

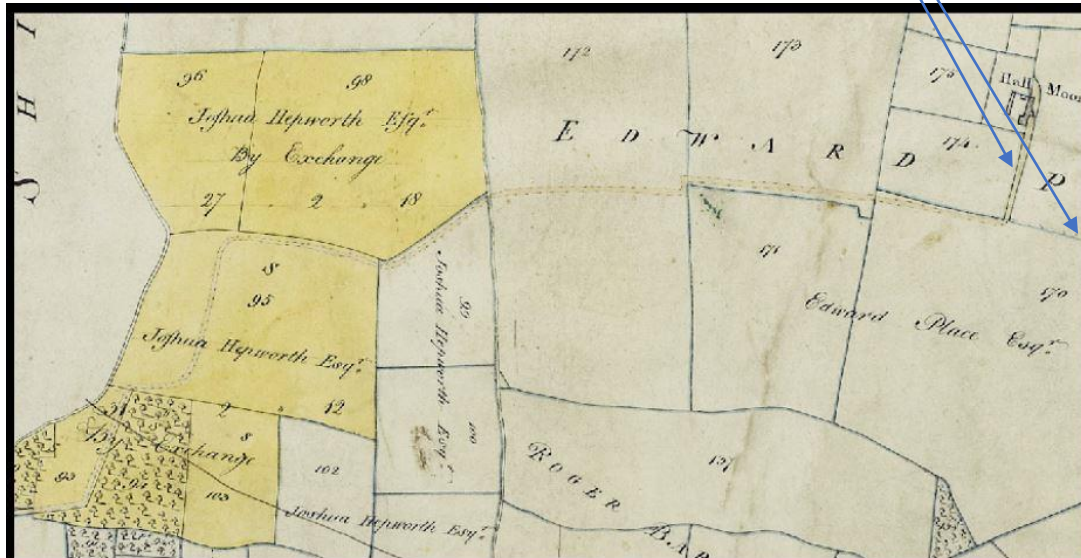
David Blacker response to Statement of Case ROW-3318409

# List of Streets

- At some point in the past it is known that the area of Rodwell's Rush was let to a local Council to use as a refuse tip before being closed. This was a private agreement between the landowner and the council that terminated when the contract ended. It was never intended as a public road and had no public access and ceased at the end of the agreement.
- Nothing is served by the track,
- It goes nowhere, it is an unfenced farm track.
- It is un-metalled of hardcore and dirt construction
- It has never been publicly maintained.
- The entrance has always been gated and locked to prevent access from anyone without permission, as well as acting as a deterrent to fly tipping.
- The position of the locked entrance was made to accommodate vehicles that would otherwise pose a risk to oncoming traffic. It does not represent the area of ownership.
- The evidence brings no relevant information to the application.

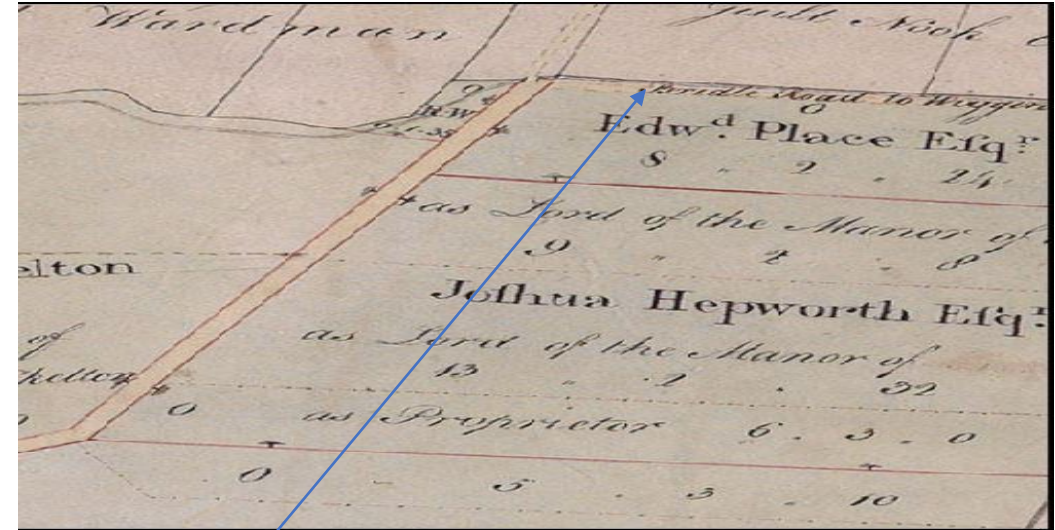
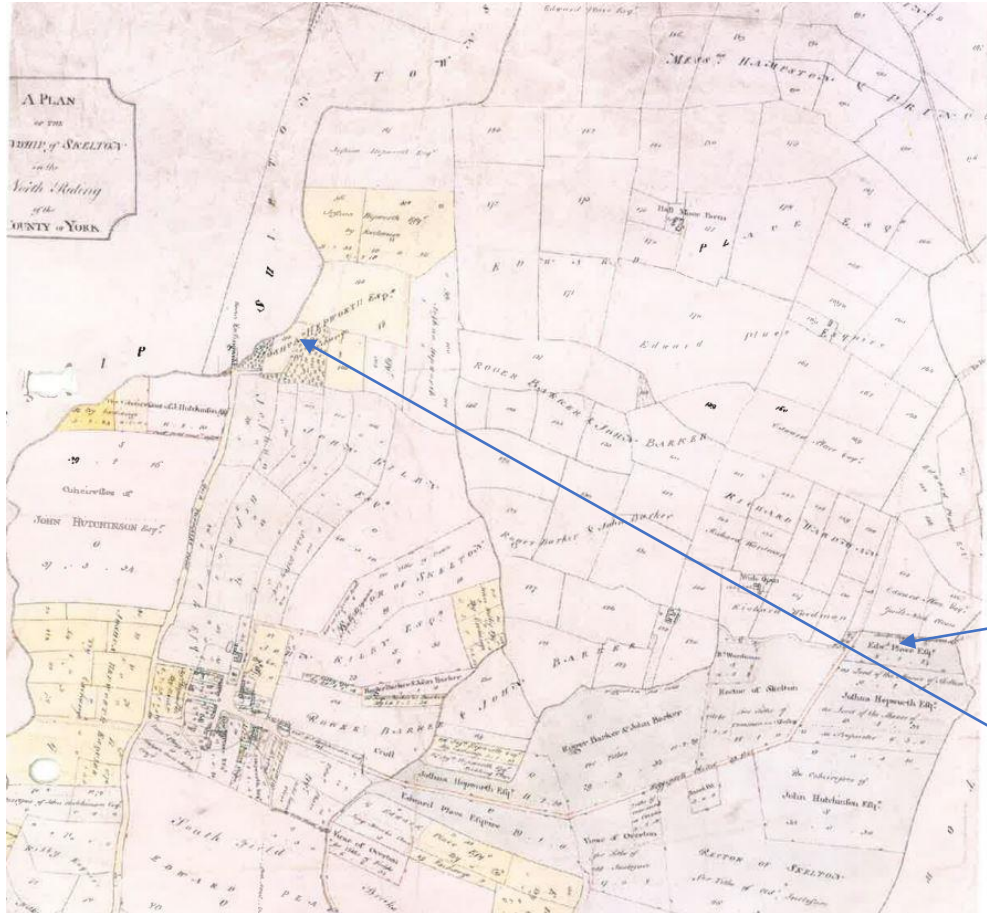
# 1807 Enclosure Award & Map

The track only goes to Hall Moor Farm and extends no further.



- The track does not extend further than Hall Moor Farm
- Points I to J on the application route did not exist.
- There is NO evidence this was a public right of way, just a farm entrance.
- York City Councils view below.
- “Whilst the Skelton Enclosure Award mentions part of the Order Route on three occasions, these are never in the context of setting it out as a way, either public or private. As a result, it appears to have no evidential value when assessing whether a public bridleway exists over the Order Route.” (point 67, page 10)

# 1807 Enclosure Award



This is a different route clearly stating going to Wigginton

The application route does not say bridle road to Wigginton as it never went there, only to Hall Moor Farm as the farm's only entrance.

The applicant is trying to claim that apples are actually oranges.



# 1807 Enclosure Award- Public and Private, Highway, Road, Carriage and Drift Road

## Enclosure award to Joshua Hepworth

I do also allot assign and award unto the said Joshua Hepworth his heirs and assigns in severalty 18 Perches of land , Parcel of the Lane leading to Hall Moor Farm bounded by an Ancient Enclosure of Joshua Hepworth had in exchange from John Kilby on or towards the North by the York Turnpike Road on or towards the West and by the said Hall Moor Lane on or towards the South

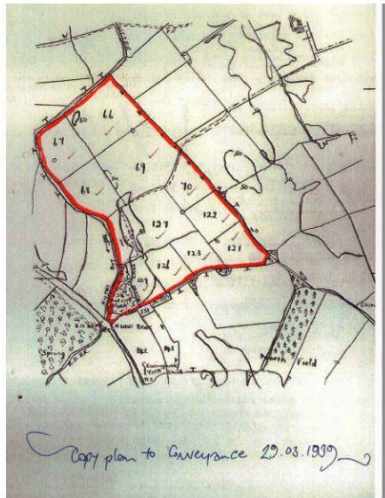
## York City Council View.

27. The map that accompanies the Inclosure Award (appendix 23, page XX) shows the section of the Order Route between points A and H on the Order Map but does not specifically name the Order Route on the map. There is no route shown on the Award map covering the points H to J on the Order Map.
28. Within the Inclosure Award, on the three occasions it is mentioned, the Order Route is referred to variously as "Hall Moor Lane", "lane leading to Hall Moor", and "road to Hall Moor". On each occasion the Order Route was noted as being part of an award to a specific person.
29. Specifically, the part of the Order Route between point A and, approximately, point F was mentioned three times within the Award as it was allotted to Joshua Hepworth. From, approximately, point F to point J on the Order Map was awarded to Edward Place but there is no mention of this part of the Order Route within the Award.
30. No part of the Order Route was set out by the Award as either a public or private way.

- The enclosure Award Appendix 23 page 248 and transcription Appendix 31 page 312-313 states the roads to be made public and private. The application route was not mentioned as being public or private. Not conclusive either way but interesting that it wasn't of such importance.
- The application route is mentioned in the award twice as a lane, and once as a road. Never as a bridle road or bridleway. The route was part of the award given to different people so couldn't have been public.
- In order for Edward Place to use the route he would need agreement or permission from Joshua Hepworth to whom part of the route had been awarded. This makes it a private route with access by agreement and one with no public rights.
- Points h-j are not mentioned as it didn't exist at the time making the route an access to Hall moor farm only not a through route .

# Land Registry

The Official copy of Register of Title, NYK 362621 dated 27/11/2008 <sup>6</sup> states:  
"subject also to subsisting Rights of Way across fields numbered 134, 128, 127 and 70."



The Plan of Conveyance dated 29/3/39<sup>7</sup> clearly shows the route going across fields 128, 127, 70 and probably 134. Hurns Lane is marked on the Conveyance Map by name.

Wrong and misleading

SUBJECT ALSO to the subsisting rights of way across the fields numbered 134, 128, 127 and 70 on the said plan.

Actual wording on Register document

The applicant has been disingenuous with the truth claiming the route went across all fields "and probably 134".

I have attached the wording and field 134 isn't mentioned.

This right does not extend to the highway, and is intended for neighboring landowners.

Rights of way like this are common between landowners on neighboring fields. It allows them the right to enter a neighbors field for a manner of different reasons EG, to replace a field drain to prevent his field from waterlogging.

# OS MAPS




- The map Yorkshire 157 clearly shows the bridle road only extending to Hall Moor Farm and no further. Routes from Hall Moor Farm are clearly marked as foot paths.
  - It is clearly marked as a Bridle Road NOT as a Bridleway as wrongly suggested by the applicant on page 12
  - I believe this to be a private route to access Hall Moor Farm, The only entrance at that time.
  - The maps have a clear disclaimer printed at the bottom of the page that reads
- “THE REPRESENTATION ON THIS MAP OF A ROAD, TRACK, OR FOOTPATH, IS NO EVIDENCE OF THE EXISTANCE OF A PUBLIC RIGHT OF WAY”**

# OS MAP DISCLAIMER.

“THE REPRESENTATION ON THIS MAP OF A ROAD, TRACK, OR FOOTPATH, IS NO EVIDENCE OF THE EXISTANCE OF A PUBLIC RIGHT OF WAY.”

← ↻ 🏠 🔒 <https://maps.nls.uk/view/125635447> 🔊 ☆ 🇪🇺 ⚙️ | 📄 ☆ (

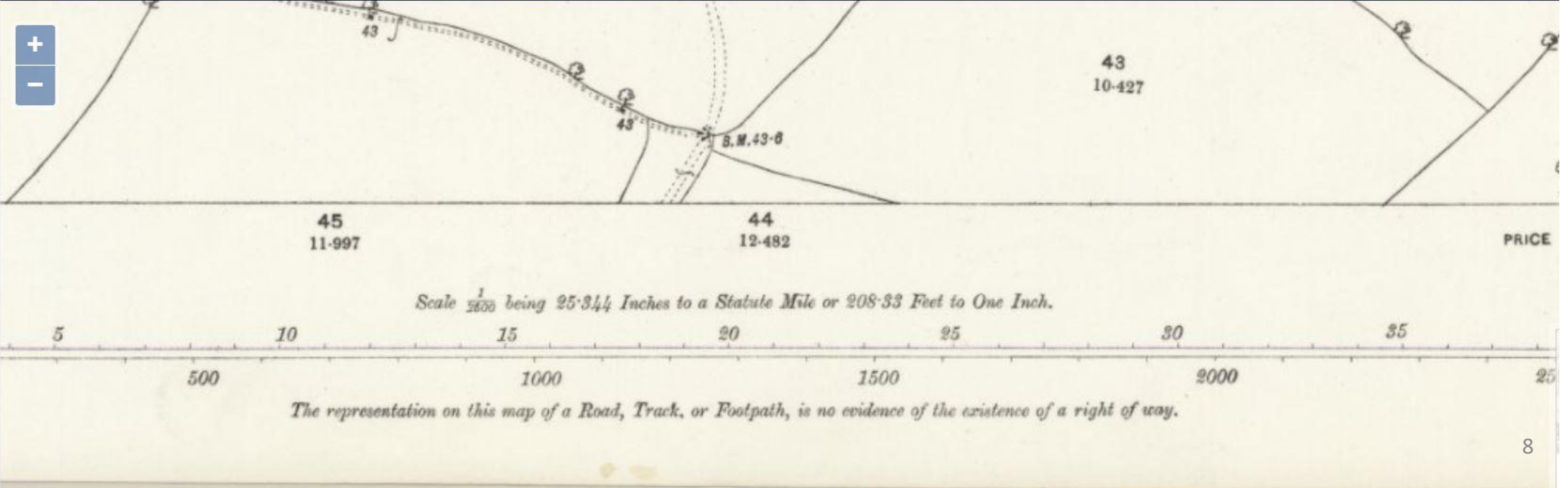
📄 History 📄 Easingwold (North... 🇺🇸 USDA Soil Quality Test Kit... 🇬🇧 UHY rmr accountants lo... 📄 exatrek 📄 NRoSO National Re... 📄 Tickets for concerts,...



**Yorkshire CLVI.12**  
**Surveyed: 1891 to 1892, Published: 1893**  
**Size:** map 64.4 cm x 96.6 cm (25.344 x 38.016 inches), on sheet ca. 76 x 104 cm (ca. 30 x 41 inches)

Search

[Maps home](#) > [Ordnance Survey](#) > [OS 25 inch England and Wales, 1841-1952](#)



43 10-427

45 11-997

44 12-482

PRICE

Scale  $\frac{1}{20833}$  being 25.344 Inches to a Statute Mile or 208.33 Feet to One Inch.

5 10 15 20 25 30 35

500 1000 1500 2000 2500

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

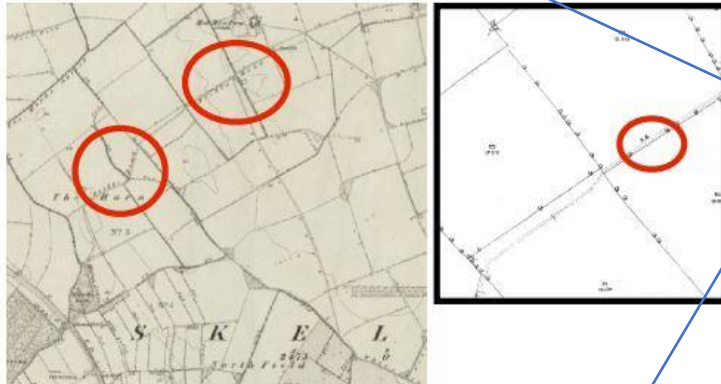
8



# OS Maps

## OS maps

The track from the current A19 Trunk Road to Hall Farm South is marked on early 6inch and 25 inch OS maps as either B.R or Bridleway.



Bridleway  
never once  
mentioned  
on maps

| Map           | Scale | Surveyed     | Published | Disclaimer | Marking   | Other   |
|---------------|-------|--------------|-----------|------------|-----------|---|
| CLVII.5       | 25"   | 1891         | 1893      | Yes        | B.R       | 1910 Finance tax map  |
| CLVII.9       | 25"   | 1891         | 1892      | Yes        |           | Shows acres for Hurns Lane  |
| CLVII.NW      | 6"    | 1891         | 1895      | Yes        | B.R       |   |
| CLVII.NW      | 6"    | Revised 1909 | 1912      | Yes        |           |   |
| 156           | 6"    | 1845         | 1852      | No         | n/a       | Names Shipton Street  |
| 157           | 6"    | 1848-1852    | 1854      | No         | Bridleway |   |
| Sheet 63 York | 1"    | 1845-1852    | 1898      | Yes        |           | Shows Track and Footpath. FP Same type of line to current Bridleway to Wigginton. |

Missed so  
added.

- I shouldn't have to, but once again I feel the need to highlight the applicants deceitful terminology.
- The term Bridleway has never been used on any of the maps in relation to the application route.
- The term Bridle Road has only been up to point H on the application route.
- The term footpath has been used between points I to J on the application route and never Bridle Road.
- There is no suggestion the bridle road has public rights.
- It is the only entrance to an otherwise landlocked farm holding.
- The York 63 map published 1898 is the first to my knowledge to show the new entrance to Hall Moor Farm South coming in from the north. The current entrance today.

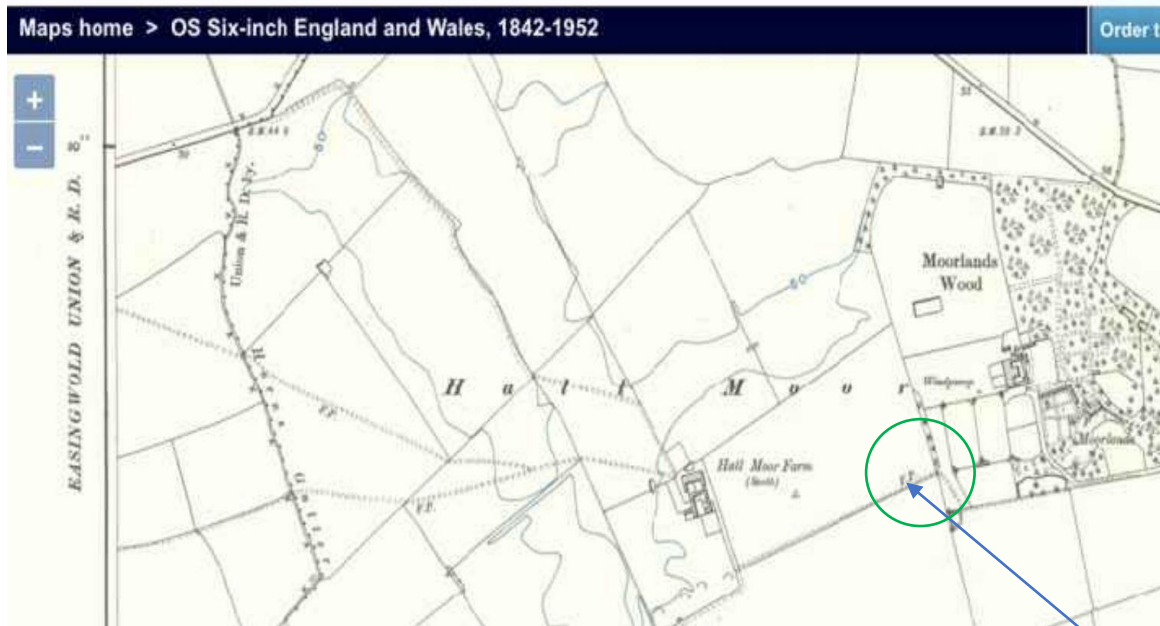
# OS Maps

The one inch 1845 Map sheet 63 published in 1898, below, shows the section between points I and J on the application map, marked in a similar manner to the current Bridleway, Skelton to Wigginton.



- Points I to J are clearly marked on maps as a **foot path** and **never** bridle road or bridleway.
- Please refer to the following in York City Council Appendix.
  - CLVII.NW Appendix 24 page 265
  - OS25 in England & Wales 1841-1952, Appendix 24 Page 266
  - F.P or Footpath
  - Shown on next page..

# Response to page 13 DJ



F.P. or Footpath.. Can anyone see bridleway?  
I didn't think so. Because its not there.

# Shipton Street

OS 6 inch map 156 below shows the road just North of Hurns Bridge was called **Shipton Street**, published in 1852. Perhaps this is the reason why the Bridleway is later called Shipton to Moorlands in the 1910 tax assessment for Hall Moor Farm South and answers the query raised by the OMA in their Statement of Case.



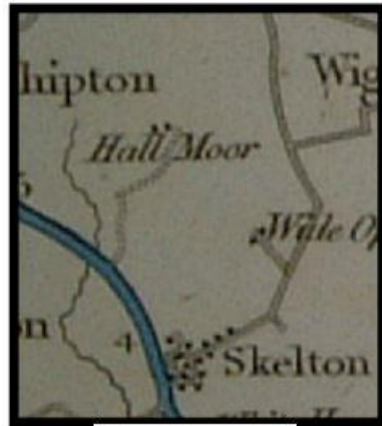
OS Map 156 showing Shipton Street

- Shipton-wiggington implies it starts at Shipton and heads to wiggington. Not Shipton Street.
- It is not referred to as Hurns Bridge – wiggington which would be more likely
- Being closer to Skelton than Shipton and in the Skelton parish it would more likely to refer to it as Skelton-Wiggington
- York City Councils conclusion as follows
- Consequently, in the OMA's view, the already extremely limited evidential value of Finance Act records where no deduction for a public right of way is made is eliminated entirely by the confusion over which route could have been referred to as a bridle road. Therefore, offering no assistance in deciding whether a public bridleway exists over the Order Route. (point 66 page 10)



# Commercial Maps

| Name       | Date | Track or Stub |
|------------|------|---------------|
| Jefferey's | 1771 | Stub          |
| Tuke       | 1816 | Stub          |
| Greenwood  | 1817 | Track         |
| Teesdale   | 1828 | Track         |
| Fowler     | 1834 | Track         |
| Carey      | 1832 | Track         |



Carey 1832

- The map shows the entrance to Hall Moor Farm.
- The farm entrance with no other way in or out.
- The track does not extend further than the farm
- Shows there is no route further on past the holding.
- No evidence this was a public Right of Way
- Also shown is the entrance to Wide Open farm, another private farm access.

# 1789 Travelers Companion

| LONDON to THIRSK, STOCKTON, HARTLEPOOL, &c. 14 |                 |      |                           |
|--|-----------------|------|---------------------------|
| Alne   | Shire Houses    | 209  |                           |
| Tollerton                                      | At              | 207½ | Hewby                     |
| Yowton   | Tollerton Lane  | 207  | Sutton on the Forest      |
| Warren House                                   | Galtres Forest  | 204  | Wood House. Broad Oak     |
| Benningbrough Hall, Mr. Earle's                | Shipton         | 203  |                           |
| Benningbrough                                  | Shipton Smythe  | 202½ |                           |
|  | At              | 202  | Skelton Hall. Wiggington. |
|  |                 |      | Haxby                     |
| Overton  | Skelton         | 201½ | Skelton Moor              |
|  | Skelton Mill    | 201  |                           |
| Over and Nether Poppleton                      | Rawcliffe       | 200  | Huntingdon                |
|  | Clifton         | 198½ |                           |
| To Knaresborough 17 miles.                     | York, page 140. | 197½ | To Scarborough and Whitby |
| To Borough Bridge 17                           |                 |      | page 140.                 |

Traveller's Companion table York to Shipton section

- The traveler's Companion doesn't mention Hall Moor Farm
- It does not show any route that was used or the position of it.
- The section taken from the publication shown below, shows by their own admission that there may be errors in the publication that will be attended in future editions.
- It is therefore not accurate evidence, nor is it officially recognized
- It is merely a guide that is inaccurate and has errors.

and any  
Errors or Omissions that may have arisen, or Improvement that can be made, will be sedulously attended to in every future Edition,

# Tukes 1816



- Tukes 1816 shows Hall Moor but with no marked access to it.
- Moorlands not shown
- No evidence of a route passing through.

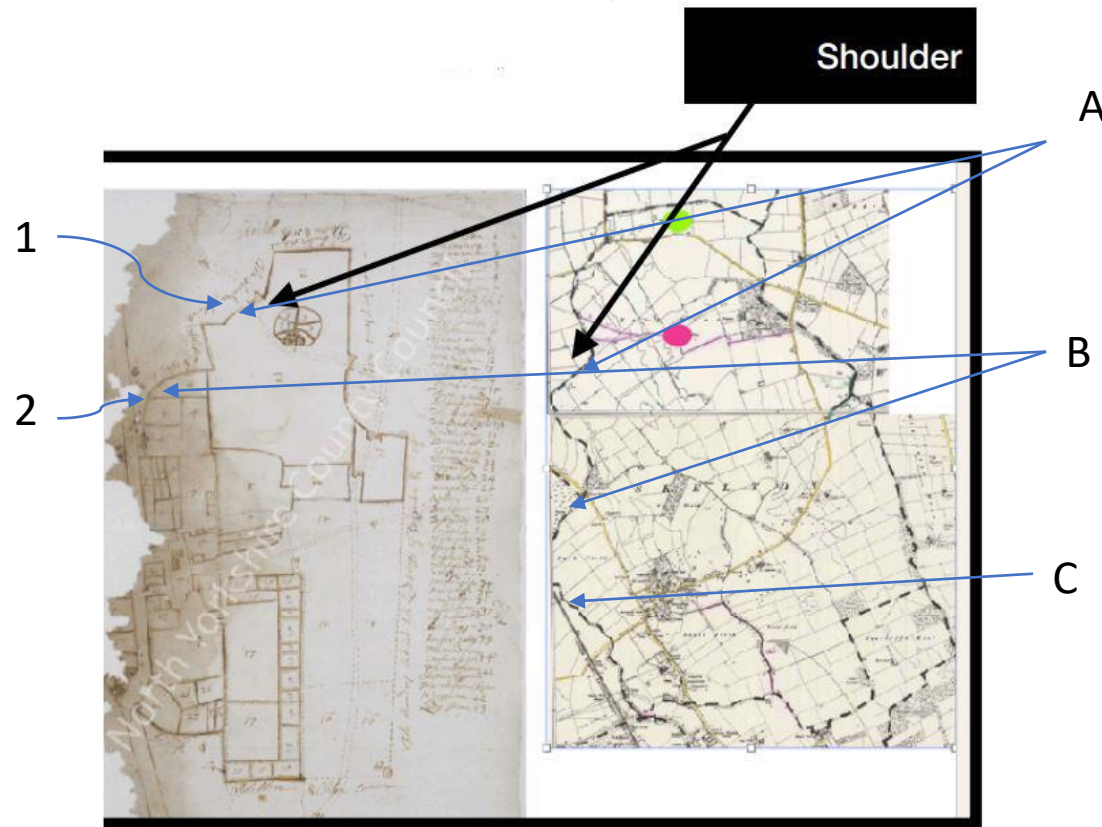
# Greenwood 1817



- Greenwood 1817 shows Hall Moor with a entrance to the property
- The entrance being the farm access and only way in and out.
- The entrance does not extend further than the farm and does not extend to moorlands
- There is no indication this was for public use like all other Private farm entrances.
- Wide open farm entrance also shown which is another private farm access.
- The view of York City Council is a accurate analysis of the map evidence as follows -
  - “There is nothing in this evidence that indicates the Order Route connected to any place or property other than Hall Moor Farm. Consequently, there is a reasonable case that any member of public using the Order Route was doing so under an implied licence to access Hall Moor Farm granted by the owner or tenant of that property. As such this use would not be as of right and therefore not bring a public right of way into being.” (point 44 page 7)

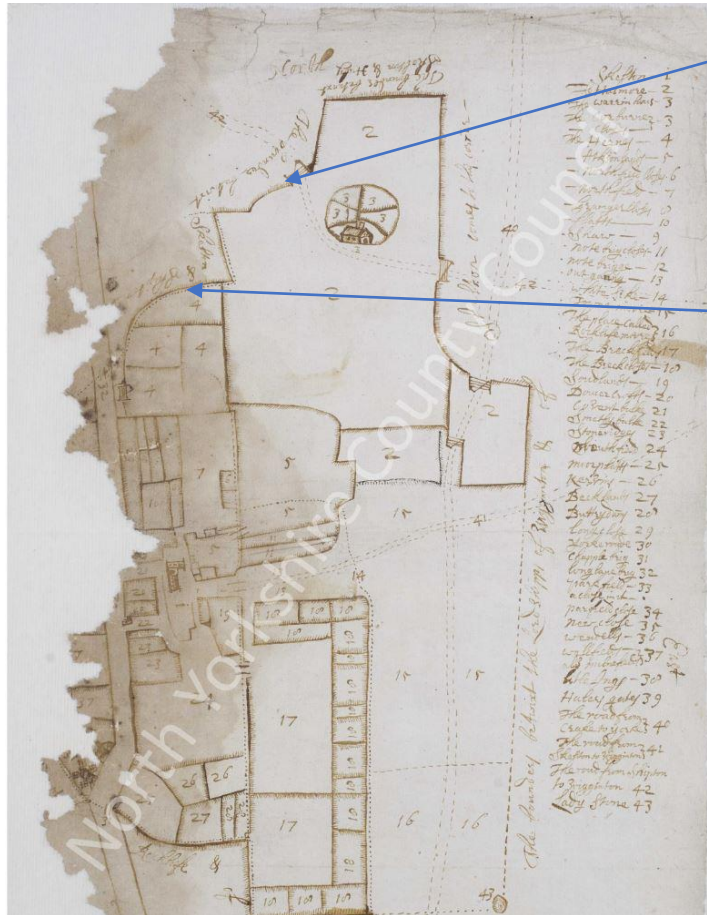


# 1630 Map



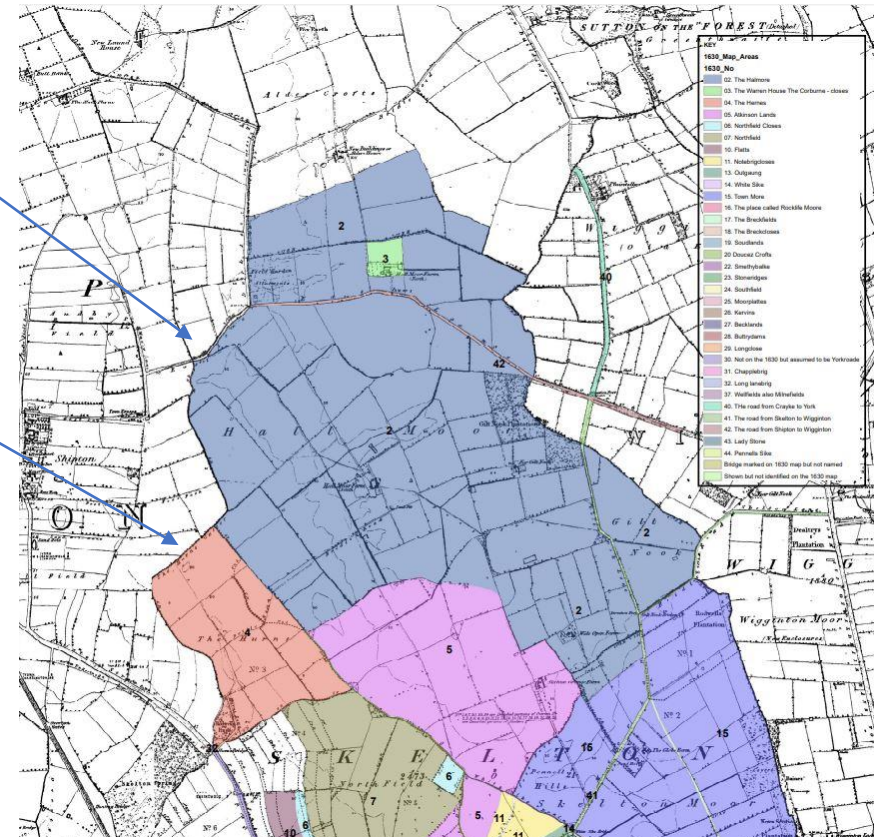
- This map clearly shows 2 shoulders marked 1 and 2.
- If point A is the first shoulder as stated by the applicant, then
- Point B has to be the second shoulder
- Which would place Skelton Village at point C which it clearly isn't.
- York City Council have interpreted this map in a better way
- This is the biggest problem with this map. There is no certainty and open to interpretation, speculation and assumptions.
- There is insufficient evidence on this map to be certain without any doubt where anything is in the context of today.

# 1630 MAP – York interpretation



FIRST SHOULDER

SECOND SHOULDER



The 1630 map shows 2 shoulders not 1 before heading to Skelton church (the only place we can be sure of the position of) The applicant on page 20 has only pointed out 1 shoulder and misinterpreted the map. I agree with the city of York analysis of this map. Being a old map with no scale , incomplete with parts missing, place names that have no bearing on today, (the warren) . It is interpretation and speculation of where anything actually is today 394 years later.

The map brings no relevant information to the existence of a public right of way as in the application.



# 1977 Diversion

## 1977 Diversion

In 1977 a Footpath between Moorlands Wood and Hall Moor Farm was diverted away from the farm and retained its status as a footpath. Although the OS map used for the 1910 Tax Assessment, CLVII.1 shows a Bridleway no thought seems to have been given to the Bridleway. The diversion has the classification of Footpath. From the evidence collected it appears likely that the route was actually a road used by the public at large and that NYCC made an error in allowing the footpath to be diverted without consideration to the Bridleway.

Never referred to as  
Bridleway except by the  
applicant.



F.P. Footpath

The application map used to divert the footpath in 1977 states it as a footpath.

The term Bridleway, is only ever used by the applicant. No map or evidence refers to the application route as this.

No evidence has been provided that the application route was used by the public at large.

City of York Councils view Below.

68. The 1977 diversion order shows part of the Order Route but only as a consequence of it appearing as a track on the 25 inch scale base map North Yorkshire County Council used to show the changes being made to Skelton 8 public footpath. There are no references to a bridleway within the text of the diversion order

# Field Drainage



- Regarding the below comment from York City Council. What can be seen from the aerial photographs are field drainage systems. They prevent the soil from becoming waterlogged and the plants above them are healthier and develop faster showing as dark green strips viewed from above. “Echoes of the order route” cannot be seen, Field drainage can be seen.
- 45. The aerial photographs demonstrate that whilst only small sections of the Order Route remain in use, echoes of the Order Route can still be seen in places over the changed arrangement of the fields. This despite these changes having existed for almost a century, based on the OS map evidence. This does not support or refute the existence of a public bridleway over the Order Route (page 7)



# Conclusions

- The applicant as much as possible has used leading comments throughout his application. Words such as Clearly, probably, perhaps with the intention of leading the inspectorate towards the applicants predetermined position.
- Much of the evidence stems from the assumptions of the applicant and his preconceived notion.
- Terminology used throughout the application is deceiving and disingenuous.
- All maps submitted commercial or otherwise provide no confirmation of the route being for public use.
- There is nothing to suggest that Public Rights were ever considered to extend over the route.
- Points A to H was never a through route.
- Points I to J was part of a different route and a footpath not a bridle road and has legally been diverted.
- I believe the conclusion of York City Council to be correct.