

PLANNING INSPECTORATE
Reference Number: ROW/3278109

Wildlife and Countryside Act 1981

COUNTY of DORSET
DEFINITIVE MAP AND STATEMENT
DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2019
(Part of Church Knowle Parish Footpath SE9/30)

STATEMENT OF CASE

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Appendices

Appendix 1 Evidential Items (Computer Files)

The pieces of evidence put forward in this case. The computer pdf copy allows readers to zoom into areas of interest and where possible the links quoted are active on the Pdf version to take the reader to the appropriate link on the internet.

Appendix 2 Evidential Items (Paper Records)

These documents are printed in full for the Planning Inspector and relevant sections are referred to in detail in the Evidential Items Description Section above. There are also paper copies of maps shown in Appendix 1, where it has been possible to obtain hard copies.

Notes

Acronyms

BR	Bridleway
CKPC	Church Knowle Parish Council
DC	Dorset Council
DMMO	Definitive Map Modification Order
Ev	Evidential Item
FP	Footpath
LA	Local Authority
OS	Ordnance Survey
PDC	Purbeck District Council
RA	Ramblers Association
1949 Act	National Parks and Access to the Countryside Act 1949
1968 Act	Sec 33 and Sec 34 National Parks and Access to the Countryside Act, 1949

Pdf and Web Links

When reading this document, if you wish to view content in close-up (especially Evidential Items) it may be easier to view on a computer rather than the paper version.

This is because the computer Pdf can be zoomed-in to make details of evidential items clearer.

Where possible, web links to the relevant online information are also given.

These links are active in the computer Pdf version of this document and may be useful.

Evidence Identification and Numbering System in the Appendices

Each piece of evidence in this statement of case is given an identifier (Ev1, Ev2, Ev3 etc).

In the main evidence section of this document each Ev is discussed with a Submission as to why we believe each item is important.

Evidential items can be examined in Appendix 1 and Appendix 2

We would like to highlight the following Planning Inspectorate Advice Note from October 2021 and we have picked out para 2.4 in bold as we feel it is particularly relevant to this case.

Guidance

Rights of Way Section: Advice Note No 5 - Definitive Map and Definitive Statement – Precedence Updated 14 October 2021.

1. Introduction

1.1. The purpose of this Advice Note is to inform Inspectors of the Planning Inspectorate's opinion on the precedence of definitive maps and definitive statements.

1.2. This Advice Note is publicly available but has no legal force.

2. Background

2.1. The Wildlife and Countryside Act 1981 does not state whether the definitive map or the definitive statement has precedence. However, Section 56(1)(e) of the Act indicates that the purpose of the two documents is different. It provides:-

A definitive map and statement shall be conclusive evidence as to the particulars contained therein to the following extent...the map is conclusive evidence, as at any date, as to a highway shown thereon, any particulars contained in the statement as to the position or width thereof shall be conclusive evidence as to the position and width thereof at that date, and any particulars so contained as to the limitations or conditions affecting the public right of way shall be conclusive evidence that at the said date the said right was subject to those limitations or conditions....

To summarise: the map is conclusive evidence as to the existence and status of any right of way shown, whilst the statement is conclusive evidence as to the position and width, and limitations or conditions. It seems reasonable to conclude, therefore, that the respective documents have precedence on the particulars to which the Act provides they are conclusive evidence.

2.2. However, in determining modification orders, Inspectors are occasionally presented with evidence to the effect that there is a conflict between the information on the definitive map and that contained in the definitive statement. In *R oao Norfolk County Council v SSEFRA 2005*, Pitchford J advised that

...the correct approach to the interpretation of the definitive map and statement must be a practical one. They should be examined together with a view to resolving the question whether they are truly in conflict or the statement can properly be read as describing the position of the right of way.

But Pitchford J went on to confirm that where there is a conflict between the map and statement, the map takes precedence. This is because "...the discretionary particulars depend for their existence upon the conclusiveness of the obligatory map".

2.3. Following on from this, the judge stated that the question of "...whether the statement does describe the position of a footpath shown on the map is...a matter of fact and degree". In this case it was agreed by the parties that in a situation where a map had a path immediately to one side of the boundary, while the statement described a way across the land immediately on the other side of the boundary, the statement could reasonably be held to be describing the position of the footpath marked on the map. The judge agreed that this was "...an appropriate concession". He went on to add that "...whether the statement was describing the position of the footpath marked on the map need not require the precision of a slide-rule". In reporting that the position of the footpath on the map and statement differed by a distance of 30 metres, Pitchford J said "...it seems to me that this is within the

tolerance permitting a conclusion that the statement was indeed providing particulars of the public right of way marked on the map”.

2.4. However, it is important for Inspectors to note that Pitchford J went on to say that once an Order Making Authority proposed to modify the map, and that modification is before an Inspector for determination, there is no evidential presumption in favour of the map at the expense of the statement. Pitchford J held that at the review stage (i.e. when the Inspector is making his/her decision) if there is a clear discrepancy between the map and the statement, what is required is simply a consideration as to which route, on the balance of probability, is correct, if any, in the light of all the relevant evidence including the terms of the map and statement. In such circumstances, he held that it would be inappropriate to impose an artificial presumption on one as against the other.

2.5. On the subject of the definitive statement, Inspectors should be aware of the letter issued by the Department of the Environment on 22 July 1997, a copy is attached. Those letters amend the wording of paragraph 31 of DoE circular 2/93. The relevant information for England can now be found in paragraph 6.17 of the DEFRA Circular 1/09 (Version 2).

Link:

<https://www.gov.uk/government/publications/rights-of-way-advice-note-5-precedence/rights-of-way-section-advice-note-no-5-definitive-map-and-definitive-statement-precedence>

Statement of Case

Definitive Statement

1. We respectfully submit that the narrative of the Definitive Statement is basically correct and has been arrived at through due process. It describes a south westward route from Bare Cross that is corroborated by so many pieces of evidence that we would suggest the balance of probabilities is not met to modify the narrative in the way Dorset Council proposes.
2. The current Definitive Statement has only surfaced as part of the Dorset Council Case since the close of the Regulatory Committee Meeting. We believe this is a significant factor in this case.
3. Incidentally there is a matter not mentioned in the DMMO proposal. There is a short section of the path described in the Definitive Statement to the north of Bare Cross where the narrative appears to be left over from a previous version of the Statement for FP30 and we respectfully ask the Inspector to review this as it is intrinsically linked to the issue at hand.

Definitive Line

4. We respectfully agree that the Definitive Line is incorrect as it is today and needs modification.
5. However, we believe that Dorset Council's proposal for the position of the modified line is incorrect, it is based on derivatives of the 1951 Parish Survey and that, in this case, the greater weight of evidence for the position of the path is consistent with, and as indicated by, the Definitive Statement.
6. Further we respectfully offer evidence to suggest how the definitive line may have been mis-drafted at the time of its inception in 1951 and how, separately, an objection (which was upheld) lead to the two footpaths involved (FP27 and FP29) being combined into one (FP30) in 1964. The Definitive Statement from that time describes a route consistent with the objection and the independent evidence (historical mapping, public usage, signage etc).
7. In 1971 the footpaths in the county were again reviewed and FP30 survived largely unchanged (a slight amendment in status for part of the line as indicated in para 3 above but not the route).
8. Although the Definitive Line did move closer towards coinciding with the narrative of the Definitive Statement at the time of the 1971 review (repositioned north west of our house) it was still not exactly consistent with all the other evidence when the current process was sealed in 1989.

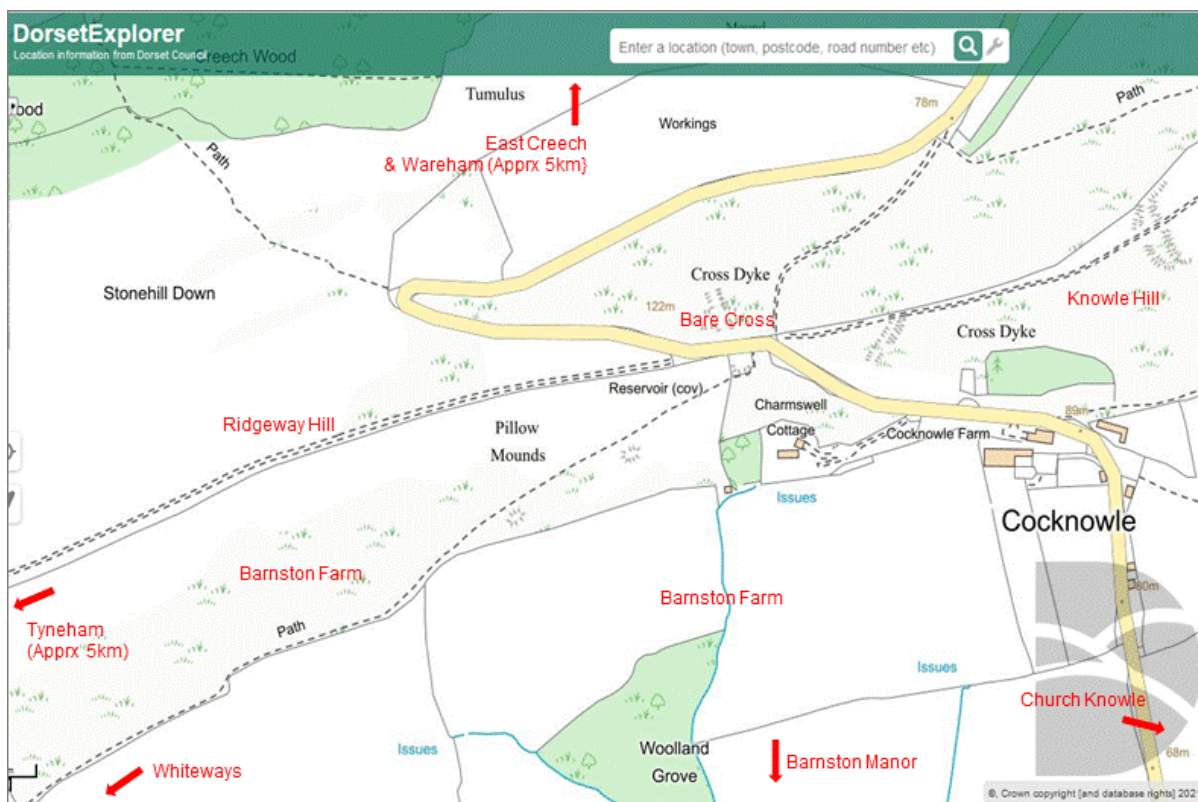
Conclusion

9. We respectfully agree that a DMMO is necessary but submit that the Dorset Council case for putting the Definitive Line back to the south east of our house (as in the 1951 Parish Survey) and for the Definitive Statement to be changed to follow it has not been made out; and further, the case against it is overwhelming. We would respectfully submit that a DMMO altering just the line to be consistent with the Definitive Statement is a correct reflection of this particular route with public rights.
10. We note that the DC Case does not offer evidence to challenge the Definitive Statement. Indeed, the Definitive Statement does not appear to have been produced in discussion with Purbeck District Council during the consultation process or placed before the hearing of the Regulatory Committee.

Geography and Background

Geography

11. The area subject of the order is to the west of a small hamlet called Cocknowle. It is just to the south of the Purbeck Ridge which is a very popular route for people walking and riding. Many people park their cars at the confluence of several routes on the Purbeck Ridge known as Bare Cross.
12. Cocknowle has three houses, two to the east of the area concerned and these are by a 90-degree bend in the road and our house (Charmswell) which occupies a steep area of land just below Bare Cross.
13. There is a small area of land to the west of our house known in the past as Charmers Well that has an important function today as the well and the building supply water to the local community.
14. To the west and south is a farm known as Barnston Farm with Barnston Manor being a significant house in the area for several centuries.
15. To the north, along the Purbeck Ridge, there are large areas of open access land known as Stonehill Down and Ridgeway Hill to the west, and Knowle Hill to the east.
16. The terrain is very steep and to the north there is a hairpin bend in the road as it travels south from East Creech and rises up the Purbeck Ridge to Bare Cross with a very steep hill down the other side towards the village of Church Knowle.
17. The following graphic (**Graphic 1**) is an extract from the Dorset Explorer website showing the Ordnance Survey Map layer with some additional text in red to give the reader an understanding the local area.



Graphic 1

Background

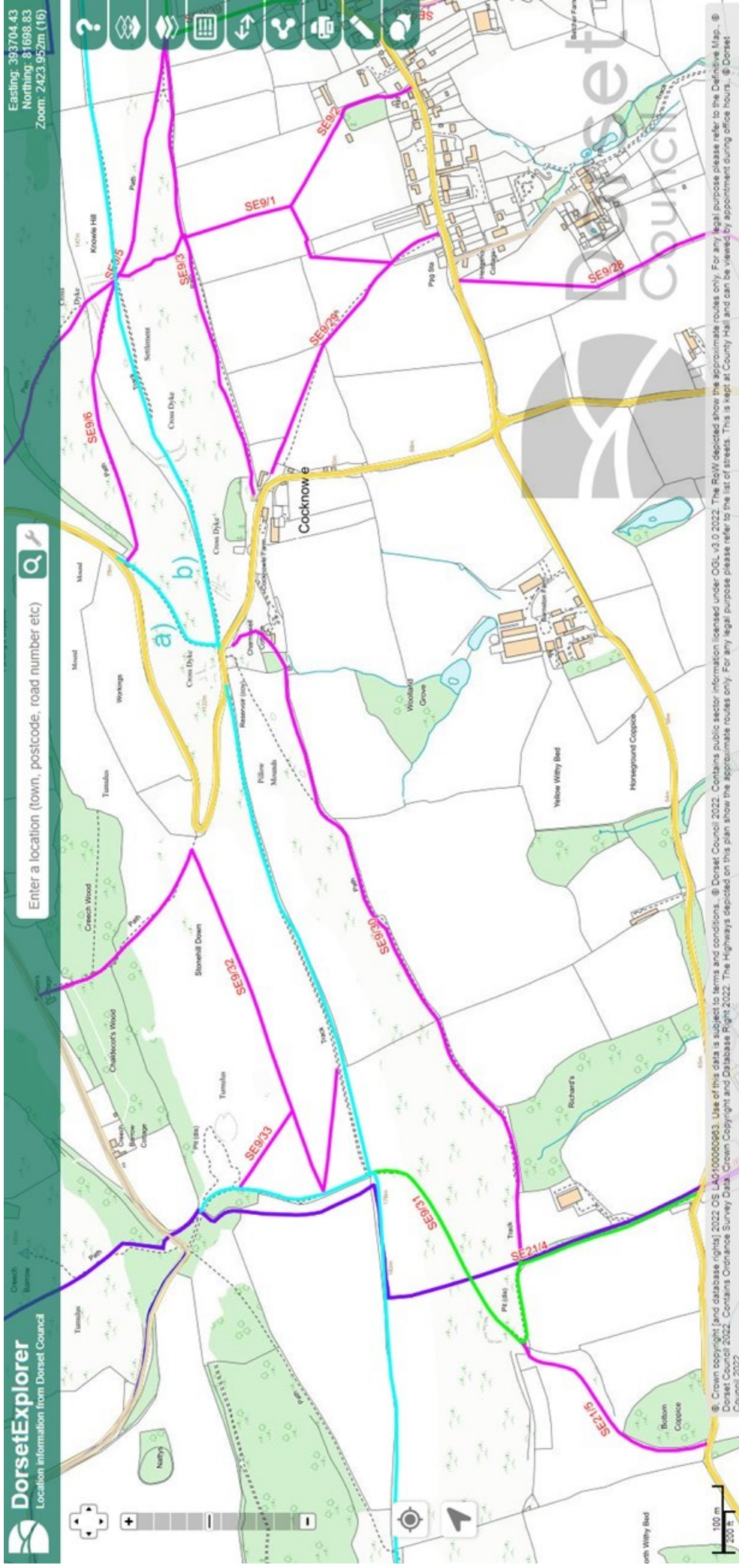
18. The need for a Modification Order first emerged during the sale of Charmswell in 2013/14 when it was found on searches that the definitive line went close to the west of the house at Charmswell and almost vertically up a sheer incline behind our house.
19. Purbeck District Council and Dorset County Council exchanged correspondence about the issue and in April 2014 the County Council stated that they proposed to apply for a Modification Order.
20. In February 2015 Dorset Council announced a short consultation exercise with evidence to be submitted by 20th March 2015. It was not until 6th December 2018 that the matter was put before the Dorset Council Regulatory Committee who proposed an order in line with the Council Officers request.
21. On 18th June 2021 it was forwarded to the Planning Inspectorate for determination.
22. The issue is unusual in that it concerns two paths (FP27 and FP29) first shown on the 1951 Parish Survey that eventually became one (FP30) first shown on the Provisional Definitive Map and Statement of 1964. A slight variation of status only was made to the northern part of FP30 following a countywide review in the early seventies.
23. In 2015, as a result of the matter that emerged during the house sale, the DMMO was proposed to correct FP30 and is the matter at issue.
24. Below are two screenshots included for general reference from the Dorset for You Website showing:

Graphic 2

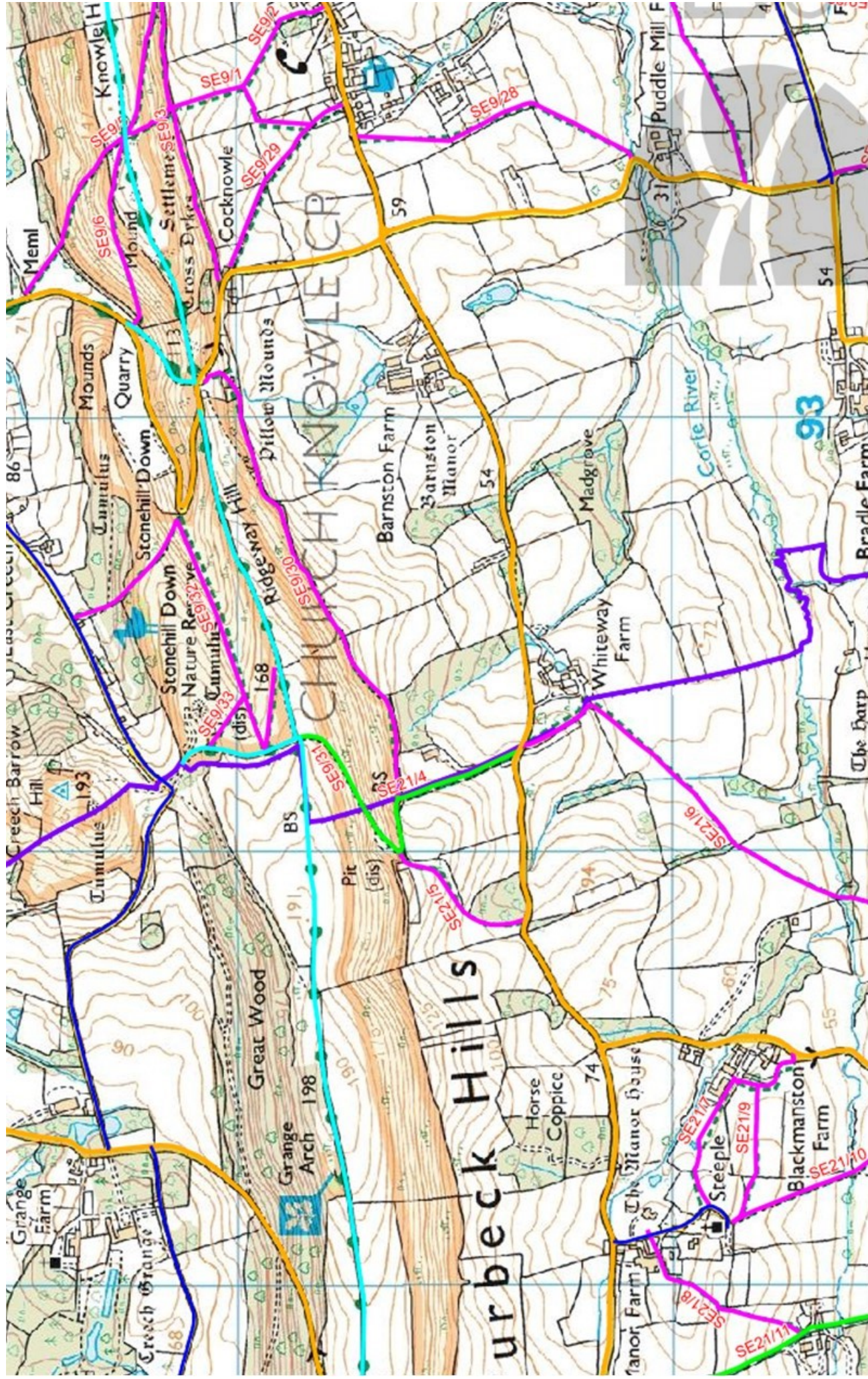
The OS Base Map for the area around Charmswell overlayed with the rights of way today.

Graphic 3

The OS Explorer Base Map showing the wider area overlayed with the rights of way today.



Screenshot of Dorset Explorer Website (Ordnance Survey Base Map with Highways and Rights of Way Layer Controls included)



Screenshot of Dorset Explorer Website (Ordnance Survey Explorer Base Map with Highways and Rights of Way Layer Controls included)

Summary of Case

25. We would respectfully submit that it is just the Definitive Line that is at fault here rather than both the Definitive Line and the Definitive Statement. The Definitive Statement has very good corroboration on the ground and fits the position on maps historically and today. It is also well used by the public.
26. Conversely, we would respectfully submit that the Definitive line indicates significant doubt about its provenance.
27. For instance, there is no map, that records a path (east to west) through the front garden of Charmswell other than the red line of the Parish Survey of 1951 and its derivatives. The case is the same for the Well area to the west of our house and beyond. Proving on the balance of probabilities such a path would seem essential to support the proposed DMMO.
28. It is true that a path that is public does not have to be shown on maps and might be proven from other evidence, but we would respectfully submit that the absence of any user evidence is also compelling. We hope to make this clear in this Statement of Case.

Unusual Factor – Two Paths Combined into One

29. An unusual factor in this case is that it is about two originally proposed paths (FP27 and FP29) from the parish Survey of 1951 that were combined into one (FP30) in 1964.

Differences Between This Case and Dorset Council Case

30. The DMMO proposal currently has a line running south-south-east from Bare Cross (1951 FP27) to an acute corner (DC Case Doc Ref 2b Point C on the DMMO proposal). We respectfully submit that there is good evidence to show that the original Parish map and schedules identifying this route was objected to and that the objection was upheld (Parish Council Minutes 1958 Ev24i and Ev24m).
31. Dorset Council state that only the very southern section of FP27 was objected to (DC Case Doc Ref 4 Page 12 Para 8.36). However, we would respectfully submit that the greater weight of evidence is consistent with the objection meaning that all of the section south of Bare Cross was objected to leaving just the northern section (north of Bare Cross) not objected to.
32. This counter view to the DC proposal stems from an entry in the Parish minutes (Ev24i and Ev24m) and has corroborating evidence throughout this case in relation to history, use, signage maps and, most importantly, the Definitive Statements indicating that the path actually took a south westerly route from Bare Cross (see Definitive Statement (Ev18b) for the 1964 Provisional Map corroborating the objection in the minutes).
33. This south westerly route from Bare Cross was the position put forward by Purbeck District Council in correspondence with Dorset Council starting in 2013. On 1st April 2019 Purbeck District Council was abolished to form a new Dorset Unitary Authority. Research since that time and shown below tends to support the PDC view.
34. In relation to FP29, Dorset Council State (DC Case Doc Ref 4 Page 12 Para 8.36) that FP29 was not objected to. We do not believe that DC can make this assertion just from the Parish minutes and the broader weight of evidence would show that the proposed FP29 was mentioned in the Definitive Statement (Ev18). It was completely relisted and combined into the new FP30. The old FP27 and FP29 identifiers were given to other footpaths in the parish (See Ev18b). We discuss this in the body of evidence.

Wide-ranging Evidence Corroborating the Definitive Statement

35. The objection recorded in the Parish Council minutes on its own is one source of evidence but subsequent reviews especially the Special Review of 1971 provide further evidence (See Ev18, Ev19, Ev20 and Ev22), fit with the historical record and are consistent with the on-the-ground evidence.
36. There is no challenge to the regularity of the processes involved and these reviews in the DC Case.
37. In the next section below - Description of Evidential Items, we will submit the detail provided by the evidential items. The actual evidential items are grouped into appendix 1 (computer exhibits) and appendix 2 (paper exhibits).

Maps

38. The Maps start from 1768 and run through to 2021. Most of the routes mentioned in our case and the DC Case appear at some point. These routes come and go in time according to the particular map published.

We would respectfully submit that there are however two significant factors:

- The route consistent with the Definitive Statement and put forward by PDC pops up in many maps right through from 1768 to today.
 - The DMMO proposed route through the front garden of Charmswell, through the Well and westward from there, appears on no maps apart from the Definitive maps.
39. In relation to the particular map used as the base map for the 1951 Parish Survey (OS Map 1929 edition) where red lines were used to delineate public routes, we put forward a possible reason for the drafting error. Under the circumstances we would submit that it was a reasonable mistake with a land feature depicting a treeline on some maps that looked very much like a footpath.
 40. Indeed, we hope to show that a similar mistake was made on property deeds also describing the same land feature as a footpath to the south of the field boundary where the treeline is located on the relevant maps (see Ev1, Ev3 and Ev33a-c for full explanation).

Definitive Line

41. The various updates and graphics of the definitive line are well documented in the DC Statement of Case (DC Case Appdx 4 Page 34 – 37). However, it is our submission that the position of the line is simply a drafting error repeated on subsequent editions of the definitive line; the line moved slightly over the various map revisions (latest showing it to the North West of the House), but still not accurately reflecting the definitive route.
42. As above we put forward evidence that suggests a cause of the drafting error (a drafting error, which we would respectfully submit has not been picked up until 2014 resulting in the DMMO process being started).
43. The Definitive Line has moved over the years from the original survey, passing to the south east of the house, to today when it is passing to the north west of the house at Charmswell. We would respectfully submit that the DC Case (DMMO) for putting the line back to passing to the south east of the house as depicting the corrected public route does not meet the balance of probabilities when compared to all the other evidence.

Parish Schedules Progressing to Definitive Statements

Parish Schedules

44. The Parish Schedules are the precursor to the Definitive Statements and are the first documents that describe the position of the proposed routes. They are part of the Dorset Council Case (DC

Case Appdx 4 Page 28 Quotes from both of the statements of FP27 and FP29 but only an image of FP27 is produced: on Page 35). They are also referred to in the Parish Minutes (Ev24e and Ev24f).

45. They were completed in 1954 about three years after the Survey Map in 1951. The Parish Council minutes indicate that the County Planning Officer agreed to complete them on behalf of the Parish in around June 1954 (Ev24e).
46. The schedules are not signed as to who actually did complete them.
47. However, the minutes do record that the map and schedules were deposited at the Village Post Office in July 1955 when observations were invited by the public (Ev24f).
48. The schedules are only partially completed (The FP27 schedule can be seen in the DC Case Appdx 4 P35). The FP29 schedule is referred to in the DC case but an image is not provided.
49. Parish Minutes in 1958 record that, following determinations, several paths would be altered. The minutes record that part of FP27 would be deleted (Ev24m).
50. Dorset Council maintain that it was only the southern section that was objected to (DC Case Doc Ref 4 Para 8.36). However, we hope to demonstrate that it is more likely that all of the section south of Bare Cross was objected to. This would be consistent with the walked route, waymarks, historical maps etc. leaving just the northern section of the old FP27 that is distinctly different from the rest (See Ev4) and left what would have been the eastern part of FP29, a dead end.
51. Further, FP27 and FP29 were not carried forward to the Provisional map in 1964 and a new FP30 replaced the two footpaths as the route from Steeple to Bare Cross; and is referred to below in subsequent Definitive Statements starting with Ev18.

Definitive Statements

52. Unlike the Definitive line, we would respectfully submit that the Definitive Statements starting in 1964 until today (Ev18, 19 and 20) are supported by several pieces of corroborating evidence that are unconnected with each other (Mapping, Documentary, user, physical features and updates through recognised processes).
53. Subsequent to the objection mentioned above in 1958, a new definitive statement accompanied the 1964 draft definitive map and, in the relevant area subject of the current DMMO proposal, replaced FP27 and FP29 with one path; FP30.
54. The new (1964) statement described a route starting at the county road north of Bare Cross (The North Section of the Old FP27) and via Bare Cross follows a direct south westerly route to Steeple (It does not describe a route running south south east [which is steeply downhill] and then acute westwards taking it across the front garden at Charmswell as in the DMMO proposal).
55. Later, in 1971, a special review of all footpaths was made and the process is mentioned in parish minutes and other records held by the parish council. The resultant definitive statements since that time indicate that FP30 remained largely unchanged from the positions described in the Statement for the 1964 draft map, only the North section of FP30 was determined to be an "Unclassified Road"
56. We would respectfully submit that these documents are consistent with the other evidence and in synergy with each other but not consistent with the Definitive Line.
57. This support for the positioning of the south westward route from Bare Cross, is discussed throughout this Statement of Case. However, the following list is an overview of the package of direct evidential support to the Definitive Statement (this list below is just the direct evidence, the list does not include indirect evidence provided by other evidence of inference etc).

Ev2:	The 1768 map
Ev4:	The 1856 map
Ev5:	The 1888 map
Ev6:	The 1889 map
Ev7:	The 1890 map
Ev14:	The 1993 map
Ev15:	Current Open Street Map
Ev16:	Current OS 2cm Landranger Map
Ev17:	Current OS 4cm Explorer Map
Ev25:	1947 Aerial Photograph
Ev26:	Footpath Stile
Ev26a:	DC Waymark
Ev26b:	DC Waymark
Ev26c:	DC Finger Post
Ev31:	Landowner evidence
Ev32:	Landowner evidence
DC Case:	Doc Ref 4 Page 8 Para 8.4: Letter from Mrs Baxter, Ramblers Association 1975 (See also below Ev18)
Ev34	The 1811 map

58. The Definitive Statement has only surfaced and been included in the DC Statement of Case at the point of submission to the Planning Inspectorate. It does not appear to have been made available to PDC during the enquiry in 2014 or in 2018 to the Regulatory Committee in the DC report for the Committee hearing (See DC Reference to “Key” documents at Appdx 4 Page 3, and the rest of Appdx 4). We would respectfully submit that this has had a detrimental effect on the enquiry and prevented the Regulatory Committee from making a balanced assessment of the case.

Public Use

59. Both the DC Case (DC Ref Appdx 4 Page 14 Para 8.16b) and this Statement of Case agree that the path from Bare Cross leading south westerly towards Steeple (consistent with the Definitive Statement) appears to have been used by the public for some time.
60. This was also the view of PDC during the 2014/15 enquiry (Ev23c Para 15).
61. Conversely, there is no direct evidence provided by DC or ourselves of any Public Use of the route mentioned in the DMMO proposal.
62. The DC case states (Appdx 4 Page 4 Para 4.1) that a number of complaints were made about FP30 between 2012 and 2015 but do not produce these and do not identify how they are relevant to the particular route being proposed (in other words, are the complaints identifying any actual route or are they about the maintenance or state of the path known as FP30 generally).
63. Further, the DC Case (Appdx 4, Page 6, Para 6.4) sights a letter from Mrs Baxter in 1975 complaining of overgrowth on FP30. The letter itself is not produced but the Council report quotes her description of FP30. This description is actually consistent with the Definitive Statement and not the line or the DMMO proposal. This issue is further examined below in Evidential Items specifically with respect to Ev18 and Ev22.

Landowner Evidence

64. We produce evidence of the last three owners of Charmswell over the last 34 years (Ev31 and Ev32 and Ourselves). All, give evidence that no members of the public have used the DMMO proposed route, yet all give evidence consistent with the route described in the Definitive Statement.

Stile, Waymarks and Fingerpost

- 65. There is a stile along the path described by the Definitive Statement. We show evidence that it has, until recently, had Dorset County Council waymarks nailed to the posts (Ev26).
- 66. There is also a metal fingerpost at Bare Cross pointing in the direction of Steeple and consistent with the route described in the Definitive Statement (Ev26).
- 67. The stile is on the route marked on several maps mentioned above and we would respectfully submit that there is overwhelming evidence that it is used by the public.
- 68. The DC report to the Regulatory Committee (DC Case: Appdx 4 Page 12 Para 8.11 [officer comments]) concedes that this route has been used by the public for some time but goes on to say that it is unclear why it is waymarked without drawing the obvious link that the waymarks are Dorset Council Waymarks along a route described by the Definitive Statement.
- 69. Ev28 is a photograph of a waymark West of Charmswell that is consistent with the DMMO proposal however we suggest that this has been installed recently in other words after the DMMO process started.
- 70. Ev29 is a nearby stile that is similar in construction to the stile in Ev26 which we suggest is circumstantial evidence that both stiles may have been constructed by Dorset Council. This stile is on footpath FP3.

Aerial Photograph

- 71. Ev25 is an aerial photograph taken in 1947 showing a clear route on the ground consistent with the Definitive Statement with no other routes visible in the area of the DMMO proposal.

Purbeck District Council Submission

- 72. During the investigation in 2013/14 there was correspondence between DC and PDC. Cate Beck, the owner of Charmswell at the time, recalls a meeting on site between DC and PDC that became heated (Ev 31).
- 73. Later, following correspondence, PDC provided a submission to the enquiry (Ev23) giving their view of the correct position of the path. This now appears to be similar to that of the Definitive Statement even though it now appears from records that PDC may not have been provided with a copy of the Definitive Statement at the time to work from.

Ramblers Association

- 74. Members of the Ramblers Association have also given evidence that they feel that the correct route for the footpath should be a south westerly route from Bare Cross.
- 75. These views are set out by Mr Panton in his letter to Dorset Council (Ev30 below) and by Ms Hemsley in her address to the Regulatory Committee in 2018 (See DC Case Appdx 4 Page 55 on the actual pdf but as Minute Item 70 on page 12 and 13 of the document embedded within the Appdx 4 pdf).
- 76. The DC Case also mentions a letter from Mrs Baxter (Ramblers Association) in 1975. The actual letter is not produced but we discuss this letter at Ev18.

House Ownership Documents

- 77. Ev33a-d are a series of conveyances and a search specifically about the land involved in the DMMO proposal.

78. We put forward evidence that Charmswell and Barnston Farm have been connected with each other historically and indeed beyond the period mentioned in the conveyances and that the farm and Charmswell were owned by the Bond Family at the time of the original Parish Survey. We believe that the documents give corroboration to an objection in the Parish Minutes (Ev24i and Ev24m) which was upheld.
79. All three conveyances make no mention of public rights consistent with the DMMO

Recent Developments

80. In July 2022 our neighbours at Barnston Farm carried out a large project to renew fencing along the field boundaries close to the current definitive line See (Ev28b).
81. This work was needed to access a large area of impassable land at the bottom of the hill and a large digger was used to allow equipment to access the treeline and erect the new fence.
82. The gap left by the digger has created a wide section along the top of the field boundary that looks like a path (similar to the Definitive Line) that was not there before the work. We would respectfully submit that this does not indicate public use of the section concerned.
83. Posts were erected following the work and these have footpath signs on them. The signs face diagonally up the slope in a similar direction to that indicated by the Definitive Statement. The signs appear to be unofficial signs.

Historical Context

84. Finally, Ev34 includes a map from 1811 of the wider area. The map was photographed recently. This appears similar or the same as a map mentioned in the DC Case (DC Case Appdx 4 page 22).
85. The Map shows the area between Church Knowle and Steeple and we would respectfully submit provides a valuable historical insight into the likely use of routes in the general area and FP30 in particular.
86. At the time of the map there was no main road between the two villages, Church Knowle and Steeple.
87. We give evidence to indicate that the Southwest path from Bare Cross described in today's Definitive Statement was likely to have been of significant importance to people from Steeple and settlements to the west in making the journey over the Purbeck Ridge to destinations in the North and towards Corfe Castle in the east.
88. The Map also shows Charmswell to the South of the route from Steeple. This route is consistent with the Definitive Statement but not the Definitive line.
89. This route is still popular today.

Description of Evidential Items

The following section describes each piece of evidence included in this Statement of Case and shown in the appendices. Each item is described with a submission as to why we feel it is important. The items form the detail of our statement of case.

Ev1

The Base Map to the 1951 Parish Survey (OS Map 1929, Scale 6 inches to 1 mile)

91. Ev1a is an image of the Ordnance Survey Map that forms the Base map to the Parish Survey of 1951 (DC Case Appdx 4 Page 34).
92. We have taken this base map out of sequence from the following maps and it is presented as our first evidential item as we believe it may have been the matter that led to the misdating of the Definitive Line. However, it is only one aspect of our Statement of Case which contains many unconnected pieces of evidence that we respectfully put forward to establish the correct route used by the Public. These other aspects will be discussed as we go through the subsequent Evidential Items.
93. The actual map is the edition of 1929, surveyed in 1886 and revised in 1926.
94. Using this OS Base Map makes it easier to see the features recorded underneath the red lines of the Parish Survey (See DC Case Appdx 4 page 34 for Parish Survey).
95. What is today FP30 was at the time made up of two routes (FP27 and FP29) on the Parish Survey Map.
96. About three years after the Parish Survey Map was compiled, two schedule sheets for FP27 and FP29 were completed and are referred to in the DC Statement of Case (DC Case Appdx 4 Page 28 with an image for the FP27 sheet only, on Page 35).
97. The schedules are also referred to in the Parish Council minutes shown below (see Ev24e and Ev24f) and the minutes record on 3rd June 1954 that the County Planning Officer had agreed to complete these on behalf of the Parish.
98. Whoever did complete them, the minutes state on 10th October 1954 that the Survey map and the Schedules would be deposited at the village Post Office and Westport House, Wareham for inspection by the public.
99. **The Old FP27:** If we refer to the Survey Map, what made up the old FP27 is made up of two distinct sections
 - a) The route to the North of Bare Cross
 - b) The route to the South of Bare Cross
100. Above a) The route to the north of Bare Cross has a much more prominent history than the route to the south. It is visible on several maps going back to at least 1768 (see Ev2b ii below), is marked as a “Public Highway” on the 1856 map (Ev4 below) and was upgraded to an Unclassified Road during the Special Review in 1971 (See Ev22 below).
101. Above b) The part of the route south of Bare Cross is less distinct. It is from Barnston Farm northwards and can be further subdivided into:
 - b i) The route within the land that today is Charmswell.
 - b ii) The route south of the field boundary within the farm (Barnston Farm).

102. There is a red mark on the Parish Claim Map which appears to indicate (from the included key) that the route was blocked at the north edge of the field boundary with Charmswell.
103. The route from Barnston is annotated “FP” on Ev1a
104. **Charmswell:** Our house Charmswell can be seen in a semi-circle of land and the spring is also shown to the west of the house.
105. **The Old FP29:** Turning to the area roughly under the red parish claim line depicting FP29 in the area of the DMMO, there is no route on the OS Base Map beneath the red line running east to west through the front garden, the well and along/straddling the south side of the field immediately west of the Well. In other words, nothing consistent with the claimed red line (the old FP29).
106. However, there is the depiction of a long line of trees just to the south of the field boundary along the north side of the fields below which looks similar to a footpath using a dashed line.
107. This dashed line is unlikely to be indicating a footpath because it has small sketches of trees and if you examine the ends of the lines closely, they don’t go anywhere.
108. The line of trees also runs at right angles and out on the ground runs across several field boundary hedges in the fields to the south of the boundary which today are very large and appear on the ground to be very old and longstanding.
109. This dashed line depicting trees, does however coincide with some features in The Apportionment Plan of 1843 (see Ev3 below especially Ev3c ii and the Ev3c ii closeups) as waste areas and rows, but not footpaths.

Submission

110. Looking first at the old FP27: As stated above we would respectfully submit that the north section (northwards from Bare Cross) of the 1954 schedule route was distinctly different in origin from the rest of the path. The northern section can be seen throughout this statement of case as being a historically significant route which was designated as a Public Highway and is an Unclassified Road today (see Ev2b ii, Ev3c i, Ev4d, Ev22 and Ev34e).
111. We would respectfully submit that this was retained following the 1950s public consultation, is recorded on the Definitive Statement (See below Ev18) as the north part of the new FP30 for the Provisional Map 1964 and the First Definitive Map (See DC Case Appdx 4 Page 36) and is also recorded on subsequent Definitive Statements (although it was upgraded to an Unclassified Road as a result of the Special Review announced in 1971 (See Ev22).
112. Looking at the old FP27 south of Bare Cross we would respectfully submit that our evidence below suggests that this south section on the parish claim was objected to during the public consultation process (see Parish Council minutes Ev24i and Ev24m) and resulted in the Definitive Statement (Ev18b).
113. Looking at the old FP27 south of Bare Cross we also respectfully submit that this was a private route used by people connected with Barnston Farm and Charmswell as the two properties were connected in several ways at different times.
114. Prior to 1965, the whole Farm, including Charmswell and the Well were owned by the Bond Family.
115. We offer evidence (Conveyance Documents (Ev33c, Ev33d) that people in the Farm and Charmswell are likely to have used the route of the old FP27 south of Bare Cross as a private route. These are discussed in detail below.

116. There is an annotation of “FP” on this route in the field to the North of Barnston Farm, however we would respectfully submit that this “FP” indicates a footpath but not a public footpath. This is similar to routes on the same map (similar examples of paths on the same map that didn’t make it to the definitive map can be seen in the area especially around Bradle Farm and Hurpston across the other side of the valley from Charmswell in the South. Ev1b).
117. Turning to the old FP29 we would respectfully suggest that it is significant that the footpath red line (FP29) that has been drawn on the parish survey 1951 (DC Case Appdx 4 P34) is the only red line that does not coincide with a marked route on the OS Base map (Ev1a) beneath it.
118. It is our position that the drafter of the 1951 parish survey map may have made an understandable mistake in that they followed the line of the trees with the red Parish Claim line for the following reasons:
 - The relevant section (magnified in size in the DC case) is actually very small and may not have been easy to draw by hand accurately.
 - The SW route from Bare Cross consistent with and eventually being described in the **Definitive Statement** (and being depicted on many earlier and subsequent maps, used by the public and corroborated in other ways) is NOT shown on this particular OS Base Map. And therefore, the person responsible for drafting this section of the map may have felt that the treeline was the closest best fit for the route from Steeple to Bare Cross.
119. It would also not be a logical route from Bare Cross to Steeple for the public to walk firstly south, south east Via Charmswell and then turn acute West to Steeple taking a longer and more difficult route to travail.
120. Whatever the case in relation to the drafting, it is our submission that during the consultation process the position of the route was corrected by submissions from the public resulting in the position described in the Definitive Statement (Ev18b and subsequently).
121. We would respectfully submit that, during the public consultation, although FP29 is not mentioned for deletion in the Parish Minutes on 10th December 1958 (Ev24m), it is mentioned in the Definitive Statement (Ev18b) and that the start point of the relevant section of what is today FP30 has been changed from that described in the 1954 Parish Schedule for the old FP29 as being: *“from Cocknowle to the Steeple Parish Boundary”* (See DC Case Appdx 4 Page 28 para 4) to: *“Via Bare Cross to Steeple Parish Boundary”* (See Definitive Statement Ev18b). We examine this in detail in Ev18b.
122. We respectfully suggest that the above inconsistencies in relation to the red line across our garden were picked up by the public and are likely to have resulted in the objection (Ev24m) leading to the introduction of a new footpath (FP30) evident in the Definitive Statement in 1964 (Ev18).
123. During research we can find no other reason why the two draft paths have been combined into one.
124. Consistency for the correction to the 1954 survey route is provided by the Ev18 Definitive Statement which coincides with the other evidence around the issue, as in the waymarks, finger post, stile, several other maps, the trodden path on the ground. These matters will be individually examined in detail below.
125. In relation to evidence of public use on the ground, as with the lack of independent mapping identifying such a route, we have been unable to discover any user evidence for a path across our garden, through the well and the field immediately west of the well or indeed, as far as user evidence is concerned, the section from the bottom of our drive up to Bare Cross.
126. Similarly, the DC Statement of Case produces little evidence of public use and in respect of one particular example (a letter from a complainant) appears to actually describe the Definitive

Statement route (See Ev18 notes on the letter from Mary Baxter mentioned in the DC Case (See DC Case Doc Ref 4 Para 7.2 and DC Case Appdx 4 Page 4 Para 4.1). This is discussed in further detail in Ev18 below.

127. Unfortunately, the Definitive Statement and the Definitive Line for FP30 do not agree (although the definitive line has successively moved more closely towards what is described by the narrative in the Definitive Statement over the years (See DC Definitive Line Maps Appdx 4 Page 34 to Page 37) with the current line now passing to the north west of our house.
128. Our case is that the Definitive Statement is, on the balance of probabilities, more likely to represent the position of the public route.

Ev2

Plan of the Manor of East Creech 1768

129. Ev2a – Ev2b are images of a Map held at the Dorset History Centre.
130. The Map is about A1 sheet size. Ev2a is a photograph of the whole map on the desk, (Ev2b and Ev2b i) - Ev2b iv) are close ups of the map).
131. The map shows the area to the North West of Church Knowle taking in the Purbeck Ridge and the area today known as Bare Cross. Many of the routes including the road and hairpin bend from Church Knowle to Wareham and many of the footpaths that exist today are also shown.
132. Ev2a is the map without annotations, Ev2b is a second image showing areas of interest shown in red boxes (i to iv).
133. Ev2b i) is the map titles showing that it appears to have been drafted by a person in Hammersmith in 1768.
134. Ev2b ii) is a close-up of the southern edge of the Map. In this close-up, the area around Bare Cross can be seen including the hairpin bend in the road to East Creech and on to Wareham.
135. What is today the unclassified Road (North section of the old FP27) can also be seen running from what is now the county road south-west to Bare Cross.
136. From the confluence at Bare Cross, a route noted as “to Steeple and Whiteways” can be seen running roughly South West. This is consistent with the current Definitive Statement and the PDC suggested route.
137. The route to Steeple and Whiteways Farm does not have a sharp bend in it as suggested in the DMMO proposal.
138. There is no route that runs West to East to the South of Bare Cross consistent with the Old FP29 from the Parish Survey Map (DC Case Appdx 4 Page 34).
139. There is also no route running south to Barnston Manor.
140. It might be said that such an old map might not be comprehensive as to the features depicted, However Ev2b iii) does show other lesser routes such as a path consistent with what is now FP5 and FP1 From near East Creech up over the Purbeck Ridge towards Church Knowle today.
141. Ev2b iv) also shows routes roughly consistent with routes today; e.g.: the unclassified road (north-south) at the western end of Stonehill Down and a route northward across Stonehill Down that is roughly consistent with FP32.

142. It also shows BR31 on the bottom left-hand corner and, very faintly, the Unclassified Road leading off to the west towards Tyneham.

Submission

143. We respectfully submit that the route depicted in Ev2b ii) to Steeple and Whiteways appears consistent with the route from Steeple in Ev34 in year 1811, the PDC suggested route and the Current Definitive Statement today.
144. There is no evidence of a footpath running east to west consistent with the DC submission yet other routes including footpaths still in existence today are shown consistent or broadly consistent with the current Definitive Map and Statement.
145. There is no evidence of a route in Ev2b ii) running south-south east from Bare Cross consistent with the DC submission.

Ev3

Plan of the Parish of Church Knowle 1843

146. Ev3a – Ev3g are photographs of the Plan of the Parish of Church Knowle 1843. The original is also at the Dorset History Centre and, like the 1768 map, is about A1 sheet size.
147. Ev3a shows the Map. There is a second image in Ev3a depicting areas of close-up.
148. The Library copy of the register that goes with and describes the plan can be seen at (Ev3d – Ev3f)).
149. The house at Charmswell can be seen in a distinctive half circle of land marked 313 (Ev3c ii) and noted in the register as “Cottage and Garden” (Ev3d).
150. Other long narrow parcels of land can be seen south of the field boundaries and marked: 374, 339, 336 and 312 (Ev3c ii Close Up images). These are broadly consistent with later maps showing a long treeline area and dotted line also on the South side of the field boundary.
151. Elsewhere on Ev3c i) the road from Bare Cross to Church Knowle can be seen and also the beginning of what is today FP29 (not the old 1951 FP29) running from Cocknowle south east across field 306 and 305 towards Church Knowle.
152. Ev3c and Ev3c i) show Bare Cross and Stonehill Down and the hairpin bend in the road to Wareham.
153. What was the North section of the old FP27 and is today an Unclassified Road can be seen connecting the County Road to Bare Cross. This is depicted as being wider than other FPs according to the map.
154. There is no evidence of a path running east to west along land to the north of the field boundaries (north of 336) as in the DC Case. There is also no route running south-south east from Bare Cross.
155. There is also no route shown from Bare Cross running South West towards Steeple.

Submission

156. The map does not give an indication in favour of the PDC suggested route (the Definitive Statement route) or the route proposed by the Council in favour of the DMMO.

157. We would respectfully submit that the long parcels of land indicated on this map may be the forerunner of the treeline indicated on later maps that shows trees and a dotted line running from east to west.
158. Both this map and the later maps showing trees are both south of the field boundary line.
159. There is no path running parallel to the north of the field boundary as in the current definitive map or the DMMO.

Ev4

Inclosure Map of Church Knowle and Creech Hill 1856

160. Ev4a to Ev4e are photographs of the Inclosure Map of Church Knowle and Creech Hill 1856. The original is also at the Dorset History Centre. The original is just larger than A3 sheet size.
161. Ev4a is a photograph of the whole Map laid out on the desk and Ev4b shows areas of interest.
162. Ev4b i) is a close-up of the Map title, certificate by the Inclosure Commissioners, scale and other detail.
163. Ev4c shows the western end of the Map and the unclassified Road today running along the top of the Purbeck Ridge.
164. Ev4d. Bare Cross is indicated (Bear Cross) with the County Road also visible. The north section of the old FP27 is also visible and is marked as a Public Highway.
165. There is also a route marked “from Barnston” (similar in direction to that indicated in the 1768 Map (Ev2)). This leads South West from Bare Cross. The route is shown depicted as being quite straight and does not travel to the south and then to the west. It appears to be a more substantial route than footpaths shown elsewhere on the Map which are indicated with fainter single lines.
166. Ev4e also shows several other routes that are used today in the East of the Map and recorded on the current Definitive Map and Statement. E.g., FP6, FP5, FP1.
167. What is possibly the route that runs today from Cocknowle to Church Knowle (today’s FP29) may also be visible annotated as “to Church Knowle”.

Submission

168. The route annotated as “from Barnston” is consistent in shape with several other maps and with the earlier map from 1768 (Ev2). The direction and the fact that it appears to be a straight line running South West is consistent with that claimed in the Definitive Statement but not the Definitive map or the Dorset Council DMMO proposed route.
169. The fields to the west and to the south west of Bare Cross are all part of Barnston Farm (See Ev33b).
170. Like the earlier Map in 1768 (Ev2), the route depicts something that is more substantial than other footpaths depicted. On the ground today this route is indeed wider than a normal footpath, passible by vehicles today from Barnston Farm as part of the farm’s land. The Dorset Council DMMO proposed route is not consistent with this map as the DMMO route travels down a steep slope in a south-south-east direction from Bare Cross.
171. There is no evidence of a route, east to west, that might coincide with the DC proposed route although other footpaths on the current Definitive Map are shown.

172. We would respectfully submit that there is no evidence that local people claimed more than one route in the area around our house.

Ev5

OS 6 Inch to 1 Mile Surveyed 1886, Published 1888

173. Ev5a is the start of what is now more recognisable as a modern Ordnance Survey Map. In addition to the computer image (Appdx 1) A paper copy of the map is also available in the evidence bundle (Appdx 2).
174. This map shows the treeline running east to west to the south of the field boundary line.
175. On this map it looks more like a footpath as it doesn't include trees (as seen in the later 1929 Map Ev1). However, the ends of the treeline still end in field boundaries (Ev5b). In other words, the lines are mostly contained within the fields and are visually similar to the land use noted in the 1843 plan and register (Ev3).
176. A double broken line is visible running South West from Bare Cross towards steeple. This is consistent with the current Definitive Statement and PDC suggested route.
177. The north section of the old FP27 (now an unclassified road), the section south south east from Bare Cross (which we respectfully submit is an old private path similar to our driveway (the driveway is also depicted in a similar way)) and the southern section in the field towards Barnston Manor are all visible.
178. The route is marked with an "FP" in the field close to Barnston Farm.
179. There is no path or other feature depicted on the north side of the field boundaries running east to west consistent with the red biro line that was drawn on the 1951 Parish Survey Map as FP29 or the current DMMO proposal.
180. Yet all the other footpaths in the area that are also documented on the Definitive map today are quite well defined.

Submission

181. We would respectfully submit that the path running south west from Bare Cross towards steeple is consistent with the situation on the ground today, several other maps in this report, the Dorset County Council signage, user evidence and the Current Definitive Statement.
182. We would respectfully submit that the section running south-south-east from Bare Cross (the old FP27), was objected to in 1958 (which was upheld) see Ev24i, Ev24m, Ev18, Ev25 (1947 aerial photo)).
183. We would respectfully submit that although the route is marked, "FP", there is no evidence that it has been used or claimed by the public and that evidence would suggest the route was a connection between two properties on land in single ownership. (See Ev1b, Ev33a-d).
184. We would respectfully submit that there is no evidence on this map of an east to west route to the north of the field boundary and through the garden of Charmswell or the Well consistent with the old FP29 that would support the DMMO proposal.

Ev6

OS County Map Series Dorset 1889 1:2,500

185. Ev6 is a similar map to the one shown above at Ev5 but at a scale of 1:2,500.

186. The main difference is that the treeline contains small marks along its length at regular intervals and there are brackets to show land contained within the field notations.

Submission

187. Our submission here is the same as noted above for Ev5 with the addition that the east west treeline feature is bracketed within the field to the south of our house.

Ev7

OS 1:10,500 County Series Dorset 1890

188. Ev7 is similar to the above maps at Ev5 and Ev6 although the reproduction is not as distinct. All the main attributes of Ev5 and Ev6 are present without the brackets.

Submission

189. Our submission here is the same as noted in Ev5 and Ev6

Ev8

OS 25 Inch to 1 Mile Revised 1900, Published 1901

190. Ev8 is similar to Ev5- Ev7 although the route from Bare Cross south westwards towards Steeple is not included, the treeline south of the field boundaries and brackets are visible.
191. This map is similar to Ev5-Ev7 with respect to the old FP27.

Submission

192. Our submission here is the same as noted in Ev5 – Ev7 although no evidence has been included on this particular map of a route south westwards from Bare Cross.

Ev9

OS 6 Inch to 1 Mile Surveyed 1900, Published 1902

193. Ev9 is similar to Ev8. The route south west from Bare Cross is not visible and neither is the treeline running east to west. Brackets have also not been included.
194. There is no “FP” on the route denoted from Barnston Farm.

Submission

195. Our submission here is the same as noted in Ev5 – Ev7 although there is no route running south west from Bare cross or anything south of the field boundary running west to east as was the case with the treeline.

Ev10

OS 25 Inch to 1 Mile Revised 1926, Published 1928

196. Ev10. On this map the south west route from Bare Cross is not visible and the treeline is back. So are the brackets and “FP” on the route from Barnston Manor.
197. There is no evidence of a west to east route on the North of the field boundary that would support the DC Statement of Case.

Submission

198. This is similar to the above Ev5 – Ev8 again without the south west route from Bare Cross

Ev1

OS 6 Inch to 1 Mile Revised 1926, Published 1929

199. Ev1 is the base map for the Parish Claim and is discussed in detail above. Included here to show the correct place chronologically.

Ev11

OS 1:25K (1937- 1961)

200. Ev11a and Ev11b (close-up) is the OS Map used as the Base map for the **Provisional Map 1964** in the DC Statement of Case (DC Case Appdx 4 Page 36).
201. There are no marks on the base map that would indicate either the route suggested by PDC or the Definitive Statement.
202. At the same time there are no routes consistent with the Dorset Council DMMO proposed route either, including any route west to east north of the field boundary. Only the field boundaries themselves are depicted.
203. The house at Charmswell is indicated and the driveway is shown as a dashed line.
204. There is a very faint dashed line going through the “o” in the word “Cocknowle” but this line only represents a distance of about 15m long and doesn’t go anywhere.
205. This map provides the Base Map for the Dorset Council Statement of Case depicting the Provisional Definitive Map 1964.

Submission

206. We would respectfully submit that there is no evidence on this map in favour of the Dorset Council proposed route or any other route in relation to this issue.

Ev12

OS Plan 1:2,500 1954-1955

207. Ev12a and Ev12b (close-up) is similar to the other maps Ev5 to Ev12 however this is the first map found where the Reservoir appears at Bare Cross marked BM 380.20.
208. The section of what was claimed as the old FP27 on the hillside above Charmswell is not shown although the path in the southern section is shown.
209. The south west path from Bare Cross is not shown.
210. In respect of the treeline in the field below Charmswell, the western section is shown but, in the section east of the steps to Charmswell, only the trees are shown.

Submission

211. We would respectfully submit that there is no evidence on this map in favour of the Dorset Council proposed route or any other route in relation to this issue.

Ev13

OS 6 Inch to 1 Mile Revised 1953, Published 1963

- 212. Ev13 again shows the reservoir and the part of FP30 north of Bare Cross. There is no path leading south from Bare Cross. There is a path within the field at Barnston but no other paths in the relevant area similar to the old FP27.
- 213. The treeline is also not shown.
- 214. There is no route shown consistent with the DMMO proposal.

Submission

- 215. There is no route shown consistent with the Current FP30 on the Definitive Map, the DMMO proposed route or the Definitive Statement apart from the route to the North of Bare Cross at this point in 1963.

Ev14

OS Plan 1:10,000 1991 - 1993

- 216. Ev14a and Ev14b (close-up) shows the OS Map approximately 2 years after the Current Definitive Map and Statement were published.
- 217. A path can be seen from Steeple to Bare Cross climbing the ridge to Bare Cross north of the Pillow Mounds (ancient land use (we believe possibly rabbit traps)). The position is consistent with the wording of the Definitive Statements (Ev18 to Ev20)
- 218. The route that is now registered as an Unclassified Road to the north of Bare cross and was the north section of the old FP27 is shown running north eastwards depicted with two broken lines as a track from Bare Cross to the County Road.
- 219. There is nothing shown that is consistent with the DMMO proposal

Submission.

- 220. We would respectfully submit that this Map is consistent with the Current Definitive Statement.
- 221. Conversely it is not consistent with the current Definitive line or the Dorset Council DMMO proposal.

Ev15

Current OpenStreetMap.org (Standard Layer and Key)

- 222. Ev15a and Ev15b (Close-Up) are very similar to the OS Map at Ev14 from 1993 although the Unclassified Road to the north of Bare Cross is shown as a footpath.
- 223. A path marked as a footway heading South West from Bare Cross and is consistent with the Current Definitive Statement. It is also consistent with the walked route taken by the Public.
- 224. There is nothing shown consistent with the old part of FP27 south of Bare Cross.
- 225. There is no East to West route consistent with the old FP29 which the Council states is immediately north of the field boundary.

Submission

226. As with Ev14 We would respectfully submit that this Map is consistent with the Current Definitive Statement although the path heading north east from Bare Cross is marked as a Track and not shown as an Unclassified Road.
227. Again, this map is not consistent with the Current Definitive Map or the DMMO proposal.

Ev16

Ordnance Survey. Current Landranger (2cm to 1km) Map Available on Bing.com Mapping (Ordnance Survey Layer turned on)

228. Ev16a is a screenshot of the relevant section of the Current OS Landranger Mapping System (2cm to 1km) available on Bing.com It is visible on Bing.com mapping with the ordnance survey layer turned on.
229. Ev16b is a photograph of a paper copy of this map key to help with the map symbols only.
230. A route consistent with the definitive statement for FP30 is depicted as a footpath running south west from Bare Cross.
231. There is also a route depicted as a footpath with a National Trail Red Diamond running from the County Road North of Cocknowle to Bare Cross. This Coincides with the Unclassified Road on the Dorset for You Website shown in the Background Section above.
232. Charmswell is visible on the map and the path south westwards from Bare Cross runs to the north west of the house.
233. Other routes such as FP1, FP3 and the current FP29 (off to the East at Cocknowle) are visible.
234. The key at Ev16b is a photograph of the paper copy of this map and provided mainly to help the reader interpret the map.

Submission

235. The route south west from Bare Cross is consistent with the narrative of the current Definitive Statement. The route is shown passing to the North West of Charmswell.
236. It is also consistent with several other maps including Ev34 showing through routes in the general area in 1811 and where the route also passes to the north west of Charmswell.
237. There is no route visible running west to east to the south of the house at Charmswell or to the east of the house at Charmswell consistent with the DMMO proposal,

Ev17

Ordnance Survey. Current Explorer Map (4cm to 1km) Map Available on Bing.com Mapping

238. Ev17a is a screenshot of the relevant section of the Current OS Explorer Mapping System (4cm to 1km) available on Bing.com (Search Postcode BH20 5NT). The map can be viewed on the web as shown in the link and with the Ordnance Survey layer turned on.
239. Ev17b is a photograph of the paper copy of the map showing the key to help interpret map symbols only.
240. In the relevant area there is a green dashed line running south south east from Bare Cross and then turns west towards Steeple (it is to the north west of the house at Charmswell). This is roughly in line with the current definitive map before the DMMO proposal.

- 241. There is also a green broken line depicting a footpath running from the county road north of Cocknowle south west to Bare Cross. There is also a green diamond as the line runs south west which is mentioned in the key as a National Trail or Recreational route.
- 242. This is consistent with the unclassified road today (See Screenshot from the Dorset for You Website in the Background section above). and was also known as FP27 and FP30 in the past.
- 243. There is also a black dashed line running south west from the reservoir (depicted with a small square at Bare Cross). This is consistent with the PDC suggested route and the current Definitive Statement.
- 244. The key at Ev17b is provided mainly to help the reader interpret the map. It states that the green public rights of Way are taken from the Local Authority Definitive Maps and later amendments.

Submission

- 245. The green broken line in the area of the house at Charmswell is roughly consistent with the current Definitive Map and the key indicates that this is taken from the LA Definitive Map (including Changes notified to the OS by 1st Nov 2011). We would respectfully submit that this line merely repeats and takes reference from the Definitive Map.
- 246. There is no evidence in favour of the DMMO proposal.
- 247. We would respectfully submit that the black dashed line is consistent with the Current Definitive Statement, the PDC proposed route; consistent with historic and on-the-ground information as a public route.
- 248. This route is also accepted by DC as used by the public for some time (DC Case Appdx 4 Page 15 Para 8.18a).
- 249. We would respectfully suggest that the section from the county road south west to Bare Cross coincides with the Public Highway depicted in Ev4d in the 1856 map above.
- 250. We feel this route from the county road to Bare Cross is still incorrectly included and quoted in the current narrative of the DMMO Order for FP30 (See DC Case Doc Ref 2b Page 2 Part II) sent to the Planning Inspectorate.
- 251. This part of the route was changed to an Unclassified Road in the Special Review first announced in 1971. (See discussion below at Ev22 and Ev19 below).
- 252. See also Ev19 in relation to further discussion and submission around the Grid Reference “930821” (which does appear to have been changed to have reflected the Unclassified Road).

Ev18

Statement Annexed to the Definitive Map: Church Knowle Parish (Provisional and Draft Map)

- 253. Ev18a – Ev18c depicts three pages making up a past Definitive Statement for the Parish of Church Knowle (The Current Definitive Statement is discussed below).
- 254. It was found in the Church Knowle Parish Council archives as shown.
- 255. It states that the relevant date in the preparation of the definitive map was 1st April 1955.
- 256. It appears to have been prepared to record the position of the parish rights of way following on from the Draft Definitive Map and the schedules and following the public consultation (reported in the parish minutes Ev24a to Ev24n)

257. It records the updated positions for the Provisional Definitive Map and Statement 1964 and also the First Definitive Map (See Maps in DC Statement of Case Appdx 4 Page 34 to Page 36).
258. There are 39 routes numbered sequentially 1-39.
259. There is a paperclip holding the pages together that has significantly rusted.
260. The statement indicates that both FP27 and FP29 have been replaced from the Draft Map with a new FP30 for the Provisional Map and the Definitive Maps.
261. The numbers FP27 and FP29 have been given to other footpaths (FP27 near Whiteways Farm, FP29 the path from Cocknowle to Church Knowle).
262. The new Footpath 30 is recorded (Ev18b) from: "County road, north of Cocknowle, via Bare Cross". (The National Grid Map Ref is given as: "932822") to: "Steeple Parish boundary" (National Grid Map Ref: "921816").
263. Looking at the Northern section north of Bare Cross First: The Grid Ref: 932822 roughly fits with the point on the Provisional Map 1964 as the northern start of FP30 at the time the Statement was made (DC Case Appdx 4 Page 36).
264. The Grid Reference 932882 also cross references with the that of the end point of FP6 at the County Road (see Ev18a).
265. The wording in Ev18b of the path FP30 is consistent with what was the start of the northern section of the old FP27 from the County Road north of Cocknowle near East Creech to Bare Cross (this section was later updated as an unclassified road and is shown on the Current Definitive Map) This is discussed further at Ev19 and Ev22.
266. Looking at the position of the route from Bare Cross to Steeple: The wording is not consistent with the current definitive line or the DC proposal for a DMMO in respect of the route between Bare Cross and the Steeple Parish boundary.
267. In particular the route from Bare Cross wording ("via Bare Cross to Steeple Parish Boundary") is however consisted with the position of the route indicated on several maps shown in the Maps Section above of a roughly straight route from Bare Cross to Steeple and of course other documentary and user evidence and the position on the ground with DC signage and other physical features mentioned in this report.
268. The wording is also consistent with the through route from Steeple (Ev34).
269. On this Statement, FP27 and FP29 have been completely relisted as one new path (FP30).
270. Ev18 has not been included as part of the DC Statement of Case.

Submission

271. We would respectfully submit that this document has synergy and corroborates several other unconnected pieces of evidence.
272. E.g.: Several maps mentioned in the Map section above; from 1756 to OS Maps of today.
273. It is consistent with user evidence, the trodden route on the ground, the stile and Dorset Council waymarks along the route from Bare Cross (Ev26a and b) and the finger post at Bare Cross (Ev26c).
274. The description of the northern section (from the county road to Bare Cross) would also be correct for the time in 1964 because it was not until the Special Review in the early seventies that

this part of the path was changed to an unclassified road (See Ev4, Ev19-20, Ev22 and DC Case Appdx 4 Page 8 Para 6.20).

275. In relation to the old FP27: The DC Case is that only the southern section of FP27 was objected to sighting the objection in the Parish Minutes (see DC Statement of Case: document reference-4 Page 12 para 8.36). We would respectfully submit that this Definitive Statement, quotes a path that indicates a direct route from Bare Cross to Steeple, and is in conflict with the DC submission
276. Although DC State that the objection was consistent with the drafted definitive line, we would respectfully contend that the drafted line is singularly out of step with all the other evidence. We would respectfully submit that the objection mentioned in the Parish minutes to part of FP27 would apply to all of the section of the old FP27 south of Bare Cross which has a distinctly different history to the section north of Bare Cross. and that, further, this would be consistent with the position in Ev18 Definitive Statement description (see parish minutes Ev24i and Ev24m and Ev18b line 30) and all the other evidence.
277. In relation to FP29: The DC Case states that there was no objection to FP29 (DC Case Appdx 4 Page 9 Para 6.24). We would respectfully submit that such a conclusion cannot be drawn from the minutes and merely because FP29 is not mentioned in the minutes.
278. Later in the DC Case (DC Case Appdx 4, Page 28 para 4). The Council quote the narrative of the original 1954 survey sheet for the old FP29 as being “from Cocknowle (Footpath 27) to the Steeple parish boundary” (DC Case Appdx 4 Page 28. Note: the actual survey sheet is not included in the DC case).
279. However, contrary to the DC evidence that FP29 did not change, Ev18 appears to indicate that the description of the path did change. The Definitive Statement for 1964 (Ev18b) has the description for the new FP30 as “, via Bare Cross To: Steeple Parish boundary”.
280. Further, the description of the new path is unlike other lines of narrative, where different Paths are listed as joining other paths (to denote the position of their beginning or end). In relation to FP27 and FP29, they are completely relisted, treated as one and given a new number (FP30).
281. In other words, FP27 is not recorded as “joining FP29” as one would expect taking the examples of other places in the document, the identifiers for both FP27 and FP29 have been given to other paths in the Parish.
282. The DC case does not contain an alternative rationale as to why both paths were combined if only FP27 was objected to.
283. The narrative in Ev18b for the position of the new FP30 is consistent with all the other historical, documentary, signage and user evidence.
284. The wording from the 1964 Definitive Statement remained unchanged through the Special Review in 1971 although the start point Grid Reference was changed (because of the Unclassified Road Status of the part to the north of Bare Cross (see Ev22 below).
285. We would respectfully submit that the description contained in the Definitive Statements (Ev18, 19 and 20) is more compelling as to the position of the public route than the Definitive line as the Definitive Statement wording is supported by good historical documentary evidence and long use on the ground through to today.
286. Finally, the DC Case mentions a letter of complaint about FP30 in 1975 from Mrs Baxter (DC Case Doc Ref 4 Page 8 para 8.4). The actual letter is not produced but it refers to FP30. The DC Case states: “*which ran along the ridge from Steeple Bridleway 4 climbing the slope to meet the County Road opposite Church Knowle Bridleway 4*”.

287. If we refer to Graphic 2 above, the unclassified road into Corfe Castle from Bare Cross was at the time known as BR4 and its status as a bridleway later became a disputed issue for some time (See Ev22c).
288. This main point here is that the description given by Mrs Baxter was actually consistent with the Definitive Statement and not consistent with the Definitive Line or the DC Case for the DMMO.
289. The letter describes the path from the Steeple Bridleway 4 (the bridleway is still current today and can be seen to the west at the Parish Boundary marked SE21/4 on Graphic 2 above) climbing the slope to the Church Knowle Bridleway 4 (Disputed as to its status at the time see Ev22c)
290. Her letter does not describe a route that goes along the bottom of the hill, across the well, our garden and turns at a right angle up a steep slope behind our house as in the DMMO proposal.
291. The author of the letter has a similar name to Mary Baxter MBE of the Ramblers Association who has a monument to her work (in “conserving the Dorset countryside and protect its footpaths”) actually along the same route mentioned: Church Knowle Bridleway 4. The monument is on the unclassified road at Knowle Hill about 500mtrs east of Bare Cross.
292. There is also a metal plaque mentioning Mary Baxter MBE at a preserved Lime Kiln on the Underhill path (FP3) approx 1km east of the location.
293. At the time of the letter quoted in 1975, Bridleway 4 was still the subject of correspondence (Ev22c) with the Secretary of State as the Parish Council were still objecting to its status as an unclassified road from the 1971 review.
294. If the author of the letter is indeed Mary Baxter MBE, we would respectfully submit that Mrs Baxter is likely to have had good experience of public routes in the area.

Ev19

Statement Annexed to the Definitive Map: Church Knowle 1st April 1989

295. Ev19a and Ev19b are photographs of the Definitive Statement dated 1st April 1989. It bears the handwritten note: “Andrew Brown Traffic Engineer DCC” on page 2.
296. They were found in the Church Knowle Parish Council records as shown.
297. There are 36 routes listed and numbered with no routes given the number 4, 25 or 39 when compared with the earlier Definitive Statement.
298. The Start Grid Reference point for FP30 has changed from Ev18. It is now recorded as: “930821” This grid reference point roughly coincides with the position at the top of the hill at Bare Cross (See Ev21).
299. The other end grid reference point at the Steeple Parish Boundary remains “921816” as in Ev18.
300. Between Definitive Statement (Ev18) and this one, the section from the county road to Bare Cross (the northern section of the old FP27) was changed to an Unclassified Road in the Special Review of the County rights of way. (See the DC Case Appdx 4 Page 8 Para 6.20, the equivalent North Section of FP30 as denoted in Ev4d [the 1856 Map] and Ev22).
301. Please note that although the grid reference for the northern start point of the path has changed, in line with the new status as an unclassified road, the narrative still includes the wording in relation to the section from the County road to Bare Cross (the northern section of the old FP27) i.e.: “From: County road, north of Cocknowle, via Bare Cross”.

302. The other part of FP30 is still described as “To: Steeple Parish boundary”. This is consistent with the route suggested by PDC (EV23e) and other evidence throughout this report. The inconsistencies with the wording of the DMMO proposal remain.
303. The DC Case contains a similar document (See DC Statement of Case: document reference 3, page 2 and 3 (marked “20” and “21”)).
304. The DC version is marked “Definitive Statement Sealed Copy” in the top right and does not contain the handwritten note: “Andrew Brown Traffic Engineer DC”. However, apart from the condition of the paper, which appears to be better in the DC version, all other material aspects appear to be the same as Ev19.

Submission

305. In respect of the particular part of FP30 from Bare Cross to Steeple, this document continues to quote a route towards Steeple that is consistent with all the other evidence offered in this statement of case and is not consistent with the line shown in the DC Statement of Case (see DC Case Doc Ref 2b page 3) to the south east of our house with an acute turn to the west.
306. Although the line for the part of the path between Bare Cross and Steeple on the Revised Draft Map 1974 and Current Definitive map to the 1989 Statement did show the line to the west of our house (DC Case Appdx 4 Page 37), we would respectfully submit the line is still not consistent with the Definitive Statements or the other evidence throughout this report.
307. In short, the Statement narrative is consistent with multiple unconnected pieces of evidence regarding a South Westward route from Bare Cross towards Steeple. This consistency is not mentioned or discussed in the DC Case.
308. In this document, looking specifically at the section of Unclassified Road north of Bare Cross, the narrative for the part of the path north of Bare Cross has not been correctly updated from the 1964 definitive statement following the 1971 Special Review.
309. In this 1989 version of the Statement for FP30 it still retains the phrase “*from County Road North of Cocknowle*” as in Ev18 and indeed still includes the sense of the wording in the original 1954 Parish Schedule (just put another way in 1954) “*Road N. (East of East Creech Farm*” (See DC Case App 4 Page 35)
310. This part of the description should have therefore been removed from the wording (as it was by then an unclassified road),
311. We would respectfully submit that this Definitive Statement nevertheless shows that there was some review of the path in the 1971 special review and some consistency of progression forward in the process from the previous statement because the Grid Reference, even if not the wording, has been correctly updated and reflects the actual new start of the path at Bare Cross.
312. Although the Council Copy of the Definitive Statement is included in the Order in the DC Case (Doc Ref 2b), the DC Case does not discuss these inconsistencies north of Bare Cross.
313. There is also no mention of the DC version of this document during correspondence with PDC at the time of the initial investigation in 2014 or when the Case was put before the Regulatory Committee in 2018.
314. In respect of PDC, Ev23 para 4 (PDC Evidential Submission to the enquiry) draws attention to its requests for pertinent information from DC without success.
315. The DMMO Order Route forwarded to the Planning Inspectorate for determination still retains the apparent discrepancy in respect of the Northern part of FP30 between the County Road and Bare Cross; (DC Case Doc Ref 3 Page 2) now an unclassified road.

316. All of the other material submissions put in Ev18 above also apply here in respect of this document i.e.: Synergy with other evidence.

Ev20

Statement Annexed to the Definitive Map: Church Knowle Sealed 29th September 1989

317. Ev20a and Ev20b is a photograph of a similar document to the document in the DC Statement of Case titled T533 Definitive Statement working copy (See DC Case: document reference 3, page 5 and page 6).
318. Ev20a and Ev20b were found in the Church Knowle Parish Council Records.
319. The DC version is untitled but the CKPC version is titled: Statement Annexed to the Definitive Map. The footer states the date sealed was 29th September 1989 with later updates.
320. There are 38 routes listed and numbered sequentially with no routes given the number 4, 25 or 27 and with routes numbered 39, 40, 41 added from the last version (Ev19).
321. On page 2 the first entry refers to FP30 and carries exactly the same grid references and wording as the April 1989 statement above (Ev19).

Submission

322. Similarly, with Ev19: The submissions for this document are the same as the submissions for Ev19 above.
323. Similarly, with Ev18: All other material submissions put in Ev18 above also apply here in respect of this document i.e.: Synergy with other evidence and in respect of the PDC suggested route between Bare Cross and Steeple.
324. Again, there is inconsistency with the current Definitive Map and the DMMO proposal.
325. The DC Statement of Case does not contain any comment about the DC version of this document or its relationship to other evidence.
326. Again, there is no mention of this document in the correspondence with PDC at the time of the initial investigation in 2014 or when the Case was put before the Regulatory Committee in 2018.

Ev21

GridReferenceFinder.com website

327. Ev21 is a screenshot from the Grid Reference Finder Website. The situation at Bare Cross can clearly be seen even though the map is very basic.
328. The purpose of this item is to show consistency of the grid reference points to the significant figures given with the grid reference points quoted above in Ev18, 19 and 20.
329. The Grid reference points for both the 1964 Definitive Statement (Ev18) and the two Definitive Statement documents 1989 (Ev19 and Ev20) have been plotted. The northings and eastings are quoted to 3 significant figures and coincide (within that accuracy) to the start points on the respective Definitive Maps.
330. It can be seen that grid reference SY932822 is close to the northern start point of FP30 at the time the statement (Ev18) was compiled while the grid reference point quoted in the two 1989 statements SY930821 is close to the position at Bare Cross, the start point of the FP30 line shown on the definitive map.

331. The other end of the path, the grid reference point for these statements hasn't changed in all three Statements (921816) (Ev18, 19 and 20). This western end point of FP30 is not in dispute and therefore this has not been shown on Ev21. However, the west end grid reference has been checked and found correct.

Submission

332. The relevant grid reference on the early document (Ev18) is close to the northern start point at the time at the county road north of Cocknowle and cross references with the end point of FP6. It has then changed in the following two documents (Ev19 and Ev20).
333. We would respectfully submit that even though the wording of Ev19 and Ev20 does not appear to have been updated to account for the change in status of the northern part of the route from the earlier Ev18 the process received pro-active review and the wording of all three documents (Incl Ev18) still describe a path from Bare Cross to Steeple that is relatively straight and does not contain a route south south east with a sharp corner as indicated in the DC DMMO proposal.
334. The description of all three (Ev18, 19 and 20) fits with the PDC proposal (Ev23) of a broadly straight path from Bare Cross towards Steeple, although this information does not appear to have been available to PDC during the exchange of correspondence or at the time of its evidential submission in 2015 (Ev23).

Ev22

335. Ev22a to Ev22c are three letters concerning the upgrading of routes within the parish following the 1971 Special Review, including in relation to FP30 and BR4 becoming Unclassified roads.
336. Ev22a is a letter dated 2nd December 1971 from the Clerk of the Parish Council to the County Surveyor of Dorset Council about Public Rights of Way and the Definitive Map. Amongst other matters, the Parish expresses concern, in paragraph 3, about FP30 and BR4 in that the County Council proposes to regrade these as unclassified roads.
337. Ev22b is a letter dated 21st December 1971 from the County Surveyor in response explaining that in the Church Knowle Enclosure Award dated 3rd April 1856 (see also Ev4 dated 29th Feb 1856 by the Assistant Inclosure Commissioner and 10th April 1856 by the Inclosure Commissioners), the routes were awarded as public roads.
338. He goes on to assuage concerns and feels the horse-riding and pedestrian public are unlikely to be inconvenienced.
339. Ev22c is a letter dated 22nd April 1975 from the Parish Council Clerk to the Secretary of State for the Environment about the Dorset County Council Draft Revision of the Rights of Way.
340. The letter mentions several issues however paragraph one mentions BR4 and another objection still being under investigation.

Submission

341. The first two letters include concerns about FP30 and appear to refer to the North Section of FP30 (part of the old FP27) from the County Road north of Cocknowle via Bare Cross.
342. The letter is unlikely to be referring to the rest of FP30 because looking at Ev4, especially Ev4d, this is the only part marked as a public highway ("Public Highway 30 feet") of what was later to become the North part of FP30 (Ev18) in 1964. And later to become an unclassified road in the Review and referred to in the letter.

343. The apparent discrepancy in the wording of the definitive statement is still in the description of the route only recently forwarded to the Planning Inspectorate in the DC Case (DC Doc Ref 2b page 2). We would respectfully ask the Inspector to review this as the wording appears to be incorrect.
344. In respect of the path from Bare Cross to Steeple, although this correspondence is not specifically about that section, we respectfully submit that as all the other aspects of the route are consistent with each other (signage, mapping, walked route), it is more likely that the Parish council were content with the correct route being from Bare Cross directly South West towards Steeple.
345. The definitive line had also, by this point, moved west of our house (See Revised Draft Map 1974 DC Case Appdx 4 Page 37).
346. Ev22c suggests that the issue of the unclassified roads went unresolved for several years and was still an issue in 1975 when Mrs Baxter wrote to the Council mentioning Church Knowle Bridleway 4.

Ev23

The Purbeck District Council Submission

347. Purbeck District Council no longer exists as a body today however we feel that this documentary evidence is useful.
348. Ev23a-f comprises six pages of evidence submitted in March 2015 following about a year of correspondence on the issue between PDC and DC.
349. The PDC submission by John Hart (PDC) is recorded in the DC Statement of Case however it is reproduced here for ease of reference.
350. The document is a standalone piece with several observations as a result of PDC enquiries. However, there are some points that have become more relevant since it was written that we would respectfully highlight.

Submission

351. In paragraph 4 (Ev23a) John Hart states that *“despite a request being made by PDC for all pertinent and relevant information relating to the making of the original designation order, nothing further has been forthcoming”*. We cannot find any record that PDC were given sight of the two Definitive Statements from 1989 that are now contained in the DC Statement of Case.
352. With respect to paragraph 5, where PDC put forward that the path from the road to Barnston Farm was used by Farmworkers living at Charmswell. It has since come to light that the grandmother of one of the present occupants of Barnston Farm lived at Charmswell and that all of the land in the area prior to the sale of the farm in 1967 was owned by Lieutenant Colonel Ashley Bond or Mr Michael Bond (Ev33a-c).
353. In paragraph 10 (Ev23b), although it was not known at the time, John Hart puts forward a view that there may have been an amendment to the Parish Claim route. *“Rather than go to all the trouble that formal procedures would require, they simply “way marked” what was very obviously the route across an adjoining field towards Steeple which had already been well worn by walkers for decades”*. There is no evidence available that John Hart was aware at the time of his writing that there had in fact been an objection consistent with his view about the route and lead to the combining of FP27 and FP29 into FP30 (See Parish Minutes Ev24i and Ev24m).
354. In paragraph 19 (Ev23d) and in the plan at the end of the document (See: Ev23e, the red line marked A to Z), PDC call for an amendment to the proposed route. That amendment is now known to be consistent with the narrative of the route described in the Definitive Statement

(Ev20). In other words, the PDC request for an amended route matched the wording of the Definitive Statement yet it appears that PDC did not have sight of the Definitive Statement at the time as it was not mentioned in their evidential submission.

355. We would respectfully suggest that the PDC submission is consistent with the evidence available at the time it was written and further, with evidence (especially the Definitive Statements Ev18 - 20) that has come to light since 2015.

Ev24

Church Knowle Parish Council Minutes

356. Ev24a-r is 18 pages of relevant minutes for the Church Knowle Parish Council meetings in two periods between 1950 – 1959 and 1971 -1972.
357. The extracted items shown only include relevant entries to do with rights of way.
358. There is a gap between the later part of 1959 and 1971.
359. The minutes should be read in the context of what the footpaths were called at the time they were made (i.e.: 1950 -1959, FP27/FP29 and 1971 -1972, FP30).
360. A text transcription has been made for ease of reference that is as close as possible to the setting out of the handwriting.
361. Much of Ev24a-r has already been produced in the DC Statement of Case, however it is hoped that the transcription may assist with context.
362. It can be seen that the progress towards the making of the first Definitive Map and Statement is referred to in several entries. Some highlights include:
363. Ev24e (3rd June 1954) indicates that the County Planning Officer had agreed to complete the Schedules for the (Parish) Council.
364. Ev24f (13th October 1955) indicates that the Map and Schedules had been deposited at the Village Post Office (No longer a post office) and at Westport House (Wareham) for inspection by the public.
365. Ev24g (19th January 1956) indicates that 43 objections were made to the County Planning Officer.
366. Ev24h (16th April 1957) indicates that the Parish Council discussed the objections.
367. Ev24i (7th November 1957) The Clerk reports that there were a total of 67 objections and that the County Planning Department would like the Parish Council's observations. It indicates that the old FP27 was one of the objections mentioned that should be accepted. The old FP29 is not mentioned.
368. Ev24m (10th December 1958) indicates that part of the old FP27 would be deleted. The old FP29 is again not mentioned. However, although 67 routes were noted as being the subject of objections in Ev24i and Ev24j only 59 routes in total were mentioned in the minutes with an undisclosed further amount being lodged by the Central Rights of Way Committee (See Ev24i).
369. Ev24n (1st October 1959) indicates that there was a further enquiry in July 1959 although the determinations had not been published.

370. There is then a long period (including the time around the publication of the first Map and Statement in 1964 when the new FP30 took over from the old FP27 and the old FP29) when minutes are not available.
371. There are some minutes available from 10th December 1971 to 17th March 1972 This covers the time around the County Council Special Review of Rights of way.
372. Ev24p (10th September 1971) indicates that the Parish Council would support the upgrading of FP30 (the new FP30) to a bridleway but the minutes also indicate that the County Council considered FP30 to be an unclassified Road.
373. Ev24q (21st January 1972) indicates that the regrading of FP30 was again discussed and that a letter had been sent to County Council on behalf of the Residents Association who supported the Parish Council's views (that it should remain a bridleway).
374. The minutes also indicate that a reply had come back from the County Council stating that FP30 was mentioned in the 1856 Enclosure Award (see Ev4) as public vehicular highways and must therefore remain as such.
375. This entry in the minutes is consistent with the correspondence between the Parish Council, the County Council and the Planning Inspectorate. Ev22a and Ev22b.
376. The Church Knowle Parish Council Archives have been visited but no further relevant Parish Council minutes have come to light.

Submission.

377. We would respectfully submit that the Parish Council minutes have been useful in this enquiry and have given a significant insight into the general circumstances around the process associated with the development of the Definitive Map and Statement.
378. At the same time, it is accepted that the parish minutes may not be a comprehensive record of all the factors in this case and that all minutes have not been available for examination.
379. In relation to the entry about part of the old FP27 being deleted (Ev24m), although some of it would be included, it does not identify how much of FP27 would be deleted.
380. We would respectfully submit that there is good evidence to show that it does not mean the part of the path north of Bare Cross to the County Road because there is consistent evidence for that part historically and it is in use today.
381. We would respectfully submit that the DC Case that it was only the very southern part of FP27 that was objected to cannot be made from the minutes (See DC Statement of Case: Document Reference 4 Page 12 para 8.36). Perhaps the meaning that the council have attributed to the Parish Minutes entry is because this is what the Definitive line indicates.
382. We would respectfully submit that the meaning of the entry in the Parish Minutes is more likely to be indicating that the part of FP27 to be deleted was all of the part of the path south of Bare Cross which is distinctly different in character and history to the part north of Bare Cross and also because this is consistent with, not only the resultant Definitive Statement (Ev18 to Current Statement Ev20), but also the independent mapping and photographic evidence and the lack of evidence of use by the public.
383. In respect of FP29, Dorset Council appears to state that FP29 was not objected to (See DC Document Ref 4 Page 13 Para 8.36 and 8.37). We would respectfully challenge this for the following reasons:

- i. The Council quote the narrative of the original 1954 survey sheet for FP29 as being “from Cocknowle (Footpath 27) to the Steeple parish boundary” (DC Case Appdx 4 Page 28, the actual survey sheet is not included in the DC case).
 - ii. However, contrary to the DC evidence that FP29 did not change, Ev18 appears to indicate that the description of the path did change. The Definitive Statement for 1964 (Ev18) has the description for the new FP30 as “, via Bare Cross To: Steeple Parish boundary”.
 - iii. Further, the description of the new path in Ev18 is unlike other lines of narrative, where different Paths are listed as joining other paths (to denote the position of their beginning or end). In relation to FP27 and FP29, they are completely relisted, treated as one and given a new number (FP30). In other words: FP27 is not noted as joining FP29, the identifiers for both FP27 and FP29 have been given to other paths in the Parish
 - iv. The DC case does not contain an alternative rationale as to why both paths were combined if only FP27 was objected to.
384. Certainly, it is now established that FP29 did not appear again after this entry in the minutes and a new path (FP30) took over from the old FP27 and FP29.
385. The new footpath narrative was, as is shown above, consistent with the other evidence of a public route from Steeple Parish Bridleway 4 climbing the slope to Bare Cross.
386. The description of that path has been through subsequent reviews of the Definitive Map and Statement (Ev18, Ev19 and Ev20). Those subsequent Definitive Statements have been consistent over the years, and reflect a route (PDC suggested route) that is corroborated by the many independent pieces of evidence and is in use today by the public.
387. The Definitive Line has been unsettled and moved in subsequent versions of the map over the years following an undefined line on the ground albeit that it is now shown closer to the position described in the narrative of the Definitive Statement.
388. The Definitive Statement is consistent with independent features on the ground, signage and usage.
389. The DC Case does not challenge the regularity around the process by which the Definitive Statement was compiled.
390. Turning to the minutes recording meetings in 1971 to 1972 (Ev24o to Ev24r), the entries about FP30 are consistent with the correspondence between the Parish Council and the County Council (Ev22a and Ev22b). It would appear that the narrative north of Bare Cross still has not been corrected today.

Ev25

1947 Aerial Photograph (Sortie: 1821, Photo Reference: 2414)

- 391. Ev25a and Ev25b (Close-up) is an image of the 1947 aerial photograph available on the Dorset for You website.
- 392. The date recorded for the photograph is close to the date of the 1951 Parish Survey.
- 393. This is the same photograph as referred to in the PDC Submission (Ev23) during the 2015 DC enquiry.
- 394. The photo clearly shows Charmswell, Bare Cross and the fields and hillside around the house.

395. There is a line that runs south west from Bare Cross that is consistent with the position described by FP30 in the current Definitive Statement.
396. There is a very faint line running roughly south to north in the field to the south of Charmswell that appears to be consistent with maps showing a path running up from Barnston Farm however the feature is very faint and there are similar parallel lines within the field that could indicate agricultural activity. At the northern end there does not appear to be a break in the field boundary with Charmswell.
397. There is no apparent feature or path in the field to the north of the field boundary running northwards uphill towards Bare Cross.
398. The house at Charmswell is enclosed in a roughly crescent shape consistent with the garden marked in the Tithe Commissioners Plan and Register from 1843 (See Ev3c ii and Ev3d) however there is no break in the eastern side of this feature that would indicate a path across the garden that is consistent with the proposed DMMO.
399. There is also no apparent path across the front garden at Charmswell from east to west.
400. The area through the well and westwards from there appears to be obscured by trees.
401. There are two quite stout field boundaries running north south partitioning the fields below and to the west of the house at Charmswell and to the south of the field boundary.
402. A number of other aerial photographs were examined during research. However, none, we would respectfully submit, adds or counters with new relevant information in relation to the DMMO proposal.

Submission

403. The DC Case Officer submission in relation to this photograph (DC Case Appdx 4 Page 12 Para 8.10) is that: *“There is no visible track on the aerial photograph, however this is attributable to the level of use, the topography and other factors”*. We would accept that it is difficult to know whether a path is made by animals, humans or is some other feature. However, we would respectfully submit that there are some features that are so straight and significant that they do indicate human activity.
404. At the same time, where there is a significant absence, where there is no visible feature in a photograph of an otherwise open field we would respectfully submit that it may indicate a lack of regular use generally.
405. There is a wide straight route running south west from Bare Cross. It is the most distinctive route feature in the photograph apart from the roads. This coincides with the current definitive statement for FP30 and its wide nature, is consistent with the entries on the 1768 map (Ev2), the 1811 Map (Ev34) and the 1856 map (Ev4) together with several other pieces of evidence including the Dorset CC finger post today.
406. The faint line travelling north from Barnston Manor to the field boundary appears a very old feature. We would respectfully suggest that this was not in regular use.
407. There is no visible trodden route ascending the hillside towards Bare Cross in the open field north of the field boundary immediately east of the house at Charmswell consistent with public use or the proposed route in the DMMO proposal.
408. We would respectfully submit that there is no break that a path would cause through the crescent feature on the east side of the house.

- 409. There is no apparent path westwards across the garden in front of the house and westwards from there.
- 410. We would respectfully submit that the photograph is consistent with the current definitive statement and the objection mentioned in the Parish Council minutes (Ev24m) in December 1958 to delete part of the old proposed FP27. This is because, according to the photograph, there is little visibility of a path from Barnston to the Field Boundary and no visibility of a trodden path from the field boundary steeply uphill and northwards to Bare Cross along a route north east of Charmswell.
- 411. We would respectfully suggest that there is no distinct evidence of a path running west to east across the north of the field boundary and no evidence of a trodden path across the garden at Charmswell consistent with the current DMMO proposal.
- 412. Looking at a route from Steeple, the route climbing the ridge appears unbroken. Our submission here is that, like the terrain today, the photograph shows consistency in the path from steeple climbing the slope to Bare Cross. It is also consistent with the route in the 1811 photograph (Ev34) and others.

Ev26

Photographs of the Stile and Waymarks (PDC Photos)

- 413. Ev26a-Ev26d are photographs of documents that are contained in the DC file in relation to the enquiry into the DMMO.
- 414. The photos are part of correspondence with PDC during the early stages of the issue in 2013 including a letter dated 2nd December 2013 from PDC to DC.
- 415. The letter includes a Plan of photo positions and three photos that were mentioned in the correspondence.
- 416. Ev26a is an image marked "Photo 5" corresponding with the plan and bearing the date "30/08/2013". This shows the scene looking west at the stile near the Reservoir at Bare Cross. The position of the stile is shown in the plan.
- 417. On the post on the left of the stile is a Dorset County Council Public Footpath waymark with an arrow pointing in a direction consistent with the current Definitive Statement. There is an inset close-up image (for ease of reference) of the main image on the DC file.
- 418. Ev26b is an image showing a photo from the other side of the stile looking east with the same date.
- 419. There is also an inset close-up of a similar waymark but on the other side of the post. The close-up appears to show that the waymark is attached with three nails.
- 420. Ev26c is an image of the finger post at the junction with the road by the Reservoir at Bare Cross.
- 421. Again, the picture bears the same date. The finger post is positioned pointing in the same direction as it is today. This is towards Steeple and is consistent with the Current Definitive Statement but not the DMMO route.

Photographs of the Stile and Waymarks (Recent Photos)

- 422. Ev26d - Ev26f are photographs updating the situation in relation to the above waymarks as at 17th November 2019.

- 423. Ev26d is similar to Ev26a and is looking west. Much of the badge is missing. There are what appear to be toolmarks on the left-hand side of the post. There are also two holes like nail holes that do not line up with the image in Ev26a.
- 424. Ev26d also records other aspects of the stile such as the type of wood used, fixtures and the dog gate. Part of the dog gate is made of a distinctive black plastic material that is difficult to describe without examination.
- 425. E26e is from the other side of the stile as in Ev26b in 2019 looking east. There is also a close-up of the post (for ease of reference) with the remains of what appears to be the Dorset Council waymark from the 2013 photo.
- 426. Again, there are marks that appear to be toolmarks this time on the right-hand side of the post. There are three nails and one hole that do not match the 2013 photograph.
- 427. Ev26f is of the fingerpost in 2019 but from the field looking North towards the road. The fingerpost is pointing in the same direction as the 2013 image. It does not point in the direction of the Current Definitive Line or the DC DMMO proposal. It points South West as in the Current Definitive Statement.

Submission

- 428. The photographs show evidence of Dorset Council Waymarks that are consistent with the position of the route described in the Definitive Statement.
- 429. Their design is consistent with the Dorset Council Way Mark as shown in the letter from Dorset Council (Ev27) to Church Knowle Parish Council in 1975.
- 430. We would respectfully submit that there is significant evidence that both the footpath waymarks and the fingerpost have been placed by Dorset County Council.
- 431. The position of these waymarks are such that they could not be correct according to either the current Definitive Map or the DMMO proposal as they are away from the route of both.
- 432. The DC Statement of Case mentions the waymarks in several places. However, the DC Case does not acknowledge that they may have been positioned in a way consistent with the PDC proposal or their correlation to the other evidence, e.g.: the maps, the letter from Mrs Baxter of the Ramblers Association in 1975 (DC Case Appdx 4 Page 6 Para 6.4), or the Current Definitive Statement (Ev20) which were all available to the DC investigation.
- 433. In relation to the previous paragraph, the following details the DC referrals to these marks in the DC Case without drawing reference to similarities with the Definitive Statement.
- 434. DC Appdx 4 Page 4 Para 4.2: *"It should be noted that the route currently lacks any signage or waymarking and is obstructed at several points along its course"*.
- 435. DC Appdx 4 Page 5 Para 4.3 *"Although the route was recorded on the First Definitive Map (1967) and is recorded on the current Definitive Map (1989) no evidence has been discovered to suggest that the route has ever been signposted or waymarked throughout this period"*.
- 436. DC Appdx 4 Page 12 Para 8.11: Officer Comments: *"The diagonal route from Bare Cross has been depicted on several maps, is visible on the aerial photographs and is waymarked and has been used by the public for some time. However, the route was not claimed by the Parish Council during its survey, is not shown on the Definitive Map and it is unclear why it is waymarked"*.
- 437. DC Appdx 4 Page 14 Para 8.16b: Officer Comments: *"The route from Bare Cross leading south-westerly towards Steeple has been depicted on several maps and is visible on the aerial photographs. It is also waymarked and appears to have been used by the public for some time."*

However, the route was not claimed by the Parish Council during its survey and there are no records as to when, by whom, and under what authority it was waymarked”.

- 438. DC Document Ref 4 Page 7 Para 7.2.3: *“Although the Existing Route was recorded on the First Definitive Map (1967) and is recorded on the current Definitive Map (1989) no evidence has been discovered to suggest that the Existing Route has ever been signposted or waymarked throughout this period”.*
- 439. What appears to be the recent removal of the footpath badges has revealed other holes that are not consistent with the nail holes for the waymarks that have been removed. This suggests that there may have been older marks pre-dating the marks from the badges that have been removed.
- 440. The stile itself, is made to a particular design and use of materials and the plastic used in the dog gate is distinctive. There is another similar stile nearby (see Ev29). This is also positioned to traverse field boundaries. Although no direct connection has been established as yet we would respectfully submit that both may have had the same origin.

Ev27

Photograph: Parish Council Archive Letter from DC 1975

- 441. Ev27 is a photograph of a document in the Parish Council Archives from the Transportation and Engineering Department at County Hall dated June 1975. A new stile arrow (at the time) is depicted.

Submission

- 442. This arrow matches the arrow in the photographs above.

Ev28

Photographs: Waymark (taken October 2021), Recent Fencing Works and New Waymarks (taken July and August 2022) west of Charmswell.

- 443. Ev28a is a photo of a Dorset Council footpath waymark on a post at a point south west of Bare Cross. The waymark was at the bottom of the hill about 200m south west of Bare Cross and due west of Charmswell.
- 444. The photo was taken in October 2021 about 3 years after the Regulatory Committee meeting in relation to the DMMO.
- 445. The direction of the arrow was indistinct but possibly pointing in an easterly direction along a route consistent with where DC states that the Current Definitive route is today.
- 446. Ev28b is a collection of more recent photos from roughly the same position taken in July and August 2022.
- 447. The recent photos show that there has been extensive fencing work carried out along the boundaries of fields south of the House, the Well and the Open Access land to the West and the fields in Barnston Farm to the South. In other words, along a line west of Charmswell similar to where DC state FP30 is positioned. For further reference this field boundary can also be seen in Ev33c as Compartments 7 and 10 on the 1967 Conveyance (Ev33c) and the open access land to the north (Compartment 8 in the 1967 Conveyance Ev33c).
- 448. The Dorset Council waymark shown in Ev28a has not survived the fencing work but two new waymarks have been nailed to new posts in new positions nearby to where the waymark photographed in 2021 was positioned.

- 449. A section, about 2 metres wide, to the north of the field boundary has been formed by a large Digger that was part of the fencing work to clear undergrowth and allow machinery access to renew the fencing.
- 450. There is also an inset photo of the Digger involved (which is very large, about 9 tonnes).
- 451. The northern most waymark clearly points along the Definitive Statement route (pointing north west). The southern most waymark (on the other side of the trench left by the Digger) is less distinct.
- 452. The recent work has left extensive uprooting and other damage to trees.

Submission

- 453. Looking at the waymark from the 2021 photo first (Ev28a): The waymark at the time of the photo was in very good condition and appears to be a much more recent addition to the route than the other badges mentioned in Ev26 above. We would respectfully submit that this was positioned subsequent to the outset of the enquiry.
- 454. Looking at the waymarks and the photos recently (Ev28b), the gap left by the digger has created a very wide section along the top of the field boundary that looks like a path (similar to the Definitive Line) that was not there before the work.
- 455. Before this work the undergrowth was so thick that it was not possible to make one's way in an easterly direction from where the photos are taken without crawling, pushing through thick undergrowth and over fallen small trees.
- 456. We would respectfully submit that just because the route has recently been created, this does not indicate public use of the section concerned.
- 457. After the initial fencing work, posts were erected and these have footpath signs on them. One of the signs faces diagonally up the slope in a similar direction to the Definitive Statement, the other sign is less distinct however we would respectfully suggest it indicates a similar direction.
- 458. The signs do not appear to be official signs.
- 459. We did not have prior knowledge of this work and did not ask for the signs to be placed out. We believe they were placed out at the request of or by the Farmer and indicate a route in line with the Definitive Statement.

Ev29

Photographs: A Nearby Footpath Stile and Waymark similar in Design to the Stile in Ev26 above.

- 460. Ev29 is a group of three photos of a footpath stile about 700 meters to the east from Bare Cross along FP3 traversing a similar boundary between enclosures as the stile in Ev26.
- 461. The Stile in Ev29 appears to be of a similar construction to the stile in Ev26. The posts are about the same diameter. The dog gate has a similar construction with the metal bracket, the bolts and a distinctive black plastic crosspiece which are similar to the Stile at Ev26.
- 462. There is also a similar Dorset County Council footpath waymark although this is quite hidden on the left of the stile when looking west.

Submission

- 463. The photo of the stile (Ev29) on the nearby footpath FP3 has many similarities to the stile near Bare Cross.

464. Although the evidence is not conclusive, we would respectfully submit that both Stiles may have been constructed and kept by Dorset Council. This would add further support to the submission that the route south west from Bare Cross received verification against accepted records as a public route from Bare Cross towards Steeple.

Ev30

Letter to Dorset Council from The Ramblers Association 2015

465. EV30 is a photograph of the letter from Brian Panton (RA) during the DMMO enquiry in 2015.
466. It is mentioned in the Council Report to the Regulatory Committee (DC Statement of Case Appendix 4 Page 6 para 5.6 and Page 16 Para 9.1 including Officer comments).
467. Mr Panton does not mention the Definitive Statement in his letter yet the route he describes as being his suggestion for the corrected position of the path is actually consistent with the position of the path described by the Definitive Statement.
468. He gives evidence (Ev30 para 3) that in his view this route clearly exists as a walked route.
469. Mr Panton states that he would be happy to attend any meeting to discuss his proposals however there is no evidence available that he did attend such a meeting.
470. In para 1 Mr Panton gives the view that the northern end of the path should meet the county road and in its current form the path is in effect a cul-de-sac.

Submission.

471. We would respectfully submit that Mr Panton is describing in his submission the route of the Current Definitive Statement.
472. His letter gives evidence of a submission that the route he describes is a walked route.
473. It is difficult to understand why during the 2015 enquiry and in the Report to the Regulatory Committee, the Council does not link Mr Panton's comments with the route described in the Definitive Statement (See DC Report to the Regulatory Committee Appendix 4 Page 16 Officer comments) or that his comments regarding the finger post are consistent with the position of the path described in the Definitive Statement.
474. In the paragraph labelled 1. although, close examination of the Current Definitive Line (see DC Statement of Case Doc ref 2b map on page 3) shows that the northern end of the path does meet the boundary of the public highway, we would respectfully submit that Mr Panton is correct in his description of the terrain on the ground in this particular location that the footpath "is in effect a cul-de-sac".
475. This is because the route at DC Case Doc Ref 2b could not be traversed in its last few metres because of a fence, a very high bank and telephone pole.
476. We would respectfully submit that this is further evidence of a drafting error on the current Definitive Map and that the Current Definitive Statement actually does correctly describe the position of the public route south west from Bare Cross.

Ev31

Ms Catherine Beck: Letter Dated 19th August 2014 and Email dated 27th November 2018

477. Ev31a is an image of a letter written by Ms Catherine Beck at a point when Charmswell was being transferred in ownership. It covers the period of her ownership from 1990 to 2014.

478. It states that to the best of her knowledge, nobody had used or attempted to use the proposed footpath route as a public footpath.
479. Ev31b is a copy of an email from Ms Beck in the time leading up to the Regulatory Committee meeting in December 2018.
480. The email repeats the information given in Ev31a and confirms that her searches when buying the property indicated no footpaths other than a route that is consistent with the Current Definitive Statement (Ev20).
481. The email goes on to say that a meeting took place on site between DC and PDC which became heated.
482. Ms Beck states that the steps leading down from the drive were put in by people from Barnston Farm as a route for their mother who lived at Charmswell.
483. Part of the text has been redacted as it contains personal details that are not related to the evidence however the full text is available to the Inspector if this is requested.

Submission

484. We respectfully submit that these two items tend to show that there was no use seen by Ms Beck consistent with the DMMO proposal during her ownership of Charmswell between 1990 and 2014.
485. We would respectfully submit that Ms Beck's statement that the steps were put in as the mother of occupants at the farm lived at Charmswell is consistent with the present statement.
486. This is also consistent with the ownership details given in the Conveyance documents at Ev33b, Ev33c and Ev33d in Appdx 2 and the present occupant at Barnston Farm has told us that her grandmother lived at Charmswell.
487. Ev33 is consistent with Ms Beck's statement in relation to the ownership of Charmswell.
488. We would respectfully submit that Ms Beck's letter and email is consistent with the view expressed by John Hart PDC (Ev23) that the route from Barnston was a private route and is also consistent with the objection referred to in the parish minutes which was upheld.
489. As above (Ev24m) we would respectfully submit that the objection refers to the section south of Bare Cross of the old FP27.

Ev32

Mr and Mrs S Arnold-Jones: Letter dated 1st July 2021

490. Ev32 is a letter from Mrs and Mrs S Arnold-Jones who state that they lived at Charmswell from 1988 to 1990 and have since lived in the area for 30 years until today.
491. As in the case of the successive owner Ms Beck, Mr and Mrs Arnold-Jones state that they do not recall any person walking in front of Charmswell and through the garden.
492. They further state the correct position of the route as following the pillow mounds and the mark "UM" across the hill from steeple to the Well and around, and then over the road to Corfe (this annotation is marked on several maps See DC Case Doc Ref 2b page 3 left hand edge of the page).

493. They mention that a Council sign at the top reservoir pointing out the route of the footpath during their ownership.

Submission

494. We would respectfully submit that Mr and Mrs Arnold-Jones give evidence of consistency unbroken in time with Ms Beck (Ev31a and Ev31b) and ourselves today (R and T Kavanagh).
495. The evidence is that no members of the public have walked a route, especially a route across the garden in front of the house at Charmswell since 1988.
496. We would respectfully submit that a route across the garden at Charmswell is essential for the DMMO proposal to make sense.

Ev33

Property Documents: Charmswell

497. Ev33a-e are copies of four conveyances (1965, 1966, 1967 and 1988) and a search document relating to the sale of the house at Charmswell (1988). They are reproduced in paper form only and mention details of the land and people who are our neighbours. We therefore feel in respect to both our neighbours and ourselves that further public production of the actual documents is not necessary for the evidence in this case. For this reason, the section below only mentions references to the documents where they are relevant to this Statement of Case. The full documents are made available to the Inspector and would be available to the hearing if this is necessary.
498. They are contained in Appendix 2 of this Statement of Case.

Ev33a The 1965 Conveyance: This relates to the sale of the house and land immediately around it only.

499. The Vendor is noted as Mr Bond and the purchasers are noted as Mr and Mrs Wilson.
500. At the bottom of page 1 there is a paragraph starting with "This Deed Witnesseth" which includes rights given to both the Vendor and the Purchaser likewise "to pass and repass" "along the road coloured brown" "between the points marked 'A' and 'B' ". This equates to the driveway of Charmswell today but was not part of the sale in 1965.
501. There is no mention of a public right of way.
502. Page 3 shows a plan at scale 1:2500 marked, "This plan is for identification purposes only". The land and the house concerned are marked in red.
503. There are no marks consistent with a route or path across the front garden.
504. There are marks (double dashed lines) that are consistent with local roads and other routes as shown in Evs 1, 5, 6, 7, 8, and 9.

Submission

505. In this document, the reference to the road coloured brown is to allow those buying the house to get to the public road, and also retains the rights of Mr Bond, the owner of the drive and land around it to the east of the house.
506. We would respectfully submit that both the document and the plan make no reference consistent with the DMMO proposal in relation to an east west route north of the field boundary across the front garden at Charmswell or any point west of our garden.

507. In relation to the east-west feature on the plan running to the south of the field boundary and with sketches of trees along its length, both the DC Statement of Case and this Statement of Case agree that this feature is not a public footpath but a land feature.
508. For Example: The DC Statement of Case mentions this issue at Appdx 4 Page 22 (1843 plan) where the Council explain that this is consistent with a land feature *"312 as a "row" within Great Cocknoll Field, its state of cultivation being that of "Coppice"*.
509. In addition, The DC Case also mentions at Appdx 4 Page 24 final paragraph: *"The broken line running generally east to west beneath the solid line to the south of the property represents the boundary between the field and the bank and would generally correspond to the coppice recorded on the Tithe Apportionment and numbered 312"*.
510. Our submission with respect to the feature running from east to west is similar as we outline in Ev1 above and we agree with the DC view that this is a land feature shown in the Tithe Apportionment plan. It is drawn in a similar way to a footpath in later maps but does not go anywhere.
511. Also, a physical examination of this area on the ground shows that there are very old field boundaries crossing it at right angles making it impossible to be walked.
512. In relation to the route marked south, south east from Bare Cross, our submission here is similar to that made in relation to Ev1b, and Ev33b that this route was one, more likely to have been used only by people connected with the farm in the past and that it was objected to, as in Ev24i and Ev24m and that the objection was upheld. There is also no apparent record of this route in the 1947 photo (Ev25).

Ev33b The 1966 Conveyance: This relates to the sale of Charmswell only about 20 months later following a bereavement.

513. Following the death of Mr Wilson, Mrs Wilson sold the house at Charmswell to Ms Fry.
514. All of the easements mentioned above with respect to people's rights to pass along the drive are retained.
515. Again, there is no mention within the conveyance of a public right of way.

Submission

516. The document is similar to the 1965 conveyance and records the details of the new owner.

Ev33c The 1967 Conveyance: This relates to a large area of Barnston Farm only, it is not strictly about Charmswell or the Well area next to it.

517. The Vendor is again noted as Mr Bond and the purchasers are noted as four members of the Fry family.
518. Page 2 contains a plan including, in particular, fields to the south of Charmswell marked as compartments 7, 10 and 11 and a field to the west of Charmswell marked as compartment 8.
519. At the bottom of Page 1, Point 2 (a) mentions *"a public right of way over the footpath running along the north side of compartments 7, 10 and 11 on the said plan"*.
520. There are no similar markings on the plan indicating a footpath.

Submission

521. The DC Case argues that the sentence above could also refer to the north side of the boundary (i.e. Compartment 8). See DC Case Appdx 4 Parra 8.4b Page 10.
522. We disagree, we believe the sense of the sentence matches the feature shown in the 1965 conveyance which DC agree, as above, is a land feature.
523. A descendant of the family is still resident at the farm who informs us that her grandmother used to live at Charmswell (See also Ev33b above and Ev33d below).

Ev33d The 1988 Conveyance: This relates to the sale of the land forming the hillside to the north and east of the house at Charmswell.

524. The Vendors are noted as Mr Bond and Mr Stuart and the purchaser is noted as Ms Fry.
525. In the first schedule (Page 4 Para (e)) there is an easement giving right of access along the drive at Charmswell between the road and point Y on the plan with vehicles, and on foot between Y and the easement land at Z.
526. There is no mention of a public right of way.

Submission

527. In all three documents above, there are private rights given to secure access to the Well area, yet there is no mention in the papers of a public footpath going past the well.
528. DC counter this (DC Case Appdx 4 Page 10 Para 8.5a) that “Private rights have nothing to do with public rights although they can happily co-exist”.
529. However, we would respectfully submit that although this item is not direct evidence against a public footpath across the well area, the three documents taken together are circumstantial evidence casting doubt on the existence of a public right of way as it would be likely that the public right of way would have been mentioned somewhere in these documents.
530. Further, the area around the back of the house, down some steep steps and through a gateway in the hedge between Charmswell and the well indicate a route consistent with the right of access mentioned above and there are stout scaffolding hand rails to allow access for engineers servicing the well.
531. Although this route of access still remains, a local arrangement has been followed for several years. Engineers visiting the Well take a route from our driveway and instead of around the back of the house they descend the steps by the driveway to Barnston Farm and along the north side of the field marked 11 on the 1967 conveyance to the Well and over a stile to get access.
532. We would respectfully submit that the four documents taken together show that all of the land had originally been in the ownership of Mr Bond before the sale of Charmswell in 1965 and we respectfully submit that this is circumstantial evidence that the north south route marked on several maps (Ev1 and Ev5-Ev9) was a private route used by people connected with the farm.
533. We would respectfully submit that this past ownership as being one farm with a cottage is consistent with the objection above (Ev24i and Ev24m) which was upheld.

Ev33e 1988 Property Search: This relates to the sale of Charmswell in 1988.

534. Page 8 Part II i of the Property Search shows a positive result with the same plan (included on page 10) as that used in the 1965 conveyance. (marked “for identification only”) A purple line indicating a footpath is shown to the south of Charmswell in the field below the house.

Submission

535. Although the search result depicts a similar line to that shown on the definitive map, we would respectfully submit that this document has been prepared with reference to the definitive line only.
536. We would respectfully submit from the evidence throughout this case that the definitive line has been misdrafted and the line in this document is a derivative of the misdrafted line.
537. In addition to the previous paragraph, the east – west part of the purple line is south of the field boundary and south of Charmswell (edged in red). It does not travel across the front garden at Charmswell. This underlines our submission in the summary that there is no line in any document apart from the definitive line of the parish survey 1951 and its derivatives that shows a line crossing the front lawn at Charmswell.
538. Both the DC statement of case and this statement of case agree that the broken line east – west in the fields to the south of Charmswell is not a footpath but a land feature (See Ev1 and Ev3 above), (See: DC Case Appdx 4 “Report to Regulatory Committee” Page 22 (1843 plan Para 1) and Page 24 (1886 map Para 5)).

Ev34

1st. Edition Ordinance survey map of County of Dorset, 1 inch to 1 mile. 1811.

Dorset History Centre - Ref: D-NJH/B/P/1

539. Ev34a -Ev34f are photographs of a very large map of Dorset (Greater than A1 sheet size) held at the Dorset History Centre.
540. It appears similar and may be the same as the map referred to in the DC Case (Appdx 4 Page 22).
541. Ev34a is a photograph of the whole map laid out on 4 tables at the History Centre.
542. Ev34b is the same photograph showing areas of interest as follows: close-ups of the Map Publisher (Ev34c ii), scale (Ev34c iii) and sellers (Ev34c iv).
543. Ev34d is a close-up of the Isle of Purbeck included just for reference.
544. Ev34e is a further close-up of the Isle of Purbeck showing the area bounded by East Creech in the north, Church Knowle in the east, Kimmeridge in the south and Steeple in the west.
545. Several features that exist today are shown on the map although there is no key to represent their status.
546. For Instance, routes shown include: The main route along the top of the Purbeck ridge (Incl Knowle Hill) from the far west to Corfe Castle in the east, the hairpin bend near Bare Cross, the north Section of the old FP27 (now an unclassified road) running northwards from Bare Cross and also what is today the C road running out of Church Knowle westwards and then over the Purbeck Ridge at Bare Cross towards Wareham in the north.
547. Small black squares indicate buildings, some that still exist today are also shown (and including incidentally Grange Arch which is a folly directly south of Creech Grange in the west. This was built in 1764 and a photograph of which can be seen by searching Wikipedia for “Grange Arch”).
548. The three houses that make up the hamlet of Cocknowle are shown in the top right-hand corner in roughly the same positions that they are today with two properties straddling the almost 90-degree bend in the road and Charmswell shown off to the west.

- 549. A route consistent with the definitive statement for FP30 runs off to the southwest from Bare Cross.
- 550. This route is consistent with the route marked in the 1768 Map (Ev2b ii) running southwest from Bare Cross marked: "To Steeple & Whiteways".
- 551. The route is shown running to the North of Charmswell.
- 552. The other end of this route near Steeple is consistent with, and links up with, routes in 1811 that are still in use today: Steeple BR4, Church Knowle BR31 and Steeple FP5 (See Graphic 3 in the Introduction above).
- 553. Looking at Ev34e and Ev34d together, the purpose of Ev34d is just for reference purposes to fill in the section of C road that now exists and links Steeple with Church Knowle and beyond to Corfe Castle and Swanage.

Submission

- 554. We respectfully submit that this map provides a wider historical context to the likely routes that people would have used over time in the area before 1811.
- 555. Three buildings that make up Cocknowle are indicated (top right hand of Ev34e), and in respect of Charmswell, our house is shown to the south of the South Westerly route from Bare Cross.
- 556. This is also the case for the line which appears to indicate water and broadly consistent with the spring and the wellhead today.
- 557. We would respectfully submit that the southwest route from Bare Cross is consistent with the Definitive Statement today, and also provides continuity to the destination of the route to Steeple and Whiteways shown in the 1768 map (Ev2b ii).
- 558. However, we would respectfully submit that it is not consistent with the Definitive line or the DMMO proposal for the eastern portion of the current definitive line i.e., the line through our garden, the well or along the top of the field boundary westward until it converges with the diagonal path towards Steeple from Bare Cross.
- 559. The other end of the route in the 1811 map has good consistency with the definitive map and statement today linking up with other paths that provide through routes to Whiteways, Steeple and beyond.
- 560. Further we would respectfully suggest that, without the main C road today (not in existence at the time of the map) linking Church Knowle with settlements in the west, the route climbing the ridge to Bare Cross would have been very important to people in Whiteways, Blackmanston, Steeple and settlements to the west.
- 561. This is because the routes before 1811 that are now shown as Steeple BR4 and Steeple FP5 would have linked up with the route now shown as FP30 to provide the most gentle climb over the Purbeck Ridge to get to Wareham in the north or link up with the straight road into Corfe Castle along the top of the ridge in the East (The next best is BR31 [graphic 3 above] but that is about 60 metres higher).
- 562. Although the map is of small scale, we would respectfully submit that it is a good historical representation of public routes in the area and that it would be unlikely for people in the 1950s and early 60s (when the Definitive Maps were being prepared) to forsake this route for a much lesser unmapped and more difficult route through the well, our garden and then steeply uphill to the same point at Bare Cross. We respectfully submit that it is more likely that the public corrected the position vide the 1964 Statement (Ev18).

This Statement of Case is true to the best of our knowledge and belief.

Timothy Kavanagh

Rebecca Kavanagh