

**Appendix 8**

**Planning Inspectorate decision 31 July 2020**



# The Planning Inspectorate

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RG21 7NL

Your Ref:  
Our Ref: FPS/C1245/14A/10  
Date: 31 JUL 2020

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Dear Madam

WILDLIFE AND COUNTRYSIDE ACT 1981 S14 S14  
Dorset County Council  
Refusal to upgrade Bridleway 14, Beaminster, to a Byway Open to all Traffic

I enclose for your information a copy of the Inspector's decision on this Appeal.

Also enclosed are two leaflets entitled *Our Complaints Procedure* and *Challenging the Decision in the High Court*.

Please note that this decision can only be challenged by applying to the Administrative Court for a judicial review.

If you have any queries about the enclosed decision, please contact the Quality Assurance Unit at the following address:

Customer Quality  
The Planning Inspectorate  
3D Kite  
Temple Quay House  
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Tel: 0303 444 5884

<https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>

An electronic version of the decision will shortly appear on the Inspectorate's website.

Yours faithfully  
www.gov.uk



*Helen Sparks*  
(Rights of Way Section)

APPdesp



## Appeal Decision

by Mark Yates BA(Hons) MIPROW

an Inspector on direction of the Secretary of State for Environment, Food and Rural Affairs

Decision date: 31 July 2020

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### Appeal Ref: FPS/C1245/14A/10

- This appeal is made under Section 53(5) and Paragraph 4(1) of Schedule 14 of the Wildlife and Countryside Act 1981 ("the 1981 Act") against the decision of the Dorset Council ("the Council") not to make an order under Section 53(2) of that Act.
- The application was dated 21 December 2004 and this appeal relates to the Council's decision of 26 March 2019 to not make an order.
- The appellant claims that Beaminster Bridleway No. 14 should be upgraded to a byway open to all traffic ("BOAT").

### Summary of Decision: The appeal is dismissed.

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#### Preliminary Matters

1. I have been directed by the Secretary of State for Environment, Food and Rural Affairs to determine an appeal under Section 53(5) and Paragraph 4(1) of Schedule 14 of the 1981 Act.
2. I have not visited the site but I am satisfied that I can make my decision without the need to do so.
3. Submissions have been received from the appellant, the Council, affected landowners and other interested parties regarding this appeal. References below to 'the landowners' relate to the representations made on behalf of Mr and Mrs Clunes.
4. The alleged BOAT ("the claimed route") is shown on the map attached to this decision between points A, B, C, D and E. It links at point A with the C102 county road and at point E with BOAT 89. The definitive map was modified in 2001, following a public inquiry held to determine the status of the route that became BOAT 89.

#### Main Issues

5. Section 53(3)(c)(ii) of the 1981 Act specifies that an order should be made following the discovery of evidence which, when considered with all other relevant evidence, shows that "*a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description*". The evidential test to be applied is the balance of probabilities.
6. The case in support relies on various historical documents and maps. I shall consider whether the evidence provided is sufficient to infer the dedication of higher public rights over the claimed route at some point in the past. Section

32 of the Highways Act 1980 requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as appropriate, before determining whether or not a way has been dedicated as a highway.

7. The Natural Environment and Rural Communities Act 2006 ("the 2006 Act") has the effect of extinguishing unrecorded public rights of way for mechanically propelled vehicles unless one or more of the exemptions in Section 67(2) or (3) of the Act is applicable. In this case, reliance is placed on the exemption in Section 67(3)(a) of the 2006 Act, namely that prior to the relevant date<sup>1</sup> an application was made for an order to modify the definitive map and statement to show the route as a BOAT.

## **Reasons**

### ***Consideration of the documentary evidence***

8. The comments of the Council's Senior Archaeologist point to the claimed route being potentially of medieval origin. In respect of the representation from Mr Legg, I share the landowners concern in terms of the lack of evidence provided by him in support of his assertions regarding the historical use of the claimed route.
9. Two commercial maps produced by Taylor in 1765 and 1796 show a feature that could correspond to the claimed route. This is shown linking with a route at possibility point C or point E. No through route is visible to the south, beyond the land shown as a common. It can only be said that these maps could potentially provide support for the claimed route being a highway.
10. A circa 1800 sketch plan of roads in the neighbourhood of Beaminster is not particularly clear. It appears to depict other routes running north to south in this locality but not the claimed route. The provenance of this plan is unclear which lessens the weight that can be attached to it. However, I do not find that this plan provides support for the claimed route being viewed as one of the roads in Beaminster.
11. The map in connection with the Beaminster Inclosure Award of 1809 shows a route leading north eastwards to the edge of the land to be enclosed. This route is shown open-ended at its north-eastern end and annotated "*Meerhay*". It is described in the award as a public carriage road and highway with a width of 20 feet going to a place called Meerhay. The annotation on the map lies at the edge of the land to be enclosed and would have been located at a point to the south of the southern end of BOAT 89.
12. The landowners say that unless specific provision was made in the 1804 local Act, the general clauses contained in the Inclosure Consolidation Act 1801 ("the 1801 Act") would prevail. No provision is stated to have been made to vary Section 8 of the 1801 Act whereby public carriageways were to have a width of at least 30 feet. It is submitted that the provision in the award of a 20 feet wide carriage road was ultra vires. However, this does not prevent a finding that the way involved was dedicated at some other point in time. Moreover, this way lies to the south of the claimed route and the connecting BOAT 89.

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<sup>1</sup> 20 January 2005

13. The Inclosure Commissioner was clearly of the view that a road continued beyond the land to be enclosed. No definitive view can be reached regarding the point where the road was considered to terminate in Meerhay. However, I find the submission of the landowners that the road would have terminated in the locality of the former manor house to be more persuasive than the appellant's view that it continued further northwards and encompassed the claimed route. The map evidence suggests that the settlement of Meerhay was concentrated in the locality of the manor house. Accordingly, there is real doubt regarding whether the road to Meerhay included any part of the claimed route.
14. The claimed route is shown by means of solid lines on the Ordnance Survey ("OS") map of 1811. OS maps assist in identifying the physical features present when the land was surveyed, but they provide no confirmation regarding the status of the roads or tracks shown. Nonetheless, the claimed route is shown as a through route between recognised highways.
15. The claimed route is shown as a cross road on the 1826 Greenwood map. This would generally be reflective of the existence of a highway running between two roads. However, the landowners draw attention to some private roads shown on the Greenwood map in the same way. This suggests the surveyor was concerned with the representation of all roads irrespective of their status. The fact that the claimed route is shown as a through route is suggestive of it being a highway rather than a private road but there is the potential for this to be indicative of bridleway status.
16. An 1843 tithe map shows the majority of the claimed route excluded from the taxable parcels of land. However, a section of the route around point C is shown within plot 844. The whole of the claimed route is shown coloured sienna and the Council says this colouring was used on the map in connection with other public routes. In contrast, the landowners draw attention to there being private routes marked in this way.
17. Highways were incidental to the tithe process and this will usually serve to limit the evidential weight of tithe maps. The exclusion of a route from the tithed parcels of land could be indicative of a public or private road as both would have impacted upon the productivity of the land being assessed. In this case, a section of the route falls within one of the tithed parcels of land. The depiction of the claimed route as a through route and the colouring used on the tithe map could again provide some support for it being a highway. However, there is the potential for this to be indicative of a bridleway.
18. OS mapping from the late nineteenth century and early part of the twentieth century shows the claimed route by a mixture of solid and pecked lines, which indicates that there were sections where it was unenclosed and others where it was enclosed on one or both sides. There are additional cycling and touring maps that appear to record the physical existence of the claimed route during the early part of the twentieth century.
19. The initials "B.R." appear on the OS maps in relation to the claimed route to denote a bridle road. I accept that this does not necessarily mean the route was a bridleway. It is likely to have reflected how it appeared to the surveyor and represented the physical nature of the claimed route or sections of it. In terms of the footbridge identified on the 1903 OS map near to the southern end of BOAT 89, it cannot be determined what features previously existed at

this point. Nor does the absence of any reference to the claimed route in the OS name book mean that it was not a public road.

20. Attention has been drawn to locations where solid lines shown across the route are indicative of the presence of gates. The number of potential gates in this case could have served to hinder or slow the passage of vehicular traffic. However, the presence of gates does not mean that a route was not a historical vehicular highway.
21. The exclusion of a route from the surrounding hereditaments on the maps produced in connection with the 1910 Finance Act can provide a good indication of highway status, most likely of a vehicular nature as footpaths and bridleways were usually dealt with by way of deductions in the accompanying field books. In this case, the majority of the claimed route is shown running through the hereditaments numbered 136 and 430. A deduction was claimed for "*public rights of way or user*" through the latter, but it is not possible to determine the way in question. The exclusion of only limited parts of the claimed route from the surrounding hereditaments means that this document provides little, if any, support for the route being a vehicular highway.
22. The fact that the claimed route was considered to be a bridleway when the original definitive map was compiled does not impact on any unrecorded higher public rights that may exist over it. A subsequent letter of 22 May 1973 from the clerk of Beaminster Parish Council outlines that they were having difficulty in obtaining the required evidence in support of the upgrade of the claimed route. The reference to use appears to relate to access in connection with properties that adjoin the route. It was requested that the county council adopt the claimed route. This letter provides no actual evidence of use by the public and seems to be concerned with the maintenance of the route.
23. The reservation of rights of access, private maintenance undertaken on the route during the twentieth century and an obligation on tenants to not allow additional paths to be dedicated also do not assist in determining whether the claimed route was a pre-existing vehicular highway.

### ***Conclusions on the evidence***

24. There is some historical map evidence that shows the claimed route as a thorough route between recognised highways. The connecting BOAT 89 also connects with the D11228 road, which means that it is not a vehicular cul de sac at its northern end. The depiction of the claimed route as a through route provides some support for it historically being part of the public road network but only limited weight can be given to this map evidence. It could also potentially be reflective of the route's current status.
25. The reference to the road continuing to Meerhay in the inclosure documents does not necessarily indicate that it continued over the claimed route. I have found there to be merit in the view that the road terminated in the locality of the former manor house. The Finance Act evidence does not provide support for the majority of the claimed route being a vehicular highway.
26. Overall, I do not find that the different pieces of documentary evidence, when considered together, show on the balance of probabilities that this bridleway ought to be recorded as a BOAT.

### **The 2006 Act**

27. In light of my conclusion above, I do not need to decide whether the relevant exemption in the 2006 Act is applicable. However, due to the extensive submissions made on this matter, I briefly address it below.
28. The former Dorset County Council previously turned down five applications, including this one, on the ground that the map with the applications did not comply with paragraph 1(a) of Schedule 14. This matter is relevant for the purpose of determining whether the exemption contained in Section 67(3)(a) of the 2006 Act was engaged.
29. The appellant successfully challenged the decisions in the Court of Appeal and this appeal was upheld by the Supreme Court. The Supreme Court declared that the applications were compliant with paragraph 1 of Schedule 14 of the 1981 Act. Attempts to have this declaration varied have been unsuccessful. On this issue, it is asserted that it should have related solely to paragraph 1(a) of Schedule 14. A decision would then need to be made regarding whether the application was compliant in respect of the provision of evidence in accordance with paragraph 1(b) of Schedule 14.
30. The declaration clearly states that the application is compliant with paragraph 1 of Schedule 14, which is the matter to be decided in terms of the relevant exemption in the 2006 Act. Nonetheless, the information provided by the Council indicates that the application was received before the cut-off date and that all of the documents listed in the application form were supplied by the applicant. There may well be additional evidence that is later found to be relevant, but the Council does not consider that the applicant deliberately withheld any evidence.
31. From the written information provided it appears to me that the relevant exemption in the 2006 Act would have been applicable in this case.

### **Other Matters**

32. A number of concerns have been raised regarding the impact of the claimed route being recorded as a BOAT in relation to issues such as safety, the environment, maintenance, congestion and the suitability of the route for vehicular traffic. However, none of these matters are relevant to the test that I need to apply, as set out in paragraph 5 above.

### **Overall Conclusion**

33. Having regard to these and all other matters raised in the written representations I conclude that the appeal should be dismissed.

### **Formal Decision**

34. I dismiss the appeal.

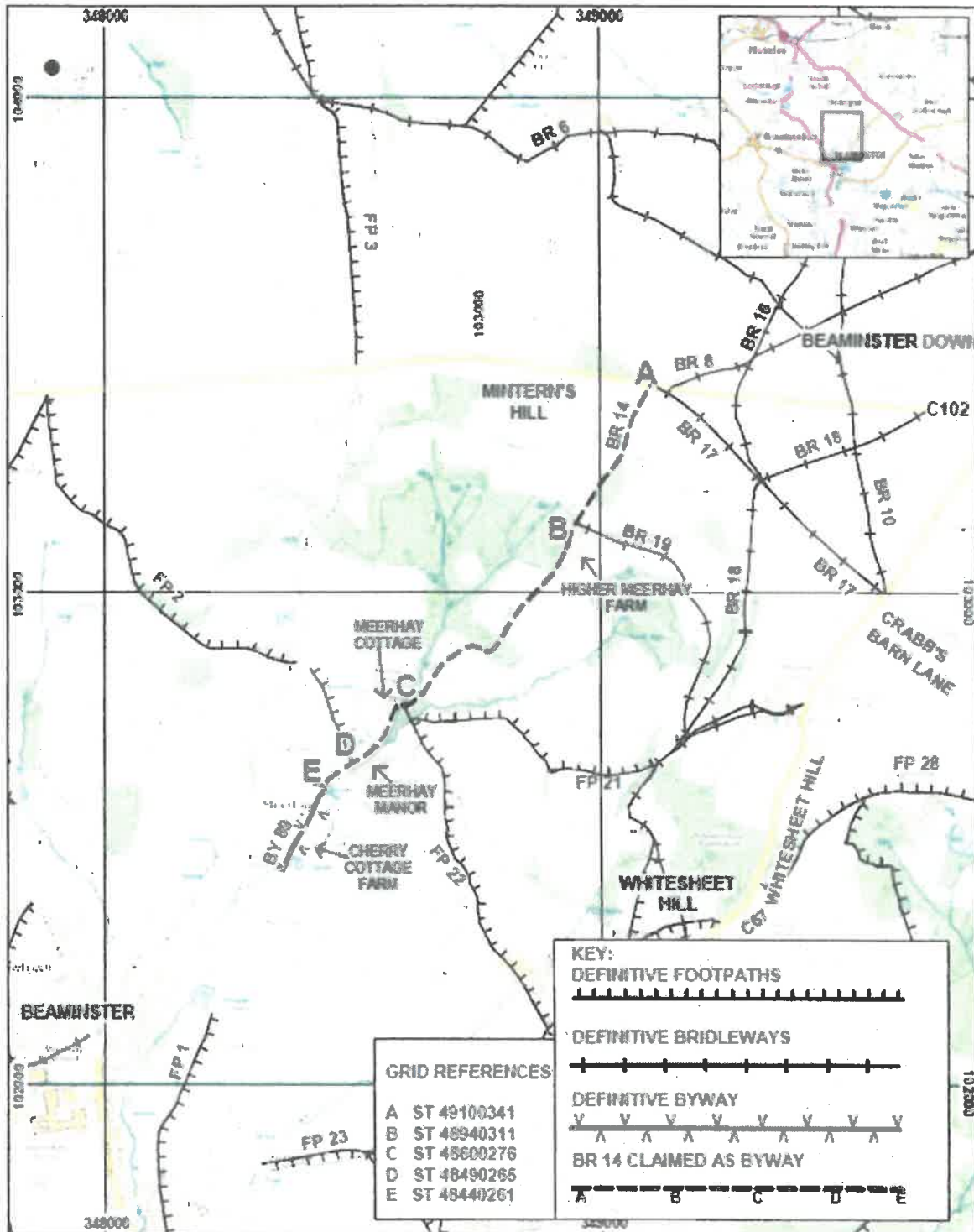
*Mark Yates*

**Inspector**





PLAN 18/12



**WILDLIFE AND COUNTRYSIDE ACT 1981**  
 APPLICATION TO UPGRADE BR 14, BEAMINSTER  
 TO BYWAY OPEN TO ALL TRAFFIC

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

**Ref: 18/12**  
 Date: 23/07/2018  
 Scale 1:10000  
 Drawn By: AH  
 Cent X: 348780  
 Cent Y: 102339

GEOGRAPHICAL INFORMATION SYSTEMS

**Dorset County Council**







## Our Complaints Procedures

### **Complaints**

We try hard to ensure that everyone involved in the rights of way process is satisfied with the service they receive from us. Applications and orders to amend the rights of way network can raise strong feelings and it is inevitable that someone will be disappointed with the decision. This can sometimes lead to a complaint, either about the decision itself or the way in which the case was handled.

Sometimes complaints arise due to misunderstandings about how the system for deciding application appeals and orders works. When this happens we will try to explain things as clearly as possible. Sometimes the objectors, applicant, the authority or another interested party may have difficulty accepting a decision simply because they disagree with it.

Although we cannot re-open a case to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how long an order making authority took to submit an order to the Secretary of State) in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Customer Quality Team to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the system for deciding rights of way appeals and orders and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. However, the law does not allow us to amend or change the decision.

## ***Taking it further***

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Ombudsman, who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

## ***Frequently asked questions***

**“Why can’t the decision be reviewed if a mistake has happened?”** – The law does not allow us to do this because a decision is a legal document that can only be reviewed following a successful High Court challenge.

**“If you cannot change a decision, what is the point of complaining?”** – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve.

**“How can Inspectors know about local feeling or issues if they don’t live in the area?”** – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

**“I wrote to you with my views, why didn’t the Inspector mention this?”** – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

**“How long will I have to wait for a reply to my complaint?”** – We will aim to send a full reply within 20 working days. In some cases where the issues raised are complex, a more detailed investigation will be needed, often requiring the views of those involved with the case. This may mean that we cannot reply to you as quickly as we would like.

## ***Further information***

Each year we publish our Annual Report and Accounts, setting out details of our performance against the targets set for us by Ministers and how we have spent the funds the Government gives us for our work. We publish full statistics of the number of cases dealt with during the preceding year on our website, together with other useful information (see ‘Contacting us’).

## ***Contacting us***

Website:

<https://www.gov.uk/guidance/object-to-a-public-right-of-way-order>

General Enquiries

Phone: 0303 444 5000

E-mail: [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk)

Complaints and Queries in England:

Please refer to our website:

<https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure> or write to:

Customer Quality Unit  
The Planning Inspectorate  
3H Hawk  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Phone: 0303 444 5884

### **Cardiff Office**

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@planninginspectorate.gov.uk](mailto:Wales@planninginspectorate.gov.uk)

### **Parliamentary and Health Service Ombudsman**

Millbank Tower, Millbank  
London SW1P 4QP

Complaints Helpline: 0345 015 4033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)



## Challenging a Decision in the High Court

**Important Note** - This leaflet is intended for guidance only. It should be noted that there are different procedures involved for statutory challenges and judicial reviews and they follow different timetables. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

### **Challenging a decision**

Once a decision is issued we have no power to amend or change it. Decisions are therefore final unless successfully challenged in the High Court. We can only reconsider a decision if a challenge is successful and the decision is returned to us for re-determination.

### **Grounds for challenging the decision**

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful, you would have to show that the Inspector had misinterpreted the law or that some relevant criteria had not been met. If, in relation to an order decision, a mistake has been made, and the Court considers it might have affected the decision, it will quash the decision and return the case to us for re-determination or it will quash the order completely. If the Court considers a mistake has been made on a Schedule 14 Appeal or Direction, it will quash the decision and return the case to us for re-determination.

### **Different order types**

The Act under which the order decision has been **confirmed** will specify the conditions under which it can be challenged, and is thus a statutory right to challenge a confirmed order - often referred to as a Part 8 claim as it is brought under Part 8 of the Civil Procedure Rules 1998. There is no statutory right to challenge where an order is '**not confirmed**'; in these circumstances a judicial review under Part 54 of the Civil Procedure Rules 1998 of the decision not to confirm may be applied for. Both scenarios are set out in more detail below.

### **Challenges to confirmed orders made under the Wildlife and Countryside Act 1981**

Any person aggrieved by the confirmed order can make an application to the High Court under paragraph 12 of Schedule 15 to the 1981 Act on the grounds i) that the order is not within the power of section 53 or 54; or ii) that any of the requirements of the Schedule have not be complied with. If the challenge is successful, the court will either quash the order or the decision. The Inspectorate will only be asked to re-determine the case if the decision only is quashed.

**Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of publication of the notice of confirmation - this period cannot be extended.**

***Challenges to confirmed orders made under the Town and Country Planning Act 1990 and the Highways Act 1980***

Any person aggrieved by the confirmed order can make an application to the High Court under paragraph 287, in the case of an order made under the 1990 Act, or paragraph 2 of Schedule 2 in the case of an order made under the 1980 Act, on the grounds that i) the order is not within the powers of the Act; or ii) that any of the requirements of the Act or regulations made under it have not been complied with. If the challenge is successful, the court will either quash the order or the decision. The Inspectorate will only be asked to re-determine the case if the decision only is quashed.

**Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of publication of the notice of confirmation - this period cannot be extended.**

***Challenges to orders which are not confirmed and all Schedule 14 Appeal and Direction decisions***

If an order made under any of the Acts is not confirmed, an aggrieved person can only challenge the decision by applying for a judicial review to the Administrative Court for a court order to quash the decision, the matter will then go back to the Inspectorate to re-determine. This also applies to an aggrieved person to a Schedule 14 Appeal or Direction decision as there is no statutory right to challenge.

**For applications for judicial review, the Claim form must be filed with the Administrative Court promptly and in any event not later than 3 months after the date of the decision (for orders made under the Highways Act 1980 or the Wildlife and Countryside Act 1981) or 6 weeks (for orders made under the Town and Country Planning Act 1990), unless the Court extends this period.**

***Who should be named as Defendant in the claim form?***

In order cases the Inspector is usually appointed on behalf of the Secretary of State for Environment, Food and Rural Affairs to confirm an order made by a local authority. In Schedule 14 appeal cases the Inspector is acting as the Secretary of State. The claim form for all types of proceedings should therefore be issued against the Secretary of State for Environment, Food and Rural Affairs and served upon: The Government Legal Department, One Kemble Street, London, WC2B 4TS. For telephone queries, please call the Government Legal Department on 020 7210 3000. Email: [thetreasury solicitor@governmentlegal.gov.uk](mailto:thetreasury solicitor@governmentlegal.gov.uk)

***Interested parties***

Interested parties can find out whether a case has been challenged by contacting the Administrative Court. If you do not know the name of the likely claimant, you will need to provide the Court with the date of the decision and the full title of the order or appeal (including the name of the relevant local authority). The more information you can provide, the easier it will be for the Court to identify it. If a person wants to become a formal party to the Court proceedings then they can make representations to the Court under Part 19 of the Civil Court Procedure Rules 1998 (see overleaf). Should you wish to become a formal party you may wish to seek legal assistance or ask the court for guidance. To be a party to a judicial review a person would have to have a sufficient interest.

## **Frequently asked questions**

**"Who can make a challenge?"** – In principle, a person must have a sufficient interest (sometimes called standing) in the decision to be able to bring a challenge. This can include statutory objectors, applicants, interested parties as well as the relevant local authority.

**"Who is notified of the challenge?"** – In Part 8 statutory claims, the claimant will serve proceedings on the named defendants. In Judicial Review claims the claimant will serve proceedings on the persons the challenge is against and anyone else they have identified as an interested party. The Planning Inspectorate will not notify anyone of the challenge. The claimant would be expected to identify and include the Council as an interested party. If the defendant and any interested party are aware that another party should be made aware of the proceedings as an interested party they should include the details of that party in the acknowledgment of service.

**"How much is it likely to cost me?"** – A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees – see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though. It is usual for the costs of a successful party to be paid by the losing party, therefore if the challenge fails you will usually be ordered to pay the defendant's costs as well as having to cover your own. If the challenge is successful, the defendant may be ordered to pay your reasonable legal costs. However, the court ultimately has the power to issue whatever costs it sees fit.

**"How long will it take?"** – This can vary considerably.

**"Do I need to get legal advice?"** – You do not have to be legally represented in Court but it is advisable to do so, as you may have to deal with complex points of law.

**"Will a successful challenge reverse the order decision?"** – Not necessarily. The Court will either quash the order or quash the decision. Where the decision is quashed, we will be required to re-determine the order. However, an Inspector may come to the same decision again, but for different or expanded reasons. Where the order is quashed, jurisdiction will pass back to the Order Making Authority. They will need to decide whether to make a new order.

**"Will a successful challenge reverse the appeal decision?"**

Yes. We will be required to re-determine the appeal. However, an Inspector may come to the same decision again, but for different or expanded reasons.

**"If the decision is re-determined will it be by the same Inspector?"**

The same Inspector will be used unless there is a good reason not to do so.

**"What can I do if my challenge fails?"** – The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

**"What happens if the order is quashed?"** – Jurisdiction will pass back to the Order Making Authority. They will need to decide whether to make a new order.

**"What can I do if I am not listed as an interested party on the challenge but want to be involved?"** – You can contact the Administrative Court and ask to be listed as an interested party (see Part 54.1(2) of the Civil Procedure Rules 1998 for the definition of an interested party).

**"Can the Planning Inspectorate or the Department for Environment, Food and Rural Affairs, provide me with advice about making a challenge?"** – Neither the Planning Inspectorate nor the Department for Environment, Food and Rural Affairs can advise you on a challenge or on becoming a formal party – you should seek advice from your own legal adviser.



*"Where will I find the claim forms?"*

The forms are available on the Administrative Court's website at [www.justice.gov.uk/courts/procedure/rules/civil/forms](http://www.justice.gov.uk/courts/procedure/rules/civil/forms). The Part 8 Claim form is number N208 and the form for making a Judicial Review is N461. Guidance notes for claimants are also available.

*"Where do I send the completed claim forms?"*

They need to be filed with the Administrative Court at The Royal Courts of Justice, Queen's Bench Division, Strand, London, WC2A 2LL. They also need to be served on The Government Legal Department, One Kemble Street, London, WC2B 4TS.

## ***Further Information***

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2A 2LL, telephone 020 7947 6000. Information can also be found on their website at [www.justice.gov.uk/courts/rcj-rolls-building/administrative-court](http://www.justice.gov.uk/courts/rcj-rolls-building/administrative-court). Please see the attached flow charts setting out the main steps to be followed for both the statutory and judicial review procedures (please note that these charts do not contain the specific timelines for submitting evidence).

## ***Inspection of order documents***

We normally keep most case files for one year after the decision is issued, after which they are destroyed. You can inspect order documents at our Bristol office, by contacting the case officer dealing with the case, or our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey, it may be more convenient to arrange to view the documents at the offices of the relevant local authority.

## CONTACT INFORMATION

### The Planning Inspectorate

#### Rights of Way Section

Mrs Annie Owen  
Rights of Way Section Manager  
The Planning Inspectorate  
3A Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0303 444 5466

E-mail: [annie.owen@planninginspectorate.gov.uk](mailto:annie.owen@planninginspectorate.gov.uk)

Information: <https://www.gov.uk/guidance/object-to-a-public-right-of-way-order>

#### General Enquiries

Phone: 0303 444 5000

E-mail: [rightsofway2@planninginspectorate.gov.uk](mailto:rightsofway2@planninginspectorate.gov.uk)

#### Welsh Office

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
Cardiff CF10 3NQ  
Phone: 0292 082 3866

E-mail: [Wales@planninginspectorate.gov.uk](mailto:Wales@planninginspectorate.gov.uk)

#### Complaints

Please refer to our website: <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure> Phone: 0303 444 5884

### The Government Legal Department

102 Petty France  
Westminster  
London  
SW1H 9GL  
Phone: 020 7210 3000 Website:  
<https://www.gov.uk/government/organisations/governmentlegal-department>

### Administrative Court

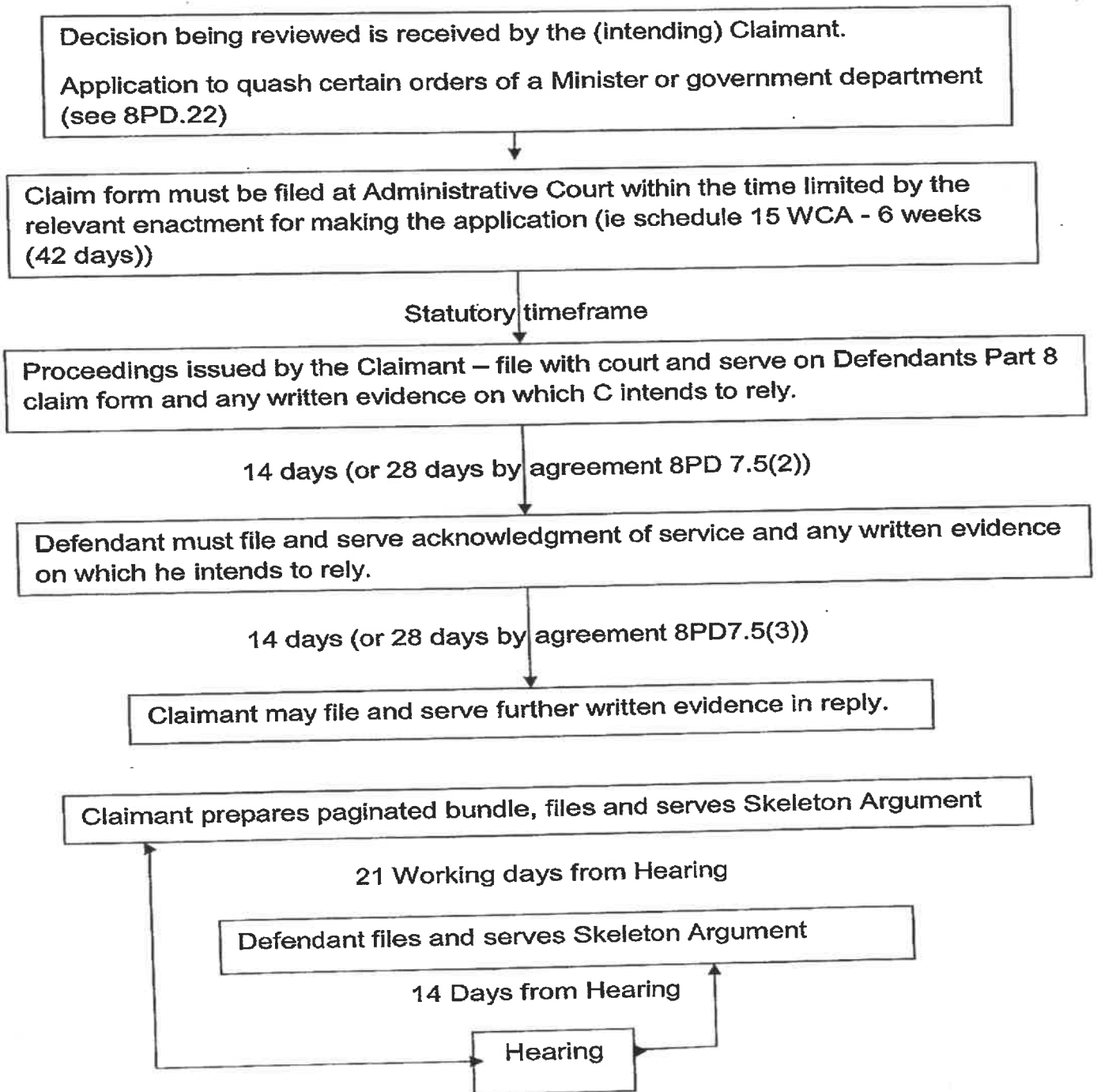
Royal Courts of Justice  
Queen's Bench Division  
Strand  
London  
WC2A 2LL  
Phone: 020 7947 6655  
Website:  
[www.justice.gov.uk/courts/rcj-rollsbuilding/administrative-court](http://www.justice.gov.uk/courts/rcj-rollsbuilding/administrative-court) Email for enquiries:  
[administrativecourtoffice.generaloffice@hmcts.x.gov.uk](mailto:administrativecourtoffice.generaloffice@hmcts.x.gov.uk)

### Parliamentary and Health Service Ombudsman

Parliamentary and health Service Ombudsman  
Millbank Tower, Millbank  
London SW1P 4QP

Complaints Helpline: 0345 015 4033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

## Timetable for Part 8 Claims



## Timetable for Judicial Review

