

MURTON CUM HILTON

PARISH COUNCIL

SUBJECT

Fairview Hilton

INTRODUCTION

A I believe there has been a genuine misunderstanding which has led to an oversight by the council on this matter.

HISTORY

(A)

The P.C at its meeting on the 4th February 2013 was advised of a request for a second driveway to this property across the village green. The P.C agreed it was 'unable to give permission... as the area is registered village green and is also subject to common grazing rights'. A letter was sent by the Clerk to this effect on 8th Feb 2013

(B)

Two further letters were sent including guidance supplied by John Sibson and seeking clarification that the title deeds to the property specify legal access across the green at a point west of property.

(C)

I have checked with the Chairman and the Clerk. No replies have been received from the owners, and in particular no proof has been offered on the subject of a legal right of way.

At it's meeting on the 11th June 2013 the P.C. was advised that 3 letters had been sent and agreed to seek legal advice. The Clerk subsequently contacted the Commons Registration Officer for advice.

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(D)

At It's meeting on August P.C was advised that ' Councillor Price had tried to contact the owners of Fairview regarding parking on village green but it was reported that the residents were no longer doing so.

PRESENT

(A)

From the above it is quite clear that whilst the owners of Fairview may no longer park vehicles on the green, the initial contact point i.e. the creation of a second access to their property has resultingly not been followed up.

LEGAL POSITION

This is slightly complicated as the land in question is:

1A)

- i) Owned by the P.C
- ii) Registered Village Green
- iii) Registered Common Land

The more stringent regulation appear to cover village greens. As the Council has previously recorded in documentary form the purpose of village green designation to protect such an area as a place for recreation or leisure. The Council has a legal responsibility to protect the village greens from injury or interruption of the use and enjoyment of the village green.

The Commons Registration Office on 02/07/2013 advised Parish Council Clerk (having read the letters sent the McDarrrens) ' I think you have taken the right approach !

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THE WAY FORWARD

1)

The P.C both as landowners and protectors of the village green reaffirms its previous decision not to allow a second vehicle access to Fairview Hilton.

2)

In view of no evidence being presented regarding legal right of access to the western side of their property, the P.C. seek a written assurance from the owners to cease such activity.

3)

A deadline of 4 weeks for receipt of a reply such be stipulated to prevent this matter further being prolonged.