

Correspondence between landowner and  
Hamsterley Mill Residents Association  
Nov 2011 to Feb 2012



High Hamsterley Road,  
Hamsterley Mill  
November 30<sup>th</sup> 2011

Nicola Garrington,  
 High Hamsterley Road  
Hamsterley Mill  
Rowlands Gill  
NE39 1HD

Dear Nicola,

We are sending you a copy of this letter we received from Durham Council.

It was in response to some queries from residents about the condition of the flagstone path and steps at the top of High Hamsterley Road. We consequently contacted the Council who sent us this letter. They discovered that the path and steps at the left of the centre of the grass verge are recorded at the Land Registry as belonging to the owner of 17 High Hamsterley Road.

At a recent meeting of our Executive Committee we agreed a copy should be sent to you and hope it is helpful. We think the Council's suggestion is a good one and would appreciate your views on this.

If there's anything we can do to help you further with this we would be happy to do so.

Yours sincerely,

A handwritten signature in black ink that reads "Peter Bowring".

Peter Bowring

Vice Chair, Hamsterley Mill Residents' Association.



Contact: Kevin Telford  
Direct Tel: 0191 3834536  
Fax: Kevin.Telford@durham.gov.uk  
email:  
Your ref: RED/ROW/KT  
Our ref:



Rosemary Morris  
Secretary Hamsterley Mill Residents Association  
 Long Close Road  
Hamsterley Mill  
Rowlands Gill  
Tyne and Wear  
NE39 1HQ

25 October 2011

Dear Rosemary

**Unregistered footpath at Hamsterley Mill**

As promised during our recent telephone conversation, I am writing to clarify our position regarding the unregistered footpath which passes between nos. 17 and 20 High Hamsterley Road, Hamsterley Mill.

The footpath is not adopted nor a registered public right of way, and according to information provided by the Land Registry, it is on privately owned land. Accordingly, Durham County Council as Highway Authority is not responsible for the maintenance of the path.

Maintenance consequently rests with the owner of the land, who may be liable in the event of an accident resulting from the condition of the path. The maintenance and liability burden would be substantially reduced if the landowner were to dedicate the footpath as a public right of way and add it to the Definitive Map, as under existing highways legislation Durham County Council would become responsible for the maintenance of the surface of the path to a standard appropriate for its use.

*Continued/....*

Regeneration & Economic Development  
Durham County Council, County Hall, Durham DH1 5UQ  
Tel (0191) 383 3000 Minicom (0191) 383 3802 Text 07786 026956



17<sup>TH</sup> January 2012

Mr Bowring  
[ ] High Hamsterley Road  
Hamsterly Mill  
NE39 1HD

Without prejudice

\*The Residents Association instigated and organised the laying of the path without carrying out

Appropriate land and legal searches

Legal written permission of the landowner

Payment of money for the said land

**I must ask the Residents Association to remove the pathway at their cost due to**

**A health safety risk caused by their actions**

The current situation

The actions of the Residents association have just cause for litigation

- A) By **placing objects** on my land without my legal permission
- B) By potentially **dispossessing** me of my land and rights over the land by the said action of a representative of the Residents association

I do not at this juncture wish to pursue this avenue

The action by the residents association has created the impression that the land is a public footpath.

**I have no intention of dedicating my property as a public right of way**

I would ask that you remove your property from my land  
With immediate effect

Ms N Garrington

[ ]  
[ ] High Hamsterly Road NE39 1HD

Ms. Nicola Garrington,

[Redacted]  
High Hamsterley Road

Hamsterley Mill

NE 39 1HD.

Thank you for your letter dated 17<sup>th</sup> January 2012.

We acknowledge receipt and will be taking advice.

Hamsterley Mill Residents' Association.

31<sup>st</sup> January 2012



Mr Bowering  
[redacted] High Hamsterley Road  
Hamsterly Mill  
NE39 1HD

6<sup>th</sup> February 2012

**Dear Mr Bowering**

The letter of the 31<sup>ST</sup> of January is unsigned by an appointed representative of the residents association

The letter of the 31<sup>ST</sup> of January has no forwarding address

The previous action of your Association has resulted in

- \*A serious health and safety risk to the general public
- \*A series of illegal acts on my property in an attempt to dis-inherit me from my property
- \*The trespass committed has resulted in an adverse burden upon myself through no fault of my own

As your letter fails to address the complaints raised by my letter of the 17<sup>th</sup> of January I will have no other alternative than to take steps to protect

- \*the general public
- \*my personal liability
- \*my legal status as a landowner

Ms N Garrington

[redacted]  
[redacted] High Hamsterly Road NE39 1HD