

**IN THE MATTER OF AN APPLICATION FOR THE REGISTRATION AS A TOWN OR VILLAGE GREEN OF LAND KNOWN AS “BELLE VUE PLAYING FIELDS” AT BELLE VUE, CONSETT, COUNTY DURHAM**

**ADDITIONAL RESPONSE OF THE APPLICANT TO THE INSPECTOR’S THIRD REPORT**

1. Following a personal visit by a member of the Consett Green Spaces Group to the National Archives in Kew, I present new evidence which relates to the purposes for which Consett Urban District Council acquired the 44 acres at Belle Vue, and evidence that whilst some parts of the land were purchased and held as public walks and pleasure grounds, other parts were purchased and held as allotments.
2. I believe that this evidence supports my earlier submission in so far as it evidences more than one statutory purpose for which the land was held. The evidence also disproves my previous belief that the land developed as the Dale Avenue housing development (now the Oakdale Estate) was probably not held as public walks and pleasure grounds.
3. The first letter in the series of letters and notes appended to this document (NA1 & NA2) dated 22<sup>nd</sup> November 1935 - more than six months before the completion of the purchase of the 44 acres - makes it clear that the council purchased the land with only two immediate requirements for it. One is in paragraph 3 where the council is described as having already started work on a road described as “Hartington Street Extensions”, the other in paragraph 5 where the

land is described as suitable for building housing “to-day”. This land was the 6.801 acres which would become the Dale Avenue/Oakdale Estate by 1938.

4. Other than that the council intends to build a second road, Dale Avenue (marked as a track on the original conveyance, Appendix 7 to the Inspector’s First report) which is now Ashdale.
5. It is only in very general terms that, in paragraph 4, “it is anticipated” that the council will need to “extend” the playing facilities which it had recently created in the land to the South West of the Dale Avenue Estate, marked “Recreation Ground” and clearly shown on the 1938 Ordnance Survey map submitted to the inspector with my initial submission.
6. In addition the council states that it wants to make use of the shale and clinker for footpath and other works, intends to continue to let both the allotments and the rest of the land for income, and has an eye to selling off land on the outer fringes for building.
7. It is clear that this is an “opportunist” purchase. It states quite frankly that the council “do not require this land immediately”, and they “would not have bought it now had it not come on the market.” It is clearly not a blueprint to create extensive public walks and pleasure grounds, though it does anticipate the use of some of the land to extend its existing playing facilities.
8. Notes from the Ministry of Health (NA3 & 4) which follow show internal disagreement about the suitability of the 6 acres land referred to in para 3 for immediate housing, and the possibility of the council purchasing part of the land under one statutory authority with

prior agreement to using the device of appropriation for housing when convenient.

9. The responding letter from the Ministry of Health on January 2<sup>nd</sup> 1936 (NA5) asks for a plan distinguishing “the various purposes in view”. The clear implication of this is that the Minister recognises that there is not a single or unified purpose for the purchase of the land.
10. By February 12<sup>th</sup> (NA6) the Minister approves the purchase in principle, but does not accept the suitability of any of it for building for some time, and suggests a formula of the purchase being “regarded as” for two statutory grounds – as public walks and pleasure gardens **and** as allotments. A later note by a civil servant (see para 15) makes it clear that the description of parts of this land as public walks and pleasure grounds is “nominal” and “mainly classed such for convenience of purchase”. The letter from the Ministry of Agriculture makes it clear that the purchase of parts of the land for allotments will be subject to the financial requirements of the Allotments Acts, 1908 to 1925.
11. In this letter the Minister of Health requests a revised plan with a clear division between two classes of use; public walks and pleasure grounds **and** allotments.
12. The Minister of Health clearly gets the plan he has asked for because his letter of 21<sup>st</sup> April 1936 (NA7) refers to it and the plan’s onward transmission to the Minister of Agriculture. The Minister of Agriculture’s view is that the area allocated for allotments is inadequate. The letter requires a new plan, with accurate figures, distinctive colouring and revised allocation between allotments and public walks and pleasure gardens.

13. This, then, is the position just days before the Council and the Trustees of Christ's Hospital in Sherburn sign the conveyance of the 44 acres on May 9<sup>th</sup> 1936.
14. In the light of this it makes complete sense that the formula used in the conveyance is that the land is conveyed to the council "for purposes for which they are authorised by statute to acquire land". There was not a single purpose, there were *purposes* (plural) and so more than one statute involved.
15. The next papers submitted (NA8-11) are minute sheets from section IIA of the Ministry of Health (which appears to have been sympathetic to the council building housing at Dale Avenue from the outset) and show that Consett UDC continued to lobby hard for the use of the Dale Avenue area for housing. They get their wish with rapid agreement to appropriation of the land for housing – a route originally signalled by section IIA in December 1935. Clearly the site intended for the Dale Avenue housing estate had been included as "public walks and pleasure grounds" because a handwritten note from the ministry reads: "Altho this land was nominally required for p.w.p.g. it was mainly classed such for convenience of purchase."
16. This explains what I considered improbable in para 4 of my Response to the Inspector's Third report - that Consett UDC should purchase land already in use as allotments for the purpose of creating public walks and pleasure gardens, and then almost immediately appropriate it for housing. The trail provided by this correspondence shows exactly why the council would do that – because it had a prior indication from the Minister of Health that he would approve an appropriation for housing. The council had no such indication from the Minister of

Agriculture, and it was therefore in the council's interests to designate that section of land as "public walks and pleasure grounds" in its allocation.

17. It is a matter of great regret that the files at the National Archive contained none of the plans referred to by the Ministry of Health, and clearly supplied to it, showing the detailed allocation of land within the 44 acres. The only plans stored within the file were a range of plans for the Dale Avenue Estate. What we do know, however, is that 6 acres of the land designated as public walks and pleasure grounds comprised the Dale Avenue site. The Inspector has already concluded that other areas were indicated by the conveyances produced by the objector all of which referred to the Western side of the land. What we have no details of is the final allocation between public walks and pleasure grounds and allotments at the time of purchase, and how that relates to the land subject to the Village Green application.
18. The crux of the inspector's third report, I believe, is in paragraph 23; that is his conclusion that in the absence of sufficient evidence suggesting that different parts of the land were held for distinct statutory purposes he is led to support the inference which the objector seeks him to make that the whole of the land was held for the purpose of public walks and pleasure grounds.
19. I hold that the evidence found within the papers of the Ministry of Health at the National Archive provides compelling contemporaneous evidence that the whole of the 44 acres of "land at Number One" was **not** purchased or held exclusively for the purpose of public walks and pleasure grounds. That being so, it is not possible to determine that all

or any of the application land was held as such, and therefore its users used it “as of right” rather than “by right.”

20. I therefore urge the inspector to recommend the Commons Registration Authority to register the application land as a village green.

John Campbell  
81 Villa Real Road  
Consett  
DH8 6BL

CONSETT URBAN DISTRICT COUNCIL.

NA1

Consett,  
Co. Durham.

22nd November, 1935.

The Secretary,  
Ministry of Health,  
Whitehall,  
London, S.W. 1.

Sir,

Land at Number One, Consett.

I enclose herewith the report of the District Valuer upon 40.44 acres of land which the Council desire to purchase, and second plan (numbered 2) and a copy of the resolution of the Council applying for sanction to borrow.

I am to say that the Council do not require this land immediately but anticipate they will need it within the next three or four years. They would have not bought it now had it not come on the market.

Some of the land is covered with Shale Heaps and is of no particular value for any purpose except that we want the shale and clinker for footpath and other works. 9.776 acres of the land is at present held by the Council as allotment land for which they pay a rental of £25. 10. 0. per annum.

The remainder of the land is held by a tenant who pays an inclusive rental of £50 per annum for it and a nearby house and grounds. He sublets and until the Council develop the land themselves they should have a minimum income of from £20 to £25. from this part of the land.

The reasons actuating the Council in deciding to purchase the land are these:-

1. They feel that this valuable site which cannot be purchased in small portions, should be owned and developed by the Council as a whole.
2. It is the intention of the Council to lay out the road marked Dale Avenue on plan No. 2 which abuts their Recreation Ground and is on the line of a footpath and they would have to purchase land for this purpose.
3. A further road is already projected and indeed is commenced, and this is shown by dotted lines on the south-east corner of the plan marked Hartington Street Extensions.

Although the site is probably unsafe a portion of it roughly indicated in pencil on plan No. 2 has already been sold for building purposes and further sales on the outer fringe are likely to develop.

HISTORIC INTEREST.
SAMPLE

4. The Council has recently provided a Recreation Ground which abuts upon Dale Avenue and it is anticipated that it will be necessary to extend this if proper playing facilities are to be provided and these facilities can only be obtained by the acquisition of the land the Council are now purchasing.
5. The portion of the site containing 6.801 acres shown on plan No. 2 and there marked "A" is suitable for housing to-day notwithstanding the District Valuer's report. The Council have obtained an independent Mineral Valuer's report a copy of which is herewith. It is doubtful if the coal owners dare let down houses as it is by no means certain that they can do so without liability to pay compensation.

I am, Sir,

Your obedient Servant,

(Sgd.) H. JACKSON.

Clerk.



Div. IIa.

Some of the land is mooted as for Housing. The D.V. reports unfavourably on this but Council maintain it is suitable.

May we have your observations on the appln. please.

(Intld.) R.G.B.

2.12.35.

I.E.2.

Matter discussed with Mr. Howes.

Housing sites will be needed in this district and there is always the mineral difficulty. Having regard to the Mineral Valuer's latest report and to the recommendation regarding major precautions Div.IIa. will be prepared to consider an application for appropriation of part of the land for housing purposes or if you prefer purchase directly for that purpose - on apportionment of price.

(Sgd.) A.M. Foster.

IIa.

5.12.35.

Div. IIa.

Please see draft annexed of our proposed reply to Council.

Also please see Mr. Taylor's (Engineering) minute of 16/12. Do you wish to add to either your minute or to the draft letter please?

(Intld.) R.G.B.

24.12.35.

Discussed with Mr. Howes. They are satisfied as to the housing land.

(Intld.)

2.1.36.

IE2.

I have discussed this with Mr. Croft: it is desirable that there should be a visit to see if the land is suitable for recreation purposes and what work, if any, will have to be carried out to make the land suitable - also to ascertain for what other purposes apart from recreation and housing the land is required.

? Arrange visit as soon as possible.

(Sgd.) J.R. Taylor.

2.1.36.

Proceed accordingly.

(Intld.)

2.1.36.

Ministry of Health,  
Whitehall,  
S.W.1.

2nd January, 1936.

Sir,

Land at No.1 Consett.

I am directed by the Minister of Health to refer to the proposal of your Council to acquire the above-mentioned property, and to state that before coming to a decision he proposes to direct one of his Inspectors to investigate the matter locally when in the District on Wednesday, the 8th instant. In the meantime a plan should be prepared showing by distinctive colouring the proposed allocation of the land for the various purposes in view.

The Minister will also require to be informed of the statutory authority upon which the Council rely for power to construct the streets referred to in Nos. 2 and 3 of your letter.

I am, Sir,  
Your obedient Servant,

(Sgd.) A.M. Legge.

The Clerk to the Urban District Council,  
Consett.,  
Co. Durham.

2/6724.

Ministry of Health,  
Whitehall, S.W.1.

12th February, 1936.

Sir,

Land at No.1 Consett.

I am directed by the Minister of Health to state that he has had under consideration the report of his Inspector, Mr. R. Neilson, after his visit in respect of the above-mentioned matter.

The Minister approves the proposed purchase in principle but he is of opinion that no part of the land should be used for housing or other permanent buildings until final settlement has taken place. It is suggested therefore that the acquisition should be regarded as for purposes of public walks and pleasure grounds and for allotments. With regard to the latter purpose, it will be necessary before any loan is sanctioned for this purpose for this Department to consult the Ministry of Agriculture, and to enable this to be done the Minister will require a plan showing the area which is to be used for open space and allotment purposes respectively and excluding that portion in the south-west corner which it is understood has already been sold.

I am, Sir,  
Your obedient Servant,

(Sgd.) A.M. Legge.

e Clerk of the Consett  
Urban District Council,  
Consett,  
Co. Durham.

-/760

NA7

21<sup>st</sup> April, 1936.

IE.1002/8724.

IE.1002/8724.

Sir,

Sir,

Member of the Council

Land at No.1 - Consett.

I am directed by the Minister of Health to refer to the above mentioned matter and to state that he has now heard from the Ministry of Agriculture. While that Department recommends that consent be given to a loan for the purchase of land for allotments, subject to the financial requirements of the Allotments Acts, 1908 to 1925 being complied with, the opinion is expressed that the area proposed to be allocated for allotments is inadequate having regard to the area of the site being purchased which is at present under cultivation as allotments, and the fact that the remainder of the allotments in the district are of a temporary character. It is accordingly suggested that the Council should consider making a substantial addition to the area allocated for permanent allotments, as it may be difficult to satisfy demands for allotments at a later stage. The Minister should be informed of the result of the Council's further consideration of this point, and with a plan, in duplicate, shewing in figures and distinctive colouring the revised allocation of the site between allotments and public walks and pleasure grounds.

I am, Sir,  
Your obedient Servant,

(Signed) A. M. LEGGE.

Member of the Council  
Consett District Council,  
Consett,  
Co. Durham.

MINUTE SHEET.

Reference... IIA/1002/760.

NA8

The deputation from Consett Urban District Council consisting of the Clerk, Chairman of the Council and the Chairman of the Housing Committee attended today and were seen by Mr. Buss and myself.

The Council wish to erect 80 houses on a site of approximately 6 acres of the 40 acres at Dale Avenue, sanction to the purchase of which for recreation purposes was given on 8th May, 1936 (-/8724). The site of the houses is approximately the area shown A in Plan No.1 on -/8724 and is seen in relation to the township of Consett in Plan No.5 on -/760 (Site A). The layout of the houses all of which are required for the abatement of overcrowding is shown in Plan No.8 on -/760.

The points made were:-

(a) The site is close to the ironworks, the nearest alternative suitable sites being  $1\frac{1}{2}$  - 2 miles distant. The persons for whom the houses are required work in varying shifts at the Ironworks, and it is essential that they should live near their jobs.

There are of course no buses or other means of transport during the night. The necessity for the people being as close as possible to shops, schools, etc., was also stressed.

(b) The Moorside Estate where the Council own 29 acres is over 2 miles away and is not popular owing to its remoteness. The Council's housing requirements will however fully utilize this site but it will be at least two years before the new sewerage system is completed and houses can be built.

The alternative site at Knitsley (referred to in Mr. McGregor Wood's report below) is too far away for the persons concerned in the present proposals, but many houses are required there and negotiations for land are proceeding.

(c) The Chairman of the Council who is employed at Consett Iron Company's Works) is satisfied that the two seams

under the site at present unworked are so thin (the thickest is only 17 inches) as to make it uneconomical to attempt to extract the coal. In this connection he mentioned NA9 (confidentially) that the Company were importing coal from miles away at the rate of thousands of tons a week and would certainly not do this if they could mine their own coal locally. The Townley and Ironstone seams had been worked out 100 years ago. He had lived in Consett all his life and did not know of a single case where fracture of a house, road, or of any underground works had occurred. Some houses built about 3 years ago by private enterprise on land adjoining had not suffered even a cracked ceiling. Private enterprise are only too anxious to buy the land from the Council for the erection of houses, and the Chairman (who is also a director of a Building Society) stated that Societies are advancing money on houses built on adjoining lands. They are extremely careful and as many as 4 independent experts had been employed and all had certified the land as safe.

They would build in pairs on strong reinforced foundations. As to the details of construction of these, Mr. Baker (who was called in) expressed approval.

The land was purchased very cheaply (approximately £40 an acre) and this would tend to offset the cost of raft reinforcements which were assessed at £20 - £25 per house.

The Mineral Valuer does not exclude the possibility of building on the proposed site providing structural precautions are taken. - See his report dated 4th September, 1935 on 78724.

The arguments against the use of the site for building purposes are contained in

(1) Mr. McGregor Wood's report dated 23rd May, 1936, on 7760. He quotes general information on the mineral position

in Consett furnished by the Mineral Valuer and says that if right of support were forthcoming the land would be suitable for building.

(2) Mr. Nelson's (Engineering Inspector) report dated 17th January, 1936 on 7/8724. He bases his conclusions on the findings of the Mineral Valuer, the Council's expert Mineral adviser, and the Surveyor's Notes in Appendix A to his report. The condemnation of the two latter excluded the portion of the lands now desired to be used.

Mr. Buss agrees that so far as Valuation Branch is concerned there is no objection to the use of the 6 acre portion for building, in view of the precautions which will be taken.

If it is agreed that the site can be used for housing it will be necessary to consult Division IV on the question of appropriation.

L.R.S.

16 December, 1937.

*Reply to go to  
letter of 27/12 on 11C.  
? in progress to consider  
streets for 1938. Engineer  
plans to in each ward  
for use of 1/2 acre area  
submitted*

L.R.S.

*Spoken with Mr. Howes*

*Jan 7  
20/12  
1937*

IV A

*Have you any objection to the appropriation  
of the 6 acres in question re?*

*L. Thurgood  
11 a 20/12*

By hand



altho this land was nominally  
acquired for p.s. 229. it was  
mainly done as such for  
convenience of purchase. 11<sup>A</sup> were  
not disposed to authorize its acquisition  
for housing. 10A<sup>20</sup> has no objection  
to its reversion to housing.

P.S. Boyal  
21/12/37  
10A<sup>20</sup>

Tell L.A. that on receipt of  
~~preparation~~ to entertain final  
app. for appropriation of the 6.018 acres  
of land at Mile Avenue. for housing purposes  
11<sup>A</sup> prepared is secure his consent.  
Ask for usual pass.

Ans T  
22/12/37