

**An extract of the approved minutes of the Southern Area Planning Committee dated 24 September 2015**

**101 Application to register land as a Town or a Village Green - The Common, Browns Copse Field, Bluebell Wood, Village Hall Field, Winterslow.**

Public Participation

Mrs Patricia Sheppard (Land Owner) spoke in objection to the application.

Mr David Read spoke in objection to the application.

Mr Richard Sheppard (Land Owner) spoke in objection to the application.

Mr Alex Greaves (Barrister) spoke in support of the application.

Mr Glyn Paton spoke in support of the application.

Mr Barry Clark spoke in support of the application.

The Rights of Way Officer explained that the application had been brought back before the Committee to formalise and agree the reasons for the Committee's in principle refusal (on 30 April 2015) of the Inspector's recommendation in relation to the copse, and to reach a decision on the application as a whole.

The Officer then presented a report on the application, which involved three clear areas of land, two owned by Mr and Mrs Sheppard, and one owned by Wiltshire Council, as explained at the meeting.

The decisions open to the Committee as presented in the report were:

- (i) To agree the Inspector's recommendation in its entirety and register only the copse, other than the north-west corner owned by Wiltshire Council, based on the available evidence.
- (ii) To reject the Inspector's recommendations/findings in part and register all of the land as a town or village green, based on the available evidence.
- (iii) To reject the Inspector's recommendations/findings in part and not register any of the land, based on the available evidence.
- (iv) To reject the Inspector's recommendations in full and to modify the area of land to be registered (for example only registering the field and/or the

land owned by Wiltshire Council), based on the available evidence.

The Committee was advised that if it refused any part of the Inspectors recommendations then clear reasons for refusal would be required.

Members of the Committee had the opportunity to ask technical questions of the Officer. These included queries relating to evidence which showed that the land owner had erected signs on the application land during the last 20 years, notifying the public that it was private land. In response it was stated that the public had always considered that they were allowed to walk through the copse by the landowner. It was also noted that there were far fewer instances of lawful sports and pastimes being enjoyed in the copse than in the field when the summary of written evidence was reviewed.

Members of the public had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member Councillor Chris Devine then spoke, explaining that he could see both sides view, and although he would look at any future planning applications with a fresh mind, on this occasion he would abstain from voting.

A debate followed where the Committee decided to consider the Inspectors recommendations for the three individual areas of land separately and analysed the reasoning behind the Inspector's recommendations for the three parcels of land and whether or not they felt the recommendations were appropriate in the context of the evidence available to the Inspector and to the Committee .

#### **Resolved**

**To APPROVE the Inspector's recommendation that the Field not be registered as a town or village green.**

#### **Resolved**

**To APPROVE the Inspector's recommendation that the section of Brown's Copse owned by Wiltshire Council not be registered as a town or village green.**

#### **Resolved**

**To REFUSE the Inspector's recommendation to register that part of Brown's Copse owned by Mr and Mrs Sheppard as a town or village green.**

#### **Reason:**

- 1. The Inspector failed to make distinction of what constituted lawful sports and past-times on the field and how that was different to the lawful sports and past-times by reference to use of the Copse. By reference to the Inspector's recommendation the use of the field and the copse had been linked by almost everyone who gave evidence to**

**the inquiry, therefore if the Inspectors' findings on lawful sports and past-times were correct in respect of the field, then it followed that his findings regarding the exercise of the lawful sports and past-times in respect of the use of the copse was not correct.**

- 2. There were references to signs being placed in and around both the land and the copse in the evidence referred to in Inspector's recommendation.**
- 3. Inside the relevant 20 year period the Landowner did take steps to show that the copse (wood) was private property.**