



Memo

To: Sarah Burge

From: Paul Evans

Date: 15 May 2006

Fax: No: 01452 426378 Tel No: 01452 425295

Our ref: EN6/PRE

email: EVANS, Paul

Your ref: 573/11/101(1)

Modification Order for an additional footpath through Witcombe Farm Parish of Great Witcombe

Assessment of documentary evidence

1 Brief:

- (i) To examine sources available in the Gloucestershire Record Office, specifically tithe, inclosure, Ordnance Survey and Inland Revenue maps, to see if this footpath is marked in any way.
- (ii) To identify other sources which might be useful in establishing the existence of a footpath along this route, or a diverted or modified route.

2. Location:

The line of this footpath is shown on the attached plan supplied by the County Surveyor.

3. Documents examined:

(i) **Inclosure award.**

None known

(ii) **Tithe map, 1837 (GDR/T1/200).**

Area shown; claimed route not shown

(iii) **Ordnance Survey 25": 1 mile, 1884 edition, sheet nos: 34/6,10.**

Claimed route shown by mixture of pecked and full lines. Status otherwise undefined (Pcopies 1A, B).

- (iv) **1st edition 1": 1 mile Ordnance Survey map, 1817 (ROL).**

Claimed route not obviously shown.

- (v) **Bryant, Map of Gloucestershire, 1824.**

Route along A-B alignment not shown, but Bryant shows a route marked by mixture of full and pecked lines running to the east of Witcombe Farm, and coloured white. Bryant's colour key indicates that he regards this as a "lane or bridleway" (Photocopy 2).

- (vi) **Inland Revenue, maps compiled under the Finance Act, 1910, based on Ordnance Survey 25": 1 mile, c.1902 edition, marked up by Inland Revenue c.1915, and reference books or files (D2428).**

Sheet 34/6 not held. The Great Witcombe portion of sheet 34/10 is not coloured. Accordingly form 37 (D2428/2/82) not checked.

- (vii) **Maps deposited with County Planning Officer under Rights of Way Act, 1932 S1, 3 (CP/D).**

Nothing relevant.

- (viii) **Parish Council file, Rights of Way Act, 1932.**

Nothing deposited.

4. Other documents which could be examined:

- (i) **Duplicate copies of tithe or inclosure awards.**

PC1137 – Copy of tithe map.

MF1128/220 – Microfilm copy of tithe map.

PC1812/23 – Modern hand drawing of tithe map.

- (ii) **Private estate maps:**

D2607 – Map showing roads and tracks in Great & Little Witcombe. Only southern section of route leading easterly to Witcombe Farm shown marked by full lines, but status otherwise undefined.

D2299/L79 – Sale particulars of Witcombe Estate 1929. Route shown running through lot 10 on the map accompanying the sale. A red pecked line is shown running through the route and then on southwards, and the claimed route is shown running between points W and X on the map (Pcopy 3A). The accompanying particulars for lot 10 say that the Corporation of Gloucester has a right of way over this route, described as a roadway, and makes a yearly payment to the tenant of Witcombe Farm, as well as supplying materials for the maintenance of the road. W-X is also part of a right of way not exceeding 18ft. in width, which is reserved for the owner of Witcombe Wood for the removal of timber over the "roadway". Timber is not to be hauled out of the wood, but the right of way will be for the use of loaded

timber only. The owner of the wood will make good any damage done as a result of this (Pcopy 3B).

(iii) **Footpath or highway diversion orders deposited with Clerk of the Peace (Q/SRh).**

1880D

Currently missing.

(iv) **Plans of public schemes deposited with Clerk of Peace (Q/RUm).**

Not checked.

(v) **District Council Clerk's correspondence.**

Nothing appears relevant.

(vi) **County Council Solicitor's correspondence (K596/27/1).**

1949 Act objections file. Checked – not relevant.

(vii) **County Surveyor: papers relating to survey of footpaths under National Parks and Access to Countryside Act, 1949 (K687).**

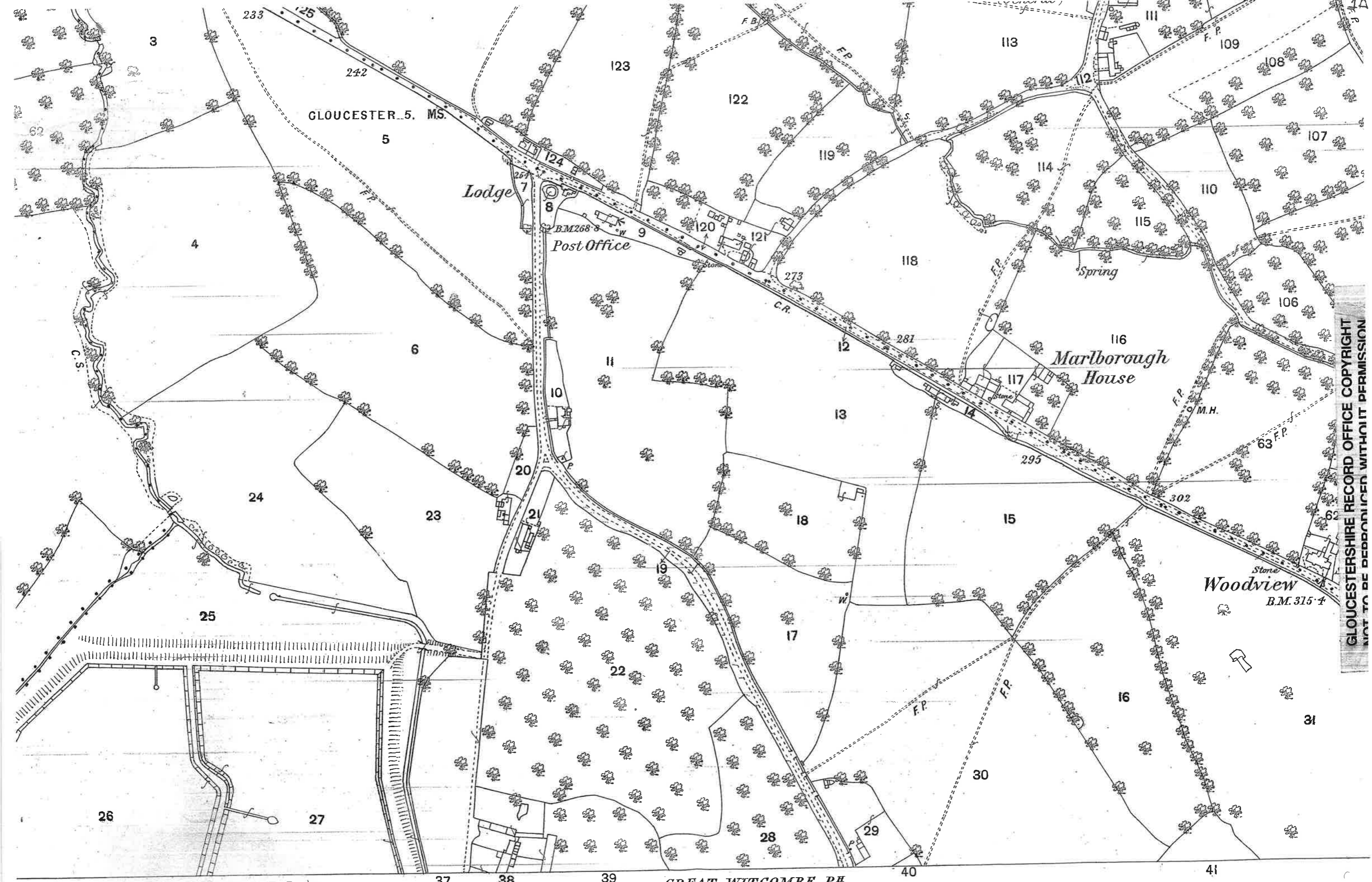
K687/1/2/13 – Original submission map and award. Route not claimed.

K687/2/1/45 – Objections file. Checked – not relevant.

K687/3/3 – Provisional map. Route not claimed.

5. **Comments or recommendation:**

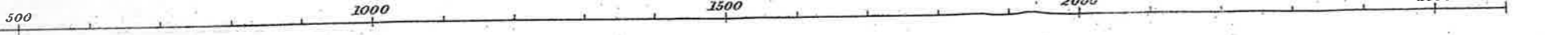
It is pity that I have not been able to find any sale documents later than 1929, as the evidence of the particulars found for that date show that this was a private right of way, with 2 limited exceptions. There is no evidence in any other documents that this should be viewed as a public right of way.



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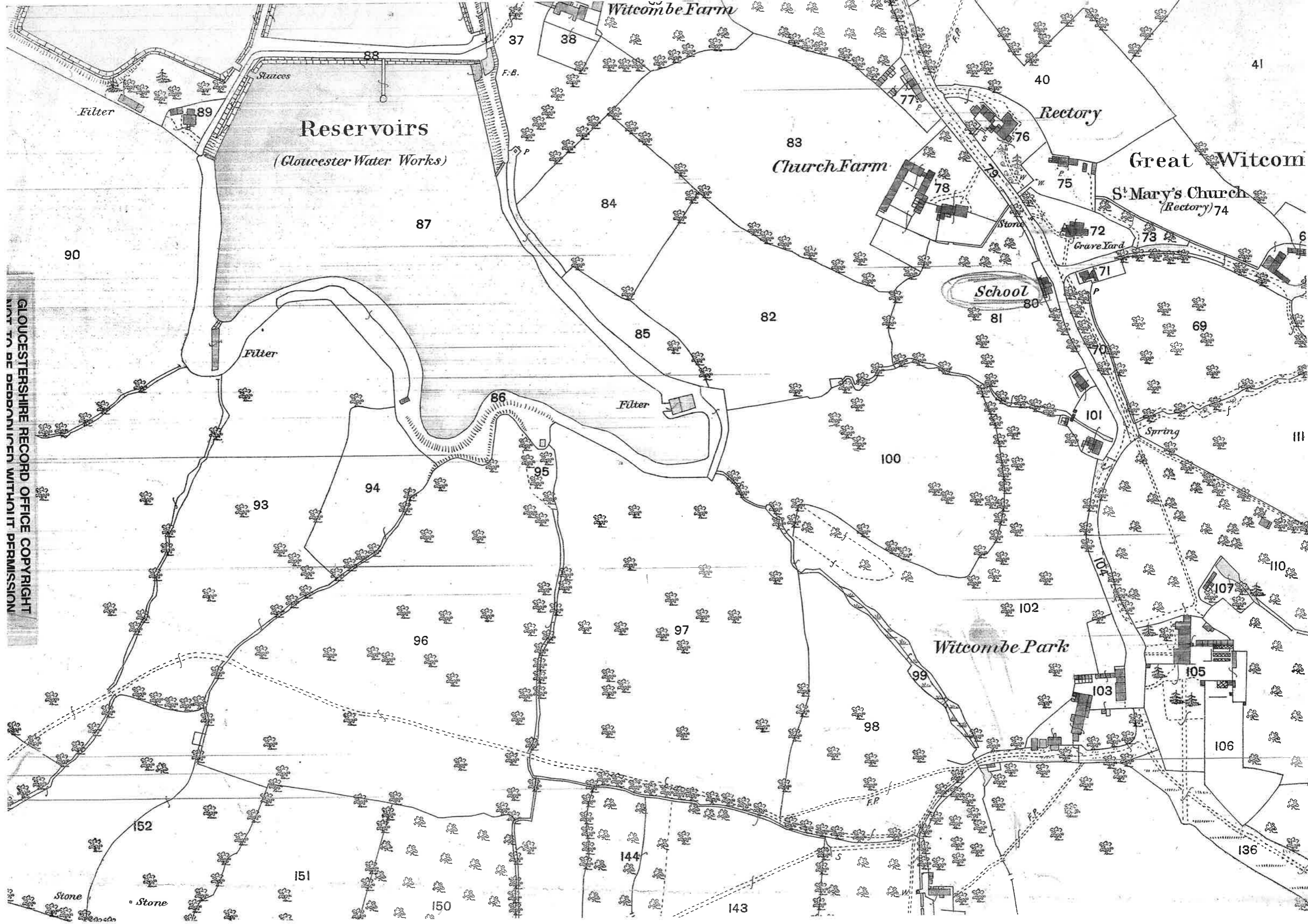
Reservoirs (Gloucester Water Works)

Scale $\frac{1}{2500}$ or 25.344 Inches to a Statute Mile or 208.33 Feet to One Inch



Zincographed and Published

The Altitudes are given
 These in feet and the



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Reservoirs

(Gloucester Water Works)

Witcombe Farm

Church Farm

Rectory

Great Witcombe

St. Mary's Church
(Rectory) 74

School

Witcombe Park

Filter

Filter

Filter

Sluices

F.B.

Stone

Grave Yard

Spring

Stone

Stone

90

87

37

38

83

84

85

82

40

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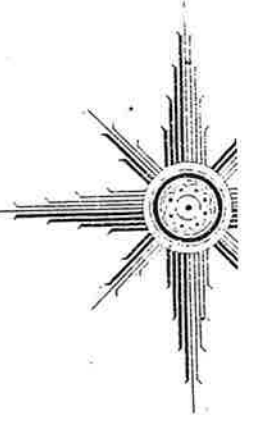
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Witcombe Farm occupies an excellent position close to the markets at Gloucester and is suitable for dairying and for the raising of young stock and sheep. There are about 21 acres of orcharding and the pasture land is of good quality and well supplied with water.

This lot is let on an annual Lady-day tenancy to Mr H. Paget at a rent of £219 4s. 0d. a year and the cottage is let to Mr Berry at a rent of £8 a year making a total rental of £227 4s. 0d. a year.

This lot is subject to tithe rent charge amounting according to the tithe apportionment to £25 14s. 0d. a year and to a land tax of £1 16s. 0d.

The Corporation of Gloucester have a right of way over the roadway "W" "X" and make a payment of 10/- a year to the tenant of Witcombe Farm and also supply materials in respect of the maintenance of the road.

shillings

The water supply to the farmhouse and buildings is obtained by means of a service pipe from the main coming from Witcombe Park. The purchaser of this lot shall maintain such service pipe from its connection with the main and shall have the right to enter upon lot 2 for the purpose of maintaining or renewing the pipe so far as it passes through that lot on payment of compensation to the owner of lot 2 for any damage done by the exercise of such right.

The water supply to the two cottages shown on No. 20 on the sale plan is obtained from the tank and pump forming part of lot 1, and the owners or occupiers shall have the right to a continuance of such supply from this source so far as it is available.

The purchaser of this lot in respect of the rights mentioned shall pay to the owner of Witcombe Park a rent of £6 a year.

A culvert from the roadside ditch passes through Nos. 22 and 24 on the sale plan and through part of lot 1, being No. 21 on the sale plan, and provides a supply of water for the field, No. 24, and the adjoining field on lot 2, No. 6. The purchaser of this lot shall maintain the culvert or other works in connection therewith so far as it is situate on his land or on part of lot 1, making good all damage caused on that lot.

A right of way not exceeding 18 ft. in width is reserved for the owner of Witcombe Wood for the removal of timber over the roadway shown on the sale plan approximately between the points "T" "U" "V" "W" "X" by a red broken line. No timber shall be hauled out of the wood on to this land but the right of way shall be used for loaded timber only. The owner of Witcombe Wood shall make good any damage done by the removal of timber or pay compensation in lieu thereof.

The purchaser of this lot shall maintain the boundary fence between this lot and the woodland adjoining, the property of the vendor.

Copy of Appendix 3B
to Archivist's Report of
15/5/2006, taken from
hand copy of CROW
Report, 20/3/2007
ref 3017/24