



T350

DORSET COUNTY COUNCIL

FORM A

APPLICATION FORM FOR A MODIFICATION TO THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY Wildlife and Countryside Act 1981

To: Chief Executive Dorset County Council County Hall Colliton Park DORCHESTER Dorset DT1 1XJ

BRIZ TARRANT GUNVILLE

I/We (i)

Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

hereby apply for an order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by *:-

(a) Deleting the footpath / bridleway / byway open to all traffic * which runs

from:

to:

(b) Adding the footpath / bridleway / byway open to all traffic * which runs

from: ST 93545 14165

to: ST 94665 14345

(c) Upgrading/downgrading to a footpath / bridleway / byway open to all traffic * the footpath/bridleway/byway open to all traffic which runs

from: ST 92345 13980

to: ST 93545 14165

(d) Varying/adding to the particulars relating to the footpath / bridleway / byway open to all traffic *

from:

to:

by providing that

and shown on the map annexed hereto (see overleaf).

I/We attach copies of the following documentary evidence [including statements of witnesses] in support of this application:-

(iii) Please see attached report for details of evidence submitted in support of this claim.

Copies of documentary evidence has been supplied on CD, viewable on any Windows PC.

SIGNATURE REMOVED

Signed:

Date: 21st December 2004

(i) (ii)

(iii) Insert list of documents * Delete as appropriate



DORSET COUNTY COUNCIL

FORM C

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

THE COUNTY OF DORSET DEFINITIVE MAP AND STATEMENT OF RIGHTS OF WAY

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

I/We(i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with in relation to the attached application.

Signed: SIGNATURE REMOVED

Date: 21st December 2004

NOTES FOR GUIDANCE

This certificate should only be completed when notice of the application has been served on all owners and occupiers affected by the proposal. A list of the names and addresses of all individuals notified should be provided below. Please indicate if you have been unable to identify all owners and occupiers of any land to which the application relates.

Notice of Application Sent To:

Table with 2 columns: Name, Address. Row 1: Mr J Farquharson, Bussey Stool Farm, Tarrant Gunville, DT11 8JS. Row 2: Mrs S Favre, Chettle Estate Office, Chettle, DT11 8DB. Rows 3-5 are empty.

(i) Insert name of applicant(s)

(ii) Insert address of applicant(s)

21 September 2004



DORSET COUNTY COUNCIL

FORM G

PUBLIC RIGHTS OF WAY DOCUMENTARY EVIDENCE CHECKLIST

Wildlife and Countryside Act 1981

To: Chief Executive
Dorset County Council
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

PATH DETAILS:-

PARISH: Tarrant Gunville, Chettle DISTRICT: North Dorset

BELIEVED STATUS OF PATH: ~~footpath / bridleway~~ / byway open to all traffic [delete as appropriate]

DESCRIPTION OF PATH [please indicate route on a map - 1:2500 scale if possible]

FROM: ST 92345 13980

TO: ST 94665 14345

I/We (i) Friends of Dorset's Rights of Way (FoDRoW)

of (ii) PO Box 5365, Dorchester, Dorset, DT2 8WH.

have carried out research at the County Records Office and/or Public Records Office and wish the following documents to be considered in support of my application [see notes on reverse of FORM A]:

Document

DRO/PRO Reference

Please see enclosed report for full list of evidence submitted to support this claim

Inclosure Award and Map*

Tithe Apportionment and Map*

Finance Act 1910 Maps*

Ordnance Survey Maps*

Railway/Canal Survey Maps and Schedules*

Estate Maps and Records*

Quarter Session Rolls*

Sale Catalogues*

Highway Board Minute Books*

Others [please state].

Signed: SIGNATURE REMOVED

Date: 21st December 2004

(i) In [redacted] Insert address of applicant(s) * Delete as appropriate

Byway Claim for Bridleway 12 Tarrant Gunville & Beyond

Introduction

This document supports FoDRoW's DMMO claim for byway status on a route in the parish of Tarrant Gunville. The claimed route runs over what is currently bridleway 12 from ST 92345 13980 to ST 93545 14165, then over an unpaved unclassified county road (UCR) to ST 94665 14345. The entire route is highlighted on the enclosed map, which is an enlarged OS 1:50000 map printed at 1:15000 scale.

No evidence has been found to indicate this road has ever been stopped up. Thus on the basis of the evidence presented below FoDRoW believes the route should today be a byway.

FoDRoW believes enough evidence is being submitted to justify this claim. Further evidence does exist and may be submitted at a later date. However, having considered the volume of claims likely to be submitted in the coming years this claim is being submitted now to avoid a future flood of claims when they are all fully researched.

Documentary Evidence

The following evidence is being submitted to support our DMMO application:

- Finance Act maps, PRO reference IR 125/2/154 & IR 125/2/153
- Cranborne Chase Inclosure map, DRO reference Inclosure 21
- Ordnance Survey 1st Edition 6" map, 15NW
- Ordnance Survey 1st Edition 25" map, 15.1
- Ordnance Survey 2nd Edition 25" map, 15.2
- Tarrant Gunville Tithe map, DRO reference T/TTG
- Definitive map review, DRO reference DCC/176/2
- Bartholomew's Tourist & Cyclist map 1923.
- Bartholomew's half inch map, March 1951.

Background to Selected Documentary Evidence

This section expands on evidence used for this claim which may need additional explanation.

Shaded Roads on Ordnance Survey Maps

Source: Ordnance Survey Maps a concise guide for historians, Richard Oliver, 1993.

In sections headed "Carriage drives", "Classification of roads" and "Shading" on pages 67 and 68 of his book, Richard Oliver describes how, before 1880 and again between 1884 and 1912, the OS employed a system of shading to indicate the class of public roads. According to an OS 'Southampton Circular' dated 25/06/1884:

"All metalled public roads for wheeled traffic kept in good repair by highway authority will in future be shaded".

Public roads were shaded with a bold line on one or both sides of the road and/or sienna tinting of the road itself. The Planning Inspectorate's Consistency Guidelines acknowledge such shading is an indication that the road was a public carriageway where other public roads in the area are also shaded.

Guide Post (GP) on Ordnance Survey Maps

Source: Ordnance Survey Maps a concise guide for historians, Richard Oliver, 1993.

With regard to “Guide Posts (GP)” Richard Oliver states, pg 70, these “...are shown at rural road junctions only. Footpath signs are not shown”. Thus, where “Guide Post” or “GP” is marked on an OS map it is likely the GP is placed at a junction of 2 or more public roads.

Bartholomew's Maps

Bartholomews “New Reduced Survey for Tourists and Cyclists” was a half-inch to the mile map produced between 1904 and 1923. The maps were reprinted twice annually and corrections were included in these reprints. The differentiator between these maps and other contemporary maps was the inclusion of user information supplied by the Cyclists Touring Club (CTC).

For many years there was an active partnership between Bartholomew maps and the Cyclists Touring Club (CTC). The CTC supplied information on the roads that could be used by cyclists and the condition of those roads.

Chris Juden, CTC Technical Officer, described this relationship as follows:

“Information was supplied to Bartholomews by local CTC Map Revision Officers, operating under the CTC's District Association structure. They would be appointed for their knowledge of the area (it is not uncommon even nowadays for a keen cyclist to have ridden every single rural road and "passable" track within 30 or even a 50 mile radius of his home) and collect additional information on changes from fellow members. They would mark up a sample map accordingly.

At the beginning of this relationship, few roads would have been tarmac. "Good" would have mostly comprised plain macadam. It is open to conjecture how bad a road could have been to still be classified "passable" but from accounts of the time it would have been the kind of farm track where a modern motorist would want a four-wheel-drive – i.e. pretty rough, and/or muddy.”

The roads marked on the Bartholomew maps were therefore roads used by cyclists at the time, no doubt in the belief that they were allowed to use those roads. Since cyclists could not use bridleways until 1968 such routes had to be roads with vehicular rights.

In the case of *Commission for New Towns v. JJ Gallagher Limited* heard by Mr Justice Neuberger (See Byway and Bridleway 2004/10/88), Neuberger J gives some weight to Bartholomew's maps as an aid to proving the existence of a public carriageway. The judge said “The implication of the demarcation of Beoley Lane on these maps appears to me to be that they are public carriageways ... the indication in the description of the uncoloured roads is that they can lawfully be used by cyclists which, as at 1901 and 1911, would have meant that they are public carriageways.”

Analysis of Documentary Evidence

The Finance Act maps show the entire route as uncoloured and excluded from adjoining hereditaments. This is good evidence that the entire route was regarded by the landowners and surveyors as a public carriageway.

The 6” OS map shows the entire route with all but the middle part across Main Down shaded with a bold edge. This indicates the Ordnance Survey regarded the route as a public road. The section across Main Down was presumably of a lower quality and thus shown with dashed lines. A “Guide Post” is marked at the east end of the claimed route where it joins today's county road. This is a

further indication that this route was a public road otherwise the guide post would have been on the corner of a road rather than a junction, which is something that would not make sense.

The 25" OS maps show the claimed route in its entirety. Apart from the section across Main Down the route is shown with one side of the road shaded in bold and the centre of the road is shaded in sienna. This indicates the OS believed the route to be a public road. At the west end of the route the shading continues seamlessly round a corner from what is today a county road to the claimed route, indicating the county road and its rights continued along the claimed route. Today's public roads in the area are shown shaded in the same way as the claimed routes on the 25" and 6" OS maps. Although the central section on the claimed route is not shaded this is likely to be because of the road's condition rather than its legal status. Following *Eyre vs New Forest Highways Board* we can infer that the whole route would be a public carriageway. The junction at the route's east end is marked "G.P" which stands for Guide Post, indicating the claimed route was a rural public road.

The Tarrant Gunville tithe map shows the claimed route as unapportioned and in the same way as other public roads in the area. This indicates the route may have been a public carriageway.

The Cranbrone Chase inclosure map shows the road was not included within any inclosures and is shown in the same way as other public roads in the area. No award accompanies this map so the precise status of the claimed route cannot be checked.

On the map produced for the definitive map review from 1970s, Tarrant Gunville parish council claimed route as a "byway (CR)" to the parish boundary. This review was abandoned but it appears the parish council believed the claimed route should be a byway.

Bartholomew's Tourists & Cyclists map, 1923, shows the route as a road with a status of "Indifferent (passable for cyclists)". It was not shaded and therefore of inferior quality, however Bartholomew's local contributors from the Cyclists' Touring Club appeared to believe the road carried public vehicular rights. On Bartholomew's March 1951 half inch map the route is shown in full as "Other roads and tracks".

The east half of this route is currently a UCR. In Dorset UCRs have the reputation of being public roads. This is confirmed by Dorset County Council letters and minutes from the 1950s and 1960s. Those documents document DCC's decision to not create RUPPs but instead classify unpaved roads with public vehicular rights as UCRs. The UCR in the claimed route goes nowhere and it is most likely the dead end UCR would have continued as a road over BR12.

In summary, the Finance Act and OS map evidence alone indicates the claimed route is more likely to have public carriageway rights than any other. The other evidence referenced reinforces this belief. Dorset County Council's classification of part of the route as a UCR appears to be an acknowledgement that the route is a public road. Since the road stops at the parish boundary for no apparent reason it is reasonable to assume the public carriageway rights apply to the whole route.

FODROW EVIDENCE CD NOVEMBER 2004

Including:

Tarrant Gunville BR12 - Main Down (T350)

Tarrant Gunville Tithe 163.jpg DRO reference T/TTG Road is shown unapportioned and in the same manner as other public roads.

Cranbourne Chase Inclosure (map 18) 190.jpg DRO reference Inclosure 21 Cranbore Chase inclosure map showing "Gunville Tarrant".

Cranbourne Chase Inclosure (map 10) 192.jpg DRO reference Inclosure 21 Cranbore Chase inclosure map showing "Chettle".

OS 25" 2nd Ed (W end) 177.jpg DRO reference OS 25" 15.1

OS 25" 2nd Ed (E end) 178.jpg DRO reference OS 25" 15.1

OS 25" 2nd Ed (E end junction) 179.jpg DRO reference OS 25" 15.2

OS 6" 1ST Ed 191.jpg DRO reference OS 6" 15NW

Finance Act Map (W end) 50.jpg PRO reference 15:1 - IR 125/2/153

Finance Act Map (E end) 51.jpg PRO reference 15:2 - IR 125/2/154