

Agenda item:

# Roads and Rights of Way Committee

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## Dorset County Council



Date of Meeting	10 October 2013
Officer	Director for Environment
Subject of Report	<b>Application for a definitive map and statement modification order to record part of Ratleigh Lane, Castleton as byway open to all traffic</b>
Executive Summary	In response to an application to upgrade a 'bridleway' along part of Ratleigh Lane to byway open to all traffic, this report considers the evidence relating to the status of the route.
Impact Assessment:	Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.
	Use of Evidence: The applicant submitted documentary evidence in support of his application. Documentary evidence has been researched from sources such as the Dorset History Centre, and the National Archives. A full consultation exercise was carried out in March and April 2013, involving landowners, user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. In addition notices explaining the application were erected on site. Twelve evidence forms from users of the claimed route were submitted during the investigation.
	Any relevant evidence provided has been discussed in this report.

	<p><b>Budget:</b> Any financial implications arising from this application are not material considerations and should not be taken into account in determining the matter.</p>
	<p><b>Risk Assessment:</b> As the subject matter of this report is the determination of a definitive map modification order application the County Council's approved Risk Assessment Methodology has not been applied.</p>
	<p><b>Other Implications:</b>  None</p>
<p><b>Recommendations</b></p>	<p><b>That:</b></p> <ul style="list-style-type: none"> <li>(a) The application to upgrade the 'bridleway' along Ratleigh Lane as shown A – C – D – F – G – K on Drawing 13/05/1 (Appendix 1) be refused;</li> <li>(b) An order be made to modify the definitive map and statement of rights of way: <ul style="list-style-type: none"> <li>(i) To delete parts of Bridleway 18, Castleton as shown B – E and H – J; and</li> <li>(ii) To add restricted byways in Castleton as shown A – C – D – F and H – K on Drawing 13/05/2 (Appendix 2); and</li> </ul> </li> <li>(c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.</li> </ul>
<p><b>Reasons for Recommendations</b></p>	<ul style="list-style-type: none"> <li>(a) Subject to (b)(ii) below the byway open to all traffic claimed does not subsist nor can be reasonably alleged to subsist. In addition, the part of the claimed route F – G – H is already recorded on the List of Streets and sufficient evidence exists as to its status being that of a public carriageway;</li> <li>(b) The available evidence: <ul style="list-style-type: none"> <li>(i) Shows, on balance, that there is no public right of way over land shown in the definitive map and statement as bridleways (B – E and H – J);</li> <li>(ii) Shows, on balance, that public vehicular rights not shown in the map and statement subsist or are reasonably alleged to subsist (A – C – F and H – K). However, as the application was submitted after 20 January 2005, and no other exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an order should be made for a restricted byway over these parts of the claimed route; and</li> </ul> </li> </ul>

	<p>(c) The evidence shows, on balance, that</p> <ul style="list-style-type: none"> <li>(i) Parts of Bridleway 18, Castleton should be deleted from the definitive map and statement of rights of way; and</li> <li>(ii) Part of the route claimed as a highway should be shown as restricted byways.</li> </ul> <p>Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.</p> <p>Decisions on applications for definitive map modification orders help to ensure the definitive map and statement of rights of way is kept up to date and achieves the corporate aim: To safeguard and enhance Dorset's unique environment and support our local economy.</p>
<p>Appendices</p>	<ul style="list-style-type: none"> <li>1 - Drawing 13/05/1</li> <li>2 - Drawing 13/05/2</li> <li>3 - Law</li> <li>4 - Documentary evidence <ul style="list-style-type: none"> <li>• Table of documentary evidence</li> <li>• Extracts from key documents <ul style="list-style-type: none"> <li>▪ 1910 Finance Act map sheets 5.12 &amp; 5.16</li> <li>▪ 1849 Sherborne Inclosure Maps – Plans A and C</li> <li>▪ 1901 Ordnance Survey Object Name Book</li> <li>▪ 1839 Nether Compton Tithe Map</li> <li>▪ 1842 Sherborne Tithe Map</li> <li>▪ 1869 Sherborne Highway District Map – contents page, and Nether Compton and Sherborne sheets</li> </ul> </li> </ul> </li> <li>5 - User evidence <ul style="list-style-type: none"> <li>• Table of user evidence</li> <li>• Charts to show periods and level of use</li> </ul> </li> </ul>
<p>Background Papers</p>	<p>The file of the Director for Environment (ref. RW/T421) Most of the original historic maps referred to are in the custody of the Dorset History Centre, except for the Finance Act maps, which are at the National Archives, Kew and some, which are the applicant's own copies. Copies (or photographs) of the documentary evidence can be found on the case file RW/T421, which will be available to view at County Hall during office hours.</p>
<p>Report Originator and Contact</p>	<p>Name: Roger Bell Rights of Way Officer Tel: (01305) 221670 Email: r.bell@dorsetcc.gov.uk</p>

## 1 Background

- 1.1 An application to upgrade the 'bridleway' along Ratleigh Lane from its junction with the road known as Charlock Hill or Checcombe Lane in Castleton, south west to the road at the parish boundary with Nether Compton to byway open to all traffic as shown on Drawing 13/05/1 was made by Steven Teuber on behalf of the Trail Riders' Fellowship on 24 January 2006. However, as will be discussed later in this report, part of the claimed route is recorded on the List of Streets as a maintainable public road and has public vehicular rights.
- 1.2 The route claimed is a made-up stone track throughout its length and commences at point A on Drawing 13/05/1, leading from a public road in a south west direction to point G and has banks and hedges on both sides. At point G the claimed route changes direction to south south west and the bank and hedge continues on the eastern side of the track. However, a post and rail fence defines the track on the western side until its junction with the road at point K. The track then becomes a public road known also as Ratleigh Lane.
- 1.3 Part of the claimed route as shown between points A to F on Drawing 13/05/1 is not the recorded route of part of Bridleway 18, Castleton as shown on the 1989 current definitive map, which shows it between points B and E. This anomaly will be investigated in this report. (Bridleway 18 is shown in two parts on the current definitive map with a gap in the middle.)
- 1.4 Part of the claimed route as shown between points A and F is currently unrecorded and has no recorded public status.
- 1.5 Part of the claimed route between points F and H is recorded on the current List of Streets as an unclassified county road and therefore is maintainable at the public expense with a status as a public highway and it should be noted it is recorded as the D20156 road on the List of Streets that the County Council is required to keep under Section 36(6) of the Highways Act 1980.
- 1.6 Part of the claimed route between points H and K is also not the recorded route of part of Bridleway 18, Castleton as shown the 1989 current definitive map, which shows it between points H and J. This anomaly will be investigated in this report.
- 1.7 The width of the claimed section of Ratleigh Lane varies. Its widest point at point A is 9 metres wide and its narrowest point is slightly to the south of point H at the entrance to the poultry houses at 4.6 metres.
- 1.8 The Sherborne Castle Estates owns the land to the south of Ratleigh Lane and other affected owners/occupiers are Mr P Harris of Barton Farm, Trent, Mr Casely of Casely Quality Pullets Ltd, Mr Goodden and Mr H Gosling.

## 2 Law

- 2.1 A summary of the law is contained in Appendix 3.

**3 Documentary evidence** (Appendix 4)

3.1 A table of all the documentary evidence considered during this investigation is contained within Appendix 4. Extracts from the key documents are also attached.

3.2 The applicant’s ‘Analysis of Documentary Evidence’ submitted with the application can be viewed in full in the case file RW/T421.

3.3 In summary, the applicant states “there is a weight of evidence to indicate it is more likely that this route carries public carriageway rights rather than any lesser rights. It seems somewhat bizarre that there is a section of county road, bridleway, unclassified county road, bridleway, then unclassified county road making up this section of highway. It would appear that this break in the vehicular rights was created to disallow any through movement of traffic around the time, or after, the initial parish review”.

3.4 The applicant concludes by stating that “The claimed route commences at a county road and joins an existing unclassified road, therefore we believe there is sufficient evidence to support our claim that this road carries vehicular rights”.

**4 User evidence** (Appendix 5)

4.1 A table of user evidence summarised from witness evidence forms together with charts showing their periods and level of use form Appendix 5. An analysis of the user evidence is contained at paragraph 9 of this report.

**5 Additional evidence in support of the application** (copies available in the case file RW/T421)

5.1 No additional evidence has been submitted in support of this application.

**6 Evidence opposing the application** (copies available in the case file RW/T421)

6.1 Nine submissions were received before the consultation started and 11 letters of objection, some from the same correspondents, were received as a result of the consultation.

Name	Comments
Mr Paul Harris (affected landowner)	He has challenged motor bike use on “numerous occasions” and also states “I am mystified by your drawings of BR 18 and can only presume that in changing to Digital mapping some parts have “slipped”.
Mr Howard Gosling (owns land adjoining lane)	“The old road was virtually impassable up to the first field gate, until Ron White, when you were dualling the A30 in about 1961–2, swapped a bit of his land you wanted for the dual carriageway on the A30, for having the road up the cutting tamaced so that it could be used by tractors and trailers.”

Name	Comments
Sir Christopher Morgan	Use of the lane includes regular but infrequent use by “tractors and trailers connected with both the chicken farm and other farming support of the adjacent land” and “the occasional car”. Regular daily use includes use by “walkers and hikers....walkers and dog walkers....” and “horse riders who we see on an almost daily basis”.
Jan Wardell on behalf of the Ramblers' Association	“The complete section from A – J on your map appears to be marked ‘C.R’ on the old OS maps”. She adds that “The Ramblers do not support this application but would not object to the route being modified to Restricted Byway status.” In respect of the recorded route of the parts of the bridleway, she enclosed copies of old Ordnance Survey maps and the 1974 draft definitive map and notes that “These do not appear to show any route other than that used, and known as Ratleigh Lane”.
<p>Mr Stuart Casely (affected landowner)</p> <p>Mr Rod Whitemore</p> <p>Mrs Chick, Clerk to the Queen Thorne Parish Council (two submissions)</p> <p>S J Bradford, Footpath officer for Over Compton</p> <p>Sir Christopher Morgan</p> <p>Mr R W Skipper</p> <p>Lesley Pearse, Footpaths Officer for Queen Thorne Parish Council</p> <p>Mr John Way (two submissions)</p> <p>Mr Andrew Chick (Landowner)</p> <p>Suellen Brake</p> <p>Mr Ron Bryans</p> <p>E A Stone</p> <p>Richard &amp; Kate Finer</p>	<p>Issues were raised such as: -</p> <ul style="list-style-type: none"> <li>• Safety</li> <li>• Damage to the surface</li> <li>• Disruption to residents, wildlife and the natural environment</li> <li>• Noise</li> <li>• Pollution</li> <li>• Suitability</li> <li>• Dangerous junctions</li> <li>• Disruption and damage to the historical environment</li> </ul>

7 **Other submissions received** (copies available in the case file RW/T421)

7.1 Another eight submissions were made following the consultation:

Name	Comments
Mr Jim Hart (2 submissions)	The 1885 Ordnance Survey Boundary sketch map for Sherborne shows the section A – E “mered as CR and is still mered as CR on the current boundary”. Therefore this would “put the Bridleway (which obviously follows the road whatever drafting errors there may be in the Definitive map!) in both Castleton and Nether Compton parishes?” He also states that the parish boundary has changed since then as the “triangular area of the Poultry Farm is now in Nether Compton and not in Sherborne”.
Mr Graham Cochrane	Sent in a detailed email and photos (refer to file RW/T421) about the location of the bridleway and the possibility of the claimed route being in the field along side the Lane. He states that “my basic conclusion is that the bridleway <b>was</b> probably inside the field a long time ago, but it may well not have been used for years”.
Ursula Fleming	Used as a walking path, encountering “walkers with or without dogs and very occasionally a tractor/vehicle by the poultry farm”.
Claire Pinder Dorset County Council Senior Archaeologist	“There are at present no recorded archaeological finds or features or historic buildings on or in immediate vicinity of the route affected by this proposal.”
Graham Plumbe	No evidence given.
Natural England	No evidence given.
Mrs Carol Shoopman, British Horse Society Dorset	No evidence given.

8 **Analysis of documentary evidence**

**1910 Finance Act**

8.1 The most important documents in this case are those relating to the Finance Act. The **maps** reveal that the claimed route was shown to be excluded from valuation throughout its length between points A and K on **sheets 5.12 and 5.16**. Without evidence to the contrary the exclusion of a route from valuation provides very strong evidence that it was a public carriageway and supports the existence of higher public rights in respect of the claimed route between points A and K.

**1849 Sherborne Inclosure Maps and Award**

8.2 The **1849 Sherborne Inclosure Maps** shows the whole of the claimed route. On both Plan A and Plan C it is shown uncoloured, not affected by enclosure and in the same manner as the other tracks and public roads, many of which are still public carriageways today.

- 8.3 The claimed route is annotated on Plan A “From Trent” at the junction with Ratleigh Lane and Trent Path Lane (north east of point A) along the continuation of Trent Path Lane and the claimed route is shown continuing north east. It is also annotated “To Compton” with a hand pointing south west of point K. On Plan C the claimed route is annotated “To Marston” north east of point A with a hand pointing and “From Compton” south west of point K.
- 8.4 The **Award** records the redistribution of land that had been enclosed. The exchange of parcels of land relevant to this claim are coloured on plans A and C.
- 8.5 In relation to Plan A the Award describes:
- (a) Plot 26 as “bounded on the Northward by the Road leading from Trent to Compton...”.
  - (b) Plot 27 as “bounded ....in the said parish of Nether Compton on the southward by a Roadway leading to Trent to Compton...”.
  - (c) Plot 28 as “bounded on the Northward by the said Road leading from Trent to Compton...”.
- 8.6 In relation to Plan C the Award describes:
- (a) Plot 122 as “bounded on the.... southward by the said Highway leading from Marston to Compton...”.
  - (b) Plot 123 as “bounded.... on the southward by the said Highway leading from Marston to Compton.”
  - (c) Plot 131 as “bounded on the southward by the said Road leading from Marston to Compton.”
- 8.7 In relation to both Plans A and C the Award describes:
- (a) Plot 27 as “bounded..... on the southward by the said Highway leading from Marston to Compton...”.
- 8.8 The **Award** does make reference to “Private Carriage Roads”. However, the word “private” is not mentioned in the descriptions of the claimed route in the exchanges of parcels of land above and this therefore suggests that it was a public road at that time.

### **1901 Ordnance Survey Object Name Books**

- 8.9 The Inclosure Award evidence is strongly supported by the **Object Name Books**. These folders contain information relating to the names of objects depicted on **Ordnance Survey** mapping of England and Wales, together with the authority for their spelling. Their primary purpose is to list and define the location and extent of named objects and area features.



- 8.10 The book covering the Sherborne area is dated 1901 and lists “Ratleigh Lane” to be “A public road extending from north end of Gooseland Lane on east side of Ratleigh Wood to Stallen, at the junction of roads at Court Ash Cottage”. This suggests that the object name book also recognised that there were public vehicular rights along Ratleigh Lane, which included the claimed route.

#### **1839 Nether Compton Tithe Map**

- 8.11 This **1839 Tithe map** is a coloured map, which clearly shows the tracks and roads. It shows parts of the claimed route coloured yellow in the same manner as other routes, which are now recorded as public roads. The map shows the part between points A and H but beyond point H the claimed route is in the adjoining parish, which was then part of Sherborne. The road then reappears at point K and continues further south to the crossroads at Court Ash.
- 8.12 The ‘apportionments’ are the numbered parcels that record the state of cultivation and area. The claimed route is shown unapportioned.

#### **1842 Sherborne Tithe Map**

- 8.13 This **1842 Tithe Map** again shows the tracks and roads. The whole of the claimed route is shown coloured pale brown in the same manner as other tracks and roads, which are now recorded as public roads. It is annotated “from Compton” to the south of point K. The claimed route is shown unapportioned.
- 8.14 Although tithe apportionments were not concerned with identifying public highways, public highways can often be identified as they form the boundaries to apportionments. In many cases, particularly in the case of footpaths and bridleways, public highways were included within apportionments as a crop, such as hay, could be taken from the surface. In this instance this is not the case.
- 8.15 On their own these Tithe documents provide some support to the application as evidence of the physical existence of the route at the time.

#### **1869 Sherborne Highway District Map**

- 8.16 The **Sherborne Highway District Map** is a map of maintainable highways in Sherborne and the surrounding parishes. The first page states “NB The Highways are coloured YELLOW”, “The Halter Paths are coloured GREEN” and “The Turnpike Roads are coloured RED”.
- 8.17 The **Nether Compton sheet** shows only part of the claimed route (as shown F – G – H on Drawing 13/05/1), coloured yellow as maintainable highway, numbered “8” and recorded in the Reference under “Description of highway” as a “Lane”. Ratleigh Lane south of point K is also coloured yellow as maintainable highway. The colouring of Ratleigh Lane reflects the fact that the part of the Lane and the triangular piece of land which now includes the Poultry Farm between points H and K was in Sherborne at the time.

- 8.18 The **Sherborne sheet** shows the claimed route uncoloured and therefore is not mentioned in the Reference. It is not known why the part of Ratleigh Lane between points H and K was not coloured.
- 8.19 The depiction of the small section in the middle of Ratleigh Lane as maintainable highway on the Nether Compton sheet is likely to be the reason why this section was recorded on the List of Streets from the early 1970s.
- 8.20 As the practice within Dorset has been to record only public carriageways on the List of Streets this evidence, in conjunction with the other documents examined is considered as providing very strong support to the status of that part of the claimed route from F to H being that of a public carriageway.

### **Other documents**

#### **Post-1848 Plan of the Turnpike Roads**

- 8.21 The **post-1848 plan of Turnpike and Secondary roads** in the Sherborne area shows the northern continuation of the claimed route (Checcombe Lane) joining the Marston Magna turnpike with the notation "From Compton". This supports its importance as a through route and its existence at that time.

#### **Estate maps**

- 8.22 The **1733 Manor of Sherborne** by **John Ladd** is an estate map for the Sherborne Estate and shows the medieval agriculture strip system. It shows the claimed route clearly defined, as other roads and lanes around Sherborne are also shown. The name "ROCKLEY" is written alongside the claimed route. This clearly shows the claimed route was in existence at that time but does not indicate its status.
- 8.23 The **1783 Map of Coombe and Newell Farms** is a plan of part of the Manor of Sherborne, the property of the Right Honourable Lord Digby. This shows the whole of the claimed route uncoloured as part of Coombe Farm and confirms that it was in existence at that time although it does not indicate its status.

#### **Ordnance Survey maps**

- 8.24 The **Ordnance Survey drawings**, which were made in preparation for the publication of the First Edition of the 1 inch:1 mile scale map, are drawn at a scale of 2 inches:1 mile and therefore generally contain more detail than the later 1 inch:1 mile scale maps. The drawing that includes the area of Nether Compton parish was completed in **1805** and clearly depicts the route claimed throughout its length. It is defined by two parallel solid lines, suggesting that it was fenced or hedged throughout its length and is depicted in exactly the same manner as other public roads in the vicinity.
- 8.25 The **1811 First Edition Ordnance Survey map** at a scale of 1 inch:1 mile also depicts the claimed route. It is defined in the same manner as the earlier drawing, suggesting that for the whole of its length it was bounded by hedges or fences. The route is shown to be open at either end and throughout its length with no indication of the presence of any gates or other barriers. Although not conclusive to status it is shown in a similar manner as other routes in the vicinity that are known to be public carriageways.

- 8.26 The **1889 First Edition Ordnance Survey Map** at a scale of 6 inches:1 mile (1:10560) shows the claimed route with parallel solid lines, as a double hedged lane marked with “Ratleigh Lane” alongside.
- (d) At this date the parish boundary is shown deviating away from the Lane at point G, first in a west south west and then a south south east direction, before rejoining Ratleigh Lane at point I. Both sections of Ratleigh Lane to either side show the parish boundary running down the centre of the Lane and in two places, near D and south of K the annotation ‘C.R’ – Centre of Road – indicates the position of the boundary.
- 8.27 The **1903 Second Edition Ordnance Survey Map** at a scale of 1:2500 (25 inches: 1 mile) is the map used for the Finance Act valuation and depicts the claimed route similar to the 1889 edition, although the larger scale map shows more detail. The name “Ratleigh Lane” appears alongside the claimed route on the (southern) sheet 5.16 and in the margin of the map as a continuation of the Lane on sheet 5.12. The position of the parish boundary is again marked “C.R.” (Centre of Road) in three places on the claimed section.
- 8.28 The **1904 Second Edition Ordnance Survey Map** at a scale of 6 inches:1 mile (1:10560) shows the claimed route. It is shown with parallel solid lines, indicating that it is fenced or hedged on both sides. There are no annotations of ‘F.P.’ or ‘B.R.’ alongside but the route is named.
- 8.29 The **1928 Second Edition Ordnance Survey Map** at a scale of 1:2500 (25 inches: 1 mile) depicts the claimed route similar to the 1903 large scale map.
- 8.30 The **1945 Ordnance Survey 1” Popular Edition 1945 map** provided by the Applicant shows the whole of the claimed route and reference to the key records it under “Minor Roads in towns. Drives and Unmetalled Roads”.
- 8.31 The evidence provided by the **Ordnance Survey Maps** suggests the existence of a route quite capable of accommodating vehicular traffic. The claimed route is consistently shown in the same manner as other public carriageways in the vicinity, being clearly defined on both sides by hedges or fences. None of the Ordnance Survey maps introduced as evidence depict the route with any annotation such as ‘B.R.’ or ‘F.P.’, which suggests that if it were considered to be a public highway it would be of a higher status than a footpath or bridleway. It is also clearly annotated with its name, Ratleigh Lane, which may also suggest the public nature of the route.
- 8.32 Although the Ordnance Survey maps provide evidence in support of the application they do not, on their own, provide any conclusive evidence as to the status of the route. They do, however, show the physical characteristics on the ground at the date of the map.

### **Commercial maps**

- 8.33 The applicant makes reference to a number of small scale maps of Dorset held at the Dorset History Centre and has provided extracts from a variety of Bartholomew and other commercial maps in support of the application.
- 8.34 The following maps show the claimed route in the same manner as other roads known to be public carriageways in the vicinity:

- **1765 Taylor's Map of Dorset**
- **1787 J Cary Map of Dorset**
- **1796 Taylor's Map of Dorset**
- **1826 Greenwood Map of Dorset (Key: Crossroad)**
- **1863 Crutchley's Railway Map of Dorset**
- **Early 1900s Map of Dorset by George Richmond**
- **1900s Weller Despatch Atlas**
- **1900s G Philip & Son Botanical Map of Dorset**
- **1900s G Philip & Son Geological Map of Dorset**
- **1900s Bacon's New Revised Map (Key: Other Road)**
- **1900s Bacon's Geographical Map (Key: Main or Crossroad)**
- **1900s W & A K Johnston Map of England scale 3 miles:1 inch**
- **1940s Geographia Large Scale Road Map of Dorsetshire**

8.35 **Bartholomew's maps** are based on Ordnance Survey data and were extremely popular and widely referred to by the public. They provided information on first, second and 'indifferent' classes of roads as well as footpaths and bridleways. The extracts from the **Bartholomew Maps** submitted in support of the application cover a period from **1911 to 1951** and depict the route quite prominently in exactly the same manner as other public roads in the area.

- (a) Reference to the accompanying map keys indicates that the claimed route was designated as an "indifferent" road (but "inferior and not to be recommended to cyclists") on the 1911 edition and similarly on the 1920 edition (but "inferior and not to be recommended"). The 1944 and 1951 editions designated the claimed route as a "serviceable" road.

8.36 The extracts from the **Small Scale Maps of Dorset** submitted in evidence by the applicant are mainly of a commercial nature and in all probability derive their data from other surveys such as the Ordnance Survey. Very few, if any, are wholly independent surveys and several have no accompanying key. However, they do all show the route clearly and prominently and consequently it is considered that this evidence, whilst providing nothing conclusive, supports the claim, although no significant weight has been attached to them.

### **Aerial photographs**

8.37 The **aerial photographs** spanning 1947 to 2009 do not provide any conclusive evidence as to the status of the route. However, they do provide evidence as to the existence of the route throughout this period. The 1947 RAF and 1972 black and white aerial photographs show the claimed route as a well used track and show no sign of overgrown vegetation or signs of blockage.

### **Parish Survey and County Council rights of way maps and records**

- 8.38 The **Castleton Parish Survey of rights of way** was carried out in **1951**. The map shows the whole of the claimed route between points A to K coloured red and numbered alongside “18”. The parish boundary is shown as a black dashed line along the centre of the claimed route between points A and G and on the northern side of the claimed route between points G and K.
- (a) The **schedule** records its status as “Bridle Road” crossed out and “R.P.P.” (Road used as a Public Path) substituted and refers to the path being “traversable at present” and “Used for many years”.
- 8.39 The **Nether Compton Parish Survey of rights of way** was carried out in **1950**. The map shows the whole of the claimed route between points A and K coloured with a red dashed line and annotated “17”, which is crossed out. The part of Ratleigh Lane between points C and K is annotated in pencil: “This section of path is in the parish of Castleton and is claimed by them”.
- (b) The entry in the **schedule** has also been crossed through and the wording substituted “This path is in the parish of Castleton”.
- 8.40 The **draft map for the north area 1959** shows the claimed route as No. 18 as a Road Used as a Public Path (RUPP) and joining public roads at points A and K. However, in 1958 the County Council’s National Parks Sub-Committee determined that, in future, such rights of way be shown only as footpaths (F.P.) or bridleways (B.R.).
- 8.41 On both the **provisional map 1964** and **first definitive map 1967** the whole of the claimed route is shown as Bridleway 18 and joining public roads at points A and K.
- 8.42 The draft and provisional maps show the definitive line following and within the boundaries of Ratleigh Lane along its entire length and as shown A – C – D – F – G – K on the Drawing 13/05/1. However, the bridleway lines on the first definitive map are slightly offset to the east and this includes the line of Bridleway 18.
- 8.43 In July **1971**, within the DCC County parish file, a note attached from the Castleton Parish Council states “That the proposed upgrading of Ratleigh Lane from Bridleway to R.U.P.P or Byway (ref 613174 – 608168) be not opposed”.
- 8.44 In **1973** a **Special Review** Committee considered the status of Bridleway 18, Castleton to decide how the route should be shown on the revised draft map. The evidence considered included that “the section is used extensively by farm traffic although no other form of use has been shown to exist.....It has a hardened surface although badly rutted in places...It is suggested it be constituted a byway to form a link between the two UCRs” [Unclassified County Roads].
- (a) The Committee’s decision was: “Retain as a bridleway – public vehicular rights not shown to exist thereover”.

- 8.45 At about this time the part F – G – H was added to the List of Streets, presumably as a result of the evidence contained in the Sherborne District Highway Board maps (see paragraph 8.17 above).
- 8.46 The **1974 revised draft map** shows the claimed route as part Bridleway 18 between points A and D/E, unclassified road between points D/E and H and Bridleway 18 again between points H and J. The bridleway lines on this map are also slightly offset to the east, including the parts of Bridleway 18.
- 8.47 In **January 1976** an internal memorandum from Dorset County Council Rights of Way Section to the Deputy County Surveyor points out that objections to the revised draft map and, in particular, “the curious highway anomaly that exists in that two sections of the lane are Unclassified County Road, and two sections are Bridleway.... It will be seen that one section of unclassified county road is completely isolated for vehicular use because of bridleway sections at each end.” “In my opinion, this is not a Review matter at all, but rather that it is one for consideration by the highway authority. My recommendation is that the two bridleway sections of Ratleigh lane should be upgraded to unclassified road status, so making the whole of the lane an unclassified road.” However, this was not taken forward.
- 8.48 In **October 1976** a similar memorandum comments on the “sandwiched” section of bridleways along Ratleigh Lane and suggests two alternatives to consider:-
- (i) “Upgrading the two sections of bridleway as unclassified county road, thus creating a continuous, through unclassified county road, or
  - (ii) Extinguishing the “isolated” section of unclassified country road and create a bridleway from 608169 to 613174”.
- At the end of the memo the recipient remarks that there may be a third alternative, “to convert the lot into BOATs?”
- 8.49 Again, in **November 1976** a further memorandum from Dorset County Council Rights of Way Section to the Deputy County Surveyor states that “we can, of course, let the position remain as it is, anomalous though it undoubtedly is. I, personally, as I have said, would prefer to see the whole of Ratleigh lane becomes an unclassified county road because this is the logical thing to do.”
- 8.50 **Objections to the revised draft map** were received in **1977** by Mr Furlong of the British Motorcyclists Federation, Mr H J Penrose, Mr R V Tucker and Mrs R Colyer of the Ramblers’ Association. The claim was that “the whole length of Ratleigh Lane should be either a byway or unclassified county road to allow public vehicular use”.
- 8.51 On **11 and 12 September 1979 a public inquiry** took place into the objections and representations made. The **Inspector’s report** considered the “claim that BR18 Castleton from 613174 to 612173 and 610172 to 608168 should be a BOAT”. Part of the case for the County Council stated that “The County Council have decided not to upgrade the 2 sections of BR to unclassified county roads”. Part of the evidence from an objector, Mrs Colyer, stated that “Private road notices erected in 1954 with County Council permission were of questionable legality in view of the RUPP status”.

- (a) The Inspector concluded that “the documentary evidence of the existence of public vehicular rights is not conclusive. However I consider that when this evidence is taken in conjunction with the evidence of use over a long period it would be reasonable to conclude that a public vehicular right-of-way has been shown to exist”. He considered the route suitable for some forms of traffic and did not consider that undue hardship would be caused by extinguishment of the vehicular rights but that alone was not an adequate reason for not reclassifying the route as a BOAT. The Inspector recommended “That the claim be upheld”.

8.52 In **1983** the **Secretary of State’s decision** letter was issued, having given consideration to his Inspector’s report. He stated that he agreed with the Inspectors’ conclusions except the importance to be attached to the question of whether undue hardship would be caused by the extinguishment of vehicular rights. He considered that “all three tests for reclassification have to be satisfied”, the tests (under the Countryside Act 1968) being:

- Whether a vehicular right of way had been shown to exist
- Whether it was suitable for vehicles having regard to its position and width, condition and state of repair and the nature of the soil
- If it had been used by vehicular traffic , whether the extinguishment of vehicular rights would cause undue hardship

8.53 The Secretary of State considered that although he accepted “the Inspector’s conclusion that undue hardship would not be caused to users by the extinguishment of vehicular rights” he rejected the recommendation that the claim be upheld and dismissed the objections. He had considered that all three tests had not been met.

8.54 It must be stressed that the issues of suitability and desirability that were factors taken into account under the law at the time at the Special Review and the subsequent 1979 Public Inquiry are not relevant to this investigation.

8.55 Therefore, Ratleigh Lane recorded upon the **current definitive map** (sealed **1989**) should have been recorded as a bridleway. However, in the meantime part of its length had been entered on the List of Streets and is still so recorded. The fact that the definitive map actually shows the sections of bridleway outside of Ratleigh Lane appears to be a drafting error. The anomalies are shown on Drawing 13/05/1 (Appendix 1). There are many other routes nearby that are also ‘offset’ from the used routes.

8.56 The current definitive statement is not helpful as it describes Bridleway 18 as from “Gooseland Lane to Ratleigh Lane (county road)” and gives grid references for the termination points as represented by points A and F on Drawing 13/05/1. Although it mentions that it meets with the “County road”, it does not include a description for the southern part as shown between points H and J. It therefore does not agree with the definitive map.

8.57 The definitive map and statement are conclusive evidence as to the existence of the bridleway rights and their position but all the available evidence suggests that the bridleway is currently recorded in the wrong position.

## 9 Analysis of user evidence supporting the application

- 9.1 There are 13 witness forms from people who have used the route. All of the witnesses state that they used the route, either individually or with other users, shown between points A to K on Drawing 13/05/1 and that this use included use on motorcycles. All state that their use was for pleasure.
- 9.2 The earliest date of use is 1970 and 2006 is the last date of use. Eight users claim over 20 years of use.
- 9.3 The route appears to be used more towards the end of the period, and between 1999 and 2001 ten users claim to have ridden the claimed route.
- 9.4 The claimed route's surface and width is stated to be wide and in a good state by all users.
- 9.5 All user evidence forms state that no gates or signs were visible and that they were aware of other users on foot, on horses and by tracks left in the lane by other wheeled vehicles.
- 9.6 The witnesses state that they used the claimed route 1 – 12 times a year on a motorcycle.
- 9.7 There is some conflict of evidence regarding actions reported to have been taken by Mr Paul Harris, past and present, and events recalled by witnesses who have used the route. The current affected landowner states that he has challenged unauthorised use. However, none of these users have recalled any action from landowners or tenants.
- 9.8 A table summarising the user evidence together with charts showing the periods and frequency of use are attached as Appendix 5.
- 9.9 Although Section 31 of the Highways Act 1980 does not specify the minimum number of users required to raise a presumption of dedication it does require that their use must have been for a minimum period of 20 years preceding the date the right to use the route (in this case, with mechanically propelled vehicles) was brought into question.
  - (a) The application was made on 2006 and is the date of bringing that use into question.

## 10 Analysis of evidence opposing the application

- 10.1 Mr Harris states that he has challenged motorbike use. However, no dates have been given and he does not specifically mention having challenged use on the claimed route.
  - (a) His comments regarding Bridleway 18 having “slipped” on the digital mapping (Drawing 13/05/1) refer to the computerised depiction of the currently recorded lines of the bridleway. The investigation has shown that the lines shown on the rights of way maps since the 1967 first definitive map have moved, probably due to the printing processes used at the time, and this will be addressed in the conclusion of this report.



- 10.2 Mr Gosling states that the claimed route was “virtually impassable” in or around 1961 and that at the time Dorset County Council carried out road works and helped a local landowner to surface the claimed route. No documents or plans were provided to corroborate this statement.
- 10.3 Sir Christopher Morgan’s objection describes use by walkers, horse riders and the “occasional car”. This description is similar to the definition of a byway open to all traffic: A right of way over which the public have a right of way for vehicular and all other kinds of traffic but which is used mainly for the purpose for which footpaths and bridleways are so used.
- 10.4 Mrs Wardell, on behalf of the Ramblers’ Association, although not supporting the application, draws attention to the claimed route being marked “C.R.” on the old Ordnance Survey maps”, which refers to the boundary being along the Centre of the Road.
- (a) Her research regarding the definitive line of Bridleway 18 indicates that the line shown on the revised draft map was along Ratleigh Lane. However, the County Council’s sealed copy does show it slightly to the east. The old Ordnance Survey maps she refers to indicates that the used route was along the Lane and therefore the current definitive map does not show the route correctly.
- 10.5 The majority of the other submissions relate to issues that cannot be taken into account when determining whether or not the claimed rights exist.

## 11 **Analysis of other submissions**

- 11.1 Mr Hart states that part of the claimed route is in both Castleton and Nether Compton parishes. This has always been the case but the part was claimed by Castleton on their Parish Survey and has been recorded in that parish ever since.
- 11.2 Mr Cochrane’s photos do not add to the evidence regarding the position of the parts of Bridleway 18.
- 11.3 The other submissions do not contain any relevant evidence.

## 12 **Conclusions**

- 12.1 During the investigation a drafting error was discovered on the current definitive map, which shows the parts of Bridleway 18, Castleton outside the confines of Ratleigh Lane. However, the claimed route is along Ratleigh Lane.
- 12.2 Therefore in respect of the parts of Bridleway 18, Castleton currently recorded on the definitive map it is necessary for members to decide whether, on balance, there is no public right of way over land shown in the definitive map.
- (a) The evidence showing that the used route has always been along Ratleigh Lane includes new evidence from the Finance Act 1910 and various other mapping that was not known when the definitive map was drawn.

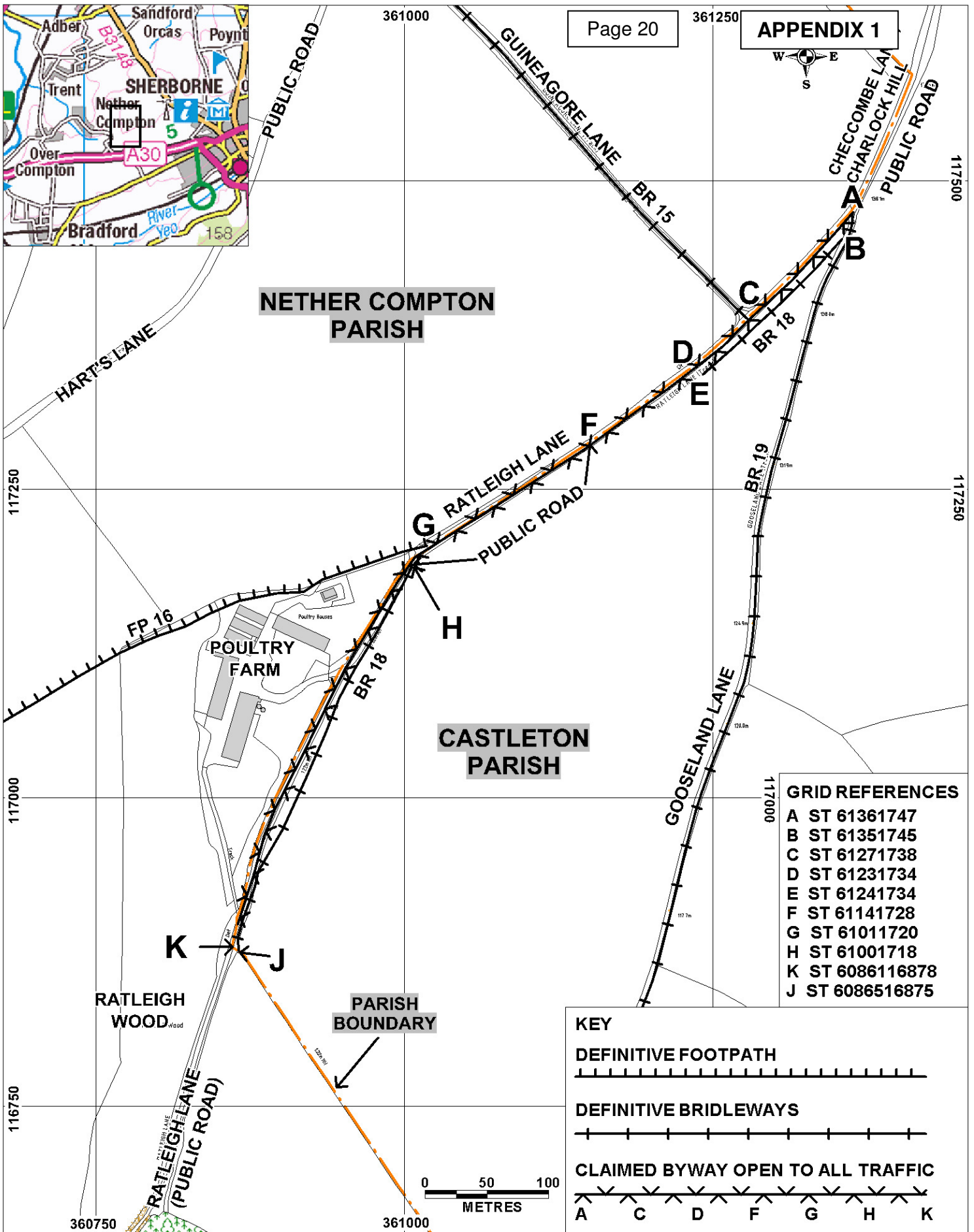
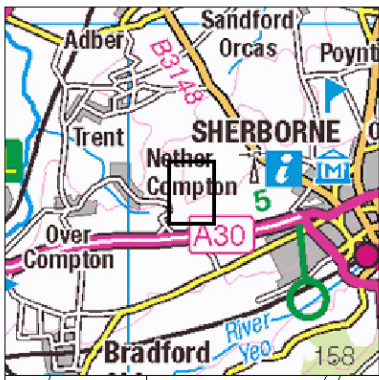
- (b) The shading along Ratleigh Lane that shows exclusion from the Finance Act valuation alone is substantial evidence that highlights that an anomaly exists.
  - (c) The evidence is clear that the bridleway should have been recorded along Ratleigh Lane and no historical map has ever shown it as recorded as deviating away from the Lane.
- 12.3 As all the other evidence investigated shows the claimed route within the confines of Ratleigh Lane, the definitive lines of Bridleway 18, Castleton should be deleted as shown between points B and E and between points H and J as shown on Drawing 13/05/1 (Appendix 1).
- 12.4 The list of streets, which is the public record of maintainable highways, shows that part of the claimed route F – G – H is already a public road as sufficient evidence exists as to its status being that of a public carriageway. Therefore the application to claim a byway open to all traffic for this section should be refused.
- 12.5 The cumulative weight of the documentary evidence analysed in paragraph 8 provides evidence towards the existence of public vehicular rights along the remainder of the section of Ratleigh Lane claimed, between points A – C – D – F and between points H and K.
- 12.6 It is considered that the most important piece of documentary evidence is that provided by the **1910 Finance Act maps**, supported by the **1901 Ordnance Survey Object names book, 1839 Nether Compton Tithe Map, 1843 Sherborne Tithe Map, 1849 Sherborne Inclosure Map, Map of the Turnpikes Roads in Sherborne area and two Estate maps.**
- 12.7 The **Ordnance Survey maps** and the **Commercial maps** provide evidence in support of the application but they do not, on their own, provide any conclusive evidence as to the status of the route. They do, however, show the physical characteristics on the ground at the date of the map and show that the claimed route was a route of some significance.
- 12.8 If members are satisfied that the documentary evidence does not show, on balance, that a public vehicular right exists in respect of the sections A – C – D – F and H – K they should consider whether it, in conjunction with the user evidence constitutes an inferred dedication, or whether the user evidence alone is sufficient to demonstrate a deemed dedication under Section 31 of the Highways Act 1980.
- 12.9 The relevant period of use by members of the public, as of right and without interruption, to establish rights by presumed dedication under Section 31 of the Highways Act 1980, is taken to be 20 years or more prior to the date of the application in January 2006.
- 12.10 In this instance the user evidence spans a period of 36 years and demonstrates significant use with vehicles. Although there is mention of a challenge to users by one of the adjoining owners, no date has been given and therefore this is insufficient to call the presumed dedication into question.

Page 19 Application for a definitive map and statement modification order to record part of Ratleigh Lane, Castleton as byway open to all traffic

- 12.11 The documentary and user evidence combined is considered sufficient to demonstrate, on balance, that a public right for vehicles exists in respect of the claimed route between points A – C – D – F and H – K on Drawing 13/05/1 and therefore an order should be made to add these sections that currently are not shown on the definitive map and statement to record the public vehicular rights.
- 12.12 However, as no exception to the provisions contained in Section 67 of the Natural Environment and Rural Communities Act 2006 appears to apply to the claimed route, the public mechanically propelled vehicular rights have been extinguished.
- 12.13 Therefore it is recommended that an order be made to modify the definitive map and statement:
- (i) To delete the parts of Bridleway 18, Castleton as shown B – E and H – J; and
  - (ii) To add Ratleigh Lane, Castleton as shown A – C – D – F and H – K as restricted byways
- on Drawing 13/05/2 (Appendix 2).
- 12.14 However, if the Committee do not consider the evidence sufficient to add the parts of Ratleigh Lane A – C – D – F and H – K as restricted byways, consideration should be given to recording them as bridleways on the definitive map and statement in order to have a continuous public route along Ratleigh Lane.
- 12.15 If there are no objections to a modification order, the County Council can itself confirm the order if the criterion for confirmation has been met.

**Miles Butler**  
**Director for Environment**

September 2013

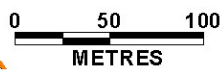


**GRID REFERENCES**

- A ST 61361747
- B ST 61351745
- C ST 61271738
- D ST 61231734
- E ST 61241734
- F ST 61141728
- G ST 61011720
- H ST 61001718
- K ST 6086116878
- J ST 6086516875

**KEY**

- DEFINITIVE FOOTPATH
  - DEFINITIVE BRIDLEWAYS
  - CLAIMED BYWAY OPEN TO ALL TRAFFIC
- A C D F G H K



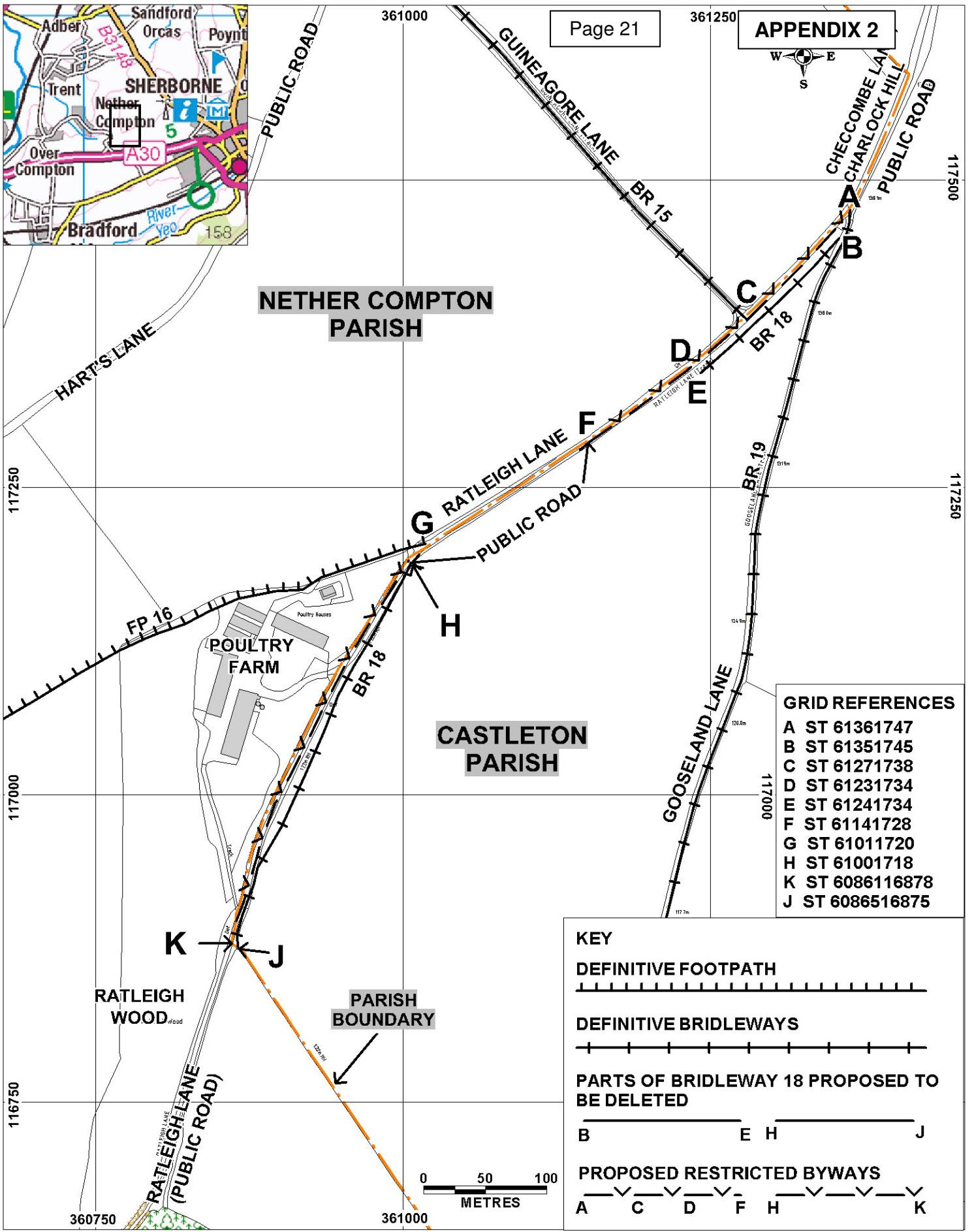
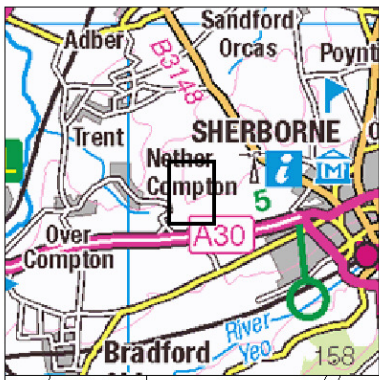
**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**APPLICATION TO UPGRADE PART OF RATLEIGH LANE**  
**TO BYWAY OPEN TO ALL TRAFFIC**

**THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS**

Ref: 13/05/1  
 Date: 11/09/2013  
 Scale 1:4000  
 Drawn By: JLC  
 Cent X: 361066  
 Cent Y: 117144

GEOGRAPHICAL INFORMATION SYSTEMS

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**GRID REFERENCES**

A	ST 61361747
B	ST 61351745
C	ST 61271738
D	ST 61231734
E	ST 61241734
F	ST 61141728
G	ST 61011720
H	ST 61001718
K	ST 6086116878
J	ST 6086516875

**KEY**

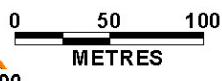
DEFINITIVE FOOTPATH

DEFINITIVE BRIDLEWAYS

PARTS OF BRIDLEWAY 18 PROPOSED TO BE DELETED  
 B ——— E H ——— J

PROPOSED RESTRICTED BYWAYS

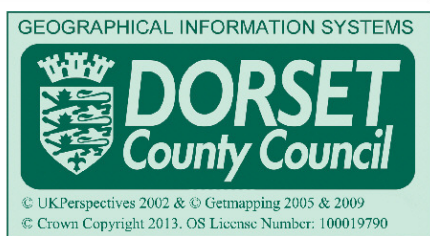
A ——— C ——— D ——— F ——— H ——— K



**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**RATLEIGH LANE, CASTLETON -**  
**SHOWING THE RECOMMENDATIONS TO COMMITTEE FOR A**  
**DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER**

**THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS**

Ref: 13/05/2  
 Date: 03/09/2013  
 Scale 1:4000  
 Drawn By: JLC  
 Cent X: 361066  
 Cent Y: 117144



## **LAW**

### **General**

#### **1 Wildlife and Countryside Act 1981**

Section 53 of the Wildlife and Countryside Act 1981 requires that the County Council keep the definitive map and statement under continuous review and in certain circumstances to modify them. These circumstances include the discovery of evidence which shows that

- (a) That there is no public right of way over land shown in the map and statement as a highway of any description;
- (b) A right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist;

1.1 Section 53 of the Act also allows any person to apply to the County Council for an order to modify the definitive map and statement of public rights of way in consequence of the occurrence of certain events. One such event would be the discovery by the authority of evidence which, when considered with all other relevant evidence available to them, shows that a highway shown on the definitive map and statement as a highway of a particular description ought to be shown as a highway of a different description.

1.2 The Committee must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.

1.3 The County Council must make a modification order to delete a right of way from the definitive map and statement if there is evidence that fulfils certain stringent requirements (see Circular 2/09): -

- (i) The evidence must be new – an order to remove a right of way cannot be founded simply on the re-examination of evidence known at the time the definitive map was surveyed and made;
- (ii) The evidence must be of sufficient substance to displace the presumption that the definitive map is correct;
- (iii) The evidence must be cogent.

All conditions must be met and assessed in the order listed. Before deciding to make an order, the County Council must take into consideration all other relevant evidence available concerning the status of the right of way and must be satisfied that the evidence shows, on the balance of probability that the map or statement should be modified.

1.4 The County Council must make a modification order to add a right of way to the definitive map and statement if the balance of evidence shows either:

- (a) that a right of way subsists or
- (b) that it is reasonably alleged to subsist.

The evidence necessary to satisfy (b) is less than that necessary to satisfy (a).

- 1.5 An order can be confirmed if, on the balance of probability, it is shown that the route should or should not be recorded as proposed.
- 1.6 Where an objection has been made to an order, the County Council is unable itself to confirm the order but may forward it to the Secretary of State for confirmation. Where there is no objection, the County Council can itself confirm the order, provided that the criterion for confirmation is met.

## 2 Highways Act 1980

- 2.1 Section 31 of the Highways Act 1980 says that where a way has been used by the public as of right for a full period of 20 years it is deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period is counted back from when the right of the public to use the way is brought into question.
  - (a) 'As of right' in this context means without force, without secrecy and without obtaining permission.
  - (b) A right to use a way is brought into question when the public's right to use it is challenged in such a way that they are apprised of the challenge and have a reasonable opportunity of meeting it. This may be by locking a gate or putting up a notice denying the existence of a public right of way.
  - (c) An application under Section 53 (5) of the Wildlife and Countryside Act 1981 for a modification order brings the rights of the public into question. The date of bringing into question will be the date the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.
- 2.2 The common law may be relevant if Section 31 of the Highways Act cannot be applied. The common law test is that the public must have used the route 'as of right' for long enough to have alerted the owner, whoever he may be, that they considered it to be a public right of way and the owner did nothing to tell them that it is not. There is no set time period under the common law.
- 2.3 Section 32 of the Highways Act 1980 says that the Committee must take into consideration any map, plan or history of the locality. Documents produced by government officials for statutory purposes such as to comply with legislation or for the purpose of taxation, will carry more evidential weight than, for instance, maps produced for tourists.

3 Human Rights Act 1998

3.1 The Human Rights Act 1998 incorporates into UK law certain provisions of the European Convention on Human Rights. Under Section 6(1) of the Act, it is unlawful for a public authority to act in a way which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by Section 6(1) and that he is (or would be) a victim of the unlawful act may bring proceedings against the authority under the Act in the appropriate court or tribunal or may rely on the convention right or rights concerned in any legal proceedings.

(a) Article 8 of the European Convention, the Right to Respect for Private and Family Life provides that:

(i) Everyone has the right to respect for his private and family life, his home and his correspondence.

(ii) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

(b) Article 1 of the First Protocol provides that:

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

**Case specific law**

4 Inclosure Consolidation Act 1801

4.1 Section 8 of the Inclosure Consolidation Act required Commissioners to set out and appoint the public carriage roads and highways and to divert, turn or stop up any roads or tracks upon or over the lands to be allotted prior to the land being enclosed.

4.2 Section 9 of the Act required carriage roads to be well and sufficiently fenced on both sides and made it unlawful for any gate to be erected across them.

4.3 Section 10 of the Act, amongst other things, empowered commissioners to appoint private roads, bridleways and footpaths in, over, upon and through the allotments to be made.

4.4 Section 11 of the Act determined that after the public and private roads and ways had been made and set out any remaining roads, paths and ways over, through and upon such lands and grounds, which had not been set out as required, would be extinguished and deemed to be taken as part of the lands and grounds to be enclosed.



- 4.5 The Inclosure Consolidation Act 1801 could be accepted in whole or excluded in whole or part by local acts relevant to the area to be enclosed.

5 Finance Act 1910

- 5.1 The Finance Act 1910 required the Commissioners of Inland Revenue to cause a valuation of “all land in the United Kingdom” and plans were prepared identifying the different areas of valuation. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.

- 5.2 Public ‘fenced’ roads were generally excluded from the valuation. Where public rights passed through, for example a large field and were unfenced, they would be included in the valuation and a deduction would be made in respect of the public right of way.

6 National Parks and Access to the Countryside Act 1949

- 6.1 The National Parks and Access to the Countryside Act 1949 required the County Council as “Surveying Authority” to compile the record of the public rights of way network and the District and Parish Councils were consulted to provide the County Council with information for the purposes of the survey.

7 Natural Environment and Rural Communities Act 2006

- 7.1 Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes (subject to certain exceptions) unrecorded rights of way for mechanically propelled vehicles. Where it is found that a route was historically a public vehicular route before NERC, that route should be recorded as a restricted byway rather than a byway open to all traffic.

**Table of documentary evidence**

<b>Date</b>	<b>Document</b>	<b>Comment</b>
1733	Map of the Manor of Sherborne by John Ladd	Shows the claimed route and named "ROCKLEY"
1765	Isaac Taylor's Map of Dorset	Shows the claimed route
1783	Map of Coombe and Newell Farms	Shows the claimed route uncoloured
1787	J Cary Map of Dorset	Shows the claimed route
1796	Isaac Taylor's Map of Dorset	Shows the claimed route
1805	Ordnance Survey Drawings	Shows the claimed route
1811	Ordnance Survey First Edition map scale 1 inch:1 mile	Shows the claimed route
1825/6	Greenwood Map of Dorset	Shows the claimed route as a Cross road
1839	Nether Compton Tithe map	Shows the claimed route coloured yellow as other public roads between points A and H and reappears south of point K. Unapportioned.
1842	Sherborne Tithe map	Shows the claimed route coloured pale brown as other public roads and annotated "from Compton" south of point K. Unapportioned.
Post 1848	Map of the Turnpike and Secondary Roads in the Sherborne area	Does not show the claimed route. However, does show the northern continuation Checombe Lane connecting to Marston Magna turnpike road and annotated "From Compton" indicating that it was a through route.
1849	Sherborne Inclosure maps - Plans A & C and Award	Shows the claimed route uncoloured. On Plan A the claimed route is annotated "From Trent NE of A and "To Compton" SW of K. Plan C is annotated "To Marston NE of A and "From Compton" SW of K. Various plots in the Award have boundaries with the claimed route and describe it as a "Road", "Roadway" or "Highway".
1863	Crutchley's Railway Map of Dorset	Shows the claimed route
1869	Sherborne Highway District maps	Nether Compton sheet shows part of the claimed route F – G – H coloured yellow as maintainable highway and recorded as a "Lane". The Sherborne sheet shows the claimed route uncoloured.

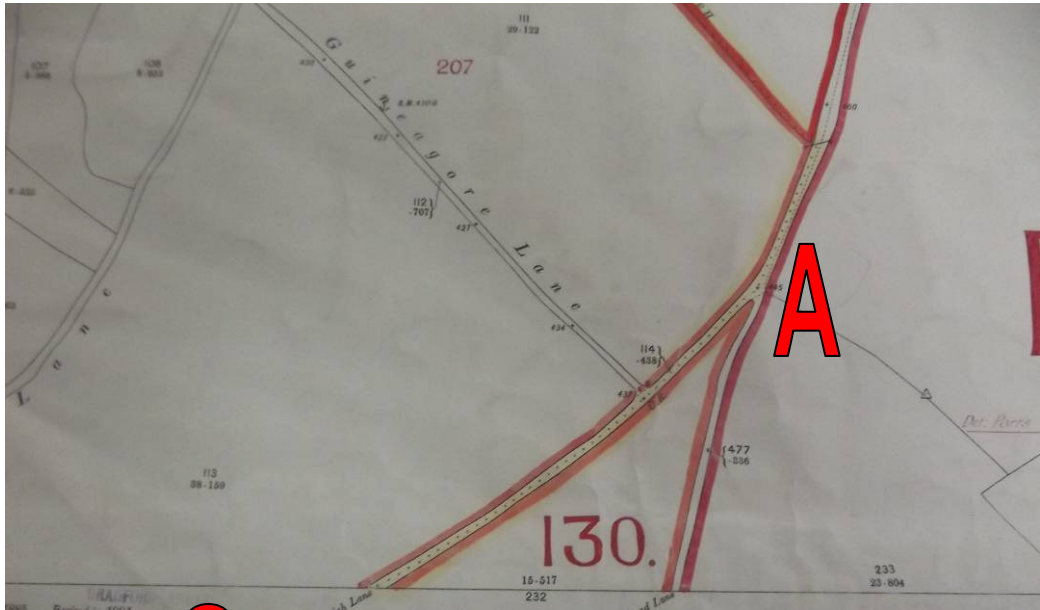
Date	Document	Comment
1884	NOTE: The classification of roads by administrative status was practiced on Ordnance Survey maps from 1884. All metalled public roads for wheeled traffic were to be shaded.	
1800/ 1900s	Various small scale maps contained in DHC/BTB:R5	Most show the whole of the claimed route
1889	NOTE: The statement that “the representation on this map of a road, track or footpath is no evidence of a right of way” has appeared on Ordnance Survey maps since 1889.	
1889	Ordnance Survey First Edition map scale 6 inches:1 mile sheet 5SE	Shows the claimed route named “Ratleigh Lane”. The parish boundary position is indicated by “C.R.” – Centre of Road.
1896	NOTE: By 1896 roads on Ordnance Survey maps were to be classified as first or second class according to whether they were Main or District roads, other roads were to be classed as second class if they were metalled and kept in good repair. Both first and second class roads are shown on published maps in the same way, by shading on one side. Third class metalled and unmetalled roads are shown without shading.	
Early 1900s	W & A K Johnston Map of England scale 3 miles:1 inch	Shows the whole of the claimed route
Early 1900s	Bacon's New Revised Map of Dorsetshire	Shows the whole of the claimed route (Key: Other Road)
Early 1900s	Bacon's Geographical Map of Dorsetshire	Shows the whole of the claimed route (Key: Main or Crossroad)
Early 1900s	G Philip & Son Geological Map of Dorset	Shows the whole of the claimed route
Early 1900s	G Philip & Son Botanical Map of Dorset	Shows the whole of the claimed route
Early 1900s	Weller Despatch Atlas	Shows the whole of the claimed route
1901	Ordnance Survey Object Names Book	Describes the claimed route as a “public road”
1904	Ordnance Survey Second Edition 6 inch's to 1 mile sheet 5 SE	Shows claimed route with solid lines and named “Ratleigh Lane”
1906	Ordnance Survey coloured map scale 1 inch:1 mile	Shows the claimed route as an “Unmetalled Road”.
1910	Finance Act plans 0 sheets 5.12 and 5.16	Whole of claimed route A - K excluded from taxation
1911	Bartholomew Tourists & Cyclists map scale 2 miles:1 inch	Shows the claimed route as an “Indifferent Road” and “Inferior and not to be recommended to cyclists”.
1912	NOTE: The system of classification adopted on Ordnance Survey maps in 1896 was abolished in November 1912.	

<b>Date</b>	<b>Document</b>	<b>Comment</b>
1920	Bartholomew Tourists & Cyclists Map scale 2 miles:1 inch	Shows the claimed route as an "Indifferent Road" and "Inferior and not to be recommended".
1928	Ordnance Survey map scale 25 inches:1 mile (1:2500) sheets 5.12 and 5.16	Shows the claimed route in detail and bounded by solid lines. Has "C.R" annotated (Cart Road) alongside and is named "Ratleigh Lane".
1930	Ordnance Survey Second Edition map scale 6 inches:1 mile (1:10560) sheet 5 SE	Shows claimed route bounded by solid lines and named "Ratleigh Lane"
1936	Johnston's Motoring and Touring map	Shows the claimed route.
1944	Bartholomew's Revised Half Inch Contoured map	Shows claimed route as "a "serviceable road".
1945	Ordnance Survey 1 inch to 1 mile New popular edition sheet 178	Shows the claimed route as "Minor Roads in Towns. Drives and Unmetalled Roads".
1940s	Geographia Large Scale Road Map of Dorsetshire	Shown as under "Other Roads".
1947	Aerial photograph	Shows the claimed route in existence at the time.
1949	National Parks and Access to the Countryside Act 1949 NOTE: Parish Councils received advice on the recording of public rights of way in a booklet provided to them by the Open Spaces Society. The booklet included information on the different classes of rights of way which included the designations of CRB (Carriage or Cart Road Bridleway) and CRF (Carriage or Cart Road Footpath). Parish Councils were advised that a public right of way used mainly by the public on foot but also with vehicles should be recorded as a CRF and a route mainly used by the public on foot or horseback but also with vehicles should be recorded as a CRB.	
1950	Nether Compton Parish Survey	Shows the whole of the claimed route numbered 17 but crossed out (as claimed by Castleton parish).
1951	Bartholomew's Revised Half Inch Contoured map	Shows claimed route as a "serviceable road".
1951	Castleton Parish Survey	Shows the whole of the claimed route numbered 18 and Schedule records it as "Bridle Path" subsequently altered to "R.P.P." (Road used as a Public Path) and "used for many years".
1958	NOTE: In 1958 the National Parks Sub-Committee determined that the designation of certain rights of way as CRF or CRB be abandoned and that in future such rights of way be shown only as footpaths (F.P.) or bridleways (B.R.)	
1959	Draft Map for the north area	Shows the claimed route numbered 18 as a Road Used as a Public Path.

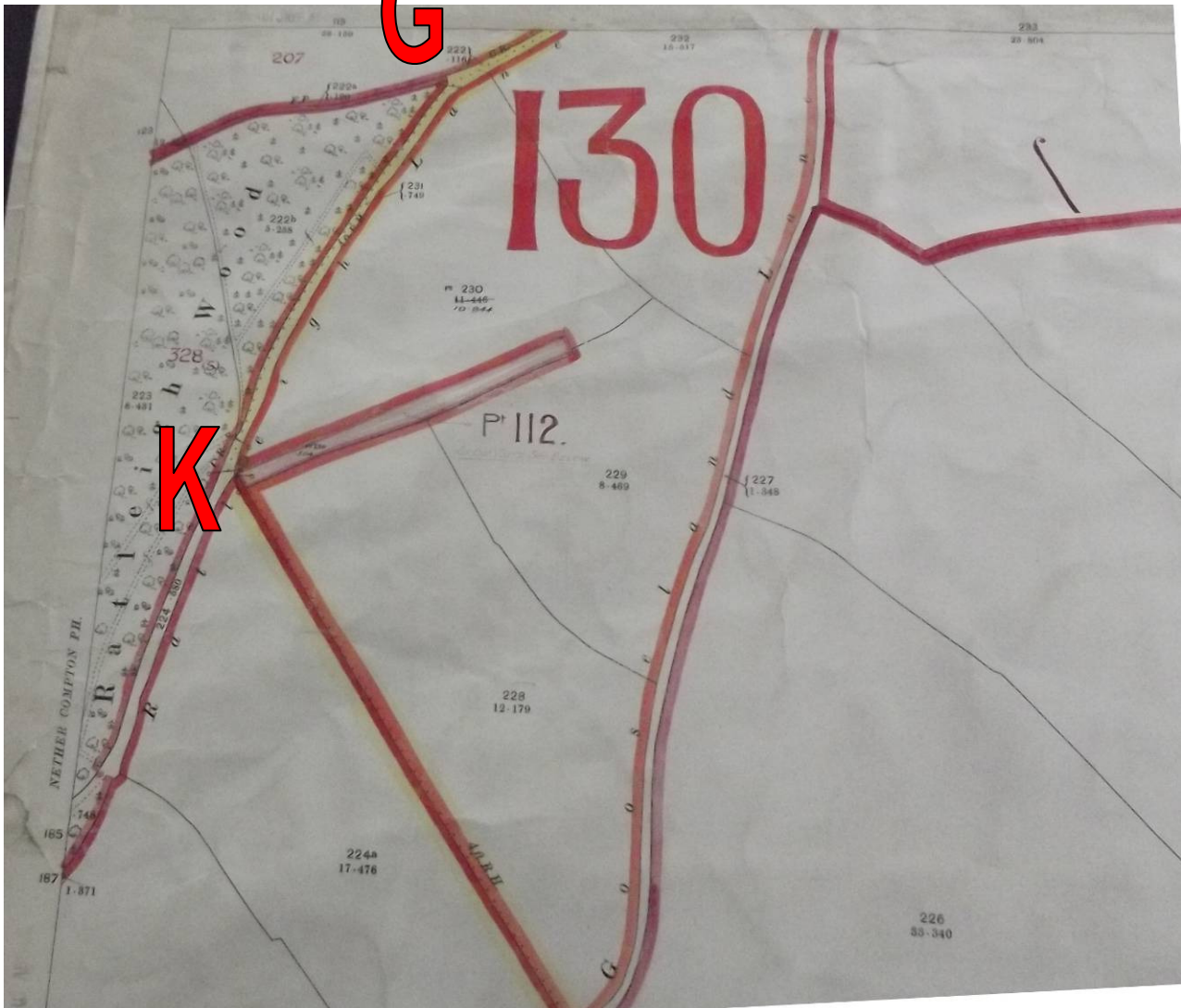
<b>Date</b>	<b>Document</b>	<b>Comment</b>
1964	Provisional Map	Shows the whole of the claimed route as Bridleway 18 joining public roads at points A and K.
1967	First Definitive Map	Shows the whole of the claimed route as Bridleway 18 joining public roads at points A and K.
1971	Castleton Parish Council note	Not opposed to upgrade claimed route from BR to RUPP or Byway.
1973	Special Review	Concluded to “retain as a bridleway”
1972	Aerial photograph	Shows the claimed route in existence at the time.
1974	Revised draft map	Shows sections of Bridleway 18 slightly offset from Ratleigh Lane and road between points D/E and H .
1976	Three internal memos from the Rights of Way Section to the Deputy County Surveyor	Recommended various methods to simplify the claimed route – all unclassified county road, all bridleway or all byway.
1977	Four objections to the revised draft map	Claim that the whole length of Ratleigh Lane should be either a byway or unclassified road to allow public vehicular use.
1979	Public inquiry (Case 9)	Inspector recommended that the claim be upheld (reclassified as a byway).
1983	Secretary of State’s decision	Considered that all three tests had not been met and therefore rejected the Inspectors recommendation and dismissed the objections.
1989	Current definitive Map	Shows the claimed route as shown on Drawing 13/05/1 – sections of Bridleway 18 offline and with a gap between the bridleway and the road.

**Extracts from key documents**  
(See the Director for Environment's file RW/T421 for copies of other documents mentioned)

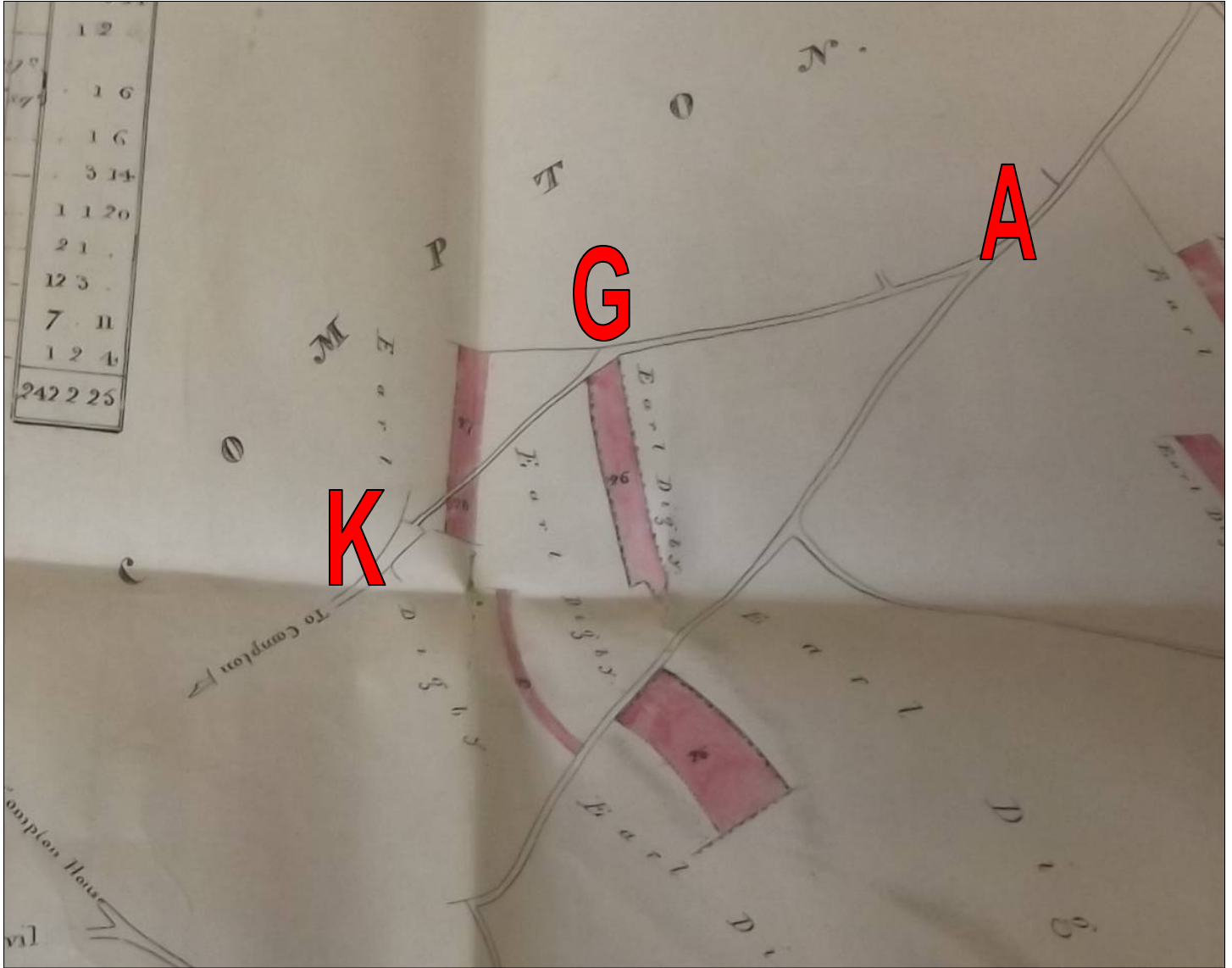
**Sheet 5.12**



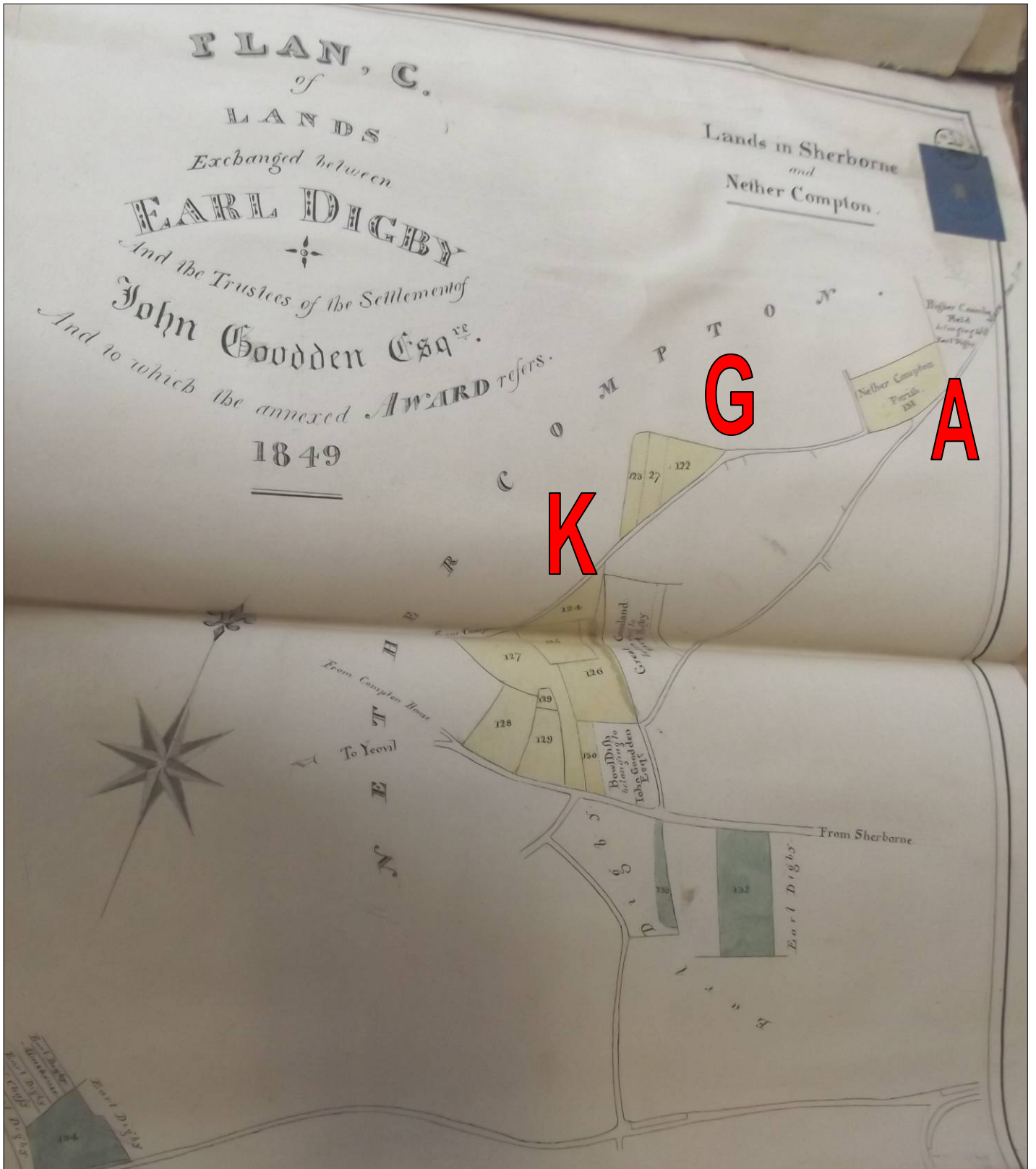
**Sheet 5.16**



1849 Sherborne Inclosure Maps  
Plan A

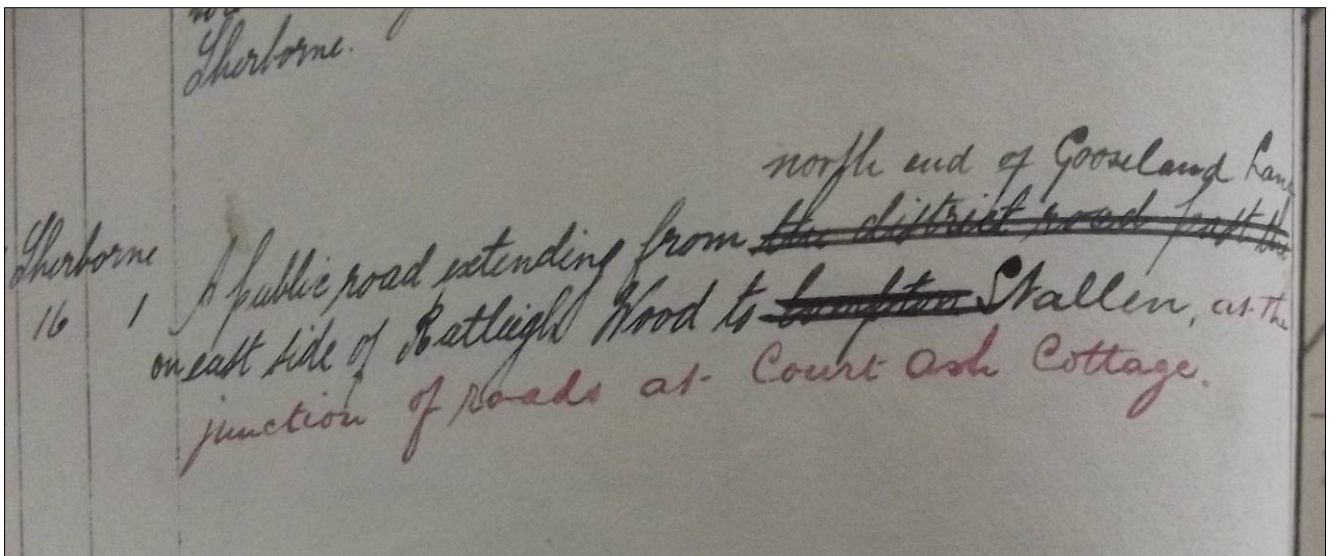
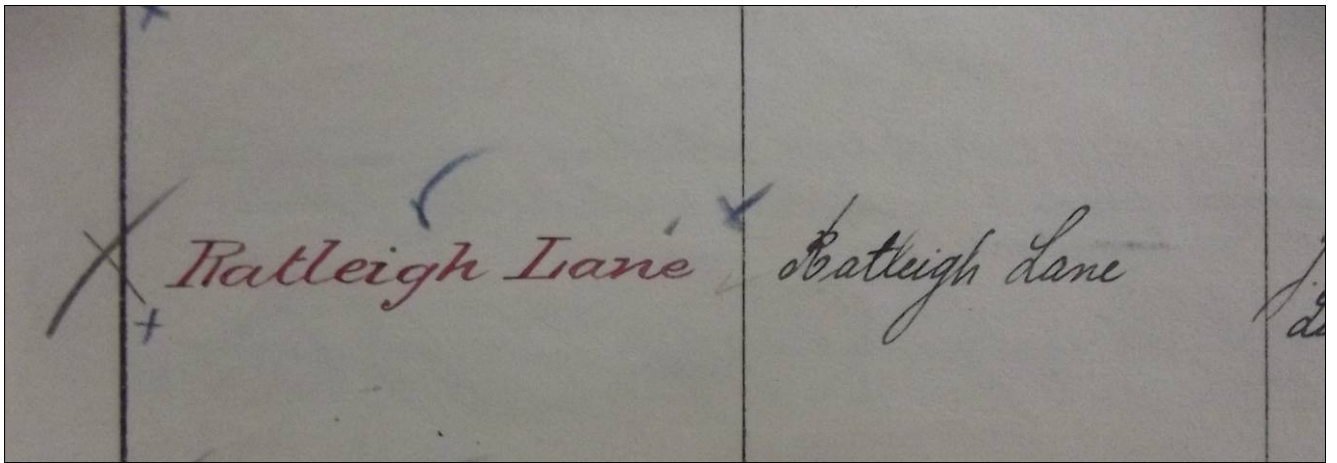


Plan C

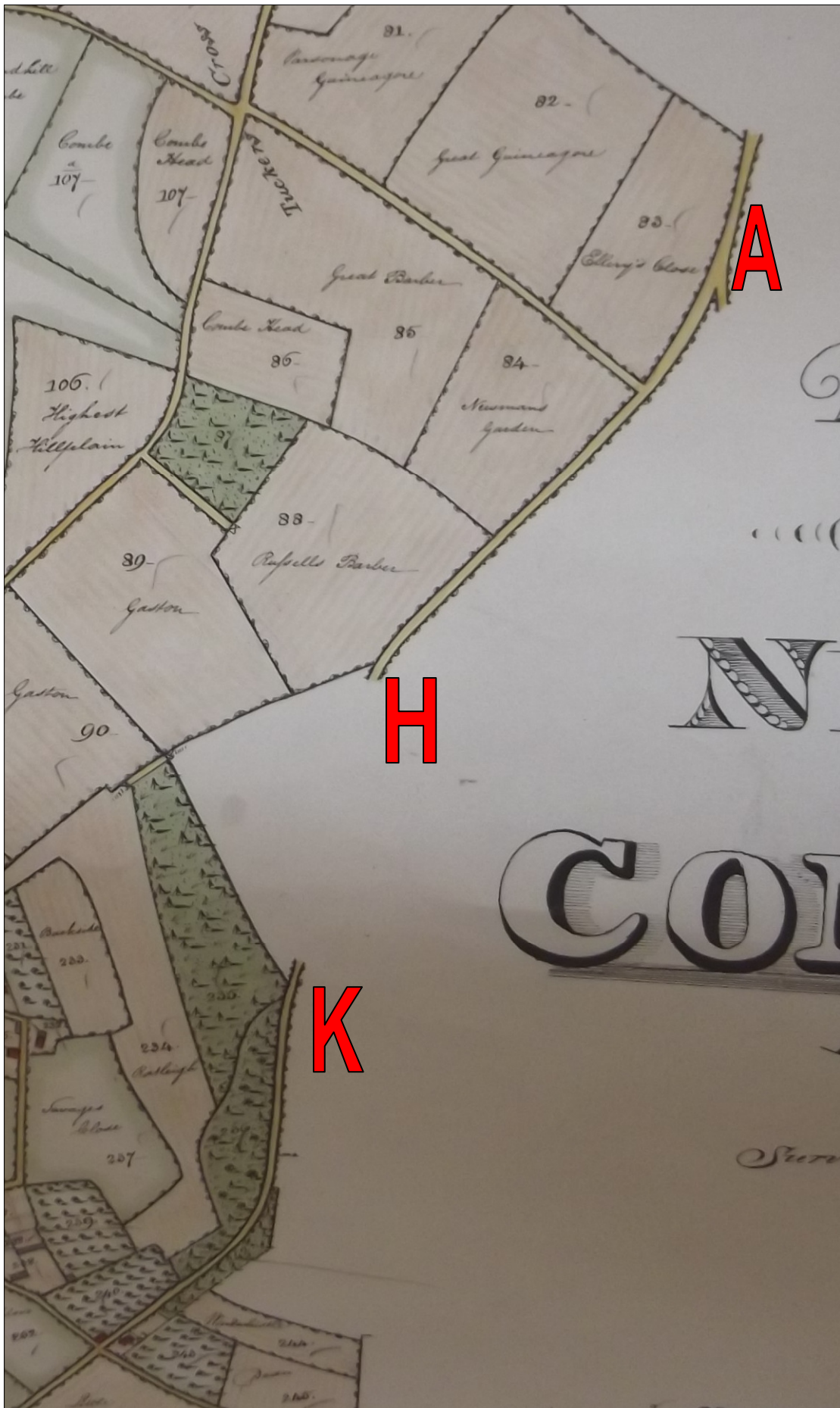




1901 Ordnance Survey Object Name Book



1839 Nether Compton Tithe Map



**1842 Sherborne Tithe Map**



1869 Sherborne Highway District Map  
Contents page

# SHERBORNE HIGHWAY DISTRICT.

1869.

## MAPS OF THE SEVERAL PARISHES

comprised therein, as follows:-

Name of Parish	No.	Name of Parish	No.	Name of Parish	No.
BEERHACKETT.	4	HOLNEST.	9	NORTH WOOTON.	9
BRADFORD ABBAS.	3	HOLWELL.	12	OBORNE.	15
CAUNDLE BISHOP.	13	LEIGH.	8	OVER COMPTON.	2
CAUNDLE MARSH.	13	LEWESTON.	10	RYME INTRINSICA.	6
CAUNDLE PURSE.	15	LILLINGTON IN.	10	SHERBORNE.	1
CHETNOLE.	7	LILLINGTON OUT.	10	STOCKWOOD.	7
CLIFTON MAYBANK.	3	LONGBURTON.	14	THORN FORD.	4
FOLKE.	11	MELBURY OSMOND.	6	YETMINSTER.	5
HAYDON.	14	NETHER COMPTON.	2		

N. B. THE HIGHWAYS are colored YELLOW.

" HALTER PATHS " GREEN.

" TURNPIKE ROADS " RED.

THE REFERENCES CONTAIN THE LENGTHS OF THE ROADS AS SCALED AND AMOUNT IN TOTAL TO

HIGHWAYS 100 2 57 HALTER PATHS 13 1 57

CHARLES BENSON, SURVEYOR YEOVIL.

07/03/2007

**Nether Compton sheet**



**Sherborne sheet**



**User Evidence**  
**Table summarising user evidence from forms**

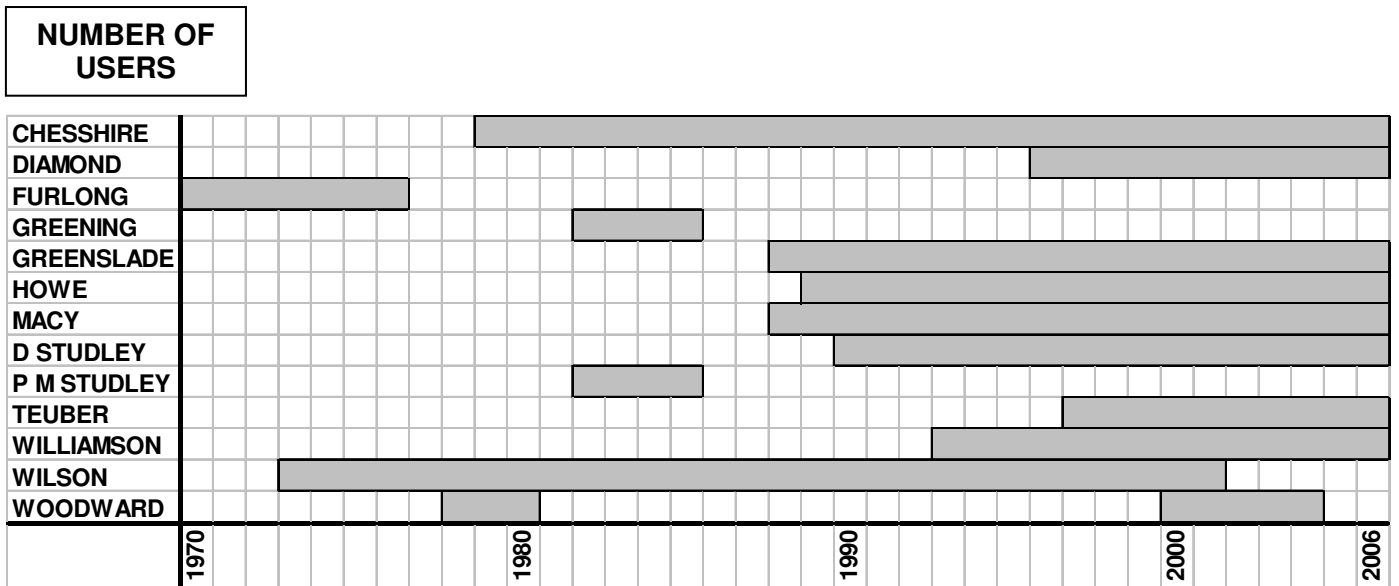
<b>Name</b>	<b>Dates</b>	<b>Frequency of use</b>	<b>Type of use</b>	<b>Details of use / comments</b>
Mr J W Chesshire	1979 - 2006	At least 2	On motorcycle	Used for pleasure. Others also used the route on foot and on motorcycle. No stiles, gates, notices or other obstructions. Believe the owner would have seen people using it. Track is approx 20 feet wide with a good surface and access to highways.
Mr M Diamond	1996 - 2006	3 or 4	On motorcycle	Used for pleasure. Others also used the route in motorised vehicles. No stiles, gates, notice or other obstructions. Tyre tracks along route. Good surface and approx 10 metres wide.
Mr F E Furlong	1970 - 1975	12	On motorcycle	Used for pleasure. Others also used the route on foot, horseback and motorcycles. No stiles, gates, notices or other obstructions. Thought it was an unclassified county road. Wide enough for a car with hedges on either side.
Mr D A Greening	1982 - 1985	2 - 3	On motorcycle	Used for pleasure. Others also used the route on motorcycles. No stiles, gates, notices or other obstructions. Wide track with a good surface.
Mr D Greenslade	1988 - 2006	Once or twice	On motorcycle	Used for pleasure. Others also used the route on motorcycle. No stiles, gates, notices or other obstructions. Tyre tracks on route. Wide double hedged track.

<b>Name</b>	<b>Dates</b>	<b>Frequency of use</b>	<b>Type of use</b>	<b>Details of use / comments</b>
Mr R T Howe	1989 - 2006	2 or 3 times a year	On motorcycle	Used for pleasure. Others also used the route on motorcycles. No stiles, gates, notices or other obstructions. Vehicle tracks on route. Wide track leading to 2 county roads.
Mr N Macy	1988 - 2006	2 – 3 times	On motorcycle	Used for leisure. No stiles, gates, notices or other obstructions. Tyre tracks. Well maintained track used by large vehicles with room for passing.
Mr D Studley	1990 - 2006	3 - 4	On motorcycle	Used for pleasure. Others also used the route on motorcycle and horseback. No stiles, gates, notices or other obstructions. There were many users with vehicles. Wide track joining 2 county roads.
Mr P Studley	1982 - 1985	About 3 times a year	On motorcycle	Used for pleasure. Others also used the route. Seen motorcycle tracks and horses on route. No stiles, gates, notices or other obstructions. Good track, well used.
Mr S Teuber	1997 - 2006	5 - 6	On motorcycle	Used for pleasure. Others also used the route in other vehicles (lorries and cars). No stiles, gates, notices or other obstructions. Well surfaced track used by all classes of motorised traffic approx 30 feet wide.
Mr W J Williamson	1993 - 2006	3 or 4	On motorcycle	Used for pleasure. Others also used the route on motorcycles. Saw horse prints and tyre tracks on the ground. No stiles, gates, notices or other obstructions. Clearly defined track between 2 hedges, at least 6 to 7 metres wide for the whole length of the route. Joins 2 tarmac roads.



Name	Dates	Frequency of use	Type of use	Details of use / comments
Mr I Wilson	1973 - 2001	2 - 3	On motorcycle	Used for pleasure. Others also used the route on motorcycle and horses. No stiles, gates, notices or other obstructions. Many people used it. Wide track joining 2 other highways.
Mr M Woodward	1978 – 1980 and 2000 - 2004	1	On motorcycle	Used for pleasure. Others also used the route on foot, horseback and motorbike. No stiles, gates, notices or other obstructions. Looked to be frequently used. A bit wider than a single track.

Chart to show periods of use



USED ON MOTORCYCLE

Chart to show level of use

