

**Definitive Map Review 2004-2007  
Parish of Lydford**

Report of the Director of Environment, Economy and Culture

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that Modification Orders be made to modify the Definitive Map and Statement by:**

- (a) adding a public footpath to the Definitive Map and Statement between Points A – B (Proposal 1) as shown on drawing number ED/PROW/06/85;**
- (b) upgrading Footpath No. 8 to a public bridleway on the Definitive Map and Statement between Points A – B – C – D – E (Proposal 2) as shown on drawing number ED/PROW/06/86;**
- (c) adding a public bridleway to the Definitive Map and Statement between Points A – B (Proposal 3) as shown on drawing number ED/PROW/06/87.**

**1. Summary**

The report concerns the Definitive Map Review in the Parish of Lydford.

**2. Background**

The original survey which included the parish now known as Dartmoor Forest, under s. 27 of the National Parks and Access to the Countryside Act, 1949, revealed 12 footpaths and 30 bridleways, which were recorded on the Definitive Map and Statement for Lydford with a relevant date of 1 May 1958.

The creation of the parish of Forest of Dartmoor in 1986 and other parish boundary changes has reduced the number of public rights of way to 8 footpaths and 5 bridleways in Lydford parish. The reviews of the Definitive Map, under s. 33 of the 1949 Act, which commenced in the 1960s and 1970s but were never completed, produced no valid proposal for any addition, upgrading or deletion.

In 1990 a Schedule 14 claim was received regarding two routes on Vale Down, and a Modification Order which was subsequently confirmed following a public inquiry. In the early 1990s the Dartmoor National Park Authority completed a review of that part of the parish within the Park boundary.

The Limited Special Review of Roads Used as Public Paths (RUPPS), carried out in the 1970s, did not affect this parish.

The following Orders have been made:

- (a) The Devon County Council (Footpath No. 14, Bridestowe & Footpath Nos. 47 & 48, Lydford) Modification Order, 1990.**
- (b) The Devon County Council (Footpath No. 11, Lydford) Public Path Diversion Orders, 1985 & 1997.**
- (c) The Devon County Council (Bridleway No. 43, Lydford) Public Path Diversion Order, 2003.**

### 3. Consultations

The current review started in 2005 has consulted all statutory consultees and landowners. Proposals submitted to Devon County Council since the original Review were picked up, and consultations for modification of the Definitive Map included the addition of a footpath and bridleway, and upgrading a footpath to a bridleway to the Definitive Map.

General consultations have been carried out since July 2006 with respect to these proposals and the responses have been:

County Councillor Mrs Marsh	-	no comment.
West Devon Borough Council	-	no comment.
Lydford Parish Council	-	comments on all proposals.
British Horse Society	-	comments on all proposals and other routes.
Byways and Bridleways Trust	-	no comment.
Country Landowners' Association	-	no comment.
National Farmers' Union	-	no comment.
Open Spaces Society	-	no comment.
Ramblers' Association	-	no comment.
Trail Riders' Fellowship	-	no comment.
Cyclists Touring Club	-	no comment.

### 4. Conclusion

It is recommended that Modification Orders be made in respect of the proposals, which are discussed in detail in Appendix I to this report.

There are no other recommendations to make concerning any further modifications. However, should any valid claim be made in the next six months it would seem sensible for it to be determined promptly rather than deferred.

Edward Chorlton

### Electoral Division: Okehampton Rural

Local Government Act 1972

List of Background Papers

Contact for enquiries: Mike Jenkins

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Background Paper	Date	File Ref.
Correspondence file	Current	DMR/LYD

cp231007pra  
sc/dmr parish of lydford  
3 hq 021107

## **Background to the Proposals**

### **Basis of Claims**

Common Law presumes that at some time in the past the landowner dedicated the way to the public either expressly, the evidence of the dedication having since been lost, or by implication, by making no objection to the use of the way by the public.

The Highways Act 1980, Section 31 (1) states that where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

The Highways Act 1980, Section 32 states that a court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan, or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

Wildlife and Countryside Act 1981, Section 53[3][c] enables the Definitive Map to be modified if the County Council discovers evidence which, when considered with all other relevant evidence available to it, shows –

[i] that a right of way not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates;

[ii] that a highway shown in the map and statement as a highway of a particular description ought to be there as a highway of a different description; or

[iii] that there is no public right of way over land shown in the map or statement as a highway of any description, or any other particulars contained in the map and statement require modification.

Wildlife and Countryside Act 1981, Section 56[1] – the Definitive Map and Statement shall be conclusive evidence as to the particulars contained therein but without prejudice to any question whether the public had at that date any right of way other than those rights.

### **Proposal 1: Addition of a Footpath between Footpath Nos. 8 and 10 at Ingo Brake**

Addition of a footpath between Footpath Nos. 8 and 10 around the edge of Ingo Brake Plantation, Lydford, as shown on Drawing ED/PROW/06/85.

**Recommendation: It is recommended that the proposal is accepted.**

#### **1. Background**

The route lies in an area known historically as Ingo Brake Plantation, following part of what is believed to be the Lychway, the burial route to Lydford Church. It follows a sunken lane throughout its entire length. It was identified as having no recorded public status when the Review was opened in 2005, having been previously requested to be added as part of the Review in the Dartmoor National Park.

## **2. Description of the Route**

The route runs from Footpath No.8 which runs along Prescombe Lane, (point A) along a defined sunken lane along the edge of the plantation for approximately 195 metres to Footpath No. 10 on the southern bank of the River Lyd, (point B) near the old Lydford Mill. The lane is defined for almost its entire length by high earthen banks and has an approximate width of 3 metres. It has an earthen and leafy surface.

## **3. Consultations**

In 1993, as part of the Review in the Dartmoor National Park, the Parish Council held a public meeting at which it was requested that this route should be recorded as a footpath. However, it was known that this path had been used by people for a long time, though no action was taken. The route was consequently included in the consultation for this Review. The Parish Council believe it to be part of the historic Lychway and is only suitable for use on foot.

## **4. Supporting Evidence**

### **Documentary Evidence**

#### **Prescombe Farm Indenture, circa C18<sup>th</sup>**

Indenture plans were normally compiled by professional surveyors and therefore likely to be reasonably accurate. The plan appears to be a working document, with field and farm boundaries depicted in bright colour wash. Its purpose was to understand and control property, and any information regarding public rights of way or public highways contained therein were incidental to the plan's main purpose. The path is shown as an open ended spur off Prescombe Lane (Footpath No. 8) heading towards the River Lyd.

#### **Lamerton (Lydford) Tithe Map and Apportionment, 1840-2**

Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, which would be likely to have limited the possibility of errors. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over the route shown. Due to boundary changes, this area of Lydford came under the parish of Lamerton. Though no path is shown on the map, the boundary of lot 1809 follows a similar line to the current boundary of Ingo Brake Plantation, but which was at that time an area of open rough pasture, so a small path may not have been worth recording.

#### **Ordnance Survey Maps, C19<sup>th</sup> onwards**

The Ordnance Survey mapping does not provide evidence of the status of the route but rather its physical existence over a number of years. The route is indicated on the 1886 (1st Edition, 25") and all subsequent maps.

#### **Finance Act Records, 1909-10**

The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion. The proposal is included within hereditament 248 Ingo Brake. A footpath is mentioned but no detail is given. However no further information is available as both the Field Book entries are incomplete.

## **Aerial Photographs, 1946-49 & 1999-2000**

The photographs show the physical existence of this route.

### **User Evidence**

User evidence forms have been submitted in support of the claim by 6 people stating they had used the route. The user evidence shows the route has been used frequently since at least 1967. It has been thought to be part of the Lychway from the moor. No attempt has been made to prevent people from using the route on foot or horseback, though it appears that some use on horseback may have been by permission. One user reported seeing a permissive sign, possibly erected by the previous landowner. Other users reported gates that were always unlocked. No users have been challenged. Users believe that the landowners must have been aware of their usage due to local knowledge of its use.

### **5. Landowner Evidence**

The landowner, Mr Des Clayes, has owned Ingo Brake for 33 years and has been aware of the public using the route since 1974 when he bought the property and believes the proposal to be a public footpath. He has given permission to those who have asked, but has never stopped anyone or said that it was not public. No notices have been erected and the gate onto Prescombe Lane has never been locked.

### **6. Discussion**

A route appears to have physically existed in a similar location to the proposal since at least the 18<sup>th</sup> century. Early Ordnance Survey maps show a path leading from the lane but there is no evidence to suggest what status this path had.

Although there is some evidence that this sunken lane has had a reputation of being part of the ancient Lychway from Dartmoor, as well as being a public path by the Parish Council and local residents, there is no record of public status.

Evidence from the landowner and physical evidence on the ground suggests that use by the public, on foot is greater than that indicated by the few user evidence forms received. The landowner believes the route to be public, and has not stopped anyone using the route or said it wasn't public.

### **7. Conclusion**

The route is in regular use by the public and is acknowledged as public by the current landowner. The evidence supports the recording of this route as a footpath and it is, therefore, recommended that an Order be made.

### **Proposal 2: Upgrading of Footpath No. 8 to bridleway.**

Upgrading of Footpath No. 8 along Prescombe Lane, Lydford, as shown on Drawing ED/PROW/06/86.

**Recommendation: It is recommended that the proposal is accepted.**

### **1. Background**

The route runs along a track known as Prescombe Lane. It follows a stony track throughout its entire length. It was identified and requested to be added as part of the Review in the Dartmoor National Park.

## **2. Description of the Route**

The route runs from its junction with the County Road near Lydford railway bridge, (point A) along a defined track of approximately 3 to 10 metres width, passing Ingo Brake (point B) through Ingo Plantation (point C) and Prescombe Farm (point D) for approximately 1,605 metres to Higher Watervale Farm where it meets the County Road, A386, (point E).

## **3. Consultations**

In 1993, as part of the Review in the Dartmoor National Park, the Parish Council held a public meeting at which it was requested that this route should be recorded as a bridleway. However, it was known that this path had been used by people for a long time, though no action was taken. The route was consequently included in the consultation for this Review. The Parish Council believe this route to be a bridleway used by horse riders.

## **4. Supporting Evidence**

### **Documentary Evidence**

#### **Prescombe Farm Indenture, circa C18<sup>th</sup>**

Estate plans were normally compiled by professional surveyors and therefore likely to be reasonably accurate. The plan appears to be a working document, with field and farm boundaries depicted in bright colour wash. Its purpose was to understand and control property, and any information regarding public rights of way or public highways contained therein were incidental to the plan's main purpose. The route is shown leaving Ingo Brake as an open ended enclosed lane in a similar location to Footpath No. 8 along Prescombe Lane heading through Prescombe Farm to the point where the footpath turns eastwards towards Higher Watervale Farm. The remainder of the route passes an enclosed area bounded between a stream and field boundaries, an area of newtake from the moor.

#### **Roads of the Tavistock Turnpike Deposited Plan, 1824**

Such plans were deposited with the local authorities concerning public utilities including turnpike roads, canals, and railways, and date from the 1790s. The plans can be used to see how the status of routes were regarded at that time. It depicts the east end of the route open ended at its junction with the County Road, A386, being cut through by the proposed deviation of the turnpike road to the west side of the Waterfield Inn, now Higher Watervale Farm.

#### **Greenwood, 1827**

The map appeared in 1827 at a scale of one inch to the mile, and includes a route in a similar position to this route as a "*cross-road*", enclosed for the most part except for the section through the old Ingo Brake. Such routes would only likely be shown if they were in public use.

#### **Lamerton (Lydford) Tithe Map and Apportionment, 1840-2**

Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, which would be likely to have limited the possibility of errors. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over the route shown. Due to boundary changes, this area of Lydford came under the parish of Lamerton.

The route starts near Lydford railway bridge as an enclosed lane with no number, open ended to the main road. On reaching Ingo Brake the enclosed lane ends and the route

passes through plot 1809, an area of open rough pasture (brake). At the southeast corner the enclosed lane restarts, again with no number until it passes through plot 1778 described as waste. It continues to meet and is open-ended to the County Road, the A386 east of the Waterfield Inn, now Higher Watervale Farm.

### **Railway Deposited Plans, 1841-62**

Such plans were deposited with the local authorities concerning public utilities including turnpike roads, canals, and railways, and date from the 1790s. The plans can be used to see how the status of routes were regarded at the time the plans were made. Four companies surveyed the proposal route between 1841 and 1862. Only a portion of the route is within the limits of deviation of the railway plans between the Lydford railway bridge and east side of Ingo Brake. Opinion in the surveys was divided about the route, with two surveyors describing it as a public owned by the Surveyors of the Highways, while the remaining two describe it as an occupation road.

### **Ordnance Survey Maps, C19<sup>th</sup> onwards**

The Ordnance Survey mapping does not provide evidence of the status of the route but rather its physical existence over a number of years. The route is indicated on the 1884 (1st Edition, 25") and all subsequent maps. By the time of the 1946 New Popular one-inch map, the route is described as a road with bad metalling and under 14 feet in width.

### **Finance Act Records, 1909-10**

The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion. The route is excluded from hereditaments from the Lydford railway bridge to Ingo Brake where Prescombe Lane starts curving eastwards. From that point onwards, the remainder of the route is included within hereditaments 248 and 294. The entry for 248 is incomplete though it does mention a footpath, while 294 notes nothing of relevance.

### **Prescombe Farm Sale, 1912**

The sale catalogue used a map based on Ordnance Survey mapping, for reference only, and though it was believed to be correct, its accuracy could not be guaranteed. The lane is referred to as the 'road', along the side of which 4 barns had been built that were extra to the sale, but no mention is made of the lane in the sale, which may infer that it was not included. It is also annotated as 'to Lydford' at its northern end where it enters the old Ingo Brake.

### **Brentor Parish Council Minutes, C19<sup>th</sup>- C20<sup>th</sup>**

Entries regarding this route are frequent. From 1909 onwards until 1921, the Parish Council were concerned about a directing post erected near the Lydford railway bridge and its effect on the public's right to use the public right of way, as it said 'Ingo Brake Private Road'. The matter was finally resolved by a letter from the landowner who erected this original directing post, Mr HT Radford in his letter dated 20 May 1921, acknowledging the public right of way on foot and horseback, but not in motor vehicles.

### **Tavistock Rural District Council Minutes, C20<sup>th</sup>**

The numerous references regarding the wording on the direction post at Ingo Brake demonstrates the Parish Council's determination to protect the public's rights. The views of

the District Council are shown in the minutes of 22 July 1910 when they stated that the wording on the direction post would not jeopardise the public's right of way if they exercised that right.

### **Bartholomew's Maps, C20<sup>th</sup>**

Bartholomew's maps were published in the first half of the 20th century at a scale of 1/2 inch to a mile and were mainly designed for the touring motorist and cyclist. The small scale permitted only the more important routes to be shown. These maps provide evidence of the understanding and perceived use of the route. Sheet 36 for 1923 and 1927 shows the route at a reduced scale. It is included in the category of *inferior roads and not to be recommended*. These also have the disclaimer – *The representation of a road or footpath is no evidence of the existence of a right of way*. They were aimed at the touring cyclist who until 1968 was not allowed to use bridleways.

### **Original Review Parish Submission, 1950**

In the original review, the route was included in the parish of Brentor, described as a cart track, though no actual status was specified. However, the colouration on the map was of a footpath. The Divisional Surveyor annotated the form 'FP'.

### **Aerial Photographs, 1946-49 & 1999-2000**

The photographs show the physical existence of this route.

### **User Evidence**

User evidence forms have been submitted in support of the claim by 5 people stating they had used the route frequently since at least 1967. It has been thought to be part of the Lychway and an old packhorse route. No attempt has been made to prevent people from using the route on foot, though it appears that some use on horseback may have been by permission. One user reported seeing a permissive sign, thought to have been erected by the previous landowner and for an adjacent path. Other users reported gates that were always unlocked. No other obstructions were noted by users, and no-one had been turned back or told it was not public. Users believe that the landowners must have been aware of their usage due to local knowledge of its use.

## **5. Landowner Evidence**

Mr Des Clayes has owned Ingo Brake for 33 years and has been aware of the public using the route since 1974 on foot, horseback and bicycle, though believes it to be a footpath. He has given permission to those who have asked, though is unable to give details, but has never stopped anyone or said that it was not public.

Mr Alford has been the tenant of Prescombe Farm since 1989 which is a County Farm and believes the route to be a footpath. He has never given anyone permission or turned anyone back. There are several gates along his section of the route but these have never been locked.

Mr and Mrs Chisholm of Higher Watervale Farm have been there since 2001, believing the route to be a footpath and used on foot and horseback on a weekly basis. They have never given anyone permission or stopped anyone. There are gates but these are not locked.

## **6. Discussion**

The documentary evidence shows the proposal route has been consistently shown as a road on maps since 1827 (Greenwood's Map) and historically it appears to have been used as a through route between Lydford and the moor. As traffic to and from the moor declined



in the late eighteenth and early nineteenth centuries, due to changes in industrial and burial practices, so the route would have become less important to general through traffic. However, the Brentor Parish and Tavistock Rural District Council minutes clearly report that it was still a locally important public route to and from the moor. Through the efforts of the Parish, the route was acknowledged and therefore expressly dedicated by the landowner Mr Radford as a public path to the moor on foot and horseback in 1921. Lydford Parish Council in whose area the route is now included, support the modification to reflect its reputation and use.

The user evidence provided shows use from the 1960s on foot and horseback, and the evidence from the relevant landowners and tenants indicates that public use on horseback is higher than the number of user evidence forms received. The route is used regularly by horse riders, besides walkers, as evidenced by comments from the users themselves and the relevant landowners. User evidence indicates that use was as of right and in the absence of any signs or other actions by landowners there is no lack of intention to dedicate except public vehicular use in the 1920s.

Landowners and tenants have commented on anticipated problems but none provided any evidence to question the historical or recent use.

## **7. Conclusion**

The route is in regular use by the public on horseback and has not been prevented in any manner. The evidence supports the recording of this route as a bridleway and it is, therefore, recommended that an Order be made.

### **Proposal 3: Addition of a bridleway between A386 and Black Down.**

Addition of a bridleway between the A386 at Watervale House to the moor, as shown on Drawing ED/PROW/06/87.

**Recommendation: It is recommended that the proposal is accepted.**

## **1. Background**

The route follows a wide hedged lane throughout its entire length to the common moor. It was identified as having no recorded public status when the Review was opened in 2005, having been requested to be added as part of the Review in the Dartmoor National Park.

## **2. Description of the Route**

The route runs from the A386 at Watervale House, (point A) along a defined grassy lane of approximately 5 to 20 metres width, for approximately 170 metres to the common moor near the southern corner of Willsworthy Camp, (point B).

## **3. Consultations**

In 1993, as part of the Review in the Dartmoor National Park, the Parish Council held a public meeting at which it was requested that Footpath No. 8 along Prescombe Lane should be recorded as a footpath. However, it was noted by the Park Authority did not pick up on the route continuation from the A386 by Watervale House to the moor, and no action was taken. The route was consequently included in the consultation for this Review.

## **4. Documentary Evidence**

### **Prescombe Farm Indenture, circa C18<sup>th</sup>**

Estate plans were normally compiled by professional surveyors and therefore likely to be reasonably accurate. The plan appears to be a working document, with field and farm boundaries depicted in bright colour wash. Its purpose was to understand and control property, and any information regarding public rights of way or public highways contained therein were incidental to the plan's main purpose. The route is shown passing through an enclosed area bounded between a stream and field boundaries, an area of newtake from the moor towards the open moor.

### **Roads of the Tavistock Turnpike Deposited Plan, 1824**

Such plans were deposited with the local authorities concerning public utilities including turnpike roads, canals, and railways, and date from the 1790s. The plans can be used to see how the status of routes were regarded at that time. It only depicts the northern hedgerow of the lane in line with Footpath No. 8 from Lydford, as that section of the turnpike road was open to the moor.

### **Greenwood, 1827**

The map appeared in 1827 at a scale of one inch to the mile, and includes a route in a similar position to this route as a "*cross-road*", enclosed for the until it reaches the open moor. Such routes would only likely be shown if they were in public use.

### **Lamerton (Lydford) Tithe Map and Apportionment, 1840-2**

Tithe Maps were drawn up under statutory procedures laid down by the Tithe Commutation Act 1836 and subject to local publicity, which would be likely to have limited the possibility of errors. Roads were sometimes coloured and the colouring generally indicates carriageways or driftways. Public roads were not titheable. Tithe maps do not offer confirmation of the precise nature of the public and/or private rights that existed over the route shown.

The route is shown leaving the main road as an open ended enclosed lane with no number. Watervale House did not exist at that time, though Waterfield/Watervale Inn did.

### **Ordnance Survey Maps**

The Ordnance Survey mapping does not provide evidence of the status of the route but rather its physical existence over a number of years. The route is indicated on the 1884 (1st Edition, 25") and all subsequent maps. By the time of the 1946 New Popular one-inch map, the route is described as a minor unfenced road possibly unmetalled and under 14 feet in width.

### **Finance Act Records**

The Finance Act imposed a tax on the incremental value of land which was payable each time it changed hands. In order to levy the tax a comprehensive survey of all land in the UK was undertaken between 1910 and 1920. It was a criminal offence for any false statement to be knowingly made for the purpose of reducing tax liability. If a route is not included within any hereditament there is a possibility that it was considered a public highway, though there may be other reasons to explain its exclusion. The route is excluded entirely from hereditaments, being bounded by 294, 298, and 299 in a similar manner to the main road. At its east end it meets 121.

## **Bartholomew's Maps**

Bartholomew's maps were published in the first half of the 20th century at a scale of 1/2 inch to a mile and were mainly designed for the touring motorist and cyclist. The small scale permitted only the more important routes to be shown. These maps provide evidence of the understanding and perceived use of the route. Sheet 36 for 1923 and 1927 shows the route at a reduced scale. It is included in the category of inferior roads which were not to be recommended. These also have the disclaimer – *The representation of a road or footpath is no evidence of the existence of a right of way*. They were aimed at the touring cyclist who until 1968 was not allowed to use bridleways.

## **Aerial Photographs, 1946-49 & 1999-2000**

The photographs show the physical existence of this route.

### **5. User Evidence**

User evidence forms have been submitted in support of the claim by 4 people stating they had used the route.

The user evidence shows the route has been used frequently since at least 1967. It has been thought to be part of the Lychway and an old packhorse route. No attempt has been made to prevent people from using the route on foot, though it appears that some use on horseback may have been by permission. One user reported seeing a permissive sign, possibly erected by the previous landowner. Other users reported gates that were always unlocked. No other obstructions were noted by users, and no-one had been turned back or told it was not public. Users believe that the landowners must have been aware of their usage due to local knowledge of its use.

### **6. Landowner Evidence**

Mr and Mrs Hilton have owned Watervale House for 21 years. In that time, they believed the route to be a green lane and claim ownership to the centre of it. They have rarely seen anyone else using the route, though occasionally horse riders. The two gates on the route shortly after point A and near point B, with the one nearest the house being maintained by them. They have only blocked the route for loading and unloading stock, and emptying the septic tank. According to them, Higher Watervale Farm own the field on the north side, and other nearby landowners have rights over the lane, however a Land Registry search showed that it was actually Prescombe Farm.

### **7. Discussion**

The documentary evidence shows the proposal route has been consistently shown as a road on maps since 1824 and historically it appears to have been used as a through route to the common land of Dartmoor. As traffic to and from the moor declined in the eighteenth and nineteenth centuries, due to changes in burial and industrial activities, so the route became less important to general through traffic. Its exclusion on the Finance Act and inclusion on Bartholomew's Maps indicate its likely public highway status.

The user evidence provided shows use from the 1960's on horseback and the evidence from the relevant adjacent landowners supports such use. The route is regularly used mainly by horse riders, as evidenced by comments from the users themselves. User evidence indicates that use has been as of right, and in the absence of any signs or other actions by landowners, there is no lack of intention to dedicate.

Landowners have commented on anticipated problems and safety issues but none provided any evidence to question the historical or recent use.

## **8. Conclusion**

The proposal is in use by the public on horseback which has not been prevented in any manner. The evidence supports the recording of the route as a bridleway and it is, therefore recommended that an Order be made.