

# APPEAL FORM



For official use:
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**Rights of Way Section**  
**The Planning Inspectorate**  
**3A Eagle**  
**Temple Quay House**  
**2 The Square**  
**Temple Quay**  
**Bristol**  
**BS1 6PN**  
[rightsofway2@planninginspectorate.gov.uk](mailto:rightsofway2@planninginspectorate.gov.uk)

**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 AND SCHEDULE 14**  
**Appeal to the Secretary of State Secretary of State for Environment, Food and Rural Affairs**  
**under paragraph 4 (1)**

1. Name: [REDACTED]	
2. Address: [REDACTED] [REDACTED] [REDACTED] Postcode: [REDACTED] Daytime telephone: [REDACTED] Email: [REDACTED]	
3. Name of surveying authority: Buckinghamshire	
4. Title of definitive map: Buckinghamshire Council Definitive Map	
5. Description of the way: Various ways over three fields are Terriers Farm, Kings Hill Road, Hazlemere	
6. Date and reference of application to surveying authority: 23/04/2016 16855WDK	7. Date of service of notice of decision: 25/10/2023

**Grounds of appeal:** *please note that your appeal cannot be considered if you have not submitted grounds of appeal :*

The reason for rejection of the application appears to rest on the assertion that the “witnesses have used a significant number of specific and defined routes within a very confined area. The evidence indicates the public have generally wandered anywhere over the land, rather than using linear public rights of way. Therefore, the case establishing public rights has not been properly made.”

The report states that “3.4 A public right of way is a linear route running between two other highways of equal or higher status, or it runs from one highway to a place of public resort.”

The routes claimed in the application link, in a linear route from the recreation ground (points A, L, M, N and D on the attached map in Appendix 1) (*place of public resort*), to already determined footpaths (*other highways*) HUG/74/1, HAZ/4/2, HAZ/6/2, HAZ/8/1 and HWU/146/1 at points A, B and C and to the conservation area (another *place of public resort*) at points A, E and B.

Therefore they **do** create public rights of way.

The rejection of the application does not appear to have cited lack of evidence or longevity of use, therefore the application should have been accepted.

*(please continue on separate sheet(s) if necessary)*

I enclose 2 separate copies of:

- the application made to the surveying authority
- the notices associated with the application
- a map showing the alleged right(s) of way
- the authority's decision letter
- other relevant supporting documentation:

I understand that a copy of this appeal and supporting papers may be made available for public inspection.

Signed ..... [redacted] Date  
.....16/11/2023.....

**Certification**

I served notice of this appeal on the surveying authority on: [date]

Signed ..... [redacted] Date  
.....16/11/2023.....

**Note: Your appeal will be invalid if you fail to correctly serve notice of your appeal on the surveying authority within the 28 day deadline.**

**How we use your information**

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#)

**Please provide an index of the documents submitted with this form and ensure your documents are clearly labelled.**

**This form should now be returned to the address shown at the top of this form.**

Telephone : [REDACTED]

e-mail: [REDACTED]

27<sup>th</sup> April 2016  
Your ref:

Dear Clare

### **DMMO Application**

Please find attached user evidence forms for pathways on the field adjacent to Public Footpaths HAZ/8/1 and Bridleway HAZ/6/2. I also understand that [REDACTED], has sent her form direct to you instead of back to me. Please link this up with this application.

The pathway application is several applications in one. I have noted your comments in your recent email, but unfortunately I will not be able to go back to people and now ask them to complete several more forms. It has been hard enough getting people to complete the User Evidence forms once, but 7, 8, 9 or even 10 times..!!! In addition, my personal circumstances have just changed and I can no longer commit huge amounts of time to this matter.

In any case the way that the routes intersect and meet up means that it would not be possible to create a full picture of the evidence with each section of path evidenced separately. Let me give an example using the map: if someone states that they walked from N, to L, then to H and exit at E their evidence for the N to L is additional to other evidence for A to D. But if put in separately then will not get taken into account together not giving a full picture. People have stated the pathways used by them, so the evidence is there and is still valid as evidence of the long existence and usage of all the paths.

In addition to Form 1 and the user evidence forms, attached is a list of the grid references of the various points used as start/stop points for the paths and a copy of the map and the satellite image everyone had for their reference. Unfortunately not everyone has printed the map and attached it to their evidence, but they all reference the same points.

I have included these maps/images on a disk and also aerial photographs taken soon after the field was fenced off in May/June 2015. These clearly show the paths in the grass still. I also attach further evidence in the form of email and facebook comments (but have had to anonymise them although of course you could go on facebook and see those ones if you join the group!). Unfortunately many people have found the forms too daunting to complete (even once!).

Aerial images are also included from Google and Magic maps. The Google image was from a time when Wellesbourne Campus was still standing (pre 2006 on checking the planning applications on WDC) and the Magic one from when building work had just started there c2010?.

[REDACTED]  
G7PCM

[REDACTED]  
G7PCN

As you are aware, this field is part of the Terriers Farm Reserve Site and a planning application is expected at any time. Charles Power is the contact at Wycombe District Council regarding this.

Yours faithfully

[Redacted]

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[Redacted]  
G7PCM

[Redacted]  
G7PCN

Wildlife and  
Countryside  
Act 1981  
Section 53  
Claimed Footpath  
Terriers Farm  
Public Rights of Way

Route to be  
added:  
A-B-C-D-E-F-G-H-I-J-  
K-L-M-N

Unaffected Footpaths  
Unaffected Bridleway

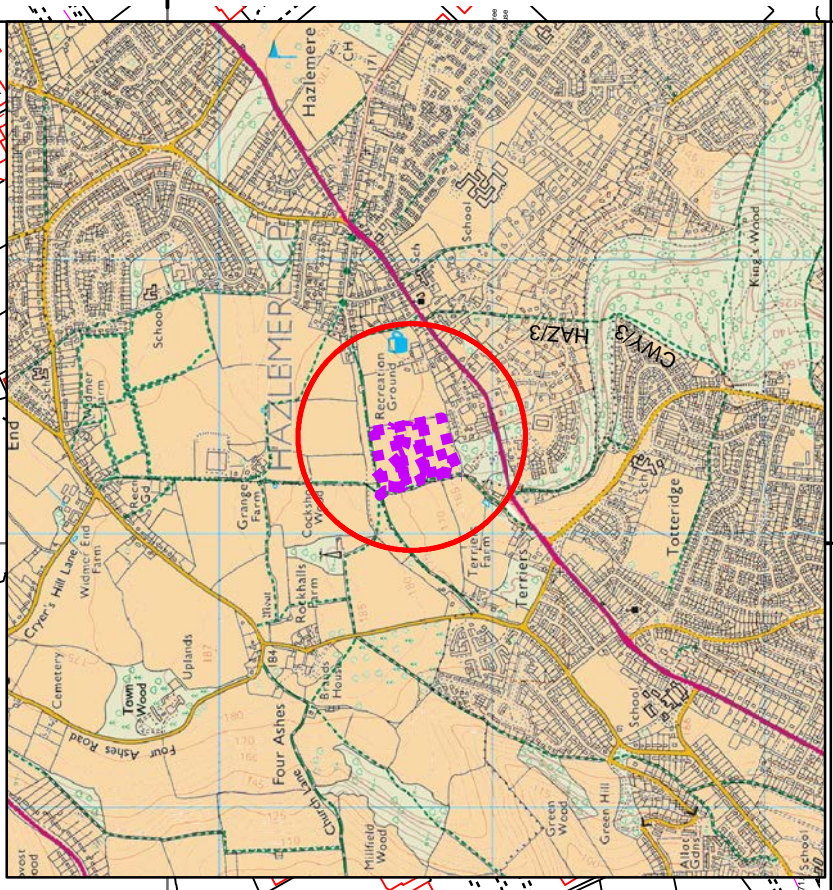
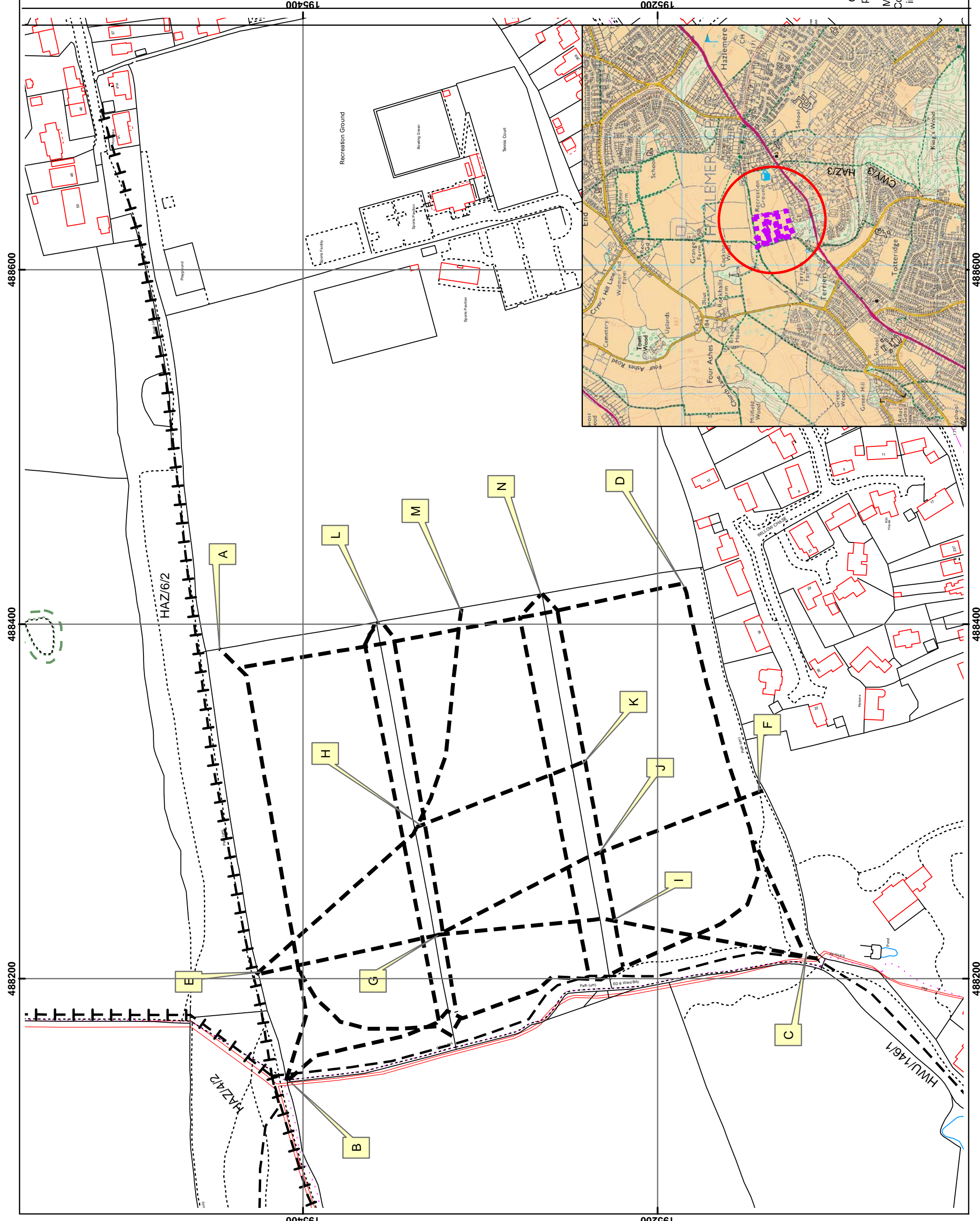
Grid References

- Point A: SU8838-9544
- Point B: SU8814-9540
- Point C: SU8821-9511
- Point D: SU8842-9518
- Point E: SU8820-9542
- Point F: SU8830-9514
- Point G: SU8822-9532
- Point H: SU8828-9533
- Point I: SU88239522
- Point J: SU8827-9523
- Point K: SU8832-9524
- Point L: SU8840-9535
- Point M: SU8840-9531
- Point N: SU8841-9526



1:2,000

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**THE BUCKINGHAMSHIRE COUNCIL  
STATEMENT OF REASONS FOR REFUSING THE APPLICATION TO ADD FOOTPATHS  
THROUGH FIELDS IN TERRIERS FARM TO THE DEFINITIVE MAP AND STATEMENT**

**COMMENTS ON THE APPEAL MADE BY MRS SARA PERRY**

1. The Council's Definitive Map and Highway Searches Team Leader considered the application on 24<sup>th</sup> October 2023 under delegated powers and rejected it on the grounds that there is insufficient evidence to show on the balance of probabilities that the route subsists or is reasonably alleged to subsist.
2. A copy of the report presented to the Team Leader together with the background papers is attached.
3. Mrs Perry states that her grounds of appeal are that:
  - i. The routes claimed in the application link in a linear route from the recreation ground (a place of public resort) to other determined footpaths and the conservation area (another place of public resort).
  - ii. The rejection of the application does not appear to have cited lack of evidence or longevity of use, therefore the application should have been accepted.
4. The Council's comments are that:
  - i. As outlined in The Sixth Edition of Highway Law (Sauvain, 2022 p. 15, 1-27) *"It is a primary characteristic of a highway that the public right of passage should follow a known, defined line. The common law did not recognise any public right to wander across countryside (jus spatiendi)"*.
  - ii. Witnesses have used a significant number of routes within a very confined area. The evidence indicates the public have generally wandered anywhere over the land, rather than using linear public rights of way.
  - iii. It is reasonable to conclude that any public use that has taken place, might not be attributed to the exercise of a public right of way but is more in keeping with a general wandering over the land using a variety of different routes. The case establishing public rights has not been properly made.
5. The Council has looked at the available evidence. On balance, it is considered that the evidence does not indicate that a Definitive Map Modification Order should be made to show the various routes as public footpaths on the Definitive Map and Statement.