

Gypsy Lane

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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

~~IWA~~ CHRISTINE WELCH (Name of Applicant)

Of 37A CHURCH ST. (Address of Applicant)

..... BROSELEY. TF12 5BX

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..... BROSELEY

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

* delete as appropriate

From..... The Round House on Banow Rd - B 4376
Ref: ~~SJ 67799 00621~~ SJ 67448 00683

To..... Bridgnorth Road - B 4373 (Location of right of way)
Ref: SJ 67799 00621

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:

1) DMNO APPLICATION

2) USER EVIDENCE STATEMENTS

Dated..... 20th May 2024

Signed..... C. Welch PRINT
NAME..... CHRISTINE WELCH

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Wildlife and Countryside Act 1981

Definitive Map Modification Order Application

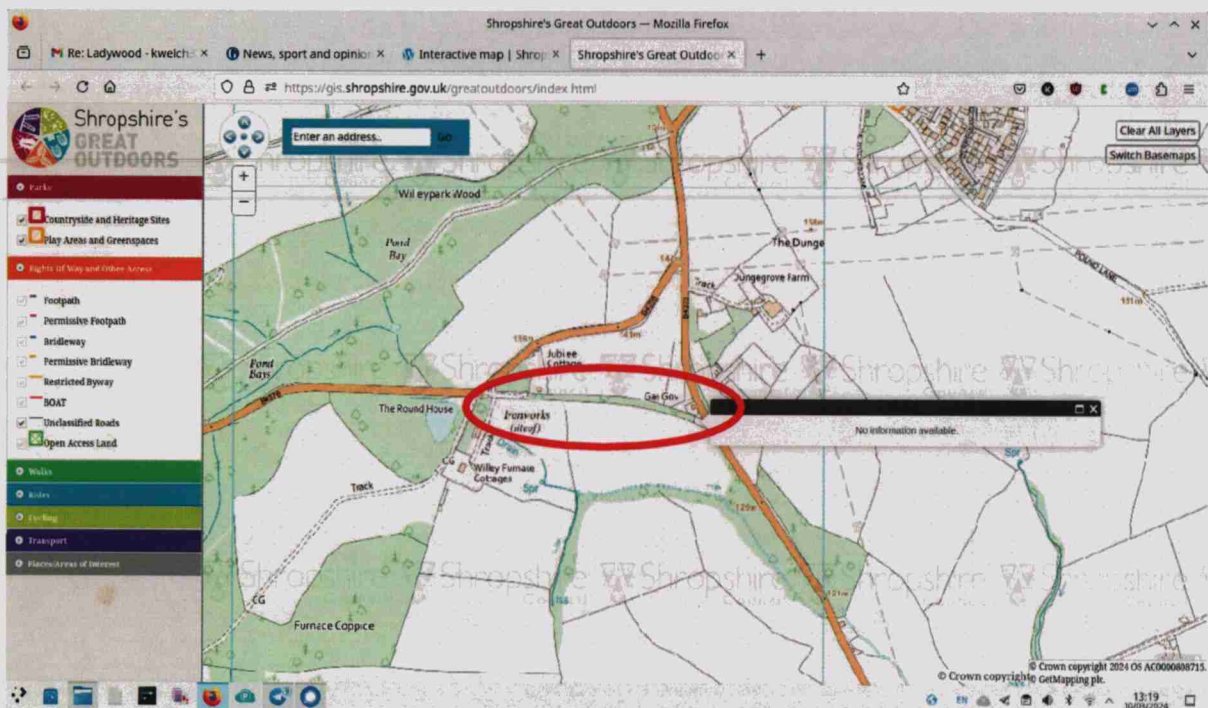
Modification order to add a way to the definitive map: section 53(3)(b)

To claim for public use as a bridleway :
a 'road' known locally as GYPSY LANE.

In Broseley Parish of Shropshire County Council.

Applicant's Reference: KW/BR006

10th March 2024.



The grid references for the ends of this road are :

SJ 67799 00621 : Bridgnorth Road, Broseley, TF12 5LB to
SJ 67448 00683 : B4376, Barrow Road, Broseley, TF12 5BW

Applicant

My name is Christine Welch of 37A Church Street Broseley, TF12 5BX.

I moved to Broseley in 2016, and stabled my horse in Brosley in 2017 until he died in 2021. I am a keen walker and co-founder of the Walkers Are Welcome group in Broseley. I regularly walk in the area and have also ridden regularly in the area from 2017 to 2021.

I am interested in the history of the area and have researched documents for the purpose of making this application.



Gravel path bears left to a building. Gypsy lane continues straight on.

A gate and a stile is immediately around the bend between the trees.



Gate for hose access and stile for walkers.



Looking back at the gate and stile to clearly see the horse friendly opening mechanism.

The following 2 photos show the main part of the route. It is a clear path obviously regularly used and it is a wide path between the adjacent fields.



Approaching the gate close to the Bridgnorth road, B4373.



Approaching the second gate. Note the wide path and the clear evidence that vehicles still use sections of the path (to access a field).



Horse friendly gate mechanism on this gate.



From the Bridgnorth road, looking back at the gate just passed. Note a sign on the gate on the left.



Sign on the gate high lighted above.



Sign reads "SHROPSHIRE Leisure Services Department COUNTRYSIDE COMMISSION".



Exit of Gypsy lane onto Bridgnorth road. Looking towards Broseley.

Note that the bend is right handed, meaning that when riding a horse (or walking) there is better visibility for both horse & rider, a walker and oncoming vehicles.

DOCUMENTARY EVIDENCE OF RIGHT OF WAY STATUS.

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 right of way exists. 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.

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."

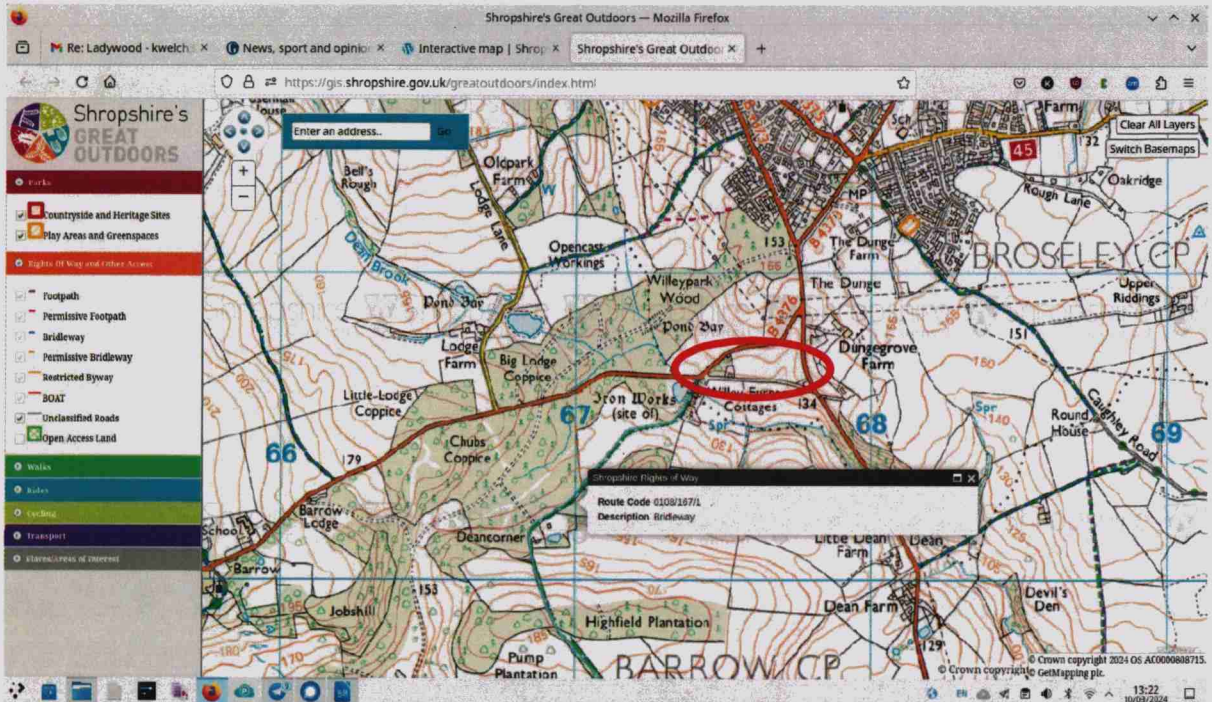
As Pollock CB famously directed the jury in *R v Exall* (1866) 4F & F 992:

"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 might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength."

While no single piece of evidence is conclusive, the applicant believes that taken as a whole, the pieces of evidence demonstrate right of public access, by foot and on horseback over many years. Furthermore this access has been made explicitly clear by providing walker and rider friendly gates and stile.

THE APPLICATION ROUTE

The application route is circled on the Shropshire interactive map below.



The route is a link between the B4376 Barrow Road and the B4373 Bridgnorth Road. It is a natural extension of Bridleway 0108/167/1 which passes through Willey Estate land, and is a safe means to return to Broseley.

The route is approximately one quarter mile long, 0.37 km.

The following pictures show the route.

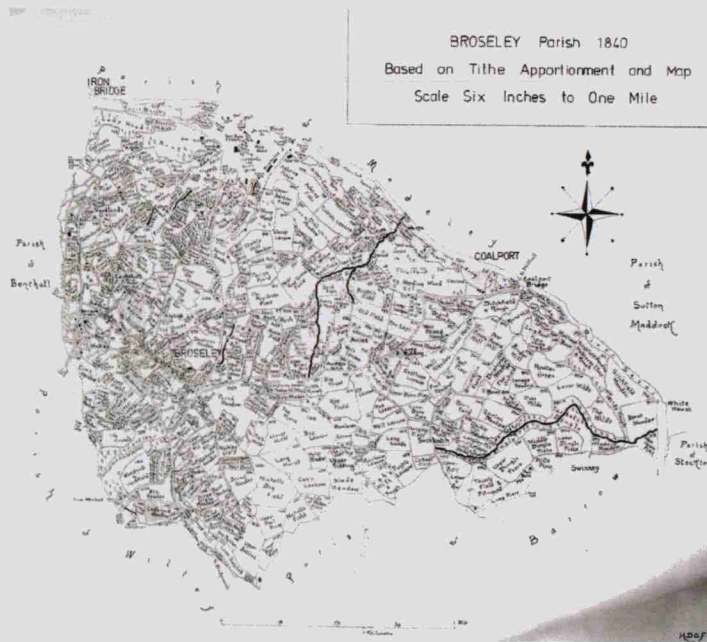
Starting from the Round House in B4376, Barrow Road.



Wide gravel path that starts at a bend on the B4376 Barrow road.

DOCUMENTARY EVIDENCE.

1. Tithe map for Broseley; date 1840.



Enlargement of lower left hand section showing the application route for its whole length, between Big Meadow and Codbrook Meadow

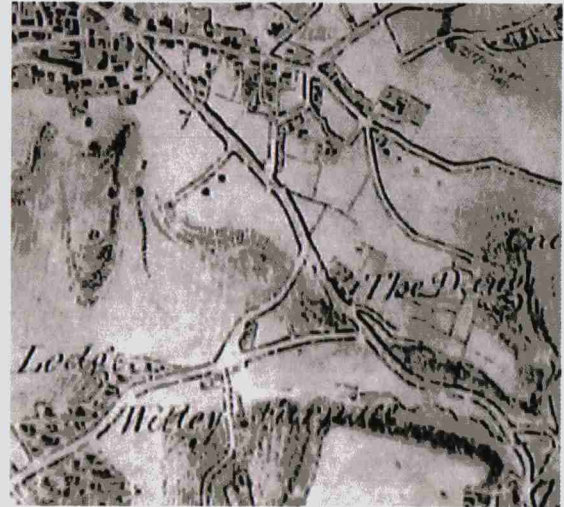
It is bounded by two solid lines and is consistent with the roads 'From Wenlock' and 'To Bridgnorth', the latter being labelled '1053 Old Road to Shrubbery' as it approaches Broseley.



Source:

<https://broseley.org.uk/tithe.htm>

2. 1827 Ordnance Survey map from Shropshire Archives.



Apologies for poor quality images; this is the 1827 OS map from Shropshire Archives. A second image of the same map does not show the archive label, but is easier to see detail.

Cropped to the Bridgnorth/Barrow road junction with the application route clearly visible cutting off the corner between the 2 roads.

3. 1902 Finance Map L1.6 from KEW Archives.



The application route is clearly identified as a road adjacent to part 139.

4. 1941 Bartholomew half inch leisure map.

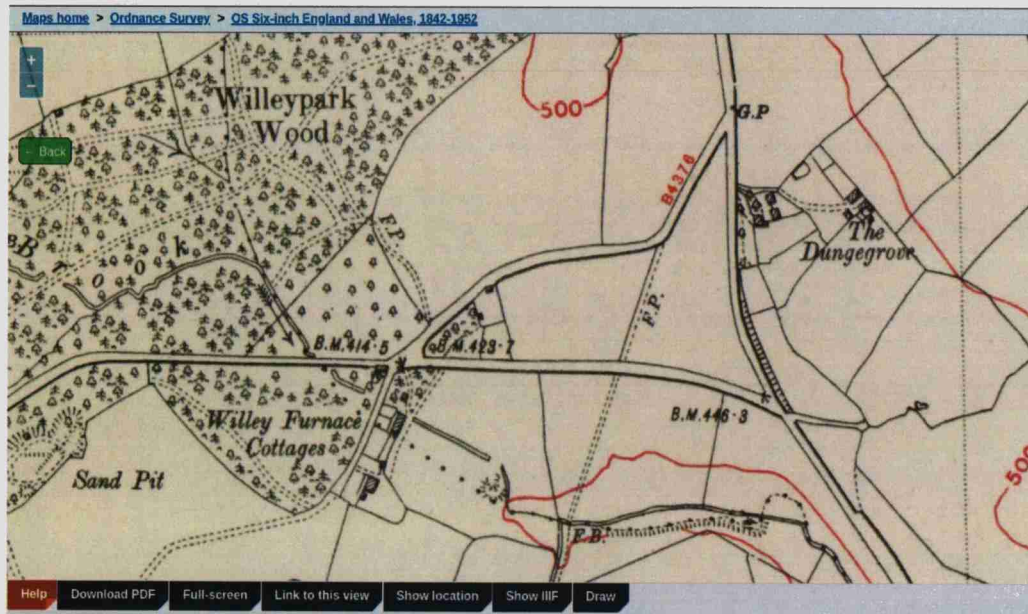


Enlargement, showing the application route in orange, having the same status as nearby roads (fork to the left after The Dunge) that became the Ironbridge road out of Broseley (second fork let) and the Coalport road (fork right).

5. 1947 sheet L1.NW from National Library Scotland

National Library of Scotland
Leabharlann Nàiseanta na h-Alba

Shropshire Sheet L1.NW
Revised: 1938, Published: ca. 1947
Size: map 31 x 46 cm (ca. 12 x 18 inches), on sheet ca. 43 x 58 cm (ca. 17 x 23 inches)



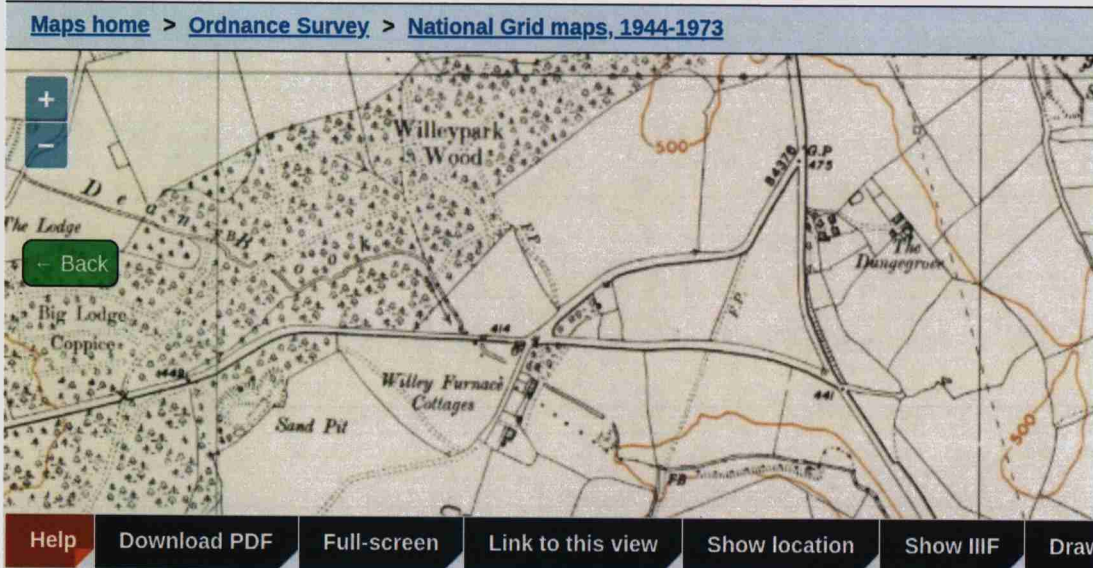
Showing the route as a road.

6. 1966 sheet SJ60 SE from National Library Scotland

Unchanged with road status in 1966.

National Library of Scotland
Leabharlann Nàiseanta na h-Alba

SJ60SE - A/
Surveyed / Revised: Pre-1930 to 1966, Published: 1966
Size: map 47-50 x 47-50 cm (ca. 19 x 20 inches), on sheet ca. 68 x 58 cm (27 x 23 inches)



Safety of horse and rider.

When returning towards Broseley from bridleway 0108/167/1 a rider (or walker) has a choice:

- Ride/walk up Barrow road.
- Ride/walk Gypsy land and then a short section of Bridgnorth road.

Barrow road contains a relatively sharp left hand bend, which is a blind bend because of a very high bank on the left hand side. A walker can cross over and walk on a high bank on the right hand side of the road. A horse and rider cannot do this.

This means oncoming vehicles do not see horses until they are on, or around, the bend and rider and horse similarly cannot see oncoming traffic. In addition this road is heavily used by lorries, and traffic travels at speed.

This is a more dangerous route than the alternative of Gypsy lane and the Bridgnorth road.

The Bridgnorth section of road that a horse and rider must take is shorter, and the right hand bend is a more gentle with far better visibility. Thus both oncoming traffic, and horse and rider, can see each other much sooner. This is a safer path for both drivers, and horses and riders.

User evidence as a footpath and bridleway.

User evidence forms accompany this application.

REQUEST

The applicants request that the surveying authority add the route to the definitive map as a bridleway.

C. Weller . 20/5/24