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| **Appeal Decisions** |
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| **by Claire Tregembo BA(Hons) MIPROW** |
| **An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 11 November 2022** |

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| **Appeal Ref: FPS/U3100/14A/8** |
| * This Appeal is made under Section 53 (5) and Paragraph 4 (1) of Schedule 14 of the Wildlife and Countryside Act 1981 against the decision of Oxfordshire County Council not to make an Order under section 53 (2) of that Act.
* The application dated 8 December 2016 was refused by Oxfordshire County Council on 11 February 2022.
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| * The appellant claims that Footpath No. 263/3 should be upgraded to Restricted Byway as shown on the plan appended to this decision.

**Summary of Decision: The Appeal is allowed in part.** |
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Preliminary Matters

1. I have been directed by the Secretary of State for Environment, Food and Rural Affairs to determine this appeal under Section 53(5) and Paragraph 4(1) of Schedule 14 of the Wildlife and Countryside Act 1981 (the 1981 Act), on the basis of papers submitted.
2. The appeal route is currently recorded on the definitive map and statement (DMS) as Footpath No. 263/3 in the parish of Hailey. It runs along a track known as Breach Lane, labelled A-B-C-D-E on the attached plan, then across a field and another enclosed section of track labelled E-F on the attached plan.

Main Issues

1. Section 53 (3)(c)(ii) of the 1981 Act provides that a modification order should be made on the discovery of evidence which, when considered with all other relevant evidence available, shows that a highway shown therein as a highway of a particular description ought to be shown as a highway of a different description. The evidential test to be applied is on the balance of probabilities.
2. The case in support relies on historical documents and maps. I need to consider if the evidence provided is sufficient to infer the dedication of higher public rights over the appeal route at some point in the past. Section 32 of the Highways Act 1980 requires a court or tribunal to take into consideration any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as appropriate, before determining whether or not a way has been dedicated as highway.

Reasons

*Tithe Map*

1. The Hailey Tithe Map 1839/40 shows all of the appeal route with double solid edges coloured brown. Another narrower route is shown in the same way heading west from point D. This route is numbered 158 and 161 and a solid line is shown across it where it joins the appeal route. Another wider route is shown heading northwest from point E. Parcel 145 is shown on the south and west side of the appeal route with the southern boundary joining it at point E, and the eastern boundary joining it just after the bend between points E and F.
2. Parcel 158 is described in the Tithe Apportionment as ‘Private Road’ and 161 is described as ‘Private Road and Timber Yard’. The state of cultivation for both parcels is ‘Public Footway’. The appeal route is not numbered, so is not listed.
3. The appellant claims that because the appeal route is shown in the same way as the main public roads it was also a public road at this time. The Council argue that although roads are frequently excluded from tithable land, it must also be considered that there was no requirement to show private roads any differently to public ones.
4. The purpose of the Tithe records was to identify titheable land that was capable of producing crops. Normally a detailed survey was undertaken, and they are statutory documents which were in the public domain. They were not produced to record public rights of way, although they can sometimes be helpful in determining the existence and status of such routes. Nevertheless, in this case the depiction of the appeal route on the Tithe Maps in the same manner as other roads, suggests a public highway. The appeal route is not numbered, but the private road and public footway off it is. This suggests that the appeal route would have higher public rights than footpath.
5. A copy of the Tithe Map was produced in December 1880 by F Habgood, Surveyor. It is the same as the original Tithe Map except the eastern end of the footpath off the appeal route at point D no longer has a line across it.

*Inclosure Awards and Maps*

1. A notice was placed in Jackson’s Oxford Journal on 15 April 1822 (the 1822 notice) by the Commissioner appointed by an Act of Parliament for allotting lands in Hailey and Witney. It gives notice that he has ‘set out and appointed the following Private Carriage Roads and Driftways, Public Bridleways, and Footways throughout the lands and grounds’. No. 11 was ‘one other private carriage road and driftway, public bridleway, and footway of the width of twenty feet, leading from and out of Learborn Lane at the south-east corner of the open breach, in a westward direction, by the side of ancient inclosures, to its entrance into a Lane at the south-west corner of the open breach.’ It gave details of where the maps could be viewed and objections made.
2. The Hailey Inclosure Map 1823 (the 1823 Award Map) shows section D-E of the appeal route with double solid edges labelled Learborn Lane. Heading west from point D a road is shown with double solid edges and labelled ‘No. 11 Private Road 20 feet’. Learborn Lane is shown much wider that the private road.
3. The appeal route is not set out in the Hailey Inclosure Award 1823 (the 1823 Award), but a private road from point D is set out as ‘one other Private Carriage Road and Driftway, public Bridleway and Footway the width of twenty feet leading from and out of Learborn Lane at the South East Corner of the Open Breach in a Westward direction by the side of Ancient Inclosures to its entrance into a Lane at the North West Corner of the Open Breach’.
4. The appellant argues that setting out of a public bridleway from the appeal route would be useless if it could not be accessed from the eastern end. In my view, a public bridleway would not have been set out off the appeal route if it was not considered to carry public rights of at least bridleway status. Therefore, the 1823 Award provides good evidence that public rights of at least bridleway status existed over the appeal route at this time.
5. A notice was placed in Jackson’s Oxford Journal on 7 September 1850 (the 1850 notice) by the valuer for the inclosing of lands in Hailey and Crawley. It listed twenty nine routes including ‘1. the road and way called Green Lane, leading out of the Breach Lane to Common Lease Lane; 2. so much of the road and way, being part of a lane called Hickrall Lane, running from the Breach Lane into Hatfield Pits Lane, from and at the part opposite Hickrall Ground, No. 145…8. also the bridle road, cart road, way, and footpath, running from the Breach Lane into and across Mr. Turner’s Breach Ground, No. 159, and a ground called the Timber Yard, No. 160 into or near Hailey Green, so far as the same is now used as a bridle road and cart road’. These routes were ‘intended to be DISCONTINUED and STOPPED UP from and after the Thirty-first day of December next.’ It advises that the numbers are taken from the maps made for the Communication of Tithes. It did not give details for making objections. Route 2 is section E-F of the appeal route, 1 is the route heading north west from point E and 8 is the public bridleway set out in the 1823 Award heading west from point D. The Council found the same notice in the following weeks issue.
6. On the Hailey and Crawley Inclosure Map 1853 (the 1853 Award Map), section D-E-F of the appeal route is shown with double solid edges. It is labelled V at point D and U at point E. There are lines with a T marked on them across the appeal route at point E and at the eastern boundary of the land which is shown as Parcel 145 on the Tithe Map. This section is labelled 9. The next section of the appeal route from here until just before it joins Hatfield Pits Lane at F is labelled 10. At this point there is a line across the appeal route which indicates the western boundary of a roadside parcel labelled 16. The eastern boundary of parcel 16 runs alongside Hatfield Pits Lane and it has a T marked on it. The northern and southern boundaries of this parcel are shown in the same way, but the western boundary does not have a T marked on it. The appeal route is not shown across parcel 16. The southern end of the appeal route is shown from Point A for a short distance with double solid edges and labelled ‘to Charlbury’. Route 1 in the 1850 notice is labelled 8 and there is a line with a T across it where it joins the appeal route. The bridleway west of point D is not shown.
7. Only a limited extract of the Hailey and Crawley Inclosure Award 1853 (the 1853 Award) is before me. It does not include the setting out of any roads or ways, and none of the parties refer to any. The appellant states that there are no references to the stopping up of any roads or ways in the 1853 Award. The Council and appellant advise that T denotes the landowner’s responsibility for erecting and maintaining fences, but the other letters and numbers are not referred to. The 1853 Award and Map appears to indicate that the appeal route was to be fenced across at either side of parcel 145 and alongside Hatfield Pits Lane.
8. The Council and appellant have investigated the routes in the 1850 notice. Sixteen of the routes to be extinguished are not public highways today, and fourteen of these are not shown on maps after 1850. Thirteen are recorded on the DMS as public rights of way; two at a lower status, one at a higher status and three are only partially shown. The appellant argues that this calls into question the validity of the 1850 notice, as many of these remain on later maps. They also point out that no details of the extinguishment were found in the 1853 Award and no reference was made to any authorising Inclosure Act in the 1850 Notice. The Council argues that the 1850 notice indicates that due procedures were followed, therefore the routes were stopped up. The routes shown on the DMS could have been rededicated through public use at a later date
9. The 1822 Award provides evidence of public rights of at least bridleway status along the appeal route at this time. The 1850 notice indicates that there was an intention to extinguish public rights over section E-F of the appeal route and also the bridleway rights over the route heading west from D as part of an Inclosure. The 1853 Award shows part of the appeal route, but section E-F is to be fenced across at three points. The appellant and the Council have differing opinions as to the validity of the stopping-up. It would appear that some routes in the 1850 notice completely disappeared from later records, whereas others remained in existence. To me this indicates that some of these routes were extinguished, and others were either not extinguished or were rededicated through use. Existing public rights over section A-B-C-D-E of the appeal route were not listed for extinguishment.

*Estate Maps and Sales Records*

1. On Godson’s Plan of the Manor of Witney Oxon taken in the years 1814-1816 for the Duke of Marlborough, the appeal route is shown with double solid edges. Section A-B-D-E is labelled ‘Learbone Lane’ and section E-F is labelled Hickrall Lane. Whitings Lane and Hatfield Pits Lane are shown in the same manner. Two other routes are shown between Whitings Lane and the appeal route from points D and E. It shows the surrounding fields, their names, ownership, and size.
2. A Map of the Ownership of Hailey Parish Witney in the County of Oxford 1840 by J Underwood, Land Surveyor, shows the appeal route with double solid edges. The Tithe Map parcel numbers are included and some parcels are coloured and labelled with the landowners names. The Council refer to this as a copy of the Tithe Map and the appellant advises that J Underwood was also the surveyor for the Tithe Map.
3. A notice for the sale of valuable estate by auction was placed in the Oxford Chronicle and Berks and Bucks Gazette in November 1864. Lot 2 was for pasture land ‘called “Goff’s Ground” with a frontage in the Breach Lane’. Goff’s Ground is indicated on Godson’s Map on the eastern side of the appeal route, just south of point E.
4. Another notice for the sale of land and properties by auction was placed in Jackson’s Oxford Journal in October 1894. Lot 7 was for pasture land ‘near the road from Hailey to Ramsden and having an entrance from Hickrall Lane, containing 5A.0R.2P., more or less.’ The Finance Act records and Ordnance Survey (OS) maps give a similar acreage for parcel number 145 in the Tithe Map, therefore, this is likely to be Lot 7.
5. The appellant argues that these notices indicate that the appeal route was still used as a lane in 1864 and 1894. The notices do not indicate if it was private or public, but the reference to a road between two places is suggestive of public rights at a status higher than footpath. However, Hatfield Pits Road could also be described as ‘the road from Hailey to Ramsden’ and the separate reference to Hickrall Lane suggests that two different routes were being referred to.

*Finance Act 1910*

1. Section A-B-C-D-E of the appeal route is excluded from the surrounding parcels on the Finance Act Map 1910. Section E-F is shown within parcels 1827 (Pt) and 1862. There are no deductions for rights of way or users in the field books or valuation ledgers.
2. The Finance Act 1910 imposed a tax on the increase in land value, which was payable when the land changed hands. Maps were produced to show taxable land following a survey by the Board of Inland Revenue. It was a criminal offense to make false statements to reduce tax payments. The existence of public rights of way over land reduced its value and the liability for tax, so were recorded in the survey. The exclusion of part of the appeal route from the adjoining hereditaments could indicate public rights which were more likely to be at least bridleway status. However, it could also be argued that private rights had the same effect on the land. No deductions for public rights of way or users over parcels 1827 and 1862 indicates that public rights were not considered to exist over section E-F.

*Ordnance Survey Maps*

1. On the OS Union Series map 1803-1838 and the OS surveyors drawing 1811 the whole of the appeal route is shown with double solid lines.
2. On the OS First Edition 25 inch map 1876 section A-B-C-D-E of the appeal route is shown with double solid edges and is labelled Breach Lane. It is shown continuing to point F by a solid and dashed line. The enclosed section is parcel 100a which the Book of Reference lists as Road.
3. On the OS 6 inch maps of 1884 and 1885, section A-B-C-D-E of the appeal route is shown with double solid edges and is labelled Breach Lane. It is shown continuing to point F by double dashed lines with a hedge shown on its northern side.
4. On various OS 1 inch maps between 1896 and 1960 section A-B-C-D-E of the appeal route is shown with double solid edges. It is shown continuing to point F by a dashed line.
5. OS maps between 1899 and 1955 of different scales, show section A-B-C-D-E of the appeal route with double solid edges and labelled Breach Lane. It is shown continuing to point F by a solid and dashed line which is labelled *F.P.*
6. OS maps were produced to record physical features at the time of the survey but did not intend to identify public or private routes or their status. Since the late 19th Century, OS maps have carried a disclaimer that tracks and paths shown provide no evidence of the existence of public rights of way. OS surveyors often made enquiries locally to clarify spellings and the status of roads. Therefore, the listing as a road in the Book of Reference could indicate that the appeal route was considered to be a public carriage road at this time. Only a limited extract of the Book of Reference has been provided so details of who completed the details is not know. The OS maps also show it continued to physically exist after the 1853 Award, but the hedges on the south side of section E-F were removed.

*Parish Minutes*

1. The appeal route was mentioned several times in the minutes of Hailey Parish Council (PC). The earliest reference was on 5 July 1922 when complaints were made about broken jars and bottles being a danger to animals using the lane.
2. On 11 July 1932 it was agreed that the Clerk should write to the landowner asking him to ‘remove the barbed wire that had been erected across the bridleway track & footpath leading from the Timber Yard to Breach Lane.’ It was also agreed that the Clerk should write to another landowner asking him to repair the stile on the footpath from Breach Lane to Poffley End. At the following meeting on 15 August 1932, it was reported that the stile was repaired and that ‘the wire erected across the footpath leading from the timber yard to breach lane had been removed’.
3. The minutes from 1933 and 1934 indicate that they prepared and made a deposit to Witney Rural District Council under the Rights of Way Act 1932 (the 1932 Act) indicating routes known to have been public in 1934. A copy of the deposit has not been found.
4. Issues on footpaths running from Breach Lane were discussed on five occasions in 1948 and 1949, and the drainage of Breach Lane was discussed at three meetings in 1950. No mention was made as to its status.
5. In meetings on 23 September and 8 December 1952 it was agreed that the clearing and removal of obstructions needed on the footpath through the Hickralls at the New Yatt Road end should be left with the footpath Committee. In the meeting on 23 February 1953, it was agreed that the Clerk should speak to the Divisional Surveyor regarding the overgrowth on the Hickralls land and that the obstructions on the footpath at Hickralls should be left for the time being. The Hickralls footpath appears to be section E-F of the appeal route which is called Hickrall Lane in the 1850 notice and joins Hatfield Pits Lane just south of New Yatt Lane.
6. The minutes do not mention the status of Breach Lane. The minutes from 5 July 1922 indicate that animals were using it, but it is not clear if these were dogs with walkers or horses with riders. The minutes from 11 July 1932 refer to a bridleway joining the appeal route at Point D, which would indicate that bridleway rights continued over at least part of it. However, later minutes only refer to it as a footpath. Section E-F of the appeal route is only referred to as a footpath. The minutes provide an indication of bridleway rights over section A-B-C-D-E of the appeal route, but only refer to a footpath over section E-F.

*Parish Survey and Definitive Map Records*

1. The PC were invited to undertake a survey of public rights of way in their parish in 1950. The parish survey map shows the appeal route coloured purple which indicates a footpath. It is numbered 3 and is faintly labelled C.R.F (Cart/ Carriage Road Footpath). The route west of D is shown as footpath number 7 and faintly labelled C.R.B. (Cart/ Carriage Road Bridleway).
2. The survey notes for the appeal route name it as Breach Lane & Hickrall Fields. It starts ‘opposite St. Johns Church’ and ends at ‘Hatfield Pits Lane, near junction with New Yatt Lane’. Section E-F is described as having ‘3 stiles across fields at Hickrall Fields’, but they had no step boards and one was obstructed by barbed wire. The last 300 yards before the stile into Hatfield Pits Lane was obstructed by bushes and an overgrown hedge. It states that section A-B-C-D-E is impassable ‘for 200 yards, just past the stile leading to Poffley End…owing to waterlogged condition due to bad drainage. It was stated to be ‘shown on Map deposited under the Rights of Way Act 1932.’ It is ticked as a Public Carriage or Cart Road mainly used as a Footpath C.R.F.
3. The survey notes for footpath 7, which joins the appeal route at point D, describes it as ‘Footpath Bridle Track’ with a yard gate at the entrance, a small gate at the top of the first field and a stile with no steps at the end of the path onto Breach Lane. It is also overgrown with hedges for about 400 yards in the middle. It was stated to be ‘shown on Map deposited under the Rights of Way Act 1932.’
4. Both routes were subsequently recorded on the DMS as public footpaths. The appellant argues that the PC indicated that the appeal route was a C.R.F because they considered it to have public carriage or cart road status. They would also have shown it as a public road on the map deposited under the 1932 Act. The appellant also argues that the Council were wrong to reclassify C.R.Fs. and C.R.Bs. as footpaths and bridleways. If they had not done so the appeal route would have been reclassified as a restricted byway.
5. Without examining the deposit under the 1932 Act, it is not possible to determine how the PC showed the appeal route. All status’s of public rights, including footpaths, could be shown on the deposits.
6. The parish survey was the first stage in the production of the DMS. Draft and provisional maps were produced with opportunities to object before the DMS was completed. There is nothing before me to show why the route was changed to record a footpath not a C.R.F. on the DMS. Although the indication of C.R.F. by the PC could indicate that higher rights were considered to exist, further investigation at the time could have led to a different conclusion.

*Other Records*

1. A surveyors map for the potential stopping up of a footpath off Spicers Lane in 1841 shows the very northern end of the appeal route labelled ‘From Hailey’. Other routes which are now public roads were labelled ‘to Ramsden’ and ‘From Witney’. The appellant believes that it would not have been shown on the survey if it was not a road of some significance leading to an important place. Therefore, this strongly indicates that the appeal route was considered to be a public road in 1841. The surveyors map does not indicate status but is suggestive of public rights of at least bridleway.
2. Bacon’s Cycling County Map of Oxford circa 1935 shows the appeal route with double solid edges which the key indicates is ‘other road’. The appellant argues that this commercial map would not have included private roads as this was produced for the travel and tourist industry.
3. A letter from the Council dated 21 December 1999 refers to an earlier letter ‘relating to horse riders using Breach Lane in Hailey’. It states that ‘I think there is a significant amount of private use here by riders to get to their fields as well as probable vestidial [vestigial] vehicular rights.’ The appellant claims that riding stables with fields abutting the appeal route did not use Breach Lane for access as confirmed by the owners of the stables. Therefore, this indicates that there was significant use of the appeal route by horse riders in the 1990s. Information from the owners of the stables, the original letter, or user evidence are not before me. Although this indicates that section A-B-C-D-E was used by horse riders, without further details, it is not possible to tell if horse riders were exercising public or private rights.
4. Two statutory declarations from two of the landowners and a written statement from another resident made in 2019 state that they have never seen horse riders or signs of them on the appeal route since 1981 and 1952 respectively. They also refer to stiles on section E-F which would have prevented access to horse riders. The claim for the appeal route is based on documentary evidence and the statutory declarations and statements regarding the lack of use do dispute the documentary evidence.
5. Reference is made to the width of the appeal route over section E-F, with some parties indicating that it was wider in the recent past. The documentary evidence does indicate that it was historically wider, but following the extinguishment of this section in 1850, the hedge on the south side of the original track was removed. Other than some individuals saying that they recall it being wider, there is no evidence before me to indicate the width of this section once it was rededicated as a public footpath.

*Conclusions*

1. From the evidence before me, it is clear that a well-defined enclosed lane existed along the appeal route in the early 1800s which pre-dated the Inclosure Awards. Section A-B-C-D-E was originally called Learborn or Learbone Lane, but by 1850 was named Breach Lane. Section E-F was always called Hickrall Lane.
2. The 1823 Award sets out a bridleway joining the appeal route at point D which gives a strong indication that public rights of at least bridleway status were acknowledged to exist along the appeal route at this time. The Tithe Map, Godson’s Map and the 1840 Estate Map are also suggestive of public rights of a higher status than footpath.
3. However, in 1850 the extinguishment of the road and way over section E-F, known as Hickrall Lane, was advertised in the press. Breach Lane was not included in the list of roads or ways to be extinguished, although two routes joining it were. The opposing parties have differing opinions on the validity and outcome of the extinguishment process. It is clear that some routes disappeared from maps after 1850, but other remained and were eventually recorded on the DMS. This suggests to me that some routes were extinguished, whereas others remained or later acquired public rights.
4. The 1853 Award shows section A-B-C-D-E of the appeal route in the same manner as the earlier maps. However, section E-F appears to be fenced across at three points. This suggests to me that the public rights over section E-F are likely to have been extinguished in 1850, as advertised.
5. Section A-B-C-D-E continues to be shown on maps after 1853 in the same manner as earlier records. The 1910 Finance Act Map shows it excluded from the adjoining parcels of land, which suggests that public rights of at least bridleway status continued to exist. The PC minutes do not indicate the status of Breach Lane, although a route connecting to it at point D is referred to as a bridleway. The recording in the parish survey as a C.R.F. indicates that higher rights than footpath may have been considered to exist. A route joining it at point D is referred to as a bridle track which would suggest that bridleway rights were considered to exist over this section. A letter in 1999 indicates that horse riders were using section A-B-C-D-E of the appeal route, although it questions if this was public or private use.
6. Maps after 1853 show that the hedge on the south side of section E-F was removed. The 1910 Finance Act does not record any public rights over this section, which supports the extinguishment of public rights in 1850. The parish minutes consistently refer to it as a footpath with stiles along it. Overall, the evidence for section E-F supports the Council’s view that public rights were extinguished in 1850 with footpath rights being rededicated at a later date.
7. As explained in paragraph 3 above, the appeal route is currently recorded on the DMS as a public footpath. Therefore, the test to be met is ‘on the balance of probabilities’. Some of the documents such as the OS Book of Reference and Finance Act maps are suggestive of higher rights. However, there may be other explanations for the way they are shown such as the existence of private rights. There is clear evidence of bridleways joining section A-B-C-D-E of the appeal route. Weighing the evidence as a whole, I consider that the evidence shows, on the balance of probabilities, that a public bridleway exists over section A-B-C-D-E of the appeal route. There is no evidence before me to indicate that these rights have been extinguished. Therefore, an order should be made to record this section of the appeal route as a public bridleway.
8. The appellant applied for a restricted byway. If the route had not been recorded on the DMS, the evidence would have been sufficient to meet the reasonably alleged to subsist test. However, I do not consider that there is sufficient evidence to demonstrate that, on the balance of probabilities, higher rights than bridleway exist.
9. The evidence indicates that public rights over section E-F of the appeal route were extinguished in 1850, and that the hedge on the south side was removed by 1876. No public rights were indicated in the 1910 Finance Act, but later records indicate that public footpath rights were re-established. Therefore, on the balance of probabilities, public bridleway rights have not been shown to exist and an order should not be made for section E-F.

###### Other Matters

1. Other maps and documents were also provided, including a History of Oxford, BBC Domesday Reloaded, commercial maps, photos of the appeal route and consultation letters. I have taken them into consideration when making my decision, but do not consider they provide sufficient evidence regarding the appeal route to describe them within my decision.
2. The appellant and the Council give different dates for the Tithe Map. I do not have an extract showing the map title before me from which to determine if it is dated 1839 or 1840.
3. If an order were confirmed for section A-B-C-D-E, it would create a cul-de-sac bridleway. Although this may not be an ideal situation, the evidence indicates that a cul-de-sac route was created in 1850 when public rights over section E-F were extinguished.
4. One of the landowners refers to the costs incurred objecting to the appeal which they consider is a result of the appellant’s unreasonable evidence. They give notice that they will consider making a claim against the appellant for unreasonable conduct resulting in wasted costs. At a schedule 14 appeal stage costs cannot be awarded.
5. Some parties have concerns that the appeal route would become impassable for much of the year if horses and cyclist were to use it. This is not a relevant matter that can be considered under the 1981 Act.

###### Conclusions

1. Having regard to these and all other matters raised in the written representations, I conclude that the appeal should be allowed for the section labelled A-B-C-D-E on the attached plan for a bridleway. I further conclude that the appeal should be dismissed for the section of the appeal route labelled E-F.

###### Formal Decision

1. In accordance with paragraph 4(2) of Schedule 14 of the 1981 Act, Oxfordshire County Council is directed to make an order under section 53(2) and Schedule 15 of the 1981 Act within three months of the date of this decision to upgrade the public footpath to bridleway, as shown A-B-C-D-E on the plan appended to this decision.
2. This decision is made without prejudice to any decisions that may be given by the Secretary of State in accordance with his powers under Schedule 15 of the 1981 Act.
3. I dismiss the appeal for the section shown as E-F on the plan appended to this decision.

Claire Tregembo

INSPECTOR

