

Lapley, Stretton & Wheaton Aston Parish Council

c/o Staffordshire Youth Service, Wheaton Aston Youth Centre, Marston Road, Wheaton Aston, ST19 9PQ
Phone/Fax: 01785 841639 e mail: LSWAPC@btconnect.com



*The Fritillary
Wheaton Aston is
the most northerly
place this beautiful
plant is found
growing in the wild*

Mr. Ron Hilton
Chief Executive
Staffordshire County Council
PO Box 11
Martin Street
Stafford
ST16 2NF

13th September 2009

Dear Mr. Hilton,

Re: Birchenshaw Lane/Grass Road, Wheaton Aston

I am writing to you concerning the blocking of a road in the parish of Lapley, Stretton & Wheaton Aston. The road in question is marked on the map (1).

This particular road has been the subject of controversy for some time and an application (no. LR615G) has already been made to have it added to the Definitive Rights of Way Map (although I am informed that that it will take decades if not centuries for it to be considered). In order to save the time of everyone concerned and public money, I am committed to resolving the situation once and for all.

The road in question is named on Ordnance Survey map SJ8411 (1962) as Grass Road (2). It is shown on the "Map of the Roads in the township of Wheaton Aston" (1856) as no. VIII, Birchenshaw Lane and is described as linking Bellhurst lane with Ivetsey Road (3).

The road is clearly shown on the Tithe map (1838) dividing the two neighbouring properties.

Land Registry confirm that the land either side of the road (Seven Oaks & Land south of Greyhouse Farm) is owned by Mr. & Mrs. Killion (Seven Oaks, Ivetsey Road, Wheaton Aston) but the boundaries on the titles clearly show that the road is not included in either of the two properties (6). Land Registry also confirms that the land that the road is on is not registered and no one has applied to register it.

Mithra Tonking, Archivist at Lichfield Diocese has confirmed that the land is not owned by the Diocese (4).

It is the Parish Council's belief that this road is a public highway and should be maintained as a road (or at least a track).

The owners of Seven Oaks & Land South of Greyhouse Farm appear to have blocked the road (with branches, manure and garden waste) and it is now

impassable on foot. It is assumed that they hope to claim ownership of the land by adverse possession. They have been seen this week laying a water pipe between the two properties and now appear to be taking over the land. They have been aggressive towards anyone who has tried to clear the road and the police have been called out in the past on numerous occasions.


The Parish Council are prepared to clear the road so that it can at least be used again (as it has been for many years) by local walkers. They are also willing to consider purchasing it and maintaining it in the future. However in order to pursue either course of action I need to establish who owns the land.

My research clearly shows that the road is neither owned by a private individual (and hasn't been for at least 171 years) nor the Lichfield Diocese. It is the Parish Council's belief that this road is a public highway. It links one public highway with another and does not lead to a privately owned property. In 2004 a Staffordshire County Council Rights of Way Technical Assistant confirmed that the road is a publicly maintained highway (5).

This matter is now urgent and I request your immediate attention to resolve the issue. We have instructed Hedley's Solicitors to advise the Parish Council on how to progress the matter and will take legal action if necessary.

I look forward to hearing from you.

Yours sincerely



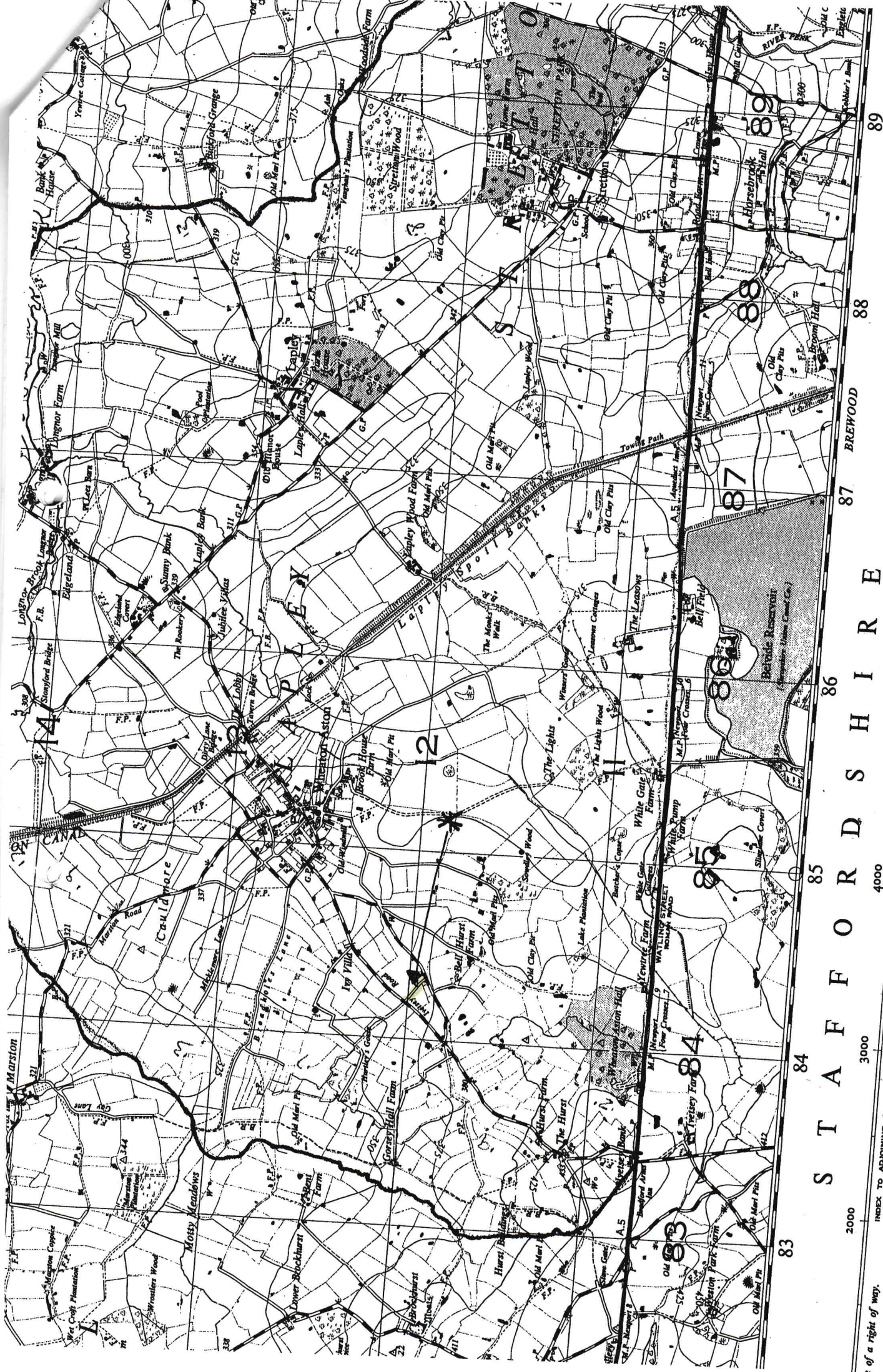
Debra Bate (BA Hons)
Clerk to the Council & RFO

Encl.

- (1) OS Map showing location of road
- (2) OS map SJ8411 (1962)
- (3) Map of the Roads in the township of Wheaton Aston (1856)
- (4) Email from Mithra Tonking (Lichfield Diocese)
- (5) Letter from Staffordshire County Council
- (6) Titles of Seven Oaks & Land to the South of Greyhouse Farm

Cc:

Mr. R. Taylor (Hedleys Solicitors)
Mrs. B. Cox (Lapley, Stretton & Wheaton Aston Parish Council)
Cllr. R. Wright (South Staffordshire Council)
Mr. S. Winterflood (South Staffordshire Council)
Mrs. B. Parsons (Staffordshire County Council)
Mr. R. Higgs (Staffordshire County Council)
Cllr. R. Roberts (Staffordshire County Council)
Mr. D. Kidney MP
Mr. G. Rothery (Staffordshire Area Ramblers' Association)
Mr. M. Key (Ramblers' Campaigns)
Mrs. K. Ashbrook (The Open spaces Society)



S T A F F O R D S H I R E

2000 3000 4000 5000 6000 7000 8000 9000

of a right of way.

INDEX TO ADJOINING SHEETS

SJ72	SJ82	SJ92
SJ71	SJ81	SJ91

The GRID lines on this sheet are at 1 Kilometre interval.
 Heights are in feet above Mean Sea Level at Newlyn.

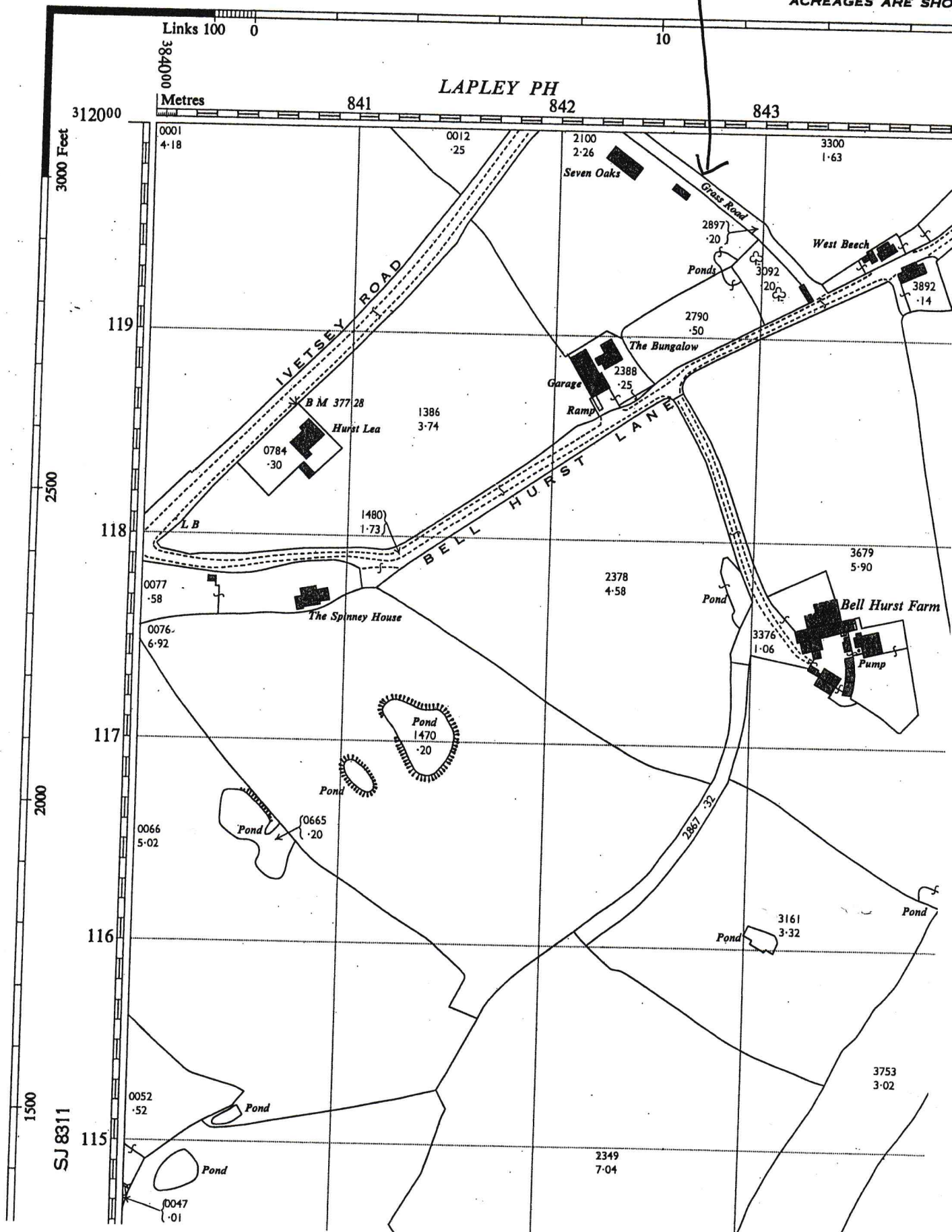
Compiled from 6" sheets last fully revised 1900-21
 Other partial systematic revision 1938 has been incorporated.

36°W of True North.

Printed and Published by the Director General of the Ordnance Survey, Chesham, Bucks.

PLAN SJ8411 & PLAN SJ8511

PARCEL NUMBER
The number and acreage of each parcel
when identifying a parcel
IN PARCELS DIVIDED
ACREAGES ARE SHOWN



To the SURVEYORS OF THE HIGHWAYS
 OF THE COUNTY OF STAFFORD
 in the PARISH of
 ASQUITH
 in the
 County of STAFFORD
 I HEREBY respectfully dedicated
 this Map for their use and behoof
 MARTIN SWINBORNE

THE APPOINTED
 ROAD-SURVEYOR
 in the PARISH of
 ASQUITH
 in the
 County of STAFFORD
 I HEREBY respectfully dedicated
 this Map for their use and behoof
 MARTIN SWINBORNE

1836

The map is deposited at the
 Surveyors Office on the 1st day of
 1836
 558/23



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XVI.	Lanaforlong Lane	Marston Road	Micklemers	11
XVII.	Marston Road	The Town's End	could more	ff.
	(Main Road to		Shushams Lane	11

(4)

LSWAPC

From: Mithra Tonking [mithra.tonking@lichfield.anglican.org]
Sent: 03 September 2009 16:57
To: 'Debra Bate'
Cc: 'Andy Mason'
Subject: RE: Land enquiry

Looking at the two plans you have emailed me, it would appear that the lane links Ivetsey Road and Bellhurst Lane and is therefore probably public roadway. It is not diocesan (church) land.

I suggest in the first instance that you contact the appropriate local authority who maintains your roads, which appears to be Staffordshire County Council - see <http://www.staffordshire.gov.uk/transport/staffshighways/>. They should know if they maintain the lane at the moment.

If you believe it is a private road, you may be able to confirm this with the Land Registry - see http://www.landregistry.gov.uk/wps/portal/Property_Search

If neither of these can help, it may be useful to look at the Tithe Map for the ecclesiastical parish of Lapley held at the Lichfield Record Office. Tithe maps were produced in the mid nineteenth century and are very detailed. The accompanying Tithe Awards give the names of owners and occupiers at the time of all the land shown - in Lapley's case in 1838. Whilst this does not help today, it is a starting point for tracing whether it was a public right of way or a private road at that time. See <http://www.staffordshire.gov.uk/leisure/archives/> for information about visiting a record office and for Lichfield Record Office's details.

I hope this may be helpful.

Mithra Tonking, Lichfield Diocesan Archivist
 mithra.tonking@lichfield.anglican.org

Please consider the environment before printing this email

From: Debra Bate [mailto:lswapc@btconnect.com]
Sent: 27 August 2009 20:55
To: Mithra Tonking
Cc: Barbara Cox
Subject: RE: Land enquiry

Hi,

I am attaching 2 property details from Land Registry.

The land is the track between the two properties whose boundaries are marked in red (Seven Oaks & land to the south of Greyhouse Farm). It links Bellhurst Lane with Ivetsey Road (ST19) on the outskirts of Wheaton Aston.

Best wishes

Debra Bate

From: Mithra Tonking [mailto:mithra.tonking@lichfield.anglican.org]
Sent: Thu 27/08/2009 09:29
To: Debra Bate
Subject: Land enquiry

10/09/2009

Staffordshire County Council

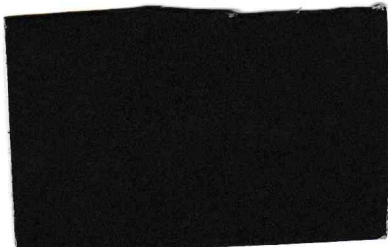
Development Services Directorate

(5)

TOM

Riverway
Safford, ST16 3TJ
Direct Line: (01785) 277247
Facsimile: (01785) 211279
E-mail: christine.cheeseman@staffordshire.gov.uk

Please ask for: Mrs. C. Cheeseman



My Ref: FPM.205/21/24 CC/JH Your Ref:

Date: 19 July 2004

Dear Mrs. Evans,

Public Rights of Way Query
Lapley and Stretton, Bradley, and Brewood Parishes

I refer to your official complaints of 1 July 2004 concerning the above.

- Bridleway No. 15 Lapley and Stretton Parish
- Map Ref A - Bridleway No. 0.997 Lapley and Stretton Parish
- Map Ref B - Bridleway No. 16 Bradley Parish

I have arranged for the County Ranger Service to investigate your complaint as quickly as possible, in accordance with the priorities for public rights of way as identified by the County Council's former Countryside Sub-Committee. Following investigation, the Ranger Service will issue a job sheet to effect any works, if appropriate, as soon as possible.

Map Ref C

I have enclosed an extract of the Definitive Map of Public Rights of Way, which shown the status of paths heading north to be footpaths.

Map Ref D

The Lane which runs between Ivetsey Road and Bellhurst Lane is a publicly maintained highway.

Map Ref E

Please be advised that the Definitive Map of Public Rights of Way shows the path at the above reference to be Bridleway No. 0.899 Brewood Parish.

I trust this information is of assistance to you.

Yours sincerely,

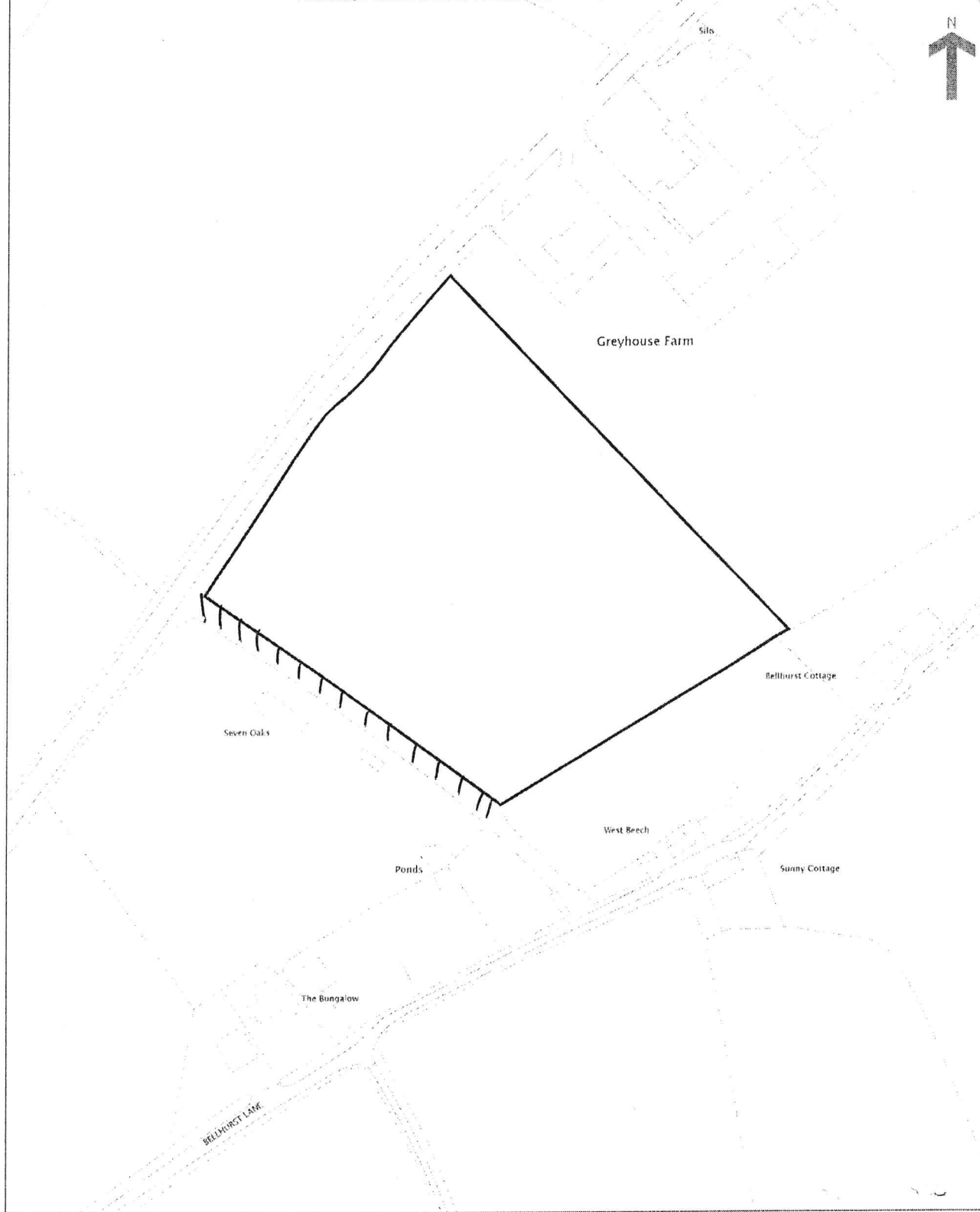
Chris Cheeseman
Rights of Way Technical Assistant



Land Registry
Current title plan

Title number SF518520
Ordnance Survey map reference SJ8412SW
Scale 1:1242
Administrative area STAFFORDSHIRE : SOUTH
STAFFORDSHIRE

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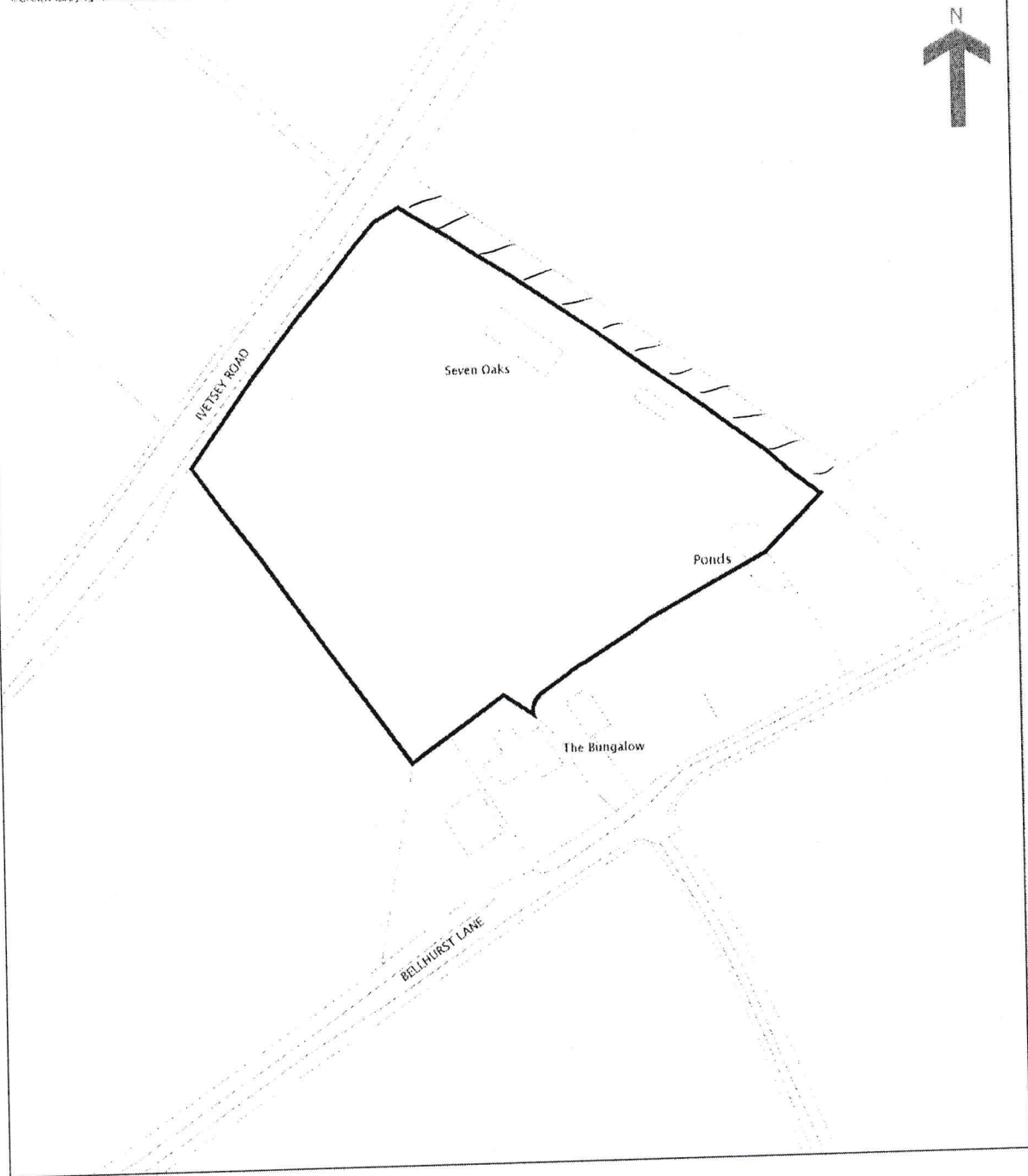
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This title is dealt with by Land Registry, Birkenhead (Old Market) Office.

Lapley, Stretton & Wheaton Aston Parish Council

Clerk to the Council: Marian Kennedy

8 January 2007

FAO Sarah Fraser
Resources Directorate

Staffordshire County Council
16 Martin Street
Stafford
ST16 2LG



The Fritillary
*Wheaton Aston is
the most northerly
place this beautiful
plant is found
growing in the wild*

Dear Ms Fraser,

Wildlife and Countryside Act 1981

Application for the addition of an alleged public highway from Ivetsey Road to Bellhurst Lane, Wheaton Aston to Definitive Map of Public Right of Way

Thank you for your letter of 7 December which Lapley, Stretton & Wheaton Aston Parish Council discussed at their January Council meeting. The Parish Council very strongly supports the application for the addition of this public highway from Ivetsey Road to Bellhurst Lane, Wheaton Aston to the Definitive Map of Public Rights of Way. They believe that there is strong local evidence to show that this has been a public highway and that it should be formally designated and opened up again for public use.

Yours sincerely,

Marian Kennedy.

Marian Kennedy,
Clerk to the Council