Report to the Executive Director of Economy & Environment

Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

For Decision

Cabinet Member: Cllr S Bartlett, Planning

Local Councillor(s): Cllr Simon Christopher, Member for Marshwood Vale

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Statutory Authority: Highways Act 1980
Wildlife and Countryside Act 1981

Report Status: Public

Executive Summary:

This report considers an application for a Definitive Map and Statement Modification Order, based on user and historic evidence, to add a footpath to the Definitive Map and Statement in Marshwood Parish. Following an investigation of the user evidence, and documentary evidence, a recommendation is made to refuse the application.

Recommendation:
That:

The application be refused

Reason for Recommendation:

The available evidence does not, on balance, show that the claimed right of way subsists nor can be reasonably alleged to subsist.

Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

1 Background

Applicant

1.1. An application to to add a footpath from the B3165 road to join footpath 70, Marshwood (Bottle Lane) as shown A to D on Drawing T543/26/1 (Appendix 1) was made by [redacted] on 20 August 2015. On 28 September 2018 the application was transferred to Marshwood Parish Council, following notification that they had agreed to become the applicant.

Description of the route

1.2. The claimed route begins on the B3165 road at the entrance to what is now known as Nutkins Hollow, situated some 80 metres to the east of The Bottle Inn. It passes through a field gate close to point A and heads north for approximately 160 metres, enclosed on both sides by fencing or hedgerows, until it enters an open field, via a field gate, at point C. The route then continues along the edge of the field, bounded by a hedgerow along its eastern side, for around 60 metres, until it reaches another field gate at point D.

1.3. Between points A and B the track is hardsurfaced with grass verges on either side, until it reaches the entrance to Nutkins Hollow. There is a banked hedgerow on the eastern side, and a mix of hedge and wire fencing on the western side. The width is approximately 10.5 metres along the first part of this section, except at the field gate, and one third of the way along, it narrows to 6.4 metres.

1.4. North of point B the route narrows again to between 4.2 and 4.5 metres and is an unsurfaced earth track, bounded by banked hedgerows on both sides. When measurements were taken in August 2026 the last 30 metres until point C were inaccessible, due to the overgrowth of vegetation.

1.5. At the time of an earlier site inspection in May 2026, the section between points C and D comprised an overgrown hollow-way along the field edge, which was impassable due to dense vegetation.

Background to the application

1.6. The application was submitted in 2015 after ownership of the part of the route between A and C, and the plot of land to the west of it, changed hands. A sign stating "Private Land – No Public Access" was erected at point A in May 2015, followed by locked gates preventing access along that part of the route.

Use of Evidence

1.7. The applicant submitted ten user evidence forms as well as documentary evidence in support of this application.

1.8. A wider selection of documentary evidence has been researched from sources such as the Dorset History Centre and the National Archives, Kew.

1.9. A full consultation exercise was carried out during June to August 2026, which included landowners, user groups, the parish council, those affected and anyone who had already contacted Dorset Council regarding this application. The Councillor for Marshwood Vale, Cllr Simon Christopher, was also consulted. In addition, notices explaining the application were erected on site.

2 Law

Highways Act 1980

2.1 Section 31 of the Highways Act 1980 says that where a way has been used by the public as of right for a full period of 20 years it is deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period (the Relevant Period) is counted back from when the right of the public to use the way is brought into question.

- 'As of right' in this context means without force, without secrecy and without obtaining permission.
- A right to use a way is brought into question when the public's right to use it is challenged in such a way that they are apprised of the challenge and have a reasonable opportunity of meeting it. This may be by locking a gate or putting up a notice denying the existence of a public right of way.
- An application under Section 53 (5) of the Wildlife and Countryside Act 1981 for a modification order brings the rights of the public into question.

2.2 Section 31(3) of the Highways Act 1980 says that where a landowner has erected a notice inconsistent with the dedication of a highway, which is visible to users of the path, and maintained that notice, this is sufficient to show that he intended not to dedicate the route as a public right of way.

2.3 Section 31 (6) of the Highways Act 1980 permits landowners to deposit with the Council a map and statement indicating what ways over the land (if any) he admits to having been dedicated as highways. A statutory declaration can be made at intervals of not more than 20 years stating no additional ways have been dedicated since the date of the deposit.

2.4 Section 32 of the Highways Act 1980 says that the Council must take into consideration any map, plan or history of the locality

2.5 Further details on the law are contained in Appendix 2

3 Issue to be decided

3.1 The issue to be decided is whether there is evidence to show, on the balance of probabilities, that public rights subsist, or are reasonably alleged to subsist, on the route claimed and if so, at what status the route should be recorded. It is not necessary for evidence to be 'beyond reasonable doubt' before a change to the Definitive Map can be made.

3.2 Any changes to the Definitive Map must reflect public rights that already exist. Decisions must not be taken for reasons of desirability or suitability. Before an order changing the Definitive Map is made, the Council must be satisfied that public rights have come into being at some time in the past. This might be demonstrated by documentary evidence and/or witness evidence.

3.3 Historical documentary evidence and user evidence has been examined to see whether depictions of the route point to it having acquired public rights as a result of deemed dedication in the past. Any such rights are not lost through disuse. Unless stopped up by due process of law, any rights previously dedicated will still exist even if they are no longer used or needed. It is unlikely that a single map or document will provide sufficient evidence to justify a change to the Definitive Map, the evidence must be assessed holistically. The Council has a duty to record any rights that are found to exist even if they are not those claimed by the applicant.

4 Documentary evidence (Appendix 3) (copies available in the case file RW/T543)

4.1 A table of all the documentary evidence considered during this investigation is contained in the case file. All documents considered relevant are discussed below.

4.2 The application route lies close to Dorset's border with Devon and because of its location has variously belonged to each county in the past.

4.3 When the first OS maps and the Tithe maps were being drawn up in the first half of the 19th Century, it lay in the parish of Hawkchurch, which at that time was in Dorset. Hawkchurch was transferred to Devon in 1896.

4.4 In the 1950's when the first Definitive Maps were being compiled the application route ran along part of the eastern boundary of Hawkchurch, Devon.

4.5 The county boundaries were later changed by the 1965 South Western Counties Order SI 1965/2086, which came into effect on 01 April 1966. As a result the area of Hawkchurch, that includes the application route, was transferred into Marshwood, Dorset.

4.6 Documentary evidence for both Hawkchurch, Devon and Marshwood, Dorset has therefore been considered.

Inclosure Award

4.7 None found for Marshwood or Hawkchurch

Ordnance Survey Maps

4.8 The original Ordnance Survey (OS) was conducted in response to the Napoleonic Wars. The whole of England was to be mapped to show all routes and strategic features that could be used for military planning and defence. Any such public and private routes were therefore included.

4.9 Unpublished drawings were produced from these surveys in the early 1800's, followed by the first published maps.

4.10 In 1811 the first OS Map, for the area of interest was published at a scale of 1 inch: 1 mile. It shows a through route, that includes the approximate line of the claimed route. It leaves what is now the B3165

between two buildings at approximately point A on Drawing T543/26/1 and heads north to point D.

4.11 It then continues further, heading generally north west, passing an individual property and a settlement, to join another route north east of a junction at Northay. Just to the north of point D there is also a branch off to the east to Colmer Farm.

4.12 The claimed part of this route is shown with a solid line on the eastern side and a pecked line on the western side.

4.13 The earlier drawing, at a scale of 2 inch: 1 mile shows the same route but instead of leaving from the road at point A, it commences on the northern side of the buildings. It is shown with double pecked lines between points A and D.

4.14 Officer comment: The small scale of this map means the information is generalised, and there is some discrepancy between the drawing and the map. It is not clear what the building to the east of point A is as this doesn't appear on later maps, casting some doubt on its accuracy.

4.15 Officer comment: There is little information available on the instructions given to surveyors at this time, regarding the line conventions used to depict routes. The relevance of the different line styles is therefore unclear.

4.16 Officer comment: The map is a useful indication of how long the route may have been in existence. It does not indicate whether or not it was used by the public.

4.17 Later in the 1880's a second survey of England was conducted using more advanced and precise surveying techniques. These were used to produce maps that showed much more detail at a scale of 25 inches: 1 mile. Some individual specimen trees can be shown at this scale.

4.18 Maps were also published at a scale of 6 inch: 1 mile but these were derived from the larger scale maps, not from new surveys.

4.19 The entire claimed route (A-D) is shown on OS maps from this time period, including the 1888 (6 inch 1st edition map), and the 1903 Dorset and 1905 Devon (25 inch Revised 2nd edition maps).

4.20 The 1903/1905 25 inch maps are the most detailed of these. The bold dashed and dotted line along the eastern edge of the route shows the administrative boundary at that time.

4.21 Section A-C of the claimed route is shown as a linear land parcel, separate from the B3165 and from the neighbouring fields. It has a solid line on either side, and at either end, and the annotation “Bottle Lane” beside it. The width is wider at point A and narrows between B and C.

4.22 On the 1905 map Bottle Lane is labelled as parcel 311 and recorded as being .280 acres. There is bracing linking a building to the west of point B, to the adjoining land parcel, numbered 310. There is no bracing across Bottle Lane to link it to any of the adjoining land parcels.

4.23 The section C to D is shown with double pecked lines. There is bracing across it to show that it, and the land up to the field boundary on its eastern side, is linked to parcel number 309.

4.24 Other footpaths in the area are shown with double pecked lines and the abbreviation FP. One of these also crosses parcel number 309 and links to the claimed route at point D and is now recorded on the Definitive Map as Footpath W32/70.

4.25 Conversely there are other footpaths marked, such as the one that crosses parcel 315 from the western corner of the Bottle Inn and continues north west to Wellfield Farm, which are not recorded on the Definitive Map.

4.26 To the north of the claimed route the branch to the east to Colmer farm is shown and the western continuation, seen on the 1811 OS map, continues as double pecked lines past the individual property Marless and what remains of the settlement at Hawkmoor Marsh.

4.27 The 1905 map does not extend beyond here but the 1903 map shows that part of the settlement has become an old quarry. The northern continuation to Northay Cross is no longer shown on the 1888, 1903 or later maps.

4.28 These OS maps were largely revised every twenty years until the First World War, after which some rural counties in particular were not revised until the 1960’s.

4.29 The OS 1968 6 inch map continues to show section A to C as a separate land parcel, with the annotation Bottle Lane beside it. Section C to D is shown as a single pecked line.

4.30 Officer comment: The OS maps support the historic existence of a route between A and D. On the 1903/1905 25 inch maps it is not clear whether the double pecked lines between C and D are a footpath or an

unfenced minor road. The single pecked line on the 1968 6 inch map is identified in the key as a path.

4.31 Officer comment: The OS was concerned with recording physical features on the ground, not the existence or otherwise of public rights. After the 1888 map, the maps themselves carry a disclaimer that "the representation on this map of a road, track or footpath is no evidence of the existence of a right of way".

4.32 Officer comment: It is possible that the route was used to access the property Marless and the settlement at Hawkmoor Marsh, both of which no longer exist. It may also have been used to access Colmer Farm and other farms and fields in the general area, and at one time possibly continued to Northay Cross. It is not known from the OS maps whether there were any private rights of access allowing such use of the route.

OS Boundary Records

4.33 OS boundary surveys were not a separate mapping series like the 6-inch or 25-inch maps. They were the process by which Ordnance Survey determined and recorded the legal boundaries of administrative units such as counties, parishes, townships, hundreds and poor law unions.

4.34 OS surveyors typically consulted parish officials, overseers, churchwardens and local landowners. They used published maps to walk new or uncertain boundaries, and to determine their relationship with ground features marked on the maps. They recorded their findings in boundary sketch maps and remark books.

4.35 Where the published map detail needed to be corrected the boundary was marked as 'defaced' (Def) to indicate that the former relationship with the boundary has gone.

4.36 The 1885 boundary sketch map for Hawkchurch shows the existence of the claimed route as a feature on the ground. There are two "Def" annotations noting some discrepancy on the boundary in the area but both are just outside the claimed route itself. The Boundary Remark Book notes that the administrative boundary is 3 feet from the root of the hedge (3 ft R.H) but does not offer any further information on the claimed route itself.

4.37 Officer comment: The showing of the existence of a route off the main road would suggest that it was of some importance to be recognised by

the surveyors compiling the boundary records but is not a suggestion of the existence of public rights.

Tithe Map

4.38 The Tithe Commutation Act of 1836 enabled tithes (literally a tenth of the produce of the land) to be converted to a monetary payment system.

4.39 Maps were to be drawn up by landowners to show the tithable land. These were to be used to assess the amount of money to be paid.

4.40 The tithe process was not directly concerned with rights of way. Nevertheless inferences can be drawn from tithe documents concerning the existence of public rights over land.

4.41 Non-tithable land deemed to be unproductive was usually excluded from the process. Only the external boundaries of tithe free land had to be plotted accurately; what tithe free land contained (including roads etc) was irrelevant and so need not be portrayed or, if mapped, there was no need for it to be checked.

4.42 Despite this it was in the interest of the landowners for un-tithed roads to be shown correctly to minimise their payments.

4.43 Wide grass drovers' routes used as pasture, could carry a tithe and footpaths and bridleways were more likely to be at least partially productive. Mapping these would therefore have been less important.

4.44 The claimed route between points A and C appears on both the 1842 Hawkchurch and 1844 Marshwood Tithe Maps. On the Marshwood Tithe Map the entire claimed route is shaded yellow. The administrative boundary is shaded yellow on the Hawkchurch map but there is no colouring visible of any of the public routes.

4.45 On both maps the section between A and B is shown continuous with the public road (now known as the B3165). The section between B and C is shown as a separate linear land parcel with a solid line across either end.

4.46 The sections A to B, and B to C, are not identified with an apportionment number on either the Hawkchurch or Marshwood Tithe Plan indicating no tithe was payable.

4.47 The claimed route between points C and D runs along the eastern boundary of apportionment number 117, on the Hawkchurch Tithe

Map, but is not shown by any markings. Another footpath (W32/70) which is known to exist across apportionment number 117 is also not shown, nor are other known definitive footpaths in the general area.

4.48 The tithe record for apportionment number 117 states that the land is a meadow and that a tithe rentcharge charge was payable.

4.49 On the Marshwood Tithe Map there are faint pecked lines showing the route between C and D in the same manner as some of the other known definitive footpaths in the area.

4.50 Officer comment: Both Tithe Maps indicate a route was in existence at that time between points A and C. There is some evidence of a route existing between C and D on the Marshwood Tithe Map only.

4.51 Officer comment: On the Marshwood Tithe Map the entire claimed route is shown in the same way as other routes which are known to be public.

4.52 Officer comment: There is no evidence in the Hawkchurch or Marshwood apportionment records to support the existence of a route or not. The lack of apportionment number between A and C indicates merely that it generated no titheable produce.

4.53 Officer comment: Whilst it is possible that the claimed route was a route provided for public use, this cannot be confirmed.

Bacon's maps

4.54 GW Bacon was an entrepreneur who ventured into map making. He made a number of different maps, covering various counties within the UK.

4.55 Several of his maps show the application route in full, as well as the north west continuation to Northay Cross. One of these is his "New Survey Map of Dorsetshire" thought to be published in 1910. The route is depicted with parallel solid lines and is uncoloured. This is identified as an 'Other Road' in the map legend, distinguished from Main Roads which are coloured yellow.

4.56 Officer comment: These maps were published for sale to the general public, and the showing of the application route as a road in this manner on the Bacon series of maps suggests, to some extent, that the route was considered to be in public use at the time. However many commercial mapmakers based their maps on OS maps. An earlier map produced by Bacon states that it was revised by the new

ordnance survey. As discussed in paragraph 4.31 OS maps do not provide evidence of public or private status, and so neither can any maps derived from them.

Finance Act 1910

4.57 The Finance Act 1910 required the Commissioners of Inland Revenue to cause a valuation of "all land in the United Kingdom" and plans were prepared identifying the different areas of valuation, known as hereditaments. In arriving at these valuations certain deductions were allowed, including deductions for the existence of public rights of way.

4.58 There was no obligation for a landowner to claim any of the discounts available (applying for discounts was an entirely voluntary act), but a discount for footpaths and bridleways could be authorised if they were claimed.

4.59 The 1910 Finance Act plan for the area is held at the National Archives under reference IR125/2/276. The 1903 (Dorset) and 1905 (Devon) 25 inch to the mile OS base maps were used for the valuations. The entire claimed route (A-D) is therefore shown on the Finance Act plan as described in the Ordnance Survey section in paragraphs 4.19 to 4.27 above.

4.60 The claimed route runs along part of the eastern boundary of Hereditament number 77, which included land associated with Wellfield Farm as well as the area of Lamberts Castle. The associated field book entry shows that there was a deduction of £25 for Public Rights of Way/ Footpaths over the land included within this hereditament.

4.61 Individual footpaths are not identified in the field book however, and it is known that there are several other footpaths, that are now recorded on the Definitive Map, which cross Hereditament 77.

4.62 Officer comment: From this information it is not possible to deduce how many acknowledged public rights of way affected Hereditament 77, only that it was likely to be more than one, and that the estimated effect on the rental value of the land amounted to £25 per annum. It is possible the deduction includes the claimed route, but this cannot be confirmed.

The Definitive Map

4.63 The National Parks and Access to the Countryside Act 1949 charged County Councils with a duty to compile records of the public rights of way network. As part of this process, in the early 1950's, Parish

Councils were tasked with surveying the public rights of way in their areas and providing the information to the relevant county council. The claimed route lay in the parish of Hawkchurch, Devon at that time.

4.64 Hawkchurch Parish Council did not claim any part of the route in their survey, and it does not appear on Devon County Council's Definitive Map dated 1957.

4.65 In 1966 when the county boundaries were changed any public rights of way in the area of Devon that became part of Dorset, were transferred to Dorset County Council (as it was then). This included Footpath W32/70 which the claimed route links to.

4.66 Dorset's provisional map was issued in 1963-64 in the lead up to the transfer. It shows the old county boundary on the OS base map and the new county boundary which has been subsequently marked on as a brown dashed and dotted line. Footpath W32/70 has also been added but the claimed route is not shown.

4.67 Dorset's first Definitive Map was sealed in 1966, a revised draft was issued in 1974, and the current Definitive Map was sealed in 1989. The claimed route does not appear on any of these editions. No legal orders amending the Definitive Map in respect of the claimed route, have been made since 1989.

Highways Records

4.68 Highways maintenance responsibilities were transferred from Rural District Councils to County Councils in 1930. As part of that process Rural District Councils were typically required to prepare maps identifying roads they considered to be maintainable at public expense. County Councils then produced their own highways maps in the years that followed.

4.69 Devon County Council's highways record maps, dating from the handover period, do not show that Bottle Lane was considered to be maintainable highway at that time. The maps show the old county boundary ran along the eastern boundary of Bottle Lane.

4.70 The List of Private Streets records streets that are privately maintainable. Bottle Lane is on the List of Private Streets held by Dorset Council.

4.71 Officer Comment: Highways records indicate that section A to C of the claimed route is private rather than publicly maintainable. However,

ownership and maintenance by private individuals do not preclude the existence, or future acquisition, of public rights.

Aerial photographs

4.72 Historic aerial photography for the area has been examined. Images from 1947 and 1972 show a route between points A and C, with hedgerows on either side. There appears to be a change of surfacing between the B3165 and the claimed route at point A.

4.73 A single hedgerow to the east of the route between points C and D is visible where it crosses the open field. The route itself is not discernible.

4.74 Aerial images from close to either end of the relevant period in 1997 and 2012 also show the first part of the route heading north from point A and the section between C and D is more obvious as a worn route, indicating access to and from the south, but the central section has become obscured by the hedgerow/ tree canopy.

4.75 Other routes, that are likely used as farms tracks and for access between fields, rather than public routes, are also shown as worn routes on the 2012 aerial photograph.

4.76 Officer comment: The aerial photographs support the historic existence of a physical feature on the ground, however they do not provide any evidence of a route with public access.

Sales Particulars

4.77 Among the particulars and conditions of sale produced for parts of the Sadborow Estate in 1925 were those relating to the property Marless. This is the individual property shown to the north west of the claimed route on the 1888 and 1903/1905 OS maps. The map of the Sadborow Estate is missing from the records but the description of Lot 19 – The Small Holding called “Marless” states that it is approached by Bottle Lane. It also states that Marless forms part of Gashay Farm to the north.

4.78 Officer Comment: The sales particulars support the existence of a through route from A to D, and further north to Marless, and possibly on to other properties as well. The sales particulars are advertisements, not legal documents however, and it is not known whether any rights of access along the route were private or public.

Conveyance

6.1 There are a number of conveyances that mention rights of access along Bottle Lane (section A to C) such as one dated 25 November 1968. This states that the Vendor conveys the "right for the Purchaser and his successors in title (in common with all others entitled to the like right) to pass and repass at all times and for all purposes with or without animals and vehicles over Bottle Lane (Ordnance Survey Number 311) subject to no avoidable damage being caused in the exercise of such right".

6.2 Officer comment: This conveyance refers to private access rights and so cannot be considered to support the application.

Summary of documentary evidence

4.79 The documentary evidence supports the physical existence of a route on the ground since the early 1800's. Section A to C appears to have been bounded on both sides by hedgerows or fencing since that time and section C to D ran along the eastern boundary of an open field.

4.80 The Marshwood Tithe Map, Finance Act records and the sales particulars for Marless suggest it is possible there could have been public access rights along the claimed route. However, this cannot be confirmed.

5 User evidence (Appendix 4) (copies available in the case file RW/T543)

5.1 Users of a route can help to support a claim by completing user evidence forms. On these forms individuals are asked to describe various aspects of their use and to mark the route that they used on a plan.

5.2 10 user evidence forms were submitted either with the original application in 2015 or in the few months that followed. A full public consultation was carried out between June and August 2026. No further user evidence forms were submitted during this time.

5.3 The submitted forms have been analysed and charts showing the number of users each year, and the periods and level of use form Appendix 4.

5.4 The claimed route was brought into question in 2015 which results in a relevant 20 year period from 1995 to 2015.

5.5 Two of the users had to be discounted because they acknowledged having enjoyed a private right. User number 7 walked the route ten times a year over a ten year period but this was before the relevant period and so cannot be considered here.

5.6 One of the user evidence forms was signed by three people and an attempt was made to contact these witnesses for interview, as well as one other user. However they were all either no longer available or did not respond.

5.7 Of the seven user evidence forms suitable for consideration, only two people used the route for the whole of the relevant period (1995-2015). Both used it from even earlier – one from 1948 and one from 1982.

5.8 One of these stated that they used the route daily in 1948 and "now and again" in 2015. Use was by foot, but also by horse and cart and tractor. Some of this use was for pleasure but also for farm work and it is noted that it was the only access. The user does not consider that they had a private right of access, and state that they were not in the employment of any owner or occupier of the land crossed by the claimed route. This use could therefore be considered public use, and the status higher than a footpath. The level of use clearly declined at some point between 1948 and 2015 and it is uncertain how often it was used, and for what purpose, during the relevant period.

5.9 The second of these users stated they used the route on foot and over a long time period – from 1989 to 2015. However they did not submit a plan with the form and the description of the used route is slightly ambiguous, although they do state that they had seen a plan of the disputed route. The level of use is also unclear although the individuals daughter responded to the consultation and thought the level of use was perhaps once a month. Whilst it is considered highly likely they were using the claimed route, less weight can be given to this evidence.

5.10 On the five remaining forms all users stated they used the route on foot. Two users did not mark a route on a plan, although both mention use of Bottle Lane and it is considered highly likely they were using the claimed route. Their use has not therefore been discounted.

5.11 Collectively, the five user evidence forms indicate continuous use of the route during the whole of the relevant period, even though individual users did not use it for the entire twenty years. Three of these user evidence forms indicate the route was used “many” times a year, 20 times a year and 12-24 times a year. The other two users state they used it only twice a year and 2-3 times a year.

5.12 During the relevant period the highest number of users per year was 5 (2009 and 2010), the lowest number of users per year was 3 (between 1998 and 2008), and during the other years there were 4 users per year.

5.13 Of the 10 user evidence forms all but two indicate that other people had been witnessed using the route. This use was on foot, but also by horse, horse and cart, tractor/ farm machinery/ farm vehicle.

5.14 None of the users report ever being stopped or turned back when using the route, or being told that the route was not public. Eight of the users state that they believed the owner or occupier was aware the public was using the way.

5.15 Several of the users indicate there was gate at point C which was always unlocked. Several users noted an unlocked gate but did not specify where. One user noted an unlocked gate at the entrance – considered to be point A.

Summary of user evidence

5.16 Use of higher status than footpath is not considered as only one of the users claimed use by other means. Although other users were witnessed using the route by horse/ tractor/ farm machinery/ vehicle, by most of those who completed a form, it is not known whether those individuals had permission to do so.

5.17 There is no evidence that users of route were challenged during the relevant period either by locked gates / notices (see Paragraph 5.15) or by direct challenge by the landowner (see Paragraph 5.14).

5.18 The available evidence suggests that use during the relevant 20 year period of 1995 to 2015 plus the 47 years prior to 1995 was without force, without secrecy and without permission i.e. it was used as of right.

5.19 However there is insufficient evidence overall from users of the route between 1995 and 2015 to support the claim. The number of user evidence forms was low, and whilst this would be expected in a rural area, the number of users and frequency of use is not considered sufficient for there to be a reasonable allegation that public rights on foot exist.

6 Landowner evidence (copies available in the case file RW/T543)

6.3 The land over which the claimed route runs is in the ownership of two separate private landowners.

6.4 Neither landowner had deposited a Section 31 (Highways Act 1980) plan, statement and statutory declaration.

6.5 The land between points A and C (Bottle Lane) was sold in January 2015 to the current owners. These landowners returned a landowner evidence form in 2015 stating they had erected a sign stating “Private Property, No Access” at point A in May 2015. These actions brought use of the route by the public into question.

6.6 The landowners between points A and C also stated on the form that they did not believe the way to be public, had never seen anyone using it and had never stopped anyone from using it or told anyone that it was not public.

6.7 At the time of a site visit in May 2026 the field gate across the route just north of point A was locked. The field gate at point C was locked but also inaccessible due to the overgrowth of vegetation. There was a sign to the south of the gate at point C, visible to persons approaching from the north, which stated “Private No Public Right of Way”.

6.8 A site visit was arranged in August 2026 with the current landowners to view the section between points A and C. The landowner confirmed that they had erected the sign at Point A. They had also erected the sign at point C but could not recall when. They stated there had been a gate at point A when they bought the land, but it was old and not functional, and they had replaced it. They had also laid the hardsurfacing between points A and B.

6.9 The landowner also mentioned that Colmer Farm had private access rights along Bottle Lane.

6.10 The previous owner of the land between points A and C (Bottle Lane) owned the land between 28 February 1972 and 23 January 2015, and was therefore the owner during the entire relevant period. A letter was sent to the last known address of this owner, to enquire about their knowledge, experience and intentions regarding public use of the route. No response was received.

6.11 Officer comment: The current landowners of section A to C (Bottle Lane) did not own the land during the relevant period and so are unable to provide evidence of its use during this time. It has not been possible to seek clarification from the owner of the land during the relevant period. Therefore, there is no evidence from the landowner, sufficient to show a lack of intention to dedicate this section of the route.

6.12 The land between points C and D is in the same ownership now as it was during the relevant period. This landowner returned a landowner evidence form in 2015 stating that they believed the claimed route to be a footpath, and that they had understood this to be the case since purchasing the land in 1971.

6.13 They state that they had seen or were aware of members of the public walking the route on a weekly basis, and that they had never required people to ask permission before using the way. They had never taken any actions such as turning anyone back or erecting notices or signs that the way was not public.

6.14 Officer comment: Evidence from this landowner indicates an intention to dedicate this section of the route and gives some additional support to the user evidence of the whole of the claimed route.

6.15 During a visit to this landowner in June 2026 the landowner presented a copy of a conveyance indicating that they had private rights of access along Bottle Lane. They also advised that Colmer Farm previously used Bottle Lane for access as did the inhabitants of the property Marless and the properties that used to exist near Hawkmoor Marsh.

6.16 Officer comment: It is not known whether the inhabitants of Marless and the Hawkmoor Marsh properties enjoyed the same private rights, and these properties no longer exist. It is known that Colmer Farm enjoyed private access rights.

7 Consultation responses and other correspondence (copies available in the case file RW/T543)

7.1 A small number of communications were received in response to the public consultation.

7.2 The Council's Senior Archaeologist responded stating that, with the exception of Bottle Lane itself, there are no archaeological finds or features or historic buildings on or in the immediate vicinity of the claimed route, and that historic environment considerations were not therefore, a constraint.

7.3 An additional comment was made querying whether the fabric of Bottle Lane would remain undisturbed if the claim was approved. No further response was received when clarification of this comment was sought.

7.4 Officer comment: The response indicates some historic knowledge of the claimed route but no further details were provided.

8 Analysis of the evidence

8.1 The user evidence put forward does not support the claim that the route has been dedicated as a public right of way. The evidence of use under Section 31 of the Highways Act 1980 and common law is considered below.

8.2 Analysis of the evidence under Section 31, Highways Act 1980

For Section 31 of the highways Act to give rise to a presumption of dedication, the following criteria must be satisfied:

- The physical nature of the path must be such as is capable of being a right of way at common law
- The use must be brought into question i.e. disputed or challenged in some way
- Use must have taken place without interruption for a period of 20 years immediately prior to the date the right was brought into question
- Use must be 'as of right' i.e. without force, without secrecy and without permission
- Use must be by the public at large

- There must be insufficient evidence that the landowner did not intend to dedicate a right of the type being claimed

Physical nature of the route

8.3 The route claimed is capable of being a public right of way at common law, given that it follows a well-defined, linear route.

Bringing into question the right of the public to use the path

8.4 It is considered that the erection of a private notice in 2015 at point A satisfies the requirements of an act that brought public use of the route into question, giving a relevant period of 1995 to 2015.

Twenty years use without interruption

8.5 Based on the documentary and user evidence, it would appear that there has been no substantive interruption to public use during the qualifying 20 year period from 1995 to 2015. Whilst witnesses state that gates were in place at point C and also at point A these were generally noted to be open and never locked.

Without force, secrecy or permission

8.6 There is no evidence to suggest that the route has ever been used by force. Use of the route has been open. Two witnesses evidence was discounted due to permission being given to use the route. No other user evidence states that use of the route was with the landowners permission.

Use by the public

8.7 Use must be of a volume that is capable of coming to the attention of the landowner, and should be public and not, for example, solely by the tenants or employees of a particular landowner or business. Whilst there is some evidence of public use the number of users and frequency of use were insufficient to result in deemed dedication.

Intention to dedicate

8.8 The evidence put forward by the landowner of section C to D supports an intention to dedicate that section, and there is insufficient evidence to show, that the landowner between points A and C, had no intention of dedicating that section.

Conclusions under Section 31, Highways Act 1980

8.9 It is considered that the requirements of Section 31 have not been satisfied in this case. All the individual tests have been met, apart from the use by the public at large test, due to insufficient numbers. Therefore, overall, the requirements of Section 31 are not met.

Analysis of the evidence under common law

8.10 This matter can also be considered under common law, where it is the responsibility of the applicant to show that the owners were aware of, and acquiesced in, the use of the path by the public. The users must be able to show that it can be inferred from the conduct of the landowners that they had intended to dedicate the route as a public right of way of the type that has been applied for. This may be by an express act of dedication, or it may be implied by a sufficient period of public use without force, secrecy or permission and the acquiescence of those landowners in that use. This is needed to meet the two requirements for the dedication of a highway – that is dedication and public acceptance of that way by use. The length of time that is required to demonstrate sufficient user is not fixed under common law and depends on the facts of the case. The use must be obvious to the landowners, who may rebut any suggestion of a dedication by acts such as turning people back, putting up a physical barrier or erecting notices stating that the route is not a public right of way of the type being claimed.

Conclusions under common law

8.11 There is insufficient evidence from which a deemed dedication at common law can be inferred. One landowner indicated that they were aware of and acquiesced in public use of part of the route. However no evidence has been presented to show that the landowner of the greater part of the route during the relevant period, was similarly aware of, and acquiesced in public use of that section.

9 Conclusions

9.1 In deciding whether or not it is appropriate to make an order, it must be considered whether public rights subsist or are reasonably alleged to subsist on this route. On balance it is considered that there is not sufficient evidence for the “reasonably alleged” test to be met.

9.2 The documentary evidence indicates that the claimed route is shown in its entirety on historic maps and aerial images dating from 1811 onwards. This confirms the physical existence of a route but does not provide sufficient evidence of public rights.

9.3 The application is not supported by sufficient user evidence. Whilst there has been continual use during the relevant period the overall number of users was low.

9.4 The available evidence is also insufficient for a common law presumption to be inferred.

9.5 Therefore, the recommendation is that no Order is made to add the claimed route to the Definitive Map and Statement.

10 Alternative options considered

10.1 None.

11 Legal considerations

11.1 See paragraph 2 above.

12 Financial Implications

12.1 Any financial implications arising from this application are not material considerations and should not be taken into account in determining the matter.

13 Natural environment, climate & ecology implications

13.1 Any environmental implications arising from this application are not material considerations and should not be taken into account in determining the matter.

14 Well-being and Health Implications

14.1 Any well-being and health implications arising from this application are not material considerations and should not be taken into account in determining the matter.

15 Other Implications

15.1 None

16 Risk implications

16.1 HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:

Current Risk: LOW
Residual Risk: LOW

17 Equalities

17.1 An Equalities Impact Assessment is not a material consideration in considering this application.

18 Appendices

1 Drawing T543/26/1

2 Law

3 Documentary evidence

- OS Drawings early 1800's, 2 inch:1mile
- OS Old series 1811, 1 inch:1 mile, Sheet XVIII (Surveyed 1801-1811)
- OS 1888, 6 inch:1 mile (Dorset XXVII.NW), Surveyed 1886-87
- 1903 OS Revised 2nd Edition 25 inch:1 mile. (Dorset XXVIII.6)
- 1905 OS Revised 2nd Edition 25 inch:1 mile. (Devon LXXIIA.1)
- 1968 OS 6 inch:1mile (Sheets ST30SE-A and SY39NE-A)
- Hawkchurch Boundary Sketch Map 1886 and Remark Book 1885
- Hawkchurch Tithe Map and Apportionment 1842
- Marshwood Tithe Map and Apportionment 1842
- Bacon's New Survey Map of Dorsetshire c.1910
- Finance Act 1910 – Map and Field assessment Book
- Devon County Council Definitive Map Records
- Dorset Council Definitive Map Records
- Aerial Images from 1947, 1972, 1997, and 2012
- Particulars and Conditions of Sale of part of Sadborow Estate, 05 March 1925
- Highways records
- Extracts from a conveyance 1968

4 User Evidence - Charts to show periods and level of use

17 Background Papers

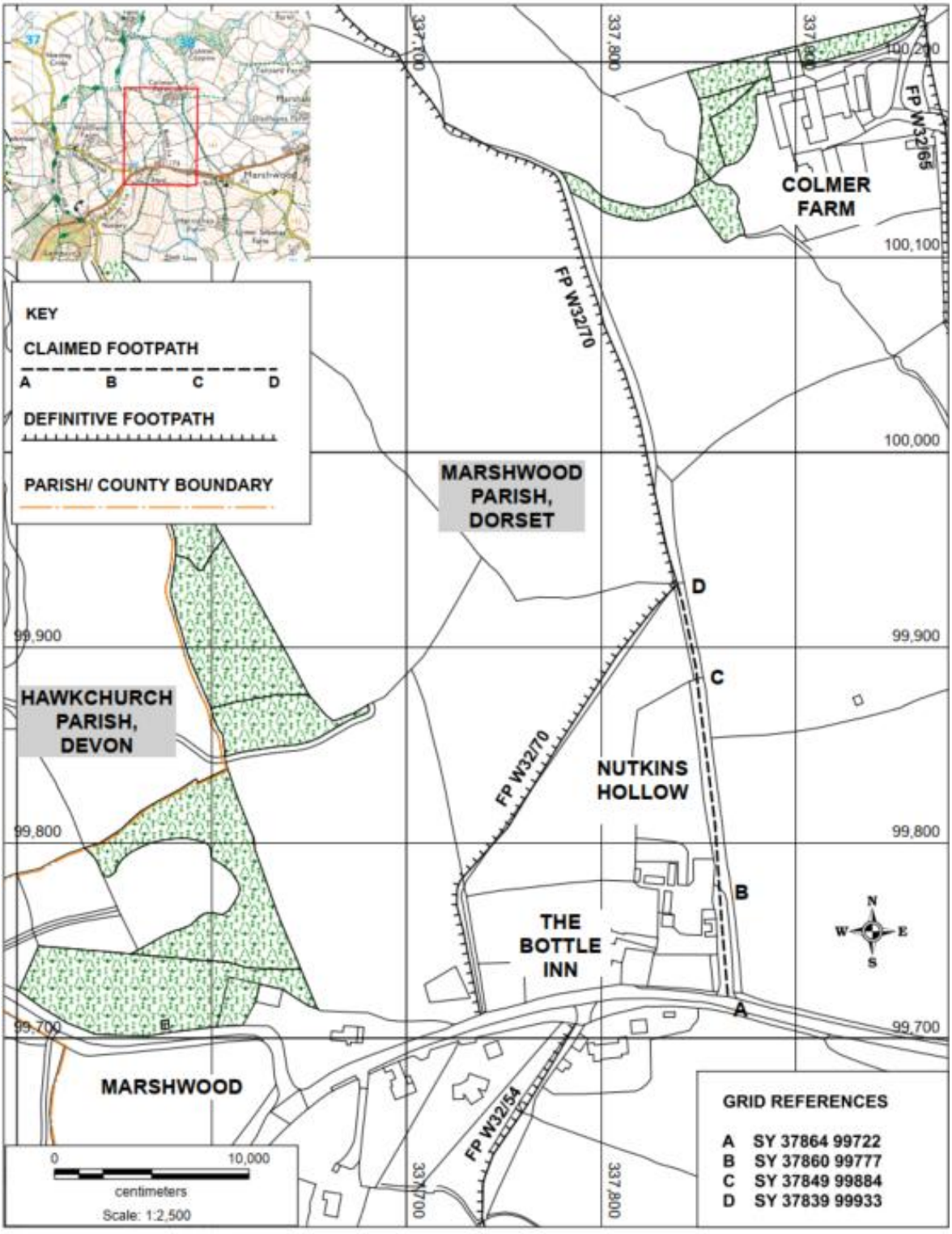
The file of the Executive Director, Economy & Environment (ref. RW/T543).

Date: September 2026

Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

DRAWING T543/26/1

APPENDIX 1



WILDLIFE AND COUNTRYSIDE ACT 1981

APPLICATION TO ADD A FOOTPATH FROM THE B3165 ROAD TO JOIN FOOTPATH 70, IN THE PARISH OF MARSHWOOD (BOTTLE LANE)

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: T543/26/1
Date: 11/06/2026
Drawn by: RC
Scale: 1:2500 at A4
Cent X: 337,736
Cent Y: 99,916

Dorset Council

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LAW

APPENDIX 2

General

Wildlife and Countryside Act 1981

1.1 Section 53 of the Wildlife and Countryside Act 1981 requires that the Council keep the definitive map and statement under continuous review and in certain circumstances to modify them. These circumstances include the discovery of evidence which shows that a right of way not shown in the definitive map and statement subsists or is reasonably alleged to subsist.

1.2 Section 53 of the Act also allows any person to apply to the Council for an order to modify the definitive map and statement of public rights of way in consequence of the occurrence of certain events. One such event would be the discovery by the authority of evidence which, when considered with all other relevant evidence available to them, shows that a right of way not shown on the definitive map and statement subsists.

1.3 The Council must take into account all relevant evidence. They cannot take into account any irrelevant considerations such as desirability, suitability and safety.

1.4 For an application to add a right of way, the Council must make an order to modify the definitive map and statement if the balance of evidence shows either:

(a) that a right of way subsists or

(b) that it is reasonably alleged to subsist.

The evidence necessary to satisfy (b) is less than that necessary to satisfy (a).

1.5 An order to add a route can be confirmed only if, on the balance of probability, it is shown that the route as described does exist.

1.6 For an application to change the status of an existing right of way, the Council must make an order to modify the definitive map and statement if the balance of evidence shows that it ought to be recorded with that different status.

1.7 The confirmation test for an order to change the status of an existing right of way is that same as the test to make that order.

1.8 An order to add a right of way and change the status of an existing

right of way as part of the same route should only be made if the balance of the evidence shows that the new route exists and the existing route should be recorded with a different status.

1.9 Where an objection or representation has been made to an order, the Council is unable itself to confirm the order but may forward it to the Secretary of State for confirmation. Where there is no objection or representation, the Council can itself confirm the order, provided that the criterion for confirmation is met.

2 Highways Act 1980

2.1 Section 31 of the Highways Act 1980 says that where a way has been used by the public as of right for a full period of 20 years it is deemed to have been dedicated as highway unless there is sufficient evidence that there was no intention during that period to dedicate it. The 20 year period is counted back from when the right of the public to use the way is brought in to question.

(a) 'As of right' in this context means without force, without secrecy and without obtaining permission.

(b) A right to use a way is brought into question when the public's right to use it is challenged in such a way that they are apprised of the challenge and have a reasonable opportunity of meeting it. This may be by locking a gate or putting up a notice denying the existence of a public right of way.

(c) An application under Section 53 (5) of the Wildlife and Countryside Act 1981 for a modification order brings the rights of the public into question. The date of bringing into question will be the date the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.

2.2 The common law may be relevant if Section 31 of the Highways Act cannot be applied. The common law test is that the public must have used the route 'as of right' for long enough to have alerted the owner, whoever he may be, that they considered it to be a public right of way and the owner did nothing to tell them that it is not. There is no set time period under the common law.

2.3 Section 31(3) of the Highways Act 1980 says that where a land owner has erected a notice inconsistent with the dedication of a highway, which is visible to users of the path, and maintained that notice, this is sufficient to show that he intended not to dedicate the route as a public right of way.

2.4 Section 31 (6) of the Highways Act 1980 permits landowners to deposit with the Council a map and statement indicating what ways over the land (if any) he admits to having been dedicated as highways. A statutory declaration can be made at intervals of not more than 20 years stating no additional ways have been dedicated since the date of the deposit. In the absence of proof to the contrary, this is sufficient to establish that no further ways have been dedicated. Prior to the Highways Act 1980 a similar facility was available under the Rights of Way Act 1932 and the Highways Act 1959.

2.5 Section 32 of the Highways Act 1980 says that the Council must take into consideration any map, plan or history of the locality. Documents produced by government officials for statutory purposes such as to comply with legislation or for the purpose of taxation, will carry more evidential weight than, for instance, maps produced for tourists.

3 Human Rights Act 1998

3.1 The criteria for definitive map modification orders are strictly limited to matters of fact and evidence. In all cases the evidence will show that the event (section53) has already taken place. The legislation confers no discretion on a surveying authority or the Secretary of State to consider whether or not a path or way would be suitable for the intended use by the public or cause danger or inconvenience to anyone affected by it. In such situations where the primary legislation offers no scope for personal circumstances to affect the decision on the order, the Planning Inspectorate's recommended approach is to turn away any human rights representations.

3.2 A decision confirming an order made under the Wildlife and Countryside Act 1981 would be lawful (under domestic law) as provided by Section 6.2 of the Human Rights Act 1998 even in cases where the Convention was apparently infringed, where it was impossible to interpret the 1981 Act in such a way that it is compatible with the Convention rights (section 3 Human Rights Act 1998).

Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

DOCUMENTARY EVIDENCE

APPENDIX 3

Ordnance Survey Drawings, Maps and Records

OS Drawings early 1800's, 2 inch: 1mile (not published)
Source: Dorset Council, originally from British Library

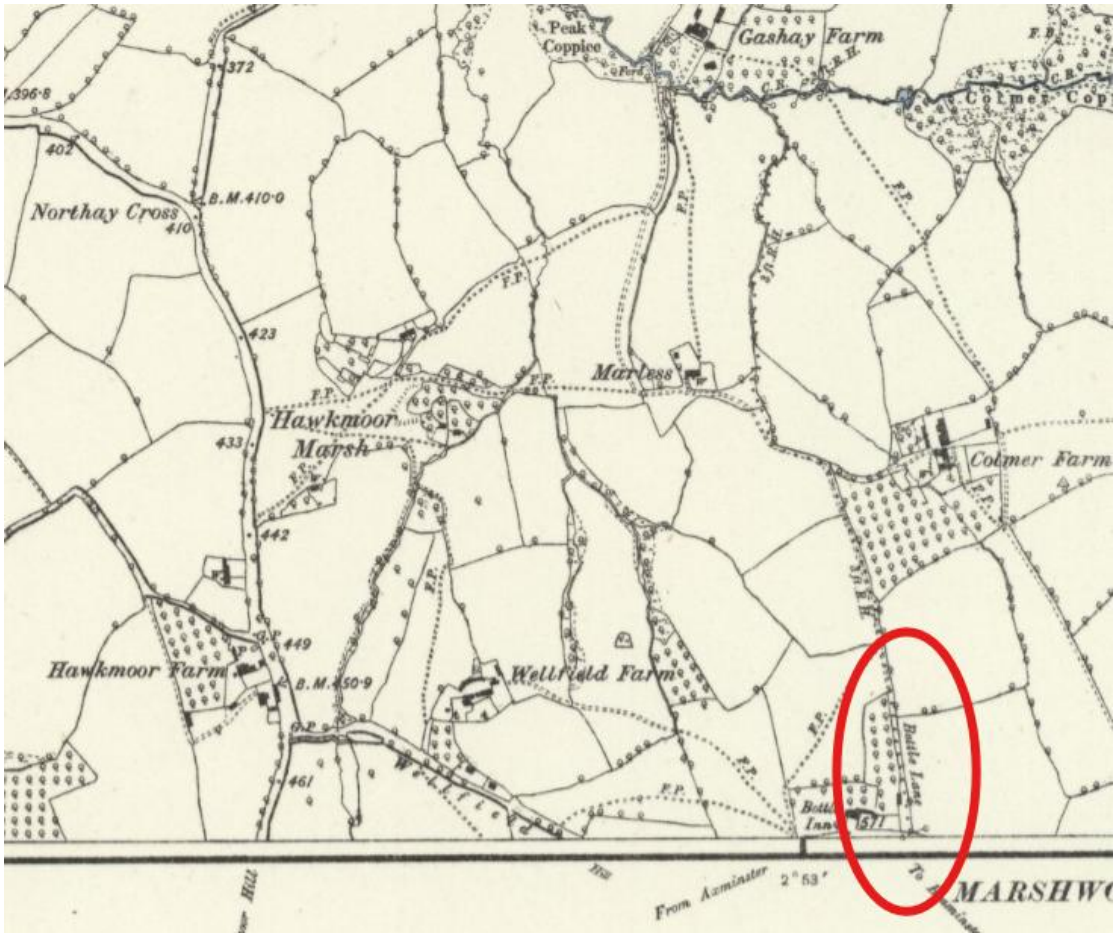


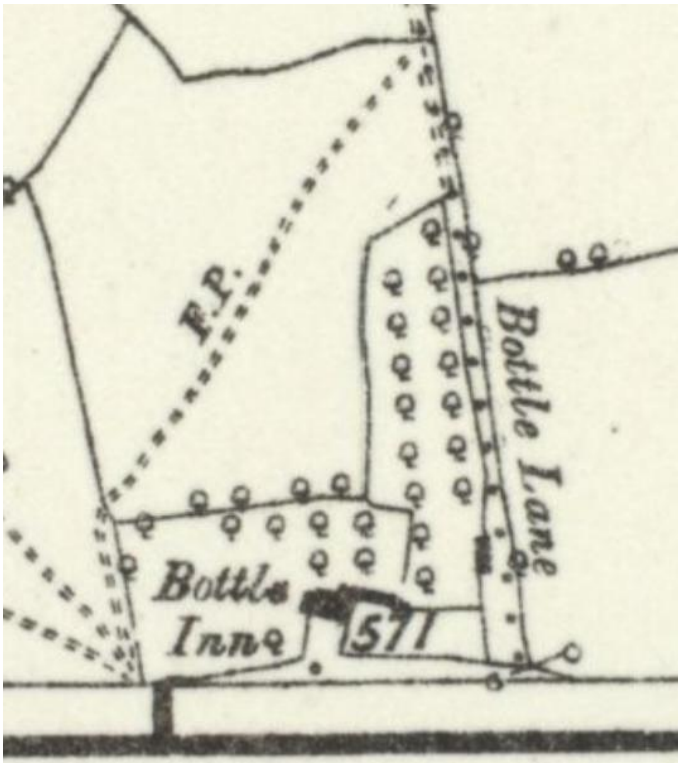
OS Old series 1811, 1 inch: 1 mile, Sheet XVIII (Surveyed 1801-1811)
Source: National Library of Scotland



Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

OS 1888, 6 inch:1 mile (Dorset XXVII.NW), Surveyed 1886-87
Source: National Library of Scotland

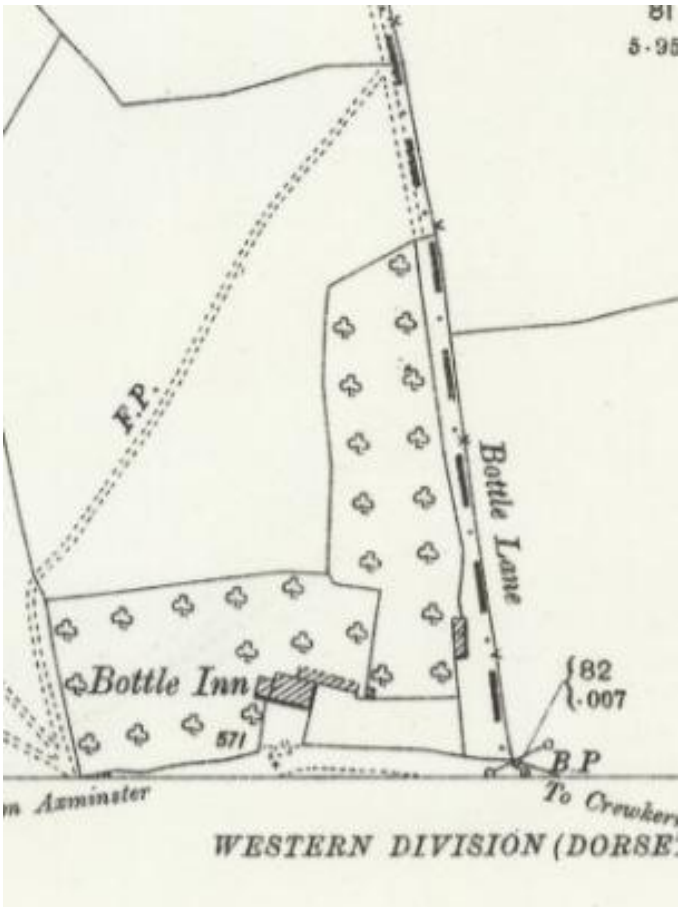




Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

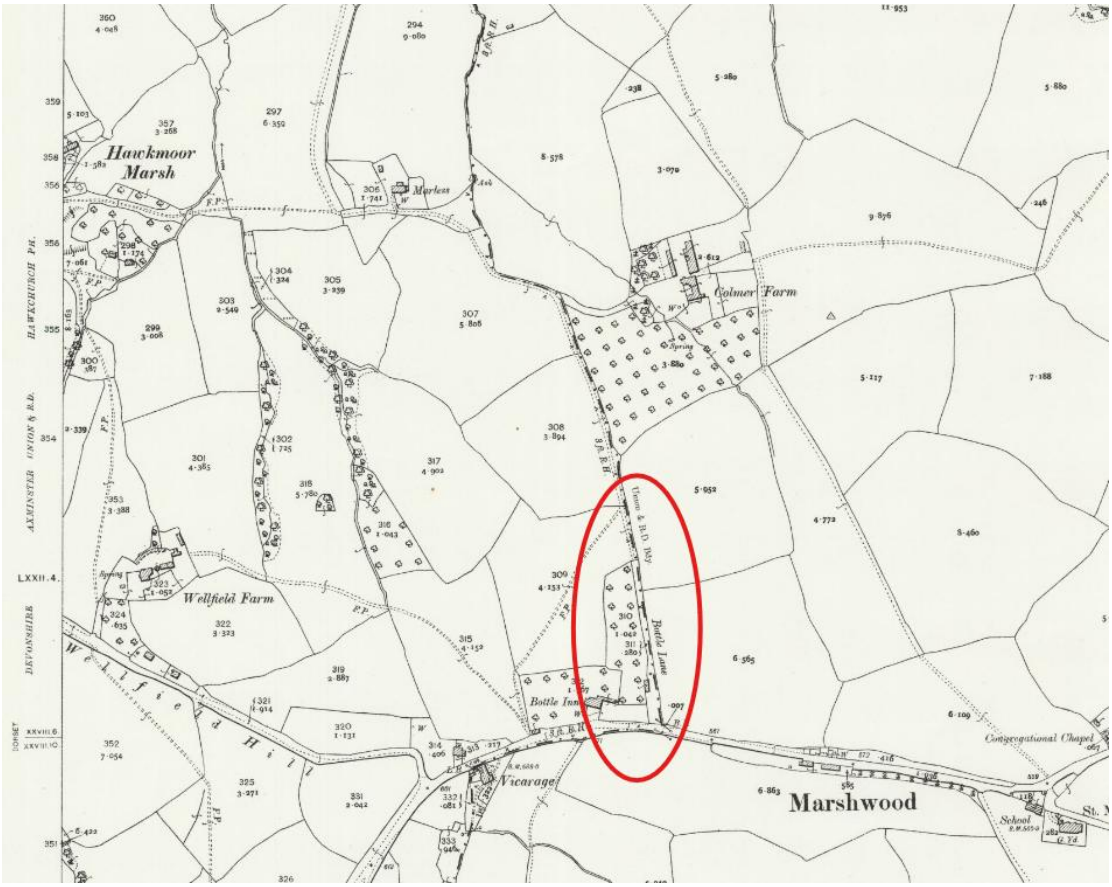
1903 OS Revised 2nd Edition 25 inch:1 mile (Dorset XXVIII.6)
Source: National Library of Scotland

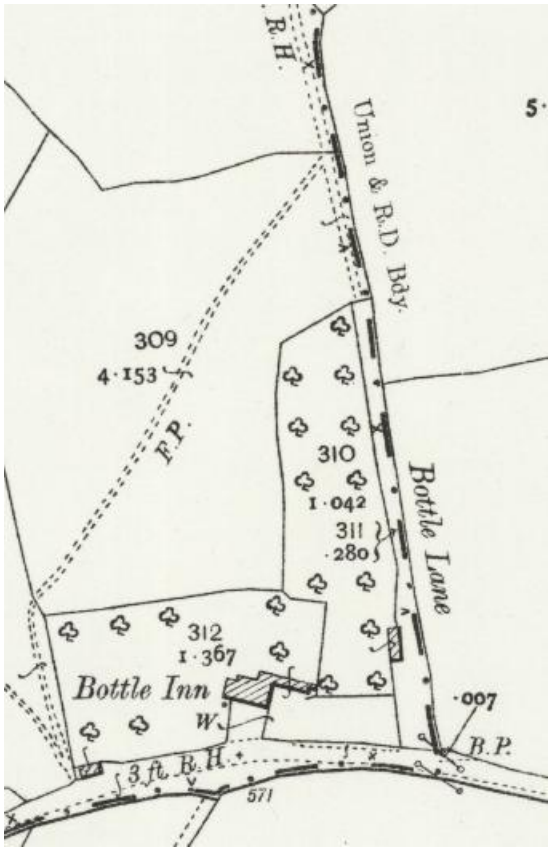




Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

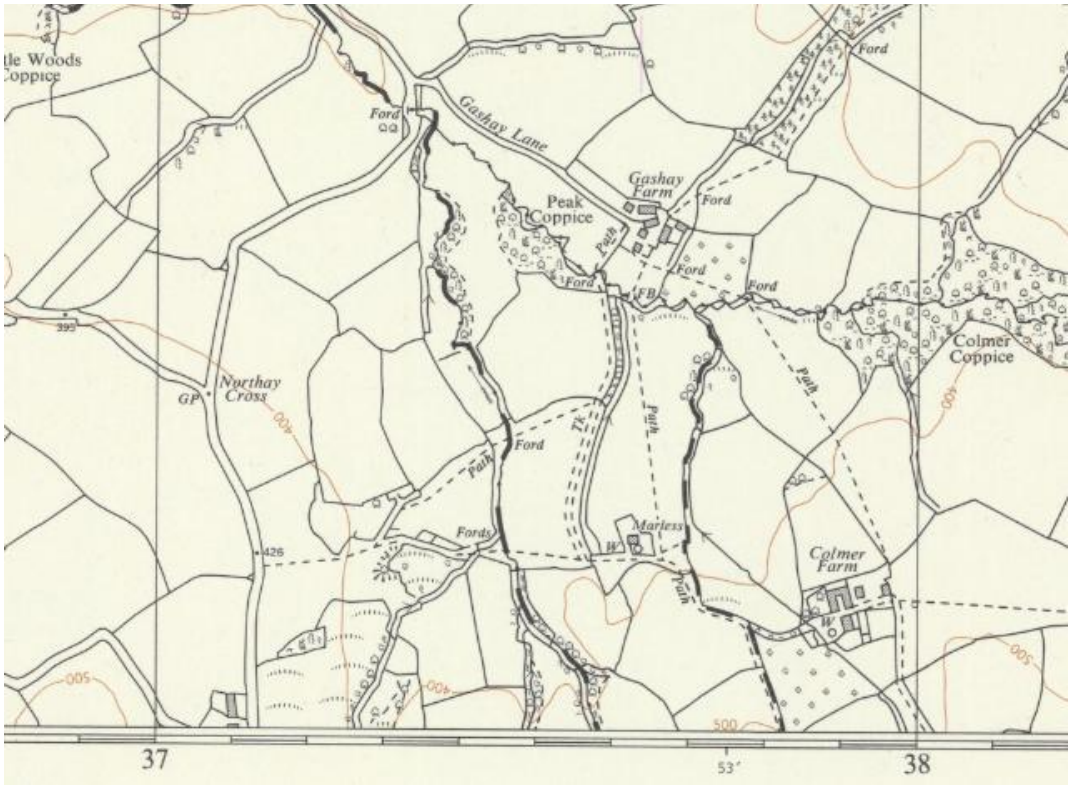
1905 OS Revised 2nd Edition 25 inch:1 mile (Devon LXXIIA.1)
Source: National Library of Scotland





Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

1968 OS 6 inch:1 mile (ST30SE-A)
Source: National Library of Scotland



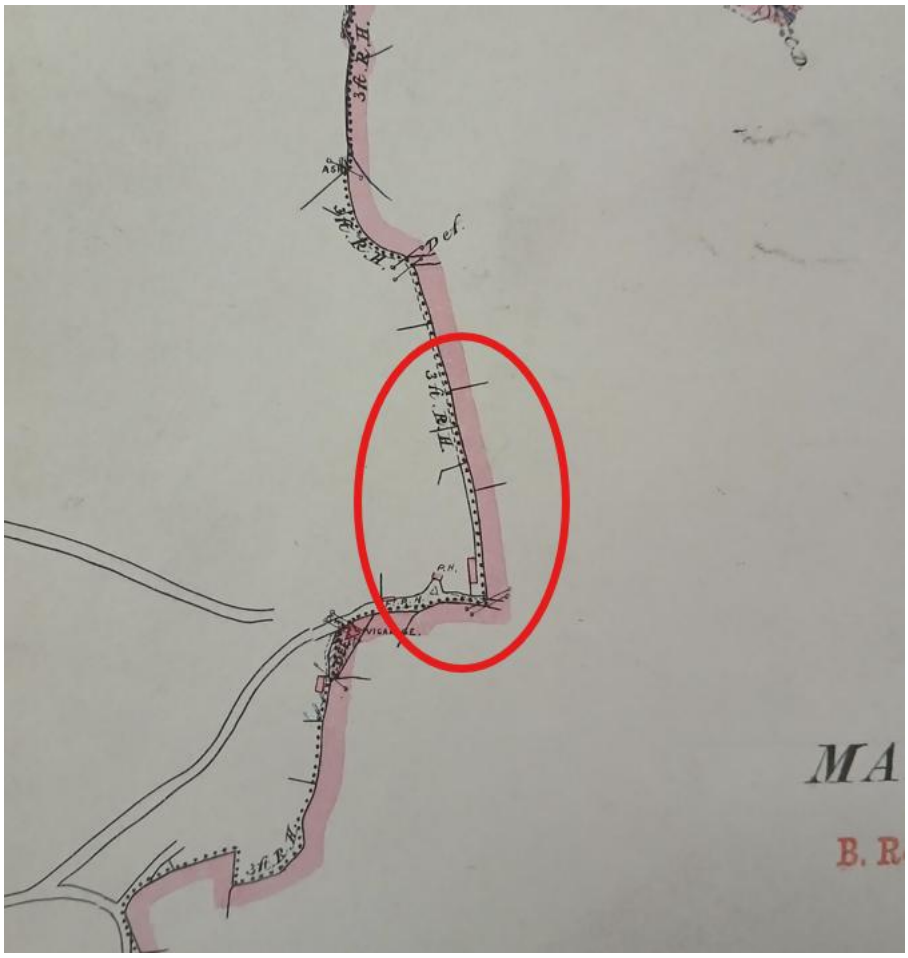
1968 OS 6 inch:1 mile (ST39NE-A)
Source: National Library of Scotland



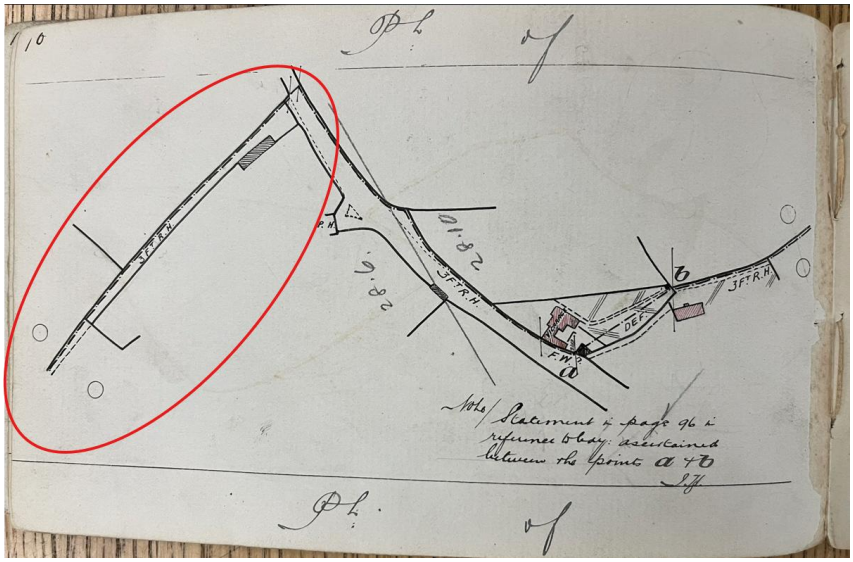
Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

OS Boundary Sketch Maps and Remark Books

Hawkchurch Boundary Sketch Map 1886
Source: National Archives, Ref – OS 27/1409



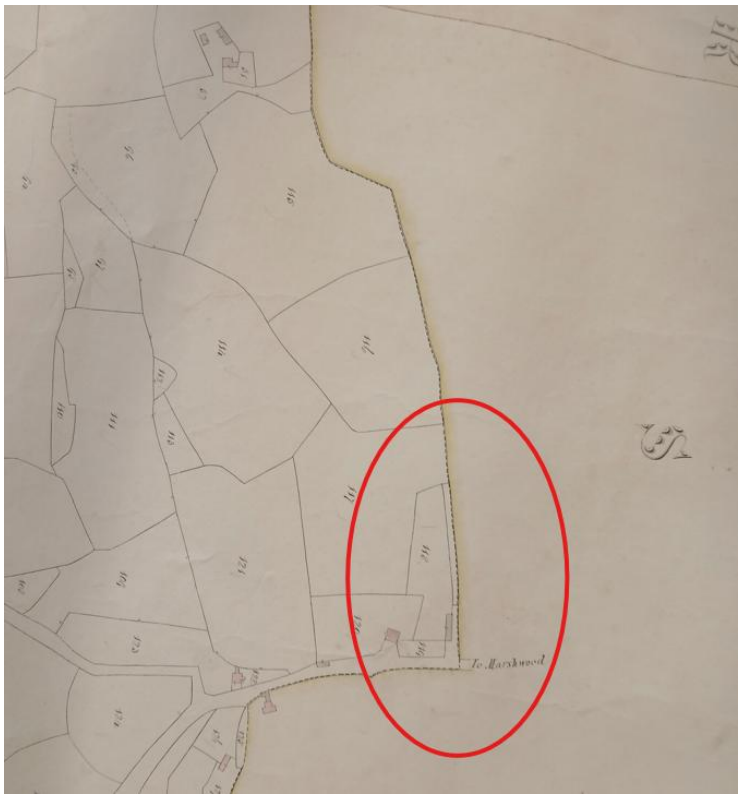
Hawkchurch Boundary Remark Book 1885
Source: National Archives, Ref – OS 26/2389



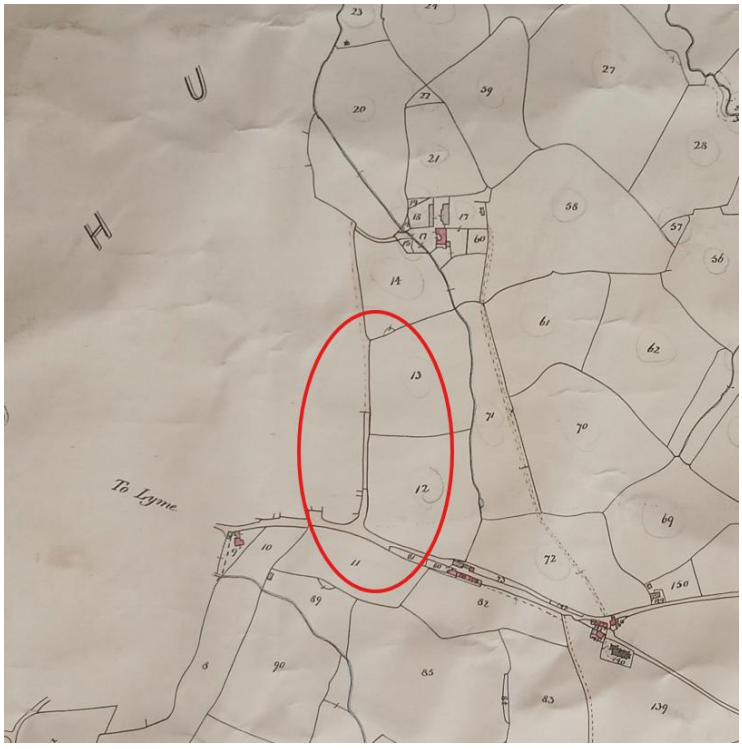
Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Tithes

Hawkchurch Tithe Map 1842. Source: Dorset History Centre



Marshwood Tithe Map 1842 (Source: Dorset History Centre)



Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

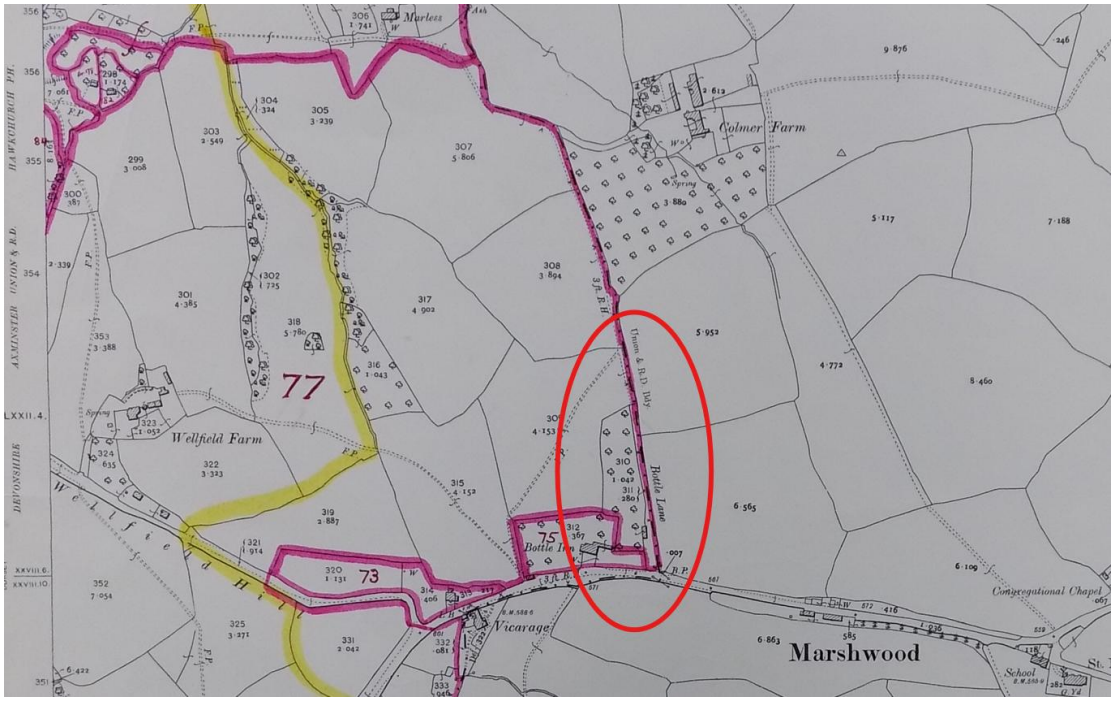
Commercial Map

Bacon's New Survey Map of Dorsetshire c.1910. Source Dorset Council records, originally from Dorset History Centre.



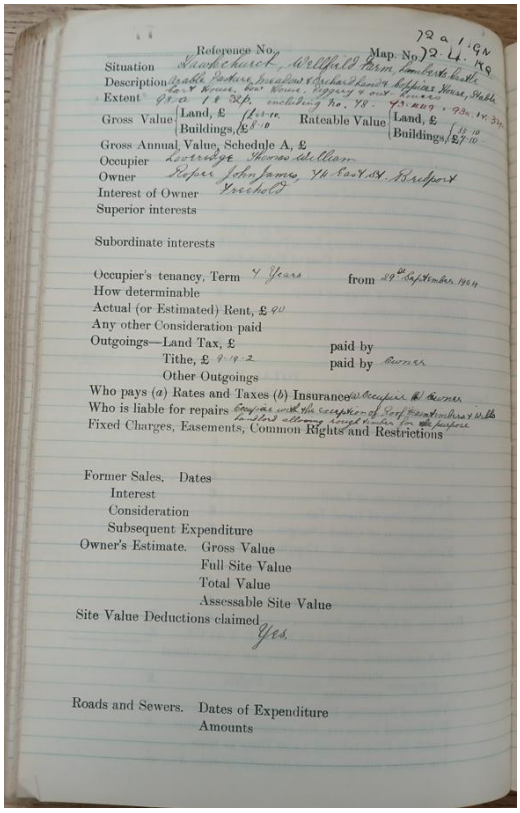
Finance Act

Finance Act 1910 – Map. Source: National Archives, Ref - IR 125/2/276

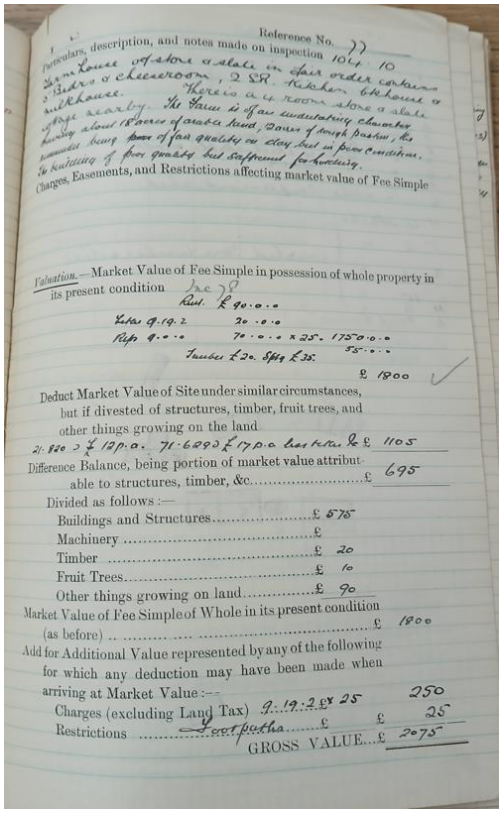


Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

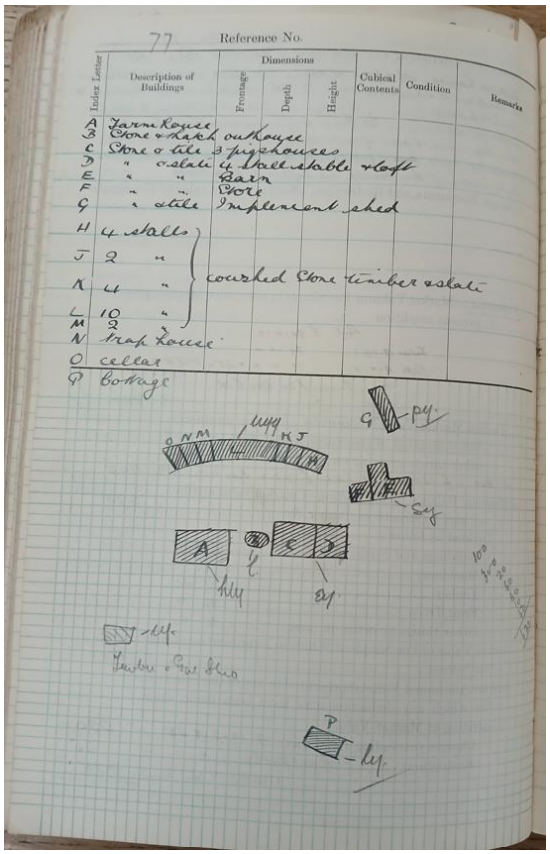
Finance Act 1910 – Field assessment Book – Hereditament 77. Source: National Archives, Ref - IR 58/30369



Reference No. 72 a 1 9N
Map No. 72 L 15
Situation Sandchurch, Wellfield Farm, Lambert's Castle
Description Arable, Pasture, Meadow, Orchard, House & Buildings
Extent 91 a 1R 32P including No. 78
Gross Value: Land, £ [illegible] Rateable Value: Land, £ [illegible]; Buildings, £ 7 10
Gross Annual Value, Schedule A, £
Occupier Loveridge Thomas Allen Adam
Owner Piper John James, 4 Terrace Rd Bridport
Interest of Owner Freehold
Superior interests
Subordinate interests
Occupier's tenancy, Term 4 Years from 29th September 1914
How determinable
Actual (or Estimated) Rent, £ 90
Any other Consideration paid
Outgoings—Land Tax, £ paid by
Tithe, £ 9 19 2 paid by Owner
Other Outgoings
Who pays (a) Rates and Taxes (b) Insurance (a) Occupier (b) Owner
Who is liable for repairs Occupier and the occupier of [illegible] and the landlord allowing [illegible]
Fixed Charges, Easements, Common Rights and Restrictions
Former Sales. Dates
Interest
Consideration
Subsequent Expenditure
Owner's Estimate. Gross Value
Full Site Value
Total Value
Assessable Site Value
Site Value Deductions claimed Yes.
Roads and Sewers. Dates of Expenditure
Amounts



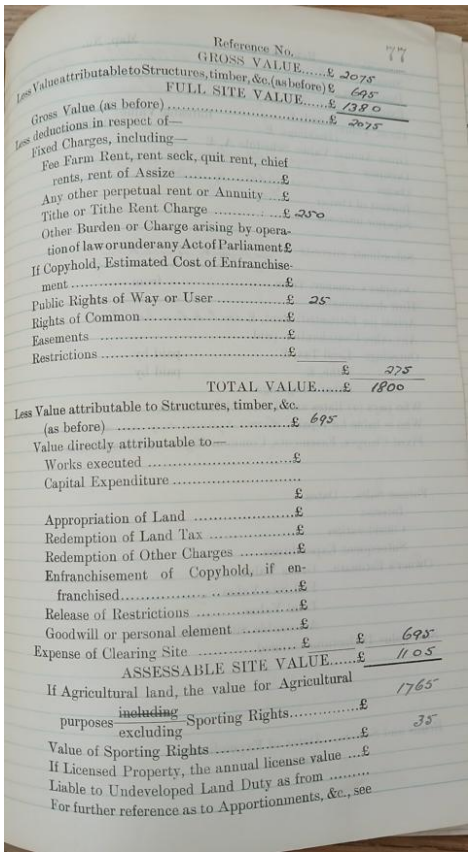
Reference No. 77
Particulars, description, and notes made on inspection 10th Oct 10
Farm House of stone & slate in fair order containing 3 Bedrs & Cheeseroom, 2 SR, Kitchen, Bathroom & Milkhouse. There is a 4 room stone & slate cottage nearby. The Farm is of an undulating character having about 18 acres of arable land, 12 acres of rough pasture, the remainder being [illegible] of fair quality in every part in good condition. The building of poor quality but sufficient for working.
Charges, Easements, and Restrictions affecting market value of Fee Simple
Valuation.—Market Value of Fee Simple in possession of whole property in its present condition
Rent £90.0.0
Tithe 9.19.2 20.0.0
Rates 9.0.0 70.0.0 × 25 = 1750.0.0
Timber £20. Sport £35. 55.0.0
£ 1800
Deduct Market Value of Site under similar circumstances, but if divested of structures, timber, fruit trees, and other things growing on the land
21.820 = £ 120.0. 71.6295 £ 170.0 last letter 9 £ 1105
Difference Balance, being portion of market value attributable to structures, timber, &c. £ 695
Divided as follows:—
Buildings and Structures £ 575
Machinery £
Timber £ 20
Fruit Trees £ 10
Other things growing on land £ 90
Market Value of Fee Simple of Whole in its present condition (as before) £ 1800
Add for Additional Value represented by any of the following for which any deduction may have been made when arriving at Market Value:—
Charges (excluding Land Tax) 9.19.2 × 25 250
Restrictions Footpaths £ 25
GROSS VALUE £ 2075



77 Reference No.

Index Letter	Description of Buildings	Dimensions: Frontage	Depth	Height	Cubical Contents	Condition	Remarks
A	Farm House						
B	Store & Back outhouse						
C	Store & tile 3 pighouses						
D	" & slate 4 Stalls stable & loft						
E	" " Barn						
F	" " Store						
G	" & slate Implement shed						
H	4 stalls						
J	2 "						
K	4 "						
L	10 "						
M	2 "						
N	Trap House						
O	cellar						
P	Cottage						

coursed Stone timber & slate

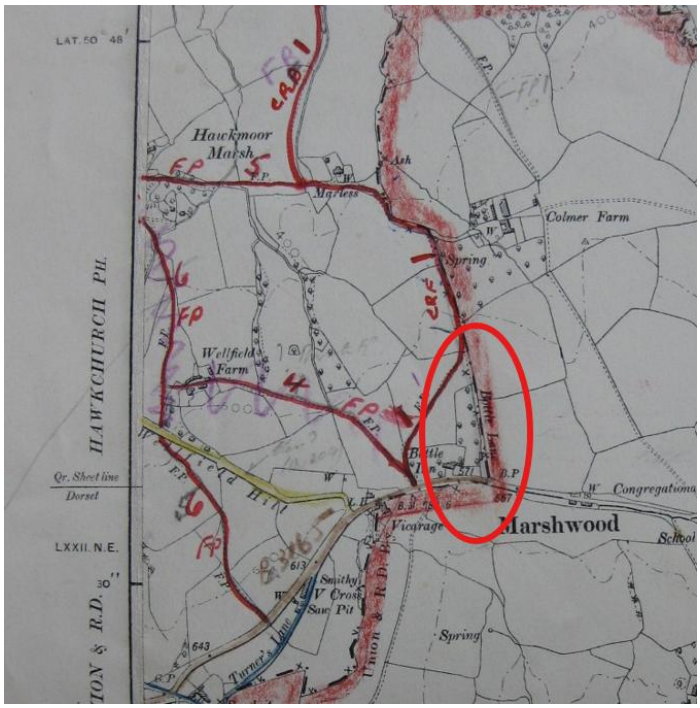


Reference No.
Less Value attributable to Structures, timber, &c. (as before) £ 2075
GROSS VALUE £ 695
Gross Value (as before) £ 1380
Less deductions in respect of—
Fixed Charges, including—
Fee Farm Rent, rent seck, quit rent, chief rents, rent of Assize £
Any other perpetual rent or Annuity £
Tithe or Tithe Rent Charge £ 250
Other Burden or Charge arising by operation of law or under any Act of Parliament £
If Copyhold, Estimated Cost of Enfranchisement £
Public Rights of Way or User £ 25
Rights of Common £
Easements £
Restrictions £
£ 275
TOTAL VALUE £ 1800
Less Value attributable to Structures, timber, &c. (as before) £ 695
Value directly attributable to—
Works executed £
Capital Expenditure £
Appropriation of Land £
Redemption of Land Tax £
Redemption of Other Charges £
Enfranchisement of Copyhold, if enfranchised £
Release of Restrictions £
Goodwill or personal element £
Expense of Clearing Site £ £ 695
ASSESSABLE SITE VALUE £ 1105
If Agricultural land, the value for Agricultural purposes 1765
~~including~~ excluding Sporting Rights £ 35
Value of Sporting Rights £
If Licensed Property, the annual license value
Liable to Undeveloped Land Duty as from
For further reference as to Apportionments, &c., see

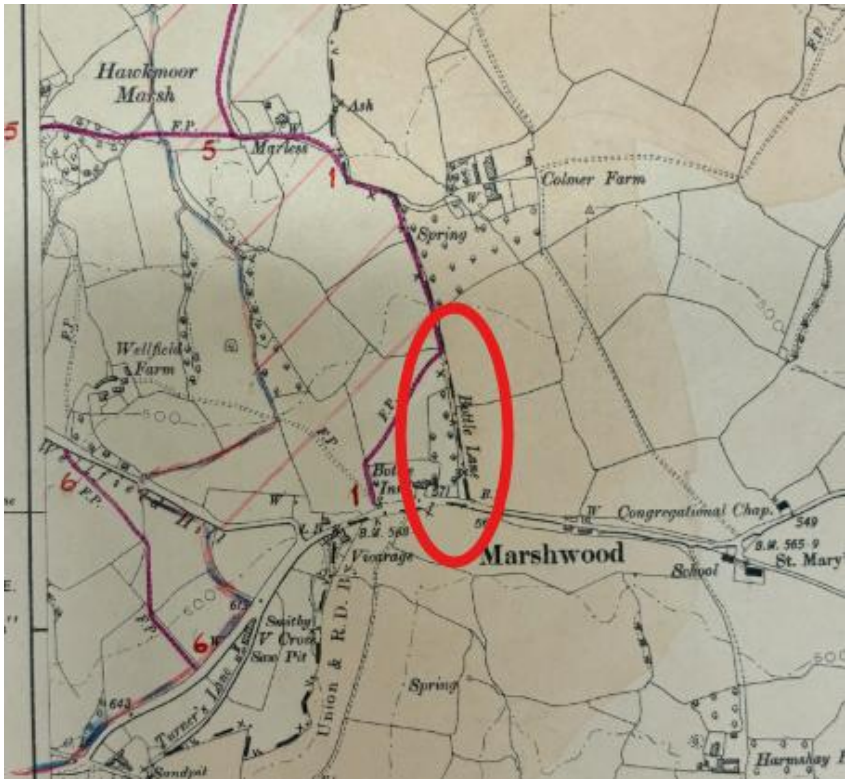
Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Devon County Council Definitive Map Records

Hawkchurch Parish Survey (of Public Rights of Way to be included on the Definitive Map), early 1950's:



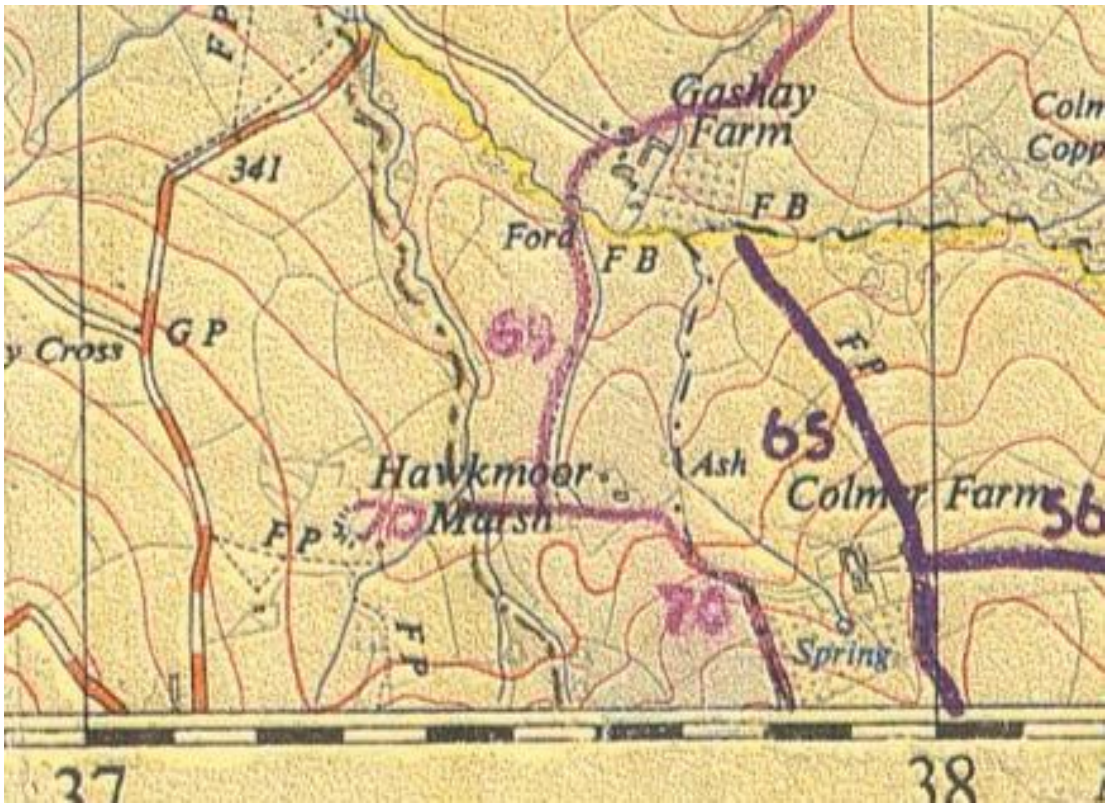
Extract of Devon Definitive Map 1957:

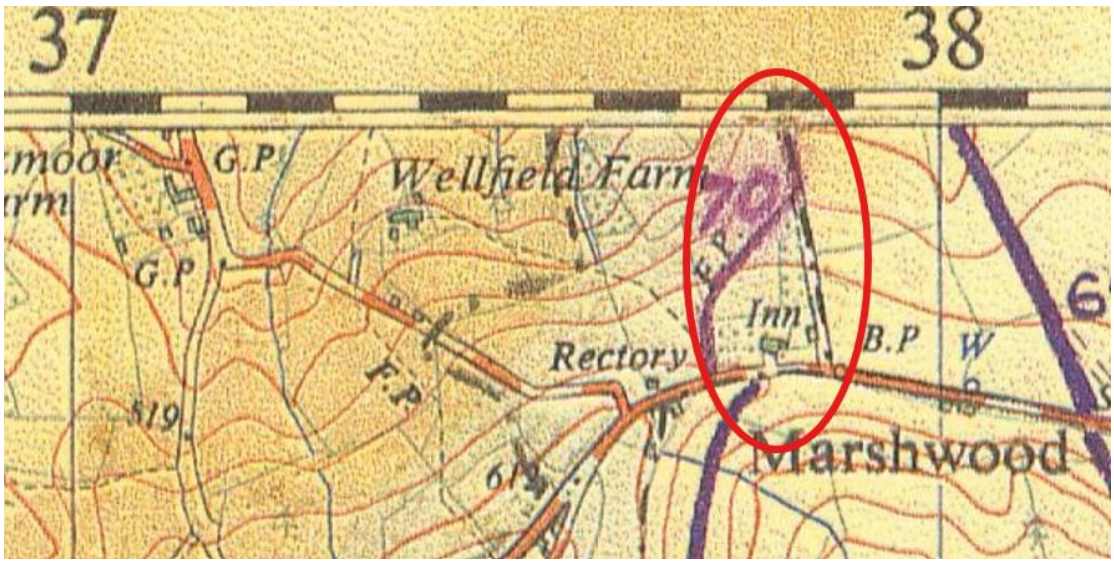


Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Dorset Council Definitive Map Records

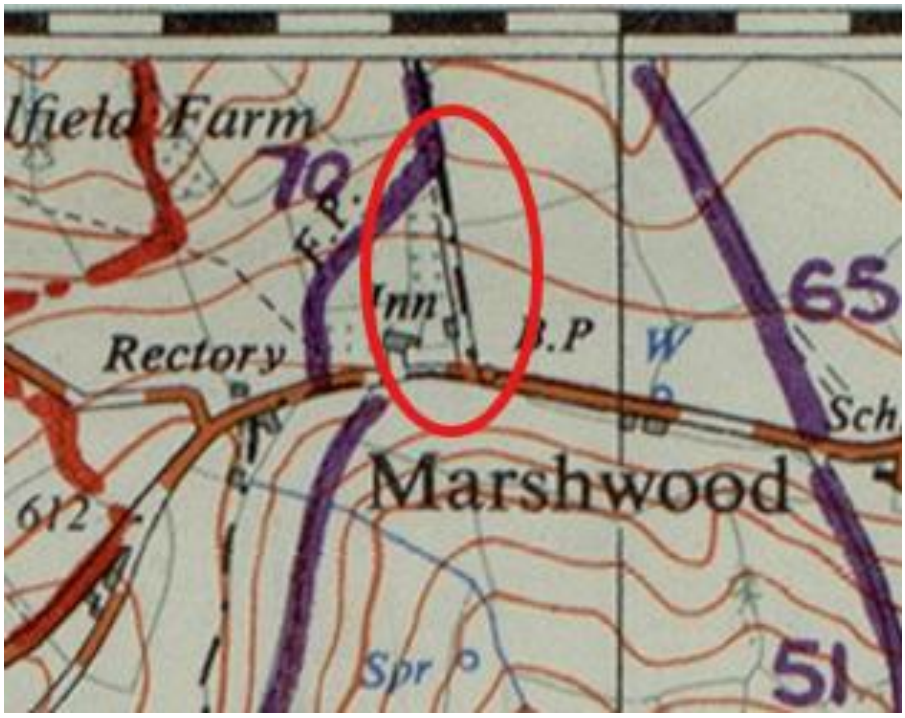
Dorset – Extracts from Provisional Definitive Map 1963-64



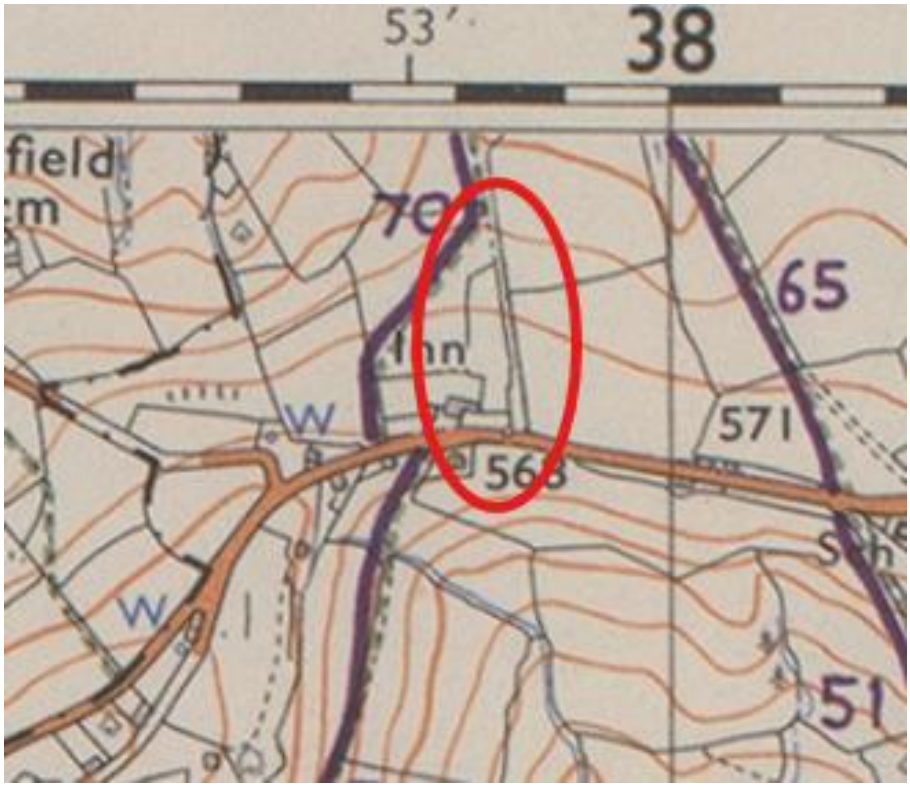


Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Dorset – Extract from First Definitive Map 1966

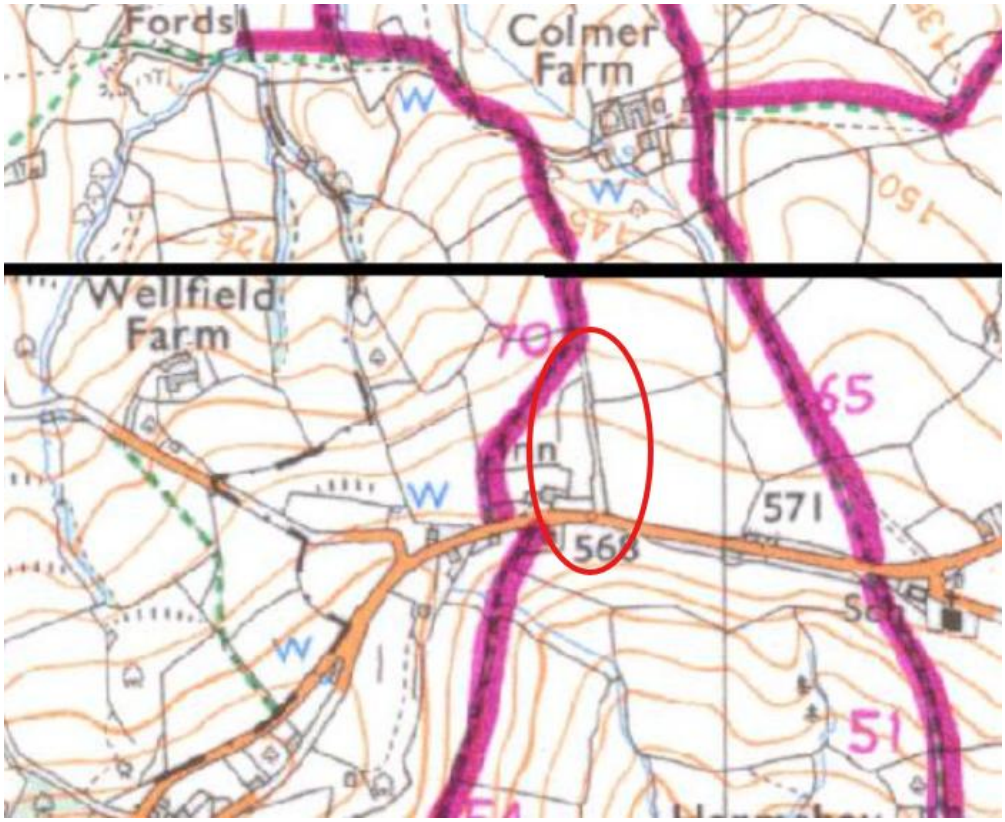


Dorset – Extract from Revised Draft Map 1974



Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Dorset – Extract from 1989 Definitive Map:



Aerial Photography

1947 RAF Aerial Image, source; Dorset Council (Image ID 1974-1413):



Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

1972 RAF Aerial Image, source Dorset Council (Image ID 422/81):



1997 RAF Aerial Image, source Dorset Council (Image ID 31 97 093)



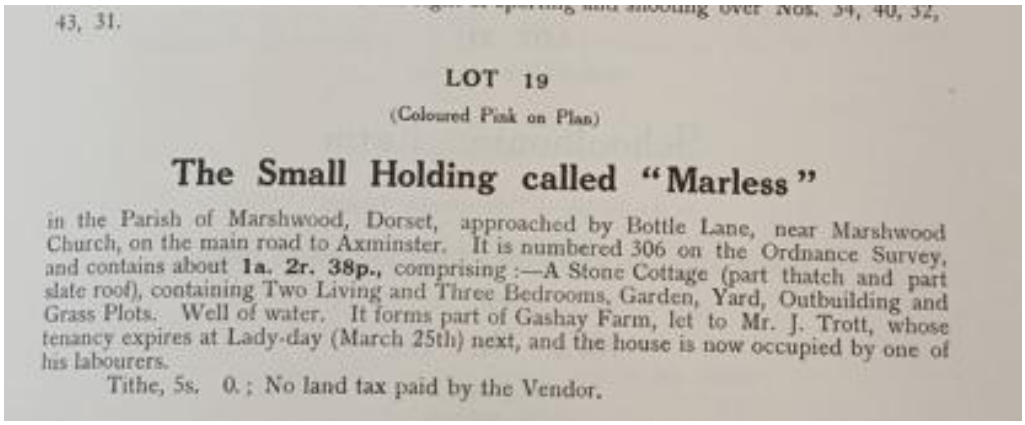
Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

2012 Aerial Image (Source: Google Earth):



Sales Particulars

Particulars and Conditions of Sale of part of Sadborow Estate, 05 March 1925 (Source: Dorset History Centre, ref D-HDS/SP/1925/32



43, 31.

LOT 19

(Coloured Pink on Plan)

The Small Holding called "Marless"

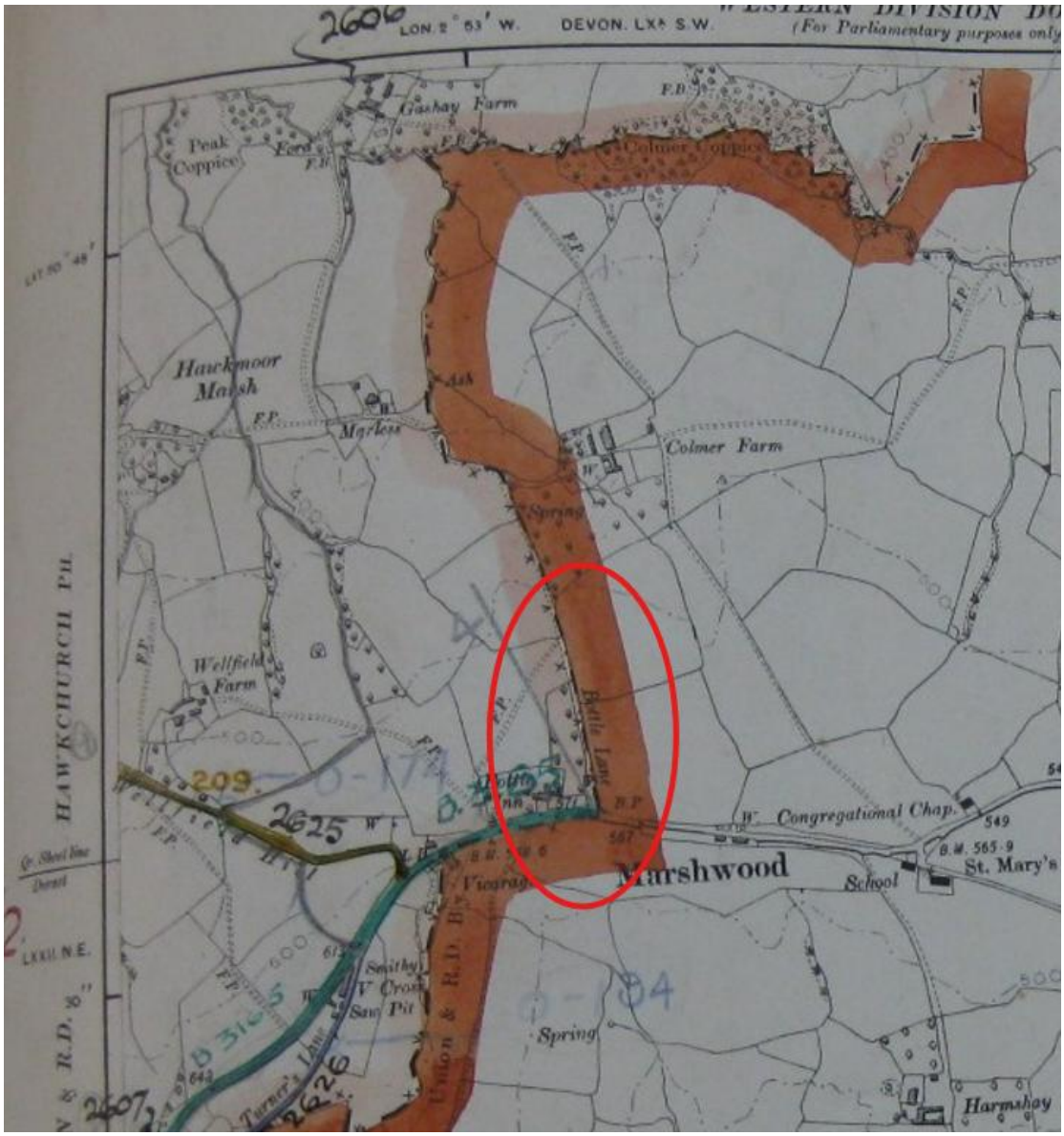
in the Parish of Marshwood, Dorset, approached by Bottle Lane, near Marshwood Church, on the main road to Axminster. It is numbered 306 on the Ordnance Survey, and contains about **1a. 2r. 38p.**, comprising :—A Stone Cottage (part thatch and part slate roof), containing Two Living and Three Bedrooms, Garden, Yard, Outbuilding and Grass Plots. Well of water. It forms part of Gashay Farm, let to Mr. J. Trott, whose tenancy expires at Lady-day (March 25th) next, and the house is now occupied by one of his labourers.

Tithe, 5s. 0.; No land tax paid by the Vendor.

Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Highways Records

Highways record map, dating from the Highways Handover period 1929-1948 (Source: Devon County Council)

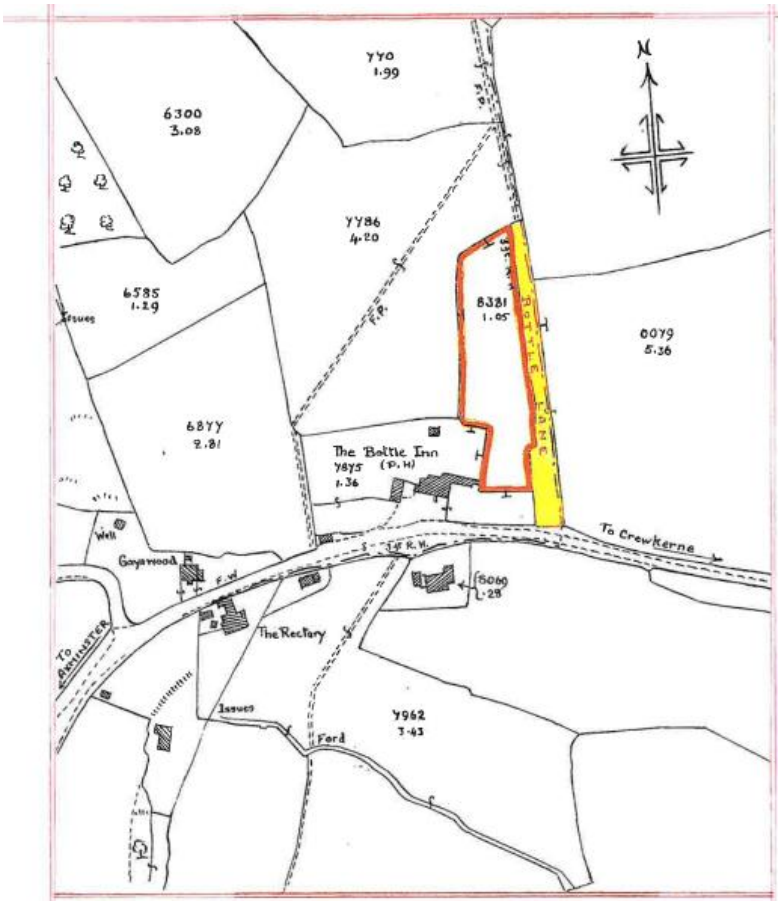


Application to add a footpath from the B3165 road to join Footpath 70, Marshwood (Bottle Lane)

Conveyance

Extract from a conveyance dated 25 November 1968.

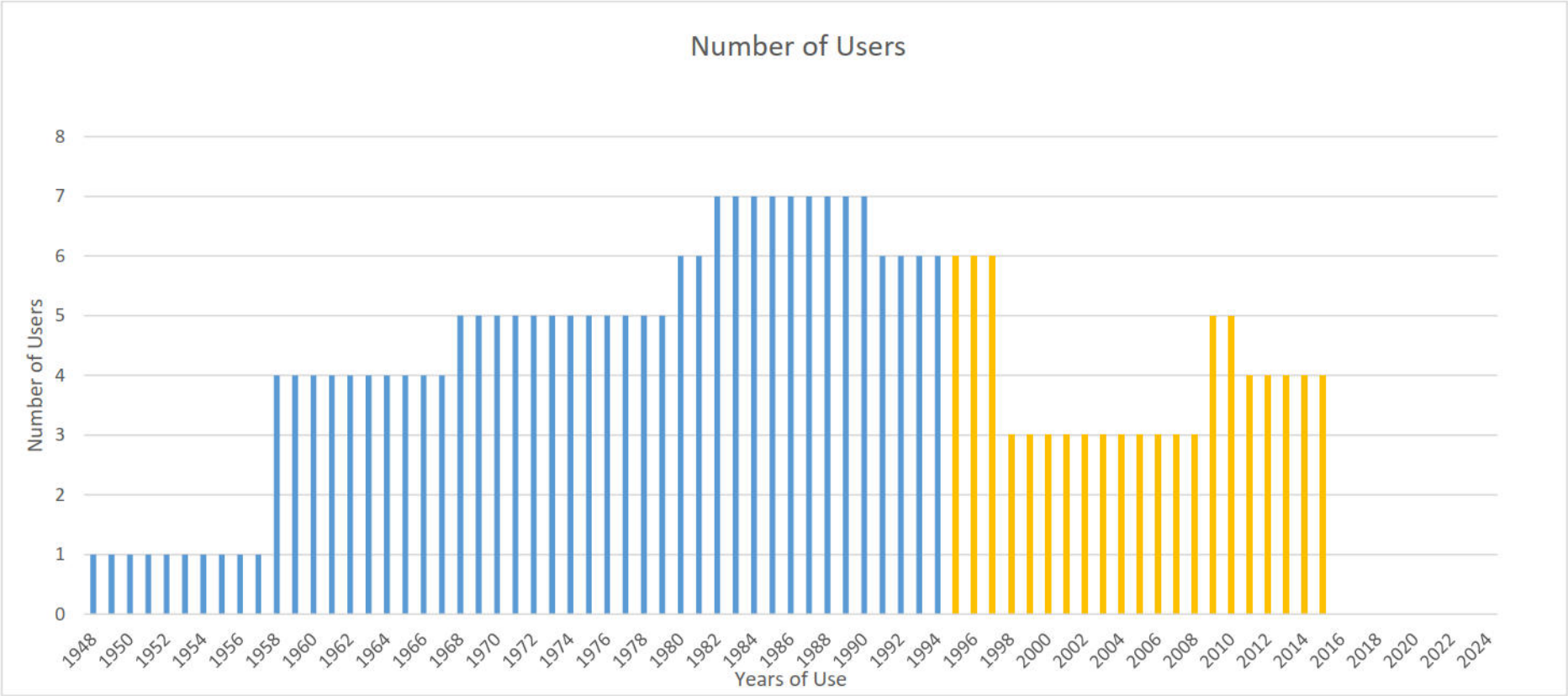
red AND SECONDLY all that strip of land known as Bottle Lane being formerly number 311 on the Ordnance Survey Map (1905 Edition) for the said Parish of Hawkchurch and thereon stated to contain .280 of an acre but now being number 8580 on the Ordnance Survey Map (1957 Revision)for the said Parish of Marshwood and thereon stated to contain .31 of an acre and which said strip of land is for the purpose of identification only more particularly delineated on the said plan and thereon shown coloured yellow EXCEPT AND RESERVING unto the Vendor and his successors in title the owners and occupiers for the time being of the adjoining farm and premises known as Wellfield Farm and all persons authorised by him or them the right to pass and repass at all times and for all purposes and with or without animals and vehicles over the property secondly described subject to no avoidable damage being caused in the exercise of such right TO HOLD the same unto the



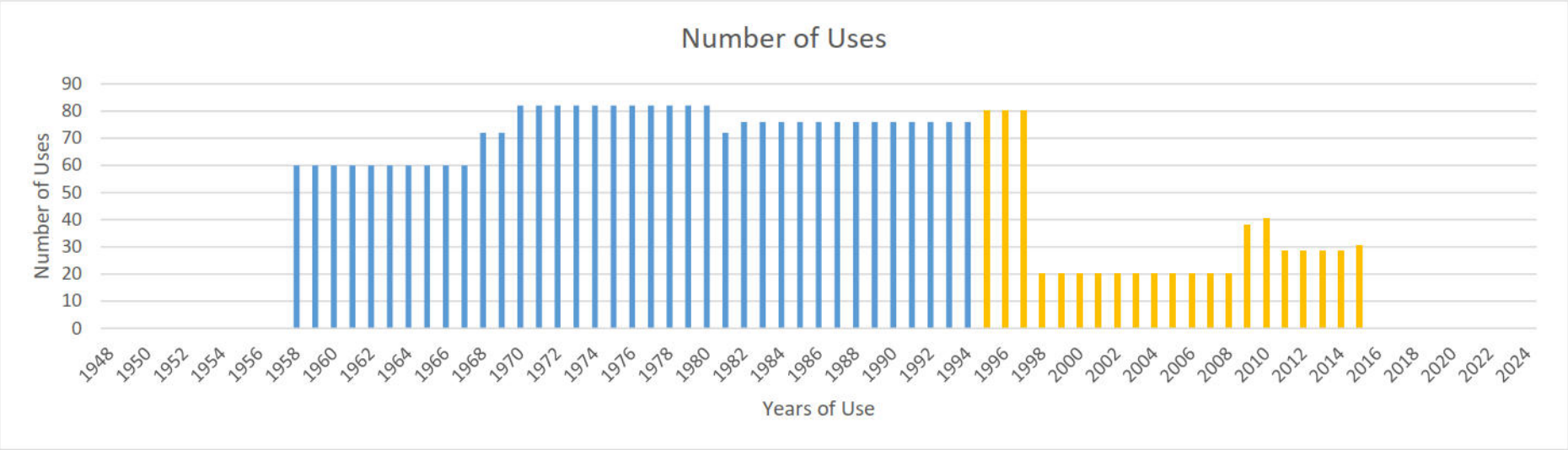
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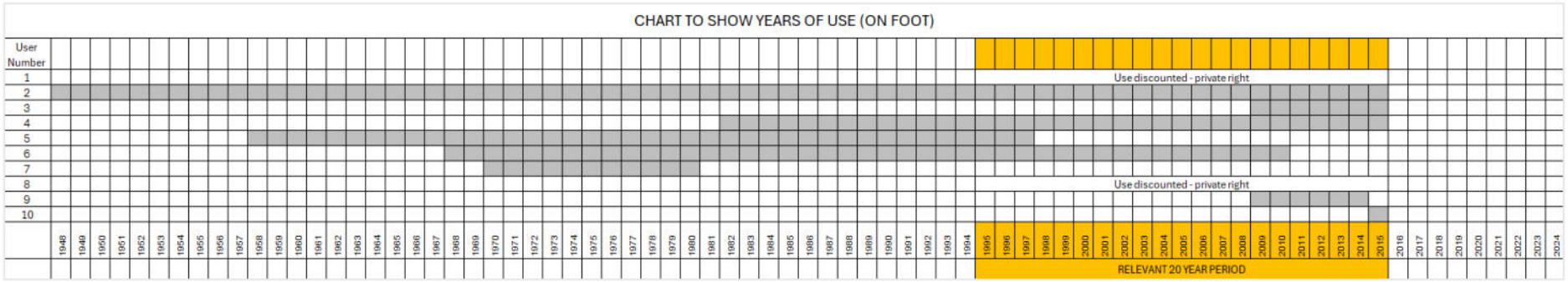
Charts to show level of use

APPENDIX 4



Application to add a footpath from the B3165 road to join footpath 70, Marshwood (Bottle Lane)





Recommendations accepted:

Signed:



Date:……24 September 2026……

Vanessa Penny

Definitive Map Team Manager

Spatial Planning

Nominated by the Executive Director of Economy & Environment to sign on his behalf