

Justification for the application to register Great Lees Field as a Village Green

Introduction

This document sets out the facts supporting the claim to have Great Lees Field in Semington, Wiltshire designated as a **village green** under Section 15(1), subsection 15(3), of the Commons Act, 2006.

It presents an analysis of recent (June 2016) survey data to demonstrate there has been *as of right* use by Semington villagers for the 20-year period (up to 27th April 2016) when the land was ploughed for the first time in living memory. Data illustrate that this usage goes back well beyond the 20-year qualification period, certainly to the 1950s. Data were collected by means of a questionnaire based on the pro-forma produced by the Open Spaces Society and were acquired over a 7-day period in mid-June 2016.

The document begins with a context-setting of the village of Semington, before describing Great Lees Field itself. It then has sections covering the ownership of the field, data gathering, and the nature of the villagers who responded. It then sets out in detail the use of Great Lees Field by villagers with a focus on the activities that have been carried out and their frequency. Finally, it addresses the issue of 'as of right' use and demonstrates that villagers have exercised this for at least the 20 year period up to April 27th 2016.

The village

The village of Semington lies within Semington parish which is in the Melksham community area in Wiltshire. The village is just over a mile south of Melksham. It lies west of the (recently diverted) A350, which, together with the A361 Trowbridge to Devizes road, runs through the parish. The vast majority of the housing and village amenities are clustered around or near the old A350 road.

According to the 2011 Census ¹, 930 people lived in the parish in 389 households – an increase of 12% and 18% respectively since 2001.

Semington is an old settlement and people have lived here since the 12th century. St George's church dates from around 1300, and records of Littleton Mill (which was burnt down in 1802 during a protest against the use of machinery) go back to these times. The village is surrounded by farmland and its farmhouses date from the 1500s. The parish has a number of notable houses built in the 17th, 18th and 19th centuries. The village school began in 1859. It is still thriving, although in much more modern buildings. The village Hall, built in 1933, and recently refurbished, is the heart of the village, both geographically and socially. It has a social club and a skittle alley, and hosts the WI, a bridge club, bingo, a stompers class, two choirs, quizzes, a special needs children's group, a Zumba class, and the parish council. An extensive history of the village was compiled with funding from the Millennium Commission and published in 2002 ².

The Kennet & Avon Canal, and Semington Brook which flows into the River Avon west of Melksham, form the northern boundary of the parish. The Wilts & Berks Canal started at Semington until its closure in 1914, but a new connection with the Kennet & Avon is now planned. Of the many well-used village footpaths, the most popular is the canal towpath.

The parish has the following features;

- Two small grassy areas; one is opposite the village hall where the Christmas tree stands. The other, The Ragged Smock, is at the south of the village and is named after an old windmill that resembled an old man in a tattered coat.

¹ 2001 Census, household and population data (2001C), Wiltshire Parish Population Estimates and Projections 2001-2011. 2011 Census, household and population data, Wiltshire Census 2011 Selected Statistics Profile Tool. <http://www.intelligentenetwork.org.uk/population-and-census/>

² Firmager G & Firmager D (Eds.) (2002) *Semington Past and Present*; ELSP Press

- At the Queen's Diamond Jubilee, a wood was planted south of the A361 and east of the old A350 road; since then, villagers have planted 9000 daffodil bulbs, scattered 10000 poppy seeds, and planted an oak to mark the outbreak of the First World War.
- A conservation area in the school grounds where children can monitor and encourage wildlife. There are wildlife ponds along the A350 with special crossing points underneath the road to protect the great crested newts and other fauna in the wildlife areas nearby.
- A small play area for children with basketball posts and a mini football pitch, a tennis court, and a full-size football pitch located south of the A361. The village has football teams, a cricket club and six skittles teams. A summer fête is held at the school.
- A Post Office, a monthly parish magazine sponsored by the church, the parish council and villagers, and a website providing information on parish events.
- A Neighbourhood Watch scheme works with the neighbourhood police team who attend the Thursday coffee mornings in the village hall.
- A range of businesses including a light industrial estate, a narrow boat hire and repair company, a crematorium, and a charity helping people to live independent lives.
- The Somerset Arms provides a range of activities and festivals, such as Christmas and Easter parties for children, live bands, and quiz nights.
- Regular buses to Chippenham, Devizes, Melksham, Swindon and Trowbridge, and rail links in Melksham, Trowbridge and Westbury.

Up to April 27th 2016, a further feature of the village was Great Lees Field (which some know as Big Lees Field) which has been extensively used by villagers in the post-war period 'as of right' for a wide range of recreational, sporting and other activities. On April 27th 2016 the field was ploughed thereby preventing any of these 'as of right' uses, and causing a reduction in biodiversity in the village. This is the first time that the field has been ploughed in living memory; as one respondent put it: "for the first time in my lifetime, 60 years". It is the action of ploughing the field that has prompted this application to establish village green status for the field with the aim of enabling villagers to continue to carry out their recreational, sporting and other activities that they have enjoyed for so long.

The field

Great Lees Field occupies about 4Ha and lies at the western edge of Semington village between Pound Lane and the Kennet & Avon canal with the properties along Pound Close and Palmer Grove at its eastern edge and a field to the west of it. The field lies wholly within Semington parish but outside the village settlement boundary.

The southern edge of the field (along Pound Lane) is a mature hedge which has a gate in it near the south-east corner. This is the vehicular access point for farm-related traffic. The gate has been locked since the field was ploughed on April 27th 2016.

The eastern edge of the field runs along the back gardens of properties on Pound Close and Palmer Grove. A number of these houses have access to the field from gates in their garden fences.

The northern edge of the field is the Kennet & Avon canal. There is a Right of Way along this part of the field running from the swing bridge over the canal through to the village High Street. Although the ploughing has made walking along the Right of Way more difficult than before, it is still possible to do this. This footpath is used regularly.

The western edge of the field is a mature hedge that runs from Pound Lane north to the Kennet and Avon canal. There is a gateway in it near the south-west corner, but there is no gate. This gap in the hedge is of long-standing. There is also a gap in this hedge (near Pound Lane) which is of more recent origin. There is a World War II pill box along this boundary between the gateway in the hedge and the canal.

It will be clear from this description of the field that access to it has been possible in a number of ways: by using the:

- gate on Pound Lane
- gateway in the western boundary hedge approximately 90 metres north of Pound Lane (and the gap in this hedge about 20 metres north of Pound Lane)

- stiles at each end of the Right of Way running along the northern boundary of the field where it meets the canal
- back gardens of the houses along Pound Close and Palmer Grove
- Kennet & Avon canal

It is evident from the data collected that the field has been regularly accessed in the first 4 of these ways over the last 20 years; evidence for direct access from the Kennet & Avon canal remains anecdotal. Although, unsurprisingly, the images of the field on Google Earth do not show anyone using it, they do provide evidence of access via the gate on Pound Lane, the gateway in the western boundary hedge, and from some of the back gardens of the houses along Pound Close and Palmer Grove.

Following the ploughing of the field on April 27th, printed notices were displayed on the Pound Lane gate saying that the land is 'private' and that there is no right of way. Around June 15th, more formal notices were placed on the gate on Pound Lane, and also at other access points to the field, some of which were newly blocked off. The details are:

- I. the gateway in the western boundary hedge approximately 90 metres north of Pound Lane has a sign "PRIVATE FARMLAND No Public Right Of Way" and wire mesh netting now blocks access through the gap in the hedge.
- II. there is a sign "PRIVATE LAND No Public Right Of Way" in the middle of the small gap in the hedge 20 metres north of Pound Lane
- III. the wooden stile into Great Lees Field in the north west corner has a new "PRIVATE FARMLAND No Public Right Of Way" sign in the corner of the field. This may be an attempt to prevent use of the Right of Way running along the field's boundary with the canal.

It is significant that his multiple use of notices acknowledges that there are many ways that people on foot can enter the field, and it is the first time (in living memory) that such notices have been put up. That is, there has never been any previous attempt by owners or tenants to put up notices either saying that the land is private, or denying complete access to potential users.

Ownership

The field is owned jointly by [i] William Peter Stuart-Bruges and [ii] Arthur William Fitzjames Haythornthwaite. They live, respectively, in Kingsclere, Newbury, and Steeple Ashton. Up to the Spring of this year, the tenancy was held by John and Julia Masters of Manor Farm, Semington. The ploughing of the field was carried out by a new tenant farmer, but it's not clear whether anyone in the village knows who this is.

Only 20% of respondents said that they knew who the owner / occupier was. Although no one was able to name them, a small proportion of respondents (8%) knew that they were related to a long-established village family. More respondents, particularly those who have lived in the village for a long time, were able to name the tenants of the field (until early 2016), who do live in the village.

Data Gathering

Because there are a significant number of people who have lived in the village since the 1950s, there is considerable anecdotal evidence about the use of Great Lees Field by villagers 'as of right' since that time. In order to gather evidence more systematically, a questionnaire was drawn up by the informal group of villagers known as *The Friends of Great Lees Field*.

The only information provided to householders was this text on the front of the questionnaire:

Great Lees Field on Pound Lane was ploughed on April 27th – for the first time in living memory. This great village asset has been used by many people over the years for exercise, sport, relaxation and recreation, and its loss has caused great regret and anger in the village. But we can do something about this by applying to Wiltshire Council to have Great Lees Field designated as a **Village Green**. If approved, this would mean that the field would remain open for use by villagers forever and protected from future

development. If you have used Great Lees Field at any time in the past, we hope you will support this move by completing this short questionnaire about this. If you have any photographs of the field being used, that's going to be particularly helpful.

The questionnaire asked about:

- the length of time (duration in years) they had used the field
- how access was gained
- whether permission was granted for general access or specific activities (if so, from whom)
- whether permission had ever been denied, or access otherwise prevented
- the reasons for going onto the field
- frequency of use
- knowledge of other people's use of the field and / or community activities on it
- frequency and pattern of personal use

385 questionnaires were distributed to village residents on June 6th / 7th, with returns requested by June 11th. No reminders were sent, and there was no follow-up of non-respondents. No questionnaires were sent to anyone living outside the village. 66 returns were received by June 13th, a return rate of 16%. All were in support of an application to register Great Lees Field as a village green.

The respondents

Respondents lived in all parts of the village. Whilst a majority came from the streets closest to Great Lees Field, others lived in much more distant parts of the village community illustrating the wide use of the field.

All respondents said that they had used the field during the past 20 years. One said that she had used it from the late 1930s, six from the 1950s, four from the 1970s, nineteen from the 1980s, eight from the 1990s, 22 from the first decade since the millennium, and 6 more recently. This is a good representation of the various lengths of time that people have lived in the village.

Activities

What villagers have done in Great Lees Field over the last 20 years (and more) is wide-ranging. It includes individual and family activities (which predominate) and more organized community events. When asked about the activities that they have *seen* taking place, villagers reported the following (showing % positive responses):

- dog walking – 99%
- people walking – 97%
- children playing – 91%
- picking blackberries – 86%

- kite flying – 53%
- bird watching – 46%

- football – 29%
- bike riding – 29%
- cricket – 23%
- fishing – 21%

Activities with a lower than 20% response were: bonfires [18%] picnicing [15%] annual parking for the village fete [15%] team games [11%] rounders [9%] drawing / painting [9%] and a route for the village fun run ("slog") [8%].

Other activities listed by fewer than 5 villagers included community celebrations, horse riding, picking mushrooms, running, jogging, picking damsons, children camping, Frisbee games, photography, fancy-dress fairs, the decoration and storage of carnival floats, gymkhana-related events, and rowing (presumably by using the northern boundary of the field as a launch point).

Villagers were also asked about the activities that they had engaged in personally (as opposed

to observing others doing). There was a similar pattern of responses with dog walking, people walking, children playing, picking blackberries, and kite flying again being the most prevalent responses (in the same order as seen above). Football, cricket, bird-watching, picnicing, bike riding, the village fun run, and parking for the summer fête were all also mentioned.

When these responses are read in conjunction with the length of time that people have lived in the village, it is clear that the kinds of activity listed here have been happening for a long time; far longer than the 20 years since April 1996. Equally clearly, a number of these activities no longer take place. For example, responses indicate that Trowbridge Pony Club used the field for gymkhana parking from 1988 to 1998, and that there were bonfires (sometime associated with the Lions charity from the 1960s “up to 1976”. More recently, however, parking for the village summer fête (held in the school) has been “from 2005 to 2015”. It will not be used in 2016 because of the ploughing of the field.

This use of Great Lees Field by the village is fully in tune with rural life, with agricultural practice and the rhythm of the seasons. There are the seasonal community celebrations such as the spring village fun run “slog”, the summer fête, the autumn carnival and bonfire night, and seasonal individual and family activities such as “kite flying every autumn”, playing cricket with the children after “the grass was cut”, and picking mushrooms, blackberries (and damsons and elderflowers) in the late summer / autumn. Added to these are the more frequent activities that people undertake with their families (or on their own) more or less all the time, with walking and dog walking being the most-reported activities whether by respondents themselves, or by other villagers.

One respondent [36] who ticked “walking” as one of the activities that he engaged in in the field, elaborated on that use, stating that this involved “exercise, relaxation, recreation, reflection, meditation, blackberrying, mushrooming, nature study, wildlife exploration” which brings home the point that Great Lees Field has a wide range of personal benefits. It is inconceivable that similar purposes were not widely shared by people who were also only “walking”. This respondent added that he’d been doing this “for the last 32 years on a monthly basis”. Another respondent [43] captured something of the significance of the field to children of all ages:

“I have used Great Lees Field regularly over the past 28 years. When my children were young we used to use the field for flying our kites. During summer holidays, village children would play in the field once the meadow had been harvested. The World War II pill box served as a play den, and has been a regular meeting place for teenagers wanting to be out of sight of adults.”

The following extract from respondent [3] shows what has been lost:

“We own a children’s day nursery and use the field on a regular basis. We have vulnerable children who live in poor accommodation (ie, flats) with no access to outdoors without an adult being present. Having access to the field given them a chance to run and play with many friends that they would not normally have in a safe environment. Great Lees Field is like another classroom for the nursery [where] they can learn, play, and draw with freedom.”

Frequency

The data show that although the frequency of use varies, it can be quite regular, and very frequent. Villagers were asked how often they used Great Lees Field, and responses ranged from “every few years” to “6 times a day”. Within these extremes, the following pattern of use was found:

- Every day (including the 6 times a day person, another who used it 3 times a day, and one twice a day) = 26%
- Every week = 47%
- Every month = 12%
- Every year = 5%
- Frequently / often / regularly = 9%

Within each of the weekly, monthly and yearly categories, there was also considerable variation. For example, every week includes those using it “nearly every day”, those doing so “2 or 3

times” and those who went into the field “once a week”. A similar pattern is found in the other categories. If all those who said that they used the field more than 4 days a week are added to the daily users, the % of users rises from 26 to 41.

Clearly, use changes over time. For example, from playing cricket in the field as a lad in the 1950s, to now merely walking on it; from taking children into the field two or three times a week when they were young, to now, on average, using it only once a week. There is also a clear seasonal change of use which is typified by this response: “in winter approx 2 times a week, and at least 4 times a week in summer”.

Access to the field

Respondents were asked how they got into Great Lees Field before it was ploughed and the gate locked. 80% said that they did this through the Pound Lane gate, and 25% said that it was through a gate in their back garden. A further 16% said it was through the gateway in the north-south hedge along the western boundary of the field, and 13% said it was from the canal, the right of way running along the northern edge of the field or the stiles giving access to that right of way from adjoining properties. NB, numbers sum to more than 100 because 29% of respondents said that they used multiple entrances and exits.

It was those respondents living on Pound Close and Palmer Grove, whose properties adjoin the field, who were able to use the gates in their back gardens to gain direct access to the field. It is clear from the data that they did this, not only for a host of recreational activities, but also in order to keep their property in good repair. It seems equally clear that they have done so ‘as of right’.

Many respondents who used the Pound Lane gate were at pains to point out that they went through an unlocked gate. “Through open gate” is a typical and frequent comment.

As of Right use

Specific questions were asked about whether permission had been sought or given for use of the field in order to check whether ‘as of right’ use could be substantiated. It is clear from the data that the owners of the field have never been asked for permission to use the field, and have never given or refused it to respondents. This is unsurprising as, as been noted already, the owners do not live in the village and none of the respondents appears to know their identity.

Respondents were asked whether they thought that they had ever been seen on the land by the owner / occupier, and if so what was said. 14% said that they thought that this had happened, but none reported any conversation taking place.

Respondents were asked whether they had sought permission for specific activities on the land or had received such permission more generally. Six (9%) responded that they had specific permission from the tenant farmers for community activities, and five of the six confirmed that this related to car parking on the field on the day of the school summer fête. No respondent said that they had ever sought or been given permission to access the land for personal / individual use. There is no evidence that the field owners were ever asked for, or ever gave, any such permissions.

Respondents were asked whether any attempt had been made by notice or fencing or any other means to prevent or discourage the use of the land. 23% of respondents replied, ‘yes’. Unsurprisingly, a large majority (over 80%) of these were commenting on the ploughing of the field on April 27th 2016.

All the other responses were commenting only on the gate on Pound Lane which clearly has been locked (as opposed to its being merely closed) on a number of occasions over the years before the ploughing. The most cited reason related to stopping vehicular access by members of the traveller community. For example: “when travellers were around to stop them parking”; “when travellers were in the area”; and “when there was known traveller activity”. It is not clear that this relates to the past 20 years. A very small number of agriculture-related reasons are also given, for example, cows and crop spraying. Again, detail on the timing of these uses was not supplied.

It is important here to note that complete access to the field has never been made impossible by

all entry points (or entry discouraged through notices). Even when the Pound Lane gate was shut to prevent vehicles getting into the field, access through other means (the gateway in the western boundary hedge, the stiles at each end of the Right of Way running along the southern boundary with the canal, the canal bank, and the back gardens of the houses along Pound Close) has always been possible.

Map showing Great Lees Field in Semington village

