

Meeting of:	Welsh Church Act Estate Committee
Date of Meeting:	Monday, 22 September 2025
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Land at Glebe Fields, Sully - Town and Village Green Inquiry Application.
Purpose of Report:	To update Committee on the Application to register Glebe Fields, Sully as a Town and Village Green.
Report Owner:	Director of Corporate Resources
Responsible Officer:	James Docherty, Principal Lawyer, Legal Services
Elected Member and Officer Consultation:	<p>Committee Reports - Legal OM Property OM Accountancy</p> <p>No ward member consultation - since Members of this Committee are acting as Committee Members independent of other Council's resolutions, no wider consultation has taken place.</p>
Policy Framework:	The Trustees are working independently of other Council decisions and in accordance with the requirements of Charity Law.
<p>Executive Summary</p> <ul style="list-style-type: none"> The Trust's land at Glebe Field has been the subject of a Town and Village Green Application. The Trust has appointed specialist legal Counsel and objected to the Application. Following the previous Committee Meeting the Applicant has written to the CRA requesting that the Trust consents to the application being amended. On behalf of the Trust the Principal Lawyer has submitted a request to the CRA that the Applicant provides details, including relevant documents, relating to the proposed amendments to the Application in order that the Trust can obtain appropriate external legal advice and consider its response to the request. 	

Recommendations

1. That Committee notes the update in respect of the Town and Village Green Application.

Reasons for Recommendations

1. To note the and acknowledge the progress of the Application.

1. Background

- 1.1** Following the making of the Application to the Commons Registration Authority to register the Land as a Town and Village Green pursuant to Section 15(2) of the Commons Act 2006, the Trust gave authority to appoint specialist legal Counsel to prepare a formal objection to the Application.
- 1.2** As is normal in TVG applications the CRA then engaged with the parties to try and narrow the issues in dispute.
- 1.3** Following this period of correspondence the CRA has sought authority to instruct an independent inspector to hear the application at a non-statutory public inquiry, which is normal procedure where TVG applications are either complex or involve land owned or managed by the Council in another capacity.
- 1.4** The CRA's report to the Council's Public Protection Licensing Committee provides a comprehensive summary of the current position and copies of all the application documentation, including the Application itself and the WCAE Committee's objection. This is available on the Council's website [https://www.valeofglamorgan.gov.uk/Documents/ Committee%20Reports/Licensing-Public-Protection/2025/25-05-13/TVG-Application-Glebe-Fields-Sully.pdf](https://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Licensing-Public-Protection/2025/25-05-13/TVG-Application-Glebe-Fields-Sully.pdf) Those papers are not attached to this agenda due to the amount of documentation.
- 1.5** On the 30th June 2025 the Applicant wrote to the CRA, a copy of the letter is included as Appendix A to this Report.
- 1.6** In the letter referred to above the Applicant raised a number of points relating to their request for the Trust consent to the Applicant amending the application.

The letter sets out that:

(a) additional documentation and evidence has come to the attention of the Applicant which it considers relevant and wishes to introduce to the Application;

(b) there are additional witness statement which it wishes to submit as part of the Application; and

(c) it is considering reducing the extent of the land covered by the Application to exclude that area covered by the Planning Application by Sully Centurions.

- 1.7 The Principal Lawyer has discussed the letter with the Trust's External Legal Expert who has advised that the Trust needs additional details and information regarding the proposed amendment in order to consider its response.
- 1.8 The Trust has written to the CRA requesting that it asks the Applicant to provide such additional information.

2. Key Issues for Consideration

- 2.1 Under the legislation the Applicants must show that:
"a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they [continued] to do so at the time of the application."

- 2.2 If successful the Application would mean that the Land would be registered as a Town and Village Green.

- 2.3 If the Land was to be registered as a Town and Village Green the value of the Land would be significantly reduced because:

It is a criminal offence to undertake any act which interrupts the use or enjoyment of a green as a place for exercise and recreation or to cause any damage to the green.

It is an offence to drive over a registered town or village green without lawful authority and in certain other circumstances.

It is deemed to be a public nuisance and therefore, an offence, to enclose or encroach on a green, or interfere with, disturb or build on a green, unless this is done "with a view to the better enjoyment of such town or village green.

- 2.4 The Trust has formally objected to the Application.
- 2.5 Following the receipt of the additional evidence, witness statements and proposed amendments to the Application, the Trust will seek further legal advice in respect of its response to the request for consent to amend the Application.

- 2.6 In light of the request to amend the Application the CRA has not yet sought to formally instruct the Independent Inspector.
- 2.6 If Members of the Committee would like to ask further questions in respect of the application and the Committee's position, it is recommended that the matter be moved to Part II in order that the Legal Officer can provide answers to those questions.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The Trusts actions need to comply with Charity law and its decisions are independent of the Council's obligations under the Well-Being of Future Generations Act.

4. Resources and Legal Considerations

Financial

- 4.1 The Trust is likely to incur further external legal costs in defending the Application.
- 4.2 If the Application is successful the value of the Glebe Fields is likely to be compromised due to the impact on the available uses of the land.

Employment

- 4.3 There are no employment implications arising from this report.

Legal (Including Equalities)

- 4.4 The Trust has a duty to manage lands and property held by them in accordance with the Scheme of Trust and with Charity Law and decisions should be consistent with the Charity Objects and powers.
- 4.5 There is a Legal requirement for Trustees to:
- (a) Act within their powers;
 - (b) Act in good faith and only in the interests of the charity
 - (c) Make sure they are sufficiently informed
 - (d) Take account of all relevant factors
 - (e) Ignore any irrelevant factors
 - (f) Manage conflicts of interest
 - (g) Make decisions that are within the range of decisions that a reasonable trustee body could make

5. Background Papers

5.1 Letter from the Applicant dated 30 June 2025.

Chair: Mr. Michael Philip Garland
3 Plover Way, Lavernock Park, Cosmeston. CF64 5FU
Email: michaelphilipgarland@gmail.com Tel: 07974108065

Treasurer: Mr. Michael Shepperdson
78 Minehead Avenue, Sully. CF64 5TL

Email: mshepperdson@outlook.com Tel: 029 20530845



To:
Commons Registration Authority
Vale of Glamorgan Council
Civic Offices,
Holton Road,
Barry. CF63 4RU

From:
Mr. Michael Philip Garland
Chair – Saving Sully and Lavernock Group
3 Plover Way, Lavernock Park,
Cosmeston. CF64 5FU

30th June 2025

Jocelyn Ham
Senior Lawyer, Legal Services
Vale of Glamorgan Council
Tel: 01446 709406
e-mail: JHam@valeofglamorgan.gov.uk

Re: Town and Village Green Application – 01/2021VG51
Land at Glebe Fields, Sully.

Dear Sir / Madam,

I write on behalf of the Saving Sully and Lavernock Group, the applicants in this matter.
Please note we are a small community group.

Background.

1. Our application for the village green was drafted and submitted by a solicitor who recommended to ourselves he gave us negligent and incorrect advice in relation to this application. Legal action is being pursued in relation to the flawed advice.
2. We only realized the advice was flawed recently.
3. However, we were advised by the open space society that we could amend our application.
4. We have written to the local authority to try and meet to discuss the application.
5. This has been met with a refusal comments made were withdraw the application first.
6. However prior to making an application to amend we have been advised to seek at meeting with the commons registration authority amend by consent we have been advised by counsel and on verbal advice from the Welsh government inspectors that the commons registration authority should be approached in the first instance, as often village green applications are

often amended, those amendments can include historical evidence , new evidence, and an amendment of the plans particularly when there has been a mistake regarding common land and village greens.

7. We also confirm several errors in the recent meeting of the Welsh Church Act Estates Committee meeting held on the 24th of June 2025,
 - a) The Agenda 1.2 stated there has been engagement with the applicants to narrow issues this is incorrect we have telephoned and emailed requesting a meeting to narrow issues these requests have been ignored or refused.
 - b) Under 1.3 this states there has been correspondence however the correspondence has been one way we have requested meetings to discuss issues and there has been a refusal.
 - c) Clearly it is in everyone's interests to try a meet beforehand to seek agreement and narrow issues rather than waste money at a hearing.

We therefore give notice of our intention to amend our village green application.

Historical information.

1. We were not told of the importance of the historical records these confirm the tithe barn on the glebe fields was the place the parishioners held meetings they also confirm there was historically a village green.
2. The local authority own records in June 1998 confirm a village green adjacent to the tithe barn [this was prior to the village green registration process in 2007].
3. When the church was built by the de Sully's it was clearly for the benefit of the parishioners [not the wider community] this was clear as it was never part of a monastery and as such tithes were purchased within the parish for the benefit of the church. The Glebe Terrier 17th June 1771 confirms the repairs to the church were the responsibility of the parishioners [not the roof or chancel which remained the responsibility of the castle] as the entry makes note stating the church walls and lands between the church and castle were not included in the repair requirement.
4. The entry confirms it was the parishioners who could chose the sexton not the church.
5. The rector and the parishioners had to agree and sign records confirming the property under the ownership of the church and tithes .
The meaning of the above was clear the church and tithes were under a trust for the benefit of the residents of Sully this must be considered.
6. Old records confirm the tithe barn which is clearly shown on all old plans was the meeting place for the residents it was used for the benefit of the community they held festivals, meetings, and social gatherings in and by the barn the barn is at the top of the glebe fields.
7. Old newspapers confirm numerous meetings were held on the common opposite the church on the boundary of the Glebe fields.
8. The Penarth Times confirm the celebrations in Sully for the coronation were held on the village green opposite the church by 1937 the only area of open field near the church was the Glebe fields.

9. Papers also confirm similar celebrations of empire days and other such celebrations throughout the 1920 and 30s.
10. The map drawn by the local authority themselves acknowledge a village green next to the tithe barn and opposite the church in 1998.

The Saving Sully and Lavernock Group wish to amend their application and introduce this evidence to the application [the government inspectors and counsel have confirmed this is reasonable and specifically allowed with an application and it a perfectly reasonable amendment].

The Planning Permission.

1. The Saving Sully and Lavernock Group were unaware of the implications of the planning application by the local cricket club and were never advised of any possible trigger events by their solicitor.
2. However, the planning permission itself may have been flawed as normally when a village green is in situ this should defeat any planning application.
3. The planning permission did not cover the whole of the Glebe field which was the area covered in the application?
4. We have been advised by counsel and the open spaces society to amend our application to include all the statements and to reduce the area under the application to a smaller area not part of the planning permission.
5. We have been informed that the trigger event is not fatal as the planning permission did not consider the possibility of a village green already being in existence and it is unclear what actual work took place as in your claim against the cricket club it is stated no works had taken place.
6. The hearing itself will look at were the conditions of the planning permission fulfilled and was the whole of the area in the application covered by the planning if not could a smaller area be registered.
7. We would request our application be amended to cover a reduced area and the inclusion of historical records which confirm the existence of a village green on the glebe fields at the top left as indicated by the local authority plan in 1998 which reaffirms the village green within the planning document.

Additional Statements.

1. As confirmed in our reply to your response we will need to file our additional statements there are almost another 125 as we were advised by the solicitor there was no need to file any more.

Amendment to Area Covered Under the Application.

1. We are currently taking advice on the validity of the planning permission granted to the cricket club.
2. As per your 1998 plan the area marked village green should remain in the application to be registered as a village green and we shall remove the cricket pitch and restrict the remaining

land covered in the application to the lower field which was not part of the planning permission.

Please see plan attached.

3. The agenda in the Welsh Church Act Estates Committee meeting of the 24th June 2025 confirmed,

- a) The value of the field will be diminished if the application is successful.
- b) It must be noted; this land was given along with the church for the benefit of the parishioners. At present it is scrub land it has not been used for agricultural purposes and is according to the latest climate forecast partly at risk of flooding.
- c) The local authority themselves has been in control of the land for over 12 years and there has been no attempt to make any income on the land therefore the rental value is zero.
- d) Therefore, the land at present has only a small value save to the parishioners who were the intended beneficiaries in the first place and who use the land on a daily basis.

Please note we would also consider entering into negotiations to purchase the land at its current value poor agricultural [scrub] [current value of agricultural land £7500 per acre] to purchase the land for the benefit of the village [with any restrictive covenants to keep land in an open state to be agreed] Please note the value of the land is the value as of todays date not what it may be in the future.

Finally, we would ask the Commons Registration to consider the reason the land was transferred i.e., the benefit of the parish, and the scheme under which the Glebe fields were vested under the section 211 of the 1972 Act see paragraph 5 of the first schedule to provide Open spaces [for members of the public] The original reason the land was transferred was for the benefit of the people who live in Sully and the parish. It is the last open space in the area. The sports club have placed signs confirming private land. The cricket pitch in front of Smithies is for cricket. All other areas are clearly private.

Please note the Church Estates have been kept fully informed of the request to amend and have been helpful in giving advice to the Saving Sully and Lavernock Group.

We respectfully request a meeting to narrow issues and to enter negotiations, we believe this will save time and money.

Could you please confirm receipt of this email/letter.

Yours Faithfully,

Michael Philip Garland
Chair - Saving Sully and Lavernock Group.

title plan

Scale 1:2500 reduced from 1:1250
Administrative area The Vale of Glamorgan /
Bro Morgannwg



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