

**Wildlife and Countryside Act 1981, Section 53**

**Application to delete a section of Milston 16 and add a restricted byway to form part of Milston 16 to correct a drawing mistake on the definitive map**

**Decision Report**

The application

1. On 13 August 2001 Jancis Henman, on behalf of The Friends of Milston and Brigmerston, applied to Wiltshire County Council to:
  - (a) 'delete the footpath leading from Brigmerston corner, Church Road, Milston through the farmyard to RUPP 16 Milston leading to Durrington with a width of two metres.' and
  - (b) add 'the footpath leading from Brigmerston corner, Church Road, Milston and then running parallel to Barn House and Cottage on right then crossing diagonally left to join RUPP 16 leading to Durrington with a width of two metres.'

The applications are attached at BB1, **Appendix C**.

2. The application was supported by 41 user evidence forms completed by 42 people who claim to have used the route described in paragraph 1(b) above since 1916. A summary of the forms is attached at BB2, **Appendix C**.
3. Notice of the application was served on all owners and occupiers of land affected by both applications.

Legal considerations

4. Wiltshire Council is now the Surveying Authority for the county of Wiltshire excluding the Borough of Swindon. Surveying Authorities are responsible for the preparation and constant review of definitive maps and statements of public rights of way. Section 53(2)(b) of the Wildlife and Countryside Act 1981 states-

As regards every map and statement the Surveying Authority shall-

- (a) as soon as reasonably practicable after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in subsection (3); and

- (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of these events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of that event.
5. The events referred to in subsection 2 above which are relevant to this case are:
- 53(3)(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:
- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A, a byway open to all traffic;
- (ii) that there is no right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.
6. The Council must consider all available relevant evidence both user and historical. Section 32 of the Highways Act 1980 states:
- '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.'
7. Section 53(5) of the Wildlife and Countryside Act 1981 allows for any person to apply for an Order under Section 53(2) which makes such modifications as appear to the authority to be requisite in consequence of the occurrence of one or more events falling within paragraph (b) or (c) of subsection (3). The provisions of Schedule 14 shall have effect as to the making and determination of applications under this subsection.
8. Schedule 14 to the 1981 Act states:
- Form of applications
1. An application shall be made in the prescribed form and shall be accompanied by-

- (a) a map drawn to the prescribed scale and showing the way or ways to which the application relates and
- (b) copies of any documentary evidence (including statements of witnesses) which the applicant wishes to adduce in support of the application.

#### Notice of applications

- 2. (1) Subject to sub-paragraph (2), the applicant shall serve a notice stating that the application has been made on every owner and occupier of any land to which the application relates
  - (2) If, after reasonable enquiry has been made, the authority are satisfied that it is not practicable to ascertain the name and address of an owner or occupier of any land to which the application relates, the authority may direct that the notice required to be served on him by sub-paragraph (1) may be served by addressing it to him by the description 'owner' or 'occupier' of the land (describing it) and by affixing it to some conspicuous object or objects on the land.
  - (3) When the requirements of this paragraph have been complied with, the applicant shall certify that fact to the authority.
  - (4) Every notice or certificate under this paragraph shall be in the prescribed form.
- 9. A Surveying Authority has discretionary power to waive strict compliance to Schedule 14 when determining an application or may consider the application to be improperly made whereby the Surveying Authority may use the evidence brought to its attention as a trigger to make its own decision under Section 53(2) of the 1981 Act.

Following the decision in the Court of Appeal case R ( on the application of the Warden and Fellows of Winchester College and Humphrey Feeds Limited) v Hampshire County Council and the Secretary of State for the Environment Food and Rural Affairs delivered on 29 April 2008 [2008] EWCA Civ 431 Lords Ward, Dyson and Thomas found that if the outcome of an application turned on the application of Section 67(3) of the Natural Environment and Rural Communities Act 2006 then strict compliance with Schedule 14 would be required in respect of the presentation of 'copies of any documentary evidence ... which the applicant wishes to adduce in support of the application'. This is required in Section 67(6) for Section 67(3) to apply. However, Justice Dyson went on to say in paragraph 55 of his decision 'I wish to emphasise that I am not saying that, in a case which does not turn on the application of Section 67(6), it is not open to authorities in any particular case to decide to waive a failure to comply with paragraph 1(b) of Schedule 14 and

proceed to make a determination under paragraph 3, or to treat a non compliant application as the trigger for a decision under Section 53(2) to make such modifications to the DMS as appear requisite in consequence of any of the events specified in subsection (3).'

10. Section 67 of the Natural Environment and Rural Communities Act 2006 ends certain unrecorded public rights of way. Section 67(1) states:

'An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement-

(a) was not shown in a definitive map and statement, or

(b) was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.

But this is subject to subsections (2) to (8).

Officers are not aware of any of the exceptions in subsection (3) relating to public rights applying to Milston 16. The section of the 2006 Act is attached at BB3, **Appendix C**. Milston 16 is shown on the definitive map and statement as a restricted byway. The application meets the requirements of schedule 14 of the 1981 Act.

11. The Highways Act 1980 allows, in Section 31(1) for the dedication of a right of way to be deemed highway unless there is sufficient evidence during the relevant 20 year period that there was no intention to dedicate it. Section 31(1) states:

(1) 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 been actually enjoyed by the public as of right without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

(2) The period of 20 years referred to in sub-section (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in sub-section (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes –

(a) has erected in such a manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway, and

(b) has maintained the notice after 1 January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary

intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

- (4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in sub-section (3) above, so however, that no injury is done thereby to the business or occupation of the tenant.
- (5) Where a notice erected as mentioned in sub-section (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as highway is, in the absence of proof to a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as highway.
- (6) An owner of land may at any time deposit with the appropriate council -
  - (a) a map of the land on a scale of not less than 6 inches to 1 mile and
  - (b) a statement indicating what ways (if any) over the land he admits to having been dedicated as highways;

And, in any case in which such a deposit has been made, statutory declarations made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time-

- (i) within ten years from the date of deposit
- (ii) within ten years from the date on which any previous declaration was last lodged under this section,

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgement of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.

- (7) For the purpose of the foregoing provisions of this section, "owner", in relation to any land, means a person who is for the time being entitled to dispose of the fee simple in the land, and for the purposes of sub-sections (5) and (6) above 'the appropriate council' means the council of the county, metropolitan district or London Borough in which the way (in the case of sub-section (5) or the land (in the case of sub-section (6)) is situated or, where the land is situated in the City, the Common Council."

## Evidence submitted in support of the applications

12. The evidence provided by the members of the public who filled in the user evidence forms, referred to in paragraph 2 above, describes daily use in some cases, but otherwise, very regular use of the route claimed by the applicant for the additional right of way. The route being claimed is shown on the County Series Ordnance Survey map, plot number 69a. The use dates from 1916 until the route was obstructed in 2001. The use during this 85 year period was exercised as of right, openly and without the permission of the owner of the land over which the route crossed. The evidence provided described use on foot with two witnesses who stated they had cycled over it. Some witnesses described the route as Cuckoo Lane. The route was described as being outside the curtilage of Barn House and Barn Cottage. The former owner of Barn Cottage stated his bedroom window looked directly on to the path and the path was in daily use. Other witnesses referred to a former owner of Barn House being a keen gardener, who had often been seen in his garden whilst they used the path and he did not challenge their presence. A number of the witnesses described the route having a width of 15 feet.

## Evidence discovered by the Council relating to the applications

13. The Planning Inspectorate has produced 'Definitive Map Orders: Consistency Guidelines' which provide information and references to resources and relevant case law to assist in the interpretation and weighing of evidence on Definitive Map Orders (DMOs). They are the primary reference material for Inspectors in determining such Orders.

In evaluating historical evidence it is necessary to recognise that differing weight must be given to different evidence. A number of general principles need to be applied when evaluating documents and there is a need to understand the context in which the maps were compiled:

- (a) Why was the document compiled?

What was the purpose of the compilation process and of the particular document within that process? If for example the recording of the existence of a public highway was of significance to the process of compiling the document, considerable evidential weight will be added. Weight is added if the document was conclusive evidence for a particular purpose.

- (b) How was the document compiled?

The requirements for recording need to be checked, for example what scales and conventions were applied to the mapping and recording process. Was the process based upon a new survey or on updated older records? Was there an external check on accuracy? Public participation in the process of compiling the document strengthens the value of the evidence.

(c) Who compiled the document?

Consideration needs to be made of the consequences of the legal effect of the compiler either including or failing to include a highway. Declarations against the compiler's interest carry more weight than declarations in the compiler's interest. The sanctions for falsifying evidence also affect the weight accorded to evidence.

Using these basic principles and having regard to the Planning Inspectorates Consistency Guidelines and advice in the book Rights of Way A Guide to Law and Practice by John Riddall and John Trevelyan Wiltshire Council officers have devised a system of categorising the historical evidence.

Category	May provide evidence for	Examples
A	Legal creation of a highway Reputation of a way as a highway Physical existence of a way Conclusive evidence of public rights	Inclosure Acts, Awards and plans Orders creating, diverting or extinguishing highways Railway and canal Acts and Plans Definitive Map and statement
B	Reputation of a way as a highway Physical existence of a way	Documents, maps and plans drawn up as a result of legislation, consulted upon but whose primary purpose was not to record public rights e.g. Tithe Awards, 1910 Inland Revenue Act documentation
C	Reputation of a way as a highway Physical existence of a way	Includes local government records e.g. Highway Boards, County Council, parish council
D	Reputation of a way as a highway	Other maps and documents showing highways additional to or as part of their purpose e.g. parish maps, estate plans and conveyances
E	Reputation of a way as a highway Physical existence of a way	Commercial maps and some Ordnance Survey records
F	Reputation of a way as a highway Physical evidence of a way	Local repute, consultation responses

14. In 'A History of the County of Wiltshire', volume 15 produced by the Victoria County History, Milston and Brigmerston are described-

'The villages of Milston and Brigmerston apparently originated within a westwards meander of the Avon, Milston on the north bank, Brigmerston on the south, and grew round a rectangle of lanes. The east side of the rectangle was a track in 1841 and did not survive in 1851. The name Church Road was applied to both the south and the west sides in the 20<sup>th</sup> century. Both villages were bypassed by the Figheldean-Bulford turnpike road. Brigmerston may have been the wealthier of the two settlements in the 14<sup>th</sup> century. Milston was more populous in the mid 19<sup>th</sup> century, Brigmerston in the later 20<sup>th</sup>.

Brigmerston.

The north side of the rectangle of lanes, extending west beyond Church Road, formed a village street for Brigmerston.....The principal farmstead in the village, Brigmerston Farm, was at the west end of the street on the south side, the farm buildings west of the house. A new farmhouse was built south west of the buildings between 1851 and c. 1877.'

The location of the village street is shown on mapping to be dealt with later in this report. Part of the claimed additional right of way runs along the village street described above.

Victoria County History [VCH] was founded in 1899 and was originally dedicated to Queen Victoria. VCH is an encyclopaedic record of England's places and people from earliest times to the present day. Based at the Institute of Historical Research in the University of London since 1933, the VCH is written by Historians working in Counties across England.

#### Category A evidence

15. The definitive statement prepared under Section 32 of the National Parks and Access to the Countryside Act 1949 with the relevant date of the 16 November 1952 states 'Milston 16 C.R.B. From the northern end of Durrington path No.12 leading north across the Ford and *North-east along the cart track past Brigmerston Farm to Church Farm*, u/c 10006 [authors italics]. The route described in the definitive statement is along a defined track which ran past and not through Brigmerston Farm i.e. on the route which the application seeks to have added to the definitive map and statement. No right of way is described on the route currently shown on the definitive map as the route of Milston 16. The definitive statement is attached at BB4, **Appendix C**.

#### Category B evidence

16. A Tithe Award dated 1841 covering the parish of Milston is held in the County History Centre. The map attached to the Award shows a lane along the route of the claimed right of way in the same manner as the C32 Figheldean to Bulford road and unclassified road 10006 Church Street. The road leads east



off Church Street to the river, an extract from the Tithe Award map is attached at BB5, **Appendix C**. A number of allotments are shown and numbered to the north and south of the lane which I have shown in a table attached at BB6, **Appendix C**. Whilst the allotments are in the ownership of only two people, Charles Edward Rendall and Reverend Peter Hall, a number of people occupy them for a variety of purposes as you might expect in a typical village street. The lane shown on the Tithe Award plan is in the approximate position of the lane shown on the County Series Ordnance Survey maps which I will be describing later on in this report and is the route of the claimed additional path in the application under consideration. No route is shown on the map along the line shown on the definitive map as the right of way.

The Tithe Award for Milston is derived from the Tithe Commutation Act of 1836 which reformed the way in which the established church was financed by tax (the tithe) on local agricultural output. The 1836 Act converted tithes into fixed money rent. The documents consist of three elements, the apportionment, the map and the file and they are solely concerned with identifying titheable land. The apportionments are statutory documents which were in the public domain; however, the maps were not made for the purpose of establishing or recording rights of way. Tithe maps are generally good evidence of the topography of the roads they portray, especially those which form boundaries of titheable land.

#### Category C evidence

17. In the papers of the Amesbury District census 1851 held in the History Centre a note and plan concerning the hamlet of Brigmerston may be found, attached at BB7, **Appendix C**. The text states:

'Milston

This Parish consists of the Village of Milston and the hamlet of Brigmerston close adjoining. There are in Brigmerston 2 out of the way cottages, *situate in a hollow by the River side beyond Mr Edward's farm on a swampy trackway to Durrington*. They lay on the right hand side.' [Authors italics]

The plan, which is hand drawn and not to scale, identifies Mr Edward's farm alongside a 'road down to the river' with 2 'out of the way Cottages' shown on the opposite side of the road on the river side. From comparing the map and description against the Tithe Award map and the slightly later drawn Ordnance Survey maps it is reasonable to say the route being depicted on the map is the same route i.e. the route relating to the claimed additional way in the application.

18. Wiltshire County Council was required to consult with all the parish council's within its administrative area at the preparation stage of the definitive map and statement to ascertain the location and status of public rights of way within their parish. County Series Ordnance Survey plans were sent to the councils in 1950 with the request that they drew on the maps the routes of the public rights of way and described the route on forms. Milston Parish Council drew a right of way on a map along the track to which the application to add a right of way refers i.e. along the route past what is now Barn House and shown on the underlying Ordnance Survey map. On the form the parish council described the path as:

' Milston 2 Footpath Durrington to Brigmerston. Follows Durrington – Milston footpath for 250f then after stile thence north to unmetalled road.' The nature of the surface was described as 'Metalled for first 250f thence meadow for 300f then unmetalled road' The unmetalled road section of the path was described as being fenced.

On 8 February the County Surveyor wrote to Mr Bartlett, Chairman of Milston Parish Meeting, regarding the survey of rights of way:

'The cart track or unmetalled road which you refer to in your description of path No. 2 continues southwards to the western end of path No. 1 after crossing a ford. I think this should be added to your schedule, but I should be glad to have your observations as to whether this is a public right of way throughout its whole length.'

In his reply dated 4 July the Chairman confirmed 'Para 2 Agree with W.D.L.A. footpath No 2 should be as originally shown.'

Whilst the length of path being referred to in the letter is not the length of way which is the subject of the application, but its continuation, the Chairman is clearly confirming the location of the entire length of the path which it is claiming as a public right of way i.e. along the route shown by the Ordnance Survey as a track alongside what is now Barn House, not a line through Brigmerston farmyard. Documents appended at BB 8, **Appendix C**.

#### Category D evidence

19. On 16 November 2000 Salisbury District Council received an application for permission for development at Barn House, Brigmerston which was given the reference S/00/2164. The application was made by R and S Howes Partnership, agents on behalf of Mr J Elliott of Barn House, Brigmerston, Wiltshire, who was stated to be the owner of the Barn House. The development proposed was to 'demolish and re-build' Barn House. The site plan produced to a scale of 1:2500 appears from how the plots are numbered, e.g. plots 64, 66 and 72, to be based on the County Series Ordnance Survey map. The site is delineated by a red line. On the block plan produced at a scale of 1:500 Barn House is shown along 'Existing Lane' i.e. the route sought

to be added to the definitive map. On the Appraisal page within the documentation held with the application in the County History Centre, under site notes, against 'HIGHWAY Traffic, Access, Parking' an officer had commented 'In need of renovation'. The application completed presumably with the knowledge of the owner of Barn House at that time clearly acknowledged the existence of a track outside his curtilage on the route which the application seeks to add to the definitive map.

The application was approved on 9 February 2001 with one of the conditions being:

'3. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within

a) 8 metres of the top of any bank or watercourses

b) 8 metres of any side of an existing culverted watercourse inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.'

Copies of papers attached at BB9, **Appendix C**.

#### Category E evidence

20. Evidence in this category includes commercial and Ordnance Survey maps. The value of this category of evidence lies in the continuity of the records over a long period of time, the different compilers and the public use of them. Not all commercial maps are derived from the same surveys.
21. Andrews' and Dury's map of Wiltshire was produced in 1773 at a scale of approximately 2 inches to the mile. The map was based on an original survey. The conventions used on the map to indicate natural and artificial features are those generally employed at the time. Whilst the Wiltshire map has no key the compiler's map of Hertfordshire does have a key and the symbology deployed on that map appears to be the same as used on the Wiltshire map. Relief is represented by vertical shading, woods are depicted as compact clumps of roughly drawn tree-tops and roads are traced by double lines and turnpike gates are marked. The map does show a T junction of roads at the heart of the hamlet of Briggerston one of which leads in an easterly direction to the river with buildings lying to north and south of the road. Whilst the map is crudely drawn, considering the map in the context of the other evidence available to Council, the map is showing a route in the approximate position of the route shown on the later Tithe Award map and County Series Ordnance Survey maps as the claimed additional right of way. The map is appended at BB10, **Appendix C**.

22. Greenwoods map of Wiltshire dated 1820 has been examined and it shows a fenced track on the same alignment as the mapping evidence I have previously described. According to the inscription on the map it was completed after an actual survey of the county made in 1819 and 1820. John Chandler in his book *Printed Maps of Wiltshire 1787 – 1844* states the following about the map:

'In surveying Wiltshire, Greenwood had the advantage over his predecessors of the Ordnance Survey's published trigonometrical survey, which described with great accuracy the principal and some of the secondary triangulation of England and Wales. He might also, although he appears not to, have used and copied from the recently published Ordnance Survey sheets covering the south and centre of the county. His surveying methods, it must be confessed, fell far short of the standards set by the Ordnance Survey, but his map should not be disregarded on that account. Unlike the Ordnance Survey he appears to have relied for his information not only on topographical survey, but also on existing local manuscript maps, such as estate and enclosure maps; on printed guidebooks and official sources, such as census reports, for the orthography of names and hierarchy of settlements; and on local knowledge collected by the surveyors, especially relating to boundaries. The achievement of mapping Wiltshire's parish boundaries, two decades before the appearance of the tithe commutation maps, was in itself a considerable one, which should deserve our respect. And in other regards, too, the existence of a detailed map compiled largely independently of Andrews and Dury and the Ordnance Survey, from a new topographical survey and from secondary sources, should give Greenwood's map an importance and significance for Wiltshire historians which has not hitherto perhaps been adequately appreciated.'

The route depicted by Greenwoods on his map is shown extending down to the river Avon much further than on the Ordnance Survey manuscript drawing of 1808 which I will describe later. I suggest this different depiction is an example of Greenwood's surveyors having consulted other local records in the compilation of the map. An extract from the map is produced at BB11, **Appendix C**.

23. John Cary was born in Warminster in 1754 and worked from London as a map maker, engraver and publisher. He was active in the early part of the 19<sup>th</sup> century. In 1794 he was commissioned by the Postmaster General to undertake a survey of main roads in the country and he undertook considerable work on the English Ordnance Survey prior to 1805. Cary appears to have used actual surveys, as well as the work of others, in the production of his maps. On his map of Wiltshire dated 1832 roads are recorded in one of four classifications, a detailed road classification system at that time which is particular to Cary's maps. The 1832 map shows a parochial

road on the line of the claimed right of way. An extract from the map is produced at BB12, **Appendix C**.

24. In 1969 the publishers, David and Charles, produced what was referred to as sheet 14 in the Old Series Ordnance Survey 1 inch maps. The survey in Wiltshire began in 1793. The local topographical survey was undertaken between 1807 and 1811 at a uniform scale of 2 inches to 1 mile. The published map is a composite document embodying material from a succession of dates. The engraving of 1817 based on the survey of 1807-1816 remains intact over much of the sheet. The major revisions result from the periodic insertion of railway material.

The relevant section of the map is produced as printed and an extract at an enlarged scale at BB13, **Appendix C**, shows a fenced road along the route shown on the Tithe Award map leading from Brigmerston through buildings to Durrington.

25. According to the notes on Cassini's Popular Edition of the Ordnance Survey 1 inch map, map 184 Salisbury and The Plain 'The original impetus behind the creation of the Ordnance Survey and the original Old Series maps had been one of military necessity. Although the maps had soon assumed a more civilian aspect and market, the Ordnance Survey continued to fulfil an important wartime role. During the First World War its normal activities were suspended and over 5,000 people were engaged on military work, producing more than 32 million maps for the war effort.

The end of the conflict co-incided with another revolution as dramatic as that which had swept the country three generations earlier with the advent of the railways – the increased use of the motor car. By the 1920s, this new and independent means of transport had helped create an entirely new market for maps..... Responding to this, the Ordnance Survey, under the Director-Generalship of Colonel Charles Close, began re-surveying the country in 1912 with a view to producing maps that were both accurate and eye-catching in design. After the war, and guided by the results of public consultation, the one-inch Popular Edition was launched.'

The relevant sheet shows a fenced track on the same alignment as the earlier Old Series map described in the above paragraph but by the time of this survey the road no longer continued through to Durrington. The map is produced at BB14, **Appendix C**, together with an enlarged extract and an extract from the key to the map. According to the key on the map the route is shown as a road less than 14 feet wide.

26. Sheet 54 of the First Edition 6 inches to 1 mile Ordnance Survey sheet surveyed between 1877-78 shows a fenced track to the north of Brigmerston Farm on the same alignment as the other mapping evidence already

described, no route is shown passing through the farm yard. An extract from the map is at BB15, **Appendix C**.

27. J B Harley, in his book *Ordnance Survey Maps a descriptive manual* published by the Ordnance Survey in 1975, states that Ordnance Survey maps at the scale of 1:2500 originated in the mid nineteenth century in response to the urgent need for accurate plans for land registration purposes. An extract from the 1<sup>st</sup> edition of the relevant sheet, which was surveyed in 1877-78, is reproduced along with an extract from the 1926 revision at BB16, **Appendix C**. Both editions show a track which is separately numbered and measured to the north of Brigmerston Farm along the alignment of mapping previously described, such as the Tithe Award map. In his description on Areas in his book Mr Harley states 'The system by which each parcel of land is numbered, its area calculated from the map, and this value printed on the sheet is peculiar to the 1:2500 series and helps render it an important tool in the conveyancing and registration of land. The Ordnance Survey large scale maps, which show practically all permanent fences and hedges, are particularly suitable for use as the basis of the description of the land to which each title refers.... A parcel is accordingly defined as any area which is measured and published on the plan; it may be a single feature, usually an enclosure, or it may consist of several adjacent features grouped together. As a general rule parcels are bounded by lines of natural detail, such as hedges or streams (although in creating 'Town Areas' other features such as railways are used), but they are sometimes bounded artificially as by administrative boundaries or the sheet edge. Each parcel is given a reference number....there are minimum areas below which certain features are not measured separately...In any case there are exceptions to such thresholds and some features are *always* separately numbered and measured irrespective of their size. They include railways in rural areas (in built up areas they may form part of 'Town Areas'), all public roads, whether fenced or unfenced.' Mr B St G Irwin Director General of the Ordnance Survey at the time the book was published stated in the Foreword of the book that Dr Brian Harley was a leading authority on Ordnance Survey maps.

#### Decision.

28. The judgement given by the Court of Appeal in *R v Secretary of State for the Environment ex parte Burrows and Simms* (1991) 2 QB 354 held, in effect that if evidence comes to light to show that a mistake had been made in drawing up the definitive map, such a mistake can be corrected in either of the three ways envisaged in Section 53(3)(c) of the Wildlife and Countryside Act 1981.
29. Under Section 53(3)(c)(i) the Surveying Authority is not required to prove 'beyond all reasonable doubt' that rights exist. The burden of proof lies on the 'balance of probability', i.e. that it is more likely than not, that the rights exist. An Order may be made under this section where rights can be 'reasonably alleged to subsist'; however, at the confirmation of an Order a more stringent

test applies, that public rights 'subsist'. The wording for Section 53(3)(c)(iii) is different, as the Surveying Authority has to be satisfied that there 'is' no public right of way shown on the definitive map.

30. The earliest map examined, which officers believe shows the route which is the subject of the application, is Andrews' and Dury's map of Wiltshire dated 1773. Whilst it may be argued that this map is on such a small scale, 2 inches to 1 mile, that it is not possible to identify with any degree of accuracy the route of a particular way, when compared with the later mapping evidence, in particular the large scale Ordnance Survey maps, a picture of the road layout of this area becomes clear. There is a consistent portrayal of the claimed route as part of the local road network on the maps described in this report. This supports the application applied for by Jancis Henman and triggers the duty of the Council to modify the definitive map and statement accordingly by adding to the definitive map and statement as a restricted byway the claimed route and the deletion of the section of Milston 16 at Brigmerston Farm. The historical evidence is entirely supported by the significant amount of user evidence also submitted with the application. No statements and plans have been deposited under Section 31(6) of the Highways Act 1980 for the area over which Milston 16 runs.
31. No mapping evidence has been discovered by council officers to confirm that the section of Milston 16 currently shown on the definitive map through Brigmerston farmyard is correct. Taking the map evidence into consideration with all the other evidence relating to Milston 16 the Council has considered officers believe that section of Milston 16 shown through the farmyard should be deleted from the definitive map.

Barbara Burke

Definitive Map and Highway Records team leader

FORM 1

WILTSHIRE COUNTY COUNCIL

WILDLIFE & COUNTRYSIDE ACT 1981

DEFINITIVE MAP & STATEMENT OF RIGHTS OF WAY  
FOR THE COUNTY OF WILTSHIRE

Notice of Application for Modification Order

To: Rights of Way Section, Environmental Services Department, Wiltshire County Council, county Hall, Trowbridge, Wilts. BA14 8JD

*A*WE (please insert your name or the name of the organisation making the application)  
..... THE FRIENDS OF MILSTON & BRIGMERSTON .....  
of (please insert your full address) MILSTON HOUSE, MILSTON, .....  
DURRINGTON, SALISBURY, WILTSHIRE. SP4 3HT. ....

hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

deleting the ~~footpath/bridleway/byway~~ open to all traffic (please delete the irrelevant status) leading from (please describe the position and route of the right of way you are referring to)

..... BRIGMERSTON CORNER, CHURCH ROAD, .....  
MILSTON THROUGH THE FARMYARD TO RUPP 16, .....  
MILSTON: leading to Durrington: .....

with a width of 2 METRES .....

The route of the right of way is shown on the attached map.

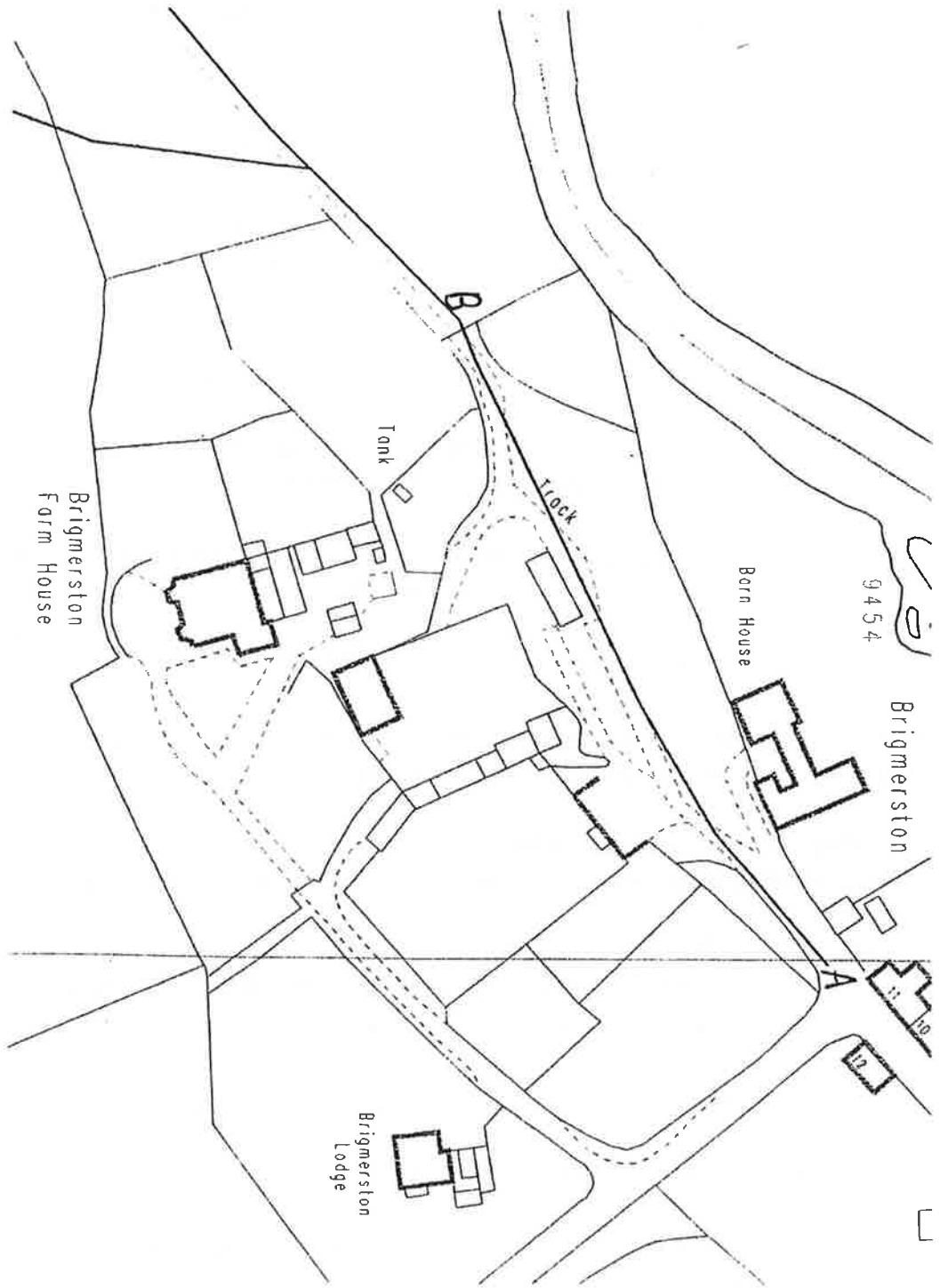
*A*WE attach copies of the following documentary evidence and or statements of witnesses in support of this application.

Dated 13th August 2001.

Signed *Janis Herman*  
P.P. The Friends et al

For a definition of the various categories of rights of way please see overleaf.





REPRODUCED FROM THE ORDNANCE SURVEY MAP  
WITH THE PERMISSION OF THE CONTROLLER OF  
HER MAJESTY'S STATIONERY OFFICE.  
CROWN COPYRIGHT RESERVED.  
LICENCE NO. LA 070910 WILTSHIRE COUNTY COUNCIL  
ENVIRONMENTAL SERVICES DEPARTMENT  
FOR REFERENCE PURPOSES ONLY NO FURTHER COPIES  
MUST BE MADE.

*KCR/gh*

**FORM 1**

**WILTSHIRE COUNTY COUNCIL**

**WILDLIFE & COUNTRYSIDE ACT 1981**

**DEFINITIVE MAP & STATEMENT OF RIGHTS OF WAY**  
**FOR THE COUNTY OF WILTSHIRE**

Notice of Application for Modification Order

To: **Rights of Way Section, Environmental Services Department, Wiltshire County Council, county Hall, Trowbridge, Wilts. BA14 8JD**

I/WE (please insert your name or the name of the organisation making the application)  
..... THE FRIENDS OF MILSTON & BRIGMERSTON, .....  
of (please insert your full address) MILSTON HOUSE, MILSTON, .....  
DUKELINGTON, SALISBURY, WILTSHIRE SP4 8HT. .....

hereby apply for an Order under Section 53(2) of the Wildlife & Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

**adding** the footpath/~~bridleway~~/~~byway~~ open to all traffic (please delete the irrelevant status) **leading from** (please describe the position and route of the right of way you are referring to) BRIGMERSTON CORNER, CHURCH ROAD, .....  
MILSTON & THEN RUNNING PARALLEL TO BARN .....  
HOUSE & COTTAGE ON RIGHT THEN CROSSING .....  
DIAGONALLY LEFT TO JOIN RUPP 16 leading to .....  
Drumington .....  
with a width of: 2 METRES .....

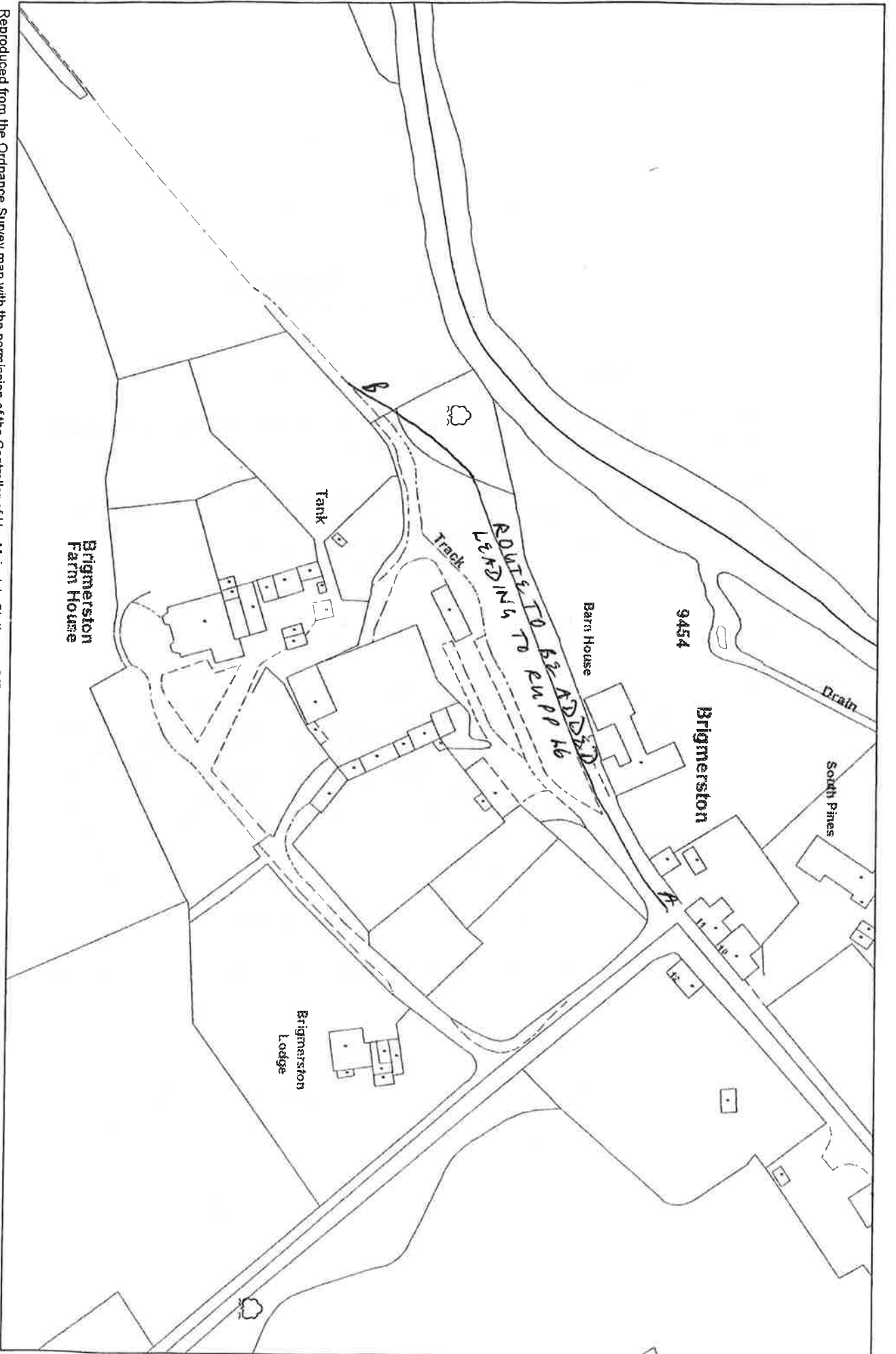
**The route of the right of way is shown on the attached map.**

I/WE attach copies of the following documentary evidence and or statements of witnesses in support of this application.

Dated 13th August 2001.

Signed Francis Herriman  
FF The Friends et al?

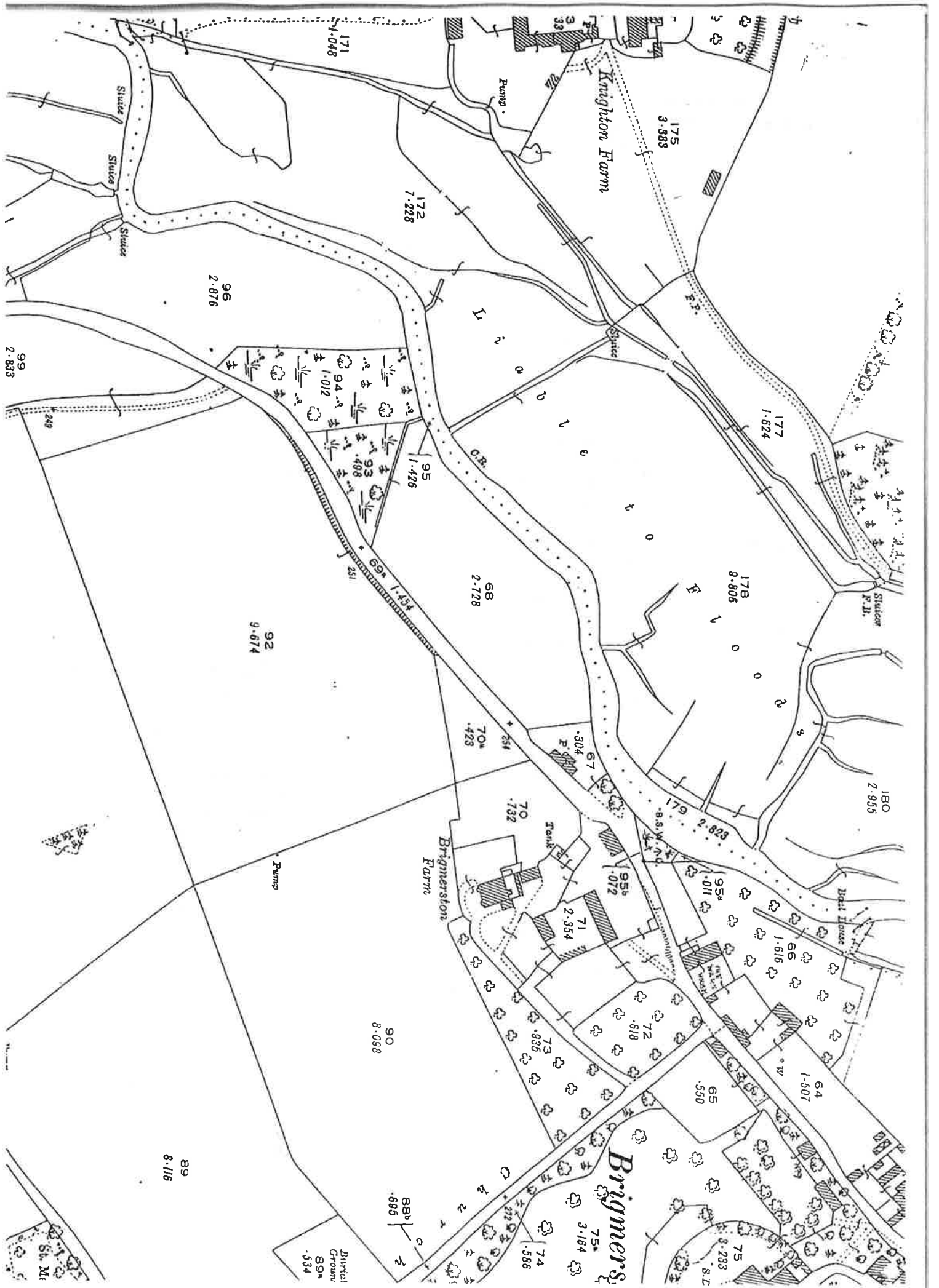
For a definition of the various categories of rights of way please see overleaf.



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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Date: 06 June 2001  
SLA: IA 076910  
Scale 1:1250



Name	Route used	Period of use	Comments
Batty H M	County Series O S route	1956 – 1995	Uses the route for recreation about 30 times a year now obstructed with barbed wire and soil at Briggerston
Broe T A	Route hand drawn on modern map but not on CS line	1973 – 2001	Uses for recreation about 24 times a year now obstructed by soil and barbed wire at Briggerston
Card P J	Alongside Barn house over stile into meadow but deviates off the CS line	1935 – 1980	Uses for recreation most Sunday evenings from 1935 – 1950
Courage L P	Alongside Barn House and wall now demolished over stile into meadow. Not shown all along the CS line	1995 – 2001	Uses weekly, barb wire obstructed the route in April/June 2001
Courage W J	Alongside Barn House and wall to stile into meadow. Not shown all along the CS line	1995 – 2001	Used 3 times a week Blocked in spring 2001 with a bank and barb wire
Dryden J	Drew route alongside Barn House and wall referred to a stile into area by the river	1960 – 2001	Used 2 – 3 times a week in childhood now twice a week. Bank and wire fence erected 2001 obstructing the route
Dryden	Described route alongside Barn House and wall into field	1960 – 2001	Used 3 times a week when children were young. "001 builder pulled down the wall and stile put bank on the right of way
Foyle C D	Described route between the farm and barn House alongside wall now demolished over stile into water meadows	1980 – 2000	Used once a month route signed stopped from using 2001
Freeman	Route alongside Barn House and wall now demolished	1932 – 1998	Used it first with Milston Brownies/Guides Use it about twice a month. Has seen other people using it. Stile erected at end of Barn Cottage wall in 1980

Gow A C	County series route, marked where the stile was	1967 – 2001	Blocked in 2001 with old vehicles, building materials and stile removed. Had used daily
Haines J M	County Series route to stile	1980 – 1996	Walked it but didn't say how often
Henman J	County Series route	1991 – 2000	Used almost daily during the summer. Saw other dog walkers on it. Stile removed by owner of Barn House in 2001 who put up barb wire across the way earth bank and saplings planted on route
Henman R W	Alongside barn House and wall to stile	1991 – 2001	Used route at least once a week. Developer of barn house removed stile, erected an earth bank on the route. Saw former owner of Barn House whilst using the route never challenged
King M	County Series route	1990 – 2001	Used for dog walking. Signed as a public right of way
Lester-Card	County Series route	1973 - 2001	Used irregularly
Lloyd-Price R M	County Series route	1979 – 2000	Knew former owner of Barn House, right of way never in the bounds of that property. Present owner has incorporated the path into his garden
Lloyd-Price Z	County Series route	1980 – 2000	Used it about 25 times a year. Former owner of Barn house was great gardener and was often there or in his fruit cage so he would have known lots of people used the path
Love M B	County Series route between the farm and Barn House	1990 – 2000	Used once or twice a year
Love W E	Approximately County Series route, described as same	1990 – 2000	Part of dog walking circuit

	route as other witnesses past barn house and former wall to stile		
Mortimer A C	Approximate County Series route on signed path to meadow	1950s onwards	Used it once or twice a month. 15 feet wide
Mortimer E B	County Series route on sign posted path	1940 – 1950, 1970 – 2001	Used it weekly in the 1940s recently approximately 12 times a year. Width 15 feet
Parsons N I	No route marked or identifiable route described	1958 – 1975	Walked route as a child [born 1952].
Piece Y R	Partially County Series route described as Cuckoo Lane [other witness has described it as this]. Described as following wall to stile into meadows	1951 – 2000	Used it approximately 10 times a year. Saw other people using it
Reed H J	County Series route but not all the way. Route described same as other witnesses alongside former wall to stile into field	1971 – 78 regular use 1n the 80s and 90s irregular use	2001 old wall demolished by developer of Barn House stile also removed and earth bank put across the right of way. Was signed
Rennie J J	County Series route	1948 – 2001	Route signed as right of way Use 24 times a year, saw other users. Obstructed with barbed wire and earth bank
Rennie M	County Series route	1960 – 2001	Used it with her children, grand children and dogs. Saw other users, was signed
Sheppard A	Approximate County Series route	1977 – 1998	Use about 6 times a year, width 3 metres, signed
Sommerton S G	Partially County Series route past barn house and wall to stile to meadow	1952 – 1999	Used about 12 times a year, width 8 – 10 feet. Signed. Obstructed by barb wire and high bank
Spreadbury A J	County Series route	1936 – 2000	Dog walking route 70 to 100 times a year. Width 12 to 14 feet.

			Barn House wall removed in January 2001 with stile obstructed with barbed wire
Spreadbury F	County Series route	1916 – 1965	Used it since childhood 50 or 60 times a year
Stephenson E W	Approximate County Series route, described as Cuckoo Lane	1974 – 1980	Used about 20 times in the period 1974 – 1980, saw other walkers. Exit onto Cuckoo Lane has recently been blocked
Stephenson A M	As above	As above	As above
Stephenson-Jarrett	No route drawn on the map but described as Cuckoo lane leading past dwelling and wall to stile into meadow	Walked in childhood [born 1964]	Walked 5 times a year, width 4 to 5 metres
Sturgess M E	Partially on County Series route, described alongside Barn house and wall	1965 – 1970 and 1984 -1995	Used for dog walking. Route marked on the Tithe award map
Tamplin L	County Series route	1996 – 2000	At least twice a week dog walking, 3 metres wide and signposted, location common knowledge
Tamplin P H	County Series route	1996 – 2000	Difficult to use when wet so use probably less than once a month. Well defined route
Taylor H	County Series route	1992 – 1999	Daily use walking and cycling. Width about 4 metres, new building has encroached on it. Lived in barn cottage and his bedroom window looked out onto the path. Was signed
Toomer C J	County series route	1980 – 1986	Walked with a dog about 6 times a year. Width 5 metres
Toomer R J	Partially County Series route. Described alongside Barn Cottage and wall to stile into	1992 – 1998	Used it for dog walking about 5 times a year, width 5 metres



	meadow		
Vandeleur S	Partially County Series route but described as following track past barn house over a stile	1994 – 2001	Use it at least once a week from May to August on foot and cycle. Signed. Well used path
Weaver B	County Series route and route through farmyard	1937 – 1955 last used 1985	As a child used it daily, gates always open

- (2) After paragraph (h) insert –  
     “(i) a National Park authority; or  
     (j) the Broads Authority.”
- (3) Omit “or” preceding paragraph (h).

## PART 6

### RIGHTS OF WAY

#### *Rights of way and mechanically propelled vehicles*

#### **66 Restriction on creation of new public rights of way**

- (1) No public right of way for mechanically propelled vehicles is created after commencement unless it is –
- created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for such vehicles, or
  - created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles.
- (2) For the purposes of the creation after commencement of any other public right of way, use (whenever occurring) of a way by mechanically propelled vehicles is to be disregarded.

#### **67 Ending of certain existing unrecorded public rights of way**

- (1) An existing public right of way for mechanically propelled vehicles is extinguished if it is over a way which, immediately before commencement –
- was not shown in a definitive map and statement, or
  - was shown in a definitive map and statement only as a footpath, bridleway or restricted byway.
- But this is subject to subsections (2) to (8).
- (2) Subsection (1) does not apply to an existing public right of way if –
- it is over a way whose main lawful use by the public during the period of 5 years ending with commencement was use for mechanically propelled vehicles,
  - immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 (c. 66) (list of highways maintainable at public expense),
  - it was created (by an enactment or instrument or otherwise) on terms that expressly provide for it to be a right of way for mechanically propelled vehicles,
  - it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used by such vehicles, or
  - it was created by virtue of use by such vehicles during a period ending before 1st December 1930.
- (3) Subsection (1) does not apply to an existing public right of way over a way if –

- (a) before the relevant date, an application was made under section 53(5) of the *Wildlife and Countryside Act 1981 (c. 69)* for an order making modifications to the definitive map and statement so as to show the way as a byway open to all traffic,
  - (b) before commencement, the surveying authority has made a determination under paragraph 3 of Schedule 14 to the 1981 Act in respect of such an application, or
  - (c) before commencement, a person with an interest in land has made such an application and, immediately before commencement, use of the way for mechanically propelled vehicles –
    - (i) was reasonably necessary to enable that person to obtain access to the land, or
    - (ii) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only.
- (4) “The relevant date” means –
- (a) in relation to England, 20th January 2005;
  - (b) in relation to Wales, 19th May 2005.
- (5) Where, immediately before commencement, the exercise of an existing public right of way to which subsection (1) applies –
- (a) was reasonably necessary to enable a person with an interest in land to obtain access to the land, or
  - (b) would have been reasonably necessary to enable that person to obtain access to a part of that land if he had had an interest in that part only,
- the right becomes a private right of way for mechanically propelled vehicles for the benefit of the land or (as the case may be) the part of the land.
- (6) For the purposes of subsection (3), an application under section 53(5) of the 1981 Act is made when it is made in accordance with paragraph 1 of Schedule 14 to that Act.
- (7) For the purposes of subsections (3)(c)(i) and (5)(a), it is irrelevant whether the person was, immediately before commencement, in fact –
- (a) exercising the existing public right of way, or
  - (b) able to exercise it.
- (8) Nothing in this section applies in relation to an area in London to which Part 3 of the *Wildlife and Countryside Act 1981 (c. 69)* does not apply.
- (9) Any provision made by virtue of section 48(9) of the *Countryside and Rights of Way Act 2000 (c. 37)* has effect subject to this section.

**68 Presumed dedication of restricted byways and use by pedal cycles etc.**

- (1) Amend section 31 of the *Highways Act 1980 (c. 66)* (dedication of highway presumed after public use for 20 years) as follows.
- (2) After subsection (1) insert –
  - “(1A) Subsection (1) –
    - (a) is subject to section 66 of the *Natural Environment and Rural Communities Act 2006* (dedication by virtue of use for mechanically propelled vehicles no longer possible), but

<u>Parish</u>	<u>Path No.</u>	<u>Description of Path</u>	<u>Approximate Length</u>	<u>Width</u>	<u>Limitation or Conditions affecting Public Rights</u>
Milston.	16.	C.R.B. From the northern end of Durrington path No. 12 leading north across the ford and north-east along the cart track past Brigmerston Farm to Church Road, U/c. 10006.	800 yards		
	17.	F.P. From path No. 6 leading north across the River Avon by the new footbridge to road U/c. 10006, east of Milston Church.	75 yards		
	18.	F.P. From the western end of road U/c. 10002 at Milston Bridge leading west along the north bank of the River Avon to path No. 17 at the new footbridge.	200 yards		
	19.	C.R.B. From the Hampshire County boundary near Hare Warren, west of Devil's Ditch, leading north and north-west to Rignoldean path No. 26 at Dunch Hill.	1400 yards		



DURRINGTON  
THE RIVER AVON

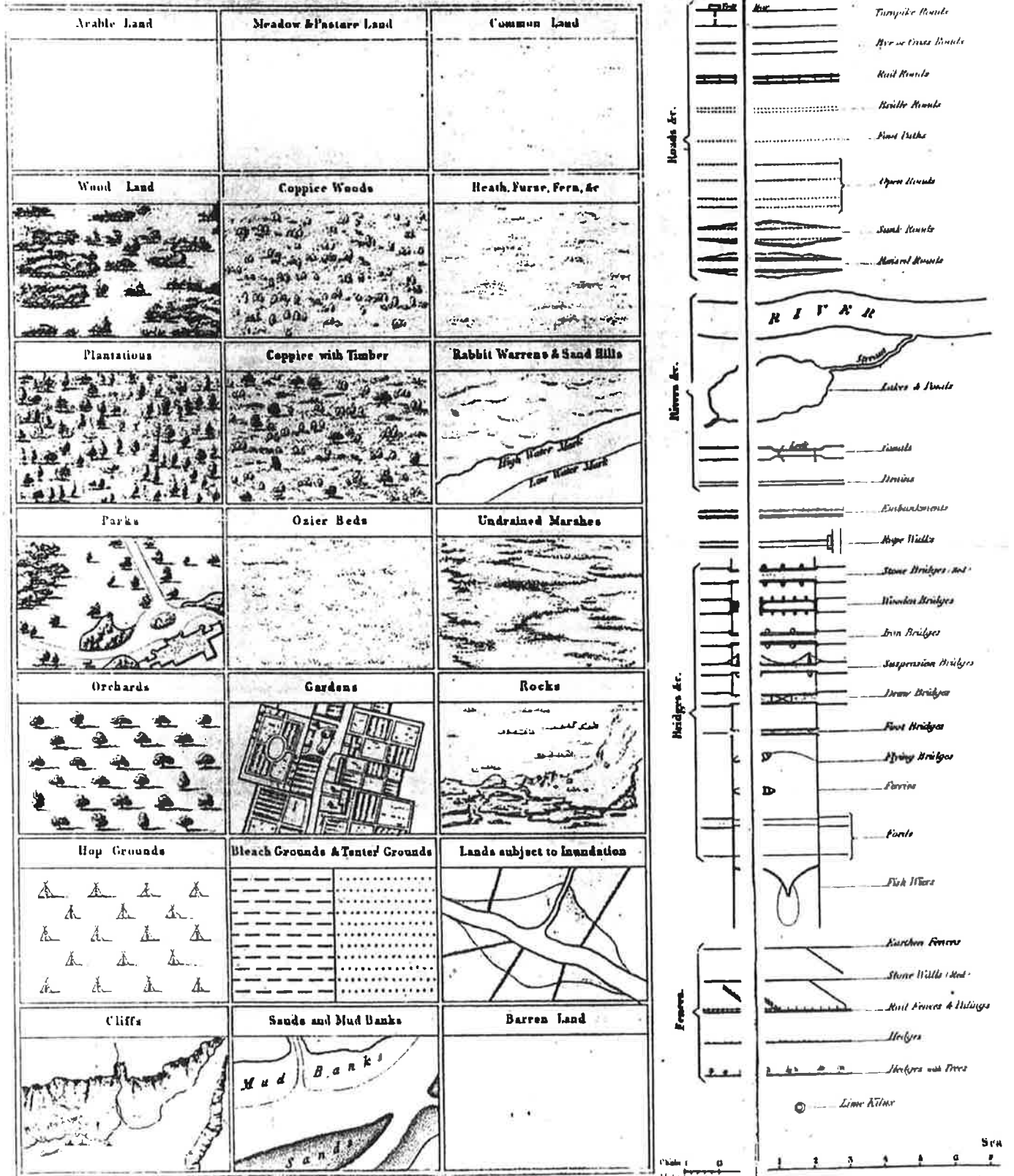
MILTON

The Ham

The Home

The Mill

## CONVENTIONAL SIGNS TO BE USED IN THE PLANS COMMUTATION OF TITHE IN ENGLAND



Tithe award Allotments

Landowner	Allotment No.	Occupier	Name & description of land or premises	State of Cultivation	Area
Charles Edward Rendall	16	Himself	Bwad mead	Meadow	7a 2r
Ditto	17	Himself	Gudgeon mead	Meadow	4a 1r 5p
Ditto	10	Himself	Court Heme	Pasture	2a 10p
Ditto	11	Himself	Homestead		1a 27p
Ditto	64	Himself	Plantation		2a 18p
Ditto	7	Himself	Farm Yard		17p
Ditto	9	Himself	Farm Yard		20p
Ditto	10	Himself	Willow bead	Meadow	3p
Ditto	12	Himself	Upper mead	Meadow	3a 1r 5p
Ditto	4	Charles Edward Rendall and Rolfe Robert	House and Carpenters shop		35p
Ditto	5	Robert House, Rolfe Robert and Henry Peviett	Gardens		15p
Ditto	8	James Sims and William Hopgood	Cottage and gardens		34p
Ditto	11	John Smith and John Harding	Cottage and garden		1r 1p
Reverend Peter Hall (Glebe)	18	Reverend James Ellaby and Charles Edward Rendall	Gudgeon meadow		2a 3r 8p

Roads Rivers and waste 104a 3r 37p

May -  
(Parish) and two outposts, which are

1<sup>st</sup> The Hamlet called Longs Pennings situated a mile distant on the cross road from Bulford to Andover (over Beacon Hill) and consisting of 4 cottages and Farm build<sup>g</sup>s.

2<sup>nd</sup> The hamlet called Tidworth Pennings situated  $1\frac{1}{2}$  mile distant at the end of a broad waggon track road that turns sharp off to the right a little beyond M<sup>r</sup> John Robbins' farm house. It is just opposite the first turning down to Milston (on the left). It consists of 2 cottages and extensive farm buildings.

### Milston

This Parish consists of the Village of Milston and the hamlet of Brigmilston close adjoining. There are in Brigmilston 2 out of the way cottages, situated in a hollow by the River side beyond M<sup>r</sup> Edwards' farm on a swampy trackway to Durrington. They lay on the right hand side.





*Parish claim form*

ACCESS TO THE COUNTRYSIDE ACT, 1949.  
PUBLIC RIGHT OF WAY.

NAME AND DESCRIPTION  
(WAY, ETC.)

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.  
PUBLIC RIGHT OF WAY.

PARISH OF

PARISH OF

PATH No. 1  
(to correspond with No. on map)

PARISH OF Grinstead

NAME OR SITUATION AND DESCRIPTION  
(FOOTWAY, BRIDLEWAY, ETC.)

*Footpath - Runnington to Longmaston. 250' wide open stile follows Runnington - Melton footpath for 300' then open stile runs with to unenclosed road. Then into a track and then along road track and also 1000ft. More with coal along road track and also 1000ft. Westward of Longmaston farm.*

NATURE OF SURFACE

*Gravelled & just 250' wide unenclosed for 300' then unenclosed road.*

STILES, GATES, FOOTBRIDGES, STEPPING STONES

*Two stiles.*

WHETHER DIRECTION POSTS ON WAY  
(GIVE PARTICULARS)

*No.*

OBSERVATIONS:

LENGTH

*100 yards*

WIDTH

*20 ft open unenclosed*

WHETHER FENCED OR OPEN

*unenclosed*

APPROXIMATE PERIOD OF UNINTERRUPTED USER -

YEARS FROM

WHETHER REPAIRED BY PARISH, DISTRICT, BOROUGH OR COUNTY COUNCIL :-

DATE OF REPAIR

WHETHER SUBJECT TO PLOUGHING

DATE OF SURVEY

WHETHER SHOWN ON UNDERMENTIONED MAPS :-  
*N/173 L1/V1/V2*

ORDNANCE 6" SHEET. REF.

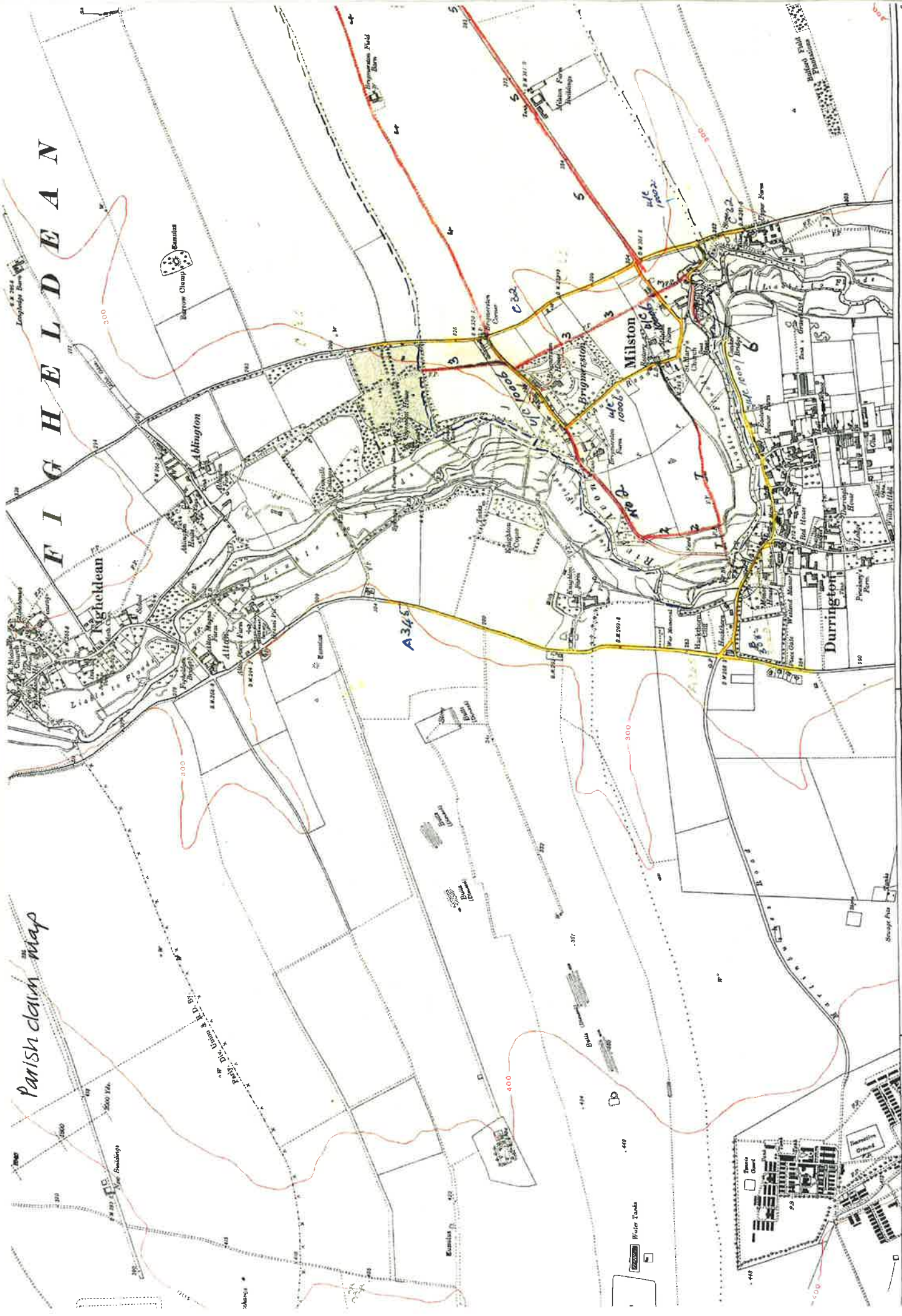
INCLOSURE AWARD

LANDOWNER'S MAP (DEPOSITED UNDER SECTION 1 (4) OF THE RIGHTS OF WAY ACT, 1932)

OTHER MAPS :-

*Parish claim map*

**F I G H E L D E A N**



1" = 1 MILE  
 Lark Hill 1° 40'  
 Durrington Field 1° 47'  
 Durrington PE. 1° 47'  
 SALISBURY DIVISION  
 BULFORD PH. 1° 47'

the information should be approved as soon as possible.

7

TAP/GA.

8th February, 1951.

R.E. Bartlett, Esq.,  
Addison House,  
Milston,  
Durrington,  
Wilts.

Dear Sir,

Survey of Rights of Way

The following are my observations on the plans and statements relating to the survey of rights of way:-

The cart track or unmetalled road which you refer to in your description of path No. 2 continues southwards to the western end of path No. 1 after crossing a ford. I think this should be added to your schedule, but I should be glad to have your observations as to whether this is a public right of way throughout its whole length.

Many of the tracks across Briggerston Down, although at present inaccessible to the public, undoubtedly form part of public ways which run through other parishes. I think perhaps they should be included in the schedule as they may at some future time be restored to public use. If this is correct this would involve the following additions to your schedule:-

Path No. 7. From the eastern end of path No. 5 leading east across path No. 9 and a ford over Nine Mile River, crossing paths Nos. 10 and 11 near the ditch and continuing east to its junction with path No. 12 near the county boundary at Hare Warren. Length 3200 yards.

Path No. 8. From the eastern end of path No. 5 leading east south east across path No. 9 and a ford over Nine Mile River, thence across path No. 10 across Milston Down to its junction with Path No. 11. Length 2800 yards.

Path No. 9. From the northern parish boundary near Goats wood leading south across paths Nos. 7 and 8 to the southern parish boundary at Milston Firs. Length 2500 yards.

Path No. 10. From the north-eastern parish boundary leading south-west across paths Nos. 7, 11, and 8 to the southern parish boundary towards Bulford Camp. Length 2900 yards.

Path No. 11. From the northern parish boundary near Goats Wood leading south-east crossing paths Nos. 7, 10, and 12, forming a junction with path No. 8, and then crossing paths Nos. 13 and 14, thence leading to the parish and county boundary towards Parkhouse Camp. Length 3100 yards.

Path No. 12. From the north-eastern parish and county boundary at Hare Warren, leading south-west, making a junction with path No. 7, crossing paths Nos. 11 and 8, to the southern parish boundary towards Bulford Camp. Length 2500 yards.

Path No. 13. From the eastern parish and county boundary near The Belt, leading south-west crossing path No. 11 to the southern parish boundary towards the Rifle Ranges. Length 1270 yards.

I should be glad to have your views on these questions at your early convenience.

Yours faithfully,

County Surveyor.

Addison House

Ingleton

Durham

County Surveyors



4 July 51.

Dear Sir

Reference W.D. L. A. 1  
letter, dated 20 July  
past, it is felt  
that his point should  
be met by showing  
such portions of the paths  
as are restricted in  
some particular colour  
so that the Public are

not misled.

Para 2

Agree with W.D.A.  
Footpath no 2 should  
be as originally shown.

Please accept my  
apologies for the delay

Yours faithfully

A. Bantles.

Chairman

Hulston Parish

MILSTON

S/00/2164



Planning Office  
Salisbury District Council  
61 Wyndham Road  
Salisbury SP1 3AH

Telephone (01722) 434327  
Fax (01722) 434520  
DX 58026 Salisbury

TOWN AND COUNTRY PLANNING ACT 1990  
APPLICATION FOR PLANNING PERMISSION

Four completed copies of this form and six copies of all plans accompanying the application together with the correct fee should be sent to the above address.

PLEASE READ THE GUIDANCE NOTES BEFORE COMPLETING THIS FORM

1. NAME & ADDRESS OF APPLICANT	NAME: MR. J. ELLIOTT ADDRESS: BARN HOUSE, BRIGMERSTON, WILTSHIRE POSTCODE: _____ Tel. No. _____	
2. NAME & ADDRESS OF AGENT (if any) (to whom all correspondence will be sent)	NAME: R & S. HOWES PARTNERSHIP ADDRESS: 97 TORQUAY ROAD, PAIGINTON, DEVON POSTCODE: TQ3 2SE Tel. No 01803: 522578	
3. FULL ADDRESS OR LOCATION OF SITE (OUTLINED IN RED ON SUBMITTED PLAN)	BARN HOUSE, BRIGMERSTON POSTCODE: _____	
4. DESCRIBE THE DEVELOPMENT FOR WHICH YOU ARE APPLYING	DEMOLISH AND RE-BUILD	Salisbury District District Department
5. WHAT IS THE APPLICANT'S INTEREST IN THE LAND? (e.g. owner, tenant, prospective purchaser)	OWNER	22 NOV 2000
6. WHAT IS THE PRESENT USE OF THE LAND/BUILDINGS?	HOUSE	
7. WHAT IS THE SITE AREA? (Edges, red)	Hectares <input type="checkbox"/> OR <input type="checkbox"/>	sq.m.
8. IS THERE ANY ADJOINING LAND WHICH THE APPLICANT OWNS OR CONTROLS? (If so, please give its location and show it edged blue on the submitted plans.)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
9. DOES THE PROPOSAL INVOLVE-		
(A) THE CONSTRUCTION OF NEW BUILDINGS	YES <input checked="" type="checkbox"/>	IF RESIDENTIAL STATE NUMBER OF NEW DWELLINGS No. of new Dwellings <b>1 REPLACEMENT</b>
(B) THE ALTERATION, EXTENSION OR IMPROVEMENT OF AN EXISTING BUILDING	YES <input type="checkbox"/>	IF NON-RESIDENTIAL STATE TOTAL GROSS FLOOR AREA sq.m.
(C) THE CHANGE OF USE ONLY OF AN EXISTING BUILDING OR LAND	YES <input type="checkbox"/>	STATE TOTAL GROSS FLOOR AREA OF (A) BUILDINGS AS EXISTING sq.m.
(D) ANY OTHER ENGINEERING OR BUILDING OPERATION	YES <input type="checkbox"/>	(B) PROPOSED NEW BUILDING WORK sq.m.
	NO <input type="checkbox"/>	(C) ANY BUILDINGS TO BE DEMOLISHED sq.m.
	NO <input type="checkbox"/>	STATE TOTAL GROSS FLOOR AREA OF ANY BUILDINGS AFFECTED BY THE PROPOSAL sq.m.
10. IS THE APPLICATION FOR-		
(A) FULL PLANNING PERMISSION	YES <input checked="" type="checkbox"/>	Application
(B) OUTLINE PLANNING PERMISSION	YES <input type="checkbox"/>	IF SO, IS DETAILED APPROVAL SOUGHT AT THE PRESENT TIME FOR ANY OF THE FOLLOWING: Signs <input type="checkbox"/> Design <input type="checkbox"/> External Appearances <input type="checkbox"/> Means of Access <input type="checkbox"/> Landscaping <input type="checkbox"/>
(C) APPROVAL OF RESERVED MATTERS FOLLOWING GRANT OF OUTLINE PERMISSION	YES <input type="checkbox"/>	PLEASE STATE (a) ORIGINAL PERMISSION NUMBER
(D) RENEWAL OF TEMPORARY PERMISSION	YES <input type="checkbox"/>	(b) DATE OF ORIGINAL PERMISSION
(E) CONTINUATION OF USE OF LAND OR BUILDINGS WITHOUT COMPLYING WITH TERMS OF A CONDITION PREVIOUSLY IMPOSED	YES <input type="checkbox"/>	(c) CONDITION NUMBER IF ANY

PUBLIC INSPECTION COPY



11. DOES THE PROPOSAL INVOLVE  
 (a) CONSTRUCTION OF A NEW ACCESS TO A HIGHWAY  
 (b) ALTERATION OF AN EXISTING ACCESS TO A HIGHWAY

VEHICULAR VEHICULAR  NO  YES  
 PEDESTRIAN PEDESTRIAN  NO  YES

12. IS THERE A PUBLIC FOOTPATH OR BRIDLEWAY OVER THE LAND? YES  NO  N/D  
If it is proposed to stop up or divert a public footpath or bridleway, a separate application is nec.

13. HOW DO YOU PROPOSE TO DISPOSE OF:  
 (a) SURFACE WATER  
 (b) FOUL SEWAGE

**SOAKAWAY**

	Mains	Septic Tank	Cesspit	Other	Not Applicable
TO EXISTING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TO PROPOSED	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. HOW WILL WATER SUPPLY BE OBTAINED?  
 FROM EXISTING: Mains  Private   
 FROM PROPOSED: Mains  Private   
If from a private supply, do you have the owner's consent to connect to that supply?  
 YES  NO

15. DOES THE PROPOSAL INVOLVE FELLING TREES? YES  NO  If yes, please show affected trees on submitted plans

16. IS THERE A LISTED BUILDING ON THE SITE? YES  NO  NOT KNOWN  NOTE: Separate Listed Building Consent may be required.

17. PLEASE STATE THE MATERIALS TO BE USED IN THE NEW BUILDING WORK, INCLUDING COLOUR, TYPE AND MANUFACTURER.  
 RENDER: BRICK HALF-TIMBER  
 WALLS: COLOUR CREAM 'AMBION WINDSEED' OAK STAIN  
 ROOF: REDDING OR MALLEY CONCRETE SMALL INTERLOCKING TILES BECOM TO MATCH EXISTING

18. LIST OF PLANS AND DRAWINGS SUBMITTED WITH THIS APPLICATION: 2018/18

IF THE APPLICATION IS FOR OFFICE, INDUSTRIAL, WAREHOUSE, STORAGE OR SHOPPING USE, YOU MUST ALSO COMPLETE PART 2 OF THE FORM FOR WASTE DISPOSAL PART 3, AND FOR MINERAL WORKINGS PART 4. FOR NEW AGRICULTURAL DWELLINGS FORM 97/12 MUST BE COMPLETED.

DECLARATION  
 I/We hereby apply for permission to carry out the development described in this application and on the accompanying plans.  
 DATE 17/11/2000 SIGNED *[Signature]* ON BEHALF OF MR. J. ELLIOTT

**ONE OF THE FOLLOWING CERTIFICATES MUST BE COMPLETED** (\* Delete where inappropriate)

CERTIFICATE A

CERTIFICATE A: to be completed if the applicant is the free holder or a lease holder with a lease which has at least 7 years unexpired.

I CERTIFY THAT:  
 \* On the 21 days before the date of the application nobody, except the applicant, was the owner of any part of the land to which the application relates.  
 \* None of the land to which the application relates is, or is part of, an agricultural holding.  
 \* I have given the applicant the required notice to give notice to the applicant, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates.  
 \* I have given the applicant the required notice to give notice to the applicant, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates.

Tenant's name: \_\_\_\_\_ Address at which notice was served: \_\_\_\_\_ Date on which notice was served: \_\_\_\_\_

SIGNED *[Signature]* ON BEHALF OF MR. J. ELLIOTT DATE 16/11/2000

CERTIFICATE B

CERTIFICATE B: to be completed where the applicant is not the free holder or a lease holder with an unexpired lease of less than 7 years.

I CERTIFY THAT:  
 \* I have given the applicant the required notice to give notice to the applicant, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates.  
 \* I have given the applicant the required notice to give notice to the applicant, on the day 21 days before the date of the application, was the owner of any part of the land to which the application relates.

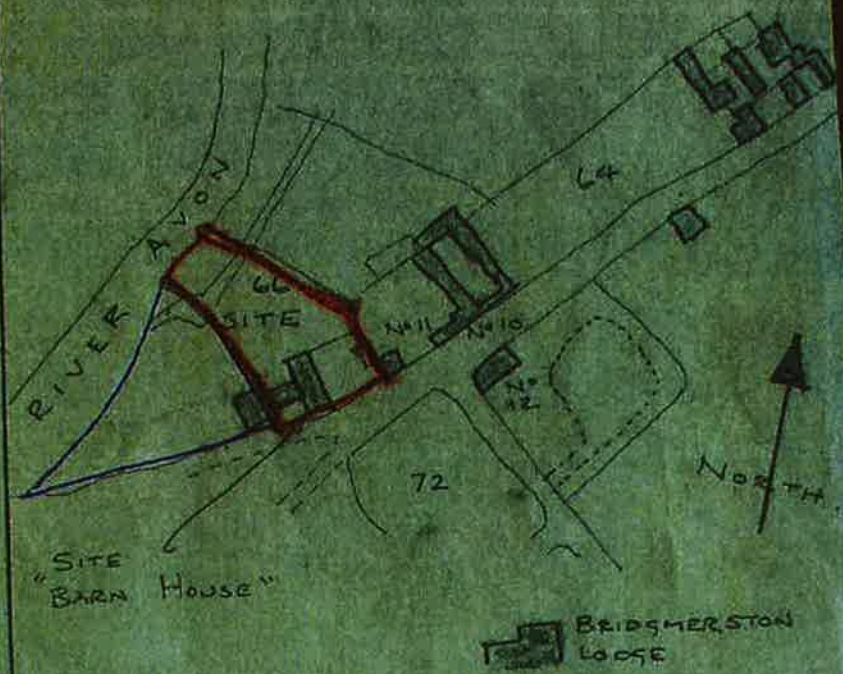
Owner's name: \_\_\_\_\_ Address at which notice was served: \_\_\_\_\_ Date on which notice was served: \_\_\_\_\_

Tenant's name: \_\_\_\_\_ Address at which notice was served: \_\_\_\_\_ Date on which notice was served: \_\_\_\_\_

SIGNED \_\_\_\_\_ ON BEHALF OF \_\_\_\_\_ DATE \_\_\_\_\_

B: stair roof light relocated (stair light added) ensuite 2 Oct 00

district  
development  
control  
order



"SITE  
"BARN HOUSE"

BRIGMERSTON  
LOOSE

O.S N° LIV 8 1937

SITE PLAN  
SCALE 1:2500

(A) BALCONY REMOVED FROM ELEVATION SOUTH WEST. 8/9/20

S / 00 / 2164

'BARN HOUSE'  
BRIGMERSTON  
DURRINGTON  
SALISBURY.

SCALE 1:100

ALL DRAWINGS COPYRIGHT SPECIAL REFERENCE IS MADE TO E.I.S.A. CONDITIONS OF ENGAGEMENT CLAUSES 3.12, 3.15 & 3.17 WHICH APPLY TO THIS DRAWING. THIS DRAWING MAY NOT BE REPRODUCED IN ANY FORM. ALL RIGHTS TO BE CHECKED AND VERIFIED ON SITE SCALE NO DIMENSIONS FOUNDATION DETAILS FOR EXPOSURE ONLY SUBJECT TO SOIL CONDITIONS & ENGINEER'S DETAILS. ANY BOUNDARY CONTENTS MUST BE SOUGHT FROM ADJOINING OWNERS.

DWG N° 2018/18 JULY 2000.

**PUBLIC INSPECTION COPY**

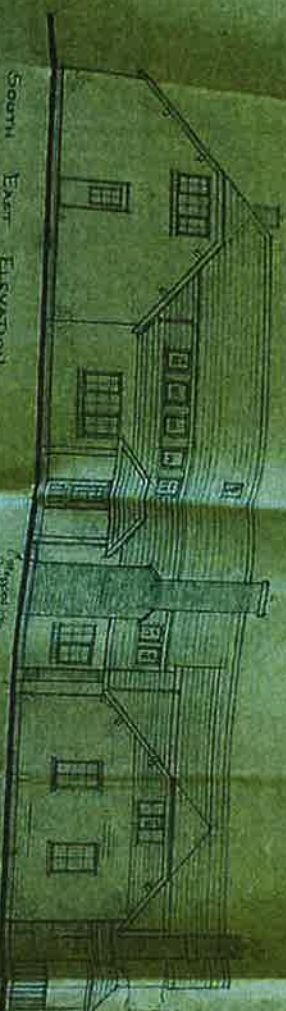
RODNEY AND STUART HOWES PARTNERSHIP  
Chartered Architects



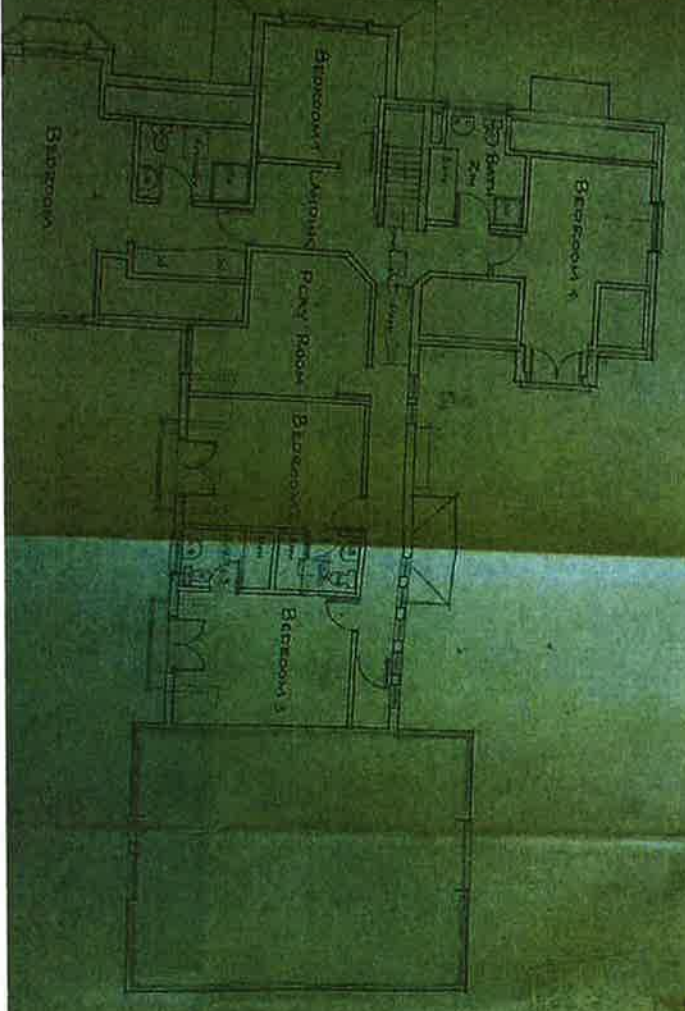
North West Elevation



South East Elevation



Section A-A



Block Plan Scale 1:500



Front Side Elevations for Proposed Car Port Scale 1:200

Planning Department  
03114/011  
**APPROVED**  
10/03/2011

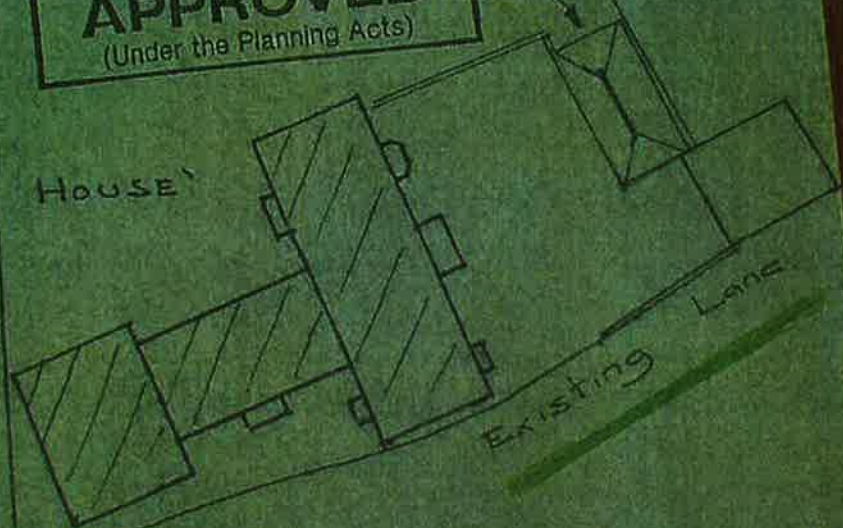
Site Plan  
Scale 1:2500

**S/00/2104**

Barn House  
BAIEMERSON  
DURHAMTON  
SHARBURY

Salisbury District Council  
Planning Department  
09 FEB 2001  
*Proposed*  
**APPROVED**  
(Under the Planning Acts)

'BARN HOUSE'



BLOCK PLAN  
SCALE 1:500

Decision



## TOWN AND COUNTRY PLANNING ACT 1990

### APPROVAL OF FULL PLANNING PERMISSION

Name and address of agent:

R & S HOWES PARTNERSHIP  
97 TORQUAY ROAD  
PAIGNTON  
DEVON  
TQ3 2SE

Name and address of applicant:

MR J ELLIOTT  
BARN HOUSE  
BRIGMERSTON  
DURRINGTON  
SALISBURY  
SP4 8HX

Reference No: S/2000/2164  
Date Registered: 22/11/00

PROPOSAL: FULL APPLICATION - DEMOLISH AND  
REBUILD BARN HOUSE  
LOCATION: BARN HOUSE BRIGMERSTON  
DURRINGTON SALISBURY

**SALISBURY DISTRICT COUNCIL  
HEREBY GRANTS FULL PLANNING PERMISSION  
FOR THE ABOVE DEVELOPMENT**  
(Subject to the conditions overleaf / attached)

Signed:

(Authorised Officer)

Date:

09 FEB 2001

Please refer to the notes  
attached to this decision

S/2000/2164 MILS	22/11/00	17/01/01	MR J ELLIOTT R & S HOWES PARTNERSHIP
Easting: 415957.071867808	Northing: 145599.282951197		
PROPOSAL:	FULL APPLICATION -DEMOLISH AND REBUILD BARN HOUSE		
LOCATION:	BARN HOUSE BRIGMERSTON DURRINGTON SALISBURY SP4 8HX		

#### REASON FOR REPORT TO MEMBERS

Councillor Spencer disagrees with recommendation because of the scale of the proposed operation and the detrimental impact on the historic hamlet.

#### SITE AND ITS SURROUNDINGS

Barn House is a large property set within a large plot adjacent the River Avon watercourse located to the South West of the small hamlet of Brigmerston. The site has been the subject of an application for a Certificate of Lawfulness for the occupation of barn house and barn cottage as two separate dwellings and was approved on 12 January 2000. However there is no distinct boundary between the two properties and the current applicant is in ownership of both properties. The existing structure consists of a T shaped footprint with a two storey element to the north east incorporating accommodation in the roof space. The structure that links the two properties is single storey in nature.

The application site is outside the HPB of the settlement.

#### THE PROPOSAL

It is proposed to demolish Barn House and rebuild to the same footprint with additional extensions and alterations to the property including the increase in roof height of the linked structure allowing first floor accommodation in the roof space. A number of dormer windows are also included within the proposal. The demolition of the existing structure is required as the existing timber walls are infested with woodworm and the front foundations require strengthening.

#### PLANNING HISTORY

The site has been the subject of an application for a Certificate of Lawfulness for the occupation of Barn House and Barn Cottage as two separate dwellings and was approved on 12 January 2000 (S/1998/1066 relates). In addition consent was given on 9 October 2000 for extensions and alterations to Barn House (S/2000/1335 relates). The proposed alterations were identical to the proposals submitted as part of this application. The only difference between the two applications relates to the demolition of the existing structure due to structural problems.

#### CONSULTATIONS

Housing & Health Officer	No objections
Environment Agency conditions below	No objections on flood risk grounds subject to
English Nature	No objection - there is no evidence of bats at the site.

#### REPRESENTATIONS

Advertisement: No

Site Notice displayed	Yes	Expiry 21/12/00
Departure	No	
Neighbour notification	Yes	Expiry 14/12/00
Neighbour response	No	
Parish Council response	No	

#### MAIN ISSUES

1. Accordance with housing policy
2. Impact on neighbouring amenity
3. Nature conservation and impact on adjacent river environment and wider landscape setting

#### POLICY CONTEXT

H30, C7 and C12, C18 and G1 of adopted SDLP

#### PLANNING CONSIDERATIONS

1. Accordance with housing policy

The proposed development now relates to a replacement dwelling within the open countryside and as such policy H30 is relevant.

Policy H30 states:

*The replacement of an existing dwelling in the countryside will normally be permitted provided that:*

- (i) *the proposed replacement dwelling is not significantly larger than the existing dwelling;*
- (ii) *the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;*
- (iii) *the dwelling is not disproportionate in size to neighbouring properties;*
- (iv) *the siting of the replacement dwelling is closely related to that of the existing;*
- (v) *current parking and access standards can be met; and*
- (vi) *the existing dwelling has not been abandoned.*

*Where the residential use of the existing dwelling is the result of a temporary, or a series of temporary permissions, any permanent replacement dwelling will only be permitted in exceptional circumstances.*

The proposed replacement dwelling would be built within the same footprint of the existing property. The proposed alterations to the design and nature of the property include the introduction of first floor accommodation in the roof space of part of the dwelling that links Barn House and Barn Cottage incorporating dormer windows and additional fenestration to all elevations of the existing property. The proposed changes to the design and nature of the property would result in a dwelling that is larger than the existing property. However it is considered that the resulting dwelling would not be significantly larger than the existing property. In addition it is considered that the proposed alterations and extensions add greater legibility to the existing structure, are not out of keeping with the surrounding environment and in design terms are considered an improvement to the existing property. In any case the proposed changes to the existing property do not differ from the alterations already granted planning permission under S/2000/1335.

The proposal is therefore considered to comply with the criteria set out in policy H30 of the SDLP.

2. Impact on neighbouring amenity

As stated above the existing structure consists of two linked properties and as such the amenity of the two properties needs to be safeguarded against any new development that may have an adverse impact. The SW elevation of Barn House faces Barn Cottage and it is proposed to

construct two dormer windows in the roof space of this elevation. Window 25, as indicated on the plans, would look directly onto the patio area of the adjoining property. Whilst this window does serve a bedroom, additional light would come from two new, fairly large windows to the NW and NE elevations and it is therefore considered that it is acceptable to attach a condition so that this first floor bedroom window be fixed and obscure glazed.

It is considered that the proposed alterations do not cause demonstrable harm to the amenity of the neighbours to the NW of the site.

### 3. Nature conservation and impact on adjacent river environment and wider landscape setting

The property is set within close proximity to the River Avon with the garden area sloping towards the river to the north west of the site. The flood plain of the River Avon is designated as a Site of Special Scientific Interest and candidate Special Area of Conservation under the European Habitats Directive. As such policies C12 and C18 are relevant to this application. The Environment Agency have proposed a number of conditions relating to the restriction of development that is within close proximity of the watercourse and the restriction of storage of materials within the 1 in 100 floodplain. These conditions were attached to the previous consent and are considered acceptable in this case. Whilst the proposals would lead to a larger dwelling on this site it is considered that due to the size of the plot and the resulting design the proposed development would not harm the general setting of the adjacent river environment and the wider landscape setting.

The proposal is therefore considered to comply with policies C7, C12 and C18 of the SDLP.

### CONCLUSION

The proposed replacement dwelling is considered to meet the criteria of policy H30 and is not considered to harm the setting of the adjacent river environment or wider landscape area.

**RECOMMENDATION:** SUBJECT TO A BAT SURVEY AND NO ADVERSE COMMENTS FROM ENGLISH NATURE AS A RESULT OF THE BAT SURVEY THEN,

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

0014 To secure a harmonious form of development.

3. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within

(a) 8 metres of the top of any bank or watercourse

and/or

(b) 8 metres of any side of an existing culverted watercourse inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

4. There shall be no storage of any materials including soil within that part of the site liable to flood as shown by the 1 in 100 year flood plain on drawing no.35837/FM/92/11(2).

To ensure that there will be no increased risk of flooding to other land/properties due to the impedance of flood flows and/or reduction of flood storage capacity.



# APPRAISAL PAGE

Site Visit Date

Application Number

Site Notice Displayed

29/11

S/00/2164

Yes  No

Description of Development correct Yes  No

Consultations adequate Yes  No

Publicity adequate Yes  No

**CONSERVATION**

**LISTED BUILDINGS**

**DESIGN & APPEARANCE**  
Scale, massing, character, materials

**AMENITY**

Privacy / Overlooking  
Terracing

**AMENITY AREA**

Conforming with policy R2

**HIGHWAY**

Traffic, Access, Parking

**LANDSCAPING**

Enclosure, Ex. Trees  
Levels / Topography

**NOISE / POLLUTION**


**ADJOINING LAND USES**

**DRAINAGE**

**DISABLED ACCESS**

**FLOODING**

**SITE NOTES**

- Existing structure = large foot print with 2 storey gable with side & form  & foot pad  
↑ separate directly

- adj rise & in flood plain & slope down

- Textured white render with some roof slopes of small concrete dark tiles + timber cladding

- In need of renovation

- Site elevation = middle house but good boundary & visible - trees etc

- Amenity NW elev. face rise & no properties

- NE = fence. Wall but fair distance any <sup>156/159</sup> windows in SW elev face Ben Howe observe + omit back!

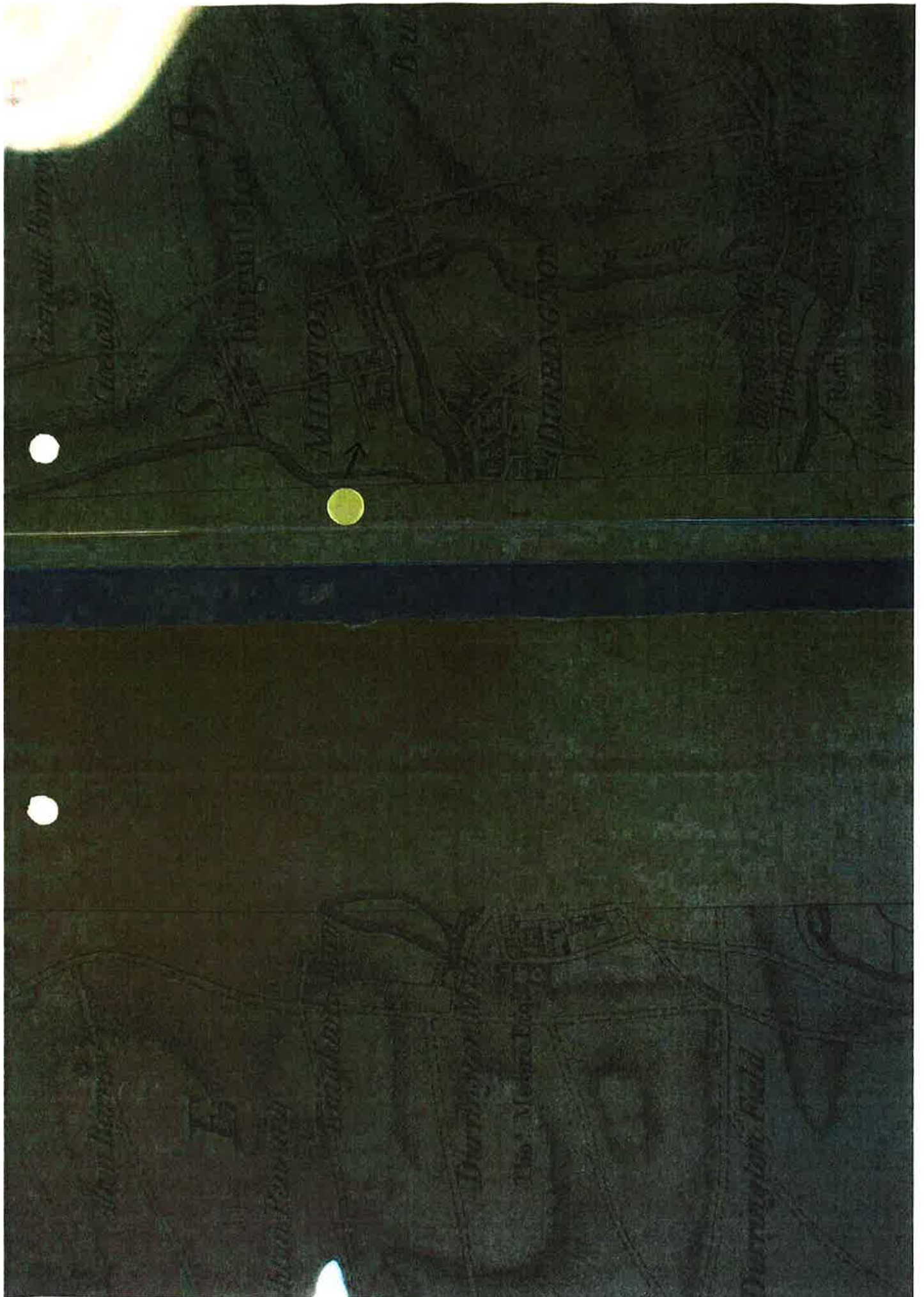
## ADDITIONAL NOTES / SKETCH

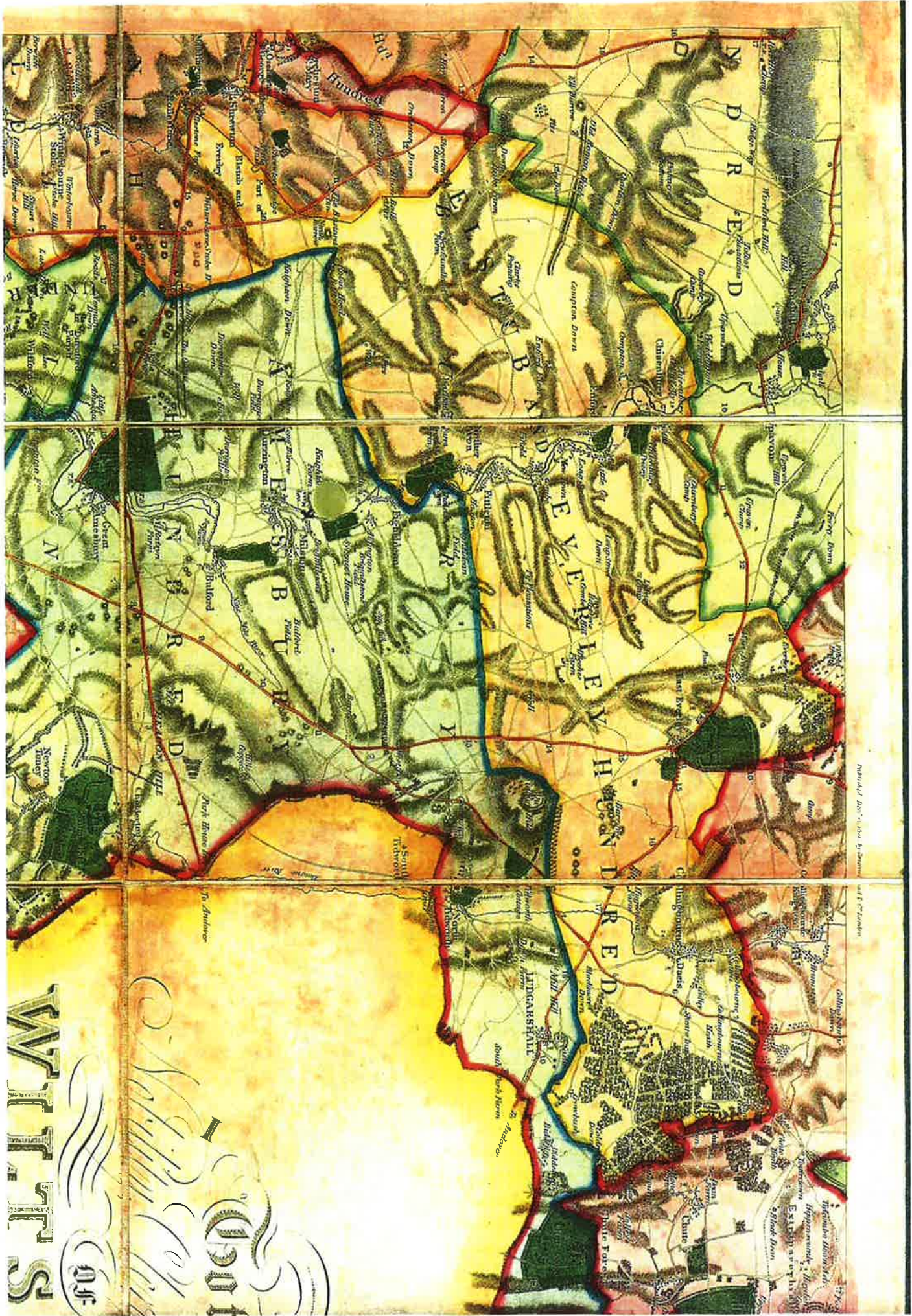
- Area in vicinity not eye of any public character & appears appear to build on existing design & theme

- Although larger property created, large plot & should accommodate - add legibility & form + work survey of exist! as with S/00/1355

Other



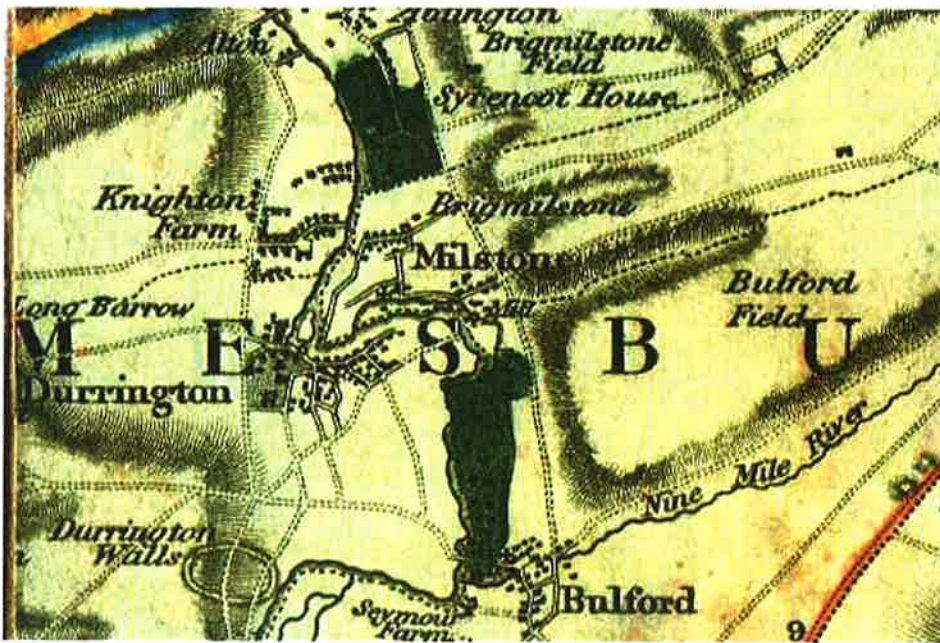


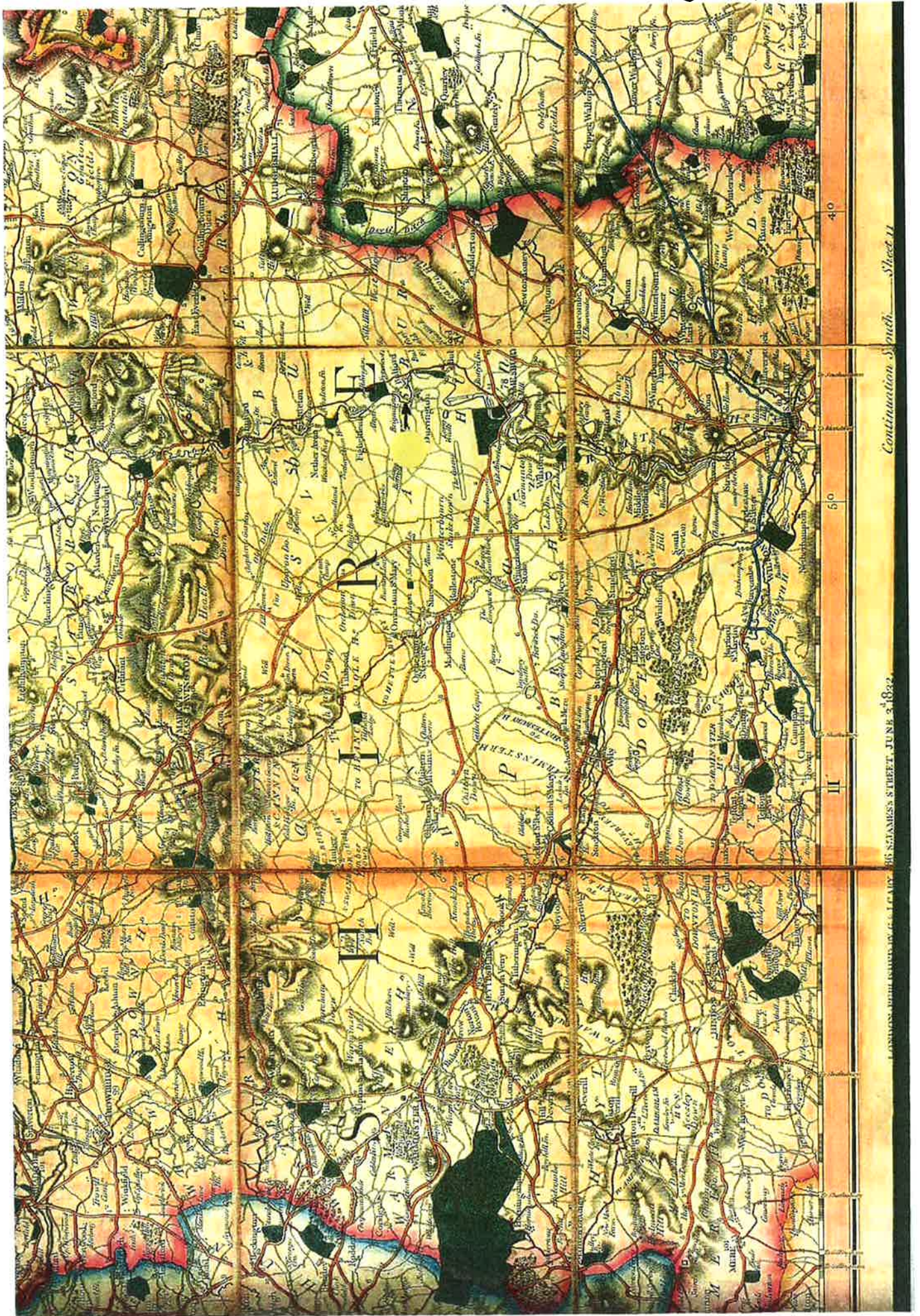


WILTSHIRE  
 JOHN WILKINSON  
 1845

Published by John W. & Co. London

Greenwoods Map of Wiltshire 1820





Continuation of Sheet I

LONDON, BETH ISLAND, & C. I. C. 1832

40

50

II



Cary 1832 enlarged

# Explanation.

Mail Roads

Timpike Roads

Carringe Roads *which are Parochial Roads*

Parochial Roads

Churches and Chapels

Cities

Borough Towns { *The Stars denote the Number of Members returned to Parliament.* }

Market Towns { *The distance from London is prefixed to each Town.* } WELLINGTON

Parishes

Sidbury

Villages and Farms

Crablake

Gentlemens Houses and Grounds

Hills { *The Figures denote their Elevation above the level of the Sea* }

Lakes and Rivers

Navigable Canals

Drains

Iron Rail Road

Antient Earth Work

Roman Roads

Boundaries of Counties

Boundaries of Hundreds

Cliffs

Fiers

Rocks *always uncovered*

Rocks *covered at high water*

Rocks *always covered*

Sands *covered at high water*

Sands *always covered*

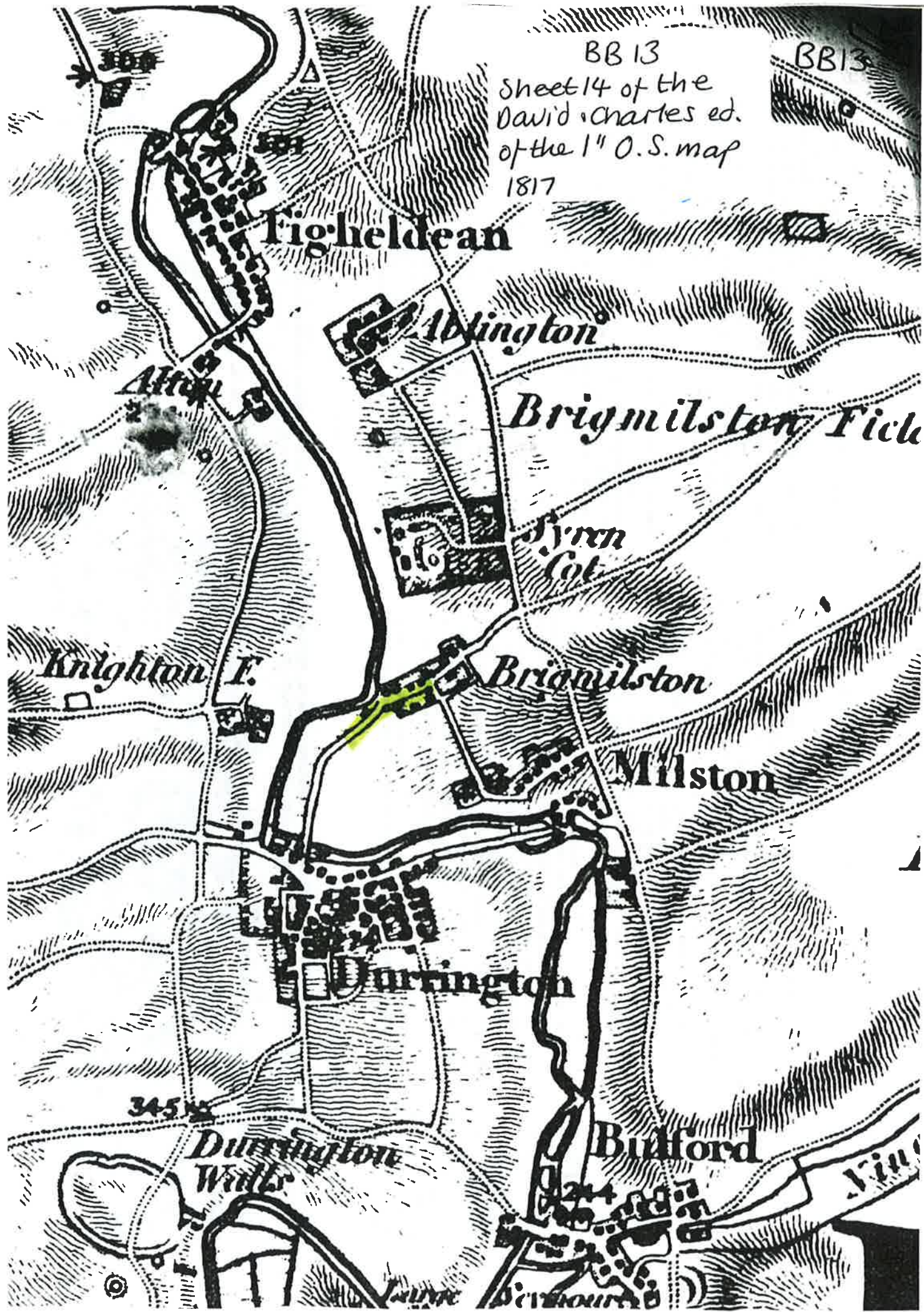
Anchorage

Direction of the Currents

*The figures on the coast show the depth of water in fathoms*



BB 13  
Sheet 14 of the  
David Charles ed.  
of the 1" O.S. map  
1817



Figheledean

Abington

Brigmilston Field

Syren Cot

Brigmilston

Milston

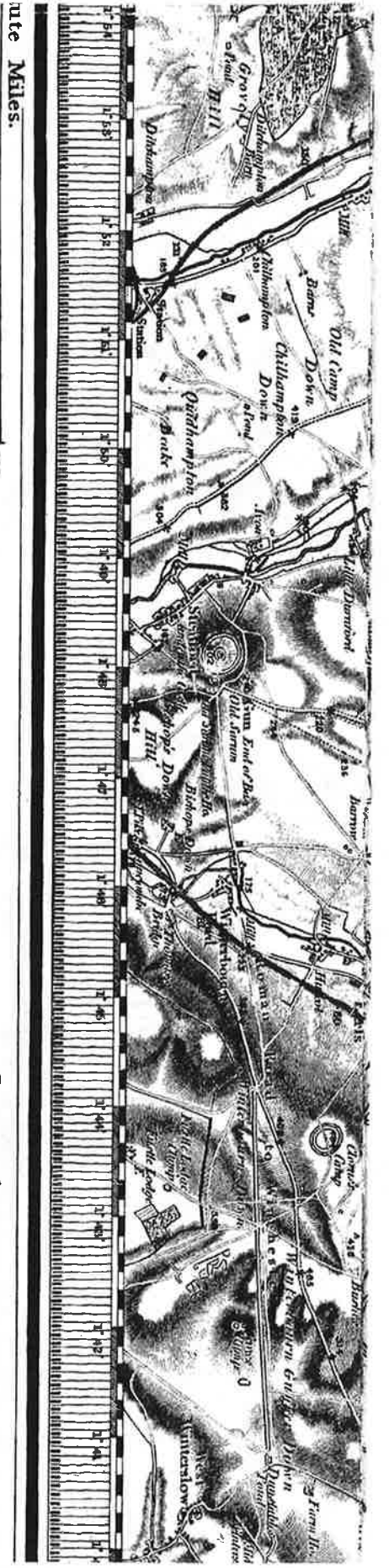
Durrington

Durrington Walls

Bullford

Vine





ute Miles.

Scale 1:100,000

Engraved at the Drawing Room in the Tower under the Division

title slip which describes the issue as 'Ordnance Survey of Great Britain. Part the Wilts. Containing the Central Part of Wiltshire. A Portion of Somersetshire, and the remaining Part of Hampshire. Comprised in Plates No. 14, and 19.' On the early states no borders were engraved—possibly to facilitate the mounting of different sheets as a unit for one county, although on some copies a separately engraved border has been pasted on (RGS, Duke of Wellington set). The marginal imprints read 'Published 14th. Aug. 1817. by Col. Mudge, Tower,' and 'Engraved in the Drawing Room in the Tower, under the Direction of Col. Mudge, by Benjn. Baker & Assistants—The Writing by Ebenr. Bourne.' There may be more than one state of the map in this early period.

2) James Gardner printings (1824-40)

In 1824, James Gardner, former trigonometrical surveyor with the Board of Ordnance, was appointed agent for the sale of the Ordnance maps. In the bottom border of the map he was permitted to have engraved 'Sold by J.G. Gardner, Agent for the Sale of the Ordnance Maps 163, Regent Street, London.'<sup>12</sup> In addition, 'Printed by Ramshaw' is added in the bottom margin.<sup>13</sup> The border has been completed on all sides; and, probably in more than one state, we may expect to encounter minor revisions to topography.

3) First electrotype printings (1850s)

'Printed from an Electrotype' is not added below the bottom border, but by analogy to other sheets a duplicate plate may have been first made c1850. A number of changes may be noted. The Gardner and Ramshaw imprints have been deleted. The numbers of adjacent sheets have been added within borders, and an arabic sheet number by the roman in the north-east corner. The first railway information, namely the Wilts & Somerset Railway—serving Trowbridge and terminating abruptly in open country at Westbury station—has been inserted. The BM copy is accession-stamped 1854.

The Index to the Tithes Survey, showing parish boundaries, was based on an

electrotype duplicate of this printing but in an earlier state which lacks the Wilts & Somerset Railway.

4) Middle electrotype printings (1860s)

A new inner edge has been added to the border, and values for latitude and longitude within it. Further railway material has been inserted including the Wilts Somerset & Weymouth Railway (Salisbury Branch), the Berks & Hants Railway and a line (unnamed) following the Roman Road to Silchester. The BM copy is accession-stamped 1863 and bears the OS embossed stamp 1863.

Other electrotypes made in the 1860s are exemplified by the RMA copy, the duplicate plate for which was made in 1865, but the map actually printed in 1866. Additions include a branch line from the Berks & Hants Railway to serve Marlborough and a number of spot heights.

5) Late electrotype printings (post 1870, David & Charles facsimile)

Changes made after the 1860s, probably effected on several electrotypes, recorded further railway construction. A new electrotype plate was made in 1871,<sup>14</sup> but the map published by David & Charles is printed from an OS Record Copy, the electrotype plate for which was made in 1891 and the map actually printed in 1893. Railways have been added to June 1882 and new material (since the 1860s) includes the Swindon Marlborough & Andover Railway. Numerous spot heights have been added to the plate—some using the convention of an arrow pointing to a number.

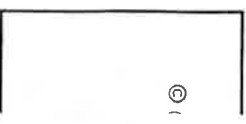
We may sum up by saying that the map published in facsimile is a composite document embodying material from a succession of dates. The engraving of 1817 (based on a survey 1808-16) remains intact over much of the sheet. The major revisions result from the periodic insertion of railway material.

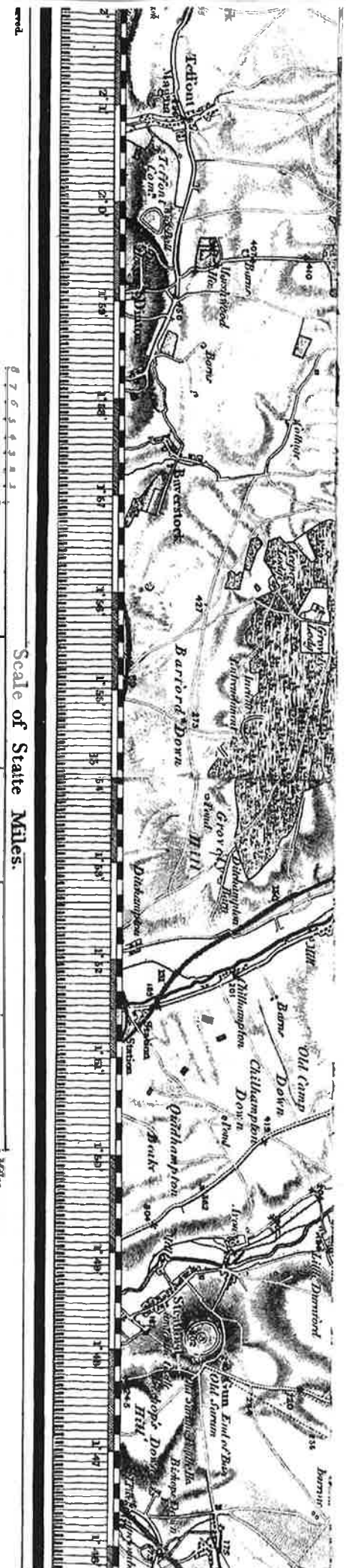
J. B. H.

References

<sup>1</sup> William Mudge and Isaac Dalby, *An Account of the . . . Trigonometrical*

*Survey of England of the triangulation*  
 2 The measurement  
 3 vol 1, pp 256-68,  
 4 For an index to  
 5 *British Parliament*  
 6 These comment  
 7 drawing number  
 8 See sheet 76 of  
 9 Sir Charles Clark  
 10 edition with an  
 11 This is the site,  
 12 I owe this sugge  
 13 BM Maps 148 e  
 14 The London dire  
 15 from 1824 to 184  
 16 James Ramsha  
 17 listed in the dire  
 18 engraved on the  
 19 Ordnance had g  
 20 be printed in Ra  
 21 I owe this state





to establish in receipt of surveyed and the British

a final draft of the map was those office men assisted by the Tower of London. Several of these are mentioned in the drawing of the plain area sketching is shown in the margin in the edition of (D & C 76) antiquary, 1801 with an engraver. The engravers finished

state, printed from a press in the Tower, were then circulated for corrections to be made by well-informed gentry within the county: again, as with sheet 19, published on the same day, it is possible that Sir Richard Colt Hoare cast his eye over a proof.<sup>8</sup>

#### PUBLICATION HISTORY

The main stages in the revision of the map are outlined below, although these should not be regarded as a definitive carto-bibliography embracing all printings where addition or deletion has produced alteration to the copper-plate or its successive electrotypes. Nonetheless, it will assist historians in assessing the extent of revision between the first printing of 1817 and that reproduced by David B. Charles, and allow isolated copies, in a variety of local map collections, to be dated approximately.

##### 1) Early printings (1817–c1824)

Sheet 14 was first published on 14 August 1817, as one of a pair of sheets (OS numbers 14, 19) issued on the same day, and both measuring c29 x 23in.<sup>9</sup> In common with a band of sheets occupying central England, the reason for this reduction of size from the larger sheets (36in x 24in) employed elsewhere is not clear, although it may be related to the projection of the map from independent meridians at Greenwich and Burtonon Hill, with the result that the intervening country would not divide into equal rectangles.<sup>10</sup> The influence of projection on the construction of the map is also confirmed by the fact that it does not form a right angle at the north-east corner and the northern neat line is about half-an-inch shorter than the southern: it was along the tapering eastern edge of sheet 14 that part of the discontinuity arising from sheets projected from separate meridians had been reconciled.

Sheets 14 and 19 do not coincide with the county boundaries of the area they cover, although the traditional practice of the Board of Ordnance in attempting to issue the sheets in relation to a county, is reflected in a contemporary printed

title slip which describes the issue as 'Ordnance Survey of Great Britain, Part the VI<sup>th</sup>. Containing the Central Part of Wiltshire, A Portion of Somersetshire, and the remaining Part of Hampshire. Comprised in Plates No. 14, and 19.'<sup>11</sup> On the early states no borders were engraved—possibly to facilitate the mounting of different sheets as a unit for one county, although on some copies a separately engraved border has been pasted on (RGS, Duke of Wellington set). The marginal imprints read 'Published 14<sup>th</sup> Aug. 1817, by Col<sup>l</sup>, Mudge, Tower,' and 'Engraved at the Drawing Room in the Tower, under the Direction of Col<sup>l</sup>, Mudge, by Ben<sup>l</sup>, Baker & Assistants—The Writing by Eben<sup>r</sup>, Bourne.' There may be more than one state of the map in this early period.

##### 2) James Gardner printings (1824–40)

In 1824, James Gardner, former trigonometrical surveyor with the Board of Ordnance, was appointed agent for the sale of the Ordnance maps. In the bottom border of the map he was permitted to have engraved 'Sold by Jas<sup>s</sup>, Gardner Agent for the Sale of the Ordnance Maps 163, Regent-Street, London.'<sup>12</sup> In addition, 'Printed by Ramshaw' is added in the bottom margin.<sup>13</sup> The border has been completed on all sides: and, probably in more than one state, we may expect to encounter minor revisions to topography.

##### 3) First electrotpe printings (1850s)

'Printed from an Electrotpe' is not added below the bottom border, but by analogy to other sheets a duplicate plate may have been first made c1850. A number of changes may be noted. The Gardner and Ramshaw imprints have been deleted. The numbers of adjacent sheets have been added within borders, and an arabic sheet number by the roman in the north-east corner. The first railway information, namely the Wilts & Somerset Railway—serving Trowbridge and terminating abruptly in open country at Westbury station—has been inserted. The BM copy is accession-stamped 1854.

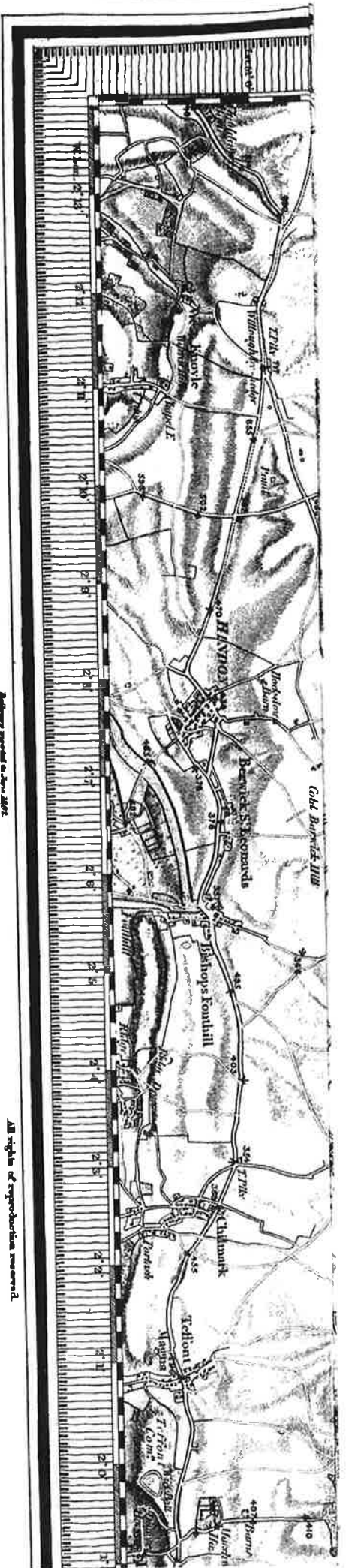
The Index to the Tithe Survey, showing parish boundaries, was based on an

electrotpe duplicate of Wilts & Somerset Railw:

4) Middle electrotpe printings A new inner edge has been longitue within it. Further Wilts Somerset & Weym Railway and a line (unnamed) BM copy is accession-stamped Other electrotpes made duplicate plate for which 1866. Additions include a Marlborough and a numt

5) Late electrotpe printings Changes made after the recorded further railway 1871,<sup>14</sup> but the map published Copy, the electrotpe plate printed in 1893. Railway (since the 1860s) include Numerous spot heights (vention of an arrow point We may sum up by saying document embodying map 1817 (based on a survey The major revisions result

References  
1 William Mudge and I



Published, according to Col. Mudge, Tower:

Drawings recorded in Tower 1807.

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## SHEET 77 DEVIZES

Sheet 77 of the David & Charles edition was sheet 14, named Devizes, in the *Old Series of Ordnance Survey 1in maps*.

### SURVEY

The survey of Wiltshire began in 1793 when the triangulation<sup>1</sup> of Dorset was extended northwards, by Captain William Mudge and Isaac Dalby, to observe trigonometrical stations at Old Sarum, Four Mile Stone (on the road from Salisbury to Devizes) and Beacon Hill near Amesbury. These observations were continued in 1794 and, in June of that year, the measurement of the base-line of verification on Salisbury Plain was put in hand. This base extended from Old Sarum Castle (where 'Gun End of Base' is marked on sheet 14: an upturned gun muzzle marked the exact site) to Beacon Hill near Amesbury, and was measured with a hundred-foot steel chain.<sup>2</sup> As Mudge reports: '... great pains were taken to produce an accurate result', and his detailed description of the stages in the operation can leave us in little doubt as to the meticulous care exercised with the geodetic framework for the first 1in maps, although we should not forget, that in this early period at least, the trigonometrical survey was regarded as an end in itself.

The interior triangulation, extending the framework of precisely located points to many other local landmarks—including church spires, prehistoric earth works, windmills and clumps of trees—was completed in the early 1800s under the direction of Lieutenant-Colonel William Mudge and Captain Thomas Colby.

The local topographical survey was undertaken—apart from the line of the Marlborough turnpike in the north of the sheet surveyed in 1816—between 1807 and 1811 at a uniform scale of 2in to 1 mile. It was executed by the Royal Military Surveyors and Draftsmen, and probably assisted by local surveyors hired for the task. Their methods seem to have included the use of compasses to

take angular measurements, and pacing or the perambulator to establish distances within the triangulated framework. The field parties were in receipt of supplementary pay for every square mile successfully surveyed and planned.<sup>3</sup> Copies of the fair drawings of this work are preserved in the British Museum.<sup>4</sup>

### DRAWING AND ENGRAVING

From the nine field drawings relating to sheet 77 in whole or part, a final draft was prepared for the engraver at a scale of 1in to 1 mile. This reduction was undertaken by Thomas Yeakell,<sup>5</sup> also a Royal Military Surveyor, whose office was in the Drawing Room of the Tower of London. He may have been assisted by other members of the Corps, some of whom returned to work in the Tower after a summer season in the field. A revision and selection of material took place at this stage. For instance the milestones (ms) indicated along several roads on the drawings have been omitted from the engraved map; there are minor revisions to the spelling of place-names (eg Ffield, west of Marlborough, becomes Fyfield); and some of the descriptions of antiquities on the drawing have been edited for the engraver. The drawings for the Salisbury Plain area give the appearance of being executed with particular care: the hill sketching is carefully done by the use of a fine black colour wash; settlements are shown in red, roads buff and the Kennet & Avon Canal in green.<sup>6</sup> As befits a region rich in prehistoric earthworks both the drawings and the engraved sheets are something of a landmark in the history of the Ordnance Survey's depiction of archaeological sites. It seems likely that on this sheet, as on sheet 19 (D & C 76) to the west, Sir Richard Colt Hoare (1758-1838), the Wiltshire antiquary, had a hand in the inclusion of so much specialised detail.<sup>7</sup>

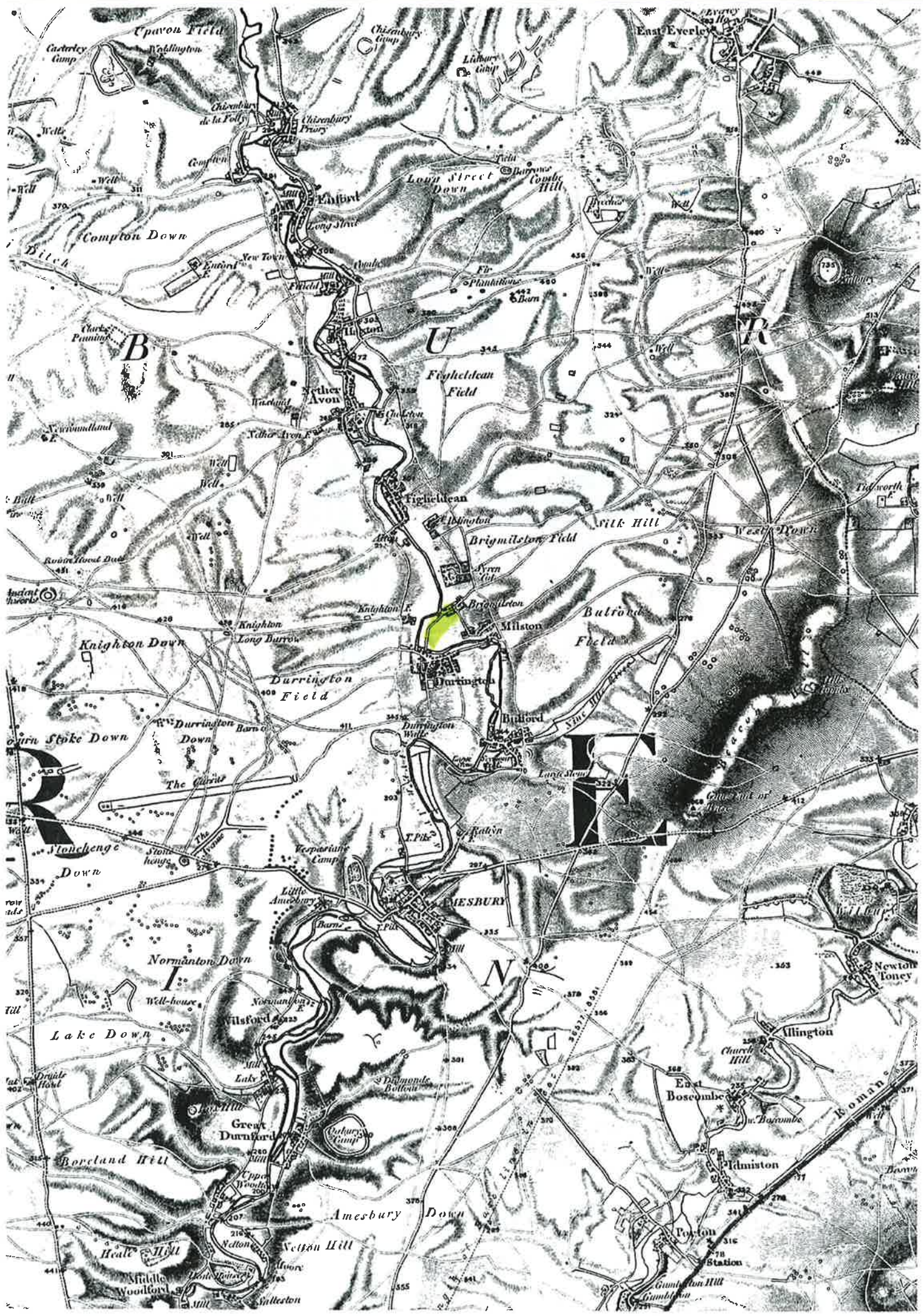
An engraver's workshop had been set up in the Tower after 1801 with Benjamin Baker (formerly in private practice in Islington) as principal engraver. The lettering was cut by Ebenezer Bourne, one of his four assistant engravers at this date. Proof impressions of the map, both in outline and later finished

state, printed from to be made by well 19, published on t his eye over a proof

### PUBLICATION HI

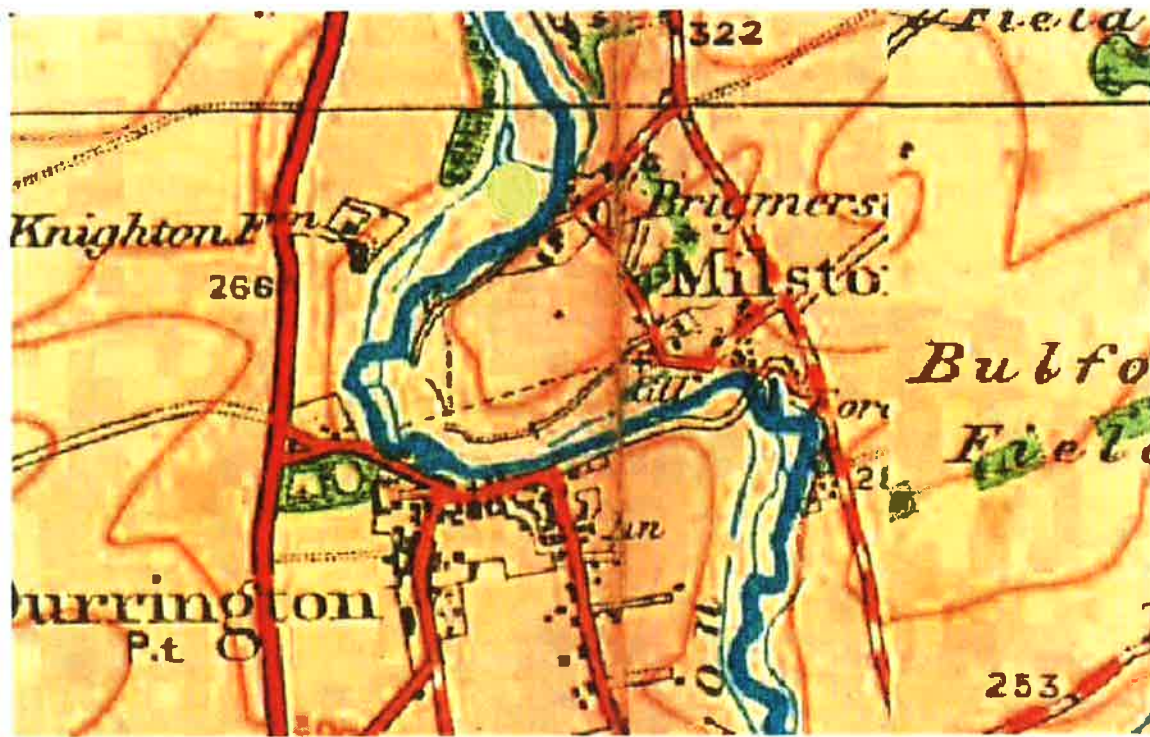
The main stages in should not be regar where addition or successive electrot extent of revision t David & Charles, ar to be dated approx:

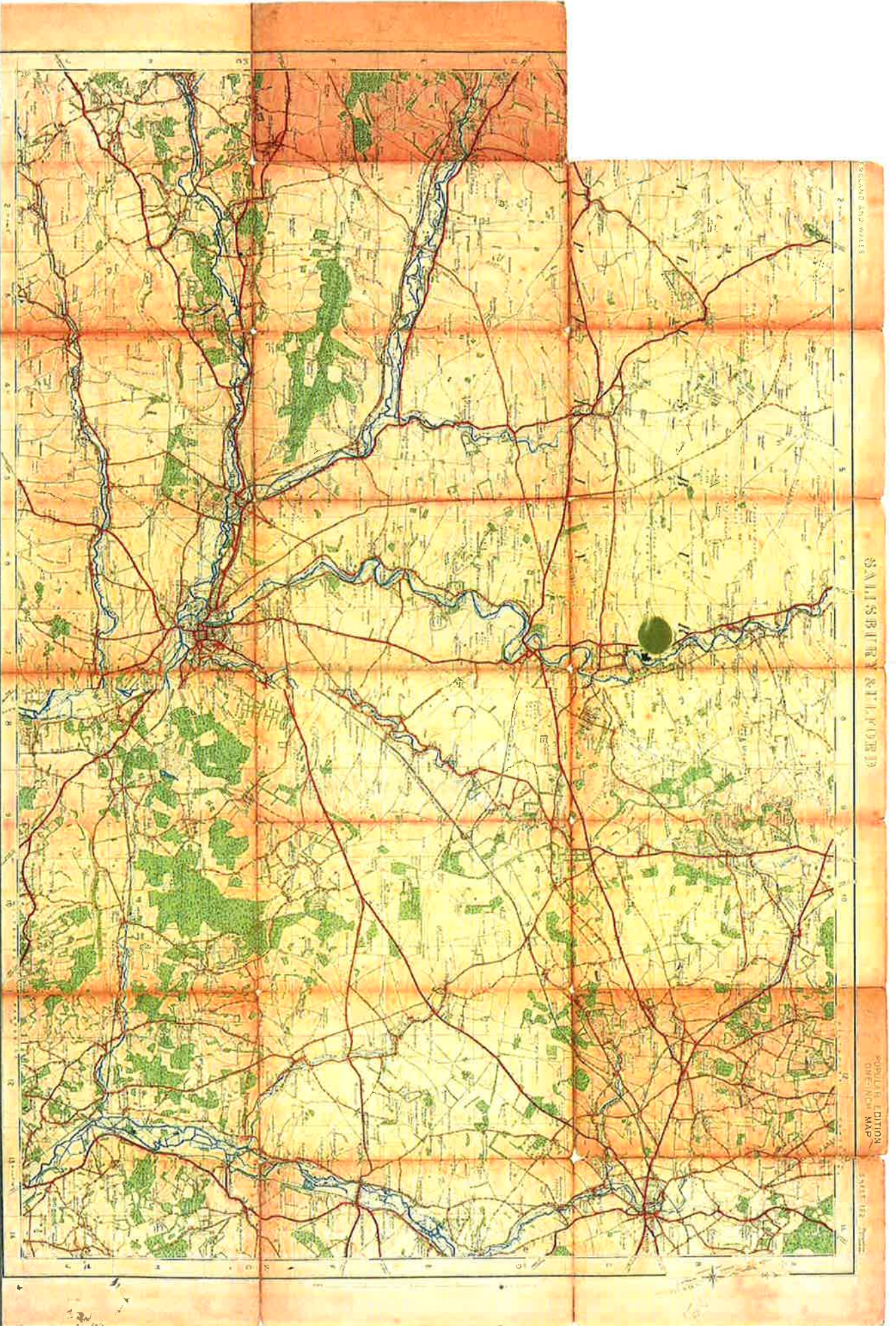
1) Early printings ( Sheet 14 was first (OS numbers 14, 1: In common with a this reduction of si is not clear, althou dependent meridia intervening county projection on the t it does not form a line is about half-a eastern edge of st projected from sep Sheets 14 and 15 cover, although the to issue the sheets



BB14

Enlarged extract from Popular Edition of 1919 1 inch Ordnance Survey map





BB14

Engraved at the ORDNANCE SURVEY OFFICE, Southampton.  
 Surveyed in 1882-5 and Published in 1892-3.  
 Revised in 1897. and in 1903-5.  
 Revised (5<sup>th</sup> Revision) in 1913.  
 Published by Colonel Sir Charles Close, KBE, C.B., CMG, Director General.  
 Printed at the Ordnance Survey Office, Southampton, 1919.

*N.B. The representation on this map of a Road, Track, or  
 Footpath, is no evidence of the existence of a right of way.*

	Surface	Good & fit for fast traffic	Fit for ordinary traffic	Indifferent or winding road	Bad	
Main Routes between towns	} over 14' of metalling					Railw.
Other Roads						"
Roads under 14' wide						Minor
Minor Roads						Wood
Bridle & Footpaths						Orcha
(Private Roads are uncoloured. Unfenced Roads are shown by dotted lines)						
Slopes steeper than $\frac{1}{4}$						

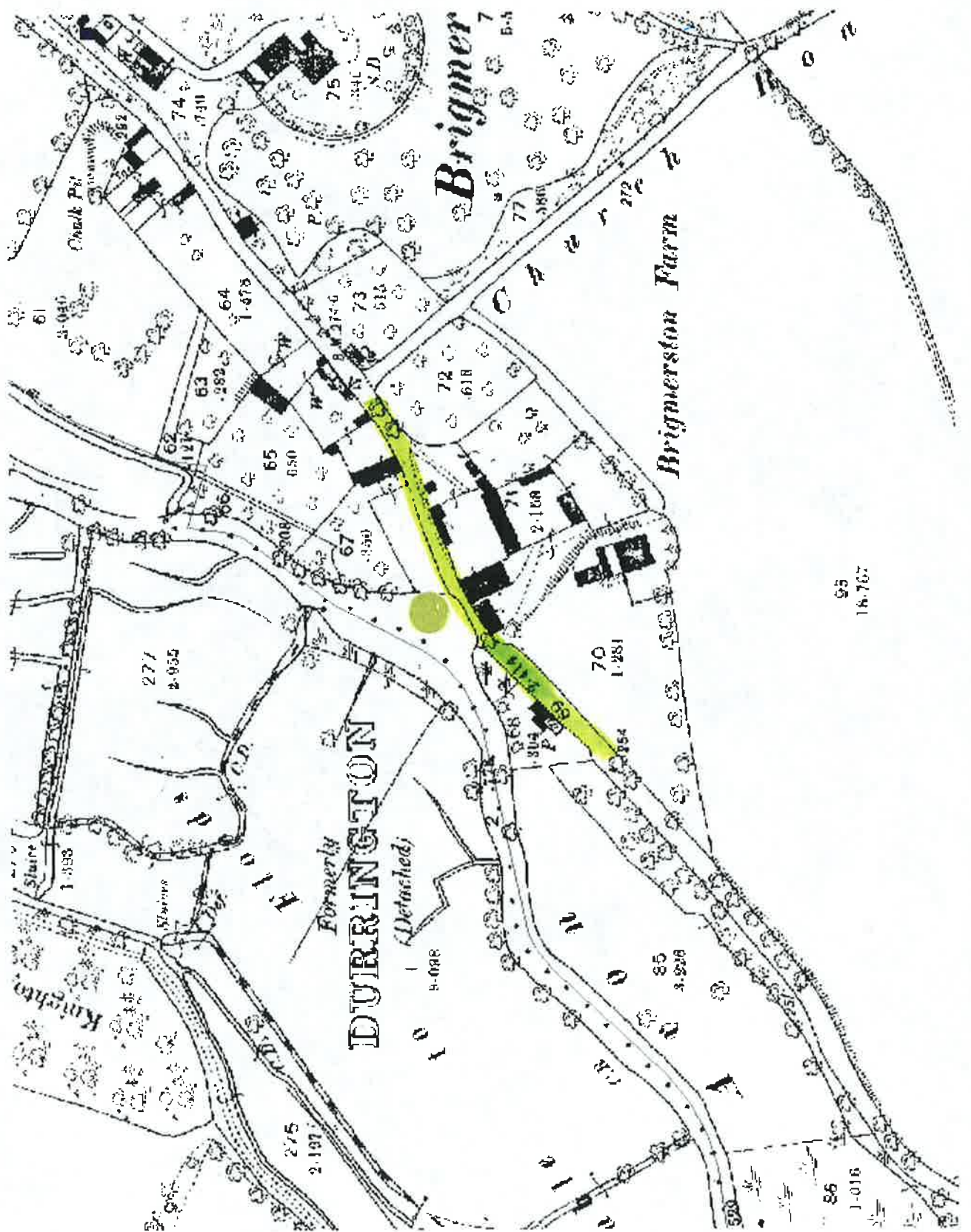
Key for 1 inch Ordnance Survey map revised in 1913 and printed in 1919





First edition County Series Ordnance Survey map, surveyed 1877-78, 25 inches to 1 mile

BB 16



95  
18.767

1926 edition 25 inches to 1 mile Ordnance Survey Map  
County Series, surveyed 1877-78

