

A Right To Roam *by Marion Shoard*

(Oxford University Press, 1999)

Sample Sections

From Chapter 2: *Forbidden Kingdom*

Britain's countryside is famed for its diversity. Field, wood, and down still mingle as in a Constable painting, though industrialized agriculture and forestry have transformed much of the landscape. At the same time there are also the rolling moors of the north and west, featuring peat bog and sub-arctic plateaux. There are heaths and marshes, lakes and rivers, and many different kinds of coastland. Attempting to penetrate these different kinds of countryside in the face of the law of trespass gives rise to difficulties of very different character and degree.

Fields

Of our different kinds of countryside, farmland is the most extensive. Forty-seven per cent of the land of the United Kingdom is enclosed as fields. Just over half of this land is under grass for sheep and cattle and a small amount for horses. Much of the remainder, under crops, is also ultimately committed to stock-rearing as the barley, wheat, and oilseed rape it grows are used for animal feed. Wheat for breadmaking covers a small part of our crop land and a small but growing area of arable land is used in the production of industrial products like plastics and diesel oil. About 4 per cent supports vegetables and fruit.

Down on the ground, our fields vary far more widely than these blanket figures on their use suggest. Bounded by hedgerows, stone walls, or barbed wire, Britain's farm fields may be angular expanses of corn and oilseed rape in Essex, rich cattle pasture in Galloway, or tiny meadows snugly enclosed by fuchsia hedgerows in County Antrim. Their agricultural function may be considerable, but, embodying the living expression of one of the most enduring forms of human endeavour, they offer endless fascination to the walker. Because they cover so much of our countryside, they also embrace a wealth of equally enticing associated features—ponds and hedgerows, spinneys and streams, which house much of our wildlife. In the fields stand visible archaeological remains - anything from Bronze Age burial mounds and stone circles to the remains of medieval fish ponds and Second World War pill-boxes. Agricultural imprints too, from prehistoric field boundaries to medieval ridge and furrow, cart-sheds to oast houses and the elaborate machinery of today tell the fascinating tale of the leading part our nation has played in the history of cultivation.

Marion Shoard:

Writer | Broadcaster | Lecturer
www.marionshoard.co.uk

This treasure-house of interest and charm might be expected to attract many curious visitors. Yet the fields of Britain today are striking for their emptiness. At most you glimpse the occasional man with a gun or somebody perched in a tractor; occasionally a solitary line of ramblers snake their way in single file along a fieldpath. The rest of us keep out. Far from treating farmland as an interesting place to be, like the city streets, we treat it as something we expect to view only from the outside. Farmers like to tell us it is their factory floor, the theatre for sensitive operations which urban intruders would disrupt. With the authority of the law of trespass behind them, they back up this message with fences, forbidding notices, and threatening men with guns. Most of us accept our exclusion unquestioningly. Yet it need not be this way.

Elsewhere, particularly in the Third World, farmland is thronged with people, who are not only working it but using it as a place for recreation. In Britain too, farmland was once much more than a sterile production line for agricultural products. I have talked to country people in Lincolnshire, Bedfordshire, West Yorkshire, Suffolk, and Norfolk who have recalled that as recently as the 1940s, people in their country areas often walked freely over meadows once the hay was cut, and picnicked or gathered mushrooms in fields otherwise used for grazing. They walked over arable fields after the last corn had been taken off, crunching the hard stubble underfoot and stopping to admire the tiny wild pansy flowers nestling between the rows. When crops were standing, people simply kept to the field edges and gathered elderberries and blackberries from the hedgerows.

Today, however, farmland has stopped being the natural environment of the community and become merely a tool of businessmen. We are excluded from a field of sheep as thoroughly as from a field of wheat, and the edges of fields, once a universal thoroughfare, have been taken from us with the fields themselves. It makes no difference whether a crop is fully grown or just harvested, whether the land is lying fallow or being 'set aside' in return for public subsidy. Nor whether the farmer has left a wide margin round the field edge for his own use. Farmland is no longer a space in which we all have a stake.

It is not that people are more of a threat to agriculture than they were in the past. It is just that farmers today have a different attitude to the presence of their fellow men and women in their fields. The old pre-war mixed farming regimes, with corn and root crops, sheep, cattle, hens, and geese all reared on the same holding, lent an air of easy-going informality which has been driven out by more industrialized post-war methods. As farming has become far more specialized, farmers have reshaped the environment to cater for its changing demands, ripping out natural features like hedgerows, ponds, spinneys, and streams and in the process denying the rest of us the chance of using the fields to collect wild produce, catch tadpoles, and move around the countryside in an informal, unregimented way. On today's vast, monstrous expanses of prairie and pasture, farmers seem to consider that walkers would be an untidy intrusion.

Such access as now exists to the fields depends almost entirely on the predetermined routes provided by roads and public paths. Roads through farmland are punctuated with signs varying in style from county to county (a green metal sign with 'public footpath' written in white in Buckinghamshire; a small arrow with a walking figure but no indication of the status of the path let alone its destination or the distance in South Gloucestershire, for example) which mark the point at which a public path jumps off through the fields. For walkers these routes are welcome as the only real way into the fields. Sadly even the access they can offer is limited. There are very few public paths across farmland in Scotland or Northern Ireland, and even in England and Wales, many of them are obstructed. Take a walk in the predominantly sheep and cattle-rearing countryside of central Carmarthenshire, say, and you will encounter countless public paths blocked with wire fences or smothered in natural vegetation. There are others marked on the map of which no trace remains on the ground. Dyfed's County Footpaths Officer told me in 1992 that three out of five paths in Dyfed (the Welsh administrative unit which then included Carmarthenshire) were obstructed; what often happens is that 'when a farm changes hands new fences go up. They are just thrown up.' Walkers in arable areas like lowland England face a different difficulty: paths that go invisibly through the middle of a ploughed field or an expanse of crops. If tall crops like maize, peas, or rape have been grown over the path's surface, or if no indication of its position exists amongst deep muddy plough ruts, only the most determined and fit walker will carry on. More than a quarter of a sample of 11,308 paths in Essex surveyed by volunteers for the local Ramblers' Association branch in 1995, for example, were obstructed either with growing crops or ploughed earth. Missing signposts, stiles, and footbridges either absent or in poor repair were common problems.' The picture varies somewhat depending on the vigilance of local authorities in enforcing footpath law. Thus surveys in 1993 and 1994 by the government agency responsible for promoting rural conservation and recreation provision in England, the Countryside Commission, found that West Sussex, Cleveland, Derbyshire, and Berkshire contained fewer paths which were unusable or in poor condition than Shropshire, Norfolk, Warwickshire, and North Yorkshire.'

The distribution of farmland paths is also highly variable. Today's network of public footpaths and bridleways results largely from the communications patterns of past centuries. In former wetlands which were drained relatively recently for agriculture and where movement had hitherto been by boat-like the Somerset Levels, the Wentlooge Levels between Cardiff and Newport, the Fens, and Thorne Moor near Doncaster - there are today very few public paths. In contrast, long settled farmland characterized by a scatter of farmsteads like that of the Gilbert White and Edward Thomas country around Selborne and Steep in north Hampshire, or much of Herefordshire, Essex, and Denbighshire is usually penetrated by a spider's web of paths. Different again in their pattern and density are the paths of the Midlands, where history has left paths fanning out across farmland from nucleated villages like the spokes of a wheel. In lowland Scotland there are not only few paths, but abundant fencing and the practice of sowing crops right up to field boundaries make trespassing more difficult than elsewhere.

Where public paths do exist, their presence, welcome though it is, actually serves to reinforce the idea that away from these routes the fields are off limits. Desperately important though they are in enabling us to penetrate farmland at all, they have nonetheless served to legitimize our exclusion from the farmed landscape as a whole by their implicit message that if we are in the fields we ought to be on a public path.

Just occasionally people can set foot over a whole field, at least on specified days of the year. This is rarely an ordinary field, however: more likely it is a field over which its owner, whether private landowner or organization like say a county naturalists' trust, has entered into a special agreement such as countryside stewardship in which he, she, or they guarantee that they will farm the land in a certain way. An access option is part of the menu of such agreements and in some cases landowners have taken advantage of it. Travel to the village of Dymock in north-east Gloucestershire in early March, for instance, and you will find certain meadows over which the Gloucestershire Naturalists' Trust has entered into a countryside stewardship agreement in order to allow the wild daffodils which still grow naturally in this area to flourish and where they also permit public access. Similar agreements with access also allowed apply to a few fritillary meadows in Wiltshire and cowslip and orchid meadows in Suffolk, for instance. But all these spots are very few and far between, and they make up only the tiniest proportion of the countryside.

As a result of all this, few of us would think of setting out to roam the fields as our ancestors or even our parents would have done. If we fancy a walk in the lowland countryside which makes up most of Britain we are more likely to head for woodland. A walk in the woods - and woodland still covers 10 per cent of the United Kingdom - still sounds like a reasonable ambition. So what are the prospects of achieving it?

From Chapter 3: The Roots of Exclusion

The Privacy of the Park

The thirst for profit which drove the enclosure process was not to be the only force fuelling exclusion from the countryside. By the eighteenth century, the now all-powerful landowning class had come to develop another interest in their holdings besides their potential for profit. The notion of a pastoral sanctuary from the cares of the world, first popularized in the Tudor and Stuart periods, began to appeal to the only people now in a position to put it into effect - the countryside's large-scale owners. They realized that as well as providing economic benefits, their land could give them a particular kind of pleasure, which because it was becoming fashionable could also enhance their status. Unfortunately for the rest of the population, satisfying this new need was to require even more rigorous steps to exclude outsiders. Interest grew in the creation of spacious and peaceful rural enclaves in which landowners could retreat for their own private pleasure. These sanctuaries would be designed not for profit but as 'amenities' -- for relaxation, quiet reflection, and creating an impression.

Throughout the length and breadth of Britain landowners began hiring men like Humphry Repton and Capability Brown to help them fashion a new kind of landscape in the immediate environs of the mansions they built at the heart of their holdings. In these special areas, utilitarian functions would be specifically excluded in favour of aesthetics. Totally separated from the working agricultural areas of the estates they adorned, Arcadian reserves began to appear, each an idealized vision of the pastoral landscape of the Classical world, dominated by acres of verdant pasture with trees, here singly, there in small groups or copses, and studded with mock Roman temples and columns. These parks were frequently adorned with one or two wide lakes crossed by bridges modelled, as at Blenheim for example, on ancient originals. Central to these parklands was the idea that they were private spaces, to be enjoyed by the privileged in the knowledge that their enjoyment would be exclusive. Very few parks included any provision for a right of passage for anybody other than their owners and those whom they chose to invite in.

Necessarily the boundaries of such a space needed to be clearly demarcated. This was usually achieved by the building of a high wall encircling the entire domain, punctuated by gates often topped by sculptures of lions, stags, or urns. This wall did not simply mark the boundary of the sanctuary. Landowners knew their parks might need to be physically defended from those their exclusiveness mocked. The eighteenth century was known for its riots: there were corn riots in 1757, the Gordon riots in 1780, which had involved attacks on country houses close to London, then the horrors of the French Revolution. The high wall, the guarded gates, the long drive, and the extensive, defended quietude of a park came to symbolize the divide that had emerged between privileged landowners and the dispossessed majority even more dramatically than the enclosed fields and woods. 20

Appropriately enough, some of the eighteenth-century landscaped parks took in and extended medieval deer parks of the kind which had first stamped the notion of exclusion on Britain's landscape. However, people had been shut out of deer parks as they were shut out of the fields and woods under enclosure to facilitate production. The new decorative parks required outsiders to be excluded for the very purpose of bestowing exclusivity on the space involved. The notion of a rustic retreat in which a privileged individual could remove himself from sight or sound of the ugliness of the age appealed to people who were not already rural landowners. The park became the status symbol of choice for successful townspeople who wanted to flaunt their achievement. With the cult of the park, the idea of excluding others from attractive landscape became an end in itself.

Enclosure had meant removing people from fields and woods. To create parks, landowners were quite ready to remove people from their homes as well. When Charles Howard, the 3rd Earl of Carlisle, decided to lay out a park round the newly built mansion of Castle Howard in Yorkshire in the early part of the eighteenth century, he had part of the village of Hinderskelfe levelled to make way for it. The rest of the village was drowned by a new ornamental lake.²¹ No records tell of any replacement housing being provided for the people of Hinderskelfe, but in other cases landowners chose to keep a peasant workforce within reach if at arm's length.

At Harewood in Yorkshire, Ickworth in Hertfordshire, and Nuneham Courtney in Oxfordshire, to name but a few, replacement dwellings were provided outside the park wall. At Milton Abbas in Dorset, forty white cob and thatch cottages were built to house more than 100 households evicted from a town with its own school, pubs, church, and shops so that Lord Milton could enjoy a park fashioned for him by Capability Brown. Each new semi-detached cottage had to be partitioned to hold four families and up to forty inmates. Over half of the parks and gardens of Hampshire contain village earthworks or an isolated parish church, and the majority of these features were probably the direct result of park creation. 22

Countless public roads and paths were moved aside to make way for parks. In a book entitled *Polite Landscapes* (since the eighteenth century park was to be considered 'the landscape of polite exclusion'), historian Tom Williamson writes, "It is extremely difficult to estimate the number of roads and footpaths affected by emparking but the total must certainly have amounted to several thousand miles, particularly as the long and complex development and staged expansion of the larger landscape parks could (over a period of time) involve the closure of as many as five or ten separate rights of way. Although closed to the public, however, such roads did not always disappear entirely from the landscape. Running as they so often did past the front door of the mansion, they were often retained as one of the principal entrance drives, thus economising on the cost of park-making."²³ Focusing on one county - Shropshire - landscape historian Trevor Rowley observes: "The importance of the creation or extension of landscaped parks on the contemporary landscape cannot be overestimated. Many villages were abandoned, moved and radically changed because of emparking, and there are numerous examples of major and minor road diversions throughout the county brought about by park schemes from the sixteenth century onwards." ²⁴

The parks thus imposed a new set of obstructions on free movement through the countryside. But not for all. Since a large part of the point of the parks was to enhance their owners' status, they liked other people to visit them - so long as these people were sufficiently important to be worth impressing. Celia Fiennes, a member of the family of Viscount Saye and Sele, chose to tour estates from Penzance and Dover to the Scottish border between 1682 and 1712.²⁵ She found no difficulty in viewing many fine parks whether or not the landowners were at home: most of them left standing instructions with their lodge-keepers to permit access to the park to people well connected in society. The idea therefore began developing not just that the owner had the right to exclude, but that he had the right to waive this right as and when he chose in respect of those he chose to favour. This was to come to seem more like an enhancement of the owner's power over access than a diminution to those who remained shut out.

Only in the most exceptional cases were ordinary people allowed into a park. Charles I did go too far when he created a new royal park at Richmond in Surrey in 1637 which took in six parishes and included much land subject to common rights. The new park was too near London to escape becoming the subject of discussion in the capital, and Charles finally bowed to public pressure and permitted gates and step-ladders over the walls so that local people could continue to collect firewood. Charles II opened Hyde Park and St James's Park to the public to secure popularity, though Queen Victoria felt confident enough to withdraw this concession in part by excluding from St James's Park lowly members of the public like soldiers. 26

Because of the sheer size of the parklands surrounding eighteenth-century country houses it is easy to think of their owners as isolated in their spacious domains. The opposite was the case. The Georgian period saw landowners developing consciousness of themselves as a distinct social group, marked by nascent customs and habits. An increasingly formal pattern of social intercourse based on the country seats was accompanied by the annual ritual of the London Season. Everyone knew everyone who mattered, as the numbers involved were small: the core group was the English nobility, who then comprised only 170 individuals knitted together by intermarriage; beyond them the gentry comprised some 890 knights and baronets and 6,000 esquires. As these men and their entourages moved from country house to country house with different but similarly designed country parklands unfolding at the drawing-room window, the idea of country landowners as a special breed began to take shape. This was not, however, only an age of conspicuous leisure (and conspicuous consumption) for the privileged. It was also the Age of Reason, the time when the sons of the elite embarking on the Grand Tour were encouraged to give thought to the way the world was organized. Inevitably the new landowning class therefore turned its attention to considering the legitimacy of its own privilege, which needed of course to be squared with the Christian religion which they remained dedicated to upholding.

§ - Ends -- §