



Cornwall Council  
FORM OF APPLICATION FOR MODIFICATION ORDER  
Wildlife and Countryside Act 1981

Definitive Map and Statement for the former District / Borough\* of Penwith / Kerrier / Carrick /  
Restormel / North Cornwall / Caradon\*

To: Cornwall Council

of: New County Hall, Treyew Road, Truro TR1 3AY

I/We

of

hereby apply for an Order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by:

- (a) **Deleting** the ~~footpath / bridleway / restricted byway / byway open to all traffic\*~~

from: Trelash Grid Ref. SX1864790278

to: The River Ottery Grid Ref. SX1770320208  
SX1769890208

- (b) **Adding** the ~~footpath / bridleway / restricted byway / byway open to all traffic\*~~

from: ..... Grid Ref. ....

to: ..... Grid Ref. ....

- (c) **Upgrading / downgrading to footpath / bridleway / restricted byway / byway open to all traffic\***  
~~the footpath / bridleway / restricted byway / byway open to all traffic\*~~

from: ..... Grid Ref. ....

to: ..... Grid Ref. ....

- (d) **Varying / adding to the particulars relating to the footpath / bridleway / restricted byway / byway open to all traffic\***

from: ..... Grid Ref. ....

to: ..... Grid Ref. ....

by providing that .....

and shown on the map accompanying this application.

\* Please delete text as applicable

I / ~~We~~ attach copies of the following documentary evidence (including statement of witnesses) in support of this application:

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Dated:

Signed: 18.10.19 .....

#### Privacy Notice - General Data Protection Regulations

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## Index of Evidence

1. Tithe Map of the Parish of Warbstow surveyed by Jonathan Kittow 1841

*Clearly showing the house, building to the front of the house and the barn in its current location.*

2. Photograph. Green gate where footpath starts to the East of the Barn.
3. Search document North CC - Search No 2002/NC/2219 from our Deeds.
4. 1880 map (Truro Library) showing the barn with footpath to the East of it.

**(Key point)** The barn sits opposite the cottage in the middle of the island in the middle of Trelash – and still does!

5. OS 25 inch England and Wales 2<sup>nd</sup> Edition Cornwall XI.6 & XI.10 1906 showing the footpath to the east of the triangular section (the garden of the barn).
6. 1951 definitive map showing the curtilage of [REDACTED] property. Barn Opposite cottage in the middle of the village. Foot path to the East at stone steps. (Some distance from the barn!)
7. 1966 from [REDACTED] deeds. Assent of property at [REDACTED] Documents showing the curtilage of [REDACTED] property. There are many more documents showing the same detail.
8. 1961 Aerial photograph showing the locations of the Barn, Forge and House and the entrance to the field at the start of the path.
9. Sales document 'Kivells' 2002.

*When the house was sold at Auction and purchased by the previous owners. Back page shows barn in a poor state of repair prior to conversion to a holiday let which was signed off in 2017.*

10. Statement from owner of entrance to field.

*This statement details [REDACTED] remembering [REDACTED] milking cows in the barn, and there being a hayloft up the top. [REDACTED] confirms the footpath starts at the green gate to the east of the Barn and crosses the field. Dated 24<sup>th</sup> June 2019.*

11. Statement from [REDACTED]

*The person who was [REDACTED] walked through the gate about 2 years ago. [REDACTED] confirmed the path was in the correct place going through the green gate. The position of the Barn on the new definitive map appears to be too far back into the field.*

12. Statement from Councilor [REDACTED]

*[REDACTED] has lived here all his life and remembers the style in the hedge facing east looking at the finger board sign post. A condition of planning for Byewell was that a licence was obtained to move the footpath to the field gate entrance where it is currently. (See map) [REDACTED] remembers playing in the barn [REDACTED] and the barn has never moved.*

13. *Map from the Records office dated 1979. Plan SX 1890 1990. Showing the barn, triangular garden, opposite the cottage. It also shows an enclosure that the current owner of the field recalls in the 70's. This rectangle is where we believe the CC team think the barn is now! 200 year old buildings do not 'move' a pink line on a map can be 'moved'. Common sense required here.*
14. *Current CC Map online showing the path going through 2 walls of the barn. [REDACTED] have indicated where the path has shown over the last century on all mapping. It has never been within the curtilage of [REDACTED] property. Disappointed that identifying the problems with the mapping of the start of this path has been so stressful and difficult when the Council is **obliged** to correct footpaths when sufficient and new evidence is provided – which we have done this year. Extinguishing it is the correct thing to happen as it actually goes nowhere! And is unfit for the public to use.*