

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority
indicating valid date of receipt:

Application number:

2016 / 01

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

1. Registration Authority

To the

Wiltshire Council

Note 1
Insert name of
registration
authority.



2. Name and address of the applicant

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name:

Full postal address:

Postcode

Telephone number: (incl. national dialling code)

Fax number: (incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Note 3

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

Name:

Firm:

Full postal address:

Post code

Telephone number: (incl. national dialling code)

Fax number: (incl. national dialling code)

E-mail address:

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

May 2015

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

The Green

Location:

Adjacent to Vouley View and Highfold, Royal Wootton Bassett. Grid ref. SU 075821 as shown coloured blue on Exhibit A attached RPS

Shown in colour on the map which is marked and attached to the statutory declaration, being MAP-A and MAP-B 13 Sep 2016

Common land register unit number (if relevant) *

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable to it to be clearly identified.

* Only complete if the land is already registered as common land.

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6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Shown on attached map, as outlined in red on exhibit A attached RPS 13 Sep 2016

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Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

Tick here if map attached:

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

The Green was being mowed 3 or more times per year by Council staff from at least 1975 (likely 1969), up to 2006. This on its own suggests the land was intended as public open space. The Council by their own written admission thought they owned it up to end-2002. Then the actual owner came to light as a result of Council enquiries, and the owner commenced a series of 3 plans for a house, lasting 13 years. However, the Council mowing continued 2003-2006. The owner in 2006 placed a wicket fence along the Green's roadside edge, and an unlocked gate in the fence. The Council stopped mowing the Green at the same time as they found the fence/gate prevented their mowing access.

This fence periodically broke over the years, due to high winds, and was repaired by residents with bits or wire etc. In response to the lack of mowing, residents took up the mowing in 2006 and also planted daffodils and shrubs, and attempted to grow vegetables and flowers on the thin southern end. Trimming of the bushes was also done. The Horse Chestnut had been outplanted from a pot onto the Green around 1983 but was cut down by agents of the owner in May 2015.

The owner has never to my knowledge done any repairs or other maintenance throughout the period under review except to send theodolite survey teams ahead of each planning application from 2003 onwards.

"The Green" has been often used by local residents since 1975 by my own observation, and possibly since 1969 when the local housing estate was built. The use was without let or hindrance as of right. Use was by residents or their children for the following activities:- BBQs, street parties, cricket, football, tree-climbing, and occasional blackberry or sloe picking. Two seats were placed therein by a resident about 20 years ago and are still there. The main users were from Vowley View and Highfold. Children unknown to some or all Vowley View residents, as well as some Vowley View children, have been seen climbing the chestnut tree as it grew big enough.

All the above activities were voluntarily stopped after the summer of 2015 while awaiting the outcome of planning and appeal procedures, and of this Green application. Entry to the Green for the 2015 BBQ and 1 or 2 mows, after the locking, was via the gaps in the fence mentioned above and through missing wooden slats which had broken off over the years.

To my knowledge no-one has been verbally told not to use the land, or told they were trespassing. No signs saying the same have ever been affixed to the site.

BBQ dates from my old diaries.. Not exhaustive.

2003 Sept 13 1700 hrs onwards

2006 July 16 1300 hrs onwards

2007 July 15 1300 hrs onwards

2008 20 July

2009 July 19 1400 hrs onwards

2010 July 11 1400 hrs onwards

2011 July 2 1400 hrs onwards

2015 Aug 16



Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

Cooper Estates or Cooper Estates
Strategic Land, Longfield, Kent, DA3 7QT

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

10. Supporting documentation

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

~~Map A 1:1000. May not be Ordnance Survey. RA5~~
~~MAPBA 1:2200. Ordnance Survey, 1:2336 RA5 11 Sept 2016~~
Letter ARW/BJW/W/P, from NWDC to Richard Gaskell.
Letter ARW/LB/W/P on back of above: from NWDC to Richard Gaskell.
Letter JDB/KR/060. Town Clerk -> RPS.
24 Evidence questionnaires. Listed on separate sheet on front cover of ring binder

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Note 11

There are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

11. Any other information relating to the application

Council appeared to think they owned it and were treating it as amenity land, mowing it 1969-2006.

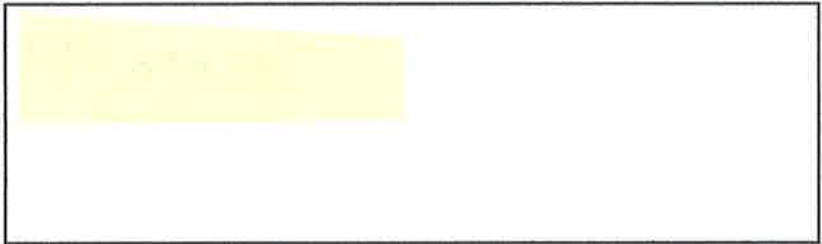
Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

Date:

30 March 2016

Signatures:



REMINDER TO APPLICANT

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ Insert full name (and address if not given in the application form).

Richard Gasnell,¹ solemnly and sincerely declare as follows:—

² Delete and adapt as necessary.

1.² I am ((the person (~~one of the persons~~) who (has) (~~have~~) signed the foregoing application)) ((~~the solicitor to (the applicant)~~) (~~one of the applicants~~)).

³ Insert name if Applicable

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

RPS 11 Sept 2016

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

is
copy

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⁴ Complete only in the case of voluntary registration (strike through if this is not relevant)

4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

⁴ Continued

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said

at 6, Vowley View

this 5th day of April, 2016

amendments 11 Sept 2016 RAF



Signature of Declarant

Before me *

Signature:



Address:

2 Bramscombe Drive
Royal Wootton Bassett
SWINDON SN4 8HP

Amendments signed
14/9/16

Qualification:

J.P.

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit

~~MAP-B~~

Scale 1:2336

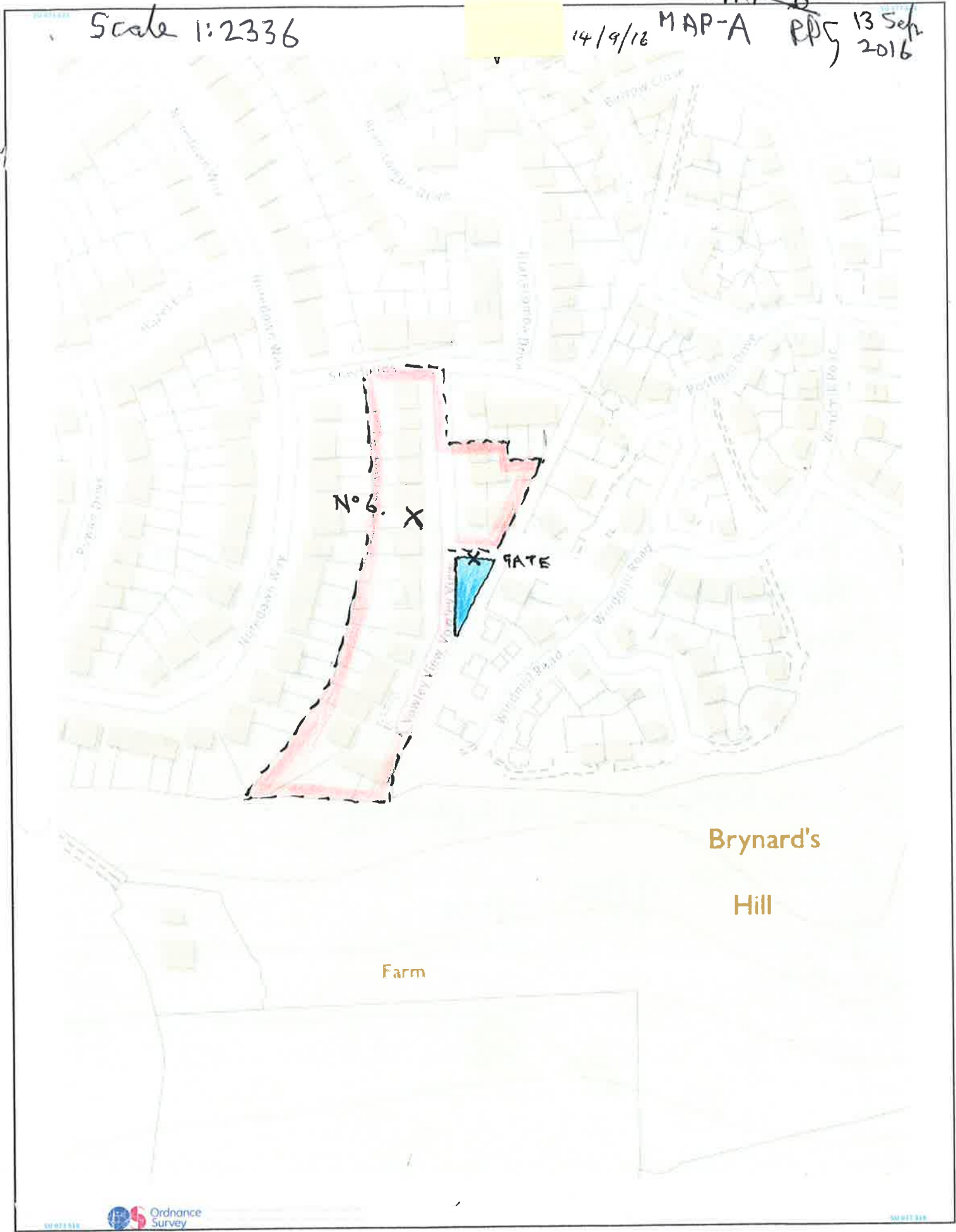


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MAP-A

PPS

13 Sept 2016



THE GREEN SHOWN THUS:
NEIGHBOURHOOD SHOWN THUS:



[REDACTED]

This is the exhibit marked
"MAP-B" referred to in the
statutory declaration of

[REDACTED]

J.P.

This Map is herewith re-identified, to become
the Exhibit marked "MAP-A", referred to in the
amended Statutory Declaration of
Richard Gosnell.

[REDACTED]

11 Sept 2016

[REDACTED]

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