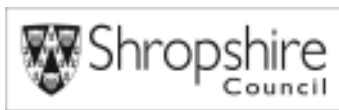


**Data Protection: Please note that this information may be open to public examination**



App. Ref. No.....

Form **A1**

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER**

**DEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE**

To: The Outdoor Recreation Manager

Outdoor Recreation

Shropshire Council

Shirehall

Abbey Foregate

Shrewsbury

SY2 6ND

I/~~We~~ Wendy Bannerman.....(Name of Applicant)

Of British Horse Society, Abbey Park, Stareton, Kenilworth, Warks CV82XZ.....(Address of Applicant)

.....

hereby apply for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981  
modifying the definitive map and statement for the area by **adding** the following right of way

Parish Comley and Cardington

Status: ~~Byway Open to All Traffic/Restricted Byway~~/Bridleway/~~Footpath~~\*

\* delete as appropriate

From OSGR SO 48539639

To OSGR SO 5047 9557 (Location of right of way)

OSGR SO 48539639 to OSGR SO 4943 9606 add bridleway  
OSGR SO 49439606 to OSGR SO 4953 9597 to OSGR SO 5002 9572 upgrade footpath to bridleway  
OSGR So 5002 9572 to OSGR SO 5047 9557 add bridleway  
as shown on the map accompanying this application.

(A map must be supplied with a scale of at least of 1:25,000)

I/We attach the following documentary evidence including evidence of use statements, in support of this application:

Inclosure Map and Award, Cardington 1814-1834; Tithe Cardington (1845); OS 6 inch Shropshire LVI.NW and LVI.NE (1883);  
OS 1 inch old series LXI SW Shrewsbury (1883); OS one inch sheet 166 - Church Stretton (1889);  
OS 25 inch Shropshire LVI.2 and LVI.3 (1883); Bartholomew's Half inch map sheet 17 Shropshire (1903);  
Finance Act map RI 132/4/568 and IR 132/4/569; Land Registry Inspire data (2025)

.....  
.....  
.....  
.....

Dated 30 September 2025

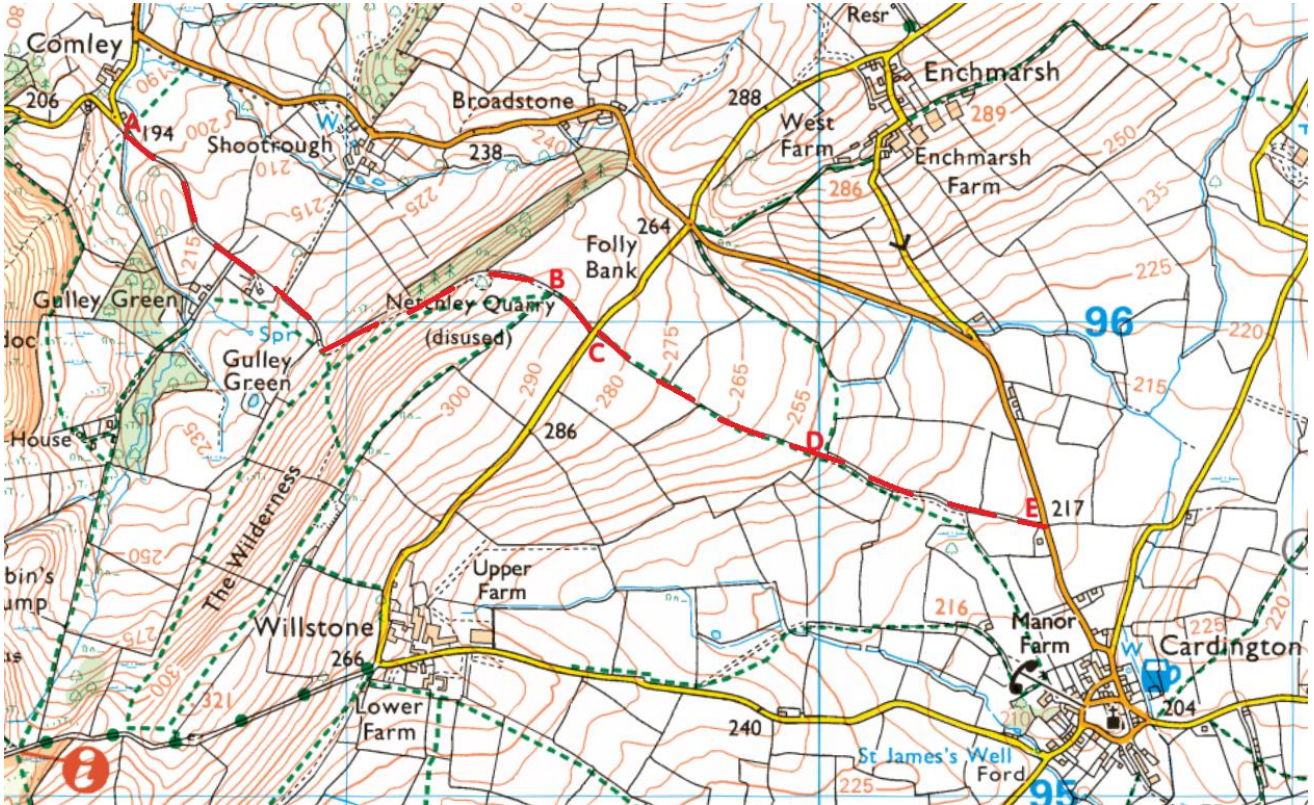
Signed W E Bannerman PRINT  
NAME Wendy Bannerman

**Data Protection: Please note that this information may be open to public**

# Wildlife and Countryside Act 1981

## Map to Accompany Definitive Map Modification Order Application

For the addition of and upgrade to bridleway of a route in the Parishes of Comley and Cardington, Shropshire as marked on the map below by the red line A-E



**Applicant's Reference: SHR-0203**

**September 2025**

Map produced from extract of Ordnance Survey 1:25,000 scale mapping. When printed on A4 paper, the scale will be not less than 1:25,000 and thus meets the requirement of regulation 2 and regulation 8(2) of The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.

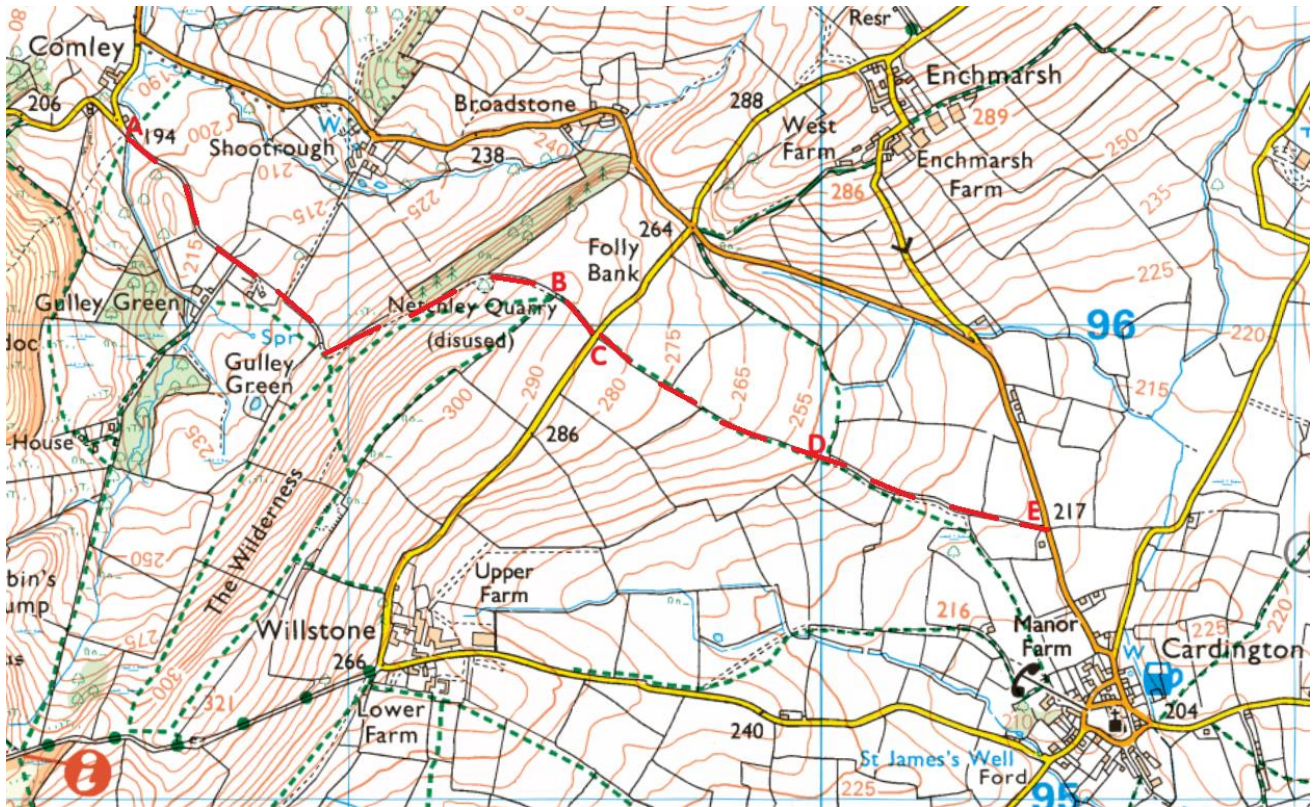


# Wildlife and Countryside Act 1981

## Summary of Evidence

### Definitive Map Modification Order Application

For a route in the Parishes of Cardington and Comley to be shown as a Public Bridleway marked on the map below by the red A-E



Extract from Ordnance Survey 1:25000  
Applicant's Reference: SHR-0203

**September 2025.**

Quick reference path facts to assist the Surveying Authority in its investigation

Grid references of ends of route  
(approximate)

SO48539639 to SO50479557

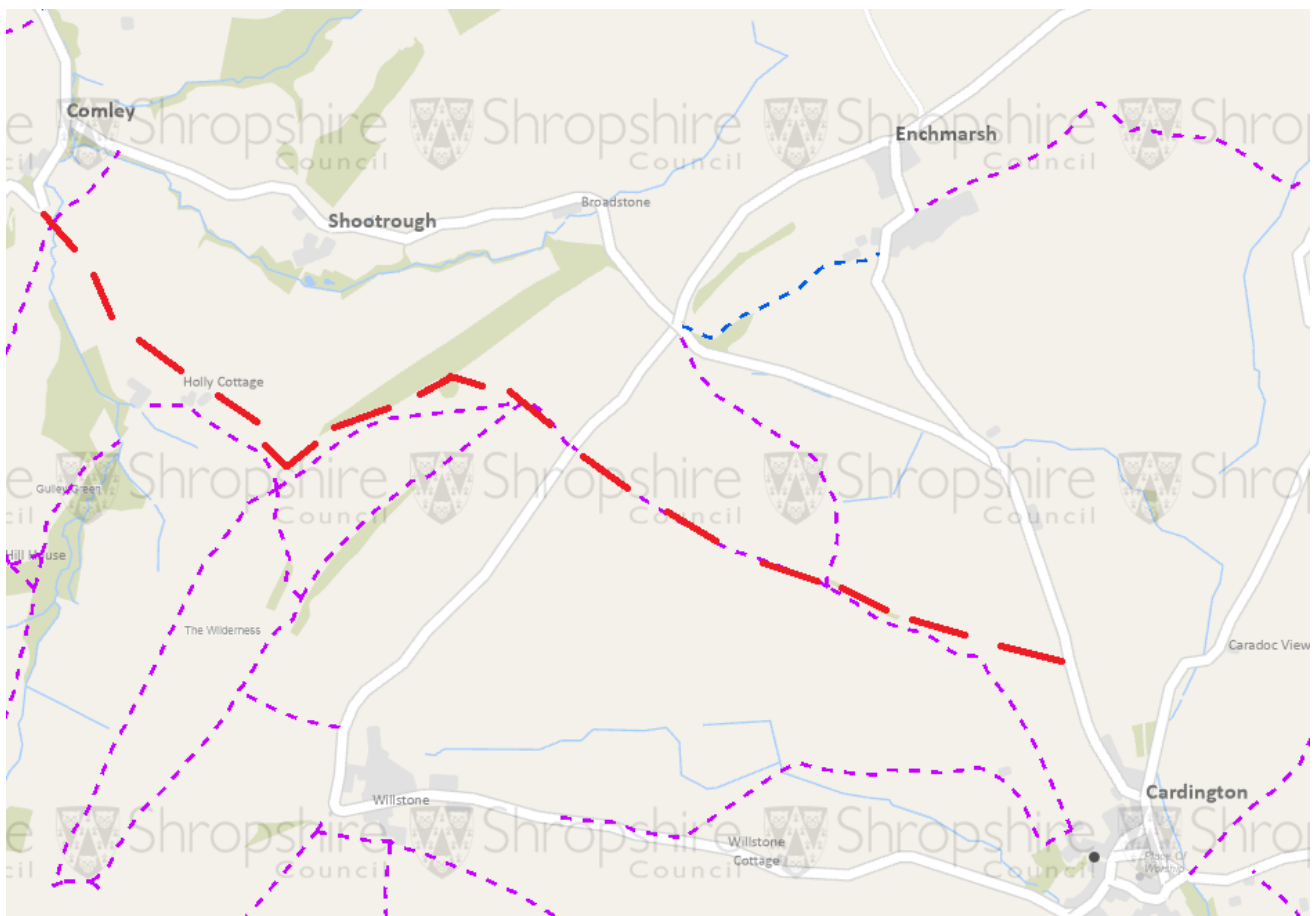
1. My name is Wendy Bannerman, I am the applicant for the order, for and on behalf of the British Horse Society (BHS). I am employed by the BHS as an Access Field Officer for the East and West Midlands with a key objective to support and progress Project 2026 in the region.
2. This application is made because the effect of s.53(1) and (2) Countryside and Rights of Way Act 2000 on a public path that existed prior to 1949, still exists on the cut-off date, and hasn't been a highway of a different description in between, and is not shown in the definitive map and statement at all is to extinguish all rights on that route. (This applies if the route is determined to be a footpath or bridleway.)
3. I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981, when introduced, because:
  - a. This application statement includes explanations as to how the evidence applies to the application route, and
  - b. The application contains one or more of the following forms of supporting evidence:
    - (1) Legal document(s) relating specifically to the right of way that is the subject of the application (such as Railway Act, Inclosure Act and Award, Finance Act, Court Order or Main Roads Order evidence).
    - (2) Evidence of reputation in legal document(s), even though not written specifically about the right of way that is the subject of the application (such as Tithe Awards and Maps).
    - ~~(3) Documentary evidence of expenditure that would be unlawful unless the way was a public highway, for example Highway Board records.~~
    - (4) Documentary evidence of reputation, for example an Ordnance Survey map, coupled with public scrutiny, or evidence of highway status in a landowner produced document.
    - (5) Maps and other documents which, over a period of time, and taken together, provide evidence of reputation that the order route is part of the public highway network.

## THE APPLICATION ROUTE

4. The application route is shown approximately on the plan above:

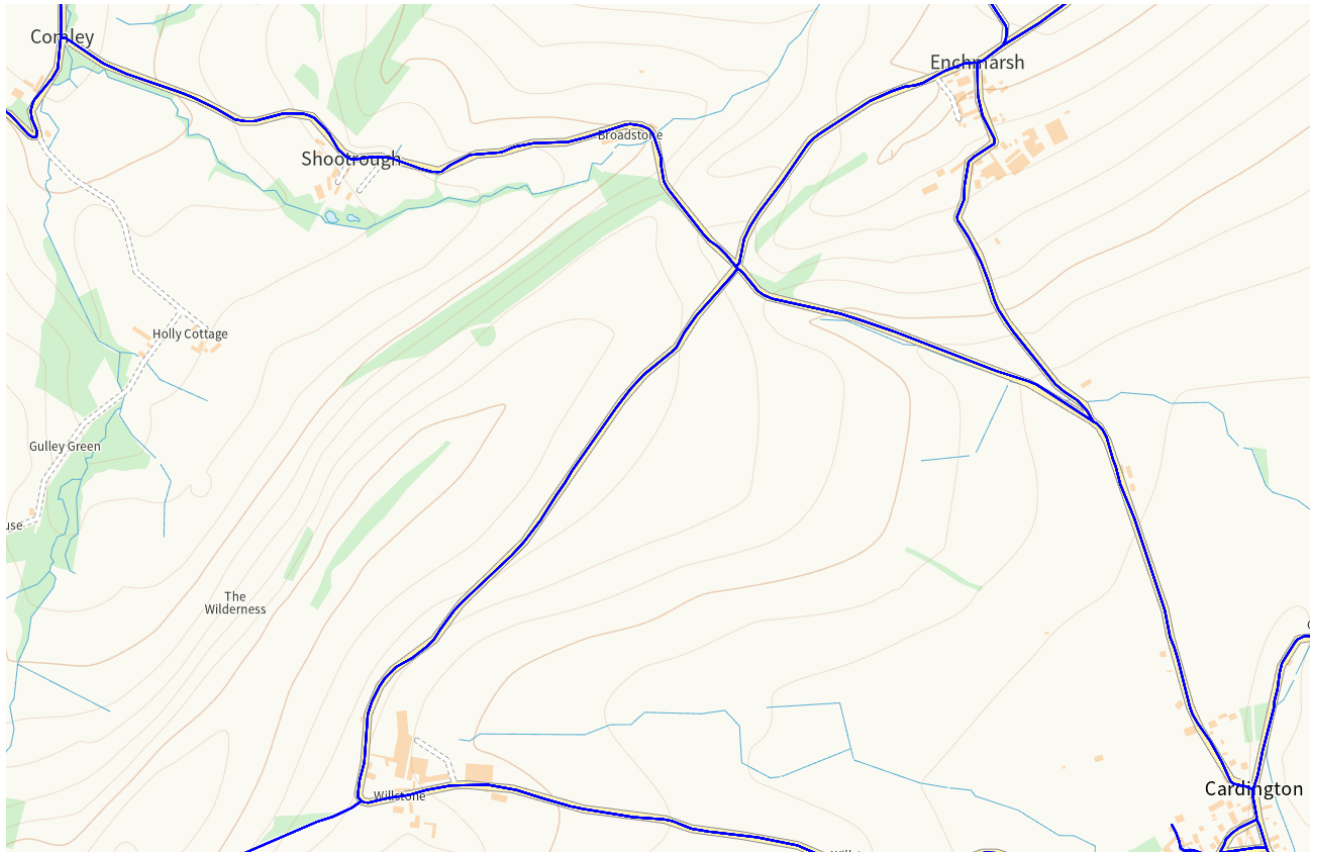
- a. Point A at OSGR SO 4853 9639 from county road USRN: 34701493
- b. Point B at OSGR SO 4943 9606 where Public footpaths 0410/17/3, 0410/16/1 and 0410/15/1 converge
- c. Point C at OSGR SO 4953 9597 on footpath 0410/17/2 from county road USRN: 34701477
- d. Point D at OSGR SO 5002 9572 where footpaths 0410/17/2, 0410/18/1 and 0410/17/1 converge and the application route continues on a track
- e. Point E at OSGR SO50479557 where the path meets county road USRN: 34800441

5. The application route is on the Shropshire CC representation of the Definitive Map as 0431/90/2 (part of)



<https://shropshire.maps.arcgis.com/apps/webappviewer/index.html?id=00a0e03e79ee453ab6b787961ab192ec>

6. The application route is not on the online List of Streets



<https://www.findmystreet.co.uk/map>



7. The images below are from Ordnance Survey online maps.



*Image 1 is a Aerial View with the route indicated with red dashes*



*Image 2 from googlemaps (2024) is looking southeast from point A*





*Image 3 is from Googlemaps (2024) looking west from point C*



*Image 4 is from Googlemaps (2024) looking east from point C*



*Image 5 is from Googlemaps (2024) looking west from point E*

## DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

8. In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence which shows, on the balance of probabilities, that highway rights exist. The use of the 'balance of probabilities' test rather than 'beyond reasonable doubt' was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.

9. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22,

*'In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in R v Exall (1866) 4 F & F 922:*

*"It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."*

10. While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have highway status.

## 11. Inclosure

### a. Date

Cardington Inclosure 1814-1834 Map and Award

### b. Relevance

(1) An act of parliament entitled an act for inclosing lands in the parish of Cardington in the county of Shropshire subject to the terms of the Act.

### c. Archive and Reference

Shropshire Archive: QE\_1\_2\_36

### d. Meaning

On Map No. I of the Inclosure, the Carriage Road B over Netchley Hill is labelled "From Comley" and "To Cardington". It is described in the Award as "A Public Carriage Road or Highway of the breadth of thirty feet." The section shown on the map relates to a short section of the Application Route on Netchley Hill towards point C on the application map and is named Netchley Road. Note that "Comley" on the Inclosure Map appears to refer to Comley Farm on the modern map as opposed to what is now marked as the hamlet of Comley.

On Map No. II of the Inclosure the Carriage Road D is labelled "To Comley" and "To Cardington". It is described in the Award as "A Public Carriage Road or Highway of the breadth of thirty feet." The section shown on the map relates to a part of the Application Route to the NW of Carriage Road B nearer to point A on the modern map. On this map the watercourse from the spring and key fields are recognisable on the modern map.

Map No III of the Inclosure relates to land exchanges and the Application Route is clearly marked on the map between the points A and D (on the modern map) and is labelled "To Comley" at point D.

### e. Assessment

This provides useful information from which inferences may be drawn. The application route is shown in the same way on the map as other highways in the area such as the modern roads it leaves at Comley and crosses at point C. This suggests that the application route was a public highway at the time of assessment and should be recorded at least as bridleway status.



To all to whom these Presents shall come.

Richard Griffithes of Bishopps Castle in the County of Salop  
 Gentleman the sole Commissioner appointed for ratifying and confirming  
 the Loyal Act of Parliament therein after in part recited or mentioned  
 and also the Reverend Joseph Corbett Clerk of the Peace of  
 Salop the Reverend John Poyer of Dorchester Hall in the  
 County of Shropshire Clerk Richard Collins of Sturt Warden  
 in the said County of Salop Gentleman and Humphrey Norton  
 of the same place Gentleman. Devised in for named in the last  
 will and Testament of Richard Baker late of Shropshire in the  
 said County of Salop Esquire deceased The Reverend William  
 Jones Hughes Clerk Vicar of the Parson Church of Cardington  
 in the said County of Salop Newland Hunt of Worcester  
 in the said County of Salop Esquire Warden of the Advowson of  
 the Vicarage of Cardington aforesaid and The Right Reverend  
 Father in God George Aulsebrook Lord Bishop of Hereford  
 Ordinary of the Diocese of Hereford William Mathias of Shropshire  
 in the said County of Salop Gentleman in the last will and Testament  
 of William Mathias Joseph Hickman of Shropshire in the said County  
 The said William Mathias Richard Tucker of Shropshire  
 Hall in the Parson of Cardington aforesaid Farmer and Edward  
 Street of Cardington aforesaid Farmer which said William Mathias  
 Richard Tucker and Edward Street are the Surviving Executors  
 and Overseers of the last will and Testament of the said William Mathias  
 aforesaid Charles Simpson of Little Warton in the said County  
 of Salop Esquire and Mary his wife William Bentley  
 of Great Queen Street Surgeons and Solicitors in the City of London  
 and later Richard Craven of Lutterworth in the said County of Salop  
 Gentleman Daniel Pove of Eton in the said County of Salop  
 Gentleman Thomas Smith of Shropshire in the County of Shropshire  
 Esquire and Ann his wife William Craven of Cardington aforesaid  
 Gentleman Margaret Oliver of Trent Lane in the Parson of Eton  
 in the said County of Salop Spinster George Pickering of the Sticks  
 in the Parson of Northwold in the County of Salop aforesaid  
 Gentleman and John Oliver Pickering of the same place Gentleman  
 Francis Vernolds Millers of Cardington aforesaid Esquires  
 the said William Jones Hughes The Reverend Walter  
 Corbett of Douglon in the said County of Salop Clerk and The  
 Reverend George Mathias, Master of the Free School at Cardington aforesaid

Witness my hand and seal this 10th day of June 1700

## Public Carriage Roads and Highways.

- A.** *Comley Road.* One Public Carriage Road or Highways of the breadth of twenty feet leading from Comley over Oshlymirel in a north-easterly direction towards Seebolwood Rectory called "The Comley Road" and is described and marked on the Map No. 1. by the letter A.
- B.** *Nebley Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Comley easterly over Oshlymirel and towards Cardington Rectory called "The Nebley Road" and is described on the Map No. 1. by the letter B.
- C.** *Enchmarsh Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Eardwarda north-easterly and north-westwardly over Challwall Lane, Boat Edge, Oshlymirel and a Lawley Hill towards Longnor Rectory called "The Eardwarda Road" and is described and marked on the Map No. 1. by the letter C.
- D.** *Caerdee Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Cardington north-westwardly and northwardly over the north end of Caerdee Hill towards Comley Rectory called "The Caerdee Road" and is described and marked on the Map No. 2 by the letter D.
- E.** *Cardington Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Cardington over Cardington Moor in a southwardly direction towards Shaweaton Rectory called "The Cardington Road" and is described and marked on the Map No. 2 by the letter E.
- F.** *Old Watling Street Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Earda Station in a north-easterly direction over the north-west side of Oshlymirel towards Seebolwood being "The Old Watling Street Road" and is so named, described and marked on the Map No. 1. by the letter F.
- G.** *Lawley Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Comley in a north-easterly direction over the north side of Lawley Hill towards Longnor Rectory called "The Lawley Road" and described and marked on the Map No. 1. by the letter G.
- H.** *Challwall Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from out of the Road marked C on the top of the Boat Edge at the north-west corner of allotment No. 20. south-easterly and easterly over Challwall Lane towards Challwall Rectory called "The Challwall Road" and is described and marked on the Map No. 1. by the letter H.
- I.** *Boleyle Road.* One other Public Carriage Road or Highways of the breadth of twenty feet leading from Boleyle north-easterly over the north-east corner of the Caerdee Hill into the road marked on the Map

*Adm. 1875*



etc. by the letter D. near the westward end thereof, called  
"The Choleric Road" and is described and marked on the map as  
etc. by the letter I.

*Widow Road* **J** *One other Public Carriage Road* or highway of the  
breadth of twenty feet leading from London in a northwardly  
direction and southwardly direction over Green Hill to  
wards Church Street called "The Colic Road" and is described and  
marked on the map etc. by the letter J.

**K** *One other Public Carriage Road* or highway of the breadth  
of fifteen feet leading from London over the west end of Newbury  
in a southwardly direction towards Chesham and is described and  
marked on the map etc. by the letter K.

**L** *One other Public Carriage Road* or highway of the  
breadth of fifteen feet leading out of the Epsom Road on the top  
of the Heath Edge in a northwardly direction towards Chesham  
and is described and marked on the map etc. by the letter L.

**M** *One other Public Carriage Road* or highway of the  
breadth of fifteen feet leading from Chesham southwardly over  
Chesham Hill towards Epsom and is described and marked on  
the map etc. by the letter M.

All aforesaid Public Carriage Roads and highways together  
with the bridges and tunnels under the same having been for  
some time past made and completed in such manner as is directed  
the said Act I do hereby order that the  
aforesaid Public Carriage Roads or highways together with the  
bridges and tunnels under the same shall for ever hereafter be  
made and kept in repair by and at the expense of the Owners of  
said Townships and Parishes within the several and respec-  
tive Parishes Townships and Districts through which the said Roads  
respectively pass in the same manner as public highways are by  
law directed to be kept in repair.

*Herbage of Roads*

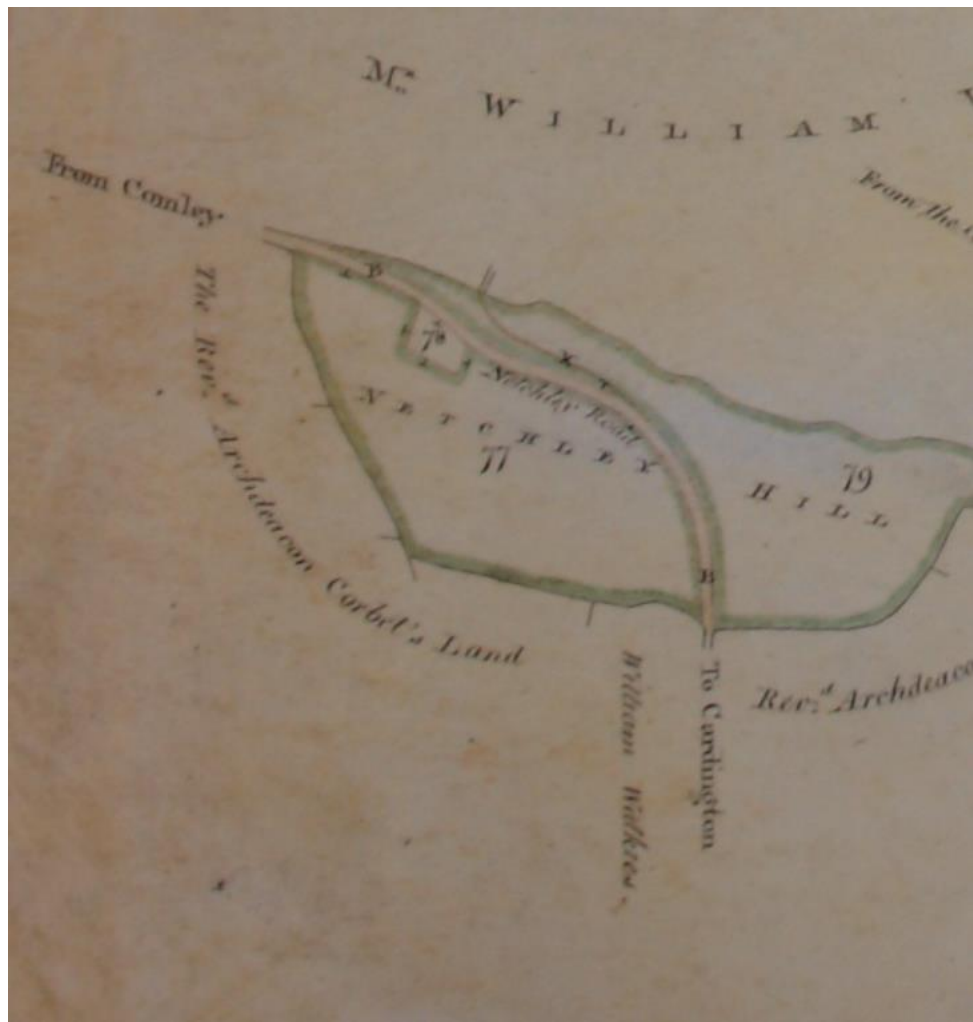
**And I award the Herbage** of the following private  
Carriage Roads, which are not within or leading over any allotment  
or allotments into the Owners of the adjoining allotments respectively  
from the fence of each allotment to the middle or centre of each adjoining  
Road so far as such allotment extends along such Road. And where the  
said Roads are bounded by allotments on one side only I award  
the whole of the herbage of such Roads to the owners of such adjoin-  
ing allotments respectively.

**Private Roads and Public Footways**

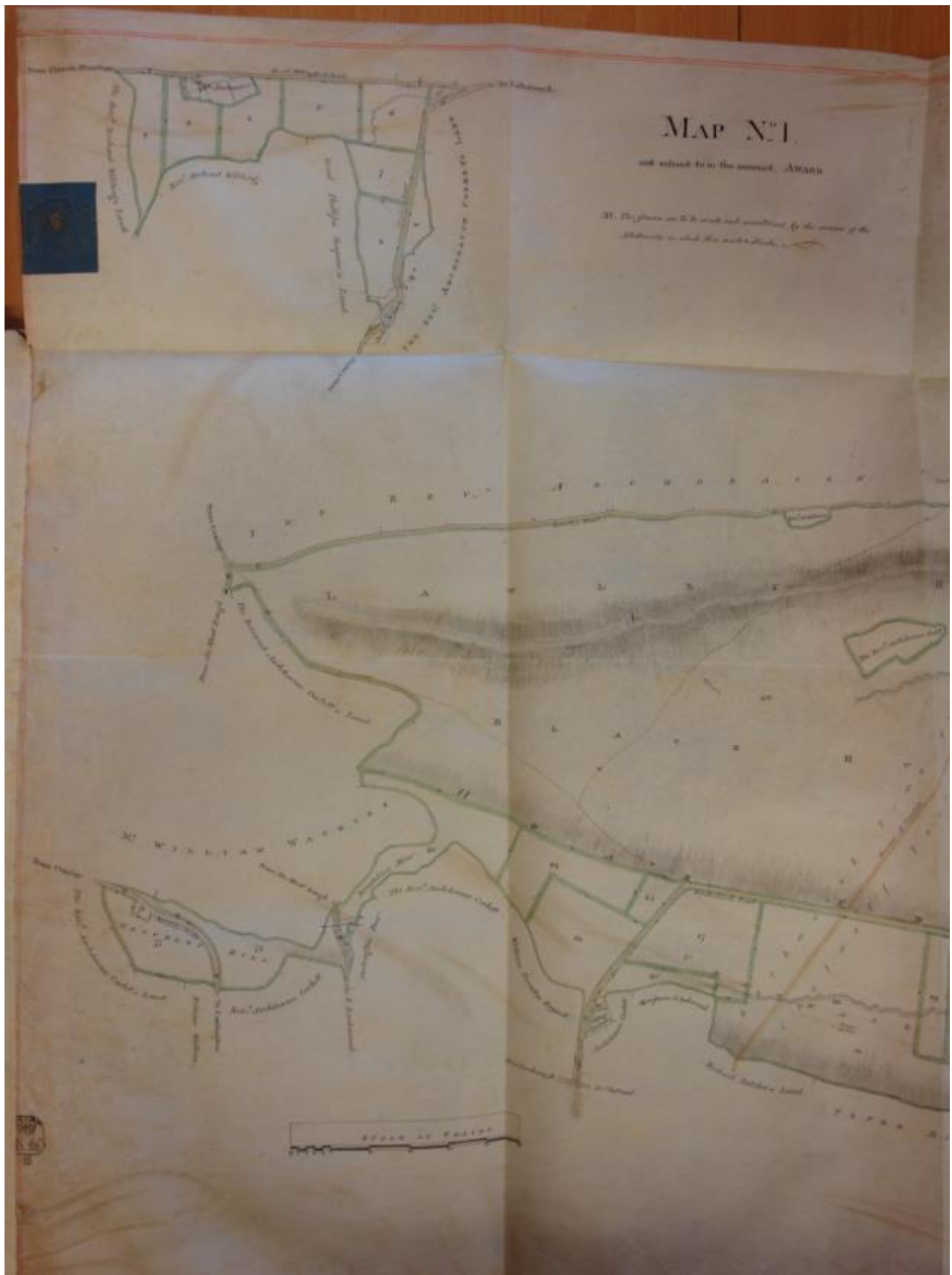
**N**

*One Private Carriage Road* highway and public  
footway of the breadth of twenty feet from the west end of Chesham

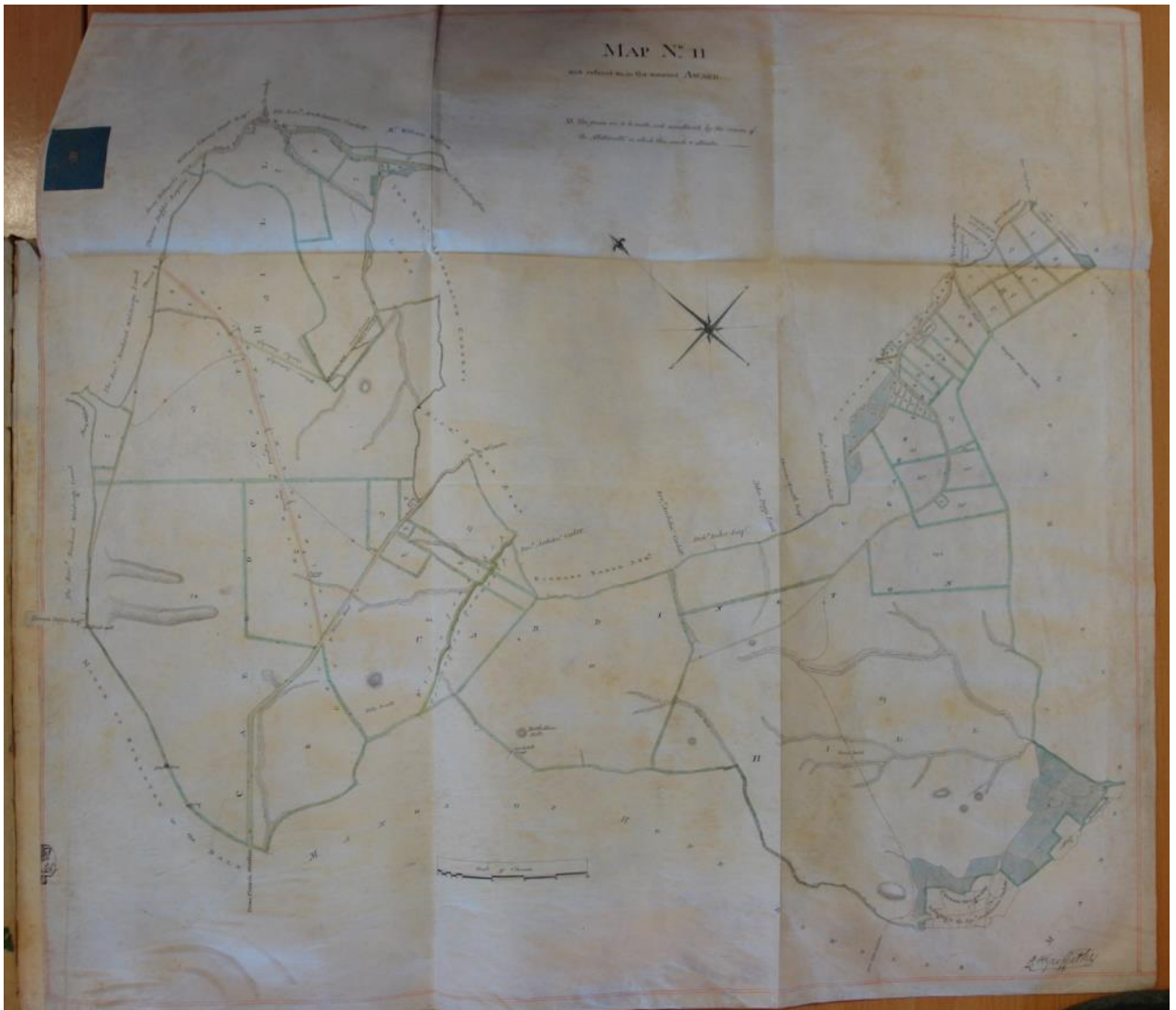
*Alfred*







Map 1



Map 2





Map 3





## 2. Tithe map and apportionment

a. Date The map was produced in Cardington (1845)

b. Relevance

(1) The Tithe Commutation Act 1836 enabled tithes (literally a tenth of the produce of the land) to be converted to a monetary payment system. Maps were drawn up to show the titheable land in order to assess the amount of money to be paid. The Act was amended in 1837 to allow maps produced to be either first class or second class.

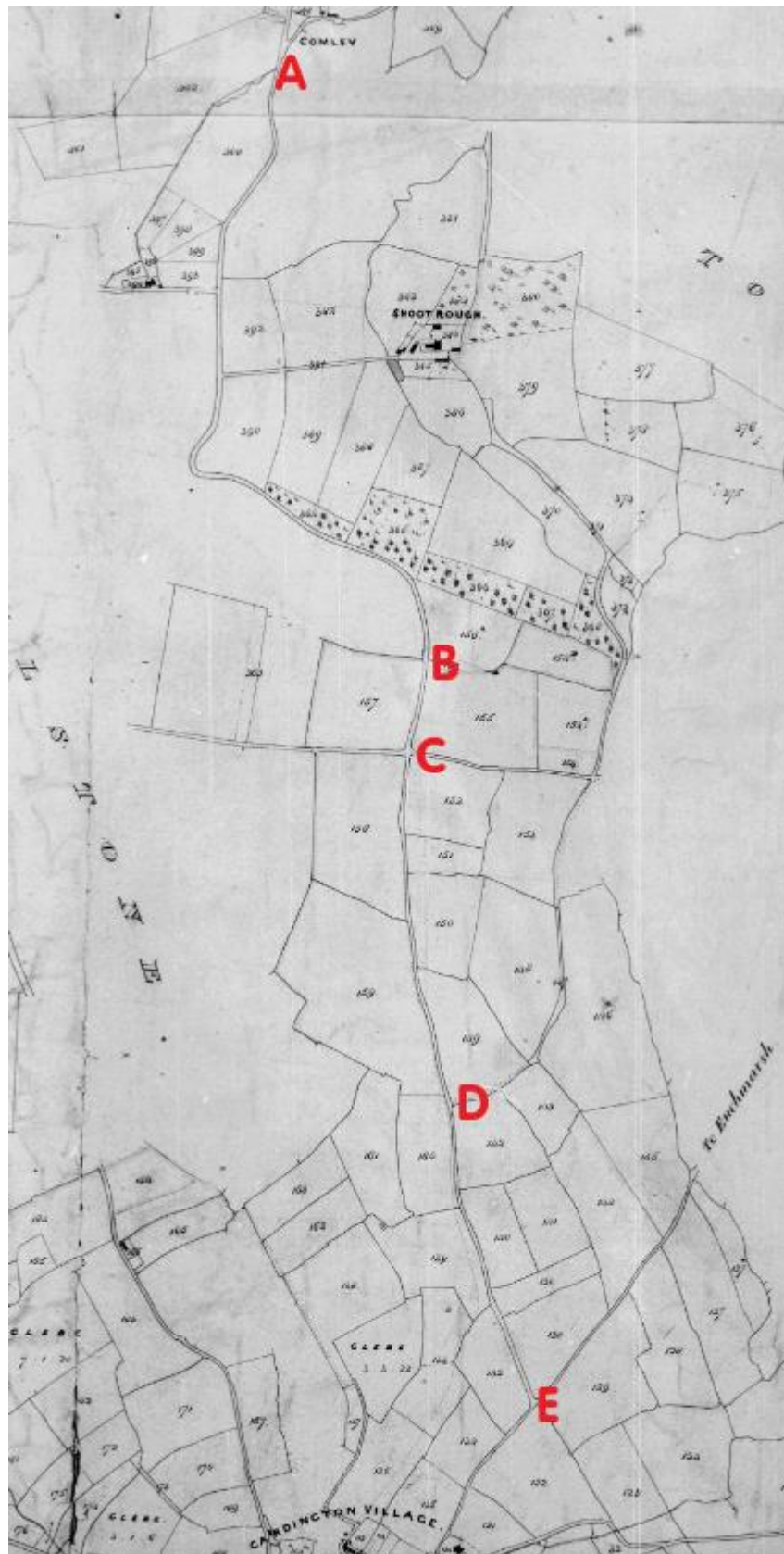
(2) First class maps are legal evidence of all matters which they portray and were signed and sealed by the Commissioners (s.2 Tithes Act 1847). They had to be at a scale of at least 3 chains to the inch. Second class maps, signed but not sealed, were evidence only of those facts of direct relevance to tithe commutation, and are often at 6 chains to the inch. There was a proposed convention of signs and symbols to be used, which included Bridle Roads and Footpaths, but this was not strictly adhered to.

(3) The Tithe process received a high level of publicity as landowners would be particularly keen not to be assessed for more tithe payment than necessary. Non-titheable land deemed to be unproductive was usually excluded from the process. It is common therefore for no tithe to be payable on road, although wide grass drovers' routes could carry a tithe as they were used as pasture. It was in the interest of landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from the tithe documents regarding the existence of public rights, and, in particular, public vehicular rights. In some cases highways are coloured sienna or light brown which typically indicates public status.

c. Archive and Reference The tithe map has been accessed via the Genealogist

d. Meaning The map shows the application route as bounded by 2 solid lines to differentiate it from the surrounding land and it is contiguous with the road network.

e. Assessment This provides useful information from which inferences may be drawn. The application route is shown in the same way on the map as other highways in the area such as the modern roads it leaves at Comley and crosses at point C. This suggests that the application route was a public highway at the time of assessment and should be recorded at least as bridleway status.



*Extract from tithe showing the application route*



Extract from apportionment showing the application route contiguous with the wider highway network



### 3. Ordnance Survey 6 inch Maps.

- a. Date. Shropshire LVI.NW and LVI.NE, published 1883.
- b. Relevance. The 6" maps were based on and derived from the 25" series. Consequently, they seldom show any topographical differences from the larger scale. However, useful information can sometimes be derived from the particular conventions used to show detail.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/101594812> and <https://maps.nls.uk/view/101594824>
- d. Meaning. The Characteristics Sheet for the 6" Maps differentiate between main and other roads through the use of a bold boundary on one side of a main road. The claimed route does not have the bold boundary and is therefore shown as *other road*, fenced.
- e. Assessment. This series of maps supports the inference that the route is part of the highway network, as it is similar to other highways in the wider network on the modern map.

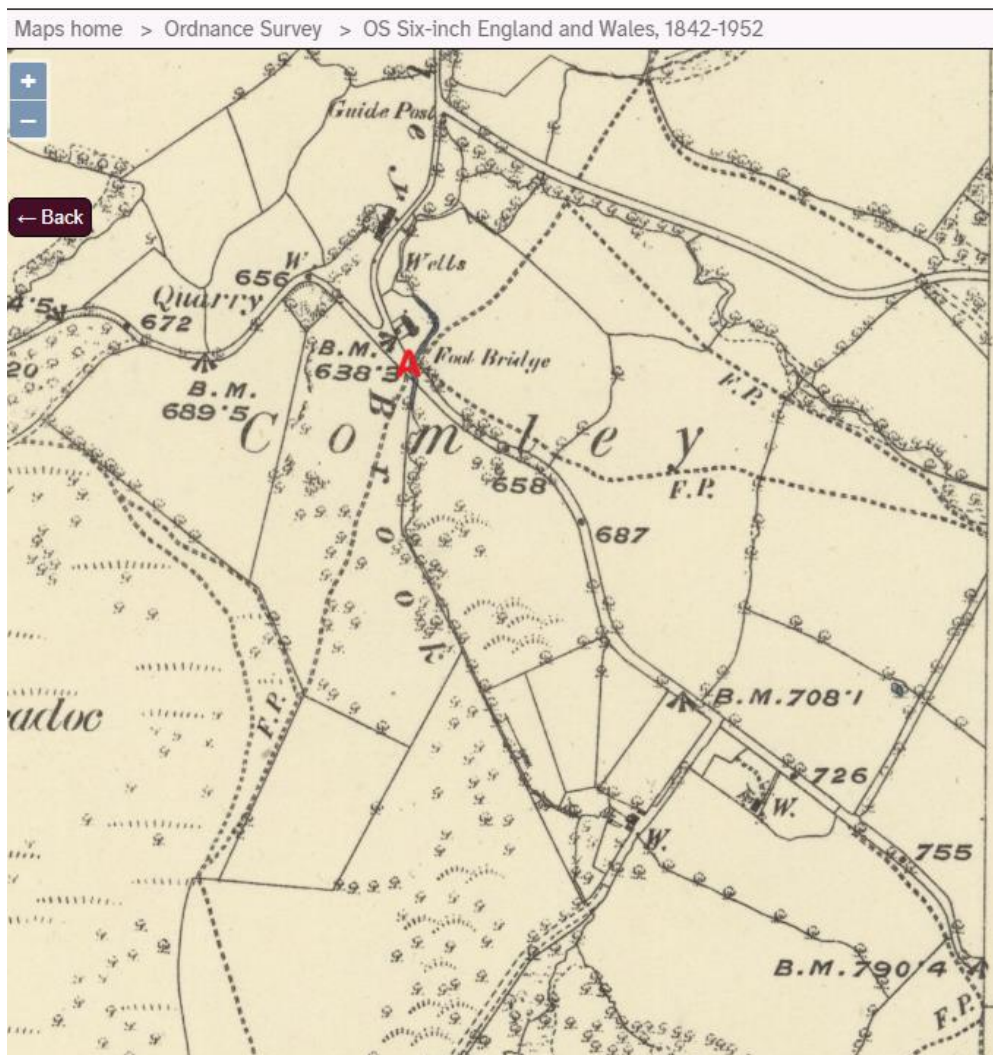


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Scotland  
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Shropshire Sheet LVI.NW

Surveyed: 1882, Published: 1883

Size: map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (c





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

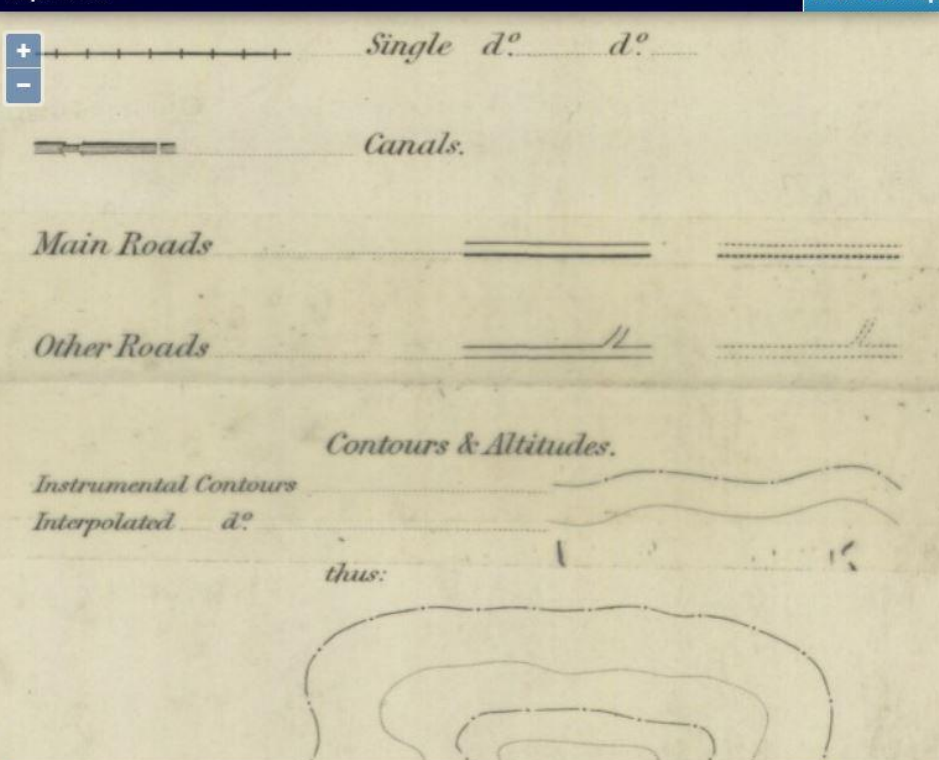


### Extracts from OS Six-inch map

Ordnance Survey six-inch characteristics sheet  
Publication date: 1897

Maps home >

Order this map



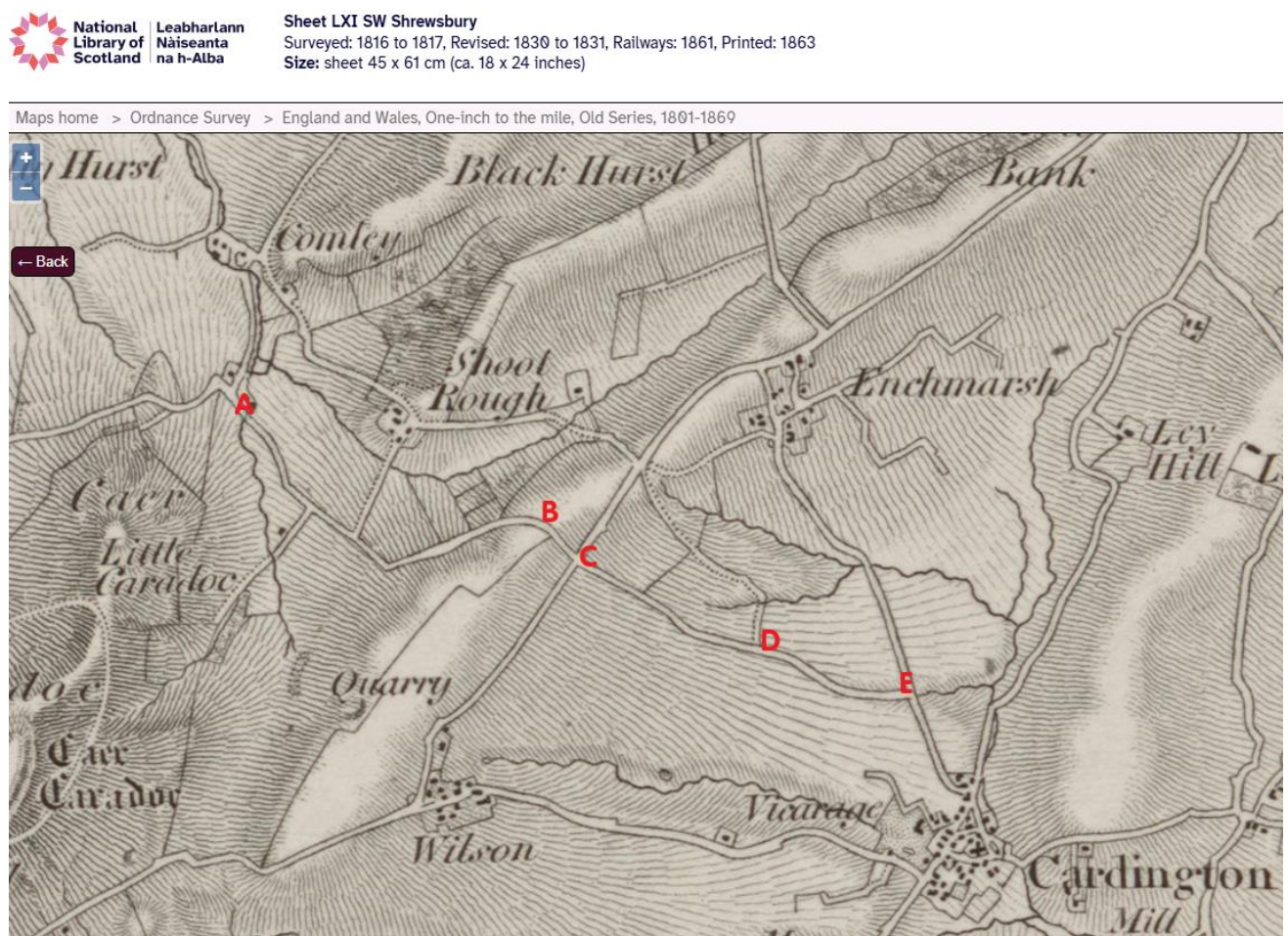
National Library of Scotland

Share



#### 4. Ordnance Survey 1 inch Old Series Maps.

- a. Date. Sheet LXI SW Shrewsbury Surveyed: 1816 to 1817, Revised: 1830 to 1831, Railways: 1861, Printed: 1863
- b. Relevance. These maps were initially for military and official use, showing communication routes, and later evolved into general-purpose maps for military, administrative, scientific, and civilian uses like touring and cycling, providing an overview of landscape features such as roads, railways, and towns.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/257403130>
- d. Meaning. The route is presented in the same way to the modern road network with which it links.
- e. Assessment. The presentation of the route on the map suggests the route was a public highway and probably a through route between Comley and Cardington.



*Extracts from OS 1" Map showing the application route*

5. Ordnance Survey one inch Maps.

- a. Date. Sheet 166 – Church Stretton (1889)
- b. Relevance. These maps were made for sale to the travelling public and thus would only generally show routes of some significance that were available to them. They purported to show physical features that appeared on the ground.
- c. Archive. The extracts from this sheet below were obtained from the National Library of Scotland at <https://maps.nls.uk/view/239764717>
- d. Meaning. The majority of the route is shown as “fenced” third class road.
- e. Assessment. The presentation of the route on the map suggests the route was a public highway and probably a through route.



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**Sheet 166 - Church Stretton**

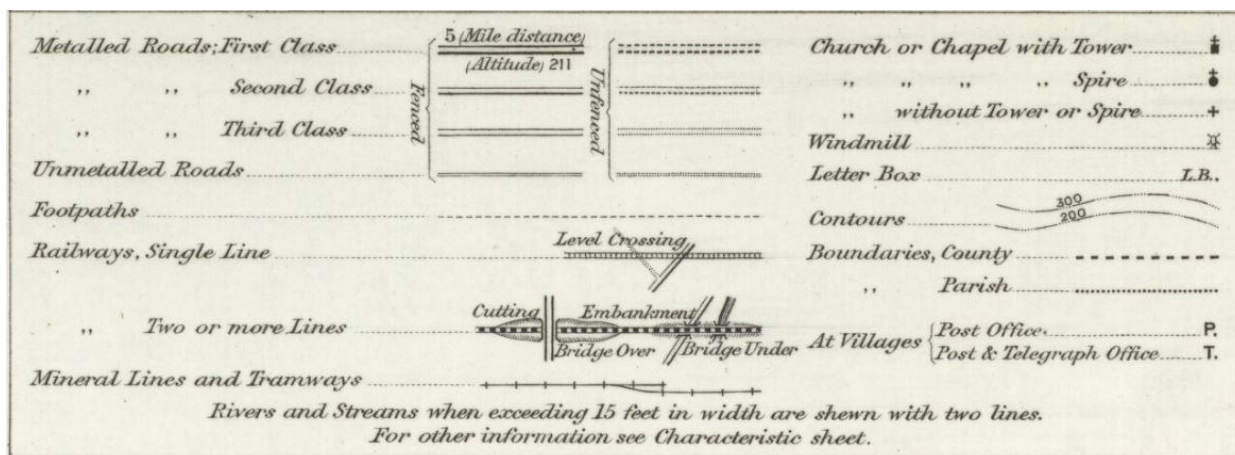
Surveyed: ca. 1882 to 1883, Published: 1889

Size: Sheet ca. 47 x 61 cm (ca. 18 x 24 inches)

Maps home > Ordnance Survey > One-Inch, England and Wales, 1872-1914







Extract from Key to OS 1" Map

6. Ordnance Survey County Series 25 inch Maps.

- a. Date. Ordnance Survey 25 inch sheet Shropshire LVI.2 and LVI.3 published 1883
- b. Relevance. The OS County Series 25 Inch mapping was predominantly used for professional purposes rather than for navigation. They are detailed enough to show gates / barriers on roads, tracks and paths. Parcels of land are numbered and areas shown either under the parcel number or in separate "Area Books" (on some First Edition sheets). Second edition and later maps generally carry the disclaimer "The representation on this map of a Road, Track or (Foot)path is no evidence of the existence of a right of way". However, scrutiny of some of the detail contained along with contemporary published guidance allows some inferences as to status of routes to be drawn.
- c. Archive. The extract from this sheet below was obtained from the National Library of Scotland at <https://maps.nls.uk/view/121151807> and <https://maps.nls.uk/view/121151816>
- d. Meaning. The majority of the route is bounded by 2 solid lines, numbered 929, 988, 983 with part of A-C also being shown as coloured road. The section C-D is bounded by dashed lines, an unfenced path.
- e. Assessment. The depiction of the route as connecting to the surrounding network, provides an inference that it was also considered to be part of that highway network. The showing of the route on the map is evidence of reputation and appearance at the time the documents were compiled, suggesting the application route should be recorded as bridleway at least.



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Scotland

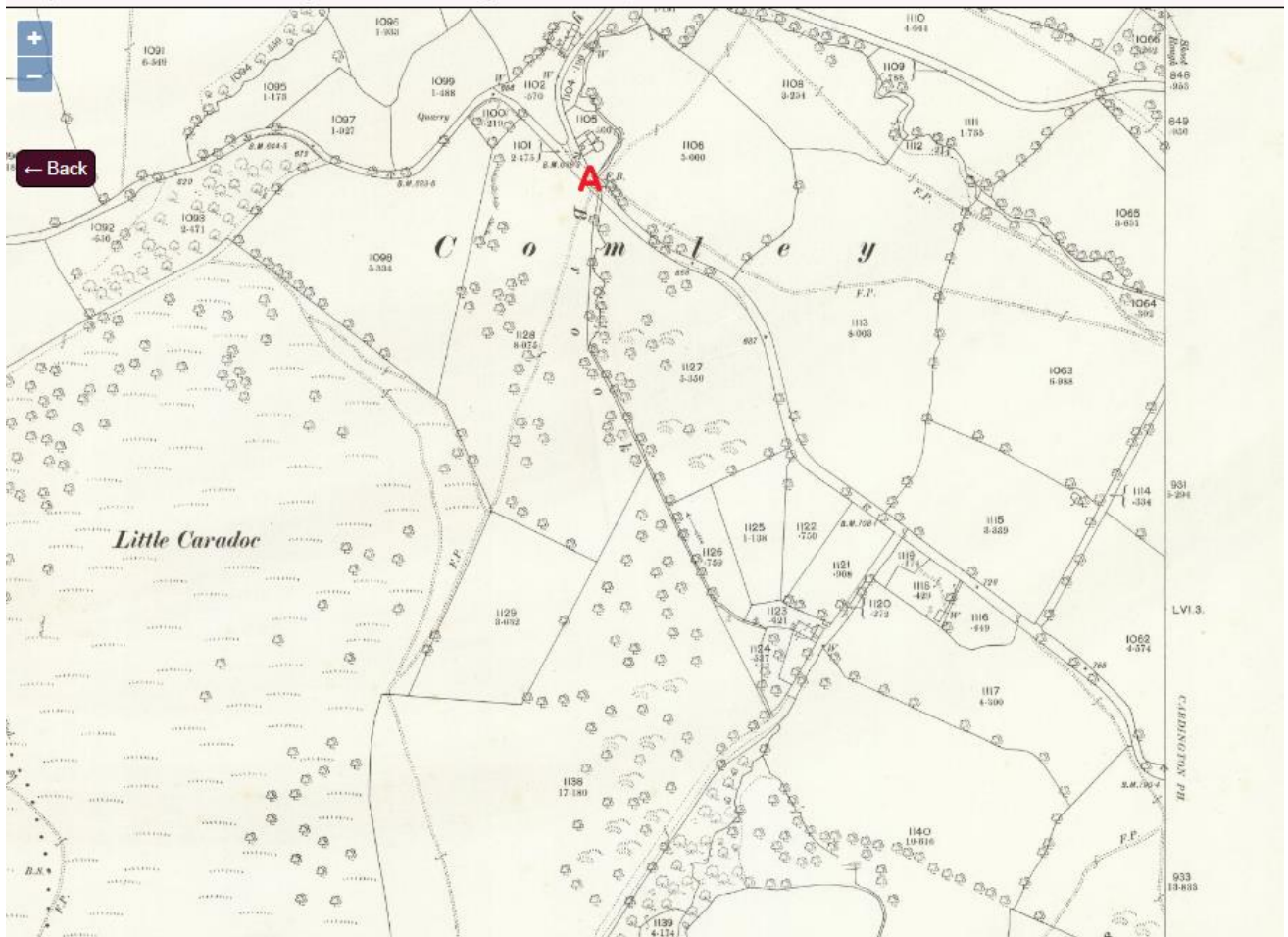
Leabharlann  
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na h-Alba

Shropshire LVI.2

Surveyed: 1882, Published: 1883

Size: map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 104 cm (ca. 30 x 41 inches)

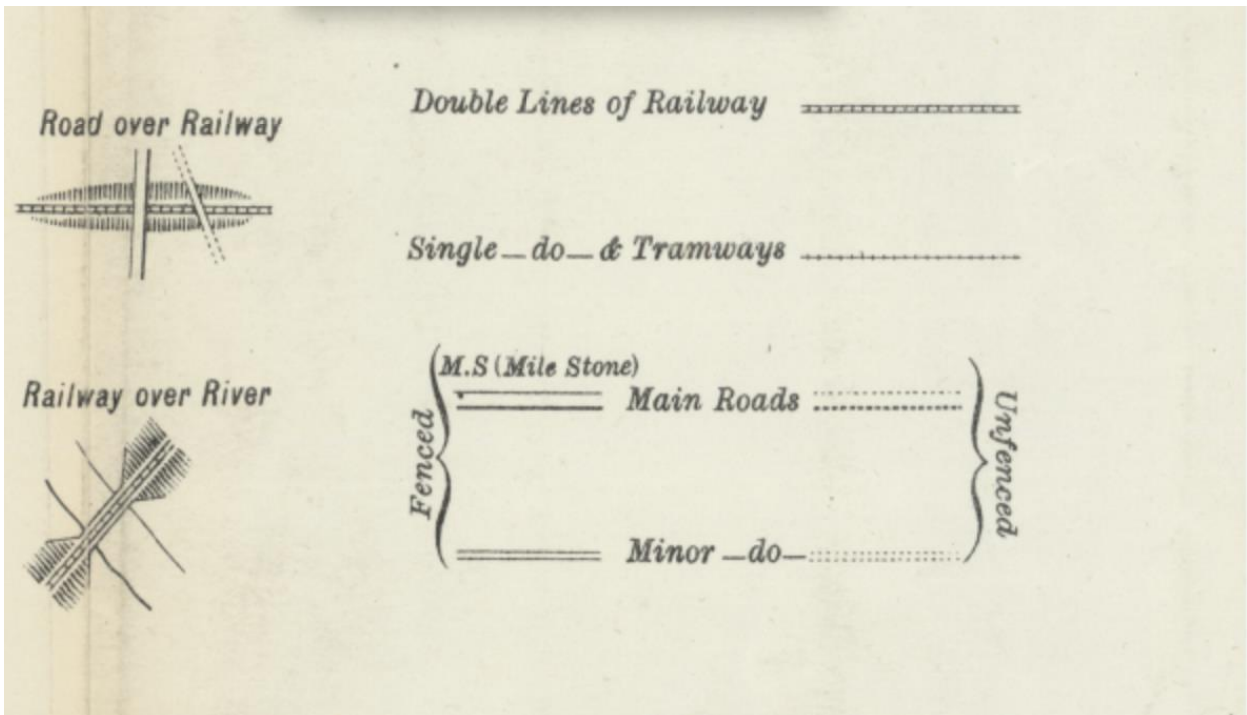
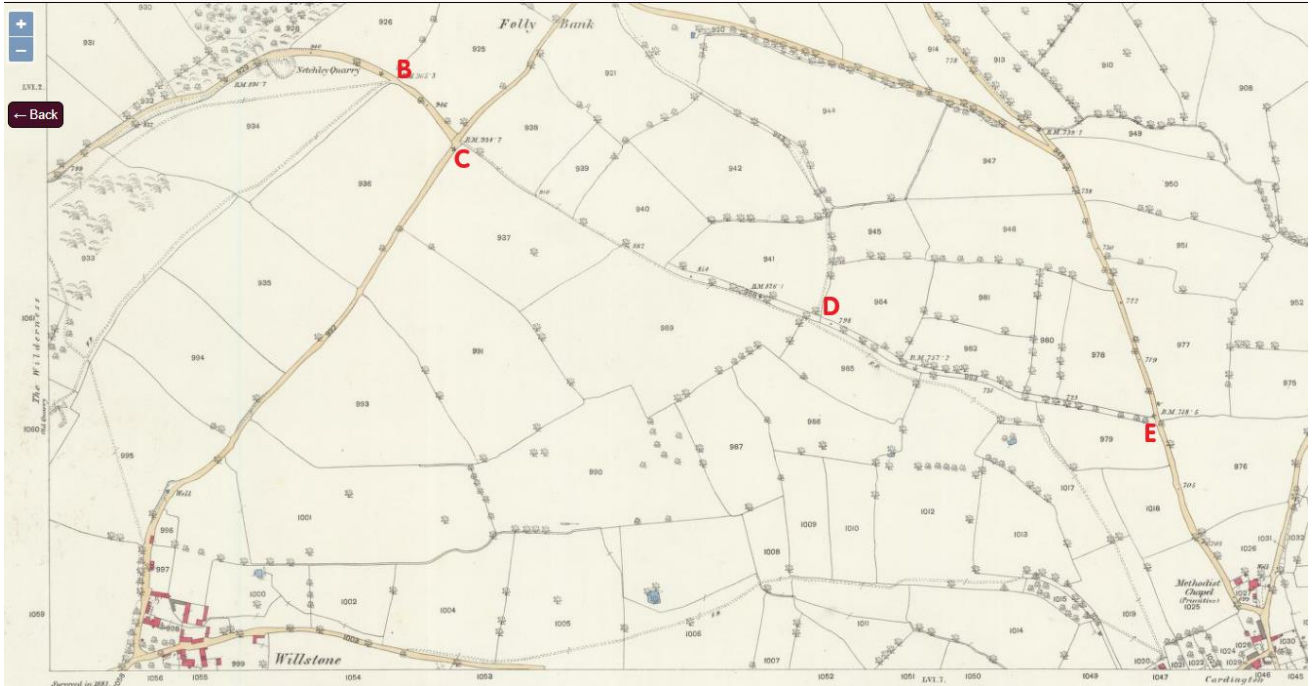
[Maps home](#) > [Ordnance Survey](#) > [OS 25 inch England and Wales, 1841-1952](#)



*Extract from OS 25 inch map sheets*



Maps home > Ordnance Survey > OS 25 inch England and Wales, 1841-1952



OS 25 inch map key



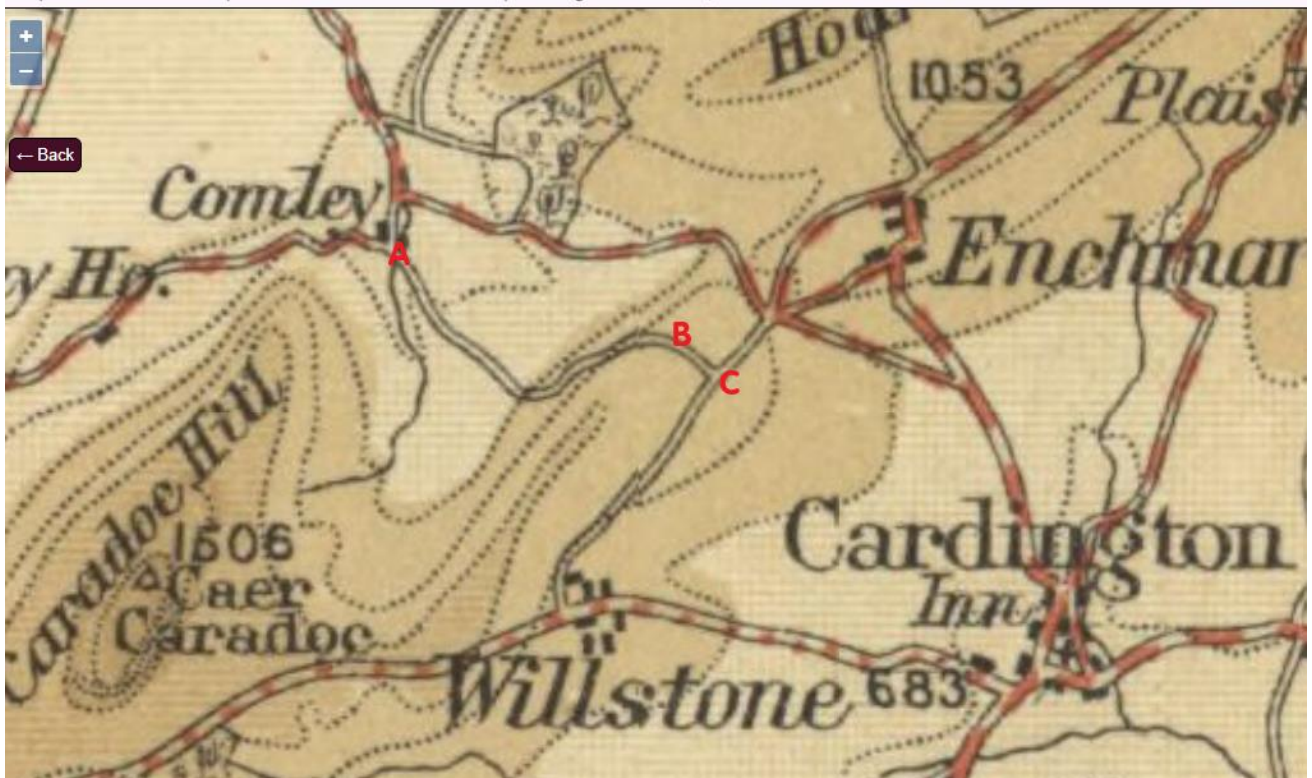
7. Bartholomew's "Half-Inch" Maps of England and Wales, 1902-1906.

- a. Date. This map was produced in 1903 Sheet 17 Shropshire
- b. Relevance. The map was made for sale to the public, particularly for tourists and cyclists and so is unlikely to show routes that the public could not use. It has a key in which different types of route are distinguished. This enables us to draw inferences from how routes are shown.
- c. Archives. An original of the map is held by the National Library of Scotland and can be viewed via <https://maps.nls.uk/view/97131062>
- d. Meaning. The application route from A-C, indicated on the extract, is shown as "Other roads" in the same way as the current byway to the northwest to which it connects.
- e. Assessment. Although the map carries the standard disclaimer that the representation of a road or footpath is no evidence of a right of way, it remains the case that this map was produced for sale to the travelling public. It seems likely that the disclaimer is to avoid the publishers from finding themselves in the midst of legal action. The application route is shown as a road which is 'inferior and not to be recommended for cyclists', however presenting it as a road rather than a footpath or bridleway is significant as at this time cyclists had no right to use bridleways (s.88 Local Government Act 1888). The depiction of the route in this manner is evidence in favour of the proposition that the application route A-C was considered to have equestrian and probably vehicular rights in 1903.

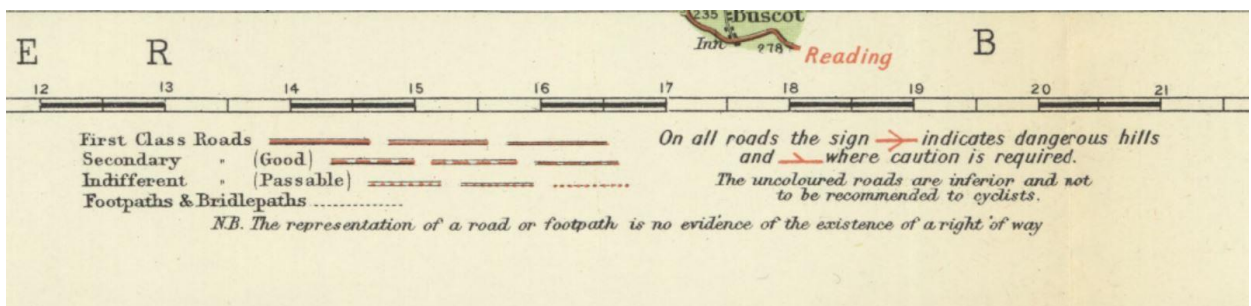


Sheet 17 - Shropshire  
Publication date: 1903  
Size: sheet ca. 56 x 77 cm (ca. 22 x 30 inches)

Maps home > Series maps > Bartholomew "Half Inch Maps" of England and Wales, 1902-1906



*Extract from Bartholomew's map*



Bartholomew's Maps Key.

## 8. Inland Revenue Valuation / Finance Act 1910 Maps

- a. Date. The valuation records were produced in the few years after 1910.
- b. Relevance. The Finance (1909–10) Act 1910 caused every property in England and Wales to be valued. The purpose was to charge a tax on any increase in value when the property was later sold or inherited. The valuation involved complicated calculations which are not relevant for highway purposes. However, two features do affect highways: public vehicular roads were usually excluded from adjoining landholdings and shown as ‘white roads’, and discounts could be requested for land crossed by footpaths or bridleways. This is known because s.35 of the 1910 Act provided,

*“No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority.”*

It is noted that a highway authority was a rating authority. There was no obligation for a land owner to claim any of the other discounts available (applying for discounts was an entirely voluntary act), but Section 25 authorised the discount for footpaths and bridleways if they were claimed:

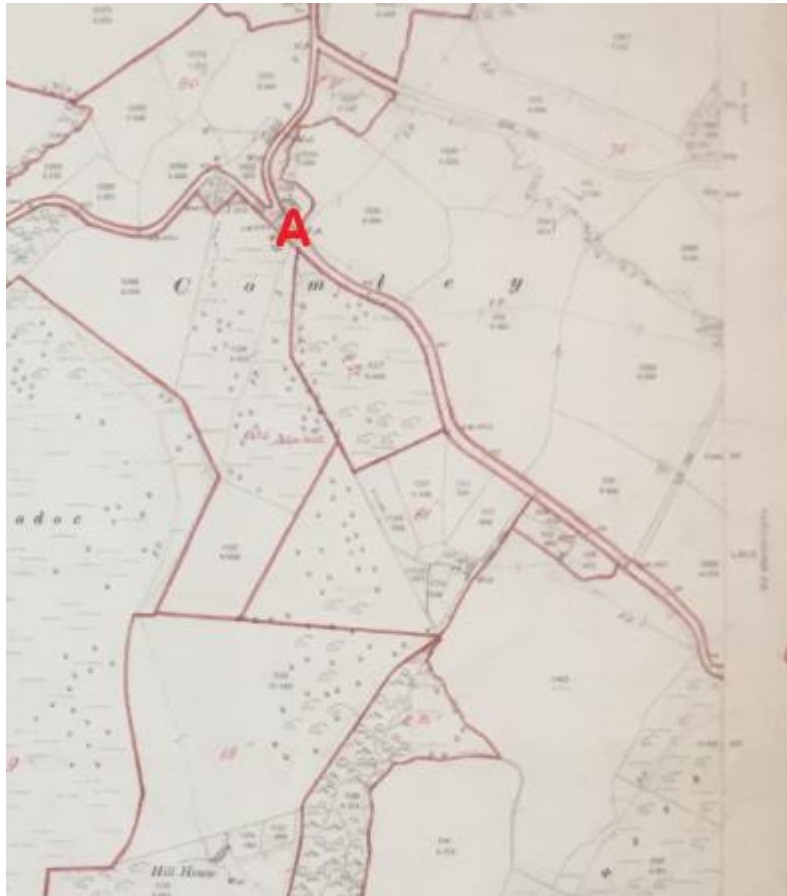
*“The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public rights of user, and to any right of common and to any easements affecting the land, and ... [other exclusions.]”*

All land had to be valued unless it was exempted by the Act. There were harsh penalties for making false declarations, and Section 94 provided:

*“If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty under this Act, either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour.”*

As it appears to be a highway from other evidence, and no duty was assessed in the Inland Revenue Valuation, and the Inland Revenue were under a duty to collect all taxes applying, and hence value the land unless certain that an exemption applied, it is surely for anyone who argues that a different reason for the non-valuation of this white road to show which other exemption could have applied.

- c. Archive. The extract below is from the records that were passed from the IR Valuation Offices to The National Archives at Kew. The National Archives document reference is IR 132/4/568 and IR 132/4/569.
- d. Meaning. The extract below shows the majority of the application route as a white road, separate from the adjoining hereditaments.
- e. Assessment.
  - (1) The land shown as unvalued, suggests it belongs to a rating authority. As it is not held by a local authority or government department for any other known reason, this suggests that it belonged to a highways authority. Had it only been a bridleway, the Inland Revenue would have valued the land and allowed a deduction instead, since this would have resulted in a greater tax levy (and this may apply to the short section south of the water course).
  - (2) The legislation is sufficiently clear that anyone arguing that white road status means something other than the route is a public highway must show which other exception from valuation the route falls under.



IR132/4/568



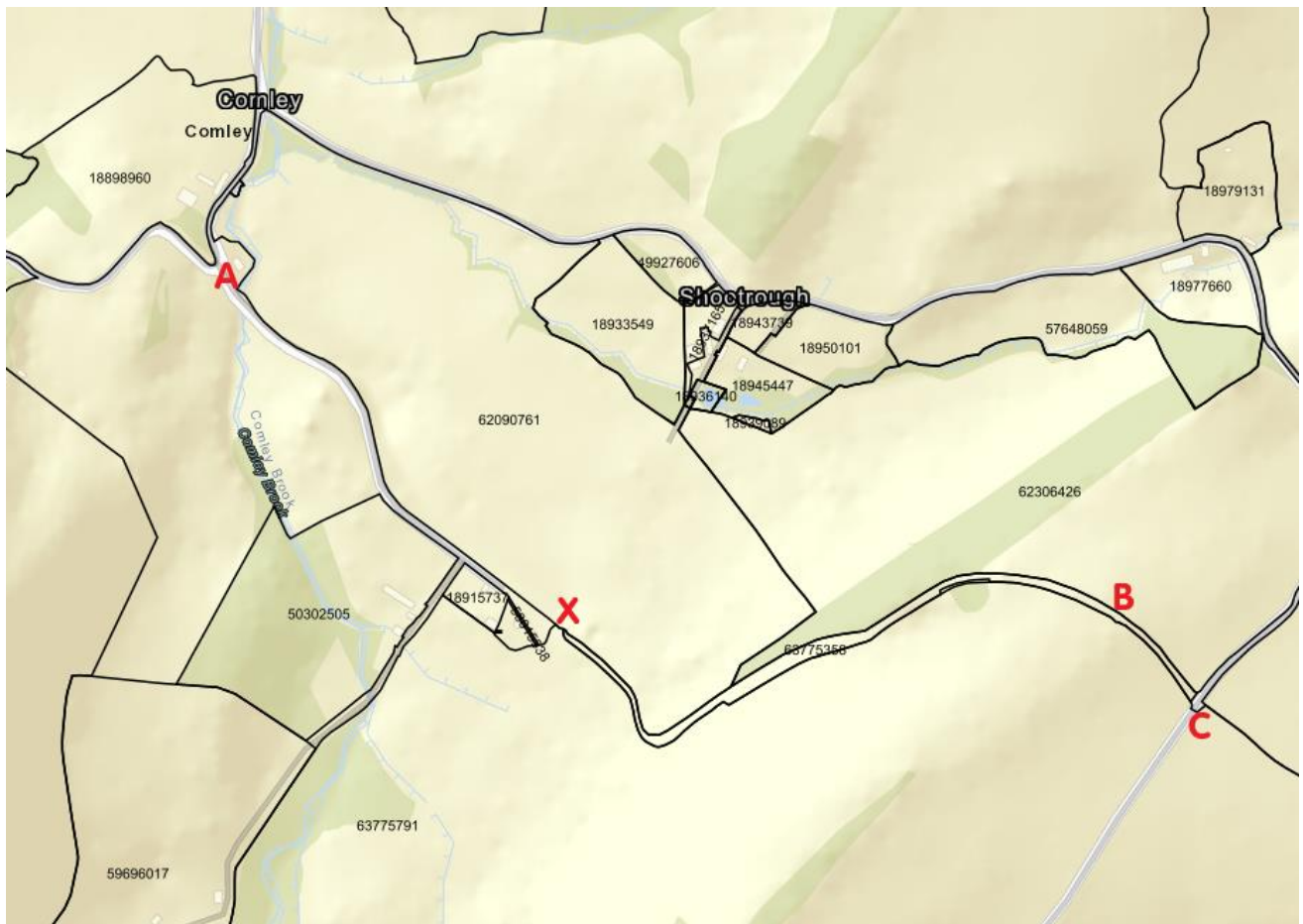
IR 132/4/569

*Extracts from Finance Act maps*



## 9. INSPIRE.

- a. Date. This extract from the INSPIRE database was taken on 1 July 2025.
- b. Relevance. The Land Registry INSPIRE Index Polygons Service is a Web Mapping Service which provides map images of HM Land Registry's INSPIRE index polygons. The INSPIRE index polygon dataset contains only freehold registrations, and the polygons indicate the location of registered land.
- c. Archive. The publicly accessible dataset is found at <https://www.arcgis.com/apps/StorytellingSwipe/index.html?appid=c445c71c1d494f38b13e0dc0f4e8f584> The extract below is taken from a screen shot taken by the Applicant on the date stated above.
- d. Meaning. The application route is shown, indicated by a red A-E.
- e. Assessment. The application route A-X is unregistered and can therefore be considered as part of the highway network. X-C has a reference of 63775358.C-D is with land parcel reference 63775791 then D-Y within 5997901. Y-E is unregistered land.





*Extracts from the INSPIRE mapping with approximate line of application route indicated by a A-E*

## CONCLUSIONS

10. This document presents evidence from the last 200 years that suggests that the application route was part of the wider highway network. Whilst no single piece of evidence is conclusive in its own right, taken as whole it paints a sound picture of the existence of public rights.
11. Employing the well-established legal maxim 'Once a highway always a highway', in the absence of a stopping up order, it follows that highway rights existed.
12. The applicant requests the surveying authority to upgrade/add the route A-B-C-D-E to the definitive map as a Public Bridleway, although further assessment may infer higher rights exist.

Date: 30 Sept 2025

Name: Wendy Bannerman

Position: Access Field Officer East and West Midlands

Organisation: British Horse Society