

Application for a Modification Order

Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Cumbria

To: Cumbria County Council
Of: Countryside Access, Cumbria County Council, The Parkhouse Building, Kingmoor Business Park, Carlisle, CA6 4SJ

I: D Brooksbank, for and on behalf of The British Horse Society
Of: C/O Access and Rights of Way Department, The British Horse Society, Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2XZ

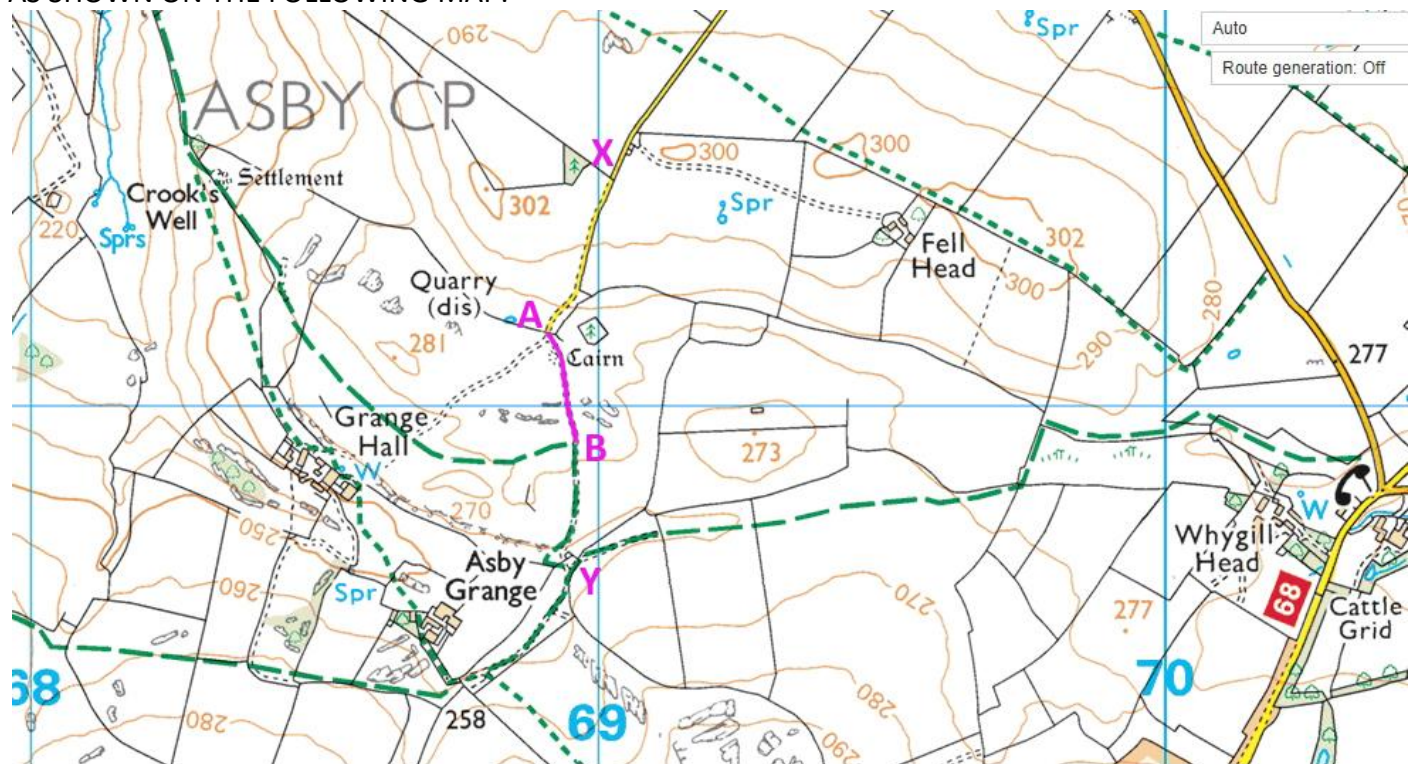
Hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and statements for the area by:

2. Adding the BRIDLEWAY – ASBY GRANGE LANE, Parish: Asby, District: Eden

FROM: End of Unclassified Road U3267, Parish: Asby, Grid Ref: NY 6891 1112 (A)

TO: Point on Bridleway 304011, Parish: Asby, Grid Ref: NY 6895 1093 (B)

AS SHOWN ON THE FOLLOWING MAP:



Application Route: █ Identified by: **A, B**
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This map should print at 1:13,500 scale when printed on A4 paper. See Appendix D for an unmarked copy of this map.

Note: Points X and Y do not form part of the application route but are referenced in the evidence.

Description of Application Route:

The Application Route is approximately 200 metres long. As the route is not currently a public right of way it has not been possible to inspect the route.

At Point A the route leaves the unclassified road U3267 over a cattle grid with gate to the side, in the Parish of Asby. It heads south crossing open pasture along a stone-surfaced lane to Point B where Bridleway 304011 joins the lane and continues south along it.

Current Recorded Status:

The route is not recorded on the Definitive Map.

The route is not recorded on the List of Streets.

Notes:

The Point marked X on the map and evidence is where Unclassified Road U3267 leaves the enclosed lane to cross open pasture. It continues south to Point A.

The Point marked Y on the map and evidence is where Bridleway 304011 meets Bridleway 304007. The tithe map of 1840 shows a Barn at this location, but all OS maps of 25in, 6in and 1:25,000 scales from 1863 to 1961 show a building called Crosby House. This building no longer exists.

The township of Asby Coatsforth is spelt Asby Cotsford on the Asby Tithe Plan.

Asby Mask is mentioned in the evidence. Mask is a local word for Marsh and there are masks in several neighbouring townships including Little Musgrave Mask and Soulby Mask.

Summary and Statement of Reasons:

This route is supported by a sufficient body of evidence to be recorded as a **BRIDLEWAY**.

Taken as a whole, the attached pieces of evidence demonstrate highway reputation dating back over 190 years, and point to the Application Route being a public highway of status at least equal to Bridleway.

The importance of the route seems to have diminished over time, but there is no evidence that the right of way has been extinguished, even though it is not recorded on the Definitive Map and Statement.

1. The application route is clearly shown on Hodgson's Westmorland Map of 1828 as a through route, depicted as a bridle road. This map was developed for sale to horse riders and coach drivers and Hodgson was a well respected mapmaker, so it could be expected to accurately show publicly-usable routes.
2. The route is also shown on several smaller-scale County maps including Walker 1837, Philip 1857, Bacon 1863, Bartholomew 1875, Letts 1884 and Bacon 1907. Due to their scale, these maps

included much less information, so, for the application route to be included, it must have had some importance as a through route.

3. The application route is clearly and consistently shown as a through route on all historic Ordnance Survey Maps inspected, from the earliest 25 inch map of 1861 up to the 1 inch map of 1961. The vast majority of these maps depict the route as a road or cart road, with some 1in maps depicting it as footpath or bridle road.
4. The Ordnance Survey 25in First Edition Maps of 1861 show the route in the same manner as the section from Point X to Point A, which is a public road today, and Point B to Point Y, which is a public bridleway today.
5. The primary purpose of Tithe Plans was to record ownership of the land parcels in a parish, so that tithes could be levied. Roads are not always shown on tithe plans, but were usually identified where they were enclosed and separate to the titheable lands. Generally, only important routes are shown across open pasture etc, but rarely are they mentioned in the apportionment as the focus is on the greater area of land. The Asby Tithe Plan of 1840 shows the route as an unenclosed track with double pecked lines crossing Plot 330. This track is labelled "Bridle Road", which is good evidence of the route's reputation as a public highway.
6. The Asby Mask Inclosure Award of 1855 shows the current unclassified road continuing along the application route and it is labelled "To Asby Grange &c" where it leaves the area of Inclosure. The road is not listed in the award, nor are any of the other current roads shown on the map. This is a good indication it was an ancient lane, predating the enclosure, and earlier map evidence supports this. From the inclusion of 'Et cetera' in the label, it can be reasonably inferred that the application route was not a private lane to a single residence, but a through route that could be used by the public.
7. On the Finance Act 1910 Maps, the route is included in Land Parcel 105. Significantly the current unclassified road U3267 from Point A to Point X is also included in this land parcel as is current Bridleway 304011.
8. There are no stopping up orders found.

I attach copies of the following documentary evidence in support of this application:

Appendix A: EVIDENCE FROM MAPS

A1: Greenwood Map 1824

A2: Hodgson Map 1828

A3: Other Old Westmorland Maps

Walker 1837, Philip 1857, Bacon for Dispatch 1863, Bartholomew 1875, Letts 1884, Bacon 1907

A4: Ordnance Survey Maps - 25 inch England and Wales (Drawn scale 1:2,500)

1st Edition 1861, 2nd Edition 1898, Instructions to Field Examiners 1905, 3rd Edition 1915

A5: Ordnance Survey Maps – 6 inch England and Wales (Drawn scale 1:10,560)

1863, 1899, 1920, 1956

A6: Ordnance Survey Maps - One-inch England and Wales (Drawn scale 1:63,360)

1864, 1898, 1947, 1955

A7: Ordnance Survey, 1:25,000 maps of Great Britain
1947, 1953

Appendix B: PRIMARY EVIDENCE

B1: Tithe Records – Asby Coatsforth Township, Asby Parish 1840

B2: Inclosure Award – Asby Mask 1855

B3: Finance Act Maps 1910

Westmorland sheet XXII.7

Appendix C: OTHER EVIDENCE

C1: The Gazette - Stopping Up search

Appendix D: MAP AND PHOTOGRAPHS OF THE APPLICATION ROUTE

D1: Current OS 1:25,000 map of Applicant Route

D2: Photograph of the route at Point A

D3: Aerial Photographs of the route

DATED: 14/10/2021

SIGNED:

A handwritten signature in black ink, appearing to read 'Brodie', written over a light blue horizontal line.