

PLANNING INSPECTORATE REFERENCE: ROW/3284094

**HIGHWAYS ACT 1980
WILDLIFE AND COUNTRYSIDE ACT 1981**

The Dorset Council (Footpath 16, Melcombe Horsey and Footpath 26, Cheselbourne) Public Path Diversion Order 2014

Determination by way of written representations, October 2023

RESPONSE TO STATEMENT OF CASE BY THE RAMBLERS' ASSOCIATION

We would respond to The Ramblers' Association's Statement of Case as follows:

At paragraph 7 – The Legal Tests, The Ramblers' Association states:

...The previous stated reasons for the diversion did not mention 'security and privacy' and we would draw attention to the fact that at its closest footpath 26 (S15/26) is some 130 metres away from Highdon House, and south of the hedge. [Whereas bridleway 19 (S15/19) is less than 100 metres from the house in places, and less than 30 metres from the tennis court.] Land management is addressed below.

The Ramblers does not agree that it is expedient in the interests of the landowner that these paths be diverted.

Section 119(2) Highways Act 1980

A public path diversion order shall not alter a point of termination of the path or way—

(a) if that point is not on a highway; or

(b)(where it is on a highway) otherwise than to a point which is on the same highway or a highway connected with it, and which is substantially as convenient to the public.

The Ramblers accepts Dorset Council's position that the test set out in section 119 (2) has been met.

Our clients would respond as follows:

The bridleway passes to the west of the property and has a very tall hedge between the bridleway and the property boundary. The footpath 26 has gateways and the main drive along its route that gives pedestrians views to the house. In fact there have been times when people on the footpath have stopped to take photos of the house or 'selfies' of themselves with the house in the background. We understand that in the majority of incidences they are entirely harmless but in the wrong hands we consider that it could pose a serious breach of security and privacy.

At paragraph 9, The Ramblers' Association state:

...We also understand that since 2008, with the installation of the new drive and ha-ha at Highdon House, there has been a watching brief on the site, recorded in the Dorset Historic Environment Record (HER) as part of the Scheduled Monument List – that is the earthwork and ancient fields south east of Lyscombe Bottom. (List Entry Number: 1002456). This all adds to the general interest in the history of the area, and the more removed paths are from their historic environment, the less likely it is that people understand and appreciate their original purpose.

Our clients would respond as follows:

The existing route is nowhere near any historic monuments and these are to be found on the neighboring Lyscombe farm as stated, and the footpath diversion will in no way affect enjoyment of these. The field named The Ledges on the HER is best viewed from the existing footpath on our land which is not on the proposed diversion. There is marked on maps a tumuli in a field named Highdon which is about 600m from the footpath and not visible from it, in fact it takes a fair amount of imagination to see the tumuli even when standing in that field.

At paragraph 9, The Ramblers' Association state:

... The Ramblers is of the view that the line of the alternative route between points A and D on the Order plan is inferior to the varied and interesting route in existence, with its diverse views, in particular to the north east, and its undulations. The proposed alternative route is flat and uninspiring – albeit without furniture. That the existing route is more enjoyable than

the proposed diversion is only apparent on a site visit as the plan and photographs do not capture the ambient experience.

Our clients would respond as follows:

The views to the north are of the house and gardens and not open countryside. The combe head is visible, just, but equally visible from the existing path which is not proposed to move. The new route affords the almost exact same views to the south and east albeit south of the existing route and with no gates or stiles to negotiate.

BRIMBLE LEA

15 December 2023