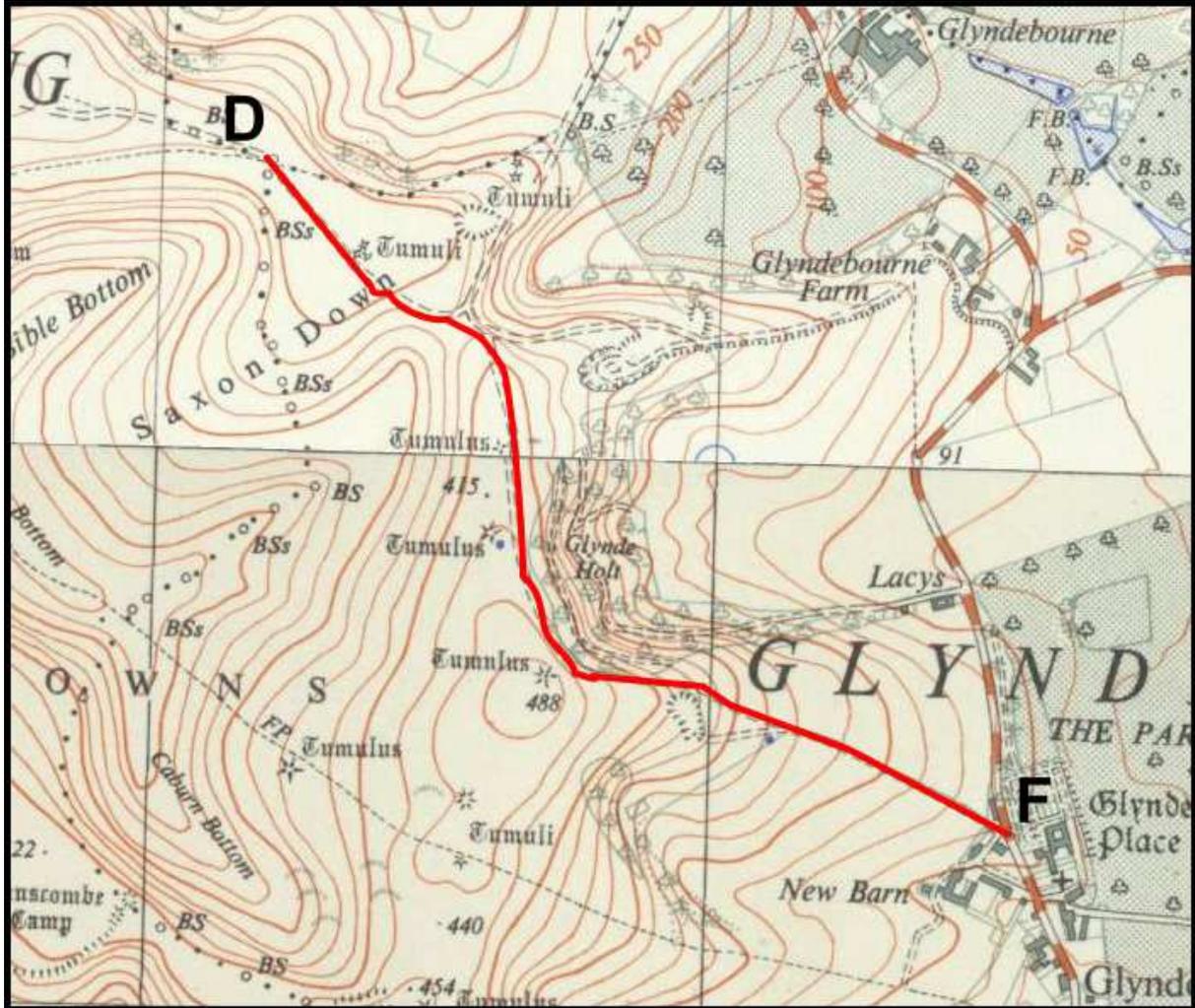


## APPLICANTS STATEMENT

Our reference- Glynde A

## THE APPLICATION ROUTE



The map is taken from an Ordnance Survey map of 1:25,000 scale but has been blown up.

The application route runs from point D at Saxon Cross, grid reference 544202 110517 to point F at a junction with the Ringmer/Glynde Road at grid reference 545528 109354.

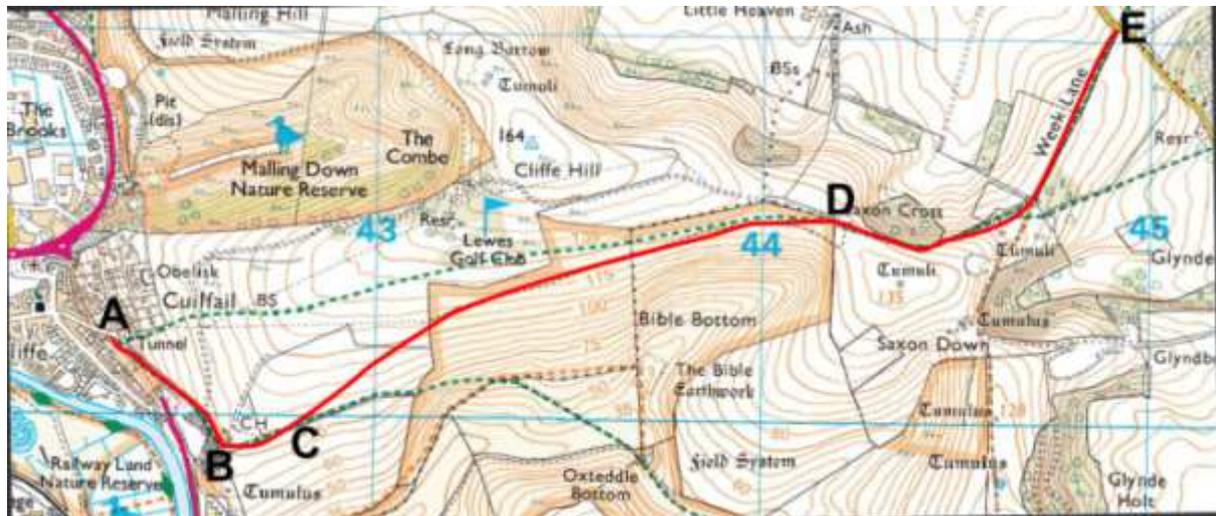
The route is in Glynde Parish,.

None of it is currently on the definitive map or statement.

Application is being made to add a bridleway

## 1. A RELATED APPLICATION

1.1.1 I have already made application to add a bridleway on Malling Down on the route set out below. As further evidence has come to light I now make a further application. For convenience I have used continuous lettering. Point D is the same on both applications. Some evidence is common to both applications.



## 2. DOCUMENTARY EVIDENCE OF HIGHWAY STATUS

2.1.1 In order to be able to modify the definitive map and statement, the surveying authority needs to have a discovery of evidence which shows that it can be reasonably alleged that highway rights exist.

2.1.2 The courts have given guidance on how evidence of highway status is to be considered. In *Fortune and Others v Wiltshire Council and another* (2012) EWCA Civ 334 Levinson LJ said, at paragraph 22 "In the nature of things where an enquiry goes back over many year (or, in the case of disputed highways, centuries) direct evidence will often be impossible to find. The fact finding tribunal must draw inferences from circumstantial evidence. The nature of the evidence that the fact finding tribunal may consider in deciding whether or not to draw an inference is almost limitless. As Pollock CB famously directed the jury in *R v Exall* (1866) 4 F & F 922: 'It has been said that circumstantial evidence is to be considered as a chain, but that is not so, for then, if any one link broke, the chain would fall. It is more like the case of a rope composed of several cord. One strand of the cord might be insufficient to sustain the weight, but three stranded together may be quite of sufficient strength.

Whilst no single piece of evidence is conclusive, I believe that, taken as a whole, the pieces of evidence demonstrate highway reputation over many years

## 3. THE GEOGRAPHY OF MALLING DOWN

3.1.1 Malling Down is an outlying down of roughly circular shape, situated immediately to the East of Lewes.

3.1.2 The western side of Malling Down descends steeply to the river plain. The only routes descending to the Ouse river plain which would be manageable by most horses are two engineered routes, one rising to what is now the Golf Club building and another rising from Malling to Saxon Cross.

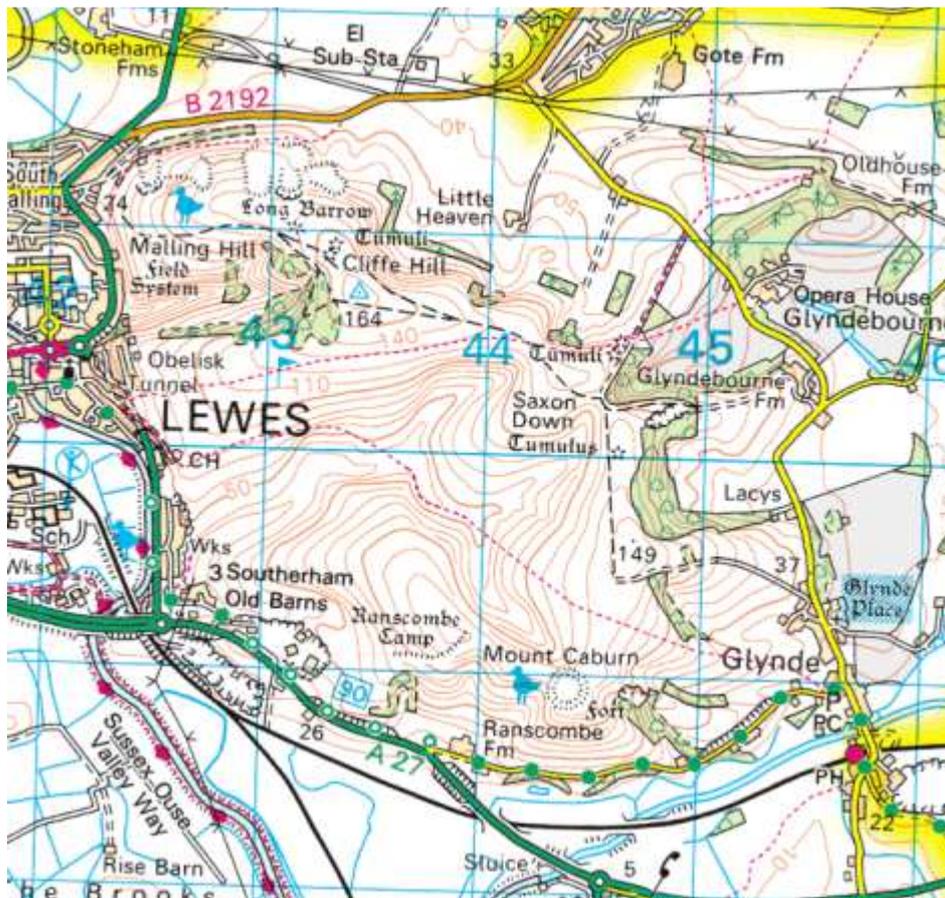
3.1.3 Maps show a number of routes converging at a place called Saxon Cross. Until comparatively recently, in historical terms the top of the down was open and unfenced. There are now a number of fences.

3.1.4 Historically the main settlements on the west side of the Down are Lewes and South Malling (South Malling has now turned into a suburb of Lewes but was once a parish with land extending across the Down above Lewes to Southerham and Ranscombe)

3.1.5 To the east of the Down lie Glynde and Glyndbourne. Glynde is a small village to the south east of the Down, with one main street. Glyndebourne consists of a farm of the same name and the big house, currently an opera house.

3.1.6 We know that up to the 18<sup>th</sup> century, travel in low level areas in Sussex was difficult and that travellers preferred the high ground of the Downs. The book "The Coach Roads to Brighton" by Geoffrey Hewlett (ISBN: 9781780037752) records that the earliest stage coaches from London to Brighton via Lewes initially took a route west of Lewes that ran along Juggs Road, straight up the side of the Downs, a route they took until a turnpike was built at a lower level. So we might expect highways even on an outlier such as Malling Down.

3.1.7 A map of the Down is shown below. Currently recorded rights of way are in red.



## 4. ROADS

4.1.1 The earliest road reaching Glynde shown on maps is the road from near Ringmer, which runs south to the village via Glyndbourne. This involves a steep ascent and then descent at Glyndbourne and another steep ascent to Glynde . These climbs are necessary

to surmount spurs of the Down which stretch out to the east. The main street of Glynde village descends from this second hill to level ground at Glynde Reach. Use of this road without a powered vehicle is a challenge.

4.1.2 The application route's southern end joins this road is near the top of the village, meaning that it would be the easiest way to get to the village from the top of the Down, since there is be less off-road descent and the gradients are lower.

4.1.3 The book "Turnpike Territory" by Peter Longstaff-Tyrell (ISBN 9780954 764739) records that an act of 1752 enabled the construction of a turnpike (toll road) from Lewes towards Eastbourne, running along the west and south sides of Malling Down from Lewes to Glynde. It was run by the Glyndebridge Trust. The road exists today. Part of it is part of the A27, which has been extensively re-engineered in recent years, but part of it exists as Ranscombe Lane, a lane that runs along the side of the Down, above the level of the land to the south.

4.1.4 Obviously the opening of the turnpike would have had an effect on the use of routes over Malling Down

4.1.5 Initially the turnpike had only one toll gate. This is recorded as being at Glynde, but the book does not tell us where this was. If it was possible to gain access to Glynde from Lewes without passing through the toll gate then the effect on traffic across the Downs would have been immediate. If a toll had to be paid for this journey then any effect would have been mitigated by the desire to avoid the toll.

4.1.6 The former toll road became toll free by 1819 when a new toll road was opened which bypassed Glynde following the route now taken by the A27.

4.1.7 I am going to suggest that the coming and improvement of roads in the area led to a diminishing of the use of public highways over Malling Down, but that these highways continue to exist.

## **5. LAND OWNERSHIP**

5.1.1 According to the government agency [Historic England](#) the Glynde Estate has been owned by the Brand family since 1824. They inherited the estate from the Trevor family, to whom they were related. The first Brand to own the estate is named as Henry Otway Brand. (The Tithe apportionment has him as Henry Otway Trevor) .

5.1.2 Historically, nearly all of Glynde parish was part of the Glynde estate, which also extended far beyond the parish. A small section of the parish, to the north, is part of the Glyndbourne Estate. However the estate has never owned the land on the western part of the Down which was formerly in South Malling and Lewes. Any route over the Down between Lewes and Glynde would therefore pass through a number of ownerships. This makes it more likely to be a public way than a way created by a landowner on their land for their private convenience.

5.1.3 Many people living in Glynde would have been tenants of and employed by the estate and although property ownership in the village has diversified in recent years, the estate is still a major property owner.

## **6. ROMAN ROADS**

6.1.1 The book “Roman Ways in the Weald” by Ivan Margary, M.A., FSA, published initially in 1948, with subsequent editions, is probably the standard work on the subject of its title. A copy of the 1965 edition is in my possession.

### What this evidence shows

6.1.2 Chapter 9 of the book covers roads in the Pevensey-Glynde area which the author considers are demonstrably of ancient origin, but were roads of local importance built by Romano-British engineers.

6.1.3 Pages 197 and 198 describe ancient roads around Glynde. Page 199 contains a map of Glynde showing ancient routes. These are reproduced below.

6.1.4 The map identifies the south end of the application route as “old lane to Saxon Down and Lewes”. The text identifies a route running from Glynde to Saxon Down as being part of a route that ran from east of Glynde to Lewes. It is suggested that this was the original way between those places and that it predated the current Glynde to Ringmer Road.

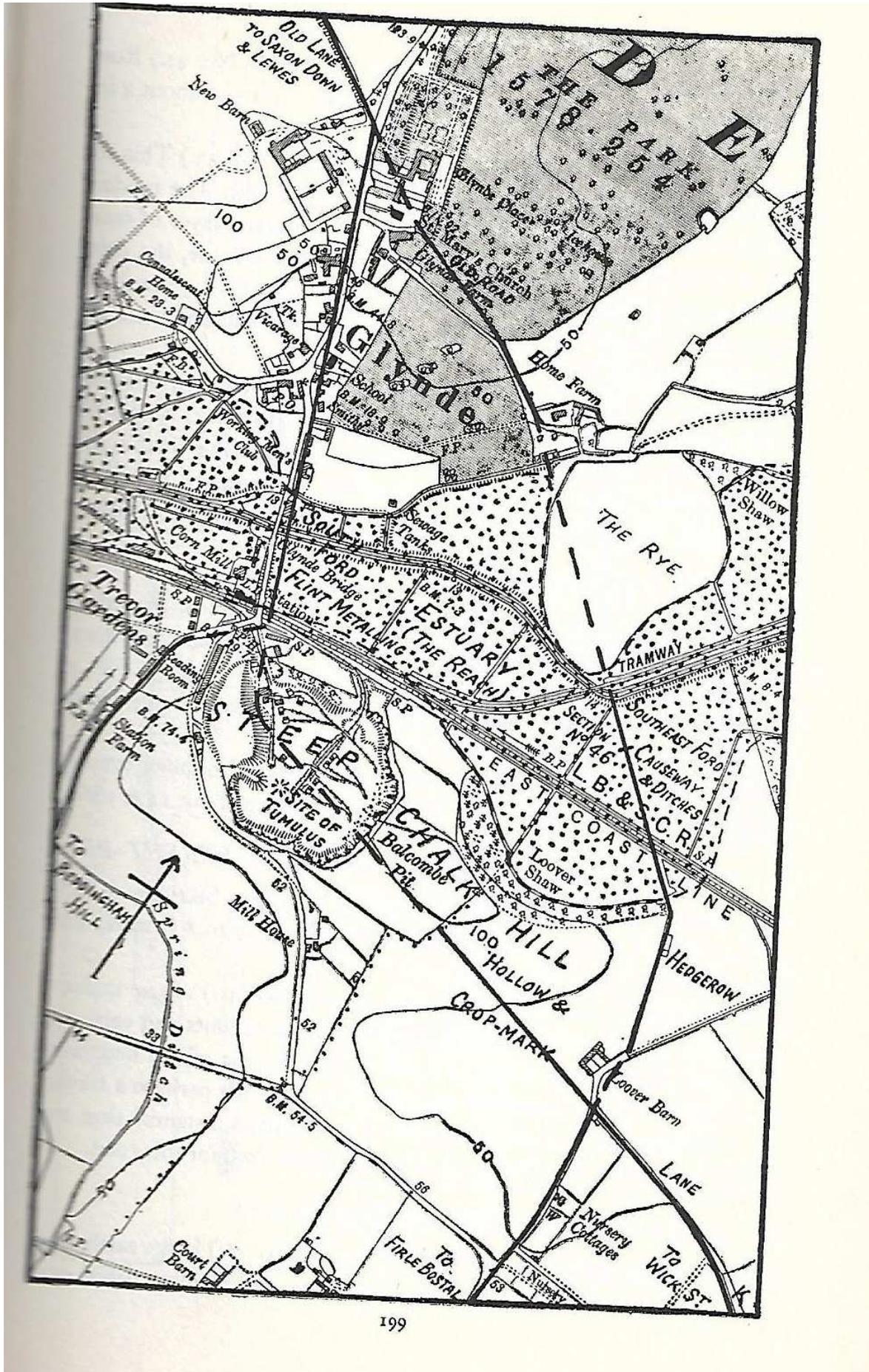
We must now consider the crossings at Glynde, to which this road led. The Glynde Reach is still tidal and in those days was probably a tidal estuary which must have formed a considerable obstacle. A steep outlying spur of chalk runs north to the river at this point, just by Glynde Station, and high ground comes fairly close to it on the opposite bank too. Thus the crossing is reduced to 170 yds, the shortest possible at any point, and it must have been in use from very early times. Traces of a flint road 30 ft wide were found just to the east of the present bridge when the river bed was being altered in 1818, together with a coin of Antoninus, and this was evidently the Roman ford, which we will call South Ford. To it came the road from Loover Barn, our route E, straight up the southern slope of the steep chalk spur, where faint traces of a hollow and sometimes a crop-mark, show its course, for it has long since vanished there, to cross the top of the spur where the large Glynde Chalkpit now is (and which once had a prominent tumulus at the top), and then to turn north directly down on to the ford and so through Glynde street.

But there is another crossing too, which we may call the South-east Ford. This lies near the eastern end of the chalk spur, to the north of Loover Barn, from which it is approached by a track. The low ground is wider there, 340 yds, but it was crossed by a wide earth causeway still plainly visible, making for the spur of high ground beyond the river, called The Rye, and so by an old road leading up to Glynde Place and straight on to Saxon Down for Lewes. The advantage of this route lay in its avoidance of a very steep climb over the chalk spur south of the Reach and it would have been an obvious improvement to make when engineered roads became available.

The two routes unite again in Glynde where it is evident that the old lane leading very directly to the top of Saxon Down is the original way to Lewes, passing as a ridgeway along the northern crest of the Caburn block of the downs. On Saxon Down it was crossed by another route, coming up the long winding Oxtedde Bottom from Southover and Southerham, which then leads north-east by the old Week Lane to

Glyndebourne Cross and so to the edge of the hills above Rushy Green, Ringmer, beyond which it seems to be untraceable. By this road direct access was available to Southover and the downs beyond, whilst the main ridgeway led on to Malling Hill and so to the trunk roads north of Lewes.

It is also possible that another road, following, more or less, the present course of the road past Glyndebourne, ran from Glynde around the lower slopes of the downs to Glyndebourne Cross and thence by a straight track to Upper Stoneham Farm on the London-Lewes Way, and the latter part, at least, appears highly probable. The need for such a road, bypassing the needless climb over the high downs from Glynde, would have become apparent, when engineered roads began to supplant the old ridgeways.



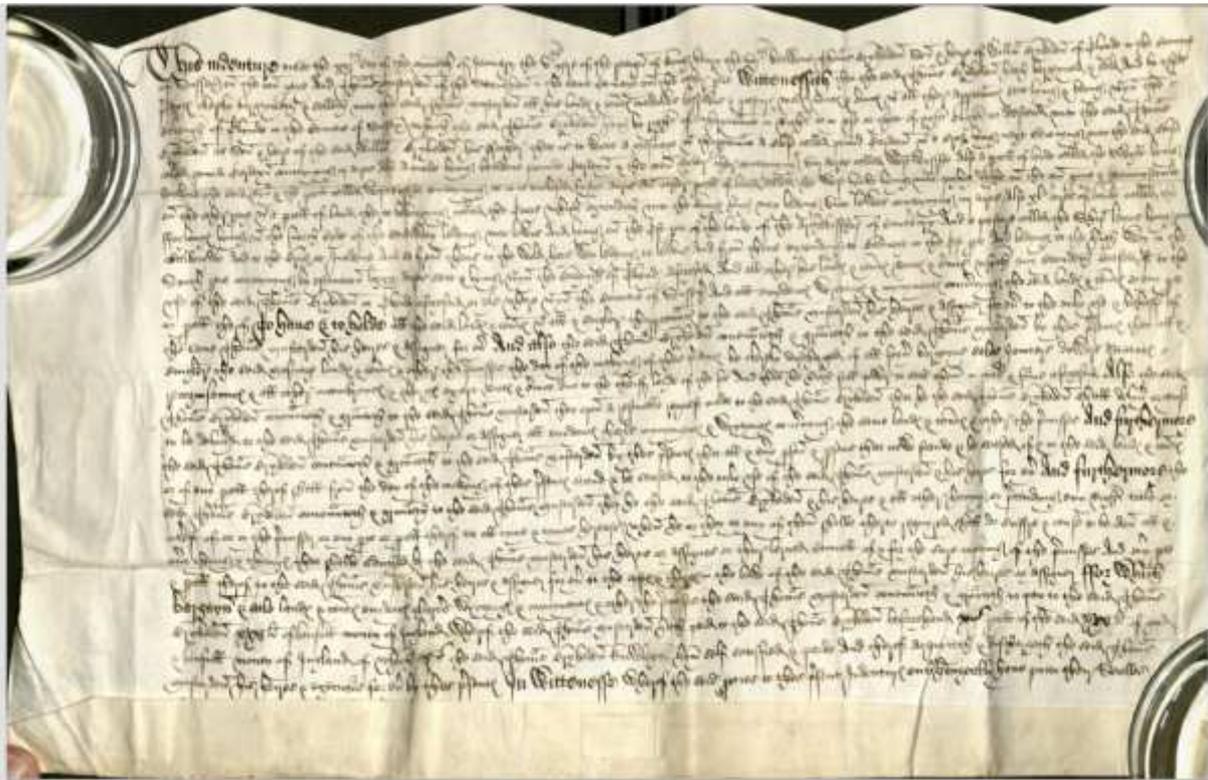
## The significance of this evidence

6.1.5 The evidence identifies the start and the finish of the application route as an ancient public route, but perhaps its key importance is that it explains why the application route would have been chosen as the way from Glynde to Lewes in preference to other routes.

## 7. CONVEYANCE

7.1.1 The East Sussex record office holds a conveyance Conveyance from (a) Thomas Brykeden, s. and heir of William Brykeden of Glynde, to (b) Thomas Mustarden of the Stoneham [in Ringmer]. Dated 1514 under reference GLY 1485.

7.1.2 A photo of the conveyance is shown below.



7.1.3 It is extremely hard to read, but the record office catalogue has transcribed part of it as follows:

7.1.4 “Messuage, a close called Pound garden with a croft adjoining (3a); a mead called West Wysshe (8a.) lying between Pound garden and the river there; piece of land called the Swyll (50a.) 'as it is enclosed', lying between the river and the West Wysshe; land called the West Lynke lying between Pyls dyche on the one side and Rammyscombe on the other, with a piece of land belonging thereto called the Goors (4a.) extending to the highway to Lewes; 40a. land called the Forlongs lying on N. side of the said highway and on the E. side of the land of the Archbishop of Canterbury; a pasture called the Ship leys (80a.) 'lying unto Calborowe and to the Brig at Ivedene, and so from thens to the Wold hors Wey Lewis' and from there to Badnore on the E. and to the highway on the S. All within the 'Borough' [borgh] of Glynde.”

7.1.5 The Oxford Living Dictionary defines “Wold” as a piece of high, open uncultivated land or moor. <https://en.oxforddictionaries.com/definition/wold>

What this evidence shows

7.1.6 The evidence shows that there was a horse way to Lewis in the borough of Glynde. It was possibly near Badnore and a highway to the South.

The significance of this evidence

7.1.7 The evidence suggests that there was a horse way from Glynde to Lewes over high ground.

## **8. HISTORIC MAPS**

### **8.1 BUDGEN'S MAP 1724**

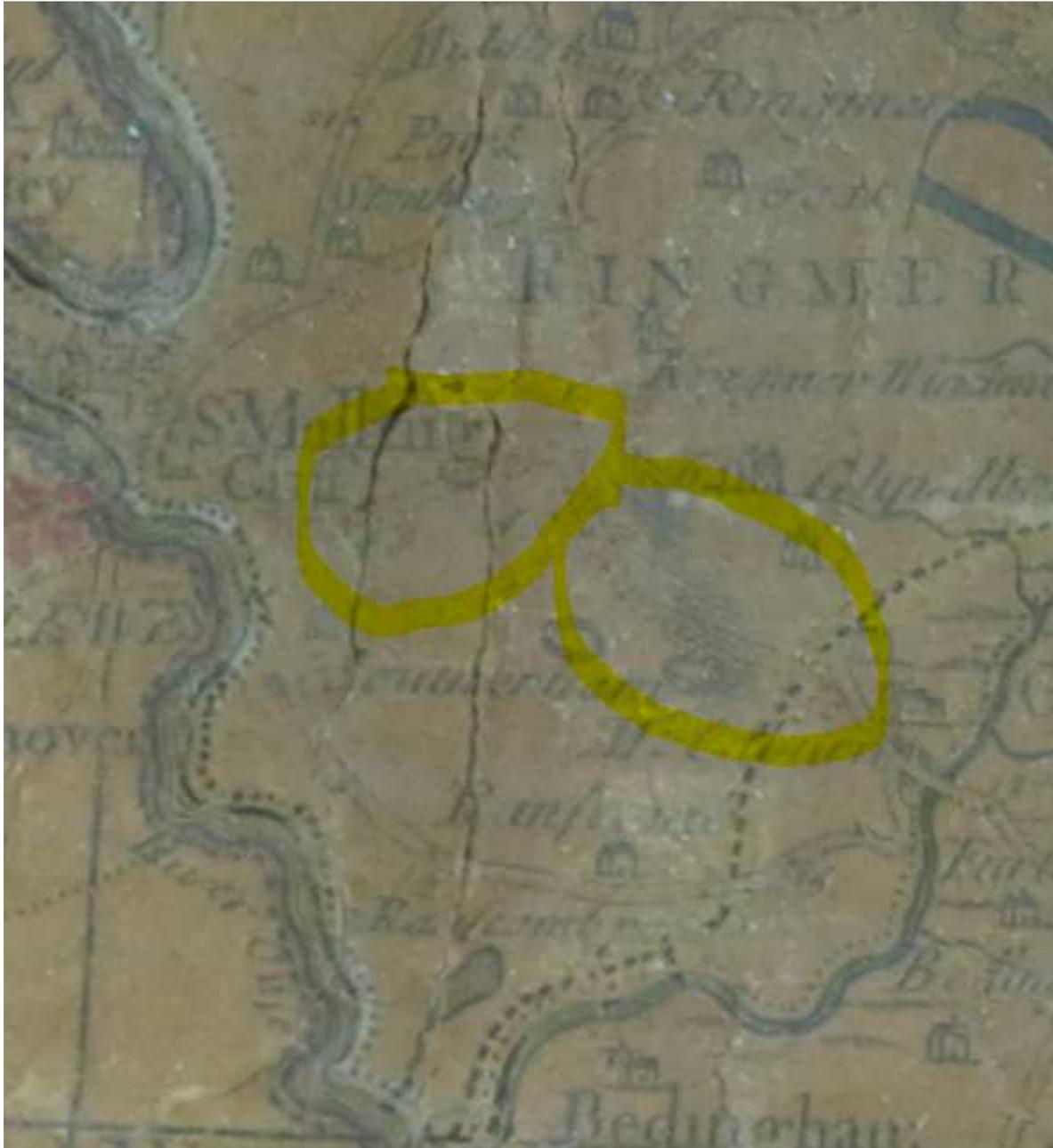
8.1.1 This map is held at the East Sussex County Archive at the Keep under reference ACC 3762/2 The prospectus for the map can be viewed at <https://www.maphistory.info/blmss.html> It says that he will map '....not only the post roads that cross the county but likewise all the principal roads that are of note or use to travellers.....'

What this evidence shows

8.1.2 The application route is shown, together with a continuation to Lewes. The road between Lewes and Ringmer is shown separately, to the north of this. The road from Ringmer to Glynde may not be shown.

The significance of this evidence

Although maps of this early date are not reliable, this suggests the existence of the route over many years.



## 9. 5.1 OVERTON AND BOWLES MAP 1740

5.1.1 This map is held at the East Sussex County Archive at the Keep under reference AMS 6008/1/29/10. An extract is shown below:

### What the evidence shows

5.1.2 A route is shown across the Down which corresponds with the application route from and then turns south west towards Lewes. The road from Glynde to Ringmer is not shown. The route is shown in the way that other routes over open ground appear to be depicted.

### The significance of this evidence

Although maps of this early date are not reliable, this suggests the existence of the route over many years.



## 9.1 YEAKELL AND GARDNER'S SUSSEX 1778-1783

9.1.1 This map is available on-line as part of the “Old Sussex Mapped” project of the University of Portsmouth at [http://www.envf.port.ac.uk/geo/research/historical/webmap/sussexmap/Yeakell\\_36.htm](http://www.envf.port.ac.uk/geo/research/historical/webmap/sussexmap/Yeakell_36.htm)

9.1.2 The map does not have a key.

### What this evidence shows

9.1.3 The application route is shown, together with a continuation to Lewes and other routes

### The significance of this evidence

9.1.4 The prospectus for this series of maps sets out the aim of covering all of Sussex and showing all public and private roads and all bridleways. These aims were not achieved. Only the southern half of the country was covered and few private roads were shown. (The sheer volume of missed out private roads and tracks can be seen by comparing the number of roads shown on later maps such as the first edition of the ordnance survey 1-2500 series.) The existence of a way on this tracks means that it was more likely than not, a public route.

9.1.5 Although there map does not have a key, the application route appears to be shown in the same way as minor unfenced roads. As footpaths were not normally shown, and where shown appear to have been shown as single dotted lines, the appearance on the map suggests that the route existed and had a higher status than that of a footpath.

9.1.6 The contouring of the map illustrates why it is more likely that any bridleway from Lewes to Glyde would have gone via Saxon Cross. It would have been easier to keep to the high ground rather than descend into the valley and then go up again.



## 9.2 GARDENER AND GREAM MAP 1795

9.2.1 This map is held at the Keep under reference AMS 608/1/1/29/17 The map at the Keep does not have a key.

9.2.2 What this evidence shows

9.2.3 The significance of this evidence

9.2.4 Few private roads were shown. (The sheer volume of missed out private roads and tracks can be seen by comparing the number of roads shown on later maps such as the first edition of the ordnance survey 1-2500 series.) The existence of a way on this tracks means that it was more likely than not, a public route.



### 9.3 JAMES EDWARD'S MAP

A "Photocopy of a plan of Lewes by James Edward, 22 Belvidere Place, Borough Road, Southwark, Surrey" is held at the East Sussex record office under reference AMS 6008/3/6/11 The catalogue dates is as 1799 An extract is given below

What this evidence shows

A route across Malling Down is clearly shown. It is labelled "bridleway to Glynde"

The significance of this evidence

The western part of a route to Glynde is shown as in existence. The map maker believed that there was a bridleway to Glynde along the route. This is a local map, most likely made for the use of local people. I suggest that any error in making the map would have been quickly pointed out and the map amended.



#### 9.4 GREENWOOD AND GREENWOOD MAP OF SUSSEX 1825

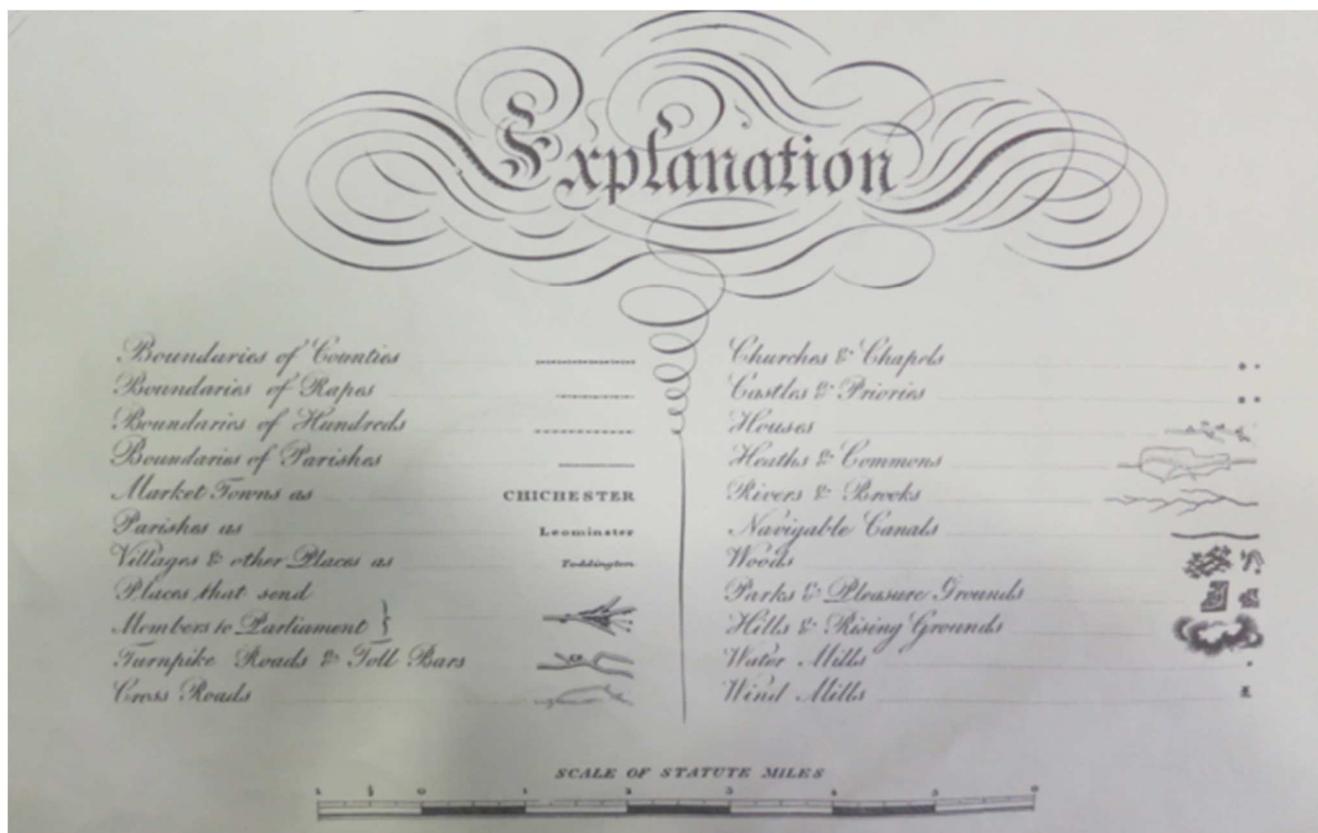
9.4.1 This map is held at the Keep under reference AMS 6008/1/129

What this evidence shows

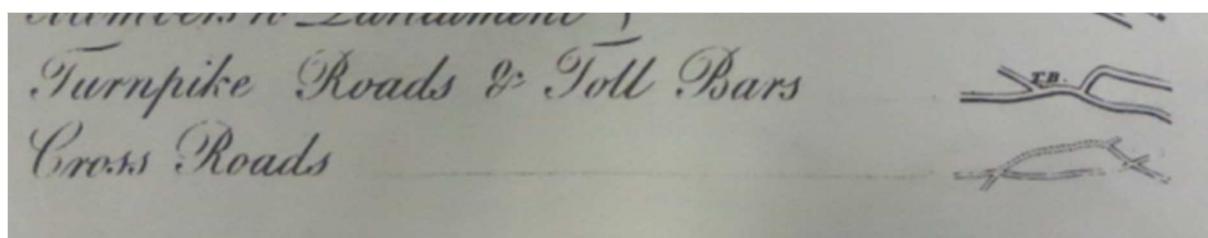
9.4.2 The portrayal of the application route is similar to the Yeakell and Gardner although a further cross path is also shown.



9.4.3 The map has a key, which is shown below



9.4.4 A close up of the key explains how roads were depicted. (See below)



9.4.5 Paragraph 2.24 of the Planning Inspectorate’s constancy guidelines says “In modern usage, the term “cross road”/“crossroads” is generally taken to mean the point where two roads cross. However, old maps and documents may attach a different meaning to the term. These include a highway running between, and joining, other highways, a byway and a road that joined regional centres.

The significance of this evidence

9.4.6 Few private roads were shown. (The sheer volume of missed out private roads and tracks can be seen by comparing the number of roads shown on later maps such as the first edition of the ordnance survey 1-2500 series.) The existence of a way on this tracks means that it was more likely than not, a public route and had a status higher than a footpath.

**9.5 MUDGES MAP (UPDATED TO 1873 BUT BASED ON A SURVEY OF 1813)**

9.5.1 The map is held at the Keep as part of the Brighton Pavilion collection under reference BHM000009. The map at the Keep does not have a key.

What this evidence shows



The significance of this evidence

9.6.3 The existence of the route between Glynde and Lewes over the Down is demonstrated, as is the fact that it was considered as significant enough to be added to the map



**10. FIRST EDITION OF THE ORDNANCE SURVEY 1" MAP**

10.1.1 Cassini maps formerly published reproductions of the first edition of the Ordnance Survey 1" map. This extract is taken from a map published by Cassini which is in my possession. According to Cassini, the maps for Sussex were first published between 1813 and 1819.

10.1.2 Copies of the instructions given about the portrayal of private roads are given in correspondence held at the national archive under reference OS 3/260. The instruction given is "as these plans are intended for military purposes no existing roads should be omitted; but to distinguish those roads which are entirely on trespass the line of the main road from which they branch is not to be broken for them"

What this evidence shows

10.1.3 Again, the routes are displayed in a way that is similar to Yeakell and Gardner. The lines of the roads meeting with the application route are broken.

The significance of this evidence

10.1.4 The application route is shown as existing. Its portrayal suggests that its importance was greater than that of a footpath.



## 11. INCLOSURE RECORDS

11.1.1 There is no Parliamentary inclosure relevant to this application.

## 12. TITHE RECORDS

12.1.1 The Tithe Commutation Act of 1836 enabled tithes to be converted into a monetary payment system. Maps were drawn up to show the tithe-able land in order to assess the amount of money to be paid.

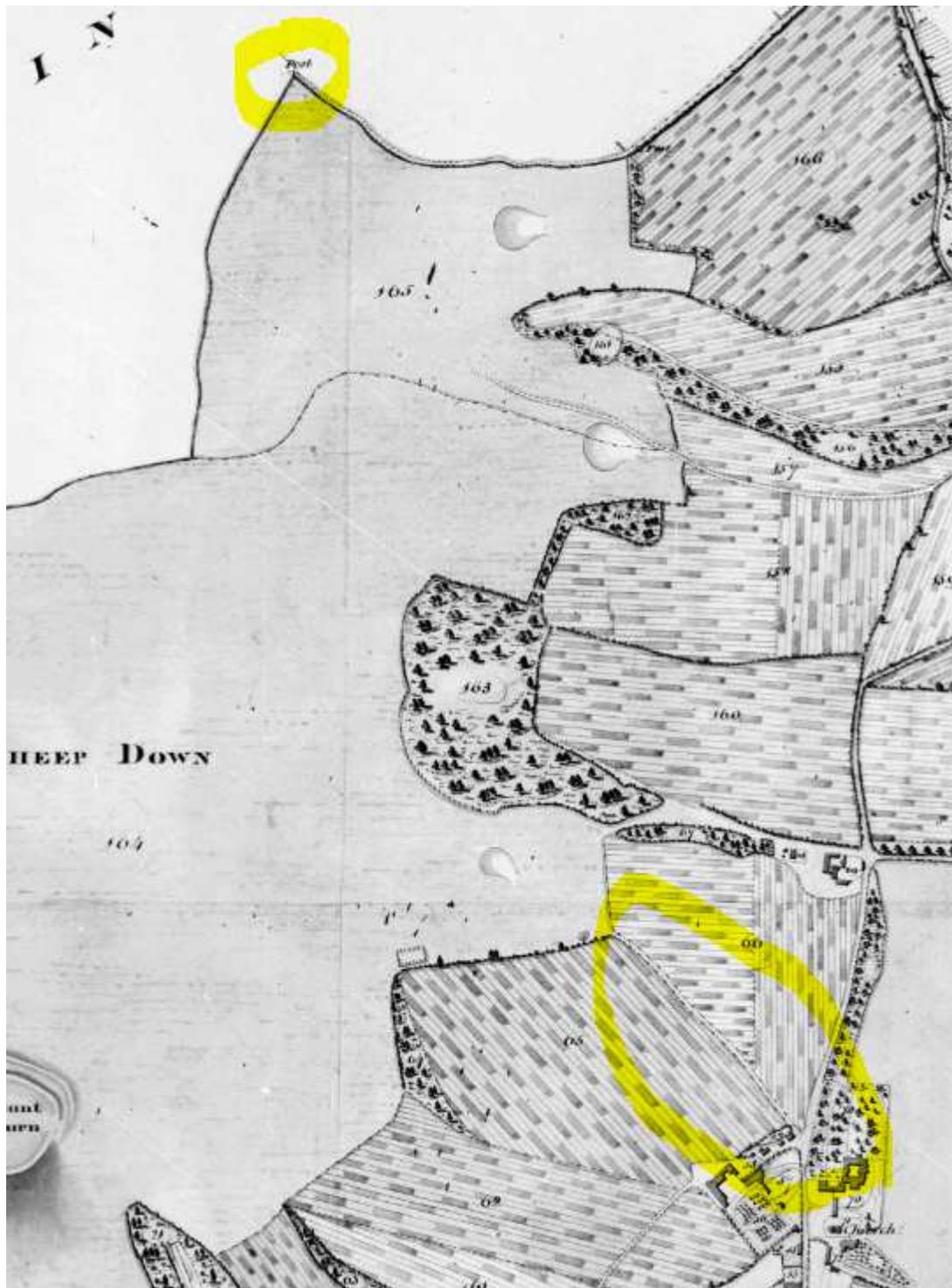
12.1.2 The tithe process received a high level of publicity as landowners would be particularly keen not to be assessed for more tithe payment than necessary. No-titheable land deemed to be unproductive was usually excluded from the process. It is common therefore for no tithe to be payable on roads, although wide grass drovers roads could carry a tithe as they were sued as pasture. It was in the interest of landowners for untithed roads to be shown correctly to minimise their payments. Footpaths and bridleways were more likely to be at least partially productive (for example as pasture). Therefore, although the process was not directly concerned with rights of way, inferences can be drawn from tithe

documents regarding the existence of public rights, and in particular, public vehicular rights. In some cases highways are coloured in yellow or sienna to indicate public status

12.1.3 Tithe maps can be accessed at the National Archive in black and white. The maps have been digitalised by the Geneologist web site. Tithe maps and apportionments for East Sussex are also available on line at

<https://apps.eastsussex.gov.uk/leisureandtourism/localandfamilyhistory/tithemaps/>

The black and White Geneologist map shows the application route leaving Glynde village between two fields and then crossing open downland, where it is not shown. Point D is at the parish boundary in the north where the tithe map shows a post at Saxon Cross. In open downland the application route passes through apportionments 164 and 165



12.1.4 The apportionments in the online material at the East Sussex County Council web site show the ownership of 164 and 165 as follows:

164	Trevor	Henry Otway	Ellman	John		Sheep Down	Pasture	<a href="#">Details</a>
165	Langham	James Henry, bt	Hillman	John		Sheep Down	Pasture	<a href="#">Details</a>

12.1.5 Ownership of apportionments 65 and 66, on either side of the part of the application route that is not on open down, is given as follows:

65	Trevor	Henry Otway	Ellman	John		Pigeon House Laine	Arable	<a href="#">Details</a>
66	Trevor	Henry Otway	Ellman	John		The Five Ashes	Arable	<a href="#">Details</a>

Henry Otway Trevor, also known as Henry Otway Brand was the owner of the Glynde Estate. I believe that James Henry Langham was the owner of the Glyndbourne estate.

12.1.6 The coloured on-line East Sussex map shows the route through the fields. This part of the application route is not part of any apportionment.



### The significance of this evidence

The tithe maps were drawn up to value land rather than to set out rights of way. However guidance suggested that public roads should be shown in sepia. Part of the route is shown in this way. This is consistent with public highway status.

Tithe maps did not normally show unfenced tracks through open land, so I do not think that anything can be read into the lack of portrayal of the application route on open downland.

The tithe map and apportionment show the same pattern of ownership that exists today. The downland which formed apportionment 164 is registered at the land registry to the Glynde Estate. Apportionment 165 is, at the time of writing, awaiting first registration, but was the subject of a [declaration under section 31 of the Highways Act 1980](#) in 2013 naming the Glyndebourne Estate as the owner.

## **13. RAILWAY, CANAL AND RIVER RECORDS**

13.1.1 I have found no records of this nature that appear to be relevant to this application.

## 14. PARISH AND ESTATE MAPS

14.1.1 These maps are of use because they show how the parish or the landowner viewed routes within the parish at the time the maps were compiled.

14.1.2 A map of Glynde is held at the East Sussex Records Office under the reference GLY 3111. It is dated 1717 and appears to have been made for the landowner.

14.1.3 An extract is shown below. The application route is shown entering Glynde from the open downland near Glynde Place. No footpaths are shown and the route appears to be the only way that equestrians could enter Glynde



14.1.4 A map of the Glynde Estate is held at the East Sussex Records Office under reference GLY 3483. It is dated in the catalogue as around 1820. An extract is shown below.

14.1.5 No tracks or footpaths are shown. Part of the application route is shown in white entering the village of Glynde . The route appears to be the only way that equestrians could enter Glynde



14.1.6 A map of the Glynde Estate is held at the East Sussex Records Office under reference GLY 3492. The catalogue dates it as around 1920. An extract is shown below

14.1.7 The application route is shown in white giving access to the downs. The currently recorded footpath is shown and labelled as a footpath, going over the downs, which are shown in yellow.



## 15. QUARTER SESSIONS RECORDS

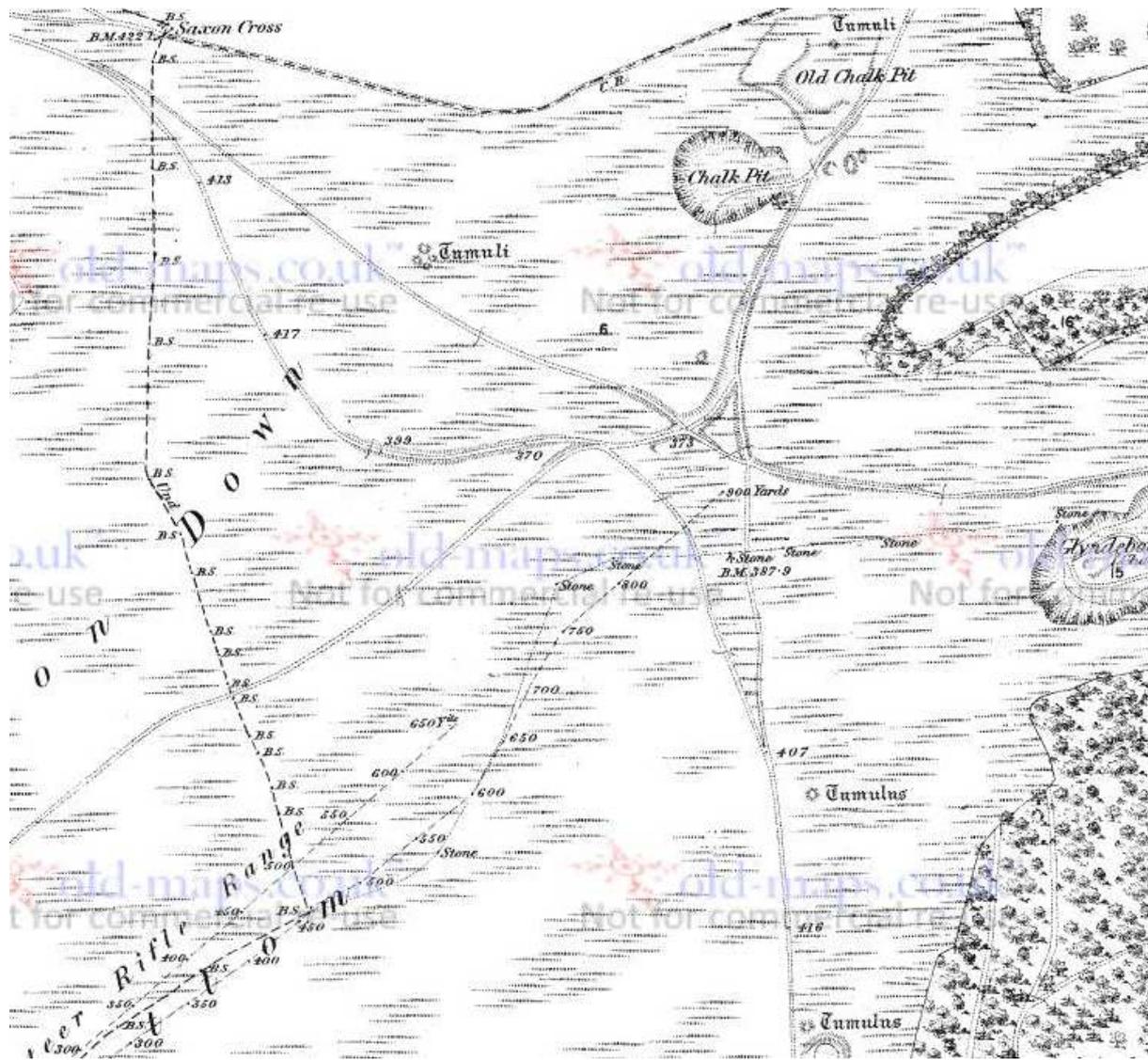
15.1.1 I have found no quarter sessions records which appear to be relevant to this application.

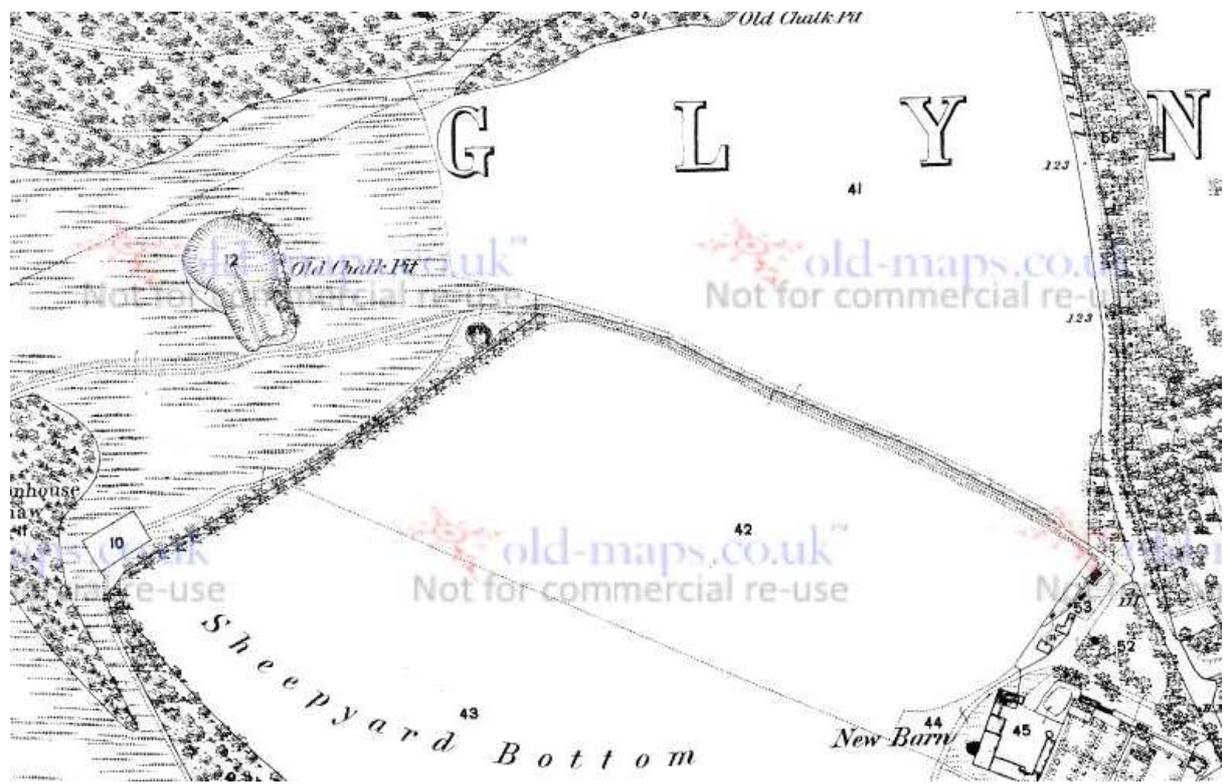
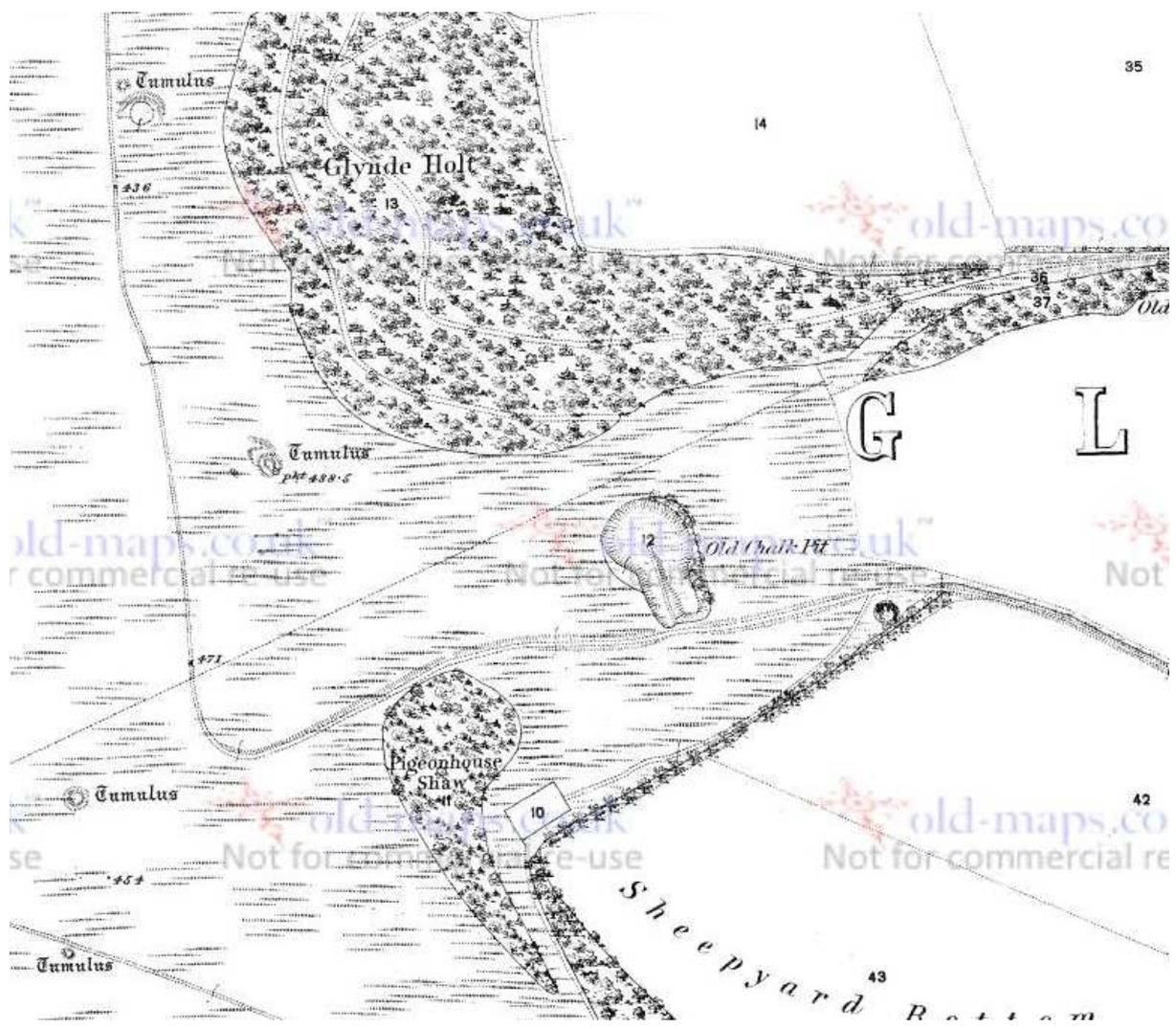
## 16. FIRST EDITION OF THE ORDNANCE SURVEY 25 INCH TO THE MILE MAP AND LATER GENERAL MAPS

16.1.1 Because the northern part of the route was formerly open downland, some 19<sup>th</sup> and 20<sup>th</sup> century maps do not show this part of the route. However a significant number do.

16.1.2 Copies of the first edition of the Ordnance Survey 25 inches to the mile maps can be found online at <https://www.old-maps.co.uk/#/>

16.1.3 I have copied extracts showing the route map from these sources. The extracts run from north to south.





What this evidence shows

16.1.4 With the exception of a small section at Saxon Cross the application route is shown as existing on the ground. However the route is shown as going south of the "Old Chalk Pit"

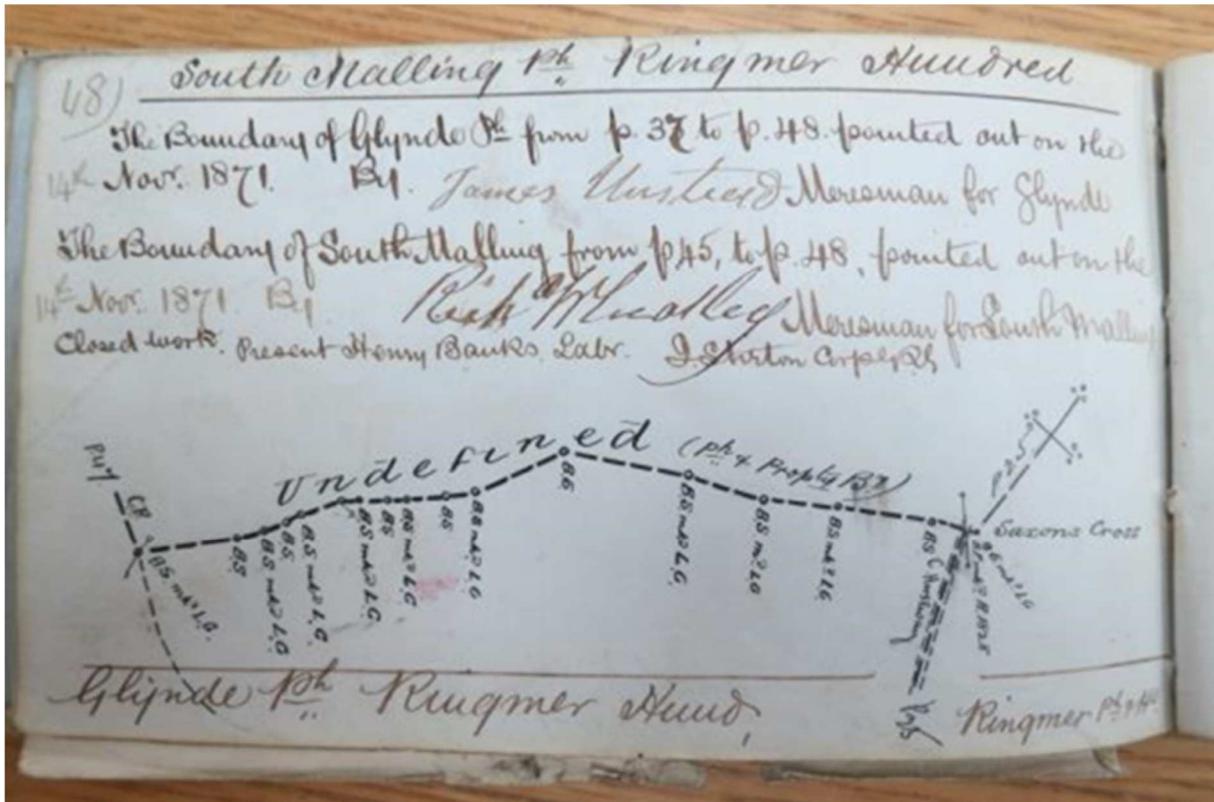
**16.1 ORDNANCE SURVEY BOUNDARY REMARK BOOK**

16.1.1 At the same time as the first edition of the OS 1-2500 maps were surveyed, parish boundaries were surveyed and the results recorded in a boundary remark book. The boundary remark book for South Malling and Glynde accompanying the first edition of the 25 inch to the mile maps is held at the National Archive under reference OS26/10466

16.1.2 Below is the page on which the boundary running south from Saxon Cross was recorded

What this evidence shows

16.1.3 No track is shown crossing the boundary south (to the left on the map) of Saxon Cross



The significance of the evidence from the map and the boundary remark book

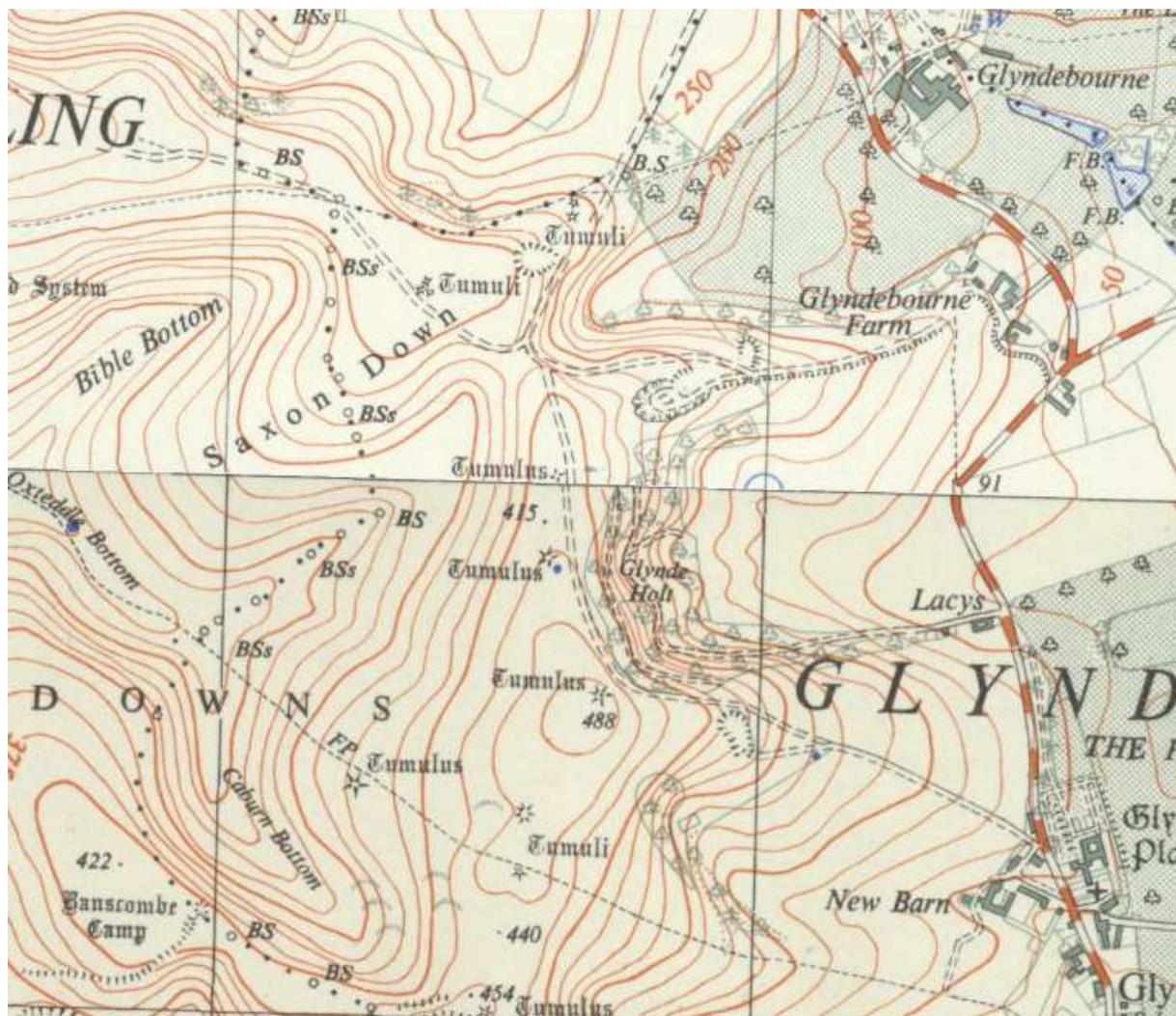
This evidence shows that the application route existed as a track at the time of the making of the map. I suggest that the depiction on the map of the route as not reaching Saxon Cross

is a mistake. The route is not shown in this way on any other map and the boundary remark book does not support the existence of a track crossing the boundary south of Saxon Cross, even though cross tracks were normally shown. For the same reason, I suggest that the depiction of the route as running south of the chalk pit may be an error.

### ORDNANCE SURVEY 1-25,00 MAP 1937-61

16.1.4 This map shows the application route. The material is taken from the National Library of Scotland Web site at

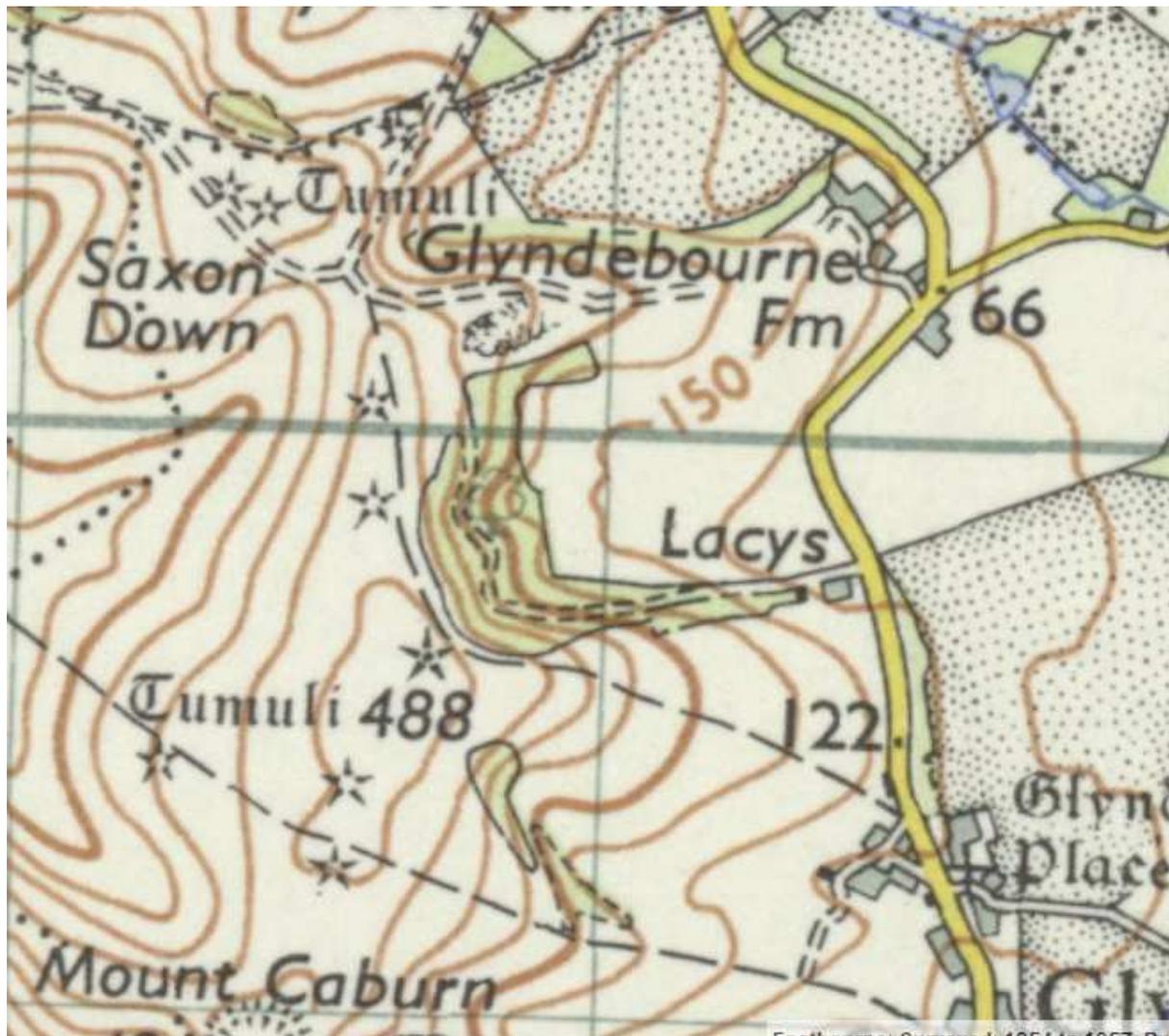
<https://maps.nls.uk/geo/explore/#zoom=15&lat=50.8750&lon=0.0618&layers=10&b=1>



### ORDNANCE SURVEY ONE INCH SEVENTH SERIES MAP 1955-61

The application route is shown. The extract is taken from the National Library of Scotland web site at

<https://maps.nls.uk/geo/explore/#zoom=15&lat=50.8716&lon=0.0557&layers=11&b=1>



The significance of the evidence in this section

16.1.5 It is not surprising that routes over open downland are not always mapped, but later maps agree with the earlier ones in depicting the route as following the application route.

16.1.6 The application route is a more logical route than the route set out in the first 1-2500 OS map, since it is the most direct route that minimises height gain and loss and steep gradients.

## **17. GLYNDE PARISH MINUTES UP TO 1902**

17.1.1 The minutes of Glynde Parish Council from 1894 to 1972 are held at the East Sussex Record Office at the Keep. The minutes for the period 1894 to July 1902 are contained in a book with the reference P347/2/1. I refer to this as the first book. A copy of this document forms appendix 1 to this statement. A copy of the minutes from 1902 to 1972 is kept under the reference P347/2/2. I refer to this as the second book. A copy of part of this document containing the minutes from 1902 to 1960 forms appendix 2 to this statement. The pages of both documents are numbered.

17.1.2 On 21/10/1901 on page 59 of the first book the parish council is recorded as having met. The Reverend Dalton was in the chair and Mssrs Stamford Holman Tuppen and Wright also attended.

17.1.3 The page records that they were concerned that signs prohibiting trespass had been erected "where public footpaths had existed since time immemorial". They resolved to write to the landowner, Admiral Brand to complain. The letter they sent is reproduced in the minutes Their tone was deferential, as well it might be, because they were probably his employees or tenants or both, but they identified five paths as rights of way:

17.1.4 Path 1, The pathway past the cottage now occupied by Mr Holford on the downs to Lewes.

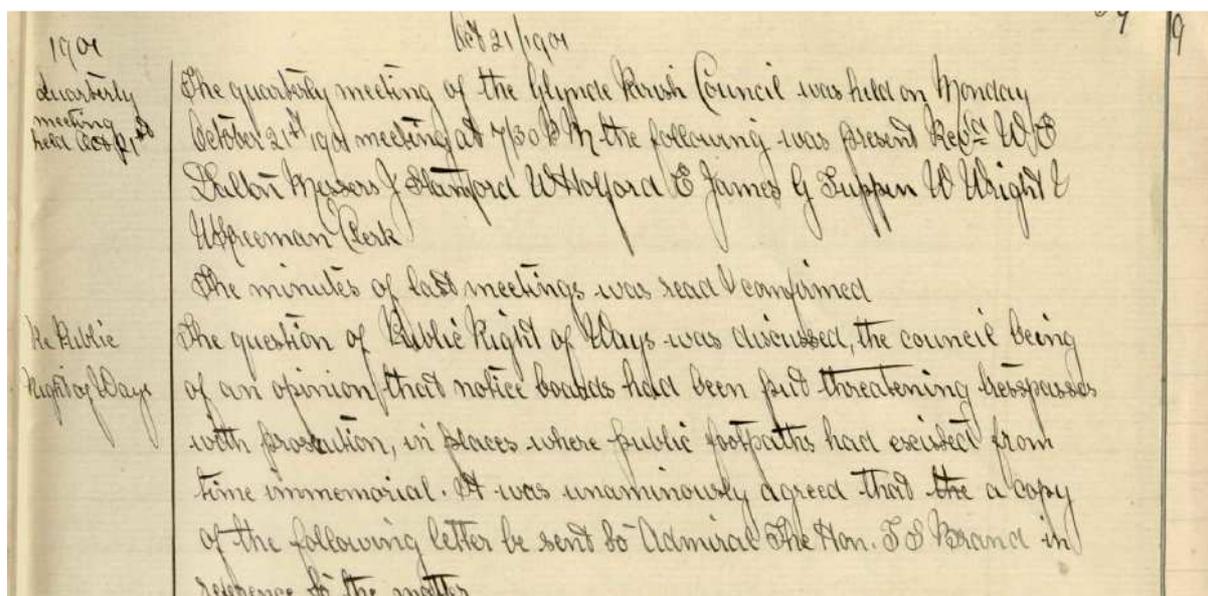
17.1.5 Path 2, The pathway from the top of the hill on the Lewes old road above the convalescent home by the new barn to the church yard gate.

17.1.6 Path 3, The pathway from Brigdens farm across the meadows to Glynde River bridge

17.1.7 Path 4, The pathway along the lower side of the allotments by Glynde Wharf by seven acres pound by front of Keepers Cottage and out by Joseph Eades.

17.1.8 Path 5, The pathway through the Glebe Field, Lords Field and Frenchmans Field up the downs to Lewes.

The minutes are reproduced below.



Helynck Parish Council  
Oct 22 1901

Copy of Letter  
and Admiral Brand

To Admiral The Hon. G. Brand

Dear Sir. A number of notice boards have lately been put up about the parish warning people from trespassing, some of the boards in places where we believe a right of way has existed from time immemorial; as members of the Helynck Parish Council, it is a part of our duty to maintain the public footpaths of the parish; we therefore trust you will excuse our writing to you on the subject. We acknowledge the kindness which you and your late father have always shown the parishioners of Helynck in allowing them from time to time access to your Park & other places & we desire to thank you for it, but we think it desirable now, that several rights of way have been questioned that some definite decision should be made. We hope that you will recognize the following as public footpaths

- No. 1 The pathway past the cottage now in the occupation of Mrs W Holford on the Downs to Seves
- " 2 Pathway from the top of the hill on the Seves old road above the Convalescent Home by the New Barn to Church Lane gate
- 3 Pathway from Brigdens Farm across the Meadows to Helynck River Bridge
- 4 Pathway along the lower side of allotments entering by Helynck Wharf by seven acres bounded by front of Steepers cottage & stable

60

Joseph Bades.

No. 5 The footpath through the Glee field Lords field & Sprenchman's field up the Downs to Seves

17.1.9 Page 60 of the first book records that a special meeting was held on 6/11/1901 to consider Admiral Brand's reply. The same people were there as in the previous meeting.

17.1.10 It was noted that Admiral Brand had agreed that paths 1,3 and 5 were public rights of way and it is resolved to send a delegation of Messrs Dolton, Holford and Stanford to meet the Admiral, as he had suggested, to discuss the other routes.

17.1.11 The letter sent by the Admiral is reproduced in the minutes on pages 61 and 62 and below. In it he reveals the sort of sophisticated understanding of the difference between a right of way and a permissive path that you might expect from an experienced landowner whose family had controlled the area for many years. It is clear that he understood the meaning of a public right of way and that he admitted paths 1,3 and 5 to be rights of way.

Copy of letter  
received from  
Admiral Bland  
re  
footways

Lewes Dec. 28/1901

Dear Sir

The letter you sent me by direction of Glyme Parish Council puts me in a position of some difficulty. I don't think the Council sufficiently understands the difference between allowing the inhabitants the use of the Park be : and the claim to a Public Right of way. I am always I should be only too anxious, not only to allow the inhabitants the use of the Park, but also to allow them to move freely about the Parish. On the other hand when it comes to admitting a Public Right of way: I am frightened, not with what my wishes may be, but what is my duty.

To explain this, a Public Right of way, is undoubtedly detrimental to the value of any property I as the Tenant for Life of the Glyme Estates. I should not be doing my duty if I consented to such a thing being a Public Right of Way without fully satisfying myself that the claim was undoubted. The Police Boards were put up in consequence of a good deal of trespassing on the part of the people from outside the Parish.

With regard to the several questions in your letter: I do not question the right in hp 1. & 2 with regard to hp 2 this I fear I cannot admit, the footpath existing before the occupation road was cut through the bank was in my opinion never intended to be use except by farm workmen going from one part to the other of Home Farm. It is almost unnecessary to point out that a Public footpath passing so close to New Farm & Chicheyard would be a serious matter in regard to danger from fire & while I should not object to anyone using this road when taking a walk on say Sundays I must claim the right to prevent anyone (without permission)

using it daily so as to establish a Right of Way & also to be entitled

62

to prevent any one taking in the proximity to New Town  
 and with regard to No 4 this I cannot admit as a Right of Way. Undoubtedly  
 in my opinion this path was only made use of after the opening of Glynde  
 Lime Pit & for the convenience of Workmen going from there backwards  
 & forwards to Ringmer & since the completion of the Breedingham  
 cottages & the fact that the workmen can now be accommodated close  
 to their work the necessity for its use has disappeared: here as in  
 the last case I should never object to any inhabitants of the Parish  
 use this way on their Sunday or other walks; but cannot admit that  
 it is a Public Right of Way.

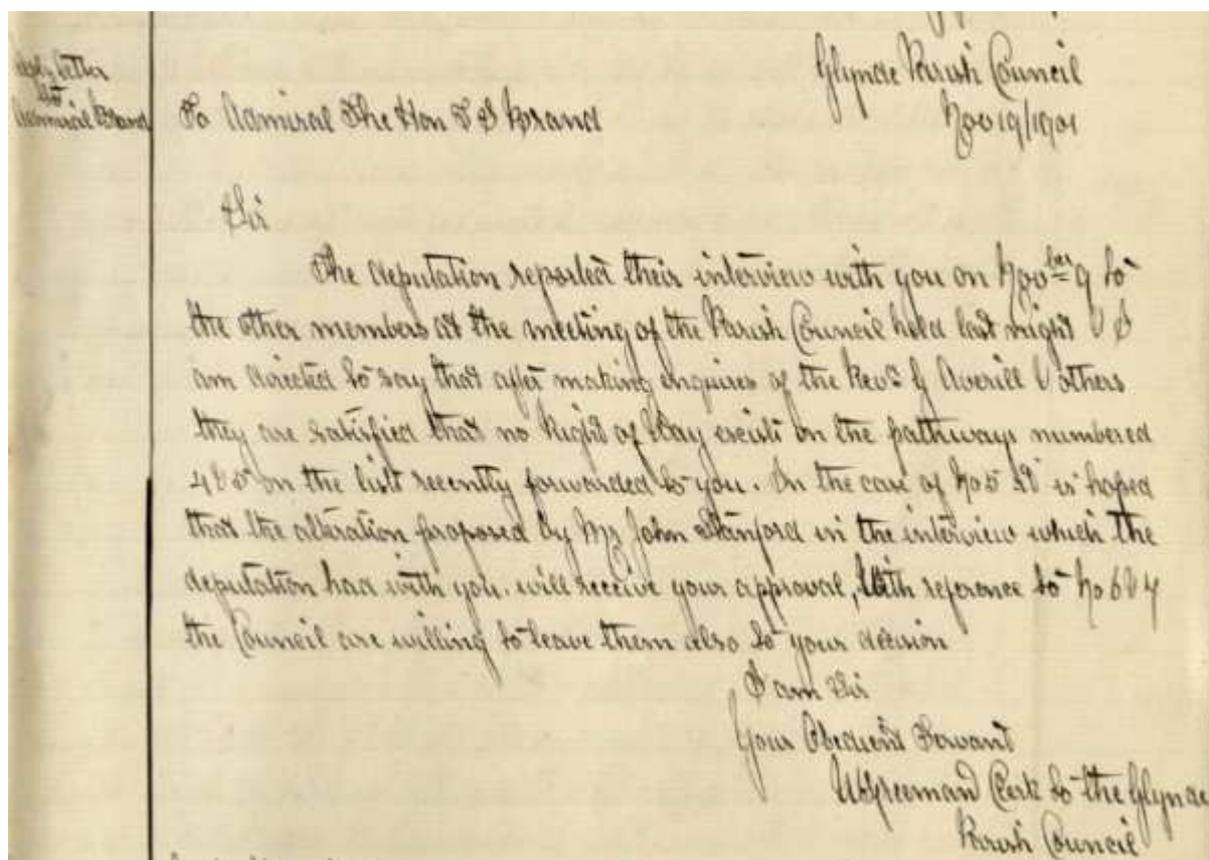
To make concessions clear as to allowing people to take their walks  
 along their two Routes. I am quite prepared to allow the Police Boards  
 at each end of these routes, so as to read no Public Footpaths if Parish  
 Council so desire.

I cannot conceive that the Parish Council will require more from me  
 than the above, but I would ask them, if they are not satisfied  
 to meet me personally before going further into correspondence as  
 I think this would most likely tend to an understanding being  
 arrived at. I should at all times be <sup>most</sup> happy to meet the Parish Council  
 or if they prefer it, a deputation from the Parish Council to discuss  
 this or any other questions

Yours faithfully  
 Thomas Brand  
 Rear Admiral

17.1.12 Page 63 of the first book records that a further special meeting of the parish council was held on the subject on 18/11/1901. The meeting considered a report from their delegation and resolved to write again to Admiral Brand. The text of the letter is reproduced

in the minutes and below. The council appear to have accepted that path 4 was not a right of way, but also said that path 5, which the Admiral had admitted, was not a right of way, although an amendment had been put forward at the meeting. The letter also introduces a further 2 paths, 6 and 7.



17.1.13 Pages 64 and 65 record the council meeting held on 6/12/1901 with the same people present as previously. The minutes reproduce Admiral Brand's reply, which is also reproduced below. The reply sheds some light on where footpaths 6 and 7 might be.

17.1.14 Footpath 7 is noted as not being on Admiral Brand's land. Since the Brand's owned most of the parish, with only a small pocket of the parish to the north being owned by the Glyndebourne estate, it is likely that footpath 7 is the path across the Glyndebourne land currently recorded as footpath Glynde 1.

17.1.15 Path 6 appears to be a diversion of the Ringmer to Glynde road.

17.1.16 Some confusion around the numbering of the paths is noted in the margins and it appears that the number 5 referred to is not the number 5 path in the original list, because the original went up onto the downs and this path is by the river bank. It may be that path 4 is referred to.

W. Freeman

Clerk to the Elyncote Parish Council

Dear Sir

I am much obliged to you for yours of 19<sup>th</sup> inst with regard to alteration in H<sup>o</sup>s proposed by Mr. Stanger. I must point out that in your list of Pathways in Elyncote Parish... proposed to be submitted" and "submitted" there is this difference in the last words with regard to H<sup>o</sup>s one and over the ditch to River Bank, in 2 last words are over the ditch through the Eye ditch to River Bank I have no doubt the same thing is meant in both cases but it is as well to be clear.

Should be  
No 6 footpath  
W.F.

Therefore with regard to H<sup>o</sup>s I will move the notice back to footbridge over ditch towards River Bank and shall take no steps to stop anyone going that way to the River Bank (not across Eye ditch) but straight to River Bank

I feel certain that in doing this I am not acting in the best interests  
 of the inhabitants generally or the allotment holders particularly, and  
 I therefore would suggest to Parish Council that if at some future  
 time they should wish to replace the notice board to present position  
 they can apply for my assistance, but unless they apply I shall not  
 take steps. With regard to No 6 on your list there is evidently no Public  
 right of way through the field called the Schools, the old Road we  
 to go that way & back into present road past Mr Uylwin's house and  
 when roads are improved as the road there has been by going  
 straight to corner of Red Stages the practice is to close the old road  
 in consideration of land for new road being given by landowner.  
 In this as in other cases I should never object to the inhabitants  
 using this road on their Sunday <sup>or other</sup> walks.  
 With regard to No 4 this is entirely outside the Glouc. State  
 I should like to add that while I think the correspondence that has  
 lately taken place between the Parish Council & myself has probably done  
 much good. I cannot allow it to close without emphatically stating  
 that living as we do at the foot of the South Downs where people  
 have the immense advantage of plenty of room to walk about  
 without doing damage, that it has always been my wish & will always  
 be my wish to allow the inhabitants free access to those Downs whenever  
 they wish to go there subject to their doing no damage on their way.  
 Yours faithfully  
 S. Brand

17.1.17 The meeting resolved to ask Admiral Brand to remove signs along the river bank. This issue continued into the new minute book. Page 1 of this book records a further deputation over the path by the allotments and on page 3 the council concluded that the footpath issue was now settled.

The council members throughout this negotiation were Reverend Dalton (chairman), Mssrs Stanford, Wright, Tuppen and Holford (members)

The significance of the evidence recorded in the minute books for this period.

17.1.18 It is demonstrated that Admiral Brand, as the landowner, had a detailed knowledge of rights of way and an understanding of what was meant by a right of way. So his admission of rights of way on paths 1, 3 and 5 is extremely strong evidence that those routes were and are public rights of way.

17.1.19 When Admiral Brand said that the public rights of way on routes 1,3 and 5 were “undoubted”, he spoke with the authority of a land owner whose family had owned the for many, many years. As he owned nearly the whole of the application route and does not qualify his acceptance by referring to a part of the route, I take this as a statement that, for the routes over the Down, this was acceptance of the whole of the routes on his land.

17.1.20 The fact that the right of way on path 1 was strongly asserted by a council that included Mr Holford, whose home faced on to the route, is also strong evidence of right of way status.

**17.2 IDENTIFYING PATHS 1-5**

17.2.1 Mr Andrew Lusted, the historian responsible for the historical material at Glynde.info, was born in the village and has known the village for 60 years. He has carried out extensive research into the history of Glynde. He has located these routes using the descriptions in the minutes.

17.2.2 Path 1 is noted in the parish minutes as starting from Mr Holford’s cottage and running up to the downs and on to Lewes.

17.2.3 The records of the 1901 and 1911 censuses can be viewed at Ancestry.co.uk. This site can be viewed at the East Sussex Records Office.

17.2.4 A search for Mr Holford and Glynde reveals only one household.

17.2.5 A screenshot of the 1901 record is shown below. The Holford family are only described as living in Glynde in the Street although they appear to be living very near to Glynde Place stables and Home Farm.

1901 England Census for William H Holford  
Sussex - Glynde - District 16

Administration County		Civil Parish		Municipal District		The unincorporated House and streets within the boundaries of the		Ward of Municipal Borough or of Municipal District		Electoral District		Parliamentary Borough or Division		Town or Village or Hamlet	
Sussex		Glynde		Glynde		Glynde		Glynde		Glynde		Glynde		Glynde	
House No.	Street	Household	Sex	Age	Marriage	Religion	Profession or Occupation	Employment	Wages	Value of Property	Value of Land	Value of Stock	Value of Furniture	Value of Other Goods	Value of Total
53	Glynde St	1	M	58	M	W	Widow								
54	Glynde St	1	M	48	M	W	Widow								
55	Glynde St	1	M	48	M	W	Widow								
56	Glynde St	1	M	48	M	W	Widow								
57	Home Farm	1	M	48	M	W	Widow								
58	Glynde	1	M	48	M	W	Widow								
59	Glynde	1	M	48	M	W	Widow								
Total of Males and of Females															157

PUBLIC RECORD OFFICE REFERENCE: RG 13/916



17.2.7 The web site glynde.info contains material about the history of Glynde. At <https://glynde.info/history/document.php?id=44&srch=hillside> there is a picture of a team of horses and load being led “off of the Downs past Hillside Cottage” (see below). A clear track can be seen, with a cottage fence shown on the left. This shows that Hillside was next to a track to the downs on the south side.



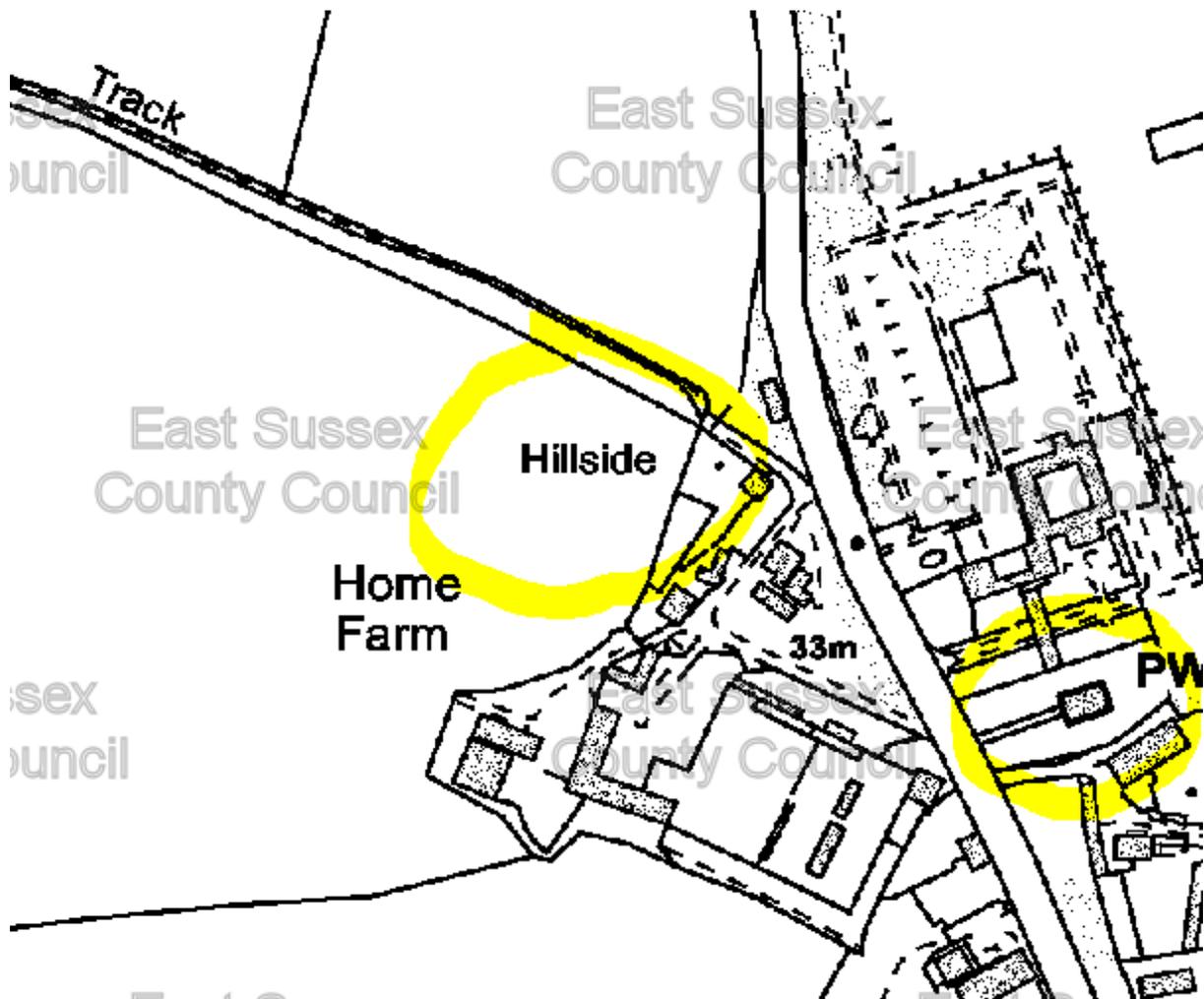
Harry Tasker leading his team and wagon off the Downs past Hillside Cottage, Glynde, c1939

17.2.8 The current Land Registry on-line map for Glynde shows the situation of Hillside at <https://eservices.landregistry.gov.uk/mapsearch/addressSearch>. The dwelling is shown as being north of the Church, at the beginning of a track leading west-northwest, at the southern end of the application route. The term “Lacy’s Hill” appears to be a new one. Historically the road was known as The Street.



This is corroborated by the East Sussex County Council on line rights of way map at <https://www.eastsussex.gov.uk/leisureandtourism/countryside/rightsofway/map/map.aspx>

17.2.9 This shows Hillside in the same position. See below



17.2.10 Hillside is still here today. The photograph below, which was taken on 30/8/2018, shows the building with the application route going off to the right



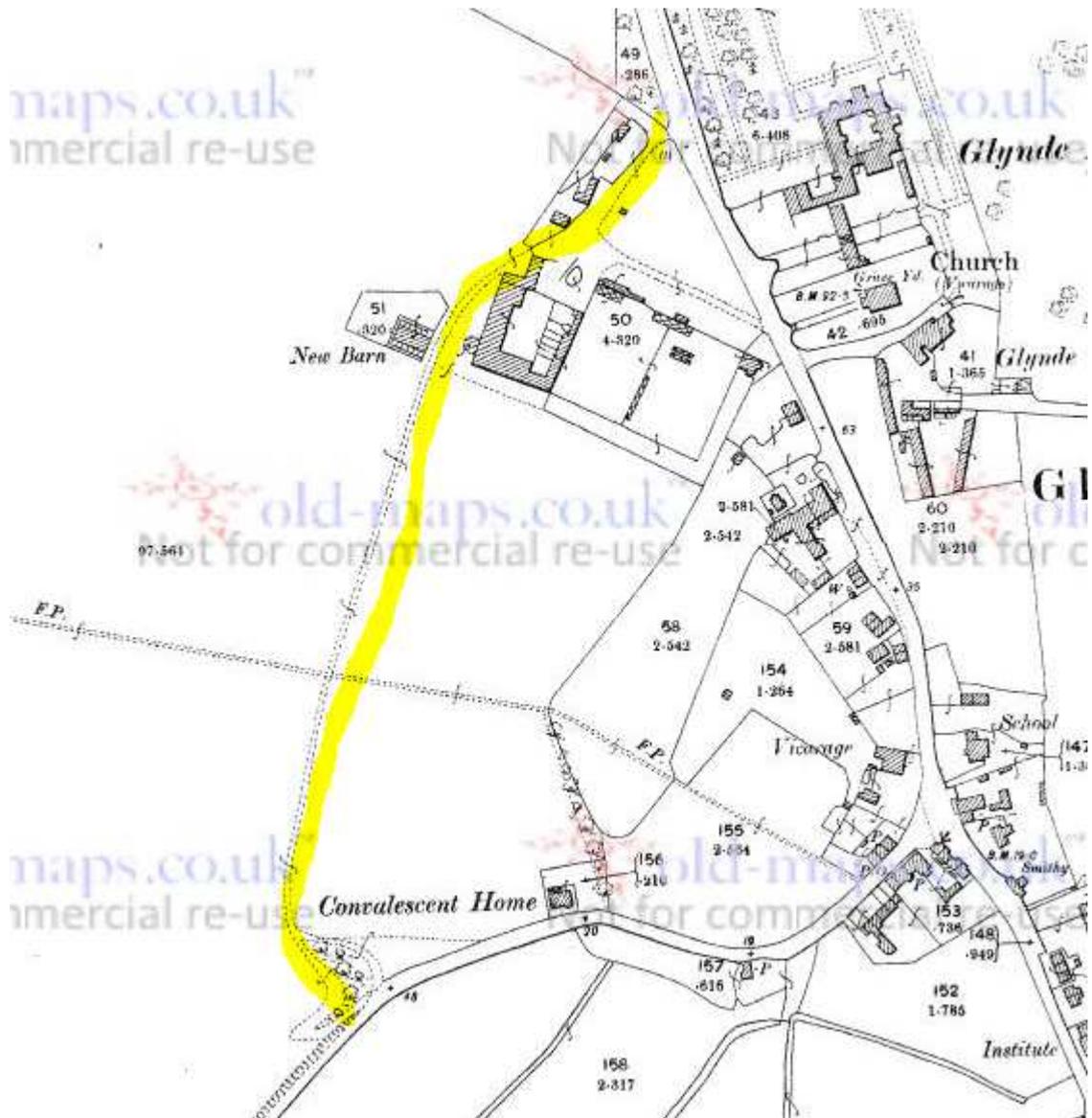
17.2.11 The name board "Hillside" can just be seen under the foliage in the picture below.



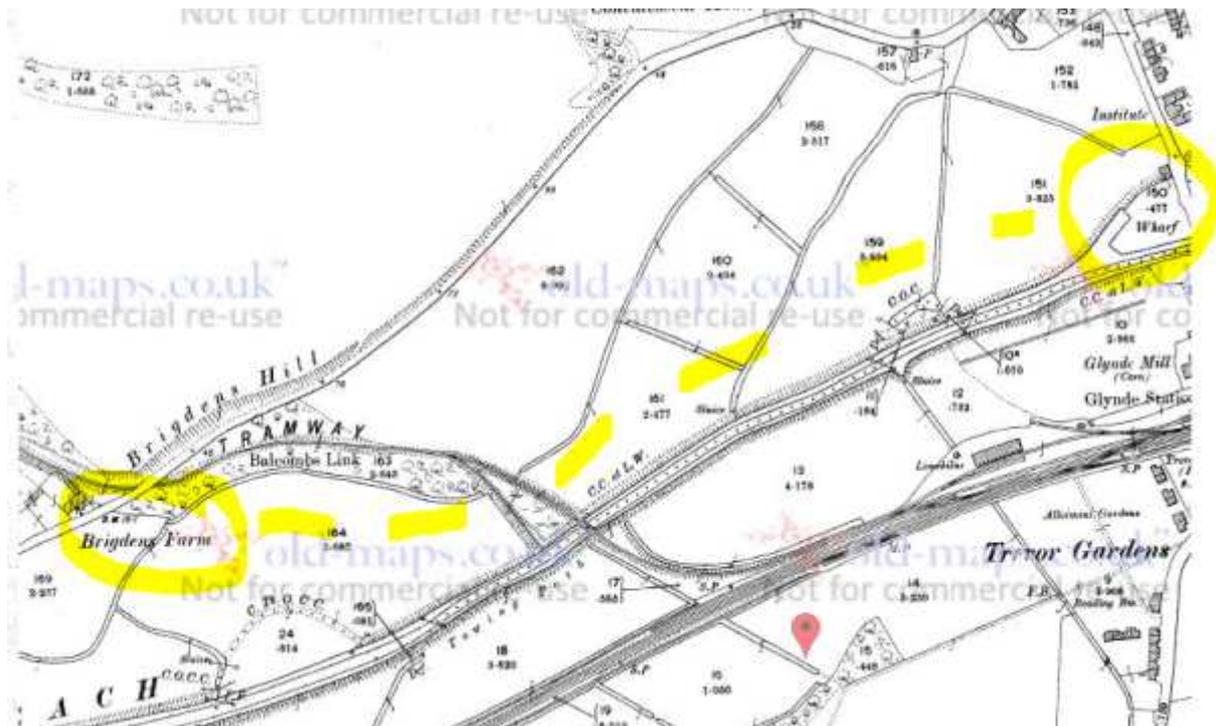
### The other paths

17.2.12 In order to confirm where path 1 went it is useful to identify the other paths.

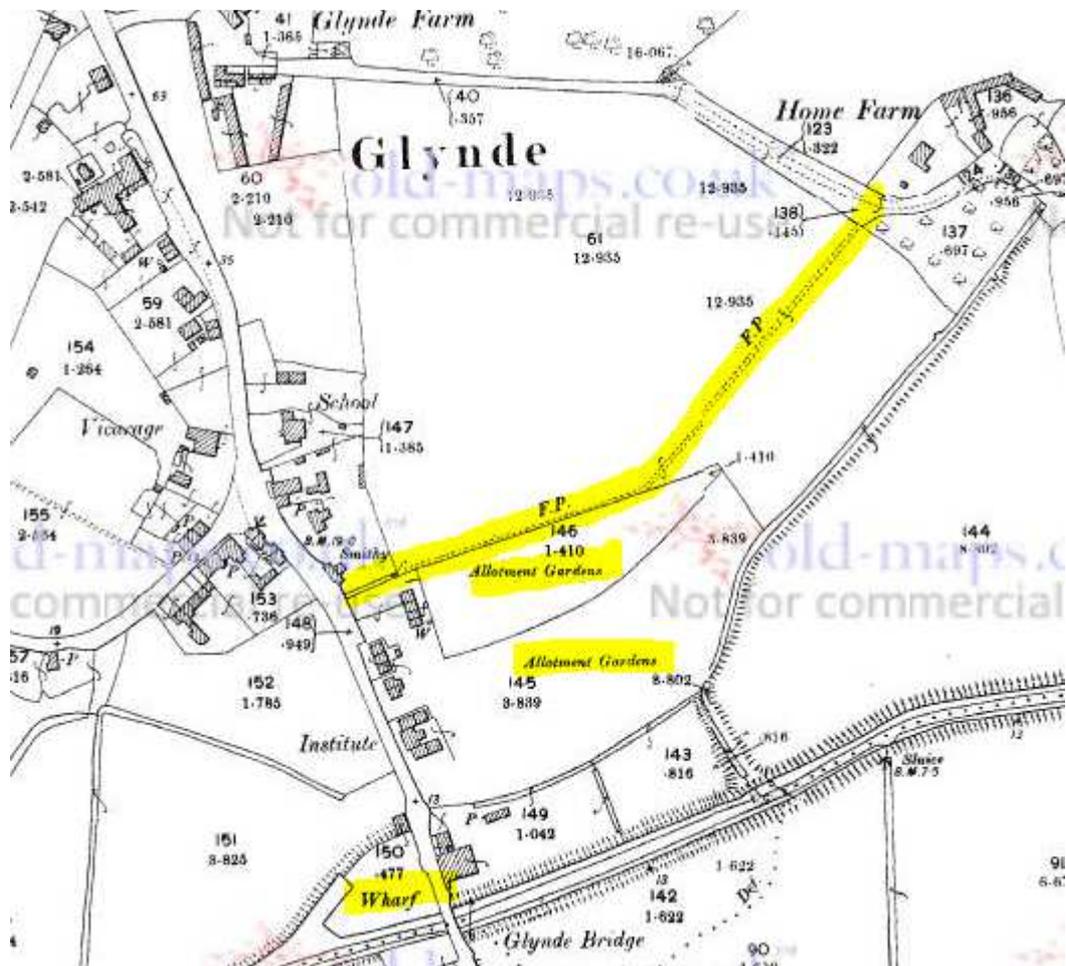
17.2.13 Path 2 appears to be shown on the second edition of the 1-2500 ordnance survey map. The extract below is taken from Old maps.co.uk.



17.2.14 Path 3 runs from Brigdens to Glyde Wharf through meadows. An extract from the second edition of the 1-2500 Ordnance survey map shows these sites but an exact route cannot be identified.



17.2.15 Path 4 runs in the vicinity of the river and the allotment gardens. It may be the path shown below (map taken from the same source as those above)



17.2.16 Path 5 runs through a number of named fields and then over the downs to Lewes. One of these fields is Frenchmans Field.

17.2.17 The East Sussex Records Office holds a map of the Glynde Estate in Glynde under reference GLY 3492. The catalogue dates it as around 1920. Fields are named.

17.2.18 In the extracts below Frenchmans Field can be seen straddling the path that is currently recorded as Glynde footpath 2.



Close up



The significance of this evidence.

17.2.19 Footpath 1 in the Glynde parish minutes, which was admitted by the landowner as a right of way, is clearly identified as the application route. It can be differentiated from other rights of way which are currently recorded on the definitive map and statement.

17.2.20 It may be objected that Mr Holford could have moved between 1901 and 1911, but I suggest that this is unlikely, if only because there are few other cottages in The Street which have access to the downs next to them. The 1901 entry is consistent with the address identified in the 1911 census. Mr Lusted advises that Mr Holford was the estate foreman and that Hillside was the estate foreman's house.

17.2.21 This evidence only definitively shows where the right of way starts, although evidence from the minutes makes it clear that the route continues across the Downs to Lewes. Since Admiral Brand owned nearly the whole of the application route and does not qualify his agreement, it seems to me likely that he was referring to the whole of the application route on his land.

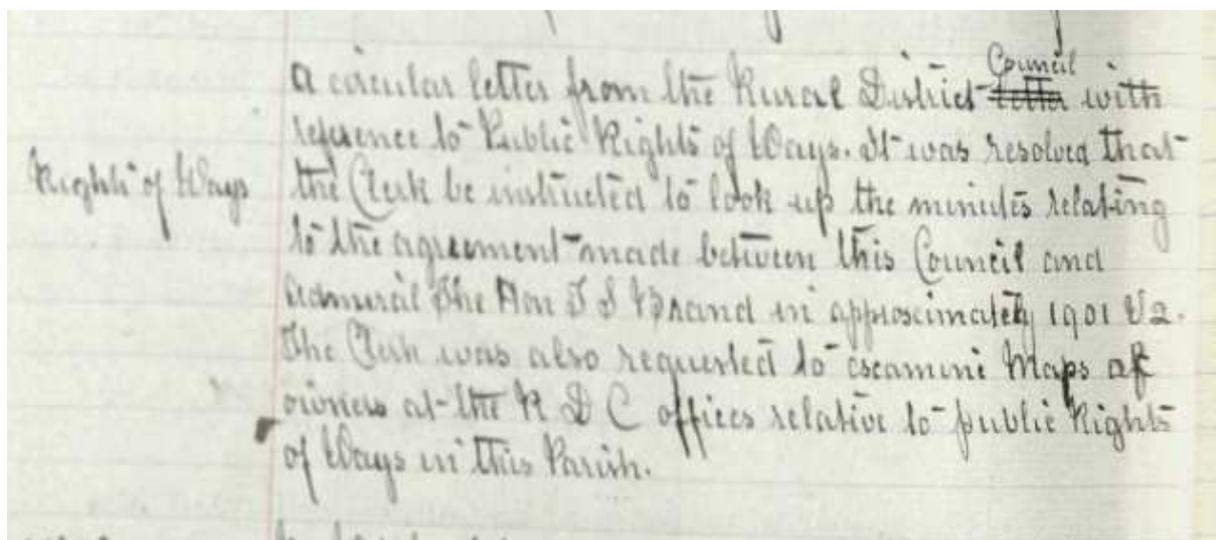
17.2.22 The parish council asserted that a footpath existed. Admiral Brand, perhaps carefully, admits a right of way, without specifying what kind. I suggest that the route had fallen out of use as a bridleway with 18<sup>th</sup> century improvements to roads but that it remained in use as a footway because it was a more direct route to Lewes on foot and was used for recreational purposes.

## 18. INLAND REVENUE VALUATION

18.1.1 The hereditaments through which the application route passes are quite large and have other currently recorded rights of way running through them, so I do not think any inference can be drawn whether or not deductions for rights of way were made.

## 19. GLYNDE PARISH MINUTES FROM 1902 AND THE TWO SURVEYS OF RIGHTS OF WAY

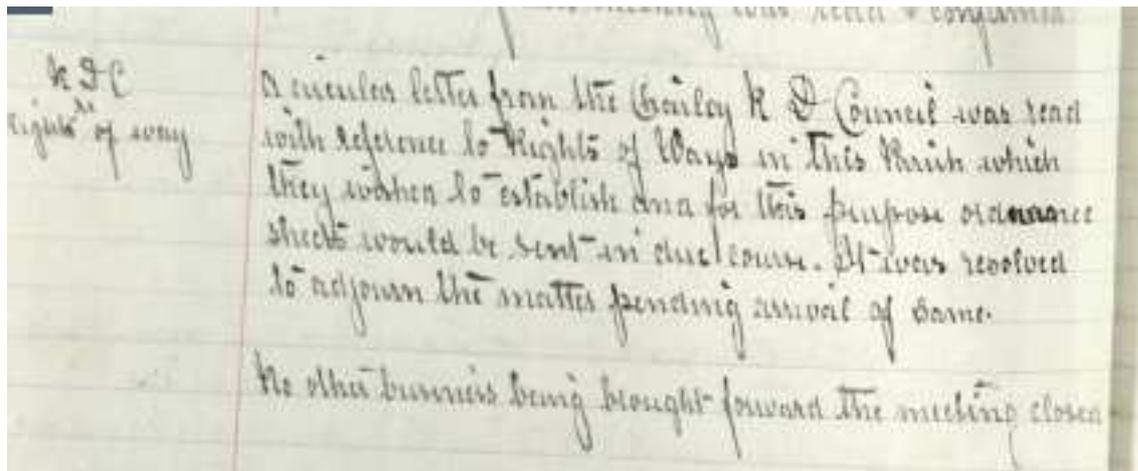
19.1.1 After the negotiations with Admiral Brand there is no further discussion of rights of way until January 1932 (page 199 of the second set of minutes), where, in response to a circular from the Rural District Council about rights of way the clerk was instructed to look up the minutes of these negotiations and to contact the District Council about any rights of way maps they might have. See below. At this stage Mr Holford was still on the council.



19.1.2 But nothing seems to have happened. There is no note of the clerk reporting back or any further discussion at this point.

19.1.3 Nothing happened until over 4 years later, in July 1936 when, on page 207 it is recorded that another circular about rights of way had been received from the Rural District Council. At this stage the matter was deferred until material was received from that council. See below.

19.1.4 At that stage Mr Holford was no longer on the council. (Mr Lusted advises me that he died at aged 83 and was buried in Glynde churchyard on 10/6/44.)



19.1.5 Later, on 10/10/1936 the council met and agreed that there were only two rights of way in the parish, the foot track identified as number 5 in earlier negotiations (now Glynde 2 which still runs from the post office) and a footpath "across the Mount via Glyndebourne Place across the Downs to Lewes. The minutes are reproduced below.

19.1.6 Other paths were noted but not considered rights of way although the chairman said that villagers would always be able to use them.

19.1.7 There were only 3 council members present, none of whom had taken part in the 1901 negotiations- Mssrs T W Pickard, Booth and Killick.

19.1.8 Mr Lusted reports that Tom Pickard, who is recorded as chairing the meeting, was the agent/manager of the Glynde Estate, a position he had taken up in 1899 (meaning that he would probably have been responsible for the erection of the notices in 1901 that had caused the original debate). Of the other two members Mr Lusted comments that Jim Booth was a woodman on the estate and so was unlikely to take issue with his boss. Mr Lusted also advises that William Killick was a tenant of the estate at Caburnside, along Ranscombe Lane.

15-10-06 The quarterly meeting of Glynde Parish Council was held in the School-room on Tuesday the 15<sup>th</sup> Oct. 1906 at 6 P.M. the following being present - Mr B W Pickard Chairman Messrs J Booth W H M Killick & W Freeman Clerk

The minutes of last meeting was read & confirmed

Public Rights  
way The public Right of Ways was discussed and on the proposition of Mr Killick it was resolved that the footpaths near the Post Office known as foot-track lane leading to the Downs across same to Lewes be marked off on the Map as a public right of way, also a footpath across the Mound in Glyndebourne Place across the Downs to Lewes. Mr J Booth seconded, carried unanimously.

The Chairman reported that other foot-paths existed in the Parish which was not public but the villagers would always be allowed to use them as usual.

W. H. M. Killick  
Jan 26 1907.

19.1.9 Below you will find an extract from Mr Lusted's email to me on this subject. Paragraph references are to an earlier draft of this statement.

16.2.20 It is highly unlikely that William Holford moved between 1901 and 1911. He was the estate foreman and Hillside was the estate foreman's house. Further investigation of Glynde estate account books may reveal more, although it might be advisable not to mention you are using these unless it proves absolutely necessary. As holders of the Glynde Place Archive, the Record Office are not allowed to be seen to take sides in disputes such as this.

18.1.4 William Henry Holford of Hillside, Glynde, aged 83, was buried in Glynde churchyard 10 Jun 1944. He was then succeeded as estate foreman by Bob Brewer, who moved into Hillside and remained there until his death in 1985

18.1.7 Interesting note this. Tom Pickard was the estate agent/manager and so may have used this meeting to get some of the paths 'stopped up'. Jim Booth was woodman on the estate and so unlikely to take issue with Pickard, giving them a majority of the three members present. In 1934 William Killick was tenant of Caburnside (a house along Ranscombe Lane) in Glynde and also a tenant of the estate.

18.1.6 Again, it might be worth knowing that Tom Pickard had become agent/manager of the estate in 1899. So, all attempts to stop up footpaths and put up no trespassing signs may have derived from his appointment as agent/manager.

Hope this all makes sense and is not too picky. As a footnote have you looked at I D Margary's *Roman Ways in the Weald* (first published in 1948)? On page 199 he has an illustration of two projected Roman roads meeting near the current Glynde Place and becoming 'Old Lane to Saxon Down and Lewes'. On page 197 he writes: 'the two routes unite again in Glynde where it is evident that the old lane leading very directly to the top of Saxon Down is the original way to Lewes'.

Best of luck with it all.

Andrew

19.1.10 Confirmation of the status of Tom Pickard as agent for the Glynde Estate can be found in the Keep catalogue where his personal archive is kept. See the screen shot below.

## Archive Of The Pickard Family Of Glynde

[« Back to search results](#)

 For ordering and viewing options, select View at The Keep

<b>Details</b>	<b>Browse by Hierarchy</b>	<b>View at The Keep</b>	<b>User Comments</b>	<b>Add to Wishlist</b>
<b>Title:</b>	ARCHIVE OF THE PICKARD FAMILY OF GLYNDE		<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; background-color: #333; color: white; margin: 0;">Hierarchy</p> <p> <a href="#">PIC: ARCHIVE OF THE PICKARD FAMILY OF GLYNDE ()</a></p> </div>	
<b>Repository:</b>	East Sussex Record Office			
<b>ESRO reference:</b>	PIC			
<b>Level:</b>	Fonds			
<b>Description:</b>	<p>The archive contains documents relating to Thomas William Pickard, land agent of the Glynde Estates, his wife and children, his parents James and Elizabeth Pickard of Balcombe, Barcombe and Lewes and his grandfather William Pickard of Balcombe. The principal areas covered by the archive are T W Pickard's involvement with the Glynde Estates and Glynde village and his daughter Kathleen's association with the Brighton School of Music.</p> <p>Some further items, in addition to those listed below, may be found in a Word list, 48 pages, under file name PIC 2</p>			
<b>Creator(s)</b>	<p>Pickard family of Glynde</p> <p><a href="#">Biography [show]</a></p>			
<b>Administrative History:</b>	William Pickard (1796-1860), the son of ... <a href="#">[More]</a>			
<b>Access status:</b>	Open			

19.1.11 Nothing further about rights of way that is of significance for this application was minuted until page 264 when a meeting on 19/4/51 considered a circular from East Sussex County Council about the rights of way survey that would have been part of the first definitive map process. See the minutes below.

19.1.12 The council appears to have simply gone back to what it had agreed in 1936, although it was thought that "the Public Right of Way through Mr Christies Estate at Glyndebourne across the Downs to Lewes was omitted from the foregoing discussion (although it was not, although the council had omitted the eastern extension of the path through the grounds of Glyndbourne House to the west of the Glynde to Ringmer Road, which they now claimed but subsequently withdrew).

Survey of Rights of Ways  
 a circular letter was recd from the County Council suggesting a general survey of the public rights of way in the Parish. The Chairman reported that this was done some time back when the agreed Rights of Ways between this Council & Land Office the maps was then marked off & deposited at the R.D.C. offices. The Public Right of Way through Mr Chute, a Colne at Gledelbourne across the Downs to Lewes was omitted from the foregoing discussion

19.1.13 On page 273 it is reported that the council had received a letter from the Ramblers Association about the survey that they had done as part of the definitive map process. It was agreed to write to thank their representative, Mr Hemmings.

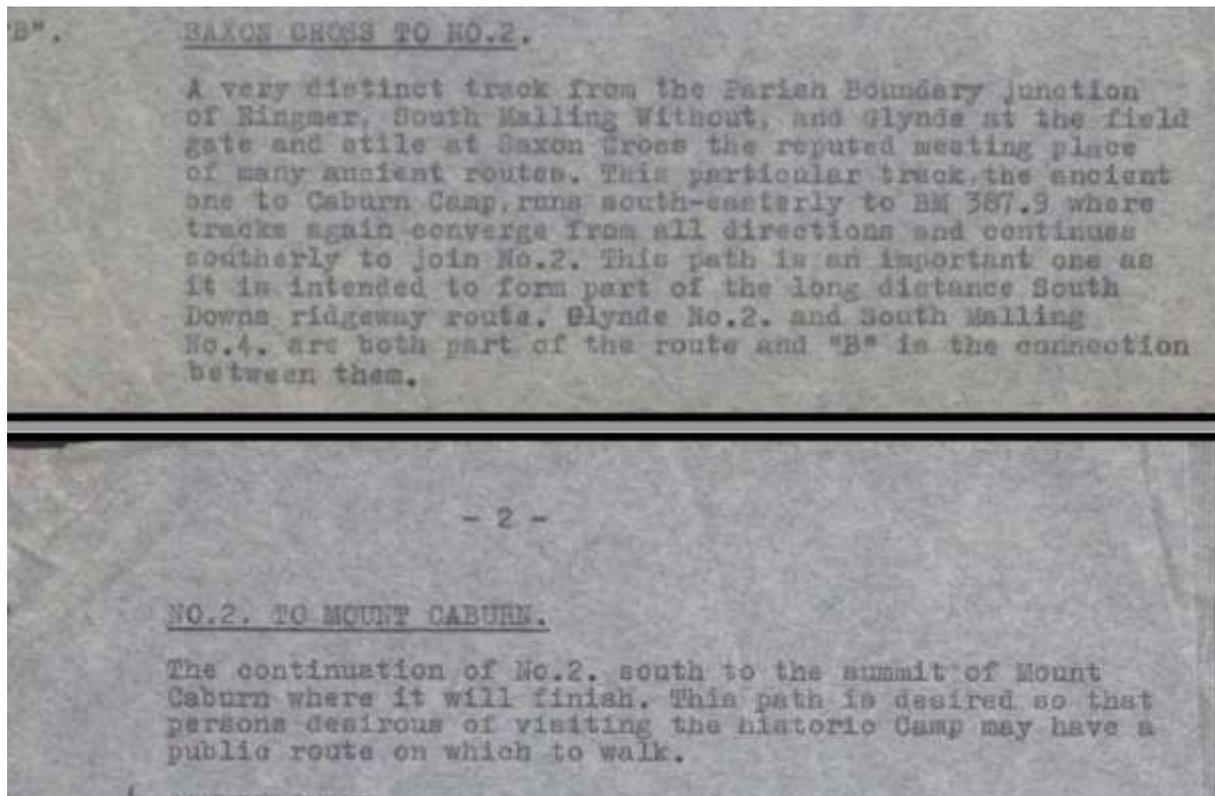
The Quarterly meeting of Glynede Parish Council was held at Hovey on Tuesday the 29<sup>th</sup> of Jan'y 1902 at 6-30 PM the following being present Mr D W Richard Chairman Messrs G Hooton H Reid & Victor Brown

The minutes was read & confirmed

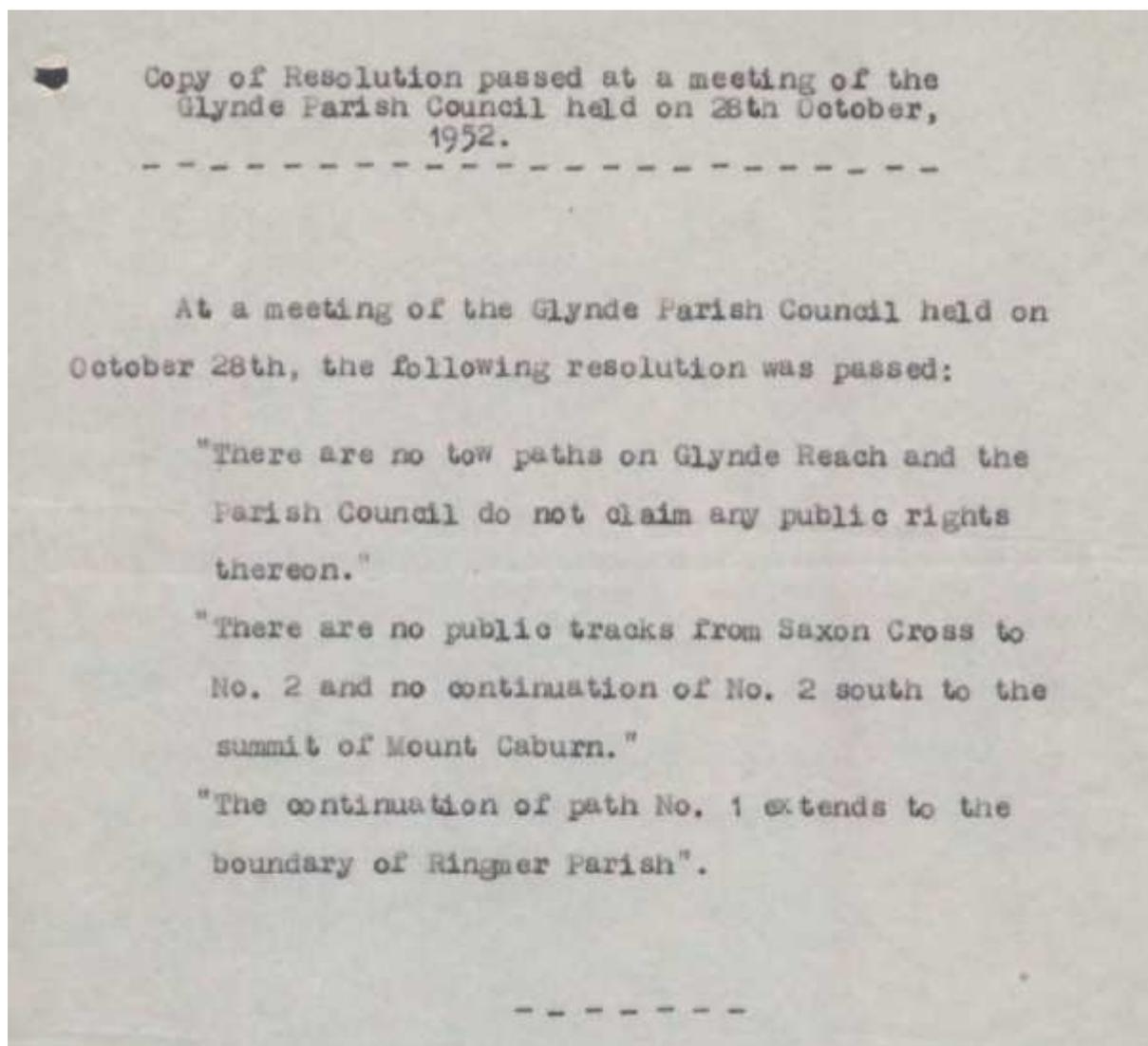
Mr Hemmings  
 re the survey

The Chairman then read a letter from the ramblers association Mr Hemmings Secretary with enclosure dealing with the footpaths within Glynede Parish which had been surveyed by the Association on Oct 20/1901 Mr H Victor Brown moved that a letter of thanking Mr Hemmings for his very kind information & assistance be sent to Mr Hemmings be sent was seconded by Mr Hooton

19.1.14 The survey of rights of way and related correspondence are held by East Sussex County Council Rights of Way, who have provided me with digital copies. The Ramblers survey, which was conducted on their behalf by a member of the Sussex Pathfinders Club, identified a number of routes not identified by the parish, including a route following the north part of the application route but then crossing path number 2 to finish at Mount Caburn.



19.1.15 The council did not agree. A note of a resolution is with the papers for the Glynde definitive map survey which says:



19.1.16 The minutes on page 278 (confusingly referred to in the sidebar as relating to Glynde Station) confirm this. The councillors present appear to have been Mssrs Pickard, Reid, Brewer Hoathes and Brown, although the handwriting is poor. Mr Pickard had been on the council in 1936 and probably continued to be the agent for the Glynde Estate.

19.1.17 Mr Brown took over as chair in April 1954 as Mr Pickard was unable to continue, perhaps because of age. On page 289 he declared an interest as the agent for the Glyndebourne Estate, so landowners were not under-represented on the council at this time.

19.1.18 The parish council (after hesitating over an alleged route through Glyndebourne House to the east of the Ringmer/Glynde road) agreed to put forward the same two rights of way that they had put forward in 1936.

#### What is the significance of this evidence?

19.1.19 The apparent turn-about in 1936 when compared with what had been agreed in 1901 is striking. Unlike in 1932, in 1936 no reference seems to have been made to the earlier minutes and there were no members of the council left on the council who had been members in 1901.

19.1.20 In 1901 the councillors had courageously subjected their landlord to a fairly detailed examination. At the end of it they were in a position to come to an informed view about the status of the routes in their parish in the face a land owner whose initial action had been to erect no trespassing signs everywhere.

19.1.21 But in 1936 no such detailed examination seems to have taken place. Instead the word of the land owner's agent, who was also the chairman of the council, appears to have been taken as absolute truth. In this context the statement by the chairman that there were other routes that parishioners could use which were not rights of way appears to be less a conclusion based on evidence, but a declaration from the estate.

19.1.22 The 1952 report, produced under the same chairman, seems to be just a copy of the 1936 report, with a path, not on the Glynde estate, but on the Glyndebourne Estate, added on but then withdrawn, ending with the same result as in 1936. It is an interesting piece of evidence of the influence of land owners and their agents, that the council reversed their position on the Glyndbourne path once the Glyndebourne Estate agent became chairman of the council.

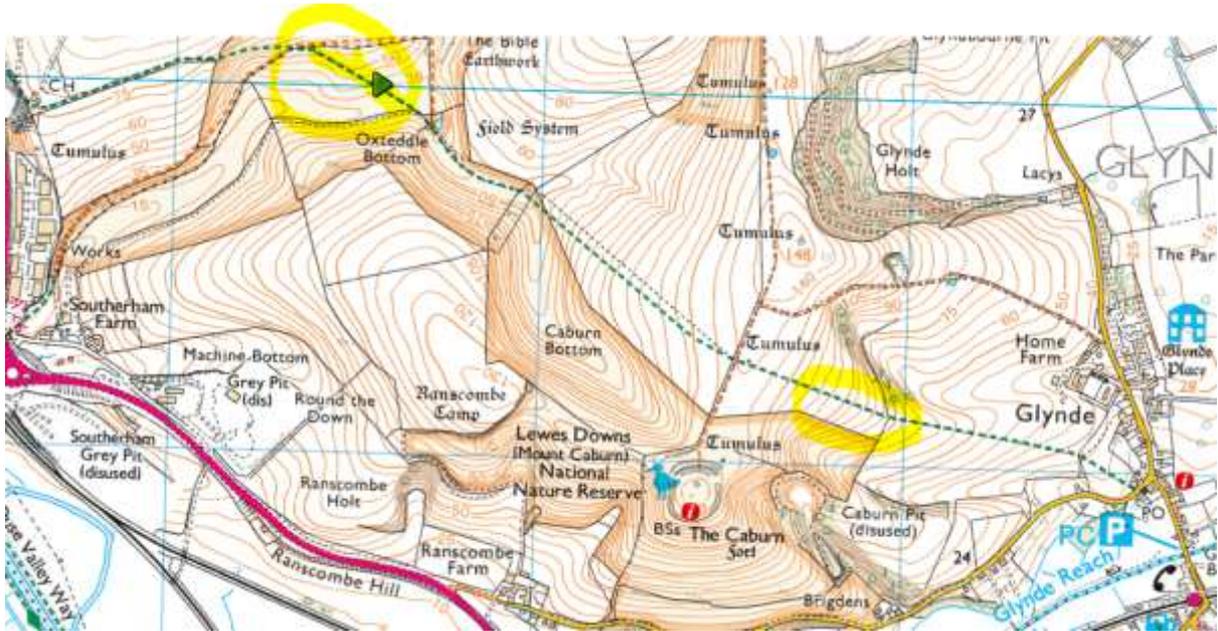
19.1.23 I suggest that the evidence of 1901, with its clear statement of rights and admission by the land owner is to be preferred to the land owner controlled decisions of the 1930s and 1950s.

## **20. WAS GLYNDE FOOTPATH 2 THE BRIDLEWAY?**

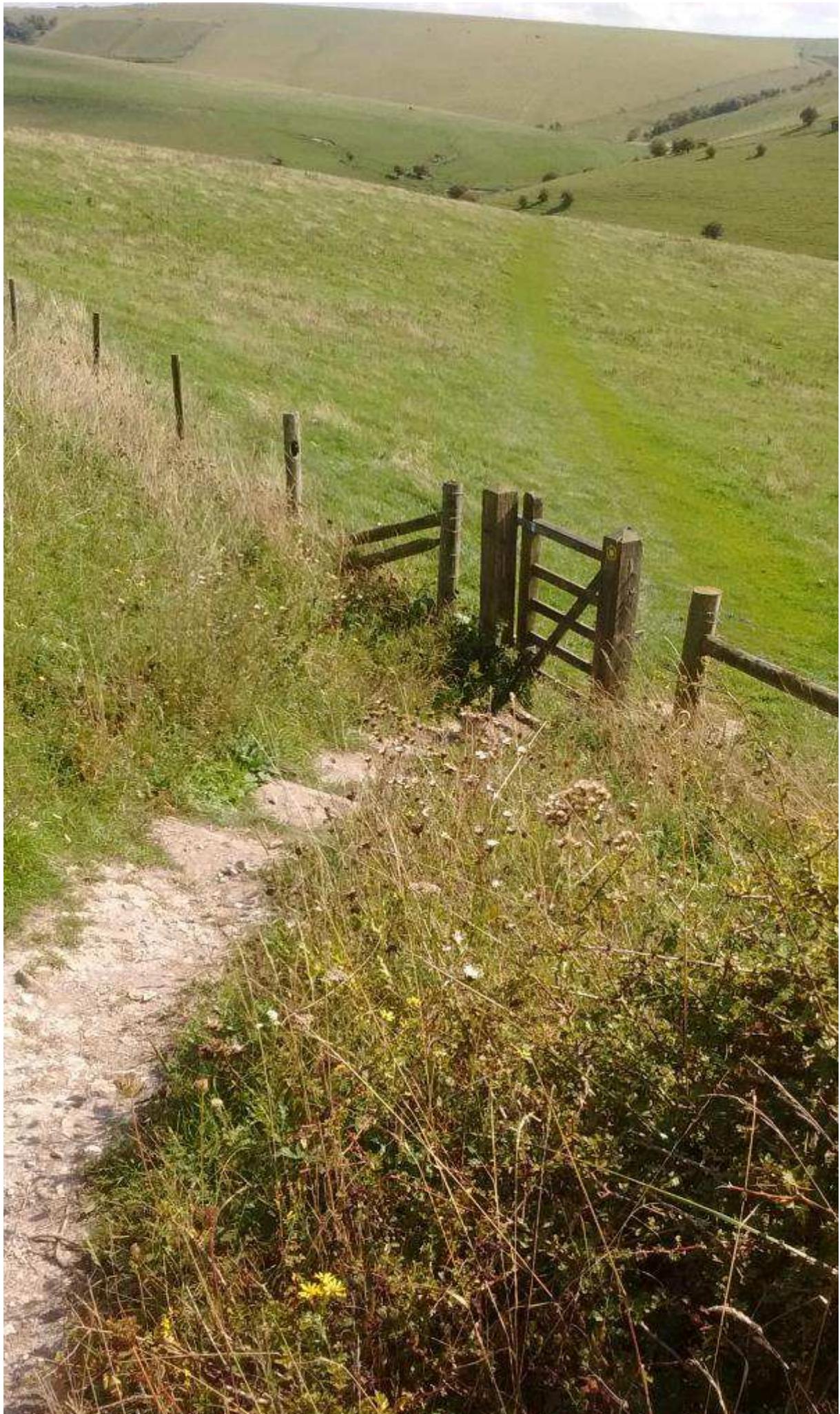
20.1.1 A footpath exists between Glynde and Lewes. It is today recorded in Glynde as footpath Glynde 2.

20.1.2 However I suggest that this is unlikely to be the bridleway referred to in other documents because

- The route involves an extra ascent and descent which would slow an equestrian down;
- There are steep sections, marked in yellow on the map shown below, which would be difficult for an equestrian. The section descending to Oxteddle Bottom is a narrow and sometime rough descent running diagonally down the side of the Down. There is no evidence on the ground that it was ever any wider.
- In the 1936 parish council minutes it is identified as named as "foot track".
- The route is not shown on early maps, which might be expected from such an old route.



20.1.3 The picture below is taken from a point just south east of the arrow on the map above. It shows both the steepness of the footpath at this point and also the descent and ascent needed when using footpath 2. The descent and ascent are avoided by using the application route and associated routes.



## **21. CONCLUSION**

21.1.1 I have produced evidence showing the existence for a long period of a bridleway over Malling Down from Glynde to Lewes which traversed the land of several landowners from on settlement to another and which therefore had the characteristics of a public highway.

21.1.2 I have produced map evidence which shows what route this bridleway took

21.1.3 I have illustrated why I believe that the application route rather than any alternative route forms part of this bridleway.

21.1.4 I have suggested why the development of roads led to the route falling out of use as a bridleway whilst continuing to be used as a footpath

21.1.5 I have provided evidence about why it ceased to be recognised as a right of way.

21.1.6 Whilst no single piece of evidence is conclusive, I believe that, take as a whole, the pieces of evidence demonstrate the existence of a highway of at least bridleway status over many years. There are possible, if often unlikely, alternative explanations for each individual piece of evidence shows but, I suggest, no explanation other than the existence of a bridleway which explains what all of these pieces of evidence show.

21.1.7 The test at this stage is only "Can it reasonably be argued that the right of way exists as suggested".

21.1.8 The later test at confirmation of any order is "Is it more likely than not that the right of way exists as suggested".

21.1.9 I believe this application passes both of those tests.

## **22. REQUEST**

22.1.1 I request the surveying authority to add the route to the definitive map as a bridleway.

## **APPENDICES**

Appendix 1 Minutes of Glynde Parish Council 1894-1902

Appendix 2 Minutes of Glynde Parish Council 1902-1960