

**COVERING LIST OF REPRESENTATIONS, OBJECTORS AND
SUPPORTERS**

**THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
FOR THE COUNTY OF LANCASHIRE**

**THE LANCASHIRE COUNTY COUNCIL
BRIDLEWAY ON LORD'S LOT ROAD, OVER KELLET
DEFINITIVE MAP MODIFICATION ORDER 2021**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	John & Patricia Fawcett	Ghyll End 65, Moorside Road, Brookhouse, Nr. Lancaster. LA2 9PJ redgrouse75@btinternet.com
No.	OBJECTIONS WITHDRAWN	
No.	SUPPORTER	
No.	OTHER RESPONSES	

From: [S J Fawcett](#)
To: [Moore, Simon](#)
Subject: Lords Lot Road Objection
Date: 25 October 2021 12:06:44
Attachments: [LCC Appeal Doc Bridleway.pdf](#)
[Withets 1LR.pdf](#)
[Withets 1b.pdf](#)
[A6CF912C-1D60-41D8-8CE2-9C248A9C2BC6_1_201_a.jpeg](#)
[Withets 1c.pdf](#)
[Withets 2a.pdf](#)
[Withets 2b.pdf](#)
[Withets 2c.pdf](#)
[Withets 2d.pdf](#)
[5909593E-7532-4FF7-A73A-5815F45FC80D_1_201_a.jpeg](#)

Importance: High

Dear Mr Moore,

Please find attached my/our objection to the bridleway order for Lords Lot Road together with supporting documents. I trust you will contact me as soon as possible after you have looked at this.

If you do wish to call me to discuss I will be available most of today.

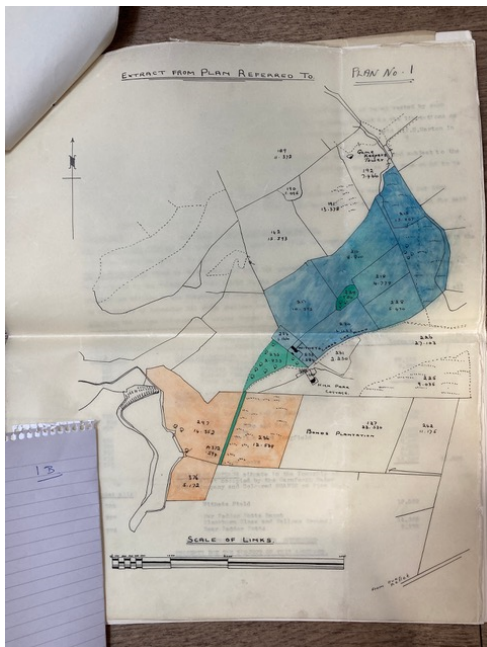
Yours sincerely

John Fawcett

Doc 1LR

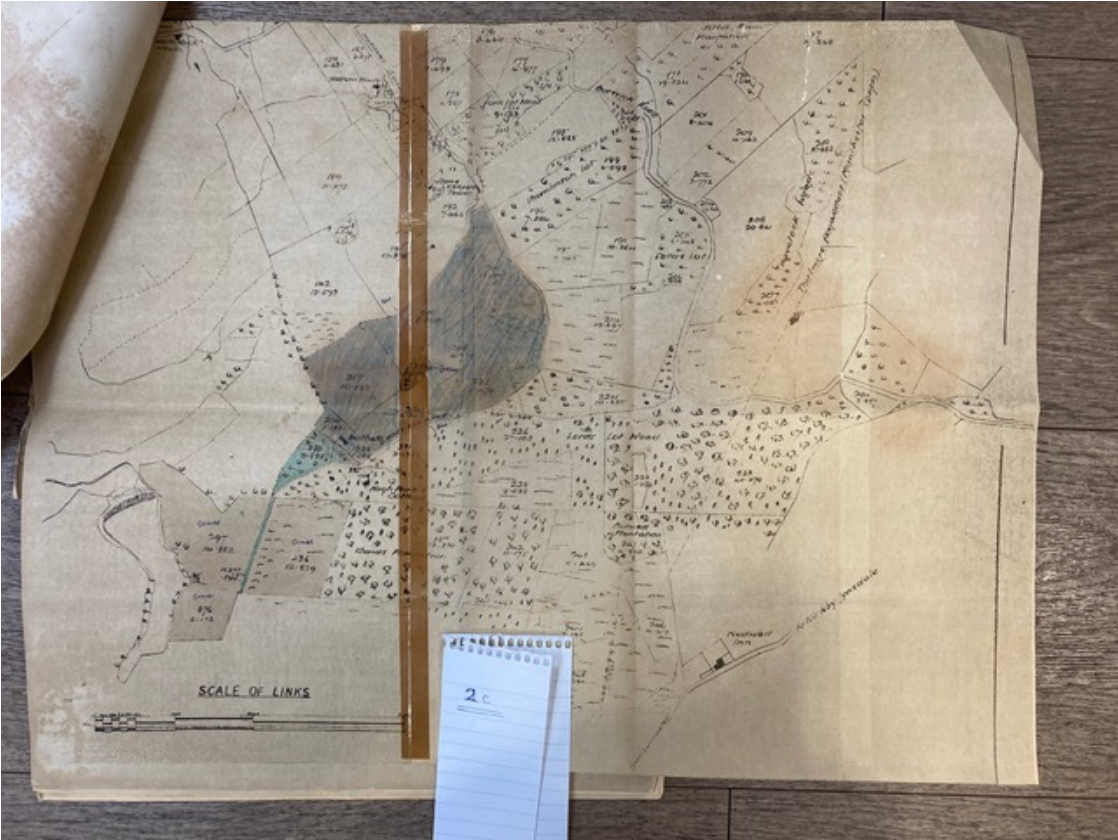
Doc 1b

Doc 1b colour



Doc 1c
Docs 2a; 2b; 2c; 2d

Doc 2c colour



John Fawcett
Brookhouse, Nr Lancaster UK

John & Patricia Fawcett
Ghyll End
65, Moorside Road,
Brookhouse,
Nr. Lancaster.
LA2 9PJ
Tel 01524 771073
Email- redgrouse75@btinternet.com

Simon Moore
Lancashire County Council
Legal Services Group,
PO Box 78
County Hall
Preston
PR1 8XJ

Monday, 25 October 2021

Your Ref LSG4/888.2242/SM18

Dear Mr Moore,

We received the councils intention to make Lords Lot road into a Bridleway despite our concerns. The main point being that a bridleway under the road traffic act does not allow motorised vehicles any right of passage, indeed they are banned from using a bridleway. That is my understanding and as such is totally wrong for the council to make an order that will prevent us accessing our land with motorised vehicles. Further more it clearly states in our deeds and the land property registry that we have the right to use the road as access with all manner of vehicles see section 2 in the document 1LR.

I still believe this is and always has been a private road now jointly owned by the various landowners who use it for access.

I have since looked at the deeds in storage at our bank and attach to the email some parts I believe are relevant. Looking at the old conveyancing of the property part of the road is edged in green and attached to the conveyance as part of Withets doc 1B. If you also look at 1C the road is stated as included in the conveyance [1926] along with the various lands transferred it even quotes the acreage of the road.

This is further reinforced by the docs 2a to 2d the conveyance by the Executors of Col Richard Oliver Marton and also refer back to and earlier settlement of 1892. All of these schedules are mention in the deed to our property and most likely in the other landowners deeds who are using Lords Lot road for access and now separated from the original Capernwray Hall Estate.

It is clear from these conveyance documents that Lords Lot Road was owned by Capernwray Hall Estate and thus a private road in all probability constructed to access the original farm

known as High Park Farm built on Withets land therefore it is still a private road jointly owned by the several landowners adjoining Lords Lot road.

The original applicants statement that these tracks were shown on old maps does not mean they are public roads, there are many roads/tracks on current maps that are not open to the public. If this was a public road why would anyone have age right to erect barriers preventing access ? There are two barriers on this road at points F & G on the Order route. These barriers have been there for approximately 20 years and are locked by the owners of this section of the road.

Apologies for the rather late reply but circumstances prevented an earlier intervention.

Looking forward to your reply

Yours sincerely

John Fawcett.



A: Property Register

containing the description of the registered land and the estate comprised in the Title.

COUNTY

DISTRICT

LANCASHIRE

LANCASTER

1. (17 May 1989) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Withets, Lord's Lot Road, Over Kellet, Carnforth.
2. The land has the benefit of the following rights granted by a Conveyance of the land in this title and other land dated 2 October 1950 made between (1) Douglas Phipps Sturton and Daniel Hope Elletson (Vendors) and (2) Carnforth District Waterwork Company (Company):-

TOGETHER WITH (so far as the Vendors could lawfully grant the same) full right and liberty for the Purchasers and their successors in title and their agents seryants tenants and occupiers for the time being of the premises thereby conveyed or any part thereof in common with all other persons lawfully entitled thereto to pass and repass with or without horses cattle sheep and other animals carts wagons motor cars lorries and other vehicles over and along the whole length of Lords Lot Road from Swarth Bridge to the entrance to High Park Cottage at the point marked "C" on the said plan the Purchasers or their successors in title contributing one half of the cost of maintaining and repairing so much of the said road as lies between the points marked "B" and "C" on the said plan.

NOTE:-Points B and C have been reproduced on the filed plan.

3. (11 August 1997) The pink and blue tints on the filed plan are no longer of any significance and should be ignored since the entries in the register which gave rise to the references have been cancelled.

B: Proprietorship Register

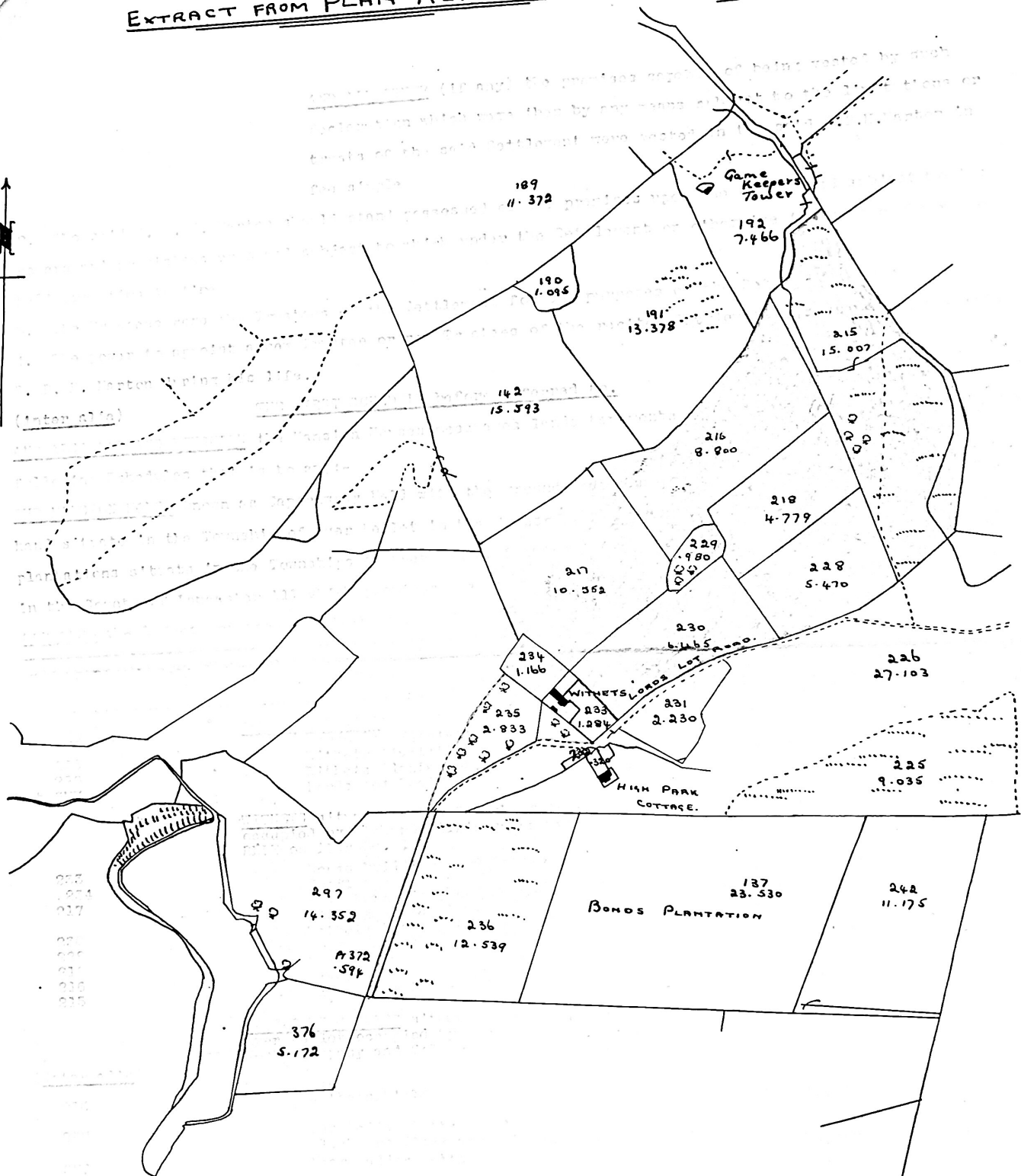
stating nature of the title, name and address of the proprietor of the land and any entries affecting the right of disposal

Title Absolute

1. (17 May 1989) PROPRIETOR(\$): STEPHEN JOHN FAWCETT and PATRICIA FAWCETT his wife both of 65 Moorside Road, Brookhouse, Lancaster.

EXTRACT FROM PLAN REFERRED TO.

PLAN No. 1



SCALE OF LINKS.



from quarter

AND ALL OTHER (if any) the premises capable of being vested by such Declaration which were then by any means subject to the limitations or trusts of the said Settlement were vested in the said G.P.H. Marten in fee simple

2. The said G. P. H. Marten should stand possessed of the premises upon the trusts and subject to the powers and provisions upon and subject to which under the Settlement or otherwise the same ought to be held from time to time.

3. The Trustees were the Trustees of the Settlement for the purposes of the Settled Land Act 1925.

4. The power to appoint a new Trustee or new Trustees of the recited Settlement was vested in the said G. P. H. Marten during his life.

(inter alia) THE FIRST SCHEDULE before referred to.

AND ALSO ALL AND SINGULAR the Mansion Houses messuages lands tenements and hereditaments described in the following Schedules that is to say:-

THE MANSION HOUSE known as Capernwray Hall with the grounds gardens and lands thereto belonging now in hand situate in the Township of Over Kellet in the County of Lancaster together with the woods and plantations situate in the Townships of Over Kellet Borwick Priest Hutton and Arkholme with Cawood all in the County of Lancaster All which premises are coloured green on the plan No. 1 hereto annexed AND ALSO the Lodges Cottages and Gardens thereto belonging coloured RED on the said Plan

No. on Plan hereto annexed Ord. Survey 1st Edition 1891.	Description of Property Names of Fields	Acreage	Total Acreage
<u>Inter alia</u>	<u>WOODS PLANTATIONS</u> &c. in the Township of Borwick.		
226	Lords Lot Plantation.	27.103	
235	Withets Plantation.	2.822	
229	Withets Plantation.	.980	
Et 377	Lords Lot Road	.594	
	<u>WITHETS</u> situate in the Parish of Over Kellet occupied by Richard Wilkinson and coloured BLUE on Plan No. 1.		
233	House buildings and Orchard	1.284	
234	Croft	1.166	
217	Blackburn Close and High		
	Withets Close	10.552	
230	Withets Croft & Part Longfield	6.465	
228	Copy	5.470	
218	Meadow	4.779	
216	Meadow	2.800	
215	High & Low Coaks	13.007	51.523
	<u>HIGH PARK COTTAGE</u> situate in the Township of Over Kellet occupied by the Carnforth Water Works Company and Coloured ORANGE on Plan No. 1.		
(Inter alia)			
236	Withets Field	12.539	
297	Far Pedder Potts Bagot) Blackburn Close and Fallows Ground)	14.352	
376	Near Pedder Potts	5.172	

SECOND THIRD AND FOURTH SCHEDULES

PROPERTY NOT THE SUBJECT OF THIS ABSTRACT.

A B S T R A C T O F T H E T I T L E

-of-

THE SPECIAL EXECUTORS OF THE LATE COLONEL RICHARD OLIVER MARTON to the Capernwray Estate situate in the Townships of Over Kellet, Borwick, Priest Hutton and Arkholme all in the County of Lancaster.

----- ::: -----

27th September 1926
Stamp 10/-

BY VESTING DEED of this date made between BURTON HENRY PHILIPS of The Heath House Checkley in the County of Stafford Lieut. Col. (Reserve of Officers) and ARTHUR HAMILTON-PRYCE of Cyfronydd Welshpool Montgomeryshire (thrnar called "the Trustees") of the one part and GEORGE POWYS HENRY MARTON of Capernwray Hall Carnforth in the County of Lancaster Esq. of the other part

*Original produced
deposited at the
Office of His Honor
Hon. Solicitor General
by Halliwell & Hewson
Solicitors Lancaster
26/9/50*

RECITING that under and by virtue of a Settlement ^(thrnar called "the Settlement") dated the 23rd January 1892 and made between George Blucher Heneage Marton of the first part the said George Powys Henry Marton of the second part and The Rt. Hon. William Spencer Viscount Ashbrook and the Hon. Frederick Baron Henley of the third part the heredita descdb in the first, second, third, fourth and fifth schedules thrunder written were limited to uses under which and in the events which have happended the said G. P. H. Marton was tenant for life in possession throf with divers remainders over And it was agreed and declared among other things that the Trustees of the Settlement now in recital shd be Trustees of the Settlement thrby created for the purposes of the Settled Land Acts 1882 to 1890 and that the statutory power of appointing a new Trustee of the ^{Settlement} ~~land~~ then in recital shd be vested in the said G. B. H. Merton during his life and after his death in the said G.P.H.

Merton during his life
And Recy sd G. B. H. Marton died on the 18th day of Aug 1905
AND RECITING some of the heredita comprised in the thrnbe recited Settlement have since the execution thereof been sold or given in exchange under powers of sele and exchange applicble thereto and other heredita have been taken in exchange or purchased under the said powers and have been limited to the uses and upon the trusts of the same Settlement by reference thereto

AND RECITING that the lands heredita and prems then subject to the said settlement were set out and descdb in the First, second, third and fourth Schedules thereunder written

AND RECITING divers changes in the Trusteeship of the said Settlement and that by virtue of the Indras mentioned in the fifth Schedule thereto and in the events which had happened the Trustees parties thereto of the first part were then the Trustees for the purposes of the Settled Land Act 1925 of the said Settlement AND RECITING that the said G.P.H. Marton had requested the Trustees to execute the now abstracting Vesting Deed pursuant to the provisions of the Settled Land Act 1925

FOR giving effect to the requirements of the Settled Land Act 1925 IT WAS WITNESSED as follows :-

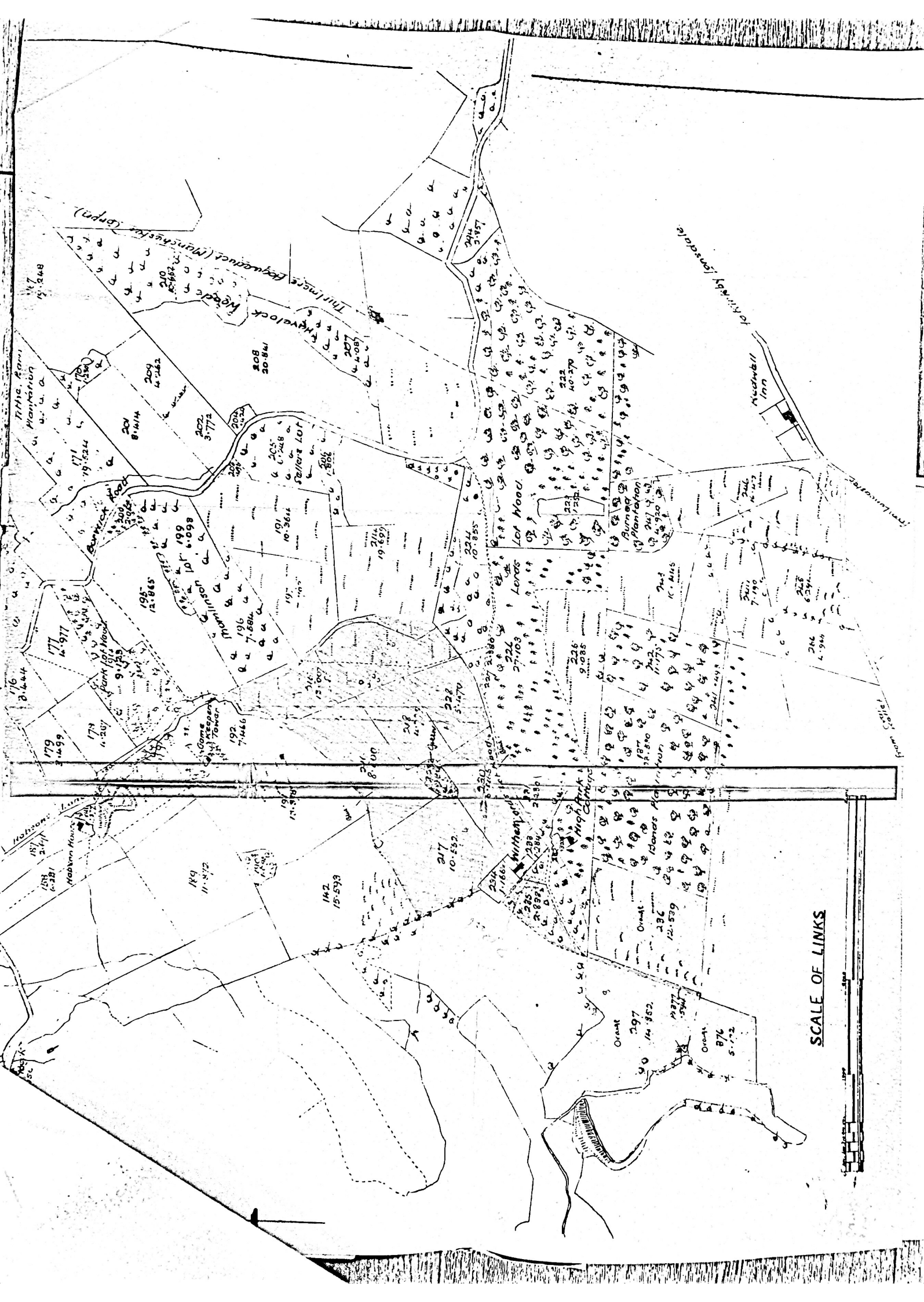
1. The Trustees AS TRUSTEES thereby declared as follows that :-

ALL AND SINGULAR the Manors Advowsons Mansion House messuages lands tenements tithe rent charges and hereditaments respvly mentd in the 1st 2nd 3rd and 4th Schedules thereunder written and more particularly delineated on the plans Nos. respectively 1, 2 and 3 and thro annexed and thron coloured as mentd in the First ^{2nd & 3rd} Schedule AND ALL other (if any) the prems capable of being vested by such Declon which were then by any ^{means} ~~ways~~ subject to the limitations or trusts of the said Settlement were vested in the sd G. P. H. Marton in fee simple

2. The said G. P. H. Marton shd stand possessed of the prems upon the trusts and subject to the powers and provisions upon and subject to which under the Settlement or otherwise the same ought to be held from time to time.

3. The Trustees were the Trustees of the Settlement for the purposes of the Settled Land Act 1925.

4. The power ^{to} ~~to~~ appoint a new Trustee or new Trustees of the recited Settlement was vested in the said G. P. H. Marton during his life.



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