

REGISTER OF APPLICATIONS - MODIFICATION ORDERS

DETAILS OF APPLICATION

File Name:	Hatches Farm, Great Gaddesden
Date application received:	24 March 2009
Name of Applicant:	Mr M Westley
Intended effect of application:	To add footpath

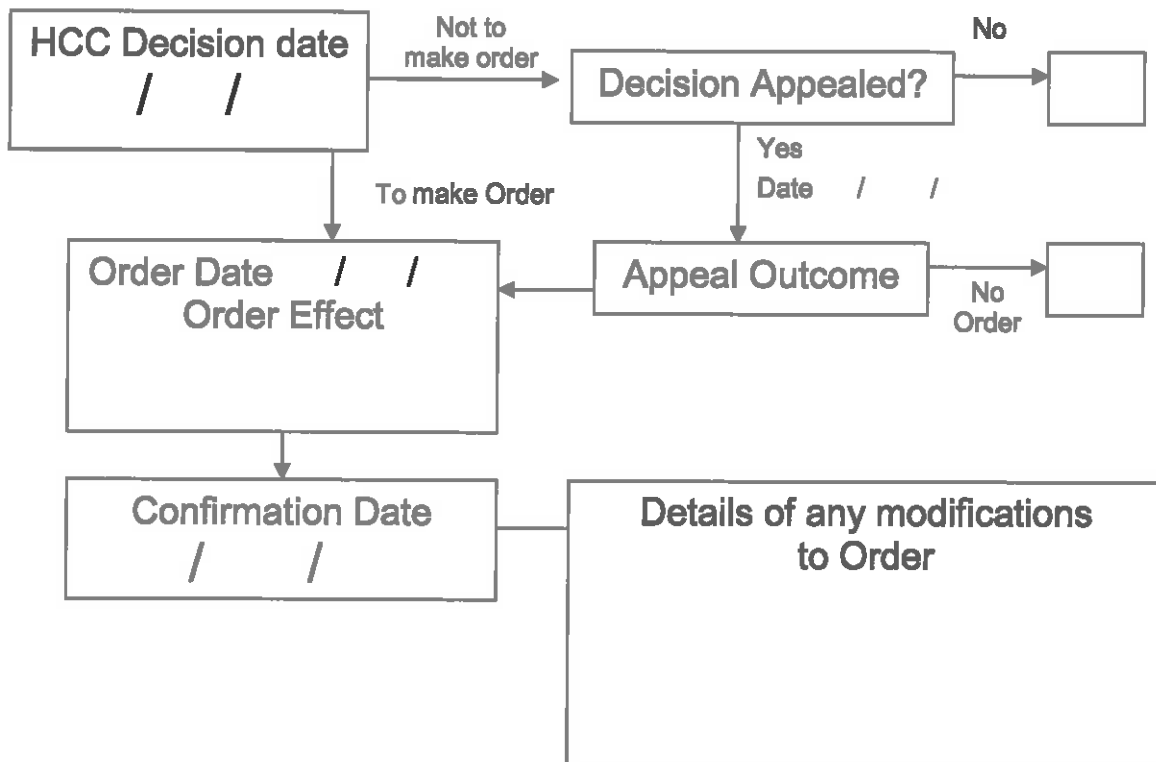
LOCATION OF APPLICATION

District:	Dacorum	Parish:	Great Gaddesden
Nearest	City:	St Albans	
	Town:	Berkhamsted	
	Village:	Great Gaddesden	
Grid References or Definitive Map path reference			
Start Point (X)	TL 0344 1311		
End Point (Y)	TL 0356 1292		

ADDRESS OF PROPERTIES ON THE APPLICATION ROUTE

Willow Barn, Bradden Lane Hatches Farm, Bradden Lane	HP2 6JB HP2 6JB	The Hoo, Great Gaddesden	HP2 6HD
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DETERMINATION (DECISION) OF APPLICATION



SCHEDULE 7

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY IN HERTFORDSHIRE

To: Hertfordshire County Council

of: County Hall
HERTFORD
SG13 8DN

I, Mark Harold Westley, of Little Hollies, 38 Shephall Green, STEVENAGE, SG2 9XS hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by

- A. ~~adding the restricted byway from TL033133 (junction with Bradden Lane) southwards to TL035131 (junction with Great Gaddesden RB14)~~
- B. adding the footpath from TL034131 (junction with Great Gaddesden FP15) southwards to TL036129 (junction with Great Gaddesden FP16)

and shown on the map accompanying this application.

I attach copies of the following documentary evidence in support of this application:

1. Letter dated 24 April 2009 to Andrea Trendler.


Dated 24 April.....2009

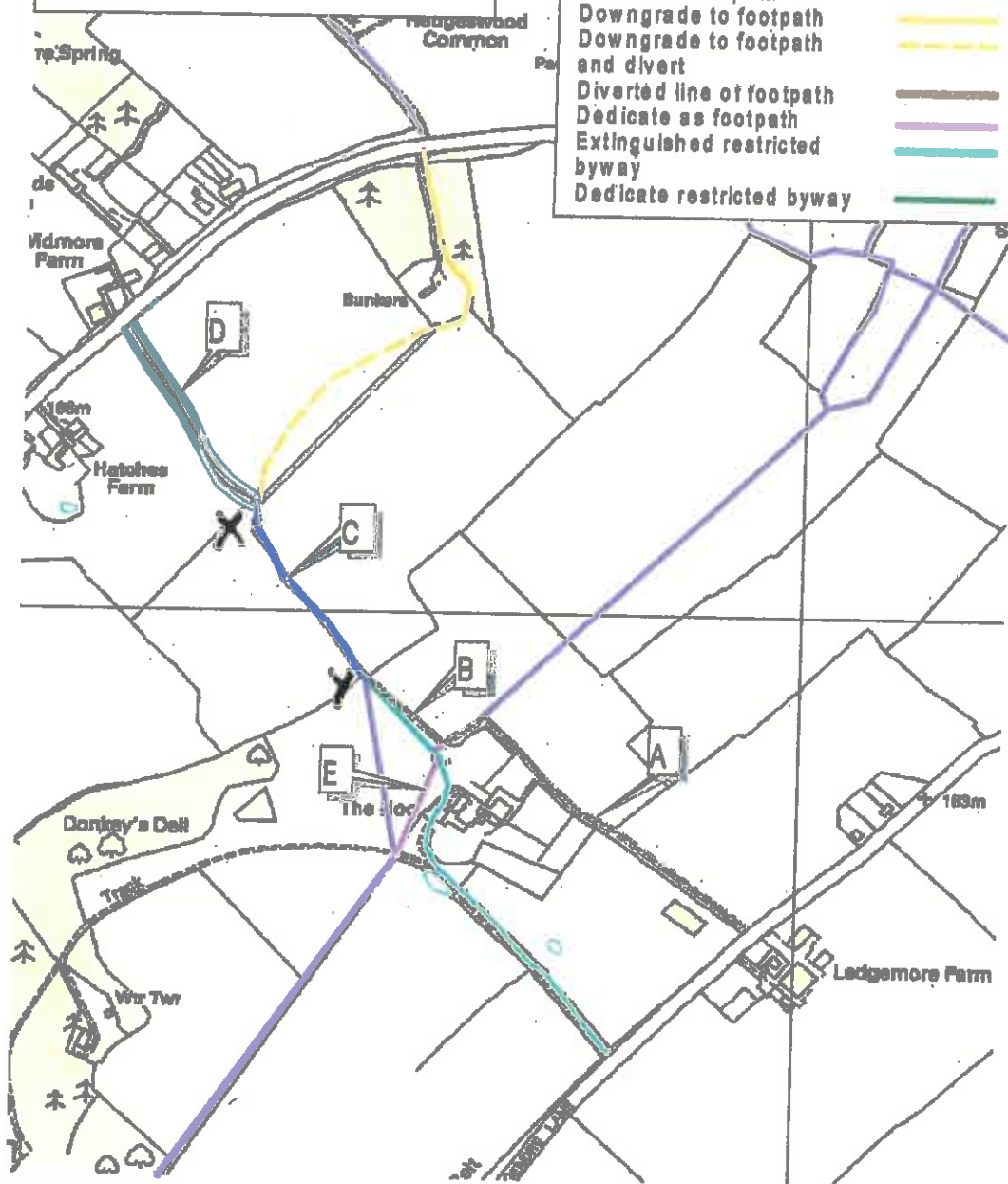
Signed .. 



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Proposed Changes at The Hoo

- Retain as restricted byway 
- Retain as footpath 
- Downgrade to footpath 
- Downgrade to footpath and divert 
- Diverted line of footpath 
- Dedicate as footpath 
- Extinguished restricted byway 
- Dedicate restricted byway 





East Herts Footpath Society

Affiliated to: The Open Spaces Society, The Ramblers' Association

Secretary: Mark Westley, Little Hollies, 38 Shephall Green,
STEVENAGE SG2 9XS

Tel: 01438 234564

Andrea Trendler
Definitive Map Officer
Environment Department
County Hall
HERTFORD
SG13 8DN

HCC PO:

27 APR 2009

RECEIVED

24 April 2009

Dear Andrea

APPLICATION TO ADD A RESTRICTED BYWAY AND A FOOTPATH IN GREAT GADDESSEN TO THE DEFINITIVE MAP & STATEMENT OF PUBLIC RIGHTS OF WAY IN HERTFORDSHIRE

I enclose an application form and Certificate of Service for adding a restricted byway and a footpath to the Definitive Map & Statement for Great Gaddesden. The map which I have used to accompany my application is one which Helen Denton sent to John Featherstone in 2006. The restricted byway is the green line labelled "D" and the footpath follows the SW side of the dark blue line labelled "C".

The byway is depicted on Bryant's map (1822) in the style of "Lanes & Bridle Ways". On the tithe map of Great Gaddesden (1838), it is depicted as part of plot 539a and is listed in the award under "Roads, Commons and Waste" as "Widmore Lanes", which also comprises Bradden Lane and RB5 as far as the pond. These roads were not tithed, distinguishing them from private roads in the award.

For example, plot 50 in the award was owned by the Countess of Bridgewater and described as a "Carriage Road" but, unlike the entries in the list of "Roads, Commons and Waste", it was part of a holding with a titheable value. Plot 50 is now a public road (Nettleden Road) but was presumably considered to be the property of the Countess in 1838. Plot 323 was a *cul-de-sac* owned by the Rev John Halsey and described in the award as a "Lane" with a titheable value. It does not appear as a feature on modern maps and is not recorded as public.

On large-scale OS maps, such as that used as a base for the Inland Revenue valuation map, the byway (including its continuation along RB14) is given its own plot number (206) and area measurement (.692 acres). This was an OS rule for public roads, whereas private roads were often braced to adjoining land for area measurement.

On the Inland Revenue valuation map, the byway is uncoloured and lies between two different hereditaments. The valuation map in HALS is rather faded and dirty, so it is difficult to see whether the byway is part of Hatches Farm (which is coloured beige) or uncoloured but covered with beige dirt! The OS plots making up Hatches Farm, however, add up to the total area (104.99 acres) given for this hereditament (131) in the valuation book without including OS plot 206.

The footpath has also appeared for more than 100 years on large-scale OS maps, annotated "F.P." running parallel to but outside the SW side of the hedges enclosing RB14. It has been waymarked for many years with both Chiltern Society and Dacorum BC waymarks. Until Mr Wood cleared the green lane recently, it was used by the public as the only passable route joining FP15 and FP16.

Andrea Trendler
24 April 2009

The owner or occupier of the field to its west has recently erected a new fence alongside the path but has left room for people to continue to use it and has left the existing waymarks alone. A stile across the fence to join FP16 has been in place for many years. These physical signs are sufficient to infer dedication at Common Law by the adjoining owners, to add to the evidence of use by the public.

In the case of Lemsford Mill, the owner had allowed a ladder stile carrying a public footpath over the wall of Brocket Park to fall into disrepair but had left a gate beside the stile unlocked for a number of years (less than 20) for the public to use. A PINS Inspector decided that this was positive evidence of an intention to dedicate even though the period of 20 years sufficient to raise a presumption under HA1980 s31 had not been fulfilled. This case is similar in that the side path has been made available during the years (probably more than 20, judging by the amount of debris Mr Wood has cleared) that RB14 has been overgrown.

Yours sincerely



M HI Westley
Secretary