

# Witness Statement of Case

by

## Dr W A Johns (User 03)

Determination by

The Secretary of State for Environment, Food and Rural Affairs

LOCAL PUBLIC INQUIRY August 7<sup>th</sup>, 2018

Bath and North East Somerset Council

(Restricted Byway BA21/12, Beek's Mill, St Catherine)

Definitive Map Modification Order 2017

Appeal Reference: ROW3186868

Brenda Johns

Orchard Farm, St Catherine, Bath, BA1 8EZ

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1. This Statement of Case is made by myself, Brenda Johns, and is submitted in support of the Definitive Map and Statement Modification Order issued by Bath and North East Somerset Council on July 18<sup>th</sup> 2017. The DMMO seeks to record a Restricted Byway between St Catherine Lane at grid reference ST 7611 7106, along an existing track in a generally north-easterly direction for approximately 200m, to the border with South Gloucestershire at grid reference ST 7624 7121.
  
2. I have lived in the community for 33 years.
  
3. I am now retired having been a local medical practitioner until 2005
4. I have used the route on foot from 1985 to 2012
  
5. I have used the route on horseback from 1985 to 2002
  
6. I have used the route by motorised vehicle from 1985 to 2005
  
7. Prior to 2012 I did not see any private signs or notices on or near the route that discouraged or encouraged me to use it.
  
8. No one has ever attempted to turn me back or said that I have no right to use the route.

9. I have never been given permission to use the route.
  
10. Before 2012 there was never any obstruction on the route.
  
11. The gate at the end of the route joining St Catherine Lane was always open when I used it.
  
12. I attach as evidence a copy of the Completed User Evidence Form submitted by myself dated April 23<sup>rd</sup>, 2017

**PUBLIC RIGHTS OF WAY  
USER EVIDENCE FORM**

Parish &/or Name of Route (if known) St Catherine - Becks Lane

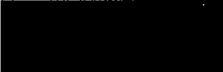
**PLEASE NOTE:**

- This form is designed to help establish whether or not the claimed route is a public right of way. It also provides evidence of how it is used e.g. on foot, on horseback, by vehicles etc.
- If the Authority proceeds with the claim, but it is contested (e.g. by a landowner), there may be a Public Inquiry. Public Inquiries are usually held locally (i.e. in the village hall). If you are unable to attend a Public Inquiry your evidence may be given in writing, but user evidence is of much greater value if you attend in person and are prepared to answer questions on your evidence (see Question 21). Inquiries are kept as informal as possible, and the Authority will help you give your evidence.
- The information you give in this form will be processed in accordance with the Data Protection Act 1998. It is held by the Public Rights of Way Team of Bath and North East Somerset Council for the purpose of processing your user evidence.
- If a Public Inquiry takes place your evidence, including your personal information and comments, will be made available to the Inquiry in order to be used as part of the case. If you consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence, please tick the box at the end of this form.
- This form should be completed by one person only and should relate to only one route. If you need more space please continue on a separate sheet. Please use black ink.
- Forms should be accompanied by a map and the person completing the form should draw the route they have used on the map themselves.

Please return this form to the person who asked you to complete it, or send it to:

The Public Rights of Way Team, Bath and North East Somerset Council,  
Lewis House, Manvers Street, Bath, BA1 1JG.

If you need any help to complete this form please contact us on 01225 477650.

1. Name (Mr/Mrs/Miss/Ms) Dr WA JOHNS
2. Address: ORCHARD FARM  
ST CATHERINE Postcode: BA1 2HA  
Telephone: ..... (work) 01225 858795 (home)  
Email: brenda\_wully@me.com
3. Date of Birth:  .. NB: You do not have to give your date of birth, but it helps the Authority assess your evidence.

Please give a full description of the route you use (e.g. where you start from, where you go and where you finish), mark it on a map and attach the map to this form

Start: Leigh Lane, St Catherine  
 Route: on the road damaged part of Becks Lane  
 to brook  
 Finish: Tamed adapted road by Becks Mill  
 in Marshfield Parrish (S. Glos.)

5. How have you used the route, and during which years?

- (a) on foot  between \_\_\_\_\_ and \_\_\_\_\_  
 (b) on horseback  between 1984 and 2005  
 (c) on bicycle/horse-drawn vehicle  between \_\_\_\_\_ and \_\_\_\_\_  
 (d) with motorised vehicle  between 1984 and 2000

6. Were there any years during which you did not use the route at all? YES  NO

If YES, which years and why? between \_\_\_\_\_ and \_\_\_\_\_  
 Prior to 1984 (did not live here)  
 On horse until 2005 (did not have horse)  
 By car after 2000 (returned from full-time work)

7. How frequently do/did you use the route?

	daily	once a week	once a month
(a) on foot			
(b) on horseback		✓ variable	
(c) on bicycle/horse-drawn vehicle			
(d) with motorised vehicle	See below		

If less than once a month, please specify how many times a year you use the route.

Three times in the period (1984-2000) when A46 blocked when going to work

8. For what purpose do/did you use the route? e.g. for pleasure, going to work etc.

see above

9. Has the route always followed the line described above? YES  NO

If NO, please describe how, when and why it changed.

10. How wide is the route? [feet][metres] circa 3.5 m

11. Has the route always been the same width? YES  NO

If not, how wide did it used to be? [feet][metres] D/K

12. When you have used the route were you:-

- (a) the owner YES  NO
- (b) the tenant YES  NO
- (c) an employee of the owner/tenant YES  NO
- (d) a family member of any of the above YES  NO

of the land over which the route runs?

13. Did you ever meet the landowner, their employees or family while you were using the route? YES  NO

If YES, what did they say?

*When on horseback, our way was exchanged a cheery wave*

14. Have you ever been given permission to use the route? YES  NO

If YES, who gave you permission and when?

15. Has anyone ever attempted to turn you back or said that you had no right to be on the route? YES  NO

If YES, please give details including when this happened.

16. Have you ever seen any notices on or near the route either encouraging or discouraging your use of it? YES  NO

If YES (a) where were they?

*Not until recent dispute*

(b) what did they say?

(c) when were they present? between \_\_\_\_\_ and \_\_\_\_\_

17. Have there ever been stiles, gates or bridges on the route? YES  NO

If YES (a) what were they?

*There is (and was) a gate a stile and end of track*

(b) when were they erected?

*D/E*

(c) how long were they in place?

*D/E*

- (d) did they prevent or deter you from using the route? YES  NO

- (e) if gates were present, were they ever locked? YES  NO

If YES, when and for how long?

Please mark the location of any notices, stiles, gates or bridges etc. on the attached map.

18. Has there ever been an obstruction to your use of the route? YES  NO

IF YES (a) what was the obstruction? .....

(b) when was it put there? .....

(c) how long was it in place? .....

(d) did it prevent or deter you from using the route? YES  NO

Please mark the location of any obstructions on the attached map.

19. Do you have any other information about the route which might be useful?

During my use of the route, the gate was  
sometimes open and sometimes shut

20. If you wish to add any further details about the route which you cannot show on the attached map, please sketch them here.

19 cont.

How say evidence.  
I have been told that prior to my living here, some one who lived at Beck's Hill (the note the present or past owners) would keep his car at the St Catherine End of Beck's Lane on back way there. He would then put a lock on the gate

21. If necessary, would you be prepared to give evidence at a Public Inquiry in respect of the evidence you have given? YES  NO

If not, please briefly explain your reasons.  
.....  
.....

I confirm that to the best of my knowledge and belief the information I have given is true.

also understand that this evidence may be presented at Public Inquiry and I authorise Bath and North East Somerset Council to use [redacted] for that purpose.

Signature: [redacted]

Date: 23/4/17

Please note that the contents of this evidence form may become public knowledge.

I consent to Bath and North East Somerset Council disclosing the personal information contained within this User Evidence Form to anyone reasonably requiring access to this evidence prior to a public inquiry, please tick this box if applicable

