

Application to record Black Lane, Knowlton as a restricted byway

Application

1. The application is made under section 53(5) of the Wildlife & Countryside Act 1981 to Kent County Council that a definitive map modification order be made under section 53(3) (c)(i) and (ii), as the case may be, to record Black Lane as a restricted byway.
2. The application relates to the route from the turning to St Clement's church on Knowlton Lane, a minor road from the Sandwich Road to Knowlton marked at A on the map annexed (TR28165337), south-east along an enclosed sealed lane for a distance of 140 metres, to B (TR28265330), then east along the lane for a distance of 80 metres, to C (TR28355330), then east and then east north-east and then east across a field for a distance of 200 metres, to D (TR28545331), then east along a sunken lane (enclosed on the south side only) for a distance of 100 metres, to E (TR28635332), crossing the parish boundary at E, then generally east along the sunken lane (enclosed on alternate sides) for a distance of 750 metres (crossing the dismantled light railway at F (TR29285324)) to the minor sealed lane, Thornton Lane, at G (TR29375323). Then resuming on the other side of Thornton Lane, generally east along the lane for a distance of 950 metres (initially enclosed, but shortly following the headland, before veering away from the present headland at H (TR30035318)), to the minor sealed lane, Pike Road, at I (TR30295312), then resuming on the other side of the lane at J (TR30305313), generally east south-east for a distance of 470 metres (with a dog-leg as marked) to join the cycleway alongside the Dover Road (A256), at K (TR30735300). Then resuming on the other side of the Dover Road at L (TR30775299), east south-east for a distance of 240 metres (crossing an unrecorded unsealed road inside the boundary of woodland) to join the sealed road, Straight Mile, at M (TR31015290) — a distance of 2,930 metres in total.
3. The part of the application route between E (TR28635332) and G (TR29375323) is recorded on the definitive map and statement as public footpath EE261. The application therefore seeks to upgrade the part between E and G from public footpath to restricted byway.
4. In the event that in the determination of this application, the determining authority concludes that there is insufficient evidence to support a definitive map modification order being made in respect of a restricted byway, the determining authority is alternatively specifically invited to consider that the evidence is sufficient to support such an order being made in respect of a bridleway, as regards the route described above.
5. The application map is at section 40 .

General notes

6. The claimed route is known as Black Lane in its entirety, and is part of a historically significant through route between Canterbury and Deal. The earliest available mapping, dating from the late seventeenth century and eighteenth century, presents an ambiguous position. Broadly, maps of this era show a way from Canterbury to Deal which cleaves to one of three identifiable routes:

- The first class of maps show no direct route between the respective city and town, but only the possibility of travel between Canterbury and Sandwich, then to pass

close to the coast south to Deal: such a route is commended, for example, in the entry for London to Deal in *Paterson's Roads* (see section 19 below), which describes a route via Canterbury, Sandwich, Cottington and Deal.

- The second class shows a direct if sinuous route between city and town: some of these appear to follow (for the major part) the course of a stream or river, and in general, the way passes through Tilmanstone and to the south of Knowlton.
- The third class shows a way between Canterbury and Deal which passes immediately to the north of Knowlton House or Knowlton Park, and continues east via Betteshanger.

7. As many such maps were largely originated from others, it may be that most of these maps derive from a handful of original surveys of different dates. The likelihood is that these maps, insofar as they show Black Lane, tend to show a route which is already in decline, and one which may have been eclipsed, probably during the first half of the nineteenth century, by alternative routes, and particularly (in the vicinity of the claimed route) Thornton Road to the south.

8. The claimed route is clearly of some indeterminate but significant age. Some early maps show it as a route of some substance. Much of the claimed route, notably between D and east of G, is significantly sunken below the level of the surrounding land, in an undulating chalk landscape area where deeply incised ways are uncommon, which is suggestive of use over a very substantial period of time. Part of the route is coincident with a parish boundary, and most of the route west of G lies along long-established field boundaries. Between G and H, the route is itself a well-defined boundary between adjacent fields. Black Lane cannot therefore be recent in origin: although it is not represented on the earliest published maps, those maps are selective in what is represented, and the physical evidence of long-established use demonstrates that it must have subsisted contemporary with such maps.

9. The evidence for the existence of public rights over the way east of G substantially relies on the depiction of the way on historic maps. However, apart from a slight dog leg between I and J, the course of Black Lane is a direct and continuous way between A and M and indeed, is today a public road beyond points A and M. The evidence for the status of the way between A and G is good, and it is inevitable that if this part of the way is a public way of whatever status, then the whole of the route must be of the same status. It is inconceivable that all users of Black Lane, heading due east from Chillenden, would have turned off south or north along Thornton Lane, or along Pike Road, with none continuing east towards Betteshanger and Deal, for the character of the way on historical maps is that Black Lane was at one time a significant and direct through route. Indeed, the only possible reason for using Black Lane to reach Eastry is for transit on horseback or by carriage from Knowlton village itself, for Heronden Road provides a more direct route from Chillenden and places further west, yet Knowlton has always been little more than a hamlet, and hardly capable of accounting for such a physically well-established track.

10. The importance of these maps is more than the mere representation of Black Lane as a physical feature: the maps demonstrate that Black Lane was regarded as one of a handful of options for travellers between Canterbury and Deal, and by some mapmakers as the pre-eminent such route. It follows that the status of Black Lane as a public way cannot be in doubt, because no reliable mapmaker, still less a generation of mapmakers over a century or more, would present Black Lane as a through route if it were not regarded as a public way. Moreover, as those who were most likely to buy such maps would travel on horseback or by carriage, it is safe to conclude that the way is at least of

bridleway status. We go further, and say that the only proper conclusion to be drawn from those maps is that the way is in fact a carriageway.

11. The claimed route between E and G is recorded on the definitive map and statement as public footpath (Eastry) EE261. The following explanation of the omission of the route between A and E has been given by a council officer in an email dated 6 January 2014:

“I’ve had a look at the gap at Black Lane and it appears that there was some confusion in the early 1950s as to the extent of the public highway (see attached). Goodnestone Parish Council identified the whole route from Knowlton to Thornton Lane as a public path, but a pencilled annotation on the statement suggests that someone thought the whole length was an unclassified road. The Draft Map for Goodnestone Parish shows the length of Black Lane as a public highway but with a pencilled annotation marking the end of the road as being by the church. The extent of the road at that time is confirmed by the 1953 Highway Inspector’s map but for some reason the length of path between the road and the parish boundary never made it onto the original Definitive Map (relevant date 1952), although the section of the route in Eastry parish did make it on as FP EE261. It seems likely that the missing section should be recorded on the Definitive Map, but you would need to make a s53 application so that the matter can be more fully investigated (application pack attached).”

12. References in this document to Black Lane are to the claimed route between points A and M. References to Knowlton Lane are to the public road west of point A. References are made to Thornton Lane (the minor road between Thornton Road at Thorntonhill Cottages and Eastry), Pike Road (the minor road between Venson Farm and Buttsole Pond), the Dover Road (now the Betteshanger bypass, which is established on a slightly more westerly alignment than the original turnpike road), Cater Road (a minor road from the Dover Road to Straight Mile), Straight Mile (a road east from the Dover Road passing slightly to the north of Betteshanger), and Thornton Road (the continuation of Straight Mile west from the Dover Road to Thorntonhill Cottages and Chillenden).

13. The Dover Road is the former Dover, Waldershare to Sandwich turnpike, authorised in 1801¹. The turnpike adopted the former Roman road between Woodnesborough and south of Buttsole Pond (now a roundabout on the A256), before veering to a slightly more westerly route south through Tilmanstone which is now approximately the course of the A256 dual carriageway. The route south of Buttsole Pond appears to have been an improvement of an existing way, but does not appear as a principal road on maps surveyed before 1801.

14. Points have been awarded to each piece of evidence in relation to the claimed route: these points have been calculated according to the guidance in *Rights of Way: Restoring the Record*²:

Points:

Part	Points
<i>restricted byway</i>	25
<i>bridleway</i>	20
<i>total</i>	45

1 Under an Act of 41 Geo 3, chapter 11.

2 Sarah Bucks and Phil Wadey, 2012.

Width of claimed route

15. Claimed width has been scaled from measurement of the Ordnance Survey twenty-five inch map 1st edition of 1872–73 (see section 32), together with the evidence of the Eastry tithe surveyor's field books (see section 26) as regards the route in the vicinity of D.

A–B: 11m

B–C: 7m

C–D: 7m narrowing to 4m and then widening again to 7m at D

D–E: 4m

E–K: 4m

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1 Kent Actually Survey'd and Delineated

Date: 1688

Source: British Library³

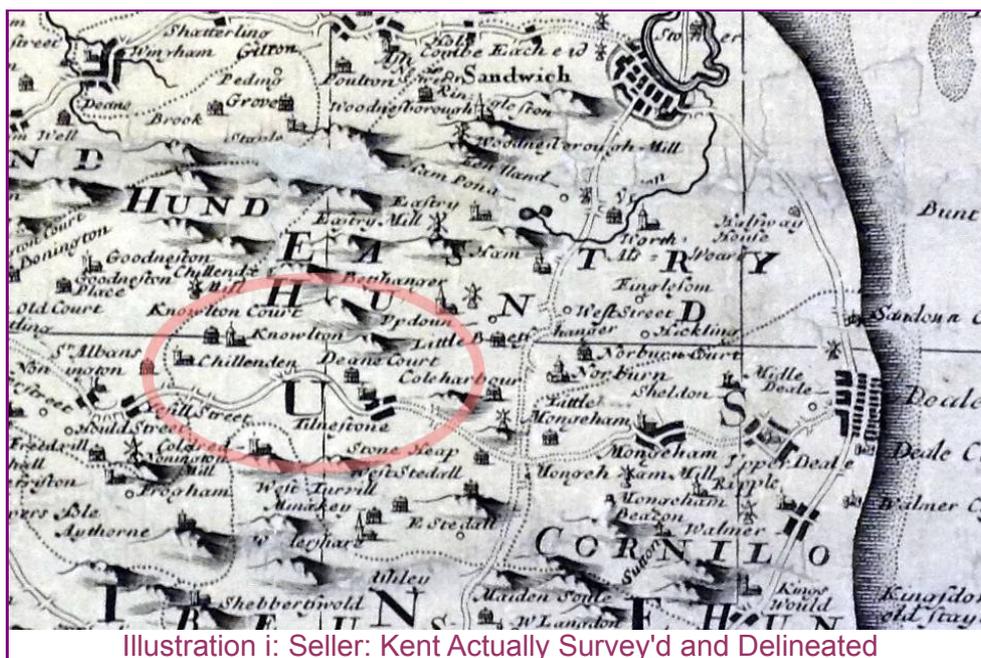


Illustration i: Seller: Kent Actually Survey'd and Delineated

Description: This map is an updated reprint of John Seller's map of 1681. It is one of the earliest maps of Kent to show a way between Canterbury and Deal. It falls into class 2, and passes through Bokesbourne, Adisham, Ratling, Nonington, Holtstreet, Easole Street (both now part of the Sandwich Road through Nonington), Tilmanstone, Stoneheap, Great Mongeham and Upper Deal.

Conclusion: The depiction of the way on the map shows remarkable fidelity to the present day route from Ratling (note the dogleg along Ratling Road), Easole Street, Sandwich Road, Kelk Hill, and across the junction with Mill Top into Thornton Road. The route may have continued east along what is today public bridleway EE262A Thorn Alley from Thorntonhill Cottages to School Road, Tilmanstone, then east from Tilmanstone initially along bridleway EE378 and footpath EE379 to pick up Willow Woods Road past Stoneheap into Great Mongeham. The cross road from north to south shown between Stoneheap and Great Mongeham may be Northbourne Lane/Stoneheap Road.

The Canterbury to Deal way is shown on an alignment (part of which probably lies along what is now public bridleway) well to the south of Knowlton, which is depicted as an isolated village, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

³ cc.5.a.67: copy available at www.oldkentmaps.co.uk/images/Kent/025-v.jpg .

Points: 0

2 Maps of the Counties of England and Wales

Date: 1695

Source: British Library⁴

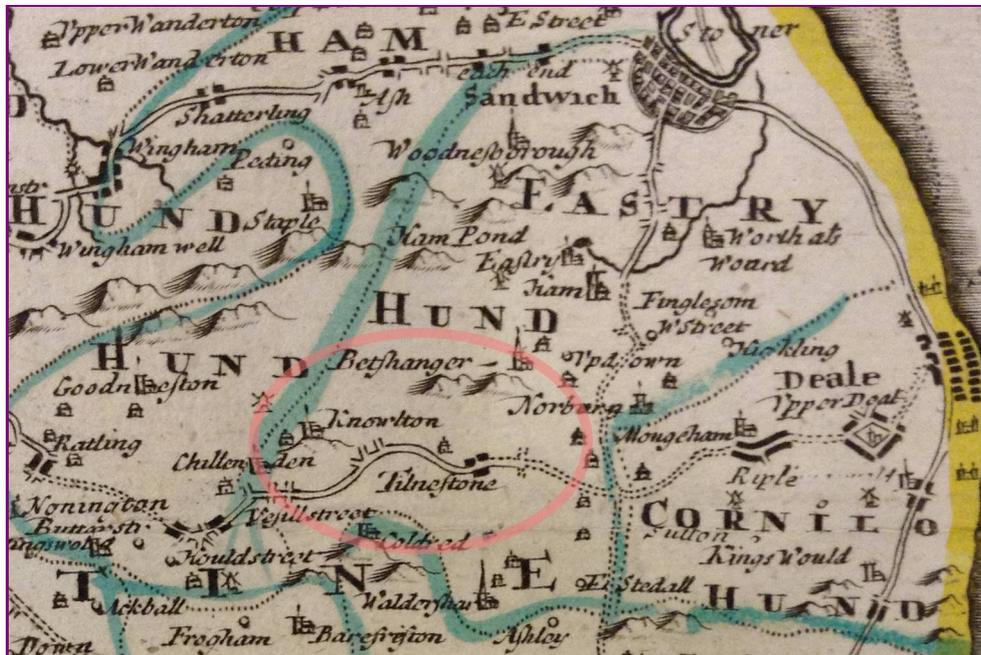


Illustration ii: Morden: Maps of the Counties of England and Wales

Description: This map by Robert Morden is very similar to the Seller map (section 1 above) in its depiction of the Canterbury to Deal way, and falls into class 2.

Conclusion: The same conclusion is drawn as for the Seller map: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

Points: 0

3 The New Description and State of England

Date: 1701

Source: British Library⁵

4 7.tab.51: copies available at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/morden_ken_1695.html and www.oldkentmaps.co.uk/K-028-iii.htm .

5 579.d.28: copies available at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/morden_ken_1701.html and www.oldkentmaps.co.uk/K-029-i.htm .



Illustration iii: Morden: The New Description and State of England

Description: This widely published map, also by Robert Morden, is printed at a smaller scale than the 1695 map (see section 2 above), and accordingly contains sparser information: in particular, many small villages are omitted. It also falls into class 2. But the alignment of the Canterbury to Deal way, and of Northbourne Lane/Stoneheap Road, is identical, except that the route between Adisham and Easole Street now fulfils a more northerly alignment than is apparent on the 1695 map.

Conclusion: The same conclusion is drawn as for the 1695 map and Seller map (section 1 above): the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, which is not depicted, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

Points: 0

4 A New Description Of England and Wales

Date: 1724

Source: British Library⁶

⁶ k.top.16.20: copies available at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/moll_ken_1724.html and www.oldkentmaps.co.uk/K-035-i.htm.



Illustration iv: Moll: A New Description Of England and Wales

Description: This map by Herman Moll is similar in presentation to the small scale Morden 1701 map (section 3 above). It also falls into class 2. Northbourne Lane/Stoneheap Road has been omitted. The alignment of the way west of Tilmanstone adopts a more westerly than northerly direction consistent with the Morden 1695 map (2 above). The way is not shown continuously into Canterbury, and is shown as a light, single line, so that it is not entirely clear whether what is shown is a way or a river.

Conclusion: The same conclusion is drawn as for the Seller map (section 1 above) and Morden maps: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

Points: 0

5 A collection of maps from the London Magazine

Date: 1749

Source: British Library⁷

⁷ c.24.d.20: copies available at: freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/kitchin_ken_1760.htm and www.oldkentmaps.co.uk/K-041-i.htm.



Illustration v: Kitchin: A collection of maps from the London Magazine

Description: This map, by Thomas Kitchin, is relatively small scale, and some small villages are omitted. It is similar to the Morden map (section 3 above). It too falls into class 2. The alignment of the Canterbury to Deal way, and of the intersecting Northbourne Lane/Stoneheap Road, is similar.

Conclusion: The same conclusion is drawn as for the preceding class 2 maps: the Canterbury to Deal way is shown on an alignment well to the south of Knowlton, which is not depicted, and therefore the map does not appear to show the course of Black Lane. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

Points: 0

6 *An Accurate Map of the County of Kent Divided into its Lathes*

Date: 1751

Source: British Library⁸

⁸ c.10.d.18: copies available at www.oldkentmaps.co.uk/K-045-ii.htm .



Illustration vi: Bowen: An Accurate Map of the County of Kent

Description: This map by Emanuel Bowen is very similar to the Seller map (section 1 above) in its depiction of the Canterbury to Deal way, and falls into class 2. The accuracy of the map is called into question by the innovative inclusion of the course of a stream or river with a source in the vicinity of Bridgehill House near Adisham, and generally following but on the south side of the Canterbury to Deal way with an outlet to the sea in Deal — not only is there no such feature (the landscape being chalk downland with little or no surface drainage), but the way traverses the undulating landscape and does not follow a valley.

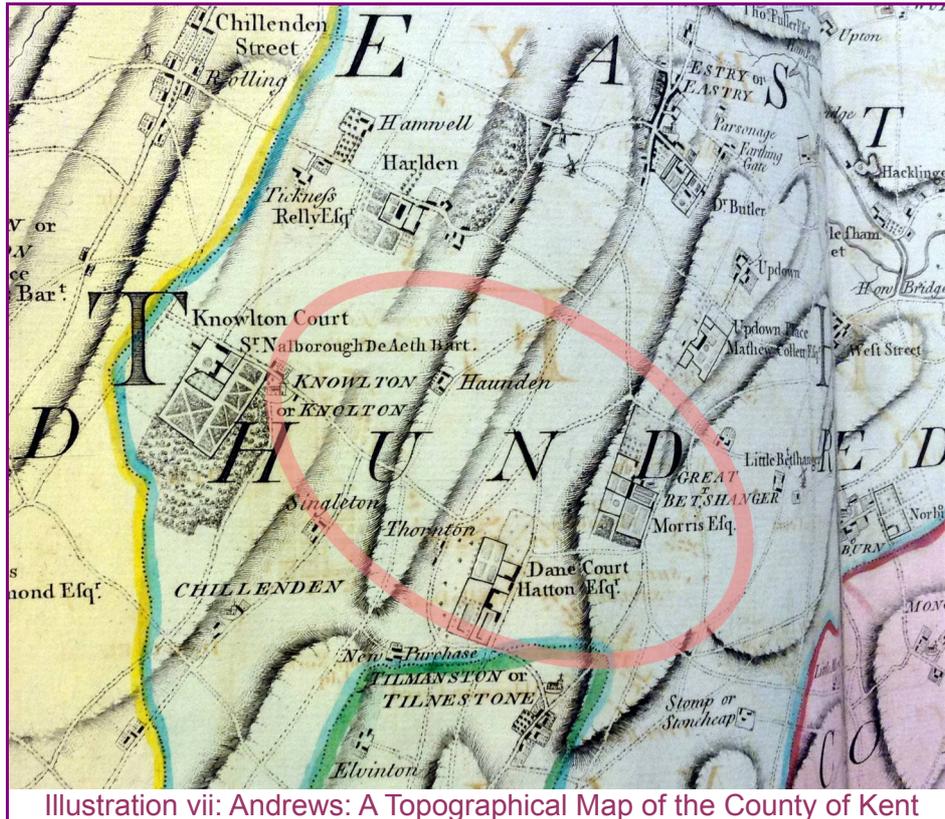
Conclusion: The same conclusion is drawn as for the Seller map: the Canterbury to Deal way is shown on an alignment somewhat to the south of Knowlton, and therefore the map does not appear to show the course of Black Lane. The reliability of the map is now somewhat brought into question by the depiction of a non-existent fluvial feature. As a map showing very few roads, the map does not however exclude the existence of Black Lane.

Points: 0

7 A Topographical Map of the County of Kent

Date: 1769

Source: British Library⁹



Description: This remarkable map comprises 25 sheets covering the county of Kent, surveyed and published by Thomas Kitchin, John Andrews, Andrew Dury and William Herbert. The maps are published at a scale of two inches to one mile, although the purpose of the individual sheets appears to owe more to the desire to show potential clients' country estates than to give an accurate representation of the county at that scale.

A number of ways are shown on the map in the vicinity of Knowlton Court, which is specifically depicted on the map.

Conclusion: It is difficult to relate the ways shown on the map to present or past dispositions. However, it is suggested that Knowlton Lane is shown to the north of the court, and that Black Lane is shown continuing south-east, past a turning to Singleton (which no longer exists); across the unlabelled Thornton Lane (shown as the track proceeding south-south-west of Haunden which traverses a ridge shown by hachures); continuing in the same direction to a junction with Pike Road near the 't' of Thornton; then proceeding (in the perception of the cartographer) north-east to a junction with Cater Road, before heading east-south-east along the unlabelled Straight Mile north of Betteshanger towards Little Betteshanger. It must be said, however, that the structure of the map is confusing, and the alignment of the way from the 't' of Thornton north-east to a junction with Cater Road is more consistent with the alignment of Thornton Road.

It is suggested that the map does show the existence of a way heading east along the north side of Knowlton Court, but is inconclusive about further details. Moreover, the depiction of an extensive network of ways on the map confers no certainty about the status of any one way as a through route.

⁹ k.1.tab.21: copy of index map available at www.oldkentmaps.co.uk/K-060-i.htm .

Points: 0

8 An accurate map of the county of Kent

Date: 1780

Source: British Library¹⁰

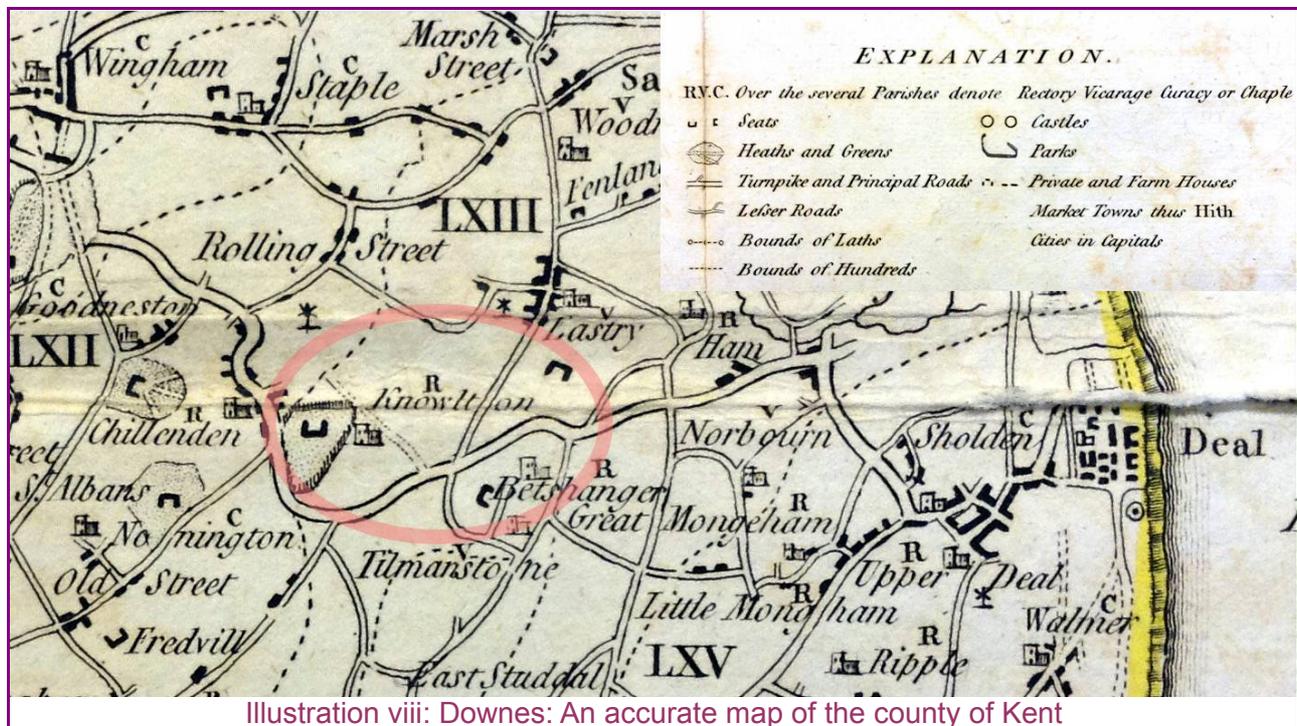


Illustration viii: Downes: An accurate map of the county of Kent

Description: A map of Kent by C Downes. The map appears to show Thornton Road as the 'principal road' between Canterbury and Deal, as part of a way via Goodnestone, Chillenden, the south side of Knowlton park, Betteshanger, How Bridge and Sholden. It is therefore in class 2. The map does not show Sandwich Road or Thornton Lane, but may show Pike Road as the road leaving Eastry to the south-west.

Conclusion: The route is closely consistent with an alignment between Canterbury and Deal which passes from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, past Chillenden Mill and Chillenden, Thornton Road, Straight Mile, past Betteshanger, Broad Lane, to How Bridge and along Sandwich Road via Sholden to Deal.

The map shows Black Lane between Knowlton Park and Thornton Road as a minor unenclosed route, with no apparent outlet onto, or depiction of, the Sandwich Road at the western end of Knowlton park. The junction with Thornton Road is apparently incorrectly shown, as there is no known provenance for a termination on that road at that place (probably in the vicinity of Thorntonhill Cottages), and it may be that the map draws somewhat on the Andrews *etc.* map of 1769 in that respect (see section 7 above). The map therefore does not show Black Lane as a through route, and it is inconclusive as to whether Black Lane was regarded as a cross-road with public status.

Points: 0

¹⁰ cc.6.a.19: copy available at www.OLDKENTMAPS.CO.UK/K-065-iii.htm .

9 Parochial map of the Canterbury diocese

Date: 1782

Source: British Library¹¹

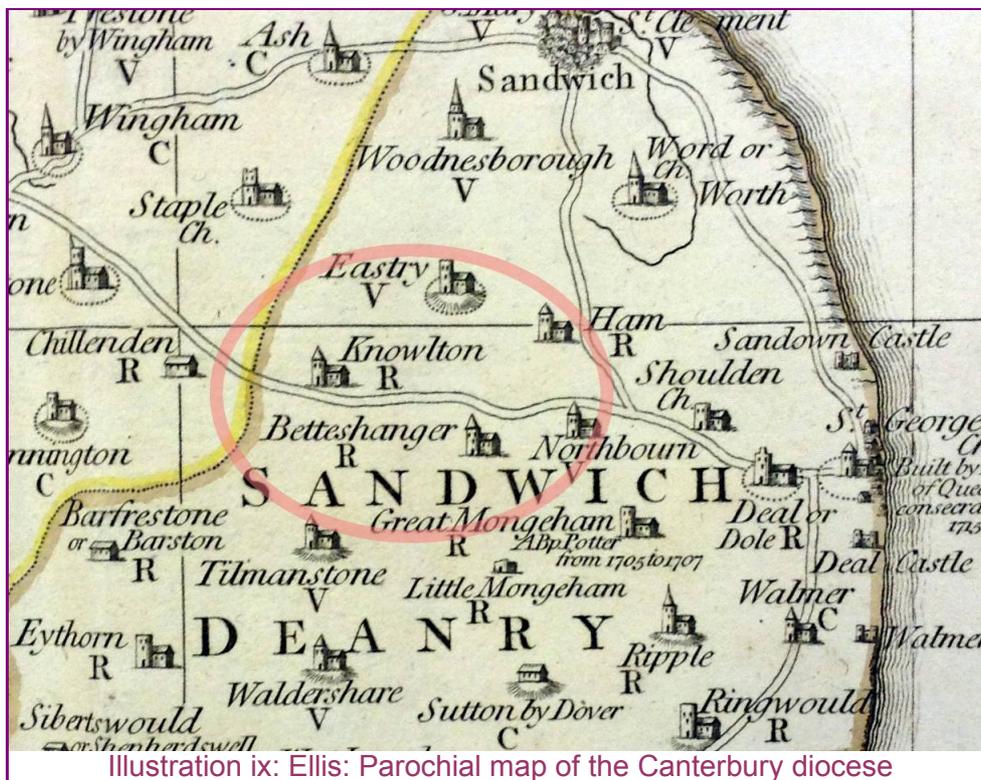


Illustration ix: Ellis: Parochial map of the Canterbury diocese

Description: This map by Joseph Ellis features East Kent, being a presentation of the diocese of Canterbury to the Archbishop of Canterbury. It falls in class 3, and shows a way between Canterbury and Deal from Wingham Well via Goodnestone, Chillenden, Knowlton, Northbourne and Sholden.

Conclusion: The route has similarities to the Downes map (section 8 above), and appears to follow a way from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, past Chillenden Mill to Chillenden. However, from Chillenden, the map does not show the pronounced loop performed by Thornton Road to the south of Knowlton park, and the alignment is consistent with a route along Station Road, Knowlton Lane, Black Lane and Straight Mile.

As the way is shown well to the north of Great Mongeham, it seems likely that the route into Deal lay via How Bridge to Sholden, although the map does not clearly show a deflection north to How Bridge; it is difficult to conceive of any alignment further south which does not pass through Great Mongeham.

The way is shown on an alignment which passes through or adjacent to Chillenden and Knowlton, and in a generally easterly direction to Betteshanger. It is consistent with the course of Black Lane, and is therefore taken to show Black Lane as part of the through way between Canterbury and Deal.

Points: 1 (as restricted byway)

¹¹ k.top.16.20

10 Updown Park diversion order

Date: 1789

Source: Kent County Archives

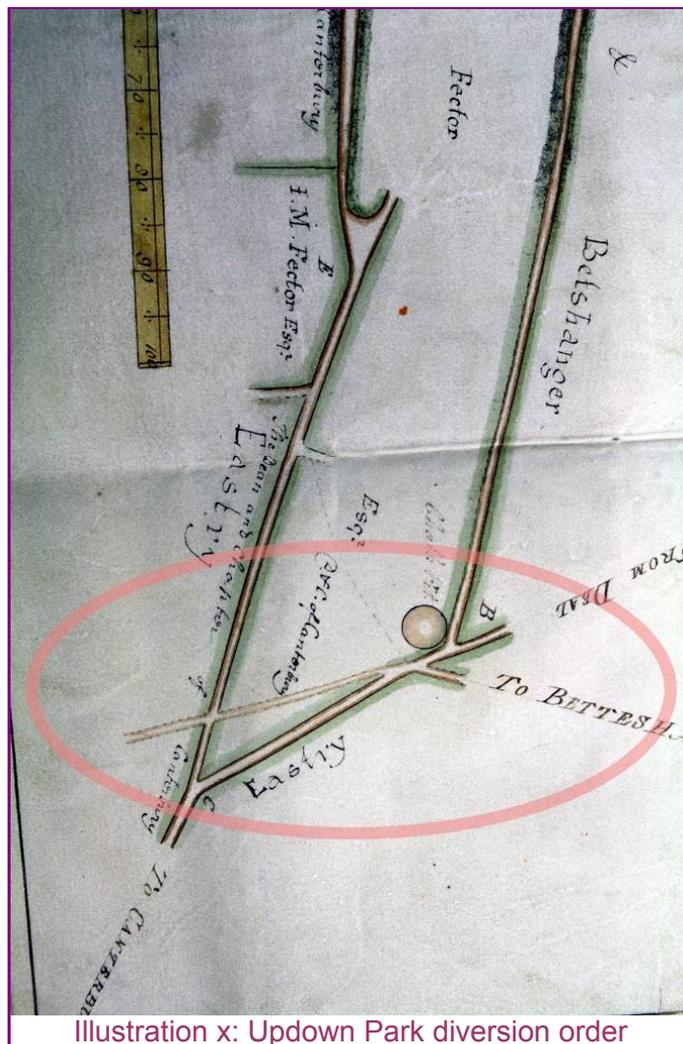


Illustration x: Updown Park diversion order

Description: The diversion order was made to remove a public highway from within Updown Park to a new alignment outside the park and to the west. Black Lane is shown in the same colouring as neighbouring roads and the road to be diverted, west from the chalk pit at M, over a junction with the drive from Updown Lodge (designated to be the replacement highway west of Updown Park), and continuing west. Thornton Road is shown on a more southerly alignment west from the chalk pit at M, turning south-south-west at the junction with the drive from Updown Lodge, and marked 'To Canterbury'. A pecked line between the chalk pit at M heading north-west to a junction with the drive to Updown Lodge appears to represent a footpath.

Conclusion: The colouring of Black Lane shows that it was regarded as a public highway. The diversion order is good evidence of the status of Black Lane as a public way between L and M, and therefore strongly suggestive of similar status west of L. The distinct depiction on the order map of a footpath (which corresponds to the alignment of Cater Road today) indicates that Black Lane is of at least bridleway status.

Points: 5 (as bridleway)

11 Mr Boy's Agricultural Account of Kent

Date: 1794

Source: British Library¹²

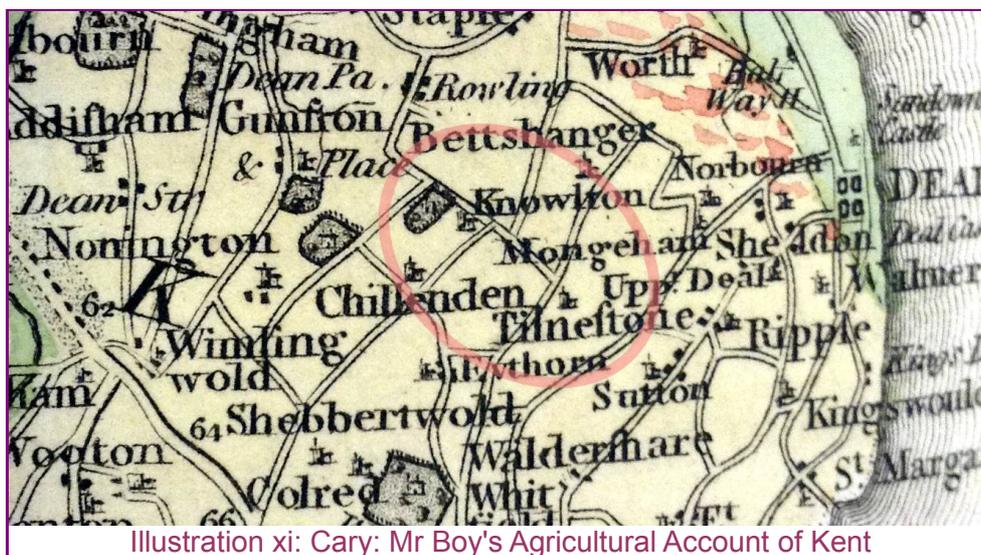


Illustration xi: Cary: Mr Boy's Agricultural Account of Kent

Description: This map by John Cary appears in the locally prepared contribution to an officially published agricultural survey of England. It shows a network of apparently minor ways in the vicinity of Knowlton Park, which is identified on the map. Eastry is not marked, nor is Thornton Road; villages or parishes are marked carelessly (e.g. Bettshanger is shown to the north of Knowlton, and Chillenden is shown to the south). A way is shown to the north of Knowlton park.

Conclusion: It is difficult to relate the ways shown on the map to any other mapping which precedes or follows it, other than the maps which appear to be derived directly from it (see, in particular, the Browne map in section 16 below).

The Cary map shows some considerable similarity (with simplification) to the Downes map (section 8 above), but bizarrely, with the entire exclusion of the Canterbury to Deal 'principal road' marked on that map, and with the route east from Chillenden village (not marked as such on the map) shown as possible only via Knowlton Lane and Black Lane, there being no representation of Thornton Road.

The map does show the existence of a way heading east along the north side of Knowlton park, but is inconclusive about further details. Moreover, the depiction of an extensive network of ways on the map confers no certainty about the status of any one way as a through route.

Points: 0

12 Ordnance Survey, one inch drawing, Canterbury (East)

Date: 1797

Source: British Library website¹³ (no known copyright restrictions)

¹² Ac.3484/3.(6): copy available at www.vikingship.freeseve.co.uk/KentMap.htm .

¹³ www.bl.uk/onlinegallery/onlineex/ordsurvdraw/c/zoomify82432.html



Illustration xii: OS one inch drawing

Description: The Ordnance Survey one inch drawing shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, generally east to and across Thornton Lane, and then unenclosed towards and across Pike Road and what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Thornton Road is also shown as a more southerly alignment between Chillenden and Straight Mile, passing through Venson.

Conclusion: The Ordnance Survey one inch drawing is the first reliable mapping showing the known ways in the vicinity of Black Lane. It is good evidence for the existence of a defined way along the claimed route.

Points: 1 (as restricted byway)

13 *Barlow-Hasted map of Kent*

Date: 1797–1801

Source: reproduced from www.ancestry.com¹⁴ and The Old Map Shop¹⁵: engraved by William Barlow in Edward Hasted's *The History and Topographical Survey of Kent*: published in in 12 Volumes.

¹⁴ Indexed at

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_Pages/ENG_pages/ken.htm; map at freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/barlow-Hasted_eastry_1800.html .

¹⁵ www.theoldmapshop.com .

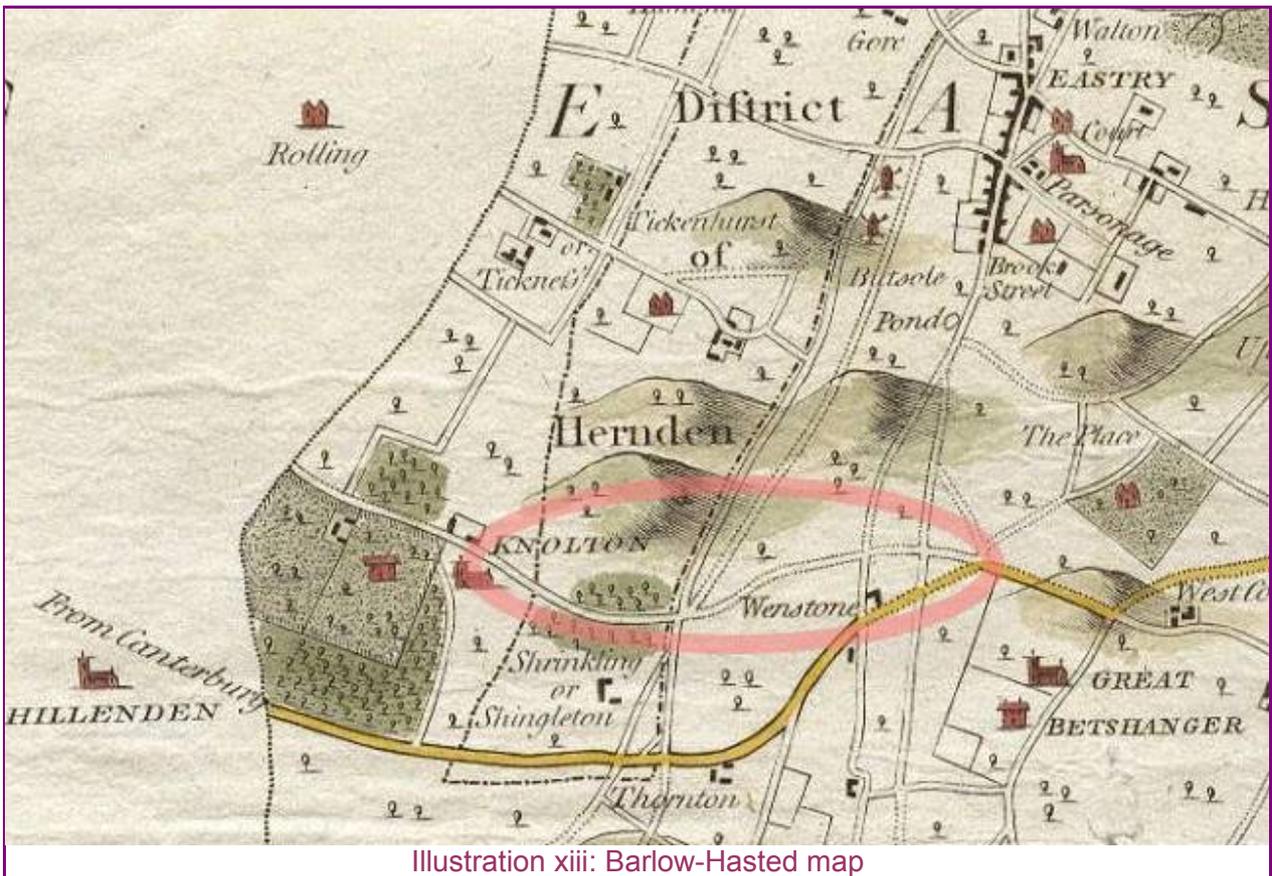


Illustration xiii: Barlow-Hasted map

Description: The Barlow-Hasted map shows the Canterbury to Deal way as a class 2 route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Chillenden, Thornton Road, Betteshanger, Finglesham, How Bridge and Sholden. The route is shown coloured ochre.

The map shows Black Lane as a subsidiary route, being a continuation of Knowlton Lane from Knowlton at A, initially enclosed, generally east to and across Thornton Lane, and then unenclosed towards and across Pike Road (near Venson, marked Wenstone) and what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Conclusion: The Barlow-Hasted map is good evidence for the existence of a defined way along the claimed route. The map was widely commercially published, and would tend to show through routes which were public highways, whereas certain minor routes of questionable public status (such as the track from Knowlton to Tickenhurst, and the drive through Updown park) are shown with lines across the junction with public ways. However, as the claimed route is not shown as the principal road between Canterbury and Deal, it cannot be assumed that the status is any greater than bridleway.

The map shows Thornton Road, to the south, coloured ochre as the principal route from Canterbury to Deal, but *c.f.* the Mudge-Faden map at section 15 below.

Points: 2 (as bridleway)

14 The History and Topographical Survey of the County of Kent

Date: 1800

Source: *The History and Topographical Survey of the County of Kent*: Volume 10¹⁶. Originally published by W Bristow, Canterbury.

Description: In the description relating to the parish of Knowlton, referred to as Knolton, in reference to the house at Knowlton Park: “Adjoining to the gardens, at the back of the mansion, is the church and parsonage-house, and beyond this, on the declivity of the hill northward, close to the bridle-way to Eastry and Deal, a small parcel of coppice wood.”

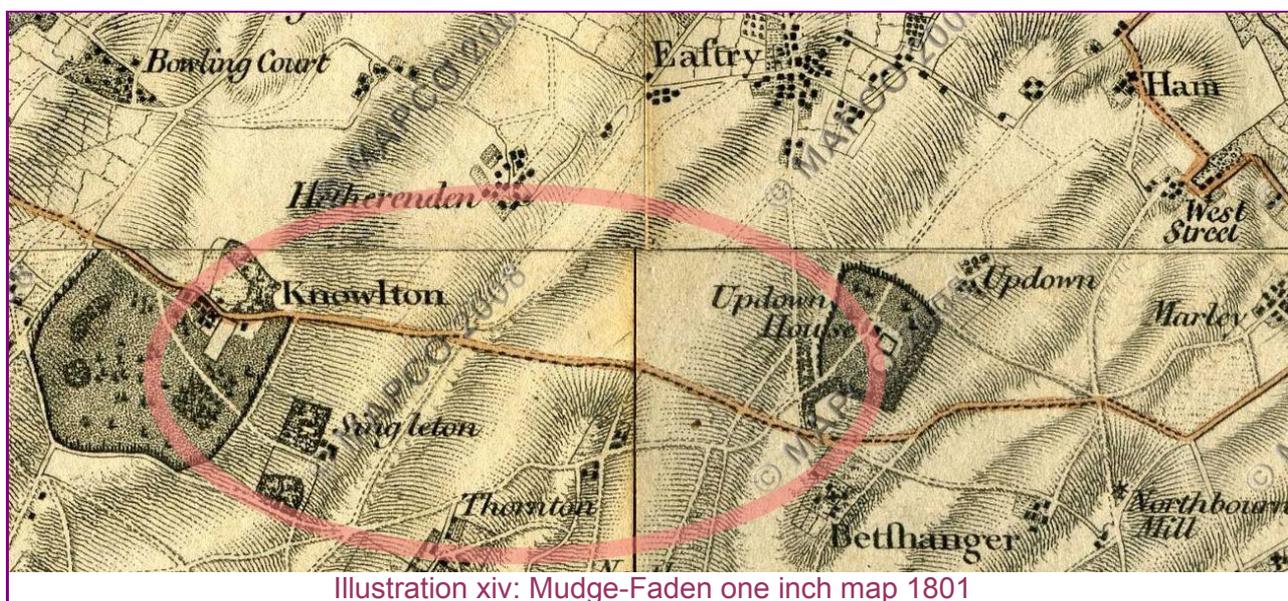
Conclusion: The publication provides confirmation of the contemporary status of the claimed route as a 'bridle-way' to Eastry and Deal. A bridleway to a named and distant destination such as Deal could be only a public way. The publication drew on extensive local research.

Points: 3 (as bridleway)

15 Ordnance Survey, Mudge-Faden one-inch map of Kent

Date: c.1801

Source: Mapco.net¹⁷: © Copyright David Hale and the MAPCO : Map And Plan Collection Online 2006–13



Description: This map of Kent was the first Ordnance Survey map to be published. The survey was commenced in the 1790s by Capt. William Mudge, the then Director General of the Board of Ordnance, in response to the feared invasion of England by the French. The map was published privately on 1st January 1801 by William Faden, Geographer to the King.

The Mudge-Faden map shows the Canterbury to Deal way as a class 3 route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Bettshanger, How Bridge and Sholden.

The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, with a thicker line on the southern side, but unenclosed from approximately point B (still with a thicker line on the southern side), generally east to and

¹⁶ www.british-history.ac.uk/survey-kent/vol10/pp87-94

¹⁷ <http://mapco.net/kent1801/kent1801.htm>

across Thornton Lane, across what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

The route has been hand-coloured in ochre, in common with other routes shown with a thicker boundary on one side. This appears to be reserved for primary routes (see the Sandwich to Deal road through Ham, which joins the continuation of the claimed route near How Bridge). Black Lane is shown as part of such a through route between Canterbury and Deal, via the same alignment from Wingham Well to How Bridge as is shown in the Ellis map (section 9 above). The Mudge-Faden map shows that the route continued west towards Chillenden Mill in a direct line from the present T-junction with the Sandwich Road (rather than the present detour via Chillenden village).

Conclusion: The Ordnance Survey map of Kent was prepared in response to an invasion threat, and primarily had a military purpose. However, this map was published privately by Faden for public and not military use. The Mudge-Faden map is good evidence for the existence of a public way along the claimed route: the thickened edge and colouring indicates a primary route. It is inconceivable that a way would have been identified on a map sold for public use with particular accentuation of a through route in colour, unless it were regarded as a public highway. Moreover, the now lost alignment of the way west from the junction of Knowlton Lane with the Sandwich Road also affirms the status of Black Lane as part of a then significant through route, in a manner which is no longer apparent from present day mapping.

The contrast with the Barlow-Hasted map of Kent (see section 13 above), which highlights a more southerly through route along Thornton Road, is striking: the maps are contemporary, and appear to be based on broadly contemporary survey data, yet the surveyors have drawn different conclusions on the primacy of the two routes for traffic between Canterbury and Deal. We know from subsequent surveys that Black Lane was in decline, and it seems most likely that at this time, around the turn of the eighteenth century, traffic also used Thornton Road as an alternative to Black Lane, but the factors which decided which route would be used by which traffic, and which eventually led to the eclipse of Black Lane, are now uncertain.

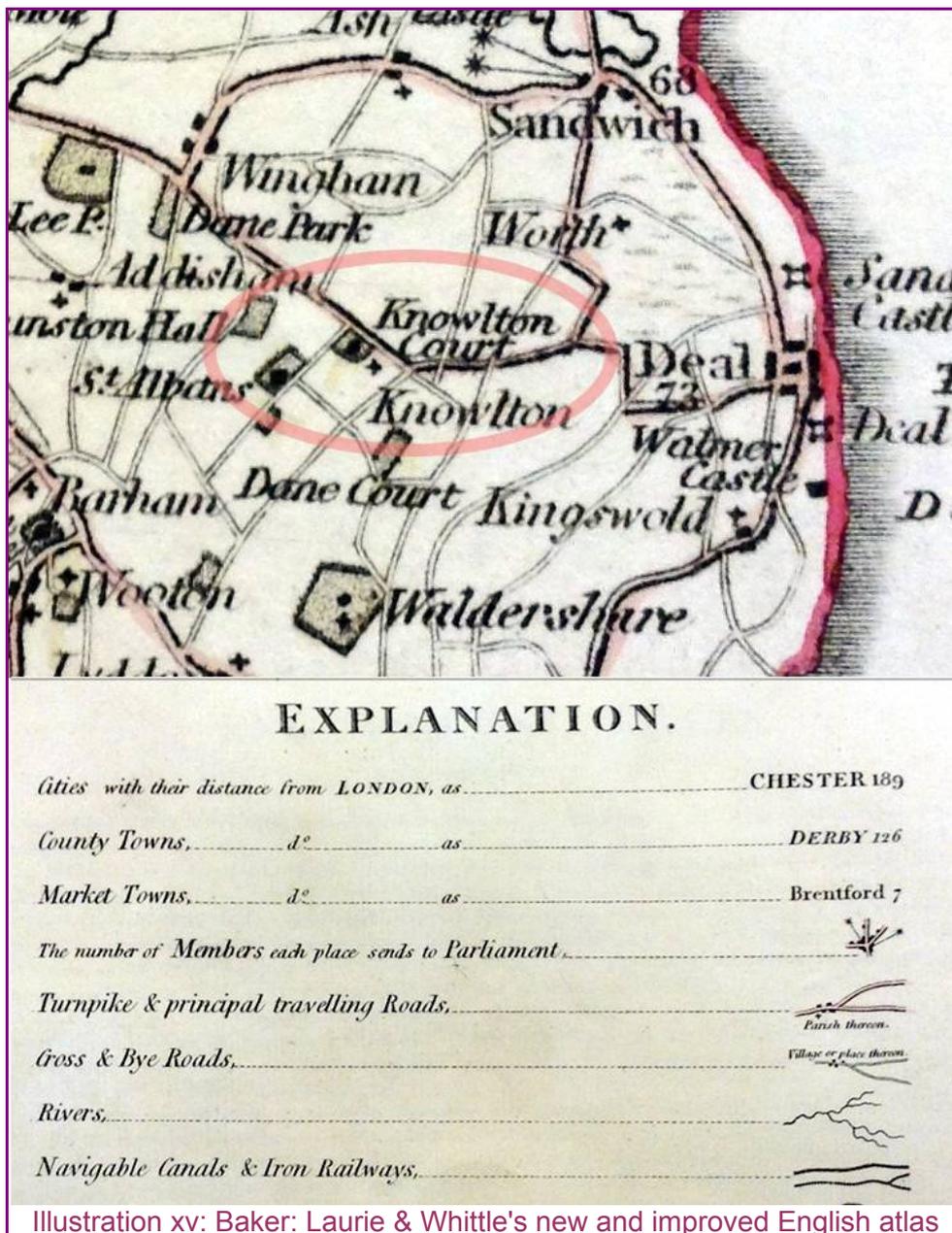
Points: 2 (as restricted byway)

16 Laurie & Whittle's new and improved English atlas

Date: 1806

Source: British Library¹⁸

18 19.a.7: copy available at www.oldkentmaps.co.uk/K-073-i.htm .



Description: This map by Benjamin Baker may date from 1792, but was published in Laurie and Whittle's *New and Improved English Atlas* around 1807. The way from Canterbury to Deal is shown as a class 3 route, from Wingham Well through Knowlton and then to Deal via Northbourne and Great Mongeham.

The map appears to be derived from the Cary map published in Mr Boy's *Agricultural Account of Kent* (in section 11 above), which in turn may be derived from the Downes map (in section 8 above), but with the reinstatement of the Canterbury to Deal way which was noted to be absent from the Cary map.

The way is specifically identified passing to the north of Knowlton Court, which is labelled. The way is coloured pink, which the key represents as a 'principal travelling road'.

Conclusion: As with the Cary map (in section 11), it is difficult to relate the ways shown on the map to other mappings. Eastry is still not marked, nor is Thornton Road. Some manifest errors present on the Cary map have been corrected (e.g. Betteshanger and Childenden are now omitted altogether).

However, the course of the way north of Knowlton Court, and in a generally easterly direction beyond Knowlton, together with the representation of the way as a 'principal travelling road', shows that Black Lane is depicted as part of the through route between Canterbury and Deal. The status of the way as a 'principal travelling road' means that Black Lane must have been regarded as a public road.

Points: 1 (as restricted byway)

17 Ordnance Survey, Mudge-Faden half-inch map of Kent

Date: c.1807

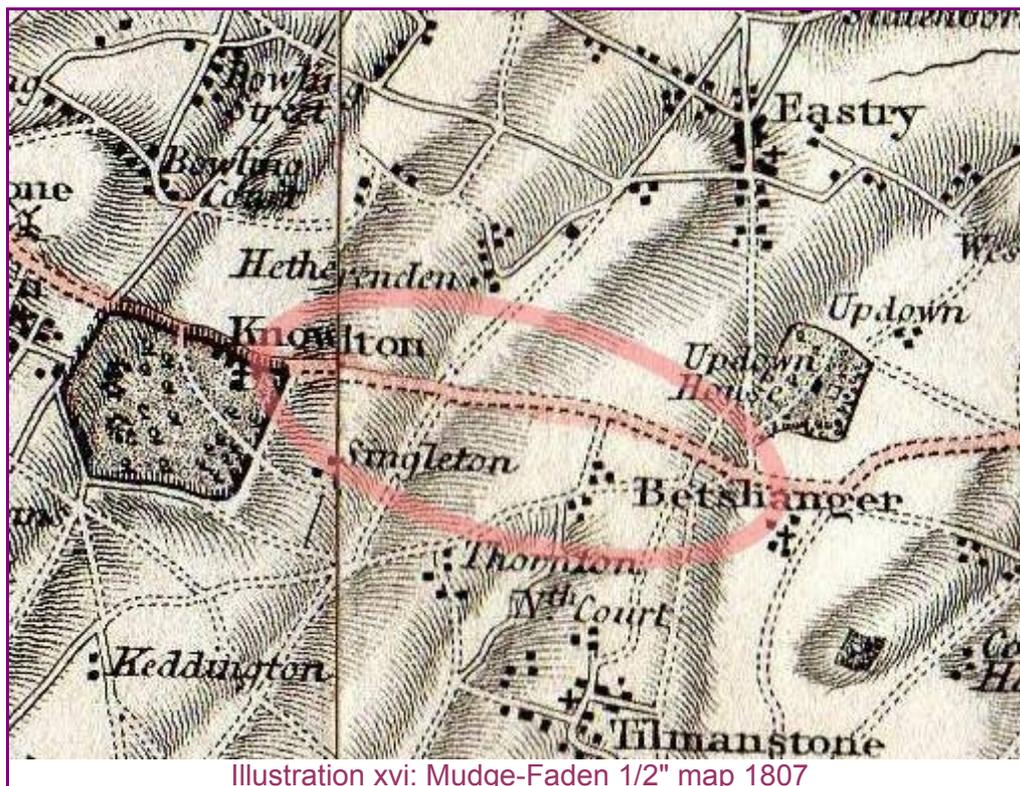


Illustration xvi: Mudge-Faden 1/2" map 1807

Source: Mernick.org.uk Collectors' Circle¹⁹ (copyright in public domain)

Description: The half inch map shows the Canterbury to Deal way as a class 3 route, from Wingham Well, via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden. Black Lane is shown as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, with a thicker line possibly apparent on the southern side, but unenclosed from approximately point B (still with a thicker line on the southern side), generally east to and across Thornton Lane, across what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M. The route is marked in pink, which appears to be reserved for primary routes.

Conclusion: The Mudge-Faden map is good evidence for the existence of a defined way along the claimed route: the thickened edge and colouring indicates a primary route, and this is strongly suggestive of a carriageway. However, the map is clearly derived from the one inch map (see section 18), and adds little new information.

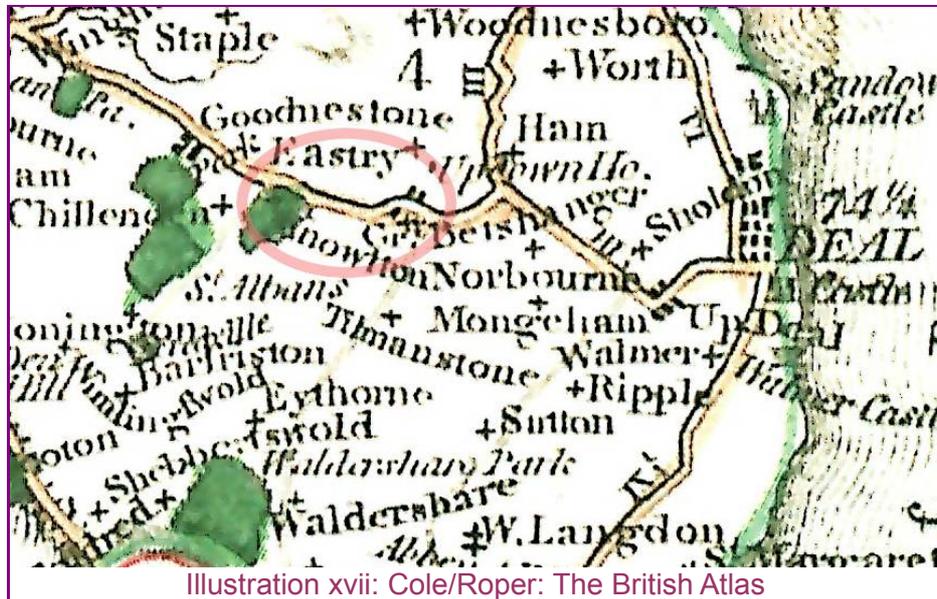
¹⁹ www.mernick.org.uk/cc/kentmap/

Points: 0 (as this map confirms the one-inch map in section 15)

18 *The British Atlas*

Date: 1810

Source: British Library²⁰



Description: This map was first published by G Cole and John Roper in 1804, but published in the British Atlas in 1810. It shows a principal route between Canterbury and Deal, on an alignment from Wingham Well to Betteshanger as is shown in the Ellis map (section 9 above), but diverging to a more southerly approach to Deal via Northbourne Road and Great Mongeham. The route therefore falls within class 3.

Conclusion: The alignment of the Canterbury to Deal way is shown clearly passing to the north side of Knowlton park, and then passing broadly east towards Betteshanger, and so Black Lane is comprised in the way. Black Lane is shown as a 'principal road'. The map is therefore good evidence of the status of Black Lane as a through road of some importance.

Points: 1 (as restricted byway)

19 *Paterson's Roads — Thanet and Kent and Sussex Coast*

Date: 1811

Source: British Library²¹

²⁰ 47.d.3: copies available at

freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/coleroper_ken_1835.html and www.oldkentmaps.co.uk/K-091-i.htm .

²¹ 10348.d.15: copy available at www.pastpages.co.uk/site-files/maps-uk/Mx/MEM006.jpg .

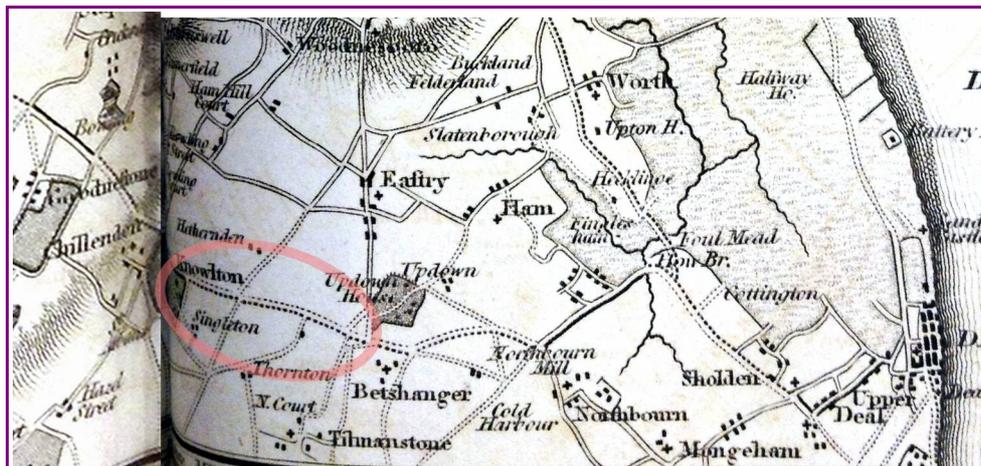


Illustration xviii: Paterson's Roads

Description: This map by J Thomson appears as one of several maps of Thanet and the Kent and Sussex coast annexed to the thirteenth edition of *Paterson's Roads*, a directory of main roads²².

The map shows a class 3 way from Canterbury to Deal from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden. Black Lane is shown as a continuation of Knowlton Lane from Knowlton at A, unenclosed, with a thicker line on the southern side, generally east to and across Thornton Lane, across what is now the Dover Road, to a junction with Straight Mile at Betteshanger at M.

The map appears to be derived from the Mudge-Faden map (section 15 above): however, whereas the map has been revised now to show the Dover to Sandwich turnpike (*i.e.* the coastal turnpike via Cottington), and no longer shows the route via Ham as a principal road, the map does not show the Dover, Waldershare and Sandwich turnpike (which was authorised in 1801), and continues to show the class 3 route as the principal way from Canterbury to Deal.

Conclusion: Revision of the map, which appears to be derived from the Mudge-Faden map, suggests that the representation of principal roads was researched and updated. The Thomson map is good evidence for the existence of a defined way along the claimed route: the thickened edge indicates a primary route, and this is strongly suggestive of a carriageway.

Points: 1 (as restricted byway)

20 Ordnance Survey, one-inch first edition map of Kent

Date: 1816

Source: A Vision of Britain through Time: This work incorporates historical material provided by the Great Britain Historical GIS Project and the University of Portsmouth through their web site A Vision of Britain through Time²³.

²² The directory entry for London to Deal suggests an itinerary via Sandwich, and does not refer to a direct route from Canterbury to Deal.

²³ www.visionofbritain.org.uk



Illustration xix: OS 1st ed 1" map

Description: This is the one inch map first published officially by the Ordnance Survey. In a departure from the predecessor Barlow-Hasted map (section 13 above) and Mudge-Faden map (section 15 above), no principal way is now shown between Canterbury and Deal: those ways shown as such on earlier maps are no longer marked in any distinctive form. Instead, the map recognises the construction of the Dover, Waldershare to Sandwich turnpike as a principal road on a south to north alignment.

The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately point G, generally east to and across Thornton Lane, Pike Road, the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Conclusion: The Ordnance Survey first edition map is good evidence for the existence of a defined way along the claimed route, but the loss of a thicker edging suggests a diminution in status of the way since the publication of the Mudge-Faden map.

Points: 1 (as restricted byway)

21 Greenwood's map of Kent

Date: 1819–20

Source: Kent County Archives

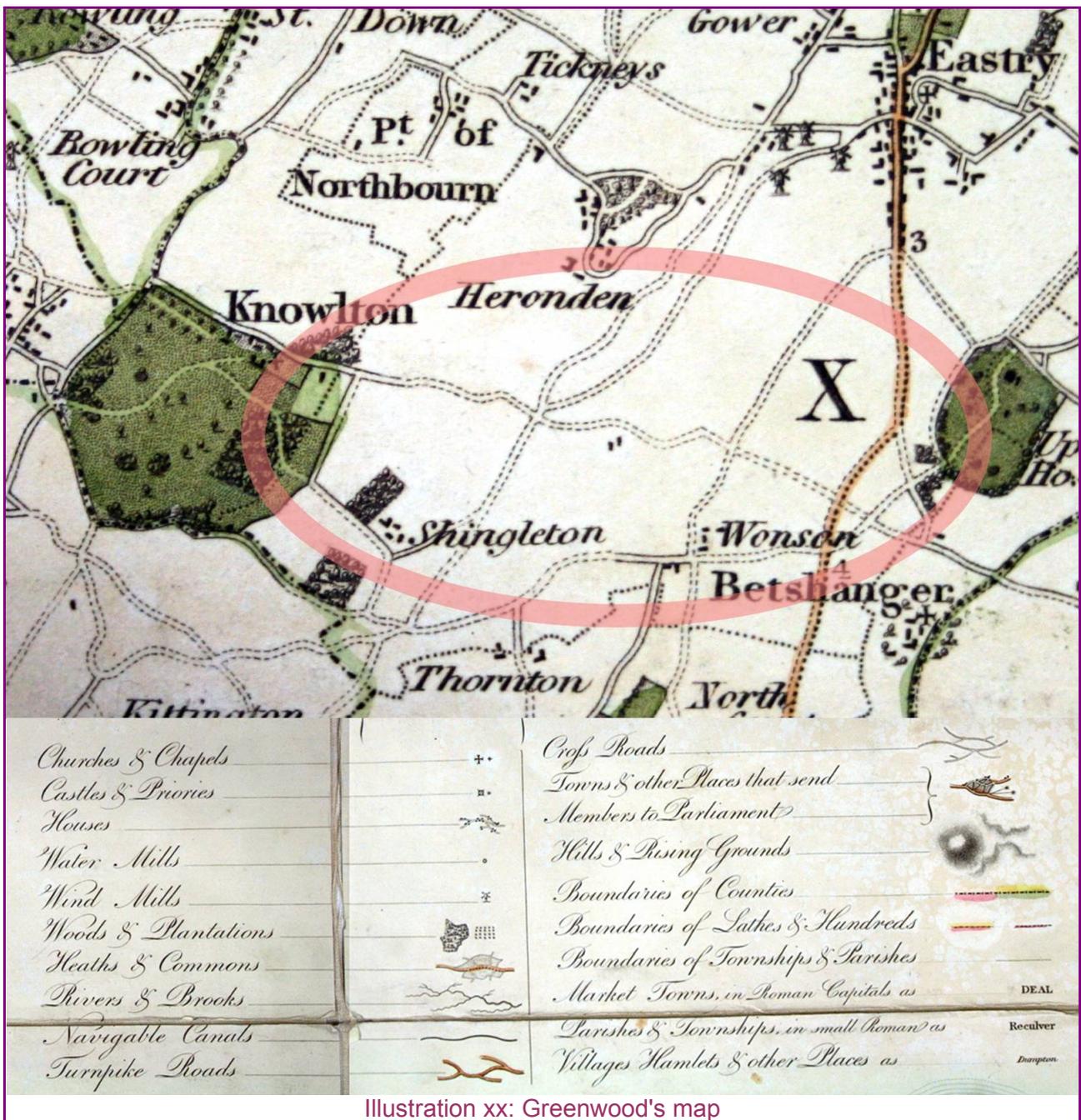


Illustration xx: Greenwood's map

Description: Greenwood's map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately point E, generally east to and across Thornton Lane, across Pike Road and the Dover Road, to a junction with Straight Mile at Betteshanger at M. Neither Black Lane, nor Thornton Road, is shown as a principal route, whereas the Dover, Waldershare to Sandwich turnpike is included as such.

Conclusion: Greenwood's map is good evidence for the existence of a defined way along the claimed route. The key describes the route as a 'cross road', which is suggestive of a public way.

Points: 1 (as restricted byway)

22 New County Atlas

Date: 1820

Source: British Library²⁴

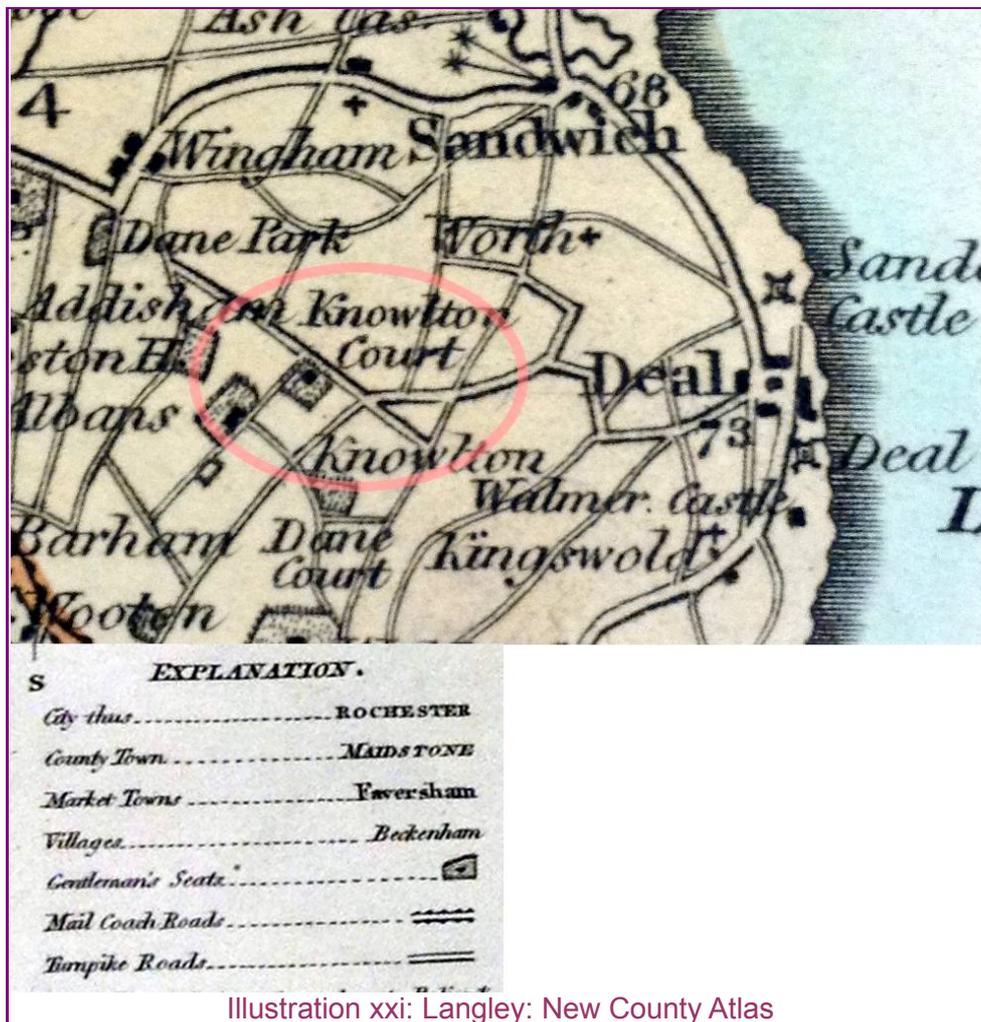


Illustration xxi: Langley: New County Atlas

Description: This map by Edward Langley was first published in 1816, but appears here in *Langley's New County Atlas of England and Wales* published c.1820. The map appears to be derived from Baker's map in *Laurie & Whittle's new and improved English atlas* (section 16 above, and see the notes in that section on the derivation of Baker's map). The way from Canterbury to Deal is shown as a class 3 route, from Wingham Well through Knowlton and then to Deal via Northbourne and Great Mongeham (note however that the map excludes a small part of the route east from Wingham Well, where the label 'Dane Park' appears).

The way is specifically identified passing to the north of Knowlton Court, which is labelled. The way is identified in the key as a 'turnpike road', which appears to be an erroneously concise reference to a class of such roads and other principal roads.

Conclusion: The Langley map suffers from the same defects as the Baker map. The course of the way to the north of Knowlton Court, and in a generally easterly direction beyond Knowlton, together with the representation of the way as a 'turnpike road' (*i.e.* a

²⁴ c.8.a.19: copies available at www.oldkentmaps.co.uk/K-107-i.htm and www.pastpages.co.uk/site-files/maps-TB/IDT009.jpg.

principal road), shows that Black Lane is depicted as part of the through route between Canterbury and Deal. However, the map is clearly derived from the Baker map, and adds little new information.

Points: 0 (as this map relies on the Baker map, see section 16)

23 Upper Venson estate plan

Date: 1821

Source: Kent County Archives²⁵

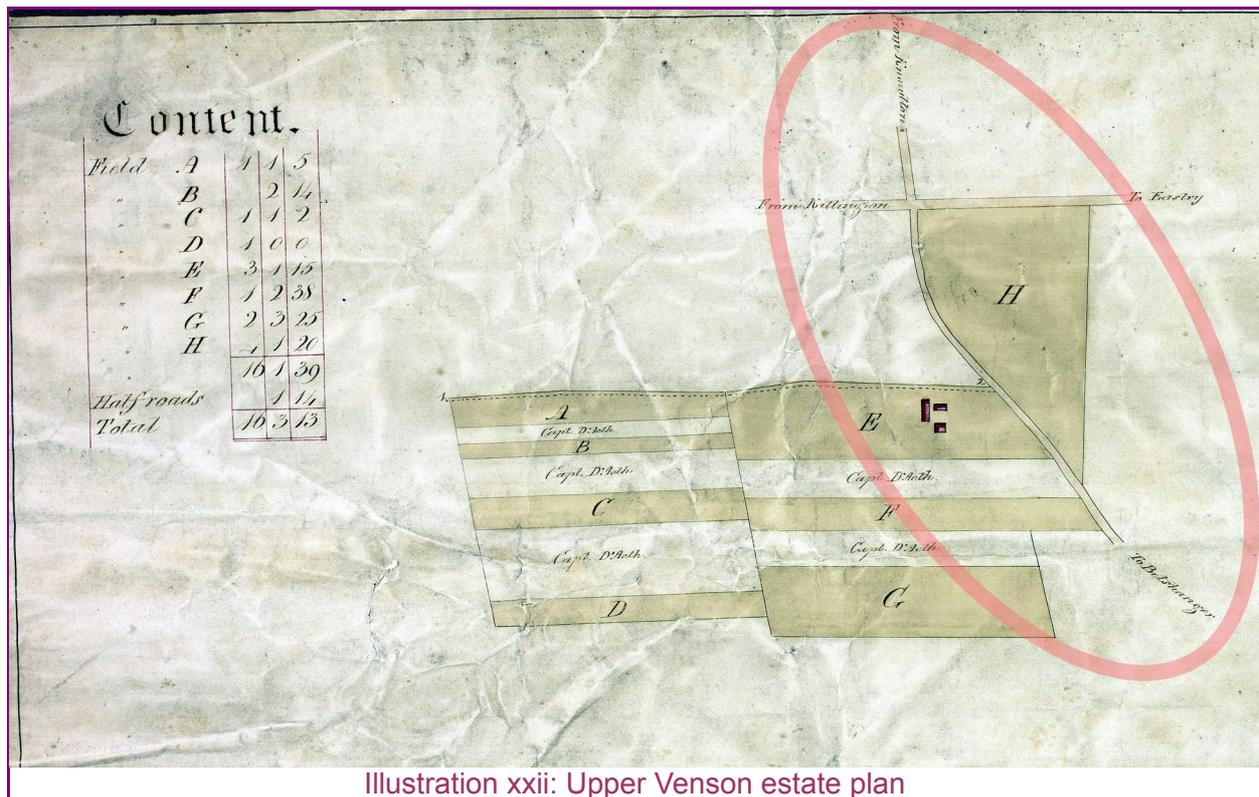


Illustration xxii: Upper Venson estate plan

Description: The estate plan depicts fields, tenanted as Upper Venson Farm, where the ownership of various blocks within the fields was divided between two landlords. Upper Venson Farm was demolished after the Second World War, but formerly lay east of point G. The plan shows Thornton Lane marked as 'From Kittington' and 'To Eastry', and Black Lane north of point G as 'From Knowlton' and south-east of Upper Venson Farm as 'To Betshanger'. Both Thornton Lane and Black Lane are shown coloured ochre and with no gates or closures across either road. In the table of areas, 'half roads' are allocated 1 rood and 14 perches (1,366 square metres).

Conclusion: The estate plan is supportive of the existence of a highway east and west of point G. The colouring of Black Lane and the destination labels to Knowlton and Bette-shanger suggest a public highway, consistent with the known highway along Thornton Lane. The table of areas refers to Black Land and Thornton Lane as 'roads', and allocates to the estate half of the width of the highway *ad medium filum*: if Black Lane were an occupation track, it is likely that it would be wholly owned by the estate, or by some other person.

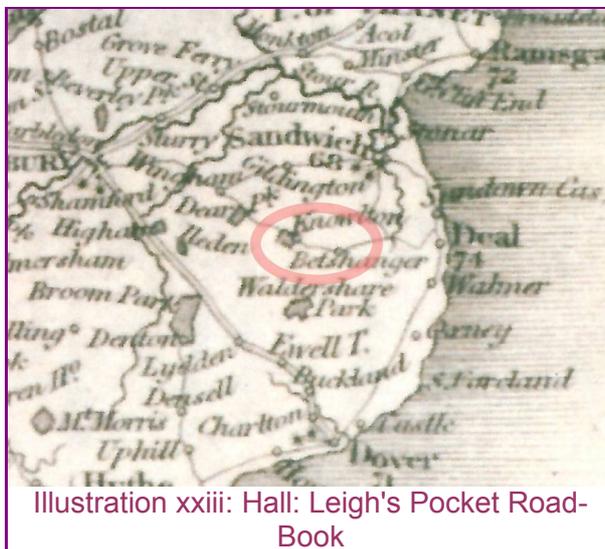
25 U229/P6

Points: 3 (as restricted byway)

24 Leigh's new Pocket Road-Book

Date: 1825

Source: British Library²⁶



Description: This small-scale map by Samuel Hall depicts only principal roads: these include a class 3 Canterbury to Deal way from Wingham via Dear park, Knowlton and Betteshanger. The way is shown as passing to the north of Knowlton park and through Knowlton village.

Conclusion: Despite the small scale, the map shows an alignment of the Canterbury to Deal way which must comprise Black Lane between Knowlton and Betteshanger. The nature of the way as a principal road means that it must be a public way.

Points: 1 (as restricted byway)

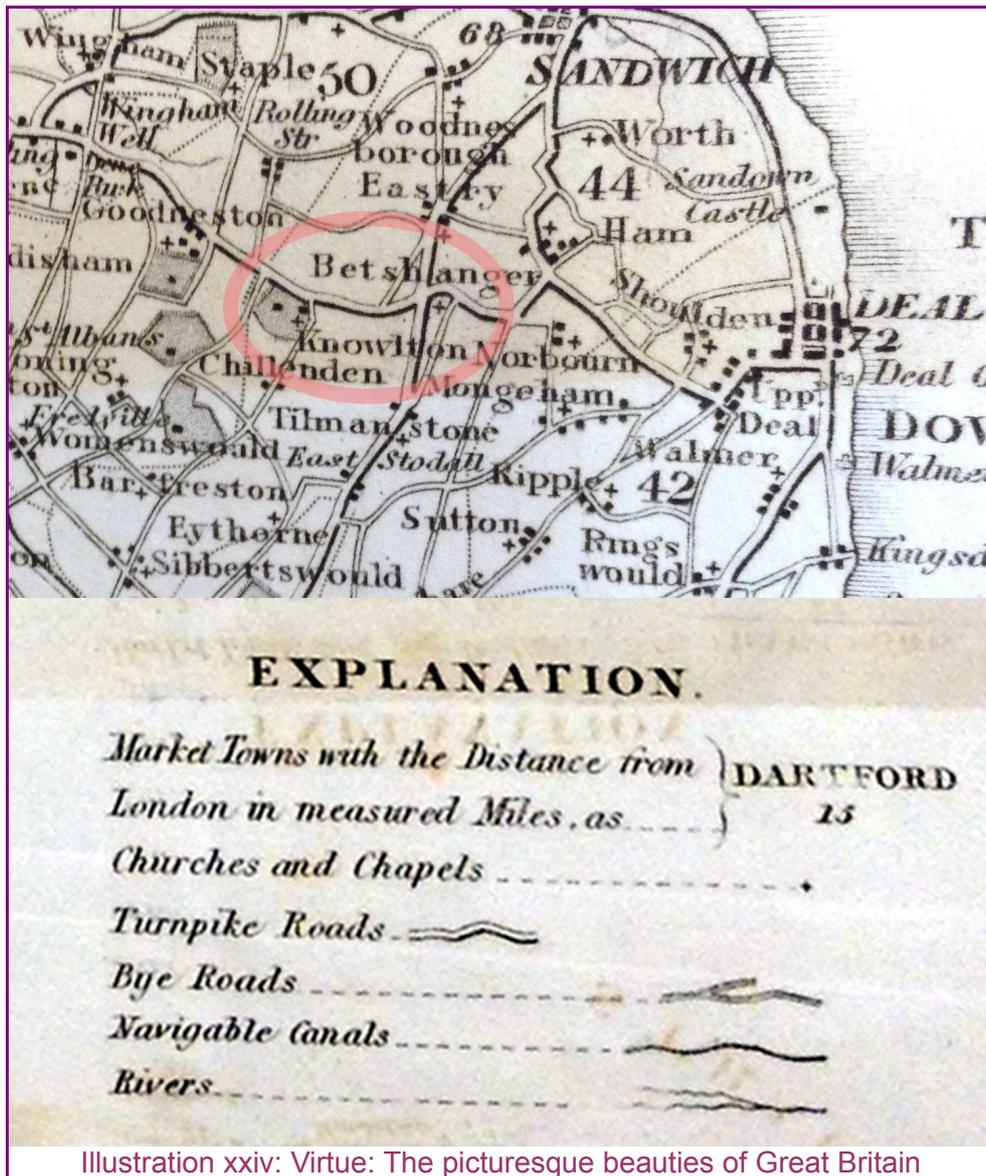
25 The picturesque beauties of Great Britain

Date: 1829–33

Source: British Library²⁷

²⁶ 24.a.30: copies available at www.pastpages.co.uk/site-files/maps-uk/GGM019.jpg and www.oldkentmaps.co.uk/K-110-i.htm

²⁷ Wq1/2228: copies available at www.pastpages.co.uk/site-files/maps-uk/lx/IGM002.jpg and www.oldkentmaps.co.uk/K-123-iii.htm .



Description: The map by George Virtue is not obviously derived from any of its predecessors, and shows a class 3 route between Canterbury and Deal, from Wingham Well via north of Goodnestone, Knowlton, Betteshanger and Sholden. The way is shown to the north of Knowlton park, and is shown continuing east past what appears to be a junction with Pike Road, across the Dover Road, and east to join Straight Mile. The way is identified in the key as a 'turnpike road', which appears to be an erroneously concise reference to such roads and other principal roads.

Conclusion: The Virtue map shows the Canterbury to Deal way as consistent with a route from Wingham Well via Adisham Road, Crockshard Hill, Goodnestone Road, Cave Lane, Chillenden Mill, Knowlton, Betteshanger, How Bridge and Sholden.

The Virtue map is good evidence for the existence of a defined way along the claimed route: the thickened edge indicates a primary route, and this is strongly suggestive of a carriageway.

Points: 1 (as restricted byway)

26 *Eastry tithe surveyor's field books*

Date: 1840

Source: Kent County Archives²⁸

Extract 1:

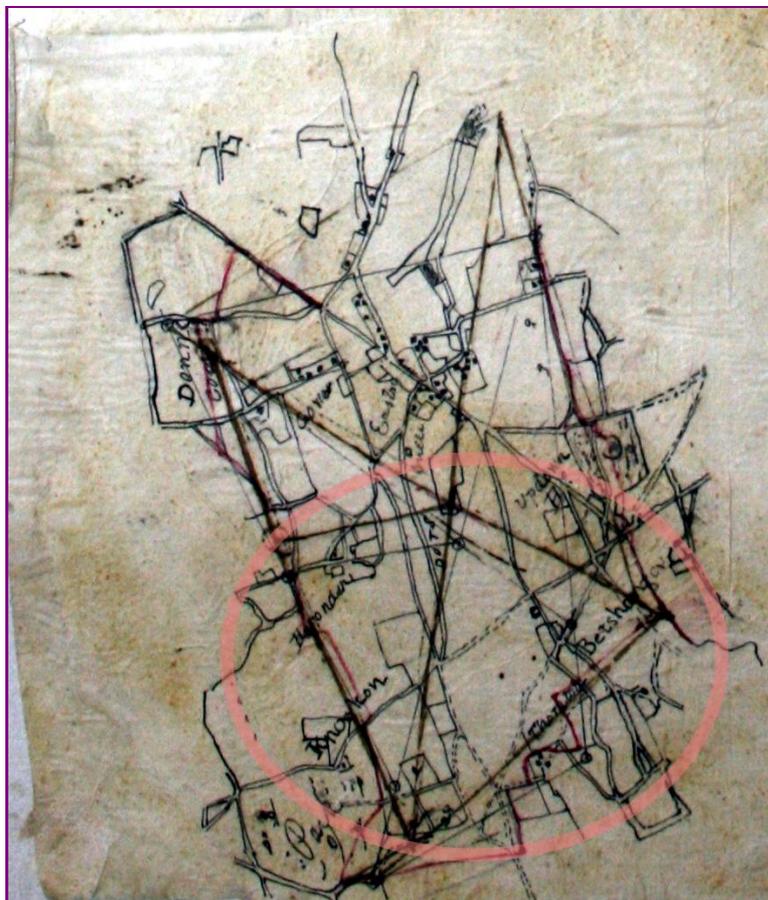


Illustration xxv: Eastry tithe surveyor's field notebook cover map

Extract 2:

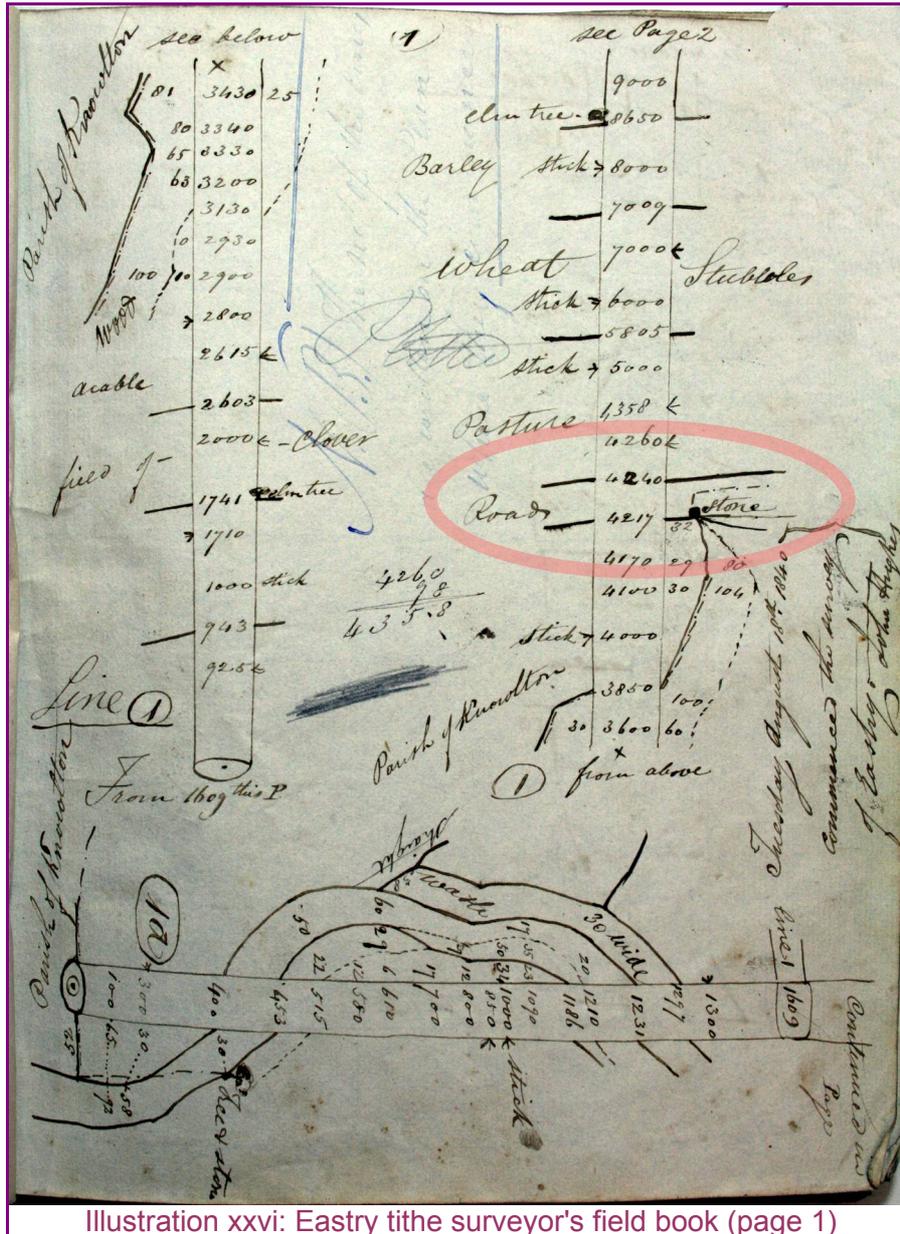


Illustration xxvi: Eastry tithe surveyor's field book (page 1)

Description: The tithe surveyor's field books were drawn in connection with the surveys for the Eastry tithe map 1839–41 and subsequently returned to the tithe commissioners. *Illustration xxv: Eastry tithe surveyor's field notebook cover map* shows the surveyor's transects. It also shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately at G, generally east to and across Thornton Lane, across Pike Road and the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Line 1 of *Illustration xxvi: Eastry tithe surveyor's field book (page 1)* appears to show a transect from the south-west corner of Eastry parish at approximately TR27805264 to the north-east corner of the parish. It is difficult to place the transect, but it may follow a line east along the parish boundary, before turning north-east to follow the alignment shown on the cover map. If so, then line 1 shows the crossing of Black Lane between 4,217 feet (1,285 metres) and 4,240 feet (1,292 metres) from the root of line 1. The crossing is marked as 'Road'. The markings on the sketch map to the right of the crossing correspond

to the boundary stone formerly located at D and marked as such on the Ordnance Survey boundary records (see section 30 below), together with other tracks which appear on contemporary maps.

Conclusion: The surveyor's field book cover map provides confirmation of the existence of a defined way along the claimed route. The transect along line 1, if correct in its identification of the intersection with Black Lane 32 feet (10 metres) west of point D, provides support for the status of Black Lane as a road. It is also suggestive that the width of the road at the intersection was 23 feet (7 metres).

Points: 2 (as restricted byway)

27 Knowlton tithe map

Date: 1840–41

Source: map: Kent County Archives²⁹; tithe award: Kent Archaeological Society³⁰



Illustration xxvii: Knowlton tithe map

Description: The tithe map, which is first class, shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, to D. Beyond D, the map is marked 'From Betshanger'. No part of Black Lane is shown as titheable.

Conclusion: The label showing origin from Betteshanger, and the absence of any titheable rating, is good evidence of the public status of Black Lane east of D. Compare with the drives from Thornton Road and Sandwich Road to Knowlton Court, which are bracketed into the titheable area. Similar labels are used against other known public roads: Thornton Road ('to Deal'); Mill Top ('To Nonington'); Sandwich Road ('To St. Albans'); Griffin Hill ('From Chillenden'); Station Road ('From Chillenden'); the road from Goodneston to the Sandwich Road ('To Goodneston'); Sandwich Road ('From Sandwich'); the road from Eastry ('From Eastry').

²⁹ Kent tithe maps are available as images on CD.

³⁰ www.kentarchaeology.org.uk/Research/Maps/KNW/02.htm

Points: 3 (as restricted byway)

28 Eastry tithe map

Date: 1841

Source: map: Kent County Archives³¹; tithe award: Kent Archaeological Society³²



Illustration xxviii: Eastry tithe map

Description: The tithe map shows Black Lane between the Knowlton and Eastry parish boundary at D, to the Betteshanger parish boundary just beyond M. Between E and G, Black Lane is depicted as an enclosed road and is not titheable. Between G and I, Black Lane is depicted as an unenclosed road: there are no brackets across the road, and the road forms the boundary to each titheable parcel, so this part is also untitheable. Between J and L, Black Lane is shown as a track represented by a single pecked line, but for the first approximately 200 metres, the track forms the boundary to the adjoining titheable parcels, and in common with the following section of approximately 100 metres adjacent to a field boundary, this section is also untitheable. The last part of this section of approximately 170 metres is bracketed and forms part of tithed parcel 458. Between L and M, the track is also represented by a single pecked line, is bracketed and forms part of tithed parcel 471.

Conclusion: The absence of any titheable rating, except as regards the last part east of L, is good evidence of the public status of Black Lane between D and L. Compare with other public roads of known status, which are also shown as untithed: Thornton Lane, Thornton Road, Pike Road, public bridleway EE266 (Venson Farm to Tilmanstone), Dover Road, Cater Road: some of these are specifically annotated with parcel reference 571, which does not appear in the tithe award, but is presumed to be 'roads and waste'. Whereas compare with driveways of presumed private status which are not: driveway to Shingleton Farm, tracks parallel to but east of Thornton Lane, driveway to Updown House.

31 Kent tithe maps are available as images on CD.

32 www.kentarchaeology.org.uk/Research/Maps/EAY/02.htm

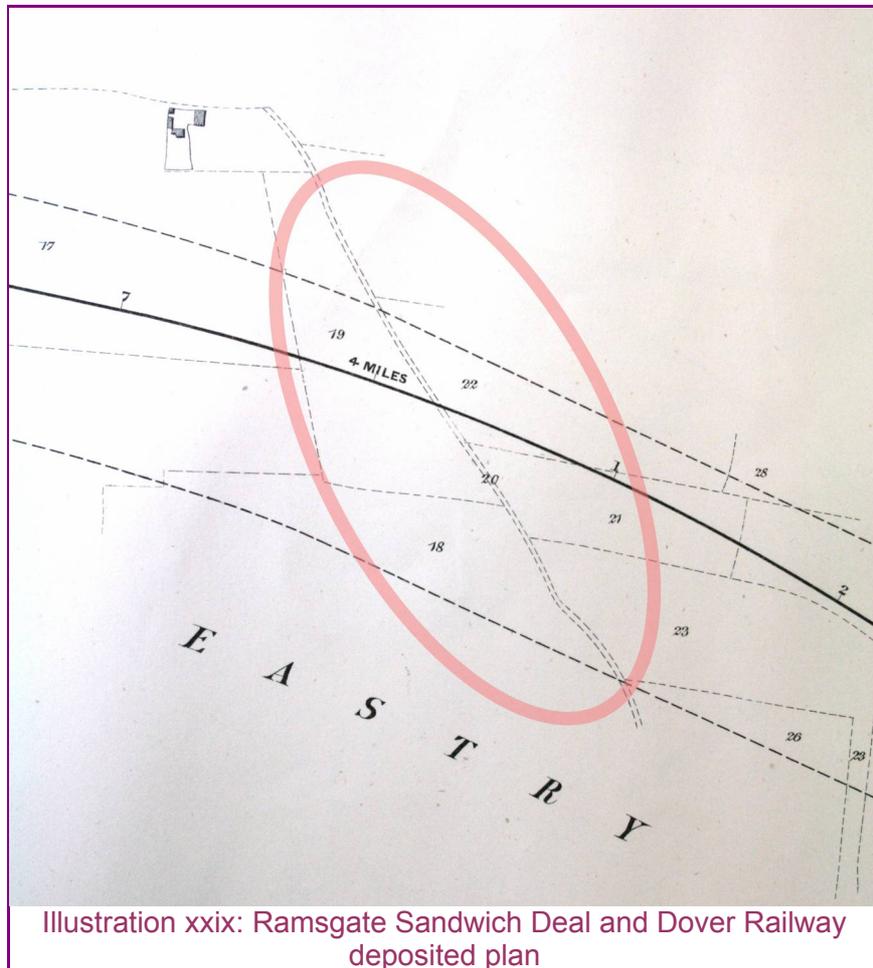
Points: 2 (as bridleway)

29 Ramsgate Sandwich Deal and Dover Railway

Date: 1861

Source: Kent County Archives³³

Extract 1:



³³ Q/RUm/463B.

Extract 2:

Parish of <i>Easby</i>		County of <i>Hert</i>		
Numbers referring to Plan.	DESCRIPTION OF PROPERTY.	NAMES of OWNERS or REPUTED OWNERS.	NAMES of LESSEES or REPUTED LESSEES.	OCCUPIER'S NAMES.
15	Field	Admiral George Hughes William D. Aeth	William Grey	William Grey
16	Field	Admiral George Hughes William D. Aeth	William Grey	William Grey
17	Field	William Boteler		George Wood
18	Field	William Boteler		George Wood
19	Field	William Boteler		George Wood
20	Occupation Road	William Boteler		George Wood, Joseph Patten Baker and Thomas Medgetts

Description: The alignment for the proposed Ramsgate Sandwich Deal and Dover Railway is shown on *Illustration xxix: Ramsgate Sandwich Deal and Dover Railway deposited plan* so as to cross Black Lane east of Thornton Lane, between G and H (the former Upper Venson or Poor Start Farm can be identified in the north-west corner of the deposited plan extract). Black Lane is depicted as plot 20, and in *Illustration xxx: Ramsgate Sandwich Deal and Dover Railway book of reference*, the plot is recorded as an 'Occupation Road' in the ownership of William Boteler and in the occupation of George Wood, Joseph Patten Baker and Thomas Medgetts³⁴.

Conclusion: The proposal for the railway does not record Black Lane between G and H as a public way, but only as an occupation road. However, the railway was not built, and as observed by the court in similar circumstances in *Trail Riders Fellowship v Secretary of State for the Environment, Food and Rural Affairs*³⁵, "the plans were never put before Parliament and so there was no detailed consideration of the issue."

Points: 0

30 Knowlton Ordnance Survey boundary records

Date: 1866–69

Source: National Archives

34 This may be a mis-spelling of 'Thomas Medgett'.

35 Paragraph 28: [\[2015\] EWHC 85 \(Admin\)](#).

BOUNDARY SKETCH MAPS. <i>Goodnestone next Wingham</i>							
Journal of Inspection and Remarks.							
Applicant's Name and the Title	Business	Plot Town	INSPECTED If only a Part, what Part	COMPARED WITH A PLAN If a Part only, what Part	Nature and Date of the Plan	Other Plans known to be in existence—Stages of them, by whom and when kept	Remarks or Differences pointed out
<i>Robert Fitzpatrick</i>	<i>Goodnestone Park.</i>	<i>Wingham</i>	<i>Generally</i>	<i>NC</i>	<i>1866</i>		<p>Examined the boundaries of several Parishes with the of Goodnestone and found that much care & attention had been bestowed on some difficult parts and the greatest accuracy was exhibited.</p> <p><i>Fitzpatrick</i> <i>Goodnestone</i> <i>Brook Grove Bridge.</i></p> <p>The above also examined the boundaries of the Parishes of</p> <p><i>Knowlton</i> <i>Chillemund</i> <i>Staple</i> <i>Goodnestone</i> <i>Kingstone</i> <i>Novington</i> <i>Womenswold</i> <i>Barpreston, and</i> <i>Wingham.</i></p> <p><i>H. Jelland</i> <i>Co. P. R. E.</i></p>

Illustration xxxi: OS Boundary journal of inspection Goodnestone

Extract 2³⁷:

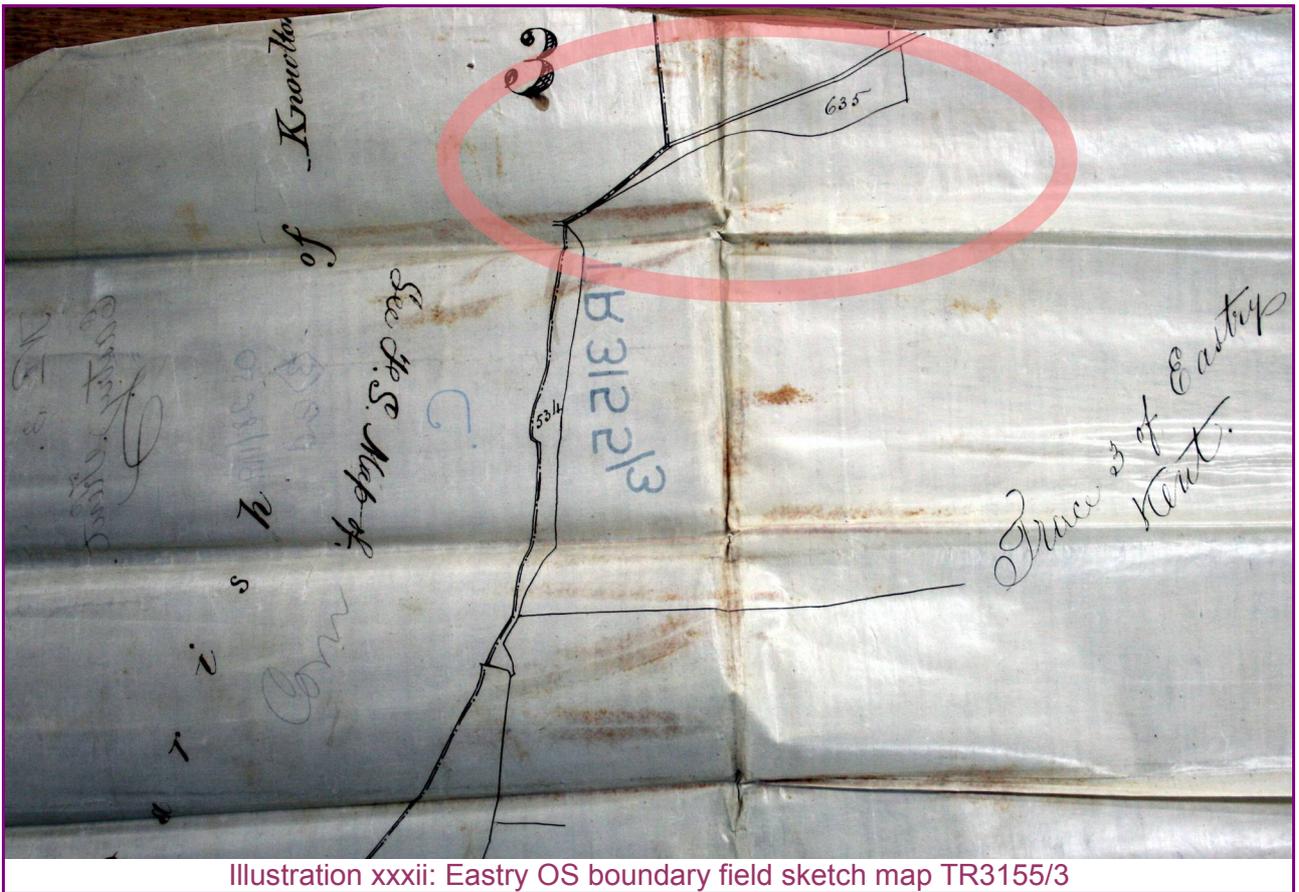


Illustration xxxii: Eastrp OS boundary field sketch map TR3155/3

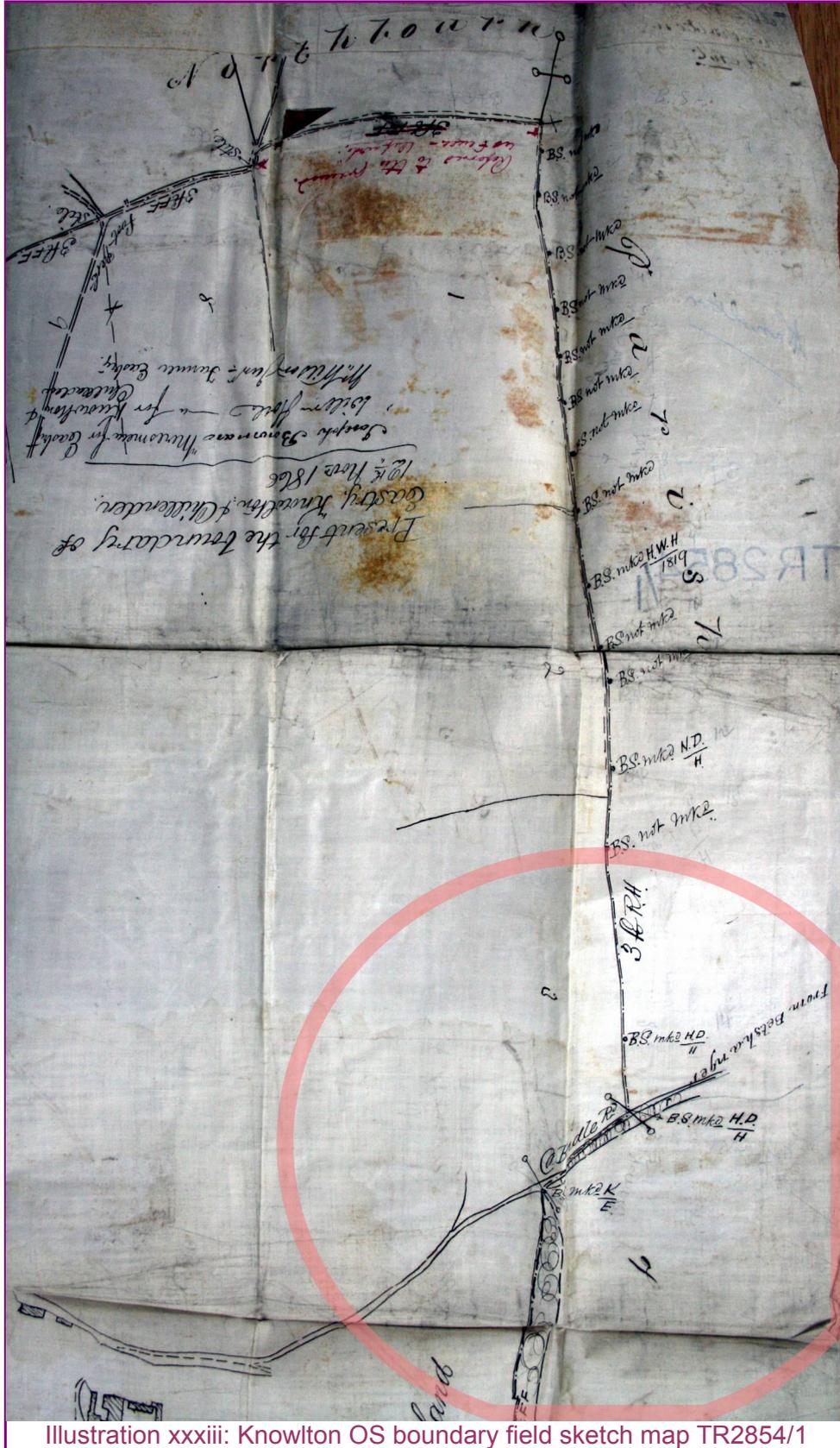


Illustration xxxiii: Knowlton OS boundary field sketch map TR2854/1

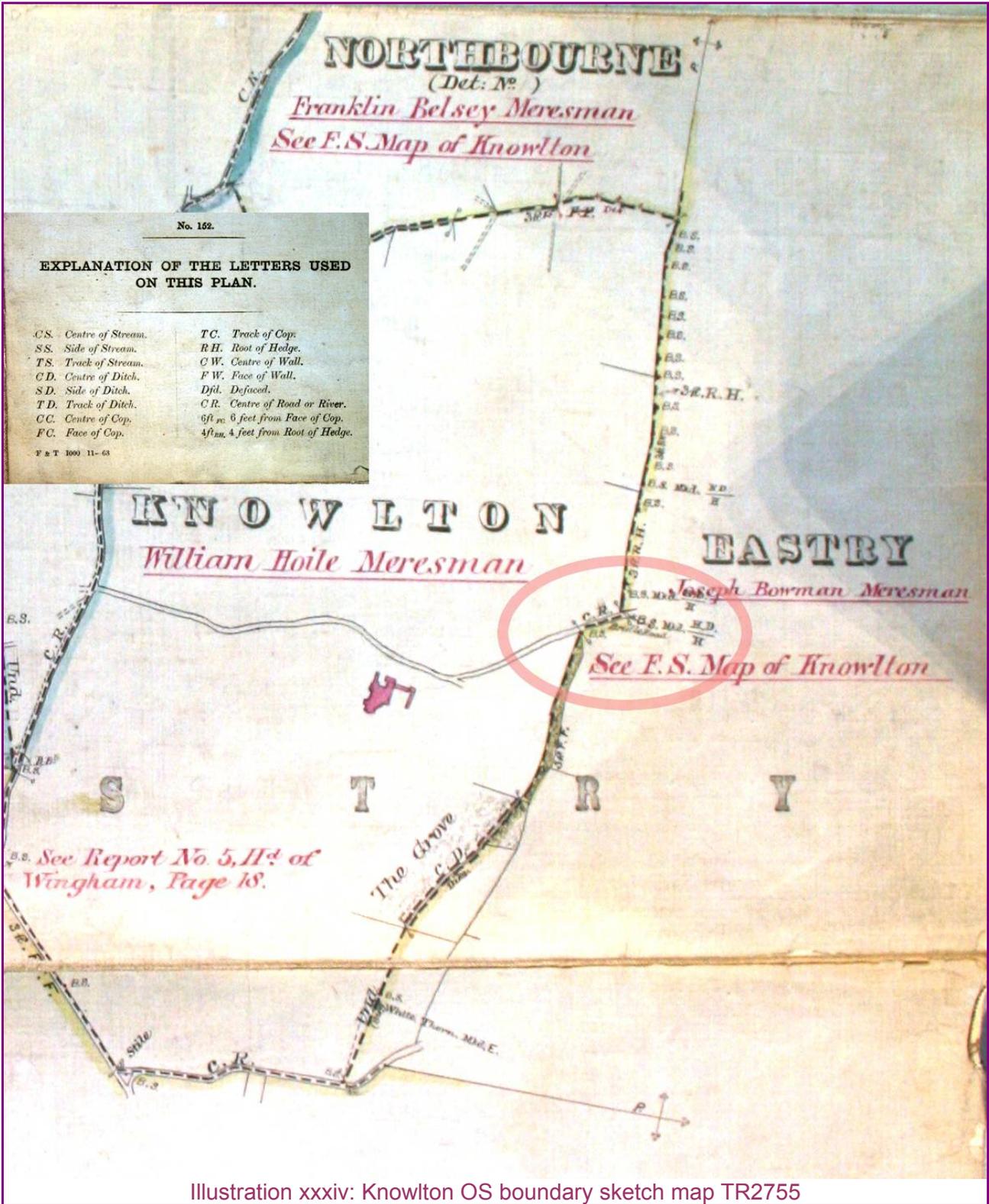


Illustration xxxiv: Knowlton OS boundary sketch map TR2755

Description: The boundary sketch maps date from 1866 to 1869, and record the Ordnance Survey's surveyor's efforts to capture the precise location of parish boundaries from local knowledge. *Illustration xxxi: OS Boundary journal of inspection Goodnestone* records that the boundaries of Knowlton parish (among others) were examined by Baron

39 OS 27/2813

FitzWalter of Goodnestone Park, George Dodds, his agent, and B G Bridgers. *Illustration xxxii: Eastry OS boundary field sketch map TR3155/3* records the boundary of Eastry with, *inter alia*, Knowlton, which is briefly coincident with Black Lane. *Illustration xxxiii: Knowlton OS boundary field sketch map TR2854/1* records the boundary of Knowlton with, *inter alia*, Eastry, which shows the boundary coincident with Black Lane in greater detail, depicting in particular the status of Black Lane as 'Bridle Rd' and the direction to the east as 'From Betshanger', together with notes that the boundary is marked by stones at both changes in direction where the boundary joins and departs from coincidence with Black Lane. This sketch map is annotated: "Present for the boundary of Eastry, Knowlton, & Chillenden: 12th Nov^r 1866/Joseph Bowman Meresman for Eastry; Will^m Hoile Meresman for Knowlton and Chillenden; Mr Wilson Jun^r—Farmer Eastry". The extract also shows a footpath coincident with the boundary of Knowlton and Eastry, further north, which is the alignment of the public footpath from Knowlton to Eastry recorded on the definitive map as EE260.

Illustration xxxiv: Knowlton OS boundary sketch map TR2755 is the final boundary sketch map for Staple, Knowlton, Chillenden and Goodnestone. The map reproduces the findings recorded in illustration xxxiii, and Black Lane is annotated as 'Bridle Road'. The parish boundary is noted as following 'C.R.', which is described in the key as 'Centre of Road'.

Conclusion: The boundary field and final sketch maps had the purposes of documenting boundaries which were to be marked on published Ordnance Survey maps. The sketch maps were drawn up in close consultation with local gentry and parish meresmen tasked with responsibility for determining boundaries, and these consultees agreed the details recorded. Black Lane is annotated as a bridle road between D and E, and the parish boundary is marked as following the centre of the 'road'. A false attribution of the status of Black Lane would have been corrected by the consultees, and the maps are therefore good evidence for a status as at least bridleway.

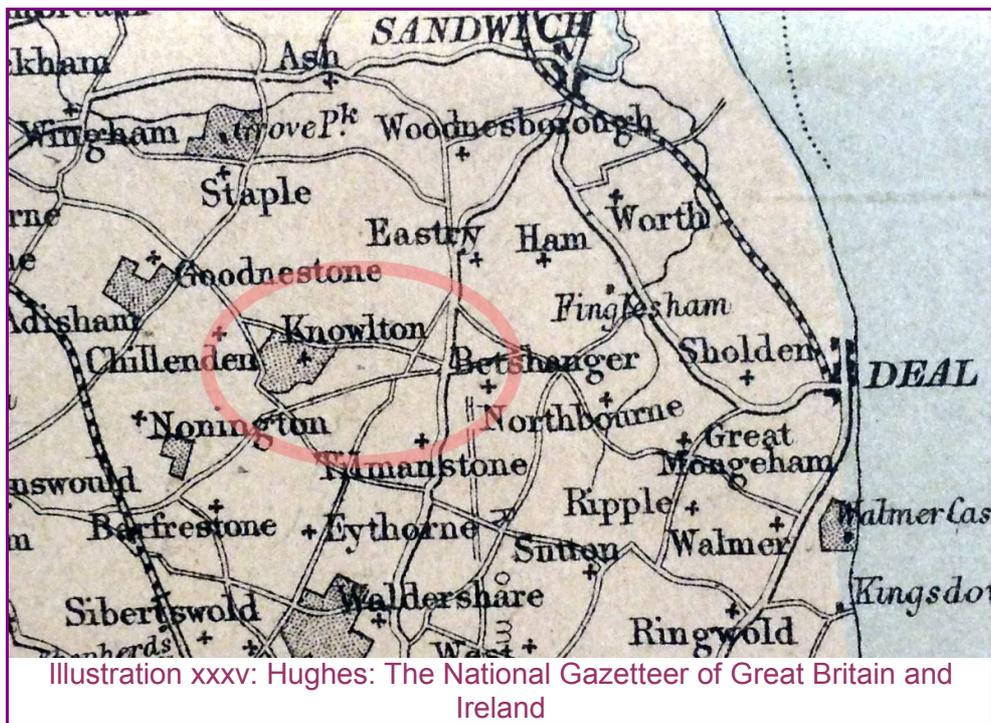
Points: 4 (as bridleway)

31 The National Gazetteer of Great Britain and Ireland

Date: 1868

Source: British Library⁴⁰

40 10348.i.7: copies available at www.oldkentmaps.co.uk/K-166-A.htm and freepages.genealogy.rootsweb.ancestry.com/~genmaps/genfiles/COU_files/ENG/KEN/hughes_kent_1870.htm.



Description: The map by William Hughes is not obviously derived from any of its predecessors, and shows no principal route between Canterbury and Deal. The map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A generally east to and across Pike Road and the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Conclusion: The map is good evidence for the existence of a defined way along the claimed route. There is no published key, but the map shows only significant through routes, noting that Thornton Lane does not appear on the map, and the depiction of Black Lane may be assumed to show a public way.

Points: 1 (as restricted byway)

32 Ordnance Survey, twenty-five inch 1st edition and book of reference

Date: 1872–73

Source: Ordnance Survey map: Database Rights Old-Maps and Ordnance Survey Crown Copyright and Database Rights 2010. All rights reserved.

Book of reference: Kent County Archives⁴¹

⁴¹ Parish of Eastry: EK/0471/P5

Extract 1 (west):

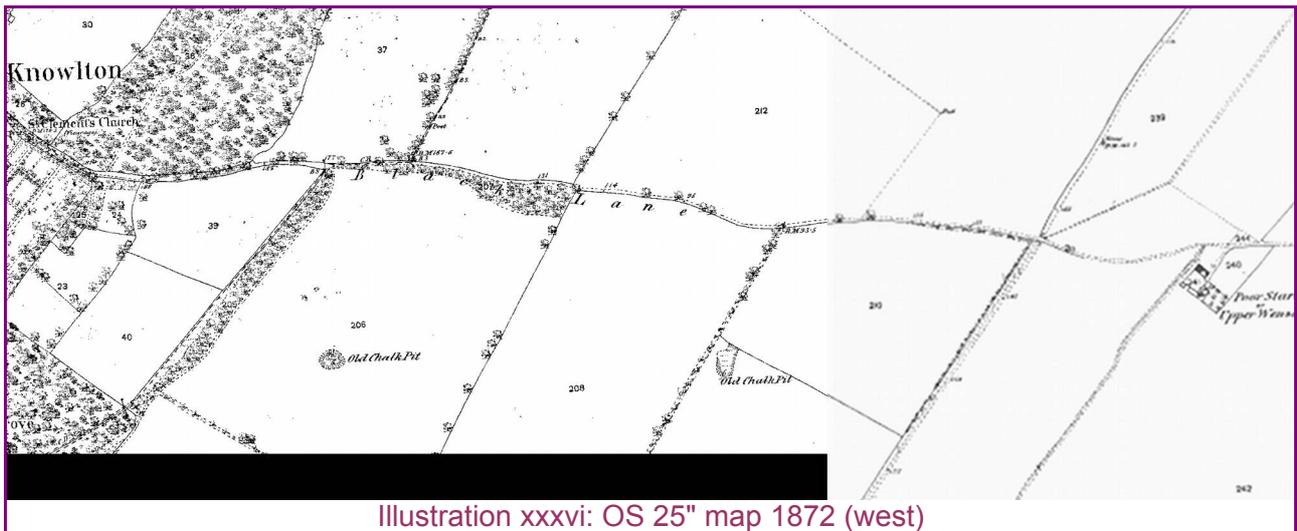


Illustration xxxvi: OS 25" map 1872 (west)

Extract 2 (east):

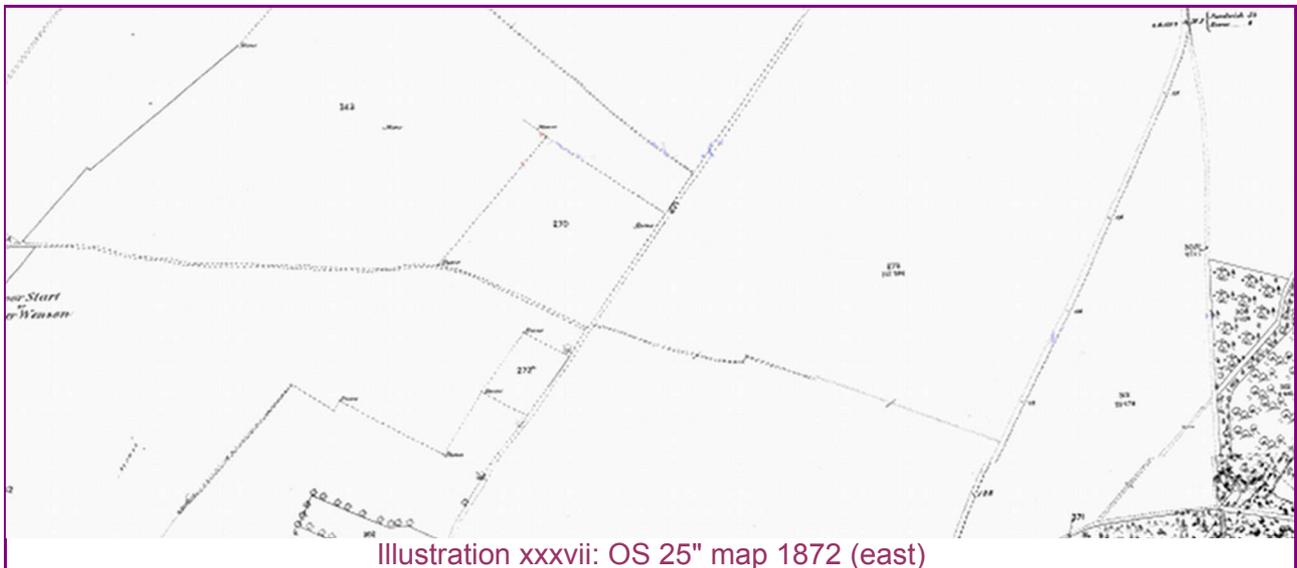


Illustration xxxvii: OS 25" map 1872 (east)

Description: The Ordnance Survey first edition twenty-five inch map shows Black Lane as a continuation of Knowlton Lane from Knowlton, initially enclosed, but with the southern boundary unenclosed east from D. A boundary stone and bench mark are depicted at E. Approximately 200 metres east of E, the lane reverses enclosure, with the unenclosed side being on the north side. A further bench mark is depicted approximately 200 metres west of the (as yet unbuilt) light railway crossing at F. The lane is unenclosed on both sides east from Thornton Lane at G to Pike Road at I, where there is a slight stagger to the north along Pike Road for approximately 20 metres, before resuming slightly south of east from J towards the Dover Road slightly to the east of K. No line is shown east of the Dover Road from L to M.

The Ordnance Survey book of reference to the plan contains the following entries for Black Lane:

No on plan	Area in ha	Remarks	Description
211	0.53	Road	East from G to Upper Wenson Farm
244	0.28	Garden	Enclosure immediately north of Upper Wenson Farm

Conclusion: The Ordnance Survey first edition twenty-five inch map is good evidence for the existence of a defined way along the claimed route from A to K. The presence of two bench marks between E and F are some evidence of the public status of the lane, as is the status as 'road' reported in the book of reference.

Points: 1 (as bridleway)

33 *Boundary Commission map*

Date: 1885

Source: Londonancester.com⁴²



Description: This map printed by Eyre & Spottiswoode on behalf of the Boundary Commission for England and Wales appears to be based on an Ordnance Survey quarter-inch map of unknown but substantially earlier date. The quarter-inch map shows Black Lane as a continuation of Knowlton Lane from Knowlton at A, initially enclosed, but unenclosed from approximately B, generally east across the Dover Road, to a junction with Straight Mile at Betteshanger at M.

Conclusion: The representation of the way on the map is consistent with a through route of some significance, noting that neither Thornton Lane nor Pike Road appears on the map, nor is Thornton Road (the alternative parallel way between Chillenden and Betteshanger) shown.

Points: 1 (as restricted byway)

34 *Beating the bounds: Eastry*

Date: 1814 and 1897

⁴² www.londonancester.com/maps/bc-kent-th.htm

Source: Eastry parish council website⁴³

Description: The parish council website publishes a report of an: “account of beating the bounds in the spring of 1897 taken from the minute book of the Eastry parish council.” This describes a perambulation of the parish boundary led by the chairman of the council, members of the council, 'and six boys'.

Conducting the perambulation in a clockwise rotation, the report states:

“Turning to the right across Knowlton Park in a direct line to Black Lane, another stone is situated about 10 rods (57m.) from the road in the Park. The next stone was found just inside the fence against the Lane. Turning to the right, down the Lane to the corner of Heronden Farm land and then to the left along the Bank.”

The perambulation for 1814 is also recorded:

“Crossing the park fence, thro' a shave, leaving the fence on the left hand, separating Shingleton Farm from the Vicarage land, following the line of fence to Black Lane, turning to the right down the lane to a corner of fence separating G.H.De Ath's land from lands of Upper Harnden Farm.”

The perambulation of 1897 refers to Black Lane twice as a 'Lane'. The 1814 perambulation similarly refers to Black Lane as a 'lane'. Reference is made to a boundary stone found inside the lane.

Conclusion: The perambulations provide some evidence for the status of Black Lane as a 'lane' in which a boundary stone was maintained.

Points: 0

35 *Ordnance Survey map, 25*

Date: 1905

Source: Kent County Archives

43 www.eastrypc.co.uk/beatingthebounds.asp

Extract 1 (west):



Illustration xxxix: OS 25" map sheet XLVIII 13 1905 (west)

Extract 2 (centre):

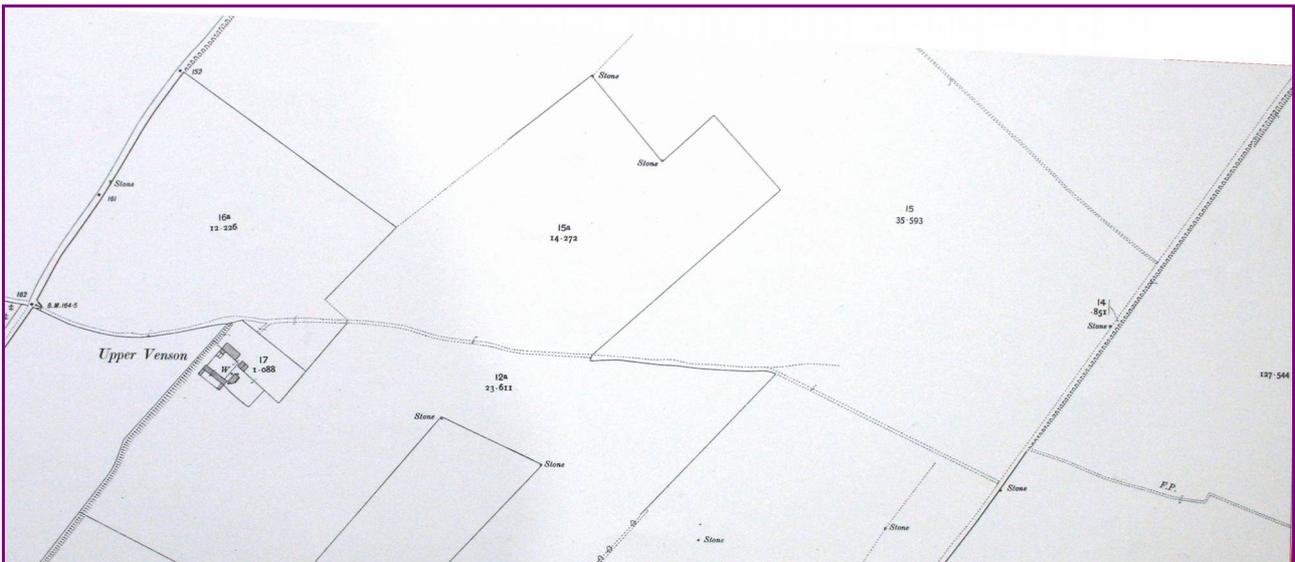


Illustration xl: OS 25" map sheet XLVIII 13 1905 (centre)

Extract 3 (east):

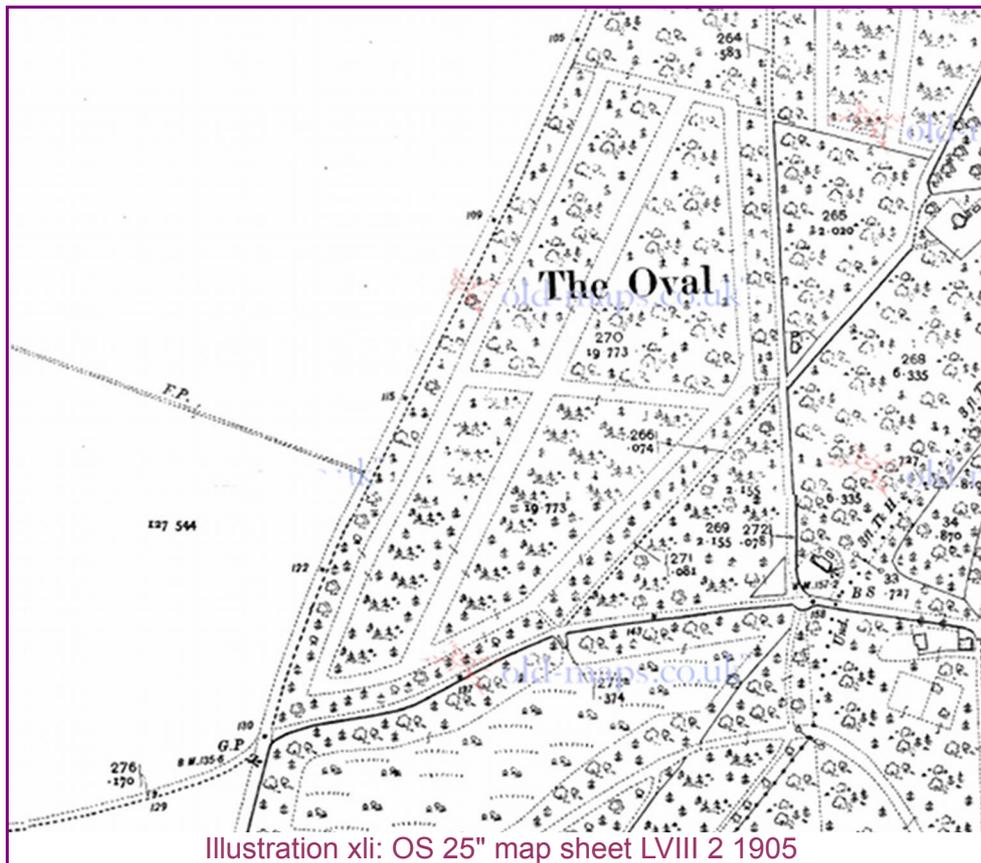


Illustration xli: OS 25" map sheet LVIII 2 1905

Description: Black Lane is shown as a continuous feature between A and the Dover Road at L. Between D and E, the map is marked 'S.F.P', which is likely to indicate that the parish boundary runs along the side of the footpath. Bench marks are marked at D and at the end of the first field east of E, and a boundary stone is marked at E. Between E and F, the way is marked as 'F.P.' (footpath). A further bench mark is shown slightly east of G. The historic route east of H is shown as ending short of Pike Road, and an alternative route along the headland is shown to a point south of I. Between J and L, the route is shown as 'F.P.' (footpath).

East of the Dover Road between L and M, the land has been planted to woodland, and no path is shown.

Conclusion: The Ordnance Survey second edition twenty-five inch map is good evidence for the existence of a defined way along the claimed route from A to K. The presence of two bench marks between E and F are some evidence of the public status of the lane. The second edition is the first map to attribute footpath status, documenting the decline in perceived status during the nineteenth century.

Points: 0

36 *East Kent mineral light railway*

Date: 1910

Source: Kent County Archives⁴⁴

Extract 1:

44 Q/RUm/1151.

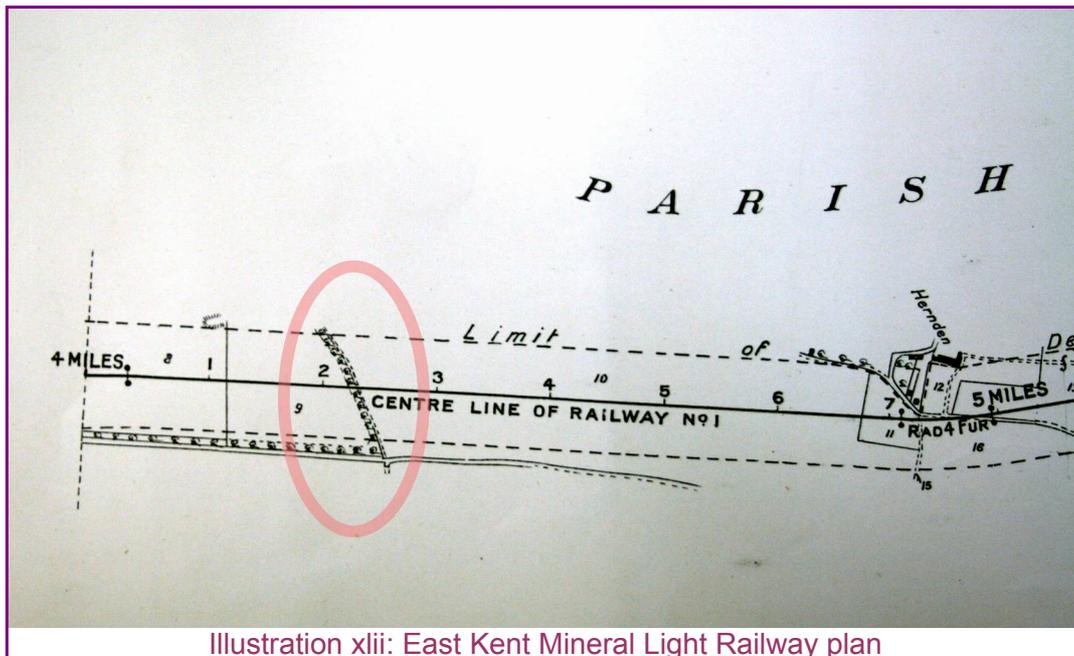


Illustration xlii: East Kent Mineral Light Railway plan

Extract 2:

9	Arable	Francis Elmer Speed	Whitehead, clerk In hand
10	Arable and public footpath	William Samuel Perry Kelly Patterson	Frederick Courtney Hogben	Frederick Courtney Hogben The Eastry Parish Council

Illustration xliii: East Kent Mineral Light Railway book of reference

Description: Originally called the East Kent Mineral (Light) Railway when first proposed in 1909, the undertaking later became generally known as the East Kent Light Railway. The promoters included Kent Coal Concessions Ltd, the original promoter of the Kent coalfield (see extract from highway board minutes at section 38 below). Built cheaply, the promoters appear to have minimised costs (for example, it is suggested that the bridge over the River Stour was built with a fixed span vice the swing bridge authorised⁴⁵).

Illustration xlii: East Kent Mineral Light Railway plan shows Black Lane as a physical feature which crosses the proposed line between plots 9 and 10 in Knowlton parish, at a distance of just over 4 miles and 2 furlongs from the point of origination in Eythorne. However, in common with other crossings for routes which were not perceived as public roads, no comment about the requirement for a crossing appears on the plan nor the elevation, and it must be assumed that a level crossing was planned.

Illustration xliii: East Kent Mineral Light Railway book of reference records for Knowlton parish that plot 10 was in the ownership of William Samuel Perry and Kelly Patterson, leased by Frederick Courtney Hogben, and in the occupation of Mr Hogben and Eastry Parish Council. The land is recorded as 'arable and public footpath'.

Conclusion: The plan and book of reference documents the course of Black Lane as a public footpath. This is consistent with the present status of Black Lane on the definitive map and statement (at G) as a public footpath. It seems likely that the survey was done

45 http://en.wikipedia.org/wiki/East_Kent_Light_Railway

without reference to the Eastry highway board and without sufficient diligence, for only three years later the railway undertaker was challenged by the highway board as to proper provision for a bridleway. Whereas acknowledged roads and bridleways across the proposed line were recorded as in the occupation of the Eastry Rural District Council (see, for example, entries 1, 2, 5 and 6 in Eastry parish), footpaths were recorded in the occupation of Eastry Parish Council (see, for example, entries 8 and 10), although there is no legal basis for such distinction. It may be that consultation on the entries for public footpaths took place only at parish council level, and that the highways board was not given an opportunity to comment.

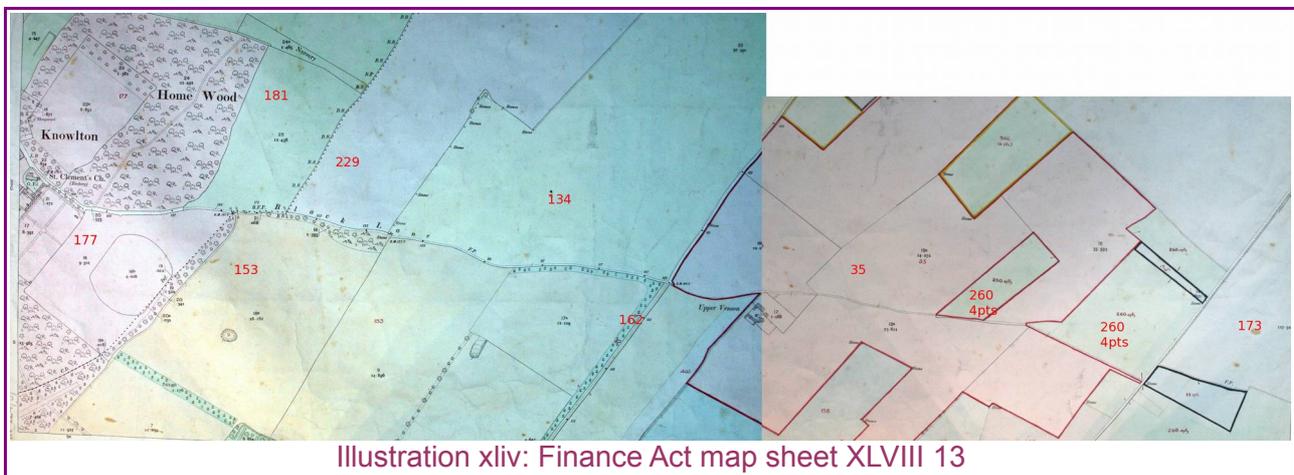
Points: 0

37 Finance Act maps

Date: 1911

Source: National Archives⁴⁶

Extract 1:



Extract 2:

46 IR 58/17321; IR 58/17469–71; IR 124/5/75

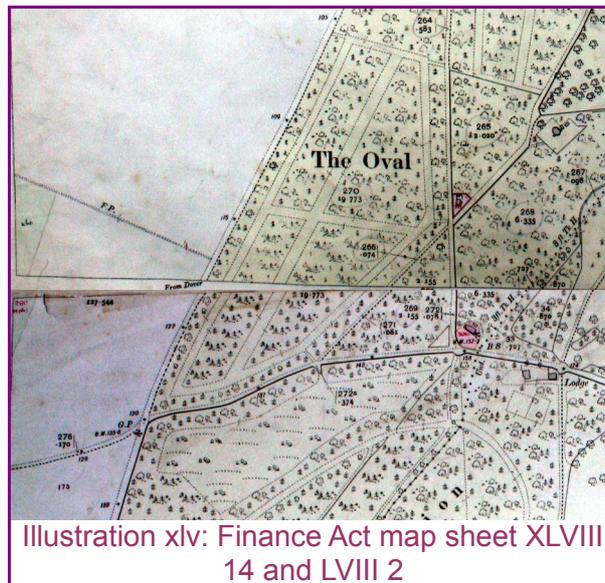


Illustration xlv: Finance Act map sheet XLVIII 14 and LVIII 2

Description: Black Lane is excluded from assessable hereditaments between A and F: the exclusion is less certain towards F, but on balance, it appears that the intention was to exclude the whole of this part of the way.

Parcel 177 (Knowlton Park, B to mid-way between C & D): Black Lane excluded from hereditaments; no deduction recorded for rights of way.

Parcel 181 (mid-way between C & D to E): Black Lane excluded from hereditaments; £50 deduction recorded for 'paths' (this may in part account for public footpath EE260 between Knowlton and Heronden).

Parcel 229 (first field east of E, but map shows field boundary between parcel 229 and Black Lane): Black Lane excluded from hereditaments; £50 deduction recorded for 'path' (this may account for public footpath EE260 between Knowlton and Heronden).

Parcel 134 (second field east of E to G): Black Lane excluded from hereditaments; no deduction recorded for rights of way.

Parcel 35 (G to approximately H): Black Lane not excluded from hereditaments; no deduction recorded for rights of way.

Parcel 260 (part) (approximately H to I): Black Lane not excluded from hereditaments; no deduction recorded for rights of way.

Parcel 173 (J to L): Black Lane not excluded from hereditaments; £150 deduction recorded for 'footpaths', and noted that 'rights of way claimed'. However, parcel 173 is included with a number of other parcels in the ownership of the Ecclesiastical Commissioners, and it is not possible to assign the deduction to any particular rights of way.

Parcel 11 (L to M): Black Lane not excluded from hereditaments. Field book extract not held.

Conclusion: the exclusion of Black Lane from the hereditaments between A and G provides strong support for its status as a public highway of some description, and the then owners' acknowledgement of that status.

The absence of exclusion of the remaining part of Black Lane between G and M, and the absence of any deduction for rights of way between G and I, does not demonstrate that no right of way exists, only that between G and I, no deduction was claimed for a right of way.

Points: 4 (as restricted byway)

38 Eastry highway board minutes

Date: 1913

Source: Kent County Archives⁴⁷

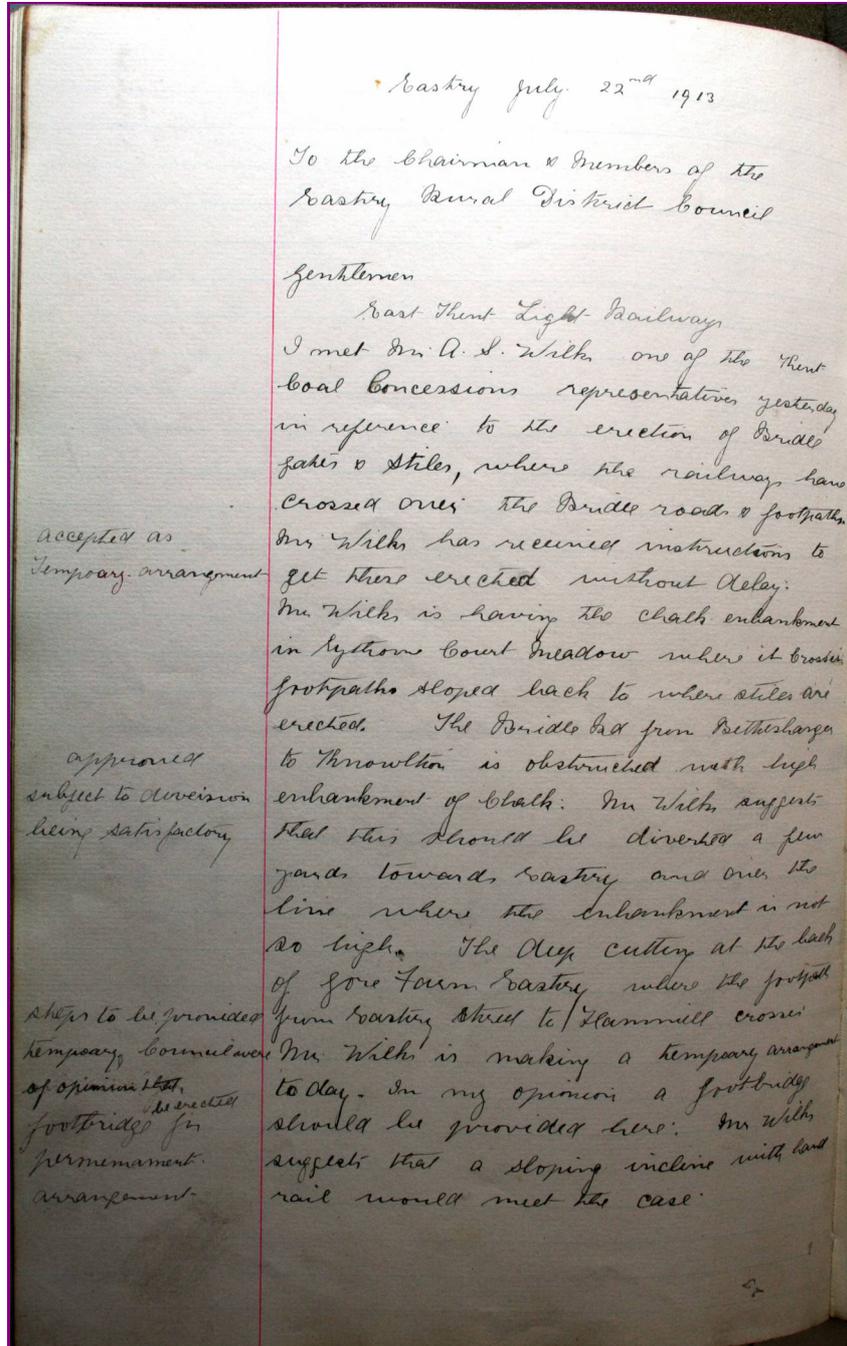


Illustration xlvi: Eastry Highway Board minutes: 22 July 1913

Description: The minute of 22 July 1913 records as follows:

“East Kent Light Railways

I met Mr A S Wilks one of the Kent Coal Concessions representatives yesterday in

47 RD/Ea/H6.

reference to the erection of Bridle gates & stiles, where the railways have crossed over the Bridle roads & footpaths. Mr Wilks has received instructions to get these erected without delay: Mr Wilks is having the chalk embankment in Lythorne Court Meadow where it crosses footpaths sloped back to where stiles are erected. The Bridle Rd from Betteshanger to Knowlton is obstructed with high embankment of Chalk: Mr Wilks suggests that this should be diverted a few yards towards Eastry and over the line where the embankment is not so high. ... [Comment in margin:] approved subject to diversion being satisfactory”

Conclusion: The highways board minutes record the belief of the surveyor to the board, and the board, that Black Lane was of the status of public bridleway between Knowlton and Betteshanger. The surveyor was concerned to ensure that the crossing of the light railway at F was made fit and safe for traffic on the bridleway, and this may have been done by means of a short and possibly informal diversion to enable a crossing more on the level. Alternatively, it is possible that little or nothing was done, and the crossing became difficult to use on horseback: this may have contributed to the decline in use of Black Lane in the twentieth century.

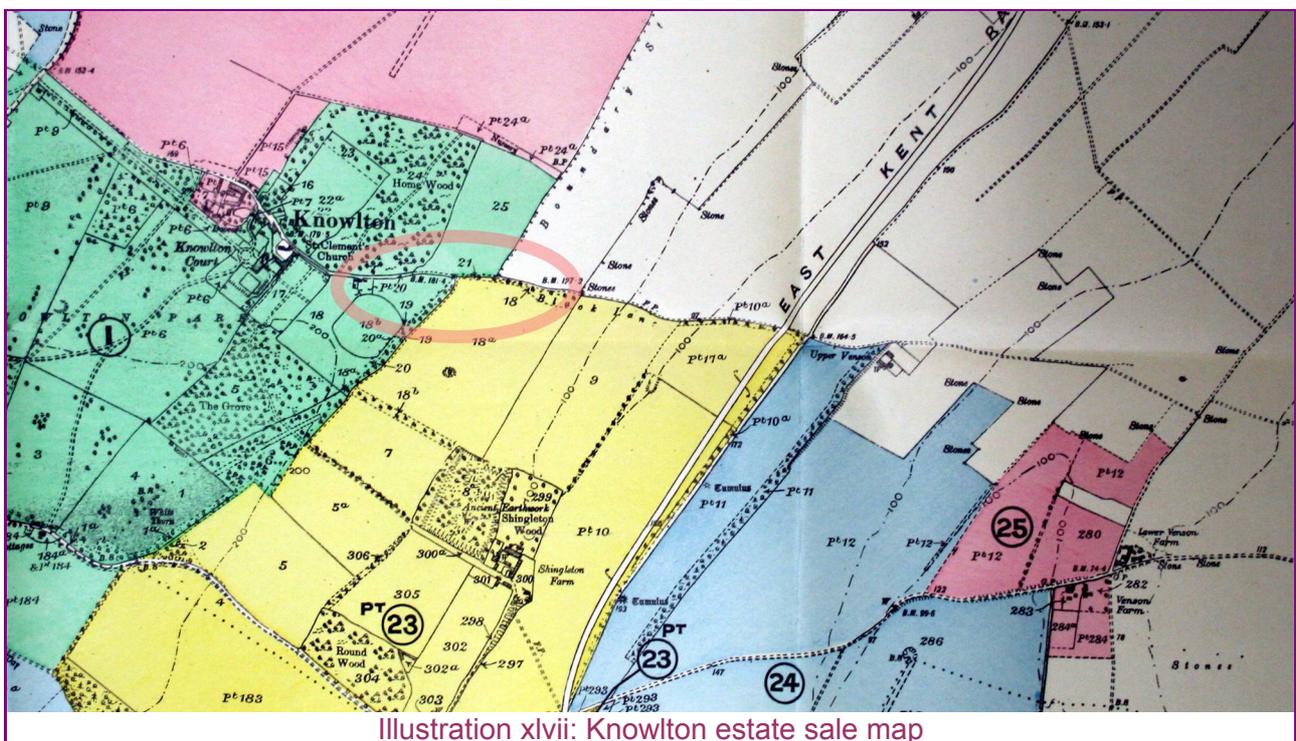
Points: 3 (as bridleway)

39 Knowlton Estate Sale

Date: 1930

Source: Kent County Archives⁴⁸

Extract 1:



48 R/U1/E1/286

Extract 2:

PARTICULARS.

**The Whole Estate with the Minerals will first
be offered in its entirety.**

LOT 1
(Coloured Green on Plan)

The Well-known Residential Property
of
KNOWLTON COURT
pleasantly situated on the chalk downlands and standing in a finely timbered park
extending to an area of about

282 a. 2 r. 19 p.
(282.618 acres or thereabouts).

SCHEDULE.

No. on Plan	Tenant	Description	Area	Total Area
Pt. 20 24		Road Home Wood368 22.492	
6 21		PARISH OF EASTRY. The Grove (Part)... .. Track	7.468 .068	

LOT 23
(Coloured Yellow on plan.)

The Compact Corn Growing and Sheep Holding
known as
Shingleton Farm
situate in the parishes of Eastry, Nonington and Tilmanstone, adjoining Knowlton
Park on the West and extending to

361 a. 1 r. 6 p.
(361.288 acres or thereabouts.)

No. on Plan	Tenant	Description	Area	Total Area
2		PARISH OF EASTRY Copse	1.065	
8		Shingleton Wood	8.864	
Pt. 10a		Belt550	
Pt. 10a		do.	2.953	
Pt. 10a		do.850	
18		Copse	1.395	
18b		Belt	1.176	
304		Round Wood	8.491	
306		Belt795	

Illustration xviii: Knowlton Estate Sale lots 1 & 23

Description: The Knowlton Court Estate was sold by auction on 26 July 1930. An Ordnance Survey map was marked with the details of lots to be sold: *Illustration xvii: Knowlton estate sale map*. Lot 1 included Black Lane: relevant parcels are 20 marked (*Illustration xviii: Knowlton Estate Sale lots 1 & 23*) as 'Road' between A and D, and 21 marked as 'Track' between D and E. Lot 23 may have included Black Lane east of E within parcel 18 marked as 'Copse', but the map is indistinct. The rest of Black Lane east of

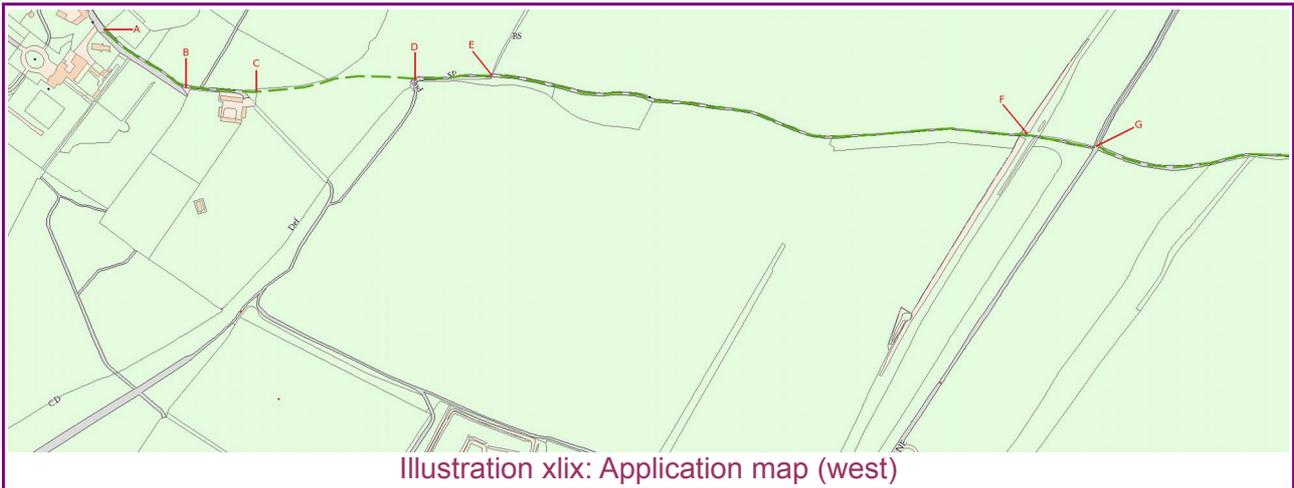
parcel 18 is not within the estate sale.

Conclusion: The estate sale particulars are ambiguous regarding the status of Black Lane: the reference to parcel 20 as a road may or may not have intended to refer to a public highway: the reference to parcel 21 is similarly ambiguous.

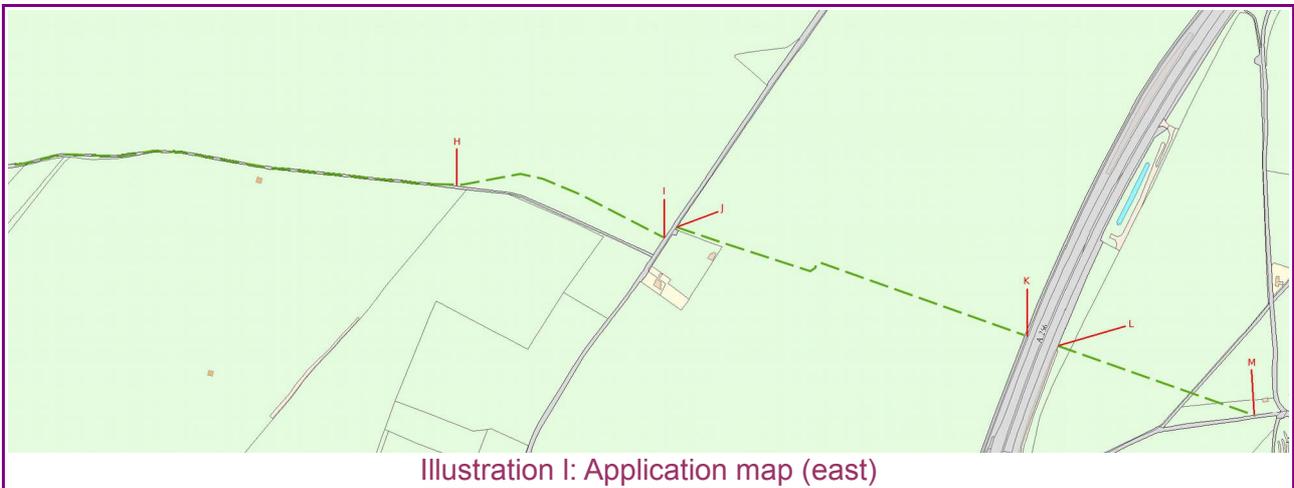
Points: 0

40 Application map

West:



East:



Notes:

Scale: approx. 1:6,200 (when printed A4)

Application route is marked 

