

Yorkshire Dales National Park Authority

Yorebridge House
Bainbridge
Leyburn
North Yorkshire
DL8 3BP
Tel. Wensleydale (01969) 650456
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Compuserve 100070,1371



Mr W Fenten
The Shaws
Selside
Settle
North Yorkshire
BD24 OHZ

Contact Chris Partrick
Our Ref B214801
Your Ref
Date 14 May 1997

003

Dear Mr Fenten

SELSIDE VILLAGE GREEN - PROPOSED ENHANCEMENTS

I have just received the Yorkshire Dales Millennium Trust applications timetable giving some firm dates which may be of interest to members of the Selside Residents' Association.

Given that I am still corresponding with NYCC Highways over the kerbing element, I would recommend that you apply in the second round of bids. These must be received by 1st July 1997, for YDMT Trustees' conditional approval on 11th September and YDMT Finance Committee's final approval on 23rd September.

I trust this programme is acceptable and following receipt of your comments, I shall endeavour to finalise the scheme drawings as quickly as possible.

Yours sincerely



CHRIS PARTRICK
TECHNICAL AND SURVEY ASSISTANT

Yorkshire Dales National Park Authority

Yorebridge House
Bainbridge
Leyburn
North Yorkshire
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Tel. Wensleydale (01969) 650456
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Mr W Fenten
The Shaws
Selside
Settle
North Yorkshire
BD24 OHZ

Contact Chris Partrick
Our Ref B214801
Your Ref
Date 7 May 1997

Dear Mr Fenten

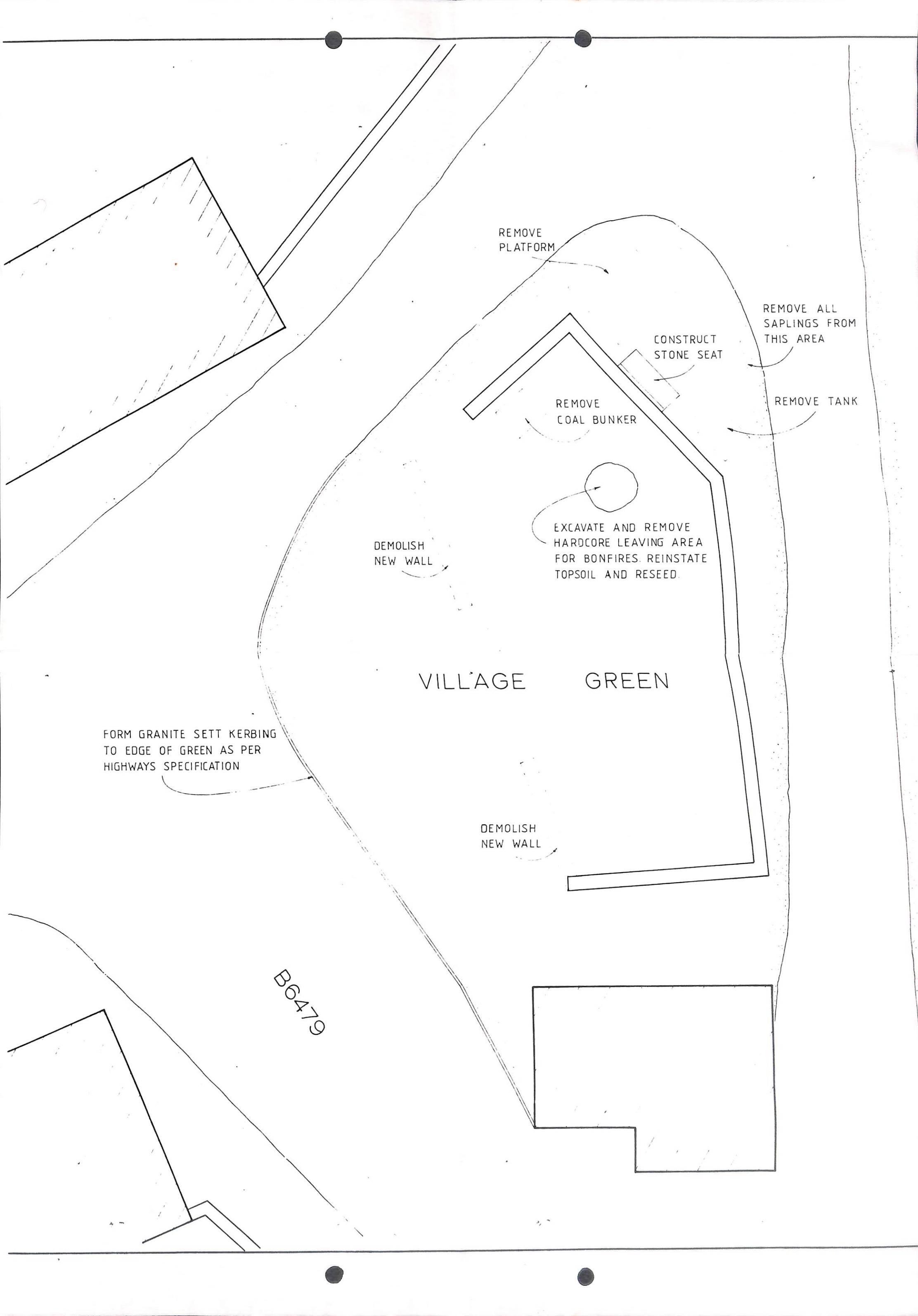
SELSIDE VILLAGE GREEN - PROPOSED ENHANCEMENTS

Please find enclosed copies of the preliminary scheme drawings. I should be grateful if you could show them to other members of the Residents' Association and refer any revisions, criticisms etc. back to me at this office. I look forward to receiving your response.

Yours sincerely

A handwritten signature in black ink that reads "Chris Partrick". The script is cursive and fluid.

CHRIS PARTRICK
TECHNICAL AND SURVEY ASSISTANT



REMOVE PLATFORM

REMOVE ALL SAPLINGS FROM THIS AREA

CONSTRUCT STONE SEAT

REMOVE TANK

REMOVE COAL BUNKER

DEMOLISH NEW WALL

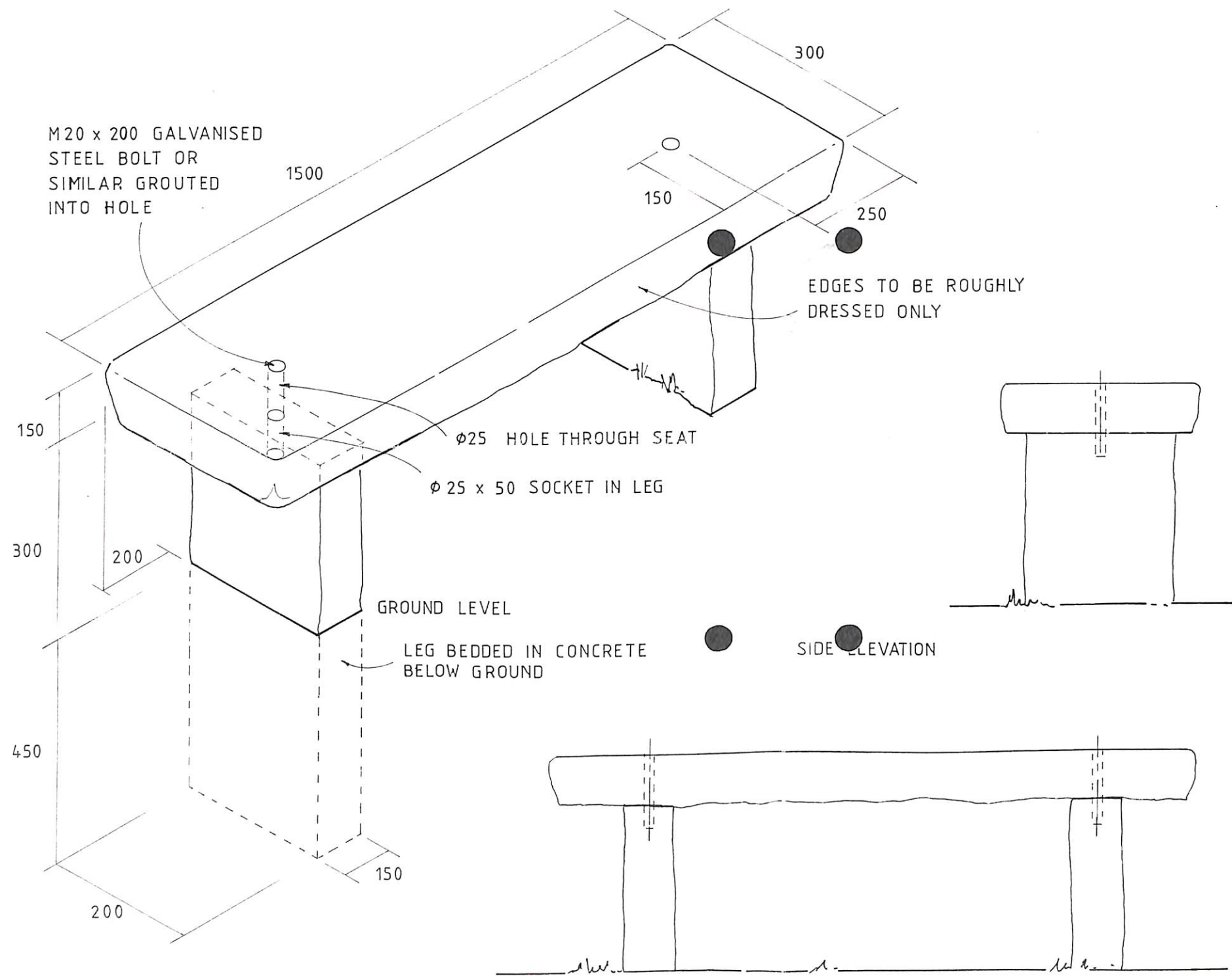
EXCAVATE AND REMOVE HARDCORE LEAVING AREA FOR BONFIRES. REINSTATE TOPSOIL AND RESEED.

VILLAGE GREEN

FORM GRANITE SETT KERBING TO EDGE OF GREEN AS PER HIGHWAYS SPECIFICATION

DEMOLISH NEW WALL

B6479



NOTES:
ALL DIMENSIONS
ARE NOMINAL ONLY

Project: ENHANCEMENT WORKS AT SELSIDE VILLAGE GREEN
Parish: Horton-in-Ribblesdale
District: Craven

Drawing title: **STONE SEAT**
Ref. No.:
Scale: N.T.S.
Date: April 1997
Revision:
Drawn by: C.A.Partrick

YORKSHIRE DALES NATIONAL PARK
Yorebridge House, Bainbridge, Leyburn
North Yorkshire, DL8 3BP
Tel. Wensleydale (01969) 650456



Dear Sir/Madam

1st May 1997

DALES ENVIRONET PROJECT

I am now pleased to enclose a Simple Guide explaining how to apply for grant aid from the Yorkshire Dales Millennium Trust.

As you may be aware there are 12 project categories these include the planting of new and restoration of existing native woodland, repairing important field barns and stone walls, restoring lime kilns, village pumps and other historical features. Groups wanting to create a local wildlife area can apply for grants, as can landowners wanting to enhance moorland or grassland designated as a site of Special Scientific Interest. Village hall projects such as providing disabled access or toilets, building an extension or installing heating could qualify for funding from the Trust. Other categories include enhancing public rights of way, replacing lost river crossings, providing habitats for Otters, and improving villages by recobbling or removing eyesores and the undergrounding of unsightly service cabling.

We already have a shortlist of projects for 1997, developed from ideas put forward by local people in the original bid for Millennium Commission funding. However, there are still substantial unallocated grants available for woodland and walling projects for this year. Grant levels for woodland planting and regeneration could be as much as 100%, and grants up to 50% will be available for restoring long stretches of prominent drystone walls. Farmers and landowners wanting to apply for these grants for this year should contact the Trust immediately as the closing dates for walling projects in 1997 is 31 July 1997.

Due to the time needed to assess projects thoroughly, the Trust is already calling for projects which could start next year. The closing date for all projects due to start in 1998 is 31st August 1997. There is no formal closing date for woodland projects starting this year, but landowners should contact the Trust as soon as possible. Public meetings explaining the grant schemes have been arranged at the following venues

Buck Inn Malham Monday 19th May
Devonshire Institute Grassington Thursday 22nd May
Peoples Hall Sedbergh Tuesday 27th May
Memorial Hall Reeth Wednesday 28th May
St Margarets Church Hall Hawes Thursday 29th May
Reading Room Clapham Thursday 5th June

Please come along to find out more or ask questions at Becksides Barn Church Avenue
Clapham LA2 8EA Tel 015242 51002

Yours faithfully



Fiona Chalmers
Project Manager

Yorkshire Dales
Millennium Trust
PO Box 2000
Clapham LA2 8GD

Telephone
015242 51002

E mail
ydmt@daelnet.co.uk

Spur. Jun 1997. Meeting at the Shaws, Selkirk

by kind permission of Mr & Mrs W. Fenton.

Present: Selkirk residents: Wilf & Hilary Fenton, Colin & Anne Webster, Richard Cameron, Anne Kenshaw, Helen Goodwin, Lesley Fell. Jim Davis arrived late.
Natural Park: Robert Svingeau, Chris Part

1 Robert Svingeau explained his role, he is an architect. He mainly manages enhancement schemes in the Park. Enhancement of the green may be appropriate for the Yorkshire Dales Millennium Trust. £2600 is the order of magnitude which could be used for a project like this.

2 Edge of road needs to be defined. It is illegal to park on a green.

3 Discussed whether to move walls & whether it should be open or not.

4 Should the stack of railway sleepers be moved? & if so what would replace it?

Things to do:

- 1 Ask Mr J H Mather to kindly remove anything of his by a certain date, or to leave them for the enjoyment of the village by the end of May?
- 2 Define the highway/green boundary by e.g. Gooling
- 3 Open up the green.
- 4 Possibly remove some of the 3 wagon loads of chippings which were put on it.
- 5 Seats?
- 6 See what happens.

Mr. Sprungauer said he would help with drawing up proposals in plan form & with estimating costs.

Ask planning officer to see if he thinks planning permission is needed & get his response in writing. In Mr. Sprungauer's experience it probably won't be needed.

SELSIDE RESIDENTS ASSOCIATION

Minutes of a meeting held on Wednesday, 4th June 1997 at 7.30 pm at The Shaws in Selside

Present: Richard Cameron, John Davies, Hilary Fenten, Wilf Fenten, Leslie Goodman, Robin Goodman, Anne^WSmith, Richard Smith, Colin Webster, Anne Webster; John Lambert joined the meeting at a later stage. Meeting chaired by Wilf Fenten.

1. Apologies for absence were received from Jim Davies and Helen Sergeant.
2. Wilf Fenten has received drawings from Chris Partrick, Yorkshire Dales National Park, for enhancements to Selside Village Green. Copies of the main drawings were circulated amongst residents of Selside. After some discussion various amendments were suggested and Wilf Fenten was asked to write to Chris Partrick explaining these changes.
3. Once these changes are agreed final plans will be sent to the Millenium Trust so that Selside Residents Association can receive a grant from the Trust for the enhancement works.
4. In order to be able to apply for a grant Selside Residents Association must be put on a more formal footing. Wilf Fenten has agreed to draft a short constitution to be circulated before the next meeting. It was also agreed to elect four officers for the Association. They are: Wilf Fenten as Chairperson, Robin Goodman as Deputy Chairperson, Colin Webster as Secretary and Malcolm Renshaw as Treasurer (subject to consent).
5. It was agreed that another meeting should be held as soon as possible so that we can apply for a grant before 1st July 1997.

Please let me have suggestions for any additions or alterations a.s.a.p.

Wilf.

FIRST DRAFT

CONSTITUTION SELSIDE RESIDENTS ASSOCIATION

Adopted on the ... of July 1997

1. **Name:** The name of the association is Selside Residents Association hereinafter referred to as "the Association".
2. **Object:** The object of the Association is the promotion of the well-being of Selside residents as well as the maintenance and improvement of Selside and its environment.
3. **Membership:** The members of the Associations shall be all those persons whose primary residence is Selside and whose names are for the time being recorded in the register of SRA members, as decided by simple majority by any meeting of the Association.
4. **Meetings:** The meetings of the Association shall be convened at least three times a year. There shall be a quorum when at least five members are present at the start of the meeting. The first meeting after 1st June shall be its Annual General Meeting. Additional meetings can be called at any time by any two members upon not less than 7 days notice.
5. **Honorary Officers:** The Association shall appoint from its membership a Chairperson, a Deputy Chairperson, a Treasurer and a Secretary. These appointments shall each be for a period of three years and may be renewed for one further period of three years.
6. **Alterations to Constitution:** Any change to clause 1 or 2 of this Constitution must be made unanimously and by a quorum of at least 75% of all members of the Association. Any other change to this Constitution requires a majority of at least 75% and a quorum of seven members.
7. In the event of dissolution or amalgamation of the Association its assets shall be given or transferred to such other organisation having objects similar to that of the Association. If no such other organisation can be determined all assets of the Association shall be given to Horton-in-Ribblesdale Parish Council.

This Constitution was adopted during the first Annual General Meeting of the Association, held on ... July 1997.

Signed: (Chairperson)
..... (Deputy Chairperson)

Mr R. King
Group Engineer
Land Charges
Environmental Enhancement
County Hall
Northallerton
North Yorkshire
DL7 8AH

The Shaws
Selside nr. SETTLE
North Yorkshire
BD24 0HZ

Tel.: 01729 860 313
Fax: 01729 860 350

BY FAX (4 pages) 01609 779 838

9th May 1997

Dear Mr King,

WITHOUT PREJUDICE
Selside Village Green

Your letter of 6th March 1997, your reference 1876/NVG/STPE/MMK, was very welcome as I had been trying for over a month now to get a reply from County Hall. Nevertheless, it caused a great deal of concern amongst Selside residents.

As you know, the County Council's Economic Development and Environmental Issues Sub-Committee resolved, at its meeting on 7th January 1997, to accede to the application by Horton-in-Ribblesdale Parish Council for registration of Selside Green as village green.

After several conversation with Mr Ian Ross in the course of January I wrote to him over a month ago (5/2/97) asking him to send me a copy of the registration or, if the registration had not yet been put into effect, an explanation of the reasons for any delay. Approximately two weeks later (20/2/97) I wrote again as I had not had any reply to my earlier letter. Now, a month later, you inform me that "there appear to be conflicting claims as to the ownership of the site in question". I was under the impression that this had been sorted out by now.

In the papers submitted in advance to the Economic Development and Environmental Issues Sub-Committee it states on page 2 of Item 29, para. 3.4: "The land is believed to be owned by the Lord of the Manor, Dr J. A. Garrer, of the Ingleborough Estate Office, Clapham, Lancaster." Although the spelling of the name is not correct (it should read Dr J. A. Farrer) this identifies clearly the owner "of the soil". Since the site in question has not appeared on any deed of sale and Dr Farrer has never given up the ownership of the land the matter seems to be quite clear. In fact, the Secretary of the Selside Residents Association received a letter from Dr Farrer last month. In it he consents to Selside residents maintaining and improving the area "in keeping with public enjoyment". I enclose a copy of this letter herewith.

The only "conflict" arose during the registration process when the only objector to the registration, Mr J. H. Morphet, briefly claimed ownership of the village green on the basis of exclusive use for more than twenty years. In acceding to the application for registration of Selside Green as village green the Sub-Committee accepted that the Green had been used by all residents for more than twenty years - not exclusively by Mr Morphet. Thus there are no conflicting claims as to the ownership as Mr Morphet has never been able to claim ownership of the Green on any other basis but exclusive use.

For some time now, Selside residents have wanted to arrange a meeting between them and officers from the National Park and Highways in order to plan the urgently needed maintenance and improvement of the Green. Also, as mentioned before, the National Park is keen to have a copy of the registration for their own records. I should be very grateful if you give this matter your urgent attention and let me know as quickly as possible what is happening. Many thanks.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'W. Fenten', written in a cursive style.

W. Fenten

Encl.: Copy of letter from Dr J. A. Farrer, Ingleborough Estate
Copy of page 2 of Item 29, documents in advance, Economic Development
and Environmental Issues Sub-Committee, 7th January 1997

Copies to County Councillors Ralph Atkinson and Tom Mould

2.3 The legal position in relation to claims made under the 1969 Regulations has changed in consequence of the decision of the Court of Appeal in R -v- Suffolk County Council Ex P Steed (11 July 1996). The fact that land might have been claimed as a Green under the principal provisions of the Commons Registration Act 1965, but was not so claimed, was held by the Court not to be a bar to a claim under the new Land Regulations. Therefore, Selside Green could have been registered immediately pursuant to the 1965 legislation, the fact that it wasn't does not prevent the County Council considering this fresh claim.

2.4 The essential criteria are as follows:-

- used by the inhabitants of the locality;
- for lawful sports and pastimes;
- as of right;
- for not less than 20 years since 2 January 1970.

The task of this Sub-Committee is to consider the evidence and determine whether the requirements for registration have been satisfied.

3.0 THE APPLICATION

3.1 The application has been made by the Horton-in-Ribblesdale Parish Council in respect of an area of land known as "The Green" at Selside shown hatched black on the attached plan accompanying this report.

3.2 It is claimed that the land at Selside became a village green on 1 February 1994 by virtue of it having been used by local habitants for lawful sports and pastimes as of right for more than 20 years.

3.3 The application was accompanied by 17 statements/letters of support from residents and former residents of Selside giving evidence of activities on the land.

3.4 The land is believed to be owned by the local Lord of the Manor, Dr J A Garrer of the Ingieborough Estate Office, Clapham, Lancaster.

3.5 An objection to the application has been made by Mr J H Morphet of Acre Lands Farm, Grindalton, Lancashire, who has included the Green in the particulars of sale of the neighbouring house known as "Penyghent Cottage".

4.0 THE EVIDENCE

4.1 The application itself and representations in support of the application are attached to this report at Appendix A.

4.2 Representations objecting to the application by Mr J H Morphet are attached at Appendix B.

5.0 ASSESSMENT OF THE EVIDENCE

5.1 In order to advise Members, with the benefit of Counsel's Opinion, I have commented on the submissions both in support of and objecting to the application with reference to the criteria to be met before the application can succeed.

Ingleborough Estate

CLAPHAM

VIA LANCASTER

LA2 8DR.

YOUR REF.

OUR REF. JAF:HP

TEL. CLAPHAM (015242) 51302

25 February 1997

Mr. C. Webster,
Secretary, Selside Residents Assoc.,
The Old School House,
Selside,
Settle,
North Yorkshire. BD24 OHZ

Dear Mr. Webster,

Selside Green

Further to correspondence and assuming that the area concerned is registered as a Village Green then I am willing to have my name (and successors) registered as the owner "of the soil".

Also, this being so, I am in agreement with whoever wishes to maintain and improve the area in keeping with public enjoyment.

Yours sincerely,



Dr. J.A. Farrer

Mr Richard T. Daly MA (Oxon)
Head of Legal Services
County Hall
Northallerton
North Yorkshire
DL7 8AD

The Shaws
Selside nr. SETTLE
North Yorkshire
BD24 0HZ

Tel.: 01729 860 313
Fax: 01729 860 350

BY FAX 01609 780 447

6th May 1997

Dear Mr Daly,

Selside Village Green

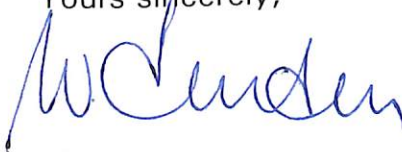
At its meeting on 7th January 1997 the County Council's Economic Development and Environmental Issues Sub-Committee resolved to accede to the application by Horton-in-Ribblesdale Parish Council for registration of an area of land in Selside as Village Green.

After several conversation with Mr Ian Ross in the course of January I wrote to him a month ago (5/2/97) asking him to send me a copy of the registration or, if the registration had not yet been put into effect, an explanation of the reasons for any delay. Approximately two weeks later (20/2/97) I wrote again as I had not had any reply to my earlier letter. Now, a month later, I still have not had any reply to my two communications.

Selside residents want to arrange a meeting between them and officers from the National Park and Highways in order to plan the maintenance and improvement of the Green. The National Park, especially, is keen to have a copy of the registration for their own records.

Please let me know as a matter of urgency if (a) my previous communications reached Mr Ross and (b) when we can have a copy of the registration.

Yours sincerely,



W. Fenten

Copy to County Coun. Beth Graham

0 ACTIVITY 871 27 06/97 10123
44 2109 307 059 W FENTEN

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SELSIDE RESIDENTS ASSOCIATION

C/O THE OLD SCHOOL, SELSIDE NR. SETTLE • NORTH YORKSHIRE BD24 0HZ
TEL.: (01729) 860 465 • FAX: (01729) 860 350

Mr J. H. Morphet
Briars Lea
Ferney Green
Bowness on Windermere
Cumbria

5th March 1997

Dear Jim,

SELSIDE VILLAGE GREEN

Thank you for your recent letter and enclosure ref. Selside Village Green, which you sent for our perusal. It was a most interesting map and certainly helps to illustrate how areas can alter over a period of time. We feel it will not affect the decision arrived at, as that was based on the usage of the area in recent times rather than in the last century. We will file the map with the report and documentation relating to the village green that Mr Ross from N.Y.C.C. sent us following the January meeting.

The residents in Selside would like to stress that any future tenants or owners of Penyghent Cottage would naturally be able to use the village green, along with all others in the local community, providing such use did not lead to any area being made unavailable for use by all.

Yours sincerely,
on behalf of Selside Residents Association

Colin Webster
Secretary

SELSIDE RESIDENTS ASSOCIATION

C/O THE OLD SCHOOL, SELSIDE NR. SETTLE • NORTH YORKSHIRE BD24 0HZ
TEL.: (01729) 860 465 • FAX: (01729) 860 350

Mrs M. E. and Mr J. H. Morphet
Briars Lea
Ferney Green
Bowness on Windermere
Cumbria

22nd April 1997

Dear Margaret and Jim,

SELSIDE VILLAGE GREEN

At a recent meeting of Selside residents we discussed various plans for some simple enhancements of the Village Green. Plans are being drawn up and it is hoped that work can commence before long.

There may be some items on the green at present which you would like to remove before work begins. Should this be so please take them away before the end of May as they may be re-used or disposed of.

We want to make the green a real centre of Selside for the benefit of everybody. If you have any suggestions I am sure that people in Selside would be glad to hear of them.

Yours sincerely,
on behalf of Selside Residents Association



Colin Webster
Secretary