



**Lake District  
National Park**

**LAKE DISTRICT NATIONAL PARK AUTHORITY**

**CONFIRMATION OF DEFINITIVE MAP MODIFICATION ORDERS**

**WILDLIFE & COUNTRYSIDE ACT 1981 - SECTION 53**

**OCCUPATION LANE, BROUGHTON-IN-FURNESS  
MODIFICATION OF DEFINITIVE MAP TO ADD TWO BRIDLEWAYS**

On 25 February 2026 the Secretary of State confirmed the above orders which have modified the definitive map and statement by adding two sections of bridleway along Occupation Lane between Station Road in Broughton (SD 2122 8742), and Bush Green on the A595 (SD 2091 8664), as shown on the orders plan. The northern section has been confirmed with a modified width of three metres.

A copy of the orders and plan may be seen during office hours at Customer Services, South Lakeland District Council, Kendal Town Hall, LA9 4DL, at the Lake District National Park Authority, Wayfaring House, Murley Moss, Oxenholme Road, Kendal, LA9 7RL or at Broughton Information Centre, The Old Town Hall, Broughton-in-Furness LA20 6JF. You can buy copies from the Authority for £3 each, or download from [www.lakedistrict.gov.uk/rowchanges](http://www.lakedistrict.gov.uk/rowchanges).

The orders come into force on 19 March 2026. If any person aggrieved by the orders wants to question its validity, they can do so by applying to the High Court within six weeks from 19 March 2026. The grounds for applying are that: the orders was not made within the powers of sections 53 or 54 of the Wildlife & Countryside Act, or that any requirement of the Act, or of any regulation made under the Act has not been complied with.

Authority Solicitor, 2 March 2026



**Lake District  
National Park**

**WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53**

**CUMBRIA COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT**

**THE LAKE DISTRICT NATIONAL PARK AUTHORITY**

**DEFINITIVE MAP MODIFICATION ORDER 2022**

**BRIDLEWAY 520070, OCCUPATION LANE BETWEEN BROUGHTON PARK  
AND STATION ROAD, BROUGHTON WEST PARISH**

DATED:	3 August 2022
File Reference:	1422.520.03
Minute Reference:	Rights of Way Committee: 2 August 2022
Archive Reference:	AM16

The foregoing order, subject to the red ink modifications thereon, is hereby confirmed by the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs, as set out in the associated decision letter.

25 FEB 2026



**Lake District  
National Park**

**WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53**

**LAKE DISTRICT NATIONAL PARK AUTHORITY**

**DEFINITIVE MAP MODIFICATION ORDER 2022**

**BRIDLEWAY 520070, OCCUPATION LANE BETWEEN BROUGHTON PARK AND  
STATION ROAD, BROUGHTON WEST PARISH**

This order is made by the Lake District National Park Authority (“the Authority”) by virtue of an agreement between the Authority and Cumbria County Council whereby the Council delegated to the Authority its powers of surveying and modification under the provisions of the Wildlife and Countryside Act 1981 (“the Act”) in respect of the administrative area of the Lake District National Park.

The order is made pursuant to the provisions of Section 53 (2) (b) of the Act because it appears to the Authority that the Cumbria County Council Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i), namely the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist as a bridleway.

The Authority has consulted with every local authority whose area includes the land to which the order relates.

The Authority hereby orders that:

- 1 For the purposes of this order the relevant date shall be 2 August 2022.
- 2 The Cumbria County Council Definitive Map and Statement shall be modified as described in the Schedule and shown on the plan attached to the order.
- 3 This order shall take effect on the date it is confirmed and may be cited as the Lake District National Park Authority Definitive Map Modification Order 2022, Bridleway 520070, Occupation Lane between Broughton Park and Station Road, Broughton West Parish, and is dated 3 August 2022.

Dated the third day of August 2022

Executed as a deed by  
affixing the Common Seal of  
LAKE DISTRICT NATIONAL PARK AUTHORITY  
in the presence of:

Authorised Signatory . . .



## SCHEDULE

### PART 1

#### Modification of the Definitive Map

Right of way to be added as indicated on plan	Description of route of right of way to be added	Width
Marked with a bold cross-hatched line and shown A-B on map attached to this Order.	From Station Road (C5051) in Broughton at point A (SD 2122 8742) south-south-west along Occupation Lane for about 55 metres to Broughton Park (U5069) at Point B (SD 2119 8737).	<del>4</del> <sup>3</sup> metres

### PART 2

#### Modification of the Definitive Statement for Broughton West (Duddon Parish Council) Parish

Statement for the above path to be replaced with the following:

<b>Path Number</b>	520070
<b>Path Type</b>	Bridleway
<b>Description</b>	From Station Road (C5051) in Broughton south-south-west along Occupation Lane for about 55 metres to Broughton Park (U5069). <del>4</del> <sup>3</sup> metres wide throughout.
<b>Remarks</b>	Added by Modification Order 2022
<b>Limitations &amp; Conditions</b>	None

#### Limitations and Conditions

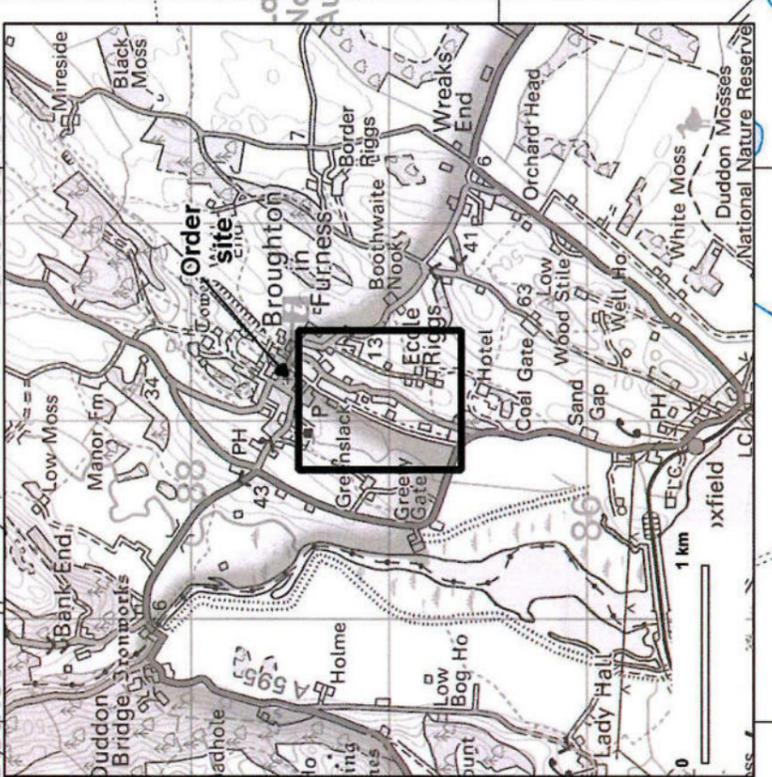
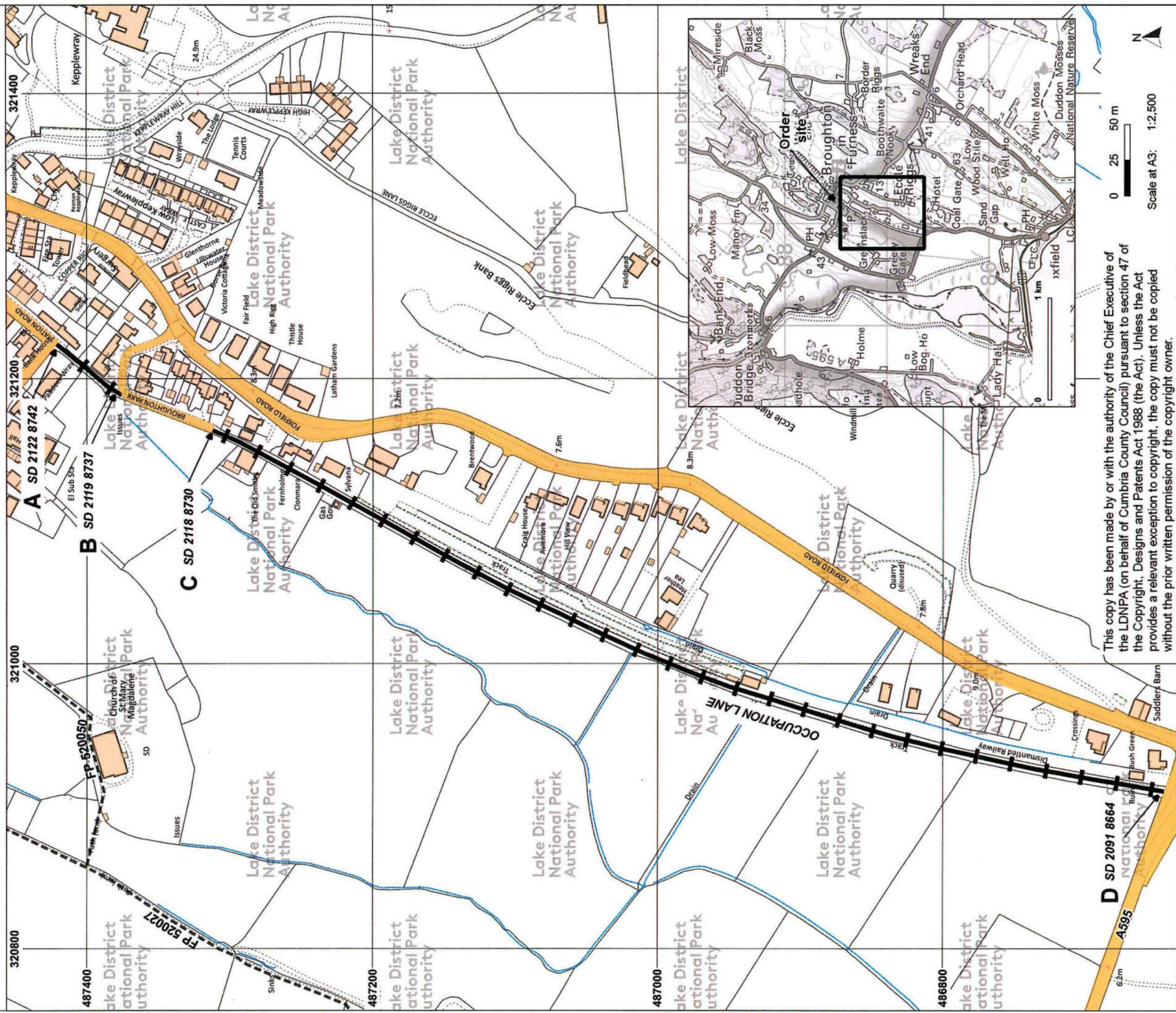
None

# Claimed Bridleway - Occupation Lane, Broughton West Parish

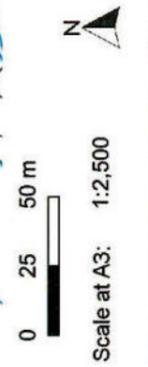
Wildlife & Countryside Act 1981 Section 53A



Lake District  
National Park



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- Bridleway to be added
- Unaffected rights of way
- Footpath
- Existing public highways (roads)

Centre of map:  
SD 2110 8704  
Date Authored:  
28/07/2021

Authorised signatory:  
  
Date: 3/8/2022



**Lake District  
National Park**

**WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53**

**CUMBRIA COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT**

**THE LAKE DISTRICT NATIONAL PARK AUTHORITY**

**DEFINITIVE MAP MODIFICATION ORDER 2022**

**BRIDLEWAY 520071, OCCUPATION LANE BETWEEN BROUGHTON PARK  
AND BUSH GREEN, BROUGHTON WEST PARISH**

DATED:	3 August 2022
File Reference:	1422.520.03
Minute Reference:	Rights of Way Committee: 2 August 2022
Archive Reference:	AM16

The foregoing order is hereby confirmed by the Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs, as set out in the associated decision letter.

25 FEB 2023



**Lake District  
National Park**

**WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53**

**LAKE DISTRICT NATIONAL PARK AUTHORITY**

**DEFINITIVE MAP MODIFICATION ORDER 2022**

**BRIDLEWAY 520071, OCCUPATION LANE BETWEEN BROUGHTON PARK AND  
BUSH GREEN, BROUGHTON WEST PARISH**

This order is made by the Lake District National Park Authority (“the Authority”) by virtue of an agreement between the Authority and Cumbria County Council whereby the Council delegated to the Authority its powers of surveying and modification under the provisions of the Wildlife and Countryside Act 1981 (“the Act”) in respect of the administrative area of the Lake District National Park.

The order is made pursuant to the provisions of Section 53 (2) (b) of the Act because it appears to the Authority that the Cumbria County Council Definitive Map and Statement require modification in consequence of the occurrence of an event specified in Section 53(3)(c)(i), namely the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the Map and Statement subsists or is reasonably alleged to subsist as a bridleway.

The Authority has consulted with every local authority whose area includes the land to which the order relates.

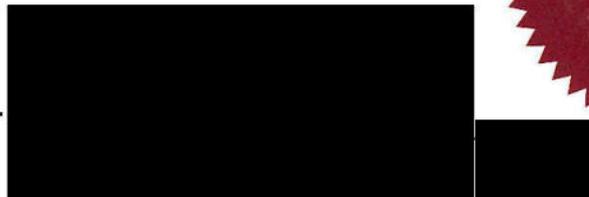
The Authority hereby orders that:

- 1 For the purposes of this order the relevant date shall be 2 August 2022.
- 2 The Cumbria County Council Definitive Map and Statement shall be modified as described in the Schedule and shown on the plan attached to the order.
- 3 This order shall take effect on the date it is confirmed and may be cited as the Lake District National Park Authority Definitive Map Modification Order 2022, Bridleway 520071, Occupation Lane between Broughton Park and Bush Green, Broughton West Parish, and is dated 3 August 2022.

Dated the third day of August 2022

Executed as a deed by  
affixing the Common Seal of  
LAKE DISTRICT NATIONAL PARK AUTHORITY  
in the presence of:

Authorised Signatory ..



## SCHEDULE

### PART 1

#### Modification of the Definitive Map

Right of way to be added as indicated on plan	Description of route of right of way to be added	Width
Marked with a bold cross-hatched line and shown C-D on map attached to this Order.	From Broughton Park (U5069) at Point C (SD 2118 8730) south-south-west along Occupation Lane for about 715 metres to the public highway A595 at Bush Green (Point D: SD 2091 8664).	4 metres

### PART 2

#### Modification of the Definitive Statement for Broughton West (Duddon Parish Council) Parish

Statement for the above path to be replaced with the following:

<b>Path Number</b>	520071
<b>Path Type</b>	Bridleway
<b>Description</b>	From Broughton Park (U5069) south-south-west along Occupation Lane for about 715 metres to the public highway A595 at Bush Green. 4 metres wide throughout.
<b>Remarks</b>	Added by Modification Order 2022
<b>Limitations &amp; Conditions</b>	None

#### Limitations and Conditions

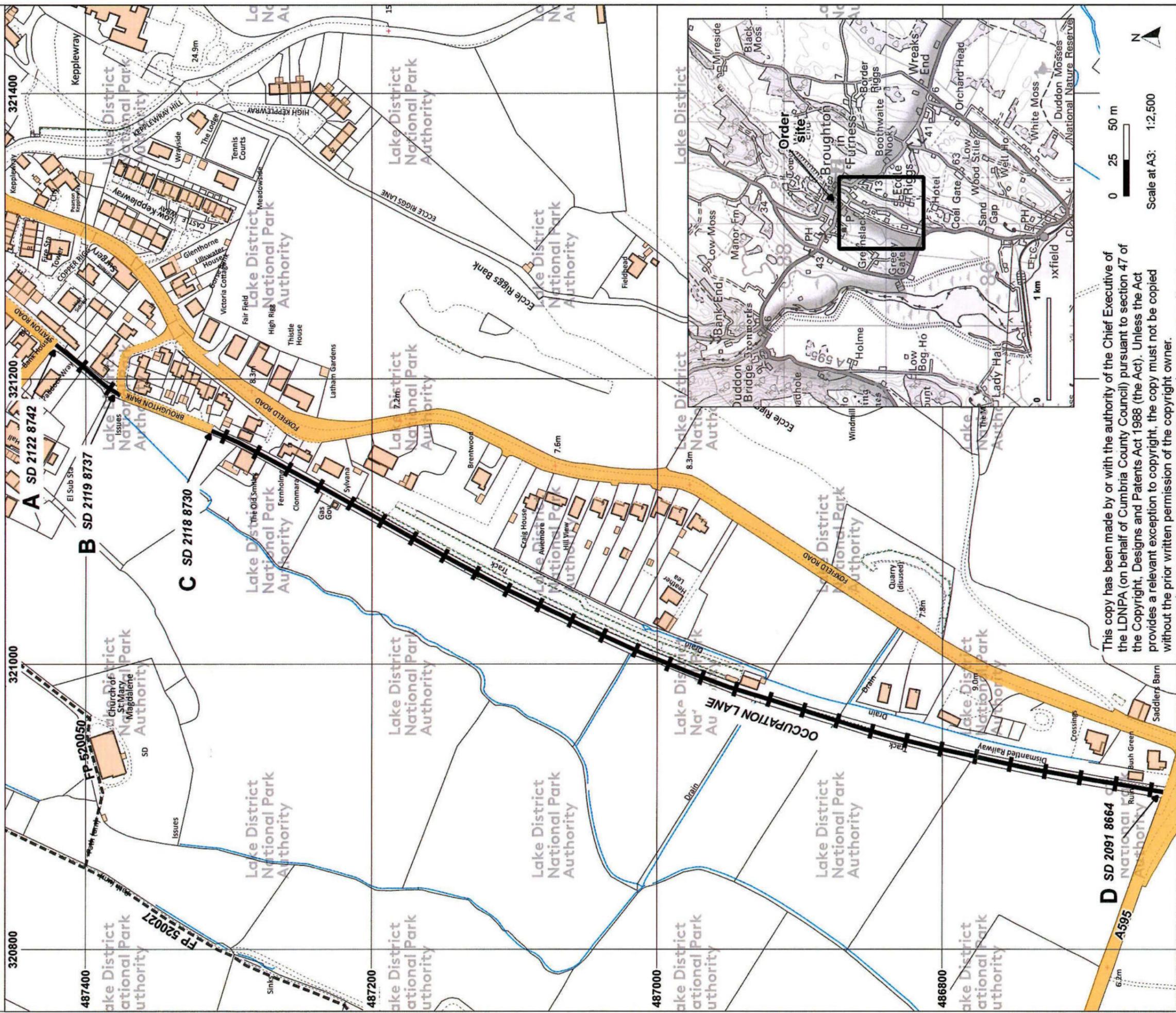
None

# Claimed Bridleway - Occupation Lane, Broughton West Parish

Wildlife & Countryside Act 1981 Section 53A



Lake District  
National Park



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- Bridleway to be added
- Unaffected rights of way
- Footpath
- Existing public highways (roads)

Centre of map:  
SD 2110 8704

Date Authored:  
28/07/2021

Authorised signatory:



Date: 3/8/2022



## Order Decisions

Site visit on 11 January 2026

by **Claire Tregembo BA(Hons) MIPROW**

An Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 25 February 2026

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### Order Ref: ROW/3326575

- This Order is made under section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as the Lake District National Park Authority Definitive Map Modification Order 2022 Bridleway 520070, Occupation Lane between Broughton Park and Station Road, Broughton West Parish.
- The Order is dated 3 August 2022 and proposes to modify the Definitive Map and Statement for the area by adding a bridleway along Occupation Lane as shown in the Order map and described in the Order Schedule.
- There were two objections outstanding at the commencement of the inquiry.

**Summary of Decision: The Order is confirmed subject to a width modification set out below in the Formal Decision.**

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### Order Ref: ROW/3326576

- This Order is made under section 53(2)(b) of the Wildlife and Countryside Act 1981 and is known as the Lake District National Park Authority Definitive Map Modification Order 2022 Bridleway 520071, Occupation Lane between Broughton Park and Bush Green, Broughton West Parish.
- The Order is dated 3 August 2022 and proposes to modify the Definitive Map and Statement for the area by adding a bridleway along Occupation Lane as shown in the Order map and described in the Order Schedule.
- There was one objection outstanding at the commencement of the inquiry.

**Summary of Decision: The Order is confirmed.**

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### Procedural Matters

1. Two objections to the Orders were received during the formal objection period. Two additional correspondence which object to the recording of Occupation Lane as a bridleway were also received outside of the formal objection period. I have taken into account the matters raised by all four parties when making my decision.
2. I will refer to various points shown on the Order maps in my decision. Both Orders used the same map which I have appended to the end of my decision for ease of reference.

### The Main Issues

3. The Orders have been made under section 53(2)(b) of the Wildlife and Countryside Act 1981 in consequence of the occurrence of an event specified in section 53(3)(c)(i). This requires me to consider if, on the balance of probabilities, the evidence shows that public bridleways subsist along the Order routes. This is a higher standard of proof than the reasonably alleged to subsist test to determine if an Order should be made.
4. The evidence submitted in support of the Order predominantly relies on the presumption of dedication arising from tests laid out in section 31 of the Highways

Act 1980 (the 1980 Act). This requires me to consider if the public have used the routes as of right and without interruption, for a period of twenty years immediately prior to their status being brought into question. I must establish the date when the public's right to use the Order routes was brought into question and determine if use by the public occurred for a twenty year period prior to this that is sufficient to raise a presumption of dedication. If this is the case, I must then consider if there is sufficient evidence that there was no intention on the part of the landowners to dedicate public bridleways during this period.

5. Section 32 of the 1980 Act also requires me to take into consideration any map, plan, or history of the locality, or other relevant document provided, giving it such weight as is appropriate, before determining whether or not a way has been dedicated as a highway.

### **Reasons**

6. Occupation Lane was constructed with the extension to the Furness Railway in around 1846-1850 and was built to provide access to the fields. The railway was closed to passengers in 1958 and freight in 1962. Occupation Lane and the railway line were subsequently sold. Occupation Lane between points B and C is within the Broughton Park housing development built in the late 1970s and became a publicly maintained vehicular highway.

### **Documentary evidence**

#### *Ordnance Survey Maps*

7. Occupation Lane is shown alongside the railway line on the 1850 and 1919 6 inch and 1919 25 inch Ordnance Survey (OS) maps. There is a smithy alongside it on the 1919 maps and mile posts are marked on all three maps. Other undated maps of various scales also show Occupation Lane. The 1967 2 and a half inch OS map shows Occupation Lane as part of the '*dismantled railway*'.

#### *Railway Records*

8. The Book of Reference for the Furness Railway Coniston Extension 1857 records Occupation Lane as an '*Occupation Road*' owned by '*the Furness Railway Company*'. There are no public rights listed over it.

#### *Sam Allcock Documents*

9. Sam Allcock purchased the southern end of Occupation Lane on 6 March 1968. He and his wife owned and occupied Bush Green Cottage from 1968 until they moved to The Smithy in 1978, after it was conveyed to them in 1971. They moved to a property on Foxfield Road in 1988 where they remained until 2012. All three properties abut Occupation Lane.
10. On 10 October 1978 Sam Allcock wrote to Mr I Steel, who he describes as '*a new owner*', about attempts to stop him using the north end of Occupation Lane to access his properties. He explains that Occupation Lane built by the railway company to access fields he owned. He states he agrees that Occupation Lane is '*not a public right of way in any form, but such public activities which take place on it i.e. horse riding, walking, exercising (and evacuation) of dogs etc. have been enjoyed without restrictions for so long that it would be pointless to think of*

*curtailing, unless of course there was damage caused*'. It also refers to an intention to tarmac part of it.

11. Sam Allcock signed a Statutory Declaration on 30 June 1988 when selling the Smithy to confirm that he and his wife had used Occupation Lane at all times, with and without vehicles, without licences, as of right, and without consent since 1968 to access their properties. In addition to this he states, *'the Occupation Road has also been used by the public in general mainly for recreational purposes such as walking and hacking'*.
12. A letter dated 24 May 1989 from Sam Allcock to Mr Huck states, *'there is a mistaken idea... that access along the Occupation Lane from Broughton-in-Furness to the Broughton Park Road is pedestrian only! This right of pedestrian access along this particular stretch was a condition imposed on the developers by the Duddon Parish Council specifically to protect the hitherto enjoyed 'short cut' across the old sidings and into town by the residents of Foxfield Road'* It claimed this was a condition of development and recorded in the Deeds for 15 Broughton Park. It indicated there were *'traditional and sacrosanct right of access both pedestrian and vehicular, of the occupants, along the lane in general.'* This letter was copied to Duddon Parish Council (DPC) in May 1991.

#### *Parish Council Records*

13. A report by Graham George dated 26 February 2009 provides information about the Order routes, history of Occupation Lane, and a dispute between the owner of 15 Broughton Park and DPC. DPC considers Occupation Lane to be an extension of the publicly repairable highway whilst the owner of 15 Broughton Park claimed it was permissive and only for use by Broughton Park residents. DPC considers Occupation Lane to be a very useful direct route between two highways. It asks for a request to be made to the Lake District National Park Authority (the Authority) to remove signs denying public rights and to remove vegetation planted in Occupation Lane reducing its width. The minutes of DPC's meeting on 28 August 2008 resolved to make this request although the Definitive Map Modification Order Application was not made until July 2021. It is clear that this report was not before DPC in their meeting dated 16 of September 2014, but a copy was sent to the Authority. There is nothing to indicate if this report was considered or produced by DPC in their meeting of 26 February 2009.

#### *Letter to Editor of Parish Pump*

14. A letter was published in the Parish Pump, a local newsletter, in 1997 from Sam Allcock complaining about fly tipping garden waste on Occupation Lane. It states, *'The lane as the name implies, is for access only to land... the Lane is not a public right of way but certainly during my bulk ownership use of the lane by all for recreational walking has never been interfered with'*.

#### *Aerial Photographs*

15. A 1963 aerial photograph shows the Occupation Lane running alongside the disused railway line. It appears as a clear track, with some grass growing along the middle, and there does not appear to be any gates across it. The northern end between The Smithy and Station Road appears to be more defined suggesting more use of this section. The situation is the same on the 1972 aerial photograph.

16. Broughton Park is visible on the 1983 aerial photograph and Occupation Lane between points A and B appears to be clear and unobstructed. Occupation Lane between points C and D appears to be available for use and unobstructed, although part of it is obscured by clouds. The situation is the same on the 1988 aerial photograph and there are wear lines into several fields off Occupation Lane suggesting vehicles have used it for access. Occupation Lane also appears as a clear track without any obstructions on the 1995, 2003, 2009, 2016, and 2019. There appear to be two clear worn lines on the 2009, 2016, and 2019 aerial photographs with grass along the middle suggesting vehicular use.

#### *Highway Records*

17. The adopted highway records from 1974 to 2004 show Occupation Lane between points A and B coloured brown which indicates private maintenance. The map shows an unmaintained footway along Station Road which continues along the first section of Occupation Lane alongside Station House. There does not appear to be a wall between Station House and Occupation Lane at this time.
18. A letter from CAPITA Infrastructure, who held the highway records, to the Highways Control Officer dated 7 February 2004 states Occupation Lane is not a highway maintainable at public expense and refers to it as '*road number U5069*'. It also states it is not recorded in Cumbria County Council's Definitive Map of Public Rights of Way (DM). Other letters to the landowners also confirm the same.

#### *Planning Documents*

19. Planning applications for a surgery and parking in 2003 and a car park in 2010/2011 off Occupation Lane were made but then withdrawn or rejected due to highway access and safety issues. The plans and Design and Access statement indicate pedestrian access off the car park onto a footpath between Occupation Road and a track to the north west. There are concerns about access onto private land, although this relates to a track to the north west rather than Occupation Lane.
20. One objection to the car park planning application refers to private signs on Occupation Lane whilst another states '*members of the public also use the road [Occupation Lane] to walk along and admire the beautiful view of outstanding natural beauty. Occupation Lane is also 'used by cyclists, horse riders, children on horseback... Rambler Association groups walk along it on a regular basis along with the Wild Life Trust and RSPB*'. Another refers to '*the existing recreational trail from Foxfield to Broughton along the line of a parallel track to the old railway line*' and '*pedestrian residential access to Broughton Park from the village*'.
21. A letter of objection from one of the objectors to the Orders states '*Broughton Park is regularly used by walkers, horses and cyclists using the dirt track that runs from Station Road, over a permissive track to Broughton Park then down to the A road*'.

#### *Statutory Declarations*

22. A map and statement dated 18 June 2008 was deposited with the Authority under section 31(6) of the 1980 Act. It states the land alongside 15 Broughton Park has not been dedicated as highways on foot, horse, bicycle, vehicles, or otherwise.

23. This was followed up with a Statutory Declaration dated 18 July 2008 stating that since that deposit, the landowner has not dedicated any ways over the land for use by the public as highways.

#### *Published Walks*

24. A 2020 walk leaflet by Duddon History Society included a Railway walk which used Occupation Lane. It states Occupation Lane was not a public right of way but is extensively used as a path to Broughton and could be quite muddy.
25. A web page by Ruth Livingstone called Ruth's Coastal Walk (UK) published in November 2016 describes a walk from Kirkby-in-Furness to Broughton. It includes Occupation Lane which she describes as 'a soft track'. The photograph shows a grass track with slight worn vehicular tracks and some overhanging vegetation.
26. A web page by Paul Hills called a 5,000 mile walk describes a walk around the mainland coast of Britain. Walk 21; Kirkby-in-Furness to Millom on 19 July 2020 includes Occupation Lane and a photograph of it showing grass verges, worn vehicular tracks, and a grass strip along the middle. It describes how three women were having a chat in the middle of the lane at the Broughton end.

#### *Conclusions on the Documentary Evidence*

27. The OS maps show that Occupation Lane has existed since the 1850s. Railway records indicate it was constructed with the railway in the late 1840s or early 1850s and was an occupation road with no public rights recorded. Aerial photographs from 1963 to 2019 show Occupation Lane as a clear track that would have been available to use with worn lines indicating use by vehicles. Highway records indicate it was privately maintained and not recorded as a public right of way.
28. The documents from the owner of most of section C to D indicates it was not a right of way, but he was aware of unrestricted use by the public and does not refer to any action by him to prevent use. Responses to planning applications and published walks also indicate use by the public.
29. I do not consider the documentary evidence is sufficient to show, on the balance of probabilities, that public rights exist over the Order route. However, some of it does indicate use of the Order route over many years and I will take this into account when considering the user evidence below.

#### **User Evidence**

##### *Bringing into question*

30. To bring into question the right of the public to use the Order routes some actions or events must have occurred that brought home to at least some of those using it that their right to do so was being challenged. These must have been sufficiently overt to bring that challenge to the attention of the public using the route.
31. Reference is made to Mr Steel parking cars on the northern end of Occupation Lane to prevent access for vehicles on auction days and erecting a locked gate across it shortly after Broughton Park was built which was there for several weeks before he removed it. A letter from Sam Allcock in October 1978 supports the existence of the gate, but Mr Steel's statutory declaration does not refer to it and

- states he only parked cars to prevent use by tractors. The car parking does not appear to have been with the intention of preventing access to non-vehicular users and it is not clear if the gate prevented access to all users or just vehicles.
32. Some parties state that Occupation Lane would have been closed during the construction of Broughton Park between early 1979 and May 1980. However, a closure to enable development would have been on safety grounds rather than with the intention of preventing use by the public. The same would be the case for building work on an adjoining property at a later date.
  33. Some residents of Broughton Park claim use of section A to B was challenged from the late 1980s with one stating he was challenged in 1989 when riding a motorbike. Mr Steel's statutory declaration states residents use section A to B with his verbal permission. Another person states they had permission to take a vehicle along it. However, none of those providing user evidence were challenged when using Occupation Lane and state they did not have permission to use it. Challenges to use with a motor vehicle or permission to use one, do not amount to challenges or permission to use of Occupation Lane as a bridleway. Furthermore, most references to challenges are second-hand accounts with limited personal accounts.
  34. The owners of 15 Broughton Park deposited a statement and plan under section 31(6) of the 1980 Act on 18 June 2008 for most of section A to B and made a statutory declaration on 18 July 2008 stating they had not dedicated any ways over that land since the first deposit. This is a clear challenge to public use.
  35. In July 2008 notices were placed on Occupation Lane between points A and B stating the owner had no intention of dedicating a public right of way over Occupation Lane. These notices clearly challenged use.
  36. There do not appear to be any challenges to use of section C to D. However, it would appear from DPC's minutes that they became aware that Occupation Lane was not a right of way in 2008 and appear to have considered making an application for a Modification Order for the full length at this time.
  37. I therefore consider the date of challenge for Occupation Lane to be June 2008 with the relevant twenty year period being June 1988 to June 2008.

#### *Analysis of use*

38. To satisfy the requirements of section 31, use must be by those who can be regarded as the public. For use to be as of right it must be without force, secrecy, or permission. Use should be without interruption, and to be effective, any interruption must be by the landowner, or someone acting on their behalf. The interruption should be with the intention of preventing use of the way by the public and not for other purposes such as car parking or building works.
39. I must also be satisfied that there was sufficient use by the public to raise a presumption of dedication.
40. User evidence forms showing use of the Order route were submitted in support of the application and follow up information was provided in response to questions from the Authority. Additionally, a couple of people provided letters detailing their use of Occupation Lane and four statutory declarations before a solicitor under the Statutory Declarations Act 1835 were completed in 2009.

41. The solicitor who witnessed the statutory declarations considers three cannot be used because the persons making them withdrew their consent in 2009. Statutory declarations, properly declared, witnessed, and submitted, provide factual information from the person making them which they declare to be true and accurate. The solicitor does not state the reason for their withdrawal, or that the information in them was untrue or inaccurate. There is nothing from the persons making the statutory declarations stating they wish to withdraw them, the reason for the withdrawal, or that they are incorrect, and one person has not withdrawn their statutory declaration. It is understood there was some tension around Occupation Lane within the village which may have led to the request for them not to be used. I consider there is nothing to indicate the evidence provided in the statutory declarations is inaccurate or untrue. Therefore, I will take them into consideration but give them limited weight.
42. In total 28 people provided evidence of use of the Order route, but I have discounted three people who used it to access their land. The evidence of use indicates 20 people used Occupation Lane between 1988 and 2008, with 11 people using it for the full twenty year period. Use dates back to the 1930s. Nine people used Occupation Lane on a bicycle, six during the relevant twenty year period, and three people used it on horseback during the relevant twenty year period.
43. Half of those providing evidence of use used it daily or weekly, with most of the others using it monthly or several times a year. Use is predominantly for recreational purposes with some people also indicating use to reach schools, shops, the library, and other services in Broughton-in-Furness. Two people also refer to a bench half way along Occupation Lane.
44. Those using Occupation Lane do not refer to verbal challenges, obstructions, gates or stiles, permission, or notices challenging use during the relevant twenty year period. Use appears to have been open without secrecy or force.
45. The user evidence is further supported by documents from Mr Allcock stating that Occupation Lane was used mainly recreationally by the public for walking and hacking without interruption. Additionally, several people who used Occupation Lane to access land throughout the relevant twenty year period also state they were never challenged, did not challenge people, and saw other people using Occupation Lane recreationally. One stated it was used recreationally without objection, and he considered it to be a public right of way. The statutory declaration from Mr Steel states section A to B was used by five to eight people a day. The comments on the planning applications also indicate use by the public.
46. Some parties consider use of Occupation Lane is insufficient to dedicate public rights and state they did not see people using it. However, the statement from Mr Allcock, Mr Steel, and occupiers who provided user evidence indicate there was sufficient use of Occupation Lane by the public for it to come to their attention.
47. It is also claimed Occupation Lane was too overgrown to use and unusable in winter. However, the user evidence does not indicate this to be the case. Aerial photographs between 1963 and 2009 indicate access was possible including with a vehicle. Some photographs, including one from a walk in 2016, show overhanging vegetation but it is not sufficient to prevent use.

48. Some parties consider some of the user evidence should be discounted because the UEFs are unsigned and some are from DPC councillors. Unredacted copies of documents have been provided and I am satisfied the evidence in them should be considered. Anyone who has used an Order route can provide evidence of their use. Their position as a parish councillor does not mean their evidence of use is any less valid or should be discounted.
49. It was suggested that the foot and mouth outbreak in 2001 means use of the Order route would not have been interrupted. In *R (oao the Ramblers Association v Secretary of State for Environment, Food and Rural Affairs, Roxlena Ltd. & Cumberland Council)* [2025] EWHC 537 (Admin) found the foot and mouth outbreak did not constitute an interruption for the purposes of preventing statutory dedication of a public right of way under section 31 of the 1980 Act. This decision is to be reconsidered in the Court of Appeal but currently stands. However, there is no evidence before me that anyone stopped using the Order route during the foot and mouth outbreak and none of those providing user evidence refer to it affecting their use.
50. I consider there is sufficient evidence of use of Occupation Lane without interruption, permission, force, or secrecy between June 1988 and June 2008 to demonstrate the presumption of dedication of public bridleway rights over it.

*Lack of intention to dedicate*

51. To demonstrate a lack of intention to dedicate, a landowner must take action to make the public aware that they have no intention of dedicating a public right of way. There are various ways of demonstrating this, but the most common ways are erecting notices denying public rights or granting permission, physical obstructions, or verbal challenges.
52. Mr Allcock, who owned most of section C to D from 1968 to 2012, indicates he was aware of use of Occupation Lane by the public but took no action to challenge it other than the fly tipping of garden waste.
53. Although not mentioned by Mr Steel, a letter from Mr Allcock indicates his access was restricted at the northern end in late 1978. However, it is not clear if access was restricted to just vehicles or all use. Mr Steel states he parked vehicles to prevent access by tractors to the field they parked in west of point C on auction days rather than use on foot, horseback, or bicycle. In any event, the gate only lasted a few weeks and is outside of the relevant twenty year period.
54. Mr Steel states he gave verbal permission to residents to use section A to B and Mrs Jobson states her husband challenged dog walkers and vehicles. However, none of the path users were ever challenged and there is some suggestion that Mr Jobson challenged dog walkers who did not pick up after their dog defecated. Mrs Jobson states she had only given permission to a neighbour to use Occupation Lane. The objectors also state Mrs Willis challenged children on bicycles with one referring to a conversation with her in 1998. She had said she *'would rather children didn't cycle there'* and referred to use by agricultural vehicles so was *'concerned for children's safety because of conflict of use and did not wish to be liable for any injury or accident'*. However, most details about challenges or dates relate to those using Occupation Lane with a motorised vehicle or challenges outside of the relevant twenty year period. Several of those using Occupation Lane

refer to use by children on bicycles and none were challenged or given permission to use Occupation Lane. Therefore, I do not consider there is sufficient evidence that use by the public as a bridleway was challenged by, or with permission of the landowners.

55. DPC proposed a medical centre and car park off Occupation Lane in 2003-4 but access rights were disputed by one of the landowners. Some parties consider this indicates the landowner had no intention of dedicating public rights. However, this concerned vehicular access to a field for a proposed development and there is nothing to indicate the landowner challenged use of Occupation Lane as a bridleway. A letter from the landowner in November 2008 states his solicitors advised DPC in February 2005 that he owned this part of Occupation Lane and it does not benefit from any public rights of way. However, a copy of this letter has not been provided, and the timing would suggest this related to the proposal for the surgery and vehicular access.
56. Some parties refer to the letters from the Highway Authority indicating Occupation Lane was private and refer to easements granted to others with land or property along it. However, the letters from the Highway Authority relate to the maintenance responsibility and recorded public rights. The DM is only conclusive evidence of what it shows and there may be unrecorded rights. Highways can also be privately maintained. In any event, the highway records and letters are not from the landowner so would not indicate their lack of intention to dedicate. The existence of easements for private rights does not mean public rights do not exist and they do not indicate a lack of intention to dedicate by the landowner. Easements would also not prevent public rights being dedicated through public use.
57. Therefore, I do not consider there is sufficient evidence to demonstrate a lack of intention to dedicate public bridleway rights.

#### *Conclusions on section 31*

58. I consider there is sufficient evidence of use of Occupation Lane as of right and without permission, interruption, secrecy, force, or challenge between June 1988 and June 2008. I do not consider there is sufficient evidence of any actions by the landowners to demonstrate they had no intention of dedicating public bridleway rights over Occupation Lane during this period. Therefore, I am satisfied the evidence before me is sufficient to show, on the balance of probabilities, that public bridleway rights exist over the full length of Occupation Lane.

#### *Width*

59. The Orders record the width of Occupation Lane as 4 metres. However, some parties state the width between boundaries of section A to B is only 3.7 metres and raised flower beds also previously limited the width to around 3 metres. The Authority states the width here was originally wider, but a wall was erected outside of the old station house in the 1990s and other parties refer to the erection of the wall. However, Mr Steel, who erected the wall, states there were borders on either side before Broughton Park was built with *'trees and shrubs in them and [they] have never been part of the unmade track or used by any vehicles'*. DPC's report on Occupation Lane refers to a minimum width of 3 metres but states the full width is fence to fence. Those providing user evidence indicate the width to be between 2 and 5 metres with most citing a width of 2 to 3 metres. Others state it was a car or

track width. The Authority does not dispute the existence of the raised flowerbeds and would be content with a modification to the Order for A to B to change the width to 3 metres.

60. The evidence suggests the full width between boundaries between A to B was not available to use during the relevant twenty year period and the useable width would have been around 3 metres. Therefore, if I confirm the Order for this section of Occupation Lane I will modify the width.
61. At the time of my site visit, section C to D consisted of a track of around 3 metres with grass verges on either side and ditches along some sections. The width between boundaries was at least 4 metres with some sections appearing to be up to 6 metres wide. Some of the verges were encroached on by trees and hedges with some sections cut back. Some people state this section was previously overgrown and provided photographs showing trees cut back. However, others refer to it being better maintained in the past and the statutory declarations made in 2009 refer to a bench along this section. Although most bridleway users would have travelled along the track, there are likely to have been occasions when people used the verge to pass other users including vehicles accessing the land. Therefore, I consider the width available for use by the public as a bridleway to be 4 metres.

### **Conclusions**

62. Having regard to these and all other matters raised in the written representations I conclude that the Order for Occupation Lane between Broughton Park (point B) and Station Road (point A) should be confirmed with a modification to the width from 4 metres to 3 metres.
63. Having regard to these and all other matters raised in the written representations I conclude that the Order for Occupation Lane between Broughton Park (point C) and Bush Green (point D) should be confirmed as made.

### **Formal Decision**

#### ***The Order for Occupation Lane between Broughton Park (point B) and Station Road (point A) (ROW/3326575)***

64. I confirm the Order subject to the following modifications:

- Change all references to '4 metres' to '3 metres'.

#### ***The Order for Occupation Lane between Broughton Park (point C) and Bush Green (point D) (ROW/3326576)***

65. I confirm the Order.

*Claire Tregembo*

INSPECTOR

**Modifications made to the first order (A-B) (ROW/3326575)**

**SCHEDULE**

**PART 1**

**Modification of the Definitive Map**

Right of way to be added as indicated on plan	Description of route of right of way to be added	Width
Marked with a bold cross-hatched line and shown A-B on map attached to this Order.	From Station Road (C5051) in Broughton at point A (SD 2122 8742) south-south-west along Occupation Lane for about 55 metres to Broughton Park (U5069) at Point B (SD 2119 8737).	<del>4</del> <sup>3</sup> metres

**PART 2**

**Modification of the Definitive Statement for Broughton West (Duddon Parish Council) Parish**

Statement for the above path to be replaced with the following:

Path Number	520070
Path Type	Bridleway
Description	From Station Road (C5051) in Broughton south-south-west along Occupation Lane for about 55 metres to Broughton Park (U5069). <del>4</del> <sup>3</sup> metres wide throughout.
Remarks	Added by Modification Order 2022
Limitations & Conditions	None

**Limitations and Conditions**

None

### Order Map (Not to Scale)

