

Application to modify the Definitive Map of Public Rights of Way under Section 53B, Wildlife and Countryside Act 1981.

File Reference	53B/011
Definitive Map path reference	N/A
Description of intended effect on the Definitive Map	The addition of a footpath to the Definitive Map from the northeast corner of Peterston-super-Ely playing field to the rear of Peterston-super-Ely Church and Community Hall.
O.S. grid ref.	308183 176407
Address / postcode	Church Hall, Ffordd yr Eglwys, CF5 6LH
Nearest Village/Town	Peterston-super-Ely
Locally known name	N/A
Community / Town Council	Peterston-super-Ely
Applicant	Christopher Finch
Date of application	03.10.2011
Date of receipt of application	03.10.2011
Date when representation made to the National Assembly in accordance with 3(2) of Schedule 14 WCA 1981. As notified by the applicant.	-
National Assembly's decision and terms of direction	-
Date set for determination of application	02.04.2014
Date on which the Authority determined the application	02.04.2014
Decision	Application refused
Date when notice of appeal served on the National Assembly and the Authority in accordance with paragraph 4(1) of Schedule 14 to the WCA 1981.	-
Date / time and venue of any proposed hearing or inquiry.	-
National Assembly's decision and terms of direction.	-
Date of confirmation of order and details of any modification made.	-

Continued overleaf

Related documents attached:

Application
Map
Statement

Please contact:

Public Rights of Way Section
Vale of Glamorgan Council
The Dock Offices
Subway Road
Barry
Vale of Glamorgan
CF63 4RT
Email.sathomas@valeofglamorgan.gov.uk

Wildlife and Countryside Act 1981

Notice of application to modify the Definitive Map and Statement for the former County of Glamorgan, Relevant date 14th September, 1954.

To: The Vale of Glamorgan Council

Of: The Civic Offices, Holton Road, Barry, CF63 4RU

I / We: CHRISTOPHER F W C I T

Of: 

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981 modifying the definitive map and statement for the area by [delete as appropriate]

- ~~adding a footpath / bridleway / restricted byway~~
- ~~changing the status of the footpath / bridleway / restricted byway~~
- ~~deletion of the footpath / bridleway / restricted byway~~
- ~~changing the particulars relating to the footpath / bridleway / restricted byway~~

from NORTH EAST CORNER P SE PLATING FIELD

to REAR OF P-S-E CHURCH AND COMMUNITY HALL

with a width of APPROX 2m and shown on the map annexed hereto.

I / We attach copies of the documentary evidence (including statements of witnesses) set out overleaf, in support of this application.

Dated 3 OCTOBER 2011 Signed 

(on behalf of)

Background And History Of The Area

All the land, where the confirmation of the right of ways is requested, was in the early part of the 20th century owned by the Whyndam Radcliffe estate and formed part of Backway Farm which was leased to tenants by the estate.

In 1924 Mrs Ada Brocket Grover announced her intention to gift a village hall, this hall was built opposite the church and still occupies the same position today.

The hall opened on 18th July 1925, the hall was gifted to the village under the control of the diocese of Llandaff, it is now controlled by a committee including the local vicar, church wardens and other officials. It has been widely used ever since as one of the main hubs of the active life of the village. Mrs Grover was a keen supporter of village life and especially interested in the youth of the village.

During that period up until 1953 there was hedge separating the south village hall and car park from the access way to the old rectory, to the eastern edge was a low wall and gate in the same location at present. There was no fence or any other barrier between the access lane to the old rectory and what is now the playing field, a black and white photograph of the Coronation Day celebrations in 1937, it can be plainly seen that for this event the village hall and the area occupied by the playing field were used together. The photograph also shows that the only access way to the tent erected on the farmland would have been along the access lane to the old rectory or directly from the rear of the hall. The position of the tent indicates that it was indented to use direct access from the hall to the field. This photograph is published in a book "A Portrait of Peterston" published in 2000.

At the end of the second world war a fund was set up for returning service men, with this fund it was decided to purchase a Memorial Playing Field. This was done and the area of land forming the east of the present playing field was purchased from the Whyndam Radcliffe estate. The playing field was officially opened on coronation day June 2nd 1953.

A photograph of the opening day is attached and it shows the area of the playing field immediately behind the hall. A white fence now separates the playing field from the hall, again a tent has been erected in a similar position as in the 1937 celebrations. The fence has an open gate in it with a sign "LADIES" directing people from the field to the hall via the gate in the fence. Again clearly the hall and field being used in conjunction with direct organised access between the two.

The changing room in the hall was used up until the late 1980s for the thriving soccer team in the village direct access was made between the two initially via the gate in the white fence mentioned above. In later years after the demise of the fence a stile was built in the fence closest to the playing fields. This stile can just be seen on the edge of the colour aerial photograph attached. This photograph is believed be dated to circa 1982.

Backway farm was owned by the [REDACTED] estate up until 1961 when it was bought by the then tenant [REDACTED]. The farm continued as a working farm worked by [REDACTED] and latterly his

son up until [REDACTED] seniors death in 1994. The ownership of the farm than passed to the widow of [REDACTED] at this time [REDACTED] decided to sell all the farm equipment which seemed strange as the farm was still being farmed by her son [REDACTED]. Subsequently the farm land was leased to other local farmer. The old farm buildings were demolished and a group of four houses build. [REDACTED] died in May of 2011 and it is believed ownership has now past to her daughter [REDACTED]

Extensive rights of way already exist along the access lane to the old rectory (Rectory House), this access way occupies the majority of the land over which the new right of way is requested. A copy of the title deeds and title plan detailing these rights of way is attached. Rights of way will have existed along this lane for well over 100 years.

Obviously when Rectory House was used as a rectory access along this lane by the public would have been normal and extensive. Rectory House ceased to be used as the village rectory in the 1960s, it was then the residence of a local GP and the house was used as a doctors surgery, this can be seen on the attached Ordnance Survey Map from 1973. Again this would have required extensive use by the general public.

On Wednesday the 8th of June 2011 the stile at the north east corner of the playing field was cut down and fenced across, this was done under instructions from David Bailey clerk to the Peterston Community Council in collusion with [REDACTED] it formed part of an instruction to a contractor to repair damaged fence to the west and south of the children's play area. No other section of the fence separating the playing field from the access lane to Rectory House had any work to repair it during this period. I have talked to members of the Community Council that state that the instruction to the clerk was to arrange to repair damaged sections of fence only.

In defence of this action [REDACTED] Stated in an open letter (obtained via a member of Peterston Community Council) "The access point was agreed by the late [REDACTED] albeit reluctantly, as a favour to the then Peterston FC to stop vandalism of the council's fence, and for the football team to access the playing fields on match days as the village hall was as a changing room - they were the only people authorised to use this access, and once the team was disbanded there was no further need to use this access"

There are several points of interest in this statement.

- It states "the council's fence" indicating the stile that was removed on the 8th June was owned by the council. The Peterston Super Ely Community council did not instruct for this work to be carried out and the clerk has been admonished by the council for instructing this to be done. I assume that the Vale Council issued no instruction to remove the stile.
- The use of this access way predates the ownership of the land by the [REDACTED] family by at least 24 years but in all probability goes back to when the Church Hall was opened in 1925.
- There is no record of any agreement between [REDACTED] and Peterston FC, the existence of this is categorically denied by the long time chairman of Peterston FC [REDACTED] [REDACTED] (see letter attached).

- There is now in existence a junior football club in the village (see attached letter from [REDACTED] team coach) which makes it more important then ever to maintain save and direct access)

Basis for Granting Application

I believe that there are three grounds for granting this application

1. Under common law - this access way has been used with the approval of the relevant landowners probably since the opening of the village hall in 1925. The two photographs of the 1937 and 1953 coronation celebrations show this, they are clearly been used with the landowners permission as there are tents erected on the land which is now the playing field.
2. Under the 1980 highways act - uninterrupted access has been allowed between the rear of the hall for well over the 20 years required, see attached evidence forms.
3. That it is to the public benefit - the Church and Community Hall and The Playing Fields are two of the main centres in maintaining the active community of Peterston Super Ely. Maintaining this access is key to maintaining the community activities and is very much in line with The Vale Of Glamorgan's Council policy of reinvigorating village live in the Vale. Direct access is a benefit in terms of convenience and safety especially when used by children. This application is supported by the Church and Community Hall management committee, the hall is widely used by the community including a youth club who use the hall in conjunction with the playing field on a regular basis.