

**Decision Report**

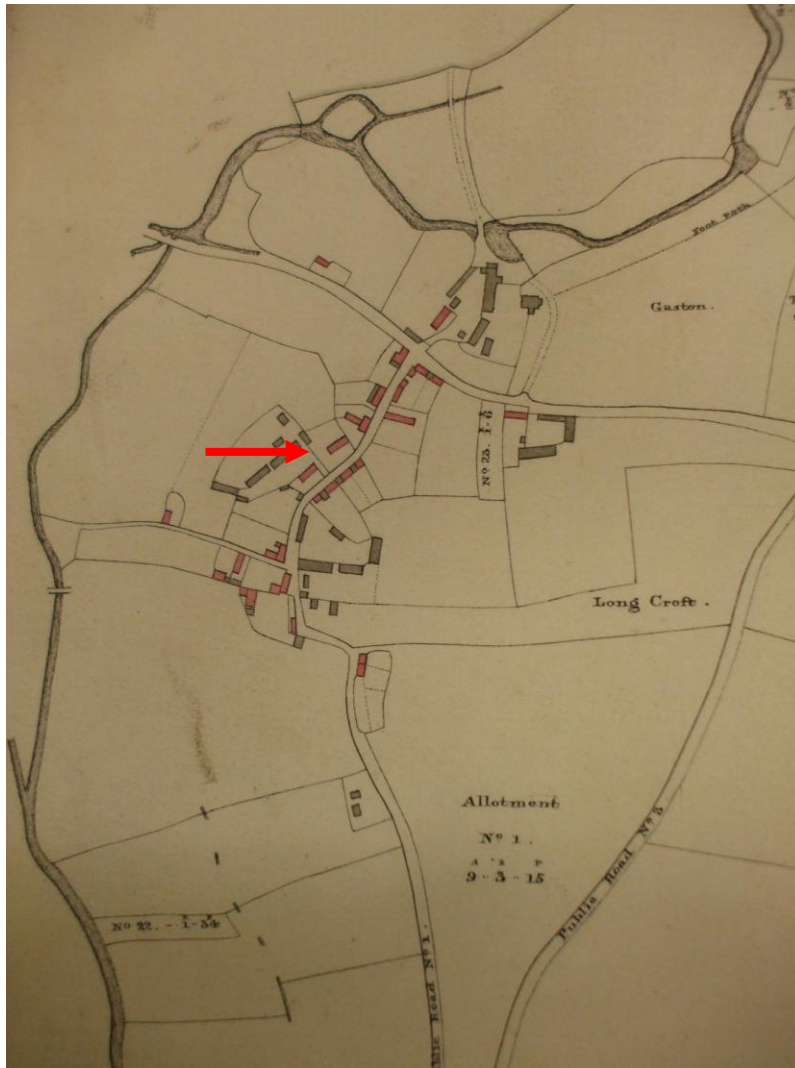
**Wildlife and Countryside Act 1981 – Section 53**

**Application to Add a Footpath to the Definitive Map and Statement of Public Rights of Way – Idmiston (Porton)**

**Appendix 2 – Historical Evidence Summary**

<b>Document</b>	Porton Inclosure Award (E/A 170)
<b>Date</b>	1850
<b>Relevant Documents</b>	Award Map Award
<b>Size and scale</b>	Map size – 88cm x 44cm (approx) Scale of Map – 1” = 6 Chains
<b>Significance</b>	<p>Inclosure was a process by which lands which had previously been communally farmed by the inhabitants of the manor, were redistributed amongst people having rights of common. By the 18<sup>th</sup> Century new innovations in farming were increasing output, but where communal farming was still in place it was difficult to modernise without the agreement of all parties. Therefore, the larger landowners, who wished to increase the productivity of their land, set about obtaining parliamentary authority to redistribute property rights.</p> <p>Inclosure Awards provide sound and reliable evidence as they arise from Acts of Parliament. Prior to 1801 inclosure was dealt with by local acts for specific areas. Post 1801 local acts generally operated with the Inclosure Consolidation Act of 1801, which standardised the process.</p> <p>Inclosure Commissioners had the power to change the highway network of the parish, they were authorised and required to set out and appoint public and private highways, including bridleways and footways. Being a legal document, the highways appointed still exist to this day unless a legal event has taken place to stop up that highway.</p> <p>Weight can be given to routes included within the Inclosure Awards as landowners had a strong influence over the process and wanted to minimise public highways over their land. Parishes also had motives to reduce the number of public highways in order to reduce the burden upon them as it was the duty of the parish to maintain such highways. To balance this, the public nature of the inclosure process was clearly</p>

	<p>set out within the Act, e.g. notice of the public and private roads to be set out was required and opportunity given for objection to the inclusion or non-inclusion of public and private highways.</p> <p>The Porton Inclosure Award of 1850 post-dates the Tithe Award. The Inclosure Award Map is produced by James Combes Jr. Surveyor, Fonthill, Wilts and the map is signed by the Commissioners Francis Attwood and Thomas Waters.</p>
<p><b>Conclusion</b></p>	<p>On the map of the lands to be inclosed, there is the suggestion of an access into the Manor Farm buildings complex, in the corresponding location of the claimed footpath, (this location for the claimed route can be identified by comparing the detail of the Inclosure Award Map to historic and present day Ordnance Survey (OS) mapping. Rose Cottage which still exists today, adjacent to the claimed route, is present on these maps).</p> <p>The boundary of the highway, awarded as "<i>Public Road no.1</i>", is shown as a solid line at this point, which leads Officers to believe that this access is private, forming part of Manor Farm, rather than being part of the highway network. Manor Farm itself is not awarded, possibly being subject to previous inclosure, (in its study of the Porton Inclosure Award of 1850, the Bourne Valley Historical Society observes that the Inclosure Award refers to the owners of the lands, all of whom were either the trustees of wills or of marriage settlements and that the agreement of the owners to inclosure had been given in 1842, but because of the death of one or more of the principals there had been a delay), therefore there is no description of the property included within the apportionment document.</p> <p>In contrast, there is another route leading west off "<i>Public Road no.1</i>", located further south of Manor Farm, now known as The Lane and it can be seen that on this route there is no solid line, suggesting that it might be a route available to the public, leading directly off the awarded public road.</p> <p>Officers conclude from the Inclosure Award map that there was no recognised public footway existing over the land in question at the time of inclosure and no public footway to be set out and appointed by the Commissioners for public use.</p>



Porton Inclosure Award – 1850

<b>Document</b>	Parish Claim
<b>Date</b>	Survey Date - 1950
<b>Relevant Documents</b>	Parish Claim Map Parish Record Cards
<b>Scale</b>	Map scale – 6” to 1 mile
<b>Significance</b>	The 1949 National Parks and Access to the Countryside Act required all Surveying Authorities to produce a definitive map and statement of public rights of way and to undertake a quinquennial review of this map. Following this instruction to authorities, Wiltshire County Council sent 6” OS map sheets to all Parish Councils, who surveyed and recorded what they considered to be public rights of way within their parish, with an accompanying description of each path.

	<p>Parish Councils were required to convene a meeting at which the public rights of way information, to be provided to Wiltshire County Council, was agreed locally. This information was to form the basis of the definitive map and statement of public rights of way which was published and advertised between 1952 and 1953, depending upon the Rural District or Urban District area.</p> <p>Detailed guidance regarding the Parish Councils input into the definitive map process was issued and the Planning Inspectorate's "Definitive Map Orders: Consistency Guidelines" state that the legal "presumption of regularity" applies, i.e. unless otherwise demonstrated, it should be assumed that the Parish Councils received this guidance and complied with it in undertaking the parish claim.</p> <p>Each stage of the process, i.e. the publication of the draft map and the provisional map was advertised and there was opportunity for comment and objection to the inclusion or non-inclusion of a path; its provisionally recorded status and route.</p>
<b>Conclusion</b>	<p>The claimed route is not recorded on the OS base map and it is not identified as a route to be claimed by the Parish Council. As a result there is no record card to accompany the map for this particular route.</p>



Idmiston Parish Claim map – 1950

<b>Document</b>	Idmiston Tithe Award (T/A Idmiston)
<b>Date</b>	1841
<b>Relevant Documents</b>	Tithe Apportionment Tithe Award Map
<b>Scale</b>	Map Scale – 1" = 6 Chains
<b>Significance</b>	<p>Parishioners once paid tithes to the church and its clergy in the form of payment in kind, for example grain comprising an agreed proportion of the annual profits of cultivation and farming. This gradually began to be replaced by monetary payment and this was formally recognised by the Tithe Commutation Act of 1836, which regularised this system.</p> <p>Tithe Awards are not a primary source of evidence as the apportionments and plans were produced as an official record of all titheable areas and it was not their main purpose to record highways.</p> <p>However, they can provide useful supporting evidence, as the existence of a highway could affect the productivity of the land and give important map orientation and plot boundary information, therefore the</p>

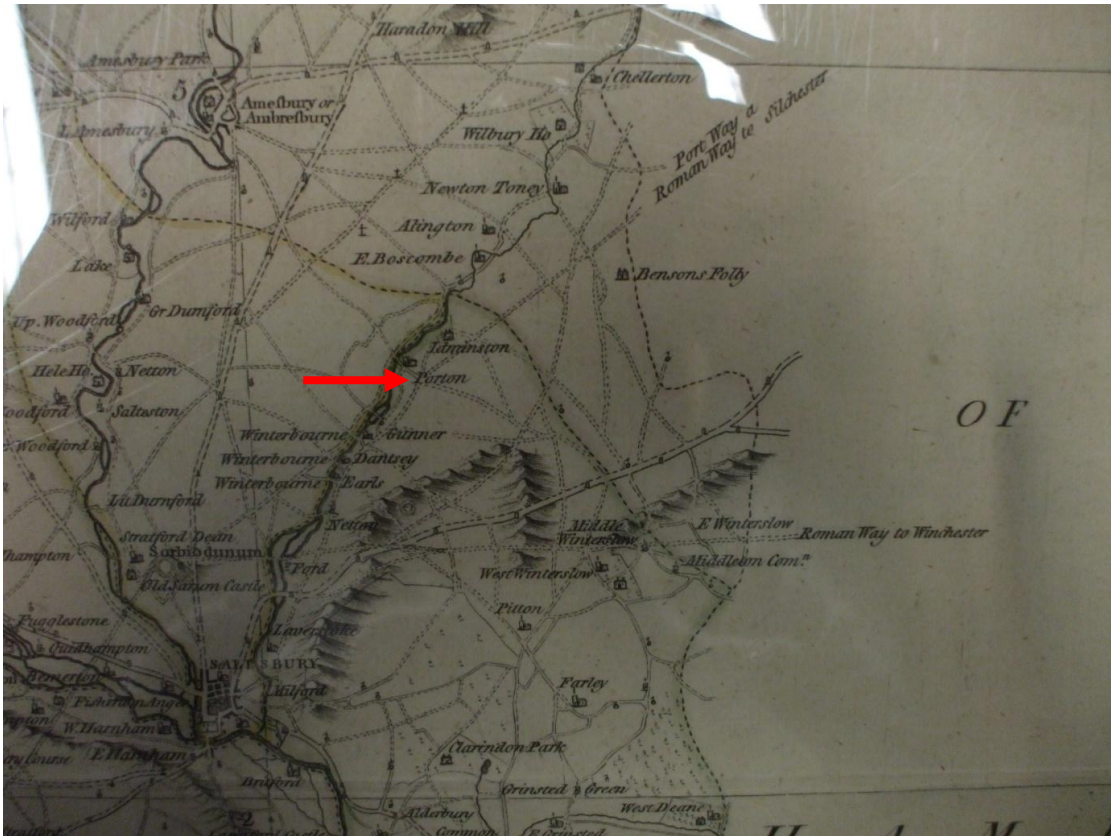


	<p>Commissioners has some interest in recording them.</p> <p>Additionally, the public provenance of the documents adds weight to the information recorded within them.</p>
<p><b>Conclusion</b></p>	<p>It is considered that the claimed route would be located to the south-west of plot no.414, (awarded as “<i>Two Tenements &amp; Gardens</i>”, which Officers believe to be the present day Rose Cottage), leading over plot no.415 which is described as “<i>House Farm Buildings &amp; Yards</i>”.</p> <p>There appears to be a route off the main highway (the main highway is shaded sienna), in the corresponding location of the claimed route. It is open to the highway, but there is no continuation of the route in a westerly direction recorded on the map and is not coloured sienna as the part of the parish road network, (given the previous observations on the recording of The Lane in the Inclosure Award, it should be noted that The Lane is coloured sienna on the Tithe Award map).</p> <p>Officers consider that the Tithe Award records the private entrance to a complex of farm buildings, now removed, formerly part of Manor Farm.</p>

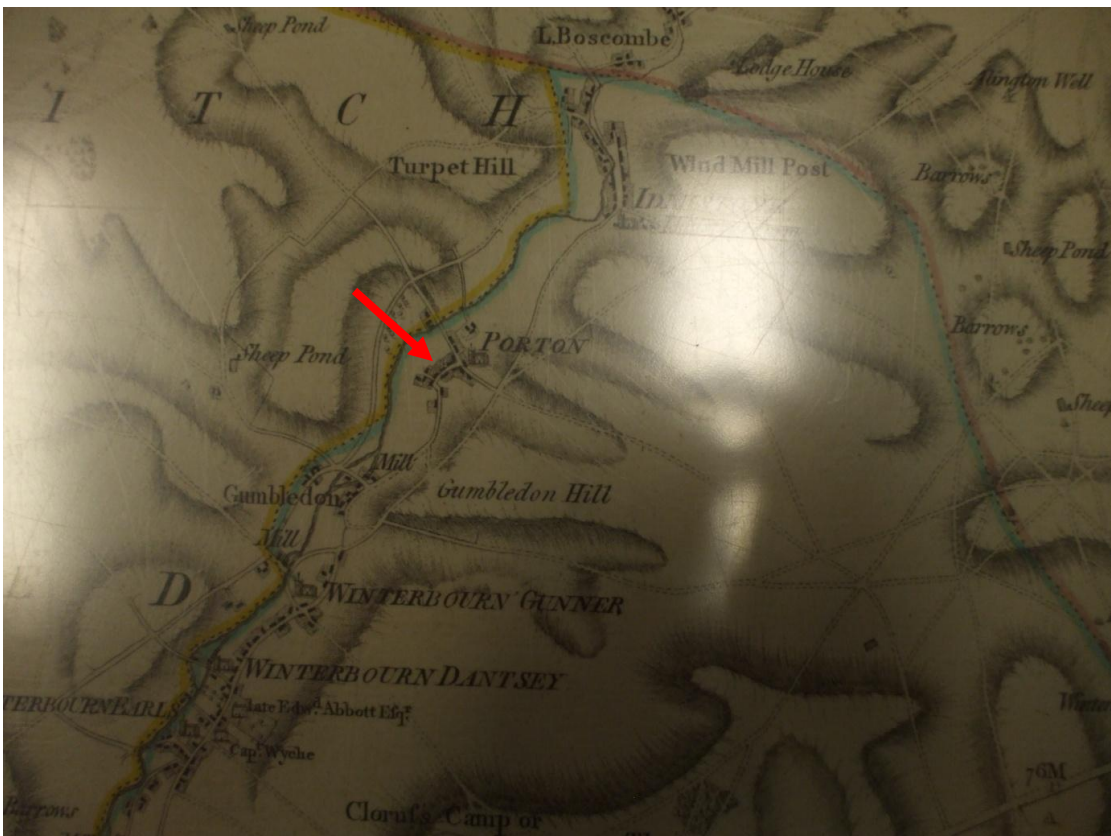


Idmiston Tithe Award Map - 1841

<b>Document</b>	Andrews' and Dury's Map of Wiltshire
<b>Date</b>	1773 & 1810
<b>Relevant Documents</b>	1773 Index Map 1773 Map Plate no.6 (of 18 plates) 1810 Index Map 1810 Map Plate no.15 (of 18 plates)
<b>Scale</b>	1773 – 2 inches to 1 mile 1810 – 2 inches to 1 mile
<b>Significance</b>	<p>Commercial maps were produced for profit and intended for sale to the whole of the travelling public. Andrews' and Dury's Map of Wiltshire dated 1773 is a commercial map of the county based on original survey. The map is dedicated "<i>To Noblemen Gentlemen Clergy shareholders of the County of Wilts This MAP is inscribed by their most obedient and devoted servants JOHN ANDREWS ANDREW DURY</i>".</p> <p>The 1810 second edition map is a corrected and updated edition of the 1773 map.</p> <p>Due to the constraints of small scale mapping, it is unlikely that footpaths and bridleways would be recorded on these maps.</p> <p>Additionally, being for sale to the whole of the travelling public, the map makers would not have wished to encourage trespass onto private land or encourage vehicles onto a footpath, which would cause difficulty for the landowners from whom the map makers sought their subscriptions.</p>
<b>Conclusion</b>	The claimed route is not recorded on the 1773 map or the 1810 revised edition, perhaps for the reasons given above and therefore these documents are inconclusive.

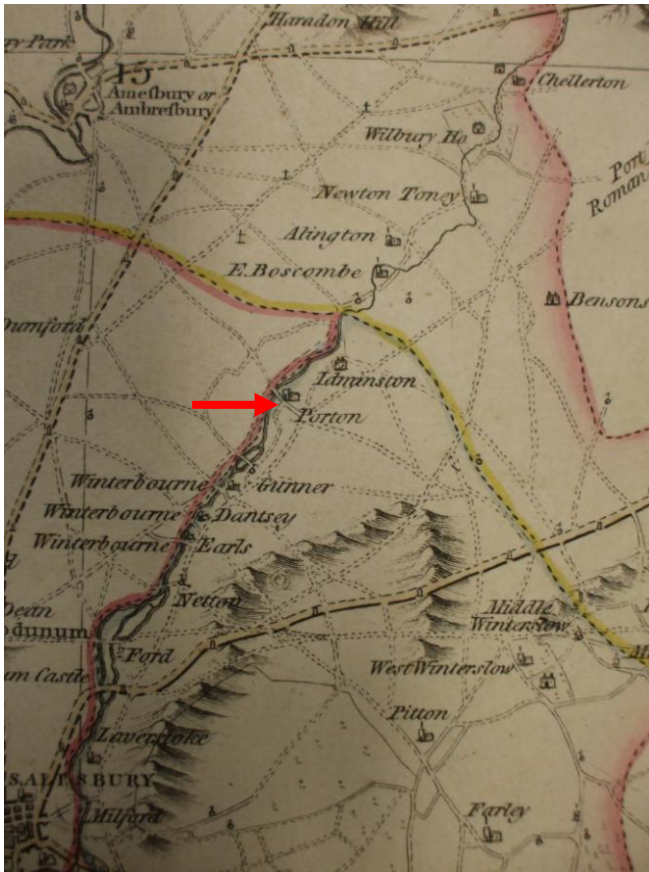


Andrews' and Dury's Map of Wiltshire (Index Map) – 1773

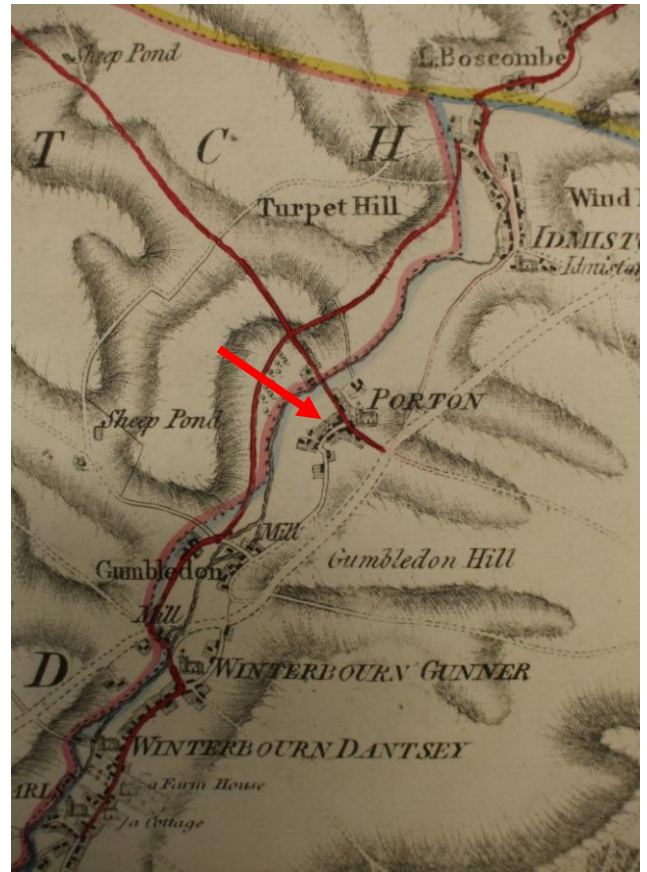


Andrews' and Dury's Map of Wiltshire (Plate 6) - 1773





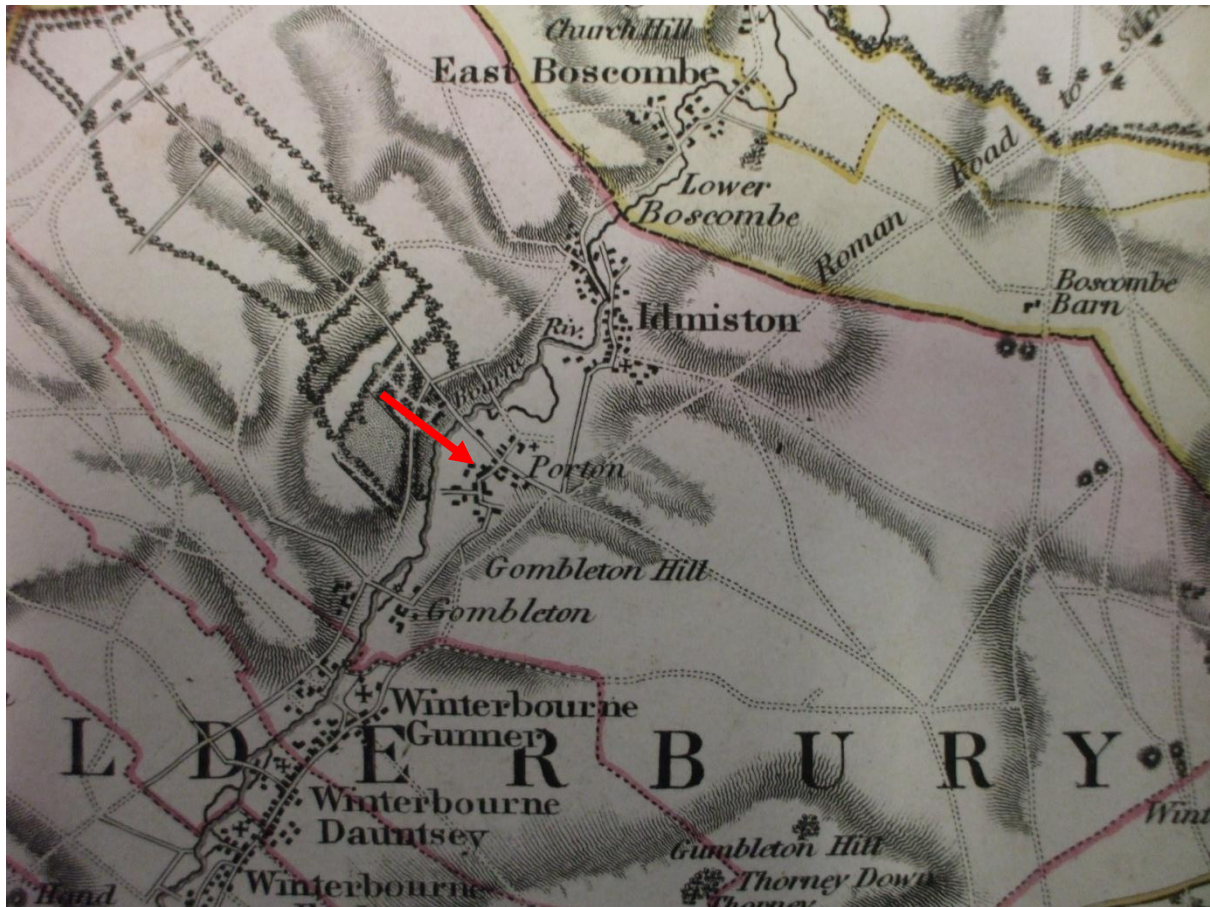
Andrews' and Dury's Map of Wiltshire (Index Map) – 1810



Andrews' and Dury's Map of Wiltshire - 1810

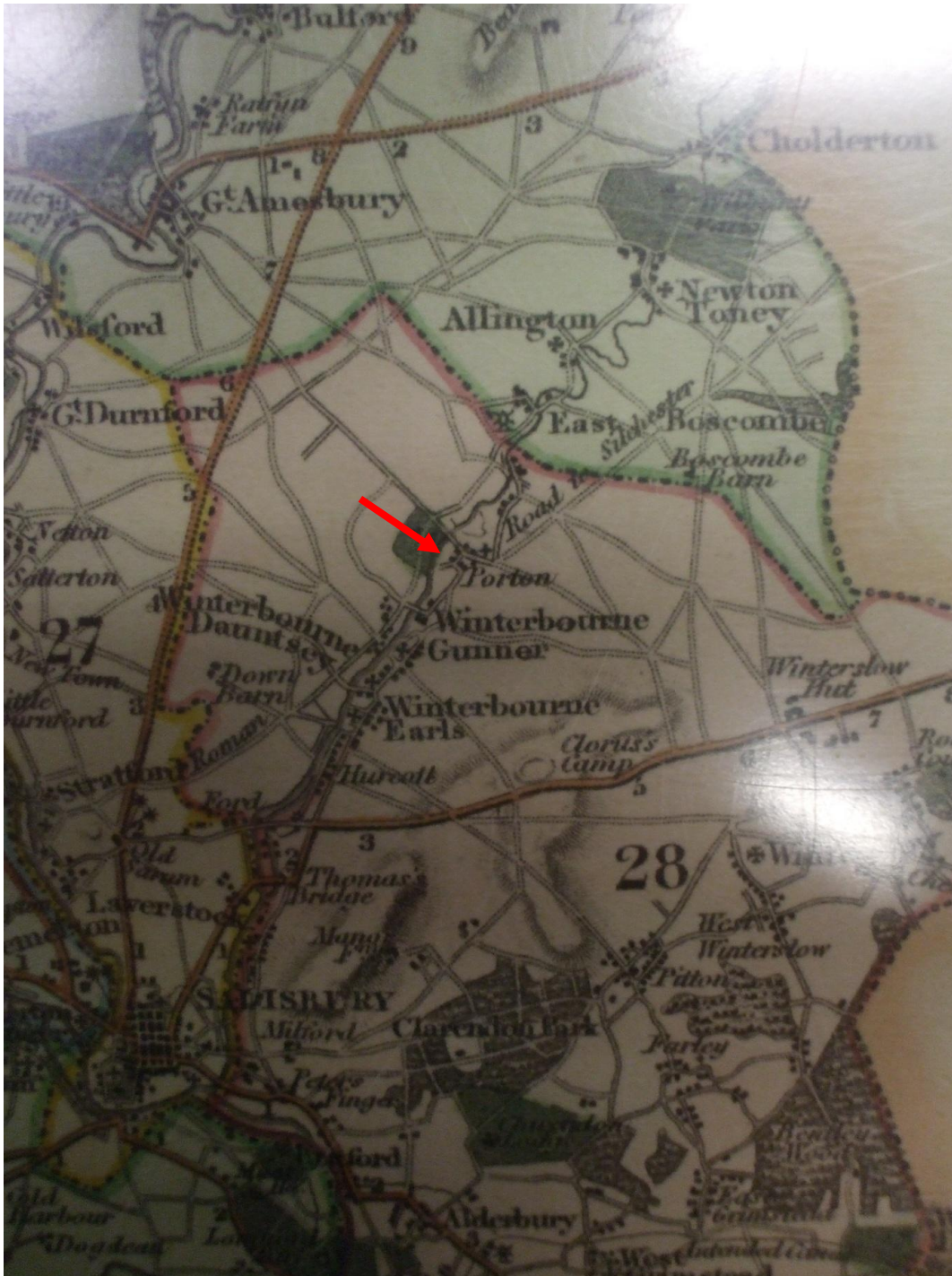
<b>Document</b>	Greenwoods Map of Wiltshire (1820 – 1390/142 & 1829 – Map Folder 3.3)
<b>Date</b>	1820 & 1829
<b>Relevant Documents</b>	1820 = 4 map sheets of the County (reduced and folded), NE, NW, SE and SW (SE sheet is relevant) 1829 Map of Wiltshire
<b>Size and Scale</b>	1820 – Sheet size 75cm x 56.5cm (approx), Scale - 1 inch to 1 mile 1829 – Sheet size 56.5cm x 68cm (approx), Scale - 1 inch to 3 miles
<b>Significance</b>	Greenwood re-surveyed and produced a set of updated County Maps between 1817 and 1839. Greenwood appears to have carried out actual survey, supported by existing secondary sources such as inclosure and estate maps; printed guide books; official sources and local knowledge collected by surveyors. Greenwoods first edition “Map of the County of Wilts from Actual Survey”, dated 1820 is a commercial map, produced for the travelling

	<p>nobility who contributed to its production. The inscription reads <i>“To the Nobility Clergy and Gentry of Wiltshire This Map of the County is most respectfully Dedicated by the proprietors”</i>.</p> <p>Greenwood produced a revised and corrected map of Wiltshire in 1829.</p>
<b>Conclusion</b>	<p>The claimed footpath is not recorded in Greenwoods Map of 1820 and the revised version of 1829, perhaps due to the constraints of small scale mapping.</p>



Greenwoods Map of Wiltshire - 1820

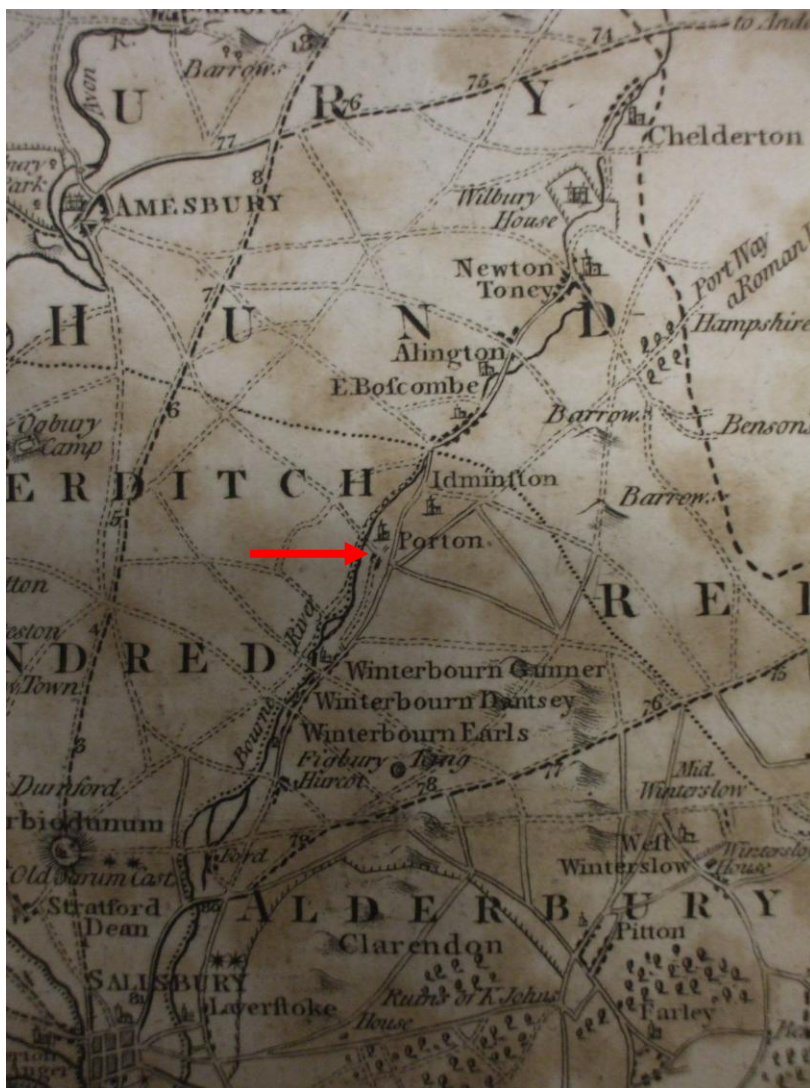




Greenwoods Map of Wiltshire - 1829

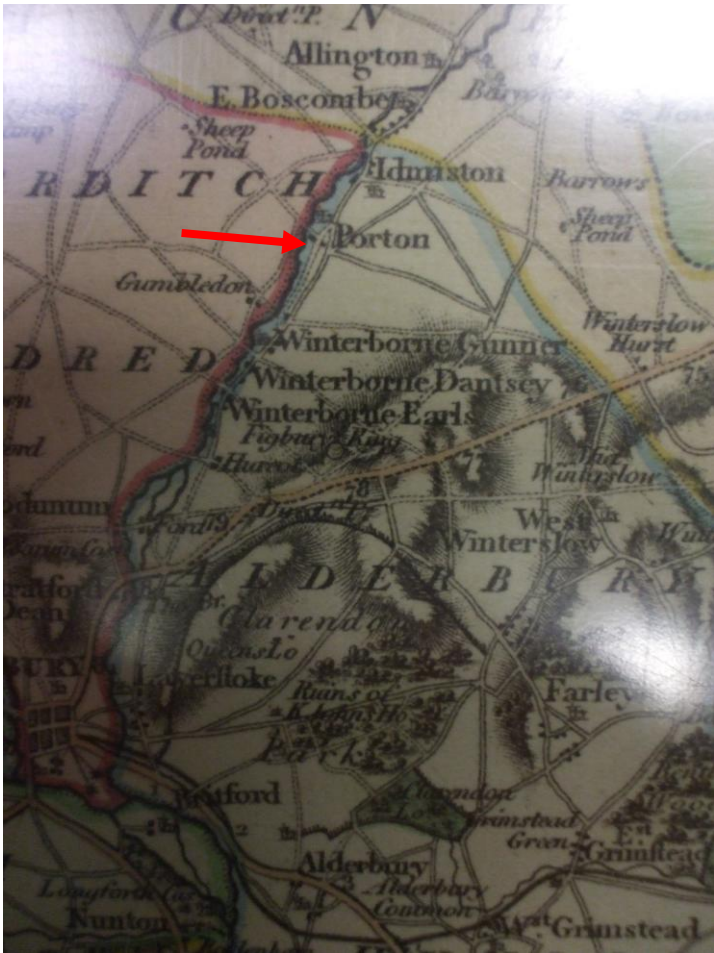
<b>Document</b>	Cary's Maps (1789 – 1390/141; 1801 – Map Folder 3.2; 1823 – Map Folder 3.2A; 1832 – Map Folder 3.4)
<b>Date</b>	1789, 1801, 1823, 1832
<b>Relevant Documents</b>	1789 – Map of Wiltshire 1801 – Map of Wiltshire 1823 – Sheet 28

	1832 – Sheet 11
<b>Size and Scale</b>	1789 – 54cm x 41.8cm (approx), Scale – 2.5 miles to 1 inch 1801 – 55cm x 68cm (approx), Scale – 2.5 miles to 1 inch 1823 – Sheet size 54.1cm x 67.3cm (approx), Scale – 2 miles to 1 inch 1832 – Sheet size 56cm x 67.6cm (approx), Scale – 2 miles to 1 inch
<b>Significance</b>	John Cary was a cartographer, born in Warminster, Wiltshire in 1755, well known for his series of county maps. In 1794 he became Surveyor of Roads for the Postmaster General, charged with undertaking a survey of all main roads in England.  Cary appears to have used actual survey, as well as the work of others, e.g. the Ordnance Survey, in the production of his maps.
<b>Conclusion</b>	The claimed route is not recorded on Cary's maps, perhaps due to the constraints of small scale mapping.

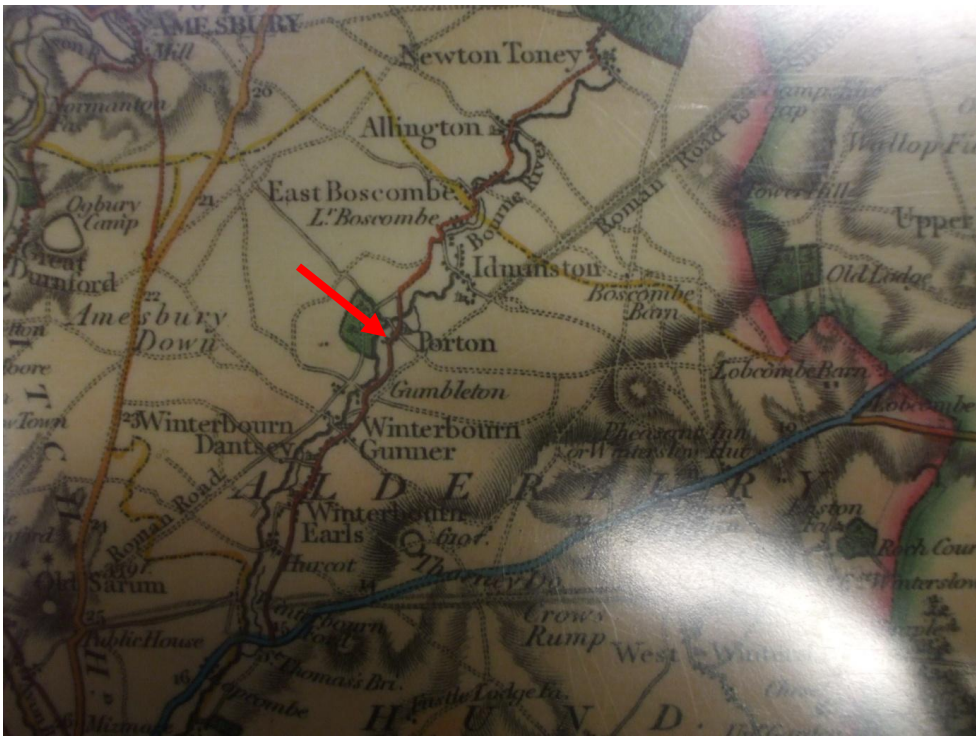


Cary's Map of Wiltshire - 1789



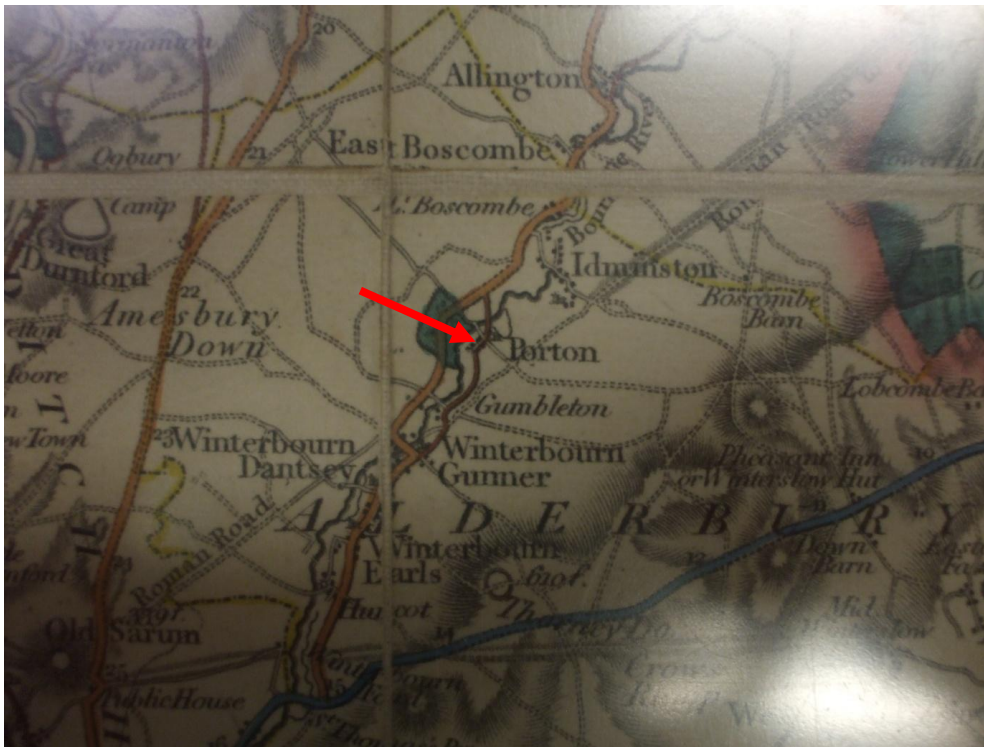


Cary's Map of Wiltshire - 1801



Cary's Map - 1823





Cary's Map - 1832

<b>Document</b>	Ordnance Survey Map
<b>Date</b>	Wiltshire portion surveyed 1876-77, Contoured 1882, Engraved 1882, Published 1883
<b>Relevant Documents</b>	OS Map Sheet no.61
<b>Size and scale</b>	Map Sheet Size 67cm x 98.5cm (approx), Scale - 6 inches to 1 mile
<b>Significance</b>	<p>The Ordnance Survey was founded in 1791 due to demand from the military for accurate maps of southern England, in preparation for the Napoleonic War. In time the Ordnance Survey developed a range of maps varying in scale and level of detail, to meet changing needs for accurate and updated maps of the country.</p> <p>The maps are based on original survey with revisions and are topographical in nature, i.e. showing only physical features which are recorded by a particular surveyor at the time of survey, with place names and administrative boundaries added. Therefore, these maps individually can give little evidence of the status of a route shown, but when viewed alongside other documents, they can provide useful supporting information.</p>

<b>Conclusion</b>	The claimed route is not recorded on the map, which suggests that there was no footpath visible on the ground, at the time of survey.
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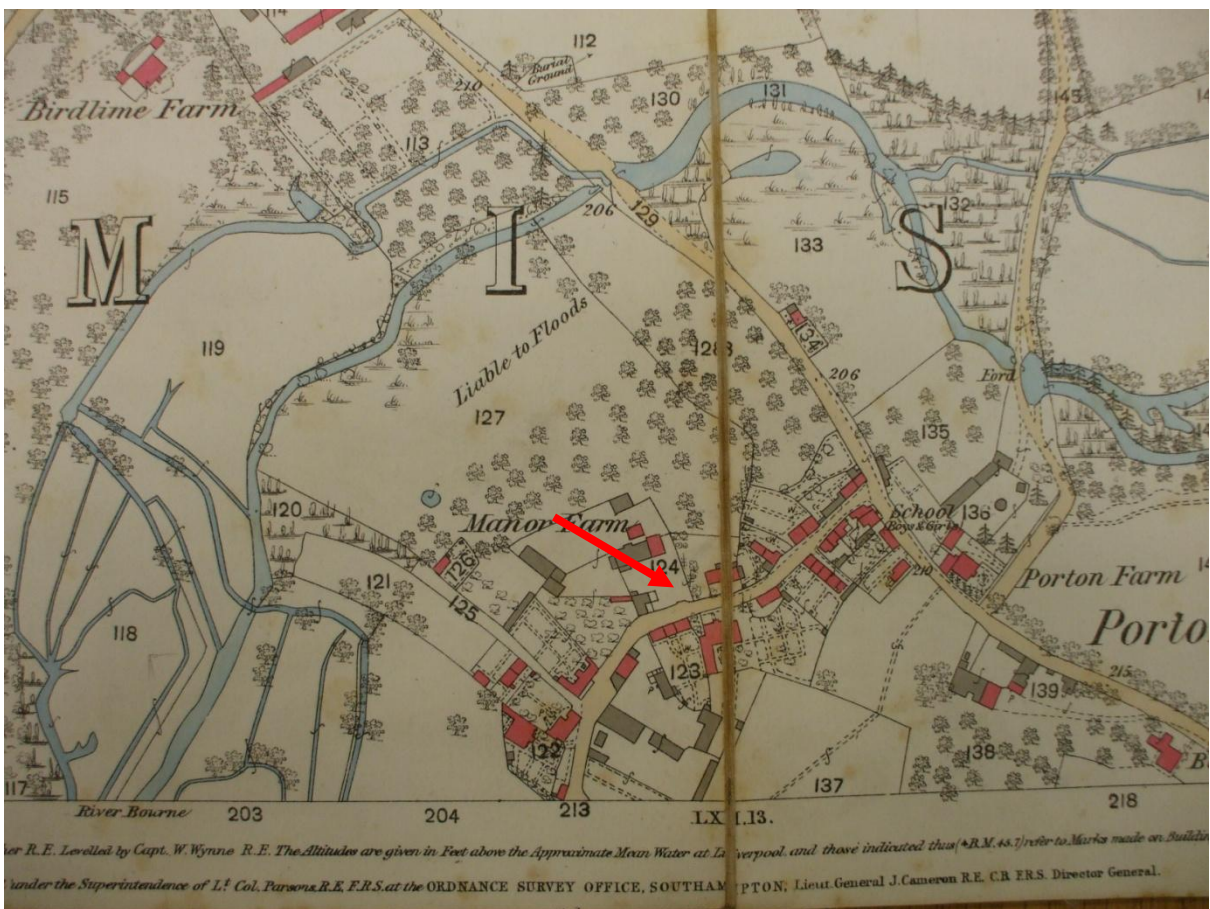
Ordnance Survey Map 1877 – 6 inches to 1 mile

<b>Document</b>	Ordnance Survey Map
<b>Date</b>	1877
<b>Relevant Documents</b>	Map Sheet 61/9 OS book of reference relevant to the 1:2,500 parish plans (first editions only) and the 6" to 1 mile county plans
<b>Size and scale</b>	Map sheet size 64cm x 96.5cm (approx), Scale - 25 inches to 1 mile.
<b>Significance</b>	As above (please see entry for 1877 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is not recorded on the map. When the 1877 map is overlaid with modern mapping, it shows that the claimed route would lead through the Manor Farm complex, plot no.124, with the present Rose Cottage adjacent to the east. The OS book of reference, shows plot no.124 in the parish of Idmiston to be "Houses, gardens and yards" and the fields to the north, plot no.s 128

and 127 to be “Pasture, & c”. After 1879 land use information was omitted and from around 1884 onwards area information appears on the maps).

The book of reference makes no reference to a public route through the Manor Farm complex, which supports the route shown on the Tithe Award Map 1841; the Map of the Common Fields and Village of Porton c.1845 and Bonakers Farm Sale Particulars 1866, being a private access to the Manor Farm complex.

It is interesting to note that “The Lane” is plot no.125 which is recorded as “Road”.

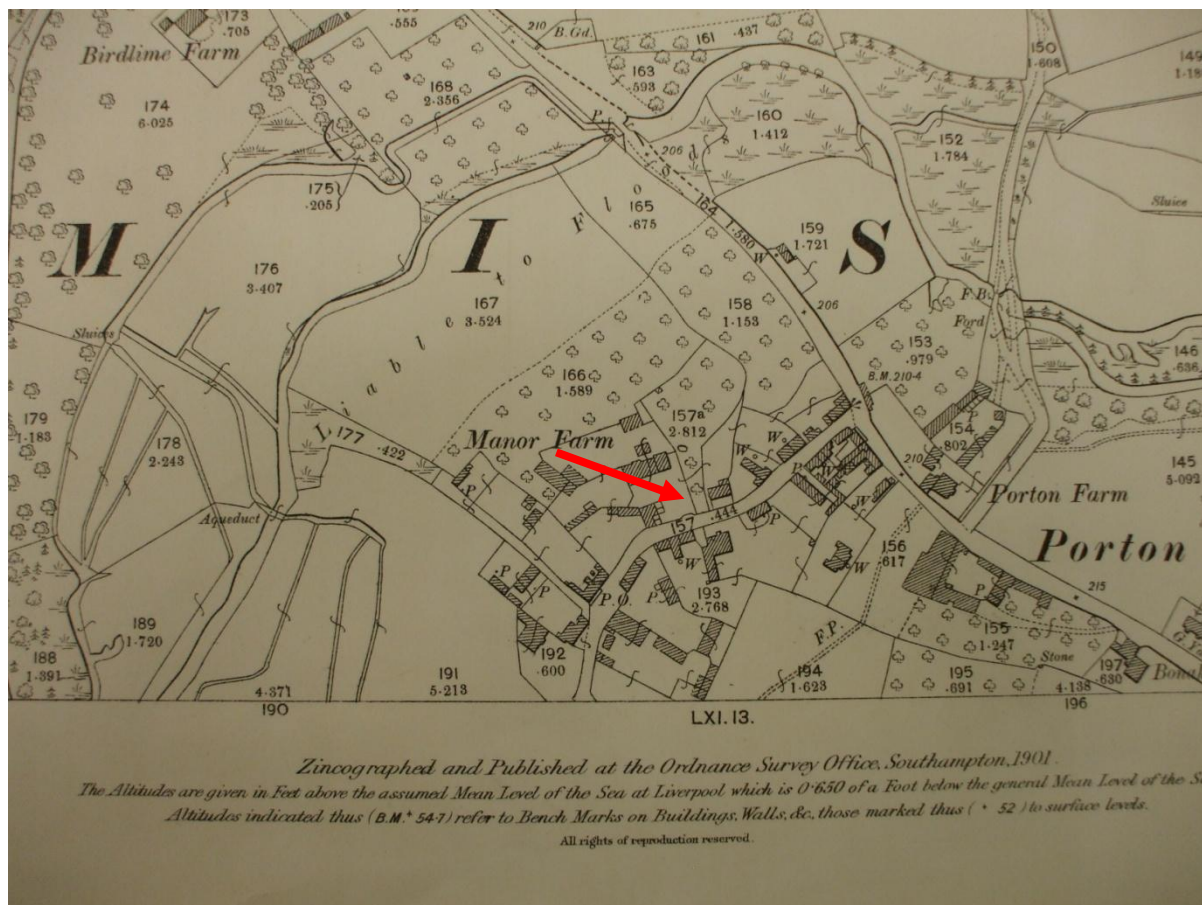


Ordnance Survey Map 1877 – 25 inches to 1 mile

<b>Document</b>	Ordnance Survey Map
<b>Date</b>	1901
<b>Relevant Documents</b>	Map Sheet 61/9
<b>Size</b>	Sheet size 64cm x 96.5cm (approx), Scale - 25 inches to 1 mile

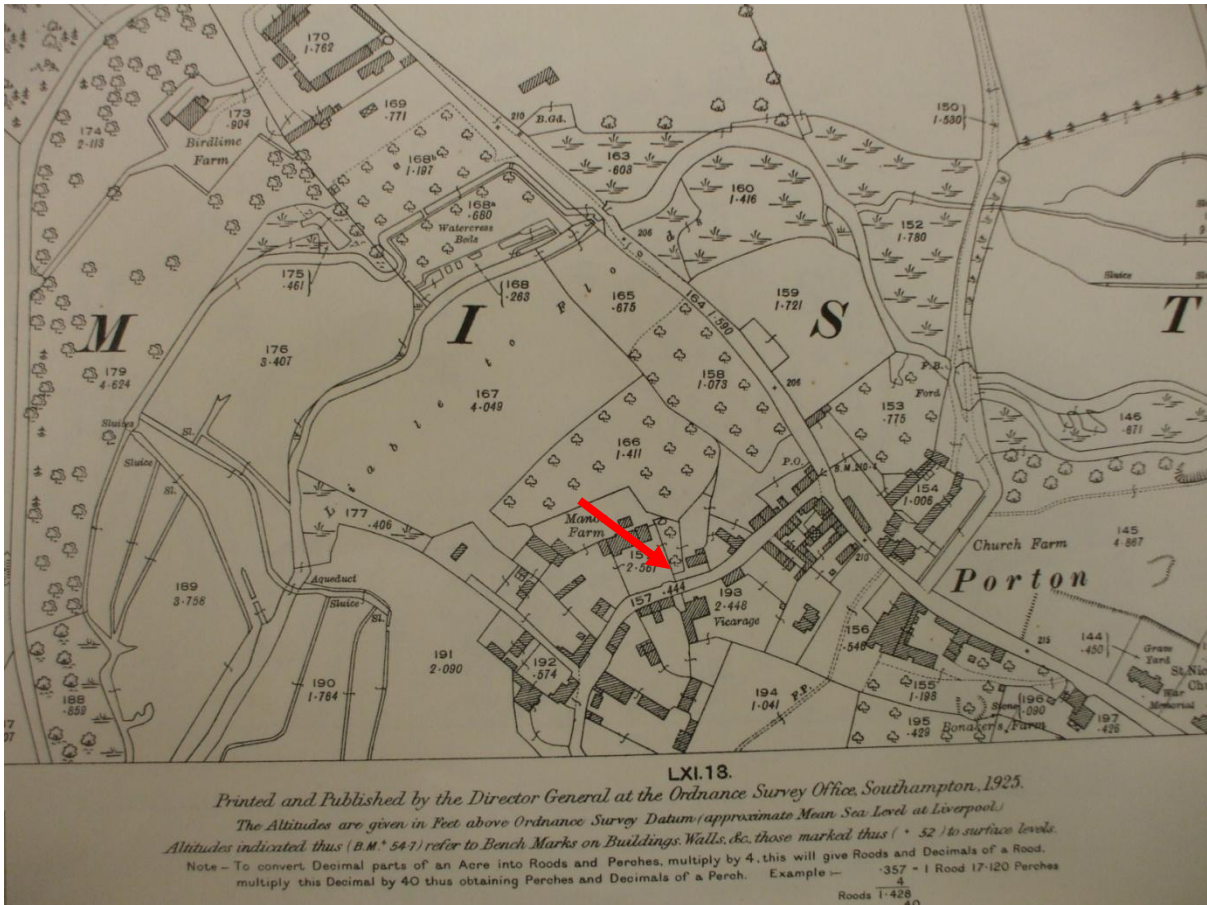


<b>Significance</b>	As above (please see entry for 1883 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is not recorded on this map. The Manor Farm buildings and pasture over which Bourne Close is now built, remain, with some variations to the boundary of Rose Cottage.



Ordnance Survey Map 1901 – 25 inches to 1 mile

<b>Document</b>	Ordnance Survey Map
<b>Date</b>	1925
<b>Relevant Documents</b>	Map Sheet 61/9
<b>Size</b>	Sheet size 64cm x 96.5cm (approx), Scale - 25 inches to 1 mile.
<b>Significance</b>	As above (please see entry for 1883 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is not recorded on this map.



Ordnance Survey Map 1925 – 25 inches to 1 mile

<b>Document</b>	Ordnance Survey Map
<b>Date</b>	1939
<b>Relevant Documents</b>	Map Sheet 61/9
<b>Size</b>	Sheet size 64cm x 96.5cm (approx), Scale - 25 inches to 1 mile.
<b>Significance</b>	As above (please see entry for 1883 Ordnance Survey 6" map)
<b>Conclusion</b>	The claimed route is not recorded on this map. The Manor Farm building complex is now removed.





Ordnance Survey Map 1939 - 25 inches to one mile

<b>Document</b>	Map of the Common Fields and Village of Porton (1236/16 MS)
<b>Date</b>	c.1845
<b>Relevant Documents</b>	Map of the Common Fields and Village of Porton
<b>Size and scale</b>	Map size 75.5cm x 174cm (approx), no scale included
<b>Significance</b>	This map dates from around the time of the Tithe Award and reflects the Porton Inclosure Award map, certainly the roads are numbered as per the Inclosure Award, which it pre-dates. It appears to show new allotments to the Trustees of Messrs Evans's Estate; Bonakers Estate; Late Lawrences Estate and the Trustees of Miss Isabella Bowles Estate. In its study of the Porton Inclosure Award of 1850, the Bourne Valley Historical Society observes that the Inclosure Award refers to the owners of the lands, all of whom were either the trustees of wills or of marriage settlements and that the agreement of the owners to inclosure had been given in 1842, but because of the death of one or more of the principals, there had been a delay.

**Conclusion**

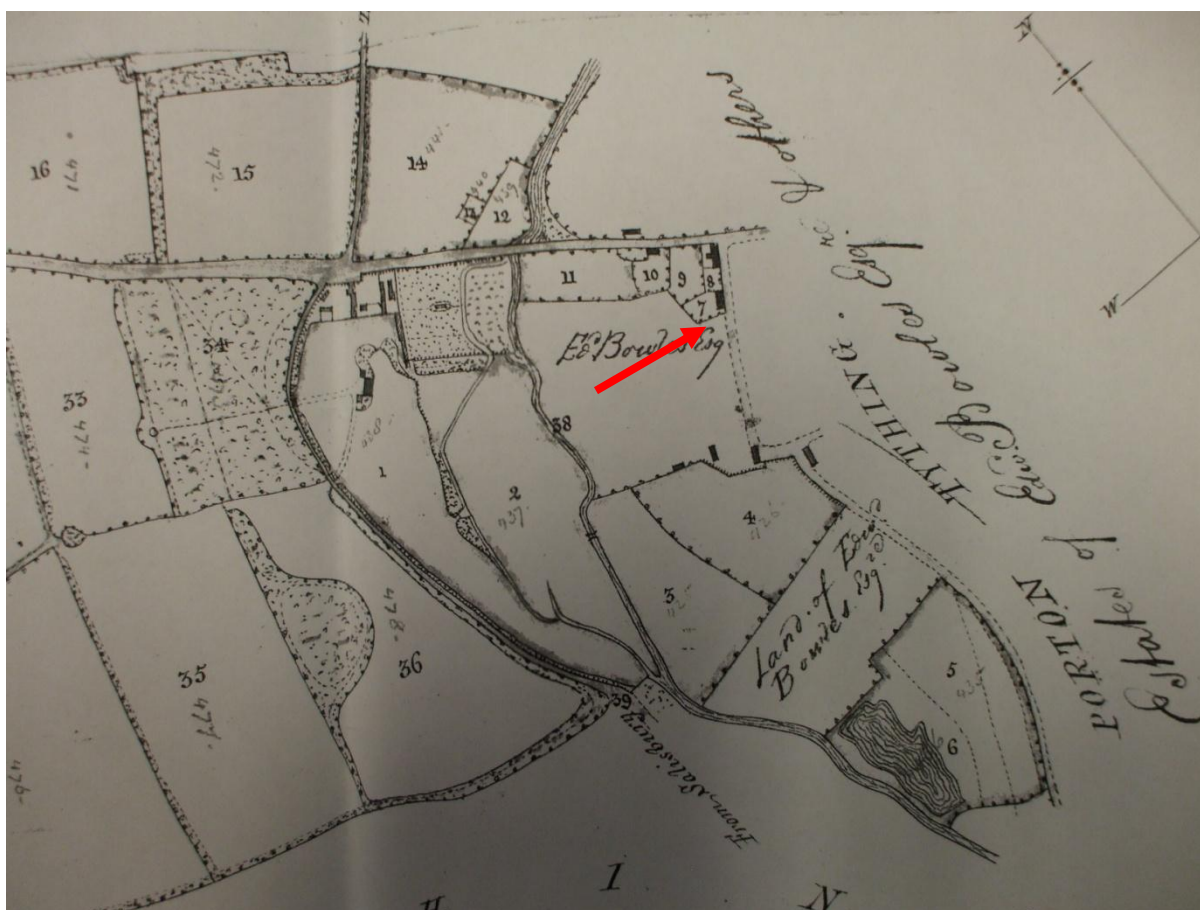
The Manor Farm complex over which the claimed route would pass is recorded as per the Inclosure Award and the Tithe Award. It is interesting to note that at the entrance to the Manor Farm complex, there is a gate off of the main highway (Public Carriage Road no.1) and a further gate located north-west of this, between the buildings, leading into a second yard / field. There are 2 gates to the south of this yard / field, one leading into the field beyond and the other leading back into the first yard. It is possible that the public did walk through the gates, however there is no route recorded in the field beyond, towards the river Bourne.

Perhaps a more plausible explanation is that the gates were part of a private access forming part of the Manor Farm buildings complex, which was then much larger than it is now. The other available mapping evidence supports this view, i.e. the Inclosure Award does not record a public footway at this location and none of the maps record a continuation of the route outside the Manor Farm complex, linking to other public highways.



Map of the Common Fields and Village of Porton – c. 1845

<b>Document</b>	Map of Manor Farm Porton (Reproduction) (X3/100)
<b>Date</b>	1813
<b>Relevant Documents</b>	Map of Manor Farm Porton
<b>Size and scale</b>	Map size 70.4cm x 24.6cm (approx), Scale – 1 inch to 1 mile
<b>Significance</b>	“A Map of the Manor Farm in the Tything of Porton in the Parish of Idmiston in the County of Wilts The Property of John D’eyly Hutchens Esq May 1813” with the later annotation “Purchased by James Morrison Esq of William Dowden April 1831”. The plan appears to show the extent of the Manor Farm Estate, Porton.
<b>Conclusion</b>	The claimed footpath route is not recorded on this plan.

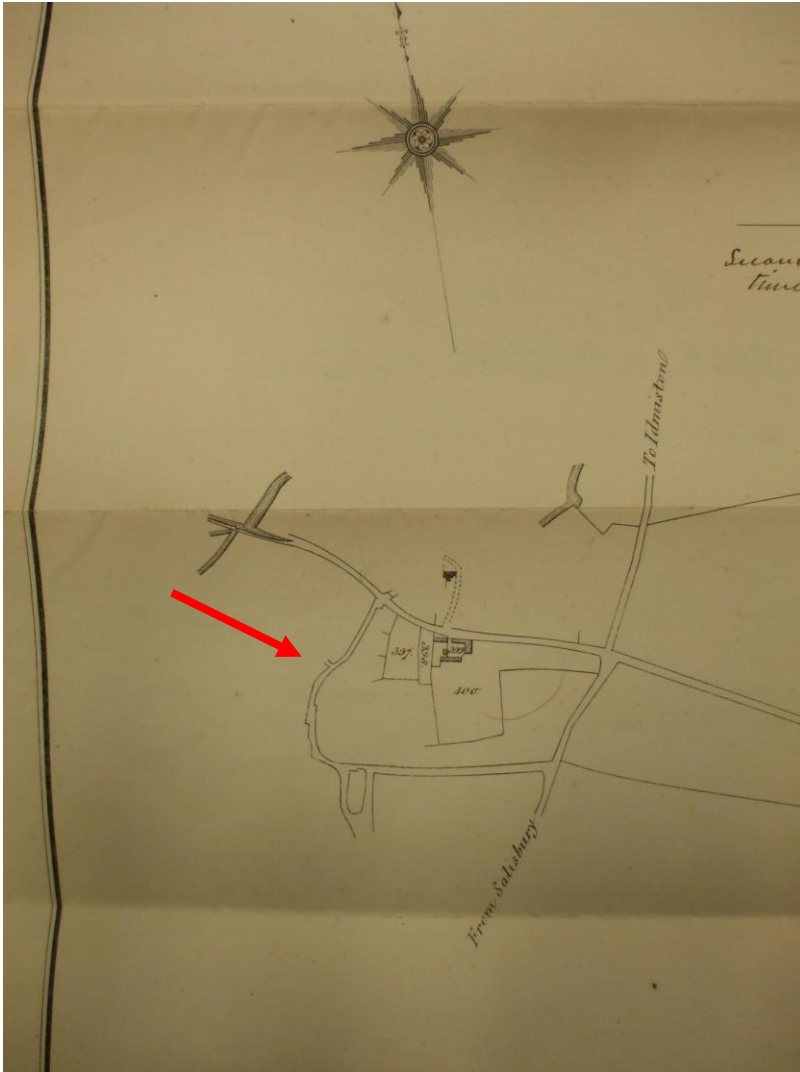


Map of Manor Farm, Porton - 1813

<b>Document</b>	Porton, Bonakers Farm Sale Particulars
<b>Date</b>	1866, 1872
<b>Relevant Documents</b>	Sale Particulars and Map 1866
<b>Documents</b>	Sale Particulars and Map 1872

<b>Size and scale</b>	1866 – Map size 39cm x 50.7cm (approx), Scale 2.5” to 15 chains 1872 – Map size 27.2cm x 46.3cm (approx), Scale not given
<b>Significance</b>	Sale particulars can give useful information regarding the presence of public highways over the land, which proposed purchasers would need to be made aware of. The maps will be based on ordnance survey mapping.
<b>Conclusion</b>	<p>The 1866 map, records the High Street, but does not record any of the buildings. When comparing this map against other mapping evidence it appears to show a spur off the High Street into the Manor Farm buildings complex, in a location corresponding with the claimed footpath route. However, this map cannot provide any other information on whether this is public or private route and given that the High Street is outside the area being sold, no additional information is provided within the sale particulars themselves.</p> <p>When considering the route shown on this map it is useful to look at the additional mapping evidence which supports the existence of a private access track to Manor Farm at this location.</p> <p>The 1872 sale map records the northern junction of the High Street with the Winterslow Road, Officers consider for the purposes of map orientation and location, but it does not record the High Street southwards to such an extent as to include the claimed route. Therefore no conclusions can be drawn from this map and the accompanying sale particulars.</p>





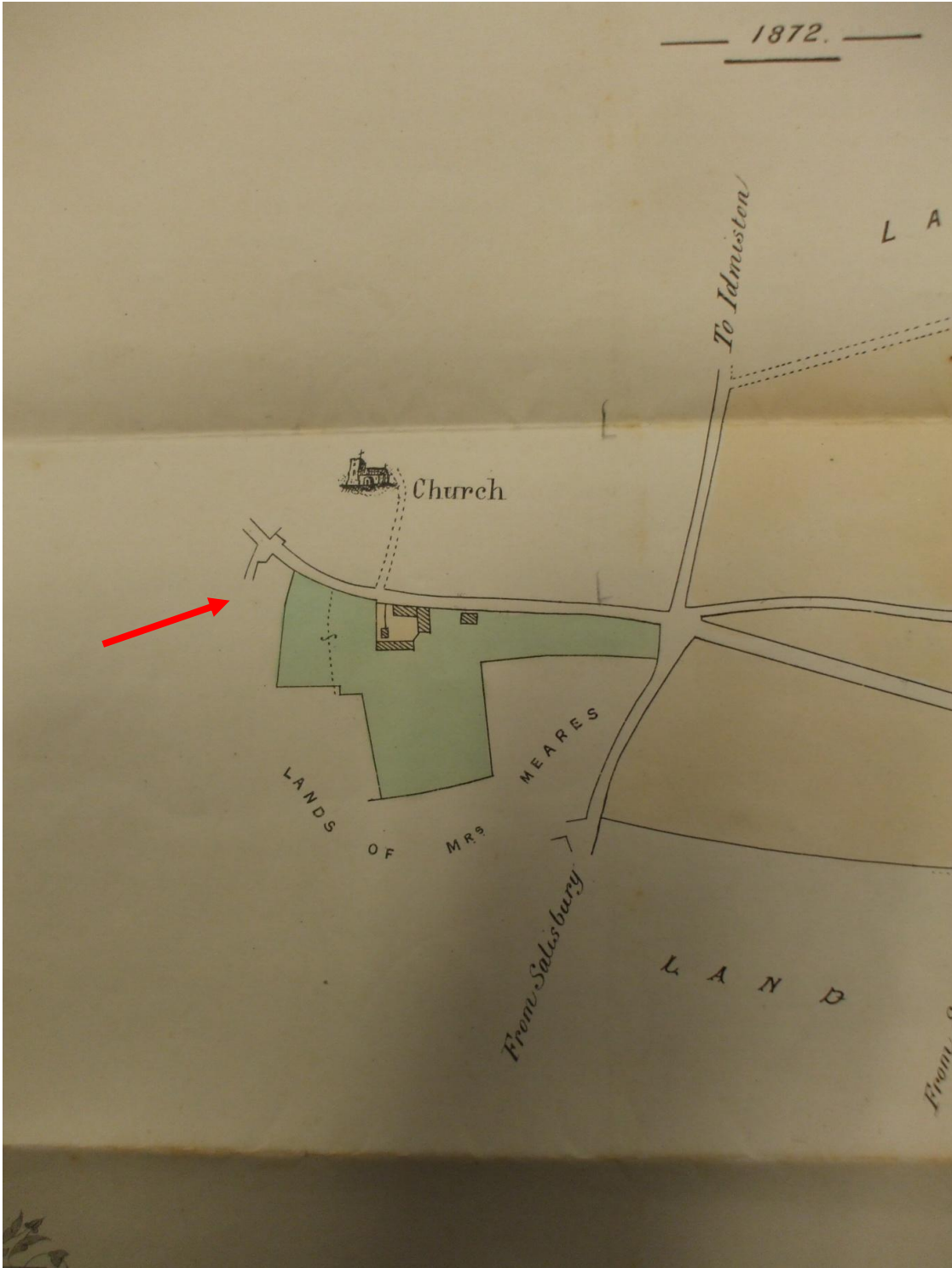
Bonakers Farm Sale Particulars Map -1866

REFERENCE.

Nos.	Description.	State.	Quantity.		
			A.	R.	P.
397	Goldings .....	Pasture	"	2	28
398	Ditto .....	Ditto	"	1	6
399	Farm House, Barns, Yard, & Garden .....	"	"	1	18
400	Orchard .....	Orchard	2	3	30
5	Allotment .....	Arable	1	1	11
7	Ditto .....	"	45	1	2
8	Ditto .....	"	82	2	39
14	Ditto .....	"	"	3	24
			134	1	38

Bonakers Farm Sale Particulars Map Reference - 1866





Bonakers Farm Sale Particulars Map – 1872