

**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 KIRSTEN HOLLAND

My name is Kirsten Holland and I live at 24 Warburton Buildings, Haslingden. I have lived at this address since 1999.

I am the applicant for this Order together with my husband, Graham Holland.

We made the application on 10 September 2021 after contacting the County Council in November 2019 when access along the Order Route was blocked by builders at point B and point C on the Order plan. Before that time, we had never known the route to be blocked off and did not think that the builders were allowed to do it.

We knew that the former owners of 240 Grane Road had sold the property and it was no longer being used as a restaurant and takeaway, but it was only in November 2019 when it was sold to a new owner called Mr Wilcox that the route was blocked off and we were sent a letter from the solicitors acting on behalf of the new landowner telling us that the route across his land was private. We have not been able to find the letter when I was preparing this witness statement.

I thought that the Order Route was a longstanding public footpath that could not be blocked off particularly as the route along the front of Warburton Buildings was tarmac with streetlights. Together with Graham and other local residents I contacted the Rossendale District Council and Lancashire County Council about the fact that the route had been blocked. Having been told that it was not recorded as a public footpath we were advised by the County Council that we could apply to record it on the Definitive Map and that I would need to provide evidence to support the application.

I believe that the route from Warburton Road to Grane Road along the front of Warburton Buildings and continuing along the edge of the car park (the 'Order Route') has been used for more than 50 years by local people. A great number of residents – some of whom are quite elderly - were upset by the fact that the route had been blocked off and I agreed to co-ordinate the application and submit it to the County Council.

Together with my husband Graham I collected user evidence and submitted the application to the County Council on 10th September 2021.

Before making the application, I completed a joint user evidence statement with my husband. My husband completed the form on behalf of us both as I did not at that time understand that it would have been better for us to fill out the form separately. Because our use and knowledge of the Order Route was very similar we did not think any more of it and when other forms were given to me to submit as part of the application that had also been completed jointly by others I did not know – or think to ask them to provide the information separately. The evidence provided was done so in good faith.

Both myself and my husband have now had the opportunity to provide separate Witness Statements. My Witness Statement gives more detailed evidence of my own personal use and knowledge of the route.

From 1995 to 1999 I lived at 3 Warburton Street (and not 3 Warburton Buildings as referred to in my user evidence statement), from 1997 with my husband. The house was located on the street near the western end of the Order Route. During this time I did not need to use the Order Route as my home was located close to Grane Road, however I was aware of its existence and that other people used it. Before I lived on Warburton Street I did not know the area well and I did not know about the Order Route.

In 1999 we moved into 24 Warburton Buildings which is located directly fronting onto the Order Route. We have vehicular access to the rear of our house and this is where we keep our car. From our front door we have access onto the Order Route through a garden gate. We do not own any part of the Order Route and I am not aware of any private rights granted to use the Order Route.

When I moved to live on Warburton Buildings in 1999 I started to use the Order Route to access Grane Road by foot as this was the shortest and safest route from my home at 24 Warburton Buildings. I saw people using the Order Route and thought it was a public footpath. I was never stopped or challenged when using the route and was never granted or asked for permission to use because I never thought I needed to. From 1999 I used the route with others and alone.

Since living at 24 Warburton Buildings we have used the Order Route on foot turning right out of our gate to get to Warburton Street or left to go to Grane Road.

I used the route in both directions until it was blocked in 2019 and still use the route along the front of Warburton Buildings to get to Warburton Street today.

Since 1999 I have used the route on a regular basis so much so that I indicated on the user evidence form that I used it daily. The route has always been the safest way to access Grane Road on foot from Warburton Street and Warburton Buildings if heading east towards Haslingden and our son regularly used the route to walk to and from school.

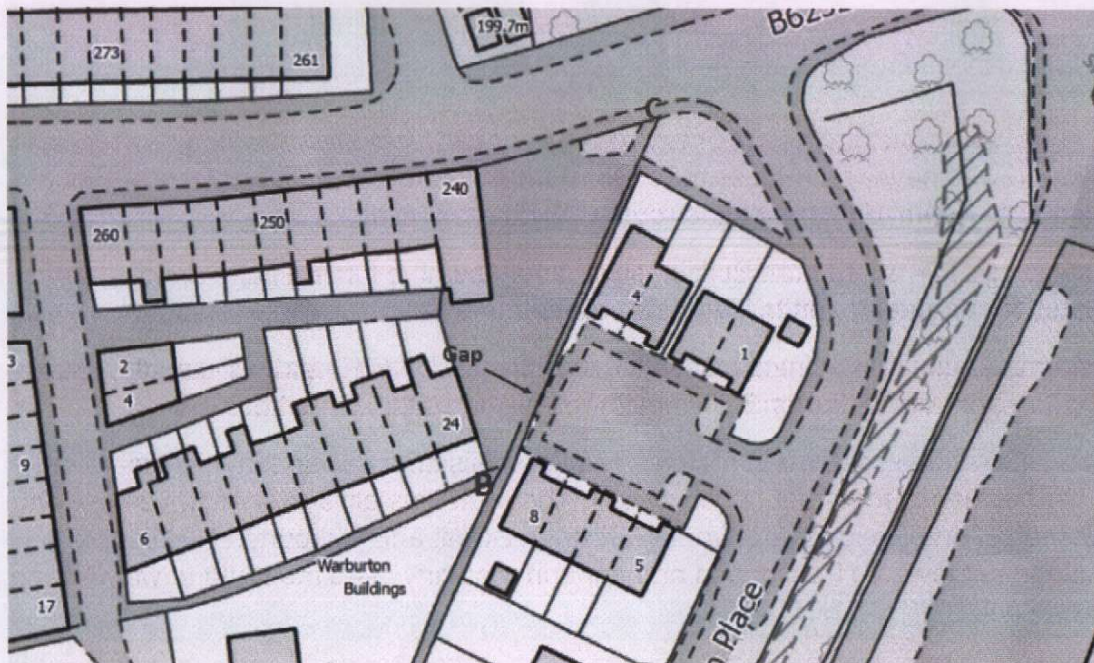
Because we live looking out onto the route we would regularly see people walking along it when we looked out of our living room window. We recognise our neighbours and the people we saw were not all people who lived at Warburton Buildings but must have been people using it as part of a longer journey.

Until the route was blocked by the builders in 2019 there was nothing along the Order Route that prevented access for people on foot. I do not recall any signs saying that I wasn'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 thought that it referred to parking vehicles on the car park.

Before the Cantonese restaurant was sold and access to Order Route prevented we occasionally parked our car on the car park particularly mid-week when it was not busy. We were never given express permission to do so but always thought that it was Ok. We were aware that some of our neighbours had been given keys to the vehicular barrier that was erected when 240 Grane Road was a Cantonese restaurant but we did not have a key. Our occasional use of the car park was completely separate to use of the Order Route on foot and I never thought of them as being at all linked in any way.

There was nothing along the Order Route that prevented access. It was sometimes necessary to walk round parked cars when the Cantonese restaurant was open or to walk around refuse bins located close up to the fence but I took a direct route from the gap at point B along the edge of the car park to exit onto Grane Road through the gap in the wall at point C which was always available even if the vehicular barrier was closed and I never recall any car parking spaces being marked out on the car park that would have restricted access to or along the Order Route.

When we moved into 24 Warburton Buildings in 1999 I also recall a gap in the wall along the boundary of the car park in the approximate position marked below:



The gap allowed access onto the land on which the houses on Holden Place were subsequently built. I do not remember the kink in the wall and old gate and stile that had previously existed but from 1999 to 2003 when we had our loft converted there

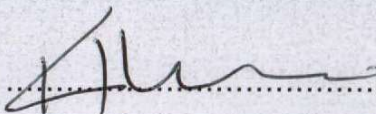
was just a gap. The owners of the Cantonese used the stone removed from our loft to rebuild that part of the wall and a recent photograph taken in August 2023 still shows where the gap was filled:



In summary, I was never challenged when using the Order route which I was aware of in the 1990's and personally used for 20 years from 1999 and 2019 and am not aware of others being challenged. The closure of the route in 2019 caused a significant amount of upset in the area which prompted me to co-ordinate submission of the application on behalf of the residents.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:  Date: 16/9/24