

Application for Modification Order
WILDLIFE AND COUNTRYSIDE ACT 1981
BRACKNELL FOREST DEFINITIVE MAP
AND STATEMENT OF PUBLIC RIGHTS OF WAY

To: Bracknell Forest Council
 Place, planning and regeneration, Time Square, Market Street, Bracknell RG12 1JD

I/We (name/s)..... PHILIP M SIGLEY

of (address/s)..... PETERHOUSE CLOSE SANDHURST

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981
 modifying the definitive map and statement for the area by..... (please select one of the four
 options. Delete any words in square brackets which do not apply).

[1] Deleting the [footpath] [bridleway] [byway open to all traffic] [restricted byway] situated in
 the town/parish ofand running from.....
 to.....and shown on the attached map.

✓ [2] Adding the [footpath] [bridleway] [~~byway open to all traffic~~] [~~restricted byway~~] situated in
 the town/parish of SANDHURST.....and running from PETERHOUSE CLOSE.....
 to PATH ADJACENT RMA.....and shown on the attached map.

[3] [Upgrading]/[Downgrading] the [footpath] [bridleway] [byway open to all traffic] [restricted
 byway] situated in the town/parish of.....and running
 from.....to.....
 and shown on the attached map.

[4] [Varying] [Adding to] the particulars relating to the [footpath] [bridleway] [byway open to
 all traffic] [restricted byway] situated in the town/parish of.....and
 running from.....to.....and
 shown on the attached map.

I/We attach copies of the documentary evidence (including statements of witnesses)
 set out overleaf, in support of this application.

Dated 21 ST JANUARY 2024 Signed.....

On behalf of.....

Supporting information in relation to a claim for a Right of Way alongside 11, Peterhouse Close, Claremont Wood, Sandhurst. GU47 0XD

The path as marked on the attached plan at page 2 hereof has been used for at least 40 years by walkers and cyclists since Monsell Youell & Co built the Claremont Wood Estate between approximately 1980 and 1984.

Map references:

Ordnance Survey Grid Reference SU 856 626

Point A Latitude 51°21'22"N Longitude 0°46'15"W

Point B Latitude 51°21'22"N Longitude 0°46'17"W

Evidence is submitted by a number of residents/users as to the continual use of this path throughout the period to December 2023 when the owner of 11, Peterhouse Close, Sandhurst GU470XD erected a gate to close off the path. Prior to December 2023 general public users had enjoyed the use of this path to access open land for in excess of 40 years without any objections from the properties with a boundary against the path (being 11 Peterhouse Close and numbers 18A-22 Merton Close GU470TU) or those properties who have access to the rear of their gardens via this path (being numbers 12 & 13 Peterhouse Close GU47 0XD).

Land registry search suggests that the path is part of the property title of 11, Peterhouse Close.

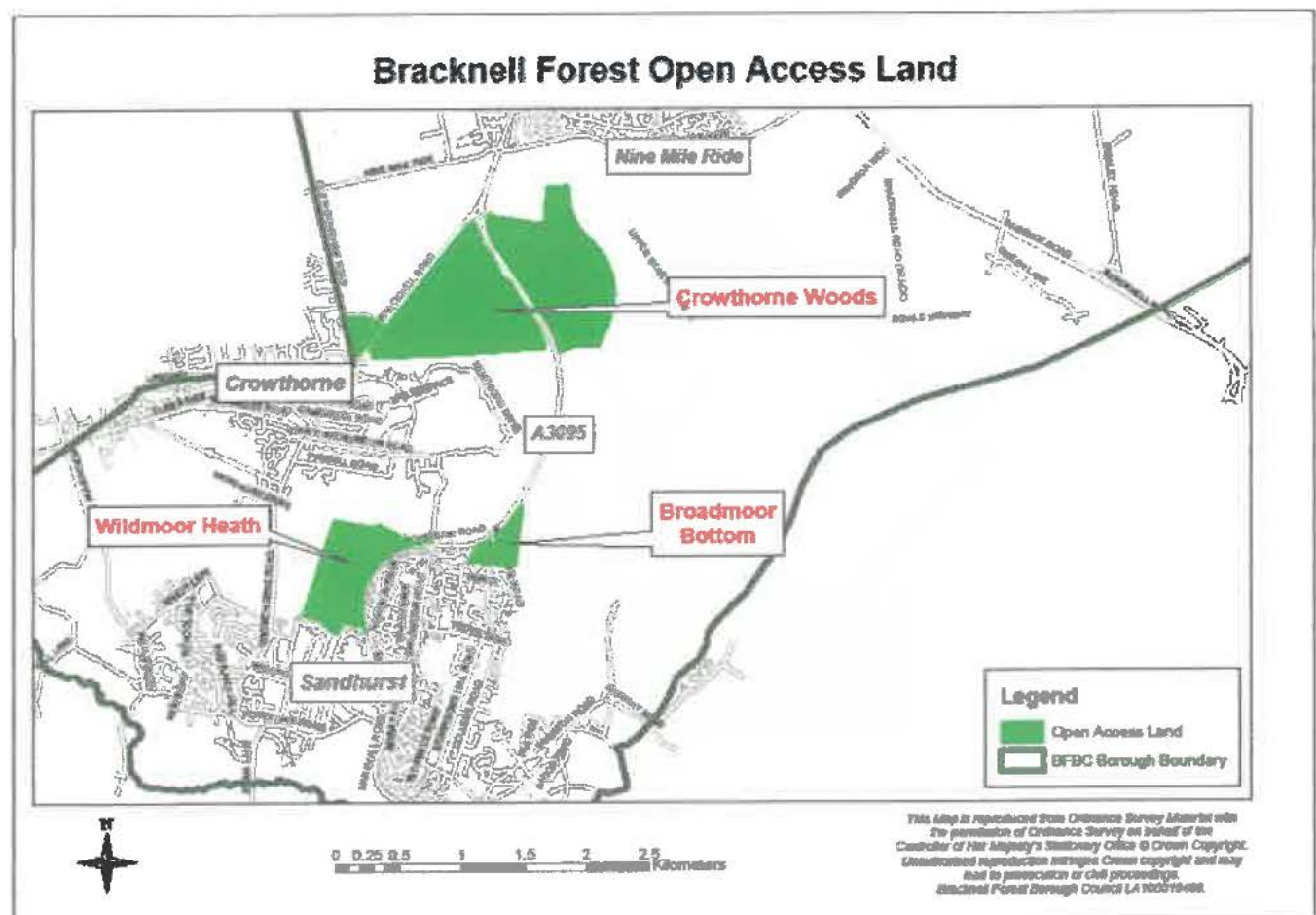
Whilst the Land Registry plan suggests a hard boundary at the end of the path which adjoins the exit of the path onto the path which runs along the outside of the fence of the Royal Military Academy (a path running from the Yorktown area of Sandhurst up to the Devil's Highway and onto the Look Out facility in Bracknell) the Definitive Map and the Ordnance Survey Map show that there is no fence as such and that the rear fence of 11, Peterhouse Close ends before the line between rear edge of the garden fence of 18A Merton Close and the western boundary of the path following the RMA fence. This is presumably because of access rights to the rear of numbers 12 & 13 Peterhouse Close. It is submitted that if the estate builders had intended a fence at this point then they would have built one to protect the corridor along the rear of 11, Peterhouse Close onto number 12 & 13. Closer inspection confirms there are no remnants of any former fence behind the Peterhouse Close properties southwards from the fence at the rear of 18A, Merton Close along the length of the path of the RMA fence.

See photos attached showing the offset position between the easterly wall/fence of no. 18A Merton Close and the path which leads from the rear of no. 11 Peterhouse Close to serve the rear gardens of nos. 12 & 13 Peterhouse Close. It should be noted that the owner of 11, Peterhouse Close or his contractors have piled up the earth at the rear of 11, Peterhouse Close to make a very steep and difficult step into the land that adjoins the RMA fence and if our application for a Right of Way is upheld then the costs of restoration of the original path should be borne by the owner of 11, Peterhouse Close.

At the Peterhouse Close end of the path (marked Point A on the map), the claimed path starts from the public footpath which runs between Peterhouse Close and Merton Close, it crosses a shared driveway over which people have walked to access the paved pathway – see photo attached. Again there has never been any issue with access along this part of the claimed right of way.



Peterhouse Close – Disputed access gate







As regards access to the land along the MOD fence please note the general rights provided by the Aldershot and District military Lands Byelaws 1976 affixed at various points along the path alongside the MOD fence.

