

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

COUNTRYSIDE ACT 1968

SECOND AND SPECIAL REVIEW OF THE DEFINITIVE MAP AND STATEMENT  
OF RIGHTS OF WAY FOR THE COUNTY OF WILTSHIRE

LOCAL INQUIRIES INTO OBJECTIONS AND REPRESENTATIONS IN RESPECT  
OF THE FOLLOWING PUBLIC RIGHTS OF WAY:-

PARISH OF BISHOPS CANNINGS

1. RUPP 24A (Part)(Between FP 3B and U/C 7009).
2. RUPP 24B.
3. RUPP 36 (Part)(Between RUPP 32 and RUPP 26).
4. RUPP 36 (Part)(Between RUPP 26 and A 361).
5. RUPP 26.
6. RUPP 23.
7. RUPP 22 (Part)(Between A361 and junction with RUPP 32).
8. RUPP 33.

PARISH OF PEWSEY.

9. BR 23 (Part)(From junction with path 62 to junction  
with Path 61).

Inspector: J.B.ROSS OBE.,FRICS.,FRTP1.

Dates of Inquiries: 24th and 25th November 1981.

File Ref: SW/P/5079/166/1 Pt AM.

CASE NO. 9

BR 23 Pewsey (Part - From junction with BR 62 to junction with FP 61)

Review Status FP.

Objection by Lt. Col. R.B. Robinson, J.M. Read Esq., and the  
British Horse Society to change in status from BR to FP.

Description of Path

9.01 BR 23 is a continuation of road C269 and U/C 8011 leading to West Wick Farm.

9.02 There is a sign at its commencement saying 'Public Bridleway and Footpath only'.

9.03 It travels due north for a distance of about 280 yards as a metalled road where it is joined by BR 62 which provides the entrance to West Wick Farm.

9.04 BR 23 continues northwards for a further distance of about 780 yards and then turns to the west at the junction with FP 68 climbing up a steep slope to join FP 61.

9.05 The first part of this length of track is concreted to provide access to a new dwelling house; thereafter it is only a rough track.

The Case for the Objectors

J.M. Read Esq., Manor Farm, East Kennett

9.06 Mr. Read submitted a written objection to the proposed downgrading of this length of BR 23 claiming that it should remain a bridleway with FPs 61 and 68 upgraded to bridleways.

9.07 He later withdrew his claim with regard to the upgrading of FP's 61 and 68.

Lt. Col. R.B. Robinson

9.08 The objector understood that BR 23 was being reclassified

9.08 (cont.)

as a footpath on the grounds that there is no bridleway outlet at the northern end.

9.09 He objected to this because BR 23 led to Martinsell Hill, a renowned beauty spot affording a marvellous view of Pewsey Vale and the trip there on a horse is justified on its own account.

9.10 Moreover the rider having reached the ridge may then continue his ride over land with the permission of the occupier. \*

#### The British Horse Society

9.11 The Society object to the downgrading of BR 23 to a FP because it would mean the loss of bridleway rights which are currently being exercised.

9.12 Furthermore they claim that there is no authority for such a downgrading unless it can be established that there was a mistake in preparing the Definitive Map which the County Council have not claimed.

#### The Views of other interested Parties.

##### The Landowner - Lord Devlin, West Wick House, Pewsey

9.13 A letter from Lord Devlin to the Wiltshire County Council dated 19th October 1981 was handed in.

9.14 In this he said he was aware of certain anomalies which existed in the rights of way network over his property and said he would be prepared to agree to certain changes which would result in a through bridleway route being created across Martinsell Hill by means of a connecting link following roughly the line of FP 68 between BR 23 and BR 69.

9.15 This would necessitate formal action on the part of the authorities under the Highways Act 1980 and involve the co-operation of the adjoining landowner.

The Views of the County Council

9.16 The County Council offer no 'new evidence' about the recording of the path as a bridleway on the Definitive Map and accept that the status of Pewsey path 23 from the junction with path 62 to the junction with path 61 should not have been reduced from bridleway to footpath at the present review.

Findings of Fact

9.17 Pewsey path 23 is shown as a bridleway on the Definitive Map; path 62 is also shown as a bridleway but path 61 is shown as a footpath.

9.18 At the present review it is proposed to reduce the status of the length of BR 23 from the junction of BR 62 to the junction with FP 61 to a footpath; no changes are proposed in respect of the remaining length of BR 23 or of BR 62 or FP 61.

9.19 There are no direct bridleway links from the north end of BR 23 but FP 61 and FP 68 provide footpath connections with BR 69 to the north.

9.20 The owner of the land crossed by BR 23 is prepared to co-operate with the authorities and the adjoining owner to have a bridleway link established between BR 23 and BR 69 but this will require formal action under the Highways Act 1980.

9.21 The County Council admit that they should not have reduced the status of BR 23 (part) to a footpath at the present review.

Conclusions

9.22 Since it is not disputed that bridleway rights exist along the length of BR 23 proposed to be downgraded, these cannot be removed at the present review unless it can be shown that bridleway status was mistakenly shown on the Definitive Map or subsequent legal action has been taken to extinguish bridleway rights.

9.23 It was not claimed that either was the case and therefore the existing bridleway status should remain.

RECOMMENDATION

9.24 I recommend that the objection by J.M. Read, Lt.. Col. R.B. Robinson and the British Horse Society to the reduction in status of BR 23 from the junction of BR 62 to the junction of FP 61, to a footpath be upheld and that its bridleway status be restored on the Review Map and Written Statement.

  
Inspector.

16th February 1982.