

Wildlife and Countryside Act 1981

Section 53

East Riding of Yorkshire Council

Goodmanham Restricted Byway No 7 and Market Weighton Restricted Byway No 12

Definitive Map and Statement of Modification Order 2019

Market Weighton to Driffield Disused Railway Line

Statement of Case by Barrie Keith Young, MA, C Eng

1. I reside with my wife at Grove Farm, Goodmanham. I am retired following a career as a Chartered Civil Engineer.
2. I first used this footpath in February 2000 when I moved into No 2 The Old Hall, Goodmanham. Later, in August 2001, I moved into what was left of Grove Farm after parcels of land were separated off to become Huntcote and Torr Hus. The latter parcel included a length of the disused railway track running along the North West boundary of our land.
3. From August 2001 until August 2017 my wife and I enjoyed 16 years regular unrestricted access through our paddock gate direct onto the railway track and along it, either to Market Weighton or onto the Wolds Way. At no time did any of the owners of the land indicate that this was private land and that the path should not be used.
4. As owners of Grove Farm we were fully aware of the fact that significant numbers of people were using the railway track to exercise with their children and dogs.
5. In mid 2016 we realised that one of the 120+ year old poplar trees planted on our land immediately adjacent the track as screening for the railway when it was built was suffering extensive die back, was dropping side branches and had developed a significant lean.

6. After obtaining ERYC conservation area felling approval we had this tree felled at some expense as it represented a significant danger to users of what we took to be a public space, i.e. the footpath.
7. In August 2017 we were made aware by a local resident that Christopher Benson of Torr Hus had erected two barricades 8ft high across the railway track at the ends of his ownership. This was done without any consultation with his neighbours.
8. When challenged about the blockage Benson told me 'It is my land and my solicitor says that I can do whatever I like with it'. There was no discussion beyond this because it was apparent that he was not prepared to listen.
9. Subsequently the adjacent landowner, Mr Stephen Large of Springwold, erected a low post and rail plus brash barrier at the limit of his claimed ownership adjacent the bridge over Goodmanham Road.
10. The erection of the two barriers by Benson effectively stopped our use of the track from then on and limited our ease of access to other connecting footpaths.
11. This is particularly irksome at the present time. We regularly used the path to visit Market Weighton and make excursions to other areas locally. More often than not we would encounter other users.
12. In the course of consultation with others following closure of the footpath I soon learned that many people thought that the barriers were erected by ourselves since the track and Grove Farm had been in the same ownership for many years.
13. The people expressing concern to me were initially mainly residents of both Goodmanham and Market Weighton. However, as time passed several were from groups based some distance away who were prepared to travel to enjoy our local attractions, and who had habitually used the path for many years without any hindrance.

14. I therefore felt compelled to disassociate myself from the arbitrary actions of the two landowners and started collecting PRow Evidence Forms from local walkers that were or subsequently became aware of the blockage.
15. It proved none too difficult to widen the span of coverage. People were queuing up to sign forms and many were able to give leads to others who were no longer using the path because of age, infirmity or change of address but had done so as far back as 1972.
16. In total I collected over 50 Evidence Forms demonstrating unhindered use of the path by the public over the period 1972 until its closure in 2017, an interval of 45 years.
17. This evidence mainly related to walkers but there was evidence that cyclists and horse riders had also used this track regularly in earlier years before the Market Weighton end became too overgrown.
18. In December 2017 this culminated in my application to ERYC to add this length of disused railway track to the definitive map and statement as a footpath.
19. In May 2018, after investigation of the evidence I presented, ERYC decided to designate the disused railway line as a Restricted Byway.
20. When I made this application I accepted Mr Large's claim to own the track bed adjacent his house at Spring Wold. However, subsequent local inquiries and searches of land registration documents suggest that this was highly unlikely to be the case. I reported this to ERYC who have followed the matter up with the last recorded owner who, I understand, has no objections to the ERYC's order.
21. If ERYC's investigations finally disproves Mr Large's claim that he owns the land on which the footpath lies then his status at this Inquiry must be reduced from landowner to a frontager, and he will have acted illegally in blocking off the length of the track past his house.

22. In conclusion, I argue that from the evidence documents presented with my application it is irrefutable that the path has been freely used by walkers, cyclists and horse riders for 45 years before it was closed in August 2017. Prior to this date there have not been any notices or other indication that it was not open to public use.

23. I therefore urge the Inspectorate to confirm the East Riding of Yorkshire's order.

Barrie Young

15th June 2020