

**The Definitive Map and Statement of Public Rights of Way for the County of
Lancashire**

Wildlife and Countryside Act 1981 – Part III

Lancashire County Council

Footpath from Warburton Street to Grane Road, Haslingden

(Definitive Map Modification) Order 2021

WITNESS STATEMENT OF JOSEPH WEST

My name is Joseph West and I live at 242 Grane Road, Haslingden. I was born in 1944 and have lived at this address since 1972.

When the Order Route was blocked in 2019 I completed a joint user evidence statement with my wife. We submitted the form on behalf of us both as we did not at that time understand that it would have been better for us to fill out the form separately. The evidence provided was done so in good faith.

Both myself and my wife subsequently completed separate user evidence forms in 2023 and I have now had the opportunity to provide a separate Witness Statement. My Witness Statement gives more detailed evidence of my own personal use and knowledge of the route.

I have known the route which is the subject of this Order since 1972 when I moved into the property next door to the former Cantonese restaurant. At the time that we moved into our house the restaurant did not exist and 240 Grane Road was an off licence and then a café and Bed and Breakfast.

I understand that the Order Route runs from Warburton Street to Grane Road. I have been shown the Order Map which shows the route marked by a thick dashed line between points A-B-C (the "Order Route") and I can confirm that this is the route that has existed for at least 20 years prior to 2019 and more.

As far back as I can remember the Order Route has remained unaltered between point A and point B where it passes along the front of Warburton Buildings. It was not just access to the houses known as Warburton Buildings but at point B on the Order Map I recall stone steps in a gap in the wall providing access into an open area where there used to be some garages. The stone steps can still be seen on this photograph taken in 2019:



The steps were removed by Mr Osgood who was the builder and replaced by a wooden fence that blocked the footpath to and from Warburton Buildings and I think that the builder knew that by removing them it would look like it was not a right of way.

For as long as I have lived close to the route you could walk along the Order Route A-B to pass through the gap and down the steps to access an open area where there were garages and then cross the area either in front or behind the garages to exit onto Grane Road. You could also go over a stile in a kink in the wall to get onto the old railway sidings where the houses on Holden Place are now built.

We have a gate at the back of our property that leads directly out onto the open area where the garages were situated. Since moving into the property in 1972 we used this gate to walk through to Grane Road or across to point B on the Order Route and then along the Order Route B-A through to Warburton Street or to visit our daughter who lived at 22 Warburton Buildings.

Whilst not necessarily using the full length of the Order Route as a through route I did use it on foot when walking the dog, going to work, visiting friends and relatives.

Until 2019 we would also drive and sometimes park on the car park – and former garage site – which was particularly useful when we wanted to load or unload our car. We never asked permission to do this although when the owners of the Cantonese restaurant erected a wall along the edge of the site abutting Grane Road they gave us

a key to the vehicular barrier that they had installed which allowed us to continue to drive our car onto the car park if the barrier was shut. We never asked for or were given permission to walk across the land though.

In my user evidence statement I refer to using the Order Route from the 1970s to 2020. I explain that it was shut in 2019 for building works to take place but that I thought this would be a temporary measure due to building work taking place.

I was always able to use the Order Route A-B and often saw other people using it from our kitchen window. Most people used it on foot, but I also saw both adults and children with bicycles and even horses on a few occasions.

Before the early 1980s the car park which the Order Route crossed between points B-C did not exist and there were garages and an open area which are shown on two photographs included in my wife's Witness Statement. When the garages existed people could walk from Grane Road along the back of the garages or in front of them to reach Warburton Buildings (at point B) but I distinctly recall the footpath running along the back of the garages and a stile in the kink in the wall which allowed access to and from the old railway sidings.

I cannot remember exactly when the garages were removed from this area of land but think it was probably in the early in 1981 or 1982 when 240 Grane Road was sold and became a café - before being sold again and converted into a Cantonese Restaurant.

From the 1980s the area adjacent to 240 Grane Road was used for parking instead and the public continued to walk from Warburton Buildings to Grane Road (and vice versa) between point B and point C.

By the time the houses on Holden Place were built the kink in the wall and stile no longer existed and by the late 1990s the Order Route A-B-C was in use along the line shown on the Order Map.

My user evidence form refers to the fact that I have known of the route and used the route since the 1970s and I wrote this in good faith not understanding the significance of the fact that any changes in the alignment of the route B-C prior to the 1990's would be relevant.

Between 1999 and 2019 there was nothing along the Order Route that prevented me or others from walking it and I was never stopped or challenged until 2019 when the owner of the land crossed by the Order Route between point B and point C erected fencing to stop us using it.

Since the area between point B and point C became part of the car park I don't ever recall car parking spaces being specifically marked out but when people were collecting take away meals or going to the restaurant, they generally parked closer to the restaurant and didn't block the route. There was a bin against the fence on part of the route but I never thought anything about it and could just walk past it.

Between the mid-late 1990s and 2019 I do not recall there being anything along the full length of the Order Route that prevented access for people on foot. I do not recall any signs saying that we weren't allowed to walk along the route and the only signs I

ever remember were those on the car park stating that it was for use of Valley Cantonese Customers only. I never gave this a thought with respect to walking along the Order route as I understood that it referred to parking vehicles on the car park.

In summary, I have lived in the area since 1972 having never moved away. I have known the route along the front of Warburton Buildings (A-B) for all that time and have never been challenged when using the route and am not aware of others being challenged. I have also known the route from B-C for at least the 20 year period under consideration (1999-2019) and have used and seen others using the route on foot during that time. I was never challenged or aware of others being challenged when using the route and as neighbours of the landowner during that time I never heard of them questioning such use or preventing use.

Note: Mr West sadly passed away before it was possible to get a signed copy of this statement. The Statement was, however prepared before his death having spoken with Mr West.