

From: [REDACTED]
Sent: 10 June 2022 14:59
To: [Green, Janice](#)
Cc: [REDACTED]
Subject: Northfield Playing Field, Winsley (2020/02TVG)
Attachments: [11223991](#)
[NorthfieldTVGSuppObjectionStatement03.06.22.pdf](#)
[11223900 Application for grant funding 16.08.2005 with covering letter.pdf](#)

Dear Ms Green,

Commons Act 2006 – Sections 15(1) and (2)

Application to Register Land as Town or Village Green – Northfield Playing Field, Winsley

Ref: 2021/01TVG

I refer to your email of 14th April 2022 about comments and additional representations from Winsley Parish Council in respect of the above application.

Please now find attached Supplemental Objection Statement and an Application for Grant funding initiated by Winsley council to build Skate board ramp.

I should be grateful if you would acknowledge safe receipt of this email.

Yours sincerely,

Murali Bandaru
BK Land and Estates Limited

IN THE MATTER OF:

AN APPLICATION TO REGISTER LAND KNOWN AS NORTHFIELD
PLAYING FIELD AT NORTHFIELD, WINSLEY, WILTSHIRE, BA15 2JS, AS A
TOWN OR VILLAGE GREEN PURSUANT TO SECTION 15 OF THE
COMMONS ACT 2006

SUPPLEMENTAL OBJECTION STATEMENT ON BEHALF OF
BK LAND & ESTATES LIMITED

1. This Supplemental Objection Statement (“SOS”) is made in response to further documents having been provided to BKLE and an invitation from the Council to provide any further comments by 10 June 2022. Abbreviations used in the OS will be adopted herein. This SOS is supplemental to BKLE’s original OS which is still relied upon in its entirety, the substance of which will not be repeated herein.
2. The Applicant has addressed some of the issues raised by BKLE’s OS. At paragraph 3.1 it is stated that the Council did not find any element of the Application defective. BKLE has set out the basis upon which the Application is defective, the defect still not having been cured by the Applicant’s response, now more than one year and three months after the Application was submitted.
3. At paragraph 3.2 it is stated that Map 5 shows the “*Neighbourhood within the locality to which the claimed Green relates*” (although Map 5 simply says “*Locality of the claimed Green*”, there being no reference to any neighbourhood) and goes on to note that the description “*Locality of the green*” may be confusing. Accordingly, a further version of that map has now been produced, depicting exactly the same

area within the blue line, shaded pale blue, but describing that as the “*Neighbourhood of the Green*”.

4. At paragraph 3.4 it states “*the neighbourhood is within the locality of Winsley Parish to which the claimed green relates is closely aligned to the Winsley settlement boundary, with a small number of additional properties included...*”. There is then a narrative of what is included within the blue line and reference to there being a shop, primary school, health centre, pub, social club and two churches serving the local community, which is said to demonstrate cohesiveness.
5. The Applicant has failed to address the critical point. The point raised at paragraph 21 of the OS is maintained. The Applicant has simply drawn a line on a map in a position that appears convenient. There is no explanation, for example, as to why the blue line incorporates properties outside the settlement boundary and why they form part of an established ‘neighbourhood’. The Applicant has failed to appreciate that a settlement boundary, by and of itself, does not identify a neighbourhood for the purposes of the 2006 Act without something more. A settlement boundary is a planning tool. It says nothing as to the existence of a cohesive neighbourhood.
6. The Applicant has gone on to recite various facilities within the area delineated on the revised Map 5. Their presence, without first being able to articulate and prove by evidence the existence of a neighbourhood capable of satisfying the section 15 test, does not prove that the area outlined is a neighbourhood. The Applicant has not even identified the name by which the claimed neighbourhood is allegedly known (presumably not Winsley as the Parish of Winsley clearly incorporates a much larger area and number of dwellings than the claimed neighbourhood).
7. Beyond producing a map with an apparently arbitrary line drawn thereupon identifying a claimed neighbourhood the Applicant’s evidence says absolutely nothing as to the existence of the claimed neighbourhood. The EQs ask the person completing the same if they consider themselves to be local inhabitants

in respect of the land. There is no plan attached identifying the claimed neighbourhood asking if those completing the EQs consider themselves to come from that neighbourhood. There is no question asking those completing the EQs whether they consider the area now identified by the Applicant to be a neighbourhood and, if so, why. There is no question asking those completing the EQs by what name their neighbourhood is known.

8. The Applicant's answer to BKLE's point about the absence of a properly identified neighbourhood is not answered by the response dated 14 April 2022 and the Application remains defective for the reasons previously set out and further set out above. The Application remains defective and should be rejected on that ground alone.
9. In reply to the main point advanced by BKLE on the 'as of right' issue the Applicant, at paragraph 4.6, attempts to sidestep the issue raised by BKLE, namely that the owner of the land was effectively unaware that it owned (or had control of) the land, it having been originally earmarked for highway purposes, and could not therefore have known it could and should be warning off trespassers. As stated at paragraph 27 of the OS, the Council which had effective control of the Application Land, assumed authority to licence the Applicant to use the Application Land which in turn gave the local inhabitants permission (used at the invitation of the Parish Council) rendering any use *precario* or permissive.
10. The Applicant makes reference to the correspondence dated 12 April 1991 and maintains that thereafter the predecessor in title to BKLE had total control of the Application Land and that the Parish Council would have needed to negotiate with the landowner. The Applicant did not negotiate with the landowner, despite that correspondence, and continued to deal with the Council as the party that continued to have control over the Application Land and the authority to deal with the same.

11. Accompanying this SOS is an application for grant funding dated 16 August 2005 and covering letter, made by the Applicant to generate funds to construct a BMX track on the Application Land (which it could not have done had it considered the Application Land to be a town or village green). The covering letter refers to the Application Land having been designated as a children's play area. There is no reference to the land being privately owned and the Applicant having no authority to construct the facility for which it was seeking funding, despite the letter received by the Parish Council in 1991. It is clear that the Applicant continues to treat itself as authorised to use the Application Land by the Council and was communicating that permission to users of the land.
12. The foregoing point is further evidenced by the fact that, according to paragraph 5.6 of the Applicant's response, the Applicant installed two goalposts on the Application Land, presumably still considering it to be publicly owned / controlled land which was designated as a public play area and assuming the authority to continue to permit and indeed encourage public use.
13. In reply to BKLE's third ground of objection the Applicant reiterates some of the evidence it has provided in support. The inadequacy of the evidence, as identified in the OS, is not in any way addressed. Further representations have also been provided which appear to be responses to the publication of the Application. None of those responses improve the inadequate quality of the evidence relied upon for the reasons set out in the original OS and many raise irrelevant issues such as the desire to maintain the Application Land as public recreation space which forms no part of the statutory test.

ROWENA MEAGER

No 5 Chambers

3 June 2022

copy for Parish Records.

**Sunrise
Winsley
Nr. Bradford on Avon
Wiltshire
BA15 2**

17th August 2005

Sue Bellamy
Community Development Officers
West Wiltshire District Council
Bradley Road
Trowbridge
Wiltshire BA14 0RD

Dear Sue,

You will recall you sent me an application form for the Play Area Grant Scheme 2005/6 and having completed it as you requested, I now enclose it.

You will notice that the application is signed by Cllr. Mrs Beale who is leading this project. I am assisting her.

For some time now it has been a concern of our Parish Council that we do not provide adequate activities or play equipment for our young teenagers. We have a play area designed for use by younger children in the age range 5 to 11 which is popular and well used but for children older than this there is very little. We have no Youth Club and there are few organised activities for them. In consequence they often tend to hang around the Village Hall, or the Village shop areas with nothing much to do. This occasionally results in the inevitable vandalism and nuisance, and although this is not a major problem for us, it is something we feel we can avoid by diverting their attention elsewhere.

Having identified this problem, Councillors have spoken to many of the children themselves in an attempt to find a solution which would be acceptable to everyone. One problem we have is that we have no volunteer Youth Leaders to form a structured Youth Club without which any activity along those lines could not succeed.

Two possible alternative solutions have emerged which proved to be most popular amongst the children themselves. One is the construction of a Skate Board Ramp which we have looked at and found to be really rather expensive and the other is the construction of a BMX track. In both these activities the children would be largely self supervising. Both are high energy activities and would be generally contained within a discrete area. The only side issue we can think of would be a slightly increased noise level of children at play.

We have identified an area of land which could be used for either or both of these activities which is currently designated as a childrens play area but is little used because there are no real facilities there. Our plan is to construct a BMX track initially but with careful design we can leave space for a skateboard ramp at a later stage. This would be the least expensive of

the two options for us to start on and if this proves as popular as we believe it will, we can think about the skateboard facility later.

We have taken some of the children along to see the track in Corsham and we feel that we would like to construct something along similar lines to theirs. The project would not involve any excavation at all. The mounds and ramps are provided by importing waste building material, hardcore and topsoil from elsewhere. It would therefore be perfectly possible at some point in the future to restore the land to its original condition if necessary, without having to spend a great deal of money.

One small bungalow overlooks the area and we are confident we can overcome any possible objections to the likely small increase in noise level by planting some medium sized shrubs as a screen and noise filter.

The facility would be entirely unsuitable for use by the disabled, but the area would remain open for anyone who wanted to watch. At a later stage we could erect a fence as Corsham have, and easily provide access for disabled people. We can also look at provision of park benches and litter bins if the track does become very popular, and we can also examine the possibility, as I have said, of incorporating a skateboard facility. However none of these things form part of this proposal.

We have been in touch with a specialist Track Building Company and they have given us a price of £6500 for construction of the track itself and we have allowed a further £500 for restoration of the surrounding grass areas and provision of the screening hedge of shrubs. We therefore expect our total costs to be contained within the total we have shown. All works should be completed within two months and so there is little opportunity for overspend. Maintenance would be by a qualified contractor, probably the builder in the first instance.

We have approached Community First for possible funding but have found the project is a little too small for them. We will certainly contact the Charities Information Bureau as you have suggested and will contact you later if we are able to obtain any further funding, however we believe our own Parish Council would provide the remaining funds if necessary.

Many thanks, Sue, for all your help and advice in this and I do hope we have provided all the information you require in the application form together with this letter. If there is anything further you need please contact either Marjery on [REDACTED] or myself on [REDACTED]

Many thanks once again,

Yours sincerely,

[REDACTED]

Ian Kieschke

Copy for Parish Records

Grant Application Form

Helping us help you and your community



Town and Parish Play Area Funding 2005 / 2006

This funding is aimed at parish/town councils, village hall/playing field committees and other community organisations that provide freely accessible public play areas.

Please complete this form as fully as possible using black ink or a word processor (this improves clarity should we need to photocopy the form). Supporting material is welcome, but is not a substitute for completion.

Please read the general information and criteria on the back of this form. The extent to which the project meets the criteria will influence any grant-aid you may be awarded.

1. Name of group/organisation
 WINNEY PARISH COUNCIL

2. Name of contact and position within group
 COUNCILLOR MRS M.H. BEALE

Address
 WINSLEY
 BRADFORD-ON-AVON
 Post code: BA15 2
 Daytime tel number
 Mobile tel number
 E-mail

3. How many children under 16 (if applicable)
 NONE

5. Please state the location of the play area in relation to other facilities, and approximate size of the site.
 THE SITE IS AT NORTHFIELD WINSLEY ABOUT 1.5 ACRES AND APPROX 1/2 MILE FROM SCHOOL / SHOP

6. Please state which of the following category of works are included in the scheme and give brief details

(i) Renovation of existing equipment?
 *Yes No
 *If Yes, please state

(ii) Replacement of existing equipment?
 *Yes No
 *If Yes, please state

(iii) Purchase of additional / new equipment?
 *Yes No
 *If Yes, please state
 CONSTRUCTION OF B.M.X. TRACK

7. How have you identified the need for this work?

PLEASE SEE COVERING LETTER

8. What provisions (if any) have been made for access and equipment suitable for the disabled?

NONE... THIS FACILITY WOULD NOT BE SUITABLE FOR DISABLED PEOPLE

9. What ages of children use the current facilities?

THERE ARE NO SIMILAR FACILITIES IN WINSLEY

10. With reference to the current facilities, what are the main reasons for the need for this work?

N.A.

11. What ages of children are expected to use the proposed facilities?

IN THE AGE RANGE OF 11 TO 16

12. What measures will be used to enforce that age range?

IT IS UNLIKELY THAT ANY SPECIAL MEASURES WILL BE NEEDED. YOUNG PEOPLE & IN THE LATE TEENS HAVE OTHER INTERESTS NEARBY. I.E. RUGBY CLUB, SOCIAL CLUB, ETC.

13. Which type of safety surface is currently in use (e.g. rubber, bark etc)?

THE SITE IS GRASS AND WE INTEND TO RETAIN THAT AROUND THE TRACK

14. Please state existing dog proofing measures in use (e.g. mesh, etc) on the site.

WE HOPE THAT DOG PROOFING WILL NOT BE NECESSARY. THE PARISHIONERS ARE MOSTLY RESPONSIBLE OWNERS WHO KEEP THEIR DOGS ON LEADS AND WALK IN THE MANY FOOTPATHS IN THE PARISH

15. Please state any other facilities that are provided or are being provided, within the play area (e.g. water, benches, etc).

NO OTHER FACILITIES AT THIS STAGE BUT PLEASE SEE OUR COVERING LETTER

16. Please state any environmental improvements that will be included as part of the play area (e.g. low hedge, butterfly borders, interpretation board etc)

NE PLAN TO PLANT NATIVE SHRUBS TO MASK THE TRACK FROM
S.E. ADJACENT BUNGALOW

To qualify for grant aid, your grantee must accept an offer for a grant inspection of the project before the grant is made. Please state:

(a) Who will maintain the proposed equipment ... A CONTRACTOR

(b) How will this maintenance will be funded. PARISH COUNCIL FUNDS

18. What, if any, nuisance effect could the proposed / existing play area(s) have on surrounding properties?

THIS AREA IS AT PRESENT USED FOR BALL GAMES. WE DO NOT THINK THE NOISE WILL INCREASE

19. What is the total cost of the scheme? (Please enclose evidence, e.g. quotes and an income and expenditure budget for the whole scheme)

£ 6,500 + contingency of £500
£ 7,000

Source of funding	Amount requested	Amount secured (and date)
W.H.D.C.	£3,000	NIL
PARISH COUNCIL	£4,000	NIL

21. Please state expenditure on improvement works to play equipment on site since July 1998

THERE IS NO EQUIPMENT ON THIS SITE £

22. Please state amount of grant you are requesting from this grant scheme (Maximum £3,000)

£ 3,000

Sign: [Redacted] Please print your name: MARGERY H. BEALE

Date: 16/8/05

24. If you are successful in your application, please state who the grant should be payable to?
KINSLEY PARISH COUNCIL

For official use only. Officer's comments:

Tel: Direct Line 01225 770346
sbellamy@westwiltshire.gov.uk

Ref: SB/MTCLC/PA

11 August 2005

Ian Kleschke
Sunrise
Winsley
Bradford on Avon
Wiltshire
BA15 2

Dear Mr Kieschke

Town and Parish Play Area Grant Scheme 2005/2006

Thank you for your interest in the play area grants. An application form is enclosed. Please complete the form and return it to me by **19 August 2005**, along with any supporting materials.

Improvements to your play area should be completed by the end of March 2006.

You can apply for funds for:

- Safer surfacing
- Fencing to exclude dogs
- Seating
- New play equipment (including facilities for older children such as skate ramps or basketball hoops)
- Litter bins
- Refurbishment schemes
- Training for inspectors

Grants cannot be used for routine maintenance. Work would need to meet the District Council's requirements based on British and European Safety Standards, and be inspected before payment of the grant is made.

Awards will depend on the overall benefit of the scheme proposed. Applicants could receive up to £3,000 each but please be aware that this fund is usually oversubscribed. It is essential that you secure match funding towards your project, ie from sources other than the District Council. Also grants cannot be awarded retrospectively, ie after the activity has begun.

If you would like to discuss your application or require assistance in planning an improvement scheme or advice on sources of play equipment, please telephone me on 01225 770346. For help in finding other sources of grant aid for your project please contact Charities Information Bureau on 01380 729279.

I look forward to hearing from you.

Yours sincerely



Sue Bellamy
Community Development Officer