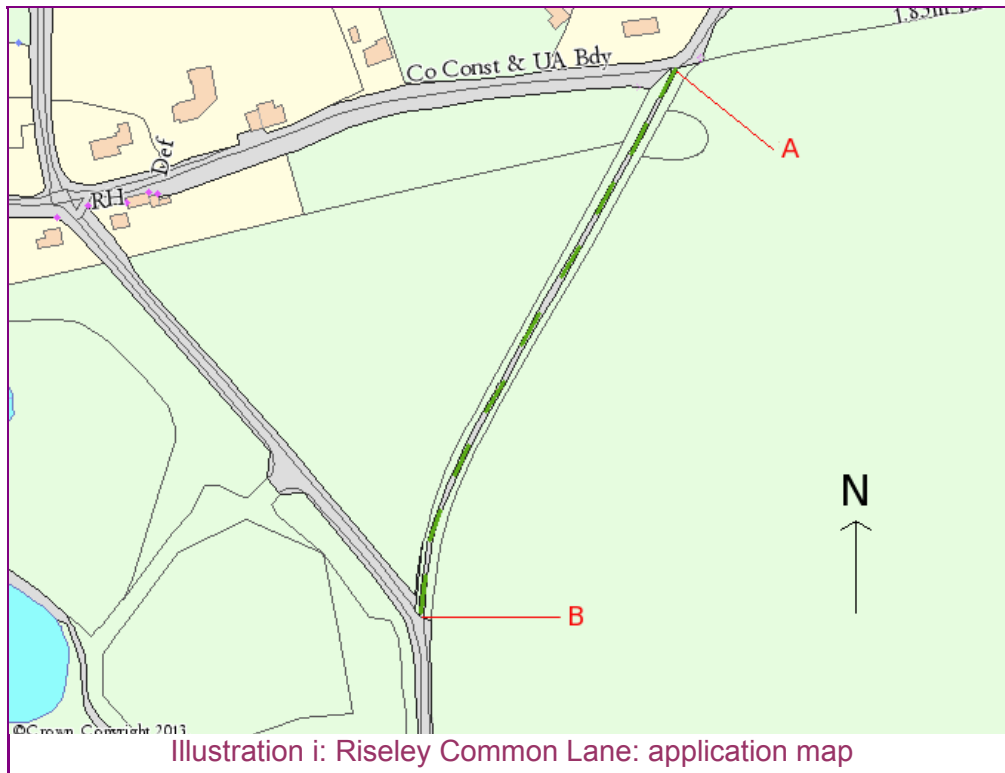


Application to record 'Riseley Common Lane' as a restricted byway

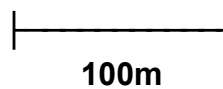
1. Application and application map

The application is to record an unnamed highway as a restricted byway from the turning on the minor road known as the Devil's Highway near Barossa Farm marked at point A on the map below (SU73626324), south-west and then south-south-west along an enclosed unsealed lane for a distance of 272 metres, to the turning on Mill Lane at point B (SU73516300).



Scale: 1:3,600 (when printed A4)

Application route is marked



2. General notes

No historical indication has been found of a name for the claimed highway: for the purposes of this claim, the highway has been referred to as 'Riseley Common Lane'. In this analysis, the road at the north-east end of Riseley Common Lane at point A is referred to as The Devil's Highway (formerly the Roman road from London to Bath), and the road at the south-west end at point B is referred to as Mill Lane.

Riseley Common Land was, prior to inclosure in 1860, an unenclosed track across the north-east corner of Riseley Common, generally contiguous with the present claimed way.

Points have been awarded to each piece of evidence in relation to the claimed route: these points have been calculated according to the guidance in *Rights of Way: Restoring the Record*¹.

¹ Sarah Bucks and Phil Wadey, 2012

3. *Width of claimed route*

The hedge to hedge width of the claimed route is 11 metres at A, narrowing gradually to 8 metres at B. As a carriageway inclosed from Riseley Common, on an alignment presumed to be consistent with its former alignment across the common, it is reasonable to assume that the hedgerows were set out in order to contain the carriageway and separate it from the inclosures established on either side: the full width of the route must therefore be dedicated as highway.

4. *Taylor's map of Hampshire*

Date: 1759

Source: Hampshire Record Office HMCMS:FA2004.3² (reproduction with thanks to Jean and Martin Norgate)



Illustration ii: Taylor's map

Description: Taylor's map shows the road west from Thatchers Ford and across Great Ford, and its continuation as the Devil's Highway from a place close to or at point A west to Riseley village. The latter section appears to be shown through woodland or along an avenue of trees. No routes are shown south of the Devil's Highway across Riseley Common.

Conclusion: Taylor's map precedes the inclosure of Riseley Common and contains no evidence for the existence of Riseley Common Lane.

Points: 0

² www.geog.port.ac.uk/webmap/hantsmap/hantsmap/taylor4/ty76.htm.

5. Ordnance Survey, one inch 1st edition drawing, Odiham

Date: 1806

Source: British Library website³



Illustration iii: OS one inch drawing

Description: In common with Taylor's map, the one inch drawing shows the road west from Thatchers Ford and across Great Ford, and its continuation as the Devil's Highway from a place close to or at point A then west to Riseley village. The latter section appears to be shown through an avenue of trees.

A way is shown south-west from point A, generally contiguous with the course of Riseley Common Lane, adjacent to the inclosures on the eastern boundary of Riseley Common. No junction is shown at point B with the present Mill Lane, however, the way continues south along the present alignment of Mill Lane to Riseley Mill. The course of the way appears generally to follow the eastern boundary of the common.

At a point significantly south of point B, close to what is now *The Hollies*, the way connects with another way projecting across Riseley Common approximately north-north-west towards the Devil's Highway close to Christmas Cottage.

Conclusion: The Ordnance Survey one inch drawing provides good evidence of the existence of a way across the common prior to inclosure, originating at point A, via point B, towards Riseley Mill.

Points: 1

³ www.bl.uk/onlinegallery/onlineex/ordsurvdraw/o/zoomify82464.html

6. Ordnance Survey, one inch first edition, sheet 12

Date: c.1817

Source: Hampshire Record Office HMCMS:FA2003.1.8⁴ (reproduction with thanks to Jean and Martin Norgate)

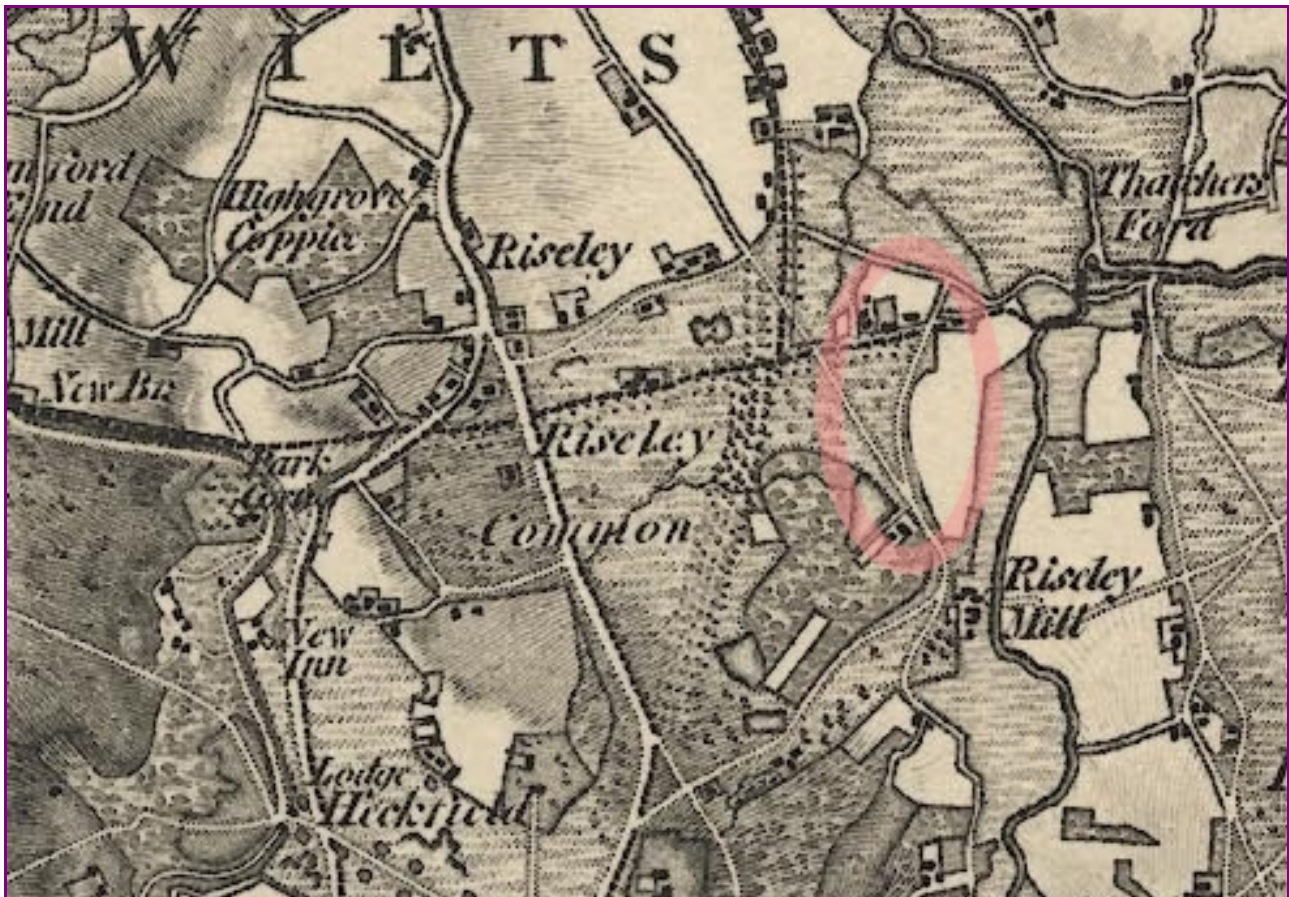


Illustration iv: OS first edition one inch map

Description: In common with Taylor's map and the OS one inch drawing, the first edition one inch map shows the road west from Thatchers Ford and across Great Ford, and its continuation as the Devil's Highway from a place close to or at point A then west to Riseley village.

A way is shown south-west from point A, generally contiguous with the course of Riseley Common Lane, adjacent to the inclosures on the eastern boundary of Riseley Common. No junction is shown with the present Mill Lane at point B, however, the way continues south along the present alignment of Mill Lane to Riseley Mill. The course of the way appears generally to follow the eastern boundary of the common.

At a point significantly south of point B, close to what is now *The Hollies*, the way connects with another way projecting across Riseley Common approximately north-north-west towards the Devil's Highway close to Christmas Cottage.

Conclusion: The Ordnance Survey one inch first edition map provides good evidence of the existence of a way across the common prior to inclosure, originating at point A, via point B, towards Riseley Mill.

⁴ www.geog.port.ac.uk/webmap/hantsmap/hantsmap/ordnce6/oss12f.htm.

Points: 1

7. Greenwood's map of Hampshire

Date: 1826

Source: Hampshire Record Office HMCMS:FA1965.589⁵ (reproduction with thanks to Jean and Martin Norgate)



Illustration v: Greenwood's map

Description: A way is shown south-west from point A, generally contiguous with the course of Riseley Common Lane, adjacent to the inclosures on the eastern boundary of Riseley Common. No junction is shown with the present Mill Lane at point B, however, the way continues south along the present alignment of Mill Lane to Riseley Mill. The course of the way appears generally to follow the eastern boundary of the common.

At a point significantly south of point B, at the intersection of what is now Mill Lane with a ditch crossing the field to the east of the Lane and opposite the disused sewage works, the way connects with another way projecting across Riseley Common approximately north-north-west towards the Devil's Highway close to Christmas Cottage. This intersection appears to be considerably further north than shown on the OS one inch drawing and first edition map, but is nevertheless south of point B.

Conclusion: Greenwood's map provides good evidence of the existence of a way across the common prior to inclosure, originating at point A, via point B, towards Riseley Mill.

Points: 1

⁵ www.geog.port.ac.uk/webmap/hantsmap/hantsmap/grnwood2/grw86f.htm

8. Heckfield tithe award map

Date: 1840

Source: Hampshire Record Office 21M65/F7/114

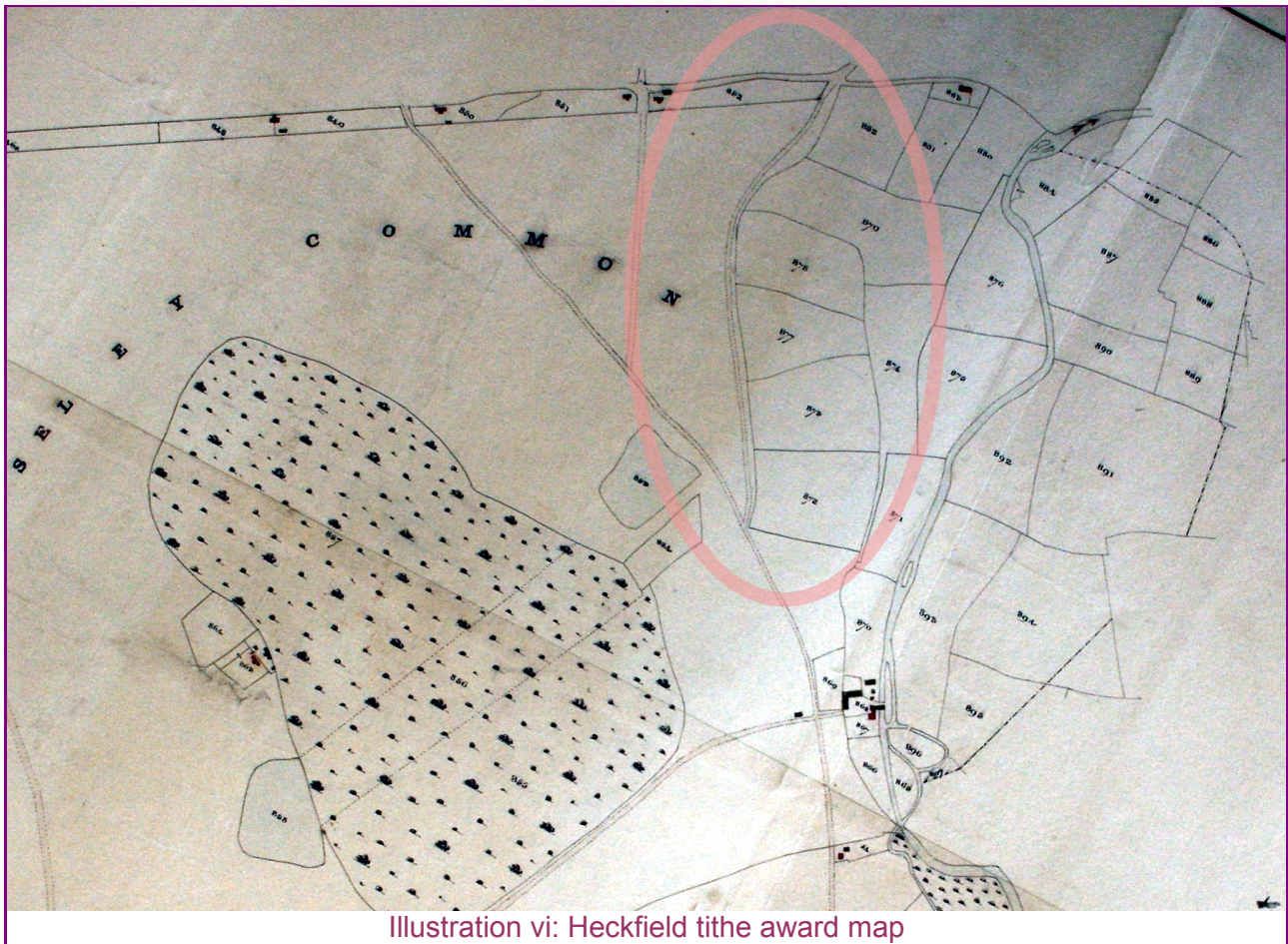


Illustration vi: Heckfield tithe award map

Description: A way is shown south-west from point A, generally contiguous with the course of Riseley Common Lane, adjacent to the inclosures on the eastern boundary of Riseley Common. No junction is shown with the present Mill Lane at point B, however, the way continues south along the present alignment of Mill Lane to Riseley Mill. The course of the way appears generally to follow the eastern boundary of the common.

At a point significantly south of point B, close to what is now *The Hollies*, the way connects with another way projecting across Riseley Common approximately north-north-west towards the Devil's Highway close to Christmas Cottage. That way, in turn, connects with a further way due north across the common to the Devil's Highway.

Riseley Common was not subject to tithing, and no entry appears for Riseley Common Lane in the tithe award.

Conclusion: The tithe map provides good evidence of the existence of a way across the common prior to inclosure, originating at point A, via point B, towards Riseley Mill.

Points: 2

9. *Bristol and Dover Direct Junction Railway*

Date: 1845

Source: Hampshire Record Office deposited plan DP/B12/1

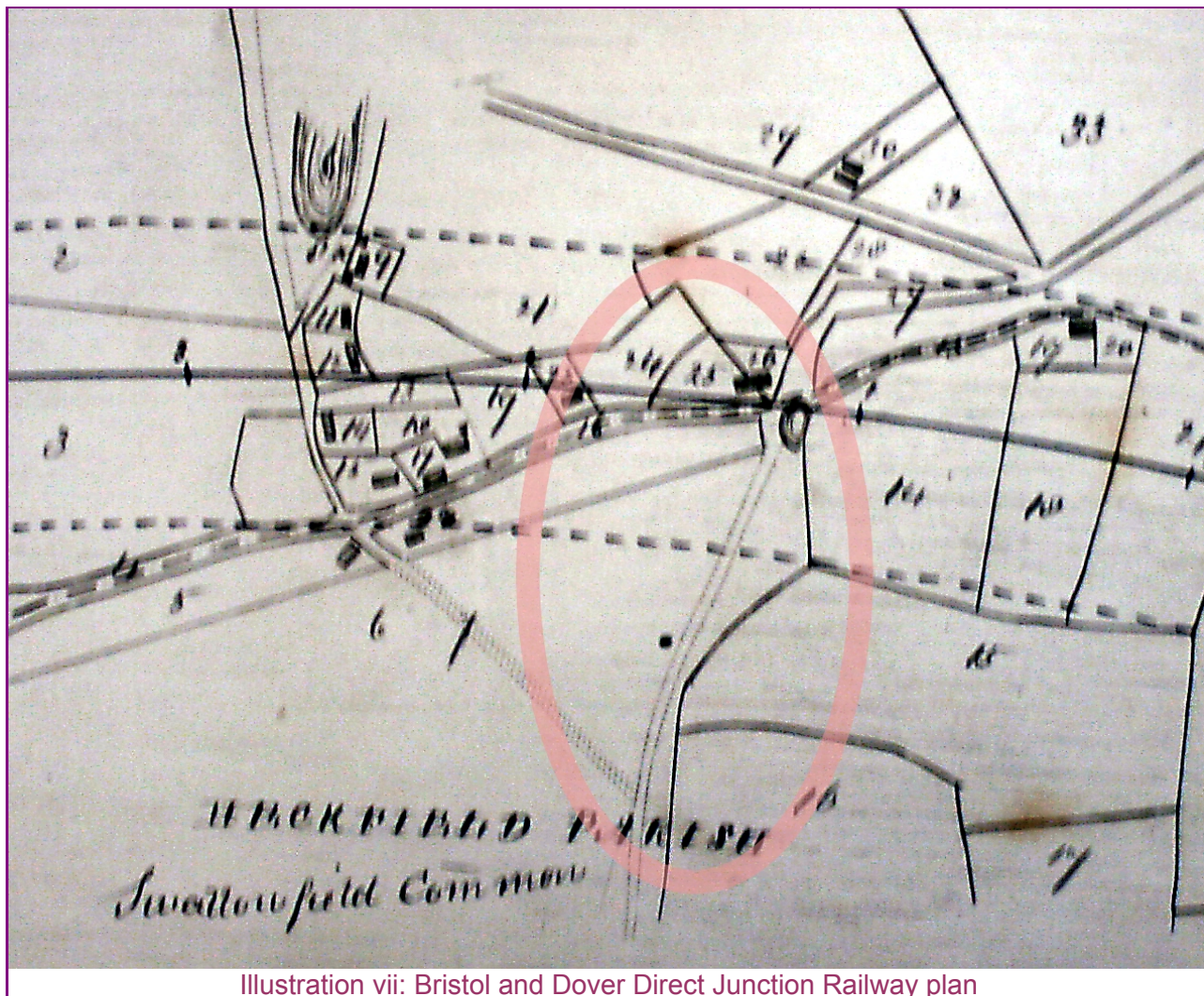


Illustration vii: Bristol and Dover Direct Junction Railway plan

of Heckfield in the County of Hants

No. on Plan	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Boundary Road	Surveyors of Highways		Surveyors of Highways
2	Cottage and Garden	His Grace the Duke of Wellington		Francis Jordan
3	Cottage and Garden	His Grace the Duke of Wellington		Richard Hatt
4	Cottage and Garden	His Grace the Duke of Wellington		John Hunt
4a	Private Road	His Grace the Duke of Wellington		His Grace the Duke of Wellington
5	Cottage and Garden	His Grace the Duke of Wellington		Rev Thomas Hunt
6	Heckfield Common	His Grace the Duke of Wellington		His Grace the Duke of Wellington
7	Parish Road	Surveyors of Highways		Surveyors of Highways
8	Cottage and Garden	His Grace the Duke of Wellington		E. W. Horn
9	Part of Common	His Grace the Duke of Wellington		His Grace the Duke of Wellington
10	Parish Road	Surveyors of Highways		Surveyors of Highways
11	Part of Common	His Grace the Duke of Wellington		His Grace the Duke of Wellington
12	Field	His Grace the Duke of Wellington		His Grace the Duke of Wellington
13	Boundary Road	Surveyors of Highways		Surveyors of Highways

Illustration viii: Bristol and Dover Direct Junction Railway book of reference

Description: A way is shown south-west from point A, generally contiguous with the course of Riseley Common Lane, close to the inclosures on the eastern boundary of Riseley Common, to a junction with the present Mill Lane at point B. The identification of Riseley Common Lane in the book of reference for the Bristol and Dover Direct Junction Railway is uncertain: the following relevant entries for Heckfield Parish are noted below with comments:

No. on plan	Description of Property	Owners or reputed Owners	Occupiers	Comment (not part of Award)
1	Boundary Road	Surveyors of Highways	Surveyors of Highways	Possibly the Devil's Highway, west of Mill Lane (see mark above 'r' of 'County and Parish Boundary')
4a	Private Road	His Grace the Duke of Wellington	His Grace the Duke of Wellington	Possibly farm access road east from point A to parcels 19 & 20 (appears to be labelled '4')
6	Heckfield Common	His Grace the Duke of Wellington	His Grace the Duke of Wellington	Elsewhere referred to as Riseley Common
7	Parish Road	Surveyors of Highways	Surveyors of Highways	Mill Lane, south of the Devil's Highway, towards point B
9	Part of Common	His Grace the Duke of Wellington	His Grace the Duke of Wellington	Not identified
10	Parish Road	Surveyors of Highways	Surveyors of Highways	Possibly Riseley Common Road (not marked at '10', but '10' not elsewhere used)
11	Part of Common	His Grace the Duke of Wellington	His Grace the Duke of Wellington	Not identified
13	Boundary Road	Surveyors of Highways	Surveyors of Highways	Not identified

Table 1: Bristol and Dover Direct Junction Railway book of reference extract

Conclusion: The Bristol and Dover Direct Junction Railway plans record the existence of Riseley Common Lane as a physical feature across Riseley Common between A and B at

the date of the survey in 1845. The markings on the deposited map are unclear and apparently incomplete, but the entry for parcel 10 may be attributable to Riseley Common Road, as it is not elsewhere assigned on the relevant plan.

Points: 2 (reduced from a possible 5 as Riseley Common Lane is set out on the plan but cannot confidently be assigned to parcel 10).

10. Heckfield Inclosure Award

Date: 1860

Source: Hampshire Record Office Q23/2/68

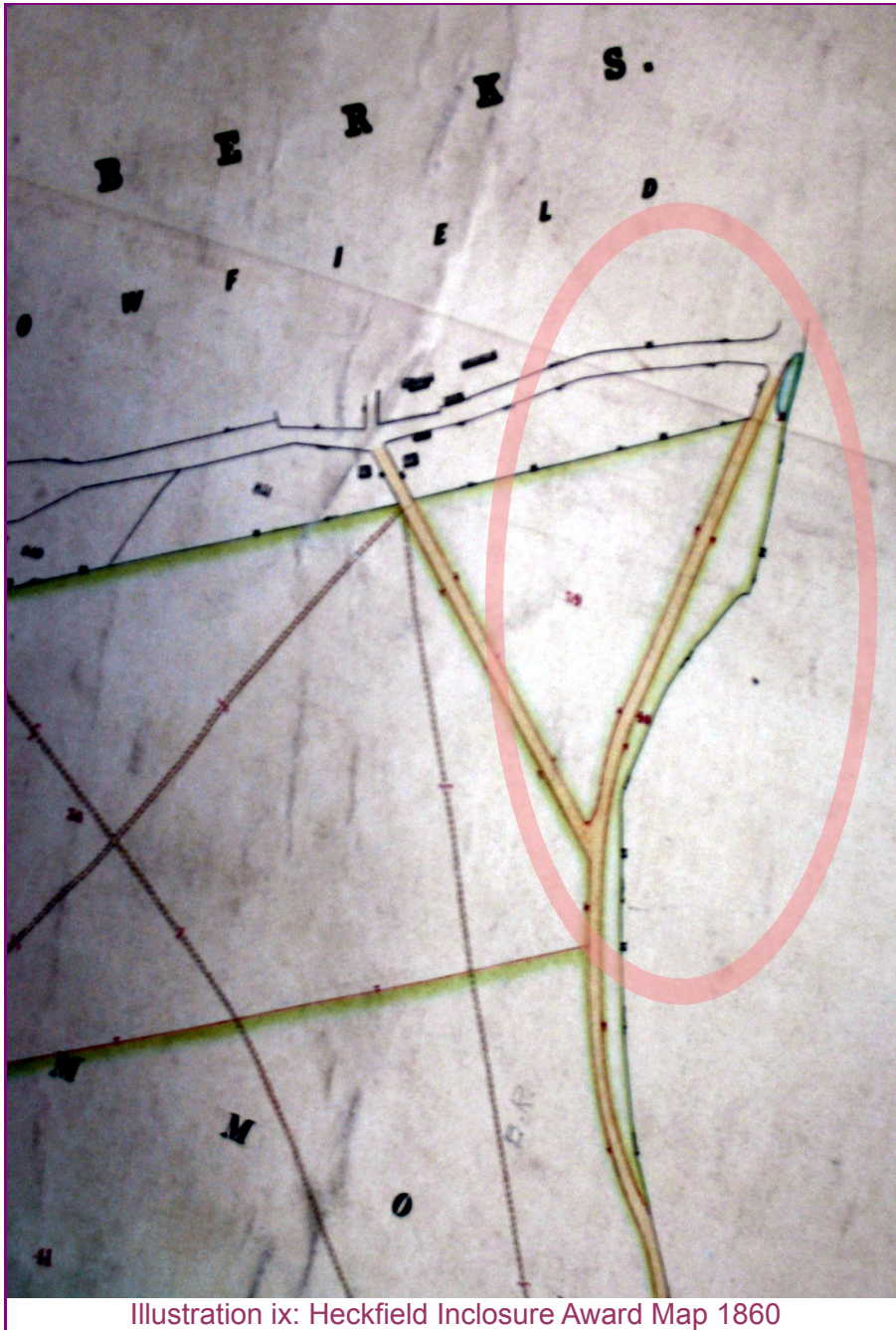


Illustration ix: Heckfield Inclosure Award Map 1860

Authority: Inclosure Act 1845. Section 62 of the 1845 Act provides that the valuer

appointed may set out, widen, stop up or divert public roads by following the procedure contained in that section, but the Act does not provide that any existing road across land to be inclosed is stopped up unless that procedure is followed.

Description: The primary purpose of the Heckfield Inclosure Award is to stop up numerous roads and paths across Riseley Common. A transcript of the relevant part of the award is at annexe A: this provides for the stopping up of three public footpaths, ten public bridleways, and three carriage roads, together with the diversion of a further public footpath. Notably, Riseley Common Lane is shown between points A and B, preserved from stopping up, and appears (together with Mill Lane) as defined and now enclosed on the inclosure award map, coloured ochre, in common with other roads across the common which are not stopped up.

Conclusion: The inclosure award map provides good indirect evidence that Riseley Common Lane was a public carriageway across the common, which was retained on its existing alignment as a now enclosed carriage road.

Points: 5

11. Ordnance Survey, six inch first edition, sheet V.XLV

Date: 1871–72

Source: Hampshire Record Office

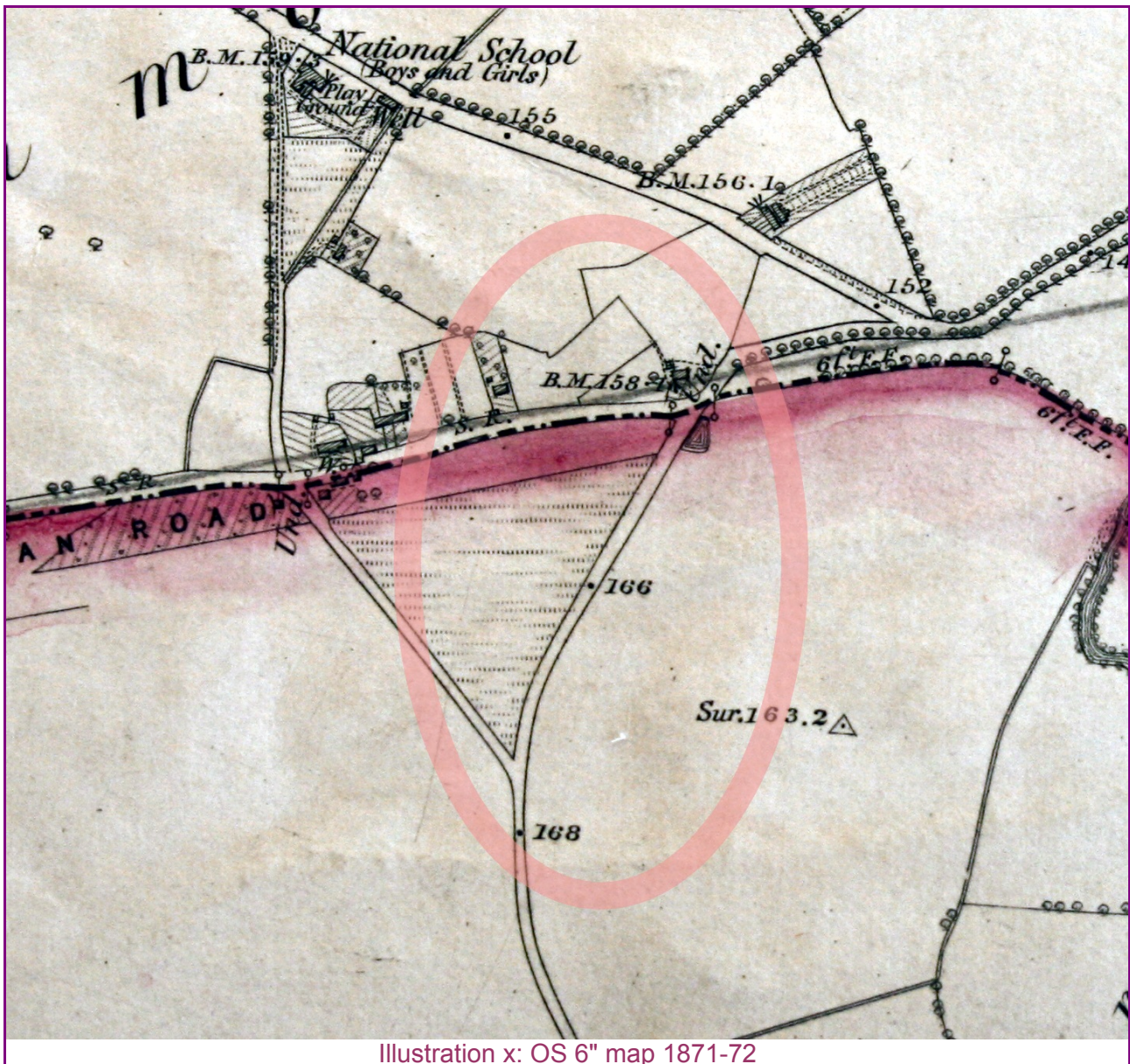


Illustration x: OS 6" map 1871-72

Description: Riseley Common Lane is shown between points A and B as an enclosed way.

Conclusion: The Ordnance Survey six inch first edition map records the existence of the road as a physical feature between points A and B at the date of the survey in 1871-2.

Points: N/A

12. OS Book of Reference

Date: 1880

Source: Hampshire Record Office, 27M79/P21

21	1.238	House and garden.
22	.166	House and garden.
23	1.515	Arable.
24	4.736	Rough pasture.
25	.602	Road.
26	31.977	Arable.
27	5.506	Pasture.
28	5.122	Pasture.
29	.193	W...

Illustration xi: Ordnance Survey Book of Reference 1886

Description: Riseley Common Lane is recorded as parcel 25 on the OS 1871 25 inch map. The book of reference records the occupation of the parcel as 'Road'. Nearby parcels also recorded as 'Road' are: 14 (The Devil's Highway), 4 (Welsh Lane) — both of these are now recognised as public carriageways.

Conclusion: The entry as a 'road' in the OS book of reference is supportive of the status of Riseley Common Lane as a public carriageway.

Points: 3

13. Ordnance Survey, 25 inch first edition, Hampshire sheet V.12

Date: 1899

Source: Hampshire Record Office

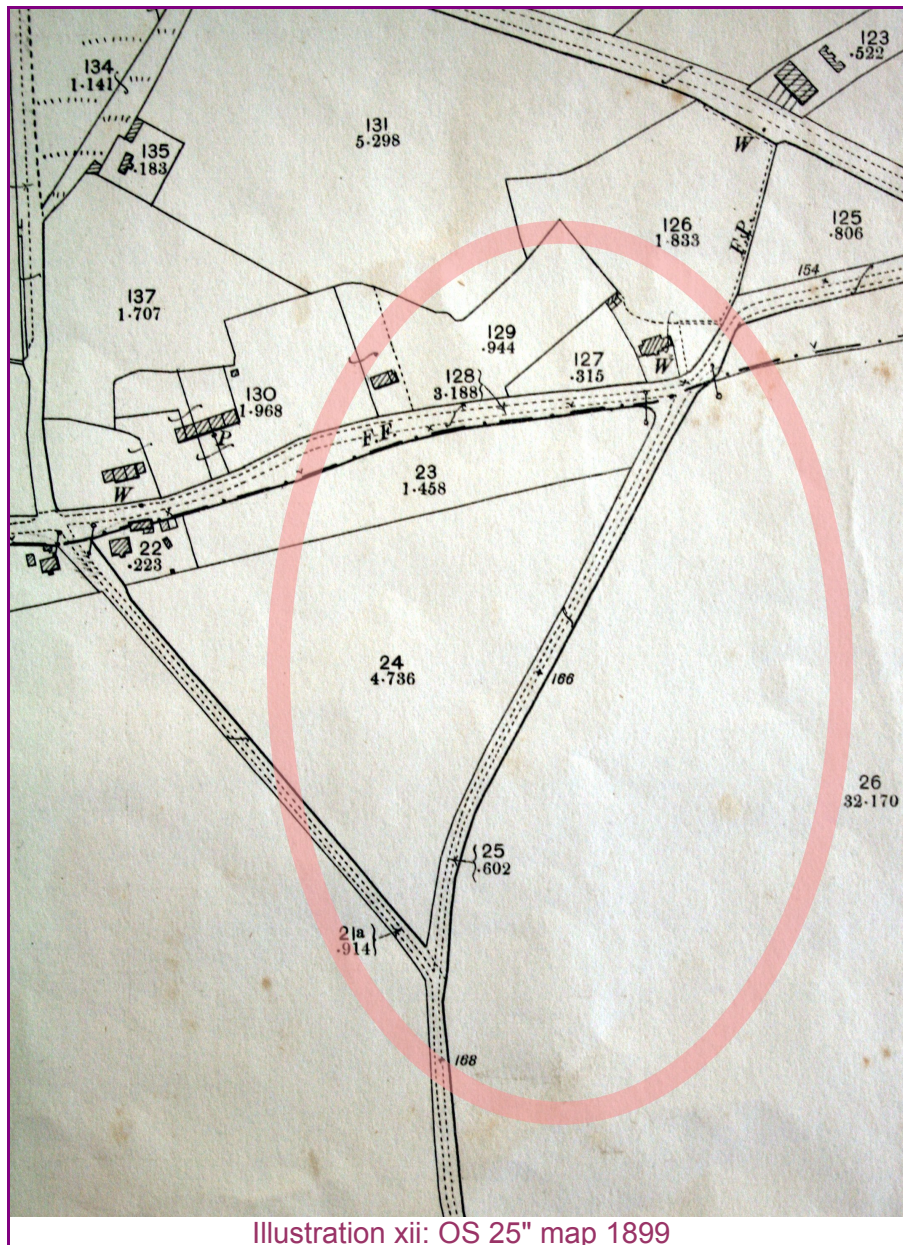


Illustration xii: OS 25" map 1899

Description: Riseley Common Lane is shown between points A and B as an enclosed way.

Conclusion: The Ordnance Survey twenty-five inch first edition map records the existence of the road as a physical feature between points A and B, at the date of the survey.

Points: N/A

14. Finance (1909–10) Act 1910

Date: c.1910

Source: National Archives IR 126/7/304, IR 125/4/27

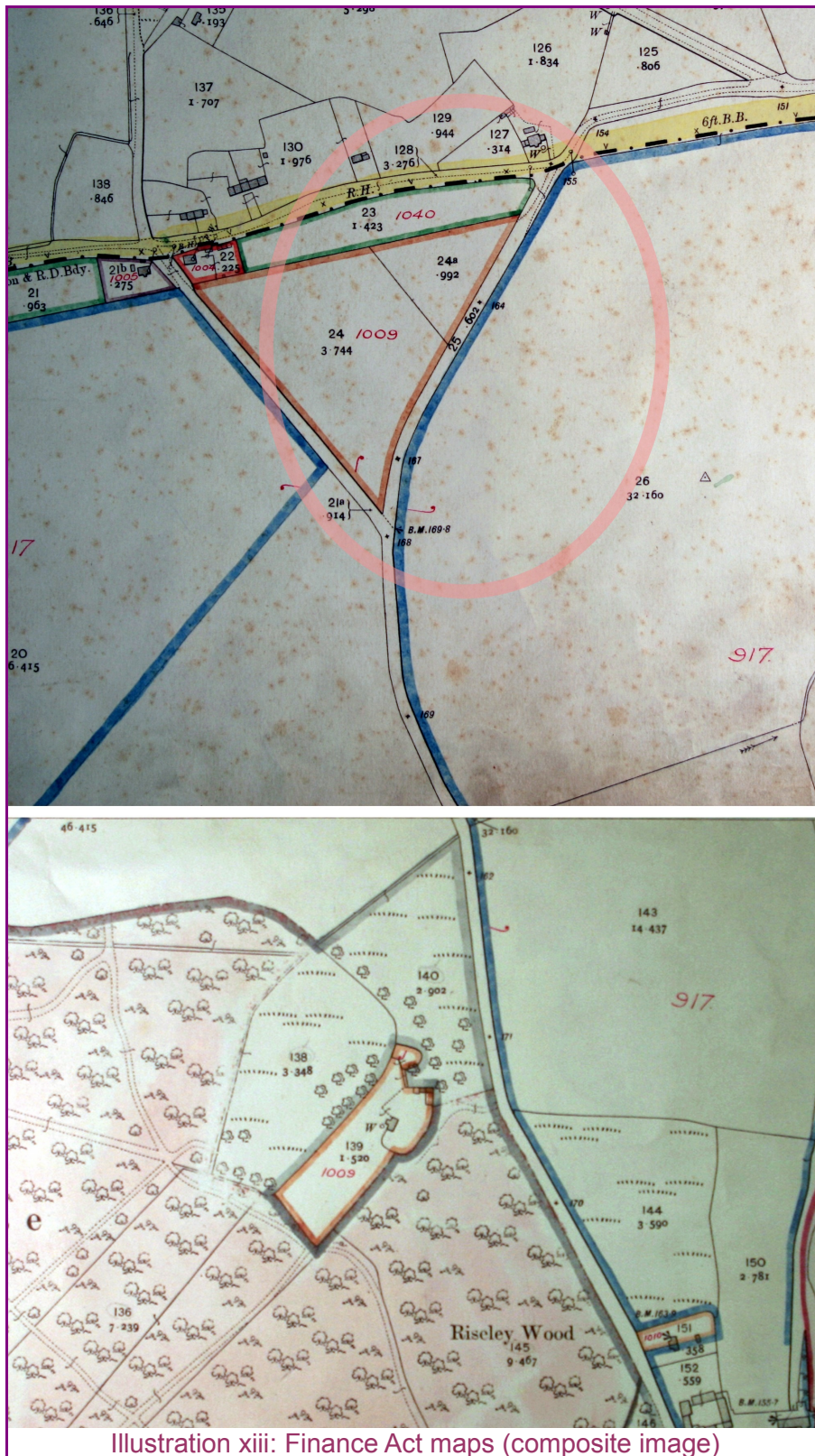


Illustration xiii: Finance Act maps (composite image)

Description: The Finance Act maps show Riseley Common Lane as excluded from adjacent hereditaments, in common with Mill Lane. Unusually, the excluded area also includes a significant parcel of land (part of parcel 20 on the Finance Act OS sheet) to the west of Mill Lane south of its junction with Riseley Common Lane.

The extract shown above is a composite of two adjacent map sheets.

Conclusion: The Finance Act maps show Riseley Common Lane as excluded from hereditaments between points A and B, and are good evidence for carriageway status.

Points: 5

15. Ordnance Survey, 25 inch third edition, Hampshire sheet V.12

Date: 1911

Source: Hampshire Record Office

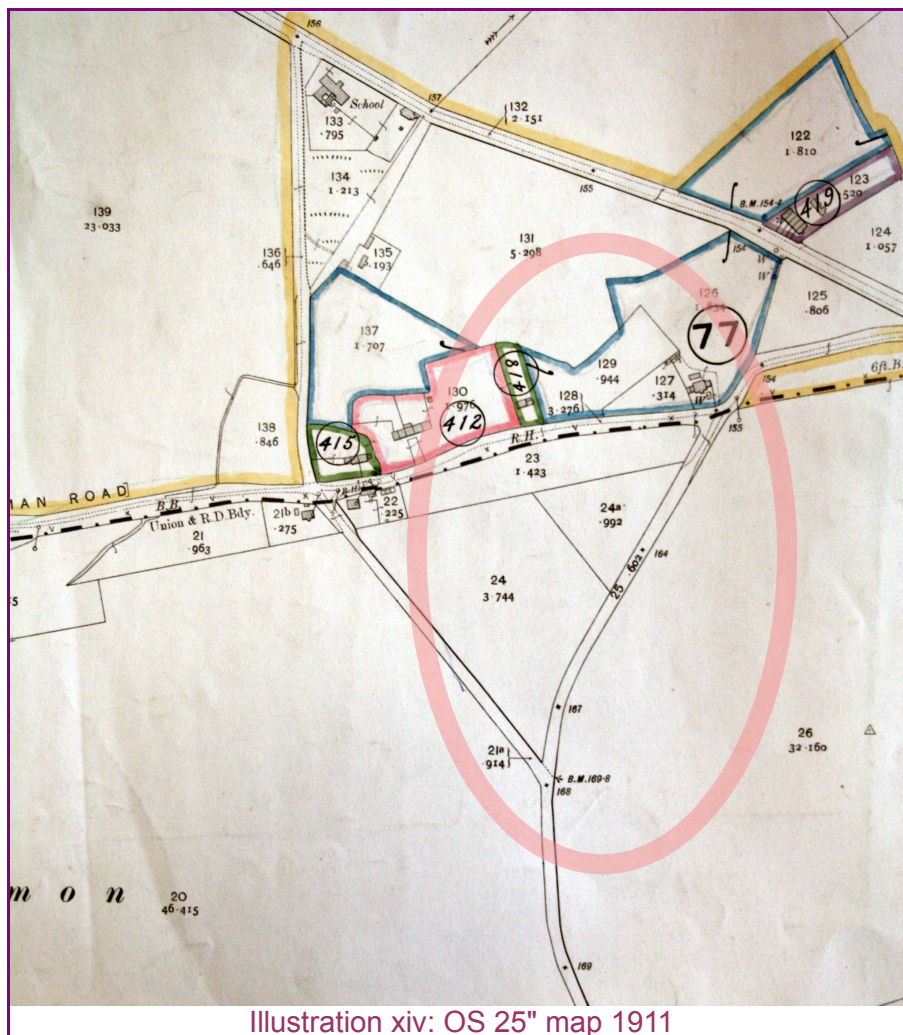


Illustration xiv: OS 25" map 1911

Description: Riseley Common Lane is shown between points A and B as an enclosed way.

Conclusion: The Ordnance Survey twenty-five inch third edition map records the existence of the road as a physical feature between points A and B, at the date of the survey.

Points: N/A

16. Ordnance Survey one inch New Popular Edition

Date: 1945

Source: www.visionofbritain.org.uk (© Great Britain Historical GIS Project (2004) 'Great

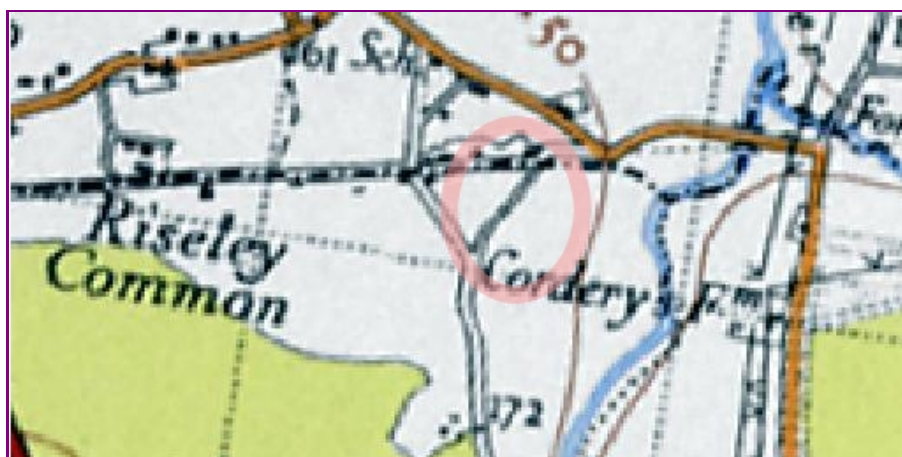


Illustration xv: OS New Popular Edition

<i>Ministry of Transport, Class 1</i>		A.38
<i>" " " " 2</i>		B.3210
Roads	<i>14 feet of Metalling and over (not classified by M. of T.)</i>	TOLL
	<i>Under 14 ft. of Metalling. Good</i>	Gate
	<i>" " " " Bad</i>	
	<i>Minor Roads in towns, Drives and Unmetalled Roads.</i>	
<i>(Unfenced Roads are shown by pecked lines)</i>		
Footpaths & Bridle Paths		
Steep Gradients, over 1 in 7.....		
over 1 in 5.....		

Illustration xvi: Key to OS New Popular Edition

Description: Riseley Common Lane is shown as a 'drive or unmetalled road' from points A to B.

Conclusion: Evidence for the existence of Riseley Common Lane as an unmetalled road at the date of the map.

Points: 1

17. List of streets

Date: 2011

Source: Hampshire Asset Management Group (Hampshire County Council).

From: "Street Gazetteer Team" <1770.streetgazetteer@hants.gov.uk>
Subject: RE: List of streets: Hart district
Date: 25 January 2011 09:49:03 GMT
To: "Hugh Craddock"
Cc: "Pellatt, Johanna"

Dear Hugh,

Thank you for your enquiry. I have outlined our response below.

1) Unmetalled lane from Riseley Mill Road (U241) at SU735630 to county boundary at junction with The Devil's Highway at SU736632

I can confirm that the above is NOT in our list of streets.

2) Jouldings Lane from Well House Lane (U241) at SU751632 to county boundary at River Blackwater (Jouldings Ford) at SU752634

I can confirm that the above is NOT in our list of streets.

Please let me know if I can help any further.

Kind Regards,

Phil Marlow
Technical Officer,
Asset Management Group, Hampshire County Council.
* HPSN: (8) 315-2181

P Please consider the environment before printing this e-mail.

Illustration xvii: Hampshire list of streets

Description: Riseley Common Lane is not recorded in the list of streets held under s.31(6) of the Highways Act 1980 by Hampshire County Council.

Conclusion: Riseley Common Lane is not currently recognised by the highway authority as a publicly maintainable highway.

Points: N/A

18. Points total

Points: 21

[ENDS]

Extract from Heckfield Inclosure Award

The following extract records those public highways across Riseley Common which were to be stopped up. Indeed, the primary purpose of the Award appears to have been to stop up the various paths and tracks across the common, for the Award provided for little else. Paragraph numbers are inserted below for ease of reference.

"And I further declare that I have discontinued and stopped up the Public Roads and Ways in the said parish hereinafter particularly mentioned that is to say

[1] The public Foot and Bridle Way commencing in the Basingstoke and Reading Turnpike Road at a point near the Northern angle of the old Inclosure numbered 755 on the Tithe Commutation Plan of the parish of Heckfield and on the Map annexed thence proceeding in a North Eastwardly direction over the lands to be inclosed and crossing the London Coach Road thence in the same direction and crossing the Odiham and Reading Turnpike Road near the Parish Pound to and terminating in the public Road from the last mentioned Turnpike Road towards Riseley Mill near the Northwest angle of the old Inclosure numbered 862 on the said Map

[2] One other public Foot and Bridle Way commencing in the public Road from Hartley Row to Reading at a point opposite the House of R D Ball Esquire numbered 99 on the said Plan and on the Map annexed thence proceeding in a Northwestwardly direction over the lands to be inclosed crossing the Turnpike Road from Odiham to Reading and so proceeding thence near the outside of the Warren thence to and terminating at the said Basingstoke and Reading Turnpike Road at a point near the Northern angle of the old Inclosure numbered 755 as aforesaid

[3] One Public Foot Bridle and Carriage Road commencing in the Odiham and Reading Turnpike Road at a point near the Northeast angle of the old Inclosure numbered 779 on the said Plan and on the Map annexed and proceeding thence in a Northwardly direction and crossing the said London Coach Road thence in the same direction to and terminating at the said Reading and Basingstoke Turnpike Road near the Hatch Gate at Stanford Lane End

[4] One other Public Foot and Bridleway commencing in the said Basingstoke and Reading Turnpike Road near the London Lodges of the Duke of Wellington thence proceeding in a Northwardly direction to the Lane between the old Inclosures numbered respectively 2 and 829 on the said plan and on the Map annexed thence through the said Lane thence in the same direction to the Odiham and Reading Turnpike Road at the South East angle of the old Inclosure numbered 847 on the said Plan and on the Map annexed

[5] One other public Foot and Bridleway commencing at the said Basingstoke and Reading Turnpike Road near the New Inn thence proceeding in an Eastwardly direction through the said last mentioned Lane, then across the Odiham and Reading Turnpike Road thence in the same direction to and terminating at the Northeast angle of an old Inclosure numbered 851 on the said Plan and on the Map annexed

[6] One other public Footway commencing at the Eastern extremity of the before mentioned Lane thence proceeding in a Northwardly direction over the land to be inclosed to and terminating in the said Basingstoke and Reading Turnpike Road at a point near the Northern angle of the old Inclosure numbered 859 on the said Plan and on the Map

annexed

[7] One other public Foot and Bridleway commencing at the said East end of the said Lane thence proceeding in an Eastwardly direction over part of the said Lands to be inclosed thence in a Southeastwardly direction crossing the said Odiham and Reading Turnpike Road to and terminating in the Road to Riseley Mill and the Southern angle of the old Inclosure numbered 855 on the said Plan and on the Map annexed

[8] One other Foot and Bridleway commencing in the said Riseley Road at the point last described at the Southern angle of the old Inclosure numbered 855 on the said Plan and on the Map annexed thence in a Northwardly direction over the Lands to be inclosed to and terminating at the Northwest angle of the old Inclosure numbered 848 on the said Plan and on the Map annexed

[9] One other Foot and Bridleway commencing at the Eastern end of the before described Lane proceeding thence in a Northeastwardly direction over the Lands to be inclosed and crossing the said Odiham and Reading Turnpike Road to and terminating at the said point at the Northwest angle of Number 848 as aforesaid

[10] One other public Footway commencing in the Reading and Basingstoke Turnpike Road at the Southwest angle of the old Inclosure numbered 846 on the said Plan and on the Map annexed thence in an Eastwardly direction over the said land and crossing the said Odiham and Reading Turnpike Road, thence in the same direction near the Northern side of the old Inclosure numbered 857 as aforesaid to and terminating at the Road from Riseley Mill towards Swallowfield near the Southwest angle of the old Inclosure numbered 872 on the said Plan and on the Map annexed

[11] One other Foot Bridle and Carriage Way commencing at the said Road from Riseley to Swallowfield near the South west angle of the old Inclosure numbered 872 on the said Plan and on the Map annexed thence in a Northwardly direction over the said Land to and terminating at the Northeast angle of the old Inclosure numbered 849 on the said Plan and on the Map annexed

[12] One other Public Foot and Bridle Way commencing in the Odiham and Reading Turnpike Road at a point Two hundred and fifty yards or thereabouts to the North of the parish Pound thence proceeding in a Northwardly direction across the said land and passing near the Western side of the old Inclosure numbered 857 as aforesaid to and terminating at the Northeast angle of the said old Inclosure numbered 849 on the said Plan and on the Map annexed

[13] One other Public Foot and Bridle Way commencing in the said Odiham and Reading Turnpike Road near the said Parish Pound and proceeding thence in a Southwardly and Eastwardly direction over the said Land near the South West side of the old Inclosure numbered 22 as aforesaid and terminating in the London Coach Road near the said House of R D Ball Esquire

[14] One other Foot, Bridle and Carriage Way commencing in the said Odiham and Reading Turnpike Road near the point where the Riseley Road enters the same, thence in a Northwestwardly direction over the said Land to and terminating at the Basingstoke and Reading Turnpike Road opposite the New Inn

[15] And one other Foot and Bridle Way commencing at the Road from Heckfield to Riseley at a point near the Eastern angle of the old Inclosure numbered 855 on the said Plan and on the Map annexed thence proceeding in a Northwardly direction over the said land passing near the Eastern angle of the old Inclosure numbered 854 on the said Plan and on the Map annexed thence in the same direction to and terminating at the Northeast

angle of the old Inclosure numbered 851 on the said Plan and on the Map annexed.

[16] And I further declare that I have diverted the public footway commencing at the Church Stile near the Northwest angle of the Warren numbered 779 on the said Plan and on the Map annexed proceeding thence in a Northwardly direction over the said Land and across the London Coach Road thence in the same direction to the Western end of the before described Lane between the old Inclosures numbered 2 and 829 on the said Plan and on the Map annexed thence through the said Lane thence in the same direction to and terminating in the Reading and Basingstoke Turnpike Road at the Southwest angle of the said old Inclosure numbered 846 as aforesaid and in lieu thereof I have set out a new Public footway numbered 12 on the said Map hereunto annexed commencing at the said Church Stile in the Warren at a point marked P on the said Map hereunto and proceeding thence in a straight line into the Reading and Basingstoke Turnpike Road at a point marked Q on the said Map hereunto annexed where the said London Coach Road crosses the said Reading and Basingstoke Turnpike Road"