



Warwickshire
County Council

Wildlife & Countryside Act 1981
Definitive Map of Public Rights of Way for
Warwickshire

~~10 SEP 2003~~

form

C

Planning Transport & Economic
Strategy, PO Box 43, Shire Hall,
Warwick, CV34 4SX

**Application for Modification Order
to ADD a Route to the Map**

Applicant's Full name *Ramblers Association (Warwickshire Area)*
 Address *c/o SA Wallsgrove*
26 Priory Road
 Town *Warwick* Postcode *CV34 4NA*
 Daytime Tel: _____ Date of Birth _____
 Occupation _____

I hereby apply for an Order under Section 53(2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the County of Warwick by **Adding** the following route as a -

Public Footpath / ~~Public Bridleway~~ / ~~Byway Open to All Traffic*~~

As shown on the attached map.

** delete as appropriate*

Please describe the route carefully and explain exactly where the route starts (from a point on a road or path), the line it follows and exactly where it finishes. Colour the line of the route on a 1: 2500 scale Ordnance Survey Map and mark the position of any obstructions, fences, stiles or gates. Also note the width and surface type of the route at several points if it varies. If possible give an Ordnance Survey 8 figure grid reference for the start and finish of the route.

Grid References:

Start.....S.P.....*28206100*.....Finish *SP30266118*.....

Description :

From Hareway Lane, Barford generally east, crossing the M40 motorway at (approximately) the farm bridge and continuing generally east to the Banbury Road, Bishops Tachbrook opposite the turn to the village
4 feet wide

Signed: *SA Wallsgrove*
Claim No. _____

Date: *28/8/03*

Office use only

Please see overleaf

Making your Application

Note on this application form all the documents you are using as evidence, attach copies if possible and any photographs.

Please ask anyone who wishes to give evidence that they have used the route, to fill in a "Witness Statement" Form G. Collect the completed forms and return them with your application.

Before returning your application form you must send to each owner / occupier / tenant of the land crossed by your claim:

- ◆ **Form A** - *Notice of Application for Modification Order*

Return your completed application to the County Council. This should include:-

- ◆ A copy of this form (**C**)
- ◆ A copy of form (**B**), *Certificate of Notice of Application for Modification Order* -, listing the owners / occupiers to whom you sent a copy of Form A
- ◆ Evidence - documents, plans, photographs (if applicable)
Witness statement forms (**form G**)

*You may find it helpful to keep a copy of all the information you send to the County Council.

Send your application to -

Warwickshire County Council,
Countryside Recreation,
Unit 11, Montague Road,
Warwick, CV34 5LW.
Telephone: (01926) 413421 or 413415

Evidence in support of your claim -

Documents _____ (number of pages attached)

Please attach a copy of any documents or maps you are using as evidence. Include the document reference number and title and give the full name and address of the Library, Record Office, University or person in possession of the original document.

Photographs _____ (number attached)

These should be securely mounted on card, stout paper or in plastic wallets, each should be clearly numbered and labelled with the date and place it was taken and if possible please show the location of the photograph on a plan.

Witness Statement Forms (G) _____ (number attached)

Please number each form and make a list with the name, address and number of each person who has completed a "witness statement"(G) in support of your application, on *this* form (C).

Briefly, why do you believe this route is a public right of way?

The route is recorded as being public on a wide variety of documents

List your evidence and references

1 see attached, typed, statement of evidence

Statement of Evidence

- 1) The western part of this path, namely that part in Barford parish, was created by the Barford Inclosure Award of 1760 (County Record Office QS9/13), the path being the 4th awarded "common footway". This is described as being 4 feet wide:-
"leading out of the said footway from Barford towards Plaistoes [i.e. the 1st awarded path, being identifiable with the western part of W103 since it started from the end of Church Lane] at the north-east corner of the Glebe Leasow over the first allotment to Richard Wright and John Hobbins on the south side of Short Knit Heath to the first allotment to John Mills and over the last mentioned allotment to John Mills to a certain stile at the east end of Further Rudall leading into certain grounds in the parish of Tachbrooke in the occupation of John Russell".
- 2) The allotments to Richard Wright, John Hobbins and John Mills are shown on the related map (CR469) while the reference to a stile on the parish boundary with Tachbrooke shows that it was an existing path continuing through that parish. This map, however, does not show the route of any of the awarded paths.
- 3) An estate map of 1810, of the Glebe Land and estates of Rev. and C. Mills (County Record Office P30) covers most of the area between Hareway Lane and the parish boundary, and shows the route of the path, which is labelled "from Barford" and "to Tachbrook". The western end is along the edge of a field called "Short Heath" (presumably from "Short Knit Heath" in the Inclosure Award) with the eastern end being by a field called "Far Rydel" (presumably from "Further Rydall" in the Inclosure Award). It is considered that these details confirm that the claimed path is that in the Inclosure Award.
- 4) The route shown on this estate map is the same as that shown on all later, large scale, Ordnance Survey maps (particularly the first edition six inch map, which also shows the east end of the path, up to the Banbury Road), despite some changes to field boundaries which occurred after 1810.
- 5) The western end of this claimed path, namely the field not shown on the 1810 map, formed part of Hareway Farm which, in 1899 (CR737/78) was acquired by the Smith-Ryland family. The deeds for the purchase of various farms were deposited in the County Record Office and, in the case of this farm, a "Requisition on title and replies" was completed. Question 11 asked about rights of way with the answer saying 'there is a public footpath to Tachbrook which is shown on the accompanying plan'. A copy of this plan is enclosed herewith where it can be seen that the east end of this path is labelled "Right of Road to Mr Cannings Homestead and Public Footway to Tachbrook etc.".
- 6) Mr Canning held Debden Farm which, under the 1910 Finance Act Field Book of 1913 (Public Record Office Class IR 58) (copy enclosed herewith) included a restriction of "one footpath to Tachbrook", which was claimed as affecting the market value and for which an allowance of £25 was made under the heading of "Public rights of Way or User".
- 7) The adjoining farm to the east is Red House Farm in Bishops Tachbrook, which occupies the whole area from the parish boundary to the Banbury Road. The Return made under the Finance Act 1910 (Form 37 - land) is held by the County Record Office (CR1974) and this, also, records an allowance for "Public Rights of Way or User", this time for £30. (Copy enclosed herewith). The Finance Act Map shows that there was only one path across the farm, being the continuation of the Barford path to the Banbury Road opposite the road to Bishops Tachbrook village.
- 8) This documentary and cartographic evidence is supported by statements made by 7 elderly

residents which were collected in 1977, when the Definitive Map was under review. These are enclosed as RA refs. I43, I48, I49, I50, I52, I54 and I98.

9) When the Side Roads Order for the M40 Motorway was being considered, this path was drawn to the attention of the then Department of Transport, and the Inspectorate, but they would not accept its existence unless it was on the Definitive Map. They did, however, move the proposed farm access bridge over the motorway so that, as far as possible, it coincided with the line of the claimed path.

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