

Case Decision

Definitive Map Modification Order Case 446 **Alleged public right of way along Moor Lane to Valley Lane, Long Bennington**

Summary of Decision: To not make a definitive map modification order.

The Modification Order Application

1. The Modification Order Application (“the application”) was made by Mr Stephen Parkhouse on 14 December 2021 seeking the addition to the Definitive Map and Statement for the area, the legal record of public rights of way, a bridleway along Moor Lane to Valley Lane, Long Bennington. This route will be referred to hereafter as “the application route”. A copy of the original application and plan can be viewed at <https://www.lincolnshire.gov.uk/downloads/file/6402/446-long-bennington-app-map>, and plan ref. DMMO/446/LONGBENNINGTON/CDP (Appendix 1) attached shows the application route by a broken black line between points A-B-C.
2. Appendix 2 to this report lists the documents the County Council has consulted and taken into consideration in reaching this decision.

Requirements and tests of the legislation

3. Section 53 of the Wildlife and Countryside Act 1981 (“the 1981 Act”) requires the County Council as the Surveying Authority for Lincolnshire to keep the Definitive Map and Statement, the legal record of public rights of way under continuous review. This is achieved through the making of definitive map modification orders where evidence is discovered which suggests that the Definitive Map and Statement require amending.
4. The main issue which is relevant here is whether the evidence demonstrates that a public right of way subsists or is reasonably alleged to subsist over the route applied for to warrant the making of a definitive map modification order under section 53(3)(c)(i) of the 1981 Act for it to be added to the Definitive Map and Statement.
5. The County Council must base its decision exclusively on the evidence. Should a definitive map modification order be made, it must record the route and status of the

public right of way that is shown to exist by the evidence, even if it differs from that applied for. Conversely, if the evidence fails to demonstrate the existence of a public right of way, no order shall be made.

Documentary Evidence

6. Historical documents may provide evidence supporting that a public right of way had been created or dedicated in the past. If a public right of way is shown to have been dedicated or created, then the public right of way will continue to exist indefinitely¹ unless it is shown to have been stopped up, extinguished or diverted by virtue of a statutory provision such as a public path diversion or extinguishment order made under the Highways Act 1980 or the Town and Country Planning Act 1990, for example.
7. The 1794 Inclosure Act for Long Bennington and Foston empowered the Commissioners to set out and appoint public and private roads and ways. It provided that all public carriage roads, except bridle roads, were to be no less than 40 feet wide between the fences and were to be fenced on both sides from the adjoining lands by the relevant proprietors. No gate was to be erected across any public carriage road, and no trees were to be planted in or near the hedges on either side of such roads at intervals of less than 50 yards. The Act further stated that, once the public roads had been laid out and put into good repair, they were thereafter to be maintained in the same manner as other public highways within the parish had been, or ought to have been, maintained before the Act came into force. Any private roads or ways set out under the Act were to be maintained by such persons, and in such manner, as directed by the Commissioners.
8. Two inclosure award documents, with accompanying plans, relating to Long Bennington and Foston have been considered. The earlier document, dated 1794, appears to have remained unfinished following the death of Commissioner William Fillingham. It includes a separate instrument recording the appointment of John Renshaw in his place on 10 November 1795. The later document recites the same circumstances and appears to comprise the final award, dated 3 March 1796. The two documents materially record the same inclosure arrangements, and their accompanying plans appear to derive from the same original survey plan.
9. The application route is shown on the plans and described in the inclosure awards as 'Moor Road'. Moor Road is specifically recorded, and consistently referred to throughout the award, as a '*private Carriage Road*'. The award distinguishes between public carriage roads or highways and private carriage roads. The private carriage roads are described in the award as having a '*width of Forty Feet for the Use of the Owners and Occupiers of Allotments Lands Tenements and Hereditaments within the said Parish of Long Bennington for the Time being for ever and for no other Person or persons whomsoever to be used as private Carriage riding driving and Footways for and*

¹ The judgement *Dawes v Hawkins* (1860) held that 'it is also an established maxim, once a highway always a highway: for the public cannot release their rights, and there is no extinctive presumption or prescription'

in respect of the Occupation of the Allotments Lands Tenements and Hereditaments within the said Parish and for no other Use or Purpose whatsoever'. This wording restricts use of the private carriage roads to owners and occupiers of land and property within Long Bennington parish and links that use to their occupation of the relevant property. Although the award permitted use on foot, horseback and with carriages, those rights were granted to a defined class of people for a particular purpose and were not rights exercisable by the public at large. The express references to '*no other Person or persons whomsoever*' and '*no other Use or Purpose whatsoever*' support this distinction. The award also required the adjoining owners to fence their allotments from the Moor Road and provided that no gates were to be hung across it.

10. The award further provides '*that the said seven last mentioned public Carriage Roads or Highways and the several private Carriage Roads hereinafter awarded for the Occupation and Convenience of certain Allotments together with the necessary Bridges and Tunnels made or which may hereafter be made across the same shall after the first forming thereof (by those surveyors by us appointed for that purpose) for ever hereafter be repaired upheld cleansed maintained and kept in repair by the Inhabitants and Occupiers of Lands Tenements and Hereditaments within the said Parish of Long Bennington in the same manner as public Highways are or shall by Law be directed to be made and kept in Repair*'. This provision indicates that both the public carriage roads and the private carriage roads awarded under the inclosure were to be maintained in the same manner as public highways. The wording preserves the distinction between public carriage roads or highways and private carriage roads. The fact that Moor Road was to be maintained in the same manner as public highways is therefore not, of itself, determinative of its status as a public highway.
11. A Map of a tract of Country surrounding Belvoir Castle including extensive Districts of the Counties of Leicester, Lincoln & Nottingham and the whole of the County of Rutland (King's Map) dated 8 November 1806 shows a '*Public Carriage Road*' in the location of the application route. The map was not prepared for the purpose of recording public highways and therefore carries limited evidential value as to the status of any route shown. However, it may provide evidence of the physical existence and apparent character of application route at the time the map was created.
12. A track is shown in the location of the application route on the 1814 Ordnance Survey Drawing of Grantham and the 1824 Ordnance Survey One Inch to One Mile Map. On the latter map, the track is labelled '*Moor Lane*'. This is supportive of the physical existence of a route in the location of the application route being known as Moor Lane. However, these maps do not identify the route as a public right of way or highway, and their evidential value is therefore limited to demonstrating the existence, name and approximate alignment of the application route at the dates of the surveys.
13. Bryant's Map of the County of Lincoln, surveyed between 1825 and 1827 and dated 1828, shows a track labelled '*Moor Lane*' in the location of the application route. The route is described in the key as '*Lanes & Bridleways*'. This description of the route provides some evidence of its apparent character and possible suitability for use on

horseback. However, the map does not indicate whether the terminology denotes a public or private route.

14. Bryant's Map of the County of Lincoln, surveyed between 1825 and 1827 and dated 1828, shows a track labelled '*Moor Lane*' in the location of the application route. The route is described in the key as '*Lanes & Bridleways*'. This provides some evidence of its apparent character and possible suitability for use on horseback, but the map does not indicate whether the description denotes a public or private route.
15. Greenwood's Map of the County of Lincoln, surveyed in 1827 and 1828 and dated 24 February 1830, shows a '*cross road*' labelled '*Moor Lane*' in the location of the application route. Historically, the term '*cross road*' could have a broader meaning than its present-day use to describe a place where roads intersect. Paragraph 2.4.1 of the Planning Inspectorate's former *Wildlife and Countryside Act 1981: Definitive Map Orders Consistency Guidelines* stated that the term could describe a highway joining other highways, a byway, or a road joining regional centres. The Guidelines were withdrawn on 20 November 2024 and are referred to here only as archived explanatory material.
16. On Greenwood's Map, roads are shown as either '*turnpike road*' or '*cross road*'. While some of the cross roads connect with other roads, others appear to terminate at buildings or without connecting to another road. The map also does not distinguish between roads carrying public rights and those carrying private rights. The term '*cross road*' therefore appears to have been used as a broad category for roads other than turnpike roads and is not, of itself, indicative of public status.
17. Neither map was prepared for the purpose of recording highways. They therefore carry limited evidential value as to the legal status of the routes depicted, but provide evidence of the physical existence, name, approximate alignment and apparent character of the application at the time the maps were produced.
18. The application route is shown on a number of Ordnance Survey maps dated between 1887 and 1909. The 1887 and 1900 6 Inch Maps and the 1889 and 1905 25 Inch Maps show the track labelled as '*Moor Lane*'. The larger scale map sheets cover the location of the application route from point A, through point B, before the map sheets end partway along the track towards point C on plan ref. DMMO/446/LONGBENNINGTON/CDP. The 1889 25 Inch Map shows the track as uncoloured, while the 1905 25 Inch Map depicts a black pecked double line within the northernmost part of the track leading south from Valley Lane.
19. On the smaller scale maps, the application route is most consistently shown as a '*metalled fenced third class road*'. It is also shown as a '*fenced minor road*', a '*third class road*', and an '*other road*'. The descriptions '*metalled*' and '*fenced*' provide evidence of the apparent surface and enclosure of the route, while '*third class road*', '*minor road*' and '*other road*' record its classification for the purposes of the relevant map series. These descriptions provide some evidence that the route had the apparent

physical character of a road capable of accommodating wheeled traffic during this period.

20. However, it should be noted that Ordnance Survey maps were produced to record the topography and physical features of the landscape, and the surveyors were not tasked with determining the public or private rights that might have existed over the routes shown. The classifications do not expressly distinguish between public and private roads and are not, of themselves, determinative of the legal rights over the application route. The maps referred to above from 1895 onwards also contain a disclaimer stating, in the same or similar terms, that the representation of a road, track or footpath is no evidence of the existence of a right of way. Therefore, while this evidence supports the continued physical existence and apparent character of a route in the location of the application route, it falls short of demonstrating whether public rights existed over it.
21. The 1910 Finance Act maps and valuation books have also been considered. The application route is shown in the base mapping as '*Moor Lane*', passing through land comprised in assessment numbers 65, 107, 135 and 269, with other assessments shown on either side. No deductions were recorded in the valuation books in respect of '*Public Rights of Way or User*' for the assessments crossed by the route. This may suggest that the route was not treated by the valuers as being subject to a public right of way at the time of the valuation.
22. Ordnance Survey maps published between 1920 and 1922 have been considered. The 1920 Ordnance Survey 25 Inch Map and the 1922 Ordnance Survey 6 Inch Map show a track labelled '*Moor Lane*' following the application route from point A, through point B, and partway along the track towards point C on plan ref. DMMO/446/LONGBENNINGTON/CDP. The map sheets end at that point and therefore do not show the remainder of the application route towards point C. A black pecked double line is also shown within the track on the 1920 map. These maps provide evidence of the continued physical existence, name and approximate alignment of the part of the application route shown on them.
23. The 1921 Ordnance Survey Popular Edition One Inch Map shows a '*private fenced other road with over 14 feet of metalling*' along the whole application route. This provides further evidence of the route's physical existence and apparent character. However, the basis upon which the route was described as private is not identified. In accordance with the limitations of Ordnance Survey evidence outlined above, this description is not, of itself, determinative of the legal rights over the route. All three maps also carry a disclaimer stating that the representation of a road, track or footpath is no evidence of the existence of a right of way.
24. The circa 1929 Highways Handover Map shows the application route coloured red, indicating that it was recorded as a highway maintainable at public expense. Pencil strike-through markings are shown across the application route from point C on plan ref. DMMO/446/LONGBENNINGTON/CDP, through point B, ending at the junction with

the track leading to Authorpe Farm. The accompanying annotations state, '*Not C.C. Liability*' and '*See letter of 9/3/63 file 1/96*'. Faint pencil strike-through markings, which appear to have been erased, are also visible over the remainder of the application route between the junction of the track leading to Authorpe Farm and point A. These are accompanied by the annotation, '*See our letter 19 Dec 66 File 1/96 (15/1A)*'. As the annotations refer to correspondence dated 9 March 1963 and 19 December 1966, they appear to have been added after the map was produced. The annotation '*Not C.C. Liability*' indicates that, by 1963, Kesteven County Council (a predecessor of Lincolnshire County Council) did not consider itself responsible for maintaining the section to which the annotation relates. However, it does not, of itself, establish whether maintenance liability rested with another body or person, or whether the original depiction of the route on the map was incorrect. The significance of the pencil markings which appear to be erased over the remainder of the route is unclear. In the absence of the correspondence referred to in the annotations, it is not possible to ascertain whether the markings record a correction to the original map, a subsequent change in maintenance liability, or another matter. The surviving red colouring provides some evidence that the application route was recorded as a highway maintainable at public expense, but the pencil markings and annotations create uncertainty about the accuracy and subsequent treatment of that record.

25. Ordnance Survey maps published between 1930 and circa 1949 have been considered. The 1930 Popular Edition One Inch Map shows a '*private fenced other road with over 14 feet of metalling*' along the application route, with a black pecked double line shown within it. The 1942 Second War Revision One Inch Map shows a track in the location of the application route. Two 1947 New Popular One Inch Maps show a '*fenced narrow other motor road in bad condition*', while the circa 1949 Provisional Edition 2½ Inch Map shows a track labelled '*Moor Lane*'. These maps provide further evidence of the continued physical existence and apparent character of the application route during this period. However, for the reasons previously outlined in relation to Ordnance Survey evidence, these descriptions are not, of themselves, determinative of the legal rights over the route. With the exception of the 1942 map, the maps also contain a disclaimer stating, in the same or similar terms, that the representation of a road, track or footpath is no evidence of the existence of a right of way.
26. The circa 1951 Long Bennington Parish Path Survey Notes and Plan have also been considered. The survey notes contain no reference to the application route. However, the entire application route is coloured green on the Parish Path Survey Plan. Although the plan contains no key, other highways depicted on the plan are also coloured green. This may provide some evidence that the application route was regarded as a highway at the time of the survey, although the arbitrary manner in which routes are shown means that this evidence is not conclusive. Furthermore, the survey was undertaken as part of the statutory process for preparing the Definitive Map and Statement, rather than as a comprehensive record of highways.
27. Ordnance Survey maps published between 1953 and 1963 have also been considered. The Seventh Series One Inch Maps of 1953, 1954, 1955, 1960, 1962 and 1963

consistently show a fenced road in the location of the application route, described in the keys as '*Minor Roads in towns, Drives and Unmetalled Roads*'. The 1955 Provisional Edition 2½ Inch Map shows a track labelled '*Moor Lane*', while the 1956 Provisional Edition 6 Inch Map shows a fenced '*Other Road*', not classified by the Ministry of Transport, also labelled '*Moor Lane*'.

28. These maps provide further evidence of the continued physical existence, approximate alignment, and apparent character of the application route during this period. However, for the reasons previously outlined in relation to Ordnance Survey evidence, these descriptions are not, of themselves, determinative of the legal rights over the route. The maps published between 1953 and 1962 contain a disclaimer stating that the representation of a road, track or footpath is no evidence of the existence of a right of way. The 1963 map states that rights of way were, where space permitted, shown from the Definitive Maps available on 1 May 1963, but that the representation of any other road, track or footpath was no evidence of the existence of a right of way.
29. The Minutes of the Kesteven County Council Highways Committee record that, at its meeting on 12 April 1966, the Committee considered correspondence from solicitors acting for the owner of a farm premises abutting Moor Lane, Long Bennington. The solicitors asked whether the Committee would be prepared to recommend taking over '*a certain length of Moor Lane*', provided that it was made up to the satisfaction of the County Surveyor. The minute records that previous applications for the road to be taken over had been refused. It was resolved that, subject to the section in question being made up to the satisfaction of the County Surveyor and connecting with a highway maintainable at public expense, it be taken over in due course.
30. The minute does not identify the section of Moor Lane to which it relates, although it is possible that it may relate to the section of Moor Lane that is currently recorded as a publicly maintainable highway. No further entry was identified in the remainder of the minute book, which runs to 3 January 1967, or in the subsequent minute books covering 1967 to 1974, confirming that the relevant section was made up or taken over. No entry relating to the earlier applications referred to in the 1966 minute was identified in the preceding minute book covering the period 1959 to 1963.
31. The date of the resolution is broadly consistent with the annotations on the circa 1929 Highways Handover Map, which refer to correspondence dated 1963 and 1966 concerning maintenance liability for parts of Moor Lane. However, the 1966 minute does not identify the section of Moor Lane being considered for adoption. It is therefore not possible to determine with certainty whether it corresponds with any of the areas affected by the annotations on the Highways Handover Map, or whether the minute and annotations relate to the same matter. The minute provides evidence that the adoption of an unidentified section of Moor Lane was under consideration in 1966, but does not establish that the section was subsequently taken over as a highway maintainable at public expense.

32. Ordnance Survey maps published between 1967 and 1978 have been considered. The 1967 Seventh Series One Inch Map and the 1971 Provisional Edition 6 Inch Map show only part of the application route, commencing at point A on plan ref. DMMO/446/LONGBENNINGTON/CDP and ending a short distance beyond the junction with the track leading to Authorpe Farm, where the map sheets end before reaching point B. The 1967 Seventh Series One-Inch Map shows a fenced road described as '*Minor Roads in towns, Drives and Unmetalled Roads*', while the 1968 Seventh Series One-Inch Map shows a fenced road described as a '*Minor Road in towns, Drive or Track (unmetalled)*'. The 1969 Provisional Edition 2½ Inch Map and the 1978 First Series 6 Inch Map show a track labelled '*Moor Lane*'. The 1971 Provisional Edition 6 Inch Map also labels the part of the application route visible on the map sheet as '*Moor Lane*' and describes it as an '*Other Road*', not classified by the Ministry of Transport.
33. These maps provide further evidence of the continued physical existence, approximate alignment and apparent character of the application route during this period. However, for the reasons previously outlined in relation to Ordnance Survey evidence, these descriptions are not, of themselves, determinative of the legal rights over the route. The maps also contain disclaimers stating that the representation of a road, track or path is no evidence of the existence of a right of way. The 1967 and 1968 maps additionally state that public paths and roads used as public paths were derived from the Definitive Maps available on 1 September 1966 and 1 March 1968 respectively.
34. The circa 1980s to 1990s Highways Town Plans show the section of the application route between points A–B on plan ref. DMMO/446/LONGBENNINGTON/CDP as a highway maintainable at public expense. However, the section between points B–C is not shown as publicly maintainable. The plans therefore provide some evidence that the section between points A–B was regarded as a highway maintainable at public expense at that time, but do not provide equivalent evidence for the remainder of the application route.
35. The 1986 Ordnance Survey Pathfinder Map and the 1990 Ordnance Survey Landranger Map have been considered. The 1986 Pathfinder Map shows a fenced track following the application route. The section between points A–B on plan ref. DMMO/446/LONGBENNINGTON/CDP is labelled '*Moor Lane*', while the section between points B–C is labelled '*Moor Lane (Track)*'. The 1990 Landranger Map shows an '*Other road, drive or track*' along the whole application route. Both maps state that public rights of way shown by the relevant symbols were derived from the Definitive Maps held by Ordnance Survey at the specified dates, and that the representation of any other road, track or path was no evidence of the existence of a right of way. No public right of way symbols are shown over the application route on either map. The maps therefore provide further evidence of the continued physical existence, approximate alignment and apparent character of the application route during this period. However, the absence of public right of way symbols indicate only that the application route was not shown as a recorded public right of way at the time the maps were produced and does not, of itself, establish that public rights did not exist.

36. The 1990 Highways Maintenance Areas Atlas for Long Bennington has also been considered. Moor Lane is included in the accompanying list of maintenance links under reference C19*15*16 and is recorded as “UNC”, indicating that it was classified as an unclassified road. An unclassified road is a local road that has not been classified as a motorway, A road or B road. The corresponding atlas plan appears to show the section of the application route between points A–B on plan ref. DMMO/446/LONGBENNINGTON/CDP. Its inclusion in an atlas prepared for highway maintenance purposes provides some evidence that the section shown was regarded by the highway authority as a highway maintainable at public expense at the time the atlas was produced. The atlas does not provide equivalent evidence for the remainder of the application route.
37. The 2000 and 2006 Ordnance Survey Explorer Maps and the 2002 Ordnance Survey Landranger Map have been considered. The Explorer Maps show only the part of the application route commencing at point A on plan ref. DMMO/446/LONGBENNINGTON/CDP and ending shortly beyond the junction with the track leading to Authorpe Farm, where the map sheets end. They show a ‘*Road generally less than 4m wide*’ labelled ‘*Moor Lane*’ between point A and the Authorpe Farm track junction. From that junction, the route continues for a short distance as an ‘*Other road, drive or track*’ with ‘*Other route with public access*’ symbology.
38. The 2002 Landranger Map shows the whole application route. A ‘*Road generally less than 4m wide*’ is shown between point A and the junction with the track leading to Authorpe Farm, after which the route continues to point B with ‘*Other route with public access*’ symbology as an ‘*Other road, drive or track*’ and then as a ‘*Path*’. The application route then continues as a ‘*Path*’ from point B and onwards to its junction with Long Bennington Public Footpath 9, without the ‘*Other route with public access*’ symbology. From that junction, the application route continues to point C as an ‘*Other road, drive or track*’.
39. The map legends contain separate symbols for public rights of way, but none are shown over the application route. The maps state that public rights of way were taken from local authority definitive maps and later amendments, and that the representation of any other road, track or path is no evidence of the existence of a right of way. They also state that the exact nature of any rights over routes shown as ‘*Other Public Access*’, and the existence of any restrictions, should be checked with the local highway authority.
40. These maps provide further evidence of the continued physical existence, approximate alignment and apparent character of the application route during this period. The ‘*Other route with public access*’ symbology indicates that the section between the Authorpe Farm track junction and point B was shown as being available for some form of public access, but not as a recorded public right of way. The maps do not identify the legal basis, nature or extent of that access. The different descriptions of the route as a road, other road, drive or track, and path relate to its apparent physical character for mapping purposes and are not, of themselves, determinative of its legal status.

41. The archived Lists of Streets dated April 2016 and February 2020 record '*Moor Lane, Long Bennington*' with the accompanying description '*A1 flyover to Authorpe Farm Track*'. This provides evidence that the section of the application route from point A on plan ref. DMMO/446/LONGBENNINGTON/CDP to its junction with the track leading to Authorpe Farm was recorded as a highway maintainable at public expense at the dates of those records.
42. The current 'FindMyStreet' Map and List of Streets record the section of the application route between points A–B as '*Moor Lane*' and show it as a highway maintainable at public expense. Its classification is recorded as '*Neither M, A, B or C*', indicating that it is not classified as a motorway, A road, B road or C road. The current records therefore provide evidence that the highway authority now records the publicly maintainable highway as continuing beyond the Authorpe Farm track junction to point B.
43. The section of the application route between points B–C does not appear in any of the List of Streets records viewed and these records therefore provide no evidence that this section is maintainable at public expense.
44. In summary, the documentary evidence consistently records a route known as Moor Road or Moor Lane in the location of the application route from the time of the inclosure onwards. The inclosure award set out Moor Road as a private carriage road, with rights attached to the ownership or occupation of land within Long Bennington parish. Later maps and records provide evidence of the route's continued physical existence and apparent character but vary in how it was described and treated.
45. The highway records consistently record the route from point A on plan ref. DMMO/446/LONGBENNINGTON/CDP to the junction with the track leading to Authorpe Farm as a highway maintainable at public expense. Later highway records, including the most recent records, show the publicly maintainable highway continuing to point B on plan ref. DMMO/446/LONGBENNINGTON/CDP. The documentary evidence is therefore supportive of the section between points A–B forming part of the public road network.
46. The documentary evidence relating to the section between points B–C on plan ref. DMMO/446/LONGBENNINGTON/CDP is less clear. Earlier records provide some evidence that it was regarded as a highway, but the accuracy or basis of those records is uncertain. Later mapping records the route's continued physical existence and some form of public access but does not establish the legal status of that access. When considered as a whole, the documentary evidence is not supportive of public rights having been created or dedicated over the section between points B–C.

Other evidence which might be relevant to the matter

47. Landownership enquiries were undertaken in respect of the application route and the surrounding land. The land over which the application route runs is unregistered with HM Land Registry. However, ownership information for all land affected by and

adjoining the application route was available either from HM Land Registry or from a statement and map deposited with Lincolnshire County Council under section 31(6) of the Highways Act 1980 in 2013. All identified landowners were contacted as part of the pre-order statutory consultation. One landowner responded.

48. The landowner contacted Lincolnshire County Council on 8 August 2026 and stated that they had no objection to the application and believed the whole application route to be a highway. They recalled applying to the County Council during the 1960s for the whole route to be adopted and paying a fee in connection with the application. However, the landowner did not hold any correspondence or other documents relating to the application. The landowner also stated that they had seen people walking along the route for many years.
49. The landowner's recollection may relate to the proposal recorded in the Kesteven County Council Highways Committee minute of 12 April 1966, discussed above, although the whole route has never been adopted as a highway.
50. The Land Registry title registers and plans for land affected by and adjoining the application route have been considered. Several registers describe land as being situated at, or on either side of, Moor Lane, providing evidence that the application route was known as Moor Lane and recognised as a geographical feature when the titles were prepared, but not establishing its legal status. Some Charges Registers state that the land was conveyed subject to any public or private rights of way affecting it. However, these provisions do not identify any particular route and are therefore not, of themselves, supportive of public rights over the application route. Other registers record private rights of access benefiting particular properties, including a right of way with or without vehicles over a track leading from the application route. However, the application route itself is not identified in the registers or plans considered as being subject to either public or private rights. It should also be noted that title plans generally show general boundaries and do not determine their exact line. They are therefore not conclusive as to the precise ownership or highway status of the application route.
51. Google Street View images of the entrances to the application route at points A and C on plan ref. DMMO/446/LONGBENNINGTON/CDP were available for various dates between August 2009 and May 2025. The images consistently show the entrance at point A with a tarmac surface, broken white centre lines and a weight-restriction sign. White junction markings and a '*Moor Lane*' nameplate are visible in the images from July 2021 onwards. The entrance at point C is consistently shown as a natural surface track.
52. A site visit was undertaken by Lincolnshire County Council on 9 July 2026. At the entrance to the application route at point A on plan ref. DMMO/446/LONGBENNINGTON/CDP, the route had a tarmac surface, white junction markings and a broken white centre line extending for approximately 20 metres. The route was approximately 14.2 metres wide at the junction, tapering over a distance

of approximately 12.9 metres to a surfaced width of approximately 4 metres, with an available width of approximately 9 metres. A traffic sign at the entrance indicated a 7.5 tonne weight restriction, except for loading. Four signed passing places were located approximately 217 metres, 456 metres, 670 metres and 930 metres from point A.

53. At approximately 1,130 metres from point A, where the application route meets the track leading to Authorpe Farm, the tarmac surface ended and the route continued as a natural surface track. The tarmac surface, road markings, weight restriction and signed passing places demonstrate that the section between point A and the junction with the track leading to Authorpe Farm forms part of the ordinary vehicular road network.
54. At the point where the tarmac surface ended, the application route narrowed from approximately 4 metres to 3 metres, with an available width of approximately 6.8 metres. The route continued as a natural surface track and widened on its approach to the junction with Valley Lane at point C.

Conclusion

55. **The evidence, when considered as a whole, is insufficient to demonstrate that a public right of way subsists or is reasonably alleged to subsist over the application route to warrant the making of a definitive map modification order under section 53(3)(c)(i) of the 1981 Act.**
56. The section between points A–B on plan ref. DMMO/446/LONGBENNINGTON/CDP is currently recorded as a highway maintainable at public expense and forms part of the public road network. The public carriage road evidenced over this section is a higher status than the bridleway rights sought and is a type of highway that cannot be recorded in the Definitive Map and Statement, and it is therefore unnecessary to record it separately as a public bridleway or any other type of public right of way.
57. In respect of the section of the application route between points B–C on plan ref. DMMO/446/LONGBENNINGTON/CDP, the inclosure award expressly set out Moor Road as a private carriage road, with rights attached to the ownership or occupation of land within Long Bennington parish rather than exercisable by the public at large. Although some later documents provide evidence that the section may have been regarded as a highway or available for some form of public access, the accuracy, basis or legal effect of that evidence is uncertain. The remaining evidence establishes the continued physical existence and apparent character of the route but does not demonstrate that public rights were subsequently created or dedicated over it.

Decision

58. **Based on the points raised within this report, after reviewing the evidence available to the Surveying Authority, a definitive map modification order is not to be made for the reasons outlined in paragraphs 55-57 above.**

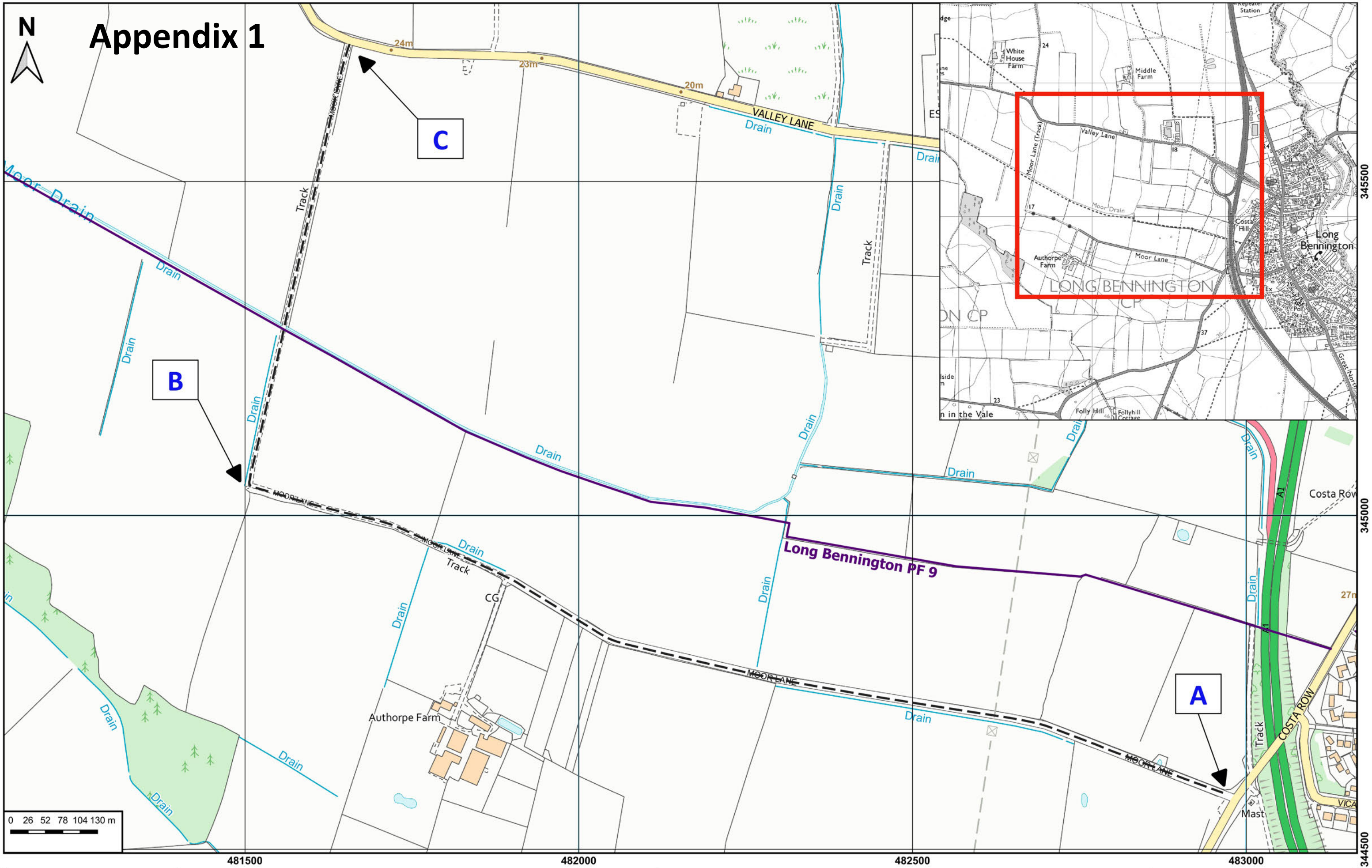
Signed:

A black rectangular box redacting the signature of Andrew Pickwell.

Name: Andrew Pickwell

Position: Senior Definitive Map Officer

Dated: 16 September 2026



Appendix 2

Documents viewed that were taken into consideration in the decision of Definitive Map Modification Order Case 446

1770	A Bill for dividing and inclosing the open fields, meadows, common pastures, and waste grounds within the townships of Westborough and Doddington, in the manor and parish of Westborough cum Doddington, co Linc
1771	Doddington & Westborough Award Map Dated 1771
1771	Westborough and Dry Doddington Inclosure Award and Plan
Surveyed: 1776,7 & 8	Map of Lincolnshire Comprehending Lindsey, Kesteven & Holland by Capt. Andrew Armstrong (scale 1":1mi / 1:63360)
1 st September 1787	Cary's Map of Lincolnshire
1794	An Act for dividing, allotting, and inclosing the open fields, meadows, pastures, commonable lands, and waste grounds, within the parishes of Long Bennington and Foston, in the County of Lincoln
1794-1796	Long Bennington and Foston Enclosure appointment, award and plan
3 Mar 1796 (plan 1794)	Long Bennington and Foston Enclosure Award and Plan. Commissioners: Joseph Jackson, John Foakes of Mitcham, Surrey, John Hudson now of West Ashby, John Renshaw, and Edward Hare, gents. Plan of Long Bennington, whole parish, by Thomas Bainbridge, 1794.
November 8 th 1806	A Map of a tract of Country surrounding Belvoir Castle including extensive Districts of the Counties of Leicester, Lincoln & Nottingham and the whole of the County of Rutland (King's Map)
1814	Ordnance Survey Drawing of Grantham

1 March 1824	Ordnance Survey Map - Sheet No. LXX (scale 1":1mi / 1:63,360)
1828	Bryant's Map of the County of Lincoln, from an actual survey made in the years 1825-26 & 27 (1":1mi / 1:63,360)
24th February 1830	Greenwood's Map of the County of Lincoln from an actual survey made in the years 1827 & 1828 (scale 1":1mi / mi / 1:63,360)
1831	Cary's Map of Lincolnshire
1845	Boston, Newark, and Sheffield Railway Plans
1887	Ordnance Survey First Edition Without Contours Map. Lincolnshire Parts of Kesteven - Lincolnshire Sheet CIII. N.E (scale 6":1mi / 1:10,560)
1889	Ordnance Survey Map. Parts of Kesteven - Lincolnshire Sheet CIII.8 (scale 25.334":1mi / 1:2500)
1889	Ordnance Survey of England Map. Nottingham (Ollerton) Sheet 126 (scale 1":1mi / 1:63,360)
1895	Ordnance Survey of England. Nottingham (Ollerton) Temporary Advance Edition with Hills - Sheet 126 (scale 1":1mi / 1:63,360)
1899	Ordnance Survey of England. Nottingham (Ollerton) Sheet 126 (scale 1":1mi / 1:63,360)
1900	Ordnance Survey Second Edition Map. Lincolnshire (parts of Kesteven) Sheet CIII. N.E (scale 6":1mi / 1:10,560)
Ca. 1901	Ordnance Survey of England Map. Nottingham (Ollerton) - Sheet 126 (scale 1":1mi / 1:63,360)
1901	Ordnance Survey of England and Wales Map. Sheet 11 (scale 1":4mi / 1:253,440)
1902	Ordnance Survey of England Map. Nottingham. Sheet 126 (scale 1":1mi / 1:63,360)
Ca. 1904	Ordnance Survey of England Map. Nottingham (Ollerton) Sheet 126 (scale 1":1mi / 1:63,360)

1905	Ordnance Survey Second Edition 1900 Map. Lincolnshire Sheet CIII.8 (scale 25.334":1mi / 1:2500)
1905	Ordnance Survey of England and Wales Map. Nottingham. Sheet 37 (scale 1":2mi / 1:126,720)
1908	Ordnance Survey of England Third Edition Map. Nottingham Sheet 126 (scale 1":1mi / 1:63,360)
1909	Ordnance Survey of England Third Edition Large Sheet Series Map. Grantham Sheet 55 (scale 1":1mi / 1:63,360)
1910	Finance Act plans and valuation book
1911	Ordnance Survey of England and Wales Second Edition Map. Sheet 11 (scale 1":4mi)
1914	Ordnance Survey of England and Wales (Second Edition) Black Outline Edition Quarter-Inch Map. Sheet 3 (scale 1":4mi)
1920	Ordnance Survey Edition of 1920 Map Lincolnshire Sheet CIII.8 (scale 25.334":1mi / 1:2500)
1921	Ordnance Survey of England and Wales Popular Edition One-Inch Map. Nottingham Sheet 54 (scale 1":1mi / 1:63,360)
1922	Ordnance Survey Edition of 1922 Map. Lincolnshire (Parts of Kesteven) Sheet CIII. N.E (scale 6":1mi / 1:10,560)
1929	Ordnance Survey of England and Wales ¼ Inch to the Mile Third Edition Map – North Midlands and Lincolnshire – Sheet 6A (scale ¼":1mi / 1:253,440)
Ca. 1929	Highway Handover Maps - Base Map: Ordnance Survey Edition of 1931 Map. Lincolnshire [Parts of Kesteven] Sheets CIV. S.W and CIII. S.E (scale 6":1mi / 1:10560)
Ca. 1930	Ordnance Survey of England and Wales Popular Edition One-Inch Map. Nottingham Sheet 54 (Derbyshire, Leicestershire, Lincolnshire & Nottinghamshire) (scale 1":1mi / 1:63360)
1939-1974	Long Bennington Parish Council Minute Book

1942	Ordnance survey of England and Wales Popular Edition Style Map Second War revision 1940. Nottingham Sheet 54 (scale 1":1mi / 1:63360)
1947	Ordnance Survey of Great Britain New Popular One-Inch Map with National Grid (Provisional Edition) Melton Mowbray Sheet 122 (scale 1":1mi / 1:63360)
1947	Ordnance Survey of Great Britain New Popular One-Inch Map with National Grid (Provisional Edition) Lincoln and Grantham Sheet 113 (scale 1":1mi / 1:63360)
17 November 1948	Long Bennington with Foston Re-apportionment of Corn Rents
Ca. 1949	Ordnance Survey Provisional Edition Sheet 43/84 (scale 2½":1mi / 1:25,000)
Ca. 1951	Long Bennington (West Kesteven) Parish Path Survey Notes and Plan
1953	Ordnance Survey of Great Britain One Inch to One mile Map (Seventh Series) Melton Mowbray. Sheet 122 (scale 1":1mi / 1:63360)
1954	Ordnance Survey of Great Britain One Inch to One mile Map (Seventh Series) Lincoln and Grantham. Sheet 113 (scale 1":1mi / 1:63360)
1955	Ordnance Survey Provisional Edition. Sheet SK84 (scale 2½":1mi / 1:25,000)
1954	Ordnance Survey of Great Britain One Inch to One Mile Map (Seventh Series) Lincoln and Grantham. Sheet 113 (scale 1":1mi / 1:63360)
1956	Ordnance Survey Provisional Edition Map. Sheet SK 84 SW (scale 6":1mi / 1:10,560)
1959-1963	Minutes of the Kesteven County Council Highways Committee
Ca. 1960	Ordnance Survey of Great Britian One Inch to One Mile Map (Seventh Series) Melton Mowbray Sheet 122 (scale 1":1mi / 1:63360)

1962	Ordnance Survey of Great Britain One Inch to One Mile Map (Seventh Series) Melton Mowbray Sheet 122 (scale 1":1mi / 1:63360)
1963	Ordnance Survey of Great Britain One Inch to One Mile Map (Seventh Series) Lincoln and Grantham Sheet 113 (scale 1":1mi / 1:63360)
1963-1966	Minutes of the Kesteven County Council Highways Committee
1967-1969	Minutes of the Kesteven County Council Highways Committee
Ca 1967	Ordnance Survey of Great Britain One Inch to One Mile Map (Seventh Series) Melton Mowbray Sheet 122 (scale 1":1mi / 1:63360)
Ca. 1968	Ordnance Survey of Great Britain One Inch to One Mile Map (Seventh Series) Lincoln and Grantham Sheet 113 (scale 1":1mi / 1:63360)
1969-1972	Minutes of the Kesteven County Council Highways Committee
Ca. 1969	Ordnance Survey Provisional Edition Map. Sheet SK84 (scale 2½":1mi / 1:25,000)
Ca. 1971	Ordnance Survey Provisional Edition Map. Sheet SK 84 SW (scale 6":1mi / 1:10,560)
1972-1974	Minutes of the Kesteven County Council Highways Committee
Ca. 1978	Ordnance Survey First Series Map. Sheet SK84 (scale 6":1mi / 1:10,560)
Ca. 1980s-1990s	Highways Town Plans - Base Map: Ordnance Survey Edition of 1931 Map. Lincolnshire [Parts of Kesteven] Sheets CIV. S.W & CIII. S.E (scale: 6":1mi / 1:10,560)
Ca. 1986	Ordnance Survey Pathfinder 814 (SK84/94) Long Bennington & Caythorpe (scale 2½": 1mi / 1:25,000)
Ca. 1990	Ordnance survey Landranger Map 130 Grantham Sleaford & Bourne (scale 1¼":1mi / 1:50,000)
January 1990	Highways Maintenance Ares Atlas for Long Bennington

Ca. 2000	Ordnance survey Explorer Map 247 Grantham Bottesford & Colsterworth (scale 2½":1mi / 1:25,000)
Ca. 2002	Ordnance survey Landranger Map 130 Grantham Sleaford & Bourne (scale 1¼":1mi / 1:50,000)
Ca. 2006	Ordnance survey Explorer Map 247 Grantham Bottesford & Colsterworth (scale 2½":1mi / 1:25,000)
Archived: April 2016	Lincolnshire County Council List of Streets (Archived, April 2016)
Archived: February 2020	Lincolnshire County Council List of Streets (Archived, February 2020)
Viewed June 2026	Current FindMyStreet Live Map and Dataset
Undated	Legal Orders
Undated	Kesteven Rural District Highways files