

1. Full Name and address of Applicant

Name: Tom and Gabrielle Crabtree

Address: ■ Fieldfare Way, Melksham, Wiltshire SN12 ■

Name and address for invoice if different from above: N/A

Purchase order number if applicable: N/A

2. Name and Address of Agents (if any) or Address for correspondence (if different from above)

Name: N/A

Address: N/A

Tel No: N/A

3. Particulars of Rights of Way to be extinguished NB Byways Open to All Traffic may not be extinguished under this process

a) Footpath/Bridleway/Restricted byway Number: **MELK103**

b) Parish of: **Melksham Without**

c) From: **Skylark Road** OS grid ref: **ST 91829 64153 / ST918641**

to: **Sandridge Road** OS grid ref: **ST 91853 64227 / ST918642**

Existing stiles/gates/bridges (list and show position on plan): **N/A**

d) Length in metres of section to be extinguished: **Approximately 80m**

e) Width in metres of section to be extinguished: **Varies in width – approximately 2- 3m**

f) Is the existing route freely available to the public? **Yes and no**

If not, please give reasons: **The path is not blocked however the current path is in poor order, overgrown, uneven and unsuitable for public use, especially those with restricted mobility.**

4. Reasons for the extinguishment of the path

Please note:

- A path can be extinguished under the Highways Act 1980, Section 118 on the ground that it is not needed for public use.

Please give details the reasons for the extinguishment:

We currently reside in Fieldfare Way, Melksham and have lived in the property for just over 6 years. In this time part of the ROW (MELK103) which runs behind our property and seven others (No. 1, 3, 5, 7, 9, 11, 15 and 80), is scarcely (if ever) used, overgrown and very poorly maintained. The area is now being used in an antisocial manner, with graffiti to our garden fencing, littering escalating and evidence of drug paraphernalia (Appendix C – June 2024).

Fieldfare Way is a cul-de-sac and is in the process of being adopted to public highway. The existing pavements, that connect Skylark Road and Sandridge Road which joins through Fieldfare Way is used daily in lieu of the footpath. The pathways through Fieldfare Way are tarmacked, lit with street lights and completely accessible for all users including wheelchairs, prams, cyclists and pedestrians (Appendix D). Due to this, the north easterly section MELK103 is now considered to have become redundant and unsuitable for public use. the last section of MELK103 is an undulating ditch, very poorly maintained, heavily overgrown with a number of dead trees which need addressing as a matter of urgency and importantly not accessible for all users (Appendix C).

Following the potential extinguishment, we would like to incorporate the additional land as residential curtilage through the appropriate planning control and Land Registry channels, which would in turn provide an amenity benefit to the properties as well as improve the security to the rear of the houses in Fieldfare Way. Residents would then take over the maintenance of the land, hedges and trees. Please see attached appendices in support of this application.

We consider that MELK103 is not required for public use and that access through Fieldfare Way is now the accepted and established route for public use. The application is not located within any conservation or landscape designation nor are there any tree preservation orders allocated to this site.

Melksham Without Parish Council and Wiltshire Ramblers have been approached with regards to discussing our proposals.

5. Particulars of Ownership. Proof of ownership to be supplied with the application.

- a) Applicant's interest in the land over which the existing path referred to in this application passes:

At present despite reasonable enquiries having been undertaken, no owner of the land can be established. Both the Council and the housing developer (Newlands) have been approached and confirmed they are not the owner of this land. (Appendix A and B). Following further consultation with the Council, we have been advised that this narrow strip of land is not registered with the Land Registry, it was only compulsory to register a property after December 1990 (Appendix B). These small areas of land, if not registered, are very difficult to find the owners.

As such we the applicants, are currently in the process of obtaining ownership of the land through the Land Registry channels and have an interest to bring the land and maintenance within the boundary of our residence, as would all premises on Fieldfare Way which back onto the current right of way (no. 1,3,5,7,9,11,15 and 80). The land would prospectively move into the ownership of the individual residents of Fieldfare Way and we take on responsibility for the maintenance. These gains would be modest and would merely slightly extend the rear garden amenity space and improve security for the residents.

We can provide the proof of ownership of our plot, if required.

- b) Have any other persons an interest in the land over which existing path pass? If so, give names and addresses of persons and nature of interest

As outlined in the answer to part 'a' despite completion of all reasonable lines of enquiry no owner or other person with an interest has been determined.

6 Names and addresses of Statutory Undertakers in the area (whether or not their apparatus is likely to be affected)

- a) Gas Board: N/A

- a) Electricity Board: N/A
- c) Water Authority: N/A
- b) Telecommunications: N/A

7 This application should be accompanied by a plan, scale 1:2500 at A3 or A4 as follows:

- a) Unaffected line of path shown as a dotted line e.g. ○○○○○○○○○○○○○○○○
- b) Section of path to be extinguished shown as a solid black line e.g. _____

8 Costs for the making of the Order

We charge costs under section 93 of the Local Government Act 2003 because we have a power to process public path orders, rather than a legal duty. The costs are based on the amount of officer time spent on the case, associated travel and the costs of advertising. Further costs that may possibly arise are set out in the declaration below.

Declaration

We understand that no authority for the extinguishment of a highway is conferred unless and until an Order has been made and confirmed and notice of its making and confirmation have been published.

We declare that the highway to be extinguished is in no way obstructed and that it is fully available to the public. (Subject to 3f above).

We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

We also undertake to pay Wiltshire Council the sum of £2770 plus any costs associated with public notices, travel mileage, site works.

I/We apply for the Extinguishment of the highway described above.

Signed: *Mr and Mrs T Crabtree*

Date: 07.06.2024

On completion, this form should be returned, together with the plan to:

The Definitive Map and Highway Records Manager, Rights of Way and Countryside, Wiltshire Council, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

Please remember to enclose:

- The completed form,
- a plan based on an ordnance survey map of a scale not less than **1:2500**
at A3 or A4,
- proof of title

Information relating to how Wiltshire Council will manage your data can be found at: <http://www.wiltshire.gov.uk/recreation-rights-of-way>

Fieldfare Way, Melksham, SN12 7GD

