



Wildlife and Countryside Act 1981

Claimed Public Right(s) of Way - LANDOWNER EVIDENCE FORM

Please PRINT clearly. A separate form should be completed by each person.

Name (~~Mr~~/Mrs/~~Miss~~/Ms) Jessica Hamilton

Address BRIGHTON & HOVE CITY COUNCIL
KINGS HOUSE, GRAND AVENUE, HOVE,

Tel. no. 01273 291461

Description of claimed public right of way:

Footpath *

Leading from:

~~Bridleway~~ *

(Grid reference:)

~~Byway~~ *

to:

Other public right of way *
(* delete as applicable)

(Grid reference:)

1. The route of the way is shown on the accompanying plan.
Does this route cross or adjoin your land?

☒ Yes/No

[If not, no further question need be answered].

If yes, please indicate on the plan the position of your land, and state the number of years it has been in your:

Ownership: 85 years

or Tenancy:

2. Have you seen, or been aware of, members of the public using this way?

☒ Yes/No

If so, please state the period, regularity and nature of such use:

NOT KNOWN

3. Have you ever required people to ask permission before using the way?

Yes/No

If yes, please give details:

.....
.....

4. Have you deposited a section 31 (Highways Act 1980) plan and statement?

Yes/No

I DON'T KNOW.

5. Have you, or has someone on your behalf, ever turned back or stopped someone from using the way?

Yes/No

If yes, please give details and appropriate dates:

.....
.....

6. Have you, or has someone on your behalf, ever told anyone using the way that it is not public?

Yes/No

I WOULD NOT HAVE THOUGHT SO.

If yes, please give details and appropriate dates:

.....
.....

7. Have you ever erected notices or signs stating that the way was not public?

Yes/No

If yes:

- a. Please give details and approximate dates:

.....
.....

- b. State whether those notices were ever defaced or destroyed

and if so when:

.....

- c. Please show the position of any notices on the accompanying plan.

8. Have there, to your knowledge, ever been on the way any stiles or gates?

Yes/No

a. If yes, state when these gates were installed/removed: NOT KNOWN

b. state whether the gate or gates were ever locked: THOUGHT ~~KNOW~~ TO BE LOCKED BY CHERRYWOOD AT NIGHT

c. Please show the position of any gates on the accompanying plan.

9. Have you ever obstructed the way?

Yes/No

If yes, please state how, where and when:

10. OTHER COMMENTS

Please provide any further details which you consider to be relevant.
Continue on a separate sheet if necessary.

OFFICER RECONNECTION IS THAT ACCESS WAS PERMITTED HISTORICALLY WHEN THE PROPOSAL WAS CONSIDERED TO SIGN STAMMER HOUSE BY WAY OF A LONG LEASEHOLD INTEREST THE ORIGINAL PLAN WAS TO EXCLUDE ~~ALL~~ OF THE GARDEN. (CONT?)

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

Signed: Jessica Vaul

Date: 20-7-11

Brighton and Hove City Council will make a decision based on a consideration of all available evidence.

It is important that witnesses should answer the questions as fully as possible and not keep back any information.

NOTE: Your responses in this questionnaire will be made available for public inspection.

10. (Contd.)

This was later amended to include that part of the garden up to the northern boundary of the proposed right of way and was later extended again to include the proposed right of way and an area beyond it. Negotiations with the developer Cherrywood were initially on the basis that a licence would be granted and then a 10 year lease. At Cherrywoods insistence the gardens (including the proposed right of way) were included in the 125 year lease granted.

Whilst my involvement with the property has been limited to the last 5 years or so my understanding is that access had not been restricted prior to the granting of the lease to Cherrywood in 2002.

