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Date: 27th October 2020
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Dear Vanessa

**T513 Higher Holt – FP Order
LETTER OF OBJECTION**

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Thank you for your letter of 22nd September and the Order.

I write (on behalf of the Owners of the Estate, Ilchester Estates Ltd) to **OBJECT** to the Order, on the following grounds. mogersdrewett.com

1. This is a case based entirely on alleged public use evidence.
2. The amount of alleged evidence is insubstantial.
3. The maximum number of application witnesses is ten, though one of them is discounted because of permission and employment.
4. The Dorset County Council Committee recommendation in July 2019, and their decision, was to refuse the application on the basis that there was insufficient evidence to suggest that public rights subsist or can be reasonably alleged to subsist along the claimed route.
5. The Inspector on appeal felt that the evidence should be tested at Inquiry on the ground that a right of way could be reasonably alleged to subsist, that the County should be directed to make an Order, and that the claim period was to be 1987 to 2007.
6. The period dates back twenty years from when a 2007 Deposit (Statement and Declaration) was lodged. The Estate had done a previous Statement in 1995 but unwittingly omitted the Declaration.

7. We say that the 1995 Deposit brought into question the alleged public right; it made it plain that the Estate had no intention to dedicate and was on the DCC system at Dorset History Centre. Thus the period should be 1975 – 1995.

8. The amount of alleged public use during that earlier period is negligible.

9. The amount of alleged public use in the 1987 – 2007 period is itself negligible. Only four of the witnesses claim intermittently to have been using the route in the early part of the relevant period. Even taking the Applicant's case at its highest, the alleged use is insufficient to support a successful claim.

10. Despite signage being erected in 2009, it was not until 2011 that an application for a public way was made.

11. The Estate has long had a policy of managing public access so as to prevent untoward rights arising. Estate staff are well aware of the need to confront trespassers and have done so when any trespass is observed. The Estate have six witnesses who all deny the alleged public use as of right of the Order Route.

12. The Parish Council (of which the Applicant is a long standing member) is well aware that that is the Estate's policy.

13. It was well known locally that in 1978 there was a Public Inquiry, held in the Melbury Osmond Parish Hall, at which the Agent for the Estate spoke in denial of a public footpath on this route.

14. Overall, the Applicant's evidence is insufficient to establish a public right of way on the balance of probabilities and, as such, the Order should not be confirmed.

Yours sincerely,

signature redacted

Jonathan Cheal

Solicitor

On behalf of Mogers Drewett LLP

Wells Office