

Stone Lane, Axford to the A4 at Putall – Summary of Evidence

The application route runs from the junction of U/C5085 and Ramsbury 43 BR at Crosslanes, just south of Church Farm Axford, generally southwards to the A4. On the Application map it is shown from point A (RAMS43) to point B (junction with RAMS9B FP) to C (junction with Cross Lane) to D (junction with RAMS 44 FP) via point E to F (junction with MILD16 FP) to point G at the A4.

Approximate grid references are Point A: SU23486969, Point G: SU23716781.

WSHC means Wiltshire & Swindon History Centre, Chippenham; TNA means The National Archives, Kew

Inclosure agreement for North and South fields, Cow Down and Axford Marsh in Axford in Ramsbury, 1727 (WSHC Ref. 1883/217)

The agreement sets out “Ways, Drove Ways, Lanes, Private Ways, Highways”, including Stone Lane Way, North Lane, Cross Lane, South Lane, and Hill Close Lane. The agreement did not include a map but it is possible to deduce which of the present lanes and other tracks in Axford are those named in the agreement. Section A-B of the application route is Stone Lane Way, section B-C is part of North Lane, section C-D is Cross Lane, section D-E is the western end of South Lane and section E-F is Hill Close Lane. Section F-G is not in Axford and hence not mentioned in the Inclosure Agreement.

Stone Lane Way was set out with a width of 16ft, North Lane 33ft, Cross Lane 33 ft, South Lane 33 ft and Hill Close Lane 33 ft.

The roads laid out, although allowing access to private land, as a network allow movement north and south between the existing highways of Axford Street and The Bath Road. It is likely that all were cart or carriage roads, which could also be used as droves. Those “roads” specified with widths of 16 feet or more must certainly have been more than footpaths.

Appendix A: the clauses in the Inclosure Agreement that set out the roads in South Field and The Down.

The roads set out are described with reference to the lots allocated to individuals on either side of them; nothing in their description suggests ownership by any such individual, although in one case “the herbages” are said to belong to Thomas Appleford junior.

Many of the lotts are described at least in part by referring to one or more of the roads by which they are bounded, the implication being that the roads were distinct from the lotts they bound. For example,

“A lot in South Field bounded on the east by Holly Lane and the north by Mead Lane”

“A lot in the Down bounded north by North Lane and east by East lane”

“A lot in the Down bounded east by East Lane and south by South Lane”

Many further examples can be viewed in the typewritten synopsis of the Inclosure Agreement held with it (WSHC Ref 1883/27) and also among Barbara Croucher's Research Papers (WSHC 3397/15).

If a road was for the sole or shared use of a landowner or landowners, one would have expected the commissioners to have said so and they did not. None of the roads are described as “private” as mentioned in the preamble to the agreement (see Appendix A). The phrase “for the conveniency of the Proprietors” is used but it is not qualified by any term such as “sole”, does not mention private or exclusive use by the proprietors and need have no such connotation. It is perfectly reasonable to suppose that as the landowners had come to an agreement as to how the land would be allotted, they also agreed the most convenient routes for the ways to follow.

Appendix B: the logic by which the applicant has correlated the roads named in the Inclosure Agreement with the present day network of lanes, reaching the same conclusions as others previously (e.g. Barbara Croucher, author of “The Village in the Valley: A History of Ramsbury”)

Axford Inclosure Award 1727.jpg: a map illustrating the position of the “Ways, Drove Ways, Lanes, Private Ways, Highways” set out by the Inclosure Agreement

Survey of Putell Farm 1737 (WSHC, Ref. 1300-372MS)

The southernmost section of the application route, northwards from point G, is shown as a fenced road coloured sienna, running northwards on the eastern edge of Underwood Field (labelled B2J) and annotated at its northern end “Axford Lane”. Part of the local road network that lead to Axford.

Andrews & Dury's ½” Index Map of Wiltshire 1773 (WSHC, Ref. 1300/48/A-S)

The entire application route is shown as a minor road.

Andrews & Dury's 2” Map of Wiltshire 1773 (WSHC, Ref. 1300/48/A-S) Sheet 12

The entire application route is shown clearly as a minor road.

Robertson's 1” Survey of the Bath Road 1792 Map No. 8 (WSHC, Ref. AAA/912)

The entire application route is shown as a minor road.

Rennie's Survey for the Kennet and Avon Canal 1793 (WSHC, Ref. 1644/34)

The entire application route is shown as a minor road

Cary's Map of Wiltshire, 1801 (WSHC, Ref. Printed Maps 3.2)

The application route from point A to point F is shown as a minor road. Axford Lane running north from The Bath Road (including section F-G of the application route) is also shown as a minor road but the map does not show their connection.

Smith's Map of Wiltshire, 1801 (WSHC, Ref. Printed Maps 2.2)

The entire length of the application route is shown as a "Cross-road"

Andrews & Dury's ½" Index Map of Wiltshire, 2nd Edition, Revised and Corrected 1810 (WSHC, Ref. A1/524/2MS)

The whole of the application route is shown as a "Cross Road"

Andrews & Dury's 2" Map of Wiltshire 1773 Revised and Corrected 1810 (WSHC, Ref. A1/524/2MS) Sheet 9

The whole of the application route is shown as a "Cross Road"

Mogg's 1" Survey of the High Roads of England and Wales ... Plate 182, 1816 (London to Bath)

Section G-F of the application route is shown as a minor road running north from the Bath Road about 300 yards west of the 71 mile milestone (i.e. from point G).

Ordnance Survey 1" Old Series 1817 Sheet 14 (WSHC, Ref. Printed Maps 3.7) & OS 1in Old Series conventions

This map shows the southern end of section A-B of the application route (i.e. Stone Lane Way), section B-C (North Lane, which it shows running eastwards from Stone Lane Way), section C-D (Cross Lane), section D-E (South Lane), section E-F (Hill Close Lane) and section F-G (Axford Lane) as "fenced Minor Roads". There is no key. However, "The Old Series Ordnance Survey Maps of England and Wales, Volume III, South-central England", published by "Harry Margary, Lympne Castle, Kent, 1981", Figure 6, pp xviii – xix, illustrates "Topographical conventions, not to true size, used in engraving the maps of south-central England".

C&I Greenwood's Map of Wiltshire 1820 (WSHC, Ref. 2667/21/16)

From point A to just south of point F the application route is shown as a "Cross Road". The last leg, also shown as a "Cross Road", from just south of point F to the Bath Road is slightly offset reaching the Bath Road further west.

Ordnance Survey 1" Old Series 1828 Sheet 34 (WSHC, Ref. Printed Maps 3.8) & OS 1in Old Series Conventions

This shows the northern end of section A-B of the application route (i.e. Stone Lane Way), the section not shown on 1817 Sheet 14, as a "Fenced Minor Road". There is no key. However, "The Old Series Ordnance Survey Maps of England and Wales, Volume III, South-central England", published by "Harry Margary, Lympne Castle, Kent, 1981", Figure 6, pp xviii – xix, illustrates "Topographical conventions, not to true size, used in engraving the maps of south-central England".

C&I Greenwood's Map of Wiltshire, Reduced and Corrected 1829 (WSHC, Ref. Printed maps 3.3)

Shows the route from A-F as a "Cross Road"; the last leg, if shown, is obscured by the depiction of the parish boundary

London and Bath Trust via Hungerford 1832 (WSHC, Ref. A1/370/20HC)

Wiltshire Quarter Sessions, Road from Marlborough to Hungerford. This plan shows the northern part of section A to B of the application route, Stone Lane Way. East of Stitchcombe Farm, in Axford, are shown from west to east Coomb Lane, Coomb Way, Stone Lane Way (beneath the "Y" in "VAISEY") and Holly Lane. The one page Book of Reference lists owners, occupiers, state of land (e.g. "Arable"), length and parish for each land holding along the route but does not mention roads.

Cary's 1/2" Map of England and Wales 1832, Sheet 18 (WSHC, Ref. Printed Maps 3.4)

All parts of the application route from point A until the east-west track between points F and G are shown as *Carriage Roads* or *Parochial roads*. Similar to Greenwood (1820), Cary shows the last leg to point G on the Bath Road offset a short distance to the west.

London and Bath Turnpike Trust deviation 1835 (WSHC, Ref. A1/370/21HC)

Wiltshire Quarter Sessions, Deviation of the Bath-London road between Hungerford and Marlborough. This plan shows the northern part of section A to B of the application route, Stone Lane Way. Its continuation northwards is labelled "To Axford"; further east Holly Lane is also labelled "To Axford". The one page Book of Reference lists owners, occupiers, state of land (e.g. "Arable"), length and parish for each land holding along the route but does not mention roads.

Walker's Map of Wiltshire 1836 (WSHC, Ref. Printed Maps 1.22)

This shows the entire application route as a minor road

Vestry Map of Ramsbury 1839 (WSHC, Ref. 1792/38L, Roll 1 (Western Division) of 2)

This map was probably prepared for valuation purposes. The application route from A to F is shown as a fenced road coloured sienna, no apportionment number. Adjacent lands are numbered and described in the associated **Book of Reference (WSHC 1792/39)**. No sienna roads are numbered. From F-G the route was not in Ramsbury.

Map of Ramsbury 1841 (WSHC, Ref. 2365L; Book of Reference 1792/39)

Copy on a reduced scale of the 1839 Vestry Map. The whole of the application route from point A to the Little Bedwyn parish boundary (around point F) is shown as a fenced road coloured sienna. The fields and lands adjacent to the application route are numbered. The application route is unnumbered. The route is shown the same as known highways leading out of the parish to labelled destinations e.g. "From Mildenhall", "From Marlborough".

Ramsbury Tithe Map 1842 (TNA, Ref: IR 30/38/224)

The application route is shown, unnumbered and uncoloured, from its northernmost point (point A) as far as the Little Bedwyn parish boundary (point F). Apportionments on both sides of the route are numbered where fields are shown. In Little Bedwyn the application route is annotated "To Bedwyn". In the Apportionment Roll there is an entry "Roads, Water and Waste 53a – 7"

As the application route is unnumbered and hence not described specifically in the Apportionment Roll the applicant concludes it was considered to be a public road and that the area occupied by the route is included as part of "Roads, Water and Waste". The narrative "To Bedwyn" reinforces the idea that the route was public as it seems unlikely that would appear if the route was viewed as purely private.

Deposited plans of the Basingstoke and Didcot Junction Railway with a branch through Newbury to Swindon 1844 (WSHC, Ref. A1/371/29MS)

Sheet 7A: A length of the road is shown within the limit of deviation and numbered "22". The projected line crosses the application route at just over 30 miles 2 furlongs at point A. (Note: the plan is oriented with North at the bottom).

Book of Reference: "PARISH of Ramsbury in the COUNTY of Wilts" "Numbers referring to the plan: 22" "NAMES of OWNERS or REPUTED OWNERS: Surveyor of Highways for Axford Tithing John Rowland" "NAMES of LESSEES or REPUTED LESSEES: (left blank)" "OCCUPIER'S NAMES: The Public" "DESCRIPTION OF PROPERTY: Parish Road" Part of the local public road network.

Book of Reference: "PARISH of Ramsbury in the COUNTY of Wilts" "Numbers referring to the plan: 51" "NAMES of OWNERS or REPUTED OWNERS: Surveyor of Highways for Axford Tithing John Rowland" "NAMES of LESSEES or REPUTED LESSEES: (left blank)" "OCCUPIER'S NAMES: The Public" "DESCRIPTION OF PROPERTY: Public foot path" Another entry that shows that footpaths were recorded differently from Parish Roads

Ramsbury Tithe Award 1844 (WSHC, Ref. D/1/25/T/A/Ramsbury)

In two parts, shows the outlying fields in the Axford area. Part 1 shows the application route from point A to the Little Bedwyn Parish boundary, the limit of the map's coverage. There is no apportionment number on any section of this route indicating that no tithe was assessable and that it was acknowledged to be public. At the southern end of the route, at the border with Little Bedwyn parish, the map is marked "to Bedwyn". It seems unlikely it would be so marked if the route was regarded as private. Part 2 shows the entire application route from point A to the Little Bedwyn Parish boundary, the limit of the map's coverage. There is no apportionment number on any section of this route indicating no tithe was assessable and that the route was not claimed to be private. At the southern end of the route, at the border with Little Bedwyn parish, the map is marked "from Bedwyn". It would be unlikely to be so marked if the route was regarded as private.

Deposited plans of the London, Bristol and South Wales Direct Railway with a branch to Devizes 1845 (WSHC, Ref. A1/371/45MS)

This relates to the Hungerford to Chepstow section of this railway. A length of the road is shown within the limit of deviation and numbered "17". The projected line crosses the application route at just under 6 miles 4 furlongs between points A & B (Stone Lane Way) just south of the Pit. (Note: the plan is oriented with North at the bottom).

Book of Reference: "Parish of Ramsbury" "Township or Tything of Axford" "No. on Plan: 17" "Description of Property: Public Highway" "Owners or Reputed Owners: Thomas Osmond Surveyor of Highways for the Township or Tything of Axford". Part of the local public road network.

The same page in the book of reference shows how a footpath has been recorded differently from the application route

Book of Reference: "Parish of Ramsbury" "Township or Tything of Axford" "No. on Plan: 12" "Description of Property: Field and Footpath" "Owners or Reputed Owners: Sir Robert Burdett" "Lessees or Reputed Lessees: Henry Woodman" "Occupier: Henry Woodman"

An earlier page describes a parcel of land in Park Town as "field and occupation road and. public bridle road"

Book of Reference: "Parish of Ramsbury" "Township or Tything of Park Town" "No. on Plan: 1" "Description of Property: field and occupation road and. public bridle road" "Owners or Reputed Owners: Sir Robert Burdett Bart" "Lessees or Reputed Lessees: Robert Canning" "Occupier: Robert Canning"

Weller's Map of Wiltshire 1862 (WSHC, Ref. Printed Maps 1.29)

From point A to south of point F the application route is shown as a "Road". South of that it Weller shows that "Road" turning south-eastwards into Putall Farm and from there south to The Bath Road.

Marlborough Highways Board: Survey of Roads 1865 (WSHC, Ref. G8/1/28)

"Parishes", "Mildenhall", "Roads", "From Putall Wood to TP London Road" "Remarks on present state of same", Narrow, not

space for two vehicles abreast , no metalling. Woods need cutting”.

This must refer to the present MILD16 FP (the Axford Lane section), including section F-G of the application route. Axford Lane was considered to be a vehicular route, the responsibility of the Marlborough Highways Board.

Another entry refers to a road from Putall Road to Holly Corner.

“Parishes”, “Ramsbury”, “Tithing”, “Axford”, “Roads”, “Putall Road to Holly Corner” “Remarks on present state of same”, Green Drove, ruts filled in with unbroken flints

A third refers to Stone Lane, from Stichcombe Corner to Holly Lane.

“Parishes”, “Ramsbury”, “Tithing”, “Axford”, “Roads”, “Stone Lane, from Stichcombe Corner to Holly Lane” “Remarks on present state of same”, “Very rough”

It seems reasonable that Holly Corner was the junction between Holly Lane and North Lane (i.e. where the present RAMS9B turns westwards) and the green drove mentioned was North Lane, of which section B-C of the application route is the western end. Holly Corner cannot be at the northern end of Holly Lane because the report itself names the road at that northern end as Stone Lane. The only remaining possibility in Axford for the Putall Road mentioned is the application route. Putall Road cannot be another name for Coomb Lane because that is and was in Mildenhall. This suggests North Lane (including section B-C of the application route) was considered a *road* which was the responsibility of the Marlborough Highways Board.

Ordnance Survey Boundary Remark Book 5501A Little Bedwyn 1874 (TNA, Ref. OS 26/11336)

Page 9 shows a wide unnamed track, part of the application route, running in Mildenhall along the border with Little Bedwyn and then continuing into Ramsbury. This section is from just north of point G to just south of point F. The track is Axford Lane.

Ordnance Survey Boundary Remark Book 5638 Ramsbury 1874 (TNA, Ref. OS 26/11126)

Page 4 shows a wide unnamed track, part of the application route, at the junction of Ramsbury and Little Bedwyn. Shown is part of the section between point G (off the sketch top left) and point F (off the sketch bottom right). The track is Axford Lane.

Bacon's Map of Wiltshire, circa 1876 (WSHC, Ref. Printed Maps 2.10)

This map shows the area the same as in Weller's map of 1862.

Ordnance Survey Boundary Sketch Map covering Froxfield and Little Bedwyn, 1876 (TNA, Ref. OS 27/5731)

This shows as a track the southernmost part of the application route (from point G on the Bath Road northwards beyond point F) running along the Little Bedwyn – Mildenhall border, and extending north of Little Bedwyn parish (marked P.9.). The track is Axford Lane.

Ordnance Survey Boundary Sketch Map covering Mildenhall, 1876 (TNA, Ref OS 27/5756)

In the south eastern area of this map at a point labelled B is shown the southernmost part of the application route (Axford Lane, from point G northwards beyond point F) running from the London-Bath road along the Mildenhall – Little Bedwyn parish boundary, and then into the parish of Ramsbury, no longer following the boundary

Ordnance Survey Boundary Sketch Map covering Ramsbury, 1876 (TNA, Ref OS 27/5767)

In the south-west corner of the map is shown part of the southernmost leg of the application route (Axford Lane, between points G and F) running northwards into Ramsbury and southward in Mildenhall from the point at which the parishes of Ramsbury, Mildenhall and Little Bedwyn meet (labelled “A” here).

Ordnance Survey 25”, 1st Edition, Wiltshire Sheet 29/11 (1885) (WSHC)

Section A-B of the application route (Stone Lane Way) is shown with a sienna (metalled) central portion with wastage either side. It is fenced except at the Pit. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered and measured.

Section B-C is a short section at the western end of North Lane. North Lane is uncoloured, at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft, no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and Cross Lane).

The northern part of section C-D (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and North Lane)

Ordnance Survey 25”, 1st Edition, Wiltshire Sheet 29/15 (1886) (WSHC)

The southern part of section C-D of the application route (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. It is numbered and measured separately from the land on each side.

Section D-E is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. It is uncoloured with no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It separately numbered (936) and measured (2.285). At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees.

Section E-F (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is uncoloured and amongst the trees. Fenced, no gates, not marked FP or BR. Width including wastage about 50ft. Dotted central portion is much narrower.

Section F-G (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, Uncoloured, no gates, not marked FP or BR. Separately numbered and measured. Named

“Axford Lane”.

OS1in New Series Sheet 267 Hungerford (coloured), Published 1889 (WSHC, Ref. Printed Maps 4.40)

The southern portion of section A-B of the application route, section B-C, section C-D, all but the very westernmost part of section D-E and the southern most portion of section F-G are all shown and as “Minor Roads”

Phillips' Cyclists map of Wiltshire 1890 (WSHC, Ref. Printed Maps 2.14)

The application route from point A to south of point F is shown as per Weller's map of 1862 but described as a “Cross Road”

OS1in New Series Sheet 266 Marlborough (coloured) Surveyed 1878-86, Published 1892 (WSHC, Ref. Printed Maps 4.38)

The northern portion of section A-B of the application route, the extreme western end of section D-E, all of section E-F and the northern portion of section F-G are all depicted and as “Minor Roads”.

Ordnance Survey Object Name Book – Wiltshire Sheet XXIX SE 1899 – 1922 (TNA, Ref. OS 35/7496)

These three descriptions are on page 11.

“List of names... Littleworth”... “Authority for these modes of spelling Col. E.B. Merriman (agent) Savernake Estate Office See OS Form 230 attached, See OS 1/2500 of XXIX 15”,... “Descriptive remarks ...Applies to two cottages etc...”

“List of names... Sawpit Drive”... “Authority for these modes of spelling As above agent See OS Form 230 attached, See OS 1/2500 of XXIX 15”, “Descriptive remarks ...Applies to a private road extending from Amity Oak etc...”

“List of names... Axford Lane”... “Authority for these modes of spelling As above agent See OS Form 230 attached, See OS 1/2500 of XXIX 15”, “Descriptive remarks ...An unmetalled road extending from NW corner of Putall Park to 30 chains east of Putall Lodge Gate”

Axford Lane as described above is section F-G of the application route. Note that Sawpit Drive is described as “private” and the next entry, Axford Lane, is not.

Col. Merriman signed the OS. 230 form as “Agent to the Most Hon Marquis of Ailesbury (occupier)” and must surely have been happy with the Descriptive Remarks.

Ordnance Survey 25” , 2nd Edition, Wiltshire Sheet 29/11 (1900) (WSHC)

Section A-B of the application route (Stone Lane Way) is shown with an uncoloured central portion with wastage either side. It is fenced except at the Pit. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered and measured.

Section B-C is a short section at the western end of North Lane. North Lane is uncoloured, at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft , no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and Cross Lane)

The northern part of section C-D (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered and measured separately from the land on each side (but it is included with Holly Lane and North Lane).

Ordnance Survey 25” , 2nd Edition, Wiltshire Sheet 29/15 (1900) (WSHC)

This example held at the WSHC is the Finance Act Working Plan and has consequently been coloured to show the various apportionments. It is therefore not possible to say the application route was either coloured or uncoloured prior to being used as the Working Plan.

The southern part of section C-D of the application route (Cross Lane) is shown. It is fenced on both east and west; no gates. It is not marked FP or BR. It is separately numbered and measured.

Section D-E is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. There are no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It separately numbered and measured. At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees.

Section E-F (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is amongst the trees. Fenced, no gates, not marked FP or BR. Width including wastage about 50ft. Dotted central portion is much narrower.

Section F-G (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, No gates, not marked FP or BR. Separately numbered and measured. Named “Axford Lane”.

Ordnance Survey 6” , 2nd Edition, Wiltshire Sheet 29 SE (1900) & OS 6in Conventional Signs(1)&(2) (WSHC)

All sections of the application route; namely A-B (Stone Lane Way), B-C (part of North Lane), C-D (Cross Lane), D-E (part of South Lane), E-F (Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as “Fenced Minor Roads” except the southern part of section A-B, unfenced on its western side but fenced on its eastern.

Deposited plans of the Central Wilts Light Railway, Railway No 4, 1903 (WSHC, Ref. A1/371/169BMS)

A length of the road is shown within the limit of deviation and numbered “7”. The projected line crosses the application route at just under 2 miles 7 furlongs between points A and B (Stone Lane Way) just south of the pit (the plan is oriented with north at the top).

Book of Reference: “Parish of Ramsbury (Rural District of Ramsbury), in the County of Wilts” “No. on Plan: 7” “Description of Property: Occupation Road, Chalk Pit and Land” “Owners, or Reputed Owners: Sir Francis Burdett, Bart”, “Lessees, or reputed

lessees: (blank)" Occupiers: Sir Francis Burdett, Bart"

It may have been that by 1903 Stone Lane Way was regarded as an Occupation Road but, as the legal maxim "*once a highway always a highway.*" indicates, that in itself would not serve to negate earlier rights.

Mildenhall Parish Council drew attention to a number of inaccuracies in the plans (see below, WSHC Ref. 2902/1) and this Book of Reference categorizes many routes differently to previous railway plans. It may be that the railway's research was poor.

Mildenhall Parish Council Minutes, 19th June 1903 (WSHC, Ref. 2902/1)

Page 55. The parish council called the attention of the Rural District Council to inaccurate descriptions in the Schedule to the Central Wilts Light Railway (five inaccuracies in Mildenhall alone)

The minutes for Mildenhall Parish Council dated 19th June 1903 resolved

"to call the attention of the District Council to the following numbers in the Schedule which are inaccurately described viz.;

"No.6 should be an Accommodation Road

9 should be Parish Road (Cock-a-troop)

21 should be Parish Road

26 should be Parish Road (Forest to Stitchcombe)

and also to the fact that no mention is made of an accommodation road in Plot 22"

Ordnance Survey 1st New Series, 3rd Edition 1903, Sheet 267 (Hungerford), Surveyed 1872-1883, Revised 1901-02

The southern portion of section A-B of the application route, section B-C, section C-D, all but the very westernmost part of section D-E and the southern most portion of section F-G are all shown as either third class metalled roads or unmetalled roads.

Differentiating between the two types is not easy as that is indicated by the thickness and closeness of the lines representing the road, and that is not very clear on the map.

Ordnance Survey 1st New Series, 3rd Edition 1904, Sheet 266 (Marlborough), Surveyed 1878-1883, Revised 1902.

The northern portion of section A-B of the application route, the extreme western end of section D-E, all of section E-F and the northern portion of section F-G are all depicted as either third class metalled roads or unmetalled roads. Differentiating between the two types is not easy as that is indicated by the thickness and closeness of the lines representing the road, and that is not very clear on the map.

Marlborough RDC Rights of Way Map 1905 (WSHC, Ref. G8/250/1)

A route from Stitchcombe to the London Road at Putall (labelled 34) included section F-G of the application route coloured yellow with the classification - "*Highways repaired by the District Council*". Part of the local maintained public road network.

Marlborough RDC Rights of Way Report 1905 (WSHC, Ref. G8/250/2)

"33 An old footpath is claimed....."

"34 The road leading from Stitchcombe, via Putall Park, to the London Road has been disturbed: the road should follow the Parish Boundary through Hill Copse and a corner of East Croft Coppice"

Refers to as a "*road*", rather than for example a "*footpath*" the route labelled "34" on the accompanying map, (G8/250/1) from Stitchcombe to the London Road at Putall which includes section F-G of the application route.

Rural District Council Minutes 1906 (WSHC, Ref. G8/100/2)

Page 372: "*Upon the motion of the Chairman it was resolved that the Council confirm the decisions arrived at by the council in committee upon the subject of Roads and Footpaths in the District as follows:*"

"32 The grass track"

"33 An old footpath....."

"34 The road leading from Stitchcombe, via Putall Park, to the London Road has been disturbed: the road should follow the Parish Boundary through Hill Copse and a corner of East Croft Coppice"

Continues to refer to the route from Stitchcombe to the London Road at Putall (34 above) which includes section F-G of the application route as a "*road*" rather than, for example, "*footpath*" or "*grass track*"

Ordnance Survey 1st, 3rd Edition, Sheet 113 Revised 1901-02, published 1908, Railways to 1912 (WSHC, Ref. Printed Maps 4.18)

Section A-B of the application route is shown as a 1st or 2nd Class Fenced Metalled Road. From point B south to the A4 at point G the application route is shown as either fenced 3rd Class metalled or unmetalled roads (can't tell which).

1910 Finance Act Record Plan Sheet XXIX.X1 (TNA, Ref. IR 125/11/352)

Section A-B of the application route is uncoloured i.e. it is not included in the apportionment on either side of it. Broken green braces are drawn either side of section A-B but do not extend across it. As the land constituting section A-B of the application route in unvalued, this suggests it belongs to a rating authority. As it is not held by a local authority or government department for any other known reason, this suggests that it belonged to a highway authority. Had it only been a bridleway, the Inland Revenue would have valued the land and allowed a deduction instead, since this would have resulted in a greater tax levy.

1910 Finance Act Working Plan Sheet XXIX.X1 (WSHC, Ref. L8/10/29 Sheet 29.11)

Section A-B of the application route is uncoloured i.e. it is not included in the apportionment on either side of it. Broken green braces are drawn either side of section A-B but do not extend across it. The eastern end of South Lane is uncoloured i.e. it is not included in the apportionment on either side of it but there are no broken green braces shown. As the land constituting section A-B of the application route is unvalued, this suggests it belongs to a rating authority. As it is not held by a local authority or government department for any other known reason, this suggests that it belonged to a highway authority. Had it only been a bridleway, the Inland Revenue would have valued the land and allowed a deduction instead, since this would have resulted in a greater tax levy.

Ordnance Survey 25" , 3rd Edition, Wiltshire Sheet 29/11 (1924, Revised 1922) (WSHC)

Section A-B of the application route is shown with an uncoloured central portion with wastage either side. It is fenced except at the Pit. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered and measured.

Section B-C is a short section at the western end of North Lane. It is uncoloured, at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft , no wastage. It is numbered and measured separately (but included with Holly Lane and Cross Lane) from the land on either side.

The northern part of section C-D is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered and measured separately (but included with Holly Lane and North Lane) from then land on either side.

Ordnance Survey 25" , 3rd Edition, Wiltshire Sheet 29/15(1924, Revised 1922) (WSHC)

The southern part of section C-D of the application route is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. It is separately numbered and measured.

Section D-E is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. It is uncoloured with no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It separately numbered (936) and measured (2.285). At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees.

Section E-F (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is uncoloured and amongst the trees. Fenced, no gates, not marked FP or BR. Width including wastage about 50ft. Dotted central portion is much narrower.

Section F-G (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, Uncoloured, no gates, not marked FP or BR. Separately numbered and measured. Named "Axford Lane".

Ordnance Survey 6" , 3rd Edition, Sheet 29 SE, 1925 & OS 6in Conventional Signs (1) (&2)(WSHC)

All sections of the application route; namely A-B (Stone Lane Way), B-C (part of North Lane), C-D (Cross Lane), D-E (part of South Lane), E-F(Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as "Fenced or Unfenced Minor Roads".

Local Government Act 1929, Marlborough RDC Take Over Map (WCC ROW dept., Trowbridge)

Section F-G of the application route is shown in blue as a county unclassified road, U/C 5086. Coomb Lane, running south from Stitchcombe is also coloured blue, labelled U/C 5085, but a pencilled arrow and the word "Brown" point at that section.

Local Government Act 1929, Ramsbury RDC Take Over Map (WCC ROW dept., Trowbridge) & 1915 Ramsbury – Kellys.pdf

The application route is coloured blue from point A to the pit as a county unclassified road, U/C5085, then brown to its end at point G on the A4 as a non-maintainable public road. A pencilled note pointing at the blue section says "*Brown Take out* (pointing at the words 'U/C5085') *Agreed with Strickland*" According to a Kellys Directory Extract 1915 Ramsbury (© Wiltshire OPC project/2013/Eileen Barnett) in 1915 "*Ramsbury Rural District Council*", "*Officers*", "*Highway Surveyor, Sanitary Inspector and Surveyor of New Buildings : William Strickland, Charnham Street, Hungerford*".

Ordnance Survey 1" 5th Edition 1938 Sheet 112 Marlborough (WSHC, Ref. Printed Maps 4.17)

The entire route from point A to beyond point F is shown as an unmetalled road. The southernmost part of Axford Lane (that runs north from the A4) is shown similarly as far as a road which leads north-eastwards into Putall. It is not clear how much of the remainder of Axford Lane to point F is shown as the markings of the parish boundary obscure what might lie beneath them.

Ordnance Survey 1" Popular Series Sheet 112 War Revision 1940 (WSHC, Ref. Printed Maps 4.19)

From point A to B the application route (i.e. Stone Lane Way) is shown as a "*Bad Road*".

From point B to point G the application route (i.e. North Lane(part), Cross Lane, South Lane, Hill Close Lane and Axford Lane) is composed of "*Minor Roads*".

Ministry of Food National Farm Survey 1941-42 (TNA, Ref. MAF 73/45/29)

Wiltshire sheets 29.11 and 29.15 show the application route from point C to point E excluded from the property on either side, showing it was not privately owned. The valuer considered the route to be excluded from the agricultural holdings, and this only occurred where unproductive land fell between holdings. Carriageways are unproductive land. Inspection of the route shows it is not unproductive land of another sort (like a river)

Ordnance Survey Conventional Signs 1947 and 2½" Map, Edition 1, Sheet SU26, 1949 (WSHC)

All of the application route;, namely A-B (Stone Lane Way), B-C (North Lane), C-D (Cross Lane), D-E (South Lane), E-F(Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as fenced "Other Roads (not classified by the Ministry of Transport)".

NP&ACA1949, Original Parish Survey Form and Map – Mildenhall (1951) (WCC ROW Dept., Trowbridge)

"*Parish of Mildenhall*" "*Path No. 16*" "*CRB From London Road via Putall Park to Stitchcombe following Parish Boundary through*

Hill Copse and corner of East Croft Coppice . Nature of surface: “Tarred with loose gravel for light traffic, deteriorates into narrow footpath just beyond Combe Farm, develops into a grass track (muddy in wet weather) near Oxleaze Copse, then into a narrow footpath at Hill Close and finally broadens into a track suitable for cars” (handwritten); Observations: “By taking short cuts it becomes a narrow footpath but in several places there is a better road which goes further round” (handwritten); “CART TRACK”

Marlborough and Ramsbury RD Rights of Way Survey 1951, Statement required under Section 32. (WSHC, Ref. G8/250/3)

Page 77: Parish Mildenhall, Path No. 16 “C.R.B. - Axford Lane. From the southern end of spur road U/C5085 at the entrance to Combe Farm leading south-east along the Ramsbury boundary through East Croft Coppice and south-south-east along the edge of Putall to the London-Bath road, Trunk Road A.4, on the Little Bedwyn Parish Boundary”

“C.R.B.” has been struck through in pencil and changed to “F.P.”. “south-south-east along the edge of” has been inserted in pencil. Section G-F of the application route is Axford Lane running northwards from A.4.

Letter from The Forestry Commission dated 13th June 1953 (WSHC, Ref. F2/271/8)

In this letter The Forestry Commission objected to 43 routes. In only two cases did they qualify the name of the route to which they objected by adding further information: CR16 and CR15. “CR16 (on boundary of Mildenhall Parish and Ramsbury Parish). Should be a footpath”. They therefore specifically did not object to the existing status of CR16 on the boundary between Mildenhall Parish and Little Bedwyn Parish (i.e. the application route between points F and G). On the ground it is clear that the section to which they objected (Coomb Lane) is an offshoot from the major route, Axford Lane, that follows the application route.

Draft Map Inquiry Decision 1955 (WSHC)

“C.R.B. No 16 Modification of status. To be F.P. Only” “Admitted by Savernake Estate as F.P. Parish Council agree”.

The whole of C.R.B. (including section F-G of the application route) was downgraded, not just the length objected to.

Ordnance Survey 2½”, Sheet SU26, Revised 1961

All sections of the application route, namely A-B (Stone Lane Way), B-C (part of North Lane), C-D (Cross Lane), D-E (part of South Lane), E-F (Hill Close Lane) and F-G (Axford Lane to the A4) are shown as fenced “Other Roads (not classified by the Ministry of Transport)”.

“The Village in the Valley: A History of Ramsbury”, by Barbara Croucher: Research Notes (WSHC, Ref. 3397/15)

Amongst the papers are included

- a diagram showing South Field entitled “The Axford Common Field called Southfield, showing “Strips” and later Enclosure.” and further labelled “Deduced from the Axford Enclosure Award by agreement 1727” It illustrates to whom the land was awarded by the enclosure agreement. The layout depicted shows the same interpretation of the Inclosure Agreement as that of the applicant.

- a map depicting the roads set out by the Inclosure Agreement, similarly deduced by Barbara Croucher, and agreeing with the deductions made by the applicant.

- a typewritten summary of the provisions of the Inclosure Agreement, supplied to her by the University of Bristol in 1981.

Victoria County History of Wiltshire, Vol. 12, 1983, Map of Mildenhall c1842:

A Map of Mildenhall c1842 shows section G-F of the application route running northwards along the Mildenhall/Little Bedwyn boundary and then into Ramsbury.

Victoria County History of Wiltshire, Vol. 12, 1983, page 51

Provides context for the location in Axford of South Field and The Down

“The customary tenants of Ramsbury manor in Axford held the strip of land, possibly 750a., at the west end of the parish. They cultivated it in common until it was enclosed by private agreement in 1727. The arable land was in two fields. North Field, 280a. between the Kennet and road through Sound Bottom, included 8 a. between Axford Street and the river. South Field contained 194 a. south of Mead Lane...South of South field, adjoining Hens Wood and Putall Farm, was a down, c. 74 a., apparently for cattle. Between the fields a marsh and several islands in the Kennet, c.32 a., were commonable.”

“The Village in the Valley: A History of Ramsbury”, by Barbara Croucher, published 1986

The Axford enclosure agreement 1727 is covered on pages 126 and 127. Figure 14.8 on page 127 illustrates “Axford's Southfield after enclosure in 1727”. It is similar to the diagram in the author's research notes, but does not show the strips, just the areas of land allocated to each recipient. The diagram supports the applicant's conclusions around the naming of the roads set out by the commissioners in the Inclosure Agreement.

Wiltshire Highways Records map (as at 24th July 2017) (WCC ROW dept., Trowbridge)

The application route is shown coloured brown as a public road taken over from the RDC under the provisions of the Local Government Act 1929.

1727 Axford IA Transcript

A transcript by the applicant of the 1727 Axford Inclosure Agreement where it relates to the setting out of roads

Appendix A– Extracts from the 1727 Axford Inclosure Agreement

“...AND that it should be lawful for Edward Hanson, Jn. Brown and Roger Gate aforesaid by any writing under our hands and seals to allot divide and layout the sd. Common Field Down and marsh unto the several persons herein beforementioned according to the ex??? proportions or interest of each proprietor or subscriber aforesaid AND also to limit and appoint the places where each and every of their respective lotts ??? be allotted to them AND also to lay out Common Roads Ways Byways and private ways as might be necessary and convenient leading to every particular enclosure.....”

Extract from the agreement describing roads and ways created in the Marsh, South Field and The Down (numbering and yellow highlighting is by the applicant)

AND as Touching and Concerning Ways, Drove Ways, Lanes , Private Ways , Highways to be laid out for the conveniency of the Proprietors of the Enclosure we the said Edward Hanson Jon Brown and Roger Gate Do order and Appoint as follows (vis).....

1. **Item** in the marsh shall be left another Lane or Way beginning at Stone Lane and shall pass over the River Kennet to South Field which Way shall be everywhere Thirty Feet wide & which Way has been all Along in the Foregoing descriptions called Stone Lane Causey
2. **Item** in the marsh shall be left another Lane or Cartway which beginning at the south end of Saunders Lane shall pass thence over the River Kennet to the Gate at the North end of Coomb Way which Lane or Cartway shall be everywhere thirty Feet wide
3. **Item** in the marsh shall be left another Lane or Way beginning at Ann Harts way and shall pass over the River Kennet to Coomb Lane which Lane or Way shall be everywhere thirty feet wide
4. **In South Field** shall be left a Lane that beginning at Holly Lane Causey shall pass westwards till it comes into Coomb Lane having adjacent on its South side divided into Lotts as herein before described and on the north side divers meads belonging to proprietors herein before mentioned which Lane shall be everywhere twenty four feet wide and which lane has been all along in ye foregoing description called by ye name of Mead lane
5. **Item** in South Field shall be left another lane which beginning at Mead lane shall pass southwards until it comes into the Down having ye lotts of Thos Pearce & George Moor adjacent on ye East & Lotts of Edward Appleford George Moor adjacent on ye west which lane shall be everywhere sixteen feet wide and which lane has been all along in the foregoing descriptions called by the name of Stone Lane Way
6. **Item** in South Field shall be left another Lane or way which beginning at Mead lane shall pass southwards until it comes to Coomb Lane having adjacent on ye west a lott of Daniel Applefords ????? lott of Thos. Appleford Junr.(?) and on ye east ... part of a lott ??? Thomas Appleford Junr which lane or way shall be every where sixteen feet wide and which Lane or Way has been all along in the Foregoing descriptions called by the name of Coomb Way
7. **In the Down** shall be left a lane which beginning at the south end of Holly Lane shall pass on southwards till it comes to Saunders's Gate having adjacent on ye east divers(?) coppices of the proprietors herein before mentioned and adjacent on ye west four lotts of Danl. Appleford Senior herein before described which lane shall be every where thirty three feet wide and which lane has been all along in the foregoing descriptions called by the name of East Lane
8. **Item** in the Down shall be left another Lane which lane beginning at Saunder's Gates shall pass on westwards as far as a ground called Hill Close having adjacent on ye south divers coppices belonging to the proprietors herein before mentioned and Four lotts of Danl Appleford Senr. and adjacent on the north lotts of Danl Appleford Senr George Moor, Edward Appleford, Jonathon Knaxton & Thos Appleford Junr which lane shall be every where thirty three feet wide and which lane has all along in the foregoing descriptions called by ye name of South Lane
9. **Item** in the Downs shall be left another lane which beginning at the west end of South Lane shall pass southwards as farr as Putall Gate having adjacent on the east side a lot of Daniel Appleford Senior and having adjacent on its west a ??? called Hill Close and a Coppice called Oaken Coppice which lane shall be every where thirty three feet wide and which lane has been in the foregoing descriptions called by ??? name of Hill Close Lane
10. **Item** in the Downs shall be left another Lane or Way which beginning at the West end of South lane shall pass on first Northwards and then Westwards on ye West side of the downs as farr as Coomb lane haveing on the East side a lott of Thos. Appleford s and on ye West side a Coppice of George Moor which Lane or Way shall be every where Sixteen feet & an half wide and the herbage of which shall belong to Thos Appleford Junr
11. **Item** in the Down shall be another Way which beginning at the South end of Holly Lane shall pass westwards until it comes to a lott of Simon Applefords herein before described having adjacent on the South side lotts of Danl. Applefords Senr. and George Moors and adjacent on the North Side South Field which lane shall be everywhere Thirty three Feet wide and and has been all along in the Foregoing descriptions called by the name of North Lane
12. **Item** in the Down shall be left another Lane beginning at the West end of North lane shall pass on Westwards as farr as a Lott of Jonathon Knaxton having adjacent on the south a Lott of Simon Applefords and adjacent on the North all of South Field which way shall be everywhere Sixteen Foot and a half wide and the Herbage of the sd. way shall belong to Simon Appleford and which Way has been in the Foregoing description called Knaxtons Way
13. **Item** in the Down Shall be left another Lane which beginning at the West end of North Lane shall pass on Southwards as farr as South Lane having on the West the lotts of Symon Appleford Thos Pearse and Edward Appleford and having adjacent on ye East the lotts of George Moor which Lane shall be every where Thirty three feet wide and has been all along in the foregoing descriptions called by the name of Cross Lane
14. **Item** in the marsh shall be left a Footway which beginning at the south side of Saunders's Lane shall pass along ??? ?? Causey through the whole length of that lott of Jonathon Knaxtonss (herein before said to contain Two Roods and Thirty Seven Poles) till it reach the Bridge that passes over the River Kennett at the South end of the sd. lott and from this Bridge the said footway shall pass to the Gates att the North end of Coomb Lane

Appendix B: Rationale for the identification of roads set out in the 1727 Inclosure Agreement

The grid-like network of routes in Axford south of the River Kennet is little changed since the Andrews and Dury map of 1773. That map, the first Wiltshire county map to be based on an original survey since Saxton (1576), was produced forty-six years after the Axford Inclosure Agreement.

Roads of significance to this application are described in the agreement as in the Marsh, In South Field or In The Down

From Victoria County History of Wiltshire, Vol. 12, 1983, page 47-52

"The customary tenants of Ramsbury manor in Axford held the strip of land, possibly 750a., at the west end of the parish. They cultivated it in common until it was enclosed by private agreement in 1727. The arable land was in two fields. North Field, 280a. between the Kennet and road through Sound Bottom, included 8 a. between Axford Street and the river. South Field contained 194 a. south of Mead Lane...South of South field, adjoining Hens Wood and Putall Farm, was a down, c. 74 a., apparently for cattle. Between the fields a marsh and several islands in the Kennet, c.32 a., were commonable." [PDF: VCH Vol. XII p51]

Also:

"Axford Street was so called in 1727 when the road south of the Kennet and parallel to it was called Mead Lane"

North Field lay north of the River Kennet, bounded on its northern edge by Sound Bottom and its southern by the River Kennet.

In the Definitive Statement for Ramsbury RAMS43 is named "*Mead Lane*" and RAMS9A is named "*Holly Lane*"

RAMS43 runs eastwards south of the River Kennet from U/C5085 south of Church Farm to the junction of RAMS9 FP and RAMS9A BR.

South Field lay south of Mead Lane, i.e. south of the present RAMS43.

Hens Wood, Hill Close and Putall Farm are today (2018) still known as such.

Adjoining South Field to its south, bordered to its east by Hens Wood and to its south by Putall Farm was a down.

The following logic uses the description of the roads set out by the commissioners to identify the probable current day equivalent. It needs to be read in conjunction with Appendix A and Axford Inclosure Award 1727.jpg. The resultant naming of the tracks is entirely consistent with the evidence of the Inclosure Agreement and current place names.

ITEM 4 (*that is, the Inclosure Agreement description numbered 4 in Appendix A*)

Causey is an archaic or dialect term for causeway, which suggest that Holly Lane Causey was the northern continuation across the Marsh and the Kennet of Holly Lane, and is today footpath RAMS9.

Mead Lane therefore ran westwards along the present line of bridleway RAMS43 but as far west as Coomb Lane.

ITEM 8: Only one route in the area runs along the southern edge of The Down westwards to Hill Close, i.e. with coppices on its south and lotts on its north. That route is South Lane and Saunder's Gate is therefore at its eastern end, at the south-eastern corner of The Down where a track is shown continuing into Hens Wood.

ITEM 7: From that and the present day location of Holly Lane it follows that the route down the eastern side of The Down, adjacent to Hen's Wood, was East Lane.

ITEM 9: It also follows that Hill Close Lane is the leg of the present footpath RAMS44 that runs approximately southwards from the western end of South Lane as far as Putall (Putall Gate).

ITEM 10: It also follows that the "another lane or way" that runs northwards and westwards from South Lane "on the west side of the downs" is the lane that is shown on the Ordnance Survey 25" editions of 1886, 1900 and 1924 running around the edge of Hill Close. That means that Coomb Lane followed the line of the present day MILD16 FP as it ran from Stitchcombe.

As MILD16 is Coomb Lane then that means that Mead Lane continued westwards past the present junction with Stone Lane, along the present Kings Drive.

ITEM 1: Stone Lane Causey therefore ran from Stone Lane on the north side of the Kennet to a junction with Mead Lane at the northern edge of South Field. Today the whole distance from Axford Street (the C.6) to Mead Lane is named Stone Lane.

ITEM 5: Stone Lane Way was and is the continuation southwards and then south-eastwards of Stone Lane Causey past the Chalk Pit to what is now footpath RAMS9B.

ITEM 6: Coomb Way ran from Mead Way to Coomb Lane according to its description; today part of footpath RAMS45 runs from Kings Drive to MILD16. Coomb Way is therefore RAMS45 from Kings Drive southwards.

ITEM 2: As RAMS45 south of Kings Drive is Coomb Way, then RAMS45 north of Kings Drive is “another Lane or Cartway beginning at the south end of Saunders Lane ... over the River Kennet to the gate at the north end of Coomb Way”. Today the lane starts at the C.6 and is called Hoppers, rather than Saunders, Lane. RAMS45 in the Definitive Statement for Ramsbury is called “Hoppers”.

ITEM 11: Footpath RAMS9A is Holly Lane and, although the lane becomes RAMS9B as the bridleway turns east towards Park Town as RAMS52, Holly Lane physically runs as far south as the junction with footpath RAMS44. North Lane was what is now the continuation westwards of RAMS9B from Hens Wood at the southern end of Holly Lane .

ITEM 13: Cross Lane runs southwards from the west end of North Lane and is therefore the track marked “Axford Lane” that runs south through the Down from just west of where Stone Lane Way meets North Lane.

ITEM 12: Therefore Knaxton's Way was what is now RAMS9B from its junction with Cross Lane west to Coomb Lane at Oxleaze Copse.

ITEM 3: The applicant has been unable to identify Ann Hart's Way and hence the location of this “another lane or way” .

To all ??? People To whom this present writing of award ...Edward Hanson of Chisbury in the county of Wilts Yeoman Jn Brown of Manton in the sd. County Yeoman and Roger Gate of Flintbury in the county of Berks Yeoman send greetings

Whereas by Certain Articles or Deeds of agreement bearing date the Seventeenth day of April in the Thirteenth Year of the Reign of our Sovereign Lord King George the First Anno Domini 1727 made and executed by Richard Jones of Ramsbury in the County of Wilts Esq. Lord of the Mannor of Ramsbury aforesd. of the one part AND Daniel Appleford Sen. of Rockley in the sd county Yeoman Daniel Appleford Junior of Axford in the Parrish of Ramsbury in the said county Yeoman Symon Appleford Jun of Axford aforesd Yeoman Thos. Appleford Senior of Axford aforesd Yeoman Thomas Appleford Junior of Axford aforesd Yeoman Edward Appleford of Axford aforesaid ????? Anthony Appleford of Axford aforesd Yeoman George Moor of Littlecott in the said county Yeoman Robbt. Veysey of Axford aforesd Yeoman Jonathon Knackston of Axford Aforesd Yeoman Thomas Pearse of Savernake Park in the sd county Yeoman and Jn. New of Stourington in the county of Berksthe Advantage of Tyllage and good husbandry those fields called the North Field & South Field with a down called the Cow Down & the Common Marsh all belonging to the tything or hamlet of Axford aforesaid should be enclosed and divided proportionally (?) to the severall subscribers whose names were herein beforementioned according to these several estates and interests herein AND that it should be lawful for Edward Hanson Jn. Brown & Roger Gates aforesaid by any writing under our hands and seals to allot divide and layout the sd. Common Field Down and Marsh unto the several persons herein beforementioned according to the ex??? proportions or interest of each proprietor or subscriber aforesaid AND also to limit and appoint the places where each and every of their respective lotts ??? be allotted to them AND also to lay out all Common Roads, Ways Byways and private ways as might be necessary and convenient leading to every particular enclosure AND to appoint to all and every of them

(HERE are the allocations of land – not transcribed)

.....**MORE** To ye sd George Moor in lieu of his (nine?) commons belonging to his Whittiats Freehold Land , all the Feed and Herbages in the River Kennett between the aforesd East end of ??? Street Pond and Raggs Rayles containing Eight Acres one Rood and Twenty Three Poles

And as Touching and Concerning Ways, Drove Ways, Lanes , Private Ways and Highways to be laid out for the conveniency of the Proprietors of the Enclosure we the said Edward Hanson Jno Brown and Roger Gater Do order and Appoint as Follows (vis)....

In that part of North Field called the Heaths shall be left a Lane or Drove way which beginning at London Road shall pass northwards as farr as that lott of Danl. Appleford Senr. which joyns to the Lady Winchelseas lands having on the West side Caresden Grounds and one lott of George Moors aforesd. and on the east side all the lotts herein before described to lay in that part of North Field called the Heaths and which lane shall be every where twenty four feet wide as it is now marked out and which has been all along by ye foregoing descriptions called by the name of Caresden Lane.

Item in the sd. Heaths shall be another Lane left which shall pass out of Caresden Lane eastwards as farr as into the lott of Edward Appleford having adjacent on the south side a lott of George Moors and on (ye?) north side a lott of Thos Pearses and which lane shall be everywhere Twenty Four Feet wide as it is now marked and which Lane in ye Foregoing description has been all along called by ye name of Hares Lane

In Sound Bottom shall be left a Lane or Road Way which beginning at the West end of a Ground called Bacons belonging to Axford Farm shall pass Westwards till it comes to an old Enclosure of the Lady Winchelseas called Grove grounds having on ye South side all the North Field, and on the north side in that part of North Field called the Heaths three Lotts of Danl. Appleford Senr. and a Lott of Jonathon Knaxton and Caresden Grounds which Lane or Road Way shall be every Where Fourty two Foot wide as it is now marked out and which Road Way has been all along in the forgoing descriptions called by ye name of London Road

In North Field shall be left a Lane which beginning at Axford Street shall pass northwards till it comes into the before-mentiond London Road haveing adjacent on the West side thereof the Lotts of Edwd. Appleford Richd. Jones's Esq. and Thos. Appleford Junr. and adjacent on ye East side thereof four Lotts of George Moors which lane shall be every where twenty Four Feet wide as it is now marked out and which lane has been all along in the Foregoing descriptions called by ye name of West Lane

Item In North Field shall be left another lane which beginning at Axford Street shall pass northward till it reach the before mentioned London Road haveing adjacent on the West side thereof four Lotts of George Moors and adjacent on ye East side thereof a Lott of Thos. Pearses, a Lott of Symon Applefords a lott of Anthony Appleford and an old Enclosure called Tuckers which lane shall be everywhere Twenty Four Feet wide as it is now marked out and which Lane has been all along in the Foregoing descriptions called by ye name of East Lane

Item in North Field shall be left another Lane which beginning in the last mentioned East Lane shall pass Eastwards till it comes into a Lott of Danl. Applefords Senr. haveing adjacent on ye North a Lott of Anthony Applefords and on ye South an Old Enclosure called Tuckers which Lane shall be everywhere Twenty Four Feet wide and has been all along

in the foregoing descriptions called by ye name of ye Parsons Lane. The Feed or Pasture of the said Lane shall always belong to the (Possessors?) for the time being of that piece of Land that the East end of the sd. Lane goes into which is the same Lott that was lay'd out for Danl. Appleford Senr. in lieu of his Pitthouses Copyhold land

Item from ye East end of the Parsons Lane shall be left another Lane or Way to Pass thence Northwards till it comes to piece of Ground layd out in North Field for Danl. Appleford Senr. in lieu of his Pearses Leasehold Land and From thence it Shall go Eastward till it reach into the Lott lay'd out for Danl. Appleford Senr. in lieu of his (Stranges?) Leasehold Land, which Lane or Way Shall be at all times for the Use of the (Possessors?) for the time being of the Lotts laid out for the sd. Danl. Appleford Senr. in the East side of the North Field aforstd. and which way shall be everywhere twelve feet wide

Item in the Marsh shall be left a Lane or Way which beginning at Whittiats Lane end shall pass over the River Kennett thro. two Lotts of Danl. Appleford Senr. In the same place where it now goes to the North end of the Bridge that goes over the (b???lett?) called Black Well along Holly Lane Causey to Holly Lane Gate which Way shall be every-where Twenty Feet wide

Item in the marsh shall be left another Lane of Way beginning at Stone Lane and shall pass over the River Kennett to South Field which Way Shall be everywhere Thirty Feet wide & which Way has been all Along in the Foregoing descriptions called Stone Lane Causey

Item in the marsh shall be left another Lane or Cartway which beginning at the South end of Saunders's Lane shall pass thence over the River Kennett to the Gate at the North end of Comb Way which Lane or Cartway Shall be everywhere thirty Feet wide

Item in the marsh shall be left another Lane or Way beginning at Ann Harts Lane and shall pass over the River Kennett to Coomb Lane which Lane of Way shall be every where Thirty Foot Wide

In South Field shall be left a Lane that beginning att Holly Lane Causey shall pass westwards till it comes into Coomb Lane having adjacent on its South side divided into Lotts as herein before described and on the north side divers meads belonging to the proprietors herein before mentioned which Lane shall be everywhere twenty four feet wide and which lane has been all along in ??? foregoing description called by ye name of Mead lane

Item in South Field shall be left another lane which beginning at Mead lane shall pass southwards until it comes into the Down having the ye lotts of Thos Pearse & George Moor adjacent on ye East & Lotts of Edward Appleford & George Moor adjacent on ye west which lane shall be everywhere sixteen feet wide and which lane has been all along in the Foregoing descriptions called by the name of Stone Lane Way

Item in South Field shall be left another Lane or way which beginning at Mead lane shall pass southwards until it comes to Coomb Lane having adjacent on ye west a lott of Danl. Applefords ????? lott of Thos. Appleford Junr.(?) and on ye east ... part of a lott ??? Thomas Appleford Junr which lane or way shall be every where sixteen feet wide and which Lane or Way has been all along in the foregoing descriptions called by ye name of Coomb Way

In the Down shall be left a lane which beginning at the south end of Holly Lane shall pass on southwards till it comes to Saunders's Gate having adjacent on ye east divers(?) coppices of the proprietors herein before mentioned and adjacent on ye west four lotts of Danl. Appleford Senior herein before described which lane shall be every where thirty three feet wide and which lane has been all along in the foregoing descriptions called by the name of East Lane

Item in the Down shall be left another Lane which lane beginning at Saunders's Gates shall pass on westwards as farr as a ground called Hill Close having adjacent on ye south divers coppices belonging to ye proprietors herein before mentioned and Four lotts of Danl Appleford Senr. and adjacent on the north lotts of Danl. Appleford Senr George Moor, Edward Appleford, Jonathon Knaxton & Thos Appleford Junr which lane shall be every where thirty three feet wide and which lane has all along in the foregoing descriptions called by ye name of South Lane

Item in the Down shall be left another lane which beginning at ye West end of South Lane shall pass Southwards as farr as Putall Gate haveing adjacent on ye East side a Lott of Danl. Applefords Senr. and adjacent on ye West a ??? called Hill Close and a Coppice called Oaken Coppice which Lane shall be every where Thirty Three Feet wide and which Lane has been in the foregoing descriptions called by ye name of Hill Close Lane

Item in the Downs shall be left another Lane or Way which beginning at the West end of South Lane shall pass on first Northwards and then Westwards on ye West side of the downs as farr as Coomb Lane haveing on the East side a lott of Thos. Applefords and on ye West side a Coppice of George Moor which Lane or Way shall be every-where Sixteen feet & an half wide and the Herbage of it shall belong to Thos Appleford Junr

Item in the Down shall be left another Way which beginning at the South end of Holly Lane shall pass Westwards till it comes to a Lott of Simon Applefords herein before described having adjacent on the South side Lotts of Danl. Appleford Senr .and George Moors and adjacent on the North Side South Field which lane shall be every where Thirty three Feet wide and and has been all along in the Foregoing descriptions called by the name of North Lane

Item in the Down shall be left another Lane beginning at the West end of North Lane shall pass on Westwards as farr as a Lott of Jonathon Knaxton having adjacent on the south a Lott of Simon Applefords and adjacent on the North all of South Field which way shall be every where Sixteen Foot and a half wide and the Herbage of the sd. way shall belong to Symon Appleford and which Way has been in the Foregoing descriptions called Knaxtons Way

Item in the Down Shall be left another Lane which beginning at the West end of North Lane shall pass on Southwards as farr as South Lane having adjacent on the West the the Lotts of Symon Applefords Thos Pearse and Edward

Applefords and having adjacent on ye East the lotts of George Moor which Lane shall be every where Thirty three feet wide and has been all along in the foregoing descriptions called by the name of Cross Lane

***Item** in the Marsh shall be left a Footway which beginning at the South end of Saunders's Lane shall pass along ???
?? Causey through the whole length of that Lott of Jonathon Knaxtonss (herein before said to Contain Two Roods and Thirty Seven Poles) till it reach the Bridge that passes over the River Kennett att the South end of the sd. Lott and from this Bridge the sd. footway shall pass to the Gates att the North end of Coomb Way*

***Item** att the South end of Whittiats Lane before mentioned shall be set up Rayles or other sufficient Fence and a Gate in the sd. Fence as to allow sufficient Watering place(?) for Puttle*

WILDLIFE AND COUNTRYSIDE ACT 1981**Definitive Map Modification Order Application**

For a route leading from Stone Lane in Axford in the Parish of Ramsbury to the A4 on the Mildenhall / Little Bedwyn boundary to be shown as a Restricted Byway

Applicant's Reference: AW001**9 February 2020**

Version	Date
3	9 Feb 2020
2	29 June 2019
1	27 Jan 2019

Quick reference path facts to assist the surveying authority in its investigation	
OS County Series map	Wiltshire 29.11 and 29.15
Modern Definitive Map sheet(s)	
Modern Explorer map	157 Marlborough & Savernake Forest
Grid References	SU 23486969 to SU23716781
Land Registry	<p>Inspire Id: 54619361 Title No: WT164195 The Ramsbury Estate Inspire Id: 25811261 Title No: WT199740 Coombe Farm, Axford Inspire Id: 57547334 Title No: WT418772 Land at Savernake Estate Inspire Id: 57547806 Title No: WT418772 Land at Savernake Estate Inspire Id: 54014907 Title No: WT301810 Puthall Farm, Marlborough</p> <p>There are also two small unregistered piece of land on or adjacent to the application route.</p>

1. My name is Alan Woodford. I am the applicant for the order. My rights of way experience stems from having been a volunteer access and bridleways officer for the British Horse Society in Wiltshire since 2015, and from having ridden the bridleways and byways in the Marlborough area since about 2000.
2. This section is intentionally blank
3. I believe this application will pass the planned Preliminary Assessment Test required by para 2 Sch 13A Wildlife and Countryside Act 1981 because:
 - a. This application statement includes explanations as to how the evidence applies to the application route, and
 - b. The application contains one or more of the following forms of supporting evidence:
 1. Legal document(s) relating specifically to the right of way that is the subject of the application (such as Railway Act, Enclosure Act and Award, Finance Act, Court Order or Main Roads Order evidence).
 2. Evidence of reputation in legal document(s), even though not written specifically about the right of way that is the subject of the application (such as Tithe Awards and Maps).
 3. Documentary evidence of reputation, for example an Ordnance Survey map, coupled with public scrutiny, or evidence of highway status in a landowner produced document.
 4. Maps and other documents which, over a period of time, and taken together, provide evidence of reputation that the order route is part of the public road network.

THE APPLICATION ROUTE

4. The application route is shown on the application map from
 - a. Point A (The junction of U/C 5085 and RAMS43 BR) to Point G (the A4).
5. Parts of the application route are currently shown on the definitive map of rights of way for Wiltshire:
 - a. Point B to Point C is shown as Ramsbury 9B FP.
 - b. Point D to Point F is shown as Ramsbury 44 FP.
 - c. Point F to Point G is shown as Mildenhall 16 FP.
6. The application route was not found on the List of Streets as at April 2018.
7. The application route's width is as follows: Section A-B:- 16 feet, B-C:- 33 feet, C-D:- 33 feet, D-E:- 33 feet, E-F :- 33 feet and F-G:- 2.7metres
8. The photographs listed below show the route from the positions stated. They were taken on June 14th 2018.
 - (1) 2018 AW001 A towards B: From Point A looking southwards towards Point B
 - (2) 2018 AW001 B towards C: From Point B looking west towards Point C
 - (3) 2018 AW001 C towards D: From Point C looking south towards Point D
 - (4) 2018 AW001 D towards E: From Point D looking west towards Point E
 - (5) 2018 AW001 E towards F: From Point E looking south westwards towards Point F
 - (6) 2018 AW001 F towards G: From Point F looking south towards Point G
 - (7) 2018 AW001 G towards F: From Point G looking north towards Point F
 - (8) 2018 AW001 MILD16 north from F: From Point F looking north-westwards along MILD16 FP

Photos (7) & (8) illustrate the very different nature of the southernmost part of MILD16 – wide and hedge lined – and MILD16 at its junction with RAMS44 (at point F) where a narrow track is barely discernible leading north westwards through the trees.

DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

9. In order to be able to modify the definitive map and statement, the Surveying Authority needs to have a discovery of evidence that highway rights exist. The use of the “balance of probabilities” test rather than “beyond reasonable doubt” was confirmed by the High Court in *Todd, Bradley v SOS for EFRA* [2004] 4 All ER 497.

10. The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and Another* [2012] EWCA Civ 334, Lewison LJ said, at paragraph 22,

‘In the nature of things where an inquiry goes back over many years (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in *R v Exall* (1866) 4 F & F 922:

“It has been said that circumstantial evidence is to be considered as a chain, and each piece of evidence as a link in the chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cords. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength.”

11. While no single piece of evidence is conclusive, the applicant believes that taken as a whole the pieces of evidence demonstrate highway reputation over many years, indicating that the route does indeed have highway status, and that prior to the Natural Environment and Rural Communities Act 2006, there were full vehicular rights.

Documents referred to in evidence are in general held at either The Wiltshire and Swindon History Centre, Chippenham (WSHC) or The National Archives, Kew (TNA).

12 Inclosure agreement for North and South fields, Cow Down and Axford Marsh in Axford in Ramsbury, 1727

a. Relevance.

Between 1545 and 1880 the old system of farming scattered arable strips of land and grazing animals on common pasture was gradually replaced as landowners sought to improve the productivity of their land. The process of enclosure began by agreement between the parties concerned, although local powerful landowners may have had significant influence on the outcome. By the early eighteenth century a process developed by which a Private Act of Parliament could be promoted to authorise enclosure where the consent of all those with an interest was not forthcoming. The process was further refined at the beginning of the nineteenth century with the passing of two main general acts, bringing together the two most commonly used clauses and applying these to each local act unless otherwise stated.

After the landowners applied to Parliament for an Enclosure Act to be passed, commissioners were appointed to carry out their survey, prepare the map(s), set out the new road network, and make the distribution/award and land ownership allocations.

The Planning Inspectorate's Consistency Guidelines concerning Inclosure by agreement (paras 7.13 and 7.14) state:

“Agreements to enclose land could be informal or formal, the latter often being confirmed by a legal court and the former, by their very nature, being unlikely to be evidenced by records still existing today

Formal inclosure agreements were usually made between the lord of the manor and the principal farmers and landowners, and were normally drawn up by a local solicitor. Without the powers to do under an Act of Parliament, the parties concerned would have had no authority to alter existing rights of way. However agreements may provide evidence of pre-existing highways or of dedication by the landowner (if there is corresponding evidence to show acceptance by the public). “

b. Archive.

An original of this Inclosure Agreement (“IA”) is held by WSHC, reference 1883/217. The agreement consists solely of written text; there is no associated map.

c. Meaning.

The agreement lists, for each person allocated land under the agreement, the different lots of land allocated to them. It

describes the lots in terms of their location (e.g. in North field, in the Down etc.) and by what they are bounded (e.g. in the west by Thos. Appleford, in the north by North Lane etc.).

The Inclosure agreement also lists roads set out by the commissioners, each of which it then describes in terms of its location (In the Down, In the Marsh, In South Field etc.) and by what it is bounded (e.g. Daniel Appleford on its west) and the direction in which it runs. It also specifies the width of the road.

Document: 1727 Axford IA Transcript is a partial transcript by the applicant of the Inclosure Agreement

Six Photos: 1727 Axford EA(1) (1883_217).....1727 Axford EA(6) (1883_217)

At WSHC along with the IA is held a typewritten summary of the provisions of the agreement as they relate to the allocation of lots and the creation of roads etc. An eight page copy is also held amongst Barbara Croucher's research papers: **(photocopy supplied)**

Extract from the agreement (Edward Hanson, John Brown and Roger Gates were the appointed Commissioners)

"..AND that it should be lawful for Edward Hanson, Jon. Brown and Roger Gates aforesaid by any writing under our hands and seals to allot divide and layout the said Common Field Down and marsh unto the several persons herein beforementioned according to the ex??? proportions or interest of each proprietor or subscriber aforesaid AND also to limit und appoint the places where each and every of their (?) lotts ??? be allotted to them AND also to lay out Common Roads Ways Byways and private ways as might be necessary and convenient leading to every particular enclosure....."

Extract from the agreement describing roads and ways created in the Marsh, South Field and The Down (numbering is by the applicant)

AND as Touching and Concerning Ways, Drove Ways, Lanes , Private Ways , Highways to be laid out for the conveniency of the Proprietors of the Enclosure we the said Edward Hanson Jon. Brown and Roger Gates do order and appoint as follows (vis).....

1. **Item** in the marsh shall be left another Lane or Way beginning at Stone Lane and shall pass over the River Kennett to South Field which Way shall be everywhere Thirty Feet wide & which Way has been all Along in the Foregoing descriptions called Stone Lane Causey
2. **Item** in the marsh shall be left another Lane or Cartway which beginning at the South end of Saunders's Lane shall pass thence over the River Kennett to the Gate at the North end of Comb Way which Lane or Cartway shall be everywhere thirty Feet wide
3. **Item** in the marsh shall be left another Lane or Way beginning at Ann Harts Lane and shall pass over the River Kennet to Coomb Lane which Lane or Way shall be every where Thirty Foot Wide
4. **In South Field** shall be left a Lane that beginning att Holly Lane Causey shall pass westwards till it comes into Coomb Lane having adjacent on its South side divided into Lotts as herein before described and on the north side divers meads belonging to the proprietors herein before mentioned which Lane shall be everywhere twenty four feet wide and which lane has been all along in ye foregoing description called by ye name of Mead lane
5. **Item** in South Field shall be left another lane which beginning at Mead lane shall pass southwards until it comes into the Down having ye lotts of Thos Pearse & George Moor adjacent on ye East & Lotts of Edward Appleford & George Moor adjacent on ye west which lane shall be everywhere sixteen feet wide and which lane has been all along in the Foregoing descriptions called by the name of Stone Lane Way
6. **Item** in South Field shall be left another Lane or way which beginning at Mead lane shall pass southwards until it comes to Coomb Lane having adjacent on ye west a lott of Danl. Applefords ????? lott of Thos. Appleford Junr.(?) and on ye east ... part of a lott ??? Thomas Appleford Junr which lane or way shall be every where sixteen feet wide and which Lane or Way has been all along in the foregoing descriptions called by ye name of Coomb Way
7. **In the Down** shall be left a lane which beginning at the south end of Holly Lane shall pass on southwards till it comes to Saunders's Gate having adjacent on ye east divers(?) coppices of the proprietors herein before mentioned and adjacent on ye west four lotts of Danl. Appleford Senior herein before described which lane shall be every where thirty three feet wide and which lane has been all along in the foregoing descriptions called by the name of East Lane
8. **Item** in the Down shall be left another Lane which lane beginning at Saunders's Gates shall pass on westwards as farr as a ground called Hill Close having adjacent on ye south divers coppices belonging to ye proprietors herein before mentioned and Four lotts of Danl Appleford Senr. and adjacent on the north lotts of Danl. Appleford Senr George Moor, Edward Appleford, Jonathon Knaxton & Thos Appleford Junr which lane shall be every where thirty three feet wide and which lane has all along in the foregoing descriptions called by ye name of South Lane
9. **Item** in the Down shall be left another lane which beginning at ye West end of South Lane shall pass

Southwards as farr as Putall Gate haveing adjacent on ye East side a Lott of Danl. Applefords Senr. and adjacent on ye West a ??? called Hill Close and a Coppice called Oaken Coppice which Lane shall be every where Thirty Three Feet wide and which Lane has been in the foregoing descriptions called by ye name of Hill Close Lane

10. Item in the Downs shall be left another Lane or Way which beginning at the West end of South Lane shall pass on first Northwards and then Westwards on ye West side of the downs as farr as Coomb Lane haveing on the East side a lott of Thos. Applefords and on ye West side a Coppice of George Moor which Lane or Way shall be every-where Sixteen feet & an half wide and the Herbage of it shall belong to Thos Appleford Junr

11. Item in the Down shall be left another Way which beginning at the South end of Holly Lane shall pass Westwards till it comes to a Lott of Simon Applefords herein before described having adjacent on the South side Lotts of Danl. Appleford Senr. and George Moors and adjacent on the North Side South Field which lane shall be every where Thirty three Feet wide and and has been all along in the Foregoing descriptions called by the name of North Lane

12. Item in the Down shall be left another Lane beginning at the West end of North Lane shall pass on Westwards as farr as a Lott of Jonathon Knaxton having adjacent on the south a Lott of Simon Applefords and adjacent on the North all of South Field which way shall be every where Sixteen Foot and a half wide and the Herbage of the sd. way shall belong to Symon Appleford and which Way has been in the Foregoing descriptions called Knaxtons Way

13. Item in the Down Shall be left another Lane which beginning at the West end of North Lane shall pass on Southwards as farr as South Lane having adjacent on the West the Lotts of Symon Applefords Thos Pearse and Edward Applefords and having adjacent on ye East the lotts of George Moor which Lane shall be every where Thirty three feet wide and has been all along in the foregoing descriptions called by the name of Cross Lane

14. Item in the Marsh shall be left a Footway which beginning at the South end of Saunders's Lane shall pass along ??? ?? Causey through the whole length of that Lott of Jonathon Knaxtonss (herein before said to Contain Two Roods and Thirty Seven Poles) till it reach the Bridge that passes over the River Kennett att the South end of the sd. Lott and from this Bridge the sd. footway shall pass to the Gates att the North end of Coomb Way

Taking the descriptions in the Inclosure Agreement in conjunction with present day locations it is possible to map the roads created by the commissioners onto the present day system of lanes and other routes in Axford.

Appendix A describes the logic which leads to that mapping.

Those conclusions are supported by “*The Village in the Valley*” by Barbara Croucher, published in the 1980s. Fig 14.8 in that book (**The Village in the Valley p127.pdf**) shows the author's understanding of the location of land in South Field after enclosure in 1727 and amongst her research notes held at the WSHC is a map of the network of roads and tracks in the Axford area, annotated with the names of the roads laid out in the Inclosure agreement (**Photo: 1970s B Croucher Research Notes Roads 2 (3397_15)**).

Axford Inclosure Award 1727.jpg: a map illustrating the position of the “*Ways, Drove Ways, Lanes, Private Ways, Highways*” set out by the Inclosure Agreement.

e. Assessment.

The application route from A to B was set out by the IA as Stone Lane Way (width of 16 feet).

The application route from B to C is part of what was set out by the IA as North Lane (width 33 feet).

The application route from C to D was set out by the IA as Cross Lane (width of 33 feet).

The application route from D to E is part of what was set out by the IA as South Lane (width 33 feet).

The application route from E to F was set out by the IA as Hill Close Lane (width 33 feet).

The roads laid out, although allowing access to private land, as a network allow movement north and south between the existing highways of Axford Street and The Bath Road. It is likely that all were cart or carriage roads, which could also be used as droves. Those “roads” specified with widths of 16 feet or more must certainly have been more than footpaths.

The frequent description of the lots allocated to individuals as being bounded by one or other of the roads set out by the commissioners suggests that the roads were not part of the lots they bound.

The roads set out are described with reference to the lots allocated to individuals on either side of them; nothing in their description suggests ownership by any such individual, although in one case “the herbage” are said to belong to Thomas Appleford junior.

If a road was for the sole or shared use of a landowner or landowners, one would have expected the commissioners to have said so and they did not. None of the roads are described as “private” as mentioned in the preamble to the

agreement. The term “conveniency” is used but it does not mention private or exclusive use by the proprietors and need have no such connotation. It is perfectly reasonable to suppose that as the landowners had come to an agreement as to how the land would be allotted, they also agreed the most convenient routes for the ways to follow.

The applicant concludes that the terms of the agreement constituted dedication of the roads and ways laid out by the commissioners, and that Stone Lane Way, North Lane, Cross Lane, South Lane and Hill Close Lane (the application route from point A to point F) are most likely public roads with vehicular rights.

Evidence of acceptance by the public is provided by the large body of maps and other documents (cited below) that over the subsequent centuries suggest public vehicular rights along the roads laid out by the Inclosure Agreement that from the application route.

13. Survey of Putell Farm (1737)

- a. Relevance: The survey is entitled “An Accurate Survey of Putell Farm for the Rt. Honourable Charles Ld. Bruce by C. Price . 1737”. As it was made for the landowner it is unlikely to show features with which he did not agree.
- b. Archive: This document is held at the WSHC, reference 1300-372MS
- c. Meaning:

Running northwards from the Bath Road, coloured sienna, initially between Underwood Field (B2J) on its western side and Barn Close (BJ8) to its east, is a road shown extending as far as the northern end of Putall Park Coppice where it is annotated “*Axford Lane*”. The map is annotated “Note The parish of Mildenhall comes down Axford Lane between Puthall Park Coppice and Underwood Field”.

Photos: 1737 1300-372MS Puttel Farm & 1737 1300-372MS Puttel Farm Detail

- d. Assessment:

The road portrayed corresponds to the position of the southernmost section of current footpath MILD16 and is the southernmost section of the application route (from point G on the Bath Road northwards towards point F).

Its width varies between 1-2.5 poles (16.5 –41.25 feet). The road's width suggests Axford Lane was more than a footpath, and its naming as “Axford Lane” suggests the route lead to Axford. For a route to be shown continuing as a through route to a labelled destination adds to the likelihood that the route was for the use of the public.

At present MILD16 runs northwards from the A4 and then north-westwards to Stitchcombe. The naming of this section as Axford Lane suggests that the part of MILD16 that turns towards Stitchcombe was a branch from the primary route towards Axford.

The applicant concludes that the road shown was at the time a public road that primarily lead from the Bath Road to Axford and as such should today have vehicular rights.

14. Andrews and Dury's ½” Index Map of Wiltshire (1773)

- a. Relevance.

This was made for sale to the travelling public and so would aim to show routes that the public could use. It was produced as a result of an independent survey. It does not have a key.

- b. Archives. A copy is held by the WSHC under reference 1300/48/A-S

- c. Meaning.

The general line of the entire application route is shown clearly as a minor road. It is shown in the same way as the public vehicular road through Axford to which it connects.

Photos: 1773 Andrews & Dury Half Inch Index (1)

d. Assessment.

It seems improbable that a map at this scale would show footpaths, suggesting that all the routes on were bridleways or vehicular routes.

This map was not subject to public scrutiny so it is quite possible that some private roads are represented.

However, the map was made for sale to the public and therefore there must have been a strong incentive to ensure as far as possible that the routes shown could be used by them.

The people in the eighteenth century who could afford to spend money on these maps would have wanted at least to ride the routes shown, and more probably to travel along them by some form of carriage. That suggests vehicular rights.

The applicant concludes that the map provides evidence of a public road with vehicular rights running generally along the line of the application southwards from Axford to The Bath Road.

15. Andrews and Dury's 2" Map of Wiltshire (1773) Sheet 12a. Relevance.

This was made for sale to the travelling public and so would aim to show routes that the public could use. It was produced as a result of an independent survey. It does not have a key.

b. Archives. A copy is held by the WSHC under reference 1300/48/A-Sc. Meaning.

The entire application route is shown clearly as a minor road. It is shown in the same way as the public vehicular roads to which it connects e.g. The London – Bath Road.

Photos: 1773 Andrews & Dury 2in Sheet 12d. Assessment.

This map was not subject to public scrutiny so it is possible that some private roads are represented. However, the map was made for sale to the public and therefore there must have been a strong incentive to ensure as far as possible that the routes shown could be used by them.

The people in the eighteenth century who could afford to spend money on these maps would have wanted at least to ride the routes shown, and more probably to travel along them by some form of carriage. That suggests vehicular rights.

The applicant concludes that the map provides evidence of a public road with vehicular rights running generally along the line of the application southwards from Axford to The Bath Road.

16. Robertson's 1" Survey of the Bath Road 1792: Map No: 8a. Relevance.

According to *Printed Maps of Wiltshire (Ed. John Chandler)* Archibald Robertson was a landscape painter and aquatint engraver and his publication, dedicated to The Prince of Wales, "was primarily a vehicle for his engravings of buildings and views adjacent to the Bath Road". The Wiltshire portion of the map appears to lean heavily upon the 1773 printed map of Andrews and Dury.

b. Archive. A facsimile of this publication is held at the WSHC under reference AAA/912**Photo: 1792 Robertson's Bath Road 1-inch (AAA_912)**c. Meaning.

It describes itself as “A topographical survey of the great road from London to Bath and Bristol With historical and descriptive accounts of the country, towns, villages, and gentlemen's seats on and adjacent to it; illustrated by perspective views ... To which is added a correct map of the country ... By Archibald Robertson.”

Map No 8 shows the entire application route from A-G as a minor road.

d. Assessment.

This publication provides supporting evidence of the physical existence of the routes portrayed, including the entire length of the application route and with its apparent reliance on the Andrews and Dury map serves to give further credence to that map.

17. **Rennie's Plan of proposed the Kennet and Avon Canal (Surveyed 1793, Completed 1810)**

a. Relevance.

In 1793, after appointment as Chief Surveyor and Engineer of the Kennet and Avon Canal, John Rennie was asked to make a further survey of the route

Canal construction required a private act of Parliament and from 1794 any scheme which involved compulsory purchase had to submit a detailed plan with book of reference of the parcels of land proposed for acquisition. Such a plan exists in the WSHC under reference A1/372/1.

This plan however is quite different from the deposited plans. It depicts settlements and topography up to as much as five miles on each side of the proposed canal. Its purpose was clearly to describe the course of the canal in relation to nearby towns and villages.

b. Archive. This document is held at the WSHC under reference 1644/34

c. Meaning.

Photo: 1793 Rennie Survey Kennet & Avon Canal (1644_34)

The plan shows routes delineated by two parallel lines, each of which may be solid or pecked. Although there is no key presumably, as is customary, solid lines indicate fencing or hedging and pecked means unfenced.

The entire application route from A-G is shown, bounded by solid lines.

d. Assessment.

This document provides supporting evidence for the existence of the route. It seems unlikely that Rennie would show footpaths, suggesting the route would have been either a bridle path or a minor road.

18. **Cary's Map of Wiltshire (1801)**

John Cary's first map of Wiltshire, published in 1787, incorporated the information on more recently published large-scale maps like Andrews and Dury. It formed part of *Cary's New and Correct English Atlas*, completed in 1789.

Cary's New English Atlas was not completed until 1809, but the Wiltshire map within it first appeared in 1801.

a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it is possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

- b. Archive. A copy of this map is held at the WSHC, reference "Printed Maps 3.2"
- c. Meaning.

Photos: 1801 Cary Title (PM3.2); 1801 Cary Detail (PM3.2).

Two roads are shown running southwards from the river Kennet just south of Axford.

The western of the two peters out not far north of the Bath Road. The other runs roughly southwards until it turns 90 degrees to run westwards to join the other.

A second east-west road further to the north connects the two north-south roads.

Further west a road is shown running northwards from the Bath Road just west of milestone 71.

Two roads run northwards from Axford towards Sound Bottom.

There is no key held with this map but all routes are represented similarly, albeit as fenced or unfenced, other than the main roads like the Bath Road.

- d. Assessment.

The relative positions of the roads south of Axford and the two roads that run north from Axford leads the applicant to conclude that the westerly of those south of the river is the application route from point A to point F and the easterly is Holly Lane / East Lane. North of Axford the westerly of those running to Sound Bottom is West Lane and the easterly is East Lane (present day RAMS8A FP). N.B. The 1727 Inclosure Agreement sets out two roads called East Lane, one in North Field (north of Axford) and this one in the Down.

Axford Lane (MILD16 FP) today meets the A4 just west of milestone 71. The applicant therefore concludes that the road shown running northwards from the Bath Road is Axford Lane, section F-G of the application route. On this map Axford Lane then further north becomes Coomb Lane.

The applicant concludes that the parts of the application route are fully represented on this map, but the map fails to join them up correctly.

The absence of a key means it is not possible to be certain about the status of the application route, although it seems unlikely that an atlas would represent footpaths. It is more probable that it would show routes which the travelling public would be able to use – at least, public bridleways and more likely, public carriage roads.

Although the map must have featured, by accident or design, some private routes and some footpaths it is suggestive of the application route being a road with public vehicular rights.

19. Smith's Map of Wiltshire (1801)

- a. Relevance.

This map was originally published as part of Smith's New English Atlas: "A new map of the County of Wilts divided into hundreds". Printed for C. Smith, No 177 Strand, January 6th 1801". It has a key.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

b. Archive. This document is held at the WSHC, reference "Printed Maps 2.2"

c. Meaning.

Photo: 1801 CSmith Detail (PM2.2); 1801 CSmith Key (PM2.2).

The map shows two Cross Roads running southwards from Axford. The western of these continues northwards beyond the village of Axford to join the east-west road along Sound Bottom. The eastern of these turns westwards in The Down and joins the western, and a single Cross Road then runs south to the Bath Road.

The map shows many other cross roads, including the one from Mildenhall through Axford to Ramsbury.

d. Assessment.

Most other maps, before and after Smith's, show three routes running southwards. Although the picture of the routes in the area is a bit confused, its continuation northwards to Sound Bottom suggests the western of the two shown here is the application route and thus the eastern of the two is Holly Lane Causey / Holly Lane / East Lane.

The northern of the two east-west Cross Roads must be North Lane (the present RAMS9B) and the one further south, South Lane (the present RAMS44).

The Planning Inspectorate's Consistency Guidelines (para 2.24 to 2.30) for the definition of a cross road state:

"In modern usage the term cross road/crossroads is generally taken to mean where two roads cross. However old maps and documents may attach a different meaning to the term. These include a highway running between, and joining, other highways, a byway and a road that joined regional centres."

Howarth J's comments in the case of Hollins-v-Oldham 1995 concluded that the category known as "cross road" must mean a public road in respect of which no toll was payable. The judge gave his reason for this view, stating:

"This latter category, it seems to me, must mean a public road in respect of which no toll is payable. This map was probably produced for the benefit of wealthy people who wished to travel either on horseback or by means of horse and carriage. The cost of such plans when they were produced would have been so expensive that no other kind of purchaser could be envisaged. There is no point, it seems to me, in showing a road to such a purchaser which he did not have the right to use."

Although the map may have featured, by accident or design, some private routes and some footpaths, its depiction as a Cross Road, connecting with the Cross Road running east-west through Axford, supports the other stronger evidence in favour of the application route being, in 1801, a road with public vehicular rights.

20. Andrews and Dury's ½" Map of Wiltshire (1773, 2nd Edition, Revised and Corrected 1810)

a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

The Wiltshire Map of 1773 was originally produced as a result of an independent survey and was revised in 1810 and re-titled to make it clear it showed Cross Roads. It does not have a key.

- b. Archive. A copy is held by the WSHC under reference A1/524/2MS.
- c. Meaning.

Photos: 1810 Andrews & Dury Half In. 2nd Ed. Index Map (A1_524_MS)

The map is entitled “A Topographical Map of the County of Wilts describing the seats of Nobility and Gentry, Turnpike and Cross Roads, Canals and c. Surveyed in 1773 2nd Edition Revised and Corrected”

The application route is shown as a “Cross Road” and is shown similarly to the east -west road through Axford and the former London Road along Sound Bottom.

- d. Assessment.

It seems unlikely that a map at this scale would show footpaths

Although the map must have featured , by accident or design , some private routes the balance of probabilities must be greatly in favour of the application route being a public road.

This, along with its depiction identically to routes which now have vehicular rights suggest the route was considered to have public vehicular rights in 1810 .

21. Andrews and Dury's 2nd Map of Wiltshire (1773, 2nd Edition, Revised and Corrected 1810) Sheet 9

- a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

The Wiltshire Map of 1773 was originally produced as a result of an independent survey and was revised in 1810 and re-titled to make it clear it showed Cross Roads. It does not have a key.

- b. Archive. A copy is held by the WSHC under reference A1/524/2MS.
- c. Meaning.

Photos: 1810 Andrews & Dury 2ⁱⁿ 2nd Ed. Sheet 9 Title (A1_524_MS), 1810 Andrews & Dury 2ⁱⁿ 2nd Ed. Sheet 9 (A1_524_MS),

The map is entitled “A Topographical Map of the County of Wilts describing the seats of Nobility and Gentry, Turnpike and Cross Roads, Canals and c. Surveyed in 1773 2nd Edition Revised and Corrected

Sheet 9 of the map shows clearly the entire length of the application route i.e. from point A in Axford to point G on the Bath Road (the present A4) as “Cross Roads”.

It is shown the same as, for example, Chopping Knife Lane, the London Road through Sound Bottom and the Marlborough to Ramsbury road, all of which today have public vehicular rights.

- d. Assessment.

Although the map must have featured , by accident or design , some private routes and some footpaths, the balance of probabilities must be in favour of the application route being a public road with vehicular rights.

This, along with its depiction identically to routes which now have vehicular rights suggest the route was

considered to have public vehicular rights in 1810.

22. **Mogg's 1" Survey of the High Roads of England and WalesVol. 1 Plate 182, 1817 (London to Bath)**

"A Survey of The High Roads of England and Wales Planned on a Scale of one Inch to a Mile Including the Seats of the Nobility and Gentry and every object worthy of remark whether situated on or contiguous to the Road"

a. Relevance.

According to the book's advertisement (i.e. introduction) in presenting this work Mogg hoped, "while conveying information, in some degree to have contributed to the amusement of the traveller.". It was aimed at the travelling public.

b. Archive.

Copies of this document are scarce and the location of the document that was photographed is not known. However, the work has been published by Palala Press, United States, and is printed on demand by Lightning Source UK Ltd, Milton Keynes ISBN 13: 9711354 027651. A copy is owned by the applicant. Although the reprint is only in black and white the applicant has a photograph of the original coloured plate, taken some years ago by Dill Riley.

Photos: 1817 Mogg 1-inch Survey Plate 182; 1817 Mogg 1-inch Survey Plate 182 (2)

c. Meaning.

The book consists of 223 plates showing, as linear plans, major roads in southern England. Each plan shows towns through which they pass as well as heaths, woods and places of interest. They also shows routes leading off the main road, some indicating to where they lead (e.g. To Fulham). Many such routes are not so labelled.

Plate 182 shows the section of the London to Bath Road from just east of milestone 66 (measured from Hyde Park Corner) to just west of milestone 73.

Plate 182 shows, at the 71 mile mark a minor road running northwards, next to the legend "Putall F". Hens Wood is marked. A short distance west of this is another minor road leading northwards.

d. Assessment.

It seems improbable that the unlabelled routes illustrated by Mogg would have been footpaths. It seems unlikely that the purchasers of this volume would have been going to use them.

The applicant concludes that the minor road at the 71 mile mark is the one that today provides access to Putall Farm, the minor road slightly to its west is the southernmost section of the application route (i.e. of MILD16 from point G northwards) and hence that the application route was in 1817 regarded as a route of sufficient significance, as a public road rather than a footpath, to be shown on this survey.

23. **Ordnance Survey 1" Old Series 1817 Sheet 14**

a. Relevance. This map was made from an original survey.

A principal purpose of the one-inch (1:63360) map, which was published between 1801 and 1876 was to provide military and civilian users with a reliable travelling map. It was marketed as the primary tourist map for motorists and cyclists. The utility of this map scale was reiterated, not only in Parliamentary publications¹, but also in the advertising material issued by the Ordnance Survey². There is no doubt, therefore, that in terms

1 Report from the Select Committee on Ordnance Survey of Scotland. Ordered by The House of Commons to be printed 6 May 1856. In discussing the merits of various scales, it was asserted that the one-inch scale was "only of use for travelling purposes" (para. 53).

2 Examples of advertising matter are illustrated as described in Nicholson, T. (1991). "Ordnance Survey ephemera to 1939", The Map collector, 54, 2-7.

of Highways Act 1980 s.32, a main purpose of the one-inch map can be stated to have been to serve as travelling map for the public

b. Archives. This plan is held by the WSHC under reference number "Printed Maps 3.7"

c. Meaning.

Sheet 14 covers much of Wiltshire including the Axford area south of the village and north of Putall.

It shows the southern end of section A-B (i.e. Stone Lane Way), section B-C (North Lane, which it shows running eastwards from Stone Lane Way), section C-D (Cross Lane), section D-E (South Lane), section E-F (Hill Close Lane) and section F-G (Axford Lane).

Photo: 1817 OS 1in Old Series Sheet 14 (PM3.17)

(The northern end of section A-B is shown on 1828 OS 1in Old Series Sheet 34.)

It also shows the lane which in the Inclosure Agreement was laid out to run along the eastern and then northern edges of Hill Close (here labelled "Eastcot Copse"), as well as the road running northwards from the London-Bath Road (the present A4) to Putall Farm.

There is no key. However, "*The Old Series Ordnance Survey Maps of England and Wales, Volume III, South-central England*", published by "Harry Margary, Lympne Castle, Kent, 1981", Figure 6, pp xviii – xix, illustrates "Topographical conventions, not to true size, used in engraving the maps of south-central England". All parts of the application route shown on this map are represented in the same way, as "fenced Minor Roads"

Photo: OS 1in Old Series conventions

There is no disclaimer stating that the illustration of a road does not necessarily indicate a right of way.

d. Assessment.

This shows the physical existence in 1817 of a "Minor Road" running along the line of the application route from just north of point B to The Bath Road at Putall.

It is indistinguishable in depiction from nearby and adjoining routes, such as the Bath Road to which it connects, suggesting similar status to those routes.

As a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, the likelihood must be that a route shown as a Minor Road on such a map must have had public vehicular rights unless the route clearly lead only to, say, a farmstead or private house. In this case, taking this map in conjunction with the 1828 sheet (34) covering the area north of this one (see Section 25) it is clear the application route ran from Axford to the Bath Road.

24. C & I Greenwood's Map of Wiltshire (1820)

a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

It relied on a survey independent of Andrews and Dury. The map has a key.

b. Archive. WSHC, reference 2667/21/16.

c. Meaning.

The entire length of the application route is shown as a Cross Road – a public road for which no toll was payable.

Photos: 1820 Greenwood 1in Det (2667_21_16) & 1820 Greenwood Key (2667_21_16)

e. Assessment.

Its representation as a Cross Road, along with its depiction identically to routes which now have vehicular rights suggest the route was considered to have vehicular rights in 1820.

Although derived from independent surveys Andrews and Dury and Greenwood's representations of the application route are almost identical. They differ only at the southern end, the leg from just south of point F to the Bath Road. Greenwood shows the last leg positioned very slightly to the west of the application route whereas Andrews and Dury (and the Ordnance Survey) consistently and repeatedly show the route continuing south until it reaches point G.

This is not conclusive but in conjunction with the rest of the evidence helps build a picture of the application route being a public vehicular route between the Bath road at Putall and Axford.

25 Ordnance Survey 1" Old Series 1828 Sheet 34a. Relevance. This map was made from an original survey.

See Section 23, "Ordnance Survey 1" Old Series 1817 Sheet 14".

b. Archives. WSHC, reference "Printed Maps 3.8"c. Meaning.

Sheet 34 covers much of northern Wiltshire including Axford village and the area immediately to its south.

It shows the northern end of section A-B of the application route (i.e. of Stone Lane Way).

Photo: 1828 OS 1in Old Series Sheet 34 (PM3.8)

(The remainder of the application route is shown on Ordnance Survey 1" Old Series 1817 Sheet 14)

There is no key. However, "*The Old Series Ordnance Survey Maps of England and Wales, Volume III, South-central England*", published by "Harry Margary, Lympne Castle, Kent, 1981", Figure 6, pp xviii – xix, illustrates "Topographical conventions, not to true size, used in engraving the maps of south-central England". Those conventions applied to this map. The section of the application route on this map is shown as a "*Fenced Minor Road*".

Photo: OS 1in Old Series conventions

There is no disclaimer stating that the illustration of a road does not necessarily indicate a right of way.

d. Assessment.

This shows the physical existence in 1828 of a "Minor Road" running along the line of the application route from point A to just north of point B.

It is indistinguishable in depiction from nearby and adjoining routes, such as the east-west road through Axford village to which it connects, suggesting similar status to those routes.

As a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, the likelihood must be that a route shown as a Minor Road on such a map must have had public vehicular rights unless the route clearly lead only to, say, a farmstead or private house. In this case, taking this map in

conjunction with the 1817 sheet (14) covering the area south of this one (see Section 23) it is clear the application route ran from Axford to the Bath Road.

26 Greenwood's Map of Wiltshire, Reduced and Corrected to 1829

a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

The publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

The 1820 edition relied on a survey independent of Andrews and Dury. The map has a key.

b. Archive. A copy is held at the WSHC under reference “Printed Maps 3.3”

c. Meaning.

Photo: 1829 Greenwood Detail (PM3.3); 1829 Greenwood Explanation (PM 3.3)

The application route from A to just south of point F is shown as a Cross Road – that is, a public road for which no toll was payable.

The representation of the application route is the same as in the 1820 edition except the offset leg that joins the Bath Road (the present A4) at milestone 3 no longer appears on the map.

d. Assessment.

Although the map must have featured, by accident or design, some private routes and some footpaths, it is suggestive of the application route being a public road.

This, along with its depiction identically to routes which now have vehicular rights suggest the route from point A to just south of F was considered to have vehicular rights in 1829.

27 London and Bath Turnpike Trust via Hungerford (1832)

a. Relevance.

The London and Bath turnpike trust was set up by Act of Parliament in 1725-6 and extended several times. The Act providing the Trust with powers covering the date of this plan was 7-8 Geo IV, c.52 (Local and Personal Acts) in 1826-27. The trust's main responsibilities were the London to Bath road through Hungerford.

b. Archive. WSHC, reference A1/370/20HC – a map and a reference book.

c. Meaning.

This map was produced by the Turnpike Trust. It sets out a proposed turnpike road between Marlborough and Hungerford, part of the route of which runs roughly east-west through the Axford area'. Scale is 4" to the mile.

Photos: 1832 Bath & Hungerford Turnpike Axford (A1_370_20); 1832 Bath & Hungerford Turnpike Detail (A1_370_20)

The plan shows, south of Stitchcombe Mill and labelled “FARM”, Stitchcombe Farm. East of that a road runs south eastwards to another building. That must be Coombe Farm so the road leading to it is Coomb Lane, and the one running north-eastwards from it is Coomb Way. The next road approximately 0.75" (330 yards) east of Coomb Way is Stone Lane Way (beneath the “Y” in “VAISEY” and approximately 2" (880 yards) further east

is Holly Lane.

The plan shows Stone Lane Way running southwards for 2.5" (approximately 990 yards). Stone Lane Way is section A-B of the application route.

Coomb Lane, Coomb Way and Holly Lane are all coloured sienna. Stone Lane Way is not.

The one page Book of Reference lists owners, occupiers, state of land (e.g. "Arable"), length and parish for each land holding along the route but does not mention roads.

d. Assessment.

This map is evidence of the existence of Stone Lane Way (section A-B of the application route) in 1832.

28 Cary's 1/2" Map of England and Wales 1832, Sheet 18

a. Relevance.

This map was made for sale to the travelling public. The purchasers, who would have been relatively wealthy in order to be able to afford to buy the map, would want to see routes which they could use – public routes along which they could travel on horseback or more probably by carriage.

The map would not have been subject to public scrutiny prior to publication so it would seem possible that some of the routes illustrated would not have met those criteria.

However, the publishers must surely have made every effort to avoid such instances for fear of the damage they might do to the map's reputation for usefulness.

b. Archive. A copy of this map is held at the WSHC, reference "Printed Maps 3.4".

c. Meaning.

All sections of the application route from Point A until the east-west track (represented by pecked lines) lying between points F and G are shown as either as Carriage Roads or Parochial roads. It is not easy to match the depiction on the map with the key.

Photos: 1832 Cary Detail 1 (PM3.4); 1832 Cary Detail 2 (PM 3.4); 1832 Cary Explanation (PM 3.4)

Similarly to Greenwood (1820), Cary shows the last leg of this route from Axford to the Bath Road offset a short distance to the west of the application route. This is also shown as either a Carriage or Parochial road.

d. Assessment.

This map provides supporting evidence for the existence of the application route from point A to just beyond point F. Other maps before and since show the route continuing southwards to the Bath Road and although there is evidence on the ground today of a track slightly further west than the application route the applicant concludes the depiction of the southernmost section on Cary's map is a drafting error.

Although the map must have featured, by accident or design, a few private routes and some footpaths it suggests the application route to be a public road with vehicular rights.

Consequently the applicant concludes the application route was in 1832 regarded as a public vehicular route.

29 London and Bath Trust via Hungerford deviation 1835

Deviation of the Bath – London road via Hungerford and Marlborough

a. Relevance.

The London and Bath turnpike trust was set up by Act of Parliament in 1725-6 and extended several times. The Act providing the Trust with powers covering the date of this plan was 7-8 Geo IV, c.52 (Local and

Personal Acts) in 1826-27. The trust's main responsibilities were the London to Bath road through Hungerford.

b. Archive. WSHC, reference A1/370/21HC – a map and a reference book.

c. Meaning.

This plan was produced by the Turnpike Trust. It sets out a deviation to the proposed turnpike road between Marlborough and Hungerford, part of the route of which runs roughly east-west through the Axford area. Scale is 4" to the mile. Shown in sienna east of Stitchcombe Farm is Coomb Lane, then to the east is Coomb Way (sienna), then Stone Lane Way (i.e. the northern end of the application route) , then Holly Lane (in sienna) at the eastern end of Moore's land.

Photo: 1835 Bath & Hungerford Turnpike Axford (A1_370_21HC)

At its northern end Stone Lane Way is marked *To Axford*

No roads are mentioned or numbered in the Book of Reference

d. Assessment.

This document provides further evidence of the physical existence of the application route from point A almost to point B in 1835. It is not significant that the application route is not mentioned on the Book of Reference, as no roads are mentioned at all.

30 Walker's Map of Wiltshire 1836

a. Relevance.

This map was made by J & C Walker for sale to the travelling public and so would aim to show roads that the public could use.

b. Archive. A copy of this map is held at the WSHC under reference "Printed Maps 1.22"

c. Meaning. It shows the entire application route. There is no key, so it was probably part of an atlas.

Photo: 1836 Walker (PM 1.22)

d. Assessment.

Although the map must have featured , by accident or design , some private routes and some footpaths, the balance of probabilities must favour the application route being a public road with vehicular rights.

31 Vestry Map of Ramsbury 1839

a. Date. 1839, and made by U.B. Vines at a scale of 5/16" to one chain.

b. Relevance.

At the WSHC this map is catalogued under Ramsbury Parish Council, Vestry records. In England, until the 19th century, the parish vestry committee was in effect the parochial church council but was also responsible for secular parish business which is now the responsibility of the parish council.

The catalogue entry adds that it appears to have been prepared for valuation purposes.

c. Archive. WSHC, reference 1792/38L

It consists of two rolls. Roll 1 shows the western part of Ramsbury, Roll 2 the eastern.

There is an associated Book of Reference (WSHC, Ref, 1792/39) containing entries for both Eastern and Western divisions.

d. Meaning.

The map is in a poor state of repair.

It is generally uncoloured. Buildings are in red, woods green, roads sienna but very faded.

Plots of land are numbered in a similar fashion to that on the tithe maps of a few years later (Ramsbury Tithe Map (1842) held at TNA and Ramsbury Tithe Map (1844), held at the WSHC).

Roll 1, the map of the western part of Ramsbury, shows the whole of the application route that is within Ramsbury (i.e. from point A to point F) unnumbered and coloured a faded yellow. Adjacent areas of land are numbered and have associated entries in the Book of Reference.

No entries in then Book of Reference are described as roads. None of the yellow coloured strips of land are numbered.

Photos:

1839 Vestry Map of Ramsbury (1) (1792_38L)... (4) (1792_38L) viewed in sequence show the application route from point A to point B;

1839 Vestry Map of Ramsbury (5) (1792_38L) shows the route from point B west to point C and then southwards in the direction of point D;

1839 Vestry Map of Ramsbury (6) (1792_38L) shows the route continuing southwards towards point D;

1839 Vestry Map of Ramsbury (7) (1792_38L) shows the southernmost part of the route between point C and point D, and then westwards towards point E;

1839 Vestry Map of Ramsbury (8) (1792_38L) shows the route continuing westwards to point E and then southwards towards point F

d. Assessment.

Land that was not subject to tithes was generally accepted to either be public or owned , for example, by the church or the crown estates. Such land would not have an apportionment on it, as in the case on this map which appears to have been prepared for valuation purposes. It seems unlikely that the church or the crown estates would own just the roads and lanes in this area, and the applicant concludes they have no apportionment number because they were deemed by the parish vestry committee to be public roads.

32 Map of Ramsbury 1841

The map is entitled "Map of the Parish Of Ramsbury in the County of Wilts"

a. Date. 1841 , and made by U.B. Vines ta a scale of 6 chains to an inch.

b. Relevance.

This appears to be a copy on a reduced scale of the 1839 Vestry Map of Ramsbury. It would thus appear to have been created for reasons related to the 1836 Tithes Act and the forthcoming Ramsbury Tithe Agreement.

c. Archive. WSHC, reference 2365L

d. Meaning.

All the roads in the map are coloured sienna and are unnumbered.

None of the fields are coloured but all are numbered, and areas of woodland are patterned to indicate trees and all are numbered. The numbers are the same as on the 1839 Vestry Map (See Section 31).

Thus , the whole of the application route from Point A to the Little Bedwyn parish boundary (approximately Point F) is shown as a fenced road coloured sienna

Photos: 1841 Ramsbury Parish Map 1 (2365L); 1841 Ramsbury Parish Map 2 (2365L); 1841 Ramsbury Parish Map 3 (2365L)

Running westwards from Stitchcombe is a sienna road labelled "*from Marlborough*"

Running westwards from Axford is a sienna road labelled "*from Marlborough*"

Screenshot: 1841 Ramsbury Parish Map Labelled Roads (2365L)

e. Assessment.

This map shows the application route from point A to point F coloured sienna and unnumbered. It is shown in the same manner as routes shown continuing to labelled destinations, namely Marlborough and Mildenhall, which must have had public vehicular rights.

It does not show the continuation south to the Bath Road because that continuation was not in Ramsbury.

This is good evidence that the application route from point A to point F had public vehicular rights as had, by extension, its continuation from point F to the Bath Road.

33 Ramsbury Tithe Award

a. Date.

The Ramsbury Tithe agreement dates from 12 July 1841, a supplementary award from 1 Aug. 1843 (Commissioner Aneurin Owen) and it was confirmed 30 April 1844. The Tithe Map is dated 1842.

b. Relevance.

The Tithe Commutation Act 1836 enabled tithes (literally a tenth of the produce of the land) to be converted to a monetary payment system. Maps were drawn up to show the titheable land in order to assess the amount of money to be paid. The Act was amended in 1837 to allow maps produced to be either first class or second class.

First class maps are legal evidence of all matters which they portray and were signed and sealed by the commissioners (Tithes Act 1847). They had to be at a scale of at least 3 chains to the inch. Second class maps, signed but not sealed, were evidence only of those facts of direct relevance to tithe commutation, and are often at 6 chains to the inch. There was a proposed convention of signs and symbols to be used, which included Bridle Roads and Footpaths, but this was not strictly adhered to.

The tithe process received a high level of publicity as landowners would be particularly keen not to be assessed for more tithe payment than necessary. Non-titheable land deemed to be unproductive was usually excluded from the process. It is common therefore for no tithe to be payable on roads, although wide grass drovers' routes could carry a tithe as they were used as pasture. It was in the interest of the landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from tithe documents regarding the existence of public rights, and in particular, public vehicular rights. In some cases highways are coloured yellow or sienna to indicate public status.

Ramsbury Tithe award 1842 (TNA)

c. Archives. The Tithe map and Apportionment Roll are both held at The National Archives.

The Tithe Map (IR 30/38/224) is generally not produced for examination. The National Archives have an arrangement with *The Genealogist* whereby a copy is held online that may be viewed and downloaded for free when accessed by users at TNA and on payment when accessed from elsewhere.

Unfortunately downloads from *The Genealogist* are in black and white.

The apportionment roll (IR 29/38/224) is dated 1841 Dec 3 and again is accessible through *The Genealogist* .

d. Meaning.

Photos:**1842 Ramsbury Tithe Map Axford (1) TNA (IR 30_38_224)****1842 Ramsbury Tithe Map Axford (2) TNA (IR 30_38_224)****1842 Ramsbury Tithe Map Axford (3) TNA (IR 30_38_224)**

The map shows the whole length of the application route that lies within Ramsbury parish, unnumbered and uncoloured. It is bounded by two solid lines along its entire length, apart from a short stretch between point A and point B where it has a pecked line on the west. There is no apportionment number on any section of the route within Ramsbury. This indicates that no tithe is assessable. The route is depicted in the same way as the public metalled routes to which it connects.

The southernmost point of the route shown on the Ramsbury Tithe Map is annotated "To Bedwyn"

e. Assessment.

This is a second class map and so is only conclusive of matters of relevance to the tithe commissioners.

Footpaths or bridleways were likely to be at least partially productive (for example, as pasture) so the absence of an apportionment number is suggestive of vehicular rights.

As the part of application route on this map is unnumbered and hence not described specifically in the Apportionment Roll the applicant concludes it was considered to be a road and that the area occupied by the route is included as part of "Roads, Water and Waste".

The labelling at the southern end "To Bedwyn" is of no concern to the Tithe Commissioners but is highly suggestive of public rights. It would be unlikely to be so marked if the route was solely for the landowner and is additional evidence of the route continuing southwards to the Bath Road (the present A4), and suggestive of the public rights of that southern continuation and that its rights would be the same as that of the northern, Ramsbury, part of the route.

It was not the job of the Tithe Commissioners to indicate rights of way but the applicant contends that the evidence of this tithe map is good, but not conclusive, evidence that the application route in Ramsbury and to a lesser extent its continuation to The Bath Road was in 1842 considered to be a public vehicular highway.

Ramsbury Tithe award 1844 (WSHC)

c. Archives. A copy of this document is held at the WSHC, reference D/1/25/T/A/Ramsbury. The apportionment is dated 3 December 1841 and the maps are dated 1844. The award was made in 1841 and ratified in 1844.

d. Meaning.

The map is in two parts. Both parts are uncoloured.

Part 1 is entitled "*Map of the Titheable land in the Parish of Ramsbury Wilts in Two Parts Part 1*". It shows the application route from point A to the Little Bedwyn Parish Boundary, the limit of the map's coverage.

Photos: 1844 Ramsbury Tithe Map WSHC Pt 1(1), Pt 1(2) & Pt 1(3)

There is no apportionment number on any section of this route. At the southern end of the route, at the border with Little Bedwyn parish, the map is marked "to Bedwyn".

Widths; Stone Lane Way 16.6-33feet; North Lane c33ft; Cross lane c33ft; South Lane 16.5-49.5ft; Hill Close Lane c16.5 ft

Part 2 is entitled "*Skeleton map of the Parish of Ramsbury in the County of Wilts on a reduced scale showing the situation of the titheable lands in 2 parts Part 2*". It is dated 1844. It shows the entire length of the application route from point A to the Little Bedwyn Parish Boundary, the limit of the map's coverage.

Photos: 1844 Ramsbury Tithe Map WSHC Pt 2(1)&Pt 2(2)

There is no apportionment number on any section of this route. At the southern end of the route, at the border

with Little Bedwyn parish, the map is marked "*from Bedwyn*".

Widths; Stone Lane Way 16.5-33feet; North Lane c33ft; Cross Lane c33ft; South Lane 16.5-49.5ft; Hill Close Lane c16.5 ft

e. Assessment.

Part 1

Photo: 1844 Ramsbury Tithe Award WSHC Apportionment Roll

This is a second class map and so is only conclusive of matters of relevance to the tithe commissioners.

Footpaths or bridleways were likely to be at least partially productive (for example, as pasture) so the absence of an apportionment number is suggestive of vehicular rights.

As the part of application route on this map is unnumbered and hence not described specifically in the Apportionment Roll the applicant concludes it was considered to be a road and that the area occupied by the route is included as part of "Roads, Water and Waste".

The labelling at the southern end "*To Bedwyn*" is of no concern to the Tithe Commissioners but is highly suggestive of public rights. It would be unlikely to be so marked if the route was solely for the landowner and is additional evidence of the route continuing southwards to the Bath Road (the present A4), and suggestive of the public rights of that southern continuation and that its rights would be the same as that of the northern, Ramsbury, part of the route.

Part 2

This is a second class map and so is only conclusive of matters of relevance to the tithe commissioners.

Footpaths or bridleways were likely to be at least partially productive (for example, as pasture) so the absence of an apportionment number is suggestive of vehicular rights.

As the part of application route on this map is unnumbered and hence not described specifically in the Apportionment Roll the applicant concludes it was considered to be a road and that the area occupied by the route is included as part of "Roads, Water and Waste".

The labelling at the southern end "*From Bedwyn*" is of no concern to the Tithe Commissioners but is highly suggestive of public rights. It would be unlikely to be so marked if the route was solely for the landowner and is additional evidence of the route continuing southwards to the Bath Road (the present A4), and suggestive of the public rights of that southern continuation and that its rights would be the same as that of the northern, Ramsbury, part of the route.

Overall assessment:

It was not the job of the Tithe Commissioners to indicate rights of way but the applicant contends that the evidence of this tithe map is good, but not conclusive, evidence that the application route in Ramsbury and to a lesser extent its continuation to The Bath Road was in 1842 considered to be a public vehicular highway.

34 **Deposited Plans of the Basingstoke and Didcot Junction Railway with a branch through Newbury to Swindon**

a. Date. This plan is dated 1844

b. Relevance.

Companies wishing to build railways were required to show the owners of all the land within a certain distance of the proposed railway, and to place this information on deposit so that it could be inspected by the public and objections made, before Parliament would give the powers needed for the railway's construction. Railway records were well researched as mistakes would have been costly, with the possibility of the private bill being thrown out and a rival railway company being given permission.

The plans were put on public deposit, and landowners would have wished to ensure that matters were properly recorded so that their means of access across the railway line were constructed and that any sales to the railway company were at appropriate values.

c. Archives. WSHC, reference number A1/371/29MS (Plan and Book of Reference).

d. Meaning.

This record relates to the Newbury to Swindon branch of the Basingstoke and Didcot Junction Railway

The deposited railway plan (Sheet 7A) shows the route of the proposed railway line from left to right as a solid line marked with distances in furlongs. The application route crosses the railway line at just under 30 miles 3 furlongs (from the start of the line at Newbury), as shown in the figures below. This is the northernmost point of the application route, point A. The plan is orientated with north at the bottom of the page.

Photos:

1844 B&Didcot Jn Rwy Plan (A1 371 29)

1844 B&Didcot Jn Rwy Plan(1) (A1_371_29) – shows the 30m mark on the planned line

1844 B&Didcot Jn Rwy Plan(2) (A1_371_29) – slightly further west shows the application route

1844 B&Didcot Jn Rwy Book of Reference (A1_371_29) - second entry in the photo is that for parcel no 22

1844 B&Didcot Jn Rwy Book of Reference (2) (A1_371_29) – clearer photo of entry for parcel no 22

The plan shows the route as plot number 22. Plot number 22 starts north of the railway line and extends south of it, along the section of the application route between point A and B.

Book of Reference: “*PARISH of Ramsbury in the COUNTY of Wilts*” “*Numbers referring to the plan: 22*”
 “*NAMES of OWNERS or REPUTED OWNERS: Surveyor of Highways for Axford Tithing John Rowland*”
 “*NAMES of LESSEES or REPUTED LESSEES: (left blank)*” “*OCCUPIER'S NAMES: The Public*”
 “*DESCRIPTION OF PROPERTY: Parish Road*” Part of the local public road network.

A Parish Road was a road open to and for the use of the public.

Elsewhere in the Book Of Reference parcel No. 51 in The Parish of Ramsbury is described as a “Public Footpath”

Book of Reference: “*PARISH of Ramsbury in the COUNTY of Wilts*” “*Numbers referring to the plan: 51*”
 “*NAMES of OWNERS or REPUTED OWNERS: Surveyor of Highways for Axford Tithing John Rowland*”
 “*NAMES of LESSEES or REPUTED LESSEES: (left blank)*” “*OCCUPIER'S NAMES: The Public*”
 “*DESCRIPTION OF PROPERTY: Public footpath*”

Photos: 1844 B&Didcot Jn Rwy BoR Parcel 51 (A1_371_29) – parcel 51 is midway down the page

e. Assessment.

The drawing and numbering of the route within the limits of deviation of the railway, and the description of ‘Parish Road’ with owner ‘Surveyor of Highways for Axford Tithing John Rowland’ and occupier “The Public” is good evidence that the application route was regarded in 1844 as a public road, part of the local road network. Evidence from the same book of reference shows that footpaths were listed differently. This strengthens the evidence of vehicular status at the time the railway was proposed.

As a public road one would expect that Stone Lane Way would lead somewhere. There is no obvious place of public resort if travelling south other than The Bath Road or Putall Farm, and if travelling north from The Bath Road, only Stitchcombe or the larger village of Axford. That suggests the entire application route would have the same rights as parcel No. 22 on the railway plan.

35 Deposited Plans of The London, Bristol and South Wales Direct Railway with a branch to Devizes

a. Date. This plan is dated 1845

b. Relevance.

See: **Deposited Plans of the Basingstoke and Didcot Junction Railway with a branch through Newbury to Swindon (1844)** (Section 34)

c. Archives. WSHC, reference A1/371/45MS (Plan and Book of Reference).

d. Meaning.

This record relates to the Hungerford to Chepstow section of the London, Bristol and South Wales Direct Railway

The deposited railway plan shows the route of the proposed railway line from left to right as a solid line marked with distances in furlongs. The application route crosses the proposed line just south of the pit at just over 6 miles 4 furlongs (i.e. from the start of the section at Hungerford). The plan is orientated with north at the bottom of the page.

The plan shows the route as parcel number 17. The section of the application route shown is part of that between point A and point B.

Photos: 1845 London, B&SW Rwy Plan (1) (A1_371_45); 1845 London, B&SW Rwy Plan (2) (A1_371_45) – illustrates parcel no 17.

Book of Reference: *“Parish of Ramsbury” “Township or Tything of Axford” “No. on Plan: 17”*
“Description of Property: Public Highway” “Owners or Reputed Owners: Thomas Osmond Surveyor of Highways for the Township or Tything of Axford”. No occupier is given.

The same page in the book of reference shows how a footpath has been recorded differently from the application route

Book of Reference: *“Parish of Ramsbury” “Township or Tything of Axford” “No. on Plan: 12”*
“Description of Property: Field and Footpath” “Owners or Reputed Owners: Sir Robert Burdett” “Lessees or Reputed Lessees: Henry Woodman” “Occupier: Henry Woodman”

Photo: 1845 London, B&SW Rwy Book of Reference (1) (A1_371_45)
1845 London, B&SW Rwy Book of Reference (2) (A1_371_45)

An earlier page, also in Park Town, describes a parcel of land as *“field and occupation road and. public bridle road”*

Photo: 1845 London, B&SW Rwy BOR Park Town(A1_371_45)

Book of Reference: *“Parish of Ramsbury” “Township or Tything of Park Town” “No. on Plan: 1”*
“Description of Property: field and occupation road and. public bridle road” “Owners or Reputed Owners: Sir Robert Burdett Bart” “Lessees or Reputed Lessees: Robert Canning” “Occupier: Robert Canning”

Parcel 21 is annotated at its southern end *“To Putall”*.

e. Assessment.

The drawing and numbering of the route within the limits of deviation of the railway, and the description of ‘Public Highway’ with owner ‘Thomas Osmond surveyor of the Highways for the township or tithing of Axford’ is good evidence that the route was a public road at the time of the survey and part of the local road network. Evidence from the same book of reference shows that footpaths and bridleways were listed differently. This strengthens the evidence of vehicular status at the time the railway was proposed.

As a Public Highway one would expect that Stone Lane Way would lead somewhere. There is no obvious place of public resort if travelling south other than The Bath Road or Putall Farm, and if travelling north from The Bath Road, only Stitchcombe or the larger Axford. That suggests the entire application route would have the same rights as parcel No. 17 on the railway plan.

Parcel 21 is today Coomb Way.

The applicant concludes that the application route at its northern end was a Public Highway, a road with public vehicular rights, that led to Putall and the Bath Road.

36 Weller's Map of Wiltshire (1862)

a. Relevance.

This map was made for sale to the travelling public.

b. Archive. This document is held at the WSHC, reference "Printed Maps 1.29"

c. Meaning.

The entire length of the application route from point A at the north end of Stone Lane Way to point G at the Bath Road (the present A4) is shown as a "Road"

Photos: 1862 Weller (PM 1.29), 1862 Weller Key (PM 1.29)

South of Hill Close Lane, midway between point F and point G of the application route, rather than continuing southwards to the London Road to point G the road is shown running in a south easterly direction to join the road from the London Road to Putall Farm.

d. Assessment.

In 2018, midway between point F and point G a track runs north-eastwards from the application route to join the northern end of the road from the A4 to Putall Farm

Weller appears to be depicting that track as the continuation of the route from Axford. He did not rely on an actual survey and that may explain the incorrect representation. No-one looking at the route on the ground would agree with his representation.

The applicant concludes that the southernmost part of the application route was misrepresented on Weller's map, and the same error is repeated on subsequent maps printed by George Phillip & Son which appear to be based on Weller's map - for example, Bacon's Map of Wiltshire (c1876), Phillips' Cyclists' map of Wiltshire (1890) and Bacon's Map of Wiltshire (1895).

Although the map must have featured by accident or design some private routes and some footpaths and is in itself inconclusive, the depiction of the application route from A to midway between point F and point G supports the stronger evidence of public vehicular rights from documents such as the Tithe Awards and Railway Plans.

37 Marlborough Highways Board: Survey of Roads (1865)

a. Relevance.

Highway Boards were created by Quarter Sessions following the Highway Act 1862 to discharge highway functions for groups of rural parishes. They were created under statutory authority to execute statutory powers, and so the documents have more evidential weight than purely private documents.

b. Archive. This document is held in the WSHC under reference G8/1/28

c. Meaning.

An entry refers to a road from Putall Wood to TP London Road

Photos: 1865 Survey of Roads Full Page (G8_1_28), 1865 Survey of Roads Putall Wood (G8_1_28)

"Parishes", "Mildenhall", Roads", "From Putall Wood to TP London Road" "Remarks on present state of same", Narrow, not space for two vehicles abreast (ahead?), no metalling. Woods need cutting"

Another entry refers to a road from Putall Road to Holly Corner. **Photos: 1865 Survey of Roads Putall Road (G8_1_28)**

"Parishes", "Ramsbury", "Tithing", "Axford", "Roads", "Putall Road to Holly Corner" "Remarks on present state of same", Green Drove, ruts filled in with unbroken flints

A third refers to Stone Lane, from Stichcombe Corner to Holly Lane. **Photos: 1865 Survey of Roads Stone Lane (G8_1_28)**

"Parishes", "Ramsbury", "Tithing", "Axford", "Roads", "Stone Lane, from Stichcombe Corner to Holly Lane" "Remarks on present state of same", "Very rough"

e. Assessment.

In the first entry the reference to two vehicles implies that vehicles used the road from Putall Wood to TP London Road. As this road is in Mildenhall it must be section F – G of the application route as no other route meets those criteria. And its inclusion in this survey means it was considered a public road.

The applicant concludes that section F-G of the application route was a public vehicular road in 1865

Holly Lane is still known as such today, and so the third entry suggests that in 1865 Stone Lane referred to what was described in the 1727 Inclosure Agreement as Mead Lane.

Regarding the second entry, as Holly Corner is described as being in Axford it seems reasonable to conclude it was the southern end of Holly Lane, the current junction of RAMS9B and RAMS44, and from that it follows that North Lane (today the east-west leg of RAMS9B) was the road described from "Putall Road to Holly Corner", especially as it is described as a Green Drove. North Lane today is a wide hedge lined grassy lane

This leads to two conclusions: firstly, that North Lane was a public road, a drove, in 1865, and secondly that Putall Road was at the opposite end of North Lane to Holly Corner. This must mean that Stone Lane Way and Cross Lane were together termed "Putall Road"

The applicant therefore concludes that section B-C of the application route was regarded in 1865 as a public road, and that as Stone Lane Way and Cross Lane were regarded as Putall Road then the application route as a whole was regarded as the road from Axford to Putall.

38 .OS Boundary Remark Book 5501A Little Bedwyn (1874)

a. Relevance.

The Ordnance Survey was given the duty of ascertaining and recording all public boundaries by the Ordnance Survey Act 1841. The Ordnance Survey Boundary Remark Books, held at TNA in series OS 26, are the results of the Ordnance Survey's checking of the boundaries with the meresmen from the parishes on each side.

b. Archive. TNA document OS 26/11336 is the Boundary Remark Book for the parish of Little Bedwyn.

c. Meaning.

Photos: 1874 OS BRB L. Bedwyn (1) & (2) (26_11336)

It contains strip maps showing the boundaries with Little Bedwyn of Mildenhall, Ramsbury, and Savernake Great Park. Page 9 shows a wide unnamed track, part of the application route between points F and G, running in Mildenhall along the border with Little Bedwyn and then continuing into Ramsbury This entry is referred to by three OS Boundary Sketch Maps – those covering Ramsbury (TNA OS 27/5767), Mildenhall (TNA OS 27/5756) and Little Bedwyn (TNA OS 27/5731).

d. Assessment.

The boundary survey, which was approved by representatives from each parish, shows the southernmost part of the application route (F-G) as a physical feature. Those representatives clearly considered the route to be of sufficient importance to be included.

39 **OS Boundary Remark Book 5638 Ramsbury (1874)**

a. Relevance.

See **OS Boundary Remark Book 5501A Little Bedwyn (1874)** (above).

b. Archive. TNA document OS 26/11126 is the Boundary Remark Book for the parish of Ramsbury.

c. Meaning.

It contains strip maps showing the boundaries with Ramsbury of Aldbourne, Baydon, Lambourne, Mildenhall and Ogbourne St. George, Mildenhall, Ramsbury, and Savernake Great Park.

Photos : 1874 OS BRB Ramsbury (1) &(2) (26_11126)

Page 4 shows a wide unnamed track at the junction of Ramsbury and Little Bedwyn, running diagonally to the top left corner of the page. This is part of the section of the application route between points E and G; point G is off the page to the top left and point F is on the track where Mildenhall and Ramsbury meet.

This entry is referred to by two OS Boundary Sketch Maps those covering Ramsbury (TNA OS 27/5767) and Mildenhall (TNA Ref. OS 27/5756).

d. Assessment.

The boundary survey, which was approved by representatives from each parish, shows the southernmost part of the application route (F-G) as a physical feature at that time. Those representatives clearly considered it of sufficient importance that it should be included

40 **Bacon's Map of Wiltshire (circa 1876)**

a. Relevance.

This map was made for sale to the travelling public and appears to be based on Weller's of 1862.

b. Archive. This document is held at the WSHC, reference "Printed Maps 2.10"

c. Meaning.

The entire application route from point A to midway between point F and point G is shown as a "Cross Road"

Photos: 1876 Bacon Axford (PM 2_10)

South of Hill Close Lane, midway between point F and point G of the application route, rather than continuing southwards to the London Road to point G a Cross Road is shown running in a south easterly direction to join the road from the Bath Road to Putall Farm.

d. Assessment.

This map again appears to be based on Weller's of 1862 (itself printed by George Phillip & Son) and repeats its representation of the route southwards from point F.

There is at present a track that runs from the application route to the road into Putall Farm at about the point illustrated on Weller's map (and subsequent maps based on it). On the ground that track runs roughly north-eastwards, not as per Weller.

Weller, unlike Andrews and Dury before him and the Ordnance Survey after him, decided to depict the track into the farm, albeit running in the wrong direction, rather than the route that continued, and still continues, southwards to the Bath Road (A4).

Although the map must have featured, by accident or design, some private routes and some footpaths, the

balance of probabilities must be greatly in favour of the application route being a road with vehicular rights.

As demonstrated earlier the term Cross Road in this context means a public vehicular route, suggesting that the application route was deemed to be such in 1876.

41 **Ordnance Survey Boundary Sketch Map covering Ramsbury (1876)**

a. Relevance.

The Ordnance Survey was given the duty of ascertaining and recording all public boundaries by the Ordnance Survey Act 1841. Of particular value for determining highway status are the Boundary Sketch Maps (OS 27) and Boundary Remark Books (OS 26). These were produced under Parliamentary authority (the 1841 Act), with the power to summon the Clerk of the Peace and any books, maps, papers or other documents he held (s.5 of the 1841 Act) and under provisions that an offence be committed for obstructing or hindering the surveyor appointed under the 1841 Act (s.8 of the 1841 Act). The Boundary Sketch Map was advertised for public inspection. The records have been held in official custody, firstly by the Ordnance Survey, and latterly by The National Archives.

The Ordnance Survey Boundary Sketch Maps in TNA series OS 27 show the whole of a parish (sometimes a group of parishes) and indicate which of the Boundary Remark Books is needed to look at a specific section of the parish boundary.

b. Archive. This document is held at TNA (Ref OS 27/5767)

c. Meaning.

Photos: 1876 OS BSM Ramsbury (2) (27_ 5767)

It shows a short section of a road running northwards into Ramsbury and southward in Mildenhall from the point at which the parishes of Ramsbury, Mildenhall and Little Bedwyn meet. This is marked with an "A" on the map

Photos: 1876 OS BSM Ramsbury (3) (27_5767), 1876 OS BSM Ramsbury (4) (27_5767), 1876 OS BSM Ramsbury (5) (27_5767)

Just east of the Mildenhall – Little Bedwyn – Ramsbury ("A" above") border it is annotated B.R.B. 5501A P.9. This refers to an entry on page 9 of the OS Boundary Remarks Book 5501a (TNA Ref. OS 26/11336)

Just west of the Mildenhall – Little Bedwyn – Ramsbury ("A" above") border it is annotated B.R.B. 5638 P.4. This refers to an entry on page 4 of the OS Boundary Remarks Book 5638 (TNA Ref. OS 26/11126)

Just west of point "A" is inscribed "Hen's Wood". That location would not be regarded today as part of Hen's Wood.

d. Assessment.

This document is significant as it provides physical evidence of Axford Lane in 1876 at the Ramsbury, Mildenhall, Little Bedwyn border. The length of road shown is part of the application route between points F and G.

42 **OS Boundary Sketch Map covering Mildenhall (1876)**

a. Relevance. See **OS Boundary Sketch Map covering Ramsbury (1876)** (above).

b. Archive. This document is held at TNA (Ref OS 27/5756)

c. Meaning.

It shows a road running northwards from the London road (the present A4) along the Mildenhall – Little Bedwyn parish boundary, and then into the parish of Ramsbury, no longer following the boundary

Photos: 1876 OS BSM Mildenhall (1) (27_5756), 1876 OS BSM Mildenhall (2) (27_5756), 1876 OS BSM Mildenhall (3) (27_5756),

Just south of the Ramsbury -Little Bedwyn border it is annotated B.R.B. 5501A P.9. This refers to an entry on page 9 of the OS Boundary Remarks Book 5501a (TNA Ref. OS 26/11336)

The Mildenhall – Ramsbury border just north of that between Mildenhall and Little Bedwyn is annotated B.R.B. 5638 P.4. This refers to an entry on page 4 of the OS Boundary Remarks Book 5638 (TNA Ref. OS 26/11126)

Just west of point “B” is inscribed “Hen's Wood”. Today that would not be regarded as part of Hen's Wood.

d. Assessment.

This document is significant as it provides physical evidence of Axford Lane in 1876 at the Ramsbury, Mildenhall, Little Bedwyn border. The length of road shown is part of the application route between points F and G.

43 OS Boundary Sketch Map covering Froxfield and Little Bedwyn (1876)

a. Relevance. See OS Boundary Sketch Map covering Ramsbury (1876) (above).

b. Archive. This document is held at TNA (Ref OS 27/5731)

c. Meaning.

It shows a road running along the Little Bedwyn – Mildenhall border, and extending north of Little Bedwyn parish.

Photos: 1876 OS BSM L.Bedwyn (2) (27_5731), 1876 OS BSM L.Bedwyn (3) (27_5731), 1876 OS BSM L.Bedwyn 4) (27_5731)

Where the Little Bedwyn northern border turns eastwards is annotated P.9. This refers to an entry on page 9 of the OS Boundary Remarks Book 5501a (TNA Ref. OS 26/11336)

d. Assessment.

This document is significant as it provides physical evidence of Axford Lane in 1876 at the Mildenhall - Little Bedwyn border. The length of road shown is part of the application route between points F and G

44 Ordnance Survey 25” Wiltshire Sheet 29.11 1st Edition (1885, surveyed 1879 and 1883)

a. Relevance.

This map was created from an actual survey.

While most Ordnance survey maps carry a disclaimer that they do not provide evidence for the existence of public rights of way, the first edition maps at 25” scale were accompanied by books of reference, often called “Area Books” which can provide additional evidence of reputation, particularly for routes which ought to be recorded as restricted byways or byways open to all traffic.

Area books are available for many of the maps, and if published before about 1879, contain land use information. Later area books only provide areas for the land parcels.

b. Archive. A copy of Wiltshire 25” Sheet 29.11 (1st Edition) is held at the WSHC.

c. Meaning.

This copy is coloured.

This sheet covers only the northern part of the application route, from point A to midway between points C

and D.

Section A-B of the application route (Stone Lane Way) is shown with a sienna (metalled) central portion with wastage either side. It is fenced except at the Pit. There are no gates. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered (854) and measured (1.829). **Photo: 1885 25in 2911(1)**

Section B-C of the application route is a short section at the western end of North Lane. North Lane is uncoloured, at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft, no wastage. It is numbered (850) and measured (3.887) separately from the land on either side (included with Holly Lane and Cross Lane) **Photo: 1885 25in 2911(2)**

The northern part of section C-D of the application route (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered (850) and measured (3.887) separately from the land on either side (included with Holly Lane and North Lane). **Photo: 1885 25in 2911(2)**

d. Assessment.

That the application route on this sheet is separately numbered and measured suggests it was not considered part of the land on either side and suggests it was a public road (for the reason below):

“It was the practice of the OS to allocate parcel numbers to distinct pieces of land and number them. These are numbered and recorded on the maps as acreages. Where applicable parcels were braced with adjoining parcels – for example a track across a field may be braced in with the surrounding land and measured with that. However, 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 the 'Town area'), all public roads, whether fenced or unfenced and foreshore and tidal water.'*” From Ordnance Survey Maps, a descriptive manual by J B Harley (published by the Ordnance Survey in 1975).

It is not conclusive of vehicular rights that the route is neither labelled “F.P” nor “B.R” but suggestive of them.

The applicant considers it significant that this map was created as a result of an original survey. It serves as strong evidence for the existence of a route along the line of the application route on this sheet and evidence, albeit less strong, of the public status of the route and vehicular rights along it.

45 Ordnance Survey 25” Wiltshire Sheet 29.15 1st Edition (1886)

a. Relevance. This map was created from an actual survey.

See Section 44.

b. Archive. A copy of Wiltshire 25” Sheet 29.15 (1st Edition) is held at the WSHC.

c. Meaning.

This sheet is coloured. (Coomb Lane in the north-west corner running down to Hill Close is coloured sienna. A number of fields have their perimeters marked in blue, but that was not original) **Photo: 1886 OS25in 2915(1)**

The southern part of section C-D of the application route (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40 feet. It is separately numbered (935) and measured (.210) . **Photo: 1886 OS25in 2915(2)**

Section D-E of the application route is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. It is uncoloured with no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It is separately numbered (936) and measured (2.285). At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees. **Photo: 1886 OS25in 2915(2)**

Section E-F of the application route (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is uncoloured and amongst the trees. Fenced, no gates, not marked FP or BR. Numbered and measured with South Lane. Width including wastage about 50ft. Dotted central portion is much narrower. **Photo: 1886**

OS25in 2915(3)

Section F-G of the application route (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, Uncoloured, no gates, not marked FP or BR. Separately numbered and measured. Named "Axford Lane". **Photo: 1886 OS25in 2915(4)**

d. Assessment.

The applicant considers it significant that this map was created as a result of an original survey.

That the application route is numbered and measured separately from the land on either side of it suggests it was not considered part of the land on either side and, indeed, was a public road (see Section 44 for the reasoning).

It is not conclusive of vehicular rights that none of the application route is labelled "F.P" or "B.R" but it is suggestive of them.

This sheet provides strong evidence of the existence of the application route and evidence albeit less strong that public vehicular rights existed along it at the time of the survey.

46 **OS1in New Series Sheet 267 Hungerford (coloured), Published 1889**a. Relevance. This map was made from an original survey.

Ordnance Survey maps have nearly always carried the disclaimer "The representation on this map of a Road, Track or Footpath is no evidence of a right of way". Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

See Section 23, "Ordnance Survey 1" Old Series 1817 Sheet 14".

b. Archives. This plan is held by the WSHC under reference number "Printed Maps 4.40"c. Meaning.

Sheet 267 includes much of the Axford area.

It shows the southern end of section A-B of the application route, section B-C, section C-D, all but the very westernmost part of section D-E and the southernmost portion of section F-G as "*Minor Roads*".

Photo: 1889 OS 1in Sheet 267 (PM4.40); 1889 OS 1in Sheet 267 Key (PM4.40)

The remainder of the application route is shown on OS1in New Series Sheet 266 (1892).

d. Assessment.

This shows that the parts of the application route represented on this map existed in 1889 and were regarded as "*Minor Roads*".

This shows that the parts of the application route represented on this map route existed as a physical route in 1892 and were regarded as a "*Minor Roads*".

The map does carry a disclaimer regarding the depiction of rights of way.

However, as a main purpose of the one-inch map can be stated to have been to serve as travelling map for the public, it seems likely that a "*Minor Road*" on such a map would have had public vehicular rights unless the route clearly lead only to, say, a farmstead or private house. That is not the case here.

The applicant concludes that taken together the two sheets, this one and 266 (see Section 48), are suggestive of public vehicular rights along the entire application route.

47 **Phillips' Cyclists Map of Wiltshire (1890)**a. Relevance.

This map was made for sale to the travelling public.

b. Archive. This document is held at the WSHC, reference "Printed Maps 2.14".c. Meaning.

Printed by George Phillip & Son, London & Liverpool

The entire application route from point A to midway between point F and point G is shown as a "*Cross Road*"

Photo: 1890 Phillips' Cyclists' Map (2.14); 1890 Philips' Cyclists' Key (PM2.14)

Midway between point F and point G of the application route the road continues as a Cross Road in a south easterly direction to join the road from the London Road to Putall Farm.

d. Assessment.

This map again appears to be based on Weller's of 1862 (itself printed by George Phillip & Son) and repeats its representation of the route southwards from point F.

There is a present a track that runs from the application route to the road into Putall Farm at about the point illustrated on Weller's map and subsequent maps based on it). On the ground that track runs roughly north-eastwards, not as per Weller.

Weller, unlike Andrews and Dury before him and the Ordnance Survey after him, depicted the track into the farm, albeit in the wrong direction, rather than the route that continued and still continues southwards to the Bath Road (A4).

The term Cross Road in this context means a public vehicular route.

Although the map must have featured , by accident or design , some private routes and some footpaths, it suggests that the application route was a public road with vehicular rights

48 **OS1in New Series Sheet 266 Marlborough (coloured) Surveyed 1878-86, Published 1892 (WSHC, Ref. Printed Maps 4.38)**a. Relevance. This map was made from an original survey.

See Section 23, "Ordnance Survey 1" Old Series 1817 Sheet 14".

b. Archives. This plan is held by the WSHC under reference number "Printed Maps 4.38"c. Meaning.

Sheet 266 incudes much of the Axford area.

It shows the northern part of section A-B of the application route, he extreme western end of section D-E, all of section E-F and the northern portion of section F-G all depicted as "*Minor Roads*".

Photo: 1889 OS 1in Sheet 266 (PM4.38); 1889 OS 1in Sheet 266 Key (PM4.38)

The remainder of the application route is shown on OS1in New Series Sheet 267 (1889).

d. Assessment.

This shows that the parts of the application route represented on this map existed as a physical route in 1892 and were regarded as a "*Minor Roads*".

The map does, however, carry a disclaimer regarding the depiction of rights of way.

However, as a main purpose of the one-inch map can be stated to have been to serve as travelling map for the public, it seems likely that a “*Minor Road*” on such a map would have had public vehicular rights unless the route clearly lead only to, say, a farmstead or private house. That is not the case here.

The applicant concludes that taken together the two sheets, this one and 267 (see Section 46), are suggestive of public vehicular rights along the entire application route.

49 Ordnance Survey Object Name Book – Wiltshire Sheet XXIX SE 1899

- a. Date. The Object Name Book is dated 1899 - 1922
- b. Relevance. The Ordnance Survey needed a reliable way of determining the names put on their maps. They recorded the authority for the names and the modes of spelling. Their record books give other information. The records relate to the names shown on the second edition county series maps
- c. Archives. The Object Name Book for map Wiltshire XXIX SE is held at TNA under reference OS 35/7496.
- d. Meaning.

The Object Name Book records the name of part of the application route as “Axford Lane”. Axford Lane is the section of the application route from point F to point G. The description given is “An unmetalled road extending from NW corner of Puthall Park to 30 chains east of Puthall Lodge Gate”. This entry is on a page dated March 1899.

The extract also shows the entry immediately before Axford Lane in the same Object Name Book; Sawpit Drive. The description given is “Applies to a private road extending from Amity Oak through the Eight Walks”

The same Object Name Book records the authority for the spelling of Axford Lane and Sawpit Drive. The second extract shows that the spelling was confirmed by Colonel E.B, Merriman, Savernake Estate Office, agent to the Rt Hon. Marquis of Ailesbury.

Photo 1899 OS ONB XXIXSE Page 11 (35_7496); Photo 1899 OS ONB XXIXSE OS230 (35_7496)

- e. Assessment.

The fact that the Ordnance Survey drew a distinction between “roads” and “private roads” leads to the conclusion that Axford Lane was not considered to be private at the time of the name determination. In other words, it was considered to be public.

It seems unlikely that a purely private route would be named.

This evidence is significant because it was produced by a public body (the Ordnance Survey), the contents were agreed by notable people in the locality (in this case, the agent to the landowner); a comparison between this route (Axford Lane) and a private route enables this one to be confirmed as public; its description is that of an “unmetalled road” and it can be related to an exact route because the document was compiled to verify the description of the wording/names printed on the Ordnance Survey county series map.

Axford Lane from the “NW corner of Putall Park to 30 chains east of Putall Lodge Gate” is section F-G of the application route.

The applicant concludes that section F-G of the application route was in 1899 a public unmetalled road.

50 Ordnance Survey 25” Wiltshire Sheet 29.11 2nd Edition (1900)

- a. Date. Published 1900 (Surveyed 1883, revised 1899) .
- b. Relevance. This map was produced from an actual survey, with the addition of later revisions.

Ordnance Survey maps have nearly always carried the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Maps published since the Definitive Map was available carry the disclaimer “The representation on this map of any other road, track or path is no evidence of the existence of a right of way”. Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

c. Archive. A copy of Wiltshire Sheet 29.11 (2nd Edition) is held in the WSHC

d. Meaning.

This copy is uncoloured. **Photo: 1900 OS25in 2911(1)**

This sheet covers only the northern part of the application route, from point A to midway between points C and D.

Section A-B of the application route (Stone Lane Way) is shown with a central portion with wastage either side. It is fenced except at the Pit. There are no gates. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered (705) and measured. **Photo: 1900 OS25in 2911(2)**

Section B-C of the application route is a short section at the western end of North Lane. North Lane is at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft, no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and Cross Lane). **Photo: 1900 OS25in 2911(3)**

The northern part of section C-D of the application route (Cross Lane) is shown. It is fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and North Lane). **Photo: 1900 OS25in 2911(3)**

e. Assessment.

This map again shows the physical existence of this part of the application route in 1900.

That it was separately numbered and measured suggests an identity distinct from the lands on either side, and as a public road (see Section 44, OS 25” Wiltshire Sheet 29.11 (1885)).

It is not conclusive of vehicular rights that the route is neither labelled “F.P” nor “B.R” but suggestive of them.

The applicant considers it significant that this map was created as a result of an original survey, with later revisions. It serves as strong evidence for the existence of a route along the line of the application route on this sheet, and less strong evidence of the public status of the route and vehicular rights.

51 Ordnance Survey 25” Wiltshire Sheet 29.15 2nd Edition (1900)

a. Date. Published 1900 (Surveyed 1878-83, Revised 1899)

b. Relevance. This map was produced from an original survey, with later revisions.

See Section 50.

c. Archive. A copy of Wiltshire 25in Sheet 29.15 (2nd Edition) is held at the WSHC.

d. Meaning.

The original map was created uncoloured. This copy of the sheet is actually the Sheet 29.15 Working Plan for the Inland Revenue Finance Act 1911, and so the fields and other areas of land have been subsequently coloured to indicate their ownership. **Photo: 1900 OS25in 2915(1)**

The southern part of section C-D of the application route (Cross Lane, parcel 682) is shown. It is fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40 feet. It is separately numbered and

measured. **Photo: 1900 OS25in 2915(2)**

Section D-E of the application route is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. It has no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It is separately numbered (683) and measured (2.285). At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees. **Photo: 1900 OS25in 2915(2)**

Section E-F of the application route (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is amongst the trees. Fenced, no gates, not marked FP or BR. Width including wastage about 50ft. Dotted central portion is much narrower. It is numbered and measured separately from the land on either side but included with section D-E (i.e. with South Lane). **Photo: 1900 OS25in 2915(2)**

Section F-G of the application route (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, No gates, not marked FP or BR. Separately numbered and measured. Named "Axford Lane". **Photo: 1900 OS25in 2915(3)**

e. Assessment.

The applicant considers it significant that this map was created as a result of an original survey with later revisions.

This map shows the physical existence of the application route at the time of the later revisions.

That none of the route on this sheet is marked FP or BR suggests the route was a road.

That the the application route shown is separately numbered and measured suggests it was not considered part of the land on either side and was a public road (for reasoning see Section 44).

This sheet provides strong evidence of the existence of the application route and evidence, albeit less strong, that public vehicular rights existed along it in 1899.

52 Ordnance Survey 6", 2nd Edition, Wiltshire Sheet 29 SE (1900)

a. Relevance. This map was photo-reduced from the 2nd Edition County Series 25" maps.

See Section 50.

b. Archive. A copy of Wiltshire 6in Sheet 29 SE (2nd Edition) is held at the WSHC, along with a separate sheet containing the key

c. Meaning.

All sections of the application route: namely A-B (Stone Lane Way), B-C (part of North Lane), C-D (Cross Lane), E-F (Hill Close Lane) and F G (Axford Lane to the A4) are depicted as fenced "Minor Roads".

Photos: 1900 OS6in29SE and 1900 OS6in29SE Putall; OS6in Conventional Signs (1) and (2)

d. Assessment.

This map provides further evidence of the existence of the entire route in 1900. The key gives further information on the nature of the route i.e. a "Minor Road"

53 Deposited Plans of the Central Wilts Light Railway

a. Date. May 1903

b. Relevance.

See *Deposited Plans of the Basingstoke and Didcot Junction Railway with a branch through Newbury to Swindon (1844)* (Section 34)

- c. Archives. WSHC, reference A1/371/165BMS (Plan and Book of Reference)
- d. Meaning.

This record relates to the Central Wilts Light Railway, Railway No. 4

The deposited railway plan shows the route of the proposed railway line from left to right as a solid line marked with distances in furlongs. The plan is orientated with north at the top of the page. The railway line crosses the application route at just under 2 miles 7 furlongs measured from west-east (i.e. from Marlborough).

Photo: 1903 Central Wilts Light Rwy Plan (A1_370_165B)& 1903 Central Wilts Light Rwy BOR (A1_370_165B)

The plan shows the route as plot number 7 in "*The Parish of Ramsbury in the County of Wilts*". The associated book of reference gives the description of the parcel as 'Occupation Road, Chalk Pit and Land', the owner as 'Sir Francis Burdett, Bart' and no lessee or occupier is given. Plot number 7 is part of the section of the application route between points A and B and the railway line crosses the application route about two-thirds of the distance from A to B.

The book of reference does not describe any of the roads crossed in either the parish of Mildenhall or of Ramsbury as a public highway; only accommodation roads or occupation roads.

- e. Assessment.

The drawing and numbering of the route within the limits of deviation of the railway, and the description of 'Occupation Road, Chalk Pit and Land' with owner 'Sir Francis Burdett, Bart' is evidence that the application route was regarded in 1903 as an occupation road.

This could be because by 1903 it was genuinely regarded as such. However, as the legal maxim "once a highway always a highway" goes, that in itself would not alter the fact that fifty years earlier it was regarded as a Public or Parish Road and negate those earlier rights.

Or perhaps the railway company may have omitted to make sufficient enquiries as to its history. It is striking that the book of reference identified so few public roads in Mildenhall or Ramsbury. It is worthy of note that roads 2 and 8, near to the application route and described in the 1903 Book Of Reference as Accommodation Roads, now have the status of Public Rights of Way, and that that Mildenhall Parish Council (adjacent to Ramsbury on its western flank) drew the attention of the District Council to four inaccuracies in the descriptions of roads that the line would cross in Mildenhall alone, as well as one omission. An entry to that effect appears in the Mildenhall Parish Council minutes, dated 19th June 1903 (WSHC, Ref. 2902/1)

54 Mildenhall Parish Council minutes, 1903

- a. Date. 19th June 1903
- b. Relevance. These minutes include the response of Mildenhall Parish Council to the Plan and Book of Reference of the Central Wilts. Light Railway, Railway No. 4, Hungerford to Chippenham section concerning the section of the route through the parish of Mildenhall.
- c. Archive. WSHC, reference 2902/1
- d. Meaning.

Photo: 1903 Mildenhall PC Minutes Page 55 (2902_1), 1903 Mildenhall PC Minutes Page 55(2) (2902_1)

The minutes for Mildenhall Parish Council dated 19th June 1903 (on page 55) resolved

....."to call the attention of the District Council to the following numbers in the Schedule which are inaccurately described viz.;

"No.6 should be an Accommodation Road
9 should be Parish Road (Cock-a-troop)

21 should be Parish Road
 26 should be Parish Road (Forest to Stitchcombe)
 and also to the fact that no mention is made of an accommodation road in Plot 22”

e. Assessment.

These minutes indicate that Mildenhall Parish Council was unhappy with the quality of information in the Book of Reference. All Mildenhall roads mention in the Book of Reference are described as Occupation or Accommodation roads, none as public.

No 6 is now a public footpath, MILD20; No 9 is now a public footpath, MILD17 (with a DMMO submitted applying for re-classification as a Restricted Byway); No 21 is Chopping Knife Lane (U/C 5084) and No 26 is U/C 5085. The applicant cannot identify the last named accommodation road. These current day statuses accord with the Parish Council's comments.

55 Ordnance Survey 1” Revised New edition, 3rd Edition 1903, Sheet 267 (Hungerford)

a. Date. Published 1903 (surveyed 1872-83, Revised 1901-02, partially revised to show railways to 1906)

b. Relevance.

This map carries the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly it provides evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

See Section 23, “Ordnance Survey 1” Old Series 1817 Sheet 14”.

c. Archive. Reproductions of this map are available from the Ordnance Survey. One such is owned by the applicant.

d. Meaning.

The southern portion of section A-B of the application route, all of sections B-C, C-D and D-F and the southern most part of section F-G are all shown as either third class metalled roads or unmetalled roads. Differentiating between the two types is not easy as that is indicated by the thickness and closeness of the lines representing the road, and that is not very clear on the map.

The other parts of the route are shown on sheet 266 (see Section 56).

Photo: 1903 OS1in267 Detail, 1903 OS1in267 Key

e. Assessment.

This map provides evidence of the physical existence in 1902 as at least unmetalled or perhaps third class metalled roads of sections A-B (in part), B-C, C-D, D-E (in part) and F-G (in part) of the application route.

However, as a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, it seems likely that an unmetalled road on such a map would have had public vehicular rights unless the route led only to say, a farmstead or private house.

Taken in conjunction with sheet 267 (Section 56), in this case therefore the applicant concludes that the route shown, the application route, had public vehicular rights as part of the local road network.

56 Ordnance Survey 1” Revised New Edition, 3rd Edition 1904, Sheet 266 (Marlborough)

a. Date. Published 1904 (Surveyed 1878-83, Revised 1902, railways to 1914)

b. Relevance.

See Section 23, “Ordnance Survey 1” Old Series 1817 Sheet 14”

This map carries the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly it provides evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

c. Archive. Reproductions of this map are available from the Ordnance Survey. The copy cited is owned by the applicant.

d. Meaning.

The northern portion of section A-B of the application route, the extreme western end of section D-E, all of section E-F and the northern portion of section F-G are all depicted as either third class metalled roads or unmetalled roads. Differentiating between the two types is not easy as that is indicated by the thickness and closeness of the lines representing the road, and that is not very clear on the map.

The other parts of the route are shown on sheet 267 (see Section 55).

Photo: 1904 OS1in266 Detail, 1904 OS1in266 Key

e. Assessment.

This map provides evidence of the physical existence in 1904 as at least unmetalled or perhaps third class metalled roads of sections A-B (in part), D-E (in part), E-F and F-G (in part) of the application route.

However, as a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, it seems likely that an unmetalled road on such a map would have had public vehicular rights unless the route led only to say, a farmstead or private house.

Taken in conjunction with sheet 267 (Section 55), in this case therefore the applicant concludes that the route shown, the application route, had public vehicular rights and was part of the local road network.

57 **Marlborough Rural District Council (RDC) Rights of Way Map (1905)**

a. Relevance. The Marlborough Rural District Council was created under powers in the Local Government Act 1894 and took over many of the highways functions of the former Highways Board. It was created under statutory authority to execute statutory powers, and so its records have more evidential weight than completely private documents. It was produced by J.W. Brooke, Marlborough RDC Surveyor. The map contains a key, reproduced below.

b. Archive. This map is held in the WSHC under reference G8/250/1

c. Meaning.

A route is shown running generally southwards from Stitchcombe to “The Bath and London Main Road”, firstly as Coomb Lane and then as Axford Lane. From the route's northern end at Stitchcombe, Coomb Lane runs southwards as far as Hill Close coloured yellow but is then coloured red running roughly south-eastwards through East Croft Coppice until its junction with Axford Lane where it is once more coloured yellow and runs southwards to the London – Bath road. Section F-G of the application route (Axford lane) is coloured yellow.

Photo: 1905 Marlborough RDC ROW Map Detail 1 (G8_250_1); 1905 Marlborough RDC ROW Map Key (G8_250_1)

Those routes shown on the map in green are generally today footpaths and bridleways.

The route is annotated with the number “34”. The key says such numbers “refer to the report”. The Marlborough Rural District Council Rights of Way Report 1905 is held at the WSHC and is discussed below.

d. Assessment.

The applicant concludes that in 1905 the Marlborough RDC Surveyor considered the section of Axford Lane constituting section F-G of the application route to be a Highway repaired by the District Council and, by

virtue of its colouring, the balance of probabilities suggest it to be a road with vehicular rights rather than a footpath or bridleway.

58 Marlborough RDC Rights of Way Report (1905)

a. Relevance. The Marlborough Rural District Council was created under powers in the Local Government Act 1894 and took over many of the highways functions of the former Highways Board. It was created under statutory authority to execute statutory powers, and so its records have more evidential weight than completely private documents. This report was produced by J.W. Brooke, Marlborough RDC Surveyor., to accompany Marlborough RDC Rights of Way Map 1905 (WHC. Ref. G8/250/1).

b. Archive. This report is held at the WSHC under reference G8/250/2

c. Meaning. It includes the following note regarding the route from Stitchcombe to the London Road:

“34. The road leading from Stitchcombe via Puthall Park, to the London Road, has been disturbed; the road should follow the Parish Boundary through Hill Copse and a corner of East Croft Coppice.”

Photo: 1905 Marlborough RDC ROW Report (G8_250_2)

Also

“33 – An old footpath is claimed”

“37 – The Footpath from Poulton Bridge....”

d. Assessment.

This note uses the word “road” twice. Other entries use the word “footpath”.

The applicant concludes that the route numbered “34” of which the length of the application route from point F to point G is a part was regarded in 1905 by the Marlborough RDC surveyor both as public (by virtue of appearing on his map) and as a road (by virtue of him using that word rather than footpath, or bridleway).

59 Marlborough RDC Minutes (1906)

a. Relevance.

The Marlborough Rural District Council was created under powers in the Local Government Act 1894 and took over many of the highways functions of the former Highways Board.

It was created under statutory authority to execute statutory powers, and so its records have more evidential weight than completely private documents.

b. Archive. The Marlborough RDC minutes are held by the WSHC under reference G8/100/2.

c. Meaning.

The minutes from a meeting dated 22nd September 1906 restated the issue with route 34:

Page 372: “Upon the motion of the chairman it was resolved that the Council confirm the decisions arrived at by the Council in Committee upon the subject of roads and footpaths within the district as follows:-

Page 374: Under the heading of “*Mildenhall*”, Typewritten

[*Typewritten*]“34: - The Road leading from Stitchcombe, via Puthall Park, to the London Road, has been disturbed.; the road should follow the Parish Boundary through Hill Close and a corner of East Croft Coppice.”

And a corresponding handwritten comment “34. No action required”

Photos: 1906 RDC Minutes (1) (G8_100_2), 1906 RDC Minutes (3) (G8_100_2)

d. Assessment.

The applicant concludes that the words “roads and footpaths” having been used in the preamble on page 372 the use of the term “road” in entry 34 is significant.

These minutes strongly suggest that the route from Stitchcombe via Putall Park to the London Road was in 1905 considered a public road. The southernmost part of that route is the section of the application route from Point F to Point G.

60 Ordnance Survey 1”, 3rd Edition, Large Sheet Series, Sheet 113a. Date. 1908 (Revised 1901-02, Railways to 1912)b. Relevance.

See Section 23, “Ordnance Survey 1” Old Series 1817 Sheet 14”

This map carries the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly it provides evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

c. Archive. A copy is held at the WSHC under reference “Printed Maps 4.18”d. Meaning.

Section A-B of the application route (Stone Lane Way) is shown as a 2nd Class Fenced Metalled Road

From the point B south to the A4 at point G the remainder of the application route is shown as fenced 3rd Class metalled roads

Photos: 1908 OS 1in Sheet 113 (PM4.18); 1908 OS 1in Sheet 113 Key (PM4.18)

e. Assessment. This map provides evidence of the physical existence of the application route in 1908.

However, as a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, it seems likely that 2nd and 3rd Class Metalled Roads on such a map would have had public vehicular rights unless the route led only to say, a farmstead or private house.

In this case, therefore, the applicant concludes that the map provides some evidence that the route shown, the application route, had public vehicular rights and was part of the local road network.

61 Inland Revenue Valuation Record Plan Wiltshire 25in Sheet 29.11a. Date. The valuation records were produced in the few years after 1910.b. Relevance. The Finance (1909–10) Act 1910 caused every property in England and Wales to be valued. The purpose was to charge a tax on any increase in value when the property was later sold or inherited. The valuation involved complicated calculations which are not relevant for highway purposes. However, two features do affect highways: public vehicular roads were usually excluded from adjoining landholdings and shown as ‘white roads’, and discounts could be requested for land crossed by footpaths or bridleways. This is known because s.35 of the 1910 Act provided,

“No duty under this Part of this Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority.”

We note that a highway authority was a rating authority. There was no obligation for a land owner to claim any of the other discounts available (applying for discounts was an entirely voluntary act), but Section 25 authorised the discount for footpaths and bridleways if they were claimed:

“The total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to any fixed charges and to any public rights of way or any public

rights of user, and to any right of common and to any easements affecting the land, and ... [other exclusions.]”

All land had to be valued unless it was exempted by the Act. There were harsh penalties for making false declarations, and Section 94 provided:

“If any person for the purpose of obtaining any allowance, reduction, rebate, or repayment in respect of any duty under this Act, either for himself or for any other person, or in any return made with reference to any duty under this Act, knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months with hard labour.”

The Inland Revenue Valuation books - known as Domesday Books but properly entitled Duties on Land Values - were prepared by the Inspector of Taxes and contain details of the valuation of land for the purposes of duty under the Finance Act (1909-10), 1910. They provide basic information relative to the valuation of each property, including the valuation assessment number, map reference, owner, occupier, situation, description and extent, as well as details of deductions (i.e. discounts) for things such as rights of way on the property. Surviving Domesday Books were presented to local record offices under s.3(6) of the Public Records Act, 1958.

Finance Act records were not available at the time of the creation of the Definitive Map and so would not have been considered amongst historical evidence regarding the rights along a route.

- c. Archive. TNA holds two records passed from the IR Valuation Offices that cover the application route.. Reference IR 125/11/352 covers base map Wiltshire 25in Sheet 29.11 (2nd Edition) and IR 125/11/356 covers base map Wiltshire 25in Sheet 29.15 (2nd edition).

The Domesday Book for Ramsbury is held at the WSHC, reference L8/1/53.

- d. Meaning.

In document IR 125/11/352 the section of the application route from A-B (Stone Lane Way) is uncoloured and flanked on both east and west by hereditament 484. Broken braces have been drawn from the parcels of land on both east and west but do not extend across Stone Lane Way. No other sections of the route are uncoloured.

Photos: 1910 29.11 Record Plan Det. 2 (IR 125_11_352) & 1910 29.11 Record Plan Det. 3 (IR 125_11_352)

In document IR 125/11/356 none of the application route is uncoloured.

- e. Assessment.

The land constituting section A-B of the application route is a “white road”.

As the land constituting section A-B of the application route is unvalued, this suggests it belongs to a rating authority. As it is not held by a local authority or government department for any other known reason, this suggests that it belonged to a highway authority. Had it only been a bridleway, the Inland Revenue would have valued the land and allowed a deduction instead, since this would have resulted in a greater tax levy. Had it been held by a rating authority for another purpose there would be some evidence of that holding, yet none has been found.

The legislation is sufficiently clear that anyone arguing that white road status means something other than that the route is a public vehicular highway must show under which other exception from valuation section A-B of the application route falls.

Although a white road is positive evidence of a public vehicular highway the fact that the remainder of the route is included in various hereditaments does not mean that vehicular rights did not pertain along it. Landowners were not obliged to claim discounts.

Although there are other possible reasons for the depiction of this part of a route as a white road the applicant concludes that this is strong evidence of a public road with vehicular rights.

62 Inland Revenue Valuation Working Plan Wiltshire 25in Sheet 29.11

a. Date. The valuation records were produced in the few years after 1910.

b. Relevance.

See **Inland Revenue Valuation Record Plan Wiltshire 25in Sheet 29.11** (above).

c. Archive. This document is held at the WSHC, reference L8/10/29 (contains Working Plans for sheets 29.xx).

The Inland Revenue Valuation Book ("Domesday Book" for Ramsbury is held at the WSHC, reference L8/1/53.

d. Meaning.

The section of the application route from A-B (Stone Lane Way) is uncoloured and flanked on both east and west by hereditament 484. Green broken braces have been drawn from the parcels of land on both east and west but do not extend across Stone Lane Way. No other sections of the route are uncoloured

Photos:

1910 29.11 Working Plan (L8_10_29)

1910 29.11 Working Plan (1)-(4) (L8_10_29) – five close-ups of section A-B of the application route from north to south

e. Assessment.

The land constituting section A-B of the application route is a "white road".

As the land constituting section A-B of the application route is unvalued, this suggests it belongs to a rating authority. As it is not held by a local authority or government department for any other known reason, this suggests that it belonged to a highway authority. Had it only been a bridleway, the Inland Revenue would have valued the land and allowed a deduction instead, since this would have resulted in a greater tax levy. Had it been held by a rating authority for another purpose there would be some evidence of that holding, yet none has been found.

The legislation is sufficiently clear that anyone arguing that white road status means something other than that the route is a public vehicular highway must show under which other exception from valuation section A-B of the application route falls.

Although a white road is positive evidence of a public vehicular highway the fact that the remainder of the route is included in various hereditaments does not mean that vehicular rights did not pertain along it. Landowners were not obliged to claim deductions for rights of way.

Although there are other possible reasons for the depiction of this part of a route as a white road the applicant concludes that this is strong evidence of a public road with vehicular rights.

63 Ordnance Survey 25" Wiltshire Sheet 29.11 3rd Edition (1924)

a. Relevance.

Ordnance Survey maps have nearly always carried the disclaimer "The representation on this map of a Road, Track or Footpath is no evidence of a right of way". Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

b. Archive. A copy of Sheet 29.11 (3rd Edition) is held in the WSHC

c. Meaning.

Section A-B of the application route (Stone Lane Way) is shown with an uncoloured central portion with wastage either side. It is fenced except at the Pit. There are no gates. It is not marked FP nor BR. Its width excluding wastage is about 26ft. It is separately numbered and measured. **Photo: 1924 OS25in 2911(1)**

Section B-C of the application route is a short section at the western end of North Lane. North Lane is uncoloured, at its eastern end fenced on both sides, towards its western end it is unfenced on its northern side. No gates. Not marked FP or BR. Width is about 40ft, no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and Cross Lane) **Photo: 1924 OS25in 2911(5)**

The northern part of section C-D of the application route (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40ft with no wastage. It is numbered and measured separately from the land on either side (but included with Holly Lane and North Lane) **Photo: 1924 OS25in 2911(6)**

- d. Assessment. This map provides evidence of the physical existence of sections A-B and B-C and of the northern part of section C-D of the application route in 1924.

In conjunction with Sheet 29.15 (see Section 64) it provides evidence of the physical existence of the whole of the application route at that time as part of the local road network.

That it was separately numbered and measured suggests an identity distinct from the lands on either side, as a public road (see Section 44).

It is not conclusive of vehicular rights that none of the route is labelled "F.P." or "B.R." but suggestive of them.

The applicant considers it significant that this map was created as a result of an original survey, with later revisions. It is strong evidence for the existence of a route along the line of the application route and evidence, less strong, of the public status of the route and of vehicular rights.

64 Ordnance Survey 25" Wiltshire Sheet 29.15 3rd Edition (1924, Revised 1922)

- a. Date. Published 1924, having been revised in 1922

- b. Relevance.

Ordnance Survey maps have nearly always carried the disclaimer "The representation on this map of a Road, Track or Footpath is no evidence of a right of way". Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

- c. Archive. A copy of Sheet 29.15 (3rd Edition) is held at the WSHC

- d. Meaning.

The southern part of section C-D of the application route (Cross Lane) is shown. It is uncoloured and fenced on both east and west; no gates. It is not marked FP or BR. Width is about 40 feet. It is numbered (682) and measured separately from the parcels adjacent to it on its east and on its west. **Photo: 1924 OS25in 2915(1)**

Section D-E of the application route is shown. This is South Lane from its junction with Cross Lane west to Hill Close Lane. It is uncoloured with no gates. It is not marked FP or BR. Width excluding wastage varies between 26 and 40 ft. It is numbered (936) and measured (2.285) separately from the parcels adjacent to it on its north and on its south. At its eastern end South Lane is shown running amongst the trees; section D-E is no longer amongst the trees. **Photo: 1924 OS25in 2915(2)**

Section E-F of the application route (Hill Close Lane) is shown from South Lane south to Puthall Wood. It is uncoloured and amongst the trees. Fenced, no gates, not marked FP or BR. Width including wastage about 50ft. Dotted central portion is much narrower. Section E-F (i.e. Hill Close lane) is numbered and measured along with section D-E (i.e. South Lane). **Photo: 1924 OS25in 2915(2)**

Section F-G of the application route (Axford Lane) runs south amongst the trees with Putall Park on its eastern side and then before reaching the London Road is fenced but no longer amongst trees, Uncoloured, no gates, not marked FP or BR. Numbered (915) and measured separately from the trees to its west and east. Named "Axford Lane". **Photo: 1924 OS25in 2915(2)**

- e. Assessment. This map provides evidence of the physical existence of the southern part of section C-D and the section from D-G of the application route in 1924.

In conjunction with Sheet 29.11 (see Section 63) it provides evidence of the physical existence of the whole of the application route at that time as part of the local road network.

That it was separately numbered and measured suggests an identity distinct from the lands on either side, as a public road (see Section 44).

It is not conclusive of vehicular rights that none of the route is labelled "F.P." or "B.R." but suggestive of them.

The applicant considers it significant that this map was created as a result of an original survey, with later revisions. It is strong evidence for the existence of a route along the line of the application route and evidence, less strong, of the public status of the route and of vehicular rights.

65 Ordnance Survey 6", 3rd Edition, Wiltshire Sheet 29 SE (1925)

- a. Relevance. This map was photo-reduced from the 3rd Edition County Series 25" maps.

Ordnance Survey maps have nearly always carried the disclaimer "The representation on this map of a Road, Track or Footpath is no evidence of a right of way". Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

- b. Archive. A copy of Wiltshire 6in Sheet 29 SE (3rd Edition) is held at the WSHC.

- c. Meaning.

All sections of the application route: namely A-B (Stone Lane Way), B-C (part of North Lane), C-D (Cross Lane), E-F (Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as fenced or unfenced "Minor Roads".

Photo: 1925 OS6in29SE and 1925 OS6in29SE Putall; OS6in Conventional Signs(1) and (2)

- d. Assessment.

This map provides further evidence of the existence of the entire route in 1925 as part of the local road network. The key gives further information on the nature of the route i.e. a "Minor Road"

66 Local Government Act 1929, Marlborough RDC Takeover Map (circa 1930)

- a. Relevance. Take Over Maps were prepared circa 1930 when the County Council took over responsibility for highways from the District Councils. They comprise a set of Ordnance Survey map sheets covering the county marked up with the highway information. They were produced by district councils to document the highways for which the County Council was to take responsibility.

- b. Archive. The Take Over Maps for Wiltshire are held at the Wiltshire County Council (WCC) Rights of Way Department in Trowbridge

- c. Meaning.

Photo: 1929 Marlborough Takeover Map, 1929 Marlborough Takeover Map (2)

The Marlborough RDC Takeover map shows Axford Lane (part of the present MILD16) northwards from the A4 in blue (indicating a county unclassified road) and labelled C.5086. A pencilled arrow points to it from the left saying something unreadable.

It also shows part of the present MILD16 southwards from Stitchcombe (to the west of Coombe Farm) in blue and labelled C.5085 as far south as Hill Close, where it then becomes brown as far as East Croft Coppice. A pencilled arrow pointing at the blue section says "Brown".

There is a gap between these two ends where the present MILD16 passes through East Croft Coppice. Many old maps and plans show the route skirting around the northern and eastern edges of Hill Croft

e. Assessment.

This indicates that at the time the Marlborough RDC Takeover map was created the southernmost section of what is now MILD16 was regarded as a county unclassified road.

This is important evidence because the map was produced by the district council and accepted by the county council for the statutory transfer of highway responsibility.

It is now clear that some of the blue sections on this map in the Axford area were incorrectly coloured and numbered. The U/C5085 runs from the A4 to Stichcombe and on to the C6, its last section being Stone Lane north from point A of the application route. It appears that C.5086 did not exist.

The current Wiltshire Highway Records map (see Section 80) shows the blue sections of MILD16 in brown. Brown on that map indicates a highway maintainable at public expense.

67 Local Government Act 1929, Ramsbury RDC Take Over Map (circa 1930)

a. Relevance. The Take Over Maps were prepared circa 1930 when the County Council took over responsibility for highways from the District Councils.. They comprises a set of Ordnance Survey map sheets covering the county marked up with the highway information. They were produced by district councils to document the highways for which the County Council was to take responsibility.

b. Archive. The Take Over Maps for Wiltshire are held at the WCC Rights of Way Department in Trowbridge

c. Meaning.

Photo: 1929 Ramsbury Takeover Map & 1929 Ramsbury Takeover Map 5

The entire length of the application route is marked on the Ramsbury Take Over map as a route for which the County Council would take responsibility. Most of the route A-G is coloured brown, indicating a non-maintained public road. The northern half of section A - B is marked in blue, and labelled C.5085. Blue indicates a county unclassified road,.A pencilled comment pointing at the blue section say, "should be brown, agreed with Strickland" Another comment pointing at the phrase "C.5085" says "Take Out".

According to a Kelly's Directory Extract 1915 Ramsbury (© Wiltshire OPC project/2013/Eileen Barnett) in 1915 "*Ramsbury Rural District Council*", "*Officers*", "*Highway Surveyor, Sanitary Inspector and Surveyor of New Buildings : William Strickland, Charnham Street, Hungerford*".

Extract: 1915 Ramsbury–Kellys.pdfd. Assessment.

This indicates that at the time the Ramsbury Takeover map was created the entire route A-G was regarded as a non-maintained public road.

The labelling of part of the route in blue and as C.5085 was incorrect, which was presumably why there was the instruction "Take Out". C.5085 was the road leading from the A4 (the current turning signposted Stichcombe), eventually running as far as Point A of the application route where it turned north into Axford.

The Ramsbury RDC Takeover Map is important evidence because it was produced by the district council and accepted by the county council for the statutory transfer of highway responsibility and the route is clearly defined.

68 Ordnance Survey 1" 5th Edition 1938 Sheet 112 Marlborough

a. Date. First published 1938 with parish boundaries to 1939

b. Relevance.

See Section 23, "Ordnance Survey 1" Old Series 1817 Sheet 14"

Ordnance Survey maps have nearly always carried the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

- c. Archive. A copy is held at the WSHC, reference “Printed Maps 4.17”.
- d. Meaning.

Photo: 1938 OS 1inch 5th Ed Sheet 112 (PM4.17) & 1938 OS 1inch 5th Ed Sheet 112 Key (PM4.17)

The entire route from point A beyond point F is shown as an unmetalled road. The southernmost part of Axford Lane (that runs north from the A4) is shown similarly as far as a road which leads north-eastwards into Putall. It is not clear how much of the remainder of Axford Lane to point F is shown as the markings of the parish boundary obscure anything that might lie beneath them.

- e. Assessment. This map provides evidence of the physical existence of the application route in 1938.

However, as a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, it seems likely that an unmetalled road on such a map would have had public vehicular rights unless the route led only to say, a farmstead or private house.

In this case therefore the applicant concludes that the map provides some evidence that the route shown, the application route, had public vehicular rights.

69 Ordnance Survey 1” Popular Series Sheet 112 War Revision 1940

- a. Date. First published 1919 with periodic corrected reprints. This is the 1940 War Revision.
- b. Relevance.

See Section 23, “Ordnance Survey 1” Old Series 1817 Sheet 14”

Ordnance Survey maps have nearly always carried the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

- c. Archive. A copy is held at the WSHC, reference “Printed Maps 4.19”.
- d. Meaning.

Photos: 1940 OS1in War Revision Sheet 112 (PM4.19) & 1940 OS1in War Revision Sheet 112 Key (PM4.19)

The application route from point A to south of point F is shown as a minor road.

The application route from point G northwards towards point F is shown as a minor road. It is unclear if the route is shown continuing as far as point F.

- e. Assessment. This shows that the application route was defined on the ground in 1940.

However, as a main purpose of the one-inch map can be stated to have been to serve as a travelling map for the public, it seems likely that an unmetalled road on such a map would have had public vehicular rights unless the route led only to say, a farmstead or private house.

As that is not the case here the applicant concludes that the map is evidence that the application route, had public vehicular rights.

70 Ministry of Food National Farm Survey 1941-42 (TNA Ref. MAF 73/45/29)

- a. Date. 1941-42

b. Relevance

In April 1941 MAF authorised a survey of every farm and holding of five acres or more, giving rise to the following documents:

- A Farm Record with information on conditions of tenure and occupation; the natural state of the farm, including fertility; the adequacy of equipment, water and electricity supplies; the degree of infestation with weeds or pests; and the management condition.
- A census return for 4 June 1941 including statistics of crop acreages, livestock numbers and information on rent and length of occupancy
- A map of the farm showing the farm boundaries, on an OS base map.

The maps show the extent of each farm, or other agricultural holding, with its boundaries. The area of each farm is indicated on the map by the use of a colour wash, and its code number is added in black ink. The relevance of these records is that where unproductive land (such as a vehicular highway or river) runs between holdings, it is excluded from the holdings.

These records were not available at the time of the creation of the Definitive Map and so could not have been taken into account when deciding what rights applied along a route.

The primary purpose of these records was unrelated to the depiction of rights of way.

c. Archive

Wiltshire sheets 29.11 and 29.15 are held at The National Archives under reference MAF/73/45/29

d. Meaning

Photos: 1942 MAF 29.11(1) shows the application route on sheet 29.11

1942 MAF 29.15(1) shows the application route on sheet 29.15

Wiltshire sheets 29.11 and 29.15 show the application route from point C to point E excluded from the property on either side.

The application route from Point A to Point C is within a holding and is therefore not excluded.

From point E southwards the application route runs as far as Putall Farm in the the woods and is thus excluded from the property on either side

The application route runs through the Putall Farm holding and hence that section is not excluded.

e. Assessment

Its exclusion from the property in either side shows that the application route from point C to point E was not part of the adjacent holding, i.e. Coombe Farm or Church Farm.

The valuer considered the route to be excluded from the agricultural holdings, and this only occurred where unproductive land fell between holdings. Carriageways are unproductive land. Inspection of the route shows it was not unproductive land of another sort (like a river, or woods)

Although the primary purpose of these records was unrelated to the subject of rights of way the depiction of a large section of the application route as separate from the adjacent landholdings merits explanation. Taken in conjunction with other evidence such as Highway Records, Tithe Maps and Finance Act records the simplest and most convincing explanation is that the application route from point C to point E had the status of a vehicular highway.

71 Ordnance Survey 2½" Map, Edition 1, Sheet SU26 (1949)a. Relevance.

Ordnance Survey maps have nearly always carried the disclaimer “The representation on this map of a Road, Track or Footpath is no evidence of a right of way”. Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

- b. Archive. A copy is held in the WSHC amongst the OS 2½” Map collection. That collection also contains a document entitled “Ordnance Survey 1:2500 Conventional Signs”, which serves as a key to the OS 2½ maps.

Photo: 1947 OS 1:25,000 Conventional Signs

- c. Meaning. All sections of the application route; namely A-B (Stone Lane Way), B-C (North Lane), C-D (Cross Lane), D-E (South Lane), E-F (Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as fenced or unfenced “Other Roads (not classified by the Ministry of Transport)”

Photo: 1949 OS 2.5in SU26(1)

- d. Assessment. This map provides evidence of the continuing physical existence of the route in 1949.

National Parks and Access to the Countryside Act (NP&ACA) 1949

72 NP&ACA1949, 1951 Original Parish Survey Map (Mildenhall) & Form (Mildenhall Path No. 16):

- a. Date. 14 Jan 1952
- b. Relevance. This map was produced as a result of the original survey, conducted under s.27 National Parks and Countryside Act 1949, for the purpose of creating the definitive map
- c. Archive. These documents are held at the Wiltshire County Council Rights of Way department in Trowbridge.
- d. Meaning.

The map shows the entire length of CR16 (later MILD16) in red and labelled 16 (circled). Bridleways and footpaths on this map are also shown in red **Photos: 1951 Mildenhall Original Parish Survey Map & 1951 Mildenhall Original Parish Survey Map (2)**

The original survey form for Mildenhall Path No. 16 **Photo: 1951 Mildenhall Original Parish Survey Form Path 16** states:

Parish of Mildenhall, Path No. 16, Surveyed 14-1-52

NAME OR SITUATION OR DESCRIPTION

“CRB.”

“From London Road to Putall Park to Stitchcombe following Parish Boundary through Hill Copse and corner of East Croft Coppice” (typewritten)

“Axford Lane”

“C.R.B Axford Lane From the southern end of spur road u/c at entrance to Combe Farm leading SE along the Ramsbury parish bdy through East Croft Coppice and Putall Park to A4” (handwritten)

NATURE OF SURFACE “Tarred with loose gravel for light traffic, deteriorates into narrow footpath just beyond Combe Farm, develops into a grass track (muddy in wet weather) near Oxleaze Copse, then into a narrow footpath at Hill Close and finally broadens into a track suitable for cars” (handwritten)

OBSERVATIONS “By taking short cuts it becomes a narrow footpath but in several places there is a better road which goes further round” (handwritten)

- e. Assessment.

The memorandum distributed to Parish Councils along with Circular No. 81 of 1950 (from the Ministry of Town and Country Planning) instructed how public paths should be distinguished on the Parish Survey maps. A Public Carriage Road or Cart Road or Green (unmetalled) Lane mainly used as a Bridleway was a “C.R.B.”

This survey form indicates that prior to and at the time of the NP&ACA survey the route from London Road to Putall Park to Stitchcombe (Mildenhall Path No. 16) was regarded as a C.R.B and therefore considered to carry vehicular rights.

The southernmost part of that route is from Point G northwards to Point F of the application route; hence the application route from point G to point F prior to the creation of the definitive map was considered to carry vehicular rights.

73 **Marlborough and Ramsbury RD Rights of Way Survey 1951, Statement Required Under Section 32.**

- a. Relevance. This document summarises the information on each path that was gathered in the course of the NP &ACA surveys, and that was to form the basis for the definitive map.
- b. Archive. This document is held at the WSHC under Reference G8/250/3
- c. Meaning.

Photos: 1951 Marlborough & Ramsbury RD Section 32 Statement (G8_250_3) & 1951 Marlborough & Ramsbury RD Section 32 Statement (1) (G8_250_3)

Page 77, Parish Mildenhall, Path No. 16

The entry is typewritten but with handwritten annotations. It reads

“C.R.B. - Axford Lane. From the southern end of spur road U/C5085 at the entrance to Combe Farm leading south-east along the Ramsbury boundary through East Croft Coppice and south-south-east along the edge of Putall to the London-Bath road, Trunk Road A.4, on the Little Bedwyn Parish Boundary”

“C.R.B” had been struck through and annotated “F.P.”

- d. Assessment.

This clearly indicates that prior to the objection by the Savernake Estate to the draft map the entire length of Mildenhall Path No. 16 was regarded as a C.R.B, that is, a cart track.

The memorandum distributed to Parish Councils along with Circular No. 81 (from the Ministry of Town and Country Planning) instructed how public paths should be distinguished on the Parish Survey maps. A Public Carriage Road or Cart Road or Green (unmetalled) Lane mainly used as a bridleway was a “C.R.B.”.

Axford Lane as described in the OS Object names book was the route from the London Road to Putall Park. The name appears to have been misused for the whole length of CR16 as at its northern end CR16 leads to Stitchcombe, not Axford. Axford is some distance further east.

74 **Letter from the Forestry Commission dated 13th June 1953**

- a. Relevance. The process of creating the initial definitive maps was long and provided many opportunities for public involvement. After the initial surveys, surveying authorities were required to produce draft maps of their area and to make them available for four months for public inspection. Members of the public could make representations or objections to paths shown, or not shown, on the draft map and the council had to consider these.
- b. Archive. This letter is held at the Wiltshire and Swindon History Centre, amongst the papers under reference F2/271/8.
- c. Meaning.

Photos: 1953 Forestry Commission Letter Page 1 (F2_271_8) & 1953 Forestry Commission Letter Page 2 (1953 F2_271_8)

The Forestry Commission objected to “CR16 (on boundary of Mildenhall Parish and Ramsbury Parish).

Should be a footpath”.

They did not explain the grounds for their objection.

Many other rights of way were objected to in this letter. In all cases except one the route was described simply by its number; the exception being CR15, again described as “ (on boundary of Mildenhall Parish and Ramsbury Parish) “

d. Assessment.

According to the NP&ACA survey (see above) Mildenhall Path No. 16 (CR16) ran “From London Road to Putall Park to Stitchcombe following Parish Boundary through Hill Copse and corner of East Croft Coppice” .

The section from London Road to Putall Park runs along the boundary between Mildenhall and Little Bedwyn and the section from Putall Park to Stitchcombe runs along the boundary between Mildenhall and Ramsbury.

The memorandum distributed to Parish Councils along with Circular No. 81 (from the Ministry of Town and Country Planning) instructed how public paths should be distinguished on the Parish Survey maps. A Public Carriage Road or Cart Road or Green (unmetalled) Lane mainly used as a bridleway was a “C.R.B.”.

The applicant concludes that the letter from the Forestry Commission was objecting only to the section from Putall Park to Stitchcombe. That section is much narrower than the rest of the route, and the part that runs through East Croft Coppice (the part owned by the Savernake Estate)is today a winding hard-to-follow track through the trees.

As a result of the objection CR16, previously regarded as a C.R.B, was subsequently categorised as a footpath, and is now named MILD16.

It is clear that no objection was raised to the section of the application route from point F to point G.

The applicant concludes that, in error, the whole of the route was re-classified as a footpath. The southern section on the Mildenhall – Little Bedwyn border should have become a Byway.

75 Draft Map Inquiry decision (1955)

a. Relevance. The process of creating the initial definitive maps was long and provided many opportunities for public involvement. After the initial surveys, surveying authorities were required to produce draft maps of their area and to make them available for four months for public inspection. Members of the public could make representations or objections to paths shown, or not shown, on the draft map and the council had to consider these.

b. Archive. This document is held at the WSHC, amongst the papers under reference F2/271/8

c. Meaning.

Photo: 1955 Draft Map Decision

“C.R.B. No.16 Modification of status. To be F.P. only” “Admitted by Savernake Estate as F.P. Parish Council agree.”

d. Assessment.

It appears from this document that the Parish Council simply agreed with the Savernake Estate's wish for path 16 to be modified to be a footpath.

There is no evidence of the basis on which the Parish Council reached that conclusion.

The decision also fails to reflect that the Forestry Commission objected only to the section along the Mildenhall – Ramsbury parish boundary.

It is hard to see how the decision could have been arrived at if the body of historical evidence had been considered e.g. the 1905 Marlborough RDC Rights of Way Map & Report and the 1929 Marlborough RDC Takeover Map.

Neither The 1910 Finance Act nor the 1941-42 Ministry of Agriculture and Fisheries Farm Survey records were available at the time of creation of the Definitive Map

76 Ordnance Survey 2½", Sheet SU26, Revised 1961

a. Date. 1961

b. Relevance.

Ordnance Survey maps have nearly always carried the disclaimer "The representation on this map of a Road, Track or Footpath is no evidence of a right of way". Maps published since the Definitive Map was available carry the disclaimer "The representation on this map of any other road, track or path is no evidence of the existence of a right of way". Accordingly they provide evidence only of physical existence, unless special circumstances allow other inferences to be drawn.

c. Archive. A copy of this is held in the WSHC amongst the OS 2½" Map collection. That collection also contains a document entitled "Ordnance Survey 1:2500 Conventional Signs", which serves as a key to the OS 2½" maps.

d. Meaning. All sections of the application route; namely A-B (Stone Lane Way), B-C (North Lane), C-D (Cross Lane), D-E (South Lane), E-F (Hill Close Lane) and F-G (Axford Lane to the A4) are depicted as fenced or unfenced "Other Roads (not classified by the Ministry of Transport)". **Photo: 1961 OS2.5in SU26(1)**

e. Assessment. In relation to the application route, this map differs from the 1949 edition only in that a road is shown running north-eastwards from Axford Lane to Putall Farm.

This map provides evidence of the continuing physical existence of the route in 1961.

77 Victoria County History of Wiltshire, Vol. 12, 1983, Map of Mildenhall c1843:

a. Date. Volume XII of the Victoria County History of Wiltshire was published in 1983.

b. Relevance. This is a highly reputable scholarly work.

c. Archive. This volume is held at the WSHC, Chippenham.

d. Meaning.

Photocopy: VCH Vol. X11. P126.pdf

On Page 126 is a map illustrating the authors' view of the parish of Mildenhall c1842. A track is shown running north from the London-Bath road (the present A4) along the Mildenhall – Little Bedwyn parish boundary and then into Ramsbury parish.

The track is not shown running along the Mildenhall-Ramsbury border through East Croft Coppice as does the present MILD16.

e. Assessment.

This suggests that the track north from the Bath Road did not, in 1842, run through East Croft Coppice and that it had rights distinct from those of what is now MILD16.

78 Research Notes for "The Village in the Valley: A History of Ramsbury", by Barbara Croucher

a. Date. 1970s and 1980s

b. Relevance. Barbara Croucher was the author of "the Village in the Valley: A History of Ramsbury", published

in 1986. She researched over a number of years and reached conclusions as a result of that research on points of significance to this application.

c. Archive. Barbara Croucher's research notes are held the WSHC under reference 3397/15

d. Meaning.

Included is a diagram showing South Field. It is entitled "The Axford Common Field called Southfield, showing 'Strips' and later Enclosure." and further labelled "Deduced from the Axford Enclosure Award by agreement 1727" The diagram illustrates to whom the land was awarded by the enclosure agreement.

Photo: 1970s BCroucher Research Notes South Field (3397_15)

These papers include a traced map of the Axford area, labelled with the tracks set out in the 1727 Inclosure Agreement as they had been deduced by her.

Photo: 1970s BCroucher Research Notes Roads 2 (3397_15)

The papers also contain a typewritten summary of the clauses in the Axford Enclosure Award by agreement 1727 that lay out the allocations, by the commissioners, of the land to the different individuals and the roads that they set out. This was supplied to Barbara Croucher by the University of Bristol in 1981. **Photocopy: Ramsbury (sic) Enclosure Award by agreement 1727**

e. Assessment.

The naming of the tracks is entirely consistent with the conclusions reached by the applicant using the information in the Axford Inclosure Award by agreement 1727.

Although neither of the first two documents listed above are original, they are the interpretation placed on original documents during the course of the author's extensive research for her book "The Village in the Valley: A History of Ramsbury". That her conclusions are the same as those of the applicant further supports the application.

79 "The Village in the Valley: A History of Ramsbury", by Barbara Croucher, published 1986

a. Relevance. This book was published as a result of extensive research into all aspects of the history of Ramsbury, including the 1727 Axford Inclosure Agreement.

b. Archive. A copy of this book is held at the Marlborough Public Library

c. Meaning. The Axford enclosure agreement 1727 is covered on pages 126 and 127. Figure 14.8 on page 127 illustrates "Axford's Southfield after enclosure in 1727". It is similar to the diagram in the author's research notes, but does not show the strips, just the areas of land allocated to each recipient. **Photocopies: "The Village in the Valley", Page 126 & page 127**

d. Assessment. The diagram supports the conclusions reached by the applicant around the naming of the roads set out by the commissioners in the Inclosure Agreement.

80 Wiltshire Highway Records map

a. Date. This document was produced after the County took responsibility for highways from the RDCs in 1930, and, as of 24th July 2017, is still in use and maintained by the County Council.

b. Relevance. It shows routes for which Wiltshire Council considers it has maintenance responsibility. It does not indicate what rights are associated with the route.

c. Archives. This document is held at the Wiltshire CC Highways Records Office, Trowbridge.

d. Meaning. The base map for the Axford area is OS 6" 3rd Edition 1925, Wiltshire Sheet XXIX SE. The entire length of the application route is shown coloured brown as a public road taken over from the RDC under the provisions of the Local Government Act 1929.

Brown roads are the lowest category of roads maintainable at the public expense, for which historically there has been no budget.

Photo 2017 Wilts Highway Record Map(1)

- e. Assessment. It is not likely that the surveyor would have added such a route to the Highway Records Map unless he was sure that the county did have maintenance responsibility for the route, so this suggests the council considered and still considers it to be a public route.

Although the representation of the application route is a good indication that it carries public rights, the extent of that right cannot be defined by the council without due investigation. In this case that would no doubt involve, for example, records related to the former CRB status of MILD16, the 1910 Finance Act map, the railway plans from the 1840s and early maps sold to the travelling public, all of which are suggestive of vehicular rights.

CONCLUSIONS

The evidence produced for the application suggests that public vehicular rights existed over at least two hundred years from the early eighteenth century at the times the various pieces of evidence were created. While no single piece is conclusive of highway status, the fact that every standard piece of evidence leans towards vehicular right means that, on the balance of probabilities, such rights existed prior to the commencement of the Natural Environment and Rural Communities Act 2006.

REQUEST

Although the entire application route is one physical entity sections of it are defined differently for administrative purposes. Some of these were already on the definitive map at the time of the commencement of NERC 2006 so the applicant requests the surveying authority add the entire route to the definitive map as a Restricted Byway.

Appendix A: Rationale for the identification of roads set out in the 1727 Inclosure Agreement

The grid-like network of routes in Axford south of the River Kennet is little changed since the Andrews and Dury map of 1773. That map, the first Wiltshire county map to be based on an original survey since Saxton (1576), was produced forty-six years after the Axford Inclosure Agreement.

Roads of significance to this application are described in the agreement as in the Marsh, In South Field or In The Down

The following extract describes the area around Axford in the early eighteenth century:

From Victoria County History of Wiltshire, Vol. 12, 1983, page 47-52

"The customary tenants of Ramsbury manor in Axford held the strip of land, possibly 750a., at the west end of the parish. They cultivated it in common until it was enclosed by private agreement in 1727. The arable land was in two fields. North Field, 280a. between the Kennet and road through Sound Bottom, included 8 a. between Axford Street and the river. South Field contained 194 a. south of Mead Lane...South of South field, adjoining Hens Wood and Putall Farm, was a down, c. 74 a., apparently for cattle. Between the fields a marsh and several islands in the Kennet, c.32 a., were commonable."[PDF: VCH Vol XII p51]

Also:

"Axford Street was so called in 1727 when the road south of the Kennet and parallel to it was called Mead Lane"

North Field lay north of the River Kennet, bounded on its northern edge by Sound Bottom and its southern edge by the River Kennet.

In the Definitive Statement for Ramsbury RAMS43 is named "*Mead Lane*" and RAMS9A is named "*Holly Lane*"

RAMS43 runs eastwards south of the River Kennet from U/C5085 south of Church Farm to the junction of RAMS9 FP and RAMS9A BR.

South Field lay south of Mead Lane, i.e. south of the present RAMS43.

Hens Wood, Hill Close and Putall Farm are today (2018) still known as such.

Adjoining South Field to its south, bordered to its east by Hens Wood and to its south by Putall Farm was a down.

The following logic uses the description of the roads set out by the commissioners to identify the probable current day equivalent. It needs to be read in conjunction with Section 12 of this document and Axford Inclosure Agreement 1727.jpg. The resultant naming of the tracks is entirely consistent with the evidence of the Inclosure Agreement and current place names.

ITEM 4 (*that is, the Inclosure Agreement description numbered 4 in Section 12*)

Causey is an archaic or dialect term for causeway, which suggest that Holly Lane Causey was the northern continuation across the Marsh and the Kennet of Holly Lane, and is today footpath RAMS9.

Mead Lane therefore ran westwards along the present line of bridleway RAMS43 but as far west as Coomb Lane.

ITEM 8: Only one route in the area runs along the southern edge of The Down westwards to Hill Close, i.e. with coppices on its south and lotts on its north. That route is South Lane and Saunder's Gate is therefore at its eastern end, at the south-eastern corner of The Down where a track is shown continuing into Hens Wood.

ITEM 7: From that and the present day location of Holly Lane it follows that the route down the eastern side of The Down, adjacent to Hen's Wood, was East Lane.

ITEM 9: It also follows that Hill Close Lane is the leg of the present footpath RAMS44 that runs approximately southwards from the western end of South Lane as far as Putall (Putall Gate).

ITEM 10: It also follows that the "another lane or way" that runs northwards and westwards from South Lane "on the west side of the downs" is the lane that is shown on the Ordnance Survey 25" editions of 1886, 1900 and 1924 running

around the edge of Hill Close. That means that Coomb Lane followed the line of the present day MILD16 FP as it ran from Stitchcombe.

As MILD16 is Coomb Lane then that means that Mead Lane continued westwards past the present junction with Stone Lane, along the present Kings Drive.

ITEM 1: Stone Lane Causey therefore ran from Stone Lane on the north side of the Kennet to a junction with Mead Lane at the northern edge of South Field. Today the whole distance from Axford Street (the C.6) to Mead Lane is named Stone Lane.

ITEM 5: Stone Lane Way was and is the continuation southwards and then south-eastwards of Stone Lane Causey past the Chalk Pit to what is now footpath RAMS9B.

ITEM 6: Coomb Way ran from Mead Way to Coomb Lane according to its description; today part of footpath RAMS45 runs from Kings Drive to MILD16. Coomb Way is therefore RAMS45 from Kings Drive southwards.

ITEM 2: As RAMS45 south of King Drive is Coomb Way, then RAMS45 north of Kings Drive is "another Lane or Cartway beginning at the south end of Saunders Lane ... over the River Kennet to the gate at the north end of Coomb Way". Today the lane starts at the C.6 and is called Hoppers, rather than Saunders, Lane. RAMS45 in the definitive statement for Ramsbury is called "Hoppers".

ITEM 11: Footpath RAMS9A is Holly Lane and, although the lane becomes RAMS9B as the bridleway turns east towards Park Town as RAMS52, Holly Lane physically runs as far south as the junction with footpath RAMS44. North Lane was what is now the continuation westwards of RAMS9B from Hens Wood at the southern end of Holly Lane .

ITEM 13: Cross Lane runs southwards from the west end of North Lane and is therefore the track marked "Axford Lane" that runs south through the Down from just west of where Stone Lane Way meets North Lane.

ITEM 12: Therefore Knaxton's Way was what is now RAMS9B from its junction with Cross Lane west to Coomb Lane at Oxleaze Copse.

ITEM 3: The applicant has been unable to identify Ann Hart's Way nor the location of this "another lane or way" .

RAMS44 today mainly runs through the trees. The description of South Lane and East Lane in the Inclosure Agreement makes it clear they were 33' wide field-edge tracks, wide enough to be droves.

None of the descriptions of the roads set out suggest that any of those roads belonged to any individual, other than in one case to say the herbage from the lane around Hill Close belonged to Simon Appleford. Indeed, except for those in the Marsh, they are always described with reference to the lots adjacent to them on each side.

Many of the lotts are described at least in part by referring to one or more of the roads by which they are bounded, the implication being that the roads were distinct from the lotts they bound. For example,

"A lot in South Field bounded on the east by Holly Lane and the north by Mead Lane"

"A lot in the Down bounded north by North Lane and east by East lane"

"A lot in the Down bounded east by East Lane and south by South Lane"

Many further examples can be viewed in the typewritten synopsis of the Inclosure Agreement held among Barbara Croucher's Research Papers (WSHC 3397/15).

"AND also to lay out Common Roads Ways Byways and private ways as might be necessary and convenient leading to every particular enclosure....."

"AND as Touching and Concerning Ways, Drove Ways, Lanes , Private Ways , Highways to be laid out for the conveniency of the Proprietors of the Enclosure we the said Edward Hanson Jon Brown and Roger Gates do order and appoint as follows (vis)....."