

WEST AUCKLAND: FLEECE & NURSERY

APPENDIX 6

Post-Inquiry correspondence from the Applicant

West Auckland Parish Council

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Dear Ms Holding

RE: Response to the Public Inquiry Inspector's report -Fleece and Nursery Land, West Auckland, Application to register land as Village Green

We embarked on this application about six years ago, on the specific recommendation of Durham County Council's legal department (Richard Langdon), following a meeting to discuss access and misuse issues on the land. Thank you now for the opportunity to comment on the Inspector's report and specifically, her conclusion, that the land not be registered. We would offer the following comments:

Extent and continuity of use

The inspector places great stress on the fact that there was not, in her view, 'a sufficient extent and continuity' of community use of the land. She acknowledges that the PC had demonstrated that the land was well used for decades from the 1970s, when it was maintained by the local authority, up to 1994, that is for the first three years of the relevant period (1991-2011).

After 1994 maintenance stopped and the communal use inevitably declined slightly. Matters got far worse in 2006, when the objectors began to take unauthorised access through The Nursery (later fenced off) and Fleece land, and also using the land as if they owned it for the transfer of scrap from lorry to lorry, etc, and general car parking. This activity understandably hugely reduced the community use in the Nursery and also severely restricting it on the Fleece land – but just for the last five years of the relevant period.

The level of use of the Fleece during that period still included occasional communal bonfires, children playing football, trampolining and children's parties, besides those that walk across and dog-walk the area. Whilst not intensively used, because of the objectors' activities, it is a level of activity not dissimilar from that to be found today on many registered village greens in County Durham villages. Indeed West Auckland's official village green never hosts a bonfire and only the occasional game of football.

The community use in The Nursery was once very real and delightful to see, elderly neighbours sitting out in deckchairs under its central tree to enjoy summer afternoons. Now it has been destroyed by the unauthorised access and fencing. Life for residents there is becoming unbearable and a number of owners already have plans to sell up. If registration, or some similar form of preventative action to stop the access is not forthcoming very quickly, the area will be blighted and fall into vacancy, abandonment and vandalism.

In an earlier effort to reach an accord with the objectors, the Parish Council drew up a draft agreement whereby their Fleece access would be acknowledged for domestic use only, while their Nursery access would be closed. This agreement was accepted in principle by the objectors, but never signed.

If the committee endorse the Inspector's view they will be rewarding the objectors for their last seven years of unauthorised vehicular access, unauthorised fencing of public open space, and a generally antisocial attitude towards local residents and the wider village community.

The need for this land to be taken into some degree of community 'ownership' or control, has never been greater than now. The following agencies have had a close involvement with the area and would endorse our view.

Police

The police have had a long involvement with incidents on this land, most stemming from the new vehicular access created through The Nursery. This includes the unauthorised parking of caravans on the land, joy-riding cars racing through The Nursery and churning up the Fleece land, and in one recent incident (prompted by the objectors), a full police armed-response unit arriving on the Fleece land. The police would welcome closure of unauthorised accesses and a responsible body to whom they could talk and act, when this land is being misused.

Highways

The DCC Highways engineers about five years ago sought to refuse a planning application for two extra houses in The Nursery on the grounds that the vehicular movements would be excessive for this small cul-de-sac of houses. In the event members approved the scheme, yet DCC now seems powerless to prevent far greater unauthorised vehicular access taking place through exactly the same area (about 15-20 car/lorry movement per day). DCC engineers would surely welcome the cessation of this access.

Enforcement

Former Wear Valley District Council and Durham County Council enforcement officers know this area of land well. They have frequently had recourse to follow up reports of scrap metal dealing and the creation of bonfires of industrial waste (including old fridges) taking place on the Fleece land. An 'owner' of the land who could act against such antisocial uses, in conjunction with enforcement officers would be welcomed.

Conservation

The Fleece and Nursery Land lies within West Auckland Conservation Area, a village which has benefitted hugely recently from DCC investment – the bypass, two major floorscaping schemes, property restoration grants (in conjunction with English Heritage) and the planned surfacing of the unmade access road on the north side of the green. The parish council has supported some of these schemes financially and also planted semi-mature trees on the green. Add to the recent parish council-led War Memorial scheme at the Pant and the new World Cup sculpture and many people say the centre of the village has never looked so good. But...the Fleece and Nursery land, behind the village's facade, tells a very different story of neglect and misuse. If vehicular access was stopped through the Nursery, if the land was maintained (as the Parish Council have agreed to do with a proposed landscaping scheme), if antisocial behaviour was stopped, it would lead to an improvement in the appearance of the area, an increased investment by owners in their houses, as well as the

completion of the Nursery cul-de-sac with the construction of the two new approved stone dwellings. All this would enhance the conservation area and restore the reasonable amenities that local residents have a right to enjoy.

Conclusion

1 The parish council considers that the level of community use of the land for much of the relevant period was significant, and commensurate with that taking place on many existing traditional village greens in the county. Therefore registration should follow.

2 We would ask the committee, or a relevant number of its members, to make a site visit before the committee meeting, so they can meet with all parties, including local residents.

3 We would urge Durham County Council not to reward the antisocial behaviour that has taken place here, which has prevented full enjoyment of the open space, by failing to register this land as village green. Please give back this land to the community that wishes to care for it and once again actively use it.

4 Ensure this land is in the responsible hands of a body that will improve and maintain it, and be able to act to prevent unauthorised uses and accesses.


5 By so doing the work of the police, and your own County Council highways, enforcement and conservation officers would benefit, in making this village a better place for its residents.

6 Should, despite this letter, Members wish to endorse the Inspector's recommendation not to register, we would urge that DCC legal and highways officers be instructed to work, as a matter of urgency, with the Parish Council to implement alternative legal means whereby The Nursery access can be closed and the Fleece and Nursery land restored, through some form of community ownership, to full community use again.

7 We would hope that the Parish Council will be given time at the committee meeting to summarise this letter in a short read statement.

Many thanks for your assistance with this.

Yours sincerely



Sharon Wootton
Clerk to the Council

Dear Committee Member

PROPOSED REGISTRATION OF THE FLEECE AND NURSERY LAND, WEST AUCKLAND AS A REGISTERED VILLAGE GREEN

A CONCLUDING STATEMENT BY WEST AUCKLAND PARISH COUNCIL

The Parish Council welcomes the opportunity to offer a concluding statement to Members ahead of your site visit and subsequent meeting on March 12. We would hope to make a short statement at the meeting too.

West Auckland Parish Council feels very strongly that this is simply a matter of right and wrong. For almost eight years we have been fighting to defend the rights of local homeowners to enjoy the basic residential amenities they once had – peace, quiet and an attractive green environment. Due to the selfish and antisocial behaviour of one family, those amenities have been destroyed, lives have been damaged and a once attractive part of our village conservation area has been badly blighted. Failing to register this land as village green would, quite simply, be to reward the objectors for their antisocial behaviour. We are proud of our village and work hard to improve it. We are hugely grateful for the highway and environmental improvements Durham County Council has invested here in recent years. We ask Members for one more act of support for West Auckland – register the Fleece and Nursery land as village green.

The Fleece and Nursery land lies just to the north of the main village green, historically the two areas were quite separate and accessed independently, divided by a high wall and the mill race. The Fleece land was historically owned by West Auckland Brewery, The Nursery land was once owned by the colliery owners and, for the greater part, all of it remains 'un-owned' open space. Housing demolition and landscaping in The Nursery in the late 1960s and early 1970s created a large open space that linked both areas, all maintained by Wear Valley DC. Community recreational use, always present before, flourished.

1994-2006

In 1994 one of the objectors to registration, whose land lies adjacent to both areas, and who has a vehicular access (for domestic vehicles) directly onto Front Street from his property, tried to create a vehicular access through The Nursery for domestic, caravans and commercial (scrap metal) vehicles. The matter was resolved after local protest and police action by fences being erected, one of which enclosed an area of Nursery land which a local builder, Steven Robinson (who owned a small part of the land there) sought to claim by adverse possession. Mr Robinson's fence left a narrow pedestrian gap between the two areas but prevented vehicular access to The Nursery. Recreational use of The Nursery and Fleece land continued. (see Google Earth image 2001 below). In 2006, close to the expiry of the adverse possession claim, Mr Robinson's fence was torn down by objectors to the claim, assisted by one of the current objectors. A Land Tribunal subsequently awarded the land to Mr Robinson, who then gained planning permission for two houses.

2006-2013

With Mr Robinson's fence down, the objectors to registration created a vehicular access through The Nursery from their land, actually cutting across the corner of Mr Robinson's land. (see Google Earth image 2006 below) In an attempt to establish some recognition of community ownership and use of the Fleece and Nursery land, and the Cameron's Caution having lapsed, the West Auckland Parish Council (WAPC) placed a Caution on both areas with the Land Registry. In 2009 matters were made worse when the objectors fenced off The Nursery land in an attempt to claim some sort of 'ownership' – an elderly resident was even prevented from getting to her own back yard. Mr Armstrong also placed a Caution on The Nursery land. Since 2006 unauthorised vehicular use of The Nursery access by the objectors has been extensive, with the Fleece access also used, but limited by narrow entry onto Front Street. **Usual vehicle movement by the objectors, their family and friends, are in the region of at least 15-20 a day. The Nursery access has allowed cars, vans, lorries, even a double-decker bus(!) to gain access to the Fleece land and the objectors' property. The objectors have used the Fleece and Nursery land as an extension of their own rear yard area for the transfer of scrap vehicles (on one occasion, three lorries and three vans exchanging old cars), horse grazing, industrial waste bonfires (including fridges) and recently an assembly of their cars, prior to undertaking antisocial activity, prompted an armed police response unit on the Fleece land, all in front of local children. Local joy riders use the Fleece land for spinning their cars on, before racing through The Nursery. Residential caravans have been brought onto the land (by others) for months at a time. Police and DCC enforcement officers have been regularly involved in incidents.**

The Village Green application

Following all this antisocial activity on community land, local resident protests led to a 2010 meeting with DCC legal officers, that concluded with them recommending that the Parish Council pursue village green registration. The WAPC application for village green registration was submitted in 2011 with over 20 witness statements from local residents attesting recreational use of the land from as far back as 1926. Before the Inquiry, in an effort to establish common ground with the Objectors, after a joint meeting with solicitors, the Parish Council drew up a draft deed by which the objectors would relinquish their claim to The Nursery access if they could maintain the Fleece access to Front Street for domestic vehicles only. This was provisionally agreed by both parties but put 'on hold' pending the Inquiry.

The Inquiry Inspector's recommendation

The Inquiry Inspector was required to examine the extent to which the land was used for community purposes over the past twenty years (1991-2011) and whether that use was still continuing. Her report concluded that the level of community activity

was not that intense to be able to recommend registration, noting that since 1994 (when grass cutting ceased on Fleece land) and especially since 2006 (when commercial and domestic vehicles were cutting through and using both areas) the land was hardly conducive to community use, i.e. by implication, the objectors use had prevented recreational activity by others.

Since the Inspector's report was received the Parish Council has met with County Council officers representing planning, conservation and enforcement as well as the local police (who have logged significant numbers of incidents on this land). Their comments and support left us in no doubt that all of them would welcome the prospect of the land being taken into the hands of a responsible body who would restore the landscaping, improve the conservation area, re-establish residents' amenities and allow community use to take place again.

If the Inspector's view is upheld, it will reward the objectors for their antisocial use of the land, which has prevented its long-established community use continuing. The Parish Council feels very strongly that this is simply a matter of right and wrong. We urge members to register this land.

West Auckland Parish Council, 4 February 2014



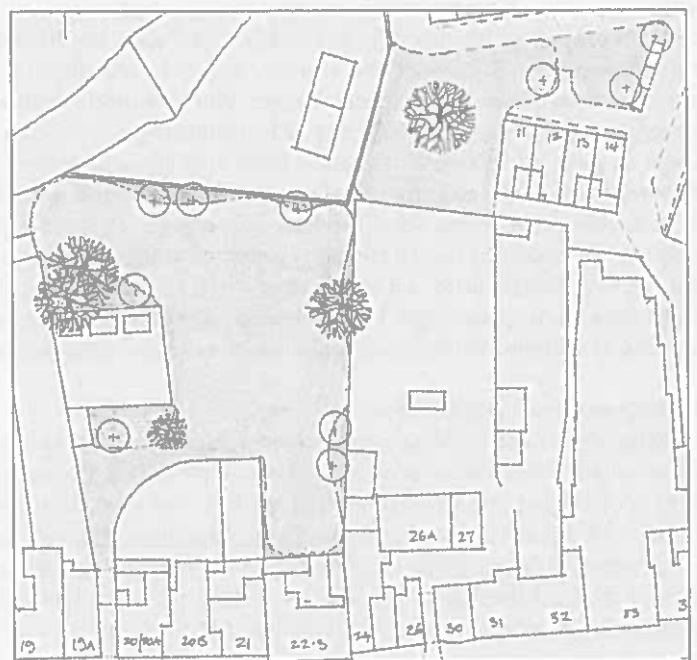
2001
Little vehicular movement, good green space.



2006
Fence removed, vehicles and caravans on land



2009
High traffic movement, grass loss, industrial bonfire



Proposed landscaping scheme