

# Application for a Modification Order

## Wildlife and Countryside Act 1981

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

To: The County Secretary and Solicitor, Lancashire County Council.  
Of: PO Box 78, County Hall, Fishergate, Preston, Lancashire, PR1 8XJ

We: (Name of applicant) GRAHAM & KIRSTEN HOLLAND

Of: (address of applicant) 24 WARBURTON BUILDINGS, HASLINGDEN  
ROSSENDALE, BB4 4PQ

Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981  
modifying the Definitive Map and statements for the area by:

1. Deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic]  
FROM:

TO:

2. Adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic]

FROM: GRANE ROAD

TO: WARBURTON BUILDINGS

3. [Upgrading] [downgrading] to a [footpath] [bridleway] [restricted byway] [byway  
open to all traffic] the [footpath] [bridleway] [restricted byway] [byway open to all  
traffic]

FROM:

TO:

4. [Varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted  
byway] [byway open to all traffic]

FROM:

TO:

BY PROVIDING THAT:

AND SHOWN ON THE MAP ACCOMPANYING THE APPLICATION

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

LIST OF DOCUMENTS PROVIDED:

- 14 Public right of way user evidence statements
- 1 Notice of application as sent to the current land owner along with the details of the current landowner from land registry included with this the recorded delivery receipt demonstrating notification to the land owner
- 2 Current land registry maps showing the footprint of 240 Grene Rd - 1 as it was received, the 2nd showing where the footpath lies.
- 2 Letters from Grene Residents Association demonstrating <sup>of the path</sup> prolonged use of the path. Map evidence showing maps from 1893, 1911, 1930, 1931 & 1947 demonstrating the footprint of 240 Grene Rd in relation to its surroundings.
- 6 photographs showing how the route used to be and how it currently looks
- Lancashire county council letter advising the path be re-established -  
DATED: 10/9/20 SIGNED: Submitted as part of the planning application 2020/0084

THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM

Please return the completed application form to:  
The County Secretary and Solicitors Group, Lancashire County Council, PO BOX 78  
County Hall, Fishergate, Preston, PR1 8XJ (REF: LSG4/PROW/JM)

**NOTE:** Please be advised that evidence supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.

**NOTE:** Lancashire County Council is obliged to put a copy of the application on a register available to the public. If you consider that the inclusion of the applicants name and address would, or would be likely to, cause substantial damage distress to the applicant or to another person and such damage would be or would be unwarranted, please contact Lancashire County Council who can remove these details from the register and from any documents contained on the register.

## Notice of Application for a Modification Order

### Section 53(5) of, and Schedule 14 to, the Wildlife and Countryside Act 1981

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

To: HOWARD THOMAS WILLCOX

Of: HEATHFIELD, HELMESHORE ROAD, HASLINGDEN, ROSSENDALE  
BB4 4BW

~~I~~We: (Name of applicant) GRAHAM & KIRSTEN HOLLAND

Of: (address of applicant) 24 WARBURTON BUILDINGS, HASLINGDEN,  
ROSSENDALE, BB4 4PQ

Hereby give notice that on

I / We made application to Lancashire County Council that the definitive map and statement for the area be modified by:

1. Deleting the [footpath] [bridleway] [restricted byway] [byway open to all traffic]  
FROM:

TO:

2. Adding the [footpath] [bridleway] [restricted byway] [byway open to all traffic]  
FROM: GRANE ROAD

TO: WARBURTON BUILDINGS

3. [Upgrading] [downgrading] to a [footpath] [bridleway] [restricted byway] [byway open to all traffic] the [footpath] [bridleway] [restricted byway] [byway open to all traffic]

FROM:

TO:

4. [Varying] [adding to] the particulars relating to the [footpath] [bridleway] [restricted byway] [byway open to all traffic]

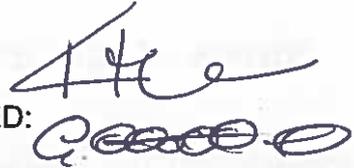
FROM:

TO:

BY PROVIDING THAT:

DATED: 10/9/20

SIGNED:

A handwritten signature in black ink is written above a circular stamp. The stamp contains several illegible words or numbers.

**THE FOLLOWING DOES NOT MAKE UP PART OF THE ABOVE FORM**

Notes for Information

This notice has been served on you by the person(s) named overleaf, not by Lancashire County Council. The Notice is required to be served on you in accordance with the procedure described on the Wildlife and Countryside Act 1981.

It is intended to show that an Application has been made to Lancashire County Council, by the person named overleaf, for a modification Order to be made to amend the Definitive Map of Public Rights of way, on Land in which you have an interest.

When the County Council is satisfied that the application has been made in the prescribed manner, you will then be contacted by Lancashire County Council. Until that time, there is no need for you to take any action in relation to this notice.

**NOTE: Please be advised that evidence and information supplied will be used in accordance with the processes under the Wildlife and Countryside Act, it will not be confidential and may be disclosed to third parties. Those supplying any evidence should be informed of this.**

Title Number : LA465751

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 9 SEP 2020 at 14:43:44 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA465751
Address of Property	: 240 Grane Road, Haslingden, (BB4 4PB)
Price Stated	: £170,000
Registered Owner(s)	: HOWARD THOMAS WILLCOX of Heathfield, Helmshore Road, Haslingden, Rossendale BB4 4BW.
Lender(s)	: None



Title number LA465751

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 9 SEP 2020 at 14:43:44. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

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## A: Property Register

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

LANCASHIRE : ROSSENDALE

- 1 (30.11.1981) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 240 Grane Road, Haslingden, (BB4 4PB).
- 2 The mines and minerals are excepted.

## 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 (05.11.2019) PROPRIETOR: HOWARD THOMAS WILLCOX of Heathfield, Helmshore Road, Haslingden, Rossendale BB4 4BW.
- 2 (05.11.2019) The price stated to have been paid on 18 October 2019 was £170,000.

End of register



# H.M. LAND REGISTRY

TITLE NUMBER

# LA 465751

ORDNANCE SURVEY  
PLAN REFERENCE

SD 7722

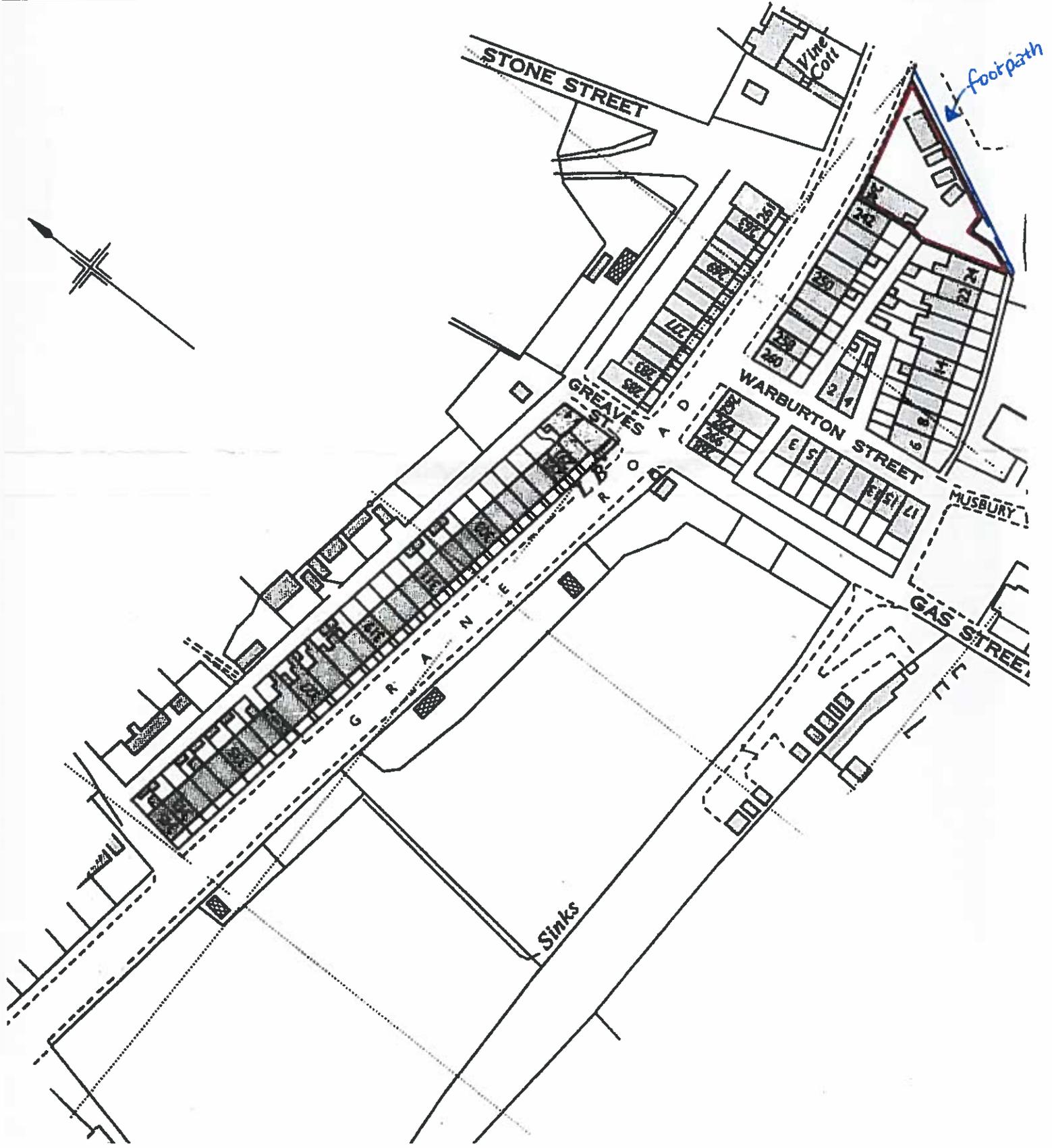
SECTION B

Scale  
1/1250 Enlarged from 1/250

COUNTY LANCASHIRE

DISTRICT ROSSENDALE

© Crown copyright 1980



# H.M. LAND REGISTRY

TITLE NUMBER

# LA 465751

ORDNANCE SURVEY  
PLAN REFERENCE

SD 7722

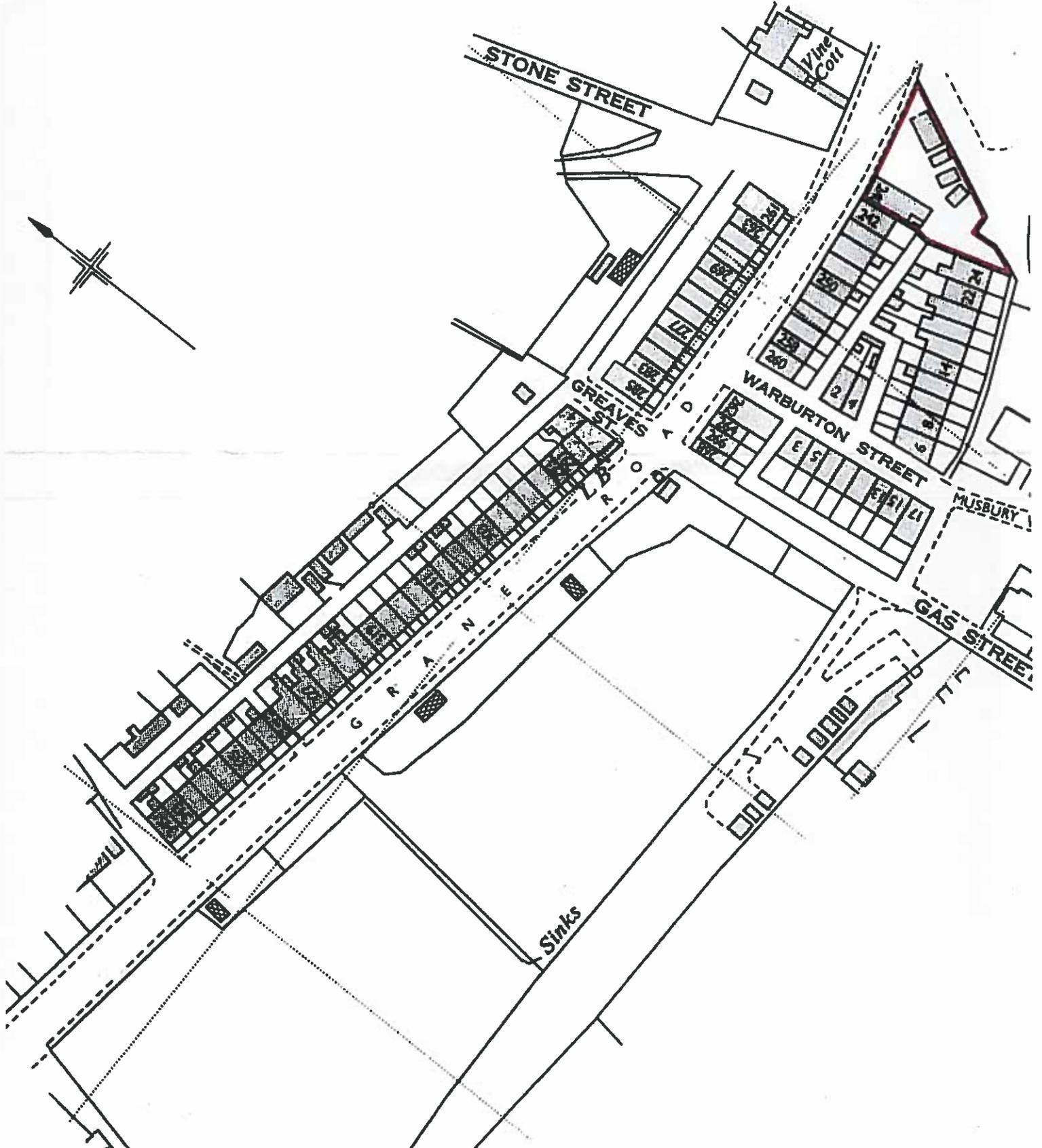
SECTION B

Scale  
1/1250 Enlarged from 1/250

COUNTY LANCASHIRE

DISTRICT ROSSENDALE

© Crown copyright 1980



Title Number : LA465751

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

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This extract shows information current on 5 NOV 2019 at 15:44:31 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA465751
Address of Property	: 240 Grane Road, Haslingden, (BB4 4PB)
Price Stated	: Not Available
Registered Owner(s)	: CHOI LING TANG of 16 Causeway Head, Haslingden, Rossendale, Lancs BB4 4DW.
Lender(s)	: None

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 5 NOV 2019 at 15:44:31. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

## A: Property Register

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

LANCASHIRE : ROSSENDALE

- 1 (30.11.1981) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 240 Grane Road, Haslingden, (BB4 4PB).
- 2 The mines and minerals are excepted.

## 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 (06.02.2003) PROPRIETOR: CHOI LING TANG of 16 Causeway Head, Haslingden, Rossendale, Lancs BB4 4DW.

End of register

**GRASS** 'Volunteering for a greener Grane'

**GRANE RESIDENTS' ASSOCIATION**

Stoneycroft  
Grane Road  
Haslingden  
Rossendale  
BB4 4PB

3 December 2019

Jayne Elliott  
Public Rights of Way Definitive Map Officer  
Lancashire County Council  
Preston

Dear Jayne

I write on behalf of Grane Residents' Association in relation to the disputed right of way which runs through the car park of the former Cantonese Restaurant, 240 Grane Road and along the front of Warburton Buildings.

This path has been used by local residents for over 40 years to access not only Warburton Buildings but also Warburton Street and Musbury View. As Secretary of Grane Residents' Association I can confirm that I and other members of the Association (formerly "Save Grane") have been using this right of way in an official capacity since 1991, to deliver Newsletters and relevant information to members of the local community.

Residents in the locality are very angry and upset that the new owner of the property has erected metal barriers to the front and back entrances to Warburton Buildings to prevent access. The pathway is used frequently by local residents as a safer access route to reach the pelican crossing on the extremely busy Grane Road. Before the Cantonese Restaurant the property was a former café and prior to that a shop. During this period there has always been an access route from Grane Road via the car park area onto Warburton Buildings.

Until the property was sold the former car park was available in case of emergency for ambulances to park, there being no roadway at the front of properties on Warburton Buildings.

Grane Residents' Association believes that the pathway through the former car park should be reinstated and the metal barriers removed as soon as possible as we believe that residents have Prescriptive Rights due to custom and practice under the 20 year rule.

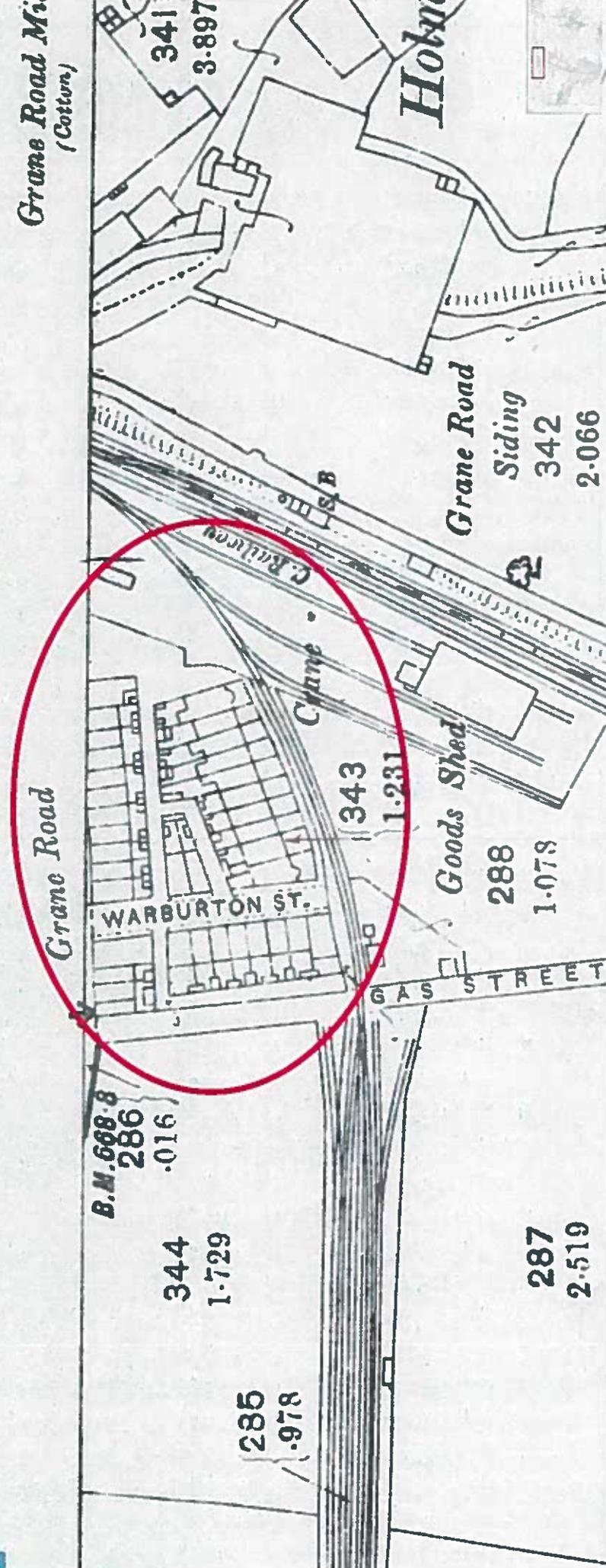
Awaiting your reply

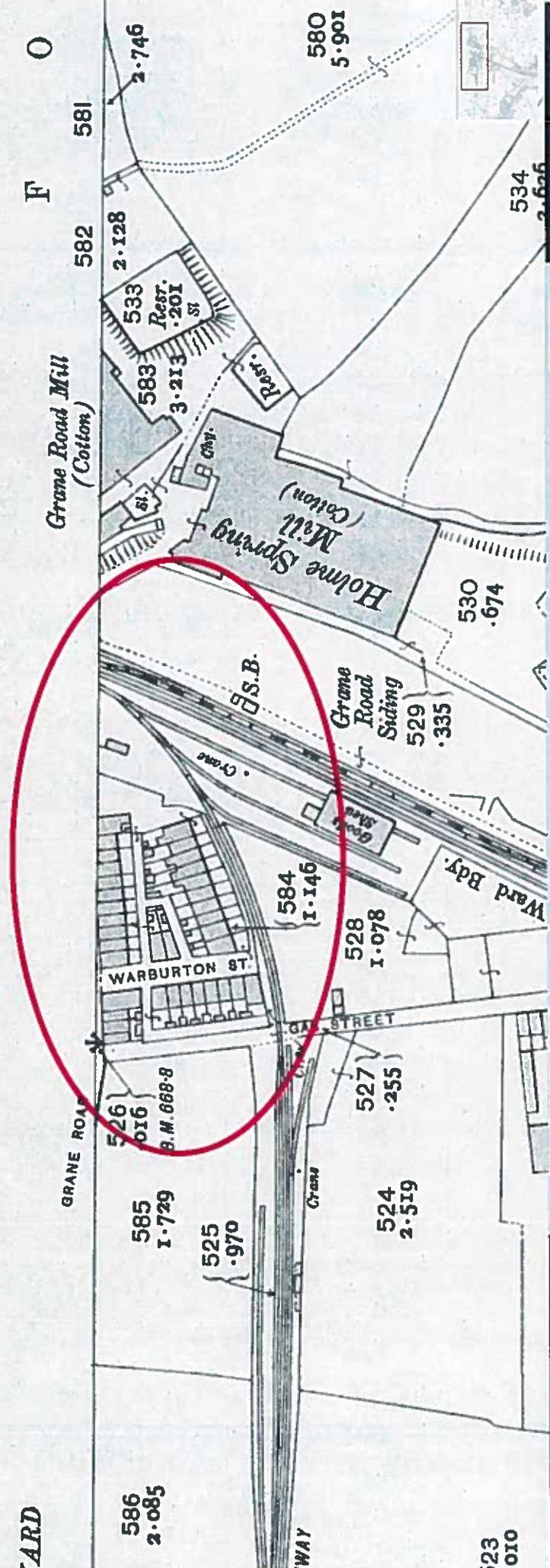
Yours faithfully

*Margaret Murray*

Margaret Murray

Secretary



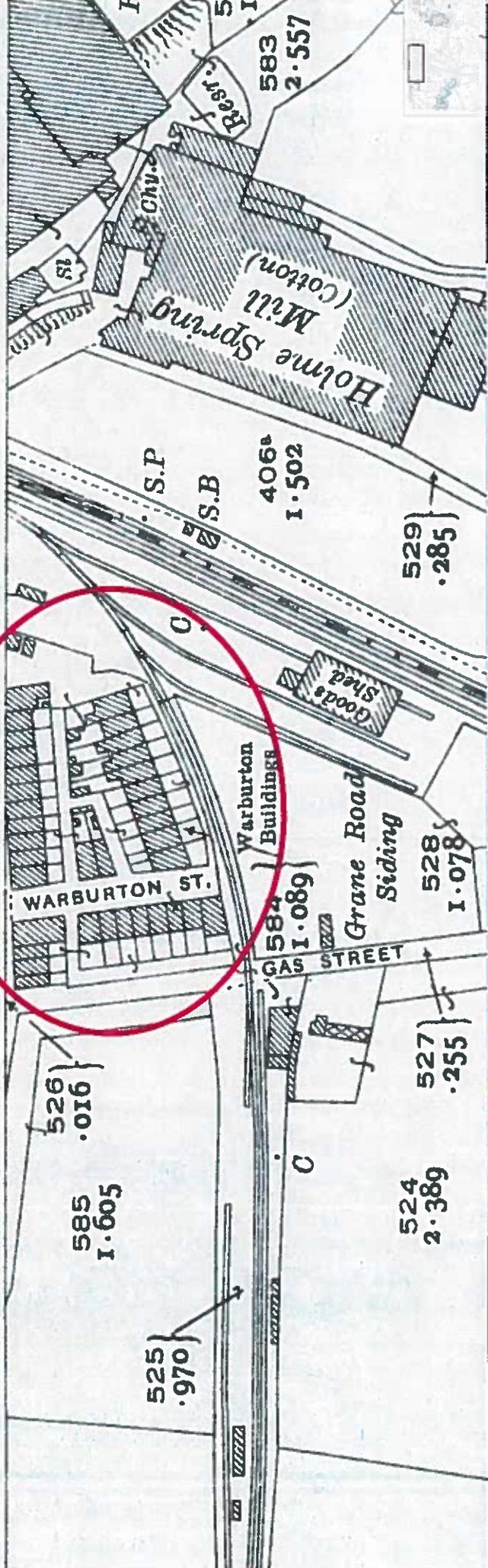


tion.:

79. 308. 313. 316. 348. 350. 352. 353. 355. 356. 359. 360. 361. 364.  
48. 472. 474. 483. 486. 487. 537. 540. 541. 551. 552. 581. 591.

Grane Road Mill  
(Cotton)

GRANE ROAD





Lancashire LXXI.5E (includes: Haslingden.)

Revised: 1938

Published: 1847

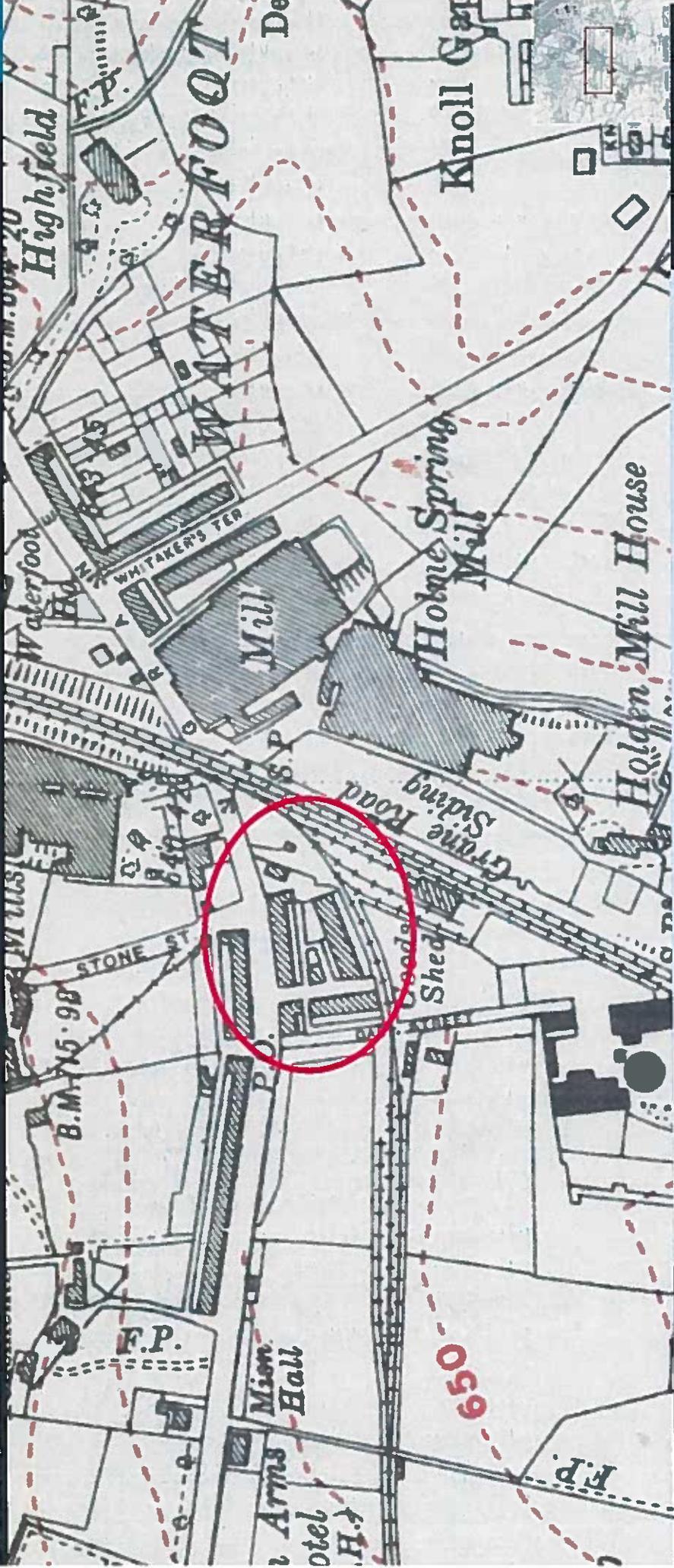
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Jayne

1976

LAND BEAR OF  
240 - 242 GRANGE RD

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no planning for Rear extension 2409 R<sub>i</sub>

19 1979/20 1 51 Colour



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Jayne

1980-

LAND TO OLD RAILWAY SIDINGS  
Before Hdden Place open gate  
WALL BEEN ALTERED

LIVE 2 681489 15 19 12-20 : 42 6000



1980

LAND REAR OF  
240 - 242 GRANE RD

BB4 - 4PB

WF 2 60:489 15 13 17/9/20 1 50 Colour



View from the front of Warburton Buildings to where the existing path has been blocked by the present owners of 240 Grane Road  
Prior to this, the residents of Warburton Buildings and Warburton Street had always been able to access Grane Road via this path and through the car park.

Exit to the footpath traditionally used to access Warburton Buildings via the car park circled in red and currently blocked by the owners of 240 Grane Road. The access path ran alongside the wall until it met the path along Warburton Buildings at the junction of 24 Warburton Buildings and the car park.





Footpath access from Grane Road through the car park as observed from Grane Road perspective.

The property in the background of the photo is 24 Warburton Buildings (circled in red) where the footpath along this row of properties starts.

Access to the path along the front of Warburton Buildings, circled in red, where it meets the junction between the car park and 24 Warburton Buildings.



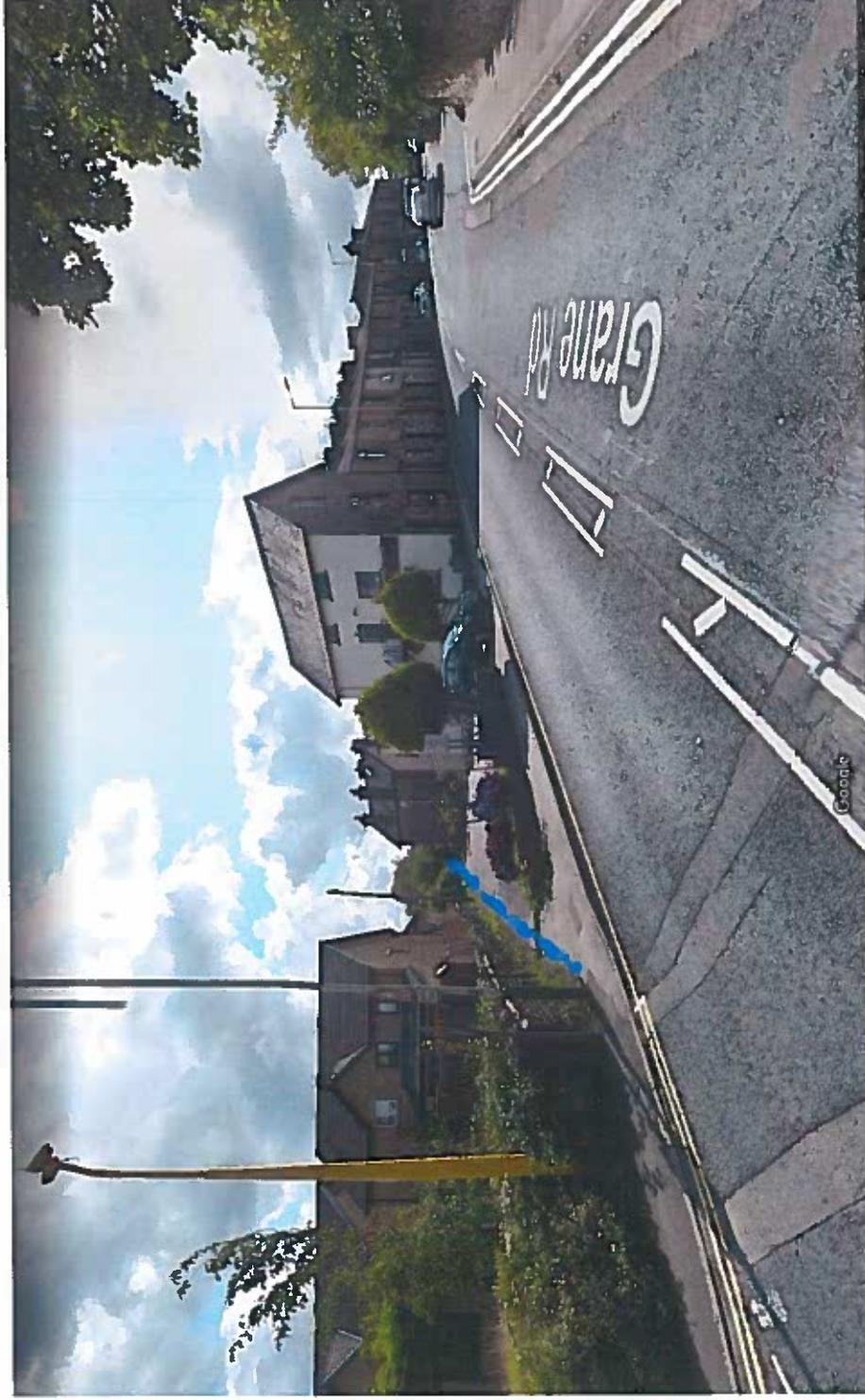


**How the footpath access to Warburton Building from Grane Road appeared prior to being blocked.**

The blue line denotes where the path ran along Warburton Buildings and along the edge of the car park



The blue line denotes how the access path connected the Warburton Buildings to the Grane Road



Development Control  
Burnley Borough Council

Tel 0300 123 6780  
Email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk)

Your ref 2020/0084  
Our ref  
Date 17<sup>th</sup> April 2020

Dear Sirs

**Application no: 2020/0084**

**Address: 240 Grane Road Haslingden Rossendale Lancashire BB4 4PB**

**Proposal: Change of use at ground floor from Restaurant to Shop (Use Class A1) and Professional Services (Use Class A2). Change of use at first floor from B&B to an apartment (Use Class C3) including addition of balcony. Second floor use to remain as apartment.**

With respect to the proposed change of use of the building we would not raise any objections.

It should be noted that our records would indicate that the area of hard standing to the side of 240 Grane Road has been used as a pedestrian link between Grane Road and the footpath in front of Warburton Buildings. It is expected that this link will need to be maintained as a through route.

Whilst the plans provided show parking for 5 vehicles these spaces need not be marked out as there is sufficient space to accommodate them across the area of hardstanding.

Should you wish to support the application we would wish for the following conditions to be added to the application.

1. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening onto the adopted highway. **Reasons** to ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.

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**Phil Durnell**  
Director of Highways and Transport  
Lancashire County Council  
PO Box 100 · County Hall · Preston · PR1 0LD  
[www.lancashire.gov.uk](http://www.lancashire.gov.uk)

Should you wish to discuss the matter further, please do not hesitate to contact me by email or by telephone on 0300 1236780.

Yours faithfully

Simon Hardie  
Highways Development Control  
Community Services