



PUBLIC RIGHT OF WAY LANDOWNER / OCCUPIER STATEMENT

PLEASE KEEP A COPY FOR YOUR OWN RECORDS

APPLICATION Wildlife & Countryside Act 1981, Section 53
Definitive Map Modification Order Application
Additional Footpath from Rectory Lane, Hempsted to Public Footpath ZGL64,
Hempsted, City of Gloucester

REFERENCE 573/11/99(10)

NAME Steven Harwood

ADDRESS Bank Farm, Bank Cottage, Hempsted Lane, Gloucester

POSTCODE GL2 5JS

YEAR OF BIRTH 1978

- 1 Please indicate on the enclosed plan the boundary of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.
- 2 Please state the nature of your interest in the land over which the alleged public right of way is claimed:

- ☒ Freehold (please circle the relevant one: sole / ~~joint~~ owner)
- ☐ Tenant for life under the Settled Land Act
- ☐ Leasehold
- ☐ Employee
- ☐ Other – please specify below

[If you are a tenant or licensee, please ensure you complete question 19]

3. Please give details and dates of ownership or occupation.

Purchased December 2023

4. What is the land affected by the claimed route used for? (i.e. grazing animals, growing crops, residential garden, business use etc.)

Has the use varied? If so please give details of when and how

Wildlife habitats, environmental land management, growing crops, grazing animals

5. Are you aware of any right of way/other use (i.e. private or public) on the route applied for?

No

6. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation?

☒ Yes

☐ No

If yes, please provide copies.

7. Have you ever seen people using the route?

☒ Yes

☐ No

If YES, were they on foot, on bicycle, on horseback, using a motor vehicle? If so please give details. (Over what period, how frequent, has the route varied, etc.)

The route was a permissive footpath. It is not disputed that walkers used the footpath regularly on foot.

8. Have you, or others with your authority, ever stopped or turned back anyone using the route, or made it known to them that the route was not public?

☒ Yes

☐ No

If YES, how was this done? What was said and by whom? What was the response / reaction?

Walkers were requested to stay on the permissive footpath and not trespass on adjacent farmland because of nesting birds and damage being caused to the crops.

The response to this request was physical threats and online abuse. This led to the closure of the permissive footpaths.

[If YES, please please ensure you complete question 22]

9. Has the way you have used this land made the claimed route(s) difficult or impassable at any time?

☐ Yes

☒ No

If YES, please state how and when

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10. Has anyone ever asked you for permission to use the claimed route(s)?

☒ Yes

☐ No

[If YES, please please ensure you complete question 23]

11. Have you ever given permission to anyone to use the claimed route(s), other than your employee(s)?

☒ Yes

☐ No

[If YES, please please ensure you complete question 23]

12. Have you ever erected / locked any gates or placed any other obstructions along the claimed route(s)?

☒ Yes

☐ No

If YES,

- (a) Please describe the type / nature of the gate or obstruction, and mark the location(s) on the attached plan.

Following the closure of the permissive footpath the existing gate at 'A' was locked and a new gate was erected at 'B'. After a dog attack on grazing cattle in 2024 a post and wire fence was erected separating the land from the public right of way ZGL156.

- (b) Over what period was the obstruction(s) present? (please give months and years where dates are known, e.g. 1959 – 1965 or Sept 2015 to present)

The permissive footpath was closed on 08/04/2024 and the gates locked. The post and wire fence was completed in July 2025.

- (c) Within the period given at 12(b), how often was the gate locked / obstruction present (i.e. permanently, when livestock were moved)

The permissive footpath was not obstructed until it was closed.

13. If you have ever erected any notices or signs, please indicate (if details are known)

- (a) Their wording?

Permissive footpath waymarkers were used to denote the permissive footpath.

'Permissive footpath closed' signs were erected in April 2024. A notice was placed on the village Facebook page regarding the closure.

- (b) When they were erected?

Unknown, during a previous ownership.

- (c) Where were they erected?

At the beginning and end of the permissive footpath. The footpath crossed an open field and it would not be possible to have waymarkers midway along the footpath.

- (d) Did you ever maintain or replace them? If so, when?

Vegetation was cleared to ensure they remained visible. The waymarkers were

clearly visible and legible when the permissive footpath was closed and they are

noted as being present in a number of the user evidence statements.

(e) The length of time that they remained in place?

Since the creation of the permissive footpath.

(f) Was there any response / reaction from people?

The majority of people appear to have understood why the permissive footpath was and support the decision. A small minority are clearly unhappy with the change.

(g) Do you have any photos of previous or existing notices or signs?

☒ Yes – please provide copies, and dates

☐ No

14. Do you have any receipts for works carried out (such as for erecting / repairing fencing or gates); photos of notices; letters of permission or police reports, etc., that relate to the claimed route which might be useful in this investigation?

☒ Yes – please provide copies

☐ No

15. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980 or Section 15(A) of the Commons Act 2006?

☒ Yes

☐ No

If YES, when?

19/06/2024 , file reference 817

16. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the route now being claimed was not dedicated as a highway?

☐ Yes

☒ No

If YES, when?

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17. Would you be willing to give evidence at a Local Public Inquiry?

☒ Yes

☐ No

18. Please give any further particulars or comments

The footpath was used with the permission of the landowner and was not intended to be dedicated as a public right of way as evidenced by the permissive footpath signage. As the footpath was used with permission and not 'as of right' this usage does not allow for the creation of a public right of way.

It should be noted that three of the eleven user evidence statements fail to accurately map the route of the permissive footpath showing a lack of familiarity with it and contradicting a claim of regular usage. Of the remaining eight statements four acknowledge the visible permissive footpath signage.

Whilst not a consideration of this application it should also be noted that access to the Severn Way (ZGL64) is maintained despite the closure of the permissive footpath.

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If you provide answers to any of the following questions, any personal details you provide will initially be redacted from public view.
However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.

19. If you are a tenant or licensee of the land, please advise the name and address of your landlord.

n/a

20. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so, please give their contact details.

Enovert Management Limited, 3-5 Greyfriars Business Park, Frank Foley Way,

Stafford, ST16 2ST

21. It may assist our investigation if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? If so, please give their contact details.

Roger Warner, Town Street Farm, Town Street, Tirley, Gloucester, GL19 4HG

22. In respect of question 8, please indicate the number of occurrences you stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when, what was the reason for stopping them, etc.)

Roughly twenty times following the closure of the permissive footpath in April 2024.

Some were aware of the closure but decided to trespass and were argumentative when approached. Some were unaware of the closure and returned to the existing public right of way when requested. Some threatened violence and twice were reported to the police.

23. In respect of questions 10 and 11, please give details of the identity of anyone you have given permission to use the claimed route and for what purpose, (e.g. for use on foot, horseback, bike or motor vehicle), together with their address if known.

Please continue on another page and attach to this form if required.

- a. How many people have you given permission, and have you permitted a certain type of use:

Type of User	Number of people
On foot	Permissive footpath
Bicycle	Nil
Horseback	Nil
Horse & Cart	Nil
Motor Vehicle	Nil

- b. For each user (or groups of user), please specify:
- (i) Who did you give permission to and what is their relationship to you?
(e.g. Mr Jones (neighbour), Mr & Mrs Smith (tenant), unknown members of the public, etc.)
 - (ii) Was the permission given verbally, or in writing?
(If permission was in writing, please attach a copy; if permission was verbal, please indicate what was said)
 - (iii) When was permission given, and how long was the permission for?
(i.e. indefinite; that day only; did it need to be renewed?)

The route was a permissive footpath. There were no restrictions on who may use it whilst it had that status.

[illegible]

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- c. Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you and brief details of what was said.

All requests for permission to use the footpath have been denied since the
closure of the permissive footpath.

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End of questions.

Please return the completed form to:
Highway Records (Modification Orders), Gloucestershire County Council,
Shire Hall, Westgate Street, Gloucester, GL1 2TG.

