

Appendix 11

Attachment H

Paper: "Byway Claim for Bridleways 17 & 35 Beaminster" as submitted with the application.

Byway Claim for Bridleways 17 & 35 Beaminster

Introduction

This document supports FoDRoW's DMMO claim for byway status on a route in the parish of Beaminster. The claimed route runs over what is currently two bridleways, an unpaved unclassified county road (UCR) and a section with no recorded public rights of way. The route extends from ST 49105 03415 to ST 50700 01660. The entire route is highlighted on the enclosed map, which is an enlarged OS 1:50000 map printed at 1:20000 scale. This route is currently partly recorded as two bridleways, namely:

Beaminster BR17, ST 49105 03415 to ST 49555 03010.
Beaminster BR35 , ST 50150 02640 to ST 50485 02165.

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:

- Isaac Taylor Map 1796, DRO reference M14.
- Plan of roads in neighbourhood of Beaminster c.1800, DRO reference D/RGB:LL.
- Greenwood's map 1826, DRO reference M116.
- Beaminster Tithe map 1843, DRO reference T/BE.
- Beaminster Inclosure Map & award, DRO reference Inclosure 65.
- Ordnance Survey Old Series 1" map, DRO reference D626/25.
- Isaac Taylor's map 1765, DRO reference D626/25.

Analysis of Documentary Evidence

The evidence submitted indicates the claimed route is part of a longer route that historically had public vehicular rights. The original route started at ST 49105 03415, proceeded over BR17, then along the UCR, over BR35, over a section with no recorded public rights and along what is now a minor county road to Dirty Gate at its junction with the B3163, and over what is today an unpaved UCR on Hackthorn Hill. This claim covers the NE section of the original road, upto the point which is today a minor county road.

The Beaminster inclosure map and award identifies the central part of the claimed route as a public carriage road (PCR 'B'), thus this certainly had public vehicular rights. Furthermore, a map annotation at the south east end of the road describes the road as continuing "To Hook Village". This is confirmed by the description in the award which also states the road continues to Hook and it is sensible to assume the status of the road remained the same. The north east end of the road on

the inclosure map shows a crossroads. This indicates the road continued NW beyond what is shown on the inclosure map.

The Beaminster tithe map shows the NE half of the claimed route as an unapportioned shaded road, indicating this was a public road. It includes much of the road shown on the inclosure map and all of the claimed route to the NE of the inclosure map's carriage road. Both parts of the road are shown in the same way and as continuous, thus supporting the argument that the route was continuous and the same rights, ie those documented in the inclosure award, would apply to the entire route.

Dorset Records Office document D/RGB:LL is a "Plan of roads in neighbourhood of Beaminster c. 1800". This clearly shows the claimed route as a continuous road. Although the map is a rough sketch the roads clearly correspond to modern roads. Furthermore the objective of the map's creator appears to be to show public roads with no lesser routes shown and the length of commonly travelled routes marked.

Isaac Taylor's map of 1796 clearly shows the entire route as a continuous road. There is no distinction between what is now the sections of BR, UCR and county road, indicating the route has a single status. This map also appears to only show public roads. Relatively few roads are shown, those included correspond well to modern public roads, and there appears to be no intention to show bridleways or footpaths.

Greenwood's map of 1826 also shows the entire claimed route as a continuous road with no indication the status changes at any point. The route's depiction is consistent with other minor public roads in the area. Similarly, The 1st Edition "Old Series" OS map and Isaac Taylor's map from 1765 both show the claimed route as a continuous road and in the same way as other public roads in the area. Isaac Taylor's map shows very few roads and it appears only the more significant public roads are shown.

Finally, one must question why there be a public road to Higher Langdon, the modern county road from the B3163, when this is a private farm? It is more sensible to believe the road continued over what is today BR35 to join the unpaved 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 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 and county road were connected by a road over what is now BR35.

The inclosure map and award provides conclusive evidence of public vehicular rights over much of the claimed route. The tithe map and other small scale maps indicate the claimed route was a public road and also show it as a continuous route with the same status as the section shown on the inclosure map. The *Eyre vs New Forest Highways Board* case directs us that the whole route would have the same rights, ie those of a public carriage road, and there is no contrary evidence to assume the current BR-UCR-BR classification is correct.