



## Order Decision

Inquiry Held on 4 September 2018

Site visit made on 3 September 2018

**by Helen Slade MA FIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 23 October 2018**

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### **Order Ref: ROW/3186915**

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 ('the 1981 Act') and is known as the West Sussex County Council (Petworth – No. 1 (Parish of Loxwood: Addition of a Footpath)) Definitive Map Modification Order 2014.
- The Order is dated 28 March 2014 and proposes to modify the Definitive Map and Statement for the area by the addition of a footpath as shown in the Order plan and described in the Order Schedule.
- There were two objections outstanding at the commencement of the inquiry.

**Summary of Decision: The Order is confirmed.**

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### **Procedural Matters**

1. I undertook an unaccompanied site visit on Monday 3 September 2018 when I was able to walk or observe most of the Order route. Some of it was too overgrown or obstructed for me to be able to gain access to it, but I am satisfied that I was able to see all that was necessary. I did not carry out any further inspection as I was not requested to do so, and I did not feel that it was necessary in order for me to reach a decision on the Order.
2. The original applicant, Mrs Wendy Andrews, has moved away from the area and her role has been assumed by Mr Graham Moore, on behalf of the Loxwood Community Gardens Initiative.
3. Both objectors were represented at the Inquiry, but only Mrs Tytherleigh gave evidence. Mr Wilks was present on behalf of his clients, but did not call any witnesses.
4. When Mrs Tytherleigh took the witness chair, she raised the fact that she had not been copied in on the round of exchanges of statements of case so she had not seen them. This appears to have occurred because her original letter to The Planning Inspectorate in February 2018 was not received. I adjourned the Inquiry for a short while to allow her to read the relevant letters and statements and she then agreed to continue giving her evidence.

### ***Council's stance***

5. Following submission of the Order to the Planning Inspectorate in October 2017, West Sussex County Council ('WSCC'), which is the Order Making Authority (or 'OMA'), confirmed that it was supporting the confirmation of the

Order.<sup>1</sup> I was therefore somewhat surprised to learn at the Inquiry that the OMA was taking a neutral stance and did not intend to take an active part in the proceedings, other than providing administrative assistance.

6. This was unhelpful. Where an authority takes a neutral stance, the applicant is offered the opportunity by The Planning Inspectorate to take up the role vacated by the OMA and present the case in support of the Order. This is done early on in the administrative process to afford the applicant the chance to be fully involved and properly prepared. In this case, the applicant arrived at the Inquiry totally unaware of the fact that the OMA was not intending to fulfil its role supporting the Order it had made.
7. Mr Moore was good enough to adopt the position of presenting the case for the Order on my invitation, but I made it clear to him that if he felt the need at any time to request an adjournment, I would consider it favourably. However, we were able to complete the Inquiry without needing more than a few short breaks, although I did need to ask the officers from the Council to obtain documents and information on a number of occasions.

### **The Main Issues**

8. This Order has been made in consequence of the occurrence of an event specified in section 53(3)(c)(i) of the 1981 Act which provides that the Definitive Map and Statement ('the DMS') should be modified where it can be shown that a right of way (in this case – a public footpath) which is not currently shown in the DMS subsists over the land in the area to which the map relates or is reasonably alleged to subsist. At the confirmation stage I must be satisfied that the right of way subsists.
9. In order to determine whether or not a highway subsists it is most usual to look at the statutory tests set out in Section 31 of the Highways Act 1980. This states that where there is evidence that any way over land which is capable of giving rise to a presumption of dedication at common law has been used by the public as of right and without interruption for a full period of 20 years, that way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention to so dedicate during that period. The period of 20 years is to be calculated retrospectively from the date when the right of the public to use the way was brought into question.
10. I may also need to consider whether dedication of the way as a highway has taken place at common law. This requires me to examine whether the use of the route by the public and the actions of the landowners or previous landowners have been of such a nature that dedication of a right of way can be shown to have occurred expressly or, alternatively, whether dedication can be inferred. No prescribed period of use is required at common law; the length of time required to allow such an inference to be drawn will depend on all the circumstances and may be supported by documentary evidence. The burden of proof lies with the person or persons claiming the rights.
11. Section 32 of the 1980 Act requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as is appropriate, before determining whether or not a way has been dedicated as a

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<sup>1</sup> In an email to The Planning Inspectorate dated 26 January 2018

highway. The process of determination of an Order of this type constitutes an appropriate tribunal.

12. The test I must apply is the balance of probabilities.

## **Reasons**

### ***Background***

13. The application was made by Mrs Andrews following an approach by Mr Nash to the Loxwood Parish Council ('LPC'). He explained at the Inquiry that he had returned to live in the area and was keen to write and publish a book of local walks. Having used the Order route in his youth, he was surprised to find it unusable when he visited it for the purpose, and contacted LPC to enquire whether or not it could be opened up again. At that point, it was discovered that the path, known locally as Nepp Lane, was not on the DMS and so an application was made to WSCC.
14. The application was primarily based on the evidence of long-standing use of the route, but was also accompanied by reference to a number of documentary sources, principally published official maps of one sort or another.
15. The OMA undertook some further research and determined to make the Order. Their decision was taken primarily on the basis that the user evidence met the statutory test set out in Section 31 of the 1980 Act, and that there was insufficient evidence to show that the landowner did not intend to dedicate the route during the relevant 20 year period. The period on which the OMA relied was a period dating back from 2013, the date of the application. Although it was acknowledged by the OMA that the mapping evidence did not demonstrate to the required level of proof that the Order route had been dedicated as a highway, it did support the long-standing existence of the feature on the ground for period going back at least 200 years.
16. The Order route runs for a distance of approximately 500 metres between the High Street, just north of the bridge over the Wey and Arun Canal ('the Canal'), and Station Road in Loxwood (A-B-C-D as shown on the Order plan). At its mid-point, it crosses a small stream called Loxwood Stream. Between Points A and B it provides vehicular access to a large field lying adjacent to the Canal; and at Point D there is a vehicular access through the boundary into a field to the east of the route. Some of the mapping evidence records a footbridge across the stream, a feature recalled by many of the user witnesses, but it is no longer present. The route is currently difficult or impossible to follow between Points B and C, and it is completely inaccessible approximately 50 metres south of Point D. This is due principally to overgrown vegetation (on the southern part of the route) and a mixture of vegetation growth and garden rubbish on the northern section.
17. Most of the objections prior to the Inquiry were based on irrelevant issues such as the undesirability of having the route opened up from the perspective of the adjoining landowners and tenants, or due environmental concerns, but some points related to questions such as challenging the claimed use.

### ***Evidence of use***

18. Although a number of witnesses appeared at the Inquiry in support of the Order, only two of the witnesses who had provided written evidence of use

- appeared to speak in support of their user evidence forms. This was unfortunate because it became clear at the Inquiry that there were a number of inconsistencies which would have benefitted from clarification.
19. The application was accompanied by 17 completed user evidence forms, which indicate that the earliest claimed use dates from 1940. Three people provide evidence of their use during the 1940s but clearly the likelihood of people still being able to evidence such use is diminishing due to the passing of time. Mr Nash himself was able to confirm his evidence of use during the latter part of the next decade, supporting the evidence provided by four other witnesses. Usage appears to have increased during the 1960s and 1970s when between 6 and 10 people have furnished evidence of their usage, and in the 1990s this increased still further when up to 12 people claim use of the way, peaking in the first half of the decade. The number of people using the route since 1998 has dropped back to single figures, but some witnesses claim to have used the route up to and including 2013.
  20. The picture of the route gained from the Inquiry was that by the time of the application the route was impassable, but there was conflicting evidence about how long that situation had pertained. Mr Doré said he last used it in about 2007 when he discovered a summer house roof blocking the path to the north of the footbridge, which had also tumbled down. Mr Nash stated at the inquiry that he had tried to walk Nepp Lane in 2012 when he found the bridge gone and that he had been appalled at the condition of the route and the amount of dumped rubbish. His user evidence form indicates that his last use had been in 2009 when he found it 'very neglected and overgrown'. Since he completed his form in October 2012 I consider that, although he may have tried to use the route again in 2012, it must have been 2009 when he first found it so badly obstructed. Mr Moore himself recalled using the route in 2012 when he also found the summerhouse roof as described by Mr Doré. He was able to get through but with considerable difficulty.
  21. Several of the witnesses refer to the presence of a locked gate at Point A, but it is not clear from the evidence, written or oral, when that gate was first erected. Nevertheless, it is clear that pedestrian access has been maintained by passing behind the gate post. Mr Wilks, representing the family who own the land over which the Order route runs, the Riley-Smiths, was not able to clarify who erected the gate, or when, but it appears likely to have been the tenant of the field, and was probably designed to exclude unauthorised vehicles. Those users giving evidence of use in the 1940s to the 1980s only seem to refer to the gate having appeared relatively recently. As it is clearly visible from the adjoining highway it is likely that they have seen it even if they had not still been using the route due to age or infirmity. Mr Wilks referred to the hedge being cut back to facilitate pedestrian access, but again there is no information as to who carried out such work, or how often.
  22. Mr Beadle, who provided a user evidence form claiming use of the Order route from 1982 to 2013, clearly indicates on his form that from 1990 to 2013 he had only used the western section of the route (presumably from Point A to Point B approximately) and I noticed on my site visit that access has been taken into the field to the north at a point just short of Point B. This leads to a worn route following the edge of the field running parallel with the Order route and I suspect that, as the Order route itself has become overgrown, people

have taken to walking in the field instead, or, as Mr Beadle claims to have done, just walking between Points A and B.

23. The user evidence forms are unhelpful as they do not specifically request any information which clearly identifies the age of the witness, but it can be inferred from some of them that their use has diminished with advancing years. Nevertheless, much of the claimed use has only been exercised occasionally or on a monthly basis; only three users suggest that they used it on a weekly basis (for some of the time) and three claim daily use (which includes Mr Beadle using only part of the route). Two of the users (Mr Tucker and Mrs Bray) claim that some of their use was on horseback, and a number of people report seeing horse riders. However Mr Tucker was a tenant of an adjoining field and may have had some form of private access right, and Mrs Bray's use ended in 1996.
24. Overall the user evidence indicates that there has been regular but low level of usage of the Order route by local people for at least 70 years, and that the use was almost entirely on foot, with occasional use on horseback. Since 2007 or so, the path has become progressively overgrown, and the claims of use since that time must be treated with a large degree of caution, because there has been no opportunity to test it. It may be that parts of the route have been used for longer, or that it has been used seasonally (it can apparently be rather wet in the winter months around the stream crossing) or that avoiding action has been taken to negotiate some parts of the route.
25. I examine the user evidence against the statutory tests, and at common law, below.

### ***Documentary evidence***

26. In the application, made in January 2013, no reference was made to supporting documents but in November 2013 Mrs Andrews indicates that, in response to a letter from WSCC in November, she had carried out further research. She referred to maps held in the archive of Loxwood Historical Society and enclosed extracts from the 1842 Tithe Award map, and various plans based on Ordnance Survey ('OS') base maps, not all of which are clearly identified as to purpose or date.
27. In its committee report WSCC reported the results of research undertaken by one of the officers and referred to a number of documents. However, none of them was provided to me as part of the submission documents, and I had to request copies at the Inquiry. This included better copies of the Tithe Award map and a copy of the relevant page of the apportionment, and supposed copies of other maps referred to in the report. However, the bulk of the OS maps provided were taken from an undefined on-line resource and the maps given to me were some form of generic OS maps, based on early editions but overlain with modern information. As evidence of historical documents they were mostly quite useless.
28. However, from amongst the documents supplied by both the applicant, Mr Moore, Mr Nash, Mr Wilks and some of the Councils offerings, I was able to build up a picture of a long standing feature, described in the 1842 Tithe Apportionment as 'A Lane' and in the OS Book of Reference for the 1876

edition as a 'road'<sup>2</sup>. The earliest map on which the route appears, provided both by Mr Nash and subsequently by the OMA, is the draft OS First Edition map dated 1806/7. This is interesting because, ostensibly, it pre-dates the construction of the Canal in 1813, although confusingly the map shows the Order route continuing over the Canal to meet the main road just to the north of the river. Mr Nash provided an explanation for this by saying that the engraved copper plates used by the OS at the time were re-used when the areas were re-surveyed and the resulting prints were consequently superimposed with later features.

29. Greenwood clearly did not survey the area himself, but used the OS plates as his reference point, because his 1825 map of the area shows the same position.
30. The first map which is available to me and which shows the Order route in its current location is the OS County Series Edition dated 1876. It seems clear to me that the original route of Nepp Lane was diverted due to the construction of the Canal, but unfortunately the documents relating to the construction of the Canal do not appear to record this. This is rather odd since all routes affected by the line of the new Canal, whether public or private, would normally have been dealt with by way of inclusion in plans associated with the relevant Act of Parliament. However, little research appears to have been carried out on this aspect of the history of the route and therefore any information which might have been gleaned in this connection is not available to me.
31. Neither can I place much weight on the information contained in what is described as 'Lord Selsey's Estate Map circa 1800' as I have not had sight of it, or any information as to its provenance; and no information has been forthcoming in connection with any Enclosure Award for the area<sup>3</sup> nor with any details of the provisions of the Finance Act 1910.<sup>4</sup>
32. In short, the only documentary evidence I have are various plans which show the Order route as a feature resembling (and in some cases described as) a lane or a road, the more recent of which mark a feature labelled 'FB' across the stream part way along, and some include the notation 'Path'. I have no doubt that 'FB' refers to a footbridge, as this feature was recalled in many of the user evidence forms, particularly those who claim use prior to the mid-1990s. Furthermore, Mr Moore produced a letter from Mr Wilks, written to the original applicant's husband in August 2012, in which the existence of the bridge in the past was acknowledged.
33. Whilst I accept that the maps themselves cannot (and do not claim) to identify highways necessarily, several of the most recent maps relate to spatial planning policy and to development schemes, a number of which appear to incorporate the possible use of the Order route for public access. The long-standing existence of the route does lend itself, as speculated by Mr Nash, to long term historical use by the public on foot, which is supported by the evidence of more recent use over the last 70 years.

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<sup>2</sup> I have not seen a copy of the Book of Reference, but no-one disputed the description.

<sup>3</sup> Mentioned in passing in the pages of the book 'Stories of Loxwood' by John Buckwell (1914) submitted by Mr Nash

<sup>4</sup> With which the OMA appear to be unfamiliar

34. Set against this, Mr Wilks pointed out that the extracts from the book 'Stories of Loxwood' provided by Mr Nash indicate that at the time of its writing in 1914 Nepp Lane was disused as a road. However, this does not discount it still being in use on foot; it may simply not have been in obvious general use by that time. The existence of a footbridge is not documented on the maps until the 20<sup>th</sup> century, on what would really be considered to be modern maps. Unfortunately, most of the base maps on which the modern planning information is superimposed are not dated. I note that the DMS, with a relevant date of 2002, does show the notation 'FB' but I do not know the date of the underlying OS base map. The user evidence would suggest that a bridge was in place by the middle of the 20<sup>th</sup> century, and was washed away or vandalised (or otherwise destroyed) in the late 1990s or early 2000s. Prior to the bridge being in existence I presume people must have forded the stream to use the lane, whether they were members of the public or whether they were using it as tenants of the land.
35. Mr Wilks produced a map which he had obtained from a web-site, but which contains no date. It appears to me to resemble the OS First Edition County Series (1:2500) map supplied by the Council and the applicant but at the smaller 6" scale, as it does not contain the field numbers. He claimed that it showed the line of the Order route as a thick hedge and not as a route of any sort.
36. I have to disagree with Mr Wilks' interpretation, based not only on the appearance of the feature on the map he has provided but also when considered in conjunction with the other available map evidence. It seems eminently clear to me that the map he provided shows the northern part of the Order route as a double-hedged feature, most closely resembling a path of some sort, and as a northward continuation of a more defined track to the south of the stream. The larger scale of the related 1:2500 more clearly shows that there appears to be a gate at both the southern and the northern extremity of this feature. Without any further information on provenance I can place no weight on his map as showing what he claims.
37. Nevertheless, as I have mentioned in the previous paragraph, the lane or route does appear to have been gated at this time (1876) and also at the time of the Tithe Apportionment (1842) – a fact not commented on by the OMA, nor by any other party. When compared to the depiction of Spy Lane, for example, which is open and not gated on the Tithe Map or any other, this suggests that Nepp Lane was considered to be different. The existence of a gate does not preclude the Order route from being a highway, but it makes it more likely that it was not considered, at that time at least, to be part of the general highway network. It makes it more likely that any use by the public was probably on foot (or possibly on horseback) but not in vehicles. This is entirely consistent with the evidence of use which has been submitted.
38. I consider that the documentary evidence provides strong evidence in support of a path or way existing as a through route between the High Street and Station Road (or their equivalent names earlier in history) which has been in existence for over 200 years. There is no evidence of an express dedication, nor any other evidence which shows that it is, or was, a highway, but it has been available for use during the majority of that period, and is a feature which has been recognisably a path to 19<sup>th</sup> and 20<sup>th</sup> century OS surveyors, and to the Tithe Commissioners.

### ***Statutory dedication***

#### *Date on which the use of the route was brought into question*

39. The OMA relied on the date of the application (2013) as the date from which to calculate the retrospective period of 20 years required for a statutory dedication under Section 31 of the 1980 Act.
40. However, as pointed out by Mr Wilks, the oral evidence at the Inquiry clearly indicated that use of the entire route had not been exercised for several years, due to its obstruction by vegetation and dumped items, and the loss of the footbridge. From the evidence at the Inquiry he was of the view that there had been little if any use of the way (as a whole) since around 2007.
41. I agree with Mr Wilks that use of the way, on the line shown in the Order plan, is unlikely to have taken place for a few years leading up to 2013, and thus there is a gap in the relevant period of 20 years. I accept that part of the route may still have been accessible (Points A to B) but I cannot accept that the whole route was in use until 2013, as claimed by some of the user witnesses in their evidence forms. Without the ability to test that evidence, I can place no weight on it as evidence of use of the whole route.
42. The question I must ask myself is whether or not there is an earlier period of 20 years on which a statutory dedication could be based? Mr Nash stated at the inquiry that he last tried to use the path in 2012 and reported his concerns to the parish council, and Mr Moore stated that he had fought his way through in 2012, so I could consider that as an appropriate date. But the conditions met by both Mr Nash and Mr Moore suggest that no-one was regularly using the through route at that time, and this would accord with Mr Doré's evidence. He last used the path in 2007 and found it so obstructed he obviously gave up at that point. There appears therefore to be a similar gap in usage prior to 2012.
43. Would it be reasonable to use 2007 as the date on which the right of the public to use the way was brought into question? There is no evidence that, at that time, the public took any action to query their right to use the way when they found it so obstructed. In fact the users appear to have simply accepted the loss of the footbridge and the gradual overgrowth of vegetation. The only exception to that appears to have been continuing access at Point A next to the gate, to allow passage to Point B, and then diverting into the field. This, however, does not constitute use of the Order route.
44. No other date presents itself as a likely candidate and I am therefore forced to conclude that there has not been use by the public as of right and without interruption for a full period of 20 years dating back from either 2013 or 2012. It is thus not possible to find that the way is deemed to have been dedicated as a public footpath under the statutory provisions.

### ***Common law dedication***

45. To demonstrate a dedication at common law, there needs to be evidence of dedication by the landowner, and of acceptance by the public. There is rarely evidence of an express dedication by the landowner, and dedication usually has to be inferred from other evidence, of which evidence of use may be a contributory factor. The burden of proof lies with the party claiming the right.



46. In this case, the evidence of use that has been provided in writing shows that the way has been in use by the public on foot since at least 1940. The evidence of use on horse back minimal, and largely anecdotal, and I can give little weight to it as evidence of regular equestrian use. The reported sightings may have been of the same few riders and not be evidence of general use by a sufficient number of people to constitute 'the public'. From the evidence given at the Inquiry I consider that regular use continued until about 2007.
47. The landowners have been unable to provide any evidence to contradict the evidence of use. Mr Wilks offered no insight in to this, other than saying that in his view it would be difficult if not impossible to use the route. The stream crossing was very wet and he did not believe people could have crossed the area. Mrs Tytherleigh has lived adjacent to the route since 2003 so cannot speak to the majority of the period. She claimed that she could see the route from her house and that no-one ever used it. She stated that although she did work every day (away from the property) her partner was sometimes at home during the day.
48. I do not consider it realistic to believe that Mrs Tytherleigh or her partner would have been aware of every person who may have walked along the way. I accept that by the time of her photographs it was clear that the way was not in use, but I consider that prior to 2007 or so there was no impediment. The level of use indicated in the user evidence forms suggest that the chances of seeing someone were remote. In any case, during my site visit I found that there was considerable vegetation obscuring my view of her property, so it would be equally difficult to view the path from the house.
49. With regard to the stream crossing, I accept that it may be wet at times, but at the time of my site visit it would have been quite possible to traverse the area if it had not been so overgrown, and the existence of the bridge in previous years would have made the crossing easy, whether it was wet or dry.
50. There is no legal definition of the term 'the public' but it is generally taken to mean a group of people who together can be taken to represent the people as a whole or the community in general. It is accepted that use of a way may only ever be exercised by local people. Consequently, use wholly or largely by local people may be use by the public, as, depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local community.
51. The use must have been exercised 'as of right': that is, without force, without secrecy and without permission.
52. Mr Wilks, representing the landowner, originally stated that the Riley-Smith family had owned the land in question since the latter part of the 19<sup>th</sup> century. This was challenged by a number of people present at the Inquiry and after questioning it was generally agreed that the family had bought the land sometime between the two World Wars, probably in the late 1920s and early 1930s. Mr Wilks, despite his role as their representative, was unable to state exactly when the purchase had taken place, but conceded that his original statement was probably incorrect. Nevertheless, I am satisfied that, throughout the period covered by the claimed usage, the land has been in the ownership of the Riley-Smith family.

53. There is no evidence that any permission to use the way was ever sought or granted.
54. The construction of the bridge, whenever that took place, is an action so overt that it cannot have been done without the knowledge of the landowner. In fact the letter referred to in paragraph 32 above demonstrates that the landowner did know about the bridge. Since the bridge could only have been accessed by using the Order route, I am therefore satisfied that usage of the way on foot (it was a footbridge) was not conducted secretly. The bridge would not have served any purpose for the tenants of the surrounding land, who gained access to their fields without the need to cross the stream.
55. Mr Wilks contended that the cutting back of the vegetation to bypass the gate at Point A on the Order map was an example of user by force and would thus preclude user as of right. It seems to me that whoever erected the gate (and there is no evidence that it was the landowner) must have been well aware that the public were facilitating their access in this way, but there is no evidence that any action to prevent it was taken, either by the tenant or the landowner. Since it is unclear when the gate was erected, it is quite possible that the dedication of public rights on foot had already taken place by that time and that the clearance of the vegetation was merely a lawful assertion of that right.
56. If a landowner, aware that use is being made of a way across his land, chooses to do nothing to disabuse the public of his intentions with regard to it for a long period of time, it is reasonable to conclude that he has acquiesced in that use. Toleration of the use of the Order route for a period in excess of 60 years is, in my view, strong evidence of acquiescence. Furthermore the acceptance of the construction of a footbridge which can only have been accessed by walking along the Order route strengthens my view.
57. I am satisfied that there has been use of the Order route for a period in excess of 60 years by a group of people which constitutes the public, and that the use of the way has been exercised as of right. I am also satisfied that the use was sufficiently notorious that the landowner must have been aware of it, and has acquiesced in it. Consequently I am satisfied that dedication of the Order route as a public footpath can be inferred at common law.

### **Other Matters**

58. A late representation was made by Joanna Wright which I did not receive until after I had closed the Inquiry. In the interests of fairness I instructed that it should be circulated for comments. Mr Wilks was the only party who responded, and I agree with his comments that the points raised add nothing to the evidence as discussed at the inquiry.

### **Conclusions**

59. Having regard to these and all other matters raised at the inquiry and in the written representations I conclude that the Order should be confirmed.

**Formal Decision**

60. I confirm the Order.

*Helen Slade*

**Inspector**

## **APPEARANCES**

### IN SUPPORT OF THE ORDER:

Mr Graham Moore	Applicant
Mr Chris Agar	Chair, Loxwood Parish Council
Mr Len Milsom	Co-Chair, Loxwood Society
Mr Roger Nash	Chair, Rudgwick Preservation Society
Mr James Doré	Local resident

### FOR THE OBJECTORS:

Mr Alex Wilks	Instructed by the landowners – the Riley-Smith family
Mrs Lorraine Tytherleigh	Adjoining landowner

## **DOCUMENTS**

- 1 Inquiry Bundle provided by West Sussex County Council
- 2 Bundle of copy maps and documents provided by West Sussex County Council
- 3 Statement of Case of Graham Moore dated 19 March 2018
- 4 Letter from Batcheller Monkhouse to Mr J Andrews dated 23 August 2012 submitted by Graham Moore
- 5 Letter from Elizabeth Agar on behalf of Loxwood Community Gardens Initiative dated 24 April 2018
- 6 Letter from Len Milsom on behalf of the Loxwood Society dated 16 April 2018
- 7 Letter from Roger Nash dated 5 April 2018
- 8 Extracts from 'Stories of Loxwood' by John Buckwell, 1914, submitted by Roger Nash
- 9 Letter from Clerk, Loxwood Parish Council dated 16 April 2018
- 10 Statement of Chris Agar, Chair of Loxwood Parish Council
- 11 Copy of map of Strategic Housing Land Availability Assessment May 2014 submitted by Chris Agar
- 12 Letter from Patricia Breakell dated 18 March 2018
- 13 Letter from Howard Lovenbury dated 20 March 2018
- 14 Letter from Jo Wright, David Amey and Mia Amey, dated 28 March 2018
- 15 Letter from S P M Hopkin dated 2 April 2018
- 16 Letter from Georgina Moore dated 19 March 2018
- 17 Letters from James Doré dated March 2018 and 9 August 2018
- 18 Statement of Case of Alex Wilks on behalf of the Riley-Smith family dated 7 June 2018
- 19 Letter and copy maps submitted by Batcheller Monkhouse dated 17 August 2018
- 20 Copy of 'Street View' photograph submitted by Alex Wilks
- 21 Letters from Lorraine Tytherleigh dated 28 February 2018 and 20 August 2018

