



North

Yorkshire County Council

010

COUNTY SECRETARY'S DEPARTMENT

Your Reference:

Please quote this reference: RGP/MWB VG.HORTON

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28 November 1995

Dear Mrs Sergeant

Selside Village Green

I enclose, for your information, a copy of an objection made by J H Morphet of Acrelands Farm, Sawley Road, Grindleton in respect of the Parish Council's application to register land at Selside as a village green.

I should be grateful to receive any observations and comments which you may wish to make in respect of Mr Morphet's objection.

Yours sincerely  
*R.G. Pennell*

for Acting County Secretary

Mrs H C Sergeant BSc MSc  
Clerk to Horton-in-Ribblesdale Parish Council  
Borrins Farm  
Selside  
SETTLE  
North Yorkshire  
BD24 OHX

Acrelands Farm  
Sawley Road  
GRINDLETON  
Near Clitheroe  
Lancashire  
BB7 4QS

Tel: Clitheroe (01200) 441576

7th November 1995

Your Reference: RGP/VG/Selside

Dear Sir,

In replying to your letter dated 21st September 1995, I would like to make the following observations.

Firstly, I have lived in Selside all my life (I am 62 years of age). Until we decided to reduce the size of our farming operation there, and in 1988 and 1989 the large proportion of our farm was sold, culminating in the sale of our house, "The Shaws" Selside, to Mr and Mrs Fenten in July 1989. I was the third generation of our family to reside in the house, which had been occupied by the family since 1928, I think.

Since leaving Selside to reside at Sawley we have continued to farm approximately 220 acres of land in the village, and we still own three houses in the hamlet.

Until the conversion of Penyghent Cottage in 1979 to a dwelling, which overlooks the area in dispute, and which cottage I continue to own, the area of land at the centre of the hamlet was the hub of the farm, being used for the storage of farm equipment, machinery, tractors and fuel appropriate to a large farm, centred on the hamlet. After 1979 the area was cleared of sheds and equipment, and became the garden and play area for the inhabitants of Penyghent Cottage, but no-one else. The fertiliser store shown on the enclosed photograph to illustrate this point, still remains.

The site had been used continuously from 1949 to 1979, (inside the walled area) as clearly evidenced by the photograph submitted. All Ordnance Survey Maps of the area clearly show the existence of two nissan type storage sheds on the site. The area was re-surveyed by the Ordnance Survey teams in 1979.

This clearly shows that the plan submitted to the Parish Council has been tampered with, as all maps of the area I have seen are based on the Ordnance Map of the area.

The garage of Penyghent Cottage has been used by my family from approximately 1930 for the storage of vehicles and the parcel of land outside the walled area, (adjacent) used since then for the turning and parking of vehicles by my Tenants of Penyghent Cottage.

From 1980 to 1992 Penyghent Cottage was occupied by a Tenant of ours and the area of land in question was accepted as the curtilage of the cottage. During that time up to four vehicles were parked in the vicinity of the cottage, and which belonged to the Tenants.

On occasions local residents have attempted to park vehicles on the land in question as clearly evidenced in the letters - necessitating the placing of containers to prevent the site becoming a public car park.

Consequently I deny that the area claimed by the Parish Council has never been a "Village Green" at all. The majority of the area has been enclosed, and occupied by my family since before 1950, originally with nissan type implement sheds (which are inconsistent with the claim that the land has been a "Village Green"), and there is still a coal bunker situated there. On part of the area claimed by the Council to be a "Green" there is a platform of railway sleepers constructed for the storage of fertilizer and a galvanised metal tank. The platform has been situated in its present position for around 30 years - again inconsistent with any claim that the land is or has been a "Village Green".

The area claimed is clearly defined as three separate entities - the enclosed portion, the area defined by the lane and the area enclosed by the road. The N.R.C.C. claim curtilage of two meters from the edge of the road.

My observations regarding the letters supporting the claim are as follows. In an effort to dispose of surplus firewood belonging to me permission was given to residents of Hill Foot Selside, to have a bonfire on the site on Bonfire Night (only once). Mr and Mrs Anderson's claim to exercise dogs on the area described was never observed by me on my regular visits. The dogs were left to roam the hamlet at will.

Mr Cameron's letter deserves comment as he states the area has never been fenced - the largest portion has been contained by a wall all my life, as clearly shown on maps. When visiting on his bike he has been observed many times leaning his bike against the wall of the building on the edge of the area known as "The Shant" - and not included in the claim.

Mrs Davis (Reading Room), was observed with neighbours as she says, who were the Tenants of Penyghent Cottage using their own garden area.

Mr Davis (Reading Room) refers to obstructions placed on "the Green". These were placed there - with the authority of the local Police - to prevent indiscriminate parking - not least by the Davis family, who at one time parked an articulated lorry there, and have attempted to park vehicles there since. Soon after moving to the property Mr Davis reduced the size of the parking area in front of his home to just one car when previously there was sufficient room for four vehicles.

The letter of Francis Fenten (The Shaws) refers to waiting for school on the edge of "the Green" (an area not claimed) - in the curtilage of the building referred to as "The Shant".

The letter of Hilary Fenten deserves special mention. When she moved to the area - the timber referred to was offered to the family by me as firewood - the gooseberry bushes are outside the area claimed.

Mr Fenten's claim to have taken wood for firewood and on Bonfire Night is equally surprising - as he was given permission to take all he required by me when he arrived in the hamlet. The timber was owned by me.

When my wife and I sold "The Shaws" to the Fentens in 1989 - the long standing problem of parking had been anticipated and provision made for the parking of several vehicles. The area allocated to the parking of vehicles has now been reduced by 50%, and on several occasions cars have

been parked without permission on our property by the Fentens.

The letter of Mr and Mrs Harrison of Ecclesfechan deserves special comment, as the children, along with other village children frequently played football using our garage door as the goal, and cricket using the adjacent wall as a wicket (now part of Penyghent Cottage). Along with other children much of our property in the hamlet was used as a play area - unless a nuisance was created - but the obvious play area used was the school playground - which has been in our ownership since the village school closed down.

The letter from Audrey Lambert of Queen Victoria Hospital, Morecambe refers to areas not included in the claim, ie. the roadway and land adjacent to Penyghent Cottage.

John Lambert of Selside Farm is clearly referring to the same area, but cricket and football were usually played in the school playground because of ~~the~~ road safety. Clearly it was not possible to use the area enclosed by a wall, as the enclosed photographs show.

The Lambert children have been observed by me riding around the perimeter area near the road - certainly not a safe place to play - the land which they frequently use is obviously much safer.

Caroline Thompson's letter (36 West Street, Gargrave) refers to riding bikes, again around the perimeter bounded by the road, and between the walled area and "The Shant" - strangely not included in this claim.

Mrs Webster (The Old School) has been observed "socialising" with the then Tenants of Penyghent Cottage when the house was occupied, but like other claimants, this has not occurred since the Tenancy ended. The "bonfires" she refers to are, I am sure only one, again the one with my permission burning my timber. The claim, along with Mr Webster of exercising a ferret are somewhat surprising, as in all my visits to the hamlet I have never seen them do this at all.

Mrs Wilcock (North Cote) (letter undated) refer (to playing there) as a child clearly does not define the area played upon.

Mr J.A. Wilcock (North Cote) (letter undated) refers to the sale of the Selside Estate - purchased by my parents and I in 1957. The sale of the Estate comprising four farms centred on the hamlet, comprised a total area of 664 acres. I am sure it is an impossibility for Land Agents to prepare a plan of such size which includes every small area. The disputed area is only approximately 250 square metres or thereabouts and as such represents a very small proportion of the whole. Other small areas of land in the hamlet, which to my knowledge were not on the plan referred to, have clear ownership claims made about them.

The question of ownership, which I claim on the basis of actual possession since 1957, is irrelevant to the question of the use to which a portion has been claimed to be put, and my knowledge of the area throughout my life has been that the property has never been a "Village Green".

The letter of S.R. Wilcock (North Cote) (again undated) merits the following comment. Local children playing in the hamlet on property belonging to myself and my wife were not asked to leave unless they were causing a nuisance. The reference to his grandmother referring to the area as "the Green" in no way implies there was a "Village Green". There are in other hamlets and villages in the Craven area parcels of land known as

"the Green" but which have never been "Village Greens".

I find the letter of Mrs Jackson (Lincrest, Eldroth) difficult to understand, as it is addressed to Mrs Fenten personally and not to the Parish Council, who I presume the others are. The Fentens along with the Davis family, the Andersons and the Websters clearly have little local knowledge having resided in the hamlet for only a short time. Mrs Jackson claims to have been taken for a "little walk" but does not say where. Referring the "the Green" as a "Village Green" is clearly as relevant as calling the building in the centre of the hamlet now known as "The Shant" as the "Village Hall" (easily verified).

The photographs included in the evidence against this claim can be clearly dated as follows.

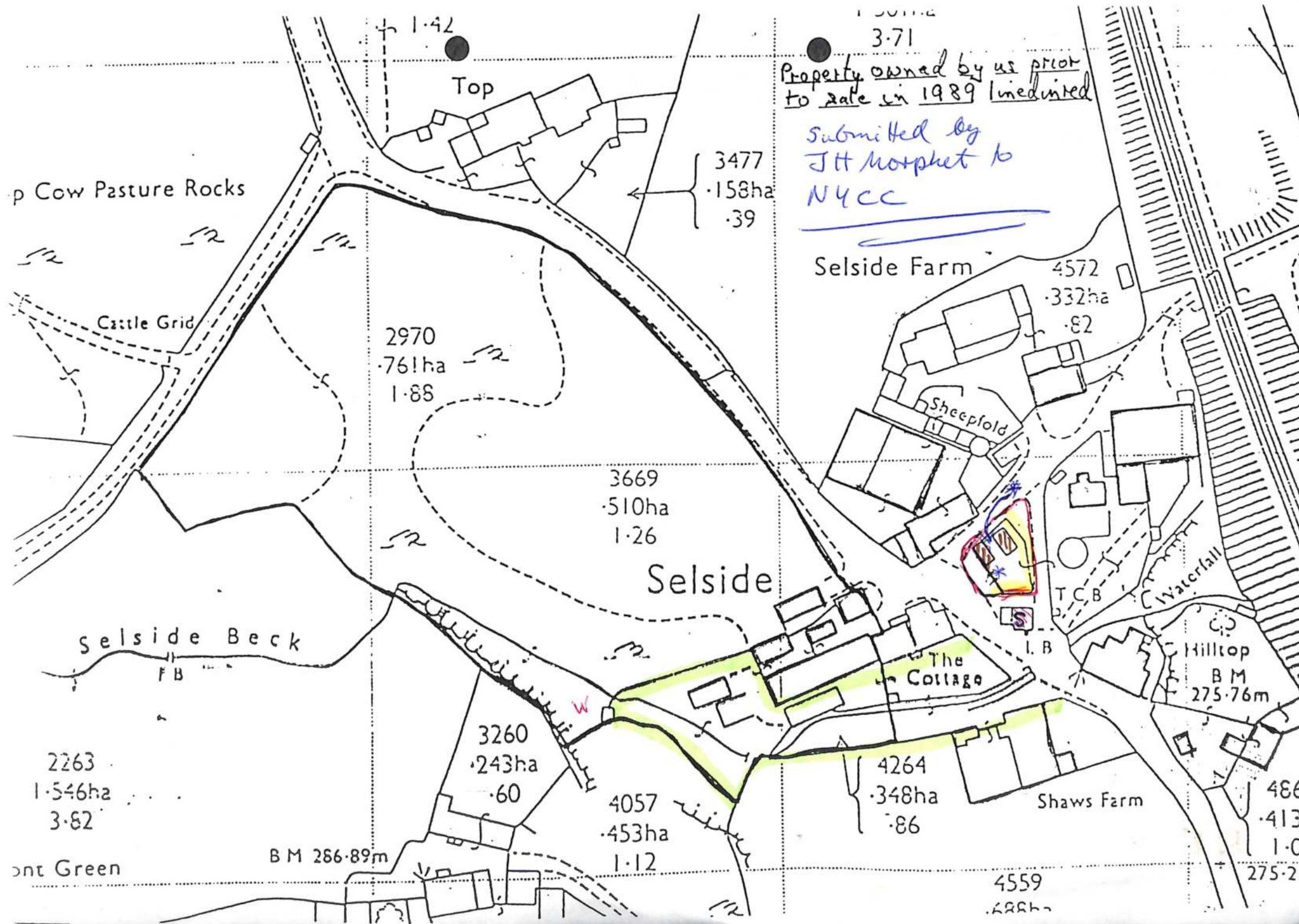
The large photograph proves the existence of the implement sheds dated by the conversion work being carried out on the Old School Building (approximate date 1970). The fertilizer store, with blue bags being clearly visible. The small black and white photograph showing tractor and trailer date approximately late 1950's. The large black and white photograph with Sunbeam car approximately 1960 clearly shows area used by farm equipment. The small colour photograph shows the barn, formerly a house, complete with mullioned windows, in its original state around 1970, before its conversion to Penyghent Cottage in 1979.

The maps enclosed as evidence clearly show the tin roofed implement sheds on the Ordnance Survey of the area dated on the enclosed copy in 1979. These have obviously been deleted from the plan enclosed with the claim submitted. One of the maps is the Yorkshire Dales Local Plan of Selside.

From the evidence enclosed I submit that any claims made are based on false assumptions unsubstantiated by any of the representations made.

Yours faithfully

  
J.H. MORPHET



3-71  
 Property owned by us prior  
 to sale in 1989 (uneditied)  
 Submitted by  
 JH Morphet to  
 NYCC

p Cow Pasture Rocks

Top

3477  
 .158ha  
 .39

Selside Farm

4572  
 .332ha  
 .82

Castle Grid

2970  
 .761ha  
 1.88

Sheepfold

3669  
 .510ha  
 1.26

Selside

Selside Beck

T.C.B.

Waterfall

The Collage

Hilltop  
 B.M.  
 275.76m

2263  
 1.546ha  
 3.82

3260  
 .243ha  
 .60

4057  
 .453ha  
 1.12

4264  
 .348ha  
 .86

Shaws Farm

486  
 .413  
 1.0  
 275.2r

B.M. 286.89m

4559  
 .688ha

ont Green