

**Wildlife and Countryside Act 1981  
Definitive Map and Statement Modification Order**

**Dorset Council (Footpath from East Lane (D20502) to D20503 Public  
Road East of Coombe Cottages, Bradford Abbas) Definitive Map  
and Statement Modification Order 2017 (“the Order”)**

**PUBLIC INQUIRY**

**Planning Inspectorate Reference: ROW/3323995**

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## 1 INTRODUCTION

1.1.1 Dorset Council ('the Council') supports the confirmation of the Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification Order 2017 ("the Order").

1.2 This Statement of Case:

1.2.1 describes the effect of the Order;

1.2.2 sets out the background to making the Order;

1.2.3 sets out the Council's reasons for making the Order; and

1.2.4 sets out the law and evidence to be considered in determining whether to confirm the Order.

1.3 A copy of the Order forms **Appendix 1**.

1.4 A copy of an extract from the definitive map and statement for the area forms **Appendix 2**.

## 2 CONFIRMATION OF THE ORDER

2.1 The Council asserts that the evidence submitted in support of the Order is sufficient to establish, on the balance of probabilities, that public footpath rights exist from East Lane (D20502) to D20503 Public Road east of Coombe Cottages as set out in the Order.

2.2 The Council, therefore, requests that the Inspector confirms the Order as made.

## 3 DESCRIPTION OF THE SITE AND THE EFFECT OF THE ORDER

- 3.1 The proposed route is shown by a broken black line between points A – A1 - B – C – D - E (“the Order Route”) on the plan which forms part of the Order (“the Plan”).
- 3.2 The Order Route runs from its junction with East Lane (D20502), west north west of East Farm at point A, east along a loose stone/gravel surfaced track to point A1, continue east, passing through the Saxon Maybank development with buildings on either side and passing to the north of East Farm to point B. Then turn north east to point C and continue north east along a hard stone surfaced track, hedged on both sides, south west of Coombe Cottages to point D. Continue north east, passing to the south east of Coombe Cottages to its junction with the D20503 Road at point E. Width: 9 metres at point A, narrowing to 5 metres at point A1 and 4 metres at point B, widening to 9 metres at points C and D and 10 metres at point E.
- 3.3 Photos of the Order Route can be found at **Appendix 3**.
- 3.4 The land crossed by the Order Route is owned by:  
  
Saxon Holiday Lodges Limited, 6 Poole Road, Wimborne, Dorset BH21 1QE  
(between points A – C); and  
  
Charlotte Anne Townshend, The Estate Office, Melbury Sampford, Dorset DT2 0LF  
(between points C – E)
- Copies of Land Registry title documents and plans can be found at **Document Reference 15** (of the OMA’s submission paperwork).
- 3.5 The effect of the Order, if confirmed, will record the Order Route as a footpath on the definitive map. The definitive statement will be amended accordingly.

## 4 **BACKGROUND**

4.1 Section 53 of the Wildlife and Countryside Act 1981 (“WCA 1981”) sets out the duty of an order making authority (OMA) to keep the definitive map and statement under continuous review. The section continues by setting out the requirements for OMAs to make orders when they discover evidence that shows the definitive map and statement of rights of way ought to be modified.

4.2 **Appendix 2** is copy of the Definitive Map and Statement for the area.

4.3 An application to modify the definitive map and statement by adding a footpath along the Order Route (‘the Application’) was made by Bradford Abbas Parish Council (‘the Applicant’) on 7 July 2008.

4.4 An investigation was duly carried out.

4.5 In accordance with paragraph 3(1)(b) of Schedule 14 WCA 1981 the Council carried out the necessary consultations.

4.6 The evidence was considered at a meeting of the Dorset County Council Regulatory Committee (“the Committee”) on 12 March 2015 (“the Committee meeting”). The Committee resolved that the available evidence showed, on balance, that the proposed route subsisted or was reasonably alleged to subsist and that an order be made (report and minutes can be found at **Appendix 4**).

4.7 The Order was made on 14 August 2017 and published on 24 August 2017.

4.8 The end of the objection period, as per the notice, was 6 October 2017. This was extended to 20 October 2017 by request.

4.9 Following the making of the Order 20 objections were duly made (see **Document Reference 5**).

## 5 **REASONS FOR MAKING THE ORDER**

5.1 The Order was made under section 53(2)(b) WCA 1981 by virtue of which the Council (as surveying authority for the purposes of WCA 1981) is required to keep the definitive map and statement under continuous review and as soon as reasonably practicable after the occurrence of any of the events specified in section 53(3) of the WCA 1981 by order make modifications to the map and statement as appear requisite in consequence of the occurrence of that event. In particular section 53(3)(c)(i) WCA 1981 refers to the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates.

5.2 The making of the Order was based upon user evidence which demonstrates a reasonable allegation that footpath rights subsist over the Order Route.

## 6 **LAW**

6.1 The test to be considered when making an order pursuant to section 53(3)(c)(i) WCA is considered above (paragraph 5.1).

6.2 A modification order should be confirmed if, on the balance of probabilities, the evidence shows that a right of way subsists: *Todd v Secretary of State for the Environment, Food and Rural Affairs*.



- 6.3 In considering the evidence, matters such as desirability and suitability, safety and sensitivity should not be taken into account.
- 6.4 Section 32 of the Highways Act 1980 states that a tribunal (which includes a public inquiry) must take into consideration any map, plan or history of the locality. It should give such weight as considered justified by the circumstances, including the antiquity of the document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 6.5 Inclosure Consolidation Act 1801
- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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.
- 6.5.4 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.
- 6.5.5 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.

## 6.6 Finance Act 1910

6.6.1 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.

6.6.2 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.

## 6.7 National Parks and Access to the Countryside Act 1949

6.7.1 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 **EVIDENCE**

### 7.1 Documentary evidence

7.1.1 A table of all the documentary evidence considered during the investigation into the Application, together with extracts from the key documents, is contained within **Appendix 4** (at Appendix 3).

7.1.2 Analysis of the documentary evidence can be found within **Appendix 4** (at paragraph 8)

7.1.3 The investigation concluded that the documentary evidence alone was insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the Order Route.

7.1.4 The Order was made on the strength of the user evidence, supported by the Ordnance Survey maps which showed the physical characteristics on the ground at the date of the maps.

## 7.2 User Evidence

7.2.1 22 forms of evidence were received from 24 users of the Order Route.

7.2.2 A table of all the user evidence and a chart showing the periods of use can be found at **Appendix 4** (appendix 4).

7.2.3 Four of the users were given permission or were tenants/workers on the farm therefore evidence from these users should be given less weight.

7.2.4 The earliest date of use is 1956 and the erection of the gate in 2007 is the last date of use.

7.2.5 The main use was by foot and there was other use including bicycle and by car.

7.2.6 Five users said that owners or occupier was aware of the public using the Order Route as they spoke to workers and previous owners.

7.2.7 In comparison with an urban environment, 24 users giving evidence of their use in this rural location is considered to be significant.

7.2.8 More detailed analysis of the user evidence can be found at Appendix 4 (paragraph 9).

7.2.9 The user evidence indicates mainly public use on foot along the Order Route. There is some use by bicycles and cars but this is not considered sufficient to have established higher rights. The user evidence is considered to be sufficient to fulfil the requirement of 20 or more years use by the public, as of right and without interruption, prior to the date of bringing into question, which is 31 October 2007 (see paragraph 8 below).

## 8 **DATE PUBLIC USE WAS BROUGHT INTO QUESTION**

- 8.1 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 was first brought into question.
- 8.2 18 of the users of the Order Route state that there were never any gates or stiles until notices “Private No Public Right of Way” and gates were erected at point A1 by the current owner from 31 October 2007.
- 8.3 The locked gate and private notice is evidence of bringing the use of the Order Route into question.
- 8.4 The Application was made on the 7 July 2008 and is a further date of bringing the use into question.
- 8.5 The locked gate and private notice is the earlier of the two possible dates of bringing the right into question and consequently the period of use, in accordance with s31, will be the 20 years between 1 November 1987 to 31 October 2007.

## 9 **OBJECTIONS TO THE ORDER**

- 9.1 There were 20 objections to the Order (**Document Reference 5**). Details of the objections and the Council’s comments on the objections can be found at **Document reference 6**.

## 10 **SUPPORT OF THE ORDER**

- 10.1 There is one representation in support of the Order from Mr Longdon, the Rights of Way Liaison Officer for Bradford Abbas, who regularly used the Order Route with his wife from May 1997 until the East Farm gates were erected.

## 11 **SUMMARY OF POINTS FOR CONSIDERATION**

- 11.1 The Council is satisfied that the user evidence supports the existence of public footpath rights along the Order Route.
- 11.2 The objections contain such matters which cannot be taken into consideration when determining whether the Order should be confirmed. The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it.
- 11.3 None of the objections contain any evidence to dissuade the Council's position.

## 12 **CONCLUSION**

- 12.1 The Council asserts that on the balance of probabilities, the evidence shows that a public footpath subsists along the Order Route.
- 12.2 The Council requests that the Inspector confirm the Order as made.

**Dorset County Council**



**Wildlife and Countryside Act 1981**

**Dorset County Council**

**County of Dorset Definitive Map and Statement of Rights of Way**

**Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas)  
Definitive Map and Statement Modification Order 2017**

This Order is made by Dorset County Council under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the County of Dorset Definitive Map and Statement require modification in consequence of the occurrence of an event specified in section 53(3)(c)(i) namely, that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates and section 53(3)(c)(iii) namely, that any other particulars contained in the map and statement require modification.

The authority have consulted with every local authority whose area includes the land to which the Order relates. The Dorset County Council hereby order that:

1. For the purposes of this Order the relevant date is 22 June 2017.
2. The County of Dorset Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the "Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages) Definitive Map and Statement Modification Order 2017".

## SCHEDULE

(The points specified relate to the map attached to the Order and their positions are identified by national grid references)

### Part I

#### **Modification of definitive map Description of path to be added**

A Footpath at Bradford Abbas in the West Dorset District:  
(to be numbered Footpath 8, Bradford Abbas)

A – A1 – B From its junction with East Lane (D20502), west north west of East Farm at  
– C – D – point A (ST 58731547), east along a loose stone/gravel surfaced track to  
E point A1 (ST 58751547), continue east, passing through the Saxon Maybank development with buildings on either side and to the north of East Farm to point B (ST 58931547). Then turn north east to point C (ST 58951548) and continue north east along a hard stone surfaced track, hedged on both sides, south west of Coombe Cottages to point D (ST 59021556). Continue north east, passing to the south east of Coombe Cottages to its junction with the D20503 Road at point E (ST 59061560).  
Width: 9 metres at point A (ST 58731547), narrowing to 5 metres at point A1 (ST 58751547) and 4 metres at point B (ST 58931547), widening to 9 metres at point C (ST 58951548) and D (ST 59021556) and 10 metres at point E (ST 59061560).

### Part II

#### **Modification of definitive statement Variation of particulars of path**

Footpath 8, Bradford Abbas in the West Dorset District:

Add:

From: ST 58731547 To: ST 59061560

From its junction with East Lane (D20502), west north west of East Farm, east along a loose stone/gravel surfaced track to ST 58751547, continue east, passing through the Saxon Maybank development with buildings on either side and to the north of East Farm to ST 58931547. Then turn north east to ST 58951548 and continue north east along a hard stone surfaced track, hedged on both sides, south west of Coombe Cottages to ST 59021556. Continue north east, passing to the south east of Coombe Cottages to its junction with the D20503 Road at ST 59061560. Width: 9 metres at ST 58731547, narrowing to 5 metres at ST 58751547 and 4 metres at ST 58931547, widening to 9 metres at ST 58951548 and ST 59021556 and 10 metres at ST 59061560.

Dated this 14<sup>TH</sup> day of AUGUST 2017

THE COMMON SEAL OF THE  
DORSET COUNTY COUNCIL  
was fixed in the presence of:-

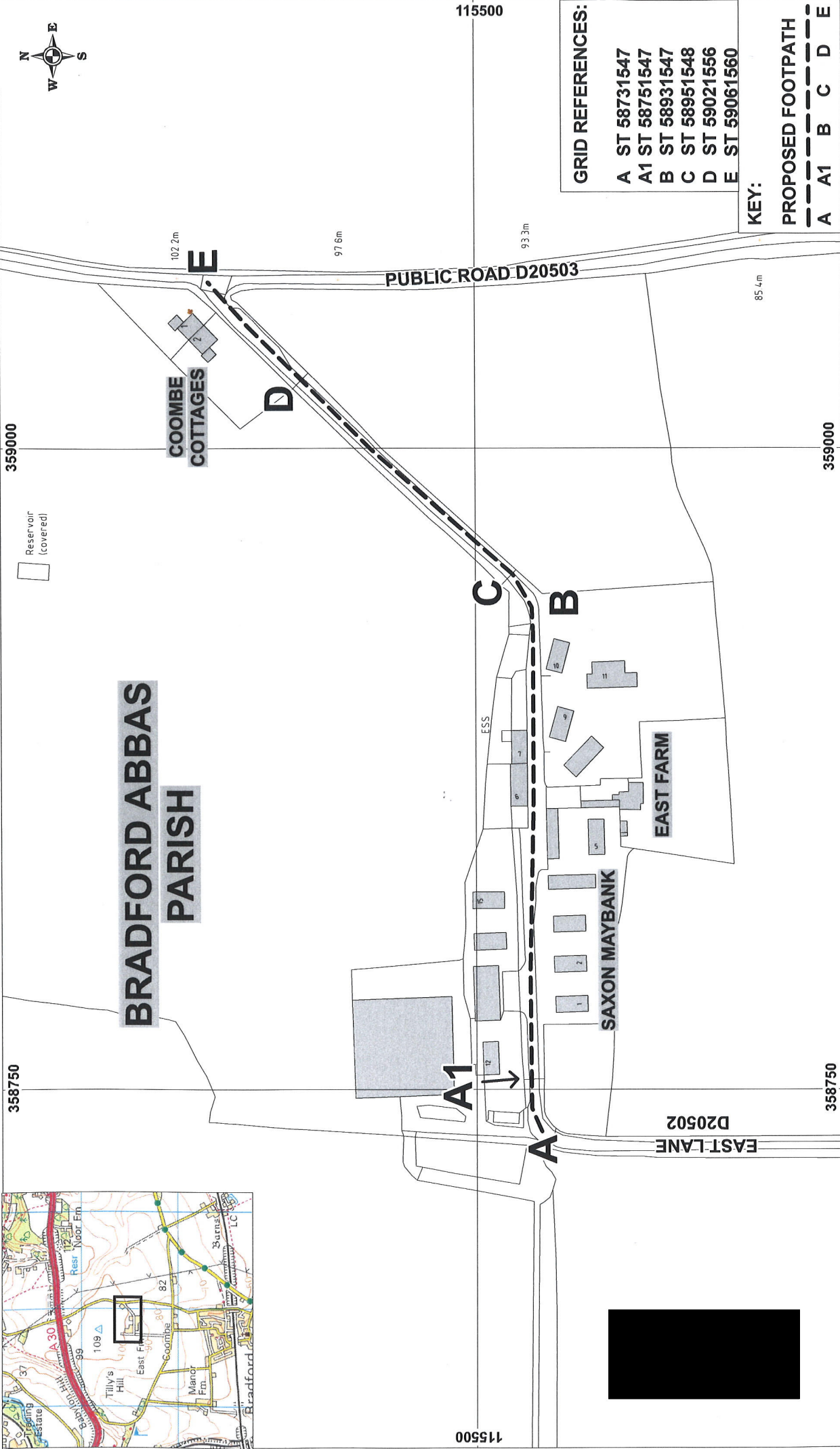
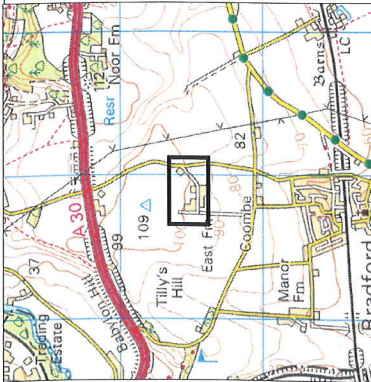


397/17



Authorised Signatory





**GRID REFERENCES:**

A	ST 58731547
A1	ST 58751547
B	ST 58931547
C	ST 58951548
D	ST 59021556
E	ST 59061560

**KEY:**

**PROPOSED FOOTPATH**

A A1 B C D E

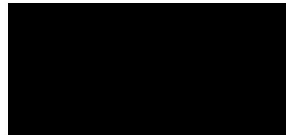
GEOGRAPHICAL INFORMATION SYSTEMS

**Dorset County Council**

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**Ref: 14/18/1**  
**Date: 13/024/2015**  
**Scale 1:2000**  
**Drawn By: ACWH**  
**Cent X: 358893**  
**Cent Y: 115521**

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**



115500

358750

358750

359000

359000

**BRADFORD ABBAS PARISH**

**COOMBE COTTAGES**

**SAXON MAYBANK**

**EAST FARM**

**PUBLIC ROAD D20503**

**EAST LANE D20502**

102.2m

97.6m

93.3m

85.4m

ESS

**A1**

**C**

**B**

**E**

**D**

Reservoir (covered)

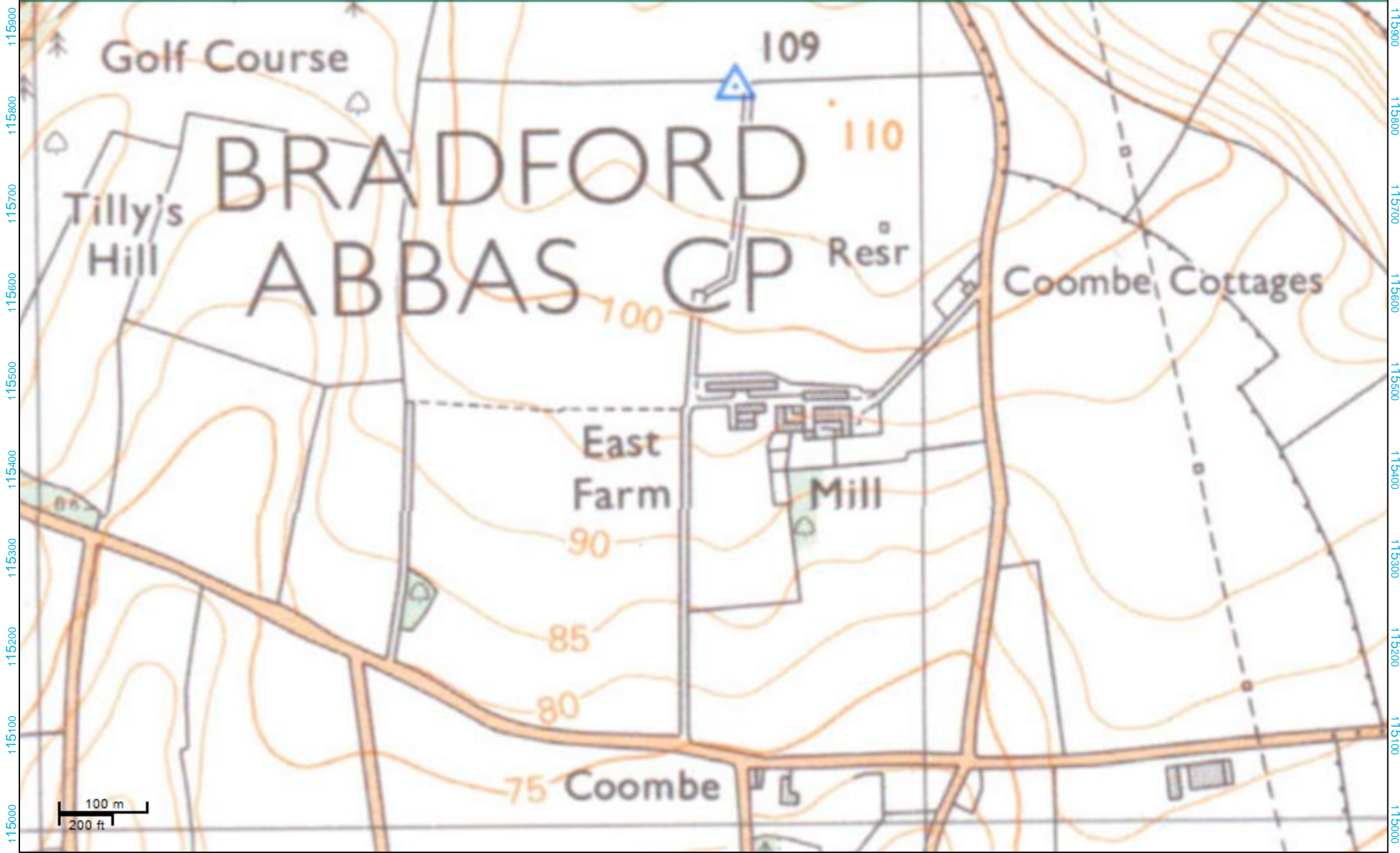
358000 358100 358200 358300 358400 358500 358600 358700 358800 358900 359000 359100 359200 359300 359400 359500



# Current Definitive Map 89

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Centre Easting: 358753.52  
Centre Northing: 115493.74  
Zoom: 1545.921m (16)  
Date: 25/01/2022



358000 358100 358200 358300 358400 358500 358600 358700 358800 358900 359000 359100 359200 359300 359400 359500

Parish	Path	Status	Grid Ref	Grid Ref	Description
N6	1	FP	587145	587146	Queens Road to Westbury
N6	2	FP	587144	588143	Westbury to Churchwell Street
N6	3	FP	589140	588143	Gallops Ground to opposite Post Office
N6	4	FP	590140	592138	Bradford Abbas to Thornford continuing on from Gallows Ground
N6	5	FP	586141	585140	Bradford Abbas to Clifton Maybank (boundary)
N6	6	FP	588146	588145	South View to Westbury
N6	7	FP	587146	587146	Ambrose Close eastwards to Westbury

1



2



3



4







6





8

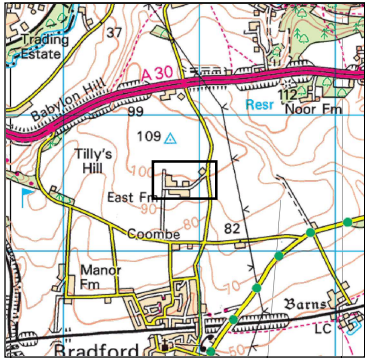


9



10





358750

359000

# BRADFORD ABBAS PARISH

## COOMBE COTTAGES



102.2m

97.6m

93.3m

115500

115500



358750

359000

### PHOTO INDEX

Ref: T474  
 Date: 18/02/2022  
 Scale 1:1500  
 Drawn By: CAM  
 Cent X: 358893  
 Cent Y: 115521



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Agenda item:

# Regulatory Committee

7
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## Dorset County Council



Date of Meeting	12 March 2015
Officer	Director for Environment and the Economy
Subject of Report	<b>Application for a definitive map and statement modification order to add a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas</b>
Executive Summary	In response to an application to add a footpath at Bradford Abbas, this report considers the evidence relating to the status of the route.
Impact Assessment:	<p>Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.</p>
	<p>Use of Evidence: The applicant submitted documentary evidence in support of his application.</p> <p>Documentary evidence has been researched from sources such as the Dorset History Centre and the National Archives.</p> <p>A full consultation exercise was carried out in June and July 2014, which included 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.</p> <p>22 user evidence forms from 24 users of the claimed route were submitted during the investigation. Any relevant evidence provided has been discussed in this report.</p>

	<p><b>Budget:</b></p> <p>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></p> <p>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></p> <p>None</p>
<p><b>Recommendations</b></p>	<p><b>That:</b></p> <p>(a) An order be made to modify the definitive map and statement of rights of way to record a footpath at Bradford Abbas as shown A – B – C – D – E on Drawing 14/18/1; and</p> <p>(b) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.</p>
<p><b>Reasons for Recommendations</b></p>	<p>(a) The available evidence shows, on balance, that the claimed right of way subsists or is reasonably alleged to subsist;</p> <p>(b) The evidence shows, on balance, that the route claimed should be recorded as a footpath as described. 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 ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:</p> <p><b>Enabling Economic Growth</b></p> <ul style="list-style-type: none"> <li>• Ensure good management of our environmental and historic assets and heritage</li> </ul> <p><b>Health, Wellbeing and Safeguarding</b></p> <ul style="list-style-type: none"> <li>• Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset</li> </ul>



	<ul style="list-style-type: none"> <li>• Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live</li> <li>• Enable people to live in safe, healthy and accessible environments and communities</li> </ul>
<p>Appendices</p>	<ol style="list-style-type: none"> <li>1 - Drawing 14/18/1</li> <li>2 - Law</li> <li>3 - 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>▪ 1887 First Edition Ordnance Survey map</li> <li>▪ 1928 Edition Ordnance Survey map</li> <li>▪ 1838 Bradford Abbas Tithe map</li> <li>▪ 1910 Finance Act map</li> <li>▪ 1951 Bradford Abbas Parish Survey map</li> </ul> </li> </ul> </li> <li>4 - 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> </ol>
<p>Background Papers</p>	<p>The file of the Director for Environment and the Economy (ref. RW/474).</p> <p>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.</p> <p>Copies (or photographs) of the documentary and user evidence can be found on the case file RW/T474, 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</p> <p>Tel: [REDACTED] Email: [REDACTED]</p>

## 1 **Background**

- 1.1 An application to add a footpath from East Lane to the public road by Coombe Cottages, Bradford Abbas as shown A – A1 – B – C – D – E on Drawing 14/18/1 (Appendix 1) was made by Bradford Abbas Parish Council on 7 July 2008.
- 1.2 The route claimed commences at point A at the junction with the public road known as East Lane, travelling in an easterly direction. The surface of the claimed route is loose, hard stone. At point A1 a wooden field gate across the route displays a notice “Private No Public Right of Way”, which can be seen from users approaching from the west. The claimed route then passes between the buildings of the Saxon Maybank development on both sides. At point B the route changes course to run north easterly. At point C there is a wooden field gate and the route is hard surfaced with hedges on both sides. At point D there is a further field gate and the route widens out with Coombe Cottages to the north western side and cars parked on the south eastern side of the claimed route. It terminates at point E at its junction with the public road D20503.
- 1.3 Between points A and C the claimed route is owned by Mr Shaw of Charteroak Estates and between points C and E by Winchester College.
- 1.4 Its widest point at point E is 10 metres wide and its narrowest point at point B is 3 metres wide.
- 1.5 In October/November 2007 Charteroak Estates erected a gate with the notice across the claimed route at point A1 and it has remained locked, preventing public use.

## 2 **Law**

- 2.1 A summary of the law is contained in Appendix 2.

## 3 **Documentary evidence (Appendix 3)** (copies available in the case file RW/T474)

- 3.1 A table of all the documentary evidence considered during this investigation is contained within Appendix 3. Extracts from the key documents are also attached.

## 4 **User evidence (Appendix 4)** (copies available in the case file RW/T474)

- 4.1 A table of user evidence summarised from witness evidence forms, together with charts showing their periods and level of use form Appendix 4. 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/T474)

- 5.1 Two letters supporting the application were received in response to the consultation exercise.

Name	Comments
Mrs Jan Wardell, The Ramblers	States “until 2008, there was a ‘through route’ along the claimed path, both for pedestrians and vehicles” and notes “that the 1902 OS map shows a footpath leading to East Farm from the south, and then onwards north-east to where Coombe Cottages are now situated – part of the claimed route”.
Mr Derek Hayward, Chairman, Bradford Abbas Parish Council	Submitted an extract from a large scale, coloured 1916 map, similar to the 1903 Ordnance Survey map described below at 8.5. East Farm is shown as part of a red edged and pink shaded plot. The routes that are now recorded as roads to the west (including a continuation north from point A), south and east are shown uncoloured. The area including East Farm buildings, the claimed route (partly fenced and partly unfenced – as shown by double solid and double pecked lines) and the path shown with double pecked lines marked ‘F.P.’ (footpath) heading south are all in the land shaded pink.

6 **Evidence opposing the application** (copies available in the case file RW/T474)

6.1 Two letters opposing the application were received in response to the consultation exercise.

Name	Comments
Tracey Merrett, Pardoes Solicitors on behalf of <b>Charteroak Estates</b> (owner) Letter 1	“My principal concern regarding this application is that my clients have not been served with a notice of the application pursuant to Schedule 14 of the above Act.... Mr Shaw has received no notification from the applicant and therefore this is incorrect and consequently the application is invalid and the County Council have no jurisdiction to determine it”.
Tracey Merrett Pardoes Solicitors LLP on behalf of <b>Charteroak Estates</b> (owner) Letter 2	<p>Comments on all the witness statements provided by the applicant in detail including:</p> <ul style="list-style-type: none"> <li>• “Mr and Mrs Wallis live on site in the middle of the route and are tenants of the owner....Evidence of the use of the route as an access to the Wallis’s house is clearly not evidence of use of the route as a public right of way”.</li> <li>• “Only 7 of the 19 witnesses are willing to give evidence at Inquiry and have their evidence tested...”</li> <li>• The site was previously a dairy and before that a feed mill, both of these uses would have entailed the public visiting the site and using the track to buy animal feed or buying milk...”</li> <li>• “The use of the site has clearly been used as a shortcut on bicycle and by car to the village as stated in some of the witness statements...”</li> <li>• “To conclude there is very little usage evidence that is clear and testable and I have been unable to find any historic evidence of a right of way along this route.”</li> </ul> <p>(Full Transcript in the case file RW/T474.)</p>

Name	Comments
Mr Patrick Pearce (owner of lodge at Saxon Maybank)	<p>Raises issues such as: -</p> <ul style="list-style-type: none"> <li>• Safety – including from users with dogs</li> <li>• Pollution</li> <li>• Damage to privacy <ul style="list-style-type: none"> <li>▪ Security</li> </ul> </li> <li>• Disruption to residents, wildlife and the natural environment</li> <li>• Noise</li> <li>• Suitability</li> </ul>

7 **Other submissions received** (copies available in the case file RW/T474)

7.1 Another three submissions were received in response to the consultation exercise.

Name	Comments
Mrs Carol Shoopman on behalf of the British Horse Society	"No evidence to support this application."
Claire Pinder Dorset County Council senior Archaeologist	"No recorded archaeological finds or features or historic buildings on or the vicinity of the route affected by this proposal."
Southern Gas Networks	"We have no gas mains in the area of the enquiry."

8 **Analysis of documentary evidence**

8.1 As there is no Inclosure award affecting this area the most important documents in this case are Ordnance Survey maps.

**Ordnance Survey maps**

8.2 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 Bradford Abbas parish was completed in 1805 and clearly depicts the public road travelling due north to point A. However, the road continues due north and neither the claimed route nor East Farm is shown.

8.3 The **1811 First Edition Ordnance Survey map** at a scale of 1 inch:1 mile also does not show the claimed route.

- 8.4 The **1887 First Edition Ordnance Survey map** at a scale of 6 inches:1 mile (1:10560) shows the claimed route with a gate or barrier at point A1. A fenced track on the line of the claimed route leads eastwards to the buildings of East Farm and at the eastern side of East Farm there is a solid line across the route at point B. It continues with double pecked lines (an unfenced track), on the same route as that claimed, to point E. The route is not marked 'F.P.' or 'B.R.' alongside. There is a footpath annotated 'FP' from the farm heading due south to join the road. There is no disclaimer present on this map (see note in Table of Evidence, Appendix 3).
- 8.5 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 similarly to the 1887 First Edition, although the larger scale map shows more detail.
- 8.6 The **1903 Second Edition Ordnance Survey Map** at a scale of 6 inches:1 mile (1:10560) shows the claimed route similarly to the larger scale 1903 Edition.
- 8.7 The **1928 Edition Ordnance Survey Map** at a scale of 25 inches:1 mile (1:2500) shows the claimed route but with no gate at point A1. The unfenced track starts at the western edge of the buildings (slightly west of point B). At point C a solid line is shown across the route, indicating a gate or barrier. Between points C and E the track is shown with a solid line on the north western side, indicating that this boundary was fenced or hedged, and a pecked line on the south western side, indicating that this boundary was unfenced. The footpath due south of East Farm is no longer shown.
- 8.8 The **1930 Edition Ordnance Survey Map** at a scale of 6 inches:1 mile (1:10560) shows the claimed route in the same manner as the 1928 Edition Ordnance survey map.
- 8.9 The evidence provided by the **Ordnance Survey maps** adds support to the route claimed and suggests that a gate at point C has been in existence since 1928. 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.

#### **Other documents**

##### **Tithe map and apportionment**

- 8.10 The **1838 Bradford Abbas Tithe map** shows East Lane continuing north from point A but does not show the track or a farm along the claimed route.
- 8.11 The Tithe 'apportionments' are the numbered parcels that record the state of cultivation and area. The claimed route is not shown and therefore is unapportioned.
- 8.12 By themselves tithe documents rarely provide conclusive evidence as to the status of the ways shown upon them. However, they can and do provide positive evidence that a particular route physically existed at the time of the apportionment. In this case the tithe does not support the claimed route.

### **Finance Act documents**

- 8.13 The 1910 Finance Act map uses the 1903 Ordnance survey base map and shows the claimed route not excluded from taxation but within part of Hereditament 41.
- 8.14 Within the same hereditament a footpath is clearly shown leading due south of the claimed route, clearly annotated 'F.P.' (see paragraph 8.4 above).
- 8.15 However, within the field books detailing the land valuation, Hereditament 41 has no deductions in respect of "Public Rights of Way or User".
- 8.16 Although these records indicate that the owners of this parcel did not acknowledge the existence of any public right of way over it, as members will be aware, this does not necessarily indicate that no public rights existed within them. Whilst it was a criminal offence with severe penalties to falsely claim tax deduction in lieu of the existence of a public highway there were no penalties for not acknowledging the existence of a public highway over the land.

### **Commercial maps**

- 8.17 **Johnston's early 1900s small scale map** shows the current road to East Farm (East Lane) and a track to the farm itself between points A and B. It does not show any connection to the public road at point E.
- 8.18 Various other small scale maps do not depict a route, either completely or partially, on or in the general location of the application route (see table at Appendix 3).

### **Sales particulars**

- 8.19 The **1954 Bradford Abbas Estate** sale did not include East Farm or the claimed route. However, it was included on the plan showing the area for sale at the time. It clearly shows East Lane and the whole of the claimed route, between points A and C through the buildings at East Farm and as an unfenced track between points C and E. Outside of the area of the estate being sold this map shows both public and private routes as unshaded.
- 8.20 The **1966 East Farm Bradford Abbas** sales document and plan shows East Lane and the D20503 road as uncoloured but the claimed route through the farm and north east to point E appears to be coloured pink, which is the colour used in this plan to indicate the area for sale. Between points C and E the route appears to be shown with a solid line (hedged or fenced) on the north western side and with a pecked line (unfenced) on the south eastern side. This plan indicates that if a route is not coloured it is not part of the sale and could be seen as a public route. Therefore, if coloured in it is part of the plot for sale.
- 8.21 The sales documents indicate the claimed route was in existence but do not add to the evidence to support the claim.

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

- 8.22 The **1951 Bradford Abbas Parish Survey** map of rights of way shows that no public right of way between points A and E was claimed at the time. Between points C and E there is a hand written annotation marking this part of the claimed route as “Private”.
- 8.23 The claimed route is not shown on the **draft, provisional** or the **first definitive maps** as a public right of way.
- 8.24 The application route was not subject to any investigation or claim during the **1973 Special Review** and therefore is not shown as a public right of way on the **1974 revised draft map** nor is it recorded on the **current definitive map sealed in 1989**. However, the fact that the route is not recorded on the current definitive map is not prejudicial to the existence of any unrecorded public rights that may exist over the route.
- 8.25 The Parish Council did not claim the route during the original Parish Survey, or at the Review. However, their current claim indicates that they have evidence that the route has acquired public rights and should be recorded as a footpath.

### **9 Analysis of user evidence supporting the application**

- 9.1 22 forms of evidence were received from 24 users of the claimed route.
- 9.2 Mr and Mrs Balch were given permission to walk and drive their car by the farm manager in 1986. Mrs Fry and Mr & Mrs Wallis are tenants/workers on the farm. Therefore evidence from these users must be given less weight than the other users.
- 9.3 All 24 of the witnesses state that they used the route (17 if use by tenants and those given permission is discounted), either individually or with other users, shown between points A to point E on Drawing 14/18/1 and that this use was on foot.
- 9.4 Mr Bennett and Mr & Mrs Houston used the route on a bicycle. Mr Bennett and Mr Houston also both used a car.
- 9.5 The earliest date of use is 1956 and 2007 is the last date of use.
- 9.6 The heaviest amount of use is between 1997 and 2002 when 23 users state that they used the claimed route (17 if the use by tenants and those given permission is discounted). 21 of the statements claim to have seen others using the route on foot, horseback, bicycle or by car.
- 9.7 18 users state that there were never any gates or stiles until notices “Private No Public Right of Way” and gates were erected at point A1 by the current owner from 31 October 2007. Eight stated that they were never challenged while on the claimed route.

- 9.8 Mr Allwright, Mr Bennett, Mr Coffin, Mr Houston and Mr & Mrs Yeoman all state that they believed that the owners or occupier was aware of public using the claimed route, as they spoke to workers and previous owners while using the route.
- 9.9 The frequency of use ranges from Mrs Down, who used it “every day” to Mr Coffin, who used the route between 3 and 4 times a year.
- 9.10 Nine users state the width of the claimed route, all commenting on the wideness of the track.
- 9.11 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 was brought into question.
- (a) In comparison with an urban environment, to have 24 users giving evidence of their use in this rural location is considered to be significant.
- (b) The locked gate and private notice (31 October 2007) is evidence of bringing the use of the route into question. The user evidence before that date is sufficient reasonably to allege that a footpath exists.
- (c) The application was made on 7 July 2008 and is a further date of bringing that use into question.

## 10 **Analysis of evidence in support of the application**

- 10.1 The Ramblers’ evidence includes the Ordnance Survey Second Edition map as discussed at paragraph 8.6 above. They do not provide any other evidence to back up the statement that “there was a ‘through route’ along the claimed path, both for pedestrians and vehicles” and therefore this evidence does not add significantly to support the application.
- 10.2 The Parish Council’s 1916 map shows the route claimed but does not add significantly to the evidence in support.

## 11 **Analysis of evidence opposing the application**

- 11.1 In the first letter from Pardoes Solicitors LLP, on behalf of Charteroak Estates, Tracey Merrett notes that her client did not receive “notification from the applicant and therefore this is and consequently the application is invalid and the County Council have no jurisdiction to determine it”.
- The application indicates that both Charteroak Estates and Winchester College were informed when the application was made in July 2008.
  - Within the case file there is a note dated 5 August 2009 that Mr Michael Shaw of Charteroak Estates had telephoned the Definitive Map Team Manager about the footpath claim. The call from Mr Shaw indicates that the Charteroak Estates have been aware of the application at least since 2009.



- A further file note dated 2 June 2010 records a telephone call representative from Battens Solicitors “representing the landowners, Charteroak”. He was advised that the applicant, Bradford Abbas Parish Council, had sent the Notice of Application (Form B) to them in July 2008 as the County Council had a Certificate of Service of the Notice (Form C) on file, which included Charteroak Estates and Winchester College as having been notified. Copies of the application and user evidence forms were subsequently sent to Battens.
- 11.2 She also states that she had contacted the other owner of the claimed route, Winchester College. The current Estates Bursar, Mr Chute, told her that “Neither I nor anyone else at Winchester College has ever received any communication from Bradford Abbas about this track”.
- Within the same file there is a copy of a Fax dated 17 October 2008 sent from Ms Penny of the Definitive Map Team to Emma Ede of Winchester Collage. The subject is the application at Bradford Abbas and a plan was attached, showing the claimed route with a thick dotted line. This also shows that Winchester College was aware of the application soon after the application was made.
- 11.3 In the second letter from Pardoes Solicitors LLP, Tracey Merrett states that some of the user evidence forms are not reliable because Mr & Mrs Wallis and Rachel Fry had connections with previous and current land owners.
- This is correct and therefore, as previously stated, their statements have been given less weight.
- 11.4 Ms Merrett states that “Three of the witnesses have since died, Mr Lisle, Peter Pepper and Betty Fellows and therefore their evidence cannot be cross examined and tested at an inquiry”.
- Their evidence forms do add to the user evidence to be taken into account even though it cannot be tested should there be a local public inquiry.
- 11.5 Ms Merrett adds that “only 7 of the 19 living witnesses are willing to give evidence at inquiry and have their evidence tested, which should affect the weight to be given to their evidence.”
- This is not the case: these forms have equal weight at this stage of the investigation. Should there be a local public inquiry then this issue may be relevant.
- 11.6 Ms Merrett also states that members of the public were using the track to visit the site to buy animal feed and milk and therefore this use should be discounted.
- Of those who completed user evidence forms only Mrs Fry indicates that her use was to visit the dairy (and her brother) and was therefore by invitation and not as of right. (Mr and Mrs Wallis are also still working for the land owners of A – C.)

11.7 She states that the site has been used as a shortcut on bicycle and by car.

- All the witnesses that used the claimed route on bicycle and by car also state that they have used it on foot.

11.8 The majority of the other submissions relate to issues that cannot be taken into account when determining whether or not the claimed rights exist.

## 12 **Analysis of other submissions**

12.1 The other letters contain no evidence to be considered.

## 13 **Conclusions**

13.1 As the claimed route is not recorded with public rights it is necessary for members to decide whether a right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist.

13.2 Although there is documentary evidence showing the claimed route, notably the various Ordnance Survey maps from 1887 onwards, these maps are not strong evidence and only the earliest map carries no disclaimer as to the representation of a route being evidence of a right of way.

13.3 The documentary evidence is therefore insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route.

13.4 If members are satisfied that the documentary evidence does not show, on balance, that a public vehicular right exists 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.

13.5 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 notices and gates were erected by the current owner on 31 October 2007. However, the notice may not have come to the attention of users from the eastern end of the route.

13.6 The user evidence indicates mainly public use on foot along the claimed route. There is some other use by bicycles and cars but this is not considered sufficient to have established higher rights. The user evidence is considered to be sufficient to fulfil the requirement of 20 or more years use by the public, as of right and without interruption, prior to date of bringing into question, which is 31 October 2007.

13.7 On balance, a presumed dedication under Section 31 of the Highways Act 1980 is satisfied, with 20 or more years use of the way by the public. Therefore there is, on balance, sufficient evidence to demonstrate that public footpath rights exist along the whole of the claimed route and an order should be made.

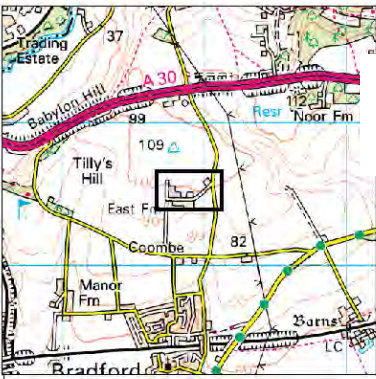
Page 13 Application for a definitive map and statement modification order to add a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas

- 13.8 Therefore it is recommended that an order be made to record the claimed route between points A and E on Drawing 14/18/1 as a footpath.
- 13.9 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.

**Mike Harries**

Director for Environment and the Economy

February 2015

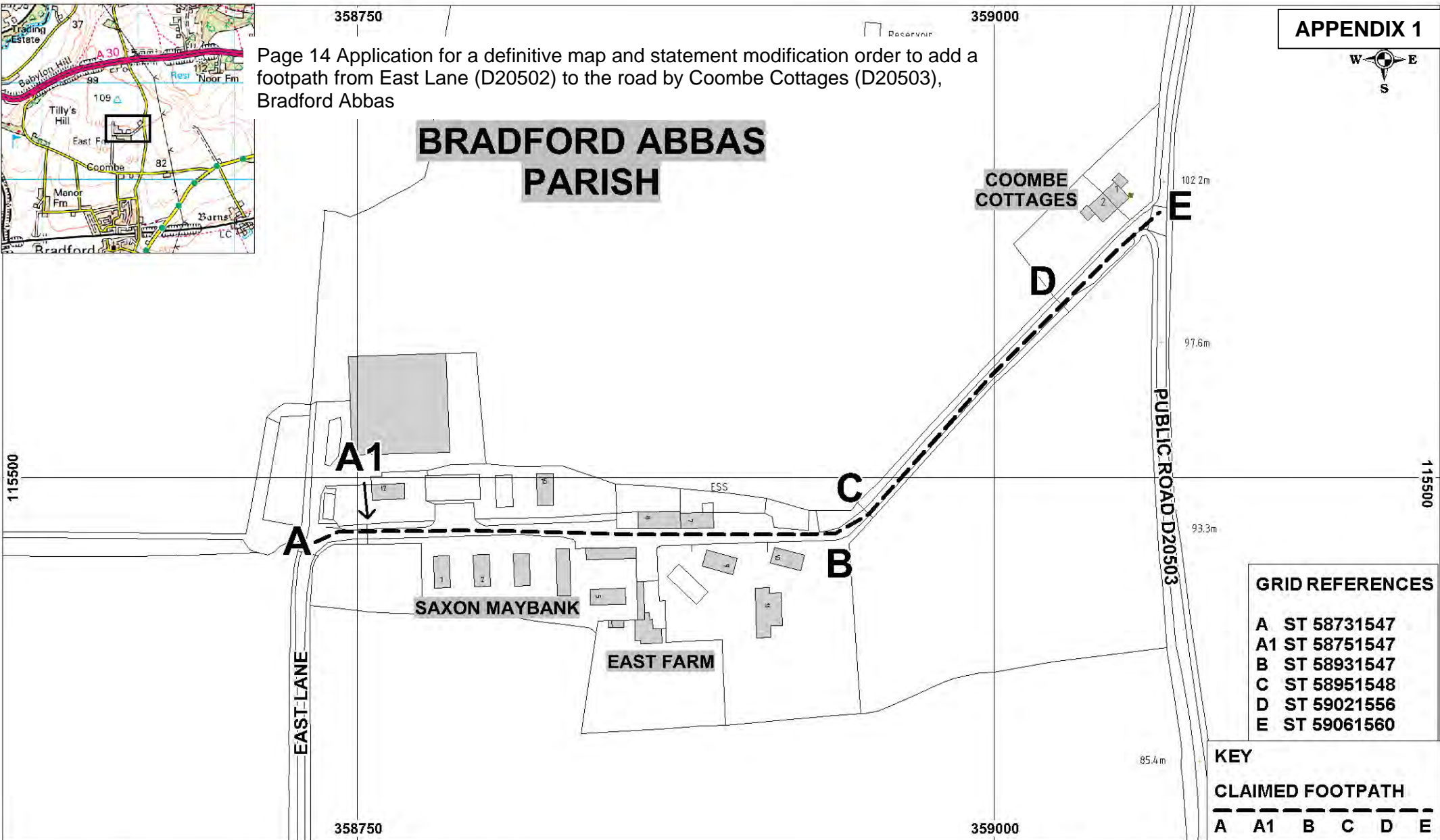


Page 14 Application for a definitive map and statement modification order to add a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas

**APPENDIX 1**



**BRADFORD ABBAS  
PARISH**



**GRID REFERENCES**

A	ST 58731547
A1	ST 58751547
B	ST 58931547
C	ST 58951548
D	ST 59021556
E	ST 59061560

**KEY**

**CLAIMED FOOTPATH**

A	A1	B	C	D	E
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**WILDLIFE AND COUNTRYSIDE ACT 1981**  
**APPLICATION TO ADD A FOOTPATH FROM EAST LANE TO THE PUBLIC ROAD EAST OF COOMBE COTTAGES, BRADFORD ABBAS**

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

**Ref: 14/18/1**  
 Date: 13/024/2015  
 Scale 1:2000  
 Drawn By: ACWH  
 Cent X: 358893  
 Cent Y: 115521

GEOGRAPHICAL INFORMATION SYSTEMS

**Dorset County Council**

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44  
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## LAW

### General

#### 1 Wildlife and Countryside Act 1981

- 1.1 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 right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist.
- 1.2 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 right of way not shown on the definitive map and statement subsists.
- 1.3 The Committee must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.
- 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 as described does exist.
- 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 31(3) of the Highways Act 1980 says that where a landowner has erected a notice inconsistent with the dedication of a highway, which is visible to users of the path, and maintained that notice, this is sufficient to show that he intended not to dedicate the route as a public right of way.
- 2.4 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 Finance Act 1910

4.1 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.

4.2 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.

#### 5 National Parks and Access to the Countryside Act 1949

5.1 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.

**Table of documentary evidence**

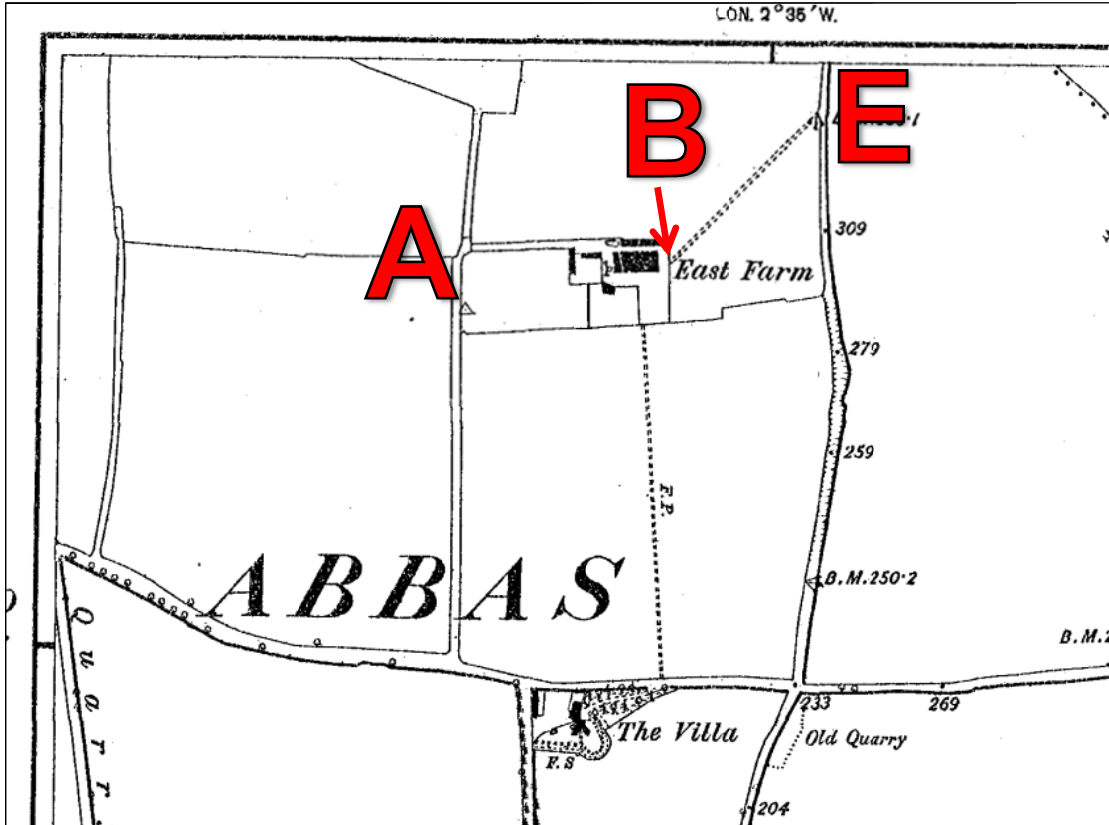
<b>Date</b>	<b>Document</b>	<b>Comment</b>
1773	Map of Dorset by J Bayly	Not shown
1796	Isaac Taylor's Map of Dorset	Not shown
1805	Ordnance Survey Drawings	Shows East Lane only, not claimed route.
1811	Ordnance Survey First Edition map scale 1 inch:1 mile	Shows East Lane only, not claimed route.
1815	J Arrowsmith's Map of Dorset	Not shown
1826	Greenwood Map of Dorset	Not shown
1839	Bradford Abbas Tithe Map	Shows East Lane only, not claimed route.
1846	Gazetteer Dorset	Not shown
1863	Crutchley's Railway Map of Dorset	Not shown
1887	Ordnance Survey First Edition map scale 6 inches:1 mile	Shows the whole of the claimed route, fenced and between farm buildings A – B and unfenced B – E.
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.	
1903	Ordnance Survey Second Edition map scale 25 inches:1 mile (1:2500)	Shows the whole of the claimed route, fenced and between farm buildings A – B and unfenced B – E.
1903	Ordnance Survey Second Edition map scale 6 inches:1 mile (1:10560)	Shows the whole of the claimed route, fenced and between farm buildings A – B and unfenced B – E.
1900s	W & A K Johnston Map of England scale 3 miles:1 inch	Not Shown
1900s	Bacon's New Revised Map of Dorsetshire	Not shown
1900s	Bacon's Geographical Map of Dorsetshire	Not shown
1900s	Weller Despatch Atlas	Not shown



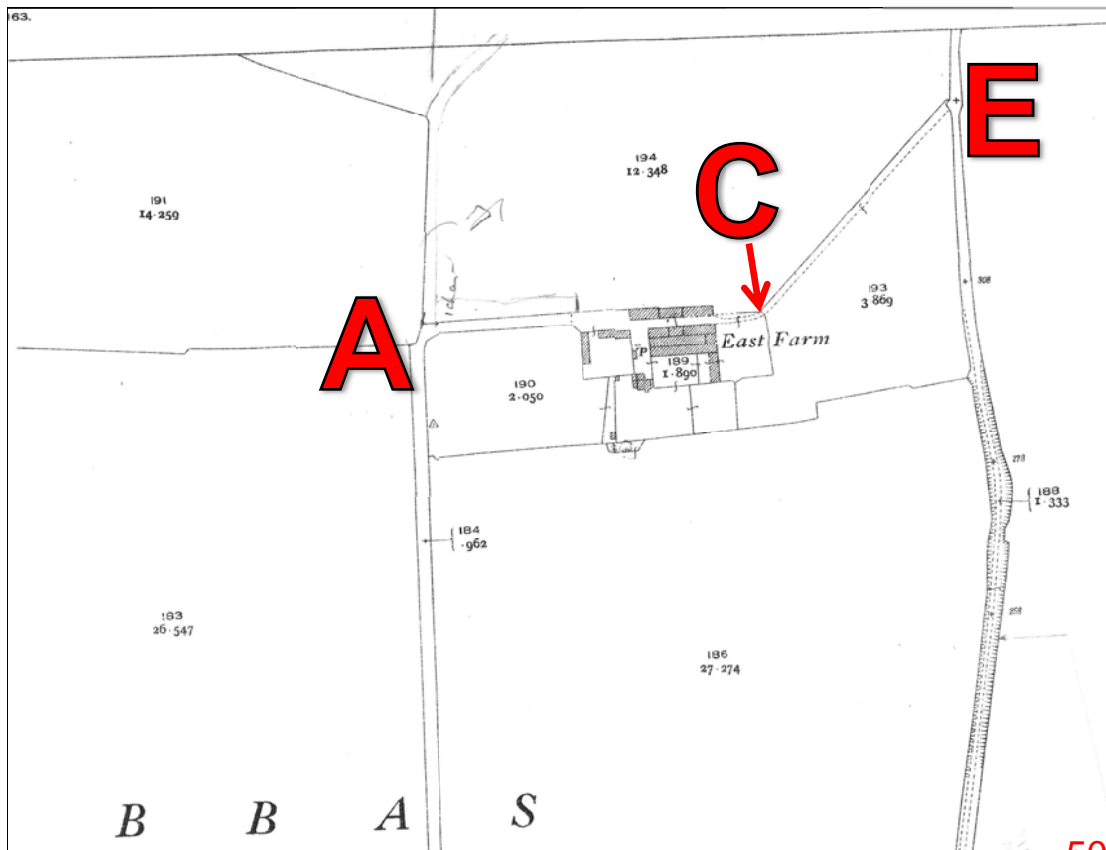
<b>Date</b>	<b>Document</b>	<b>Comment</b>
1910	Finance Act plans	The claimed route is not excluded from taxation. It runs through Hereditament 41 but there are no deductions for public rights of way in this hereditament.
1928	Ordnance Survey Edition map scale 25 inches:1 mile (1:2500)	Shows the whole of the claimed route, fenced and between farm buildings A – C and fenced on north eastern side C – E.
1930	Ordnance Survey Edition map scale 6 inches:1 mile (1:10560)	Shows the whole of the claimed route, fenced and between farm buildings A – C and fenced on north eastern side C – E.
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.	
1951	Bradford Abbas Parish Survey	Route not claimed. Between points B and E annotated "Private" alongside.
1959	Draft map for the west area	Not Shown
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.)	
1954	Bradford Abbas Estate sales particulars	Shows the claimed route but not part of sale.
1964	Provisional map	Not Shown
1966	Sales Particulars for East Farm	Claimed route in part of land for sale. Claimed route shown fenced and between farm buildings A – C and fenced on north eastern side C – E.
1966/7	First definitive map	Not Shown
1974	Revised draft map	Not Shown
1989	Current definitive map	Not Shown

**Extracts from key documents**  
(See the Director for Environment's file RW/T474 for copies of other documents mentioned)

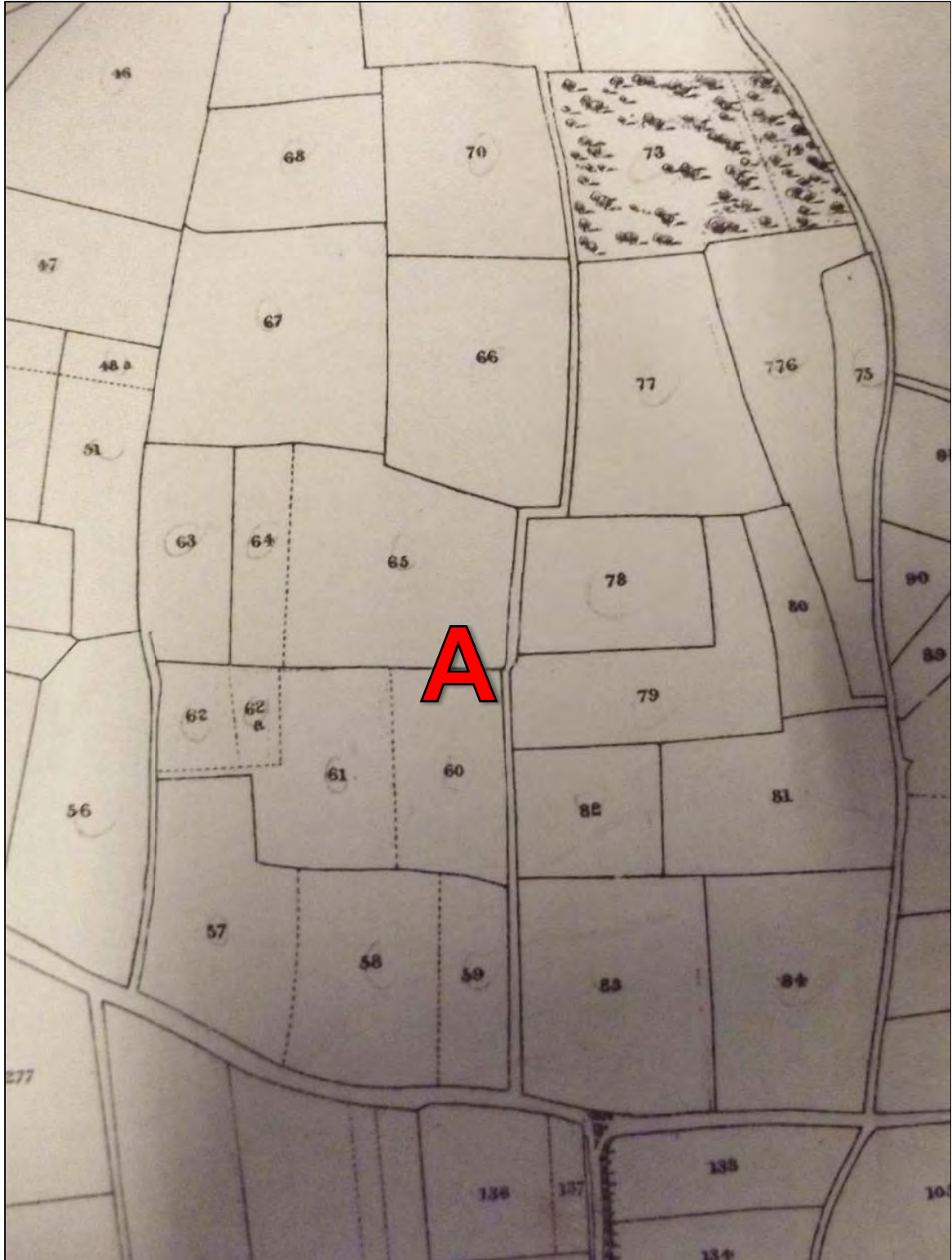
**1887 First Edition Ordnance Survey map**



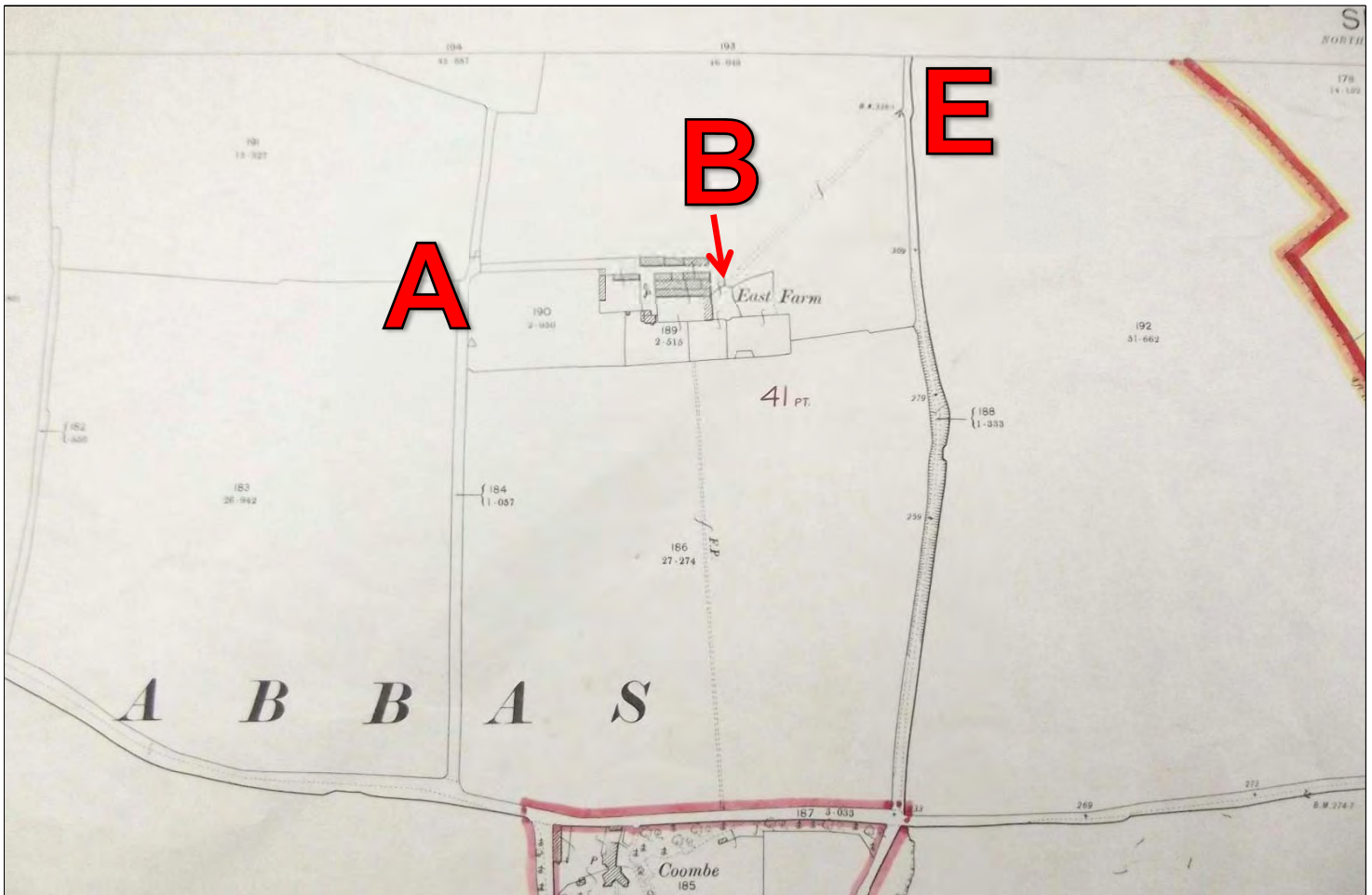
**1928 Edition Ordnance Survey map**



**1838 Bradford Abbas Tithe map**

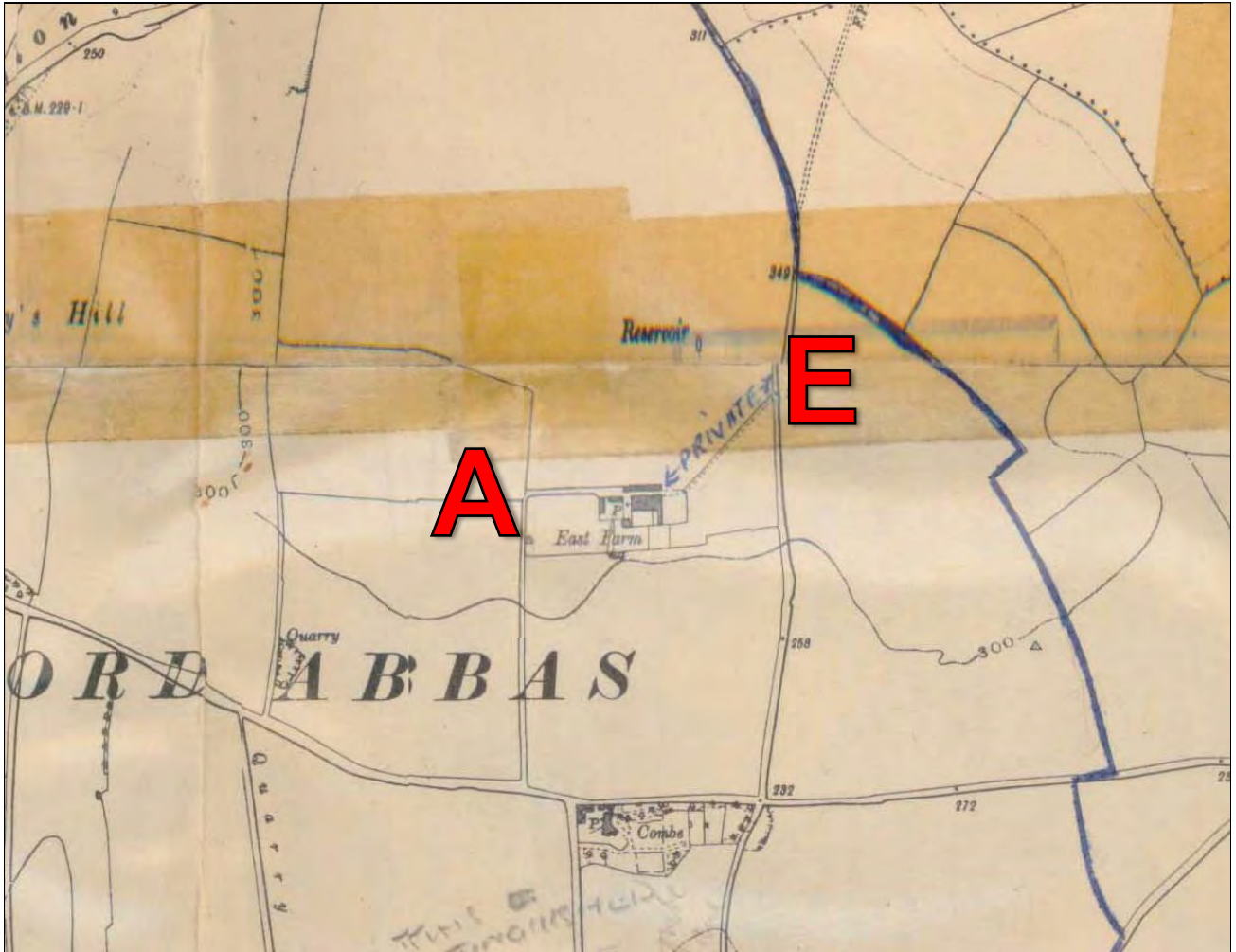


1910 Finance Act map



Page 23 Application for a definitive map and statement modification order to add a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas

**1951 Bradford Abbas Parish Survey map**



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

**USER EVIDENCE (FROM FORMS COMPLETED IN 2007 & 2008)**

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr R E Allwright	1963-2007	About 50 times a year. Less in recent years.	Foot	Also used a few times in private car. Used by others on foot and in farm vehicles. No stiles, gates, notices or other obstructions. Believes the owner or occupier was aware the public was using the way as has met the occupiers and employees on the way. Never challenged.
Mr and Mrs C J Balch	1989-2008 (form actually stated to 1908)	Once a week	Foot	Used by others on foot and by vehicle. No stiles, gates, notices or other obstructions. <b>Obtained permission</b> to use the route by Brian Chant in 1986 who was an ex-employee (farm manager). Did not walk route voluntarily during 90's due to outbreak of foot and mouth. Believes owner/occupier was aware of public using route due to being seen using the route.
Mrs B G Barber	1997-2008	40-50 times a year	Foot	Not used by others. No stiles, gates (until now), notices or other obstructions. Never challenged.
Mr K J Barber	1997-2008	40-50 times a year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Never challenged.
Mr R J Bennett	1983-2008	6 times a year	Foot, car and bicycle	Used by others on foot, car and bicycle. Believed owner/occupier was aware of public using the way as met farmer on many occasions there. Route is full road width.
Mrs A Bowring	1982-2007	24-30 times a year	Foot	Used by others on foot and by farm vehicles. No stiles, notices or other obstructions. Gates present. Prevented from using route by gates and notice 31/10/2007.
Ms E J Chapman	1978-2008	Average 6 times a year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Early Dec 2007 – gates and notices. Notice in 2007 – Private.

NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr R Coast-Smith	1996-2007	Up to 200 times a year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Gates erected across path November 2007. 12 feet width across path and verges.
Mr A M Coffin	1974-2008	3-4 times a year	Foot	Used by others on foot. Gates present (locked and erected 2007) No stiles, notices or other obstructions. Believes owner or occupier was aware the public was using the way as used to see the farmer when it was farmed. Width of a single carriage road.
Mrs D S Coffin	1960-2008	4-10 times a year	Foot	Used by others on foot and by vehicle. No stiles, gates, notices or other obstructions. Route used to belong to Winchester College – no restriction. A rough track, possibly two cars wide in most places.
Mrs B Down	1974-2002	Every day	Foot	Used by others on foot and by vehicle. No stiles, gates, notices or other obstructions. Other owners have restricted the track. Route is a “2 car width”.
Miss B M Fellowes	1956+ 1960+ 1970+	8-10 times a year	Foot	Unlocked gates. No stiles, notices or other obstructions. Far too narrow for extra traffic.
Mrs R Fry*	1978-2005	Regularly	Foot, car and bicycle	Used by others on foot, bicycle, cars and tractors. No stiles, gates, notices or other obstructions. <b>Has been tenant of Winchester college from 1978.</b> Wide enough to drive through.
Mr I S C Houston*	1986-2007	30 times a year	Foot, bicycle and car	Used by others on foot, bicycle and by car. No stiles, gates, notices or other obstructions. 2008 – Several gates and notices prevent access. Believes owner/ occupier was aware the public were using the way as he engaged occupier and farmers in conversation. Wide enough for farm vehicles. Single track.
Mrs K P J A Houston*	1986-2007	Between 12 and 20	Foot and Bicycle	Used by others on foot, horseback and by car. No stiles, gates, notices or other obstructions. Never challenged. Width approx. single track road.

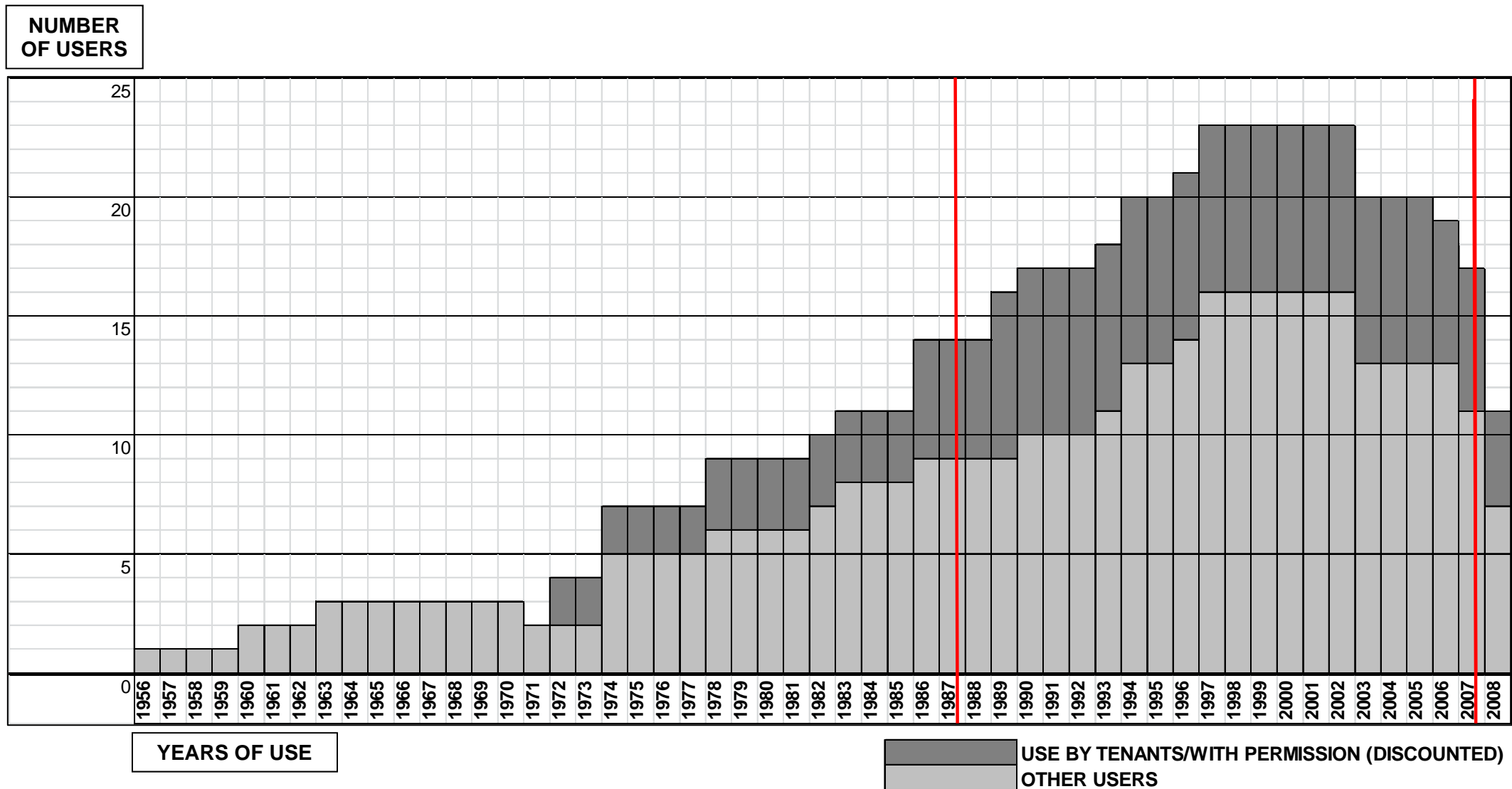
NAME	DATES	FREQUENCY OF USE	TYPE OF USE	DETAILS OF USE / COMMENTS
Mr C J Lisle	1994-2008	Frequently	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Has been greeted cheerily. Never challenged.
Mrs C Parsons	1990-2006	Inter-mittently from 1990, most recently in 2006	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Never challenged.
Mr P A A Pepper	1986-2002	6-10 times a year	Foot	Delivering literature. Used by others on foot. No stiles, gates, notices or other obstructions. Gates only put in place by new owner. Width of the tracks is about 14 feet.
Mrs Pople	1974-2002	Most days	Foot	Used by others on foot and by vehicle. No stiles, gates, notices or other obstructions. Never challenged. Lorry width.
Mrs & Mrs R & S Wallis*	1972-2008	365 times a year	Foot, car and bicycle	Used by others on foot, cycle, car and horseback. No stiles, gates, notices (until now) or other obstructions. <b>Working for owner/ occupier of land 1972- present.</b> Never obtained permission to use the route until Charteroak purchased the access road. Friend visiting them was prevented from using it in Nov 2007. Charteroak Estates erected padlocked gates. Notices Autumn 2007 – by Charteroak Estates.
Mr D N Yeoman	1994-2006	35 times a year	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Believes owner or occupier was aware of public using the way as spoke to occupiers. Track wide enough for vehicle.
Mrs M Yeoman	1993-2007	90 times for last 4 years approx and approx 24 times for previous 10 years	Foot	Used by others on foot. No stiles, gates, notices or other obstructions. Spoke to persons using buildings and land. Never challenged.

\*Tenants of Winchester College or Charteroak Estates





Chart to show level of use



# Regulatory Committee

Minutes of a meeting held at County Hall,  
Colliton Park, Dorchester on 12 March 2015.

## **Present:**

### Councillors

David Jones (Chairman)

Pauline Batstone (Vice-Chairman)

Steve Butler, Barrie Cooper, Beryl Ezzard, Ian Gardner Mike Lovell, David Mannings,  
Margaret Phipps, Daryl Turner and Kate Wheller.

Robert Gould, Leader of the Council attended under Standing Order 54(1).

Robin Cook, Cabinet member for Corporate Development and County Council member for Minster attended the meeting by invitation for minutes 24 to 26.

Deborah Croney, County Council member for Hambleton attended the meeting by invitation for minutes 39 to 41.

### Officers attending:

Matthew Piles (Head of Economy), Andrew Brown (Manager – Traffic Engineering), Roger Bell (Rights of Way Officer), Phil Crowther (Solicitor), Mike Garrity (Team Leader), Carol McKay (Rights of Way Officer), Sarah Meggs (Senior Solicitor), Vanessa Penny (Team Manager – Definitive Map), Huw Williams (Principal Planning Officer) and David Northover (Senior Democratic Services Officer).

### Public Speakers

Ian Speirs, local resident – minutes 24 to 26.

Alan Cosgrove, for the Slocock Trust – minutes 24 to 26.

David Hart, local resident – minutes 24 to 26.

Sandie Hopkins, local resident – minutes 24 to 26.

Tracey Merrett, solicitor - minutes 27 to 29.

Richard Seys, local resident and applicant – minutes 30 to 32.

Andrew Turpin, Chairman of Tatworth and Forton Parish Council – minutes 33 to 35.

Sandra Beattie, local resident – minutes 33 to 35.

George Beattie, local resident – minutes 33 to 35.

Mike Dando local resident – minutes 36 to 38.

Chris Nadin, local resident – minutes 39 to 41.

Paul Le Provest, local resident – minutes 39 to 41.

Nigel Hill, local resident – minutes 42 to 44.

Nick Dunn, for applicant – minutes 42 to 44.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Regulatory Committee to be held on **30 April 2015**).

### **Apologies for Absence**

19. Apologies for absence were received from Mervyn Jeffery, Peter Richardson, Mark Tewkesbury and David Walsh.

### **Code of Conduct**

20.1 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

20.2 Pauline Batstone confirmed that as she had previously been instrumental in supporting the waiting restrictions proposals for Duck Lane, Stalbridge she would play no part in the discussion of this item and leave the Committee Room when the voting took place.

### **Minutes**

21. The minutes of the meeting held on 29 January 2015 were confirmed and signed.

### **Appointment of Vice-Chairman**

#### **Resolved**

22. That Pauline Batstone be appointed Vice-Chairman for the remainder of the year 2014 -15.

### **Public Participation**

#### **Public Speaking**

23.1 There were no public questions received at the meeting in accordance with Standing Order 21(1).

23.2 There were no public statements received at the meeting in accordance with Standing Order 21(2).

#### **Petitions**

23.3 There was one petition received in accordance with the County Council's petition scheme at this meeting, minutes 39 to 41 refers.

## **Rights of Way Matters**

### **Application to add footpaths and a proposal to add a restricted byway to the Definitive Map and Statement from Mill Lane, Wimborne Minster in the town centre.**

24.1 The Committee considered a report by the Director for Environment and the Economy on an application to add footpaths and a proposal to add a restricted byway to the Definitive Map and Statement from Mill Lane, Wimborne Minster in the town centre.

24.2 The Senior Solicitor took the opportunity to set the scene and remind members that the County Council had a duty to make a Modification Order to add a route to the Definitive Map and Statement when it discovered evidence which showed that a right of way not currently shown subsisted or was reasonably alleged to subsist. A reasonable allegation existed when there was an arguable case. To confirm an Order, the County Council, or an Inspector, must be satisfied, on balance, that the rights existed. In this case as the evidence was in dispute and there were conflicting accounts and additional evidence which had recently been submitted, it was considered that part (b) of the recommendation could not now be recommended and the Committee would be asked to consider making an Order only on part (a) of the recommendation, subject to the amended lettering which had been sent to members.

24.3 The Chairman confirmed that the process for determining the existence of routes was two staged, the first being was there a prima facie case made that rights existed and the second being that, on balance, did they exist. What the Committee was being asked to consider in coming to their decision was that "was it reasonable to allege that, on balance, claimed rights existed".

24.4 Members were reminded that consideration of the application had been deferred from their meeting held on 27 November 2014 owing to the receipt of a

considerable amount of late documentary evidence submitted on behalf of the landowner so as to provide the opportunity for these to be meaningfully considered by officers. Consequently, the report which had been due to be considered by the Committee at their meeting on 27 November, which contained the substantive documentary and user evidence on which the officers recommendation was based, was appended. Subsequently officers had the opportunity to analyse the documentary evidence received and to take that into consideration in their recommendation.

24.5 With the aid of a visual presentation officers explained the background to the application and how it had arisen. Photographs and plans were shown to the Committee by way of illustration, demonstrating the direction in which the application routes ran and what they connected, their relationship to each other and their character within the context of the townscape. A comprehensive explanation of the relationship between the routes, their purpose and how they were used was provided. The Committee were informed of the ownership of the routes, where known, and were provided with evidence of the signage which had been erected.

24.6 Members were informed that the original applicant had since left the area and had not been traced and had not pursued the application. However it had been kept active by Sandie Hopkins, a local resident and retail owner, who had since actively sponsored and coordinated evidence in its support. The Director's report had taken into consideration both documentary evidence and user evidence relating to the status of two of the routes. In addition, during the investigation process, evidence was discovered relating to the public status of a further unrecorded route leading from Mill Lane to the River Allen.

24.7 The Update Sheet provided prior to the meeting set out a summary of further late supplementary evidence received in opposition to the application, principally on behalf of the Sloccock Trust. This included the offer by the Trust of providing the routes A - A1 - B - B1 - B2 and B - F which they considered to be in their ownership as permissive routes, by way of compromise. Officers explained that whilst the spirit in which this offer had been made was appreciated, the County Council had an obligation to fulfil its statutory duty and properly investigate the application based on its merits and were not able to accept the offer made.

24.8 The Committee were informed that there had been a substantial number of submissions, representations and objections in respect of the application, with the vast majority of these being made on behalf of the landowner, the Sloccock Trust. The landowner had a vested interest in the land over which those parts of the route ran, as shown A - X, A - B1 and B - E - F on the plans accompanying the report. The provisions of the Natural Environment and Rural Communities Act 2006 (NERC Act) were explained and the bearing that this had on, and the consequences for, the application.

24.9 The Director's report took into account analysis of documentary evidence including:-

- Finance Act 1910
- Inclosure and Tithe Awards,
- Highway Board and Wimborne Urban District Council minutes,
- List of Streets,
- estate maps and town plans,
- Ordnance Survey and commercial maps, and
- aerial photographs.

24.10 Analysis of user evidence, both in support and opposed to the application, was also summarised in the report. The Committee were informed that no objections had been received from the landowners or interested parties in respect of the routes shown from F - G or B2 - D.

24.11 Of the user evidence reviewed, witnesses claimed to have used all or parts of the claimed routes which were still being used today, subject to the restrictions which had led to the application being made.

24.12 With respect to the documentary evidence examined, of particular importance in respect of that part of the route shown from A – B – B1 and B - E and the additional route from A - X was the Finance Act 1910. This demonstrated that those routes had been excluded from valuation which indicated that they were considered to be public vehicular highways. In respect of the route A - B - B1 and B - E, this conclusion was further supported with the evidence provided by the Wimborne Tithe Apportionment 1846, Ordnance Survey Maps and the estate and town plans. In respect of the route A - X, supporting evidence was provided by the Wimborne Highway Board and District Council minutes, Ordnance Survey maps and estate and town plans. It was explained that the land over which route A - X ran was not in the ownership of Mr Slocock.

24.13 Given the documentary and user evidence available, the routes between F-G and B1 – D were determined to be available for public use and there was little evidence to suggest that this was not the case. However in respect of those routes A - X, A - B - B1 and B – E - F, the landowner had taken significant measures to prevent the accrual of public rights over those lengths by virtue of the erection of signs, bollards and barriers and the locking of a gate as a means of challenging vehicular and pedestrian rights. The dates associated with the challenges made to public rights were drawn to the attention of the Committee.

24.14 With the exception of the route shown from A - X, the analysis of user evidence and the graphs of periods of use contained in Appendix 1 accompanying the Director's report was considered sufficient by officers to demonstrate that a presumed dedication under Section 31 of the Highways Act 1980 was satisfied and that a public right on foot could be reasonably alleged to exist along the claimed routes.

24.15 In addition, it was considered that the documentary evidence demonstrated that, on balance, public vehicular rights existed along the routes as shown from A - X and A – B - B1 and B – E. However there appeared to be no exception to the provisions of Section 67 of the NERC Act and those public mechanically propelled vehicular rights had since been extinguished.

24.16 Officers had therefore concluded that the available evidence relating to the routes E - G and B1 - D proposed to be recorded as footpaths showed, on balance, that the right of way as claimed subsisted or was reasonably alleged to subsist; the evidence relating to the routes A – B – B1, B - E and A – X showed, on balance, that public vehicular rights subsisted or were reasonably alleged to subsist. As there was no evidence that exceptions applied, 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 restricted byways over those routes.

24.17 Consequently, officers were now asking the Committee to determine whether they considered there was a reasonable allegation that claimed rights existed and accordingly it was recommended that an Order should be made in accordance with the provisions of paragraph 4.4 of the Director's report, subject to the inclusion of route B-E in

(a). Part (b) of the recommendation as set out in the Director's report was not, now, recommended.

24.18 The opportunity was given for those wishing to speak under public participation to address the Committee. Ian Speirs considered that the user evidence regarding the route between B1-B2 should be discredited principally as the applicant no longer had an interest in matters and that there was evidence to suggest that given the measures taken to challenge the route, the 20 year period of use claimed could not have been fulfilled. He also questioned the validity of the process in how the application had been managed by the County Council.

24.19 On that point, the Chairman stipulated that any issue about how the process had been managed should have no bearing on the Committee's consideration of the application and should be taken up with him outside of the meeting. Mr Speirs also considered that the documentary evidence relating to maps claiming rights was questionable. He asserted that there was no possibility of rights of way existing over routes in the ownership of Mr Slocock, particularly as they culminated in a brewery yard.

24.20 Alan Cosgrove considered that it was incorrect to believe that public rights existed along those routes being claimed. He maintained that the Slocock Trust was not averse to public access over the routes in order that access might be gained to the retail units on his land. However given the condition of some of the buildings along Mill Lane in his ownership, it was the owner's long term ambition to redevelop the site. Accordingly, an acceptance of the assertion of public rights would seriously prejudice the viability of any redevelopment and compromise the ability to achieve this.

24.21 In his evidence against the claim, Mr Cosgrove suggested that with regard to the Finance Act hereditaments, it might well have been in the landowner's best interest that the status of the routes were recorded in the way they were. He also asserted that there were discrepancies in what had been recorded in the documentary evidence and the way in which this was depicted in the Finance Act 1910. Accordingly, he considered that, on balance, there was no conclusive evidence that public rights existed.

24.22 David Hart was surprised at the conclusion reached by officers and considered that the rights of the landowner should be protected. He considered that the way the process to claim the rights had been managed had little value and would damage the landowner's scope to be able to undertake future development. He testified that the owner had challenged use of the route by closing and locking gates across the route which was complemented by the erection of notices. He suggested that the offer of a permissive route could be accepted in the circumstances.

24.23 Sandie Hopkins explained how she had become involved in sponsoring the application and the interest she had in seeing that the claims were upheld, particularly in gaining access to Millbank House. She considered Mill Lane to be an important link in the footpath network of the town centre and, in her experience, the route had been used over numerous decades. She considered that the locking of gates was detrimental to business interests, particularly as this habitually occurred at bank holidays when the retail units were closed but other retail facilities remained open. She considered that the opportunity should remain for the public to be able to walk freely and unimpeded over those routes as had been the case for some considerable time.

24.24 The County Council member for Minster commented that whilst it was recognised that the routes provided a convenient link though that part of the town which otherwise would be more tortuous, the area around Crown Mead was commonly

acknowledged to be privately owned. Likewise his attention had been drawn to the route A-C being in private ownership by virtue of the strategically placed, conspicuous notices to that effect. He considered that it would be in the Slocock Trust's interest to maintain the vitality of the retail premises on or adjoining Mill Lane and that retaining access over it went a considerable way towards this. Nevertheless, it was somewhat understandable that the measures which had been taken were a means to reinforce their ownership rights, with signs having been erected between A-B1. As there were no such signs between B1-D he could see no reason for this length being disputed. He also referred to a copy of a letter from the then County Surveyor, Mr Vizard, in 1987 in which inference was given that no public footpaths or bridleways existed over that route which was disputed according to the then Definitive Map.

24.25 The Committee then asked questions of the officer's presentation and of the issues raised by the speakers. Officers provided clarification in respect of the points raised, particularly in respect of the routes and what was considered to be their status, having taken into account the documentary and user evidence submitted. Officers provided clarification that the letter from Mr Vizard referred to by the local member did not confirm existing rights, but rather public rights which were recorded at the time.

24.26 The Committee acknowledged the need for access over that length of Mill Lane to gain access to the retail businesses which operated in that vicinity but recognised the principle of ownership and where access rights lay. Some members considered that as the routes were clearly defined and provided necessary access and had operated in the way they had over some considerable time, there was no need to formally establish claimed rights, considering that the way in which they had always operated could well continue in perpetuity.

24.27 The Committee were reminded that what they were being asked to decide was not whether rights did exist but rather could it reasonably be alleged that the rights existed and, if it could be agreed that it was reasonable to argue that rights existed, given the documentary and user evidence submitted, then there could well be an acceptance of the Director's recommendations.

24.28 To this end, the recommendation was clarified, given that from their discussion, some members were inclined to agree to some routes and not agree to others. It was confirmed that if the rights over a length already existed, those rights were not affected by the erection of notices, which only prevented the acquisition of public rights through subsequent use. One member considered that it was worth noting that whilst a sign existed at A -X, this had since been conceded to be a right of way by the landowner.

24.29 In the course of debate, a proposal was made to delete A - B1 and B - E from being considered further. Other members considered that given that they were only being asked to establish that, on balance, it could be reasonably alleged that rights existed, were satisfied to proceed on the basis that the orders be made as set out in paragraph 4.4 of the report, with the inclusion of B-E in (a). Consideration could subsequently be given to the issue again if there was a need to confirm the Order.

24.30 In an effort to manage their own understanding of where claimed rights were in dispute and where they were not, the Committee determined that it could be ascertained that B1-D was accepted to be a claimed route but that the other routes remained unable to be determined. Consequently, these were the lengths on which they would focus their attention.



24.31 Once again the Committee were reminded that they were not being asked to establish that rights existed, but rather that was it reasonable to allege that rights existed. To this end the Chairman considered that, in agreement with officers, the Finance Act 1910 was extremely compelling evidence that this was the case. He considered that the weight which should be given to such documentary evidence should be borne in mind in the Committee's decision making process and how that evidence should be applied when coming to their decision.

24.32 The Chairman considered that to say that it was not even reasonable to allege that rights existed would in itself be an unreasonable judgement to make. He considered that the provisions of the Finance Act evidence was strong and an important strand of evidence on which such judgements should be based. This course of action would constitute a reasonable allegation and used as a basis to progress to the next stage to establish rights. Conversely if the claims were disregarded at this stage, there would be no subsequent opportunity to progress any further and would serve to undermine the strength of the Finance Act which was used to underpin so many claims.

24.33 The Committee took the opportunity to clarify the current proposal as being as set out in (b), (c) (F - G only) and (d) in paragraph 4.4 of the report, refusing to make an Order for A - B1, B - E and E - F. On being put to the vote there was an equality of votes. In the circumstances the Chairman used his casting vote to vote against the proposal, which consequently fell.

24.34 The Committee then voted on the recommendation set out in paragraph 4.4 of the report, with the inclusion of B - E in (a). On being put to the vote there was once again an equality of votes for and against. The Chairman used his casting vote to vote for the recommendation contained in paragraph 4.4 of the report, that the Order be made.

### **Resolved**

25.1 That an Order be made to record the route as shown on Drawing 14/07/3 between points A – A1 – B – B1 and B - E as a restricted byway.

25.2 That an Order be made to record the route as shown on Drawing 14/07/3 between points A – X as a restricted byway.

25.3 That an Order be made to record the route as shown on Drawing 14/07/3 between points E – F – G as a footpath.

25.4 That an Order be made to record the route as shown on Drawing 14/07/3 between points B1 – B2 – B3 – C – C1 – C2 – C3 – D as a footpath.

### **Reasons for Decisions**

26.1 The available evidence for the route as shown between A - A1 - B - B1 and B - E showed, on balance, that public vehicular rights were reasonably alleged to subsist. As there was no evidence that exceptions applied, 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 restricted byways over those routes.

26.2 The available evidence for the route as shown between A – X showed, on balance, that public vehicular rights were reasonably alleged to subsist. As there was no evidence that exceptions applied, 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 restricted byways over those routes.

26.3 The available evidence for the route as shown E – F – G showed, on balance, that public footpath rights were reasonably alleged to subsist.

26.4 The available evidence for the route as shown B1 - D showed, on balance, that public footpath rights were reasonably alleged to subsist.

26.5 Decisions on applications and proposals for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and achieved the Corporate Plan objectives of:

- Enabling Economic Growth
  - Ensure good management of our environmental and historic assets and heritage.
- Health, Wellbeing and Safeguarding
  - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset.
  - Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live.
  - Enable people to live in safe, healthy and accessible environments and communities.

**Application for a definitive map and statement modification order to add a footpath from East Lane (D20502) to the road by Coombe Cottages (D20503), Bradford Abbas**

27.1 The Committee considered a report by the Director for Environment and the Economy which set out details of an application to add a footpath from East Lane (D20502) to the road at Coombe Cottages (D20503), Bradford Abbas and a response in consideration of the evidence relating to the status of the route.

27.2 With the aid of a visual presentation, the basis for the application was explained and what it entailed. Photographs and plans were shown to the Committee by way of illustration. These showed the claimed route, its character and setting within the countryside and the points between which it ran. The documentary and user evidence contained in the report was also referred to in detail. The weight to be afforded to the documentary evidence was explained, especially regarding the ordnance survey maps. Conversely, in this case, the user evidence was considered to be sufficient to fulfil the requirement of 20 years or more use by the public as of right and without interruption, prior to the relevant date of challenge.

27.3 Officers reported that the available evidence showed that, on balance, the claimed right of way subsisted or was reasonably alleged to subsist. Consequently they were satisfied that the route claimed should be recorded as footpath as described in the report, as shown on drawing 14/18/1.

27.4 Tracey Merritt opposed the claim as she considered that the user evidence was of marginal value given that a number of those who had submitted evidence could be discounted for varying reasons, but particularly because they appeared unwilling to substantiate their claims. This was particularly relevant if the issue was to result in a Public Inquiry, which the landowner would be seeking if an Order was made as proposed. Consequently she considered that there was now little evidence remaining which could be considered substantive. She felt there was insufficient user evidence available to uphold any claim.

27.5 However the Senior Solicitor confirmed that the written evidence already submitted, whilst not being necessarily afforded the same weight by an Inspector as personal evidence submitted at a hearing, would still constitute evidence which should be taken into account, carried a degree of weight and was still considered to be credible.

27.6 Whilst some members considered that there was little evidence to suggest

this was a footpath rather than just a farm track, based on the way in which the fields were fenced and managed, the majority of the Committee agreed with the Director's recommendation based on the user evidence available. On being put to the vote, the Committee agreed that the Order should be made.

### **Resolved**

28.1 That an Order be made to modify the definitive map and statement of rights of way to record a footpath at Bradford Abbas as shown A – B – C – D – E on Drawing 14/18/1.

28.2 That if the Order was unopposed, or if any objections were withdrawn, it be confirmed by the County Council without further reference to this Committee.

### **Reasons for Decisions**

29.1 The available evidence showed, on balance, that the claimed right of way subsisted or was reasonably alleged to subsist;

29.2 The evidence showed, on balance, that the route claimed should be recorded as a footpath as described.

29.3 Accordingly, in the absence of objections the County Council could itself confirm the Order without submission to the Planning Inspectorate.

29.4 Decisions on applications for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:

- Enabling Economic Growth
  - Ensure good management of our environmental and historic assets and heritage.
- Health, Wellbeing and Safeguarding
  - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset.
  - Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live.
  - Enable people to live in safe, healthy and accessible environments and communities.

### **Application for a Definitive Map and Statement Modification Order to add a Footpath from Old Granary Close to Footpath 15, Weymouth at Preston**

30.1 The Committee considered a report by the Director for Environment and the Economy which set out details of an application for a definitive map and statement modification order to add a footpath from Old Granary Close to Footpath 15, Weymouth at Preston and a response considering the evidence relating to the status of the route.

30.2 With the aid of a visual presentation officers explained the background to the application, the basis on which it was made and what it entailed. Photographs and plans were used to illustrate the claimed route, its character and setting within the countryside and the points between which it ran. The documentary and user evidence contained in the report was also referred to in detail. The weight to be afforded to the documentary evidence was explained. The development of the estate was also described and the implications of this on the route.

30.3 Officers explained that there had been a need to vary the application route which had been originally submitted so that this would accord with the aerial and physical evidence on the ground. This variation had been accepted by the applicant.

30.4 The Committee's attention was drawn to what was known of land ownership and the part the Crown Estate played in this application; to Common Law and to its significance, as well as the physical features which supported the conclusion officers had come to and how the Committee should take this into account in any decision made. Aerial photographic evidence, documentary evidence and user evidence were all described in detail and the significance of each. The weighting which should be given in respect of each of these was outlined.

30.5 Officers had concluded that the evidence of use, together with the aerial photographic evidence was considered to be, on balance, sufficient to raise an inference of dedication of a public right on foot, either under the Highways Act 1980 or under the Common Law. It was therefore recommended that an Order should be made to record the route A – B -F- G -H as a footpath and that consequently, if there were no objections to a Modification Order, the Order should be confirmed.

30.6 Richard Seys explained the principles behind the application which had been made, primarily to provide a basis for the public to maintain their use of the route and to provide the means by which to encourage those of all ages to maintain their ability to be active. He considered that prior to 2008 there had been no evidence which existed to suggest that the owner had challenged the route previously.

30.7 The County Council member for Lodmoor agreed with the sentiments of the applicant and with the Director's recommendation. The Committee considered that the application should be supported and the Order made.

### **Resolved**

31.1 That the application to add a footpath on the route as claimed and shown A – B – C – D – E on Drawing 14/15 be refused in part.

31.2 That an Order be made to modify the definitive map and statement of rights of way by adding a footpath from Old Granary Close to Footpath 15, Weymouth at Preston as shown A – B – F – G – H on Drawing 14/15/1

31.3 That if the Order was unopposed, or if any objections were withdrawn, it be confirmed by the County Council without further reference to this Committee.

### **Reasons for Decisions**

32.1 Part of the footpath claimed does not subsist nor can be reasonably alleged to subsist.

32.2 The available evidence does show, on balance, that the footpath as shown A – B – F – G – H subsists or was reasonably alleged to subsist

32.3 The evidence showed, on balance, that the route A – B – F – G – H should be recorded as a footpath as described. Accordingly, in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.

32.4 Decisions on applications for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and achieves the corporate plan objectives of:

- Enabling Economic Growth
  - Ensure good management of our environmental and historic assets and heritage.
- Health, Wellbeing and Safeguarding
  - Work to improve the health and wellbeing of all our residents and visitors by increasing the rate of physical activity in Dorset.

- Improve the provision of, and access to, the natural environment and extend the proven health and other benefits of access to open space close to where people live.
- Enable people to live in safe, healthy and accessible environments and communities.

### **Dorset County Council (Part of Footpath 60, Thorncombe at Westford Mill) Public Path Diversion Order 2009**

33.1 The Committee considered a report by the Director for Environment and the Economy which reconsidered objections to the Dorset County Council (Part of Footpath 60, Thorncombe at Westford Mill) Public Path Diversion Order 2009 in light of the subsequent riverbank erosion on the proposed route, together with budget cuts and which consequently recommended that the Order be abandoned.

33.2 With the aid of a visual presentation, officers explained the background to the Order and how the recommendation now being made had arisen. Photographs and plans were shown to the Committee by way of illustration showing the proposed diversion and the characteristics of the crossing. Reference was made to the comments set out in the Update Sheet provided for members prior to the meeting setting out the views of Thorncombe Parish Council. They expressed concern that the Director's recommendation was to abandon the Order and requesting that an alternative solution be found to reopen the footpath as a valuable asset to the tourism economy.

33.3 Objections to the Order had meant that the County Council could not confirm the Order itself so consequently it had been agreed at a previous Roads and Rights of Way Committee meeting that it should be sent to the Secretary of State for Environment, Food and Rural Affairs for confirmation. The objections were from South Somerset District Council and Tatworth and Forton Parish Council who both considered that the proposed means of crossing the river by stepping stones was inappropriate on health and safety grounds and accessibility. They both considered a footbridge to be a more appropriate means of crossing the river.

33.4 Officers explained that the intention to originally send the Order to the Secretary of State for confirmation had been held in abeyance to see whether there was any possibility of an alternative solution to the proposed stepping stones being found. However subsequent river bank erosion on the proposed new route owing to several episodes of severe wet weather had meant that the river banks had since eroded significantly and a bridge or other engineering solution was not now viable due to the increased width at the crossing point. Furthermore, the cost of providing any crossing would now be prohibitive, particularly given the decrease in the County Council's budget for bridges.

33.5 Officers confirmed that there was currently a Temporary Traffic Regulation Order (TRO) imposed on the current route of Footpath 60 on the grounds of public safety, which would expire in October 2016. The likelihood was that the County Council would need to apply for a permanent TRO.

33.6 The Committee heard from Andrew Turpin who considered that every effort should be made to maintain a crossing across the Mill Race, which was a tributary of the River Axe, as it provided an important strategic link between Devon and Dorset and was one of historical importance and part of the Stop Line Way National Trail. He considered that the economic benefits which this brought in terms of tourism to that part of the county should not be underestimated. He was disappointed that Dorset was seemingly allowing this vital link to lapse, particularly given that Devon had contributed to ensuring that their stretch of the Stop Line National Route was maintained to a good standard. As Dorset was represented on the

Stop Line Steering Group which looked at the benefits which this route brought, he considered that it was in Dorset's interests to play its part to ensure the route remained a key part of the Stop Line National Route.

33.7 Sandra Beattie expressed her disappointment that Dorset was seemingly abandoning any prospect of a solution and whilst understanding that budget cuts were a constraint, considered that the importance of a tourist route should override this. She urged the County Council to reconsider its position as a matter of urgency.

33.8 George Beattie considered that as the issue had taken some considerable time to find a solution that was deliverable, the physical situation had deteriorated so markedly that Dorset now found itself in the position it did. He implored the Committee to do all it could to find a solution to crossing the river at that point as it had important strategic links.

33.9 Whilst the logistics of how the river might be crossed had understandably generated great interest, the Chairman reminded the Committee that it was obliged to give consideration to how the Diversion Order should be dealt with.

33.10 Officers provided clarification on the status of the original route and the proposed diverted route, the legalities associated with these and what technical engineering options had been considered.

33.11 Some members considered that despite the decrease in the budget for bridges, the County Council were obliged to make every effort to maintain a crossing irrespective of the cost of any engineering solution and should see what might be done to achieve this. This was particularly the case given the strategic and economic importance of the route as a vital link between the two counties. As such they did not think the Order should be abandoned but instead the link should be made viable.

33.12 Officers reminded the Committee that this link had been unavailable for many years and the Diversion Order had been made to resolve the issue. They acknowledged that it was in the interests of everyone that the issue was resolved as soon as practicable and a route reopened and usable as soon as it could be. However the physical challenges which presented themselves on the existing and proposed diverted route had meant that such a solution was untenable as it stood. Whilst not ideal, the stepping stones option was a means to achieve some form of crossing but it was acknowledged that these posed accessibility constraints.

33.13 Officers clarified that whilst they were seeking to abandon the Order they were still committed to actively seeking the means of providing another diversion for another route.

33.14 Some of the Committee considered that funding should not be an obstacle to the County Council fulfilling its obligation as a highway authority in maintaining rights of way. It would set a precedent if this was a consideration. Whilst they accepted that the costs of the engineering solution which were being looked at were prohibitive as it stood, this should not mean that the means by which the river could be crossed should be not pursued. They considered that officers should revisit the issue and look again at what might be achievable to ensure that a link was maintained, bearing in mind the economic and social benefits this would bring. They considered that alternative sources of funding should be explored, with partnership contributions being sought where practicable.

33.15 Other members reluctantly accepted the situation in which the County Council found itself given the circumstances. Ordinarily a practical solution would be sought but in the absence of any viable alternative, there seemed to be little option other than to abandon the Order as they considered that there was little point in sending something to the Secretary of State which was clearly unachievable.

33.16 However other members did not accept that there were limitations to resolving this and considered that, with a fresh look, something could be achieved to maintain an historically significant and national asset.

33.17 At this point there was a proposal made that the Order should be submitted to the Secretary of State for confirmation.

33.18 A procedural motion was made to defer further consideration of the item until such time that officers had the opportunity to review the options they had and revisit the possibilities of what alternative engineering solution might be achievable that was safe, reasonable and manageable, bearing in mind the strategic significance of this link. On being put to the vote, the procedural motion fell.

33.19 The Committee then voted on the proposal referred to in minute 33.17 above. On being put to the vote, it was agreed

#### **Resolved**

34.1 That the Diversion Order should be submitted to the Secretary of State for confirmation.

34.2 That alternative sources of funding for the construction of a bridge should be sought with the intention of maintaining a link on a strategically important route.

#### **Reason for Decisions**

35. To provide the opportunity for all practical solutions and funding options to be considered exhaustively.

### **Traffic Regulation Matters**

#### **Proposed Waiting Restrictions in Duck Lane, Stalbridge**

*(Pauline Batstone confirmed that as she had previously been instrumental in supporting the waiting restrictions proposals for Duck Lane, Stalbridge she would play no part in the discussion of this item and left the Committee Room when the voting took place).*

36.1 The Committee considered a report by the Head of Highways explaining that following the advertising of proposed changes to parking restriction arrangements in Stalbridge, objections had been received to the proposals for Duck Lane. Consequently, the Committee was now being asked to give consideration to those objections and decide whether the proposals in Duck Lane should be implemented as advertised.

36.2 With the aid of a visual presentation, officers explained the reasoning behind the need to change the waiting restriction arrangements and the basis of the objections received. They explained that as there were several competing demands for parking spaces in Duck Lane, the proposals were seen to be a reasonable and practicable compromise between those differing views and were designed to meet the needs of residents in the Duck Lane area and sought to address their parking needs.

36.3 The new arrangements would also address the parking problems which Duck Lane had experienced over many years between local residents and those working in the town and the availability of spaces. Access for emergency vehicles or refuse lorries was also

being compromised by the current parking situation.

36.4 The characteristics of the road were explained, what facilities it served and its setting within the townscape. Members were informed that the road provided access to Stalbridge Primary School, which generated its own parking congestion issues, particularly around the start and end of the school day. Officers also detailed what parking provision was available both on street and off street.

36.5 Objections received considered that the proposed arrangements would be detrimental to their parking needs and access would be compromised. Those in support of the proposals were from Duck Lane residents who asked for a variation of the proposals so that the restrictions applied for a longer period of time.

36.6 However officers considered that the proposals were, on balance, the best achievable in meeting competing needs and, whilst they would only partly remove the problems being experienced with access into the road, they were preferable to leaving the situation as it currently existed.

36.7 Mike Dando addressed the Committee in support of the proposals which he considered would go some considerable way to addressing the parking problems which had been experienced. This was particularly true of long term parking in the road, which did not allow others the opportunity to park if necessary. Nevertheless, he asked that the restrictions should apply for longer as he was concerned that some advantage would be taken of the limits as they stood. He considered that the need for enforcement was critical in their success.

36.8 The County Council member for Blackmore Vale supported the proposals, considering them to be a responsible and sensible compromise and confirmed that Stalbridge Town Council were supportive too. She left the meeting while the issues were debated.

36.9 Having had a series of questions about the arrangements answered satisfactorily, the Committee agreed that the proposals should be implemented as advertised as set out in drawing number 2189/1/15A at Appendix 2 of the Head of Highway's report.

#### **Recommended**

37. That having considered the objections received, the proposed waiting restrictions in Duck Lane, Stalbridge be approved as originally advertised and as set out in drawing number 2189/1/15A at Appendix 2 in the Head of Highway's report.

#### **Reason for Recommendation**

38. The proposals should improve the movement of vehicles along Duck Lane and give priority for parking to residents and visitors, and to parents dropping off and picking up at the Primary School, rather than all-day parking by employees in the town centre.

#### **Procedure for Petitions - Petition requesting the imposition of a 20 mph speed limit in Iwerne Minster**

39.1 The Committee considered a report by the Head of Highways on the receipt of a petition containing 56 signatures requesting the imposition of a 20 speed limit in Higher Street and Tower Hill, Iwerne Minster to address the excessive speeds along those roads and driving behaviour on road safety grounds. The petition was organised and approved by Iwerne Minster Parish Council and supported by the local County Council member.



39.2 With the aid of a visual presentation, officers explained that the petition was asking for a reduction in the speed limit from the current 30 mph to complement the “20 is Plenty” campaign organised by village residents which monitored speeds and driver behaviour and encouraged motorists to reduce their speeds. This initiative was supported by Dorset Police.

39.3 Plans and photographs were shown to the Committee which provided an understanding of the context of the road, its characteristics and its setting and relationship with development and facilities in the village, including where the Clayesmore School art block was situated. The report provided the Committee with a series of options on how they might consider responding to the petition.

39.4 Officer's explained that the 20 mph Speed Limit Policy allowed parishes to fund such limits subject to meeting the criteria laid out in the Policy. Alternatively, the request could be assessed and prioritised against criteria for future funds.

39.5 Members were informed about the available personal accident statistics for those lengths of road, which showed that none had been reported in the latest available 5 year period. Officers explained that if the Committee was minded to agree to the petition request being progressed, the site and suitability of the request should be assessed and prioritised against other proposals to establish if it was appropriate and met the necessary criteria.

39.6 Chris Nadin explained how the survey undertaken by the Parish Council to ascertain the level of support for a 20 mph speed limit had been undertaken and what results had been determined. As a consequence of this, he considered that a 20 mph speed limit was justified and should be supported, not only in terms of inhibiting vehicle speeds but in improved driver behaviour and awareness.

39.7 Paul le Provest echoed the views expressed by the previous speaker in that he considered that the imposition of a 20 mph limit would improve how drivers behaved and should be supported on the grounds of road safety and the safety of residents along the roads. Whilst there were no official accidents that had been recorded, he was aware of some incidents that bore out the justification for the lowering of the limit.

39.8 The County Council member for Hambledon confirmed that she was wholly supportive of the “20 is plenty” campaign and what it was trying to achieve and that the lowering of the limit would complement that significantly. Along with the local MP for North Dorset, Robert Walter, and the Police and Crime Commissioner, Martyn Underhill, she commended the petition to the Committee and hoped that there was scope for further research into the feasibility of meeting the petitioner's request. She confirmed that the Parish Council was willing to support the funding of any investigative work if necessary.

39.9 The Committee considered that the principles of the petition and what it was designed to achieved to be of considerable merit and should be supported. They recognised that if it were to be implemented then it was necessary for it to be properly enforced to ensure that it was successful. Whilst some members considered that the most appropriate way to progress it would be for it to be properly assessed in accordance with the relevant criteria and prioritised against other competing proposals, other members considered that the request to implement the limit should be acceded to without further delay, given that the Parish Council was willing to fund it.

39.10 On being put to the vote, the Committee decided that the request should be assessed and prioritised in the usual way. Given the equality of votes, the Chairman used

his casting vote in that regard.

### **Resolved**

40. That the petition be noted and the petition organiser be informed that further research should be undertaken into the merits of a 20 mph speed limit in Iwerne Minster with the application then being assessed in the usual way to determine if it met the necessary criteria and prioritised accordingly in being ranked against other such competing schemes.

### **Reason for Decision**

41. To facilitate the democratic process and to provide the ability to engage with local councils.

## **Planning Matter**

### **Planning Application 6/2013/0577 - Phased Restoration and Continued Use of Land for Inert Waste Recycling and Retention of Waste Storage and Treatment Building at Redbridge Road Quarry, Redbridge Road Crossways**

42.1 The Committee considered a report by the Head of Economy on planning application 6/2013/0577 for the further restoration of Redbridge Road Quarry to include the importation of inert materials to achieve a mixture of agriculture, woodlands and nature conservation use, together with time extensions for:-

- a previous scheme of restoration for land at the western end of the quarry approved under Decision Notice 6/2008/0810;
- the continued use of land for inert waste recycling; and
- the retention of the waste storage and treatment building.

42.2 The application raised a number of environmental, social and economic considerations, but was considered to be in general conformity with the development plan. Accordingly, officers recommended a grant of conditional planning permission.

42.3 With the aid of a visual presentation, officers explained what the application was designed to achieve. Arrangements for the way in which the restoration was to be phased, its progression and the relationship between each phase was described. The materials to be used in this process, where they would be stockpiled, what would be recycled and the arrangements for where it would be stored were explained, together with the timescales associated with these and how they would be managed. Officers confirmed that the restoration process relied on the importation of inert material. The way in which this was processed and the amounts of material required to achieve what was necessary were described.

42.4 Photographs and plans were shown to the Committee by way of illustration showing the character of the site, its land form and its context within the surrounding landscape. Views from within and around the site, what activities were being undertaken, how the restoration was being managed and what operations were taking place were all described in detail by officers. This included reference to the mineral working at the quarry and the ecological value of an area of wetland heath.

42.5 As part of the officer's presentation, a short dvd illustrating noise levels experienced in late 2014 was shown on behalf of, and at the request of the objector, Nigel Hill, together with photographs showing activities carried out by the applicant on site.

42.6 The attention of the Committee was drawn to the receipt of late representations from Mr Hill concerned at how the restoration and operations were to be managed. Details of this were set out in the Update Sheet. Reference was also made to comments received from Affpuddle and Turnerspuddle Parish Council. Whilst they raised no objection to the operations being carried out on site, they did raise some concern at the amount and type of traffic using the B3390 in connection with this.

42.7 Officers drew the attention of the Committee to the concerns which had been expressed by local residents on how the site and its operations were being managed and provided details of the monitoring and enforcement processes which were available and at their disposal.

42.8 The speed with which the restoration process was taking place and the reasons for why it had exceeded its timetable was described, together with the mitigating measures which had been put in place to ameliorate the situation.

42.9 Officer's drew the Committee's attention to the alleged lack of compliance with the conditions of the existing permission. These would be addressed by strengthening the conditions through the current application and the requirement for the County Council to monitor this and take appropriate action if necessary.

42.10 The Committee heard from Nigel Hill expressing his concern at the way in which the operations were being managed, particularly in respect of the agreed noise levels being exceeded, the way in which materials were being stockpiled, stored and processed and how the timescales associated with the operations were being flouted. He doubted the delay was caused by the lack of waste material. He considered that there should be stricter enforcement of the conditions covering the operations and that monitoring should be more stringent.

42.11 The Chairman indicated that he and the Vice-Chairman should be contacted if it was felt that there were significant breaches of planning control which required enforcement action.

42.12 Nick Dunn, on the applicant's behalf, explained how the operations were managed and the need for the level of material which was being imported. He considered that the judgement made by the operator as to what was necessary to ensure that operations were viable should be recognised. The amount of inert waste being imported was necessary to guarantee the ecological and agricultural after use of the site. The operations provided for sustained employment and the way in which the restoration was being managed provided an acceptable means of delivering what was required. He confirmed that all the activities being carried out on the site were necessary in complementing the operations and that the application which the Committee was now being asked to approve complied with planning policy and he could see no technical reason for it not being agreed.

42.13 Officers responded to a series of questions from members about how the operations were being conducted. They acknowledged that certain compliance issues had come to their attention in the past but that these had been addressed and monitoring of the situation would hopefully ensure that these were not repeated.

42.14 Whilst they also recognised that the timescales had not been observed in recent years, they confirmed that the timeframe now being recommended should allow sufficient time for restoration of the site to be achieved. This was considered to be in the best interest of achieving a good quality restoration.

42.15 The Committee asked what opportunities there were for penalties to be imposed if conditions were not complied with. Officers confirmed the options that were open to them and the part the Environment Agency played in the control of what waste was being imported. They confirmed that where any breaches had been brought to their attention, they had sought the applicant to undertake the necessary remedial action.

42.16 Members expressed concern at the way in which the conditions had seemingly been flouted and not adhered to and considered that the monitoring had proven to be unsatisfactory. They had sympathy with the local residents in having to endure years of excessive operations when they might have otherwise expected the works to have been since completed.

42.17 However they reluctantly understood the pragmatic approach which was now being taken to ensure that the situation would be resolved properly and in a realistic timeframe based on the ability for the applicant to source the required inert material to achieve what was necessary. Nevertheless a view was expressed that the way in which the applicant had performed in delivering on this application left much to be desired and would no doubt be borne in mind when consideration of any future application was being made.

42.18 Other members considered that given the way in which the operator had performed in the past there was little evidence to suggest that there would be any improvement and therefore were minded to refuse the application.

42.19 On being put to the vote, the Committee agreed that planning permission should be granted in accordance with the conditions set out in paragraph 8 of the report. Given the equality of votes, the Chairman used his casting vote in that regard.

**Resolved**

43. That planning permission be granted subject to the conditions set out in paragraph 8.2 of the report.

**Reason for decision**

44. The reasons for granting planning permission were summarised in paragraphs 6.55 to 6.59 of the Head of Economy's report.

**Navitus Bay Wind Park - Section 106 Obligation**

45. The attention of the Committee was drawn to the arrangements involving the County Council in a Section 106 Obligation in respect of Navitus Bay Wind Park application process, as set out in the Update Sheet. The Committee were provided with an opportunity to comment.

**Noted**

**Questions for County Councillors**

46. No questions were asked by members under Standing Order 20(2).

Meeting duration  
10:00am – 2.45 pm



#### **T474 List of Objectors**

Paul Smith

Gloria Smith

Colin and Carol Martin

Shaun Cripps

Philip Brutton

D Johnstone

Patrick Pearce

Alison Pearce

Mrs S A Fiddes

Mr C Fiddes

Mrs S Bracken

Susan Jenkin

Neil Jenkin

Paul Howard

Jane Howard

Bob Lanzer

Alexia Recurt

Sarah McDowall

Jeremy Hurst

Mr and Mrs Park

Mr Paul Smith [REDACTED]  
[REDACTED]  
[REDACTED]

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Phil Hobson,  
Senior Definitive Map Officer,  
Dorset Highways,  
Environment and the Economy Directorate  
Dorset County Council  
County Hall,  
Colliton Park,  
Dorchester, Dorset,  
DT1 1XJ



11<sup>th</sup> September 2017

Reference: RW/T474

Dear Mr Hobson

I strongly object to this proposed modification order on the grounds that it is a pointless footpath with no destination and gives no access to wildlife or the countryside. The proposed path travels for its entire route through a built up area ending in the East and West at a public highway. It is therefore outside the meaning and intention of the Wildlife and Countryside Act 1981.

Yours sincerely

[REDACTED]  
Paul Smith



## Dorset County Council

### Official

Mr P Smith  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Dorset Highways

County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562

Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 27 September 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Mr Smith

### Wildlife & Countryside Act 1981

#### Definitive Map Modification Order – Saxon Maybank – Bradford Abbas

Thank you for your letter in respect of the above dated 11 September 2017 which was received on 25 September 2017. For your information the report can be found by using the following link, it is item 7 on the agenda.

[linkhttp://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2](http://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2)

I note that you object strongly to the Order although it is unclear as to what the exact nature of your objection relates to as the Wildlife and Countryside Act 1981 provides the legislation that facilitates an application made by any member of the public to add a way to the Definitive Map and Statement (DMS). The criteria for such an addition is that the evidence the applicant relies upon demonstrates, on the balance of probability, that the way ought to be added to the DMS. A Definitive Map Modification Order does not create a "new right of way" it merely records a way that already exists.

I would be grateful if you would clarify what the grounds for your objection may be or, conversely, that you consider withdrawing your objection to the Order.

Yours sincerely

**Phil Hobson**

Senior Definitive Map Officer, Regulation Team

Dorset County Council is a Data Controller for the purposes of the Data Protection Act 1998. This Act regulates how we obtain, use and retain personal information. The information you supply will be used for the purpose of fulfilling our functions and duties, including those under the Highways Act 1980, the Town and Country Planning Act 1990 and the Wildlife and Countryside Act 1981. Any information provided, including personal details will be available for public inspection, disclosed to interested third parties and may be used during public inquiries and other proceedings. By replying to this correspondence you are consenting to your personal information being retained and used for these purposes. Further information about the use of personal information and data protection is available on our web-site at [www.dorsetforyou.com](http://www.dorsetforyou.com) or by contacting the Council's Data Protection Officer.

**Mike Harries, Director for Environment and Economy**

Working together for a strong and successful Dorset





Mrs Gloria Smith [REDACTED]  
[REDACTED]  
[REDACTED]

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Phil Hobson,  
Senior Definitive Map Officer,  
Dorset Highways,  
Environment and the Economy Directorate  
Dorset County Council  
County Hall,  
Colliton Park,  
Dorchester, Dorset,  
DT1 1XJ



22nd September 2017

Reference: RW/T474

Dear Mr Hobson

I strongly object to this proposed modification order.

It is a pointless footpath providing no access to wildlife or the countryside. The proposed path travels for its entire route through a residential area ending in the East and West at a public highway. It is therefore outside the meaning and intention of the Wildlife and Countryside Act 1981.

Yours sincerely

[REDACTED]

Gloria Smith



## Dorset County Council

### Official

Mrs G Smith  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Dorset Highways

County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562

Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 27 September 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Mrs Smith

### Wildlife & Countryside Act 1981

#### Definitive Map Modification Order – Saxon Maybank – Bradford Abbas

Thank you for your letter in respect of the above dated 11 September 2017 which was received on 25 September 2017. For your information the report can be found by using the following link, it is item 7 on the agenda.

[linkhttp://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2](http://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2)

I note that you object strongly to the Order although it is unclear as to what the exact nature of your objection relates to as the Wildlife and Countryside Act 1981 provides the legislation that facilitates an application made by any member of the public to add a way to the Definitive Map and Statement (DMS). The criteria for such an addition is that the evidence the applicant relies upon demonstrates, on the balance of probability, that the way ought to be added to the DMS. A Definitive Map Modification Order does not create a "new right of way" it merely records a way that already exists.

I would be grateful if you would clarify what the grounds for your objection may be or, conversely, that you consider withdrawing your objection to the Order.

Yours sincerely

**Phil Hobson**

Senior Definitive Map Officer, Regulation Team

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**Mike Harries, Director for Environment and Economy**

Working together for a strong and successful Dorset



permanent residency, and as such, the properties are often empty in between visitors. However, a code-entry gate maintains the security and privacy of Saxon Maybank until now.

It is my belief that the proposed change will increase awareness of the site, reduce the security and open the owners to an increased risk of burglary whilst the properties are empty.

Finally, I fail to see the purpose that this proposed footpath serves - it does not join any existing footpaths and the start and end points are already accessible to the public.

∞ I hope you will give my concerns your consideration and look forward to hearing from you with your update.

19211  
Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Environment and the Economy Directorate,  
Dorset County Council  
County Hall,  
Colliton Park,  
Dorchester  
Dorset DT1 1XJ.



19/9/17

Dear Mr Hobson,

REF: RW/TH74.

I am the owner of [REDACTED]

In reference to the order dated 22/6/17, I wish to object to the modification of the map, to include a public footpath through Saxon Maybank.

My key concern is around security. The terms of lease for the properties in Saxon Maybank do not allow for

Yours sincerely,



SHAWN JOHN CRIPPS



## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

### Official

Mr S J Cripps  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Telephone: 01305 221562  
Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]  
Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 27 September 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref:

Dear Mr Cripps

### **Wildlife & Countryside Act 1981 Definitive Map Modification Order – Saxon Maybank – Bradford Abbas**

Thank you for your letter of 19 September 2017 in respect of the above which was received on 26 September. For your information the report in respect of this application can be found by using the following link, it is item 7 on the agenda.

link<http://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2>

I note your objection to the Order, but regret to inform you that issues in respect of desirability, suitability or safety cannot be taken into consideration when determining an application to modify the Definitive Map and Statement. You should be aware that a Definitive Map Modification Order does not create a “new footpath” it merely records a way that the evidence considered demonstrates, on the balance of probability, already exists. Whilst I can appreciate your concerns in respect of security, this is not a matter that can be taken into consideration, nor would it be considered a relevant objection by an Inspector should you choose to maintain it. In light of this information I would be grateful if you would consider withdrawing your objection to the Order

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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**Mike Harries, Director for Environment and Economy**  
Working together for a strong and successful Dorset



(20 years prior to the challenge in 2007/08), but any evidence they did provide was not considered sufficient to outweigh the evidence of use.

Whilst your suggestion that the evidence of use is insufficient is a perfectly valid question to ask, I believe, through the reasons provided above, that I have demonstrated the use to be sufficient.

Yours sincerely



**Phil Hobson**  
Senior Definitive Map Officer Regulation Team

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13213

ENVIRONMENT  
DIRECTORATE  
42 SEP 2017  
REF TO FURTHER *leg?*

Colin & Carol Martin



DORSET COUNTY COUNCIL  
Dorset Highways  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ

12<sup>th</sup> September 2017

Your Ref: KJS RW/T474

Dear Sir/Madam

Wildlife & Countryside Act 1981  
Dorset County Council (Footpath from East Lane D20502 to D20503 Public Road east of Coombe Cottages Bradford Abbas) Definitive Map & Statement Modification Order 2017.

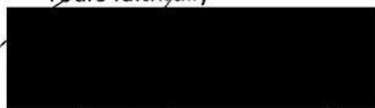
We have been forwarded as a property owner your letter dated the 22<sup>nd</sup> of August and order dated the 14<sup>th</sup> in respect of the above.

We wish to object to the establishment of the "Footpath" right of way that from our understanding and research has only been historically used by those connected, working, doing business or tenanting the land from the landowners. It hasn't and wouldn't if instated, provide any purpose or benefit to the local community or those visiting the area as can clearly be seen from its map location. The route effectively leads no ware, creating just a small triangle between two rural lanes passing in the main through the centre of private properties on private land located on the former East Farm site, these having been renovated / converted many years ago to residential and holiday homes. It does not have public parking nearby or a connection to any other walking routes so if used this short path would mean most would go through the complex only to turn round a few minutes later to come back the same way.

We feel that if approved this will only add to local authority costs in meeting their responsibilities, potentially compromise tourist income into the local village economy as well as impact on the surrounding abundant wildlife with the measures the landowners will have to take as a consequence, all to provide a "facility" that nobody really wants or uses.

*Investigations continue into this order and our rights.*

Yours faithfully



C. Martin  
c.c. Charteroak Estates Ltd Potters Bar

C A Martin



*n.b. All future notices/communications to us should be sent via email*



**From:** Phil C Hobson  
**Sent:** 27 September 2017 11:52  
**To:** [REDACTED]  
**Subject:** Definitive Map Modification Order - Bradford Abbas - Ref T474

---

Dear Colin & Carol Martin

Thank you for your letter of the 12 September 2017 in respect of the above.

For your information you will find the report on this application [here](#)

I note your objection to the Order although I must advise you that the County Council cannot take into consideration issues of desirability, suitability or safety when determining whether or not the rights claimed exist. The Order route leads from one highway to another, but even if it were a cul-de-sac this would not disqualify it from being a highway, as always this derives from the examination of all of the evidence discovered during the investigation. Under the Wildlife & Countryside Act 1981, the County Council is legally obliged to investigate all such applications and you should be aware that a Definitive Map Modification Order does not create a "new footpath" it merely records a way that the evidence considered demonstrates, on the balance of probability, already exists.

I would advise you that I consider that the objections you have raised to the Order would either be considered irrelevant to the question of what rights may exist or cannot be taken into consideration in determining that question. Consequently, I would be grateful if you would reconsider the grounds for your objection or, conversely, that you consider withdrawing your objection to the Order

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: [REDACTED]

**Winner**



Best Service Team  
Highways, Winter Maintenance  
and Street Lighting  
APSE Service Awards 2016

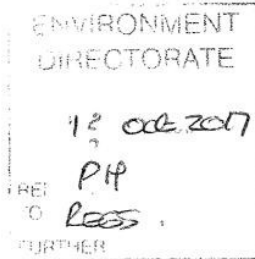
Live traffic and travel: [dorsetforyou.com/traveldorset](http://dorsetforyou.com/traveldorset) - [@TravelDorset](https://twitter.com/TravelDorset) on Twitter



Colin & Carol Martin



Senior Definitive Map Officer  
DORSET COUNTY COUNCIL  
Dorset Highways  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ



10<sup>th</sup> October 2017

Your Ref: KJS RW/T474

Dear Mr Hobson

Wildlife & Countryside Act 1981  
Dorset County Council (Footpath from East Lane D20502 to D20503 Public Road east of Coombe Cottages Bradford Abbas) Definitive Map & Statement Modification Order 2017.  
(New deadline 20<sup>th</sup> October 2017)

We refer to our initial letter of the 12th September, your communication of the 21<sup>st</sup> September and email reply of the 27<sup>th</sup> advising that you consider the points raised to be either irrelevant or that they cannot be taken into consideration in the decision making. That said we still consider the points to be relevant.

However on advice and examination of the procedures relating to this order we submit additional grounds and object also on the following basis. We do not feel that due attention to process was given in that the user evidence which the Council considered when concluding that the Definitive Map and Modification Order of 2017 relating to the proposed footpath @ Bradford Abbas should be made, was insufficient to support their decision.

Yours faithfully

C. Martin

C A Martin



## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562

Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 11 October 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

### **Official (by email)**

Colin & Carol Martin

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Colin and Carol Martin

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

#### **Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your email of 10<sup>th</sup> October 2017 in respect of the above. The objections you raised in your letter of the 12<sup>th</sup> September can be summarised as follow.

You believe that all of the user witnesses were either connected to, working for, doing business with or tenants of the landowner. Of the 24 witnesses who provided evidence 7 had been identified as having been given permission to use the route or as being tenants of the landowner leaving 17 witnesses who used the route 'as of right'. There is no legal definition as to the minimum number of users required only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public, but two or three may be. In practice it tends to be more than this, although applications have succeeded with as little as three users. Each case is determined on its own merit and in this case, bearing in mind its rural location, the number of witnesses is regarded as sufficient to satisfy the requirement of use 'as of right' by the public.

Your second argument relates to the 'usefulness' of the route and that "the route effectively leads nowhere". Whilst this may be your opinion, to which you are perfectly entitled, it is not evidence to the matter of whether or not the rights claimed actually exist. As it happens the route goes from one highway to another thereby providing a through route on foot from East Lane (D20502) to an unnamed road, the D20503 at Coombe Cottages. Your remaining arguments related to local authority costs and the potential impact on tourist income and wildlife, none of which could be taken into consideration when determining the application.

Whilst the matter was determined on user evidence alone, this is not an unusual occurrence, many rights of way come into being through use by the public 'as of right' over a period of twenty years or more and for which no documentary evidence may exist. Without evidence to the contrary, the legal test for confirmation of the Order is that of the 'balance of probability', that is to say it more likely than not that the claimed rights subsist. The present and previous owners of the land, Charteroak Estates and Winchester College, are, in this instance, probably those best placed to provide evidence of any lack of intention to dedicate a right of way throughout the 'qualifying' period

**Mike Harries, Director for Environment and Economy**

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Mr Philip Brutton [Redacted]  
[Redacted]  
Telephone [Redacted]

ENVIRONMENTAL  
DIPLOMA  
25 SEP 2017  
REF TO FURTHER  
PU Reg

Phil Hobson,  
Senior Definitive Map Officer,  
Dorset Highways,  
Environment and the Economy Directorate  
Dorset County Council  
County Hall.  
Colliton Park,  
Dorchester, Dorset,  
DT1 1XJ

22nd September 2017

Reference: RW/T474

Dear Mr Hobson

I strongly object to this proposed modification order.

It is a pointless footpath providing no access to wildlife or the countryside. The proposed path travels for its entire route through a residential area ending in the East and West at a public highway. It is therefore outside the meaning and intention of the Wildlife and Countryside Act 1981.

Yours sincerely



Philip Brutton



## Dorset County Council

### Official

Mr P Brutton  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562

Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 27 September 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Mr Brutton

### **Wildlife & Countryside Act 1981**

### **Definitive Map Modification Order – Saxon Maybank – Bradford Abbas**

Thank you for your letter in respect of the above dated 22 September 2017 which was received on 25 September 2017. For your information the report can be found by using the following link, it is item 7 on the agenda.

[linkhttp://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2](http://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2)

I note that you object strongly to the Order although it is unclear as to what the exact nature of your objection relates to as the Wildlife and Countryside Act 1981 provides the legislation that facilitates an application made by any member of the public to add a way to the Definitive Map and Statement (DMS). The criteria for such an addition is that the evidence the applicant relies upon demonstrates, on the balance of probability, that the way ought to be added to the DMS. A Definitive Map Modification Order does not create a "new right of way" it merely records a way that already exists.

I would be grateful if you would clarify what the grounds for your objection may be or, conversely, that you consider withdrawing your objection to the Order.

Yours sincerely

**Phil Hobson**

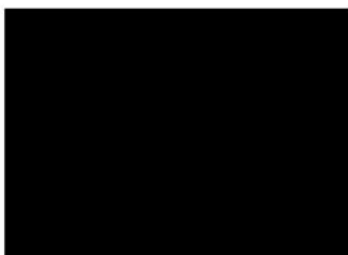
Senior Definitive Map Officer, Regulation Team

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**Mike Harries, Director for Environment and Economy**

Working together for a strong and successful Dorset





22 September 2017

Dear Sir,

**Definitive Map and Statement Modification Order D20502 to D20503**

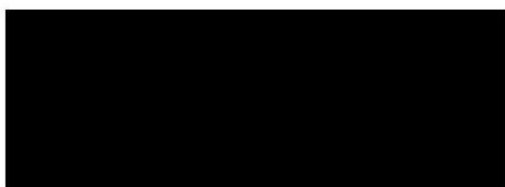
I refer to your letter and enclosed information concerning the re-designation of a footpath through the Saxon Maybank group of holiday chalets. This comes as a complete surprise to me and does not seem to be at all necessary.

I am sure that the freeholder will have replied to you in connection with the relevant legal aspects of this proposal as they are possessed of the relevant information and I support any such arguments put forward.

It may be that my objections, which most certainly include aspects of privacy and security, are not legally relevant but they are of vital importance to me and other chalet owners. By their very nature these properties are not occupied for much of the time and a right of way would simply add to the risk.

Presumably all such aspects were carefully considered when the Council gave planning permission for the development?

Yours faithfully,





## Dorset County Council

### Official

D Johnstone  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562

Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]

Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 27 September 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Sir/Madam

### **Wildlife & Countryside Act 1981 Definitive Map Modification Order – Saxon Maybank – Bradford Abbas**

Thank you for your letter in respect of the above dated 22 September 2017, which was received on 27 September 2017. For your information the report can be found by using the following link, it is item 7 on the agenda.

link<http://dorset.moderngov.co.uk/CeListDocuments.aspx?Committeeld=225&MeetingId=719&DF=12%2f03%2f2015&Ver=2>

I note your objection to the Order, however, you should be aware that when determining the application the County Council cannot take into consideration issues such as desirability, suitability or safety. With respect to the development at Saxon Maybank, it appears that it was the planning permission that triggered the application to modify the Definitive Map. I would also advise you that a Definitive Map Modification Order does not create a "new right of way" it merely records a way that already exists.

In light of the above, I would request that you consider withdrawing your objection to the Order.

Yours faithfully

**Phil Hobson**  
Senior Definitive Map Officer, Regulation Team

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**Mike Harries, Director for Environment and Economy**  
Working together for a strong and successful Dorset





CONTACT DETAILS  
REDACTED

12<sup>th</sup> October 2017

For the attention of Mr Phil Hobson

Senior Definitive Map Officer  
Dorset Highway, Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Dear Mr Hobson,

**Reference RW/T474**

**Modification Order to amend the definitive map and statement by adding a footpath from East Lane D20502 to D20503 at Bradford Abbas.**

Please find enclosed two separate objections in respect of the above order.

I would request that the personal information included in this letter (address, telephone numbers, email address etc.) should not be included in any public file on this matter.

Please note that any communication on this matter should be sent to the above address and copied by e-mail to EMAIL ADDRESS REDACTED

Yours sincerely

SIGNATURE REDACTED

Patrick J Pearce

**Objection to Modification order to amend the definitive map and statement by adding a Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas in the West Dorset District**

I object to the above order on the following grounds:

1. The user evidence is considered to be insufficient to demonstrate that there is a deemed dedication under the Highways Act 1980.
2. There is insufficient evidence to conclude that public footpath rights exist over the claimed route.
3. The introduction of this previously unmapped and little used route which has no current purpose and taking the rights of those who own the property on its route into account is inconsistent with Article 1 and Article 8 of the Human Rights Act 1998.
4. The decision to add this claimed route to the definitive map is contrary to the Council's Corporate Plan objectives as set out in the Regulatory Committee Report to the meeting on 12<sup>th</sup> March 2015.
5. The alleged full consultation exercise carried in June and July 2014 was insufficiently inclusive or adequate and invitations to participate in the consultation were not sent to all interested parties.

What is more I request the council and the Inspector or the Public Enquiry to take into consideration the following:


6. Had the claimed route been in place over the last 20 years it is highly likely that the provisions in Part VIII Section 118 of the Highways Act 1980 would now be sufficiently satisfied to enable a Public Path Extinguishment Order to be made and therefore it would be unfair and contrary to the Human Rights of the owners to pass the order requiring costly work to be done on site and in making the application only to see the right of way extinguished in due course.
7. It would be appropriate therefore to consider whether this claimed footpath is likely to be upheld in the event of there being an application for an extinguishing order.

The above is a summary of the main points giving rise to my objection. Further detail will, of course, be available when an appropriate inspector is appointed or a Public Enquiry initiated.

Please confirm receipt of this objection and confirm that it is valid.

SIGNATURE REDACTED

Mr Patrick Pearce

  
12<sup>th</sup> October 2017



**Objection to Modification order to amend the definitive map and statement by adding a Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas in the West Dorset District**

I object to the above order on the following grounds:

1. The user evidence is considered to be insufficient to demonstrate that there is a deemed dedication under the Highways Act 1980.
2. There is insufficient evidence to conclude that public footpath rights exist over the claimed route.
3. The introduction of this previously unmapped and little used route which has no current purpose and taking the rights of those who own the property on its route into account is inconsistent with Article 1 and Article 8 of the Human Rights Act 1998.
4. The decision to add this claimed route to the definitive map is contrary to the Council's Corporate Plan objectives as set out in the Regulatory Committee Report to the meeting on 12<sup>th</sup> March 2015.
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What is more I request the council and the Inspector or the Public Enquiry to take into consideration the following:

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7. It would be appropriate therefore to consider whether this claimed footpath is likely to be upheld in the event of there being an application for an extinguishing order.

The above is a summary of the main points giving rise to my objection. Further detail will, of course, be available when an appropriate inspector is appointed or a Public Enquiry initiated.

Please confirm receipt of this objection and confirm that it is valid.

SIGNATURE REDACTED

Mrs Alison Pearce

[REDACTED]

12<sup>th</sup> October 2017

**From:** Phil C Hobson  
**Sent:** 18 October 2017 12:38  
**To:** [REDACTED]  
**Subject:** Definitive Map Modification Order Bradford Abbas Ref-T 474

---

Dear Mr & Mrs Pearce

I can confirm receipt of your objections to the above Order and dated 12 October 2017.

With reference to your objection and the grounds on which it is made;

Whilst I am of the opinion that the user evidence is sufficient you are of course entitled to your own opinion and the question you ask is valid in the sense that it is legitimate. Should you maintain your objection this question will be one for the Inspector to determine.

The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations. A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

As the processing of Modification Orders is a legal 'statutory' requirement their investigation does not have to comply with all or any of the County Council's Corporate objectives. However, those objectives that their investigation may be relevant to are generally related to Enabling Economic Growth and Health, Wellbeing and Safeguarding.

The County Council made every effort to contact all owners and occupiers, when it became apparent that contacting the occupiers/owners of the individual properties was presenting difficulties, the contact details of the owners were requested from Charteroak. Charteroak would not provide these details and therefore details of the application addressed to each property were provided to Charteroak with the request that they be forwarded to the individuals concerned, and at no time have we been informed that this had not been completed. In addition notices had been placed on site and the Order was advertised within a local newspaper. An Inspector would have to determine that individuals had been compromised in some way although I feel this would be difficult to demonstrate as all of the occupiers are aware of the Order and have been given the opportunity to respond.

With respect to your suggestion that the route could be extinguished, putting aside the matter that this is not something we could take into consideration when determining the application, you are assuming that such an application would be successful. The test for extinguishing a way is that it is no longer

needed for public use, in the circumstances this would obviously not be the case and such an application would necessarily be refused.

Regards

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: [REDACTED]



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Interactive map: <http://explorer.geowessex.com/>  
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Landowner Deposits: <https://www.dorsetforyou.com/article/413350/Landowner-deposits>  
Dorset Newsroom: <http://www.dorsetforyou.com/news>

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**From:** Patrick Pearce [mailto: [REDACTED]]  
**Sent:** 20 November 2017 20:34  
**To:** [REDACTED]  
**Subject:** RE: Definitive Map Modification Order Bradford Abbas Ref-T 474

21/12/17  
Dealt with  
by JC previously.

Hello Mr Hobson,

I am in Dorset currently and was wondering whether I could call in to see the objections received and any other relevant info.

Sometime this week would be best preferably not Friday.

Regards

Patrick Pearce

Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colinton Park  
Bournemouth

**Jane L Cheeseman**

---

**From:** Jane L Cheeseman  
**Sent:** 27 November 2017 16:12  
**To:** [REDACTED]  
**Subject:** Minutes

<http://dorset.moderngov.co.uk/Data/Regulatory%20Committee/20150611/Agenda/06%20Agenda%20Item%2003%20File%20-%2003%20Regulatory%20Committee%20Minutes%20120315-1.0.pdf>

**Mrs Jane Cheeseman**  
Definitive Map Technical Officer (Orders), Regulation Team  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: [REDACTED]



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consent to your personal information being retained and used for these purposes. Further information about the use of personal information and data protection is available on our web site at [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) or by contacting the Council's Data Protection Officer.

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---

**Jane L Cheeseman**

**From:** Patrick Pearce [REDACTED]  
**Sent:** 27 November 2017 22:03  
**To:** Jane L Cheeseman  
**Subject:** RE: Minutes

Hello Jane,

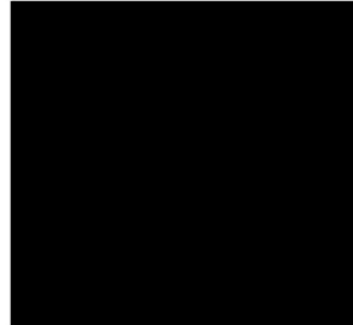
The link worked and I now have the minutes that I needed.

Thank you for your assistance today.

Regards

Patrick Pearce

Mrs S A Fiddes



13/10/2017

Jonathon Mair

Dorset county council

Ref- Footpath East lane D20502-D20503

Objection to proposed changes to right of way through private property.

Dear Mr Mair

Please accept this letter as my **formal objection** to the proposed "modification" to definitive map.

I purchased this property ( [REDACTED] ) approximately a year ago.

At no point during the legal process was I told about any public right of way right outside my front door.

If a public right of way existed through the area why was it not raised during the planning process for the site by the council? The planning permission was given with multiple clauses so why was this so called public right of way reinstated as part of the permission?

I believe this proposal is unlawful because of the following-

It appears that despite extensive investigations, examination of documents and definitive maps going back to 1887 there is no evidence of the claimed public right of way along the route indicated. The user evidence supplied to the council up to 2007 was found to be insufficient.

It appears to be based on hearsay of a few people (7 users) who cannot provide sufficient documentation to back up the claim. The claim appears to be based on the fact that somebody claimed they can remember walking a certain route. This is not right of way this is trespassing.

I am under the understanding this site was a very large pig farm. Would you have had a public right of way through a pig farm?

The route indicated serve no pupose and is not in anyway benefit to the public, it does not lead to any area of natural beauty and does not shorten access to the village of Bradford Abbas.

This process is only wasting time and public money (to which i am contributing in council tax) Would right of way not have to be maintained by the local authority? I pay a fee to maintain this driveway, will i be getting a discount?

I also feel this proposal is against my human rights.

The Human rights act 1998 states under the "The planning Inspectorate" rights of way section advise note No 19 states-

Article 8: The Right to Respect for Private and Family Life-

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

2. 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 the national security, public safety or the economic well-being 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.

I pay local council tax and am very annoyed that so much of this public money is being wasted because 7 people feel they might possibly want to walk 500 yards through some private property. Especially in these times of cut backs in the public services sector.

Yours Sincerely

A solid black rectangular box used to redact the sender's name and signature.





## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

Telephone: 01305 221562  
Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]  
Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 18 October 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref:

### Official

Mrs S A Fiddes  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mrs Fiddes

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 13<sup>th</sup> October 2017 in respect of the above.

I note you state that you purchased your property approximately 12 months ago. You should be aware that this application was made in July 2008 and that Charteroak Estates, who I understand manage the site, have been aware of the application since that time. As the route is not recorded on the Definitive Map, prior to July 2016 the application would not have been disclosed unless the question was specifically asked. Since July 2016 this information is revealed automatically should a search be undertaken. The application was made following the granting of planning permission when a gate on the route was locked.

Contrary to what you have indicated the user evidence was found to be sufficient to satisfy the legal requirements and an Order was made. There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use would be sufficient to satisfy the requirement of use by the public.

In accepting the application the County Council is not able to consider issues such as desirability, suitability or safety. A Modification Order does not seek to create a right of way, it is merely the process through which an existing right of way, acquired through presumed dedication or which for one reason or another has never been recorded, is recorded on the Definitive Map and Statement. In recording an 'existing' right of way the legislation does not consider whether it is needed or required, that would be something taken into consideration should an application to divert or delete a right of way be made.

Whilst you are correct in your observation that the matter was determined on user evidence alone, this is not an unusual occurrence, many rights of way come into being through use by the public 'as

**Mike Harries, Director for Environment and Economy**

Working together for a strong and successful Dorset



of right' over a period of twenty years or more and for which no documentary evidence may exist. Without evidence to the contrary, the legal test for confirmation of the Order is that of the 'balance of probability', that is to say is it more likely than not that the claimed rights subsist. The present and previous owners of the land, Charteroak Estates and Winchester College, are, in this instance, probably those best placed to provide evidence of any lack of intention to dedicate a right of way throughout the 'qualifying' period (20 years prior to the challenge in 2007/08), but any evidence they did provide was not considered sufficient to outweigh the evidence of use. Whilst there may have been a gate at point C since 1928 there is no evidence to suggest that the gate was closed or locked prior to 2007/08.

With a few exceptions, such as Crown Land, private land is not exempt from any presumption of dedication of a public right of way, the act of trespassing when unchallenged can lead to the acquisition of a right of way over said land. Should the Order be confirmed the route would not automatically be maintainable at the public expense, in these circumstances responsibility for its maintenance may fall to the landowner, the frontagers or nobody at all. In addition, should the order be confirmed, any damage caused to the route through use by the occupiers, owners or their guests would require remedy by the occupiers and owners.

The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations. A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

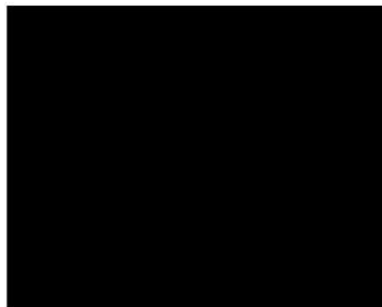
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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Mr C P Fiddes.



13/10/2017

Jonathon Mair

Dorset county council

Ref- Footpath East lane D20502-D20503

**Objection to proposed changes to right of way through private property.**

Dear Mr Mair

Please accept this letter as my **formal objection** to the proposed "modification" to definitive map.

I purchased this property (7 saxon maybank) approximately a year ago.

At no point during the legal process was I told about any public right of way right outside my front door.

I personally also carried out a full search to try to find any proposed or ongoing issues/appeals that may affect the value of the property. No map found showed any public right of way through the property (map sites found via Dorset council web site).

If a public right of way existed through the area why was it not raised during the planning process for the site by the council? The planning permission was given with multiple clauses so why was this so called public right of way reinstated as part of

the permission?

I believe this proposal is unlawful because of the following-

It appears that despite extensive investigations, examination of documents and definitive maps going back to 1887 there is no evidence of the claimed public right of way along the route indicated. The user evidence supplied to the council up to 2007 was found to be insufficient.

It appears to be based on hearsay of a few people (7 users) who cannot provide sufficient documentation to back up the claim. The claim appears to be based on the fact that somebody claimed they can remember walking a certain route. This is not right of way this is trespassing.

I am under the understanding this site was a very large pig farm. Would you have had a public right of way through a pig farm?

The route indicated serve no purpose and is not in anyway benefit to the public, it does not lead to any area of natural beauty and does not shorten access to the village of Bradford Abbas. It simply directs walkers to the busy A30!

This process is only wasting time and public money (to which i am contributing in council tax) Would right of way not have to be maintained by the local authority? I pay a fee to maintain this driveway, will i be getting a discount?

I also feel this proposal is against my human rights.

The Human rights act 1998 states under the "The planning Inspectorate" rights of way section advise note No 19 states-

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I am not a legal expert and have tried to put over my feelings regarding this matter.

I am simply a hard working member of the public who purchaed a holiday home for my family to and enjoy while contributing to the local economy.

I do not use the property as a source of income via holiday rental. I pay local council tax and am very annoyed that so much of this public money is being wasted because 7 people feel they might possibly want to walk 500 yards through some private property. Especially in these times of cut backs in the public services sector.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.

Mr Chris Fiddes



## Dorset County Council

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Date: 18 October 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref:

### Official

Mr C P Fiddes

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr Fiddes

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**Mike Harries, Director for Environment and Economy**

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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Mrs S Bracken  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

For the Attention of Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Reference: RW/T474

13 October 2017

Dear Mr Hobson

**Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottage Cottages, Bradford Abbas Definitive Map and Statement Order 2017**

I am the owner of a lodge immediately adjacent to the proposed footpath. I wish to object to the above order for the following reasons:-

1. References in this letter to the report are to the Dorset County Council Regulatory Committee Report in relation to the above Order. The report contains a history of the maps of the area in question. There are many historical maps which do not show a footpath. The report states that where the claimed route is shown, 'these maps are not strong evidence and only the earliest map carries no disclaimer as to the representation of a route being evidence of a right of way'. I note that the report states that the documentary evidence is insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route. I am concerned that the Order has been made when the documentary evidence does not show the existence of a footpath;
2. The previous use of the site was as a dairy. As is usual there was a farm track which was needed for access to the farm/dairy. In a rural setting it would be impractical and unusual for persons using the track regularly to be challenged. For example farm workers might reasonably have assumed that persons using the path may have needed it for access to the dairy;
3. I note that Mr and Mrs Balch were given permission to walk and drive their car by the farm manager in 1986. This therefore indicates that the farm manager considered the question and decided to give permission. The farm manager presumably did not reply that no permission was necessary as the track was a footpath;
4. The number of relevant witnesses appears to be low (17 according to paragraph 9.3 of the report). I note from the report that a number of these witnesses may be unwilling to substantiate their claims;

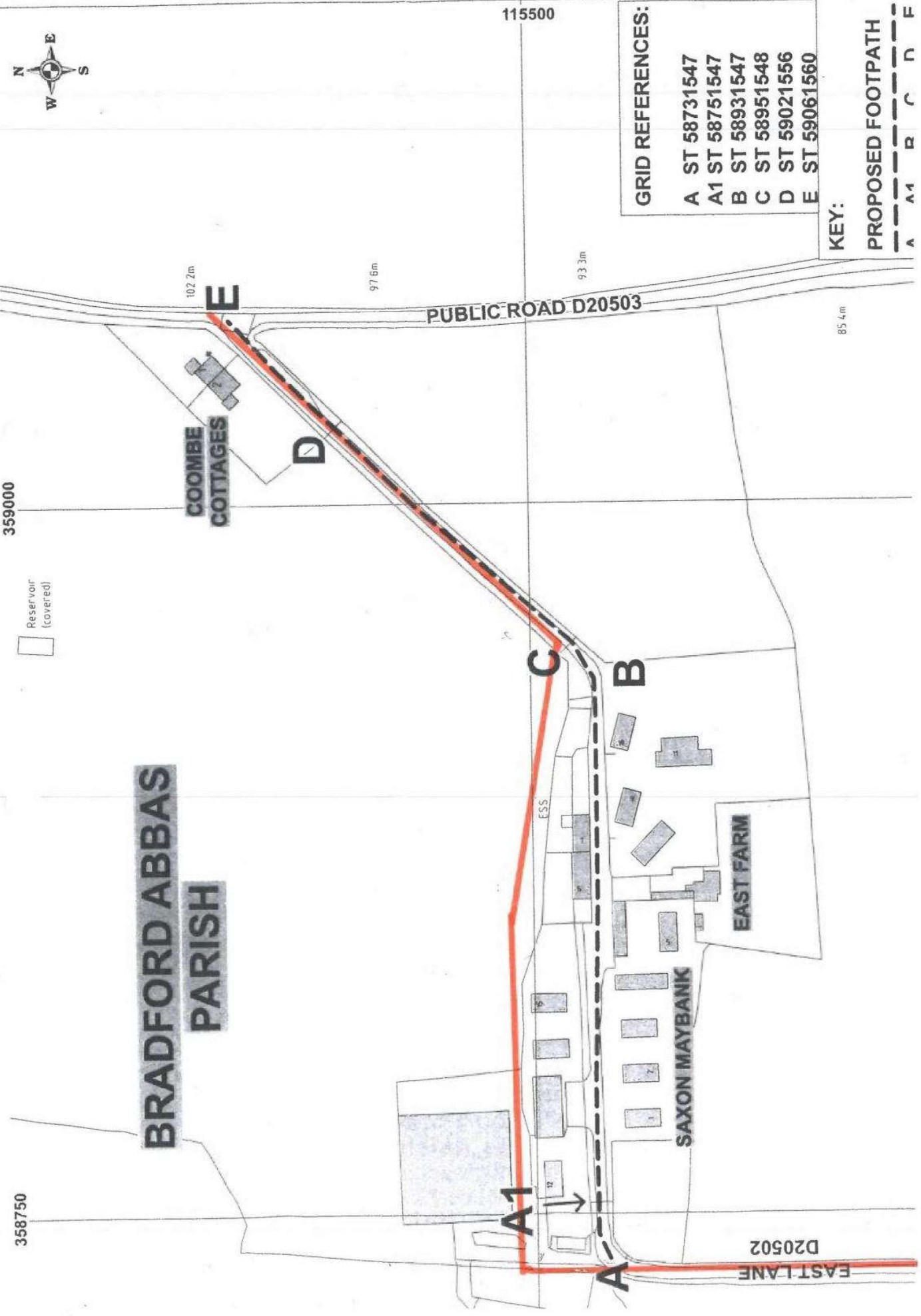


5. I understand that Winchester College does not accept that the track is a public right of way. I understand that Winchester College was the former owner of a part of the track and that it is a current owner of another part of the track. If the College is of the view that the track is not a public right of way then presumably weight should be given to this view given the College's long involvement with the land in question;
6. I note from the report that an analysis of the historic sales particulars do not add to the evidence to support the claim;
7. I note from paragraph 9.7 of the report that 8 witnesses stated that they were never challenged while on the claimed route. In such a setting I submit that it is not surprising that the route could be used without challenge as it had to be left open for access to the dairy. This did not mean that the previous owner would have accepted that the route was a public footpath;
8. I note that the report concluded that the documentary evidence was insufficient to demonstrate, on balance, that the claim to public rights subsist or can be reasonably alleged to subsist along the claimed route. I note that therefore the application hangs solely on Section 31 of the Highways Act 1980. I submit that given the above arguments and the low number of witnesses there is insufficient evidence that on the balance of probability there should be a deemed dedication.
9. The proposed route of the path raises safety concerns for me. I submit that the alternative route shown on the enclosed plan would be a more suitable route for a footpath and that it would be just as a convenient route as the route shown in the order.

Yours sincerely

A black rectangular redaction box covering the signature of Mrs S Bracken.

Mrs S Bracken



**GRID REFERENCES:**  
A ST 58731547  
A1 ST 58751547  
B ST 58931547  
C ST 58951548  
D ST 59021556  
E ST 59061560

**KEY:**  
**PROPOSED FOOTPATH**  
A A1 B C D E

**BRADFORD ABBAS  
PARISH**

**COOMBE  
COTTAGES**

**EAST FARM**

**SAXON MAYBANK**

**PUBLIC ROAD D20503**

**EAST LANE  
D20502**

359000

358750

115500

102.2m

97.6m

93.3m

85.4m



Reservoir  
(covered)



## Dorset County Council

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Dorchester  
Dorset DT1 1XJ

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### Official

Mrs S Bracken  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mrs Bracken

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 13<sup>th</sup> October 2017 in respect of the above. I will answer the points you have raised in the same order in which you have asked them.

1. When, as in this case, a right of way is claimed through presumed dedication, which is to say a route that has been used by the public 'as of right' for a minimum period of 20 years, it does not follow that the way will be shown on a map of the area. Documentary evidence is not a pre-requisite for a successful application, nor is user evidence, an application can be successful based on either or a combination of both.
- 2, 7, 8 Whether it is or was impractical to challenge users of the way, if public use went unchallenged then I would submit that such use would have been 'as of right', without force, secrecy or permission. If the owner felt it impractical to challenge users there are other means by which they could have prevented the accrual of public rights. For example, the erection of notices or the deposit of a statutory declaration, no evidence of such action was discovered or submitted during the investigation.
- 3 Several witnesses had been given permission or were tenants of the owners, their evidence was not used in determining the application.
- 4 There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use would be sufficient to satisfy the requirement of use by the public.
- 5 As one of the owners of the land in question it is perhaps not surprising that Winchester College objected to the Order. However, after consideration of the arguments they have now chosen to withdraw their objection.

**Mike Harries, Director for Environment and Economy**  
Working together for a strong and successful Dorset



- 6 It is reasonable to note that the evidence provided by the historical sales documents add no additional support to the claim, nor do they in themselves provide any evidence against it, in effect they are neutral.
- 9 The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. The alternative route you propose is something that could be taken into consideration as a possible diversion should the Order be confirmed.

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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Mrs Susan Jenkin



FAO Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton park  
DORCHESTER  
DT1 1XJ

Friday 13<sup>th</sup> October 2017

Dear Mr Hobson

**RE: NOTICE OF MODIFICATION ORDER  
FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
EAST OF COOMBE COTTAGES, BRADFORD ABBAS**

Please accept this letter as my objection to the above order made on 14 August 2017.

Having considered the matter, I believe that the user evidence which Dorset County Council considered (when concluding that the Definitive Map and Modification Order of 2017 relating to the proposed footpath 8 Bradford Abbas should be made), was insufficient evidence to support their decision.

I would appreciate confirmation of receipt of this letter.

Yours sincerely



Mrs S Jenkin





## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

### Official

Mrs S Jenkin  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Telephone: 01305 221562  
Minicom: 01305 267933

**We welcome calls via text Relay**

Email: [REDACTED]  
Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 18 October 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref:

Dear Mrs Jenkin

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 13<sup>th</sup> October 2017 in respect of the above.

There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use is sufficient to satisfy the requirement of use by the public.

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

**Mike Harries, Director for Environment and Economy**  
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Mr Neil Jenkin



FAO Phil Hobson  
 Senior Definitive Map Officer  
 Dorset Highways  
 Environment and the Economy Directorate  
 Dorset County Council  
 County Hall  
 Colliton park  
 DORCHESTER  
 DT1 1XJ

Friday 13<sup>th</sup> October 2017

Dear Mr Hobson

**RE: NOTICE OF MODIFICATION ORDER  
 FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
 EAST OF COOMBE COTTAGES, BRADFORD ABBAS**

Please accept this letter as my objection to the above order made on 14 August 2017.

Having given the matter my due consideration, when deciding that the Definitive Map and Modification Order of 2017 relating to the proposed footpath 8 in Bradford Abbas should be made, I believe that Dorset County Council considered user evidence which was insufficient to support their decision.

I would appreciate confirmation of receipt of this letter.

Yours sincerely



Mr N Jenkin







## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

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Minicom: 01305 267933

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Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 18 October 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref:

### Official

Mr N Jenkin  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Mr Jenkin

#### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 13<sup>th</sup> October 2017 in respect of the above.

There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use is sufficient to satisfy the requirement of use by the public.

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

**Mike Harries, Director for Environment and Economy**  
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Dr Jane Howard

16<sup>th</sup> October 2017

Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ



Dear Phil,

Re: **OBJECTION to Definitive Map and Statement Modification Order – footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas**

I am a joint owner of [redacted] and wish to object to the proposed modification order.

The basis of this objection is that the user evidence which the Council considered when concluding that the Definitive Map and Modification Order of 2017 relating to the proposed footpath 8 Bradford Abbas should be made was insufficient to support their decision. Having only 7 alleged users over a 20-year period to 2007 is insufficient evidence to demonstrate that the public footpath rights exist along the whole of the claimed route.

The parallel conclusion that the documentary evidence was insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route also seems to support this objection.

Could you please confirm receipt of this objection?

Sincerely,

[redacted signature]

Dr Jane Howard



## Dorset County Council

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County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

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Minicom: 01305 267933

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Date: 18 October 2017

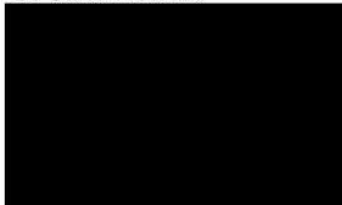
Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref

### Official

Dr Jane Howard



Dear Dr Howard

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 16<sup>th</sup> October 2017 in respect of the above.

I note your objection to the above Order, which you have made on the basis that you believe the public use to be insufficient. I would advise you that there is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I believe the number users would be regarded as sufficient to satisfy the requirement of use by the public.

I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link  
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Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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**Mike Harries, Director for Environment and Economy**  
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# Dr Paul Howard

---

**16<sup>th</sup> October 2017**

Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways  
Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ



Dear Phil,

Re: **OBJECTION to Definitive Map and Statement Modification Order – footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas**

I am a joint owner of [REDACTED] and wish to object to the proposed modification order.

The basis of this objection is that the user evidence which the Council considered when concluding that the Definitive Map and Modification Order of 2017 relating to the proposed footpath 8 Bradford Abbas should be made was insufficient to support their decision. Having only 7 alleged users over a 20-year period to 2007 is insufficient evidence to demonstrate that the public footpath rights exist along the whole of the claimed route.

The parallel conclusion that the documentary evidence was insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route also seems to support this objection.

Could you please confirm receipt of this objection?

Sincerely,

[REDACTED]

Dr Paul Howard



## Dorset County Council

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Email: [REDACTED]  
Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 18 October 2017  
Ask for: Phil Hobson  
My ref: PCH RW/T474  
Your ref

### Official

Dr Paul Howard  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Dr Howard

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 16<sup>th</sup> October 2017 in respect of the above.

I note your objection to the above Order, which you have made on the basis that you believe the public use to be insufficient. I would advise you that there is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I believe the number users would be regarded as sufficient to satisfy the requirement of use by the public.

I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link  
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Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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**Mike Harries, Director for Environment and Economy**  
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-----Original Message-----

From: [REDACTED]  
To: k.j.smith <[REDACTED]>; p.c.hobson <[REDACTED]>  
Sent: Thu, 19 Oct 2017 22:35  
Subject: Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas - FAO Mr Phil Hobson, Senior Definitive Map Officer

Dear Mr Hobson

**Wildlife and Countryside Act 1981  
Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road east of Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification Order 2017**

I write as the owner of [REDACTED]  
[REDACTED] My home residential address is [REDACTED]  
[REDACTED]

Thank you for the opportunity to comment and I write to object to adding the proposed footpath.

In taking this position, I agree with the conclusion at paragraph 13.3 of your Dorset County Council Regulatory Committee report of 12th March 2015 which states that, "The documentary evidence is therefore insufficient to demonstrate, on balance, that the claimed public rights subsist or can be reasonably alleged to subsist along the claimed route."

From the same report, I agree with the conclusion at paragraph 13.6 which states that, "The user evidence indicates mainly public use on foot along the claimed route. There is some other use by bicycles and cars but this is not considered sufficient to have established higher rights." I would add that the route from points 'C' to 'D' does not look navigable by car and not easily so by bicycle. The lack of straightforward navigability, and amount of overgrowth, would suggest very limited usage.

There is reference to the proposed route being used as a shortcut into Bradford Abbas. Looking at the map, it is difficult to see how this is the case. There can only be the most marginal, if any, difference in walking distance from Coombe Cottages to the centre of the village, regardless of whether or not the proposed footpath is used, which causes me to question the degree of usage that is claimed. Walking from Coombe Cottages to Coombe must be virtually equidistant using the proposed route or the roads.

Having owned a lodge at this site since September 2014, I have only once seen two people, together at the same time, apparently using this route as a footpath whilst not being resident. The usage data that you have provided does not show a sufficiently significant level of interest in the route but if used

to justify the declaration of a footpath could conceivably impact my quiet enjoyment of my property and that of my neighbours.

Thank you for taking these comments into account.

Could you please confirm receipt of this email?

Yours sincerely

Bob Lanzer



**From:** Phil C Hobson  
**Sent:** 20 October 2017 09:10  
**To:** [REDACTED]  
**Cc:** [Kerry J Smyth](#)  
**Subject:** Definitive Map Modification Order, Bradford Abbas Ref T474

---

Dear Mr Lanzer

**Wildlife and Countryside Act 1981  
Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your e-mail of 19<sup>th</sup> October 2017 in respect of the above.

As you are probably aware an application is not dependant on documentary evidence alone, an application can be successful relying solely on documentary or user evidence or a combination of both.

Contrary to what you have indicated the user evidence was found to be sufficient to satisfy the legal requirements and an Order was made. There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use is sufficient to satisfy the requirement of use by the public.

In determining the application the County Council was not able to consider issues such as desirability, suitability or safety. A Modification Order does not seek to create a right of way, it is merely the process through which an existing right of way, acquired through presumed dedication or which for one reason or another has never been recorded, is recorded on the Definitive Map and Statement. The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations. A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

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-----Original Message-----

From: Phil C Hobson <[REDACTED]>

To: rlanze [REDACTED]

Sent: Fri, 20 Oct 2017 9:28

Subject: FW: Definitive Map Modification Order, Bradford Abbas Ref T474

Dear Mr Lanzer

I have just realised that the previous email did not include the 'normal' contact details and disclaimers at the bottom, I have therefore resent it including the said appendages. This is entirely my fault as I am still learning to drive the new laptop, please accept my apologies.

**From:** [REDACTED]  
**Sent:** 20 October 2017 13:45  
**To:** Phil C Hobson <[REDACTED]>  
**Subject:** Re: Definitive Map Modification Order, Bradford Abbas Ref T474

Dear Mr Hobson

No worries and thank you for the clarification.

I confirm that I wish to maintain my objection.

Yours sincerely

Bob Lanzer

**From:** alexia recurt [REDACTED]  
**Sent:** 16 October 2017 21:47  
**To:** Kerry J Smyth <[REDACTED]>  
**Subject:** Objection to Saxon maybank footpath

To whom this may concern,

I am writing to express my objection to the footpath order on Saxon Maybank.

We do not believe that the user evidence provided is sufficient for a footpath in this area as we are not aware of anyone who would benefit from having access through Saxon maybank.

This footpath did not come up in our searches when we purchased the property in March 2017, within less than 7 months after owning our property, we have now been informed that you are considering re-opening a footpath. Had we'd been aware of this, it would have affected our original decision to purchase the property.

Could you acknowledge receipt of this email as we are aware of the deadline of the 20th of October.

Kind regard,

Alexia Recurt  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Kerry J Smyth  
**Sent:** 17 October 2017 10:00  
**To:** 'alexia recurt' [REDACTED]  
**Subject:** RE: Objection to Saxon maybank footpath

Dear Alexia,

Thank you for your email. I have noted your objection on file.

I can confirm that I have forwarded your email to Phil Hobson, Senior Definitive Map Officer, for a response.

Kind regards,

[REDACTED]

Kerry Smyth  
Technical Officer Assistant (Orders)  
Regulation Team  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

el: [REDACTED]  
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Dorset Newsroom: <http://www.dorsetforyou.com/news>

On 20 Oct 2017 09:21, "Phil C Hobson" <[REDACTED]> wrote:

Dear Ms Recurt

**Wildlife and Countryside Act 1981**

**Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your e-mail of 17<sup>th</sup> October 2017 in respect of the above.

Contrary to what you have indicated the user evidence was found to be sufficient to satisfy the legal requirements and an Order was made. There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice, it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, I consider the use is sufficient to satisfy the requirement of use by the public.

In determining the application the County Council was not able to consider issues such as desirability, suitability or safety. A Modification Order does not seek to create a right of way, it is merely the process through which an existing right of way, acquired through presumed dedication or which for one reason or another has never been recorded, is recorded on the Definitive Map and Statement. The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it.

I note that you undertook a search before purchasing the property. I am having some difficulty in locating a copy of the search to which you refer and would be grateful if you could provide the reference number of the search.

I acknowledge that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row Booklet revised June 2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

**Phil Hobson**

Senior Definitive Map Officer

Dorset Highways

Dorset County Council

County Hall, Colliton Park

Dorchester

Dorset

DT1 1XJ

Tel: [REDACTED]

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**From:** alexia recurt [mailto:████████████████████]  
**Sent:** 05 November 2017 10:31  
**To:** Phil C Hobson <████████████████████>  
**Subject:** RE: Definitive Map Modification Order - Bradford Abbas - Ref 474

Hello Mr Hobson,

We bought our property in March from Winchester College and we were not made aware by the college before our purchase, that a footpath may be instated.

Can you confirm any previous correspondence between Winchester College and the council regarding this footpath as they were obliged to tell us this information before we bought our property.

We acknowledge the parcel of land which you speak of in your email, however we would like to emphasise that this is only 6 meters long and would have made a big difference to our purchasing decision had we had known.

Thanks and kind regards,

Alexia Recurt

## Phil C Hobson

---

**From:** Phil C Hobson  
**Sent:** 07 November 2017 14:57  
**To:** alexia recurt  
**Cc:** Kerry J Smyth  
**Subject:** RE: Definitive Map Modification Order - Bradford Abbas - Ref 474

Dear Ms Recurt

Winchester College were informed of the application by the applicant (Bradford Abbas Parish Council) in July 2008. The applicant was obliged to inform the College and the notice was sent to A Wilson, Winchester College, College Street, Winchester SO23 9NA. The applicant also served notice on Charteroak Estates Ltd and the owners/occupiers of Coombe Cottages and East Farm House, East Farm. Ms Emma Ede of Winchester College was sent details of the application by fax on 17 October 2008. Ms Ede was also included in the public consultation that commenced on 23 June 2014.

Mr Chute, the Estates Bursar at Winchester College, is on record as stating that no individuals named Wilson or Ede had ever been employed in that part of the college, but that anything to do with 'Estates' addressed to the College would eventually arrive with him. This was revealed in a letter of 29 July 2014 from Ms T Merrett of Pardoes Solicitors who was acting on behalf of Charteroak Estates Ltd. I would suggest that if Mr Chute had not been aware of the matter beforehand he was made aware of it in July 2014.

The College was advised in a letter dated 16 February 2015 that a report in respect of the application would be presented to the Regulatory Committee on 12 March 2015. On 17 March 2015 the College was advised of the Committee's decision to make an Order for a Footpath to be added to the Definitive Map and in August 2017 the College was advised, by recorded delivery, that the Order had been made.

Regards

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
Dorset  
DT1 1XJ

Tel: [REDACTED]

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I note that you undertook a search before purchasing the property. I am having some difficulty in locating a copy of the search to which you refer and would be grateful if you could provide the reference number of the search.

I acknowledge that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row Booklet revised June 2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

**Phil Hobson**

Senior Definitive Map Officer

Dorset Highways

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**From:** alexia recurt [REDACTED]  
**Sent:** 20 October 2017 12:34  
**To:** Phil C Hobson <[REDACTED]>  
**Subject:** Re: Definitive Map Modification Order - Bradford Abbas - Ref 474

Dear Mr Hobson,

Please find attached the copy of our searches. As you can see, there are no public footpaths shown on the highways plan. See the reply to questions 2.2, 2.3, 2.4 and 2.5 under public rights of way.

I confirm that we maintain our objection.

Regards,

Alexia Recurt

**From:** Phil C Hobson  
**Sent:** 20 October 2017 12:39  
**To:** alexia recurt [REDACTED]  
**Subject:** RE: Definitive Map Modification Order - Bradford Abbas - Ref 474

Dear Ms Recurt

Many thanks for your quick response.

Regards

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
Dorchester  
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Tel: [REDACTED]

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For the attention of: Mr Phil Hobson  
Senior Definitive Map Officer  
Dorset Highways, Environment and the Economy Directorate  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset DT1 1XJ

18 October, 2017

Dear Sirs

Ref: RW/T474

I have been the owner of [REDACTED] since it was converted in 2010 and I bought it in October that year. I visit frequently and am familiar with the area in question where it is mooted a new footpath be established.

My comments and objections are as follows:

1. I first received notification of the proposed new path approximately 2 years ago, since when both East Farm and Coombe Cottages have changed ownership. I therefore wonder who is now seeking a new footpath as those who initiated the proposal no longer live there?
2. Secondly, I question the need to establish such a new path as the most direct route on foot, or otherwise, to Bradford Abbas is due south along the road to the crossroads on Underdown Hollow. The proposed route is much longer to walk.
3. The Saxon Maybank site was converted with every attention to maintaining the environment and the unspoilt nature of the area. A new path would potentially and unnecessarily create foot traffic through a quiet and private site.
4. I note that objections on the grounds of security are considered as lacking relevance in this matter; however, such a new foot route will unavoidably permit to the site those who are not connected to the properties there by ownership and rental. This is therefore a security concern, especially as in abiding by local regulations for holiday ownership and use, the properties are necessarily uninhabited for at least 4 months in the year.

I should like to sum up by stating my belief that this proposed footpath is unnecessary and is detrimental to the interests of property owners on the site and I should like to object strongly.

Many thanks for your consideration of my views on the matter.

Yours faithfully,



Sarah McDowall





## Dorset County Council

**Dorset Highways**  
County Hall, Colliton Park  
Dorchester  
Dorset DT1 1XJ

### Official

Ms S McDowall  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Telephone: 01305 221562

Minicom: 01305 267933

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Email: [REDACTED]

Website: [www.dorsetroryou.com](http://www.dorsetroryou.com)

Date: 24 October 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Ms McDowall

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of the 18<sup>th</sup> October 2017 in respect of the above.

With respect to the application, the County Council is under a duty to keep the Definitive Map and Statement under continuous review, which includes the investigation of an application such as this one. Whilst an application would normally be supported by the applicant, there are circumstances when the applicant may have moved away or died and subsequently they are no longer able to do so. However, being in possession of the evidence on which the applicant relied and having determined that the evidence was sufficient, on balance, to make the Order it would be remiss of the Council not to complete the process.

As you are aware, in determining the application the County Council is not able to take into consideration issues of suitability, desirability or safety. The matter is determined by reference to the evidence and the law, the question being whether, on the balance of probability, the claimed rights exist.

I note that you object to the Order, and you have the right to maintain your objection, however, I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely  
[REDACTED]

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

**Mike Harries, Director for Environment and Economy**  
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## Kerry J Smyth

---

**From:** Jeremy Hurst [REDACTED]  
**Sent:** 28 October 2017 07:55  
**To:** Kerry J Smyth  
**Subject:** Proposed footpath at Coombe Cottages, Bradford Abbas, DT9 6JN

Dear Kerry,

I write with reference to the proposed footpath running along the access road in front of my house towards East Farm.

I am interested to know what evidence you have to support the council's case that this footpath ever existed.

I can find no such evidence and having owned no.2 Coombe Cottage for nearly a year and been there most days during that year I have not once seen anyone attempting to use or even looking for the footpath.

As a result of my research I suggest that the local authority has insufficient evidence to support its case to impose this footpath.

Yd regards,

Jeremy Hurst

**Phil C Hobson**

---

**From:** Phil C Hobson  
**Sent:** 02 November 2017 08:07  
**To:** [REDACTED]  
**Subject:** Definitive Map Modification Order - Bradford Abbas  
**Attachments:** Bradford Abbas T474 March 2015 Report.pdf

Dear Mr Hurst

Thank you for your email in respect of the above.

The Order was made on the basis that the user evidence provided by the witnesses was sufficient, on the balance of probability, to determine that the claimed rights existed. Use of the way was challenged by the locking of a gate, after which use was prevented or much reduced resulting in the application being made to add the route to the Definitive Map and Statement.

You may wish to read the report a copy of which is attached for your information. Should you have any further questions please find my contact details below.

Regards

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
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DT1 1XJ

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## Dorset County Council

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### Official

Mr & Mrs M Park  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Date: 10 October 2017

Ask for: Phil Hobson

My ref: PCH RW/T474

Your ref:

Dear Mr & Mrs Park

### **Wildlife and Countryside Act 1981 Definitive Map Modification Order – Bradford Abbas (Saxon Maybank)**

Thank you for your letter of 1<sup>st</sup> October 2017 in respect of the above.

In accepting the application the County Council is not able to consider issues such as desirability, suitability or safety. A Modification Order does not seek to create a right of way, it is merely the process through which an existing right of way, acquired through presumed dedication or which for one reason or another has never been recorded, is recorded on the Definitive Map and Statement. In recording an 'existing' right of way the legislation does not consider whether it is needed or required, that would be something taken into consideration should an application to divert or delete a right of way was made.

The locking of the gate in 2007/08, thereby preventing or restricting its use, is the event that triggered the application. Consequently, this may explain why you have never witnessed anyone using the route. Due to an historic backlog of applications the time taken to determine them is not as quick as I would desire, and whilst I can only apologise to all those involved for such delays, I have to work within the resources I have available to me. At the time of the consultation it had become apparent that there was some difficulty in contacting the owners/occupiers of the individual 'lodges' and efforts were made to contact them through the owner Charteroak Estates. Notices had also been placed on site in an attempt to ensure that residents were made aware of the application.

Whilst you are correct in your observation that the matter was determined on user evidence alone, this is not an unusual occurrence, many rights of way come into being through use by the public 'as of right' over a period of twenty years or more and for which no documentary evidence may exist. Without evidence to the contrary, the legal test for confirmation of the Order is that of the 'balance of probability', that is to say is it more likely than not that the claimed rights subsist. The present and previous owners of the land, Charteroak Estates and Winchester College, are, in this instance, probably those best placed to provide evidence of any lack of intention to dedicate a right of way throughout the 'qualifying' period (20 years prior to the challenge in 2007/08), but any evidence they did provide was not considered sufficient to outweigh the evidence of use.

**Mike Harries, Director for Environment and Economy**

Working together for a strong and successful Dorset



Whilst there may have been a gate at point C since 1928 there is no evidence to suggest that the gate was closed or locked prior to 2007/08. There is no legal definition as to the minimum number of users required to satisfy an application only that the use must be by the public. A strict interpretation of this would suggest that an individual would not be regarded as the public but two or three may. In practice it tends to be more than this, although, if my memory serves me well, applications have succeeded with as little as three users. However, each case is determined on its own merit and in this case, bearing in mind its rural location, 13, 16 or 17 users would be regarded as sufficient to satisfy the requirement of use by the public.

I note that you object strongly to the Order, and you have the right to maintain your objection. I should advise you that I do not consider that your objection has been made on valid grounds. That is to say they are not objections that can be taken into account by the authority which determines the Order. This means that you could be at risk of costs being awarded against you by the Secretary of State irrespective of the outcome of the Inquiry.

I would be grateful if you would advise me whether you intend to maintain or withdraw your objection. You may wish to examine the guidelines provided by the Planning Inspectorate in respect of these matters, which can be found on the government website by using the following link.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/620446/Row\\_Booklet\\_revised\\_June\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620446/Row_Booklet_revised_June_2017.pdf)

Yours sincerely

**Phil Hobson**  
Senior Definitive Map Officer  
Regulation Team

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**From:** Mike Park [mailto:

**Sent:** 25 October 2017 10:55

**To:** Phil C Hobson <[REDACTED]>

**Subject:** Dorset Council (Footpath from East Lane to Public Road east of Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification Order 2017 (Ref: PCH RW/T474)

Dear Phil

Thank you for your detailed letter of 11 October in response to our letter of objection dated 1 October.

We remain frustrated, but in light of your letter we are minded to withdraw the objections. However before we do so, we would like to better understand the timeline and process from this point onwards.

Thanks and regards,

Mike Park

---

[REDACTED]

**From:** Phil C Hobson  
**Sent:** 30 October 2017 18:57  
**To:** [REDACTED]  
**Subject:** RE: Dorset Council (Footpath from East Lane to Public Road east of Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification Order 2017 (Ref: PCH RW/T474)

---

Dear Mike

There have been a number of objections to the Order, many if not all contain issues that would not be regarded as 'valid', as they cannot be taken into consideration when determining whether or not the claimed rights exist, for example, issues of privacy or security. But other 'issues' are perfectly valid as an objection, for example, an objector may simply not agree that the evidence, whether documentary or user, is sufficient for the Order to be made, whilst I would not necessarily agree with that stance in this case it is quite legitimate for you or anyone else, having taken time to consider the available evidence, to arrive at that conclusion. I am not suggesting that anyone should simply use that as a reason to object in the knowledge that they may actually consider the evidence to be sufficient as that would just prolong the process, but if they genuinely believe that they can make that argument then I would not attempt, nor would it be right of me to do so, to dissuade them from objecting.

With respect to the process and timescale, if the objections are maintained the Order will, in due course, be sent to the Planning Inspectorate who will determine a date for an Inquiry or Hearing. It is difficult to suggest a timescale as to when this may be achieved as there is a queue of applications waiting to be processed and it may take several years. However, its processing could be prioritised should it satisfy the criteria set out in the Council's Statement of Priorities.

Regards

**Phil Hobson**

Senior Definitive Map Officer  
Dorset Highways  
Dorset County Council  
County Hall, Colliton Park  
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**Phil C Hobson**

---

**From:** Mike Park [REDACTED]  
**Sent:** 08 November 2017 12:10  
**To:** Phil C Hobson  
**Subject:** Re: RE: Dorset Council (Footpath from East Lane to Public Road east of Coombe Cottages, Bradford Abbas) Definitive Map and Statement...

Dear Phil

Thank you for your email of 30 October.

After having taken the time to consider the evidence of usage, we remain of the view that such evidence is not sufficient for the Order to be made i.e that it does not support the conclusion that a right of way exists as proposed in the Order.

We therefore maintain our objection. Please keep us informed of any further developments.

Regards,  
Mike Park

**WILDLIFE AND COUNTRYSIDE ACT 1981****Definitive Map and Statement Modification Order  
Dorset Council (Footpath from East Lane (D20502) to D20503 Public Road East of  
Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification  
Order 2017 (“the Order”)****STATEMENT OF DORSET COUNCIL  
CONTAINING COMMENTS ON THE OBJECTIONS****Objections to the Order**

There are 20 objections to the Order.

1. Paul Smith objects to the Order on the grounds of desirability stating that the footpath is pointless because it has no destination, no access to wildlife or the countryside and passes through a built-up area.

2. Gloria Smith submitted the same objections as Paul Smith.

3. Shaun Cripps submitted the same objections as Paul and Gloria Smith.

4. Colin and Carol Martin object to the Order on the grounds of insufficient user evidence and the lack of desirability of the route. They state that because use of the footpath has only been by those connected, working, doing business or tenancing the land from the landowners. It provides no purpose or benefit to locals or visitors, and does not connect to any walking routes or public parking. They also do not feel that that due care and attention to the process was given by the Council when considering whether to make an Order and the user evidence was insufficient to support their decision.

5. Philip Brutton objects to the Order on the grounds of desirability stating that the footpath is pointless because it has no destination, no access to wildlife or the countryside and passes through a built up area.

6. Mr Johnstone objects to the Order on the grounds of desirability because the footpath is not necessary, and also because of concerns about privacy and security.

7. Patrick Pearce objects to the Order on the grounds that there is insufficient user evidence to demonstrate a dedication under the Highways Act 1980 and to conclude that footpath rights exist over the claimed route. In addition, the route has no current purpose, and is inconsistent with Articles 1 and 8 of the Human Rights Act 1998 due to the effect on the property owners along the route of the path. The decision to add the claimed route to the definitive map is contrary to the Council's Corporate Plan objectives as set out in the Regulatory Committee Report to the meeting on 12 March 2015. Further, the pre order public consultation was not adequate as it was not sent to all interested parties. Mr Pearce believes that if the claimed route has been in place for 20 years it would now satisfy the provisions of Section 118 of the Highways Act enabling a Public Path Extinguishment Order to be made.

8. Alison Pearce submitted the same objections as Patrick Pearce.

9. Mrs S A Fiddes objects to the Order on the grounds that during her purchase of 7 Saxon Way the public footpath was not mentioned and queries why it was not raised during the planning process for the site. She also believes that the user evidence is not sufficient and that those using the route were trespassing. Mrs Fiddes also feels that the route serves no purpose and does not benefit the public. She feels the process is wasting time and public money and that it is against her human rights under Article 8 of the Human Rights Act.

10. Chris Fiddes raises the same objections as Mrs S A Fiddes.

11. Mrs S Bracken objects to the Order on the grounds that the documentary evidence does not show the existence of a footpath and that the user evidence is insufficient because previous use of the site was as a dairy and therefore it would be impractical to challenge users of the track, some users were given permission to use the track and the number of witnesses is low with some unwilling to substantiate their claims. She also states that Winchester College, (former owner of part of the track and current owner (in 2017) of another section) does not accept that it is a public right of way and their view should be given weight because of their long involvement with the land. Mrs Bracken also raises safety concerns and suggests an alternative route for the footpath.

12. Susan Jenkin objects to the Order on the grounds that the user evidence was insufficient to support the Council's decision to make an Order.

13. Neil Jenkin objects to the Order on the grounds that the user evidence was insufficient to support the Council's decision to make an Order.

14. Paul Howard objects to the Order on the grounds that the user evidence was insufficient to support the Council's decision to make an Order, stating that 7 alleged users over a 20 year period to 2007 is insufficient to demonstrate public rights. The fact that the documentary evidence was deemed insufficient, seems to support the view that user evidence is insufficient.

15. Jane Howard raises the same objections as Paul Howard.

16. Bob Lanzer objects to the Order on the grounds that the documentary evidence is insufficient to demonstrate that public rights exist along the route and that the user evidence by bicycle and car is not considered sufficient to have established higher rights. Mr Lanzer also queries the route being used as a shortcut as the alternative route by road is a similar length. He states (in Oct 2017) that he has owned a lodge at the site since September 2014 and that he has only seen two non-residents (together at the same time) using the route as a footpath. Mr Lanzer feels that the user evidence does not show a high level of interest in the route but the claimed footpath could impact on his quiet enjoyment of his property and that of his neighbours.

17. Alexia Recurt objects to the Order on the grounds that the user evidence is insufficient and that there is no public benefit in having access through Saxon Maybank. The footpath was not revealed in the Local Authority Searches that were carried out before she bought a property in the area in March 2017. Had the footpath been revealed this may have had an impact on the decision to purchase the property.

18. Sarah McDowall objects to the Order on the grounds of desirability stating that the proposed footpath is unnecessary and detrimental to the interest of property owners on the site. She states that the claimed footpath is a longer route than the alternative way via road, the new path would generate foot traffic through a quiet and private site and create a security concern.

19. Jeremy Hurst objects to the Order on the grounds that there is insufficient user evidence to support the footpath claim. He states in October 2017 that he has owned 2 Coombe Cottages for nearly a year and never seen anyone attempting to use or look for the footpath.

20. Mr and Mrs Park object to the Order on the grounds of desirability and user evidence. NB Their letter of objection dated 1 October 2017 is not on file.

### **Comments on objections**

#### **Desirability, suitability, purpose and safety of the route**

Several of the objections cite matters that relate to the desirability of the claimed route including the suggestion that the footpath is pointless because it has no destination, that it provides no access to wildlife or the countryside and passes through a built-up area, and that the notion that it provides a short cut is not true because there is a route via road that is similar in length.

In accepting the application the Council is not able to consider issues such as desirability, suitability or safety. A Modification Order does not seek to create a right of way, it is the process through which an existing right of way, acquired through presumed dedication or which for one reason or another has never been recorded, is recorded on the Definitive Map and Statement. In recording an 'existing' right of way the legislation does not consider whether it is needed or required, that would be something taken into consideration should an application to divert or delete a right of way was made. With a few exceptions, such as Crown Land, private land is not exempt from any presumption of dedication of a public right of way, the act of trespassing when unchallenged can lead to the acquisition of a right of way over said land.

#### **Privacy and Security / Human Rights**

A number of the objectors have concerns about privacy and other issues that relate to the Human Rights Act as the location of the claimed route runs in close proximity to their properties.

The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations. A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

#### **User Evidence**

Of the 24 witnesses who provided evidence, it was established that 7 had been given permission to use the route or were tenants of the landowner so their evidence was not used in determining the application. The remaining 17 witnesses were deemed to have used the route 'as of right'. There is no legal definition as to the minimum number of users required only that the use must be by the public. Each case is determined on its own merit and in this instance the rural location of the route has implications for the number of witnesses that is considered sufficient.

Dorset Council considers that the user evidence sufficient to satisfy the legal requirements. There is no legal definition as to the minimum number of users required to

satisfy an application only that the use must be by the public. Each case is determined on its own merit and in this case, bearing in mind its rural location, the number of witnesses is regarded as sufficient to satisfy the requirement of use 'as of right' by the public.

### **Documentary Evidence**

Documentary evidence is not a pre-requisite for a successful application, nor is user evidence as an application can be successful based on either or a combination of both. Whether it is or was impractical to challenge users of the way, if public use went unchallenged then such use would have been 'as of right', without force, secrecy or permission. If the owner felt it impractical to challenge users there are other means by which they could have prevented the accrual of public rights. For example, the erection of notices or the deposit of a statutory declaration, however no evidence of such action was discovered or submitted during the investigation.

### **Local Authority Searches / Planning Permission**

Prior to July 2016 the ongoing DMMO application would not have been revealed in a Land Charge search unless the question was specifically asked. Since July 2016 the question regarding public rights of way became compulsory in Land Charge searches, however some solicitors use personal search companies, who may not reveal the existence of a DMMO.

1. The objection from Paul Smith solely relates to desirability which is dealt with in the paragraph above.
2. Comments on objection from Gloria Smith - See comments on objection from Paul Smith (1) above.
3. Comments on objection from Shaun Cripps - See comments on objection from Paul Smith (1) above.
4. The objection from Colin and Carol Martin concerns desirability and user evidence which are dealt with in the paragraphs above.
5. The objection from Philip Brutton solely relates to desirability which is dealt with in the paragraph above.
6. The objection from Mr Johnstone solely relates to desirability which is dealt with in the paragraph above.
7. The objection from Mr Pearce raises a number of issues including user evidence, desirability of the route and matters relating to the Human Rights Act all of which are dealt with in the paragraphs above.

Regarding the Council's Corporate objective, as the processing of Modification Orders is a legal 'statutory' requirement their investigation does not have to comply with all or any of the Council's Corporate objectives. However, those objectives that their investigation may be relevant to are generally related to Enabling Economic Growth and Health, Wellbeing and Safeguarding.

Concerning the consultation exercise, the Council made every effort to contact all owners and occupiers, when it became apparent that contacting the occupiers/owners of the individual properties was presenting difficulties, the contact details of the owners were requested from Charteroak. Charteroak would not provide these details and therefore details of the application addressed to each property were provided to Charteroak with the request that they be forwarded to the individuals concerned, and at no time have we been informed that this had not been completed. In addition notices had been placed on site and the Order was advertised within a local

newspaper. It is therefore believed that all of the occupiers are aware of the Order and have been given the opportunity to respond.

With respect to the suggestion that the route could be extinguished, this is not something can be taken into consideration when determining the application.

8. Comments on objection from Alison Pearce - See comments on objection from Patrick Pearce above.

9. The objection from Mrs S A Fiddes raises matters concerning Local Authority Searches / Planning permission, user evidence, desirability and the Human Rights Act which are all dealt with in the paragraphs above.

10. Comments on objection from Mr C Fiddes - See comments on objection from Mrs S A Fiddes above.

11. The objection from Mrs S Bracken raises a number of issues. Her comments about documentary evidence and user evidence are dealt with in the paragraph above. With regard to Winchester College's objection, it is not unusual for affected landowners to object to an Order to add a public right of way on their land. However, after consideration of the arguments Winchester College (landowner of part of the route at the time the Order was made) subsequently withdrew their objection. The alternative route proposed by Mrs Bracken is not something that can be taken into consideration with regard to the proposed modification.

12. The objection from Susan Jenkin raises the issue of user evidence which is dealt with in the paragraph above.

13. Comments on objection from Neil Jenkin - See comments on objection from Susan Jenkin above.

14. The objection from Paul Howard discusses user and documentary evidence which are dealt with in the paragraphs above.

15. Comments on objection from Jane Howard - See comments on objection from Paul Howard above.

16. The objection from Bob Lanzer covers user and documentary evidence, the desirability of the route and its effect on his privacy all of which are dealt with in the paragraphs above.

17. The objection from Ms Recurt raises the issue of user evidence, desirability of the route and Local Authority Searches which are dealt with in the paragraphs above. With particular regard to Ms Recurt's property purchase, Ms Recurt has provided a copy of the search that was undertaken when she bought the property. It has been clarified that the questions relating to public rights of way were correctly answered, i.e. the relevant question "Are there any pending applications to record a public right of way that abuts, or crosses the property, on a definitive map or revised definitive map?" was answered "none" which was correct because the application route does not abut Ms Recurt's property as there is a parcel of land in between the claimed footpath and Mr Recurt's property.

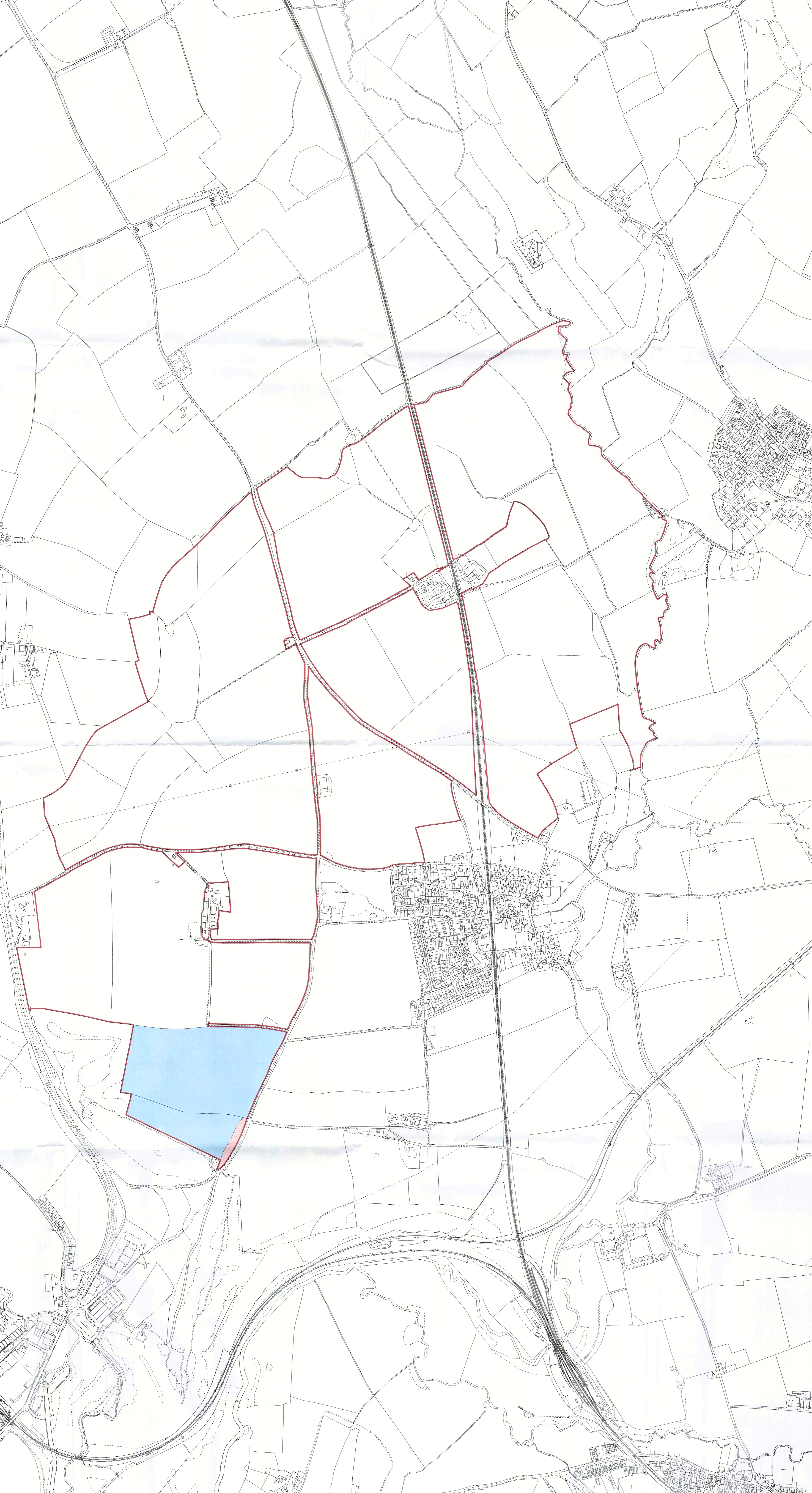
18. The objection from Sarah McDowall raises issues concerning the desirability of the route and matters relating to security and privacy. These are dealt with in the paragraphs above.

19. The objection from Jeremy Hurst raises the issue of user evidence which is dealt with

in the paragraph above.

20. The objection from Mr and Mrs Park raise the issues of desirability and user evidence which are dealt with in the paragraphs above.





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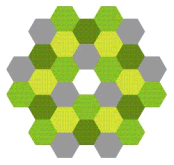
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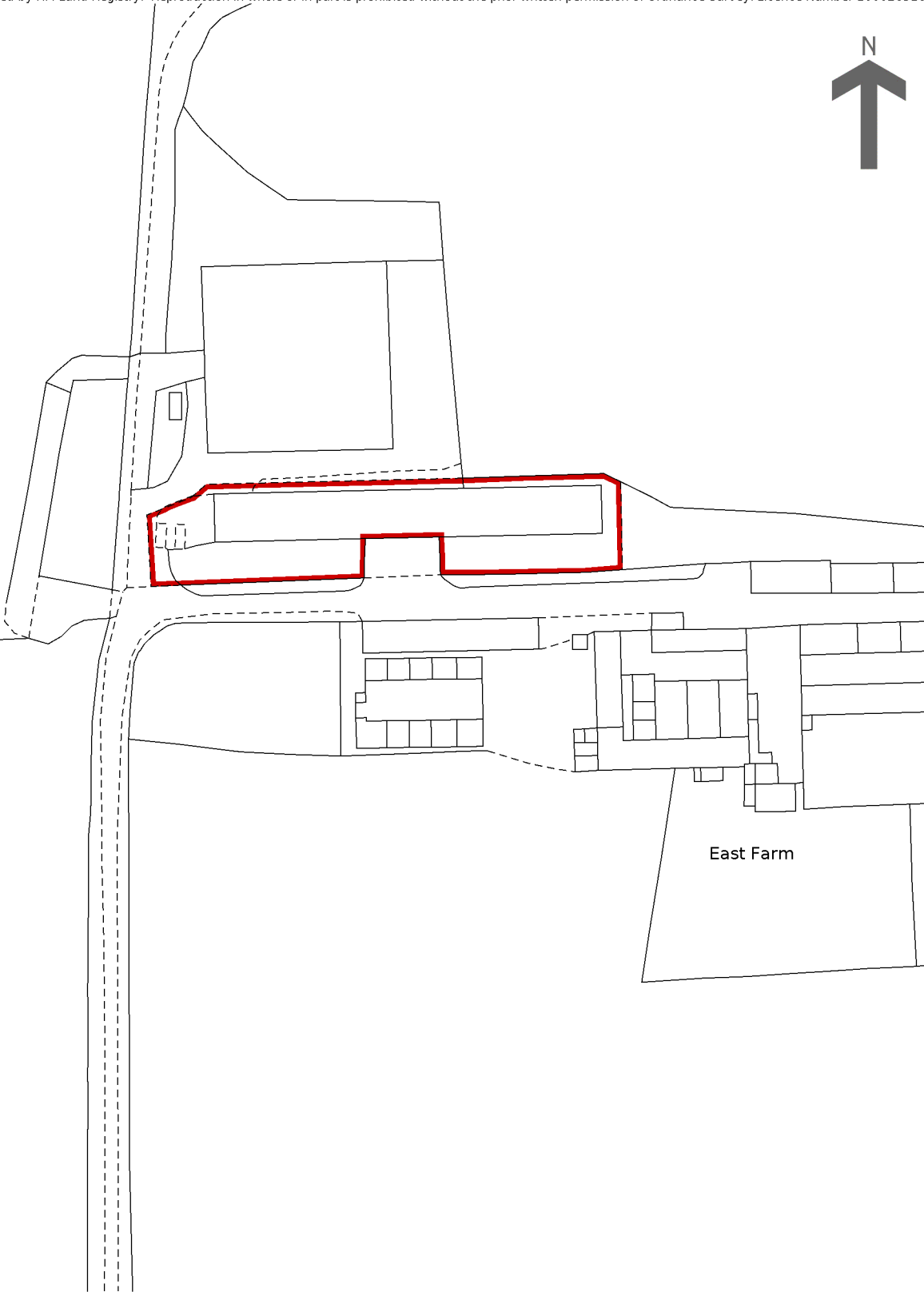
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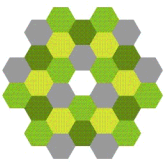
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HM Land Registry  
Official copy of  
title plan

Title number **DT355511**  
Ordnance Survey map reference **ST5815SE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Dorset**



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# Official copy of register of title

Title number DT444811

Edition date 01.04.2021

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- Issued on 18 Jan 2023.
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- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

DORSET

- 1 The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land at Wyke Farm, Wyke, Sherborne.
- 2 (22.08.2018) A Conveyance of the land tinted pink and tinted blue on the title plan dated 6 October 1954 made between (1) Noel Wyatt Paul, Daniel Leslie Paul, Kenneth Rowland Paul and Henry Alan Paul (Vendors) and (2) Cow & Gate Farms Limited (Purchaser) contains a provision as to light or air and a provision relating to the creation and/or passing of easements.  
  
*NOTE: Copy filed under DT441650.*
- 3 (04.10.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 22 August 2007 referred to in the Charges Register.
- 4 (10.02.2009) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 22 January 2009 referred to in the Charges Register.
- 5 (16.01.2017) The land has the benefit of any legal easements reserved by a Transfer of 1 Coombe Cottages dated 22 December 2016 made between (1) The Warden And Fellows Of Winchester College and (2) David William Hallett and Amy Elizabeth Hallett but is subject to any rights that are granted by the said deed and affect the registered land.  
  
*NOTE: Copy filed under DT427897.*
- 6 (18.01.2017) The land has the benefit of any legal easements reserved by a Transfer of 2 Coombe Cottages dated 11 January 2017 made between (1) The Warden And Fellows Of Winchester College and (2) Jeremy Reginald Hurst and Susan Ann Hurst but is subject to any rights that are granted by the said deed and affect the registered land.  
  
*NOTE: Copy filed under DT427957.*
- 7 (16.03.2017) The land has the benefit of any legal easements reserved by a Transfer of East Farm House dated 28 February 2017 made between (1) The Warden And Fellows Of Winchester College As Trustee Of The Charity Known As The Winchester College Foundation and (2) Nathaniel

## A: Property Register continued

Abraham Thomas Foster and Alexia Florence Claire Recurt but is subject to any rights that are granted by the said deed and affect the registered land.

*NOTE: Copy filed under DT431048.*

- 8 (21.11.2018) The land has the benefit of any legal easements reserved by a Transfer of Wyke Farmhouse dated 12 November 2018 made between (1) The Warden And Fellows Of Winchester College As Trustee Of The Charity Known As The Winchester College Foundation (Transferor) and (2) Alastair James Poulain and Hayley Ryder Poulain (Transferees) but is subject to any rights that are granted by the said deed and affect the registered land.

*NOTE: Copy filed under DT443497.*

- 9 (01.04.2021) The land has the benefit of any legal easements reserved by a Transfer of 1 New Cottages, Wyke Farm dated 31 March 2021 made between (1) The Honourable Charlotte Anne Townshend and (2) Grahame Herbert John Fry and Rachael Vera Fry but is subject to any rights that are granted by the said deed and affect the registered land.

*NOTE: Copy filed under DT460866.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (17.01.2019) PROPRIETOR: THE HONOURABLE CHARLOTTE ANNE TOWNSHEND of The Estate Office, Melbury Sampford, Dorchester DT2 0LF.
- 2 (17.01.2019) The price stated to have been paid on 11 January 2019 was £7,891,087.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (01.03.2005) By a Deed dated 15 December 1970 made between (1) British Railways Board and (2) The Warden and Scholars Clerks Of Saint Mary College Of Winchester the land was conveyed subject as follows:-

"2. For the benefit and protection of such part of the adjoining or neighbouring property of the Board as is capable of being benefited or protected and with intent to bind so far as legally may be itself and its successors in title owners for the time being of the property or any part thereof into whosoever hands the same may come the College hereby covenants with the Board as follows:-

(i) Not at any time :-

(a) without previously submitting detailed plans and section thereof to the Board and obtaining their approval thereto and (b) without complying with such reasonable conditions as to foundations or otherwise as the Board shall deem it necessary to impose :-

to erect or add to any building or structures or to execute any works on any part of the property within a distance of five feet of the Board's land and works.

(ii) Not to construct any mine work or extract any minerals situate under the property.".

*NOTE: No Copy of the original Deed was lodged on first registration. The entry was made from Land Charges Registration number 9027 dated 12 January 1971.*



## C: Charges Register continued

- 2 (01.03.2005) The parts of the land affected thereby are subject to the rights granted by a Deed dated 12 July 1971 made between (1) The Warden and Scholars Clerks of Saint Mary College of Winchester and (2) Gas Council

The said Deed also contains restrictive covenants by the Grantor.

*NOTE: Copy filed under DT327381.*

- 3 (04.10.2007) A Transfer of the land registered under title number DT355511 dated 22 August 2007 made between (1) The Warden and Fellows of Winchester College and (2) Charteroak Estates (Dawlish) Limited contains restrictive covenants by the Transferor.

*NOTE: Copy filed under DT355511.*

- 4 (10.02.2009) A Transfer of the land registered under title number DT369693 dated 22 January 2009 made between (1) The Warden And Fellows Of Winchester College and (2) Charteroak Estates (Dawlish) Limited contains restrictive covenants by the Transferor.

*NOTE:-Copy filed under DT369693.*

- 5 (20.09.2018) The parts of the land affected thereby are subject to any rights that are granted by a Deed dated 6 September 2018 made between (1) The Warden and Fellows of Winchester College and (2) Southern Electric Power Distribution PLC and affect the registered land. The said Deed also contains restrictive covenants by the grantor.

*NOTE:-Copy filed under DT327381.*

End of register

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# Official copy of register of title

Title number DT369693

Edition date 31.05.2019

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- Issued on 18 Jan 2023.
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- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

DORSET

- 1 (01.03.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being land at East Farm, Bradford Abbas, Sherborne.
- 2 (04.10.2007) The land has the benefit of the rights reserved by but is subject to the rights granted by the Transfer dated 22 August 2007 referred to in the Charges Register.
- 3 (10.02.2009) The land has the benefit of the rights granted by but is subject to the rights reserved by a Transfer of the land in this title dated 22 January 2009 made between (1) The Warden And Fellows Of Winchester College and (2) Charteroak Estates (Dawlish) Limited.

*NOTE: Copy filed.*

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (24.08.2018) PROPRIETOR: SAXON HOLIDAY LODGES LIMITED (Co. Regn. No. 11260318) of 6 Poole Road, Wimborne BH21 1QE and of 5 Vine Close, Bournemouth BH7 7JX.
- 2 (24.08.2018) The price stated to have been paid on 23 July 2018 for the land in this title and in DT355511 was £340,000.
- 3 (24.08.2018) A Transfer of the land in this title and other land dated 23 July 2018 made between (1) Charteroak Estates Limited and (2) Saxon Holiday Lodges Limited contains purchaser's personal covenants.

*NOTE: Copy filed under DT355511.*

Title number DT369693

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (04.10.2007) A Transfer of the land adjoining the most southerly boundary of the land in this title dated 22 August 2007 made between (1) The Warden and Fellows of Winchester College and (2) Charteroak Estates (Dawlish) Limited contains restrictive covenants by the Transferor.

*NOTE: Copy filed under DT355511.*

- 2 (22.07.2010) The land is subject to the rights granted by the leases of the properties at Saxon Maybank adjoining the southern boundary of the land in this title for a term of 199 years from from 1 February 2009.

End of register

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# Official copy of register of title

Title number DT355511

Edition date 21.08.2020

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- Issued on 18 Jan 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Weymouth Office.

## A: Property Register

This register describes the land and estate comprised in the title.

DORSET

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land and buildings at East Farm, Bradford Abbas, Sherborne (DT9 6JN).
- 2 (04.10.2007) The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 22 August 2007 referred to in the Charges Register.
- 3 (22.07.2010) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.
- 4 (17.09.2010) The title plan has been revised to accord with the latest revision of the Ordnance Survey Map.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (24.08.2018) PROPRIETOR: SAXON HOLIDAY LODGES LIMITED (Co. Regn. No. 11260318) of 6 Poole Road, Wimborne BH21 1QE and of 5 Vine Close, Bournemouth BH7 7JX.
- 2 (24.08.2018) The price stated to have been paid on 23 July 2018 for the land in this title and in DT369693 was £340,000.
- 3 (24.08.2018) A Transfer of the land in this title and other land dated 23 July 2018 made between (1) Charteroak Estates Limited and (2) Saxon Holiday Lodges Limited contains purchaser's personal covenants.

*NOTE: Copy filed.*

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (04.10.2007) A Transfer of the land in this title dated 22 August 2007 made between (1) The Warden and Fellows of Winchester College and (2) Charteroak Estates (Dawlish) Limited contains restrictive covenants.

*NOTE: Copy filed.*

- 2 (22.07.2010) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.

- 3 (14.06.2016) UNILATERAL NOTICE affecting plot 10 in respect of a Licence dated 31 May 2016 made between (1) Charteroak Estates Limited and (2) Michael John Park and Clare Louise Park.

*NOTE: Copy filed.*

- 4 (14.06.2016) BENEFICIARY: Michael John Park and Clare Louise Park of Heritage House, 29 George Street, Old Town, Hemel Hempstead, HP2 5HJ.

## Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	22.07.2010 edged and numbered 1 in blue	Plot 6 Saxon Maybank	26.03.2010 199 years from 1/2/2009	DT380427
2	13.08.2010 edged and numbered 2 in blue	Plot 7 Saxon Maybank	21.07.2010 199 years from 1.2.2009	DT380867
3	19.11.2010 Edged and numbered 3 in blue	plot 11 Saxon Maybank	28.10.2010 125 years from 1/2/2009	DT382801
4	07.06.2011 Edged and numbered 4 in blue;	Plot 4 Saxon Maybank	27.05.2011 199 years from 1.2.2009	DT386649

End of register



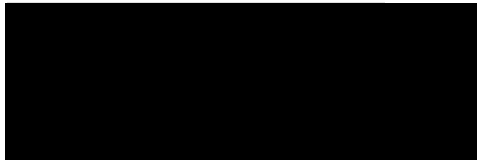




**Wildlife and Countryside Act 1981**

**Definitive Map and Statement Modification Order  
Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road East of Coombe Cottages,  
Bradford Abbas) Definitive Map and Statement  
Modification Order 2017 ("the Order")**

I hereby certify that the notice requirements set out in paragraph 3 of Schedule 15 to the Act have been complied with in respect of the above Order.



Jonathan Mair  
Monitoring Officer  
Dorset Council

09.06.2023



**Notice of Modification Order**

**Section 53 of the Wildlife and Countryside Act 1981**

**Dorset County Council  
County of Dorset Definitive Map and Statement of Rights of Way**

**Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road  
east of Coombe Cottages, Bradford Abbas)  
Definitive Map and Statement Modification Order 2017**

The above Order, made on 14 August 2017, if confirmed as made, will modify the definitive map and statement for the area by adding a Footpath at Bradford Abbas in the West Dorset District as follows:

From its junction with East Lane (D20502), west north west of East Farm at ST 58731547, east along a loose stone/gravel surfaced track to ST 58751547, continue east, passing through the Saxon Maybank development with buildings on either side and passing to the north of East Farm to ST 58931547. Then turn north east to ST 58951548 and continue north east along a hard stone surfaced track, hedged on both sides, south west of Coombe Cottages to ST 59021556. Continue north east, passing to the south east of Coombe Cottages to its junction with the D20503 Road at ST 59061560. Width: 9 metres at ST 58731547, narrowing to 5 metres at ST 58751547 and 4 metres at ST 58931547, widening to 9 metres at ST 58951548 and ST 59021556 and 10 metres at ST 59061560.

A copy of the Order and the Order map may be seen free of charge at Reception, County Hall, Colliton Park, Dorchester during normal office hours. Copies of the Order and map may be bought there for £10.00. Copies are also available on our website at [www.dorsetforyou.com/row-orders](http://www.dorsetforyou.com/row-orders).

Any representation or objection relating to the Order must be sent in writing to Phil Hobson, Senior Definitive Map Officer, Dorset Highways, Environment and the Economy Directorate, Dorset County Council, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ (Ref: RW/T474) not later than 6 October 2017, and applicants are requested to state the grounds on which it is made. Any letters received will be made available for public inspection.

If no representations or objections are duly made to the Order, or if any so made are withdrawn, the Dorset County Council, instead of submitting the Order to the Secretary of State for the Department for Environment, Food and Rural Affairs may itself confirm the Order. If the Order is submitted to the Secretary of State, any representations or objections which have been duly made and not withdrawn will be sent with it.

Dated: 24 August 2017  
JONATHAN MAIR, Monitoring Officer

**Notice of Modification Order**  
**Section 53 of the Wildlife and Countryside Act 1981**  
**Dorset County Council**

**County of Dorset Definitive Map and Statement of Rights of Way**  
**Dorset County Council (Footpath from East Lane (D20502) to**  
**D20503 Public Road east of Coombe Cottages, Bradford Abbas)**  
**Definitive Map and Statement Modification Order 2017**

The above Order, made on 14 August 2017, if confirmed as made, will modify the definitive map and statement for the area by adding a Footpath at Bradford Abbas in the West Dorset District as follows.

From its junction with East Lane (D20502), west north west of East Farm at ST 58731547, east along a loose stone/gravel surfaced track to ST 58751547, continue east, passing through the Saxon Maybank development with buildings on either side and passing to the north of East Farm to ST 58931547. Then turn north east to ST 58951548 and continue north east along a hard stone surfaced track, hedged on both sides, south west of Coombe Cottages to ST 59021556. Continue north east, passing to the south east of Coombe Cottages to its junction with the D20503 Road at ST 59061560. Width: 9 metres at ST 58731547, narrowing to 5 metres at ST 58751547 and 4 metres at ST 58931547, widening to 9 metres at ST 58951548 and ST 59021556 and 10 metres at ST 59061560.

A copy of the Order and the Order map may be seen free of charge at Reception, County Hall, Colliton Park, Dorchester during normal office hours. Copies of the Order and map may be bought there for £10.00. Copies are also available on our website at [www.dorsetforyou.com/row-orders](http://www.dorsetforyou.com/row-orders).

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Dated: 24 August 2017.  
JONATHAN MAIR, Monitoring Officer

**\*CAUTION\***

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**COPYING FOR OTHER PURPOSES MAY BE ILLEGAL**

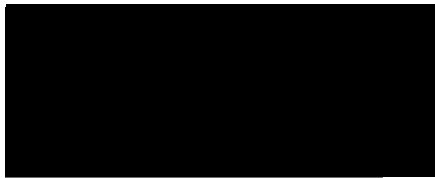


**Wildlife and Countryside Act 1981**

**Definitive Map and Statement Modification Order**

**Dorset County Council (Footpath from East Lane (D20502) to D20503 Public Road East of Coombe Cottages, Bradford Abbas) Definitive Map and Statement Modification Order 2017 (“the Order”)**

I hereby certify that the consultation requirements set out in paragraph 1 of Schedule 15 to the Act have been complied with in respect of the above Order.



Jonathan Mair  
Monitoring Officer  
Dorset Council

09.06.2023

Mrs P Chapman

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Mr R Chute

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Mr Simon Hargreaves

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Pardoes Solicitors

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

The Honourable Charlotte Anne Townshend

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Nick Funnell

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Gabriel Chan

[Redacted]

Richard and Sally Humphreys

[Redacted]

Mr Nathan Foster

[Redacted]  
[Redacted]  
[Redacted]

Ms A Recurt

[Redacted]  
[Redacted]  
[Redacted]

Mr B Lanzer

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs W Jenkin

[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs Howard

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs Fiddes

[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs Smith

[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs P Brutton

[Redacted]  
[Redacted]  
[Redacted]

Ms Sarah McDowall

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Mr S Cripps

[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs Oakley

[Redacted]  
[Redacted]  
[Redacted]

The Owners/Occupiers

[Redacted]  
[Redacted]  
[Redacted]

The Owners/Occupiers

[Redacted]  
[Redacted]  
[Redacted]

Mr & Mrs Martin

[Redacted]

Mr and Mrs Park

[Redacted]

Mr J Hurst

[Redacted]

Mr & Mrs Mitchell

[Redacted]  
[Redacted]  
[Redacted]

Mr and Mrs Jenkin

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Environment Agency

[Redacted]

The British Horse Society

[Redacted]

Mrs Sara Greenwood

[Redacted]  
[Redacted]

Byways & Bridleways Trust

[Redacted]

Open Spaces Society

[Redacted]

Jan Wardell

[Redacted]  
[Redacted]

The Ramblers

[REDACTED]

T K Styles

[REDACTED]

[REDACTED]

C Wiles

[REDACTED]

[REDACTED]

Trail Riders' Fellowship

[REDACTED]

John Vannuffel

[REDACTED]

[REDACTED]

Auto-Cycle Union Ltd

[REDACTED]

Cycling UK National Office (formerly CTC)

[REDACTED]

Cycling UK(formerly CTC)

[REDACTED]

Linda Williams

[REDACTED]

[REDACTED]

Claire Pinder

[REDACTED]

Natural England Consultation Service

[REDACTED]

Dorset Wildlife Trust

[REDACTED]

Amphibians and Reptiles Conservation Trust

[REDACTED]

BT Network Alteration Projects

[REDACTED]

Southern Gas Networks

[REDACTED]

Wessex Water

[REDACTED]

Wessex Water

[REDACTED]

Andy Jackson  
SSE

[REDACTED]

Dave Ackerley  
Dorset Council

[REDACTED]

Mr Graham Matthews  
All Terrain UK

[REDACTED]

Mr Holmes  
Open Spaces Society (Purbeck)

[REDACTED]

Cllr Robin Legg

[REDACTED]

V Vanessa Penny  
Dorset Council

[REDACTED]

Mr Terry Gardner  
Southern Gas Networks

[REDACTED]

Dorset Council

[REDACTED]

Roland Skeats  
Dorset Council

[REDACTED]

Mr David Stratford  
Dorset Rough Riders

[REDACTED]

Mr Tom Bayford  
All Terrain UK

[REDACTED]

Mr Keith Yarwood  
Open Spaces Society (North Dorset)

[REDACTED]

Open Spaces Society

[REDACTED]

Mrs Lucinda Hansford  
Dorset Council

[REDACTED]

Rights of Way Team  
Ordnance Survey

[REDACTED]

[REDACTED]

[REDACTED]





**Dorset**  
Council

# Certificate of posting notices

## Notice of Public Enquiry

### Wildlife and Countryside Act 1981

**Dorset Council (Footpath from East Lane (D20502) to D20503 Public Road east  
of Coombe Cottages, Bradford Abbas)  
Definitive Map and Statement Modification Order 2017**

I, ALASTAIR BEAVEN

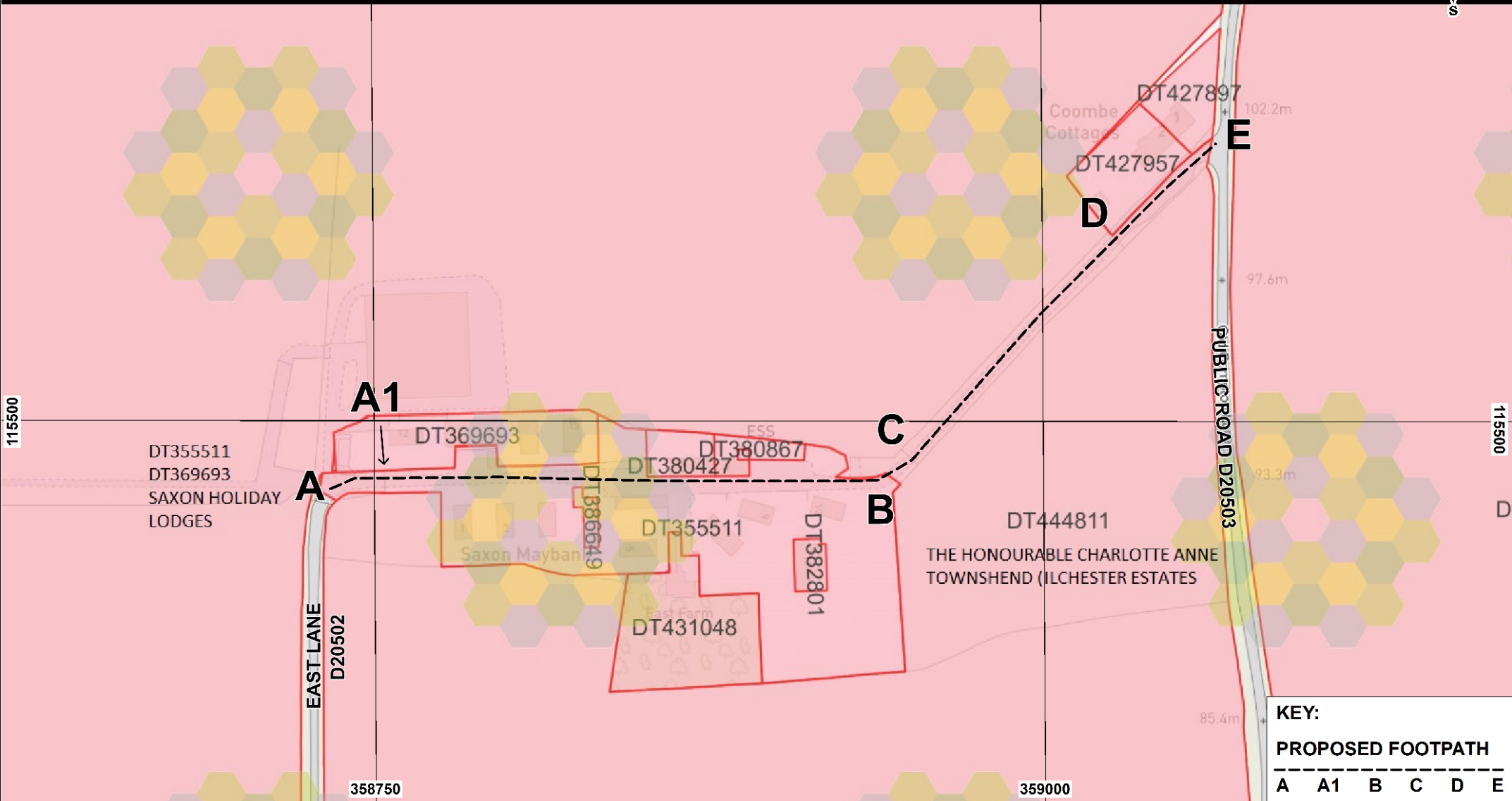
confirm that I have posted notices of Public Enquiry of the Dorset Council (Footpath  
from East Lane (D20502) to D20503 Public Road east of Coombe Cottages,  
Bradford Abbas)  
Definitive Map and Statement Modification Order 2017 at the ends of so much of any  
way as is affected by the order on

07 NOVEMBER 2024.

Signed: 

Date: 7/11/24

Ref. RW/T474



**KEY:**  
**PROPOSED FOOTPATH**  
 A A1 B C D E

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2017**

**Ref: T474/23/**  
**Date: 15/03/2023**  
**Scale 1:2000**  
**Drawn By: CAM**  
**Cent X: 358893**  
**Cent Y: 115521**

**Dorset Council**

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 Getmapping Plc and Bluesky International Ltd (2023)



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

**NB:** The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

Dorset County Council is a Data Controller for the purposes of the Data Protection Act 1998. This Act regulates how we obtain, use and retain personal information. The information you supply will be used for the purpose of fulfilling our functions and duties, including those under the Highways Act 1980 and the Wildlife and Countryside Act 1981. Any information provided on this form, including personal details will be available for public inspection, disclosed to interested third parties and may be used during public inquiries and other proceedings. By completing and returning this form, you are consenting to your personal information being retained and used for these purposes. Further information about the use of personal information and data protection is available on our web-site at [www.dorsetforyou.com](http://www.dorsetforyou.com) or by contacting the Council's Data Protection Officer.

**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

**FULL NAME:** (Mr/Mrs/Miss) RAYMOND E. ALLWRIGHT **AGE:** 78  
**ADDRESS:** [REDACTED] **TEL No. (day):** [REDACTED]  
**OCCUPATION:** RETIRED. **TEL No. (eve):** " "

**PATH DETAILS:-**

**PARISH:** BRADFORD ABBAS **DISTRICT:** WEST DORSET

**DESCRIPTION OF ROUTE** [please indicate clearly and precisely on a map - 1:2500 scale if possible]

**FROM:** COOMBE COTTAGES VIA EAST FARM

**TO:** (ADJACENT TO) COOMBE HOUSE.

If necessary, continue your answers on a separate sheet of paper.

1. **Have you used the above way?**  YES  NO [delete as appropriate]
- If so:
- a. During which years? FROM 1963 TO 2007
  - b. How many times a year? ABOUT 50. LESS IN RECENT YEARS.
  - c. Where were you going to and from? HOME
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE.
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] ON FOOT, ALSO A FEW TIMES IN PRIVATE CAR.
  - f. Did other people also use it?  YES  NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)] ON FOOT AND IN FARM VEHICLES.
2. **Has the way always run over the same route?**  YES  NO [delete as appropriate]
- If it has been diverted, give the details and dates: \_\_\_\_\_
3. **Have there to your knowledge ever been on the way any:**
- a. Stiles?  YES  NO [If yes, state location] \_\_\_\_\_
  - b. Gates?  YES  NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices?  YES  NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions?  YES  NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route? NOT KNOWN. I UNDERSTAND A PREVIOUS OWNER WAS WINCHESTER COLLEGE; OCCUPIED BY R. LOXTON AS TENANT.

5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]

If so:

- a. Give particulars and dates \_\_\_\_\_
- b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_

6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]

If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_

7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]

a. If yes, give dates and particulars. \_\_\_\_\_

b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_

c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_

d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
If yes, why? I USED TO MEET THE OCCUPIER AND EMPLOYEES ON THE WAY.

e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
If yes, state when and give particulars: \_\_\_\_\_

8. Have you ever enjoyed a private right along the route in question? NO

9. Please give any further particulars including an estimate of the width if possible: \_\_\_\_\_

**DECLARATION**

I am / ~~am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 30 JAN 2008.

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)

30/08.



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**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
 BRADFORD ABBAS

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

( )

( )

**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) MR & MRS C J BARLCH AGE: 70 & 64  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: RETIRED TEL No. (eve): 11

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: SHERBORNE

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: COOMBE

TO: BACK LANE

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]
 

If so:

  - a. During which years? 1989 - 1908
  - b. How many times a year? ONCE A WEEK 52 WEEKS A YEAR
  - c. Where were you going to and from? WALKING
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT
  - f. Did other people also use it? YES/NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT - VEHICLE
  
2. Has the way always run over the same route? YES/NO [delete as appropriate]
 

If it has been diverted, give the details and dates: [REDACTED]
  
3. Have there to your knowledge ever been on the way any:
  - a. Stiles? ~~YES~~/NO [If yes, state location] .....
  - b. Gates? ~~YES~~/NO [If yes, state whether locked] .....
  - c. Notices? ~~YES~~/NO [If yes, what did they say?] .....
  - d. Other obstructions? ~~YES~~/NO [If yes, state nature and location and how you passed the obstruction]:  
.....



4. Who owns the land crossed by this route?  
WINCHESTER COLLEGE

5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]

If so:

- a. Give particulars and dates \_\_\_\_\_
- b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_

6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]

If so, from whom? BRIAN CHANT When? 1986  
EX EMPLOYEE (FARM MANAGER)

7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]

- a. If yes, give dates and particulars.
- b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? NO YES/NO [delete as appropriate] FOOT + MOUTH  
If yes, give dates and particulars: \_\_\_\_\_
- c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate] NO  
If yes, give dates and particulars. \_\_\_\_\_
- d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
If yes, why? WE WERE SEEN TO BE USING THE ROUTE
- e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
If yes, state when and give particulars: NO. NOT UNTIL NOW

8. Have you ever enjoyed a private right along the route in question? NO

9. Please give any further particulars including an estimate of the width if possible:  
\_\_\_\_\_  
\_\_\_\_\_

**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_, Date: 31-1-08

Person taking this statement: \_\_\_\_\_, Date: \_\_\_\_\_  
(if applicable)



**Ref:**  
 Date: 06/11/2007  
 Scale 1:2000  
 Drawn By:  
 Cent X: 358905  
 Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
 BRADFORD ABBAS

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

( )

( )

**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) MRS BETTY GWENDOLINE BARBER AGE: 82  
ADDRESS: [REDACTED] EL No. (day): [REDACTED]  
OCCUPATION: RETIRED. TEL No. (eve): " "

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS. DISTRICT: W/ DORSET.

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: CROSS ROADS OP LANE TO COOMBE COITS, THRU EAST  
TO: FARM BACK DOWN LANE

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

- a. During which years? 1997 - PRESENT DAY.
- b. How many times a year? 40-50
- c. Where were you going to and from? FROM HOME TO EAST FARM & BACK.
- d. For what purpose? [e.g. pleasure, business, work] PLEASURE
- e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] ON FOOT
- f. Did other people also use it? YES/NO [delete as appropriate]
- g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: .....

3. Have there to your knowledge ever been on the way any:

- a. Stiles? YES/NO [If yes, state location] .....
- b. Gates? YES/NO [If yes, state whether locked] UNSTIL LOCKED
- c. Notices? YES/NO [If yes, what did they say?] .....
- d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:

4. Who owns the land crossed by this route?  
DONT KNOW
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
 a. If yes, give dates and particulars.  
 \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
 If yes, why? DONT KNOW  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECLARATION**

I am / ~~am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 25-02-08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



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**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

Dorset County Council is a Data Controller for the purposes of the Data Protection Act 1998. This Act regulates how we obtain, use and retain personal information. The information you supply will be used for the purpose of fulfilling our functions and duties, including those under the Highways Act 1980 and the Wildlife and Countryside Act 1981. Any information provided on this form, including personal details will be available for public inspection, disclosed to interested third parties and may be used during public inquiries and other proceedings. By completing and returning this form, you are consenting to your personal information being retained and used for these purposes. Further information about the use of personal information and data protection is available on our web-site at [www.dorsetforyou.com](http://www.dorsetforyou.com) or by contacting the Council's Data Protection Officer.

**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME:(Mr/Mrs/Miss) MR KENNETH JOHN BARBER AGE: 85  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: RETIRED TEL No. (eve): SAME

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: CROSSROADS, UPLANE TO COMBE COITS, THRU EAST  
 TO: FARM, BACK DOWN LANE.

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate] NO
- If so:
- a. During which years? 1997 - PRESENT DAY.
  - b. How many times a year? 40 - 50
  - c. Where were you going to and from? FROM HOME TO EAST FARM & BACK
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE.
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] ON FOOT

- f. Did other people also use it? YES/NO [delete as appropriate]
- g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
ON FOOT

2. Has the way always run over the same route? YES/NO [delete as appropriate]
- If it has been diverted, give the details and dates: .....

3. Have there to your knowledge ever been on the way any:
- a. Stiles? YES/NO [If yes, state location] .....
  - b. Gates? YES/NO [If yes, state whether locked] .....
  - c. Notices? YES/NO [If yes, what did they say?] .....
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:



4. Who owns the land crossed by this route?  
 \_\_\_\_\_ NOT KNOWN \_\_\_\_\_
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
 a. If yes, give dates and particulars.  
 \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? \_\_\_\_\_  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO.
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 25-02-08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



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**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

**Ref:**  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

GEOGRAPHICAL INFORMATION SYSTEMS

**DORSET**  
County Council

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) RICHARD JOHN BENNETT AGE: 60  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: CONSULTANT TEL No. (eve): \_\_\_\_\_

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET  
DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
FROM: AS PER ATTACHED MAP - ROAD PAST  
TO: EAST FARM.

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way?  YES  NO [delete as appropriate]
- If so:
- a. During which years? LAST 25 YEARS
- b. How many times a year? PERHAPS AVERAGE OF 6 TIMES A YEAR
- c. Where were you going to and from? DOG WALKING + DRIVING DOWN TO
- d. For what purpose? [e.g. pleasure, business, work] DOG WALKING VILLAGE
- e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT AND CAR AND BICYCLE
- f. Did other people also use it?  YES  NO [delete as appropriate]
- g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT / CAR / BICYCLE
2. Has the way always run over the same route?  YES  NO [delete as appropriate]
- If it has been diverted, give the details and dates: \_\_\_\_\_
3. Have there to your knowledge ever been on the way any:
- a. Stiles?  YES  NO [if yes, state location] \_\_\_\_\_
- b. Gates?  YES  NO [if yes, state whether locked] \_\_\_\_\_
- c. Notices?  YES  NO [if yes, what did they say?] \_\_\_\_\_
- d. Other obstructions?  YES  NO [if yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
DON'T KNOW BUT FARMED BY RICHARD LOXTON
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO  [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO  [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO  [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO  [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/NO  [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO   
 If yes, why? MET RICHARD ON MANY OCCASIONS THERE  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO  [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO
9. Please give any further particulars including an estimate of the width if possible:  
FULL ROAD WIDTH.

**DECLARATION**

I am / ~~am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_

Date: 13/2/08

Person taking this statement:  
 (if applicable)

Date: \_\_\_\_\_



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**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

**Ref:**  
 Date: 06/11/2007  
 Scale 1:2000  
 Drawn By:  
 Cent X: 358905  
 Cent Y: 115500

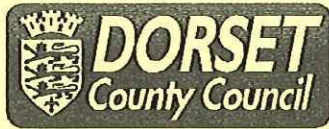
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**DORSET**  
 County Council

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DORSET COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

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THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION

FULL NAME: (Mr/Mrs/Miss) AILSA BOWRING AGE: 58
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]
OCCUPATION: COUNTESS ASSISTANT TEL No. (eve): 11

PATH DETAILS:-

PARISH: BRADFORD ABBAS DISTRICT:

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: COOMBE COTTAGES
TO: TOP ROAD

If necessary, continue your answers on a separate sheet of paper.

- 1. Have you used the above way? YES/NO [delete as appropriate]
If so:
a. During which years? 1980 - 1982 2007
b. How many times a year? 24-30
c. Where were you going to and from? BRADFORD ABBAS TO BRADFORD ABBAS
d. For what purpose? [e.g. pleasure, business, work] WALKING
e. By what means? [e.g. on foot, on horseback, with a vehicle(please state type)] ON FOOT
f. Did other people also use it? YES/NO [delete as appropriate]
g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle(please state type)] ON FOOT AND FARM VEHICLES
2. Has the way always run over the same route? YES/NO [delete as appropriate]
If it has been diverted, give the details and dates:
3. Have there to your knowledge ever been on the way any:
a. Stiles? YES/NO [If yes, state location]
b. Gates? YES/NO [If yes, state whether locked] YES
c. Notices? YES/NO [If yes, what did they say?] PLANNING APPLICATION NOTICE
d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:



4. Who owns the land crossed by this route?  
DON'T KNOW
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/~~NO~~ [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/~~NO~~ [delete as appropriate]  
 a. If yes, give dates and particulars.  
31/10/07 GATES & NOTICE  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/~~NO~~ [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/~~NO~~ [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? NOT PRESENT OWNER MAYBE. PREVIOUS TENANT WAS OFTEN THERE  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/~~NO~~ [delete as appropriate]  
 If yes, state when and give particulars: 31-10-07 ON NEW GATES
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_  
~~YES~~ NO
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

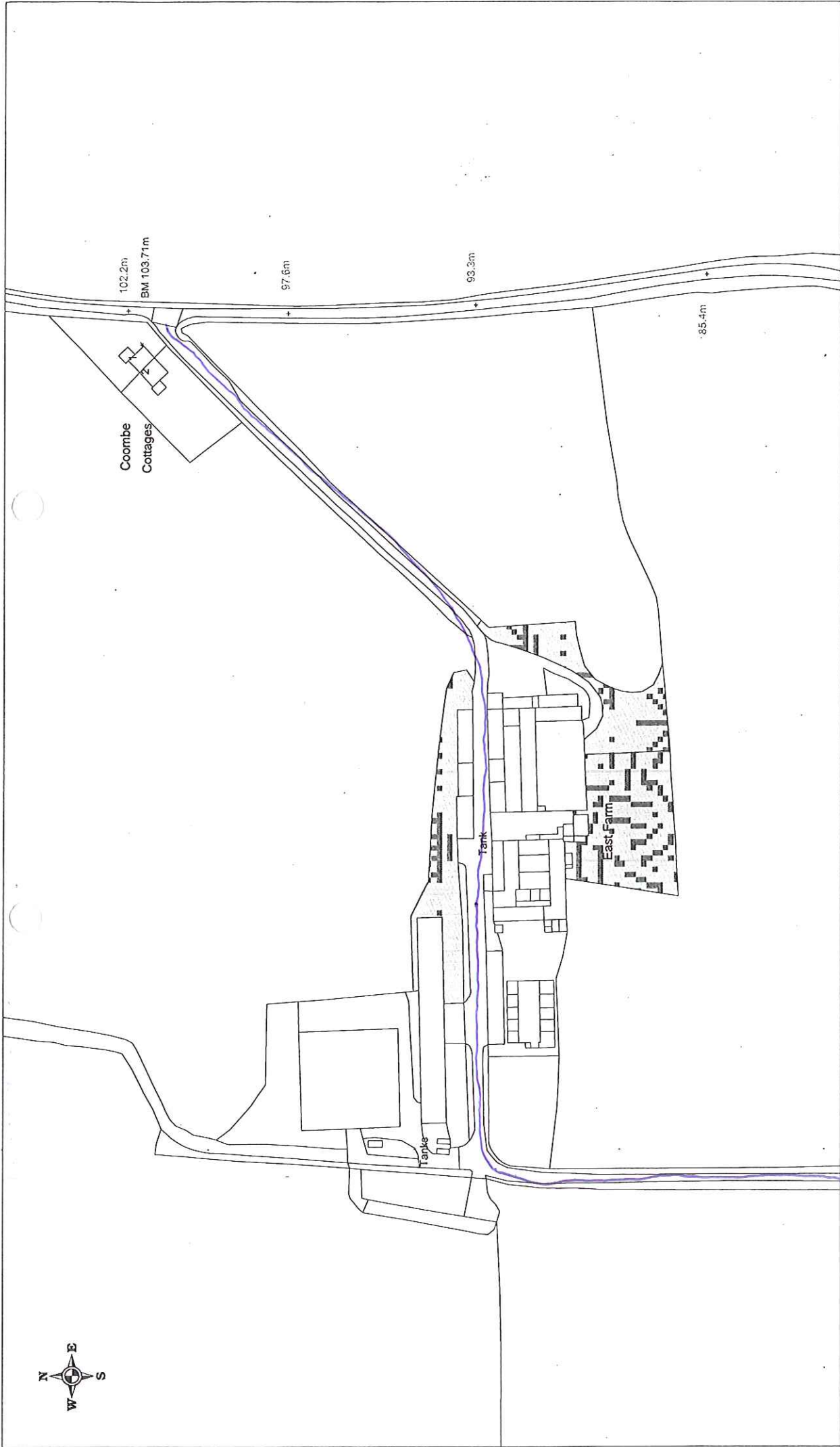
**DECLARATION**

I ~~am~~ / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 9-1-2008

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



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County Council

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 Scale 1:2000  
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 Cent X: 358905  
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**WILDLIFE & COUNTRYSIDE ACT 1981**  
 BRADFORD ABBAS

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DORSET COUNTY COUNCIL
PUBLIC RIGHTS OF WAY EVIDENCE FORM

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THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION

FULL NAME:(Mr/Mrs/Miss) ELIZABETH J. CHAPMAN AGE: 69
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]
OCCUPATION: RETIRED TEL No. (eve):

PATH DETAILS:-

PARISH: BRADFORD ABBAS DISTRICT:

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM:

TO:

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

- a. During which years? last 30 yrs.
b. How many times a year? on average 6
c. Where were you going to and from? to THE EMLET - to THE EMLET.
d. For what purpose? [e.g. pleasure, business, work] Pleasure
e. By what means? [e.g. on foot, on horseback, with a vehicle(please state type)] foot

f. Did other people also use it? YES/NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle(please state type)] FOOT

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates:

3. Have there to your knowledge ever been on the way any:

- a. Stiles? YES/NO [If yes, state location]
b. Gates? YES/NO [If yes, state whether locked]
c. Notices? YES/NO [If yes, what did they say?]
d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:

4. Who owns the land crossed by this route?  
\_\_\_\_\_
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
If so:  
a. Give particulars and dates \_\_\_\_\_  
b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/~~NO~~ [delete as appropriate]  
a. If yes, give dates and particulars.  
only DEC 2007 - Gates & Notices  
b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_  
c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_  
d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
If yes, why? \_\_\_\_\_  
e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/~~NO~~ [delete as appropriate]  
If yes, state when and give particulars: Dec 2007. Private
8. Have you ever enjoyed a private right along the route in question? No.
9. Please give any further particulars including an estimate of the width if possible:  
\_\_\_\_\_  
\_\_\_\_\_

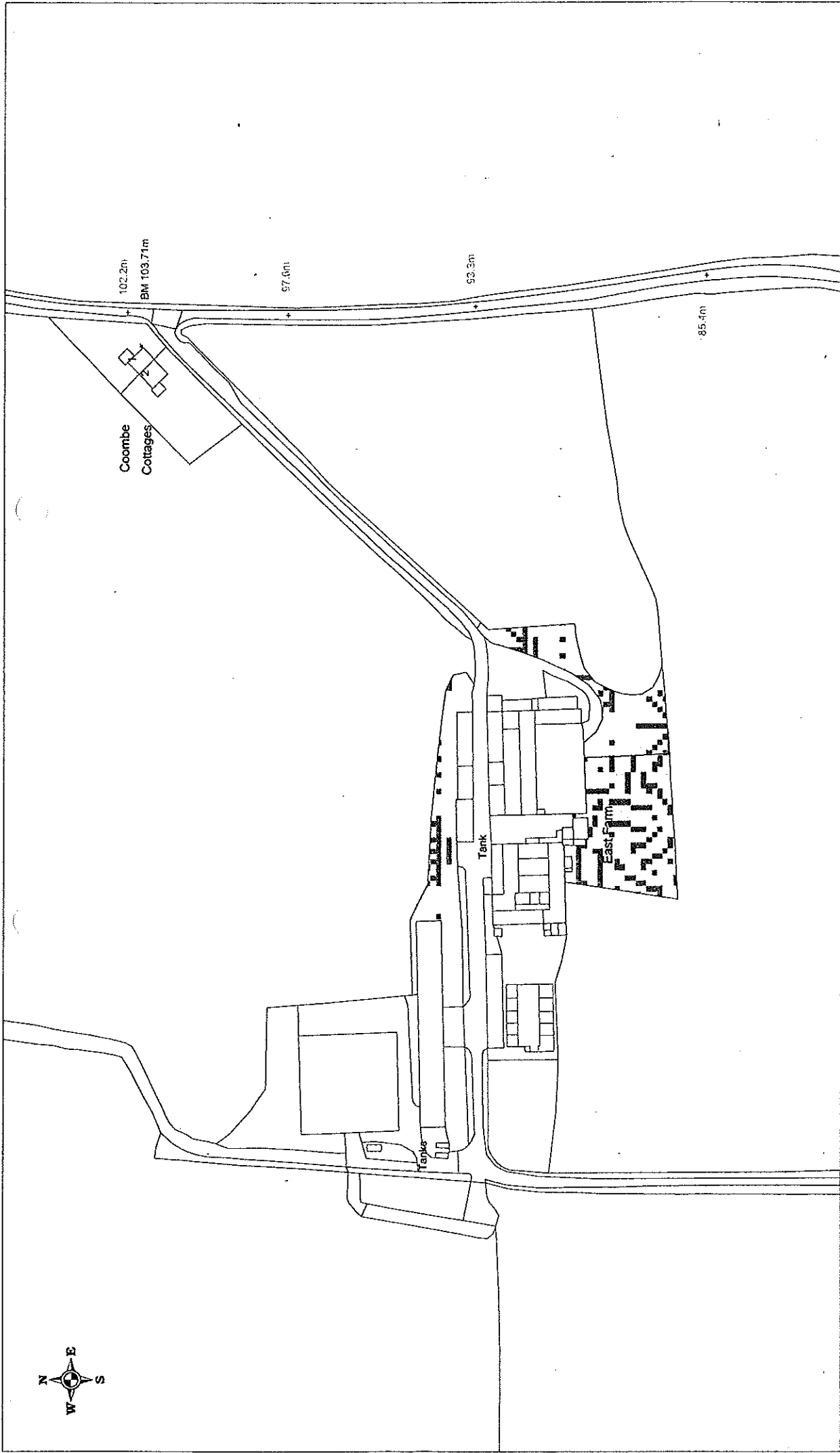
**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.


I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 10/1/008

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



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**Ref:**  
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**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) Mr RICHARD COAST-SMITH AGE: 71  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: RETIRED GENERAL PRACTITIONER TEL No: (eve): [REDACTED]

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: WEST OF EAST FARM, to COOME COTTAGES

TO: COOMBE COTTAGES

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

a. During which years? 1996 to present

b. How many times a year? up to 200 times

c. Where were you going to and from? CIRCULAR WALK

d. For what purpose? [e.g. pleasure, business, work] PLEASURE

e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
ON FOOT

f. Did other people also use it? YES/NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
ON FOOT

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: \_\_\_\_\_

3. Have there to your knowledge ever been on the way any:

a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_

b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_

c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_

d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:  
\_\_\_\_\_  
\_\_\_\_\_



4. Who owns the land crossed by this route?  
WAS WINCHESTER COLLEGE. NOW CHARTEROAK ESTATES
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars.  
GATES ERRECTED ACROSS PATH NOVEMBER 2007  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: UNTIL AS IN (a) ABOVE  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. UNTIL AS IN (a) ABOVE  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
 If yes, why? USED BY SUFFICIENT NUMBERS TO BE OBVIOUS.  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: UNTIL AS IN (a) ABOVE
8. Have you ever enjoyed a private right along the route in question? No
9. Please give any further particulars including an estimate of the width if possible:  
12 feet across path + verges. THE CIRCULAR ROUTE IS A COMMON ROUTE FOR A WALK FROM THE VILLAGE.

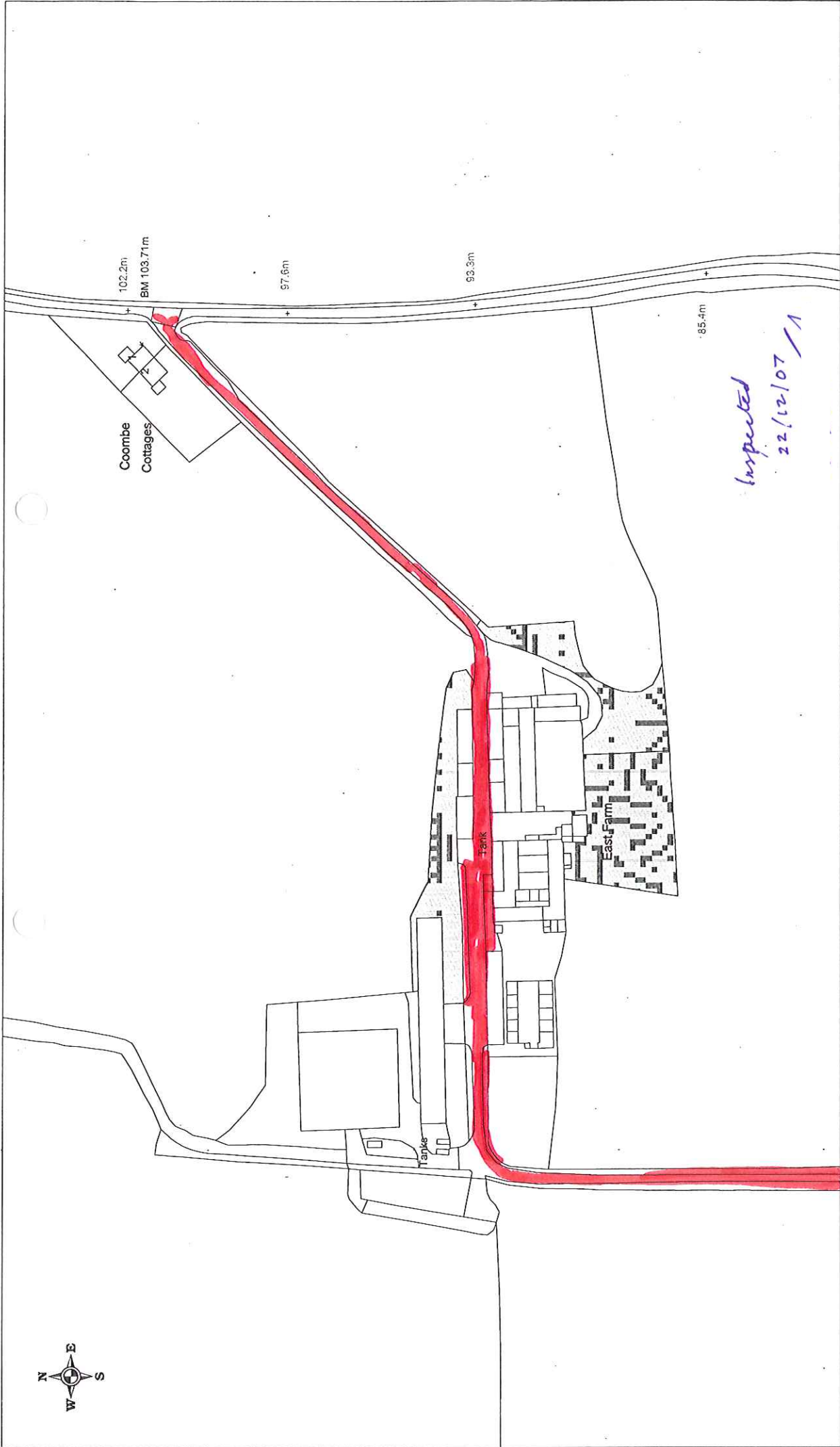
**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 21.12.07

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



GEOGRAPHICAL INFORMATION SYSTEMS

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**Ref:**  
 Date: 06/11/2007  
 Scale 1:2000  
 Drawn By:  
 Cent X: 358905  
 Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
 BRADFORD ABBAS

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



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) ANDREW MARK COFFIN AGE: 47  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: AIRCRAFT TECHNICIAN TEL No. (eve): [REDACTED]

**PATH DETAILS:-**

PARISH: Bradford Abbas DISTRICT: West Dorset  
 DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
 FROM: Bade Lane  
 TO: Underdown Hollow

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]
 

If so:

  - a. During which years? Between 1974 to date
  - b. How many times a year? 3-4
  - c. Where were you going to and from? Circular walk
  - d. For what purpose? [e.g. pleasure, business, work] pleasure
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
foot
  - f. Did other people also use it? YES/NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
foot
  
2. Has the way always run over the same route? YES/NO [delete as appropriate]
 

If it has been diverted, give the details and dates: \_\_\_\_\_
  
3. Have there to your knowledge ever been on the way any:
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] locked and erected 2007
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:  
\_\_\_\_\_

4. Who owns the land crossed by this route?  
Charter oak Estates

5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]

If so:

- a. Give particulars and dates \_\_\_\_\_
- b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_

6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_

7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]

a. If yes, give dates and particulars. \_\_\_\_\_

b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_

c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_

d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
If yes, why? Used to see the farmer when it was farmed

e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
If yes, state when and give particulars: \_\_\_\_\_

8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_  
no

9. Please give any further particulars including an estimate of the width if possible:  
width of a single carriage road.

**DECLARATION**

I am / ~~am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

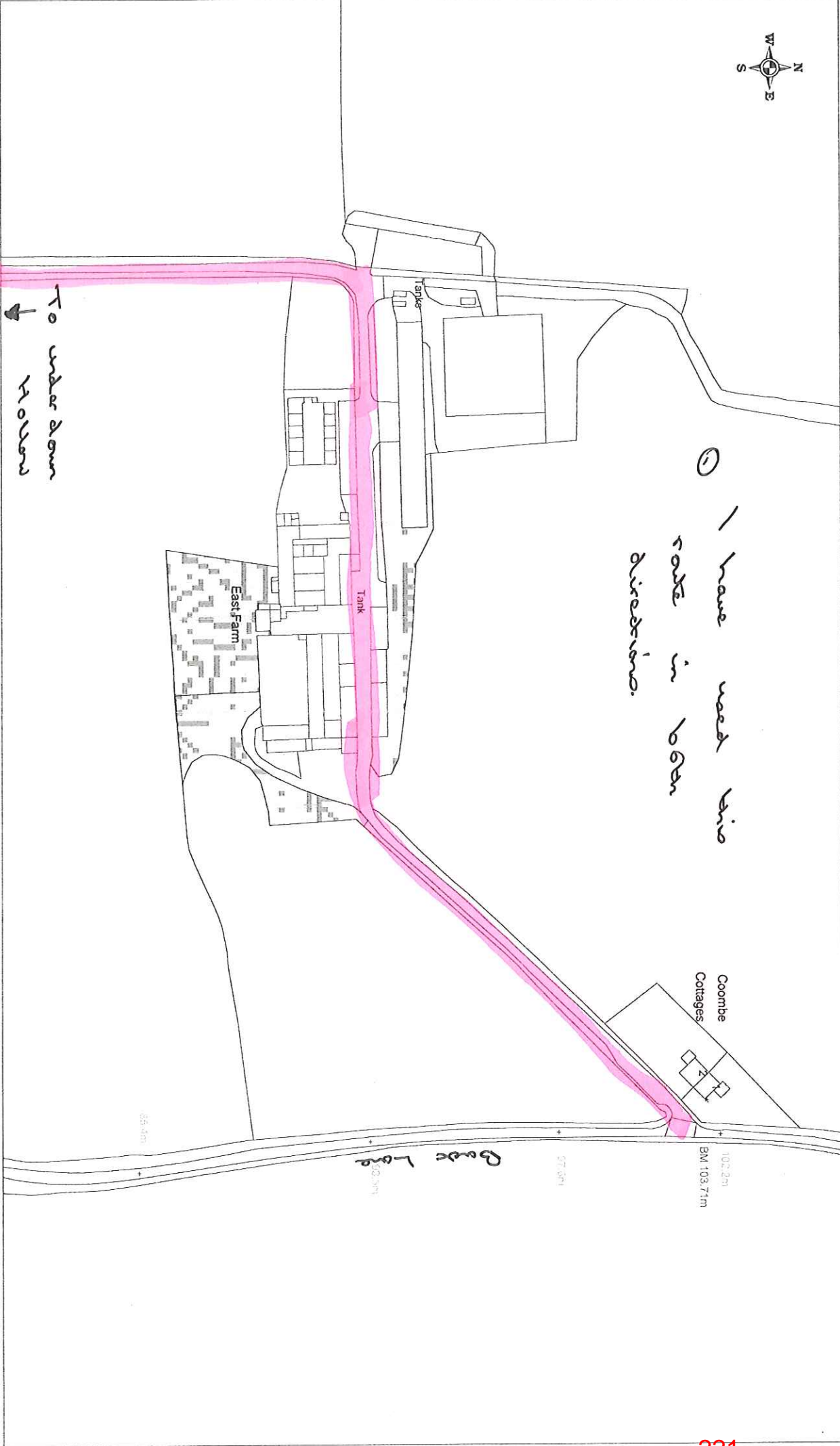
I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 19/2/09

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



① have used this route in 1960s directions.



WILDLIFE & COUNTRYSIDE ACT 1981

BRADFORD ABBAS

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref:

Date: 06/11/2007

Scale 1:2000

Drawn By:

Cent X: 358905

Cent Y: 115500

GEOGRAPHICAL INFORMATION SYSTEMS



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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) DIANE SUSAN COFFIN AGE: 58  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: DRIVER P/T. TEL No. (eve): " "

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET.  
DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
FROM: COOMBE COTTAGES.  
TO: EAST FARM LANE

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate] NO  
If so:
  - a. During which years? 1960 - TO PRESENT
  - b. How many times a year? 4-10 TIMES.
  - c. Where were you going to and from? GOING FOR A WALK FROM MY HOME
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] FOOT.
  - f. Did other people also use it? YES/NO [delete as appropriate] NO
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)] FOOT & VEHICLES.
2. Has the way always run over the same route? YES/NO [delete as appropriate] NO  
If it has been diverted, give the details and dates: \_\_\_\_\_
3. Have there to your knowledge ever been on the way any:
  - a. Stiles? YES/NO [If yes, state location] NO
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_



4. Who owns the land crossed by this route?  
CHARTER OAK ESTATES.

5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
If so:

- a. Give particulars and dates \_\_\_\_\_
- b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_

6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_

7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]

- a. If yes, give dates and particulars.  
\_\_\_\_\_
- b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_
- c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_
- d. Do you believe the owner or occupier was aware the public was using the way? ~~YES~~/NO  
If yes, why? IT USED TO BELONG TO WINCHESTER COLLEGE - NO RESTRICTION
- e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
If yes, state when and give particulars: \_\_\_\_\_

8. Have you ever enjoyed a private right along the route in question? NO

9. Please give any further particulars including an estimate of the width if possible:

IT IS A ROUGH TRACK, POSSIBLY TWO CARS WIDE IN MOST PLACES.

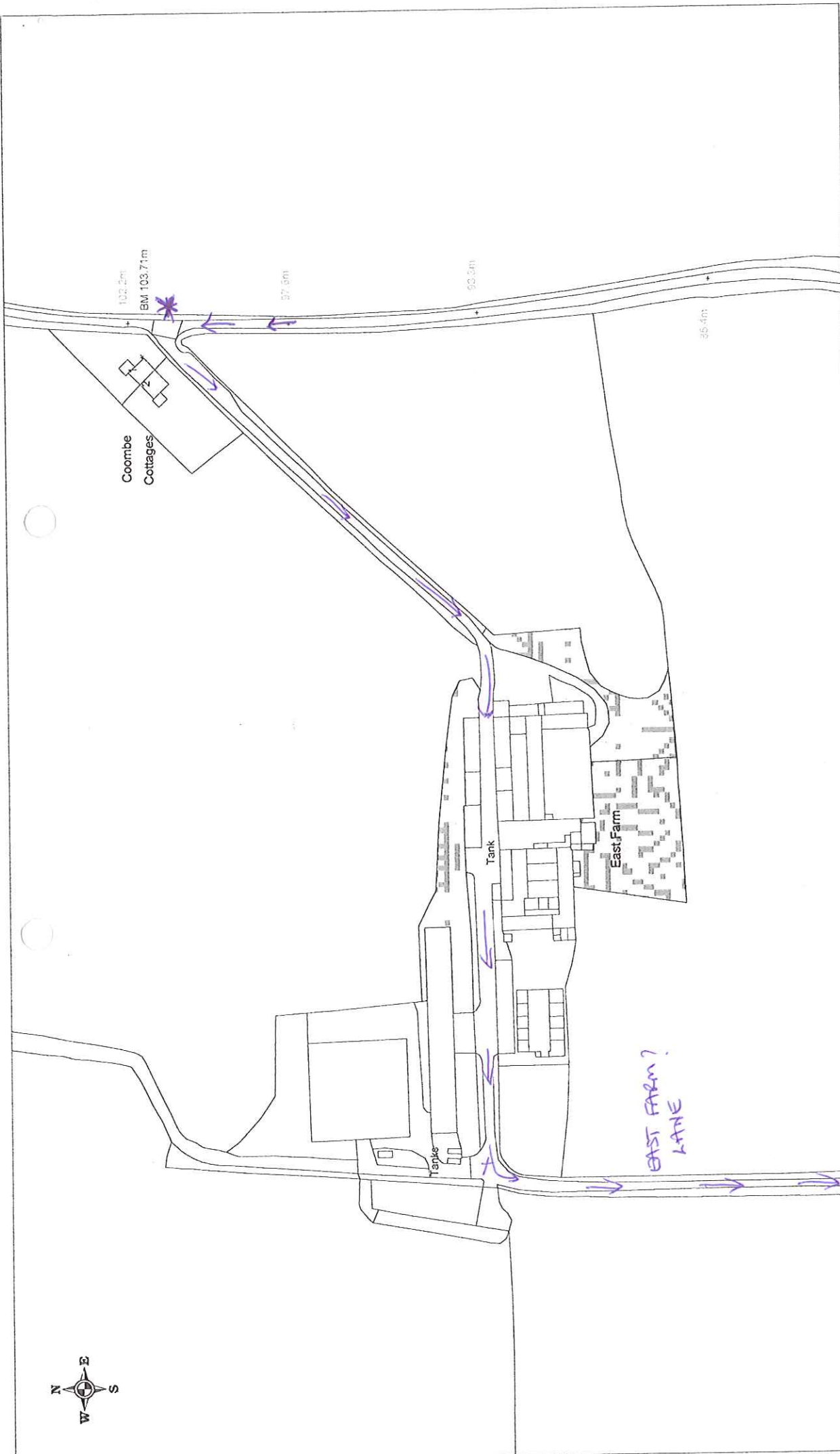
**DECLARATION**

I am / am ~~not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 21-01-08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



**Ref:**  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) BEATRICE DOWN AGE: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_ TEL No. (day): \_\_\_\_\_  
 OCCUPATION: RETIRED TEL No. (eve): \_\_\_\_\_

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET  
 DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
 FROM: COOMBE ROAD  
 TO: RETURN TO VILLAGO

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]
  - If so:
    - a. During which years? 1974 - 2002
    - b. How many times a year? EVERY DAY
    - c. Where were you going to and from? \_\_\_\_\_
    - d. For what purpose? [e.g. pleasure, business, work] DOG WALKING
    - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] \_\_\_\_\_
    - f. Did other people also use it? YES/NO [delete as appropriate]
    - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
ON FOOT & VEHICLES
  
2. Has the way always run over the same route? YES/NO [delete as appropriate]
 

If it has been diverted, give the details and dates: \_\_\_\_\_
  
3. Have there to your knowledge ever been on the way any:
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
CHARTER OAK ESTATES
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? OTHER OWNERS HAVE RESTRICTED THE TRACK  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? No
9. Please give any further particulars including an estimate of the width if possible:  
2 CAR WIDTH -

**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 23.1.08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) BETTY M. FELLOWES AGE: 89  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: RETIRED TEL No. (eve): " "

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: SHERBORNE DORSET.

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: \_\_\_\_\_  
 TO: \_\_\_\_\_

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

- a. During which years? 1950+ 1960+ 1970+
- b. How many times a year? 8-10
- c. Where were you going to and from? COOMBE HOUSE & BATIC } lived at Coombe 1952-1981
- d. For what purpose? [e.g. pleasure, business, work] WALKING, VISITING
- e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] Walking on foot
- f. Did other people also use it? YES/NO [delete as appropriate]
- g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: AS FAR AS I KNOW

3. Have there to your knowledge ever been on the way any:

- a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
- b. Gates? YES/NO [If yes, state whether locked] not locked
- c. Notices? YES/NO [If yes, what did they say?] not then
- d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:  
 \_\_\_\_\_  
 \_\_\_\_\_



4. Who owns the land crossed by this route?  
*I believe Winchester College - then Cross Gate*
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner?  YES/ NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route?  YES/ NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it?  YES/ NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public?  YES/ NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public?  YES/ NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way?  YES/ NO  
 If yes, why? \_\_\_\_\_  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way".  YES/ NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_
9. Please give any further particulars including an estimate of the width if possible:

*When I walked visiting & delivering notices to work & back home did not realize it is far too narrow for extra traffic.*

**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: *16 / 11 / 08*

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



23

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

**Ref:**  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

GEOGRAPHICAL INFORMATION SYSTEMS



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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) RACHAEL FRY AGE: 52  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: NURSERY NURSE TEL No. (eve): ..

**PATH DETAILS:-**

PARISH: \_\_\_\_\_ DISTRICT: \_\_\_\_\_  
 DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
 FROM: COMPTON LANE  
 TO: EAST FARM

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]
  - If so:
    - a. During which years? 1978 - 2005
    - b. How many times a year? REGULARLY - COLLECT MILK, VISIT DAIRY, BROTHER,
    - c. Where were you going to and from? EAST FARM FROM WYKE - BOUGHT CHICKEN FOOD FROM
    - d. For what purpose? [e.g. pleasure, business, work] PLEASURE - FAMILY OUTINGS MILL
    - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
ON FOOT OR BY CAR + SOMETIMES CYCLED
    - f. Did other people also use it? YES/NO [delete as appropriate]
    - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT, CYCLE, CARS, TRACTORS ETC
  
2. Has the way always run over the same route? YES/NO [delete as appropriate]
 

If it has been diverted, give the details and dates: \_\_\_\_\_
  
3. Have there to your knowledge ever been on the way any:
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? ~~YES~~/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? ~~YES~~/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:  
\_\_\_\_\_

PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED IF POSSIBLE

4. Who owns the land crossed by this route?  
WINCHESTER COLLEGE
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/~~NO~~ [delete as appropriate]  
 If so:  
 a. Give particulars and dates TENANT 1978 STILL OWNING  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? \_\_\_\_\_  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_
9. Please give any further particulars including an estimate of the width if possible:  
WIDE ENOUGH TO DRIVE THROUGH

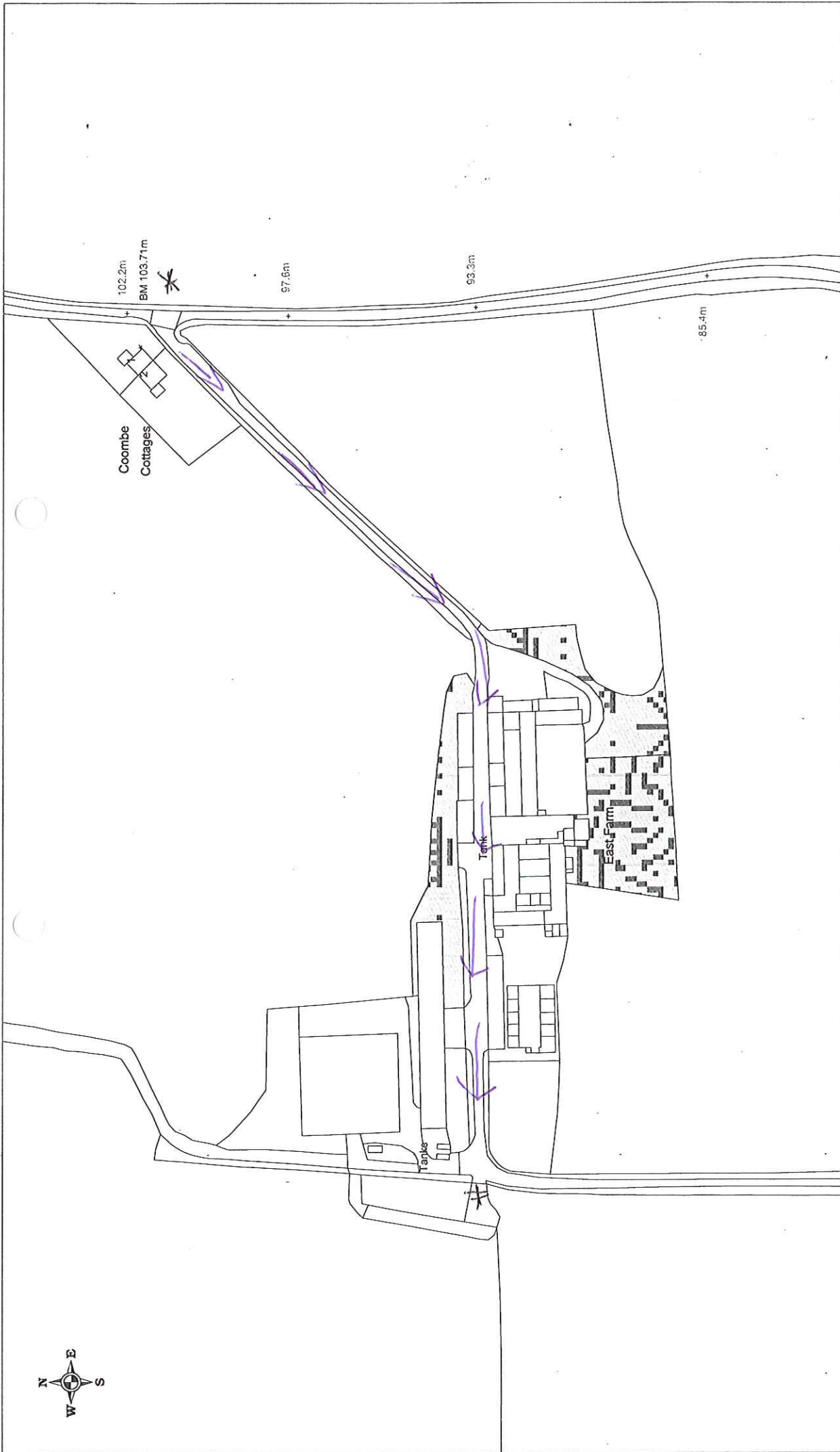
**DECLARATION**

I ~~am~~ / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 11 - 01 - 08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME (Mr/Mrs/Miss) Carin Stuart Caldwell Houston AGE: 62  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: Musician TEL No. (eve): [REDACTED]

**PATH DETAILS:-**

PARISH: Bradford Abbas DISTRICT: West Dorset

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: Coombe Cottages, East Farm (A)

TO: lane to West of East Farm (B)

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way?  YES  NO [delete as appropriate]

If so:

a. During which years? 1986 to 2007 inclusive

b. How many times a year? 30

c. Where were you going to and from? Usually circular walk from North St.

d. For what purpose? [e.g. pleasure, business, work] pleasure

e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]

Foot; bicycle; car (occasionally when dog not well)

f. Did other people also use it?  YES  NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]

Foot; bicycle; car (rental of farm buildings and fields)

2. Has the way always run over the same route?  YES  NO [delete as appropriate]

If it has been diverted, give the details and dates: .....

3. Have there to your knowledge ever been on the way any:

a. Stiles?  YES  NO [If yes, state location] .....

b. Gates?  YES  NO [If yes, state whether locked] .....

c. Notices?  YES  NO [If yes, what did they say?] .....

d. Other obstructions?  YES  NO [If yes, state nature and location and how you passed the obstruction]:  
 .....



4. Who owns the land crossed by this route?  
Winchester College? Hoxtons? New developer?

5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]

If so:

a. Give particulars and dates \_\_\_\_\_

b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_

6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]

If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_

7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/~~NO~~ [delete as appropriate]

a. If yes, give dates and particulars.

Now, in 2008, several gates and notices prevent access

b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]

If yes, give dates and particulars: \_\_\_\_\_

c. Has anyone else ever told you the route was not public? YES/~~NO~~ [delete as appropriate]

If yes, give dates and particulars. \_\_\_\_\_

d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~

If yes, why? Engaged occupier and farmers in conversation

e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]

If yes, state when and give particulars: \_\_\_\_\_

8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_

Don't know. Not to my knowledge.

9. Please give any further particulars including an estimate of the width if possible:

Wide enough for farm vehicles. Single track.

**DECLARATION**

I ~~am~~ / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 18 January 2008

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) K.P.J.A. HOUSTON. AGE: 63  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: ARTIST. TEL No. (eve): 11

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: \_\_\_\_\_

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: Bradford Abbas Village - North Street

TO: 11

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

- a. During which years? 1986 - 2007 all of the years including between these dates  
b. How many times a year? between 12 and 20  
c. Where were you going to and from? from Bradford Abbas in a circular walk.  
d. For what purpose? [e.g. pleasure, business, work] Pleasure.  
e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] foot or bicycle.

f. Did other people also use it? YES/NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]

foot horseback car.

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: \_\_\_\_\_

3. Have there to your knowledge ever been on the way any:

- a. Stiles? YES/NO [If yes, state location] NO  
b. Gates? YES/NO [If yes, state whether locked] NO  
c. Notices? YES/NO [If yes, what did they say?] NO  
d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
\_\_\_\_\_
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? NO ~~YES/NO~~ [delete as appropriate]  
If so:  
a. Give particulars and dates \_\_\_\_\_  
b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? NO ~~YES/NO~~ [delete as appropriate]  
If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? NO ~~YES/NO~~ [delete as appropriate]  
a. If yes, give dates and particulars. \_\_\_\_\_  
b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? NO ~~YES/NO~~ [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_  
c. Has anyone else ever told you the route was not public? ~~YES/NO~~ [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_  
d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
If yes, why? \_\_\_\_\_  
e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". NO ~~YES/NO~~ [delete as appropriate]  
If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO
9. Please give any further particulars including an estimate of the width if possible:  
Width - Approx Single track road.

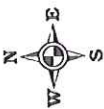
**DECLARATION**

I am ~~I am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 17.10.2008

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



Coombe Cottages

102.2m  
BM 103.71m

27.5m

90.5m

35.4m

Tanks

Tank

East Farm

GEOGRAPHICAL INFORMATION SYSTEMS



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Ref:  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**

**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) CHRISTOPHER JOHN LISE AGE: 76  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: RETIRED TEL No. (eve): [REDACTED]

**PATH DETAILS:-**

PARISH: BLANDFORD ABBAS DISTRICT: WEST DORSET

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: HOME } ENTER COUNTRYSIDE ON ANTI-CLOCKWISE  
TO: HOME }

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way?  YES  NO [delete as appropriate]  
If so:
  - a. During which years? From 1994
  - b. How many times a year? WIDELY FREQUENTLY
  - c. Where were you going to and from? HOME
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] FOOT
  - f. Did other people also use it?  YES  NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)] FOOT
2. Has the way always run over the same route?  YES  NO [delete as appropriate]  
If it has been diverted, give the details and dates: \_\_\_\_\_
3. Have there to your knowledge ever been on the way any:
  - a. Stiles?  YES  NO [If yes, state location] \_\_\_\_\_
  - b. Gates?  YES  NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices?  YES  NO [If yes, what did they say?] WARNING OF OVERHEAD POWER LINES
  - d. Other obstructions?  YES  NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_



4. Who owns the land crossed by this route?  
 I BELIEVE THE OWNER WAS WINCHESTER COLLEGE.
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO [delete as appropriate]  
 If yes, why? \_\_\_\_\_  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO
9. Please give any further particulars including an estimate of the width if possible:  
 IN MY TIME, THE BUILDINGS HAVE BEEN USED BY LIVESTOCK AND AS A MILKING PARLOUR AND I HAVE BEEN GREETED CHEERILY.

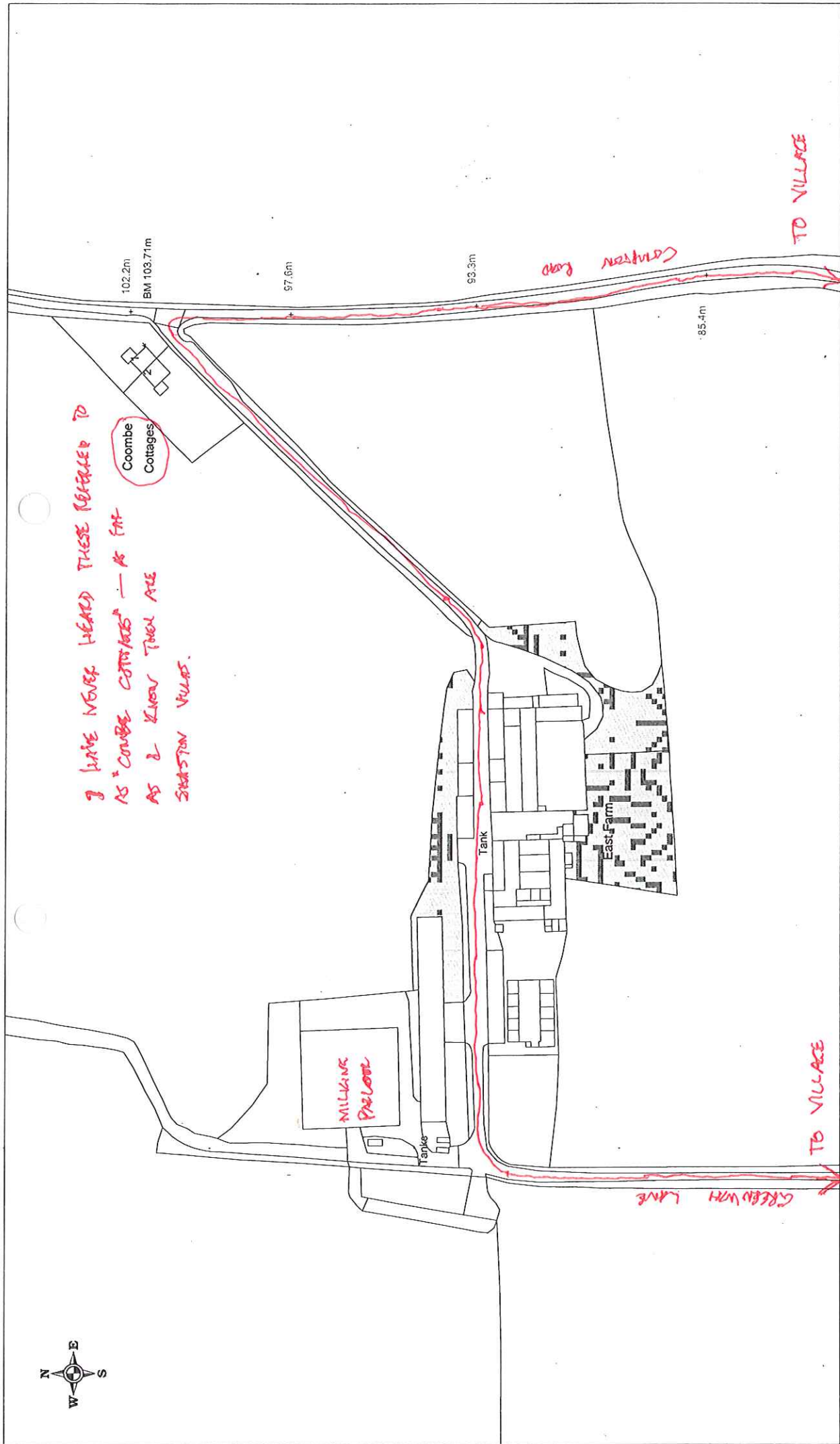
**DECLARATION**

I am  am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 1 January 2008

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



I HAVE NEVER HEARD THESE REFERRED TO AS "COOMBE COTTAGES" - AS FAR AS I KNOW THEY ARE STATION VILLAGES.



102.2m  
BM 103.71m

57.6m

93.3m

85.4m

Coombe Cottages

Tank

East Farm

MILKING PARLOUR

CARTON ROAD

GREENWAY LANE

TO VILLAGE

TO VILLAGE

GEOGRAPHICAL INFORMATION SYSTEMS

DORSET County Council

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Ref:  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

WILDLIFE & COUNTRYSIDE ACT 1981  
BRADFORD ABBAS

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



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

**FULL NAME:** (Mr/Mrs/Miss) CARYL PARSONS **AGE:** 59  
**ADDRESS:** [REDACTED] **TEL No. (day):** [REDACTED]  
**OCCUPATION:** RETIRED TEACHER **TEL No. (eve):** [REDACTED]

**PATH DETAILS:-**

**PARISH:** BRADFORD ABBAS **DISTRICT:** WEST DORSET  
**DESCRIPTION OF ROUTE** [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
**FROM:** COOMBE COTTAGES  
**TO:** EAST FARM

If necessary, continue your answers on a separate sheet of paper.

1. **Have you used the above way?** YES/NO [delete as appropriate]  
If so:
  - a. During which years? MOST RECENTLY 2006, INTERMITTENTLY BEFORE FROM 1990
  - b. How many times a year? 2 OR 3
  - c. Where were you going to and from? COOMBE COTTAGES TOWARDS EAST FARM.
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE / SEARCHING FOR LOST CAT
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] FOOT
  - f. Did other people also use it? YES/NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT
2. **Has the way always run over the same route?** YES/NO [delete as appropriate]  
If it has been diverted, give the details and dates: \_\_\_\_\_
3. **Have there to your knowledge ever been on the way any:**
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
 I AM NOT SURE
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
 a. If yes, give dates and particulars.  
 \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? CUSTOM + PRACTICE  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECLARATION**

I am / am ~~not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 16th January 2008.

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



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**WILDLIFE & COUNTRYSIDE ACT 1981**  
BRADFORD ABBAS

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

**Ref:**  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

GEOGRAPHICAL INFORMATION SYSTEMS

**DORSET**  
County Council

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

**FULL NAME:** (Mr/Mrs/Miss) PETER ALBERT ALFRED PEPPER **AGE:** 82  
**ADDRESS:** [REDACTED] **TEL No. (day):** [REDACTED]  
**OCCUPATION:** \_\_\_\_\_ **TEL No. (eve):** [REDACTED]

**PATH DETAILS:-**

**PARISH:** BRADFORD ABBAS **DISTRICT:** WEST DORSET  
**DESCRIPTION OF ROUTE** [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
**FROM:** Beech Lane Bradford Abbas up Beech Lane up to Coombe Cottages  
**TO:** through farmyard & down the next lane to home

If necessary, continue your answers on a separate sheet of paper.

1. **Have you used the above way?** YES/NO [delete as appropriate] NO  
 If so:
  - a. During which years? 1986 - 2002
  - b. How many times a year? ~~1986 - 2002~~ Six to ten
  - c. Where were you going to and from? Home and back
  - d. For what purpose? [e.g. pleasure, business, work] Walking my dog Peter's dog & collecting
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] Walking with dog, also collecting litter
  - f. Did other people also use it? YES/NO [delete as appropriate] NO
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT

2. **Has the way always run over the same route?** YES/NO [delete as appropriate] NO  
 If it has been diverted, give the details and dates: \_\_\_\_\_

3. **Have there to your knowledge ever been on the way any:**
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

**PLEASE ATTACH A MAP SHOWING THE PRECISE LINE OF THE ROUTE USED IF POSSIBLE**



4. Who owns the land crossed by this route? Winechester College & Now Chertrocks Estates
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
If so:  
a. Give particulars and dates \_\_\_\_\_  
b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
a. If yes, give dates and particulars. \_\_\_\_\_  
b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars: \_\_\_\_\_  
c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
If yes, give dates and particulars. \_\_\_\_\_  
d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
If yes, why? Dont know  
e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? No
9. Please give any further particulars including an estimate of the width if possible:  
Gate <sup>was</sup> only put in place by the new owner with about 14 feet of the track is about 14 feet

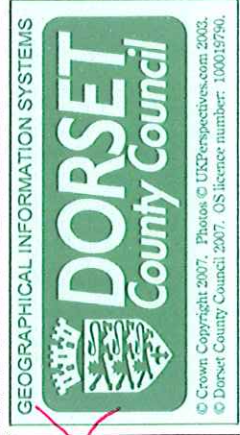
**DECLARATION**

I am / ~~am not~~ [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 13<sup>th</sup> June 08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)



**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**  
**THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS**

( )

( )

**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) POPLE AGE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ TEL No. (day): \_\_\_\_\_  
OCCUPATION: Retired TEL No. (eve): \_\_\_\_\_

**PATH DETAILS:-**

PARISH: West Dorset DISTRICT: BRADFORD ABBAS  
DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
FROM: COOMBE ROAD - RETURNED TO  
TO: BRADFORD ABBAS

If necessary, continue your answers on a separate sheet of paper.

1. **Have you used the above way?** YES/NO [delete as appropriate]  
If so:
  - a. During which years? 1974 - 2002
  - b. How many times a year? MOST DAYS
  - c. Where were you going to and from? Village
  - d. For what purpose? [e.g. pleasure, business, work] DOG WALKING
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)] ON FOOT
  - f. Did other people also use it? YES/NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT & VEHICLES
2. **Has the way always run over the same route?** YES/NO [delete as appropriate]  
If it has been diverted, give the details and dates: \_\_\_\_\_
3. **Have there to your knowledge ever been on the way any:**
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
CHARTER OAK ESTATES
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? ~~YES~~/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? ~~YES~~/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? ~~YES~~/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? ~~YES~~/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/~~NO~~  
 If yes, why? WE WERE NEVER QUESTIONED  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". ~~YES~~/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_
9. Please give any further particulars including an estimate of the width if possible:  
Lorry Width -

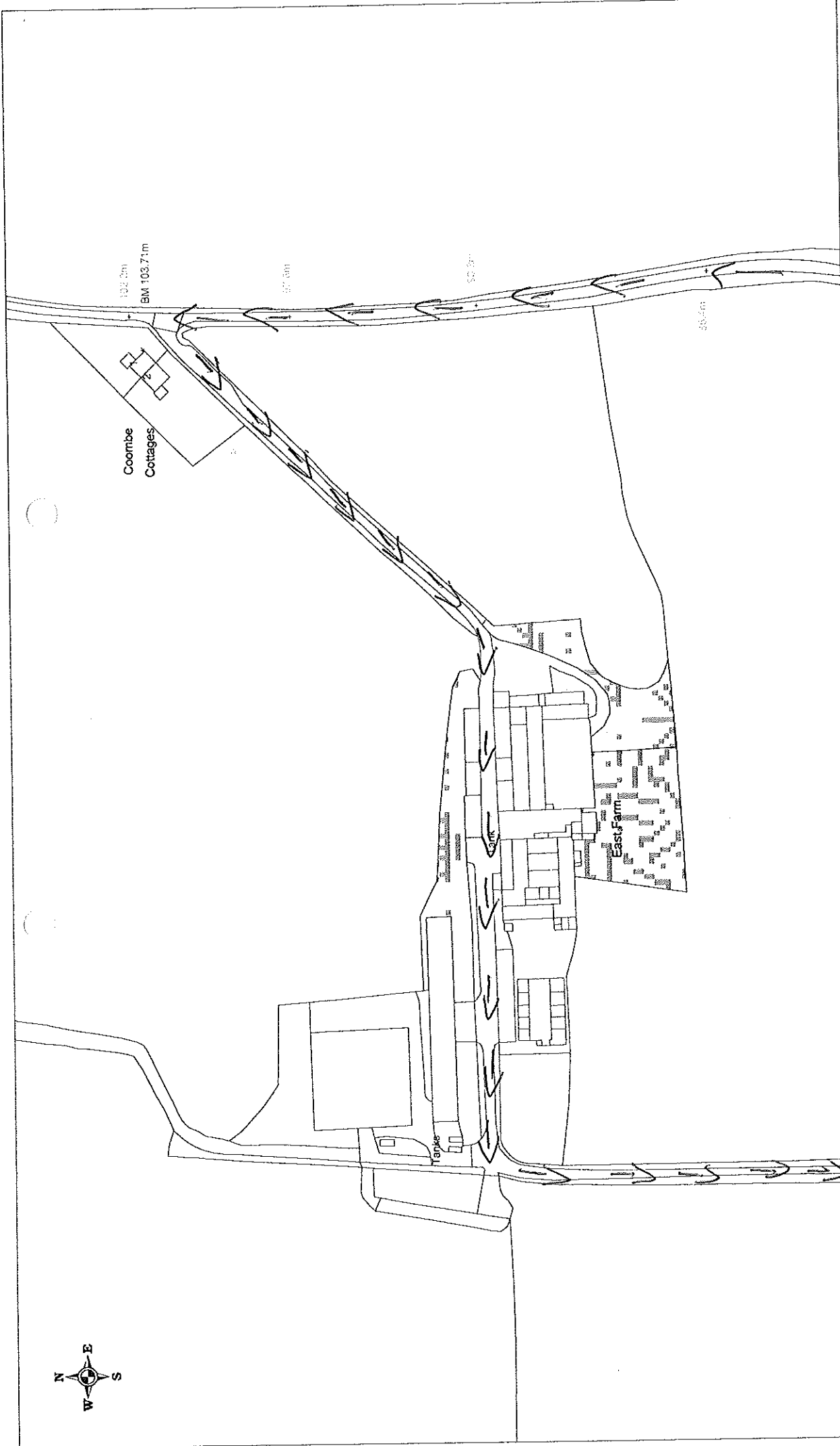
**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 23-1-08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



**Ref:**  
**Date:** 06/11/2007  
**Scale:** 1:2000  
**Drawn By:**  
**Cent X:** 358905  
**Cent Y:** 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**

**BRADFORD ABBAS**

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



**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

**NB:** The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

**FULL NAME:** (Mr/Mrs/Miss) RS WALLIS **AGE:** \_\_\_\_\_  
**ADDRESS:** \_\_\_\_\_ **TEL No. (day):** \_\_\_\_\_  
**OCCUPATION:** RETIRED **TEL No. (eve):** \_\_\_\_\_

**PATH DETAILS:-**

**PARISH:** BRADFORD ABBAS **DISTRICT:** SHERBORNE

**DESCRIPTION OF ROUTE** [please indicate clearly and precisely on a map - 1:2500 scale if possible]

**FROM:** BRADFORD ROAD

**TO:** \_\_\_\_\_

If necessary, continue your answers on a separate sheet of paper.

**1. Have you used the above way?** YES/NO [delete as appropriate]

If so:

a. During which years? 1972 - 2008

b. How many times a year? EVERY DAY 365

c. Where were you going to and from? YEovil - SHERBORNE ETC

d. For what purpose? [e.g. pleasure, business, work] ALL

e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]

FOOT - CAR - CYCLE

f. Did other people also use it? YES/NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]

FOOT, CYCLE, CAR, HORSEBACK

**2. Has the way always run over the same route?** YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: \_\_\_\_\_

**3. Have there to your knowledge ever been on the way any:**

a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_

b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_

c. Notices? YES/NO [If yes, what did they say?] UNTIL NOW

d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_



4. Who owns the land crossed by this route?  
WINCHESTER COLLEGE
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates 1972 - PRESENT  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_  
UNTIL CHARTEROAK ESTATES PURCHASED ACCESS ROAD.
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars.  
FRIEND VISITING NOV 2007  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: CHARTEROAK ESTATES  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
 If yes, why? CHARTEROAK ESTATES ERECTED PADLOCKED GATES  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: AUTUMN 2007 - BY CHARTEROAK ESTATES
8. Have you ever enjoyed a private right along the route in question? \_\_\_\_\_
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

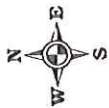
**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 9-1-08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



Coombe Cottages

102.2m  
BM 103.71m

57.6m

90.3m

35.4m

Tanks

Tank

East arm

*RABBIT FARMHOUSE*

GEOGRAPHICAL INFORMATION SYSTEMS



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Ref:  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**

**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) DENNIS NORMAN YEOMAN AGE: 83  
ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
OCCUPATION: RETIRED TEL No. (eve): "

**PATH DETAILS:-**

PARISH: BRADFORD ABBAS DISTRICT: WEST DORSET  
DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]  
FROM: COMPTON LANE  
TO: GREENWAY LANE

If necessary, continue your answers on a separate sheet of paper.

1. **Have you used the above way?** YES/NO [delete as appropriate]  
If so:
  - a. During which years? 1994 - 2006
  - b. How many times a year? 35
  - c. Where were you going to and from? BACK-LANE - BACK LANE
  - d. For what purpose? [e.g. pleasure, business, work] PLEASURE
  - e. By what means? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT
  - f. Did other people also use it? YES/NO [delete as appropriate]
  - g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle (please state type)]  
FOOT
  
2. **Has the way always run over the same route?** YES/NO [delete as appropriate]  
If it has been diverted, give the details and dates: \_\_\_\_\_
  
3. **Have there to your knowledge ever been on the way any:**
  - a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
  - b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
  - c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
  - d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]: \_\_\_\_\_

4. Who owns the land crossed by this route?  
UNKNOWN
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO.  
 If yes, why? SPOKE TO OCCUPIERS  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? No
9. Please give any further particulars including an estimate of the width if possible:  
TRACK WIDE ENOUGH FOR VEHICLE

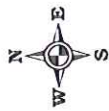
**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 23/1/08

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)



GEOGRAPHICAL INFORMATION SYSTEMS

**DORSET**  
County Council

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**Ref:**  
Date: 06/11/2007  
Scale 1:2000  
Drawn By:  
Cent X: 358905  
Cent Y: 115500

**WILDLIFE & COUNTRYSIDE ACT 1981**  
**BRADFORD ABBAS**

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

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**DORSET COUNTY COUNCIL  
PUBLIC RIGHTS OF WAY EVIDENCE FORM**

NB: The object of this enquiry is to reach the truth of the matter, whatever it may be. You are therefore asked to answer the questions as fully as possible and not keep back any information, whether for or against the public claim. This is important if this information is to be of real value in establishing the status of the way.

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**THE INFORMATION GIVEN ON THIS FORM MAY BECOME AVAILABLE FOR PUBLIC INSPECTION**

FULL NAME: (Mr/Mrs/Miss) MARY YEONAM AGE: 69  
 ADDRESS: [REDACTED] TEL No. (day): [REDACTED]  
 OCCUPATION: RETIRED TEACHER TEL No. (eve): " "

**PATH DETAILS:-**

PARISH: BRADFORD ABBAY DISTRICT: WEST DORSET

DESCRIPTION OF ROUTE [please indicate clearly and precisely on a map - 1:2500 scale if possible]

FROM: COMPTON LANE THROUGH EAST FARM

TO: Greenway Lane

If necessary, continue your answers on a separate sheet of paper.

1. Have you used the above way? YES/NO [delete as appropriate]

If so:

- a. During which years? 1993 - 2007
- b. How many times a year? 9.0 for last 4 years approx. + approx. 24 times for previous 10 years
- c. Where were you going to and from? CIRCULAR WALK
- d. For what purpose? [e.g. pleasure, business, work] PLEASURE
- e. By what means? [e.g. on foot, on horseback, with a vehicle(please state type)] ON FOOT

f. Did other people also use it? YES/NO [delete as appropriate]

g. If so, how did they use it? [e.g. on foot, on horseback, with a vehicle(please state type)]  
ON FOOT

2. Has the way always run over the same route? YES/NO [delete as appropriate]

If it has been diverted, give the details and dates: \_\_\_\_\_

3. Have there to your knowledge ever been on the way any:

- a. Stiles? YES/NO [If yes, state location] \_\_\_\_\_
- b. Gates? YES/NO [If yes, state whether locked] \_\_\_\_\_
- c. Notices? YES/NO [If yes, what did they say?] \_\_\_\_\_
- d. Other obstructions? YES/NO [If yes, state nature and location and how you passed the obstruction]:  
 \_\_\_\_\_



4. Who owns the land crossed by this route?  
UNKNOWN SINCE CLOSED Previously Winchester College
5. Were you working for any owner or occupier of land crossed by the way at the time when you used it, or were you then a tenant of any such owner? YES/NO [delete as appropriate]  
 If so:  
 a. Give particulars and dates \_\_\_\_\_  
 b. Say whether the owner or occupier ever gave you instructions as to the use of the way by the public and, if so, what the instructions were. \_\_\_\_\_
6. Have you ever obtained permission to use the route? YES/NO [delete as appropriate]  
 If so, from whom? \_\_\_\_\_ When? \_\_\_\_\_
7. Have you ever been stopped or turned back when using the way, or do you know of anyone else having been prevented from using it? YES/NO [delete as appropriate]  
 a. If yes, give dates and particulars. \_\_\_\_\_  
 b. Were you ever told by an owner or tenant of the land crossed by the way, or by anyone in their employment, that it was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars: \_\_\_\_\_  
 c. Has anyone else ever told you the route was not public? YES/NO [delete as appropriate]  
 If yes, give dates and particulars. \_\_\_\_\_  
 d. Do you believe the owner or occupier was aware the public was using the way? YES/NO  
 If yes, why? SPOKE TO PERSONS USING buildings and land  
 e. Have you ever seen such notices as "Private", "No entry", "No thoroughfare", "Trespassers will be prosecuted" or "This is not a Right of Way". YES/NO [delete as appropriate]  
 If yes, state when and give particulars: \_\_\_\_\_
8. Have you ever enjoyed a private right along the route in question? NO
9. Please give any further particulars including an estimate of the width if possible:  
 \_\_\_\_\_  
 \_\_\_\_\_

**DECLARATION**

I am / am not [delete as appropriate] willing to attend a hearing, public inquiry or court to give evidence of this matter, should this prove to be necessary.

I hereby certify that, to the best of my knowledge and belief, the facts that I have stated are true.

Signature: \_\_\_\_\_ Date: 24/12/07

Person taking this statement: \_\_\_\_\_ Date: \_\_\_\_\_  
 (if applicable)

Dorset County Council



**Planning Division**  
County Hall, Colliton Park  
Dorchester  
DT1 1XJ

Roger Bell  
Rights of Way

Telephone: [REDACTED]  
Minicom: [REDACTED]

**We welcome calls via text Relay**

Email: [REDACTED]  
DX: DX 8716 Dorchester  
Website: [www.dorsetforyou.com](http://www.dorsetforyou.com)

Date: 24 June 2014  
Ask for: Claire Pinder  
My ref: Enquiry 2014/162  
Your ref: RW/T474

Dear Roger

**Historic Environment Record Consultation Response for:  
Application for a Definitive Modification Order – Bradford Abbas**

With reference to your letter of 23 June, there are at present no recorded archaeological finds or features or historic buildings on or in the vicinity of the routes affected by this proposal.

Yours sincerely

[REDACTED]

**Claire Pinder**  
Senior Archaeologist

Director for Environment and the Economy Mike Harries





BY E-MAIL

Mr Roger Bell  
Rights of Way Officer  
Definitive Map Team  
Countryside Access  
County Hall  
Colliton Park  
Dorchester  
DT1 1XJ

01 July 2014

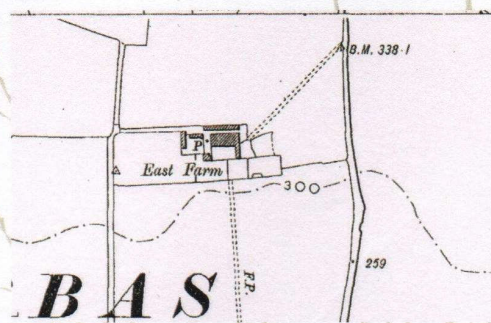
Your Ref: RW/T474

Dear Mr Bell

**Wildlife and Countryside Act 1981**  
**Application for a Definitive Map Modification Order**  
**Addition of footpath at Bradford Abbas**

Thank you for your letter dated 23 June 2014, together with the enclosure (Ref 14/18), in respect of the above. I am authorised to reply on behalf of the North Dorset Group of the Ramblers.

My understanding is that until 2008, there was a 'through route' along the claimed path, both for pedestrians and vehicles. (I met the recycling lorry whilst at the northern end of East Lane, and the driver explained that he used to be able to access Coombe Cottages from there, but there was now a security gate just east of point A on your plan, and the route was now blocked beyond B.) I have no experience of using the claimed route, but note that the 1902 OS map shows a footpath leading to East Farm from the south, and then onwards north-east to where Coombe Cottages are now situated – part of the claimed route.



We would welcome the addition of a footpath in this area, where recreational walkers are poorly served.

I trust that this is of assistance, and thank you for consulting us in this matter.

Yours sincerely

Mrs Jan Wardell  
Footpath Secretary, Ramblers - North Dorset Group

**Bell, Roger**

---

**From:** Carol Shoopman [REDACTED]  
**Sent:** 05 July 2014 15:20  
**To:** Bell, Roger  
**Subject:** WILDLIFE AND COUNTRYSIDE ACT 1980 - DMMO - BRADFORD ABBAS RW/T474

Dear Roger

Thank you for your letter with enclosures dated 23<sup>rd</sup> June 2014.

We have no evidence to support this application, thank you for consulting with us.

Regards

Carol



Carol Shoopman  
County Access and Bridleways Officer  
T: [REDACTED]  
M: [REDACTED]

Our Ref: SO/0030840

Your Ref:

Date: 08/07/2014



Andy Wealsby-Hughes, .  
Dorset County Council  
County Hall  
Collilton Park  
Dorchester  
Dorset, DT1 1XJ.

Plant Location  
95 Kilbirnie Street  
Glasgow  
G5 8JD

Phone: [REDACTED]  
Phone: [REDACTED]  
Fax: [REDACTED]  
Email: [REDACTED]

Dear Customer,

**Re: Enquiry at: Bradford Abbas, .**

Thank you for your enquiry regarding the above location.

Our records show that we have no gas mains in the area of your enquiry.

**Gas pipes owned by other Gas Transporters and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. Where SGN knows this, they will be represented on the plans as a shaded area and/or a series of x's.**

If you have any further enquiries, please contact the number below.

Yours faithfully,

Alison Mair



<p><b>24 hour gas escape number 0800 111 999*</b> <b>*Calls will be recorded and may be monitored</b></p>	<p>Southern Gas Networks plc is part of the Scotia Gas Networks Group Registered Office: St Lawrence House Station Approach Horley Surrey RH6 9HJ Registered in England &amp; Wales No. 05167021 <a href="http://www.sgn.co.uk">http://www.sgn.co.uk</a></p>
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**Bell, Roger**

---

**From:** Tracey Merrett <[REDACTED]>  
**Sent:** 15 July 2014 15:28  
**To:** Bell, Roger

Dear Roger

Further to our telephone conversation I have just been instructed in this matter and I am acting for Charterhouse Oak Estates. I would like to ask for an extension of time of a fortnight to allow me to investigate the evidence produced and assess the historical evidence and evidence of usage.

I look forward to hearing from you.

kind regards

Tracey

---

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## Bell, Roger

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**From:** Bell, Roger  
**Sent:** 15 July 2014 15:53  
**To:** 'Tracey Merrett'  
**Subject:** T474 Bradford Abbas

Hi Tracey

I can confirm that I will extent the consultation period until the 31 July 2014

Regards

Roger Bell  
Rights of Way Officer  
Dorset County Council  
Dorchester  
Dorset  
DT1 1XJ  
Tel [REDACTED]

Rights of way advice: <http://www.dorsetforyou.com/rightsofway>

Interactive map: <http://www.dorsetexplorer.com>

Report a Rights of Way Problem: <http://maps.dorsetforyou.com/countryside/reportproblem/>

Register of Definitive Map Modification Order applications: <http://mapping.dorsetforyou.com/countryside/dmmo>

**From:** Patrick Pearce [mailto: [REDACTED]]  
**Sent:** 24 July 2014 17:20  
**To:** Penny, Vanessa  
**Subject:** DMMO T474 Application to add Footpath between D20502 and D20503

Dear Ms Penny,

Please accept this e-mail as my formal response to the above application.

My wife and I own and occupy on a periodic basis a lodge at Saxon Maybank. The proposed new footpath would run immediately in front of our property and through the Saxon Maybank holiday site which is currently gated to ensure that good health and safety practices and appropriate privacy are maintained to ensure the site remains a site suitable for enjoyable holiday use. The site is used by a range of users including children of all ages and includes outdoor hot-tubs, decking areas, grass play areas etc around which there are no fences as these were specifically prohibited under the planning permission.

Also the lodges are arranged in a way that takes advantage of south-facing views which leaves bedrooms usually facing the central driveway. If a footpath was to be established there a number of issues that would arise including the following:

1. Risk to users of the site from those using the path with their dogs not always keeping them on lead (a site requirement is that all dogs should be on a lead)
2. Risk of fowling of grass, hot-tubs and decking areas.
3. Due to the layout of the site there is no room to install separate pedestrian gates which would lead to vehicles having no restriction on the driveway and we have seen when the gate has been temporarily out of order traffic moves through the site at excessive speed creating a new danger to children and others. Even if there were pedestrian entrances they would need to be secure to avoid young children leaving the site unattended.
4. The privacy of the lodges would be damaged possibly causing the site bookings and enjoyment for owners becoming no longer viable.
5. The security of the site would be reduced and in view of the fact that holiday units are often unoccupied the risk of unauthorised or opportune visitors would be dramatically increased.
6. It would be costly and impractical to provide adequate fencing or screening to reduce the effect of these risks.

Whilst I do not have detailed history of the site and access arrangements I note that the site was actively used as a business up until a few years before the development started and logically it would unlikely that a business would allow all and sundry to pass through their site unhampered.

Since we have been using this site there has not been any significant signs of the proposed path being established. This would seem logical in that it not provide any access to other public land that does not already exist by other routes.

I would also add that when the planning permission for the initial development was granted in December 2008 the application to add the footpath was in the hands of the council but was not referred to in any documents and in particular the application summary page shows that no right of ways are affected. We purchased, therefore, without knowledge of something that the council knew.

Finally, I saw the public notice at the Western end of the site (the only one we see) soon after it was posted on the site. Since then it has disappeared with the blue line used to affix it being cut. It was certainly not there between 18<sup>th</sup> and 23<sup>rd</sup> July 2014 and I suspect that a new period of display is appropriate.

I would appreciate your confirmation that this e-mail has been received.

Regards

Patrick Pearce



**Bell, Roger**

---

**From:** Penny, Vanessa  
**Sent:** 25 July 2014 08:51  
**To:** Bell, Roger  
**Subject:** FW: DMMO T474 Application to add Footpath between D20502 and D20503

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Roger

Please see below.

Thanks

[REDACTED]  
Definitive Map Team Manager  
Dorset Countryside

**Dorset County Council**



Tel: [REDACTED]

Email: [REDACTED]

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**From:** Penny, Vanessa  
**Sent:** 25 July 2014 08:50  
**To:** 'Patrick Pearce'  
**Subject:** RE: DMMO T474 Application to add Footpath between D20502 and D20503

Dear Mr Pearce

Thank you for your email. I will forward your comments to the case officer, Roger Bell, for attention.

Regards

[REDACTED]  
Definitive Map Team Manager  
Dorset Countryside

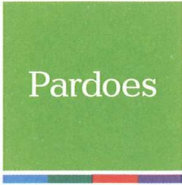
**Dorset County Council**



Tel: [REDACTED]

Email: [REDACTED]

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Incorporating Marsh Warry

ENVIRONMENT DIRECTORATE  
31 JUL 2014  
REF TO R. Bell - Row  
FURTHER

FAO Mr Roger Bell  
Dorset County Council  
Dorset Countryside  
County Hall  
Colliton Park  
Dorset  
DT1 1XJ

Your Ref:  
Our Ref: TM/  
Date: 29 July 2014  
Please ask for Tracey Merrett

Direct Line: [Redacted]  
Mobile: [Redacted]

Dear Roger

**WILDLIFE AND COUNTRYSIDE ACT 1981  
APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER - BRADFORD  
ABBAS**

My principal concern regarding this application is that my clients have not been served with a notice of the application pursuant to Schedule 14 of the above Act.

My clients are owners of part of the land over which the alleged right of way passes and Schedule 14 of the Wildlife and Countryside Act 1981 states at section 2(1) that "the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates".

The provisions of Subsection (2) clearly do not apply.

The application has a completed but unsigned Certificate of Service of Notice of Application for Modification Order stating that the notice has been served at the date of the application which was 7th July 2008 on Mr Michael Shaw of Charter Oak Estates. Mr Shaw has received no notification from the applicant and therefore this is incorrect and consequently the application is invalid and the County Council have no jurisdiction to determine it.

I have also spoken to the estates bursar at Winchester College the owners of the remainder of the route, Mr Chute made the following comments, "There has never been either a Wilson nor an Ede working in this part of the College. Anything to do with the estates addressed to Winchester College since 1981 would eventually arrive with me.

Glenthorne House, 38 Princes Street, Yeovil,  
Somerset, BA20 1EJ  
DX 100500 Yeovil  
T: 01935 382680 F: 01935 476150

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Community  
Legal Service



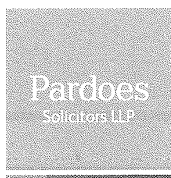
Pardoes

My predecessor from 1961 to 1981 was a D Vellacott assisted by a Mr B Pink. Before 1961 the estates were looked after by a De Lande Long. There have only been three or four Estates Bursars since the second world war! Neither I nor anyone else at Winchester College has ever received any communication from Bradford Abbas about this track".

I look forward to hearing from you

Kind regards

*PP*  
Tracey Me



Incorporating Marsh Warry

12659  
T474  
DEFINITIVE  
MODIFICATION  
ORDER  
7 OCT 2014  
ROW  
R Bell

FAO Mr Roger Bell  
Dorset County Council  
Dorset Countryside  
County Hall  
Colliton Park  
Dorset  
DT1 1XJ

Your Ref:  
Our Ref: TM/11772/0002  
Date: 7 October 2014  
Please ask for Tracey Merrett

Direct Line: [REDACTED]  
Mobile: [REDACTED]

Dear Roger

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**APPLICATION FOR A DEFINITIVE MODIFICATION ORDER-BRADFORD ABBAS**

I have now had an opportunity to consider the user evidence in this application by the Parish Council to Modify the Definitive Map and wish to make the following objections.

Firstly there are some generic points to be made and evidence to be discounted or qualified.

The site was previously a dairy and before that a feed mill, both of these uses would have entailed the public visiting the site and using the track to buy animal feed or buying milk see Rachel Fry's evidence as an example.

Mr Brian Chant kept chickens and calves there and had people visiting him on site and coming to buy eggs see Rachel Fry's evidence.

There is also the usage by the Wallis's who live on site and their visitors whose evidence should be discounted. Clearly the people who live on site would use the access everyday this is not evidence to create a public right of access.

A number of the witnesses would have been visiting the people who live on site,

Glenthorne House, 38 Princes Street, Yeovil,  
Somerset, BA20 1EJ  
DX 100500 Yeovil  
T: 01935 382680 F: 01935 476150

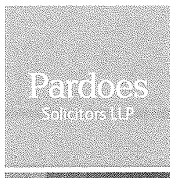
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Mr and Mrs Wallis, see Mrs Wallis's evidence and it is not possible to quantify this usage which therefore puts in doubt the usage evidence of many of the locals.

The use of the site has clearly been used as a shortcut on bicycle and by car to the village as stated in some of the witness statements e.g. Mr Bennett.

Some of the witnesses e.g. Betty Barber and Mr Houston state that they have not seen anyone else using the route recreationally which is surprising when considering the level of usage that is alleged. We know that a lot of the affirmative answers to 1 F refer to seeing the farmworkers or tenants on the route which is not relevant evidence for this application and the answers to 1F can therefore be afforded no weight..

One of the witnesses Betty Fellows evidence relates to times completely outside the relevant time frame i.e.1987 to 2007.

Three of the witnesses have since died, Mr Lisle, Peter Pepper and Betty Fellows and therefore their evidence cannot be cross examined and tested at an inquiry.

In addition with respect to the reference to witnessing other people using the track, of course they would have done, and this does not amount to evidence of use of the route as a public right of way. Both of the business uses of the site would have entailed delivery and collection vehicles visiting and customers and employees vehicles coming and going from the site.

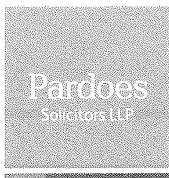
Whilst the site was a Feed Mill the operation was 24 hours a day and there would have been a large amount of traffic visiting the site including artics night and day.

Going through the witness statements in turn;

1. Raymond Allwright states that he used the path for pleasure on foot and a few times in a private car. To use the route in a private car signifies that he had a purpose in visiting the site other than walking for pleasure, he was possibly buying eggs or visiting the occupiers, the Wallis family, however evidence of car usage does not support the application for a footpath.
2. Mr and Mrs Balch, this evidence is of no weight as the period is outside the relevant period being considered and in any event they used the path with consent.
3. Mrs Barber she states that she used the route 40 or 50 times a year and no one else used this route(1f). Not willing to give evidence.
4. Mr Barber, not willing to give evidence.
5. Mr Richard Bennett statement of use of 6 times a year is split between usage on foot, in the car on a bicycle. We cannot put any

weight on this as it is not possible to determine how many times he used the route on foot which is the evidence which is required for the application. Mr Bennett clearly had a purpose other than dog walking to use other methods of transport and he states his purpose was driving down to the village therefore this is not good evidence of recreational use. He also states that he has seen notices on the route restricting its usage see 7(e).

6. Ailsa Bowring ,not willing to give evidence.
7. Elizabeth Chapman , not willing to give evidence.
8. Richard Coast-Smith, not willing to give evidence.
9. Beatrice Down, not willing to give evidence.
10. Betty Fellows passed away and was not willing to give evidence.
11. Rachel Fry is a tenant of the owner of the land and visited the site using the route to collect milk, visit the dairy, visit her brother, buy chicken food and to buy milk. Although she lists the purpose of her usage as pleasure or family outing these purposes do not present evidence of walking for pleasure and would not carry weight as evidence of use of the footpath as a public route particularly as she is a tenant of the owner of the land and therefore has implicit permission to use the route. She has not answered question 6 which inquires as to whether she had permission. None of her usage evidence can be considered to be relevant and she is not willing to give evidence.
12. Ian Houston states he used it 30 times a year as a pleasure walk, but his usage is to include using the route on bicycle and in a car and therefore he clearly had another purpose to visit the site/use the route other than pleasure and the proportion of usage which relates to walking cannot be implied and therefore his usage evidence can be given no weight. He also refers at 1(g) to other people using the route and he clearly state this relates to( "rental of farm buildings and fields) referring only to the people renting the building and farming the land and not other recreational users.
13. K Houston used the route between 12 and 20 times a year the but her usage is to include using the route on bicycle and therefore she clearly had another purpose to visit the site/use the route other than pleasure and the proportion of usage which relates to walking cannot be implied and therefore her usage evidence can be given no weight.
14. Mr Lisle only gave evidence that he used the path frequently which



is vague in the extreme, and further details unfortunately cannot be obtained as he is dead and he was not willing to give evidence.

15. Caryl Parsons states that she used the route 2 or 3 times in 2006 and intermittently between 1990 and 2006. The purpose of her use of the route is to look for a lost cat and pleasure, this does not amount to adequate clear evidence of usage of the path on foot other than to say it was used at least once for pleasure in the whole period.
16. Peter Pepper states his use is for delivering literature and walking a dog 6-10 times a year, we have no clear evidence of the number of times it was used for walking a dog and unfortunately Mr Pepper cannot be asked to clarify this as he is dead. Whilst alive he was not willing to give evidence.
17. Mr and Mrs Wallis live on site in the middle of the route and are tenants of the owner, clearly as tenants they have permission to access their house. Evidence of the use of the route as an access to the Wallis's house is clearly not evidence of use of the route as a public right of way.
18. Mary Yoeman was not willing to give evidence.

In addition only 7 of the 19 living witnesses are willing to give evidence at inquiry and have their evidence tested, which should affect the weight to be given to their evidence. To conclude there is very little usage evidence that is clear and testable and I have been unable to find any historic evidence of a right of way along this route.

Kind regards

  
Tracey Merrett 

## WITNESS STATEMENTS



**Name** Richard Bennett

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I confirm that on 13 February 2008 I completed a Rights of Way Evidence Form. A copy of the form is attached and I confirm its contents.

I have lived in the area for the past 50 years. In approximately 1980 we got our first dog and from then on, until the Route was gated in 2007, I would walk the Route between 6 and 12 times per year. During those walks it wouldn't be rare to meet others walking the Route.

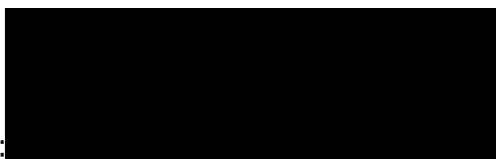
During my 27 years of use I recall the Route having a solid surface along its length with a usable width easily wide enough for lorries to pass along. I don't recall there ever being any stiles or gates along the Route but I do recall there occasionally being a temporary gate across East Lane, just before point A, which the dairy used to stop the cows going down the road when moving them. I believe that a gate went in at point D at relatively the same time as when the current gate was put in at point A1. The Route between C and D quickly became overgrown.

I have no recollection of ever seeing any notices or signs on the Route and I was never prevented from using the Route until the gate was put in at A1.

During the period when I used the Route, I was aware that the land was owned by Winchester Estate and farmed by Richard Loxton.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

A large black rectangular box redacting the signature of the witness.

Dated:

26/10/24

**Name** Lynne Bennett

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 49 years. I used the Route weekly between 1980 and 1990 to walk with the dog with my children. After 1990 and up until the Route was closed off I would use the Route intermittently, approximately once a fortnight. The Route was part of a good circular walk that we walked in both directions. I recall the ground from point A was stoney and there were metal farm buildings on the left hand side. On the right hand side there were stone buildings where Brian used to keep pigs. Further along there was a feed mill set back from the track and further stone buildings. From point C there were more trees and a view over the valley. From point B the surface was mixed and more rough but still easy enough to drive on. When walking I would often see Brian Chant and would stop and chat with him. I would see vehicles using the Route to access the Mill. I used to buy my chicken feed from up there.

To my recollection there were never any gates, stiles, signs or notices along the Route. I didn't know who owned the land and was never prevented from using the Route.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: [REDACTED]

Dated: 26.10.24

**Name** Joan Bowman

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Housewife

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area since 1990. I used the Route from 2003 until 2007 for walking the dogs a couple of times a week. It was a lovely, quiet and traffic free walk. I would occasionally meet others using the Route.

From the mid-1990s to the early 2000s I used to show rabbits and Brian Chant, a worker on the farm, gave me permission to dump the used shavings on the midden he had next to the Route. We would take the shavings up there in a trailer attached to our car. The Route was a basic lane between points C and D but with ample room to drive down. I recall the rest of the Route being made up like a typical concrete farm track. There were old barns, a pig sty and calf pens to the side of the track.

I do not recall any gates on the Route back then as you could drive/walk straight through from one end to the other. I didn't see any notices or signs along the Route. No one ever prevented me from using the Route.

At the time I believed Mr Loxton owned the land but I have recently discovered he was the tenant farmer rather than the landowner.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:..... [REDACTED]

Dated: 22nd October 2024

Name Ailsa Bowring

Address [REDACTED]

Date of Birth [REDACTED]

Occupation Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 44 years. I used the Route from 1980 to 2006. Up until 2000 I would walk the Route a couple of times a week with the dogs.

After 2000 my use reduced to around once a week and my use was more during the winter months as it was a reasonably clean walk without too much mud. I would occasionally bump into other walkers and would sometimes stop and say 'hi' to Mike Tozer who had an aviary near point B. At weekends I would walk with my husband and we both enjoyed the lovely views.

I recall that between points A and C the surface was made up of concrete but it had been broken up a bit over the years. Beyond point C the Route was more of a grassy track with a bit of hardcore but still adequate and I always felt sure footed. South of the Route there were piggeries and the farm house.

I remember there being buildings on the North side of the Route, partly used for storage, and an aviary south of point B. Suzanne Chant had cattle in the field south of C-D.

I don't remember any gates, stiles, notices or signs along the Route. I was never prevented from using the Route.

I never considered who owned the land.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: [REDACTED] Dated: 23-10-2024

**Name** Brian Chant  
**Address** [REDACTED]  
**Date of Birth** [REDACTED]  
**Occupation** Retired/Farmer

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area all my life. My brother used to live at Coombe Cottages and I worked on the farm where the Route is located from 1970 until 2004 as the Dairy Manager. I was at the dairy and looking after the cattle every day. In addition to my job, Richard Loxton allowed me to use the yard and pig sty on the south side of the Route to keep my own animals so I was there at least twice a day to check on them and feed them. The Route was never closed off as vehicles needed access. I would see people walking the Route on a daily basis, some with dogs and some without. I was never instructed by the Loxtons or anyone else to stop people using the Route.

The Route was, for the main part, a good hard road with some sections concreted. It was rarely muddy but did have the odd puddle caused by large vehicles. There were never any signs or gates along the Route and it was plenty wide enough to allow access for large vehicles.

Between 1970 and 1972 Ronnie Loxton ran the farm and Richard Loxton took over from Ronnie. Ronnie bought the land from Cow and Gate before selling it to Winchester College. When the land was sold, the Loxtons rented the land off the College.

▲ PRIOR TO 1970 - PROBABLY MID 1960's

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: ..



.....Dated: ..

24/10/24

**Name** Andrew Coffin

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I confirm that on 18 February 2008 I completed a Rights of Way Evidence Form. A copy of the form is attached and I confirm its contents.

I have lived in the area since 1974 and have used the Route from then up until when the gates went up in 2007. I used the Route as a circular walk for pleasure, with and without my parents dog. I nearly always walked with others, whether that be with my brothers, parents or extended family. The Route has spectacular views and was always a quiet and peaceful rural walk with animals to look at both in the fields and in the barns along the side of the path. We would see other people walking and farm workers, including Fred Chant and Richard Loxton on occasion. The frequency of my use varied but averaged out to between 3 and 6 times a year.

Between points A and A1 I recall there being a Tarmac surface but from A1 onwards it was a rough farm track, which may have had sections of concrete. There was a stone barn on the northern side of the track nearer point C and structures on the south side between A1 and C. Between C and D the Route had hedgerows down each side and I would describe the surface through here as more of a dirt track.

I have no recollection of ever seeing any notices or signs on the Route and I was never prevented from using the Route. I don't recall ever having to climb over any stiles or gates so don't believe there were any.



The land was owned by Winchester College and Richard Loxton was the tenant farmer.

The local history group has been researching the impact the Romans had in this area and there is lots of evidence of Roman life along the ridge area.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed:.....



Dated: 23<sup>rd</sup> October 2024

**Name** Diane Coffin

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I confirm that on 21 January 2008 I completed a Rights of Way Evidence Form. A copy of the form is attached and I confirm its contents.

I have lived in the area for 75 years and used the Route as a small child and into my teens. I used to go to see the animals that were up on the farm either on foot or sometimes on my bike. I have used red pen on the Plan to show the approximate locations of the different livestock. As a youngster, including into my teenage years my visits were almost weekly. Once I reached working age my use dropped to 6-10 times a year. I would occasionally chat to farm workers when passing the cottages but I was never told not to use the Route.

I would describe the Route as predominantly having a surface of worn-down earth. It was a farm track that was used by farm traffic. There was a Mill which often had large vehicles coming and going. I would often see lorries using the track.

There were never any gates, stiles or signs along the Route.

The land was owned by Winchester College. The tenant farmers, the Loxtons, lived at East Farm. The Farm manager and farm workers lived at Coombe Cottages and East Farmhouse.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:  ..... Dated: 23-10-24

**Name** Christopher Daniel

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 2 pages signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in Bradford Abbas since 1990. Between the years of 1990 and 2007, I and numerous members of family, friends and neighbours would often wander up the hill to East Farm to walk along the Route, which I believe to be part of a prehistoric trackway running eastwards on to what used to be known as 'Roman Ridge'. Sometimes we would walk westwards, through the gate at the end of the Tarmac track and along the headland of the field beyond, and north by the golf course.

Aerial photography recently revealed the presence of a Roman fort in the cultivated field to the west of the Route. That the Route through East Farm leads from a ridge once popularly known as Roman Ridge directly to this fort suggests to me that the Route must have been in use at least from those distant days. Many finds of prehistoric stone tools in this vicinity also point to its existence even earlier in prehistoric times.

Since the old farm was acquired as an 'investment opportunity' for a property development company, access to the Route has been barred by gates. Additional deterrence, from what I have been told, has come to a number of people from challenges that they are trespassing on private land and are thus subject to prosecution and justifiable harassment. I remember speaking to a man over the gate at A1. I don't know who he was but he gave an impression of being someone with authority as he related plans for the land and buildings.

Although I don't remember anything said on the matter, it was my impression that access to the area by the public was not encouraged, and the presence of two new gates with forbidding notices on them confirmed that impression. I subsequently met the elderly couple who at that time were still living in the farmhouse, furious that the gate barred access for their waste collection lorry, as well as obliging them to get in and out of their car every time they came or went.

In the past the Route has been a popular area for dog-walkers, for people taking the air and for those simply wishing to enjoy the extensive views southwards from a vantage point the Romans made full use of.

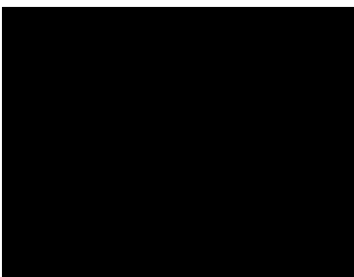
My personal use of the Route between 1990 and 2007 was primarily for walking the dog approximately once a week. The Route made up part of a good circular walk with the added benefit of spectacular views. I would sometimes take visitors up here just to look at the view.

The Route's surface was made up of some kind of concrete hard surface but it did have some potholes. There were farm buildings along both sides of the Route and a piggery. Between points C and D the lane up to the cottages was less maintained with a rougher surface but still easily passable.

I don't recall any gates until the gate was erected at A1. There was possibly a gate at point D but if there was it wouldn't have been locked and it was easy to get around. There weren't any notices or signs on the Route.

At the time I was aware the land was part of Winchester College and farmed by Richard Loxton.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



CGC DANIEL

25<sup>th</sup> Oct 2024

**Name** Mary Daniel  
**Address** [REDACTED]  
**Date of Birth** [REDACTED]  
**Occupation** Semi Retired – Ofsted Inspector

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 34 years. I used the Route from 1990 to take my young children to go and see the pigs and cattle that were kept up there. We used to walk it as a circular walk but also sometimes just up and back on ourselves depending on how tired the children were. From 2004 I walked the Route 2-3 times a week for walking the dog, often walking with friends and their dogs. It was never a busy path but I do vaguely remember seeing runners.

The Route was a road, but fairly rough under foot with hedgerows and overhanging vegetation at the sides between C and D. It was normally nice and quiet with only some farm traffic now and then. It was a lovely green route to walk but not particularly overgrown - easy enough to walk along. I don't recall anything blocking the Route and if there had been a gate it would have been open as I don't remember ever having to open or go round anything. The only sign I've ever seen is the one which went up on the new gate at point A1. I was never prevented from using the path or asked not to use it. I wasn't aware of the landowner at that time.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed: [REDACTED]

Dated: 1.11.2024

Name Ron Down  
Address [REDACTED]  
Date of Birth [REDACTED]  
Occupation Retired plant hire contractor

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area since 1957. In 1972 I left for 10 years and then returned and have lived here ever since. In 1982 I would walk the Route every couple of months with the dog. It was a nice clean path except nearer to the dairy which would occasionally get a bit mucky. I would see other people walking the Route on occasion.

I remember the old Sherton Mills buildings near to point B and that between points A and B this was used by vehicles accessing the Mill. One of the farm workers used to keep livestock in pens next to the Route and I would quite often stop and pass the time of day with him. I have indicated on the Plan with red ink where I think these pens were located.

There were never any notices or signs on the Route and I was never prevented from using the it. A gate went in at point C but not until much later.

During the period when I used the Route I knew the land was farmed by Richard Loxton.

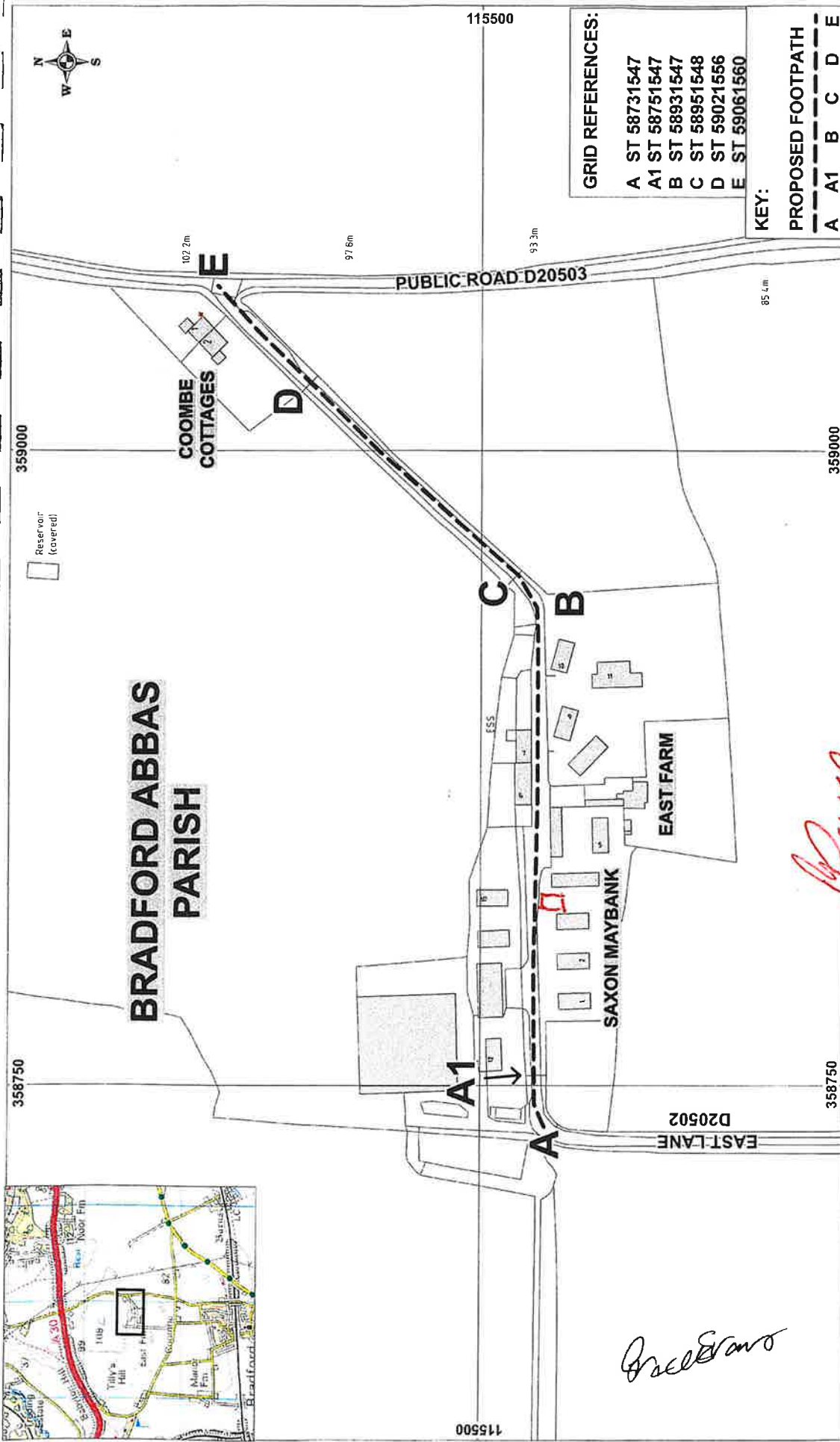
I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:...

[REDACTED]

Dated:.....

24-10-24



**GRID REFERENCES:**  
 A ST 58731547  
 A1 ST 58751547  
 B ST 58931547  
 C ST 58951548  
 D ST 59021556  
 E ST 59061560

**KEY:**  
 PROPOSED FOOTPATH  
 A A1 B C D E

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**Dorset County Council**  
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**Ref: 14/18/1**  
**Date: 13/02/2015**  
**Scale 1:2000**  
**Drawn By: ACWH**  
**Cent X: 358893**  
**Cent Y: 115521**

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
 EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT  
 MODIFICATION ORDER 2017**

*Paul Evans*

*ACWH*



**Name** Terry Down

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

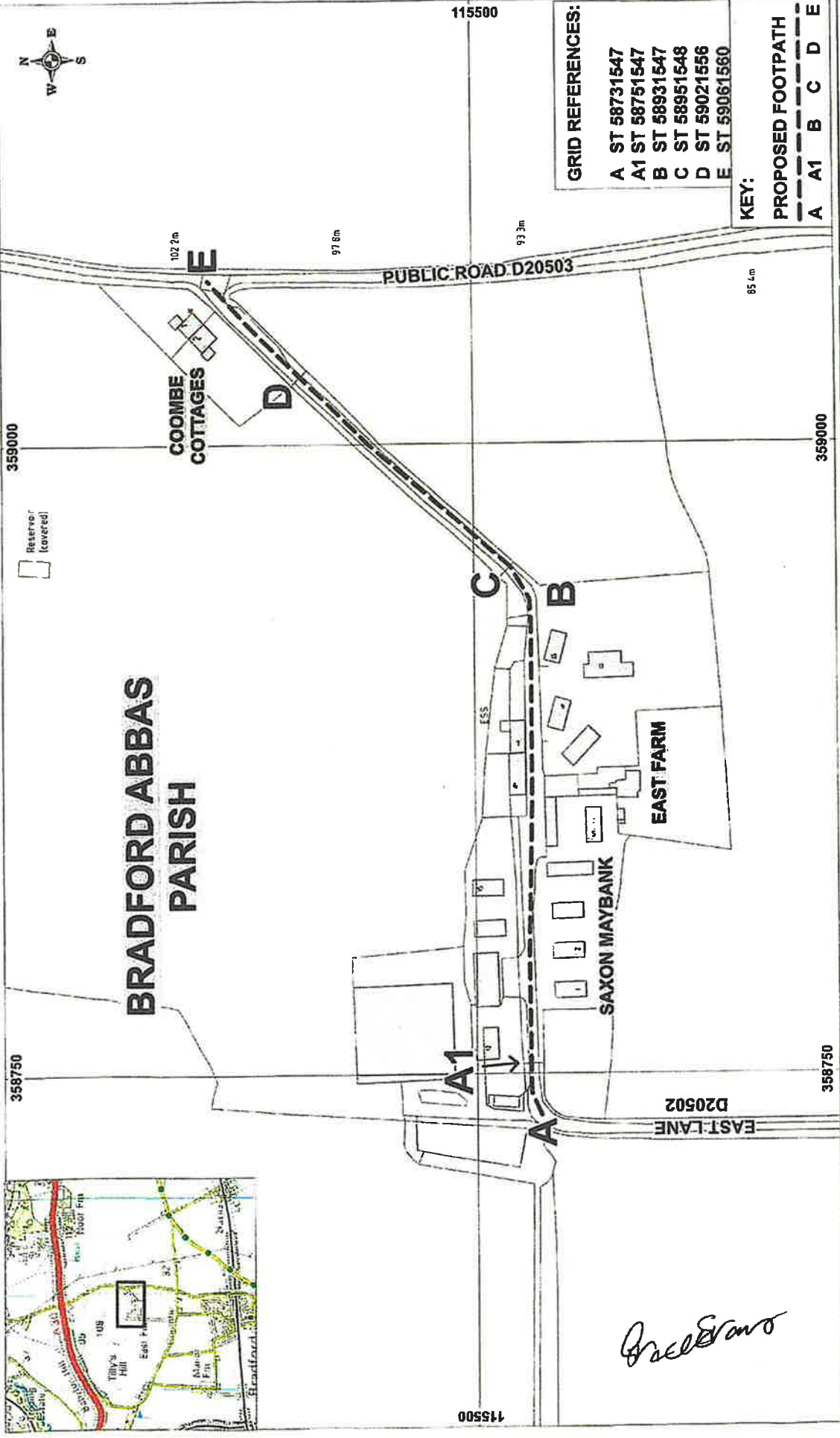
I have lived in the area since 1957. I rabbitied on the farm 2-3 times a year for 20 years from 1990. This was with written permission of the landowner. When I wasn't up there rabbiting, I would walk the Route 2/3 times a week with the dog. During these times I would bump into other people using the Route. Occasionally I would take my hand saw with me and clear the overhanging branches between C and D. I recall the surface being made up of hard core and it was suitable to drive along. The Route was open and accessible until the gates were put in when the lodges went up.

I did not see any notices or signs on the Route and I was never prevented from using the it. The only gates were the ones that went up when the lodges were built.

During the period when I used the Route I knew the land was farmed by the Loxtons.

Signed:..... [REDACTED]

Dated: 15 OCTOBER



**GRID REFERENCES:**  
 A ST 58731547  
 A1 ST 58751547  
 B ST 58931547  
 C ST 58951548  
 D ST 59021556  
 E ST 59061560

**KEY:**  
 PROPOSED FOOTPATH  
 A A1 B C D E

**GEOGRAPHICAL INFORMATION SYSTEMS**  
  
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**Ref: 14/18/1**  
**Date: 13/02/2015**  
**Scale 1:2000**  
**Drawn By: ACWH**  
**Cent X: 358893**  
**Cent Y: 115521**

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
 EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT  
 MODIFICATION ORDER 2017**

*Grace Evans*

Name Susan Gully

Address [REDACTED]

Date of Birth [REDACTED]

Occupation Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

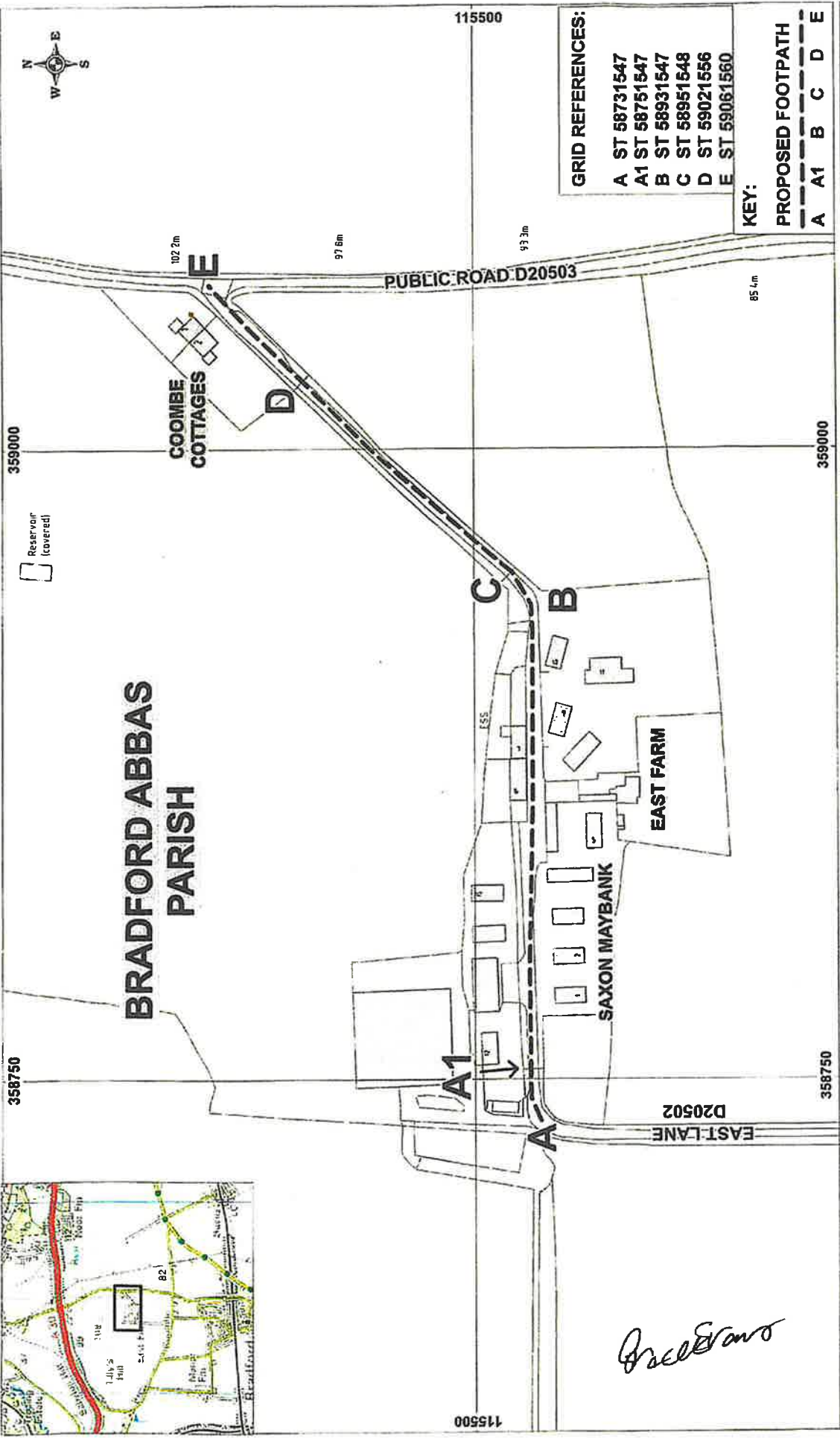
I have lived in the area for 51 years. I used the Route 2-3 times a week for walking the dog for two years prior to the Route being closed off by a gate in 2007. Before I started dog walking I used the route for some of the other 49 years but only on an annual basis. I rarely saw others on the Route when I was walking.

The Route's surface was not Tarmac but I wouldn't call it rough. There were never any signs or notices along the Route and I don't remember any stiles or gates before the Route was blocked in 2007. I was only ever told not to use the route during a verbal exchange in the 2020 lockdown period.

During the period when I used the Route I believed the land was owned by Winchester College.

Signed: [REDACTED]

Dated: 15/10/24



**GRID REFERENCES:**  
 A ST 58731547  
 A1 ST 58751547  
 B ST 58931547  
 C ST 58951548  
 D ST 59021556  
 E ST 59081560

**KEY:**  
 PROPOSED FOOTPATH  
 A A1 B C D E

**GEOGRAPHICAL INFORMATION SYSTEMS**



**Dorset County Council**

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**Ref: 14/18/1**  
**Date: 13/02/2015**  
**Scale 1:2000**  
**Drawn By: ACWH**  
**Cent X: 358893**  
**Cent Y: 115521**

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
 EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT  
 MODIFICATION ORDER 2017**

*Brad Evans*

**Name** Judith Hayward

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 54 years and used the Route between 1972 and 1976. My neighbour Helen introduced me to the Route and we'd walk it once to twice a month with the children as it made up part of a safe and relatively easy walk from the village with the children. We enjoyed the lovely scenery and being able to point out things and animals to the children. I would describe the Route at the time as a country lane; rough in places but adequate to take a pram along it.

I never saw any gates or stiles, notices or signs along the Route. I was never prevented from using it and wasn't aware of who owned it.

I was part of the local history group and involved with working on artefacts which had been found during an archaeological dig to the east of point E. The history of the area seems to support the possibility of the Route being part of a much older connecting route.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:.....

[REDACTED]

Dated: 25/10/24.....

**Name** Edward Peter Hindle

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Thatcher

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 60 years but did move away in 1984 before returning in 1990 to East Coker. During my time away I returned regularly to visit my parents. I used the Route all the time when it was open. I started using it independently, with friends, from the age of 7/8 years old. As youngsters we walked along the Route to get to the Soldiers Park. Between the ages of 11 and 15 I delivered papers along the Route and outside of my delivery duties I regularly used the Route throughout my teenage years. Before I left the area in 1984 I used the Route on a monthly basis. After returning in 1990 I used the Route infrequently.

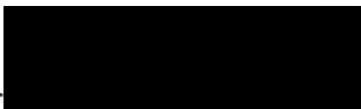
I would describe the Route back then as a rough farm track that was used as a through route. There were a number of pig sty buildings along the side of the track and some cattle were kept there. In the late 1990s I used the track in the course of my business to access my thatching straw. There weren't any gates along the Route until the chalets were built.

I don't remember seeing any signs or notices and we were never prevented from using the Route, we just went along it.

I believe that Cow and Gate were originally the tenants with Wyatt Paul being the owners. From some time in the 1950s Winchester College owned the land and I believe that Ilchester Estates purchased some land more recently, perhaps 3 or 4 years ago.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



Dated:

5 Nov 2024

Name Ian Houston

Address

Date of Birth

Occupation Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I moved to the area in 1986 and used the Route between then and 2007 when the gate was put in at point A1. I used to walk the dog along the Route and my wife, our 2 daughters and the dog also walked the Route together as a family. Our youngest was around 7 years old at the time and the Route was a relatively short and convenient, circular walk with spectacular views. The children enjoyed seeing the calves that were kept up there. There weren't many other circular walks in the area of that length that avoided main roads. I used the Route 2-3 times a week with my use peaking during the summer months. I would see others from the village walking the Route and looking out at the view.

The surface of the Route varied. The road tarmac stopped at point A and then the track became a mixture of unpaved and concreted sections. I don't remember any gates as it always appeared to me to be an unobstructed through route. I never saw any signs and was never prevented from using the Route. At the time I was unaware of who owned the land.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



Dated:

27 October 2024



Name David Loxton

Address [REDACTED]

Date of Birth [REDACTED]

Occupation Farmer

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for around 30 years as an adult and worked on the farm as a teenager between 1975 and 1979. During those 5 years I saw people walking the Route and I wasn't instructed to stop people using it. It was used by various vehicles when the Mill was still working back in the early 1970s. The surface of the Route was compacted hardcore, with space for vehicles to pass as necessary. As I recall there were no gates or stiles along the Route but a gate on the road near to point A was sometimes closed for moving cattle. I do not recall any signs along the Route. I recall pigs and calves being kept in the barns between points A and B.

The land was farmed by my father Richard Loxton who was the tenant farmer while the land was owned by Winchester College.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:.....

[REDACTED]

Dated: 30/10/24

**Name** Colin Pople

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I lived in the area for 28 years, between 1975 and 2003. I used the Route between 1975 and 1990 for walking our dog. This was usually once a week at the weekend. After the dog died, my wife and I would continue to take a walk at the weekends with our friend Mrs Down.

I recall the Route being a typical farm track composed of a hardened surface with potholes in places. The track was used by farm vehicles and lorries. We would often see Mr Chant and Mr Ronny Loxton. The farm cats would also come out to see us. Occasionally we would see Mrs Howden and would stop and have a good natter as she lived in one of the cottages.

The Route was open at both ends with no gates or stiles, you could freely walk straight through. There weren't any notices or signs anywhere along the Route. We were never prevented from using the Route, even the farm workers didn't challenge us.

I always thought the land belonged to Winchester College. They owned other buildings and fields around Bradford Abbas.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed:.....

[REDACTED]

Dated:.....

07/11/2024

**Name** Margaret Pople  
**Address** [REDACTED]  
**Date of Birth** [REDACTED]  
**Occupation** Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I lived in the area for 28 years, between 1975 and 2003. I used the Route daily between 1975 and 1990 for walks with my dog. After my dog passed away I continued to use the Route on a weekly basis for walks with my friend or occasionally with my husband.

I recall the Route being a gravel track. I would often see farm workers whilst walking. Occasionally I would see them feeding the cats that were on the farm. I would always say hello to them.

I don't remember any gates or stiles along the Route, it always appeared open. I don't recall seeing any notices or signs and I was never prevented from using the Route.

I always assumed the track belonged to the farm. Mr Loxton had the farm and all the buildings.

'I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed [REDACTED] ..... Dated: 7-11-24

**Name** Keith Ring

**Address** [REDACTED]

**Date of Birth** [REDACTED]

**Occupation** Retired Engineer

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I was born in the area and lived here until 1968 when I moved to Yeovil. I then returned to the village in 1999. I used the Route during my younger years, from 10 to about 20 years of age. I'd spend time up there especially during the school holidays and use it as short cut from the bus stop to get back home. I'd see lots of other people using the Route. From the ages of 15 to 20 years old I used the Route approximately once a month. My father worked on the farm, maintaining the farm buildings when it was under the ownership of 'Cow and Gate'.

The Route was a concrete track through the farm. It was well maintained, and I saw it being used by farm traffic every time I used it.

The Route was completely open all the way through, without any gates or stiles. I don't recall there being any notices or signs anywhere along the Route. We were never prevented from using the Route at all. It was just free and open.

The land belonged to 'Cow and Gate', or potentially leased to them, before Mr Loxton took it over. I think Winchester College may have owned it.

I recall there was a heavy down fall of snow in 1963 that blocked all the roads except for a single lane on the main road so I had to use the farm track to get back home.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed: [REDACTED]

Dated: 9.11.20

**Name** Lorraine Alida Smith

**Address**

**Date of Birth**

**Occupation** Artist

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

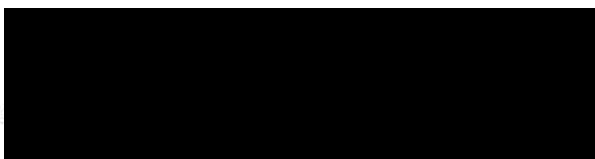
This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 37 years. When I first moved into the village, neighbours suggested the Route as a good place to walk. I used the Route daily from 1987 until 2004, mainly for walking the dog and taking the children out for a walk. At Christmas I'd walk the Route frequently with wider family members.

East Lane up to point A was a tarmac road with a grassy centre. We would occasionally wave at the tractor drivers when they were driving up East Lane. The Route was a farmyard type track. I don't recall there ever being any gates/stiles or similar along the Route and never saw any signs or notices. There was never anything along the Route that put me off using it. I wasn't aware of who owned the land and was never prevented from using the Route.

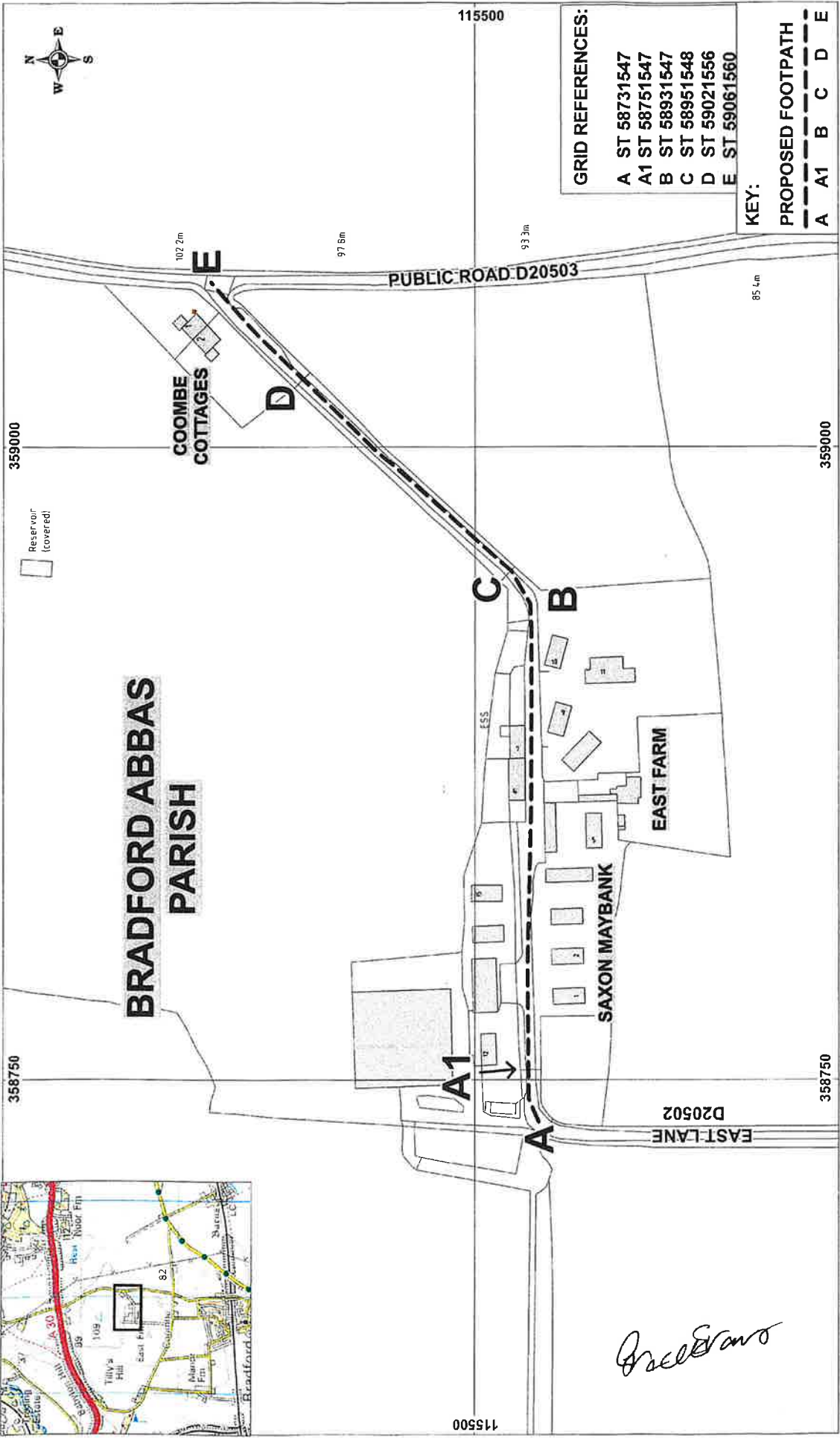
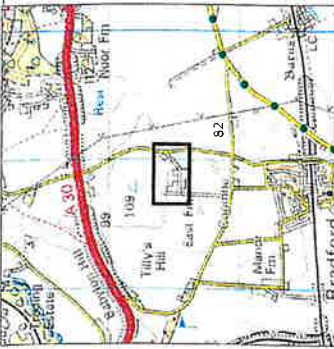
I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



.....Dated:

2/11/24



**GRID REFERENCES:**

A ST 58731547  
 A1 ST 58751547  
 B ST 58931547  
 C ST 58951548  
 D ST 59021556  
 E ST 59061560

**KEY:**

**PROPOSED FOOTPATH**  
 A A1 B C D E

GEOGRAPHICAL INFORMATION SYSTEMS



**Dorset County Council**

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**Ref: 14/18/1**  
**Date: 13/024/2015**  
**Scale 1:2000**  
**Drawn By: ACWH**  
**Cent X: 358893**  
**Cent Y: 115521**

**DORSET COUNTY COUNCIL (FOOTPATH FROM EAST LANE (D20502) TO D20503 PUBLIC ROAD  
 EAST OF COOMBE COTTAGES, BRADFORD ABBAS) DEFINITIVE MAP AND STATEMENT  
 MODIFICATION ORDER 2017**

*Paul Evans*

Name Veronica Stanley

Address

Date of Birth

Occupation Retired

**This Statement (consisting of 1 page signed by me) is true to the best of my knowledge and belief. I confirm that I have had an opportunity of amending or adding to this Statement as I think fit.**

This Statement relates to the route shown by a dashed line between point A at its junction with East Lane (D20502) and point E, at its junction with the public road D20503 on the attached plan Ref: 14/18/1 (the Plan). I have referred to this route as 'the Route' in this statement.

I have lived in the area for 30 years. I used the Route from 1994 to to 2007 when it was blocked by a gate at point A1 on the Plan. I used the Route nearly every day for walking the dog. I would sometimes stop to say hello to the farm workers or to the very friendly old couple who lived in East Farm House, on the south side of the track.

I remember the surface of the Route being compacted but rough; it wasn't Tarmac. There were buildings to the southern side of the track with calves and a pig sty. Between points C and D there were bushes and trees on either side.

I do not recall any gates, stiles, notices or signs along the Route. I was never prevented from using the Route and I had no idea who owned the land.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed:.....

Dated:.....

25-10-24





1887 First Edition  
Ordnance Survey Map

East Farm

ABBAS

The Villa

Old Quarry

QUARTY  
LANE

B.M. 338.1

309

279

259

B.M. 250.2

B.M. 274.3

269

262

254

233

269

204

B.M. 194.2

187

317

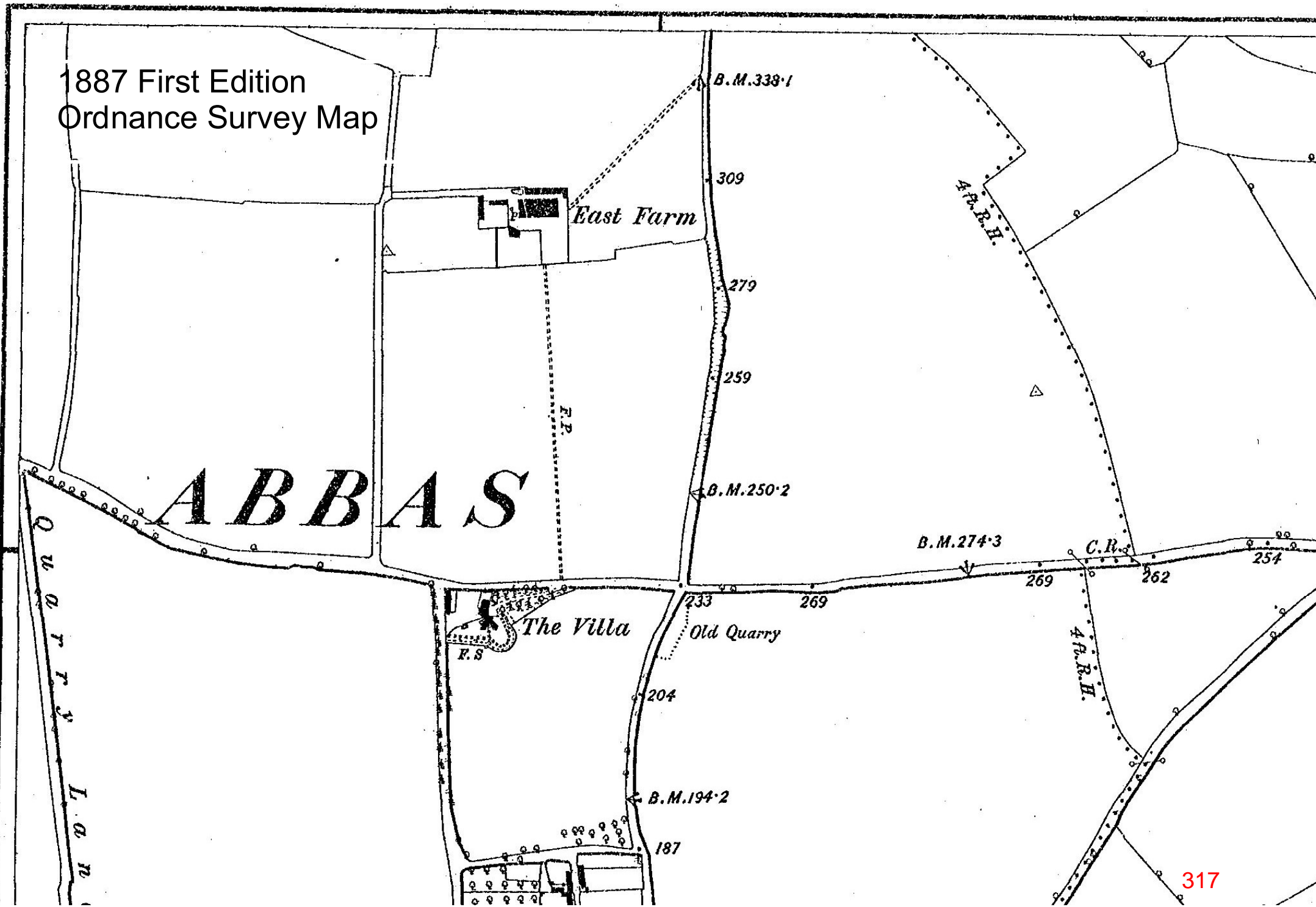
A.R.R.H.

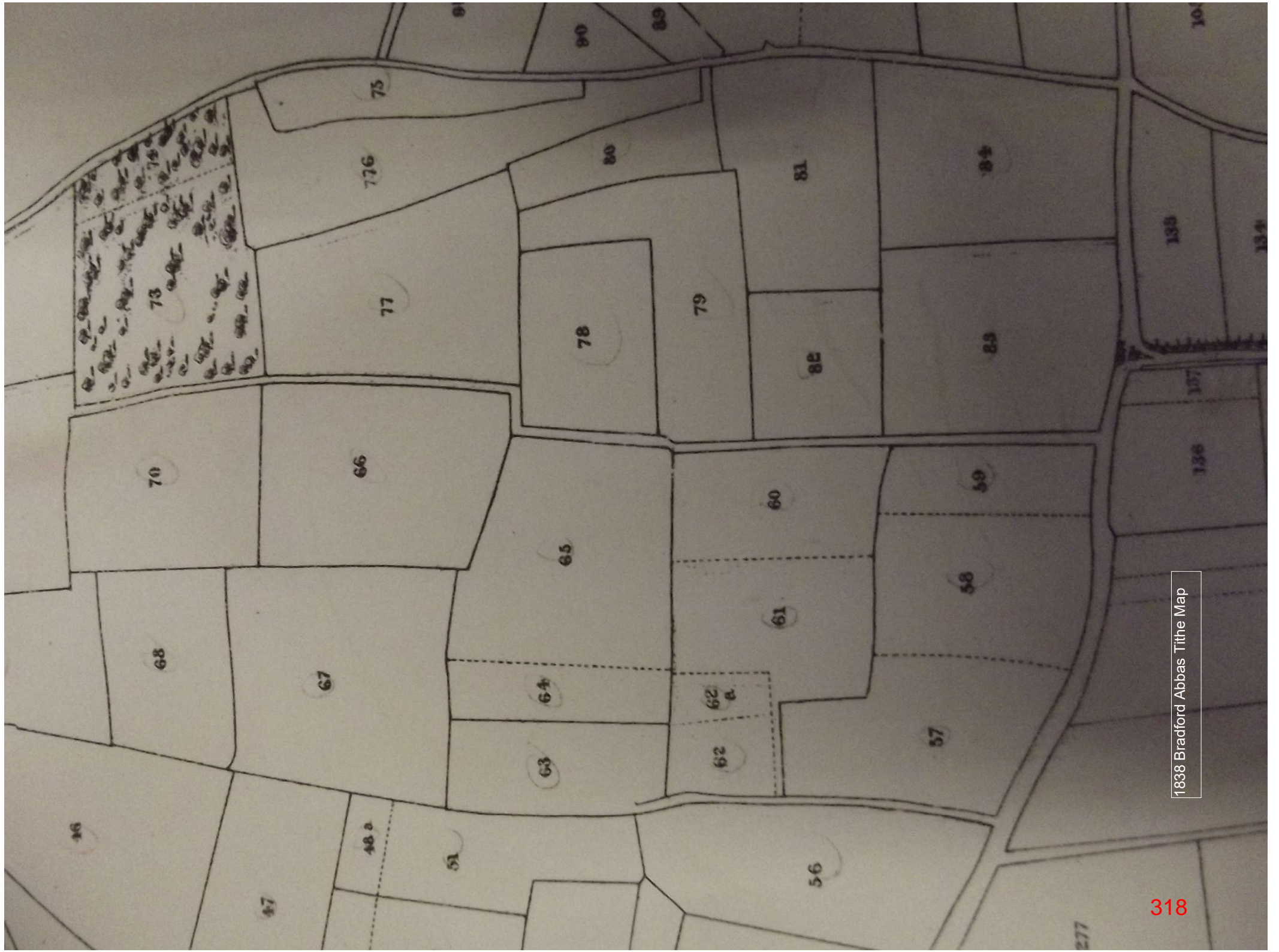
A.R.R.H.

C.R.

F.P.

F.S.





1838 Bradford Abbas Tithe Map



1910 Finance Act Map



# 1928 Edition Ordnance Survey Map

1928 Edition

EDI

NORTHERN DIVISION

appear on this edition:—  
37, 148, 153, 173, 176,  
163.

L 267  
ch

191  
14.259

194  
12.348

178  
8.678

193  
3.869

East Farm

190  
2.050

189  
1.890

192  
49.170

J.R.H.

184  
.962

188  
1.333

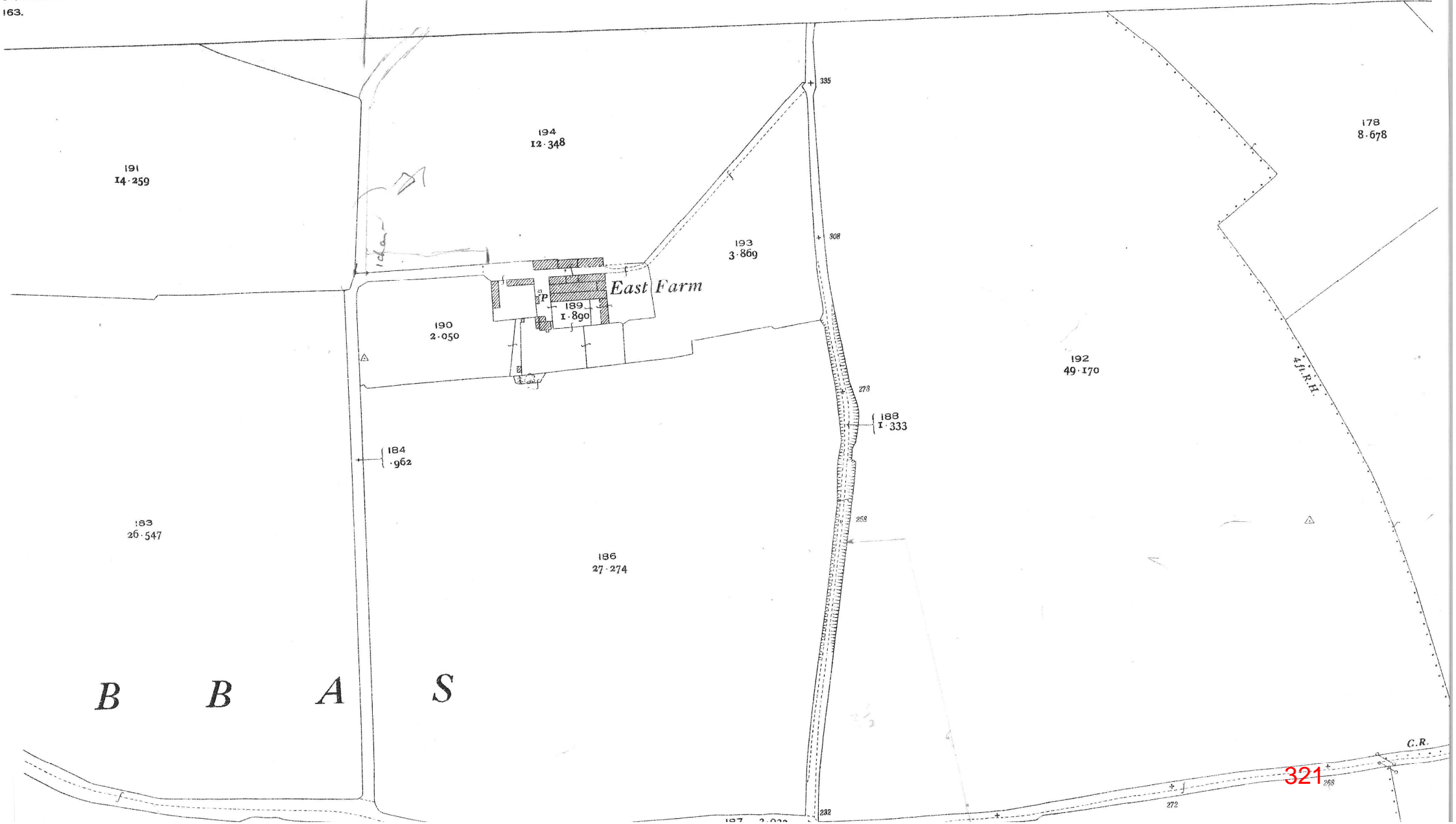
183  
26.547

186  
27.274

B B A S

321  
268

G.R.



1930 6 inch edition

LONG. 2° 35' W.



1951 Bradford Abbas Parish Survey map

