

IMPORTANT

RIGHTS OF WAY ACROSS PARSONAGE PROPERTY

Some years ago we had to resolve a serious problem with a parsonage house which was to be sold. The Incumbent had for many years permitted parishioners to use a short-cut across the Rectory garden between the Village and the Church. When checking with the Local Authority the Estate Agent discovered that this informal short-cut had become established as an official right of way. Because it was very close to the house it affected the valuation of the property very significantly. It is practically impossible to extinguish such rights of way and very difficult to re route them to the satisfaction of Local Authorities or Ramblers Associations.

It is **ABSOLUTELY ESSENTIAL** that unofficial accesses for parishioners are not permitted to become established public rights of way.

There is no objection in principle to Incumbents allowing certain specified persons across parsonage property, provided one or both of the following steps are implemented in order to prevent the legal establishment of a right of way:

- [1] A gate or simple lockable barrier must be erected at each end of the footpath in question and these gates or barriers should be closed and locked for at least one day in every year. Where access on to a foot-path is by means of a stile then some means should be devised to prevent access over the stile for that one day.
- [2] In addition to a barrier it would also be wise to erect a clear notice at both ends of the footpath simply stating **"THIS IS NOT A PUBLIC RIGHT OF WAY"**

Where an Incumbent wishes to permit specified persons to cross parsonage property, then these precautions must be taken and the Board of Finance cannot undertake to bear any of the expense involved. The same precautions must be taken for all existing informal accesses and short-cuts and it should not be necessary to incur any significant expense in erecting a simple barrier as described above.

A public right of way becomes established if it is used by the public without hindrance over a period of 20 years. Forcible or secret access by the public does not establish a public right of way.

If Incumbents are in any doubt whether a path across parsonage grounds is already a public right of way this can easily be ascertained by reference to the rights of way plans held at District Council Offices.

If Incumbents are confident that a footpath is private and not public, and after the precautions have been taken, receive objections from the general public or from the District Council, then details of any such dispute should be notified to the Property Manager Secretary as soon as possible.

Incumbents may wish to insert a paragraph in their parish magazine emphasising the private status of certain footpaths on Church property.

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