

Summary of Documentary Evidence

Document	Evidence	Comments
LBB non statutory records	Clarence Road is considered to be a highway for all traffic	These are non statutory records and the evidence therein is of little weight.
LBB List of streets	SE end of The Grove is an adopted highway, maintainable at public expense. Belvedere Road is an adopted highway, maintainable at public expense, but subject to a traffic regulation order restricting its use to pedestrian use only.	This is good evidence that the routes are all purpose highway, as such The Grove and Belvedere Road are not included in the recommendation to make an Order
LBB Definitive Map records	Records Footpath 279 as a public footpath	Recording of rights on the definitive map and statement is without prejudice to other public rights existing over the same route.
LBB Rights of Way Records	<p>Survey carried out by Orpington UDC under National Parks and Access to the Countryside Act 1949</p> <p>The survey includes FP 248 (now LBB's FP 279) which describes the route as having a stile not far from its junction with Main Road and one at the point where the path meets the OUDC boundary - which was on the section of the route described previously as Avenue Road.</p> <p>The annotation associated with the FP survey text includes 4 'S' symbols, which were intended to indicate the presence of stiles, even though only 2 are referred to in the text.</p> <p>There is a Map associated with the survey that indicates a stile near the junction with Main Road and half way along its length, but not at the 'Avenue Road' junction.</p>	This is evidence that stiles existed on what is now FP 279, even if it is not completely clear where these were.

Wildlife & Countryside Act 1981
 Application for a Definitive Map Modification Order
 Alleged bridleway Clarence Road, FP 279, Avenue Road/The Avenue to The Grove

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LBB Rights of Way inspection Record for FP 279	<p>This contains references to barriers/rails at the junction with the main road in 1981, 1987 (specifically to stop horse riders, reported to be broken), 1989, (horses squeezing past barriers). A stile constructed by Mr Williams (in 1985), stiles in 1987, 1989 (Stile at Cudham Road in need of repair), 1990 (new stile erected), 1991 (stile replaced with additional step), 1998 (stile in need of repair, subsequently repaired by Council), 2002 (3 stiles inspected).</p> <p>The log also notes a complaint by Mr Williams in 1979 that horses were using the footpath to the rear of his property and that notices had been displayed to say that the permission of the owner has been given for horse riding use</p>	
Surrey County Council Definitive Map and Statement	The southern extent of Avenue Road (south of point D on Plan 1b) was the subject of a DMMO to add the route as a bridleway, this was confirmed in October 2004.	This route, plus other linking highways in Surrey, is shown on Plan 1b
Aperfield Estate Records		The estate did not extend to include the claimed route.
Valuation records prepared under the Finance Act (1909-1910) 1910	Avenue Road/The Avenue is shown unshaded and external to adjacent hereditaments on the final record plan.	<p>PINS Consistency Guidelines at Section 11, gives the following advice regarding unshaded routes, "...if a route in dispute is external to any numbered hereditaments, there is a strong indication that it is considered to be a public highway, normally, but not necessarily vehicular, since footpaths and bridleways were usually dealt with by deductions recorded in the forms and Field Books, however there may be other reasons to explain its exclusion. It has been noted, for example, that there are some cases of a private road set out in inclosure awards (see Section 7) for the use of a number of people but without its ownership being assigned to any individual, being shown excluded from hereditaments; however this has not been a consistent approach. Instructions issued by the Inland Revenue to valuers in the field deal with the exclusion of 'roadways' from plans, but do not spell out all the circumstances in which such an exclusion would apply."</p> <p>In this case, there is no inclosure award, so this evidence is suggestive that public rights, probably public vehicular rights, were considered to have existed at the date of the valuation survey.</p>