

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: Rights of Way Team
Shropshire Council
The Guildhall
Frankwell Quay
Shrewsbury
SY3 8HQ

I/We SALLY-ANNE ROBINSON on behalf of the B.H.S. (Name of Applicant)

Of STABLE COTTAGE, ARLESTON HILL, (Address of Applicant)

TELFORD, TF1 2JY.

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 HOPESAY.

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

* delete as appropriate

From POINT A ON ACCOMPANYING MAP. THE B4369 SOUTH EAST OF ASTON ON CLUN

To POINT B ON ACCOMPANYING MAP. FP 0534/30/1 (Location of right of way)

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:

SEE DOCUMENT TBA2025-01 WHICH INCLUDES HISTORIC

EVIDENCE OF HIGHER RIGHTS.



.....
Dated..... 29. 03. 2026

Signed



Print Name..... SALLY-ANNE ROBINSON.

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

App. Ref. No.....

Form U1

WILDLIFE AND COUNTRYSIDE ACT 1981

APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDER

DEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE

To: Rights of Way Team
Shropshire Council
The Guildhall
Frankwell Quay
Shrewsbury
SY3 8HQ

I/We SALLY ANNE ROBINSON on behalf of the B.H.S. (Name of Applicant)

Of STABLE COTTAGE, ARLESTON HILL, (Address of Applicant)

TELFORD. TF1 2JY.

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 **upgrading** the following right of way

Parish..... HOPESAY.....

Status: ~~Restricted Byway/Bridleway~~/Footpath*

No. (if known)..... 0534/30/1.....

to a ~~Byway to All Traffic/Restricted Byway~~/Bridleway*

* delete as appropriate

From..... POINT B.....

To..... POINT C PARISH BOUNDARY...... (Location of right of way)

as shown on the map accompanying this application.
(A map must be supplied with a scale of at least of 1:25,000)

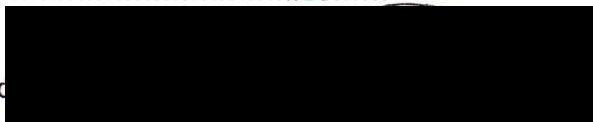
I/We attach the following documentary evidence including evidence of use statements, in support of this application:

..... SEE DOCUMENT TBA2025-01 WHICH INCLUDES.....
..... EVIDENCE OF HIGHER RIGHTS......



Dated.....29.03.....20.26

Signed



Print Name.....SALLY-ANNE ROBINSON

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



App. Ref. No.....

Form U1

WILDLIFE AND COUNTRYSIDE ACT 1981

APPLICATION FOR DEFINITIVE MAP MODIFICATION ORDERDEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE

To: Rights of Way Team
Shropshire Council
The Guildhall
Frankwell Quay
Shrewsbury
SY3 8HQ

I/~~We~~ SALLY-ANNE ROBINSON on behalf of the B.H.S. (Name of Applicant)

Of STABLE COTTAGE, ARLESTON HILL, (Address of Applicant)
TELFORD, TF1 2JY.

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 **upgrading** the following right of way

Parish.....CLUNBURY.....

Status: ~~Restricted Byway/Bridleway~~/Footpath*

No. (if known)...0520/284/1

to a ~~Byway to All Traffic/Restricted Byway~~ Bridleway*
* delete as appropriate

From POINT C AT THE BRIDGE

To POINT D WHERE UNADOPTED TRACK (Location of right of way)
TRAVELS SOUTH TO COSTON MANOR.

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:

SEE DOCUMENT TBA2025-01 WHICH INCLUDES HISTORIC
EVIDENCE OF HIGHER RIGHTS.



Dated.....29.03.....2026

Signed. 

Print Name.....SALLY-ANNE ROBINSON.

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 ORDERDEFINITIVE MAP OF RIGHTS OF WAY FOR SHROPSHIRE

To: Rights of Way Team
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I/WE SALLY-ANNE ROBINSON on behalf of the B.H.S. (Name of Applicant)

Of STABLE COTTAGE, ARLESTON HILL, (Address of Applicant)

TELFORD TF1 2JY.

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 CLUNBURY

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

* delete as appropriate

From POINT D, 0520/28Y/1

To POINT E, 0520/UN1/2 & 0520/35/3 (Location of right of way)

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:

SEE DOCUMENT TBA2025-01 WHICH INCLUDES HISTORIC EVIDENCE OF HIGHER RIGHTS.



.....
Dated..... 29. 03. 20. 26

Signed.....

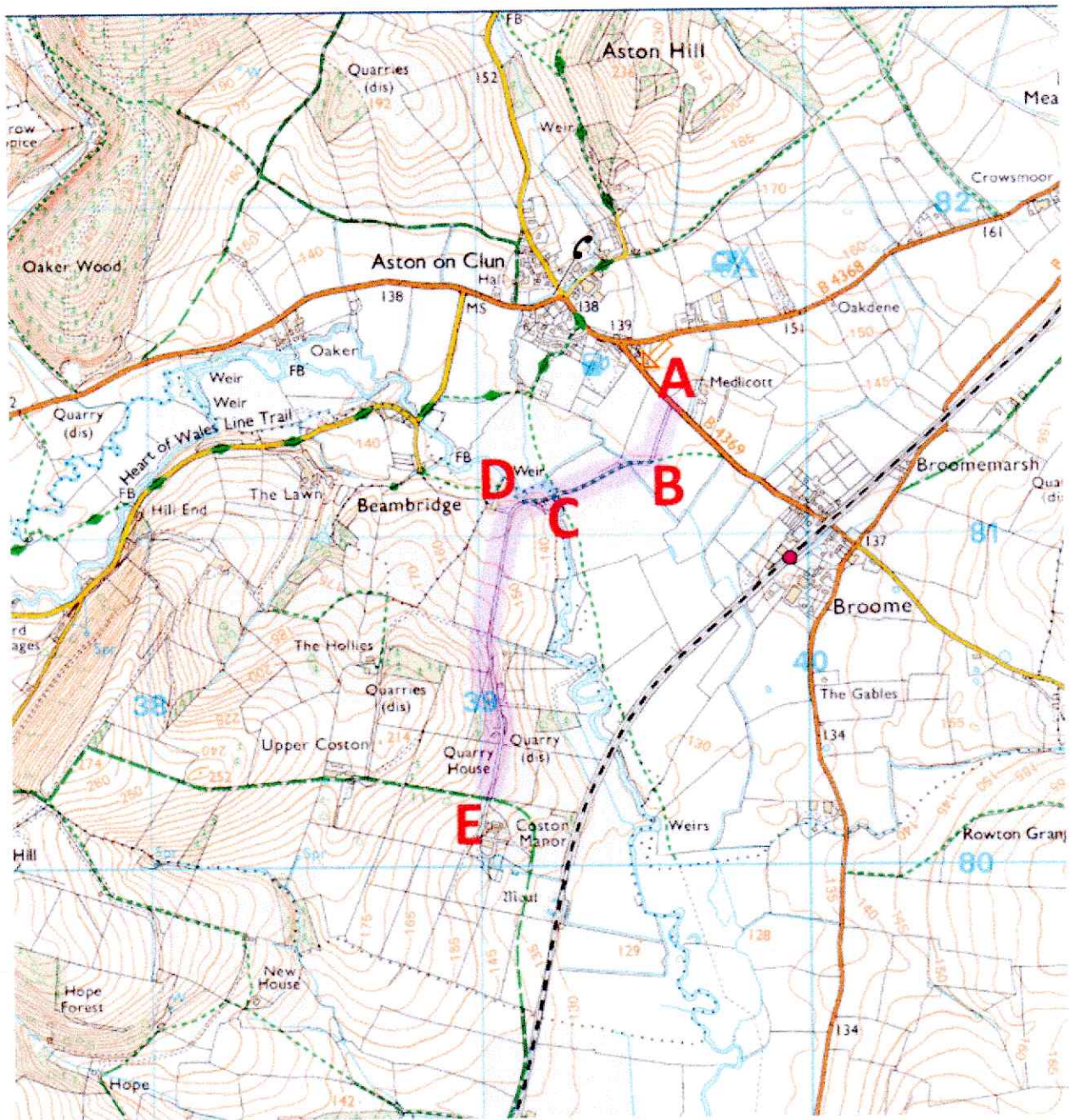
Print Name..... SALLY-ANNE ROBINSON.

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



Appendix 1: Map of route at scale 1:25,000

The route is highlighted in purple to ease identification.



Source: streetmap.co.uk



SALLY ANNE ROBINSON
29. 03. 2026.

1. The application is for **addition** of bridleways, and for the **upgrades** of existing footpaths, as shown below. A map is provided on page 1 (previous page) at a scale 1:25,000 and identifies the following points:

Point A	SO 39585 81388
Point B	SO 39522 81221
Point C	SO 39225 81122
Point D	SO 39137 81106
Point E	SO 39020 80213

The application covers routes A to B, B to C, C to D and D to E and the following is applied for:

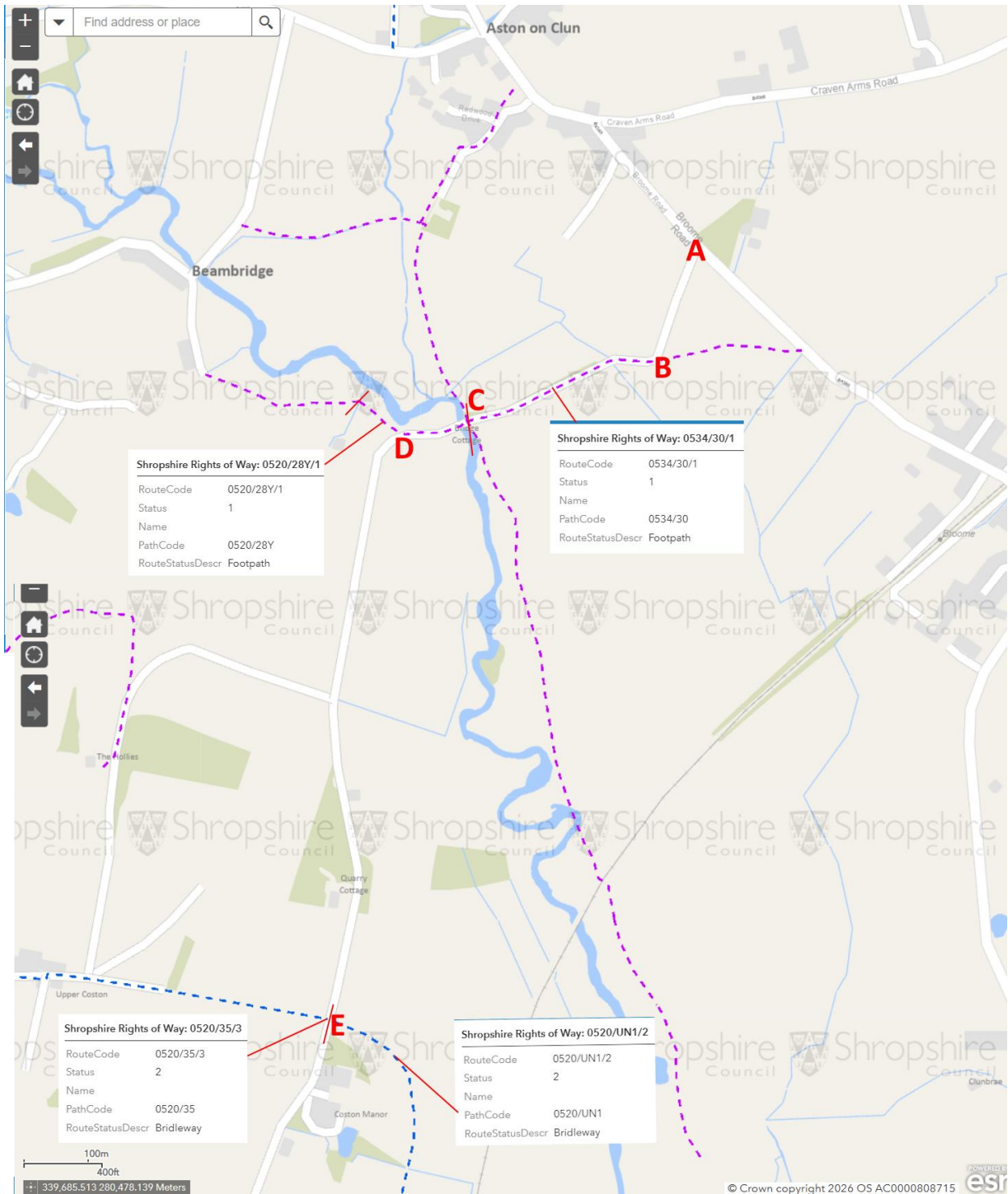
A to B: addition of a public bridleway.

B to C: upgrade part of footpath 0534/30/1 to bridleway status

C to D: upgrade part of footpath 0520/28Y/1 to bridleway status.

D to E: addition of public bridleway to join up with current bridleways 0520/UN1/2 and 0520/35/3.

Details of the current definitive map for Shropshire, in relationship to the application routes, is shown on page 3.



Excerpt taken from the Shropshire Council work in progress online definitive map is shown above along with letters identifying the application route. Downloaded 28.03.2026.

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

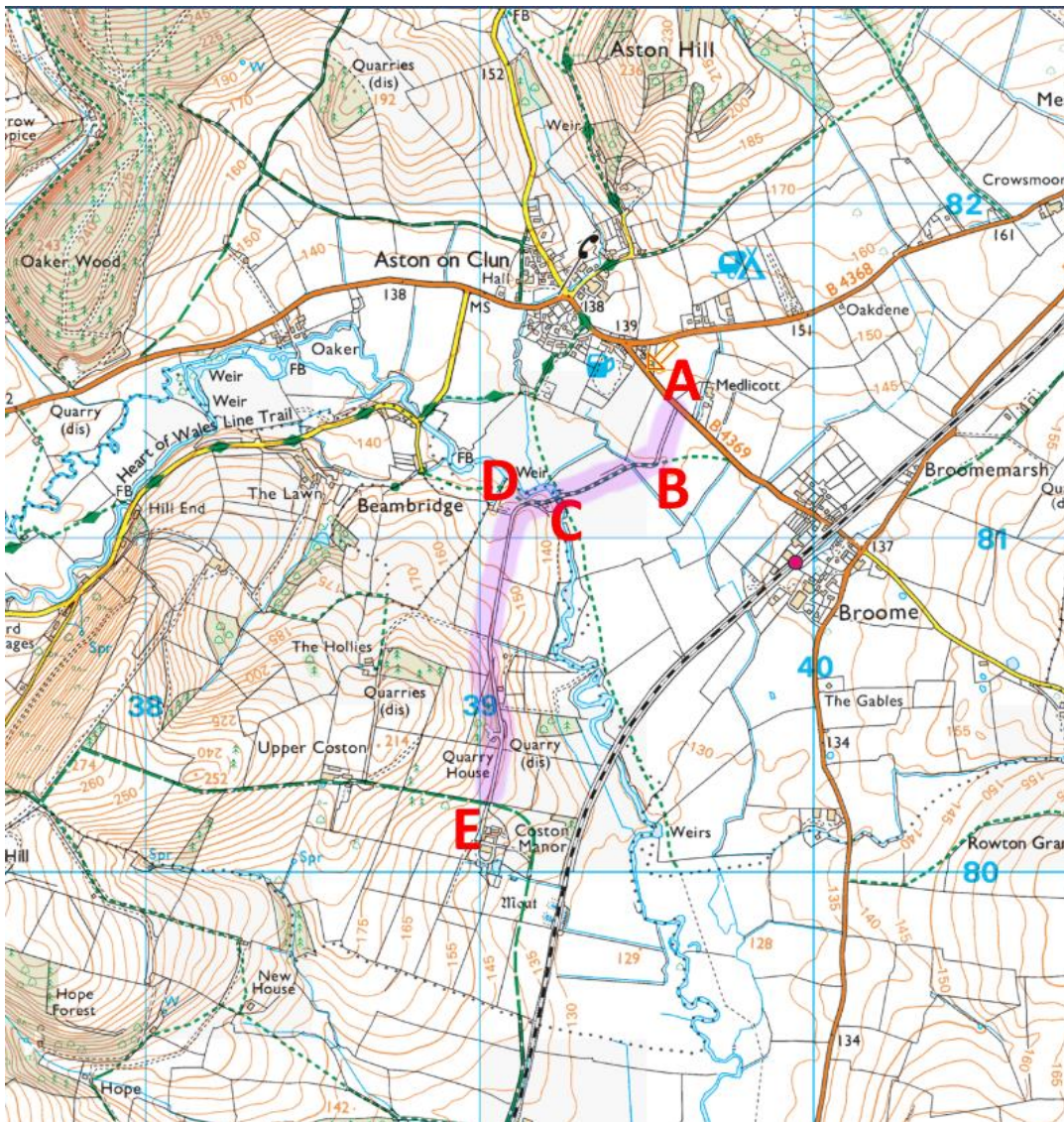
2. My name is Sally-Anne Robinson of Stable Cottage, Arleston Hill, Telford, TF1 2JY. I am the co-applicant for the order. I have ridden in the local area for over 40 years and I am the Vice-Chairperson for Telford Bridleways Association which is affiliated to the British Horse Society. The other co-applicant is Jan Mees-Robinson also of Stable Cottage and is the Shropshire Bridleways officer for The British Driving Society and has also lived and ridden in the local area for over 40 years.
3. This application is made because the path has been used historically by walkers, cyclists, and horse riders but is either not shown on the definitive map as a public right of way in parts or has higher use rights in other parts. It provides a recreational off-road route and **access** from Aston on Clun to a current bridleway network reference **Shropshire Rights of Way: 0520/35/3 and 0520/UN1/2**.
4. This application is made because, on the cut off day,
 - a. 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.)
 - b. The effect of s.53(3) and (4)(a) Countryside and Rights of Way Act 2000 on a public path that existed prior to 1949 is to extinguish the bridleway rights and vehicular rights on a route shown in the definitive map and statement as a footpath.
 - c. The effect of s.53(3) and (4)(c) Countryside and Rights of Way Act 2000 on a public highway that existed prior to 1949 is to extinguish the vehicular rights on a route shown in the definitive map and statement as a bridleway.
 - d. The effect of s.54A Wildlife and Countryside Act 1981 (as inserted by Sch 5 para 4 of the Countryside and Rights of Way Act 2000) on a route that carries public mechanically-propelled-vehicular rights and is not already on the definitive map as a highway of any description, is to prevent it from being recorded. (This applies if the route is shown to be a highway other than a footpath, bridleway or restricted byway.)
5. I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981 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 road network.

THE APPLICATION ROUTE

6. The application route is shown marked in purple on the plan below:

Point A is the northerly start point where the application route joins with an adopted road B4369 south of Aston on Clun and before Medicott. The application route runs west, joins with an existing public foot path at point B (0534/30/1), crosses the river Clun where it becomes part of another public footpath at point C (0520/28Y/1) before leaving the river and turning south by Bridge Cottage at point D, passes by Quarry Cottage before joining with existing PROW / bridleway 0520/35/3 and 0520/UN1/2 north of Coston Manor at point E.

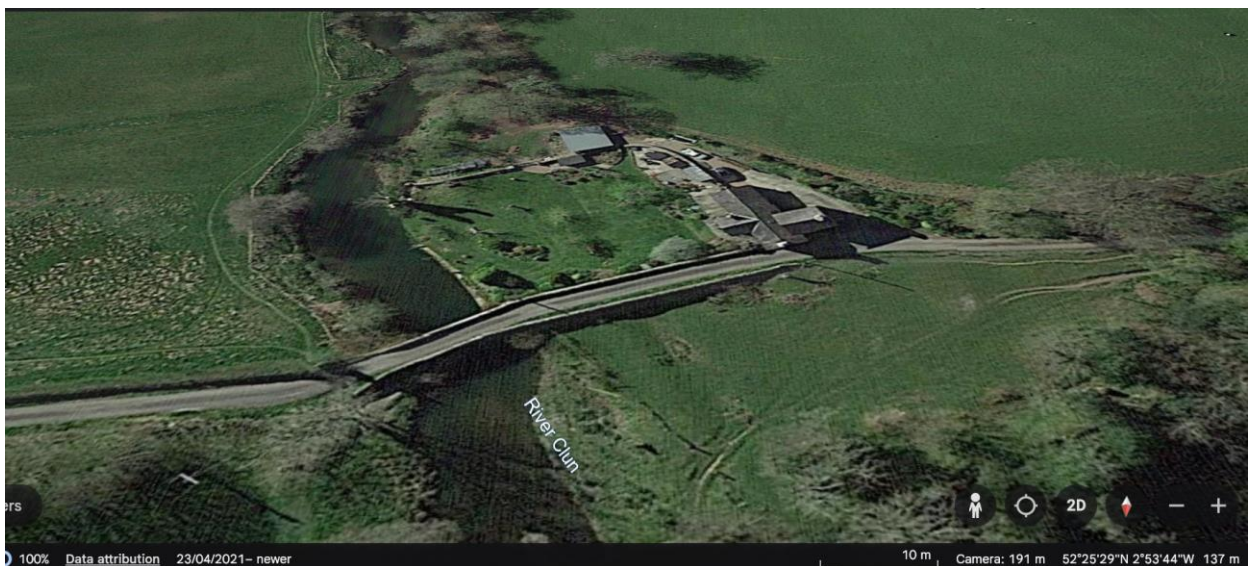


Ordnance Survey 2025 map extract showing the application route highlighted in purple for ease of identification.

7. The application route is in the majority of parts not currently shown on the OS map or definitive map of rights of way for Shropshire Council as either a public footpath, public bridleway, restricted byway or byway open to all traffic - or small sections of it are recorded as public footpaths. Historical evidence will show that the whole of the application route should be classed as a public bridleway.
8. The photographs shown in in the following figures were downloaded from google maps / google earth in December 2024 and are included to help show the application route and its suitability as a public restricted byway in terms of access, width and ground surface.



View at Point A of the application route facing south travelling from Aston on Clun, along Broome Road, showing the junction with the adopted road.



Google earth view of the application route (facing south) as it crosses the river Clun. The route is well established and there is evidence that it is used regularly by motorised vehicles and is wide enough for its use as a bridleway.



Google earth view of the application route as it continues travelling south just before Coston Manor (shown from upper left corner of photo running diagonally across to lower right). The existing public bridleway Shropshire Rights of Way: 0520/35/3 and 0520/UN1/2 can clearly be seen crossing the existing track and would make an ideal place to join the application route to an existing PROW referred to as Point E.

DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

9. 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.

10. 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."

11. 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, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.

12. First edition OS old series map 1805

- a. Date. The OS one-inch series, which the OS Director General Sir Charles Wilson called "the standard map of the country" (1892), was first published in 1805 as the Old Series.
- b. Reason. The first survey was carried out by members of the Royal Military Surveyors and Draftsmen on behalf of the Board of Ordnance.
- c. Archive. Copies of the first edition Ordnance Survey 6" maps are held by the British Library. An online version is available from The National Library of Australia. Source: <http://nla.gov.au/nla.obj-231924195/view>.
- d. Meaning.
 - (1) The land over which the application route passes is shown on the OS map as having open access and passing in an unrestricted manner from the highway south east of Beambridge to a junction labelled "Corston" (where the route continues either west or east along what is today a public bridleway).
 - (2) The application route is shown to exist as a significant track, with double edged solid lines, along its total length showing that it was a confirmed at the time to be a highway.
- e. Assessment. The showing of the route on the map as a track or road is evidence of reputation and appearance at the time the documents were compiled.



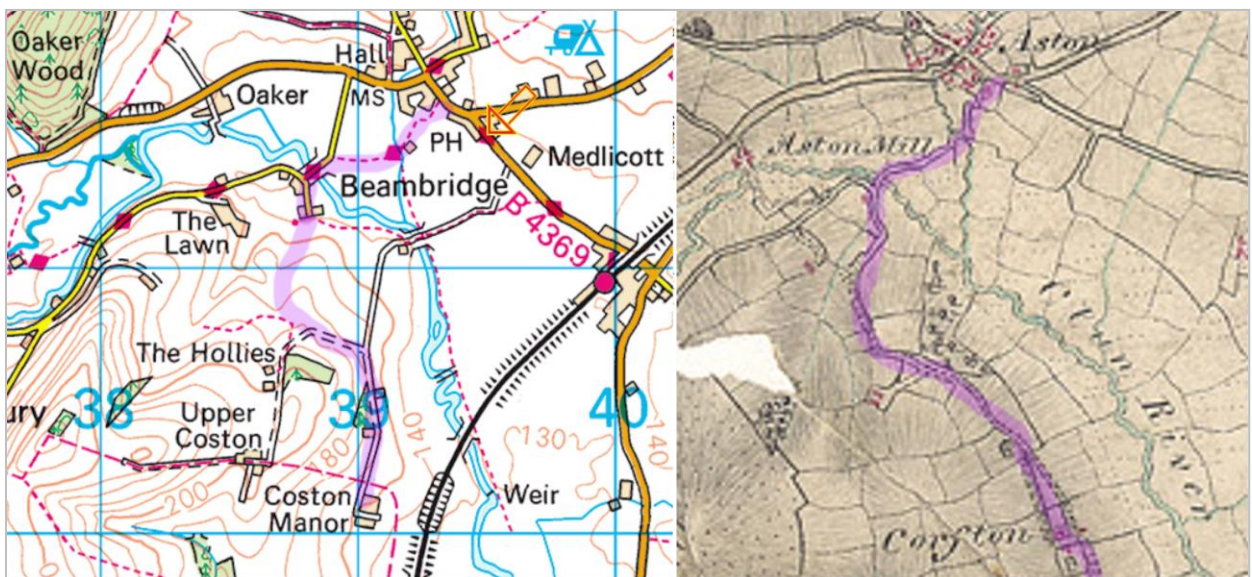
Extract from sheet 56 showing the application route marked in purple for ease of identification.

13. OS Drawing 1816

Produced by Thomas Budgen in 1816 and held at the British Library reference OSD 200 Bishops Castle and drawn at a scale of 2 inches to a mile. It shows that the southern part of the route existed on the ground at the time and continued past "Corfton" referred to in modern times as Coston Manor. It is depicted in the same way as the modern-day bridleway running to the north of the B4368 on the west side of Aston.



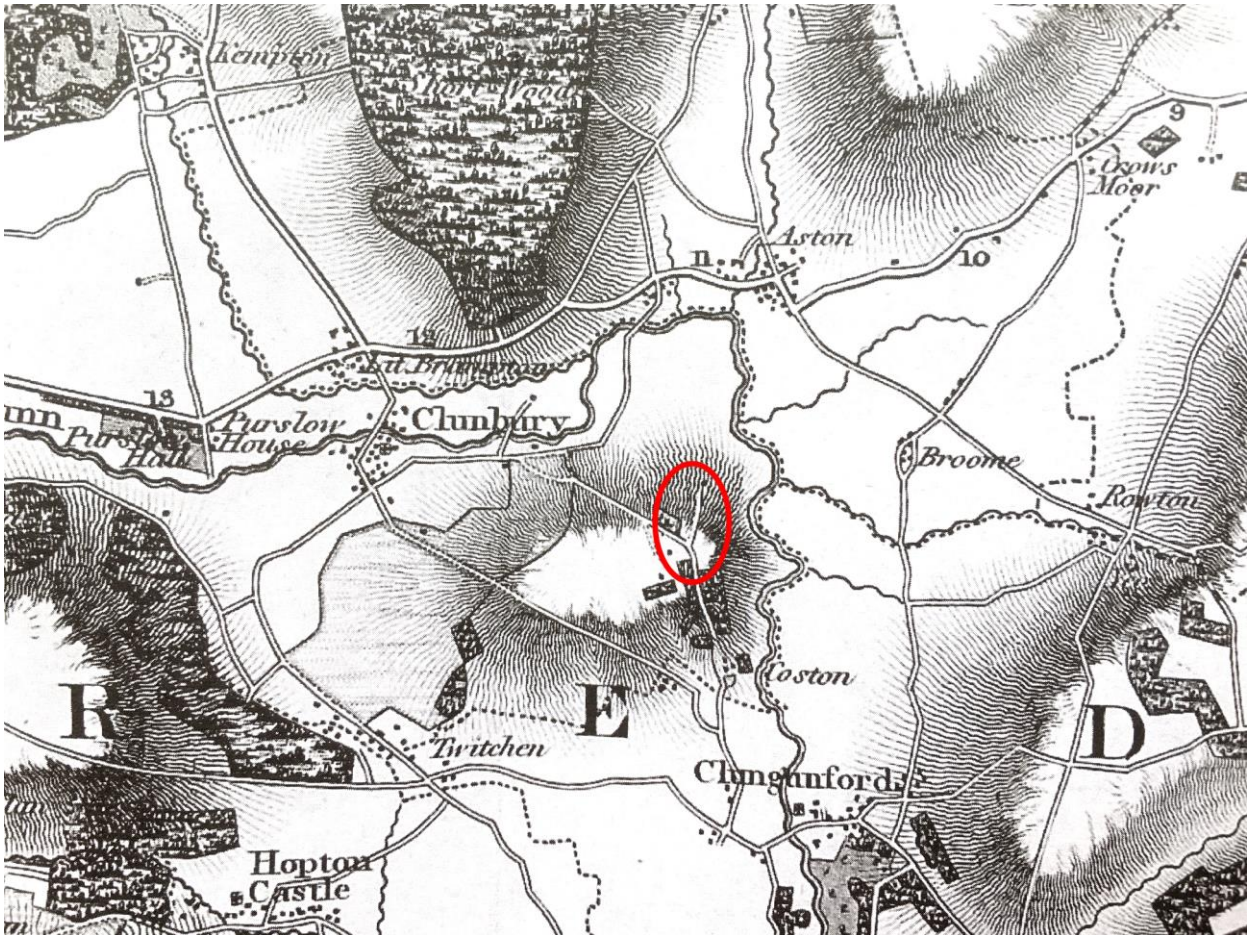
Excerpt from the Bishops Castle OS Drawing.



Comparison of the Bishops Castle OS Drawing with a modern day map with the then road highlighted in purple for ease of identification.

14. Greenwoods Map 1827.

- a. Date. This map was produced in 1827.
- b. Rationale. Christopher Greenwood's map of Shropshire was the most accurate 1" to the mile map of the county to be published before the first Ordnance Survey maps. It was part of an ambitious series intended to cover the entire country — an expensive project designed to appeal to country gentlemen - the map was made for sale to the public, and so is unlikely to show routes that the public could not use. Published in February 1830 it was made from an actual survey in 1826 and 1827. The Numerous watermills, windmills, estates both large and small, turnpike roads and milestones, antiquities and industrial sites and other features are shown.
- c. Archive. This map extract is photographed from a black and white reprint purchased from the Shropshire Archeological and History Society. The map was produced in colour at a scale of 3 miles to 1" and also in Black and White. An original copy is available to view in the Shropshire Archives.
- d. Meaning. The southern part of the application route is shown as a continuous track bounded with solid black lines and as having significance width. It is depicted as having the same significance as connecting roads which today are classed as public bridleways.
- e. Assessment. This is evidence in favour of the proposition that the application route was considered to have the same status or reputation at the time it was made (1830), that is, as a public highway / bridleway, as the connecting tracks with which it joins.



Extract from Greenwood's map (1827) showing the southern part of the application route circled red and being depicted in the same way as adjoining roads and as having same status as the current day public bridleway which it joins.

15. Tithe map for Hopesay 1840

- a. Date. The apportionment and map was produced in 1840 for Hopesay.
- b. Reason.

(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 (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 roads, although wide grass drovers'

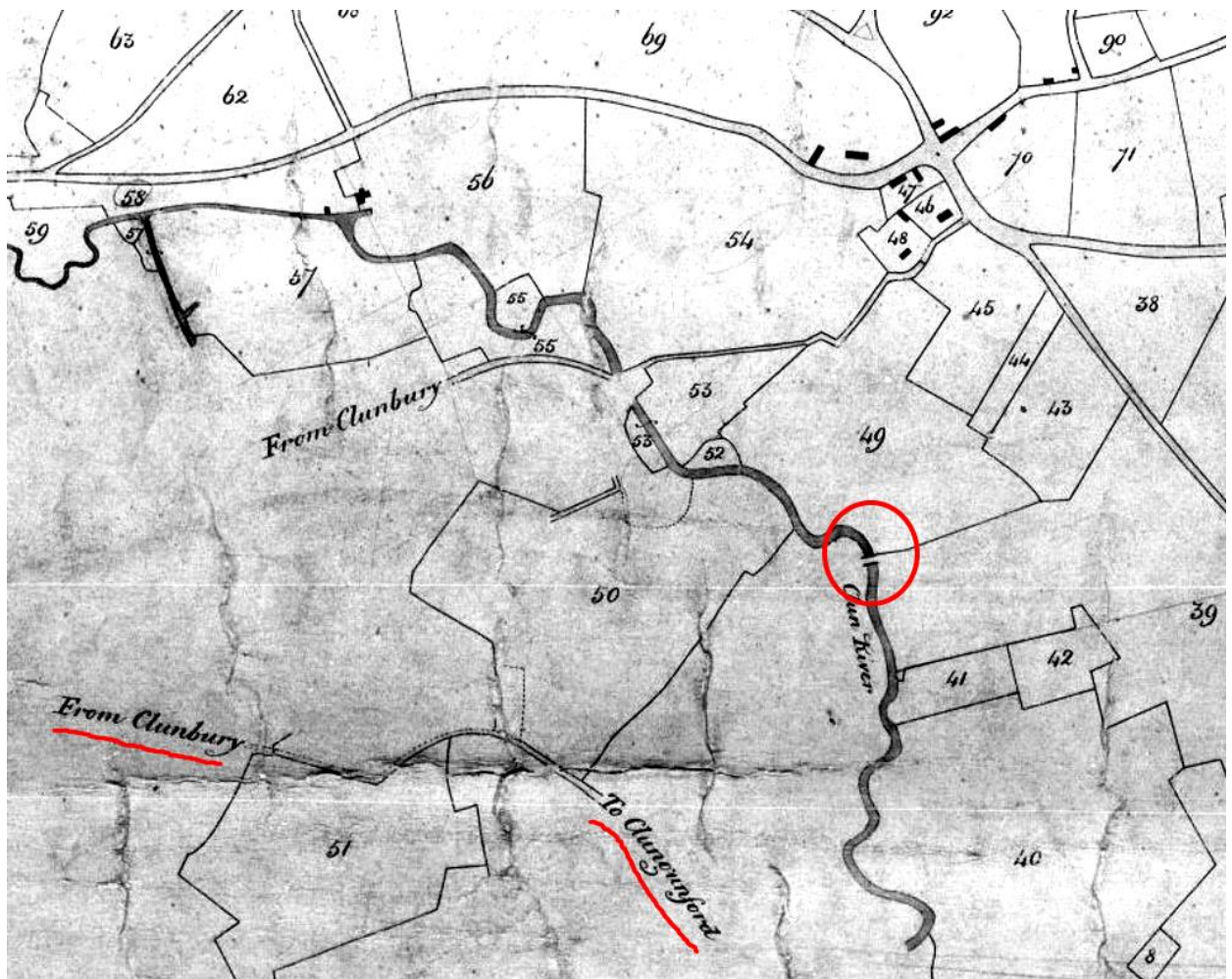
routes could carry a tithe as they were used as pasture. It was in the interest of the landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from tithe documents regarding the existence of public rights, and in particular, public vehicular rights. In some cases highways are coloured yellow or sienna to indicate public status.

- c. Archive and Reference. Tithe maps and apportionments covering Shropshire are held at the Shropshire Archives. However the public are only allowed access to tracings of the original maps. Copies of original maps are available to download online through subscription to the genealogist (<https://www.thegenealogist.co.uk/>). It is a second class map and so is only conclusive of matters of relevance to the tithe commissioners.
- d. Meaning. The map shows the southerly part of the application route bounded by two solid lines. This indicates that no tithe was assessable against the land over which these roads pass.
- e. Assessment. This is a second class map and so is only conclusive of matters of relevance to the tithe commissioners. It nevertheless provides useful information from which inferences may be drawn. The **southerly part** of the application route is shown in the same way on the tithe map as other public roads in the area and includes the directional description "To Clungunford".



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The Hopesay tithe map of 1840 downloaded from The Genealogist.



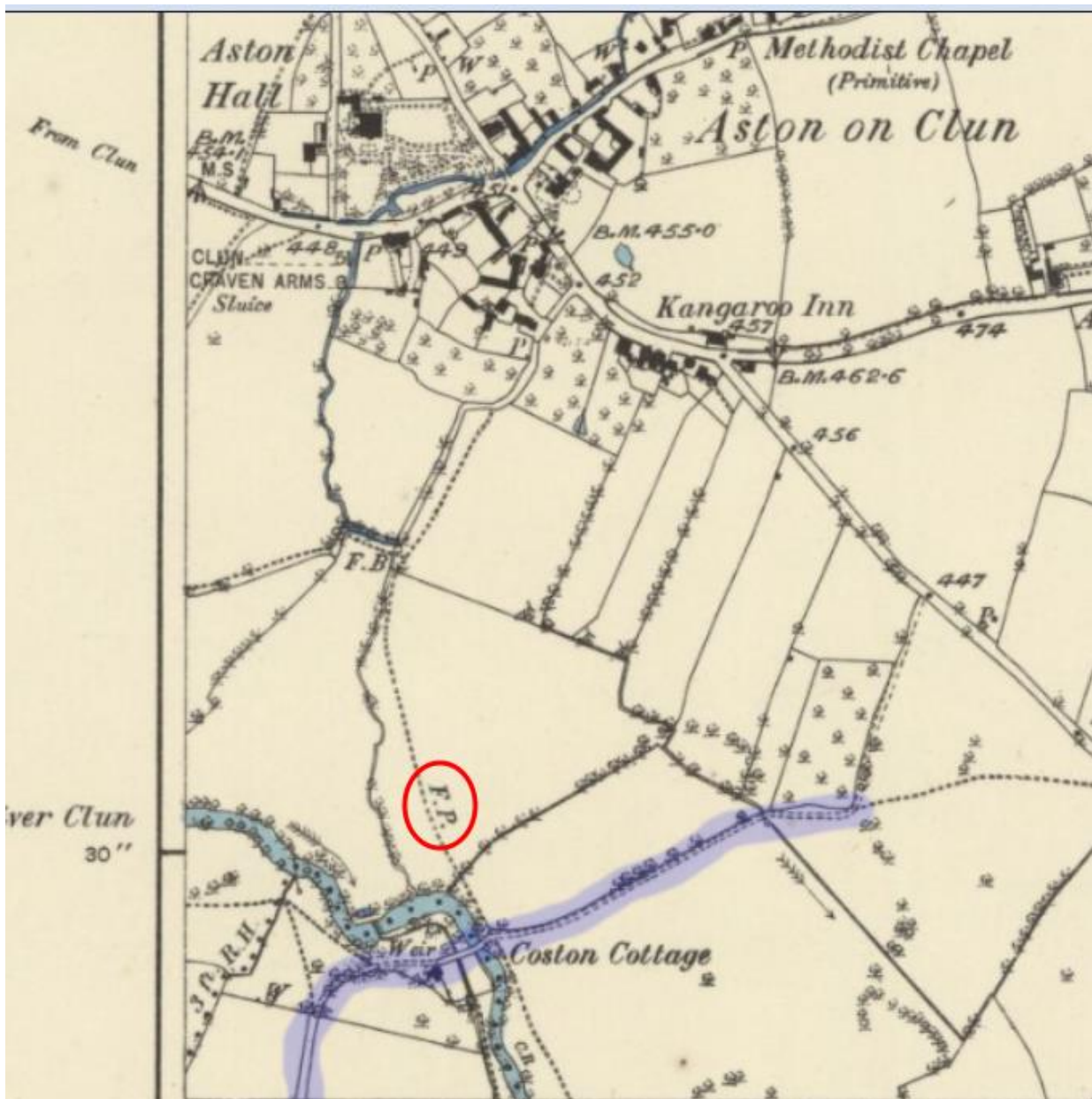
Extract from the Hopesay Tithe map showing that the area over which the southern part of the application route passes had no tithe assessable against that land and its depiction is consistent with the application route being a public vehicular highway at the time of the assessments. It is clearly labelled "To Clungunford". The northern part of the application route is not shown separate but the bridge over the River Clun is shown.

16. Ordnance Survey First Edition 6 inch map revised 1880 published 1884

- a. Date. The Ordnance Survey six-inch to the mile County Series was revised for the whole country twice between 1842-1893 and between 1891-1914, and then updated regularly for urban or rapidly changing areas from 1914 to the 1940s (source: <http://maps.nls.uk/os/6inch-england-and-wales/info1.html>). This area was surveyed in 1881 and published in 1883 (sheets Shropshire LXX.NE. and Shropshire LXX.SE.).
- b. Reason. The ongoing improvements in surveying techniques provided maps of higher quality and definition providing further detailed information, including specific measurements, about the landscape and features at the time of surveyance.
- c. Archive. Copies of the first edition Ordnance Survey 6" maps are held by the British Library. Electronic copies of certain sheets, such as the 1884 series, are available from the National Library of Scotland at <http://maps.nls.uk/>. The map and books of reference extracts are available from the British Library.
- d. Meaning.

- (1) The southern part of the application route is shown as a distinctive road as depicted by the continuous black boundary lines on both sides of the route.
- (2) The application route is shown to have specific breadth and junctions with other highways which today are public.
- (3) The map shows that the application route had a higher status than footpaths (F.P.).

e. Assessment. The showing of the land as being a distinctive road with the recording of boundaries and junctions with other highways on the map is evidence of reputation and appearance at the time the documents were compiled.



Extract from the Ordnance Survey first edition 6" map of the area (sheet Shropshire LXX.NE.) published 1883. The application route appears to have a higher status than footpath F.P.

Source: National Library of Scotland.



Extract from the Ordnance Survey first edition 6" map of the area (sheet Shropshire LXX.SE.) published 1883 showing a well established black bordered track with clear junctions with other roads which it joins.

17. Bartholomew's Half-Inch Maps of England and Wales 1903

- a. Date. This map was published in 1903.
- 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.
- c. Archive. An original of Sheet 17 (Shropshire) is held by the National Library of Scotland (NLS) and can be viewed via http://maps.nls.uk/series/bart_half_england.html.

d. Meaning. The whole of the application route is shown as an '**secondary**' road although considered a route unsuitable for cyclists. It is shown to have a higher status than bridleway or footpath.

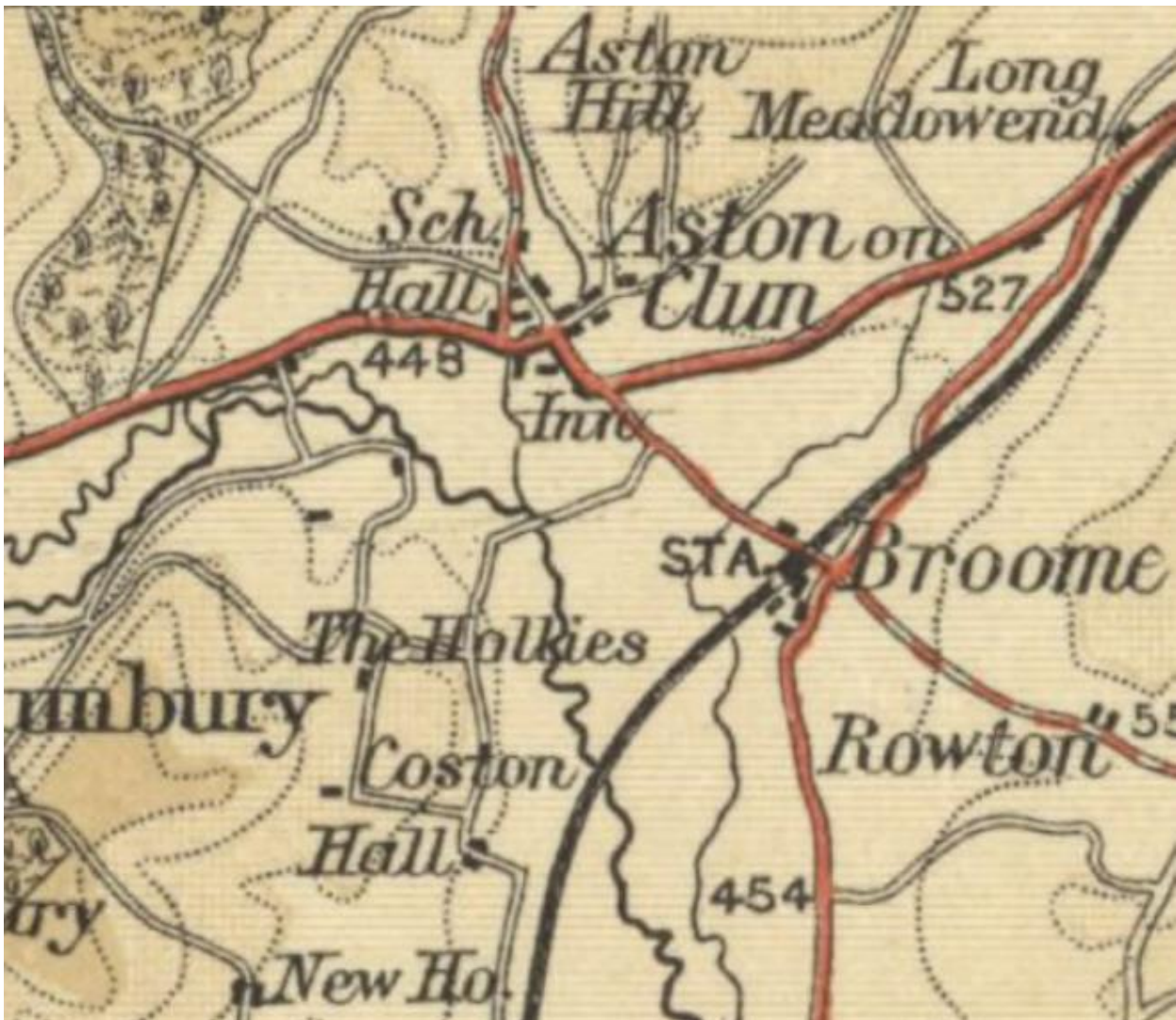
e. Assessment.

(1) 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 and cycling public, and the roads were revised by the Cyclists' Touring Club. It seems likely that the disclaimer is to avoid the publishers from finding themselves in the midst of legal action, and that their true beliefs come from the fact that the CTC assessed the roads as suitable or 'inferior'. In addition, the application route was shown as this 'inferior' road rather than as a footpath or bridleway, and cyclists at the time of publication (1903) had no right to use bridleways, having been declared to be carriages by s.85 Local Government Act 1888, so it is appropriate that at least a little weight be given to this document as evidence of vehicular status.

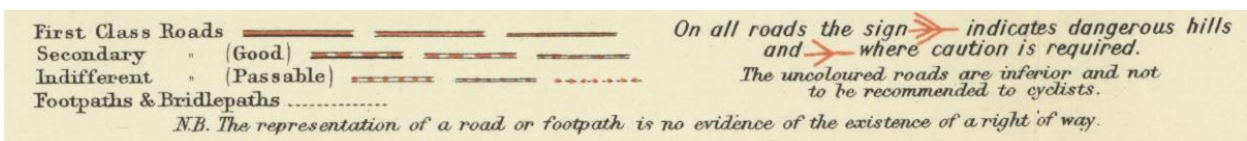
(2) The PINS Consistency Guidelines suggest that little weight can be given to this source, However, in *Commission for New Towns and Another v J. J. Gallagher Ltd* [2002] EWHC 2668 (Ch), the judge stated at para 108:

"Bartholomew's Map of England, 1901 and 1911 editions, has three categories of coloured roads. They are "first class roads", "secondary roads (good)", and "indifferent roads (passable)". There are two other categories, namely uncoloured roads and "footpaths & bridlepaths". Beoley Lane is marked in each of the two editions as uncoloured road. The legend to each of the Bartholomew maps states that "the uncoloured roads are inferior and not to be recommended to cyclists". The implication of the demarcation of Beoley Lane on these maps appears to me to be that they are public carriageways. First, each of the other four categories is a public highway. Secondly, in a somewhat paradoxical way, the indication in the description of the uncoloured road is that they can lawfully be used by cyclists, which, as at 1901 and 1911, would have meant that they were public carriageways. However, it is important to mention that there is a note to the effect that "the representation of a road or footpath is not evidence of the existence of a right of way". **I do not consider that that means that one can cast aside what one could otherwise glean from Bartholomew as being of assistance**, but the disclaimer underlines the fact that one cannot place much weight on Bartholomew's Maps, or indeed on any map which does not have the positive function of identifying public carriageways."

(3) The conclusion is that at least some weight must be given to this source.



Extract from Bartholomew's Map showing part of the application route as a 'secondary' road although classed as inferior and not recommended for cyclists. It is depicted as having a higher status than a bridlepath.



Extract from Bartholomew's Map showing the Key

18. Inland Revenue Valuation 1910

- 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.”

We note 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.

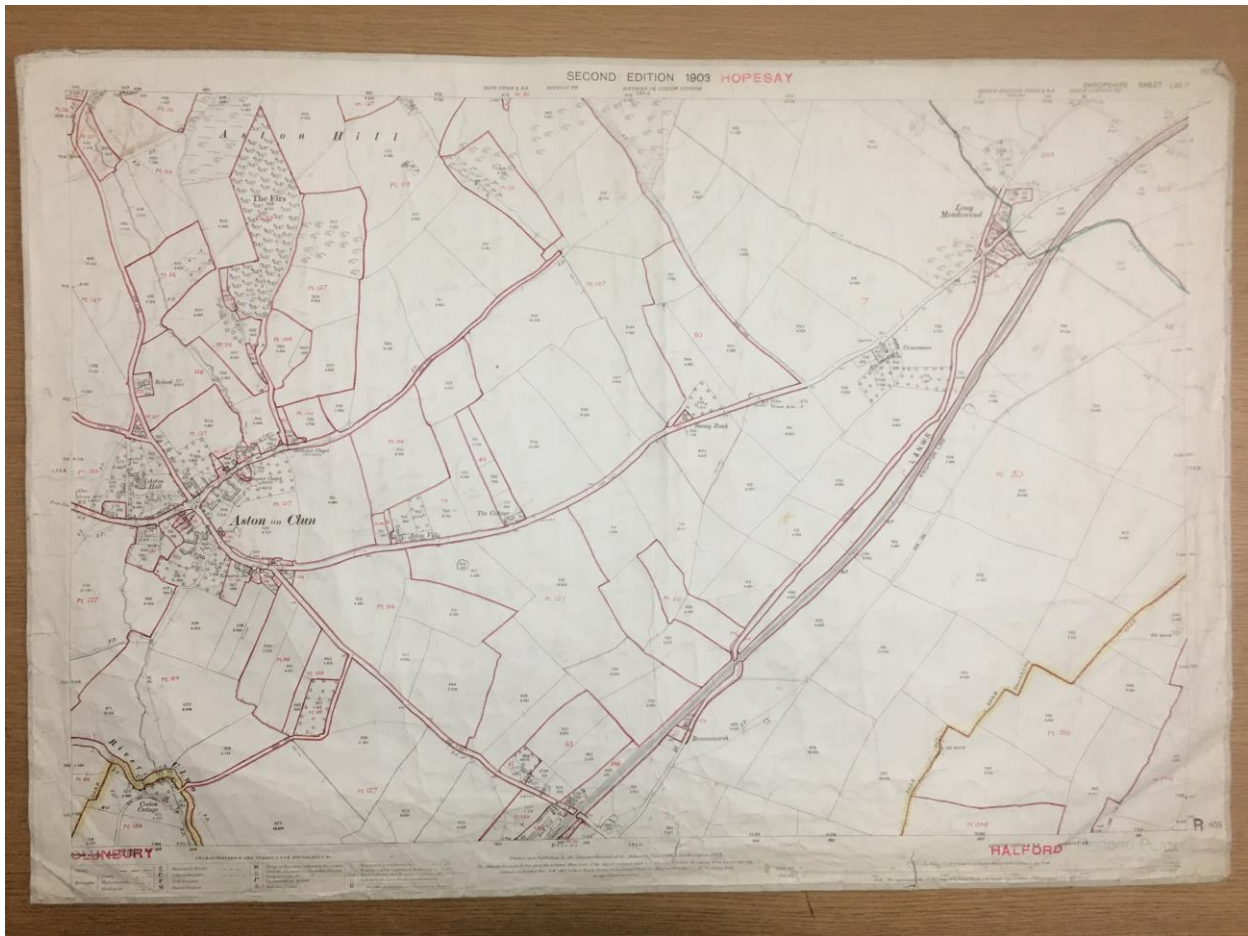
c. Archive. The pictures of the maps below is from the records that were passed from the IR Valuation Offices to The National Archives at Kew. The National Archives document references that cover this area are IR 132/4/860, IR 132/4/861 IR 132/4/864 and IR 132/4/865.

d. Meaning. The map below IR 132/4/861, clearly shows the **northern part** of the application route as a white continuous road. The northerly section is shown as separate from the adjoining hereditaments and no tax assessed. The highway is shown to continue across the river. The southerly part is shown as being part of a larger farming estate for valuation purposes.

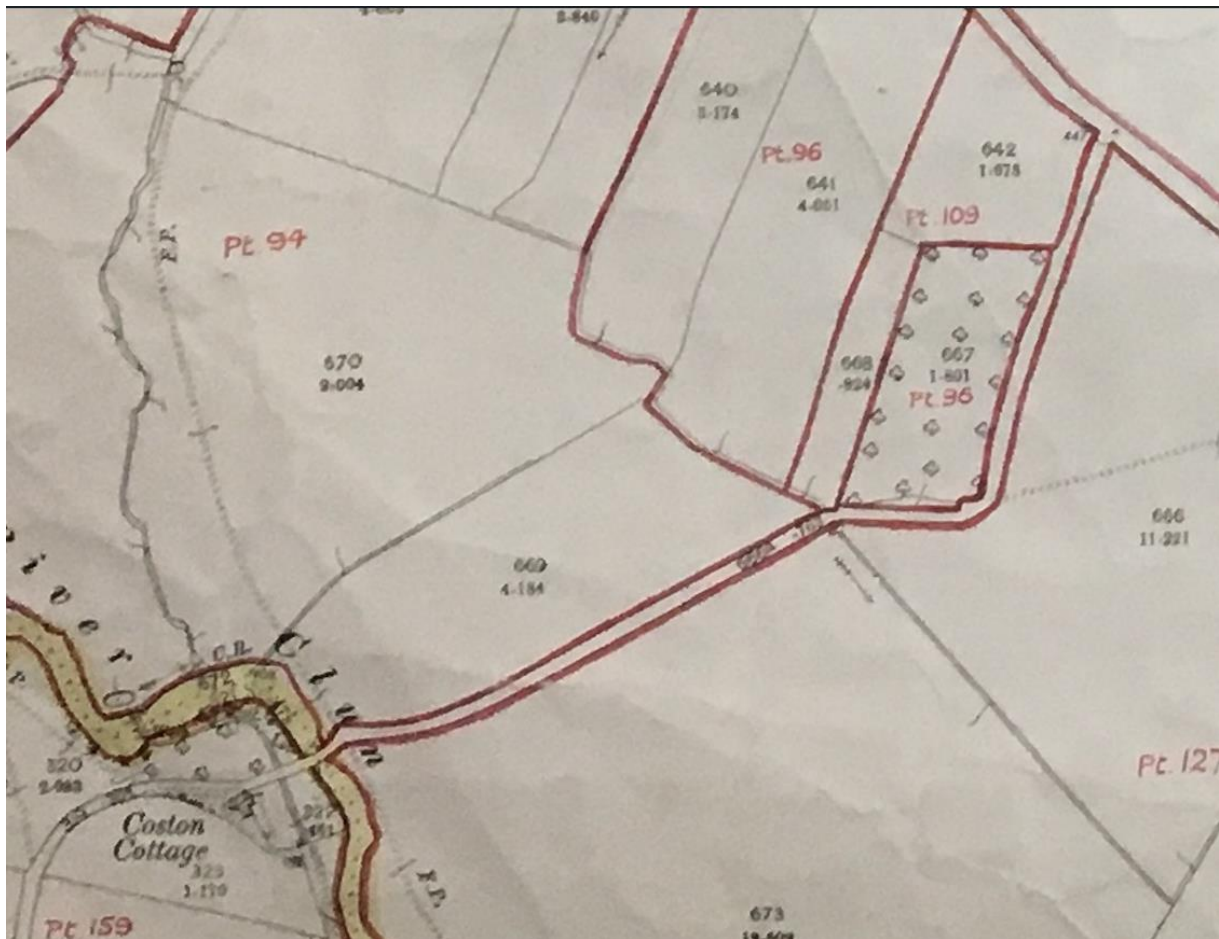
e. Assessment.

(1) As part of this land is unvalued, this suggests it belonged 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 highway 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. Had it been held by a rating authority for another purpose there would be some evidence of that holding, yet none has been found.

(2) The legislation is sufficiently clear that anyone arguing that white road status means something other than the route is a public vehicular highway must show which other exception from valuation the route falls under.



Inland Revenue Valuation Map reference number IR 132/4/861.



Excerpt from Inland Revenue Valuation Map reference number IR 132/4/861 showing that the northern part of the application route, where it joins the public highway, had no tax assessed.

Although it finishes at the river, there is a clear bridge across the river so the highway continues, however the rest of the route crosses a larger estate referred to as Hereditament 159.

19. OS One-inch, Seventh Series, 1952-1961

- a. Date. The Ordnance Survey 'Seventh Series' provides an excellent overview of the landscape of Great Britain in the 1950s. It was the only standard one-inch to the mile (1:63,360) uniform series to cover the whole of Great Britain, and for Ordnance Survey, it represented the final flowering of their one-inch map before its replacement in the 1970s by 1:50,000 scale mapping.
- b. Reason. The 'Seventh Series' maps depicted a number of distinctive categories of information: more categories of road were shown than on the New Popular, including motorways, trunk roads, class 1 and class 2 main roads, minor roads, and untarred / unmetalled roads; footpaths and tracks were shown with a black dashed line. From 1960, some sheets started to also include public rights of way (shown in red) from the growing local authority Definitive Maps of Public Rights of Way.
- c. Archive. The map is available to download on line from The National Library of Scotland (<https://maps.nls.uk/os/one-inch-seventh-series/index.html>). This is the Ludlow sheet (no 129) surveyed 1949 and published in 1952.
- d. Meaning.
 - (1) The map shows the application route to be classed under the regular highway section as a fenced unmetalled minor road.
 - (2) The route is continuous and unobstructed. It is classed in the same way as other tracks which today are adopted.
- e. Assessment. The map is an official map produced and published by the Ordnance Survey, a government organisation, and is considered to be a legal representation of the status of the area at the time.

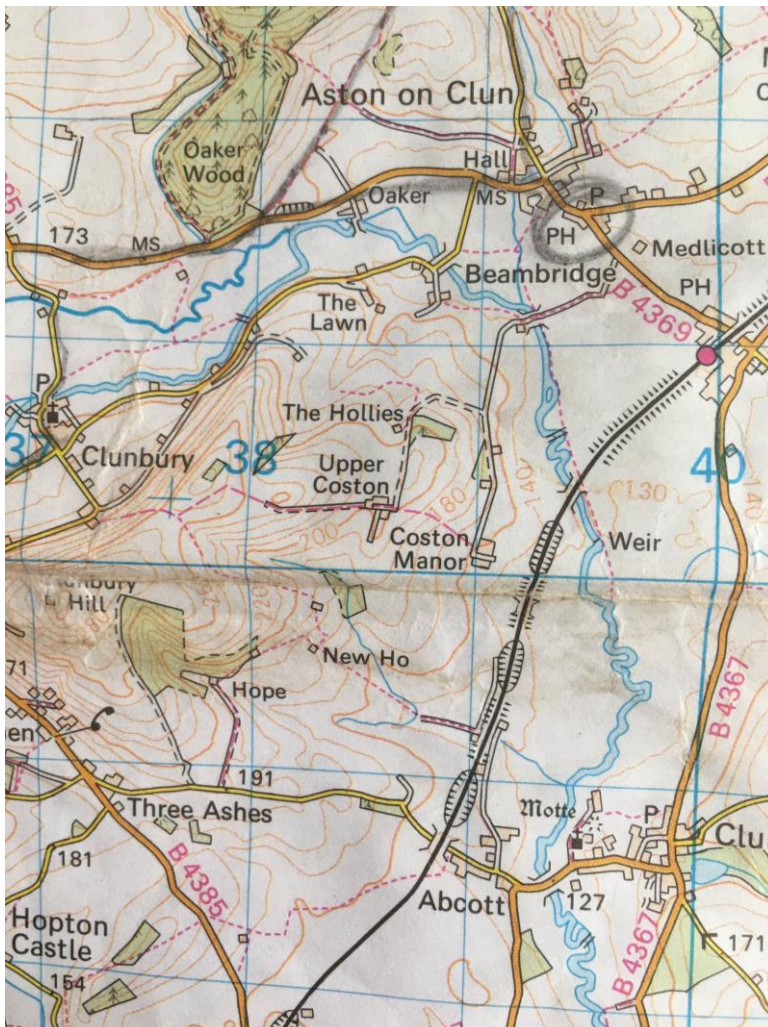


Roads	Ministry of Transport, Motorway	M 1 or A 6(M)
	" " " Trunk	Single & Dual A 5 (T)
	" " " Class 1	
	" " " " 2	B 4380
	14 ft of Metalling & over (not included above)	TOLL
	Under 14ft of Metalling, Tarred	Gate
	" " " " Untarred	
	Minor Roads in towns, Drives and Unmetalled Roads (Unfenced Roads are shown by pecked lines)	
	Under construction	

Excerpt from the Seventh OS Map Series, and reference guide, showing in greater detail the classification of public rights of way. The application route has a higher status than a footpath or unfenced track. It is classed under the regular highway section as a fenced unmetalled road.

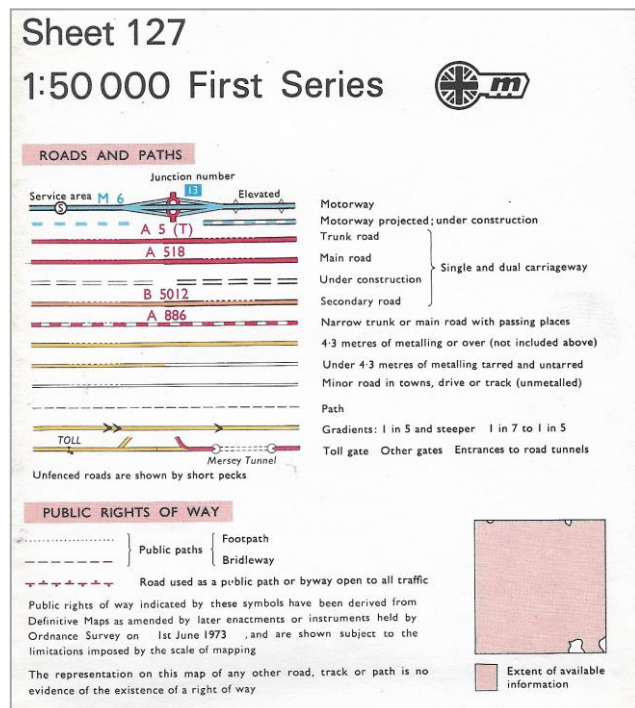
20. OS Sheet 137 1:50,000 1974

- f. Date. This Ordnance Survey map was published as one of the new series at a scale of 1:50,000 which was published to replace the popular one-inch maps of Great Britain. The series included new features such as colour and more defined definitions of public rights of way which were based on the definitive map.
- g. Reason. Ordnance Survey (OS) is a non-ministerial government department which acts as the national mapping agency for Great Britain. The Ordnance Survey Board is accountable to the Secretary of State for Business, Energy and Industrial Strategy. Maps that are produced are used for boundary queries and measurements of land acreage.
- h. Archive. The map is available to purchase from the Ordnance Survey.
- i. Meaning.
- (1) The map shows the application route to be classed under the regular highway section as a minor road, drive or track.
 - (2) The route is continuous and unobstructed. It is classed in the same way as other tracks which today are adopted.
- j. Assessment. The map is an official map produced and published by the Ordnance Survey, a government organisation, and is considered to be a legal representation of the status of the area at the time.



*Excerpt from the 1974 First Series, and reference guide, showing in greater detail the classification of public rights of way. The application route has a higher status than a road used as a public path or bridleway. It is classed under the regular highway section as a fenced unmetalled minor road, drive or track. Of interest – **the public bridleway does NOT continue east past Coston Manor (as it does today) but JOINS with the application route** therefore the right of way must have continued along the application route.*

Excerpt and key from the Landranger 1:50 000 series showing the application route to be classed as a road with the description “minor road, drive or track”.



CONCLUSIONS

21. Each piece of evidence presented is either evidence of reputation of vehicular highway rights, or consistent with there being vehicular highway rights, or indicates that a civil servant thought that there were vehicular highway rights.

22. While each document could possibly be explained away by another reason, there is no other reason that explains what all of the documents show. It is therefore more likely than not that the explanation for the evidence as a whole is that public vehicular highway rights existed at the times that the various documents were compiled.

23. In examining the evidence as a whole, it will usually be found that the simplest explanation is the best. Suppose that there are three documents capable of being read as providing some evidence of highway status. Each of these documents might be able to be explained away by other reasons. The old map might have shown a private drive to a patron's residence, the tithe map may not have shown land held by the rector, and the Inland Revenue evidence may relate to land held by a rating authority in its local education authority role. However, it is unlikely that all of these alternative explanations to highway status will be true for the same path. In such circumstances, the explanation of what the evidence shows is much more likely to be highway status than that the route used to belong to a wealthy owner, was sold to the Church and then became a council-run school. In the absence of positive evidence that these diverse explanations are actually true (as opposed to mere possibilities), the single explanation of the facts that a highway existed is compelling.

24. As a result of the common law maxim 'Once a highway always a highway', in the absence of a stopping up order, it follows that vehicular highway rights existed immediately before the operation of the Natural Environment and Rural Communities Act 2006.

25. The applicants request the surveying authority to add, or upgrade, the route being the total length of a lane running from the adopted road B4369 at Beambridge (south east of Aston on Clun) running south to join with the public bridleway reference 0520/35/3 north of Coston Manor, in the Hopesay Parish and Clunbury Parish of Shropshire Council, to the definitive map and statement as a public bridleway even if parts of this is included in the List of Streets. This is because the List of Streets is not conclusive evidence of a highway maintainable at public expense unlike the operation of section 56 of the 1981 for ways recorded on the definitive map (reference Trail Riders Fellowship v Secretary of State for the Environment, Food And Rural Affairs [2017] EWHC 1866).

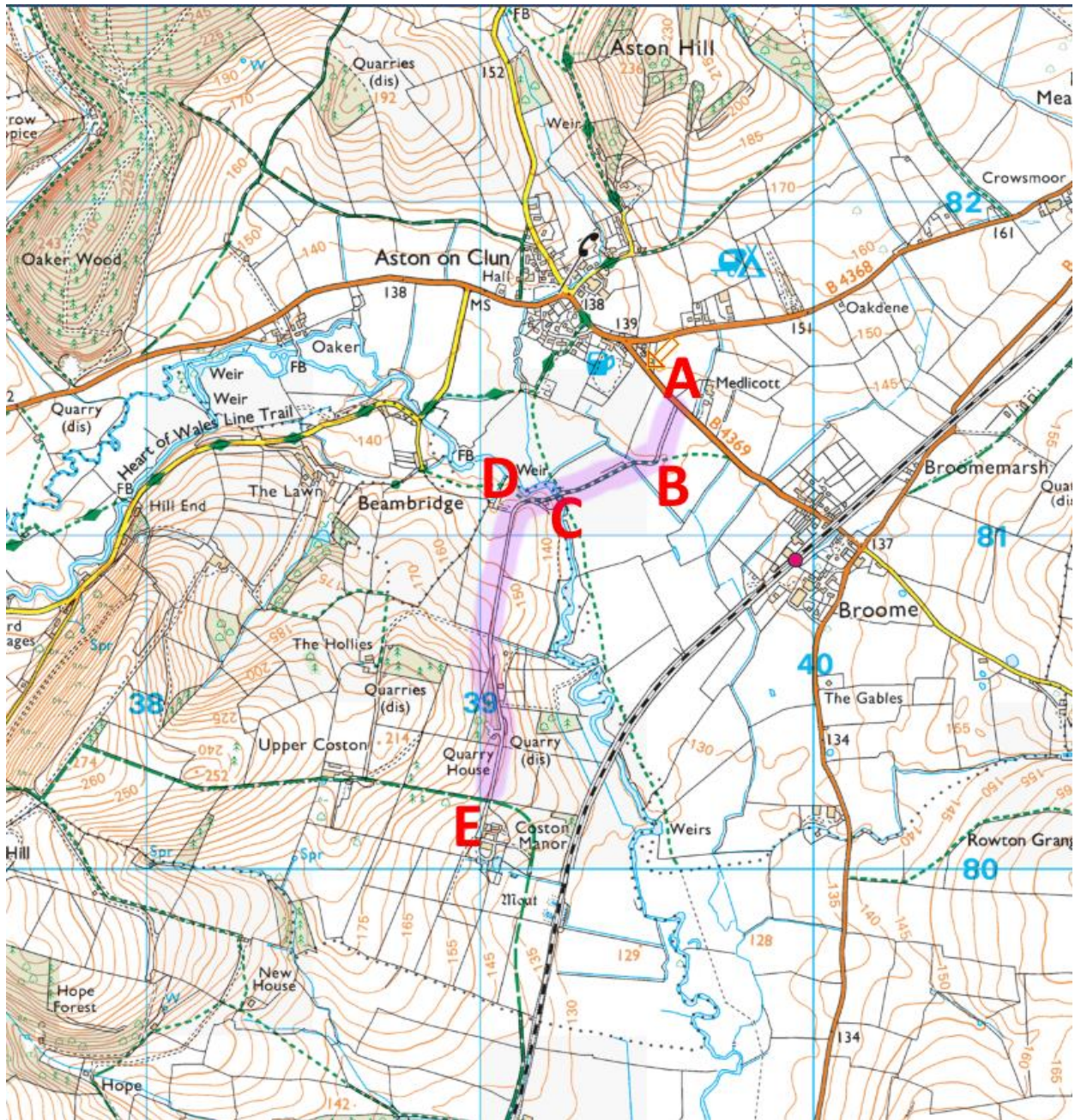
Sally-Anne Robinson

Vice Chairperson, Telford Bridleways Association (affiliated to The British Horse Society)

Access Officer, Shropshire, British Driving Society (affiliated to The British Horse Society)

Appendix 1: Map of route at scale 1:25,000

The route is highlighted in purple to ease identification.



Source: streetmap.co.uk