

Commons Act 2006 – Sections 15(1) and (2) – Applications to Register Land as Town or Village Green – Land off Seagry Road, Lower Stanton St Quintin

APPENDIX 15 – Summary of Objectors Evidence

Objector	Knowledge of land	Frequency	The Land	Use of the land by local inhabitants for lawful sports and pastimes
Jennifer Cowley	Born [REDACTED] – visited house next to land owned by Grandmother then parents throughout childhood.	Various times of year and day– New Years Day, Easter Sunday, birthdays, weekends and regularly during summer holidays – she had swimming pool. Lunchtimes at weekends, after school, evenings and sleepovers.	Played in front drive area looking onto land.	At no point since 1991 has the land been used to host village events. If there had been fetes outside Nana’s front garden I would have known and attended. Nana would have mentioned any events. Only ever seen the odd person walk over it on a dog walk or gentle stroll.
Olwyn & John Kelly	My husband, children and I regularly stayed with property owner and various times of year 1987-2010. My mother and father visited at other times as did two of my brothers.		In earlier years grass was always long and overgrown, so the one bench on the land then could not be used and we commented on that. Trees grew thickly and never an open space which invited anyone to use it for sports or pastimes.	At no time during these visits, which were of often for a week at a time, did any of us witness anyone using the land for sports and pastimes. Would have attended any events directly in front of house.
James Reeves	Grandmother moved into house in 1987 when very young, visited her often until moving away 2006.	Sunday roasts, BBQ’s, birthdays, swim in her pool during summer. Sometime brother and I would bike over and stay the weekend.	Land too narrow for athletic activities, cluttered with trees and slopes towards the road, making ball games impractical. Whilst I was growing up the grass was long and unkempt.	Do not recollect the verge ever being used for sports, pastimes of any sort. Grandmother never mentioned it. Claim of vibrant village green not credible.
Jonathan Reeves	Since early childhood made trips to visit Nana	Went swimming in the summer. Other regular visits for Easter egg hunt,		At no point did I notice the area of land being used for sports or recreation. In fact more aware of how empty it was when

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	by car and by bicycle when older as lived nearby. 1990-2010 when moved away.	birthday parties and more. Some overnight stays in a room with window facing the land.		visiting. Some sort of event of gathering would surely have attracted my attention. Even after moved away kept in contact with Nana, she never mentioned any activities of the land and family remained in area continued regular visits, never mentioned it either.
Josephine Reeves	Visited grandmother regularly throughout childhood. Continued to visit frequently during adulthood. 1988 – 2014.	Sunday lunch, sleepovers and the use pool. Frequently on weekends and during school holidays when events most likely to have taken place, impossible not to have noticed.	As a child walked along the wall, but had to jump down several times as trees were so low and overgrown that branches stuck out over the wall. Impossible to play on as the trees prevents sport or games that involved running around. Grass was weedy and overgrown. If the land was suitable for games I would have used it as grandmothers garden had flower beds and small lawn.	Have never seen land used for any events, sports or activities. Grandmother never mentioned events, if something going on outside her house, odd that she never mentioned it. In 30 years never saw events advertised. Always deserted, no-one making use of the space. Google street view Oct 2011 and May 2009 show one bench and noticeboard and long grass which would prevent ball games.
Kathryn Reeves	Known land for over 34 yrs, mother in law purchased plot. Took possession of the house in 2015.		Until recently grass not mown and neglected. In 2015 older bench unusable due to condition and other one neglected. PC intend posts blocking fire service route to my property if it becomes TVG.	It has not been used for regular sports and pastimes. May have been odd time when village gathering occurred , but rare for me not to have seen or heard about them. June 2016 – Queens 90 th gathering witnessed by me was sparse, no more than 12 people including myself and husband. No other event until May 2018 after the application – protest event held directly and only outside our house.
Malcolm Reeves	34 years personal knowledge. My late mother purchased	Visited mother for Sunday lunch, Easter egg hunts etc. By 1998 regular visitors in	The rights and freedoms of others are not affected by whether this land is TVG or not, it is my opinion that the land is	Vexatious – The Parish Council claimed to own the land from 1982 until 2016 when they had to admit this claim was false. Bias in the Parish Council's

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	<p>plot and had house built in 1986/87. Took possession of the house in 2015. 2016 started remodelling the house.</p>	<p>the summer months as 4 children and the house had a pool, during the week after school as well as weekends. Builders started work in Feb 2016, on site every day, other than holidays, until mid Aug 2016 and I was on site too as labourer and project manager.</p>	<p>legally highway verge. There is nothing to prevent people gathering on highway verge, nor would I wish there to be. Admitted highway and documented history of the central area as highway. It is the Highway Authority’s duty to protect the use of this waste land as highway, which is incompatible with allowing it to become a TVG which has more restricted public rights. The Highway Authority would be failing in its duty to allow that. Additionally, use of the central land is a right given by the highway act and therefore to “as of right” legal test fails. The pond started life as a ford and was therefore part of the highway.</p>	<p>application, it does not claim all of the grass but just the land under which my services run, a breach of human rights and thus an unlawful action by the Parish Council. All current services would become criminal and the aim of the application is to disadvantage myself and my family. Meagre evidence provided which in no way supports a claim based on 15(2), but supports the central area as highway and fact which contradict this evidence. Royal Wootton Bassett case, similarities and difference between this case which was ultimately disallowed by the Court, this precedent applies to the SSQ application. Planning Inspectorate trigger event statement that a 15C exclusion does apply. In an FOI request not one Council has ignored the Planning Inspectorate saying that TVG applications were excluded, only Wiltshire Council has done that. The planning application for the remodelling of the property adjacent to the land was granted in 2015 and is currently under way and so meets the exclusion at Schedule 1A of the Commons Act 2006 as a planning permission “in relation to the land”. There is clearly a relationship between my planning permission and the land as my development needs this land for the services. Development is more than just building a house, there are roads and services needed too, the land used for those is part of the development even if it is not part of the householder’s property. If TVG status is granted, utility services using the</p>
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				<p>land are criminal.</p> <p>The Parish Councils claim of use as a TVG for the past 50 years, but it does not say how it has been used as a green and presents not evidence of use. For the Commons Registration Act 1965 the PC reported to the County Council that there were no commons or reputed commons in the parish, this is at odds with the PC's claim that in 1968 the former pond was an established village green.</p> <p>A significant part of the PC statement is about how they maintain the grass and trees. No evidence is provided to support this claim and I dispute this and it is not a sport or pastime.</p> <p>Another part of the Councils case is about the benches and notice board, which is nothing to do with sports or pastimes and is irrelevant. It is claimed that villagers use these benches, the most frequent use I have observed is walkers passing through, utility workers and cyclists taking a break. There is no evidence to shown the frequency of use by villagers. Their poor condition belie the claim that they were in regular use up to 2018. No proof of the claimed may community events and celebrations, when they occurred or the number of attendees.</p> <p>Mrs Creasey's evidence of use of the pond being filled in and use of the land after that is outside the relevant user period 1998-2018 (i.e. in the 1960's). Mrs Creasey says that there were church services and other celebrations but does not specify what or when. There used to be a chapel opposite the land so it is likely church services were associated</p>
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				<p>with that, the planning application to demolish the chapel dated 1999, so it is unlikely church services fall within the relevant dates 1998-2018.</p> <p>At no time when visiting my mother have I ever seen anybody using the land for sports or pastimes, nor have I ever seen any events taking place, nor have I ever seen any boards, flyers or posters advertising events on this land. Had there been regular events on this land, even from 1987, it is impossible that I would not have seen an advert for at least one of them and I should have seen nearly all of them.</p> <p>At no time did my mother tell me about any sports or events taking place on the land, nor any planned events. We visited all local fetes, it is inconceivable that she would not have mentioned events taking place in front of her house.</p> <p>2016 works on scaffolding, giving aerial view of the claimed land until mid Sept 2016 – I saw nobody undertaking sports and pastimes on the land and just one event for the Queens 90th birthday which was a small gathering, perhaps a dozen people, no formal arrangements, no cake stall, beer tent, games of chance, music as one would find at a typical fete. No tables or chairs set out, the majority of the village attended private parties. I do not think this meets the requirements of s.15(2) and this is the only candidate event I have seen or hear about in the whole period up to 2018.</p> <p>Regular Stanton St Quintin fete (and dog show) held every year but never on this land.</p>
Wessex Water	Wessex Water is		Existing foul sewer and water meters	Wessex Water would like to register its concerns

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	<p>not the owner of the land, but it has assets beneath the surface and rights of access through surface of the land – “statutory easement”. As such 20 year user period may not be met, at any time the indulgence could have been halted by the service of the requisite notice under s.159 and 168 of the Water Industry Act 1991.</p>		<p>indicative of water supply pipes running beneath the land. Wessex Water in making these observations does not object to the use of the land for sports and pastimes. Wessex Water simply wishes to record the need for careful consideration of Wessex Waters statutory obligations in deciding how to approach the future designation of the land.</p>	<p>regarding the registration of the land as a TVG on Wessex Waters ability to meet its statutory duties as appointed sewerage and water undertaker. Powers conferred by s.159 and 168 of the Water Industry Act 1991 to enter an carry out works in land other than a street, subject to the service of prescribed periods of notice on the owner and occupier of the land the Victorian statutes create criminal offences as regards causing injury, interruption of use as a place of recreation or disturbance of soil of TVG’s. Designation as a TVG has the potential to frustrate Wessex Water’s ability to maintain, extend and improve its assets which could have significant impact on immediate locality and residents – no provision to seek authorisation from the Secretary of State as with works to common land. Designation of land as TVG seems at odds with the notion that Wessex Water enjoys rights of easement over the land.</p>
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