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# Rights of Way Report

## Application to add Bridleway to Definitive Map

4<sup>th</sup> December 2024



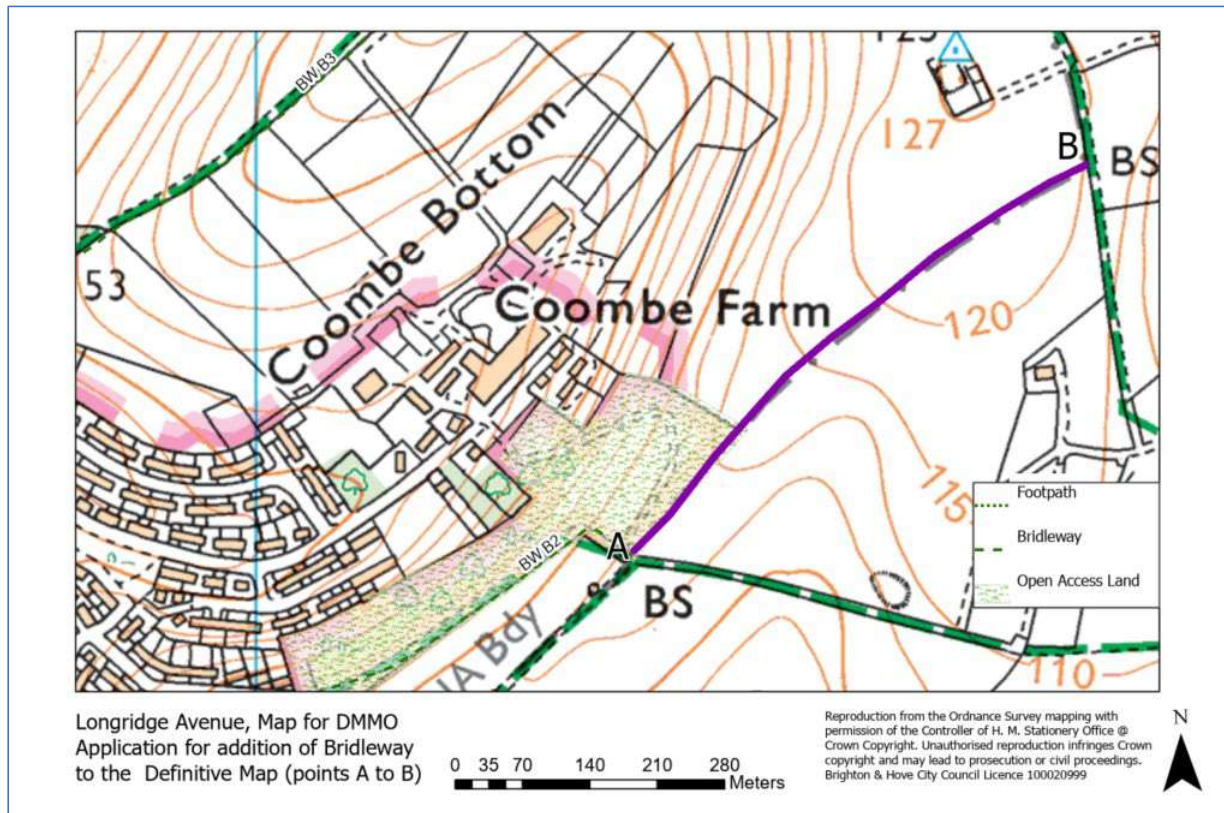
Brighton & Hove  
City Council

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# Application Description

- ▶ Application to add a bridleway to the Definitive Map and Statement for Brighton between the T-Junction of the route known as Upper Bannings Road and Tenant Hill , northwards across the field and ending at a T-Junction with an existing bridleway on the boundary of Telscombe Tye.
- ▶ Application is supported by historic archive evidence only.

# Map of Application Site



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# Committee's Role

- ▶ As Surveying Authority, the Council is required by law to keep the Definitive Map and Statement under review and make any changes necessary by Order.
- ▶ The Application has come before Committee following the new Constitution and as there are representations against the proposed Order.
- ▶ The Application is to be considered on archive documentary evidence only.
- ▶ Application asserts that there has been a discovery of evidence which shows that a right of way which is not shown currently on the Definitive Map.
- ▶ Does the evidence show that this Bridleway is reasonably alleged to subsist (Test B).

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# Consultations

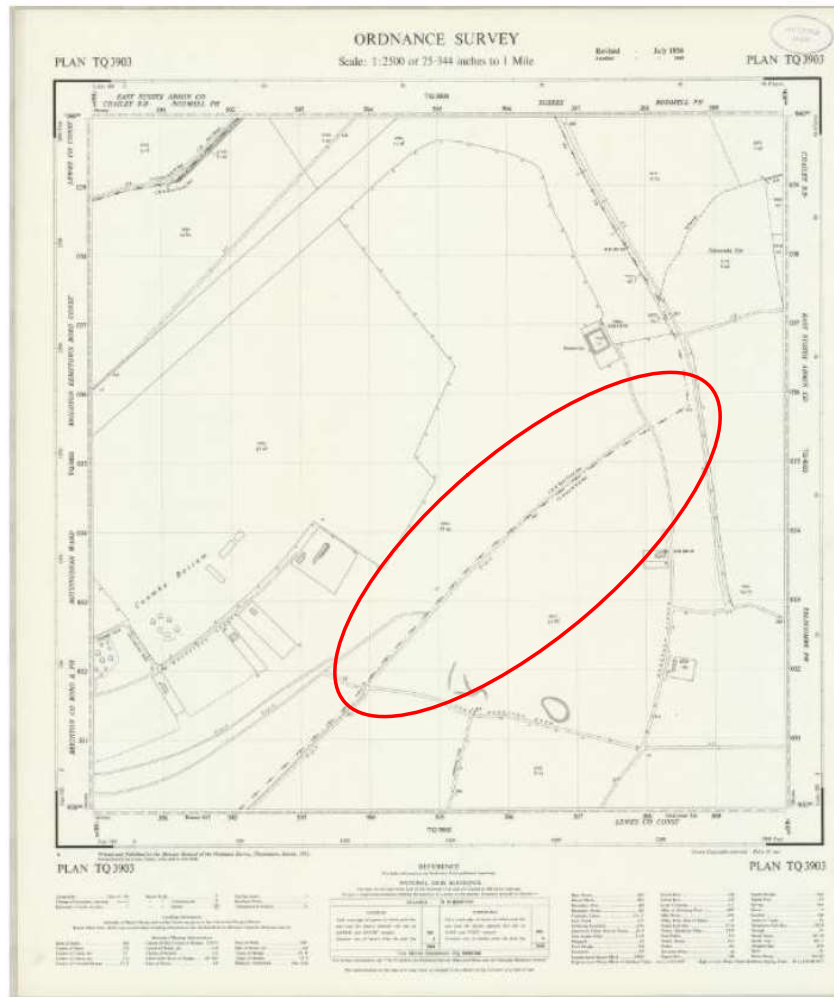
- ▶ Notice sent to interested Amenity Groups, Lewes District Council, Telscombe Town Council , SDNPA and local councillors.
- ▶ Response from Telscombe Town Council - support (no evidence provided)
- ▶ British Horse Society - support (no evidence provided)
- ▶ Local Member - comment.

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# Key Considerations

- ▶ Does the evidence provided by the Applicant, together with all the relevant evidence available, show that on a bridleway is reasonably alleged to subsist?
- ▶ Applicant asserts evidence demonstrates Claimed Route historically used by the public as a bridle road.
- ▶ Claimed Route identified on old maps submitted with application.
- ▶ Of note are the OS Map Sussex 1893, OS Map Sussex 1898 which show the Claimed Route clearly shown and marked as a bridle road, forming part of a network of bridle roads and paths in the area.
- ▶ Sectional Plan Saltdean 1937 shows a continuation of Longridge Avenue north, past Upper Banning, as per the Claimed Route.





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# Key Considerations Continued

- ▶ Representations against the Application:
- ▶ State that map of Telcombe Tye sale 1989 is of an old fence, not a bridleway or footpath
- ▶ States that letter and map from 1998 from ROW team at Council show the Claimed Route is a parish boundary, and not a public right of way
- ▶ Landowners' comments and information do not disprove earlier existence of a bridleway. Parish boundary not inconsistent with the existence of the bridleway along the same route.



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# Council Investigation

- ▶ OS maps pre 1910 show the route as a bridle road as a natural continuation of the bridle road running north of Longridge Avenue
- ▶ Tithe Maps give no evidence to show that access along the route / boundary line was restricted.
- ▶ Claimed Route is depicted on various maps and plans over time. No physical features on the maps that suggests access was restricted along Claimed Route or that it was a private access to land or a dwelling.
- ▶ Given the established bridleways in the area and their historic link to the Claimed Route, is more probable than not that the Claimed Route is part of a network of historic bridleways and footpaths.

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# Conclusion

- ▶ No single piece of evidence is conclusive.
- ▶ On balance it can be argued that the Claimed Route did have historic public rights.
- ▶ No evidence to rebut the maxim 'once a highway always a highway'
- ▶ Acknowledge that some of the maps were not produced for the sole purpose of establishing the rights over a route, they do depict the Claimed Route in a way that is consistent with a bridle road prior to OS mapping
- ▶ Registered bridleways (already on the Definitive Map) that meet the Claimed Route and are shown to have done so on maps prior to 1910 were similarly depicted and annotated. Adds support to historic existence of the Claimed Route.

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# Recommendation

- ▶ If the evidence show that a right of way can reasonably be alleged to subsist the onus is on the order making authority to make the order.
- ▶ The evidence provided by the Applicant and uncovered by the Council, taken together, establishes that the Claimed Route can reasonably be alleged to subsist.
- ▶ Recommend that an Order to add the bridleway to the Definitive Map and Statement, be made.

