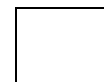


Regulatory Committee



Dorset County Council



Date of Meeting	18 October 2018
<u>Local Member(s):</u> Daryl Turner – Member for Marshwood Vale <u>Lead Officer(s)</u> Anne Brown, Definitive Map Technical Officer (DMMO)	
Subject of Report	Proposed definitive map and statement modification order – part of Bridleway 18, Mill Lane, Chideock.
Executive Summary	This report considers the evidence relating to the status of part of Mill Lane, Chideock.
Impact Assessment:	Equalities Impact Assessment: An Equalities Impact Assessment is not a material consideration in considering this application.
	Use of Evidence: Documentary evidence has been researched from sources such as the Dorset History Centre and the National Archives.
	A full consultation exercise was carried out in August 2017, which included landowners, user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Marshwood Vale, Daryl Turner, was also consulted. In addition, notices explaining the proposal were erected on site.

	<p>Budget: Any financial implications arising from this application are not material considerations and should not be taken into account in determining the matter.</p>
	<p>Risk Assessment: As the subject matter of this report is the determination of a definitive map modification order application the County Council's approved Risk Assessment Methodology has not been applied.</p>
	<p>Other Implications: None</p>
<p>Recommendation</p>	<p>That: (a) An order be made to record Mill Lane as shown between points B – C – D - E on Drawing 17/21/2 (Appendix 1) as a restricted byway. (b) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to this Committee.</p>

<p>Reason for Recommendation</p>	<p>(a) The available evidence shows, on balance, that Mill Lane, as shown between Duck Street in the north and point B on Drawing 17/21/2 was dedicated as a carriageway under common law.</p> <ul style="list-style-type: none"> i. A public path creation order in 1996 recorded a bridleway over that part of Mill Lane from point B to point E on Drawing 17/21/2. ii. Section 67 of the Natural Environment and Rural Communities Act 2006 states that an existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement was shown on the definitive map and statement only as a footpath, bridleway or restricted byway. iii. As the proposal post-dated 20 January 2005, and there is no evidence that exceptions apply, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an order should be made to add a restricted byway. (Restricted byway status includes public rights to use the application route on foot, on horseback or leading a horse, and therefore incorporates footpath and bridleway rights). <p>(b) The evidence shows, on balance, that Mill Lane between points B – C – D - E on Drawing 17/21/2 should be recorded as a restricted byway. Accordingly,</p>
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	<p>in the absence of objections the County Council can itself confirm the Order without submission to the Planning Inspectorate.</p> <p>Decisions on applications for definitive map modification orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-19 Outcomes Framework:</p> <p>People in Dorset are Healthy:</p> <ul style="list-style-type: none"> • To help and encourage people to adopt healthy lifestyles and lead active lives • We will work hard to ensure our natural assets are well managed, accessible and promoted. <p>Dorset's economy is Prosperous:</p> <ul style="list-style-type: none"> • To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently
<p>Appendices</p>	<p>1 - Drawing 17/21/2</p> <p>2 – Drawing 17/21/1 (identical in all relevant respects to consultation plan reference 17/21, for consultation Aug/Sept 2017)</p> <p>3 – Law</p> <p>4 – Table of Documentary Evidence</p> <p>5 – Extracts of Key Documents including those originally as an appendix to Report to the Director for the Environment and the Economy:</p> <ul style="list-style-type: none"> • Map of Chideock 1838; • Chideock Tithe Apportionment Plan 1843; • Map of Chideock 1852; • Finance Act Plan 1910; • Rights of Way Act 1932 (The Chideock Estate) map and declaration; • Ordnance Survey Drawing 1806 – 07; • Ordnance Survey One Inch First Series 1811; • Ordnance Survey 6 inch 1887; • Ordnance Survey 25 Inch 1888; • Ordnance Survey Revised One Inch 1898; • Ordnance Survey Sheet 177 – Taunton and Lyme Regis – 1960; • Caravan Site Planning Application 1951; • Planning Application, Mill Lane, Chideock 1930; • List of Streets Plan 1974; • List of Streets Plan 2014; • Parish Survey Chideock Parish (no date) • Draft Map Chideock area 1953;

	<ul style="list-style-type: none"> • Draft Map Objections and responses 1954 • London Gazette notice of amendment to Draft Map 1955; • Provisional Map 1963; • First Definitive Map & Statement; • Current Definitive Map sealed 1989; • Sales particulars for part of the Chideock estate 1953. <p>6 – Report to the Director for the Environment and the Economy (27 Feb 2015) including Drawing 15/08 (Appendix 2 of the 2015 report is now displayed as Appendix 5 here)</p> <p>7 – Chideock Parish Council Response to the Report to the Director for the Environment and the Economy (not dated but received July 2015)</p>
	<p>The file of the Director for Environment and the Economy (ref. RW/T 539).</p> <p>Most of the original historic maps and documents referred to are in the custody of the Dorset History Centre, except for the Finance Act maps, which are at the National Archives, Kew.</p> <p>Copies (or photographs) of the documentary evidence can be found on the case file RW/T539, which will be available to view at County Hall during office hours.</p>
<p>Report Originator and Contact</p>	<p>Name: Anne Brown Definitive Map Technical Officer (DMMO) Regulation Team, Dorset Highways Tel: (01305) 221565 Email: Anne.K.Brown@dorsetcc.gov.uk</p>

1 Background

- 1.1 This report considers all the available evidence with the intention of resolving any uncertainties regarding the status of Mill Lane, Chideock.
- 1.2 The extent and status of Mill Lane Chideock has been the subject of discussion for many years and, in September 2013, following a planning application, Chideock Parish Council requested that Dorset County Council establish the correct position of Mill Lane County Road and Bridleway 18, Chideock. This ultimately led to the publication of a factual report on the available evidence by P Hobson, Senior Definitive Map Technical Officer and Sarah Meggs, Solicitor, in February 2015 (see Appendix 6 and discussed in section 8 below).
- 1.3 The report elicited a responding report from Chideock Parish Council (undated) which was presented at a meeting with members of the Parish Council and other interested parties on 24 July 2015, at County Hall, Dorchester (see Appendix 7 and discussed in section 10 below).
- 1.4 As a result of this investigation it was concluded that, on balance, the creation of a bridleway in 1996 appeared flawed in that that part of the bridleway from point B – C – D – E on Drawing 17/21/2 was already recorded as a highway maintainable at public expense on the list of streets.
- 1.5 The effect of this dual recording is that public mechanically propelled vehicular rights have been extinguished by the Natural Environment and Rural Communities Act 2006 (see Appendix 3). It is therefore proposed that the section of route B – C – D – E should correctly be recorded on the definitive map as a restricted byway.
- 1.6 A full consultation in respect of this part of the route was conducted during August – September 2017. The consultation plan referred to different Points A and B relative to the original plan, therefore to avoid confusion, Letter A on the consultation plan, Drawing 17/21 (Appendix 2), will be referred to as Point B in this report, and Point B on the consultation plan will be referred to as Point E in this report. This reflects the labels on Drawing 15/08 and referenced in the Report to the Director for the Environment and the Economy (27 February 2015) and the Chideock Parish Council Response.
- 1.7 The route in question commences at point A on Drawing 17/21/2, this is the southern limit of the inspected highways network which includes Mill Lane. This means that north of point A, Mill Lane has full carriageway rights, is inspected and maintained by Dorset Highways (Dorset County Council).
- 1.8 From point A through points B, C, and D to point E the route leads southwards and is an adopted road. This means that it is public highway maintainable at public expense, and it carries full carriageway rights. However, it is not inspected by Dorset Highways and is only maintained if reports are received and a suitable case for maintenance is made.
- 1.9 From point B through C, D, E and on to the junction with Sea Hill Lane at Seatown, the route is recorded as public bridleway; Bridleway 18, Chideock. Thus, between points B and E the route is recorded as both public highway maintainable at public expense (carriageway) and public bridleway.

- 1.10 Bridleway 18, Chideock was created by West Dorset District Council in 1996. For most of its length it was an upgrading of former Footpath 18, Chideock which extended along the route of Mill Lane from Seatown to Point E on Drawing 17/21/2. However, the creation order additionally recorded Bridleway 18, Chideock as extending north from point E – D – C to point B.
- 1.11 That part of the route from point A – B – C – D – E is not registered with Land Registry. Mill Lane south of point E is registered with the Land Registry; title number DT402386, registered to West Dorset Leisure Holidays Ltd.

2 Law

- 2.1 A summary of the law is contained in Appendix 3.

3 Documentary evidence (Appendix 4) (copies available in the case file RW/T539)

- 3.1 A table of all the documentary evidence considered during this investigation is contained within Appendix 4. Extracts from the key documents are also attached either in Appendix 5 or Appendix 6.

4 User evidence

- 4.1 User evidence is not of relevance in this case.

5 Additional evidence in support of the proposal

- 5.1 No submissions were received in support of the proposal.

6 Evidence opposing the proposal (copies available in the case file RW/T539)

- 6.1 Three submissions were received in response to consultation, Chideock Parish Council declined to comment but referred to their report submitted in 2015 (see Appendix 7).

Name	Comments
██████████ (07/09/2017)	Email sent to the Chideock Parish Clerk and forwarded. State that they would like to see the bridleway classification maintained as it restricts traffic and makes a safer route to walk from Chideock to Seatown.
Kitson & Trotman Solicitors on behalf of West Dorset Leisure Holidays Ltd (22/09/2017)	Letter sent on behalf of West Dorset Leisure Holidays Ltd (adjoining landowner). Claim use by themselves, their clients and the public, of the proposed route as a public highway, with and without vehicles, for well over 20 years. Claim that the route has been maintained by the Highway Authority, and that preregistration deeds and documents confirm the extent of public highway (2 Conveyance documents subsequently forwarded). They dispute the legitimacy of the creation of Bridleway 18.

Name	Comments
Kitson & Trotman Solicitors on behalf of [REDACTED] (10/05/2018)	Letter sent on behalf of [REDACTED] (adjoining landowner). Supports response from West Dorset Leisure Holidays Ltd. Describes use of the route in question for over 60 years by farm workers , other local business people and members of the public, with and without vehicles. Believes this use was open and free and without consent.

7 Other submissions received (copies available in the case file RW/T539)

7.1 Eight submissions were received, in response to the consultation, and a further six people sought clarification or asked for an up-date (not listed).

Name	Comments
Claire Pinder, DCC Senior Archaeologist (21/08/2017)	No archaeological finds, features or historic buildings in the vicinity, consequently historic environment does not constitute a constraint.
Sarah Bull-Torreti, Wessex Water (22/08/2017)	Gives details of public foul sewer crossing proposed route.
[REDACTED] (22/08/2017)	Seeks clarification and gives evidence of use of route by vehicles and pedestrians.
Nigel Smith, Natural England (06/09/2017)	No comment on the matter.
Sal Robinson, Chideock Parish Clerk (10/09/2017)	Parish Council have been advised to make no comment at this stage. All relevant evidence is in Parish Council response to report of February 2015 (see Appendix 7).
[REDACTED] (11/09/2017)	Gives account of historical and current usage of Mill Lane.
Rebecca Schofield on behalf of Keith Miller, Historic England (18/09/2017)	Do not wish to offer any comments.
Carol Shoopman, British Horse Society (25/09/2017)	No evidence to support the proposal. However, suggested it would be logical for BR18 to continue north to meet BR20.

8 Analysis of documentary evidence

The majority of relevant documents were analysed in detail in the original Report to the Director for the Environment and the Economy, dated February 2015 (see Appendix 6). Only additional evidence is added here.

Finance Act Plans 1910

8.1 Following the County Council's report of February 2015 there has been further guidance from the Planning Inspectorate relating to Finance Act documentation. In the '*Definitive Map Orders: Consistency Guidelines (April 2016)*', case law is quoted: *In essence he [Lewison J] concluded that the Finance Act records are not definitive; they are "simply one part of the jigsaw puzzle" to be considered along with other relevant material particular to each case.*

- This would give slightly less weight than previously to the exclusion of Mill Lane from the Finance Act Plans, although it is still suggestive of public highway status, when considered along with other evidence.

List of Streets

8.2 The List of Streets is discussed in the County Council's report of February 2015 (Appendix 6). Further detail is provided below regarding the associated grid references.

8.3 The schedule of roads for April 1974 records Mill Lane as an unclassified road (D731) described as a 'paved road 0.41 miles in length (0.66 km) from SY422928 to SY423923'. The current schedule records the route as the D10730 and provides exactly the same length and grid references.

8.4 The map accompanying the list of streets depicts Mill Lane shaded blue and extending from the junction with Duck Street in the north, to a point equating to point E on Drawing 17/21/2. Point E is 0.66 km or 0.41 miles from the junction of Mill Lane with Duck Street, and has a grid reference of SY42339219

- The grid reference SY422928 does not equate to the northern terminus of Mill Lane, even given the inaccuracy of the 6 digit system. The current start of Mill Lane is SY42199276 to 8 figure accuracy. The error might be explained by rounding of the figure, which although not appropriate for grid references, nevertheless sometimes took place in the past.
- The grid reference SY423923 equates with a point no further south than point C on Drawing 17/21/2. Point C has an 8 figure grid reference of SY42339230. However, point C is only 0.52 km or 0.32 miles from the start of Mill Lane.
- There is clearly an error with the grid reference quoted for the start of Mill Lane, and a discrepancy between the quoted grid reference for the end of Mill Lane and the stated length.
- There is agreement between the quoted length of Mill Lane and the extent illustrated on the map accompanying the list of streets. This defines Mill Lane as terminating at point E in the south.

National Parks and Access to the Countryside Act 1949

Parish Survey

8.5 The **Chideock Parish Survey Plan** (no date) does not claim any part of Mill Lane as a right of way, although the map does have pencil markings of a line across Mill Lane at point E on Drawing 17/21/2 and 'FP' written next to the lane south of this point.

- These marks are of unknown origin or date, but presumably post-date the survey.

Draft map

8.6 The **Draft map for the Chideock area 1953** does not show any rights of way over any of Mill Lane, but shows three footpaths abutting Mill Lane to the south of point E on Drawing 17/21/2.

- The purpose of the draft map was public consultation. Anyone could inspect it and raise an objection to what was included in or omitted from the draft map and statement.

8.7 The **Draft Map Objections for Chideock 1954** include two objections relating to Mill Lane, each requesting additions. One, referred to as '*path B*', described as '*Mill Lane from 424926 to Sea Hill Lane 420918. If this lane, or any part of it is not established as a public right of way or Public Highway already.*' The County Planning Officer replied '*It would appear that the following are county roads:- Chideock, Northern portion of path B as far as 424923.*'

8.8 This path was then considered as part of **Case 72** of the **National Parks Sub-Committee**. The objection was recommended to be upheld by the Chairman and the National Parks Sub-Committee recommended '*That part of the path which is not a County Road to be added to the Draft Map*'. A notice to amend the Draft Map was sent by the clerks department on 12 May 1955 and the amendment appeared in the London Gazette on 13 May 1955.

- Once again the grid references quoted do not relate accurately to Mill Lane. SY424926 is north east of the junction between Mill Lane and BW 20. SY424923 is east of point C on Drawing 17/21/2 and north east of point E.
- These documents are strong evidence that a right of way was established along all of that section of Mill Lane that was not county road.

Provisional map

8.9 The **Provisional map of 1963** shows Chideock Footpath 18 extending southwards from a point equating approximately to Point E on Drawing 17/21/2 to Sea Hill Lane at Seatown, following the route of Mill Lane (until the southern most section).

- This map was also published and any owner, lessee or occupier had a further opportunity to object by applying to the Crown Court. There is no record of any objection being made.
- This provides some evidence that the county road of Mill Lane extended southwards from Duck Street to point E on Drawing 17/21/2. However, the Provisional Map was not definitive.

First definitive map

8.10 The **First definitive map of 1966 - 67** replicates the provisional map for this area of Chideock. The accompanying **Statement** describes FP 18 as extending '*from Mill Lane 423921 to Seatown 420918*'.

- This, when considered with the Draft Map Objections, provides strong evidence that Mill Lane, at the time was considered to be a county road to point E on Drawing 17/21/2.

Revised draft map

8.11 The **Revised Draft Map 1974** replicates the First Definitive Map for this area of Chideock.

- Again, this map was subject to full public consultation and no objections were recorded.

Current definitive map

8.12 The current **Definitive map (sealed in 1989)** replicates what is shown on the revised draft map and the first definitive map, for this area of Chideock.

Sales Particulars

8.13 The **Sales Particulars for Part of the Chideock Estate (1953)** includes lots either side of Mill Lane between points A – E on Drawing 17/21/2 and beyond. Mill Lane itself between points A - E is excluded from the sale as judged by its lack of shading and lot number.

8.14 The whole of Sea Hill Lane is also unshaded and excluded from sale.

8.15 South of point E the lane is shaded yellow on the plan and included in lot number 27 '*Mill House and Grassland*'. Lots 40 and 40a are either side of the yellow coloured part of the lane and are described as '*between the concrete road and the River...*' and '*long frontage onto the concrete road*' respectively.

8.16 Lots 41 and 41a are either side of Mill Lane between points A – E on Drawing 17/21/2 and are described as having '*frontage to Mill Lane*' and '*frontage to Sea Hill Lane and Mill Lane*' respectively. Lot 41 also has a short frontage onto the yellow coloured part of the lane.

8.17 In the Special Conditions of Sale lots 40, 40a and 41 (with others) have '*Rights of way reserved over the concrete road*'. Lot 41a does not have this right.

- The exclusion from sale of Mill Lane between points A – E on Drawing 17/21/2 might suggest that, at this time, it was not privately owned, or at least not part of the estate for sale.
- The difference in terminology in referring to the lane south of point E as '*concrete road*' and to the north of point E as '*Mill Lane*' adds further support to this distinction.
- The failure to mention any rights of way over '*Mill Lane*', in the Special Conditions of Sale (even though some lots were granted rights of way over the '*concrete road*') might suggest that none was needed ie that it was a public highway, in all probability a carriageway.

Summary of Documentary Evidence

The documentary evidence analysed here and in the Report to the Director for the Environment and for the Economy 2015 suggests some variation in the termination point of Mill Lane county road. Accordingly it is summarised here:

- 8.18 Evidence suggesting some significance of point A on Drawing 17/21/2
- **Highways inspected road limit**
 - **Traffic Regulation Order (1992)** for 30mph speed limit
- 8.19 Evidence suggesting the public carriageway ends at point B on Drawing 17/21/2
- **List of Streets (1974) grid reference** (this grid reference is imprecise and could refer to a point as far south as point C. It is treated with caution because the accompanying grid reference for the start of Mill Lane is incorrect)
 - **Public Path Creation Order (1996)** (it is likely that this was defined with reference to the grid reference on the List of Streets (above))
 - **Working Copy of Current Definitive Map** (updated due to Public Path Creation Order (above)).
- 8.20 Evidence suggesting the public carriageway ends at point C on Drawing 17/21/2
- **Statement from County Planning Officer of the extent of the county road (1954)**, in relation to Objections to the Draft Map (the grid reference quoted is treated with caution because it is for a point at least 60m east of Mill Lane).
 - **Tithe Map Chideock (1838)**, (the purpose of this map was not to define public carriageways)
 - **Map of 1852 and undated map estimated 18th Century**, (likely to have been copied from tithe map).

8.21 Evidence suggesting the public carriageway extends to point D on Drawing 17/21/2

- The **Statutory Declaration 1934** made by the Weld Estate under the **Rights of Way Act 1932**. Although this did not record public carriageways, the right of way declared, over the southern section of Mill Lane and terminating at approximately point D on Drawing 17/21/2, is suggestive that at this point higher public rights were available, otherwise the route would have been a dead-end path.

8.22 Evidence suggesting the public carriageway extends to at least as far south as point E on Drawing 17/21/2

- **First and Second edition Ordnance Survey Maps (1887-8 and 1903-4)** at a scale of 1:10,560 and 1:2,500 depicting Mill Lane to point E with shading to the eastern side. (this shading is indicative of carriageway status, but not necessarily public carriageway).
- **Plan accompanying the List of Streets (1974)**, (the plan is not a legal document), this has been used to produce the highway maintainable at public expense plan.
- **Length of Mill Lane on the List of Streets (1974)**
- **Provisional Map (1963)** (though not defining carriageways, does depict FP18 terminating at Mill Lane at approximately point E, and when this was added to the map it was to include 'that part of the path which is not County Road').
- **First Definitive Map and Statement (1966-7)**
- **Revised Draft Map (1974)**
- **Current Definitive Map (sealed 1989)**
- **Finance Act Plans (1910)**
- **Sales Particulars for the part of the Chideock Estate (1953)** which distinguish between Mill Lane (north of point E) and the 'concrete road' (south of point E), giving private rights over the concrete road, but not over Mill Lane.

8.23 On balance, the majority of evidence suggests that Mill Lane extends as a public carriageway from Duck Street in the north, to point E in the south. Errors were made in defining this by grid references in 1974, and these erroneous grid references have been the source of confusion in other documents and decisions since.

9 **Analysis of other evidence in support of the proposal**

9.1 No evidence was submitted supporting the proposal.

10 **Analysis of Chideock Parish Council response to the Report to the Director for the Environment and for the Economy (undated but presented at a meeting 24 July 2015)**. The points refer to those on Drawing 15/08, and correspond to those on Drawing 17/21/2. Officers' comments are set out at the bullet points.

History.

- 10.1 The report supplies background history about Mill Lane (Bridleway 18) including the sale of some adjoining land in 1953.
- The authors refer to the private rights detailed along the 'concrete road' but omit that the section of lane north of a point equating to point E on Drawing 17/21/2 was referred to in the sales documents as 'Mill Lane' and no rights were specified along this road (see paragraph 8.38 – 8.39).
- 10.2 The report suggests that the granting of vehicular rights over part of the concrete path only came into being in 1953.
- These private vehicular rights would have been in addition to any public rights that were already in existence, even if these were not recorded at the time.
- 10.3 The report goes on to suggest that no one has produced evidence to suggest that they own 'the concrete path'.
- The sales document from 1953 stated that lot 27 (Mill House) was to be sold with a 'road', and the sales plans and Ordnance Survey reference showed this to be Mill Lane, south of point E. This section was and still is part of the concrete path. This suggests that prior to the sale this was in the private ownership of the Weld family and is registered to West Dorset Leisure Holidays today. However, private ownership does not preclude public rights over the way.

Page 1

- 10.4 The date when the extent of the County Road was first disputed is discussed.
- The date is of no relevance. The pertinent point is that there are conflicting views about the extent of Mill Lane county road and this needs to be resolved.

Page 2

- 10.5 The relevance of the Finance Act plans (1910) are discussed and it is suggested that the evidence shows that Mill Lane ends at point A on Drawing 17/21/2, and that prior to 1910 there was no public road to Seatown Farm.
- The authors appear to have misunderstood the relevance of depiction of both Seahill Lane and Mill Lane on the Finance Act plans. The public status of Seahill Lane is not in dispute, and as Mill Lane and Seahill Lane are depicted similarly, this is suggestive that they have similar status, albeit that the depiction of both is un-orthodox.
 - The Ordnance Survey maps and Tithe maps are both suggestive of a public route to Seahill Farm from the early 1800's (see section 3 of the Report to the Director for the Environment and Economy 2015).

Page 14 Proposed Definitive Map Modification Order for part of Bridleway 18, Mill Lane, Chideock.

10.6 The relevance of the Rights of Way Act 1932 Chideock Estate documents is discussed.

- Since no status is specified in the Statutory Declaration by the Weld Estate dated 1934, none can be assigned using this document alone.

Page 3

10.7 In discussing the Ordnance Survey Maps, the authors state that the lane from point C to point E is not metalled and has never been metalled. They go on to cite Yolande Hodson on the significance of the shading of some roads on Ordnance Survey 1:2,500 scale maps. They also state that no road to Seatown Farm is shown until the 1888 map.

- The Ordnance Survey maps from 1887 indicate that the lane, as far south as Point E on Drawing 17/21/2 was metalled. Metalling may refer to any surface coating from compacted gravel to tarmac. The lane is metalled today to beyond Point E.
- The authors are correct in their statement that it is not possible to conclude that a road is necessarily public, because it is shaded; private carriage roads were also shown shaded.
- The authors are incorrect in stating that no road to Seatown Farm is shown until the 1888 map, this has been dealt with in paragraph 10.5 above.

Page 4 raises no points for consideration.

Page 5

10.8 The report raises the relevance of the information shown in various planning applications.

- No particular weight has been given to this evidence.

10.9 Authors request to see the original map accompanying the list of streets and question why a particular base-map was used. There is also discussion of the accuracy of grid references on the List of Streets.

- The list of streets map is available to view by appointment.
- The base-map used for the 1974 list of streets map was OS 1962.
- The anomalies concerning grid references are discussed in paragraphs 8.2 – 8.4 above.

Page 5 & 6

10.10 The authors do not agree that an error was made in the 1996 Creation Order. They highlight agreement between the grid reference for the southern termination of Mill Lane in the List of Streets, and the northern terminus of the bridleway on the Creation Order.

- The grid references quoted are not in dispute, however, the grid references in the list of streets are known to be problematic (see paragraphs 8.2 – 8.4 above) so it is now appropriate to consider all available evidence.

Response Conclusion

10.11 The report claims that there is no evidence to suggest that the Highways Inspected Layer differs from the Highway Maintainable at Public Expense. It goes on to question whether the 'dual recording of the route' means recording on the list of streets and the definitive map, or recording as a highway maintainable at public expense and as a bridleway.

- This evidence is available on Dorset Explorer
- These two alternatives are one and the same; the list of streets records highway maintainable at public expense, and the definitive map records rights of way, including bridleways.

Additional Information

10.12 The authors highlight that the Traffic Regulation Order (1992) for a 30mph speed limit only extended to point A on Drawing 17/21/2, implying that this was of some significance in defining the extent of the carriageway.

- It is believed that, at this time, a national speed limit sign was displayed at point A, applying to the road south of this point. The sign is believed to have been removed after concerns expressed by the public in 2007 that it may encourage drivers to increase speed, and cause more of a hazard.

Officers' Summary of the points raised in the Response by Chideock Parish Council

10.13 The response by Chideock Parish Council does not raise any new evidence other than that considered in the original Report to the Director for the Environment and for the Economy 2015, or considered here.

11 Analysis of other evidence opposing the proposal

11.1 Chideock Parish Council declined to comment but referred to the Response report (undated) which was presented on 24 July 2015, see above.

11.2 Three submissions opposing the proposal were received, one from residents [REDACTED] one from Kitson & Trotman solicitors on behalf of West Dorset Leisure Holidays, and the other from Kitson & Trotman solicitors on behalf of [REDACTED]

11.3 [REDACTED] express the view that Mill Lane is a safer route to walk from Chideock to the beach at Seatown than Sea Hill Lane. They think that *'removal of the restriction would encourage guests at the campsites to use Mill Lane with their vehicles materially increasing the risk to pedestrians and likely causing traffic chaos.....We would like to see the bridleway classification maintained as this does ...restrict the traffic and make it safer ...for children'*.

- Safety matters cannot be taken into consideration.
- Public access by motor vehicle is not permitted either on a bridleway or a restricted byway, but private rights of access with motor vehicles are preserved.

Evidence from Kitson and Trotman on behalf of West Dorset Leisure Holidays Ltd

- 11.4 Kitson & Trotman solicitors provided background information and history relating to their clients; West Dorset Leisure Holidays Ltd. West Dorset Leisure Holidays is the registered proprietor of freehold land and property which abuts Mill Lane on the eastern side between points A and E on Drawing 17/21/2, and includes Mill Lane and land to both sides, south of point E.
- 11.5 Kitson & Trotman state that owners, employees, visitors and other members of the public have used Mill Lane between points A and E on Drawing 17/21/2 for well over 20 years, as a public highway, and that the use has been with and without vehicles.
- Since the Natural Environment and Rural Communities Act 2006 came into force, public rights for use with vehicles can no longer be acquired by use.
- 11.6 Kitson & Trotman state that to the best of their knowledge, no-one has ever stopped or sought to stop access and that use has been open, free and without consent (over Mill Lane between points A and E on Drawing 17/21/2).
- 11.7 Kitson & Trotman claim that the Highway Authority has maintained the section under investigation and point out that it is '*referred to as designated adopted highway on a highways search plan dated 18 September 2012*'.
- That section of Mill Lane from point A to point E is indeed recorded as highway maintainable at public expense. That section of the route between point B – E is not routinely inspected by Dorset Highways but lack of maintenance has no bearing on status.
- 11.8 Kitson & Trotman refer to pre-registration deeds and documents of title of the Weld Estate which show that the extent of public highway was considered to include Mill Lane from Point A to E on Drawing 17/21/2.
- The conveyance documents supplied from 27 January 1954 and 15 January 1956 make no reference to Mill Lane between points A and E on Drawing 17/21/2. The concrete track south of point E was included in the conveyances.
- 11.9 Kitson & Trotman consider points raised in the Report to the Director for the Environment and for the Economy dated 27 February 2015 with which they are in agreement. They also assert that case law dictates that details of streets under s36(6) of the Highways Act 1980 were relevant but not decisive in determining Definitive Map status.
- The information held within the List of Streets has not been used in isolation.

11.10 Kitson & Trotman conclude that *'the act of making the order did not change or alter the public highway status in relation to the section under investigation'* (dedication of a bridleway between point B and point E on Drawing 17/21/2). They continue *'the Order could not have had legal effect because there were pre-existing higher rights in existence. Section 67 of the Natural Environment and Rural Communities Act 2006 provides that an existing public right of way for mechanically propelled vehicles is only extinguished if it is over a way which, immediately before commencement, was not shown on a definitive map and statement, unless immediately before commencement it was shown on a list required to be kept under the Highways Act 1980, s36(6). As such, we consider that the Bridleway status did not take legal effect over the Section Under Investigation'* (from point B to point E on Drawing 17/21/2).

- Section 67 of the Natural Environment and Rural Communities Act 2005 extinguishes (subject to limited exceptions) all rights of way for mechanically propelled vehicles which are not shown on the definitive map, including rights of way shown as footpaths and bridleways. One of the exceptions is; that the right of way is not shown on the definitive map but is shown on the List of Streets. In this case, the right of way is recorded as a bridleway. Thus, even though the route is shown in the List of Streets and the evidence is (as per paragraph 8.23) that B – E on Drawing 17/21/2 is a public carriageway, the operation of Section 67 is to extinguish the public right of way for mechanically propelled vehicles.

11.11 Kitson & Trotman suggest that the definitive map should be amended to remove Bridleway 18 in so far as it relates to the Section Under Investigation (from point B to point E on Drawing 17/21/2) to correct the administrative error. They state *'Even if the bridleway designation by WDDC could be considered valid, which is not admitted, it is the bridleway designation that should be cancelled rather than the adopted highway status.'* They continue *'It is noted that the extent of Bridleway 20 stops at the adopted highway. We would have thought that the extent of Bridleway 18 should be dealt with similarly without changing the extent of the adopted highway.'*

- The legal process to add to bridleway 18, Chideock to the definitive map, including that part between points B and E, was carried out correctly in 1997, although the reasons for it appear flawed. There is no means of undoing this process if it were carried out in error. The matter can only be corrected with another legal order under the Wildlife and Countryside Act 1981.

11.12 Kitson & Trotman state *'When the Concrete Road was constructed, it was clearly intended to include a right of way for motor vehicles and heavier propelled forms of transport. That was its purpose'*.

- Whilst there is strong evidence that the concrete road was constructed to enable military vehicles to transport shingle from the beach during World War II, there is no evidence to suggest that public rights of way were created at this time. Public vehicular rights may already have been in existence, but the surfacing with concrete neither confirms nor refutes this theory.

11.13 Kitson & Trotman state that [REDACTED] concurs with the response of West Dorset Leisure Holidays Ltd.

11.14 Kitson and Trotman set out which land adjoining Mill Lane and the concrete track has been, and still is, in the ownership of [REDACTED] and his family.

11.15 Kitson and Trotman provide a list of people who are known to have used the route in question, with and without vehicles, over the past 60 years. These are mostly employees, other land owners and trades-people with an interest in accessing local property, however, public use is also asserted.

- Most of the use cited could be use with private rights. Asserted use by the public is not precise enough to be given any weight, but it is consistent with documentary evidence that suggests the route in question was a public carriageway.

11.16 Kitson and Trotman state that [REDACTED] believes this use was consistent with use of a public highway, and that it was open, free and without consent. To the best of [REDACTED]'s knowledge no one has ever been stopped or prevented from free access to the route in question.

- This use is consistent with the route in question being a public carriageway, but without signed statements from each user it cannot be given any weight.

11.17 **Summary of evidence against the proposal:**

11.18 None of the submissions contain any evidence which can be taken into consideration and has not been considered in this report, or in the Report to the Director of the Environment and Economy 2015.

12 **Analysis of other submissions**

12.1 None of the other submissions were accompanied by any evidence which can be taken into consideration.

13 **Conclusions**

13.1 Mill Lane, between points B and E on Drawing 17/21/2 is shown on the **List of Streets Plan** as Highway Maintainable at Public Expense, and it is also shown on the **Definitive Map** as a Bridleway (part of Chideock Bridleway 18). It is necessary for members to decide what status this section of lane has, so that this anomaly can be corrected.

13.2 The County Council must make a modification order if the balance of evidence shows that a highway shown on the definitive map and statement of a particular description either

- a) ought to be shown as a highway of a different description or
- b) that there is a reasonable allegation that it should be shown as a highway of a different description.

- 13.3 The documentary evidence, in particular that provided by the length of Mill Lane given in the **List of Streets (1974)**, the **List of Streets Plan (1974)**, the **First Edition Ordnance Survey Maps (1887-8 and 1903-4)**, **Finance Act Plan (1910)** and supported by the **Provisional Map (1963)**, the **First Definitive Map and Statement (1966-7)**, the **Revised Draft Map (1974)**, the **Current Definitive Map (sealed 1989)** and the **Sales Particulars for part of the Chideock Estate (1953)** is sufficient to demonstrate, on balance, that Mill Lane, as shown between Duck Street in the north and point E on Drawing 17/21/2 in the south, was dedicated as a carriageway under common law.
- 13.4 As the route is currently recorded on the definitive map and statement as a bridleway it is necessary for members to decide whether, on the balance of probability, it ought to be shown as a highway of a different description.
- 13.5 The **1996 Public Path Creation Order** which was used to upgrade the existing Chideock Footpath 18 to a bridleway, was extended to include that section of Mill Lane from point E to point B on Drawing 17/21/2. It is believed that this was done in error, and resulted in that section of Mill Lane between point B – point E becoming dual recorded.
- 13.6 Section 67 of the Natural Environment and Rural Communities Act 2006 states that an existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement was shown on the definitive map and statement only as a footpath, bridleway, or restricted byway, subject to certain exceptions.
- 13.7 As no exception to the provisions contained in Section 67 of the Natural Environment and Rural Communities Act 2006 appears to apply, these public mechanically propelled vehicular rights which were not shown on the definitive map have been extinguished, and an order should be made to record that section of Mill Lane between points B and E as a restricted byway only.
- 13.8 The County Council must make a modification order if the balance of evidence shows that a route shown on the definitive map and statement should be shown as having a different status. For the reasons set out above, officers consider that the evidence supports the proposed modification.
- 13.9 It is therefore recommended that an order be made to record Mill Lane as shown between points B – C – D – E on Drawing 17/21/2 as a restricted byway.
- 13.10 If there are no objections to a modification order, the County Council can itself confirm the order if the criterion for confirmation has been met. An order can be confirmed if, on the balance of probability, it is shown that the route as described does exist. It is considered that the evidence is sufficient to satisfy this test.

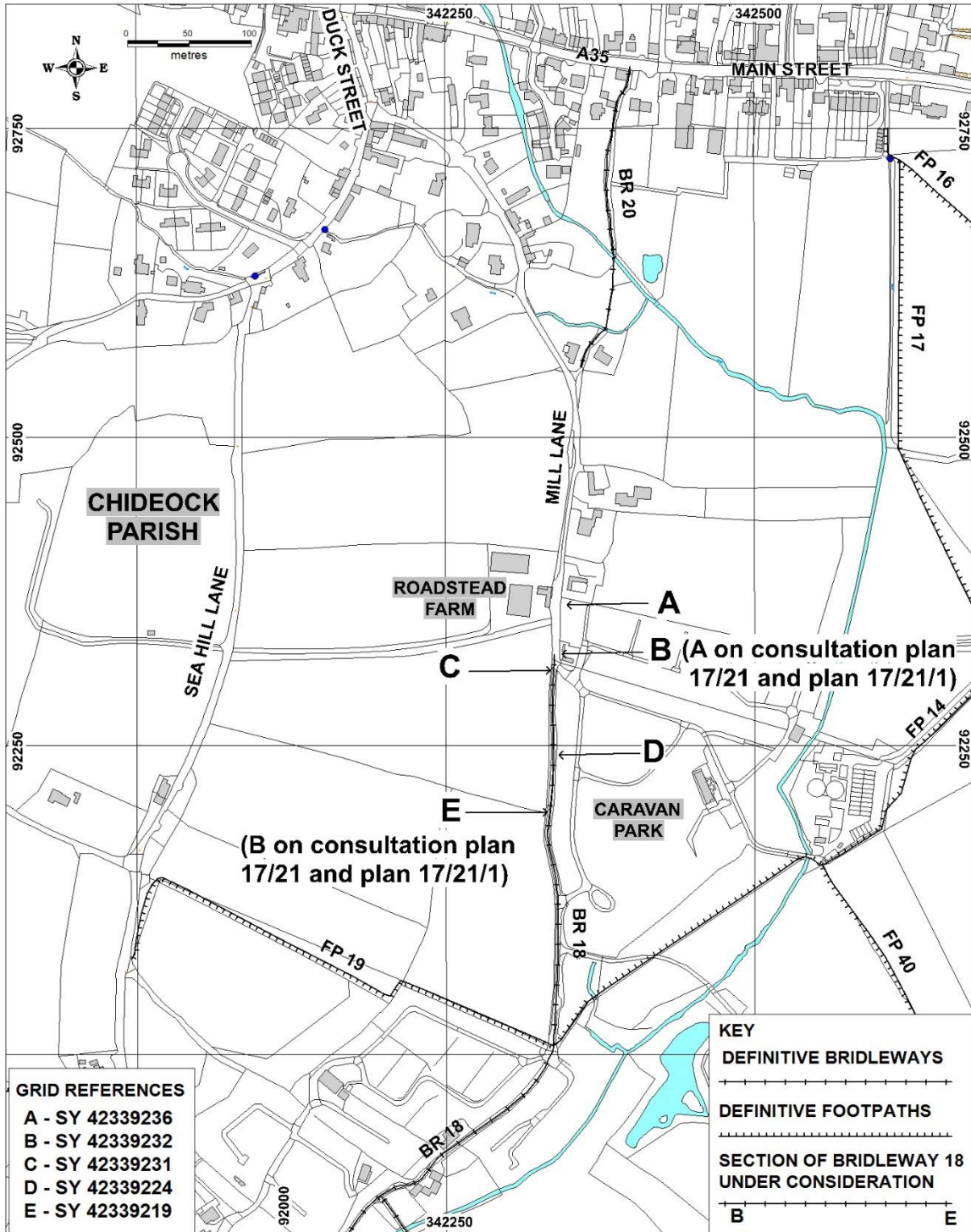
Andrew Martin

Service Director Highways and Emergency Planning

October 2018

Drawing 17/21/2

APPENDIX 1




GRID REFERENCES
 A - SY 42339236
 B - SY 42339232
 C - SY 42339231
 D - SY 42339224
 E - SY 42339219

KEY
 DEFINITIVE BRIDLEWAYS
 DEFINITIVE FOOTPATHS
 SECTION OF BRIDLEWAY 18 UNDER CONSIDERATION

WILDLIFE AND COUNTRYSIDE ACT 1981
PROPOSED DEFINITIVE MAP MODIFICATION ORDER-
BR 18 (PART), CHIDEOCK
MILL LANE

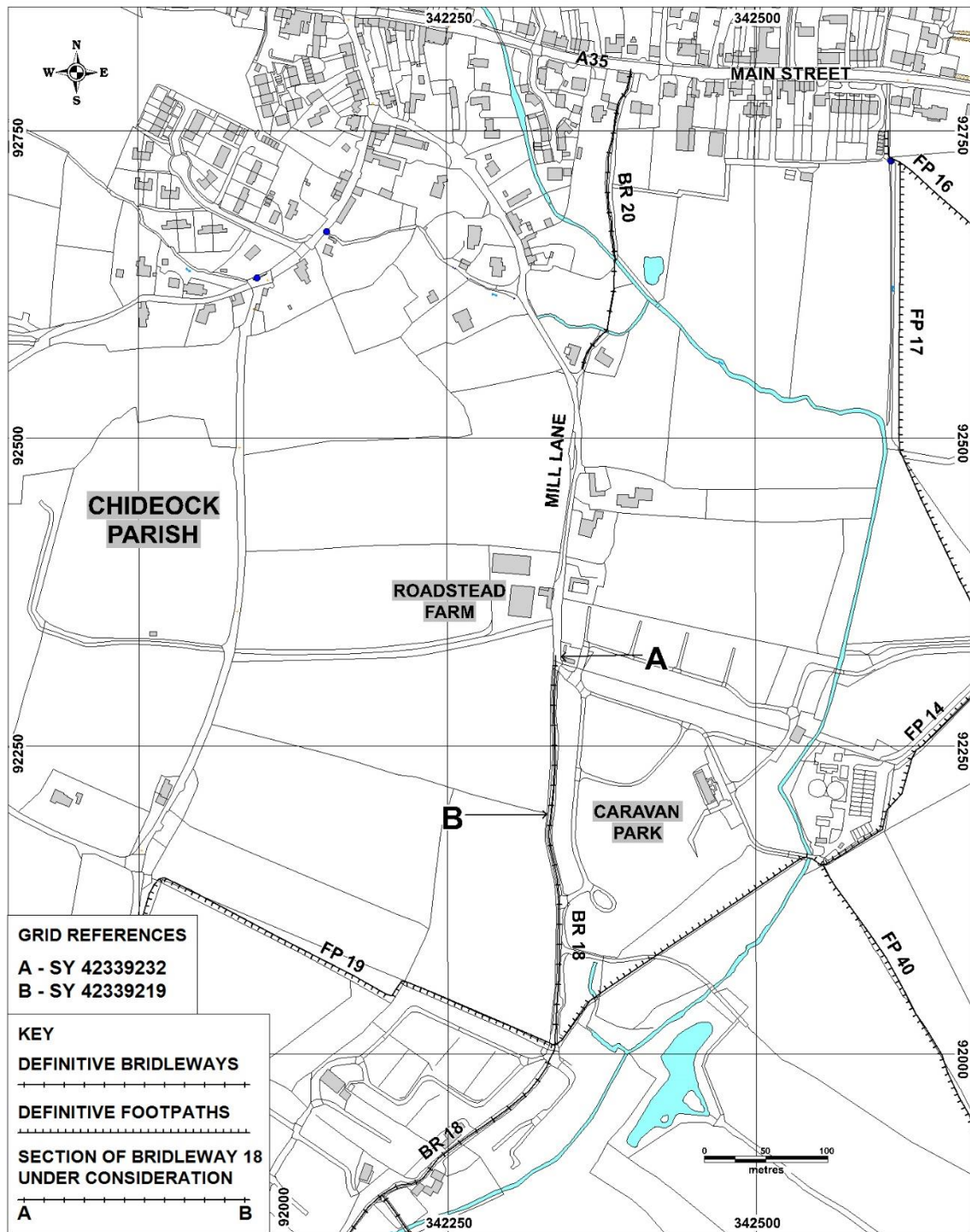
THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 17/21/2
Date: 28/06/2018
Scale 1:4000
Drawn By: AB
Cent X: 342285
Cent Y: 92352

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Drawing 17/21/1 (identical in all relevant respects to consultation plan 17/21)

APPENDIX 2



GRID REFERENCES
 A - SY 42339232
 B - SY 42339219

KEY
 DEFINITIVE BRIDLEWAYS
 DEFINITIVE FOOTPATHS
 SECTION OF BRIDLEWAY 18 UNDER CONSIDERATION
 A B

WILDLIFE AND COUNTRYSIDE ACT 1981
PROPOSED DEFINITIVE MAP MODIFICATION ORDER-
BR 18 (PART), CHIDEOCK
MILL LANE
THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 17/21/1
Date: 31/08/2017
Scale 1:4000
Drawn By: EB
Cent X: 342285
Cent Y: 92352

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APPENDIX 3

LAW

General

1 Wildlife and Countryside Act 1981

- 1.1 Section 53 of the Wildlife and Countryside Act 1981 requires that the County Council keep the definitive map and statement under continuous review and in certain circumstances to modify them. These circumstances include the discovery of evidence which shows that a right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist.
- 1.2 Section 53 of the Act also allows any person to apply to the County Council for an order to modify the definitive map and statement of public rights of way in consequence of the occurrence of certain events. One such event would be the discovery by the authority of evidence which, when considered with all other relevant evidence available to them, shows that a right of way not shown on the definitive map and statement subsists.
- 1.3 The Committee must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.
- 1.4 The County Council must make a modification order to add a right of way to the definitive map and statement if the balance of evidence shows either:
- (a) that a right of way subsists or
 - (b) that it is reasonably alleged to subsist.

The evidence necessary to satisfy (b) is less than that necessary to satisfy (a).

- 1.5 An order can be confirmed if, on the balance of probability, it is shown that the route as described does exist.
- 1.6 Where an objection has been made to an order, the County Council is unable itself to confirm the order but may forward it to the Secretary of State for confirmation. Where there is no objection, the County Council can itself confirm the order, provided that the criterion for confirmation is met.

2 Highways Act 1980

- 2.1 Section 31 of the Highways Act 1980 says that where a way has been used by the public as of right for a full period of 20 years it is deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period is counted back from when the right of the public to use the way is brought into question.
- (a) 'As of right' in this context means without force, without secrecy and without obtaining permission.

- (b) A right to use a way is brought into question when the public's right to use it is challenged in such a way that they are apprised of the challenge and have a reasonable opportunity of meeting it. This may be by locking a gate or putting up a notice denying the existence of a public right of way.
 - (c) An application under Section 53 (5) of the Wildlife and Countryside Act 1981 for a modification order brings the rights of the public into question. The date of bringing into question will be the date the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.
- 2.2 The common law may be relevant if Section 31 of the Highways Act cannot be applied. The common law test is that the public must have used the route 'as of right' for long enough to have alerted the owner, whoever he may be, that they considered it to be a public right of way and the owner did nothing to tell them that it is not. There is no set time period under the common law.
- 2.3 Section 31(3) of the Highways Act 1980 says that where a landowner has erected a notice inconsistent with the dedication of a highway, which is visible to users of the path, and maintained that notice, this is sufficient to show that he intended not to dedicate the route as a public right of way.
- 2.4 Section 32 of the Highways Act 1980 says that the Committee must take into consideration any map, plan or history of the locality. Documents produced by government officials for statutory purposes such as to comply with legislation or for the purpose of taxation, will carry more evidential weight than, for instance, maps produced for tourists.
- 3 Human Rights Act 1998
- 3.1 The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event (section 53) has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations.
- 3.2 A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

Case specific law

4 Finance Act 1910

4.1 The Finance Act 1910 required the Commissioners of Inland Revenue to cause a valuation of “all land in the United Kingdom” and plans were prepared identifying the different areas of valuation. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.

4.2 Public ‘fenced’ roads were generally excluded from the valuation. Where public rights passed through, for example a large field and were unfenced, they would be included in the valuation and a deduction would be made in respect of the public right of way.

5 National Parks and Access to the Countryside Act 1949

5.1 The National Parks and Access to the Countryside Act 1949 required the County Council as “Surveying Authority” to compile the record of the public rights of way network and the District and Parish Councils were consulted to provide the County Council with information for the purposes of the survey.

6 Natural Environment and Rural Communities Act 2006

6.1 Section 67 of the Natural Environment and Rural Communities Act 2006 (NERC) extinguishes (subject to certain exceptions) unrecorded rights of way for mechanically propelled vehicles. DEFRA guidance states that where it is found that a route was historically a public vehicular route before NERC, that route should be recorded as a restricted byway rather than a byway open to all traffic.

Table of documentary evidence

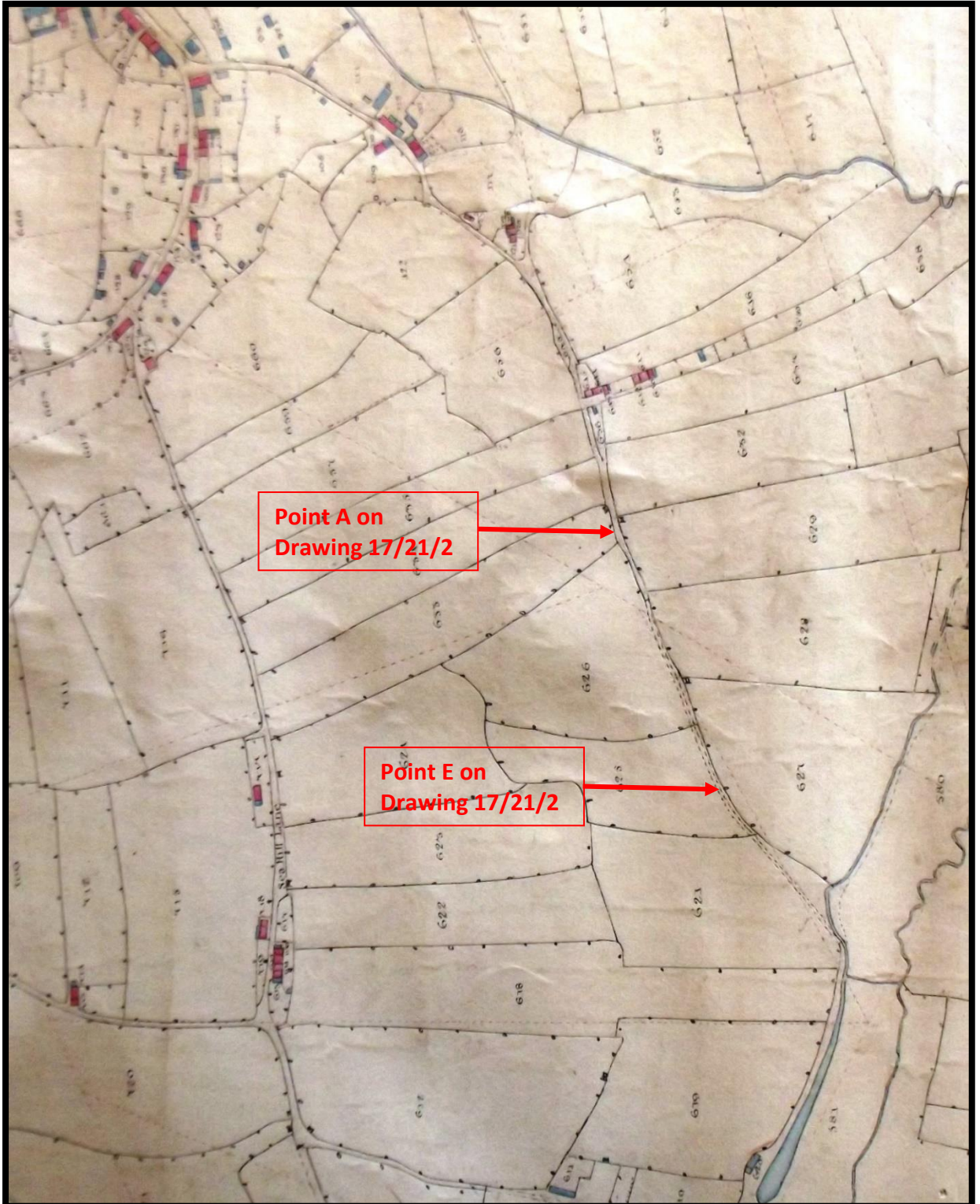
Date	Document	Comment
1806-07	Ordnance Survey Drawings	Depicts the northern section of Mill Lane with parallel solid lines, but the alignment appears slightly different to the current route of the lane.
1811	Ordnance Survey First Edition map scale 1 inch:1 mile	Depicts a similar situation to the drawings of 1806-07.
1838	Map of Chideock	Appears to be a pre-cursor to the Tithe Map 1843
1843	Tithe Map	Depicts Mill Lane as far south as point C, shaded brown, not apportioned. No path or way beyond this.
1852	Map of Chideock	Shows changes in field boundaries since 1813 and 1838. Depicts Mill Lane as in the Tithe Map, but now extending from point C to beyond point E (solid and pecked line)
19 th C	Map of Chideock	Similar to the Tithe Map.
1887	Ordnance Survey First Edition map scale 6 inches:1 mile	Depicts Mill Lane in its current location, with parallel solid lines as far south as point E, then solid and pecked and finally parallel pecked lines to Seatown. As far south as point E the road is heavily shaded on the eastern side.
1888	Ordnance Survey First Edition map scale 25 inches:1 mile	Depicts Mill Lane in a similar way to the First Edition 6inches:1mile map.
1896	NOTE: By 1896 roads on Ordnance Survey maps were to be classified as first or second class according to whether they were Main or District roads, other roads were to be classed as second class if they were metalled and kept in good repair. Both first and second class roads are shown on published maps in the same way, by shading on one side. Third class metalled and unmetalled roads are shown without shading.	
1910	Finance Act plans	Depicts Mill Lane as clearly excluded from valuation for part of its length, and part depicted in an un-orthodox fashion. Sea Hill Lane (public carriageway) is depicted similarly.
1910	Finance Act Field books	Hereditaments bounding the lane from which it is not clearly excluded have a deduction for rights of way or user, but these cannot be attributed to any particular routes.
1912	NOTE: The system of classification adopted on Ordnance Survey maps in 1896 was abolished in November 1912.	

Date	Document	Comment
1929	Ordnance Survey County Series map scale 25 inches:1 mile	Similar to earlier maps of same scale but without shading on eastern side of roads.
1930	Planning Application	Application for new drainage system for house in Mill Lane, Chideock, with plan
1934	Planning Application	Application for conversion in Mill Lane, Chideock, with plan
1934	Statutory Declaration under Rights of Way Act 1932	Landowner has marked acknowledged rights of way in green. This includes Mill Lane from Seatown north, through point E to point D where it ends.
1946	Ordnance Survey 1 inch to 1 mile New popular edition sheet 178	Shows Mill Lane as a through route
1949	National Parks and Access to the Countryside Act 1949 NOTE: Parish Councils received advice on the recording of public rights of way in a booklet provided to them by the Open Spaces Society. The booklet included information on the different classes of rights of way which included the designations of CRB (Carriage or Cart Road Bridleway) and CRF (Carriage or Cart Road Footpath). Parish Councils were advised that a public right of way used mainly by the public on foot but also with vehicles should be recorded as a CRF and a route mainly used by the public on foot or horseback but also with vehicles should be recorded as a CRB.	
No date	Chideock Parish Survey	Does not claim any part of Mill Lane between points A – E as a right of way
1951	Planning Application to Bridport Rural District Council	Application for caravan licence for Mill Lane, Chideock
1953	Sales Particulars for part of Chideock Estate	Mill Lane south of point E is included in the sale, as are plots either side of Mill Lane, access is described.
1953	Draft map for the Chideock area of Dorset	Does not show any rights of way between points A – E but does show footpaths abutting Mill Lane south of E
1954	Draft Map Objections for Chideock	Two objections each requesting additions relating to part of Mill Lane, one was upheld.
1959	Ordnance Survey map scale 1: 25,000	No new information
1963	Provisional map of rights of way	Shows Chideock FP 18 extending south from point E, following route of Mill Lane, to Seatown
1966-7	First definitive map and Statement	The map replicates the Provisional Map, and the statement describes FP18 as extending from Mill Lane to Seatown

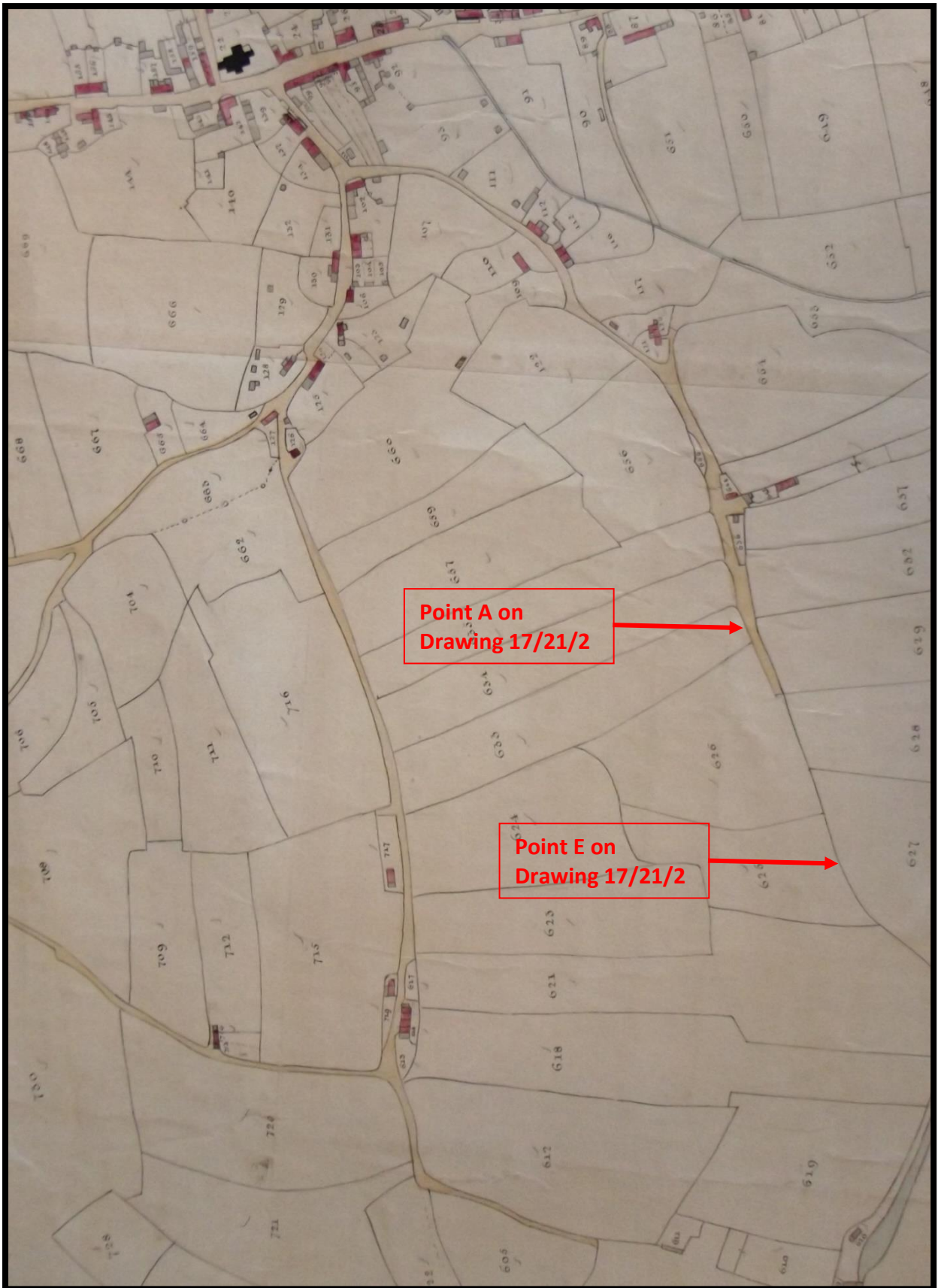
Date	Document	Comment
1968	Ordnance Survey 6" to 1 mile scale map	Shows route fully enclosed, all the way through to Seatown.
1974	List of Streets and plan	Plan shows Mill Lane shaded blue as far south as point E, grid references in the list do not match the plan, or the stated length (0.41 miles).
1974	Revised draft map	Replicates the first definitive map and no relevant objections were recorded
1989	Current definitive map	Replicates the revised draft and first definitive maps for this area
199	Ordnance Survey Plan 1:2500	
1996	Public Path Creation Order West Dorset District Council	Order for a bridleway over part of Mill Lane confirmed Jan 1997

Extracts from key documents
(See the Director for Environment's file RW/T539
for copies of other documents mentioned)

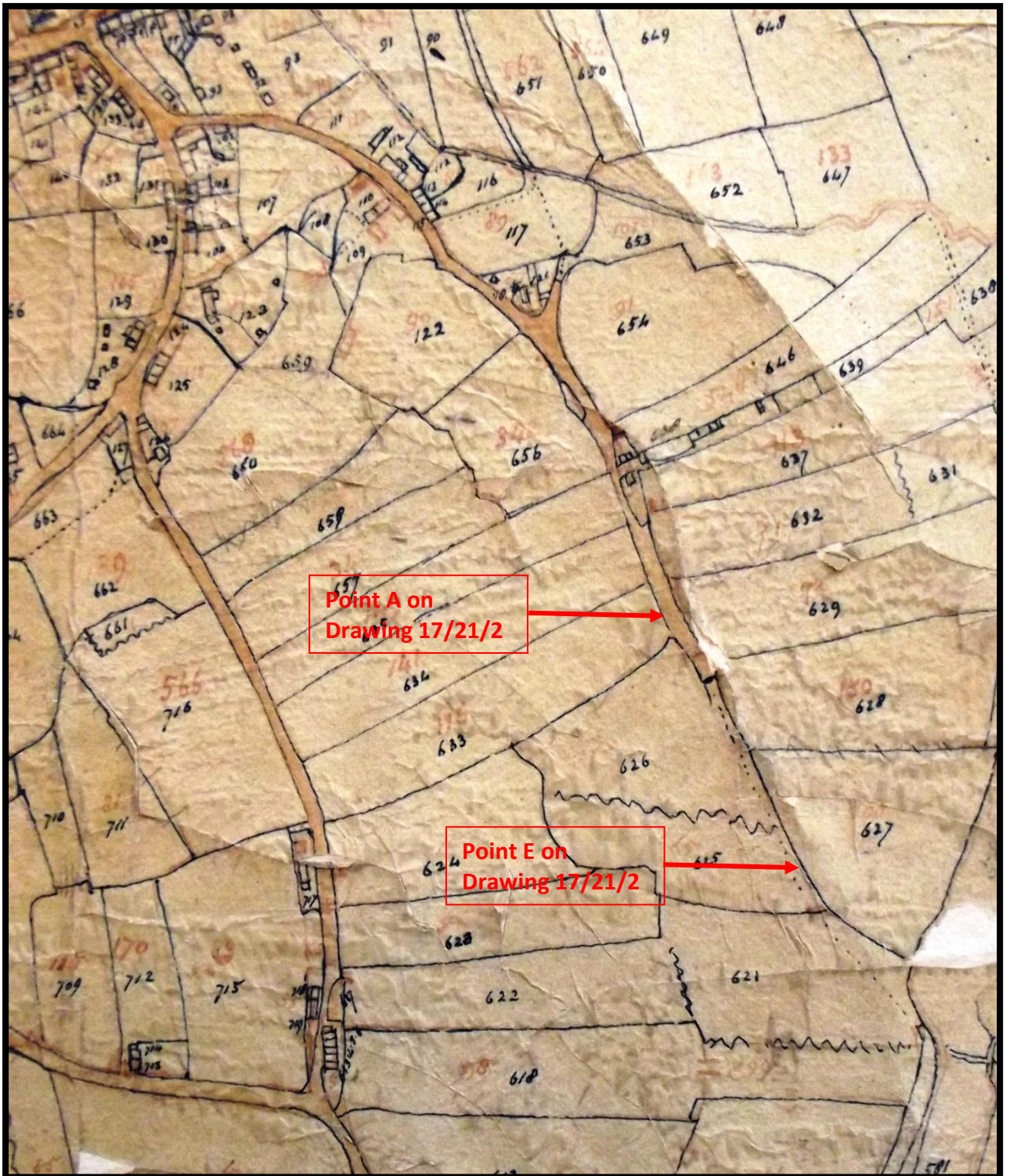
Map of Chideock 1838



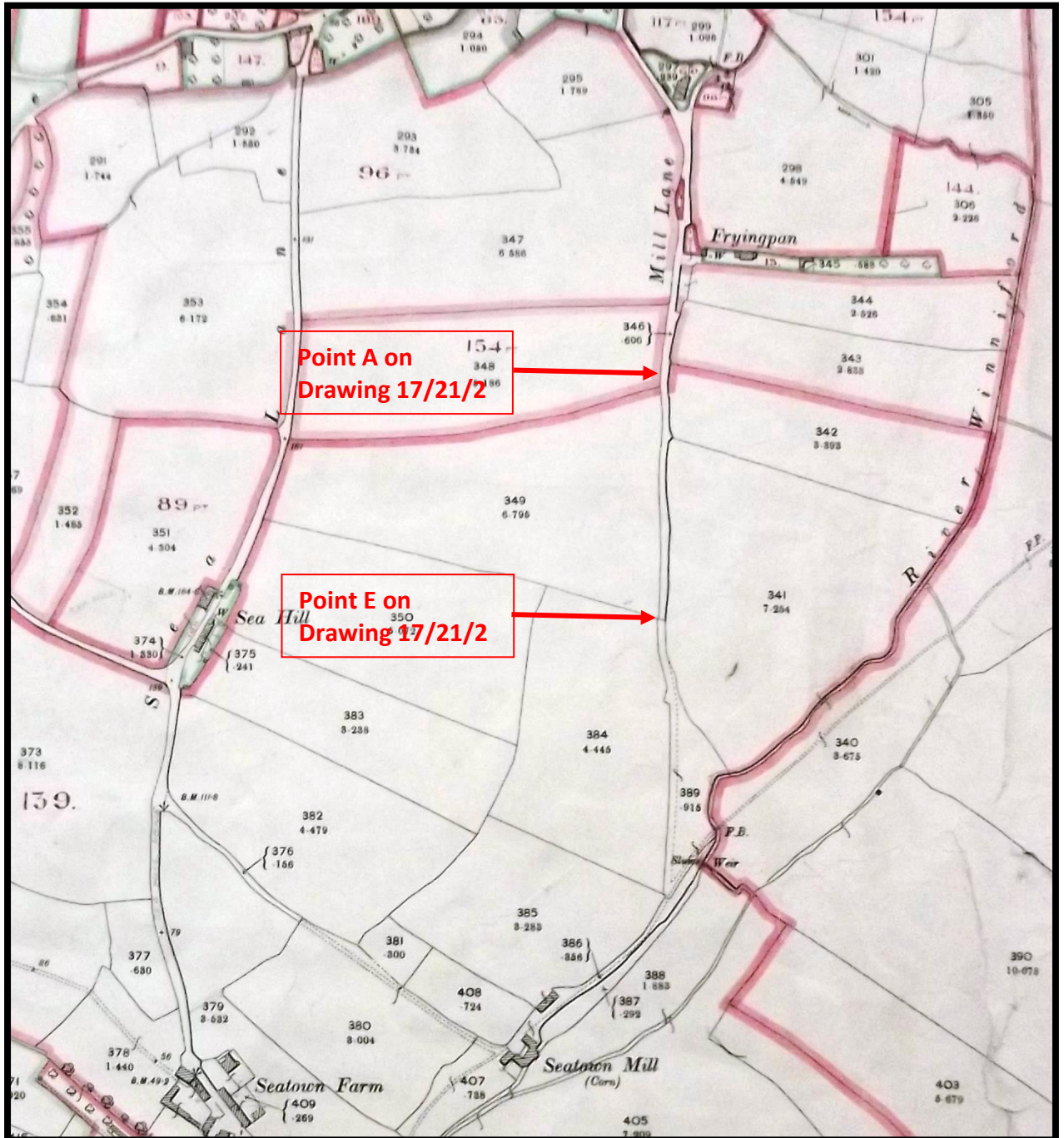
Chideock Tithe Apportionment Plan 1843



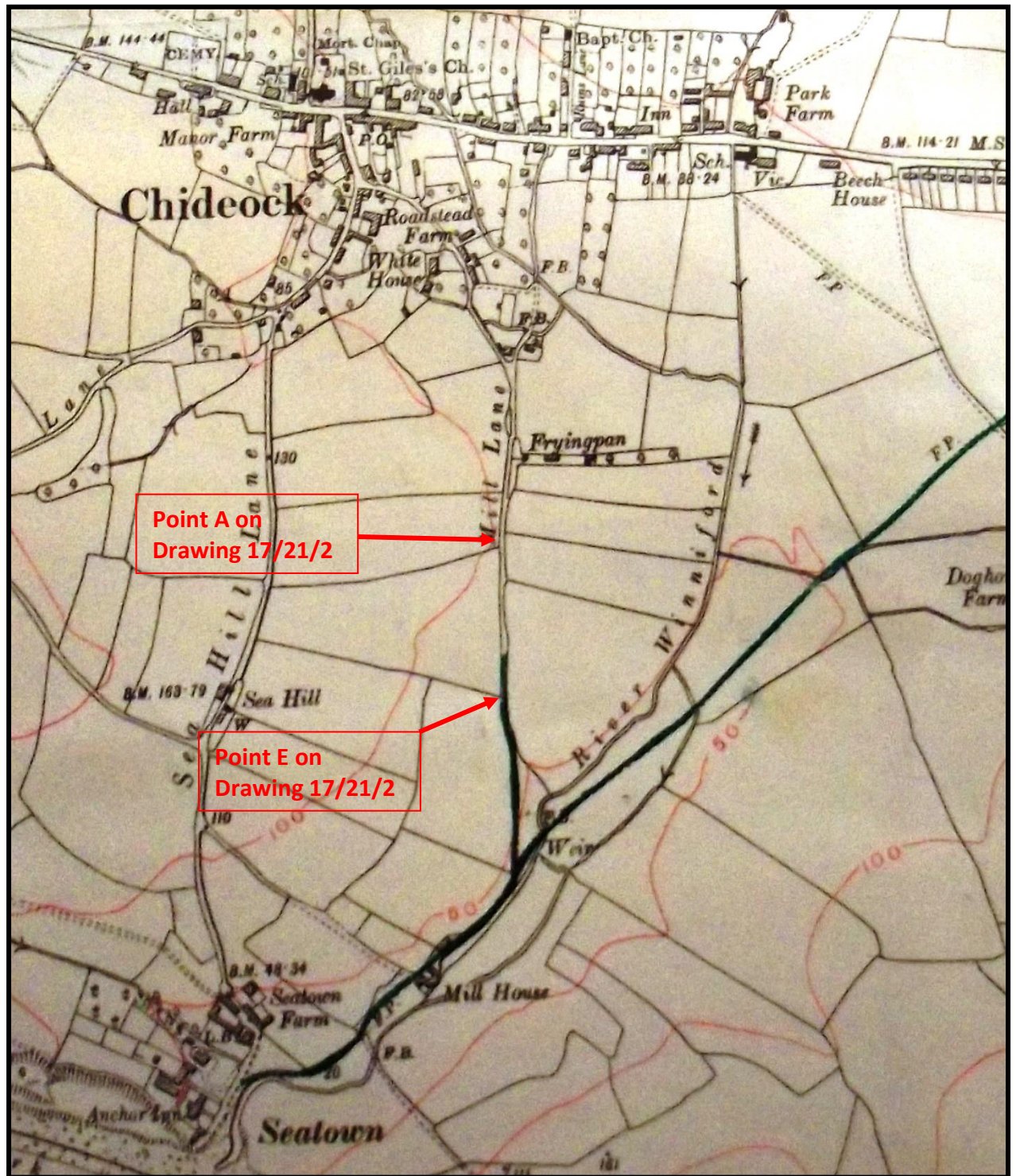
Map of Chideock 1852



Finance Act Plan 1910



Rights of Way Act 1932 (The Chideock Estate)



Rights of Way Act 1932

I HUMPHREY JOSEPH GILES WELD being the owner of the whole of the land edged in pink on the attached plan, with the exception of certain small properties which are not material for this purpose, hereby admit that the ways shewn in green ink on this plan are the only ways dedicated to the public as highways.

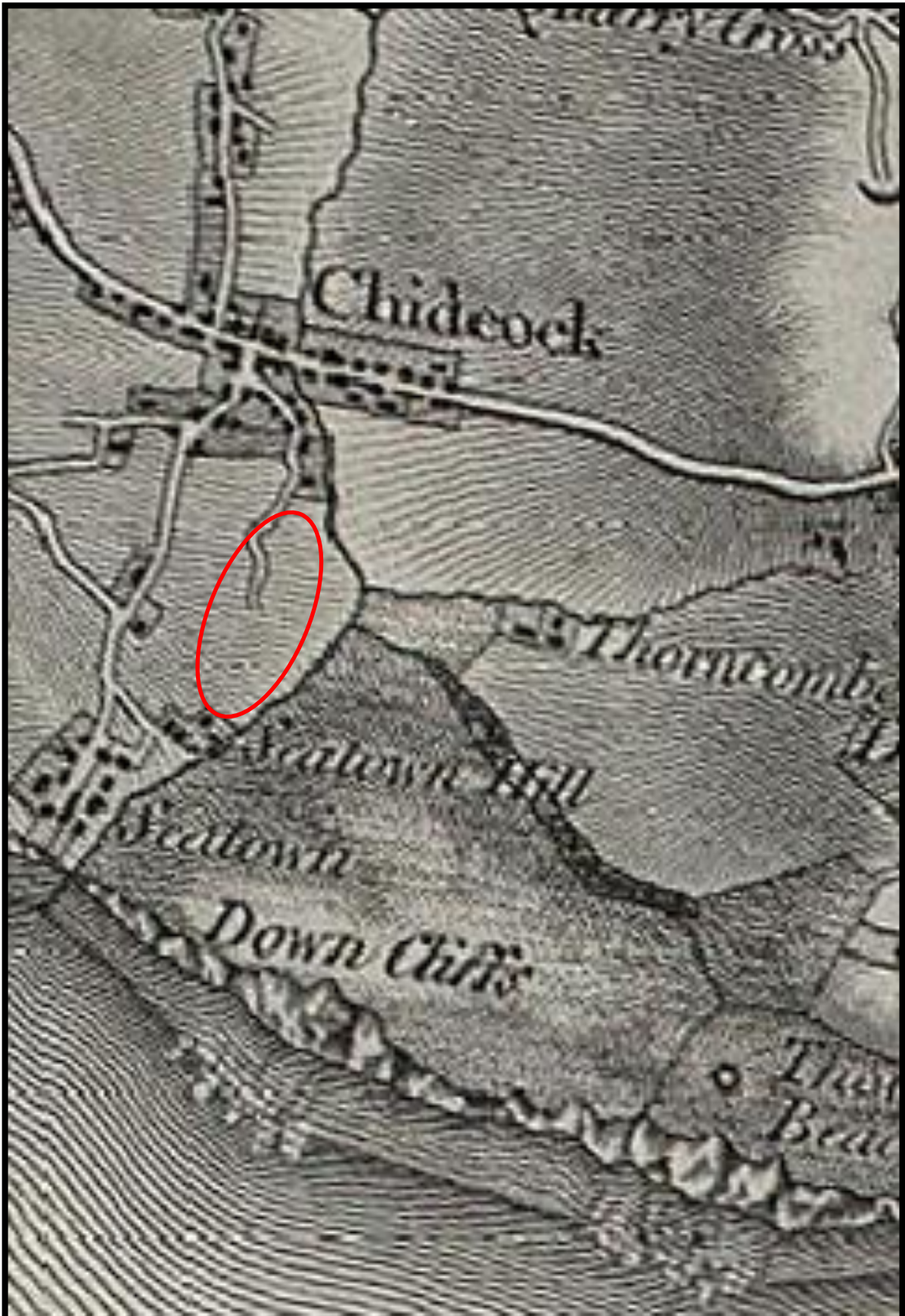
DATED this 19th day of July One thousand nine hundred and thirty four.

H. J. Weld

Ordnance Survey Drawing 1806-07



Ordnance Survey One Inch First Series 1811

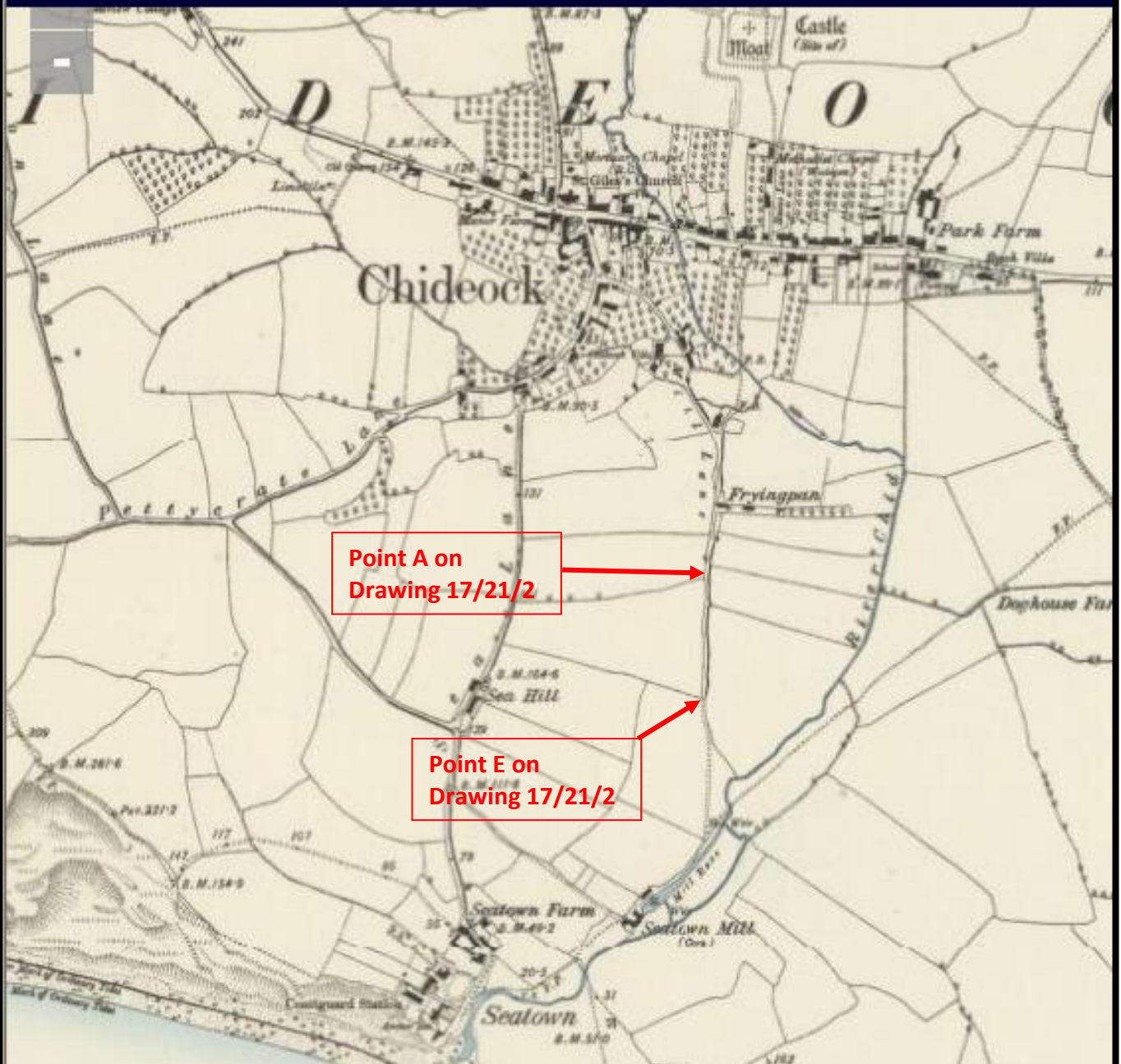


Ordnance Survey 6 inch 1887

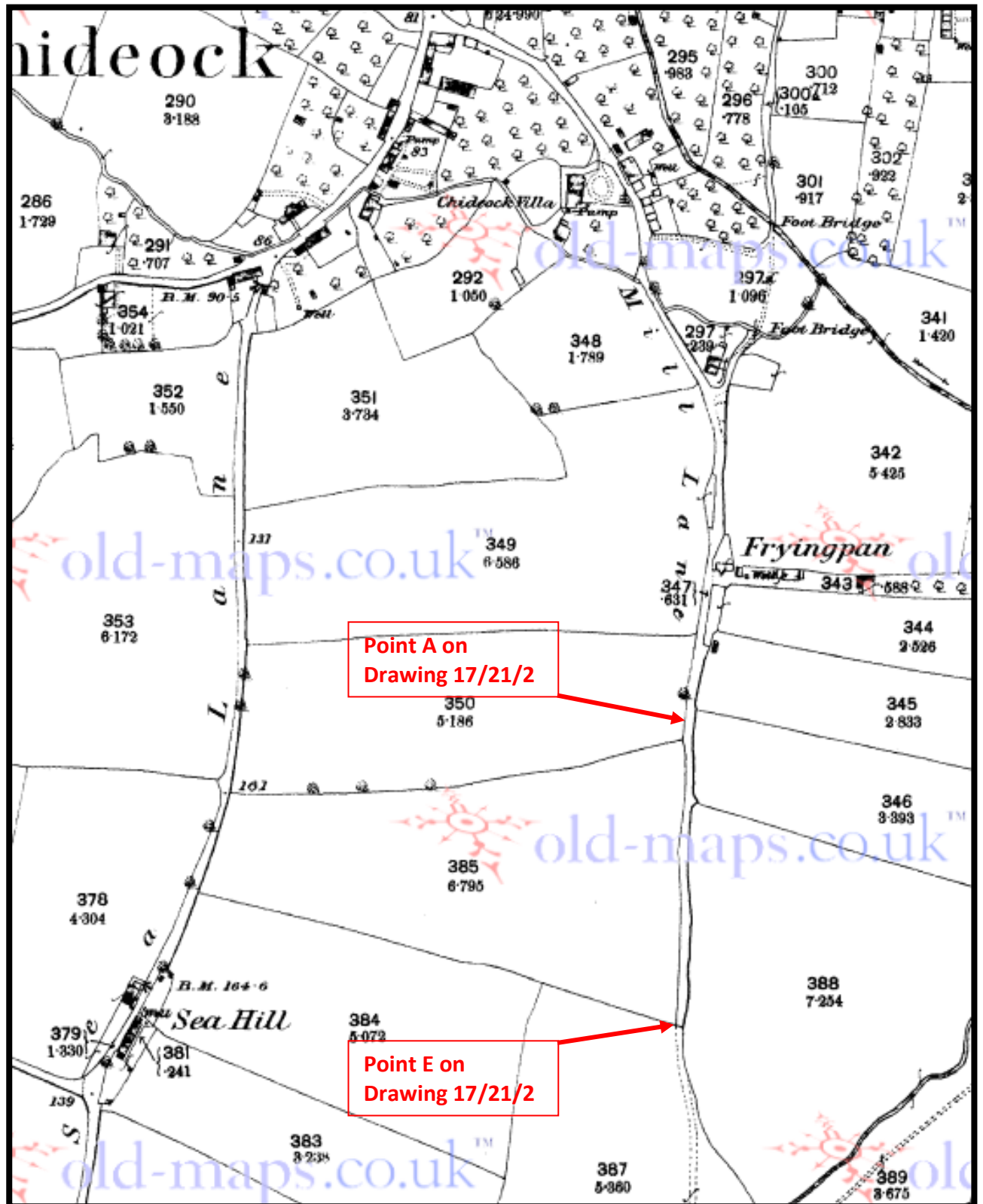


Dorset XXXVII.SE (includes: Chideock; Stanton St Gabri
Surveyed: 1887
Published: 1888

Maps home > OS Six-inch England and Wales, 1842-1952



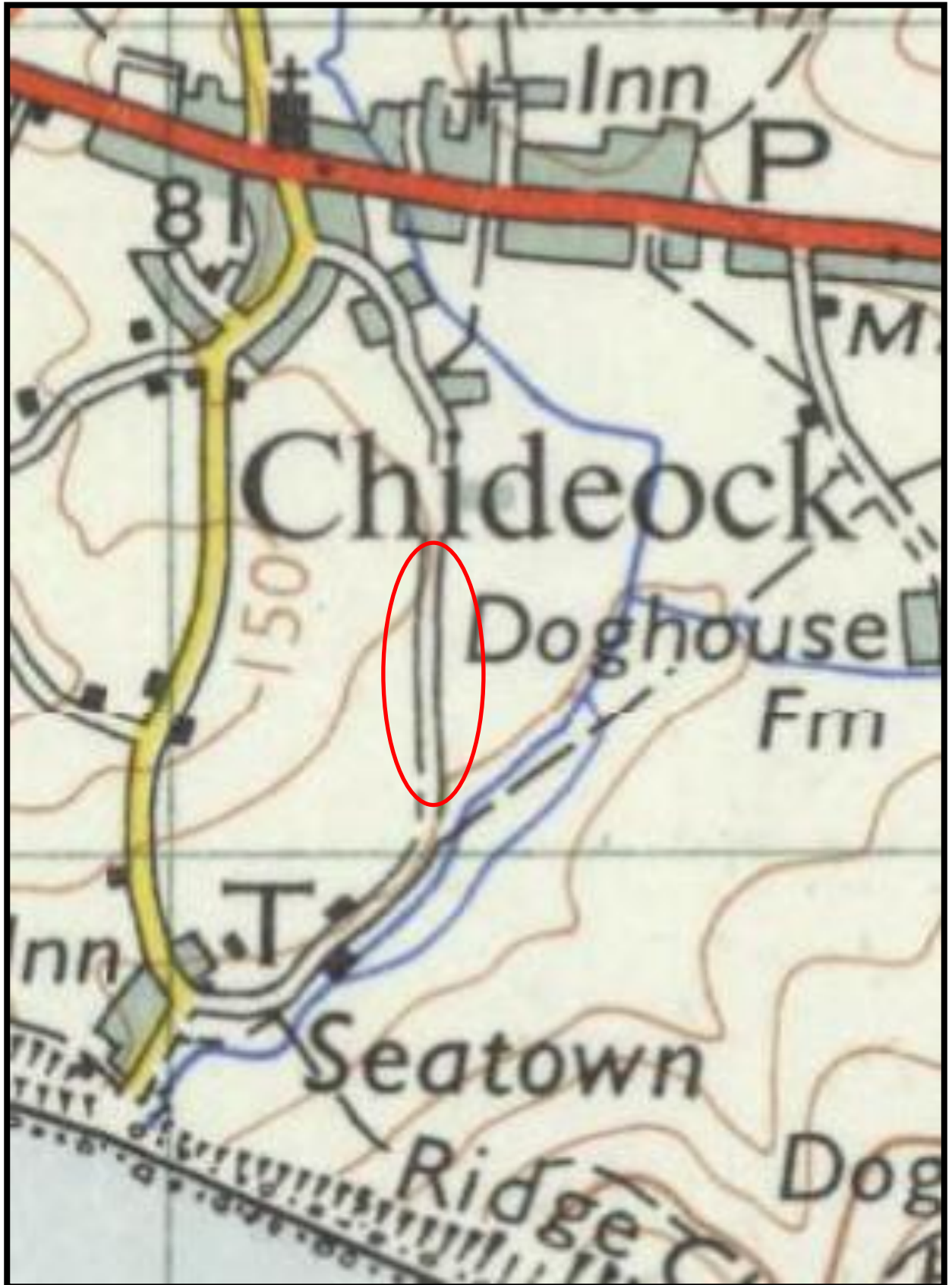
Ordnance Survey 25 Inch 1888



Ordnance Survey Revised One Inch 1898



Ordnance Survey Sheet 177 - Taunton and Lyme Regis - 1960



Caravan Site Planning Application 1951

093208 → 9

BRIDPORT R. D. C.
SURVEYOR'S DEPARTMENT,
10, SOUTH STREET,
BRIDPORT, DORSET.

7th March, 1951

To: C. A. Colkett, Esq.,
The Mill House,
Seatown,
Chideock.

Dear Sir or Madam,

Plan No: 1951 / 36

In pursuance of Section 64 of the Public Health Act, 1936, I hereby give you notice that the plans which were deposited by you on the 20th February, 19 51 for proposed renewal of Camping Licence in respect of 12 caravans at O.S. 533, Mill Lane, Seatown belonging to yourself have been approved by the Council, as a camping site for twelve caravans structures subject to caravans being on site 1st April to 30th September only

(and) for a Temporary Period terminating on the 31st December 1951 for which Camping/~~Temporary Building~~ Licence No: 9/1951 ~~is attached~~/will be forwarded under separate cover.

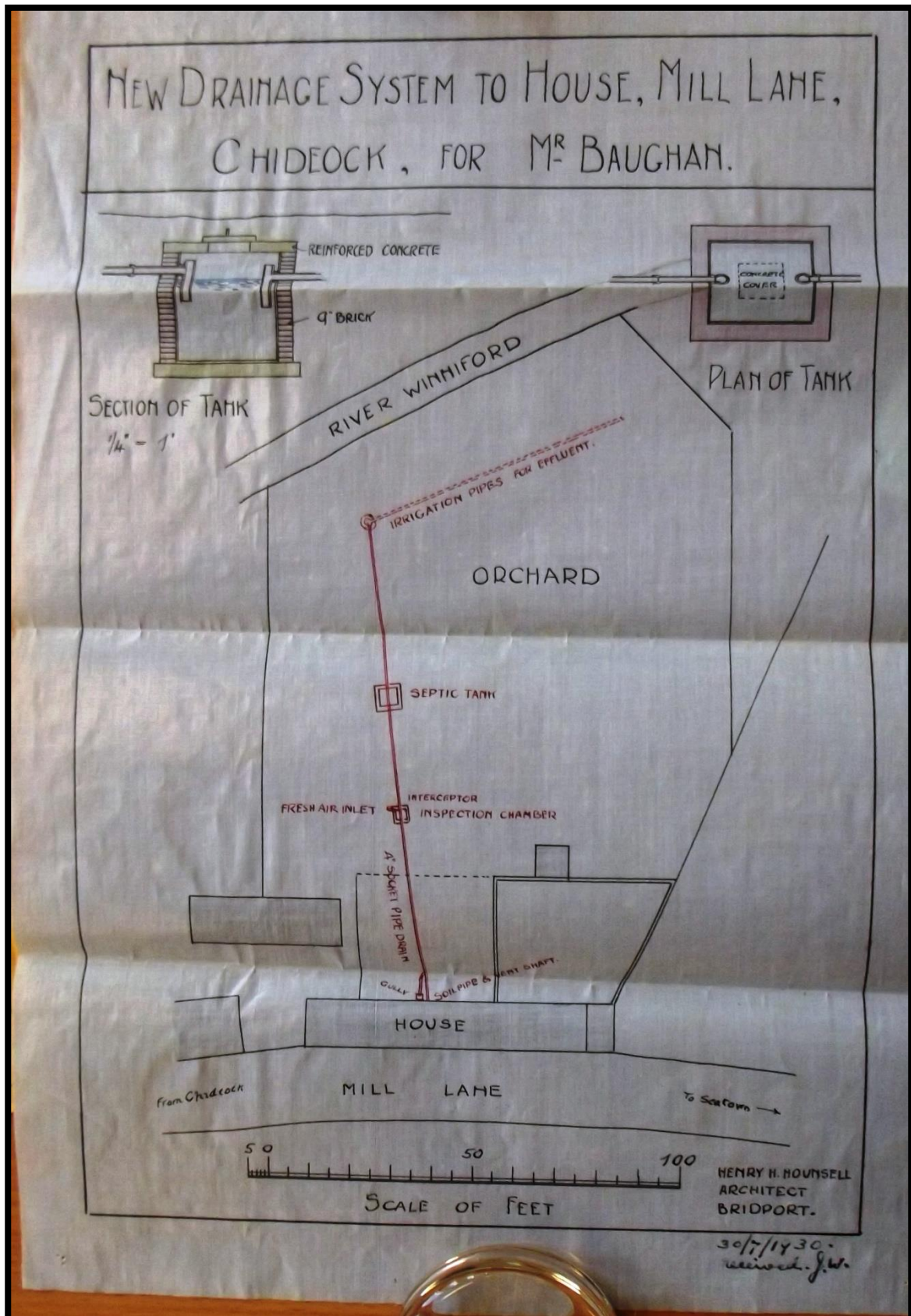
This passing of the plan operates as an approval thereof only for the purposes of the requirements of the building byelaws and those sections of the Public Health Act, 1936, which expressly require or authorise the Council in certain cases to reject plans.

As the work represents development as defined by the Town and Country Planning Act, 1947, NO operations may be carried out until permission for development has been obtained, and the amount of Development Charge, if any, has been determined by the Central Land Board and paid by you or otherwise secured.

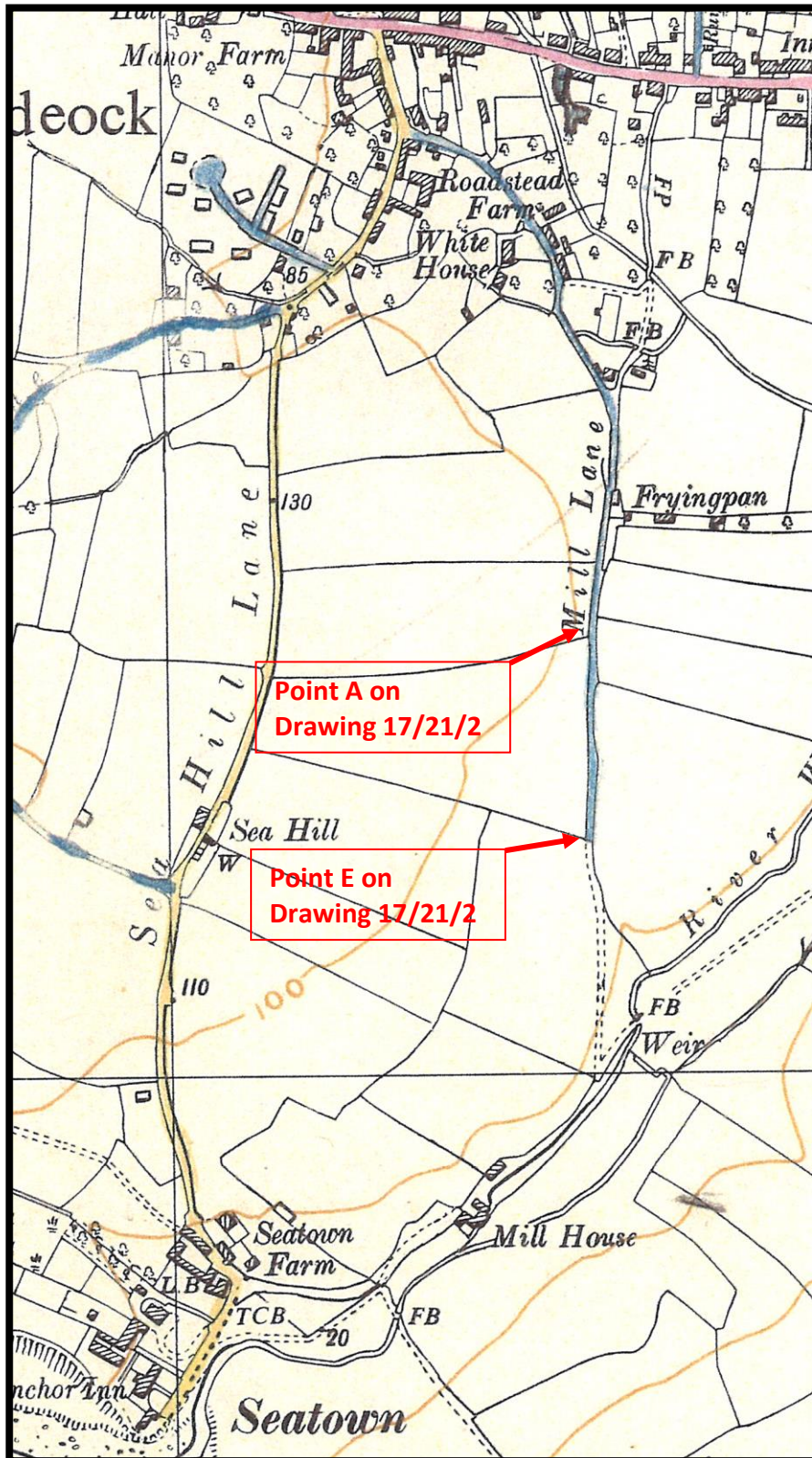
The notices required to be given under the Building Byelaws hereto attached must be sent to me at the above address as the work proceeds. No inspections will be carried out unless written notification is given and until approval under the Town and Country Planning Act, 1947 has been given.

Yours faithfully,

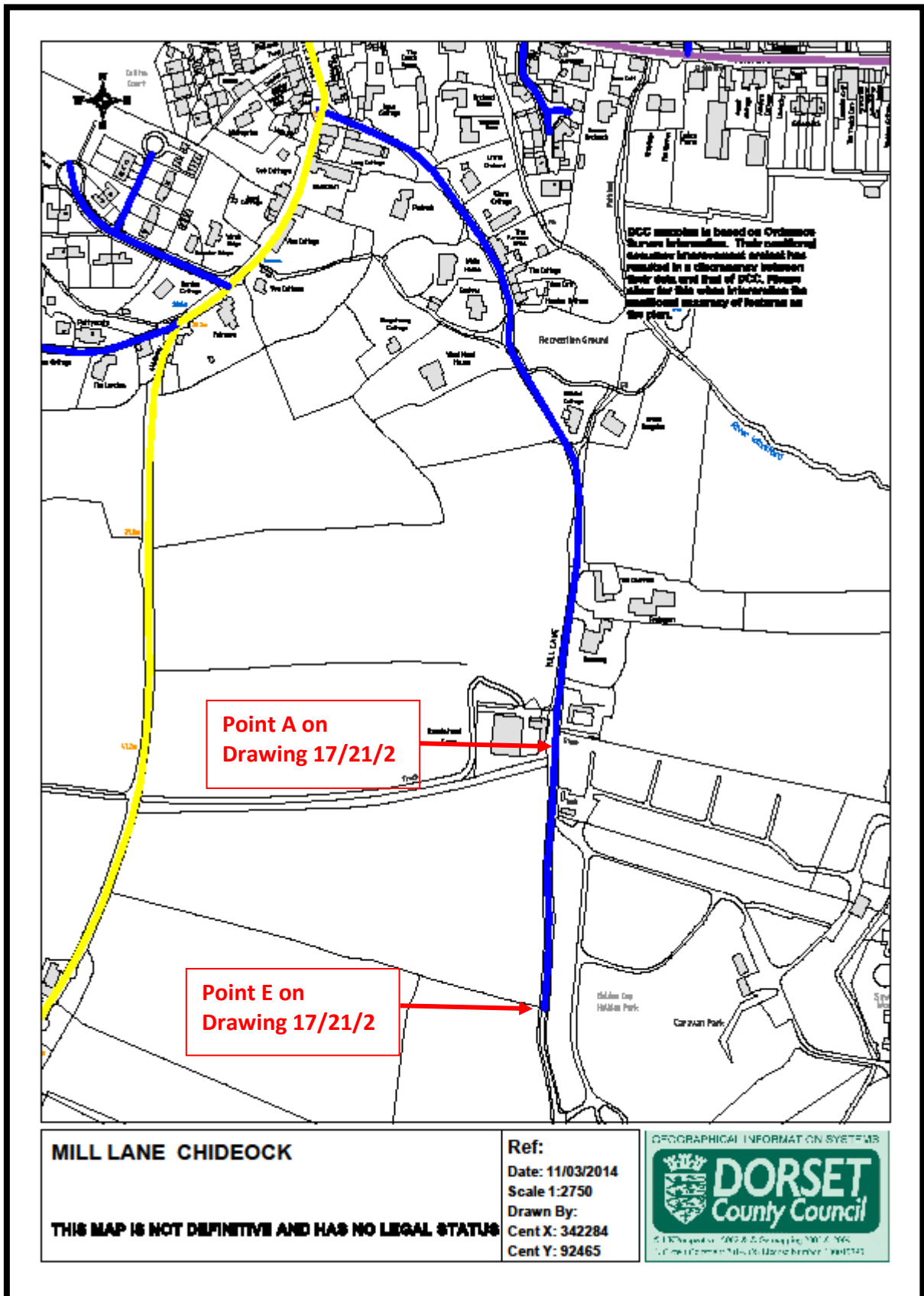
Planning Application, Mill Lane, Chideock 1930



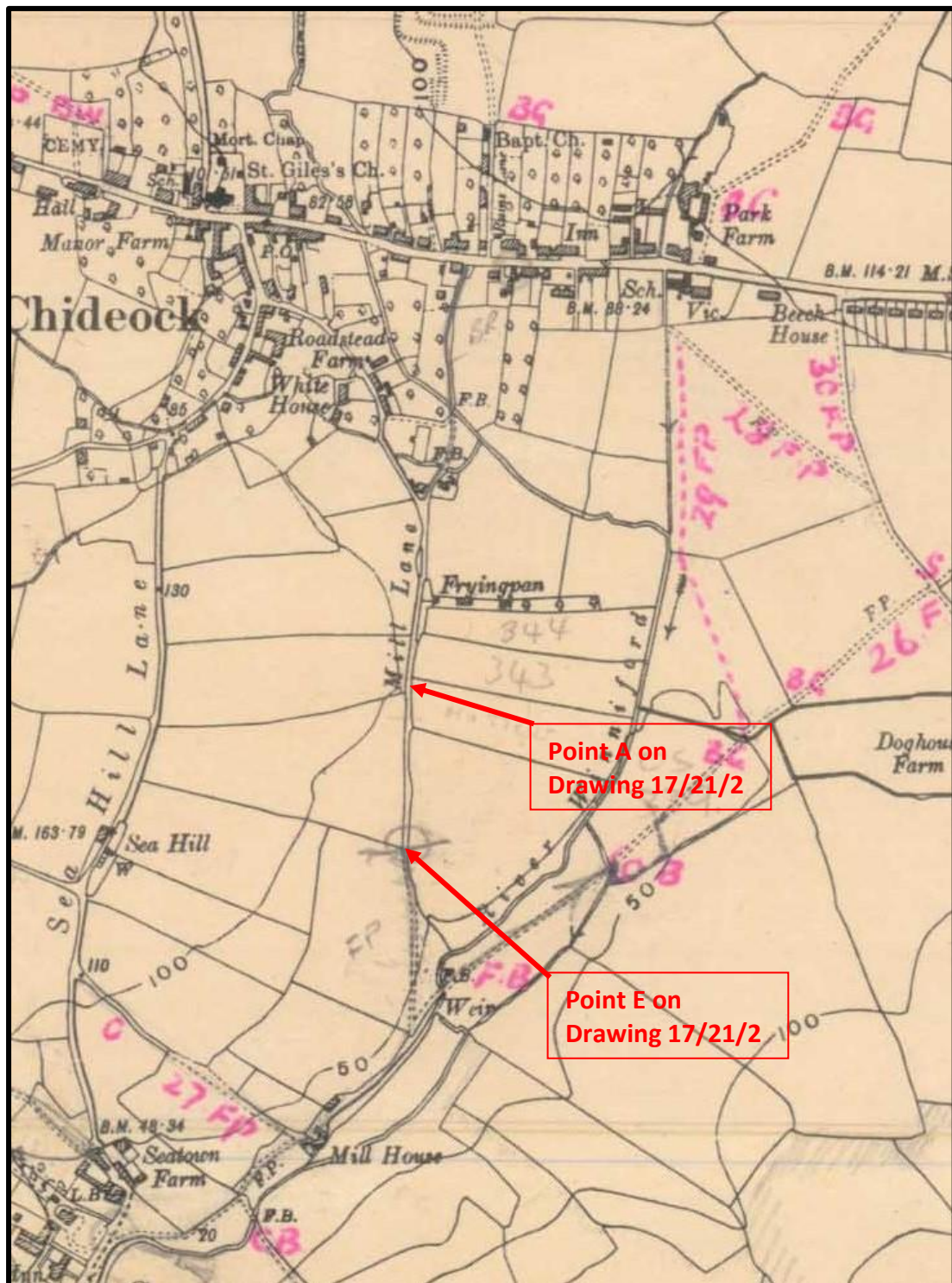
List of Streets Plan 1974



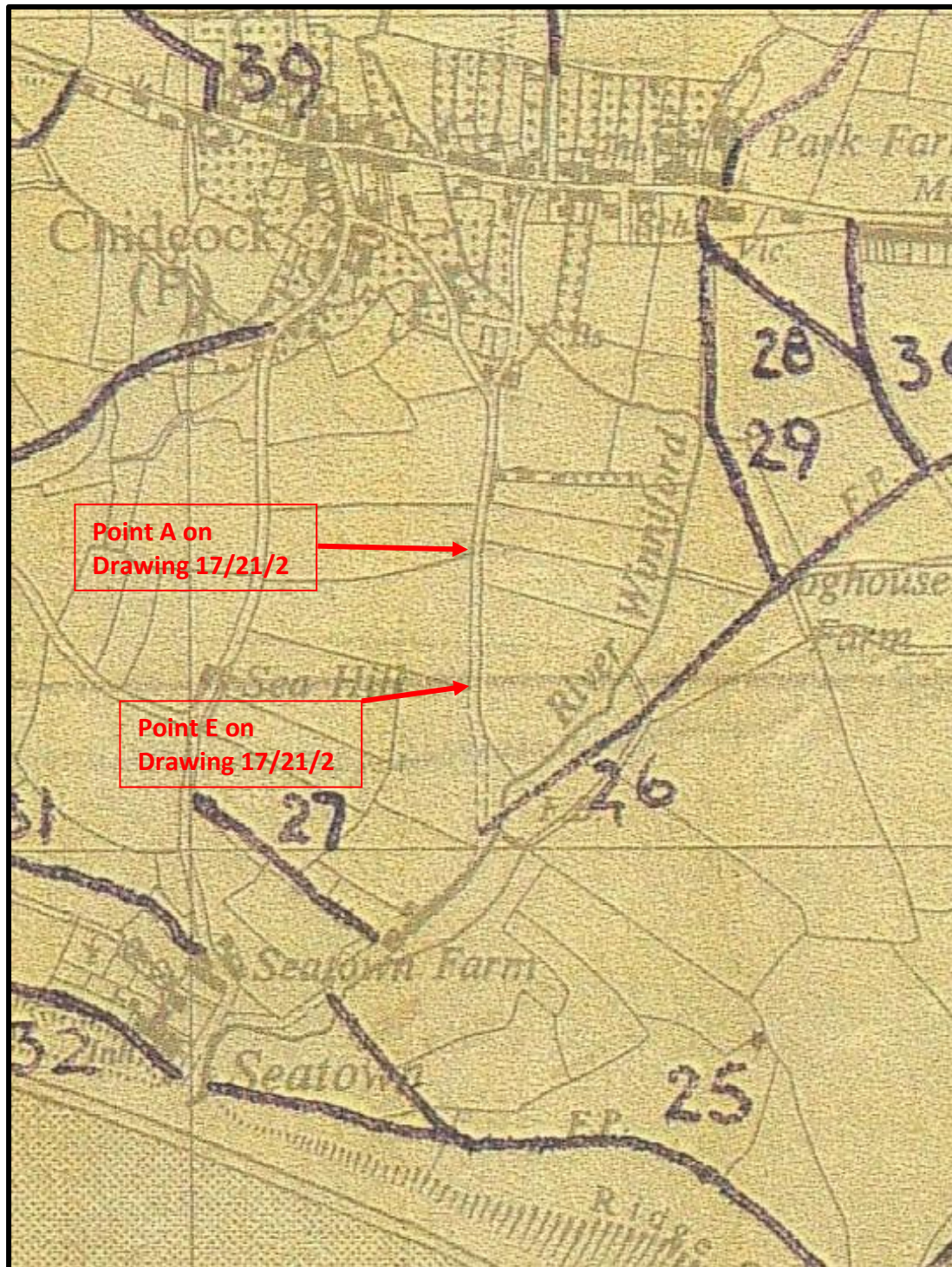
List of Streets Plan 2014



Parish Survey, Chideock (no date)



Draft Map, Chideock area (1953)



Draft Map Objections (1954)

CHIDEOCK

A. From the Road A.35 (424928) to MILL LANE (424926) An asphalt path from A.35 over the River and stream by footbridges to Mill Lane.

B. MILL LANE from 424926 to Sea Hill Lane (420918) If this Lane or any part of it is not established as a public right of way or Public Highway already.

②
Park
County Road.

1/EP/2/DWR 3rd. June, 1954.

J. A. King, Esq.,
Asst. Footpaths Secretary,
The Ramblers Association (Southern Area),
48, Park Road,
London, N.W. 1.

Dear Sir,

National Parks and Access to the Countryside Act, 1949.
Draft Map of Public Rights of Way - West Area.

Your letter of 29th. May, addressed to the Clerk of the County Council, has been passed to me for attention. I have checked the paths listed in your objection as accurately as possible. It would appear that the following are county roads:-

Chideock. Northern portion of Path B. as far as 424923.
Symondsbury. Paths A and C (presumably the same) from Quarry Cross to 427950.
Path D from Quarry Cross to Path 89 and to junction with Path 87.
Punciknowle. Path A.
Chilcombe. Path C.
Shipton Gorge. Path A from 488909 to junction with B.R. 27 at 489916.

With regard to Path A in Chilcombe Parish, it would appear from the Draft Map that this path is B.R. 16 in Shipton Gorge Parish continuing as B.R. 3 in Chilcombe Parish.

Yours faithfully,

L. Abbott
County Planning Officer.

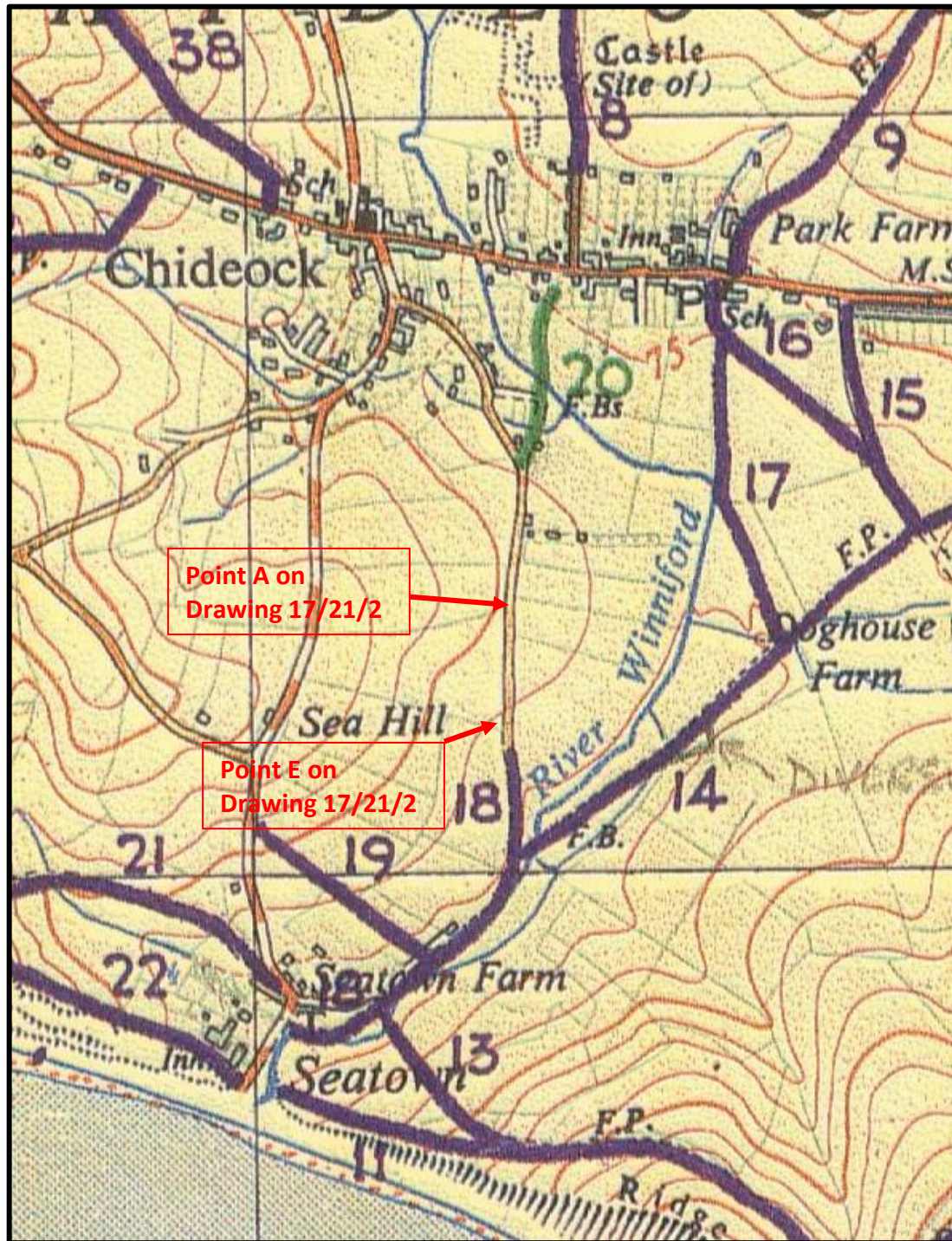
Response to Draft Map Objections - Case 72 (1954)

71	Miss H. Gurnell						
72	The Ramblers' Association.	A B	Road A.35 Mill Lane	Mill Lane Sea Hill Lane.	This path to be added. This path to be added.	Objection upheld. Objection upheld.	That this B.R. be added to Draft Map That part of path which is not a County Road to be added to Draft Map.

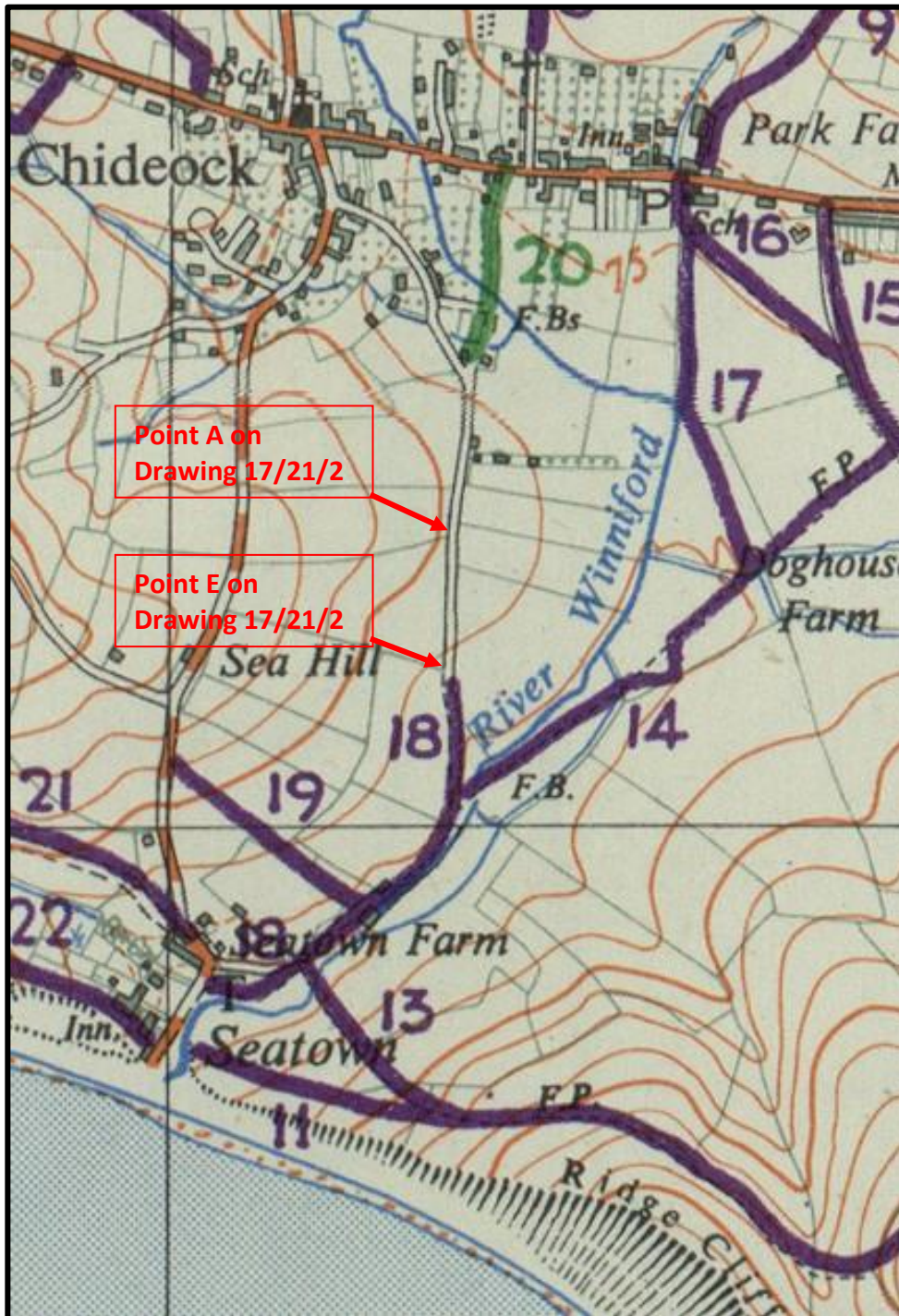
Extract from the London Gazette 13th May (1955)

<i>Rights of Way to be ADDED to the Draft Map</i>			
Parish	Type of Path	From	To
<i>Lyme Regis Borough</i> Lyme Regis	F.P.	Road A.35	Junction of Paths 15 and 16.
<i>Beaminster Rural District</i> Bettiscombe, Marshwood and Pilsdon.	F.P. B.R. F.P. F.P.	Path 3 Bettiscombe Junction of Paths 9 and 21 Manshay Lane Mandeville Stoke Farm	Path 21 Pilsdon Parish boundary Road Path 30
Broadwindsor	B.R. F.P. F.P.	B.R.45 Haines Lane B.R.42	Road by boundary in Prime Farm Road at Racedown Farm Sprecket Lane
Corscombe	F.P.	Path 54	Path 33 via Weston
Evershot	F.P.	Junction of Paths 31 and 32	Road by School
Hooke	F.P.	Toller F.P.1 on Parish Boundary	Kingcombe Road, Hooke
Mapperton	B.R.	Extension of B.R.65 Beaminster	Mapperton
Netherbury	B.R.	Dottey Road	Ash and Ford
North Poorton and Powerstock.	F.P.	Powerstock Parish Boundary	F.P.43
Thorncombe	F.P. F.P. F.P.	South of Mappercombe Farm Wheelhouse Lane Road	Powerstock Parish Boundary Path 41 Path 50 by Forde Abbey Farm
<i>Bridport Rural District</i> Burton Bradstock	F.P.	Path 6	Puncknowle Lane
Chideock	F.P. B.R. F.P.	Field gate on Road B.3157 Road A.35 Mill Lane	Path 22 Mill Lane Sea Hill Lane
Puncknowle... ..	F.P.	Paths 26 and 27	Parish boundary
Stanton St. Gabriel	F.P.	Path 31	Path 30

Provisional Map (1963)

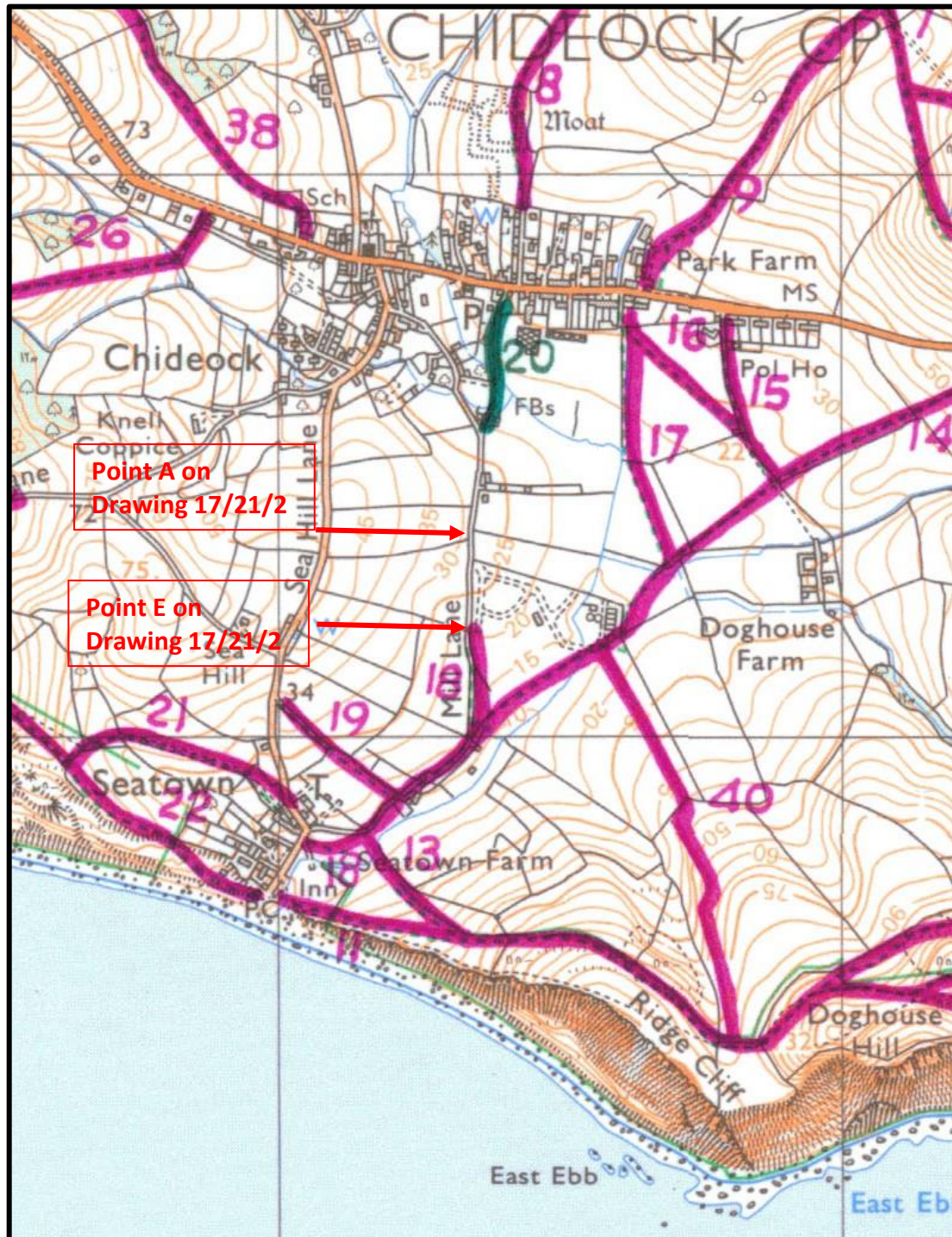


First Definitive Map and Statement (1966-67)

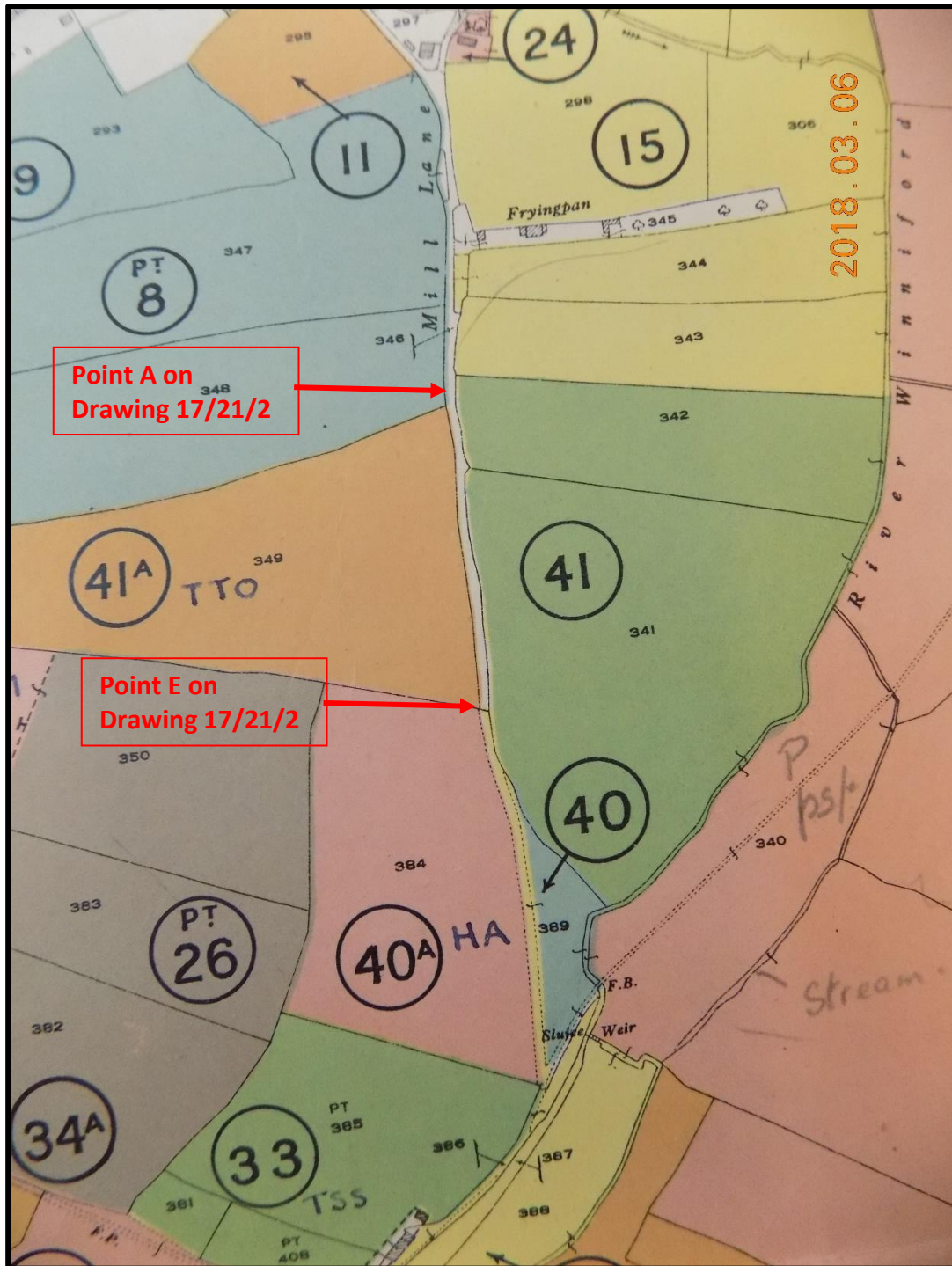


DORSET COUNTY COUNCIL						
National Parks and Access to the Countryside Act, 1949						
Part IV - Public Rights of Way						
STATEMENT annexed to the Definitive Map in respect of:						
(Parish) CHIDEOCK		(Local Authority) BRIDPORT RURAL DISTRICT				
Relevant date in relation to the preparation of the Provisional Map: 1st January, 1953						
FP or BR *	Path Number	From	National Grid Map Ref	To	National Grid Map Ref	National Grid Map Ref
FP	18	-	Mill Lane	423921	Seatown	420918

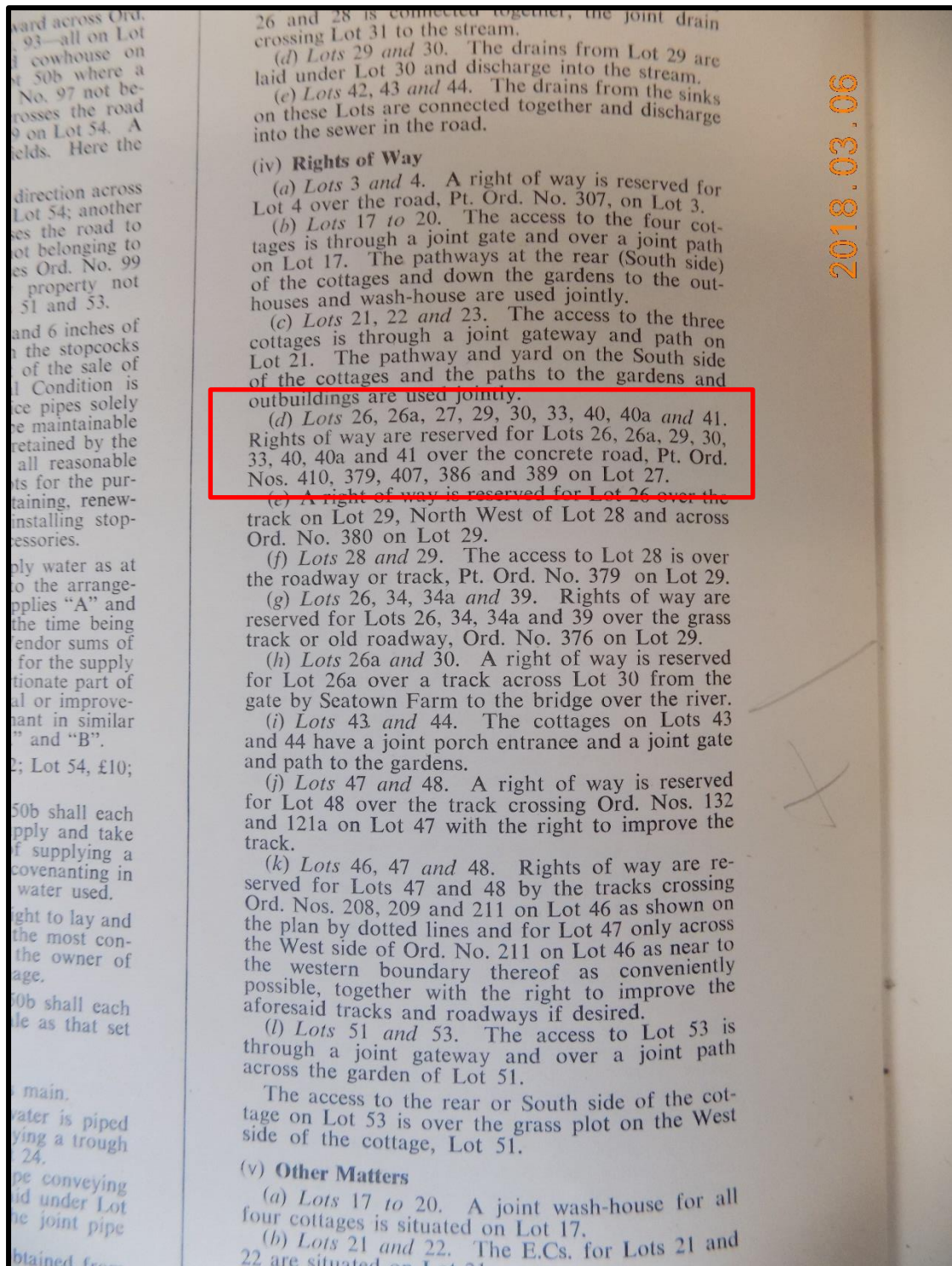
Current Definitive Map (sealed 1989)



Sale documents for sale of Part of Chideock Estate (1953)



Sale documents for sale of Part of Chideock Estate (1953)



Report to the Director for the Environment and the Economy

Dorset County Council



Date of Report	27 February 2015
Subject of Report	Status and extent of public highway rights at Mill Lane, Chideock
Summary	This report considers the evidence of highway rights at Mill Lane Chideock and concludes, on balance, the status and extent of rights with reference to map 15/08 attached.
Appendices	<p>Appendix 1 – Drawing 15/08</p> <p>Appendix 2 – Extracts from Key Documents:</p> <ul style="list-style-type: none"> • Map of Chideock 1838; • Chideock Tithe Apportionment Plan 1843; • Map of Chideock 1852; • Finance Act Plan 1910; • Rights of Way Act 1932 (The Chideock Estate) map and declaration; • Ordnance Survey Drawing 1806 – 07; • Ordnance Survey One Inch First Series 1811; • Ordnance Survey 6 inch 1887; • Ordnance Survey 6 inch 1887 (Enlarged); • Ordnance Survey 25 Inch 1888; • Ordnance Survey Revised One Inch 1898; • Ordnance Survey Sheet 177 – Taunton and Lyme Regis – 1960; • Caravan Site Planning Application 1951; • Planning Application, Mill Lane, Chideock 1930; • List of Streets Plan 1974; • Current List of Streets Plan.

Report Originators and Contacts	Name: Sarah Meggs and Phil Hobson Tel: (01305) 225104 and (01305) 221562 Email: s.l.meggs@dorsetcc.gov.uk and p.c.hobson@dorsetcc.gov.uk
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1 Background

- 1.1 The extent of the County Road known as Mill Lane in Chideock and vehicular use of the adjoining public bridleway (Bridleway 18, Chideock) has been in dispute since at least August 2000. This is evidenced by a letter dated 22 August from Mr R Webb, at that time the Senior Rights of Way Officer, to Mr I St Pierre, then the Clerk to the Chideock Parish Council.
- 1.2 The letter acknowledges the concerns and complaints from residents in respect of vehicular use of the bridleway and refers to a meeting that took place on 8 August 2000 from which it was agreed to attempt to reduce unauthorised vehicular use by placing signs at a number of locations and the provision of a passing place for vehicles.
- 1.3 Since that time there has been continued correspondence on the subject.
- 1.4 An application for planning permission to facilitate reorganisation of the Golden Cap Holiday Park was submitted to West Dorset District Council in March 2012. The application included reference to vehicular access along Mill Lane and was objected to by the Parish Council. Information exchanged in relation to the planning process and subsequently has culminated in the present concerns, which relate to the extent or termination point of the adopted County Road.
- 1.5 Chideock Parish Council is of the opinion that the extent of the public road corresponds with the blue line shown on the Highways Inspected Layer on Dorset Explorer and shown as point A on Drawing 15/08.
- 1.6 Officers within Dorset County Council have expressed the view that the termination point of the publicly maintainable highway, Mill Lane, corresponds with that depicted on the plan accompanying the List of Streets, shown as point E.
- 1.7 In view of the ongoing dispute about the information shown on the Council's List of Streets for the end of Mill Lane, this report considers the available evidence to establish, on balance, what the status and extent of the public rights are. Save as referred to in paragraphs 3.55 to 3.57 and 4.10, this report does not consider the extent of private rights that may exist over Mill Lane by virtue of ownership, presumed ownership or otherwise.
- 1.8 The documentary evidence analysis has been completed by a Rights of Way Officer from the Definitive Map Team with considerable experience of interpretation of documentary evidence for the purpose of investigating applications for the modification of the Definitive Map and Statement.

2 Law

- 2.1 It is an established principle that "once a highway always a highway". This means that if highway rights existed in the past, they continue to exist until removed by legal order or enactment.

Highways Act 1980

- 2.2 Section 32 provides that any map, plan or history of the locality or other relevant document which is tendered in evidence should be considered and

given such weight as considered justified by the circumstances, including the antiquity of the document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

2.3 Section 36(6): The council of every county **is required to make and** keep corrected up to date, a list of the streets within their area which are highways maintainable at the public expense.

2.3.1 There is no statutory process by which the List of Streets was composed and is amended and up dated. The actual process used when the list was first compiled is not known as records are scarce. This can be contrasted with the extensive consultation, notification and inquiry processes used to create and amend the Definitive Map and Statement. As a consequence, and with reference to section 32, the detail in the List of Streets is often inadequate, can be challenged and does not, alone, carry much weight in determining the extent and status of a route shown. The associated maps are important supporting evidence as to highway status and extent but, in the case of dispute, it is important to understand that other records should be consulted.

Finance Act 1910

2.4 The Finance Act 1910 required the Commissioners of the Inland Revenue to cause a valuation of “all land in the United Kingdom” and plans were prepared identifying the different areas of valuation. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.

2.5 Public roads were generally excluded from the valuation.

2.6 In a decided case a Finance Act map and Schedule was described as “most material evidence” ...“the fact that the [land in question in that case] was not shown as falling within the hereditament of any private individual, but is shown as part of the general road network, in a survey which would have been undertaken by local officers of the Commissioners, and following consultation with the owners of private hereditaments, is a most powerful indication that the [land in question] was at that time thought to be in public ownership and vested in and maintainable by the ... highway authority.

Rights of Way Act 1932

2.7 The **Rights of Way Act 1932** allowed landowners to make statutory declarations acknowledging the existence of public rights of way and declaring that they had no intention of dedicating any further public rights of way over their land, thereby preventing the accrual of any ‘new’ public rights of way.

Tithe Commutation Act 1836

2.8 The Tithe Commutation Act 1836 converted tithes into a fixed money rent. The associated documents are concerned solely with identifying titheable land and were not made for the purpose of establishing or recording public rights of way. The maps are good evidence of the topography of an area at the time and can be good supporting evidence of the existence of public rights of way.

Natural Environment and Rural Communities Act (NERC) 2006

- 2.9 Section 67 of NERC 2006 extinguished certain public rights of way for mechanically propelled vehicles. Where rights are extinguished the resulting right of way is a Restricted Byway.

3 Documentary Evidence

Map of Chideock

- 3.1 **The Map of Chideock 1838** appears, in all probability, to be a pre-cursor to the **Tithe Apportionment Plan 1843** and clearly defines Mill Lane from its junction with Duck Street leading south-easterly then southerly. It is defined by two parallel solid lines to point C, as shown on Drawing 15/08. At point C there is a solid line across the route that may represent a gate. The route continues southerly from this point being defined by two parallel broken lines suggesting a field boundary was present to the eastern side, the western side being open.
- 3.2 There is no field boundary or other distinguishing feature in the vicinity of point E, the point at which it is believed the publicly maintained road, Mill Lane, terminates.

Tithe Apportionment Plan

- 3.3 The **Chideock Tithe Apportionment Plan 1843** depicts Mill Lane. It is shaded light brown and not apportioned, this being generally regarded as indicative of the form in which a public highway, possibly a public road, was shown. The shading extends as far as point C, as shown on drawing 15/08, approximate OS GR 4233 - 9231 there is no depiction of a path or way beyond this point.
- 3.4 The Altered Apportionment Plan 1922 uses a 25 Inch Ordnance Survey base map and therefore, with the exception of the tithe apportionment numbers, shows exactly the same detail as the corresponding Ordnance Survey sheets which are discussed from paragraph 3.27 below.

Map of Chideock

- 3.5 The **1852 map of Chideock** is described as showing the boundaries from the maps of 1813 and 1838 and the hedges destroyed since, the latter being defined by a squiggly line.
- 3.6 The depiction of Mill Lane on this map corresponds with the depiction of it on the map of 1838, it being shaded in light brown and defined by two parallel solid lines that continue as far as point C, where a solid line through the route may indicate the presence of a gate.
- 3.7 From point C the route continues in a southerly direction through point E, being defined by a solid line to the east (a field boundary) and a broken line to the west, suggesting that on this side it was unfenced.

Map of Chideock

- 3.8 An undated map believed to be from the 19thC bears a resemblance to the **Tithe Apportionment Plan of 1843** although it does contain some minor differences and is of a different style. The map is uncoloured save for any buildings, which are generally shaded in red.
- 3.9 Mill Lane is clearly shown, being defined by two parallel solid lines as far as point C, at which point the solid 'end' of the route indicates that here it may have been gated, fenced or hedged. This parcel of land has no apportionment or parcel number and there is no indication that the route continued beyond this point.

Finance Act 1910

- 3.10 The **1910 Finance Act Plan**, which uses a second edition Ordnance Survey 25 Inch Map, clearly indicates, with the exception of a small section discussed in paragraph 3.11, that Mill Lane was excluded from valuation to approximately point A at OS GR 4233 - 9235. This is indicated through the shading in red to either side of the route and the lack of any associated hereditament number within the resulting parcel of land.
- 3.11 The northern part of Mill Lane is bordered to the west and east by separate parts of Hereditaments 96 and 154. Both Mill Lane and Sea Lane, a recorded public road that is located to the west of and runs parallel to Mill Lane, are shown to be excluded from either of the separated parts of hereditament 154. However, it is not clear whether Sea Lane is included or excluded within part of Hereditament 96 and although Mill Lane, where it abuts Hereditament 96 and 154, is shown to have been excluded, the small section located between the separated parts of Hereditament 96, located to the east and west of Mill Lane, is shown to have been included within Hereditament 96.
- 3.12 The accompanying **Field Book** describes Hereditament 96 as being "approached by good roads" and Hereditament 154 is similarly described as being connected "by good roads". In both instances this, in all probability, relates to both Sea Lane and Mill Lane. In respect of Hereditament 96 £5 was granted for public rights of way or user, no deductions were granted in respect of Hereditament 154.
- 3.13 Sea Lane is shown to continue south towards Seatown, initially it appears unclear whether this section of the road is excluded from or included within Hereditament 139. It also appears unclear as to whether the southern extension of Mill Lane within Hereditament 139 is included or excluded. This hereditament comprises a large area of land and a deduction of £50 was granted in respect of public rights of way or user. However, due to its physical size and the fact that there are a number of routes, some of which are recorded public rights of way, passing through it, it is difficult to determine which of these routes, if any, were subject to this deduction.
- 3.14 Although it is difficult to determine the location of any of the public rights of way within Hereditament 139 it should be noted that it also contains Sea Lane, a public carriageway recorded on the List of Streets as the C90. Sea Lane passes through Seatown Farm and leads to the coast adjacent the Anchor Inn public house at Seatown.

- 3.15 Of particular interest is that whilst this public road, where it passes through Hereditament 139, has the appearance of having been included for the purpose of valuation, it is shown to have been excluded at its southern termination point, Seatown, adjacent Hereditaments 36, 139, 182, 183 and 203. This conclusion appears reasonable, as if it had been included within Hereditament 139, the red shading on the eastern side of Sea Lane at this point would be superfluous without a 'bar' or 'dash' across the road at the point at which the red shading ends.
- 3.16 Applying this logic to the remainder of the road it appears reasonable to suggest that the northern section of Sea Lane was also excluded as, if it was included within Hereditament 96, it would be expected that the shading to the western side of the road, in the south east corner of Ordnance Survey parcel number 353, would have been within the road itself or a 'bar' or 'dash' across the road would be shown at the point the red shading ends.
- 3.17 Having established that in all probability Sea Lane was excluded from its adjacent hereditaments throughout its length, albeit not being depicted in the conventional way, for example, by means of bracing across the road, it seems reasonable to apply the same reasoning to the depiction of Mill Lane on the same plan as well.
- 3.18 As has been discussed earlier the northern section of Mill Lane is, for the most part, clearly excluded from valuation, the exception being the part adjacent the separate parts of Hereditament 96. However, had this part of the road been included within this hereditament it would be expected that this would have been indicated by 'bars' or 'dashes' drawn across the road.
- 3.19 Mill Lane is clearly excluded once again where it passes between Hereditament 154, located to the west, and Hereditaments 96 and 139 to the east. As before, had the road been included within 139 it would be expected that the red shading along the northern boundary of 139 within Ordnance Survey parcel number 342 would have continued easterly across the road and then southerly along it.
- 3.20 As the exclusion of a route on the Finance Act plan is regarded as being indicative of it being a public highway, probably a public carriageway, and as the entire length of Sea Lane is recorded as such, this suggests that the above interpretation of the map is, on balance, correct. Consequently, in respect of Mill Lane and with regard to the Finance Act evidence it appears reasonable to suggest that its exclusion indicates that it was regarded as a public highway, probably a public carriageway. In addition, the fact that there is no line across the road at point E suggests that it continued beyond this point southerly towards Seatown Mill.

Rights of Way Act 1932

- 3.21 The land in question had been part of the **Weld Estate (The Chideock Estate)** and on **19 July 1934** the owner, **Mr H J G Weld**, made a statutory declaration under the **Rights of Way Act 1932** the declaration being accompanied by a **6 inch Ordnance Survey Map** upon which those ways acknowledged by the owner to be public highways were drawn.

- 3.22 The acknowledged public highways are drawn in green ink, there is no accompanying key but the statement attached to the plan states the following; ***“I Humphrey Joseph Giles Weld being the owner of the whole of the land edged in pink on the attached plan, with the exception of certain small properties which are not material for this purpose, hereby admit that the ways shewn in green ink on this plan are the only ways dedicated to the public as highways”.***
- 3.23 Chideock and Seatown, including the public road Mill Lane and its southerly extension towards Seatown, are included within the Chideock Estate as delineated on the plan. The northerly route from Seatown via the Mill to Mill Lane is shown coloured green extending as far as point D as shown on Drawing 15/08. The fact that it is coloured green indicates that it was one of the ways acknowledged by the owner to have been dedicated to the public as a highway.
- 3.24 It is not entirely clear from the statement accompanying the plan what status the acknowledged public highways were. However, in a letter addressed to the **Clerk to the Dorset County Council** of **22 May 1934** from **Kitson and Trotman Solicitors**, acting on behalf of the **Weld Estate**, it is stated that ***“we have indicated in green ink the ways which it is admitted have been dedicated as highways. Numerous other footpaths are marked on the Ordnance Map but it is not admitted that any, other than those marked in green ink on the Map, have been dedicated as highways. Some have been used by the Public by permission of the owner or occupiers of the land and some of the paths indicated have been used by labourers and others working on the estate”.***
- 3.25 The reference to “numerous other footpaths” may suggest that the estate considered all of the ways acknowledged as being public highways were all footpaths. However, it remains the case that nothing within the original declaration or the renewals made in 1940, 1944, 1948 and 1952 clarify the status of the ways other than to acknowledge they were dedicated to the public as highways.
- 3.26 It is reasonable to assume that the dedication of these highways was based on the estates knowledge and reputation of them. Therefore, it is considered that this declaration provides conclusive evidence to the fact that the **Weld Estate** admitted the existence or dedication of a public highway extending from Seatown in a northerly direction and terminating at or in the vicinity of point D as shown on Drawing 15/08

Ordnance Survey Maps

- 3.27 The **Ordnance Survey Drawing 1806-07 at a scale of 2 inches to 1 mile** was used in preparation for the publication of the **First Series 1 inch to 1 Mile Map 1811**. Being of a slightly larger scale the drawing has a little more detail but both maps are generally restricted in their detail due to their scale. However, both maps depict a route defined by two solid parallel lines that would generally correspond to that of Mill Lane (Sea Lane is also depicted on both maps). The southern part of the depicted route follows a different course to that shown on later maps that correspond to the present route, although this may be due to it having originally followed the 100 foot contour.

- 3.28 Both maps show the defined route terminating at or about the same point. The greater detail of the earlier drawing shows that this was at a field boundary. Comparison to later maps and in particular the **First Edition 25 Inch Map 1889** suggests that this would equate to approximately point E.
- 3.29 The **First Edition 6 inch Map 1887 and 25 inch Map 1888** both depict Mill Lane, which now follows the same route as it does today. They also show Sea Lane. Both of these roads are defined in the same manner by two parallel solid lines. Mill Lane continues as far as point E where the presence of a solid line across the route probably indicates the location of a gate. The route is shown to continue southerly from this point towards Seatown Mill, its extent initially being defined by a broken line to the west and a solid line, probably indicating a hedge, to the eastern boundary. The hedge turns to the southeast whilst the route, now defined by two parallel broken lines, continues in a southerly direction.
- 3.30 Of particular relevance is the fact that both the 6 inch and the 25 inch maps show the eastern boundary of both Sea Lane and Mill Lane to be heavily shaded, this shading being repeated on both the **Second Edition 6 Inch Map 1904 and 25 Inch Map 1903**. In respect of Mill Lane this shading terminates at approximately point E.
- 3.31 The significance of shading in this manner is that from **1884** it had been the practice of the Ordnance Survey to classify roads by administrative status by which all metalled public roads for wheeled traffic were to be shaded to one side, in practice this is applied to the roads' eastern or southern sides. By **1896** roads on Ordnance Survey maps were to be classified as first or second class according to whether they were Main or District roads, other roads were to be classed as second class if they were metalled and kept in good repair. Both first and second class roads are shown on published maps in the same way, by shading on one side. Third class metalled and un-metalled roads are shown without shading.
- 3.32 The **Ordnance Survey Revised One Inch Map 1898** depicts the route of Mill Lane in the same manner as the 6 and 25 Inch Maps. It also shows the position of the 100 foot contour to the west of the road, which it is thought the original course of the road may have followed.
- 3.33 The **Ordnance Survey 1:2500 (25 Inch) County Series Map 1929** also depicts Mill Lane in the same manner as the earlier 6 and 25 Inch Maps although the eastern side is no longer shaded as this practice was abolished on the 1:2500 maps in 1912. The route is shown to continue towards Seatown Mill, being defined for the main part by two parallel broken lines. The **Ordnance Survey 1:2500 Plan 1961** is very similar although the possible gate at point D, which was still in place on the 1929 map, has now been removed and the continuation of the route towards Seatown Mill is now enclosed, fenced or hedged, on both sides.
- 3.34 **The Ordnance Survey 1:2500 Map 1959** depicts the route in a similar manner to the **1929 1:2500 Map**. There is no gate at point E and the route beyond this point is defined by parallel broken lines which, in conjunction with the evidence provided from the 1961 plan, suggest that the route from E towards Seatown Mill was probably enclosed between 1959 and 1961.

- 3.35 **The Ordnance Survey 1:10,560 (6 Inch Map) 1968** depicts Mill Lane as a through route to Seatown, being defined by two parallel solid lines, suggesting that by this time the route was fully enclosed throughout its length. The **Ordnance Survey 1:10,000 Map 1992** shows the route in a similar manner but also depicts the caravan park located to the east of Mill Lane.
- 3.36 The later **Ordnance Survey 1 Inch Maps, New Popular Edition 1945 and Sheet 177 1960**, also depict Mill Lane as a through route, it being clearly defined on both and depicted in the same style as other routes shown and known to be public roads.
- 3.37 The evidence provided by the **Ordnance Survey Maps** provides good support to the conclusions reached in respect of the **Finance Act 1910**. In particular the heavy shading shown on the earlier 6 and 25 Inch Maps suggests that Mill Lane was regarded as a public highway, probably a public carriageway. Although private carriage roads may also be depicted in this manner, in light of other supporting evidence and in the knowledge that both Sea Lane and Mill Lane are recorded on the List of Streets as third class and unclassified public roads, it appears reasonable to conclude that in this instance the shading of the routes on the earlier Ordnance Survey maps indicates that both Sea Lane and Mill Lane were regarded as public carriageways.
- 3.38 In respect of Mill Lane this suggests that the road did continue at least as far as point E and may well have continued to Seatown as the fact it was not shaded beyond point E does not necessarily mean that it was not a public road (see paragraph 3.31 above).

Planning Applications

- 3.39 There have been a number of planning applications involving land and property along Mill Lane. Of particular interest are those from 1951 in respect of a licence to use the land identified as Ordnance Survey Parcel Number 388 (O.S. 388) as a temporary caravan site, which was renewing a licence permitted the previous year. By reference to the First Edition 25 Inch Map O.S. 388 can be identified as the land now occupied by the existing caravan site. Permission was granted and no issues appear to have been raised as to how the site was to be accessed which, it seems reasonable to assume, was by means of an entrance at or in close proximity to point B.
- 3.40 There are two other planning application plans, the first dating from 1930, concerning improvements to the drainage system of a property in Mill Lane, the second from 1934 concerning the conversion of an existing building into a "summer cottage" in Mill Lane. Both of the accompanying plans show Mill Lane, each plan being annotated, that of 1930 "From Chideock" and "To Seatown" that of 1934 "from Seatown" and "to Chideock".
- 3.41 Although the annotation does not provide any strong evidence as to the extent of the public highway Mill Lane, the fact that they describe it as leading to or from Seatown suggests that at that time the road was regarded as a through route leading to Seatown.

List of Streets

- 3.42 **Section 36(6) of the Highways Act 1980** requires every highway authority to make, and keep up-to-date a **list of all streets** (LOS) maintainable at public expense, the LOS does not list **all** public highways, only those which are maintainable at the public expense. Mill Lane is recorded on the current LOS and has been since local government reorganisation took place in 1974.
- 3.43 The schedule of roads for April 1974 records Mill Lane as an unclassified road the D731 describing it as a paved road 0.41 miles (0.07km) in length. The grid references are defined as (SY) 422928 – 423923. The current schedule records the route as the D10731, providing exactly the same information in respect of the grid references and length of paved road. Dorset County Council records do not record a date of adoption although this road would have been handed over by the Bridport Rural District Council.
- 3.44 The map accompanying the LOS depicts Mill Lane shaded in blue and extending as far as point E. This provides evidence to the conclusion that the publicly maintainable extent of the road corresponds with point E. However, this does not necessarily mean that the remainder of the route south of point E was not a public highway only that if it was it may not have been maintainable at the public expense.
- 3.45 Sea Lane is also shown on the map, being shaded brown, and shown to extend as far as Seatown. In 1974 the schedule recorded it as a third class road, the C90, extending southerly for 0.74 miles from its junction with the A35 in Chideock to Seatown. Of particular note is that the grid references were recorded as (SY) 422928 – 420918. The current List of Streets also records the route as the C90 extending 0.74 miles from the A35 Chideock to Seatown. However, the grid references show a slight variation to the original now being recorded as (SY) 421928 – 420917.
- 3.46 It should be noted that 6 figure grid references are only accurate to 100 metres, that is to say the commencement and termination points of the above roads could fall anywhere within a 100 metre square. The fact that both Mill Lane and Sea Lane were initially provided with the same commencement point 422928 provides a good example as to the limited accuracy of 6 figure grid references as they clearly do not commence from the same point, Mill Lane, branching out of the C90 south of the latter's junction with the A35.

Public Path Creation Order 1996

- 3.47 An Order creating a public bridleway and made **under Section 26 of the Highways Act 1980** in 1996 was confirmed by the West Dorset District Council in January 1997. The effect of the Order was to create a public bridleway ***“following the concrete driveway from the county road at grid reference 4205-9184 (point BS), east for 118 metres to grid reference 4217-9185 (point AN), then northeast for 235 metres to grid reference 4234-9200 (point BT), then north for 320 metres to the start of the county road (Mill Lane) at grid reference 4234-9232 (point BU)”***.
- 3.48 It should be noted that 8 figure grid references, whilst being more accurate than 6 figure references are still only accurate to a 10 metre square.

- 3.49 Although the route is described as terminating at the “**start of the county road (Mill Lane) at grid reference 4234-9232 (point BU)**” it is clear from the evidence already examined that the publicly maintained county road (Mill Lane) terminated approximately 125 metres south of this point (point E on Drawing 15/08).
- 3.50 It appears that the Order may have been made with reference to the grid reference for the termination point of Mill Lane as contained within the List of Streets with no reference being made to the accompanying plan or any other available documents. Although the Order is clear as to the course and extent of the newly created bridleway it does appear that an error or assumption has led to the creation of a bridleway over part of an existing publicly maintainable highway, a public carriageway, Mill Lane, as shown between points C and E.

Natural Environment and Rural Communities Act (NERC) 2006

- 3.51 Section 67 of the NERC Act 2006 extinguished certain public rights of way for mechanically propelled vehicles.
- 3.52 Section 67(1) extinguished, on commencement, public motor vehicular rights over every highway not already shown on the definitive map and statement, or shown as a footpath, bridleway or restricted byway. In effect this means that public rights of way for mechanically propelled vehicles have been extinguished over every highway not already shown on the definitive map and statement as a byway open to all traffic.
- 3.53 Because section 67(1) explicitly extinguishes public motor vehicular rights over every highway that was not shown on 2nd May 2006 [in England] on the definitive map and statement as a byway open to all traffic, there is a clear presumption that this will be the case unless it can be shown that one or more of the exceptions in subsections 67(2) or 67(3) applies.
- 3.54 Subsection 67(2)(b) provides an exemption where immediately before commencement a route was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense). Part of Mill Lane was, however, shown on the definitive map and statement as a bridleway and that exception is considered not to apply to dual recorded routes.
- 3.55 Subsection 67(5) provides a private right of way for mechanically propelled vehicles for those persons who have a reasonable need for access by mechanically propelled vehicle to land in which they have an interest, in all cases where a public right of way for mechanically propelled vehicles is extinguished under subsection 67(1). This is regardless of whether such a person was actually exercising the public right of way for mechanically propelled vehicles, or able to exercise it. It is also irrelevant that there may be an alternative means of access to the property. The exercise of the public right of way need only have been reasonably necessary for access to any part of the land. The words “reasonably necessary” have their normal, everyday meaning and what is reasonably necessary would depend on the facts of the case.
- 3.56 This private right of way for mechanically propelled vehicles extends to landowners, occupiers and tenants. It will also include lawful visitors to the

person who has an interest in the land, including: business, trade or professional visitors; postal or other deliveries; the highway authority and utility companies who have apparatus/equipment along the highway.

- 3.57 This provision does not create any new rights of way, since the provision of the private right of way is dependent on there being in existence, before the commencement date (2 May 2006), a public right of way for motor vehicles, which was extinguished by sub-section 67(1).

4 **Conclusions**

- 4.1 The **Highways Inspected Layer**, as shown on **Dorset Explorer** and on which the **Chideock Parish Council** have based their opinion, shows the extent of the publicly maintainable highway that is actually *physically inspected*. This can, and in this case does, differ to the extent of the *publicly maintainable highway*, which is described on the schedule accompanying the List of Streets and shaded blue on its accompanying plan.
- 4.2 In effect, the line shown on the **Inspected Layer** does not necessarily relate to the extent of the publicly maintainable highway. Furthermore, as the List of Streets records only those highways maintainable at the public expense any part of a public highway that is *not maintainable* at the public expense will not be recorded upon it.
- 4.3 The early maps of Chideock, including the **Tithe Apportionment Plan 1843** but excluding **Ordnance Survey** maps, depict Mill Lane in a manner that suggests it was regarded as a public highway, probably a public carriageway. Those that are shaded in the conventional manner, light brown, depict the route extending at least as far as point C.
- 4.4 On balance, the evidence provided by the **Finance Act 1910** documents suggest that Mill Lane was excluded from valuation, this being indicative of the road being regarded as a public highway, in all probability a public carriageway. The extent of the public road would have been at least as far as point E although there is no compelling evidence to determine that the public road ended at this point, indeed it may have continued further.
- 4.5 Whilst the declaration made by the **Weld Estate** under the **Rights of Way Act 1932** provides conclusive evidence to the fact that the estate admitted the existence or dedication of a public highway it is not clear what status they believed the acknowledged public highway enjoyed. In respect of its termination point, it is also unclear as to what records, if any, the estate may have consulted in order to conclude that this was at or in the vicinity of point D. Other records examined, at or close to this period of time, such as the **List of Streets** and the **Finance Act 1910** do not support the apparent conclusion.
- 4.6 The **Ordnance Survey Maps** support the conclusions reached in respect of the **Finance Act 1910** evidence. In particular the shading of the route to one side, as shown on the first and second editions of the 6 and 25 inch maps, in conjunction with the other documentary evidence indicates that Mill Lane was regarded as a public carriageway at least as far as point E.

- 4.7 The conclusions reached in respect of the evidence provided by the **Finance Act 1910** and **Ordnance Survey Maps** are further supported by the route being recorded on the **List of Streets**, the plan from which shows the publicly maintainable highway extending as far as point E.
- 4.8 The creation of a public bridleway in 1997, the effect of which led to that part of it as shown between points B-C-D-E being created over an existing part of a publicly maintainable carriageway, Mill Lane, is not an unknown situation. It is not known what records were consulted in arriving at the termination of the Bridleway at B. A later creation of a lesser highway does not extinguish a pre-existing highway of a higher status. Accordingly, the creation of the public bridleway would have had no effect, at that time, over any existing higher public rights whether or not they had been recorded.
- 4.9 The implementation of the **NERC Act 2006** may, subject to any exemptions that might apply, have led to the extinguishment of any unrecorded mechanically propelled vehicular rights e.g. the route extending southerly from point E towards Seatown. In addition, as the route shown between points B-C-D-E is now 'dual recorded', being recorded on both the **List of Streets** and the **Definitive Map**, the presumption is that it is the Definitive Map that is correct and the mechanically propelled vehicular rights, subject to any exemption, have been extinguished. This would leave a public vehicular route without rights for mechanically propelled vehicles, a restricted byway.
- 4.10 **Subsection 67(5) of NERC** provides for a private mechanically propelled vehicular right extending to landowners, occupiers and tenants. This also includes lawful visitors to the person who has an interest in the land, including: business, trade or professional visitors; postal or other deliveries.
- 4.11 In conclusion, the **Chideock Parish Council's** interpretation of the **Inspected Layer** is correct in the sense that this depicts that part of Mill Lane physically inspected, which extends as far as point A. However, this is not a true representation of the full length of the public vehicular highway. On balance, the extent of Mill Lane that is actually publicly maintainable highway, a public carriageway, is considered to extend as far as point E.
- 4.12 Even if it cannot be demonstrated that exceptions apply to the extinguishment of unrecorded mechanically propelled vehicular rights and also the extinguishment of the dual recorded section of Mill Lane, as shown between points B-C-D-E, a private mechanically propelled vehicular right is preserved for any person who has an interest in any land served by the road including lawful visitors.

**STATUS AND EXTENT OF PUBLIC HIGHWAY RIGHTS AT MILL LANE,
CHIDEOCK**

**RESPONSE TO REPORT TO THE DIRECTOR FOR THE ENVIRONMENT AND
THE ECONOMY – DORSET COUNTY COUNCIL DATED 27TH FEBRUARY 2015**

History: The history of what is now known as Bridleway 18 is well recorded. Prior to WW2 it was simply a muddy farm path running from Frying Pan (the last house in the northern part of Mill Lane) down to Mill House and Seatown. It was gated shortly before Mill House. From Frying Pan to Mill House there were no other buildings, caravan parks, etc., it was simply open fields. The owner was the Weld Estate. During WWII it was taken over by The Ministry of Defence and a concrete track created over the footpath in order to collect shingle from the beach towards the war effort. The Defence Estates state that the path was handed back to the original owner after the war. In the 1953 Sale of 'Parts of the Chideock Estate' on behalf of the Weld family many 'lots' were sold that abutted the 'concrete track' including Mill House and adjoining land. At this time each 'lot' was advertised with all 'rights and easements' which led to 'lawful authority to drive a mechanical vehicle' over certain parts of the 'concrete track'. It is important to note that these 'rights to vehicular access' were given in 1953. The Sale Details including detailed information about each 'lot' and Maps of the 1953 Sale are all held on file.

Over the years many Landowners have been quoted as stating that they 'own the concrete path' but put to test none actually produced any evidence. It is without doubt that some have a legal right to use parts of the track which was at that time a footpath.



Section of Bridleway under dispute – concrete laid in 1943 still in place in 2015

Page 1.**Background. (as quoted from DCC Report of 2015)**

1.2. The extent of the County Road known as Mill Lane in Chideock and vehicular use of the adjoining public bridleway (bridleway18, Chideock) has been in dispute since at least August 2000. This is evidenced by a letter dated 22 August from Mr. R. Webb, at that time the Senior Rights of Way Officer, to Mr. I. St.Pierre, then the Clerk to the Parish Council.

Response:

The extent of the County Road was NOT in dispute at this stage. Senior Rights of Way Officers, Highway Superintendants and Road Safety Officers were all in agreement that the County Road ended at Roadstead Farm. The concerns were raised because of the vehicular/pedestrian conflict on the Bridlepath 18. At this time and up until 2012 there had never been any suggestion that the County Road extended further South than Roadstead Farm. Mr. Webb was in total agreement that the bridleway posed safety issues for pedestrians hence his ROW department supplying and financing signage. The question raised in 2000 and prior to 2000 was whether the local Caravan Park had a 'private right' to use the bridlepath. At this time in 2000 the owner was not prepared to give sight of his Deeds. From 1996 until 2012 there was never any mention either verbally or in correspondence of a 'dual status' and indeed no 'dual status' was mentioned in the 1996 Order confirmed by the Secretary of State. The signs for BRIDLEWAY 'authorised vehicles only' and other relevant bridleway signs were duly placed in the positions they remain in today, i.e. at Roadstead Farm at the location of Grid Reference 423 923 in accordance with the List of Streets and Grid Reference 4234 9232 of The Footpath Creation Order of Bridleway 18 of 1996.

Please see Appendix

1. Letter of 2000 from R.Webb Senior ROW Officer to I.St.Pierre – Clerk to Chideock Parish Council.
2. List of Streets
3. Letter from Mr. B. Turner, Highways Superintendent dated 20th April 1998.
4. Proposed Diversion of Rights of Way. Chideock Footpath upgrade to Bridleway. April 1996
5. Letter from Blair Turner, Highways confirming road repairs to The Cowshed and Golden Vista now called Roadstead Farm and Beeswing.
6. Public Path Creation Order 1996

Note: References to Point A – E are as in Drawing 15/08 Appendix 1 of DCC Report dated 28.2.15.

Note: For clarity headings in 'italic' refer to DCC Report.

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2.4 through 2.6 (From the report) Finance Act 1910. And 3.10, 3.11 – 3.20

Response: Whilst understanding the principles of the Finance Act 1910 and understanding that deductions were made for the existence of Rights of Way the evidence submitted in the DCC Report in 3.10 supports our argument that Mill Lane was excluded from valuation to approximately Point A, Grid Reference 4233 9235 i.e. close to the field boundary where Roadstead Farm was later built (see appendix 5 above). Paragraphs 3.11 through to 3.20 appear to relate to Mill Lane (north) and Seahill Lane and as such appear to have little relevance other than speculation that as Seahill Lane is regarded as being indicative of it being a public highway that the same should relate to Mill Lane. The evidence shows that Mill Lane 'public highway' begins at Duck Street and ends at Point A. (Roadstead Farm) We agree that Hereditament 96 could be described as being connected by 'good roads' (in probability Seahill Lane and Mill Lane) with Hereditament 154 Field Gates allowing access from Seahill Lane. However, the 1910 map shows Blackberry Lane (Field Ref 376) which was the only 'public' way to Seatown Mill shown in the 1838, 1843 and 1852 maps. Prior to 1910 there was no 'public' road to Seatown Farm, and this indicates that no assumptions can be made about the Southern part of Mill Lane.

2.7, 2.8, and 3.21 through to 3.26 Rights of Way Act 1932 The Chideock Estate

Response: The letter from H.Weld dated 19th July 1934 states "that the 'ways shown in green' on this plan are the only ways dedicated to the public as highways". The report assumes they are 'vehicular highways' albeit they agree it is not clear from the Statement accompanying the Plan. It is quite clear in the Plan that they are identified by FP i.e. Footpath. The footpath heading towards Doghouse Farm to the east is still a footpath to this day and the footpath from Seatown via Mill House towards Chideock was Footpath 18 which was extinguished in 1996 when the new Bridleway 18 Public Path Creation Order came into effect. As DCC correctly state this formed a large part of The Chideock Estate and our assumption is that whilst only being dedicated as Footpaths, access for farm carts, etc., would have been allowed with the owner's permission. In 1932 few mechanically propelled vehicles would be used in a small farming hamlet. In the 1953 Sale of ' Part of the Chideock Estate' Easements are given in the Title Deeds with regard to a Vehicular Right of Way over various parts of the Concrete Track and we would see this as conclusive evidence that the pathways indicated in Green Ink' on the 1932 Map are Footpaths only.

See Appendix 7 1953 Weld Estate Sale Map and Text

Paras: 2.8, 3.1, 3.2, 3.3, 3.4. Tithe Commutation Act 1836.

Response: We are in agreement that the Mill Lane highway terminates at approximately Point C at Grid Reference OS GR 4233 – 9231. Note the List of Streets Reference is the same i.e. 423 923 so the extra digit means the 1 adds another 10 yards to the north. The Bridleway Order Grid Reference of 4234 9232 gives the information to some 10 yards further to the north. However, Point E requires a Grid Reference of 423 922

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Paras: 3.5 to 3.9. Map of Chideock

We agree with the Report in as much as again the Map determines the road ending at approximately Point C. From historic verbal evidence we agree with the suggestion that it was gated at this point and was then just a muddy path used by farm workers. We agree with Para 3.9 that the route did not continue beyond Point C.

Paras: 3.27 to 3.38 Ordnance Survey Maps

After careful examination of the maps and comparing them against other documents in the Report we are of the opinion that they also show that the road terminates at Point C.

In Para 3.30 and 3.31 particular reference is made to the significance of shading and the indication that shading represented a 'metalled' road. It must be pointed out that the part of the Lane in question i.e. from C to E is NOT metalled and has never been metalled. The concrete surface that still exists to this day was laid during WWII and extended as far as Frying Pan. It is still possible to see the concrete underneath the tarmac in numerous places. The last re-surfacing in approximately 2012/2013 only went as far as Frying Pan. Previous road maintenance only went to Roadstead Farm. The tarmac laid from Roadstead Farm to Point C was not laid by the local authority. With regard to OS Maps 1968, 1992, 1945 and 1960 as mentioned in Paras: 3.35, 3.36, 3.37 and 3.38, the Report claims that Mill Lane was possibly a through route to Seatown. This would be strongly disputed by the Owners of the concrete track and those who have a private 'right of access' which is shown in the Deeds of the purchases of land and property in the 1953 Sale. We agree that 'private roads' are also depicted in a similar manner to public roads and, noting again that the track had never been metalled, the assumption in the Report that Mill Lane was a Public Road for its entire length or to Point E is both unreliable and unreasonable. It is also relevant that no road to Seatown Farm is shown until the 1888 OS Map, so there was no 'through road', far less a 'public' road connecting Chideock and the Seatown hamlet.

Roads on OS 1:2500 plans 1884-1912

Yolande Hodson, B.Sc., Ph.D., F.S.A., F.B.Cart.S., Map Historian

The symbol of the shaded line (a thickened line) drawn on some roads on Ordnance Survey 1:2500 scale plans has occasionally been used to suggest that such roads can be interpreted as public. This paper explores the possibilities of the interpretation of this symbol in relation to plans for England and Wales, and illustrates the complex issues that underlie the attempted explanation of any lines on the OS map. It is demonstrated that it is not possible to use the evidence of the shaded line to make an unequivocal distinction between private and public roads on the large-scale plans. The depiction of footpaths and bridleways, which are subjects in their own right, is not considered here.

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OS Maps 1 inch The one-inch was a standard topographic authority and included a wide range of information on the physical and human landscape: land-use, industry, quarries, farms, inns, canals, parks and gardens, relief, woodland, and even smithies were all shown. The maps were of course considerably generalised compared to the six-inch maps, especially regarding buildings, towns and place-names. The outline maps especially were also useful for administrative purposes, and both civil parish and county boundaries were shown, reflecting the significant changes of the Local Government Act of 1888. The outline maps were also used as base maps for various other purposes, including geology, boundaries of petty sessional divisions, and for indexes to larger-scale OS mapping.



Different styles for three classes of metalled roads, and another for unmetalled tracks

One of the most important changes to the previous New Series sheets was a revised road classification. Metalled roads (ie. using compacted gravel) were divided into three classes, all distinguished from unmetalled roads or tracks. Single and multiple-track railways were distinguished, with the latter evolving to a new chequered symbol, distinguished from the standard ladder symbol for single-track railways

See OS Map 1" 1898

View: Bridport (Hills), Sheet 327 - Ordnance Survey One-Inch to the mile, England a Page 1 of 1



Page 5.**3.39 to 3.41 – Planning Applications**

3.39 The Report refers to Planning Application of 1951 in respect of a licence to use the land identified as OS.388 as a temporary caravan site. OS388 refers to the small Millfield Caravan Park adjacent to the concrete track close to Mill House at the southern end of the bridleway. The tenant Mr. Colkett rented this from The Weld Estate and the Mill House and associated OS388 'grass' had permission from the Weld Estate to access this via the concrete track from Seatown in the south. In the 1953 Sale the Mill House and the OS388 parcel of land was put up for sale. Access from Point B is therefore not in question or relevant.

See Appendix No. 8 Lot. 27 Mill House & Grassland . Weld Estate Sale 1953

3.40 & 3.41 Planning Applications. One planning application is included in the Report, namely The Cottage, Mill Lane in the ownership of Mr. Bourne. This property is at the northern end of Mill Lane. The Map showing a 'From Chideock' and 'To Seatown' does NOT indicate with any legal substance that this was regarded as a through route to Seatown. In 1930 the 'concrete' had not been added and it has already been established that the rough cart path was in the ownership of The Weld Estate.

Paras: 3.42 to 3.46 The List of Streets.

The Report refers to the map accompanying the List of Streets in 1974 which depicts Mill Lane shaded in Blue to Point E. We would request to see 'the original' Map that this has been copied from. The 1974 Map attached to the Report is utilising a 1932 Map. When this List of Streets Map was created in 1974 it would seem very strange to use a 1932 Map. We note your comment in the Report that 6 figure grid references are only accurate to 100 metres and that commencement and termination points could fall anywhere within a 100 metre square. I am sure you will agree that Grid References only proceed north and for example the Grid Reference of 9233 could only extend northwards by 70 metres before you would reach Grid Reference 9240. It would be impossible for a Grid Reference to go backwards and southwards to reach Point E at Grid Reference 9220.

Please see Separate Appendix 2 of Grid References for Mill Lane Bridleway.

Paras: 3.47 to 3.50 Public Path Creation Order 1996

3.47. We agree with the wording of the Public Path Creation Order of 1996 confirmed and Sealed by the Chief Executive on 27th January 1997. On the Application Mr. M. Cox gave his permission and stated he was the owner of the concrete path – this was untrue.

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3.48 It is noted that the 8 figure Grid Reference of 9232 is only accurate to a 10 metre square. This equates to 10 metres northwards, i.e. 9233 would be a further 10 metres to the north.

3.49 It is clear that from the evidence given in The List of Streets and the accompanying Map of the Public Path Creation Order and the Public Path Creation Application (See appendix 4 & 6) that the county road known as Mill Lane terminates at 4234-9232 as stated on the Public Path Creation Order. It does not terminate 125 yards further south at Point E. We do NOT agree that an error was made. The Authors of the Report at Para 3.10 themselves give the Grid Reference as 4237 9235 which is 30 metres further north than the 1996 Public Path Creation Order.

Paras: 3.51 to 3.57 The NERC Act 2006.

We would maintain and evidence shows there is NO public right of way for motor vehicles along the Bridleway. Quote from Senior Rights of Way Officer, Mr. Rod Webb's letter of 22nd August 2000 'It should be noted that the vehicular use of the bridleway section of Mill Lane is by persons with lawful authority only. Authorised users include those persons who have a private right (lawful authority) and persons who have been given permission to use the route by those persons with lawful authority. Unauthorised vehicular use is an offence under Section 34 of the Road Traffic Act 1988 and provides that any person without lawful authority, drives a motor vehicle on any footpath or bridleway commits an offence.

Paras: 4.1 to 4.12 Conclusions

4.1 & 4.2 The Report claims that the Highway Inspected Layer differs from the Highway Maintained at Public Expense and in this case the Highway Maintained at Public Expense extends further south by approximately 100 metres. This is not borne out in the legal documents, i.e. List of Streets on which the HMPE is based. No evidence or documentation has been shown to prove that the HIL differs from the HMPE. The HMPE has never been maintained further south than Roadstead Farm.

4.3 The Report states that The Tithe Apportionment Plan 1843 suggests 'probable' public carriageway but depicts the route ending at Point C. This is over one hundred metres north from Point E. The Map of Chideock 1852 also shows the route ending at Point C. Neither map shows a continuation of any form of path or road south of this point.

4.4 The Finance Documents suggests and we agree that the extent of the Public Road is to Point A) and we see no compelling evidence to suggest it went as far as Point C let alone Point E.

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4.5 The declaration made by The Weld Estate under the Rights of Way Act 1932 is clearly with regard to footpaths. The Weld Estate owned all of the tracks at this time and no Easements or Rights had been given by way of title deeds. Any persons working on the Estate would have had permission from the Weld Estate to use any paths.

4.6 With regard to shading on OS Maps, and the knowledge that this concrete track has never been 'metalled' and is not 'metalled' to this day, it seems suspect to rely on the evidence of 'shading' to verify the status of a carriageway.

4.7 The List of Streets Grid References do not support the HMPE extending as far as Point E. The Finance Act 1910 does not support the HMPE extending to Point E. OS Map 'shading' is incorrect as had the track been 'metalled' there would have been no need to lay concrete over it in 1943.

4.8 The creation of the public bridleway in 1997 was over the exact positioning of both the Application for a Public Path Creation Order, and the Public Path Creation Order itself. If the HMPE extended along the proposed bridleway then someone in ROW/Highways departments would have been aware. The question could then have been asked as to why the bridleway simply did not end at Point E. It is quite clear that ROW Officers at the time referred to the List of Streets Grid Reference Numbers and the Order was made subsequent to those enquiries. Their 'correct' assessment led to the Bridleway Order specifying "A bridleway following the concrete driveway from the county road east at Grid Reference 42059184 (Point BS), east for 118 metres to grid reference 42179185 (Point AN), then north-east for 235 metres to grid reference 42349200 (Point BT), then north for 320 metres to the start of the county road (mill lane) at grid reference 42349232". This clear and unequivocal evidence is in total agreement with the List of Streets Grid Reference of 423 923. Warning and Safety Signs were erected by ROW in accordance the Public Path Creation Order 1996. The report states 'it is not known what records were consulted' which is insulting to those experienced ROW Officers who have now retired.

4.9 The Nerc Act 2006 will have, subject to any exemptions, led to the extinguishment of any unrecorded mechanically propelled vehicular rights. The DCC's presumption in stating that points B-C-D-E are a Highway Maintained at Public Expense and a Bridleway has led to inaccurate information being recorded on The Definitive Map. The accurate information is that this is a Bridleway ONLY. The Report confusingly states 'that this leaves a public vehicular route without rights for mechanically propelled vehicles, a restricted byway.' We agree that this section of the bridleway southwards from Roadstead Farm has no recorded vehicular rights.

4.10 Subsection 67(5) of NERC provides for a private mechanically propelled vehicular right extending to landowners, occupiers, tenants and visitors. We agree with this statement and anyone using this stretch of the concrete track must be prepared to show proof of their 'private right' to do so.

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4.11. Chideock Parish Councils considered opinion is based on lawful documentation, i.e. List of Streets, Public Path Creation Order, Past Correspondence, siting of warning signs in 2000, is that the HMPE extends as Far as Roadstead Farm at Grid Reference 42349232 and the HIL is actually shorter than the HMPE, confirming the 9232 end point for the county road.

4.12. The Report has twice referred to 'dual recorded' but in the first instance in Para 4.9. the impression is given that 'dual recorded' means recorded once on the List of Streets and once on the Definitive Map. In this Paragraph it appears to mean something different, i.e. dual recorded means that it is recorded both as an HMPE and also as a bridleway. For clarity this should be 'Dual Status'. Chideock Parish Council requests an extinguishment of this 'dual status' based on inaccurate information having been entered to the Defintive Map. All private rights are preserved.

ADDITIONAL INFORMATION In July 1992 residents of Mill Lane and Chideock lobbied successfully for a 30 mile per hour limit to be installed along Mill Lane. Concerns were raised at the volume and speed of traffic. There is no pavement along the length of Mill Lane with many cottages being built directly on to the lane. The lane was then, and still is today, very dangerous for pedestrians. The necessary Traffic Regulation Order was made and Mill Lane became 30 mph. Signs were erected. 30mph signs were erected along the length of Mill Lane from its start at Duck Street until its end at Roadstead Farm – Grid Ref: 42349232. It is emphasised that the 30 mph signs do not extend to Point E.

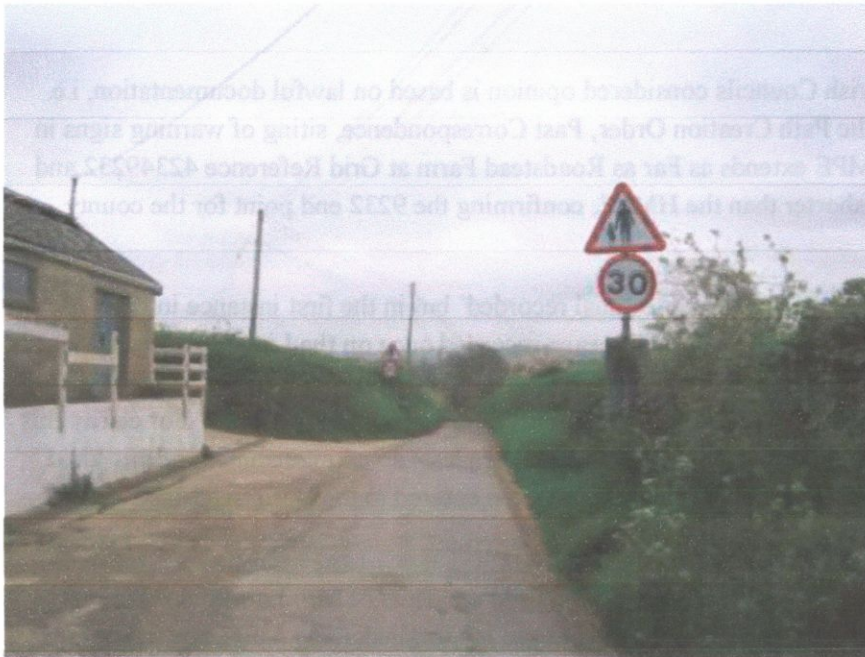
DORSET COUNTY COUNCIL 'The London Gazette – 3rd July 1992
The County of Dorset (Mill Lane, Chideock) (30 m.p.h. Speed Limit) (Restricted Roads) (No.) Order 199

Notice is hereby given that the Dorset County Council propose to make an Order under sections 82(2) and 83(2) of the Road Traffic Regulation Act 1984. The effect of the Order will be to impose a 30 m.p.h. speed limit on Mill Lane, Chideock from its junction with Duck Street, southwards for a distance of 460 metres. Full details of this proposal are contained in the draft Order, which together with a plan showing the length of road affected and a statement of the Council's reasons for proposing to make the Order, may be inspected from Monday to Friday during normal office hours at the Transportation and Engineering Department, Dorset County Council, County Hall, Colliton Park, Dorchester and West Dorset District Council, Council Offices, Mountfield, Bridport. Should you wish to make any observations on this proposal (whether you support or object to the proposal) and you should make them in writing to the undersigned by 24th July 1992. Any observations must specify the grounds thereof.

P. K. Harvey, Chief Executive, County Hall, Colliton Park, Dorchester. 3rd July 1992

Charmouth & Chideock Conservation Area Appraisal. See Appendix 9.

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End of 30 mph signs at Roadstead Farm Grid Reference approx 423923.



Wooden Public Bridleway & Footpath sign at Point C.



Authorised Vehicles only Bridleway Sign at Roadstead Farm between A and B at Grid Reference 423923.

APPENDIX 1.

1. **Letter of 2000 from R.Webb Senior ROW Officer to L.St.Pierre – Clerk to Chideock Parish Council.**
2. **List of Streets**
3. **Letter from Mr. B. Turner, Highways Superintendent dated 20th April 1998.**
4. **Proposed Diversion of Rights of Way. Chideock Footpath upgrade to Bridleway. April 1996**
5. **Letter from Blair Turner, Highways confirming road repairs to The Cowshed and Golden Vista now called Roadstead Farm and Beeswing.**
6. **Public Path Creation Order 1996**

7. **1953 Weld Estate Sale Map and Text**

8. **Lot. 27. The Mill House and Grassland. 1953 Weld Estate Sale**

9. **Charmouth & Chideock Conservation Area Appraisal.**

APPENDIX .1. letter from R.Webb to I.St.Pierre in August 2000



383/00

ENVIRONMENTAL SERVICES

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Mr. I. St. Pierre
 Clerk to the Council
 Purbeck
 North Chideock
 Chideock
 Bridport
 DT6 6LG

Your ref:

My ref: RW RW/Chideock

Ask for: Mr Webb

Date: 22nd August 2000

Dear Mr. St. Pierre,

Mill Lane, Bridleway 18 Chideock

Following serious concerns and complaints from residents and other members of the public on the vehicular use of the bridleway section of Mill Lane D to F indicated on the enclosed plan. A meeting was held on the 8th August at Golden Cap Holiday Park attended by [REDACTED] Golden Cap Holiday Park, [REDACTED] - Parish Council Chairman, [REDACTED] resident Mill Lane, Mr. Phil Drake - Area Rights of Way Officer County Council and Mr. Rod Webb - Senior Rights of Way Officer County Council.

The vehicular use of the bridleway section of Mill Lane was discussed and it was agreed to attempt to reduce the unauthorised vehicular use and increase public safety by the following.

1. At point A on the enclosed map a "No Through Road" sign together with a "No Turning Point" plate be erected. The County Council Traffic Management Section to discuss with the Rights of Way Section and carry out implementation.
2. Between points B and C where the unclassified county road is narrow consideration be given by the Area Highways Manager to install a passing place for vehicles.
3. At point D a "No Entry" sign or similar with a plate "Access for authorised vehicles only". Rights of Way Section to implement.
4. Between D and E consideration be given by Mr. Cox and the National Trust to provide vehicular passing places/pedestrian refuge. Mr. Cox and the National Trust to liaise.
5. At point F a "No Entry" sign or similar with a plate "Access for authorised vehicles only" be erected. Rights of Way Section to implement.

It should be noted that the vehicular use of the bridleway section of Mill Lane is by persons with lawful authority only. Authorised users include those persons who have a private right (lawful authority) and persons who have been given permission to use the route by those persons with lawful authority.

Unauthorised vehicular use is an offence under Section 34 of the Road Traffic Act 1988 and



INVESTOR IN PEOPLE

provides that any person who, without lawful authority, drives a motor vehicle on any footpath or bridleway commits an offence

Authorised vehicular users are still subject to other provisions of the Road Traffic Act where Section 2 makes it an offence to drive a motor vehicle recklessly and Section 3 carelessly and inconsiderately.

It is requested that the recipients of this letter take forward the recommendations and carry out implementation where applicable keeping the Rights of Way Section and Parish Council informed of any impending works.

If you require further information or wish to discuss the contents of this letter please contact Phil Drake or myself at this office.

Yours sincerely

ROD WEBB
Senior Rights of Way Officer (Operations)

Addressees: -

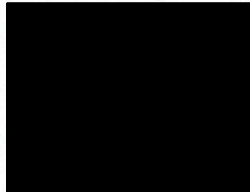
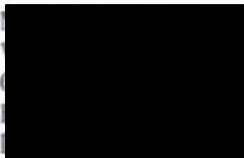
Mr. Bob Blackstock
Area Highways Manager
Pullman Court
Station Approach
Dorchester

Mr. Patrick Woodford
The Estate Office
The National Trust
Hillbutts
Pamphill
Wimborne

Mr. I. St. Pierre
Clerk to the Council
Purbeck
North Chideock
Chideock
Bridport
DT6 6LG

Mr. Alan Jowsey
Traffic Management
Environmental Services
Dorset County Council
County Hall
Dorchester

Mr. Martin Cox
Golden Cap Holiday Park
Seatown
Chideock
Bridport







ENVIRONMENTAL SERVICES

Guy Spencer - Director

Robert Blackstock - Western Area Highways Manager

Pullman Court, Station Approach, Weymouth Avenue, Dorchester, Dorset, DT1 1GA

Telephone (01305) 225404 Fax (01305) 225314

Mrs D M Bartlett
Clerk to Chideock Parish Council
1 Sunny Bank
West Road
BRIDPORT
Dorset
DT6 6AG

Your Ref:

My Ref: BT/CH/C47

Ask for: Mr B Turner

Date: 20th April 1998

Dear Mrs Bartlett

Thank you for your letter dated 13th April 1998 concerning various highway matters in Chideock

When I am next in Pettycrate Lane I shall investigate which hedges are overhanging the public highway and send the owners of the respective hedges hedge cutting notices.

The status of the road between the entry to Roadstead Farm to the Albalon Caravan site is either private or it is owned by the Ministry of Defence, it is not public highway.

After inspecting Pettycrate Lane I shall also visit Mill Lane with a view to clearing/unblocking any drainage. Any branches left on the verge or in the ditches must be cleared away by the owner of hedges/trees concerned.

Thank you for bringing these matters to my attention

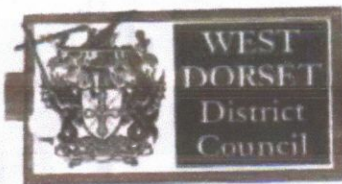
Yours sincerely

A handwritten signature in blue ink, appearing to be "Guy Spencer".

Highway Superintendent

Appendix 4. Application for Proposed Diversion of Rights of Way

ITEM 3



CORPORATE SERVICES DIVISION

Contact: Mr M J Hedges
(01305) 252219

Manager: FL Paul
Stratton House,
58/60 High West Street
DORCHESTER
Dorset. DT1 1UZ

Tel: (01305) 251010
Fax: (01305) 251481
DX: Dorchester 8724

Our Ref: MJH/DD/Bartlett

Your Ref:

1st April 1996

Mrs D M Bartlett
Clerk to Chideock Parish Council
1 Sunny Bank
West Road
BRIDPORT
Dorset
DT6 6AG

Dear Mrs Bartlett

PROPOSED DIVERSION OF RIGHTS OF WAY

Further to my letter of 1st May 1995, it has become necessary to include an addition to the National Trust proposals for Golden Cap.

The proposal is that Chideock Footpath 18 (A to B on the attached map), be upgraded to a bridleway and that the section of the path marked B - - C be diverted onto the line B - - - D. This is necessary in order to complete the planned bridleway route from Charmouth to Lower Eype.

Mr Martin Cox, the owner of the concrete track from A - D, has agreed to the proposal.

If you have any questions on this proposal please contact Mr Hedges on the above number.

Yours sincerely

Corporate Services Division

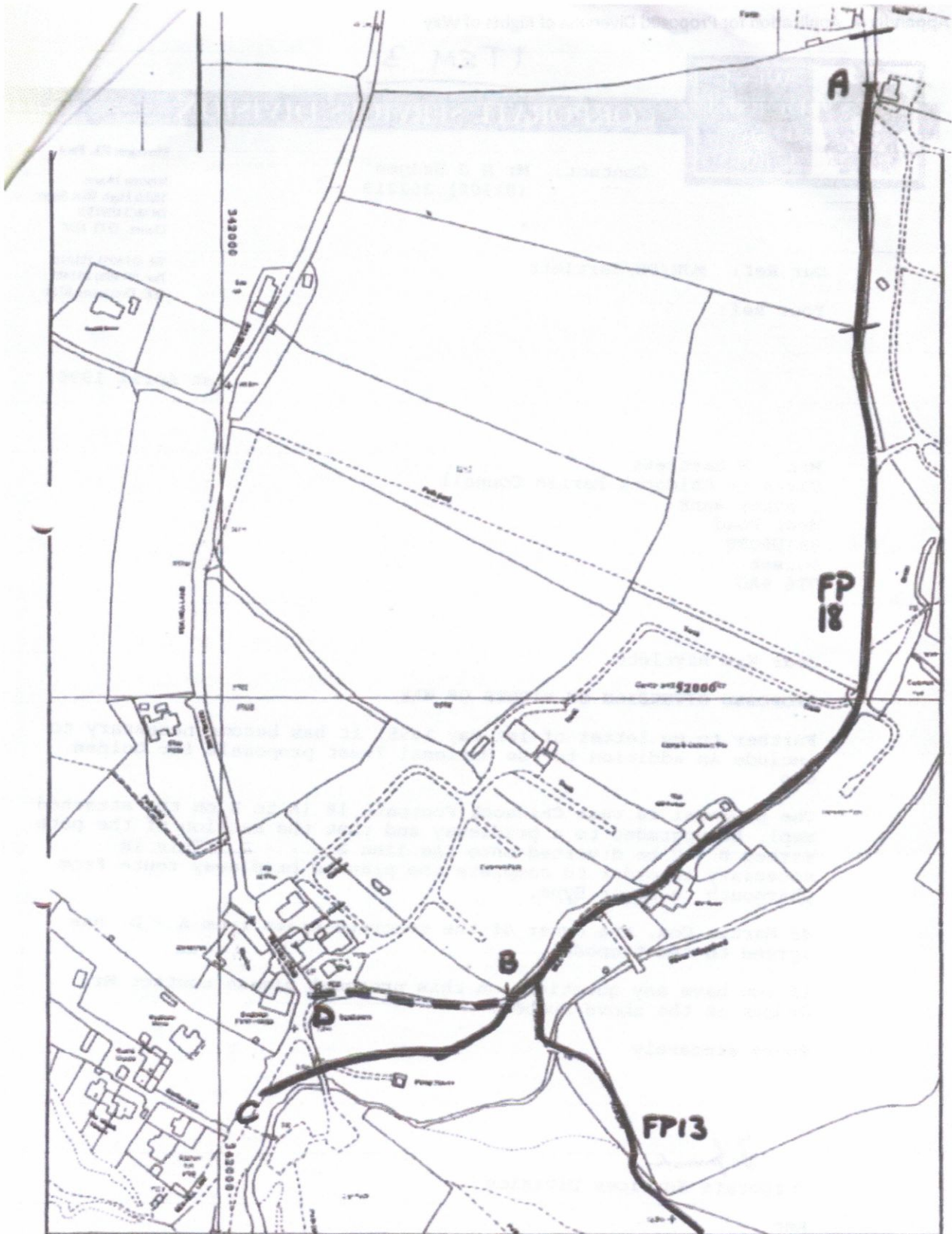
Enc

A Division of the Chief Executive's Department

Chief Executive

Director of Central Services

Director of Planning & Environmental Services



Materials contained in this map are reproduced from OS Survey Maps with the permission of the Controller of Her Majesty's Stationary Office. Crown Copyright. Licence No: 100010 West Dorset Output On Plan Chest

Scale: 1:2500
 Plot Date: 1/3/1995
 By: mw
 Dept:

Appendix 5. Letter from Blair Turner of Highways. Note: The Cowshed is now called Roadstead Farm

ENVIRONMENTAL SERVICES

Guy Spencer - Director

Robert Blackstock - Western Area Highways Manager
Pullman Court, Station Approach, Weymouth Avenue, Dorchester, Dorset, DT1 1GA
Telephone (01305) 225404 Fax (01305) 225314

Ms C Geraghty
Chairman to the Parish Council
1 Sunny Bank
West Road
Bridport
Dorset, DT6 6AG

Your Ref
My Ref: BT/HJL/C47
Ask for: Blair Turner
Date: 10 July 1997

Dear Ms Geraghty

Road Safety in Mill Lane

Thank you for your letter dated 5 July concerning various highway matters in Mill Lane, Chideock you request I shall inspect the condition of Mill Lane to the limit that is mentioned by ourselves i.e cow shed, past Golden Vista and carryout any necessary repairs.

Concerning the volume of traffic and the installation of speed ramps, I will forward a copy of your request to Mr Alan Jowsey of the Traffic Management Section at County Hall who may be able to help you with this request.

Regarding the alleged speeding by vehicle users I am afraid that this is a Police matter and you will need to contact them with reference to this.

Thank you for bringing these matters to our attention.

Yours sincerely



Highway Superintendent

chidcrea

**PUBLIC PATH CREATION ORDER
HIGHWAYS ACT 1980**

**WEST DORSET DISTRICT COUNCIL
WEST DORSET DISTRICT (CHIDEOCK)
PUBLIC PATH CREATION ORDER 1996**

This Order is made by West Dorset District Council ("the authority") under section 26 of the Highways Act 1980 ("the 1980 Act") because it appears to the authority that, having regard to the matters set out in Section 26(1), there is a need for public footpaths and bridleways over the land to which this order relates, and that it is expedient that the path and ways should be created.

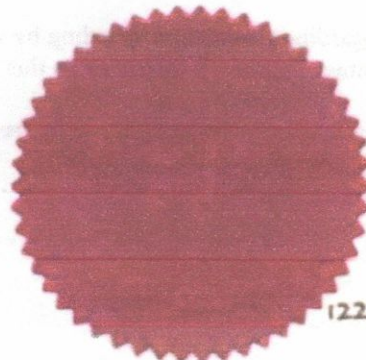
The Dorset County Council and the Countryside Commission have been consulted as required by Section 26(3) of the 1980 Act.

BY THIS ORDER:

1. There shall be at the end of 28 days from the date of confirmation of this Order a public footpath and bridleways over the land at Chideock described in Part 1 of the Schedule to this Order and shown by a bold broken line on the map attached to this Order.

2. This Order may be cited as the West Dorset District (Chideock) Public Path Creation Order, 1996.

The COMMON SEAL of the WEST)
DORSET DISTRICT COUNCIL was)
hereunto affixed this 17th)
day of June 1996 in the)
presence of)



1223/96

[Handwritten signature]

CHAIRMAN

[Handwritten signature]

Deputy CHIEF EXECUTIVE

N-AO-BT-BU

A bridleway following the concrete driveway from the county road at grid reference 42059184 (Point BS), east for 118 metres to grid reference 42179185 (Point AN), then northeast for 235 metres to grid reference 42349200 (Point BT), then north for 320 metres to the start of the county road (Mill Lane) at grid reference 42349232 (Point BU).

3.0 metres



DATED 17th June 1996

The Council of the District of West Dorset in exercise of the powers conferred upon them hereby confirm the foregoing Order.

HIGHWAYS ACT, 1980

The COMMON SEAL of the said West Dorset District Council was hereunto affixed this 27th Day of January 1997 in the presence of:

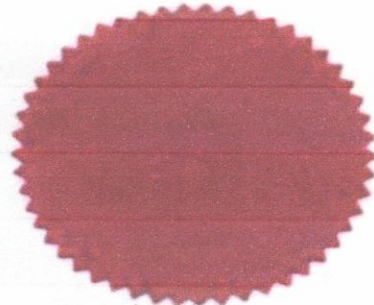
[Handwritten signature]

WEST DORSET DISTRICT (CHIDEOCK) PUBLIC PATH CREATION ORDER, 1996

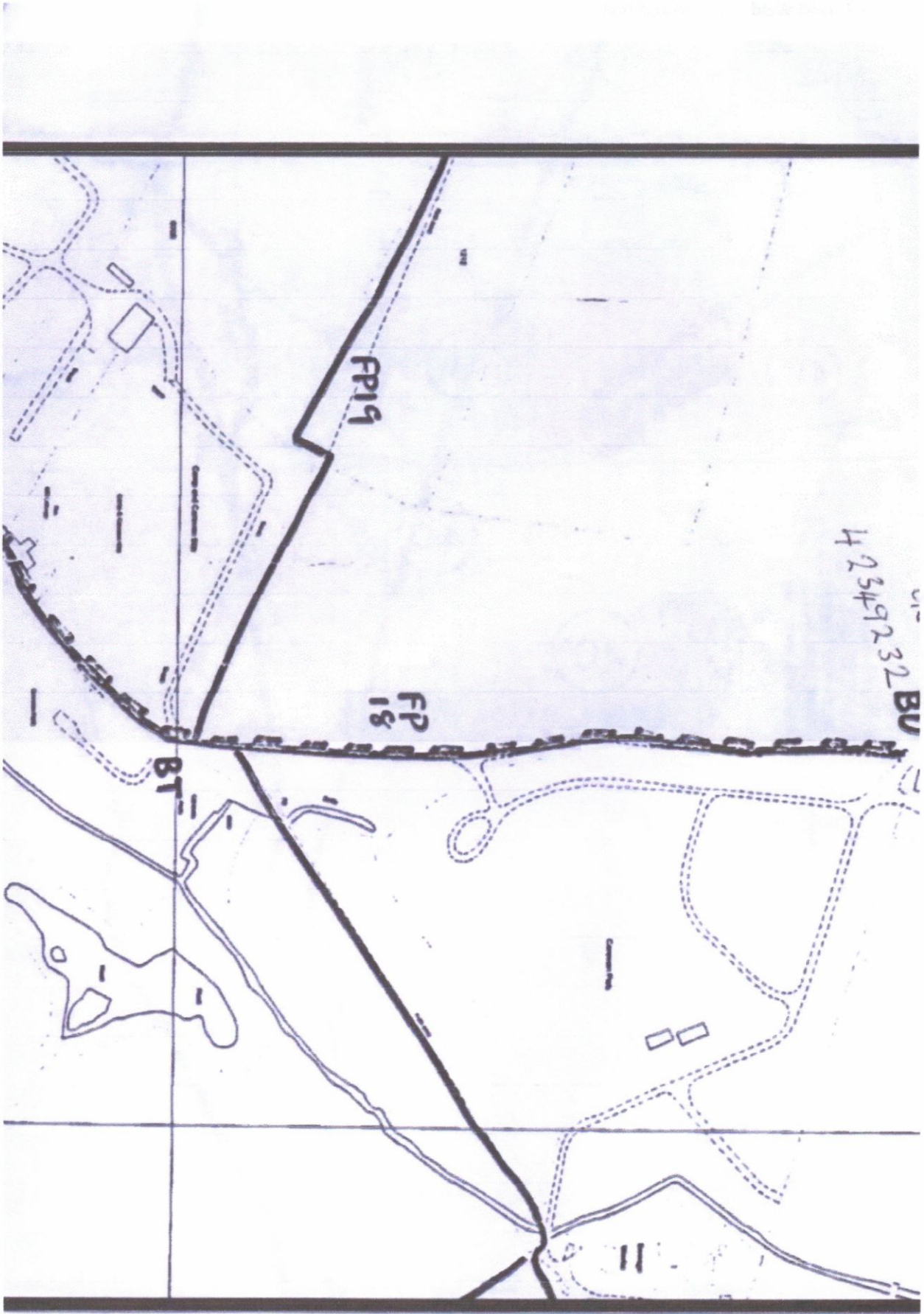
Chairman

[Handwritten signature]

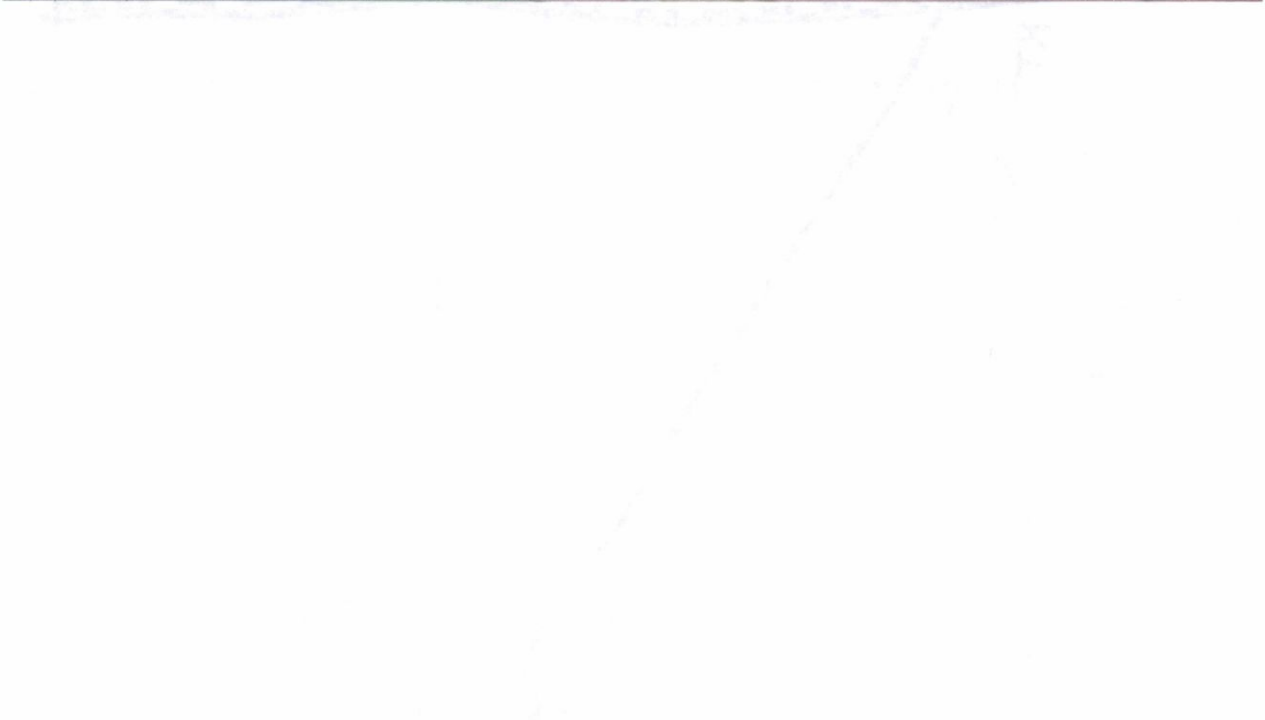
Chief Executive



1614/97



Appendix 7 1953 Weld Sale Map and Text



Faint text at the bottom of the page, possibly a page number or footer, which is mostly illegible due to fading.

The other branch continues westward across Ord. Nos. 148, 148a, 145, 143, 91 and Pt. 93—all on Lot 50—supplying the homestead and cowhouse on Lot 50. The pipeline crosses Lot 50b where a branch supplies the house on Ord. No. 97 not belonging to the Vendor. It then crosses the road on to Ord. Nos. 98 on Lot 55 and 99 on Lot 54. A trough in the fence supplies these fields. Here the main branches into three.

One branch is laid in a northerly direction across Ord. No. 99 to supply Wells Farm, Lot 54; another branch is laid eastwards and crosses the road to supply property on the other side not belonging to the Vendor; the third branch crosses Ord. No. 99 in a westerly direction to supply property not belonging to the Vendor, and Lots 51 and 53.

The spring, tanks, main pipelines and 6 inches of soil around the same, together with the stopcocks and all accessories are reserved out of the sale of all the Lots to which this Special Condition is relevant (but excepting all the service pipes solely supplying any one Lot which shall be maintainable by the owner of such Lot) and are retained by the Vendor together with the right at all reasonable times to enter upon such Lot or Lots for the purpose of inspecting, repairing, maintaining, renewing and improving the same and installing stopcocks, meters and the necessary accessories.

The Vendor will covenant to supply water as at present enjoyed in similar manner to the arrangements set out in respect of water supplies "A" and "B", excepting that the owners for the time being of these said Lots shall pay to the Vendor sums of money annually as set out hereunder for the supply of water and shall pay a fair proportionate part of the cost of any major repair, renewal or improvement and the Purchasers will covenant in similar manner as in respect of supplies "A" and "B".

Lot 50, £20; Lot 51, £2; Lot 53, £2; Lot 54, £10, Lot 55, £3.

The owners of Lots 55, 50a and 50b shall each have the right to connect to the supply and take water therefrom for the purpose of supplying a house or cottage if erected thereon, covenanting in like manner in accordance with the water used.

The owner of Lot 50a having the right to lay and maintain a pipe across Lot 50b by the most convenient route by arrangement with the owner of Lot 50b, subject to making good damage.

The owners of Lots 55, 50a and 50b shall each pay for water used on a similar scale as that set out heretofore.

(ii) **Rights of Water** from Company's main.

(a) *Lots 15 and 24.* Company's water is piped across Ord. No. 298 on Lot 13 supplying a trough in this field and the bungalow on Lot 24.

(b) *Lots 17 to 20.* The water pipe conveying water from the Company's main is laid under Lot 17 where there is a stopcock and the joint pipe supplies the cottages on these Lots.

(c) *Lots 21, 22 and 23.* Water is obtained from the Company's main by means of a joint pipe which enters through Lot 23 and supplies the three cottages.

(d) *Lots 43 and 44.* A joint water pipe from the Company's main supplies these Lots.

(iii) **Rights of Drainage**

(a) *Lots 3 and 13 and Property retained by the Vendor.* The drainage from Fryington Cottage is piped over Lot 15 to the stream between Lots 13 and 3.

(b) *Lots 21, 22 and 23.* The drainage from the three cottages is connected together, the joint drain emptying into the sewer in the road.

(c) *Lots 26, 28 and 31.* The drainage from Lots 26 and 28 is connected together, the joint drain crossing Lot 31 to the stream.

(d) *Lots 29 and 30.* The drains from Lot 29 are laid under Lot 30 and discharge into the stream.

(e) *Lots 42, 43 and 44.* The drains from the sinks on these Lots are connected together and discharge into the sewer in the road.

(iv) **Rights of Way**

(a) *Lots 3 and 4.* A right of way is reserved for Lot 4 over the road, Pt. Ord. No. 307, on Lot 3.

(b) *Lots 17 to 20.* The access to the four cottages is through a joint gate and over a joint path on Lot 17. The pathways at the rear (South side) of the cottages and down the gardens to the out-houses and wash-houses are used jointly.

(c) *Lots 21, 22 and 23.* The access to the three cottages is through a joint gateway and path on Lot 21. The pathway and yard on the South side of the cottages and the paths to the gardens and outbuildings are used jointly.

(d) *Lots 26, 26a, 27, 29, 30, 33, 40, 40a and 41.* Rights of way are reserved for Lots 26, 26a, 29, 30, 33, 40, 40a and 41 over the concrete road, Pt. Ord. Nos. 410, 379, 407, 386 and 389 on Lot 27.

(e) A right of way is reserved for Lot 26 over the track on Lot 29, North West of Lot 28 and across Ord. No. 280 on Lot 29.

(f) *Lots 28 and 29.* The access to Lot 28 is over the roadway or track, Pt. Ord. No. 379 on Lot 29.

(g) *Lots 26, 34, 34a and 39.* Rights of way are reserved for Lots 26, 34, 34a and 39 over the grass track or old roadway, Ord. No. 376 on Lot 29.

(h) *Lots 26a and 30.* A right of way is reserved for Lot 26a over a track across Lot 30 from the gate by Seatown Farm to the bridge over the river.

(i) *Lots 43 and 44.* The cottages on Lots 43 and 44 have a joint porch entrance and a joint gate and path to the gardens.

(j) *Lots 47 and 48.* A right of way is reserved for Lot 48 over the track crossing Ord. Nos. 132 and 121a on Lot 47 with the right to improve the track.

(k) *Lots 46, 47 and 48.* Rights of way are reserved for Lots 47 and 48 by the tracks crossing Ord. Nos. 208, 209 and 211 on Lot 46 as shown on the plan by dotted lines and for Lot 47 only across the West side of Ord. No. 211 on Lot 46 as near to the western boundary thereof as conveniently possible, together with the right to improve the aforesaid tracks and roadways if desired.

(l) *Lots 51 and 53.* The access to Lot 53 is through a joint gateway and over a joint path across the garden of Lot 51.

The access to the rear or South side of the cottage on Lot 53 is over the grass plot on the West side of the cottage, Lot 51.

(v) **Other Matters**


(a) *Lots 17 to 20.* A joint wash-house for all four cottages is situated on Lot 17.

(b) *Lots 21 and 22.* The E.C.s. for Lots 21 and 22 are situated on Lot 21.

(vi) **As to Easements Generally**

(i) Where any advantage or privilege of the nature of an easement or quasi-easement in respect of access, way, water supply, drainage, or otherwise is expressly mentioned in the Particulars or these Conditions as being enjoyed or to be enjoyed in connection with any Lot over or against any other part of the Estate or other property, such Lot is sold with a right to enjoy such advantage or privilege together with any such liberties as the Vendor may consider proper of inspecting, repairing, renewing, maintaining or cleansing the subject-matter thereof (including, as the case may be, the ground, way, pump, well, pipeline, cesspool and other space, structure or matter over or in respect

I certify that this is a true and complete copy of the original

07/11/12
 Date..... Signed  Solicitor
 AUSTEN WHITHAM & GUEST, Bridport, Dorset

Appendix 8 . Lot 27 Mill House. 1953 Weld Estate Sale

LOT 26a
(Coloured Brown on Plan No. 1)

With Possession on Completion.
A Block of Well Watered and Productive
GRASS LAND

Situated at Seatown, near the Sea, and sloping down to the river, the whole extending to about

59a. 1r. 15p.

Ord. No.	Description	Area
SCHEDULE		
Chideock Parish		
Pl. 420	Grass	5 451
Pl. 421	Do.	25 000
405	Do.	7 209
404	Do.	5 188
406	Do.	4 240
Pl. 419a	Brake	254
Pl. 419	Cliff	14 000
Total A.		59 342

This lot is at present let to Mr. E. R. Marsh, who has agreed to give possession on 11th October, 1953 (see Special Condition of Sale No. 17).

Apportioned Outgoings:
Tithe Redemption Annuity £8 5s. 11d.
Land Tax £2 4s.

With Early Possession
LOT 27
(Coloured Yellow on Plan No. 1)

THE MILL HOUSE & GRASSLAND

adjoining, overlooking the Sea, the whole extending to about

3a. 1r. 35p.

The Mill House is built of stone, cement faced, and slated, and contains: Two Sitting Rooms with fireplaces; Kitchen with sink; Pantry. Above are Two nice Double Bedrooms and Two Single Bedrooms.

Outside is an old Back Kitchen and the old Mill with two floors which could be added to the House if further accommodation was desired.

A stone and iron Open Implement Shed would make a good Garage.

Water is laid on from the Estate supply. The sub-Tenant uses Ord. No. 388 as a site for caravans.

Ord. No.	Description	Area
SCHEDULE		
Chideock Parish		
388	Grass	1 771
Pl. 179	Roadway	108
Pl. 410	Grass	0 10
Pl. 407	House, Buildings and Grass	720
Pl. 386	Road, etc.	540
387	Mill Pond	292
Pl. 389	Road	230
Total A.		3 471

The Mill House and the field Ord. No. 388 are occupied by Mr. C. A. Collett, who is quitting on the 1st February, 1954, when Vacant Possession will be given. Any rent payable up to that date in respect of this Lot will be retained by the Vendor.

Apportioned Outgoings:
Tithe Redemption Annuity 14s. 2d.
Land Tax 3s.

With Possession on Completion.
LOT 28
(Coloured Blue on Plan No. 1)

An Attractive
DOUBLE-FRONTED STONE HOUSE

nely situated at Seatown with views of the hills and sea and extending with Garden and Paddock to about

1r. 18p.

It is built of stone, cement faced and has a slated roof. It contains: Two Sitting Rooms; Kitchen; Back Kitchen; Large Larder and Four Bedrooms.

Water is laid on from the Estate Supply and Electric Light is installed.

This Lot comprises Pt. Ord. Nos. 379 and 409 in Chideock Parish. The House is occupied by Miss Bromfield to whom it is sub-let by Mr. E. R. Marsh, the Tenant of Seatown Farm, who has agreed to give possession on 11th October, 1953.

Apportioned Outgoings:
Tithe Redemption Annuity 4s. 7d.
Land Tax 2s.

The Purchaser shall erect and maintain stockproof fences on the unfenced boundaries.

As to the claim under the Town and Country Planning Act, see Special Condition of Sale No. 21.

I certify that this is a true and correct copy of the original plan.

Date 27/10/53 Signed [Signature] Solicitor
AUSTEN WHITTHAM & GIBBS, Bridport, Dorset

Assessment of special interest

This includes two common core elements: location and setting, and historic development and archaeology; and a series of individual settlement descriptions of spatial and character analysis, providing detail on topics such as spaces within the developed areas, important edges, key views and vistas and a whole range of character components, such as land uses, building plan forms and types, the architectural and historic qualities of the buildings and structures, local details and building materials, the contribution made by greenery and the extent of loss, intrusion or damage.

A. Location and setting

The two settlements are situated in the western part of the District, Charmouth about 10kms and Chideock 4kms west of Bridport. The A 35(T) runs through Chideock and formerly ran through Charmouth, although the latter is now bypassed to the north. Charmouth extends south to the coast and the River Char flows into the sea on the eastern edge of the village. To the west are the two large masses of Fern Hill, rising to 172m and, forming a large area of unstable cliff, Black Ven and The Spittles, which extend to Lyme Regis. To the east is the impressive mass of Stonebarrow Hill, rising to over 120m. The coastal area is within the West Dorset Heritage Coast and the East Devon and Dorset Jurassic Coast World Heritage Site. The wider area is within the Dorset AONB.

Charmouth occupies the valley between the two large sea cliffs (seen clearly from along the coast at Lyme Regis). To the north of the village is an area of rounded hills dissected by tributaries of the Char. The historic core runs along the former main road, from a bridge across the Char west to Old Lyme Hill and Axminster Road, in a marked climb of 35m (about 130 feet).

Chideock lies about one kilometre inland from the coast at Seatown, firmly astride the A 35(T), with minor roads to the sea in Duck Street and Sea Hill Lane and Mill Lane that terminates at Roadstead Farm, connecting to bridleway No 18 which leads to Seatown, and a northern route via North Road to Chideock Manor and North Chideock. A small watercourse, the River Winniford, runs from Ryall south to Seatown, in a narrow valley between two high sea cliffs, Doghouse Hill to the east and the immensity of Golden Cap (rising to 191m) to the west. Chideock occupies the relatively level ground either side of the river but runs west about 100m in terms of levels up Chideock Hill.

B. Historic development and archaeology

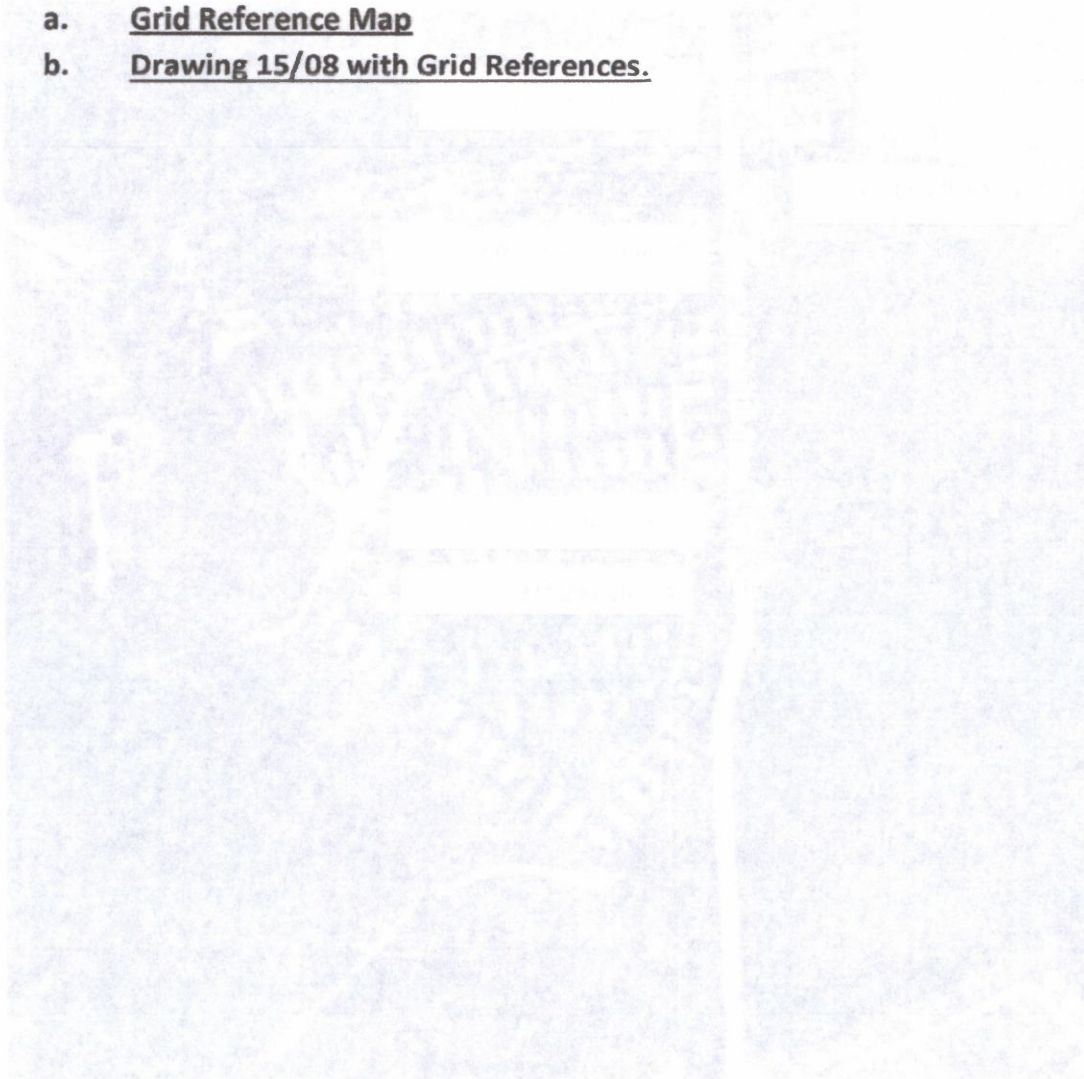
The settlements have an interesting archaeology, with about 20 recorded sites or finds on the Dorset Sites and Monuments Record. Of these, one is a Scheduled Monument. These numbers may seem to indicate a relative paucity of material but there are, nonetheless, some particular features of interest and value. There was a Neolithic settlement at the foot of Doghouse Hill, at Chideock. The A 35(T) represents the line of the Roman road from Dorchester to Axminster and both The Street at Charmouth and Main Street in Chideock may be seen to be part of this route. The medieval period is well represented, with a deer park to the north of Chideock and strip lynchets on Quarry Hill to the east and the earthworks and moat of Chideock Castle to the north of the village. The Castle's gatehouse was illustrated by Buck and was destroyed in 1741. The Parish Church is largely C14 and C15. Old Lyme Road is a medieval greenway, now partly lost to landslips. Charmouth has a remarkably intact medieval plan form, running either side of the main road, with burgage plots well preserved on the north side. The layout seems convincingly to be associated with a planned settlement created by the



Fig 4. Location map
© Crown copyright. All rights reserved. (Licence Number 1000024307 2004)

Appendix 2

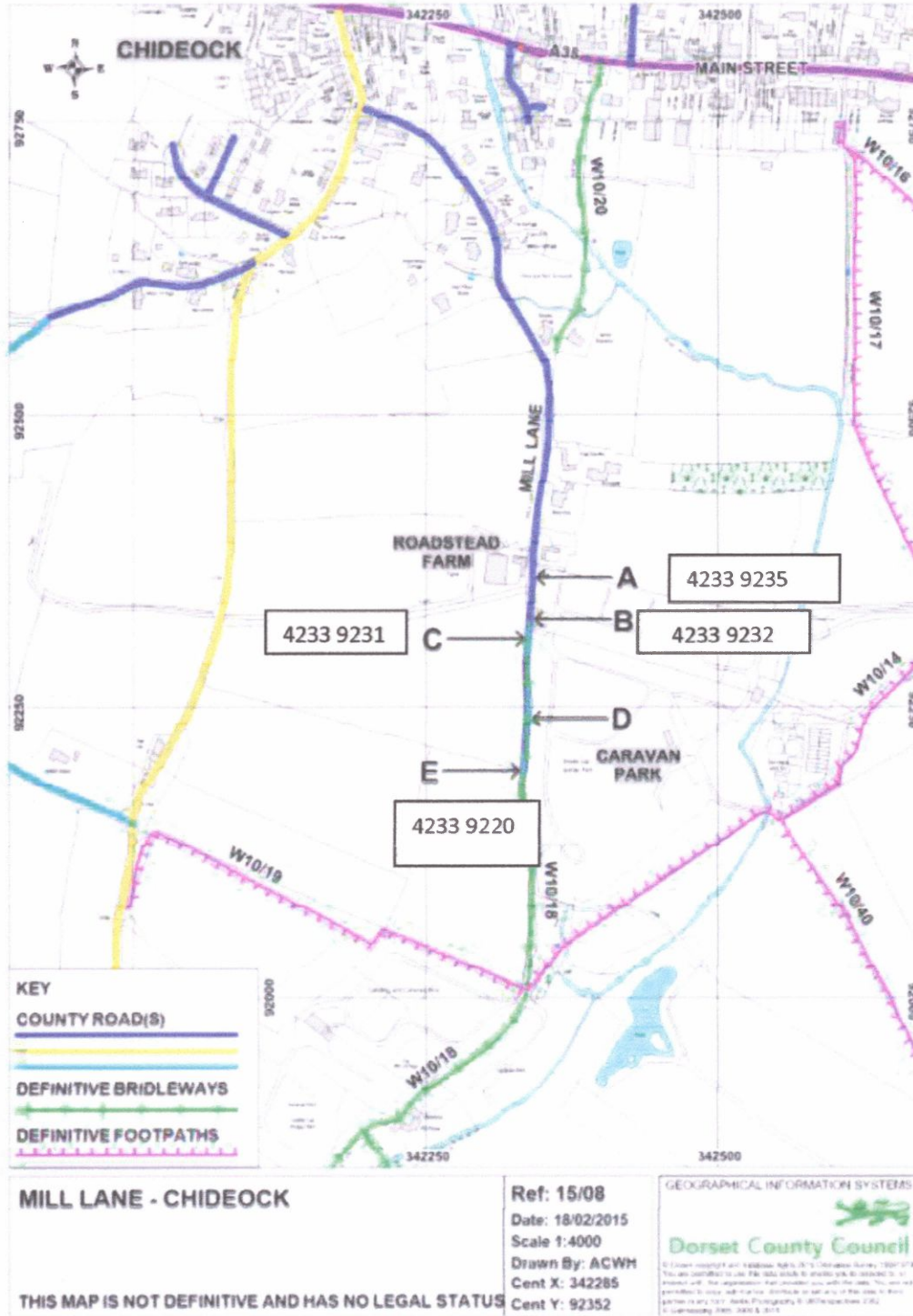
- a. Grid Reference Map
- b. Drawing 15/08 with Grid References.





Map showing position of Grid References A, B, C, E in conjunction with Page 15 – Drawing 15/08 from DCC Report.

Drawing 15/08 with added Grid References



APPENDIX 3

Old Photographs & 1843 Map of Mill Lane Bridleway

1843 Map of Seatown, Dorset

The 1843 Map shows clearly that there was no 'through road' to Seatown via Mill Lane. Seahill Lane only extends to Blackberry Lane. Access to Mill House is via Seahill Lane and Blackberry Lane not via Mill Lane.



Taken in the 1930's Marsh's Farm, now called Seatown Farmhouse, Seatown Farm on the right, now called Seatown Cottage. The footpath to the Mill can be seen leading off to the bottom and right of the picture. This is the track which in 1944 was covered in concrete by the War Ministry.



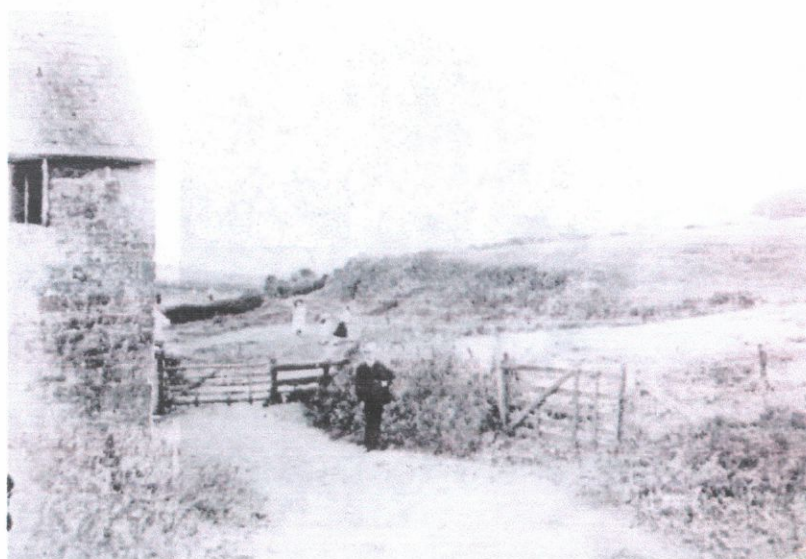
1933 occupant of Mill House walking on the path to Seatown – Mill House in the background



The Mill House in 1930's. The footpath from Seatown is a grass track and the old road from Seahill Lane (Blackberry Lane) can be seen coming from the field to the left of the Mill House. A gate across the road is just visible at the corner of the thatched barn, and another visible at the corner on the left hand side of the photo.



The old footpath to Seatown via Mill Lane. The track had to be gated to enclose the sheep and cattle but there was a stile for walkers. Blackberry Lane extends from Seahill Lane and then turns into a track to bring you to the Mill House through the gate on the right.



From a 1940 Film (screen shots) showing a walker walking along the old grass footpath from Mill House to the Beach. This follows the line of where the concrete was laid in 1943. The bottom photograph shows the walker closing the gate at the southern end of the track.





Proposed Definitive Map and Statement Modification Order - Part of Bridleway 18, Mill Lane, Chideock

59 The Committee considered a report by the Service Director Highways and Emergency Planning on a proposal for a Definitive Map and Statement Modification Order to record part of Bridleway 18, Mill Lane, Chideock – as shown between points B-C-D-E on Drawing 17/21/2 of the report - as a restricted byway. The reasoning for this was set out in detail in the report.

The officer drew members' attention to an error in the report on page 2 "Reasons for recommendation a)" the drawing number should be 17/21/1 not 17/21/2.

With the aid of a visual presentation, the basis for the proposal was explained and what it entailed. Photographs and plans were shown illustrating this, showing the route of Mill Lane from various directions and at various points along its route; its characteristics, configuration and construction; its setting within the landscape in that part of Chideock, its relationship with the neighbouring Golden Cap Holiday Park and Roadstead Farm; where other properties and amenities in the vicinity were; and the points between which it ran. Signage and gating were also detailed, as applicable. The documentary and user evidence contained in the report - and how this had been analysed - was referred to in detail and how this had been applied in the officer's reasoning for coming to the recommendation. The weight to be given to the user and documentary evidence was explained. The Committee's attention was drawn to what they were being asked to consider, this being all the available evidence in respect of this route so as any uncertainties regarding the status of Mill Lane might be resolved.

Officers explained that the extent and status of Mill Lane had been the subject of consideration over the course of some years and, in September 2013, following a planning application to West Dorset District Council designed to facilitate the reorganisation of the Golden Cap Holiday Park, Chideock Parish Council requested that the correct position of Mill Lane County Road and Bridleway 18, Chideock be established definitively.

Investigations into the status of the route had concluded that, on balance, the creation of a bridleway in 1996 appeared to be flawed, in that that part of the bridleway – from point B-C-D-E on Drawing 17/21/2 of the report - had already been recorded as a highway maintainable at public expense on the list of streets, the effect being that public mechanically propelled vehicular rights had been extinguished by the Natural Environment and Rural Communities Act 2006. Therefore it was now being proposed that the section of route B-C-D-E should correctly be recorded on the definitive map as a restricted byway. Moreover officers explained that a Modification Order must be made if the balance of evidence showed that route shown on the Definitive Map and Statement should be shown as having a different status. For the reasons set out in the report, officers considered that this was the case in that the evidence - on the balance of probability - supported the proposed modification.

Officers confirmed that any private vehicular rights over the route would be preserved and remain unaffected by the proposal, so consideration of this was not a matter for Committee.

The reasons for the classification were explained to the Committee: this essentially being that, between points B and E, the route had been recorded inadvertently as both public highway maintainable at public expense (carriageway) and public

bridleway.

Resulting from the consultation exercise on the proposal held in 2017, Chideock Parish Council had reaffirmed its view that the status of Mill Lane as a bridleway should be maintained. Other responses to the consultation were evidenced in the officer's report.

The County Council Member for Marshwood Vale was in agreement with the officer's recommendation.

The opportunity was given to the Committee to ask questions about what they had heard and read and took this opportunity.

Clarification was provided by the Senior Solicitor as to the terminology used on part (b) of the officer's recommendation "...or if any objections are withdrawn..." in so far as "all" should be used in place of "any" to provide for a clearer understanding. The Committee agreed that this should be the case.

The Senior Solicitor also clarified that whilst no one piece of evidence could be taken as conclusive, the Definitive Map was seen to carry important weight when consideration was being given to such matters.

In assessing the evidence presented by officers, taking into account the detail of the proposal in the report and having an understanding of the presentation made, the Committee concluded that, on balance, the officer's recommendation was acceptable and played a significant part in the process of correcting the Definitive Map and, on that basis, and on being put to the vote, the Committee agreed

Resolved

1. That an Order be made to record part of Bridleway 18, Mill Lane, Chideock - as shown between points B-C-D-E on Drawing 17/21/2 of the report - as a restricted byway.
2. That if the Order was unopposed, or if all objections were withdrawn, it be confirmed by the County Council without further reference to the Committee.

Reasons for Decisions

1. The available evidence showed, on balance, that Mill Lane, as shown between Duck Street in the north and point B on Drawing 17/21/1, was dedicated as a carriageway under common law.
 - a. A public path creation order in 1996 recorded a bridleway over that part of Mill Lane from point B to point E on Drawing 17/21/2.
 - b. Section 67 of the Natural Environment and Rural Communities Act 2006 stated that an existing public right of way for mechanically propelled vehicles was extinguished if it was over a way which, immediately before commencement was shown on the definitive map and statement only as a footpath, bridleway or restricted byway.
 - c. As the proposal post-dated 20 January 2005, and there was no evidence that exceptions applied, the provisions of the Natural Environment and Rural Communities Act 2006 extinguished the public rights for mechanically propelled vehicles and therefore an order should be made to add a restricted byway. (Restricted byway status includes public rights to use the route on foot, on horseback or leading a horse, and therefore incorporates footpath and bridleway rights).
- (b) The evidence showed, on balance, that Mill Lane - between points B-C-D-E on Drawing 17/21/2 - should be recorded as a restricted byway. Accordingly, in the absence of objections, the County Council could itself confirm the Order without submission to the Planning Inspectorate.

Decisions on applications and proposals for Definitive Map Modification Orders ensured that changes to the network of public rights of way complied with the legal requirements and support the Corporate Plan 2017-19 Outcomes Framework:

People in Dorset are **Healthy**:

- To help and encourage people to adopt healthy lifestyles and lead active lives
- We will work hard to ensure our natural assets are well managed, accessible and promoted.

Dorset's economy is **Prosperous**:

- To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently.

Questions from County Councillors

60 There were no questions raised by members under Standing Order 20(2).

Meeting Duration: 10.00 am - 11.40 am