

ADDENDUM TO REPORT

The below additional evidence was received following circulation of the draft report.

From: Landowner 1

To: Stephanie Clarkson, Legal Officer.

Dated: 24th February 2023

SC

Staffordshire County Council
1 Staffordshire Place
Tipping Street
Stafford
ST16 2DH



24/2/2023

Dear Stephanie

Your Ref: LH629G

Firstly may I thank you for granting an extension in time to respond to the appraisal and advice that is to be put before the panel.

I have throughout maintained that a Lord Weymouth did not own Packington Lane as a result of the 1771 enclosure award, it is quite clear beyond any reasonable doubt, that he did not and no evidence has been presented to substantiate the claim. However this has clearly been ignored.

If this flawed application is accepted, it will create an ambiguity and throw into dispute the ownerships of Packington Lane, which is in my title of ownership held with land registry and has never been in the ownership of a Lord Weymouth, or his presumed successors in title including currently [REDACTED]

In 1771 to lawfully claim a right of ownership over an enclosure that was previously common heath land the applicant had to satisfy the parliament that they had enclosed the land, by planting a hedge around its perimeter with a gated access. The land in question had to be inspected by three inspectors who reported their findings to a panel of MP's who if they approved it would make a recommendation to parliament to pass an act to approve the application for its ownership.

In respect of the enclosure award ref Q/RDC2(1771) the enclosure hedge, which is fundamental to the award, is still in place between and forms the boundary between what was and still is the track now known as Packington Lane and the alleged allotment No.75. This categorically proves that: the

Lord Weymouth did not claim any part of Packington Lane as part of the enclosure award ref Q/RDC2(Part1)1771 if he had done Packington Lane would be in the ownership of [REDACTED] as supposed successors in title to Lord Weymouth, and Packington Lane would not be in my ownership today. Further the applicant states in written evidence submitted to the panel, that the land over which the applicant claims this archaic and disputed footway lies in the parish of "Wigginton", moreover the public records of "Staffordshire and Stoke on Trent archive service, guide to sources No. 5 (copy enclosed)(appendix 1) also shows the award reference Q/RDC/2 to be within the parish of Comberford, Wigginton and Coton, I do not dispute this, however Packington Lane is specifically and importantly in the parish of Packington and NOT in the parish of Wigginton.

I enclose a copy (Appendix 1) of the Staffordshire and Stoke on Trent Archive entry for your perusal. That states that the enclosure award ref Q/RDC/2 part 1 1771 is in the parish of Wigginton. Also to allay any ambiguity as to whether Packington Lane is within the parish of Packington and fundamentally importantly NOT in the parish of Wigginton, I enclose a print off (Appendix 2) showing that not less than three "Swinfen and Packington" parish councillors (highlighted) who all reside in Packington Lane (including myself)

For the sake of absolute clarity, I must repeat that Packington Lane is not within the parish of Wigginton as claimed and a Lord Weymouth did not hold ownership over Packington Lane, as it was outside his alleged enclosure award, Lord Weymouth could not grant a right over what he did not own. I also enclose a photograph (Appendix 3) taken from Packington Lane looking northward clearly showing the original hedge enclosing the land subject to the enclosure award made in 1771 on the right, this existing hedge was planted in compliance with the enclosure award on the eastern boundary of Packington Lane as well as the boundary between the parish of Packington and the western boundary of the parish of Wigginton and furthermore between the ownerships of Packington Lane in my ownership and what is allegedly recorded as allotment no. 75, that now being in the ownership of [REDACTED]

I also enclose a copy of a plan (Appendix 4) taken from my title deeds of ownership which shows my residence 'Keepers Cottage' as well as the parishes of Packington and the parish of Wigginton, in addition it shows what the alleged enclosure plan depicts as allotment 75. Significantly I ask you to note the 'T' marked on the plan that denotes the ownership of the boundary hedge planted in 1771 and forming the boundary of ownership between my own property and [REDACTED]. The 'T' symbol is recognised by land registry as denoting the ownership of a boundary hedge and as a result it is accepted by land registry that the boundary hedge, is the property of [REDACTED] and that Packington Lane is not in their ownership and moreover that [REDACTED] as alleged successors in title to the Lord Weymouth ownership of alleged allotment No. 75, that Packington Lane in its entirety did not belong to Lord Weymouth, moreover Lord Weymouth did not claim it to be and could not convey its title of ownership to his successors in title. For your ease of perusal, the 'T' features depicted on the plan are highlighted in yellow and indicated by a red arrow.

I now wish to refer to the map that has been submitted with form 1 of the application which may be appended to enclosure award Q/RDC/2 (Part1)1771. This alleged original enclosure award map causes some considerable concern, in that it clearly is not a copy of an accurate original map, given that the allotment No.75 as depicted, it clearly shows the 75 with a modern continental crossed 7. This style of digit did not exist in 1771, therefore it is clear that this is not an original document copy and that the questionable map it may have originated from, has been tampered with and does not conform to an evidential standard of proof. I must formally request that this document be disallowed as evidence, for the reason that it has clearly been falsified.

The deeds for my own property written (on velum) copy enclosed (Appendix 5) records Keepers Cottage and Packington Lane extend back in time and are contemporary to the time of the enclosure. The deeds do not record Lord Weymouth at all. Sir Robert Peel 1st Baronet acquired the property and it passed down a succession of Sir Robert Peels (there were six Barts in all) until its sale in 1909, sale particulars for Keepers Cottage and Packington Lane (road) enclosed (Appendix 6). Please see both deed plan evidence (Appendix 4) and sale document (appendix 6) with the access road (Packington Lane) denoted as property parcel No.254 and underlined and arrowed on both documents in blue high lighter.

I formally request that Staffordshire County Council's solicitor Kate Loader satisfies herself of the legal position and advises the panel that Packington Lane is not in the Parish of Wigginton as stated on the application, and that Packington Lane does not form part of the application and moreover and fundamentally importantly that Lord Weymouth did not own Packington Lane and was not lawfully capable of granting any kind of right over it. In the absence of such advice to the panel I will have no option other than to request Ms Loaders SRA registration number as well as the details of the councils barrister including the barristers register number who may be advising on this matter. I ask for this to allow a formal representation to be made to the relevant governing bodies as the evidential standard submitted by the applicant clearly does not satisfy a standard of proof based on the balance of probabilities and the legal advice being given may be significantly flawed. It is for the reasons presented above that I request that this application is refused.

There are some fundamental documents missing from the application for this alleged footpath, which I now formally request copies of under the freedom of information legislation. I wish to be furnished with a copy of the document proving that Lord Weymouth owned Packington Lane, which I maintain was not in his ownership and has not been established on the balance of probabilities.

May I thank you for your consideration in this matter.

Yours sincerely,



Enclosures:

Evidence Bundle

- App 1. Staffordshire & Stoke Archive Guide Source No. 5
- App 2. List of Packington Parish Councillors residing in Packington Lane
- App 3. Photograph of Packington Lane depicting the enclosure hedge planted 1771
- App 4. Copy from deeds showing that the enclosure award did not include Packington Lane
- App 5. Copy of root deeds from Keepers Cottage which does not show Lord Weymouth as owner
- App 6. Sale catalogue copy from Sir Robert Peels Estate sold with Keepers Cottage which includes the road to it, Packington Lane

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PLACE	DATE	ACT/AWARD/MAP	REFERENCE
TAMWORTH			
Comberford, Wigginton , Coton	1771	AW/M	Q/RDc/2
Glascote	1809	AW	4957/C/7
TATENHILL			
Barton under Needwood, Dunstall (Needwood Forest and township allocations)	1805 1811	A/AW/M AW/M	Q/RDc/58a (2 parts) Q/RDc/58c (2 parts) 482/1-2
Barton under Needwood, Tatenhill	1815	A/AW/M Copy AW	Q/RDc/20 D877/188/2
Barton under Needwood (Catholme Meadow)	1844	AW/M Copy AW	Q/RDc/93 D877/188/5
TEDESLEY HAY (extra parochial) with Penkridge, Huntington, Acton, Bednall			
	1814	A	D695/1/12/2; D(W)1771/32; D1798/321; WSL
	1815/6	Book of reference	D615/P(W)/16
	1817	M	D615/M/7/41
	c.1815	M	D1798/605
Plan with proposed alteration of roads Final award following disputes over roads and	1827	A/AW/M	Q/RDc/22A;

STAFFORDSHIRE AND STOKE ON TRENT ARCHIVE SERVICE

GUIDE TO SOURCES No 5

**STAFFORDSHIRE ENCLOSURE
ACTS, AWARDS & MAPS**

→ About Us

Background
The Council

Swinfen & Packington Parish Council Councillors

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Below is a list of Swinfen & Packington Parish councillors.

Councillors

Richard Barnes

Packington Hayes
Lichfield
WS14 9QA

Richard Dyott

Freeford Manor
Tamworth Road
Freeford
WS14 9PS

Leslie Armstrong

Keepers Cottage
Packington Lane
Hopwas
B78 3AY

Jonathan Loescher

The Steading
Jerry's Lane
Packington

Gaynor Pope

Pipistrelle Barn
Packington Lane
Hopwas
B78 3AY

Melanie Phillips

Packwood
Packington Lane
Hopwas
B78 3AY



Text only
a a a

Home

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Welcome to the Swinfen & Packington Parish Council Website

We hope that residents and visitors to the Parish will find the site useful and informative.

Ms Jayne Minnor
Parish Clerk
Swinfen and Packington Parish Council
6 Highfield Close
BURNTWOOD
WS7 9AR

Email: jayneminnor@talktalk.net

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PACKINGTON FARM

Adjoins Hopwas Farm on the West, and comprises a

Medium-sized House

Brick-built and Tiled, containing Sitting Room, Kitchen, Back Kitchen, Larder, Three good Bed Rooms, Two Attic Bed Rooms, and Closet. Garden in rear.

Water is laid on.

THE FARM BUILDINGS

Brick-built and Tiled, include Loose Box, Open Cow Shed for Six, Calf Box, Two-stall Stable with Granary over, Stable for three Horses, Cow Shed for Four with Loft over, large Barn, Three Pigstyes, a Two-bay Open Cart Shed in Meadow, and a Three-bay Open Cattle Shed and Loose Box (Timber-built and Tiled) near Plantation.

THERE ARE ALSO

A PAIR OF COTTAGES, Brick-built and Tiled, each containing Four Rooms, with good Gardens.

A DETACHED COTTAGE, with Kitchen, Scullery, Larder and Two Bed Rooms. Water is laid on.

KEEPER'S COTTAGE

Contiguous to the Woods, Brick-built and Tiled, containing Kitchen with range, comfortable Luncheon Room, Two Bed Rooms, Wash-house with copper, Larder, Closet and Coal Store.

Fowl House and Food Stores.

The Lands are of an **UNDULATING CHARACTER** and are chiefly Pasture, in addition to which are

The New Plantation and The Hanging Wood

Which afford facilities for the rearing of Game. The whole extends to an Area of about

138a. 1r. 26p.

As shown in the following

SCHEDULE.

NO. ON PLAN.	DESCRIPTION.	AREA.		
		A.	R.	P.
244	Cottages and Gardens...	0	2	7
245	Arable ...	3	3	19
246	Gravel Pit ...	0	2	7
247	Pasture ...	6	3	34
248	Ditto ...	14	0	21
249	Ditto ...	8	1	39
250	Ditto ...	15	0	10
251	New Plantation ...	19	2	32
252	Pasture ...	6	1	18
253	Ditto ...	14	3	35
254	Road ...	0	2	3
255	House and Buildings ...	0	1	9
256	Pasture ...	0	3	0
259	Plantation ...	7	2	29
260	Pasture ...	10	1	27
261	Keeper's Cottage and Pasture ...	13	2	27
262	Pasture ...	13	0	7
263	Hanging Wood ...	0	2	39
720	Pasture ...			
Total A.		138	1	26



SECOND EDITION.

By Order of Sir Robert Peel, Bart., with the assent of the Trustees.

STAFFORDSHIRE AND WARWICKSHIRE,

Contiguous to and partly within the Borough of Tamworth, with Stations on the London and North-Western Railway (main line) and the Midland Railway (Birmingham to Derby Branch), about $\frac{1}{2}$ miles from the City of Lichfield, and 16 miles from Birmingham.

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OF

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FORMING THE SECOND PORTION OF THE

Drayton Manor Estate,

Covering an Area of about

765 ACRES,

Extending from the Village of HOPWAS to BOLEHALL, and situate in the Parishes of WIGGINTON, FAZELBY, BOLEHALL and GLASCOTE, and the Municipal Borough of TAMWORTH, comprising

"COTON FARM," COTON,
HOPLEY'S FARM and the BONEHILL NURSERIES
MILLFIELD HOUSE,

Nos. 18, 19 & 20, LICHFIELD STREET, & SIR ROBERT PEEL'S SCHOOL, Tamworth,

ACCOMMODATION AND MARKET GARDEN HOLDINGS,

Fertile Arable and Pasture Lands,

BUILDING LAND & NUMEROUS COTTAGES

The whole being let to an excellent Tenantry, and producing a Gross Rental of

PER **£2,190** ANNUM.

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HUMBERT & FLINT,

At the CASTLE HOTEL, TAMWORTH, on

Tuesday and Wednesday, 26th & 27th October, 1909,

AT 2 O'CLOCK PRECISELY EACH DAY

(Unless previously sold privately), in 78 LOTS.

The Vendor is in the meantime open to offers for all or any of the Lots.

Particulars, Plans and Conditions of Sale may be obtained from MESSRS. HUMBERT & FLINT, Land Agents and Auctioneers, 11, St. John Street, Lincoln's Inn, London, W.C., and Watford, Herts; G. S. BIDWELL, Esq., Estates Office, Drayton Manor, Tamworth; or of MESSRS. DANGERFIELD & BLYTHE, Solicitors, 26, Craven Street, Charing Cross, London, W.C.

FEADOCK, PRINTER, TAMWORTH.

From: Stephanie Clarkson, Legal Officer,

To: Landowner 1

Dated: 15th March 2023

Dear XXXXXX

I refer to your letter dated 24th February 2023, and I have now had the opportunity of considering the issues you have raised.

The s53 Modification Order process is not to determine ownership of any land but to determine whether or not an alleged Public Footpath exists in law. The evidence of an Inclosure Award is considered to be good evidence of the existence of Public Rights of Way, and the County has no specific interest in the ownership of any of the affected land at the time of the Award.

The Award was prepared in 1771 during which time the practice involved obtaining authorisation by an Act of Parliament. The County is unable to comment on the procedure for the creation of Inclosure Awards which would have been in place at that time. It is now too late to challenge the validity of a legal document which was prepared some 250 years ago, and the County has to take the evidence on face value unless there is any evidence to the contrary. The County has found no evidence to contradict the Inclosure Award.

In determining this application, the County has no interest in which Parish the alleged route runs through as this is irrelevant to the question of whether or not the Public Footpath exists in law. The current Parish boundary runs along the West side of Packington Lane and crosses over to the East side of the lane along a stretch of the claimed route. The line of the alleged Public Footpath is therefore partially within each of the Parishes. Parish boundaries can change over time, and it may be that this boundary has changed at some point in the past, but this is not a consideration relevant to whether or not public rights exist over this route.

The content of your letter does not provide further evidence as to whether or not the public Right of Way exists over this route and therefore the recommendation within my report will remain unchanged. This letter and my response will be appended to the report for Panel to see. If the Panel decide that there is sufficient evidence to reasonably allege that public rights exist over this route and that an Order should be made to add the route to the Definitive Map, then any person has a right to object to the Order once it has been made. This objection would then be submitted to the Planning Inspectorate together with any other objections and

representations made within the objection period allowed. The Planning Inspectorate will hear the case by way of a public inquiry or by written representations and will then either confirm the order with or without modifications or decide that the order should not be confirmed.

If in the meantime you have any further evidence in respect of whether or not the public footpath exists over the alleged route, then I would be grateful if you could forward it to me for consideration.

Kind regards

Stephanie