



Calne Without Parish Council – June 2024

Wildlife and Countryside Act 1981 – Section 53. Application by the British Horse Society (“BHS”) to upgrade bridleway Calne Without 89 (CALW89) to a restricted byway (ref:D/2022/020)

Calne Without Parish Council requests that the application by the BHS be refused, for the following reasons:-

1. The BHS has already asked, in August 2022, that their application be withdrawn because it was made in error and cannot succeed.
2. The BHS has repeated its request on 15th May 2024 and stated “we would welcome the Council determining the application and refusing the request to record the route as a restricted byway”.
3. The route from Manor Farm to the top of the driveway at The Mill House is subject to the Stopping Up Order dated 23rd April 2007, “authorising the stopping-up of public vehicular rights over [the track] subject to the reservation of public footpath and bridleway rights thereover.” This prevents the use of the route as a restricted byway.
4. The Stopping Up Order was obtained following a request from Calne Without Parish Council to Wiltshire Council. It was obtained by your Highways Department with the assistance of your Legal Department.
5. On 6th November 2019 an application, made by Mr and Mrs Moore, to divert the bridleway passing through The Mill House (CALW89,89A and 89B), was considered and approved unanimously by the Northern Area Planning Committee of Wiltshire Council.
6. At the Planning Committee Meeting, Ms Madgwick reported that the Stopping Up Order would, amongst other things, prevent the route from becoming a restricted byway.
7. In her Report dated 24th October 2019 to the Northern Area Planning Committee, Paragraph 5, Ms Madgwick says: -

“5.Further to an application by the owner of The Mill House public vehicular rights (both mechanically propelled and horse drawn) over this road were stopped up by the magistrates acting under the powers of s.116 of the Highways Act 1980 on 23 April 2007. The reserved footpath and bridleway rights were recorded in the definitive map and statement in March 2008.

5.1 The order of the magistrates also stopped up public vehicular rights over a section of highway north of the bridge leading past The Mill House. Hence public vehicular rights were stopped up over a continuous length leading from Manor Farm to a point north of The Mill House and these are the sections now recorded as bridleways CALW89, 89A and 89B.”
8. The Inspector appointed by the Planning Inspectorate approved the diversion.
9. The stretch of the route from The Mill House to the corner leading to Theobalds Green is a public road, U/C 7008, and therefore already has higher rights than a restricted byway.