

Regulation Committee

Late Paper Submissions

1 September 2022

Item 4

Email from Simon and Jane Brooke
30/08/22

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Dear Committee members,

As I have explained to [officer], our personal circumstances over the past week and going forward are such that I have been unable to fully digest the contents of his report though I believe that I understand its main points.

In preparing our initial submission the majority of our efforts were concentrated on gathering evidence to refute the claims made by the Horse Society. It may be worth noting that the claim against Park Lane was one of many such claims nationally (rumoured to be in the hundreds) and have obviously been significantly funded and professionally produced.

We are not lawyers but believe that the evidence provided with the claim relies on building a case starting from a very small evidential base, bringing further scant evidence in and coming to a conclusion that seems optimistic at best.

You will now have walked the disputed route as far as the gate which is the start of our ownership of Park Lane. Just before the gate you will have passed the quarry office and lime kilns and to the South West is a very large arable field (30 acres?) with a large open quarry at the end. We have, as part of our research, been fascinated to discover that the entire field was quarried producing an enormous amount of stone which was transported to the lime kilns by rail. This really was an industrial site that is hard to picture today. Records are scant but our elderly neighbour (long deceased) recalls upwards of 30 stonemasons being employed. An additional quarry lies to the North of the quarry office and the railway/tramline can be seen as a raised ridge. Logically, to get the stone to the limekilns and stoneyard this railtrack would have continued over the lane itself and it seems logical that the public at the time would have been aggrieved unless they believed it to be a private road. Merricks Farm itself was established and the farmhouse built to house the quarry manager and the series of maps discovered provide strong evidence that a throughway did not exist before the quarries and farm formation.

As noted above, most of our efforts were targeted at the evidence produced by the Horse Society. However, shortly before and during [officer's] review it became clear that a new claim was being promoted by Drayton Parish Council (the land in

question actually lies within Huish Episcopi) Their claim was promoted by putting posters up around the area and the use of social media. Social media can be a force for good but it also has a well deserved reputation of producing spurious and harmful results. At the time this was annoying but we believed that we had lodged the relevant forms with the Council to prevent any such claim. Accordingly, we were horrified on reading [the officer's] report that, whilst our intention was clear, our actioning of the documentation had let us down. Assuming that our lodged paperwork is deficient then the new claims seem to hinge on the public's unimpeded use of the lane for twenty years.

We believe that evidence was provided refuting this and [the officer] has mentioned this in the report but concluded that our version is not correct based on the counter evidence submitted by various people.

We hope that you had the opportunity to investigate the bottom of the hedge close to the Northwest of the gate because we believe that there is very strong evidence to support our position that the first gate had a stockproof fence running from the gate post along the hedgeline. The gate was erected in 2001 (and I hope to be able to locate the invoice for the work) at the commencement of the last foot and mouth epidemic. At the time we kept a herd of pigs and biosecurity was paramount. A gate that allowed animals to pass by next to it would not be useful! It is worth noting that along the route you have walked are numerous fields in different ownership and typically stocked with cattle. These cattle are largely confined to the fields using the watercourses as a barrier. This is a simple method but an imperfect one. We would estimate that in the first 18 years at Merricks Farm we would have escaped cattle visit us along the lane once every two years or so. With foot and mouth so prevalent we could not afford to let this happen.

So, our assertion is, that for the period of the existence of the first gate (until demolished by a land rover in 2010), there was no gap between the gate and the hedge and to traverse the lane would require either the gate or the fence to be scaled. We have also recalled that the police were involved when the first gate, together with the post and fencing still in the hedge bottom, was maliciously destroyed and hope that there may be some photographic evidence. In reviewing the statements made in support of use of the lane there does not seem to any acknowledgement that there has ever been more than one gate and we feel that as this is all quite a long time ago people have forgotten and assumed that the present gate has been there the whole time.

We also have additional evidence for the replacement gate. When the new gate was installed a metal frame was inserted between the gatepost and into the hedge. Unfortunately this lasted only a few weeks until someone took exception and destroyed it. This was replaced with something similar to that which is present today. Its design was to prevent horses, bikes and wandering livestock which we believe it clearly does.

There is also doubt expressed as to whether the gate was locked. We have in support of this a letter from the land agent to the farmer having access rights advising that the gate was to be locked and a key provided. Since the gate started to be locked we have replaced the lock and chain at least six times after they have been removed by persons unknown.

In respect of challenging people on the lane there is additional evidence available and Jane has recalled one particularly upsetting incident where she was threatened on the lane with the threat being followed up with a threatening email. This was reported to the police and action taken. This latter incident highlights the problems of informing the public that there is not a right of way. Nice in theory to say we should have done it more often but it had its dangers!

This has, by necessity been written in a hurry but we sincerely believe that the report's conclusions do not reflect an accurate representation of the facts. We had hoped that the meeting could be postponed given our personal situation but this has not been allowed. We now hope that, should the Committee fail to reject the recommendations made then it consider a postponement in order to assess the above. We are certain that both [the officer] and the Committee would wish that the correct evidential outcome be achieved.

Yours Sincerely,

Simon And Jane Brooke