

Dear Mrs Coles,

Further to recent correspondence concerning Polyphant Green, I wonder whether it may be worth the Parish Council considering to apply to change the official status of Polyphant Green, from common land to that of a village green. I seek to outline the main differences below.

Common Land – Anyone wishing to construct works on the land must apply to the Secretary of State (Environment), via the Planning Inspectorate for permission. People claiming ownership of the common, or part of it, would have a private right to drive and park their vehicles on the land. Under the Countryside and Rights of Way Act 2000, public access is permitted over the land, except that which falls within 20 metres of a house – Schedule 1 (excepted land) to that Act. From the attached plan, access to most of CL 258 could technically be challenged, and the whole of CL 422, linking the common to the road to the north.

Village Green – all of the local inhabitants would have a right of access to all parts of the green for sports and recreation. Residents have the right to take anyone to court who interrupts their legitimate use of the green. People claiming ownership of the green, or part of it, would have a private right to drive over the green, but not to park any vehicle on it. Application to change the status of land from common land to village green must be completed on form CA13, for which no fee is payable. However the Council would have to provide some evidence that at the time of provisional registration, September 1968, the local inhabitants used the land for their sports and pastimes. Letters from local residents, past and present, recalling how the green was used in the late 1960's should suffice. Applications of this type must be made before 30 December 2020, after which such applications cannot be entertained.

I note the land was registered as common land due to an application to graze 6 head of cattle over the land. This right, which was not challenged, would also be exercisable if the common land status changed to that of village green.

Please note I am copying this e-mail to Mr Haithwaite, who has asked to be kept informed about this e-mail to your Council, and to Cllr Adrian Parsons for his information. If I can be of any further assistance, please do not hesitate to contact me.

Kind regards,
Oll a'n gwella

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