



March 1978

Gypsy encampments and neglect of the common were subjects on which two members expressed strong feelings at the AGM. On the first, we had explained in our November Newsletter the reasons why the Association's representative at the Public Inquiry last July gave the evidence that he did. At the AGM there was no move to turn out the Committee en bloc, so we have to assume that the majority of members, if not necessarily in entire agreement with the Committee's line, at least thought it a reasonable line to take. In this Newsletter our new Chairman, Norman Williams, writes about the law relating to caravan sites for gypsies.

Even before the AGM, we had planned a series of articles on the commons and other open spaces which we are lucky to have in such plenty around the district. We take very much for granted our liberty to use them, and the footpaths and bridleways, but in this series Robert Allen examines the basis of the liberty we assume and finds it not always what we should like to think.

Coincidentally, the Berkhamsted Golf Club's application for planning permission to lay out a second course on their part of the common (yes, their part) turns the spotlight on the question of the rights of the general public. Your Committee would dearly like to know whether members think the application should or should not be granted. We keep begging you to write to us, but no one does. On this one issue at least, which has such a bearing on the amenities of the town, we do beg you, in case it should prove impossible to hold a public meeting in the short time available (the application is on the agenda of the Development Control Committee of the Dacorum Council for 30 March) to let us know as quickly as possible what you think. Letters should be sent to Norman Williams whose address is given at the end of this letter.

Gypsy Sites: What is the Law?

The Caravan Sites Act 1968, which came into operation on 1 April 1970 placed a duty on County Councils to provide caravan sites for all gypsies residing in or resorting to their area. It is only when the Minister is satisfied that either sufficient sites have been provided or that they cannot reasonably be provided that he may make a designation order under section 10 of the Act in respect of the area of the County Council, which has the effect of prohibiting (unauthorised camping by gypsies and enables local authorities to obtain orders from the magistrates' court to remove caravans from any land on which they are stationed without permission.

It is a common assertion that many persons so residing are not true gypsies but the Act defines them for its purposes as "persons of nomadic habit of life whatever their name or origin".

A heavy burden is placed on local authorities in that sites provided must conform with the provisions of the Caravan Sites and Control of Development Act which means that they must provide adequate accommodation. This has been interpreted as meaning that there must be hard standings for the Caravans with the usual toilet facilities and also drainage and roads.

Where there is disagreement between a county council and a district authority the Minister may direct the county to abandon its proposal, to proceed with it or to make an application for planning permission. In the latter event the Minister will determine the application in the light of the advice of his inspector following an inquiry.

In the absence of a designation order local authorities are not in a strong position to exercise control over those who trespass on land, create a nuisance and cause wilful damage.

"Our" Commons?

Some six square miles of open country, stretching from Potten End to Ivinghoe Beacon and including much common land, make one of the most attractive features of the district. Contrary to a widely held belief, common land in this country does not "belong to everybody". This is explained in the following paragraphs, based on a talk given in 1966 by our former Chairman, Hugh Gardner, at a meeting of the Berkhamsted Local History Society commemorating the centenary of Augustus Smith's challenge to Lord Brownlow's attempted enclosure.

First, common land, like any other land, has an owner; but he is not an absolute owner. His title is subject, in the first place, to the ancient customary rights of the commoners to put out animals to pasture, to cut turf or furze for fuel, etc. (on many commons these rights have lapsed through disuse but on others - in Wales and in the north and west of England, for example grazing rights are still vital to the economy of neighbouring farms). In the second place there are the rights more recently conferred by statute on the public at large. In either case these rights so limit what the owner may do with his land that it is not worth much to him. Historically the owner of the land was the Lord of the Manor but in course of time the title has lost most of its meaning and the ownership may have passed into other hands.

Thus the interests of the Lord of the Manor and the commoners were mutually opposed, and the struggles against enclosure by the landlord were conflicts between one kind of property owner and another, and not necessarily a struggle of the people against a local tyrant. Augustus Smith, who fought Lord Brownlow for the right to pasture his cattle on Berkhamsted Common, was a man of considerable property; though his lead was no doubt welcome and followed by many less prosperous commoners, he was fighting primarily in defence of his own rights.

Since Augustus Smith's day, much has changed. Then, England and Wales had a population of some 20 millions, of whom perhaps half earned a living from the land; and Berkhamsted was a country town. Our population in 1977 was estimated at 49 millions and only about 5% was agricultural; while Berkhamsted is now at best a town in the country, of whose inhabitants few are more than remotely connected with farming. This gives us a changed outlook on commons; but we must not forget that historically they are part of our system of agricultural land tenure, changed over the centuries, but having its origin in the mediaeval manorial system.

That is why, until 1964, common land was the responsibility of the Minister of Agriculture, as successor of the Enclosure Commissioners. Up to Little more than a century ago the object of legislation was to facilitate, not to prevent, the enclosure of common land. It was all part of the agricultural revolution, which made old farming systems obsolete and enabled us to feed our growing industrial population. The land which escaped enclosure, and has come down to us as common land, was generally the least valuable for agriculture.

The history of commons over the past century thus reflects the change, from an agricultural to an industrial society; changes in agricultural technique and social needs; and changes in outlook following two world wars. More stress is now placed on public access to commons, and loss of their productive use. While Augustus Smith as a farmer and landowner was, a century ago, legally fighting for his own rights, the claims of the public were obviously a good stick to beat Lord Brownlow with; but the Courts did not uphold the general claim to public access. At about the same time, battles were being fought to preserve from enclosure Metropolitan commons where public access was the dominant consideration. At places such as Hampstead Heath, and Wimbledon Common it was, however, difficult to find anyone still exercising common

rights to frustrate a proposed enclosure, and the question was finally settled only by the Metropolitan Commons Act of 1866. What brought all these struggles together was the formation in 1865 of the Commons Preservation Society; and they were the advisers at all stages of Augustus Smith in his battles against the trustees of Lord Brownlow.

For further recognition of their interest in access to commons for recreation the general public had to wait until 1925 when the Law of Property Act gave them the right of access for air and exercise to Metropolitan commons and to all commons wholly or partly in boroughs or Urban Districts, and provided in addition means by which the owner of any common land might declare by deed that it should be similarly open to the public; in either case subject to such limitations or conditions as might be imposed by the responsible Minister.

Today, the part of the common nearest to Berkhamsted and Potten End and bounded by a line drawn roughly south-west from Berkhamsted Lodge to the far side of the common, is owned by Berkhamsted Golf Club, and the remainder, including Northchurch Common and much land beside, by the National Trust. In our next issue we will deal with this in more detail, and explain the rights of the public and whence they are derived.

A Second Golf Course on the Common?

Do you look through the list of planning applications published each week in the Gazette? On 17 February it included the following;

"4/0092/78. Part of Berkhamsted Common, Berkhamsted. 18-hole golf course."

The application and plan, when examined at the Civic Centre, described a second 18-hole course running north-west from the Club House and passing Brickkiln Cottage on the side nearer the town; turning with three holes on the nearer part of the cultivated field beyond, and returning between Brickkiln Cottage and Frithsden Beeches and so back to the Club House. The existing bridleways and as many trees as possible would be left undisturbed. The two courses together would occupy 480 acres of the Golf Club's land which is (we are informed) a little less than 600 acres; only the steep, wooded strip along the side of the common nearest the town, and the further part of the cultivated field, would remain as they are today. Frithsden Beeches, being National Trust property, would not be touched.

Your Committee discussed this application at their monthly meeting on 2 March. Not surprisingly, there was more than one opinion but the majority were for opposing the application on the following grounds;

1. A new course would mean a reduction in the cover available for birds and animals, so that fewer would survive.
2. Many who walk on the common with their children are unable to relax because of the danger from golf balls; they therefore prefer to use that part which would be encroached on by the new course.
3. The common, divided as it is between fairway and areas of bracken crossed by footpaths, is a source of enjoyment to people from Berkhamsted and from other areas; it would lose much of its character if the fairway were extended.
4. Plants, trees and wild flowers would be destroyed.
5. There are already three golf courses in the vicinity.

The minority who supported the application made the following points;

- (a) The common would be improved and made more accessible by the removal of bracken.
- (b) The growing population of Berkhamsted will create an increased demand for golfing facilities.
- (c) If the course were not constructed, pressures on resources of undeveloped land could result in its being taken for less desirable purposes (this does not mean that it could be built on).

The Chairman has written to the Council putting the above points and suggesting that consideration of the application be deferred until the citizens of Berkhamsted have had an opportunity of hearing representatives of the Golf Club and all others interested at an open meeting convened by ourselves; but saying that if that were not possible, he must lodge formal objection on behalf of the Association, since from what information as we have been able to obtain in the time available it appears that the majority of our members are opposed to the application. He has also written to the Golf Club inviting them to be represented at such a meeting.

Lagley site for an Old People's Home?

Should Lagley House, a listed buildings be preserved? We were advised that this mid-XIX Century building was in poor repair, would cost a huge sum to renovate and adapt and had little historical interest. So we did not object to demolition; but when demolished, what should take its place?

The need for an old people's home in Berkhamsted has been raised. Now, when people have to go into a home it is in Hemel Hempstead where they are virtually cut off from their old friends. At Chesham bungalows, flats and an old people's home are all on one site; this means that when people are no longer able to look after themselves they are still among their more able-bodied friends who can drop in and see them or invite them out to tea. In Berkhamsted most of the accommodation for the elderly is at the Northchurch end of the town; what site for an old people's home could be more conveniently situated than Lagley?

It has other advantages too: an open aspect with the recreation ground adjoining; the A41 passing the door - something to watch for those who can't go out! Near Gossoms End shops and on a bus route for visitors.

One complication is that two different authorities are involved. Old People's homes come under the County Council, the Lagley House site belongs to the District Council. There has been talk for years of building a home on the County Council-owned site in Manor Street. (Not very suitable, rather shut in, away from the main colonies of bungalows, etc.) Why not a swap between authorities, allowing the Dacorum Council the chance to have more flats in the centre of the town?

On the face of it this seems to be a good idea. The "economic climate" is of course not right, (it never is) but we feel that the scheme should be discussed before plans go through for 10 flats, as the Dacorum Housing Manager was reported in the Gazette as suggesting for the site. If we could get the idea accepted in principle the construction could wait until money was available. We have written to the County Council and to the Dacorum Council.

The Chiltern Society

The Chiltern News for the last quarter of 1977 carried several reports of special interest to us. To begin with, one of our members, Christopher Morris, has been elected Chairman of the Chiltern Society. We congratulate him on being chosen for the second time to fill this onerous post.

"The Battle of Pitstone"

Walking the Ridgeway path over Pitstone Hill, no one could fail to notice the cement works which dominate the view across the Vale below. Not that the sight is always disagreeable: at times the pluses of white smoke rising from the chimneys, can be quite beautiful, and they have been painted by more than one local artist; but no one could pretend that the workings from which the chalk is excavated are beautiful. They already disfigure most of the land between the works and the hill, and there is no sign of any move to restore those which have been worked out, despite the fact that so far back as 1947 restoration was made a condition of approval of some planning applications. The Chiltern Society, with other amenity societies has long been pressing for these conditions to be implemented, but without result.

Yet another application for permission to extend the workings recently gave the Society an occasion for taking a fresh initiative. They set up a committee on which both the amenity societies and the local councils were represented, and County Councillors were taken to see for themselves. As a result the Buckinghamshire County Council have engaged a top consultant to advise them on mineral extraction and have put off consideration of this latest application pending his report.

Wendover Arm

The Dacorum District Council's statement of policy for the canal (summarised in our Newsletter last May) mentioned the Nature Conservancy Council's interest in part of the Wendover Arm as a possible site of special scientific interest and recommended it for that or some other means of conservation. The Chiltern Society have now made a start on a long-cherished plan to clear and repair the footpath which runs along the Arm from Wendover to its junction with the main line canal just west of Bulbourne. The section of most scientific interest is further back between Halton and Wendover. A good walk of about five miles can be had by taking a bus to Buckland Wharf, walking the Wendover Arm to its junction with the main line and back through the cutting to Tring Station. The path passes within a few yards of the seldom-seen church and moated manor of Drayton Beauchamp, half a mile north of Buckland Wharf.

This number of the Chiltern News also carries an interesting account of the experience of the Chiltern Society Litter Group in organising a rubbish sweep in the Amersham area, and many other items. Anyone interested in joining the Chiltern Society should apply to Mrs Ginny Thulborn, "Stonecrop" Perks Lane, Prestwood, Great Missenden, Bucks. (Tel. Great Missenden 2568).

Town Hall Latest

With the volunteer workers now going back into the building, things are finally happening on the Town Hall front. And on the diplomatic front informed sources are expressing guarded optimism. Again at long last a meeting is to be held between the three parties currently involved - the Trustees, the Charity Commission and the Community Council. The task for this meeting will be to try to reach an agreed formula over the vexed question of market rights and administration. Success here, and we can move to the next stage: forming a new Trust body which on behalf of, and in conjunction with, the town would decide what can and should be done with the buildings - Town Hall, Market Hall and Sessions Hall. The new body would comprise representatives of town, societies as well as directly elected individuals.

This and That

The Guardians of the Countryside (now headed by Chris Wilson) carried out their spring sweep of the common and Ashridge during the week-end 11-12 March.

STOP PRESS (see "A Second Golf Course on the Common?" above)

Berkhamsted Golf Club have declined our invitation. Nevertheless we intend to go ahead with the meeting, at which all local people will be free to express their views whether for or against the proposal.

Monday, 20th March 8 p.m. at Northchurch Social Centre

Diary - 27 March: Easter Monday ramble via Rossway and Cholesbury to Hawridge where drinks and sandwiches will be available at the Rose and Crown (under - cover accommodation at rear adjacent to the bar). Meet at 10.30 a.m. at the junction of Cross Oak Road and Shootersway. Distance 5 miles out, 3 miles home.

25 April: A public meeting on "Housing Associations for the Elderly in Berkhamsted". Gable Hall 8 p.m. Representatives of the various Associations will attend and tell something of their work, their aims and problems. A general discussion will follow and questions will be answered.

Subscriptions for 1978 are now due. Use the slip provided at the end of this Newsletter (send what you will - recommended minimum subscription is 50p per person).

List of Committee Members 1978

Chairman:	Mr. Norman Williams - Brecon, Castle Hill Ave	5291
Vice-Chairman:	Mrs H. Talbot-Ponsonby - Edgeworth House, Northchurch	5882
Hon. Treasurer:	Roy Doe - c/o Lloyds Bank Ltd. High Street	71271
Hon. Secretary:	Mrs Sheila Walton - 11 Murray Road	5988
Hon. Membership Secretary:	Bill Snelson - 49 Cedar Road	3857
Mr Robert Allen,	The Grey House, Kitsbury Road	5212
Mrs Jenny Brown,	High Garth, North Road	6434
Mr Maurice Brown,	2 Grove Road, Boxmoor, Hemel Hempstead.	HH. 53705
Miss Valerie Clark,	329 Bridgewater Road, Northchurch	01 836 2741
Mr Henry Fisher,	Fairlight, Meadway	4527
Mr Roger Ford,	Ardracchan, Cross Oak Road	5027
Mr Alan Havelock,	7 Barncroft Road,	2140
Mr Dennis Hart,	15 Whitewood Road	2110
Mr Tony Hutchinson,	5 Trevelyan Way	4440
Mrs E. Lavender Loxley,	Boswick House, Dudswell	4223
Mr Michael Soole,	19 Castle Hill	6493
Mr Max Struthers,	51 Cedar Road	4345

Sub-Committee Chairmen

Activities - Mr Max Struthers	Planning - Mrs H. Talbot-Ponsonby
Amenities - Mr Dennis Hart	Publicity - Mr Alan Havelock
Environment - Mr Robert Allen	

Representatives

Citizens' Advice Bureau - Mrs J. Browns	Crime Prevention Panel - Mr N Williams
Road Safety - Mr D. Hart,	Library - Mrs H. Talbot-Ponsonby
National Trust - Mr R. Allen,	Ladaccan - Mr P. Taylor, Miss V. Clark
Chiltern Society - Mr M. Day,	Beaune Society - Mr R. Ford
Berkhamsted and Northchurch Community Council - Mrs H. Talbot-Ponsonby	

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