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From: [Harlow, Craig](#)
To: [Les Charlton](#)
Cc: [Janice Charlton](#)
Subject: RE: Application to record bridleway rights over part of Drove Lane, Market Lavington Wilts. SN10 4NT
Sent: 02/10/2024 15:07:00

Dear Les and Janice,

Thank you for your email.

The application map provided is what was submitted by the applicant, the public rights found (if any) may differ from what has been applied for. The council has a duty to investigate potential unrecorded public rights where evidence has been brought to the council's attention of those possible public rights.

I attach a map extract below which demonstrates the extent of the U/C road 7097 shaded blue. This is the extent of the road which is maintainable at the public expense.



Regarding future maintenance, if public rights are found in this case and a legal order is made and confirmed to record those rights the highway authority (Wiltshire Council) , would be responsible for keeping that route maintained to a suitable condition for the public rights. For example, if public bridleway rights were recorded over the extent of Drove Lane northwest of your property , where currently there are no recorded public rights, then the council would be responsible for maintaining that route in a condition fit for bridleway use, i.e. public use on foot, bicycle and horseback, but not to the standard suitable for vehicular use.

The current process underway is to determine what public rights may exist over the route based on the historic documentary evidence of those rights and record those appropriately if found. The maintenance of those rights if recorded would become a matter for Wiltshire Councils Countryside Access Officers for the area where those rights would be recorded in the definitive map and statement for the area.

I hope the above is of assistance but if you have further queries, please let me know.

Best Regards

Craig

Craig Harlow MIPROW
Definitive Map Officer
Definitive Map and Highway Records
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

Wiltshire Council

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From: Les Charlton [REDACTED]
Sent: Wednesday, October 2, 2024 12:52 PM
To: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>
Cc: Janice Charlton [REDACTED]
Subject: Re: Application to record bridleway rights over part of Drove Lane, Market Lavington Wilts. SN10 4NT

You don't often get email from [REDACTED]

Dear Craig,

Thank you for your letter ref D/2020/10 dated 29 August 24 received 2 September 24.

My wife and I live in Homestead Farm on Drove Lane.

We query the 'application route' definition on the plan, and in particular point B which is shown to be approximately midway on Drove Lane along the length of the Elisha Fields car park. We believe this point B should be where the tarmac ends on Drove Lane, nearer to Kings Road adjacent to Bowyer's yard.

When we purchased Homestead Farm in 2007, we were led to believe that the unmetalled length of Drove Lane was a permissive footpath, owned to the middle of it's width by the landowners either side. We note that it has been used since 2007 by walkers, pedal cyclists and occasional horse riders, and have no objection to this continuing use. Residents of the unmetalled portion of Drove Lane also access their houses by car and foot.

Our concession as above to it's use has occasionally been abused by speeding motor cyclists, to which we have considerable objection on the grounds of safety and nuisance. We would similarly have many objections to it's public use by motorised vehicles, which would make it a rat run to bypass the congested Market Lavington High Street. We note however that the application is only that it be designated as a bridleway, and have concern about the maintenance liability of this potential change, as the application doesn't make the responsibility for this clear.

Best wishes-Les & Janice Charlton

On Mon, 2 Sept 2024 at 17:15, Harlow, Craig <Craig.Harlow@wiltshire.gov.uk> wrote:

Dear Les,

Apologies for the missing document.

Please find it attached .

Best Regards

Craig

Craig Harlow MIPROW
Definitive Map Officer
Definitive Map and Highway Records
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Wiltshire Council

Direct Line: 01249 468568
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From: Les Charlton <les.charlton@gmail.com>

Sent: Monday, September 2, 2024 4:27 PM

To: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>

Subject: Application to record bridleway rights over part of Drove Lane, Market Lavington Wiltshire. SN10 4NT

You don't often get email from [REDACTED]

Dear Craig,

Thank you for your letter ref' D/2020/10 dated 29 August 24 received today.

Your letter states that a 'Summary of Evidence' is attached, but it wasn't. Please could you forward that part to me.

Many thanks-Les Charlton
Homestead Farm
Drove Lane, SN10 4NT

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From: [Morag Fricker](#)
To: [Harlow, Craig](#)
Subject: Re: Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.
Sent: 10/09/2024 13:13:53

Follow Up Flag:	Follow up
Flag Status:	Flagged

Dear Craig,

Thank you for your email dated 29 August 2024 re. the application to record bridleway rights over part of Drove Lane, SN10 4NT.

The application route consists of private track/road owned by each relevant property and/or landowner (frontager) to its centre line (ad medium filum). The frontagers of the application route maintain this private track/road to enable them access to their properties and land. The private track/road is gated at least annually for resurfacing and repairs, organised and funded by the frontagers. For example, in 2023 the Kings Road end of the application route was gated for 72 hours while approximately 120 tons of aggregate and road planings were laid at the expense of the relevant frontagers. The Elisha Field end of the application route is closed at least annually by the frontagers for essential repairs and maintenance.

Importantly, the application route is clearly signed "Private Road" at the Elisha Field end and is clearly signed "No Through Road" at the Kings Road end. This signage has been in place for many years, certainly since we moved to the village in 2009 and frontagers pre-dating us can witness the existence of the signage for many years before this. Market Lavington Parish Council corroborated this in 2023 in their Parish Magazine.

Any use of this private track/road by walkers, cyclists, riders or others is trespass as there are permanent interruptions to the use of the application route by the clear signage in place. Residents and landowners of the application route have also verbally challenged horse riders on occasions where they may have attempted to use this private track/road over the years.

The "Summary of evidence" submitted by the applicant all appears to be either inconclusive or support that the part of Drove Lane in question is indeed private and does not provide bridleway rights.

However, for the sake of completeness of this objection I will comment on the last four items of evidence.

- 1) 1910 Finance Act Record Plan Wiltshire Sheet XL.14 – “The application route is a white road”. White roads were omitted from Finance Act valuations therefore the term “white road” provides no evidence whatsoever that there are, or have ever existed, bridleway rights over the application route. Indeed, this evidence is contrary to the application as the 1910 Finance Act provided intricate levels of detail over the status of roads and tracks, with landowners receiving tax relief if a public right of way crossed their land. If the application route had bridleway rights this would have been called out clearly in the Wiltshire Record Plan XL.14.
- 2) MAF Survey 1941-43 – the applicant themselves explains why the MAF Survey is not evidence of bridleway rights as they state that “unproductive land such as Roads, Water or Woods was excluded from the survey”. The Kings Road end of the application route is heavily wooded. The applicant then concludes with apparently no further evidence “suggesting this was considered a Road”. If this was the case, and there is no evidence to support this, it would be a private track/road with no bridleway rights.
- 3) Ordnance Survey Sheet SU05 – B, 1958 – as in (2) above, the applicant themselves writes that the application route does not have bridleway rights. The application route is shown as fenced “Other roads” – if it was a bridleway or had bridleway rights it would be classed as a “Bridle Road” and if it was not private (as it is) it would be classed as “Roads, Ministry of Transport Class [x].
- 4) Land Registry 2020 – this is correct, the application route is a narrow strip of unregistered land. As described above, ad medium filum applies to this narrow strip of unregistered land with the application route a private track/road owned by each relevant frontager to its centre line. There are permanent interruptions to the use of this private track/road by the public as described above.

Please do contact us if you require any further information.

Morag and Les Fricker

Sent from my iPhone

On 29 Aug 2024, at 13:09, Harlow, Craig
<Craig.Harlow@wiltshire.gov.uk> wrote:

Dear All,

Wildlife and Countryside Act 1981 – Section 53
Application to record bridleway rights over part of Drove Lane,
Market Lavington, Wiltshire, SN10 4NT.

Wiltshire Council are consulting on an application to record public bridleway rights over part of Drove Lane, Market Lavington, SN10 4NT, which currently has no recorded public rights.

Please see the attached consultation letter, plan and summary of evidence supporting the application.

I would be pleased to receive any comments on the application by 11th October 2024.

Best Regards

Craig

Craig Harlow MIPROW
Definitive Map Officer
Definitive Map and Highway Records
Wiltshire Council
County Hall
Trowbridge
BA14 8JN
<image001.png>

Direct Line: 01249 468568
Email: craig.harlow@wiltshire.gov.uk
Web: www.wiltshire.gov.uk

[<image002.png>](#)

[<image003.gif>](#)

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<Initial consultation letter- 29th August.pdf>

<Application Map.pdf>

<Applicants Summary of Evidence.pdf>

From: [Caroline Keen](#)
To: [Harlow, Craig](#)
Subject: RE: Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.
Sent: 30/08/2024 15:50:36

Follow Up Flag: Follow up
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Dear Craig Harlow

Thank you very much for sending this information .

According to one of the local villagers, now in her mid 70s, the southern end of Drove Lane was previously named Water Lane.

<https://marketlavingtonmuseum.wordpress.com/2024/06/04/water-lane/>

Regards

Caroline Keen

From: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>

Sent: Thursday, August 29, 2024 1:09 PM

Subject: Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.

Dear All,

Wildlife and Countryside Act 1981 – Section 53

Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.

Wiltshire Council are consulting on an application to record public bridleway rights over part of Drove Lane, Market Lavington, SN10 4NT, which currently has no recorded public rights.

Please see the attached consultation letter, plan and summary of evidence supporting the application.

I would be pleased to receive any comments on the application by 11th October 2024.

Best Regards

Craig

Craig Harlow MIPROW
Definitive Map Officer
Definitive Map and Highway Records
Wiltshire Council

From: [Harlow, Craig](#)
To: [Harlow, Craig](#)
Subject: Drove Lane, Market Lavington, Wiltshire, SN10 4NT.
Sent: 30/08/2024 10:02:59

From: Bill Riley [REDACTED]
Sent: Thursday, August 29, 2024 5:46 PM
To: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>
Subject: Re: Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.

Dear Caig,

I support this application, which is well-founded.

You will note that in my 'Not the Definitive Statement', I have listed some additional evidence, the sum of which suggests that the road should probably be recorded as a restricted byway.

Best regards,

Bill

From: Harlow, Craig <Craig.Harlow@wiltshire.gov.uk>
Sent: 29 August 2024 13:09
Subject: Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.

Dear All,

Wildlife and Countryside Act 1981 – Section 53
Application to record bridleway rights over part of Drove Lane, Market Lavington, Wiltshire, SN10 4NT.

Wiltshire Council are consulting on an application to record public bridleway rights over part of Drove Lane, Market Lavington, SN10 4NT, which currently has no recorded public rights.

Please see the attached consultation letter, plan and summary of evidence supporting the application.

I would be pleased to receive any comments on the application by 11th October 2024.

Best Regards

Craig

Craig Harlow MIPROW
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9. **Ordnance Survey 25" Wiltshire Sheet XL.14 Second Edition**

a. **Date.**

The Second Edition of OS Sheet Wiltshire XL.14 was revised in 1899 and published in 1900.

b. **Relevance.**

The OS County Series 25 inch mapping was predominantly used for professional purposes rather than for navigation. They are detailed enough to show gates/barriers on roads, tracks and paths. Parcels of land are numbered and areas are shown either under the parcel number or in separate "Area Books" (on some First Edition sheets). Second edition and later maps generally carry the disclaimer "The representation on this map of a Road, Track or (Foot)path is no evidence of the existence of a right of way". However, scrutiny of some of the detail contained along with contemporary published guidance allows some inferences as to status of routes to be drawn. Additionally, on the first edition only, colour was used on some sheets to give significance to certain features (roads, buildings, water features, etc.)

c. **Archive.** WSHC OS25inch sheets

d. **Meaning.**

Sheet XL.14 is uncoloured.

The application route is the western part of a fenced, uncoloured strip of land, numbered (189) and measured (2.335) separately from the land adjoining it. It is not labelled F.P. nor B.R.



e. **Assessment.**

This is evidence of the existence of the application route in 1899.

That the land of which the application route is part is separately numbered and measured suggests it was not considered part of the land on either side and suggests it was a public road:

“It was the practice of the OS to allocate parcel numbers to distinct pieces of land and number them. These are numbered and recorded on the maps as acreages. Where applicable parcels were braced with adjoining parcels – for example, a track across a field may be braced in with the surrounding land and measured with that. However, some features *'are always separately numbered and measured irrespective of their size. They include railways in rural areas (in built up areas they may form part of the 'Town area'), all public roads, whether fenced or unfenced and foreshore and tidal water.'*”. From Ordnance Survey Maps, a descriptive manual by J B Harley (published by the Ordnance Survey in 1975).

It is not conclusive of vehicular rights that the route is neither labelled “F.P” nor “B.R” but suggestive of them.

As the application route is shown connecting to another clearly depicted route the applicant concludes that the application route was part of the local public road network.

Besides its value as evidence supportive of the application this map also supports other evidence. A road discussed in the 1906 Devizes RDC Sanitary and Roads Committee is referred to in them as being numbered 189, and the application route is the western end of land parcel 189. Additionally, the Devizes RDC Register of Rights of Way under the 1932 Act describes Cemetery Lane as running from New Road to the Cemetery and thence to the Lavington – Urchfont Road. That cemetery is shown on this map adjacent to land parcel 189.

At a Special Meeting
of the Sanitary & Roads
Committee held at the Clerk's
Office on Thursday the 1st
February 1906.

Present:-

The Chairman, Mr. D. Butler
Mr. N. Butler
" Brooks
" Giles
" Hussey-Freke
" Pottenget
" Heise
" Young

The Clerk reported that on the previous
Monday the 29th January he had been
served with a summons issued by a
Mr. James Gorrie Hoggie under the Highway
Act charging the Council with neglecting
and omitting to perform its duties and
liabilities with regard to 3 Highways, viz:-

- (a) A Highway commencing at Lodge Hill
and passing through Lavington and
Tiddington Lands to its junction with
the road or Highway from Easterton Hill
being the road numbered 108 on the
Ordnance Survey joining the Highway
at Easterton near the Royal Oak.
- (b) A Highway starting at a point near
Tiddington Asylum and continuing in
a north westerly direction until it joins
the road before described near to the

Villa being the road numbered 189
on the said Ordnance Survey.

A Highway running Easterly
from the Village of Littleton Panell
to Tiddington Lands aforesaid passing
Russell Hill until it joins the
Highway at Lodge Hill aforesaid
partly in West Lavington and partly
in Market Lavington and numbered
58 and 212 on the Ordnance Survey.

After some discussion it was
resolved to hold a Special
meeting the next day to inspect
the roads referred to in the
Summons.

Summons

Devizes Rural District Council (RDC) Minutes (1906)

a. Date. 1906

b. Relevance.

In 1906 responsibility for the maintenance of highways rested with the Rural District Councils and remained so until it became that of the County Council at the end of the 1920s.

c. Archives. WSHC, Ref. G5/100/5

d. Evidence.

Pages 70 & 71 20th February 1906 :

Starting on page 69 the RDC minutes for 20th February 1906 report on the Sanitary and Roads Committee,

On page 70 the minute reads (relevant part only extracted):

"The minutes also recorded that a Special Meeting had been held at the Clerks Office on 1st February, at which

The Clerk reported that on the previous Monday, the 29th January he had been issued with a Summons by a Mr James Gorrie(?) Heggie (?) under the Highway Act charging the Council with neglecting and omitting to perform its duties and liabilities with regard to 3 highways, viz

- (a) A highway commencing at Lodge Hill and passing through Lavington and Fiddington Sands to its junction with the Road or Highway from Easterton, Wilts , being the road numbered 108 on the Ordnance Survey joining the highway at Easterton near the Royal Oak*
- (b) A Highway starting at a point near Fiddington Asylum and continuing in a north-westerly direction until it joins the road before described near to "Elm Villa" being the road numbered 189 on the said Ordnance Survey*
- (c)*

After some discussion it was resolved to hold a Special meeting the next day to inspect the roads referred to in the Summons."

Land parcel 189 on OS 25 inch Wiltshire Sheet XL.14 (published 1900) is the entire length of Drove Lane (known in 1906 as Cemetery Lane).

Clearly, in bringing the summons, Mr Heggie thought it was a public highway.

Photo: 1906-02-20 Devizes RDC MLAV Drove Lane (G5-100-5 p70): *Photo of page 70. The relevant text is on the right-hand page.*

Continuing on page 71:

"The minutes also recorded that on the 2nd February the Committee accompanied by the Surveyor and Clerk, had inspected

- (c) The road from Russell Mill to Lodge Hill*
- (a) They then inspected Road "A" from Lodge Hill through Fiddington Sands to Oak Lane following the same to the Royal Oak at Easterton*
- (b) They also inspected Road "B" from opposite Fiddington Asylum to the Villa in Fiddington Sands, this road being known as Cemetery Lane."*

Photo: 1906-02-20 Devizes RDC MLAV Drove Lane (G5-100-5 p71): *Photo of page 71. The relevant text is at the top of the left-hand page. Both the summons and the minute referred to Cemetery Lane / Land Parcel 189 as a road.*

e. Assessment.

These two minutes are simply restating those of the Sanitary and Roads Committee.

The Summons refers to land parcel 189 as a “road” and the minutes refer to having inspected ‘ “Road “B” ‘ and ‘*this road being known as Cemetery Lane*’.

If Land Parcel 189 was considered to be private then the RDC would certainly have said so, and would not have inspected it.

The Summons and the response by the RDC both clearly suggest that land parcel 189 i.e. the entire length of what is in 2024 named Drove Lane, was a public road.

Devizes Rural District Council (RDC) Roads and Sanitary Committee Minutes (1906)

a. Date. 1906

b. Relevance.

In 1906 responsibility for the maintenance of highways rested with the Rural District Councils.

c. Archives. WSHC, Ref. G5/113/3

d. Meaning.

This volume of minutes covers the period 1904 – 1908. Two entries concern Cemetery Lane, as Drove Lane was then known; one 1st Feb. 1906 and another on 2nd Feb. 1906.

Entry 1, 1st February 1906, (pages 99&100) reads (irrelevant wording omitted):

“At a Special meeting of the Sanitary and Roads Committee held at the Clerks office on Thursday the 1st February 1906” ...

“The Clerk reported that on the previous Monday the 29th January he had been served with a Summons issued by a Mr James Gorrie Heggie under the Highways Act charging the Council with neglecting and omitting to perform its duties and liabilities with regards to highways, viz:

(a) A Highway commencing at Lodge Hill and passing through Lavington and Fiddington Sands to its junction with the road or Highway from Easterton, Wilts, being the road numbered 108 on the Ordnance Survey joining the Highway at Easterton near the Royal Oak

(b) A Highway starting at a point near Fiddington Asylum and continuing in a north westerly direction until it joins the road before described near to Elm Villa being the road numbered 189 on the said Ordnance Survey

(c) A Highway running Easterly from the Village of Littleton Pannell

After some discussion it was resolved to hold a Special meeting the next day to inspect the roads referred to in the Summons.”

Photo: 1906-02-01 Devizes S&R (G5-113-3 p99): The road numbered 189 on the OS 25inch Wiltshire Sheet XL.14 Second Edition (published 1900) is Drove Lane, or Cemetery Lane as it was known in 1906

Entry 2, 2nd February 1906 (page 101) reads:

“At a Special meeting of the Committee at Littleton on Friday 2nd February 1906

(C) The Committee inspected the road (C) from Russell Mill to Lodge Hill

(A) They then inspected Road “A” from Lodge Hill through Fiddington Sands to Oak Lane following the same to the Royal Oak at Easterton

(B) They also inspected Road “B” from opposite Fiddington Asylum to the Villa in Fiddington Sands this road being known as Cemetery Lane”

Photo: 1906-02-02 Devizes S&R (G5-113-3 p101): the minutes refer to Cemetery Lane as a road.

e. Assessment.

The land parcel numbered 189 on the Ordnance Survey map (OS 25inch Wiltshire Sheet XL.14 Second Edition (published 1900)) is Drove Lane, known in 1906 (as shown by these minutes) as Cemetery (sic) Lane.

An extract of OS 25inch Wiltshire Sheet XL.14 Second Edition (published 1900) showing land parcel 189 is amongst the evidence adduced for this application.

The Summons refers to land parcel 189 as a “road” and the minutes refer to having inspected ‘ “Road “B” ‘ and ‘*this road being known as Cemetery Lane*’.

If Land Parcel 189 was considered to be private then the RDC would certainly have said so and would not have inspected it.

That the Committee inspected Cemetery Lane at all indicates they considered it a public highway; they refer to it throughout as a road, and nothing suggests they were ever interested in only part of the road.

The Summons and the response by the RDC both clearly suggest that land parcel 189 i.e. the entire length of what is in 2024 named Drove Lane, was a public road.

Because in 1906 responsibility for maintenance of highways rested with the RDC, with that responsibility managed by the Roads and Sanitary Committee, these minutes are strong evidence that in 1906 the whole length of Cemetery Lane was a public vehicular highway, or at least a public bridleway.

At a Special Meeting
of the Committee held
at Littleton on Friday
the 2nd February 1906.

Present:-

The Chairman
Vice Chairman
Mr. Flocks
" Fox
" Hussey-Treke
" Pottenger
" Truse
" Young

also the Surveyor, Mr. Mitchell
and the Clerk, Mr. Shepperson

- (6) The Committee inspected the Road (B)
from Russell Mill to Lodge Hill.
- (11) They then inspected Road "A" from
Lodge Hill through Fiddington Sands
to Oak Lane following the same to the
Royal Oak at Easterton.
- (13) They also inspected Road "B" from
opposite Fiddington Asylum to the
Villa in Fiddington Sands this road
being known as Cemetery Lane.

At a meeting of the
Sanitary & Roads Committee
held on the 6th February
1906.

Present:-

The Chairman, D. H. Butler Esq.
" Vice Chairman Mr. Perry
Mr. H. Butler
" Ferris
" Flocks
" Fox
" Giles
Rev. D. Hill
Mr. Hussey-Treke
" Pottenger
" Trease
" Young

Chilton The Chairman reported that after
the last meeting of the Council he had
on receiving a report dated the 24th
January from the Medical Officer that
owing to an outbreak of Measles at
Chilton he had signed an Order
closing the School for 2 days from
the 25th January.

Wedhampton. Fence fronting the entrance to
Wedhampton Cottage.

The Report of a Special Meeting
of this Committee was agreed to.
A further letter from Mr. W. J.
Mason-Nelson was read regretting
that owing to absence from home
he was unable to attend the meeting
and express his views on the subject.

Sanitary & Roads Committee

The minutes of this Committee were read.
These recorded:-

That a Special Meeting had been held at
Widhampton, and as to
Fence fronting the entrance to Widhampton Cottage.

The Committee inspected this fence and Mr
Kilford attended and produced his Ledger from
which it appeared that in the year 1874 he
executed certain repairs for which he was
paid by the then Owner and Occupier.

and it was unanimously resolved that
in the opinion of this Committee the fence
was the private property of the Owner of
Widhampton Cottage and that the Council
be recommended not in any way to
interfere with the fence in question.

Widhampton Footpath alongside Mr James Wells Farm

The Committee also inspected this path and
were unanimously of opinion that there were
grounds for the complaint made by the
Parish Council of the overhanging hedge
of Mr W. E. Berry which had not only been
allowed to reach a height of from 15 to 20
feet but to overspan the road to such an
extent as to cause the nuisance complained
of, and that the Surveyor should forthwith
give notice to Mr W. E. Berry calling on him to
cut his hedge back.

Concock

The Committee then proceeded to Concock
where they inspected the drain to which the
Surveyor has drawn attention.

This drain is for the purpose of draining the
Stable Yard of Major Gordon Smith, and empties
onto the road where it has to sink away,
thereby causing a nuisance.

The Committee resolved to recommend
that Messrs Castle Field & Clarke the Agents

to the Council's Charities to write to and that
they be requested to take up the drain in
question and connect their yard with a
sewer discharging the effluents near there.

The minutes also recorded that a Special
meeting had been held at the Clerk's Office
on the 1st February, at which

The Clerk reported that on the previous
Monday the 29th January he had been
served with a summons issued by a Mr
James Gernu Higgin under the Highway Act
charging the Council with neglecting and
omitting to perform its duties and liabilities
with regard to 3 Highways viz:-

- (a) A highway commencing at Lodge Hill
and passing through Biddington and Biddington
Lands to its junction with the Road or
Highway from Easterton, viz. being the
road numbered 108 on the Ordnance Survey
joining the Highway at Easterton near
the Royal Oak.
- (b) A Highway starting at a point near
Biddington disjoin and continuing in a
north-westerly direction until it joins the
road before described near to Elm Villa
being the road numbered 109 on the said
Ordnance Survey.
- (c) A Highway running Easterly from the
Village of Littleton Junction to Biddington Lands
aforesaid passing Russell Hill until it
joins the Highway at Lodge Hill aforesaid
partly in West Biddington and partly in
Market Biddington and numbered 5 and 212
on the Ordnance Survey.

After some discussion it was resolved
to hold a Special meeting the next
day to inspect the roads referred to in
the Summons.

Ha

The minutes also recorded that on the 27th February the Committee, accompanied by the Surveyor and Clerk, had inspected

(16) The road from Russell Hill to Edge Hill
(17) They then inspected Road 'A' from Edge Hill through Addington Parks to Barchin following the same to the Royal Lodge, Epsom.

(18) They also inspected Road 'B' from Edge Hill through Addington Asplem to the Villa in Addington Park, this road being known as Barchin Lane.

The minutes also recorded that at the planning meeting of the Committee

Causton

The Chairman had reported that after his last meeting of the Council he had on receiving a report dated the 20th January from the Medical Officer that owing to an outbreak of Measles at Causton he had signed an Order closing the School for 21 days from the 25th January.

Widhampton Fence fronting the entrance to Widhampton

Had further news from Mr. H. L. Hargreaves who regretted that owing to absence from home he was unable to attend the meeting and report his views on the subject. He thought the only thing to be done was to entirely remove the dangerous fence and raise the road to the level of the ground behind the fence. He was prepared to bear his share of the cost. It would be a great improvement to the Village and remove a source of danger.

The Committee resolved that they could not recommend the Council to carry out Mr. Hargreaves' suggestion.

Great Chertwell

That a letter from the Great Chertwell Parish Council was read complaining of the condition of the Road known as 'Behind Turn' leading from the Schoolmaster's House to the top of the Village, also

calling attention to the state of the road and overhanging trees above the Mill Wood in Chertwell, at the top of Bear Hill.

And calling attention to a cattle shed being built in the road between the Chertwell Brick Yard and Woodbridge corner. It was a dangerous shed and the shed would shut off what little view there was and make it doubly dangerous.

The Committee directed the Surveyor to inspect the road and report on the first and second causes of complaint and the Inspector was directed to inspect the cattle shed complained of.

Potters

A letter from Mr. J. Charles was read requesting that the grating of the drain in a Duck Pond which at present was fixed might be made to swing so that he could raise it in case of heavy storms. He had had the water in his coach house and premises through not being able to pull up the grating and shut out the mud.

The Surveyor was directed to have the grating altered and made to swing.

Wiggle & Council

The minutes also recorded that the Clerk had reported that after giving Mr. G. Smith (the Recorder representing Mr. Wiggle) notice thereof he had written making an application for the adjournment of the hearing of the Summons on the ground that the Council would not have an opportunity of considering same until their meeting on the 20th February.

Devizes Rural District Council (RDC) Sanitary and Roads Committee Minutes (1914)

a. Date. 1st April 1914

b. Relevance.

In 1914 responsibility for the maintenance of highways rested with the Rural District Councils.

c. Archives. WSHC, Ref. G5/113/4

d. Meaning.

An entry appears in the minutes of the Devizes RDC Sanitary and Roads Committee minutes for 1st April 1914, concerning Cemetery Lane. Cemetery Lane was renamed as Drove Lane in the 1950s. An extract of the Wiltshire Highway Record map with the application route which runs along the western end of Drove Lane annotated "CEMETERY LANE" has been submitted as part of the evidence for this application.

The entry, which runs over two pages, reads as follows (irrelevant wording omitted):

"Market Lavington

A letter from the Market Lavington Parish Council was read that the following matters were before the above council at their Annual Parish Meeting

The very bad state of

- 1. The footpath leading towards West Lavington across the Clay especially the portion across the Recreation Ground.*
- 2. The top portion of Cemetery Lane near "Crossways", and*
- 3.*

As the Parish Council was unable to deal with these matters it was unanimously resolved to refer them to the Rural District Council

The Surveyor in answer to the Chairman reported as to no. 1.

As to no. 2. The reason why the top portion of Cemetery Lane was in a bad condition was owing to the long spell of wet weather

He was directed to attend to it when the weather improved

As to no.3. "

Photo: 1914-04-01 Devizes S&R MLAV (G5-113-4 (1)); *Relevant text is at the bottom of the page.*

Photo: 1914-04-01 Devizes S&R MLAV (G5-113-4 (2)); *Relevant text is at the top of the page*

According to the Wiltshire Council Rights of Way Explorer online map (in 2024) Crossways House is situated at the western end of Drove Road adjacent to bridleway MLAV1B and Crossways Cottage is found a few yards further north along MLAV1B.



Screenshot: 2024 Wiltshire Council Rights of Way Explorer - Crossways:

e. Assessment.

The Wiltshire Council Rights of Way Explorer map makes it highly likely that ‘*near Crossways*’ refers to the western end of Cemetery Lane i.e. the application route..

These minutes make it clear that 1) the Parish Council considered that the RDC were responsible for the maintenance of the top portion of Cemetery Lane, and 2) that, by instructing the Surveyor to attend to the problem, the RDC accepted that that was the case.

These minutes are good evidence that both Market Lavington Parish Council and Devizes Rural District Council considered, in 1914, that the top portion of Cemetery Lane (i.e.the application route) was a public highway, maintainable by the RDC.

At a meeting of the SANITARY AND ROADS
COMMITTEE of the Davises Rural District Council held
on Tuesday the 7th. day of April, 1914.

Present:-

The Chairman, Mr. T. W. Ferris.	
Mr. Mark Butler.	Mr. Leonard.
Mr. Howard.	Mr. Treise.
Mr. Giddings.	Mr. Wootton.
Mr. Gough.	Mr. Young.
also Mr. D. F. Butler.	Mr. Searle.
Mr. Cooke.	Mr. Smith.
Mr. Mix.	Mr. Walton.
Mr. Moore.	Mr. Warton.

THE ENQUIRY.

The Clerk reported the receipt from the Local Government Board of a telegram that an Enquiry would be held on Wednesday the 8th. April at the National School Room, and the steps taken by him to secure the room for the occasion, and that he had caused the formal notices of the Board's intention to hold a further enquiry, to be posted in all the Parishes of the Rural District.

After discussion it was RESOLVED:-

That the Chairman, Vice Chairman, and Clerk, be requested to be present at the Enquiry.

THE LIVINGSTON.

WATER PIPE IN THE INNER ROAD.

A letter from Mr. H. Thomas Holloway was read that in reference to the Water Pipes as it was now known that they were not laid in the road but in the pasture at the side, and that with the exception of about 5 yards at one end they were not laid in the land over which the public have a right of way.

Surely the Council could not think they have a right over the whole width of land that might be left in pasturage for the use of farms adjoining. Moreover the Highway Act of 1840 gives the road a thirty feet wide which was the full width of all highways in that Parish. It was on that Award he relied as it could be understood his presence in any action taken by the Council.

It was RESOLVED:-

To defer the further consideration of the matter and that the Surveyor and Clerk be directed to inspect the Award at the County Record Room.

THE LIVINGSTON.

A letter from the Market Livingston Parish Council was read that the following matters were before the above Council at their Annual Parish Meeting