

Andrew J Barrowman, [REDACTED]

2nd Footpath Response to D. Jacksons submission. 27/02/2024

Further to my previous response to Mr Jackson's Statement of Case I would add the following page by page response, and responses to Mr Jackson's case.

We have considered the applicant's and others' information plus much of our own research to see if there are grounds for the submission by the applicant; that and the bridal way existing along the route claimed from points A-J. We can find no evidence that support this claim.

Over many years, various documents have been produced that relate to the area under discussion.

Primarily, the area (known as) Hall Moor would be rough moorland and some forest, as demonstrated by the earliest map of 1630. There is nothing shown in the form of a road – ancient or otherwise, and none Hall Moor South farm. The roads/tracks that are shown go from Shipton to Wigginton (line of the existing Corban Lane), and Skelton to Wigginton/Haxby by the route/road that exists today.

At that time, none of the claimed route existed in any form, nor would there have been any reason for it to exist, as the routes named already existed and the area was just moorland. They would have had to travel a mile in the wrong direction to take the alleged route, and would have had no reason to do so.

Subsequently, after the enclosures in 1807, the area would no longer be common land, but became enclosed and this is documented in the Enclosure Awards that are referred to in various texts. At this point land was allocated to various people such as Joshua Hepworth and Edward Pace. In these enclosure documents they refer to "the lane leading to Hall Moor Farm". The various blocks of land existed in the different ownerships so access would be needed for the people involved so they did not become landlocked. So, any track would be more a case of an easement not a public right of way, and no mention is made in the Enclosure Order of a public right of way or a need by anyone to maintain road/track. Later, to presumably alter the need to cross other people's land, a route was constructed to the north from Hall Moor Farm South that connected to Corban Lane – and still does. This is now the only route to the farm and is not a public right of the way. And it is purely an access to the farmstead.

Assertions have been made that the present route from Shipton to Wigginton went south of Hall Moor Farm in the 1630 map. This claim is completely refuted as Hall Moor Farm did not exist at that time and it is abundantly clear that the route claimed was - and still is – Corban Lane. Further claims made of a footpath from Shipton to Wigginton is exactly what still

exists today as a footpath does not form any part of the claimed bridle route. The points H – J were only ever a footpath - never a bridle road – and the said footpath was extinguished and diverted in 1977. Therefore, access still exists but only by a different route and forms no part of the claimed route, so it did not need to be considered as it did not exist.

Beyond our boundary with Moorlands, no evidence exists of a bridle route crossing Moorlands, so the claimed bridle route would not connect to anywhere. See map item HM10 in our previous submission.

Play is made of entries to Field Books and the references made therein to the existence of a footpath which we have already referred to. The Shipton to Wigginton footpath that still exists on the map is shown by a double dotted line and marked “Footpath”. A double dotted line does not, in itself, indicate a Bridle Road as, if it was, it would be marked “Bridle Road” and not “Footpath”. There is no mention of deductions or mention of any particular right of way, other than that implied by the existence of a footpath.

The stub at Hurns Bridge is an access to the various parcels of land beyond. Its existence is there because people would have had to cross Hurns Gutter before being able to access the land. This would have been the first available point to avoid Hurns Gutter for access onto Hall Moor Farm land. As to it being referred to as a public road is not proved as it goes nowhere; is not paved and had no public access. We have dealt in detail with the many points made in our main submission but essentially the route A – I was only ever a private access to Hall Moor Farm South. There are many areas of misinterpretation in the Applicant’s case and by removing these mis-interpretations of the case, the case for a bridle route does not exist.

We can point out the errors of interpretation and the assumptions made.

Page 4 – DJ’s Statement of case

Hurns Lane as referred to by DJ is not and has not been maintained at public expense, and is only as it ever was access to the relevant fields.

Page 6 – The indication of an ancient road referred to cannot be correct as there are no routes shown on any of the earlier maps, 1630, 1771. The route referred goes to Hall Moor Farm only, and goes round the field boundaries so was constructed after Enclosure Act of 1807.

Page 7 – Again, reference is made to an ancient road leading from Skelton to Wigginton. He refers to these as roads similar to the Hurns Bridge to Moorlands track. Nowhere on any map is there a reference of a Hurns Bridge to Moorlands track as it did not exist. Following this assertion, it would make two different roads starting in two different places to be the same road.

Page 9 – Hall Moor Farm does in fact have an hereditament number which is 176. Reference to the other farms – (Wide Open and Park farms)

their access comes from the Skelton to Wigginton Road as shown in the 1807 Enclosure map. On this same map no road, track or anything going onto Moorlands from Hall Moor Farm South. It is hard to see the relevance of this submission.

Page 10 – This is just a normal easement. Any legal conveyance between two landowners is drawn up so one does not land-lock the other. This does not create a public right of way.

Page 12 – The Hurns bridge to Hall Moor Farm route is just what it is. There is no depiction of a Bridle Road or otherwise beyond Hall Moor Farm and, as stated in Ordinance Survey maps, showing of a route does not necessarily mean it is a Right of Way.

Page 16 – The Travellers' Companion dated 1789 does not depict any road or anything to Hall Moor as Hall Moor Farm is yet to be built at this time. The only reference in the Travellers' Companion is to Skelton Hall shown on the 1771 map, access to which is from the Skelton to Wigginton Road. Also, within the Travellers Companion there is a disclaimer about its lack of accuracy, so no particular weight can be given to this assumption on his part.

Page 17 – Stating that the A 19 was once called Shipton Street and might be why a route called Shipton to Moorlands was called such, cannot be the case as it would be referred to as coming from Hurns Bridge; again, trying to start routes from many different directions. And, if there was a reference from Shipton to Moorlands, it would be Corban Lane.

Page 19 – 1630 map - making the assumption of an entry from Hurns Bridge but there is no track visible – the mark referred to is in fact Hurns Gutter. He has totally misinterpreted this map but we have covered this in our original submission.

Page 23 – the schedule refers to Footpath and Bridle Road but is not definitive. The footpath still exists but the bridle road may be under the same heading or more likely Corban Lane or what is now the entrance to Hall Moor Farm.

Page 24 – the footpath was legally diverted in 1977 and was only – ever – and still is, the footpath from Shipton to Wigginton. DJ is trying to say it should have been considered as a bridle road not a footpath. If all the evidence shows it was always a footpath and never a bridle road from Hall Moor Farm to Moorlands, and so did not need to be considered

There is no evidence what so ever – on any map – of the existence of any ancient road/ lane/track/path crossing Hall Moor (the land not the farm). Any such reference applies Skelton to Wigginton. All early maps only show roads from Skelton to Wigginton or Shipton to Wigginton- both of which still exist today.