

**From:** Philip Lapper philip.lapper@baxterphilips.co.uk    
**Subject:** RE: Application for Definitive Map Modification Order - Downe  
**Date:** 15 September 2023 at 17:12  
**To:** Robin Carr Associates robin.carr1@btinternet.com  
**Cc:** Mark@c-l-m.co.uk, neil@pagesurveyors.co.uk, Houghton, Chloe Chloe.Houghton@bromley.gov.uk

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Robin,

Thanks for meeting us last week to walk the track, it was nice to meet you and I appreciate you making the long journey on such a hot day!

As previously mentioned, I am a Director Of Petleys Residents Limited which is a company formed by the owners of all 5 of the houses on the Petleys Farm residential development. The company was formed by the owners to purchase part of the track that you are reviewing a PROW application. I attach a copy of the land registry plan which shows the part of the track that we own, as you will see this is the top part of the track accessed via Luxted Road and leads to our homes. We moved into our homes in the summer of 2019. SD Farms told us when we purchased our properties that the part of the bottom part of the track, beyond our homes was strictly private and only for the farmers use. As you saw when we met on the track its in regular use by large tractors and farming equipment.

As you saw, the last section of the track is not passable on foot due to the long established weeds and thick growth of nettles. I believe you took a photo of the locked gate from afar when you visited but I attach a picture of the locked gate, taken this week from the other side which you can access if you leave the public footpath adjacent to West Kent Golf Course. As well as the silver galvanised gate that has been there for many years you will see the remains of its predecessor together with barb wire to stop walkers trying to jump the adjacent fencing. I understand that SD Farms are sending you sworn declarations confirming that the locked gate has been there since before they purchased the land in 2006.

I also attach a letter from the owners prior to SD Farms ownership, this also confirms that they did not allow public access and followed advice given by LBB, their ownership dates back to 1957.

Also attached is a letter from the previous occupiers of Landway House (one of the houses on the current Petleys Development) confirming that they were always advised the path was private and not a PROW.

I have reviewed the 58 evidence forms supplied by LBB and have found 27 make reference to the locked gate at the bottom.

Whilst we cannot comment on the period prior to our ownership we can confidently say that we purchased our homes in the knowledge that this was a private track, there was a signpost at the entrance from Luxted Road which we think was installed in 2018, the signpost was updated by us in 2021 (picture attached) this replaced a similar sign.

For the reasons above we trust that the council will resist establishing a PROW on what is clearly private land.

If you require any further clarification from me on any of the points above, please let me know.

...

Kind regards,

**Philip Lapper BSc (Hons)**

Director

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**From:** Robin Carr Associates <robin.carr1@btinternet.com>

**Sent:** Thursday, August 24, 2023 9:53 AM

**To:** Philip Lapper <philip.lapper@baxterphilips.co.uk>

**Cc:** Mark@c-l-m.co.uk; neil@pagesurveyors.co.uk; Houghton, Chloe <Chloe.Houghton@bromley.gov.uk>

**Subject:** Re: Application for Definitive Map Modification Order - Downe

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Dear Philip

Thanks for your email and call

Can we say 2pm at your house please?

I have another meeting in the morning, and will then come over to you

Will ring if it looks like I may be delayed

Kind Regards

Robin

Robin Carr FIPROW MAE

Principal Consultant

Robin Carr Associates

Public Rights of Way Management & Consultancy Services

Meadow Barn, Main Street, Kneesall, Newark, Nottinghamshire NG22 0AD

Tel: 01623 835 798

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Email: [robin.carr1@btinternet.com](mailto:robin.carr1@btinternet.com)

Email: [consultancy@prow.biz](mailto:consultancy@prow.biz)

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Jermy House  
 Holsworthy  
 Devon.  
 EX 22 7HZ

Re The Landway Track  
 Petleys Farm.  
 Devon.

19. 5 2021.

My connection with the Landway Track originates with my father, Alex Horrie, being asked by the K.N.A.C to farm Petleys Farm during the 2<sup>o</sup> World War. The trackway was a vital and only link to all the fields on the 72 acre farm. For several years, the trackway was gated near the entrance from Lusted Road, in line with the hedge to the front of Petleys Barnhouse. This gate fell into disuse prior to my families ownership in 1957. The owners of Petleys House have always had a legal right of way over the Landway to their field to the rear of their property. An alternative gate was later erected beyond this point.

My parents built & moved to Parkside in 1970 and gave permission to a few local residents to walk the trackway with their dogs. At this time at least one person was refused as their dog was too aggressive.

In the late 70's & 80's I was involved with many of the local schools in field study projects and was advised by Bromley Conservation Officer, Chris Hughes, and Matt Kelly from High Elms to erect a sign at the entrance to the Trackway stating that it was not a Public Right of Way but could be used with permission from the owners. Donne School under the leadership of Richard Lawrence made many visits to the farm using this permission. At this time a locked gate was installed halfway along the track with a stile for permitted people to use. At the end of the trackway,

reaching the Coyle Course Banks, which we grazed, there was a scotch gate, not a fixed gate for ease of livestock control and movement.

As far as I am ~~am~~ concerned this remained the case until and when we sold the farm in 2006.

Sean Chamberlain

2-3 Cackets Cottages  
Cackets Lane  
Cudham  
TN14 7QG

18<sup>th</sup> April 2023

**Ref : Track at the side of Landway House, Petleys Farm, Luxted Road, BR6 7JS**

**To whom it may concern**

**I lived at Landway House from November 2014 to June 2018 with my partner and dogs.**

**During that time it was clear that the track was very much a private farm track to only be accessed by SD Farms' (our landlord) machinery for the fields behind the property.**

**We knew that we were not allowed to use the track as it would have been trespassing onto private property.**

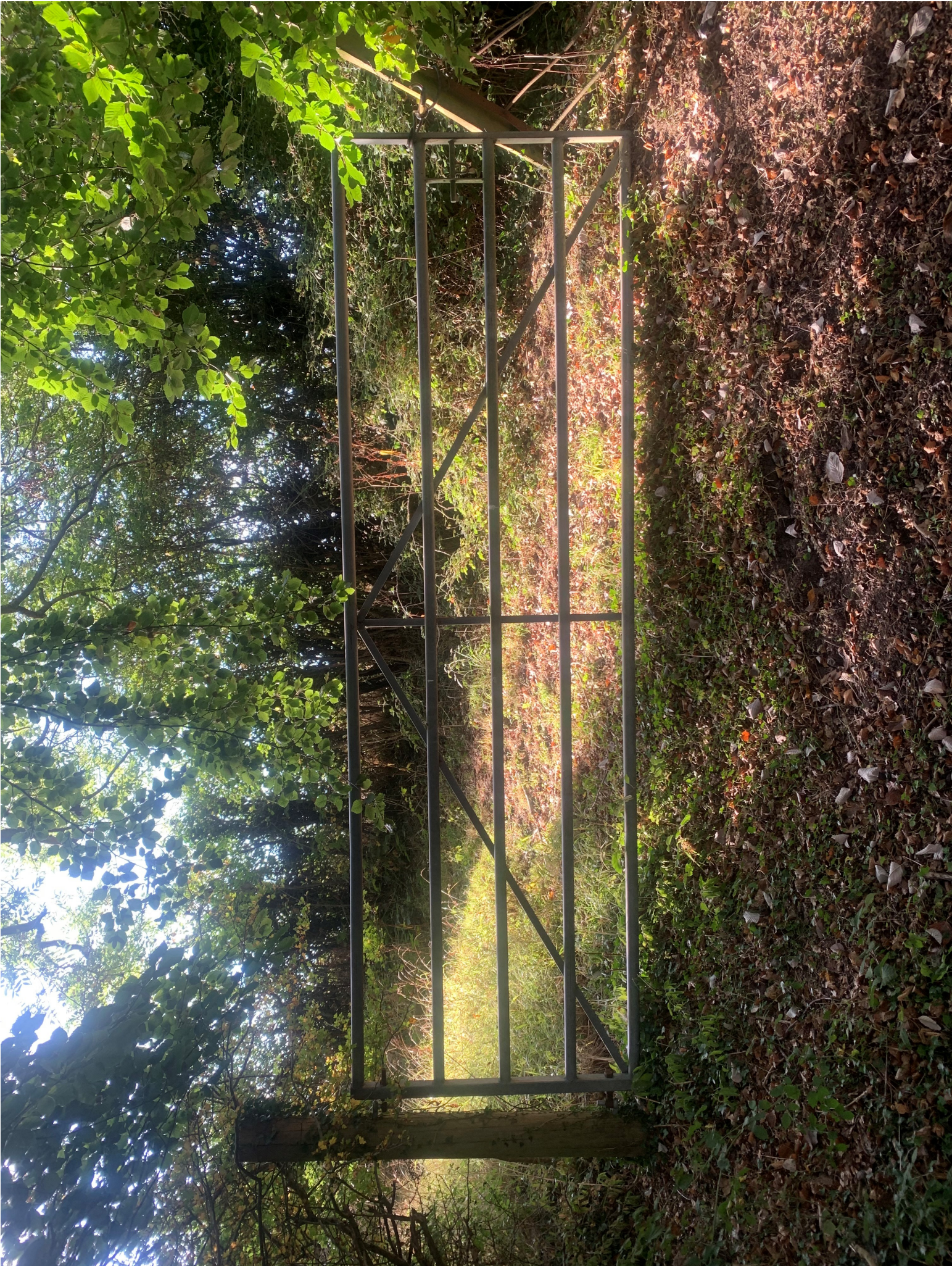
**I do not recall seeing any walkers on the track during the time we lived there, for the same reasons.**

**Yours sincerely**



**Alex Wilson**









**From:** Philip Lapper philip.lapper@baxterphilips.co.uk  
**Subject:** FW: Access from Luxted Road, Downe via Landway  
**Date:** 23 October 2023 at 09:43  
**To:** Robin Carr Associates robin.carr1@btinternet.com  
**Cc:** Houghton, Chloe Chloe.Houghton@bromley.gov.uk, Mark@c-l-m.co.uk

Morning Robin,

Hope all well with you.

As you will have seen I have copied you into the email exchange with the golf club. I expect you may need to check the authenticity of the email, I don't think it will be a problem for you or LBB to contact them direct.

Kind regards,

**Philip Lapper BSc (Hons)**

Director

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**From:** Philip Lapper

**Sent:** Monday, October 23, 2023 9:39 AM

**To:** Manager - West Kent Golf Club <manager@wkgc.co.uk>

**Cc:** Mark@c-l-m.co.uk; Robin Carr Associates <robin.carr1@btinternet.com>

**Subject:** RE: Access from Luxted Road, Downe via Landway

Thanks Matt, very helpful.

The latest photographs taken just a couple of weeks ago do not show the lock damaged, but no doubt SD Farms will get onto this.

Kind regards,

**Philip Lapper BSc (Hons)**

Director

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**From:** Manager - West Kent Golf Club <[manager@wkgc.co.uk](mailto:manager@wkgc.co.uk)>  
**Sent:** Monday, October 23, 2023 9:25 AM  
**To:** Philip Lapper <[philip.lapper@baxterphilips.co.uk](mailto:philip.lapper@baxterphilips.co.uk)>  
**Cc:** [Mark@c-l-m.co.uk](mailto:Mark@c-l-m.co.uk)  
**Subject:** RE: Access from Luxted Road, Downe via Landway

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Philip,

This is a new one on me but I am still relatively new to the post at West Kent.

However, my head greenkeeper has advised the gate has always been locked to his memory and he has been here for 15 years.

The padlock has been damaged though for several months so it is currently not working and just poked through the fence.

Kind regards

*Matt Burns*

General Manager  
West Kent Golf Club  
Milking Lane  
Downe  
Kent  
BR6 7LD  
T: 01689 851323  
E: [manager@wkgc.co.uk](mailto:manager@wkgc.co.uk)



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**From:** Philip Lapper <[philip.lapper@baxterphilips.co.uk](mailto:philip.lapper@baxterphilips.co.uk)>  
**Sent:** 17 October 2023 11:20  
**To:** Manager - West Kent Golf Club <[manager@wkgc.co.uk](mailto:manager@wkgc.co.uk)>  
**Cc:** [Mark@c-i-m.co.uk](mailto:Mark@c-i-m.co.uk)  
**Subject:** Access from Luxted Road, Downe via Landway  
**Importance:** High

Dear Sir/Madam,

I am a director of Petleys Residents Limited whom own part of the Landway farm track which is the entrance to our homes on the Petleys Farm Track off of Luxted Road (please see plans attached) . The majority and lower end of the track is owned by SD Farms Limited and as you will probably know the Golf Club enjoys a right of way, which we all respect. However there has been a public right of way application currently being considered by the council.

The consultant considering the public right of way request is trying to find out how long a lock has been on the lower gate, we believe you have a key as you have access down the track, we believe its been locked for many years. Are you able to say how long you believe the lock has been on the gate? Maybe you have a record of how long you have held a key or padlock code? I attach photographs of the gate. SD Farm's advisors are copied into this email, they believe it's always been locked but the consultant needs to see confirmation from as many parties as possible.

I appreciate this is an unusual request but your assistance with this is very important to us and I believe of interest to the golf club and their membership.

If you need any further details or would like to meet, please let me know.

Thank you in anticipation of any information you can provide.

Kind regards,

**Philip Lapper BSc (Hons)**  
Director  
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