

From: tony.ad.barker@openreach.co.uk on behalf of network.rearrangements.budgets@openreach.co.uk
To: [Moore, Simon](#)
Subject: Openreach order 865996 HODDER STREET, HILLOCK VALE, CLAYTON-LE-MOORS, HYNDBURN, LANCASHIRE, BB5 6SU
Date: 01 December 2021 12:15:32
Attachments: [865996_HODDER STREET, HILLOCK VALE, CLAYTON-LE-MOORS, HYNDBURN, LANCASHIRE, BB5 6SU.pdf](#)
[865996.pptx](#)

Good Afternoon,

Your site details have been forwarded onto Openreach Network Alterations by The Openreach New Sites Team.

Openreach records indicate that no apparatus exists near to the area of your proposed works
Please find attached our letter detailing the procedure should you encounter our line plant during your works.

It should be noted our network is being enhanced on a daily basis. Therefore, to make absolutely certain no apparatus exists, we recommend you obtain on-site advice and confirmation of the location of Openreach apparatus by contacting the Openreach "Click-Before-You-Dig" Service:

E-mail: cbyd@openreach.co.uk

(Office hours: Monday - Friday 08:00 to 17:00)

Click-Before-You-Dig services are free of charge, but please note that seven working days' notice is required for these services.

Kind Regards

Tony Barker
Customer Service, Infrastructure Solutions
Openreach

Telephone: 0800 783 2023 Option 1

Web: openreach.co.uk

We build and maintain the digital network that enables more than 600 providers to deliver broadband to homes, hospitals, schools and businesses large and small. Our engineers work in every community, every day, because we believe everyone deserves decent and reliable broadband.

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Openreach Limited

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP

Registered in England and Wales no. 10690039

From: [Linda Cornthwaite](#)
To: [Moore, Simon](#)
Subject: Objection to DMMO - Hodder Street, Accrington 804-728 (888.2817)
Date: 13 December 2021 18:28:42
Attachments: [Statement of Truth.doc](#)
[hodder st lcc.pdf](#)
[Path objection .docx](#)

Good morning Simon

Your Ref: LSG4.SM18.888.2817

Please find attached a statement of truth from Mr. Gordon Cornthwaite the land owner – my father in-law, including a letter from Hyndburn Council . A letter from myself, including the map showing land owned and several photographs and them an objection letter from the adjacent neighbour.

Please can you acknowledge receipt of this email as I am aware it is the 28th day 14/12/2021.

Kind Regards

Linda Cornthwaite

STATEMENT OF TRUTH

by

Mr T G Cornthwaite

Relating to land on the south side of Hodder Street Accrington

Barlow Rowland

Solicitors

18-24 St. James' Street

ACCRINGTON

Lancs BB5 1NY

Ref: CH

Lancashire: Hyndburn

Title number: LA806323

Land on the south side of Hodder Street Accrington Lancashire

In response to the application made to Lancashire County Council pursuant to the Wildlife and Countryside Act 1981 (the Act) to record a Footpath from Hodder Street Accrington, (the application) I, **Thomas Gordon Cornthwaite** of Stonehaven Wooley Lane Baxenden Accrington BB5 2EA, certify: -

- 1 My late wife, Susan Jean Cornthwaite and I have owned the land on the south side of Hodder Street Accrington Lancashire now comprised in title number LA806323 which is the subject of the application since 1997. The land was first registered at the Land Registry on the 15th January 2002. When we bought the land there was a huge garage already erected on it and in consequence no path existed upon it.
- 2 In 2012 my late wife and I applied to Hyndburn Borough Council for planning permission to erect a single private dwelling on the land (planning reference: 11/12/0208) which was subsequently withdrawn due to my wife's ill health
- 3 For the application to be successful, paragraph 53 (3) (c) (i) of Part III of the Act requires that evidence shows that "a right of way subsists or is reasonably alleged to subsist over land being a right of way such that the land over which the right subsists is a public path"
- 4 Clause 66 (1) of the Act defines a right of way as "a right of way such that the land over which the right subsists is a public path or a byway open to all traffic" It defines a "public path" as "a highway being either a footpath or a bridleway". There is no definition in the Act of a highway
- 5 Section 31 of the Highways Act 1980 states "Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it"

- 6 At various times over the last twenty years I and my son, Stephen Cornthwaite, have erected barriers to prevent access to the path on the land by trespassers and these have repeatedly been pulled down by those trespassing onto our land. The alleged use of the footpath has thus been interrupted by me and my family. Access onto the land has not been 'as of right' and has not been with our consent. No intention to dedicate the land to public use has been shown; quite the contrary.
- 7 The alleged path is thus not a highway and as such it is not a public path and as such it is not a right of way for the purposes of the Act
- 8 Hyndburn Borough Council in its letter to me of the 1st November 2021 a copy of which is attached, acknowledged that the alleged footpath was not a public path by removing from the land 'improvements' to the alleged footpath which it erroneously made in 2014

I believe that the facts and matters contained in this statement are true

Dated: 13/12/21 2021

Signed:


Thomas Gordon Cornthwaite



ENGINEERING DEPARTMENT

Scaitcliffe House
Ormerod Street
Accrington
BB5 0PF

Email: @hyndburnbc.gov.uk

Mr. T. G. Cornthwaite
Stonehaven
Wooley Lane
Baxenden
Accrington
BB5 2EA

Your ref:
Our ref: 48 Hodder Street
Ask for: David Turner
Direct Line: 01254 356257
Date: 1st November 2021

Dear Mr. Cornthwaite

Re: Land adjacent to 48 Hodder Street, Accrington

Further to your letter of 18th October 2021. I can confirm that sometime in March 2014 the Council completed improvements to the footpath that runs along the playing field between Plantation Street and Hodder Street including what appeared to be a continuation of the footpath on land adjacent to 48 Hodder Street.

You informed the Council soon after that the land adjacent to 48 Hodder Street belonged to yourself and you called into the office with proof to that effect. The Council then removed the materials that had been laid on your land as requested.

Unfortunately, I don't have any recollection or information of the Travellers you refer too.

Should you require any further information, please do not hesitate to contact me at this office.

Yours faithfully

David Turner
Principal Engineer



Old Engine Cottage
Burnley Road
Altham
Accrington
BB5 5UF
Mob: 07973
411474
021

22/11/2

Your Ref: LSG4.SM18.888.2817

FAO Simon Moore

Following on from my previous email I am now in possession of your paperwork requesting confirmation of the land we own in line with the application route:

Please find enclosed your map with the area owned highlighted in thick black ink.

1. This plot of land was bought by my husband's parents, Mr & Mrs Cornthwaite, Stonehaven, Wooley Lane, Baxenden, Accrington. BB52EA in 1997. At the time of purchase there was a huge asbestos garage on the plot and no access through as this was a working business, the garage was subsequently dismantled and removed. Whilst this work was carried out, the site was cordoned off with temporary fencing that remained in place a long period of time after between 1997 – 1999. However, over time, this was damaged with people climbing over it (presumed at the time to be children playing on the plot) dismantled and disregarded, not by us. The land was not registered with Land Registry until January 2001 and at this time there was no designated footpath registered across the plot (copy enclosed). Over the years we have obstructed access through the plot by ways off felled trees and bushes – large sandstone rocks blocking access (dug into to the earth and stood up) but each time this has been knocked over and pulled aside, and access gained (we use machinery to drop these things off, so they take some moving). I have attached a photograph showing the sandstone laid on its side and half of it broken off. The neighbour at 48 Hodder Street will testify to this
2. No permission has ever been given as a right of way across the plot of land. Signs get taken down and discarded.
3. In May 2012 planning permission was applied for to Hyndburn Council for a dwelling, their ref 11/12/0208, this was subsequently withdrawn prior to

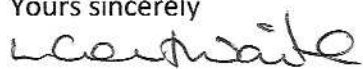
conclusion due to family illness, but the application is registered with the council thus proving this was never going to be given over as a right of way.

4. In March 2014 we had cause to contact Hyndburn Council as they had constructed a footpath through the plot of land. At the time my father-in-law took the deeds in to Hyndburn Council on their request to prove ownership and the council then had the footpath removed. At the time the plot was offered for sale to the council if they wished to retain the footpath, but this was declined as they stated they could not afford to buy land for such purposes. I have enclosed the copy of a recent letter from Hyndburn Council confirming this – I had already emailed it to you. However, sometime later another path was laid down – the council deny any knowledge of this. We have dug up and removed the footpath ourselves, erected a tall Haras fence around the plot, dug into the ground. We put big stones/rocks either side of it and put-up private land signs – this was back in August. Every week more damage is done to the fencing, it has now been totally bent over and constantly dragged to the side to allow whoever access across the plot, signs get pulled off and destroyed. As previously stated, we do not live on site, so this has been a constant battle. I have enclosed pictures showing this. I have also enclosed a copy of the resident's face book page saying we need to remove the fencing again (this was prior to us being served with the application)! In the residents Face Book group, they have also acknowledged that at the rear of the plot is a footpath and to the far left of the plot at the other side of the allotment is a footpath that adjoins the one at the rear and that until this is sorted, they will have to use this access?
5. This is not an alternative they are talking about; this is the actual footpath and any undertaking with regards to its upkeep (which they also complain about in their group) needs to be taken up with Hyndburn or LCC.
6. Also, highlighted on your map in red marker is the footpath installed by, I presume Hyndburn Council when they did the one across our plot. As you can see, it is no distance as an alternative right of way, as opposed to passing over our plot, and it adjoins the same footpath at the rear. Therefore, we ask that this be looked at as to whether it is realistic for this right of way claim to continue. We have submitted a planning application for a proposed dwelling on the plot but there is no room for a path either side of the house as on the plans there is only 1.5mtrs either side and as we are sure you would agree allowing a small narrow ginnel between the new dwelling and neighbour at number 48 would only make for a rabbit run for would be burglars and the like or a place for nuisance youths to congregate.
7. From our point of view, we believe that Hyndburn Council laying a footpath over our plot has been the main contributor to residents' objections as they believe

we have stolen the land from the council, again this is from a comment on their face book group.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Linda Cornthwaite', written in a cursive style.

Linda Cornthwaite

Lindacornthwaite567@gmail.com

376800

376900

428800

428800

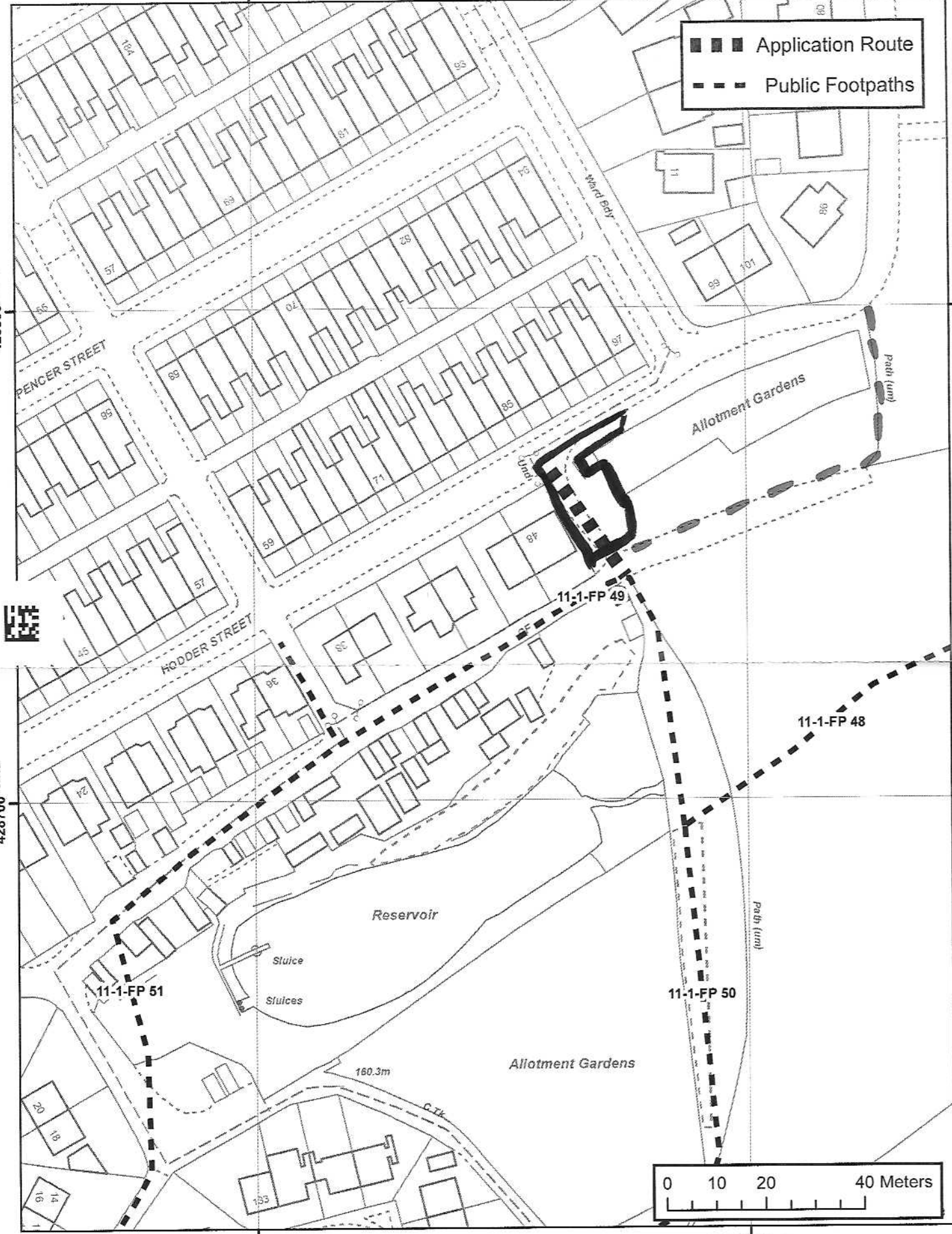
428700

428700

376800

376900

Application Route
 Public Footpaths



Public Rights of Way
 PROW@lancashire.gov.uk
 01772 530317

Wildlife and Countryside Act 1981
 Addition of Footpath from Hodder Street, Accrington

1:1000



The digitised Rights of Way information should be used for guidance only as its accuracy cannot be guaranteed. Rights of Way information must be verified on the current Definitive Map before being supplied or used for any purpose.

H.M. LAND REGISTRY

LA 806323

ORDNANCE SURVEY
PLAN REFERENCE

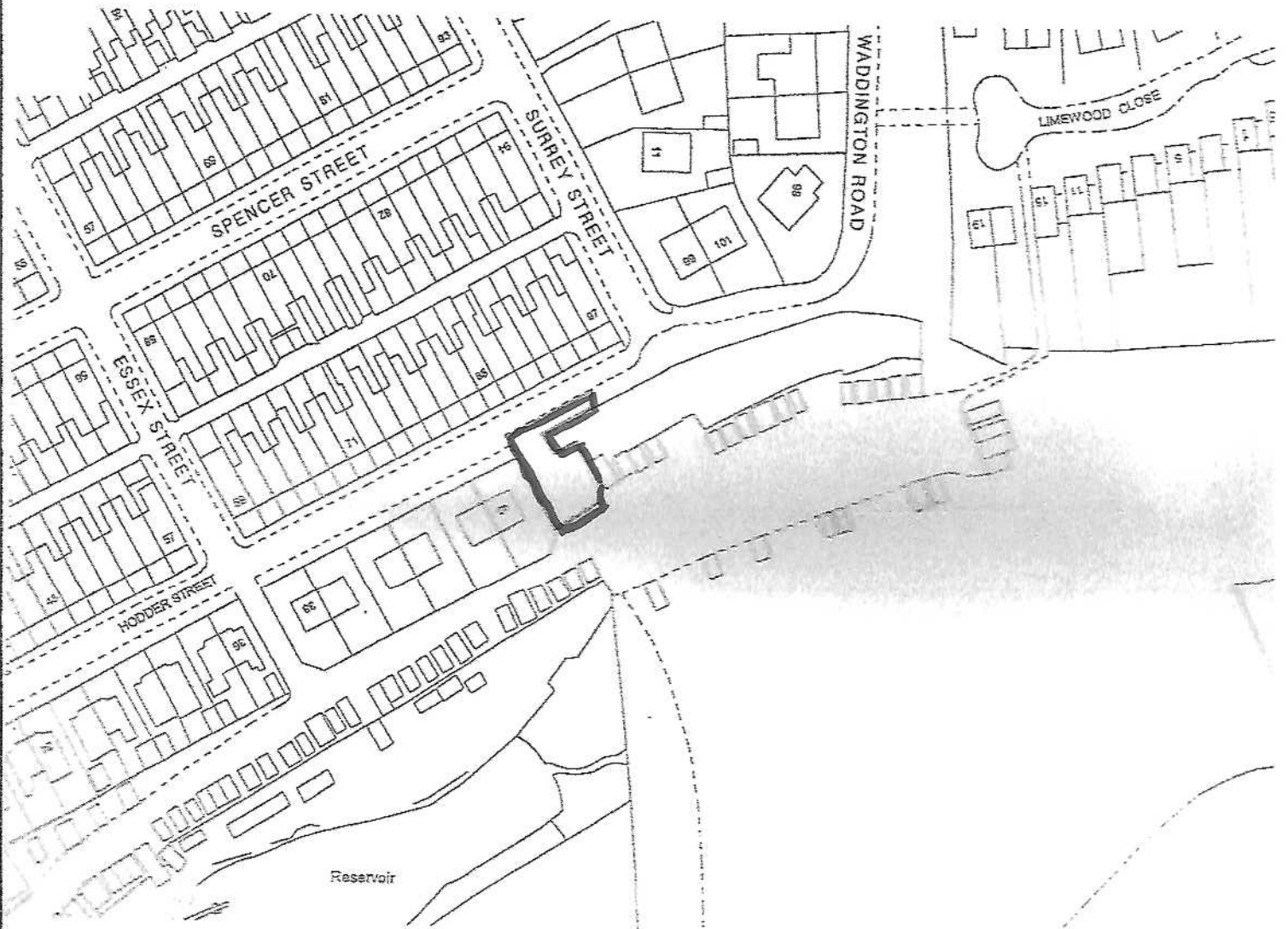
SD 7628

Scale
1/1250

COUNTY LANCASHIRE

HYNDBURN DISTRICT

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A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : HYNDBURN

1. (25 September 1997) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the South side of Hodder Street, Accrington.
2. (25 September 1997) The land was formerly copyhold of the Manor of Accrington New Hold and the rights saved to the lord by the 12th Schedule of the Law of Property Act 1922 are excepted from the registration.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title Absolute

1. (15 January 2002) PROPRIETOR: THOMAS GORDON CORNTHWAITE AND SUSAN JEAN CORNTHWAITE of Stonehaven, Wooley Lane, Baxenden, Accrington Lancs BB5 2EA.

END OF REGISTER

NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.

NOTE B: This is a copy of the register on 15 January 2002 at 15:29:33.

a while off, but has potentially moved us forward by 12 months! In the meantime, The path at the top of the allotments is there, and the one up the back street. I'll be talking to Hyndburn council on Monday regarding unlocking the gate across the back street to ensure access for people with wheelchairs and prams etc.



Showing there is an alternative access

Seen by 

 Like

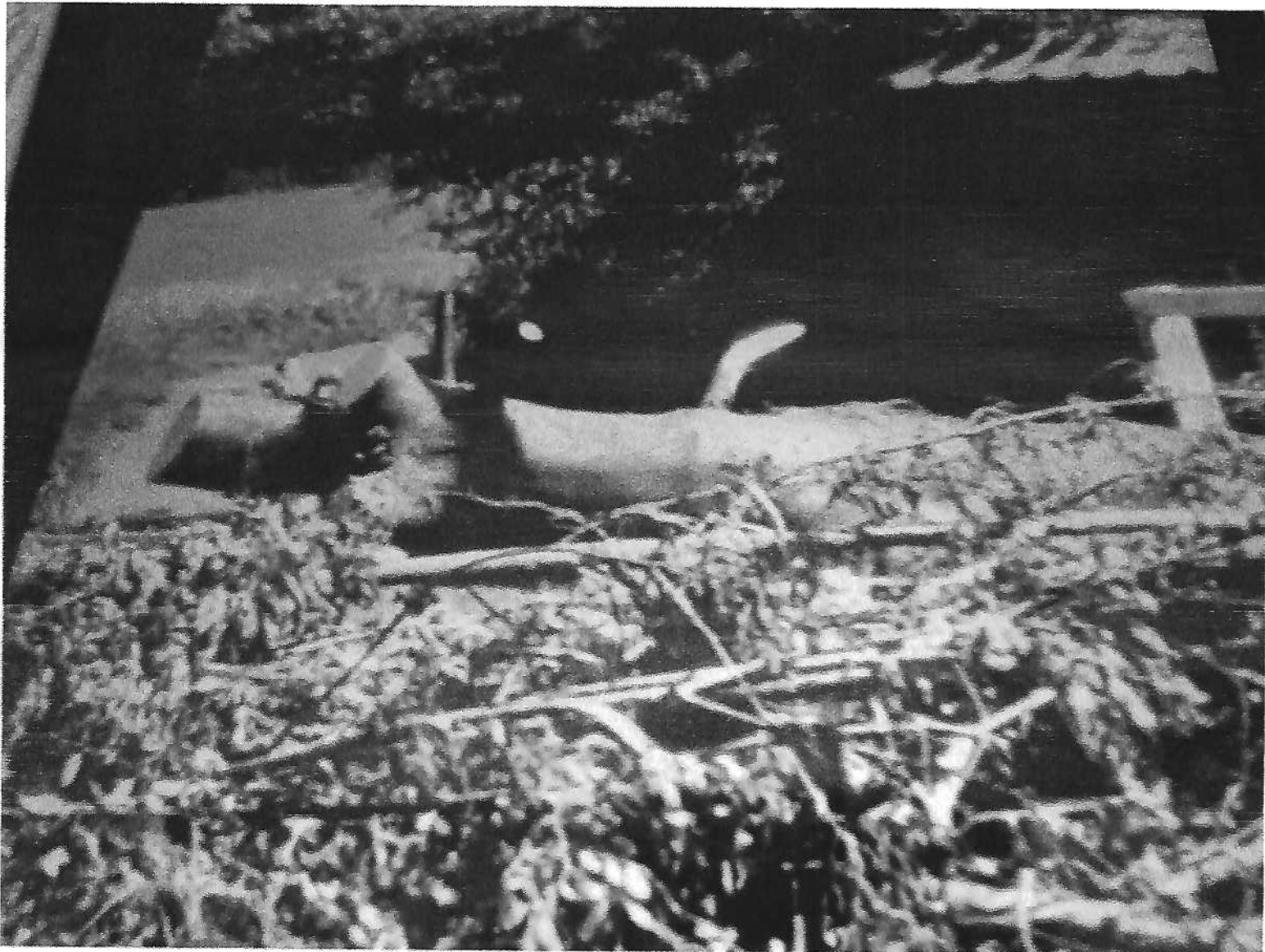
 Comment

 Send

3 Aug • 

This is from when we felled
a large tree on site and
blocked access

This is the sort of thing that
we had to put up with a
couple of weeks ago.



2 comments • Seen by 

 Like

 Comment

 Send

A tree trunk and branches were layed across the path to prevent access to people.

12w Like Reply



Melissa Humphrey

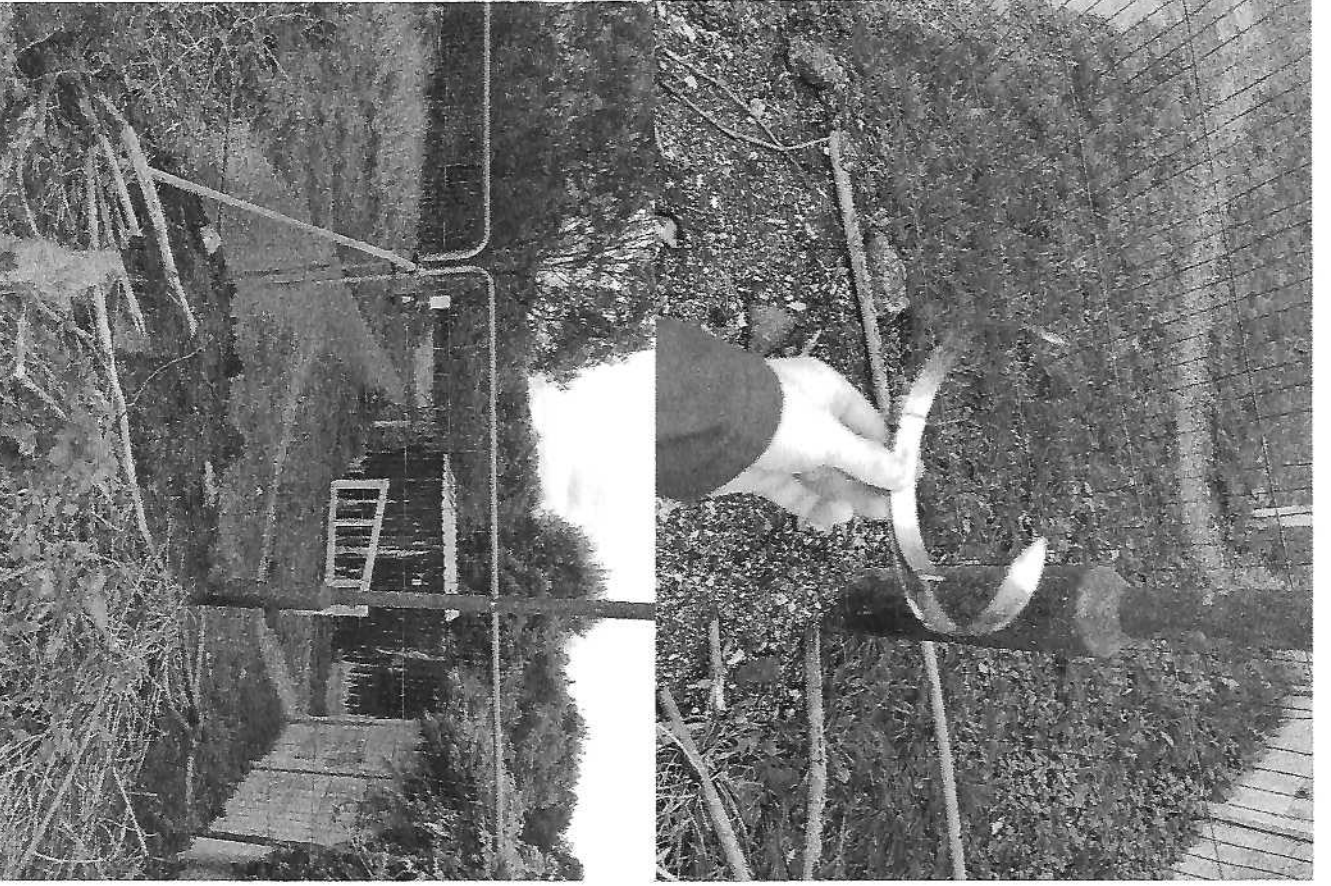
Think the rocks that have been placed there need to be fully moved away too to prevent them blocking again 😞

10w Like Reply



Write a comment...

clamps cut



showing where Secure,



Pictures showing more damage to fencing

Site when we dug up the path again + forced entry.




force panels pulled aside

2 days later -



had been securely anchored to lamp post



Stones laid down
and damaged, dragged
aside to gain access.



Google earth image showing the big sand store laid flat + broken



-- showing alternative route also put in by Hyndburn Council 2014



Again stone flattened and end broken off.

07/12/2021

48 Hodder Street

Accrington

Lancs.

BB5 6SX

To whom it may concern.

We are the residents of 48 Hodder Street which is adjacent to the land which the planning application refers to.

Currently the land has become a dumping ground for local allotment holders and householders making the area look an eyesore.

The landowners have made several attempts to clean up the land and put in concrete sections to try to restrict access to people with wheelbarrow, vehicles etc. to prevent this dumping but all to no avail. In fact, the council have had contractors put a path across the land which has made it easier to traverse a wheelbarrow onto the land to dump rubbish. There was never a designated footpath at the side of our house and so should never have happened.

Since the erection of Harris fencing people have been pulling down and removing sections of this fence for no other reason but to cause destruction to private property and laziness that prevents them from walking a maximum of 200 yards to go onto the designated footpath six house down or the footpath, also put in by council contractors 200 yards higher up the thoroughfare. I have personally had to secure the fence at least 3 times with ties to the lamp post each time a more secure tie was used but each time these have been forcefully removed. There is only about 8 properties that will be affected by the erection of a dwelling on this land and these householders will have a maximum of an extra 200 yards to walk which as these householders are using the path to walk their dogs this should not be much of an issue as the dogs would get a bit extra exercise.

The cut through is not extremely widely used as anyone wanting access to the football pitch area use the signposted designated footpath at the rear of the houses on Hodder Street and the people who come along Waddington Road use the top path adjacent to the most easterly allotment which has a hard compacted surface suitable for prams etc. That is unless someone sits at the entrance to the cut through and encourages people walk that way from 08:30 in the morning until 17:30 in the evening. He then has been asking them to sign a petition about this access. This person has never used this path as far as I know in the 30 odd years I have lived in my property as he lives opposite the entrance to the designated signed footpath.

There is also a noise issue that we have had to endure for the past number of years due to people using the land as a cut through then shouting to each other at all times of day and night. This is not a particular good position to be in when you do not know if you will be awoken during the night.

As this cut through is not a designated footpath I hope this can be addressed and this cut through closed, and a dwelling put on this land which will help locals have a better night's sleep.

Yours faithfully

D. Lonsdale

From: [Moore, Simon](#)
To: ["Linda Cornthwaite"](#)
Subject: RE: Objection to DMMO - Hodder Street, Accrington 804-728 (888.2817)
Date: 14 December 2021 14:58:00

Dear Linda,

My thanks for this, I can confirm safe receipt.

Kind regards

Simon Moore

Paralegal Officer
Legal and Democratic Services
Lancashire County Council
01772 531280

Please note that due to the ongoing pandemic County Hall is closed to the public and only minimal staff are present to complete essential tasks that cannot be carried out remotely. Legal staff are predominantly working from home and only attend the office when necessary.

From: Linda Cornthwaite <lindacornthwaite567@gmail.com>
Sent: 13 December 2021 18:28
To: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Subject: Objection to DMMO - Hodder Street, Accrington 804-728 (888.2817)

Good morning Simon

Your Ref: LSG4.SM18.888.2817

Please find attached a statement of truth from Mr. Gordon Cornthwaite the land owner – my father in-law, including a letter from Hyndburn Council . A letter from myself, including the map showing land owned and several photographs and them an objection letter from the adjacent neighbour.

Please can you acknowledge receipt of this email as I am aware it is the 28th day 14/12/2021.

Kind Regards

Linda Cornthwaite