

COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS

THE LANCASHIRE COUNTY COUNCIL
FOOTPATH FROM BLACKBURN ROAD TO NORMAN ROAD, OSWALDTWISTLE
DEFINITIVE MAP MODIFICATION ORDER 2023

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Charlotte Volkert	Charlotte.Volkert@lscft.nhs.uk 10 Norman Road Oswaldtwistle Accrington Lancashire BB5 4NF
2	Deryn Regan-Hitchen	West End Fish & Chips 370 Blackburn Road Oswaldtwistle Accrington Lancashire BB5 4NA
No.	OBJECTIONS WITHDRAWN	
No.	SUPPORTER	
-		
No.	OTHER RESPONSES	
1	Atkins	National Plant Enquiries OSM.enquiries@atkinsglobal.com

From: [Charlotte Volkert](#)
To: [Mayson, Annabel](#)
Subject: LSG4/888.3300(A)/AM15
Date: 24 August 2023 11:37:27

[You don't often get email from charlottetimperley88@live.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Annabel

I would like to object the plans of wildlife and countryside act 1981 Definitive map modification order footpath from Blackburn road to Norman road oswaltdwistle.

I will email further information in due course to explain my reasons for the objection.

To note , the land has never been a public footpath , it has always been unadopted land, I have maintained the area directly behind my property since 2010 when I bought the property.

Thank you
Charlotte Volkert nee (Timperley)

Sent from my iPhone

Charlotte Volkert

10 Norman Road

Oswaldtwistle

Accrington

Lancashire

BB5 4NF

Charlotte.volkert@lscft.nhs.uk

07850489885

Date 02/10/2023

Ref: LSG4.AM15/888.3300

RE; Wildlife and countryside Act 1981-part III

Definitive map modification orders Footpaths from Blackburn road to Norman road Oswaldtwistle and from Ripon road back street to Aspen lane Oswaldtwistle.

Dear Sir/Madam,

I Charlotte Volkert of 10 Norman road Oswaldtwistle wish to object the definitive map modification order for the reasons listed below.

I have appealed an enforcement notice in 2020 to the secretary of state and discussed the issues at length with Mr Kevin Carpenter the reference number for this was REF 3258557 if your team would like the background information on this case. The outcome was that Lancashire county council removed the enforcement notice and no further action was taken.

I have an interest in the land at the rear to my property and have maintained the area since 2010 when I bought the property. The area has always been adopted land and has never been used as a footpath or walk way for the public. Please see (Appendix One) a letter explaining this that was sent to the secretary of state following an enforcement notice received from Lancashire county council back in 2020, which said I must remove the fences. This was a few years later revoked and the council sent a letter to say that they no longer wish for us to remove them and that they cannot enforce this. This was following a complaint from Mrs Julie Speak

I would also like to highlight that I have always paid for the removal of fly tipping in the area as the council said this did not come within their budget.

Photographs have been taken of my property without consent and it has been recorded that I have built a barrier on the church field with the same wood that has been used on the fences this is false information. I did not build this barrier, in fact the owners of the church did to prevent youths getting on to the church land and damaging their property.

Before I began to maintain the area is was full of broken bottles, overgrown brambles and rubbish which can still be seen I the area behind number 12 Norman road as my neighbour prevents me

from maintaining it and doesn't maintain it herself. The area from 10 downwards is well maintained thanks to myself and my partner. We cut back the bushes and cut the grass in the area several times a year.

We only fenced of the area directly behind our house as we felt fencing off the whole area wouldn't be a neighbourly thing to do. Before erecting the fences I did discuss with all my neighbours who reside in the property's they all had no objection to the work being done and I put gates on either side of the fencing so that they can unlock from the top if they ever needed to access the area, which none of them have since it was erected in 2020.

Number 12 has assistance from the council with her bins which are taken from point C on the Map and the rest of the property's take their bin to point A on the map this hasn't been affected since 2020.

The lady who is perusing the Map changed and also applied to the council to have the fences removed is actually the owner of Number 8 Norman road, she rents this property out to my neighbour and does not live in the area and never has she lives 15 miles away.

This given she would not have to live in a property with a public path directly behind that would most certainly attract antisocial behaviour. We have a very high crime rate in the area with lots of burglaries taking place over night. Creating Public walk way would give them a place out of sight, to discard things which is what happens on the footpath labelled X and Y. Neighbours often report in our local group chats that bags and cases have been discarded in the bushes between X and Y with things in such as iPad, Phones etc. that have been stolen and left there.

The two areas X and Y & A and C have been linked in the documentation however they are not the same at all. I have lived in this area all my life 35 years, and my family have been in west end Oswaldtwistle for over 80 years. The X and Y has always been an area that people have used as a right of way as it is a shortcut from Aspen lane to Ripon road avoiding the park, however A to B has never been.

The owner of Number 8 Mrs speak has also caused myself and my family a lot of anxiety and worry over the past few years with her constant intimidation, letters and phone calls about the un-adopted land. She came to my property on Christmas Eve when she knows I have a young family to give me a letter about the above application which caused stress and upset for myself and my children who love playing in the area and are worried that this area will be removed. She has on several occasions been threatening and intimidating and has taken photographs with no consent.

The area is only used for children to play on and I do not feel this has a negative impact on anyone, however it seems to be a huge issue for someone who doesn't even live in the area.

The metal fencing that remains on the land which I believe was erected by the church many years ago remains to be a hazard and I would be very worried about this if the area was made into a public pathway the large metal spikes pose risk of implement , I am a paediatric Nurse sister and it has worried me for many years that if someone was to fall onto fence I would cause catastrophic damage to them, this is another reason I secured the area with a fence to protect the children who play here including my own three young sons.

West end Methodist Church have never used the un-adopted land as an entrance, historically as the whole side had an iron fence and the front of the church has always been the access point, My Grandmother has attended the church for over 70 years and states that the access to the church has never been to the side of the building in her lifetime.

The applicant states that she would 'walk along the application route from Blackburn road through to Norman road to go round to the front door of the property' this again is absurd. If you was visiting a friend at number 12 you wouldn't have any reason to walk down a very muddy, over grown area of land with sharp brambles when you could just walk up Norman road.

I however do not object for the current pathway at the X and Y points on the map to be maintained, this area is often used as a short cut onto aspen lane and the path in place currently is very un-even and unsafe. The brambles are always overgrown into the current pathway during the summer months meaning it cannot be access safely.

Thank you for taking the time to read this objection.

Yours faithfully

Charlotte Volkert

Hyndburn Borough Councils reasons for issuing the enforcement notice to me are as follows.

1. It appears to the council that the breach of planning control had occurred within the last ten years and that is expedient to enforcement action.
2. The notice is required to remedy the breach of planning control.
3. The materials used and design / layout of the gates and fences are such that they would have a detrimental impact on the character and appearance of the residential amenity of the area contrary to Policy Env6 of the Hyndburn Core Strategy, policy DM26 of the development Management DPD and the national Planning policy Framework that seeks to achieve well designed places.
4. The development results in loss of public realm and reduces accessibility and permeability of the area increasing likelihood of antisocial behaviour, contrary to policy Env6 of the Hyndburn core strategy , policy DM26 of the development management DPD and the national planning policy framework.
5. The blocking off and change of use of the rear alley to garden area would prohibit the use of the alley for the effective waste management of adjacent dwellings contrary to policy DM31 of the development management DPD.

In relation to point one, the fences and gates I have erected do not require planning permission by virtue of Schedule 2, Part 2 Class A of the general permitted Development order 2015 (as amended). Therefore I feel the Enforcement inappropriate action.

In Relation to point three on the enforcement , the fences and gates are very well designed and made from high quality timber, they have been built by a joiner with over 30 years' experience, they do not bring a detrimental impact on the character and appearance of the residential area what so ever. The area around the fence behind number 12 especially is over grown with brambles, Rubbish, a dilapidated shed which is also a fire hazard, and falling down iron fences with huge spikes capable of impaling someone. I and many other residents feel that compared to the rest of the area the fence and the area inside is much better than the surrounding area.

I moved into 10 Norman road ten years ago and have maintained the area of un-adopted land behind my house since then, even footing three bills when the area has been used by fly tippers. When I contacted the council to remove the rubbish they stated on all three occasions that 'as the land wasn't council property and it was un-adopted land that I maintained removing the fly tipped rubbish wasn't in the councils budget.'

This area has been used by my children and other children on the street to play on for the past 10 years. However the surrounding area around that I have maintained over the years has become more and more unsafe, which you will be able to see when you visit. Making the area hazardous for the children, again when I have contacted the council about this they have been unable to help as the land isn't their property therefore 'not in their budget'. I would also like to highlight that I have tried to maintain the top part of the land but my neighbour at number 12 didn't want me to do this as she said she would do it herself as it is behind and to the side of her property, although she hasn't done this to date and the area remains very hazardous.

I have tried to find the lands owner and have found that the land is un-adopted land and no owner can be found.

The fourth point in the enforcement notice states that the development results in a loss of public realm and reduces accessibility and permeability of the area increasing the likelihood of anti-social behaviour, The fence has a gate at either side for access if needed, I would also like to highlight that had I not maintained the area like I have for the past ten years the area wouldn't have been accessible at all. When I moved into the property the whole area was overgrown and full of brambles, broken bottles and rubbish. I have made this area a much more pleasant area for young children to play and in turn decreasing the chances of anti-social behaviour as the area is now pleasant and well looked after.

Point five states that I have blocked off and changed the use of the alley to a garden area, I haven't blocked off anything as the fences have gates on either side, if I had wanted this area as garden space I wouldn't have fit gates to each side, the area is not registered as a rear alley it is un-adopted land that the council have never shown interest in maintaining or helping maintain, as stated above the area is used by small children to play on. Vehicles cannot pass up and down the alley such as bin wagons etc as the area is too narrow from the top to allow this.

As you can see in the map attached to the enforcement notice my neighbour at number twelve takes her bin to the top of the land and has done this since she moved into the property over 40 years ago. I and the rest of the street take ours to the bottom, so for Mr Glover to state that the fences and gates prohibit the effective waste management of adjacent dwellings is absurd. The fences and gates have now been up since March 2020 and there hasn't been any problems regarding waste management at all.

I would also like to add that if I hadn't maintained the area by cutting back the overgrown brambles and creating a path made from hard-core to the side and behind number 12 as the area was very muddy, boggy and completely inaccessible, which made getting a wheelie bin to the top virtually impossible. The removal of waste would have been a major issue as my neighbour is disabled and has assistance from the bin men. So if anything I have made the removal of household waste much easier.

I am a neighbourly person and have only erected the fence to give mine and other small children on the street a safe area to play close to home. The fence is obviously directly behind my house as it would be the wrong thing to do to fence off the other areas outside other people's homes. My neighbours at number 6 have used the area for their children to play in a lot during the Covid 19 pandemic and in their opinion it has benefited area greatly and they will continue to use it.

Hyndburn borough council when contacted in August 2020 post enforcement notice have said that if the fences are removed as per enforcement notice, the area still wouldn't be maintained in the future by them as it doesn't come within the councils budget to maintain un-adopted land.

I feel the above information that I have provided proves 'That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Contrary to section 174(2) (b) 'That those matters have not occurred.'

From: [Volkert Charlotte \(LSCFT\)](#)
To: [Mayson, Annabel](#)
Subject: Local residents objections
Date: 05 October 2023 12:18:57
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.jpg](#)
[residents objection.docx](#)

Please see attached document.

Thank you

Charlotte

Kind Regards

Charlotte



Charlotte Volkert

Childrens Complex Needs Nurse

Continuing Care and Assessment Team

How did we do today? Please provide us with your feedback on our service.

'Childrens continuing care & assessment team'

<http://ratenhs.uk/6rjdrp>

Pennine Locality



01282 628 422 / 01772 215 169



07970405477



charlotte.volkert@lscft.nhs.uk / complexneedsadmin@lscft.nhs.uk



Shadsworth Childrens Centre

Shadsworth Road,

Blackburn

BB1 2HR

email sig small



RE; Wildlife and countryside Act 1981-part III

Definitive map modification orders Footpaths from Blackburn road to Norman road Oswaldtwistle and from Ripon road back street to Aspen lane Oswaldtwistle.

Dear Sir/Madam,

We are writing to object to the plans of a public pathway being placed from Blackburn Road to Norman road Oswaldtwistle.

We object this for the following reasons

- It will bring more anti-social behaviour issues to the area which is already a huge issue.
- The area poses risk to the public due to the dangerous iron fences with spikes in situ between point A & C and the crumbling shed at point C.
- X&Y is often an area where thief's discard of their unwanted stolen items and we fear this would be the case for the area A-C.
- The pathway would give thief's a clear walkway to access houses from the rear and pose a risk to the resident's safety especially overnight.
- The areas are and have always been un-adopted land that the council have never contributed towards maintaining or removing fly tipped items.
- Area X&Y have been used over the years as a public footpath however A-C has not.

Residents named below would be more than happy for the area between X&Y to be developed into a well maintained safe pathway that is regularly cleaned, and has the trees and bushes regularly trimmed back and the groundwork changed to something safer to walk on. But fully Object to the plan of footpath from Blackburn Road to Norman road, None of the residents listed below have ever used areas A-C to walk through. Areas X7Y acts as a shortcut to aspen lane however A-C offers no short cut at all.

Please consider these reason for objection from the below residents of Norman Road, Ripon Road and surrounding areas who will be directly affected by this proposed plan.

Yours faithfully

Miss Laura Hunt
20 Ripon Road
Oswaldtwistle
Lancashire
BB5 4NG

07803184703

Mr Daniel Pickup
20 Ripon Road
Oswaldtwistle
Lancashire
BB5 4NG
07530997788

Mr James Foll
2 Norman Road
Oswaldtwistle
Lancashire
BB5 4NF

Mrs Linda Foll
2 Norman Road
Oswaldtwistle
Lancashire
BB5 4NF

Miss Katie Eastwood
22 Norman Road
Oswaldtwistle
Lancashire
BB5 4NF
07545120114

Mr Glenn Duncan
22 Norman Road
Oswaldtwistle
Lancashire
BB5 4NF

Miss Margaret Greaves
228 Blackburn Road
Oswaldtwistle
Lancashire
BB5 4SF
07731325761

Mr Scott Forshaw
4 Ripon Road
Oswaldtwistle
BB5 4NG
07453308731

Miss Dana'le Allen
4 Ripon Road
Oswaldtwistle
BB5 4NG
07456990006

Mrs Kerry Townley
16 Newton Street
Oswaldtwistle
BB5 4LX
07983983724

Mr Christopher Townley
16 Newton Street
Oswaldtwistle
BB5 4LX
07929858807

Mr & Mrs Riley
8 Ripon Road
Oswaldtwistle
BB5 4NG

Mr & Mrs Lord
28 Norman Road
Oswaldtwistle
BB5 4NF
07867477246

Miss Kayley Cockcroft
12 Cobble Close
Oswaldtwistle
BB5 4RT

Miss David Parrington
12 Cobble Close
Oswaldtwistle
BB5 4RT

Mr & Mrs Allen
27 Spread eagle Street
Oswaldtwistle
BB5 4NB

07517290807

Mrs Pauline Volkert
7 Whewell Roe
Oswaldtwistle
BB5 4NE

Miss Angela Byrom
16 Ripon Road
BB5 4NG
07708744454

Stephen Taylor
16 Ripon Road
Oswaldtwistle
BB5 4NG
07913701713

Appendix Deryn Regan-Hitchen

West End Fish & Chips

370 Blackburn Road

Oswaldtwistle

Accrington

Lancashire

BB5 4NA

07926704816

Date 04/10/2023

Ref: LSG4.AM15/888.3300

RE; Wildlife and countryside Act 1981-part III

Definitive map modification orders Footpaths from Blackburn road to Norman road Oswaldtwistle and from Ripon road back street to Aspen lane Oswaldtwistle.

Dear Sir/Madam,

I am writing to object to the plans of a public pathway being placed behind my property 370 Blackburn Road. I own West end Fish & chips at the corner of Norman road on Blackburn road.

The plans mean that an addition of a footpath would run behind my shop, this would prevent my deliveries being able to park where they usually do as this would block the proposed pathway entrance at point A on the plans.

We have numerous deliveries several times per day and often these are large wagons delivering huge sacks of potatoes. Blackburn road is already an extremely busy road and the area in which the driver's park is the only available space that doesn't cause hazards to the public and other drivers. We also run a just eat delivery service and the delivery drivers are also often forced to park their cars in this area, that again would block the entrance to the proposed pathway.

To my knowledge the public haven't ever used the area to walk through and it is un-adopted land. I haven't ever witnessed people walking this way.

My neighbour at Number 10 erected fences around the area behind her property which in my opinion has caused no issues to the residents on the street she also maintains the grass and the bushes in that area.

On Bin day the Bins from the houses are also left at point A and I worry that if these were on a public pathway it would cause unnecessary issues as people may knock the bins over which would be extremely unhygienic and not great for a food business. I have benches outside my shop for people to sit on and enjoy our food, if the pathway went ahead this would prevent passing trade for my business as people would potentially walk that way and not pass the shop like they do now.

I am also worried about a potential pathway contributing to the already high levels of anti-social behaviour in the area, youths may use the area to gather which again wouldn't be great for business or for residents.

I would also like to add that with the current cost of living crisis and the impact that this has had on small businesses like mine, mean that I object to anything such as the public footpath that may negatively affect my business further.

Thank you for taking the time to read this objection.

Yours faithfully

Deryn Regan-Hitchen

From: [National Plant Enquiries](#)
To: [Mayson, Annabel](#)
Subject: No Objection: DMMO Blackburn Road to Norman Road, Oswaldtwistle 804-762(A) (00888.3300)
Date: 31 August 2023 13:35:07
Attachments: [image001.png](#)
[Letter of Making - Blackburn Road to Norman Road - Stat. Undertakers.pdf](#)
[Sealed Order - Blackburn Road to Norman Road.pdf](#)
[Blackburn Road to Norman Road - Explanatory Statement - FINAL.pdf](#)
[Blackburn Road to Norman Road - Notice of Making - NRSWA Coordinator Atkins Telecoms.pdf](#)

Dear Sirs,

New Roads and Street Works Act 1991

Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinsglobal.com

To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

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Plant Enquiries Team(rg)
T: +44 (0)1454 662881
E: osm.enquiries@atkinsglobal.com

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