



Order Decisions

Site visit made on 8 April 2026

by **Harry Wood BA (Hons) MA PhD MIPROW**

appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 8 May 2026

Order reference: ROW/3350303 (referred to as Order A)

- The Order is made under section 119 of the Highways Act 1980 and section 53A(2) of the Wildlife and Countryside Act 1981 and is known as the Dorset Council (Part of Bridleway 80, Beaminster at Chantry Farm) Public Path Diversion Order 2023.
- The Order is dated 29 September 2023 and proposes to divert the public right of way shown on the Order Plan and described in the Order Schedule, and to amend the definitive map and statement accordingly.
- There was one objection outstanding when Dorset Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Order reference: ROW/3350304 (referred to as Order B)

- The Order is made under section 118 of the Highways Act 1980 and section 53A(2) of the Wildlife and Countryside Act 1981 and is known as the Dorset Council (Part of Footpath 79, Beaminster at Chantry Farm) Public Path Extinguishment Order 2023.
- The Order is dated 29 September 2023 and proposes to extinguish the public right of way shown on the Order Plan and described in the Order Schedule, and to amend the definitive map and statement accordingly.
- There was one objection outstanding when Dorset Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Preliminary Matters

1. I have found it convenient to refer to points marked on the Orders Plan and have attached a copy of it to this decision, for reference.
2. In reaching a decision on Orders A and B, regard must be had to any material provision contained in a rights of way improvement plan (ROWIP) for the area under section 119(6A). Other relevant factors are not excluded from consideration and could, for instance, include those pointing in favour of confirmation.
3. The *Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises* (also known as the Presumptions Guidance) was issued by Defra in August 2023. It states that I should weigh the interests of the owner against the overall impact of the proposals on the public as a whole. Reducing or eliminating the impact of the existing rights of way on the owner, in terms of privacy, security and safety are important considerations to which due weight should be given.

4. In comparing the current alignment of both Bridleway 80 and Footpath 79 to the proposed diversion route, I will disregard any artificial or temporary circumstances preventing or diminishing use of the existing rights of way and apply the above tests as if the legally recorded lines were open and available for use.

Order A

Main Issues

5. The relevant tests for a public path diversion order are set out in section 119(6) of the Highways Act 1980 (the 1980 Act). This section involves three separate tests for an Order to be confirmed. These are:

Test 1: whether it is expedient in the interests of the landowner, occupier or the public for the path to be diverted. This is subject to any altered point of termination of the path being substantially as convenient to the public.

Test 2: whether the proposed diversion is substantially less convenient to the public.

Test 3: whether it is expedient to confirm the Order having regard to the effect which— (a) the diversion would have on public enjoyment of the path as a whole, (b) the coming into operation of the Order would have as respects other land served by the existing public right of way, and (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

6. In determining whether to confirm the Order at Test 3 stage, (a)-(c) are mandatory factors. On (b) and (c) of Test 3, the statutory provisions for compensation for diminution in value or disturbance to enjoyment of the land affected by the new paths must be taken into account, where applicable.

Reasons

Whether it is expedient in the interests of the owner of the land that the path in question should be diverted

7. The existing bridleway runs over land largely owned by the applicants. The section of the route from just south of point E to point F runs over land that has no registered owner. Sections of the proposed diversion route between points G and H, and between N and F, are in the ownership of two other landowners who are supportive of the proposals.
8. Order A was made on the basis that the proposed diversion was in the interests of the relevant landowner. The OMA state that the new route “will significantly improve privacy and security by moving the bridleway away from the applicants’ house and buildings”. The proposals will also divert the route away from a busy farmyard, reducing interactions between the public and farm vehicles.
9. When I visited the site in April 2026 I walked the full length of the diversion route between points G and F. I was not able to walk all of the existing bridleway, as the presence of mature trees and other plants, water, rocks, and sections of barbed wire mean that large parts of it are impassable. I was able to walk for a short

distance from point C northwards and from point D southwards. I was also able to see the majority of the existing bridleway from various vantage points, including looking south from point F, numerous spots between F and N, and from the bank to the east of the stream between points O and Q.

10. Various parties have suggested that a significant proportion of the existing bridleway has water running over it. The applicants' describe the existing route as "a long-established watercourse" which drains a large area of land to the north of Chantry Farm. They suggest that the watercourse plays an important role in local flood management, and that any remedial works on the existing bridleway may lead to an increased risk of flooding. This view is reinforced by representations from West Dorset Wilding, who describe the existing route as "a permanent watercourse", adding that "during winter and periods of heavy or intense rainfall this channel carries high volumes of water". While I do not feel able to comment on the mechanics of flood management, it is clear from my site visit that the existing bridleway has a stream running along large parts of its length, notably between points D and C.
11. Accessing the existing bridleway and point C involves walking or riding along Chantry Lane, passing close by Chantry Farm and various outbuildings. On my visit it was clear that this is a busy working area within which members of the public would be likely to meet a range of vehicles and farm machinery.
12. Reducing or eliminating the impact of rights of way in terms of the effect on privacy and safety are important considerations which should be given due weight when considering orders. I am therefore satisfied that it is expedient to divert the bridleway in the interests of the landowners.

Whether any new termination point is substantially as convenient to the public

13. The definitive line of the existing bridleway runs from the junction with footpath 79 (FP79) at Buckham Down (point F) in a generally southerly direction to Chantry Lane (point C). The proposed diversion route largely follows the line of FP79, before following a stream between points Q and O and then diverting to the west of Chantry Farm (between points P and G). Both routes have the same northern point of termination (point F). The proposed diversion route terminates at point G, approximately 78 metres south of point C. As both the existing bridleway and the proposed diversion route terminate on the same public carriageway (Chantry Lane), I am satisfied that the new termination point is substantially as convenient to the public.

Whether the new path will not be substantially less convenient to the public

14. The OMA advise that the proposed diversion route is 349 metres longer than the existing bridleway. While this increase will impact public use, it is not considered a substantial increase given the rural location and the context of the local public rights of way network. By way of example, the long-distance Monarch's Way runs over the northern section of bridleway 80 (BW80), which one reaches walking or riding northwards from point F. I am therefore satisfied that the proposed diversion will not be substantially less convenient to the public than the existing footpath.

The effect of the diversion on public enjoyment of the path as a whole

15. The Open Spaces Society (OSS) assert that a large part of the length of the existing bridleway is a sunken lane, meaning that the route is markedly deeper or lower than surrounding land. They point to the historical and archaeological significance of such routes and highlight that “such interest is not currently protected by any statutory or local designation”. This position is echoed by another notified party, who argues that extinguishing the route would be “a great loss to the enjoyment of the public and residents of Beaminster, due to its historic, ecological, educational and recreational value”.
16. The OMA’s Senior Archaeologist carried out a site visit to consider these matters. They concluded that while the upper section of the route (between points F and E) is likely to be a sunken lane of medieval origin, the route becomes less distinct as it continues southwards. They record that “it is difficult to distinguish a historic routeway” from point E onwards, “as it is cut deeply into a narrow passage [...] [and] seems to have been altered by the persistent and heavy flow of water down the slope”. West Dorset Ramblers raise similar arguments, suggesting that the central section of the existing route (running west to east between points D and E) is a gully, “the result of two natural processes, over several centuries, the erosion by the stream and infilling by progressive landslip”.
17. It was clear on my site visit that sections of the existing route have the character of a sunken lane. The depth appears to vary substantially along the route. The section between E and F, for example, is notably shallower than that between O and D. While the origins and extent of the sunken lane are disputed, it is recognised that some users place great value on the historical and geological significance of this route.
18. A large number of interested parties have made representations supporting the proposed diversion, which has been made available as a permissive path for several years. These comments cover a range of issues including the confined nature of the existing route, the preferable surface and improved views of the proposed diversion, and support for moving the route away from the farmyard. One party describes the proposed diversion route as “wider, flatter, drier, and far more accessible for a broader range of users”. Another party suggests that the proposed diversion “offers a gentle gradient, better footing, open visibility and far more enjoyable surroundings”.
19. While I accept that the diversion would extinguish access over a sunken lane that some users value highly, the evidence before me suggests that a significant majority of the public are supportive of the diversion proposals. I also note that the OMA and the applicants’ have engaged in a series of consultations which have resulted in several refinements to the diversion route, notably agreeing to include the streamside section between points O and Q.
20. Concerns have been raised regarding the surface of FP79 and the detrimental effect increased equestrian traffic may bring to bear. One party suggests that the section between points B and M “is currently almost impassable in wet conditions and will be made more difficult if shared with horses”. The applicants’ accept that this section can be muddy, but contend that this route has now been used by riders

on a permissive basis for several years and that “the addition of horse riders has had no negative impact on the condition of the surface”.

21. During my site visit I noticed several slightly muddy patches on the proposed diversion route, notably between points B and M and south of point N. These sections were easily navigable, though it was a sunny day following a period of relatively dry weather. While it is plausible that parts of the diversion route may become very muddy in prolonged wet weather, my view is that such issues would be broadly comparable to other bridleways in the area, and that any such problems could be managed by the OMA in their capacity as highway authority.
22. A substantial proportion of the proposed diversion (the section between points Q and F) runs over the line of FP79. OSS have suggested that this would lead to a significant loss of footpath provision. The OMA accept this contention, but argue that “the small loss in overall length of public paths for walkers is balanced by the improvement in provision for horseriders who would gain a longer bridleway”.
23. It is an established legal principle that a diversion cannot wholly follow an existing right of way. While I am satisfied that these proposals comply with both statutory provisions and relevant case law, I nonetheless have concerns regarding the proportion of existing public footpath over which the proposed diversion runs. Though I understand the OMA’s view as to the broader balance of pedestrian and equestrian needs, these proposals would lead to a net loss of public footpath rights, which naturally has an impact on public enjoyment.
24. The removal of rights over the existing bridleway with its sunken lane character will negatively affect the enjoyment of some users. Furthermore, the loss of overall public footpath provision has to be considered as detrimental to public enjoyment. However, the diversion route is already well-used and the proposals appear to enjoy a substantial level of public support. This suggests that confirming Order A would have a positive impact for the majority of current users. Though finely balanced, I am satisfied that the proposed diversion will not have a negative impact on the public enjoyment of the path as a whole.

The effect of the diversion on other land served by the existing paths and the land over which the new paths would be created

25. The existing bridleway and proposed diversion route cross land owned by three different landowners, as discussed above, as well as some unregistered land. The OMA followed the relevant statutory protocols in such circumstances (where landowners are unknown), seeking dispensation from the Secretary of State to advertise the Order on site. I have not seen any evidence that the proposed diversion will have a negative impact on the land served by the existing bridleway or the diversion route.

Nature Conservation Matters

26. Section 121(3) of the 1980 Act states that section 29 applies in relation to the making of public path orders. This is a duty to have regard to agriculture, forestry, and nature conservation when considering orders. The applicants’ describe the existing bridleway as a nature corridor, and suggest that the diversion proposals will help to preserve a valuable natural resource. An ecological survey undertaken

on behalf of the OMA describes the route as “an ecological corridor through the landscape” and identified habitats “that would potentially support nesting birds, badgers, dormice and bats”. I also note that the applicants’ have proposed establishing viewpoints at points B and F, where they would install signage “providing information on how this corridor forms part of a sensitively managed bio-diverse habitat”.

27. Bringing the existing route into a condition fit for public use would involve significant work that would be likely to damage the current habitat. Confirming the Order would mean that such works would not need to be undertaken. The diversion proposals, as such, are likely to have a positive environmental impact on the land served by the existing bridleway.

Rights of Way Improvement Plan (ROWIP)

28. The OMA have not provided a copy of their ROWIP, but they have provided what they describe as relevant extracts. They draw attention to two sub-themes: “improve accessibility of the network” and “seek opportunities to increase bridleway networks”. I am satisfied that the proposed diversion is consistent with the aims of these themes.

Conclusions regarding Order A

29. I consider that the proposed diversion is in the interests of the relevant landowners. It will not be substantially less convenient to the public. While there may be an impact on some users’ enjoyment, I am satisfied that the diversion will not negatively impact the public enjoyment of the path as a whole. The information before me indicates that the diversion route is a more accessible and more open alternative to the existing bridleway, and that it appears to have considerable public support. Having regard to the above, and all other matters raised in the written representations, I conclude that it is expedient to confirm Order A.

Order B

Main Issues

30. Section 118(2) of the 1980 Act sets out what must be taken into account when considering a public path extinguishment order. If I am to confirm the Order, I must be satisfied that it is expedient to extinguish the route, having regard to:
- the extent to which it appears that the footpath would, apart from the Order, be likely to be used by the public; and
 - the effect that the extinguishment of the footpath would have as respects land served by the footpath, account being taken of the provisions as to compensation.
31. I have had regard to the judgments of *R v SSE ex parte Stewart [1980] KPL 537* and *R v SSE ex parte Cheshire County Council [1991] JPL 537* which clarified the relevant tests to be applied. Whilst the Order Making Authority must consider the need for the route when making an Order, I must consider its likely future use.

Reasons

The extent to which it appears that the footpath would, apart from the Order, be likely to be used by the public

32. During my site visit I was able to walk the full length of the route proposed for extinguishment (hereafter referred to as the extinguishment route). I have found it useful to consider this route in two sections. Between points A and P the route runs northward through various farm buildings before passing a boggy area marked as “sluice” on the Orders Plan. Entering woodland at point P, the route crosses and then runs parallel to the proposed diversion of BW80, before meeting it at point Q. Neither of the two sections described above appeared well-used. The upper section (between points P and Q) was partially blocked at either end by overgrowth.
33. OSS argue that there is no evidence that the extinguishment route is not needed for public use. However, numerous representors have expressed a preference for walking the proposed diversion route (between points G and Q). One party refers to the route as “continually wet, boggy and not very pleasant to navigate”, adding that the “new permissive path is now much preferred compared to both the current footpath and bridleway”. Another party refers to having enjoyed the proposed diversion route on a permissive basis, as it “has avoided the need to walk through the sometimes busy farmyard and on to the often boggy patch of ground”. These accounts echo representations made by the applicants, who describe the section immediately south of point P as “often ankle- to knee-deep in mud”.
34. There is also evidence to suggest that the public have long been using the streamside path (between points O and Q) rather than the definitive line of the footpath (P to Q). Numerous parties refer to the tranquillity of the streamside route and the pleasure gained from walking it. My view is that the current footpath is rarely being used, with people clearly preferring to walk the proposed diversion route
35. OSS have also raised concerns that “the effect of the extinguishment will be the loss of a footpath with no like for like replacement”, adding that riders and walkers “do not easily and conveniently share the same way” and that increased equestrian use is likely to affect the physical condition of the way. I have seen no evidence to suggest that the proposed diversion route between points G and P, which has been available to riders on a permissive basis for some years, has been damaged by equestrian use. I am also of the view that there is no inherent substantial inconvenience for pedestrians when walking on bridleways.

The effect that extinguishment of the footpath would have as respects land served by the footpath, account being taken to the provisions as to compensation

36. The existing footpath crosses land entirely in the ownership of the applicants. The applicants contend that extinguishing the footpath between points A and Q would be of significant benefit to them, as it would reduce pedestrian traffic in a busy farmyard, help to protect water infrastructure (including a stopcock and water meter south of point P), and would improve privacy and security for Chantry Farm and other properties on Chantry Lane.

Rights of Way Improvement Plan (ROWIP)

37. The ROWIP is discussed at paragraph 29. I am satisfied that the proposed extinguishment, together with the diversion proposals, is consistent with the sub-themes discussed above.

Conclusions regarding Order B

38. If Order B is not confirmed, usage of FP79 between points A and Q would likely remain low. The extinguishment would benefit the applicants and their land and would also be consistent with the shared extracts of the OMA's ROHIP, insofar as it seeks to improve accessibility across the public rights of way network. Having regard to the above, and all other matters raised in the written representations, I am therefore satisfied that it is expedient to confirm Order B.

Other matters

39. I note the proposals of one party to maintain the existing bridleway (points C to F) to footpath standard, which is suggested as a compromise position. While I understand the desire to retain some degree of public rights over the existing route, the evidence before me suggests there is no obvious public or landowner support for such proposals. I would add that these proposals would not address the security, privacy, and safety concerns regarding members of the public accessing the bridleway via the farmyard.
40. Several parties have pointed to the fact that Chantry Lane is a vehicular carriageway, and that as such, the public will retain rights on foot and on horseback as far as points A and C. Though I accept this argument, I remain of the view that confirming Orders A and B will reduce pedestrian and equestrian traffic on Chantry Lane, as users will be more likely to take advantage of the proposed diversion route from point G.
41. The physical status of the existing bridleway (between points C and F) and the perceived lack of maintenance on the part of the OMA and successive landowners forms the subject of a considerable proportion of the representations received. In reaching my decisions on both Orders, I have disregarded the fact that the existing bridleway is essentially unavailable for use. While I note the dispute between objecting parties and the OMA concerning whether the obstructions on the route amount to temporary or permanent circumstances, I remain satisfied that the relevant statutory tests for diversion and extinguishment have been met.

Formal Decisions

42. I confirm the Orders.

Harry Wood

INSPECTOR

Orders Plan

