. Mr Burridge is concerned that the registration of bridleway rights will adversely affect his ability to access his property</p>	Concerns about the effect on private access rights are not matters that can lawfully be taken into account in determining the DMMO application.
Mr David Brown	<p>Mr Brown lives off Clarence Road. His property used to belong to the Hallum family and the original house on the site was constructed c1897. Mr Brown bought the property over 40 years ago and re-built what was a rather derelict property. At that time Mr Hallum was alive, though very old, he and his sons still kept the farm.</p> <p>Mr Brown has lived in the area since 1963 and has seen the occasional horse rider use Clarence Road</p> <p>The barriers at the Main Road were in place when Mr Brown's sons were small (they are now 40 and 45)</p>	
Mr and Mrs Iain Cowie	<p>Mr and Mrs Cowie own 334 Main Road and have lived there 3 years. During this time they have seen no horses use the top section of the footpath. They are concerned that the registration of bridleway rights over the footpath will adversely affect the privacy of rear garden. The top section of the footpath is too narrow for horses to safely use.</p>	Concerns about privacy are not matters that can lawfully be taken into account in determining the DMMO application.

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Mr David Rudd	<p>Mr Rudd owns some of the land crossed by the footpath. Stiles have been erected and repaired on the footpath and any gaps have been repeatedly blocked with barbed wire. This path has always been a footpath and is not a bridleway.</p> <p>Mr Rudd owns land either side of The Avenue and rents a further piece from an absentee landlord. He uses The Avenue to access his land and is concerned that recoding a bridleway over it will interfere with his access rights.</p>	<p>The evidence of repair to stiles and the blocking of gaps is discussed in the main report.</p> <p>The recording of a bridleway over The Avenue will not affect existing private access rights.</p>
Mr Don Reeks	<p>Mr D Reeks is executor for his late mother who owned The Hermitage. The deeds to The Hermitage date back to 1875. The Avenue was not called Avenue Road and is shown on old OS maps. The old county boundary ran along it to the extent that part of The Hermitage was in Surrey and part in Kent. The Avenue is a continuation of Hillside Road.</p> <p>Mr D Reeks has known The Hermitage since 1957 and has never seen horses riding on the footpath. Fencing adjacent to the stile at the junction of the footpath and The Avenue has been broken so horse riders may have taken advantage of this to use the footpath. He is concerned that horse use of the footpath would be dangerous to walkers.</p>	<p>Boundaries have been legally changed, this is discussed in the main report.</p>
Mr R S Reeks	<p>Mr R S Reeks presently lives in The Hermitage and has lived there since 1957. The footpath has always only been a footpath and there are three stiles presently in place on it, two of which have always been in place, additionally a metal chain was across the footpath.</p> <p>The section of route from Hillside Road to the Grove is also only a footpath. Part of the route is in Surrey.</p>	<p>The existence of stiles is discussed in the main report.</p>
Mr Malcolm MacLeod	<p>Mr MacLeod presently lives in The Hermitage, He was born there in 1966 and lived there until 1979, returning to live there in 2009. Between 1979 and 2009 he visited his grandmother who lived there regularly. He has never seen horseriders on the footpath.</p>	
Mr R A Parfitt	<p>Mr Parfitt owns 12A Woodbury Close, he does not own land crossed by or next to the footpath. Mr Parfitt has lived in Woodbury Close for 47 years in total and in that time the footpath has never been accessible for horseriders having two or three stiles on it. He has a 1975 Bromley and District Consumers Group map showing the footpath as a public footpath and is concerned that registration of bridleway rights over the footpath would cause problems for walkers.</p>	<p>Footpath 279 is registered as a public footpath on the LBB Definitive Map and Statement, however, this is without prejudice to other public rights. Concerns about the effect use by horseriders will have on walkers using the existing footpath are not matters that can lawfully be taken into account in determining the DMMO application.</p>
Mrs Beryl Higgins	<p>Mrs Higgins owns land adjacent to The Avenue and has private access rights over it. She considers that The Avenue is a public right of way and only has concerns that the recording of bridleway rights will adversely affect her private access rights. She has no comment to make about the Clarence Road or Footpath 279 section of the claimed route.</p>	<p>Concerns about the effect on private access rights are not matters that can lawfully be taken into account in determining the DMMO application, but in any case existing private rights will not be affected.</p>
Mr John Williams	<p>Mr Williams owns 132 Sutherland Avenue and his land abuts the footpath. He objects to the recording of bridleway rights over the</p>	<p>The stiles and challenges are discussed in the main report.</p>

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	<p>footpath. In 2006 on receiving the notice of the DMMO application he wrote to the Council, in summary he said: the footpath is too narrow to be used by horses and horse use would make it muddy and be dangerous for walkers. In 1965 horse riders would sometimes use the footpath, but this was prevented by an obstruction and in 1966 by the erection of two stiles. One of these stiles was photographed and registered with the Footpaths Officer at LBB. In clarification Mr Williams confirms that he built the two stiles mentioned in 1966, one at the junction of the Footpath with The Avenue and one near to the southwestern corner of his land. A further stile was built near to the northeastern corner of his land. Mr Williams states that although he does not own the land crossed by the footpath he challenged horse riders who sometimes used it in the 1960s and built the stiles to prevent their use. He recalls challenging two or three riders who then stopped using the footpath, these exchanges were always courteous. He has not been able to find out who owns the land so the stiles he built were not built with the agreement or permission of the landowner</p>	
Mrs Peggy Johnson	Owns land adjacent to The Avenue. She has made no comment other than to confirm her landownership.	
Mr Henry Speer		Correspondence returned "not known at this address"
Mr Thomas Evans		Correspondence returned "gone away"
Mrs I E Young c/o Knocker and Foskett, solicitors		No reply
Mr Harvey		No reply
Chevening Estate		Do not own land crossed by the claimed route