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EST'D 1867

SAM/879

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**BY SPECIAL DELIVERY**

3<sup>rd</sup> March 2025

Dear Sirs

**Re: Your Reference: 573/11/212(4)**

**Re: The Order of the Gloucestershire County Council under Section 53(2)(b) of the  
Wildlife and Countryside Act 1981 dated 14 January 2025 ("the Order")**

**Re: Verney Fields, Doverow Hill, Stonehouse, Stroud & Surrounding Land**

**Re: Our Client: Linda Maiik**

**Re: Objection to the Order**

We continue to be instructed by Linda Maiik, the freehold owner of the land known as "Verney Fields". We write to confirm that our client objects to the Order. We enclose a copy of the Order, Schedule to it, Plan to it and Notice of the Order dated 22<sup>nd</sup> January 2025; for the avoidance of any doubt as to the Order to which our client objects (by this correspondence).

This letter does not represent the entirety of our client's objection; such instead shall be set out in due course during the course of the inquiry Planning Inspectorate, on behalf of the Secretary of State, which should now follow (not least during the exchange of statements of case).

The Order was made further to a resolution of the Rights of Way Committee of Gloucestershire County Council ("the Committee"), at its meeting on 10<sup>th</sup> December 2024 ("the Decision" and "the Meeting", respectively)

### **Objection - Particulars of Grounds Relied On**

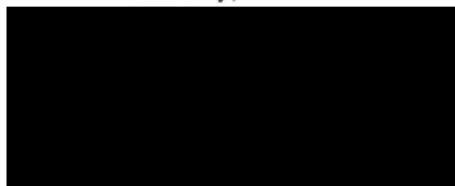
1. On a proper assessment, consideration and evaluation of the evidence there is no evidence and/or no reasonable evidential basis to support any conclusion of the existence at any material times of any:
  - a. Actual or express landowner intention as to dedication sufficient to meet the relevant legal requirements (necessary for the proper making of an order in the form of the Order), and as a result any element of the Decision founded upon such a premise was made in error; or

- b. Presumed dedication necessary for the proper making of an order in the form of the Order (for the purposes of section 31 of the Highways Act 1980), and as a result any element of the Decision founded upon such a premise was made in error;
2. Evidence contrary to any alleged actual or express intention was and is in the possession of Gloucestershire County Council and was not put before the Committee;
3. Evidence contrary to a determination of a presumed dedication (for the purposes of section 31 of the Highways Act 1980), was before the Committee who failed to adequately consider, assess and evaluate (and give due weight) to the same;
4. On a proper assessment, consideration and evaluation of all of the available evidence (such an assessment not having been undertaken by the Committee at or prior to the Meeting), the relevant legal requirements which must be satisfied in the circumstances were not met (and were not capable of being met);
5. The Committee in reaching the Decision failed to properly or adequately assess the totality of the available evidence (both that before it and that with the possession of the Gloucestershire County Council not put before it), in particular but not limited to the evidence of user by force which is fatal to the satisfaction by the application of the relevant legal requirements (and as a result, the Decision and Order were not properly made);
6. The Committee has misinterpreted a constructed path created in order to provide rear access to dwellings forming part of a housing development as being evidence of dedication. This being that path shown upon the plan to the Order between points A-B; a path created for the benefit of identifiable private individuals (home owners/occupiers); as opposed to being created for the benefit of the public. The Committee failed to adequately consider or assess evidence of fencing present during the material times in reaching the Decision and/or making the Order;
7. The Order specifies a width (non-variable) in respect of the length of alleged footpath between the points marked B and C upon the Plan to be added to the Definitive Statement of "2m" (two metres), however:
  - a. There was no evidence to support such a width before the Committee;
  - b. The Decision did not determine such a width and therefore the Order has not been properly made;
  - c. The Order, in this regard (but not limited to this regard), has been improperly made as it:
    - i. Was not made pursuant to the Decision; and
    - ii. Has no proper basis in fact or law.

Please acknowledge receipt of our client's objections and confirm that the matter shall now be referred to the Planning Inspectorate.

We look forward to hearing from you.

Yours faithfully,



John Copland and Son

Solicitors

## RUSSELL, Rachel

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**From:** Kay Nagai [REDACTED]  
**Sent:** 05 March 2025 05:16  
**To:** PEARMAN, Karen; HARRIS, Jaci; Modification Orders  
**Cc:** CHIDLEY, Nicola; MACAULAY-LOWE, Sarah  
**Subject:** Objection to modification order 573/11/212(4)  
**Attachments:** 1972 planning condition.jpg; Giant Pond obstructing Oak Way to MST30 (1).jpg; brand new stile Point N.jpg

Dear Highways Modifications

I write in reference to modification order 573/11/212(4)  
Oak Way to MST30

I object independently of L Maiik (owner of MST30 northside & farmland north), I object as farmer occupier.

I object to the DMMO being confirmed, I am strongly of the view a more in-depth, thorough examination of the evidence is required, the examination of evidence not presented to the committee, although provided to GCC Highway Records prior.

I request decision is deferred to the Secretary of State for more in-depth investigation & request confirmation of the same.

It is evident that landowners/tenants, past & present did NOT intend to dedicate any highway here.

Firstly, the route was obstructed by a giant pond on some OS maps, clearly the brickworks clearly did not intend to dedicate a highway here (Map enclosed).

Secondly, the restrictive condition imposed by the planning authority, at the time planning was granted (in 1972), required the land behind the housing estate to be fenced off from the public on all sides, as it was unsafe land with a dangerous cliff, it was intended to exclude public disturbance so that the remaining 8 acres undeveloped (of the 20 acre overall site, Rosedale estate) would be for the sole benefit of wildlife only; in-keeping with these intentions & complying with the condition set by the planning authority, it was clearly intended that no public highways would be dedicated across it (reference to fencing to exclude & condition enclosed).

Thirdly, the bottom part is a class 6 highway, it was intended for dragging green-waste / bins around from the back garden to the front for collection. Access beyond was not intended, it was fenced off, as a public-excluded wildlife-only zone. Similarly, there was a fence on the south side of MST30, at the other end of the claimed route.

It should also be noted, that at the time of this application, MST30 had not yet been reinstated or restored, it could not have possibly terminated at MST30 (anyone who claimed to have, completed their UES dishonestly), but instead on the line of J-O, of the later application. They excluded the section beyond because it was registered & they believed it would be uncontested if they terminated it only at MST30 (essentially a dead end for them to trespass from after), this makes it an invalid application (it did not serve as access to MST30, but served as access into our land). Not only did they not terminate at this point, they would vandalise the fence & trespass beyond. Point N was a brand new improvised stile, freshly installed with shiny screws, using untreated softwood hardware

store timber (not outdoor timber typical of fencing, stiles & kissing-gates), installed by the public (or parish council) into a freshly vandalised fence cut (photo attached). I believe the whole route to have been public cleared, rather than an intentionally dedicated path, unsure of in what year, but I do not remember it being there when I was younger.

Finally, I was at the Town Council meeting where they talked about making this DMMO & I am disgusted by how they handled it. It was in the context of 'it's Taylor Wimpey's land but lets keep that quiet, don't tell the owner, it's unregistered, we've all got away with stealing / Adverse Possession / land grabbing of garden extensions by keeping quiet, we can nab what we like from that land, lets keep quiet & get it registered through the back door, no one would object to it, it's an easy win / free land & we don't need that many user forms either'. This potentially demonstrates force & secrecy; I consider it unlawful.

Clearly failing the test: Nec vi, nec clam, nec precario

I wish to be updated when this is considered by Secretary of State, irrespective of when that occurs & irrespective of if I have any direct involvement with the land at such time; please ensure I am notified.

yours faithfully

D. K. Nagai - horticulturalist

A copy of the outline planning permission for residential development granted by the Gloucestershire County Council on the 8th March, 1972, is enclosed, showing the 12 acres, or thereabouts, available for developing edged red, as shown on their plan No. SP394 (Planning Reference No. S.3734/H 17511 T.M.2).

It will be noted that condition (e) (i) of the planning consent requires the developer to satisfy the Planning Authority as to the treatment of the quarry face prior to erection of dwellings.

Discussions have been commenced with Mr. M. J. D'Oyly, Assistant Regional Officer, The Nature Conservancy, South West Region, "Inglenook", The Butts, Rodborough, Stroud — tel. Stroud 2862, with regard to the conservation of the quarry face after necessary works have been carried out, and also as to the type of work which for conservation purposes would be desirable. It is possible that arrangements might be made for the future maintenance of a suitably fenced off area containing the quarry face by a local conservancy organisation. See letter dated 28th April, 1972.

Further information about these discussions may be obtained from the Agents.



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