

SUMMARY:

PROOF OF EVIDENCE OF:

Karen Pearman
Highway Records & DMMO Team Leader
Gloucestershire County Council

Title of Order:

S53 of the Wildlife & Countryside Act 1981
Definitive Map of Public Rights of Way for Gloucestershire
(Additional Length of Footpath at Witcombe Farm)
(Parish of Great Witcombe) Order 2009

Planning Inspectorate Reference:

ROW/3354782

1. The Proof of Evidence has been prepared by Karen Pearman, Highway Records & DMMO Team Leader at Gloucestershire County Council ("GCC"), in support of the confirmation of the Definitive Map Modification Order entitled "Additional Length of Footpath at Witcombe Farm (Parish of Great Witcombe) Order 2009". The Order seeks to record a public footpath on the Definitive Map between points A-B-C-D (as shown on the Order plan) at Witcombe Farm, Great Witcombe.
2. The application was submitted in September 2005 and supported by 49 Public Path Evidence Forms claiming long-standing public use of the route. Although GCC's Commons and Rights of Way Committee initially declined to make an Order in 2007, the applicant successfully appealed. In January 2008, a Planning Inspector directed GCC to make the Order, which was subsequently made in March 2009. A single objection was received from the Landowners' representatives and remains unresolved, leading to the present Public Inquiry.
3. The case is considered under Section 53 of the Wildlife and Countryside Act 1981 and Section 31 of the Highways Act 1980. The relevant period for consideration of presumed dedication is 1981 to 2001, ending when notices challenging public use were considered to have been first erected on the route.

4. Historic documentary and mapping evidence neither confirms nor disproves the existence of a public right of way and is therefore considered neutral. As a result, the case rests principally on modern user evidence.
5. The evidence includes 49 user statements describing use of the route over many decades, with some accounts extending back to the 1930s. Users consistently report using the route openly, without force, secrecy or permission, for leisure and recreational walking. Many witnesses describe the route as being commonly regarded and used as a public path, and several report uninterrupted use throughout the entire 20-year statutory period.
6. The principal objections raised by the landowners relate to the frequency of use claimed by witnesses, the distance some users travelled to the route, alleged mistaken use of the route, verbal challenges, permissions allegedly granted by the landowner, and the presence of notices and gates.
7. GCC's assessment is that these points do not materially undermine the user evidence. Most users reported never being challenged or granted permission during the relevant period, and evidence suggests that notices denying public rights of way were not erected until around 2001/2002, after the statutory period under consideration.
8. GCC considers that the Objector has not provided sufficient evidence to demonstrate a clear and consistent intention by the Landowners to prevent dedication during the relevant 20-year period. The evidence indicates that public use was tolerated and acquiesced in, up until the route was challenged around 2001.
9. Taking the evidence as a whole, GCC concludes that there is substantial and credible evidence of uninterrupted public use "as of right" from 1981 to 2001, and that the statutory requirements for presumed dedication have been satisfied.
10. The Council's position is therefore that a public footpath subsists over the claimed route and that the Order should be confirmed as made.

STATEMENT OF TRUTH

I, Karen Pearman, confirm that this Summary accurately reflects the contents of my Proof of Evidence and is true to the best of my knowledge and belief.

Signed;



 September 2026